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Cyrus Hazari, Pro Se Plaintiff & Private Attorney
General 15209 Blue Gum Court, Saratoga, CA 95070
Tel: 408 898 4470
Email: cyrus@metafusion.net

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

Cyrus Hazari **Appellant & Private Attorney General** v. County of Santa Clara et al., and DOES 1-200 **Appellees**	Appeal # 25-3879 Trial # 19-cv-04392-BLF Motion for Reconsideration *en banc* Pursuant to FRAP 35(b) and Evidentiary Submission under UNCAT Article 20

I. INTRODUCTION

The present case demonstrates, for the public view, the radical absence of humanity and common sense in the operation of our courts. It exposes through the cruel, inhuman and degrading treatment and punishment of a seriously ill and increasingly disabled litigant, that our courts are self-indulgent in their own pleasure, and determined on enforcing degrading procedures and cruel policies designed to convert Justice into a members-only club of judges, attorneys and officials with absolute immunities who are accountable to no one. No procedure of this court may undermine substantive justice, and no judge may exterminate the rights of the People, but substantive justice is an arbitrary standard in our courts that has no priority compared to the whims of judges, and no rights exist for the People that our judges choose

not to confer upon them. The quasi-monarchy of courts is a feature of American jurisprudence, and one may speak of it.

This Motion for Reconsideration ***EN BANC***, is created under extreme duress with AI and at the cost of further injury which is recklessly disregarded by every judge. Such a motion may only be filed pursuant to **Federal Rule of Appellate Procedure 35(b)** and also invokes the Court's **inherent supervisory authority** to prevent irreparable injury where the dismissal of this appeal (No. 25-3879) violates **due process**, **international human rights treaties**, and the rights of a **severely disabled appellant, consistently with the secreted policy of this Court**. The motion is filed pursuant to FRAP 35(b) and serves a dual function: (1) as a formal petition for rehearing based on structural constitutional error and exceptional importance, and (2) as a verified evidentiary document for submission to the United Nations Committee Against Torture under Article 20 of the Convention Against Torture. It incorporates by reference arguments and supporting exhibits of the anticipated Motion to Vacate, to avoid, if possible, redundancy while preserving all underlying factual and legal contentions.

While similar to arguments are raised in the anticipated Motion to Vacate under FRAP 27(d), this Motion is **distinct** in that it invokes FRAP 35(b)'s *en banc* reconsideration standards **and** is submitted **as an evidentiary document under international human rights law obligations binding on this Court under Article VI of the U.S. Constitution.** A petition for rehearing *en banc* may be filed when 'the proceeding involves a question of exceptional importance' or to 'secure or maintain uniformity of the court's decisions.' FRAP 35(b). Both grounds are met here.

Petitioner incorporates all attached February 2025 disqualification motions and supporting exhibits as **Exhibits A–D,** updated as separate motions for disqualification with recent events. The participation of disqualified judges—individually and collectively en banc—constitutes structural constitutional error

not subject to harmless error review, requiring automatic vacatur. See *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009).

The panel decision (Judges **S.R. THOMAS**, **SILVERMAN**, and **BENNETT**) **dismissed a valid, necessary and meritorious appeal** on behalf of this Court, *en banc*, in what constitutes a **retaliatory act** against a litigant who had previously disqualified them individually and as a group. In doing so, the panel **defied its own publicly alleged rules, the procedural posture, the medical record showing the effectiveness of its torture, the disability filings, and international legal obligations** under the **Convention Against Torture (UNCAT)** and the **Convention on the Rights of Persons with Disabilities (CRPD), and the International Covenant on Civil and Political Rights (ICCPR)**. The dismissal furthered a pattern of **"refoulement"** back to Judge **Beth Freeman**, despite her disqualification and policy-based discriminatory rulings and torture[1] already under investigation. The dismissal was a repeated instigation of Appellant's torture by this Court, *en banc*, and a repeated acquiescence by this Court, *en banc*, to Appellant's torture by other courts, judges and persons encouraged by and acting under the color of judicial authority.

In particular, we note in the record the independent medical determination, of which this Court and S.R. THOMAS, SILVERMAN, and BENNETT were personally fully aware through Appellant's filings in this appeal, the following statement by a highly qualified physician:

> *"Mr. Hazari's distress is not theoretical—it is a direct result of coercive and unaccommodated legal demands. These legal impositions and the resulting pattern of unaccommodated distress caused by courts are the direct cause of repeated medical crises and severe pain and suffering. Having examined and treated Mr. Hazari … it is my medical opinion that the refusal of courts to honor Mr. Hazari's accommodations—despite documented injury and medical warnings—meets the clinical criteria of torture and cruel, inhuman, and degrading treatment as defined in the UN Convention Against Torture."*

[1] Exhibit G, H

Distress has been shown to predictably cause Mr. Hazari serious and irreparable physical and mental injuries, requiring complete rest and isolation from distress to mitigate the extent of harm. The coercion and intimidation by judges and courts, which litter the records of 10 state and federal courts have caused injury after injury to Mr. Hazari for over seven years. As a direct result of this Court's continuous and egregious policy-based human rights violations that exhibited consistently over the past seven+ years and kept him under extreme distress without break, Mr. Hazari was informed by his neurologist on September 9, 2025 that he is too injured to receive the necessary Disease Modifying Therapy (DMT) that is essential for management of his court-induced multiple sclerosis relapses. He had been deprived of the previous FDA-required dose in February 2025 due to his judicial torture in this Circuit's courts. When he explained this to judge Beth Freeman, he was met with intentional hatred and contempt for his medical condition for which she had accommodated him for 6 prior years. This Court encouraged and acquiesced to the inhuman and egregious judicial conduct which had an increased probability than before of resulting in Mr. Hazari's death.

In 2023 Mr. Hazari had been placed on a highly-reactive new drug to mitigate the court-induced relapses of this multiple sclerosis, increasing the potency and danger of his medical treatment because other DMTs had proven ineffective as a result of his continuously distress-induced physical and mental injuries under the exclusive control of judges. This Court has been well aware of Mr. Hazari's distress-worsening medical condition since 2019 (beginning with appeal 19-16291), and principally contributed to his debilitating health demise. By 2025, he had been so seriously injured by the Ninth Circuit judges that he was unable to receive the FDA-required dose of his life-saving medical treatment in February, and the DMT dose had to be delayed to September, providing his no protection against a debilitating illness controlled by the courts. Suffering infection after infection by distress-maintained immunocompromise, the judges of this Circuit did not hesitate to induce irreparable physical and mental

harm to him while he repeatedly asked for and was denied every opportunity to receive essential medical treatment, recover and rehabilitate to the extent possible and resume his uncontrollably compounded litigation.

Now he is unable to receive further doses, and has no medical means of protecting himself from irreparable and life-threatening injuries. Thus, this Circuit's courts have knowingly and deliberately eliminated the necessary DMT and life-saving medical treatment for Mr. Hazari, while intentionally distressing and seriously injuring him at every opportunity and knowingly and willfully driving him further into increasing danger of mortality.

The control of distress over Mr. Hazari's health and capacity to litigate is confirmed in 2023 by an international peer-reviewed medical paper[2] proving that distress predictably induces relapses of multiple sclerosis, which only end if the patient is provided with a sufficiently long duration of complete rest and isolation from distress. Since 2019, this Court and this Circuit have not once enabled the complete rest and isolation from distress of this Appellant, and acquiesced to every judge continually inflicting injurious distress upon him while depriving him of the same necessary rest and isolation from distress until he can exit his MS relapse. This is again the case with the latest dismissal of another meritorious appeal. The only possible pathway to Justice and rights and the ending of his torture is for Mr. Hazari to reform the judicial process for the sake of himself and 350 million other Americans, the majority of whom attest to the illegitimacy of our courts, and to the untrustworthiness of our judiciary to obey and protect the U.S. Constitution. This is now being tracked by legislators and by an independent NHRI.

This Court's behavior, through its mouthpieces S.R. THOMAS, SILVERMAN, and BENNETT cannot be excused as mere legal error. When a judge ignores disqualification, refuses to acknowledge verified

[2] Solomon et al., The Multiple Sclerosis Stress Equation - Exhibit N
https://www.academia.edu/129081119/The_Multiple_Sclerosis_Stress_Equation

medical incapacity, suppresses international human rights arguments, ignores the supremacy of the U.S. Constitution and treaties, and knowingly weaponizes deadlines and plays games with procedures to inflict harm—it is not adjudication. It is abuse of power under color of law, and it strips the court of its legitimacy under Article III. It is continuing torture and an incessant and uncorrectable institutional misconduct against the People.

Judges S.R. THOMAS, SILVERMAN, and BENNETT demonstrated bias in favor of the Appellees and colluded with the trial judge Beth Freeman and Mary Greenwood who is the presiding judge of the California Sixth District Appeal court by consenting and acquiescing to Appellant's torture and ill-treatment under the stealthy judicial policy of this Circuit. Under the UNCAT and the Istanbul Protocol, these acts constitute a violation of the Bangalore Principles[3] and a crime presented to the public as a lawful sanction for punishing a litigant for being disabled and seriously ill. The consent and acquiescence by this Court, through its mouthpieces S.R. THOMAS, SILVERMAN, and BENNETT conferred immunity to the California Sixth District Presiding judge Mary Greenwood, to the trial judge Beth Freeman, and to the Appellants and their attorneys, all of whom are complicit in violations of the UNCAT and Article VI of the US Constitution as herein and elsewhere described by the Appellant. The Appellate conduct directly prejudiced the impartial adjudication of pending litigation in 21-cv-04262-JSW, which must resort for its incessant appeals to this Court by the flawed design of domestic jurisprudence which makes no accounting for human rights, including non-refoulement. This directly contradicts the assurances of the United States in its Periodic Reports, particularly forcefully stated in its Initial Report to the CAT. It expressly violates the absolute prohibition of torture and cruel, inhuman and degrading treatment under *jus cogens*.

[3] The Bangalore Principles of Judicial Conduct, adopted by the UN and widely recognized, require **Independence, Impartiality, Integrity, Propriety, Equality**, and **Competence & Diligence**. Ethics must integrally incorporate human rights and give them the greatest respect under every circumstance. Judges S.R. THOMAS, SILVERMAN, and BENNETT violated every one of these principles.

II. RELIEF REQUIRED

Petitioner demands the following relief:

1. **Reconsideration En Banc** of the panel's September 2, 2025 **dismissal order**, as a **manifest injustice** under FRAP 35(b)(1)(B) and as **necessary to maintain uniformity of court decisions** under 35(b)(1)(A).
2. A finding that the panel acted in **violation of due process**, the **Americans with Disabilities Act (ADA)**, the **Supremacy Clause and *jus cogens*** by disregarding:
    - Existing disqualification motions,
    - Appellant's urgent ADA and medical accommodations and Safe Harbor requests, and
    - Appellant's invocation of international treaty protections.
3. **Grant full ADA accommodation and medical stay as specified by Appellant's motion for Safe Harbor and disability accommodation, without limitation**
4. **Grant injunctive relief** to prohibit **Judges Freeman**, **White**, all **Ninth Circuit judges previously disqualified (en banc)**, and the **Bankruptcy Appellate Panel (BAP)** from taking any further action in Appellant's matters, as such acts would constitute **continuing and escalating acts of torture, forced exposure, and illegal refoulement.** The injunction must prohibit all dealing by the judges with disabled and pro se litigants due to systemic human rights violations inflicted the identified judges.
5. **Assign a new impartial panel** not previously named or implicated in prior disqualification filings, with the priority of referral to an international forum of competent jurisdiction, and an independent investigation by an NHRI,

6. Confirmation that this Motion for Reconsideration En Banc **will not waive**, **limit**, or **collaterally estop** Petitioner from pursuing a subsequent **Motion to Vacate** under **FRAP 27**, **FRCP Rule 60(b)**, or under the Court's **inherent authority to correct fraud upon the court.** Fraud on the court requires intentional misconduct that materially affects the integrity of the proceeding. The panel's concealment of disqualification, suppression of medical evidence, and refusal to adjudicate jurisdictional filings were deliberate acts designed to deprive Appellant of a fair tribunal. These omissions were material: had the disqualifications been acknowledged, the panel would have been reassigned and the dismissal voided. See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944); *BLOM Bank SAL v. Honickman*, SCOTUS 2025. This discussion is reserved for a later motion, and is stated for the UNCAT Article 20 complaint.
7. **Judicial Notice** of international human rights instruments[4], with consideration of *Charming Betsy*[5] and ***Medellín*[6] as modified by the 2014 Concluding Observations of the Committee Against Torture**, and the U.S. Constitution's **Article VI Supremacy Clause**, incorporating by reference:
    - **CAT General Comment No. 2 (2008)** (State obligations under Article 2),
    - **HRC General Comment No. 32** (Access to Justice),
    - **A/HRC/43/49** (Special Rapporteur on Torture—Psychological Torture),
8. Any and all relief necessary to halt retaliation, prevent all further torture and cruel, inhuman and degrading treatment and discrimination, and preserve Appellant's right to life, liberty, rights, access to courts, and equal protection under the law.
9. And other relief more particularly described herein, and in Appellant's other demands upon this Court made in prior writings.

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[4] This Court is compelled to take judicial notice of the text, interpretive comments, and binding obligations arising from the UNCAT, ICCPR and CRPD, which are incorporated into domestic law by the Supremacy Clause of the United States Constitution. See U.S. Const. art. VI, cl. 2.
[5] *Murray v. The Charming Betsey*, 6 U.S. 2 Cranch 64 64 (1804)
[6] ***Medellín v. Texas***, 552 U.S. 491 (2008)

III. STATEMENT OF FACTS AND PROCEDURAL BACKGROUND

A. History of Judicial Disability Discrimination, Medical Duress, and Torture

Appellant, a severely disabled pro se litigant, has for more than seven years sought protection from **repeated acts of judicial abuse, medical endangerment, and psychological torture** arising out of actions by U.S. Ninth Circuit judges, and by multiple other judicial actors, including the **Bankruptcy Appellate Panel**, and various California judges who have:

- **Ignored or denied medically supported ADA accommodation requests,**
    - **Violated** *A.J.T. v. Osseo Area Schools*, SCOTUS 2025: Eliminated heightened evidentiary burdens for ADA claims, affirming that procedural barriers must not obstruct access to remedy.
    - **Violated** *Tudor v. Whitehall*, 2d Cir. 2025: Held that denial of ADA accommodations during litigation constitutes constructive exclusion and triggers appellate jurisdiction under § 1291. – compare the despicable and hateful attribution of "ability" to the Appellant by multiple judges to justify his continued torture and CIDT
- **Ignored or denied Safe Harbor requests requiring strict observance of human rights and treaties**,
    - Knowingly and deliberately caused serious and irreparable physical and mental injuries to the Appellant by controlling his bodily autonomy under jurisdictional custody and depriving him of life-saving treatment for over seven years, while judges practiced medicine and experimented with a human being without a medical license or consent

- Proceeded with hearings and rulings **during periods of incapacity** and medical treatment that forbids interruption or modification, documented by treating physicians,
- Engaged in **repeated retaliation** for protected activity, including appeals, UN submissions, disqualification motions, and judicial conduct complaints, and invocation of absolute prohibition under *jus cogens* that specify criminal prosecution without immunity.
- Knowingly and deliberately inflicted serious and irreparable injuries upon the Appellant while judges controlled his bodily autonomy and deprived him of life-saving medical treatment. This has happened continuously for more than seven years with chronologically documented injuries.

In this context, Appellant has extensively filed:

- **Motions to Disqualify** individual judges (Appendices A–C),
- A **Motion to Disqualify the entire en banc panel** (Appendix D),
- **UN petitions under Article 20 of the Convention Against Torture** (Appendix E).

This Circuit's judges have caused the Appellant to lose an 'impossible-to-lose' state lawsuit which he won previously against the same recidivist Mandy Brady for the same causes of action, and then be subjected to systemic torture without any recourse, causing him to lose Life, Liberty and property and Rights. This Circuit's courts continuously tortured him, and reduced him to state of severe disabilities, confinement to one room, restriction of physical activities and movement, perpetual state of serious health, deprivation of rights, elimination of life-saving medical treatment, and impossibility of recovery and rehabilitation. This Circuit's judges pushed and kept him on the verge of death while he struggled to thwart and mitigate court-induced damages and harm to himself and his wife and others from the courts. Appellant accumulating harm now amounts to financial loss and liability in the approximate amount of $7.5 million dollars with no end in sight and with no bankruptcy protection from this Circuit despite

being coerced to stop his torture and punitive damages by judges through unaccommodated and extremely distressful participation in litigation under conditioning to expect violence and brutally inflicted injuries, every day without possibility of protection or relief.

B. Administrative Closure of Appeal 24-6312 and Failure to Reopen

In Appeal No. **24-6312**, this Court **administratively closed the appeal** due to medical circumstances and detailed evidence of judicial torture, specifically to appear to allow Appellant time to recover and later move to reopen. This Court thus conveniently evaded a ruling on disqualifications and the motion for Safe Harbor and disability accommodation for the Appellant, thus keeping him under distress because of the uncertainty and dreadful anticipation of when this Court would resume its torture. The evasion and refusal of this Circuit's courts in granting these motions for Safe Harbor and disability accommodation is an intentional violation of the UNCAT and other human rights treaties, and the ADA. It is a violation of the "supreme Law of the Land" as decisive grant of Safe Harbor and disability accommodation was the only lawful act possible for this Court under Article VI, with immediate effect on the outcome of the appeal which would have to be automatically granted in favor of the Appellant. Instead this Court continued to place the Appellant in suspense and under the distress from the uncertainty of when it might resume its hate crime, and proceeded with its torture in both appeals through exclusion, rights deprivation and further torture of the Appellant.

The order in 24-6312 stated clearly that Appellant could **reopen the appeal at any time**. However, when Appellant later submitted a **Motion to Stay Proceedings in the Trial Court**, evidence of intent to torture the Appellant and eliminate his rights appeared more clearly in the record. Appellant reopened the appeal to halt Judge **Jeffrey White** from proceeding with his torture through coercing the Appellant/Plaintiff to produce information under duress and injury, and intimidate his consent to

jurisdiction in a *forum nullus* in order to thwart a frivolous **vexatious litigant determination constituting continued torture of the Appellant by others**. This Court:

- **Failed to respond**, denying any reopening of the earlier appeal,
- **Withheld relief**, thereby allowing the trial court to proceed **in absentia** and in **active violation of the administrative closure logic and its unrelenting policy of human rights violation**,
- **Trivialized the disability-based delay** and ignored the judicial disqualification posture of the trial judge;
- **And continued to evade providing any Safe Harbor or disability accommodation as required by the multiple preeminent authorities cited.**

This failure to reopen 24-6312 became a **material breach of judicial assurances** and strongly supports the **bad faith and retaliation** under both domestic and international law frameworks, further confirming the intent of this Court to continue the torture of the Appellant, and ensure his irreparable and mortal injuries.

C. Procedural Posture of Appeal 25-3879 and Dismissal Order

This current appeal, **No. 25-3879**, arose from subsequent district court actions and admission to a national judicial policy of human rights violation of litigants treating each person identically to a non-sentient corporation, and coercing human beings into acceding to treatment as a corporation, including **continued retaliation, unlawful findings, and refusal to accommodate disability or engage in good-faith judicial conduct**. Judge Beth Freeman demonstrated on the record that judicial torture is the uniform policy of the state and federal courts, and that judges will unhesitatingly torture litigants with impunity while surrendering federal preemption, fabricating facts to create the illusion of lawful sanctions, necessitating an Article 20 complaint to the CAT for systemic torture of litigants.

Despite clear medical documentation and a robust evidentiary record of:

- **Ongoing threats to life and health**,
- Appellant's **inability to appear or respond during critical trial court events and appeals**,
- A **comprehensive and legally sufficient Notice of Appeal** and Errata,

the panel consisting of Judges **S.R. THOMAS**, **SILVERMAN**, and **BENNETT,** acting as the mouthpieces of this Court *en banc***,** dismissed this appeal outright on **September 2, 2025**, relying on **a calculated misapplication of 28 U.S.C. § 1291** and ***Silberkleit v. Kantrowitz***, 713 F.2d 433 (9th Cir. 1983). Yet **S.R. THOMAS**, **SILVERMAN**, and **BENNETT** who are experts in law, are fully aware that *Silberkleit* explicitly includes the exception where a party is "**effectively out of court**"[7]—a condition Appellant repeatedly documented since 2019, when his torture began in this Circuit's courts. Such an error is so unlikely that intent must be presumed. Appellant's appeals in this Circuit document an invariant multi-year pattern of behavior that demonstrates a deliberate and coordinated effort to deny Justice and intentionally cause egregious physical and mental injuries to the Appellant under jurisdictional custody of this Circuit's courts, the accumulative burden of which is documented in this Circuit's public records and reads as a public execution of a human being. The multi-year pattern of conduct creates an appearance of impropriety so profound that a reasonable observer would question the impartiality of *any* judge of the Circuit. Thus the Court lacks a quorum to hear the *en banc* petition due to the disqualification motions.

The dismissal order:

[7] Appellant's situation satisfies the *Silberkleit* exception: he was rendered "effectively out of court" due to medical incapacity and denial of ADA accommodations. This standard was reaffirmed in *Tudor v. Whitehall*, 2d Cir. 2025, which held that denial of accommodations during litigation constitutes constructive exclusion and triggers appellate jurisdiction under § 1291. Since 2019, Appellant has advanced the same logic to this court.

- **Ignored Appellant's claims of fraud on the court**,
- **Disregarded binding disability accommodations law**,
- **Referred to a procedurally ambiguous and discriminatively applied case** (*Silberkleit*),
- **Excluded all reference to the disqualification motions previously filed**.

Moreover, Judge **Bennett's** inclusion on the panel is suspect, as Appellant did not previously file an individual disqualification against him due presumably to his recency on the bench, but now does so in this filing given the complicity in this unlawful dismissal to supplement the coverage of the February 2025 disqualification *en banc*.

IV. LEGAL STANDARDS AND JURISDICTIONAL ARGUMENTS

A. Legal Standard for Reconsideration En Banc Under FRAP 35(b)

Federal Rule of Appellate Procedure 35(b) permits *en banc* reconsideration when:

1. **The proceeding involves a question of exceptional importance**, or
2. **The panel decision conflicts with precedent** of the court or Supreme Court or authority recognized by Article VI of the US Constitution, and *en banc* review is necessary to secure or maintain uniformity of decisions.

This case satisfies **both prongs**. It is grounded in:

- The structural errors and discriminatory retaliatory conduct alleged herein go to the heart of access to justice, due process, and equal protection under U.S. constitutional law and binding human rights treaties. **The systemic judicial misconduct and retaliation**implicates structural

separation-of-powers failures, Rehearing is necessary to prevent irreparable harm to Petitioner and to uphold the integrity of judicial process.

- **A substantial federal question** of due process and **disability rights** under the ADA and CRPD,[8]
- **International treaty obligations**, , and violating absolute prohibitions under treaties and *jus cogens* of customary international law, especially the **Convention Against Torture (UNCAT)**, with evidence of a premeditated plan by the panel to evade the investigation of credible allegations of torture, once again placing the United States in violation of its treaty obligations.
- A continuing crisis of institutional legitimacy due to **pervasive refusal by judicial actors to obey disqualification statutes** and acknowledge jurisdictional and ethical abuses.
- The gravity of the UNCAT allegations, supported by medical evidence and the prospects of Appellant's increased injuries and death, in contrast with this Court's dismissal out of hand while deliberately ignoring serious human rights claims, and silencing any speech and reporting thereof
- The requirement of original jurisdiction of this court over the appeal by virtue of the appeal constituting an actionable human rights complaint against a *forum nullus* trial court, recognized as an actionable human rights complaint by the Istanbul Protocol.
- The requirement of protection and **independent investigation** of the Appellant's treatment by this Circuit's courts (with no involvement from any of the courts of this Circuit or any other court) according to the standard applicable to the UNCAT.
- The proof of exhaustion of domestic remedies in Appellant's prior appeals in the same Courts, all of which ensured the continuation of discrimination and his torture.

[8] Pending ratification, Article VI requires a signed treaty to be noticed and respected according to good faith observance of its object and purpose pursuant to *jus cogens* of customary international law

Reconsideration is compelled under FRAP 35(b) to preserve **the integrity of this Court**, maintain **uniform application of law**, and ensure **redress for catastrophic procedural violations** that amount to **torture** under international definitions.

B. Dual Jurisdictional Basis: Final Order (28 U.S.C. § 1291) and Injunctive Relief (28 U.S.C. § 1292(a)(1))

The **dismissal of Appeal No. 25-3879** by the panel is invalid because the appeal falls squarely within the scope of **both § 1291 and § 1292(a)(1)**:

- Under **§ 1291**, while interlocutory, the order meets the **"effectively out of court" exception** established in *Silberkleit v. Kantrowitz*, 713 F.2d 433 (9th Cir. 1983), because:
    - Appellant was **denied all ADA and CRPD and UNCAT protections**, **unable to participate**, and
    - All pending motions in the trial court targeted Appellant's status (e.g., vexatious litigant determination) rather than substantive claims.
- Under **§ 1292(a)(1)**, Appellant **sought injunctive relief** from ongoing **medical endangerment and denial of jurisdiction** in the district court. The relief was explicitly pleaded in:
    - The Notice of Appeal,
    - The Motion to Stay (ignored by this Court),
    - And embedded in broader **claims of irreparable harm** from judicial retaliation.

The panel's summary dismissal **erased an entire jurisdictional pathway**, violating the very standard that **jurisdictional grants must be construed liberally** in cases of disability, retaliation, and systemic fraud. The failure to even acknowledge § 1292(a)(1) constitutes clear legal error.

C. Precedents Misapplied or Ignored

The panel's reliance on *Silberkleit* was misplaced. That case permits appeals from interlocutory denials of stay orders when **"the party is effectively out of court"**, a condition **expressly and repeatedly documented by Appellant** due to:

- Neurological and other debilitating disabilities preventing litigation,
- Unrelenting judicial hostility and obstruction,
- The existential risk of being declared "vexatious" in absentia,
- And a **documented pattern of physical and psychological torture** per international definitions.

Further, the following precedents **mandate vacatur or en banc review** under the presented facts:

- ***Liljeberg v. Health Services Acquisition Corp.***, 486 U.S. 847 (1988) — vacatur required where judge failed to disclose conflict of interest.
- ***Caperton v. A.T. Massey Coal Co.***, 556 U.S. 868 (2009) — due process requires recusal where there is a "serious risk of actual bias."
- ***Murray v. The Schooner Charming Betsy*, 6 U.S. (2 Cranch) 64 (1804),** An Act of Congress ought never to be construed to violate the law of nations if any other possible construction remains. The UNCAT expresses an absolute prohibition under the *jus cogens* of customary international law. Contrast with ***Medellín v. Texas***, 552 U.S. 491 (2008)
- ***Silberkleit v. Kantrowitz***, 713 F.2d 433 (9th Cir. 1983): Stay orders not appealable unless it places the litigant "effectively out of court". Supports § 1291 jurisdiction under functional finality. Appellant has repeatedly appealed based on functional finality since 2019.
- ***Tudor v. Whitehall***, 2d Cir. 2025. Denial of ADA accommodations during active litigation may render a party effectively out of court and trigger appellate review under § 1291.

Jurisdiction Was Properly Invoked. Appellant invoked both § 1291 and § 1292(a)(1). The district

court's refusal to accommodate disability access and its denial of injunctive relief are appealable under the collateral order doctrine (*Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541 (1949)) and under *Silberkleit*, where the party is effectively denied judicial recourse.

D. Judicial Notice of Treaty Law and International Standards

This Court is **compelled to take judicial notice** of:

- The **text and authoritative interpretations** of the **Convention Against Torture (UNCAT)** and **Convention on the Rights of Persons with Disabilities (CRPD)**,
- Including CAT General Comments, Concluding Observations, and Reports of the UN Special Rapporteur on Torture,
- As incorporated into domestic law by **Article VI, Clause 2 (Supremacy Clause)** of the U.S. Constitution.

Appellant invokes:

- **CAT General Comment No. 2 (2008)**: Clarifies Article 2 as applying to **judicial actors and systemic inaction**,
- **HRC General Comment No. 32**: Establishes the right of equal access to justice, especially for vulnerable persons,
- **UN Special Rapporteur Report A/HRC/43/49**: Defines **psychological torture** applicable in judicial contexts, including **prolonged denial of legal redress**, **intentional retraumatization**, and **refoulement to abusive jurisdictions**.

V. DISQUALIFICATION AND INSTITUTIONAL CONFLICT

A. Mandatory Recusal Under "good Behaviour", Code of Conduct of U.S. Judges, Bangalore Principles of Judicial Ethics, 28 U.S.C. §§ 144, 455(b)(1), 455(b)(5)[9]

The denial of Appellant's appeal was issued by a three-judge panel including **Judges S.R. THOMAS, BARRY G. SILVERMAN, and MARK J. BENNETT**, all of whom were **subject to pending motions for disqualification** prior to the panel's order.

Appellant incorporates by reference the following filings:

- **Motion to Disqualify the Entire En Banc Panel**,
- **Motion to Disqualify Judge Silverman**,
- **Motion to Disqualify Judge Thomas**,
- **Motion to Disqualify Judge Bennett.**

Each motion provides a **detailed factual record of prejudicial conduct**, institutional bias, and retaliatory actions rising to the level of disqualifying interest under federal law.

Federal disqualification is **mandatory** where:

- A judge has **personal bias or prejudice** against a party (28 U.S.C. § 144),
- A judge has **served in a prior proceeding** involving the same party or issue (28 U.S.C. § 455(b)(3)),
- A judge is implicated in **conduct giving rise to the appeal** (28 U.S.C. § 455(b)(5)(i)),
- A judge ignores **human rights**, or inflicts, instigates, consents to, or acquiesces to violations of human rights, with attention to the Bangalore Principles of Judicial Conduct.

B. New Facts Strengthening Disqualification Grounds

[9] And each and every principle, code, precedent and treaty discussed in detail in the disqualification motions

Each of the disqualification motions has now been **enhanced by post-dismissal evidence**, which underscores the necessity of reconsideration by a properly constituted panel:

1. **Refusal to Reopen Appeal No. 24-6312 Despite Invitation in Closure Order**:
    - The Ninth Circuit administratively closed that appeal with express language permitting reopening.
    - When Appellant **moved to reopen the appeal** in order to **stay proceedings before Judge White**, the court **refused to docket or adjudicate the motion**.
    - This **unilateral refusal breached its own promise**, constituting a clear **bait-and-switch tactic** and a form of **constructive fraud** and **judicial gaslighting**.
2. **Use of Panel Appointment to Evade Disqualification**:
    - By appointing Judges Thomas, Silverman—**previously named in disqualification motions**—to decide the appeal, the Ninth Circuit **concentrated retaliatory power** into a handpicked panel.
    - This behavior violated **the appearance-of-impropriety standard** of § 455(a) and deprived Appellant of a **neutral forum**—a hallmark of due process.
3. **Intentional Refoulment to Judge Beth Labson Freeman**:
    - The panel's dismissal knowingly **returned Appellant to the same trial judge** whose **retaliation, obstruction, and psychological abuse** had formed the core of prior complaints and filings.
    - The resulting **return-to-abuse** functionally constitutes **refoulment** under Articles 3 and 16 of the **Convention Against Torture** and the **Istanbul Protocol**, which prohibit any measure that knowingly exposes a victim to renewed torture.
4. **Violation of Appellant's Medical Accommodations and Protected Time**:

- By adjudicating and dismissing the appeal during a period of **documented medical incapacity**, the panel violated **Appellant's ADA-accommodated timeframe** to rest and recover.
- The **same judges** who ignored Appellant's disqualification arguments used the **medical accommodation itself as an opportunity to retaliate**, constituting both **abuse of discretion** and **discriminatory animus**.

C. Judicial Retaliation as Torture

Judicial retaliation against whistleblowers, pro se litigants, and disabled parties is not simply misconduct—it constitutes **state-sponsored psychological torture** when it results in:

- **Intentional retraumatization**,
- **Denial of redress by design**, and
- **Perpetuation of systemic harm through legal manipulation**.

Appellant invokes **A/HRC/43/49**, the report of the UN Special Rapporteur on Torture, which identifies **misuse of judicial power and court process to silence or destroy victims** as a form of "white-coat" torture, no less severe for its legal disguise.

This section will be supported by:

- **Exhibit A** – February 2025 Motion to Disqualify Judge Silverman (unanswered),
- **Exhibit B** – February 2025 Motion to Disqualify Judge Thomas (unanswered),
- **Exhibit C** – Letter to the Chief judge of the Ninth Circuit,
- **Exhibit D** – February 2025 Motion to Disqualify the En Banc Panel (unanswered),

- **Exhibit E** – Ninth Circuit Docket in Appeal 24-6312 showing Ninth Circuit Administrative Closure Order and refusal to rule on the motion for Safe Harbor and disability accommodation and evading the disqualification motions, and the False Promise to Reopen Appeal 24-6312 (ignored).
- **Exhibit F** – Ninth Circuit Docket in Appeal 25-3879 establishes retaliatory dismissal, notice of outstanding disqualifications, notice of motion for Safe Harbor and disability accommodation containing medical determination of judicial torture, and failure to accommodate or adjudicate.

These exhibits are hereby incorporated into this Motion for Reconsideration by express reference.

D. The Pattern of Obstruction Is Institutional, Not Isolated

Across Appeals 19-16291 through 25-3879, judges have exhibited the same conduct: refusing to rule on disqualifications, disregarding disability documentation, dismissing meritorious appeals without notice, and enabling continued abuse by lower courts. This proves a structural pattern, not isolated error. Under Article 20 of the UNCAT, such structural patterns are grounds for urgent international inquiry. The record documents the unmistakable persistent denial of effective domestic remedies over a period of 7 years.

VI. TREATY VIOLATIONS AND INTERNATIONAL LEGAL CONTEXT

A. The U.S. Has Ratified Binding Anti-Torture Obligations

Appellant invokes the **Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)**, ratified by the United States in 1994. The treaty is binding under:

- **Article VI of the U.S. Constitution** (Supremacy Clause),
- **18 U.S.C. §§ 2340–2340A** (Torture Act), and
- The U.S. instrument of ratification modified by the 2014 Concluding Observations of the CAT
- Customary international law and *jus cogens*.

Under **UNCAT Articles 2, 12, and 16**, states are required to:

- Prevent torture in **any territory under their jurisdiction**,
- Investigate where there is **reasonable ground to believe** it has occurred,
- **Afford effective remedies** and ensure **non-refoulement** to a risk of torture.

Even under the conventional judicial view that deprecates the standing of human rights, treaties, while the UNCAT was ratified with a non-self-executing declaration, its principles are enforceable through domestic statutes such as the Foreign Affairs Reform and Restructuring Act (FARRA) and the Torture Victims Protection Act (TVPA). These statutes reflect the U.S. commitment to prevent and remedy torture and ill-treatment, including psychological coercion by judicial actors. Under the same conventional judicial view, the CRPD, though not ratified, informs evolving standards of decency and disability rights under the *Charming Betsy* canon and the Supremacy Clause.

In 2014, the CAT determined that the non-self-execution declaration is severable unless the United States enacts domestic implementation statutes to fully implement the UNCAT according to its object and purpose. **The U.S. recognizes the authority of the CAT.** Therefore, UNCAT's **provisions are enforceable directly in U.S. courts**, and the judiciary must rule consistently.

The critical effect of the 2014 CAT Concluding Observations on *Medellín v. Texas*, 552 U.S. 491, 518 (2008) is that the United States accepts the authority of the CAT, and the CAT has determined the RUDs

to be non-essential in majority, and thus Declaration 1 (non-self-execution) is void until and unless equivalent domestic implementing legislation is finally in place. Thus under *Medellin*, the textual interpretation and self-executing enforcement of the UNCAT is necessary by U.S. Courts. Accordingly, this Court is compelled under Article VI of the Constitution to give full effect to the United States' obligations under the Convention Against Torture according to the CAT 2014 Concluding Observations.

B. Psychological Torture by Judicial Means

Appellant's claims fall squarely within the definition of **psychological torture** recognized by the **UN Special Rapporteur on Torture**. The **2020 report** informs that sustained **institutional arbitrariness**—including deliberate misuse of **judicial power**—can, where it intentionally inflicts severe mental pain or suffering on powerless persons, **constitute or contribute to psychological torture** *A/HRC/43/49*

Appellant's treatment satisfies this standard through:

- Judicial **threats of vexatious designation** for objecting to torture and deprivation of rights,
- Systematic **denial of jurisdiction or access** to the courts,
- Retaliatory **dismissals timed with medical incapacity**, and
- **Refoulment** to judges (Freeman, White, Silverman, Thomas) previously accused of treaty-prohibited acts.

Each act cumulatively reflects **intent**, **severity**, and **state involvement** sufficient to trigger **Article 1** and **Article 16** scrutiny under the treaty, and require an investigation independent of the judiciary by an NHRI, like the IAJ.

C. Pattern of Systemic Obstruction Confirms Intent to commit prohibited acts

The panel's failure to disclose prior adverse rulings and its refusal to adjudicate treaty-based claims raise serious concerns under *Liljeberg* and *Caperton*. The appearance of bias and structural disqualification warrant vacatur and injunction of this Court, en banc due to the seriousness of the violations by its judges. This appellate conduct by the judges of the Ninth Circuit is not an isolated event. Prior appeals and district proceedings have shown a pattern of:

- Judicial exclusion,
- Abuse of docket control,
- Constructive incapacitation through accelerated deadlines,
- And **retaliation for disability-based refusal** to engage.

In Appeal No. 24-6312, this Court administratively closed proceedings, explicitly inviting future reopening. When Plaintiff attempted to reopen that appeal to prevent Judge White from ruling on vexatious status during a period of documented medical incapacity, this Court refused to respond at all. The contrast is damning: one appeal closed to preserve Plaintiff's life, the next summarily dismissed in order to extinguish it procedurally. This is not impartial adjudication—it is **coordinated institutional violence**.

In each instance, this Court took and held control over the bodily autonomy of the Appellant and knowingly and willfully deprived him of life-saving medical treatment while he struggled to stop the extraordinary punishment and torture being inflicted upon him in California courts, and in federal courts. The dismissal of meritorious appeals, refusal to enter stay orders, acknowledge filed disqualifications, or even respond to accommodation motions makes plain the **institutional complicity** involved, requiring an Article 20 UNCAT investigation.

This stark inconsistency between 24-6312 and 25-3879 is **evidentiary gold** demonstrating unequal treatment and bad faith administration of justice. It substantially supports a **UNCAT Article 20 Submission**: as **documented proof** of systemic evasion of accountability, especially around **disability rights, access to justice, and judicial impartiality**.

As confirmed by the Second Circuit in *Tudor v. Whitehall*, 23-665-cv, 2025 WL ___ (2d Cir. Mar. 25, 2025), the ADA must be interpreted broadly to ensure protection against discrimination "even if an

employee is able to perform essential job functions without accommodation." Denying judicial access or relief based on a supposed **ability** to "file or function" under court procedures—despite medical and psychological evidence of harm—is indistinguishable from the illegal reasoning overturned in *Tudor*. The court's dismissal here ignored the very purpose of accommodation and due process—to alleviate barriers, not punish survivors for enduring them. The requirement of accommodation and Safe Harbor despite the bogus evasion using "ability" is improper based on common sense alone. Under the UNCAT, the judicial conduct is strictly prohibited, and the United States Congress and Executive branch insist that it is punishable as a crime[10] with no immunity.

D. State Party Obligations and Judicial Incorporation

Under **General Comment No. 2 (2008)** to UNCAT, the Committee confirmed that judicial power must not be used to shield perpetrators or frustrate redress. States Parties have a duty to implement the Convention in all branches of government, including the judiciary.— *CAT/C/GC/2*

Likewise, the **Human Rights Committee's General Comment No. 32** (on Access to Justice) affirms that the right to access an effective remedy under Article 2(3) of the Covenant requires that remedies be accessible, effective and enforceable. The judiciary must be independent and impartial. - *CCPR/C/GC/32.*

These treaty standards express ***jus cogens*** **and customary international law**, and that the conduct of the appellate panel and lower court **violated these duties** and Article VI of the U.S. Constitution.

E. Judicial Notice Is Mandatory Under Article VI

This Court is **compelled to take judicial notice** of:

[10] See Initial Report of the USA to the CAT, and the 3rd to 5th Periodic Reports. No political question exists.

- The text and interpretations of **UNCAT**, **ICCPR**, and **CRPD**,
- The **2014 Concluding Observations** of the Committee Against Torture concerning U.S. compliance failures, and CAT publications,
- International law precedents previously discussed by Appellant,
- The official reports of **UN Special Rapporteurs** on Torture and Disabilities.

These authorities are not speculative; they are incorporated into U.S. law under the **Supremacy Clause** and are thus binding upon **state and federal courts**.

F. Consequences of Treaty Breach

Violation of UNCAT and related treaties exposes the United States to:

- International review under **Article 20 (UNCAT)**,
- Action by other States,
- Potential sanctions and **referral to the UN Human Rights Council**.

These risks are not abstract. Appellant has prepared and is concurrently submitting an **Article 20 petition for international inquiry**, attaching this appeal record as further evidence of **state-perpetrated judicial torture** and **retaliatory denial of redress**.

G. Exhibits in Support

- **Exhibit I** – UNCAT (full text),
- **Exhibit J** – 2014 CAT Concluding Observations on United States (CAT/C/USA/CO/3-5),
- **Exhibit K** – CAT General Comment No. 2,
- **Exhibit L** – HRC General Comment No. 32,
- **Exhibit M** – Report A/HRC/43/49, UN Special Rapporteur on Torture.

VII. RELIEF REQUESTED AND PROCEDURAL REMEDIES

A. Reconsideration En Banc Is Warranted Under FRAP 35(b)

Appellant invokes **Federal Rule of Appellate Procedure 35(b)** for panel rehearing *and* rehearing en banc based on:

1. **Exceptional importance** — involving systemic deprivation of access to justice, judicial misconduct, and unresolved questions about enforcement of ratified international human rights treaties;
2. **Conflict with controlling precedent** — including 2014 CAT Concluding Observations and international law precedents previously copiously discussed by the Appellant in previous filings, *Silberkleit, Caperton, Liljeberg*, and *Charming Betsy, Tudor, A.J.T. v. Osseo*, on questions of jurisdiction, due process, ADA and treaty enforcement;
3. **Judicial disability and disqualification** — rendering any three-judge panel incapable of impartial adjudication due to procedural participation in the present and prior retaliatory rulings.

This motion presents **a hybrid request**, not only under the FRAP standard for *en banc* review, but as a **constitutional necessity** under the **Fifth, Eighth and Fourteenth Amendments**[11], the **Supremacy Clause**, and the United States' **treaty obligations under UNCAT and ICCPR,** and good faith observance of **CRPD**.

B. Preservation of Rights to Subsequent Vacatur

[11] See Senate Executive Report 100-20

Appellant submits this motion without prejudice to a later **Motion to Vacate Dismissal** under the inherent authority of the Court and under **Rule 60(d)(3)** and/or **Rule 60(b)(4)–(6)**, due to fraud on the court, constitutional error, and systemic human rights violations.

This motion for reconsideration must not preclude that relief. Any adverse ruling should **not bar later re-litigation** of vacatur claims under **collateral estoppel**, as the standards, record, and purpose of relief differ. See, e.g., *United States v. Mendoza*, 464 U.S. 154 (1984) (government not bound by non-mutual issue preclusion); *Blonder-Tongue Labs., Inc. v. Univ. of Ill. Found.*, 402 U.S. 313 (1971).

C. Demand for Reassignment to an Independent Judicial Body

Appellant demands reassignment to an entirely new, independent appellate panel—**excluding** any judge who:

- Participated in dismissing Appeal 25-3879,
- Failed to reopen Appeal 24-6312,
- Dismissed any prior appeal by the Appellant,
- Dismissed any civil action in the district court brought by the Appellant (judge Koh, White)
- Denied or failed to rule on motions for disqualification or disability accommodation,
- Took part in retaliatory dismissals despite being named in prior disqualification motions,
- Failed to prevent human rights violations, or
- Ignored binding UN and U.S. treaty law obligations.

As previously argued, the judicial conduct herein amounts to:

- **Cruel, inhuman, and degrading treatment**, **torture**, and

- **Deliberate retaliation for Appellant's invocation of fundamental rights**, including UNCAT reporting, judicial ethics filings, and ADA accommodations.

A **Motion for Emergency Reassignment** is incorporated herein by reference.

D. Provisional Emergency Relief Pending Resolution

Pending resolution of this Motion for Reconsideration, Appellant renews and reiterates the following **requests for emergency relief**:

1. **Stay of all district court and bankruptcy court and Bankruptcy Appellate Panel proceedings**, including Judge Freeman and Judge White's proceedings, based on their known retaliation and prior disqualification;
2. **Injunction against further vexatious litigant rulings**, *sua sponte* dismissals, or retaliatory orders during the pendency of this *en banc* motion, and the duration of mandatory Safe Harbor and disability accommodation as specified by the Appellant's prior motion;

E. Other Relief Sought

Appellant requests that this Court:

- **Grant full ADA accommodation and medical stay as specified by Appellant's motion for Safe Harbor and disability accommodation, without limitation, and in all cases pertaining to this Appellant in this Circuit's courts;**
- **Reconsider and reverse** its dismissal of Appeal 25-3879;
- **Remand** to a lawfully reassigned and impartial panel in an impartial forum;
- **Adopt findings of judicial retaliation**, procedural denial, and rights violations;

- **Incorporate by reference** all disqualification motions previously filed (Exhibits A–D) and separate updated disqualification motions;
- **Take judicial notice** of international human rights obligations and the factual record of Appellant's disabilities and filings (Exhibits E–M);
- **Grant injunctive relief** to prohibit **Judges Freeman**, **White**, all **Ninth Circuit judges previously disqualified (en banc)**, and the **Bankruptcy Appellate Panel (BAP)** from taking any further action in Appellant's matters;
- **Assign a new impartial panel** not previously named or implicated in prior disqualification filings, with the priority of referral to an international forum of competent jurisdiction, and an independent investigation by an NHRI;
- Any and all relief necessary to **halt** retaliation, **prevent** all further torture and cruel, inhuman and degrading treatment and discrimination, and preserve Appellant's right to life, liberty, rights, access to courts, and equal protection under the law;
- **Certify questions** of treaty enforcement, ADA conflict, and judicial independence for Supreme Court review and intervention, with transmission to the CAT and to the Special Rapporteur on torture.

The repeated UNCAT violations by this Circuit's many courts is sufficient to signal the requirement of an Article 20 UNCAT investigation, and transfer jurisdiction to an impartial forum. The facts presented here confirm systemic UNCAT violations that are predictable and certain, repeating for seven years in multiple actions presided by many judges. The facts in the record of this Court meet every prong of the Article 20 threshold: (1) the violations form a consistent and repeated pattern over seven appeals and four years; (2) the allegations are substantiated by independent medical opinion, verified filings, and judicial records; (3) all domestic remedies have been systematically obstructed or foreclosed; and (4) the

violations rise to the level of severe and irreversible harm including denial of medical care, deprivation of life-saving DMT, and resulting irreparable injuries and potential death knowingly and deliberately inflicted upon this Appellant with documented ensuing harm. These are matters of the gravest international concern.

This dismissal cannot stand as the product of due process or judicial integrity. It was **orchestrated by a bench under disqualification**, blind to its own precedent (24-6312), and indifferent to the lethal danger it imposed on a seriously ill disabled appellant, again. No legal system committed to equal protection, ethical adjudication, or international human rights can tolerate such a result.

There is no equivalence between domestic remedies including constitutional and statutory relief or remedies and the relief and remedies and protections provided by international human rights treaties signed or ratified by the United States. Thus treaties must be directly invoked to stop the irreparable serious harm that is perpetrated by policy of this Circuit's courts. The world's authority on the UNCAT confirm its self-execution under domestic jurisprudence and Articles 1, 2, 4, 5, 7, 10, 12, 13 and 16 have been violated in the case of the Appellant. This Appellate Court has no option but to directly adjudicate and enforce the UNCAT in this case, and in every case involving a disabled pro se litigant.

The dismissal of this appeal—executed by disqualified judges, amid medical crisis, and in full knowledge of jurisdictional defects, and having been thoroughly notified of applicable treaties—is void and constitutes **torture under color of law**. This Court must not become complicit in furthering its own fraud or in a further criminal act. This Court must vacate the dismissal, or stand accused of facilitating **judicial torture by design.**

15 September 2025

8,132 words



Cyrus Hazari

Exhibit Index

Exhibit	Title	Description
A	Motion for Disqualification of Judge Silverman	Details prior participation and demonstrated bias; expanded to include post-dismissal conduct.
B	Motion for Disqualification of Judge S.R. Thomas	Establishes supervisory bias and participation in retaliatory denial of jurisdiction.
C	Motion for Disqualification of Judge Mark J. Bennett	Alleges discriminatory animus and participation in retaliatory dismissal.
D	En Banc Disqualification Motion	Seeks disqualification of entire Ninth Circuit due to systemic bias, endorsement of torture as a systemic judicial policy, and prejudgment.
E	Ninth Circuit Docket in Appeal 24-6312	Showing Ninth Circuit Administrative Closure Order and refusal to rule on the motion for Safe Harbor and disability accommodation and evading the disqualification motions, and the False Promise to Reopen Appeal 24-6312 (ignored).
F	Ninth Circuit Docket in Appeal 25-3879	Establishes retaliatory dismissal, notice of outstanding disqualifications, notice of motion for Safe Harbor and disability accommodation containing medical determination of judicial torture, and failure to accommodate or adjudicate.
G	Disqualification of district judge Beth Freeman	Documenting clear evidence of retaliation, intent, systemic torture and CIDT and shielding of other perpetrators of torture and CIDT, and retaliation
H	Injunction of district judge Beth Freeman	Documenting clear evidence of retaliation, intent, systemic torture and CIDT and shielding of other perpetrators of torture and CIDT, and retaliation
I	UNCAT	Full text, expected knowledge for every judge
J	2014 CAT Concluding Observations on United States (CAT/C/USA/CO/3-5)	Confirms UNCAT self-executing enforceability in U.S. courts.
K	CAT General Comment No. 2	Legal authority on State obligations under UNCAT Article 2.

Exhibit	Title	Description
L	HRC General Comment No. 32	Access to justice under ICCPR and Article 14.
M	Report A/HRC/43/49, UN Special Rapporteur on Torture	Establishes a framework for psychological torture by judicial actors.
N	Solomon et al., The Multiple Sclerosis Stress Equation	Distress induces and exacerbates relapses of RR Multiple Sclerosis. The patient will suffer irreparable brain and spine injuries. Relapse will only end upon cessation of distress, and then complete rest for the statistically predicted duration of time
O	[under compilation]	A summary table of retaliatory procedural conduct by both district and appellate judges showing the systematic deprivation of redress despite repeated filings, disqualification motions, and medical disability disclosures.

Exhibit A

Cyrus Hazari, Pro Se Plaintiff & private attorney general
15209 Blue Gum Court, Saratoga, CA 95070
Tel: 408 766 7471
Email: cyrus@metafusion.net

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

Cyrus Hazari	Case# 24-6312
Plaintiff & Private Attorney General	Trial Case# 21-cv-04262-JSW
v.	
Superior Court et al., and DOES 1-200	DISQUALIFICATION MOTION
Defendants - Appellee	For Judge Barry G. Silverman
	Erga Omnes

A motion to disqualify judge Barry G. Silverman from adjudicating, at a minimum, any action filed by any disabled litigant or by any party concerning disability, human rights, or treaties with attention to Appendix B. The minimum disqualification is not limited only to this appeal, but applies to all cases in this court by ***any party*** *who is a disabled litigant, or by any party concerning human rights or treaties*[1]*. This disqualification is asserted under the authority of the Private Attorney General, erga omnes, using the vehicle of case# 24-6312 which is open in this court, without reference to its merits.*

The charges herein are particularly serious as they include the documented cruel, inhuman and degrading treatment and punishment by this judge of a seriously ill and disabled pro se litigant who the court treated as "a kind of trash not worth the time of a federal judge"[2] *and the torture of this disadvantaged and highly vulnerable human being in conjunction with the trial court and*

[1] i.e. this action is *erga omnes* (this phrase means "towards all" or "against all" and is used in legal contexts to describe obligations or actions that are binding on all parties, i.e. all litigants who are disabled or who bring issues related to human rights or treaties for adjudication by this judge)

[2] Debra Cassens Weiss, Posner: Most judges regard pro se litigants as 'kind of trash not worth the time', ABA Journal 9/11/2017. "The basic thing is that most judges regard these people as kind of trash not worth the time of a federal judge," Posner said.

others, constituting prohibited acts that are non-derogable under International Law and cannot be limited under any circumstances[3]. This judge has treated a jus cogens of international law[4] nonchalantly, evading even minimum obligations under standards such as the UN Istanbul

[3] In each appeal that I filed in this court, the human rights complaint, which is embedded in the notice of appeal as a means of communicating the presence of prohibited acts to this court, contains the elements that satisfy both Articles 1 and 16 of the UNCAT, Article 15 of the CRPD, and Article 7 of the ICCPR. Each complaint embedded in each notice of appeal meets the requirement of the UN Istanbul Protocol of a sufficiently stated complaint for human rights violation actionable under customary international law. The common facts to each human rights complaint embedded in each notice of appeal are that the trial court did not accommodate my disabilities or my serious illness in either 19-cv-01986-LHK or in 21-cv-04262-JSW, which should have been provided in the manner granted by judge Beth Freeman in 19-cv-04392-BLF, and that I was subjected to discrimination based on disability and to severe pain and suffering that robbed me of due process. Instead of due process and ensuring justice, the trial court extracted information from me through coercion by the judge's orders while the absence of essential disability accommodation or safe harbor deprived me of meaningful access to the court and equal opportunity to succeed in litigation without undue burden. It is irrelevant that each judge believed my case to be moot by virtue of bias and selective recognition of the components of the supreme Law of the Land while ignoring other essential components of the supreme Law, voiding the jurisdiction of the Ninth Circuit courts. With the injuries and harm and prohibited acts continuing to the present day, the trial court did not relent in intimidating me by threat of dismissal and finality of extreme harm and deprivation of all mandatory protection, into producing information unpreparedly and involuntarily and deficiently in 19-cv-01986-LHK and in 21-cv-04262-JSW, thus setting me up for prejudice me in those legal proceedings. The conduct of each judge who dealt with me in this Circuit was purposeful and intentional in view of the knowledge and evidence each one of them received about my substantial incapacity to litigate, as well as the understanding communicated about the mechanism of my diseases and how the judge's conduct will result in serious and irreparable physical and mental injuries, and in view of my requests for safe harbor and disability accommodation, from which are unmistakably clear that absence of the requested accommodation backed by medical facts and evidence will result in human rights violations and discrimination. The result of the actions of each judge, which they persisted in undertaking despite my protests, resulted in risk to my life as judges ignored the warnings about my potential sudden death, heart attack and stroke. It is documented that the warnings about heart attack came true alongside the documented physical and mental injuries, and my physician of 30 years accidentally let it slip in an examination that she does not expect me to survive to 2028 because of my treatment by the courts. Before the serious and irreparable physical and mental injuries caused by my legal affairs, I was able to run an international business, handle remarkable amounts of eustress, and travel between three continents. Now I am housebound under full-time care and significantly disabled, and increasingly injured by the judges of this Circuit. Judicial ill-treatment and torture are established by the chronological evidence in this Circuit's records.

[4] Violations of human rights are considered *jus cogens* norms in international law. *Jus cogens*, also known as peremptory norms, are fundamental principles that are universally recognized and accepted by the international community as norms from which no derogation is permitted. These norms are binding on all States, regardless of their consent. Article VI of the US Constitution binds this nation and its judges, under the definition of "supreme Law of the Land" to obedience of treaties which necessarily are adjudicated according to customary international law (identified in the text of the US Constitution in 1787 as the "Law of Nations"). RUDs are unenforceable under customary international law if they undermine the object and purpose of the treaty. Every treaty that is signed by the executive (president) requires judicial notice, interpretation and consideration under customary international law irrespective of ratification. Human rights treaties express norms of customary international law and civilized society and civilized nations that are binding on every nation irrespective of consent to any treaty. The UN Charter is binding upon the United States and prohibits the conduct demonstrated by this judge and by this court. The Universal Declaration of human rights (UDHR) condemns the conduct by this judge and by this court, and civilized society and civilized nations are outraged by it.

Protocol[5] which embodies the norms of customary international law[6] applied to particular prohibited acts herein discussed.

This judge took jurisdiction over me in a circumstance where the judge had control over my bodily and mental autonomy[7], and deprived me of life-saving medical treatment.

The conduct by this judge was purposeful and intentional despite substantial grounds confirming the prohibited acts.

This judge is required and presumed to be competent in the supreme Law of the Land[8]. This judge dealt with me in 22-16046 - 22-16174 - 24-3353 in this court. In those cases, this judge was notified of discrimination and human rights violations by the trial judge and by others, and was required by disability laws[9], as well as by the requirements of human rights treaties[10] and customary international law to protect me, and prevent my re-traumatization and refoulement, and to initiate an independent investigation of the alleged prohibited acts by the trial judge and others, and to ensure that the prohibited acts reported by me are stopped, investigated, abated, prevented, and punished, notwithstanding the form of the action[11] which I used to provide notice to this judge of the prohibited acts[12]. Instead this judge acquiesced to the prohibited conduct by

[5] The United States' specific endorsement of the Istanbul Protocol or any human rights protocol in use by the United Nations has no effect on this court. This court must not fail to notice and consider and apply these standards to determine human rights violations under treaties and customary international law according to Article VI which establishes treaties as being supreme Law of the Land and therefore requiring adjudication according to International Law. Note that the US RUDs for UNCAT insist that the nation should hold this vital treaty as non-self-executing because there are alternate pathways through constitutional challenge to domestically address prohibited conduct through our domestic courts. Seven years of court records in 9 courts demonstrates in the public record that this is not true, there are no alternate pathways through constitutional challenge to domestically address prohibited conduct through our domestic courts, and the treaty itself is the only remedy and redress.

[6] The UN Istanbul Protocol is an international standard that is respected by International Law

[7] A form of legal custody

[8] As defined in Article III of the US Constitution.

[9] Disability laws are not limited to the Rehabilitation Act, the ADA and its Amendment. The CRPD is an international treaty signed by the United States and pending ratification. International Law holds this nation State to obedience to the object and purpose of every treaty that is signed by it, irrespective of ratification, and notwithstanding any RUDs.

[10] In this action, particular attention to the UN Charter, the UNCAT, the ICCPR and the CRPD. Particular attention also to the anchoring of International Law in domestic jurisprudence by Article VI of the US Constitution. Note carefully the preeminence of treaties as domestic laws, and the specific reference to the Law of Nations in the text of the US Constitution.

[11] The UN Istanbul Protocol confirms the sufficiency of the form of my complaints to this court and to this judge about human right violations. I used the vehicle of issuing a notice of appeal to complain of the violations of my human rights, which was the only feasible and reachable means of communication of prohibited acts under my substantial incapacity and significant functional and cognitive impairments.

[12] The doctrine of *forum nullus* discussed in my filings in this court and in the US Supreme court writ 24-6012 applies if this court does not correct the prohibited acts of its lower court. Over six years of elapsed time and six distinct opportunities and the involvement of 17 appellate judges and one commissioner who were notified of human rights violations by the lower court, this judge and this court have NEVER complied with applicable law and international instruments.

the trial judge and others, encouraged it, and perpetrated discrimination based on disability and the human rights violations herein described.

The motion is based on multiple authorities including the Code of Conduct for United States Judges, and based on Article III and Article VI of the US Constitution and based on International Law[13]. The motion is supplemental to the disqualification en banc of the judges of this court filed in 24-6312, with particular focus on this judge.

The motion is in the public interest, and asks for immediate stays in Appendix A for protection of human rights. The motion also requests the cooperation and the participation of this court and this judge in an investigation pursuant to the United Nations Istanbul Protocol, per Appendix B. The motion activates an unavoidable duty for this judge to act according to this communication.

The motion is initially issued under an open case 24-6312 by a disabled pro se petitioner known to this court since 2019, who stands as Private Attorney General, and as a human rights defender identified to the United Nations, and asserts authority to bring this motion under the US Constitution, particularly its Ninth and Tenth Amendments and Article VI, in the interests of the People of the United States, in addition to demanding compliance with the Code of Conduct for United States judges. In due course, a separate case must be assigned to cover all affected, or potentially affected litigants.

Contents

ABSTRACT 5
THE FACTS 14
PROHIBITED ACTS 33
THE CONSTITUTIONAL BRIGHT LINE 91
DISQUALIFICATION 95

[13] International Law as the term is used herein refers to several laws. The Law of Nations, encompasses the rules and principles that govern the relations and interactions between sovereign states and other international actors. It includes treaties, conventions, and agreements between states, **as well as general principles of law recognized by civilized nations**. The law of nations covers a broad range of issues, including diplomatic relations, trade, war, and **human rights**. The Law of Nations is often formalized through written treaties and agreements, compared to Customary International Law which is based on unwritten practices and customs that have gained legal recognition. The Law of Nations is created through explicit agreements and negotiations between states, compared to Customary International Law which evolves over time through consistent state practice and the belief that such practices are legally obligatory. The Law of Nations is binding on the parties that have explicitly agreed to the terms, compared to Customary International Law which is binding on all states, regardless of whether they have explicitly agreed, as long as the practice is widespread and accepted as law. Customary international law consists of international obligations arising from established state practices that are followed out of a sense of legal obligation (*opinio juris*). It is derived from consistent and general practices of states, which are accepted as legally binding, even if not codified in written treaties. Customary International Law includes norms that have become universally accepted, such as the prohibition of genocide, torture, and slavery.

WHEREBY THIS COURT AND THIS JUSTICE ARE MOVED AS FOLLOWS: 115
BY AUTHORITY 120
APPENDIX A: Initial list of victims and litigation requiring to be STAYED immediately 125
APPENDIX B: Proposed steps for an investigation 126
APPENDIX C 127
Part 1: Reproduction of key documents in 22-16046 127
Part 2: Reproduction of key documents in 22-16174 169
Part 3: Reproduction of key documents in 24-3353 228
APPENDIX D: Initial statement by Leslie Hagan to the United Nations Special Procedures 244

ABSTRACT

"Although international human rights and humanitarian law consistently prohibit torture and other cruel, inhuman or degrading treatment or punishment ("torture and ill-treatment") under any circumstance [], these acts continue to be practised with impunity throughout the world[14]. The striking disparity between the absolute prohibition of torture and its prevalence in the world today demonstrates the continued need for States to identify and implement effective measures to protect individuals from torture and ill-treatment."[15] This prohibited conduct is found in the Ninth Circuit courts of the United States, including this court of Appeals.

This motion to disqualify this judge of the Ninth Circuit court of Appeals is long overdue[16] and brought at the continued cost of severe pain and suffering[17] and serious physical and mental[18] injuries[19], of a

[14] Amnesty International, Torture in 2014: 30 Years of Broken Promises (London, 2014), p. 10. See also A/73/207, para. 76
[15] Introduction to the 2022 UN Istanbul Protocol
[16] Like the district court, this court has eliminated access and due process of law for me since 2019. Judicially induced serious and irreparable physical and mental injuries and severe pain and suffering holding me under substantial incapacity made my coerced and intimidated unequal participation result in no access to any court under the urgent need for legal remedy and redress, and my compromised writings oppressively burdensome and unable to express the injustice and torture being inflicted upon me since 2018. Only the advent of A.I. and radical medical treatments with cumulative effects has enabled more clear expression despite significant unaccommodated functional and cognitive impairments and further serious injuries to continue the fight against the tyranny of judges and courts. I have been deprived of fundamental rights, life, liberty, property and unconscionable injured, punished, bankrupted and continue to be tortured daily by judges and courts, until finally exhausting all domestic remedies and earning the right to address international human rights bodies.
[17] It would be a serious mistake for this judge not to very carefully read this oversized writing.
[18] "mental" is used synonymously with "emotional" and "psychological"
[19] Like the district court, this court makes access to it conditional on a number of expectations that cannot be met by a potentially vast number of the People who are disabled or ill. Invariant deadlines are applied by this judge and by this court to litigants who cannot meet them. When this judge and this court apply discretion, it is incommensurate with the unique needs of the disability and the illness or incapacity that must be accommodated, and this judge and this court fail to use discretion appropriately. All force and authority of any statute or rule or procedure on timing, efficiency and speed of the progress of the case are tolled by the preeminent human rights considerations, but this judge and this court refuse to resolve a conflict of substantive law in the manner required by preeminent authorities, which are these international instruments. There is no

necessity to stop and address unconscionable judicial conduct, incessant and recurring trauma, refoulement[20], and violation of the supreme Law of the Land by this judge, who is the most trusted individual in federal government, and vouchsafed by the People for a lifetime with a supreme trust[21] that is as distinguished as is the inspired Constitution[22] that established a nation that is dedicated to human rights and to Liberty as paramount foundations of civilization in the darkness of tyranny.

This motion is brought only after laboriously proving, in public view and subject to prohibited cruel and unusual punishment[23] over seven years, and documented in the records of this court for six years, that

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consideration shown by this judge or by this court for the human rights or the substantial incapacity of the disabled pro se litigant, and their inability to give attention and effort to the filings by virtue of impairment. There is no recognition in jurisprudence for biology or human realities that invalidate the arbitrary assignment and invariance of a number to a deadline, usually in increments of 5 or 7 or 10, that are prolific and infest jurisprudence. If the litigant files an insufficient and incomplete pleading by the deadline, this judge and this court insist that prejudice and harm are justice. This judge and this court insist that the disabled pro se litigant cure disability and heal serious illness at the schedule of the court, notwithstanding the truths of Appendix D, and the effect of persistent coercion applied to such a prone litigant to continuously obey an unbroken and unrelenting chain of court orders that demand performance from a repeatedly traumatized human being when medical treatment requires complete rest for recovery followed by adequate time to enable function and equalized participation in due process by the pro se litigant. This judge and this court pay no regard to the condition of the litigant arriving at its door, and what harm or mutilation she has been subjected to in the lower courts to need to plead to this court for relief and remedy as a last resort. It should. This judge and this court ignore the medical evidence of ill-treatment and torture provided to it by these victims. The United Nations Istanbul protocol, speaking on the prohibition of human rights violations, states: "In situations in which judges suspect that a person has been subjected to torture or ill-treatment, they should **use their judicial authority and power to initiate investigations** or inform prosecutors to enable them to intervene in the matter. In particular, in situations in which **suspects or the accused raise allegations of torture or ill-treatment in the course of legal proceedings or trials**, judges must take action to ensure that a prompt, impartial and effective investigation is carried out into such allegations in accordance with this manual." Here, the term "accused" must be given the broadest scope, and each victim's writ indicates that they have been accused by judges of dishonesty in representing their medical condition in asking for safe harbor and disability accommodation, and thereby subjected to deprivation of due process and equal protection, to sanctions, punishments, dismissals or traumatic orders or adverse judgments that bring them to this court. They have demonstrated in the record of lower courts the adverse impact of prohibited and accusatory judicial conduct on their life, liberty, property and fundamental rights. The cases of the disabled pro se litigants reported by me made unmistakably clear that torture or ill-treatment had occurred in the course of legal proceedings or trials in the lower courts, with judges accusing each victim of not being sick, not being disabled, and not requiring medical treatment and requiring them to cure disabilities and heal serious illness and eliminate the need for medical treatment as a condition of access and of the benefit of constitutional due process of law. Each of these litigants alleged that physical or mental injuries or both had been suffered with chronological medical evidence, and provided the cause for the injuries, which included the elimination of due process and the unequal treatment by judges, with a chronological record of induced injuries locked and timestamped in the public record of the courts. Deprivation of due process, for example, is a form of psychological ill-treatment or torture that is prohibited under Article VI and the international instruments discussed herein.

[20] Dismissing my appeal and thus ignoring my complaint for human rights violations whose description and extent and nature invokes the UNCAT and therefore constitutes allegations of prohibited acts which must not fail to be investigated, failing to take the appropriate and legally mandated actions including my protection, and dispatching me back to the court wherein I am being ill-treated and tortured, constitutes refoulement that is prohibited under customary international law and Article VI of the US Constitution.

[21] Lifetime tenure in the highest court in the land makes this judge the most trusted human being in American government

[22] The US Constitution inherently prohibits the violation of human rights, which our courts have legalized. The US Constitution's safeguard against tyranny intends the courts to be the domestic protection against unconstitutional government, which includes their essential role in prohibiting and abating human rights violations. While the US Constitution contemplates unconstitutional government by the courts, judges have redefined the constitutional protections against a tyrannical judiciary into impotence.

[23] Including but not limited to the failure of this judge and this court in not taking the actions required under the UN Istanbul Protocol based on my complaint and allegations and facts documented in the records of the Ninth Circuit courts, and the deprivation of my essential and very clearly specified medical treatment, confirming that the condition for my access to due

there is no domestic remedy or relief[24] from judicial conduct that is prohibited under the supreme Law of the Land[25], including under International Law[26]. And this court was shown by clear and irrefutable evidence to be the penultimate source of evil at the root of prohibited conduct and a systemic subversion of supreme Law by the judiciary in the Ninth Circuit[27].

process in the Ninth Circuit is to cure my disabilities and heal my serious illness upon the command and schedule of this court as personally endorsed by this judge.

[24] My ill-treatment and torture by the Ninth Circuit culminated in my FIRST FILED AND ADJUDICATED writ in the US Supreme court case# 23-7017 denied on May 20, 2024, which condemned the Ninth Circuit and its judges to be identified to the United Nations Human Rights Council and Special Procedures, with the guidance of the UN Secretariat, as violators of human rights, and to be subjected to actions by the Private Attorney General.

[25] The supreme Law of the Land (note capitalization in this writing) is defined under Article VI of the US Constitution. It expressly identifies treaties as the essential and noteworthy components of the supreme Law and thus establishes that treaties must be directly obeyed under domestic jurisprudence, with International Law as the operative basis for their adjudication. The express statement of Article VI makes the supreme Law of the Land personally binding on every state judge as a mandate that may be enforced by the federal government. Since the federal government which enforces law against a state judge is the federal judiciary and this Supreme court, each federal judge is necessarily obligated to respect and diligently follow the very same treaties in their personal conduct and in the discharge of their duties of office. This is implied and expected by Article III "good Behaviour".

[26] Article VI of the US Constitution unambiguously and unequivocally asserts that treaties shall be held as domestic law and inherently recognizes the rule of International Law in domestic government, including domestic jurisprudence. Customary international law may not be ignored or bypassed. The Law of Nations is specifically named in the US Constitution and customary international law and expectations of civilized society and civilized nations continue to control what constitutes compliance with the object and purpose of treaties, notwithstanding the United States' historical use of RUDs, which have drawn objection from other State parties, and which have been intended by the United States to evade the essential objects and purposes of these critical and highly beneficial international instruments (see the filings in 2024 in the Bankruptcy court of Northern California case# 23-50690 where the judge evades obedience to human rights treaties by express invocation of RUDs). The RUDs advanced by the United States to undermine the objects and purposes of treaties continue to undermine the object and purpose of the US Constitution as defined by its Preamble. Treaties are essential to the national security and the general welfare of the PEOPLE of the United States who are not recognized as sovereign by their judiciary. The treaties and instruments herein recognized are essential to constitutional rule, and essential to the object and purpose of the US Constitution as expressed by its Preamble, and a 'safety net' in such an instance where the judicial branch of government undermines the People and their rights and their welfare.

[27] Refer to the list of my lawsuits in the footnotes below, and the public records which chronologically prove this allegation. The decisions of this court that set precedents in every court in the United States are in the public record. The subversion of supreme Law is by means of discrimination based on disability which, according to the uniform national standard for eliminating discrimination in the courts, is demonstrated by this judge and by this court, and the subversion is also for elimination of fundamental and non-derogable rights and obedience of treaties, including the UNCAT which prohibit the cruel, inhuman and degrading treatment and punishment dealt by this judge completely ignoring my complaint for human rights violations and acquiescing to the torture by the trial court, and refoulement by dispatching me to the control of the same judge-abuser without any prevention of re-traumatization and without the mandatory independent investigation required under international instruments and compliance with the object and purpose of treaties. The subversion is subject to a systemic policy of discrimination and infliction of severe pain and suffering through deprivation of rights including the right to due process of law, which this judge individually chose to follow, and according to which, violated my human rights in conjunction with four other judges in this court, and all judges in this court who may have preceded this judge in similarly violating my human rights, and in conjunction with the trial judge.

This prohibited conduct is no less than[28] cruel, inhuman and degrading treatment and punishment[29] by the judges of this nation that graduates uncontrollably to torture[30] in this Circuit. This prohibited conduct is inflicted under the envelope of discrimination based on disability.

This judge received a complaint[31] for violation of human rights from me that was directly and inescapably actionable under Article VI of the US Constitution and under the *jus cogens* of customary international law, and did not take the essential and mandatory action required under the supreme Law of the Land.

The federal jurisprudence of this nation is penultimately under the supervision and control of this court[32] and this judge, and the failure of correction by its master[33] does not excuse its prohibited acts, or the failure of enacting essential reform. Nor is this judge's failure to recognize and notify the Ninth Circuit

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[28] But is not limited to ill-treatment and torture

[29] It is demonstrated by the facts that, by expecting our 'normal' function and obedience to invariant rules, procedures and policies of courts without meaningful accommodation, judges and courts treat the disabled pro se litigant in a manner that causes and maintains severe pain and suffering in the course of jurisprudence. Judges and courts cause our unequal participation in litigation at the cost of injury through intimidation and coercion, and discrimination, with re-traumatization and the judicial hostility and abuse that we experience having a chilling effect on us. The intimidation and coercion includes the threat of being ejected from litigation with injustice assured, and the threat of not having access to due process unless we cure our disabilities and heal our serious illnesses, and conform precisely to the expectations of the judge and court. This is demonstrated over seven years in the records of 9 state and federal courts, including this court. Each of those 9 courts and over 40 judges are impeached by a single federal judge of good Behaviour.

[30] It is demonstrated by the facts that, by expecting our 'normal' function and obedience to invariant rules, procedures and policies of courts without meaningful accommodation, judges and courts intentionally treat the disabled pro se litigant in a manner that causes and maintains severe pain and suffering for the purpose of obtaining information and participation in court events and legal processes that require the communication of information. For example, every filing in litigation is the extraction of information by necessity of formalized due process, and every document or interrogatory response produced in discovery is the extraction of information. Once a court takes jurisdiction, there is no stopping the extraction of information because due process is fundamentally a process extracting information from parties to determine the lawful outcome of a case or controversy. Judges and courts extract information from us through intimidation and coercion, and discrimination, with re-traumatization and the judicial hostility and abuse that we experience having a chilling effect on us. The intimidation and coercion includes the threat of being ejected from litigation with injustice assured, and the threat of not having access to due process unless we cure our disabilities and heal our serious illnesses, and conform precisely to the expectations of the judge and court. This is demonstrated over seven years in the records of 9 state and federal courts, including this court. Each of those 9 courts and over 40 judges are impeached by a single federal judge of good Behaviour.

[31] Appendix C.

[32] This court is the penultimate judge and arbiter of constitutional standards for jurisprudence, and is the federal authority in the Land charged under the Preamble of the US Constitution with ensuring Justice. When a defect in jurisprudence is brought to the attention of this court, it is the unavoidable duty of this judge and of this court to address it without fail, but there is no demonstration of such action by this judge, not even any sign of the consideration by this judge of the applicable law or the required action that must be taken. This judge and court are integrated with mechanisms through the Judicial Council of the Ninth Circuit, and the Judicial Conference of the United States to shape and evolve rules, procedures and policies of the federal courts in conjunction with the US Supreme court which is vouchsafed with authority by Congress to define and control the rules, procedures and policies of the federal courts. But there is no sign that this judge even used any of these mechanisms as required by the supreme Law and international instruments herein described to inform anyone of the glaring defect in jurisprudence that refouled and rendered a torture victim back to his torturers. This court had a duty to protect me and immediately initiate an independent investigation of my complaint for human rights violations according to international instruments and to alert these mechanisms for reform and then act to ensure that I am protected, while the necessary reform is made according to the extent of its power and influence within the judicial mechanisms available, and without fail. This judge did not perform any of these required acts.

[33] The US Supreme court

Judicial Council or the Judicial Conference through the Chief Judge of this Circuit excusable or *de minimis* error[34]. There is no absolution under the supreme Law of the Land for the failure of this judge and this court to take the necessary action and "ensure Justice"[35], only personal liability without immunity.

Under this judge's control, and under a common pattern of cruelty and inhumanity applied through jurisprudence that is endorsed by this judge[36], this court continues to deprive me and other disabled pro se litigants of fundamental rights, including the freedom of expression[37] and the due process of law, while also depriving us of equal treatment through discrimination, and traumatizing us repeatedly by depriving us of essential medical treatment and human and civil rights, and confining us to the control of the same malevolent judges who perpetually abuse us[38].

Not only does such intentional deprivation predictably induce severe pain and suffering, but it is established by medical science that these deprivations also cause serious and irreparable physical and

[34] The complaint for human rights violations by the lower court was filed by a disabled pro se litigant who was and is seriously ill and substantially incapacitated and was unable to access law and precedent and form arguments at the level of an attorney (despite a Juris Doctor) and spoke sincerely and in 'plain speak'. The advent of A.I. in 2023, and its progressive refinement and increased power is the only means by which I have been able to attempt to overcome my functional and cognitive impairments that are chronologically documented in the records of 9 courts in the United States. The evidence that I was 'shut out' of due process by the courts is in public view. I continue to be shut out by deprivation of essential medical treatment. The artificial human (marriage of A.I. and flesh) is an approximation of me, but still deprived of opportunity to argue law and points and authorities and to cognize rules and procedures and the fineries of law, despite my educational foundation and raw intellectual prowess that are imprisoned out of my reach by my sustained functional and cognitive impairments induced and maintained by my torture.

[35] The Preamble to the US Constitution is its object and purpose, Achievement of the object and purpose of the US Constitution are requirements of the supreme Law of the Land and may not be undermined or ignored or abridged by any judge. Article VI's express language binds every state judge personally to the obedience, and a federal judge is not exempted from this obedience under a textual mode of interpretation of Article VI, but must obey the same supreme Law and may not claim not to be bound by the supreme Law of the Land.

[36] This judge denied appeals 22-16046 - 22-16174 - 24-3353, and invalidated the vehicle of the appeal that I used to report a complaint for human rights violations. This judge caused my complaint for human rights to result in no investigation, remedy or relief as required by preeminent operative law that preempts the statute on appeals, and the rules, procedures and policies of this Circuit. Every judge is presumed to know the law and be competent in the law. The facts leave no doubt about human rights violations and discrimination. Of critical importance is the failure of this judge and this court to protect me and to have dismissed the appeal without any investigation as described in the UN Istanbul Protocol. Having failed as a court to stop, investigate, abate, prevent and punish prohibited acts, this court may never act as an independent investigator of any future complaint for violation of human rights in the course of jurisprudence, but must enable the authority and jurisdiction of an independent investigative body into these continuing, as well as past prohibited acts, as described in Appendix B. The complaint for human rights violations is clearly evidenced in the records of the lower court and in my writings in this court under 22-16046 - 22-16174 - 24-3353, but this judge REFUSED to consider them and was unfaithful to the operative control of the supreme Law of the Land that required this judge to stay all litigation and cause to be initiated an independent investigation of prohibited acts under customary international law, and for remedy and relief to be administered, including punishment of offenders.

[37] Every judge of every representative court in this nation, including this judge, was well informed that, while kept seriously ill and substantially incapacitated, this litigant could not apply his innate abilities and express himself in litigation, nor could he participate in litigation absent medical treatment and unaccommodated, without suffering serious and irreparable physical and mental injuries, and therefore should not be coerced by judges and courts into involuntary and unprepared expression.

[38] Note the testimonies of three witnesses to the widespread prohibited acts in the California courts who have testified in the record of 21-cv-04262-JSW

mental injuries[39], and have done so as documented in the records of numerous courts, including the records of this court[40]. Thus, we are deprived of life[41], liberty[42], property[43] and rights in perpetuity[44] by this nation's judiciary under the endorsement of this court and the acquiescence of this judge. The Bill of Rights and the Fourteenth Amendment do not exist for us, and human rights are irrelevant, says this court and this judge.

These prohibited acts constitute systemic cruel, inhuman and degrading treatment and torture of the disabled pro se litigant at the hands of the judiciary of this nation, including this judge, and incorporate the violation of multiple human rights treaties, with all possible domestic redress and remedies made intentionally and purposely unavailable. Thus our nation's judiciary stand as tyrants who rule over the People[45] and subject our dignity and our essence to impoverishment and diminution and bondage, in the name of justice.

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[39] This case introduced unique fact patterns that expose a flaw in jurisprudence that stands to harm and prejudice significant numbers of litigants without any remedy or relief available in domestic jurisprudence.

[40] Far more than a hundred chronological filings challenging discrimination by 9 representative state and federal courts in this nation since 2018 include many communicated to this court and known to the judges of this court since 2019.

[41] Since 2018, my life expectancy has been radically shortened by the human rights violations of judges and courts. This is demonstrated by statistics and my diagnoses and symptoms and the record of the progress and expansion of my serious injuries caused by the distress induced incessantly by judges and the invariant application of rules and procedures and policies of courts applied to me in opposition to the Freeman Bright Line (defined below). This court and this judge have significantly contributed to the deprivation of my life. In 2023, my doctor of 30 years 'let it accidentally slip out' that she does not expect me to still be alive by 2029 to exercise a property option. This doctor has written letters to the courts predicting my serious injuries and my death for deprivation of court accommodations and obstruction of my essential medical treatment.

[42] Each victim identified in my filings in 21-cv-04262-JSWand in my communications with the United Nations has been deprived of human rights and Liberty. This deprivation is not merely confined to the precedents described in my writs of certiorari 23-7017, 24-5808, 24-6012 and others. But it is also measurable physically, in terms of the loss of functional ability, loss of cognitive ability, loss of possibility of the pursuit of happiness, loss of rights in society especially no rights in the courts, loss of freedom of movement (in my case I am housebound and under full-time care), loss of opportunity and loss of economic viability. Other deprivations of liberty are described in the individual complaints by each victim in the records of their courts.

[43] Each victim identified in my filings in 21-cv-04262-JSW and in my communications with the United Nations has lost property by deliberate human rights violations by the courts in collusion with attorneys through deprivation of constitutional due process. The violations of my human rights caused my property and 'homestead' to be lost, after which the court insisted that it shall be returned to me damaging the new owner and then taken from me again, damaging both me and the new owner in an estimated combined amount in excess+
of $6 million by 2024, while preventing me insistently from filing appeal. Julia Minkoswki is an exile to protect her life and personal safety against torture by the courts, and has lost all property taken punitively by the courts. Eva Danilak is a victim of court-permitted fraud depriving her of valuable community property, and obstruction by the court of her motions for various essential relief, including deprivation of support payments for almost six years.

[44] We are labeled vexatious by the courts for complaining about discrimination and human rights violation by judges and courts, and when applied to us, the vexation statute is perverted by judges to eliminate our rights of access to courts in perpetuity, in violation of the express provisions of precedents. State judges even contradict the findings of the government and authentic doctors by insisting that we are not disabled and that we require no accommodation in the courts, while one federal judge impeaches every other judge and holds the Freeman Bright Line for almost SIX YEARS, confirming that disabled pro se litigants must be accommodated under a uniform national standard in every court by modifying rules, procedures and policies and protecting their human rights. For the Freeman Bright Line, see the orders in 19-cv-04392-BLF.

[45] This judge is familiar with the early history of this nation, and how the model of British justice was incorporated in the design of the federal government to thwart tyranny by excess in the legislative and executive branches. The judge with tenure

These prohibited acts are non-derogable under International Law and cannot be limited under any circumstances, but this court, through this judge, treats a *jus cogens* of international law nonchalantly, evading even minimum obligations under standards such as the UN Istanbul Protocol[46] which embodies the norms of customary international law[47] applied to particular prohibited acts herein discussed.

This court must not use the shield of Separation of Powers to promote impunity of the judiciary, or to promote and endorse the violation of human rights in the course of jurisprudence, or to evade the will of the People and the object and purpose of treaties and the obligations of this nation to the international

was seen in those times as the adequately empowered mechanism to thwart the oppression of the monarch, and thus necessary to protect liberty against the temptations of power and rank in a nascent nation. But the fear of tyranny had blinded insightful men, who copied a system of jurisprudence, to the truth that tyranny had established its own mechanism to control the masses, with subtlety and with finesse, while ensuring that monarchy continued its oppression and dominance stealthily, quelling rebellion by perception of the tempering of absolute power into a benevolent reign by the tenured judge who shielded the People from the oppression of the monarch. But in their anxiety, the respect for the truth that the monarch was impeccably shielded from all judicial reach, and retained ultimate power over the judiciary, opened the door to a runaway judiciary whom over two centuries later, the People consider untrustworthy and unrepresentative of the national ethos that defines America and the unity and the liberty that it represents.

[46] The United States' specific endorsement of the Istanbul Protocol or any human rights protocol in use by the United Nations has no effect on this court. This court must not fail to notice and consider and even apply such standards to determine human rights violations under treaties and customary international law according to Article VI which establishes treaties as being supreme Law of the Land and therefore requiring adjudication according to International Law. Note that the US RUDs for UNCAT insist that the nation should hold this vital treaty as non-self-executing because there are alternate pathways through constitutional challenge to domestically address prohibited conduct through our domestic court. Seven years of court records in 9 courts demonstrates in the public record that this is not true, and the treaty itself is the only remedy and redress.

[47] The UN Istanbul Protocol is an international standard that is respected by International Law

community[48]. The Preamble of our Constitution states in plain words its essential object and purpose that is abandoned by this judge[49] and by this court. Judicial ethics do not permit such judicial candor[50].

The motion is based on substantial grounds documented in this court's own records and the records of 9 representative state and federal courts since 2018, and these records demonstrate that the prohibited judicial conduct documented in the record of this court since 2019 must be presumed to be knowing and

[48] A review of treaties in US history demonstrates this nation's critical dependence on treaties for its survival, security and prosperity. Absent treaties, a nascent nation who defied monarchic law and committed treason, and created its own rule and Constitution, would likely have failed to hold and grow.

[49] This judge delegates and discards a non-delegable duty that require action on discrimination and on human rights. This judge committed these duties to the void of absent judicial diligence and did not establish justice, undermined the domestic Tranquility of persons with disability, undermined the general Welfare by promoting an unconstitutional jurisprudence that victimizes those that the People expect to be freed from discrimination, and fails to secure the Blessings of Liberty which cannot exist when our judiciary deprives the People of constitutional rights and when they administer cruel and unusual punishment without due process under color of authority. When a request for safe harbor and disability accommodation along with protests for discrimination and human rights violations are unmistakably advanced with substance and medical evidence, the judicial act of ignoring the disabilities and the causation chain for injuries and the clear issue of human rights and the deprivation of access to the court, establish the judicial purpose and intent not to prevent harm and injuries, and to deprive the victim of essential medical treatment that is unmistakably indicated and requested with emphasis. Freeman does not commit such invidious discrimination and overt disability hate crime. This judge may not claim that their conduct is merely obedience to invariant rules, procedures and policies of their court, because justice and the administration of justice turn on facts, and the facts leave no room for such self-righteous fraud upon the public. This dereliction of judicial duty does not dispel the authority that invokes human rights treaties including the UNCAT and demonstrates that this judge has violated International Law embedded in Article VI of the US Constitution that absolutely prohibits this judge's conduct. The delegation of a non-delegable duty by this justice based on standard practices of this court in the administration of justice, and concordance with four other judges that the violations are legalized does not absolve this judge of complicity in prohibited acts, and may not be used as a defense against purpose and intent for the endorsement of, and acquiescence to, these prohibited acts. At a minimum, it is a lack of independence and a lack of impartiality prohibited under judicial ethics by agreement and in collaboration with other judges of this court. Do not forget that omission to act is included to construct an essential element under the prohibition against torture. And as the UN Istanbul Protocol reminds us, international standards on judicial ethics forbid the conduct seen in this Circuit.

[50] A judge may not intimidate or coerce a disabled pro se litigant to cure their disability or to expect healing of serious illness on a schedule specified by a judge, and any order for the purpose of judicial management and planning may not be issued that is inconsistent with medical science and with the unique characteristics and needs of the disability or the illness. A judge may not prevent, modify or interrupt essential medical treatment under any circumstance. A judge may not consider prior judicial conduct that caused harm to such a litigant as *de minimis* error and proceed without heightened consideration to re-traumatization, to refoulement, to the altered coping and psychological and emotional characteristics of a previously injured litigant. A judge may not interfere with or prevent recovery and rehabilitation of such a litigant at any time. A judge must account for pain and suffering and injuries inflicted upon the victim by other judges and courts and proceed with extra diligence and elevated abundance of caution and care. No court rule, procedure or policy must take precedence over human rights and the integrity and welfare and safety of any disabled or ill litigant. Due process must be guaranteed to such a litigant with elevated care, and accommodation must be ensured proactively by the court which meets the quality and outcome and usefulness expected by an independent medically qualified body. Judges must ensure reforms in court services, processes and activities that safeguard human rights in jurisprudence and authorize punishment for judges for discrimination or human rights violations. Judges must reach outside their courts, proactively, to stop human rights violations by other judges. Discrimination must be eliminated in jurisprudence, and always viewed in conjunction with human rights. The protection and promotion of human rights must be a paramount objective of jurisprudence, and fairness and procedure and laws and precedents must be subordinated to human rights, and conflict between them must be examined and resolved from the perspective of human rights and International Law, and with emphasis on the experience and perspective of the victim. Intrinsic bias that infests jurisprudence, and particularly the prejudice of judges for the disabled and the sick pro se litigant must be rooted out with punishment that deters any judge from daring to commit such invidious discrimination and human rights violations in the course of jurisprudence.

deliberate[51], is confirmed under oath and with chronological documentation in the court records as taking place with accumulating injuries and incessant pain and suffering and chilling effect, and likely to continue[52].

Despite my demands since 2019, and the filing and denial of my actions in this court providing notice of these prohibited acts to the judges of this court[53], this judge refused and refuses to take any step to address and cure these ills within jurisprudence and within this court, and therefore must not adjudicate any matters intersecting the sphere of discrimination or treaties or human rights[54].

As a result of an absence of a mechanism to cause this court to prevent and abate these prohibited acts, I am limited to using the only available method[55] to directly inform this judge of these prohibited acts. Hence the motion for disqualification, which stands upon its own merit under the cited instruments and upon this courts' Code of Conduct. This notification additionally creates a personal duty for this judge to personally address these prohibited acts.

As a matter of the appearance of impropriety, this judge should adjudicate no matters that come before this court[56]. I leave that issue to this judge's conscience.

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[51] With each attempt to file an action in this court since 2019, this court was informed of my increasing induced injuries caused by its treatment and obstruction, and its impact to my human rights and its obstruction of my medical treatment. The communications by me to this court indicate the essential need for safe harbor and disability accommodation, without which I cannot access this court. I asked for the justices of this court to personally adjudicate my requests for safe harbor, for disability accommodation and to enable, not obstruct my medical treatment. This court and the judges of this court ignored my numerous requests. The clerks of this court must not be made into scapegoats by the judges of this court for violations of human rights. Omission satisfies an element of torture, as does acquiescence.

[52] I continue to file actions in this court, with more inevitably forthcoming due to incessant torture by state and federal courts and judges. This court must act to stop torture of litigants by the courts.

[53] Staff attorneys and law clerks employed by the court to 'get rid of pro se writs' must not be made into scapegoats by the judges of this court for violations of human rights. There is no mistake in the human rights violations documented in the records of the several Ninth Circuit courts. And there is no mistake that these "acts continue to be practised with impunity" by the judiciary, who will not "identify and implement effective measures to protect individuals from torture and ill-treatment".

[54] The respect for and the protection of human rights may be derived by first principles from the text of the US Constitution. Thus the United States did not hesitate to embrace the Universal Declaration of Human Rights, or the UN Charter because the principles embodied in those international instruments are resonant with the character and morality of this nation whose Constitution speaks of their commitment to laws and principles that its judiciary deprecate and violate in the course of their administration of justice.

[55] The disqualification based on judicial ethics must not be deprecated to the operation of a federal statute as judge Jeffrey White has done in 21-cv-04262-JSW, while his peer judge Beth Freeman impeaches his conduct in the same court. This court must never lose sight of my functional and cognitive impairments and serious illness.

[56] The violations alleged herein are crimes under International Law. As the Private Attorney General, I stand to end systemic torture and cruel, inhuman and degrading treatment and punishment in the course of American jurisprudence, and I limit my present focus to disqualification of this judge in adjudicating cases involving discrimination based on disability and cases involving human rights. However, the bright line of the supreme Law of the Land speaks very clearly, and it is for this judge's conscience to do what is right.

THE FACTS

Summary: The disabled pro se litigant is required by judges and courts to participate unequally and without accommodation in litigation, under expectation to cure their disability and any serious illness on the court's schedule and under the court's prescription of the permitted medical treatment, eliminating fundamental rights, giving unfair advantage to adversaries, and ensuring the highest likelihood of injuries, injustice and harm. Even when there is no opponent and no urgency in dispensing with an appeal, and justification under preeminent authorities to provide safe harbor and accommodation and protect human rights, this court and this judge follow a strict policy of enforcing rules, procedures and policies which is a prohibited act under these authorities and instruments.

Every fact reported herein[57] is supported by chronological records of 9 courts in the United States that are identified below[58] and provide copious details by their own standing that will not be repeated herein. Since 2019, this court has received, human rights actions from me against 2 separately numbered

[57] The organization and volume of this writing is influenced by my functional and cognitive impairments and my substantial incapacity. It is only the advent of Artificial Intelligence that has provided a mechanism to write without being dismissed at hand about my writings, and penetrate the impossibility of expression while previously deprived for years of access to legal resources and to legal precedents and arguments and reasoning, and access to my own records and information as well as access to the courts. My writing is necessarily repetitive because of an inability to edit it. The writing also presents as much detail as possible in the event of my death, the prospect of which has been long forecast, and whose arrival has been kept at bay by superbly talented doctors and care.

[58] • California Superior Court in the County of Santa Clara: 16cv295730, 17cv312522, 18cv335914, 18cv337311, 19cv350958
• California Sixth District court of Appeals: H052601, H052596, H052563, H052068, H051831, H051766, H051717, H051557, H049580, H049414, H049025, H048909, H048827, H048755, H048725, H048713, H048512, H048471, H048396, H048298, H048283, H047999, H047840, H047822, H047655, H047629, H047629, H047629, H047614, H047603, H047541, H047511, H047470, H047432, H047432, H047432, H047432, H047432, H046710, H046595, H046576, H046576, H046576, H028327, H020863, and multiple actions that could not be brought due to invariant deadlines.
• California Supreme court: S284268, S284075, S283992, S283705, S268997, S267318, S267314, S266549, S266540, S266474, S266471, S265717, S263716, S263714, S263711, S263610, S253843, S253843, S253843, and multiple actions that could not be brought due to invariant deadlines or due to obstruction of my filings by that court.
• Federal district court of Northern California: 19-cv-01986-LHK and 21-cv-04262-JSW, with 19-cv-04392-BLF establishing a current national standard (from which basis the proper standard may be developed) for the prohibited judicial acts that bring me to this forum.
• Ninth Circuit court of Appeals: 19-16291, 22-16046, 22-16174, 23-15221, 24-3353, 24-6312.
• Multiple attempted writs in the US Supreme court, culminating after approximately FOUR YEARS of exclusion and obstruction of my access in 23-7017, and also 24-5808, 24-6012 and my repeatedly obstructed writ for California Supreme court S283992 and S284075
• Federal district court of Denver Colorado: 23-cv-03168-RMR-MEH.
• Tenth Circuit court of Appeals: 24-1107
• United States Supreme court – three writs filed, more pending filing

lawsuits[59], which conveyed a variety of renditions of the same essential facts, and need no repetition, except referral to the records of this Circuit's courts.

Every fact asserted here need not have been presented to this court for adjudication pursuant to its customary processes in order to require acknowledgement of notice and immediate action by this judge to investigate and address prohibited conduct by other judges. It sufficed that the complaints were presented to this court in my personal communications with it since 2019. However, my cases and particularly my complaints for violations of human rights were endowed with ripeness, and thus I was qualified to address this court for relief and remedy, and in the process provide it with notice of prohibited judicial acts.

My cases did not come as ordinary cases that may be passed upon by this court. Each case required action from this court on behalf of government, and from this judge personally, under a non-delegable duty and in obedience of the US Constitution and obedience of International Law, i.e. the requirement of action on the matters brought by me has always been a non-delegable duty for this judge[60]. This judge instead evaded, refused, omitted or delegated these essential duties[61], and did not act with independence or with faithfulness to the law.

[59] 19-cv-01986-LHK and 21-cv-04262-JSW are in essence the same lawsuit, which do be refiled because of the human rights violations of this Circuit's courts.

[60] The evasion and the refusal and the omission of performance of certain responsibilities by this judge and this court constitute violations of the UN Istanbul Protocol and of human rights under these facts. The enforcement of rules, procedures and policies by the clerk of this court through issuance of notices and orders constitutes prohibited acts that are attributed to this judge by virtue of a personal duty of management of this court, which may not be solely delegated and 'left to' the chief judge or the clerk or the executive. The prohibited acts reported necessary required the personal attention and unfailing action by this judge at the instant that the court received notice of the prohibited acts and this judge was assigned to this case. This judge then necessarily became responsible for addressing and remedying the actions of others in this court that constitute prohibited acts. Nothing in the record indicates that this judge performed any action required by the supreme Law of the Land to address and remedy the prohibited acts.

[61] The acts of this judge were considered and deliberate

A pro se litigant is subjected to cruel, inhuman and degrading treatment and punishment[62] (ill-treatment[63]) by judges[64],[65]. When the two classifications of disabled and pro se are combined, a disabled pro se litigant is subjected to elevated degrees of cruel, inhuman and degrading treatment and punishment by judges which invariably graduate[66] to acts of torture[67] perpetrated by judges[68]. Ill-treatment is absolutely prohibited under International Law, as is torture.[69] The records of multiple courts referenced herein chronologically confirm this truth and these prohibited acts as being persistent and widespread[70]. In this case, it is clear from the record that even the clerk is complicit in enforcing

[62] This writing adopts the terminology of the UN Istanbul Protocol. "Cruel, inhuman and degrading treatment or punishment" is used interchangeably with "ill-treatment". The Istanbul Protocol contains a series of "Istanbul Principles", which articulate minimum standards for State adherence to ensure the effective investigation and documentation of torture and ill-treatment, which are further elaborated in the manual. The Istanbul Principles were promoted in resolutions of the General Assembly1 and the former Commission on Human Rights in 20002 and States were called upon to disseminate the Principles widely and use them in efforts to combat torture. This court must note that formal adoption of the Istanbul Protocol by the United States is irrelevant to its applicability herein.

[63] Cruel, inhuman, and degrading treatment (ill-treatment) refers to acts that cause severe physical or mental suffering but do not meet the specific criteria for torture. Ill treatment, as defined under international human rights law, does not necessarily require the same level of purpose and intent as torture. While torture involves the intentional infliction of severe pain or suffering for specific purposes, such as obtaining information or a confession, cruel, inhuman, or degrading treatment (ill-treatment) focuses more on the nature and severity of the treatment and its impact on the victim.

[64] Debra Cassens Weiss, Posner: Most judges regard pro se litigants as 'kind of trash not worth the time', ABA Journal 9/11/2017. "The basic thing is that most judges regard these people as kind of trash not worth the time of a federal judge," Posner said.

[65] The Fraternity: Lawyers and Judges in Collusion, John Fitzgerald Molloy (Paragon House, St. Paul, Minnesota, 2005). Every judge of this court is required for their eligibility for appointment to have been a licensed attorney.

[66] See my writ 23-7017 in the US Supreme court

[67] Torture is considered a serious crime under international law and is subject to strict legal penalties

[68] "*on one level, because the Bill of Rights codifies a very large and progressive view of human rights and because the Bill of Rights is part of the Constitution, which is the highest law of the land, it could be argued that in any case invoking the Bill of Rights, the law of human rights has always been treated as the rule of decision in U.S. courts.*" Seinfeld, Gil. "The Puzzle of Complete Preemption." U. Pa. L. Rev. 155, no. 3 (2007): 537-79. However, in the case of the disabled pro se litigant, human rights are eliminated by judges as a pervasive feature, that is discrimination by the courts.

[69] The emphasis on preventing cruel, inhuman or degrading treatment is explained through its interrelated relationship with torture. As observed by the Committee against Torture, "in practice, the definitional threshold between ill-treatment and torture is often not clear … [and] the conditions that give rise to ill-treatment frequently facilitate torture and therefore the measures required to prevent torture must be applied to prevent ill-treatment." (Committee against Torture, general comment No. 2 (2007), para. 3). In that regard, other forms of ill-treatment are also absolutely prohibited. If allegations of acts involving torture or ill-treatment are considered to be well founded, offenders should be subject to administrative and judicial penalties that take into account the grave nature of their acts (*A/HRC/28/68/Add.4, para. 109 (a)*) with no statutes of limitations (*Committee against Torture, general comment No. 3 (2012), para. 40; CAT/C/LVA/CO/6, para. 9; and CAT/C/UZB/CO/5, paras. 25–26).*

[70] One the key features of numerous and very lengthy writings by me in every court is the involuntary and unprepared nature of the writing, that is verbose, poorly organized, lacks coherent and supported legal argument and authorities, demonstrates a complete absence of knowledge of court rules and procedures, lacks basic resort to law and well known methods, demonstrates repetitiousness and a lack of editing, and includes evidence of an inability to read or follow other parties' pleadings and the orders by the court. Read them, do not fail. Now having read them, add the fact that I have a Juris Doctor. Are such writings those of a Juris Doctor? No, you will find that they are the coerced writings of a substantially incapacitated human being with functional and cognitive impairments who is forced to provide information and forced to participate and appear unequally in litigation. Since my catastrophic MS relapse induced by the court in 2018, I reported the cognitive impairment to reading comprehension, along with a number of other cognitive impairments measured scientifically by a neuropsychologist, all of which the court ignored and did not accommodate. The coercion and intimidation by the court for me to supply information under orders, which I could not due the fact that the distress of performance caused me physical and mental injuries, added to the impact of the substantial incapacity and impairments to make my participation impossible. The demands by the court for me to provide information and responses, as well as to do so in writings in response to overly-

invariant rules, procedures and policies of this court that are unenforceable under my circumstances, but are nevertheless enforced with full force and acquiescence and endorsement of every judge of this court, including this judge. The promise by the clerk that this court will render a decision on accommodation is a sham and the order for my coercion that requires extraction of information under severe pain and suffering with serious and irreparable injuries certain, constitutes discrimination, ill-treatment and torture. This is habitual and systemic conduct for this court, and each of its judges. Therefore the prohibited acts are persistent and inextinguishable, and a *modus operandi* for every judge.

As human rights duty bearers, States have the obligation to ensure effective torture and ill-treatment prevention, accountability and redress[71]. The prohibition against torture and ill-treatment is absolute under both treaty and customary international law. Ill-treatment is cited and prohibited in human rights treaties[72]. Customary international law is expressly recognized as an authority under the "supreme Law of the Land"[73].

Note for emphasis that the prohibited treatment by judges is overt and so egregious that exploitative adversaries in litigation are tempted and invited by judges to contribute to the ill-treatment and torture by supporting the human rights abuses of the judges and by providing fraud[74] and libel and opposition to accommodation in order to corroborate the fabricated evidence and egregious justifications provided by the judges for the prohibited treatment. California judges will even communicate ex parte with these adversaries in order to perfect and justify their prohibited acts[75]. Their medical expert will commit copious fraud in paid medical evaluations that are exposed with ease by multiple respectable and qualified independent medical professionals, whose medical input judges selectively suppress to insist

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voluminous demands by exploitative adversaries who took advantage of my impairments and the court's prohibited acts, caused increasing sanctions (discovery) and punishments for me, with further demands on me to supply more information in many motions and to appear and participate so far beyond my impaired ability that injury from torture was extreme, as was the punishment in response to the extracted information and unequal participation, including dismissal of a lawsuit that could not be lost since it was won over a decade prior and proof of the same violations was provided in detail in the court record. The torture and prohibited acts by the courts and exploiters of the court's crimes also included sanctions of $600,000 in 2021 that the California courts continued to increase to the present day in my own litigation from which I am excluded, exceeding $3 million by torture and abuse which has expanded to the ill-treatment of my doctor who witnessed torture and spoke of the harm done to me by the courts, and continues to be damaged, now over $3 million for her honesty and decency, and for supporting by medical proof my requests for safe harbor and disability accommodation.

[71] UN Istanbul Protocol paragraph 642.

[72] UNCAT Article 16, ICCPR. The CRPD and the ACHR are signed but not yet ratified by Congress and both prohibit ill-treatment. The UDHR was adopted by the US in 1948 and Article 5 states that no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.

[73] Article VI, US Constitution

[74] Including medical testimony that is fabricated by a physician to encourage my continued ill-treatment and torture

[75] Recall the obscene and violative orders by judge Jeffrey White denying me safe harbor and disability accommodation while he was consistently impeached by the stare decisis of his peer who established the Freeman Bright Line of safe harbor and disability accommodation for all courts in the United States according to the ADA and human rights treaties in harmony. Recall the March 2020 preemptory mandate by Mary Greenwood banning all accommodation to me in the state trial and in the appeal court in perpetuity after she communicated ex parte with my adversaries.

that their victim is fit for abuse according to his adversaries and according to the judges, and even irrespective of the fact that both the judge and the adversaries impeach themselves. The reward of these adversaries is unjust enrichment and security, and their obligation becomes the support of the prohibited conduct of the judge for defense in subsequent litigation for violation of rights. You will find this in the records of both the state and federal courts.

In 2002 I sued a recidivist neighbor who stole my real property, and I won resoundingly. In 2007 I was diagnosed with relapsing-remitting Multiple Sclerosis. In 2011, the same neighbor stealthily stole the same property and more, while I had been developing a valuable international business overseas, and induced a serious MS relapse. In 2016, I discovered her repeat theft and sued again. In 2018 I applied to the California trial court, *pro se,* for disability accommodation for that lawsuit, explaining my cognitive and functional impairments that reduced my participation to a fraction of the speed of a 'normal' non-disabled litigant, and warning of MS relapse if distressed. Immediately, the recidivist and her unethical attorneys opposed my accommodation. Thereafter, they planned and implemented a strategy of obstructing my disability accommodation at all costs, based on the medical information, for the purpose of exploitation and derailment of a lawsuit they had no chance of winning through incapacitating me and achieving dismissal of my suit by my default. Advised by a neurologist, they excessively overloaded the case with activity, ensuring that I fall foul of discovery deadlines, and descend into relapse, and cannot litigate a multi-million dollar claim.

The court denied my accommodation in April 2018. It would take about a year of severe pain and suffering before the judges realized that they must not deny my accommodation.

As a result of the discrimination by the court and the exploitation, I suffered a major distress-induced MS relapse by July 2018. This was a relapse that the federal Social Security Administration characterized as causing a permanent qualifying disability[76]. All of these are documented in the courts' records.

There is no cure for MS, only prevention is attempted[77]. Once an MS relapse occurs, there is no treatment, and indeterminacy as to the duration of MS relapse and the extent of physical and mental injuries. Except in the case of distress-induced MS relapse. Medical science teaches that distress-induced MS relapse may be treated by **complete rest and isolation from distress for sufficiently long to induce remission**, and that the duration of the relapse is determinable with some precision only if this specific medical treatment is provided. Absent this specific medical treatment, serious and irreparable

[76] The SSA's criteria are stringent and required a 2 year (inefficient) investigation of my person and my medical records. The SSA will explore every means to deny an application for disability benefits.
[77] See Disease Modifying Therapies (DMT) for MS

injuries to the brain and spine that control physical[78] and mental function, result. Nevertheless, the trial court judge refused me the necessary medical treatment and safe harbor[79], and knowingly promoted my distress and my consequent severe pain and suffering. This judge was joined in these prohibited acts by many more as time passed. This is the phenomenon in jurisprudence that brings me to this court, because I had already won the lawsuit once before and I would never have needed this court.

The trial court intimidated and coerced my involuntary and impaired responses and participation, and extracted information[80] from me under orders and prospect of sanctions and contempt. The court's orders for my unequal and extremely injurious participation, by the end of 2018, had resulted in three terminal symptoms of Multiple Sclerosis from the relapse that the judge induced less than 6 months earlier. This was extremely rapid progress of MS, and caused alarm about my prospective death at the hands of the court and exploitative adversaries. This evidence of this is recorded and was escalated to higher California courts. Higher courts did nothing to stop these unconscionable acts of cruelty and inhumanity.

When my lawsuits increased by necessity, and when my doctors opposed the insistence of the trial judges that I must function, and opposed the judges' cruel, inhuman and degrading treatment[81], the courts ruled that my opponents shall determine my accommodation. I escalated my objections to other courts. In this process I uncloaked the complete disregard of human rights by the hierarchy of the state

[78] Within months, I could not breathe normally and require oxygen supplementation with a portable generator (dyspnea), I could not swallow without saliva and food drink entering my airway due to a compromised reflex and I would choke and cough severely (dysphagia), and I had tremors. These are reported by hospices which care for dying patients as end stage symptoms of MS.

[79] Safe Harbor is a term that I defined in the context of human rights to mean safety from injury and prohibited conduct. In this, as in all my writings, the term "safe harbor" is used in conjunction with the term "disability accommodation" and together often referred to as the singular term "accommodation". Safe Harbor encapsulates the need to stop all activity and court orders and schedules and influences that may induce distress or prolong serious illness, and thereby cause physical and mental injuries, so that the medical treatment which is complete rest and isolation from distress for a statistically predicted duration, may occur. Disability accommodation encapsulates aids and modifications to processes and rules and expectations by the court that provide a disabled litigant with equalized opportunity for success in litigation, and with unburdened access to the court, and with meaningful access to due process. The orders for my accommodation by federal judge Freeman demonstrate how safe harbor is provided to a litigant like me by a court. Freeman has provided almost SIX YEARS of continuous stays of my litigation, preventing any activity in the case pending my remission, recovery and rehabilitation and ensuring that on her part, she provides me every opportunity for complete rest and isolation from distress. Every other judge and every other court concurrently has undermined any benefit of her accommodation.

[80] Coerced declarations and responses to motions and response and attendance of court events requiring appearance and testimony comprise the extraction of information.

[81] Two judges insisted that they will not provide me with the necessary medical treatment by complete rest and isolation from distress, but will force me to participate with their discretionary and specific accommodation for each of my functional impairments which I must disclose one by one. Thus these judges disregarded medical science, the recommendation of authentic and qualified medical authorities, the widely available common knowledge about MS and my comorbidities, including explanations and education provided by my doctors, and my examination in court in my state of serious illness. This is no less than the practice of medicine without license, but much more, as described herein by reference to the US Constitution and human rights.

courts[82], as well as by the hierarchy of the federal courts[83]. I have complained incessantly about these prohibited acts with evidence in the record of 9 courts for the past seven years, and it was summarized to this court that determined in 2024 that these prohibited acts are approved conduct in American courts.

The state trial judges retaliated for my petitions for discrimination and denials of fundamental and human rights and declared that the mere assertion of a complaint for their prohibited conduct is justification for punishment. Thereby they condemned me never to receive accommodation or safe harbor in the state trial courts. This order for cruel and unusual punishment without due process, and subsequent actions by judges are the object of many filings in the records of multiple courts.

The appeal court disagreed with the trial court on my accommodation, but only to provide me accommodation to receive medical treatment under the jurisdiction of its own court[84]. This was a meaningless accommodation as it was not GLOBAL[85] in scope and therefore the trial court concurrently undermined any benefit of the appellate accommodation[86]. That court did absolutely nothing to stop the prohibited conduct by the lower court.

Upon realizing that she had condemned her peers in the lower court, the appellate court presiding judge reversed her order for my accommodation and issued a preemptory mandate duplicating the fraudulent and adversarial finding of the trial court that I must not be accommodated[87]. To this day, this judge is my foremost oppressor in an appellate court, as she is the oppressor of other disabled pro se litigants and human rights defenders[88], as seen in the records of my California cases as well as those of Eva Danilak and Julia Minkowski, for example.

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[82] The state's trial court, appeal court and supreme court make up the hierarchy of the state court.

[83] 23-7017 filed in this court is the lawsuit for these prohibited acts in the California courts, which revealed the same pattern of human rights violations in the federal courts

[84] See my examination by the presiding judge of the Sixth District court of Appeals on 2 October 2019.

[85] Simple logic shows that a human being is an **indivisible** sentient entity and therefore if medical treatment requires complete rest and isolation from distress to retain physical and mental integrity and prevent recurrence of trauma, then if one court provides complete rest (i.e. Freeman), and another court simultaneously deprives it, then the net effect is the absence of complete rest and exposure to distress. Therefore GLOBAL accommodation is a basic and indivisible concept and requirement that tests the adherence of courts to human rights principles and to the elimination of discrimination that has repeatedly and forcefully been decreed as a national priority by Congress. Instead judges act solely by discretion evidencing a rejection of human rights and obstruction of a uniform national standard for ending discrimination, and inflict unconscionable harm without regard to GLOBAL cooperation between judges and collective judicial responsibility.

[86] Under human rights laws, a court is not privileged merely to address accommodation in its own court when a complaint about prohibited conduct is made to it about a lower court over which it can exercise control, for example by *sua sponte* preemptory mandate or by a *sua sponte* issuance of prohibition to a lower court. Note that Freeman could not issue orders for my protection in the same court to stop White from his prohibited conduct by virtue of the organization of jurisprudence. Thus, while Freeman prevented my ill-treatment and torture, White inflicted ill-treatment and torture in the same court. The cases are in the Northern District of California 19-cv-04392-blf and 21-cv-04262-jsw.

[87] See March 2020 order by Mary Greenwood

[88] Mary Greenwood is identified in my writings, and also in the writings by Eva Danilak and by Julia Minkowski as the perpetrator of prohibited acts herein discussed.

The California Supreme court incessantly denied any remedy or relief, and impeached itself on its own adherence to its alleged ADA-enforcing rule of court[89]. Since 2019, I was in effect deprived by mandate from receiving any accommodation in any California court, and I was prevented from accessing any relief or remedy, including by judicial obstruction of my complaints.

From 2018 to the present, the California court hierarchy incessantly induced extreme distress and severe pain and suffering and deprived me of rights without any avenue for redress or remedy, seriously injuring me again and again, as chronologically documented in my countless motions for accommodation to the three California courts. The medical information chronologically filed with multiple courts report unconscionable injuries that were predicted and induced by the courts. These were sealed but I grant permission to this court to view them. My communications with this court requesting accommodation provided many of the same records concurrently provided to other courts.

The courts sanctioned and punished me for the information that was obtained from me under coercion and intimidation[90] and mutilated me by the intentional infliction of severe pain and suffering. To the present day, the record of multiple courts are littered with orders of judges and courts demanding information and responses from me that I am unable to provide, and when I am invariably intimidated and coerced into doing so[91] to prevent adverse outcomes and sanctions and punishment, these unprepared and involuntary responses from me substantially prejudice me and my litigation[92] with attendant injuries documented.

By 2021 the state trial court had ordered my meritorious lawsuits dismissed without any test of merits, and the recidivist was rewarded by unlawful terminating discovery sanctions and an award of $600,000

[89] California Rules of Court, rule 1.100 claims that it provides ADA accommodation to disabled litigants in the course of jurisprudence, but does not, and is distinctly unconstitutional, also imposing a tax on human rights. This has been the subject of multiple appellate actions by me which resulted in obstruction of my complaints by each higher court, and their refusal to remedy or redress their prohibited conduct. The case numbers are previously listed in the footnotes.

[90] Declarations and responses to motions and court events requiring appearance and testimony, or production of discovery outside my physical reach due to incapacitation and barriers to retrieve, comprise some of the forms of the extraction of information applied to me.

[91] This may be construed as a form of extra-custodial force (A/72/178), or constructive custody by virtue of contempt power of a court and its power to sanction and punish, although in fact, the court takes custody over my person and my property and my rights by the exercise of jurisdiction. The court orders to forfeit my medical treatment and appear and participate unequally in litigation are in effect, the exercise of physical control over my person, the resistance to which have resulted in unlawful punishment, sanctions and awards of attorneys and dismissal of meritorious and previously won lawsuits, and other egregious violations of laws and ethics.

[92] You need only look to the Ninth Circuit Appeals 24-3353 and 24-6312, and read carefully in 24-3353 how appellate judges retaliated for my cognitive inability to comprehend the dismissal order of the district court in which I then objected to in 24-6312. These appellate judges punished me for being disabled and for failing to be 'normal' and for not having cured my disabilities and serious illness upon their commands. Their punishment has been consistent and certain since 2019 when they first refused to act according to the requirements of supreme Law and stop my human rights violations by the state courts and by the federal district court in 19-cv-01986-LHK. In conjunctions, read also the filings in 21-cv-04262-JSW during the period 2023 to the present for the evidence of ill-treatment and judicial torture that is incessant in the federal court concurrently with the 2 lawsuits in the state courts and their higher court actions.

in attorney fees in 2021 for my induced inability to litigate under substantial incapacity. Then the courts provided a runway to the recidivist to steal the property with the court's endorsement covering up the adversaries' fraud that was thwarted by the court's own record of a 2019 property transfer that the trial judge concealed. To the present day, these courts compound their sanctions and punishments, now combined in excess of $6 million dollars of punishment and liabilities as of August 2024 that has also oppressed my 80-year old primary doctor for her predictions to the court of my serious and mortal injuries since 2018[93], including court-induced heart attacks that were confirmed in one study as damaging two parts of my heart[94].

Thus I was and continue to be intimidated and coerced into producing writings and responses that were and are then used to prejudice me, sanction me and punish me while injuries and torture were and are incessantly applied to me to the present day[95].

I witnessed such extraordinary injustice and hostility and abuse of authority that makes any civilized and law abiding human being, except our judges and exploiters of judicial crimes[96], cringe with horror and react with disgust, as it did me. The severe pain and suffering and repeated re-traumatization[97] is reflected in my writings, which have been incessant and coerced and intimidated by the never-ending but increasingly purposeful and intentional[98] abuse and torture that has destroyed my life and ended my liberty and exterminated my rights, and done the same to those whose defense I undertook as private attorney general and defender of human rights, and threatens multitudes who must be defended because they are potentially at risk of the same harm[99].

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[93] See how the trial judge who persecuted and tortured me assigned himself to her civil lawsuit and retaliated and punished her by suppressing evidence and obstruction of justice. See Superior Court of Santa Clara County, California case#16cv295730 and its appellate actions since 2024, and 22cv408499 and its appellate actions since 2023.
[94] Today, my heart struggles under incessant effort and distress, as I continue to oppose tyrannical judges and courts under greater pain and suffering.
[95] See the records of every case provided in the footnotes in every representative state and federal court.
[96] The Committee against Torture has explained that where officials: know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-State officials or private actors and they fail to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors consistently with the Convention, the State bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the Convention for consenting to or acquiescing in such impermissible acts.
[97] I have witnessed this in my own cases and witnessed this also in the cases and accounts of other disabled pro se litigants.
[98] According to A.I., the United Nations Convention Against Torture (UNCAT) defines torture as an act that requires specific intent and purpose, such as obtaining information or a confession, punishing, intimidating, or coercing someone. However, for cruel, inhuman, and degrading treatment or punishment, UNCAT does not explicitly require the same level of intent and purpose as it does for torture. Cruel, inhuman, and degrading treatment or punishment is prohibited under UNCAT, but the definition is broader and does not necessarily require the same specific intent or purpose. The focus is more on the nature and severity of the treatment and its impact on the victim, rather than the intent behind it.
[99] Over 70 million adults (not children) in the United States are disabled. This court has deprecated and curtailed their rights by precedent and policy. This judge has acquiesced to this obscene and prohibited policy.

It cannot be said that every UNCAT-prohibited act by every judge was torture from the outset of my contact as a disabled pro se litigant with their court, but it was ill-treatment with purpose and intent. When provided with evidence of serious illness, distress-dependent expansion of disabilities and substantial incapacity, it is ill-treatment to coerce and intimidate me to provide information to the court and other parties and litigate unequally without meaningful access to the court and deprived of constitutional due process. The evidence is substantive and clear: the judicial conduct documented in the records of multiple courts graduated from acts of cruel, degrading and inhuman treatment[100] to torture[101]. And once it emanated from one judge, every judge followed without humanity or ethics. Except one[102].

A critical activator of this criminal judicial behavior is intrinsic bias[103], which when combined with ableism and denialism, charts an inevitable course to abuse of authority, abandonment of ethics, and ill-treatment, leading invariably to organized torture by judges in concert with their institutions. Organized hierarchically by rules and procedures and judicial policies that every judge must follow, a conspiracy appears at the moment that the hierarchy of courts are challenged to modify those rules and procedures to comply with supreme Law, and they refuse. Each acquiescence or refusal to modify rules and procedures to comply with supreme Law constitutes participation in furthering a defective and unlawful process that continues ill-treatment and torture by judges and in the courts. It is an individual choice that each judge makes, to participate in the conspiracy or not, as they insist on their independence[104]. The judges' intent and purpose to commit these prohibited acts is progressively more evident in the record of each court as notice and complaints of prohibited acts are REPEATEDLY given, and more vocally than before, and nevertheless ignored or denied without the requisite investigation and remedy and redress by impartial and independent bodies. This caused reaction from other employees of courts[105].

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[100] Article 16 of the Convention against Torture addresses the prevention of "acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1". As a broadly written provision, article 16 covers forms of ill-treatment that do not amount to torture as they lack elements of the definition of torture, whether they relate to purpose, intention, or pain or suffering that differs in severity. (*Committee against Torture, general comment No. 2 (2007), para. 10; and Human Rights Committee, general comment No. 20 (1992), para. 3*). While the term "cruel, inhuman or degrading treatment or punishment" is not defined in the Convention against Torture or other international (or regional) instruments, under international standards it "should be interpreted so as to extend the widest possible protection against abuses".

[101] As one example of my writings on judicial torture, writ of certiorari 23-7017 pages 32-40 accurately summarize the main ingredients of psychological torture applied by the courts to the disabled pro se litigant that induce serious physical and mental injuries and severe pain and suffering.

[102] Beth Freeman

[103] "Yes, court bias exists — and judges must attack it", Judge Bernice Bouie Donald of the United States Court of Appeals for the 6th Circuit, ABA Feb. 11, 2022. See also Stephen Gillers, NYU School of Law, A Rule to Forbid Bias and Harassment in Law Practice: A Guide for State Courts Considering Model Rule 8.4(g), Georgetown Journal of Legal Ethics, Vol. 30, No. 195, 2017; See also *Addressing Bias Among Judges, Smith, Hyman & Redfield, State Court Report Sept. 14, 2023* see https://statecourtreport.org/our-work/analysis-opinion/addressing-bias-among-judges

[104] For example, in the same district court in the Ninth Circuit, judge White insists that judge Freeman must be ignored on her decisions for my accommodation, but does not provide a constitutional justification for his prohibited conduct.

[105] Direct attention in the record of the state trial and appeals court to the departure of the ADA Coordinator in 2020 who acknowledged my severe pain and suffering. She left suddenly after she was asked to belatedly deny my request for

Upon addressing the numerous and varied violations of the state courts in collusion with the exploitative opponents[106] by my repeat petition to the federal courts, again it was demonstrated that both the state and federal courts systemically violate human rights and discriminate based on disability, with no possible remedy or relief[107]. The records of the Ninth Circuit demonstrate the absence of all pathways to remedy and relief through the federal court system. This continues to be demonstrated to the present day, with the latest orders for my torture and physical and mental mutilation forthcoming from that court only 3 weeks ago.

Thus due process in the representative state and federal courts of this nation fails the US Constitution and the Bill of Rights and the Fourteenth Amendment despite the piercing of the Eleventh Amendment by Congress and despite the domestic rule of International Law which recognizes no immunity and no domestic defiance as a barrier. The object and purpose of the US Constitution are frustrated by this nation's courts when judges meet the disabled pro se litigant, and Articles III and VI have no standing in the eyes of the judiciary.

A fortuitous intervening occurrence established the Freeman Bright Line[108] that has subsequently impeached every state and federal judge, over 40 of them, and their high crimes and failure of good Behaviour in defying the US Constitution and violating human rights through ill-treatment and torture of vulnerable and repeatedly traumatized and refouled victims of judicial abuse[109].

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accommodation so that the presiding judge of the Appeal court could simply discard my complaint for my having received an answer, which was another denial of my accommodation. Also direct attention to the admission by a trial court (appellate division) judge now advanced to be a justice of the appeals court (judge Lie) that I must be provided accommodation of 6 months of complete rest consistent with the Freeman Bright Line. She apparently was not aware of the conspiracy by the trial court and the higher courts to obstruct my accommodation and inflict torture upon me. Superior Court of Santa Clara County, California case 17cv312522

[106] The exploitative opponents, representing the recidivist defendant, participated in my torture by employing a neurologist and suborning his fraud with the result that he provided false testimony that I can withstand the ill-treatment and torture being inflicted upon me by the courts in collusion with the attorneys. The testimony of the 'expert' is used in the dismissal order in the lawsuit.

[107] The memorable comment by the pro se advocate of the federal court in 2019 was "they are all friends and colleagues" referring to judge Lucy Koh who ignored my human rights complaint and my accommodation requests and dismissed my complaint as frivolous, refouling and committing me back to be tortured by the state courts. Koh had been 'promoted' to the federal court from the state court. She is now a Ninth Circuit Appellate judge.

[108] See discussions in my US Supreme court writs 23-7017, 24-5808, 24-6012. Between 2019 and the present, judge Beth Freeman of the federal District court of Northern California has set the national standard for ADA disability accommodation and Safe Harbor for seriously ill litigants in the federal District court of Northern California. She has stayed my lawsuit for almost SIX YEARS, protecting my human rights and eliminating discrimination in her court by refusing to enforce the rules and procedures and policies of the court. Under the ADA and its rule of federal preemption, the Freeman Bright Line constitutes the national standard on court accommodation of the disabled pro se litigant, and may not be over-ruled by the states when applied concurrently to the same facts about the same disabled litigant provided to the federal and to the state courts.

[109] Read the US Supreme court writs 23-7017, 24-5808, 24-6012, and follow the references identifying the lower court cases and filings and dates.

The court records referenced herein provide evidence of SEVEN YEARS of ill-treatment and torture and other human rights violations by representative judges and courts, establishing the existence of a highly predictable and criminal[110] norm in American jurisprudence[111]. Multiple victims testify to this truth of judicial human rights violations, as do many past victims through their sagas recorded in precedents that capture this prohibited conduct, and may be extracted from court records if seen in the proper light[112]. A distinguished federal judge[113] impeaches all of these other state and federal judges, including this judge of this court.

I even tried to substitute the federal court system for the *forum nullus*[114] of the California courts, to no avail[115]. Thus the federal judiciary obstructed justice and acquiesced, and even expressly endorsed the

[110] No statute of limitation applies to these prohibited acts

[111] For example, imagine a federal judge ordering a seriously ill and disabled litigant who is substantially incapacitated that no change in filing deadline will be granted, when the litigant also informs the judge that he cannot file a timely response to motion and that he has also contracted Long Covid while artificially immune impaired (and therefore in the highest risk bracket). This occurred in 21-cv-04262-JSW. For example, imagine a state trial court judge, who after one year of discriminating based on a litigant's disability, is informed of the litigant filing legal action against the court for ADA violations, and retaliates by issuing an order banning all future disability accommodation for the disabled litigant in the state trial courts. This occurred in 16cv295730 and 18cv337311.

[112] The judiciary refuse to see what any ordinary person of reasonable sensibility would see in reviewing precedents on court disability accommodation That is cruel, inhuman and degrading treatment and punishment of the disabled pro se litigant

[113] Beth Freeman of the Northern District of California in San Jose

[114] See discussion in the US Supreme court writ 24-6012. *Forum nullus* is an original analysis based on these unique facts. The facts are that a court violates the authorities invoked herein (standards on elimination of discrimination, international human rights standards established by treaties and incorporated in the Constitution under Article VI and the Bill of Rights). Then a higher court endorses the lower court's violation by either providing no mechanism for remedy, or by selectively ignoring or violating the same authorities. When the pinnacle of jurisprudence in that state endorses every lower court's violation in the same manner, then there is no forum in the hierarchy of the state in which these authorities are recognized or controlling of jurisprudence. Since jurisdiction relies on the constitutional operation of courts, a fundamental basis for jurisdiction by each court is absent. *Forum nullus* invalidates the jurisdiction of **an entire hierarchy of courts** that are otherwise endowed with jurisdiction derived from the Constitution or statute (e.g. [*Gross*]). There is no judicial legitimacy to any outcome from a *forum nullus* court. *Forum nullus* constitutes an organized subversion of the Constitution. At its core is the elimination of inalienable rights guaranteed by the Constitution, fueled by a dereliction of necessary and repeatedly emphasized standards under the rule of law, and absence of judicial ethics. No decision by a *forum nullus* court may stand, yet full faith and credit is automatically provided to it, and all courts and all precedents PRESUME its impossibility. Thus the customary applications of laws in a *forum nullus* perpetuates the invalidation of the Constitution, and a *forum nullus* ensures the absence of constitutional government while portraying publicly that all is well and the course of laws and justice are in safe hands. The fact that *forum nullus* is not expressly accounted in the US Constitution flows from the fragile dependence of the founders on the integrity and commitment and resolute dedication of human beings to creating a new nation that depends on its survival and prosperity on the conduct of individuals in positions of power and influence. Thus delegation of jurisdiction and formation of components of government according to a design does not imply that jurisdiction is a right of any court or judge that may be held despite violations of inalienable and non-derogable rights, and supreme Law.

[115] The interpretation of "jurisdiction" by the judiciary according the US Constitution and statutes, divides 'absolute' jurisdiction between the state and federal courts according to a scheme that inherently conflicts with the object and purpose of the US Constitution and fundamental rights, when discrimination is present. Jurisdiction may not be held unconditionally once established, when discrimination creates a *forum nullus*. Rather, it is first the fundamental rights of the individual that are assured by the Constitution, and the availability of due process must not be limited by the norms of jurisdiction when *forum nullus* is present. Instead, this nation's courts hold firm to jurisdiction when discrimination abounds, and operate by placing jurisdiction and state sovereignty, and even federal court circuit subdivisions above fundamental rights. What this reveals, in practice, is that once *forum nullus* occurs, there is no domestic mechanism for constitutional due process, and no domestic mechanism, for remedy and relief under the international instruments embodied in treaties and Article VI of the US Constitution.

prohibited acts by the state judiciary, also protecting the recidivist and her attorneys for complicity in crimes[116].

The US Supreme court ruled with certainty, that there may be no remedy and no relief for the victim in writ of certiorari 23-7017, because systemic discrimination and ill-treatment and judicial endorsement of torture does not permit consideration of a fact pattern that is novel in its history and that it has a vested interest in not considering. I am that victim and I am a representative case of historical violations of human rights and discrimination[117] that is systemic in American jurisprudence. This judge and this court must not continue to conceal these serious issues in the interpretation and the application of the US Constitution to the organization and operation of domestic jurisprudence.

To file that single writ 23-7017, I was forced by this court for nearing SIX YEARS to witness and tolerate forfeiture of life, liberty, property and rights as well as forfeiture of numerous ripe writs against denials by the California Supreme Court since 2019, and to endure severe pain and suffering and unconscionable physical and mental injuries at the hands of judges. Six years of attempts and failures due to serious and irreparable injuries and deprivation of safe harbor and disability accommodation resulted in a single writ filed in the US Supreme court and 15 lost. This is unconscionable cruelty, and the truth is that the courts of this nation are inhumane and degrade human beings to mere slaves, serfs and chattels.

Every action by this court, which led to elimination of my fundamental rights and violations of Article VI "supreme Law of the Land", was, in effect, under this judge's control and authority because this judge dealt with me personally, was given notice of my complaint and had access to all of the facts herein described, and did absolutely nothing to meet inviolable obligations under the supreme Law of the Land that are described herein. I am confident that I am not the sole victim of this court and its unethical policy of discrimination and human rights violations, which have doubtless occurred under the authority and control of this judge as a member of this appeal court. Most recently, this court continued

[116] See the order of judge White in the federal District court of Northern California 21-cv-04262-JSW which caused the delayed dismissal of the appeal 24-3353 in the Ninth Circuit, The order by White bans suit against the recidivist who instigated the denial of my disability accommodation in 2018 and initiated the SEVEN YEAR train of human rights violations, and in whose name her exploitative attorneys committed prohibited acts under color of judicial authority. **According to the UNCAT, White has suppressed relief and remedy for acts by a third party under color of authority that are crimes under customary international law.**

[117] See the precedents cited in my US Supreme court writ 24-6012, under the table of authorities subtitles including cases on ADA, Rule 1.100, Discrimination. These precedents identified by A.I. include analysis in the footnotes which shows the precedent in a new light if the judiciary would look from the perspective of the person with disability, which is mandated by the Amendment to the ADA, and if the judiciary would look from the perspective of the UNCAT and human rights principles and treaties and the UN Charter

to “treat me as a kind of trash not worth the time”[118]. Despite the fact that this judge’s duty for action and due diligence to address human rights violations continued since first interacting with me, this judge did not act to provide me protection, remedy or relief[119].

My accommodation should have been provided by this court as repeatedly requested since 2019 and as specified by my doctors, and in consistent substance to the Freeman Bright Line. It was not. My human rights should have been protected. They were not. It is the judiciary that must be controlled[120]. This court and this judge should have immediately intervened upon my notice of prohibited judicial conduct and commissioned investigations and secured the nation against further harm, and held judges to account. It did not.

This court has received many attempted actions from me since 2019, every one of them containing a complaint about human rights violations[121]. Every single one of my actions should have resulted in relief and remedy. Instead every single one was dismissed as frivolous with each judge and this court endorsing and acquiescing to crimes. This court, under the control of this judge, refused to provide me any accommodation for the past SIX YEARS to be able to state my complaint and to receive relief and remedy both in my litigation and against prohibited judicial conduct that has practically cost me my life[122]. As a substantially incapacitated disabled pro se litigant, this court repeatedly deprived me of opportunity to state a complaint[123] or use due process for legal recourse[124], relief and remedy[125].

This court deprived me of essential medical treatment and kept me struggling desperately under extreme pain and suffering and while experiencing serious physical and mental injuries to petition against

[118] Debra Cassens Weiss, Posner: Most judges regard pro se litigants as 'kind of trash not worth the time', ABA Journal 9/11/2017. “The basic thing is that most judges regard these people as kind of trash not worth the time of a federal judge,” Posner said. In the most dismissal of my appeal, this court punished me for the cognitive impairment of reading comprehension of which it has been notified since 2019, and admonished me for being vexatious with chilling effect that required extraordinary willpower and extreme suffering to convert into action on behalf of the People to disqualify and then punish individual judges who have no immunity for the violations cited herein.
[119] Including exercising the ethical duty of reporting and disciplining any other judge who violates good Behaviour, ethics or human rights. Refer to the quotation from justice Clark on page 13 of the Code of Conduct of the US Supreme court
[120] See the quotation from justice Clark in the US Supreme court’s Code of Conduct commentary on page 13.
[121] This court had a duty under UNCAT to investigate and protect human rights pending the investigation.
[122] Refer to this court’s records and my requests for accommodation with medical warnings about my potential death if judges continue to deprive me of accommodation and safe harbor and continue to coerce and intimidate my unequal participation. Each response or non-response by this court to my requests for accommodation and safe harbor, and my complaints about human rights violations constitutes a prohibited act under these international instruments
[123] This is a human rights violation under UNCAT. See for example, Appendix C
[124] Note the findings of the ADA, that we are historically deprived of legal recourse.
[125] These are required by international human rights instruments.

deprivation of my rights[126] including the purposeful and intentional[127] ill-treatment and torture by judges and courts, which continues to increase to the present day[128].

As a result of this court and this judge's discrimination and prohibited conduct, and its failure to act as required by Article VI and by International Law, this court prevented any domestic means of stopping the judicial violation of my human rights. Thus, this court and this judge ensured that there is no domestic remedy available for judicial ill-treatment and torture by means of jurisprudence, and that judges in the lower courts retain their impunity[129] despite ill-treatment and torture of the disabled pro se litigant.

All of my communications with this court indicate that this court, under this judge's control, violates human rights, and discriminates and deprives me and other disabled pro se litigants, of access, of our freedom of expression and of the due process of law. This court refuses to accommodate us and to stop its prohibited conduct.

Despite my repeated demands for this judge to hear my demands for accommodation, under the control of this judge, this court refused to comply with my demands for accommodation and safe harbor for the sick and disabled pro se litigant, and refused to permit me to even state a fully formed and voluntary and prepared action by modifying its rules, procedures and policies meaningfully and consistently with the proper treatment that is expected by the supreme Law of the Land. This court, under the control of this judge, behaved inconsistently with the Freeman Bright Line, which is a uniform national standard set by one judge of "good Behaviour" for ending discrimination in all American courts which every judge should derive from first principles and without needing any *stare decisis* to follow. This condemned the

[126] I had to keep trying to use the courts to stop my ill-treatment and torture by the courts

[127] No judge may selectively exclude applicable components of supreme Law of the Land from the scope of judicial duty and applicability to a case, and then claim innocence and error. The duty of competence in the law is an inexcusable requirement of judicial office, and a pro se litigant is not required to identify applicable law, describe the violation and spoon-feed an appellate judge who is required to show special candor and consideration for the pro se litigant. There is no possibility, under the reasonable person standard, that a judge would not perceive the wrongfulness of abusing a disabled pro se litigant by evading his request for safe harbor and disability accommodation, and no sanctuary for a judge to claim that no provision exists for safe harbor and disability accommodation in appellate rules, procedures and policies and thus the judge's hands are tied, because Article III good Behaviour leaves no opportunity for such egregious inhumanity and cruelty and immorality that a nation would not tolerate. The People are disgusted by the ill-treatment and torture by this judge and this court.

[128] See the records of Superior Court of Santa Clara County, California cases in 16cv295730 and 22cv408499 and derivative activity in the Sixth District Appeals court and the California Supreme court. See the records of this Circuit's courts. Most recently, see also the records of 21-cv-04262-JSW in the federal district court of Northern California and the appeal 24-3612 for egregious discrimination and willful and deliberate prohibited acts (and the Bankruptcy activity now on appeal)

[129] This judge and this court were obligated to act and prevent and punish the prohibited conduct by judges of lower courts and in the state courts by means of the UN Istanbul Protocol, and under judicial ethics as the commentary section quoting Clark on page 13 of the US Supreme court's Code of Conduct reminds us. The requirement of the supreme Law of the Land does not limit a court to its established rules, procedures and policies when the prohibited acts under supreme Law require stopping, abating, preventing and punishment.

ADA[130] and constituted a green light to every other judge and court to continue their discrimination and prohibited conduct. The record of multiple courts shows that the prohibited conduct by other judges continued following the prohibited conduct by this court and this judge. Responsibility for continued human rights violations traces to this judge.

Holding control over my bodily autonomy, this court obstructed my life-saving medical treatment while intimidating and coercing me to unequally participate and work on each demand for information when I could not while desperate to find relief and remedy[131], compromising it and depriving me of constitutional rights. 'File it or lose it', ordered this court. Thus I could not remit, recover or rehabilitate[132] and I could not meaningfully access any court.

This court is defiant of the suspect classification intended for disability which is well-known among persons with disability, and by many groups and entities[133], and by Congress, and even ignores the natural extrapolation of the order for disability accommodation in the federal courts by the Judicial

[130] The contradictions and inconsistencies in court ADA accommodations across this nation are inexcusable, and under the control of this court which at the highest level has promoted the rule that discrimination based on disability shall be rationally based without distinguishing constitutional violations. Thus this court considers the plight of the disabled in our courts as unimportant and acceptable collateral damage. It is a very clear and reasonable conclusion that the ADA, which is necessarily legislated to end discrimination by the states under the mandate of the federal government which the federal judiciary must enforce ON BEHALF OF persons with disability is applicable to the federal judiciary without any textual specification in the text of the ADA. The common sense conclusion is evident, as a federal government may not be divided against itself and the reign of standards in jurisprudence is a requirement of equal protection and constitutional government, and a federal judge may not enforce the ADA with unclean hands stained with discrimination in her own court. Judicial ethics leaves no room for doubt that the standard applied to others must be held by the judge also. Under Canon 1 of the Code of Conduct for United States Judges, we read "A judge should maintain and enforce high standards of conduct and should personally observe those standards, so that the integrity and independence of the judiciary may be preserved". Under the requirement of judicial integrity, a judge must demonstrate integrity both in their official duties and in their personal lives. Thus under judicial ethics, a standard must run across the board, including into the judge's private life. The same common sense principle applies to the ADA: there can be no end to discrimination in jurisprudence unless it is ended in all courts, state and federal. But the ADA is disrespected in every federal court, except the court of Freeman. In the bankruptcy court, a judge will ignore and refuse ADA accommodation, in the California courts, judges do not comprehend the meaning of ADA accommodations and blatantly violate the ADA and federal courts will not take a single step to stop those violations, and in the 9th circuit, the district judges violate (White, Koh), and obey (Freeman) the ADA at the same time and the appeal court evades, slanders, get flummoxed, and violates the ADA, while the 10th circuit is blind to requests for ADA accommodation in the trial court, and will write prolifically that judges do no wrong to the disabled in its appeal court, while the 8th circuit publicly announces that "*pursuant to United States Judicial Conference policy, the Eighth Circuit Court of Appeals provides reasonable accommodations to persons with disabilities, including communications disabilities*". This may be viewed in the records of my cases listed above (except for the 8th circuit, where the quotation may be viewed on its website: https://www.ca8.uscourts.gov/ada-accommodations). The ADA is inherently and immutably a UNIFORM NATIONAL STANDARD that every federal court must enforce ON BEHALF OF the disabled litigant to eliminate discrimination in juripridence. Therefore, discrimination and subversion of the ADA is rampant in the federal courts.

[131] I have demonstrated in the state and in the federal courts, and in particularly in this court that there is no pathway for legal recourse for the disabled pro se litigant, and that such a litigant will be subjected to prohibited treatment as herein described. Other victims confirm this truth in their testimonies in 21-cv-04262-JSW.

[132] the physical and psychological after-effects of torture can be devastating and last for years, affecting not only the survivors but also members of their families. Failure to provide effective rehabilitation can leave victims traumatized and destroy families and communities. Article 14 of the Convention against Torture stipulates that States parties must ensure that a victim of torture under their jurisdiction obtains redress, including the means for as full rehabilitation as possible.

[133] e.g. the US Commission on Civil Rights notes that the US Supreme court REFUSES to apply strict scrutiny to disability.

Conference[134]. While the standards of scrutiny promulgated by this court are immature, they are nevertheless withheld from disability[135]. In my writs, and in my filings in the Ninth Circuit[136] I described a sliding scale of scrutiny appropriate to the right and the liberty being infringed under disability. That matter of ADA accommodation in the federal courts should have been settled by this court at the moment that I requested accommodation for disability and safe harbor in any one of my actions in this court, and on each occasion subsequently, which are many, under Cases and Controversies ripe for adjudication and of national importance. It was not. This court instead treated me as "a kind of trash not worth the time"[137] since 2019 and did not recognize me as a human being. This court and its judges therefore endorsed discrimination and acquiesced[138] to each prohibited act reported to this court by me and by other victims like me.

Today, courts across the country continue to virulently use a discriminatory precedent[139], and its derivatives, to discriminate and to enact and promote abuse and tyranny. The Amendment to the ADA

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[134] As the Eight Circuit reports, it "*provides reasonable accommodations to persons with disabilities, including communications disabilities"*. Elsewhere, a federal court announces that the Judicial Conference accommodates communication disabilities. This policy approved by the judicial conference, on its face, is discriminatory by subdividing disabilities into those that are distinguished as having special privilege compared to the rest, and who shall be accommodated (a minority) and those that shall not. And if you were to believe these false representations, and you examine firsthand how the federal courts apply "reasonable" it is demonstrated by seven years of evidence in the public record that "reasonable" look only from a biased judge's viewpoint (with the exception of Freeman) and never from the viewpoint of the disabled pro se litigant, especially from the 20% of this nation who are invisibly disabled. Thus the disabled litigant faces discrimination not only for being disabled, but what type of disability he has. See Appendix D. But as the Eight Circuit observes, the ADA invariably has to be applied to the federal courts, and inevitably has to be implemented as Freeman does which must be uniformly standardized across the nation. I have reported to this court in 24-3353 the need for an independent tribunal for determining reasonable accommodations, because judges must not be trusted with human rights or the disabled litigant. The resistance of hateful and biased judges is futile and constitutes a judicial policy of human rights violation requiring every judge to be a part of a nationwide conspiracy against human rights. This policy of mass deprivation of due process has a treasonous quality.

[135] For example, the pre-ADA decision in [*Cleburne*] has been cited more than a thousand times and still improperly reduces the standard of review under the Equal Protection Clause. Judges do not dare challenge this court's persistent discrimination.

[136] See for example my requests for accommodation filed in the Ninth Circuit Appeals court cases 24-3353 and 24-6312

[137] Debra Cassens Weiss, Posner: Most judges regard pro se litigants as 'kind of trash not worth the time', ABA Journal 9/11/2017. "The basic thing is that most judges regard these people as kind of trash not worth the time of a federal judge," Posner said

[138] Nation State responsibility for torture and ill-treatment extends to individuals acting in an official capacity, as well as to non-State actors acting with the consent or acquiescence of the State. As stated under article 1, torture involves acts "by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity". The term acquiescence necessitates a rather broad interpretation, under which States are responsible for the actions of public officials and non-State actors who "have awareness of such activity and thereafter breach [their] legal responsibility to interfere to prevent such activity". The term acquiescence necessitates a rather broad interpretation, under which States are responsible for the actions of public officials and non-State actors who "have awareness of such activity and thereafter breach [their] legal responsibility to interfere to prevent such activity"

[139] It is for this court to occupy the field post-Amendment of the ADA and reverse and abolish *Cleburne v. Cleburne Living Center, Inc. (1985) 473 U.S. 432*. The pre-ADA decision in [*Cleburne*] has been cited more than a thousand times and still improperly reduces the standard of review under the Equal Protection Clause. The US Commission on Civil Rights notes that the US Supreme court REFUSES to apply strict scrutiny to disability. The U.S. Commission on Civil Rights (CCR) is a bipartisan, independent commission of the United States federal government, created by the Civil Rights Act of 1957 during the Eisenhower administration, that is charged with the responsibility for investigating, reporting on, and making recommendations concerning civil rights issues in the United States. Specifically, the CCR investigates allegations of

did nothing to correct the discrimination by this court[140] or to stop this court's endorsement of discrimination based on disability in the nation's courts, which necessarily leads to prohibited acts herein described in the course of jurisprudence. No court, including federal courts which as also bound by the CRPD[141], take notice or interpret or apply the CRPD according to its object and purpose, which reinforces the ADA and mandates an entirely different conduct than seen from judges and courts.

The object and purpose of the US Constitution, expressed through its Preamble is not just decoration. It compels correction, even by ADVISORY OPINIONS and *sua sponte* judicial intervention when grave injustice may result, especially when the equivalent of Marbury v. Madison emerges from the legislative branch to correct the judicial branch[142]. The aim of 'finality' in litigation does not preempt the mandate of the Preamble[143] to the US Constitution.

To justify these criminal wrongs, this court hides behind Case and Controversies. The same Case and Controversy has come repeatedly before this court since 2019, and this court repeatedly did nothing to address it[144]. Intent to enact prohibited acts and to acquiesce to prohibited acts may be seen through deliberate omission and evasion. Once this judge touched my case and my facts in this court, this judge was bound to act, to provide remedy and provide relief and punishment, and this duty continues invariant. Thus judge may not simply wash their hands of the duty to act by the excuse of a norm and routine of this court to accept case assignments and rule on them and forget about them. At first contact with me, the duty to act is non-delegable for this judge. It becomes the 'sticky case'[145], and the personal

discrimination based on race, sex, national origin, disability. Although its power was modified by legislation, the Commission continues its work and publicly maintains this criticism of the US Supreme court's discrimination.

[140] This court still refuses to look from the perspective of the person with disability as to the presence and impact of discrimination.

[141] Convention on the Rights of Persons with Disabilities. See discussion in the motion for disqualification en banc

[142] The Amendment to the ADA scolded the US Supreme court for its discrimination based on disability. The lesson that this court continues to ignore is that the viewpoint of the person with disability as to what discrimination is in progress is paramount.

[143] It is reckless minds that do not recognize that the Preamble is the safety net and guideline of the US Constitution. It is the way-shower for addressing the many ambiguities and omissions and uncertainties that a founding document that will experience an unknown evolution, secures for itself.

[144] My treatment for six years by this court confirms Posner.

[145] The duty of obedience to treaties, and the operation of customary international law hold the duty for this judge to stop, investigate, abate, prevent and punish the prohibited acts herein. Under the Code of Conduct for United States Judges Canon 1 requirement of integrity, this judge must hold the public confidence and high ethical standards, with impartiality, independence and transparency and must demonstrate honesty, fairness, and accountability. There must not be undue influence such as favoritism and unrestrained trust in peers. Integrity involves maintaining conduct that is above reproach, and adhering to high moral standards and avoiding any conduct that could undermine the judiciary's credibility. The abuse, re-traumatization and refoulement of a disabled and sick victim of judicial torture is incompatible with the standard of judicial integrity.

obligation of this judge to see 'through to the end' that satisfies the international instrument in force. The 'end' is far from evident, and based on Article VI, the case has not even begun to be addressed at law[146].

The facts demonstrate that Separation of Powers is used by this court of last resort as a mechanism to promote, not end, ill-treatment and torture that are systemic in American jurisprudence, and to ensure impunity and free reign for judges who commit prohibited criminal acts[147] condemned by International Law and by civilized society and civilized nations.

Like everyone I petitioned and waited for my government to right these wrongs. Like everyone, I found my government substantially flawed and inadequate and derelict of its duty to its People. It is demonstrated by the records of multiple courts over SEVEN YEARS that the sovereign is not the People, but the judiciary of this nation, who are given free rein by the legislative and executive branches to reign over us without accountability.

For SEVEN YEARS, I have witnessed my mutilation and the serious and cruel suffering[148] of my wife and I, and other victims of judicial discrimination, and the hate and human rights violations of the judges in this nation with no mechanism whatsoever to stop it, or remedy it. I had to earn the right to address the United Nations by enduring and surviving SEVEN YEARS of ill-treatment and torture, and exhausting every legal remedy and walk the tightrope of life and death. This is not justice.

Today I stand as a victim of judicial torture and at risk under threats[149] and promises of torture and cruel and inhuman and degrading treatment by multiple state and federal courts[150]. Absent action by the

[146] In 21-cv-04262-JSW, we see judge Jeffrey White continue to obstruct justice and to block the statement of my complaint that necessarily includes the violations of human rights of disabled litigants by judges. In order after order denying my meaningful accommodation and safe harbor and ensuring that he deprives me of necessary and indispensable medical treatment, White insists that a judge is permitted and required to violate the human rights of a disabled litigant and that it is ethical to do so. Note carefully that White is a serial violator of my human rights in 21-cv-04262-JSW who is protected and encouraged more and more as time goes on by the judges of this court.

[147] Including refouling victims to be abused by the same judge-abusers, such as Jeffrey White.

[148] In European Court of Human Rights, Ireland v. United Kingdom, application No. 5310/71, Judgment, 18 January 1978, para. 167, the European Court of Human Rights highlighted the importance of article 3 and addressed the distinction between conduct that constitutes inhuman or degrading treatment and torture in Aksoy v. Turkey, where the applicant had been subjected to reverse suspension, beatings, electric shocks to the genitals, exacerbated by having water thrown on him, and verbal abuse; the Court stated that the conduct in the case was "of such a serious and cruel nature that it can only be described as torture". (European Court of Human Rights, Aksoy v. Turkey, application No. 21987/93, Judgment, 18 December 1996, paras. 60–64, at para. 64). The Court has also held that to constitute torture under article 3, a deliberate act of inhuman treatment must cause "serious and cruel suffering".

[149] In Gäfgen v. Germany, the European Court of Human Rights held that "to threaten an individual with torture may constitute at least inhuman treatment" and violate article 3.137 The Court later found that severity is a key distinguishing factor between torture and inhuman or degrading treatment or punishment, as are purpose and intention – thus bringing the understanding of what torture is close to that of the definition contained in the Convention against Torture, which has been cited by the Court. European Court of Human Rights, Cestaro v. Italy, application No. 6884/11, Judgment, 7 April 2015, paras. 172–176.

[150] Taking recent examples, see the 2024 filings in federal District of Northern California 21-cv-04262-JSW, 24-3353 and 24-6312 in the Ninth Circuit Appeals court, 23-50690 in the Bankruptcy Court of Northern California, denials of three actions in 2024 by Sixth District Appeals court related to the trial court case# 16cv295730, and a writ submitted to the CA Sup Ct

People of this nation, the ill-treatment and torture herein described will continue without an end in sight. Since the People have been indoctrinated and accustomed to powerlessness and exclusive dependence upon their government to respect and provide them their inalienable rights, and since their government continues to endanger and harm them, the Private Attorney General must speak on their behalf.

PROHIBITED ACTS[151]

Summary: The disabled pro se litigant is subjected by judges and courts to discrimination and deprivation of rights, and cruel, inhuman and degrading treatment and punishment, and TORTURE, that are prohibited by human rights instruments and by the US Constitution. These prohibited acts are systemic to state and federal jurisprudence and arise from a flaw in American jurisprudence that encourages judges to abandon ethics and commit invidious discrimination and egregious violations of human rights, under the endorsement and acquiescence of the highest judicial authorities of the states and of the federal government. At the penultimate root of these prohibited acts, and as their 'final' arbiter, stands this court and its judges, who have the authority and the mandate to condemn and eliminate and punish them, but do not.

In summary, this judge committed the following prohibited acts within the framework of a broken and inadequate jurisprudence that ensures injustice and ill-treatment and torture to the disabled and pro se litigant: failed to rule on my request for safe harbor and disability accommodation and prevented me from accessing this court and from availing myself of constitutional due process, failed to notice and act upon my complaint for human rights violations by the lower court and others as required by the US Constitution, human rights treaties and the jus

whose filing that court obstructed. Note that I had to enjoin a federal trial court judge to pause his prohibited acts, only then to expose the blatant malice and corruption of the Ninth Circuit court of Appeals.

[151] For guidance on what your course of action should be as a justice of the US Supreme court in observance and protection and championship of human rights, refer to the 2022 Istanbul Protocol, which has provided many of the authorities cited herein. It is irrelevant to your duty as a justice of the highest court in the United States whether or not the United States has formally adopted the Istanbul Protocol. It is your duty to uphold and protect and defend the US Constitution, and human rights may be derived based on first principles from that document, and therefore it is your duty to uphold, protect and defend human rights. It is the US Constitution that expressly recognizes the rule of International Law in domestic affairs under Article VI, which is binding upon the person of every state judge, and by the form and design of the US Constitution, is binding upon the person of every federal judge including the judges of this court.

cogens of customary international law, breached judicial ethics, and committed the same prohibited acts as complained of in my appeal.

Every prohibited act herein referenced or discussed continues to the present day. I stand with multiple appeals filed in this court[152] at the cost of my blood, and additional actions now ripe for prosecution against this court, all of which are related to the prohibited acts described or referenced herein which continue to proliferate and intensify in their impact in the state and federal courts[153] while I attempt to navigate the prohibited acts by this court, which continue unabated[154].

My filings in this court and my communications with this court since 2019 describe many of those prohibited acts that are perpetrated by this very court and its judges, and the accumulation of injuries from judicial acts of physical and mental violence[155] and the documentation of severe pain and suffering resulting from the judicial torture. My life continues to be extinguished, with a record of my torture in each court, and the United Nations.

The following prohibited acts are alleged[156]:

1. Violation of Article VI of the US Constitution with respect to the authority of treaties in domestic jurisprudence
2. Violation of treaties that stand as supreme Law of the Land[157]
    a. The UN Charter
    b. UNCAT: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

[152] 19-16291, 22-16046, 22-16174, 23-15221, 24-3353, 24-6312.
[153] Look for example at the lower court in the Ninth Circuit. I will not repeat here the contents of the amended complaint in Northern California case# 21-cv-04262-JSW, which illustrate to a degree and subject to duress the variety of prohibited acts that continue to be committed against me, and other disabled pro se litigants and against the defenders of our human rights.
[154] Examine my communications with this court since 2019 and my filed actions in this court, and the extraordinary distress and severe pain and suffering that these chronicle in creating incomplete petitions and unprepared and obstructed complaints to submit subject to intimidation and coercion of this court to provide information to it under threat of losing my right to remedy and redress unless I cure my disabilities and heal my serious illness on the schedule dictated by this court and file a properly formatted and completely stated pleading.
[155] The European Court of Human Rights, in Aydin v. Turkey, the Court held that "the accumulation of acts of physical and mental violence inflicted on the applicant and the especially cruel act of rape to which she was subjected amounted to torture in breach of article 3 of the Convention". (*European Court of Human Rights, Aydin v. Turkey, application No. 23178/94, Judgment, 25 September 1997, para. 86*).
[156] The prohibited acts herein discussed do not assert violations of the US Constitution and of a number of domestic statutes which this judge and this court do not recognize when a seriously ill disabled pro se litigant is in their court, but these are reserved for another time and another review
[157][157] Note that RUDs to treaties signed by the USA, whether or not ratified, may be invalidated under International Law if they undermine the object and purpose of the treaty. The United States government, in essence, invalidates and evades its treaty commitments (e.g. see by asking its judiciary to refuse to enforce treaties and thus editing the US Constitution to remove the domestic authority of treaties under supreme Law). The US Supreme court has not addressed this issue head on.

    c. ICCPR: International Covenant on Civil and Political Rights[158]
    d. CRPD: Convention on the Rights of Persons with Disabilities[159]
3. Violation of Article III of the US Constitution
    a. Good Behaviour
4. The elimination of due process for the disabled pro se litigant

Each of these appellate actions demonstrates that, by the presence of the disabled pro se litigant in jurisprudence, critical flaws in jurisprudence are exposed that the judiciary 'covers up' with unconscionable wrongs and injustice assured. This purposeful and intentional evasion and obstruction of judicial reform is personal to each judge, and indicates purpose and intent to commit or acquiesce to the prohibited acts which are chronicled in multiple courts' records.

For this motion, I focus principally on the discussion of systemic prohibited conduct by the judges of this Circuit and this court that are proscribed under international instruments and the *jus cogens* of customary international law, including objecting to the conduct of this judge of the Ninth Circuit court of Appeals[160] that intersects those systemic civil and criminal judicial wrongs. Notices and complaints about these wrongs have been addressed to the many courts and to this court through appeals, whereby I seek redress and remedies, and prevention and punishment on behalf of the People. I have attempted all these actions while functionally and cognitively impaired by judicial torture and kept in a state of substantial incapacity.

My action is supported by Article VI of the US Constitution, by International Law, by the international instruments cited herein, as well as the rulings of the European Court of Human Rights[161], and other

[158] The ICCPR expressly prohibits cruel, inhuman and degrading treatment or punishment

[159] The CRPD expressly prohibits cruel, inhuman and degrading treatment or punishment. The CRPD prohibits numerous other acts perpetrated by this court, which are discussed in the related ethics motion (*en banc*)

[160] State responsibility for torture and ill-treatment extends to individuals acting in an official capacity, as well as to non-State actors acting with the consent or acquiescence of the State. As stated under article 1 of the UNCAT, torture involves acts "by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity". The term acquiescence necessitates a rather broad interpretation, under which States are responsible for the actions of public officials and non-State actors who "have awareness of such activity and thereafter breach [their] legal responsibility to interfere to prevent such activity". (*Manfred Nowak and Elizabeth McArthur, The United Nations Convention against Torture: A Commentary (Oxford and New York, Oxford University Press, 2008), p. 78. See A/74/148, para. 6; and A/HRC/22/53, para. 17*) The principle of official capacity therefore keeps States accountable for more than just State officials and creates a wider understanding of the definition of torture. (*On the concept of "acquiescence", see Committee against Torture, Dzemajl et al. v. Yugoslavia (CAT/C/29/D/161/2000), para. 9.2*).

[161] Europe provides more mature precedents in human rights compared to other jurisdictions. Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) states that: "No one shall be subjected to torture or to inhuman or degrading treatment or punishment." All victims have direct access to the European Court of Human Rights. In its jurisprudence, the European Court of Human Rights has held that the guarantee enshrined in article 3, which is an essential element of the rule of law, occupies a prominent place in the system of protection of the European Convention on Human Rights, as it is underlined by the fact that no derogation from it is permissible under article 15 in time of war or other public emergency. (*European Court of Human Rights, Öcalan v. Turkey, application No. 46221/99, Judgment, 12 May 2005, paras. 179–183*). To fall within the scope of article 3, the Court has said that "ill-

authorities[162], whose cases support the herein cited instruments and my facts, and add light upon a subject that is customarily evaded by this court.

This court has a duty as the government, and under Separation of Powers, to address and action the issues presented to it under any allegation of judicial ill-treatment and judicial torture perpetrated by individual judges and other persons who act under color of authority of judges and courts. The evidence of severe pain and suffering that many doctors and care providers and the Freeman Bright Line condemn are in the public record, and provide substantial grounds for this motion[163].

A general prohibition against torture has evolved in customary international law[164]. Nation State responsibility may ensue as a result of State officials engaging in torture or failing to prevent torture or to punish torturers[165].

Federal statutes are insufficient and incompliant with the object and purpose and full scope of treaties, particularly with the UNCAT[166]. Therefore precedent is needed by this court along with investigation

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treatment must attain a minimum level of severity", which is determined by assessing all of the circumstances of the case (e.g. duration of treatment, physical or mental effects, and the sex, age and health of the victim). (*European Court of Human Rights, Bouyid v. Belgium, application No. 23380/09, Judgment, 28 September 2015, para. 86*). The Court also stated that, in the absence of physical or mental injury or suffering, acts involving humiliation, the diminishing of human dignity, including unnecessary physical force by law enforcement officers, or that arouses in victims fear or anguish or inferiority capable of breaking their moral and physical resistance may be characterized as degrading and can fall within the prohibitions established in article 3. (*ibid., paras. 87–88*). In its decisions, the European Court of Human Rights has also drawn on the definition of torture used in the Convention against Torture to arrive at a finding of torture. In *Selmouni v. France*, the Court established both that the pain and suffering inflicted on the applicant were severe and that its purpose was to extract a "confession", thus firmly establishing that courts must consider both the severity and the purpose of the inflicted suffering when determining whether an act constitutes torture. (*European Court of Human Rights, Selmouni v. France, application No. 25803/94, Judgment, 28 July 1999, paras. 97–105. The Court also applied the "living instrument" concept in Selmouni, which led it to conclude that what might not have been considered torture in 1979 when the case of Ireland v. United Kingdom was decided was definitely considered to be torture in 1999 at the time Selmouni was decided.*) The Court later clarified that, although purpose was a factor, "the absence of any such purpose cannot conclusively rule out the finding of a violation of Article 3". (*European Court of Human Rights, V. v. United Kingdom, application No. 24888/94, Judgment, 16 December 1999, para. 71*). Additionally, the Court asserted that, when considering whether a form of treatment was "degrading" within the meaning of article 3, the Court would have regard to whether its purpose was "to humiliate and debase the person concerned"; however, it again stated that an absence of purpose did not rule out a finding of a violation of article 3. (*European Court of Human Rights, Kalashnikov v. Russia, application No. 47095/99, Judgment, 15 July 2002, para. 95. See also European Court of Human Rights, Peers v. Greece, application No. 28524/95, Judgment, 19 April 2001, para. 74*).

[162] Including the American Convention on Human Rights, the Inter-American Convention to Prevent and Punish Torture, the Inter-American Court of Human Rights, the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights.

[163] Compare the Freeman accommodation to the meaningless 'accommodation' in 21-cv-04262-JSW, and compare to this court's total absence of disability accommodation in every case filed by me since 2019

[164] International Tribunal for the Former Yugoslavia, Prosecutor v. Anto Furundžija, Case No. IT-95-17/1-T, Judgment, 10 December 1998, para. 137.

[165] Ibid., para 142

[166] The addition of 42 US Code § 2000dd to supplement 18 US Code § 2340 was a reluctant afterthought by the United States and arose because of the complaints including by other countries about the US treatment of detainees during war. Combined, these two statutes do not cover the full scope of the UNCAT by legislation. California's only criminal statute under Penal Code § 206 is for a subset of torture, and does not cover other prohibited acts under UNCAT.

and corrective action. It is the raison d'etre of this court to speak in the absence of law and in the presence of unlawful conduct among the judiciary under every circumstance. This court may not limit itself in not providing *sua sponte* mandates, opinions[167] or correction[168] when government, through its judiciary, betrays international commitments[169], or fundamental rights, including human rights that are preciously guarded by the US Constitution and not by our judiciary.

The Convention against Torture envisages three main pillars in the fight against torture: the obligation of States to ensure justice and to prevent and redress all acts of torture[170]. The obligation to investigate is central to the realization of all three main pillars[171]. States are required under international law to investigate reported incidents of torture promptly, impartially and effectively[172]. The Special Rapporteur on torture specified that: The obligation to investigate acts of torture is initiated by the existence of reasonable grounds. Evidence of torture that rises to the level of "proof" in criminal proceedings (that is, beyond a reasonable doubt) should not be necessary to establish State recognition and responsibility for torture or to trigger the obligations that do not involve assigning individual guilt and punishment, such as the implementation of public policies for prevention and administrative or civil remedies, including rehabilitation. This is important because States often claim that torture and their corresponding obligations to address it do not exist because torture has never been "proven" in court[173].

[167] Case or Controversy is not the standard for correction of judicial misconduct. Due diligence, inquiry and constant vigilance in evolving rules, procedures and policies of courts is required. The judiciary must police itself effectively.
[168] This court may not pass upon, or delegate the essential reform of jurisprudence that is indicated. Each judge is required to establish the highest standard of justice irrespective of the mandate of established judicial norms and customs. This court must be diligent and constantly vigilant, and inform the mechanisms for judicial reform contemplated by government (such as the Ninth Circuit Judicial Council, the Judicial Conference, the Chief judge of this Circuit) to promptly address limitations in jurisprudence. Each judge must take steps to protect, prevent and deter human rights violations by the judiciary, without any step being required by the victim, thus each judge must be attentive and sensitive to such prohibited acts. There is no indication that this happens in the treatment of the disabled and seriously ill litigant.
[169] The Rules Enabling Act is in force, but this court has done nothing to reform jurisprudence. This court has a tradition of evading questions of law if the case or controversy may be resolved by an alternate pathway. At the moment that an issue affecting a treaty or international commitment is raised by any case, whether or not it has an alternate pathway for resolution, it is incumbent upon this court to recognize iut and display, on behalf of the People of the United States, the national character that demonstrates respect for International Law and the commitment to a national ethics on the world stage that conveys the message that we are a reliable nation who keep our international commitments resolutely, and when challenged in the public records, we will not refrain from addressing for the confidence of the international community that all is well and we conform to our promises. In the present case, this court may not evade any issue raised in this writing. The matters herein presented are by a private attorney general who invokes the full force of the US Constitution through the Ninth and Tenth Amendments and International Law specifically on these prohibited acts, and thus alternative pathways to remedy and relief may not be advanced by this court and by this judge as a bar to direct decisions on the issues presented by the private attorney general that directly implicate this court and this judge.
[170] UN Istanbul Protocol
[171] A/69/387, para. 21
[172] Convention against Torture, arts. 12–13. See also A/69/387, paras. 22–28
[173] UN Istanbul Protocol paragraph 183

Judges hope to escape allegations of ill-treatment and torture by insisting, after causing the prohibited harm, that no purpose or intent[174] may be established for their prohibited acts and that they have impartially performed their judicial duties[175]. This is a delusion and wishful thinking[176]. A deeply-rooted problem and defect exists in the ordinary course of jurisprudence that systemically eliminates due process and non-derogable rights that constitute serious and criminal human rights violations. When this defect is exposed, any judge who fails to realize that the ordinary course of jurisprudence, if followed, will lead to serious pain and suffering under coercion and intimidation of the victim and under any order for filing of information, or will lead to the failure to prevent actual and imminent harm, including predicted physical and mental injuries from discrimination and the deprivation of safe harbor and disability accommodation, cannot be said to have erred and not acted intentionally.

First, observe that when presented with the facts about my disabilities and my need for safe harbor and life-saving medical treatment, and reference to all of the records on my requests for safe harbor and disability accommodation in this Circuit's courts, this judge arrived at a decision that violates the test of reason and faithfulness to supreme Law. Six other judges consulted and deliberated with this judge and arrived at the same stupendous decision, completely failing to follow the bright line of law, indicating that this judge surrendered impartiality and independence to a systemic policy of discrimination and endorsement of prohibited acts that is stealthily in force in this Circuit.

In contrast, judge Beth Freeman ruled that the evidence of my vulnerability and frailty and inability to withstand coercion into unequal participation in due process is substantial and that I must be protected

[174] Cruel, inhuman, and degrading treatment (CIDT) under the United Nations Convention Against Torture (UNCAT) does not require intent. Unlike torture, which requires the intentional infliction of severe pain or suffering for specific purposes, CIDT does not necessitate a specific intent or purpose. The focus is on the nature and impact of the treatment rather than the intent behind it. However, the facts of my case repeatedly provide substantial grounds for torture under the intent to discriminate, and a central, but not exclusive purpose for the torture is to extract from me information under the label of due process and under the mandate of invariant court rules, procedures and policies that expect efficiency and speed. The coercion for me to provide information and then to cause extreme prejudice to me by virtue of the information extracted from me under infliction of serious physical and mental injuries and by subjecting me to incessant and severe pain and suffering is then used to punish me and deprive me of rights, remedies and relief, thus further torturing me. My facts demonstrate the presence of every element of Article 1 of the UNCAT, for example see the conduct of judge Jeffrey White in 21-cv-04262-JSW, particularly his dismissal order for my complaint in 2022. This judge is considered to be a criminal under the operation of UNCAT.

[175] This behavior is contemplated and prohibited by the cited international instruments. It is the mindset of the torturer who justifies their criminal conduct by denial and misrepresentation, and provides opportunity for themselves to continue their prohibited acts under color of authority. Such a perpetrator of human rights violations convinces themselves that they do no wrong and they are fully justified in their conduct and need to pay no consideration to human rights.

[176] The blind and faithful following of established customs and norms of jurisprudence including the equal and invariant application of rules, procedures and policies of the court to the disabled and seriously ill pro se litigant, is in fact, a violation of Article VI of the US Constitution and constitutes prohibited conduct under treaties and the UN Charter

from injury and ill-treatment by the court granting me a stay[177] for life-saving medical treatment, and by not requiring any participation from me while she protects me under her jurisdiction.

Thus judge Beth Freeman insists that, under my facts, the invariance of court rules, procedures and policies must be subjugated to the protection of human rights and the elimination of discrimination based on disability. This is a reference adjudication that establishes that the only reasonable and proper course of action in dealing with me was to protect me and to accommodate me, otherwise I would suffer the harm and injustice and serious injuries that I was warning about.

This clear and unmistakable reasoning and truth that may be established by any judge of common sense and good Behaviour, such as Freeman, is unavoidable, and this judge and this court acted contrary to reason and law, and made the choice of ignoring the subjugation of invariant rules by my facts and preeminent laws, no matter what the consequence. No reasonable person fails to consider such conduct to be a violation of human rights. This choice establishes intent, and must be considered as a step in furtherance of the ill-treatment and torture complained of. The scenario that this judge presided in was that others outside of this appeal court waited to continue my ill-treatment and torture, and this judge was in control of stopping and preventing that torture and protecting me, or handing me back to be refouled and re-traumatized and tortured. This judge chose the prohibited act.

It is irrelevant what mechanism I invoked[178] to arrive in this court to ask for safe harbor and accommodation and protection from further ill-treatment and torture. Any mechanism to advance my human rights complaint to this court is permissible under these circumstances. It suffices that I complained, and customary international law must then be obeyed according to treaties and according to pre-emptory norms. The US Constitution incorporates protection and respect for human rights, but our judiciary have substantially missed that critical mark.

I have proven over SEVEN YEARS that there is no domestic mechanism by which such a prone litigant can access any relief or remedy from judicial torture[179]. Therefore any means for notifying this court, which has the authority to correct a lower court that committed prohibited acts, of a complaint for my human rights violations, is acceptable and necessary, and must be respected and accepted by this judge and by this court and processed according to the object and purpose of applicable treaties[180], and the *jus cogens* of International Law. It was not.

[177] The stay has been extended to almost SIX YEARS
[178] There is NO MECHANISM IN DOMESTIC JURISPRUDENCE for a victim of ill-treatment and torture by any court to access remedy or relief through this nation's courts.
[179] Resulting in the United Nations accepting my preliminary complaint for prohibited acts in 2024.
[180] Multiple human rights treaties are violated by this judge and this court, including UNCAT, ICCPR, CRPD

The correctness of an appeal[181] or its alleged 'frivolousness' is irrelevant to the preeminent and preemptive safeguarding of human rights in jurisprudence. The UN Istanbul Protocol recognizes the adequacy of my complaint by whatever means I used to communicate it to this court[182]. This court took jurisdiction over my filing and therefore over my human rights complaint[183], and this judge made a decision on my complaint by independently choosing to acquiesce to the prohibited acts by another court and ordering my refoulement and re-traumatization and the endorsing the continuing of the human rights violations reported to it as being in progress. Incredibly, six judges in total with Silverman as the sixth judge consulted together in three appeals, and planned and agreed to acquiesce to the prohibited acts by another court and to order my refoulement and re-traumatization and to endorse the continuing of the human rights violations reported to it as being in progress. No judge in this court ever granted me safe harbor or disability accommodation or human rights.

This judge was warned that the deprivation of life-saving medical treatment and the distress and the invariant application of rules, procedures and policies of this court will induce physical and mental injuries, and that the victim is voluminously and prolifically 'screaming' that he has been suffering ill-treatment and torture which causes him to apply for safe harbor and disability accommodation and protection from prohibited acts because every other court is mutilating him. He also provided sufficient specific medical information in his filings in this Circuit that may be accessed by this court that supports his claims. The standard under the Istanbul Protocol and customary international law is 'substantial grounds'.

Each appeal contains sufficient allegations and information about injuries and continuing prohibited acts, and the assertion that the lawsuit is already over by virtue of the impossibility of accessing the lower court and this court. A judge of "good Behaviour" would not hesitate to accommodate and provide protection and opportunity to the victim to express a properly stated case to this court and benefit from constitutional rights and protections instead of holding invariant the norms of jurisprudence[184].

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[181] i.e. the conformity with statues, rules and procedures controlling an appeal

[182] The record of the other courts that led to the appeal confirms that the prohibited acts could not be stopped by me through those courts, and necessitated escalation to authority within the judiciary that could hold jurisdiction and make orders for my protection and to stop, investigate, abate, prevent and punish the prohibited acts.

[183] The appeal was used to deliver a human rights complaint and demand action by this court in compliance with the supreme Law of the Land.

[184] and thereby a complaint for human rights violations that were better stated may have emerged while the proper handling and process for relief and remedy would have been instantiated by the judiciary as required by these international instruments. A formal and fully stated complaint is not necessary under the UN Istanbul Protocol for remedy and relief to be required, with due investigation and punishment for offenders of human rights. The only way to provide opportunity for expression of a fully stated human rights complaint was for this judge and this court to provide the same accommodation as

Most importantly, the totality of the facts that were within the reach of this judge indicated substantial grounds to indicate prohibited acts that this judge is expected to competently match to applicable laws and treaties and authorities by virtue of the requirements of this judicial office, and considering the pro se status of the litigant, and in particular the disabilities and the serious illness of the litigant. None of these reasonable and ethical and legal requirements has ever been met in this court in SIX YEARS of my complaints to it. Moreover, under the alleged fact pattern, it is common sense that an abundance of caution is required in processing such a litigant through the court, and none is seen, except substantial judicial bias and 'hatred'.

A judge is presumed to know the law and be competent in it. A pro se litigant is not presumed to know the law or the rules of court in order to express to the judge the authorities and legal arguments necessary to 'tune the judge in' to the issues. However, when a pro se litigant says that he is being deprived of non-derogable rights, and that he is suffering injuries and severe pain and suffering, and is in such dilapidated condition that he requires immediate protection, and is using extraordinary measures to stop his oppressor who is a trial judge or other judges, and provides sufficient medical information in his accessible filings that supports his frail and vulnerable condition, then a deeper sense of the truth of prohibited acts is reasonably warranted based on what presents as substantial grounds. The appeal states a human rights complaint against the lower court and the perpetrators that drove me to the lower court.

When complaining that one axis of human rights violation by the courts is deprivation of due process by judges, this judge faced a need for providing the litigant with time for medical treatment and safety from bodily and mental injury and pain and suffering, and observed that the litigant complained of the lack of precisely that relief in the lower court. Since the Freeman Bright Line teaches that such deprivation of due process is discrimination and a violation of human rights, the only reasonable and lawful action, even in the absence of the Freeman Bright Line, was to protect and accommodate me. This judge chose not to do so.

The intrinsic bias in the mind of a judge that claims the impossibility of what I have alleged[185] is not judicial independence or impartiality. An independent investigation is not an option to be discarded by discretion.

Freeman did. The failure of this judge and this court to accommodate me resulted in the complete deprivation of all (GLOBALLY required) accommodation, wiping out any benefit of the Freeman accommodations by stay.

[185] i.e. that a judicial peer in a lower court or in another court would never behave in the manner that I have alleged and therefore my allegation is not believable

The deprivation of access and the elimination of opportunity for a voluntary and prepared statement of the human rights complaint has been the *modus operandi* by this judge and by this court[186]. Instead this judge conformed to rules that would extract information from me and expected information that was coerced out of me causing me severe pain and suffering and more serious injuries, in order to use against me as evidence to further prejudice me[187]. To the present day, the logic applied by this judge is that it is lawful and ethical to torture me to endure the entire course of unconstitutional due process in the trial court and suffer more serious and irreparable physical and mental injuries and severe pain and suffering and even die, before I can resort to this court on appeal, only to be tortured and murdered with finality. The People do not consent to such high crimes.

There is no sign of any investigation to get a better sense of the truth. This judge and this court had an obligation under Articles III and VI[188] and the *jus cogens* of International Law to stop all litigation and initiate and independent investigation.

We can observe clearly the obligation of this judge and this court using hindsight. The consistency of SIX YEARS and the impeachment of the judiciary by a judge of good Behaviour[189] indicates that there is a pattern of improper judicial activity[190]. When a judge and court are presented with these allegations and the evidence that I provided in 2019 and subsequently, there are substantial grounds to believe that absent being provided protection by safe harbor and disability accommodation, I could not access any court, and I would not be able to withstand the deprivation of due process and the coercion and intimidation to provide information, and the coercion to participate unequally in litigation, and that I would suffer serious injuries as a result. This is the Freeman stance.

Any reasonable person of ordinary sensibility would not fail to recognize that substantial grounds are presented for ill-treatment and torture[191] by the facts stated by me in the courts' records and in each appeal in this court[192], despite my coercion and intimidation with paralyzing and debilitating effect, and causing serious physical and mental injuries which I then documented in my chronological requests for

[186] This judge is still obligated to stop, initiate an independent investigation, abate and prevent any further prohibited acts, by applying the full authority of this court, *sua sponte*. This is permitted under the US Constitution, and REQUIRED under Article VI and Article III good Behaviour and the Preamble to the US Constitution that requires the judiciary to establish Justice. Justice in the realm of human rights in jurisprudence has not been established in US jurisprudence and is now 238 years overdue

[187] These constitute prohibited acts under the Istanbul Protocol

[188] The requirement of good Behaviour and the domestic authority of treaties require the adjudication of my human rights complaint about a lower court according to customary international law

[189] Judge Beth Freeman did not hesitate to grant more time and opportunity for the same vulnerable and frail litigant to access the court and to receive constitutional due process, and not be injured or deprived of any right

[190] See commentary paragraph 3 of the Code of Conduct for United States Judges, Canon 1

[191] For examples, see the motions for safe harbor and disability accommodation in 24-3353 and 24-6312

[192] even though incomplete and extracted from me, a seriously ill and substantially incapacitated disabled pro se litigant who is functionally and cognitively impaired

safe harbor and disability accommodation and later and repetitively brought to the attention of this court with another human rights complaint through filing another appeal.

This judge was on notice of actual and imminent harm, and should have operated with an abundance of caution and due diligence, and considered the possibility of derogation of my non-derogable rights based on my communications and complaints. No such conduct is demonstrated.

This judge and this court chose to hold invariant the rules, procedures and policies of this court, which the Freeman Bright Line condemns[193]. This was an individual choice by this judge, and presumed so to be by the ethical duties of independence and impartiality.

The choice by this judge to do the opposite of the Freeman Bright Line was purposeful and intentional and confirms that this judge insisted on discrimination and on ignoring my human rights complaint and required my providing information and to be prejudiced by my unaccommodated and coerced and involuntary participation, which is a repetition of the mechanism by which I am distress and suffer serious and irreparable physical and mental injuries and thereby severe pain and suffering. This judge violated my human rights.

I could not withdraw, and I had no choice but to do everything possible for my protection from further ill-treatment and torture and this judge and this court perceived my desperation and saw my complaint, but ensured that I receive no protection and that I am dispatched helplessly back to my abuser(s). The situation today is NO DIFFERENT than every single other time: at the present time I am due to be dispatched back to the same torturer, Jeffrey White, once more, to be further tortured and for him to complete my murder.

The order by this judge indicates a complete absence of any investigation and the acquiescence to prohibited acts and endorsement of them. Because of this judge, I suffered egregious injuries and grave injustice. These are seen in the public record of a number of courts, because the ill-treatment and acquiescence to torture by this judge had far-reaching effects outside the Ninth Circuit.

It is useful to describe in quasi-abstract the nationwide and deeply-rooted problem that this court and this judge should have addresses and must address, before proceeding to the specific allegations in this

[193] Freeman stopped enforcing the rules, procedures and policies of the federal court, and has stayed my litigation in 19-cv-04392-BLF for nearly six years. Not a single day of stay or accommodation was provided to me by this judge or by this court in the same timeframe.

writing. This is done much more clearly with reference to a standard, which shall be referred to as the Freeman Bright Line[194].

In American jurisprudence, Congress and the courts insist on speed and efficiency of jurisprudence. Cases must be resolved at law, through our courts, as fast as possible, without delay. Thus, judges are driven by this intentional design through various mechanisms, including administrative goals of the courts, to 'process every person and every case' speedily and efficiently[195]. These considerations leave no room for human rights, which is only seen when the most disadvantaged and vulnerable litigants access this nation's courts.

Legislation in both the states and the federal system sets arbitrary timeframes that appear at the time[196] to be reasonable, in order to establish a standard that every person can manage to abide by, in order to dispose of litigation. If anyone is unable to meet the standard, then the legislature and the judiciary argue that since all persons are treated equally under the standard, it is fair, and therefore the injustice to a few persons is justified in the interests of a nation. Thus the essential role of STANDARDS in jurisprudence[197].

It is important to observe that jurisprudence is about the timely extraction of information[198] from parties to litigation in order to state the complaint(s), state the defenses, states various responses to the court, state the evidence, state the motions, state the case at trial, and state the appeals, etc. The court holds jurisdiction therefore control over the parties.

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[194] See orders by federal judge Freeman (district court of Northern California 19-cv-04392-BLF) in response to the same requests for accommodation as I made this this court. These are attached as an Appendix to my writ of certiorari 24-6012 in this court. Freeman has correctly insisted that the invariant rules, procedures and policies of courts shall be stayed and that the elimination of discrimination based on disability and the protection of human rights shall be paramount. She made her orders based on the same information and requests for accommodation and safe harbor as were presented concurrently to multiple other state and federal courts. Her orders comply with the ADA and the requirement that the federal judiciary enforce the elimination of discrimination (in the courts) ON BEHALF OF persons with disability, and that cruel, inhuman and degrading treatment and punishment shall not be administered by a court or judge who has jurisdiction over a sick or disabled person. Thus Freeman is compliant with the UDHR, the UN Charter and human rights treaties, and customary international law, while every other judge has violated them.

[195] In fact, judges may be punished for failing to speedily and efficiently process cases. See "Judicial Conduct and Disability" published on the website of United States Courts which cites the Judicial Conduct and Disability Act of 1980.

[196] None of the timeframes contemplated by the legislature or the judiciary that are the formative criteria of jurisprudence considered the ADA, or were modified in any way after the enactment of the ADA or its Amendment. More importantly, none of these timeframes were considered or modified upon the enactment of the UDHR, or the ratification of the UN Charter, or the signature of any human rights treaty by the United States. For example, the filing of the notice of appeal is held as an absolute in jurisprudence, and forbidden by human rights treaties which place the proper treatment of the human being in jurisprudence as paramount and therefore preemptive of enforcement of artificially set deadlines. No judge, in practice, dares to use discretion to radically affect this invariant absolute.

[197] The US Constitution inherently speaks of standards for the nation. For example, in order to achieve the object and purpose of the Constitution, which is embodied by its Preamble, for example to establish justice, standards must inherently be devised by government when Due Process and Equal Protection under the Fourteenth and the Fifth Amendments are required.

[198] Note Article 1 of the UNCAT. Every expectation by this court and decision by this judge relies upon extracted information by order or rule under jurisdiction and authority.

Now comes the disabled pro se litigant. We must presume that pro se is a consequence of necessity, i.e. lack of funds to pay for representation[199]. No court provides a pro bono attorney[200] to the disabled in civil litigation[201] despite requests[202]. For clarity, add the fact that the litigant is also seriously ill and the gravity of the illness and the permanent injuries caused by the illness depend upon how distressed he becomes by his treatment by a court[203].

The courts process such a litigant according to invariant rules and procedures and policies of courts[204] that are appropriate only if such a litigant does not function in the same way as ordinary litigants (non-disabled litigants who are not seriously ill) then he is acceptable collateral damage approved by the legislative and judicial branches of government, and he may not complain, or seek remedy or redress. Thus such a litigant has the same status as a slave or a serf, or chattels. The Freeman Bright Line disagrees[205].

These judges claim that they do not purposefully intend to harm the disabled pro se litigant. These judges ignore that **omission** to prevent human rights violations is used to attribute purpose and intent to prohibited acts by the judge under international human rights instruments.

Upon reading the Findings and Purpose of the Americans with Disabilities Act and its Amendment, we find that this rationale and judicial practices leading to the doctrine of 'acceptable collateral damage' are outlawed by the People since at least 1990[206]. Also, as discussed below, human rights prohibit the abuse

[199] No person of normal sensibility likes to access our nation's courts.

[200] The federal pro se advocate provided by the federal courts, upon my review and experience, provides a slight benefit, but is ineffective. The federal court statistics confirm that this service did not provide a notable change in the dark fate of the pro se litigant in the federal courts. See the revelation by judge Posner, confirming that courts treat the pro se litigant like "a kind of trash not worth the time"

[201] In contrast, in criminal defense, a pro bono lawyer is guaranteed by the government because the potential for injustice and cruel and unusual punishment, is recognized. But no such danger is recognized for the disabled pro se litigant in jurisprudence who cruel and unusual punishment without due process is documented.

[202] Since judges will not accommodate disabilities or provide Safe Harbor for serious illness, I have requested that representation be provided by California courts in my civil litigation and been ignored or refused. However, take careful note that if the torture and injuries continue, after some time, even the provision of a pro bono attorney will not protect and enable to litigant to participate in litigation as he may be so injured that he cannot even work with an attorney who represents him. This was demonstrated in the state and in the bankruptcy court in this Circuit.

[203] The Multiple Sclerosis Stress Equation, Solomon et al., Journal of Medical Statistics and Informatics, Volume 11, Article 1

[204] No rule of federal court, and neither FRCP or FRAP or the Bankruptcy court rules provide any accommodation to the disabled or any safe harbor to the seriously ill party

[205] Federal judge Beth Freeman considers substantive laws ending discrimination (in jurisprudence) and prohibiting and preventing human rights violations and preeminent and preemptive of the invariances or rules, procedures, policies of courts, including administrative goals and other fairness and equitable considerations. Freeman correctly attributes priority and importance to the ending of discrimination (in jurisprudence) and the prohibition and prevention of human rights violations

[206] In fact, the Rehabilitation Act outlawed all discrimination based on disability since 1973. This court has a tradition of recognizing discrimination of many kinds to be unconstitutional and unfair. Nevertheless, this court practices discrimination, providing access to some not all litigants. Incredibly, the federal judiciary consider themselves exempt even under the Rehabilitation Act, which like the ADA, also established a national standard for the states to end discrimination based on disability. A standard to end discrimination can only be a standard if it is uniformly applied by every court, not just the state

and degradation of the party who is seriously ill and unable to comply with invariant rules and procedures and policies of courts in order to access fundamental rights. Such a person must not be subjected to cruelty and inhumanity and forced to comply with invariant rules and procedures and policies of courts, especially if injuries or death may result. Such a litigant must be provided safe harbor by the courts and may not be labeled as the collateral damage of jurisprudence from the moment of filing litigation. Thus we observe that the national policy of the greater good is directly at odds with the universal policy of human rights.

Which policy preempts? Does a nation that promotes justice and fundamental human rights 'on the average', provide a valid rational basis for violating individual human rights in the non-average case? Under the judicial branch's invention of a tri-tier standard of scrutiny, what standard of scrutiny applies? May non-derogable rights under International Law[207] be violated under rational basis review?

Should non-derogable rights under International Law preempt the concoctions of a handful of senators[208] and members of the judiciary and their advisors who never considered or anticipated violations of disability laws or human rights in making other laws, and in devising rules and procedures and policies of courts? Who expected at that time that systemic discrimination and human rights violations would be discovered in jurisprudence?

What if we note that human rights may be derived from the text of the US Constitution? What if we note that the US Constitution expressly respects and names the Law of Nations in its text, and thus, at a minimum, the standard of adjudication of treaties under Article VI in 1787, is what is now referred to as customary international law? Therefore, we must consider that customary international law applies[209].

A violation of human rights is a *jus cogens* of customary international law[210], and courts systemically violate human rights, with judges personally choosing to follow the systemic policy of discrimination and human rights violations mandated by the rules, procedures and policies of the courts and turn us into

courts. The concept of discrimination is not divisible, but must be treated as an atom that encompasses all potential constituent forms of prohibited conduct bar none, and thus a federal judiciary may not claim exemption by specifying a subset of prohibited acts as being legal in the federal courts.

[207] which is specifically binding upon the United States and its judiciary under Article VI through the requirement of obedience to treaties in domestic jurisprudence. Treaties are not ultimately adjudicated under domestic law, but are measured and enforced under International Law. Therefore when Article VI binds this court to the interpretation, application and enforcement of treaties, it is the eyes of International Law that this court must use to comply with its Constitutional mandate, not domestic law and selective legislation based on RUDs.

[208] Representative government is not without fault, and the mechanisms for addressing the fault, which are the judiciary, must be vigilant and effective.

[209] Customary international law applies whether or not it is recognized in the US Constitution. The UN Istanbul Protocol provides authority confirming this fact.

[210] Yes, violations of human rights are considered jus cogens norms in international law. Jus cogens, also known as peremptory norms, are fundamental principles that are universally recognized and accepted by the international community as norms from which no derogation is permitted. These norms are binding on all States, regardless of their consent.

collateral damage even though it is a crime. The UDHR[211] and the Charter of the United Nations[212] prohibit human rights violations. So the question becomes: does the policy of 'acceptable collateral damage' in jurisprudence, implemented through invariant court rules, policies and procedures, violate human rights, and constitute a crime?

History demonstrates that this issue of human rights in the course of jurisprudence was never considered by either the legislature or by the judiciary[213]. In fact, if this court does this case and this litigant justice, it should observe that I have stated for SEVEN YEARS that the laws of the United States or California did not consider all of the elements[214] required to "establish Justice"[215] for the People, and that disability is the litmus test for exposing these major deficiencies in history of US legislation, and the litmus test for the inherent flaws in jurisprudence and the litmus test for the operations of the courts. If not for the disabled pro se litigant attempting to access the courts, we would continue to live with a flaw in jurisprudence that is harming the People stealthily[216], and the flaw is being covered up in the normal operation of the courts.

For this litmus test to be effective in objectively proving the non-compliance of jurisprudence with the supreme Law of the Land, which includes the recognition and protection of human rights, it must be capable of objectively demonstrating that the design and framework and process of jurisprudence is flawed independently of its human resources, and that the litmus test accounts for all other variables, such as judicial errors and judicial discretion and the dynamic range of fairness and equity and legalized malice and corruption, and the operation of statutes, and the poor character of judges for judicial office.

In the cases of disabled litigants, the lack of rules, procedures and policies that expressly accommodate the disabled litigant in the course of jurisprudence, is identified as a design flaw by government.

Our judiciary who should be watchful and notice and deal with any design flaw in jurisprudence, remain insular and surprisingly blind. The public notice outrageous positions taken by the judiciary that undermine substantive justice, but the judiciary do not. The Eight Circuit for example asserts on its

[211] The Universal Declaration of Human Rights was adopted in 1948.
[212] Adopted in 1945
[213] The fact that human rights is not expressly raised in precedents is because lawyers gravitate to statutes and established precedents, which in days of old, inherently embraced human rights in most instances through socially prevalent cultural norms, but as time passed, society and culture evolved and this was not explicitly separated and distinguished from the application of laws as a distinct and independent basis for consideration.
[214] Where for example, is the express recognition of human rights that leads to their preemptive and preeminent recognition and standing in all laws? How is it that judges blatantly violate human rights without conscience and call it obedience to the rules, procedures and policies of the courts and the express requirement so statutes?
[215] See Preamble to the US Constitution
[216] A growing movement of criticism and reaction against the Family courts of this nation is brewing and will become visible in due course. Family courts in particular, are daily violating human rights, and judges are falsely characterizing these judicial acts as lawful sanctions and the rule of law.

website[217] that "*The Americans with Disabilities Act does not apply to the federal judiciary. However, pursuant to United States Judicial Conference policy, the Eighth Circuit Court of Appeals provides reasonable accommodations to persons with disabilities, including communications disabilities*." This writing by the federal courts confirms the necessity of standards[218] in jurisprudence, and supports this disqualification motion with respect to the truth asserted that the federal judiciary, including this court, must FOLLOW the ADA, and that the federal government must not be divided against itself, and that there must be a uniform national standard for ADA accommodation which is the same in the state and the federal courts. The Freeman Bright Line is that emerging standard. However, the federal statement begins with a contemptible and erroneous representation of this nation's vital anti-discrimination law, based on the textual interpretation of the statute without regard to essential principles for its correct application, which modify that interpretation. The Eighth Circuit has arrived at the inevitable interpretation, that the ADA must be applied to federal courts and provide accommodations.

However, overt discrimination in court rules, procedures and policies may be tempered by precedent that over-rides them. There is no such precedent.

The word "reasonable" is controlling in the quotation from the Eighth Circuit, and is a subjective variable, while disabilities are objectively determinable. Courts acts as the sovereign and interpret "reasonable" unilaterally, when in fact "reasonable" is bilateral, with preference to the disabled litigant. In other words, the denial of my accommodation must be "reasonable" under the circumstances, and under human rights principles, my accommodation must be a priority in determining "reasonable". In not a single instance in SEVEN YEARS has this been so.

For proof of a defect in jurisprudence we want as objective a litmus test as possible. There is nothing "reasonable" about the denial of my accommodation. However, under "reasonable", it may be argued that jurisprudence provides a solution for disability, and that the mutilation I suffered is because of an abnormal number of bad judges, and their ineptitude and their poor discretion, and their hatred for humanity, nothing more. While this is not recognized as a "reasonable" assumption, can we nevertheless find a better litmus test?

If we add serious illness that may be regarded as a disability that temporarily disables the litigant, then technically the litmus test is still limited by "reasonable" accommodation for a disability under the ADA, and we can do better by rising above subjective proof.

[217] https://www.ca8.uscourts.gov/ada-accommodations
[218] The flaw in the quotation is that the federal courts undermine a standard for elimination of discrimination by asserting the first sentence.

The litmus provided in this case is the knowledge and proof of REPEATED physical and mental injury that becomes the objective measure of "reasonable" accommodation and accounts for the full extent of the repertoire of judges (discretion, fairness, equity, legalized malice and corruption) and judicial errors[219], thus eliminating all of these variables.

Here, the physical injury is brain and spine damage that is permanent and causes physical manifestation, such as walking impairment, which may also be sustained by a physical attack causing trauma and loss of innervation of a leg; or such as inability to breathe, which may also be sustained by a physical attack causing chest trauma and excision of a large part of the lung; or such as blindness, which may be sustained by a physical beating to the head; or such as cognitive impairment, which may also be sustained by a bullet wound to the head, etc. The key for a superior litmus test is that the brain and spine damage that is permanent and causes physical manifestation must be related to the judicial conduct, and indefensible using "reasonable" and discretion[220].

It is well established that stress causes disease. In 2023, it was established by science that negative stress (distress) causes brain and spine damage in Multiple Sclerosis[221]. Apply distress to an MS patient, and you will manifest physical (and mental) injuries. The relationship is deterministic and the prediction of MS relapse duration can be made with reliability. Additionally, it is now proven that distress dysregulates type-II diabetes, impairing physical and mental health, and placing the patient in danger and further reducing his lifespan.

Therefore, a superior litmus test is to place a pro se litigant with Multiple Sclerosis (and type-II diabetes) in the course of jurisprudence and in plain view of judges, prolifically announce the need for accommodation, educate persistently about the dependence of injury on the lack of accommodation, and track and report injuries without fail resulting from the absence of accommodation[222] so that every judge is well aware of what is happening to the litigant with MS. And to track the litigant's disease(s) symptoms and injuries chronologically, indexed to distress events.

[219] The law presumes judges to be sufficiently intelligent and competent that when they make an error, and they are informed about it, they are capable of avoiding making that error again … and again … and again … and again … and again …
[220] Despite a defense of discretion, human rights principles and treaties invalidate the discretion defense, but our purpose here is to recognize the superior litmus test
[221] The Multiple Sclerosis Stress Equation, Solomon et al., Journal of Medical Statistics and Informatics, Volume 11, Article 1
[222] By tracking and measuring MS relapse and symptoms

The numerous records of 9 courts[223] since 2018 document this litmus test[224]. I had no idea that such a litmus test was created and what was unfolding in the public record of the courts, but my severe pain and suffering is now shown to be a blessing for the People.

The record shows that judges, knowingly and deliberately, perverted "reasonable" and REPEATEDLY caused me physical and mental injuries through the deprivation of accommodation in the course of jurisprudence for a combined total of SEVEN YEARS, despite incessant requests for accommodation and reports of the injuries and predictions of injuries. The record shows that I have struggled for SEVEN YEARS to stop merely the progress of litigation so that I can be free from further physical and mental injuries and receive essential and long-delayed medical treatment and recover and rehabilitate, so that I can participate in litigation. I have not been able to litigate any lawsuit in SEVEN YEARS, while I have been repeatedly made the collateral damage of jurisprudence.

Thus, we have a superior litmus test based on objective measurements and scientific principles that shows jurisprudence is flawed.

Therefore "reasonable" must be viewed from the point of view of which side of the accommodation can flexibly adapt to the accommodation without injury and without prejudice. Conventional discretion, fairness and equity make no account for injuries. In this case, the disabled pro se litigant is entirely limited by forces beyond his control that determine the unique needs for accommodation of his disability, while the court has discretion and fairness and equity in its repertoire. Therefore, under "reasonable" it is the court that must accommodate as the disability needs require, and without fail. This is the Freeman Bright Line.

But the question becomes, what if a judges are unfit for office and behave like criminals, and they are organized and have occupied our courts as a malevolent cluster? After all, power and ego corrupt apparently upstanding men and women. What does this prove in terms of a flaw in jurisprudence itself?

[223] Three state courts, the Ninth and Tenth Circuits, the Bankruptcy court and the US Supreme court. A critical consideration is that no lower court judge may use the excuse or justification or acquiescence by a higher court to their individual human rights violations. The consideration in such instances becomes the additional investigation of collusion or a systemic conspiracy and organized hate crime. At the moment that judge is informed of the human rights violations and holds jurisdiction over the victim, that judge is inextricably intertwined with the human rights violations. Freeman demonstrates how a judge of good Behaviour does not become entwined with the chain of human rights violations by judges and courts.
[224] In addition to the tracking of distress events and MS relapse symptom sets, in 2022, continuous blood glucose monitoring was added as an objective measurement mechanism of distress, and the effect of distress on blood glucose dysregulation has been demonstrated with predictability.

Said another way, I am seeking reform of jurisprudence itself, so while judges must be punished civilly and criminally for their prohibited acts, what is the uniqueness of my case that proves a flaw in jurisprudence (instead a flaw in judges)?

Let us focus on two points: time and conflict.

First, my case demonstrates that it may be impossible for the disabled pro se litigant to meet the timing and deadlines in jurisprudence. The possibility of the impossibility of meeting the timing and deadlines in jurisprudence is proof of a flaw in jurisprudence.

The Freeman Bright Line establishes that court and legal deadlines are secondary in fundamental importance to human rights and discrimination. When the unique litmus is a disabled litigant that has a need for indispensable medical treatment that triggers, every deadline possible in litigation, and when every deadline is triggered, every court will continue to enforce the deadlines which make it impossible for the litigant to access the courts, and as demonstrated by this judge and this court, he will lose his claim and his rights and any possibility of relief or remedy, even if later after he is treated, he is able to come and litigate his case[225].

The US Constitution does not provide for the absoluteness of the timing and deadlines in jurisprudence, but does provide for the inalienability of fundamental rights, which include the full application of the First, Fifth and Fourteenth Amendments, which the merits of his case, and not being able to access due process. Therefore jurisprudence must cater for each, but does not.

When given notice of structural defects, and contradictions and inconsistencies and outright prohibited acts, if jurisprudence fails to account and self-remedy, it is inherently flawed, but the flaw may be attributed to bad judges and their poor education. However, when it is discernible that jurisprudence shuts-out the disabled pro se litigant who simply cannot meet customary deadlines, then jurisprudence is flawed. This is the case made by these facts.

For example, many of my ripe cases were discarded by higher courts by making it impossible for me by virtue of each court's rules to file them as writs[226], and then timing me out by citing the rules of the

[225] Enforcing an invariant time-window of access and applying it to the substantially incapacitated and disabled litigant constitutes, at a minimum, depriving them of due process. If they can't access, which is extremely likely, is cruel in human and degrading. Doing it for six years, without changing conduct is torture, psychologically, injuring us, and inducing severe pain and suffering, and watching the injury happen and not changing conduct. With injuries documented and reported that flow from the torture, persistence in torture while alleging no foul is the hallmark of jurisprudence, and its signature defect.

[226] Many of my writs were not filed by the clerk of courts because I did not have the functional and cognitive ability to time them or format them according even to the relatively simple format required by each court. Each clerk and each court refused to deal with my requests for accommodation, and my medical records and the proof of my inability to participate. I had no choice but to file something by the deadline, and I could not even manage that in all cases. The same is demonstrated in 21-cv-04262-JSW, and my attempted filing of an amended complaint in 2024 under coercion and intimidation by judge Jeffrey

court. The condescending and degrading writings of each court's clerk were cruel and inhuman. I prolifically announced to each court the need for accommodation, I educated that court persistently about the dependence of injury on the lack of accommodation, and I tracked and reported injuries to this court without fail resulting from the absence of accommodation. The objective test showed that the court determined upon review of its own processes and rules and procedures in its response letter to me that it is fully compliant with federal law and has done no wrong. Since each court expertly implements jurisprudence, and the standard of jurisprudence is set by each court, a flaw exists in jurisprudence that is objectively identified. The same test and results and objective assessments applied to every other court yield the result that jurisprudence is flawed.

Second, laws, and the rules, procedures and policies of courts may present situations where they are in conflict. If jurisprudence does not have a mechanism for resolving such conflicts, then it is flawed. It is not necessary for the flaw to cause harm or injustice. There mere flaw is sufficient. But this case goes far beyond the mere flaw: it demonstrates egregious injustice and criminal harm as a result of a flaw in jurisprudence.

White, who expressly violates the UNCAT. Without the sudden appearance of A.I. I could never have filed a single writ in that court.

For example the process for protection and enforcement of human rights[227],[228] the process for extending time to file or express a complaint[229],[230], the administration of disability accommodations[231],[232],

[227] For example, California Rules of Court, rule 1.100 limits and obstructs any grievance about deprivation of ADA accommodation, by requiring the grievance to be filed by the same seriously ill and disabled pro se litigant who complains of being unable to meet court deadlines, by means of a writ to the appeal court within 10 days of the denial order. That appeal court also discriminates based on disability, and will not accommodate the aggrieved litigant and also taxes the applicant for filing the writ for regaining fundamental rights in the courts. There is no extra-judicial independent body involved in the determination of appropriate accommodation and the prejudiced and malevolent judges decide accommodation by means of an unconstitutional casual process without standards. In reviewing the decisions on disability accommodation by California courts, you will find wide variations in outcomes to similar requests for accommodation, and generally discriminatory and unreasonable decisions by individual judges without due process. The rule is in conflict with human rights principles and treaties, and the judicial policy is in conflict with anti-discrimination laws and human rights treaties. The same occurs in this court. the clerk of this court has ordered that I shall supply information in the form of an opening brief in 24-6312 at the cost of serious physical and mental injuries through the distress that the clerk inflicts on behalf of the court and under the color of authority held by each judge of this court, while also alleging that a decision shall be made upon my request for accommodation and safe harbor that this court has purposely withheld since 2019, and just in 24-6312, has withheld purposely and intentionally to distress me and cause me egregious injuries and to recklessly cause my death, now for THREE MONTHS. Compare the judge Beth Freeman who does not delay any decision on my safe harbor and accommodation, impeaching each judge of this court and this court since 2019. Her turnaround time on decisions for my safe harbor and disability accommodation is a matter of days and she does not distress me or hold me in perception of a hostile and abusive court that invidiously discriminates based on disability and violates my human rights.

[228] For example, human rights treaties provide that any complaint of whatever form made to government about human rights violations by cruel, inhuman and degrading treatment or by torture, must be investigated. But there is no mechanism for any victim of judicial human rights violations to complain directly to this court, or to the US Supreme court, which the Department of Justice points to as the authority empowered to deal with any question or complaint about the courts and its rules, procedures and policies which influence every court in the nation on human rights and disability. Unless I earn the right to file writ in the US Supreme court by first being violated by every court in the hierarchy of a state or a federal circuit, and by having a ripe case and controversy that ends in this court, then that court will not hear me. And the invariant rules and procedures of this court make the judges and the clerk fully authorized to reject any communication or filing that is not consistent with its rules and procedures with inhumanity assured. Since this court has no respect or recognition for the ADA and for human rights of litigants, naturally I have never been accommodated by it and been deprived of multiple appeals by contempt of its judges for Article VI and human rights. Under human rights instruments, I should be able to complain to this court about each and every violation of human rights in the state and federal trial court and every higher court, including itself. This is not possible. The only opportunity is this disqualification motion that, maybe, will reach each judge if maneuvering by this court and its clerk do not prevent its delivery.

[229] For example, the statute of limitations for filing a claim for defamation is 1 year in California. When a seriously ill disabled pro se litigant cannot file the complaint in the superior court in time, even by 1 day, then it is treated as barred. Equitable tolling is not available to the hated disabled pro se litigant, nor is equitable tolling considered by judges if it exceeds a secreted limit of time-delay that is variable by individual discretion of a judge. The ADA criteria of "fundamental alteration" does not privilege the forfeiture of fundamental rights for a norm of the court's service that standardizes a statute of limitations to a number of days divisible by 10, etc. As importantly and never considered, my cases demonstrate that the expression of a complaint that is compromised by serious illness and disability and results in a statement of the complaint that must be amended prior to service and prior to litigation, is used by the court to prejudice the merits of the case. The court will issue a dismissal on the form of the complaint, which the complaint explicitly describes as form-incompliant, incomplete and requiring amendment. Amendment of the complaint to properly and fully state the causes of action is in practice never permitted by the court, and the court thereby interprets the incomplete and unprepared and involuntary statement of the complaint that was only filed to toll the statute of limitations. See for example the dismissal of 21-cv-04262-JSW in 2022. The statute of limitation is in conflict with the ADA's requirement of accommodation, and with human rights principles and treaties, and the judicial policy of strict enforcement of the statute is in conflict with anti-discrimination law and the raison d'etre of the judiciary to modify statutes by precedent to ensure constitutional government and to "establish Justice". The same is true of this court, and the latest letter by the clerk insists on an absolute requirement of the extraction of information under coercion and intimidation by a time that is inconsistent with and unrelated to my need for safe harbor and disability accommodation, and insists that I must cure my disabilities and heal my serious illness or otherwise be punished and lose access to due process AGAIN as I have done in this Circuit since 2019, while this court and its judges are impeached by the Freeman Bright Line, whose safe harbor is scheduled for renewal 2 weeks after the clerk's order for my delivery of information by opening brief. The invidious discrimination and purposeful and intentional torture inflicted by this court,

under the authority of this judge and this judge's peers is demonstrated further by the evasion of its judges to rule on my request for safe harbor and disability accommodation with an evasive and fraudulent promise of an eventual ruling that is the cause for extreme distress and severe and continued pain and suffering, and prohibited by the UNCAT. Instead the clerk has abused me by citing the rule of court that has no provision for disability or safe harbor as the only means of extending time in a hostile and murderous court.

[230] For example, take the Ninth Circuit court of Appeals case 24-6312: Under the Freeman Bright Line, which the Ninth Circuit court of Appeals must FOLLOW as the national standard for disability accommodation in the courts, that court must provide me opportunity to receive and complete uninterrupted medical treatment and to recover and rehabilitate FIRST, before requiring me to litigate and prosecute my appeal. The appeal is for the district court denying me opportunity to receive and complete uninterrupted medical treatment and to recover and rehabilitate FIRST, before requiring me to litigate, and thereby depriving me of access to constitutional due process. Instead, the appeal court has refused to rule on my request for ADA disability accommodation, and ordered that I participate unequally and express my appeal by brief without accommodation, and cited the rules of court as preemptive of ADA disability accommodation. Accommodation is a matter of substance affecting access to due process and freedom from injury and pain and suffering under human rights instruments. The rules of court are in conflict with human rights principles and treaties, and the judicial policy is in conflict with anti-discrimination law, and the appeal court, which is the court designated for resolving contradictions and inconsistencies in laws and rules and procedures simply takes sides, and discards the US Constitution and human rights principles to support its continuing collusion with the trail court judges who dispatch the disabled to their cold, dark and inevitable fate.

[231] For example, the Sixth District court of Appeals insists that it obeys California Rules of Court, rule 1.100. That rule specifies a *Vesco* hearing as the means for an adversary to object to disability accommodation provided to me by the court. On October 2, 2019, the notorious presiding judge of the Sixth District court of Appeals summoned me despite my objection to be personally examined by her. Upon examination, she ruled to provide me repeated 120-day blocks of stays in her court. Soon, she undermined the stay by allowing the courts to shower me with default notices and demands for performance in my appellate actions. The trial court had ruled prior to her the examination by the presiding judge that because I had filed a complaint for discrimination based on disability after enduring a year of discrimination from the California courts, that I should be deprived of all disability accommodation in perpetuity despite evidence incessantly provided to the courts that my injuries are accumulating and my health is in dire straits. Thus she aligned herself with the trial court, and summoned my adversaries to give ex parte testimony to oppose my accommodation while concealing their filing from my eyes. A *Vesco* hearing, under rule 1.100, requires basic constitutional due process to be followed and both parties to appear and participate, while the Greenwood 'Vesco' hearing is a private meeting of the 'club of attorneys' to decide the accommodation of their victim. Thus Greenwood ruled by mandate following her ex parte communication with my adversaries that I should not be accommodated in the trial court or in the appeal court. This is one of the prohibited scenarios under UNCAT and clarified by review of the UN Istanbul Protocol. The conduct is a crime. It demonstrates a flaw in jurisprudence which provides no due process for disability accommodation, and which permits judges and courts to exclude human rights and discriminate at will. For example, this court pause reconsideration of its denial in 24-3353 for FOUR MONTHS after I filed a request for safe harbor and disability accommodation to permit the trial court to torture me without restraint, which required an injunction, and then proceeded with its torture as soon as I filed the appeal for the denial of the injunction. This court, with this judge implicated in the extended torture it has inflicted upon me, used the fabricated excuse that I am vexatious because I amended my appeal to dispute the exclusion of a key actor in UNCAT violations and discrimination based on disability that judge Jeffrey White and this court have protected without reservation. In my request for accommodation and safe harbor in 24-6312, it is clearly stated that my first notice of the exclusion of the defendant Brady from lawful prosecution in 21-cv-04262-JSW was when I cognized the exclusion in the dismissal order issued by White in 2022, two years later ! Notice of my cognitive impairments including impairments of reading comprehension were well-described to this court since 2019, but at no time did this judge or this court consider my impaired and substantially inferior coerced participation in due process under the incessant punishment and torture that it inflicted upon me, and continues to do.

[232] You will find upon review of the records of 9 courts that higher courts evade and ignore requests for accommodation to participate in their own courts in order not to prejudice their verdicts on the evasion, ignoring and denial of disability accommodation in the lower court. The notorious judge Mary Greenwood of the California Sixth District Appeal court also delays decisions on disability accommodation to first render her verdict and then deny the accommodation as moot, or provides some other unconscionable and injurious justification for her unlawful conduct. You will find the same conduct in the Ninth Circuit, follow 21-cv-04262-JSW up to the appeal court in, for example (take the 2 most recent appellate actions:), 24-3353 and 24-6312. Look how the appellate judges evaded my accommodation, and see distinctly the violation of human rights described in laborious detail in each accommodation request with medical information that outrages the People by virtue of the judicial conduct in response to the reported symptoms and serious illness and the pleas of decent and compassionate doctors for the court's mercy and compassion which NEVER COMES. These actions are crimes under Article VI and under customary international law, without immunity.

disability hatred[233] expressed as crime, the abuse of the vexation ban[234], and many other examples which are found by reviewing the filings in the numerous cases that I identified in each of 9 courts in the

[233] For example, look closely at the Ninth Circuit court of Appeals case 24-3353, ECF-4 and ECF-11. First note the length of time between the dismissal in ECF-4 and the dismissal in ECF-11. Next compare carefully with the events in the underlying trial case 21-cv-04262-JSW. Note that the appeal court purposefully delayed any response on my motion for accommodation (ECF-6,7,8) following my petition for rehearing *en banc* (ECF-5), knowing that I was trying to stop my torture by judge Jeffrey White who insisted on eliminating my medical treatment and committing me to another unexpressed complaint which he would excise from his court with prejudice yielding another grossly unjust and criminal outcome. In order not to undermine White, the appeal court simply did nothing with my request for accommodation, intending at some point to see an appeal for dismissal by White at which time they would dismiss the action as they did in ECF-11. The appellate judges did not expect me to file an injunction against White in the trial court, which is the result of absolutely no domestic mechanism to stop the torture and attempted murder by a federal judge whose peer in the same court condemns and impeaches his denial of my accommodation, and hold stare decisis over White by precedence in time on the accommodation of the one and same litigant in the one and same court. Note also that I filed an amendment to 24-3353 (ECF-9) about three months before dismissal in ECF-11. But at the moment that I enjoined White in the trial court and filed appeal in the appeal court under 24-6312, the appeal court pounced on 24-3353 and revealed its long-concealed intention, which was to exterminate the inconvenient litigant. Look carefully how ECF-10 was filed to commit a fraud by my adversary in the district of Southern California and she proclaimed that she has lost her attorney, while litigating multiple appeals in the California courts, and also note in 21-cv-04262-JSW the motion to declare me vexatious in the federal courts brought by the very attorney that she claimed in ECF-10 in 24-3353 that she had lost, and was therefore acting pro se under 'financial hardship'. Note that the wording of her ECF-10 and the supporting documents are consistent with the work of her attorney of almost decade and a half service (review the filings by D.D. Hughmanick in 16cv25730), and then look very closely at the result. ECF-11 fabricates a justification for the abrupt and hateful dismissal of appeal 24-3353. But look closely at the date of ECF-11, which is more than 2 months later. The real reason for ECF-11 is the filing of 24-6312, which was the trigger the appellate judges needed to discard 24-3353. But look very carefully at the order in ECF-11, and then look at my motion for accommodation in 24-3612. Did you see it? …… My motions for disability accommodation which are well known to the Ninth Circuit court of appeals since it first abused me in 2019, reported cognitive impairments including reading comprehension. In the course of 21-cv-04262-JSW, and in my motions for disability accommodation to the Ninth Circuit Appeal court, I had given examples of very surprising statements made by me under oath that were my repetition of what I had read in court documents that were immediately shown to be incorrect. Now look again at my motion for accommodation in 24-3612. Consistent with my filings in 21-cv-04262-JSW, I was shocked to cognize, very late, that the dismissal order by White in 2022 contained immunity for the principal instigator for disability hate crimes and the prohibited acts herein complained of in collusion with judges and courts. Thus I raised the objection to that party immunity conferred by White for the first time in ECF-9 on appeal. Almost three months later, the appeal court retaliated for my filing 24-6312, and couched the disability hate crime (of punishing me for a disability of reading comprehension impairment that was disclosed to that court on several occasions) as the act of a vexatious litigant who should be openly (instead of secretly) be treated "as a kind of trash not worth the time" (See Posner). The appeal court follows a secreted policy of discrimination, as does the 10 circuit court of appeals, that ensures that discrimination based on disability, disability hate crimes and human rights violations are guaranteed to any disabled pro se litigant who complains of discrimination, hate crimes of human rights violations in the lower court. This is permissible by jurisprudence and thus a major flaw that has no place in American courts, except in the courts of the enemies of this nation and of its Constitution.

[234] For example, by coercing and intimidating the disabled and seriously ill pro se litigant into unequal participation and ordering information to be filed or presented to prevent prejudice and sanctions and punishment, accompanied by unrelenting ill-treatment and torture, it is inevitable that a litigant who resists his abuse would file complaints and motions to stop his ill-treatment and torture through infliction of injuries and pain and suffering, and be then proclaimed vexatious. In my case, the court in collusion with my adversaries and their attorneys incapacitated me and I could not even raise an objection to their vexatious motion, which the notorious judge Socrates Manoukian had once before denied, but this time, despite no justification, approved by virtue of my non-opposition which was induced. Subsequently, the state trial court, appeal court and supreme court used vexation to bar all of my actions to complain about and prevent ill-treatment and torture. Look for this starting in 2023 in the record of the California trial court in 16cv295730 and follow the higher court actions. What these demonstrate is the perversion of the vexation statute to stop human rights violations and crime prevention, as well as the use of vexation to obstruct justice and keep a plaintiff and interested party out of his own lawsuit, even after he files VL-110s asking for a pre-filing order to offer the best evidence to impeach the dishonest adversaries, justified by the notorious judge Socrates Manoukian who claims no pre-filing orders were filed, which are distinctly in the court record. Look for the subsequent endorsement of Manoukian's blatant fraud by the higher courts. There is no precedent that tests vexation against discrimination based on disability, and no precedent that tests vexation against complaints about human right violations and

footnote in “THE FACTS” chapter of this writing. Judges preside in our courts who have the power to legalize crimes and inflict them at will against the People, and our jurisprudence is so critically flawed that there is no domestic process or mechanism to abate and punish and prevent these judicial crimes.

When the ADA requires accommodation to be provided and the invariant rules, procedures and policies of courts provide no room for accommodation that is “reasonable”, then a conflict exists. When the statutes on timing do not provide room for accommodation, then a conflict exists. When jurisprudence insists on priorities of procedure that can undermine priorities of substance, a conflict exists.

It may therefore be objectively demonstrated that jurisprudence is flawed, and the litmus test is the seriously ill disabled pro se litigant.

The reason for disqualification is that when repeatedly presented with substantial evidence of discrimination and human rights violations, judges did nothing to investigate and address the flaw in jurisprudence that was identified time after time in representative courts over a sufficiently long period of time and with sufficient consistency as to make inescapably clear that a flaw exists and that the disabled pro se litigant is the victim of jurisprudence, and the litmus test.

Based on the litmus test presented by my case, from the moment of attempting to access jurisprudence, a disabled pro se litigant is collateral damage of jurisprudence, and this is objectively shown by SEVEN YEARS of the records in 9 federal and state courts and the conduct of over 40 judges. And this court and this judge endorsed this policy of collateral damage.

The US Constitution has zero tolerance for any collateral damage of jurisprudence. The legislations and precedents that habitually have provided for such tolerance of injustice, and all been deemed constitutional, are unconstitutional when tested by the litmus of the disabled pro se litigant. The litmus test yields terrifying truths. This flaw in jurisprudence must not stand.

It is a frightening prospect for the minds accustomed to judicial and legislative norms to address these issues, and judges and politicians will reflexively deny them and avoid addressing them as they would a hornet’s nest, but they are exposed by the disabled pro se litigants and now crowned by a murder in progress. The mandate of the US Constitution is to “establish Justice”, without qualification. A limit placed on justice, is by default, invalid.

Does this nation not expect and deserve the best justice system in the world?

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crimes by a court, and the judicial conduct is prolific in the courts, while declaring it to be constitutional. The US Constitution condemns such practices, and jurisprudence systemically permits it. This is a flaw.

It is our judges who should address these issues in laws and these significant issues in jurisprudence, and "establish Justice"[235], not anyone else.

It is through time and experience and progressive refinements of reasoning and law that this nation, like many others, slowly learns to improve its jurisprudence, with moments of inspiration and a few large leaps in the history of justice. The disabled pro se litigant is an opportunity for a leap in jurisprudence.

In the same way, human rights treaties contain codifications of fundamental rights that increasingly express truths whose elaboration and details help us to recognize how we must implement protections for human rights in society, as well as how we must interpret our own Constitution, in particular its concepts which require a moral mode of interpretation, such as due process of law. These rights must not be abridged or eliminated. Treaties embody great wisdom and improvements in justice that can lead to a leap in jurisprudence is they are not kept distant by our judiciary. The US has signed many human rights treaties. What do these treaties say?

One of the key pillars of customary international law is the **non-derogable right to due process of law by an ethical judiciary under a human rights-compliant government**. All of these elements must exists together, but not so under our domestic jurisprudence. This pillar of customary international law is universally incorporated in human rights treaties, and a *jus cogens* of customary international law. Do you find this as clearly mandated in the rules, procedures and policies of any court in this nation? No.

Therefore, if invariant rules, procedures and policies of courts deprive a litigant of due process, then they violate human rights. Has this happened? Yes, you're looking at one, with three other victims confirming under oath in 21-cv-04262-JSW.

Over 370,000 cases go through the federal courts each year. Over 64 million cases go through the state courts each year. Due process is highly accessed in a nation of approximately 258 million adults and over 33 million businesses[236].

Our judiciary is universally confident that their invariant rules, procedures and policies properly and correctly and justly cater for every eventuality and every possible case when combined with discretion, equity and fairness, played out under the safeguard provided by judicial ethics. Yet appellate cases pleading violations of due process are not infrequent, nor are challenges under judicial ethics. Is the

[235] The requirement of the US Constitution to "establish Justice" is not a one-time fait accomplish. It is a dynamic and continuous process of refinement, and even re-design if necessary, and whatever other methods by which the full measure and unrestrained splendor of justice may be delivered to the People.
[236] Source: A.I. by Microsoft Copilot

confidence of our judiciary in invariant rules, procedures and policies, and ethics, justified? No, as demonstrated.

Jurisprudence is required to be self-correcting. If a flaw in jurisprudence exists then with the volume of cases going through the courts, we would find problems with due process and judicial ethics. From time to time we do, but in majority, very few changes have been made to rules, procedures and policies of the courts[237] and to judicial ethics.

But what if the litmus test of a proper test of jurisprudence is not presented by the volume of cases so far considered by these courts[238]? This argument must not be advanced by any court. Precedents exist on the treatment of the disabled pro se litigant, and 'they are not pretty'[239].

The more appropriate question is therefore, what if jurisprudence itself systemically rejects and obstructs cases that reveal its inherent flaws? This is revealed by this case.

Our judiciary will assert that such judicial obstruction is prevented by judicial ethics, and by statutes and by precedents, and jurisprudence does not have the flaws of the magnitude that I claim. Judges are merely following the law, say our judges, and do not reject or obstruct cases. This is not so in practice[240].

The standard of good Behaviour is the dominant and determinative standard for judicial ethics in the United States, but is not fully embodied in any judicial code of ethics. The standard of "good Behaviour" under Article III has been abandoned by government in favor of the standard of impeachment for civil officers under Article II[241]. And for impeachment, "high crimes and misdemeanors" under their true and intended meaning in 1787 have been essentially abandoned, and made unreachable by the ordinary person. Thus constitutional judicial ethics are deprecated and limited

[237] Look at the changes made by this court and the Judicial Conference to FRCP and FRAP or Bankruptcy rules, for example. Human rights are protected under the Constitution by Article III "good Behaviour" but that standard disappeared from jurisprudence, and is clearly demonstrated to be absent in this court by direct examination under the litmus test.
[238] More writs of certiorari will be filed in the US Supreme court, if I survive, that will demonstrate incessant and impenetrable due process violations by judges and courts that have no recourse in domestic jurisprudence. These will escalate to the UN Special Procedures for investigation of judicial crimes. This court is *forum nullus* for the disabled pro se litigant. Thus there is no domestic jurisprudence and due process available to the disabled pro se litigant through this Circuit. Every single judge who has dealt with my case in this Circuit, or is an appellate judge who may preside *en banc* in any one of my cases, in particular when I expressly specified *en banc* reconsideration of the dismissal in 24-3353, is implicated by these prohibited acts, stretching back to 2019, and forward indefinitely as I continue to be abused by judges and courts anywhere.
[239] See the digest of precedents on disabilities in the TABLE OF AUTHORITIES in writ of certiorari 24-6012 in the US Supreme court.
[240] The record of multiple courts, with reference to me and to the other victims who testify, show that judges obstruct the pathway for contention of due process violations through the ordinary course of jurisprudence for the disabled litigant, and reject the opportunity for challenging a defect in the rules, procedures and policies of the courts and judicial ethics if it exists, and thus due process is absent for the disabled pro se litigant.
[241] The US Constitution intends for the standard of conduct for judicial officers to be distinct and 'higher' than for civil officers. That is why Article III specifically addresses judges.

to codes of judicial conduct, at best. Any statute by Congress to give private right of action against the judiciary according to an ethics requirement, such as 28 U.S. Code § 455, is essentially impotent and cause for public ridicule[242].

When expressly challenged under multiple violations of the applicable judicial canons of ethics, with details of the violations[243], both state court judges and federal court judges are defiant, even if their ethics violations are criminal acts[244] perpetrated maliciously and corruptly, under color of authority[245]. They supplant canons of ethics with a statute that deprecates the canons, and extinguishes Article III "good Behaviour". They use standard defenses that are degrading to justice and human rights and show contempt for the applicant and for the rule of law. These judges insist that they are untouchable in committing harm and believe that they are protected by judicial immunity, and freely commit[246] these prohibited acts. Brevity is used as their privilege, when a nation expects extensive justification commensurate with the seriousness of the allegations asserted by their victim. These ethics rebuttals by judges are unassailable through higher courts. This is not the intended design of codes of judicial conduct, but it is the reality of judicial ethics that proves them to be impotent in most, especially in critical cases. Monarchs behave the same way, unaccountable for their tyranny.

Domestic judicial ethics do not comport with international judicial ethics standards that seem similar, but the international ethics protect human rights by conception and are declared to be for that purpose, while the domestic ethics condemn human rights, even when violations of human rights by the judge are

[242] The disqualification of the drunken judge in US legal history is a valid enforcement of good Behavious, but under 28 U.S. Code § 455, it may never be repeated even though it is still a basis for disqualification. This is just one example of the impotence of statutory disqualification of a judge. Another is the basis for disqualification under 28 U.S. Code Chapter 16 which excludes all decisions by a judge, even though the language of 28 U.S. Code § 351 claims to provide a basis under "effective and expeditious administration of the business of the courts". Note carefully that judges abhor disability because disability is a basis for disqualification under 28 U.S. Code § 351.

[243] See for example, state trial court disqualification of judge Socrates Manoukian filed on 3/7/2024 in 16cv295730, Santa Clara County Superior Court, California. See also the federal disqualification of judge Jeffrey White in 21-cv-04262-jsw ECF-145, Northern District of California. Note that neither a state trial court judge, nor a federal trial court judge acknowledge that human rights are inherent and covered by judicial ethics. In particular, note how White nullifies every canon of federal judicial ethics and replaces them with the statute, which he interprets and applies improperly. He provides no demonstration of meeting the standard of good Behaviour, except to perpetuate and insist on his torture and fail to abate it and reform his own conduct despite extensive reasoning and extremely injurious and costly challenge provided by me at the cost of severe pain and suffering.

[244] See ECF 145 in 21-cv-04262-jsw in the Northern District of California, for example.

[245] Of every one of my disqualification attempts against multiple judges failed, except one good state judge who immediately recused himself in a case where I had not been served with a complaint that was eventually defaulted against me, but this good judge was replaced by another judge who has abused me more than once and made no change of course. Thus the disqualification of a good judge is injurious instead of correcting the discrimination and bias that the victim faces, and is not a basis for correcting defects in due process.

[246] I have documented in the chronological records of courts the specific details of the unethical conduct of judges that demonstrates purpose and intent to violate judicial ethics despite proof that they intentionally violated ethics and fundamental rights. The detail to look for is how they rebutted their challenge under ethics and then how they conducted themselves afterwards. For example, the corrupt trial judge Socrates Manoukian LIED that he had not received my request for accommodation in March 2023 while his own court ADA Coordinator confirmed that he has received the request.

demonstrated under human rights laws and principles[247] and domestic ethics are invoked for disqualification.

Both the federal and the state judiciary encourage acts of judicial corruption and malice, and protect each judge against liability, stating publicly that such judicial immunity and encouragement of malice and corruption by judges is in the public interest[248]. Encouragement of malice and corruption of judges while eliminating remedy and redress is the promotion of human rights violations. The contribution of the disabled pro se litigant to exposing the encouragement of malice and corruption of judges[249] is that the disabled litigant is subjected to judicial malice and corruption repeatedly and over a long time period, not merely once. If the public interest is in safeguarding an unintended judicial foul, it should not be applied to protect recidivism. Purpose and intent behind the repetitive malice and corruption is thus exposed, and human rights inescapably become the central issue.

A system of jurisprudence that fundamentally is at odds with the US Constitution and with International Law and rejects compliance with human rights, is a danger lurking in wait for every litigant. It is a source of corruption and injustice that is stealthily concealed by the momentum of judicial power that promotes its own monopoly of justice and power, and feeds on the weakness and disempowerment of the individual litigant to assail its tyranny, while Separation of Power gives it opportunity to run free.

To test if the system of jurisprudence that we rigidly enforce upon the People meets Constitutional muster, now comes the disabled pro se litigant who is seriously ill, to be carried by rules, procedures and policies of courts on the conveyor belt of justice through the course of jurisprudence.

No, says the Freeman Bright Line, such a litigant shall not be compelled to step onto the conveyor belt of courts, but must be protected by safe harbor and permitted to recover and rehabilitate from serious illness. Only when safe harbor results in recovery and rehabilitation and fitness to continue, then the litigant may board the conveyor belt of court processing, with appropriate accommodation for his inequality to others in access to the court. Says Freeman.

And what does the record of every single representative court in this nation show?

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[247] See ECF 145 in 21-cv-04262-jsw, for example.

[248] The American judiciary have ruled that a judge may act corruptly and with malice without fear of liability. This stands in direct conflict with human rights and International Law. See for example *Ballard v. Wall (5th Cir. 2005) 413 F.3d 510, 515, Basile v. Connolly (2d Cir. 2013) 538 F. App'x 5, 3-4, Dellenbach v. Letsinger (7th Cir. 1989) 889 F.2d 755, 757-58, Falls v. Superior Court (1996) 42 Cal.App.4th 1031, 1037, Grandy v. Fowler (Nov. 15, 2011, E052843) Cal.App.4th , McCray v. State of Maryland (4th Cir. 1972) 456 F.2d 1, 3, Marcello v. Maine (D. Me. 2006) 464 F. Supp. 2d 38, 42-43, Mireles v. Waco, 502 U.S. 9, 11, 112, Toste v. Superior Court No. C058938 (Cal. Ct. App. Oct. 27, 2009)*

[249] by judicial precedents and ethics

Every single court and every judge other than Freeman, who was inadvertently placed under the litmus test, insist that such a litigant must not be treated differently than any other. Therefore, irrespective of his medical condition and fitness and capability to litigate[250], this person must be reminded that he chose to come to the court and must be subject to the same invariant rules, procedures and policies, because STANDARDS are essential to jurisprudence. But no such standards are seen to be applied to the seriously ill litigant in jurisprudence with respect to disability rights and human rights, except discretionarily and contradictorily and inconsistently.

Even when such a seriously ill litigant, in addition to his serious illness, contracts long Covid, for which an entire nation was accommodated by every court, this litigant is refused accommodation despite danger of death, and coerced that unless he immediately litigates in his extraordinary impaired condition, he will lose property, liberty and rights[251] without any pathway to redress or remedy. This was proven with finality by writ of certiorari 23-7017 in the US Supreme court, which is a condensed summary record of ill-treatment and torture and discrimination that has no possible remedy or relief in domestic jurisprudence.

And, every single court and every judge other than Freeman insists that such a litigant must not be meaningfully accommodated for his disabilities, even if not ill, other than inappropriate and insufficient allowances, such as increased word count in excess of court rules for writing pleadings under coercion by the judge[252] while cognitively and functionally impaired and unable to express himself and unable to

[250] By comparison of my filings since 2018 until 2023, to my filings since the advent of A.I. in 2023 and my training with A.I. during 2023 and 2024, the records of 9 courts combined demonstrate that my innate abilities were obstructed by judges since 2018. Only by combining my human self with my artificial machine alias can I produce a writing like this which includes legal research and legal argument. But still, I have to do so at the expense of SERIOUS PHYSICAL AND MENTAL INJURIES AND SEVERE PAIN AND SUFFERING, whiles I am being tortured by judges and courts. Prior to 2023/4, I was deeply aware of my innate ability, but trapped by my substantial incapacity and significant impairments to such a degree that I could not express a fraction of my ability and perform legal work or writing in a manner that I knew is required by the courts. I have the law school basis for being able to deliver legal writings combined with precedents, but I could not research, read and comprehend legal precedents by virtue of measured and documented cognitive impairments and by virtue of the deprivation of essential medical treatment that promoted and expanded my cognitive impairments instead of allowing me to rehabilitate them and prevent further impairments. A significant component of my torture is that I explained this issue of my inability to express myself to the extent of my ability and that I had something to say, and finding that malicious and corrupt judges deliberately imprisoned me within my significant impairments by depriving me of accommodation and medical treatment.

[251] See 21-cv-04262-jsw motion to dismiss

[252] See ECF 87 in 21-cv-04262-jsw, Northern District of California, after I informed judge White of contracting long Covid in the hospital emergency room. He claimed to have accommodated my MS relapse (he did not), but once notified that I had been diagnosed with long Covid (with common knowledge that those at highest risk of death are seniors and those who are immune-impaired) White wrote in his order denying safe harbor or accommodation to me that "… he is suffering from long Covid. The Court finds no basis to revisit its previous ruling that this case should proceed." The judges of this court may recall that in 2020, you gave orders for automatic time extension for every applicant to this court. Yet, not a single day of accommodation was provided to me for long Covid (the more harmful version of Covid) and I was coerced and intimidated by the judge to exert myself while substantially incapacitated and seriously ill to oppose yet another unlawful dismissal by yet another malicious judge of another meritorious lawsuit which the courts obstructed. I suffered more serious and irreparable injuries from MS relapse and exacerbation of my comorbidities as a result of White's purposeful and intentional

access legal research and unable to formulate legal arguments and meet court deadlines. These courts will even divide disabilities into allowed and disallowed disabilities, and 'accommodate' the allowed disabilities to the extent they deem not to interfere with the rules, procedures and policies of the courts. Judges see no fault in such invidious discrimination[253] and subdivision of a suspect classification[254] and selective discrimination against a single unified suspect classification[255]. A subdivision of disability is a reformulation of federal disability law by the judiciary.

After all, judges explain, a seriously ill and disabled litigant must not impose on the court, but must cure his illness and his disabilities as a condition of accessing the courts. If such a litigant dares be disabled or seriously ill[256], it is judicial policy that he will be the collateral damage of jurisprudence[257] unless he cures his 'defects'[258], and he must acquiesce to the treatment that a court affords him as a condition of accessing the court[259]. This court and this judge agree.

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infliction of distress, and I could not protect himself from his torture and attempted murder, and still have not been able to do to this day. He has tortured me for approximately three and a half years to date.

[253] See the accommodation of the communications-impaired disabled litigant by the Judicial Conference. What about the vast number of invisibly disabled pro se litigants whose disabilities do not include persistent communications impairments, or any communications impairments? Are they not entitled to access to the federal courts? The Judicial Conference may not PROGRESSIVELY learn from the ill-treatment and torture of litigants through the courts that the ADA is indivisible in its uniformity as a standard in ALL COURTS in this nation, and that the textual mode of interpretation of the Act is inconsequential to the necessity for uniform disability accommodation in all state and federal courts, with judges like Beth Freeman properly ending discrimination in jurisprudence ON BEHALF OF persons with disability. Yet, this judge did not take a single step to eliminate discrimination based on disability in the Ninth Circuit.

[254] The suspect classification of disability is intended by the ADA and its Amendment. This is confirmed by numerous entities, including the US Commission on Civil Rights.

[255] This court refuses to respect the suspect classification of disability. If measured against the primitive tri-tier classification system used under the doctrine of scrutiny created by the US Supreme court, then disability must be treated according to the worst possible form of discrimination, which is the deprivation of inalienable fundamental rights. Since deprivation of due process is one example of discrimination based on disability that is seen in this nation's courts, then the only appropriate classification demands heightened scrutiny. However, precedents since the enactment of the ADA and particularly since the enactment of its Amendment do not properly address the suspect classification or the evolution of the mechanism of scrutiny for disability, while the case and controversy requiring it has been in this court since 2019, and still present. This demonstrates contempt for the disabled pro se litigant by demonstrating that our human rights do not matter to this judge or to this court.

[256] Judges will add "for too long" to place artificial and inhuman limits of accommodation: a disabled and sick litigant shall not be accommodated for too long. None can reveal the definition of "too long". The notion has no relation to the human condition or to medicine or to science. See for example the orders on my safe harbor and accommodation by judge Jeffrey White.

[257] This is a routine form of intimidation by the courts and judges. If we do not perform by deadlines and according to rules, procedures and policies, the inevitable end with injustice assured awaits us. While pro se litigants are not always aware of the "end" looming, we discern how dissatisfied and angry the power figure of the judge may become, that we may be sanctioned or punished or even placed under contempt. See writ of certiorari 23-7017 chapter "REASONS FOR GRANTING THE WRIT" for the cruel, inhuman and degrading treatment that a disabled pro se litigant must expect in jurisprudence if disabled and seriously ill. In reading each egregious item, think how the victim feels before and after the occurrence of the item.

[258] The 'eugenics' practiced by judges are the morality of an enemy of humanity, and not privileged or permissible under the US Constitution.

[259] See writ of certiorari 23-7017 in the US Supreme court.

Freeman disagrees, as does the entire nation, who insist that the majority give up rights to accommodate a minority, who are disabled. The US Constitution stands with Freeman.

But that is not all.

Each judge of this court who touched any of my cases was well informed that the serious illness and the disabilities of this disabled pro se litigant are dependent upon his treatment by the court [260]. If treated properly, he will recover in due course and be able to proceed with litigation[261], with some accommodation, mostly in the form of extra time. If not accommodated, his serious illness will worsen and his disabilities will worse and expand through sufferance of serious and irreparable injuries and severe pain and suffering resulting. Judge and court were warned of the prospect of death and catastrophic injury if they proceed without providing the requested accommodation. This prediction was authoritatively established by authentic treating physicians and science, and common knowledge about his disabilities and his serious illness. This court is also well-informed of these facts.

It is only Beth Freeman who expressly demonstrated that she has no purpose and no intent to torture me, and wished me good health by providing ONE YEAR of stay that undermines the obscene precedent applied by this Circuit's judges that there must be a limit of time for a stay in litigation.

From the viewpoint of the victim, he is placed further and further from the likelihood of being able to litigate his case. He observes his own decline and this increases the effect of re-traumatization by the judge(s) and court(s). As he recedes further from the possibility of litigation, he also faces the increasing psychological barrier of having to deal with a judge who is his executioner and wears a false mask of impartiality and ethical demeanor. Appendix D is an informative read on the perspective of a disabled litigant with invisible disability.

It is this dependence of serious and irreparable physical and mental injuries that may be demonstrated by medicine and science, which creates a mechanism to measure pain and suffering, and a mechanism to measure the dependence of the injuries upon the ill-treatment and torture inflicted by the courts and judges.

You would think that upon this knowledge of the dependence of injuries on distress caused by judicial treatment and denial of accommodation meticulously explained to each judge and to trial judges repeatedly, with a record of the resulting injuries when they fail to listen, they would change course and

[260] As were each judge and each court with whom I have dealt since 2018 in the state of California and in the federal Circuits and the US Supreme court

[261] The Multiple Sclerosis Stress Equation[261], Solomon et al., Journal of Medical Statistics and Informatics, Volume 11, Article 1 confirms that distress causes MS relapse, and thus causes physical and mental injuries.

adopt the Freeman Bright Line. This court and its judges were tested by fate and demonstrated to directly violate the US Constitution and International Law to an unconscionable extent. Each judge of this court claims full compliance with law, but that law is not found in the US Constitution. This court, by order, expressed exactly this claim, in every action filed by me in this court. SIX YEARS after engaging in torture that it has not stopped, this court continues my murder. This confirms a major flaw in jurisprudence.

You will find documented in the records of these courts that their judges use standards with respect to every law except disability laws, and except human right treaties and human rights authorities. Even when given notice of the Freeman Bright Line, which incidentally sets the national standard for disability accommodation and safe harbor by the courts[262], these judges knowingly and willfully refused, and refuse to change course to the present day. And federal judges will insist on no standard for disability accommodation since they claim that the federal government may be divided against itself[263] and they need only apply the ADA against the state courts. This is discretionary discrimination based on disability enacted by federal judges with intent to deprive the litigant of fundamental rights, including perpetrating the prohibited acts herein discussed.

This court and this judge must carefully examine their acquiescence to this pervasive judicial behavior in the federal courts. As I write, the District court of Northern California and the Ninth Circuit court of Appeals continue my execution, and the ADA and human rights do not exist in the *forum nullus* that is the Ninth Circuit. It should not be MY BURDEN to restore an entire federal circuit to the rule of law. It is yours.

When tested by logic and morality and humanity combined with the US Constitution and ethics, these judges invented facts to justify their cruel, inhuman and degrading treatment, and refused to stop their prohibited conduct. These judicial acts graduated from torment and reckless endangerment, from

[262] Under the ADA, a federal court may preempt the standard set by a state court for disability accommodation. Note that the Freeman Bright Line was concurrent with the ill-treatment and torture and discrimination by the other judges and courts. Freeman preempted the states and is the standard for the federal courts.

[263] The federal government legislated Title II of the ADA to stop the state public entities (herein I focus solely on the courts) discriminating based on disability, and to eliminate discrimination based on disability ON BEHALF OF persons with disability. Congress did not order the federal courts to obey the ADA because the idea is redundant (the federal government may not be divided against itself), and also such an order would undermine the purpose of the Rules Enabling Act. It is self-evident that if the federal government wishes to end discrimination nationally and uniformly, the federal courts must be part of the federal execution of this nation goal with right of preemption over the states, and no federal court may violate a uniform national standard which is indivisible in its application to due process (i.e. cannot distinguish between due process in the federal versus the state courts). If a federal court does not voluntarily follow the same standard as is mandated for the states, then the federal court is divided against Congress and the goal of ending discrimination based on disability in the courts.

habitual cruel and unusual punishment[264] and torture, to attempted murder. The evidence, including medical proof, is in the courts' records, including communications with court officials. In April 2023, my doctor of 30 years accidentally let it slip in an examination that I am likely to be dead before 2028 to exercise a property option.

This bias and lack of impartiality cannot be tamed by judicial ethics[265].

But are these allegations merely offered by someone who is dissatisfied with the outcome of litigation? After all, the originating lawsuit was won over a decade earlier for the same causes of action against the same recidivist defendants, so it should have at least been offered a test of merits by the courts, which it was never offered. Judges insist that the prejudice and punishment and injuries and pain and suffering they cause arises only from, inherent in or incidental to lawful sanctions, which are issued for failing to cure disabilities and serious illness.

Let us examine a few of the many examples of what judges of this court consider to be lawful sanctions[266].

- No disability accommodation shall be provided to any litigant in the Ninth Circuit court of Appeals under any circumstances. The exception is a tiny minority of persons with disability who shall possibly, but not certainly, receive limited accommodation if they are hearing impaired or have an "other communication disability". Neither the Judicial Conference nor this court dares define "other communication disability". My disabilities include an "other communication disability", but no disability accommodation is offered to me.
- A complaint about ill-treatment and torture, and requesting cessation of judicial discrimination based on disability, and requesting the provision of court accommodations must be punished by a perpetual ban on disability accommodation and safe harbor[267]. No disability accommodation or

[264] The Eighth Amendment is not limited only to criminal cases. If punishment is significantly harsher than punishment traditionally given for the same or similar crimes it is cruel and unusual. The deprivation of the due process of law resulting in the elimination of any test of merits, and resulting in harm and punishment and damages and serious physical and mental injuries is cruel and unusual.

[265] See for example, state trial court disqualification of judge Socrates Manoukian filed on 3/7/2024 in 16cv295730, Santa Clara County Superior Court, California. See also the federal disqualification of judge Jeffrey White in 21-cv-04262-jsw ECF-145, Northern District of California. Both judges deny any lack of impartiality, claim fault with the disqualification and insist that human rights violations, including torture are lawful and irrelevant to jurisprudence.

[266] This court and this judge were informed of a list of what judges consider to be lawful sanctions against the seriously ill and the disabled pro se litigant in writ of certiorari 23-7017

[267] In 16cv295730 in California, the trial court ruled that if I complain about my ill-treatment by judges for a prior period of abuse that exceeded one year of discrimination by the court and deprivation of accommodation, then I should be condemned to never receiving disability accommodation in a court that promises the public that it provides disability accommodation to all litigants and has a Rule of Court 1.100 that exclusively controls disability accommodation. This rule does not provide such a prohibition against accommodation. Thereafter, the trial court evaded all requests for accommodation under Rule 1.100 (since 2019), and the judges perpetually fabricated evidence of my non-disability and claimed that I need no

safe harbor shall be provided to any disabled litigant who files suit against the ill-treatment and abuse by a court[268] no matter how sick a litigant becomes[269].

- An independent confirmation of disability and confirmation of the need for accommodation and safe harbor by a presiding judge of an appeal court[270] that contradicts the trial court must be set aside to punish a disabled pro se litigant for complaining against the ill-treatment and torture by a trial court. The exploitative adversaries of the disabled pro se litigant must be given opportunity, ex parte, to support the ill-treatment and torture by the appeal court[271].
- Allegedly independent trial and appeal courts must collude and eliminate due process and act in collusion to frustrate any attempt by a disabled pro se litigant to attain safe harbor or receive disability accommodation to ensure that judicial ill-treatment and judicial torture continue without remedy or relief[272]. No complaint for ill-treatment or torture shall be permitted.
- The Supreme court of the state must, as a policy, collude with the lower courts to thwart any remedy or relief for discrimination or ill-treatment and torture alleged by a disabled pro se

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accommodation. That court has incessantly deprived me, and other disabled pro se litigants who have testified, of access and due process, and this is documented in the records of that court under multiple cases.

[268] When I filed suit in the federal court for the violations of the ADA and complained of ill-treatment and torture by the state court judges, the federal court ruled that my complaint is frivolous, and I should be refouled and deprived of any remedy or relief. See 19-cv-01986-LHK in the Northern District of California.

[269] Including if a litigant who is immune impaired and in the highest risk group from Covid, contracts long Covid and stands at imminent risk of incapacity and death. A judge and a court will order such a litigant to participate, unaccommodated and deprived of safe harbor, in the litigation. See ECF 87 in 21-cv-04262-jsw, Northern District of California.

[270] Judge Mary Greenwood ordered my appearance for her personal examination in the Sixth District court of Appeals. I responded that I am too sick to attend her court. She ordered me to appear nevertheless. Refusing to obey a court order for appearance upon insistence of a judge can result in a bench warrant. I have seen this take place in other cases. I thus had to appear, at the cost of suffering and injury. The deputy Sheriff's at the screening x-ray machine insisted that they call an ambulance when they saw me. I insisted that I must go inside the courtroom as I have been ordered to appear. In the courtroom, one deputy Sheriff went to a phone mounted on the wall and called the judge that the litigant is present, and he said that I am very sick and that he offered to call an ambulance and I refused. Upon entry into the courtroom, it took a few moments for the judge to lay eyes on me and speak to me and she immediately declared that she will grant accommodation. She then listened as I insisted that I want to explain how injuries happen to me at the hands of judges. Midway in my speech, she stood up and interrupted and said she is leaving now as she does not wish to stress me further, and left the courtroom as I was in mid-speech.

[271] Upon personal examination by the presiding judge, the California Sixth District court of Appeals ruled that I should be accommodated by stays in 120-day increments until I recover, but upon discovering that the trial court had banned all accommodation to me, solicited ex parte communications from my adversaries who provided fraud, ex parte, to the appellate court presiding judge who then provided no opportunity for me to know or respond to the communication, and banned all accommodation to me in perpetuity in both the trial and the appeal court. That court evaded all requests for accommodation under Rule 1.100 since 2019 and to the present day. That court has incessantly deprived me, and other disabled pro se litigants who have testified, of access and due process, and this is documented in the records of that court under multiple cases.

[272] For example, when I challenged the California trial court for refusal to respond to a request for accommodation in 2020 by filing writ under Rule 1.100 that imposes a tax on human rights, the Appeal court and the trial court in collusion caused the ADA Coordinator of the trial court to respond, very late, to my request for accommodation and deny it, so that the appellate court presiding judge could dismiss my writ as moot. The ADA Coordinator left the employment of the court immediately thereafter after a long history of employment. The two courts, in collusion, repeated this pattern of conduct subsequently. In 2023, the new ADA Coordinator had impeached the trial judge's fraudulent claim in 2024 about not receiving my request for accommodation in 2023.

litigant. The Supreme court of the state is required by a secreted policy of the courts to obstruct such complaints effectively and to deprive every disabled litigant of accommodation[273]. The Supreme court of the state shall evade every request for accommodation made to it to participate in due process in the Supreme court of the state in order not to issue a contradictory order on accommodation to any lower court.

- The state trial court issued orders for my personal performance for discovery that I could not obey due to having been substantially incapacitated from discrimination and ill-treatment and torture by judges, and then punished me for failing to obey the court's orders with termination sanctions[274] and punitive withholding of any test of merits[275], and award of substantial attorney fees not provided for by law[276]. Subsequently, the trial court insisted on depriving me a property twice[277]. The ill-treatment and torture by the California courts continues to the present day.
- The courts repeatedly ordered my filings and my appearances and participation, unaccommodated and while seriously ill and substantially incapacitated, prejudicing my litigation and causing irreparable and serious physical and mental injuries to me[278].

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[273] The clerk of the California Supreme court impeached the justices for their fraud *en banc* in claiming that they abide by their own Rule 1.100, while they refused *en banc* to ever respond by confidential response to the application for accommodation under Rule of Court 1.100. That court has never provided any disability accommodation to any disabled pro se litigant, while maintaining that it abides by Rule 1.100 which mandates a confidential response to every single request for disability accommodation. The rule is designed by the California Supreme court in conjunction with the Judicial Council of California. The California Supreme court represents to the public that it has an ADA Coordinator, in compliance with Rule 1.100, but does not have one. The Judicial Council publishes information to the California courts' websites that every California court bar none provides disability accommodation to invisibly disabled litigants, but only provides limited accommodation to visibly disabled litigants, excluding 80% of disabled litigants from receiving accommodation in the California courts. That court has incessantly deprived me, and other disabled pro se litigants who have testified, of access and due process, and this is documented in the records of that court under multiple cases. Since you judges do not understand invisible disabilities as is evident from your documented conduct since 2020, I have attached Appendix D, which is the initial testimony of a certified ADA disability advocate, provided to the United Nations. What you do to disabled pro se litigants in this country is unlawful, and becomes a mandate for every judge in this nation.

[274] The trial court repeatedly compelled discovery knowing that I am housebound and seriously ill and unable to travel overseas to access some of my records in secure storage because of the judges' inducement of serious and irreparable physical and mental injuries. The trial court was extremely well informed that it kept me in that condition of substantial incapacity by the ill-treatment and torture at the hands of its judges. Numerous writings, including medical records were ignored by the judges, which not only provided evidence of the mechanism of injuries and how I was injured, but also warned of possible death if my ill-treatment and torture continues by the judges. Upon sufficient discovery motions to compel under impossibility of my performance without medical treatment, which drew the same truthful responses from me and rejection of my request for protective order, the trial court ordered termination sanctions, and evaded entirely any test of merits for my lawsuit, which then mushroomed to occupy 9 state and federal courts.

[275] I had resoundingly won the same lawsuit in 2005 for the same causes of action against the same defendant. But the second time around, with conclusive evidence of the same wrongs filed by declaration and motion in the court, my lawsuit was dismissed without a test of merits.

[276] The attorney fees were only valid for the property causes of action that derived from a 2005 settlement in the 2002 lawsuit. But most of the discovery concerned my personal injuries, and the attorney fees clause in the 2005 settlement covered only property and not personal injuries.

[277] This continues to the present day in the California state trial court cases 16cv295730 and 22cv408499 and their appeals, all of which must be stayed by this court pending the investigation in Appendix B.

[278] Both the state courts and the federal courts, as listed above.

- When I made a public motion in August 2018 for a stay of litigation due to the trial court inducing a catastrophic relapse of my Multiple Sclerosis[279], the judges sent a deputy Sheriff to apparently arrest me and return me to court by force for having left the courtroom while two judges were in chambers[280].
- When I expressly complained to Bankruptcy judge about ill-treatment and torture he insisted that I may not complain about his conduct for lack of standing because RUDs make the applicable authorities non-self-executing, and that therefore he is legally able to torture me without my having any right to complain. He refused to protect me in bankruptcy for my failure to cure my serious illness and my disabilities, and for being so incapacitated that I cannot work with an attorney.
- A complaint for discrimination and human rights violations by state judges and courts met with endorsement of ill-treatment and torture by federal judge Lucy Koh in 19-cv-01986-LHK in the federal court, despite substantial grounds established for prohibited acts in the California courts and in the district court. The dismissal by Koh, who was not independent or impartial, was declared as justified by this court, and my appeal and my complaint for human rights violations by Koh and her former colleagues in the California courts was deemed frivolous by the judges of this court in 19-16291, directly resulting in my continued torture in the California courts, and the encouragement for that court system and its judges to torture me and other litigants like me, which is confirmed by the testimonies of other victims[281]. The dismissal of my human rights complaint in 19-16291 induced severe pain and suffering since 2019 with wide-reaching impact, and ultimately exposed pervasive policies of human rights violations secreted by every representative court system in this nation, now subject to action by me as the Private Attorney

[279] This court should ask and seek medical advice about how a disabled litigant can be repeatedly injured and unable to remit, recover and rehabilitate for SEVEN YEARS. In seeking this advice, the medical advisers of the court should consider the paper and references in The Multiple Sclerosis Stress Equation[279], Solomon et al., Journal of Medical Statistics and Informatics, Volume 11, Article 1

[280] The deputy searched the court house for me, found me in the toilet, addressed me to come with him to the courtroom, waited in the toilet a few feet from me while I used the toilet, escorted me from the toilet and brought me back to the courtroom, where two angry judges offensively addressed me. I actually believed that based on his demeanor, the Sheriff would have arrested me had I not returned to the courtroom. The accommodation that I requested was denied by both judges, and a meaningless alternate accommodation was granted in its place. The result was to amplify the injuries that the court had caused. The court caused a violation of my privacy by denying me disability accommodation in open court opposed by my adversaries. The open court motion became necessary because the denial of my Rule 1.100 accommodation (denied in April 2018) appeared to be stare decisis necessitating a mechanism other than rule 1.100 to request accommodation. Note that California courts have no disclosed mechanism for safe harbor. The denial of my request for stay by the judge at the August 2018 public motion was even more harmful than the denial in April 2018. Not only did the inhuman judge postpone the motion by one day and send me away to come back the next day in August while seriously ill, but he requested writings from me during the time period during the August 2018 'continuance' when I required complete rest and isolation from distress. Within four months I had developed three end-stage symptoms of Multiple Sclerosis as a result of this judicial torture. This was unprecedented and catastrophic progress of a disease diagnosed in 2007 and managed by world class doctors.

[281] See testimonies by Leslie Hagan, Julia Minkowski and Eva Danilak Other victim-witnesses may come forward

General and requiring scrutiny by international bodies authorized by Article VI of the US Constitution and the jus cogens of customary international law.

- A complaint for discrimination and human rights violations by federal judge Jeffrey White in 21-cv-04262-JSW, with substantial grounds established for prohibited acts in the record of 21-cv-04262-JSW, was filed in this court in 22-16046, by a seriously ill and disabled pro se litigant who needed to assistance of a certified ADA disability advocate to write[282]. The appeal, progressively amended through progressive cognition of the White orders violating my human rights, was in principle, discarded and ignored by this court and its judges, despite identification to this court of its own human rights violations, with acquiescence to and endorsement of discrimination and human rights violations of White and others. Three separate amendments of the notice of appeal in 22-16046 were made and this court only acknowledged one of them and discarded the other two without investigation or action. Each amendment was a further complaint of human rights violations by White providing substantial grounds of prohibited acts. This court discriminated and violated my human rights by depriving me of safe harbor and accommodation, and extracted information from me through coercion and intimidation that it would dismiss my complaint unless I justified it, although it was sufficient under these international instruments and the substantial grounds were in the record of the Ninth Circuit courts. This court's dismissal states that the judges of this court have no jurisdiction over the matters raised by my complaint. Article VI of the US Constitution, treaties and International Law disagree. This court discriminated further by issuing mandate without any consideration of my requests for a stay and allowance for me to state my case to this court, and would not set it aside. In justifying that this court would take no action on my complaint for human rights violations, the judges of this court claimed that "there are no extraordinary circumstances to support such relief", confirming that the judges of this court insist that human rights violations and discrimination by judges are acceptable and legal, and that this court and its judges may defy the US Constitution and International Law[283]. No accommodation was ever granted to me, and no consideration was given to my clear and unmistakable substantial impairments and functional and cognitive impairments induced by judicial torture. No investigation required by the international

[282] Ms. Leslie Hagan has testified in 21-cv-04262-JSW that she too is a victim of the same prohibited judicial acts in the California courts, and has provided valuable insights on human rights violations by judges and courts – see Appendix D. Ms. Hagan is well-versed in the ADA but was unaware of treaties and the expectations of International Law. However, careful review of every one of my writings, even those with assistance, demonstrates statements indicating human rights violations in addition to discrimination based on disability that robbed me of rights and due process and life, liberty and property, which are also human rights violations.

[283] The prohibited acts herein described do not need any treaty or other mechanism in domestic law to make the prohibition enforceable against this nation and its judiciary. The unconscionable derivative harm from these judicial prohibited acts is that our nation has to answer for the prohibited acts of a few judges who should be punished.

instruments was ever performed, and the torture and my re-traumatization continued unabated upon my refoulement to the hands of White resulting precisely in the predicted dismissal of my meritorious action in 2022.

- A complaint for discrimination and human rights violations by federal judge Jeffrey White in 21-cv-04262-JSW, with substantial grounds established for his prohibited acts in the record of 21-cv-04262-JSW, was filed in this court in 22-16174 by the judges of this court on my behalf, but limiting the complaint substantially[284]. White had questioned his own ethics as my torturer and opportunistically declared that it is good Behaviour to torture and murder me. Under the perspective of torture perpetrated systemically in the Ninth Circuit under color of authority, the true purpose of permitting this limited complaint[285] may be seen to be the endorsement of the person of White to continue my torture and murder, since White has brought his own ethics into question[286]. And so it was and the endorsement was given by this court. Two more of the five ignored appeals, which reported other instances of human rights violations by White, were acknowledged after my coerced response and information provided for this court's order to show cause had purposely limited my response to only 2 orders out of 7. This treatment by this court was intended to teach me the lesson that my complaints for violations of my human rights are futile, and to perpetuate my torture in this court[287] as a means of dissuading me from further complaints through re-traumatization and infliction of serious physical and mental injuries and severe pain and suffering, before refouling me to White's control.
- By torturing me, and purposefully keeping me substantially incapacitated since 2021, judge Jeffrey White intentionally prevented my amendment of my complaint. The aborted form of the partially amended complaint filed in May 2024 demonstrates a vast difference compared to the complaint filed in 2021, yet White suppressed the information and prejudiced me based on the information extracted from me in June 2021. The record of 21-cv-04262-JSW demonstrates the collusion between White and my opportunistic adversaries in my torture[288], and traversal by White of a highly predictable course of judicial conduct deeply rooted in bias and increasing hate[289] that is absent in the Freeman Bright Line. White, with extreme prejudice and intending

[284] I amended appeal 22-16046 by adding 7 additional orders by judge Jeffrey White to my human rights complaint. This court decided that only 2 of these additional orders are worthy of admission to this court, while fully cognizant that they would again dismiss them without action required by these international instruments.
[285] The judges of this court read every one of my human rights complaints, and deliberately did nothing to stop, investigate, abate, prevent or punish prohibited acts by judges. The judges of this court expressly violate human rights of pro se disabled and sick litigants, and ignore the operation of treaties and obedience to Article VI of the US Constitution.
[286] See ECF-72 in 21-cv-04262-JSWfiled on July 22, 2022
[287] This court AGAIN ignored my need for safe harbor and disability accommodation and protection from torture
[288] Anticipated by the UN Istanbul Protocol
[289] Per the definition of hate in hate crime, where the subject being hated by judges is the disabled pro se litigant. Like the novel, Lord of the Flies, these judges become monsters by a natural potential group behavior that judicial ethics must

my punishment for not curing my disabilities and not healing my serious illness which he exacerbated and maintained, interpreted verbatim the unstated complaint. The unstated complaint left no room on its face for doubt that it is merely an incomplete document that was filed on a particular date in order to toll any statute of limitations because a flaw in jurisprudence holds an arbitrary time limit[290] above the elimination of discrimination and the safeguarding of human rights in jurisprudence. He did this after his multiple demands for me to provide information[291], which he then states in his order that he used in prejudicially harming and injuring me further by dismissing another meritorious action[292], intending to cause me serious pain and suffering[293]. In 23-15221, his court permitted my continuing torture by the state court, while continuing my torture in the Ninth Circuit by once again ignoring my request for safe harbor and disability accommodation, and colluding with my adversaries to induce severe pain and suffering and extract information from me under coercion and intimidation with another unlawful dismissal of my human rights complaint and the declaration of my meritorious appeal as being frivolous. In ECF-20, this court clearly admits that it used the information extracted from me under coercion and intimidation to prejudice and punish me. This court went further to entirely deprive me of the right to challenge the dismissal by ordering that I shall have less rights than other litigants and may not file anything further to prevent the issuance of a mandate. This, this court ensured that the state courts are completely shielded from all claims for discrimination and violations of my human rights in conjunction with the aligned purpose and intentions of the Ninth Circuit courts. Note in 23-15221 that there is absolutely no consideration of White's discrimination based on disability and his rejection of the Freeman Bright Line, and no consideration of human rights. Appellate judges sit as judge-assassins who administer a version of the US Constitution that is alien and repugnant to the People.

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immediately eradicate, but is proven again and again to be impotent in doing so. Take for example how judge Jeffrey White repeatedly evades disqualification for this behavior, and the court of appeals endorses his violations of ethics every time.

[290] The number assigned to a statute of limitations is entirely arbitrary and held by tradition, not by being rationally related to the access of the litigant to the court. In the case of the disabled pro se litigant, we can become incapacitated or impaired to such an extent that we may not be able to meet such a deadline, even with any discretionary time allowance. Sufficiency of time for enabling access is a matter of factors that are generally outside the control of such a litigant. The rationale used to justify the invariance of statutes of limitations violates human rights (deprivation of access to due process because of forces outside the party's control), and constitutes discrimination if the disabled litigant is inescapably unable to meet the deadline.

[291] White was well aware that the only way by which I could obey his order was to cure my disabilities and heal my serious illness on his arbitrary schedule that has absolutely no relation to biology or to medical science, or considers my requirement of medical treatment

[292] Kohn dismissed this action in 2019, JSW dismissed it in 2022, and is set to dismiss it again in 2025

[293] White had witnessed in the record of 21-cv-04262-JSW how his orders and his torture were causing me severe pain and suffering. Through receipt of my repeated requests for safe harbor and disability accommodation (also concurrently provided to Freeman) White observed the chronological inducement of my physical and mental injuries and witnessed the severe pain and suffering in my expression and pattern of filings that attempted to stop my torture

- Concurrently with the extension of my safe harbor and disability accommodation by judge Beth Freeman in 19-cv-04392-BLF by ONE YEAR starting on March 1, 2024, the same request[294] for the same accommodation provided to judge Jeffrey White in 21-cv-04262-JSW was DENIED. When challenged, White could not offer any reason for distinguishing his accommodation from Freeman's, and instead provided a pathetic excuse[295] furthering his prohibited acts. White INSISTED that I provide the information he requests or I will be punished with the dismissal of my meritorious and essential litigation as the plaintiff and the Private Attorney General. Note that his order limits my complaint to the impotence of mere ADA violations and protects his peers and himself[296], when all along since 2019, the information extracted by Koh and White have demonstrated considerably more and serious causes of action that mere ADA violations, and this was finally evidenced by an incomplete and necessary amendment in May 2024. In his order in ECF-129 White clearly states that he is well aware of my need for medical treatment and my medical information provided concurrently to him and to Freeman with an explanation and reinforcement of the knowledge of the consequences of the deprivation of medical treatment and coercion into unaccommodated participation, but knowingly and deliberately deprives me of all accommodation and essential medical treatment. Note that the granting of accommodation by White prejudices no one, because there is no party in the lawsuit (who has been served) who would be prejudiced by any stay[297], and the balancing of harm does not apply[298]. White WANTS TO cause physical and mental injuries to me and to continue the infliction of severe pain and suffering under color of authority[299], having lost jurisdiction and refusing to surrender his gavel. When challenged with violations of human rights, torture and disability hate crimes, White

[294] Providing the same medical information about me provided also to Freeman, and reporting the fact that my judicial torture in other courts continues

[295] ECF-132: "There is no operative complaint in this case". White also claims that the mere objection by a defendant is grounds to allow them to control the torture and prohibited acts by the court, thus confirming that the judge and the court are controlled by the defendants, and that White is neither independent nor impartial. In his own words, White confirms that the deprivation of my accommodation and my human rights is justified for his purpose of extracting from me information about my amended complaint. He taunts and tortures and re-traumatizes me by asking me to give up my amended complaint and the litigation that I have persisted for SIX YEARS to bring, otherwise he insists that I will continue to be tortured and deprived of due process. White wishes the public to view his conduct, at best, as adjudication without ethics or jurisdiction, while under the lens of Article VI and International Law, he exhibits the epitome of recidivism and high crimes.

[296] Compare White's order in ECF-129 with my amended complaint filed in May 2024 under torture

[297] Freeman establishes that this is not a preemptive consideration, but discrimination and human rights are preeminent and preempt fairness and other consideration, including conflicting statutes, rules, procedures and policies of courts

[298] Balancing of harm is only permissible to consider preservation of evidence and maintaining the status quo when a case of violating human rights by any activity in litigation is in focus.

[299] At no time does White provide a statute or precedent to justify his limitations of my accommodation, because his intention is to torture to achieve disposition of this case. White has decided soon after the beginning of his assignment to this lawsuit that the cruel, inhuman and degrading treatment and punishment of his victim is warranted, and in no time at all, graduates his conduct stealthily to torture, and then progressively more overtly tortures me as his purpose and intent is increasingly exposed..

refused to change course and insisted on my torture[300]. Having complained of human rights violations and discrimination to this court by appeal in 24-3353, AGAIN, this court insisted that I must be re-traumatized and refouled and committed back to White to torture me. When challenged for its human rights violations, and demanding my protection and accommodation, this court then was immobilized for four months and did nothing while previously always insisting that every case must be efficiently and expeditiously disposed of accommodating to invariant rules, procedures and policies. The judges dealing with my case could see that the trial court insists on undermining my amended complaint and depriving me of due process and increasing the severity and extent of my torture through bringing my other abusers to collude with this Circuit's systemic torture while I am prone to serious injuries and deprived of medical treatment in perpetuity. But this court and its judges did not dare rule on my request for safe harbor and accommodation so as not to undermine White. At the moment that 24-6312 was filed, the judges of this court seized the excuse of alleging that I am vexatious to fabricate a circus and claim that I am impermissibly suing the originating perpetrator of my torture and attempted murder by judges[301], and to punish me by dismissing the reconsideration of their dismissal of 24-3353 and ruling that my request for accommodation is moot, continuing to induce irreparable and serious physical and mental injuries in the course of my torture and dispatching me to be re-traumatized and refouled by White, with open rein for White to do as he pleases with me. The invidious discrimination based on disability is also evidenced comingled with hatred[302].

- With increasing torture, I was left with no option by this court, but to file an injunction against judge Jeffrey White in this Circuit, along with an extensively educational motion for declaratory relief[303] that invited him to read each numbered paragraph that left no room for evasion by him of a recitation of applicable standards that I could gather and explain using A.I.. Instead, White

[300] White's order for me to choose to 'file it or lose it' is no choice at all, but it is intended to be a stealthy means of pretending that I am the cause of my own pain and suffering and unconscionable injuries. We have all clearly seen the outcome of my 2019 attempt to litigate the torture in 19-cv-01986-LHK, then again resuming under a court-assigned 21-cv-04262-JSW, and with serious and criminal claims and liability for judges and courts and government, facing justice obstructed by judges and courts and again all due process absent to ensure that I can never arrive at any remedy or relief for SEVEN YEARS of torture, attempted murder and inexcapable injustice.

[301] Mandy Brady in 16cv295730

[302] Note the admonishment for my noticing approximately one year after White ordered dismissal of all claims against Brady that I comprehended his order and amended my notice of appeal in 24-3353. This court, as well as White and Koh in the lower court, were aware of my cognitive impairment of reading comprehension, and the record of multiple courts bears evidence of this major impairment that prevented my authorship of form-compliant filings that provided legal arguments and points and authorities, despite my education and intellectual ability. My objection to this invidious discrimination and disability hate crime by this court and its judges is seen in my request for safe harbor and accommodation in 24-6312 which this court AGAIN evades to ensure that my torture continues in unbroken progression.

[303] Instead of the extensively educational requests for safe harbor and disability accommodation made for over three and a half years by me, my doctors, and my caregivers and by qualified individuals, all of whom provided such coverage and depth that judge Jeffrey White cannot claim that his torture was not purposeful and intentional, all while judge Beth Freeman in the same district court impeached his conduct by issuing her contradictory orders.

refused to respond to the declaratory relief motion and denied the injunction and claimed that he is ethical and privileged to torture and murder me. Upon appealing the injunction and declaratory relief in this court in 24-6312 to prevent it from its usual dismissal under statute and jurisdiction, this court demonstrated that it has no intention of stopping my torture by this Circuit's judges. Note the clerk's involvement in my torture under color of authority and the incredible sham statement in her letter that this court will respond to my motion for safe harbor and disability accommodation at an unstated date, while insisting on a deadline that is calculated by this court to ensure that I cannot meet it. The order contained in the clerk's letter is transparent as to the intention of this court to continue to inflict severe pain and suffering and serious physical and mental injuries to me, and confirms that no motion for safe harbor and disability accommodation shall be considered other than this court's invariant rules and procedures and policies and the secreted policy of no accommodation. It is abundantly clear that this court and its judges intend to moot my motion for safe harbor and disability accommodation only after deciding this appeal and ensuring that I am never accommodated by this court so as not to undermine the justification by White for my torture in this Circuit. The judges of this court unashamedly will take no position on the contradictory and inconsistent orders for my accommodation by two trial judges in the same court, and purposefully ensure my continued torture and punishment. This continued conspiracy by the judges of this Circuit to violate human rights in increasingly exposed by the unethical and unlawful and purposeful conduct of its judges and clerks, and the power of A.I.

- In every complaint that I brought to this court for prohibited acts in the course of litigation, I asked for a stay of all litigation, and this court and every one of its judges, refused to stop my judicial torture, in this court and in any other court.

This judge is implicated by at least one of these examples.

Each of these judicial acts indicates a level of control or authority over the victim, and control over my bodily autonomy through deprivation of life-saving medical treatment. The records of this court are filled with evidence of ill-treatment and torture by its judges and courts. Acquiescence to torture and ill-treatment, and omission to investigate and address torture and ill-treatment satisfy the purpose and intent elements of the prohibited acts. The handling of my complaints for human rights violations and the orders of the judges of this court that ignore human rights demonstrates unconscionable cruelty and

inhumanity that is entirely foreign to the "good Behaviour"[304] expected without fail from every judge. There was no possibility of withdrawal or protection of self under my control[305].

And what of intent and purpose? Since there is abundant evidence that this ill-treatment and torture is systemic, can intent and purpose be attributed to each offending judge?

Yes, when every judge who violates human rights and discriminates, refuses recusal, and continues with prohibited acts or acquiesces to them or omits to initiate an investigation and to protect the victim in the interim. Yes, when every judge follows invariant rules, procedures and policies of courts that inherently discriminate and endorse ill-treatment and torture, then intent and purpose is demonstrated when an individual judge chooses to follow the edict or when a reviewing judge acquiesces to other judges following it, despite the injuries caused. Yes, when these prohibited acts are REPEATED, and ignore the injuries that result, and the continued warnings and pleas for compassion by authentic treating physicians and caregivers. A reviewing judge with notice at any time period during the course of the prohibited acts is not exempt from liability for past or future prohibited acts in the course of the prohibited acts, or complicity in those past and future acts if the judge does not take the action required under the supreme Law.

Each judge chooses, and then acts. Freeman had this choice, and unlike her peer White in the same federal court, refused to follow the edict, while White tortured me.

There is no mechanism that minimizes injury and invokes the protection of a higher court, except the filing of a notice of appeal. I have repeatedly stated that each appeal is for an inevitable final judgment in the underlying lawsuit, which is confirmed by the application of the UN Istanbul Protocol and the UNCAT to the facts and extrapolation of the trend of the prohibited acts.

At the moment that a court denies my safe harbor and accommodation, and proceeds with the lawsuit, its jurisdiction has ended, its order excludes me from the litigation and ends due process for me, and the finality of the litigation is assured.

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[304] When the character of a judge is such that they can witness and promote violations of human rights and ill-treatment and torture, without hesitation or conscience, and with a cold heart just 'do their job' in the way that they define 'their job', then they are unfit for judicial office. The sovereign is their master not their victim. The People do not want such people as judges in this nation, and stated so in 1787.

[305] I fought homelessness, loss of all assets, bankruptcy, relegation to second class citizenship, permanent loss of rights, harm and torture of others, the assassination of the US Constitution and Liberty, the oppression of all persons with disability and the poor, and the treason of those we trust who stealthily rule over us. To the present day, state courts continue their discrimination and torture, and massively increase their punitive damages and inflicted liabilities, and complete deprivation of my rights.

In the alternative and to get the attention of a higher court, the filing of a writ is very burdensome for such a tortured victim who is substantially incapacitated, and who then has to provide points and authorities and overcome the presumptions and burdens[306] and the very specific requirements of writ action. And a writ is unfit for remedy and relief since this is not a case of judicial error or abuse of discretion: it is a case of systemic and organized prohibited conducted which is judicially endorsed and therefore adjudication of any writ is doomed by design. There is no possibility of justice or constitutional remedy and relief by writ[307]. And let us not forget that typically, a writ must be completed and filed without opportunity for revision, which is impossible for this unaccommodated litigant. This is another aspect of jurisprudence in need of reform to accommodate disability[308].

These are not allegations merely offered by someone who is dissatisfied with the outcome of litigation. In fact, this is a textbook violation of human rights, which is purposeful and intentional, and which meanders across the boundary of two internationally recognized criminal acts with no statute of limitations[309]. Except that this textbook has never been opened until this case[310], because of the scientific and measurable dependence of the physical and mental injuries on the judicial actions that induced the injuries that impeach the fabrication of facts by judges to justify their prohibited conduct[311]. It is precisely the type of abhorrent conduct that International Law expects every government to abate and prevent, even though no examples of it are provided under the common list of examples of torture.

Look now only to a single international instrument, to the UNCAT, under Articles 1, and 16, reproduced here for convenience.

> **Article 1**
> 1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information[312] or a confession,

[306] Which are also unconstitutional when applied to the adjudication of safe harbor and disability accommodation, and incompatible with human rights.
[307] My writs to the US Supreme court are the necessary final step to invoking human rights protections through the UN
[308] The impossibility of writ action with any effect and the refusal of courts to meaningfully extend time for modification of writs is well demonstrated in the record of the California Sixth District and the California Supreme court.
[309] Cruel, inhuman and degrading treatment and punishment, and torture.
[310] 19-cv-01986-LHK and 21-cv-04262-JSW are the same one and single case
[311] To this day, the notorious judge Socrates Manoukian of the California Superior court (see writ by Minkowski where she confirms his discrimination and human rights violations) insists that I am not disabled and do not require any medical treatment or accommodation. While A.I. now assists me to be the artificial human and write, were I to be placed on the stand or in court in a hearing, you would immediately realize that I am profoundly affected by disabilities and serious illness. This judge has summoned to court and personally seen my condition and continues to write falsehood without shame or conscience. He is now the oppressor of my doctor of 30 years, who warned him of the consequences of his human rights violations and discrimination by providing an accurate medical opinion of what would happen if I am distressed and not accommodated by the court.
[312] The demand of a court, under its rules, procedures and policies as a condition of access to due process, is the scheduled delivery and exchange of information according to specific expectations and subject to specific precedential judicial conduct that will sanction and prejudice and punish a party if the information does not meet certain requirements. At the moment that

punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.
2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 16[313]
1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.
2. The provisions of this Convention are without prejudice to the provisions of any other international instrument[314] or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

The federal law for torture, under 18 US Code § 2340 is made applicable only to a prohibited act outside the United States, and no such geographic limitation is permitted by the UNCAT. Note the essential incompatibility of the text of Article 1 of the UNCAT with 18 US Code § 2340: "within their custody or control". Article 1 expressly omits such a requirement.

The statute was intended to implement the international instrument, which specifies a crime. The statute does not implement Article 1 of the UNCAT. Nor do the courts in the United States provide any alternate pathway to relief and remedy, which makes the UNCAT RUDs a misrepresentation of the domestic compliance of our State with an international treaty.

It is from the viewpoint of International Law that the object and purpose of the UNCAT Article 1 is determined, not the viewpoint of the federal law that implements it. It is the object and purpose of the UNCAT that must be satisfied under the internationally mandated domestic legislation that is supposed

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the court takes jurisdiction over the person or property, there is no shelter from the authority it asserts over the person and it may even hold such a person in contempt for failure to obey the judge and orders, as demonstrated in 24-3353. In the originating case in the California trial court 16cv295730, the court deprived me of valuable property TWICE, punished me $600,000 after dismissing an un-losable case previously won in 2005, and increased my punishment now to a combined amount in excess of $6 million after bankrupting me, and continuing to torture and murder me to the present day without break. This court and this judge endorsed the prohibited acts by the state courts and encouraged them because the human rights violations came under the authority and jurisdiction of this judge and every harm and crime flowing from the originating acts was within the control of this judge to stop, investigate, abate, prevent and punish. This judge is the federal government, and the federal government is first in line to answer for UNCAT violations that were within its control to stop, investigate, abate, prevent and punish. No remedy or redress has ever been provided by this court to these prohibited acts.

[313] Article 16 of UNCAT is incorporated in other international human rights instruments that apply to these facts.

[314] The CRPD and ICCPR both prohibit cruel, inhuman and degrading treatment. Both international instruments are also violated in the case of the disabled pro se litigant afflicted by the inhumanity of American jurisprudence.

to implement it within the United States. That object and purpose is not satisfied. No RUD is controlling under the fact pattern herein, and the private attorney general speaks on behalf of the People who want strong international relations and the benefits of welfare and security in the world.

Under the textual mode of interpretation[315] of the international instrument, torture is not limited to a victim in custody or under physical control of the qualified offender. Therefore, if the treaty is domestically limited by its RUD[316] and by the statute to a subset of UNCAT prohibited acts, then it is the treaty itself that must be invoked by the victim who is tortured outside the "custody and physical control" requirement of the statute. Since the courts block constitutional and civil remedies and redress, therefore, the treaty must be directly invoked in domestic jurisprudence for its missing elements to have effect in domestic jurisprudence.

But the RUD expressly prohibits a private right of action, and therefore, under domestic law and domestic jurisprudence, torture is legalized in the United States without remedy or redress being possible, because our courts as a policy do not recognize human rights and human rights treaties as International Law and the US Constitution require. This is a restraint on Liberty, prohibited by the US Constitution, which is made especially more egregious when an international crime infringes on Liberty. This is a major flaw in domestic jurisprudence.

Therefore, a victim like me and other disabled pro se litigants must individually traverse the exhausting and perpetually torturous course of domestic jurisprudence without any possibility of remedy or relief except by pure chance[317], to then qualify to bring the matter to international forums to legally prosecute our own country. Lovers and defenders of a nation become its legal prosecutors by the coercion of their own judiciary?

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[315] This US Supreme court has identified 9 modes of interpretation for the US Constitution. One of them is the textual mode of interpretation, which means what the words expressly mean and are limited to meaning.

[316] The United States has used RUDs with recent treaties, while it unreservedly ratified the UN Charter. The USA has never withdrawn from a human rights treaty. Most of recent US-signed treaties have drawn objections by other States for our posture that the ratification by Congress shall be limited to only those portions of a treaty that the US chooses to abide by. International Law will enforce the treaty fully to the extent of expecting satisfaction of its full object and purpose by a State, particularly when any other State objects to the RUDs by the United States. Under International Law, no State may violate or evade the object and purpose of a treaty from the moment that its signs the treaty, irrespective of the fact that it may be pending ratification. In the period from signing until ratification, every judge must acknowledge, interpret and apply the treaty in domestic jurisprudence consistently with its object and purpose. For example, the CRPD is signed by the USA by not yet ratified by Congress, therefore it must be acknowledged, interpreted and applied by each judge to achieve its object and purpose domestically.

[317] Finding Beth Freeman was due to the unexpected discovery of fraud by a local government and the knowledge that I would have no rights as a human being or as a litigant in the state courts, and therefore I filed the case in the federal court, and was assigned by lottery to judge Freeman. Had I been assigned to Jeffrey White, we would not have seen the emergence of a Bright Line for court accommodation. However, it is speculation whether another judge would have demonstrated good Behaviour like Freeman. Based on the conduct of every single judge of this appeal court with whom I have had contact, Freeman is a gem in jurisprudence and federal jurisprudence is set for a reform by the People.

The same is true of the delayed 42 U.S. Code § 2000dd, which was a reluctant afterthought from US treatment of terrorist suspects and prisoners of war, and this statute adds the requirement of "custody or under the physical control of the United States Government". Where is the rest of Article 16, and how does the statute withstand the object and purpose of Article 16 under International Law? It does not withstand such scrutiny. Instead it legalizes cruel, inhuman or degrading treatment, which is a crime.

California's only criminal statute under Penal Code § 206 is for a subset of torture, and does not cover other prohibited acts under UNCAT.

Does our judiciary commit crimes under the UNCAT and claim no foul? Should jurisprudence not be designed to prevent and punish such "high crimes"?

It is the position of our judiciary that the torture they administer to litigants arises only from, inherent in or incidental to lawful sanctions, which are issued for failing to cure disabilities and serious illness. "High crimes" are endorsed, not prohibited.

How is this done by our judiciary?

Examine the chapter entitled "REASONS FOR GRANTING THE WRIT" of the writ of certiorari 23-7017 filed in the US Supreme court. It lists a number of ways by which judges and courts commit prohibited acts and justify them as legal sanctions, and thereby render an entire hierarchy of courts into a *forum nullus*, which may not adjudicate any case since it lacks constitutional authority to take and hold jurisdiction over cases.

This court did not hesitate to deny the writ.

This court endorses torture by the judiciary of this nation. The judges of this court proclaim to this nation that there shall be no remedy and no relief for ill-treatment and torture perpetrated against the disabled pro se litigant by the judges in this nation.

Thus it is the treatment of the disabled pro se litigant that tests our jurisprudence at its boundaries, and finds the apple of jurisprudence with bright shining outward appearance to be rotten at its core. This in not American justice as contemplated by the US Constitution. It is the justice system of a foreign nation which is the enemy of the People. And it is being inflicted upon this nation by a judiciary whose appointment and lifetime tenure was intended to thwart such tyranny, a judiciary that will not take a single step to stop the violation of human rights 'in its own Land'.

The elements of ill-treatment and torture are present in the discrimination by this judge and this court based on disability. The cause is a flaw in jurisprudence that encourages judges to discriminate and to violate human rights.

I have repeatedly provided notice and evidence to this court of reasonable grounds over SIX YEARS that acts of ill-treatment and torture by judges have taken place and continue to take place[318] and are targeted against minorities. Reasonable grounds includes the impeachment of over 40 judges by a good federal judge Beth Freeman who has acted for almost SIX YEARS to prevent my ill-treatment and torture in the course of jurisprudence that requires her to enforce invariant rules and procedures and policies of courts in her federal courtroom. Yet not once has this court investigated these truths[319]. The duty of investigation arise upon the mere notification of a complaint for human rights violations prohibited by human rights treaties. The standard for this court should be "diligent examination"[320]. This judge may not escape culpability based on ignorance of the law, or pervasive conduct in jurisprudence exhibiting a norm that must be followed, or the acquiescence of a higher court. Canons of federal judicial ethics leave no quarter for such exercise of self-conferred privilege and excuses.

I have repeatedly asserted in the records of multiple courts that criminal defendants have considerably more rights and protections against abuse by judges and by government[321] than do disabled pro se

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[318] See activity in Superior Court of Santa Clara County California in 16cv295730 and 22cv408499 and derivative activity in the Sixth District Appeals court and the California Supreme court that is required to arrive in 2025 in the US Supreme court destined for the UN Special Procedures, even if I am not dead or catastrophically injured.

[319] The European Court of Human Rights has established that the failure to conduct an effective investigation can give rise to a violation of the prohibition against torture or ill-treatment under article 3 in cases regarding domestic violence (*European Court of Human Rights, Opuz v. Turkey, application No. 33401/02, Judgment, 9 June 2009, para. 176; Eremia v. Republic of Moldova, application No. 3564/11, Judgment, 28 May 2013, para. 67; M.G. v. Turkey, application No. 646/10, Judgment, 22 March 2016, para. 107 (official version available in French); Talpis v. Italy, application No. 41237/14, Judgment, 2 March 2017 (rectified on 21 March 2017), paras. 129–131; and Bălşan v. Romania, application No. 49645/09, Judgment, 23 May 2017, paras. 71 and 89.*), violence committed against lesbian, gay, bisexual and transgender persons (*European Court of Human Rights, Identoba and Others v. Georgia, application No. 73235/12, Judgment, 12 May 2015, para. 71; and M.C. and A.C. v. Romania, application No. 12060/12, Judgment, 12 April 2016, paras. 124–125.*), sterilization of Roma women (*European Court of Human Rights, V.C. v. Slovakia, application No. 18968/07, Judgment, 8 November 2011, paras. 109 and 120; and I.G. and Others. v. Slovakia, application No. 15966/04, Judgment, 13 November 2012, paras. 124, 126 and 134*), police brutality (*European Court of Human Rights, Jasar v. the former Yugoslav Republic of Macedonia, application No. 69908/01, Judgment, 15 February 2007, para. 60; Petropoulou Tsakiris v. Greece, application No. 44803/04, Judgment, 6 December 2007, paras. 55 and 66; and Adam v. Slovakia, application No. 68066/12, Judgment, 26 July 2016, para. 82*) and enforced disappearance (*European Court of Human Rights, Er and Others. v. Turkey, application No. 23016/04, Judgment, 31 July 2012, paras. 92–97*). Furthermore, the Court has concluded that "an 'effective remedy' entails, in addition to the payment of compensation where appropriate, … effective access for the complainant to the investigatory procedure" (*European Court of Human Rights, Aksoy v. Turkey, para. 98).*

[320] The European Committee for the Prevention of Torture has also repeatedly stressed that one of the most effective means of preventing ill-treatment by law enforcement officials is the diligent examination by competent authorities of all complaints of torture and ill-treatment and, where appropriate, the imposition of suitable penalties.

[321] Additionally to the authorities I have provided in multiple courts' records,, the European Court of Human Rights has found violations of the Convention with regard to the exclusionary rule (*European Court of Human Rights, El Haski v. Belgium, application No. 649/08, Judgment, 25 September 2012, paras. 86 and 99. See also European Court of Human Rights, Othman (Abu Qatada) v. United Kingdom, application No. 8139/09, Judgment, 17 January 2012, paras. 267, 273 and 276, in which the Court affirmed that establishing a "real risk" that evidence had been obtained by torture was sufficient for*

litigants, and this court has done nothing to address this injustice. Cruel and unusual punishment without due process is routinely dealt to the disabled and pro se litigant. Entire lists of rules and procedures and precedents are protective of the criminal defendant, while our life, liberty and rights are treated as a trivial administrative task by each judge, and higher courts see no fault in whatever befalls us at the hands of our abusers.

The selective legislation by Congress, that does not include the mandatory inclusion of all covered prohibited acts under the UNCAT and under the other herein cited instruments that prohibit ill-treatment and torture and violations of human rights, does not excuse this court from interpreting, and applying and enforcing those instruments in compliance with International Law under these facts. This is this courts obligation in accordance with *Marbury v. Madison*, except that here, this court must acknowledge the failure by Congress to legislate. These criteria apply also when this court's rules and procedures and policies are challenged.

The Office of the High Commissioner of Human Rights of the United Nations reminds us[322]: *"Torture is one of the most heinous crimes known to humanity not only because it involves the intentional infliction of severe physical and mental pain, but because it is committed by officials or with the acquiescence of a State and often concealed effectively to prevent justice and accountability. As a result of torture, victims endure profound physical and mental pain and suffering, while the reality of the crime perpetrated against them is often dismissed in judicial and administrative proceedings and unpunished. Torture is a profound concern for the world community because it seeks to destroy not only the physical and emotional well-being of individuals but also, in some instances, the dignity and will of families and entire communities. It concerns all members of the human family because it impugns the very meaning of our existence and our hopes for a brighter future. Although international human rights and humanitarian law consistently prohibit torture and other cruel, inhuman or degrading treatment or punishment ("torture and ill-treatment") under any circumstance [], these acts continue to be practised*

the evidence to be excluded because of the special difficulties in proving allegations of torture) and has reiterated the absolute, non-derogable nature of article 3 in cases related to alleged acts of terrorism, stating that applicants suspected of or charged with terrorist-related activities have a right to be free from torture and inhuman or degrading treatment while in custody. (*European Court of Human Rights, Martínez Sala and Others v. Spain, application No. 58438/00, Judgment, 2 November 2004, paras. 118 and 120 (official version available in French); and Öcalan v. Turkey, paras. 179 and 192–196*). In El-Masri v. the former Yugoslav Republic of Macedonia, the Court held that a secret rendition and subsequent secret detention by the former Yugoslav Republic of Macedonia was unlawful and a violation of article 3. (*European Court of Human Rights, El-Masri v. the former Yugoslav Republic of Macedonia, application No. 39630/09, Judgment, 13 December 2012, paras. 215–223*) The Court has also consistently held that States have an obligation not to extradite or expel persons, including alleged terrorists, to countries where 144 they face a real risk of being subjected to torture or ill-treatment (see also para. 112 et seq. below) (*European Court of Human Rights, Chahal v. United Kingdom, application No. 22414/93, Judgment, 15 November 1996, paras. 73–74; Cruz Varas and Others v. Sweden, application No. 15576/89, Judgment, 20 March 1991, paras. 69–70; and H.R. v. France, application No. 64780/09, 22 September 2011, paras. 49–65 (official version available in French*).

[322] A number of the quotations and some of the content used herein are derived from the 2022 Istanbul Protocol.

with impunity throughout the world[323]*. The striking disparity between the absolute prohibition of torture and its prevalence in the world today demonstrates the continued need for States to identify and implement effective measures to protect individuals from torture and ill-treatment.*"

This court must not look to 'popularly publicized torture' portrayed in the media, but must look carefully at the text and interpretations of these international instruments under International Law. Intrinsic bias about what torture looks like must be avoided.

The High Commissioner also reminds us that the "*right to be free from torture is firmly established under international law*[324]*. It is also rooted in international humanitarian law, international criminal law and in customary international law. Furthermore, the prohibition of torture is a jus cogens*[325] *norm of international law, binding on all States even if they are not party to treaties containing the provision. Because of its jus cogens status, the prohibition of torture is absolute and non-derogable and cannot be limited under any circumstances*[326]*. The absolute and non derogable character of the prohibition against torture is further reinforced by the provisions of article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*[327]*, which were elaborated on in general comment No. 2 (2007) of the Committee against Torture. The Convention against Torture also recognizes universal jurisdiction for the crime of torture. The prohibition of torture applies extraterritorially, and States' obligations flowing from the absolute nature of the prohibition – including the obligations to investigate, prosecute and punish acts of torture – are rules of customary*

[323] Amnesty International, Torture in 2014: 30 Years of Broken Promises (London, 2014), p. 10. See also A/73/207, para. 76.
[324] the Child, art. 37; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, art. 10; and Convention on the Rights of Persons with Disabilities, art. 15, all expressly prohibit torture and ill-treatment. Regional instruments that establish the right to be free from torture include: Inter-American Convention to Prevent and Punish Torture, art. 1; Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), art. 4; American Convention on Human Rights (Pact of San José), art. 5; African Charter on Human and Peoples' Rights, art. 5; and Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), art. 3. Additionally, the International Convention for the Protection of All Persons from Enforced Disappearance and the Inter-American Convention on Forced Disappearance of Persons prohibit enforced disappearances, which various regional and international tribunals have concluded amount to torture, and oblige States to investigate, prosecute and punish such acts.
[325] A/74/10, pp. 146–147, conclusion 23 of the draft conclusions on peremptory norms of general international law (jus cogens), adopted by the International Law Commission on first reading, and the annex thereto.
[326] The absolute and non-derogable nature of the prohibition of torture is expressly stated in the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 3; the Convention against Torture, art. 2 (2); and the Inter-American Convention to Prevent and Punish Torture, art. 5. Furthermore, the right to be free from torture is non-derogable during states of emergency (International Covenant on Civil and Political Rights, art. 4; European Convention on Human Rights, art. 15; and American Convention on Human Rights, art. 27).
[327] The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (New York, 10 December 1984), United Nations, Treaty Series, vol. 1465, No. 24841, p. 85, entered into force on 26 June 1987.

international law. The prohibition against cruel, inhuman or degrading treatment or punishment (ill-treatment) is similarly absolute under both treaty and customary international law[328]."

Susceptible to distress-induced irreparable physical and mental injuries, the deprivation of my meaningful access to courts by denial of my accommodation, ensured and ensures that I not only witness injustice and elimination of my rights and absence of constitutional due process and the silencing of my expression, but that I also witness and suffer extraordinary hostility and hatred and consequent physical and mental injuries at the hands of judges[329] whom I have been socially indoctrinated to trust and obey.

Medical science confirms that distress of the form that I have been subjected to by judges predictably induces disease and injuries to every person[330]. In my case, the injuries are predicted, irreparable, physical and mental[331], and have brought and kept me to the point of walking the tightrope of death[332] while significantly disabled and substantially incapacitated by repeated and incessant judicially inflicted injuries. At the root of these inflictions of injuries is discrimination based on disability[333].

Judges who do not take judicial notice of common knowledge, and who ignore medical truths especially when they are directly presented to them by authentic authorities and state the consequences of their acts, are acting purposefully and intentionally, and recklessly endangering[334] and tormenting prone human beings. When they continue their prohibited acts, their purpose and intent is further confirmed and their cruel and unusual punishments and torture departs from mere ill-treatment. My cruel, inhuman

[328] In its general comment No. 2 (2007), para. 6, the Committee against Torture elaborates that prohibitions against torture are likewise applied to ill-treatment, including those articles of the Convention that establish universal jurisdiction (arts. 5–9).
[329] The chronological records of multiple courts evidence the medical records and consequences of physical and mental injuries inflicted by judges. This chronological recording of evidence provides a basis for the forensic and medical investigation of the prohibited judicial acts under the Istanbul Protocol.
[330] See the disease model in the medical authority: The Multiple Sclerosis Stress Equation[330], Solomon et al., Journal of Medical Statistics and Informatics, Volume 11, Article 1, and examine the reference in this paper confirming the destructive effect of negative stress on the human being and the inducement and exacerbation of disease
[331] The Multiple Sclerosis Stress Equation[331], Solomon et al., Journal of Medical Statistics and Informatics, Volume 11, Article 1
[332] The UN Human Rights Committee has noted that the mental and physical effects of torture and ill-treatment can generate a risk of deprivation of life and has linked torture and ill-treatment to enforced disappearances. (*Human Rights Committee, general comment No. 36 (2018), paras. 54–58*).
[333] The UN Committee on Rights of Persons with Disabilities has addressed aspects of torture and ill-treatment as part of its mandate. For instance, the Committee found that Argentine authorities failed to ensure that a prisoner with disabilities was able to use prison facilities and services on an equal basis with other detainees and that the State was obliged to take steps to rectify the situation. (*Committee on the Rights of Persons with Disabilities, X v. Argentina (CRPD/C/11/D/8/2012), para. 8.5*) The Committee also emphasized the State's obligation to prevent torture when it found that the United Republic of Tanzania had failed to investigate and prosecute suspected perpetrators of an attack against an individual with albinism; the Committee noted that this failure resulted in a revictimization of the targeted individual, who had endured psychological ill-treatment and a violation of the individual's physical integrity. (*Committee on the Rights of Persons with Disabilities, X v. United Republic of Tanzania (CRPD/C/18/D/22/2014), paras. 8.6–8.7*)
[334] Long ago, my reckless endangerment graduated to my attempted murder. This is an invariant pattern among the judiciary of this nation. This court is no exception.

and degrading treatment by the judiciary long ago transitioned to attempted murder[335] alongside my torture[336]. These judges practice medicine without a license, which is a criminal offense in every state, and interfere with medical treatments, and administer their own substitute 'medical treatments'[337] with impunity. What parity do you see in your conduct when compared to this recitation?

According to article 1 of the Convention against Torture, the substantive concept of "torture" comprises, most notably, the intentional and purposeful infliction of severe pain or suffering "whether physical or mental". Therefore, all methods of torture are subject to the same prohibition and give rise to the same legal obligations, regardless of whether the inflicted pain or suffering is of a "physical" or "mental" character, or a combination thereof.

Article 16 holds the same force and effect as Article 1. Harnessing the power of Artificial Intelligence to combine all legal authorities, we find the following response: "*The deprivation of access to due process of law can be considered a form of cruel, inhuman, or degrading treatment, which is prohibited under the United Nations Convention Against Torture (UNCAT). While UNCAT primarily focuses on preventing torture, it also addresses other forms of ill-treatment. Denying someone access to due process can lead to significant psychological and emotional harm, which falls under the scope of cruel, inhuman, or degrading treatment*."[338] This has happened to me.

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[335] A disability hate crime, along with torture and ill-treatment

[336] The clear warnings of my sudden death, heart attacks or strokes were provided by my doctors to the courts beginning at the end of 2019 and continuing since. The medical record shows two hearts attacks so far affecting two parts of my heart. My extraordinary suffering as I continue to petition for relief and remedies and for restoration of my rights is documented in chronologically filed requests for safe harbor and disability accommodation to multiple courts. Only in the Freeman court do we find accommodation while concurrently, in every other court, accommodation has been denied to me.

[337] In its jurisprudence, the European Court of Human Rights has also determined that interference with reproductive health rights can amount to ill-treatment (*European Court of Human Rights, R.R. v. Poland, application No. 27617/04, Judgment, 26 May 2011, paras. 148–162*) and that a lack of appropriate medical supervision for inmates with suicidal tendencies or other psychosocial disabilities might lead to a violation of the prohibition against torture and ill-treatment in article 3 (*France, application No. 5608/05, Judgment, 16 October 2008, paras. 119–130; Güveç v. Turkey, application No. 70337/01, Judgment, 20 January 2009, paras. 82 99; and Ketreb v. France, application No. 38447/09, Judgment, 19 July 2012, paras. 108–116 (official version available in French)).* Medical procedures considered to be of therapeutic necessity (e.g. force-feeding aimed at saving life) cannot in principle be deemed inhuman or degrading; medical necessity must be established, procedural guarantees must be followed and the medical procedure must be administered in a way that minimizes suffering (*European Court of Human Rights, Nevmerzhitsky v. Ukraine, application No. 54825/00, Judgment, 5 April 2005, paras. 93–99; and Ciorap v. Moldova, application No. 12066/02, Judgment, 19 June 2007, paras. 76–89*). If these safeguards are not respected, a breach of article 3 may still occur.

[338] Further refining and directing A.I. to consider the writings of Ruth Bader Ginsberg, for example, we find the following response: "Justice Ruth Bader Ginsburg's writings and opinions often emphasized the importance of due process and equal protection under the law. While she did not specifically address the UN Convention Against Torture (UNCAT) in her opinions, her views on due process align with the principles of fairness and justice that are central to both U.S. constitutional law and international human rights law. The deprivation of access to due process of law can be considered a form of cruel, inhuman, or degrading treatment, which is prohibited under UNCAT. Justice Ginsburg's commitment to ensuring fair procedures and protecting individual rights supports the idea that denying someone access to due process is a serious violation of their fundamental rights." Should this court dare to ask A.I. the same question under their individual writings, you will find invariably the confirmation of what I state here.

For SEVEN YEARS, I have been deprived of essential medical treatment and coerced and intimidated into unequal participation in a perverted version of due process in multiple courts that extracted pleadings from me resulting in prejudice and harm. I could not rest as increasing harm, damages and injuries were inflicted upon me and my family and my rights and my future by judges and courts. The invariant rules, procedures and policies of courts applied intentionally and purposefully by judges to me has coerced and intimidated my injurious function and my unequal participation despite my overt and voluminous protests[339]. I was given no choice but to struggle to stop my own torture, and to be tortured by being coerced and intimidated to stop my own torture. I came to this court and this judge for relief and remedy, and this judge did not take a single step as required by supreme Law, and condemned me as "a kind of trash not worth the time"[340].

For SEVEN YEARS I did not fail to reactively object to the deprivation of my rights and to my ill-treatment and torture, even though I was unable to litigate[341]. For SEVEN YEARS I did not fail to report the effects and the documented evidence of the intentional and purposeful infliction of severe physical and mental pain and suffering and irreparable injuries to the judges who knowingly and willfully pursued their invariant cruel, inhuman and degrading treatment and torture despite evidence of predicted injuries transpiring at their hands. For SEVEN YEARS I did not fail to demand remedy and redress for human rights and prohibited acts under the supreme Law of the Land, while denied due process and expression and justice. But you did not take a single step as required by the supreme Law of the Land to stop, investigate, abate, prevent and punish these prohibited acts.

This prolonged and inescapable infliction of abuse and punishment despite my diligence in chronologically providing information and objections establishes the presence of the purposeful and intentional infliction of severe pain and suffering by judges and by courts. The impossibility of stopping it, or remedying its consequences, is the very definition of ill-treatment that, by its persistence became torture. Judges merely continued their ill-treatment and torture while witnessing the mounting toll of my injuries and the progressive increase in the required period and magnitude for my medical treatment.

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[339] I have written on the same subject for seven years. Now I write hundreds of pages by leveraging past works and thoughts, and the increasing power of Artificial Intelligence.

[340] Debra Cassens Weiss, Posner: Most judges regard pro se litigants as 'kind of trash not worth the time', ABA Journal 9/11/2017. "The basic thing is that most judges regard these people as kind of trash not worth the time of a federal judge," Posner said

[341] The impact of my disabilities, particularly my cognitive impairments, is well documented and evident in the filings in numerous courts. These include inability to comprehend court orders, self-impeachment by inability to comprehend the text of a declaration by an opponent, inevitable mistakes in recall, dates, failure to comprehend rules, laws and precedents, inability to provide legal precedent and argument by virtue of inaccessibility of legal research by virtue of comprehension and psychological barriers (I am a Juris Doctor), etc. It is only because of the advent of Artificial Intelligence that I am able to provide better writings, and even then, they are impenetrable to my mind preventing edits and content and organization, and continue to under-represent my intent and ability.

Torture as defined in article 1 of the Convention against Torture, includes "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person … for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions[342]." The discrimination in my case is primarily based on disability.

Discrimination based on disability, in the context of a court not providing necessary accommodations to a party in litigation under a uniform national standard which is mandated by the ADA, refers to the unequal treatment of an individual due to their disability[343]. This can occur when a court fails to provide reasonable accommodations that would enable the individual to access the court and participate fully in the legal process. It also refers to deprivation of rights of the individual due to disability, such as eliminating or infringing on their First and Fifth and Fourteenth Amendment rights in the course of jurisprudence[344].

Judges will ignore the ADA and a uniform national standard established by the Freeman Bright Line, and will refuse to provide modifications to their customary rules, procedures and policies to accommodate the disabled litigant, which the Freeman Bright Line impeaches as being non-fundamental alterations that should have been made by those judges. The facts fit the definition of cruel and unusual punishment for attempting to access the courts.

As importantly, the Department of Justice advanced the unqualified and vague notion of fundamental alteration of the court service, program or activity[345] to limit a request for accommodation that controls

[342] Note that what judges would allege to be sanctions are for my not curing my disabilities and my serious illness according to the schedule set by the court, which had no relation to medical science or the necessary medical treatment that I required. The perpetual deprivation of my accommodation was a sanction for my filing a complaint for prohibited conduct against judges and courts. All of the subsequent prohibited conduct finds its origin in these and similar untenable rationales and fabricated evidence offered by judges. Note that the High Commissioner makes it clear to us that "[w]hile the definition of torture in the Convention against Torture excludes "pain or suffering arising only from, inherent in or incidental to lawful sanctions", the legality of a sanction under national law in and of itself is insufficient to render it lawful under article 1 of the Convention. [Lawful sanctions refer to legitimate practices widely accepted by the international community. See E/CN.4/1997/7]. The Committee against Torture applies this provision by determining the lawfulness of a sanction with reference to both national and international law and standards … [t]he lawfulness of any sanction will be determined by reference to national and international law, with international law taking precedence in case of conflict with domestic legislation."

[343] Federal court judges and this court allege that the ADA does not require their compliance and that therefore they are free to use discretion and entirely evade the ADA. My writs of certiorari filed in this court discuss how this is an unlawful position taken by the judiciary under derivation based on the US Constitution, the Due Process Clause, the necessity of standards in jurisprudence, and ordered Liberty. At the moment that discrimination is tested by human rights, federal courts including this court cannot maintain their position that they are exempt from following the ADA.

[344] See a list of egregious judicial abuse experienced by a disabled pro se litigant by referring to US Supreme court writ of certiorari 23-7017 pages 32-33.

[345] 28 CFR § 35.130(b)(7)(i)

the availability of due process, and thus legalized the elimination of rights of a disabled litigant. This is extraordinary fueling of discrimination by the DOJ when defining a national regulation that affects a fundamental legislated right[346]. In the context of human rights, and compliance with treaties and the rule of International Law in domestic affairs under Article VI of the US Constitution, this CFR promoted not eliminated discrimination by judges, and may not hold as a matter of International Law. This regulation is fundamentally opposed to the Liberty and justice that are the object and purpose of the US Constitution, because judges have and will interpret it as they do to discriminate and to commit prohibited acts, as documented by my facts.

I have repeatedly petitioned courts to define "fundamental alteration" to no avail. I have provided a guideline on how it should be interpreted in compliance with the supreme Law of the Land.

Since the enactment of the Americans with Disabilities Act (ADA), many legal precedents document ill-treatment of disabled pro se litigants by judges in the course of jurisprudence[347]. My personally verified information and those of other victims who testify with me, provides the additional record of the ill-treatment and torture of pro se litigants in the course of jurisprudence by state and federal judges. Discrimination based on disability is at the root of this prohibited judicial conduct[348].

In his 1995 report, the Special Rapporteur on torture commented that "both under general international law and under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, States are obliged to investigate allegations of torture"[349]. Not once has this court investigated my allegations which have been made to it repeatedly since 2019[350], and reported year after year evidencing increasing severity and consequence. Nor did it investigate similar allegations by other victims[351]. These are acts of judicial torture which have gone unpunished and encouraged.

Under International Law, every State must demonstrate that it is striving to meet its obligations to examine allegations of ill-treatment and torture by conducting an investigation in good faith[352] with due

[346] Disability is held by other branches of government and under treaties in parity with suspect classifications such as race, but denied by this court as having any classification at all.
[347] See my Table of Authorities in US Supreme court writ of certiorari 24-6012 under the subheadings "Cases – ADA", "Cases – Rule 1.100", "Cases – Discrimination" and others
[348] The CRPD specifically prohibits cruel, inhuman and degrading treatment.
[349] E/CN.4/1996/35, para. 136.
[350] The respective Special Rapporteurs on torture have stressed the importance of the investigation and documentation of allegations of torture, in accordance with the Istanbul Protocol, as a necessary tool in fighting impunity and reinforcing the rule of law.
[351] See the Appendices to my 2024 writs filed by the US Supreme court (24-5808 and 24-6012) attaching copies of the writs to the US Supreme court attempted by two other victims of these prohibited judicial acts.
[352] When the California Sixth District court of Appeals, under its notorious presiding judge Mary Greenwood did conduct an 'investigation', it was in the form of her ex parte communication with my exploitative adversaries and their attorneys in 16cv295730, and sealed their response from my eyes, and increased my torture. The investigation required under the UNCAT

communication, due diligence and accountability, under applicable standards. None is seen from this court, or from any court in the United States in the matter of the ill-treatment and torture of the disabled pro se litigant by the judiciary. These judges simply act as if no such prohibited conduct exists, which is the response by the State that is prohibited and expressly condemned by International Law. Not once has this court complied with this requirement of International Law.

Each State has the obligation to prevent torture. This is an obligation that no judge and no court in the United States respects, except the exceptional judge[353]. The obligations related to the prevention of torture, as applicable to this nation's judiciary, including the judges of this court, include[354]:

a) Taking effective judicial or other measures to prevent acts of torture, whether committed by State or private actors; No exceptional circumstances whatsoever may be invoked as justification for torture or ill-treatment[355];
b) No refouling when there are substantial grounds for believing the person would be tortured or ill-treated[356];
c) Criminalizing acts of torture, including complicity or participation therein, punishable by penalties accounting for the grave nature of the act; and ensuring acts of torture are not subject to prescription or any statutes of limitation or pardons, amnesties or immunities[357];

is an independent investigation by a qualified and impartial independent body. This, and the subsequent order by the presiding judge in March 2020 is evidence of purpose and intent to commit torture

[353] See the orders of judge Beth Freeman in the District court of Northern California case# 19-cv-04392-BLF

[354] See 2022 Istanbul Protocol

[355] This court considers torture as being an ordinary circumstance in the operations of this court. Se the clerk's letter in ECF-12 in appeal 24-6312

[356] In SIX YEARS of my petitions and pleas for this court's intercession and lawful conduct, this court NOT ONCE abated or prevented my torture, and merely returned me to suffer further torture and attempted murder by judges of state and federal courts. This court 'did not give a damn' about my reports of ill-treatment and torture and never even considered or investigated them. My originating complaint in 19-cv-01986-LHK leaves no doubt of substantial grounds for believing that I am being ill-treated and tortured by the state courts and by judge Lucy Koh. My appeals in 21-cv-04262-JSW leave no doubt that I am being ill-treated and tortured by the state courts and by judge Jeffrey White while judge Beth Freeman impeaches his every denial of my safe harbor and disability accommodation. The evidence provided by my requests for safe harbor and accommodation leave no room for the reasonable person to doubt that I am suffering serious injuries and severe pain and suffering and in fear for my life and liberty and rights, and that the prohibited acts are repetitive thus demonstrating that they have graduated from ill-treatment to purposeful and intentional torture by judges who willfully and deliberately issue orders and inflict chilling treatment that predictably causes me physical and mental injuries through common knowledge and scientifically forewarned disease mechanisms.

[357] The human rights prohibition against immunity of judges when they commit ill-treatment or torture contradicts the self-serving domestic policy influenced in majority by judges that renders them immune for intentional acts of corruption and malice. This offensive principle of judicial immunity is advanced based on the notion that a judge is too fearful to be independent and impartial if threatened with civil liability, when in fact, the judicial character expected by this nation is of a judge who does not consider her personal liability when performing her duty because her candor and her integrity are beyond influence. Instead, this excessive immunity is the cause of emboldening judges to reign as quasi-monarchs, secure in the guarantee that they may do harm and oppress any litigant whom they disfavor, and this is evident in the courts, as well as reported by the People on social media.

d) Undertaking to exercise universal jurisdiction[358], that is to investigate suspects under its jurisdiction and if necessary prosecute them; assisting other States parties in connection with criminal proceedings brought in respect of torture;

e) Implementing fundamental legal safeguards;

g) Ensuring that materials regarding the prohibition of torture are included in the training of public officials and other appropriate persons[359]

j) Ensuring that the competent authorities conduct prompt and impartial investigations[360] and guarantee the right to make a complaint

k) Ensuring that impartial and effective complaints mechanisms are established, known and accessible to the public, including to persons deprived of their liberty, and to persons belonging to vulnerable or marginalized groups or who have limited communication abilities. In addition to ensuring that complainants and witnesses are protected against acts of retaliation or intimidation as a consequence of their complaints or any evidence provided;

l) Ensuring that victims of torture have access to redress and an enforceable right to fair and adequate compensation; redress must include effective remedy and reparation. Comprehensive reparation refers to the full scope of measures required to redress violations under the Convention against Torture and includes "restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition";

m) Ensuring that alleged offenders are subject to criminal proceedings if an investigation establishes that an act of torture appears to have been committed and provides sufficient, admissible evidence of individual culpability. If allegations of acts involving torture or ill-treatment are considered to be well founded, offenders should be subject to administrative and judicial penalties that take into account the grave nature of their acts with no statutes of limitations.

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[358] This court insists that its jurisdiction is strictly limited, when in fact the US Constitution requires it to enforce and comply with these international instruments and International Law as the government. This court also limits its jurisdiction by time, while nothing in the US Constitution specifies the absolute dominance of its 90 day time limit for filing writ, or the 60 day time extension provided by its clerk, or the discretionary time extensions that its clerk provides without regard to the fact that this court's adherence to these cruel, inhuman and degrading rules which eliminate access by a disabled pro se litigant who cannot comply with them is no less than the promotion and enactment of ill-treatment and torture according to its invariant rules. I and another disabled pro se litigant have witnessed so much waste by the clerk that it is unconscionable to see the bias and discrimination applied to us that eliminates our expression and our petitions and our rights while this court is lenient with itself and its staff and does not hesitate to act fairly and accommodatingly with respect to its own errors.

[359] With a very high probability, it is likely that no employee of this court or any justice of this court meets this requirement

[360] This court refuses to investigate any of these facts alleged against lower courts, provided either by me or by at least two other disabled pro se litigants (Eva Danilak, Julia Minkowski). This court must not investigate the facts alleged against itself by these victims or by me, but must delegate to an independent and impartial authority that is qualified to investigate under and according to the Istanbul Protocol.

This court has not demonstrated its compliance with any of these requirements under these authoritative international instruments. To this day, this court obstructs my access, and eliminates my rights[361] instead.

Observe that the facts locked in the records of this court over SIX YEARS of my mutilation by this Circuit's judges do not demonstrate merely a technical satisfaction of the elements of torture and ill-treatment, but they are precisely prohibited acts that demonstrate deliberate non-compliance by a State that is contemplated by these international instruments, and FORBIDDEN BY THE US CONSTITUTION.

The scale of the potential impact of this judicial violence is extraordinary. Over 28% of the population of the United States[362] are at risk of harm[363], and by potentially observing or becoming aware of these prohibited acts, each person with disability, their families, their friends and other members of the public are potential victims of disability hate crimes per the definition of that criminal offense which contemplates the adverse and injurious psychological and emotional impact of such conduct on persons other than its direct victims[364]. This systemic judicial violence is deeply rooted in intrinsic judicial bias[365], and is a threat to the largest minority in the nation, and a subversion of the supreme Law of the

[361] Refer to ECF-12 in 24-6312. Note the fraud that this court will rule on my request for safe harbor and disability accommodation which IT HAS NEVER DONE since 2019. Note this court's contradiction of the Eighth Circuit representation of the Judicial Conference policy of ADA disability accommodation. And recall how this court and its judges have been impeached since 22-16046 by the Freeman Bright Line

[362] In July 2024, the CDC released the annual update to the Disability and Health Data System (DHDS), providing quick and easy online access to state-level health data on adults with disabilities. The latest data, from the 2022 Behavioral Risk Factor Surveillance System (BRFSS), reveal that more than 1 in 4—over 70 million—adults in the United States reported having a disability in 2022.

[363] The trend of pro se litigants in U.S. courts has been increasing over the years. For example, according to the National Center for State Courts (NCSC), civil courts consistently report that 75% or more of their cases have at least one self-represented litigant. For example, U.S. Courts Data shows that from 2009 to 2012, filings of pro se civil cases by non-prisoners increased every year. For example, the Court Statistics Project provides data on cases with self-represented litigants, showing that a significant portion of civil cases involve pro se litigants. These statistics indicate that self-representation in U.S. courts is a growing trend, with a substantial number of litigants choosing to represent themselves in various legal matters. Both Eva Danilak and Julia Minkowski have been abused and subjected to prohibited conduct in California divorce court. According to a **2010** report by the California Law Review, approximately **70%** of divorce cases involve at least one self-represented litigant at the beginning of the case, and this figure increases to **80%** by the time of judgment. Leslie Hagan is another victim these prohibited acts.

[364] See 2016 report by Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights "Disability Hate Crime" -- https://www.osce.org/odihr/hate-crime-against-people-with-disabilities; See "EDF Recommendations on EU initiatives on hate speech and hate crime" by European Disability Forum p.3 "Persons with disabilities are more at risk of being victims of violent crimes, including hate crimes, than other persons, and to face harassment, hate speech and ableist comments in their daily life."; See BBC report "Charity research finds that only 1% of disability hate crimes end with a charge" by Keiligh Baker, 7 Oct 2022 – at https://www.bbc.com/news/disability-63171959; See also Disability Hate Crime and other crimes against disabled people - prosecution guidance" by the UK Crown Prosecution Service

[365] "Yes, court bias exists — and judges must attack it", Judge Bernice Bouie Donald of the United States Court of Appeals for the 6th Circuit, ABA Feb. 11, 2022. See also Stephen Gillers, NYU School of Law, A Rule to Forbid Bias and Harassment in Law Practice: A Guide for State Courts Considering Model Rule 8.4(g), Georgetown Journal of Legal Ethics,

Land and alignment of the perpetrators with enemies of the US Constitution. Thus judges proclaim themselves as threats to international peace and security[366] and to be the enemies of the United States and of its Constitution[367].

THE CONSTITUTIONAL BRIGHT LINE

Summary: One solitary federal judge is distinguished in this nation and latently endeared to the People of the United States for her judicial ethics and wisdom and judgment in recognizing and applying laws and human rights principles and treaties appropriately and reaching outcomes that are legally correct and substantially just. This one judge has impeached each judge of this court who dealt with me since 2019, by correctly enforcing the ADA as being applicable to all federal courts, and by correctly enforcing human rights treaties under customary international law by using the proper interpretation of Article VI of the US Constitution, and the correct application of treaties in domestic jurisprudence. To this date, this court and this judge refuse to provide me safe harbor and disability accommodation, or to recognize my human and fundamental rights.

The United States issued a RUD to the 1988 UNCAT that was met with objection from other States[368]. Review of the RUD demonstrates that under certain fact patterns, the RUD undermines the object and purpose of the UNCAT, and also confirms the validity of the objections raised. Thus, in the event of those fact patterns arising, the RUD will not hold under International Law, and the United States is evading and undermining the treaty. In violation of International Law.

Vol. 30, No. 195, 2017; See also *Addressing Bias Among Judges, Smith, Hyman & Redfield, State Court Report Sept. 14, 2023* see https://statecourtreport.org/our-work/analysis-opinion/addressing-bias-among-judges

[366] Under international law, violations of human rights can be considered acts of hostility or aggression, particularly in the context of armed conflict. The UN Charter promotes international peace and security and the protection of human rights. Acts that violate human rights can be seen as threats to international peace and security. Traditionally, the spotlight of human rights has been particularly on the Geneva Conventions, the Rome Statute of the International Criminal Court, and International Humanitarian Law. In 2025, we continue the world's emergence into an era of world peace, and the spotlight will necessarily shift to the civilization of society on a worldwide basis, which will increasingly be reflected by the social intolerance for acts of ill-treatment and torture in areas other than armed conflict.

[367] Article III Section 3: Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

[368] The United States has made a habit of issuing RUDs to treaties, in essence revising their object and purpose, and undermining pluralism and delaying the transition to world unity and a harmonious global civilization that prioritize the highest good for humanity.

Here is such a fact pattern.

Without regard to the other States' objections and without regard to re-evaluation of the US position with respect to the RUD for UNCAT which violates Article VI of the US Constitution by being incompliant with International Law, the ratification of UNCAT by its signatories was joined with the 1994 federal statute 18 US Code § 2340. As previously discussed, in that statute, the US outlawed torture defined as an "act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control". This statute does not satisfy the definition of torture as defined in the authorities and international instruments identified in this writing. It has never been updated to be compliant. This court has never spoken on this issue.

At that point the United States rested, in effect declaring that it had complied with the UNCAT by compliant domestic legislation.

As previously discussed, more than a decade later, the reluctant United States belatedly legislated the 2005 federal statute 42 US Code § 2000dd prohibiting "cruel, inhuman, or degrading treatment or punishment of persons under custody or control of the United States Government" because the United States treated terrorists and war detainees improperly. The Findings of the federal statute state that "(3) The Secretary of State has launched an initiative to try to address the differences between the United States and many of its allies regarding the treatment of detainees." The express statement of the UNCAT and the Istanbul Protocol[369] defies the opportunity for a State to declare that the conduct prohibited by the UNCAT is ambiguous[370]. This 2005 statute does not satisfy the definition of cruel, inhuman, or degrading treatment as defined in the authorities and international instruments identified in this writing. And the UNCAT did not grant a State the privilege of convenient legislation only when challenged. This court has never spoken on this issue.

What this demonstrates is that the United States selectively picks and chooses what part of a treaty it will ratify and when. Its government must be pushed to comply, in contrast to its People who are, by nature, respectful of human rights and wish to abide by treaties. If it were not for the objection of allies and the public's scrutiny, there would be no second legislation, which was and is clearly lacking. This court has never spoken on this issue.

[369] The Istanbul Protocol, officially known as the "Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," was first created in 1999, six years before the enactment of 42 US Code § 2000dd.
[370] It cannot be said that the USA has not previously violated the UNCAT.

Today, we find the United States considerably deficient in terms of compliance with UNCAT, and other treaties. This nation's periodic reports are tardy and demonstrate a lack of resolve for compliance. There is no indication, for example, that "legislative, institutional, administrative, budgetary and other measures to ensure that an adequate framework for prompt, impartial, independent, effective and gender- and child-sensitive investigations is in place"[371].

As a State, there is insufficient evidence that the United States has made torture a specific offence under national law that complies with the UNCAT, and which is subject to proportionate penalties that reflect the gravity of the crime[372] according to the details discussed in this writing. There is also no evidence that the United States has fully established jurisdiction over the offence of torture as defined in international instruments discussed herein, including by providing for the exercise of the principle of universal jurisdiction[373], or that it has removed legal barriers, such as amnesties, immunities, statutes of limitation or other such procedural restrictions[374], including pardons or other measures resulting in impunity. This court has never spoken on these issues.

In my case, it is demonstrated that the United States does not guarantee the rights of victims and witnesses at all stages of the investigation (in fact there is no investigation), including the right to lodge complaints, to participate in proceedings, to be protected from threats and harassment[375], to have their right to privacy respected[376], as well as the right to an effective remedy and to reparation. There is no reparation, and if it did exist, reparation must be victim-oriented, gender-sensitive, adequate, effective, prompt and comprehensive, tailored to the particular needs of the victim(s) and proportionate to the gravity of the harm suffered[377]. No such guarantee or reparation exists.

Refoulement is prohibited. Under judicial torture, refoulement is the recommittal to an originating court and judge that inflicts ill-treatment or torture. The United States, through this court, endorses refoulement as a national judicial policy.

A survey of US compliance reveals no independent entities or mechanisms available to implement the UN Istanbul Protocol domestically.

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[371] UN Istanbul Protocol paragraph 186, referring to Convention against Torture, art. 2; and Committee against Torture, general comment No. 2 (2007), para. 2
[372] Committee against Torture, general comment No. 2 (2007), paras. 8–11
[373] A/HRC/4/33, paras. 41–47
[374] Committee against Torture, general comment No. 2 (2007), para. 5; and general comment No. 3 (2012), para. 38
[375] Committee against Torture, general comment No. 3 (2012), paras. 29–36
[376] My privacy was 'trashed' by every representative court in this nation
[377] Ibid., paras. 6–18; Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law; and African Commission on Human and Peoples' Rights, general comment No. 4

Analysis of the US compliance with UNCAT and the UN Charter and human rights treaties is not the only method by which the subversion by our judiciary of human rights and subversion by our judiciary of the US Constitution's requirement of compliance with treaties, may be measured.

Federal judge Beth Freeman of the Northern District of California has set aside the same rules and procedures and policies that over 40 judges hold as invariant and absolute and apply to me and to other disabled pro se litigants to inflict ill-treatment and torture. For almost SIX YEARS, judge Freeman has ordered that I shall receive accommodation in a form that is consistent with my necessary medical treatment, and no other court and no other judge has followed her *stare decisis*. My opponents in that federal civil lawsuit under Freeman have also ensured that they do not violate any law or contribute to my ill-treatment or torture, which is ongoing in other cases and at the hands of other judges and other attorneys. Thus, concurrently with the prohibited judicial conduct seen in multiple other courts, a reference of ethical and lawful judicial and attorney conduct has been firmly established by a federal court in this nation since 2019.

Therefore a clear reference of ethical and proper judicial conduct has been in place and invariant since 2019.

Moreover, the ADA is very clear. The Freeman Bright Line of HOW to accommodate a disabled pro se litigant is a federally pre-emptive standard, which according to the ADA, must be uniform nationally and must be enforced by the federal judiciary ON BEHALF OF persons with disability to eliminate discrimination in the courts. Since I AM actively in litigation in multiple state and federal courts in this nation, it is therefore MY case that sets the national standard on court accommodation in the United States, and that standard is the Freeman Bright Line. This court has so far REFUSED to acknowledge or endorse that standard. This court has not spoken on this issue despite my first writ[378].

The Eight Circuit publicly declares that it "provides reasonable accommodations to persons with disabilities, including communication disabilities" while it refers to the textual interpretation of the ADA and recounts that "the Americans with Disabilities Act does not apply to the federal judiciary". The egregious flaw in the thinking of every federal judge, except Freeman, is that the ADA may be discretionarily followed by the federal judge. No such freedom and privilege is afforded to the federal judge. The opposite is true. Congress expects the federal judiciary to eliminate discrimination ON BEHALF OF the disabled litigant in the courts by enforcing the ADA as a UNIFORM NATIONAL STANDARD. This is impossible without the federal courts expressly following the ADA in their operations and adhering to the one and same UNIFORM NATIONAL STANDARD. The role of

[378] Writ of certiorari 23-7017

standards in jurisprudence is not limited to the Due Process and Equal Protection Clauses only. A nation must not be divided against itself, and every judge, not only state judges, must faithfully follow the ADA.

It is also important to note carefully that the Freeman Bright Line is compliant with the supreme Law of the Land and International Law. Freeman simultaneously complies with the ADA, human rights treaties and the jus cogens of customary international law. Freeman teaches every judge that the normal human empathy. Long lost to our judges, is the correct behavior in the treatment of the disabled. Every court in this nation, including every federal court, which includes this court, must follow the Freeman Bright Line as a STANDARD[379] in providing accommodation in the courts, and enforcing accommodation in the courts.

None do.

DISQUALIFICATION

Summary: Good Behaviour is the constitutional standard of ethics, and not embodied fully in any canon of judicial ethics in representative state or federal courts. Judicial ethics, are in general impotent in stopping discrimination and human rights violations. International judicial ethics are unrecognized domestically but are applicable to the conduct of this judge with respect to the expectations of customary international law. The big picture is the prohibited acts under Article VI and under International Law that constitute violations of human rights[380], and are unethical, failing the requirements under Canons 1, 2 and 3 of the Code of Conduct for United States Judges. The appearance of impropriety is present in the individual conduct of this judge, and en banc, also implicating this judge. Canon 1 specifically requires compliance with the law and with the Code of Conduct.

This writing relies on the motion to disqualify the judges of this court en banc for updated and corrected arguments and authorities.

[379] Like the standard for due process, there must not be two standards for disability accommodation in the courts in this nation.

[380] Special consideration must be given to the effect on sovereign immunity and judicial immunity under the authority that I invoke herein.

This disqualification motion is filed in a court whose deprivation of rights, ill-treatment and torture of a disabled and seriously ill litigant[381] is most recently encapsulated in an order on behalf of this judge[382] and this court by its clerk in 24-6312 under ECF-12 that ensures that my torture and attempted murder by the Ninth Circuit continues[383]. Prior to this prohibited act, we find ECF-11 in 24-3353 where three judges expressly endorsed my torture TWICE and mooted my request for safe harbor and disability accommodation after four months of evading it, and breached the Freeman Bright Line of court disability accommodation and safe harbor, which continues the prohibited conduct by this court and its judges. This is an express violation of the UN Istanbul Protocol, demonstrating purpose and intent not to prevent, abate and punish my torture by the judiciary of the Ninth Circuit and elsewhere, implicating this judge by the 'stickiness of the case' to this judge[384]. The invidious discrimination, and the purposeful and intentional commission of acts prohibited by the international instruments cited herein are in public view.

With respect to this judge's overt prohibited acts which were committed directly under this judge's personal control, reference is made to the facts in Appendix C and all related filings. This judge personally had authority to stop, investigate, prevent, abate and punish ill-treatment and torture, but failed to do so despite the requirement of the supreme Law of the Land and my complaint that met the criteria under the UN Istanbul Protocol. This judge did not take action as required by Canon 3B6[385].

The benchmark for ethics is set by Article III of the US Constitution "good Behaviour". This standard has been radically undermined by this nation's judiciary, particularly by this court, rendering it

[381] Customary international law and the concepts of civilized society and civilized nations must comport with the civility expected from a judge under Canon 3B4 of the Code of Conduct for United States Judges

[382] Once this judge committed the prohibited acts herein reported, all consequent harm and all further prohibited acts by any person or by any court are attributable to this judge, and traced to this judge's failure to stop, investigate, abate, investigate, prevent and punish the prohibited acts. The duty for this judge to stop, investigate, abate, investigate, prevent and punish the prohibited acts is persistent and is not ended by any intervening event or intervening jurisdiction by another judge in the same court.

[383] Canon 3B6 of the Code of Conduct of United States judges requires this judge and this court's action to reverse the clerk's order.

[384] Once this judge committed the prohibited acts herein reported, the judge's personal duty to intervene and correct the prohibited acts according to International Law and the UN Istanbul Protocol and prevent their furtherance by any person or by any court is persistent, and required *sua sponte*. However, since the judge has violated ethics and the UN Constitution and the jus cogens of international law, the judge may not preside in adjudicating any case related to the victim, except to ensure that authoritative action is personally taken by the judge according to the Istanbul Protocol, to stop all acts against the victim and to protect him and prevent his re-traumatization and refoulement, and to initiate an independent investigation and remain vigilant and diligent in ensuring that the victim receives all benefits and protections under the UN Istanbul Protocol and the jus cogens of International Law, before surrendering jurisdiction and responsibility to appropriate persons and an appropriate process that is consistent with the UN Istanbul Protocol and the jus cogens of International Law.

[385] A judge should take appropriate action upon receipt of reliable information indicating the likelihood that a judge's conduct contravened this Code, that a judicial employee's conduct contravened the Code of Conduct for Judicial Employees, or that a lawyer violated applicable rules of professional conduct.

effectively impotent and meaningless. But it had a distinct, well-understood and morally-resonant meaning in at the time of this nation's founding. High crimes and misdemeanors that caused impeachment of a judge included drunkenness, and the meaning of high crimes was merely a morally foul or unlawful act committed by a person who holds high office, such as a judge, diminishing the status and the high moral expectation of such rank and office. "High crimes" was in contrast to crimes (without the prefix "high"), attributed to commoners (the 'People" who are the subjects of the king under monarchy), and thus "high" was a term of respect and status.

Under the original meaning of "good Behaviour" every judge of this court who had any dealing with me would be removed from office, and impeached as a civil officer of the federal government. However, good Behaviour is its own independent standard for JUDICIAL OFFICERS and may not be ignored or deprecated, and does not require impeachment for disqualification or removal from tenure.

What was surprising to me is that upon the assisted distribution of my preliminary complaint for human rights violations to the United Nations Human Rights Council and Special Procedures in 2024, the UN Secretariat instructed me to also provide my preliminary complaint to the Special Rapporteur on the Independence of Judges and Lawyers. Judicial ethics are thus indicated by an international authority as relevant to these prohibited acts. Thus the UN suggests that the ethics, including the independence and impartiality of the judiciary whom I have identified are in question.

Torture is not only an international crime subject to universal jurisdiction, but torture[386] has been included in the statutes of numerous international courts and tribunals, including the International Criminal Court[387], the International Tribunal for the Former Yugoslavia[388], the International Criminal Tribunal for Rwanda[389] and the Special Court for Sierra Leone[390].

This nation was not founded to redefine International Law but to enforce it domestically and comply with it. There is no judicial integrity[391] amongst judges who violate International Law and the express requirements of the US Constitution. This is not the meaning of ethical independence, which this court has redefined as independence from the rule of International Law and from the express requirement of Article VI of the US Constitution. This is disrespect for law[392]. It is disrespectful of the station of judges

[386] And ill-treatment by operation of Article 16 of the UNCAT
[387] Rome Statute of the International Criminal Court, art. 7 (2) (e). See Article 7(1)(f) "torture" and 7(1)(k) "Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health"
[388] Updated Statute of the International Tribunal for the Former Yugoslavia (2009), arts. 2 (b) and 5 (f)
[389] Statute of the International Criminal Tribunal for Rwanda (updated in 2002), arts. 3 (f) and 4 (a).
[390] Statute of the Special Court for Sierra Leone (2002), arts. 2 (f) and 3 (a)
[391] Canon 1 of the Code of Conduct for this court.
[392] Canon 1 of the Code of Conduct for this court requires this judge's respect for law and high standards. The obedience to law is inherent in the construction of judicial ethics, and thus Canons 1,2 and 3 apply to the failure by this judge and by this court to follow all applicable laws.

and does not demonstrate honor or integrity[393]. Under international rules of judicial ethics, such as the Bologna Milano Global Code of Judicial Ethics, this is intentional or gross violation in the exercise of official functions that is prohibited under Rule 4.1.

Impropriety appears when this court speaking as the federal government proclaims to other nation States that we are superior in right and in privilege to every other nation State[394] with whom we have joined by treaties and through the UN Charter. I should not have to invoke the protection of Special Procedures and the Human Rights Council of the United Nations to end this long-established subversive and systemic policy of human rights violations by our own judges, who are sworn to our service[395]. This is far beyond the appearance of impropriety[396]. It is the worst form of impropriety.

This court exudes an unethical sense that it is privileged more than any other court to do as it wills, and pick and choose what it deems worthy of its sovereign status amongst the judiciary[397], thus refusing to engage in enforcing a non-derogable right. This judge has been a mouthpiece in this regard for this court.

Prosecutors will not take action in these matters in violation of International Law for lack of a statute[398]. No prosecutor will dare prosecute a federal judge under immunity[399] considerations when the federal judiciary controls the interpretation of the supreme Law, and such prosecution technically is prohibited by Separation of Powers in the absence of an express statute that authorizes it, and even such a statute would be open to challenge and no political mechanism warranting it is in the forefront of the attention of popular culture[400]. Thus impeachment remains the only avenue[401], which is so burdensome that it is beyond the reach of the individual victim, and the standard for impeachment has been so eroded by the judiciary that in effect, judges preside as quasi-monarchs in a nation that abhors rank and title.

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[393] Canon 1 of the Code of Conduct
[394] Canon 1 expects compliance with law
[395] The historical origin of judicial tenure, and the distribution of governmental power by making the judge an equal of the legislature and the executive, as the means to combat tyranny and reversion to authoritarian government, must not be forgotten
[396] Impropriety is prohibited under Canon 2 of the Code of Conduct.
[397] Canon 1 of the Code of Conduct requires honor and integrity from the judge. Particularly when this court operates either in threes or *en banc*, the appearance of impropriety labels this entire court as unethical. Thus good judges are tarnished by one or more bad judges without appropriate action under ethics. Here, under these facts, no such ethics action is demonstrated over SIX YEARS.
[398] The United States has failed to domestically legislate human rights and particularly, the UNCAT, appropriately and fully as discussed elsewhere herein.
[399] Consider judicial immunity and sovereign immunity
[400] However, the misconduct of judges are increasingly drawing public attention. See for example S.1908 - Judicial Ethics and Anti-Corruption Act of 2023
[401] Because "good Behaviour" has been cast aside by the judiciary, and judicial ethics are impotent.

From a high-level, there is no pathway in or through jurisprudence for relief of remedy[402] for a disabled and sick pro se litigant to access the court or due process. Thus the most impotent form of relief must be tried in desperation when actual and imminent harm is to be averted[403].

As private attorney general I inform the public that, like every individual in this nation, the judges of this court are not above the law, especially not above accountability for human rights violations. No consent is required for the People to hold this court and its judges to account for such prohibited conduct. We the People must have a federal appeals court that earns our trust, daily.

Since 2019, I have brought the same case and controversy to the door of this court multiple times as the only possible domestic pathway for redress and remedy, and for the protection of the largest minority in this nation. But this court has a history of purposefully evading the issues that are centrally placed before it by my facts.

Judicial error for the same prohibited acts is not indicated when the facts and the morality of a nation and the natural response of the reasonable person are impeccably aligned with the Freeman Bright Line. Instead purpose and intent are evidenced when a judge and a court deviate from the national ethos and human rights principles and treaties. It is extraordinary cruelty and inhumanity and degradation to hear report of the torture by a trial judge and dismiss an appeal based on procedural dictates when the complaint for human rights is in the docket. This is forbidden judicial conduct. It is impropriety[404].

This court under the control of this judge chose not to investigate or enforce controlling instruments under International Law and thus acquiesced to the ill-treatment and torture reported to this court[405]. The perpetrators of the prohibited acts are the judges who, through Separation of Powers, may only in effect be promptly and directly regulated in their office by this court. This court's precedents 'trickle down' to other federal courts, and also influence the state courts[406]. Yet, we find the glaring absence of the duty to conform to the supreme Law and to discipline the judiciary or attorneys[407].

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[402] The ADA uses "legal recourse"

[403] See the orders for my safe harbor and disability accommodation in 21-cv-04262-JSW that hold me in a death grip in the trial court and in this court by virtue of the invidious discrimination and the egregious human rights violations documented in 24-6312. This court merely tosses me back to be refouled, re-traumatized and torture by the trial court. There is not a single instance of this court obeying applicable authorities which are dominant over the policies and practices in jurisprudence and identified in this writing.

[404] Canon 2 of the Code of Conduct

[405] Canon 1 requirement of faithfulness to the law.

[406] Canon 1: An independent and honorable judiciary is indispensable to justice in our society. A judge should maintain and enforce high standards of conduct and should personally observe those standards, so that the integrity and independence of the judiciary may be preserved … violation of this Code diminishes public confidence in the judiciary and injures our system of government under law.

[407] In addition to Canon 1 violation, Canon 2 impropriety and the appearance of impropriety are both demonstrated. Under Canon 3, faithfulness to law (3A1), the full right to be heard according to law (3A4), and

The Rules Enabling Act and the custom followed by the legislature leave the courts to formulate their own rules, procedures and policies as experts in their own affairs. Congress trusts and delegates the translation and implementation of legislation into court rules, procedures and policies, to our judiciary. The nation relies upon JUDGES to "establish justice"[408] on a dynamic and continuous basis. The facts demonstrate an absence of justice that potentially impacts over one quarter of this nation. It is demonstrated that "something is rotten in Denmark" and it is this court that is implicated in this crime.

This court may not claim that it is an ethical body of judges when it commits acts prohibited by the herein cited international instruments and in violation of Article VI of the US Constitution. Nor can this judge claim to have acted ethically, or to be continuing to act ethically. At the moment of receiving this motion, this judge is required to act to stop, investigate, abate, prevent and punish these prohibited acts which continue in this court[409].

These prohibited acts are considered criminal under International Law, and thus our nation is humiliated by such outrageous contempt demonstrated for human rights and for International Law by our government, and the ultimate protectors and defenders of human rights, who should be our JUDGES. Our welfare and security as a People are affected negatively on the world stage[410].

It has been demonstrated through the records of multiple courts that judicial ethics is completely ineffective in stopping judicial subversion of supreme Law and the prevention and punishment of the express violations of treaties and customary International Law. Human rights are irrelevant to domestic judicial ethics and to judges. Nevertheless, I make this attempt to explore every possible avenue to stop my torture and murder by the judiciary of the Ninth Circuit.

Disqualification is a concept closely associated with ethics, but not exclusively so. The disqualification is for this judge's express violations of the Code of Conduct for United States Judges, and Articles III and VI of the Constitution, which include violations of International Law. In November 2023, this court distinguished impeachment by Congress from disqualification. And it incompletely codified "good Behaviour" by a Code of Conduct, which may only supplement the express Constitutional force of its express requirement of judicial candor.

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[408] See Preamble to the US Constitution, which is the object and purpose of the Constitution

[409] See ECF-12 in 24-6312 ordering my continued execution by torture

[410] America was once greeted with open arms around the world as the champions of freedom, peace and human rights. Today, we are shunned as a people for a government that deceives its own people and unashamedly endorses profiteering from conflict and the enrichment of our military-industrial complex at the expense of freedom, peace and human rights. For these very reasons, I have personally been verbally attacked overseas for speaking of the virtues of America and the contributions of this Supreme court to ordered Liberty and to justice worldwide.

It is demonstrated that the violations here considered are high crimes and misdemeanors within the original constitutional meaning, and have the status of crimes under International Law. Thus the doctrines of "duty to sit" and "necessity overriding disqualification"[411] are inapplicable under this

[411] This Canon contradicts Article III which expressly specifies that "the Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour". The standard of good Behaviour includes "high crimes and misdemeanors" of Article II section 4 because federal judges are considered civil officers as well as expressly distinguished from all other civil officers under Article III as also being recognized as JUDICIAL OFFICERS. Good Behaviour is thus expressly specified in the US Constitution as an additional requirement only for JUDICIAL OFFICERS. Common knowledge also distinguishes god Behaviour from high crimes: no member of this nation would consider good Behaviour as having the remotest possibility of being applicable to a politician or a President or Vice President, for example. Good Behaviour and high crimes are distinguished, as judges must have certain inherent characteristics that the President, Vice President and civil officers of the United States do not necessarily have to possess to discharge their office. For example, a judge must have impeccable integrity and honesty and HUMANITY (a long forgotten requirement) and moral attributes that are resonant with the national ethos, for holding the trust and the confidence of the People, while the CIA director must be capable of dishonesty and orchestrating and leading deceit, of inhumanity and of even deliberately harming and murdering the People of the United States (for which at least one President has publicly apologized to this nation), even Presidents, as has been historically shown to be the case. Military officers may abuse human rights at will among military personnel and order men and women and your children to give their lives, including as a result of their mistakes and poor planning, or to further the benefit of the military-industrial complex at the expense of human beings by conducting and prolonging wars and not be held accountable for high crimes unless disobeying rank, while a judge must be fair and **independent** and impartial at all times, and most forgotten of all, JUST (being just is a concept long abandoned by judges). Thus the judge, when left to his or her own devices (i.e. independent) must demonstrate such force of good Behaviour that a nation may sleep soundly and focus on growth and enterprise and nation building, relying on the soundness of character and sense of right and wrong by such independent individuals who will ensure justice and thwart tyranny of power through the authority that we the sovereign have vested in them under our trust. The standard of good Behaviour is measured against the character of the individual and their constant and unwavering embodiment of qualities that display the grandeur of their humanity and their uprightness and integrity and morality and fitness to be fair and moral in their thoughts and actions, and therefore a judicial officer must publicly demonstrate their perpetual trustworthiness to do right and ensure justice, while high crimes is a measure of acts, not character, and considers only if and how the conduct undermines the integrity of the office or the functioning of the government, and the violation of laws. Thus the famous drunk judge was impeached because drunkenness undermines the integrity of the office by improper performance due to incapacity, and may even result in the release of a defendant guilty of treason with serious consequences to the nation, and when sober, the judge arguably was innately capable of good Behaviour. Article II speaks of high crimes in the same breath as treason and bribery, which originate from the underlying alertness of the founders that the tyranny of monarchy, which resulted in War and independence, would revert through treason and bribery, and the tenured judge and a tri-part government was recognized as a means of thwarting tyranny by excess of power among the executive, and control over the legislature, that might revert a nation, which violated monarchic law and freed itself from tyranny, back to authoritarian rule. The critical quality for such judges would not be their ability to resist treason, bribery or high crimes, but their character and good Behaviour, upon which a nascent nation may rely for its survival and development. Therefore Article III is slandered by the "necessity overriding disqualification" canon of this court's ethics, because a judge who is disqualified as determined by the November 2023 Code of Conduct has failed "good Behaviour" by definition based on this court codification of good Behaviour (this court has failed to adequately codify and incorporate good Behaviour by its canons of ethics, raising a Constitutional question of legitimacy of its ethics). The "duty to sit" applied to such a judge constitutes a violation of Article III (a failure of good Behaviour eliminates tenure which robs the judge of office at the moment that good Behaviour ends). This is a high crime. The endorsement by the other judges of this court undermines, not supports, the function of this court with a Constitutionally excluded judge. This is a high crime. In fact, each judge who consents to a disqualified judge continuing to "sit" demonstrates an individual failure of good Behaviour through unfaithfulness to the US Constitution, and causes this court to operate outside the Constitution while conducting government. In so doing, such a court may not be said to be serving the sovereign People of the United States acvcording to its Constitution, but another interest. This is a high crime. It also displays the mootness and impotence of this rather degrading Code of Conduct for a high court. The US Constitution is more resilient that this court represents it to be through its statement of its Code of Conduct and its commentary. Good Behaviour, by definition, relies upon an innate character so effective in ensuring justice (per the Preamble to the US Constitution) that merely by the presence of each remaining judge in the high court, this nation may trust that the best of character and decency and integrity will be applied unfailingly to discharging the duty of judicial office and the object and purpose of the US Constitution, and its fruits will be assured to this nation. Therefore a high court with a single judge, in reliance on good Behaviour, is able to discharge the duty of this court's office under the US Constitution, when disqualification is ripe and necessary. Thus the mere statement of "necessity

court's Code of Conduct and under the supreme Law of the Land. The appearance of impropriety is inescapable and the violations of International Law are identified by court records and international authorities.

It is this court that must correct standards for due process in the federal courts, and whose example state courts have invariably adapted and followed in principle, resulting in the nightmare of human rights violations entwined with court rules procedures and policies which are reported by me and other victims. This judge is this court. It is this court that has regressed not advanced disability rights. The People scolded the federal judiciary through Congress via the Amendment to the Americans with Disabilities Act for discrimination based on disability and this court has not altered course. It is this court that endorses deprivation of the fundamental rights of a person with not even a rational basis. This judge merely ignored my request for safe harbor and disability accommodation and took no action on my clear and unmistakable complaint for human rights violations by the lower court. It is this court that maintains that human rights and the disabled have no place and no rights in the courts. It is this court that endorses the abject betrayal of a nation by its judiciary. Who is this court but the sum of its individual judges, acting in concert, and refusing to follow the supreme Law of the Land except selectively.

The US Constitution leaves no room for interpretation as this judge has done with respect to the violation of my human rights and this judge's failure to stop, investigate, abate, prevent and punish the violations reported by me.

In demonstrating contempt for the US Constitution and the rule of International Law when dealing with the disabled pro se litigant and permitting and furthering prohibited acts, this court conveys the impression that the judiciary whose conduct is at issue and who are members of the same Circuit[412] (e.g. Lucy Koh, Jeffrey White, state court judges) are in a special position to influence this judge and receive this judge's endorsement when International Law leaves no room for such endorsement. This violates this court's Code of Conduct Canons 2A, 2B, 2C and 3A1.

Acquiescence to, and complicity in prohibited conduct by this judge invalidates the presumption of impartiality and activates the disqualification obligation in Canon 3A2 of the Code of Conduct "hear and decide matters assigned, unless disqualified", especially when "to hear and decide" means to adjudicate

overriding disqualification" is offensive to this nation and presents an inherent conflict of interest by its authors that is incompatible with good Behaviour.

[412] The prohibited acts herein described are systemic to this court, and 14 identified judges and other unidentified judges out of the total 52 judges of this court have all consistently committed prohibited acts against the same disabled and sick pro se litigant, confirming that this court is an organization that practices invidious discrimination. Membership of this organization thus presents the appearance of impropriety in the conduct of this judge by association. Such favoritism and bias may also be considered a partisan interest under ethics

appellate actions involving disability or human rights or treaties that implicate the ethics of this judge whose alleged prohibited conduct requires investigation under international standards that must ensure remedy, redress and punishment.

This judge did not accommodate me or provide me safe harbor and thus purposely permitted the prohibited acts to continue, and as such demonstrated a lack of independence and a lack of impartiality, favoring dogma and established rules, procedures and policies that violate human rights. This does not constitute faithfulness to law or fulfilment of the duties of judicial office. It is not ethical.

This court is controlled by this judge when this judge asserts authority over me, and my attempted appeals[413] unmistakably give notice of these prohibited acts, and elicited a prohibited response from this judge and this court. Discrimination based on disability by this court eliminated my fundamental rights, and there is no fairness in such judicial conduct, and no diligence shown in considering actual and imminent harm that will be caused to me, in violation of Canon 3.

When tested by Canon 2A's test of "reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry", the reactions of my doctors suffice to reasonably question the impartiality of this judge. Their letters and pleas for compassion and mercy are filed in the record of the trial court, as are rejection of human rights and other fundamental rights by this Circuit's judge, all of which are impeached by the Freeman Bright Line. The testimony of other victims confirming the same prohibited acts is not biased or unreasonable since they come to this court to testify, with independent cases in the state courts and confirmatory facts.

It is not relevant that a decision was made by this judge on one human rights complaint (delivered to this court by the mechanism of an appeal) by random case assignment out of many attempted and obstructed complaints made to this court, or that the decision was a denial. The necessary investigation and standards applicable to the prohibited acts were not enacted. I was re-traumatized, refouled and tortured again and again, and still am to this day.

Every one of my appeals presented a novel scenario[414] based on necessity and my attempt to access constitutional due process that was unavailable in the federal courts. The appellate action was informed

[413] Refer also to my requests for safe harbor and disability accommodation in this court.

[414] Judicial independence and impartiality requires very careful consideration of the novel fact scenario presented by my case. US writ of certiorari 23-7017 is a brief summary by a cognitively and functionally impaired and seriously ill disabled pro se litigant of the egregious violations of rights that I suffered at the hands of this court and its judges, and I continue to suffer more egregious harm and serious physical and mental injuries at the hands of this court to the present day. It is only the advent of A.I. and its progressive refinement and capabilities that have provided me some opportunity, albeit verbosely, to express myself to a degree while still prevented from making a recovery and accessing rehabilitaition (because I am denied medical treatment by this court and by this Circuit).

under duress and without accommodation by a functionally and cognitively impaired disabled pro se litigant who was and is substantially incapacitated and seriously ill and who is persistently coerced by this court to provide informed under severe pain and suffering that is repeatedly and PURPOSELY[415] inflicted upon him..

This judge is in charge of this court when presiding over my case, and any decision by this court is a decision on a human rights case by this judge[416] without any independent investigation, as well as a statement of the government's position with respect to compliance with International Law[417] and with respect to prohibited acts. Addressing my complaint for human rights violations remains a non-delegable duty of judicial office for this judge to the present day, as does responsibility for human rights compliance by this nation's judiciary, including by this court and this entire federal Circuit. This judge's acquiescence to prohibited acts, while also complicit in them by denying my accommodation, and preventing my re-traumatization and refoulement, condemns this court, this judge, the clerk and every staff attorney. This does not constitute diligence under Canon 3.

The facts which may be found chronologically filed in the records of multiple state and federal courts in the United States provide substantial evidence of judicial crimes[418] which are repeated and reinforced in this court, and by this judge. There is no propriety and no impartiality and no independence in such conduct.

Humanity cannot advance and achieve its lofty destiny when it is retarded by its judiciary and its discouragement of "good Behaviour".

No Article III "good Behaviour" is evidenced by this judge who acquiesces to prohibited conduct by the judiciary. This the preeminent cause for disqualification, and superior to any code of judicial ethics.

If this judge remains "seated" in any case involving a disabled litigant or any case in any way related to human rights, it would be with an apparent conflict of interest, as any of my communications with this court since 2019, one or more of which were seen by this judge, were all unfailingly ignored or rejected

[415] An impartial and independent judge of good Behaviour, Beth Freeman, repeatedly follows the Freeman Bright Line without hesitation (her decisions on my safe harbor and accommodation occur within days of their submission), while this judge and this court have NEVER accommodated me, even for the purpose of extracting information from me which should never cause injuries which are predicted to this Circuit's courts by qualified and authentic treating physicians and caregivers.
[416] and on behalf of this court and all of its judges
[417] And with Article VI of the US Constitution
[418] The recorded chronology of my increasingly declined and degraded condition, the destruction of my dignity and my integrity, the abject inhumanity of knowing and willful infliction of serious and irreparable physical and mental injuries to me, destroying my martial relations and injuring my wife physically and mentally, oppressing other victims who witnessed my ill-treatment and torture, the cruelty of a judiciary who intended harm and punishment and deprive me of Liberty both in a legal sense and in a physical sense through making me dependent on full-time care and dangerous medications, is the source of indelible trauma deeply rooted in my mind, and in the mind of other victims of these judicial crimes. PTSD and Major Stress Disorder are considered to be incurable disabilities.

by this court and by this judge, which then promoted and enacted prohibited acts. The conflict is that this judge adheres to an alternative Constitution and a foreign supreme Law.

If this judge claims that the prohibited acts may be addressed by pending litigation against this court, then that assertion would constitute an adversarial stance in the adjudication of the case at bar, and trigger disqualification under Canon 3C1. The requirement of supreme Law and customary international law are clear and consistent: at the moment of reading this writing, this judge is required to take action to stop, investigate, abate, prevent and punish the prohibited acts reported by every one of my filings and communications with this court, and then to adjudicate no case by any party who brings a case about disability or about human rights or about treaties[419], and this personal duty has existed for this judge since the very first dealing with me, and continues.

There is no privilege for any judge to avoid or defer judicial duty or influence it by considerations of personal liability in other litigation. There is no judicial privilege in taking an adversarial position against a party in the case at bar because the opponent in pending litigation against a judge is the party in the case at bar: the duty of judicial office does not end when other cases and controversies arise. But neither any order from this court to lower courts to cease their activities has been issued, nor any order in this court for my safe harbor or disability accommodation. The latest order denies my safe harbor and disability accommodation AGAIN and this judge is obligated to intervene and stop, investigate, abate, prevent and punish any such denial or deprivation of safe harbor and disability accommodation in this court. The uninterruptable duty of this court and this judge is to provide constitutional due process and adherence to the supreme Law of the Land with impeccable ethics and without conflict of interest. This has never been the case in the past SIX YEARS of my ill-treatment and torture in this court.

This judge and this court demonstrate no interest through the ethics code in punishing or reporting for discipline any unethical judicial act reported to it that is attributable to any lower court judge, or even in its own court[420]. The Code of Conduct lacks parity with international codes[421], in a court that presents the final word on compliance by the government of this nation with International Law and judicial ethics.

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[419] This is a generous restriction imposed upon this judge by the Private Attorney General

[420] Under these facts, the failure of this court to regulate lower court conduct through recommending discipline may be viewed as a facilitator of torture and ill-treatment practices. Rank brings responsibility, and the assumption of responsibility must not be in doubt.

[421] This court does not recognize the six core values of the Bangalore Principles of Judicial Conduct. Human rights violations are a basis for disqualification under judicial ethics, and cruel, inhuman and degrading treatment or punishment has no intent requirement and the injuries and injustice are documented by the courts' records. The purposeful and intentional torture is demonstrated and repetitively so. Substantial grounds for prohibited acts have been provided to this court consistently since 2019, and yet this judge and this court continue to take no action as required by the international instruments discussed herein.

The Code of Conduct of this court is not the final word on the ethical requirements for this judge. International Law weighs in on judicial ethics as a matter of authority supported by the US Constitution's express incorporation of International Law in Article VI, as well as the specifications of customary international law, which are indicated in the US Istanbul Protocol.

I am so deeply traumatized that I must address this judge and of this court[422] again with reason and demands for lawful conduct, and ensure that this judge acts immediately to redeem prohibited acts and then refrain from adjudication of the subjects specified bythe Private Attorney General. Based on my abuse in this court since 2019 which has programmed me to believe that this court's judges will continue their prohibited acts, I expect this judge to find every possible loophole and argument to evade express recognition of our supreme Law[423] that provides no grounds for these prohibited acts. This would be a serious error of judgment, and I hope that I am mistaken because of the accumulations of trauma. The international community, the Human Rights Council, the UN Special Procedures, other international human rights bodies, and the People of this land do not expect such conduct from this court. And to the People we must deliver the promise of our supreme Law.

In occupying the field of all codes of legal professional ethics as a necessity to protect and enforce human rights under International Law, the United Nations reminds us that "[l]egal professionals "play a critical role in upholding human rights, including the absolute and non-derogable right of freedom from torture and other cruel, inhuman or degrading treatment or punishment"[424]. Ethical obligations of judges, prosecutors and lawyers are articulated by the standards and ethical codes developed by the United Nations[425], **and** by international[426], regional and national associations of legal professionals[427]. These

[422] I have no choice except to use every possible means to stop my torture and murder by the Ninth Circuit courts, and I have consistently proven that I have exhausted all domestic remedies to stop prohibited judicial conduct

[423] Every attempt by me to stop bias and abuse and impropriety of judges has been thwarted. Thus judicial ethics may not be used as a means to abate or prevent prohibited conduct. Under the Istanbul Protocol and the proper rule of judicial ethics, judicial ethics are sufficient and able to stop the prohibited conduct when invoked.

[424] Human Rights Council resolution 35/12, thirteenth preambular paragraph.

[425] For United Nations ethical obligations for judges, see Basic Principles on the Independence of the Judiciary; Bangalore Principles of Judicial Conduct; United Nations Office on Drugs and Crime, Commentary on the Bangalore Principles of Judicial Conduct (Vienna, 2007); and Judicial Integrity Group, "Measures for the effective implementation of the Bangalore Principles of Judicial Conduct (the implementation measures)" (Lusaka, 2010). For prosecutors, see Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1990) (A/CONF.144/28/Rev.1). For lawyers, see Basic Principles on the Role of Lawyers, adopted at the same Congress.

[426] For international ethical obligations for judges, see International Association of Judicial Independence and World Peace; Bologna and Milan Global Code of Judicial Ethics (2015); and International Commission of Jurists, Judicial Accountability: A Practitioners' Guide (Geneva, 2016). For prosecutors, see Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors, adopted by the International Association of Prosecutors (1999); and United Nations Office on Drugs and Crime, The Status and Role of Prosecutors: A United Nations Office on Drugs and Crime and International Association of Prosecutors Guide (New York, 2014). For lawyers, see International Principles on Conduct for the Legal Profession, adopted by the International Bar Association (2011) .

[427] See International Commission of Jurists www.icj.org/icj-launches-new-practitioners-guide-on-judicial-accountability. See also American Bar Association, Model Code of Judicial Conduct, revised edition (2020); and Council of Europe, "European Guidelines on Ethics and Conduct for Public Prosecutors: 'the Budapest Guidelines'" (Strasbourg, 2005).

ethical obligations underlie the rights to a fair trial and the due process of law, including an impartial, independent, competent judiciary"[428],[429].

There is no judicial impartiality in violating non-derogable rights under the express disregard and violation of controlling authorities, but impartiality is the judicial dissociation from rules, policies and procedures that violate and eliminate non-derogable rights, as Freeman demonstrates. Judicial independence is not, as this court and this judge have demonstrated, independence from obedience to the supreme Law of the Land and a *jus cogens* of International Law, but independence is the separation of self from the mandate of judicial office dictated by judges, customs, administrative goals, rules, procedures and policies to "establish Justice" at all times, and to protect fundamental and non-derogable rights.

"*Legal professionals must perform their functions without any restrictions, inducements, pressures, intimidation, improper influences or interferences, direct or indirect, or for any reason, or unjustified exposure[430] to civil, penal or other liability[431]. Legal professionals should also observe professional conduct at all times. They should maintain the highest standards of integrity, propriety and the*

[428] International Covenant on Civil and Political Rights, art. 14; and Human Rights Committee, general comment No. 32 (2007).

[429] The Bologna Milano Global Code of Judicial Ethics[429] states an undeniable truth: " The importance of a competent, independent and impartial judiciary to the protection of human rights is given emphasis by the fact that the implementation of all the other rights ultimately depends upon the proper administration of justice, and is also essential if the courts are to fulfil their role in upholding constitutionalism and the rule of law. Public confidence in the judicial system and in the moral authority and integrity of the judiciary is of the utmost importance in a modern democratic society and it is essential that judges, individually and collectively, respect and honour judicial office as a public trust and strive to enhance and maintain confidence in the judicial system. The primary responsibility for the promotion and maintenance of high standards of judicial conduct lies with the judiciary in each country." In its Basic Principles under 1.1, it states "A judge shall direct his ways according to the law and in accordance with these rules, and shall at all times place before his eyes the need to maintain the confidence of the public in the judicial branch."

[430] The American judiciary have ruled that a judge may act corruptly and with malice without fear of liability. This stands in direct conflict with human rights and International Law. See for example *Ballard v. Wall (5th Cir. 2005) 413 F.3d 510, 515, Basile v. Connolly (2d Cir. 2013) 538 F. App'x 5, 3-4, Dellenbach v. Letsinger (7th Cir. 1989) 889 F.2d 755, 757-58, Falls v. Superior Court (1996) 42 Cal.App.4th 1031, 1037, Grandy v. Fowler (Nov. 15, 2011, E052843) Cal.App.4th , McCray v. State of Maryland (4th Cir. 1972) 456 F.2d 1, 3, Marcello v. Maine (D. Me. 2006) 464 F. Supp. 2d 38, 42-43, Mireles v. Waco, 502 U.S. 9, 11, 112, Toste v. Superior Court No. C058938 (Cal. Ct. App. Oct. 27, 2009)*

[431] For judges' duty to conduct themselves professionally and independently, see Basic Principles on the Independence of the Judiciary, art. 2; Bangalore Principles of Judicial Conduct, value 2; American Bar Association, Model Code of Judicial Conduct, canon 1; and Bologna and Milan Global Code of Judicial Ethics, principle 3.5. For prosecutors, see Guidelines on the Role of Prosecutors, para. 4; International Association of Prosecutors, Standards of Professional Responsibility, para. 2; and Istanbul Protocol, paras. 49 and 74. For lawyers, see Basic Principles on the Role of Lawyers, principle 16. See also the preamble to Human Rights Council resolution 35/12, in which the Council recalled that: "An independent and impartial judiciary, an independent legal profession, an objective and impartial prosecution able to perform its functions accordingly and the integrity of the judicial system are prerequisites for the protection of human rights and the application of the rule of law and for ensuring fair trials and the administration of justice without any discrimination." Contrast how federal and California precedents have perverted judicial immunity in the United States to encourage and protect judicial malice and corruption.

appearance of honour, dignity, competence and diligence[432]." This court and this judge are not compliant with this principle. Obedience to rules, procedures and policies must be abandoned by this judge which are dictated by peers and by authorities that may not hold in conflict with non-derogable rights and prohibited acts.

Meanwhile the US Supreme court warns of public reprisals against the judiciary. Is it surprising that the public is increasingly intolerant of judicial abuse and transgressions? Here is a victim of judicial torture, and how does this court treat him, and other victims like him? It is irrelevant to this judge and to this court that my life and Liberty are forfeit and I am subject to cruel and unusual and inhuman punishment by judges for being disabled. This is a very cruel way to die. It reflects very poorly on this judge and on this court.

No victim has ever made it to the doorstep of this court to reform jurisprudence meaningfully and beneficially for the public welfare and delight, and this court, instead of supporting and advocating for the necessary and long overdue judicial reform, endorses its customary and long-unfit policies for jurisprudence inflicted on the disabled pro se litigant.

The High Commissioner states the critical dependence of human rights on judges: "*As the ultimate arbiters of justice, judges play a special role in the protection of human rights. Judges have an ethical duty to ensure that human rights are protected*."[433] Where in the Code of Conduct for United States Judges is there any express mention of this ethical duty[434]? This is inexcusable.

It is not the case that human rights will result by the mere obedience to the law by 'blind lady justice'. No combination of the Canons of this court's ethics and rules and procedures protect human rights. Human rights are not protected by implication and the reinterpretation of vague notions that do not expressly require it[435].

This court did not rise to legitimize and dignify the inviolable and supreme station of human rights in ethics, when in fact the judicial conduct in this court and by this judge is a step backward in human rights.

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[432] For judges, see Bangalore Principles of Judicial Conduct, values 3, 4 and 6; and Bologna and Milan Global Code of Judicial Ethics, principles 5.1 and 5.2. For prosecutors, see Guidelines on the Role of Prosecutors, para. 3; and International Association of Prosecutors, Standards of Professional Responsibility, para. 1. For lawyers, see International Principles on Conduct for the Legal Profession, principle 2

[433] International Commission of Jurists, Judicial Accountability: A Practitioners' Guide, p. 9

[434] Constructing or inferring the requirement of the protection and enforcement of human rights is inconsistent with the fundamental importance that human rights hold in civilized society and civilized nations and under the US Constitution.

[435] For example, does "integrity" mean that the "strong moral principles" associated with that word protect human rights, which is one of the most fundamental moral principles recognized by every American?

I ask on behalf of the People how ethically this court proceeds to have a judicial legitimacy, when it repeatedly subjects the most disadvantaged and prone litigant to ill-treatment and torture for SIX YEARS, without taking a single step to stop judicial crimes, including its own.

This judge and this court do not treat the disabled pro se litigant equally to other parties. This court, which is under the control of this judge together with judicial peers, repeatedly traumatize such a litigant and drive such a litigant deeper into injury and victimhood. This does not comport with judicial integrity, or with any other ethical characteristic required of a judge of this court.

The High Commissioner reminds us that *"[j]udges and prosecutors have a duty to ensure equal treatment to all persons without discrimination or prejudice*[436]*. In this regard, when dealing with victims of torture and other cruel, inhuman or degrading treatment or punishment, they "should strive to minimize re-victimization or trauma"*[437]*. Lawyers must also avoid all types of discrimination and can be required by judges in proceedings before a court "to refrain from manifesting bias or prejudice, or engaging in harassment*"[438]. None of these requirements are met by this court. In fact, the opposite is documented in the court records of my multiple appeals.

This court, under this judge, did nothing to stop the abuse and harassment by judges or exploitative attorneys who together committed the wrongs reported in my filings in this court, and who are colluding instigators and propagators of prohibited conduct discussed herein[439]. Instead this court protected a principal instigator of internationally prohibited acts[440]. The public view may perceive an apparent alignment of interests of villain and judge to permit prohibited conduct to transpire without taking

[436] For judges' duty to ensure equal treatment to all persons, see Bangalore Principles of Judicial Conduct, value 5; and Bologna and Milan Global Code of Judicial Ethics, principle 5.3. For prosecutors, see Guidelines on the Role of Prosecutors, para. 13 (a)

[437] International Commission of Jurists, Principles on the Role of Judges and Lawyers in Relation to Refugees and Migrants (Geneva, 2017), p. 22, commentary to principle 13. See also Conor Foley, Protecting Brazilians From Torture: A Manual for Judges, Prosecutors, Public Defenders and Lawyers, 2nd ed. (London, International Bar Association, 2013), p. 181

[438] American Bar Association, Model Code of Judicial Conduct, rule 2.3 (C).

[439] The Fraternity: Lawyers and Judges in Collusion, John Fitzgerald Molloy (Paragon House, St. Paul, Minnesota, 2005)

[440] Silverman has committed prohibited acts in three separate appeals. See for example ECF-11 and ECF-12 in 24-3353. The invidious discrimination of judges Silverman, Bumatay and Sanchez in 24-3353 for example, is on display as they exterminate my human rights by protecting the originating perpetrator of my torture and attempted murder in the courts. The hate crime of these three judges is demonstrated by a review of my requests to this court since 2019 for safe harbor and disability accommodation which document my impairment of reading comprehension. As soon as I comprehended that the originating perpetrator Brady had been eliminated from my lawsuit by the 2022 judgment by White, I filed an amended notice of appeal in ECF-9 in 24-3353. Judges Silverman, Bumatay and Sanchez coerced and intimidated me to change my information in the amended complaint and to be deprived of due process in prosecuting the originating perpetrator of human rights violations, who has no protections under the US Constitution or the international instruments cited herein. Silverman has repeated the same acts also with Callahan, Collins, Ikuta, endorsing my torture in the lower court and by others as committed torture in this court.

action, because no person who shares our national ethos would stand by and permit such human rights violations and such egregious obstruction of justice.

Principle 6 of the Basic Principles on the Independence of the Judiciary[441] states that: "*The principle of the independence of the judiciary entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected*." Where is fairness in my case in ANY court, and where is respect for my rights in ANY court?[442] This judge must answer for this court, and for every court identified to this judge by every one of my appeals in this court.

This court has not once accommodated my disabilities, or provided me safe harbor, and it has never addressed the same misconduct by other courts. I have no human rights in this court or in any court in this Circuit, all of which violations this judge is empowered and REQUIRED to correct. The same applies to each of the other victims who have sought relief and remedy from this court for the same prohibited acts. This is unethical.

This court and this judge[443] subjected me to prohibited conduct starting in 2019, and acquiesced to the prohibited conduct of every lower court. This court and this judge should have followed paragraph 187 of the Istanbul Protocol[444] upon notice by me of prohibited conduct. This court and this judge did not do so. This is unethical. Omission to act is unethical.

This court and this judge should have followed paragraph 189 of the Istanbul Protocol as a requirement of judicial ethics when dealing with any allegation of ill-treatment or torture. The protocol is the decades-long product of wisdom, insights and righteousness of domain experts and has set the standard for the purpose of the investigation into torture or ill-treatment, the basic principles concerning the effective investigation and documentation of torture and ill-treatment, the procedures for conducting an investigation into alleged torture or ill-treatment[445], guidelines for establishing a special independent commission of inquiry[446], the roles of prosecutors, judges and other actors in the investigation of torture

[441] Adopted by the United Nations on 6 Sept 1985
[442] With the exception of the honorable Beth Freeman
[443] This court is its set of judges
[444] In situations in which investigative procedures are inadequate because of a lack of resources or expertise, the appearance of bias, the apparent existence of a pattern of abuse or other substantial reasons, States should pursue investigations through an independent body or mechanism, such as a commission of inquiry or similar procedure. Members of that body must be chosen for their recognized impartiality, competence and independence as individuals. In particular, they must be independent of any institution, agency or person that may be the subject of the inquiry. Investigative bodies, such as commissions of inquiry, should be provided with adequate financial and human resources. A/HRC/19/61, para. 58
[445] first considering the decision regarding the appropriate investigative authority, 327 Committee against Torture, general comment No. 3 (2012), paras. 29–36. then offering guidelines regarding the collection of testimony from the reported victim and other witnesses and other evidence
[446] These guidelines are based on the experiences of practitioners and the practice of several countries that have established independent commissions to investigate alleged human rights abuses, including extrajudicial killings, torture and disappearances

or ill-treatment, and sets forth basic principles on the use of evidence of torture or ill-treatment in other legal procedures.

The Istanbul Protocol emphasizes the importance of the ethical requirements of independence and impartiality, but does not ignore human rights. Judges must be particularly vigilant in exercising an oversight role within the scope of their functions to ensure the physical and psychological integrity and well-being of any persons deprived of their liberty[447]. This court continues to deprive me of Liberty and obliterates my physical and psychological integrity and well-being. I came to the court of last resort, to find that false advertising to the public provides a court of no resort.

The scope of the function of this court and this judge includes the provision and adjudication of disability accommodations and safe harbor. That scope also includes the adjudication role identified in the Istanbul Protocol and the elimination and punishment of ill-treatment and torture pursuant to an independent investigation. Failure to act within this scope of authority is prohibited by these instruments.

In my writs in this court, I have spent my waning life substance explaining the deprivation of my Liberty and the Liberty of victims like me, and what Liberty constitutes in our circumstances. Yet this judge and this court ignored me, and the clerks of this court committed prohibited acts on this judge's behalf.

The clarification of the UNCAT by the cited instruments does not limit Liberty to detention and imprisonment, and the duty of this court and this judge to ensure my physical and psychological integrity and well-being is self-evident. It is a rejection of human rights for this court to argue that it had no duty and therefore it could deprive me of necessary medical treatment and deprive me of access and due process by absence of accommodation, thus encouraging the lower courts to continue their torture. Upon my arriving on the doorstep of this court, duties arose for this judge and this court under International Law and principles of ethics in the International domain.

Judge Freeman did not fail to ensure my physical and psychological integrity and well-being. The last sentence of her last order of ONE YEAR of uninterrupted rest for my accommodation wishes me good health, indicating her purpose in protecting me and ensuring my medical treatment and freedom from any human rights violation. Her grant of ONE YEAR of stay directly challenges the cruel, inhuman and degrading policy and the legalized torture applied without authority by many judges including her peer Jeffrey White[448] to place a time limit on human rights and court disability accommodations. This court

[447] Liberty is not limited to custody and physical control.

[448] White is Freeman's peer and senior judge in the same District court, and radically deviates from Freeman's accommodation. It was necessary to enjoin White as plaintiff and private attorney general, which is to no avail since the Ninth Circuit Appeals court is the endorser and instigator of the prohibited conduct reported to this court since 2020.

and this judge did not lift a finger to ensure my physical and psychological integrity and my well-being while further depriving me of Liberty, and endorsing inhuman criteria in treating a sentient human being with sovereign rights as the subject of judicial oppression and infliction of severe pain and suffering.

This court did not follow a single part of the Istanbul Protocol upon receiving my many notices of prohibited acts by this nation's judiciary over SIX YEARS. There is no lack of clarity that prohibited acts were reported to this court by those notices. This court is this judge and this judge is this court.

Effective investigation and documentation of these prohibited acts by this court, would have facilitated prosecution, or as appropriate, disciplinary sanctions for those indicated by the investigation as being responsible and demonstration of the need for full reparation and redress from the State[449]. Judges who habitually or occasionally violate the disabled and the sick would have been removed or rehabilitated if appropriate. Instead, this court permitted perpetrators of prohibited acts that came directly under its jurisdiction to continue their crimes unabated, and unchecked. Each of them still continues to do nothing to stop, investigate, abate, prevent and punish these continuing prohibited acts.

It is the thrust of International Law that officials who did not take measures to prevent such treatment from taking place should be held responsible for consenting to or acquiescing in such impermissible acts[450]. The appearance of impropriety defines their conduct violating Canon 2A of the Code of Conduct.

Under International Law, this court and this judge directly violated a key ethical and legal requirement stated in paragraph 259 of the Istanbul Protocol: "*In situations in which judges suspect that a person has been subjected to torture or ill-treatment, they should* ***use their judicial authority and power to initiate investigations*** *or inform prosecutors to enable them to intervene in the matter. In particular, in situations in which suspects or the accused raise allegations of torture or ill-treatment in the course of legal proceedings or trials, judges must take action to ensure that a prompt, impartial and effective investigation is carried out into such allegations in accordance with this manual*." Not once in SIX YEARS has this court or this judge demonstrated any compliance with this standard. My medical information leaves no room for doubt of ill-treatment or torture. The pleas of my doctors shows their confirmation that no human being should be treated so, and you have many pleas from me over SIX YEARS. The orders for my safe harbor and accommodation leave no room for doubt of ill-treatment or

[449] Adequate reparation includes restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, as set out in the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. See also Committee against Torture, general comment No. 3 (2012).

[450] Committee against Torture, general comment No. 2 (2007), para. 18

torture by White or by Koh or by this court. Such judicial conduct is unethical, and demonstrates a failure of independence and impartiality, and the appearance of impropriety.

The protocol goes further in paragraph 261 in requiring that judges should ensure that the principles and standards set out in that manual are upheld in all legal proceedings, including fundamental and civil rights cases, administrative and civil proceedings, and asylum and non-refoulement cases. This does not happen in the United States, and the disabled pro se litigant has less rights than everyone, confirming that the findings recorded in the ADA and its Amendment are true today, despite igniting the world on fire with disability legislation around the world, returning to this nation as the CRPD.

Judicial reform is contemplated by the Istanbul Protocol[451] and expected by International Law and Article VI. But this court and this judge have never indicated the will necessary to end judicial ill-treatment or torture. This judge has violated significant prohibitions under Article VI and under customary international law and the rule of treaties. No judge who violates ethics to such an extent will hold public confidence in the integrity and independence of judges. There is no impartiality demonstrated when the clear evidence of bias[452] is distinctly present in the record of every one of my actions in this court and the records of the corresponding trial judges.

In summary, under the Code of Conduct of United States Judges, we find the activation of Canon 3C1a, based on the herein described facts:

1. The integrity and honor of the judiciary are tainted by low standards of judicial conduct that violate human rights and strip a class of litigants of fundamental rights by redefining judicial independence to mean selective recognition of the components of the supreme Law of the Land under Article VI of the US Constitution, while judicial ethics expressly requires compliance with law and with the Code of Conduct of United States Judges.
2. The cruel, inhuman and degrading treatment and punishment and TORTURE of a disadvantaged and perennially mutilated disabled pro se litigant does not promote the public confidence in the integrity and impartiality of the judiciary.

[451] Paragraph 647. Note that limited remedial actions (instead of consistent, comprehensive and sustained action) represent an inadequate commitment on behalf of State actors and may even be a deliberate attempt to placate calls for effective remedial action

[452] The bias is best expressed in comparison to the Freeman Bright Line: every judge of this court insists on the invariance of the rules, procedures and policies, and applies the US Constitution partially to the disabled and sick pro se litigant. In absence of express provisions in FRAP, FRCP and Bankruptcy rules, this Circuit insists that human rights and discrimination and the refinement of due process to provide access to the disabled pro se litigant are irrelevant and certainly less important. They are not. Quite the opposite: human rights and discrimination and the refinement of due process to provide access to the disabled pro se litigant are preemptive of all rules, procedures and policies of this and every court.

3. In view of this judge's harmful conduct by denial of any remedy or relief to a complainant for human rights violations and judicial crimes, and, by virtue of this judge re-traumatizing me and refouling me by sending me back to the incessant torture by the other court, reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, would conclude that the judge's honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired. This is impropriety. The conduct is irresponsible and improper[453].
4. This judge demonstrates bias by preference for judicial comfort and familiar norms, and thus uses judicial office to advance the private interests of this judge and judicial peers in not deviating from invariant norms and comforts of familiar judicial practices[454].
5. The prohibited acts herein described are systemic to this court, and 14 identified judges and other unidentified judges out of the total 52 judges of this court have all consistently committed prohibited acts against the same disabled and sick pro se litigant, confirming that this court is an organization that practices invidious discrimination. Membership of this organization thus presents the appearance of impropriety in the conduct of this judge by association[455]. Thus it is essential that this judge personally takes action according to Appendix A, and immediate and effective actions in stopping, initiating an independent investigation, abating, prohibiting and punishing the prohibited acts herein described.
6. This judge did not perform judicial duties with respect for me, but engaged in behavior that was abusive, prejudiced and biased[456].
7. This judge exhibits partisan interests in favoring judicial norms which systemically violate human rights and discriminate based on disability, without independence and impartiality, demonstrated by a lack of faithfulness to the supreme Law of the Land. This judge may not assert a defense of incompetence in the laws that prohibit the conduct that is demonstrated against me in the record[457].
8. This judge did not accord to me a right to be heard according to the operative laws for my complaint for violations of my human rights[458].

[453] Canon 2A, Code of Conduct of United States Judges
[454] Canon 2B, Code of Conduct of United States Judges
[455] Canon 2C, Code of Conduct of United States Judges
[456] Canon 3, Code of Conduct of United States Judges
[457] Canon 3A1, Code of Conduct of United States Judges
[458] Canon 3A4, Code of Conduct of United States Judges

9. This judge failed to take appropriate action upon receipt of reliable information indicating the likelihood that a judge's conduct contravened this Code, or that a lawyer violated applicable rules of professional conduct[459].

Applicable codes of ethics[460] require disqualification and discipline of any judge found to have violated these instruments and the US Constitution. Prohibited acts are demonstrated and stand upon substantial grounds. The mere appearance of such impropriety is cause for disqualification. But we do not find ourselves at mere appearances. Instead, the facts demonstrate purposeful and intentional prohibited acts entwined with intrinsic bias[461] and amounting to criminal conduct among the judiciary of this court, and implicating this judge. This is not good Behaviour.

WHEREBY THIS COURT AND THIS JUSTICE ARE MOVED AS FOLLOWS:

Summary: This judge is disqualified in all adjudication involving any disabled litigant and every case involving disability, or treaties, or human rights. In a separate communication I have requested for the Chief judge of this Circuit to provide an efficient and streamlined cooperation with the Private Attorney General[462], in order to establish a resource for the independent investigation of human rights violations by the judiciary of the Ninth Circuit according to international standards and International Law as recognized by the US Constitution[463]. The Chief judge, together with this judge and every judge of this Circuit, must protect all identified alleged victims of such prohibited acts from all judicial proceedings in all courts on behalf of this court pending the investigation. A constitutional pathway to reinstatement of the full jurisdiction of this court and the full scope of the judicial duties of this judge must be fashioned with due

[459] Canon 3B6, Code of Conduct of United States Judges states: Public confidence in the integrity and impartiality of the judiciary is promoted when judges take appropriate action based on reliable information of likely misconduct. Appropriate action depends on the circumstances, but the overarching goal of such action should be to prevent harm to those affected by the misconduct and to prevent recurrence. This judge did not conform with this Canon of judicial ethics

[460] Article III good Behaviour, international codes of ethics, ABA Model Rules of Professional Conduct, and even the Code of Conduct of United States Judges

[461] Thus causing the disappearance of impartiality which Canon 3C1a provides for.

[462] And a suitable replacement upon the death of the current Private Attorney General. The replacement should ideally not be a single person, but a group of persons, preferably 9, selected by the independent body described herein for their humanity, their integrity, and their innate love and compassion for every other human being. In the absence agreement or a prompt replacement, I suggest a conversation with the Baha'i Universal House of Justice, who are 9 such persons.

[463] This will be contingent on what action the US Supreme court may take with respect to establishing an independent national resource for such investigation.

consideration for past wrongs. The cooperation of this justice is requested in essential reform to federal jurisprudence for the persistent prevention of acts prohibited by international instruments and by the US Constitution that are only identified by the litmus test of the judicial torture of the disabled pro se litigant.

It should not be necessary for this petitioner and Private Attorney General to involve international bodies to fix a serious problem in jurisprudence that we should fix by working together as Americans who stand united under a pledge to a more perfect Union, and a commitment to our general Welfare, and constant vigilance to establish judge and the Blessings of Liberty to ourselves.

At a minimum, this judge must not preside in 24-6312 or in any case that alleges judicial discrimination based on disability, or in any case that alleges a judicial violation of human rights or the violation of any treaty by any judge of any court until investigation of the allegations raised in this motion is completed according to the UN Istanbul Protocol, and redress and remedies accounted[464].

This court may not grind to a halt. A nation must not be deprived of a federal appeal court as a result of ethical indiscretions by its judges. But no judge must proceed when impropriety appears.

I will discuss next steps for an independent investigation with the Chief judge of this Circuit, and she will no doubt advise her Circuit of further steps.

I admonish this judge and this court for past conduct herein discussed.

All of the reforms indicated by my writings and supported by the Freeman Bright Line are essential and overdue. Their initial form may be derived by reason and by scrutiny. The independent investigation resource, required under the UN Istanbul Protocol, is indispensable.

I remind this judge and this court that NO Treaty signed by a US President and pending ratification must be omitted from consideration and respect by this court and by this judge, since International Law holds a nation State to compliance upon signature and pending ratification We are a nation of honor and a light in the world, and our honor and light must not be tarnished. This requirement of judicial notice and automatic inclusion in judicial considerations must be established by this court for all judges. A nation State that commits its signature is held to the object and purpose of the treaty under International Law pending ratification, and thereafter. The Vienna Convention, whether or not accepted by the US, clarifies the rules for withdrawal, and the US has not withdrawn from any of these human rights treaties.

[464] And during the time that I assert my authority on behalf of the People, this court must inform me promptly of any case pending, or in the process of being filed in this court, that involves any of these stated categories of cases, and those individuals must be protected as specified herein, and the identities of the potential victims conveyed to the United Nations under my complaint.

Until withdrawal, International Law and signed treaties demand respect by our government and consideration to effect compliant judicial conduct. It is the object and purpose of the treaty that must be adhered to by every State upon signature, irrespective of ratification.

The High Commissioner reminds us that the Bologna and Milan Global Code of Judicial Ethics recognizes the importance of a competent, independent and impartial judiciary **in the protection of human rights**. International ethics standards must not be more advanced than the ethics code of our federal courts, because we were blessed in history with advancing human rights and endearing ourselves to the world for that reason, and the championship of human rights is in this nation's 'genetic code', and integral to our character. This judge must ensure that the best standards in human rights are acknowledged and endorsed and applied by the judiciary in this nation, even despite an express canon of ethics, with punishment prescribed for judges to focus attention to their fundamental importance[465]. That responsibility begins with this judge's individual adherence to the highest standards of ethics, with attention to international codes of ethics applicable to human rights. Human rights should not have any status less that the most protected classification. A national judicial standard must be established.

In order to protect individuals from torture and ill-treatment, judges should have sufficient knowledge of the UN Charter, UNCAT, CRPD, ICCPR and the UN Istanbul Protocol and its Principles and ensure that they are applied by relevant parties in judicial proceedings, including holding all legal professionals ethically accountable for their violations under color of authority. Punishment must be sufficiently 'fierce' for the public confidence[466]. This judge must ensure the proliferation of the clear message to this nation and to its judiciary that the prevention of, and protection against, torture and ill-treatment is a principle of judicial ethics which protects and serves human rights, and that they must look for the blood in their own hands, which may seem like a drop to them but is our lifeblood, and trace where it came from[467]. Judges must be instructed by this court to follow the UN Istanbul Protocol upon a substantive

[465] I refer to the commentary by the US Supreme court in its Code of Conduct, page 13, quotation from Justice Tom Clark "judges "must bear the primary responsibility for requiring [appropriate] judicial behavior.""

[466] In precedents involving discrimination based on disability by judges, for example in *In re Marriage of James and Christine C. (2008) 158 Cal.App.4th 1261*, we find appellate judges apologizing to the trial judge for the inconvenience that the litigant caused. This is extremely degrading. There was no quarter for the trial judge to be frustrated as this is unethical. Judges may not temper judicial function with personal feelings and bias, yet every case in this nation invariably meets such conduct. Judicial duty requires the greatest self-control at all times, and judicial candor must be impeccable without fault. The excuses we provide to judges, including permission to be malicious and corrupt and still be free of ethical discipline is unfit for the dignity of justice and the needs of a nation. While latitude must be given to judges as being human beings, the standards for judges must be extremely high, and only men and women of stainless integrity and the desire to do selfless service who are endowed with intrinsic qualities that distinguishes them in society for wisdom and justice and love and compassion must be attracted to the 'profession', and all else be fearful of judicial office for the punishment that a breach of ethics entails. I know many men and women who have the right qualities for judicial office, and thus it is a fraud and fallacy that this deters service as judge. My friend is a judge.

[467] Insularity is not permissible. Judges who suspect a violation of human rights must be required to act, including outside their courts, to stop, prevent and punish prohibited acts.

allegation of such prohibited acts that must be established with reference to this case, and always with an abundance of caution protective of human rights.

This motion asserts criminal conduct by the judiciary that taints this judge and this court. This must ensure demonstration of ethics and respect for the necessity of recusal based on the appearance of impropriety without evasion, and this judge must provide full cooperation with an independent investigation into these allegations and facts, including the complicity of this judge, in compliance with International Law, and according to the UN Istanbul Protocol[468]. The US Constitution or "necessity" or immunity confer no contrary privilege to this judge. And this court must be protected for the People. Every effort must be made, without ignoring, evading, undermining, reformulating and unwise haste, to make reparations and restore this court to full function.

This judge must cooperate with an adequate framework, mechanism and process for prompt, impartial, independent, effective investigations to be put in place[469], and think nationally to ensure that all lower courts follow and leverage a national resource[470] with the option of UN advice or oversight. The Private Attorney General will initiate discussion about this requirement with the Chief judge of this court.

In the interim, and pending the outcome of this investigation, this court must automatically stay every legal proceeding in every court associated with each victim reported by the Private Attorney General to this court, who is under my protection and identified as a victim of prohibited acts to the United Nations secretariat. This should be a standard operating procedure to maintain the status quo and provide for remedy and redress before the complexification of litigation, and the refoulement and continuation of prohibited acts in the in lower courts. The clock is ticking[471]. This judge must enable this requirement.

As a nation that was first in the world in protecting and upholding human rights, the government of this nation, including this court, must yield to the morality of this nation which it undermines. This process of disqualification and reparation must establish a world-respected demonstration of judicial candor and

[468] The Special Rapporteur on torture has recommended adopting and implementing the manual "as an investigative tool and standard". Committee against Torture, general comment No. 2 (2007), paras. 8–11.
[469] Under the Convention against Torture, States must take legislative, institutional, administrative, budgetary and other measures to ensure that an adequate framework for prompt, impartial, independent, effective and gender- and child-sensitive investigations is in place. Convention against Torture, art. 2; and Committee against Torture, general comment No. 2 (2007), para. 2. The Istanbul Protocol is designed to combat impunity.
[470] That is readily available at the local level when needed. The important observation is that, with the proper design of judicial ethics, no investigation should be necessary, because human rights violations must be inherent in judicial conduct, and when are probably regulated in judicial canons of ethics, no such prohibited acts should be seen in this nation. If done well, this investigation should ideally only need to result in an independent center of excellence and authority that is lightly used by this nation.
[471] Look closely in particular at the heinous conduct of the Ninth Circuit court of Appeals in 24-3353 (see the discrimination of the abrupt dismissal explained in the motion for accommodation in 24-6312) and particularly the looming abuse in 24-6312 scheduled for Valentine's Day 2025.

the effectiveness of judicial ethics, and how ill-treatment and torture, in conjunction with discrimination based on disability, are eradicated by the People of the United States in cooperation with this judge and this court as an example for the world community to follow. We as a nation must remain the light in the world, and its inspiration[472], and every American will respect and trust a judiciary that enables this destiny.

The eroded reputation and international respect for this nation must be restored. This may be achieved by this court's recognition and respect for the rule of International Law through treaties in domestic jurisprudence[473]. The convenience of the judiciary is secondary to lofty goals that always distinguish this nation. We exist in a world community, we are inextricably dependent on the world community. The US Constitution would have been long forgotten[474] except for treaties before and after Independence[475]. This judge and this court must respect our national security and the general Welfare of the People in a highly dependent world community whose cooperation continues to control our safety and prosperity, despite the arrogance of our government. The world is ever smaller, and our compliance with treaties must be ever larger.

No individual, including any judge, must be irreversibly condemned or harmed, and every judge must redeem themselves, personally, and should become part of the solution and the judicial reform that is necessary and long overdue in this nation, and be of selfless service to all. Judicial integrity and justice must reach unprecedented excellence, and leave these depths of national condemnation and distrust[476]. Necessary judicial reform here proposed, and the resolute acknowledgement of human rights in jurisprudence must be cause for public celebration and admiration for the mistrusted justices of this court.

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[472] Do not forget the inscription on the Statue of Liberty which the world very strongly associates with America. We must remain the foremost bastion of human rights and hope for the world.

[473] And providing pathways in domestic jurisprudence that demonstrably provide the same remedies and reliefs as the treaties, even without the necessary statutes that Congress may have failed to legislate for treat compliance. RUDs must not be a national excuse for unilateral modification of treaties.

[474] Without treaties, independence would have been known today as insurrection against the monarch and illegal acts by the founders of this nation, that was finally punished and monarchy restored.

[475] It is easy to forget, now that the United States of America is a powerful and independent nation, that at the time of Independence, this nation's founders were 'rebels' and criminals under the prevalent rule of law, which was monarchic. You do not remember how those dwellers of this Land felt, unsure whether tyranny would again raise its head, and if monarchy would revert and have their treasonous heads. Treaties and relations with nations sustained this nation through dark times. Lest we forget.

[476] The judicial legitimacy of our courts, per the national sentiment expressed in the public domain and social media, is low. Numerous reports of injustice, including by a US President who was targeted, and the People's discontent expressed by discourse and by public law initiatives such as S.1908 - Judicial Ethics and Anti-Corruption Act of 2023 does not help to raise the judicial legitimacy of our courts. The torture of a seriously ill and disabled pro se litigant who has to seek aid from the United Nations against our courts does not enhance the judicial legitimacy of our courts.

Thus the mere remedy and relief of prohibited acts is not the ultimate goal of this motion, nor is my personal fate. Instead, judicial reform and the strong judicial commitment to human rights in jurisprudence is the redeemer of this court and this judge, and this motion intends to be a catalyst for that outcome, and this Private Attorney General insists on it for the interest of the People.

The US Constitution provides pathways for the survival and success of this nation if one or more judges of this court are disqualified. The US Constitution does not specify the minimum number of justices of this court[477] for this court to do its job. Judge Beth Freeman had no problem in promptly issuing her orders since 2019 for my safe harbor and disability accommodation, and she is one judge[478], and she held the Freeman Bright Line for almost six years despite peer pressure and the overt discrimination and human rights violation by the Ninth Circuit court of Appeals. The issues here are not beyond the capabilities of one judge to get right with speed and efficiency. The guidance markers are very clear in law and in ethics, and most importantly, in the inner knowledge of self with which every human being is endowed. And the common man has no difficulty in seeing the Freeman Bright Line as consistent with the national ethos.

This nation does not grind to a halt or suffer vital harm when a federal Circuit and its judges must be admonished and repaired, but will suffer vital harm if it is not.

When the federal Circuit courts that were created to ensure the absence of tyranny become the cause of tyranny, then justice must be re-established, and the general Welfare must be recovered from harm, and domestic Tranquility and the confidence of minorities must be restored within a more perfect Union, and the Blessings of Liberty must be secured once again to ourselves and to our Posterity. The People will not wait for their government to reform its harmful conduct while it allows them to be harmed, and in defense of their Constitution they speak these demands. The goal of this action in 2025 neither exceeds the goal of this nation in 1787[479], nor deviates from it.

BY AUTHORITY

[477] The U.S. Constitution grants Congress the authority to determine the size of the court.
[478] A judge of this court is regarded as a judge of higher skill and suitability for adjudicating the most difficult questions of law, and therefore based on this flawed public perception, a single appellate judge of this court must have no difficulty with the questions presented by the adjudication of any motion, including for accommodation, and for abatement of torture that is presented to them. Attrition of judges in adjudication of certain prohibited subjects is not likely to interfere with the administration of justice significantly. What cannot be permitted is for judges to continue their work as normal without reparations and necessary judicial reforms in place.
[479] See Preamble to the US Constitution

Summary: By personal communications with me, the Department of Justice has 'delegated' the elimination of prohibited federal judicial conduct to the US Supreme court, and the California Attorney General has 'delegated' the elimination of prohibited state judicial conduct to the Judicial Council. Neither the US Supreme court, nor the Judicial Council have stopped or prohibited or punished these wrongs despite notice, or reformed jurisprudence to prevent them. Human rights defenders perform important roles in issues of human rights. The Private Attorney General Doctrine, the principle of human rights defense, along with the US Constitution, give a plaintiff with requisite characteristics, constitutional and legal authority to speak for the People as the Private Attorney General and address these issues.

The demands made under this motion are authorized by the doctrine of the private attorney general,[480] and by the US Constitution and particularly its Ninth and Tenth Amendments, and by my standing as

[480] The "private attorney general" concept is originally a common law doctrine[480] but welcomed and adopted in our legal history by precedent and statutes. I have standing under this doctrine to seek to successfully vindicate a right of constitutional dimension and to provide benefits to a large group of persons under circumstances that prevent the right from being achieved. See *Woodland Hills Residents Assn., Inc. v. City Council (1979) 23 Cal.3d 917, 930.* A long time ago, I declared my dual role as plaintiff and private attorney general to the California courts. No federal statute and no state statute prohibits my standing as private attorney general under these facts and circumstances and claims, based on the fact that my privately initiated lawsuit is essential to the effectuation of the fundamental public policies embodied in constitutional or statutory provisions – see for example, *Punsly v. Ho (2003) 105 Cal.App.4th 102*. See *Hammond v. Agran (2002) 99 Cal.App.4th 115, 125, fn.* 5 which states that California has recognized the "private attorney general" concept as a common law doctrine. (See *Woodland Hills, supra,23 Cal.3d at pp. 930-932*). Then came the United States Supreme Court's decision in *Alyeska Pipeline Service Co. v. Wilderness Soc. (1975) 421 U.S. 240*, which held that such fees should not be awarded absent statutory authorization. (Id. at 247.) Accordingly, the California Legislature enacted Code of Civil Procedure section 1021.5 in 1977 ("*Section 1021.5 codified the common law theory of the private attorney general*." *Westside Community for Independent Living, Inc. v. Obledo (1983) 33 Cal.3d 348, 352, fn. 5*). My footnote here is not about attorney fees, but to demonstrate that no court has invalidated the "private attorney general" doctrine, but every court has endorsed it, including the US Supreme court, and California confirms its lawfulness and even codifies the award of attorney fees to encourage private attorney general actions. See also *Cal. Code Regs. Tit. 11, § 3201 - Attorney's Fees section (a)* Successful Party. "*The fact that a defendant changed its conduct prior to entry of a court order or judgment does not preclude a finding that the plaintiff was successful. If the plaintiff's action was the cause or "catalyst" of the change in conduct, the plaintiff may be deemed successful*." See also emphasis on the valuable purpose of the doctrine in *Graham v. DaimlerChrysler Corp. (2004) 34 Cal.4th 553, 594* "*I agree that the private attorney general doctrine serves a valuable purpose.*" In federal rulings we find references such as "*The policy underlying the "private attorney general" doctrine supports this conclusion*." *Hairston v. R R Apartments (7th Cir. 1975) 510 F.2d 1090*, 1093 which confirms like many others that the "private attorney general" concept holds the status of a national policy in the eyes of the judicial branches of government, and attorney fees may even be awarded under federal statutes. The case goes on to justify rewards for private attorney general action "*Awarding attorney fees where the plaintiff is unable to bear the expense of litigation even though the legal services are provided at no cost is consistent with and advances this policy. Brandenburger v. Thompson, 494 F.2d 885 (9th Cir. 1974); Fairley v. Patterson, 493 F.2d 598 (5th Cir. 1974); Lea v. Cone Mills Corp., 438 F.2d 86 (4th Cir. 1971); Miller v. Amusement Enterprises, Inc., 426 F.2d 534 (5th Cir. 1970); Stevens v. Dobs, Inc., 373 F. Supp. 618 (E.D.N.C. 1974); Note, Awards of Attorney's Fees to Legal Aid Offices, 87 Harv.L.Rev. 411 (1973). When free legal services are provided there may be no direct barrier to the courtroom door, but if no fees are awarded, the burden of the costs is placed on the organization providing the services, and it correspondingly may decline to bring such suits and decide to concentrate its limited resources elsewhere, thereby curtailing the forceful application of the Act that Congress sought. Thus, the denial of fees in this situation indirectly cripples the enforcement scheme designed by Congress. The analysis in Brandenburger v. Thompson, supra, 494 F.2d at 889, is applicable here*". The

defender of human rights identified under International Law. I stand independent of any branch of government and outside the reach of Separation of Powers, with authority on behalf of the People to penetrate judicial immunity.

The Department of Justice abdicated its authority in a communication to me and identified this court as the entity charged with respect to the investigation and remedy and redress for these prohibited judicial acts. Therefore, the government of the United States has indicated that demand for remedy and redress, as well as for the elimination of ill-treatment and torture perpetrated by the judicial components of government in the United States must be addressed to the US Supreme court. As Private Attorney General, I am not limited by the direction of the Department of Justice. I have addressed the US Supreme court with a demand and proposal for steps and process for an independent investigation of the prohibited acts. I have subsequently also addressed this court with the demand by virtue of actual and imminent harm that is scheduled to be inflicted upon me.

My standing as Private Attorney General has been earned at the cost of my blood. The blood of other disabled and sick pro se litigants in the state and federal courts is now my obligation to prevent, and to remedy.

I am qualified to address this court with authority as I have addressed this court since 2019 and received its true position with respect to these prohibited acts that are consistent over SIX YEARS. The defiance of this court and its judges for the US Constitution and International Law, and for the endorsement of criminal and prohibited conduct is cause for this notice and this motion. Substantial evidence of prohibited acts is in the records of this court spanning six years.

Additionally, human rights defenders[481] perform important roles in the investigation and abatement of these prohibited acts. I continue to act as a human rights defender, and this is known to the United

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only federal restriction on private attorney general actions concerns the award of fees (which needs to be evolved under this case): "*Under federal law, fees based on the private attorney general doctrine are available only by statutory authorization*" *Hospital Systems, Inc. v. Office of Statewide Health Planning & Development (1994) 25 Cal.App.4th 1686, 1695.* No remedy in the public interest or for my benefit shall be possible by reliance upon organs of government for action. The Constitution permits, and does not deny or disparage my right to act as private attorney general in this petition. See Ninth Amendment. No power delegated to the United States, or to its federal courts, and no power delegated to the states or to the state courts by the Constitution prevents me from acting as private attorney general in this petition. See the Tenth Amendment. I claim the power to prosecute this petition as private attorney general under the Tenth Amendment. I qualify as private attorney general in all cases involving the violations of the rights and the prohibited treatment of every seriously ill person with disability by judges and courts in the course of jurisprudence. "*A private attorney general is subject to the following rule: [A]s long as [the private attorney general] suffers actual injury as a result of the defendant's conduct, he is permitted to prove that the rights of another were infringed. The central issue at this stage of the proceedings is not who possesses the legal rights . . . but whether [the plaintiffs] were genuinely injured by conduct that violates someone's . . . rights, and thus are entitled to seek redress of that harm*." *Fair Housing Auth. v. Montgomery Newspapers (3d Cir. 1998) 141 F.3d 71, 78.*

[481] International law recognizes the important role in investigations of actors other than criminal justice investigatory bodies, including independent bodies at the national, regional and international level, and non-State actors, such as human rights

Nations. Each victim identified by me must be protected and subjected to the specified investigation and remedy and relief, with stays ordered in each of their cases. The current list of these individuals is reported to the United Nations.

These are lawful demands permitted under the authority of US Constitution and under the rule of the cited instruments and International Law and domestic precedents. These demands are made through domestic jurisprudence and through an international standard[482] respected by International Law, and present a cause for judicial reform through verifiable evidence and substantial grounds, reasoned discussion and written justification provided for preservation of evidence and continuous public inspection and meaningful reform. We, you included, are the People, and we will achieve outstanding results and reform our jurisprudence, together, and we must sincerely embark in that pursuit.

These lawful demands necessarily depend for their success and for the public benefit on the sincere cooperation of each justice of this court. It is the intention of Appendix B to build up, not tear down this nation's judiciary, to improve not diminish this court, and to reward judges for recognition, protection and enforcement of human rights in jurisprudence and to unhesitatingly punish any violations of human rights by every other judge, but never without compassion.

This matter must be given its own separate case number and be transparently conducted and available for public scrutiny.

It is essential that no member of the public who accesses the public record and is outraged by such egregious prohibited acts and invidious judicial discrimination take a single step to retaliate against any judge[483]. We the People need judicial reform, not retaliation against ourselves. We are a UNITED States of America, and our strength and influence is in our NATIONAL UNITY. We have a primitive system of jurisprudence that will, by necessity, be different in the future as our society now evolves at an increasingly rapid rate. Judges are our family, relatives, neighbors, friends, colleagues, and acquaintances. Every ill-intentioned and malicious and corrupt person can reform into the embodiments of morality and exemplars of justice and an inspiration to all of us, and every person must be given this opportunity[484]. We succeed as a nation through love, compassion and forgiveness and belief in one

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defenders who document torture, prompt and monitor investigations, and represent victims of torture. (A/69/387, para. 54). States should respect the exercise of legitimate functions by these actors. (*Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (General Assembly resolution 53/144, annex), inter alia, art. 9; and updated set of principles for the protection and promotion of human rights through action to combat impunity, principle 19*)

[482] The UN Istanbul Protocol

[483] including if I die from injuries during this enforcement action as the private attorney general.

[484] Look for it in history.

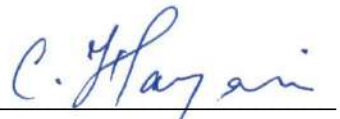
another, and sincere cooperation with a dedication to serving one another, and fail through hate and fear and judgment and a lack of commitment to one another's welfare and happiness.

I hereby speak on behalf of the People of the United States and make these demands for the immediate judicial protection of every person with disability or illness in every court. Persons with disability comprise over 28% of the US population in 2024. I make these demands also on behalf of every member of this nation who expects this court and its judges to be faithful to the supreme Law of the Land, to uphold the International Law, to recognize and protect human rights impeccably, to support international solidarity and ensure our collective security and welfare, and to effectuate the object and purpose of the US Constitution as expressed by its Preamble.

The motion is based on substantial grounds that demonstrate that a very large minority in the United States are at risk of incessant systemic harm[485] in our courts, that judges will not ethically or lawfully correct these systemic wrongs and individually perpetrate and promote them, and that there are no domestic mechanisms for remedy or relief from this judicial harm. The judicial harm is prohibited by human rights principles, by Article VI of the US Constitution and the Bill of Rights and the Fourteenth Amendment, by the UN Charter and by human rights treaties signed by the United States, which must all be considered together, and in harmony[486]. I speak for this minority who needs our judges and courts to finally deliver them into the light of equality and freedom from discrimination[487].

The judges of this court must trust in the integrity and morality and the noble spirit of the People and that this action by the Private Attorney General intends the highest public good.

14 January 2025



Cyrus Hazari[488], Private Attorney General (and petitioner in 24-6312)

[485] Both potential and actual harm

[486] Courts and judges refuse to consider all of these operative laws and principles together and in harmony. The Freeman Bright Line is the harmonious and non-conflicted application of all of these laws and principles. No judge or court has followed the Freeman Bright Line.

[487] Review the Findings and Purpose of the ADA and its Amendment for a perspective on the plight of the disabled and then review my facts since 2019 for a confirmation.

[488] I am the artificial human. A disabled pro se litigant in my condition cannot produce any writing like this or access fundamental rights, including the freedom of expression, without merging with Artificial Intelligence to overcome life-limiting and liberty-depriving functional and cognitive impairments which the courts absolutely refuse to accommodate despite major national and international laws.

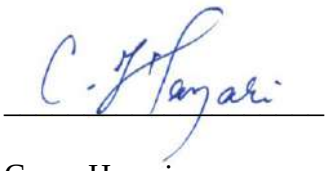
APPENDIX A: Initial list of victims and litigation requiring to be STAYED[489] immediately

Hazari, Cyrus

24-6312 – Ninth Circuit Court of Appeals

The undersigned petitioners who have attempted to access this court request a stay in their respective cases listed above, and request the cooperation of this court in conducting an investigation under the United Nations Istanbul Protocol.

5 January 2025



Cyrus Hazari

[489] The All Writs Act permits the U.S. Supreme Court to order a stay, thus it is within this court's power to *sua sponte* order a stay in lower courts. The All Writs Act, codified at 28 U.S.C. § 1651, authorizes federal courts, including the Supreme Court, to issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law. The Supreme Court has used the All Writs Act to issue various types of writs, including stays, to ensure that its jurisdiction is protected and that it can effectively adjudicate cases brought before it. Here, it is appropriate for the selected judge of the US Supreme court, *sua sponte*, to mandate a stay to maintain the status quo in litigation in every court affecting and involving the protected litigants identified here, and in due course, any other litigants identified by the Private Attorney General, pending the completion of the investigation herein described. The danger of re-traumatization, refoulement and further prohibited acts is actual and imminent, with deadliens as early as January and February 2025.

APPENDIX B: Proposed steps for an investigation

A request and proposal for corrective action and reform of jurisprudence has been made to Mary Murguia, the Chief judge of the Ninth Circuit. The proposal describes steps and a process for an independent investigation pursuant to the UN Istanbul Protocol into the systemic and specific judicial conduct in this Circuit's courts that is alleged as being prohibited under the international instruments herein cited. The communication with the Chief judge is filed in the record of 24-6312.

It is expected that the Chief judge of the Ninth Circuit will be the source of information for the judges of this court about this request and proposal.

No judge or court must coerce and intimidate any disabled or sick litigant into unequal and unaccommodated participation at any time. Every judge must be acutely aware that the office of judge creates the circumstance within which a judge may exercise control over the bodily autonomy of a disabled and sick litigant with the potential of interfering with or obstructing life-saving medical treatment. Every judge must exercise an abundance of caution and extreme due diligence in such cases to prevent any violation of human rights, and be particularly sensitive to the condition of the litigant and her fundamental rights. Every judge must be aware that holding invariant the rules, procedures and policies of this court may result in a crime, or complicity in an on-going crime.

It is very important for this judge and this court to *sua sponte* protect me and any other victim identified by me during the course of these discussions and pending the findings of the necessary investigation. It is necessary for this judge and this court to identify to the Private Attorney General every person who is a disabled litigant, or has any case in this court that involves treaties or human rights, and to keep me apprised on these identities during my jurisdiction. This is this judge's duty in conjunction with every other judge thus notified. It is my duty to identify all such persons and also identify them to the United Nations Special Procedures.

APPENDIX C

Part 1: Reproduction of key documents in 22-16046

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CYRUS HAZARI,

Plaintiff,

v.

SUPERIOR COURT OF SANTA CLARA COUNTY ET AL, et al.,

Defendants.

Case No. 21-cv-04262-JSW

ORDER GRANTING MOTION TO LIFT STAY AND RE-SETTING BRIEFING SCHEDULE ON MOTION TO DISMISS

Re: Dkt. Nos. 43, 55

United States District Court
Northern District of California

This matter comes before the Court upon consideration of Defendant Mandy Brady's ("Ms. Brady") motion to lift the stay in this case and of the third request by Plaintiff Cyrus Hazari ("Mr. Hazari") to grant him an accommodation pursuant to the Americans with Disabilities Act ("ADA") based on his diagnosis of multiple sclerosis ("MS"). On June 22, 2022, Defendant Ms. Brady filed a renewed request to lift the stay and to set a hearing on her motion to dismiss.

For the reasons that follow, the Court TERMINATES the stay and GRANTS Ms. Brady's request to resume briefing on her motion to dismiss.

BACKGROUND

On June 3, 2021, Mr. Hazari filed his complaint naming the Superior Court of Santa Clara County ("Santa Clara Superior Court"), the Court of Appeal for the Sixth District, the California Supreme Court, California's Judicial Council, the State of California, Ms. Brady, Terra Law, LLP, Matthew Wendt, Messner Reeves LLP, D.D. Hughmanick, Peter Cassini, M.D., Anthony Pereira, and Wedgewood Manor Homeowners Association, Inc. as defendants. Ms. Brady is the only defendant to date who has appeared and has consistently opposed Mr. Hazari's requests to stay

this matter, arguing that his previous litigation history demonstrates he is capable of litigation.[1]

Although there is a litigation history between Mr. Hazari and some of the other defendants, including Ms. Brady, the gist of Mr. Hazari's claim *in this case* is that the California courts, including those listed in his Complaint, have refused to obey the ADA by refusing to provide him with accommodations for his disabilities. He alleges that, as a result, he has been effectively excluded from access to the California state courts. (*See, e.g.*, Compl. at 8:1-4.)

Mr. Hazari also asserts that the cases listed in his Complaint, as well as unspecified cases that may be filed in the future, "must be removed from state court to" this Court because "the California courts have made it unmistakably clear that [he has] NO RIGHTS in California courts[.]" (*Id.* at 9:26-10:26 (emphasis in original); *see also* Dkt. No. 12-3, RJN, Ex. GG; Dkt. No. 18, Plaintiff's Declaration (attaching notices of removal to various state court cases).)

When he filed his complaint, Mr. Hazari stated that it would need to be amended but before being served but that it was impossible for him to amend at that time and asked the Court to accommodate his disability by staying the matter. (*Id.* at 11:6-7.)

On September 8, 2021, the Court stayed the matter for a period of 180 days, and it Ordered Mr. Hazari to file an amended complaint or submit a renewed request for a stay. (Dkt. No. 35.) Mr. Hazari chose the latter and filed his third request for an accommodation on February 22, 2022. Although the parties have filed the motions to be addressed in this Order and other matters tangential to those filings, there has been no further action during that time.

ANALYSIS

Mr. Hazari continues to represent that he is seriously ill and cannot properly litigate these claims as a result of that illness. The Court previously advised Mr. Hazari that "[h]aving chosen to initiate these proceedings, the Court will not grant [him] an unlimited stay of this matter." (Order Granting Stay at 1:26-27.) In his third request, he submitted a letter from a doctor recommending that he be given complete rest from litigation until February 2023. (Dkt. No. 55 at

[1] As Ms. Brady notes, the Santa Clara Superior Court has declared Mr. Hazari a vexatious litigant. (*See* Dkt. No. 44, Brady Request for Judicial Notice in Support of Motion to Lift Stay ("Brady RJN") Ex. 1.)

ECF p. 4.)

Mr. Hazari chose to bring this case, and it has now been over a year since he filed his Complaint. The Court concludes the time has come to lift the stay and deny any further requests for accommodations that prevent this case from moving forward. Accordingly, the Court GRANTS Ms. Brady's motion to lift the stay.

It is FURTHER ORDERED that:

1. Mr. Hazari shall file an opposition to Ms. Brady's motion to dismiss and to strike (Docket Nos. 13 and 14) by no later than July 22, 2022. There shall be no extensions of this deadline. Ms. Brady may file a reply by no later than August 5, 2022. The Court will resolve the motion on the papers.

2. The Court will set a deadline for Mr. Hazari to serve any remaining defendants after it has resolved Ms. Brady's motion to dismiss.

IT IS SO ORDERED.

Dated: July 1, 2022

JEFFREY S. WHITE
United States District Judge

United States District Court
Northern District of California

Cyrus Hazari
15209 Blue Gum Court, Saratoga, CA 95070
Tel: 408 766 7471
Email: cyrus@metafusion.net
Pro Se Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Cyrus Hazari Appellant vs. Superior Court of Santa Clara County State of California, et al. and DOES 1-100 Appellees	Case number 21-cv-04262-JSW NOTICE OF APPEAL FROM AN ORDER OF A UNITED STATES DISTRICT COURT

Notice is hereby given that the appellant, an incapacitated disabled pro se litigant, hereby appeals to the United States Court of Appeals for the Ninth Circuit.

This case was first filed in U.S. District Court as CV 19 1986-LHK on 4/12/2018, then moved to the state court on 7/16/2018 as 19CV350958 where it remained unadjudicated until it was moved back to the U.S. District Court on 6/3/2021. The complaint must be amended as its present form does not reflect all the additional events and parties and causes of action since April 2018 because of Plaintiff's substantial incapacity. Plaintiff is disabled and seriously ill. He is a member of a protected class for whose benefit Congress enacted disability laws and is currently substantially incapacitated and requires disability accommodation to be able to access the courts as an equal participant and as intended by law.

On 7/1/2022, judge Jeffrey White made the order that is being appealed. The docket numbers quoted by the judge are 43, 55. Document number is 61.

There is one prior appeal in this case under CV 19 1986-LHK. The Appeal case number is 19 1629.

Opposition to this appeal is expected only from one party defendant (appellee): Mandy Brady, represented by attorney Julian Pardo de Zela of Messner Reeves LLP, 160 W Santa Clara St, Suite 1000, San Jose, CA 95113.

This Notice of Appeal is accompanied by a confidential Request for Disability Accommodation under 42 USC 126 and a motion for a stay of proceedings in the U.S. District Court under Rule 8 pending the outcome of this appeal.

Dated July 18th, 2022

C. Hazari

Cyrus Hazari (BY FAX)

I acknowledge the gracious assistance of Leslie Hagan, ADA Advocate

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 22-16046 **Docketed:** 07/19/2022
Nature of Suit: 3360 Other Personal Injury **Termed:** 07/21/2022
Cyrus Hazari v. Superior Court of California, County of Santa Clar, et al
Appeal From: U.S. District Court for Northern California, Oakland
Fee Status: Paid

Case Type Information:
1) civil
2) private
3) null

Originating Court Information:
District: 0971-4 : 4:21-cv-04262-JSW
Trial Judge: Jeffrey S. White, Senior District Judge
Date Filed: 06/03/2021

Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:
07/01/2022	07/01/2022	07/18/2022	07/18/2022

Prior Cases:
19-16291 **Date Filed:** 06/28/2019 **Date Disposed:** 09/17/2019 **Disposition:** Dismissed - Judge Order

Current Cases:
None

CYRUS HAZARI
Plaintiff - Appellant,

Cyrus Hazari
Direct: 408-898-4470
Email: pacer@metafusion.net
[NTC Pro Se]
15209 Blue Gum Court
Saratoga, CA 95070

v.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
Defendant - Appellee,

APPEAL COURT OF THE SIXTH DISTRICT, State of California
Defendant - Appellee,

CALIFORNIA SUPREME COURT, State of California
Defendant - Appellee,

JUDICIAL COUNCIL, State of California
Defendant - Appellee,

MANDY BRADY
Defendant - Appellee,

Julian Pardo de Zela
Direct: 408-298-7120
Email: jpardodezela@messner.com
[COR LD NTC Retained]
Messner Reeves, LLP
160 W Santa Clara Street
Suite 1000
San Jose, CA 95113

MATTHEW WENDT
Defendant - Appellee,

MESSNER REEVES, LLP
Defendant - Appellee,

D. D. HUGHMANICK
Defendant - Appellee,

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 22-16046
Nature of Suit: 3360 Other Personal Injury
Cyrus Hazari v. Superior Court of California, County of Santa Clar, et al
Appeal From: U.S. District Court for Northern California, Oakland
Fee Status: Paid

Docketed: 07/19/2022
Termed: 07/21/2022

Case Type Information:
1) civil
2) private
3) null

Originating Court Information:
District: 0971-4 : 4:21-cv-04262-JSW
Trial Judge: Jeffrey S. White, Senior District Judge
Date Filed: 06/03/2021

Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:
07/01/2022	07/01/2022	07/18/2022	07/18/2022

Prior Cases:
19-16291 **Date Filed:** 06/28/2019 **Date Disposed:** 09/17/2019 **Disposition:** Dismissed - Judge Order

Current Cases:
None

CYRUS HAZARI Plaintiff - Appellant,	Cyrus Hazari Direct: 408-898-4470 Email: pacer@metafusion.net [NTC Pro Se] 15209 Blue Gum Court Saratoga, CA 95070
v.	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA Defendant - Appellee,	
APPEAL COURT OF THE SIXTH DISTRICT, State of California Defendant - Appellee,	
CALIFORNIA SUPREME COURT, State of California Defendant - Appellee,	
JUDICIAL COUNCIL, State of California Defendant - Appellee,	
MANDY BRADY Defendant - Appellee,	Julian Pardo de Zela Direct: 408-298-7120 Email: jpardodezela@messner.com [COR LD NTC Retained] Messner Reeves, LLP 160 W Santa Clara Street Suite 1000 San Jose, CA 95113
MATTHEW WENDT Defendant - Appellee,	
MESSNER REEVES, LLP Defendant - Appellee,	
D. D. HUGHMANICK Defendant - Appellee,	

09/23/2022	☐ 11	COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [14]. Original Text: Filed (ECF) Appellant Mr. Cyrus Hazari Correspondence: Amended notice of appeal. Date of service: 09/23/2022 [12547892] [22-16046] (Hazari, Cyrus) [Entered: 09/23/2022 12:40 PM]
09/23/2022	☐ 12	COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [15]. Original Text: Filed (ECF) Appellant Mr. Cyrus Hazari petition for rehearing en banc (from 07/21/2022 memorandum). Date of service: 09/23/2022. [12547912] [22-16046] (Hazari, Cyrus) [Entered: 09/23/2022 12:55 PM]
09/23/2022	☐ 13	COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [15]. Original Text: Filed (ECF) Appellant Mr. Cyrus Hazari petition for panel rehearing and petition for rehearing en banc (from 07/22/2022 memorandum). Date of service: 09/23/2022. [12547988] [22-16046] (Hazari, Cyrus) [Entered: 09/23/2022 01:37 PM]
09/23/2022	☐ 14 1 pg, 169.91 KB	Filed (ECF) Appellant Mr. Cyrus Hazari Motion for miscellaneous relief [motion to amend NOA]. Date of service: 09/23/2022. [12548143] --[COURT ENTERED FILING to correct entry [11] .] (TYL) [Entered: 09/23/2022 02:41 PM]
09/23/2022	☐ 15 72 pg, 20.2 MB	Filed (ECF) Appellant Mr. Cyrus Hazari Amended Motion for miscellaneous relief [motion for reconsideration and motion for ada disability accommodation]. Date of service: 09/23/2022. [12548173] --[COURT ENTERED FILING to correct entries [12] and [13].] (TYL) [Entered: 09/23/2022 02:53 PM]
11/30/2022	☐ 16 1 pg, 128.5 KB	Filed order (BARRY G. SILVERMAN, CONSUELO M. CALLAHAN and DANIEL P. COLLINS) The motion to recall the mandate (Docket Entry No. [10]) is denied because there are no "extraordinary circumstances" to support such relief. See Calderon v. Thompson, 523 U.S. 538, 550 (1998). Because the mandate has issued, the court does not consider the remaining pending motions (Docket Entry Nos. [8], [9], [14], [15]). No further filings will be entertained in this closed appeal. [12599504] (WL) [Entered: 11/30/2022 04:07 PM]

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CYRUS HAZARI,

Plaintiff,

v.

SUPERIOR COURT OF SANTA CLARA COUNTY ET AL, et al.,

Defendants.

Case No. 21-cv-04262-JSW

ORDER GRANTING, IN PART, FOURTH MOTION TO SEAL AND DIRECTING PLAINTIFF TO SERVE MOTION AND EXHIBIT ON DEFENDANT; VACATING HEARING AND GRANTING, IN PART, MOTION TO STAY PENDING APPEAL

Re: Dkt. Nos. 63, 64

This matter comes before the Court upon Plaintiff Cyrus Hazari's ("Mr. Hazari") fourth administrative motion to seal medical information. Also before the Court is Mr. Hazari's motion to stay pending an appeal filed with the United States Court of Appeals for the Ninth Circuit ("Ninth Circuit"). Mr. Hazari noticed that motion on an emergency basis for a hearing on July 21, 2022, the day before his opposition to Defendant Mandy Brady's ("Ms. Brady") motion to dismiss is due. Ms. Brady has opposed both motions. The Court VACATES that hearing because the motion to stay can be resolved without a hearing. *See* N.D. Civ. L.R. 7-1(b).

The Court GRANTS, IN PART, Mr. Hazari's motion to seal. The Court DENIES the motion to seal the actual motion, because it does not contain specific information about his medical condition. The Clerk is directed to file that document in the public record.

The Court GRANTS the motion to seal the exhibit in support of the motion. However, Mr. Hazari did not comply with this Court's prior order directing him to serve motions to seal on all parties or demonstrate why the materials should be filed ex parte. *See* Dkt. No. 42. Because Mr. Hazari has not demonstrated that an *ex parte* filing is appropriate, he is ORDERED to serve a copy of that letter on Ms. Brady through her counsel by July 22, 2022, and shall file a proof of service

with the Court. If he fails to do so, the Court will direct the Clerk to serve a copy of the letter on Ms. Brady through counsel. **The Court ORDERS that the letter shall not be disclosed to any other person and shall only be considered in connection with this litigation. It shall not be filed in the public record unless expressly ordered by the Court.**

Mr. Hazari also moves to stay the Court's Order lifting the stay it had imposed in this case, pending resolution of his appeal to the Ninth Circuit.[1] Under Federal Rule of Appellate Procedure 8, a motion for a stay pending appeal should be made to the District Court in the first instance. Fed. R. App. 8(a)(1)(A).[2] That Order requires him to respond to Ms. Brady's motion to dismiss by July 22, 2022. Because the appeal directly implicates the Court's Order lifting the stay and the impending deadline, the Court will GRANT Plaintiff's motion to stay the deadline to respond to Ms. Brady's motion to dismiss.

Accordingly, the Court STAYS the deadline by which Plaintiff must respond to Ms. Brady's motion to dismiss until the Ninth Circuit has determined whether it will consider his appeal. If the Ninth Circuit accepts the appeal, that deadline will be tolled until 30 days after resolution of the appeal. If the Court of Appeals declines to consider the appeal, Hazari shall respond to the motion within 30 days of the date of any order dismissing the appeal.

IT IS SO ORDERED.

Dated: July 19, 2022

JEFFREY S. WHITE
United States District Judge

United States District Court
Northern District of California

[1] Mr. Hazari is correct that one of this Court's colleagues has granted Mr. Hazari's request to stay other litigation for approximately three years. *See Hazari v. County of Santa Clara*, No. 19-cv-04392-BLF. However, there is no indication in that case that any of the opposing parties have opposed Mr. Hazari's requests to stay the matter. *See, e.g., id.*, Dkt. No. 51.

[2] Mr. Hazari has attached a motion to stay directed to the Court of Appeals, in which he argues that moving for a stay in this Court would be impracticable.

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CYRUS HAZARI,

Plaintiff,

v.

SUPERIOR COURT OF SANTA CLARA COUNTY ET AL, et al.,

Defendants.

Case No. 21-cv-04262-JSW

ORDER DENYING MOTION TO WITHDRAW

Re: Dkt. No. 69

On July 21, 2022, Plaintiff, Cyrus Hazari ("Mr. Hazari") filed a motion asking that his requests for disability accommodation be withdrawn from consideration by the undersigned, which the Court construes as a request to recuse itself from any further consideration of Mr. Hazari's requests to accommodate his disabilities by staying this litigation. For the reasons that follow, the Court DENIES the request. to the extent Mr. Hazari intended to ask the Court to recuse itself from this case, the Court DENIES that request as well.

Mr. Hazari has been diagnosed with M.S., and he has asked the Court for repeated stays until his illness permits him to fully participate in litigation. The only Defendant to appear in this case, Mandy Brady ("Ms. Brady"), opposes any further stays. On July 1, 2022, the Court lifted the stay it had imposed and directed Mr. Hazari to respond to Ms. Brady's motion by July 22, 2022. Mr. Hazari appealed that order and moved to stay pending appeal. On July 19, 2022, the Court granted that motion and has stayed proceedings in this case pending resolution of the appeal.

Mr. Hazari has not cited to any legal authority to support his request. However,

> [w]henever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the

> matter is pending has a personal bias or prejudice either against himor in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.
>
> The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

28 U.S.C. § 144. Mr. Hazari did not file an affidavit, and the case has been pending since 2021. However, the Court is not denying the request for those reasons.

Pursuant to Section 144, the judge assigned to the case may pass on the legal sufficiency of the motion and only after legal sufficiency is established does it become the duty of that judge to proceed no further. *See United States v. Azhocar*, 581 F.2d 735, 738 (9th Cir. 1978). The inquiry is addressed to the facial sufficiency of the affidavit and not to the truth or falsity of the facts therein. *See United States v. Montecalvo*, 545 F.2d 684, 685 (9th Cir. 1976). The Court concludes that Mr. Hazari has not demonstrated that recusal is warranted under Section 144. The Court bears Mr. Hazari no ill will. It has worked to reasonably balance the parties' respective rights to have their days in court.

The Court also takes into consideration 28 U.S.C. section 455, which provides that a judge "shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." Section 455 imposes an affirmative duty upon judges to recuse themselves when "a reasonable person with knowledge of all the facts would conclude that the judge's impartiality might reasonably be questioned." *Yagman v. Republic Ins.*, 987 F.2d 622, 626 (9th Cir. 1993). The provisions of Section 455 "require recusal only if the bias or prejudice stem from an extrajudicial source and not from conduct or rulings made during the course of the proceeding." *Toth v. Trans World Airlines, Inc.*, 862 F.2d 1381, 1388 (9th Cir. 1988).

Mr. Hazari's request for the undersigned to recuse himself is based on the Court's rulings denying his request for a further stay or from other matters that have occurred during the course of

the proceedings. Therefore, Section 455 does not provide a basis for recusal.

Accordingly, the Court DENIES the request to withdraw.

IT IS SO ORDERED.

Dated: July 22, 2022

JEFFREY S. WHITE
United States District Judge

United States District Court
Northern District of California

Cyrus Hazari
15209 Blue Gum Court, Saratoga, CA 95070
Tel: 408 766 7471
Email: cyrus@metafusion.net
Pro Se Hazari

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Cyrus Hazari Appellant vs. Superior Court of Santa Clara County State of California, et al. and DOES 1-100 Appellees	Appeal Number 22-16046 District Case number 21-cv-04262 AMENDED NOTICE OF APPEAL FROM ORDERS OF A UNITED STATES DISTRICT COURT

Notice is hereby given that the appellant, an incapacitated disabled pro se litigant, hereby AMENDS his notice of appeal to the United States Court of Appeals for the Ninth Circuit from the Order dated 7/1/2022 Document 61.

Hazari hereby adds the following orders under this appeal:

- Document 67
- Document 72

WHY THIS APPEAL MUST BE HEARD

This is an appeal from what should be considered a **FINAL JUDGMENT**.

Judges Silverman, Callahan, and Collins of the Ninth Circuit Court of Appeal ruled that Hazari has no right of appeal, in the matter noticed for appeal on 7/18/2022 (Document 62) in District court of Northern California. These judges ruled that the order which Hazari appealed is a non-appealable order or judgement.

This ruling by judges Silverman, Callahan, and Collins was in error.

Hazari's matter constitutes an appeal from an order in his lawsuit 21-cv-04262 that should be considered a **FINAL JUDGMENT**. And it also reports a violation of the ADA.

In making their order denying appeal, Judges Silverman, Callahan, and Collins did not consider the controlling law. The Americans with Disabilities Act (ADA) is the pre-emptive law enacted by Congress 32 years ago, and a major law that is still ignored by courts and judges.

A law that has been publicly celebrated by Congress and the President and lauded as a "beacon for a future in which all people, regardless of individual difference, will be welcomed as full and equal members of society", has no standing in our courts.

In particular, 42 U.S. Code § 12132 requires:

> ***Subject to the provisions of this subchapter, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.***

The Appeal Court has had proof of Hazari's disability and his standing as a qualified individual with disability under the ADA. In cases 19-cv-4392 and 21-cv-4262, both judges confirm by findings of fact, Hazari's entitlement to disability accommodation. So there no question of his standing under § 12132 as a qualified individual with disability. His lawsuit 19-cv-1986 which is the predecessor identity of 21-cv-4262 evidences his serious illness and disabilities, and documents that Hazari has been 'TRAPPED' in a serious illness and aggravated disabilities since at least 2019 when 19-cv-1986 was filed. Even the very order appealed from on 7/18/2022 makes his disabilities and need for accommodation unmistakably clear. But in 2019 both the District Court and the Appeal Court violated his rights. He was far too injured to be able to take a further step to fight the violations of his disability rights, except with small edits and the advice of Mr Knestrick, to move the case to state court. Now the case is back in Federal court.

The ADA expects Hazari to be treated as a protected class for strict scrutiny of his appellate filings as they relate to discrimination by reason of disability. But he is not treated so.

In his motion in the Appeal Court for an emergency stay, Hazari provides sufficient proof of prejudice by judge White that is prohibited by § 12132. The motion makes very clear that this appeal is based on disability rights violations. The motion also makes clear that the consequence of the violation of law is so severe and terminal for Hazari that he cannot proceed with his case.

Judges Silverman, Callahan, and Collins did not consider Hazari's standing as a qualified individual with disability and did not observe the standard applicable to his grievance which resulted from an incorrect application of law. They did not consider that the path to relief for ADA violations is closed to Hazari because of the organization of the court. They did not treat Hazari as a protected class with an ADA grievance once he noticed his appeal and take care to examine his writings because he is also a pro se litigant. Judges Silverman, Callahan, and Collins did not consider the contents of the motion for emergency stay and discarded it as moot. An Appellate judge under the circumstances arguably should read all materials submitted by Hazari.

These judges apparently only considered the notice of appeal and the order appealed from and made their ruling in a void that excludes the ADA and lacked essential information. This is not a case of administrative orders of a lower court and the management of the progress of a case. This is a case of abuse of a disabled litigant who is a protected class and disability rights violations in an environment characterized by institutional prejudice and disregard of the ADA. The history of Hazari's lack of access to relief was not a consideration for these judges.

None of Hazari's very informative documents offered to the Appeal Court seem to have been examined carefully by Judges Silverman, Callahan, and Collins, despite Hazari identifying himself as a qualified individual with disability. These documents include the Hagan and Danilak declarations. They demonstrate that Hazari is the epitome of the abused and oppressed disabled person who has no access to relief in any court and prone to major violations of law like the one appealed from. The mere appearance of prejudice in an ADA cases should have brought scrutiny. Greater care should have been employed by these judges under the circumstances, a care

mandated by the ADA to protect the most vulnerable protected class, a care which is lacking and can be seen from a reading of the order appealed from.

The lawsuit 21-cv-04262in District Court is rooted in a 2019 claim 19-cv-1986 regarding organized and continuing improper acts of California judges aimed at a seriously ill and disabled pro se litigant, Hazari (and others). The disability hate crimes of the Superior Court of Santa Clara County, initiated by judge Kirwan in 2018, approximately followed this sequence:

1. Hazari's 1st request for disability accommodation: DENIED
2. Hazari's perception is of a hostile court that does not follow the ADA
3. Hazari coerced into unequal participation by the judge
4. Hazari's health and disabilities worsened as a result, including opponents' exploitation
5. Hazari's 2nd request for disability accommodation: GRANTED as perceived by the judge, NOT GRANTED in appropriate and necessary form to be of any real use to Hazari
6. Hazari continues to petition for appropriate accommodation to no avail
7. Hazari's perception of a hostile court that does not follow the ADA strongly reinforced
8. Hazari's health and disabilities worsened as a result, including opponents' exploitation
9. The judge insists on violating Hazari's privacy rights and insists on enforcing an unconstitutional abortion of the ADA, which is the California Rule of Court 1.100, allowing Hazari's opponents to participate in deciding his disability accommodation
10. Hazari strongly objects and vigorously fights to stop violation of his privacy rights and the INEVITABLE CONSEQUENCE to his lawsuit, which is loss due to exclusion from participation despite a meritorious claim
11. The judge begrudgingly concedes and adapts his order to provide Hazari more accommodation
12. Hazari again observes that the judge is not competent in the ADA and not faithful to it, and will not provide the appropriate accommodation
13. Hazari objects by filing suit in the Federal Court, to no avail, because the Federal Courts do not follow the ADA or recognize disability rights
14. Hazari's objection results in a prolonged period of silence from the California court while it deliberates how to maximally retaliate against Hazari
15. The judge retaliates against Hazari by eliminating all his rights in perpetuity, in particular, Hazari's rights to any ADA accommodation as a qualified individual with disability
16. The judge establishes 'facts' to support his impropriety which become findings of facts without due process of law and binding on Hazari. The facts are false, and the false findings of fact are motivated by prejudice
17. The order is an order for discrimination against Hazari IN PERPETUITY
18. The order must be followed by every judge who subsequently deals with Hazari
19. The Appeal Court rubber stamps the disability abuse and violations by the trial court
20. A five-year history of multiple lawsuits in the California Court system shows the INEVITABILITY OF INJUSTICE suffered by Hazari due to his exclusion from participation and his deprivation of the benefit of accessing the courts

Now compare the inhumanity and unlawful conduct of the California Courts with the conduct of the District Court under judge White:

1. Hazari's 1st request for disability accommodation: DENIED
2. Hazari's perception is of a hostile court that does not follow the ADA
3. Hazari coerced into unequal participation by the judge
4. Hazari's health and disabilities worsened as a result, including opponents' exploitation

5. Hazari's 2nd request for disability accommodation: GRANTED as perceived by the judge, NOT GRANTED in appropriate and necessary form to be of any real use to Hazari, as the case continues to have activity and no stay
6. Hazari is forced to participate unequally when he cannot participate at all, and fight for his privacy rights
7. Hazari's perception of a hostile court that does not follow the ADA strongly reinforced
8. Hazari's health and disabilities worsened as a result, including opponents' exploitation

9. Hazari is forced to participate unequally when he cannot participate at all, and fight for his privacy rights, and is admonished for being disabled and needing accommodation
10. Hazari objects to a stay that never transpires and continues to petition for appropriate accommodation
11. Hazari's perception of a hostile court that does not follow the ADA strongly reinforced
12. Hazari's health and disabilities worsened as a result, including opponents' exploitation
13. The judge allows and facilitates opponents' exploitation of Hazari's disabilities
14. Hazari is forced to participate unequally when he cannot participate at all, and fight for his accommodation, which is a stay that never transpires
15. Hazari's perception of a hostile court that does not follow the ADA strongly reinforced
16. Hazari's health and disabilities worsened as a result, including opponents' exploitation
17. The judge keeps Hazari in suspense and does not promptly and efficiently deal with his accommodations
18. Hazari's perception of a hostile court that does not follow the ADA strongly reinforced
19. Hazari's health and disabilities worsened as a result, including opponents' exploitation
20. Exploitation of opponents following the abuse by the Appeal Court of the Sixth District of California during the months since May 2022 brings another motion to dismiss during a time of complete confusion and anxiety for Hazari who has not seen any protection from the court necessary for his disability
21. The judge retaliates for Hazari's objections and criticisms of the judge's abuses of discretion, and having never provided Hazari with appropriate accommodation, eliminates all of Hazari's rights in perpetuity, in particular, Hazari's rights to any ADA accommodation as a qualified individual with disability
22. The judge establishes 'facts' to support his impropriety which become findings of facts without due process of law and binding on Hazari. The facts are false, and the false findings of fact are motivated by prejudice
23. The order is an order for discrimination against Hazari IN PERPETUITY
24. The order must be followed by every judge who subsequently deals with Hazari
25. The Appeal Court rubber stamps the disability abuse and violations by the trial court

The similarity is unmistakable.

Both the prejudiced California Courts, and the prejudiced District Court of judge White follow the same steps and reach the same outcome, without due process of law. These Courts both eliminated Hazari's rights. These courts treat Hazari's human, ADA and Constitutional rights not as intended by laws, but improperly as an administrative task. Hazari's welfare or rights are less important than the speedy progress of cases in courts and the administrative convenience and performance statistics for a judge. That is not the relief mandated by pre-emptive law and protected rights legislated by the ADA. These courts must not treat Hazari's disability accommodation as an administrative matter prone to the uninformed discretion of a judge. The ADA expects competence from Courts in accommodating disabled people and proper treatment of this protected class, not the 'yo-yo' confused and improper conduct that is seen in the record of this Court. A judge or court that does not grasp disabilities and has no competence

in applying the ADA is, by its existence, a violation of the ADA, because it is foreseeable that the disabled litigant will be denied (equal) participation and proper access to the Courts.

None of the procedural principles or precedents used by judge White are applicable in supporting his orders. All of them are pre-empted by the ADA, which demands the accommodation for Hazari that is authoritatively specified by his doctors. The ADA requires the Courts to treat disability accommodation as an area of competence and be prepared to properly treat the disabled litigant just like architectural modifications properly give access into the buildings for disabled people. But instead, these courts prejudicially hand the disabled off to their adversaries to fight for their accommodations. The ADA disapproves of such a process. A process like a fee waiver where the court needs no input from an adversary to do its job is the appropriate process for evaluating and granting a disability accommodation request, and for achieving confidentiality.

The order of judge White provides a finality to the present lawsuit. Judge White repeats the precise offense started by judge Kirwan of the California court, which was why this lawsuit, was brought originally as 19-cv-1986 and exists today as 21-cv-04262, unresolved and unadjudicated. By refusing to recuse himself, this judge has set in stone all future rights of Hazari in this case, identically to the errant state courts because he will continue to use prejudice and improperly apply law to this case. Hazari is destined for another miscarriage of justice, by being excluded from participation and denial of his access to the Courts.

The endorsement by the Appeal Court that judge White's order in non-appealable and enforceable is endorsement of his abuse of discretion and the abuse of a disabled litigant. It is also an endorsement of the improper application of the ADA, and a guarantee of the finality of this lawsuit involving an incapacitated Hazari. The entire lawsuit is in effect made moot by the ruling of the Appeal Court.

Hazari has documented over 5 years the disability hatred of California Courts and even the disability hatred of this District Court in 2019. This documented history shows that Hazari is now set firmly on a course of suffering continuing prejudice, coerced unequal participation and

deprivation of access to Courts in the District Court. This will inevitably now result in no access to relief and yet another miscarriage of justice. See declarations of Hagan and Danilak.

One of the critical and central themes that Hazari has come to Federal Court to seek relief on, is the impropriety of the order denying his disability accommodation in perpetuity by the California State Courts. Now, before his case starts in the District Court, his disability accommodation has been denied in perpetuity by the order of judge White and endorsed by the Appeal Court of the Ninth Circuit. In the very Federal Court that should provide him with relief as mandated by the ADA, judge White retraces precisely the same improper steps that induced Hazari's lawsuit against the California Courts and eliminates the possibility of relief provided by law. Because judge White of the Federal District Court has now ruled by his discretionary orders that the denial of disability accommodations to disabled litigants by the California Courts is proper and lawful, this lawsuit is in effect, **OVER**, and the ADA is again violated.

Judge White's order is in effect a finding without due process that **gravely disabled Hazari** can proceed as an equal participant and must proceed with no accommodation whatsoever. Judge White provides no proof that Hazari can proceed as an equal participant without accommodation, which is required by the ADA. The burden of proof is 'reversed' by the ADA and it is the judge who bears that burden of proof, not gravely disabled Hazari. Judge White has not met that burden of proof. The ADA pre-empts judge White's precedent-based ruling about limits on duration of accommodation. Since disabled Hazari cannot participate in due process without the accommodation specified by his doctors, judge White's orders ensure that the lawsuit will result in dismissal.

The reason that an appeal should be granted is that this judge states in his order in Document 72 that he bears Hazari no "ill will" and that he has done the right thing. Taking this judge at his word, a very serious problem is seen. The judge cannot see how the ADA should be applied or reconciled with other statutes and precedents and rules of procedure. This therefore should compel the Appeal Court to provide review. Too much human blood and suffering has been spilled to ignore the need for establishing clear and fair precedents and guidance for judges.

Judge White's order is in violation of the Americans with Disabilities Act and the Constitution by denying the gravely disabled Hazari's participation and access to the Federal Court system. Judge White has in essence made Hazari's lawsuit moot by his order that now constitutes a factual finding and order that is authoritative in the progress of Hazari's lawsuit in the Federal Court. The fact finding endorses the disability violations of the California state courts without due process of law. Hazari's entire lawsuit has been frustrated by the failure of the Federal Court to follow the Constitution and the Americans with Disabilities Act on a matter brought before it based on Constitutional wrongs and violations of the ADA.

As judge White will not reconsider his order and is adamant (see his subsequent orders #72) that gravely disabled Hazari shall have no further disability accommodation, a violation of the ADA and the Constitution is clearly displayed and is appealable. Every order of this prejudiced judge now builds on his abuse of discretion and prejudice, derails the course of justice, and therefore makes this a matter of scrutiny BY RIGHT in the Appeal Court. The relief provided by the ADA does not exclude appeal in the case of its violations but favors appeal as precedents may be set to prevent future violations of the same kind. A writ would have less impact that appellate review in promoting the safeguards that the ADA intended.

Hazari should not be unduly burdened and oppressed by having to object and appeal just to secure his guaranteed ADA rights before he can litigate his lawsuit. It is the Court that must guarantee and protect gravely disabled Hazari's rights, but it is the Court that violates them and deprives Hazari of all his rights, including disability rights.

Neither the Americans with Disabilities Act, nor the Constitution, nor the 5th and 14th Amendments, agree with such a process of conducting adjudication and such an outcome.

The order by judge White is prima facie sufficient for an appeal court to be alerted to the issue of disability prejudice and to trigger the protection of the ADA, and then apply the proper standard of scrutiny and grant an appeal. The proper standard is HEIGHTENED SCRUTINY which the ADA and 28CFR 35 mandate, and which this Appeal Court has not followed. To be kind to judge White, who claims no deliberate abuse of discretion, an appeal is appropriate.

Since there is no access to ADA accommodation other than a discretionary judgment of the District Court. The Federal Court system must provide an avenue of relief when the rights of the disabled litigant are violated by the trial court. Under the heightened scrutiny standard, the Appeal Court must re-examine the facts as well as the law and application of the law by a judge of the lower court when a grievance for disability rights violations that prevent participation and benefits of access to the courts are at issue under § 12132. There is no appropriate process for review of disability violations by the Appeal Court and there is no evidence of any re-examination of the lower court facts by this appeal court. The Appeal Court therefore does not recognize the Americans with Disabilities Act. Judges Silverman, Callahan, and Collins did not follow the law, or the proper standard of scrutiny and improperly denied this appeal.

Because there is absolutely no appropriate mechanism for any qualified individual with disability to contest any order or ruling by any judge in the Federal Court system that involves a wrong under the ADA, 42 U.S. Code § 12132 is violated because a qualified individual with disability does not have any recourse for elimination of her Constitutionally guaranteed rights to participate along with non-disabled litigants in the Federal Court system. Such a deficiency in the organization and operation of Federal Courts, is itself a violation of the ADA and § 12132 as it fosters and promotes the very discrimination that § 12132 absolutely prohibits.

Even the backward and disability hateful California judicial system has supposedly corrected this same violation of the ADA after witnessing the abuse and mutilation of Hazari by its judges. In 2021 the Judicial Council published a more suitable and convenient access to a grievance procedure and correction of abuse of discretion and wrongdoings by judges. Instead of grievance by writ, the Judicial Council of California introduced an informal and easy-access grievance procedure along with more time to file a grievance compared to a 10-day writ. See Hagan declaration.

Of course, this new California grievance system does not work and is not followed by judges. But its design acknowledges the recognition of the difficulties faced by a qualified individual with disability. The Federal judicial system is behind California in having a grievance procedure for violations of the ADA. Ironically, it is this court that enforces the Constitution.

Hazari's suffering of injustice for 5 years has demonstrated that there is absolutely no justice for a disabled pro se litigant in the judicial system. Hazari's cases, as the present case also shows, have established that a disabled pro se litigant has no rights in our courts, including human rights. This is not the only case of total violation of disability rights of litigants that I have been involved with. It is systemic.

The District Court has ruled that a human being who is seriously ill, disabled, and in danger of death will get no accommodation. Neither will a disabled person whose illness and disabilities are induced, exacerbated, and maintained by the hostility and prejudice of courts. These disabled persons are instead subjected to continuing abuse and hostility and denial of rights "in the name of law and fairness".

Hazari has petitioned and then fought vigorously the disability hatred of California Superior, Appeal and Supreme Courts, as well as the US Supreme Court. He has shown beyond doubt that these Courts are prejudiced towards the disabled pro se litigant and eliminate all their rights and injure them without the slightest conscience. Other such litigants have come forward and confirmed this fact. The US Supreme Court finally admitted that its rule of court does not provide for the ADA or the rights of the disabled – see Danilak declaration – but only after eliminating all of Hazari's rights to be heard.

Hazari has absolutely no access to his Constitutional, or ADA or human rights in any Court. For 5 years he has been injured because of petitioning and fighting for his basic rights which the ADA was legislated to protect and guarantee. This has now been demonstrated again in the Appeal Court by judges Silverman, Callahan, and Collins endorsement of the impropriety and ADA violations by judge White of the District Court.

Hazari's appeal should be heard, to set a precedent at law to prevent such harm to other disabled persons. The proper standard of STRICT SCRUTINY should be applied to it. Hazari should be given disability accommodation in the Appeal Court as specified by his doctors and always accommodated for his disabilities in every court to be able to bring this appeal and to prosecute his lawful claims. The Appeal Court should be on heightened notice under § 12132

and competent to discern the importance of appellate review. It must ensure that Hazari is not denied participation as intended by Congress and can always access the courts fully and equally.

QUESTIONS RAISED IN THIS APPEAL

First it is important to note that Hazari is 'trapped' in a destructive relapse of his Multiple Sclerosis, that is induced and maintained by the continuing and unbroken abuse and hostility of courts. As recently as 6/30/2022 he was traumatized by the vicious retaliation by the state Appeal Court. He is also injured by exacerbations of his many other diseases and disabilities which also respond predictably and negatively to his incessant distress due to the improprieties of Courts. Hazari can enter remission and attempt to rehabilitate, but only if the abuse and hostility of courts are eliminated and only if he is allowed complete rest and isolation from stress for a minimum specified duration. For 5 years he has requested the one and same disability accommodation during his relapse and disease exacerbations and for 5 years he has been denied that accommodation while being abused and treated as an adversary by courts.

I am very familiar with many of the following issues which courts always ignore or judge improperly in the case of disabled litigants, usually pro se disabled litigants.

1. Is there a maximum time limit applicable to a stay for accommodation of a disabled litigant?
    a. What are the lawful considerations for setting a time limit?
    b. Does the ADA pre-empt and provide the right to continuance or stay as a matter of law?
    c. Are statutory deadlines in general modified by pre-emption of the ADA?
        i. Statute of limitations
        ii. Appellate jurisdiction
2. What is the extent of pre-emption of procedural, precedential and statutory authorities by the ADA?
    a. What rules should be followed when integrating the ADA into existing statutes?

b. What lawful considerations should be exercised by Courts for handling of a protected class under the ADA?

c. What exceptions apply to Federal Courts (allowing them not to implement the ADA or modify it)?

3. What is the proper due process for disability accommodation?

a. What should be the level of competency of a Court in disabilities and corresponding needs?

i. Particularly "hidden/invisible disabilities"

ii. What considerations apply to proper protection of the disabled litigant?

b. What are the considerations for determining what are authoritative facts?

i. Regarding the unique needs of a disabled litigant;

ii. Regarding the appropriate accommodations possible for a disabled litigant.

c. What fact finding process must be followed when dealing with a disabled litigant

i. Who is unable to participate at specific points in time?

ii. Who is unable to provide evidence of her disability needs from (all) providers of care?

d. What standard of adjudication and what reasoning should be used to accommodate the disabled litigant?

i. Expectations of the ADA and Code of Federal Regulations contrasted with the antiquated and routine operation of courts

1. Administration versus decision at law

2. Limits on accommodation

3. Implications of strict scrutiny

a. Imputed standard of care?

b. Compliance monitoring by Courts

ii. 5th Amendment considerations

iii. 14th Amendment considerations

iv. 1st Amendment considerations versus allocating a pro bono attorney

v. Judicial ethics and propriety

1. Breach of trust and confidence of the People

2. Discipline

e. Protection of privacy

i. Comparison with adjudication of a fee waiver

ii. Opportunism, exploitation and abuse by opponents

f. Opposition to disability accommodation

i. Reconciliation of mandatory rights with fairness, pre-empted statutes and procedural rules

ii. Opportunism and exploitation by opponents

4. Grievance procedure for disability rights violations

a. Appellate review versus other mechanism

i. Burden to protected class members

b. Expectation of strict scrutiny and protection of protected class

5. Uniformity in the accommodation of the disabled litigant

a. Conflicting Decisions

6. "Common sense" requirements for orders and judgments

Dated August 3rd 2022

C. Hazari

Cyrus Hazari

Leslie Hagan A.D.A.

Leslie Hagan

Certified ADA Advocate

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CYRUS HAZARI,

Plaintiff,

v.

SUPERIOR COURT OF SANTA CLARA COUNTY ET AL, et al.,

Defendants.

Case No. 21-cv-04262-JSW

ORDER DENYING MOTION FOR DISABILITY ACCOMMODATION

Re: Dkt. No. 75

This matter comes before the Court upon a motion for a disability accommodation, in the form of a one year stay, filed by Leslie Hagan, a "certified ADA Advocate", on behalf of Plaintiff, Cyrus Hazari ("Mr. Hazari").[1] The Court has considered the papers, relevant legal authority, and the record in this case and for the reasons that follow DENIES the motion.

On June 3, 2021, Mr. Hazari filed this case and alleged that Defendants violated his rights under the Americans with Disabilities Act by failing to accommodate him based on a diagnosis of multiple sclerosis. Mr. Hazari also purported remove a number of cases from California state courts, stated his disability precluded him from preparing a complete complaint and asked the Court to accommodate his disability by staying the litigation. Defendant Mandy Brady ("Ms. Brady") opposed Mr. Hazari's request to stay the matter, and on July 29, 2021 filed a motion to dismiss.

On September 8, 2021, the Court granted Mr. Hazari's motion to stay and denied the motion to dismiss without prejudice. Although the Court addressed some issues while the matter

[1] Mr. Hazari is representing himself. "[A] non-attorney may appear in propria persona in his own behalf," but "that privilege is personal to him." *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th Cir. 1987).

was stayed, no action has been on the substance of Mr. Hazari's claims.

On July 1, 2022, the Court granted Ms. Brady's motion to lift the stay, and it reset the briefing schedule on her motion to dismiss. Mr. Hazari appealed that Order, and the Court granted a further stay while the United States Court of Appeals considered the appeal. On July 21, 2022, the Ninth Circuit dismissed the appeal for lack of jurisdiction.

Mr. Hazari continues to argue the Court should stay this case because the stress of litigation exacerbates his MS. He also now argues that he is suffering from long Covid. The Court finds no basis to revisit its previous ruling that this case should proceed. Accordingly, the Court DENIES the motion for a disability accommodation in the form of a one year stay.

Mr. Hazari shall file an opposition to the motion to dismiss by no later than October 7, 2022, and Ms. Brady may file a reply by October 14, 2022. The Court will allow Mr. Hazari 25 pages to oppose the motion and Ms. Brady may have 20 pages for the reply.

If Mr. Hazari fails to file an opposition on or before October 7, 2022, the Court will deem Ms. Brady's motion submitted and will issue a written ruling based on her moving papers.

IT IS SO ORDERED.

Dated: September 8, 2022

JEFFREY S. WHITE
United States District Judge

United States District Court
Northern District of California

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CYRUS HAZARI,

Plaintiff,

v.

SUPERIOR COURT OF SANTA CLARA COUNTY ET AL, et al.,

Defendants.

Case No. 21-cv-04262-JSW

ORDER DENYING RENEWED EMERGENCY MOTION TO STAY

Re: Dkt. No. 91

The Court has received Plaintiff's renewed emergency motion for a stay pending appeal, the declaration submitted in support of that motion, and Defendant Mandy Brady's opposition. The Court DENIES the motion for a stay, and Plaintiff's opposition to the motion to dismiss remains due on October 7, 2022.

The Court ADMONISHES Plaintiff that although he is proceeding *pro se*, he still is expected to follow the Local and Federal Rules and to comply with this Court's standing orders. In general, motions shall be noticed for a hearing no earlier than 35 days after the motion is filed. If any party believes that a motion should be heard on shortened time, they shall file an administrative motion seeking that relief.

IT IS SO ORDERED.

Dated: October 3, 2022

JEFFREY S. WHITE
United States District Judge

Cyrus Hazari
15209 Blue Gum Court, Saratoga, CA 95070
Tel: 408 766 7471
Email: cyrus@metafusion.net
Pro Se Plaintiff

UNITED STATES APPEAL COURT

NINTH CIRCUIT

Cyrus Hazari Appellant vs. Superior Court of Santa Clara County State of California, et al. and DOES 1-100 Appellees	District case number 21-cv-04262 New Appeal number 22-16174 (formerly appeal 22-16046) AMENDED NOTICE OF APPEAL

Notice is hereby given that the appellant, an incapacitated and unaccommodated disabled pro se litigant, hereby amends his Doc 74 Amended Notice of Appeal to the United States Court of Appeals for the Ninth Circuit (which this court refers to as New Appeal number 22-16174).

The 2 additional orders appealed from are:

1. Doc 87 Order dated 9/8/2022
2. Doc 94 Order dated 10/3/2022

Dated 4th October, 2022

C. Hazari

Cyrus Hazari

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CYRUS HAZARI,

Plaintiff,

v.

SUPERIOR COURT OF SANTA CLARA COUNTY ET AL, et al.,

Defendants.

Case No. 21-cv-04262-JSW

ORDER GRANTING MOTION TO DISMISS

Re: Dkt. No. 13

Now before the Court for consideration is the motion to dismiss filed by Defendant Mandy Brady ("Ms. Brady"). The Court has considered the parties' papers, relevant legal authority, and the record in this case, and for the reasons set forth in this Order, it GRANTS Ms. Brady's motion. The Court dismisses the claims against Ms. Brady with prejudice. However, because the Court cannot determine it would be futile to amend as to other Defendants, the Court will give Mr. Hazari an opportunity to amend on the terms set forth at the conclusion of this Order.

BACKGROUND

On June 3, 2021, Mr. Hazari filed his complaint in this case. In addition to naming Ms. Brady as a defendant, Mr. Hazari names the Superior Court of Santa Clara County ("Santa Clara Superior Court"), the Court of Appeal for the Sixth District, the California Supreme Court, the Judicial Council, and the State of California (collectively the "Judicial Defendants"). (*See* Dkt. Nos. 1 and 2, Compl., at 1-3.)[1]

Mr. Hazari stated that he was unable to fully document all of his claims and the facts supporting those facts because he suffers from multiple sclerosis and filed his complaint in an

[1] Docket No. 2 is not a separate filing and actually contains the exhibits to Mr. Hazari's complaint. (*See* Dkt. No. 33, Order at 1 n.1.)

effort to toll any statutes of limitations. Mr. Hazari asked for a stay of all proceedings, pursuant to the Americans with Disabilities Act. (*Id.* at 4-5, 11.)[2]

In his complaint, Mr. Hazari purports to remove a number of cases from state court and asserts that because of "systematic and deliberate" violations of the ADA by state court judges, he has no other recourse than to adjudicate these cases in this forum. According to Mr. Hazari, each of the cases were adjudicated and concluded before he could fully participate. In brief, Mr. Hazari alleges he has been excluded from the California courts because of the failure to accommodate his alleged disability. (*See generally id.* at 5-8, 9-10 & Exs. 1-5.)

One of the cases Mr. Hazari purported to remove is a property dispute between him and Ms. Brady. (*See, e.g.,* Compl., Ex. 2.) On February 23, 2021, the Superior Court struck Mr. Hazari's complaint and cross-cross complaint in that case and entered judgment in Ms. Brady's favor. (Dkt. No. 14, Request for Judicial Notice ("RJN"), Ex. A.) Mr. Hazari appealed that decision, but the Court of Appeal dismissed the appeal on procedural grounds on April 19, 2022. (Dkt. No. 101, Reply RJN, Exs. 11-12.)

The Court will address additional facts as necessary in the analysis.

ANALYSIS

A. Applicable Legal Standards.

A motion to dismiss is proper under Federal Rule of Civil Procedure 12(b)(6) where the pleadings fail to state a claim upon which relief can be granted. Because Mr. Hazari is proceeding *pro se*, the Court must construe his pleadings liberally. *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010). However, the Court may not "supply essential elements of the claim that were not initially pled." *Ivey v. Bd. of Regents of the Univ. of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982). Even under the liberal pleading standard of Rule 8(a)(2), a plaintiff must provide more than mere

[2] The Court has granted stays in this case over Ms. Brady's objection. On July 1, 2022, the Court lifted the stay and reset the briefing schedule on Ms. Brady's motion. Mr. Hazari appealed that Order, but the Ninth Circuit dismissed his appeal for lack of jurisdiction. On October 7, 2022, Mr. Hazari filed a declaration of prejudice. The Court previously determined Mr. Hazari had not demonstrated that the Court should recuse itself from this matter, and it does not find any reason to revisit that decision.

labels, conclusions, and formulaic recitations of their claims' requisite elements. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007).

Pursuant to *Twombly*, a plaintiff must not merely allege conduct that is conceivable but must instead allege "enough facts to state a claim to relief that is plausible on its face." *Id.* at 570. "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Twombly*, 550 U.S. at 556). In general, the Court's "inquiry is limited to the allegations in the complaint, which are accepted as true and construed in the light most favorable to the plaintiff." *Lazy Y Ranch LTD v. Behrens*, 546 F.3d 580, 588 (9th Cir. 2008).

The Court normally does not consider material outside the pleadings to resolve a motion to dismiss but it may consider matters that are properly subject to judicial notice. *See e.g., Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988, 1002-03 (9th Cir. 2018); *Lee v. City of Los Angeles*, 250 F.3d 668, 688 (9th Cir. 2001). If the allegations are insufficient to state a claim, a court should grant leave to amend, unless amendment would be futile. *See, e.g., Reddy v. Litton Indus., Inc.*, 912 F.2d 291, 296 (9th Cir. 1990); *Cook, Perkiss & Liehe, Inc. v. N. Cal. Collection Serv., Inc.*, 911 F.2d 242, 246-47 (9th Cir. 1990).

B. The Court Dismisses the Complaint, With Leave to Amend in Part.

Mr. Hazari purports to remove cases that he filed in state court. 28 U.S.C. section 1441(a) allows a defendant, not a plaintiff, to remove a case. *See* 28 U.S.C. § 1441(a); *cf. Home Depot U.S.A. v. Jackson*, 139 S.Ct. 1743, 1747-50 (2019).[3] The normal procedure would be to remand improperly removed cases. But, the record in this case demonstrates that most, if not all, of those cases had been terminated at the trial court level before Mr. Hazari filed his complaint. (*See, e.g.*, Dkt. No. 21, Brady RJN Re Objections to Improper Removal, ¶¶ 1-6, Exs. A-F.) To the extent Mr. Hazari contends these cases must be removed so that this Court can relitigate them, the Court

[3] Ms. Brady also argues that subject matter jurisdiction is lacking because Mr. Hazari fails to allege all parties are diverse. That is true. However, when the Court reviews the pleadings liberally Mr. Hazari appears to allege that other named defendants violated the ADA, which would provide the Court with federal question jurisdiction.

dismisses his complaint against all named Defendants.[4]

Ms. Brady argues the Complaint includes no facts that would support a claim against her. The Court agrees.[5] Mr. Hazari may disagree with the results of their state court litigation, but a review of those decisions is beyond the purview of this Court. Moreover, Mr. Hazari does not include any facts in his Complaint that would support a claim that Ms. Brady engaged in conduct that violated his rights under the ADA. Therefore, the Court GRANTS her motion to dismiss. Mr. Hazari does include argument about Ms. Brady's alleged conduct in his opposition brief, which the Court has considered to determine if he should be granted leave to amend. Having considered those arguments, which do not suggest conduct that could give rise to a federal claim, the Court concludes amendment to assert a claim against Ms. Brady would be futile.

Mr. Hazari asserts that the Judicial Defendants engaged in conduct that violated his rights under the ADA. While he cannot remove the cases to be re-litigated in this Court, and while he may have a difficult time overcoming potential statutes of limitation or issues of judicial immunity, at this time the Court cannot say amendment would be futile. Accordingly, the Court will grant Mr. Hazari leave to amend to plead claims that are based on direct violations of his rights under the ADA. If Mr. Hazari chooses to amend, he shall:

1. Include the date or dates on which the alleged violation or violations occurred.
2. Clearly specify the individual or entity that he claims violated his right by failing to accommodate his alleged disability.
3. Clearly identify the specific conduct that he claims did not reasonably accommodate his disability.

Mr. Hazari shall file an amended complaint and proposed summons by no later than April 17, 2023, and he shall serve any defendant named in the amended complaint no later than 90 days thereafter.

---

[4] On August 2, 2021, Mr. Hazari filed a declaration that attached notices of removal of the cases referenced in his complaint. Ms. Brady objected to that procedure on August 6, 2021. (*See* Dkt. Nos. 18, 20-21.)

[5] Because the Court dismisses on this basis, it does not address Ms. Brady's argument that Mr. Hazari's allegations are not sufficient to show the Court would have jurisdiction over her.

With respect to Ms. Brady, the Court concludes there is no just reason for delay and shall enter judgment pursuant to Federal Rule of Civil Procedure 54(b).

IT IS SO ORDERED.

Dated: October 18, 2022

JEFFREY S. WHITE
United States District Judge

United States District Court
Northern District of California

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CYRUS HAZARI,

Plaintiff,

v.

SUPERIOR COURT OF SANTA CLARA COUNTY ET AL, et al.,

Defendants.

Case No. 21-cv-04262-JSW

RULE 54(B) JUDGMENT

Pursuant to the Court's Order dismissing claims against Mandy Brady with prejudice, the Court HEREBY ENTERS Judgment, pursuant to Federal Rule of Civil Procedure 54(b) in favor of Ms. Brady and against Plaintiff Cyrus Hazari.

IT IS SO ORDERED.

Dated: October 18, 2022

JEFFREY S. WHITE
United States District Judge

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CYRUS HAZARI,

Plaintiff,

v.

SUPERIOR COURT OF SANTA CLARA COUNTY ET AL, et al.,

Defendants.

Case No. 21-cv-04262-JSW

ORDER DENYING MOTIONS TO VACATE JUDGMENT

Re: Dkt. Nos. 104, 106

On October 18, 2022, the Court granted a motion to dismiss filed by Defendant Mandy Brady and entered judgment in her favor, pursuant to Federal Rule of Civil Procedure 54(b). The Court dismissed the complaint as to other defendants and granted Plaintiff leave to amend.

On October 27 and 31, 2022, Plaintiff moved to vacate the judgment. The Court has reviewed Plaintiff's motion and concludes no response is required. The Court finds no basis to revisit its decision not to recuse itself from this matter. In addition, the Court finds no basis to revisit the decision it rendered in connection with Plaintiff's claims against Ms. Brady.

Plaintiff argues that he has been deprived of all access to California state courts because of refusals to accommodate his alleged disability. The Court determined that he could not remove cases filed and concluded in state court and relitigate them in this forum. However, it granted him until April 17, 2023 to file an amended complaint based on direct violations of his rights under the Americans with Disabilities Act. That order and deadline remains in effect.

IT IS SO ORDERED.

Dated: November 1, 2022

JEFFREY S. WHITE
United States District Judge

Cyrus Hazari
15209 Blue Gum Court, Saratoga, CA 95070
Tel: 408 766 7471
Email: cyrus@metafusion.net
Pro Se Plaintiff

UNITED STATES APPEAL COURT

NINTH CIRCUIT

Cyrus Hazari Appellant vs. Superior Court of Santa Clara County State of California, et al. and DOES 1-100 Appellees	District case number 21-cv-04262 New Appeal number 22-16174 (formerly appeal 22-16046) AMENDED NOTICE OF APPEAL

Notice is hereby given that the appellant, an incapacitated and unaccommodated disabled pro se litigant, hereby amends his Doc 74 Amended Notice of Appeal to the United States Court of Appeals for the Ninth Circuit (which this court refers to as New Appeal number 22-16174).
The 3 additional orders appealed from are:

1. Doc 102 Order dated 10/18/2022
2. Doc 103 Judgment dated 10/18/2022
3. Doc 107 Order dated 11/01/2022

Appellant Hazari is attempting to (1) write a reply to the opposition filed by Appellee Brady et al., and also trying to (2) file a supplement to his previous response to order to show cause in this court to add issues from the above 3 orders of the lower court.
However, by deliberate exploitation and opportunism of Appellees Brady et al, Hazari has been overcome and injured and unable to work or file anything. Appellees ensure that Hazari does not get any benefit of any rest or absence of stress. Hazari continues to suffer serious injuries

because the criminal Appellees oppress him and intentionally take away his property, and attack and harass his helpful neighbors and undermine his rights, most recently the endangerment of his neighbors and their subsequent harassment, and now the attempt to further steal Hazari's property rights. They commit these deliberate acts according to a schedule and plan in order to promote and maintain Hazari's incapacity and to unjustly enrich themselves thereby, while proudly posturing that courts will do absolutely nothing to stop them, and celebrating through defamation that courts will in fact reward them for their criminal conduct.

Hazari intends to file these 2 documents as soon as he is able, but this prospect appears to be ever more unreachable due to egregious injuries when he is seriously ill. These 2 proposed documents are of significance as they identify very important issues and must be considered along with Hazari's responses to the order to show cause, and the amendment of his notice of appeal hereby. The 3 orders added by notice amendment are ripe with issues of import and related discussions that bear on the total failure of disability law and accommodation in our courts, and are not included in Hazari's response to the order to show cause. The supplemental issues and discussions provide even more urgent cause for appellate intervention through meaningful and effective precedents.

Dated 11 November, 2022



Cyrus Hazari

FILED

JUL 21 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CYRUS HAZARI, Plaintiff-Appellant, v. SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA; et al., Defendants-Appellees.	No. 22-16046 D.C. No. 4:21-cv-04262-JSW Northern District of California, Oakland ORDER

Before: SILVERMAN, CALLAHAN, and COLLINS, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the district court has not issued any orders that are final or appealable. *See* 28 U.S.C. § 1291. Consequently, this appeal is dismissed for lack of jurisdiction.

Appellant's motion to seal (Docket Entry No. 3) is granted. The Clerk will maintain Docket Entry No. 3 under seal.

The emergency motion to stay (Docket Entry No. 2) is denied as moot.

DISMISSED.

at/MOATT

See the filings in this appeal (22-16046) for the filings to set aside the dismissal and the mandate that I could not timely prevent due to unaccommodated disability, lack of safe harbor and continued torture in the trial court. My complaints for human rights violations by this court and this judge are documented in that record. See also my US Supreme court writ 23-7017 for my summary of human rights violations and discrimination after the second dismissal of the entire lawsuit, now going onto its third complete dismissal by the same abusive trial judge.

The text of the order of Nov. 30, 2022 where the judges of this court refused to recall the mandate demonstrates no sign of compliance with the requirements of treaties and International Law under Article VI of the Constitution. The judges of this court, TWICE in one case REFUSED to obey applicable laws, and endorsed and promoted my torture. If they would do this to me, with diseases that respond directly to distress and result in physical and mental injuries through deprivation of access to the court, and elimination of due process, then they do it as a policy to every disabled and sick pro se litigant.

FILED

NOV 30 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CYRUS HAZARI, Plaintiff-Appellant, v. SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA; et al., Defendants-Appellees.	No. 22-16046 D.C. No. 4:21-cv-04262-JSW Northern District of California, Oakland ORDER

Before: SILVERMAN, CALLAHAN, and COLLINS, Circuit Judges.

The motion to recall the mandate (Docket Entry No. 10) is denied because there are no "extraordinary circumstances" to support such relief. *See Calderon v. Thompson*, 523 U.S. 538, 550 (1998).

Because the mandate has issued, the court does not consider the remaining pending motions (Docket Entry Nos. 8, 9, 14, 15).

No further filings will be entertained in this closed appeal.

at/MOATT

FILED

SEP 23 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CYRUS HAZARI, Plaintiff-Appellant, v. SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA; et al., Defendants-Appellees.	No. 22-16174 D.C. No. 4:21-cv-04262-JSW Northern District of California, Oakland ORDER

Before: Lisa B. Fitzgerald, Appellate Commissioner.

On August 3, 2022, appellant filed in the district court an "amended notice of appeal" captioned for appeal No. 22-16046. Because appeal No. 22-16046 had been dismissed on July 21, 2022, the amended notice of appeal was treated as a new notice of appeal from the district court's July 19, 2022 and July 22, 2022 orders, and appeal No. 22-16174 was opened. The scope of appeal No. 22-16174 is limited to review of the district court's July 19, 2022 and July 22, 2022 orders.

A review of the record suggests that this court may lack jurisdiction over the appeal in part because the district court's July 19, 2022 and July 22, 2022 orders are not final, appealable orders. *See* 28 U.S.C. § 1291; *United States v. Washington*, 573 F.2d 1121, 1122 (9th Cir. 1978) (order denying motion to disqualify judge not final or appealable).

at/MOATT

Within 21 days of this order, appellant must show cause why this appeal should not be dismissed for lack of jurisdiction. Appellee may file a response within 10 days after service of the memorandum.

A review of this court's docket reflects that the filing and docketing fees for this appeal remain due. Within 21 days of this order, appellant must pay to the district court the $505.00 filing and docketing fees for this appeal and file in this court proof of payment or file in this court a motion to proceed in forma pauperis.

The Clerk will serve a Form 4 financial affidavit on appellant.

If appellant does not comply fully with this order, this appeal will be dismissed by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

The briefing schedule is stayed pending further order of the court.

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 22-16174 **Docketed:** 08/04/2022
Nature of Suit: 3360 Other Personal Injury **Termed:** 12/09/2022
Cyrus Hazari v. Superior Court of California, County of Santa Clar, et al
Appeal From: U.S. District Court for Northern California, Oakland
Fee Status: Due

Case Type Information:
1) civil
2) private
3) null

Originating Court Information:
District: 0971-4 : 4:21-cv-04262-JSW
Trial Judge: Jeffrey S. White, Senior District Judge
Date Filed: 06/03/2021

Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:
07/22/2022	07/22/2022	08/03/2022	08/03/2022

Prior Cases:

19-16291	**Date Filed:** 06/28/2019	**Date Disposed:** 09/17/2019	**Disposition:** Dismissed - Judge Order
22-16046	**Date Filed:** 07/19/2022	**Date Disposed:** 07/21/2022	**Disposition:** Dismissed - Judge Order

Current Cases:
None

CYRUS HAZARI
Plaintiff - Appellant,

Cyrus Hazari
Direct: 408-898-4470
Email: pacer@metafusion.net
[NTC Pro Se]
15209 Blue Gum Court
Saratoga, CA 95070

v.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
Defendant - Appellee,

APPEAL COURT OF THE SIXTH DISTRICT, State of California
Defendant - Appellee,

CALIFORNIA SUPREME COURT, State of California
Defendant - Appellee,

JUDICIAL COUNCIL, State of California
Defendant - Appellee,

MANDY BRADY
Defendant - Appellee,

Julian Pardo de Zela
Direct: 408-298-7120
Email: jpardodezela@messner.com
[COR LD NTC Retained]
Messner Reeves, LLP
160 W Santa Clara Street
Suite 1000
San Jose, CA 95113

MATTHEW WENDT
Defendant - Appellee,

MESSNER REEVES, LLP
Defendant - Appellee,

D. D. HUGHMANICK
Defendant - Appellee,

TERRA LAW LLP
Defendant - Appellee,

PETER CASSINI
Defendant - Appellee,

ANTHONY PEREIRA
Defendant - Appellee,

WEDGEMANOR HOMEOWNERS ASSOCIATION
Defendant - Appellee,

CYRUS HAZARI,

Plaintiff - Appellant,

v.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA; APPEAL COURT OF THE SIXTH DISTRICT, State of California; CALIFORNIA SUPREME COURT, State of California; JUDICIAL COUNCIL, State of California; MANDY BRADY; MATTHEW WENDT; MESSNER REEVES, LLP; D. D. HUGHMANICK; TERRA LAW LLP; PETER CASSINI; ANTHONY PEREIRA; WEDGEMANOR HOMEOWNERS ASSOCIATION,

Defendants - Appellees.

08/04/2022	☐ 1 61 pg, 1.05 MB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL AND PRO SE APPELLANT. SEND MQ: No. The schedule is set as follows: Appellant Cyrus Hazari opening brief due 10/04/2022. Appellees Appeal Court of the Sixth District, Mandy Brady, California Supreme Court, Peter Cassini, D. D. Hughmanick, Judicial Council, Messner Reeves, LLP, Anthony Pereira, Superior Court of California, County of Santa Clara, Terra Law LLP, Wedgemanor Homeowners Association and Matthew Wendt answering brief due 11/04/2022. Appellant's optional reply brief is due 21 days after service of the answering brief. [12509728] (RT) [Entered: 08/04/2022 02:10 PM]
09/23/2022	☐ 2 9 pg, 234.98 KB	Filed order (Appellate Commissioner: Lisa B. Fitzgerald): On August 3, 2022, appellant filed in the district court an "amended notice of appeal" captioned for appeal No. 22-16046. Because appeal No. 22-16046 had been dismissed on July 21, 2022, the amended notice of appeal was treated as a new notice of appeal from the district court's July 19, 2022 and July 22, 2022 orders, and appeal No. 22-16174 was opened. The scope of appeal No. 22-16174 is limited to review of the district court's July 19, 2022 and July 22, 2022 orders. A review of the record suggests that this court may lack jurisdiction over the appeal in part because the district court's July 19, 2022 and July 22, 2022 orders are not final, appealable orders. See 28 U.S.C. § 1291; United States v. Washington, 573 F.2d 1121, 1122 (9th Cir. 1978) (order denying motion to disqualify judge not final or appealable). Within 21 days of this order, appellant must show cause why this appeal should not be dismissed for lack of jurisdiction. Appellee may file a response within 10 days after service of the memorandum. A review of this court's docket reflects that the filing and docketing fees for this appeal remain due. Within 21 days of this order, appellant must pay to the district court the $505.00 filing and docketing fees for this appeal and file in this court proof of payment or file in this court a motion to proceed in forma pauperis. The Clerk will serve a Form 4 financial affidavit on appellant. If appellant does not comply fully with this order, this appeal will be dismissed by the Clerk for failure to prosecute. See 9th Cir. R. 42-1. The briefing schedule is stayed pending further order of the court. [12548286] (RT) [Entered: 09/23/2022 04:01 PM]
10/04/2022	☐ 3	COURT DELETED INCORRECT/DUPLICATE ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [4]. Original Text: Filed (ECF) Appellant Mr. Cyrus Hazari Motion to stay lower court action. Date of service: 10/04/2022. [12556163] [22-16174] (Hazari, Cyrus) [Entered: 10/04/2022 08:14 PM]
10/04/2022	☐ 4 4 pg, 582.72 KB	Filed (ECF) Appellant Mr. Cyrus Hazari EMERGENCY Motion for miscellaneous relief [EMERGENCY MOTION FOR STAY PENDING APPEAL AND FOR TEMPORARY STAY PENDING CONSIDERATION OF MOTION]. Date of service: 10/04/2022. [12556165] [22-16174] (Hazari, Cyrus) [Entered: 10/04/2022 08:24 PM]
10/04/2022	☐ 5 1 pg, 61.24 KB	Filed (ECF) Appellant Mr. Cyrus Hazari Correspondence: Amended notice of appeal. Date of service: 10/04/2022. [12556166] [22-16174] --[COURT UPDATE: Updated docket text to reflect correct ECF filing type. 10/05/2022 by TYL] (Hazari, Cyrus) [Entered: 10/04/2022 08:28 PM]

10/05/2022	☐ 6 1 pg, 98.29 KB	Filed order (BARRY G. SILVERMAN and SANDRA S. IKUTA): Appellant's emergency motion to stay district court proceedings (Docket Entry No. [4]) is denied. No motions for reconsideration of this denial will be entertained. Appellant's response to the court's September 23, 2022 order to show cause remains due October 14, 2022. No motions for extension of time will be entertained. The briefing schedule remains stayed pending further order of the court. [12556937] (AF) [Entered: 10/05/2022 04:44 PM]
10/14/2022	☐ 7 47 pg, 518.71 KB	Filed (ECF) Appellant Mr. Cyrus Hazari response to Court order dated 10/14/2022. Date of service: 10/14/2022. [12564244] [22-16174] (Hazari, Cyrus) [Entered: 10/14/2022 06:58 PM]
10/14/2022	☐ 8	COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [9]. Original Text: Filed (ECF) Appellant Mr. Cyrus Hazari response to Court order dated 10/14/2022. Date of service: 10/14/2022. [12564247] [22-16174] (Hazari, Cyrus) [Entered: 10/14/2022 07:28 PM]
10/14/2022	☐ 9 1 pg, 40.42 KB	Filed (ECF) Appellant Mr. Cyrus Hazari Motion for miscellaneous relief [motion to apply for fee waiver and maintain under seal and not serve appellants]. Date of service: 10/14/2022. [12565149] --[COURT ENTERED FILING to correct entry [8] .] (TYL) [Entered: 10/17/2022 01:52 PM]
10/21/2022	☐ 10 18 pg, 98.47 KB	Filed (ECF) Appellee Mandy Brady reply to response to order to show cause dated 07/22/2022. Date of service: 10/21/2022. [12570355] [22-16174] --[COURT UPDATE: Removed motion (refiled in entry [11]). 10/21/2022 by TYL] (Pardo de Zela, Julian) [Entered: 10/21/2022 02:05 PM]
10/21/2022	☐ 11 1472 pg, 62.1 MB	Filed (ECF) Appellee Mandy Brady Motion to take judicial notice of. Date of service: 10/21/2022. [12570487] --[COURT ENTERED FILING to correct entry [10] .] (TYL) [Entered: 10/21/2022 02:49 PM]
11/11/2022	☐ 12 2 pg, 170.32 KB	Filed (ECF) Appellant Mr. Cyrus Hazari Correspondence: Amended notice of appeal. Date of service: 11/11/2022. [12585530] [22-16174] --[COURT UPDATE: Updated docket text to reflect correct ECF filing type. 11/14/2022 by TYL] (Hazari, Cyrus) [Entered: 11/11/2022 09:57 PM]
12/09/2022	☐ 13 4 pg, 322.79 KB	Filed order (A. WALLACE TASHIMA, SIDNEY R. THOMAS and RICHARD R. CLIFTON) A review of the record and the responses to the court's September 23, 2022 order to show cause demonstrates that this court lacks jurisdiction over this appeal because the district court's July 19, 2022, July 22, 2022,

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 5 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CYRUS HAZARI, Plaintiff-Appellant, v. SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA; et al., Defendants-Appellees.	No. 22-16174 D.C. No. 4:21-cv-04262-JSW Northern District of California, Oakland ORDER

Before: SILVERMAN and IKUTA, Circuit Judges.

Appellant's emergency motion to stay district court proceedings (Docket Entry No. 4) is denied. No motions for reconsideration of this denial will be entertained.

Appellant's response to the court's September 23, 2022 order to show cause remains due October 14, 2022. No motions for extension of time will be entertained.

The briefing schedule remains stayed pending further order of the court.

at/MOATT

Cyrus Hazari
15209 Blue Gum Court, Saratoga, CA 95070
Tel: 408 766 7471
Email: cyrus@metafusion.net
Pro Se Plaintiff

UNITED STATES APPEAL COURT
NINTH CIRCUIT

Cyrus Hazari Appellant vs. Superior Court of Santa Clara County State of California, et al. and DOES 1-100 Appellees	District case number 21-cv-04262 New Appeal number 22-16174 (formerly appeal 22-16046) RESPONSE TO ORDER TO SHOW CAUSE FOR APPEAL OR FOR CERTIFICATION FOR WRIT OF CERTIORARI

Contents

OBJECTION 176
SCOPE 178
PREFACE 179
CONTEXT **Error! Bookmark not defined.**
DEFINITIONS 182
BACKGROUND 183
SOME RULES AND PRECEDENTS CONFLICTING WITH THE ADA 184
ISSUE: FRAP 185
ISSUE: FRCP 185
ISSUE: end of litigation 185
ISSUE: life and liberty 186
ISSUE: application 187
ISSUE: pre-emption 188
ISSUE: opportunity 188
ISSUE: access 189
ISSUE: limits 190
ISSUE: fairness 191

ISSUE: unequal participation 194
ISSUE: due process 195
ISSUE: privacy 197
ISSUE: competence 197
ISSUE: double standards 199
ISSUE: duty of care 200
ISSUE: exploitation 201
ISSUE: interference 204
ISSUE: scrutiny 205
ISSUE: ethics 205
ISSUE: independence 209
ISSUE: abuse 210
ISSUE: hate crime 211
ISSUE: diligence 212
ISSUE: precedent 213
ISSUE: presumptions 213
ISSUE: evidence 214
ISSUE: inhumanity 216
ISSUE: subversion 216
ISSUE: burden 217
ISSUE: fundamental change 218
ISSUE: protection 218
ISSUE: deadlines 222
ISSUE: advocacy 222
ISSUE: discrimination 223
ISSUE: disparity 224
CONCLUSION 225

OBJECTION

When you have rights at law and the people who are supposed to acknowledge and enforce those rights say “what rights ?”, then you have no rights at all, and you are the silent undiscovered victim of a conspiracy of ignorance and denial and malice. Even you yourself come to believe you are mad and you are mistaken about your rights. You become conditioned into behaving as if you do not have those rights and this is the greatest violence and the most cruel abuse . The toll that it takes on a living sentient human being is in no way better seen than in the case of the disabled litigant Hazari. Hazari continues to struggle, under oppression by the courts, to establish the long overdue obedience of courts to disability rights law and proper handling of the disabled litigant, and immediate incorporation of disability rights in all rules of procedure. I write voluminously as a consequence of my disability and serious illness. This is explained elsewhere and cannot be avoided. Hazari objects to this order to show cause and to the

misconduct of this court as regards the observance of the rights of the disabled pro se litigant despite repeated demands for it to reform its impropriety and grant Hazari disability accommodation. Hazari objects to this court's disloyalty to a major Federal law that demands of it the constructive modification of every procedure, rule and statute because of pre-emption by disability law, and the failure to accommodate the disabled meaningfully, timely, appropriately and with demonstrated will to duly care for a highly protected class. Hazari objects to his unequal treatment and to the ignoring and then denial of his ADA accommodation by this court. Hazari is disabled and seriously ill, including now suffering long Covid symptoms and succumbing to bacterial infections because of the impropriety of courts and the derogation of their duties under the law. They swore an oath to obey and uphold the Constitution but do not keep it. The coercion of his participation when he is unable to participate is a major obstacle to his showing cause as ordered by this court, and reliably, repeatedly, unavoidably induces injuries as identified in detail in his filings, including the detailed mechanism of distress induced injuries. Having committed the hate crimes and unconscionable acts of abuse and mutilation, the courts intend to eliminate Hazari permanently from any access to due process and recognition of his rights, and even to end his life, as is unfolding right before our eyes. This treatment by the court undermines the benefits to justice and improvement of our system of jurisprudence that can be realized by studying Hazari's injuries and suffering in courts for the past 5 years, while a growing body of pro se litigants now come to court fed up with the injustices of our legal system, and by statistics alone, the count of the disabled pro se litigants in our courts is inevitably increasing. Hazari now makes extraordinary efforts at the cost of more permanent injury to comply with the order to show cause because discrimination based on disability must end. The 21 days provided to him by a commissioner who saw a light of reason and relevance to jurisprudence of allowing Hazari opportunity to speak against doctrinaire censorship demonstrated by this court previously in denying Hazari's appeals, is an arbitrary quantity of time, and should have been determined by hearing Hazari's motion for ADA accommodation. But instead, judges of this court punitively and prejudicially eliminated Hazari's legislated right to accommodation and with extreme insensitivity and with knowledge of the adverse consequences to Hazari's health and lawsuit, and therefore the adverse effects to his life, liberty and property, denied him his rights with prejudice. No consideration was given to competing priorities for Hazari in having to respond to a motion in the lower court. If Hazari would be allowed to recover and allowed time to state the issues in a manner that allows him to use his knowledge, education, available resources and resolve, justice would be better served than how now Hazari is being coerced into writing 5 years of facts and issues without accommodation and under conflicting and unconscionably taxing court schedules to correct an errant court system determined to promote the prejudice and abuse of a protected class. This writing leverages 5 years' worth of writing and is disjointed and incomplete due to unaccommodated disabilities, and Hazari struggles how to present glaring issues of great controversy and of important public interest to judges who have no interest in listening, and no ability to read or comprehend anything outside their comfortable and practiced habitual reign over the lives of the people. It is an unconscionable act of disability prejudice and hatred to coerce me into wasting this opportunity to educate this powerful court

by not giving me opportunity and rights to properly explain the defects in your thinking and long-established wrong assumptions and deficient rules and outdated practices and improper reasoning. The wise learn the most from the ignorant and the uneducated, but this court does not allow it. This writing is therefore so disjointed and inferior that I believe you have entirely undermined the benefit it could confer on an outdated and deficient system of jurisprudence despite 5 years of suffering and sacrifice that makes me an expert in disability rights violations by courts. While writing this document I became so extremely ill on multiple occasions that any description of my pain and suffering would be insufficient to express the evil of courts, and could not account for the mutilation and destruction of psyche and body that you caused, but I have persisted, with assistance of dangerous and consequential performance-enhancing methods and impeccable support and sheer will. My case, and the valuable once-in-a-lifetime fact patterns is unmistakable proof of the hate crimes and injustices suffered by the disabled and. With the prospect of my death and permanent silence even more real today than in 2019 when my doctors started to repeatedly warned the courts about it, it must be used for the public benefit and for the protection of all those similarly affected. I also write with the certainty that you will not read carefully, and that if you think you do, you are so alien to invisible disabilities and understanding the plight of the disabled that you will not even grasp the significance and reach and the potency of what you read. This lack of faith demonstrates how disillusioned and mistrustful the courts have made me of their quality by their abuse, their discharge of their duties without tempering with reason and decency, and their inability to deliver justice.

SCOPE

Hazari filed appeal 22-16046 against order lower court 21-cv-04262 Doc 61. He gave unmistakable and prolific notice of his incapacity and disability needs and received no accommodation from this court. Instead, he received a prompt dismissal without regard to his rights, and without the court's overdue modification of FRAP by the ADA. He objected and amended his appeal against order 4262 Doc 67 and 72 and showed cause, and the court ignored him. Hazari brought motions at expense of injury and undue burden for amendment and reinstatement, with justification. The court issued an order to show cause but declared a new appeal 22-16174, increased Hazari's burden and limited the appeal scope by excluding the critical subject matter of 22-16046. Hazari amended his appeal again by addition of 4262 Doc 87 and 94. The appeal court failed to amend his appeal but ruled on his pending motions in Doc 6, with prejudice, and treated Hazari as a frivolous litigant, and knowing that Hazari has major life limitations identified in his ADA motion, ensured that Hazari is deprived of opportunity to show cause by forcing him to divide his life energies and resources while incapacitated to opposing and obeying the order of

the lower court simultaneously with showing cause herein, thus inflicting more distress upon him. Because all of the orders appealed from concern the ADA and the FAILURE of the disability accommodation of a disabled and seriously ill pro se litigant by the court, and his consequent injuries, Hazari discusses the issues arising from the collective orders identified by him to this appeal court, notwithstanding this court's unlawful and unethical denial of Hazari's appeal and the silencing of his speech. The following are operative issues applicable to all disabled pro se litigants with "invisible disabilities" and identify inconsistencies, contradictions, inequities, violations of law and judicial duties and ethics, and the inevitable injustice designed and built into our legal system. The time for precedents and reform is now, and even now is far too late for Hazari and the disabled. This court must set precedent and must not limit the statement of issues to one particular order appealed from which it designates as the only order to consider for issues arising. The issues herein have all arisen to differing degrees in Hazari's litigations, and will recur frequently in this lawsuit to derail justice if this appeal is not heard. Hazari does not wish to expand litigation, and would be injured more if his litigation expands to protect his life, liberty and property. Precedents must be set and there is no justification for this court to deny this appeal. If this court refuses leadership in reform, then it must recommend to the US Supreme Court to hear this cause, and by whatever means possible, to aid Hazari to set long overdue and very clear and guiding precedents in the urgent public interest.

In reading this document, note that Hazari presents a collection of issues that invariably appear together and inseparably when discrimination by reason of disability is present. If this appeal court limits the issues to only those it adjudges to arise from the orders noticed for appeal, then **Hazari insists that the court identifies its interest in which issue to brief**. Hazari also counsels this court that it makes a MISTAKE in limiting issues as the issue underlying all of them is that **the courts systemically violate the ADA**, and the violation manifests in diverse forms, but each form ultimately originates from one and the same manor issue. These individual issues are inseparable components of the main issue.

PREFACE

Hazari incorporates by reference his filings in the Ninth Circuit case 19-16291, 22-16046, 22-16174, and District Court case 19-cv-01986, 19-cv-04392, 21-cv-04262 to demonstrate that the issues with the systemic prejudice and discrimination by courts against disabled pro se litigants by reason of disability are real and operative. In particular Hazari references lower court 4262 Docs 82 and 83 and 90, and his

motions for disability accommodation in every case cited above. Only by actually READING and TAKING TIME TO COMPREHEND Hazari's facts will this court do any justice to a most urgent and widespread problem of public interest.

Hazari has been driven into incapacity by a predictable and well-studied mechanism of disease whose activation is under the control of the courts and his opponents. ADA accommodation and his protection is a viable means of prevention of activation of disease. He is incapacitated as a result of constant activation of that disease mechanism by the courts and his opponents, and cannot litigate, appear, participate, plan, strategize or move a case, put on any offensive, but is solely limited to only defend, react, repel, respond, and object. This prevents participation in due process. He battles desperately against the odds of stopping the discrimination of the courts and can merely apply himself at the cost of health and disability to try to hold ground, and try to reduce his loss of life, liberty and property and object to deprivation of his rights through objection and speech until the light of reason and propriety dawns in our courts. He is alive today, and his disabilities are far less than what they would be, but for the world class medical management provided and coordinated by the supremely qualified Dagmar Horvath, M.D., and the care of numerous specialist and care providers, and the love and support of his injured wife.

NOTE AGAIN: Hazari has never been given the opportunity to proceed with litigation, but coerced and limited only to defend and react against oppression and discrimination and exploitation, because of the defective design of the courts' implementation of due process, by exclusion of the ADA, or by virtue of its improper inclusion.

This Appeal Court should carefully review and study my suffering and injuries as a disabled pro se litigant over the past 5 years before rejecting this appeal and coercing me to continue an ENDED lawsuit, merely to suffer and be more injured with the inevitable and foreseeable result of injustice. It is unjust to reject my appeal and force me to suffer another wasted lawsuit leading to certain dismissal or adverse judgment because I am incapacitated and unaccommodated. I must not be tortured and injured to earn my right to appeal just because the FRAP is deficient and outdated and provides absolutely no provision for the Congress-mandated accounting of the needs and accommodation of the disabled. This court has a moral and ethical obligation to carefully listen to the legitimate exposure of its systemic improprieties and violations of law by design. Hazari must be used by this court as a real example of the URGENT need for disability precedents. Hazari's plight clarifies the consequence of the absence of the (proper) implementation of the ADA by our courts from the perspective of a once-in-a-lifetime plaintiff who would not relent to the injustice and abuse and mutilation inflicted on him and continued to speak at extreme cost in MULTIPLE LAWSUITS, that provide additional information for the interests of justice.

Herein is a partial list of 5 years of writing and compilation of ADA violations and issues being collated and committed to this text under extreme duress with serious negative health consequences, under a management protocol by exceptional care providers that can only be tolerated short term, all while my opponents oppress me. This court is morally obligated to ask the following questions, and resolve the following issues, and more not stated. These are REAL AND PRESENT issues of determinative legal impact and of unbearable and forbidden consequence that are daily afflicting the disabled pro se litigant through the standard operation of our courts (lower court docs 82, 83). No court should ever commit such torts and hatred against a disabled litigant, as Hazari is suffering from.

NOTE: This court did not provide me any form for a fee waiver as order by the commissioner.

CONTEXT

- It is the void of precedents on point that is the cause for the extreme and pervasive discrimination and prejudice suffered by the disabled pro se litigant with "invisible disabilities" in our courts. Every section herein has this paragraph invisibly added.
- Unless described otherwise, the context of each question is from the perspective of a disabled pro se litigant in need of disability accommodation for "invisible disabilities" in order to be able to access the services of a court, and to have equal opportunity and be able to fully participate in the program and services that implement the due process of law and the Constitutional and statutory benefits conferred on that litigant.
- Due to cognitive impairments, Hazari will use several different terms to refer to the benefits conferred and guaranteed by the ADA and the Constitution, typically by using the expression "equal participation".
- Hazari is traumatized and his writing is reactive and expresses extreme anxiety due to the demonstrated hostility, enmity and tortuous and CRIMINAL conduct of our courts. But exceptions for good judges and ethical attorneys must be noted. In the context of disability accommodation, judge BLF has so far distinguished herself as the leader in propriety, faithfulness to law, and adherence to standards required for the proper implementation of the ADA. Similarly, in the context of the violations and issues caused by the opportunism, impropriety and exploitation of opponents, Mr Rossi in the case 19-cv-04392 is excluded.
- You are inattentive and inconsiderate and do not read or grasp the inequities or violations of law that you are committing without a second thought. The issues and facts are expressed oddly due to an idea of formatting in a way as to open your minds and eyes to the plight of the disabled pro se litigants with invisible disabilities, of which you are ignorant. I am robbed of the opportunity to do legal research and refer to precedent due to incapacity, and rely on charity of others. But my real life experience and documented journey through the courts in multiple (unrelated) lawsuits is proof that a major problem exists with our system of jurisprudence. Therefore YOU must DILIGENTLY assist in legal research to supplement my writing, and find the precedents that must be addressed by the sacrifice that I perform here for the public interest, as I cannot and may not even see the end of this writing.
- It is our collective responsibility to rehabilitate JSW and his abuse and injuries (even if he does not preside over this case). It is a huge burden on Hazari's conscience to reconcile the terrible injuries

inflicted by this judge with his haunting words "no ill will" that he directly issued in his order to assure Hazari of his intention to do right. Hazari is a cause for harmony and order, not for dissension and conflict. Therefore you must take note that if JSW is abusing and injuring me without ill will, then our judges and courts as a whole are TRAPPED in obedience of what YOU instruct to be proper conduct, or what YOU FAIL TO CORRECT when it is proper conduct. Is it not your sworn responsibility to uphold the Constitution and serve justice? By your failure to provide urgently necessary precedents you are abusing and injuring silenced disabled litigants in similar fashion to me, because they do not have the guidance and analysis that it is YOUR JOB to URGENTLY provide to guide their judges and the courts that control their rights and lives and liberties and properties. It is the lack of YOUR precedents and YOUR abject neglect and indifference to laws that are decades old and still not observed or considered by YOU that is making judges, including JSW, become my opponents and oppressors, and due process is unavailable to me anywhere, except so far only in the court of BLF. It is therefore your duty to ensure that my voice is heard and reform is made urgently.

- If you won't do it, I show merit that you should certify me to petition the US Supreme Court. So provide me with disability accommodation so that I can do the job instead of you. Time and life and liberty and property and rights are of the essence. Weak and disadvantaged and oppressed and sick human beings are looking to us for resolution of their misery. Do not forget the Danilaks and Hagans and Minkowskis and countless silenced and forgotten others who proved that the ADA is necessary legislation and that courts are repeat offenders of disability rights even 32 years after its enactment.

DEFINITIONS

- ADA means Americans with Disabilities Act, including its Amendment, and includes all related laws that provide rights and protection and remedies to the disabled.
- Invisible disabilities can be simplistically defined *as* symptoms such as debilitating pain, fatigue, dizziness, cognitive dysfunctions, brain injuries, learning differences and mental health disorders, as well as hearing and vision impairments and similar conditions. These are not always obvious to the onlooker, but can sometimes or always limit daily activities, can range from mild challenges to severe limitations, and vary from person to person.
- Disability hate crime is described in publications by attorney generals and the Department of Justice. It is derived from first principles out of common law tempered with the evolutionary influence of our body of jurisprudence and laws. Hazari's cases demonstrate disability hate crimes by courts and opponents exploiting the disloyalty and hatred of courts.
- Abuse includes improper and unlawful acts that include injury-inducing psychological and emotional stimuli, particularly marked by the presence of distress, and the maintenance of an atmosphere/environment that chronically exposes the victim to on-going psychological and emotional injuries. The psychological and emotional stimuli and consequent injuries are presumed to have a direct effect on the victim in a manner that deterministically worsen his health and his disabilities.
- The words "criminals" and "prisoners" are used interchangeably. No disparagement is intended to accused and indicted and sentenced persons.
- The words "prejudice" and "discrimination" are likely used interchangeably.

- Hazari uses the word “permissive” to mean that the court allows excessive freedom to the opponent to decide the outcome of the accommodation request by the disabled litigant to the court.
- I use square brackets to refer to a discussion of an issue, e.g. [opportunity] in the text refers to the section entitled “ISSUE: opportunity”

BACKGROUND

Hazari is disabled, seriously ill, with multiple simultaneous lawsuits. He suffers from multiple “invisible disabilities” (see records sealed by this court). His disabilities and injuries and serious illness have increased since July 2018 to the point that he is at risk of death, incapacitated, and requires a global cessation of all litigation and distress induced by the absence of (appropriate) disability accommodation in order to recover. Hazari is pro se, no one represents him despite his efforts because no attorney or government entity or organization or charitable entity practice in this area of law or have resources to assist him. No attorney appears to want to oppose courts.

Hazari insists that he will not abandon his lawsuits, and insists on availing himself of his disability and other rights, and shows by action that he intends to participate in due process when in remission and rehabilitated.

Hazari’s disabilities and illness have two distinct ‘phases’. The first is the ‘active’ phase where the diseases are relapsing or exacerbated, and in this ‘phase’ Hazari requires the total cessation of distress (resulting from the absence of appropriate disability accommodation) and complete rest, in order for remission to follow, and for recovery and rehabilitation from permanent injuries to be made. The second is the ‘passive’ phase where the diseases are in remission, and in this ‘phase’ Hazari requires disability accommodation appropriate to his residual permanent injuries that then define his disabilities. The accommodation for the ‘passive phase’ is, by definition, inappropriate for the ‘active phase’.

Medical science regards some of Hazari’s disabilities as unpredictable with regard to their phases. Detailed scientific/statistical investigation of Hazari’s records during a 7-year time period outside the controversy reveals that Hazari’s disability ‘phases’ are predictably activated by distress and remission is predictably dependent on the absence of distress. Hazari’s distress during the ‘active phase’ is under the control of the court and his opponents. Hazari, upon remission, has demonstrated that he can manage his disabilities and remain in the ‘passive phase’ absent torts that induce distress. The continuous failure of disability accommodation in the courts has kept him ‘trapped’ in the ‘active phase’ for 5 years.

The ‘passive phase’ is critically distinguished from the ‘active phase’. In the ‘active phase’ permanent injuries occur that INCRESE DISABILITY. These injuries can be very serious including fatal, such as

dyspnea, hypoxia etc These symptoms and conditions are referred to as comorbidities. These are considered diseases, and some are disabilities in their own right, separate from MS. Since 2019, Hazari was pushed so far into disability by the distress induced by the courts' systemic discrimination that his doctors warned the courts about his risk of death if he is unaccommodated. This risk has only increased due to the discrimination he is experiencing in the Federal court system.

This court limited this response to order to show cause to appeal from Doc 72, but Hazari responds with cause to consider every order by JSW in 21-cv-04262, including Doc 61,67,72,87,94. As discussed below, judge JSW opportunistically ruled that the motion to withdraw a request for ADA accommodation (for the purpose of safeguarding Hazari's privacy and in view of its futility given JSW's prejudice), should be interpreted as a motion for disqualification, and then used that opportunity to deny the motion to disqualify based on the lack of content to justify disqualification. This unethical act ensured that Hazari may not again be able to disqualify this judge, and also ensured that the judge will continue to preside over Hazari's lawsuit and to inflict more prejudice and injuries upon him, and to increase Hazari's burden, in the presence of systemic violations of ADA by Federal courts, to remove him and to challenge his forthcoming prejudice and improper rulings by extraordinary writ. It demonstrates intention to discriminate by a federally funded court.

SOME RULES AND PRECEDENTS CONFLICTING WITH THE ADA

1. FRCP, FRAP, Rules of the Supreme Court of the United States (RSCUS)
2. California Rule of Court 1.100
3. Vesco is California's modus operandi built into Rule of Court 1.100, and declares that disability accommodation is not an 'absolute' right at law, but is a permissive and contingent right determined by the interests and willingness of an opponent, who is involved in deciding the disability accommodation. Hazari's lawsuit takes issue with Vesco as being an improper and unlawful precedent in California.
4. A LARGE body of precedents state:
    a) that stays of litigation are generally disfavored
    b) that a stay of long duration is prohibited
        a. one year or more is treated as 'indefinite'
    c) that each litigant has the duty to move her lawsuit forward without qualification

d) every precedent evidences the total absence of ADA as the central issue (and there is no precedent with the fact pattern of Hazari)

incomplete, see if anyone can get precedents to add here

ISSUE: FRAP

FRAP provides NO PROVISION for ADA accommodation of the disabled pro se litigant. The Appeal Court does not follow any process for incorporating a major Federal law (ADA) into the unmodified FRAP, resulting in promotion of prejudice by reason of disability and denial of access to this court. Even California higher courts claim to follow a rule of court 1.100 that expressly claims to provide disability accommodation, and in 2021 they claim to have added a new grievance procedure for disability accommodation. The absence of ADA provisions in FRAP and the systemic discrimination that it promotes and maintains, intends discrimination based on disability.

ISSUE: FRCP

FRAP provides NO PROVISION for ADA accommodation of the disabled pro se litigant. The District Court is prone to error in implementing a major Federal law (ADA) into the unmodified FRCP, resulting in promotion of prejudice by reason of disability and denial of access to the District court. Even California has a rule of court 1.100 that expressly claims to provide disability accommodation. Judge BLF is a rare exception, but her conduct should be the basis for building the implementation of the ADA in the procedures and practices of our courts. The absence of ADA provisions in FRCP and the systemic discrimination that it promotes and maintains, intends discrimination based on disability

ISSUE: end of litigation

The record of this court and 21-cv-04262 in the District Court evidence that a final judgment has in effect been entered. The conduct of JSW deprives Hazari of any benefit of the proper BLF accommodation in 19-cv-04392. This court does not recognize this truth, and does not wish to consider this truth under Hazari's arguments that invoke the ADA and identify this court's non-compliance with the ADA that have resulted in a FINAL JUDGMENT before the lawsuit gets underway. See below.

The information provided by Hazari and sealed by this court unquestionably evidences the near certainty that Hazari's lawsuits in the District Court (both of them) will be disposed by exclusion of Hazari from access and participation that will induce and maintain his inability to access the lower court.

He has demonstrated that this is the inevitable outcome by 5 years of suffering in the California courts, and now here. Denial of access and unequal participation occurs when a disabled pro se litigant is incapacitated by serious illness, including long Covid, and is denied appropriate accommodation that is his right at law and by every possible consideration of fairness. Additionally, the mechanism of serious and permanent injuries of Hazari in the 'active phase' of his disease is well known to the courts, and is being used and inflicted repeatedly through denial of accommodation and coercion into unequal participation. This repeated activation of the mechanism of serious and permanent injury is further incapacitating and disabling Hazari and silencing him, and thus his litigation is proceeding without his (equal) participation, and his only recourse is to suffer serious injury to object and defend his rights and provide reasoning and information to show the intentional and systemic violence and hatred and elimination of rights perpetrated against him by courts and exploitative opponents. See below for details.

Hazari is not expected to survive the continued infliction of injuries by courts and by exploitative opponents in order to proceed with litigation unless courts correct their improper and discriminatory conduct and conform to the ADA and the Constitution when dealing with Hazari and his rights and his protection. He demands this correction.

ISSUE: life and liberty

The mere potential of deprivation of life and liberty and property of criminals is cause for courts to adopt and enhance special procedures and rules (FRCP, FRAP, RSCUS, "Prisoner Mailbox Rule"), including providing pro bono counsel. However, the disabled who are deprived of life and liberty by reason of disability, and highly prone to further deprivation of life and liberty and property through induced illness and disability and sufferance of prejudice of courts by reason of disability, are given NO CONSIDERATION or mention in the same procedures and rules, nor provided with pro bono counsel. Hazari continues to be deprived of life, liberty and property and rights by the courts. He continues to be TRAPPED by the court in injuries leading to continued incapacity.

The district court and this appeal court have been provided with evidence of how Hazari sought a 4 week stay in August 2018, and due to the malfeasance of courts and their violations of the ADA, Hazari's need for a stay increased in duration, and today, it stands at one year. In the state court, a chronology is established by more than 100+ disability accommodation applications spread out over the courts of Hazari's state lawsuits. It is not Hazari's fault or under his control to decide what treatment and what protection he needs for his disabilities. His needs are controlled by nature and by his disabilities and the mechanism for their influence, not by the volition of Hazari. He is a prisoner of his disabilities

and a prisoner of the court while he is in litigation which instead of relief, induces more disability and increased treatment and protection. Instead, our jurisprudence is set up to injure Hazari into needing more treatment and protection by virtue of increased disability, and then punish him by depriving him of increasingly protection and accommodation because he has exceeded a limit of tolerance and accommodation, but which the courts cannot and will not characterize as "fundamental change", but 'fairness' or the like.

Like a prisoner with a death sentence, Hazari is incarcerated in his residence for the past 5 years and has not been able to leave except for medical visits, and one brief and necessary travel (like a prison transfer and back), and he is facing a terminal endpoint in time only delayed by his executioner and the appeal that he keeps resubmitting for his life. He has been deprived of his property by the criminals who damaged him and who falsely accuse him and caused his death sentence. However, in the case of the death sentenced prisoner, the disabled does not have the resources, the care, the protections offered to that criminal defendant, even though the ADA expects Hazari's protection and accommodation. Hazari also does not have considerable provisions in procedures and rules to protect him, even though the ADA expects them to be constructively added to those rules and procedures.

The entrapment of Hazari in the unrelenting course of disease through repeated infliction of distress during the 'active phase' that predictably induces relapse and exacerbation of his MS and comorbidities is a guarantee that Hazari will continue to lose life, liberty and all rights, and be forced to endure the misery of correcting the inhuman abuse of our jurisprudence, and the deprivation of his pursuit of happiness by malevolent courts who seek, approve and inflict his demise.

ISSUE: application

The ADA was worded in order to be applied by each court to all existing processes and practices in jurisprudence and eliminate discrimination by reason of disabilities with the repeated emphasis of Congress. The ADA could not and did not seek to individually modify every statute and every procedure and every rule that exists and that can impact a disabled pro se litigant, but emphasized "sweep of congressional authority" and "elimination of discrimination". Therefore, when a disabled pro se litigant requires access to the court, the ADA must be considered with priority and applied diligently and unfailingly to every aspect of the disabled litigant's participation and access, through adaptation and modification of each statute, procedure and rule to ensure necessary and appropriate accommodation for disability to achieve access and equal opportunity and equal and full participation for the disabled litigant. No statute, no procedure, no rule is exempt from this consideration, to the extent of

"fundamental alteration" identified by the ADA as the limiting factor. It is the policy and practice of our courts to ignore this principle, or to prejudicially advance a claim of "fundamental alteration" (see 4262 Doc 96) without meeting the standard of scrutiny. For example, FRAP does not include, consider or apply the ADA and this court will not adapt or modify FRAP to accommodate the disabled despite the mandate of the ADA and proof by Hazari of suffering the discrimination that the ADA was legislated to prevent.

ISSUE: pre-emption

The right to disability accommodation is paramount, and the ADA pre-empts procedure, as well as pre-empting conflicting substantive law and precedent. An example of conflicting substantive law and precedent is denial of a stay that is identified as the only and necessary accommodation for a disability at this time. Courts systemically and mistakenly, and often deliberately, pre-empt the ADA with a precedent that disfavors a stay or other accommodation, and betray the protection of a highly protected class. A determinate stay of one year (or more) based on proof and scientific evaluation, does not constitute a valid exception to the application of the ADA, as it does not constitute a "fundamental alteration".

ISSUE: opportunity

Due to denial of ADA accommodation, and the injuries consequent, Hazari cannot litigate, appear, participate, plan, strategize or move any case forward, put on any offensive, but is solely limited to only defend, react, repel, respond, and object in his lawsuits. This does not constitute ADA "equality of opportunity" to "fully participate" in due process.

See also [fairness] and [protection] re unequal protection of criminals/prisoners.

Equality of opportunity includes permitting a disabled pro se litigant to state what he means and be allowed to communicate his purpose and meaning, not to speak for him as in Order 72. Instead Hazari's opponents, who repeatedly remind all of us that Hazari is a law school graduate, speak for him with perjury and fraud and assassinate his character and paint him as a mad terrorist. And the court speaks for him and what he means to say and what he intends. And judge JSW who speaks for Hazari when Hazari has not said a words of what this judge claims and interprets Hazari to say, the privilege of representation of Hazari is personal to him and not to the court.

As this writing makes clear, Hazari wants to personally say what he wants to say, not have another person speak while he is silent and not allowed to approve or correct that speech. Substituting the judge as Hazari's mouthpiece on a motion to disqualify that same judge, as JSW has declared the withdrawal motion of Hazari to be, is a violation of ethics, since Hazari would be capable of disqualifying the judge by himself. Hazari is only put in this TRAP, where the judge chooses to speak to him on an issue that involves the ethics of the judge, because he is incapacitated and the case proceeds without his access and participation.

There is no case for JSW to argue that he raised the issue of disqualification on behalf of Hazari for his best interests, when there is the strong appearance of impropriety and conflict of interest by a judge who speaks for a disabled pro se litigant whom he silenced by deprivation of disability accommodation that would otherwise provide him with capacity to speak for himself. Hazari's motion to withdraw his request for accommodation is precisely that. The judge uses an opportunity he created by silencing Hazari to then implicate him for trying to disqualify him, and makes it supremely easy for himself to deny the recusal motion that he creates in the void of form and content and express intention.

Thus JSW sets himself to remain on the case and continue to abuse Hazari, and deny him all future opportunity to remove the judge. Hazari demonstrates that he can file an affidavit to disqualify the judge by his filing in Doc 97, and that the Doc 69 motion to withdraw was precisely that, and not to be conveniently interpreted when a judge wants to defend his ethics and promote and extend his discrimination by staying on the case, by picking the easiest opportunity to deny that invented attempt to disqualify.

This is not the first time that JSW punishes Hazari for failing to participate irrespective of the lack of appropriate ADA accommodation and despite incapacity. See for example 4262 Doc 67 line 27, where he accuses an incapacitated Hazari of not having justified his right to privacy, when in fact JSW has the burden to justify the elimination of Hazari's privacy right, and more importantly, he is asking an incapacitated unaccommodated disabled seriously ill pro se litigant to defend his rights.

No court provides equal opportunity to a disabled pro se litigant with invisible disabilities.

ISSUE: access

Access is as much as a perception as it is a physical and procedural experience of a litigant. It is insufficient for courts to consider "access" as merely acceptance of filing fees, allowing filings and scheduling of motions and pleadings, and permitting appearance in hearings and trials with physical

accommodations, with equal application of conventional rules and procedures and precedents to both parties. “Invisible disabilities” must be accommodated properly and according to medical authorities with appropriate consideration to unique needs of each disabled litigant, which generally can change with time. The disabled must, by virtue of their difference caused by disability, be treated differently and unequally (in a positive and beneficial meaning of the word) by the courts. Hazari’s record demonstrates that existing processes and practices of courts are insufficient in meeting the legal rights of disabled pro se litigants with “invisible disabilities”. Accessing the services of a court unequally when the ADA is violated does not constitute “access” as the ADA intends.

The perception of the hostile environment maintained by a court towards her is a psychological and emotional bar to access. Like every pro se litigant, the naïve disabled pro se litigant expects the courts and its judge to be wise and benevolent. Once they feel that these judges express the same discrimination and mindset that disadvantages the disabled in society, but now with the power to abuse and control their life, liberty and property, the disabled become traumatized and lose equal opportunity by virtue of loss of mental calm and composure and the ability to fully participate by virtue of fear, anxiety and intimidation of discrimination and the magnified consequences of that discrimination by courts.

By virtue of the hostile environment of our courts for the disabled pro se litigant, these vulnerable and highly protected class are impacted even more deeply and severely by the discrimination of the court, against which they do not even have the protection of withdrawal without consequence, as Hazari demonstrates over 5 years of litigation.

ISSUE: limits

The only limit on disability accommodation under the ADA is “fundamental alteration”. No fact or circumstance of Hazari’s case, or any of his accommodation requests, constitutes a “fundamental alteration”. No limit on the duration or quantity or frequency of accommodations may be placed on Hazari when no “fundamental alteration” lies. A stay of one year (or more) with medical and scientific proof justifying the accommodation does not constitute a “fundamental alteration”. Courts have discretion on extensions of time, including appeal courts, but choose to deny time extensions to the disabled pro se litigant based on improper reasoning and erroneous application of law. Courts falls far short of the limit prescribed by the ADA.

In [fairness] Hazari discusses long Covid. This court imposed a limit on accommodation that spills over from ADA discrimination based on disabilities into discrimination in general inflicted on Hazari. This is no different than the state courts' action to eliminate all of Hazari's rights. Hazari is denied the same accommodation and the same consideration that was offered and IS STILL BEING OFFERED to Covid victims by the courts, and Hazari has long Covid with debilitating long term symptoms. As a result Hazari is succumbing to infection after infection because his already inferior immunity is taxed by opportunistic bacteria and viruses despite extremely long quarantine.

Therefore, the court of JSW has an accounting on accommodation that is alien to law and to the dignity of the human being, and is being applied to limit accommodation by stay without humanity or restraint to Hazari, under the label of 'fairness'. In this accounting, Hazari has exhausted a limit on stays that JSW has set at approx. 1 year (with multiple interruptions depriving Hazari of the benefit of his only recommended treatment of "complete rest and isolation from stress"). But Hazari also developed long Covid. There is NO conduct more illustrative of the hostility of courts for a disabled pro se litigant like Hazari than the inhumanity they inflict with prejudice and display of their will to injure Hazari by DEPRIVING HIM OF EQUAL PROTECTION AFFORDED TO THE ENTIRE POPULATION OF THE UNITED STATES, who received accommodation from the courts for Covid (see [fairness]). The hostility is deliberate and Hazari has no rights in the Federal Court system, except in the court of BLF.

ISSUE: fairness

In considering 'fairness', the ADA and the People require the court to prioritize the relative consideration of disabilities as a national goal that has been emphasized multiple times by Congress. Congress has corrected the courts repeatedly because the courts discriminate against the disabled despite legislation. When the two authorities (ADA and fairness) are in conflict, the court must emphasize the protection of the disabled class, even at the expense of conventional 'fairness', which does not incorporate the considerations of the ADA, because of the habituation due to decades of disability-ignorant legal thinking. The ADA expects extinguishment of "unfair and unnecessary discrimination and prejudice" and that the disabled are assured "full participation". Nowhere under the facts in the lawsuit is there any basis for JSW's order that deprivation of Hazari's full participation in his own litigation is fair and necessary. Nowhere in any fact or order is there any basis for JSW's determination that the inferior accommodation of more pages and more time is appropriate or fair, and, in the light most favorable to JSW, he seems to be offering Hazari scraps of accommodation because he perceives that he has no other choice.

It is inherently unfair to redefine a medical and scientific truth for the convenience of the court and based on erroneous logic by a judge that elevates a religiously-observed precedent ('indefinite' stay) to pre-empt a naturally comprehensible law (ADA) that any reasonable person would offer instinctively to the disabled person without need for legislation. No matter what a judge wishes to believe, the 'active phase' will never be the same problem as the 'passive phase' of Hazari's diseases.

It is inherently unfair for the disabled pro se litigant to be burdened by having to fight for disability accommodation because disability accommodation is regarded as a peripheral process by courts, and is an after-thought that is not centrally integrated into the court's services and processes, like for example, the rights and processes provided for criminals. Like architectural modifications and provisions, it is the court that must concern itself proactively with the ADA accommodation of the disabled pro se litigant with "invisible disabilities". Instead, the opposite is true.

The very burden of having to go through the process of asking and obtaining disability accommodation is demanding and is an additional burden for the disabled pro se litigant that is not suffered by the non-disabled opponent (or the criminal). And given the appalling state of our system of jurisprudence that deliberately disobeys the ADA, the disabled pro se litigant faces a court whom she must FIGHT in order to correct the court's disability violations and to be accommodated, as well as conducting her lawsuit. It is unfair that the disabled litigant has to fight TWO LAWSUITS for every one lawsuit that her opponent fights by reason of her disability. It is unfair that the disabled litigant faces the court as an adversary not as an impartial judge. This has been Hazari's plight for 5 years in the state courts, and now here.

It is inherently unfair to expect a disabled pro se litigant to suffer injury as the cost of access to the court, and as the price of (unequal) participation. It is unfair to keep Hazari TRAPPED in a never-ending cycle of serious and permanent injury by not 'letting him out' of his 'active phase' with appropriate disability accommodation.

It is inherently unfair to protect and cater to one class of people (criminals/prisoners) who are in jeopardy of their lives, liberty and property and other rights if special considerations and accommodations are not provided to them in criminal proceedings, and to unequally protect the disabled, who by mere existence, are deprived (to whatever degree unique to each) of life, liberty and property and other rights, especially when Congress, multiple times in the past approx. 4 decades has insisted on special considerations and accommodations to be provided by courts for this highly vulnerable and perennially wronged class and who are identified as "often [having] no legal recourse to redress … discrimination" by courts.

The criminal is protected so highly at the initiative and unrelenting consideration of the court that counsel is available and even 'pushed' on the self-represented accused any time he needs it, and care is exercised throughout the proceedings to determine the ability of the accused to proceed pro se. If under the influence of medications that influence cognition or participation, the accused is provided time. Care is provided to the accused if sick or injured while the case is in progress.

In contrast, the disabled have to petition, and BEG for accommodation and FIGHT for it, and courts do not recognize their protection or the inherent discrimination that further erodes their life, liberty and property and other rights systemically. If under medication or suffering cognitive impairment, courts proceed without regard to the impact to participation afflicting the disabled litigant. If injured or seriously ill during the proceeding, courts offer no rest or care. Thus the same courts protect the criminal and ensure no right or consideration fails to be provided to them, while injuring and abusing the disabled and eliminating their rights that are specified by multiple laws. No pro bono counsel is offered to an (indigent) disabled pro se litigant but she is coerced into unequal participation while incapacitated (like Hazari).

However, if you compare the treatment prisoners and the disabled merely based on equal protection then you continue to give weight to courts ignoring their fundamental duty of respecting the dignity of every human life, which is only achieved by understanding and learning about disabilities. See [competence].

No court would take a normal litigant and mutilate her to inflict disability and thus make her equal to the disabled pro se litigant who opposes her, and then proceed without accommodation of either party and without regard to the ADA. The ordinary sensibility and the dignity of human life, as well as the dignity of justice are offended by consideration of adding injury and inflicting a most undesirable condition (disability) on any human being. However, the systemic behavior of courts is to inflict injury, add and increase disability, and violate the dignity of a disabled pro se litigant and to insult and evict justice from the court (4262 Docs 82, 83, 96). Yet even in this hypothetical scenario of mutilation to equalize disabilities as a condition of access to the court, the issue of "full participation" is not addressed.

When Covid arrived, the courts, without precedent, or any authority in the Constitution or at law, unilaterally decreed that everyone should be accommodated by more time, because Covid is an injurious disease that can affect the access of every litigant. The courts were mindful of Covid even after the emergency orders were lifted. However, now comes Hazari, suffering injuries as bad as Covid for the past 5 years, some even more serious, and when he develops LONG COVID, a variety of Covid unknown that the CDC distinguishes as having uncertain but debilitating long term effects, and Hazari is

denied the same accommodation and the same consideration that was offered and IS STILL BEING OFFERED to Covid victims by the courts.

'Fairness' is used by courts as un unlawful and improper justification for elimination of disability rights and for justifying the court's violations of the ADA and of the Constitution.

ISSUE: unequal participation

When a disabled pro se litigant can only participate unequally in due process, and yet, by means of disability accommodation appropriate to her needs, and compliant with the ADA, she can participate equally, and have equal opportunity to conduct litigation, and this accommodation is not provided to her, then there is a violation of the Constitution as well as of the ADA, and a betrayal of the People's trust in our courts that shows a major defect exists in our jurisprudence. According to medical facts and scientific proof, a stay of predicted duration as Hazari has requested, is appropriate disability accommodation. A stay of the form that Hazari requested for the purpose of regaining capacity to participate in litigation must never be denied.

"Full participation" by Hazari is impossible without the appropriate disability accommodation, which JSW denied. "Equality of opportunity" requires what 4262 Doc 96 (Minkowski) describes as an equalization based on providing the disabled litigant with a 'step up' via 'threshold unequal treatment favoring the disabled litigant' designed to make her equal to the opponent in terms of her natural participation and her opportunity to access the court. She must be treated unequally until she is at a threshold of ability to participate that is objectively equal.

This does not mean that she must be accommodated until she is able to participate like an attorney. But it does mean that she must not be prevented from having equal opportunity and full participation, and not subjected to an unethical or hostile atmosphere of court that impacts her mental and emotional ability to participate, and her perception of the integrity and propriety of the court according to the accommodation of her disability, which then acts as a bar to access. Until that threshold point of equality is reached, the disabled litigant has not been properly accommodated. This 'threshold unequal treatment favoring the disabled litigant' is described in the ADA, in part, by the national goals of ASSURING "equality of opportunity, full participation".

Participation is not equal when a judge, who treats a pro se litigant equally to a represented litigant, treats a disabled pro se litigant, to whom he has denied necessary and appropriate ADA accommodation, as equal to a represented litigant. Nevertheless, this is the modus operandi of our courts and judges. This

is what JSW has done. Without necessary and appropriate disability accommodation, no equal participation is provided.

Participation is unconscionable in the ‘active phase’ for Hazari as the factors described above are present and constitute a bar to access, and the distress of their presence and infliction upon Hazari induces more injury and TRAPS him in the ‘active phase’ – see 4262 Doc 75,90.

Disabled pro se litigants are systemically subjected to discriminatory and coerced unequal participation and denied “full participation” and “equality of opportunity” in our courts.

ISSUE: due process

A disabled pro se litigant pleads an ADA personal injury and/or ADA violation against a court in the underlying lawsuit. The disabled litigant also applies for ADA accommodation, by virtue of an etiology and pathology for injury and disability that is common with the causes of action, and which prevents her “full participation” and “equal opportunity”. In the void of guidance and instructions (and no listing in websites or ECF) by the court regarding disability accommodations, the disabled pro se litigant’s privacy is prone and easily destroyed and prejudice to due process is likely. The litigant is ordered to disclose and deprived of the privacy of her disability information and must enter an adversarial process of securing accommodation, WHILE SHE IS AN UNEQUAL PARTICIPANT in the adversarial process (i.e. before the accommodation is granted), undermining the ADA.

Any ensuing ruling by a court on the collateral issue of disability accommodation, is either a ruling on the personal injury and ADA violation causes of action, or irreversibly prejudices a fair trial on the merits. Add to this the proven failure of ADA accommodation in the courts, and the need for Hazari to litigate based on the court’s violations of the ADA, and due process is lost and recovery is an oppressive and unduly burdensome task even for the most competent attorney, so God help the disabled litigant.

A plaintiff who asks for a jury trial before a presiding judge who has ruled on a motion on ADA accommodation, based on an etiology and pathology for injury and disability that is common with the causes of action, has already made a determination and enters the jury trial with a bias. The mere appearance of bias, its possibility in such a situation, is a bar to litigation proper. No non-disabled litigant (who does not require disability accommodation) in an ADA personal injury case is placed in this same quandry or subjected to the same abuse as the disabled litigant. The foregoing meets the definition of discrimination.

Not even the privilege related to Settlements apply by procedural rules to prohibit use by opponents of the disability information or the order on accommodation by the court. Courts cannot be trusted for their discretion and diligence as demonstrated by Hazari for the past 5 years. Thus, disability accommodation of a disabled pro se litigant must never be conducted by courts in the manner evidenced in California or in the Federal court system, by adversarial motion and disclosure of disability information to anyone. BLF got it right. Otherwise a ruling on accommodation is in effect a FINAL JUDMENT on those causes of action, at the time of the order on the motion for disability accommodation, and is arrived at without due process and in violation of the ADA.

The accommodation provided by BLF is the proper form of ADA accommodation for safeguarding due process as no disclosure of the information for the disability accommodation is made, no use of the disability information may be made by any (opportunistic and exploitative) opponents (Mr Rossi appears to have ethics and integrity), no issues of res judicata/collateral estoppel arise, and no bias appears for the presiding judge. The BLF court demonstrates competence in independently evaluating the medical facts supporting the request for accommodation and safeguards the integrity of due process, since injuries are also pled in that lawsuit. If any opponent has an issue that a presiding judge may be influenced by the sealed information that she rules on in camera, then a separate judge may be the solution: assign disability accommodation to a special master or separate judge.

A disabled litigant's due process right is compromised in any matter before the court that ordinarily requires the participation of a disabled pro se litigant, from which participation she is excluded despite objection (e.g. 4262 Doc. 87 – JSW will decide the motion if Hazari does not file opposition on 10/7/2022) by deprivation of appropriate ADA accommodation.

In Hazari's lawsuit, one of his claims and defenses is that the misconduct of the California court system in systemically and deliberately violating the ADA and eliminating all of his rights is not entitled to full faith and credit. However, in 4262 Doc 61, without consideration to Hazari's complaint, JSW references a ruling by the state courts where that court pronounced Hazari to be vexatious, which appears to have weighed in to JSW's order. That court did so after depriving him of access, and despite Hazari's objection. That unethical court claimed that Hazari offered no opposition to the vexatious motion while the unethical judge had claimed that the lawsuit was over and after the motion for his disqualification had been filed. The same court had previously ruled in his favor because he was able to file a defense (by attorney Schumann) to the same vexation claim. Hazari's opponents Brady et al. exploited the extreme prejudice of that judge, which he admitted to Schumann, and Hazari's incapacity and the absence of Schumann, to engineer a vexation judgment to silence Hazari and prevent him from any further action against them to undo the blatant injustice of California courts.

JSW's reference and use of that state court ruling is improper in view of the 4262 complaint and the facts, including those facts stated in 4262 Doc 100, and indicates a bias, and lack of independence, which when seen in conjunction with discrimination based on disabilities, is cause for Hazari's demand for appeal based on [final judgment].

Time and unaccommodated disability prevents me from giving more examples. Disabled pro se litigants are systemically deprived of their rights to due process by courts. Courts proceed in inflicting discrimination and prejudicially creating and manipulating evidence and establishing collateral estoppel without due process on issues that dispose of a just lawsuit unjustly.

ISSUE: privacy

The courts must protect the privacy right of the disabled pro se litigant, and prevent injuries from humiliation and embarrassment due to disclosure of medical information to ANYONE. They must protect the disabled from exploitation and interference of opponents using knowledge obtained from the disclosure of private medical information for improper purposes (Hazari's case against his opponents who injure him is of great educational importance for this court and of public interest).

The process of determining disability accommodation must be implemented using similar principles to a fee waiver application, where the financial privacy of the litigant is protected by seal, and every court is inherently competent in financial analysis of economic capacity. Disabled pro se litigants are systemically deprived of their privacy by courts.

This court does not recognize the privacy rights of a disabled pro se litigant, and by limiting this writing to 4262 Doc 72 and 'disqualification' by ignoring the amendment of the notice of appeal to add 4262 Doc 67, does not even notice the appealable issue that the privacy right of the disability of information of Hazari is sacrosanct and its violation by a court that disobeys the ADA and pre-empts the ADA with rules of procedure leading to more information and ammunition provided to exploitative and interfering opponents who have a demonstrated history of abuse and infliction of injuries through such knowledge to continue, increase and opportunistically inflict more serious injuries on Hazari to maintain his incapacity and even kill him in plain sight of errant courts who fail to protect Hazari, even though he has brought suit that includes the exploitation and interference of these actors.

ISSUE: competence

Courts (deliberately) lack competence in disabilities and the ADA. The competence requirements must include the independent evaluation of the disability information and medical authority for the accommodation request, without requiring any adversarial process for establishing facts or for deciding accommodation. Accommodation of the disabled must be a consequence only of the need, and the need must be ascertained by the court alone and based on objective facts. The competence standard must eliminate the ignorance of disabilities, and inattention to disability facts provided by the litigant, and the inability to properly evaluate the accommodation requested OR APPARENTLY NECESSARILY, that judges habitually demonstrate. Some pro se litigants cannot even state what accommodation they need, or may request accommodation insufficient or inappropriate for their needs. Pro se litigants, including the disabled, are greatly disadvantaged by their own grasp of their own needs for accommodation, and authentic treating physicians are, ASA RULE, reluctant to be involved with any litigation.

For example, JSW is typical of judges who have stated their expectation that Hazari's MS relapse must end according to a deadline set by an order (4262 Doc 61, 67, 87) of the court, or for Hazari to participate incapacitated and unequally at expiration of a deadline, without accommodation identified by medical authority as necessary and proper, which implicates competence in disabilities.

For another example, JSW has read Hazari's lengthy repetitive filings (due to cognitive impairments and coping) but incorrectly describes Hazari's disability and condition as an MS relapse in his order Doc 61, 87, whereas Hazari has multiple disabilities the condition for which have been explained in his filings. Hazari has repeatedly documented that he has comorbidities and these are distinguished from his MS.

JSW omits any mention that the reason for Hazari's requests for ADA accommodation is not an MS relapse, but that HIS MULTIPLE DISABILITIES HAVE A CRITICAL DEPENDENCE ON DISTRESS INFLICTED BY THE ACTIONS OF THE COURT, AND THAT HE IS TRAPPED BY THE REPEATED DISTRESS INFLICTED BY THE COURT BY VIRTUE OF DENYING HIS ADA ACCOMMODATION. The omission of the court-induced distress by reason of denial of Hazari's disability accommodation during his 'active phase' implicates JSW's competence in disabilities, as does his lack of reference to Hazari's comorbidities, which include a number of disabilities, some of which are more likely to cause his death than his MS relapse, and each of which causes impairments or incapacity that no one can dispute, such as inability to breathe.

The courts must demonstrate for public review, competence in the ADA and its proper implementation. The DOJ implementation of the ADA and the ADA amendment mandates court quality control and maintenance of public records of compliance with the ADA. No exception exists for any court. The

ADA is undisputed in precedents, and therefore must be implemented by the federal courts. Having these records is not a substitute for quality and correctness in implementing the ADA.

At a minimum, maintain a track record of:

- documented competence in understanding disabilities
- competently evaluating the accommodation needs of the disabled (with "invisible disabilities") according to the applicable standard
- providing appropriate disability accommodation, quality-checked for fitness for purpose, and for its no-injury character

Courts do not comply with any of these requirements.

ISSUE: double standards

According to JSW, if the complaint alleges personal injury, then the District Court does not permit privacy of disability information and orders disclosure of all private disability information to the opponent for adversarial determination of the ADA accommodation. According to BLF, if the complaint alleges personal injury, then the District Court ensures the privacy of disability information and seals it and relies on the court's competence for exclusive determination of the accommodation. Judge BLF is correct, and the model for precedent. **However, according to the Federal District Court, privacy is a permissive right determined based on the consent of an opponent, and is not a guaranteed right that the Constitution and our laws expect.**

According to JSW, it is sufficient for an opponent to merely oppose a request for ADA disability accommodation for it to be denied. The ADA disagrees. Compare with a criminal case where a District Attorney would object to an indigent litigant who requests assistance of pro bono counsel as accommodation for his situation. Elimination of such a prisoner's right to that representation by mere objection would be considered a criminal act, a cruel inconsideration of the vulnerability and derogation of the rights of the accused, an insult to justice, a basis for nullity of any verdict, and unconscionable. Compare with the disabled pro se litigant, whose rights to accommodation is legislated with the "sweep of congressional authority" and repeatedly legislated to correct the incompetence of our courts to grasp and adhere to disability laws. The disabled is unaccommodated by systemic prejudice, and is required even when incapacitated, or suffering injury as a result of that prejudice, to suffer injustice and further loss of rights due to ADA accommodation that is denied because of an opponent's objection. ABSOLUTELY NO PROCESSES AND NO SAFEGUARDS EXIST TO PROTECT THE DISABLED

WHOSE PROTECTION AGAINST SUCH DISCRIMINATION IS MANDATED AS A NATIONAL PRIORITY.

Disabled pro se litigants are systemically suspected, accused and libeled because they are disabled. They are silenced and incapacitated and then coerced into participation and when they appear or write, the court and opponents are waiting to say “see, I told you she does not need accommodation”. Accused criminals are held to be innocent until proven guilty, while exploitative opponents are given broad latitude and encouraged to accuse, libel, abuse, and offer allegation without evidence and erode the ADA rights of the disabled. A criminal prosecution is held to the standard of Evidence, but ADA accommodation does not recognize any Evidence code. See [exploitation]. The ADA prohibits such prejudice and abuse and provides relief against the court which fails (systemically) to protect a highly protected class. This appeal court further undermines the ADA and its legislated mandate of protection of the disabled by conduct documented in this appeal.

Disabled pro se litigants are abused to the point of being silenced, and then the courts and their opponents habitually speak for them. In hearings they are routinely not allowed the same amount of time or opportunity to speak or object, and the courts even speak on their behalf with the judge’s interpretation of what the disabled litigant is saying or even what the disabled litigant WANTS TO SAY, when in fact, in every case Hazari recalls from 5 years of litigation injuries is that the judges are wrong wrong wrong and nevertheless act as his mouthpiece and rule in accordance with their representation of Hazari. It is a double standard for JSW to deny the speech of Hagan in Doc 75 but then to contrive an intention by Hazari and then speak for him and rule in his own favor. See also [fairness].

Many more examples – add here.

ISSUE: duty of care

The ADA is a major law that prohibits discrimination based on disability but also identifies some types of harm to the disabled that result from that discrimination. The mere existence of discrimination and the fact that it is considered as a prohibited act establishes that discrimination causes harm to the disabled person, including the harm cited by the ADA. If a court is obligated to obey the ADA and provided accommodation for access and to ensure “legal recourse”, then absence of obedience to the ADA can be presumed, at a minimum, to cause the harm, or make the disabled person prone to suffering the harm. Thus a duty of care arises for the court to obey the ADA and thereby prevent and mitigate harm, and miscarriages of justice during due process.

A disabled pro se litigant who enters the machinery of the court is at the mercy of the procedures and processes of jurisprudence that do not incorporate the ADA which was enacted for her protection. When a court is in control of injuries and capacity of a disabled pro se litigant (as in Hazari's facts, also Danilak, Hagan, Minkowski Docs 82,83,96), and can prevent and mitigate injuries, and ensure capacity, through provision of disability accommodation, but fails, a duty of care has been breached. But tort duty of care must be distinguished from ADA duty of care.

The anticipated harm that creates the duty of care by operation of the ADA is not limited to the harm described in the text of the ADA. A court must protect the disabled litigant against injuries and incapacity that result from its lack of propriety and faithfulness to the ADA and to the Constitution, because injuries and incapacity are foreseeable for a disabled pro se litigant like Hazari whose facts document injury as a result of experiencing the issues described in this writing. If the court does not exercise ADA care, Hazari has shown that injuries and incapacity foreseeably result. A court must discharge its duty of care arising from the ADA through diligent and careful provision and application of ADA-tempered procedures and processes, and through timely and proper disability accommodation as well as the maintenance of a non-hostile and non-oppressive environment for the disabled litigant.

Judges and courts demonstrate a duty of care towards (indigent) criminal defendants, but no duty of care is demonstrated towards the disabled, who are PRESUMED by judges and courts NOT to be disabled. This is contrary to the expectation of the ADA which requires the disabled to be treated as such under the protection of the ADA, once they have identified themselves to the court as disabled. However, if a disabled litigant does not know this requirement, the court SHOULD exercise care is asking about disability. The courts also do not dare speak on behalf of a criminal defendant, especially as it might prejudice him. But courts do not hesitate to speak on behalf of a disabled pro se litigant WHOM THEY SILENCE BY DISCRIMINATION, and to rule on what the judge claims he intends to say (and get it wrong) as JSW demonstrates in 4262 Doc 72 to the prejudice of Hazari. See [competence], [ethics], [abuse].

ISSUE: exploitation

According to statistics, the People believe that attorneys are in general unethical and that the "business of law" is corrupt. Public confidence in our courts is reported to be at an all-time low, with the conservative Gallup reporting that since 2006, confidence in the US Supreme Court has averaged 35%. A disabled pro se litigant who seeks ADA accommodation is prone to abuse by courts and interference and exploitation by opponents and their attorneys, as documented in Hazari's case over the past 5 years.

Silenced disabled litigant can only utters the word “slander” in response to long diatribes of character assassination and false accusations from opponents , as Hazari did in August 2018 in response to fraud and misrepresentation and false allegations and perjuries offered by Hughmanick, and Wendt and their clients Brady et al. to judge Kirwan in the California trial court to eliminate Hazari’s motion for stay in lieu of disability accommodation, a motion that Hazari has had to resort to bringing in 4262 in Doc 75.

California courts rely on Vesco and on an adversarial process to determine the appropriate disability accommodation for a disabled pro se litigant. The disabled litigant is highly prone to abuse and in a condition where she may not be able to represent herself or participate as Hazari was in August 2018. She has limited resources and requiring her to hire an expert witness to confirm her disability would pose an insurmountable barrier that would prevent her from pursuing her ADA case. Courts do not follow evidentiary and due process standards in deciding disability accommodation, but exercise judgment based on their inherent bias and systemic prejudice against the disabled. This gives opportunity for opponents to interfere with the ADA accommodation and leaves the door open for them to exploit the affected disabled litigant’s loss of opportunity and ability to participate. This has been Hazari’s experience in the past 5 years, including in the District court.

The exploitation by opponents of the disadvantage of the disabled and their discrimination by the courts is with the knowledge and blessing of courts. Opponents are the vanguard and the proxy of the abusive of courts, who reward them and have indicated how generously they will do so through favorable verdicts to opportunistic and frivolous motions and claims, and the award of $600,000 in attorney fees to criminal and dishonest defendants who ensured that Hazari’s injuries are multiplied and his just lawsuits dismissed through effective collusion with courts. The court’s recruitment of opponents as vanguard and proxy is subtle but commemorated in the filings in Hazari’s cases.

For example, defendant Hughmanick commented on the prejudiced and abusive ruling by judge Manoukian in 16CV295730, admitting that Manoukian disqualified Horvath as not being an expert and therefore disregarded her opinions in his decisions on the ADA accommodation for Hazari. This is what opponents also attempt to do in this lawsuit. Appendix C of ADA DOJ regulations 28 CFR 35 states: “one commenter said “[m]any people with disabilities have limited resources and requiring them to hire an expert witness to confirm their disability would pose an insurmountable barrier that could prevent them from pursuing their ADA cases.” and DOJ decided “Department's proposed language appropriately reflects Congress's intent to ensure that individuals with disabilities are not precluded from seeking protection under the ADA because of overbroad, burdensome, and generally unnecessary evidentiary requirements.”.

The defendants in Hazari's case who derive from 16CV295730 and 18CV337311 are dishonest and criminal human beings, and therefore they provide the perfect opportunity for this court to witness and review the exploitation that is possible in the case of a disabled litigant and the systemic discrimination by courts, as well as the subtle collusion of the two. This opportunity must not be wasted for the public interest.

These defendants demonstrate their prolific use of perjury and false representations and character assassinations and other unethical behavior (e.g. 4262 Doc 81). For example, for a prolonged period during which Hazari was incapacitated and unable to read and respond to filings by his opponents, defendant Hughmanick alleged repeatedly that Hazari is such an undesirable litigant that his own attorney had fired him. At those times, Hughmanick knew well that Lundell, Hazari's attorney had chosen to semi-retire and limit his practice to transactional law, and eventually when Hazari was able to respond, he produced a written response from Lundell which may be summarized as "bullshit". Ex parte communications between these defendants and judges of California courts, including with judges of unrelated cases, intended to block Hazari's ADA accommodation, were never punished or prevented by any judge. The presiding judge of the California appeal court even conducted ex parte communication with my opponents and sealed her communication and would not allow me to see it. Subsequently she made an egregious ruling against me that demonstrates without doubt that the courts are my adversaries and no due process exists. The same character assassination and fraud and perjury is continuing in the Federal court by Brady et al. for the reason that it was effective in the state courts, and Hazari's incapacity continues. (see 4262 Doc 81).

People v. Hayes, 27 Cal.App.5th 340, 346 (Cal. Ct. App. 2018) ("A defendant has a constitutional right to testify in his or her own defense, but does not have a right to testify falsely. (Nix v. Whiteside (1986) 475 U.S. 157, 173, 106 S.Ct. 988, 997, 89 L.Ed.2d 123, 138.) A defense attorney has an obligation to act as a conscientious and diligent advocate, but "[i]t is utterly reprehensible for an attorney at law to actively procure or knowingly countenance the commission of perjury. [Citation.]" (In re Jones (1971) 5 Cal.3d 390, 400, 96 Cal.Rptr. 448, 487 P.2d 1016.) A defendant's right to testify does not trump an attorney's ethical responsibilities. (Whiteside , at p. 173, 106 S.Ct. at p. 997, 89 L.Ed.2d at p. 138].) " '[A]n attorney owes no duty to offer on his client's behalf testimony which is untrue.' [Citations.] Stated slightly differently, an attorney, including a criminal defense attorney, has a 'special duty ... to prevent and disclose frauds upon the court....' [Citation.]" (People v. Riel (2000) 22 Cal.4th 1153, 1217, 96 Cal.Rptr.2d 1, 998 P.2d 969 (Riel).) "A ' "lawyer should not conclude that testimony is or will be false unless there is a firm factual basis for doing so. Such a basis exists when facts known to the lawyer or

the client's own statements indicate to the lawyer that the testimony or other evidence is false." ’ " (Ibid .)”)

Lee v. Shapiro and Clamon, D056947, at *1 n.5 (Cal. Ct. App. July 29, 2011) (“"[A]n attorney may not 'knowingly allow a witness to testify falsely, " and "[a]n attorney who attempts to benefit his client through the use of perjured testimony may be subject to criminal prosecution (Pen. Code, § 127) as well as severe disciplinary action [citation]." (In re Branch (1969) 70 Cal.2d 200, 210-211.) "In general, a lawyer 'is entitled to rely on information provided by the client.' [Citation.] If the lawyer discovers the client's statements are false, the lawyer cannot rely on such statements in prosecuting an action." (Daniels v. Robbins, supra, 182 Cal.App.4th at p. 223.)”)

The above precedents provided to me cover some of the unethical conduct perpetually used by my opponents, with the court encouraging and rewarding the behavior with impropriety. See for example 4262 Doc 81. I can provide more examples of perjury, such as is recorded in 18CV337311, and in filings in 16CV295730, such as I provided under duress in 4262 Doc 100.

ISSUE: interference

Opponents exploit disabilities and interfere with disability rights to keep the disadvantaged and abused disabled litigant subdued and disempowered and prevented from accessing the court as intended by the ADA. They rely on the courts’ lack competence and judges that are or become prejudiced against the disabled litigant. They create and find opportunities, and then are increasingly invited and encouraged to undermine the rights of the disabled litigant (see [exploitation]).

Any good judge like BLF is subjected to pressure for adhering to the ADA. Note from the last order of BLF that she asks Hazari’s opponent in 1 9-cv-04392 if he objects to Hazari’s accommodation. Note also that this is the first time that she asks the pointed question. Note also that prior to this ask, judge JSW ‘defended’ himself against his invention of a motion for disqualification by Hazari by reference to BLF. It is extremely serious for a good judge to be pressured by anyone because of reasons that raise questions of ethics about other judges. Note also that prior to these events, Hazari’s opponents in 21-cv-04262 INTERFERED with Hazari’s ADA accommodation in 19-cv-04392, pressuring judge BLF into evaluating her course of conduct, when she had not hesitated to provide Hazari with the requested accommodation previously.

Our court’s systemic discrimination against disabled pro se litigants creates a dynamic of pressure on everyone to conform to the misconduct of ADA-errant judges who are in the majority, and act with

impropriety or conflicts of interest in violating disability rights. Judges do not take criticism lightly, especially form the ‘ignorant’, ‘annoying’ pro se litigant, and thus their egos and retaliation add to the burden of corrective action that must be borne by the victim of their discrimination.

This compounds the negative and hostile atmosphere of courts, as the habitually abused disabled pro se litigant anticipates that a good judge will be bullied and converted despite her good character. And that a bad judge will increase his prejudice and discrimination and cause more injury. Hazari believes in the integrity of BLF and that she will resist any adverse pressure, but it is repugnant that in the same court, another judge is abusing Hazari while the very same court sets the proper standard of ADA accommodation.

ISSUE: scrutiny

The standard of scrutiny for accommodation under the ADA is strict/heightened scrutiny because of the findings and intent of Congress in the ADA and in the amendment of the ADA. The DOJ implementation of the ADA imposes on a court that denies disability accommodation the requirement to justify its action. Statutory presumptions are reversed by the ADA and DOJ, but not followed by our courts. The disabled are abused instead of protected, and no judge intends to be accountable for justification of his prejudice, and no judge follows the standard. The courts treat the disabled as collateral damage. History has witnessed that this weak and powerless class will not challenge the courts for violating their disability rights, and if they do, they receive only more injustice and injury. All facts must be reviewed de novo on appeal or writ, and higher courts fail to do so. Courts do not meet the applicable standard of scrutiny. This court is incompliant with the ADA in its treatment of Hazari and its failure to modify FRAP to permit this appeal. This appeal court must grant appeal and scrutinize the record and the facts, and allow Hazari to recover and then submit a proper appeal, and thereby set a precedent.

ISSUE: ethics

Obedience of the ADA implicates discrimination and directly relates to the ethical prohibition against discrimination in the judicial codes of ethics. Any violation of the ADA is therefore, by definition, an ethical violation.

Even judicial codes of ethics acknowledge that it is not possible to enumerate all possible prohibited acts and therefore the codes must necessarily cast prohibitions in general terms that extend to conduct by

judges that is harmful although not specifically mentioned in the code. The same applies to the ADA and its [application].

Neglecting to follow and apply the ADA, is a violation of ethics. Knowing that the ADA applies, and not applying it, deliberately or because of lacking competence, is unethical. Organize and dictate the operation of courts and the judiciary by means of controlling precedents, or by through of bodies that devise and implement court rules and rules of procedure, and allow precedents or rules and procedures to be followed that violate the ADA, and a conspiracy lies and the ethics of jurisprudence is implicated. See 4262 Doc 82, 83. Note that the Judicial Council of Circuits, unlike California's Judicial Council, has not addressed the ADA.

Not every judge understands that they are prejudiced. But when their prejudice is explained to judges and they fail to make corrections, ethics are implicated.

Nowhere better is the integrity of a judge and a court better tested that in the treatment of the most disadvantaged and most vulnerable and most handicapped litigant, cue Hazari, the disabled pro se litigant who is seriously ill.

The integrity of a judge, upon which the integrity and independence of the court stands, is unraveled if they do not comply with the law or are unfaithful to the law. Where is my ADA accommodation? Violation of the ADA touches on adherence to the Constitution, and no reasoning about the independence of a judge can justify or excuse the violation, especially given the context of all relevant circumstances in Hazari's case.

No judge must favor any party, but what is on display in our courts is discrimination against disability. The discriminated party is disfavored and the opponent thereby favored. Therefore the favoritism does not need to be overt, it can be derived by conduct. The serious of the improper activity is most apparent by the proof of consequent permanent and serious injuries inflicted as a result of the lack of integrity of the judge. Hazari has declined to contraction of long Covid and sustaining more injuries, and continued abuse by the judge has exposed him to repeated opportunistic infections. When this discrimination is systemic, it undermines the integrity and independence of our entire judiciary when the conduct is not limited to one judge, but is systemic.

When the ordinary person does not hesitate to be considerate and accommodating to Hazari, but our judiciary, except for BLF, uniformly abuse him and refuse him accommodation for his disabilities and his serious illness, and reward his opponents, the People find an honorable and independent judiciary to

be absent, and are justified in having no confidence because of the low standards that such conduct by our judges publicly demonstrates.

The disrespect shown by judges for the ADA and the rights of the disabled, which is the mandate of the People expressed by the ADA, does not demonstrate the impartiality expected of our judges. It demonstrates impropriety. No ordinary person would consider the abuse of Hazari and the discrimination that is his history to be proper.

Considering Hazari's circumstances, which are already well disclosed, and can be easily ascertained by the most simple and reasonable inquiry and supported by numerous witness testimonies and authoritative medical records, when compared to the writings and reasonings and orders of judges that deny him accommodation, invariably and reliably leads to questions about the honesty, integrity, temperament, and fitness for service of those judges.

The absence of any corrective action for violation of the ADA, whether self-initiated by the judge, or by a higher court, and especially in the total absence of the implementation of the ADA as legislated, is grounds for the reasonable belief that the judiciary are irresponsible and that a judge's independence is in fact defiance of law and ethics and a betrayal of trust. The appearance of impropriety is indisputable.

Judges who violated the ADA in dealing with Hazari have acted unfairly. No excuse may be found for abusing and injuring Hazari, whose dire circumstances are unfailingly identified with proof, and fairness does not exist when the value of life and human dignity and human rights is placed below the administration of justice that requires the incapacitated to do the impossible. The Constitution did not provide for cruel and unusual punishment for seriously ill disabled incapacitated litigants for the sake of speedy trials and dogma that eliminate the access of the disabled to our courts in the name of 'fairness' and conformity to outdated reasoning by higher courts. Even criminal defendants and prisoners are given more consideration and protection.

Judicial ethics expressly forbid prejudice and bias, harassment and abuse. All these are seen, and increasingly so with the passage of time, in the conduct of judges who deal with Hazari and deny his disability accommodation.

Look for example to how JSW has become increasingly abusive, not only eliminating Hazari's only appropriate disability accommodation (stay) in perpetuity, but also now insisting that he must perform (while incapacitated) and an equal participant (see 4262 Doc 92). Professional competence requires knowledge of the ADA, knowledge of covered disabilities, the standards that the ADA demands of

jurisprudence, competence in determining appropriate accommodation, and competence in interaction with a disabled pro se litigant, and ensuring her protection.

A conflict of interest is apparent when a disqualified judge chooses the most opportune moment in the litigation to declare that a challenge has been made to remove him, and no such challenge has in fact been made, but he has chosen to declare it so and then rule in his own favor upon having silenced and injured the litigant and deprived him of benefits and relief provided by law (4262 Doc 72, then compare with Doc 97). This judge continues to preside in the case, and increases his enmity, abuse and prejudice. His impartiality has reasonably been questioned as BLF has granted accommodation, and JSW has not said that BLF is wrong, but has only alleged a justification ('fairness') that is unreasonable and does not meet the applicable standard of set by the ADA. JSW does not meet the burden of justification and proof that is squarely on his shoulders.

It is neither patient, nor dignified, nor respectful nor courteous when a judge treats Hazari as seen in 4262. For example, a judge who demands that Hazari be either cured or recovered from his incapacity and be ready to litigate without disability accommodation by a deadline set by the court, does not demonstrate either of these required qualities. The test of patience is not how long a stay JSW has provided to Hazari before mutilating him as is now on display. The injuries and consequential measures Hazari has endured in order to address JSW's prejudice and mutilation, as well as to make a case to this court for intervention by appeal, is evidence of impropriety of our courts, and ethical failures of our judiciary.

Conferring the full right to be heard at law must not be at the expense of repeated predictable permanent and serious injuries to a disabled pro se litigant. Granting a stay in 4262 and, during each stay, undermining the stay and permitting the prosecution of motions filed by exploitative opponents intent on causing injuries to Hazari and maintaining his incapacity in view of their discovery that courts fail to protect Hazari as the ADA requires, constitutes bias and disregard of law, not fairness and ethical conduct to hear an oppressor.

The failure by a judge or (this) court to rule on a motion for disability accommodation, and thereby holding a disabled and prone litigant in suspense and anxiety and ruling months later to deny her accommodation, does not constitute prompt disposal of the business of the court. Coercing a disabled pro se litigant into unequal participation (order for Hazari to respond to the motion to dismiss) after depriving her of all rights, is not justified by a claim of prompt disposal of the business of the court. Ethics require the court to be efficient and business-like but not at the expense of being patient and deliberately following the ADA, which pre-empts the 'fairness' that JSW claims (see [fairness]). There

can be no public confidence in the abuse of a disabled pro se litigant who comes for relief A SECOND TIME to a Federal Court system that has no regard for the law that authorizes that relief. While the court must avoid delays, there is not one shred of evidence that the delay necessary for Hazari's accommodation is avoidable, and JSW has not taken one step in proving so. In fact he has ratified BLF's conduct and therefore agrees that the delay is unavoidable, yet despite this he denies the same accommodation BLF offers. The appearance of bias is blinding.

The discrimination by JSW has developed into misconduct constituting intentional discrimination on the basis of disability, which is expressly forbidden in the Federal code of judicial ethics. Deprivation of any stay from the reach of Hazari is a hate crime as it injures Hazari, exposes him to continued exploitation with consent of the court, and deprives Hazari of all benefit conferred by BLF in 19-cv-04392.

Public confidence in the integrity and impartiality of the judiciary is promoted when judges take appropriate action based on reliable information of likely misconduct. Hazari has repeatedly provided information about the violation of his rights, the infliction of injuries upon him by the use of the mechanism that induces his injuries and disabilities in the 'active phase', and the exploitation of his opponents. Absolutely no action has been taken by any court receiving this information. Appropriate action depends on the circumstances, but the overarching goal of such action should be to prevent harm to those affected by the misconduct and to prevent recurrence. Hazari has seen absolutely no sign or indication that any judge or any court will conform to this ethical requirement, especially not any self-interested judge or court that refuses to disqualify itself when the appearance of impropriety is present.

Coercing an unaccommodated seriously ill disabled pro se litigant with long Covid into this participation is an act of malice and hatred. This disabled litigant is having his life, liberty, property and rights stolen and destroyed by our courts. No ethics exist when such acts are perpetrated by the most powerful and trusted members of society. Except for BLF to date, judges and courts have difficulty catching up to what common people consider to be moral ethical sense.

ISSUE: independence

A higher court's failure to consider or to provide ADA accommodation when appropriate and necessary ratifies by conduct the denial of ADA accommodation by a lower court, as is the case with Hazari. A higher court that relies on the ruling on disability accommodation of a lower court to determine the disability accommodation of a disabled pro se litigant who makes a motion for ADA accommodation in the higher court, has violated the rule of independence of courts. That higher court has also undermined

the ADA by being close-minded and ignored the standard of scrutiny that requires de novo and independent review of every fact, not just law. Thus the independence of the court is lots and its raison d'etre eliminated. In the absence of an adequate justification that must be provided by the lower court due to reversal of presumptions and modification of appellate practices by the ADA, the systemic failure of our higher courts is demonstrated by the refusal to recognize and apply the modification of their practices and rules by the ADA. Courts systemically forfeit their independence through disobedience of the ADA.

ISSUE: abuse

Courts may not perform experiments on the disabled litigant to establish the appropriate accommodation by coercing participation and measuring the functioning of the litigant in comparison to her disclosed medical information and her stated needs for accommodation. When one judge provides essential accommodation and the other judge does not, whatever the reason, and injuries arise by the disclosed and carefully explained and scientifically established process that only the requested accommodation can abate, abuse is in progress.

Abuse includes the disrespect for human life, the rule of inhumanity in our courts, the hostile atmosphere presented to disabled litigants, the selective violation of the rights of the disabled by courts, the deprivation of speech and access and equal opportunity and full participation by courts.

Abuse includes the customary libel that the disabled face from hostile courts, the adversarial conduct of judges who are implicated for their impropriety and ethics, and the exploitation that courts facilitate by opponents with fairness held prisoner in favor on tradition rather than recognition of disability rights. Even the complaint by the disabled litigant who cannot properly write it due to unaccommodated disabilities is libeled by the court – see [evidence].

The last thing a disabled person needs is arguing for acceptance of her disability and being embarrassed or shamed or denied that she has it and a corresponding need for accommodation. This is abuse.

A horrific experience for the disabled litigant is how the courts silence her through unequal opportunity in hearings, inattention to her writings and speech, denial of her accommodation and then SPEAKING ON HER BEHALF AND INTERPRETING HER INTENTIONS WHILE SHE IS SILENCED. Witnessing this regular occurrence is cause for distress from the apparent hostility and impropriety that is the modus operandi of courts, and is a permanent bar to access by the disabled because of the

lingering and increasingly impactful perception it creates in the mind of the disabled litigant that the court intends to harm her and will ensure that injustice results to her. Much more can be said.

The last thing a disabled person needs is arguing for acceptance of her disability and being embarrassed or shamed or denied that she has it, and also has a corresponding need for accommodation. This is abuse. The ADA presumes disability exists in Hazari's case, but he is constantly being made to FIGHT to prove it, when the burden of proof of non-disability is on the court, and the basis that judge JSW cannot find in his order in Doc 87 is that the ADA should be set aside in favor of a precedent or rule of court that he quotes NOWHERE. Judge JSW is entirely indifferent to the injuries that he inflicts on Hazari by his orders, and cannot provide justification according to the standard set by the ADA, and hence the absence of his mandated justification except a vague reference to his a previous order that also does not provide the required justification for denial of accommodation to Hazari.

Abuse stops the disabled pro se litigant in her tracks. Abuse takes the wind out of her sails. Abuse makes the court a traumatic place that she becomes conditioned to fearing, and then avoiding. Abuse results directly in injury and in injustice. Like domestic violence, the abuse of courts has the same effects as one abusive spouse on another. Therefore, that relationship is unethical, must not be tolerated and must be eradicated from our courts. This is the reality of the experience of the disabled in our courts.

Hazari strongly objects to the abuse and intimidation of his support persons, especially the offensive and disrespectful speech against ADA Disability Advocate Ms. Hagan who has been an angel.

ISSUE: hate crime

Despite extreme opposition and unfailing objections, courts persist in violating the ADA and the rights of the disabled. The disabled pro se litigant is treated as an irritant to court, and reluctant to conform to the established and disability-agnostic processes of courts, and therefore in need of punishment and in need of being induced to conform and obey the court. Thus negligence and systemic discrimination, when not intentional, transforms step by step into animus and retaliation by courts and then into deliberate abuse and knowing infliction of injuries and injustice that precisely follow the characterization of wrongs that the ADA prohibits. Despite repeated explanations, objections, demonstrated inability to participate and documented injuries, courts persist in their abuses of the disabled. Thus systemic discrimination motivates the transition of the courts' negligent abuse of the disabled to deliberate abuse, and a hate crime is born.

A disability hate crime is described as a form of hate crime involving the use of violence against people with disabilities. The violence in Hazari's case is keeping him TRAPPED in the 'active phase' and not letting him out through appropriate accommodation into the 'passive phase', and as a result, inflicting repeated serious and permanent injuries upon him. The injuries include the inducement of new and additional disabilities and (life-threatening) comorbidities and symptoms, and worsening of existing disabilities and conditions. These deprive a disabled person of life and liberty and quality of life.

Not one judge has the sensibility to even imagine that it is the feedback from the judge's behavior in mistreatment and abuse of the disabled pro se litigant that results in the increased opposition to abuse by the disabled pro se litigant. Just like in domestic violence, the pattern of the victim's behavior becomes controlled by the abuser, the court, as do the victim's injuries. And all this because of the complete lack of appropriate competence of courts in the ADA and in disabilities. Disabilities are abused equally, in the minds of judges, using the argument that all litigation is stressful. The ADA disagrees. The discrimination against the disabled includes infliction of stress that can be a basis for accommodation of invisible disabilities.

Refusal of judges and courts to correct their improprieties and disobedience of the ADA despite repeated demands and cause provided in depth and with proof is the undeniable intention to commit a hate crime against Hazari, who gave over 100 notices in the same vein as this one to the state courts. California judge Socrates Manoukian is the perfect example of a perpetrator of disability hate crimes on Hazari. Read the filings in 16CV295730. Her equally accomplished peer in the appeal court is judge Mary Greenwood.

ISSUE: diligence

Compare with accused criminals and the mechanisms and processes of courts to ensure the proper and just handling of their rights and their prosecution through due process and their need for counsel.

The disabled on the other hand are accustomed to discrimination as a rule, and where do they go to get justice and relief? The Courts. And what happens in the courts? They are abused, subjected to more discrimination and are ejected from courts, by virtue of a process that is incompatible with court access by the disabled litigant who is unaccommodated. No judge will ask if a pro se litigant is disabled, or check on the condition of the disabled or her fitness to participate, or evaluate competently (see [competence]) and impartially if her opportunities are equal to her opponents. The due diligence required for the protection of the disabled class does not constitute favor or a breach of ethics.

No quality control of ADA compliance and the appropriate and timely accommodation of the disabled pro se litigant exists and no records kept as the DOJ requires. When the disabled pro se litigant is deprived of appropriate ADA accommodation she is not offered an attorney to represent her when she cannot equally participate or access the court. The ADA reverses presumptions and requires courts to justify their discrimination, but courts do not obey, and proceed as if the disabled is not disabled, just pro se.

Courts do not act in accordance with the inability of disabled pro se litigants in expressing their own accommodation needs or availing themselves timely and easily, without undue burden, of disability accommodation by the court. Judges do not ask, and have no clue if the disabled pro se litigant before them is disabled, and do not inquire, and do not instruct and guide the litigant to accommodation. Rules of evidence are routinely violated in the adversarial process of the accommodation of the disabled, and character assassination and false accusations and libel are habitually offered (see Hazari's cases) to block accommodation.

Courts must monitor and adapt and offer accommodation, according to changing circumstances without initiation of petition by the disabled litigant, but do not. A disabled pro se litigant can go through the entire process of litigation in this court system without even knowing her disability rights or how to access accommodation.

For a higher court, the question "is this effectively a final judgment" posed by Hazari should be the first and foremost consideration when a litigant like Hazari applies for relief that is incommensurate with the written wording of FRAP. The information provided by Hazari, and sealed by this court, unquestionably evidences the near certainty that Hazari's lawsuits in the District Court (both of them) will be disposed by virtue of the inability by Hazari to access the court by reason of disability. Instead this court is poised to evict Hazari for a THIRD TIME without relief from what is in effect a final judgment, when it should initiate a precedent setting process of its own accord, as well as conform its own processes to the ADA. Who better equipped and available and able to set such a precedent?

ISSUE: precedent

There is no precedent that covers Hazari's multiple fact patterns and the questions and issues that they present. But Hazari's fact patterns are applicable to numerous included scenarios and fact patterns that have been seen and are being increasingly seen in our courts. See Doc 82, 83, 96.

ISSUE: presumptions

I should not have to remind this court that the presumptions concerning appellate court actions are reversed in the case of Hazari who pleads violations of the ADA.

The disabled must be believed, not libeled and discouraged and shut out of access. Technical correctness and disability-exclusive rules and procedures are organizing principles to commit obedient judges to discriminating against disabled pro se litigants, and thus FRAP arguably demonstrate a conspiracy by courts to deny disabled their rights. This court's inconsiderate and anticipatory denial of any accommodation to Hazari in Doc 6 indicates that the intolerance fostered by the deficiency of FRAP is being enacted despite knowledge of judges that injury is predicted and a disabled litigant who has been abused and discriminated against for 5 years and denied "legal recourse to redress … discrimination" by courts, is again being denied his rights despite his objection and resolute and clear actions at the cost of serious injuries.

Discrimination is presumed, and rebuttal and justification by the court must be made more burdensome when ADA is absent. Reversal of presumptions is the rule.

ISSUE: evidence

Judges HABITUALLY INVENT EVIDENCE that misrepresents the disability needs of the disabled pro se litigant, and use it to deny accommodation. Courts habitually ignore evidence provided by the disabled pro se litigant in favor of their discriminatory rulings because their rationale for denial of accommodation is otherwise undermined. Courts habitually presume to know what the disabled litigant wants to say and then speak on her behalf, and INCORRECTLY. Courts habitually give improper weight and credence to evidence provided by the disabled litigant. Courts provide improper weight and credence to opponents' allegations, accusations, defamation, character assassinations, and perjuries (see these documented in Hazari's lawsuit, including Doc 81), even treating some of these as evidence, when a proper litigation would have no room for them and would exercise the court's power to punish unethical conduct by those attorneys.

In Doc 87, for example, judge JSW writes "Mr Hazari continues to argue the Court should stay this case because the stress of litigation exacerbates his MS." Hazari has repeatedly, and clearly specified that it is the DISTRESS OF BEING DENIED DISABILITY ACCOMMODATION FOR HIS 'ACTIVE PHASE' AND BEING COERCED INTO UNEQUAL PARTICIPATION AND THUS DENIED ACCESS TO THE COURT, that is inducing his MS relapse AND THE EXACERBATION OF HIS **COMORBIDITIES**. What possible interpretation of the BOLD text matches the misrepresentation of

judge JSW? How is ‘normal litigation’ comparable to abuse of discretion and systemic subversion. Is it just an innocent over-simplification by the judge? It indicates a perspective of a judge who has no grasp of what Hazari’s disabilities are or their significance and how to deal with them or evaluate Hazari’s needs for accommodation. It also shows that the judge mis-states the evidence and Hazari’s claims.

The correct simplified description should have been “Mr Hazari continues to argue the Court should stay this case because the denial of his ADA accommodation in this phase of illnesses exacerbates his MS AND **COMORBIDITIES**”. These are 2 distinctly different descriptions. The condition of Hazari is dire because he is afflicted with **MULTIPLE DISABILITIES** which are active.

In the latter description, it is the court that is unlawfully causing repeated serious and permanent injuries, as well as depriving a disabled pro se litigant of lawful and proper accommodation. Under no circumstances can this be described as ‘the stress of normal litigation’. The choice of words by judge JSW who diminishes Hazari’s claims in a public order that can be used against Hazari in the course of this litigation to under-represents the severity and breadth of Hazari’s disabilities, and his complaint, and should be seen as libel and discrimination by a court of a disabled and seriously ill litigant. It also demonstrates how unaccommodated disability leads to slander of claims.

Judge JSW has been supplied with exacting details and information about Hazari’s disabilities, well enough to be able to accurately represent Hazari’s plight and grievance. By under-representing Hazari’s illness, JSW intends to portray Hazari prejudicially as suffering the ‘usual stress of litigation’ that is to be expected as the cost of participation as a pro se litigant in litigation in any court. It has the appearance of a lack of sensitivity and competence in dealing with invisible disabilities, and a will to abuse Hazari by justifying the denial of ADA rights including his protection.

By justifying his malfeasance, judge JSW discriminates through diminution of the evidence of oppression and discrimination and injury suffered by Hazari due to lack of ADA accommodation. Through his misrepresentation judge JSW has in effect rendered an improper judgment on Hazari’s lawsuit declaring that Hazari has not suffered any injury in any court other than the ‘normal stress’ associated with litigation. The appearance of impropriety as well as the absence of fairness and lack of diligence and lack of impartiality exists. Based on judge JSW’s collective orders so far, Hazari is made to appear as a frivolous plaintiff without any case of distress induced injury controlled by the court before he has even written his complaint proper. The judge seems to be offering defenses to the defendants the California courts et al. by his reasoning.

Battle of experts versus authentic physicians: See discussion re DOJ position of expert versus authentic physician testimony in [exploitation]. Throughout the process of seeking disability accommodation from

a court, the disabled pro se litigant is subjected to considerable due process issues (see [due process]) and the rules of evidence do not appear to apply. Courts do not acknowledge medical authority in the absence of competence.

ISSUE: inhumanity

The human rights of disabled pro se litigants are diminished and eliminated when courts take control of litigation while ignoring the ADA and deny appropriate accommodation. Injuries, such as the inducement of PTSD or "legal abuse syndrome" due to the abuse and discrimination of courts by reason of disability are common consequences of the denial of appropriate disability accommodation (see Doc 82, 83, 96). Hazari has also developed these conditions for the same reasons. Hazari's history of litigation since 2018 documents egregious and unconscionable abuse by courts that have deprived him of all rights, and driven him deep into disability and kept him trapped in serious illness and suffering.

The People are commonly aware of human rights violation abroad, but in general, these United States are the haven for the tortured, and the oppressed. The People recognize human rights, even if a minority do not. However, despite celebration of the ADA as world changing law, our courts MUTILATE the disabled pro se litigant by reason of her disability and strip her of all rights and send her punished and DESTROYED for attempting to access court services.

On 9/28/2022, our President celebrated the anniversary of the ADA with the words "For our country, the ADA is a testament to the character of our people, to the country. It's proof we can work together and keep moving closer to realizing the promise of America for all Americans — for all Americans. And it's proof of the power of our example — an American law that is a global model, inspiring 180 other nations to pass similar disability laws."

The People as yet are not aware that our courts, that once were Hazari's inspiration and hope for global justice, embarrass and undermine our nation, and betray a national goal of which Americans are proud, and which has inspired the world.

International laws now include disability rights, and by reference and by their application our courts are implicated as violators of human rights.

ISSUE: subversion

The ADA is 32 years old. A court has no excuse not to have properly and obediently implemented it correctly and to have diligently and competently applied it to every disabled pro se litigant. But Hazari has witnessed and suffered and documented systemic discrimination prohibited by the ADA and despite numerous demands for corrective action, has only witnessed the resolve of the courts in continuing the abuse and prejudice and denial of access that brings this lawsuit. A judge and a court are obligated to uphold the power and authority of the Constitution and of Federal law that is valid. This obligation is not demonstrated by judges and courts.

ISSUE: burden

Precedents for Hazari's fact patterns are absent, except too few. The systemic discrimination of the disabled pro se litigant by our courts has set up burdensome and inaccessible procedures for unaccommodated disabled pro se litigants in need of reversing orders denying appropriate accommodation. As in California, the disabled pro se litigant is expected to bring a writ of mandate against judge JSW who violates the ADA.

Think for a moment on the burden this places on a seriously ill, unaccommodated disabled pro se litigant like Hazari. The disabled litigant has to appear and participate subject to life limiting impairments, which in the case of invisible disabilities commonly limit life energies, attention, effort, cognition etc leaving less opportunity for participation, as well as less ability to participate. Time is the most common need for accommodation, and courts are reluctant to provide more time, even though they have discretion.

Thus, a disabled pro se litigant is faced with demanding writing of a writ in timeframes that conflict with other proceedings, but requiring urgency to mitigate the on-going abuses of discretion by the court caused by the denial of appropriate ADA accommodation which impeded the disabled litigant's access In California, a writ must be filed within 10 days of the order denying ADA accommodation, while hearings and discovery and other litigation activities continue. Since this court like California higher courts, do not recognize the rights of disabled pro se litigants to court accommodation here, a stay of lower court proceedings pending writ decision unrealistic.

Therefore an injured seriously ill disabled pro se litigant faces a choice of even greater effort and oppressive burden of writing a writ as well as proceeding with the case without accommodation. This is a design that encourages and coerces such a disabled litigant into giving up any writ and keeping scare

energies and capability for the proceedings. Thus the ADA is further undermined by this systemic discouragement to contest rulings denying ADA accommodations. Judges know this.

And if the disabled pro se litigant fails to object or speak or apply for accommodation (because she becomes conditioned by the court into believing that no accommodation will ever be granted to her, and that her insistence will piss off the judge and cause him to retaliate and punish her). Subsequently she is confronted with the false accusation of not voicing her objection or using her grievance process of filing writ.

The process imposed on the disabled is radically different from the attention and consideration that is afforded by a court to the pro se criminal defendant to protect him, and allow him to proceed with the least prejudice, and greatest protection of rights, and the highest chance of a fair court and fair trial.

ISSUE: fundamental change

Nothing that Hazari has requested as accommodation constitutes "fundamental change" under the ADA, either in this Federal court system, or in the California state courts, or from the US Supreme Court. In almost all of the various courts' responses to Hazari's accommodation requests no judge has dared to assert "fundamental change" as a reason for denial of Hazari's ADA accommodation. However this does not mean that courts do not invoke and misuse "fundamental change" as a basis for denial of appropriate ADA accommodation with abandon, as is the case for example in 4262 Doc 96. This illustrates how deeply rooted the discrimination by the courts is when facing the needs of a disabled litigant.

For any court to hesitate to maximally modify established procedures and rules and deadlines when Hazari needs accommodation, is not because a "fundamental change" prohibits, but in practice because that court is fearful of religious disobedience to a long established habit that now requires scrutiny by reference to the very roots of the derivation of that long established habit, and its reform. The People did not support and trust a judiciary that would be cowardly or fanatical. No question is improper and no rule or habit is beyond question. There is enormous room for change before it may be considered "fundamental change". The modern man is a new specie and requires a modern jurisprudence if it is to rise to the full height that is demanded by its dignity and its intelligence.

ISSUE: protection

Protection requires first the recognition that the disabled person with invisible disabilities arrives at the court with inherent inequality that is a feature of her existence. Protection also requires the recognition that without consideration and attention to the inequality of the disabled person, and without special handling, discrimination is INEVITABLE in the course of any activity which has been designed and implemented by ordinary persons who did not consider participation by the disabled. Our courts and our system of jurisprudence is so designed. It is also essential to recognize that, although you may feel you understand and can predict the needs of the disabled and can design and implement their equalization, you DO NOT walk in their shoes, and therefore you MUST NOT be inattentive to their expression of need and solutions for addressing their inequality. In particular, when a disabled person tells you that the equalizing process is inadequate, or flawed, or NON-EXISTANT, if you do not act to investigate and take appropriate corrective action, discrimination is inevitable. Courts protect the criminal defendant and the prisoner with designed processes and safeguards, but fail to do so in the case of the disabled.

The ADA finds that the disabled experience discrimination and "no legal recourse to redress … discrimination" which therefore requires "elimination of discrimination against individuals with disabilities". It does not state that a 'reduction of prejudice' is permissible as accommodation.

It is discrimination when JSW improperly 'accommodates' Hazari by providing page count and extra time in 4262 Doc 87 as accommodation for 'active phase' when a one year stay is necessary and proper for 'active phase', and the accommodation that he provides is only suitable in scenarios of the 'passive phase'. He is repeatedly reminded by Hazari of his folly, but deliberately makes no correction to his impropriety, therefore discrimination is on-going and deliberately inflicted on Hazari. In stark contrast to BLF, JSW ensures that Hazari's injuries will continue and that he will decline and even die, the risk of which has been explained by at least 2 physicians to the District Court. Note that JSW has access to all of the court records of 19-cv-04392, and he has admitted to reviewing that case.

The disabled like Hazari are prone to injury. Hazari's 4262 Docs 82 and 83 evidence testimonies of other disabled pro se litigants with invisible disabilities, who like Hazari, have developed serious injuries as a result of the intentional discrimination by courts, namely PTSD and "legal abuse syndrome".

The ADA does not permit any court to maintain policies, practices and procedures that exclude the disabled pro se litigant and eliminate, as for example, happens in this court by virtue of the disability-exclusive FRAP. Yet despite repeated notice by Hazari, this court will not take corrective action, and causes injury and discrimination to Hazari.

The ADA does not permit a judge to demonstrate prejudice and hatred against a disabled pro se litigant because he cannot accommodate his own needs, and because he cannot change the mechanisms and course of his disabilities and illness at the command of the court in observance of the court's biased view of 'fairness' and 'propriety' when in fact both are absent. JSW continues to expect Hazari to cure himself, remit on JSW's schedule and participate equally to every non-disabled litigant, because he does not recognize and refuses to recognize the truths of paragraph 1 of this part.

The ADA even provides for criminal defendants and prisoners and their accommodation. In prison, a disabled litigant without legs is not expected to use the stairs to arrive at the lower floor of the prison. A blind prisoner is not expected to navigate the prison without aid. But in the courts, disabled persons like Hazari are expected to forfeit their lives and liberty by suffering injuries and by being expected to function according to unconscionable expectations.

Even though federally funded by Hazari's taxes, federal court policies, practices and procedures protect criminal defendants and prisoners, but those policies, practices and procedures provide no provision for the disabled, or if they do, the provisions are defective and improper. The disabled remain indicted and imprisoned in their bodies and those bodies are increasingly made more injured and less functional just because the courts control the destiny and health of the captive disabled person who is a prisoner without rights and due process to the inconsiderate, inappropriate and inhuman treatment of a system that intends to dispose of a case without regard to fundamental considerations that no human being would find to be commensurate with the dignity of human life and the delivery of justice.

The ADA does not demand that a disabled pro se litigant petition for her rights, but for the courts to protect her rights with attention, care and diligence, but nowhere is this seen. The ADA does not expect a disabled pro se litigant to be abused and injured in the process of accessing her rights under the ADA, and courts are expected to ensure that she is fully provided with her rights, but nowhere is this seen. The ADA attempts to reduce the burden upon the disabled and to prohibit their fall into silence and injustice by virtue of the discrimination of courts and the impossibility of their access to legal recourse, but the courts ensure that legal recourse is not available through discrimination that silences the disabled by injury and ensure injustice results. The ADA expects the courts to greet the disabled with accommodation and ensure their accommodated and carefully monitored access, but the courts do not recognize the ADA when the disabled pro se litigant arrives.

It is not unexpected then that a disabled litigant is forced to sue a California court for its violations of her rights in the Federal court, and it is to be expected that the result is that the California judge will retaliate by denying ALL accommodation to the plaintiff, as judge Kirwan did when Hazari filed 19-cv-1986.

Hazari has no choice but to object and identify the inadequacy, or flaws, or NON-EXISTANCE of ADA compliance by courts, otherwise he is accused of not mitigating injury as he is coerced into loss of life, liberty, property and all rights. It is the deliberate discrimination against the disabled by the courts that causes these courts not to correct their indiscretion and subversion and malicious cruelty, and evidence abounds of how these courts have failed to investigate and take appropriate corrective action, but retreat to become unethical adversaries without care for the corruption and (appearance of) impropriety that the People witness.

JSW, in effect, has done the same as Kirwan did, by ensuring that he deprives Hazari of opportunity for responding to this appeal court to aid his own interest as Hazari's adversary. His knowledge of Hazari's circumstances and condition and susceptibility to injury is documented in the record. Like other courts, JSW has forced Hazari into extreme despair and extreme struggle by having to resort to this cut-and-paste and re-cycled fiesta of over-used repetition stored in cob-web ridden records of courts, that this appeal court will very likely NOT READ OR ATTEMPT TO LEARN FROM. Note the lack of precedent that Hazari would be capable of incorporating a writing only if he were accommodated and allowed to get out of his 'active phase'.

In Hazari's first appeal effort, JSW did not hesitate to accommodate Hazari with a stay to deal with this court's appeal. But there is distinct appearance that as this appeal and order to show cause concerns his improper conduct in 4262 Doc 72, he does not intend for Hazari to meet this court's inappropriate deadline and to be injured if I try. He even admonishes me when denying my motion for stay by expecting an unaccommodated incapacitated litigant to perform equally to an attorney, increasing my distress and repeating that discrimination awaits Hazari in his court.

Protection is not when a judge discourages and intimidates my ADA disability Advocate Hagan, who steps in to save my life and stop injuries by demanding what is my right, and instead substitutes himself when I withdraw my motion for accommodation and opportunistically speaks for me to my disadvantage and prejudice.

It is the modification of procedure and deadlines that is the most convenient means to accommodate the disabled litigant, particularly when pro se. Hesitance or refusal to maximally modify procedure and deadlines within the limits of 'fundamental change' is to intentionally discriminate.

Through the treatment of Hazari, it is seen that Congress is powerless and that the courts control the rights and lives of the People without accountability, and that the celebrated creation of a protected class (disabled persons) ,and that the hope for inspiration of the country and the world celebrated by our

presidents and our elected representatives and by the People, is based on a dream that our courts refuse to honor as the People intend.

ISSUE: deadlines

It appears that every statute of limitation, every appellate deadline, every procedure time limit or timing of every rule, is arbitrary and has become historically established by reasoning that did not consider the disabled in the context of modern society. The ADA did not exist. Each deadline became absolute over decades. Many have been modified over time due to the injustices they have caused, without consideration of disabilities. All of these deadlines were established without reference to, or consideration of, the challenges faced by the disabled pro se litigant. Modernly, access of courts by the disabled pro se litigant is a growing statistic. Application of the ADA requires adaptation of these deadlines as needed to accommodate the participation and capacity of the disabled pro se litigant. Our legal system fails to adapt these deadlines. Compare to the Prisoner Mailbox Rule where a criminal is given an exception to deadlines, but a disabled pro se litigant sees no exception to any (arbitrary) deadlines, as seen in this appeal. Deadlines must all be modifiable for the disabled and the modification does not constitute a "fundamental alteration". This is seen for example when at least one exception to the deadline for filing notice of appeal exists based on consideration of the disadvantage of an incarcerated pro se appellant.

The absoluteness applied to filing appeals and finality of actions is incompatible with disability rights of pro se litigants who may be incapacitated like Hazari, and entitled to due process rights and ADA protection. This does not constitute 'fundamental alteration' because originally, those deadlines were set arbitrarily, and the ADA was not yet born.

ISSUE: advocacy

In the absence of attorney representation, the courts deny to the disabled pro se litigant any support or advocacy by third parties, and assert that the privilege of self-representation is personal to the litigant. When a support person or advocate intercedes to prevent repeated serious and permanent injuries to the disabled litigant, that individual is intimidated and discouraged by the court (Doc 87 and associated filing by Brady et al. accusing Hagan of practicing law). An unaccommodated disabled pro se litigant must not be deprived of any support or advocacy, or intervention under like circumstances. Other

nations lead the United States which must follow (McKenzie friend in Australian jurisprudence), at least for accommodation of disabled litigants. See also [opportunity].

I am master of choosing my advocate, not a judge who chooses to speak for me, with impropriety and malice, to eliminate my right to disqualify him by opportunistic manipulation (4262 Doc 72) of a situation of disadvantage and incapacity of the litigant that he intends to continue to abuse.

ISSUE: discrimination

The evidence of discrimination based on disability is accumulating in the Federal court system based on the documented treatment of Hazari. Since The federal courts receive federal funding, Hazari is suffering the additional complexification of his lawsuits by having to seek remedies outside his lawsuit.

According to JSW, if the complaint alleges personal injury, then the District Court does not permit privacy of disability information offered solely for the collateral purpose of confidentially obtaining disability accommodation. Otherwise, JSW claims, no disclosure of disability information is required because he supports the decision by BLF in 19-cv-04392. However, JSW is mistaken, and appears as usual not to read the writings filed in the courts. Hazari's lawsuit 19-cv-04392 does include personal injury. So JSW is wrong, but offers his reasoning nevertheless. This is a remarkable carelessness given the ADA's requirement that the disabled be treated as a protected class, but Hazari believes that JSW intends him harm (see 4262 Doc 97).

According to JSW, he is right in denying Hazari all accommodation in the form of a stay because Hazari has exhausted a secret and undisclosed quantity of days of stay (see [limits]). He distinguishes his denial of Hazari's accommodation in the form of a stay from BLF's order granting Hazari his eighth stay of six months since 2019. JSW claims that Hazari's accommodation is a permissive right contingent on the agreement of his opponents, and not a right conferred to a protected class that pre-empts established bad habits of courts in misusing notions of fairness by bias,

JSW asserts that the mere objection by a dishonest group of opponents with a documented history of interference with, and exploitation of Hazari's disabilities for unjust gain, is sufficient to deny him any appropriate relief despite authoritative medical and other evidence and despite the addition of long Covid. (see [fairness]). He imposes the ban on any further stay perpetuity, depriving Hazari forever from an entire body of accommodation that a court may confer on a needy litigant, and without any regard to Hazari's disability needs or his consequent elimination of access to the court.

It appears that JSW intends to proceed with Hazari's case, and as he states in his order, without Hazari's participation. A reading of this judge's other writings in this lawsuit combines with his orders to present a picture of bias and intention to discriminate against Hazari as prohibited by the ADA and to dispense with his case, since Hazari's evidence indicates that absent accommodation, he cannot participate.

Hazari has been here before. He has faced all of the courts in the hierarchy of California jurisprudence, and it appears as if JSW is one of them when you review his conduct.

By ratifying the orders by BLF but distinguishing, this judge has committed his position to one of denial of appropriate disability accommodation based on 'fairness'. Since the ADA intends deliberate and equalizing positive discrimination to enable the access of Hazari to the courts, the deliberate decision by a judge to entirely ignore the ADA and place his biased definition of 'fairness' above a mandate of law that pre-empts procedure and 'fairness', then discrimination lies. Add the lawsuit filings that plead exploitation by defendants, their unjust enrichment as a result, and that no prejudice is experienced by them if Hazari is accommodated, as well as their failure to show any prejudice would attach despite copious fraud (see for example 4262 Doc 81), and the picture of discrimination based on disabilities is inescapable. The result is that Hazari is injured more and burdened with more oppression and protest, and deprived again of all of his rights, with the prospect of repeating 5 years of suffering and injustice in another court system that is as abusive and as subversive as California.

ISSUE: disparity

Hazari's 5 year long experience of discrimination by the California courts by reason of disabilities exposes the diversity of disability rulings on applications for accommodation that show many similarities with those of JSW and those of this court and with BLF. The diversity is too significant to indicate that any law or any rational basis is being applied by different courts to the same fact patterns and evidence. Scrutiny of the absent or minimal reasonings provided to justify the orders show inconsistency with the mandate and standards set by the ADA, with the burden of proof, and with the presumptions introduced by the ADA to protect Hazari. When such disparity in accommodation based on the same facts and evidence is present, a major flaw is identified in jurisprudence. The legislated protection of the class of persons with disabilities does not permit such a prominent flaw. Courts, except BLF, are INCAPABLE of making correction and conforming their conduct to governing law back by the "sweep of congressional authority" because Hazari gives repeated notice of violations and despite these repeated notices, ABSOLUTELY NOTHING HAS BEEN DONE TO REMEDY THE GLARING FLAWS OF OUR JURISPRUDENCE, including the total absence of disability accommodation and

ADA compliance in this court. The glaring flaws are clear to the disabled, but not one judge in this court has the sight or qualification to see from the eyes of a disabled litigant that a major law is not implemented and "the emperor has no clothes". BLF who has so far been the champion of justice, should not be in a minority.

CONCLUSION

Sufficient cause is presented using 5 years of writing and data gathering, and the testimony of similarly situated disabled litigants and witnesses and medical evidence, that intentional discrimination exists in violation of the ADA and is systemic to the courts. The same pattern of discrimination has already unfolded in the Federal court system. It will predictably and inevitably lead to the elimination of this lawsuit, as it mirrors 5 years of state court litigation that met the same end by similar elimination of Hazari's rights and through infliction of injuries that maintained his incapacity to litigate his just cases. There in effect a 'final judgment' in this lawsuit. I cannot organize or review this writing. At the time of creating each part, I believe each part to be accurate. Therefore I believe that the writing is accurate in its entirety. This court's conduct has been incorporated to raise awareness. This court deprived me of the opportunity to provide legal argument with precedents by not accommodating my disability. My cognitive impairments and my state of health explain the content, form and length of this document, and the explanation is well documented in this court, under seal. I hope that, unlike recalcitrant California courts, this court will act to establish precedent, and not leave it to this injured disabled victim of the courts' violence to continue alone to extract relief by correcting courts and provide for the public benefit at his continued personal expense.

Dated: 14th October, 2022



Cyrus Hazari

THANKS: Hazari thanks the voiceless and oppressed and perpetually injured disabled pro se litigants who are his inspiration and contribute to his support for his efforts to bring light into the darkness of the incessant prejudice and hatred of our judiciary and judicial system for disabled and sick pro se litigants. Despite the resolve of the People of our United States to abolish all such hatred and prejudice by repeated acts of Congress, the courts ignore the People and cater to their own comfort and familiarity, leaving no room for the disabled to access our courts. And infinite thanks for my care providers for keeping me alive, and squeezing blood out of a stone so that I can speak and fight for rights even if for a brief time. Special thanks to my support Judy DeLeon for enabling superhuman effort.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 9 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CYRUS HAZARI, Plaintiff-Appellant, v. SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA; et al., Defendants-Appellees.	No. 22-16174 D.C. No. 4:21-cv-04262-JSW Northern District of California, Oakland ORDER

Before: TASHIMA, S.R. THOMAS, and CLIFTON, Circuit Judges.

A review of the record and the responses to the court's September 23, 2022 order to show cause demonstrates that this court lacks jurisdiction over this appeal because the district court's July 19, 2022, July 22, 2022, September 8, 2022, and October 3, 2022 orders challenged in the August 3, 2022 notice of appeal and October 4, 2022 amended notice of appeal are not final or appealable. *See* 28 U.S.C. § 1291; *United States v. Washington*, 573 F.2d 1121, 1122 (9th Cir. 1978) (order denying motion to disqualify judge not final or appealable).

Consequently, this appeal is dismissed for lack of jurisdiction.

All pending motions are denied as moot.

at/MOATT

The Clerk will transmit appellant's amended notice of appeal (Docket Entry No. 12) to the district court to docket as a new notice of appeal of the district court's October 18, 2022 order and judgment, and November 1, 2022 order. *See* Fed. R. App. P. 4(d).

DISMISSED.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CYRUS HAZARI,

Plaintiff,

v.

SUPERIOR COURT OF SANTA CLARA COUNTY ET AL, et al.,

Defendants.

Case No. 21-cv-04262-JSW

ORDER GRANTING MOTION TO SEAL DOCKET NO. 127-1 AND DENYING MOTION FOR EXTENSION OF STAY

Re: Dkt. No. 127

United States District Court
Northern District of California

On September 28, 2023, the Court granted Plaintiff's motion to stay and continued the deadline for Plaintiff to file an amended complaint and proposes summonses until May 3, 2024. On March 17, 2024, Plaintiff filed a renewed motion to stay, accompanied by medical records, and asked the Court to stay this matter for one year.

The Court GRANTS Plaintiff's request to seal medical records attached at Docket No. 127-1. However, docket 127 does not contain any material that is sealable, and the Clerk shall unseal that document.

The Court has considered Plaintiff's request for a one year stay. In its last Order, the Court advised Plaintiff that it would not stay this case indefinitely, and the Court DENIES Plaintiff's request for a stay beyond the May 3, 2024 deadline.

Pursuant to the Order at Docket No. 102, if Plaintiff chooses to amend his complaint to plead claims that are based on direct violations of his rights under the ADA, he shall: (1) include the date or dates on which the alleged violation or violations occurred; (2) clearly specify the individual or entity that he claims violated his right by failing to accommodate his alleged disability; (3) clearly identify the specific conduct that he claims did not reasonably accommodate his disability; (4) serve any defendant named in the amended complaint no later than 90 days after

filing an amended complaint.

IT IS SO ORDERED.

Dated: March 19, 2024

JEFFREY S. WHITE
United States District Judge

United States District Court
Northern District of California

Cyrus Hazari
15209 Blue Gum Court, Saratoga, CA 95070
Tel: 408 766 7471
Email: cyrus@metafusion.net
Pro Se Plaintiff

ECF-130

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Cyrus Hazari **Plaintiff and private attorney general** vs Superior Court of Santa Clara County et al **Defendants**	Case number 21-cv-04262 MOTION FOR REHEARING ACCOMMODATIONS FOR SURVIVAL & RECOVERY

INDEX

JUDICIAL NOTICE REQUIRED 3
SIMPLY STATED 3
UNDISPUTED FACTS 4
EXTREME CONTRAST IN JUDICIAL VERDICTS 5
LAWS GOVERN THE ANSWER TO MY REQUEST FOR ACCOMMODATION AND EACH ONE CONDEMNS JSW'S DENIAL OF MY ACCOMMODATION 7
Americans with Disabilities Act 7
Amendment to the Americans with Disabilities Act (ADAA) 9
Associated laws 9
Convention on the Rights of Persons with Disability (CRPD) 10
International Covenant on Civil and Political Rights (ICCPR) 14
The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) 16
Human Rights 17
Deprivation of rights under color of law 17
Emotional Abuse, Extreme Distress and Mental Anguish 18
Elder abuse 18
Disability hate crime 19
Reckless endangerment 27
THE CONSTITUTION DOES NOT PRIVILEGE SUCH OPPRESSION 28
1st Amendment violation 28
Equal Protection 28
Right to life, liberty 36

Due Process 36
JSW's ARBITRARY JUSTIFICATION OF DENIAL OF ACCOMMODATION BY VIRTUE OF OPPOSITION DOES NOT EXIST 39
EQUITY AND FAIRNESS DO NOT EXISTS IN COURTS 41
ABLEISM UNDELIES JSW'S RATIONALE 41
JSW'S STATE OF MIND INDICATES ANOTHER PREMATURE JUDGMENT ON MERITS 42
JUDICIAL ETHICS AND OATH OF OFFICE 43
EXIGENT CIRCUMSTANCES 43
ZERO prospect of disability accommodation in this lawsuit 44
VIOLATION OF ALL PERSONS WITH DISABILITY 44
CONCLUSION 45
OBJECTION: 46
ACKNOWLEDGEMENT: 46
APPENDIX 1 47
MY NEEDS FOR DISABILITY ACCOMMODATION 47

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CYRUS HAZARI,

Plaintiff,

v.

SUPERIOR COURT OF SANTA CLARA COUNTY ET AL, et al.,

Defendants.

Case No. 21-cv-04262-JSW

ORDER DENYING MOTION FOR REHEARING

Re: Dkt. No. 130

This matter comes before the Court upon consideration of the motion for rehearing accommodations for survival and recovery filed by Plaintiff Cyrus Hazari ("Mr. Hazari").

Mr. Hazari filed this case on June 3, 2021 against, among others, the Superior Court of Santa Clara County ("Santa Clara Superior Court"), the Court of Appeal for the Sixth District, the California Supreme Court, the Judicial Council, and the State of California (collectively the "Judicial Defendants") as Defendants. (See Dkt. Nos. 1 and 2, Compl., at 1-3.) When he filed his complaint, Mr. Hazari stated that he was unable to fully document all of his claims and the facts supporting those claims because he suffers from multiple sclerosis. He also stated that he filed his complaint in an effort to toll any statutes of limitations and for a stay of all proceedings, pursuant to the Americans with Disabilities Act. (*Id.* at 4-5, 11.)

Mr. Hazari moved to relate this case to a case pending before Judge Beth Labson Freeman, *Hazari v. County of Santa Clara*, 19-cv-4392-BLF. Judge Freeman determined the cases were not related. (Dkt. No. 31.)

In his complaint, Mr. Hazari also purported to remove a number of cases from state court on the basis that the state court judges had systematically and deliberately violated the ADA. According to Mr. Hazari, he had no other recourse but to file in this forum and asserted that those

cases were adjudicated and concluded before he could fully participate. In brief, Mr. Hazari alleged he has been excluded from the California courts because they have failed to accommodate his disability. (*See generally id.* at 5-8, 9-10 & Exs. 1-5.)

One of the cases Mr. Hazari purported to remove was a property dispute between him and Mandy Brady ("Ms. Brady"). (*See, e.g.*, Compl., Ex. 2.) On February 23, 2021, the Superior Court struck Mr. Hazari's complaint and cross-cross complaint in that case and entered judgment in Ms. Brady's favor. (Dkt. No. 14, Request for Judicial Notice ("RJN"), Ex. A.) Mr. Hazari appealed that decision, but the Court of Appeal dismissed the appeal on procedural grounds on April 19, 2022. (Dkt. No. 101, Reply RJN, Exs. 11-12.)

The Court granted Mr. Hazari's request to stay this matter, for a time. The Court eventually set a briefing schedule on Ms. Brady's motion to dismiss the complaint. On October 18, 2022, the Court issued an Order on that motion. It held that to the extent Mr. Hazari purported to remove cases that he filed in state court, 28 U.S.C. section 1441(a) allows a defendant, not a plaintiff, to remove a case. Because most, if not all, of those cases had been terminated at the trial court level before Mr. Hazari filed his complaint, the Court dismissed the claims against all of the Defendants. (Dkt. No. 102, Order Granting Motion to Dismiss at 3:19-4:1.) The Court also dismissed the claims against Ms. Brady, with prejudice. (*Id.* at 4:2-10.)

The Court granted Mr. Hazari leave to amend claims against the Judicial Defendants "to plead claims that are based on direct violations of his rights under the ADA." (*Id.* at 4:15-16.) The Court also advised Mr. Hazari that if he chose to amend, he would be required to: "1. Include the date or dates on which the alleged violation or violations occurred. 2. Clearly specify the individual or entity that he claims violated his right by failing to accommodate his alleged disability. 3. Clearly identify the specific conduct that he claims did not reasonably accommodate his disability." (*Id.* at 4:17-21.)

Mr. Hazari moved to vacate that Order and then filed appeals, and the Court stayed the matter while the appeals were pending. On August 21, 2023, the Court lifted the stay and ordered Mr. Hazari to file his amended pleading by November 3, 2023. On September 28, 2023, the Court extended that deadline to May 3, 2024.

On March 17, 2024, Mr. Hazari filed a motion to continue the stay for a year. On March 19, 2024, and the Court denied the request for a stay beyond May 3, 2024. (Dkt. No. 129.)

In his most recent filing, Mr. Hazari suggests the Court's decision to deny any further stays deprives him of due process and violates a host of laws, treaties, and conventions. Mr. Hazari also continues to contrast this Court's decision with that of Judge Freeman, who has granted a request to stay her matter for a year. However, the complaint in that case remains pending and defendants have not opposed Mr. Hazari's requests for stays. There is no operative complaint in this case.

Accordingly, the Court DENIES the motion for rehearing. Mr. Hazari's amended complaint is due by no later than May 3, 2024. If he chooses to amend to plead claims that are based on direct violations of his rights under the ADA based on a failure to reasonably accommodate his disability, he shall: (1) include the date or dates on which the alleged violation or violations occurred; (2) clearly specify the individual or entity that he claims violated his rights; (3) clearly identify the specific conduct that he claims did not reasonably accommodate his disability; and (4) serve any defendant named in the amended complaint no later than 90 days after filing an amended complaint.

If Mr. Hazari does not file an amended complaint by May 3, 2024, the Court will dismiss this case without prejudice.

IT IS SO ORDERED.

Dated: April 16, 2024

JEFFREY S. WHITE
United States District Judge

United States District Court
Northern District of California

View documents on PACER (PACER Docket) (https://ca9-showdoc.azurewebsites.us/24-3353)

Date Filed	5/28/2024
Entry #	1
Docket Text	**CASE OPENED.** A copy of your notice of appeal / petition filed in 4:21-cv-04262-JSW has been received in the Clerk's office of the United States Court of Appeals for the Ni nth Circuit. The U.S. Court of Appeals docket number **24-3353** has been assigned to this case. All communications with the court must indicate this Court of Appeals docket number. Pl ease carefully review the docket to ensure the name(s) and contact information are cor rect. It is your responsibility to alert the court if your contact information changes. **Resources Available** For more information about case processing and to assist you in preparing your brief, please review the Case Opening Information (for attorneys (https://cdn.ca9.uscourts.g ov/datastore/acms/Attorney-Appeal-Case-Opening-Dec-2019.pdf) and pro se litigants (https://cdn.ca9.uscourts.gov/datastore/acms/Pro-Se-Appeals-Case-Opening.pdf)) and review the Appellate Practice Guide (https://cdn.ca9.uscourts.gov/datastore/uploads/g uides/AppellatePracticeGuide.pdf). Counsel should consider contacting the court's Ap pellate Mentoring Program (https://cdn.ca9.uscourts.gov/datastore/general/2013/03/2 2/ninth_circuit_applt_lawyer_rep_mentoring_project.pdf) for help with the brief and arg ument. [Entered: 05/28/2024 03:26 PM]

Date Filed	5/28/2024
Entry #	2
Docket Text	**SCHEDULE NOTICE.** Appeal Opening Brief (No Transcript Due) (Appellant) 7/12/2024, Appeal Answering Brief (No Transcript Due) (Appellee) 8/12/2024. **For appeal no. 24-3353, 4:21-cv-04262-JSW**. All briefs shall be served and filed pursuant to FRAP 31 an d 9th Cir. R. 31-2.1. Failure of the petitioner(s)/appellant(s) to comply with this briefing schedule will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1. [Entered: 05/28/2024 03:29 P M]

Date Filed	6/20/2024
Entry #	3
Docket Text	**DOCUMENT SENT.** Sent check number 148 for $605.00 from Appellant to USDC for p rocessing. [Entered: 06/20/2024 03:49 PM]

Date Filed	6/20/2024
Entry #	4
Docket Text	**ORDER FILED.** (Barry G. SILVERMAN, Patrick J. BUMATAY, Gabriel P. SANCHEZ) A review of the record demonstrates that this court lacks jurisdiction over this appeal b ecause the April 16, 2024 order challenged in the appeal is not final or appealable. See 28 U.S.C. § 1291; Branson v. City of Los Angeles, 912 F.2d 334, 336 (9th Cir. 1990) (deni al of reconsideration of non-appealable order is itself not appealable). Consequently, t his appeal is dismissed for lack of jurisdiction. DISMISSED. [Entered: 06/20/2024 05:01 PM]
Date Filed	7/2/2024
Entry #	5
Docket Text	**PETITION FOR REHEARING EN BANC** filed by Appellant Cyrus Hazari. [COURT UPDA TE: To attach DE 4 order.] [Entered: 07/02/2024 09:58 PM] [Edited: 07/03/2024 09:51 A M]
Date Filed	7/5/2024
Entry #	6
Docket Text	**CORRESPONDENCE** filed by Appellant Cyrus Hazari. [Entered: 07/05/2024 01:56 PM]
Date Filed	7/9/2024
Entry #	7
Docket Text	**MOTION** to File Document Under Seal and EX PARTE and Sealed, EX PARTE Document Submitted for Filing filed by Appellant Cyrus Hazari.--[COURT UPDATE: attached correc ted PDF of motion, updated docket text to reflect contents of submission.] [Entered: 0 7/09/2024 12:31 PM] [Edited: 07/29/2024 12:04 PM]
Date Filed	7/9/2024
Entry #	8
Docket Text	**MOTION** for Miscellaneous Relief filed by Appellant Cyrus Hazari.--[court entered filin g to correct DE 7]--[attached PDF of sealed, ex parte exhibits submitted in DE 7] [Enter ed: 07/29/2024 12:01 PM] [Edited: 07/29/2024 12:06 PM]

Date Filed	8/5/2024
Entry #	9
Docket Text	Amended Notice of Appeal Received. [Entered: 08/05/2024 09:59 AM]

Date Filed	8/26/2024
Entry #	10
Docket Text	Miscellaneous Pro Se Filings Filed. [Entered: 08/26/2024 03:29 PM]

Date Filed	10/30/2024
Entry #	11
Docket Text	**ORDER FILED.** Barry G. SILVERMAN, Patrick J. BUMATAY, Gabriel P. SANCHEZ The motion for reconsideration en banc (Docket Entry No. 5) is denied on behalf of the court. See 9th Cir. R. 27-10; 9th Cir. Gen. Ord. 6.11. Appellant's motion (Docket Entry N o. 8) for accommodation is denied as moot. The motion (Docket Entry No. 7) to mainta in Exhibit B to the motion for accommodation under seal is granted. Mandy Brady, wh o is not a party to this appeal, has submitted a request to declare appellant Cyrus Haz ari a vexatious litigant in this court. This court declines to enter a vexatious litigant ord er at this time. However, appellant Hazari is advised that continued filings of appeals i n this action without a reasonable basis for this court's jurisdiction may result in impos ition of sanctions or a prefiling review order. Brady's request (Docket Entry No. 10) is al so construed in part as a motion to correct this court's docket to reflect that Brady is n ot an appellee in this appeal. On October 18, 2022, the district court entered a judgme nt pursuant to Federal Rule of Civil Procedure 54(b) dismissing the claims against Brad y with prejudice. Appellant previously appealed the October 18, 2022 judgment in clos ed appeal No. 23-15221. The motion to correct the docket is therefore granted. The Cl erk will update the docket to reflect that Mandy Brady is not an appellee in this appeal No. 24-3353. No further filings will be entertained in this closed case. [Entered: 10/30/ 2024 10:59 AM]

Date Filed	10/30/2024
Entry #	12
Docket Text	**TERMINATED** participation of Appellee Mandy Brady, Counsel for Appellee Julian Par do de Zela. [Entered: 10/30/2024 11:01 AM]

Date Filed	11/7/2024
Entry #	13
Docket Text	**MANDATE ISSUED** Barry G. SILVERMAN, Patrick J. BUMATAY, Gabriel P. SANCHEZ [Entered: 11/07/2024 08:09 AM]

SPECIAL NOTE:

On May 16, 2024, I filed a Notice of Appeal (ECF-135 in 21-cv-04262-JSW became 24-3353) which was a complaint against persistent human rights violations by judge Jeffrey White in the district court. The human rights complaint is sufficient under the UN Istanbul Protocol and requires a specific investigation and protective action by this court without fail. Instead, this court under Bumatay, Sanchez and Silverman immediately dismissed the appeal as taken from a non-appealable order and provided no required investigation or action under the UN Istanbul Protocol or any consideration or action under any other authority cited in the Notice of Appeal.

This was Silverman's third internationally-recognized offense.

Under the Protocol, any means of informing this court of derogation of non-derogable rights must result in this court's conforming action. This was the FIFTH complaint for human rights violations that this court ignored, and the FIFTH appeal (not counting the amended notices of appeal) that, in its body of communications with this court, stated that no due process exists absent disability accommodation and that I am deprived of control over my bodily autonomy by deprivation of life-saving medical treatment by a court that is coercing me to litigate unequally and at the expense of serious and irreparable physical and mental injuries and severe pain and suffering.

The Notice of Appeal attached the order of ONE YEAR of accommodation for me by judge Beth Freeman of the district court, leaving no doubt that stare decisis on my accommodation, violated by White, must be confirmed and provided in this court. By dismissal, Bumatay, Sanchez and Silverman entirely evaded any required action and prevented any effect of a request for accommodation to this court, and by acquiescing to White's torture, ejected me from this court back to be refouled and re-traumatized by White, which White did not hesitate to do.

I asked for reconsideration en banc and then Bumatay, Sanchez and Silverman became silent for FOUR MONTHS, and did not take any action on my communications or render any decision on my request for safe harbor and disability accommodation delivered to this court on July 9, 2024. Had they taken any action on my request for safe harbor or disability accommodation, which they could not evade under operative laws, they would have either contradicted White or Freeman.

Thus these three judges demonstrated their intent to permit torture in this Circuit's courts to continue, and for a contradiction and inconsistency to be stealthily maintained in the provision of safe harbor and disability accommodation in this Circuit's courts. In so doing, the judges and this court maintained that a

private plaintiff with ripeness and standing has no right to address a justiciable issue by virtue of being disabled and the victim of discrimination and human rights violations by this District's courts.

By taking this position, this court and its judges mooted the underlying lawsuit in 21-cv-04262-JSW and rendered a final judgment that White has no choice but to follow. Thus, by evading my request for accommodation since 2019, under Bezon, Bumatay, Callahan, Clifton, Collins, Fitzgerald, Friedland, Ikuta, Nguyen, Owens, Sanchez, Schroeder , Silverman, Sung, Tashima, Thomas and Wardlaw, (and Koh who was the trial judge in xxxLHK) this court has repeatedly ruled that there shall be no merit to my complaint in 21-cv-04262-JSW and that it must be dismissed.

This confirms my repeated claims that the lawsuit is over, which is stated to this court in each of six appeals in the same case since 2019.

In 2024 after I filed 24-3353, I discovered that the order of dismissal by White which initiated the appeal in 23-15221 contained an order that Brady is excluded as a defendant in 21-cv-04262-JSW. Having been shocked by this discovery, I filed an amended notice of appeal on August 5, 2024 to justice this issue, and the unlawful protection of a recidivist by White. What Bumatay, Sanchez and Silverman then did was blatant discrimination based on disability and punishment for being disabled and unaccommodated by the courts.

Bumatay, Sanchez and Silverman and this court then received a manipulative ex parte communication from defendant Mandy Brady on August 26, 2024 from the lower court that had received it earlier, re-directed from the district court of Southern California. This ex parte communication was not served upon me by Brady whom White protected in violation of the US Istanbul Protocol.

In that communication which shows the tell-tale signature of one of Brady's attorneys, she claims to have no attorney and to be a victim of my vexation (while the record of the state courts revealed that she is a vigorous litigant with $10 million in professed wealth and active in multiple appeals and superior court motions. This fraud is exposed in EXF-xxx to ECF-xxx in xxxJSW.

For TWO MONTHS, this court, and Bumatay, Sanchez and Silverman did nothing about this ex parte communication by Brady. Then once I had filed 24-6312 on October 17, 2024 after invoking injunction and declaratory relief against the torture and attempted murder by White, within two weeks, on October 30, 2024, Bumatay, Sanchez and Silverman exposed their true intention to obstruct justice for the disabled pro se litigant at any cost.

By fabricating an excuse, that I am vexatious, these three judges and this court willfully ignored the disclosure of my cognitive impairment of reading comprehension (for which they are challenged in my

request for safe harbor and disability accommodation in 24-6312) which prevented my comprehension of White's exclusion of Brady as a defendant in 21-cv-04262-JSW on 10/18/22, and which issue has never been reviewed by this court (not under 23-15221 or at any other time).

Had I been accommodated by White according to the Freeman Bright Line, this would not have occurred.

In the most offensive and repugnant manner that confirms Posner[490] perfectly, Bumatay, Sanchez and Silverman conveniently alleged that because I am vexatious (for identifying conflicts of laws, and a major defect in jurisprudence), I should be punished, thus retaliating for my need for disability accommodation and safe harbor, and expressly violating the UN Istanbul Protocol. Note that until that point in time, this court had never ruled on my requests for safe harbor and disability accommodation, each of which was also a complaint for prohibited violations of human rights, until October 30, 2024.

On October 30, 2024, having agreed with this court to set aside the authority of this court's judges *en banc* (which I had invoked on July 2, 2024 in ECF-5 in 24-3353) and having assumed authority on behalf of this court *en banc*, Bumatay, Sanchez and Silverman rendered the first decision by this court on my request for safe harbor and disability accommodation. "Moot" they said, expressly violating the authorities herein and propagating and prolonging a crime.

Thus Bumatay, Sanchez and Silverman prevented the necessary reform of jurisprudence[491] and maintained the status quo of legalized criminal conduct by the federal judiciary. In that decision they stated that an ex parte communication suffices to condemn a disabled pro se litigant without due process and without the right of rebuttal, and justifies the deprivation of safe harbor and disability accommodation absolutely.

This perfectly mirrors the conduct of the state judges and courts pleaded in my abortive amended complaint in 21-cv-04262-JSW (see the March 2020 preemptory mandate by judge Mary Greenwood in particular) and thus Bumatay, Sanchez and Silverman issued a mandatory and final ruling in 21-cv-04262-JSW which they have instructed White to ensure. Under their instruction, White is to find no fault with the unlawful actions by the defendants and must dismiss 21-cv-04262-JSW.

[490] Appellate courts treat the pro se litigant as "a kind of trash not worth the time of a federal judge"

[491] The purpose of the existence of this course is to establish precedent and ensure by review that every judge and every court follows the US Constitution, human rights treaties and the *jus cogens* of international law. Thus this court has demonstrated that it is worthless in this respect and under these facts and a complete waste of taxpayer monies

Under Article VI and under international law, the judicial protection of Brady[492] is a criminal act. Under Article VI and under international law, deprivation of my safe harbor and disability accommodation, which the humanitarian judge Freeman condemns, is a criminal act. Under Article VI and under international law, deprivation of due process performed as a punishment in conjunction with my torture by this Circuit's judges and courts, is a criminal act.

Silverman in particular, was very familiar since 2022 with me and my case and my chronological injuries and severe pain and suffering and the insistent medical authorities demanding my accommodation. His October 30th order was the fourth time that he personally acquiesced to, and endorsed my torture by White and others, and committed torture in this court. Within approximately one month of the final dismissal of 24-3353, it was confirmed in 21-cv-04262-JSW that Brady again lied and continues to be represented by the same attorney whom she claimed is no longer representing her – see 21-cv-04262-JSW ECF-153 to 163.

Note that it was the second time that Bumatay, Sanchez and Silverman acquiesced to my torture and to my refoulement and my re-traumatization by White. The denial of reconsideration was the second order during my torture by this court in 24-3353, with these three's actions satisfying the UN Istanbul Protocol elements of prohibited acts.

Notice also how Bumatay, Sanchez and Silverman punitively and retaliatorily ignored ECF-144 in xxxJSW, entirely discarding the additional human rights violations to be attached to 24-3353. The clear message publicly stated by Bumatay, Sanchez and Silverman on behalf of this court *en banc*[493] was that this court has a policy of not provide any disability accommodation according to the applicable laws herein discussed, and that this court has no value for human rights, and that this court only recognizes its own stare decisis and condemns the US Constitution, human rights treaties and the *jus cogens* of customary international law into a position of inferiority and insignificance.

In the most profound and creative way possible, Bumatay, Sanchez and Silverman defraud the public to perceive this litigant as vexatious and take the focus away from their torture and human rights violations and slander of the US Constitution, human rights treaties and the *jus cogens* of customary international law by alleging that the entirety of this litigant's action is abuse of process and frivolous and meritless. This is behavior that is predicted and abhorred by international law and addressed by the UN Istanbul Protocol.

[492] An exploitative torturer, in conspiracy with her attorneys and law firms to ensure my severe pain and suffering and extreme prejudice in collusion with judges and courts

[493] because the motion to reconsider was pending and asked for adjudication *en banc*, and Bumatay, Sanchez and Silverman simply eliminated the motion punitively

What Bumatay, Sanchez and Silverman dare not admit is that they provoked me to stop my own torture by bringing an appellate action consistent with the statute that they unlawfully enforced to dismiss my appeals, including 24-3353.

APPENDIX D: Initial statement by Leslie Hagan to the United Nations Special Procedures

I am a victim of abuse and discrimination by judges and courts in the Unites States. My human rights have been violated by judges, both as an individual in my own litigation, and as a human rights advocate. My litigation has been subjected to unconstitutional due process in the courts and I have received injustice. I have been subjected to punishment and defamation and intimidation and coercion by judges because of my opposition to abuse and human rights violations. I confirm from personal experience and from witnessing the abuses of other litigants for about a decade that what Mr. Hazari reports is true and correct.

For almost a decade, I have assisted disabled and sick litigants to cope and oppose their abuse and discrimination by various courts. The problem is very serious and affects many individuals and their families. These human rights violations are not the same as the human rights violations that the United Nations normally involves itself with. These human rights violations are very real, very potent, they have a crippling and traumatic effect on human lives that last a lifetime. Each victim reaches of point of having to give up pursuing justice, and to have to accept the abuse and injustice being done to them. They want to never deal with the courts again. Their trauma and their fear is so powerful that they do not want to talk about their cruel, inhuman and degrading treatment.

One judge took me into her chambers and explained that the problem of judicial abuse and human rights violations of disabled litigants is a very serious problem. She explained that without my advocacy, she would have punished the disabled party and given adverse rulings, which the customary administration of justice requires. She interviewed me to learn about the experience of the disabled pro se litigant and listened attentively. She encouraged me to advocate for disabled and sick litigants. She had perceived that disabled litigants get injured by the legal process and felt this is cruel and inhuman and degrading, and acknowledged that they can easily end up being treated unjustly and punished by a court. She felt that this must be prevented and it could not be done by the litigant. She said that I am doing an important job, and explained that there should be ADA certified disability advocates available in every court to ensure that every judge accommodates every invisibly disabled pro se litigant. She confirmed to me that the justice system is not designed to give access to disabled litigants especially invisibly disabled persons, whose disability is not discernible.

My explanation to the judge was based on my training as an ADA certified disability advocate by Karin Huffer. I explained that invisibly disabled pro se litigants shut down and go into survival mode when

they are abused by the superior force of a judge. They go into a constantly reactive state and are not able to function like a normal litigant, so they become mentally ‘absent from the proceedings’.

These litigants have subtle visible symptoms that result from the inner turmoil and overwhelming reactions from their abuse that control their inner experience and their minds. Their treatment by courts results in stress disorder and post-traumatic stress injury which is a form of physical traumatic brain injury which can be seen on a SPECT scan for example. I explained that every trauma-related neuropathway can be re-activated by a triggering event that then keeps the survivor in a constant reactive state. This results in them being unable to cope and become much more psychologically and functionally impaired, without showing any visible signs such a changes in skin color. I explained that they cannot function or participate, but no one can perceive this unless you are trained to understand how stress and Legal Abuse Syndrome (ICD Code Z65.3) affects a disabled person. Such a person quickly perceives that justice is ‘not blind’ but is cruel, unfair, unkind, disrespectful, and accusatory to the disabled pro se litigant and that “lies prevail”. I confirmed that what the litigant perceives is what I have personally experienced and it has helped me greatly to perceive it in others.

I explained to the judge that disabled pro se litigants are triggered by the cruel, inhuman and degrading treatment of judges and denial of accommodation based on memory of their past abuse by the judge. I explained that once they suffer from traumatic brain injury caused by their cruel, inhuman and degrading treatment by the judge, they are compromised. They become symptomatic from many types of events, and when they are symptomatic, they cannot participate in litigation. I explained that routine events in litigation can be debilitating, and make them symptomatic, such as receiving emails, or just opening the inbox to check emails, traveling to court, receiving information from attorneys. They have lost trust in attorneys’ ethics and in the judge’s neutrality, which is proven more and more true as the litigation proceeds and they receive more cruel, inhuman and degrading treatment. They have a deep sense of man’s inhumanity to man. They start to receive fines and punishment for being unable to participate, and this reinforces their feelings and beliefs about the court. I explained that a disability advocate has to understand and look for the symptoms of emotional stress, how they affect the specific person and to anticipate how their participation in the court will be affected.

I explained to the judge that such a litigant loses quality of life, and loses their health due to their cruel, inhuman and degrading treatment by judges. The job of an advocate becomes increasingly hard as disability accommodation is denied or is not meaningful, and the litigation goes on for a long time.

Such litigants are also stigmatized by the perceptions of others and their anticipation of the perception of the public about being characterized by the judge as doing something wrong. They become more easily

overwhelmed, agitated, frustrated, moody, and feel desperate, and feel they are losing control or need to take control, which they cannot. They cannot relax and have difficulty quieting their mind and concentrating. They feel increasingly bad about themselves, lonely, worthless and depressed. They develop very low self-esteem, and try to avoid others as much as possible and be left alone. They have physical symptoms, the common ones being low energy, headaches, upset stomach, diarrhea, constipation, nausea. They have aches and pains and tense muscles, chest pains and rapid heartbeat, high blood pressure. They develop insomnia, get frequent colds and infections. Commonly they lose sexual desire and ability. They develop increasing nervousness and shaking, ringing in their ears, cold and sweaty hands, dry mouth, and clench their jaws and grind their teeth.

This psychological 'torture' keeps repeating in the court, because no judge wants to know or understand the experience of the disabled pro se litigant, and they operate with unconscious bias and discriminate, and become resentful if criticized for doing so. I have witnessed victims with good cases freeze or end up unable to explain their side and suffer prejudice as a result.

I explained to the judge that common cognitive symptoms that are caused by cruel, inhuman and degrading treatment by judges include constant worrying, racing thoughts, forgetfulness and disorganization, inability to focus, poor judgment, and being constantly pessimistic or seeing only the negative side. They also develop behavioral symptoms such as changes in appetite, either not eating or eating too much. They procrastinate and avoid responsibilities. They have increased use of alcohol, drugs or cigarettes. They exhibit more nervous behaviors, such as nail biting, fidgeting, and pacing.

Coping mechanisms are triggered by the disabled litigant's experience of these cognitive and behavioral symptoms that accompany the loss of health and the traumatic brain injuries caused by their cruel, inhuman and degrading treatment by the court. They go into survival mode and may resort to coping by fight, flight, freeze, or fawn which results in their being misjudged further.

What I have seen again and again in the courts is that the disabled pro se litigant is psychologically tortured by the court. They cannot withdraw from the litigation without serious harm. They cannot fail to appear without punishment, or the risk of contempt or being forced to come to the court. They cannot fail to do what the judge expects, and because they cannot do what the judge expects, they are perceived as disobeying and being uncooperative or not having a good case. They cannot complain about their treatment because their complaint increases their torture. The stakes are very high for them, and almost always they are punished, badly damaged and receive injustice, and end up with lifelong trauma.

All these elements contribute to their inability to participate in the legal process. Courts exclude them from their own litigation, and the judge will accuse them and conclude things in the record that are

completely false and do not represent the truth about the disabled litigant. These litigants can even lose the support of friends and family who don't understand what is going on. I explained to the judge that these factors damage the mental function and the emotions of the disabled pro se litigant so much as to make litigation impossible without compassion and understanding by the judge and I thanked her for being such a judge.

I wish to disclose privately the information that I have that concerns my litigation and also the cruel, inhuman and degrading treatment of other victims whom I have assisted to stop their abuse by judges who have discriminated against them and punished them and delivered injustice to them. If there is a pathway for remedies available through this channel, some of the victims may choose to also testify. I do not wish to write their personal information in this submission, but can discuss some of the information confidentially. More victims may come forward if they become aware that there is actually a way to change the legal system to stop the discrimination and the torture of disabled litigants.

The information that I can provide confirms what Mr. Hazari is reporting on our behalf and gives a larger perspective on this pervasive and significant human rights problem in the courts.

I certify that what I have stated is true and correct.

5 December 2024



Leslie Hagan

Exhibit B

Cyrus Hazari, Pro Se Plaintiff & private attorney general
15209 Blue Gum Court, Saratoga, CA 95070
Tel: 408 766 7471
Email: cyrus@metafusion.net

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

Cyrus Hazari	Case# 24-6312
Plaintiff & Private Attorney General	Trial Case# 21-cv-04262-JSW
v.	
Superior Court et al., and DOES 1-200	DISQUALIFICATION MOTION
Defendants - Appellee	For Judge Sidney Thomas
	Erga Omnes

A motion to disqualify judge Sidney Thomas from adjudicating, at a minimum, any action filed by any disabled litigant or by any party concerning disability, human rights, or treaties with attention to Appendix B. The minimum disqualification is not limited only to this appeal, but applies to all cases in this court by ***any party*** *who is a disabled litigant, or by any party concerning human rights or treaties*[1]*. This disqualification is asserted under the authority of the Private Attorney General, erga omnes, using the vehicle of case# 24-6312 which is open in this court, without reference to its merits.*

The charges herein are particularly serious as they include the documented cruel, inhuman and degrading treatment and punishment by this judge of a seriously ill and disabled pro se litigant who the court treated as "a kind of trash not worth the time of a federal judge"[2] *and the torture of this disadvantaged and highly vulnerable human being in conjunction with the trial court and*

[1] i.e. this action is *erga omnes* (this phrase means "towards all" or "against all" and is used in legal contexts to describe obligations or actions that are binding on all parties, i.e. all litigants who are disabled or who bring issues related to human rights or treaties for adjudication by this judge)

[2] Debra Cassens Weiss, Posner: Most judges regard pro se litigants as 'kind of trash not worth the time', ABA Journal 9/11/2017. "The basic thing is that most judges regard these people as kind of trash not worth the time of a federal judge," Posner said.

others, constituting prohibited acts that are non-derogable under International Law and cannot be limited under any circumstances[3]. This judge has treated a jus cogens of international law[4] nonchalantly, evading even minimum obligations under standards such as the UN Istanbul

[3] In each appeal that I filed in this court, the human rights complaint, which is embedded in the notice of appeal as a means of communicating the presence of prohibited acts to this court, contains the elements that satisfy both Articles 1 and 16 of the UNCAT, Article 15 of the CRPD, and Article 7 of the ICCPR. Each complaint embedded in each notice of appeal meets the requirement of the UN Istanbul Protocol of a sufficiently stated complaint for human rights violation actionable under customary international law. The common facts to each human rights complaint embedded in each notice of appeal are that the trial court did not accommodate my disabilities or my serious illness in either 19-cv-01986-LHK or in 21-cv-04262-JSW, which should have been provided in the manner granted by judge Beth Freeman in 19-cv-04392-BLF, and that I was subjected to discrimination based on disability and to severe pain and suffering that robbed me of due process. Instead of due process and ensuring justice, the trial court extracted information from me through coercion by the judge's orders while the absence of essential disability accommodation or safe harbor deprived me of meaningful access to the court and equal opportunity to succeed in litigation without undue burden. It is irrelevant that each judge believed my case to be moot by virtue of bias and selective recognition of the components of the supreme Law of the Land while ignoring other essential components of the supreme Law, voiding the jurisdiction of the Ninth Circuit courts. With the injuries and harm and prohibited acts continuing to the present day, the trial court did not relent in intimidating me by threat of dismissal and finality of extreme harm and deprivation of all mandatory protection, into producing information unpreparedly and involuntarily and deficiently in 19-cv-01986-LHK and in 21-cv-04262-JSW, thus setting me up for prejudice me in those legal proceedings. The conduct of each judge who dealt with me in this Circuit was purposeful and intentional in view of the knowledge and evidence each one of them received about my substantial incapacity to litigate, as well as the understanding communicated about the mechanism of my diseases and how the judge's conduct will result in serious and irreparable physical and mental injuries, and in view of my requests for safe harbor and disability accommodation, from which are unmistakably clear that absence of the requested accommodation backed by medical facts and evidence will result in human rights violations and discrimination. The result of the actions of each judge, which they persisted in undertaking despite my protests, resulted in risk to my life as judges ignored the warnings about my potential sudden death, heart attack and stroke. It is documented that the warnings about heart attack came true alongside the documented physical and mental injuries, and my physician of 30 years accidentally let it slip in an examination that she does not expect me to survive to 2028 because of my treatment by the courts. Before the serious and irreparable physical and mental injuries caused by my legal affairs, I was able to run an international business, handle remarkable amounts of eustress, and travel between three continents. Now I am housebound under full-time care and significantly disabled, and increasingly injured by the judges of this Circuit. Judicial ill-treatment and torture are established by the chronological evidence in this Circuit's records.

[4] Violations of human rights are considered *jus cogens* norms in international law. *Jus cogens*, also known as peremptory norms, are fundamental principles that are universally recognized and accepted by the international community as norms from which no derogation is permitted. These norms are binding on all States, regardless of their consent. Article VI of the US Constitution binds this nation and its judges, under the definition of "supreme Law of the Land" to obedience of treaties which necessarily are adjudicated according to customary international law (identified in the text of the US Constitution in 1787 as the "Law of Nations"). RUDs are unenforceable under customary international law if they undermine the object and purpose of the treaty. Every treaty that is signed by the executive (president) requires judicial notice, interpretation and consideration under customary international law irrespective of ratification. Human rights treaties express norms of customary international law and civilized society and civilized nations that are binding on every nation irrespective of consent to any treaty. The UN Charter is binding upon the United States and prohibits the conduct demonstrated by this judge and by this court. The Universal Declaration of human rights (UDHR) condemns the conduct by this judge and by this court, and civilized society and civilized nations are outraged by it.

Protocol[5] which embodies the norms of customary international law[6] applied to particular prohibited acts herein discussed.

This judge took jurisdiction over me in a circumstance where the judge had control over my bodily and mental autonomy[7], and deprived me of life-saving medical treatment.

The conduct by this judge was purposeful and intentional despite substantial grounds confirming the prohibited acts.

This judge is required and presumed to be competent in the supreme Law of the Land[8]. This judge dealt with me in 22-16174 in this court. In that case, this judge was notified of discrimination and human rights violations by the trial judge and by others, and was required by disability laws[9], as well as by the requirements of human rights treaties[10] and customary international law to protect me, and prevent my re-traumatization and refoulement, and to initiate an independent investigation of the alleged prohibited acts by the trial judge and others, and to ensure that the prohibited acts reported by me are stopped, investigated, abated, prevented, and punished, notwithstanding the form of the action[11] which I used to provide notice to this judge of the prohibited acts[12]. Instead this judge acquiesced to the prohibited conduct by

[5] The United States' specific endorsement of the Istanbul Protocol or any human rights protocol in use by the United Nations has no effect on this court. This court must not fail to notice and consider and apply these standards to determine human rights violations under treaties and customary international law according to Article VI which establishes treaties as being supreme Law of the Land and therefore requiring adjudication according to International Law. Note that the US RUDs for UNCAT insist that the nation should hold this vital treaty as non-self-executing because there are alternate pathways through constitutional challenge to domestically address prohibited conduct through our domestic courts. Seven years of court records in 9 courts demonstrates in the public record that this is not true, there are no alternate pathways through constitutional challenge to domestically address prohibited conduct through our domestic courts, and the treaty itself is the only remedy and redress.

[6] The UN Istanbul Protocol is an international standard that is respected by International Law

[7] A form of legal custody

[8] As defined in Article III of the US Constitution.

[9] Disability laws are not limited to the Rehabilitation Act, the ADA and its Amendment. The CRPD is an international treaty signed by the United States and pending ratification. International Law holds this nation State to obedience to the object and purpose of every treaty that is signed by it, irrespective of ratification, and notwithstanding any RUDs.

[10] In this action, particular attention to the UN Charter, the UNCAT, the ICCPR and the CRPD. Particular attention also to the anchoring of International Law in domestic jurisprudence by Article VI of the US Constitution. Note carefully the preeminence of treaties as domestic laws, and the specific reference to the Law of Nations in the text of the US Constitution.

[11] The UN Istanbul Protocol confirms the sufficiency of the form of my complaints to this court and to this judge about human right violations. I used the vehicle of issuing a notice of appeal to complain of the violations of my human rights, which was the only feasible and reachable means of communication of prohibited acts under my substantial incapacity and significant functional and cognitive impairments.

[12] The doctrine of *forum nullus* discussed in my filings in this court and in the US Supreme court writ 24-6012 applies if this court does not correct the prohibited acts of its lower court. Over six years of elapsed time and six distinct opportunities and the involvement of 17 appellate judges and one commissioner who were notified of human rights violations by the lower court, this judge and this court have NEVER complied with applicable law and international instruments.

the trial judge and others, encouraged it, and perpetrated discrimination based on disability and the human rights violations herein described.

The motion is based on multiple authorities including the Code of Conduct for United States Judges, and based on Article III and Article VI of the US Constitution and based on International Law[13]. The motion is supplemental to the disqualification en banc of the judges of this court filed in 24-6312, with particular focus on this judge.

The motion is in the public interest, and asks for immediate stays in Appendix A for protection of human rights. The motion also requests the cooperation and the participation of this court and this judge in an investigation pursuant to the United Nations Istanbul Protocol, per Appendix B. The motion activates an unavoidable duty for this judge to act according to this communication.

The motion is initially issued under an open case 24-6312 by a disabled pro se petitioner known to this court since 2019, who stands as Private Attorney General, and as a human rights defender identified to the United Nations, and asserts authority to bring this motion under the US Constitution, particularly its Ninth and Tenth Amendments and Article VI, in the interests of the People of the United States, in addition to demanding compliance with the Code of Conduct for United States judges. In due course, a separate case must be assigned to cover all affected, or potentially affected litigants.

Contents

ABSTRACT 5
THE FACTS 14
PROHIBITED ACTS 33
THE CONSTITUTIONAL BRIGHT LINE 91
DISQUALIFICATION 95

[13] International Law as the term is used herein refers to several laws. The Law of Nations, encompasses the rules and principles that govern the relations and interactions between sovereign states and other international actors. It includes treaties, conventions, and agreements between states, **as well as general principles of law recognized by civilized nations**. The law of nations covers a broad range of issues, including diplomatic relations, trade, war, and **human rights**. The Law of Nations is often formalized through written treaties and agreements, compared to Customary International Law which is based on unwritten practices and customs that have gained legal recognition. The Law of Nations is created through explicit agreements and negotiations between states, compared to Customary International Law which evolves over time through consistent state practice and the belief that such practices are legally obligatory. The Law of Nations is binding on the parties that have explicitly agreed to the terms, compared to Customary International Law which is binding on all states, regardless of whether they have explicitly agreed, as long as the practice is widespread and accepted as law. Customary international law consists of international obligations arising from established state practices that are followed out of a sense of legal obligation (*opinio juris*). It is derived from consistent and general practices of states, which are accepted as legally binding, even if not codified in written treaties. Customary International Law includes norms that have become universally accepted, such as the prohibition of genocide, torture, and slavery.

WHEREBY THIS COURT AND THIS JUSTICE ARE MOVED AS FOLLOWS: 115
BY AUTHORITY 120
APPENDIX A: Initial list of victims and litigation requiring to be STAYED immediately 125
APPENDIX B: Proposed steps for an investigation 126
APPENDIX C: Reproduction of key documents in 22-16046 xxx8 ..... **Error! Bookmark not defined.**
APPENDIX D: Initial statement by Leslie Hagan to the United Nations Special Procedures 127

ABSTRACT

"Although international human rights and humanitarian law consistently prohibit torture and other cruel, inhuman or degrading treatment or punishment ("torture and ill-treatment") under any circumstance [], these acts continue to be practised with impunity throughout the world[14]. The striking disparity between the absolute prohibition of torture and its prevalence in the world today demonstrates the continued need for States to identify and implement effective measures to protect individuals from torture and ill-treatment."[15] This prohibited conduct is found in the Ninth Circuit courts of the United States, including this court of Appeals.

This motion to disqualify this judge of the Ninth Circuit court of Appeals is long overdue[16] and brought at the continued cost of severe pain and suffering[17] and serious physical and mental[18] injuries[19], of a

[14] Amnesty International, Torture in 2014: 30 Years of Broken Promises (London, 2014), p. 10. See also A/73/207, para. 76
[15] Introduction to the 2022 UN Istanbul Protocol
[16] Like the district court, this court has eliminated access and due process of law for me since 2019. Judicially induced serious and irreparable physical and mental injuries and severe pain and suffering holding me under substantial incapacity made my coerced and intimidated unequal participation result in no access to any court under the urgent need for legal remedy and redress, and my compromised writings oppressively burdensome and unable to express the injustice and torture being inflicted upon me since 2018. Only the advent of A.I. and radical medical treatments with cumulative effects has enabled more clear expression despite significant unaccommodated functional and cognitive impairments and further serious injuries to continue the fight against the tyranny of judges and courts. I have been deprived of fundamental rights, life, liberty, property and unconscionable injured, punished, bankrupted and continue to be tortured daily by judges and courts, until finally exhausting all domestic remedies and earning the right to address international human rights bodies.
[17] It would be a serious mistake for this judge not to very carefully read this oversized writing.
[18] "mental" is used synonymously with "emotional" and "psychological"
[19] Like the district court, this court makes access to it conditional on a number of expectations that cannot be met by a potentially vast number of the People who are disabled or ill. Invariant deadlines are applied by this judge and by this court to litigants who cannot meet them. When this judge and this court apply discretion, it is incommensurate with the unique needs of the disability and the illness or incapacity that must be accommodated, and this judge and this court fail to use discretion appropriately. All force and authority of any statute or rule or procedure on timing, efficiency and speed of the progress of the case are tolled by the preeminent human rights considerations, but this judge and this court refuse to resolve a conflict of substantive law in the manner required by preeminent authorities, which are these international instruments. There is no consideration shown by this judge or by this court for the human rights or the substantial incapacity of the disabled pro se litigant, and their inability to give attention and effort to the filings by virtue of impairment. There is no recognition in jurisprudence for biology or human realities that invalidate the arbitrary assignment and invariance of a number to a deadline, usually in increments of 5 or 7 or 10, that are prolific and infest jurisprudence. If the litigant files an insufficient and

necessity to stop and address unconscionable judicial conduct, incessant and recurring trauma, refoulement[20], and violation of the supreme Law of the Land by this judge, who is the most trusted individual in federal government, and vouchsafed by the People for a lifetime with a supreme trust[21] that is as distinguished as is the inspired Constitution[22] that established a nation that is dedicated to human rights and to Liberty as paramount foundations of civilization in the darkness of tyranny.

This motion is brought only after laboriously proving, in public view and subject to prohibited cruel and unusual punishment[23] over seven years, and documented in the records of this court for six years, that

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incomplete pleading by the deadline, this judge and this court insist that prejudice and harm are justice. This judge and this court insist that the disabled pro se litigant cure disability and heal serious illness at the schedule of the court, notwithstanding the truths of Appendix D, and the effect of persistent coercion applied to such a prone litigant to continuously obey an unbroken and unrelenting chain of court orders that demand performance from a repeatedly traumatized human being when medical treatment requires complete rest for recovery followed by adequate time to enable function and equalized participation in due process by the pro se litigant. This judge and this court pay no regard to the condition of the litigant arriving at its door, and what harm or mutilation she has been subjected to in the lower courts to need to plead to this court for relief and remedy as a last resort. It should. This judge and this court ignore the medical evidence of ill-treatment and torture provided to it by these victims. The United Nations Istanbul protocol, speaking on the prohibition of human rights violations, states: "In situations in which judges suspect that a person has been subjected to torture or ill-treatment, they should **use their judicial authority and power to initiate investigations** or inform prosecutors to enable them to intervene in the matter. In particular, in situations in which **suspects or the accused raise allegations of torture or ill-treatment in the course of legal proceedings or trials**, judges must take action to ensure that a prompt, impartial and effective investigation is carried out into such allegations in accordance with this manual." Here, the term "accused" must be given the broadest scope, and each victim's writ indicates that they have been accused by judges of dishonesty in representing their medical condition in asking for safe harbor and disability accommodation, and thereby subjected to deprivation of due process and equal protection, to sanctions, punishments, dismissals or traumatic orders or adverse judgments that bring them to this court. They have demonstrated in the record of lower courts the adverse impact of prohibited and accusatory judicial conduct on their life, liberty, property and fundamental rights. The cases of the disabled pro se litigants reported by me made unmistakably clear that torture or ill-treatment had occurred in the course of legal proceedings or trials in the lower courts, with judges accusing each victim of not being sick, not being disabled, and not requiring medical treatment and requiring them to cure disabilities and heal serious illness and eliminate the need for medical treatment as a condition of access and of the benefit of constitutional due process of law. Each of these litigants alleged that physical or mental injuries or both had been suffered with chronological medical evidence, and provided the cause for the injuries, which included the elimination of due process and the unequal treatment by judges, with a chronological record of induced injuries locked and timestamped in the public record of the courts. Deprivation of due process, for example, is a form of psychological ill-treatment or torture that is prohibited under Article VI and the international instruments discussed herein.

[20] Dismissing my appeal and thus ignoring my complaint for human rights violations whose description and extent and nature invokes the UNCAT and therefore constitutes allegations of prohibited acts which must not fail to be investigated, failing to take the appropriate and legally mandated actions including my protection, and dispatching me back to the court wherein I am being ill-treated and tortured, constitutes refoulement that is prohibited under customary international law and Article VI of the US Constitution.

[21] Lifetime tenure in the highest court in the land makes this judge the most trusted human being in American government

[22] The US Constitution inherently prohibits the violation of human rights, which our courts have legalized. The US Constitution's safeguard against tyranny intends the courts to be the domestic protection against unconstitutional government, which includes their essential role in prohibiting and abating human rights violations. While the US Constitution contemplates unconstitutional government by the courts, judges have redefined the constitutional protections against a tyrannical judiciary into impotence.

[23] Including but not limited to the failure of this judge and this court in not taking the actions required under the UN Istanbul Protocol based on my complaint and allegations and facts documented in the records of the Ninth Circuit courts, and the deprivation of my essential and very clearly specified medical treatment, confirming that the condition for my access to due process in the Ninth Circuit is to cure my disabilities and heal my serious illness upon the command and schedule of this court as personally endorsed by this judge.

there is no domestic remedy or relief[24] from judicial conduct that is prohibited under the supreme Law of the Land[25], including under International Law[26]. And this court was shown by clear and irrefutable evidence to be the penultimate source of evil at the root of prohibited conduct and a systemic subversion of supreme Law by the judiciary in the Ninth Circuit[27].

[24] My ill-treatment and torture by the Ninth Circuit culminated in my FIRST FILED AND ADJUDICATED writ in the US Supreme court case# 23-7017 denied on May 20, 2024, which condemned the Ninth Circuit and its judges to be identified to the United Nations Human Rights Council and Special Procedures, with the guidance of the UN Secretariat, as violators of human rights, and to be subjected to actions by the Private Attorney General.

[25] The supreme Law of the Land (note capitalization in this writing) is defined under Article VI of the US Constitution. It expressly identifies treaties as the essential and noteworthy components of the supreme Law and thus establishes that treaties must be directly obeyed under domestic jurisprudence, with International Law as the operative basis for their adjudication. The express statement of Article VI makes the supreme Law of the Land personally binding on every state judge as a mandate that may be enforced by the federal government. Since the federal government which enforces law against a state judge is the federal judiciary and this Supreme court, each federal judge is necessarily obligated to respect and diligently follow the very same treaties in their personal conduct and in the discharge of their duties of office. This is implied and expected by Article III "good Behaviour".

[26] Article VI of the US Constitution unambiguously and unequivocally asserts that treaties shall be held as domestic law and inherently recognizes the rule of International Law in domestic government, including domestic jurisprudence. Customary international law may not be ignored or bypassed. The Law of Nations is specifically named in the US Constitution and customary international law and expectations of civilized society and civilized nations continue to control what constitutes compliance with the object and purpose of treaties, notwithstanding the United States' historical use of RUDs, which have drawn objection from other State parties, and which have been intended by the United States to evade the essential objects and purposes of these critical and highly beneficial international instruments (see the filings in 2024 in the Bankruptcy court of Northern California case# 23-50690 where the judge evades obedience to human rights treaties by express invocation of RUDs). The RUDs advanced by the United States to undermine the objects and purposes of treaties continue to undermine the object and purpose of the US Constitution as defined by its Preamble. Treaties are essential to the national security and the general welfare of the PEOPLE of the United States who are not recognized as sovereign by their judiciary. The treaties and instruments herein recognized are essential to constitutional rule, and essential to the object and purpose of the US Constitution as expressed by its Preamble, and a 'safety net' in such an instance where the judicial branch of government undermines the People and their rights and their welfare.

[27] Refer to the list of my lawsuits in the footnotes below, and the public records which chronologically prove this allegation. The decisions of this court that set precedents in every court in the United States are in the public record. The subversion of supreme Law is by means of discrimination based on disability which, according to the uniform national standard for eliminating discrimination in the courts, is demonstrated by this judge and by this court, and the subversion is also for elimination of fundamental and non-derogable rights and obedience of treaties, including the UNCAT which prohibit the cruel, inhuman and degrading treatment and punishment dealt by this judge completely ignoring my complaint for human rights violations and acquiescing to the torture by the trial court, and refoulement by dispatching me to the control of the same judge-abuser without any prevention of re-traumatization and without the mandatory independent investigation required under international instruments and compliance with the object and purpose of treaties. The subversion is subject to a systemic policy of discrimination and infliction of severe pain and suffering through deprivation of rights including the right to due process of law, which this judge individually chose to follow, and according to which, violated my human rights xxx2 in conjunction with two other judges in this court, and all judges in this court who may have preceded this judge in similarly violating my human rights, and in conjunction with the trial judge.

This prohibited conduct is no less than[28] cruel, inhuman and degrading treatment and punishment[29] by the judges of this nation that graduates uncontrollably to torture[30] in this Circuit. This prohibited conduct is inflicted under the envelope of discrimination based on disability.

This judge received a complaint[31] for violation of human rights from me that was directly and inescapably actionable under Article VI of the US Constitution and under the *jus cogens* of customary international law, and did not take the essential and mandatory action required under the supreme Law of the Land.

The federal jurisprudence of this nation is penultimately under the supervision and control of this court[32] and this judge, and the failure of correction by its master[33] does not excuse its prohibited acts, or the failure of enacting essential reform. Nor is this judge's failure to recognize and notify the Ninth Circuit

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[28] But is not limited to ill-treatment and torture

[29] It is demonstrated by the facts that, by expecting our 'normal' function and obedience to invariant rules, procedures and policies of courts without meaningful accommodation, judges and courts treat the disabled pro se litigant in a manner that causes and maintains severe pain and suffering in the course of jurisprudence. Judges and courts cause our unequal participation in litigation at the cost of injury through intimidation and coercion, and discrimination, with re-traumatization and the judicial hostility and abuse that we experience having a chilling effect on us. The intimidation and coercion includes the threat of being ejected from litigation with injustice assured, and the threat of not having access to due process unless we cure our disabilities and heal our serious illnesses, and conform precisely to the expectations of the judge and court. This is demonstrated over seven years in the records of 9 state and federal courts, including this court. Each of those 9 courts and over 40 judges are impeached by a single federal judge of good Behaviour.

[30] It is demonstrated by the facts that, by expecting our 'normal' function and obedience to invariant rules, procedures and policies of courts without meaningful accommodation, judges and courts intentionally treat the disabled pro se litigant in a manner that causes and maintains severe pain and suffering for the purpose of obtaining information and participation in court events and legal processes that require the communication of information. For example, every filing in litigation is the extraction of information by necessity of formalized due process, and every document or interrogatory response produced in discovery is the extraction of information. Once a court takes jurisdiction, there is no stopping the extraction of information because due process is fundamentally a process extracting information from parties to determine the lawful outcome of a case or controversy. Judges and courts extract information from us through intimidation and coercion, and discrimination, with re-traumatization and the judicial hostility and abuse that we experience having a chilling effect on us. The intimidation and coercion includes the threat of being ejected from litigation with injustice assured, and the threat of not having access to due process unless we cure our disabilities and heal our serious illnesses, and conform precisely to the expectations of the judge and court. This is demonstrated over seven years in the records of 9 state and federal courts, including this court. Each of those 9 courts and over 40 judges are impeached by a single federal judge of good Behaviour.

[31] Appendix C.

[32] This court is the penultimate judge and arbiter of constitutional standards for jurisprudence, and is the federal authority in the Land charged under the Preamble of the US Constitution with ensuring Justice. When a defect in jurisprudence is brought to the attention of this court, it is the unavoidable duty of this judge and of this court to address it without fail, but there is no demonstration of such action by this judge, not even any sign of the consideration by this judge of the applicable law or the required action that must be taken. This judge and court are integrated with mechanisms through the Judicial Council of the Ninth Circuit, and the Judicial Conference of the United States to shape and evolve rules, procedures and policies of the federal courts in conjunction with the US Supreme court which is vouchsafed with authority by Congress to define and control the rules, procedures and policies of the federal courts. But there is no sign that this judge even used any of these mechanisms as required by the supreme Law and international instruments herein described to inform anyone of the glaring defect in jurisprudence that refouled and rendered a torture victim back to his torturers. This court had a duty to protect me and immediately initiate an independent investigation of my complaint for human rights violations according to international instruments and to alert these mechanisms for reform and then act to ensure that I am protected, while the necessary reform is made according to the extent of its power and influence within the judicial mechanisms available, and without fail. This judge did not perform any of these required acts.

[33] The US Supreme court

Judicial Council or the Judicial Conference through the Chief Judge of this Circuit excusable or *de minimis* error[34]. There is no absolution under the supreme Law of the Land for the failure of this judge and this court to take the necessary action and "ensure Justice"[35], only personal liability without immunity.

Under this judge's control, and under a common pattern of cruelty and inhumanity applied through jurisprudence that is endorsed by this judge[36], this court continues to deprive me and other disabled pro se litigants of fundamental rights, including the freedom of expression[37] and the due process of law, while also depriving us of equal treatment through discrimination, and traumatizing us repeatedly by depriving us of essential medical treatment and human and civil rights, and confining us to the control of the same malevolent judges who perpetually abuse us[38].

Not only does such intentional deprivation predictably induce severe pain and suffering, but it is established by medical science that these deprivations also cause serious and irreparable physical and

[34] The complaint for human rights violations by the lower court was filed by a disabled pro se litigant who was and is seriously ill and substantially incapacitated and was unable to access law and precedent and form arguments at the level of an attorney (despite a Juris Doctor) and spoke sincerely and in 'plain speak'. The advent of A.I. in 2023, and its progressive refinement and increased power is the only means by which I have been able to attempt to overcome my functional and cognitive impairments that are chronologically documented in the records of 9 courts in the United States. The evidence that I was 'shut out' of due process by the courts is in public view. I continue to be shut out by deprivation of essential medical treatment. The artificial human (marriage of A.I. and flesh) is an approximation of me, but still deprived of opportunity to argue law and points and authorities and to cognize rules and procedures and the fineries of law, despite my educational foundation and raw intellectual prowess that are imprisoned out of my reach by my sustained functional and cognitive impairments induced and maintained by my torture.

[35] The Preamble to the US Constitution is its object and purpose, Achievement of the object and purpose of the US Constitution are requirements of the supreme Law of the Land and may not be undermined or ignored or abridged by any judge. Article VI's express language binds every state judge personally to the obedience, and a federal judge is not exempted from this obedience under a textual mode of interpretation of Article VI, but must obey the same supreme Law and may not claim not to be bound by the supreme Law of the Land.

[36] This judge denied appeal 22-16174, and invalidated the vehicle of the appeal that I used to report a complaint for human rights violations. This judge caused my complaint for human rights to result in no investigation, remedy or relief as required by preeminent operative law that preempts the statute on appeals, and the rules, procedures and policies of this Circuit. Every judge is presumed to know the law and be competent in the law. The facts leave no doubt about human rights violations and discrimination. Of critical importance is the failure of this judge and this court to protect me and to have dismissed the appeal without any investigation as described in the UN Istanbul Protocol. Having failed as a court to stop, investigate, abate, prevent and punish prohibited acts, this court may never act as an independent investigator of any future complaint for violation of human rights in the course of jurisprudence, but must enable the authority and jurisdiction of an independent investigative body into these continuing, as well as past prohibited acts, as described in Appendix B. The complaint for human rights violations is clearly evidenced in the records of the lower court and in my writings in this court under 22-16174 xxx5, but this judge REFUSED to consider them and was unfaithful to the operative control of the supreme Law of the Land that required this judge to stay all litigation and cause to be initiated an independent investigation of prohibited acts under customary international law, and for remedy and relief to be administered, including punishment of offenders.

[37] Every judge of every representative court in this nation, including this judge, was well informed that, while kept seriously ill and substantially incapacitated, this litigant could not apply his innate abilities and express himself in litigation, nor could he participate in litigation absent medical treatment and unaccommodated, without suffering serious and irreparable physical and mental injuries, and therefore should not be coerced by judges and courts into involuntary and unprepared expression.

[38] Note the testimonies of three witnesses to the widespread prohibited acts in the California courts who have testified in the record of 21-cv-04262-JSW

mental injuries[39], and have done so as documented in the records of numerous courts, including the records of this court[40]. Thus, we are deprived of life[41], liberty[42], property[43] and rights in perpetuity[44] by this nation's judiciary under the endorsement of this court and the acquiescence of this judge. The Bill of Rights and the Fourteenth Amendment do not exist for us, and human rights are irrelevant, says this court and this judge.

These prohibited acts constitute systemic cruel, inhuman and degrading treatment and torture of the disabled pro se litigant at the hands of the judiciary of this nation, including this judge, and incorporate the violation of multiple human rights treaties, with all possible domestic redress and remedies made intentionally and purposely unavailable. Thus our nation's judiciary stand as tyrants who rule over the People[45] and subject our dignity and our essence to impoverishment and diminution and bondage, in the name of justice.

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[39] This case introduced unique fact patterns that expose a flaw in jurisprudence that stands to harm and prejudice significant numbers of litigants without any remedy or relief available in domestic jurisprudence.

[40] Far more than a hundred chronological filings challenging discrimination by 9 representative state and federal courts in this nation since 2018 include many communicated to this court and known to the judges of this court since 2019.

[41] Since 2018, my life expectancy has been radically shortened by the human rights violations of judges and courts. This is demonstrated by statistics and my diagnoses and symptoms and the record of the progress and expansion of my serious injuries caused by the distress induced incessantly by judges and the invariant application of rules and procedures and policies of courts applied to me in opposition to the Freeman Bright Line (defined below). This court and this judge have significantly contributed to the deprivation of my life. In 2023, my doctor of 30 years 'let it accidentally slip out' that she does not expect me to still be alive by 2029 to exercise a property option. This doctor has written letters to the courts predicting my serious injuries and my death for deprivation of court accommodations and obstruction of my essential medical treatment.

[42] Each victim identified in my filings in 21-cv-04262-JSWand in my communications with the United Nations has been deprived of human rights and Liberty. This deprivation is not merely confined to the precedents described in my writs of certiorari 23-7017, 24-5808, 24-6012 and others. But it is also measurable physically, in terms of the loss of functional ability, loss of cognitive ability, loss of possibility of the pursuit of happiness, loss of rights in society especially no rights in the courts, loss of freedom of movement (in my case I am housebound and under full-time care), loss of opportunity and loss of economic viability. Other deprivations of liberty are described in the individual complaints by each victim in the records of their courts.

[43] Each victim identified in my filings in 21-cv-04262-JSW and in my communications with the United Nations has lost property by deliberate human rights violations by the courts in collusion with attorneys through deprivation of constitutional due process. The violations of my human rights caused my property and 'homestead' to be lost, after which the court insisted that it shall be returned to me damaging the new owner and then taken from me again, damaging both me and the new owner in an estimated combined amount in excess+
of $6 million by 2024, while preventing me insistently from filing appeal. Julia Minkoswki is an exile to protect her life and personal safety against torture by the courts, and has lost all property taken punitively by the courts. Eva Danilak is a victim of court-permitted fraud depriving her of valuable community property, and obstruction by the court of her motions for various essential relief, including deprivation of support payments for almost six years.

[44] We are labeled vexatious by the courts for complaining about discrimination and human rights violation by judges and courts, and when applied to us, the vexation statute is perverted by judges to eliminate our rights of access to courts in perpetuity, in violation of the express provisions of precedents. State judges even contradict the findings of the government and authentic doctors by insisting that we are not disabled and that we require no accommodation in the courts, while one federal judge impeaches every other judge and holds the Freeman Bright Line for almost SIX YEARS, confirming that disabled pro se litigants must be accommodated under a uniform national standard in every court by modifying rules, procedures and policies and protecting their human rights. For the Freeman Bright Line, see the orders in 19-cv-04392-BLF.

[45] This judge is familiar with the early history of this nation, and how the model of British justice was incorporated in the design of the federal government to thwart tyranny by excess in the legislative and executive branches. The judge with tenure

These prohibited acts are non-derogable under International Law and cannot be limited under any circumstances, but this court, through this judge, treats a *jus cogens* of international law nonchalantly, evading even minimum obligations under standards such as the UN Istanbul Protocol[46] which embodies the norms of customary international law[47] applied to particular prohibited acts herein discussed.

This court must not use the shield of Separation of Powers to promote impunity of the judiciary, or to promote and endorse the violation of human rights in the course of jurisprudence, or to evade the will of the People and the object and purpose of treaties and the obligations of this nation to the international

was seen in those times as the adequately empowered mechanism to thwart the oppression of the monarch, and thus necessary to protect liberty against the temptations of power and rank in a nascent nation. But the fear of tyranny had blinded insightful men, who copied a system of jurisprudence, to the truth that tyranny had established its own mechanism to control the masses, with subtlety and with finesse, while ensuring that monarchy continued its oppression and dominance stealthily, quelling rebellion by perception of the tempering of absolute power into a benevolent reign by the tenured judge who shielded the People from the oppression of the monarch. But in their anxiety, the respect for the truth that the monarch was impeccably shielded from all judicial reach, and retained ultimate power over the judiciary, opened the door to a runaway judiciary whom over two centuries later, the People consider untrustworthy and unrepresentative of the national ethos that defines America and the unity and the liberty that it represents.

[46] The United States' specific endorsement of the Istanbul Protocol or any human rights protocol in use by the United Nations has no effect on this court. This court must not fail to notice and consider and even apply such standards to determine human rights violations under treaties and customary international law according to Article VI which establishes treaties as being supreme Law of the Land and therefore requiring adjudication according to International Law. Note that the US RUDs for UNCAT insist that the nation should hold this vital treaty as non-self-executing because there are alternate pathways through constitutional challenge to domestically address prohibited conduct through our domestic court. Seven years of court records in 9 courts demonstrates in the public record that this is not true, and the treaty itself is the only remedy and redress.

[47] The UN Istanbul Protocol is an international standard that is respected by International Law

community[48]. The Preamble of our Constitution states in plain words its essential object and purpose that is abandoned by this judge[49] and by this court. Judicial ethics do not permit such judicial candor[50].

The motion is based on substantial grounds documented in this court's own records and the records of 9 representative state and federal courts since 2018, and these records demonstrate that the prohibited judicial conduct documented in the record of this court since 2019 must be presumed to be knowing and

[48] A review of treaties in US history demonstrates this nation's critical dependence on treaties for its survival, security and prosperity. Absent treaties, a nascent nation who defied monarchic law and committed treason, and created its own rule and Constitution, would likely have failed to hold and grow.

[49] This judge delegates and discards a non-delegable duty that require action on discrimination and on human rights. This judge committed these duties to the void of absent judicial diligence and did not establish justice, undermined the domestic Tranquility of persons with disability, undermined the general Welfare by promoting an unconstitutional jurisprudence that victimizes those that the People expect to be freed from discrimination, and fails to secure the Blessings of Liberty which cannot exist when our judiciary deprives the People of constitutional rights and when they administer cruel and unusual punishment without due process under color of authority. When a request for safe harbor and disability accommodation along with protests for discrimination and human rights violations are unmistakably advanced with substance and medical evidence, the judicial act of ignoring the disabilities and the causation chain for injuries and the clear issue of human rights and the deprivation of access to the court, establish the judicial purpose and intent not to prevent harm and injuries, and to deprive the victim of essential medical treatment that is unmistakably indicated and requested with emphasis. Freeman does not commit such invidious discrimination and overt disability hate crime. This judge may not claim that their conduct is merely obedience to invariant rules, procedures and policies of their court, because justice and the administration of justice turn on facts, and the facts leave no room for such self-righteous fraud upon the public. This dereliction of judicial duty does not dispel the authority that invokes human rights treaties including the UNCAT and demonstrates that this judge has violated International Law embedded in Article VI of the US Constitution that absolutely prohibits this judge's conduct. The delegation of a non-delegable duty by this justice based on standard practices of this court in the administration of justice, and concordance with two other judges that the violations are legalized does not absolve this judge of complicity in prohibited acts, and may not be used as a defense against purpose and intent for the endorsement of, and acquiescence to, these prohibited acts. At a minimum, it is a lack of independence and a lack of impartiality prohibited under judicial ethics by agreement and in collaboration with other judges of this court. Do not forget that omission to act is included to construct an essential element under the prohibition against torture. And as the UN Istanbul Protocol reminds us, international standards on judicial ethics forbid the conduct seen in this Circuit.

[50] A judge may not intimidate or coerce a disabled pro se litigant to cure their disability or to expect healing of serious illness on a schedule specified by a judge, and any order for the purpose of judicial management and planning may not be issued that is inconsistent with medical science and with the unique characteristics and needs of the disability or the illness. A judge may not prevent, modify or interrupt essential medical treatment under any circumstance. A judge may not consider prior judicial conduct that caused harm to such a litigant as *de minimis* error and proceed without heightened consideration to re-traumatization, to refoulement, to the altered coping and psychological and emotional characteristics of a previously injured litigant. A judge may not interfere with or prevent recovery and rehabilitation of such a litigant at any time. A judge must account for pain and suffering and injuries inflicted upon the victim by other judges and courts and proceed with extra diligence and elevated abundance of caution and care. No court rule, procedure or policy must take precedence over human rights and the integrity and welfare and safety of any disabled or ill litigant. Due process must be guaranteed to such a litigant with elevated care, and accommodation must be ensured proactively by the court which meets the quality and outcome and usefulness expected by an independent medically qualified body. Judges must ensure reforms in court services, processes and activities that safeguard human rights in jurisprudence and authorize punishment for judges for discrimination or human rights violations. Judges must reach outside their courts, proactively, to stop human rights violations by other judges. Discrimination must be eliminated in jurisprudence, and always viewed in conjunction with human rights. The protection and promotion of human rights must be a paramount objective of jurisprudence, and fairness and procedure and laws and precedents must be subordinated to human rights, and conflict between them must be examined and resolved from the perspective of human rights and International Law, and with emphasis on the experience and perspective of the victim. Intrinsic bias that infests jurisprudence, and particularly the prejudice of judges for the disabled and the sick pro se litigant must be rooted out with punishment that deters any judge from daring to commit such invidious discrimination and human rights violations in the course of jurisprudence.

deliberate[51], is confirmed under oath and with chronological documentation in the court records as taking place with accumulating injuries and incessant pain and suffering and chilling effect, and likely to continue[52].

Despite my demands since 2019, and the filing and denial of my actions in this court providing notice of these prohibited acts to the judges of this court[53], this judge refused and refuses to take any step to address and cure these ills within jurisprudence and within this court, and therefore must not adjudicate any matters intersecting the sphere of discrimination or treaties or human rights[54].

As a result of an absence of a mechanism to cause this court to prevent and abate these prohibited acts, I am limited to using the only available method[55] to directly inform this judge of these prohibited acts. Hence the motion for disqualification, which stands upon its own merit under the cited instruments and upon this courts' Code of Conduct. This notification additionally creates a personal duty for this judge to personally address these prohibited acts.

As a matter of the appearance of impropriety, this judge should adjudicate no matters that come before this court[56]. I leave that issue to this judge's conscience.

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[51] With each attempt to file an action in this court since 2019, this court was informed of my increasing induced injuries caused by its treatment and obstruction, and its impact to my human rights and its obstruction of my medical treatment. The communications by me to this court indicate the essential need for safe harbor and disability accommodation, without which I cannot access this court. I asked for the justices of this court to personally adjudicate my requests for safe harbor, for disability accommodation and to enable, not obstruct my medical treatment. This court and the judges of this court ignored my numerous requests. The clerks of this court must not be made into scapegoats by the judges of this court for violations of human rights. Omission satisfies an element of torture, as does acquiescence.

[52] I continue to file actions in this court, with more inevitably forthcoming due to incessant torture by state and federal courts and judges. This court must act to stop torture of litigants by the courts.

[53] Staff attorneys and law clerks employed by the court to 'get rid of pro se writs' must not be made into scapegoats by the judges of this court for violations of human rights. There is no mistake in the human rights violations documented in the records of the several Ninth Circuit courts. And there is no mistake that these "acts continue to be practised with impunity" by the judiciary, who will not "identify and implement effective measures to protect individuals from torture and ill-treatment".

[54] The respect for and the protection of human rights may be derived by first principles from the text of the US Constitution. Thus the United States did not hesitate to embrace the Universal Declaration of Human Rights, or the UN Charter because the principles embodied in those international instruments are resonant with the character and morality of this nation whose Constitution speaks of their commitment to laws and principles that its judiciary deprecate and violate in the course of their administration of justice.

[55] The disqualification based on judicial ethics must not be deprecated to the operation of a federal statute as judge Jeffrey White has done in 21-cv-04262-JSW, while his peer judge Beth Freeman impeaches his conduct in the same court. This court must never lose sight of my functional and cognitive impairments and serious illness.

[56] The violations alleged herein are crimes under International Law. As the Private Attorney General, I stand to end systemic torture and cruel, inhuman and degrading treatment and punishment in the course of American jurisprudence, and I limit my present focus to disqualification of this judge in adjudicating cases involving discrimination based on disability and cases involving human rights. However, the bright line of the supreme Law of the Land speaks very clearly, and it is for this judge's conscience to do what is right.

THE FACTS

Summary: The disabled pro se litigant is required by judges and courts to participate unequally and without accommodation in litigation, under expectation to cure their disability and any serious illness on the court's schedule and under the court's prescription of the permitted medical treatment, eliminating fundamental rights, giving unfair advantage to adversaries, and ensuring the highest likelihood of injuries, injustice and harm. Even when there is no opponent and no urgency in dispensing with an appeal, and justification under preeminent authorities to provide safe harbor and accommodation and protect human rights, this court and this judge follow a strict policy of enforcing rules, procedures and policies which is a prohibited act under these authorities and instruments.

Every fact reported herein[57] is supported by chronological records of 9 courts in the United States that are identified below[58] and provide copious details by their own standing that will not be repeated herein. Since 2019, this court has received, human rights actions from me against 2 separately numbered

[57] The organization and volume of this writing is influenced by my functional and cognitive impairments and my substantial incapacity. It is only the advent of Artificial Intelligence that has provided a mechanism to write without being dismissed at hand about my writings, and penetrate the impossibility of expression while previously deprived for years of access to legal resources and to legal precedents and arguments and reasoning, and access to my own records and information as well as access to the courts. My writing is necessarily repetitive because of an inability to edit it. The writing also presents as much detail as possible in the event of my death, the prospect of which has been long forecast, and whose arrival has been kept at bay by superbly talented doctors and care.

[58] • California Superior Court in the County of Santa Clara: 16cv295730, 17cv312522, 18cv335914, 18cv337311, 19cv350958
• California Sixth District court of Appeals: H052601, H052596, H052563, H052068, H051831, H051766, H051717, H051557, H049580, H049414, H049025, H048909, H048827, H048755, H048725, H048713, H048512, H048471, H048396, H048298, H048283, H047999, H047840, H047822, H047655, H047629, H047629, H047629, H047614, H047603, H047541, H047511, H047470, H047432, H047432, H047432, H047432, H047432, H046710, H046595, H046576, H046576, H046576, H028327, H020863, and multiple actions that could not be brought due to invariant deadlines.
• California Supreme court: S284268, S284075, S283992, S283705, S268997, S267318, S267314, S266549, S266540, S266474, S266471, S265717, S263716, S263714, S263711, S263610, S253843, S253843, S253843, and multiple actions that could not be brought due to invariant deadlines or due to obstruction of my filings by that court.
• Federal district court of Northern California: 19-cv-01986-LHK and 21-cv-04262-JSW, with 19-cv-04392-BLF establishing a current national standard (from which basis the proper standard may be developed) for the prohibited judicial acts that bring me to this forum.
• Ninth Circuit court of Appeals: 19-16291, 22-16046, 22-16174, 23-15221, 24-3353, 24-6312.
• Multiple attempted writs in the US Supreme court, culminating after approximately FOUR YEARS of exclusion and obstruction of my access in 23-7017, and also 24-5808, 24-6012 and my repeatedly obstructed writ for California Supreme court S283992 and S284075
• Federal district court of Denver Colorado: 23-cv-03168-RMR-MEH.
• Tenth Circuit court of Appeals: 24-1107
• United States Supreme court – three writs filed, more pending filing

lawsuits[59], which conveyed a variety of renditions of the same essential facts, and need no repetition, except referral to the records of this Circuit's courts.

Every fact asserted here need not have been presented to this court for adjudication pursuant to its customary processes in order to require acknowledgement of notice and immediate action by this judge to investigate and address prohibited conduct by other judges. It sufficed that the complaints were presented to this court in my personal communications with it since 2019. However, my cases and particularly my complaints for violations of human rights were endowed with ripeness, and thus I was qualified to address this court for relief and remedy, and in the process provide it with notice of prohibited judicial acts.

My cases did not come as ordinary cases that may be passed upon by this court. Each case required action from this court on behalf of government, and from this judge personally, under a non-delegable duty and in obedience of the US Constitution and obedience of International Law, i.e. the requirement of action on the matters brought by me has always been a non-delegable duty for this judge[60]. This judge instead evaded, refused, omitted or delegated these essential duties[61], and did not act with independence or with faithfulness to the law.

[59] 19-cv-01986-LHK and 21-cv-04262-JSW are in essence the same lawsuit, which do be refiled because of the human rights violations of this Circuit's courts.

[60] The evasion and the refusal and the omission of performance of certain responsibilities by this judge and this court constitute violations of the UN Istanbul Protocol and of human rights under these facts. The enforcement of rules, procedures and policies by the clerk of this court through issuance of notices and orders constitutes prohibited acts that are attributed to this judge by virtue of a personal duty of management of this court, which may not be solely delegated and 'left to' the chief judge or the clerk or the executive. The prohibited acts reported necessary required the personal attention and unfailing action by this judge at the instant that the court received notice of the prohibited acts and this judge was assigned to this case. This judge then necessarily became responsible for addressing and remedying the actions of others in this court that constitute prohibited acts. Nothing in the record indicates that this judge performed any action required by the supreme Law of the Land to address and remedy the prohibited acts.

[61] The acts of this judge were considered and deliberate

A pro se litigant is subjected to cruel, inhuman and degrading treatment and punishment[62] (ill-treatment[63]) by judges[64],[65]. When the two classifications of disabled and pro se are combined, a disabled pro se litigant is subjected to elevated degrees of cruel, inhuman and degrading treatment and punishment by judges which invariably graduate[66] to acts of torture[67] perpetrated by judges[68]. Ill-treatment is absolutely prohibited under International Law, as is torture.[69] The records of multiple courts referenced herein chronologically confirm this truth and these prohibited acts as being persistent and widespread[70]. In this case, it is clear from the record that even the clerk is complicit in enforcing

[62] This writing adopts the terminology of the UN Istanbul Protocol. "Cruel, inhuman and degrading treatment or punishment" is used interchangeably with "ill-treatment". The Istanbul Protocol contains a series of "Istanbul Principles", which articulate minimum standards for State adherence to ensure the effective investigation and documentation of torture and ill-treatment, which are further elaborated in the manual. The Istanbul Principles were promoted in resolutions of the General Assembly1 and the former Commission on Human Rights in 20002 and States were called upon to disseminate the Principles widely and use them in efforts to combat torture. This court must note that formal adoption of the Istanbul Protocol by the United States is irrelevant to its applicability herein.

[63] Cruel, inhuman, and degrading treatment (ill-treatment) refers to acts that cause severe physical or mental suffering but do not meet the specific criteria for torture. Ill treatment, as defined under international human rights law, does not necessarily require the same level of purpose and intent as torture. While torture involves the intentional infliction of severe pain or suffering for specific purposes, such as obtaining information or a confession, cruel, inhuman, or degrading treatment (ill-treatment) focuses more on the nature and severity of the treatment and its impact on the victim.

[64] Debra Cassens Weiss, Posner: Most judges regard pro se litigants as 'kind of trash not worth the time', ABA Journal 9/11/2017. "The basic thing is that most judges regard these people as kind of trash not worth the time of a federal judge," Posner said.

[65] The Fraternity: Lawyers and Judges in Collusion, John Fitzgerald Molloy (Paragon House, St. Paul, Minnesota, 2005). Every judge of this court is required for their eligibility for appointment to have been a licensed attorney.

[66] See my writ 23-7017 in the US Supreme court

[67] Torture is considered a serious crime under international law and is subject to strict legal penalties

[68] "*on one level, because the Bill of Rights codifies a very large and progressive view of human rights and because the Bill of Rights is part of the Constitution, which is the highest law of the land, it could be argued that in any case invoking the Bill of Rights, the law of human rights has always been treated as the rule of decision in U.S. courts.*" Seinfeld, Gil. "The Puzzle of Complete Preemption." U. Pa. L. Rev. 155, no. 3 (2007): 537-79. However, in the case of the disabled pro se litigant, human rights are eliminated by judges as a pervasive feature, that is discrimination by the courts.

[69] The emphasis on preventing cruel, inhuman or degrading treatment is explained through its interrelated relationship with torture. As observed by the Committee against Torture, "in practice, the definitional threshold between ill-treatment and torture is often not clear … [and] the conditions that give rise to ill-treatment frequently facilitate torture and therefore the measures required to prevent torture must be applied to prevent ill-treatment." (Committee against Torture, general comment No. 2 (2007), para. 3). In that regard, other forms of ill-treatment are also absolutely prohibited. If allegations of acts involving torture or ill-treatment are considered to be well founded, offenders should be subject to administrative and judicial penalties that take into account the grave nature of their acts (*A/HRC/28/68/Add.4, para. 109 (a)*) with no statutes of limitations (*Committee against Torture, general comment No. 3 (2012), para. 40; CAT/C/LVA/CO/6, para. 9; and CAT/C/UZB/CO/5, paras. 25–26).*

[70] One the key features of numerous and very lengthy writings by me in every court is the involuntary and unprepared nature of the writing, that is verbose, poorly organized, lacks coherent and supported legal argument and authorities, demonstrates a complete absence of knowledge of court rules and procedures, lacks basic resort to law and well known methods, demonstrates repetitiousness and a lack of editing, and includes evidence of an inability to read or follow other parties' pleadings and the orders by the court. Read them, do not fail. Now having read them, add the fact that I have a Juris Doctor. Are such writings those of a Juris Doctor? No, you will find that they are the coerced writings of a substantially incapacitated human being with functional and cognitive impairments who is forced to provide information and forced to participate and appear unequally in litigation. Since my catastrophic MS relapse induced by the court in 2018, I reported the cognitive impairment to reading comprehension, along with a number of other cognitive impairments measured scientifically by a neuropsychologist, all of which the court ignored and did not accommodate. The coercion and intimidation by the court for me to supply information under orders, which I could not due the fact that the distress of performance caused me physical and mental injuries, added to the impact of the substantial incapacity and impairments to make my participation impossible. The demands by the court for me to provide information and responses, as well as to do so in writings in response to overly-

invariant rules, procedures and policies of this court that are unenforceable under my circumstances, but are nevertheless enforced with full force and acquiescence and endorsement of every judge of this court, including this judge. The promise by the clerk that this court will render a decision on accommodation is a sham and the order for my coercion that requires extraction of information under severe pain and suffering with serious and irreparable injuries certain, constitutes discrimination, ill-treatment and torture. This is habitual and systemic conduct for this court, and each of its judges. Therefore the prohibited acts are persistent and inextinguishable, and a *modus operandi* for every judge.

As human rights duty bearers, States have the obligation to ensure effective torture and ill-treatment prevention, accountability and redress[71]. The prohibition against torture and ill-treatment is absolute under both treaty and customary international law. Ill-treatment is cited and prohibited in human rights treaties[72]. Customary international law is expressly recognized as an authority under the "supreme Law of the Land"[73].

Note for emphasis that the prohibited treatment by judges is overt and so egregious that exploitative adversaries in litigation are tempted and invited by judges to contribute to the ill-treatment and torture by supporting the human rights abuses of the judges and by providing fraud[74] and libel and opposition to accommodation in order to corroborate the fabricated evidence and egregious justifications provided by the judges for the prohibited treatment. California judges will even communicate ex parte with these adversaries in order to perfect and justify their prohibited acts[75]. Their medical expert will commit copious fraud in paid medical evaluations that are exposed with ease by multiple respectable and qualified independent medical professionals, whose medical input judges selectively suppress to insist

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voluminous demands by exploitative adversaries who took advantage of my impairments and the court's prohibited acts, caused increasing sanctions (discovery) and punishments for me, with further demands on me to supply more information in many motions and to appear and participate so far beyond my impaired ability that injury from torture was extreme, as was the punishment in response to the extracted information and unequal participation, including dismissal of a lawsuit that could not be lost since it was won over a decade prior and proof of the same violations was provided in detail in the court record. The torture and prohibited acts by the courts and exploiters of the court's crimes also included sanctions of $600,000 in 2021 that the California courts continued to increase to the present day in my own litigation from which I am excluded, exceeding $3 million by torture and abuse which has expanded to the ill-treatment of my doctor who witnessed torture and spoke of the harm done to me by the courts, and continues to be damaged, now over $3 million for her honesty and decency, and for supporting by medical proof my requests for safe harbor and disability accommodation.

[71] UN Istanbul Protocol paragraph 642.

[72] UNCAT Article 16, ICCPR. The CRPD and the ACHR are signed but not yet ratified by Congress and both prohibit ill-treatment. The UDHR was adopted by the US in 1948 and Article 5 states that no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.

[73] Article VI, US Constitution

[74] Including medical testimony that is fabricated by a physician to encourage my continued ill-treatment and torture

[75] Recall the obscene and violative orders by judge Jeffrey White denying me safe harbor and disability accommodation while he was consistently impeached by the stare decisis of his peer who established the Freeman Bright Line of safe harbor and disability accommodation for all courts in the United States according to the ADA and human rights treaties in harmony. Recall the March 2020 preemptory mandate by Mary Greenwood banning all accommodation to me in the state trial and in the appeal court in perpetuity after she communicated ex parte with my adversaries.

that their victim is fit for abuse according to his adversaries and according to the judges, and even irrespective of the fact that both the judge and the adversaries impeach themselves. The reward of these adversaries is unjust enrichment and security, and their obligation becomes the support of the prohibited conduct of the judge for defense in subsequent litigation for violation of rights. You will find this in the records of both the state and federal courts.

In 2002 I sued a recidivist neighbor who stole my real property, and I won resoundingly. In 2007 I was diagnosed with relapsing-remitting Multiple Sclerosis. In 2011, the same neighbor stealthily stole the same property and more, while I had been developing a valuable international business overseas, and induced a serious MS relapse. In 2016, I discovered her repeat theft and sued again. In 2018 I applied to the California trial court, *pro se,* for disability accommodation for that lawsuit, explaining my cognitive and functional impairments that reduced my participation to a fraction of the speed of a 'normal' non-disabled litigant, and warning of MS relapse if distressed. Immediately, the recidivist and her unethical attorneys opposed my accommodation. Thereafter, they planned and implemented a strategy of obstructing my disability accommodation at all costs, based on the medical information, for the purpose of exploitation and derailment of a lawsuit they had no chance of winning through incapacitating me and achieving dismissal of my suit by my default. Advised by a neurologist, they excessively overloaded the case with activity, ensuring that I fall foul of discovery deadlines, and descend into relapse, and cannot litigate a multi-million dollar claim.

The court denied my accommodation in April 2018. It would take about a year of severe pain and suffering before the judges realized that they must not deny my accommodation.

As a result of the discrimination by the court and the exploitation, I suffered a major distress-induced MS relapse by July 2018. This was a relapse that the federal Social Security Administration characterized as causing a permanent qualifying disability[76]. All of these are documented in the courts' records.

There is no cure for MS, only prevention is attempted[77]. Once an MS relapse occurs, there is no treatment, and indeterminacy as to the duration of MS relapse and the extent of physical and mental injuries. Except in the case of distress-induced MS relapse. Medical science teaches that distress-induced MS relapse may be treated by **complete rest and isolation from distress for sufficiently long to induce remission**, and that the duration of the relapse is determinable with some precision only if this specific medical treatment is provided. Absent this specific medical treatment, serious and irreparable

[76] The SSA's criteria are stringent and required a 2 year (inefficient) investigation of my person and my medical records. The SSA will explore every means to deny an application for disability benefits.
[77] See Disease Modifying Therapies (DMT) for MS

injuries to the brain and spine that control physical[78] and mental function, result. Nevertheless, the trial court judge refused me the necessary medical treatment and safe harbor[79], and knowingly promoted my distress and my consequent severe pain and suffering. This judge was joined in these prohibited acts by many more as time passed. This is the phenomenon in jurisprudence that brings me to this court, because I had already won the lawsuit once before and I would never have needed this court.

The trial court intimidated and coerced my involuntary and impaired responses and participation, and extracted information[80] from me under orders and prospect of sanctions and contempt. The court's orders for my unequal and extremely injurious participation, by the end of 2018, had resulted in three terminal symptoms of Multiple Sclerosis from the relapse that the judge induced less than 6 months earlier. This was extremely rapid progress of MS, and caused alarm about my prospective death at the hands of the court and exploitative adversaries. This evidence of this is recorded and was escalated to higher California courts. Higher courts did nothing to stop these unconscionable acts of cruelty and inhumanity.

When my lawsuits increased by necessity, and when my doctors opposed the insistence of the trial judges that I must function, and opposed the judges' cruel, inhuman and degrading treatment[81], the courts ruled that my opponents shall determine my accommodation. I escalated my objections to other courts. In this process I uncloaked the complete disregard of human rights by the hierarchy of the state

[78] Within months, I could not breathe normally and require oxygen supplementation with a portable generator (dyspnea), I could not swallow without saliva and food drink entering my airway due to a compromised reflex and I would choke and cough severely (dysphagia), and I had tremors. These are reported by hospices which care for dying patients as end stage symptoms of MS.

[79] Safe Harbor is a term that I defined in the context of human rights to mean safety from injury and prohibited conduct. In this, as in all my writings, the term "safe harbor" is used in conjunction with the term "disability accommodation" and together often referred to as the singular term "accommodation". Safe Harbor encapsulates the need to stop all activity and court orders and schedules and influences that may induce distress or prolong serious illness, and thereby cause physical and mental injuries, so that the medical treatment which is complete rest and isolation from distress for a statistically predicted duration, may occur. Disability accommodation encapsulates aids and modifications to processes and rules and expectations by the court that provide a disabled litigant with equalized opportunity for success in litigation, and with unburdened access to the court, and with meaningful access to due process. The orders for my accommodation by federal judge Freeman demonstrate how safe harbor is provided to a litigant like me by a court. Freeman has provided almost SIX YEARS of continuous stays of my litigation, preventing any activity in the case pending my remission, recovery and rehabilitation and ensuring that on her part, she provides me every opportunity for complete rest and isolation from distress. Every other judge and every other court concurrently has undermined any benefit of her accommodation.

[80] Coerced declarations and responses to motions and response and attendance of court events requiring appearance and testimony comprise the extraction of information.

[81] Two judges insisted that they will not provide me with the necessary medical treatment by complete rest and isolation from distress, but will force me to participate with their discretionary and specific accommodation for each of my functional impairments which I must disclose one by one. Thus these judges disregarded medical science, the recommendation of authentic and qualified medical authorities, the widely available common knowledge about MS and my comorbidities, including explanations and education provided by my doctors, and my examination in court in my state of serious illness. This is no less than the practice of medicine without license, but much more, as described herein by reference to the US Constitution and human rights.

courts[82], as well as by the hierarchy of the federal courts[83]. I have complained incessantly about these prohibited acts with evidence in the record of 9 courts for the past seven years, and it was summarized to this court that determined in 2024 that these prohibited acts are approved conduct in American courts.

The state trial judges retaliated for my petitions for discrimination and denials of fundamental and human rights and declared that the mere assertion of a complaint for their prohibited conduct is justification for punishment. Thereby they condemned me never to receive accommodation or safe harbor in the state trial courts. This order for cruel and unusual punishment without due process, and subsequent actions by judges are the object of many filings in the records of multiple courts.

The appeal court disagreed with the trial court on my accommodation, but only to provide me accommodation to receive medical treatment under the jurisdiction of its own court[84]. This was a meaningless accommodation as it was not GLOBAL[85] in scope and therefore the trial court concurrently undermined any benefit of the appellate accommodation[86]. That court did absolutely nothing to stop the prohibited conduct by the lower court.

Upon realizing that she had condemned her peers in the lower court, the appellate court presiding judge reversed her order for my accommodation and issued a preemptory mandate duplicating the fraudulent and adversarial finding of the trial court that I must not be accommodated[87]. To this day, this judge is my foremost oppressor in an appellate court, as she is the oppressor of other disabled pro se litigants and human rights defenders[88], as seen in the records of my California cases as well as those of Eva Danilak and Julia Minkowski, for example.

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[82] The state's trial court, appeal court and supreme court make up the hierarchy of the state court.

[83] 23-7017 filed in this court is the lawsuit for these prohibited acts in the California courts, which revealed the same pattern of human rights violations in the federal courts

[84] See my examination by the presiding judge of the Sixth District court of Appeals on 2 October 2019.

[85] Simple logic shows that a human being is an **indivisible** sentient entity and therefore if medical treatment requires complete rest and isolation from distress to retain physical and mental integrity and prevent recurrence of trauma, then if one court provides complete rest (i.e. Freeman), and another court simultaneously deprives it, then the net effect is the absence of complete rest and exposure to distress. Therefore GLOBAL accommodation is a basic and indivisible concept and requirement that tests the adherence of courts to human rights principles and to the elimination of discrimination that has repeatedly and forcefully been decreed as a national priority by Congress. Instead judges act solely by discretion evidencing a rejection of human rights and obstruction of a uniform national standard for ending discrimination, and inflict unconscionable harm without regard to GLOBAL cooperation between judges and collective judicial responsibility.

[86] Under human rights laws, a court is not privileged merely to address accommodation in its own court when a complaint about prohibited conduct is made to it about a lower court over which it can exercise control, for example by *sua sponte* preemptory mandate or by a *sua sponte* issuance of prohibition to a lower court. Note that Freeman could not issue orders for my protection in the same court to stop White from his prohibited conduct by virtue of the organization of jurisprudence. Thus, while Freeman prevented my ill-treatment and torture, White inflicted ill-treatment and torture in the same court. The cases are in the Northern District of California 19-cv-04392-blf and 21-cv-04262-jsw.

[87] See March 2020 order by Mary Greenwood

[88] Mary Greenwood is identified in my writings, and also in the writings by Eva Danilak and by Julia Minkowski as the perpetrator of prohibited acts herein discussed.

The California Supreme court incessantly denied any remedy or relief, and impeached itself on its own adherence to its alleged ADA-enforcing rule of court[89]. Since 2019, I was in effect deprived by mandate from receiving any accommodation in any California court, and I was prevented from accessing any relief or remedy, including by judicial obstruction of my complaints.

From 2018 to the present, the California court hierarchy incessantly induced extreme distress and severe pain and suffering and deprived me of rights without any avenue for redress or remedy, seriously injuring me again and again, as chronologically documented in my countless motions for accommodation to the three California courts. The medical information chronologically filed with multiple courts report unconscionable injuries that were predicted and induced by the courts. These were sealed but I grant permission to this court to view them. My communications with this court requesting accommodation provided many of the same records concurrently provided to other courts.

The courts sanctioned and punished me for the information that was obtained from me under coercion and intimidation[90] and mutilated me by the intentional infliction of severe pain and suffering. To the present day, the record of multiple courts are littered with orders of judges and courts demanding information and responses from me that I am unable to provide, and when I am invariably intimidated and coerced into doing so[91] to prevent adverse outcomes and sanctions and punishment, these unprepared and involuntary responses from me substantially prejudice me and my litigation[92] with attendant injuries documented.

By 2021 the state trial court had ordered my meritorious lawsuits dismissed without any test of merits, and the recidivist was rewarded by unlawful terminating discovery sanctions and an award of $600,000

[89] California Rules of Court, rule 1.100 claims that it provides ADA accommodation to disabled litigants in the course of jurisprudence, but does not, and is distinctly unconstitutional, also imposing a tax on human rights. This has been the subject of multiple appellate actions by me which resulted in obstruction of my complaints by each higher court, and their refusal to remedy or redress their prohibited conduct. The case numbers are previously listed in the footnotes.

[90] Declarations and responses to motions and court events requiring appearance and testimony, or production of discovery outside my physical reach due to incapacitation and barriers to retrieve, comprise some of the forms of the extraction of information applied to me.

[91] This may be construed as a form of extra-custodial force (A/72/178), or constructive custody by virtue of contempt power of a court and its power to sanction and punish, although in fact, the court takes custody over my person and my property and my rights by the exercise of jurisdiction. The court orders to forfeit my medical treatment and appear and participate unequally in litigation are in effect, the exercise of physical control over my person, the resistance to which have resulted in unlawful punishment, sanctions and awards of attorneys and dismissal of meritorious and previously won lawsuits, and other egregious violations of laws and ethics.

[92] You need only look to the Ninth Circuit Appeals 24-3353 and 24-6312, and read carefully in 24-3353 how appellate judges retaliated for my cognitive inability to comprehend the dismissal order of the district court in which I then objected to in 24-6312. These appellate judges punished me for being disabled and for failing to be 'normal' and for not having cured my disabilities and serious illness upon their commands. Their punishment has been consistent and certain since 2019 when they first refused to act according to the requirements of supreme Law and stop my human rights violations by the state courts and by the federal district court in 19-cv-01986-LHK. In conjunctions, read also the filings in 21-cv-04262-JSW during the period 2023 to the present for the evidence of ill-treatment and judicial torture that is incessant in the federal court concurrently with the 2 lawsuits in the state courts and their higher court actions.

in attorney fees in 2021 for my induced inability to litigate under substantial incapacity. Then the courts provided a runway to the recidivist to steal the property with the court's endorsement covering up the adversaries' fraud that was thwarted by the court's own record of a 2019 property transfer that the trial judge concealed. To the present day, these courts compound their sanctions and punishments, now combined in excess of $6 million dollars of punishment and liabilities as of August 2024 that has also oppressed my 80-year old primary doctor for her predictions to the court of my serious and mortal injuries since 2018[93], including court-induced heart attacks that were confirmed in one study as damaging two parts of my heart[94].

Thus I was and continue to be intimidated and coerced into producing writings and responses that were and are then used to prejudice me, sanction me and punish me while injuries and torture were and are incessantly applied to me to the present day[95].

I witnessed such extraordinary injustice and hostility and abuse of authority that makes any civilized and law abiding human being, except our judges and exploiters of judicial crimes[96], cringe with horror and react with disgust, as it did me. The severe pain and suffering and repeated re-traumatization[97] is reflected in my writings, which have been incessant and coerced and intimidated by the never-ending but increasingly purposeful and intentional[98] abuse and torture that has destroyed my life and ended my liberty and exterminated my rights, and done the same to those whose defense I undertook as private attorney general and defender of human rights, and threatens multitudes who must be defended because they are potentially at risk of the same harm[99].

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[93] See how the trial judge who persecuted and tortured me assigned himself to her civil lawsuit and retaliated and punished her by suppressing evidence and obstruction of justice. See Superior Court of Santa Clara County, California case#16cv295730 and its appellate actions since 2024, and 22cv408499 and its appellate actions since 2023.
[94] Today, my heart struggles under incessant effort and distress, as I continue to oppose tyrannical judges and courts under greater pain and suffering.
[95] See the records of every case provided in the footnotes in every representative state and federal court.
[96] The Committee against Torture has explained that where officials: know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-State officials or private actors and they fail to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors consistently with the Convention, the State bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the Convention for consenting to or acquiescing in such impermissible acts.
[97] I have witnessed this in my own cases and witnessed this also in the cases and accounts of other disabled pro se litigants.
[98] According to A.I., the United Nations Convention Against Torture (UNCAT) defines torture as an act that requires specific intent and purpose, such as obtaining information or a confession, punishing, intimidating, or coercing someone. However, for cruel, inhuman, and degrading treatment or punishment, UNCAT does not explicitly require the same level of intent and purpose as it does for torture. Cruel, inhuman, and degrading treatment or punishment is prohibited under UNCAT, but the definition is broader and does not necessarily require the same specific intent or purpose. The focus is more on the nature and severity of the treatment and its impact on the victim, rather than the intent behind it.
[99] Over 70 million adults (not children) in the United States are disabled. This court has deprecated and curtailed their rights by precedent and policy. This judge has acquiesced to this obscene and prohibited policy.

It cannot be said that every UNCAT-prohibited act by every judge was torture from the outset of my contact as a disabled pro se litigant with their court, but it was ill-treatment with purpose and intent. When provided with evidence of serious illness, distress-dependent expansion of disabilities and substantial incapacity, it is ill-treatment to coerce and intimidate me to provide information to the court and other parties and litigate unequally without meaningful access to the court and deprived of constitutional due process. The evidence is substantive and clear: the judicial conduct documented in the records of multiple courts graduated from acts of cruel, degrading and inhuman treatment[100] to torture[101]. And once it emanated from one judge, every judge followed without humanity or ethics. Except one[102].

A critical activator of this criminal judicial behavior is intrinsic bias[103], which when combined with ableism and denialism, charts an inevitable course to abuse of authority, abandonment of ethics, and ill-treatment, leading invariably to organized torture by judges in concert with their institutions. Organized hierarchically by rules and procedures and judicial policies that every judge must follow, a conspiracy appears at the moment that the hierarchy of courts are challenged to modify those rules and procedures to comply with supreme Law, and they refuse. Each acquiescence or refusal to modify rules and procedures to comply with supreme Law constitutes participation in furthering a defective and unlawful process that continues ill-treatment and torture by judges and in the courts. It is an individual choice that each judge makes, to participate in the conspiracy or not, as they insist on their independence[104]. The judges' intent and purpose to commit these prohibited acts is progressively more evident in the record of each court as notice and complaints of prohibited acts are REPEATEDLY given, and more vocally than before, and nevertheless ignored or denied without the requisite investigation and remedy and redress by impartial and independent bodies. This caused reaction from other employees of courts[105].

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[100] Article 16 of the Convention against Torture addresses the prevention of "acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1". As a broadly written provision, article 16 covers forms of ill-treatment that do not amount to torture as they lack elements of the definition of torture, whether they relate to purpose, intention, or pain or suffering that differs in severity. (*Committee against Torture, general comment No. 2 (2007), para. 10; and Human Rights Committee, general comment No. 20 (1992), para. 3*). While the term "cruel, inhuman or degrading treatment or punishment" is not defined in the Convention against Torture or other international (or regional) instruments, under international standards it "should be interpreted so as to extend the widest possible protection against abuses".

[101] As one example of my writings on judicial torture, writ of certiorari 23-7017 pages 32-40 accurately summarize the main ingredients of psychological torture applied by the courts to the disabled pro se litigant that induce serious physical and mental injuries and severe pain and suffering.

[102] Beth Freeman

[103] "Yes, court bias exists — and judges must attack it", Judge Bernice Bouie Donald of the United States Court of Appeals for the 6th Circuit, ABA Feb. 11, 2022. See also Stephen Gillers, NYU School of Law, A Rule to Forbid Bias and Harassment in Law Practice: A Guide for State Courts Considering Model Rule 8.4(g), Georgetown Journal of Legal Ethics, Vol. 30, No. 195, 2017; See also *Addressing Bias Among Judges, Smith, Hyman & Redfield, State Court Report Sept. 14, 2023* see https://statecourtreport.org/our-work/analysis-opinion/addressing-bias-among-judges

[104] For example, in the same district court in the Ninth Circuit, judge White insists that judge Freeman must be ignored on her decisions for my accommodation, but does not provide a constitutional justification for his prohibited conduct.

[105] Direct attention in the record of the state trial and appeals court to the departure of the ADA Coordinator in 2020 who acknowledged my severe pain and suffering. She left suddenly after she was asked to belatedly deny my request for

Upon addressing the numerous and varied violations of the state courts in collusion with the exploitative opponents[106] by my repeat petition to the federal courts, again it was demonstrated that both the state and federal courts systemically violate human rights and discriminate based on disability, with no possible remedy or relief[107]. The records of the Ninth Circuit demonstrate the absence of all pathways to remedy and relief through the federal court system. This continues to be demonstrated to the present day, with the latest orders for my torture and physical and mental mutilation forthcoming from that court only 3 weeks ago.

Thus due process in the representative state and federal courts of this nation fails the US Constitution and the Bill of Rights and the Fourteenth Amendment despite the piercing of the Eleventh Amendment by Congress and despite the domestic rule of International Law which recognizes no immunity and no domestic defiance as a barrier. The object and purpose of the US Constitution are frustrated by this nation's courts when judges meet the disabled pro se litigant, and Articles III and VI have no standing in the eyes of the judiciary.

A fortuitous intervening occurrence established the Freeman Bright Line[108] that has subsequently impeached every state and federal judge, over 40 of them, and their high crimes and failure of good Behaviour in defying the US Constitution and violating human rights through ill-treatment and torture of vulnerable and repeatedly traumatized and refouled victims of judicial abuse[109].

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accommodation so that the presiding judge of the Appeal court could simply discard my complaint for my having received an answer, which was another denial of my accommodation. Also direct attention to the admission by a trial court (appellate division) judge now advanced to be a justice of the appeals court (judge Lie) that I must be provided accommodation of 6 months of complete rest consistent with the Freeman Bright Line. She apparently was not aware of the conspiracy by the trial court and the higher courts to obstruct my accommodation and inflict torture upon me. Superior Court of Santa Clara County, California case 17cv312522

[106] The exploitative opponents, representing the recidivist defendant, participated in my torture by employing a neurologist and suborning his fraud with the result that he provided false testimony that I can withstand the ill-treatment and torture being inflicted upon me by the courts in collusion with the attorneys. The testimony of the 'expert' is used in the dismissal order in the lawsuit.

[107] The memorable comment by the pro se advocate of the federal court in 2019 was "they are all friends and colleagues" referring to judge Lucy Koh who ignored my human rights complaint and my accommodation requests and dismissed my complaint as frivolous, refouling and committing me back to be tortured by the state courts. Koh had been 'promoted' to the federal court from the state court. She is now a Ninth Circuit Appellate judge.

[108] See discussions in my US Supreme court writs 23-7017, 24-5808, 24-6012. Between 2019 and the present, judge Beth Freeman of the federal District court of Northern California has set the national standard for ADA disability accommodation and Safe Harbor for seriously ill litigants in the federal District court of Northern California. She has stayed my lawsuit for almost SIX YEARS, protecting my human rights and eliminating discrimination in her court by refusing to enforce the rules and procedures and policies of the court. Under the ADA and its rule of federal preemption, the Freeman Bright Line constitutes the national standard on court accommodation of the disabled pro se litigant, and may not be over-ruled by the states when applied concurrently to the same facts about the same disabled litigant provided to the federal and to the state courts.

[109] Read the US Supreme court writs 23-7017, 24-5808, 24-6012, and follow the references identifying the lower court cases and filings and dates.

The court records referenced herein provide evidence of SEVEN YEARS of ill-treatment and torture and other human rights violations by representative judges and courts, establishing the existence of a highly predictable and criminal[110] norm in American jurisprudence[111]. Multiple victims testify to this truth of judicial human rights violations, as do many past victims through their sagas recorded in precedents that capture this prohibited conduct, and may be extracted from court records if seen in the proper light[112]. A distinguished federal judge[113] impeaches all of these other state and federal judges, including this judge of this court.

I even tried to substitute the federal court system for the *forum nullus*[114] of the California courts, to no avail[115]. Thus the federal judiciary obstructed justice and acquiesced, and even expressly endorsed the

[110] No statute of limitation applies to these prohibited acts

[111] For example, imagine a federal judge ordering a seriously ill and disabled litigant who is substantially incapacitated that no change in filing deadline will be granted, when the litigant also informs the judge that he cannot file a timely response to motion and that he has also contracted Long Covid while artificially immune impaired (and therefore in the highest risk bracket). This occurred in 21-cv-04262-JSW. For example, imagine a state trial court judge, who after one year of discriminating based on a litigant's disability, is informed of the litigant filing legal action against the court for ADA violations, and retaliates by issuing an order banning all future disability accommodation for the disabled litigant in the state trial courts. This occurred in 16cv295730 and 18cv337311.

[112] The judiciary refuse to see what any ordinary person of reasonable sensibility would see in reviewing precedents on court disability accommodation That is cruel, inhuman and degrading treatment and punishment of the disabled pro se litigant

[113] Beth Freeman of the Northern District of California in San Jose

[114] See discussion in the US Supreme court writ 24-6012. *Forum nullus* is an original analysis based on these unique facts. The facts are that a court violates the authorities invoked herein (standards on elimination of discrimination, international human rights standards established by treaties and incorporated in the Constitution under Article VI and the Bill of Rights). Then a higher court endorses the lower court's violation by either providing no mechanism for remedy, or by selectively ignoring or violating the same authorities. When the pinnacle of jurisprudence in that state endorses every lower court's violation in the same manner, then there is no forum in the hierarchy of the state in which these authorities are recognized or controlling of jurisprudence. Since jurisdiction relies on the constitutional operation of courts, a fundamental basis for jurisdiction by each court is absent. *Forum nullus* invalidates the jurisdiction of **an entire hierarchy of courts** that are otherwise endowed with jurisdiction derived from the Constitution or statute (e.g. [*Gross*]). There is no judicial legitimacy to any outcome from a *forum nullus* court. *Forum nullus* constitutes an organized subversion of the Constitution. At its core is the elimination of inalienable rights guaranteed by the Constitution, fueled by a dereliction of necessary and repeatedly emphasized standards under the rule of law, and absence of judicial ethics. No decision by a *forum nullus* court may stand, yet full faith and credit is automatically provided to it, and all courts and all precedents PRESUME its impossibility. Thus the customary applications of laws in a *forum nullus* perpetuates the invalidation of the Constitution, and a *forum nullus* ensures the absence of constitutional government while portraying publicly that all is well and the course of laws and justice are in safe hands. The fact that *forum nullus* is not expressly accounted in the US Constitution flows from the fragile dependence of the founders on the integrity and commitment and resolute dedication of human beings to creating a new nation that depends on its survival and prosperity on the conduct of individuals in positions of power and influence. Thus delegation of jurisdiction and formation of components of government according to a design does not imply that jurisdiction is a right of any court or judge that may be held despite violations of inalienable and non-derogable rights, and supreme Law.

[115] The interpretation of "jurisdiction" by the judiciary according the US Constitution and statutes, divides 'absolute' jurisdiction between the state and federal courts according to a scheme that inherently conflicts with the object and purpose of the US Constitution and fundamental rights, when discrimination is present. Jurisdiction may not be held unconditionally once established, when discrimination creates a *forum nullus*. Rather, it is first the fundamental rights of the individual that are assured by the Constitution, and the availability of due process must not be limited by the norms of jurisdiction when *forum nullus* is present. Instead, this nation's courts hold firm to jurisdiction when discrimination abounds, and operate by placing jurisdiction and state sovereignty, and even federal court circuit subdivisions above fundamental rights. What this reveals, in practice, is that once *forum nullus* occurs, there is no domestic mechanism for constitutional due process, and no domestic mechanism, for remedy and relief under the international instruments embodied in treaties and Article VI of the US Constitution.

prohibited acts by the state judiciary, also protecting the recidivist and her attorneys for complicity in crimes[116].

The US Supreme court ruled with certainty, that there may be no remedy and no relief for the victim in writ of certiorari 23-7017, because systemic discrimination and ill-treatment and judicial endorsement of torture does not permit consideration of a fact pattern that is novel in its history and that it has a vested interest in not considering. I am that victim and I am a representative case of historical violations of human rights and discrimination[117] that is systemic in American jurisprudence. This judge and this court must not continue to conceal these serious issues in the interpretation and the application of the US Constitution to the organization and operation of domestic jurisprudence.

To file that single writ 23-7017, I was forced by this court for nearing SIX YEARS to witness and tolerate forfeiture of life, liberty, property and rights as well as forfeiture of numerous ripe writs against denials by the California Supreme Court since 2019, and to endure severe pain and suffering and unconscionable physical and mental injuries at the hands of judges. Six years of attempts and failures due to serious and irreparable injuries and deprivation of safe harbor and disability accommodation resulted in a single writ filed in the US Supreme court and 15 lost. This is unconscionable cruelty, and the truth is that the courts of this nation are inhumane and degrade human beings to mere slaves, serfs and chattels.

Every action by this court, which led to elimination of my fundamental rights and violations of Article VI "supreme Law of the Land", was, in effect, under this judge's control and authority because this judge dealt with me personally, was given notice of my complaint and had access to all of the facts herein described, and did absolutely nothing to meet inviolable obligations under the supreme Law of the Land that are described herein. I am confident that I am not the sole victim of this court and its unethical policy of discrimination and human rights violations, which have doubtless occurred under the authority and control of this judge as a member of this appeal court. Most recently, this court continued

[116] See the order of judge White in the federal District court of Northern California 21-cv-04262-JSW which caused the delayed dismissal of the appeal 24-3353 in the Ninth Circuit, The order by White bans suit against the recidivist who instigated the denial of my disability accommodation in 2018 and initiated the SEVEN YEAR train of human rights violations, and in whose name her exploitative attorneys committed prohibited acts under color of judicial authority. **According to the UNCAT, White has suppressed relief and remedy for acts by a third party under color of authority that are crimes under customary international law.**

[117] See the precedents cited in my US Supreme court writ 24-6012, under the table of authorities subtitles including cases on ADA, Rule 1.100, Discrimination. These precedents identified by A.I. include analysis in the footnotes which shows the precedent in a new light if the judiciary would look from the perspective of the person with disability, which is mandated by the Amendment to the ADA, and if the judiciary would look from the perspective of the UNCAT and human rights principles and treaties and the UN Charter

to “treat me as a kind of trash not worth the time”[118]. Despite the fact that this judge’s duty for action and due diligence to address human rights violations continued since first interacting with me, this judge did not act to provide me protection, remedy or relief[119].

My accommodation should have been provided by this court as repeatedly requested since 2019 and as specified by my doctors, and in consistent substance to the Freeman Bright Line. It was not. My human rights should have been protected. They were not. It is the judiciary that must be controlled[120]. This court and this judge should have immediately intervened upon my notice of prohibited judicial conduct and commissioned investigations and secured the nation against further harm, and held judges to account. It did not.

This court has received many attempted actions from me since 2019, every one of them containing a complaint about human rights violations[121]. Every single one of my actions should have resulted in relief and remedy. Instead every single one was dismissed as frivolous with each judge and this court endorsing and acquiescing to crimes. This court, under the control of this judge, refused to provide me any accommodation for the past SIX YEARS to be able to state my complaint and to receive relief and remedy both in my litigation and against prohibited judicial conduct that has practically cost me my life[122]. As a substantially incapacitated disabled pro se litigant, this court repeatedly deprived me of opportunity to state a complaint[123] or use due process for legal recourse[124], relief and remedy[125].

This court deprived me of essential medical treatment and kept me struggling desperately under extreme pain and suffering and while experiencing serious physical and mental injuries to petition against

[118] Debra Cassens Weiss, Posner: Most judges regard pro se litigants as 'kind of trash not worth the time', ABA Journal 9/11/2017. “The basic thing is that most judges regard these people as kind of trash not worth the time of a federal judge,” Posner said. In the most dismissal of my appeal, this court punished me for the cognitive impairment of reading comprehension of which it has been notified since 2019, and admonished me for being vexatious with chilling effect that required extraordinary willpower and extreme suffering to convert into action on behalf of the People to disqualify and then punish individual judges who have no immunity for the violations cited herein.
[119] Including exercising the ethical duty of reporting and disciplining any other judge who violates good Behaviour, ethics or human rights. Refer to the quotation from justice Clark on page 13 of the Code of Conduct of the US Supreme court
[120] See the quotation from justice Clark in the US Supreme court’s Code of Conduct commentary on page 13.
[121] This court had a duty under UNCAT to investigate and protect human rights pending the investigation.
[122] Refer to this court’s records and my requests for accommodation with medical warnings about my potential death if judges continue to deprive me of accommodation and safe harbor and continue to coerce and intimidate my unequal participation. Each response or non-response by this court to my requests for accommodation and safe harbor, and my complaints about human rights violations constitutes a prohibited act under these international instruments
[123] This is a human rights violation under UNCAT. See for example, Appendix C
[124] Note the findings of the ADA, that we are historically deprived of legal recourse.
[125] These are required by international human rights instruments.

deprivation of my rights[126] including the purposeful and intentional[127] ill-treatment and torture by judges and courts, which continues to increase to the present day[128].

As a result of this court and this judge's discrimination and prohibited conduct, and its failure to act as required by Article VI and by International Law, this court prevented any domestic means of stopping the judicial violation of my human rights. Thus, this court and this judge ensured that there is no domestic remedy available for judicial ill-treatment and torture by means of jurisprudence, and that judges in the lower courts retain their impunity[129] despite ill-treatment and torture of the disabled pro se litigant.

All of my communications with this court indicate that this court, under this judge's control, violates human rights, and discriminates and deprives me and other disabled pro se litigants, of access, of our freedom of expression and of the due process of law. This court refuses to accommodate us and to stop its prohibited conduct.

Despite my repeated demands for this judge to hear my demands for accommodation, under the control of this judge, this court refused to comply with my demands for accommodation and safe harbor for the sick and disabled pro se litigant, and refused to permit me to even state a fully formed and voluntary and prepared action by modifying its rules, procedures and policies meaningfully and consistently with the proper treatment that is expected by the supreme Law of the Land. This court, under the control of this judge, behaved inconsistently with the Freeman Bright Line, which is a uniform national standard set by one judge of "good Behaviour" for ending discrimination in all American courts which every judge should derive from first principles and without needing any *stare decisis* to follow. This condemned the

[126] I had to keep trying to use the courts to stop my ill-treatment and torture by the courts

[127] No judge may selectively exclude applicable components of supreme Law of the Land from the scope of judicial duty and applicability to a case, and then claim innocence and error. The duty of competence in the law is an inexcusable requirement of judicial office, and a pro se litigant is not required to identify applicable law, describe the violation and spoon-feed an appellate judge who is required to show special candor and consideration for the pro se litigant. There is no possibility, under the reasonable person standard, that a judge would not perceive the wrongfulness of abusing a disabled pro se litigant by evading his request for safe harbor and disability accommodation, and no sanctuary for a judge to claim that no provision exists for safe harbor and disability accommodation in appellate rules, procedures and policies and thus the judge's hands are tied, because Article III good Behaviour leaves no opportunity for such egregious inhumanity and cruelty and immorality that a nation would not tolerate. The People are disgusted by the ill-treatment and torture by this judge and this court.

[128] See the records of Superior Court of Santa Clara County, California cases in 16cv295730 and 22cv408499 and derivative activity in the Sixth District Appeals court and the California Supreme court. See the records of this Circuit's courts. Most recently, see also the records of 21-cv-04262-JSW in the federal district court of Northern California and the appeal 24-3612 for egregious discrimination and willful and deliberate prohibited acts (and the Bankruptcy activity now on appeal)

[129] This judge and this court were obligated to act and prevent and punish the prohibited conduct by judges of lower courts and in the state courts by means of the UN Istanbul Protocol, and under judicial ethics as the commentary section quoting Clark on page 13 of the US Supreme court's Code of Conduct reminds us. The requirement of the supreme Law of the Land does not limit a court to its established rules, procedures and policies when the prohibited acts under supreme Law require stopping, abating, preventing and punishment.

ADA[130] and constituted a green light to every other judge and court to continue their discrimination and prohibited conduct. The record of multiple courts shows that the prohibited conduct by other judges continued following the prohibited conduct by this court and this judge. Responsibility for continued human rights violations traces to this judge.

Holding control over my bodily autonomy, this court obstructed my life-saving medical treatment while intimidating and coercing me to unequally participate and work on each demand for information when I could not while desperate to find relief and remedy[131], compromising it and depriving me of constitutional rights. 'File it or lose it', ordered this court. Thus I could not remit, recover or rehabilitate[132] and I could not meaningfully access any court.

This court is defiant of the suspect classification intended for disability which is well-known among persons with disability, and by many groups and entities[133], and by Congress, and even ignores the natural extrapolation of the order for disability accommodation in the federal courts by the Judicial

[130] The contradictions and inconsistencies in court ADA accommodations across this nation are inexcusable, and under the control of this court which at the highest level has promoted the rule that discrimination based on disability shall be rationally based without distinguishing constitutional violations. Thus this court considers the plight of the disabled in our courts as unimportant and acceptable collateral damage. It is a very clear and reasonable conclusion that the ADA, which is necessarily legislated to end discrimination by the states under the mandate of the federal government which the federal judiciary must enforce ON BEHALF OF persons with disability is applicable to the federal judiciary without any textual specification in the text of the ADA. The common sense conclusion is evident, as a federal government may not be divided against itself and the reign of standards in jurisprudence is a requirement of equal protection and constitutional government, and a federal judge may not enforce the ADA with unclean hands stained with discrimination in her own court. Judicial ethics leaves no room for doubt that the standard applied to others must be held by the judge also. Under Canon 1 of the Code of Conduct for United States Judges, we read "A judge should maintain and enforce high standards of conduct and should personally observe those standards, so that the integrity and independence of the judiciary may be preserved". Under the requirement of judicial integrity, a judge must demonstrate integrity both in their official duties and in their personal lives. Thus under judicial ethics, a standard must run across the board, including into the judge's private life. The same common sense principle applies to the ADA: there can be no end to discrimination in jurisprudence unless it is ended in all courts, state and federal. But the ADA is disrespected in every federal court, except the court of Freeman. In the bankruptcy court, a judge will ignore and refuse ADA accommodation, in the California courts, judges do not comprehend the meaning of ADA accommodations and blatantly violate the ADA and federal courts will not take a single step to stop those violations, and in the 9th circuit, the district judges violate (White, Koh), and obey (Freeman) the ADA at the same time and the appeal court evades, slanders, get flummoxed, and violates the ADA, while the 10th circuit is blind to requests for ADA accommodation in the trial court, and will write prolifically that judges do no wrong to the disabled in its appeal court, while the 8th circuit publicly announces that "*pursuant to United States Judicial Conference policy, the Eighth Circuit Court of Appeals provides reasonable accommodations to persons with disabilities, including communications disabilities*". This may be viewed in the records of my cases listed above (except for the 8th circuit, where the quotation may be viewed on its website: https://www.ca8.uscourts.gov/ada-accommodations). The ADA is inherently and immutably a UNIFORM NATIONAL STANDARD that every federal court must enforce ON BEHALF OF the disabled litigant to eliminate discrimination in juripridence. Therefore, discrimination and subversion of the ADA is rampant in the federal courts.

[131] I have demonstrated in the state and in the federal courts, and in particularly in this court that there is no pathway for legal recourse for the disabled pro se litigant, and that such a litigant will be subjected to prohibited treatment as herein described. Other victims confirm this truth in their testimonies in 21-cv-04262-JSW.

[132] the physical and psychological after-effects of torture can be devastating and last for years, affecting not only the survivors but also members of their families. Failure to provide effective rehabilitation can leave victims traumatized and destroy families and communities. Article 14 of the Convention against Torture stipulates that States parties must ensure that a victim of torture under their jurisdiction obtains redress, including the means for as full rehabilitation as possible.

[133] e.g. the US Commission on Civil Rights notes that the US Supreme court REFUSES to apply strict scrutiny to disability.

Conference[134]. While the standards of scrutiny promulgated by this court are immature, they are nevertheless withheld from disability[135]. In my writs, and in my filings in the Ninth Circuit[136] I described a sliding scale of scrutiny appropriate to the right and the liberty being infringed under disability. That matter of ADA accommodation in the federal courts should have been settled by this court at the moment that I requested accommodation for disability and safe harbor in any one of my actions in this court, and on each occasion subsequently, which are many, under Cases and Controversies ripe for adjudication and of national importance. It was not. This court instead treated me as "a kind of trash not worth the time"[137] since 2019 and did not recognize me as a human being. This court and its judges therefore endorsed discrimination and acquiesced[138] to each prohibited act reported to this court by me and by other victims like me.

Today, courts across the country continue to virulently use a discriminatory precedent[139], and its derivatives, to discriminate and to enact and promote abuse and tyranny. The Amendment to the ADA

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[134] As the Eight Circuit reports, it "*provides reasonable accommodations to persons with disabilities, including communications disabilities"*. Elsewhere, a federal court announces that the Judicial Conference accommodates communication disabilities. This policy approved by the judicial conference, on its face, is discriminatory by subdividing disabilities into those that are distinguished as having special privilege compared to the rest, and who shall be accommodated (a minority) and those that shall not. And if you were to believe these false representations, and you examine firsthand how the federal courts apply "reasonable" it is demonstrated by seven years of evidence in the public record that "reasonable" look only from a biased judge's viewpoint (with the exception of Freeman) and never from the viewpoint of the disabled pro se litigant, especially from the 20% of this nation who are invisibly disabled. Thus the disabled litigant faces discrimination not only for being disabled, but what type of disability he has. See Appendix D. But as the Eight Circuit observes, the ADA invariably has to be applied to the federal courts, and inevitably has to be implemented as Freeman does which must be uniformly standardized across the nation. I have reported to this court in 24-3353 the need for an independent tribunal for determining reasonable accommodations, because judges must not be trusted with human rights or the disabled litigant. The resistance of hateful and biased judges is futile and constitutes a judicial policy of human rights violation requiring every judge to be a part of a nationwide conspiracy against human rights. This policy of mass deprivation of due process has a treasonous quality.

[135] For example, the pre-ADA decision in [*Cleburne*] has been cited more than a thousand times and still improperly reduces the standard of review under the Equal Protection Clause. Judges do not dare challenge this court's persistent discrimination.

[136] See for example my requests for accommodation filed in the Ninth Circuit Appeals court cases 24-3353 and 24-6312

[137] Debra Cassens Weiss, Posner: Most judges regard pro se litigants as 'kind of trash not worth the time', ABA Journal 9/11/2017. "The basic thing is that most judges regard these people as kind of trash not worth the time of a federal judge," Posner said

[138] Nation State responsibility for torture and ill-treatment extends to individuals acting in an official capacity, as well as to non-State actors acting with the consent or acquiescence of the State. As stated under article 1, torture involves acts "by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity". The term acquiescence necessitates a rather broad interpretation, under which States are responsible for the actions of public officials and non-State actors who "have awareness of such activity and thereafter breach [their] legal responsibility to interfere to prevent such activity". The term acquiescence necessitates a rather broad interpretation, under which States are responsible for the actions of public officials and non-State actors who "have awareness of such activity and thereafter breach [their] legal responsibility to interfere to prevent such activity"

[139] It is for this court to occupy the field post-Amendment of the ADA and reverse and abolish *Cleburne v. Cleburne Living Center, Inc. (1985) 473 U.S. 432*. The pre-ADA decision in [*Cleburne*] has been cited more than a thousand times and still improperly reduces the standard of review under the Equal Protection Clause. The US Commission on Civil Rights notes that the US Supreme court REFUSES to apply strict scrutiny to disability. The U.S. Commission on Civil Rights (CCR) is a bipartisan, independent commission of the United States federal government, created by the Civil Rights Act of 1957 during the Eisenhower administration, that is charged with the responsibility for investigating, reporting on, and making recommendations concerning civil rights issues in the United States. Specifically, the CCR investigates allegations of

did nothing to correct the discrimination by this court[140] or to stop this court's endorsement of discrimination based on disability in the nation's courts, which necessarily leads to prohibited acts herein described in the course of jurisprudence. No court, including federal courts which as also bound by the CRPD[141], take notice or interpret or apply the CRPD according to its object and purpose, which reinforces the ADA and mandates an entirely different conduct than seen from judges and courts.

The object and purpose of the US Constitution, expressed through its Preamble is not just decoration. It compels correction, even by ADVISORY OPINIONS and *sua sponte* judicial intervention when grave injustice may result, especially when the equivalent of Marbury v. Madison emerges from the legislative branch to correct the judicial branch[142]. The aim of 'finality' in litigation does not preempt the mandate of the Preamble[143] to the US Constitution.

To justify these criminal wrongs, this court hides behind Case and Controversies. The same Case and Controversy has come repeatedly before this court since 2019, and this court repeatedly did nothing to address it[144]. Intent to enact prohibited acts and to acquiesce to prohibited acts may be seen through deliberate omission and evasion. Once this judge touched my case and my facts in this court, this judge was bound to act, to provide remedy and provide relief and punishment, and this duty continues invariant. Thus judge may not simply wash their hands of the duty to act by the excuse of a norm and routine of this court to accept case assignments and rule on them and forget about them. At first contact with me, the duty to act is non-delegable for this judge. It becomes the 'sticky case'[145], and the personal

discrimination based on race, sex, national origin, disability. Although its power was modified by legislation, the Commission continues its work and publicly maintains this criticism of the US Supreme court's discrimination.

[140] This court still refuses to look from the perspective of the person with disability as to the presence and impact of discrimination.

[141] Convention on the Rights of Persons with Disabilities. See discussion in the motion for disqualification en banc

[142] The Amendment to the ADA scolded the US Supreme court for its discrimination based on disability. The lesson that this court continues to ignore is that the viewpoint of the person with disability as to what discrimination is in progress is paramount.

[143] It is reckless minds that do not recognize that the Preamble is the safety net and guideline of the US Constitution. It is the way-shower for addressing the many ambiguities and omissions and uncertainties that a founding document that will experience an unknown evolution, secures for itself.

[144] My treatment for six years by this court confirms Posner.

[145] The duty of obedience to treaties, and the operation of customary international law hold the duty for this judge to stop, investigate, abate, prevent and punish the prohibited acts herein. Under the Code of Conduct for United States Judges Canon 1 requirement of integrity, this judge must hold the public confidence and high ethical standards, with impartiality, independence and transparency and must demonstrate honesty, fairness, and accountability. There must not be undue influence such as favoritism and unrestrained trust in peers. Integrity involves maintaining conduct that is above reproach, and adhering to high moral standards and avoiding any conduct that could undermine the judiciary's credibility. The abuse, re-traumatization and refoulement of a disabled and sick victim of judicial torture is incompatible with the standard of judicial integrity.

obligation of this judge to see 'through to the end' that satisfies the international instrument in force. The 'end' is far from evident, and based on Article VI, the case has not even begun to be addressed at law[146].

The facts demonstrate that Separation of Powers is used by this court of last resort as a mechanism to promote, not end, ill-treatment and torture that are systemic in American jurisprudence, and to ensure impunity and free reign for judges who commit prohibited criminal acts[147] condemned by International Law and by civilized society and civilized nations.

Like everyone I petitioned and waited for my government to right these wrongs. Like everyone, I found my government substantially flawed and inadequate and derelict of its duty to its People. It is demonstrated by the records of multiple courts over SEVEN YEARS that the sovereign is not the People, but the judiciary of this nation, who are given free rein by the legislative and executive branches to reign over us without accountability.

For SEVEN YEARS, I have witnessed my mutilation and the serious and cruel suffering[148] of my wife and I, and other victims of judicial discrimination, and the hate and human rights violations of the judges in this nation with no mechanism whatsoever to stop it, or remedy it. I had to earn the right to address the United Nations by enduring and surviving SEVEN YEARS of ill-treatment and torture, and exhausting every legal remedy and walk the tightrope of life and death. This is not justice.

Today I stand as a victim of judicial torture and at risk under threats[149] and promises of torture and cruel and inhuman and degrading treatment by multiple state and federal courts[150]. Absent action by the

[146] In 21-cv-04262-JSW, we see judge Jeffrey White continue to obstruct justice and to block the statement of my complaint that necessarily includes the violations of human rights of disabled litigants by judges. In order after order denying my meaningful accommodation and safe harbor and ensuring that he deprives me of necessary and indispensable medical treatment, White insists that a judge is permitted and required to violate the human rights of a disabled litigant and that it is ethical to do so. Note carefully that White is a serial violator of my human rights in 21-cv-04262-JSW who is protected and encouraged more and more as time goes on by the judges of this court.

[147] Including refouling victims to be abused by the same judge-abusers, such as Jeffrey White.

[148] In European Court of Human Rights, Ireland v. United Kingdom, application No. 5310/71, Judgment, 18 January 1978, para. 167, the European Court of Human Rights highlighted the importance of article 3 and addressed the distinction between conduct that constitutes inhuman or degrading treatment and torture in Aksoy v. Turkey, where the applicant had been subjected to reverse suspension, beatings, electric shocks to the genitals, exacerbated by having water thrown on him, and verbal abuse; the Court stated that the conduct in the case was "of such a serious and cruel nature that it can only be described as torture". (European Court of Human Rights, Aksoy v. Turkey, application No. 21987/93, Judgment, 18 December 1996, paras. 60–64, at para. 64). The Court has also held that to constitute torture under article 3, a deliberate act of inhuman treatment must cause "serious and cruel suffering".

[149] In Gäfgen v. Germany, the European Court of Human Rights held that "to threaten an individual with torture may constitute at least inhuman treatment" and violate article 3.137 The Court later found that severity is a key distinguishing factor between torture and inhuman or degrading treatment or punishment, as are purpose and intention – thus bringing the understanding of what torture is close to that of the definition contained in the Convention against Torture, which has been cited by the Court. European Court of Human Rights, Cestaro v. Italy, application No. 6884/11, Judgment, 7 April 2015, paras. 172–176.

[150] Taking recent examples, see the 2024 filings in federal District of Northern California 21-cv-04262-JSW, 24-3353 and 24-6312 in the Ninth Circuit Appeals court, 23-50690 in the Bankruptcy Court of Northern California, denials of three actions in 2024 by Sixth District Appeals court related to the trial court case# 16cv295730, and a writ submitted to the CA Sup Ct

People of this nation, the ill-treatment and torture herein described will continue without an end in sight. Since the People have been indoctrinated and accustomed to powerlessness and exclusive dependence upon their government to respect and provide them their inalienable rights, and since their government continues to endanger and harm them, the Private Attorney General must speak on their behalf.

PROHIBITED ACTS[151]

Summary: The disabled pro se litigant is subjected by judges and courts to discrimination and deprivation of rights, and cruel, inhuman and degrading treatment and punishment, and TORTURE, that are prohibited by human rights instruments and by the US Constitution. These prohibited acts are systemic to state and federal jurisprudence and arise from a flaw in American jurisprudence that encourages judges to abandon ethics and commit invidious discrimination and egregious violations of human rights, under the endorsement and acquiescence of the highest judicial authorities of the states and of the federal government. At the penultimate root of these prohibited acts, and as their 'final' arbiter, stands this court and its judges, who have the authority and the mandate to condemn and eliminate and punish them, but do not.

In summary, this judge committed the following prohibited acts within the framework of a broken and inadequate jurisprudence that ensures injustice and ill-treatment and torture to the disabled and pro se litigant: failed to rule on my request for safe harbor and disability accommodation and prevented me from accessing this court and from availing myself of constitutional due process, failed to notice and act upon my complaint for human rights violations by the lower court and others as required by the US Constitution, human rights treaties and the jus

whose filing that court obstructed. Note that I had to enjoin a federal trial court judge to pause his prohibited acts, only then to expose the blatant malice and corruption of the Ninth Circuit court of Appeals.

[151] For guidance on what your course of action should be as a justice of the US Supreme court in observance and protection and championship of human rights, refer to the 2022 Istanbul Protocol, which has provided many of the authorities cited herein. It is irrelevant to your duty as a justice of the highest court in the United States whether or not the United States has formally adopted the Istanbul Protocol. It is your duty to uphold and protect and defend the US Constitution, and human rights may be derived based on first principles from that document, and therefore it is your duty to uphold, protect and defend human rights. It is the US Constitution that expressly recognizes the rule of International Law in domestic affairs under Article VI, which is binding upon the person of every state judge, and by the form and design of the US Constitution, is binding upon the person of every federal judge including the judges of this court.

cogens of customary international law, breached judicial ethics, and committed the same prohibited acts as complained of in my appeal.

Every prohibited act herein referenced or discussed continues to the present day. I stand with multiple appeals filed in this court[152] at the cost of my blood, and additional actions now ripe for prosecution against this court, all of which are related to the prohibited acts described or referenced herein which continue to proliferate and intensify in their impact in the state and federal courts[153] while I attempt to navigate the prohibited acts by this court, which continue unabated[154].

My filings in this court and my communications with this court since 2019 describe many of those prohibited acts that are perpetrated by this very court and its judges, and the accumulation of injuries from judicial acts of physical and mental violence[155] and the documentation of severe pain and suffering resulting from the judicial torture. My life continues to be extinguished, with a record of my torture in each court, and the United Nations.

The following prohibited acts are alleged[156]:

1. Violation of Article VI of the US Constitution with respect to the authority of treaties in domestic jurisprudence
2. Violation of treaties that stand as supreme Law of the Land[157]
    a. The UN Charter
    b. UNCAT: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

[152] 19-16291, 22-16046, 22-16174, 23-15221, 24-3353, 24-6312.
[153] Look for example at the lower court in the Ninth Circuit. I will not repeat here the contents of the amended complaint in Northern California case# 21-cv-04262-JSW, which illustrate to a degree and subject to duress the variety of prohibited acts that continue to be committed against me, and other disabled pro se litigants and against the defenders of our human rights.
[154] Examine my communications with this court since 2019 and my filed actions in this court, and the extraordinary distress and severe pain and suffering that these chronicle in creating incomplete petitions and unprepared and obstructed complaints to submit subject to intimidation and coercion of this court to provide information to it under threat of losing my right to remedy and redress unless I cure my disabilities and heal my serious illness on the schedule dictated by this court and file a properly formatted and completely stated pleading.
[155] The European Court of Human Rights, in Aydin v. Turkey, the Court held that "the accumulation of acts of physical and mental violence inflicted on the applicant and the especially cruel act of rape to which she was subjected amounted to torture in breach of article 3 of the Convention". (*European Court of Human Rights, Aydin v. Turkey, application No. 23178/94, Judgment, 25 September 1997, para. 86*).
[156] The prohibited acts herein discussed do not assert violations of the US Constitution and of a number of domestic statutes which this judge and this court do not recognize when a seriously ill disabled pro se litigant is in their court, but these are reserved for another time and another review
[157][157] Note that RUDs to treaties signed by the USA, whether or not ratified, may be invalidated under International Law if they undermine the object and purpose of the treaty. The United States government, in essence, invalidates and evades its treaty commitments (e.g. see by asking its judiciary to refuse to enforce treaties and thus editing the US Constitution to remove the domestic authority of treaties under supreme Law). The US Supreme court has not addressed this issue head on.

    c. ICCPR: International Covenant on Civil and Political Rights[158]
    d. CRPD: Convention on the Rights of Persons with Disabilities[159]
3. Violation of Article III of the US Constitution
    a. Good Behaviour
4. The elimination of due process for the disabled pro se litigant

Each of these appellate actions demonstrates that, by the presence of the disabled pro se litigant in jurisprudence, critical flaws in jurisprudence are exposed that the judiciary 'covers up' with unconscionable wrongs and injustice assured. This purposeful and intentional evasion and obstruction of judicial reform is personal to each judge, and indicates purpose and intent to commit or acquiesce to the prohibited acts which are chronicled in multiple courts' records.

For this motion, I focus principally on the discussion of systemic prohibited conduct by the judges of this Circuit and this court that are proscribed under international instruments and the *jus cogens* of customary international law, including objecting to the conduct of this judge of the Ninth Circuit court of Appeals[160] that intersects those systemic civil and criminal judicial wrongs. Notices and complaints about these wrongs have been addressed to the many courts and to this court through appeals, whereby I seek redress and remedies, and prevention and punishment on behalf of the People. I have attempted all these actions while functionally and cognitively impaired by judicial torture and kept in a state of substantial incapacity.

My action is supported by Article VI of the US Constitution, by International Law, by the international instruments cited herein, as well as the rulings of the European Court of Human Rights[161], and other

[158] The ICCPR expressly prohibits cruel, inhuman and degrading treatment or punishment

[159] The CRPD expressly prohibits cruel, inhuman and degrading treatment or punishment. The CRPD prohibits numerous other acts perpetrated by this court, which are discussed in the related ethics motion (*en banc*)

[160] State responsibility for torture and ill-treatment extends to individuals acting in an official capacity, as well as to non-State actors acting with the consent or acquiescence of the State. As stated under article 1 of the UNCAT, torture involves acts "by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity". The term acquiescence necessitates a rather broad interpretation, under which States are responsible for the actions of public officials and non-State actors who "have awareness of such activity and thereafter breach [their] legal responsibility to interfere to prevent such activity". (*Manfred Nowak and Elizabeth McArthur, The United Nations Convention against Torture: A Commentary (Oxford and New York, Oxford University Press, 2008), p. 78. See A/74/148, para. 6; and A/HRC/22/53, para. 17*) The principle of official capacity therefore keeps States accountable for more than just State officials and creates a wider understanding of the definition of torture. (*On the concept of "acquiescence", see Committee against Torture, Dzemajl et al. v. Yugoslavia (CAT/C/29/D/161/2000), para. 9.2*).

[161] Europe provides more mature precedents in human rights compared to other jurisdictions. Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) states that: "No one shall be subjected to torture or to inhuman or degrading treatment or punishment." All victims have direct access to the European Court of Human Rights. In its jurisprudence, the European Court of Human Rights has held that the guarantee enshrined in article 3, which is an essential element of the rule of law, occupies a prominent place in the system of protection of the European Convention on Human Rights, as it is underlined by the fact that no derogation from it is permissible under article 15 in time of war or other public emergency. (*European Court of Human Rights, Öcalan v. Turkey, application No. 46221/99, Judgment, 12 May 2005, paras. 179–183*). To fall within the scope of article 3, the Court has said that "ill-

authorities[162], whose cases support the herein cited instruments and my facts, and add light upon a subject that is customarily evaded by this court.

This court has a duty as the government, and under Separation of Powers, to address and action the issues presented to it under any allegation of judicial ill-treatment and judicial torture perpetrated by individual judges and other persons who act under color of authority of judges and courts. The evidence of severe pain and suffering that many doctors and care providers and the Freeman Bright Line condemn are in the public record, and provide substantial grounds for this motion[163].

A general prohibition against torture has evolved in customary international law[164]. Nation State responsibility may ensue as a result of State officials engaging in torture or failing to prevent torture or to punish torturers[165].

Federal statutes are insufficient and incompliant with the object and purpose and full scope of treaties, particularly with the UNCAT[166]. Therefore precedent is needed by this court along with investigation

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treatment must attain a minimum level of severity", which is determined by assessing all of the circumstances of the case (e.g. duration of treatment, physical or mental effects, and the sex, age and health of the victim). (*European Court of Human Rights, Bouyid v. Belgium, application No. 23380/09, Judgment, 28 September 2015, para. 86*). The Court also stated that, in the absence of physical or mental injury or suffering, acts involving humiliation, the diminishing of human dignity, including unnecessary physical force by law enforcement officers, or that arouses in victims fear or anguish or inferiority capable of breaking their moral and physical resistance may be characterized as degrading and can fall within the prohibitions established in article 3. (*ibid., paras. 87–88*). In its decisions, the European Court of Human Rights has also drawn on the definition of torture used in the Convention against Torture to arrive at a finding of torture. In *Selmouni v. France*, the Court established both that the pain and suffering inflicted on the applicant were severe and that its purpose was to extract a "confession", thus firmly establishing that courts must consider both the severity and the purpose of the inflicted suffering when determining whether an act constitutes torture. (*European Court of Human Rights, Selmouni v. France, application No. 25803/94, Judgment, 28 July 1999, paras. 97–105. The Court also applied the "living instrument" concept in Selmouni, which led it to conclude that what might not have been considered torture in 1979 when the case of Ireland v. United Kingdom was decided was definitely considered to be torture in 1999 at the time Selmouni was decided.*) The Court later clarified that, although purpose was a factor, "the absence of any such purpose cannot conclusively rule out the finding of a violation of Article 3". (*European Court of Human Rights, V. v. United Kingdom, application No. 24888/94, Judgment, 16 December 1999, para. 71*). Additionally, the Court asserted that, when considering whether a form of treatment was "degrading" within the meaning of article 3, the Court would have regard to whether its purpose was "to humiliate and debase the person concerned"; however, it again stated that an absence of purpose did not rule out a finding of a violation of article 3. (*European Court of Human Rights, Kalashnikov v. Russia, application No. 47095/99, Judgment, 15 July 2002, para. 95. See also European Court of Human Rights, Peers v. Greece, application No. 28524/95, Judgment, 19 April 2001, para. 74*).

[162] Including the American Convention on Human Rights, the Inter-American Convention to Prevent and Punish Torture, the Inter-American Court of Human Rights, the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights.

[163] Compare the Freeman accommodation to the meaningless 'accommodation' in 21-cv-04262-JSW, and compare to this court's total absence of disability accommodation in every case filed by me since 2019

[164] International Tribunal for the Former Yugoslavia, Prosecutor v. Anto Furundžija, Case No. IT-95-17/1-T, Judgment, 10 December 1998, para. 137.

[165] Ibid., para 142

[166] The addition of 42 US Code § 2000dd to supplement 18 US Code § 2340 was a reluctant afterthought by the United States and arose because of the complaints including by other countries about the US treatment of detainees during war. Combined, these two statutes do not cover the full scope of the UNCAT by legislation. California's only criminal statute under Penal Code § 206 is for a subset of torture, and does not cover other prohibited acts under UNCAT.

and corrective action. It is the raison d'etre of this court to speak in the absence of law and in the presence of unlawful conduct among the judiciary under every circumstance. This court may not limit itself in not providing *sua sponte* mandates, opinions[167] or correction[168] when government, through its judiciary, betrays international commitments[169], or fundamental rights, including human rights that are preciously guarded by the US Constitution and not by our judiciary.

The Convention against Torture envisages three main pillars in the fight against torture: the obligation of States to ensure justice and to prevent and redress all acts of torture[170]. The obligation to investigate is central to the realization of all three main pillars[171]. States are required under international law to investigate reported incidents of torture promptly, impartially and effectively[172]. The Special Rapporteur on torture specified that: The obligation to investigate acts of torture is initiated by the existence of reasonable grounds. Evidence of torture that rises to the level of "proof" in criminal proceedings (that is, beyond a reasonable doubt) should not be necessary to establish State recognition and responsibility for torture or to trigger the obligations that do not involve assigning individual guilt and punishment, such as the implementation of public policies for prevention and administrative or civil remedies, including rehabilitation. This is important because States often claim that torture and their corresponding obligations to address it do not exist because torture has never been "proven" in court[173].

[167] Case or Controversy is not the standard for correction of judicial misconduct. Due diligence, inquiry and constant vigilance in evolving rules, procedures and policies of courts is required. The judiciary must police itself effectively.
[168] This court may not pass upon, or delegate the essential reform of jurisprudence that is indicated. Each judge is required to establish the highest standard of justice irrespective of the mandate of established judicial norms and customs. This court must be diligent and constantly vigilant, and inform the mechanisms for judicial reform contemplated by government (such as the Ninth Circuit Judicial Council, the Judicial Conference, the Chief judge of this Circuit) to promptly address limitations in jurisprudence. Each judge must take steps to protect, prevent and deter human rights violations by the judiciary, without any step being required by the victim, thus each judge must be attentive and sensitive to such prohibited acts. There is no indication that this happens in the treatment of the disabled and seriously ill litigant.
[169] The Rules Enabling Act is in force, but this court has done nothing to reform jurisprudence. This court has a tradition of evading questions of law if the case or controversy may be resolved by an alternate pathway. At the moment that an issue affecting a treaty or international commitment is raised by any case, whether or not it has an alternate pathway for resolution, it is incumbent upon this court to recognize iut and display, on behalf of the People of the United States, the national character that demonstrates respect for International Law and the commitment to a national ethics on the world stage that conveys the message that we are a reliable nation who keep our international commitments resolutely, and when challenged in the public records, we will not refrain from addressing for the confidence of the international community that all is well and we conform to our promises. In the present case, this court may not evade any issue raised in this writing. The matters herein presented are by a private attorney general who invokes the full force of the US Constitution through the Ninth and Tenth Amendments and International Law specifically on these prohibited acts, and thus alternative pathways to remedy and relief may not be advanced by this court and by this judge as a bar to direct decisions on the issues presented by the private attorney general that directly implicate this court and this judge.
[170] UN Istanbul Protocol
[171] A/69/387, para. 21
[172] Convention against Torture, arts. 12–13. See also A/69/387, paras. 22–28
[173] UN Istanbul Protocol paragraph 183

Judges hope to escape allegations of ill-treatment and torture by insisting, after causing the prohibited harm, that no purpose or intent[174] may be established for their prohibited acts and that they have impartially performed their judicial duties[175]. This is a delusion and wishful thinking[176]. A deeply-rooted problem and defect exists in the ordinary course of jurisprudence that systemically eliminates due process and non-derogable rights that constitute serious and criminal human rights violations. When this defect is exposed, any judge who fails to realize that the ordinary course of jurisprudence, if followed, will lead to serious pain and suffering under coercion and intimidation of the victim and under any order for filing of information, or will lead to the failure to prevent actual and imminent harm, including predicted physical and mental injuries from discrimination and the deprivation of safe harbor and disability accommodation, cannot be said to have erred and not acted intentionally.

First, observe that when presented with the facts about my disabilities and my need for safe harbor and life-saving medical treatment, and reference to all of the records on my requests for safe harbor and disability accommodation in this Circuit's courts, this judge arrived at a decision that violates the test of reason and faithfulness to supreme Law. Two other judges consulted and deliberated with this judge and arrived at the same stupendous decision, completely failing to follow the bright line of law, indicating that this judge surrendered impartiality and independence to a systemic policy of discrimination and endorsement of prohibited acts that is stealthily in force in this Circuit.

In contrast, judge Beth Freeman ruled that the evidence of my vulnerability and frailty and inability to withstand coercion into unequal participation in due process is substantial and that I must be protected

[174] Cruel, inhuman, and degrading treatment (CIDT) under the United Nations Convention Against Torture (UNCAT) does not require intent. Unlike torture, which requires the intentional infliction of severe pain or suffering for specific purposes, CIDT does not necessitate a specific intent or purpose. The focus is on the nature and impact of the treatment rather than the intent behind it. However, the facts of my case repeatedly provide substantial grounds for torture under the intent to discriminate, and a central, but not exclusive purpose for the torture is to extract from me information under the label of due process and under the mandate of invariant court rules, procedures and policies that expect efficiency and speed. The coercion for me to provide information and then to cause extreme prejudice to me by virtue of the information extracted from me under infliction of serious physical and mental injuries and by subjecting me to incessant and severe pain and suffering is then used to punish me and deprive me of rights, remedies and relief, thus further torturing me. My facts demonstrate the presence of every element of Article 1 of the UNCAT, for example see the conduct of judge Jeffrey White in 21-cv-04262-JSW, particularly his dismissal order for my complaint in 2022. This judge is considered to be a criminal under the operation of UNCAT.

[175] This behavior is contemplated and prohibited by the cited international instruments. It is the mindset of the torturer who justifies their criminal conduct by denial and misrepresentation, and provides opportunity for themselves to continue their prohibited acts under color of authority. Such a perpetrator of human rights violations convinces themselves that they do no wrong and they are fully justified in their conduct and need to pay no consideration to human rights.

[176] The blind and faithful following of established customs and norms of jurisprudence including the equal and invariant application of rules, procedures and policies of the court to the disabled and seriously ill pro se litigant, is in fact, a violation of Article VI of the US Constitution and constitutes prohibited conduct under treaties and the UN Charter

from injury and ill-treatment by the court granting me a stay[177] for life-saving medical treatment, and by not requiring any participation from me while she protects me under her jurisdiction.

Thus judge Beth Freeman insists that, under my facts, the invariance of court rules, procedures and policies must be subjugated to the protection of human rights and the elimination of discrimination based on disability. This is a reference adjudication that establishes that the only reasonable and proper course of action in dealing with me was to protect me and to accommodate me, otherwise I would suffer the harm and injustice and serious injuries that I was warning about.

This clear and unmistakable reasoning and truth that may be established by any judge of common sense and good Behaviour, such as Freeman, is unavoidable, and this judge and this court acted contrary to reason and law, and made the choice of ignoring the subjugation of invariant rules by my facts and preeminent laws, no matter what the consequence. No reasonable person fails to consider such conduct to be a violation of human rights. This choice establishes intent, and must be considered as a step in furtherance of the ill-treatment and torture complained of. The scenario that this judge presided in was that others outside of this appeal court waited to continue my ill-treatment and torture, and this judge was in control of stopping and preventing that torture and protecting me, or handing me back to be refouled and re-traumatized and tortured. This judge chose the prohibited act.

It is irrelevant what mechanism I invoked[178] to arrive in this court to ask for safe harbor and accommodation and protection from further ill-treatment and torture. Any mechanism to advance my human rights complaint to this court is permissible under these circumstances. It suffices that I complained, and customary international law must then be obeyed according to treaties and according to pre-emptory norms. The US Constitution incorporates protection and respect for human rights, but our judiciary have substantially missed that critical mark.

I have proven over SEVEN YEARS that there is no domestic mechanism by which such a prone litigant can access any relief or remedy from judicial torture[179]. Therefore any means for notifying this court, which has the authority to correct a lower court that committed prohibited acts, of a complaint for my human rights violations, is acceptable and necessary, and must be respected and accepted by this judge and by this court and processed according to the object and purpose of applicable treaties[180], and the *jus cogens* of International Law. It was not.

[177] The stay has been extended to almost SIX YEARS
[178] There is NO MECHANISM IN DOMESTIC JURISPRUDENCE for a victim of ill-treatment and torture by any court to access remedy or relief through this nation's courts.
[179] Resulting in the United Nations accepting my preliminary complaint for prohibited acts in 2024.
[180] Multiple human rights treaties are violated by this judge and this court, including UNCAT, ICCPR, CRPD

The correctness of an appeal[181] or its alleged 'frivolousness' is irrelevant to the preeminent and preemptive safeguarding of human rights in jurisprudence. The UN Istanbul Protocol recognizes the adequacy of my complaint by whatever means I used to communicate it to this court[182]. This court took jurisdiction over my filing and therefore over my human rights complaint[183], and this judge made a decision on my complaint by independently choosing to acquiesce to the prohibited acts by another court and ordering my refoulement and re-traumatization and the endorsing the continuing of the human rights violations reported to it as being in progress. Incredibly, three judges consulted together, and planned and agreed to acquiesce to the prohibited acts by another court and to order my refoulement and re-traumatization and to endorse the continuing of the human rights violations reported to it as being in progress. No judge in this court ever granted me safe harbor or disability accommodation or human rights.

This judge was warned that the deprivation of life-saving medical treatment and the distress and the invariant application of rules, procedures and policies of this court will induce physical and mental injuries, and that the victim is voluminously and prolifically 'screaming' that he has been suffering ill-treatment and torture which causes him to apply for safe harbor and disability accommodation and protection from prohibited acts because every other court is mutilating him. He also provided sufficient specific medical information in his filings in this Circuit that may be accessed by this court that supports his claims. The standard under the Istanbul Protocol and customary international law is 'substantial grounds'.

Each appeal contains sufficient allegations and information about injuries and continuing prohibited acts, and the assertion that the lawsuit is already over by virtue of the impossibility of accessing the lower court and this court. A judge of "good Behaviour" would not hesitate to accommodate and provide protection and opportunity to the victim to express a properly stated case to this court and benefit from constitutional rights and protections instead of holding invariant the norms of jurisprudence[184].

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[181] i.e. the conformity with statues, rules and procedures controlling an appeal

[182] The record of the other courts that led to the appeal confirms that the prohibited acts could not be stopped by me through those courts, and necessitated escalation to authority within the judiciary that could hold jurisdiction and make orders for my protection and to stop, investigate, abate, prevent and punish the prohibited acts.

[183] The appeal was used to deliver a human rights complaint and demand action by this court in compliance with the supreme Law of the Land.

[184] and thereby a complaint for human rights violations that were better stated may have emerged while the proper handling and process for relief and remedy would have been instantiated by the judiciary as required by these international instruments. A formal and fully stated complaint is not necessary under the UN Istanbul Protocol for remedy and relief to be required, with due investigation and punishment for offenders of human rights. The only way to provide opportunity for expression of a fully stated human rights complaint was for this judge and this court to provide the same accommodation as

Most importantly, the totality of the facts that were within the reach of this judge indicated substantial grounds to indicate prohibited acts that this judge is expected to competently match to applicable laws and treaties and authorities by virtue of the requirements of this judicial office, and considering the pro se status of the litigant, and in particular the disabilities and the serious illness of the litigant. None of these reasonable and ethical and legal requirements has ever been met in this court in SIX YEARS of my complaints to it. Moreover, under the alleged fact pattern, it is common sense that an abundance of caution is required in processing such a litigant through the court, and none is seen, except substantial judicial bias and 'hatred'.

A judge is presumed to know the law and be competent in it. A pro se litigant is not presumed to know the law or the rules of court in order to express to the judge the authorities and legal arguments necessary to 'tune the judge in' to the issues. However, when a pro se litigant says that he is being deprived of non-derogable rights, and that he is suffering injuries and severe pain and suffering, and is in such dilapidated condition that he requires immediate protection, and is using extraordinary measures to stop his oppressor who is a trial judge or other judges, and provides sufficient medical information in his accessible filings that supports his frail and vulnerable condition, then a deeper sense of the truth of prohibited acts is reasonably warranted based on what presents as substantial grounds. The appeal states a human rights complaint against the lower court and the perpetrators that drove me to the lower court.

When complaining that one axis of human rights violation by the courts is deprivation of due process by judges, this judge faced a need for providing the litigant with time for medical treatment and safety from bodily and mental injury and pain and suffering, and observed that the litigant complained of the lack of precisely that relief in the lower court. Since the Freeman Bright Line teaches that such deprivation of due process is discrimination and a violation of human rights, the only reasonable and lawful action, even in the absence of the Freeman Bright Line, was to protect and accommodate me. This judge chose not to do so.

The intrinsic bias in the mind of a judge that claims the impossibility of what I have alleged[185] is not judicial independence or impartiality. An independent investigation is not an option to be discarded by discretion.

Freeman did. The failure of this judge and this court to accommodate me resulted in the complete deprivation of all (GLOBALLY required) accommodation, wiping out any benefit of the Freeman accommodations by stay.

[185] i.e. that a judicial peer in a lower court or in another court would never behave in the manner that I have alleged and therefore my allegation is not believable

The deprivation of access and the elimination of opportunity for a voluntary and prepared statement of the human rights complaint has been the *modus operandi* by this judge and by this court[186]. Instead this judge conformed to rules that would extract information from me and expected information that was coerced out of me causing me severe pain and suffering and more serious injuries, in order to use against me as evidence to further prejudice me[187]. To the present day, the logic applied by this judge is that it is lawful and ethical to torture me to endure the entire course of unconstitutional due process in the trial court and suffer more serious and irreparable physical and mental injuries and severe pain and suffering and even die, before I can resort to this court on appeal, only to be tortured and murdered with finality. The People do not consent to such high crimes.

There is no sign of any investigation to get a better sense of the truth. This judge and this court had an obligation under Articles III and VI[188] and the *jus cogens* of International Law to stop all litigation and initiate and independent investigation.

We can observe clearly the obligation of this judge and this court using hindsight. The consistency of SIX YEARS and the impeachment of the judiciary by a judge of good Behaviour[189] indicates that there is a pattern of improper judicial activity[190]. When a judge and court are presented with these allegations and the evidence that I provided in 2019 and subsequently, there are substantial grounds to believe that absent being provided protection by safe harbor and disability accommodation, I could not access any court, and I would not be able to withstand the deprivation of due process and the coercion and intimidation to provide information, and the coercion to participate unequally in litigation, and that I would suffer serious injuries as a result. This is the Freeman stance.

Any reasonable person of ordinary sensibility would not fail to recognize that substantial grounds are presented for ill-treatment and torture[191] by the facts stated by me in the courts' records and in each appeal in this court[192], despite my coercion and intimidation with paralyzing and debilitating effect, and causing serious physical and mental injuries which I then documented in my chronological requests for

[186] This judge is still obligated to stop, initiate an independent investigation, abate and prevent any further prohibited acts, by applying the full authority of this court, *sua sponte*. This is permitted under the US Constitution, and REQUIRED under Article VI and Article III good Behaviour and the Preamble to the US Constitution that requires the judiciary to establish Justice. Justice in the realm of human rights in jurisprudence has not been established in US jurisprudence and is now 238 years overdue

[187] These constitute prohibited acts under the Istanbul Protocol

[188] The requirement of good Behaviour and the domestic authority of treaties require the adjudication of my human rights complaint about a lower court according to customary international law

[189] Judge Beth Freeman did not hesitate to grant more time and opportunity for the same vulnerable and frail litigant to access the court and to receive constitutional due process, and not be injured or deprived of any right

[190] See commentary paragraph 3 of the Code of Conduct for United States Judges, Canon 1

[191] For examples, see the motions for safe harbor and disability accommodation in 24-3353 and 24-6312

[192] even though incomplete and extracted from me, a seriously ill and substantially incapacitated disabled pro se litigant who is functionally and cognitively impaired

safe harbor and disability accommodation and later and repetitively brought to the attention of this court with another human rights complaint through filing another appeal.

This judge was on notice of actual and imminent harm, and should have operated with an abundance of caution and due diligence, and considered the possibility of derogation of my non-derogable rights based on my communications and complaints. No such conduct is demonstrated.

This judge and this court chose to hold invariant the rules, procedures and policies of this court, which the Freeman Bright Line condemns[193]. This was an individual choice by this judge, and presumed so to be by the ethical duties of independence and impartiality.

The choice by this judge to do the opposite of the Freeman Bright Line was purposeful and intentional and confirms that this judge insisted on discrimination and on ignoring my human rights complaint and required my providing information and to be prejudiced by my unaccommodated and coerced and involuntary participation, which is a repetition of the mechanism by which I am distress and suffer serious and irreparable physical and mental injuries and thereby severe pain and suffering. This judge violated my human rights.

I could not withdraw, and I had no choice but to do everything possible for my protection from further ill-treatment and torture and this judge and this court perceived my desperation and saw my complaint, but ensured that I receive no protection and that I am dispatched helplessly back to my abuser(s). The situation today is NO DIFFERENT than every single other time: at the present time I am due to be dispatched back to the same torturer, Jeffrey White, once more, to be further tortured and for him to complete my murder.

The order by this judge indicates a complete absence of any investigation and the acquiescence to prohibited acts and endorsement of them. Because of this judge, I suffered egregious injuries and grave injustice. These are seen in the public record of a number of courts, because the ill-treatment and acquiescence to torture by this judge had far-reaching effects outside the Ninth Circuit.

It is useful to describe in quasi-abstract the nationwide and deeply-rooted problem that this court and this judge should have addresses and must address, before proceeding to the specific allegations in this

[193] Freeman stopped enforcing the rules, procedures and policies of the federal court, and has stayed my litigation in 19-cv-04392-BLF for nearly six years. Not a single day of stay or accommodation was provided to me by this judge or by this court in the same timeframe.

writing. This is done much more clearly with reference to a standard, which shall be referred to as the Freeman Bright Line[194].

In American jurisprudence, Congress and the courts insist on speed and efficiency of jurisprudence. Cases must be resolved at law, through our courts, as fast as possible, without delay. Thus, judges are driven by this intentional design through various mechanisms, including administrative goals of the courts, to 'process every person and every case' speedily and efficiently[195]. These considerations leave no room for human rights, which is only seen when the most disadvantaged and vulnerable litigants access this nation's courts.

Legislation in both the states and the federal system sets arbitrary timeframes that appear at the time[196] to be reasonable, in order to establish a standard that every person can manage to abide by, in order to dispose of litigation. If anyone is unable to meet the standard, then the legislature and the judiciary argue that since all persons are treated equally under the standard, it is fair, and therefore the injustice to a few persons is justified in the interests of a nation. Thus the essential role of STANDARDS in jurisprudence[197].

It is important to observe that jurisprudence is about the timely extraction of information[198] from parties to litigation in order to state the complaint(s), state the defenses, states various responses to the court, state the evidence, state the motions, state the case at trial, and state the appeals, etc. The court holds jurisdiction therefore control over the parties.

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[194] See orders by federal judge Freeman (district court of Northern California 19-cv-04392-BLF) in response to the same requests for accommodation as I made this this court. These are attached as an Appendix to my writ of certiorari 24-6012 in this court. Freeman has correctly insisted that the invariant rules, procedures and policies of courts shall be stayed and that the elimination of discrimination based on disability and the protection of human rights shall be paramount. She made her orders based on the same information and requests for accommodation and safe harbor as were presented concurrently to multiple other state and federal courts. Her orders comply with the ADA and the requirement that the federal judiciary enforce the elimination of discrimination (in the courts) ON BEHALF OF persons with disability, and that cruel, inhuman and degrading treatment and punishment shall not be administered by a court or judge who has jurisdiction over a sick or disabled person. Thus Freeman is compliant with the UDHR, the UN Charter and human rights treaties, and customary international law, while every other judge has violated them.

[195] In fact, judges may be punished for failing to speedily and efficiently process cases. See "Judicial Conduct and Disability" published on the website of United States Courts which cites the Judicial Conduct and Disability Act of 1980.

[196] None of the timeframes contemplated by the legislature or the judiciary that are the formative criteria of jurisprudence considered the ADA, or were modified in any way after the enactment of the ADA or its Amendment. More importantly, none of these timeframes were considered or modified upon the enactment of the UDHR, or the ratification of the UN Charter, or the signature of any human rights treaty by the United States. For example, the filing of the notice of appeal is held as an absolute in jurisprudence, and forbidden by human rights treaties which place the proper treatment of the human being in jurisprudence as paramount and therefore preemptive of enforcement of artificially set deadlines. No judge, in practice, dares to use discretion to radically affect this invariant absolute.

[197] The US Constitution inherently speaks of standards for the nation. For example, in order to achieve the object and purpose of the Constitution, which is embodied by its Preamble, for example to establish justice, standards must inherently be devised by government when Due Process and Equal Protection under the Fourteenth and the Fifth Amendments are required.

[198] Note Article 1 of the UNCAT. Every expectation by this court and decision by this judge relies upon extracted information by order or rule under jurisdiction and authority.

Now comes the disabled pro se litigant. We must presume that pro se is a consequence of necessity, i.e. lack of funds to pay for representation[199]. No court provides a pro bono attorney[200] to the disabled in civil litigation[201] despite requests[202]. For clarity, add the fact that the litigant is also seriously ill and the gravity of the illness and the permanent injuries caused by the illness depend upon how distressed he becomes by his treatment by a court[203].

The courts process such a litigant according to invariant rules and procedures and policies of courts[204] that are appropriate only if such a litigant does not function in the same way as ordinary litigants (non-disabled litigants who are not seriously ill) then he is acceptable collateral damage approved by the legislative and judicial branches of government, and he may not complain, or seek remedy or redress. Thus such a litigant has the same status as a slave or a serf, or chattels. The Freeman Bright Line disagrees[205].

These judges claim that they do not purposefully intend to harm the disabled pro se litigant. These judges ignore that **omission** to prevent human rights violations is used to attribute purpose and intent to prohibited acts by the judge under international human rights instruments.

Upon reading the Findings and Purpose of the Americans with Disabilities Act and its Amendment, we find that this rationale and judicial practices leading to the doctrine of 'acceptable collateral damage' are outlawed by the People since at least 1990[206]. Also, as discussed below, human rights prohibit the abuse

[199] No person of normal sensibility likes to access our nation's courts.

[200] The federal pro se advocate provided by the federal courts, upon my review and experience, provides a slight benefit, but is ineffective. The federal court statistics confirm that this service did not provide a notable change in the dark fate of the pro se litigant in the federal courts. See the revelation by judge Posner, confirming that courts treat the pro se litigant like "a kind of trash not worth the time"

[201] In contrast, in criminal defense, a pro bono lawyer is guaranteed by the government because the potential for injustice and cruel and unusual punishment, is recognized. But no such danger is recognized for the disabled pro se litigant in jurisprudence who cruel and unusual punishment without due process is documented.

[202] Since judges will not accommodate disabilities or provide Safe Harbor for serious illness, I have requested that representation be provided by California courts in my civil litigation and been ignored or refused. However, take careful note that if the torture and injuries continue, after some time, even the provision of a pro bono attorney will not protect and enable to litigant to participate in litigation as he may be so injured that he cannot even work with an attorney who represents him. This was demonstrated in the state and in the bankruptcy court in this Circuit.

[203] The Multiple Sclerosis Stress Equation, Solomon et al., Journal of Medical Statistics and Informatics, Volume 11, Article 1

[204] No rule of federal court, and neither FRCP or FRAP or the Bankruptcy court rules provide any accommodation to the disabled or any safe harbor to the seriously ill party

[205] Federal judge Beth Freeman considers substantive laws ending discrimination (in jurisprudence) and prohibiting and preventing human rights violations and preeminent and preemptive of the invariances or rules, procedures, policies of courts, including administrative goals and other fairness and equitable considerations. Freeman correctly attributes priority and importance to the ending of discrimination (in jurisprudence) and the prohibition and prevention of human rights violations

[206] In fact, the Rehabilitation Act outlawed all discrimination based on disability since 1973. This court has a tradition of recognizing discrimination of many kinds to be unconstitutional and unfair. Nevertheless, this court practices discrimination, providing access to some not all litigants. Incredibly, the federal judiciary consider themselves exempt even under the Rehabilitation Act, which like the ADA, also established a national standard for the states to end discrimination based on disability. A standard to end discrimination can only be a standard if it is uniformly applied by every court, not just the state

and degradation of the party who is seriously ill and unable to comply with invariant rules and procedures and policies of courts in order to access fundamental rights. Such a person must not be subjected to cruelty and inhumanity and forced to comply with invariant rules and procedures and policies of courts, especially if injuries or death may result. Such a litigant must be provided safe harbor by the courts and may not be labeled as the collateral damage of jurisprudence from the moment of filing litigation. Thus we observe that the national policy of the greater good is directly at odds with the universal policy of human rights.

Which policy preempts? Does a nation that promotes justice and fundamental human rights 'on the average', provide a valid rational basis for violating individual human rights in the non-average case? Under the judicial branch's invention of a tri-tier standard of scrutiny, what standard of scrutiny applies? May non-derogable rights under International Law[207] be violated under rational basis review?

Should non-derogable rights under International Law preempt the concoctions of a handful of senators[208] and members of the judiciary and their advisors who never considered or anticipated violations of disability laws or human rights in making other laws, and in devising rules and procedures and policies of courts? Who expected at that time that systemic discrimination and human rights violations would be discovered in jurisprudence?

What if we note that human rights may be derived from the text of the US Constitution? What if we note that the US Constitution expressly respects and names the Law of Nations in its text, and thus, at a minimum, the standard of adjudication of treaties under Article VI in 1787, is what is now referred to as customary international law? Therefore, we must consider that customary international law applies[209].

A violation of human rights is a *jus cogens* of customary international law[210], and courts systemically violate human rights, with judges personally choosing to follow the systemic policy of discrimination and human rights violations mandated by the rules, procedures and policies of the courts and turn us into

courts. The concept of discrimination is not divisible, but must be treated as an atom that encompasses all potential constituent forms of prohibited conduct bar none, and thus a federal judiciary may not claim exemption by specifying a subset of prohibited acts as being legal in the federal courts.

[207] which is specifically binding upon the United States and its judiciary under Article VI through the requirement of obedience to treaties in domestic jurisprudence. Treaties are not ultimately adjudicated under domestic law, but are measured and enforced under International Law. Therefore when Article VI binds this court to the interpretation, application and enforcement of treaties, it is the eyes of International Law that this court must use to comply with its Constitutional mandate, not domestic law and selective legislation based on RUDs.

[208] Representative government is not without fault, and the mechanisms for addressing the fault, which are the judiciary, must be vigilant and effective.

[209] Customary international law applies whether or not it is recognized in the US Constitution. The UN Istanbul Protocol provides authority confirming this fact.

[210] Yes, violations of human rights are considered jus cogens norms in international law. Jus cogens, also known as peremptory norms, are fundamental principles that are universally recognized and accepted by the international community as norms from which no derogation is permitted. These norms are binding on all States, regardless of their consent.

collateral damage even though it is a crime. The UDHR[211] and the Charter of the United Nations[212] prohibit human rights violations. So the question becomes: does the policy of 'acceptable collateral damage' in jurisprudence, implemented through invariant court rules, policies and procedures, violate human rights, and constitute a crime?

History demonstrates that this issue of human rights in the course of jurisprudence was never considered by either the legislature or by the judiciary[213]. In fact, if this court does this case and this litigant justice, it should observe that I have stated for SEVEN YEARS that the laws of the United States or California did not consider all of the elements[214] required to "establish Justice"[215] for the People, and that disability is the litmus test for exposing these major deficiencies in history of US legislation, and the litmus test for the inherent flaws in jurisprudence and the litmus test for the operations of the courts. If not for the disabled pro se litigant attempting to access the courts, we would continue to live with a flaw in jurisprudence that is harming the People stealthily[216], and the flaw is being covered up in the normal operation of the courts.

For this litmus test to be effective in objectively proving the non-compliance of jurisprudence with the supreme Law of the Land, which includes the recognition and protection of human rights, it must be capable of objectively demonstrating that the design and framework and process of jurisprudence is flawed independently of its human resources, and that the litmus test accounts for all other variables, such as judicial errors and judicial discretion and the dynamic range of fairness and equity and legalized malice and corruption, and the operation of statutes, and the poor character of judges for judicial office.

In the cases of disabled litigants, the lack of rules, procedures and policies that expressly accommodate the disabled litigant in the course of jurisprudence, is identified as a design flaw by government.

Our judiciary who should be watchful and notice and deal with any design flaw in jurisprudence, remain insular and surprisingly blind. The public notice outrageous positions taken by the judiciary that undermine substantive justice, but the judiciary do not. The Eight Circuit for example asserts on its

[211] The Universal Declaration of Human Rights was adopted in 1948.
[212] Adopted in 1945
[213] The fact that human rights is not expressly raised in precedents is because lawyers gravitate to statutes and established precedents, which in days of old, inherently embraced human rights in most instances through socially prevalent cultural norms, but as time passed, society and culture evolved and this was not explicitly separated and distinguished from the application of laws as a distinct and independent basis for consideration.
[214] Where for example, is the express recognition of human rights that leads to their preemptive and preeminent recognition and standing in all laws? How is it that judges blatantly violate human rights without conscience and call it obedience to the rules, procedures and policies of the courts and the express requirement so statutes?
[215] See Preamble to the US Constitution
[216] A growing movement of criticism and reaction against the Family courts of this nation is brewing and will become visible in due course. Family courts in particular, are daily violating human rights, and judges are falsely characterizing these judicial acts as lawful sanctions and the rule of law.

website[217] that "*The Americans with Disabilities Act does not apply to the federal judiciary. However, pursuant to United States Judicial Conference policy, the Eighth Circuit Court of Appeals provides reasonable accommodations to persons with disabilities, including communications disabilities*." This writing by the federal courts confirms the necessity of standards[218] in jurisprudence, and supports this disqualification motion with respect to the truth asserted that the federal judiciary, including this court, must FOLLOW the ADA, and that the federal government must not be divided against itself, and that there must be a uniform national standard for ADA accommodation which is the same in the state and the federal courts. The Freeman Bright Line is that emerging standard. However, the federal statement begins with a contemptible and erroneous representation of this nation's vital anti-discrimination law, based on the textual interpretation of the statute without regard to essential principles for its correct application, which modify that interpretation. The Eighth Circuit has arrived at the inevitable interpretation, that the ADA must be applied to federal courts and provide accommodations.

However, overt discrimination in court rules, procedures and policies may be tempered by precedent that over-rides them. There is no such precedent.

The word "reasonable" is controlling in the quotation from the Eighth Circuit, and is a subjective variable, while disabilities are objectively determinable. Courts acts as the sovereign and interpret "reasonable" unilaterally, when in fact "reasonable" is bilateral, with preference to the disabled litigant. In other words, the denial of my accommodation must be "reasonable" under the circumstances, and under human rights principles, my accommodation must be a priority in determining "reasonable". In not a single instance in SEVEN YEARS has this been so.

For proof of a defect in jurisprudence we want as objective a litmus test as possible. There is nothing "reasonable" about the denial of my accommodation. However, under "reasonable", it may be argued that jurisprudence provides a solution for disability, and that the mutilation I suffered is because of an abnormal number of bad judges, and their ineptitude and their poor discretion, and their hatred for humanity, nothing more. While this is not recognized as a "reasonable" assumption, can we nevertheless find a better litmus test?

If we add serious illness that may be regarded as a disability that temporarily disables the litigant, then technically the litmus test is still limited by "reasonable" accommodation for a disability under the ADA, and we can do better by rising above subjective proof.

[217] https://www.ca8.uscourts.gov/ada-accommodations
[218] The flaw in the quotation is that the federal courts undermine a standard for elimination of discrimination by asserting the first sentence.

The litmus provided in this case is the knowledge and proof of REPEATED physical and mental injury that becomes the objective measure of "reasonable" accommodation and accounts for the full extent of the repertoire of judges (discretion, fairness, equity, legalized malice and corruption) and judicial errors[219], thus eliminating all of these variables.

Here, the physical injury is brain and spine damage that is permanent and causes physical manifestation, such as walking impairment, which may also be sustained by a physical attack causing trauma and loss of innervation of a leg; or such as inability to breathe, which may also be sustained by a physical attack causing chest trauma and excision of a large part of the lung; or such as blindness, which may be sustained by a physical beating to the head; or such as cognitive impairment, which may also be sustained by a bullet wound to the head, etc. The key for a superior litmus test is that the brain and spine damage that is permanent and causes physical manifestation must be related to the judicial conduct, and indefensible using "reasonable" and discretion[220].

It is well established that stress causes disease. In 2023, it was established by science that negative stress (distress) causes brain and spine damage in Multiple Sclerosis[221]. Apply distress to an MS patient, and you will manifest physical (and mental) injuries. The relationship is deterministic and the prediction of MS relapse duration can be made with reliability. Additionally, it is now proven that distress dysregulates type-II diabetes, impairing physical and mental health, and placing the patient in danger and further reducing his lifespan.

Therefore, a superior litmus test is to place a pro se litigant with Multiple Sclerosis (and type-II diabetes) in the course of jurisprudence and in plain view of judges, prolifically announce the need for accommodation, educate persistently about the dependence of injury on the lack of accommodation, and track and report injuries without fail resulting from the absence of accommodation[222] so that every judge is well aware of what is happening to the litigant with MS. And to track the litigant's disease(s) symptoms and injuries chronologically, indexed to distress events.

[219] The law presumes judges to be sufficiently intelligent and competent that when they make an error, and they are informed about it, they are capable of avoiding making that error again … and again … and again … and again … and again …
[220] Despite a defense of discretion, human rights principles and treaties invalidate the discretion defense, but our purpose here is to recognize the superior litmus test
[221] The Multiple Sclerosis Stress Equation, Solomon et al., Journal of Medical Statistics and Informatics, Volume 11, Article 1
[222] By tracking and measuring MS relapse and symptoms

The numerous records of 9 courts[223] since 2018 document this litmus test[224]. I had no idea that such a litmus test was created and what was unfolding in the public record of the courts, but my severe pain and suffering is now shown to be a blessing for the People.

The record shows that judges, knowingly and deliberately, perverted "reasonable" and REPEATEDLY caused me physical and mental injuries through the deprivation of accommodation in the course of jurisprudence for a combined total of SEVEN YEARS, despite incessant requests for accommodation and reports of the injuries and predictions of injuries. The record shows that I have struggled for SEVEN YEARS to stop merely the progress of litigation so that I can be free from further physical and mental injuries and receive essential and long-delayed medical treatment and recover and rehabilitate, so that I can participate in litigation. I have not been able to litigate any lawsuit in SEVEN YEARS, while I have been repeatedly made the collateral damage of jurisprudence.

Thus, we have a superior litmus test based on objective measurements and scientific principles that shows jurisprudence is flawed.

Therefore "reasonable" must be viewed from the point of view of which side of the accommodation can flexibly adapt to the accommodation without injury and without prejudice. Conventional discretion, fairness and equity make no account for injuries. In this case, the disabled pro se litigant is entirely limited by forces beyond his control that determine the unique needs for accommodation of his disability, while the court has discretion and fairness and equity in its repertoire. Therefore, under "reasonable" it is the court that must accommodate as the disability needs require, and without fail. This is the Freeman Bright Line.

But the question becomes, what if a judges are unfit for office and behave like criminals, and they are organized and have occupied our courts as a malevolent cluster? After all, power and ego corrupt apparently upstanding men and women. What does this prove in terms of a flaw in jurisprudence itself?

[223] Three state courts, the Ninth and Tenth Circuits, the Bankruptcy court and the US Supreme court. A critical consideration is that no lower court judge may use the excuse or justification or acquiescence by a higher court to their individual human rights violations. The consideration in such instances becomes the additional investigation of collusion or a systemic conspiracy and organized hate crime. At the moment that judge is informed of the human rights violations and holds jurisdiction over the victim, that judge is inextricably intertwined with the human rights violations. Freeman demonstrates how a judge of good Behaviour does not become entwined with the chain of human rights violations by judges and courts.
[224] In addition to the tracking of distress events and MS relapse symptom sets, in 2022, continuous blood glucose monitoring was added as an objective measurement mechanism of distress, and the effect of distress on blood glucose dysregulation has been demonstrated with predictability.

Said another way, I am seeking reform of jurisprudence itself, so while judges must be punished civilly and criminally for their prohibited acts, what is the uniqueness of my case that proves a flaw in jurisprudence (instead a flaw in judges)?

Let us focus on two points: time and conflict.

First, my case demonstrates that it may be impossible for the disabled pro se litigant to meet the timing and deadlines in jurisprudence. The possibility of the impossibility of meeting the timing and deadlines in jurisprudence is proof of a flaw in jurisprudence.

The Freeman Bright Line establishes that court and legal deadlines are secondary in fundamental importance to human rights and discrimination. When the unique litmus is a disabled litigant that has a need for indispensable medical treatment that triggers, every deadline possible in litigation, and when every deadline is triggered, every court will continue to enforce the deadlines which make it impossible for the litigant to access the courts, and as demonstrated by this judge and this court, he will lose his claim and his rights and any possibility of relief or remedy, even if later after he is treated, he is able to come and litigate his case[225].

The US Constitution does not provide for the absoluteness of the timing and deadlines in jurisprudence, but does provide for the inalienability of fundamental rights, which include the full application of the First, Fifth and Fourteenth Amendments, which the merits of his case, and not being able to access due process. Therefore jurisprudence must cater for each, but does not.

When given notice of structural defects, and contradictions and inconsistencies and outright prohibited acts, if jurisprudence fails to account and self-remedy, it is inherently flawed, but the flaw may be attributed to bad judges and their poor education. However, when it is discernible that jurisprudence shuts-out the disabled pro se litigant who simply cannot meet customary deadlines, then jurisprudence is flawed. This is the case made by these facts.

For example, many of my ripe cases were discarded by higher courts by making it impossible for me by virtue of each court's rules to file them as writs[226], and then timing me out by citing the rules of the

[225] Enforcing an invariant time-window of access and applying it to the substantially incapacitated and disabled litigant constitutes, at a minimum, depriving them of due process. If they can't access, which is extremely likely, is cruel in human and degrading. Doing it for six years, without changing conduct is torture, psychologically, injuring us, and inducing severe pain and suffering, and watching the injury happen and not changing conduct. With injuries documented and reported that flow from the torture, persistence in torture while alleging no foul is the hallmark of jurisprudence, and its signature defect.

[226] Many of my writs were not filed by the clerk of courts because I did not have the functional and cognitive ability to time them or format them according even to the relatively simple format required by each court. Each clerk and each court refused to deal with my requests for accommodation, and my medical records and the proof of my inability to participate. I had no choice but to file something by the deadline, and I could not even manage that in all cases. The same is demonstrated in 21-cv-04262-JSW, and my attempted filing of an amended complaint in 2024 under coercion and intimidation by judge Jeffrey

court. The condescending and degrading writings of each court's clerk were cruel and inhuman. I prolifically announced to each court the need for accommodation, I educated that court persistently about the dependence of injury on the lack of accommodation, and I tracked and reported injuries to this court without fail resulting from the absence of accommodation. The objective test showed that the court determined upon review of its own processes and rules and procedures in its response letter to me that it is fully compliant with federal law and has done no wrong. Since each court expertly implements jurisprudence, and the standard of jurisprudence is set by each court, a flaw exists in jurisprudence that is objectively identified. The same test and results and objective assessments applied to every other court yield the result that jurisprudence is flawed.

Second, laws, and the rules, procedures and policies of courts may present situations where they are in conflict. If jurisprudence does not have a mechanism for resolving such conflicts, then it is flawed. It is not necessary for the flaw to cause harm or injustice. There mere flaw is sufficient. But this case goes far beyond the mere flaw: it demonstrates egregious injustice and criminal harm as a result of a flaw in jurisprudence.

White, who expressly violates the UNCAT. Without the sudden appearance of A.I. I could never have filed a single writ in that court.

For example the process for protection and enforcement of human rights[227],[228] the process for extending time to file or express a complaint[229],[230], the administration of disability accommodations[231],[232],

[227] For example, California Rules of Court, rule 1.100 limits and obstructs any grievance about deprivation of ADA accommodation, by requiring the grievance to be filed by the same seriously ill and disabled pro se litigant who complains of being unable to meet court deadlines, by means of a writ to the appeal court within 10 days of the denial order. That appeal court also discriminates based on disability, and will not accommodate the aggrieved litigant and also taxes the applicant for filing the writ for regaining fundamental rights in the courts. There is no extra-judicial independent body involved in the determination of appropriate accommodation and the prejudiced and malevolent judges decide accommodation by means of an unconstitutional casual process without standards. In reviewing the decisions on disability accommodation by California courts, you will find wide variations in outcomes to similar requests for accommodation, and generally discriminatory and unreasonable decisions by individual judges without due process. The rule is in conflict with human rights principles and treaties, and the judicial policy is in conflict with anti-discrimination laws and human rights treaties. The same occurs in this court. the clerk of this court has ordered that I shall supply information in the form of an opening brief in 24-6312 at the cost of serious physical and mental injuries through the distress that the clerk inflicts on behalf of the court and under the color of authority held by each judge of this court, while also alleging that a decision shall be made upon my request for accommodation and safe harbor that this court has purposely withheld since 2019, and just in 24-6312, has withheld purposely and intentionally to distress me and cause me egregious injuries and to recklessly cause my death, now for THREE MONTHS. Compare the judge Beth Freeman who does not delay any decision on my safe harbor and accommodation, impeaching each judge of this court and this court since 2019. Her turnaround time on decisions for my safe harbor and disability accommodation is a matter of days and she does not distress me or hold me in perception of a hostile and abusive court that invidiously discriminates based on disability and violates my human rights.

[228] For example, human rights treaties provide that any complaint of whatever form made to government about human rights violations by cruel, inhuman and degrading treatment or by torture, must be investigated. But there is no mechanism for any victim of judicial human rights violations to complain directly to this court, or to the US Supreme court, which the Department of Justice points to as the authority empowered to deal with any question or complaint about the courts and its rules, procedures and policies which influence every court in the nation on human rights and disability. Unless I earn the right to file writ in the US Supreme court by first being violated by every court in the hierarchy of a state or a federal circuit, and by having a ripe case and controversy that ends in this court, then that court will not hear me. And the invariant rules and procedures of this court make the judges and the clerk fully authorized to reject any communication or filing that is not consistent with its rules and procedures with inhumanity assured. Since this court has no respect or recognition for the ADA and for human rights of litigants, naturally I have never been accommodated by it and been deprived of multiple appeals by contempt of its judges for Article VI and human rights. Under human rights instruments, I should be able to complain to this court about each and every violation of human rights in the state and federal trial court and every higher court, including itself. This is not possible. The only opportunity is this disqualification motion that, maybe, will reach each judge if maneuvering by this court and its clerk do not prevent its delivery.

[229] For example, the statute of limitations for filing a claim for defamation is 1 year in California. When a seriously ill disabled pro se litigant cannot file the complaint in the superior court in time, even by 1 day, then it is treated as barred. Equitable tolling is not available to the hated disabled pro se litigant, nor is equitable tolling considered by judges if it exceeds a secreted limit of time-delay that is variable by individual discretion of a judge. The ADA criteria of "fundamental alteration" does not privilege the forfeiture of fundamental rights for a norm of the court's service that standardizes a statute of limitations to a number of days divisible by 10, etc. As importantly and never considered, my cases demonstrate that the expression of a complaint that is compromised by serious illness and disability and results in a statement of the complaint that must be amended prior to service and prior to litigation, is used by the court to prejudice the merits of the case. The court will issue a dismissal on the form of the complaint, which the complaint explicitly describes as form-incompliant, incomplete and requiring amendment. Amendment of the complaint to properly and fully state the causes of action is in practice never permitted by the court, and the court thereby interprets the incomplete and unprepared and involuntary statement of the complaint that was only filed to toll the statute of limitations. See for example the dismissal of 21-cv-04262-JSW in 2022. The statute of limitation is in conflict with the ADA's requirement of accommodation, and with human rights principles and treaties, and the judicial policy of strict enforcement of the statute is in conflict with anti-discrimination law and the raison d'etre of the judiciary to modify statutes by precedent to ensure constitutional government and to "establish Justice". The same is true of this court, and the latest letter by the clerk insists on an absolute requirement of the extraction of information under coercion and intimidation by a time that is inconsistent with and unrelated to my need for safe harbor and disability accommodation, and insists that I must cure my disabilities and heal my serious illness or otherwise be punished and lose access to due process AGAIN as I have done in this Circuit since 2019, while this court and its judges are impeached by the Freeman Bright Line, whose safe harbor is scheduled for renewal 2 weeks after the clerk's order for my delivery of information by opening brief. The invidious discrimination and purposeful and intentional torture inflicted by this court,

under the authority of this judge and this judge's peers is demonstrated further by the evasion of its judges to rule on my request for safe harbor and disability accommodation with an evasive and fraudulent promise of an eventual ruling that is the cause for extreme distress and severe and continued pain and suffering, and prohibited by the UNCAT. Instead the clerk has abused me by citing the rule of court that has no provision for disability or safe harbor as the only means of extending time in a hostile and murderous court.

[230] For example, take the Ninth Circuit court of Appeals case 24-6312: Under the Freeman Bright Line, which the Ninth Circuit court of Appeals must FOLLOW as the national standard for disability accommodation in the courts, that court must provide me opportunity to receive and complete uninterrupted medical treatment and to recover and rehabilitate FIRST, before requiring me to litigate and prosecute my appeal. The appeal is for the district court denying me opportunity to receive and complete uninterrupted medical treatment and to recover and rehabilitate FIRST, before requiring me to litigate, and thereby depriving me of access to constitutional due process. Instead, the appeal court has refused to rule on my request for ADA disability accommodation, and ordered that I participate unequally and express my appeal by brief without accommodation, and cited the rules of court as preemptive of ADA disability accommodation. Accommodation is a matter of substance affecting access to due process and freedom from injury and pain and suffering under human rights instruments. The rules of court are in conflict with human rights principles and treaties, and the judicial policy is in conflict with anti-discrimination law, and the appeal court, which is the court designated for resolving contradictions and inconsistencies in laws and rules and procedures simply takes sides, and discards the US Constitution and human rights principles to support its continuing collusion with the trail court judges who dispatch the disabled to their cold, dark and inevitable fate.

[231] For example, the Sixth District court of Appeals insists that it obeys California Rules of Court, rule 1.100. That rule specifies a *Vesco* hearing as the means for an adversary to object to disability accommodation provided to me by the court. On October 2, 2019, the notorious presiding judge of the Sixth District court of Appeals summoned me despite my objection to be personally examined by her. Upon examination, she ruled to provide me repeated 120-day blocks of stays in her court. Soon, she undermined the stay by allowing the courts to shower me with default notices and demands for performance in my appellate actions. The trial court had ruled prior to her the examination by the presiding judge that because I had filed a complaint for discrimination based on disability after enduring a year of discrimination from the California courts, that I should be deprived of all disability accommodation in perpetuity despite evidence incessantly provided to the courts that my injuries are accumulating and my health is in dire straits. Thus she aligned herself with the trial court, and summoned my adversaries to give ex parte testimony to oppose my accommodation while concealing their filing from my eyes. A *Vesco* hearing, under rule 1.100, requires basic constitutional due process to be followed and both parties to appear and participate, while the Greenwood 'Vesco' hearing is a private meeting of the 'club of attorneys' to decide the accommodation of their victim. Thus Greenwood ruled by mandate following her ex parte communication with my adversaries that I should not be accommodated in the trial court or in the appeal court. This is one of the prohibited scenarios under UNCAT and clarified by review of the UN Istanbul Protocol. The conduct is a crime. It demonstrates a flaw in jurisprudence which provides no due process for disability accommodation, and which permits judges and courts to exclude human rights and discriminate at will. For example, this court pause reconsideration of its denial in 24-3353 for FOUR MONTHS after I filed a request for safe harbor and disability accommodation to permit the trial court to torture me without restraint, which required an injunction, and then proceeded with its torture as soon as I filed the appeal for the denial of the injunction. This court, with this judge implicated in the extended torture it has inflicted upon me, used the fabricated excuse that I am vexatious because I amended my appeal to dispute the exclusion of a key actor in UNCAT violations and discrimination based on disability that judge Jeffrey White and this court have protected without reservation. In my request for accommodation and safe harbor in 24-6312, it is clearly stated that my first notice of the exclusion of the defendant Brady from lawful prosecution in 21-cv-04262-JSW was when I cognized the exclusion in the dismissal order issued by White in 2022, two years later ! Notice of my cognitive impairments including impairments of reading comprehension were well-described to this court since 2019, but at no time did this judge or this court consider my impaired and substantially inferior coerced participation in due process under the incessant punishment and torture that it inflicted upon me, and continues to do.

[232] You will find upon review of the records of 9 courts that higher courts evade and ignore requests for accommodation to participate in their own courts in order not to prejudice their verdicts on the evasion, ignoring and denial of disability accommodation in the lower court. The notorious judge Mary Greenwood of the California Sixth District Appeal court also delays decisions on disability accommodation to first render her verdict and then deny the accommodation as moot, or provides some other unconscionable and injurious justification for her unlawful conduct. You will find the same conduct in the Ninth Circuit, follow 21-cv-04262-JSW up to the appeal court in, for example (take the 2 most recent appellate actions:), 24-3353 and 24-6312. Look how the appellate judges evaded my accommodation, and see distinctly the violation of human rights described in laborious detail in each accommodation request with medical information that outrages the People by virtue of the judicial conduct in response to the reported symptoms and serious illness and the pleas of decent and compassionate doctors for the court's mercy and compassion which NEVER COMES. These actions are crimes under Article VI and under customary international law, without immunity.

disability hatred[233] expressed as crime, the abuse of the vexation ban[234], and many other examples which are found by reviewing the filings in the numerous cases that I identified in each of 9 courts in the

[233] For example, look closely at the Ninth Circuit court of Appeals case 24-3353, ECF-4 and ECF-11. First note the length of time between the dismissal in ECF-4 and the dismissal in ECF-11. Next compare carefully with the events in the underlying trial case 21-cv-04262-JSW. Note that the appeal court purposefully delayed any response on my motion for accommodation (ECF-6,7,8) following my petition for rehearing *en banc* (ECF-5), knowing that I was trying to stop my torture by judge Jeffrey White who insisted on eliminating my medical treatment and committing me to another unexpressed complaint which he would excise from his court with prejudice yielding another grossly unjust and criminal outcome. In order not to undermine White, the appeal court simply did nothing with my request for accommodation, intending at some point to see an appeal for dismissal by White at which time they would dismiss the action as they did in ECF-11. The appellate judges did not expect me to file an injunction against White in the trial court, which is the result of absolutely no domestic mechanism to stop the torture and attempted murder by a federal judge whose peer in the same court condemns and impeaches his denial of my accommodation, and hold stare decisis over White by precedence in time on the accommodation of the one and same litigant in the one and same court. Note also that I filed an amendment to 24-3353 (ECF-9) about three months before dismissal in ECF-11. But at the moment that I enjoined White in the trial court and filed appeal in the appeal court under 24-6312, the appeal court pounced on 24-3353 and revealed its long-concealed intention, which was to exterminate the inconvenient litigant. Look carefully how ECF-10 was filed to commit a fraud by my adversary in the district of Southern California and she proclaimed that she has lost her attorney, while litigating multiple appeals in the California courts, and also note in 21-cv-04262-JSW the motion to declare me vexatious in the federal courts brought by the very attorney that she claimed in ECF-10 in 24-3353 that she had lost, and was therefore acting pro se under 'financial hardship'. Note that the wording of her ECF-10 and the supporting documents are consistent with the work of her attorney of almost decade and a half service (review the filings by D.D. Hughmanick in 16cv25730), and then look very closely at the result. ECF-11 fabricates a justification for the abrupt and hateful dismissal of appeal 24-3353. But look closely at the date of ECF-11, which is more than 2 months later. The real reason for ECF-11 is the filing of 24-6312, which was the trigger the appellate judges needed to discard 24-3353. But look very carefully at the order in ECF-11, and then look at my motion for accommodation in 24-3612. Did you see it? …… My motions for disability accommodation which are well known to the Ninth Circuit court of appeals since it first abused me in 2019, reported cognitive impairments including reading comprehension. In the course of 21-cv-04262-JSW, and in my motions for disability accommodation to the Ninth Circuit Appeal court, I had given examples of very surprising statements made by me under oath that were my repetition of what I had read in court documents that were immediately shown to be incorrect. Now look again at my motion for accommodation in 24-3612. Consistent with my filings in 21-cv-04262-JSW, I was shocked to cognize, very late, that the dismissal order by White in 2022 contained immunity for the principal instigator for disability hate crimes and the prohibited acts herein complained of in collusion with judges and courts. Thus I raised the objection to that party immunity conferred by White for the first time in ECF-9 on appeal. Almost three months later, the appeal court retaliated for my filing 24-6312, and couched the disability hate crime (of punishing me for a disability of reading comprehension impairment that was disclosed to that court on several occasions) as the act of a vexatious litigant who should be openly (instead of secretly) be treated "as a kind of trash not worth the time" (See Posner). The appeal court follows a secreted policy of discrimination, as does the 10 circuit court of appeals, that ensures that discrimination based on disability, disability hate crimes and human rights violations are guaranteed to any disabled pro se litigant who complains of discrimination, hate crimes of human rights violations in the lower court. This is permissible by jurisprudence and thus a major flaw that has no place in American courts, except in the courts of the enemies of this nation and of its Constitution.

[234] For example, by coercing and intimidating the disabled and seriously ill pro se litigant into unequal participation and ordering information to be filed or presented to prevent prejudice and sanctions and punishment, accompanied by unrelenting ill-treatment and torture, it is inevitable that a litigant who resists his abuse would file complaints and motions to stop his ill-treatment and torture through infliction of injuries and pain and suffering, and be then proclaimed vexatious. In my case, the court in collusion with my adversaries and their attorneys incapacitated me and I could not even raise an objection to their vexatious motion, which the notorious judge Socrates Manoukian had once before denied, but this time, despite no justification, approved by virtue of my non-opposition which was induced. Subsequently, the state trial court, appeal court and supreme court used vexation to bar all of my actions to complain about and prevent ill-treatment and torture. Look for this starting in 2023 in the record of the California trial court in 16cv295730 and follow the higher court actions. What these demonstrate is the perversion of the vexation statute to stop human rights violations and crime prevention, as well as the use of vexation to obstruct justice and keep a plaintiff and interested party out of his own lawsuit, even after he files VL-110s asking for a pre-filing order to offer the best evidence to impeach the dishonest adversaries, justified by the notorious judge Socrates Manoukian who claims no pre-filing orders were filed, which are distinctly in the court record. Look for the subsequent endorsement of Manoukian's blatant fraud by the higher courts. There is no precedent that tests vexation against discrimination based on disability, and no precedent that tests vexation against complaints about human right violations and

footnote in “THE FACTS” chapter of this writing. Judges preside in our courts who have the power to legalize crimes and inflict them at will against the People, and our jurisprudence is so critically flawed that there is no domestic process or mechanism to abate and punish and prevent these judicial crimes.

When the ADA requires accommodation to be provided and the invariant rules, procedures and policies of courts provide no room for accommodation that is “reasonable”, then a conflict exists. When the statutes on timing do not provide room for accommodation, then a conflict exists. When jurisprudence insists on priorities of procedure that can undermine priorities of substance, a conflict exists.

It may therefore be objectively demonstrated that jurisprudence is flawed, and the litmus test is the seriously ill disabled pro se litigant.

The reason for disqualification is that when repeatedly presented with substantial evidence of discrimination and human rights violations, judges did nothing to investigate and address the flaw in jurisprudence that was identified time after time in representative courts over a sufficiently long period of time and with sufficient consistency as to make inescapably clear that a flaw exists and that the disabled pro se litigant is the victim of jurisprudence, and the litmus test.

Based on the litmus test presented by my case, from the moment of attempting to access jurisprudence, a disabled pro se litigant is collateral damage of jurisprudence, and this is objectively shown by SEVEN YEARS of the records in 9 federal and state courts and the conduct of over 40 judges. And this court and this judge endorsed this policy of collateral damage.

The US Constitution has zero tolerance for any collateral damage of jurisprudence. The legislations and precedents that habitually have provided for such tolerance of injustice, and all been deemed constitutional, are unconstitutional when tested by the litmus of the disabled pro se litigant. The litmus test yields terrifying truths. This flaw in jurisprudence must not stand.

It is a frightening prospect for the minds accustomed to judicial and legislative norms to address these issues, and judges and politicians will reflexively deny them and avoid addressing them as they would a hornet’s nest, but they are exposed by the disabled pro se litigants and now crowned by a murder in progress. The mandate of the US Constitution is to “establish Justice”, without qualification. A limit placed on justice, is by default, invalid.

Does this nation not expect and deserve the best justice system in the world?

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crimes by a court, and the judicial conduct is prolific in the courts, while declaring it to be constitutional. The US Constitution condemns such practices, and jurisprudence systemically permits it. This is a flaw.

It is our judges who should address these issues in laws and these significant issues in jurisprudence, and "establish Justice"[235], not anyone else.

It is through time and experience and progressive refinements of reasoning and law that this nation, like many others, slowly learns to improve its jurisprudence, with moments of inspiration and a few large leaps in the history of justice. The disabled pro se litigant is an opportunity for a leap in jurisprudence.

In the same way, human rights treaties contain codifications of fundamental rights that increasingly express truths whose elaboration and details help us to recognize how we must implement protections for human rights in society, as well as how we must interpret our own Constitution, in particular its concepts which require a moral mode of interpretation, such as due process of law. These rights must not be abridged or eliminated. Treaties embody great wisdom and improvements in justice that can lead to a leap in jurisprudence is they are not kept distant by our judiciary. The US has signed many human rights treaties. What do these treaties say?

One of the key pillars of customary international law is the **non-derogable right to due process of law by an ethical judiciary under a human rights-compliant government**. All of these elements must exists together, but not so under our domestic jurisprudence. This pillar of customary international law is universally incorporated in human rights treaties, and a *jus cogens* of customary international law. Do you find this as clearly mandated in the rules, procedures and policies of any court in this nation? No.

Therefore, if invariant rules, procedures and policies of courts deprive a litigant of due process, then they violate human rights. Has this happened? Yes, you're looking at one, with three other victims confirming under oath in 21-cv-04262-JSW.

Over 370,000 cases go through the federal courts each year. Over 64 million cases go through the state courts each year. Due process is highly accessed in a nation of approximately 258 million adults and over 33 million businesses[236].

Our judiciary is universally confident that their invariant rules, procedures and policies properly and correctly and justly cater for every eventuality and every possible case when combined with discretion, equity and fairness, played out under the safeguard provided by judicial ethics. Yet appellate cases pleading violations of due process are not infrequent, nor are challenges under judicial ethics. Is the

[235] The requirement of the US Constitution to "establish Justice" is not a one-time fait accomplish. It is a dynamic and continuous process of refinement, and even re-design if necessary, and whatever other methods by which the full measure and unrestrained splendor of justice may be delivered to the People.
[236] Source: A.I. by Microsoft Copilot

confidence of our judiciary in invariant rules, procedures and policies, and ethics, justified? No, as demonstrated.

Jurisprudence is required to be self-correcting. If a flaw in jurisprudence exists then with the volume of cases going through the courts, we would find problems with due process and judicial ethics. From time to time we do, but in majority, very few changes have been made to rules, procedures and policies of the courts[237] and to judicial ethics.

But what if the litmus test of a proper test of jurisprudence is not presented by the volume of cases so far considered by these courts[238]? This argument must not be advanced by any court. Precedents exist on the treatment of the disabled pro se litigant, and 'they are not pretty'[239].

The more appropriate question is therefore, what if jurisprudence itself systemically rejects and obstructs cases that reveal its inherent flaws? This is revealed by this case.

Our judiciary will assert that such judicial obstruction is prevented by judicial ethics, and by statutes and by precedents, and jurisprudence does not have the flaws of the magnitude that I claim. Judges are merely following the law, say our judges, and do not reject or obstruct cases. This is not so in practice[240].

The standard of good Behaviour is the dominant and determinative standard for judicial ethics in the United States, but is not fully embodied in any judicial code of ethics. The standard of "good Behaviour" under Article III has been abandoned by government in favor of the standard of impeachment for civil officers under Article II[241]. And for impeachment, "high crimes and misdemeanors" under their true and intended meaning in 1787 have been essentially abandoned, and made unreachable by the ordinary person. Thus constitutional judicial ethics are deprecated and limited

[237] Look at the changes made by this court and the Judicial Conference to FRCP and FRAP or Bankruptcy rules, for example. Human rights are protected under the Constitution by Article III "good Behaviour" but that standard disappeared from jurisprudence, and is clearly demonstrated to be absent in this court by direct examination under the litmus test.
[238] More writs of certiorari will be filed in the US Supreme court, if I survive, that will demonstrate incessant and impenetrable due process violations by judges and courts that have no recourse in domestic jurisprudence. These will escalate to the UN Special Procedures for investigation of judicial crimes. This court is *forum nullus* for the disabled pro se litigant. Thus there is no domestic jurisprudence and due process available to the disabled pro se litigant through this Circuit. Every single judge who has dealt with my case in this Circuit, or is an appellate judge who may preside *en banc* in any one of my cases, in particular when I expressly specified *en banc* reconsideration of the dismissal in 24-3353, is implicated by these prohibited acts, stretching back to 2019, and forward indefinitely as I continue to be abused by judges and courts anywhere.
[239] See the digest of precedents on disabilities in the TABLE OF AUTHORITIES in writ of certiorari 24-6012 in the US Supreme court.
[240] The record of multiple courts, with reference to me and to the other victims who testify, show that judges obstruct the pathway for contention of due process violations through the ordinary course of jurisprudence for the disabled litigant, and reject the opportunity for challenging a defect in the rules, procedures and policies of the courts and judicial ethics if it exists, and thus due process is absent for the disabled pro se litigant.
[241] The US Constitution intends for the standard of conduct for judicial officers to be distinct and 'higher' than for civil officers. That is why Article III specifically addresses judges.

to codes of judicial conduct, at best. Any statute by Congress to give private right of action against the judiciary according to an ethics requirement, such as 28 U.S. Code § 455, is essentially impotent and cause for public ridicule[242].

When expressly challenged under multiple violations of the applicable judicial canons of ethics, with details of the violations[243], both state court judges and federal court judges are defiant, even if their ethics violations are criminal acts[244] perpetrated maliciously and corruptly, under color of authority[245]. They supplant canons of ethics with a statute that deprecates the canons, and extinguishes Article III "good Behaviour". They use standard defenses that are degrading to justice and human rights and show contempt for the applicant and for the rule of law. These judges insist that they are untouchable in committing harm and believe that they are protected by judicial immunity, and freely commit[246] these prohibited acts. Brevity is used as their privilege, when a nation expects extensive justification commensurate with the seriousness of the allegations asserted by their victim. These ethics rebuttals by judges are unassailable through higher courts. This is not the intended design of codes of judicial conduct, but it is the reality of judicial ethics that proves them to be impotent in most, especially in critical cases. Monarchs behave the same way, unaccountable for their tyranny.

Domestic judicial ethics do not comport with international judicial ethics standards that seem similar, but the international ethics protect human rights by conception and are declared to be for that purpose, while the domestic ethics condemn human rights, even when violations of human rights by the judge are

[242] The disqualification of the drunken judge in US legal history is a valid enforcement of good Behavious, but under 28 U.S. Code § 455, it may never be repeated even though it is still a basis for disqualification. This is just one example of the impotence of statutory disqualification of a judge. Another is the basis for disqualification under 28 U.S. Code Chapter 16 which excludes all decisions by a judge, even though the language of 28 U.S. Code § 351 claims to provide a basis under "effective and expeditious administration of the business of the courts". Note carefully that judges abhor disability because disability is a basis for disqualification under 28 U.S. Code § 351.

[243] See for example, state trial court disqualification of judge Socrates Manoukian filed on 3/7/2024 in 16cv295730, Santa Clara County Superior Court, California. See also the federal disqualification of judge Jeffrey White in 21-cv-04262-jsw ECF-145, Northern District of California. Note that neither a state trial court judge, nor a federal trial court judge acknowledge that human rights are inherent and covered by judicial ethics. In particular, note how White nullifies every canon of federal judicial ethics and replaces them with the statute, which he interprets and applies improperly. He provides no demonstration of meeting the standard of good Behaviour, except to perpetuate and insist on his torture and fail to abate it and reform his own conduct despite extensive reasoning and extremely injurious and costly challenge provided by me at the cost of severe pain and suffering.

[244] See ECF 145 in 21-cv-04262-jsw in the Northern District of California, for example.

[245] Of every one of my disqualification attempts against multiple judges failed, except one good state judge who immediately recused himself in a case where I had not been served with a complaint that was eventually defaulted against me, but this good judge was replaced by another judge who has abused me more than once and made no change of course. Thus the disqualification of a good judge is injurious instead of correcting the discrimination and bias that the victim faces, and is not a basis for correcting defects in due process.

[246] I have documented in the chronological records of courts the specific details of the unethical conduct of judges that demonstrates purpose and intent to violate judicial ethics despite proof that they intentionally violated ethics and fundamental rights. The detail to look for is how they rebutted their challenge under ethics and then how they conducted themselves afterwards. For example, the corrupt trial judge Socrates Manoukian LIED that he had not received my request for accommodation in March 2023 while his own court ADA Coordinator confirmed that he has received the request.

demonstrated under human rights laws and principles[247] and domestic ethics are invoked for disqualification.

Both the federal and the state judiciary encourage acts of judicial corruption and malice, and protect each judge against liability, stating publicly that such judicial immunity and encouragement of malice and corruption by judges is in the public interest[248]. Encouragement of malice and corruption of judges while eliminating remedy and redress is the promotion of human rights violations. The contribution of the disabled pro se litigant to exposing the encouragement of malice and corruption of judges[249] is that the disabled litigant is subjected to judicial malice and corruption repeatedly and over a long time period, not merely once. If the public interest is in safeguarding an unintended judicial foul, it should not be applied to protect recidivism. Purpose and intent behind the repetitive malice and corruption is thus exposed, and human rights inescapably become the central issue.

A system of jurisprudence that fundamentally is at odds with the US Constitution and with International Law and rejects compliance with human rights, is a danger lurking in wait for every litigant. It is a source of corruption and injustice that is stealthily concealed by the momentum of judicial power that promotes its own monopoly of justice and power, and feeds on the weakness and disempowerment of the individual litigant to assail its tyranny, while Separation of Power gives it opportunity to run free.

To test if the system of jurisprudence that we rigidly enforce upon the People meets Constitutional muster, now comes the disabled pro se litigant who is seriously ill, to be carried by rules, procedures and policies of courts on the conveyor belt of justice through the course of jurisprudence.

No, says the Freeman Bright Line, such a litigant shall not be compelled to step onto the conveyor belt of courts, but must be protected by safe harbor and permitted to recover and rehabilitate from serious illness. Only when safe harbor results in recovery and rehabilitation and fitness to continue, then the litigant may board the conveyor belt of court processing, with appropriate accommodation for his inequality to others in access to the court. Says Freeman.

And what does the record of every single representative court in this nation show?

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[247] See ECF 145 in 21-cv-04262-jsw, for example.

[248] The American judiciary have ruled that a judge may act corruptly and with malice without fear of liability. This stands in direct conflict with human rights and International Law. See for example *Ballard v. Wall (5th Cir. 2005) 413 F.3d 510, 515, Basile v. Connolly (2d Cir. 2013) 538 F. App'x 5, 3-4, Dellenbach v. Letsinger (7th Cir. 1989) 889 F.2d 755, 757-58, Falls v. Superior Court (1996) 42 Cal.App.4th 1031, 1037, Grandy v. Fowler (Nov. 15, 2011, E052843) Cal.App.4th , McCray v. State of Maryland (4th Cir. 1972) 456 F.2d 1, 3, Marcello v. Maine (D. Me. 2006) 464 F. Supp. 2d 38, 42-43, Mireles v. Waco, 502 U.S. 9, 11, 112, Toste v. Superior Court No. C058938 (Cal. Ct. App. Oct. 27, 2009)*

[249] by judicial precedents and ethics

Every single court and every judge other than Freeman, who was inadvertently placed under the litmus test, insist that such a litigant must not be treated differently than any other. Therefore, irrespective of his medical condition and fitness and capability to litigate[250], this person must be reminded that he chose to come to the court and must be subject to the same invariant rules, procedures and policies, because STANDARDS are essential to jurisprudence. But no such standards are seen to be applied to the seriously ill litigant in jurisprudence with respect to disability rights and human rights, except discretionarily and contradictorily and inconsistently.

Even when such a seriously ill litigant, in addition to his serious illness, contracts long Covid, for which an entire nation was accommodated by every court, this litigant is refused accommodation despite danger of death, and coerced that unless he immediately litigates in his extraordinary impaired condition, he will lose property, liberty and rights[251] without any pathway to redress or remedy. This was proven with finality by writ of certiorari 23-7017 in the US Supreme court, which is a condensed summary record of ill-treatment and torture and discrimination that has no possible remedy or relief in domestic jurisprudence.

And, every single court and every judge other than Freeman insists that such a litigant must not be meaningfully accommodated for his disabilities, even if not ill, other than inappropriate and insufficient allowances, such as increased word count in excess of court rules for writing pleadings under coercion by the judge[252] while cognitively and functionally impaired and unable to express himself and unable to

[250] By comparison of my filings since 2018 until 2023, to my filings since the advent of A.I. in 2023 and my training with A.I. during 2023 and 2024, the records of 9 courts combined demonstrate that my innate abilities were obstructed by judges since 2018. Only by combining my human self with my artificial machine alias can I produce a writing like this which includes legal research and legal argument. But still, I have to do so at the expense of SERIOUS PHYSICAL AND MENTAL INJURIES AND SEVERE PAIN AND SUFFERING, whiles I am being tortured by judges and courts. Prior to 2023/4, I was deeply aware of my innate ability, but trapped by my substantial incapacity and significant impairments to such a degree that I could not express a fraction of my ability and perform legal work or writing in a manner that I knew is required by the courts. I have the law school basis for being able to deliver legal writings combined with precedents, but I could not research, read and comprehend legal precedents by virtue of measured and documented cognitive impairments and by virtue of the deprivation of essential medical treatment that promoted and expanded my cognitive impairments instead of allowing me to rehabilitate them and prevent further impairments. A significant component of my torture is that I explained this issue of my inability to express myself to the extent of my ability and that I had something to say, and finding that malicious and corrupt judges deliberately imprisoned me within my significant impairments by depriving me of accommodation and medical treatment.

[251] See 21-cv-04262-jsw motion to dismiss

[252] See ECF 87 in 21-cv-04262-jsw, Northern District of California, after I informed judge White of contracting long Covid in the hospital emergency room. He claimed to have accommodated my MS relapse (he did not), but once notified that I had been diagnosed with long Covid (with common knowledge that those at highest risk of death are seniors and those who are immune-impaired) White wrote in his order denying safe harbor or accommodation to me that "… he is suffering from long Covid. The Court finds no basis to revisit its previous ruling that this case should proceed." The judges of this court may recall that in 2020, you gave orders for automatic time extension for every applicant to this court. Yet, not a single day of accommodation was provided to me for long Covid (the more harmful version of Covid) and I was coerced and intimidated by the judge to exert myself while substantially incapacitated and seriously ill to oppose yet another unlawful dismissal by yet another malicious judge of another meritorious lawsuit which the courts obstructed. I suffered more serious and irreparable injuries from MS relapse and exacerbation of my comorbidities as a result of White's purposeful and intentional

access legal research and unable to formulate legal arguments and meet court deadlines. These courts will even divide disabilities into allowed and disallowed disabilities, and 'accommodate' the allowed disabilities to the extent they deem not to interfere with the rules, procedures and policies of the courts. Judges see no fault in such invidious discrimination[253] and subdivision of a suspect classification[254] and selective discrimination against a single unified suspect classification[255]. A subdivision of disability is a reformulation of federal disability law by the judiciary.

After all, judges explain, a seriously ill and disabled litigant must not impose on the court, but must cure his illness and his disabilities as a condition of accessing the courts. If such a litigant dares be disabled or seriously ill[256], it is judicial policy that he will be the collateral damage of jurisprudence[257] unless he cures his 'defects'[258], and he must acquiesce to the treatment that a court affords him as a condition of accessing the court[259]. This court and this judge agree.

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infliction of distress, and I could not protect himself from his torture and attempted murder, and still have not been able to do to this day. He has tortured me for approximately three and a half years to date.

[253] See the accommodation of the communications-impaired disabled litigant by the Judicial Conference. What about the vast number of invisibly disabled pro se litigants whose disabilities do not include persistent communications impairments, or any communications impairments? Are they not entitled to access to the federal courts? The Judicial Conference may not PROGRESSIVELY learn from the ill-treatment and torture of litigants through the courts that the ADA is indivisible in its uniformity as a standard in ALL COURTS in this nation, and that the textual mode of interpretation of the Act is inconsequential to the necessity for uniform disability accommodation in all state and federal courts, with judges like Beth Freeman properly ending discrimination in jurisprudence ON BEHALF OF persons with disability. Yet, this judge did not take a single step to eliminate discrimination based on disability in the Ninth Circuit.

[254] The suspect classification of disability is intended by the ADA and its Amendment. This is confirmed by numerous entities, including the US Commission on Civil Rights.

[255] This court refuses to respect the suspect classification of disability. If measured against the primitive tri-tier classification system used under the doctrine of scrutiny created by the US Supreme court, then disability must be treated according to the worst possible form of discrimination, which is the deprivation of inalienable fundamental rights. Since deprivation of due process is one example of discrimination based on disability that is seen in this nation's courts, then the only appropriate classification demands heightened scrutiny. However, precedents since the enactment of the ADA and particularly since the enactment of its Amendment do not properly address the suspect classification or the evolution of the mechanism of scrutiny for disability, while the case and controversy requiring it has been in this court since 2019, and still present. This demonstrates contempt for the disabled pro se litigant by demonstrating that our human rights do not matter to this judge or to this court.

[256] Judges will add "for too long" to place artificial and inhuman limits of accommodation: a disabled and sick litigant shall not be accommodated for too long. None can reveal the definition of "too long". The notion has no relation to the human condition or to medicine or to science. See for example the orders on my safe harbor and accommodation by judge Jeffrey White.

[257] This is a routine form of intimidation by the courts and judges. If we do not perform by deadlines and according to rules, procedures and policies, the inevitable end with injustice assured awaits us. While pro se litigants are not always aware of the "end" looming, we discern how dissatisfied and angry the power figure of the judge may become, that we may be sanctioned or punished or even placed under contempt. See writ of certiorari 23-7017 chapter "REASONS FOR GRANTING THE WRIT" for the cruel, inhuman and degrading treatment that a disabled pro se litigant must expect in jurisprudence if disabled and seriously ill. In reading each egregious item, think how the victim feels before and after the occurrence of the item.

[258] The 'eugenics' practiced by judges are the morality of an enemy of humanity, and not privileged or permissible under the US Constitution.

[259] See writ of certiorari 23-7017 in the US Supreme court.

Freeman disagrees, as does the entire nation, who insist that the majority give up rights to accommodate a minority, who are disabled. The US Constitution stands with Freeman.

But that is not all.

Each judge of this court who touched any of my cases was well informed that the serious illness and the disabilities of this disabled pro se litigant are dependent upon his treatment by the court [260]. If treated properly, he will recover in due course and be able to proceed with litigation[261], with some accommodation, mostly in the form of extra time. If not accommodated, his serious illness will worsen and his disabilities will worse and expand through sufferance of serious and irreparable injuries and severe pain and suffering resulting. Judge and court were warned of the prospect of death and catastrophic injury if they proceed without providing the requested accommodation. This prediction was authoritatively established by authentic treating physicians and science, and common knowledge about his disabilities and his serious illness. This court is also well-informed of these facts.

It is only Beth Freeman who expressly demonstrated that she has no purpose and no intent to torture me, and wished me good health by providing ONE YEAR of stay that undermines the obscene precedent applied by this Circuit's judges that there must be a limit of time for a stay in litigation.

From the viewpoint of the victim, he is placed further and further from the likelihood of being able to litigate his case. He observes his own decline and this increases the effect of re-traumatization by the judge(s) and court(s). As he recedes further from the possibility of litigation, he also faces the increasing psychological barrier of having to deal with a judge who is his executioner and wears a false mask of impartiality and ethical demeanor. Appendix D is an informative read on the perspective of a disabled litigant with invisible disability.

It is this dependence of serious and irreparable physical and mental injuries that may be demonstrated by medicine and science, which creates a mechanism to measure pain and suffering, and a mechanism to measure the dependence of the injuries upon the ill-treatment and torture inflicted by the courts and judges.

You would think that upon this knowledge of the dependence of injuries on distress caused by judicial treatment and denial of accommodation meticulously explained to each judge and to trial judges repeatedly, with a record of the resulting injuries when they fail to listen, they would change course and

[260] As were each judge and each court with whom I have dealt since 2018 in the state of California and in the federal Circuits and the US Supreme court

[261] The Multiple Sclerosis Stress Equation[261], Solomon et al., Journal of Medical Statistics and Informatics, Volume 11, Article 1 confirms that distress causes MS relapse, and thus causes physical and mental injuries.

adopt the Freeman Bright Line. This court and its judges were tested by fate and demonstrated to directly violate the US Constitution and International Law to an unconscionable extent. Each judge of this court claims full compliance with law, but that law is not found in the US Constitution. This court, by order, expressed exactly this claim, in every action filed by me in this court. SIX YEARS after engaging in torture that it has not stopped, this court continues my murder. This confirms a major flaw in jurisprudence.

You will find documented in the records of these courts that their judges use standards with respect to every law except disability laws, and except human right treaties and human rights authorities. Even when given notice of the Freeman Bright Line, which incidentally sets the national standard for disability accommodation and safe harbor by the courts[262], these judges knowingly and willfully refused, and refuse to change course to the present day. And federal judges will insist on no standard for disability accommodation since they claim that the federal government may be divided against itself[263] and they need only apply the ADA against the state courts. This is discretionary discrimination based on disability enacted by federal judges with intent to deprive the litigant of fundamental rights, including perpetrating the prohibited acts herein discussed.

This court and this judge must carefully examine their acquiescence to this pervasive judicial behavior in the federal courts. As I write, the District court of Northern California and the Ninth Circuit court of Appeals continue my execution, and the ADA and human rights do not exist in the *forum nullus* that is the Ninth Circuit. It should not be MY BURDEN to restore an entire federal circuit to the rule of law. It is yours.

When tested by logic and morality and humanity combined with the US Constitution and ethics, these judges invented facts to justify their cruel, inhuman and degrading treatment, and refused to stop their prohibited conduct. These judicial acts graduated from torment and reckless endangerment, from

[262] Under the ADA, a federal court may preempt the standard set by a state court for disability accommodation. Note that the Freeman Bright Line was concurrent with the ill-treatment and torture and discrimination by the other judges and courts. Freeman preempted the states and is the standard for the federal courts.

[263] The federal government legislated Title II of the ADA to stop the state public entities (herein I focus solely on the courts) discriminating based on disability, and to eliminate discrimination based on disability ON BEHALF OF persons with disability. Congress did not order the federal courts to obey the ADA because the idea is redundant (the federal government may not be divided against itself), and also such an order would undermine the purpose of the Rules Enabling Act. It is self-evident that if the federal government wishes to end discrimination nationally and uniformly, the federal courts must be part of the federal execution of this nation goal with right of preemption over the states, and no federal court may violate a uniform national standard which is indivisible in its application to due process (i.e. cannot distinguish between due process in the federal versus the state courts). If a federal court does not voluntarily follow the same standard as is mandated for the states, then the federal court is divided against Congress and the goal of ending discrimination based on disability in the courts.

habitual cruel and unusual punishment[264] and torture, to attempted murder. The evidence, including medical proof, is in the courts' records, including communications with court officials. In April 2023, my doctor of 30 years accidentally let it slip in an examination that I am likely to be dead before 2028 to exercise a property option.

This bias and lack of impartiality cannot be tamed by judicial ethics[265].

But are these allegations merely offered by someone who is dissatisfied with the outcome of litigation? After all, the originating lawsuit was won over a decade earlier for the same causes of action against the same recidivist defendants, so it should have at least been offered a test of merits by the courts, which it was never offered. Judges insist that the prejudice and punishment and injuries and pain and suffering they cause arises only from, inherent in or incidental to lawful sanctions, which are issued for failing to cure disabilities and serious illness.

Let us examine a few of the many examples of what judges of this court consider to be lawful sanctions[266].

- No disability accommodation shall be provided to any litigant in the Ninth Circuit court of Appeals under any circumstances. The exception is a tiny minority of persons with disability who shall possibly, but not certainly, receive limited accommodation if they are hearing impaired or have an "other communication disability". Neither the Judicial Conference nor this court dares define "other communication disability". My disabilities include an "other communication disability", but no disability accommodation is offered to me.
- A complaint about ill-treatment and torture, and requesting cessation of judicial discrimination based on disability, and requesting the provision of court accommodations must be punished by a perpetual ban on disability accommodation and safe harbor[267]. No disability accommodation or

[264] The Eighth Amendment is not limited only to criminal cases. If punishment is significantly harsher than punishment traditionally given for the same or similar crimes it is cruel and unusual. The deprivation of the due process of law resulting in the elimination of any test of merits, and resulting in harm and punishment and damages and serious physical and mental injuries is cruel and unusual.

[265] See for example, state trial court disqualification of judge Socrates Manoukian filed on 3/7/2024 in 16cv295730, Santa Clara County Superior Court, California. See also the federal disqualification of judge Jeffrey White in 21-cv-04262-jsw ECF-145, Northern District of California. Both judges deny any lack of impartiality, claim fault with the disqualification and insist that human rights violations, including torture are lawful and irrelevant to jurisprudence.

[266] This court and this judge were informed of a list of what judges consider to be lawful sanctions against the seriously ill and the disabled pro se litigant in writ of certiorari 23-7017

[267] In 16cv295730 in California, the trial court ruled that if I complain about my ill-treatment by judges for a prior period of abuse that exceeded one year of discrimination by the court and deprivation of accommodation, then I should be condemned to never receiving disability accommodation in a court that promises the public that it provides disability accommodation to all litigants and has a Rule of Court 1.100 that exclusively controls disability accommodation. This rule does not provide such a prohibition against accommodation. Thereafter, the trial court evaded all requests for accommodation under Rule 1.100 (since 2019), and the judges perpetually fabricated evidence of my non-disability and claimed that I need no

safe harbor shall be provided to any disabled litigant who files suit against the ill-treatment and abuse by a court[268] no matter how sick a litigant becomes[269].

- An independent confirmation of disability and confirmation of the need for accommodation and safe harbor by a presiding judge of an appeal court[270] that contradicts the trial court must be set aside to punish a disabled pro se litigant for complaining against the ill-treatment and torture by a trial court. The exploitative adversaries of the disabled pro se litigant must be given opportunity, ex parte, to support the ill-treatment and torture by the appeal court[271].
- Allegedly independent trial and appeal courts must collude and eliminate due process and act in collusion to frustrate any attempt by a disabled pro se litigant to attain safe harbor or receive disability accommodation to ensure that judicial ill-treatment and judicial torture continue without remedy or relief[272]. No complaint for ill-treatment or torture shall be permitted.
- The Supreme court of the state must, as a policy, collude with the lower courts to thwart any remedy or relief for discrimination or ill-treatment and torture alleged by a disabled pro se

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accommodation. That court has incessantly deprived me, and other disabled pro se litigants who have testified, of access and due process, and this is documented in the records of that court under multiple cases.

[268] When I filed suit in the federal court for the violations of the ADA and complained of ill-treatment and torture by the state court judges, the federal court ruled that my complaint is frivolous, and I should be refouled and deprived of any remedy or relief. See 19-cv-01986-LHK in the Northern District of California.

[269] Including if a litigant who is immune impaired and in the highest risk group from Covid, contracts long Covid and stands at imminent risk of incapacity and death. A judge and a court will order such a litigant to participate, unaccommodated and deprived of safe harbor, in the litigation. See ECF 87 in 21-cv-04262-jsw, Northern District of California.

[270] Judge Mary Greenwood ordered my appearance for her personal examination in the Sixth District court of Appeals. I responded that I am too sick to attend her court. She ordered me to appear nevertheless. Refusing to obey a court order for appearance upon insistence of a judge can result in a bench warrant. I have seen this take place in other cases. I thus had to appear, at the cost of suffering and injury. The deputy Sheriff's at the screening x-ray machine insisted that they call an ambulance when they saw me. I insisted that I must go inside the courtroom as I have been ordered to appear. In the courtroom, one deputy Sheriff went to a phone mounted on the wall and called the judge that the litigant is present, and he said that I am very sick and that he offered to call an ambulance and I refused. Upon entry into the courtroom, it took a few moments for the judge to lay eyes on me and speak to me and she immediately declared that she will grant accommodation. She then listened as I insisted that I want to explain how injuries happen to me at the hands of judges. Midway in my speech, she stood up and interrupted and said she is leaving now as she does not wish to stress me further, and left the courtroom as I was in mid-speech.

[271] Upon personal examination by the presiding judge, the California Sixth District court of Appeals ruled that I should be accommodated by stays in 120-day increments until I recover, but upon discovering that the trial court had banned all accommodation to me, solicited ex parte communications from my adversaries who provided fraud, ex parte, to the appellate court presiding judge who then provided no opportunity for me to know or respond to the communication, and banned all accommodation to me in perpetuity in both the trial and the appeal court. That court evaded all requests for accommodation under Rule 1.100 since 2019 and to the present day. That court has incessantly deprived me, and other disabled pro se litigants who have testified, of access and due process, and this is documented in the records of that court under multiple cases.

[272] For example, when I challenged the California trial court for refusal to respond to a request for accommodation in 2020 by filing writ under Rule 1.100 that imposes a tax on human rights, the Appeal court and the trial court in collusion caused the ADA Coordinator of the trial court to respond, very late, to my request for accommodation and deny it, so that the appellate court presiding judge could dismiss my writ as moot. The ADA Coordinator left the employment of the court immediately thereafter after a long history of employment. The two courts, in collusion, repeated this pattern of conduct subsequently. In 2023, the new ADA Coordinator had impeached the trial judge's fraudulent claim in 2024 about not receiving my request for accommodation in 2023.

litigant. The Supreme court of the state is required by a secreted policy of the courts to obstruct such complaints effectively and to deprive every disabled litigant of accommodation[273]. The Supreme court of the state shall evade every request for accommodation made to it to participate in due process in the Supreme court of the state in order not to issue a contradictory order on accommodation to any lower court.

- The state trial court issued orders for my personal performance for discovery that I could not obey due to having been substantially incapacitated from discrimination and ill-treatment and torture by judges, and then punished me for failing to obey the court's orders with termination sanctions[274] and punitive withholding of any test of merits[275], and award of substantial attorney fees not provided for by law[276]. Subsequently, the trial court insisted on depriving me a property twice[277]. The ill-treatment and torture by the California courts continues to the present day.
- The courts repeatedly ordered my filings and my appearances and participation, unaccommodated and while seriously ill and substantially incapacitated, prejudicing my litigation and causing irreparable and serious physical and mental injuries to me[278].

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[273] The clerk of the California Supreme court impeached the justices for their fraud *en banc* in claiming that they abide by their own Rule 1.100, while they refused *en banc* to ever respond by confidential response to the application for accommodation under Rule of Court 1.100. That court has never provided any disability accommodation to any disabled pro se litigant, while maintaining that it abides by Rule 1.100 which mandates a confidential response to every single request for disability accommodation. The rule is designed by the California Supreme court in conjunction with the Judicial Council of California. The California Supreme court represents to the public that it has an ADA Coordinator, in compliance with Rule 1.100, but does not have one. The Judicial Council publishes information to the California courts' websites that every California court bar none provides disability accommodation to invisibly disabled litigants, but only provides limited accommodation to visibly disabled litigants, excluding 80% of disabled litigants from receiving accommodation in the California courts. That court has incessantly deprived me, and other disabled pro se litigants who have testified, of access and due process, and this is documented in the records of that court under multiple cases. Since you judges do not understand invisible disabilities as is evident from your documented conduct since 2020, I have attached Appendix D, which is the initial testimony of a certified ADA disability advocate, provided to the United Nations. What you do to disabled pro se litigants in this country is unlawful, and becomes a mandate for every judge in this nation.

[274] The trial court repeatedly compelled discovery knowing that I am housebound and seriously ill and unable to travel overseas to access some of my records in secure storage because of the judges' inducement of serious and irreparable physical and mental injuries. The trial court was extremely well informed that it kept me in that condition of substantial incapacity by the ill-treatment and torture at the hands of its judges. Numerous writings, including medical records were ignored by the judges, which not only provided evidence of the mechanism of injuries and how I was injured, but also warned of possible death if my ill-treatment and torture continues by the judges. Upon sufficient discovery motions to compel under impossibility of my performance without medical treatment, which drew the same truthful responses from me and rejection of my request for protective order, the trial court ordered termination sanctions, and evaded entirely any test of merits for my lawsuit, which then mushroomed to occupy 9 state and federal courts.

[275] I had resoundingly won the same lawsuit in 2005 for the same causes of action against the same defendant. But the second time around, with conclusive evidence of the same wrongs filed by declaration and motion in the court, my lawsuit was dismissed without a test of merits.

[276] The attorney fees were only valid for the property causes of action that derived from a 2005 settlement in the 2002 lawsuit. But most of the discovery concerned my personal injuries, and the attorney fees clause in the 2005 settlement covered only property and not personal injuries.

[277] This continues to the present day in the California state trial court cases 16cv295730 and 22cv408499 and their appeals, all of which must be stayed by this court pending the investigation in Appendix B.

[278] Both the state courts and the federal courts, as listed above.

- When I made a public motion in August 2018 for a stay of litigation due to the trial court inducing a catastrophic relapse of my Multiple Sclerosis[279], the judges sent a deputy Sheriff to apparently arrest me and return me to court by force for having left the courtroom while two judges were in chambers[280].
- When I expressly complained to Bankruptcy judge about ill-treatment and torture he insisted that I may not complain about his conduct for lack of standing because RUDs make the applicable authorities non-self-executing, and that therefore he is legally able to torture me without my having any right to complain. He refused to protect me in bankruptcy for my failure to cure my serious illness and my disabilities, and for being so incapacitated that I cannot work with an attorney.
- A complaint for discrimination and human rights violations by state judges and courts met with endorsement of ill-treatment and torture by federal judge Lucy Koh in 19-cv-01986-LHK in the federal court, despite substantial grounds established for prohibited acts in the California courts and in the district court. The dismissal by Koh, who was not independent or impartial, was declared as justified by this court, and my appeal and my complaint for human rights violations by Koh and her former colleagues in the California courts was deemed frivolous by the judges of this court in 19-16291, directly resulting in my continued torture in the California courts, and the encouragement for that court system and its judges to torture me and other litigants like me, which is confirmed by the testimonies of other victims[281]. The dismissal of my human rights complaint in 19-16291 induced severe pain and suffering since 2019 with wide-reaching impact, and ultimately exposed pervasive policies of human rights violations secreted by every representative court system in this nation, now subject to action by me as the Private Attorney

[279] This court should ask and seek medical advice about how a disabled litigant can be repeatedly injured and unable to remit, recover and rehabilitate for SEVEN YEARS. In seeking this advice, the medical advisers of the court should consider the paper and references in The Multiple Sclerosis Stress Equation[279], Solomon et al., Journal of Medical Statistics and Informatics, Volume 11, Article 1

[280] The deputy searched the court house for me, found me in the toilet, addressed me to come with him to the courtroom, waited in the toilet a few feet from me while I used the toilet, escorted me from the toilet and brought me back to the courtroom, where two angry judges offensively addressed me. I actually believed that based on his demeanor, the Sheriff would have arrested me had I not returned to the courtroom. The accommodation that I requested was denied by both judges, and a meaningless alternate accommodation was granted in its place. The result was to amplify the injuries that the court had caused. The court caused a violation of my privacy by denying me disability accommodation in open court opposed by my adversaries. The open court motion became necessary because the denial of my Rule 1.100 accommodation (denied in April 2018) appeared to be stare decisis necessitating a mechanism other than rule 1.100 to request accommodation. Note that California courts have no disclosed mechanism for safe harbor. The denial of my request for stay by the judge at the August 2018 public motion was even more harmful than the denial in April 2018. Not only did the inhuman judge postpone the motion by one day and send me away to come back the next day in August while seriously ill, but he requested writings from me during the time period during the August 2018 'continuance' when I required complete rest and isolation from distress. Within four months I had developed three end-stage symptoms of Multiple Sclerosis as a result of this judicial torture. This was unprecedented and catastrophic progress of a disease diagnosed in 2007 and managed by world class doctors.

[281] See testimonies by Leslie Hagan, Julia Minkowski and Eva Danilak Other victim-witnesses may come forward

General and requiring scrutiny by international bodies authorized by Article VI of the US Constitution and the jus cogens of customary international law.

- A complaint for discrimination and human rights violations by federal judge Jeffrey White in 21-cv-04262-JSW, with substantial grounds established for prohibited acts in the record of 21-cv-04262-JSW, was filed in this court in 22-16046, by a seriously ill and disabled pro se litigant who needed to assistance of a certified ADA disability advocate to write[282]. The appeal, progressively amended through progressive cognition of the White orders violating my human rights, was in principle, discarded and ignored by this court and its judges, despite identification to this court of its own human rights violations, with acquiescence to and endorsement of discrimination and human rights violations of White and others. Three separate amendments of the notice of appeal in 22-16046 were made and this court only acknowledged one of them and discarded the other two without investigation or action. Each amendment was a further complaint of human rights violations by White providing substantial grounds of prohibited acts. This court discriminated and violated my human rights by depriving me of safe harbor and accommodation, and extracted information from me through coercion and intimidation that it would dismiss my complaint unless I justified it, although it was sufficient under these international instruments and the substantial grounds were in the record of the Ninth Circuit courts. This court's dismissal states that the judges of this court have no jurisdiction over the matters raised by my complaint. Article VI of the US Constitution, treaties and International Law disagree. This court discriminated further by issuing mandate without any consideration of my requests for a stay and allowance for me to state my case to this court, and would not set it aside. In justifying that this court would take no action on my complaint for human rights violations, the judges of this court claimed that "there are no extraordinary circumstances to support such relief", confirming that the judges of this court insist that human rights violations and discrimination by judges are acceptable and legal, and that this court and its judges may defy the US Constitution and International Law[283]. No accommodation was ever granted to me, and no consideration was given to my clear and unmistakable substantial impairments and functional and cognitive impairments induced by judicial torture. No investigation required by the international

[282] Ms. Leslie Hagan has testified in 21-cv-04262-JSW that she too is a victim of the same prohibited judicial acts in the California courts, and has provided valuable insights on human rights violations by judges and courts – see Appendix D. Ms. Hagan is well-versed in the ADA but was unaware of treaties and the expectations of International Law. However, careful review of every one of my writings, even those with assistance, demonstrates statements indicating human rights violations in addition to discrimination based on disability that robbed me of rights and due process and life, liberty and property, which are also human rights violations.

[283] The prohibited acts herein described do not need any treaty or other mechanism in domestic law to make the prohibition enforceable against this nation and its judiciary. The unconscionable derivative harm from these judicial prohibited acts is that our nation has to answer for the prohibited acts of a few judges who should be punished.

instruments was ever performed, and the torture and my re-traumatization continued unabated upon my refoulement to the hands of White resulting precisely in the predicted dismissal of my meritorious action in 2022.

- A complaint for discrimination and human rights violations by federal judge Jeffrey White in 21-cv-04262-JSW, with substantial grounds established for his prohibited acts in the record of 21-cv-04262-JSW, was filed in this court in 22-16174 by the judges of this court on my behalf, but limiting the complaint substantially[284]. White had questioned his own ethics as my torturer and opportunistically declared that it is good Behaviour to torture and murder me. Under the perspective of torture perpetrated systemically in the Ninth Circuit under color of authority, the true purpose of permitting this limited complaint[285] may be seen to be the endorsement of the person of White to continue my torture and murder, since White has brought his own ethics into question[286]. And so it was and the endorsement was given by this court. Two more of the five ignored appeals, which reported other instances of human rights violations by White, were acknowledged after my coerced response and information provided for this court's order to show cause had purposely limited my response to only 2 orders out of 7. This treatment by this court was intended to teach me the lesson that my complaints for violations of my human rights are futile, and to perpetuate my torture in this court[287] as a means of dissuading me from further complaints through re-traumatization and infliction of serious physical and mental injuries and severe pain and suffering, before refouling me to White's control.
- By torturing me, and purposefully keeping me substantially incapacitated since 2021, judge Jeffrey White intentionally prevented my amendment of my complaint. The aborted form of the partially amended complaint filed in May 2024 demonstrates a vast difference compared to the complaint filed in 2021, yet White suppressed the information and prejudiced me based on the information extracted from me in June 2021. The record of 21-cv-04262-JSW demonstrates the collusion between White and my opportunistic adversaries in my torture[288], and traversal by White of a highly predictable course of judicial conduct deeply rooted in bias and increasing hate[289] that is absent in the Freeman Bright Line. White, with extreme prejudice and intending

[284] I amended appeal 22-16046 by adding 7 additional orders by judge Jeffrey White to my human rights complaint. This court decided that only 2 of these additional orders are worthy of admission to this court, while fully cognizant that they would again dismiss them without action required by these international instruments.
[285] The judges of this court read every one of my human rights complaints, and deliberately did nothing to stop, investigate, abate, prevent or punish prohibited acts by judges. The judges of this court expressly violate human rights of pro se disabled and sick litigants, and ignore the operation of treaties and obedience to Article VI of the US Constitution.
[286] See ECF-72 in 21-cv-04262-JSWfiled on July 22, 2022
[287] This court AGAIN ignored my need for safe harbor and disability accommodation and protection from torture
[288] Anticipated by the UN Istanbul Protocol
[289] Per the definition of hate in hate crime, where the subject being hated by judges is the disabled pro se litigant. Like the novel, Lord of the Flies, these judges become monsters by a natural potential group behavior that judicial ethics must

my punishment for not curing my disabilities and not healing my serious illness which he exacerbated and maintained, interpreted verbatim the unstated complaint. The unstated complaint left no room on its face for doubt that it is merely an incomplete document that was filed on a particular date in order to toll any statute of limitations because a flaw in jurisprudence holds an arbitrary time limit[290] above the elimination of discrimination and the safeguarding of human rights in jurisprudence. He did this after his multiple demands for me to provide information[291], which he then states in his order that he used in prejudicially harming and injuring me further by dismissing another meritorious action[292], intending to cause me serious pain and suffering[293]. In 23-15221, his court permitted my continuing torture by the state court, while continuing my torture in the Ninth Circuit by once again ignoring my request for safe harbor and disability accommodation, and colluding with my adversaries to induce severe pain and suffering and extract information from me under coercion and intimidation with another unlawful dismissal of my human rights complaint and the declaration of my meritorious appeal as being frivolous. In ECF-20, this court clearly admits that it used the information extracted from me under coercion and intimidation to prejudice and punish me. This court went further to entirely deprive me of the right to challenge the dismissal by ordering that I shall have less rights than other litigants and may not file anything further to prevent the issuance of a mandate. This, this court ensured that the state courts are completely shielded from all claims for discrimination and violations of my human rights in conjunction with the aligned purpose and intentions of the Ninth Circuit courts. Note in 23-15221 that there is absolutely no consideration of White's discrimination based on disability and his rejection of the Freeman Bright Line, and no consideration of human rights. Appellate judges sit as judge-assassins who administer a version of the US Constitution that is alien and repugnant to the People.

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immediately eradicate, but is proven again and again to be impotent in doing so. Take for example how judge Jeffrey White repeatedly evades disqualification for this behavior, and the court of appeals endorses his violations of ethics every time.

[290] The number assigned to a statute of limitations is entirely arbitrary and held by tradition, not by being rationally related to the access of the litigant to the court. In the case of the disabled pro se litigant, we can become incapacitated or impaired to such an extent that we may not be able to meet such a deadline, even with any discretionary time allowance. Sufficiency of time for enabling access is a matter of factors that are generally outside the control of such a litigant. The rationale used to justify the invariance of statutes of limitations violates human rights (deprivation of access to due process because of forces outside the party's control), and constitutes discrimination if the disabled litigant is inescapably unable to meet the deadline.

[291] White was well aware that the only way by which I could obey his order was to cure my disabilities and heal my serious illness on his arbitrary schedule that has absolutely no relation to biology or to medical science, or considers my requirement of medical treatment

[292] Kohn dismissed this action in 2019, JSW dismissed it in 2022, and is set to dismiss it again in 2025

[293] White had witnessed in the record of 21-cv-04262-JSW how his orders and his torture were causing me severe pain and suffering. Through receipt of my repeated requests for safe harbor and disability accommodation (also concurrently provided to Freeman) White observed the chronological inducement of my physical and mental injuries and witnessed the severe pain and suffering in my expression and pattern of filings that attempted to stop my torture

- Concurrently with the extension of my safe harbor and disability accommodation by judge Beth Freeman in 19-cv-04392-BLF by ONE YEAR starting on March 1, 2024, the same request[294] for the same accommodation provided to judge Jeffrey White in 21-cv-04262-JSW was DENIED. When challenged, White could not offer any reason for distinguishing his accommodation from Freeman's, and instead provided a pathetic excuse[295] furthering his prohibited acts. White INSISTED that I provide the information he requests or I will be punished with the dismissal of my meritorious and essential litigation as the plaintiff and the Private Attorney General. Note that his order limits my complaint to the impotence of mere ADA violations and protects his peers and himself[296], when all along since 2019, the information extracted by Koh and White have demonstrated considerably more and serious causes of action that mere ADA violations, and this was finally evidenced by an incomplete and necessary amendment in May 2024. In his order in ECF-129 White clearly states that he is well aware of my need for medical treatment and my medical information provided concurrently to him and to Freeman with an explanation and reinforcement of the knowledge of the consequences of the deprivation of medical treatment and coercion into unaccommodated participation, but knowingly and deliberately deprives me of all accommodation and essential medical treatment. Note that the granting of accommodation by White prejudices no one, because there is no party in the lawsuit (who has been served) who would be prejudiced by any stay[297], and the balancing of harm does not apply[298]. White WANTS TO cause physical and mental injuries to me and to continue the infliction of severe pain and suffering under color of authority[299], having lost jurisdiction and refusing to surrender his gavel. When challenged with violations of human rights, torture and disability hate crimes, White

[294] Providing the same medical information about me provided also to Freeman, and reporting the fact that my judicial torture in other courts continues

[295] ECF-132: "There is no operative complaint in this case". White also claims that the mere objection by a defendant is grounds to allow them to control the torture and prohibited acts by the court, thus confirming that the judge and the court are controlled by the defendants, and that White is neither independent nor impartial. In his own words, White confirms that the deprivation of my accommodation and my human rights is justified for his purpose of extracting from me information about my amended complaint. He taunts and tortures and re-traumatizes me by asking me to give up my amended complaint and the litigation that I have persisted for SIX YEARS to bring, otherwise he insists that I will continue to be tortured and deprived of due process. White wishes the public to view his conduct, at best, as adjudication without ethics or jurisdiction, while under the lens of Article VI and International Law, he exhibits the epitome of recidivism and high crimes.

[296] Compare White's order in ECF-129 with my amended complaint filed in May 2024 under torture

[297] Freeman establishes that this is not a preemptive consideration, but discrimination and human rights are preeminent and preempt fairness and other consideration, including conflicting statutes, rules, procedures and policies of courts

[298] Balancing of harm is only permissible to consider preservation of evidence and maintaining the status quo when a case of violating human rights by any activity in litigation is in focus.

[299] At no time does White provide a statute or precedent to justify his limitations of my accommodation, because his intention is to torture to achieve disposition of this case. White has decided soon after the beginning of his assignment to this lawsuit that the cruel, inhuman and degrading treatment and punishment of his victim is warranted, and in no time at all, graduates his conduct stealthily to torture, and then progressively more overtly tortures me as his purpose and intent is increasingly exposed..

refused to change course and insisted on my torture[300]. Having complained of human rights violations and discrimination to this court by appeal in 24-3353, AGAIN, this court insisted that I must be re-traumatized and refouled and committed back to White to torture me. When challenged for its human rights violations, and demanding my protection and accommodation, this court then was immobilized for four months and did nothing while previously always insisting that every case must be efficiently and expeditiously disposed of accommodating to invariant rules, procedures and policies. The judges dealing with my case could see that the trial court insists on undermining my amended complaint and depriving me of due process and increasing the severity and extent of my torture through bringing my other abusers to collude with this Circuit's systemic torture while I am prone to serious injuries and deprived of medical treatment in perpetuity. But this court and its judges did not dare rule on my request for safe harbor and accommodation so as not to undermine White. At the moment that 24-6312 was filed, the judges of this court seized the excuse of alleging that I am vexatious to fabricate a circus and claim that I am impermissibly suing the originating perpetrator of my torture and attempted murder by judges[301], and to punish me by dismissing the reconsideration of their dismissal of 24-3353 and ruling that my request for accommodation is moot, continuing to induce irreparable and serious physical and mental injuries in the course of my torture and dispatching me to be re-traumatized and refouled by White, with open rein for White to do as he pleases with me. The invidious discrimination based on disability is also evidenced comingled with hatred[302].

- With increasing torture, I was left with no option by this court, but to file an injunction against judge Jeffrey White in this Circuit, along with an extensively educational motion for declaratory relief[303] that invited him to read each numbered paragraph that left no room for evasion by him of a recitation of applicable standards that I could gather and explain using A.I.. Instead, White

[300] White's order for me to choose to 'file it or lose it' is no choice at all, but it is intended to be a stealthy means of pretending that I am the cause of my own pain and suffering and unconscionable injuries. We have all clearly seen the outcome of my 2019 attempt to litigate the torture in 19-cv-01986-LHK, then again resuming under a court-assigned 21-cv-04262-JSW, and with serious and criminal claims and liability for judges and courts and government, facing justice obstructed by judges and courts and again all due process absent to ensure that I can never arrive at any remedy or relief for SEVEN YEARS of torture, attempted murder and inexcapable injustice.

[301] Mandy Brady in 16cv295730

[302] Note the admonishment for my noticing approximately one year after White ordered dismissal of all claims against Brady that I comprehended his order and amended my notice of appeal in 24-3353. This court, as well as White and Koh in the lower court, were aware of my cognitive impairment of reading comprehension, and the record of multiple courts bears evidence of this major impairment that prevented my authorship of form-compliant filings that provided legal arguments and points and authorities, despite my education and intellectual ability. My objection to this invidious discrimination and disability hate crime by this court and its judges is seen in my request for safe harbor and accommodation in 24-6312 which this court AGAIN evades to ensure that my torture continues in unbroken progression.

[303] Instead of the extensively educational requests for safe harbor and disability accommodation made for over three and a half years by me, my doctors, and my caregivers and by qualified individuals, all of whom provided such coverage and depth that judge Jeffrey White cannot claim that his torture was not purposeful and intentional, all while judge Beth Freeman in the same district court impeached his conduct by issuing her contradictory orders.

refused to respond to the declaratory relief motion and denied the injunction and claimed that he is ethical and privileged to torture and murder me. Upon appealing the injunction and declaratory relief in this court in 24-6312 to prevent it from its usual dismissal under statute and jurisdiction, this court demonstrated that it has no intention of stopping my torture by this Circuit's judges. Note the clerk's involvement in my torture under color of authority and the incredible sham statement in her letter that this court will respond to my motion for safe harbor and disability accommodation at an unstated date, while insisting on a deadline that is calculated by this court to ensure that I cannot meet it. The order contained in the clerk's letter is transparent as to the intention of this court to continue to inflict severe pain and suffering and serious physical and mental injuries to me, and confirms that no motion for safe harbor and disability accommodation shall be considered other than this court's invariant rules and procedures and policies and the secreted policy of no accommodation. It is abundantly clear that this court and its judges intend to moot my motion for safe harbor and disability accommodation only after deciding this appeal and ensuring that I am never accommodated by this court so as not to undermine the justification by White for my torture in this Circuit. The judges of this court unashamedly will take no position on the contradictory and inconsistent orders for my accommodation by two trial judges in the same court, and purposefully ensure my continued torture and punishment. This continued conspiracy by the judges of this Circuit to violate human rights in increasingly exposed by the unethical and unlawful and purposeful conduct of its judges and clerks, and the power of A.I.

- In every complaint that I brought to this court for prohibited acts in the course of litigation, I asked for a stay of all litigation, and this court and every one of its judges, refused to stop my judicial torture, in this court and in any other court.

This judge is implicated by at least one of these examples.

Each of these judicial acts indicates a level of control or authority over the victim, and control over my bodily autonomy through deprivation of life-saving medical treatment. The records of this court are filled with evidence of ill-treatment and torture by its judges and courts. Acquiescence to torture and ill-treatment, and omission to investigate and address torture and ill-treatment satisfy the purpose and intent elements of the prohibited acts. The handling of my complaints for human rights violations and the orders of the judges of this court that ignore human rights demonstrates unconscionable cruelty and

inhumanity that is entirely foreign to the "good Behaviour"[304] expected without fail from every judge. There was no possibility of withdrawal or protection of self under my control[305].

And what of intent and purpose? Since there is abundant evidence that this ill-treatment and torture is systemic, can intent and purpose be attributed to each offending judge?

Yes, when every judge who violates human rights and discriminates, refuses recusal, and continues with prohibited acts or acquiesces to them or omits to initiate an investigation and to protect the victim in the interim. Yes, when every judge follows invariant rules, procedures and policies of courts that inherently discriminate and endorse ill-treatment and torture, then intent and purpose is demonstrated when an individual judge chooses to follow the edict or when a reviewing judge acquiesces to other judges following it, despite the injuries caused. Yes, when these prohibited acts are REPEATED, and ignore the injuries that result, and the continued warnings and pleas for compassion by authentic treating physicians and caregivers. A reviewing judge with notice at any time period during the course of the prohibited acts is not exempt from liability for past or future prohibited acts in the course of the prohibited acts, or complicity in those past and future acts if the judge does not take the action required under the supreme Law.

Each judge chooses, and then acts. Freeman had this choice, and unlike her peer White in the same federal court, refused to follow the edict, while White tortured me.

There is no mechanism that minimizes injury and invokes the protection of a higher court, except the filing of a notice of appeal. I have repeatedly stated that each appeal is for an inevitable final judgment in the underlying lawsuit, which is confirmed by the application of the UN Istanbul Protocol and the UNCAT to the facts and extrapolation of the trend of the prohibited acts.

At the moment that a court denies my safe harbor and accommodation, and proceeds with the lawsuit, its jurisdiction has ended, its order excludes me from the litigation and ends due process for me, and the finality of the litigation is assured.

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[304] When the character of a judge is such that they can witness and promote violations of human rights and ill-treatment and torture, without hesitation or conscience, and with a cold heart just 'do their job' in the way that they define 'their job', then they are unfit for judicial office. The sovereign is their master not their victim. The People do not want such people as judges in this nation, and stated so in 1787.

[305] I fought homelessness, loss of all assets, bankruptcy, relegation to second class citizenship, permanent loss of rights, harm and torture of others, the assassination of the US Constitution and Liberty, the oppression of all persons with disability and the poor, and the treason of those we trust who stealthily rule over us. To the present day, state courts continue their discrimination and torture, and massively increase their punitive damages and inflicted liabilities, and complete deprivation of my rights.

In the alternative and to get the attention of a higher court, the filing of a writ is very burdensome for such a tortured victim who is substantially incapacitated, and who then has to provide points and authorities and overcome the presumptions and burdens[306] and the very specific requirements of writ action. And a writ is unfit for remedy and relief since this is not a case of judicial error or abuse of discretion: it is a case of systemic and organized prohibited conducted which is judicially endorsed and therefore adjudication of any writ is doomed by design. There is no possibility of justice or constitutional remedy and relief by writ[307]. And let us not forget that typically, a writ must be completed and filed without opportunity for revision, which is impossible for this unaccommodated litigant. This is another aspect of jurisprudence in need of reform to accommodate disability[308].

These are not allegations merely offered by someone who is dissatisfied with the outcome of litigation. In fact, this is a textbook violation of human rights, which is purposeful and intentional, and which meanders across the boundary of two internationally recognized criminal acts with no statute of limitations[309]. Except that this textbook has never been opened until this case[310], because of the scientific and measurable dependence of the physical and mental injuries on the judicial actions that induced the injuries that impeach the fabrication of facts by judges to justify their prohibited conduct[311]. It is precisely the type of abhorrent conduct that International Law expects every government to abate and prevent, even though no examples of it are provided under the common list of examples of torture.

Look now only to a single international instrument, to the UNCAT, under Articles 1, and 16, reproduced here for convenience.

> **Article 1**
> 1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information[312] or a confession,

[306] Which are also unconstitutional when applied to the adjudication of safe harbor and disability accommodation, and incompatible with human rights.
[307] My writs to the US Supreme court are the necessary final step to invoking human rights protections through the UN
[308] The impossibility of writ action with any effect and the refusal of courts to meaningfully extend time for modification of writs is well demonstrated in the record of the California Sixth District and the California Supreme court.
[309] Cruel, inhuman and degrading treatment and punishment, and torture.
[310] 19-cv-01986-LHK and 21-cv-04262-JSW are the same one and single case
[311] To this day, the notorious judge Socrates Manoukian of the California Superior court (see writ by Minkowski where she confirms his discrimination and human rights violations) insists that I am not disabled and do not require any medical treatment or accommodation. While A.I. now assists me to be the artificial human and write, were I to be placed on the stand or in court in a hearing, you would immediately realize that I am profoundly affected by disabilities and serious illness. This judge has summoned to court and personally seen my condition and continues to write falsehood without shame or conscience. He is now the oppressor of my doctor of 30 years, who warned him of the consequences of his human rights violations and discrimination by providing an accurate medical opinion of what would happen if I am distressed and not accommodated by the court.
[312] The demand of a court, under its rules, procedures and policies as a condition of access to due process, is the scheduled delivery and exchange of information according to specific expectations and subject to specific precedential judicial conduct that will sanction and prejudice and punish a party if the information does not meet certain requirements. At the moment that

punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.
2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 16[313]
1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.
2. The provisions of this Convention are without prejudice to the provisions of any other international instrument[314] or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

The federal law for torture, under 18 US Code § 2340 is made applicable only to a prohibited act outside the United States, and no such geographic limitation is permitted by the UNCAT. Note the essential incompatibility of the text of Article 1 of the UNCAT with 18 US Code § 2340: "within their custody or control". Article 1 expressly omits such a requirement.

The statute was intended to implement the international instrument, which specifies a crime. The statute does not implement Article 1 of the UNCAT. Nor do the courts in the United States provide any alternate pathway to relief and remedy, which makes the UNCAT RUDs a misrepresentation of the domestic compliance of our State with an international treaty.

It is from the viewpoint of International Law that the object and purpose of the UNCAT Article 1 is determined, not the viewpoint of the federal law that implements it. It is the object and purpose of the UNCAT that must be satisfied under the internationally mandated domestic legislation that is supposed

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the court takes jurisdiction over the person or property, there is no shelter from the authority it asserts over the person and it may even hold such a person in contempt for failure to obey the judge and orders, as demonstrated in 24-3353. In the originating case in the California trial court 16cv295730, the court deprived me of valuable property TWICE, punished me $600,000 after dismissing an un-losable case previously won in 2005, and increased my punishment now to a combined amount in excess of $6 million after bankrupting me, and continuing to torture and murder me to the present day without break. This court and this judge endorsed the prohibited acts by the state courts and encouraged them because the human rights violations came under the authority and jurisdiction of this judge and every harm and crime flowing from the originating acts was within the control of this judge to stop, investigate, abate, prevent and punish. This judge is the federal government, and the federal government is first in line to answer for UNCAT violations that were within its control to stop, investigate, abate, prevent and punish. No remedy or redress has ever been provided by this court to these prohibited acts.

[313] Article 16 of UNCAT is incorporated in other international human rights instruments that apply to these facts.

[314] The CRPD and ICCPR both prohibit cruel, inhuman and degrading treatment. Both international instruments are also violated in the case of the disabled pro se litigant afflicted by the inhumanity of American jurisprudence.

to implement it within the United States. That object and purpose is not satisfied. No RUD is controlling under the fact pattern herein, and the private attorney general speaks on behalf of the People who want strong international relations and the benefits of welfare and security in the world.

Under the textual mode of interpretation[315] of the international instrument, torture is not limited to a victim in custody or under physical control of the qualified offender. Therefore, if the treaty is domestically limited by its RUD[316] and by the statute to a subset of UNCAT prohibited acts, then it is the treaty itself that must be invoked by the victim who is tortured outside the "custody and physical control" requirement of the statute. Since the courts block constitutional and civil remedies and redress, therefore, the treaty must be directly invoked in domestic jurisprudence for its missing elements to have effect in domestic jurisprudence.

But the RUD expressly prohibits a private right of action, and therefore, under domestic law and domestic jurisprudence, torture is legalized in the United States without remedy or redress being possible, because our courts as a policy do not recognize human rights and human rights treaties as International Law and the US Constitution require. This is a restraint on Liberty, prohibited by the US Constitution, which is made especially more egregious when an international crime infringes on Liberty. This is a major flaw in domestic jurisprudence.

Therefore, a victim like me and other disabled pro se litigants must individually traverse the exhausting and perpetually torturous course of domestic jurisprudence without any possibility of remedy or relief except by pure chance[317], to then qualify to bring the matter to international forums to legally prosecute our own country. Lovers and defenders of a nation become its legal prosecutors by the coercion of their own judiciary?

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[315] This US Supreme court has identified 9 modes of interpretation for the US Constitution. One of them is the textual mode of interpretation, which means what the words expressly mean and are limited to meaning.

[316] The United States has used RUDs with recent treaties, while it unreservedly ratified the UN Charter. The USA has never withdrawn from a human rights treaty. Most of recent US-signed treaties have drawn objections by other States for our posture that the ratification by Congress shall be limited to only those portions of a treaty that the US chooses to abide by. International Law will enforce the treaty fully to the extent of expecting satisfaction of its full object and purpose by a State, particularly when any other State objects to the RUDs by the United States. Under International Law, no State may violate or evade the object and purpose of a treaty from the moment that its signs the treaty, irrespective of the fact that it may be pending ratification. In the period from signing until ratification, every judge must acknowledge, interpret and apply the treaty in domestic jurisprudence consistently with its object and purpose. For example, the CRPD is signed by the USA by not yet ratified by Congress, therefore it must be acknowledged, interpreted and applied by each judge to achieve its object and purpose domestically.

[317] Finding Beth Freeman was due to the unexpected discovery of fraud by a local government and the knowledge that I would have no rights as a human being or as a litigant in the state courts, and therefore I filed the case in the federal court, and was assigned by lottery to judge Freeman. Had I been assigned to Jeffrey White, we would not have seen the emergence of a Bright Line for court accommodation. However, it is speculation whether another judge would have demonstrated good Behaviour like Freeman. Based on the conduct of every single judge of this appeal court with whom I have had contact, Freeman is a gem in jurisprudence and federal jurisprudence is set for a reform by the People.

The same is true of the delayed 42 U.S. Code § 2000dd, which was a reluctant afterthought from US treatment of terrorist suspects and prisoners of war, and this statute adds the requirement of "custody or under the physical control of the United States Government". Where is the rest of Article 16, and how does the statute withstand the object and purpose of Article 16 under International Law? It does not withstand such scrutiny. Instead it legalizes cruel, inhuman or degrading treatment, which is a crime.

California's only criminal statute under Penal Code § 206 is for a subset of torture, and does not cover other prohibited acts under UNCAT.

Does our judiciary commit crimes under the UNCAT and claim no foul? Should jurisprudence not be designed to prevent and punish such "high crimes"?

It is the position of our judiciary that the torture they administer to litigants arises only from, inherent in or incidental to lawful sanctions, which are issued for failing to cure disabilities and serious illness. "High crimes" are endorsed, not prohibited.

How is this done by our judiciary?

Examine the chapter entitled "REASONS FOR GRANTING THE WRIT" of the writ of certiorari 23-7017 filed in the US Supreme court. It lists a number of ways by which judges and courts commit prohibited acts and justify them as legal sanctions, and thereby render an entire hierarchy of courts into a *forum nullus*, which may not adjudicate any case since it lacks constitutional authority to take and hold jurisdiction over cases.

This court did not hesitate to deny the writ.

This court endorses torture by the judiciary of this nation. The judges of this court proclaim to this nation that there shall be no remedy and no relief for ill-treatment and torture perpetrated against the disabled pro se litigant by the judges in this nation.

Thus it is the treatment of the disabled pro se litigant that tests our jurisprudence at its boundaries, and finds the apple of jurisprudence with bright shining outward appearance to be rotten at its core. This in not American justice as contemplated by the US Constitution. It is the justice system of a foreign nation which is the enemy of the People. And it is being inflicted upon this nation by a judiciary whose appointment and lifetime tenure was intended to thwart such tyranny, a judiciary that will not take a single step to stop the violation of human rights 'in its own Land'.

The elements of ill-treatment and torture are present in the discrimination by this judge and this court based on disability. The cause is a flaw in jurisprudence that encourages judges to discriminate and to violate human rights.

I have repeatedly provided notice and evidence to this court of reasonable grounds over SIX YEARS that acts of ill-treatment and torture by judges have taken place and continue to take place[318] and are targeted against minorities. Reasonable grounds includes the impeachment of over 40 judges by a good federal judge Beth Freeman who has acted for almost SIX YEARS to prevent my ill-treatment and torture in the course of jurisprudence that requires her to enforce invariant rules and procedures and policies of courts in her federal courtroom. Yet not once has this court investigated these truths[319]. The duty of investigation arise upon the mere notification of a complaint for human rights violations prohibited by human rights treaties. The standard for this court should be "diligent examination"[320]. This judge may not escape culpability based on ignorance of the law, or pervasive conduct in jurisprudence exhibiting a norm that must be followed, or the acquiescence of a higher court. Canons of federal judicial ethics leave no quarter for such exercise of self-conferred privilege and excuses.

I have repeatedly asserted in the records of multiple courts that criminal defendants have considerably more rights and protections against abuse by judges and by government[321] than do disabled pro se

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[318] See activity in Superior Court of Santa Clara County California in 16cv295730 and 22cv408499 and derivative activity in the Sixth District Appeals court and the California Supreme court that is required to arrive in 2025 in the US Supreme court destined for the UN Special Procedures, even if I am not dead or catastrophically injured.

[319] The European Court of Human Rights has established that the failure to conduct an effective investigation can give rise to a violation of the prohibition against torture or ill-treatment under article 3 in cases regarding domestic violence (*European Court of Human Rights, Opuz v. Turkey, application No. 33401/02, Judgment, 9 June 2009, para. 176; Eremia v. Republic of Moldova, application No. 3564/11, Judgment, 28 May 2013, para. 67; M.G. v. Turkey, application No. 646/10, Judgment, 22 March 2016, para. 107 (official version available in French); Talpis v. Italy, application No. 41237/14, Judgment, 2 March 2017 (rectified on 21 March 2017), paras. 129–131; and Bălşan v. Romania, application No. 49645/09, Judgment, 23 May 2017, paras. 71 and 89.*), violence committed against lesbian, gay, bisexual and transgender persons (*European Court of Human Rights, Identoba and Others v. Georgia, application No. 73235/12, Judgment, 12 May 2015, para. 71; and M.C. and A.C. v. Romania, application No. 12060/12, Judgment, 12 April 2016, paras. 124–125.*), sterilization of Roma women (*European Court of Human Rights, V.C. v. Slovakia, application No. 18968/07, Judgment, 8 November 2011, paras. 109 and 120; and I.G. and Others. v. Slovakia, application No. 15966/04, Judgment, 13 November 2012, paras. 124, 126 and 134*), police brutality (*European Court of Human Rights, Jasar v. the former Yugoslav Republic of Macedonia, application No. 69908/01, Judgment, 15 February 2007, para. 60; Petropoulou Tsakiris v. Greece, application No. 44803/04, Judgment, 6 December 2007, paras. 55 and 66; and Adam v. Slovakia, application No. 68066/12, Judgment, 26 July 2016, para. 82*) and enforced disappearance (*European Court of Human Rights, Er and Others. v. Turkey, application No. 23016/04, Judgment, 31 July 2012, paras. 92–97*). Furthermore, the Court has concluded that "an 'effective remedy' entails, in addition to the payment of compensation where appropriate, … effective access for the complainant to the investigatory procedure" (*European Court of Human Rights, Aksoy v. Turkey, para. 98).*

[320] The European Committee for the Prevention of Torture has also repeatedly stressed that one of the most effective means of preventing ill-treatment by law enforcement officials is the diligent examination by competent authorities of all complaints of torture and ill-treatment and, where appropriate, the imposition of suitable penalties.

[321] Additionally to the authorities I have provided in multiple courts' records,, the European Court of Human Rights has found violations of the Convention with regard to the exclusionary rule (*European Court of Human Rights, El Haski v. Belgium, application No. 649/08, Judgment, 25 September 2012, paras. 86 and 99. See also European Court of Human Rights, Othman (Abu Qatada) v. United Kingdom, application No. 8139/09, Judgment, 17 January 2012, paras. 267, 273 and 276, in which the Court affirmed that establishing a "real risk" that evidence had been obtained by torture was sufficient for*

litigants, and this court has done nothing to address this injustice. Cruel and unusual punishment without due process is routinely dealt to the disabled and pro se litigant. Entire lists of rules and procedures and precedents are protective of the criminal defendant, while our life, liberty and rights are treated as a trivial administrative task by each judge, and higher courts see no fault in whatever befalls us at the hands of our abusers.

The selective legislation by Congress, that does not include the mandatory inclusion of all covered prohibited acts under the UNCAT and under the other herein cited instruments that prohibit ill-treatment and torture and violations of human rights, does not excuse this court from interpreting, and applying and enforcing those instruments in compliance with International Law under these facts. This is this courts obligation in accordance with *Marbury v. Madison*, except that here, this court must acknowledge the failure by Congress to legislate. These criteria apply also when this court's rules and procedures and policies are challenged.

The Office of the High Commissioner of Human Rights of the United Nations reminds us[322]: *"Torture is one of the most heinous crimes known to humanity not only because it involves the intentional infliction of severe physical and mental pain, but because it is committed by officials or with the acquiescence of a State and often concealed effectively to prevent justice and accountability. As a result of torture, victims endure profound physical and mental pain and suffering, while the reality of the crime perpetrated against them is often dismissed in judicial and administrative proceedings and unpunished. Torture is a profound concern for the world community because it seeks to destroy not only the physical and emotional well-being of individuals but also, in some instances, the dignity and will of families and entire communities. It concerns all members of the human family because it impugns the very meaning of our existence and our hopes for a brighter future. Although international human rights and humanitarian law consistently prohibit torture and other cruel, inhuman or degrading treatment or punishment ("torture and ill-treatment") under any circumstance [], these acts continue to be practised*

the evidence to be excluded because of the special difficulties in proving allegations of torture) and has reiterated the absolute, non-derogable nature of article 3 in cases related to alleged acts of terrorism, stating that applicants suspected of or charged with terrorist-related activities have a right to be free from torture and inhuman or degrading treatment while in custody. (*European Court of Human Rights, Martínez Sala and Others v. Spain, application No. 58438/00, Judgment, 2 November 2004, paras. 118 and 120 (official version available in French); and Öcalan v. Turkey, paras. 179 and 192–196*). In El-Masri v. the former Yugoslav Republic of Macedonia, the Court held that a secret rendition and subsequent secret detention by the former Yugoslav Republic of Macedonia was unlawful and a violation of article 3. (*European Court of Human Rights, El-Masri v. the former Yugoslav Republic of Macedonia, application No. 39630/09, Judgment, 13 December 2012, paras. 215–223*) The Court has also consistently held that States have an obligation not to extradite or expel persons, including alleged terrorists, to countries where 144 they face a real risk of being subjected to torture or ill-treatment (see also para. 112 et seq. below) (*European Court of Human Rights, Chahal v. United Kingdom, application No. 22414/93, Judgment, 15 November 1996, paras. 73–74; Cruz Varas and Others v. Sweden, application No. 15576/89, Judgment, 20 March 1991, paras. 69–70; and H.R. v. France, application No. 64780/09, 22 September 2011, paras. 49–65 (official version available in French*).

[322] A number of the quotations and some of the content used herein are derived from the 2022 Istanbul Protocol.

with impunity throughout the world[323]*. The striking disparity between the absolute prohibition of torture and its prevalence in the world today demonstrates the continued need for States to identify and implement effective measures to protect individuals from torture and ill-treatment.*"

This court must not look to 'popularly publicized torture' portrayed in the media, but must look carefully at the text and interpretations of these international instruments under International Law. Intrinsic bias about what torture looks like must be avoided.

The High Commissioner also reminds us that the "*right to be free from torture is firmly established under international law*[324]*. It is also rooted in international humanitarian law, international criminal law and in customary international law. Furthermore, the prohibition of torture is a jus cogens*[325] *norm of international law, binding on all States even if they are not party to treaties containing the provision. Because of its jus cogens status, the prohibition of torture is absolute and non-derogable and cannot be limited under any circumstances*[326]*. The absolute and non derogable character of the prohibition against torture is further reinforced by the provisions of article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*[327]*, which were elaborated on in general comment No. 2 (2007) of the Committee against Torture. The Convention against Torture also recognizes universal jurisdiction for the crime of torture. The prohibition of torture applies extraterritorially, and States' obligations flowing from the absolute nature of the prohibition – including the obligations to investigate, prosecute and punish acts of torture – are rules of customary*

[323] Amnesty International, Torture in 2014: 30 Years of Broken Promises (London, 2014), p. 10. See also A/73/207, para. 76.
[324] the Child, art. 37; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, art. 10; and Convention on the Rights of Persons with Disabilities, art. 15, all expressly prohibit torture and ill-treatment. Regional instruments that establish the right to be free from torture include: Inter-American Convention to Prevent and Punish Torture, art. 1; Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), art. 4; American Convention on Human Rights (Pact of San José), art. 5; African Charter on Human and Peoples' Rights, art. 5; and Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), art. 3. Additionally, the International Convention for the Protection of All Persons from Enforced Disappearance and the Inter-American Convention on Forced Disappearance of Persons prohibit enforced disappearances, which various regional and international tribunals have concluded amount to torture, and oblige States to investigate, prosecute and punish such acts.
[325] A/74/10, pp. 146–147, conclusion 23 of the draft conclusions on peremptory norms of general international law (jus cogens), adopted by the International Law Commission on first reading, and the annex thereto.
[326] The absolute and non-derogable nature of the prohibition of torture is expressly stated in the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 3; the Convention against Torture, art. 2 (2); and the Inter-American Convention to Prevent and Punish Torture, art. 5. Furthermore, the right to be free from torture is non-derogable during states of emergency (International Covenant on Civil and Political Rights, art. 4; European Convention on Human Rights, art. 15; and American Convention on Human Rights, art. 27).
[327] The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (New York, 10 December 1984), United Nations, Treaty Series, vol. 1465, No. 24841, p. 85, entered into force on 26 June 1987.

international law. The prohibition against cruel, inhuman or degrading treatment or punishment (ill-treatment) is similarly absolute under both treaty and customary international law[328]."

Susceptible to distress-induced irreparable physical and mental injuries, the deprivation of my meaningful access to courts by denial of my accommodation, ensured and ensures that I not only witness injustice and elimination of my rights and absence of constitutional due process and the silencing of my expression, but that I also witness and suffer extraordinary hostility and hatred and consequent physical and mental injuries at the hands of judges[329] whom I have been socially indoctrinated to trust and obey.

Medical science confirms that distress of the form that I have been subjected to by judges predictably induces disease and injuries to every person[330]. In my case, the injuries are predicted, irreparable, physical and mental[331], and have brought and kept me to the point of walking the tightrope of death[332] while significantly disabled and substantially incapacitated by repeated and incessant judicially inflicted injuries. At the root of these inflictions of injuries is discrimination based on disability[333].

Judges who do not take judicial notice of common knowledge, and who ignore medical truths especially when they are directly presented to them by authentic authorities and state the consequences of their acts, are acting purposefully and intentionally, and recklessly endangering[334] and tormenting prone human beings. When they continue their prohibited acts, their purpose and intent is further confirmed and their cruel and unusual punishments and torture departs from mere ill-treatment. My cruel, inhuman

[328] In its general comment No. 2 (2007), para. 6, the Committee against Torture elaborates that prohibitions against torture are likewise applied to ill-treatment, including those articles of the Convention that establish universal jurisdiction (arts. 5–9).
[329] The chronological records of multiple courts evidence the medical records and consequences of physical and mental injuries inflicted by judges. This chronological recording of evidence provides a basis for the forensic and medical investigation of the prohibited judicial acts under the Istanbul Protocol.
[330] See the disease model in the medical authority: The Multiple Sclerosis Stress Equation[330], Solomon et al., Journal of Medical Statistics and Informatics, Volume 11, Article 1, and examine the reference in this paper confirming the destructive effect of negative stress on the human being and the inducement and exacerbation of disease
[331] The Multiple Sclerosis Stress Equation[331], Solomon et al., Journal of Medical Statistics and Informatics, Volume 11, Article 1
[332] The UN Human Rights Committee has noted that the mental and physical effects of torture and ill-treatment can generate a risk of deprivation of life and has linked torture and ill-treatment to enforced disappearances. (*Human Rights Committee, general comment No. 36 (2018), paras. 54–58*).
[333] The UN Committee on Rights of Persons with Disabilities has addressed aspects of torture and ill-treatment as part of its mandate. For instance, the Committee found that Argentine authorities failed to ensure that a prisoner with disabilities was able to use prison facilities and services on an equal basis with other detainees and that the State was obliged to take steps to rectify the situation. (*Committee on the Rights of Persons with Disabilities, X v. Argentina (CRPD/C/11/D/8/2012), para. 8.5*) The Committee also emphasized the State's obligation to prevent torture when it found that the United Republic of Tanzania had failed to investigate and prosecute suspected perpetrators of an attack against an individual with albinism; the Committee noted that this failure resulted in a revictimization of the targeted individual, who had endured psychological ill-treatment and a violation of the individual's physical integrity. (*Committee on the Rights of Persons with Disabilities, X v. United Republic of Tanzania (CRPD/C/18/D/22/2014), paras. 8.6–8.7*)
[334] Long ago, my reckless endangerment graduated to my attempted murder. This is an invariant pattern among the judiciary of this nation. This court is no exception.

and degrading treatment by the judiciary long ago transitioned to attempted murder[335] alongside my torture[336]. These judges practice medicine without a license, which is a criminal offense in every state, and interfere with medical treatments, and administer their own substitute 'medical treatments'[337] with impunity. What parity do you see in your conduct when compared to this recitation?

According to article 1 of the Convention against Torture, the substantive concept of "torture" comprises, most notably, the intentional and purposeful infliction of severe pain or suffering "whether physical or mental". Therefore, all methods of torture are subject to the same prohibition and give rise to the same legal obligations, regardless of whether the inflicted pain or suffering is of a "physical" or "mental" character, or a combination thereof.

Article 16 holds the same force and effect as Article 1. Harnessing the power of Artificial Intelligence to combine all legal authorities, we find the following response: "*The deprivation of access to due process of law can be considered a form of cruel, inhuman, or degrading treatment, which is prohibited under the United Nations Convention Against Torture (UNCAT). While UNCAT primarily focuses on preventing torture, it also addresses other forms of ill-treatment. Denying someone access to due process can lead to significant psychological and emotional harm, which falls under the scope of cruel, inhuman, or degrading treatment*."[338] This has happened to me.

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[335] A disability hate crime, along with torture and ill-treatment

[336] The clear warnings of my sudden death, heart attacks or strokes were provided by my doctors to the courts beginning at the end of 2019 and continuing since. The medical record shows two hearts attacks so far affecting two parts of my heart. My extraordinary suffering as I continue to petition for relief and remedies and for restoration of my rights is documented in chronologically filed requests for safe harbor and disability accommodation to multiple courts. Only in the Freeman court do we find accommodation while concurrently, in every other court, accommodation has been denied to me.

[337] In its jurisprudence, the European Court of Human Rights has also determined that interference with reproductive health rights can amount to ill-treatment (*European Court of Human Rights, R.R. v. Poland, application No. 27617/04, Judgment, 26 May 2011, paras. 148–162*) and that a lack of appropriate medical supervision for inmates with suicidal tendencies or other psychosocial disabilities might lead to a violation of the prohibition against torture and ill-treatment in article 3 (*France, application No. 5608/05, Judgment, 16 October 2008, paras. 119–130; Güveç v. Turkey, application No. 70337/01, Judgment, 20 January 2009, paras. 82 99; and Ketreb v. France, application No. 38447/09, Judgment, 19 July 2012, paras. 108–116 (official version available in French)).* Medical procedures considered to be of therapeutic necessity (e.g. force-feeding aimed at saving life) cannot in principle be deemed inhuman or degrading; medical necessity must be established, procedural guarantees must be followed and the medical procedure must be administered in a way that minimizes suffering (*European Court of Human Rights, Nevmerzhitsky v. Ukraine, application No. 54825/00, Judgment, 5 April 2005, paras. 93–99; and Ciorap v. Moldova, application No. 12066/02, Judgment, 19 June 2007, paras. 76–89*). If these safeguards are not respected, a breach of article 3 may still occur.

[338] Further refining and directing A.I. to consider the writings of Ruth Bader Ginsberg, for example, we find the following response: "Justice Ruth Bader Ginsburg's writings and opinions often emphasized the importance of due process and equal protection under the law. While she did not specifically address the UN Convention Against Torture (UNCAT) in her opinions, her views on due process align with the principles of fairness and justice that are central to both U.S. constitutional law and international human rights law. The deprivation of access to due process of law can be considered a form of cruel, inhuman, or degrading treatment, which is prohibited under UNCAT. Justice Ginsburg's commitment to ensuring fair procedures and protecting individual rights supports the idea that denying someone access to due process is a serious violation of their fundamental rights." Should this court dare to ask A.I. the same question under their individual writings, you will find invariably the confirmation of what I state here.

For SEVEN YEARS, I have been deprived of essential medical treatment and coerced and intimidated into unequal participation in a perverted version of due process in multiple courts that extracted pleadings from me resulting in prejudice and harm. I could not rest as increasing harm, damages and injuries were inflicted upon me and my family and my rights and my future by judges and courts. The invariant rules, procedures and policies of courts applied intentionally and purposefully by judges to me has coerced and intimidated my injurious function and my unequal participation despite my overt and voluminous protests[339]. I was given no choice but to struggle to stop my own torture, and to be tortured by being coerced and intimidated to stop my own torture. I came to this court and this judge for relief and remedy, and this judge did not take a single step as required by supreme Law, and condemned me as "a kind of trash not worth the time"[340].

For SEVEN YEARS I did not fail to reactively object to the deprivation of my rights and to my ill-treatment and torture, even though I was unable to litigate[341]. For SEVEN YEARS I did not fail to report the effects and the documented evidence of the intentional and purposeful infliction of severe physical and mental pain and suffering and irreparable injuries to the judges who knowingly and willfully pursued their invariant cruel, inhuman and degrading treatment and torture despite evidence of predicted injuries transpiring at their hands. For SEVEN YEARS I did not fail to demand remedy and redress for human rights and prohibited acts under the supreme Law of the Land, while denied due process and expression and justice. But you did not take a single step as required by the supreme Law of the Land to stop, investigate, abate, prevent and punish these prohibited acts.

This prolonged and inescapable infliction of abuse and punishment despite my diligence in chronologically providing information and objections establishes the presence of the purposeful and intentional infliction of severe pain and suffering by judges and by courts. The impossibility of stopping it, or remedying its consequences, is the very definition of ill-treatment that, by its persistence became torture. Judges merely continued their ill-treatment and torture while witnessing the mounting toll of my injuries and the progressive increase in the required period and magnitude for my medical treatment.

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[339] I have written on the same subject for seven years. Now I write hundreds of pages by leveraging past works and thoughts, and the increasing power of Artificial Intelligence.

[340] Debra Cassens Weiss, Posner: Most judges regard pro se litigants as 'kind of trash not worth the time', ABA Journal 9/11/2017. "The basic thing is that most judges regard these people as kind of trash not worth the time of a federal judge," Posner said

[341] The impact of my disabilities, particularly my cognitive impairments, is well documented and evident in the filings in numerous courts. These include inability to comprehend court orders, self-impeachment by inability to comprehend the text of a declaration by an opponent, inevitable mistakes in recall, dates, failure to comprehend rules, laws and precedents, inability to provide legal precedent and argument by virtue of inaccessibility of legal research by virtue of comprehension and psychological barriers (I am a Juris Doctor), etc. It is only because of the advent of Artificial Intelligence that I am able to provide better writings, and even then, they are impenetrable to my mind preventing edits and content and organization, and continue to under-represent my intent and ability.

Torture as defined in article 1 of the Convention against Torture, includes "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person … for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions[342]." The discrimination in my case is primarily based on disability.

Discrimination based on disability, in the context of a court not providing necessary accommodations to a party in litigation under a uniform national standard which is mandated by the ADA, refers to the unequal treatment of an individual due to their disability[343]. This can occur when a court fails to provide reasonable accommodations that would enable the individual to access the court and participate fully in the legal process. It also refers to deprivation of rights of the individual due to disability, such as eliminating or infringing on their First and Fifth and Fourteenth Amendment rights in the course of jurisprudence[344].

Judges will ignore the ADA and a uniform national standard established by the Freeman Bright Line, and will refuse to provide modifications to their customary rules, procedures and policies to accommodate the disabled litigant, which the Freeman Bright Line impeaches as being non-fundamental alterations that should have been made by those judges. The facts fit the definition of cruel and unusual punishment for attempting to access the courts.

As importantly, the Department of Justice advanced the unqualified and vague notion of fundamental alteration of the court service, program or activity[345] to limit a request for accommodation that controls

[342] Note that what judges would allege to be sanctions are for my not curing my disabilities and my serious illness according to the schedule set by the court, which had no relation to medical science or the necessary medical treatment that I required. The perpetual deprivation of my accommodation was a sanction for my filing a complaint for prohibited conduct against judges and courts. All of the subsequent prohibited conduct finds its origin in these and similar untenable rationales and fabricated evidence offered by judges. Note that the High Commissioner makes it clear to us that "[w]hile the definition of torture in the Convention against Torture excludes "pain or suffering arising only from, inherent in or incidental to lawful sanctions", the legality of a sanction under national law in and of itself is insufficient to render it lawful under article 1 of the Convention. [Lawful sanctions refer to legitimate practices widely accepted by the international community. See E/CN.4/1997/7]. The Committee against Torture applies this provision by determining the lawfulness of a sanction with reference to both national and international law and standards … [t]he lawfulness of any sanction will be determined by reference to national and international law, with international law taking precedence in case of conflict with domestic legislation."

[343] Federal court judges and this court allege that the ADA does not require their compliance and that therefore they are free to use discretion and entirely evade the ADA. My writs of certiorari filed in this court discuss how this is an unlawful position taken by the judiciary under derivation based on the US Constitution, the Due Process Clause, the necessity of standards in jurisprudence, and ordered Liberty. At the moment that discrimination is tested by human rights, federal courts including this court cannot maintain their position that they are exempt from following the ADA.

[344] See a list of egregious judicial abuse experienced by a disabled pro se litigant by referring to US Supreme court writ of certiorari 23-7017 pages 32-33.

[345] 28 CFR § 35.130(b)(7)(i)

the availability of due process, and thus legalized the elimination of rights of a disabled litigant. This is extraordinary fueling of discrimination by the DOJ when defining a national regulation that affects a fundamental legislated right[346]. In the context of human rights, and compliance with treaties and the rule of International Law in domestic affairs under Article VI of the US Constitution, this CFR promoted not eliminated discrimination by judges, and may not hold as a matter of International Law. This regulation is fundamentally opposed to the Liberty and justice that are the object and purpose of the US Constitution, because judges have and will interpret it as they do to discriminate and to commit prohibited acts, as documented by my facts.

I have repeatedly petitioned courts to define "fundamental alteration" to no avail. I have provided a guideline on how it should be interpreted in compliance with the supreme Law of the Land.

Since the enactment of the Americans with Disabilities Act (ADA), many legal precedents document ill-treatment of disabled pro se litigants by judges in the course of jurisprudence[347]. My personally verified information and those of other victims who testify with me, provides the additional record of the ill-treatment and torture of pro se litigants in the course of jurisprudence by state and federal judges. Discrimination based on disability is at the root of this prohibited judicial conduct[348].

In his 1995 report, the Special Rapporteur on torture commented that "both under general international law and under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, States are obliged to investigate allegations of torture"[349]. Not once has this court investigated my allegations which have been made to it repeatedly since 2019[350], and reported year after year evidencing increasing severity and consequence. Nor did it investigate similar allegations by other victims[351]. These are acts of judicial torture which have gone unpunished and encouraged.

Under International Law, every State must demonstrate that it is striving to meet its obligations to examine allegations of ill-treatment and torture by conducting an investigation in good faith[352] with due

[346] Disability is held by other branches of government and under treaties in parity with suspect classifications such as race, but denied by this court as having any classification at all.
[347] See my Table of Authorities in US Supreme court writ of certiorari 24-6012 under the subheadings "Cases – ADA", "Cases – Rule 1.100", "Cases – Discrimination" and others
[348] The CRPD specifically prohibits cruel, inhuman and degrading treatment.
[349] E/CN.4/1996/35, para. 136.
[350] The respective Special Rapporteurs on torture have stressed the importance of the investigation and documentation of allegations of torture, in accordance with the Istanbul Protocol, as a necessary tool in fighting impunity and reinforcing the rule of law.
[351] See the Appendices to my 2024 writs filed by the US Supreme court (24-5808 and 24-6012) attaching copies of the writs to the US Supreme court attempted by two other victims of these prohibited judicial acts.
[352] When the California Sixth District court of Appeals, under its notorious presiding judge Mary Greenwood did conduct an 'investigation', it was in the form of her ex parte communication with my exploitative adversaries and their attorneys in 16cv295730, and sealed their response from my eyes, and increased my torture. The investigation required under the UNCAT

communication, due diligence and accountability, under applicable standards. None is seen from this court, or from any court in the United States in the matter of the ill-treatment and torture of the disabled pro se litigant by the judiciary. These judges simply act as if no such prohibited conduct exists, which is the response by the State that is prohibited and expressly condemned by International Law. Not once has this court complied with this requirement of International Law.

Each State has the obligation to prevent torture. This is an obligation that no judge and no court in the United States respects, except the exceptional judge[353]. The obligations related to the prevention of torture, as applicable to this nation's judiciary, including the judges of this court, include[354]:

a) Taking effective judicial or other measures to prevent acts of torture, whether committed by State or private actors; No exceptional circumstances whatsoever may be invoked as justification for torture or ill-treatment[355];
b) No refouling when there are substantial grounds for believing the person would be tortured or ill-treated[356];
c) Criminalizing acts of torture, including complicity or participation therein, punishable by penalties accounting for the grave nature of the act; and ensuring acts of torture are not subject to prescription or any statutes of limitation or pardons, amnesties or immunities[357];

is an independent investigation by a qualified and impartial independent body. This, and the subsequent order by the presiding judge in March 2020 is evidence of purpose and intent to commit torture

[353] See the orders of judge Beth Freeman in the District court of Northern California case# 19-cv-04392-BLF

[354] See 2022 Istanbul Protocol

[355] This court considers torture as being an ordinary circumstance in the operations of this court. Se the clerk's letter in ECF-12 in appeal 24-6312

[356] In SIX YEARS of my petitions and pleas for this court's intercession and lawful conduct, this court NOT ONCE abated or prevented my torture, and merely returned me to suffer further torture and attempted murder by judges of state and federal courts. This court 'did not give a damn' about my reports of ill-treatment and torture and never even considered or investigated them. My originating complaint in 19-cv-01986-LHK leaves no doubt of substantial grounds for believing that I am being ill-treated and tortured by the state courts and by judge Lucy Koh. My appeals in 21-cv-04262-JSW leave no doubt that I am being ill-treated and tortured by the state courts and by judge Jeffrey White while judge Beth Freeman impeaches his every denial of my safe harbor and disability accommodation. The evidence provided by my requests for safe harbor and accommodation leave no room for the reasonable person to doubt that I am suffering serious injuries and severe pain and suffering and in fear for my life and liberty and rights, and that the prohibited acts are repetitive thus demonstrating that they have graduated from ill-treatment to purposeful and intentional torture by judges who willfully and deliberately issue orders and inflict chilling treatment that predictably causes me physical and mental injuries through common knowledge and scientifically forewarned disease mechanisms.

[357] The human rights prohibition against immunity of judges when they commit ill-treatment or torture contradicts the self-serving domestic policy influenced in majority by judges that renders them immune for intentional acts of corruption and malice. This offensive principle of judicial immunity is advanced based on the notion that a judge is too fearful to be independent and impartial if threatened with civil liability, when in fact, the judicial character expected by this nation is of a judge who does not consider her personal liability when performing her duty because her candor and her integrity are beyond influence. Instead, this excessive immunity is the cause of emboldening judges to reign as quasi-monarchs, secure in the guarantee that they may do harm and oppress any litigant whom they disfavor, and this is evident in the courts, as well as reported by the People on social media.

d) Undertaking to exercise universal jurisdiction[358], that is to investigate suspects under its jurisdiction and if necessary prosecute them; assisting other States parties in connection with criminal proceedings brought in respect of torture;

e) Implementing fundamental legal safeguards;

g) Ensuring that materials regarding the prohibition of torture are included in the training of public officials and other appropriate persons[359]

j) Ensuring that the competent authorities conduct prompt and impartial investigations[360] and guarantee the right to make a complaint

k) Ensuring that impartial and effective complaints mechanisms are established, known and accessible to the public, including to persons deprived of their liberty, and to persons belonging to vulnerable or marginalized groups or who have limited communication abilities. In addition to ensuring that complainants and witnesses are protected against acts of retaliation or intimidation as a consequence of their complaints or any evidence provided;

l) Ensuring that victims of torture have access to redress and an enforceable right to fair and adequate compensation; redress must include effective remedy and reparation. Comprehensive reparation refers to the full scope of measures required to redress violations under the Convention against Torture and includes "restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition";

m) Ensuring that alleged offenders are subject to criminal proceedings if an investigation establishes that an act of torture appears to have been committed and provides sufficient, admissible evidence of individual culpability. If allegations of acts involving torture or ill-treatment are considered to be well founded, offenders should be subject to administrative and judicial penalties that take into account the grave nature of their acts with no statutes of limitations.

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[358] This court insists that its jurisdiction is strictly limited, when in fact the US Constitution requires it to enforce and comply with these international instruments and International Law as the government. This court also limits its jurisdiction by time, while nothing in the US Constitution specifies the absolute dominance of its 90 day time limit for filing writ, or the 60 day time extension provided by its clerk, or the discretionary time extensions that its clerk provides without regard to the fact that this court's adherence to these cruel, inhuman and degrading rules which eliminate access by a disabled pro se litigant who cannot comply with them is no less than the promotion and enactment of ill-treatment and torture according to its invariant rules. I and another disabled pro se litigant have witnessed so much waste by the clerk that it is unconscionable to see the bias and discrimination applied to us that eliminates our expression and our petitions and our rights while this court is lenient with itself and its staff and does not hesitate to act fairly and accommodatingly with respect to its own errors.

[359] With a very high probability, it is likely that no employee of this court or any justice of this court meets this requirement

[360] This court refuses to investigate any of these facts alleged against lower courts, provided either by me or by at least two other disabled pro se litigants (Eva Danilak, Julia Minkowski). This court must not investigate the facts alleged against itself by these victims or by me, but must delegate to an independent and impartial authority that is qualified to investigate under and according to the Istanbul Protocol.

This court has not demonstrated its compliance with any of these requirements under these authoritative international instruments. To this day, this court obstructs my access, and eliminates my rights[361] instead.

Observe that the facts locked in the records of this court over SIX YEARS of my mutilation by this Circuit's judges do not demonstrate merely a technical satisfaction of the elements of torture and ill-treatment, but they are precisely prohibited acts that demonstrate deliberate non-compliance by a State that is contemplated by these international instruments, and FORBIDDEN BY THE US CONSTITUTION.

The scale of the potential impact of this judicial violence is extraordinary. Over 28% of the population of the United States[362] are at risk of harm[363], and by potentially observing or becoming aware of these prohibited acts, each person with disability, their families, their friends and other members of the public are potential victims of disability hate crimes per the definition of that criminal offense which contemplates the adverse and injurious psychological and emotional impact of such conduct on persons other than its direct victims[364]. This systemic judicial violence is deeply rooted in intrinsic judicial bias[365], and is a threat to the largest minority in the nation, and a subversion of the supreme Law of the

[361] Refer to ECF-12 in 24-6312. Note the fraud that this court will rule on my request for safe harbor and disability accommodation which IT HAS NEVER DONE since 2019. Note this court's contradiction of the Eighth Circuit representation of the Judicial Conference policy of ADA disability accommodation. And recall how this court and its judges have been impeached since 22-16046 by the Freeman Bright Line

[362] In July 2024, the CDC released the annual update to the Disability and Health Data System (DHDS), providing quick and easy online access to state-level health data on adults with disabilities. The latest data, from the 2022 Behavioral Risk Factor Surveillance System (BRFSS), reveal that more than 1 in 4—over 70 million—adults in the United States reported having a disability in 2022.

[363] The trend of pro se litigants in U.S. courts has been increasing over the years. For example, according to the National Center for State Courts (NCSC), civil courts consistently report that 75% or more of their cases have at least one self-represented litigant. For example, U.S. Courts Data shows that from 2009 to 2012, filings of pro se civil cases by non-prisoners increased every year. For example, the Court Statistics Project provides data on cases with self-represented litigants, showing that a significant portion of civil cases involve pro se litigants. These statistics indicate that self-representation in U.S. courts is a growing trend, with a substantial number of litigants choosing to represent themselves in various legal matters. Both Eva Danilak and Julia Minkowski have been abused and subjected to prohibited conduct in California divorce court. According to a **2010** report by the California Law Review, approximately **70%** of divorce cases involve at least one self-represented litigant at the beginning of the case, and this figure increases to **80%** by the time of judgment. Leslie Hagan is another victim these prohibited acts.

[364] See 2016 report by Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights "Disability Hate Crime" -- https://www.osce.org/odihr/hate-crime-against-people-with-disabilities; See "EDF Recommendations on EU initiatives on hate speech and hate crime" by European Disability Forum p.3 "Persons with disabilities are more at risk of being victims of violent crimes, including hate crimes, than other persons, and to face harassment, hate speech and ableist comments in their daily life."; See BBC report "Charity research finds that only 1% of disability hate crimes end with a charge" by Keiligh Baker, 7 Oct 2022 – at https://www.bbc.com/news/disability-63171959; See also Disability Hate Crime and other crimes against disabled people - prosecution guidance" by the UK Crown Prosecution Service

[365] "Yes, court bias exists — and judges must attack it", Judge Bernice Bouie Donald of the United States Court of Appeals for the 6th Circuit, ABA Feb. 11, 2022. See also Stephen Gillers, NYU School of Law, A Rule to Forbid Bias and Harassment in Law Practice: A Guide for State Courts Considering Model Rule 8.4(g), Georgetown Journal of Legal Ethics,

Land and alignment of the perpetrators with enemies of the US Constitution. Thus judges proclaim themselves as threats to international peace and security[366] and to be the enemies of the United States and of its Constitution[367].

THE CONSTITUTIONAL BRIGHT LINE

Summary: One solitary federal judge is distinguished in this nation and latently endeared to the People of the United States for her judicial ethics and wisdom and judgment in recognizing and applying laws and human rights principles and treaties appropriately and reaching outcomes that are legally correct and substantially just. This one judge has impeached each judge of this court who dealt with me since 2019, by correctly enforcing the ADA as being applicable to all federal courts, and by correctly enforcing human rights treaties under customary international law by using the proper interpretation of Article VI of the US Constitution, and the correct application of treaties in domestic jurisprudence. To this date, this court and this judge refuse to provide me safe harbor and disability accommodation, or to recognize my human and fundamental rights.

The United States issued a RUD to the 1988 UNCAT that was met with objection from other States[368]. Review of the RUD demonstrates that under certain fact patterns, the RUD undermines the object and purpose of the UNCAT, and also confirms the validity of the objections raised. Thus, in the event of those fact patterns arising, the RUD will not hold under International Law, and the United States is evading and undermining the treaty. In violation of International Law.

Vol. 30, No. 195, 2017; See also *Addressing Bias Among Judges, Smith, Hyman & Redfield, State Court Report Sept. 14, 2023* see https://statecourtreport.org/our-work/analysis-opinion/addressing-bias-among-judges

[366] Under international law, violations of human rights can be considered acts of hostility or aggression, particularly in the context of armed conflict. The UN Charter promotes international peace and security and the protection of human rights. Acts that violate human rights can be seen as threats to international peace and security. Traditionally, the spotlight of human rights has been particularly on the Geneva Conventions, the Rome Statute of the International Criminal Court, and International Humanitarian Law. In 2025, we continue the world's emergence into an era of world peace, and the spotlight will necessarily shift to the civilization of society on a worldwide basis, which will increasingly be reflected by the social intolerance for acts of ill-treatment and torture in areas other than armed conflict.

[367] Article III Section 3: Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

[368] The United States has made a habit of issuing RUDs to treaties, in essence revising their object and purpose, and undermining pluralism and delaying the transition to world unity and a harmonious global civilization that prioritize the highest good for humanity.

Here is such a fact pattern.

Without regard to the other States' objections and without regard to re-evaluation of the US position with respect to the RUD for UNCAT which violates Article VI of the US Constitution by being incompliant with International Law, the ratification of UNCAT by its signatories was joined with the 1994 federal statute 18 US Code § 2340. As previously discussed, in that statute, the US outlawed torture defined as an "act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control". This statute does not satisfy the definition of torture as defined in the authorities and international instruments identified in this writing. It has never been updated to be compliant. This court has never spoken on this issue.

At that point the United States rested, in effect declaring that it had complied with the UNCAT by compliant domestic legislation.

As previously discussed, more than a decade later, the reluctant United States belatedly legislated the 2005 federal statute 42 US Code § 2000dd prohibiting "cruel, inhuman, or degrading treatment or punishment of persons under custody or control of the United States Government" because the United States treated terrorists and war detainees improperly. The Findings of the federal statute state that "(3) The Secretary of State has launched an initiative to try to address the differences between the United States and many of its allies regarding the treatment of detainees." The express statement of the UNCAT and the Istanbul Protocol[369] defies the opportunity for a State to declare that the conduct prohibited by the UNCAT is ambiguous[370]. This 2005 statute does not satisfy the definition of cruel, inhuman, or degrading treatment as defined in the authorities and international instruments identified in this writing. And the UNCAT did not grant a State the privilege of convenient legislation only when challenged. This court has never spoken on this issue.

What this demonstrates is that the United States selectively picks and chooses what part of a treaty it will ratify and when. Its government must be pushed to comply, in contrast to its People who are, by nature, respectful of human rights and wish to abide by treaties. If it were not for the objection of allies and the public's scrutiny, there would be no second legislation, which was and is clearly lacking. This court has never spoken on this issue.

[369] The Istanbul Protocol, officially known as the "Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," was first created in 1999, six years before the enactment of 42 US Code § 2000dd.

[370] It cannot be said that the USA has not previously violated the UNCAT.

Today, we find the United States considerably deficient in terms of compliance with UNCAT, and other treaties. This nation's periodic reports are tardy and demonstrate a lack of resolve for compliance. There is no indication, for example, that "legislative, institutional, administrative, budgetary and other measures to ensure that an adequate framework for prompt, impartial, independent, effective and gender- and child-sensitive investigations is in place"[371].

As a State, there is insufficient evidence that the United States has made torture a specific offence under national law that complies with the UNCAT, and which is subject to proportionate penalties that reflect the gravity of the crime[372] according to the details discussed in this writing. There is also no evidence that the United States has fully established jurisdiction over the offence of torture as defined in international instruments discussed herein, including by providing for the exercise of the principle of universal jurisdiction[373], or that it has removed legal barriers, such as amnesties, immunities, statutes of limitation or other such procedural restrictions[374], including pardons or other measures resulting in impunity. This court has never spoken on these issues.

In my case, it is demonstrated that the United States does not guarantee the rights of victims and witnesses at all stages of the investigation (in fact there is no investigation), including the right to lodge complaints, to participate in proceedings, to be protected from threats and harassment[375], to have their right to privacy respected[376], as well as the right to an effective remedy and to reparation. There is no reparation, and if it did exist, reparation must be victim-oriented, gender-sensitive, adequate, effective, prompt and comprehensive, tailored to the particular needs of the victim(s) and proportionate to the gravity of the harm suffered[377]. No such guarantee or reparation exists.

Refoulement is prohibited. Under judicial torture, refoulement is the recommittal to an originating court and judge that inflicts ill-treatment or torture. The United States, through this court, endorses refoulement as a national judicial policy.

A survey of US compliance reveals no independent entities or mechanisms available to implement the UN Istanbul Protocol domestically.

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[371] UN Istanbul Protocol paragraph 186, referring to Convention against Torture, art. 2; and Committee against Torture, general comment No. 2 (2007), para. 2
[372] Committee against Torture, general comment No. 2 (2007), paras. 8–11
[373] A/HRC/4/33, paras. 41–47
[374] Committee against Torture, general comment No. 2 (2007), para. 5; and general comment No. 3 (2012), para. 38
[375] Committee against Torture, general comment No. 3 (2012), paras. 29–36
[376] My privacy was 'trashed' by every representative court in this nation
[377] Ibid., paras. 6–18; Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law; and African Commission on Human and Peoples' Rights, general comment No. 4

Analysis of the US compliance with UNCAT and the UN Charter and human rights treaties is not the only method by which the subversion by our judiciary of human rights and subversion by our judiciary of the US Constitution's requirement of compliance with treaties, may be measured.

Federal judge Beth Freeman of the Northern District of California has set aside the same rules and procedures and policies that over 40 judges hold as invariant and absolute and apply to me and to other disabled pro se litigants to inflict ill-treatment and torture. For almost SIX YEARS, judge Freeman has ordered that I shall receive accommodation in a form that is consistent with my necessary medical treatment, and no other court and no other judge has followed her *stare decisis*. My opponents in that federal civil lawsuit under Freeman have also ensured that they do not violate any law or contribute to my ill-treatment or torture, which is ongoing in other cases and at the hands of other judges and other attorneys. Thus, concurrently with the prohibited judicial conduct seen in multiple other courts, a reference of ethical and lawful judicial and attorney conduct has been firmly established by a federal court in this nation since 2019.

Therefore a clear reference of ethical and proper judicial conduct has been in place and invariant since 2019.

Moreover, the ADA is very clear. The Freeman Bright Line of HOW to accommodate a disabled pro se litigant is a federally pre-emptive standard, which according to the ADA, must be uniform nationally and must be enforced by the federal judiciary ON BEHALF OF persons with disability to eliminate discrimination in the courts. Since I AM actively in litigation in multiple state and federal courts in this nation, it is therefore MY case that sets the national standard on court accommodation in the United States, and that standard is the Freeman Bright Line. This court has so far REFUSED to acknowledge or endorse that standard. This court has not spoken on this issue despite my first writ[378].

The Eight Circuit publicly declares that it "provides reasonable accommodations to persons with disabilities, including communication disabilities" while it refers to the textual interpretation of the ADA and recounts that "the Americans with Disabilities Act does not apply to the federal judiciary". The egregious flaw in the thinking of every federal judge, except Freeman, is that the ADA may be discretionarily followed by the federal judge. No such freedom and privilege is afforded to the federal judge. The opposite is true. Congress expects the federal judiciary to eliminate discrimination ON BEHALF OF the disabled litigant in the courts by enforcing the ADA as a UNIFORM NATIONAL STANDARD. This is impossible without the federal courts expressly following the ADA in their operations and adhering to the one and same UNIFORM NATIONAL STANDARD. The role of

[378] Writ of certiorari 23-7017

standards in jurisprudence is not limited to the Due Process and Equal Protection Clauses only. A nation must not be divided against itself, and every judge, not only state judges, must faithfully follow the ADA.

It is also important to note carefully that the Freeman Bright Line is compliant with the supreme Law of the Land and International Law. Freeman simultaneously complies with the ADA, human rights treaties and the jus cogens of customary international law. Freeman teaches every judge that the normal human empathy. Long lost to our judges, is the correct behavior in the treatment of the disabled. Every court in this nation, including every federal court, which includes this court, must follow the Freeman Bright Line as a STANDARD[379] in providing accommodation in the courts, and enforcing accommodation in the courts.

None do.

DISQUALIFICATION

Summary: Good Behaviour is the constitutional standard of ethics, and not embodied fully in any canon of judicial ethics in representative state or federal courts. Judicial ethics, are in general impotent in stopping discrimination and human rights violations. International judicial ethics are unrecognized domestically but are applicable to the conduct of this judge with respect to the expectations of customary international law. The big picture is the prohibited acts under Article VI and under International Law that constitute violations of human rights[380], and are unethical, failing the requirements under Canons 1, 2 and 3 of the Code of Conduct for United States Judges. The appearance of impropriety is present in the individual conduct of this judge, and en banc, also implicating this judge. Canon 1 specifically requires compliance with the law and with the Code of Conduct.

This writing relies on the motion to disqualify the judges of this court en banc for updated and corrected arguments and authorities.

[379] Like the standard for due process, there must not be two standards for disability accommodation in the courts in this nation.

[380] Special consideration must be given to the effect on sovereign immunity and judicial immunity under the authority that I invoke herein.

This disqualification motion is filed in a court whose deprivation of rights, ill-treatment and torture of a disabled and seriously ill litigant[381] is most recently encapsulated in an order on behalf of this judge[382] and this court by its clerk in 24-6312 under ECF-12 that ensures that my torture and attempted murder by the Ninth Circuit continues[383]. Prior to this prohibited act, we find ECF-11 in 24-3353 where three judges expressly endorsed my torture and mooted my request for safe harbor and disability accommodation after four months of evading it, and breached the Freeman Bright Line of court disability accommodation and safe harbor, which continues the prohibited conduct by this court and its judges. This is an express violation of the UN Istanbul Protocol, demonstrating purpose and intent not to prevent, abate and punish my torture by the judiciary of the Ninth Circuit and elsewhere, implicating this judge by the 'stickiness of the case' to this judge[384]. The invidious discrimination, and the purposeful and intentional commission of acts prohibited by the international instruments cited herein are in public view.

With respect to this judge's overt prohibited acts which were committed directly under this judge's personal control, reference is made to the facts in Appendix C and all related filings. This judge personally had authority to stop, investigate, prevent, abate and punish ill-treatment and torture, but failed to do so despite the requirement of the supreme Law of the Land and my complaint that met the criteria under the UN Istanbul Protocol. This judge did not take action as required by Canon 3B6[385].

The benchmark for ethics is set by Article III of the US Constitution "good Behaviour". This standard has been radically undermined by this nation's judiciary, particularly by this court, rendering it

[381] Customary international law and the concepts of civilized society and civilized nations must comport with the civility expected from a judge under Canon 3B4 of the Code of Conduct for United States Judges

[382] Once this judge committed the prohibited acts herein reported, all consequent harm and all further prohibited acts by any person or by any court are attributable to this judge, and traced to this judge's failure to stop, investigate, abate, investigate, prevent and punish the prohibited acts. The duty for this judge to stop, investigate, abate, investigate, prevent and punish the prohibited acts is persistent and is not ended by any intervening event or intervening jurisdiction by another judge in the same court.

[383] Canon 3B6 of the Code of Conduct of United States judges requires this judge and this court's action to reverse the clerk's order.

[384] Once this judge committed the prohibited acts herein reported, the judge's personal duty to intervene and correct the prohibited acts according to International Law and the UN Istanbul Protocol and prevent their furtherance by any person or by any court is persistent, and required *sua sponte*. However, since the judge has violated ethics and the UN Constitution and the jus cogens of international law, the judge may not preside in adjudicating any case related to the victim, except to ensure that authoritative action is personally taken by the judge according to the Istanbul Protocol, to stop all acts against the victim and to protect him and prevent his re-traumatization and refoulement, and to initiate an independent investigation and remain vigilant and diligent in ensuring that the victim receives all benefits and protections under the UN Istanbul Protocol and the jus cogens of International Law, before surrendering jurisdiction and responsibility to appropriate persons and an appropriate process that is consistent with the UN Istanbul Protocol and the jus cogens of International Law.

[385] A judge should take appropriate action upon receipt of reliable information indicating the likelihood that a judge's conduct contravened this Code, that a judicial employee's conduct contravened the Code of Conduct for Judicial Employees, or that a lawyer violated applicable rules of professional conduct.

effectively impotent and meaningless. But it had a distinct, well-understood and morally-resonant meaning in at the time of this nation's founding. High crimes and misdemeanors that caused impeachment of a judge included drunkenness, and the meaning of high crimes was merely a morally foul or unlawful act committed by a person who holds high office, such as a judge, diminishing the status and the high moral expectation of such rank and office. "High crimes" was in contrast to crimes (without the prefix "high"), attributed to commoners (the 'People" who are the subjects of the king under monarchy), and thus "high" was a term of respect and status.

Under the original meaning of "good Behaviour" every judge of this court who had any dealing with me would be removed from office, and impeached as a civil officer of the federal government. However, good Behaviour is its own independent standard for JUDICIAL OFFICERS and may not be ignored or deprecated, and does not require impeachment for disqualification or removal from tenure.

What was surprising to me is that upon the assisted distribution of my preliminary complaint for human rights violations to the United Nations Human Rights Council and Special Procedures in 2024, the UN Secretariat instructed me to also provide my preliminary complaint to the Special Rapporteur on the Independence of Judges and Lawyers. Judicial ethics are thus indicated by an international authority as relevant to these prohibited acts. Thus the UN suggests that the ethics, including the independence and impartiality of the judiciary whom I have identified are in question.

Torture is not only an international crime subject to universal jurisdiction, but torture[386] has been included in the statutes of numerous international courts and tribunals, including the International Criminal Court[387], the International Tribunal for the Former Yugoslavia[388], the International Criminal Tribunal for Rwanda[389] and the Special Court for Sierra Leone[390].

This nation was not founded to redefine International Law but to enforce it domestically and comply with it. There is no judicial integrity[391] amongst judges who violate International Law and the express requirements of the US Constitution. This is not the meaning of ethical independence, which this court has redefined as independence from the rule of International Law and from the express requirement of Article VI of the US Constitution. This is disrespect for law[392]. It is disrespectful of the station of judges

[386] And ill-treatment by operation of Article 16 of the UNCAT
[387] Rome Statute of the International Criminal Court, art. 7 (2) (e). See Article 7(1)(f) "torture" and 7(1)(k) "Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health"
[388] Updated Statute of the International Tribunal for the Former Yugoslavia (2009), arts. 2 (b) and 5 (f)
[389] Statute of the International Criminal Tribunal for Rwanda (updated in 2002), arts. 3 (f) and 4 (a).
[390] Statute of the Special Court for Sierra Leone (2002), arts. 2 (f) and 3 (a)
[391] Canon 1 of the Code of Conduct for this court.
[392] Canon 1 of the Code of Conduct for this court requires this judge's respect for law and high standards. The obedience to law is inherent in the construction of judicial ethics, and thus Canons 1,2 and 3 apply to the failure by this judge and by this court to follow all applicable laws.

and does not demonstrate honor or integrity[393]. Under international rules of judicial ethics, such as the Bologna Milano Global Code of Judicial Ethics, this is intentional or gross violation in the exercise of official functions that is prohibited under Rule 4.1.

Impropriety appears when this court speaking as the federal government proclaims to other nation States that we are superior in right and in privilege to every other nation State[394] with whom we have joined by treaties and through the UN Charter. I should not have to invoke the protection of Special Procedures and the Human Rights Council of the United Nations to end this long-established subversive and systemic policy of human rights violations by our own judges, who are sworn to our service[395]. This is far beyond the appearance of impropriety[396]. It is the worst form of impropriety.

This court exudes an unethical sense that it is privileged more than any other court to do as it wills, and pick and choose what it deems worthy of its sovereign status amongst the judiciary[397], thus refusing to engage in enforcing a non-derogable right. This judge has been a mouthpiece in this regard for this court.

Prosecutors will not take action in these matters in violation of International Law for lack of a statute[398]. No prosecutor will dare prosecute a federal judge under immunity[399] considerations when the federal judiciary controls the interpretation of the supreme Law, and such prosecution technically is prohibited by Separation of Powers in the absence of an express statute that authorizes it, and even such a statute would be open to challenge and no political mechanism warranting it is in the forefront of the attention of popular culture[400]. Thus impeachment remains the only avenue[401], which is so burdensome that it is beyond the reach of the individual victim, and the standard for impeachment has been so eroded by the judiciary that in effect, judges preside as quasi-monarchs in a nation that abhors rank and title.

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[393] Canon 1 of the Code of Conduct
[394] Canon 1 expects compliance with law
[395] The historical origin of judicial tenure, and the distribution of governmental power by making the judge an equal of the legislature and the executive, as the means to combat tyranny and reversion to authoritarian government, must not be forgotten
[396] Impropriety is prohibited under Canon 2 of the Code of Conduct.
[397] Canon 1 of the Code of Conduct requires honor and integrity from the judge. Particularly when this court operates either in threes or *en banc*, the appearance of impropriety labels this entire court as unethical. Thus good judges are tarnished by one or more bad judges without appropriate action under ethics. Here, under these facts, no such ethics action is demonstrated over SIX YEARS.
[398] The United States has failed to domestically legislate human rights and particularly, the UNCAT, appropriately and fully as discussed elsewhere herein.
[399] Consider judicial immunity and sovereign immunity
[400] However, the misconduct of judges are increasingly drawing public attention. See for example S.1908 - Judicial Ethics and Anti-Corruption Act of 2023
[401] Because "good Behaviour" has been cast aside by the judiciary, and judicial ethics are impotent.

From a high-level, there is no pathway in or through jurisprudence for relief of remedy[402] for a disabled and sick pro se litigant to access the court or due process. Thus the most impotent form of relief must be tried in desperation when actual and imminent harm is to be averted[403].

As private attorney general I inform the public that, like every individual in this nation, the judges of this court are not above the law, especially not above accountability for human rights violations. No consent is required for the People to hold this court and its judges to account for such prohibited conduct. We the People must have a federal appeals court that earns our trust, daily.

Since 2019, I have brought the same case and controversy to the door of this court multiple times as the only possible domestic pathway for redress and remedy, and for the protection of the largest minority in this nation. But this court has a history of purposefully evading the issues that are centrally placed before it by my facts.

Judicial error for the same prohibited acts is not indicated when the facts and the morality of a nation and the natural response of the reasonable person are impeccably aligned with the Freeman Bright Line. Instead purpose and intent are evidenced when a judge and a court deviate from the national ethos and human rights principles and treaties. It is extraordinary cruelty and inhumanity and degradation to hear report of the torture by a trial judge and dismiss an appeal based on procedural dictates when the complaint for human rights is in the docket. This is forbidden judicial conduct. It is impropriety[404].

This court under the control of this judge chose not to investigate or enforce controlling instruments under International Law and thus acquiesced to the ill-treatment and torture reported to this court[405]. The perpetrators of the prohibited acts are the judges who, through Separation of Powers, may only in effect be promptly and directly regulated in their office by this court. This court's precedents 'trickle down' to other federal courts, and also influence the state courts[406]. Yet, we find the glaring absence of the duty to conform to the supreme Law and to discipline the judiciary or attorneys[407].

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[402] The ADA uses "legal recourse"

[403] See the orders for my safe harbor and disability accommodation in 21-cv-04262-JSW that hold me in a death grip in the trial court and in this court by virtue of the invidious discrimination and the egregious human rights violations documented in 24-6312. This court merely tosses me back to be refouled, re-traumatized and torture by the trial court. There is not a single instance of this court obeying applicable authorities which are dominant over the policies and practices in jurisprudence and identified in this writing.

[404] Canon 2 of the Code of Conduct

[405] Canon 1 requirement of faithfulness to the law.

[406] Canon 1: An independent and honorable judiciary is indispensable to justice in our society. A judge should maintain and enforce high standards of conduct and should personally observe those standards, so that the integrity and independence of the judiciary may be preserved … violation of this Code diminishes public confidence in the judiciary and injures our system of government under law.

[407] In addition to Canon 1 violation, Canon 2 impropriety and the appearance of impropriety are both demonstrated. Under Canon 3, faithfulness to law (3A1), the full right to be heard according to law (3A4), and

The Rules Enabling Act and the custom followed by the legislature leave the courts to formulate their own rules, procedures and policies as experts in their own affairs. Congress trusts and delegates the translation and implementation of legislation into court rules, procedures and policies, to our judiciary. The nation relies upon JUDGES to "establish justice"[408] on a dynamic and continuous basis. The facts demonstrate an absence of justice that potentially impacts over one quarter of this nation. It is demonstrated that "something is rotten in Denmark" and it is this court that is implicated in this crime.

This court may not claim that it is an ethical body of judges when it commits acts prohibited by the herein cited international instruments and in violation of Article VI of the US Constitution. Nor can this judge claim to have acted ethically, or to be continuing to act ethically. At the moment of receiving this motion, this judge is required to act to stop, investigate, abate, prevent and punish these prohibited acts which continue in this court[409].

These prohibited acts are considered criminal under International Law, and thus our nation is humiliated by such outrageous contempt demonstrated for human rights and for International Law by our government, and the ultimate protectors and defenders of human rights, who should be our JUDGES. Our welfare and security as a People are affected negatively on the world stage[410].

It has been demonstrated through the records of multiple courts that judicial ethics is completely ineffective in stopping judicial subversion of supreme Law and the prevention and punishment of the express violations of treaties and customary International Law. Human rights are irrelevant to domestic judicial ethics and to judges. Nevertheless, I make this attempt to explore every possible avenue to stop my torture and murder by the judiciary of the Ninth Circuit.

Disqualification is a concept closely associated with ethics, but not exclusively so. The disqualification is for this judge's express violations of the Code of Conduct for United States Judges, and Articles III and VI of the Constitution, which include violations of International Law. In November 2023, this court distinguished impeachment by Congress from disqualification. And it incompletely codified "good Behaviour" by a Code of Conduct, which may only supplement the express Constitutional force of its express requirement of judicial candor.

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[408] See Preamble to the US Constitution, which is the object and purpose of the Constitution

[409] See ECF-12 in 24-6312 ordering my continued execution by torture

[410] America was once greeted with open arms around the world as the champions of freedom, peace and human rights. Today, we are shunned as a people for a government that deceives its own people and unashamedly endorses profiteering from conflict and the enrichment of our military-industrial complex at the expense of freedom, peace and human rights. For these very reasons, I have personally been verbally attacked overseas for speaking of the virtues of America and the contributions of this Supreme court to ordered Liberty and to justice worldwide.

It is demonstrated that the violations here considered are high crimes and misdemeanors within the original constitutional meaning, and have the status of crimes under International Law. Thus the doctrines of "duty to sit" and "necessity overriding disqualification"[411] are inapplicable under this

[411] This Canon contradicts Article III which expressly specifies that "the Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour". The standard of good Behaviour includes "high crimes and misdemeanors" of Article II section 4 because federal judges are considered civil officers as well as expressly distinguished from all other civil officers under Article III as also being recognized as JUDICIAL OFFICERS. Good Behaviour is thus expressly specified in the US Constitution as an additional requirement only for JUDICIAL OFFICERS. Common knowledge also distinguishes god Behaviour from high crimes: no member of this nation would consider good Behaviour as having the remotest possibility of being applicable to a politician or a President or Vice President, for example. Good Behaviour and high crimes are distinguished, as judges must have certain inherent characteristics that the President, Vice President and civil officers of the United States do not necessarily have to possess to discharge their office. For example, a judge must have impeccable integrity and honesty and HUMANITY (a long forgotten requirement) and moral attributes that are resonant with the national ethos, for holding the trust and the confidence of the People, while the CIA director must be capable of dishonesty and orchestrating and leading deceit, of inhumanity and of even deliberately harming and murdering the People of the United States (for which at least one President has publicly apologized to this nation), even Presidents, as has been historically shown to be the case. Military officers may abuse human rights at will among military personnel and order men and women and your children to give their lives, including as a result of their mistakes and poor planning, or to further the benefit of the military-industrial complex at the expense of human beings by conducting and prolonging wars and not be held accountable for high crimes unless disobeying rank, while a judge must be fair and **independent** and impartial at all times, and most forgotten of all, JUST (being just is a concept long abandoned by judges). Thus the judge, when left to his or her own devices (i.e. independent) must demonstrate such force of good Behaviour that a nation may sleep soundly and focus on growth and enterprise and nation building, relying on the soundness of character and sense of right and wrong by such independent individuals who will ensure justice and thwart tyranny of power through the authority that we the sovereign have vested in them under our trust. The standard of good Behaviour is measured against the character of the individual and their constant and unwavering embodiment of qualities that display the grandeur of their humanity and their uprightness and integrity and morality and fitness to be fair and moral in their thoughts and actions, and therefore a judicial officer must publicly demonstrate their perpetual trustworthiness to do right and ensure justice, while high crimes is a measure of acts, not character, and considers only if and how the conduct undermines the integrity of the office or the functioning of the government, and the violation of laws. Thus the famous drunk judge was impeached because drunkenness undermines the integrity of the office by improper performance due to incapacity, and may even result in the release of a defendant guilty of treason with serious consequences to the nation, and when sober, the judge arguably was innately capable of good Behaviour. Article II speaks of high crimes in the same breath as treason and bribery, which originate from the underlying alertness of the founders that the tyranny of monarchy, which resulted in War and independence, would revert through treason and bribery, and the tenured judge and a tri-part government was recognized as a means of thwarting tyranny by excess of power among the executive, and control over the legislature, that might revert a nation, which violated monarchic law and freed itself from tyranny, back to authoritarian rule. The critical quality for such judges would not be their ability to resist treason, bribery or high crimes, but their character and good Behaviour, upon which a nascent nation may rely for its survival and development. Therefore Article III is slandered by the "necessity overriding disqualification" canon of this court's ethics, because a judge who is disqualified as determined by the November 2023 Code of Conduct has failed "good Behaviour" by definition based on this court codification of good Behaviour (this court has failed to adequately codify and incorporate good Behaviour by its canons of ethics, raising a Constitutional question of legitimacy of its ethics). The "duty to sit" applied to such a judge constitutes a violation of Article III (a failure of good Behaviour eliminates tenure which robs the judge of office at the moment that good Behaviour ends). This is a high crime. The endorsement by the other judges of this court undermines, not supports, the function of this court with a Constitutionally excluded judge. This is a high crime. In fact, each judge who consents to a disqualified judge continuing to "sit" demonstrates an individual failure of good Behaviour through unfaithfulness to the US Constitution, and causes this court to operate outside the Constitution while conducting government. In so doing, such a court may not be said to be serving the sovereign People of the United States acvcording to its Constitution, but another interest. This is a high crime. It also displays the mootness and impotence of this rather degrading Code of Conduct for a high court. The US Constitution is more resilient that this court represents it to be through its statement of its Code of Conduct and its commentary. Good Behaviour, by definition, relies upon an innate character so effective in ensuring justice (per the Preamble to the US Constitution) that merely by the presence of each remaining judge in the high court, this nation may trust that the best of character and decency and integrity will be applied unfailingly to discharging the duty of judicial office and the object and purpose of the US Constitution, and its fruits will be assured to this nation. Therefore a high court with a single judge, in reliance on good Behaviour, is able to discharge the duty of this court's office under the US Constitution, when disqualification is ripe and necessary. Thus the mere statement of "necessity

court's Code of Conduct and under the supreme Law of the Land. The appearance of impropriety is inescapable and the violations of International Law are identified by court records and international authorities.

It is this court that must correct standards for due process in the federal courts, and whose example state courts have invariably adapted and followed in principle, resulting in the nightmare of human rights violations entwined with court rules procedures and policies which are reported by me and other victims. This judge is this court. It is this court that has regressed not advanced disability rights. The People scolded the federal judiciary through Congress via the Amendment to the Americans with Disabilities Act for discrimination based on disability and this court has not altered course. It is this court that endorses deprivation of the fundamental rights of a person with not even a rational basis. This judge merely ignored my request for safe harbor and disability accommodation and took no action on my clear and unmistakable complaint for human rights violations by the lower court. It is this court that maintains that human rights and the disabled have no place and no rights in the courts. It is this court that endorses the abject betrayal of a nation by its judiciary. Who is this court but the sum of its individual judges, acting in concert, and refusing to follow the supreme Law of the Land except selectively.

The US Constitution leaves no room for interpretation as this judge has done with respect to the violation of my human rights and this judge's failure to stop, investigate, abate, prevent and punish the violations reported by me.

In demonstrating contempt for the US Constitution and the rule of International Law when dealing with the disabled pro se litigant and permitting and furthering prohibited acts, this court conveys the impression that the judiciary whose conduct is at issue and who are members of the same Circuit[412] (e.g. Lucy Koh, Jeffrey White, state court judges) are in a special position to influence this judge and receive this judge's endorsement when International Law leaves no room for such endorsement. This violates this court's Code of Conduct Canons 2A, 2B, 2C and 3A1.

Acquiescence to, and complicity in prohibited conduct by this judge invalidates the presumption of impartiality and activates the disqualification obligation in Canon 3A2 of the Code of Conduct "hear and decide matters assigned, unless disqualified", especially when "to hear and decide" means to adjudicate

overriding disqualification" is offensive to this nation and presents an inherent conflict of interest by its authors that is incompatible with good Behaviour.

[412] The prohibited acts herein described are systemic to this court, and 14 identified judges and other unidentified judges out of the total 52 judges of this court have all consistently committed prohibited acts against the same disabled and sick pro se litigant, confirming that this court is an organization that practices invidious discrimination. Membership of this organization thus presents the appearance of impropriety in the conduct of this judge by association. Such favoritism and bias may also be considered a partisan interest under ethics

appellate actions involving disability or human rights or treaties that implicate the ethics of this judge whose alleged prohibited conduct requires investigation under international standards that must ensure remedy, redress and punishment.

This judge did not accommodate me or provide me safe harbor and thus purposely permitted the prohibited acts to continue, and as such demonstrated a lack of independence and a lack of impartiality, favoring dogma and established rules, procedures and policies that violate human rights. This does not constitute faithfulness to law or fulfilment of the duties of judicial office. It is not ethical.

This court is controlled by this judge when this judge asserts authority over me, and my attempted appeals[413] unmistakably give notice of these prohibited acts, and elicited a prohibited response from this judge and this court. Discrimination based on disability by this court eliminated my fundamental rights, and there is no fairness in such judicial conduct, and no diligence shown in considering actual and imminent harm that will be caused to me, in violation of Canon 3.

When tested by Canon 2A's test of "reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry", the reactions of my doctors suffice to reasonably question the impartiality of this judge. Their letters and pleas for compassion and mercy are filed in the record of the trial court, as are rejection of human rights and other fundamental rights by this Circuit's judge, all of which are impeached by the Freeman Bright Line. The testimony of other victims confirming the same prohibited acts is not biased or unreasonable since they come to this court to testify, with independent cases in the state courts and confirmatory facts.

It is not relevant that a decision was made by this judge on one human rights complaint (delivered to this court by the mechanism of an appeal) by random case assignment out of many attempted and obstructed complaints made to this court, or that the decision was a denial. The necessary investigation and standards applicable to the prohibited acts were not enacted. I was re-traumatized, refouled and tortured again and again, and still am to this day.

Every one of my appeals presented a novel scenario[414] based on necessity and my attempt to access constitutional due process that was unavailable in the federal courts. The appellate action was informed

[413] Refer also to my requests for safe harbor and disability accommodation in this court.

[414] Judicial independence and impartiality requires very careful consideration of the novel fact scenario presented by my case. US writ of certiorari 23-7017 is a brief summary by a cognitively and functionally impaired and seriously ill disabled pro se litigant of the egregious violations of rights that I suffered at the hands of this court and its judges, and I continue to suffer more egregious harm and serious physical and mental injuries at the hands of this court to the present day. It is only the advent of A.I. and its progressive refinement and capabilities that have provided me some opportunity, albeit verbosely, to express myself to a degree while still prevented from making a recovery and accessing rehabilitaition (because I am denied medical treatment by this court and by this Circuit).

under duress and without accommodation by a functionally and cognitively impaired disabled pro se litigant who was and is substantially incapacitated and seriously ill and who is persistently coerced by this court to provide informed under severe pain and suffering that is repeatedly and PURPOSELY[415] inflicted upon him..

This judge is in charge of this court when presiding over my case, and any decision by this court is a decision on a human rights case by this judge[416] without any independent investigation, as well as a statement of the government's position with respect to compliance with International Law[417] and with respect to prohibited acts. Addressing my complaint for human rights violations remains a non-delegable duty of judicial office for this judge to the present day, as does responsibility for human rights compliance by this nation's judiciary, including by this court and this entire federal Circuit. This judge's acquiescence to prohibited acts, while also complicit in them by denying my accommodation, and preventing my re-traumatization and refoulement, condemns this court, this judge, the clerk and every staff attorney. This does not constitute diligence under Canon 3.

The facts which may be found chronologically filed in the records of multiple state and federal courts in the United States provide substantial evidence of judicial crimes[418] which are repeated and reinforced in this court, and by this judge. There is no propriety and no impartiality and no independence in such conduct.

Humanity cannot advance and achieve its lofty destiny when it is retarded by its judiciary and its discouragement of "good Behaviour".

No Article III "good Behaviour" is evidenced by this judge who acquiesces to prohibited conduct by the judiciary. This the preeminent cause for disqualification, and superior to any code of judicial ethics.

If this judge remains "seated" in any case involving a disabled litigant or any case in any way related to human rights, it would be with an apparent conflict of interest, as any of my communications with this court since 2019, one or more of which were seen by this judge, were all unfailingly ignored or rejected

[415] An impartial and independent judge of good Behaviour, Beth Freeman, repeatedly follows the Freeman Bright Line without hesitation (her decisions on my safe harbor and accommodation occur within days of their submission), while this judge and this court have NEVER accommodated me, even for the purpose of extracting information from me which should never cause injuries which are predicted to this Circuit's courts by qualified and authentic treating physicians and caregivers.
[416] and on behalf of this court and all of its judges
[417] And with Article VI of the US Constitution
[418] The recorded chronology of my increasingly declined and degraded condition, the destruction of my dignity and my integrity, the abject inhumanity of knowing and willful infliction of serious and irreparable physical and mental injuries to me, destroying my martial relations and injuring my wife physically and mentally, oppressing other victims who witnessed my ill-treatment and torture, the cruelty of a judiciary who intended harm and punishment and deprive me of Liberty both in a legal sense and in a physical sense through making me dependent on full-time care and dangerous medications, is the source of indelible trauma deeply rooted in my mind, and in the mind of other victims of these judicial crimes. PTSD and Major Stress Disorder are considered to be incurable disabilities.

by this court and by this judge, which then promoted and enacted prohibited acts. The conflict is that this judge adheres to an alternative Constitution and a foreign supreme Law.

If this judge claims that the prohibited acts may be addressed by pending litigation against this court, then that assertion would constitute an adversarial stance in the adjudication of the case at bar, and trigger disqualification under Canon 3C1. The requirement of supreme Law and customary international law are clear and consistent: at the moment of reading this writing, this judge is required to take action to stop, investigate, abate, prevent and punish the prohibited acts reported by every one of my filings and communications with this court, and then to adjudicate no case by any party who brings a case about disability or about human rights or about treaties[419], and this personal duty has existed for this judge since the very first dealing with me, and continues.

There is no privilege for any judge to avoid or defer judicial duty or influence it by considerations of personal liability in other litigation. There is no judicial privilege in taking an adversarial position against a party in the case at bar because the opponent in pending litigation against a judge is the party in the case at bar: the duty of judicial office does not end when other cases and controversies arise. But neither any order from this court to lower courts to cease their activities has been issued, nor any order in this court for my safe harbor or disability accommodation. The latest order denies my safe harbor and disability accommodation AGAIN and this judge is obligated to intervene and stop, investigate, abate, prevent and punish any such denial or deprivation of safe harbor and disability accommodation in this court. The uninterruptable duty of this court and this judge is to provide constitutional due process and adherence to the supreme Law of the Land with impeccable ethics and without conflict of interest. This has never been the case in the past SIX YEARS of my ill-treatment and torture in this court.

This judge and this court demonstrate no interest through the ethics code in punishing or reporting for discipline any unethical judicial act reported to it that is attributable to any lower court judge, or even in its own court[420]. The Code of Conduct lacks parity with international codes[421], in a court that presents the final word on compliance by the government of this nation with International Law and judicial ethics.

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[419] This is a generous restriction imposed upon this judge by the Private Attorney General

[420] Under these facts, the failure of this court to regulate lower court conduct through recommending discipline may be viewed as a facilitator of torture and ill-treatment practices. Rank brings responsibility, and the assumption of responsibility must not be in doubt.

[421] This court does not recognize the six core values of the Bangalore Principles of Judicial Conduct. Human rights violations are a basis for disqualification under judicial ethics, and cruel, inhuman and degrading treatment or punishment has no intent requirement and the injuries and injustice are documented by the courts' records. The purposeful and intentional torture is demonstrated and repetitively so. Substantial grounds for prohibited acts have been provided to this court consistently since 2019, and yet this judge and this court continue to take no action as required by the international instruments discussed herein.

The Code of Conduct of this court is not the final word on the ethical requirements for this judge. International Law weighs in on judicial ethics as a matter of authority supported by the US Constitution's express incorporation of International Law in Article VI, as well as the specifications of customary international law, which are indicated in the US Istanbul Protocol.

I am so deeply traumatized that I must address this judge and of this court[422] again with reason and demands for lawful conduct, and ensure that this judge acts immediately to redeem prohibited acts and then refrain from adjudication of the subjects specified bythe Private Attorney General. Based on my abuse in this court since 2019 which has programmed me to believe that this court's judges will continue their prohibited acts, I expect this judge to find every possible loophole and argument to evade express recognition of our supreme Law[423] that provides no grounds for these prohibited acts. This would be a serious error of judgment, and I hope that I am mistaken because of the accumulations of trauma. The international community, the Human Rights Council, the UN Special Procedures, other international human rights bodies, and the People of this land do not expect such conduct from this court. And to the People we must deliver the promise of our supreme Law.

In occupying the field of all codes of legal professional ethics as a necessity to protect and enforce human rights under International Law, the United Nations reminds us that "[l]egal professionals "play a critical role in upholding human rights, including the absolute and non-derogable right of freedom from torture and other cruel, inhuman or degrading treatment or punishment"[424]. Ethical obligations of judges, prosecutors and lawyers are articulated by the standards and ethical codes developed by the United Nations[425], **and** by international[426], regional and national associations of legal professionals[427]. These

[422] I have no choice except to use every possible means to stop my torture and murder by the Ninth Circuit courts, and I have consistently proven that I have exhausted all domestic remedies to stop prohibited judicial conduct

[423] Every attempt by me to stop bias and abuse and impropriety of judges has been thwarted. Thus judicial ethics may not be used as a means to abate or prevent prohibited conduct. Under the Istanbul Protocol and the proper rule of judicial ethics, judicial ethics are sufficient and able to stop the prohibited conduct when invoked.

[424] Human Rights Council resolution 35/12, thirteenth preambular paragraph.

[425] For United Nations ethical obligations for judges, see Basic Principles on the Independence of the Judiciary; Bangalore Principles of Judicial Conduct; United Nations Office on Drugs and Crime, Commentary on the Bangalore Principles of Judicial Conduct (Vienna, 2007); and Judicial Integrity Group, "Measures for the effective implementation of the Bangalore Principles of Judicial Conduct (the implementation measures)" (Lusaka, 2010). For prosecutors, see Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1990) (A/CONF.144/28/Rev.1). For lawyers, see Basic Principles on the Role of Lawyers, adopted at the same Congress.

[426] For international ethical obligations for judges, see International Association of Judicial Independence and World Peace; Bologna and Milan Global Code of Judicial Ethics (2015); and International Commission of Jurists, Judicial Accountability: A Practitioners' Guide (Geneva, 2016). For prosecutors, see Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors, adopted by the International Association of Prosecutors (1999); and United Nations Office on Drugs and Crime, The Status and Role of Prosecutors: A United Nations Office on Drugs and Crime and International Association of Prosecutors Guide (New York, 2014). For lawyers, see International Principles on Conduct for the Legal Profession, adopted by the International Bar Association (2011) .

[427] See International Commission of Jurists www.icj.org/icj-launches-new-practitioners-guide-on-judicial-accountability. See also American Bar Association, Model Code of Judicial Conduct, revised edition (2020); and Council of Europe, "European Guidelines on Ethics and Conduct for Public Prosecutors: 'the Budapest Guidelines'" (Strasbourg, 2005).

ethical obligations underlie the rights to a fair trial and the due process of law, including an impartial, independent, competent judiciary"[428],[429].

There is no judicial impartiality in violating non-derogable rights under the express disregard and violation of controlling authorities, but impartiality is the judicial dissociation from rules, policies and procedures that violate and eliminate non-derogable rights, as Freeman demonstrates. Judicial independence is not, as this court and this judge have demonstrated, independence from obedience to the supreme Law of the Land and a *jus cogens* of International Law, but independence is the separation of self from the mandate of judicial office dictated by judges, customs, administrative goals, rules, procedures and policies to "establish Justice" at all times, and to protect fundamental and non-derogable rights.

"*Legal professionals must perform their functions without any restrictions, inducements, pressures, intimidation, improper influences or interferences, direct or indirect, or for any reason, or unjustified exposure[430] to civil, penal or other liability[431]. Legal professionals should also observe professional conduct at all times. They should maintain the highest standards of integrity, propriety and the*

[428] International Covenant on Civil and Political Rights, art. 14; and Human Rights Committee, general comment No. 32 (2007).

[429] The Bologna Milano Global Code of Judicial Ethics[429] states an undeniable truth: " The importance of a competent, independent and impartial judiciary to the protection of human rights is given emphasis by the fact that the implementation of all the other rights ultimately depends upon the proper administration of justice, and is also essential if the courts are to fulfil their role in upholding constitutionalism and the rule of law. Public confidence in the judicial system and in the moral authority and integrity of the judiciary is of the utmost importance in a modern democratic society and it is essential that judges, individually and collectively, respect and honour judicial office as a public trust and strive to enhance and maintain confidence in the judicial system. The primary responsibility for the promotion and maintenance of high standards of judicial conduct lies with the judiciary in each country." In its Basic Principles under 1.1, it states "A judge shall direct his ways according to the law and in accordance with these rules, and shall at all times place before his eyes the need to maintain the confidence of the public in the judicial branch."

[430] The American judiciary have ruled that a judge may act corruptly and with malice without fear of liability. This stands in direct conflict with human rights and International Law. See for example *Ballard v. Wall (5th Cir. 2005) 413 F.3d 510, 515, Basile v. Connolly (2d Cir. 2013) 538 F. App'x 5, 3-4, Dellenbach v. Letsinger (7th Cir. 1989) 889 F.2d 755, 757-58, Falls v. Superior Court (1996) 42 Cal.App.4th 1031, 1037, Grandy v. Fowler (Nov. 15, 2011, E052843) Cal.App.4th , McCray v. State of Maryland (4th Cir. 1972) 456 F.2d 1, 3, Marcello v. Maine (D. Me. 2006) 464 F. Supp. 2d 38, 42-43, Mireles v. Waco, 502 U.S. 9, 11, 112, Toste v. Superior Court No. C058938 (Cal. Ct. App. Oct. 27, 2009)*

[431] For judges' duty to conduct themselves professionally and independently, see Basic Principles on the Independence of the Judiciary, art. 2; Bangalore Principles of Judicial Conduct, value 2; American Bar Association, Model Code of Judicial Conduct, canon 1; and Bologna and Milan Global Code of Judicial Ethics, principle 3.5. For prosecutors, see Guidelines on the Role of Prosecutors, para. 4; International Association of Prosecutors, Standards of Professional Responsibility, para. 2; and Istanbul Protocol, paras. 49 and 74. For lawyers, see Basic Principles on the Role of Lawyers, principle 16. See also the preamble to Human Rights Council resolution 35/12, in which the Council recalled that: "An independent and impartial judiciary, an independent legal profession, an objective and impartial prosecution able to perform its functions accordingly and the integrity of the judicial system are prerequisites for the protection of human rights and the application of the rule of law and for ensuring fair trials and the administration of justice without any discrimination." Contrast how federal and California precedents have perverted judicial immunity in the United States to encourage and protect judicial malice and corruption.

appearance of honour, dignity, competence and diligence[432]." This court and this judge are not compliant with this principle. Obedience to rules, procedures and policies must be abandoned by this judge which are dictated by peers and by authorities that may not hold in conflict with non-derogable rights and prohibited acts.

Meanwhile the US Supreme court warns of public reprisals against the judiciary. Is it surprising that the public is increasingly intolerant of judicial abuse and transgressions? Here is a victim of judicial torture, and how does this court treat him, and other victims like him? It is irrelevant to this judge and to this court that my life and Liberty are forfeit and I am subject to cruel and unusual and inhuman punishment by judges for being disabled. This is a very cruel way to die. It reflects very poorly on this judge and on this court.

No victim has ever made it to the doorstep of this court to reform jurisprudence meaningfully and beneficially for the public welfare and delight, and this court, instead of supporting and advocating for the necessary and long overdue judicial reform, endorses its customary and long-unfit policies for jurisprudence inflicted on the disabled pro se litigant.

The High Commissioner states the critical dependence of human rights on judges: "*As the ultimate arbiters of justice, judges play a special role in the protection of human rights. Judges have an ethical duty to ensure that human rights are protected*."[433] Where in the Code of Conduct for United States Judges is there any express mention of this ethical duty[434]? This is inexcusable.

It is not the case that human rights will result by the mere obedience to the law by 'blind lady justice'. No combination of the Canons of this court's ethics and rules and procedures protect human rights. Human rights are not protected by implication and the reinterpretation of vague notions that do not expressly require it[435].

This court did not rise to legitimize and dignify the inviolable and supreme station of human rights in ethics, when in fact the judicial conduct in this court and by this judge is a step backward in human rights.

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[432] For judges, see Bangalore Principles of Judicial Conduct, values 3, 4 and 6; and Bologna and Milan Global Code of Judicial Ethics, principles 5.1 and 5.2. For prosecutors, see Guidelines on the Role of Prosecutors, para. 3; and International Association of Prosecutors, Standards of Professional Responsibility, para. 1. For lawyers, see International Principles on Conduct for the Legal Profession, principle 2

[433] International Commission of Jurists, Judicial Accountability: A Practitioners' Guide, p. 9

[434] Constructing or inferring the requirement of the protection and enforcement of human rights is inconsistent with the fundamental importance that human rights hold in civilized society and civilized nations and under the US Constitution.

[435] For example, does "integrity" mean that the "strong moral principles" associated with that word protect human rights, which is one of the most fundamental moral principles recognized by every American?

I ask on behalf of the People how ethically this court proceeds to have a judicial legitimacy, when it repeatedly subjects the most disadvantaged and prone litigant to ill-treatment and torture for SIX YEARS, without taking a single step to stop judicial crimes, including its own.

This judge and this court do not treat the disabled pro se litigant equally to other parties. This court, which is under the control of this judge together with judicial peers, repeatedly traumatize such a litigant and drive such a litigant deeper into injury and victimhood. This does not comport with judicial integrity, or with any other ethical characteristic required of a judge of this court.

The High Commissioner reminds us that *"[j]udges and prosecutors have a duty to ensure equal treatment to all persons without discrimination or prejudice*[436]*. In this regard, when dealing with victims of torture and other cruel, inhuman or degrading treatment or punishment, they "should strive to minimize re-victimization or trauma"*[437]*. Lawyers must also avoid all types of discrimination and can be required by judges in proceedings before a court "to refrain from manifesting bias or prejudice, or engaging in harassment*"[438]. None of these requirements are met by this court. In fact, the opposite is documented in the court records of my multiple appeals.

This court, under this judge, did nothing to stop the abuse and harassment by judges or exploitative attorneys who together committed the wrongs reported in my filings in this court, and who are colluding instigators and propagators of prohibited conduct discussed herein[439]. Instead this court protected a principal instigator of internationally prohibited acts[440]. The public view may perceive an apparent alignment of interests of villain and judge to permit prohibited conduct to transpire without taking action, because no person who shares our national ethos would stand by and permit such human rights violations and such egregious obstruction of justice.

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[436] For judges' duty to ensure equal treatment to all persons, see Bangalore Principles of Judicial Conduct, value 5; and Bologna and Milan Global Code of Judicial Ethics, principle 5.3. For prosecutors, see Guidelines on the Role of Prosecutors, para. 13 (a)

[437] International Commission of Jurists, Principles on the Role of Judges and Lawyers in Relation to Refugees and Migrants (Geneva, 2017), p. 22, commentary to principle 13. See also Conor Foley, Protecting Brazilians From Torture: A Manual for Judges, Prosecutors, Public Defenders and Lawyers, 2nd ed. (London, International Bar Association, 2013), p. 181

[438] American Bar Association, Model Code of Judicial Conduct, rule 2.3 (C).

[439] The Fraternity: Lawyers and Judges in Collusion, John Fitzgerald Molloy (Paragon House, St. Paul, Minnesota, 2005)

[440] See ECF-11 and ECF-12 in 24-3353. The invidious discrimination of judges Silverman, Bumatay and Sanchez is on display as they exterminate my human rights by protecting the originating perpetrator of my torture and attempted murder in the courts. The hate crime of these three judges is demonstrated by a review of my requests to this court since 2019 for safe harbor and disability accommodation which document my impairment of reading comprehension. As soon as I comprehended that the originating perpetrator Brady had been eliminated from my lawsuit by the 2022 judgment by White, I filed an amended notice of appeal in ECF-9 in 24-3353. Judges Silverman, Bumatay and Sanchez coerced and intimidated me to change my information in the amended complaint and to be deprived of due process in prosecuting the originating perpetrator of human rights violations, who has no protections under the US Constitution or the international instruments cited herein.

Principle 6 of the Basic Principles on the Independence of the Judiciary[441] states that: "*The principle of the independence of the judiciary entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected*." Where is fairness in my case in ANY court, and where is respect for my rights in ANY court?[442] This judge must answer for this court, and for every court identified to this judge by every one of my appeals in this court.

This court has not once accommodated my disabilities, or provided me safe harbor, and it has never addressed the same misconduct by other courts. I have no human rights in this court or in any court in this Circuit, all of which violations this judge is empowered and REQUIRED to correct. The same applies to each of the other victims who have sought relief and remedy from this court for the same prohibited acts. This is unethical.

This court and this judge[443] subjected me to prohibited conduct starting in 2019, and acquiesced to the prohibited conduct of every lower court. This court and this judge should have followed paragraph 187 of the Istanbul Protocol[444] upon notice by me of prohibited conduct. This court and this judge did not do so. This is unethical. Omission to act is unethical.

This court and this judge should have followed paragraph 189 of the Istanbul Protocol as a requirement of judicial ethics when dealing with any allegation of ill-treatment or torture. The protocol is the decades-long product of wisdom, insights and righteousness of domain experts and has set the standard for the purpose of the investigation into torture or ill-treatment, the basic principles concerning the effective investigation and documentation of torture and ill-treatment, the procedures for conducting an investigation into alleged torture or ill-treatment[445], guidelines for establishing a special independent commission of inquiry[446], the roles of prosecutors, judges and other actors in the investigation of torture or ill-treatment, and sets forth basic principles on the use of evidence of torture or ill-treatment in other legal procedures.

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[441] Adopted by the United Nations on 6 Sept 1985
[442] With the exception of the honorable Beth Freeman
[443] This court is its set of judges
[444] In situations in which investigative procedures are inadequate because of a lack of resources or expertise, the appearance of bias, the apparent existence of a pattern of abuse or other substantial reasons, States should pursue investigations through an independent body or mechanism, such as a commission of inquiry or similar procedure. Members of that body must be chosen for their recognized impartiality, competence and independence as individuals. In particular, they must be independent of any institution, agency or person that may be the subject of the inquiry. Investigative bodies, such as commissions of inquiry, should be provided with adequate financial and human resources. A/HRC/19/61, para. 58
[445] first considering the decision regarding the appropriate investigative authority, 327 Committee against Torture, general comment No. 3 (2012), paras. 29–36. then offering guidelines regarding the collection of testimony from the reported victim and other witnesses and other evidence
[446] These guidelines are based on the experiences of practitioners and the practice of several countries that have established independent commissions to investigate alleged human rights abuses, including extrajudicial killings, torture and disappearances

The Istanbul Protocol emphasizes the importance of the ethical requirements of independence and impartiality, but does not ignore human rights. Judges must be particularly vigilant in exercising an oversight role within the scope of their functions to ensure the physical and psychological integrity and well-being of any persons deprived of their liberty[447]. This court continues to deprive me of Liberty and obliterates my physical and psychological integrity and well-being. I came to the court of last resort, to find that false advertising to the public provides a court of no resort.

The scope of the function of this court and this judge includes the provision and adjudication of disability accommodations and safe harbor. That scope also includes the adjudication role identified in the Istanbul Protocol and the elimination and punishment of ill-treatment and torture pursuant to an independent investigation. Failure to act within this scope of authority is prohibited by these instruments.

In my writs in this court, I have spent my waning life substance explaining the deprivation of my Liberty and the Liberty of victims like me, and what Liberty constitutes in our circumstances. Yet this judge and this court ignored me, and the clerks of this court committed prohibited acts on this judge's behalf.

The clarification of the UNCAT by the cited instruments does not limit Liberty to detention and imprisonment, and the duty of this court and this judge to ensure my physical and psychological integrity and well-being is self-evident. It is a rejection of human rights for this court to argue that it had no duty and therefore it could deprive me of necessary medical treatment and deprive me of access and due process by absence of accommodation, thus encouraging the lower courts to continue their torture. Upon my arriving on the doorstep of this court, duties arose for this judge and this court under International Law and principles of ethics in the International domain.

Judge Freeman did not fail to ensure my physical and psychological integrity and well-being. The last sentence of her last order of ONE YEAR of uninterrupted rest for my accommodation wishes me good health, indicating her purpose in protecting me and ensuring my medical treatment and freedom from any human rights violation. Her grant of ONE YEAR of stay directly challenges the cruel, inhuman and degrading policy and the legalized torture applied without authority by many judges including her peer Jeffrey White[448] to place a time limit on human rights and court disability accommodations. This court and this judge did not lift a finger to ensure my physical and psychological integrity and my well-being

[447] Liberty is not limited to custody and physical control.
[448] White is Freeman's peer and senior judge in the same District court, and radically deviates from Freeman's accommodation. It was necessary to enjoin White as plaintiff and private attorney general, which is to no avail since the Ninth Circuit Appeals court is the endorser and instigator of the prohibited conduct reported to this court since 2020.

while further depriving me of Liberty, and endorsing inhuman criteria in treating a sentient human being with sovereign rights as the subject of judicial oppression and infliction of severe pain and suffering.

This court did not follow a single part of the Istanbul Protocol upon receiving my many notices of prohibited acts by this nation's judiciary over SIX YEARS. There is no lack of clarity that prohibited acts were reported to this court by those notices. This court is this judge and this judge is this court.

Effective investigation and documentation of these prohibited acts by this court, would have facilitated prosecution, or as appropriate, disciplinary sanctions for those indicated by the investigation as being responsible and demonstration of the need for full reparation and redress from the State[449]. Judges who habitually or occasionally violate the disabled and the sick would have been removed or rehabilitated if appropriate. Instead, this court permitted perpetrators of prohibited acts that came directly under its jurisdiction to continue their crimes unabated, and unchecked. Each of them still continues to do nothing to stop, investigate, abate, prevent and punish these continuing prohibited acts.

It is the thrust of International Law that officials who did not take measures to prevent such treatment from taking place should be held responsible for consenting to or acquiescing in such impermissible acts[450]. The appearance of impropriety defines their conduct violating Canon 2A of the Code of Conduct.

Under International Law, this court and this judge directly violated a key ethical and legal requirement stated in paragraph 259 of the Istanbul Protocol: "*In situations in which judges suspect that a person has been subjected to torture or ill-treatment, they should* ***use their judicial authority and power to initiate investigations*** *or inform prosecutors to enable them to intervene in the matter. In particular, in situations in which suspects or the accused raise allegations of torture or ill-treatment in the course of legal proceedings or trials, judges must take action to ensure that a prompt, impartial and effective investigation is carried out into such allegations in accordance with this manual*." Not once in SIX YEARS has this court or this judge demonstrated any compliance with this standard. My medical information leaves no room for doubt of ill-treatment or torture. The pleas of my doctors shows their confirmation that no human being should be treated so, and you have many pleas from me over SIX YEARS. The orders for my safe harbor and accommodation leave no room for doubt of ill-treatment or

[449] Adequate reparation includes restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, as set out in the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. See also Committee against Torture, general comment No. 3 (2012).

[450] Committee against Torture, general comment No. 2 (2007), para. 18

torture by White or by Koh or by this court. Such judicial conduct is unethical, and demonstrates a failure of independence and impartiality, and the appearance of impropriety.

The protocol goes further in paragraph 261 in requiring that judges should ensure that the principles and standards set out in that manual are upheld in all legal proceedings, including fundamental and civil rights cases, administrative and civil proceedings, and asylum and non-refoulement cases. This does not happen in the United States, and the disabled pro se litigant has less rights than everyone, confirming that the findings recorded in the ADA and its Amendment are true today, despite igniting the world on fire with disability legislation around the world, returning to this nation as the CRPD.

Judicial reform is contemplated by the Istanbul Protocol[451] and expected by International Law and Article VI. But this court and this judge have never indicated the will necessary to end judicial ill-treatment or torture. This judge has violated significant prohibitions under Article VI and under customary international law and the rule of treaties. No judge who violates ethics to such an extent will hold public confidence in the integrity and independence of judges. There is no impartiality demonstrated when the clear evidence of bias[452] is distinctly present in the record of every one of my actions in this court and the records of the corresponding trial judges.

In summary, under the Code of Conduct of United States Judges, we find the activation of Canon 3C1a, based on the herein described facts:

1. The integrity and honor of the judiciary are tainted by low standards of judicial conduct that violate human rights and strip a class of litigants of fundamental rights by redefining judicial independence to mean selective recognition of the components of the supreme Law of the Land under Article VI of the US Constitution, while judicial ethics expressly requires compliance with law and with the Code of Conduct of United States Judges.
2. The cruel, inhuman and degrading treatment and punishment and TORTURE of a disadvantaged and perennially mutilated disabled pro se litigant does not promote the public confidence in the integrity and impartiality of the judiciary.

[451] Paragraph 647. Note that limited remedial actions (instead of consistent, comprehensive and sustained action) represent an inadequate commitment on behalf of State actors and may even be a deliberate attempt to placate calls for effective remedial action

[452] The bias is best expressed in comparison to the Freeman Bright Line: every judge of this court insists on the invariance of the rules, procedures and policies, and applies the US Constitution partially to the disabled and sick pro se litigant. In absence of express provisions in FRAP, FRCP and Bankruptcy rules, this Circuit insists that human rights and discrimination and the refinement of due process to provide access to the disabled pro se litigant are irrelevant and certainly less important. They are not. Quite the opposite: human rights and discrimination and the refinement of due process to provide access to the disabled pro se litigant are preemptive of all rules, procedures and policies of this and every court.

3. In view of this judge's harmful conduct by denial of any remedy or relief to a complainant for human rights violations and judicial crimes, and, by virtue of this judge re-traumatizing me and refouling me by sending me back to the incessant torture by the other court, reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, would conclude that the judge's honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired. This is impropriety. The conduct is irresponsible and improper[453].
4. This judge demonstrates bias by preference for judicial comfort and familiar norms, and thus uses judicial office to advance the private interests of this judge and judicial peers in not deviating from invariant norms and comforts of familiar judicial practices[454].
5. The prohibited acts herein described are systemic to this court, and 14 identified judges and other unidentified judges out of the total 52 judges of this court have all consistently committed prohibited acts against the same disabled and sick pro se litigant, confirming that this court is an organization that practices invidious discrimination. Membership of this organization thus presents the appearance of impropriety in the conduct of this judge by association[455]. Thus it is essential that this judge personally takes action according to Appendix A, and immediate and effective actions in stopping, initiating an independent investigation, abating, prohibiting and punishing the prohibited acts herein described.
6. This judge did not perform judicial duties with respect for me, but engaged in behavior that was abusive, prejudiced and biased[456].
7. This judge exhibits partisan interests in favoring judicial norms which systemically violate human rights and discriminate based on disability, without independence and impartiality, demonstrated by a lack of faithfulness to the supreme Law of the Land. This judge may not assert a defense of incompetence in the laws that prohibit the conduct that is demonstrated against me in the record[457].
8. This judge did not accord to me a right to be heard according to the operative laws for my complaint for violations of my human rights[458].

[453] Canon 2A, Code of Conduct of United States Judges
[454] Canon 2B, Code of Conduct of United States Judges
[455] Canon 2C, Code of Conduct of United States Judges
[456] Canon 3, Code of Conduct of United States Judges
[457] Canon 3A1, Code of Conduct of United States Judges
[458] Canon 3A4, Code of Conduct of United States Judges

9. This judge failed to take appropriate action upon receipt of reliable information indicating the likelihood that a judge's conduct contravened this Code, or that a lawyer violated applicable rules of professional conduct[459].

Applicable codes of ethics[460] require disqualification and discipline of any judge found to have violated these instruments and the US Constitution. Prohibited acts are demonstrated and stand upon substantial grounds. The mere appearance of such impropriety is cause for disqualification. But we do not find ourselves at mere appearances. Instead, the facts demonstrate purposeful and intentional prohibited acts entwined with intrinsic bias[461] and amounting to criminal conduct among the judiciary of this court, and implicating this judge. This is not good Behaviour.

WHEREBY THIS COURT AND THIS JUSTICE ARE MOVED AS FOLLOWS:

Summary: This judge is disqualified in all adjudication involving any disabled litigant and every case involving disability, or treaties, or human rights. In a separate communication I have requested for the Chief judge of this Circuit to provide an efficient and streamlined cooperation with the Private Attorney General[462], in order to establish a resource for the independent investigation of human rights violations by the judiciary of the Ninth Circuit according to international standards and International Law as recognized by the US Constitution[463]. The Chief judge, together with this judge and every judge of this Circuit, must protect all identified alleged victims of such prohibited acts from all judicial proceedings in all courts on behalf of this court pending the investigation. A constitutional pathway to reinstatement of the full jurisdiction of this court and the full scope of the judicial duties of this judge must be fashioned with due

[459] Canon 3B6, Code of Conduct of United States Judges states: Public confidence in the integrity and impartiality of the judiciary is promoted when judges take appropriate action based on reliable information of likely misconduct. Appropriate action depends on the circumstances, but the overarching goal of such action should be to prevent harm to those affected by the misconduct and to prevent recurrence. This judge did not conform with this Canon of judicial ethics

[460] Article III good Behaviour, international codes of ethics, ABA Model Rules of Professional Conduct, and even the Code of Conduct of United States Judges

[461] Thus causing the disappearance of impartiality which Canon 3C1a provides for.

[462] And a suitable replacement upon the death of the current Private Attorney General. The replacement should ideally not be a single person, but a group of persons, preferably 9, selected by the independent body described herein for their humanity, their integrity, and their innate love and compassion for every other human being. In the absence agreement or a prompt replacement, I suggest a conversation with the Baha'i Universal House of Justice, who are 9 such persons.

[463] This will be contingent on what action the US Supreme court may take with respect to establishing an independent national resource for such investigation.

consideration for past wrongs. The cooperation of this justice is requested in essential reform to federal jurisprudence for the persistent prevention of acts prohibited by international instruments and by the US Constitution that are only identified by the litmus test of the judicial torture of the disabled pro se litigant.

It should not be necessary for this petitioner and Private Attorney General to involve international bodies to fix a serious problem in jurisprudence that we should fix by working together as Americans who stand united under a pledge to a more perfect Union, and a commitment to our general Welfare, and constant vigilance to establish judge and the Blessings of Liberty to ourselves.

At a minimum, this judge must not preside in 24-6312 or in any case that alleges judicial discrimination based on disability, or in any case that alleges a judicial violation of human rights or the violation of any treaty by any judge of any court until investigation of the allegations raised in this motion is completed according to the UN Istanbul Protocol, and redress and remedies accounted[464].

This court may not grind to a halt. A nation must not be deprived of a federal appeal court as a result of ethical indiscretions by its judges. But no judge must proceed when impropriety appears.

I will discuss next steps for an independent investigation with the Chief judge of this Circuit, and she will no doubt advise her Circuit of further steps.

I admonish this judge and this court for past conduct herein discussed.

All of the reforms indicated by my writings and supported by the Freeman Bright Line are essential and overdue. Their initial form may be derived by reason and by scrutiny. The independent investigation resource, required under the UN Istanbul Protocol, is indispensable.

I remind this judge and this court that NO Treaty signed by a US President and pending ratification must be omitted from consideration and respect by this court and by this judge, since International Law holds a nation State to compliance upon signature and pending ratification We are a nation of honor and a light in the world, and our honor and light must not be tarnished. This requirement of judicial notice and automatic inclusion in judicial considerations must be established by this court for all judges. A nation State that commits its signature is held to the object and purpose of the treaty under International Law pending ratification, and thereafter. The Vienna Convention, whether or not accepted by the US, clarifies the rules for withdrawal, and the US has not withdrawn from any of these human rights treaties.

[464] And during the time that I assert my authority on behalf of the People, this court must inform me promptly of any case pending, or in the process of being filed in this court, that involves any of these stated categories of cases, and those individuals must be protected as specified herein, and the identities of the potential victims conveyed to the United Nations under my complaint.

Until withdrawal, International Law and signed treaties demand respect by our government and consideration to effect compliant judicial conduct. It is the object and purpose of the treaty that must be adhered to by every State upon signature, irrespective of ratification.

The High Commissioner reminds us that the Bologna and Milan Global Code of Judicial Ethics recognizes the importance of a competent, independent and impartial judiciary **in the protection of human rights**. International ethics standards must not be more advanced than the ethics code of our federal courts, because we were blessed in history with advancing human rights and endearing ourselves to the world for that reason, and the championship of human rights is in this nation's 'genetic code', and integral to our character. This judge must ensure that the best standards in human rights are acknowledged and endorsed and applied by the judiciary in this nation, even despite an express canon of ethics, with punishment prescribed for judges to focus attention to their fundamental importance[465]. That responsibility begins with this judge's individual adherence to the highest standards of ethics, with attention to international codes of ethics applicable to human rights. Human rights should not have any status less that the most protected classification. A national judicial standard must be established.

In order to protect individuals from torture and ill-treatment, judges should have sufficient knowledge of the UN Charter, UNCAT, CRPD, ICCPR and the UN Istanbul Protocol and its Principles and ensure that they are applied by relevant parties in judicial proceedings, including holding all legal professionals ethically accountable for their violations under color of authority. Punishment must be sufficiently 'fierce' for the public confidence[466]. This judge must ensure the proliferation of the clear message to this nation and to its judiciary that the prevention of, and protection against, torture and ill-treatment is a principle of judicial ethics which protects and serves human rights, and that they must look for the blood in their own hands, which may seem like a drop to them but is our lifeblood, and trace where it came from[467]. Judges must be instructed by this court to follow the UN Istanbul Protocol upon a substantive

[465] I refer to the commentary by the US Supreme court in its Code of Conduct, page 13, quotation from Justice Tom Clark "judges "must bear the primary responsibility for requiring [appropriate] judicial behavior.""

[466] In precedents involving discrimination based on disability by judges, for example in *In re Marriage of James and Christine C. (2008) 158 Cal.App.4th 1261*, we find appellate judges apologizing to the trial judge for the inconvenience that the litigant caused. This is extremely degrading. There was no quarter for the trial judge to be frustrated as this is unethical. Judges may not temper judicial function with personal feelings and bias, yet every case in this nation invariably meets such conduct. Judicial duty requires the greatest self-control at all times, and judicial candor must be impeccable without fault. The excuses we provide to judges, including permission to be malicious and corrupt and still be free of ethical discipline is unfit for the dignity of justice and the needs of a nation. While latitude must be given to judges as being human beings, the standards for judges must be extremely high, and only men and women of stainless integrity and the desire to do selfless service who are endowed with intrinsic qualities that distinguishes them in society for wisdom and justice and love and compassion must be attracted to the 'profession', and all else be fearful of judicial office for the punishment that a breach of ethics entails. I know many men and women who have the right qualities for judicial office, and thus it is a fraud and fallacy that this deters service as judge. My friend is a judge.

[467] Insularity is not permissible. Judges who suspect a violation of human rights must be required to act, including outside their courts, to stop, prevent and punish prohibited acts.

allegation of such prohibited acts that must be established with reference to this case, and always with an abundance of caution protective of human rights.

This motion asserts criminal conduct by the judiciary that taints this judge and this court. This must ensure demonstration of ethics and respect for the necessity of recusal based on the appearance of impropriety without evasion, and this judge must provide full cooperation with an independent investigation into these allegations and facts, including the complicity of this judge, in compliance with International Law, and according to the UN Istanbul Protocol[468]. The US Constitution or "necessity" or immunity confer no contrary privilege to this judge. And this court must be protected for the People. Every effort must be made, without ignoring, evading, undermining, reformulating and unwise haste, to make reparations and restore this court to full function.

This judge must cooperate with an adequate framework, mechanism and process for prompt, impartial, independent, effective investigations to be put in place[469], and think nationally to ensure that all lower courts follow and leverage a national resource[470] with the option of UN advice or oversight. The Private Attorney General will initiate discussion about this requirement with the Chief judge of this court.

In the interim, and pending the outcome of this investigation, this court must automatically stay every legal proceeding in every court associated with each victim reported by the Private Attorney General to this court, who is under my protection and identified as a victim of prohibited acts to the United Nations secretariat. This should be a standard operating procedure to maintain the status quo and provide for remedy and redress before the complexification of litigation, and the refoulement and continuation of prohibited acts in the in lower courts. The clock is ticking[471]. This judge must enable this requirement.

As a nation that was first in the world in protecting and upholding human rights, the government of this nation, including this court, must yield to the morality of this nation which it undermines. This process of disqualification and reparation must establish a world-respected demonstration of judicial candor and

[468] The Special Rapporteur on torture has recommended adopting and implementing the manual "as an investigative tool and standard". Committee against Torture, general comment No. 2 (2007), paras. 8–11.
[469] Under the Convention against Torture, States must take legislative, institutional, administrative, budgetary and other measures to ensure that an adequate framework for prompt, impartial, independent, effective and gender- and child-sensitive investigations is in place. Convention against Torture, art. 2; and Committee against Torture, general comment No. 2 (2007), para. 2. The Istanbul Protocol is designed to combat impunity.
[470] That is readily available at the local level when needed. The important observation is that, with the proper design of judicial ethics, no investigation should be necessary, because human rights violations must be inherent in judicial conduct, and when are probably regulated in judicial canons of ethics, no such prohibited acts should be seen in this nation. If done well, this investigation should ideally only need to result in an independent center of excellence and authority that is lightly used by this nation.
[471] Look closely in particular at the heinous conduct of the Ninth Circuit court of Appeals in 24-3353 (see the discrimination of the abrupt dismissal explained in the motion for accommodation in 24-6312) and particularly the looming abuse in 24-6312 scheduled for Valentine's Day 2025.

the effectiveness of judicial ethics, and how ill-treatment and torture, in conjunction with discrimination based on disability, are eradicated by the People of the United States in cooperation with this judge and this court as an example for the world community to follow. We as a nation must remain the light in the world, and its inspiration[472], and every American will respect and trust a judiciary that enables this destiny.

The eroded reputation and international respect for this nation must be restored. This may be achieved by this court's recognition and respect for the rule of International Law through treaties in domestic jurisprudence[473]. The convenience of the judiciary is secondary to lofty goals that always distinguish this nation. We exist in a world community, we are inextricably dependent on the world community. The US Constitution would have been long forgotten[474] except for treaties before and after Independence[475]. This judge and this court must respect our national security and the general Welfare of the People in a highly dependent world community whose cooperation continues to control our safety and prosperity, despite the arrogance of our government. The world is ever smaller, and our compliance with treaties must be ever larger.

No individual, including any judge, must be irreversibly condemned or harmed, and every judge must redeem themselves, personally, and should become part of the solution and the judicial reform that is necessary and long overdue in this nation, and be of selfless service to all. Judicial integrity and justice must reach unprecedented excellence, and leave these depths of national condemnation and distrust[476]. Necessary judicial reform here proposed, and the resolute acknowledgement of human rights in jurisprudence must be cause for public celebration and admiration for the mistrusted justices of this court.

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[472] Do not forget the inscription on the Statue of Liberty which the world very strongly associates with America. We must remain the foremost bastion of human rights and hope for the world.

[473] And providing pathways in domestic jurisprudence that demonstrably provide the same remedies and reliefs as the treaties, even without the necessary statutes that Congress may have failed to legislate for treat compliance. RUDs must not be a national excuse for unilateral modification of treaties.

[474] Without treaties, independence would have been known today as insurrection against the monarch and illegal acts by the founders of this nation, that was finally punished and monarchy restored.

[475] It is easy to forget, now that the United States of America is a powerful and independent nation, that at the time of Independence, this nation's founders were 'rebels' and criminals under the prevalent rule of law, which was monarchic. You do not remember how those dwellers of this Land felt, unsure whether tyranny would again raise its head, and if monarchy would revert and have their treasonous heads. Treaties and relations with nations sustained this nation through dark times. Lest we forget.

[476] The judicial legitimacy of our courts, per the national sentiment expressed in the public domain and social media, is low. Numerous reports of injustice, including by a US President who was targeted, and the People's discontent expressed by discourse and by public law initiatives such as S.1908 - Judicial Ethics and Anti-Corruption Act of 2023 does not help to raise the judicial legitimacy of our courts. The torture of a seriously ill and disabled pro se litigant who has to seek aid from the United Nations against our courts does not enhance the judicial legitimacy of our courts.

Thus the mere remedy and relief of prohibited acts is not the ultimate goal of this motion, nor is my personal fate. Instead, judicial reform and the strong judicial commitment to human rights in jurisprudence is the redeemer of this court and this judge, and this motion intends to be a catalyst for that outcome, and this Private Attorney General insists on it for the interest of the People.

The US Constitution provides pathways for the survival and success of this nation if one or more judges of this court are disqualified. The US Constitution does not specify the minimum number of justices of this court[477] for this court to do its job. Judge Beth Freeman had no problem in promptly issuing her orders since 2019 for my safe harbor and disability accommodation, and she is one judge[478], and she held the Freeman Bright Line for almost six years despite peer pressure and the overt discrimination and human rights violation by the Ninth Circuit court of Appeals. The issues here are not beyond the capabilities of one judge to get right with speed and efficiency. The guidance markers are very clear in law and in ethics, and most importantly, in the inner knowledge of self with which every human being is endowed. And the common man has no difficulty in seeing the Freeman Bright Line as consistent with the national ethos.

This nation does not grind to a halt or suffer vital harm when a federal Circuit and its judges must be admonished and repaired, but will suffer vital harm if it is not.

When the federal Circuit courts that were created to ensure the absence of tyranny become the cause of tyranny, then justice must be re-established, and the general Welfare must be recovered from harm, and domestic Tranquility and the confidence of minorities must be restored within a more perfect Union, and the Blessings of Liberty must be secured once again to ourselves and to our Posterity. The People will not wait for their government to reform its harmful conduct while it allows them to be harmed, and in defense of their Constitution they speak these demands. The goal of this action in 2025 neither exceeds the goal of this nation in 1787[479], nor deviates from it.

BY AUTHORITY

[477] The U.S. Constitution grants Congress the authority to determine the size of the court.
[478] A judge of this court is regarded as a judge of higher skill and suitability for adjudicating the most difficult questions of law, and therefore based on this flawed public perception, a single appellate judge of this court must have no difficulty with the questions presented by the adjudication of any motion, including for accommodation, and for abatement of torture that is presented to them. Attrition of judges in adjudication of certain prohibited subjects is not likely to interfere with the administration of justice significantly. What cannot be permitted is for judges to continue their work as normal without reparations and necessary judicial reforms in place.
[479] See Preamble to the US Constitution

Summary: By personal communications with me, the Department of Justice has 'delegated' the elimination of prohibited federal judicial conduct to the US Supreme court, and the California Attorney General has 'delegated' the elimination of prohibited state judicial conduct to the Judicial Council. Neither the US Supreme court, nor the Judicial Council have stopped or prohibited or punished these wrongs despite notice, or reformed jurisprudence to prevent them. Human rights defenders perform important roles in issues of human rights. The Private Attorney General Doctrine, the principle of human rights defense, along with the US Constitution, give a plaintiff with requisite characteristics, constitutional and legal authority to speak for the People as the Private Attorney General and address these issues.

The demands made under this motion are authorized by the doctrine of the private attorney general,[480] and by the US Constitution and particularly its Ninth and Tenth Amendments, and by my standing as

[480] The "private attorney general" concept is originally a common law doctrine[480] but welcomed and adopted in our legal history by precedent and statutes. I have standing under this doctrine to seek to successfully vindicate a right of constitutional dimension and to provide benefits to a large group of persons under circumstances that prevent the right from being achieved. See *Woodland Hills Residents Assn., Inc. v. City Council (1979) 23 Cal.3d 917, 930.* A long time ago, I declared my dual role as plaintiff and private attorney general to the California courts. No federal statute and no state statute prohibits my standing as private attorney general under these facts and circumstances and claims, based on the fact that my privately initiated lawsuit is essential to the effectuation of the fundamental public policies embodied in constitutional or statutory provisions – see for example, *Punsly v. Ho (2003) 105 Cal.App.4th 102*. See *Hammond v. Agran (2002) 99 Cal.App.4th 115, 125, fn.* 5 which states that California has recognized the "private attorney general" concept as a common law doctrine. (See *Woodland Hills, supra,23 Cal.3d at pp. 930-932*). Then came the United States Supreme Court's decision in *Alyeska Pipeline Service Co. v. Wilderness Soc. (1975) 421 U.S. 240*, which held that such fees should not be awarded absent statutory authorization. (Id. at 247.) Accordingly, the California Legislature enacted Code of Civil Procedure section 1021.5 in 1977 ("*Section 1021.5 codified the common law theory of the private attorney general*." *Westside Community for Independent Living, Inc. v. Obledo (1983) 33 Cal.3d 348, 352, fn. 5*). My footnote here is not about attorney fees, but to demonstrate that no court has invalidated the "private attorney general" doctrine, but every court has endorsed it, including the US Supreme court, and California confirms its lawfulness and even codifies the award of attorney fees to encourage private attorney general actions. See also *Cal. Code Regs. Tit. 11, § 3201 - Attorney's Fees section (a)* Successful Party. "*The fact that a defendant changed its conduct prior to entry of a court order or judgment does not preclude a finding that the plaintiff was successful. If the plaintiff's action was the cause or "catalyst" of the change in conduct, the plaintiff may be deemed successful*." See also emphasis on the valuable purpose of the doctrine in *Graham v. DaimlerChrysler Corp. (2004) 34 Cal.4th 553, 594* "*I agree that the private attorney general doctrine serves a valuable purpose.*" In federal rulings we find references such as "*The policy underlying the "private attorney general" doctrine supports this conclusion*." *Hairston v. R R Apartments (7th Cir. 1975) 510 F.2d 1090*, 1093 which confirms like many others that the "private attorney general" concept holds the status of a national policy in the eyes of the judicial branches of government, and attorney fees may even be awarded under federal statutes. The case goes on to justify rewards for private attorney general action "*Awarding attorney fees where the plaintiff is unable to bear the expense of litigation even though the legal services are provided at no cost is consistent with and advances this policy. Brandenburger v. Thompson, 494 F.2d 885 (9th Cir. 1974); Fairley v. Patterson, 493 F.2d 598 (5th Cir. 1974); Lea v. Cone Mills Corp., 438 F.2d 86 (4th Cir. 1971); Miller v. Amusement Enterprises, Inc., 426 F.2d 534 (5th Cir. 1970); Stevens v. Dobs, Inc., 373 F. Supp. 618 (E.D.N.C. 1974); Note, Awards of Attorney's Fees to Legal Aid Offices, 87 Harv.L.Rev. 411 (1973). When free legal services are provided there may be no direct barrier to the courtroom door, but if no fees are awarded, the burden of the costs is placed on the organization providing the services, and it correspondingly may decline to bring such suits and decide to concentrate its limited resources elsewhere, thereby curtailing the forceful application of the Act that Congress sought. Thus, the denial of fees in this situation indirectly cripples the enforcement scheme designed by Congress. The analysis in Brandenburger v. Thompson, supra, 494 F.2d at 889, is applicable here*". The

defender of human rights identified under International Law. I stand independent of any branch of government and outside the reach of Separation of Powers, with authority on behalf of the People to penetrate judicial immunity.

The Department of Justice abdicated its authority in a communication to me and identified this court as the entity charged with respect to the investigation and remedy and redress for these prohibited judicial acts. Therefore, the government of the United States has indicated that demand for remedy and redress, as well as for the elimination of ill-treatment and torture perpetrated by the judicial components of government in the United States must be addressed to the US Supreme court. As Private Attorney General, I am not limited by the direction of the Department of Justice. I have addressed the US Supreme court with a demand and proposal for steps and process for an independent investigation of the prohibited acts. I have subsequently also addressed this court with the demand by virtue of actual and imminent harm that is scheduled to be inflicted upon me.

My standing as Private Attorney General has been earned at the cost of my blood. The blood of other disabled and sick pro se litigants in the state and federal courts is now my obligation to prevent, and to remedy.

I am qualified to address this court with authority as I have addressed this court since 2019 and received its true position with respect to these prohibited acts that are consistent over SIX YEARS. The defiance of this court and its judges for the US Constitution and International Law, and for the endorsement of criminal and prohibited conduct is cause for this notice and this motion. Substantial evidence of prohibited acts is in the records of this court spanning six years.

Additionally, human rights defenders[481] perform important roles in the investigation and abatement of these prohibited acts. I continue to act as a human rights defender, and this is known to the United

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only federal restriction on private attorney general actions concerns the award of fees (which needs to be evolved under this case): "*Under federal law, fees based on the private attorney general doctrine are available only by statutory authorization*" *Hospital Systems, Inc. v. Office of Statewide Health Planning & Development (1994) 25 Cal.App.4th 1686, 1695.* No remedy in the public interest or for my benefit shall be possible by reliance upon organs of government for action. The Constitution permits, and does not deny or disparage my right to act as private attorney general in this petition. See Ninth Amendment. No power delegated to the United States, or to its federal courts, and no power delegated to the states or to the state courts by the Constitution prevents me from acting as private attorney general in this petition. See the Tenth Amendment. I claim the power to prosecute this petition as private attorney general under the Tenth Amendment. I qualify as private attorney general in all cases involving the violations of the rights and the prohibited treatment of every seriously ill person with disability by judges and courts in the course of jurisprudence. "*A private attorney general is subject to the following rule: [A]s long as [the private attorney general] suffers actual injury as a result of the defendant's conduct, he is permitted to prove that the rights of another were infringed. The central issue at this stage of the proceedings is not who possesses the legal rights . . . but whether [the plaintiffs] were genuinely injured by conduct that violates someone's . . . rights, and thus are entitled to seek redress of that harm*." *Fair Housing Auth. v. Montgomery Newspapers (3d Cir. 1998) 141 F.3d 71, 78.*

[481] International law recognizes the important role in investigations of actors other than criminal justice investigatory bodies, including independent bodies at the national, regional and international level, and non-State actors, such as human rights

Nations. Each victim identified by me must be protected and subjected to the specified investigation and remedy and relief, with stays ordered in each of their cases. The current list of these individuals is reported to the United Nations.

These are lawful demands permitted under the authority of US Constitution and under the rule of the cited instruments and International Law and domestic precedents. These demands are made through domestic jurisprudence and through an international standard[482] respected by International Law, and present a cause for judicial reform through verifiable evidence and substantial grounds, reasoned discussion and written justification provided for preservation of evidence and continuous public inspection and meaningful reform. We, you included, are the People, and we will achieve outstanding results and reform our jurisprudence, together, and we must sincerely embark in that pursuit.

These lawful demands necessarily depend for their success and for the public benefit on the sincere cooperation of each justice of this court. It is the intention of Appendix B to build up, not tear down this nation's judiciary, to improve not diminish this court, and to reward judges for recognition, protection and enforcement of human rights in jurisprudence and to unhesitatingly punish any violations of human rights by every other judge, but never without compassion.

This matter must be given its own separate case number and be transparently conducted and available for public scrutiny.

It is essential that no member of the public who accesses the public record and is outraged by such egregious prohibited acts and invidious judicial discrimination take a single step to retaliate against any judge[483]. We the People need judicial reform, not retaliation against ourselves. We are a UNITED States of America, and our strength and influence is in our NATIONAL UNITY. We have a primitive system of jurisprudence that will, by necessity, be different in the future as our society now evolves at an increasingly rapid rate. Judges are our family, relatives, neighbors, friends, colleagues, and acquaintances. Every ill-intentioned and malicious and corrupt person can reform into the embodiments of morality and exemplars of justice and an inspiration to all of us, and every person must be given this opportunity[484]. We succeed as a nation through love, compassion and forgiveness and belief in one

---

defenders who document torture, prompt and monitor investigations, and represent victims of torture. (A/69/387, para. 54). States should respect the exercise of legitimate functions by these actors. (*Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (General Assembly resolution 53/144, annex), inter alia, art. 9; and updated set of principles for the protection and promotion of human rights through action to combat impunity, principle 19*)

[482] The UN Istanbul Protocol

[483] including if I die from injuries during this enforcement action as the private attorney general.

[484] Look for it in history.

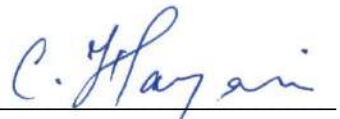
another, and sincere cooperation with a dedication to serving one another, and fail through hate and fear and judgment and a lack of commitment to one another's welfare and happiness.

I hereby speak on behalf of the People of the United States and make these demands for the immediate judicial protection of every person with disability or illness in every court. Persons with disability comprise over 28% of the US population in 2024. I make these demands also on behalf of every member of this nation who expects this court and its judges to be faithful to the supreme Law of the Land, to uphold the International Law, to recognize and protect human rights impeccably, to support international solidarity and ensure our collective security and welfare, and to effectuate the object and purpose of the US Constitution as expressed by its Preamble.

The motion is based on substantial grounds that demonstrate that a very large minority in the United States are at risk of incessant systemic harm[485] in our courts, that judges will not ethically or lawfully correct these systemic wrongs and individually perpetrate and promote them, and that there are no domestic mechanisms for remedy or relief from this judicial harm. The judicial harm is prohibited by human rights principles, by Article VI of the US Constitution and the Bill of Rights and the Fourteenth Amendment, by the UN Charter and by human rights treaties signed by the United States, which must all be considered together, and in harmony[486]. I speak for this minority who needs our judges and courts to finally deliver them into the light of equality and freedom from discrimination[487].

The judges of this court must trust in the integrity and morality and the noble spirit of the People and that this action by the Private Attorney General intends the highest public good.

14 January 2025



Cyrus Hazari[488], Private Attorney General (and petitioner in 24-6312)

[485] Both potential and actual harm

[486] Courts and judges refuse to consider all of these operative laws and principles together and in harmony. The Freeman Bright Line is the harmonious and non-conflicted application of all of these laws and principles. No judge or court has followed the Freeman Bright Line.

[487] Review the Findings and Purpose of the ADA and its Amendment for a perspective on the plight of the disabled and then review my facts since 2019 for a confirmation.

[488] I am the artificial human. A disabled pro se litigant in my condition cannot produce any writing like this or access fundamental rights, including the freedom of expression, without merging with Artificial Intelligence to overcome life-limiting and liberty-depriving functional and cognitive impairments which the courts absolutely refuse to accommodate despite major national and international laws.

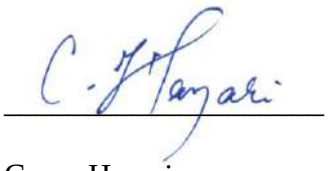
APPENDIX A: Initial list of victims and litigation requiring to be STAYED[489] immediately

Hazari, Cyrus

24-6312 – Ninth Circuit Court of Appeals

The undersigned petitioners who have attempted to access this court request a stay in their respective cases listed above, and request the cooperation of this court in conducting an investigation under the United Nations Istanbul Protocol.

5 January 2025



Cyrus Hazari

[489] The All Writs Act permits the U.S. Supreme Court to order a stay, thus it is within this court's power to *sua sponte* order a stay in lower courts. The All Writs Act, codified at 28 U.S.C. § 1651, authorizes federal courts, including the Supreme Court, to issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law. The Supreme Court has used the All Writs Act to issue various types of writs, including stays, to ensure that its jurisdiction is protected and that it can effectively adjudicate cases brought before it. Here, it is appropriate for the selected judge of the US Supreme court, *sua sponte*, to mandate a stay to maintain the status quo in litigation in every court affecting and involving the protected litigants identified here, and in due course, any other litigants identified by the Private Attorney General, pending the completion of the investigation herein described. The danger of re-traumatization, refoulement and further prohibited acts is actual and imminent, with deadliens as early as January and February 2025.

APPENDIX B: Proposed steps for an investigation

A request and proposal for corrective action and reform of jurisprudence has been made to Mary Murguia, the Chief judge of the Ninth Circuit. The proposal describes steps and a process for an independent investigation pursuant to the UN Istanbul Protocol into the systemic and specific judicial conduct in this Circuit's courts that is alleged as being prohibited under the international instruments herein cited. The communication with the Chief judge is filed in the record of 24-6312.

It is expected that the Chief judge of the Ninth Circuit will be the source of information for the judges of this court about this request and proposal.

No judge or court must coerce and intimidate any disabled or sick litigant into unequal and unaccommodated participation at any time. Every judge must be acutely aware that the office of judge creates the circumstance within which a judge may exercise control over the bodily autonomy of a disabled and sick litigant with the potential of interfering with or obstructing life-saving medical treatment. Every judge must exercise an abundance of caution and extreme due diligence in such cases to prevent any violation of human rights, and be particularly sensitive to the condition of the litigant and her fundamental rights. Every judge must be aware that holding invariant the rules, procedures and policies of this court may result in a crime, or complicity in an on-going crime.

It is very important for this judge and this court to *sua sponte* protect me and any other victim identified by me during the course of these discussions and pending the findings of the necessary investigation. It is necessary for this judge and this court to identify to the Private Attorney General every person who is a disabled litigant, or has any case in this court that involves treaties or human rights, and to keep me apprised on these identities during my jurisdiction. This is this judge's duty in conjunction with every other judge thus notified. It is my duty to identify all such persons and also identify them to the United Nations Special Procedures.

FILED

SEP 23 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CYRUS HAZARI, Plaintiff-Appellant, v. SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA; et al., Defendants-Appellees.	No. 22-16174 D.C. No. 4:21-cv-04262-JSW Northern District of California, Oakland ORDER

Before: Lisa B. Fitzgerald, Appellate Commissioner.

On August 3, 2022, appellant filed in the district court an "amended notice of appeal" captioned for appeal No. 22-16046. Because appeal No. 22-16046 had been dismissed on July 21, 2022, the amended notice of appeal was treated as a new notice of appeal from the district court's July 19, 2022 and July 22, 2022 orders, and appeal No. 22-16174 was opened. The scope of appeal No. 22-16174 is limited to review of the district court's July 19, 2022 and July 22, 2022 orders.

A review of the record suggests that this court may lack jurisdiction over the appeal in part because the district court's July 19, 2022 and July 22, 2022 orders are not final, appealable orders. *See* 28 U.S.C. § 1291; *United States v. Washington*, 573 F.2d 1121, 1122 (9th Cir. 1978) (order denying motion to disqualify judge not final or appealable).

at/MOATT

Within 21 days of this order, appellant must show cause why this appeal should not be dismissed for lack of jurisdiction. Appellee may file a response within 10 days after service of the memorandum.

A review of this court's docket reflects that the filing and docketing fees for this appeal remain due. Within 21 days of this order, appellant must pay to the district court the $505.00 filing and docketing fees for this appeal and file in this court proof of payment or file in this court a motion to proceed in forma pauperis.

The Clerk will serve a Form 4 financial affidavit on appellant.

If appellant does not comply fully with this order, this appeal will be dismissed by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

The briefing schedule is stayed pending further order of the court.

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 22-16174 **Docketed:** 08/04/2022
Nature of Suit: 3360 Other Personal Injury **Termed:** 12/09/2022
Cyrus Hazari v. Superior Court of California, County of Santa Clar, et al
Appeal From: U.S. District Court for Northern California, Oakland
Fee Status: Due

Case Type Information:
1) civil
2) private
3) null

Originating Court Information:
District: 0971-4 : 4:21-cv-04262-JSW
Trial Judge: Jeffrey S. White, Senior District Judge
Date Filed: 06/03/2021

Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:
07/22/2022	07/22/2022	08/03/2022	08/03/2022

Prior Cases:

19-16291	**Date Filed:** 06/28/2019	**Date Disposed:** 09/17/2019	**Disposition:** Dismissed - Judge Order
22-16046	**Date Filed:** 07/19/2022	**Date Disposed:** 07/21/2022	**Disposition:** Dismissed - Judge Order

Current Cases:
None

CYRUS HAZARI
Plaintiff - Appellant,

Cyrus Hazari
Direct: 408-898-4470
Email: pacer@metafusion.net
[NTC Pro Se]
15209 Blue Gum Court
Saratoga, CA 95070

v.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
Defendant - Appellee,

APPEAL COURT OF THE SIXTH DISTRICT, State of California
Defendant - Appellee,

CALIFORNIA SUPREME COURT, State of California
Defendant - Appellee,

JUDICIAL COUNCIL, State of California
Defendant - Appellee,

MANDY BRADY
Defendant - Appellee,

Julian Pardo de Zela
Direct: 408-298-7120
Email: jpardodezela@messner.com
[COR LD NTC Retained]
Messner Reeves, LLP
160 W Santa Clara Street
Suite 1000
San Jose, CA 95113

MATTHEW WENDT
Defendant - Appellee,

MESSNER REEVES, LLP
Defendant - Appellee,

D. D. HUGHMANICK
Defendant - Appellee,

TERRA LAW LLP
Defendant - Appellee,

PETER CASSINI
Defendant - Appellee,

ANTHONY PEREIRA
Defendant - Appellee,

WEDGEMANOR HOMEOWNERS ASSOCIATION
Defendant - Appellee,

CYRUS HAZARI,

Plaintiff - Appellant,

v.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA; APPEAL COURT OF THE SIXTH DISTRICT, State of California; CALIFORNIA SUPREME COURT, State of California; JUDICIAL COUNCIL, State of California; MANDY BRADY; MATTHEW WENDT; MESSNER REEVES, LLP; D. D. HUGHMANICK; TERRA LAW LLP; PETER CASSINI; ANTHONY PEREIRA; WEDGEMANOR HOMEOWNERS ASSOCIATION,

Defendants - Appellees.

08/04/2022	☐ 1 61 pg, 1.05 MB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL AND PRO SE APPELLANT. SEND MQ: No. The schedule is set as follows: Appellant Cyrus Hazari opening brief due 10/04/2022. Appellees Appeal Court of the Sixth District, Mandy Brady, California Supreme Court, Peter Cassini, D. D. Hughmanick, Judicial Council, Messner Reeves, LLP, Anthony Pereira, Superior Court of California, County of Santa Clara, Terra Law LLP, Wedgemanor Homeowners Association and Matthew Wendt answering brief due 11/04/2022. Appellant's optional reply brief is due 21 days after service of the answering brief. [12509728] (RT) [Entered: 08/04/2022 02:10 PM]
09/23/2022	☐ 2 9 pg, 234.98 KB	Filed order (Appellate Commissioner: Lisa B. Fitzgerald): On August 3, 2022, appellant filed in the district court an "amended notice of appeal" captioned for appeal No. 22-16046. Because appeal No. 22-16046 had been dismissed on July 21, 2022, the amended notice of appeal was treated as a new notice of appeal from the district court's July 19, 2022 and July 22, 2022 orders, and appeal No. 22-16174 was opened. The scope of appeal No. 22-16174 is limited to review of the district court's July 19, 2022 and July 22, 2022 orders. A review of the record suggests that this court may lack jurisdiction over the appeal in part because the district court's July 19, 2022 and July 22, 2022 orders are not final, appealable orders. See 28 U.S.C. § 1291; United States v. Washington, 573 F.2d 1121, 1122 (9th Cir. 1978) (order denying motion to disqualify judge not final or appealable). Within 21 days of this order, appellant must show cause why this appeal should not be dismissed for lack of jurisdiction. Appellee may file a response within 10 days after service of the memorandum. A review of this court's docket reflects that the filing and docketing fees for this appeal remain due. Within 21 days of this order, appellant must pay to the district court the $505.00 filing and docketing fees for this appeal and file in this court proof of payment or file in this court a motion to proceed in forma pauperis. The Clerk will serve a Form 4 financial affidavit on appellant. If appellant does not comply fully with this order, this appeal will be dismissed by the Clerk for failure to prosecute. See 9th Cir. R. 42-1. The briefing schedule is stayed pending further order of the court. [12548286] (RT) [Entered: 09/23/2022 04:01 PM]
10/04/2022	☐ 3	COURT DELETED INCORRECT/DUPLICATE ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [4]. Original Text: Filed (ECF) Appellant Mr. Cyrus Hazari Motion to stay lower court action. Date of service: 10/04/2022. [12556163] [22-16174] (Hazari, Cyrus) [Entered: 10/04/2022 08:14 PM]
10/04/2022	☐ 4 4 pg, 582.72 KB	Filed (ECF) Appellant Mr. Cyrus Hazari EMERGENCY Motion for miscellaneous relief [EMERGENCY MOTION FOR STAY PENDING APPEAL AND FOR TEMPORARY STAY PENDING CONSIDERATION OF MOTION]. Date of service: 10/04/2022. [12556165] [22-16174] (Hazari, Cyrus) [Entered: 10/04/2022 08:24 PM]
10/04/2022	☐ 5 1 pg, 61.24 KB	Filed (ECF) Appellant Mr. Cyrus Hazari Correspondence: Amended notice of appeal. Date of service: 10/04/2022. [12556166] [22-16174] --[COURT UPDATE: Updated docket text to reflect correct ECF filing type. 10/05/2022 by TYL] (Hazari, Cyrus) [Entered: 10/04/2022 08:28 PM]

10/05/2022	☐ 6 1 pg, 98.29 KB	Filed order (BARRY G. SILVERMAN and SANDRA S. IKUTA): Appellant's emergency motion to stay district court proceedings (Docket Entry No. [4]) is denied. No motions for reconsideration of this denial will be entertained. Appellant's response to the court's September 23, 2022 order to show cause remains due October 14, 2022. No motions for extension of time will be entertained. The briefing schedule remains stayed pending further order of the court. [12556937] (AF) [Entered: 10/05/2022 04:44 PM]
10/14/2022	☐ 7 47 pg, 518.71 KB	Filed (ECF) Appellant Mr. Cyrus Hazari response to Court order dated 10/14/2022. Date of service: 10/14/2022. [12564244] [22-16174] (Hazari, Cyrus) [Entered: 10/14/2022 06:58 PM]
10/14/2022	☐ 8	COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [9]. Original Text: Filed (ECF) Appellant Mr. Cyrus Hazari response to Court order dated 10/14/2022. Date of service: 10/14/2022. [12564247] [22-16174] (Hazari, Cyrus) [Entered: 10/14/2022 07:28 PM]
10/14/2022	☐ 9 1 pg, 40.42 KB	Filed (ECF) Appellant Mr. Cyrus Hazari Motion for miscellaneous relief [motion to apply for fee waiver and maintain under seal and not serve appellants]. Date of service: 10/14/2022. [12565149] --[COURT ENTERED FILING to correct entry [8] .] (TYL) [Entered: 10/17/2022 01:52 PM]
10/21/2022	☐ 10 18 pg, 98.47 KB	Filed (ECF) Appellee Mandy Brady reply to response to order to show cause dated 07/22/2022. Date of service: 10/21/2022. [12570355] [22-16174] --[COURT UPDATE: Removed motion (refiled in entry [11]). 10/21/2022 by TYL] (Pardo de Zela, Julian) [Entered: 10/21/2022 02:05 PM]
10/21/2022	☐ 11 1472 pg, 62.1 MB	Filed (ECF) Appellee Mandy Brady Motion to take judicial notice of. Date of service: 10/21/2022. [12570487] --[COURT ENTERED FILING to correct entry [10] .] (TYL) [Entered: 10/21/2022 02:49 PM]
11/11/2022	☐ 12 2 pg, 170.32 KB	Filed (ECF) Appellant Mr. Cyrus Hazari Correspondence: Amended notice of appeal. Date of service: 11/11/2022. [12585530] [22-16174] --[COURT UPDATE: Updated docket text to reflect correct ECF filing type. 11/14/2022 by TYL] (Hazari, Cyrus) [Entered: 11/11/2022 09:57 PM]
12/09/2022	☐ 13 4 pg, 322.79 KB	Filed order (A. WALLACE TASHIMA, SIDNEY R. THOMAS and RICHARD R. CLIFTON) A review of the record and the responses to the court's September 23, 2022 order to show cause demonstrates that this court lacks jurisdiction over this appeal because the district court's July 19, 2022, July 22, 2022,

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 5 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CYRUS HAZARI, Plaintiff-Appellant, v. SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA; et al., Defendants-Appellees.	No. 22-16174 D.C. No. 4:21-cv-04262-JSW Northern District of California, Oakland ORDER

Before: SILVERMAN and IKUTA, Circuit Judges.

Appellant's emergency motion to stay district court proceedings (Docket Entry No. 4) is denied. No motions for reconsideration of this denial will be entertained.

Appellant's response to the court's September 23, 2022 order to show cause remains due October 14, 2022. No motions for extension of time will be entertained.

The briefing schedule remains stayed pending further order of the court.

at/MOATT

Cyrus Hazari
15209 Blue Gum Court, Saratoga, CA 95070
Tel: 408 766 7471
Email: cyrus@metafusion.net
Pro Se Plaintiff

UNITED STATES APPEAL COURT

NINTH CIRCUIT

Cyrus Hazari Appellant vs. Superior Court of Santa Clara County State of California, et al. and DOES 1-100 Appellees	District case number 21-cv-04262 New Appeal number 22-16174 (formerly appeal 22-16046) RESPONSE TO ORDER TO SHOW CAUSE FOR APPEAL OR FOR CERTIFICATION FOR WRIT OF CERTIORARI

Contents

OBJECTION 134
SCOPE 136
PREFACE 137
CONTEXT 139
DEFINITIONS 140
BACKGROUND 141
SOME RULES AND PRECEDENTS CONFLICTING WITH THE ADA 142
ISSUE: FRAP 143
ISSUE: FRCP 143
ISSUE: end of litigation 143
ISSUE: life and liberty 144
ISSUE: application 145
ISSUE: pre-emption 146
ISSUE: opportunity 146
ISSUE: access 147
ISSUE: limits 148
ISSUE: fairness 149

ISSUE: unequal participation 152
ISSUE: due process 153
ISSUE: privacy 155
ISSUE: competence 155
ISSUE: double standards 157
ISSUE: duty of care 158
ISSUE: exploitation 159
ISSUE: interference 162
ISSUE: scrutiny 163
ISSUE: ethics 163
ISSUE: independence 167
ISSUE: abuse 168
ISSUE: hate crime 169
ISSUE: diligence 170
ISSUE: precedent171
ISSUE: presumptions 171
ISSUE: evidence 172
ISSUE: inhumanity 174
ISSUE: subversion 174
ISSUE: burden 175
ISSUE: fundamental change 176
ISSUE: protection 176
ISSUE: deadlines 180
ISSUE: advocacy 180
ISSUE: discrimination 181
ISSUE: disparity 182
CONCLUSION 183

OBJECTION

When you have rights at law and the people who are supposed to acknowledge and enforce those rights say “what rights ?”, then you have no rights at all, and you are the silent undiscovered victim of a conspiracy of ignorance and denial and malice. Even you yourself come to believe you are mad and you are mistaken about your rights. You become conditioned into behaving as if you do not have those rights and this is the greatest violence and the most cruel abuse . The toll that it takes on a living sentient human being is in no way better seen than in the case of the disabled litigant Hazari. Hazari continues to struggle, under oppression by the courts, to establish the long overdue obedience of courts to disability rights law and proper handling of the disabled litigant, and immediate incorporation of disability rights in all rules of procedure. I write voluminously as a consequence of my disability and serious illness. This is explained elsewhere and cannot be avoided. Hazari objects to this order to show cause and to the

misconduct of this court as regards the observance of the rights of the disabled pro se litigant despite repeated demands for it to reform its impropriety and grant Hazari disability accommodation. Hazari objects to this court's disloyalty to a major Federal law that demands of it the constructive modification of every procedure, rule and statute because of pre-emption by disability law, and the failure to accommodate the disabled meaningfully, timely, appropriately and with demonstrated will to duly care for a highly protected class. Hazari objects to his unequal treatment and to the ignoring and then denial of his ADA accommodation by this court. Hazari is disabled and seriously ill, including now suffering long Covid symptoms and succumbing to bacterial infections because of the impropriety of courts and the derogation of their duties under the law. They swore an oath to obey and uphold the Constitution but do not keep it. The coercion of his participation when he is unable to participate is a major obstacle to his showing cause as ordered by this court, and reliably, repeatedly, unavoidably induces injuries as identified in detail in his filings, including the detailed mechanism of distress induced injuries. Having committed the hate crimes and unconscionable acts of abuse and mutilation, the courts intend to eliminate Hazari permanently from any access to due process and recognition of his rights, and even to end his life, as is unfolding right before our eyes. This treatment by the court undermines the benefits to justice and improvement of our system of jurisprudence that can be realized by studying Hazari's injuries and suffering in courts for the past 5 years, while a growing body of pro se litigants now come to court fed up with the injustices of our legal system, and by statistics alone, the count of the disabled pro se litigants in our courts is inevitably increasing. Hazari now makes extraordinary efforts at the cost of more permanent injury to comply with the order to show cause because discrimination based on disability must end. The 21 days provided to him by a commissioner who saw a light of reason and relevance to jurisprudence of allowing Hazari opportunity to speak against doctrinaire censorship demonstrated by this court previously in denying Hazari's appeals, is an arbitrary quantity of time, and should have been determined by hearing Hazari's motion for ADA accommodation. But instead, judges of this court punitively and prejudicially eliminated Hazari's legislated right to accommodation and with extreme insensitivity and with knowledge of the adverse consequences to Hazari's health and lawsuit, and therefore the adverse effects to his life, liberty and property, denied him his rights with prejudice. No consideration was given to competing priorities for Hazari in having to respond to a motion in the lower court. If Hazari would be allowed to recover and allowed time to state the issues in a manner that allows him to use his knowledge, education, available resources and resolve, justice would be better served than how now Hazari is being coerced into writing 5 years of facts and issues without accommodation and under conflicting and unconscionably taxing court schedules to correct an errant court system determined to promote the prejudice and abuse of a protected class. This writing leverages 5 years' worth of writing and is disjointed and incomplete due to unaccommodated disabilities, and Hazari struggles how to present glaring issues of great controversy and of important public interest to judges who have no interest in listening, and no ability to read or comprehend anything outside their comfortable and practiced habitual reign over the lives of the people. It is an unconscionable act of disability prejudice and hatred to coerce me into wasting this opportunity to educate this powerful court

by not giving me opportunity and rights to properly explain the defects in your thinking and long-established wrong assumptions and deficient rules and outdated practices and improper reasoning. The wise learn the most from the ignorant and the uneducated, but this court does not allow it. This writing is therefore so disjointed and inferior that I believe you have entirely undermined the benefit it could confer on an outdated and deficient system of jurisprudence despite 5 years of suffering and sacrifice that makes me an expert in disability rights violations by courts. While writing this document I became so extremely ill on multiple occasions that any description of my pain and suffering would be insufficient to express the evil of courts, and could not account for the mutilation and destruction of psyche and body that you caused, but I have persisted, with assistance of dangerous and consequential performance-enhancing methods and impeccable support and sheer will. My case, and the valuable once-in-a-lifetime fact patterns is unmistakable proof of the hate crimes and injustices suffered by the disabled and. With the prospect of my death and permanent silence even more real today than in 2019 when my doctors started to repeatedly warned the courts about it, it must be used for the public benefit and for the protection of all those similarly affected. I also write with the certainty that you will not read carefully, and that if you think you do, you are so alien to invisible disabilities and understanding the plight of the disabled that you will not even grasp the significance and reach and the potency of what you read. This lack of faith demonstrates how disillusioned and mistrustful the courts have made me of their quality by their abuse, their discharge of their duties without tempering with reason and decency, and their inability to deliver justice.

SCOPE

Hazari filed appeal 22-16046 against order lower court 21-cv-04262 Doc 61. He gave unmistakable and prolific notice of his incapacity and disability needs and received no accommodation from this court. Instead, he received a prompt dismissal without regard to his rights, and without the court's overdue modification of FRAP by the ADA. He objected and amended his appeal against order 4262 Doc 67 and 72 and showed cause, and the court ignored him. Hazari brought motions at expense of injury and undue burden for amendment and reinstatement, with justification. The court issued an order to show cause but declared a new appeal 22-16174, increased Hazari's burden and limited the appeal scope by excluding the critical subject matter of 22-16046. Hazari amended his appeal again by addition of 4262 Doc 87 and 94. The appeal court failed to amend his appeal but ruled on his pending motions in Doc 6, with prejudice, and treated Hazari as a frivolous litigant, and knowing that Hazari has major life limitations identified in his ADA motion, ensured that Hazari is deprived of opportunity to show cause by forcing him to divide his life energies and resources while incapacitated to opposing and obeying the order of

the lower court simultaneously with showing cause herein, thus inflicting more distress upon him. Because all of the orders appealed from concern the ADA and the FAILURE of the disability accommodation of a disabled and seriously ill pro se litigant by the court, and his consequent injuries, Hazari discusses the issues arising from the collective orders identified by him to this appeal court, notwithstanding this court's unlawful and unethical denial of Hazari's appeal and the silencing of his speech. The following are operative issues applicable to all disabled pro se litigants with "invisible disabilities" and identify inconsistencies, contradictions, inequities, violations of law and judicial duties and ethics, and the inevitable injustice designed and built into our legal system. The time for precedents and reform is now, and even now is far too late for Hazari and the disabled. This court must set precedent and must not limit the statement of issues to one particular order appealed from which it designates as the only order to consider for issues arising. The issues herein have all arisen to differing degrees in Hazari's litigations, and will recur frequently in this lawsuit to derail justice if this appeal is not heard. Hazari does not wish to expand litigation, and would be injured more if his litigation expands to protect his life, liberty and property. Precedents must be set and there is no justification for this court to deny this appeal. If this court refuses leadership in reform, then it must recommend to the US Supreme Court to hear this cause, and by whatever means possible, to aid Hazari to set long overdue and very clear and guiding precedents in the urgent public interest.

In reading this document, note that Hazari presents a collection of issues that invariably appear together and inseparably when discrimination by reason of disability is present. If this appeal court limits the issues to only those it adjudges to arise from the orders noticed for appeal, then **Hazari insists that the court identifies its interest in which issue to brief**. Hazari also counsels this court that it makes a MISTAKE in limiting issues as the issue underlying all of them is that **the courts systemically violate the ADA**, and the violation manifests in diverse forms, but each form ultimately originates from one and the same manor issue. These individual issues are inseparable components of the main issue.

PREFACE

Hazari incorporates by reference his filings in the Ninth Circuit case 19-16291, 22-16046, 22-16174, and District Court case 19-cv-01986, 19-cv-04392, 21-cv-04262 to demonstrate that the issues with the systemic prejudice and discrimination by courts against disabled pro se litigants by reason of disability are real and operative. In particular Hazari references lower court 4262 Docs 82 and 83 and 90, and his

motions for disability accommodation in every case cited above. Only by actually READING and TAKING TIME TO COMPREHEND Hazari's facts will this court do any justice to a most urgent and widespread problem of public interest.

Hazari has been driven into incapacity by a predictable and well-studied mechanism of disease whose activation is under the control of the courts and his opponents. ADA accommodation and his protection is a viable means of prevention of activation of disease. He is incapacitated as a result of constant activation of that disease mechanism by the courts and his opponents, and cannot litigate, appear, participate, plan, strategize or move a case, put on any offensive, but is solely limited to only defend, react, repel, respond, and object. This prevents participation in due process. He battles desperately against the odds of stopping the discrimination of the courts and can merely apply himself at the cost of health and disability to try to hold ground, and try to reduce his loss of life, liberty and property and object to deprivation of his rights through objection and speech until the light of reason and propriety dawns in our courts. He is alive today, and his disabilities are far less than what they would be, but for the world class medical management provided and coordinated by the supremely qualified Dagmar Horvath, M.D., and the care of numerous specialist and care providers, and the love and support of his injured wife.

NOTE AGAIN: Hazari has never been given the opportunity to proceed with litigation, but coerced and limited only to defend and react against oppression and discrimination and exploitation, because of the defective design of the courts' implementation of due process, by exclusion of the ADA, or by virtue of its improper inclusion.

This Appeal Court should carefully review and study my suffering and injuries as a disabled pro se litigant over the past 5 years before rejecting this appeal and coercing me to continue an ENDED lawsuit, merely to suffer and be more injured with the inevitable and foreseeable result of injustice. It is unjust to reject my appeal and force me to suffer another wasted lawsuit leading to certain dismissal or adverse judgment because I am incapacitated and unaccommodated. I must not be tortured and injured to earn my right to appeal just because the FRAP is deficient and outdated and provides absolutely no provision for the Congress-mandated accounting of the needs and accommodation of the disabled. This court has a moral and ethical obligation to carefully listen to the legitimate exposure of its systemic improprieties and violations of law by design. Hazari must be used by this court as a real example of the URGENT need for disability precedents. Hazari's plight clarifies the consequence of the absence of the (proper) implementation of the ADA by our courts from the perspective of a once-in-a-lifetime plaintiff who would not relent to the injustice and abuse and mutilation inflicted on him and continued to speak at extreme cost in MULTIPLE LAWSUITS, that provide additional information for the interests of justice.

Herein is a partial list of 5 years of writing and compilation of ADA violations and issues being collated and committed to this text under extreme duress with serious negative health consequences, under a management protocol by exceptional care providers that can only be tolerated short term, all while my opponents oppress me. This court is morally obligated to ask the following questions, and resolve the following issues, and more not stated. These are REAL AND PRESENT issues of determinative legal impact and of unbearable and forbidden consequence that are daily afflicting the disabled pro se litigant through the standard operation of our courts (lower court docs 82, 83). No court should ever commit such torts and hatred against a disabled litigant, as Hazari is suffering from.

NOTE: This court did not provide me any form for a fee waiver as order by the commissioner.

CONTEXT

- It is the void of precedents on point that is the cause for the extreme and pervasive discrimination and prejudice suffered by the disabled pro se litigant with "invisible disabilities" in our courts. Every section herein has this paragraph invisibly added.
- Unless described otherwise, the context of each question is from the perspective of a disabled pro se litigant in need of disability accommodation for "invisible disabilities" in order to be able to access the services of a court, and to have equal opportunity and be able to fully participate in the program and services that implement the due process of law and the Constitutional and statutory benefits conferred on that litigant.
- Due to cognitive impairments, Hazari will use several different terms to refer to the benefits conferred and guaranteed by the ADA and the Constitution, typically by using the expression "equal participation".
- Hazari is traumatized and his writing is reactive and expresses extreme anxiety due to the demonstrated hostility, enmity and tortuous and CRIMINAL conduct of our courts. But exceptions for good judges and ethical attorneys must be noted. In the context of disability accommodation, judge BLF has so far distinguished herself as the leader in propriety, faithfulness to law, and adherence to standards required for the proper implementation of the ADA. Similarly, in the context of the violations and issues caused by the opportunism, impropriety and exploitation of opponents, Mr Rossi in the case 19-cv-04392 is excluded.
- You are inattentive and inconsiderate and do not read or grasp the inequities or violations of law that you are committing without a second thought. The issues and facts are expressed oddly due to an idea of formatting in a way as to open your minds and eyes to the plight of the disabled pro se litigants with invisible disabilities, of which you are ignorant. I am robbed of the opportunity to do legal research and refer to precedent due to incapacity, and rely on charity of others. But my real life experience and documented journey through the courts in multiple (unrelated) lawsuits is proof that a major problem exists with our system of jurisprudence. Therefore YOU must DILIGENTLY assist in legal research to supplement my writing, and find the precedents that must be addressed by the sacrifice that I perform here for the public interest, as I cannot and may not even see the end of this writing.
- It is our collective responsibility to rehabilitate JSW and his abuse and injuries (even if he does not preside over this case). It is a huge burden on Hazari's conscience to reconcile the terrible injuries

inflicted by this judge with his haunting words "no ill will" that he directly issued in his order to assure Hazari of his intention to do right. Hazari is a cause for harmony and order, not for dissension and conflict. Therefore you must take note that if JSW is abusing and injuring me without ill will, then our judges and courts as a whole are TRAPPED in obedience of what YOU instruct to be proper conduct, or what YOU FAIL TO CORRECT when it is proper conduct. Is it not your sworn responsibility to uphold the Constitution and serve justice? By your failure to provide urgently necessary precedents you are abusing and injuring silenced disabled litigants in similar fashion to me, because they do not have the guidance and analysis that it is YOUR JOB to URGENTLY provide to guide their judges and the courts that control their rights and lives and liberties and properties. It is the lack of YOUR precedents and YOUR abject neglect and indifference to laws that are decades old and still not observed or considered by YOU that is making judges, including JSW, become my opponents and oppressors, and due process is unavailable to me anywhere, except so far only in the court of BLF. It is therefore your duty to ensure that my voice is heard and reform is made urgently.

- If you won't do it, I show merit that you should certify me to petition the US Supreme Court. So provide me with disability accommodation so that I can do the job instead of you. Time and life and liberty and property and rights are of the essence. Weak and disadvantaged and oppressed and sick human beings are looking to us for resolution of their misery. Do not forget the Danilaks and Hagans and Minkowskis and countless silenced and forgotten others who proved that the ADA is necessary legislation and that courts are repeat offenders of disability rights even 32 years after its enactment.

DEFINITIONS

- ADA means Americans with Disabilities Act, including its Amendment, and includes all related laws that provide rights and protection and remedies to the disabled.
- Invisible disabilities can be simplistically defined *as* symptoms such as debilitating pain, fatigue, dizziness, cognitive dysfunctions, brain injuries, learning differences and mental health disorders, as well as hearing and vision impairments and similar conditions. These are not always obvious to the onlooker, but can sometimes or always limit daily activities, can range from mild challenges to severe limitations, and vary from person to person.
- Disability hate crime is described in publications by attorney generals and the Department of Justice. It is derived from first principles out of common law tempered with the evolutionary influence of our body of jurisprudence and laws. Hazari's cases demonstrate disability hate crimes by courts and opponents exploiting the disloyalty and hatred of courts.
- Abuse includes improper and unlawful acts that include injury-inducing psychological and emotional stimuli, particularly marked by the presence of distress, and the maintenance of an atmosphere/environment that chronically exposes the victim to on-going psychological and emotional injuries. The psychological and emotional stimuli and consequent injuries are presumed to have a direct effect on the victim in a manner that deterministically worsen his health and his disabilities.
- The words "criminals" and "prisoners" are used interchangeably. No disparagement is intended to accused and indicted and sentenced persons.
- The words "prejudice" and "discrimination" are likely used interchangeably.

- Hazari uses the word “permissive” to mean that the court allows excessive freedom to the opponent to decide the outcome of the accommodation request by the disabled litigant to the court.
- I use square brackets to refer to a discussion of an issue, e.g. [opportunity] in the text refers to the section entitled “ISSUE: opportunity”

BACKGROUND

Hazari is disabled, seriously ill, with multiple simultaneous lawsuits. He suffers from multiple “invisible disabilities” (see records sealed by this court). His disabilities and injuries and serious illness have increased since July 2018 to the point that he is at risk of death, incapacitated, and requires a global cessation of all litigation and distress induced by the absence of (appropriate) disability accommodation in order to recover. Hazari is pro se, no one represents him despite his efforts because no attorney or government entity or organization or charitable entity practice in this area of law or have resources to assist him. No attorney appears to want to oppose courts.

Hazari insists that he will not abandon his lawsuits, and insists on availing himself of his disability and other rights, and shows by action that he intends to participate in due process when in remission and rehabilitated.

Hazari’s disabilities and illness have two distinct ‘phases’. The first is the ‘active’ phase where the diseases are relapsing or exacerbated, and in this ‘phase’ Hazari requires the total cessation of distress (resulting from the absence of appropriate disability accommodation) and complete rest, in order for remission to follow, and for recovery and rehabilitation from permanent injuries to be made. The second is the ‘passive’ phase where the diseases are in remission, and in this ‘phase’ Hazari requires disability accommodation appropriate to his residual permanent injuries that then define his disabilities. The accommodation for the ‘passive phase’ is, by definition, inappropriate for the ‘active phase’.

Medical science regards some of Hazari’s disabilities as unpredictable with regard to their phases. Detailed scientific/statistical investigation of Hazari’s records during a 7-year time period outside the controversy reveals that Hazari’s disability ‘phases’ are predictably activated by distress and remission is predictably dependent on the absence of distress. Hazari’s distress during the ‘active phase’ is under the control of the court and his opponents. Hazari, upon remission, has demonstrated that he can manage his disabilities and remain in the ‘passive phase’ absent torts that induce distress. The continuous failure of disability accommodation in the courts has kept him ‘trapped’ in the ‘active phase’ for 5 years.

The ‘passive phase’ is critically distinguished from the ‘active phase’. In the ‘active phase’ permanent injuries occur that INCRESE DISABILITY. These injuries can be very serious including fatal, such as

dyspnea, hypoxia etc These symptoms and conditions are referred to as comorbidities. These are considered diseases, and some are disabilities in their own right, separate from MS. Since 2019, Hazari was pushed so far into disability by the distress induced by the courts' systemic discrimination that his doctors warned the courts about his risk of death if he is unaccommodated. This risk has only increased due to the discrimination he is experiencing in the Federal court system.

This court limited this response to order to show cause to appeal from Doc 72, but Hazari responds with cause to consider every order by JSW in 21-cv-04262, including Doc 61,67,72,87,94. As discussed below, judge JSW opportunistically ruled that the motion to withdraw a request for ADA accommodation (for the purpose of safeguarding Hazari's privacy and in view of its futility given JSW's prejudice), should be interpreted as a motion for disqualification, and then used that opportunity to deny the motion to disqualify based on the lack of content to justify disqualification. This unethical act ensured that Hazari may not again be able to disqualify this judge, and also ensured that the judge will continue to preside over Hazari's lawsuit and to inflict more prejudice and injuries upon him, and to increase Hazari's burden, in the presence of systemic violations of ADA by Federal courts, to remove him and to challenge his forthcoming prejudice and improper rulings by extraordinary writ. It demonstrates intention to discriminate by a federally funded court.

SOME RULES AND PRECEDENTS CONFLICTING WITH THE ADA

1. FRCP, FRAP, Rules of the Supreme Court of the United States (RSCUS)
2. California Rule of Court 1.100
3. Vesco is California's modus operandi built into Rule of Court 1.100, and declares that disability accommodation is not an 'absolute' right at law, but is a permissive and contingent right determined by the interests and willingness of an opponent, who is involved in deciding the disability accommodation. Hazari's lawsuit takes issue with Vesco as being an improper and unlawful precedent in California.
4. A LARGE body of precedents state:
    a) that stays of litigation are generally disfavored
    b) that a stay of long duration is prohibited
        a. one year or more is treated as 'indefinite'
    c) that each litigant has the duty to move her lawsuit forward without qualification

d) every precedent evidences the total absence of ADA as the central issue (and there is no precedent with the fact pattern of Hazari)

incomplete, see if anyone can get precedents to add here

ISSUE: FRAP

FRAP provides NO PROVISION for ADA accommodation of the disabled pro se litigant. The Appeal Court does not follow any process for incorporating a major Federal law (ADA) into the unmodified FRAP, resulting in promotion of prejudice by reason of disability and denial of access to this court. Even California higher courts claim to follow a rule of court 1.100 that expressly claims to provide disability accommodation, and in 2021 they claim to have added a new grievance procedure for disability accommodation. The absence of ADA provisions in FRAP and the systemic discrimination that it promotes and maintains, intends discrimination based on disability.

ISSUE: FRCP

FRAP provides NO PROVISION for ADA accommodation of the disabled pro se litigant. The District Court is prone to error in implementing a major Federal law (ADA) into the unmodified FRCP, resulting in promotion of prejudice by reason of disability and denial of access to the District court. Even California has a rule of court 1.100 that expressly claims to provide disability accommodation. Judge BLF is a rare exception, but her conduct should be the basis for building the implementation of the ADA in the procedures and practices of our courts. The absence of ADA provisions in FRCP and the systemic discrimination that it promotes and maintains, intends discrimination based on disability

ISSUE: end of litigation

The record of this court and 21-cv-04262 in the District Court evidence that a final judgment has in effect been entered. The conduct of JSW deprives Hazari of any benefit of the proper BLF accommodation in 19-cv-04392. This court does not recognize this truth, and does not wish to consider this truth under Hazari's arguments that invoke the ADA and identify this court's non-compliance with the ADA that have resulted in a FINAL JUDGMENT before the lawsuit gets underway. See below.

The information provided by Hazari and sealed by this court unquestionably evidences the near certainty that Hazari's lawsuits in the District Court (both of them) will be disposed by exclusion of Hazari from access and participation that will induce and maintain his inability to access the lower court.

He has demonstrated that this is the inevitable outcome by 5 years of suffering in the California courts, and now here. Denial of access and unequal participation occurs when a disabled pro se litigant is incapacitated by serious illness, including long Covid, and is denied appropriate accommodation that is his right at law and by every possible consideration of fairness. Additionally, the mechanism of serious and permanent injuries of Hazari in the 'active phase' of his disease is well known to the courts, and is being used and inflicted repeatedly through denial of accommodation and coercion into unequal participation. This repeated activation of the mechanism of serious and permanent injury is further incapacitating and disabling Hazari and silencing him, and thus his litigation is proceeding without his (equal) participation, and his only recourse is to suffer serious injury to object and defend his rights and provide reasoning and information to show the intentional and systemic violence and hatred and elimination of rights perpetrated against him by courts and exploitative opponents. See below for details.

Hazari is not expected to survive the continued infliction of injuries by courts and by exploitative opponents in order to proceed with litigation unless courts correct their improper and discriminatory conduct and conform to the ADA and the Constitution when dealing with Hazari and his rights and his protection. He demands this correction.

ISSUE: life and liberty

The mere potential of deprivation of life and liberty and property of criminals is cause for courts to adopt and enhance special procedures and rules (FRCP, FRAP, RSCUS, "Prisoner Mailbox Rule"), including providing pro bono counsel. However, the disabled who are deprived of life and liberty by reason of disability, and highly prone to further deprivation of life and liberty and property through induced illness and disability and sufferance of prejudice of courts by reason of disability, are given NO CONSIDERATION or mention in the same procedures and rules, nor provided with pro bono counsel. Hazari continues to be deprived of life, liberty and property and rights by the courts. He continues to be TRAPPED by the court in injuries leading to continued incapacity.

The district court and this appeal court have been provided with evidence of how Hazari sought a 4 week stay in August 2018, and due to the malfeasance of courts and their violations of the ADA, Hazari's need for a stay increased in duration, and today, it stands at one year. In the state court, a chronology is established by more than 100+ disability accommodation applications spread out over the courts of Hazari's state lawsuits. It is not Hazari's fault or under his control to decide what treatment and what protection he needs for his disabilities. His needs are controlled by nature and by his disabilities and the mechanism for their influence, not by the volition of Hazari. He is a prisoner of his disabilities

and a prisoner of the court while he is in litigation which instead of relief, induces more disability and increased treatment and protection. Instead, our jurisprudence is set up to injure Hazari into needing more treatment and protection by virtue of increased disability, and then punish him by depriving him of increasingly protection and accommodation because he has exceeded a limit of tolerance and accommodation, but which the courts cannot and will not characterize as "fundamental change", but 'fairness' or the like.

Like a prisoner with a death sentence, Hazari is incarcerated in his residence for the past 5 years and has not been able to leave except for medical visits, and one brief and necessary travel (like a prison transfer and back), and he is facing a terminal endpoint in time only delayed by his executioner and the appeal that he keeps resubmitting for his life. He has been deprived of his property by the criminals who damaged him and who falsely accuse him and caused his death sentence. However, in the case of the death sentenced prisoner, the disabled does not have the resources, the care, the protections offered to that criminal defendant, even though the ADA expects Hazari's protection and accommodation. Hazari also does not have considerable provisions in procedures and rules to protect him, even though the ADA expects them to be constructively added to those rules and procedures.

The entrapment of Hazari in the unrelenting course of disease through repeated infliction of distress during the 'active phase' that predictably induces relapse and exacerbation of his MS and comorbidities is a guarantee that Hazari will continue to lose life, liberty and all rights, and be forced to endure the misery of correcting the inhuman abuse of our jurisprudence, and the deprivation of his pursuit of happiness by malevolent courts who seek, approve and inflict his demise.

ISSUE: application

The ADA was worded in order to be applied by each court to all existing processes and practices in jurisprudence and eliminate discrimination by reason of disabilities with the repeated emphasis of Congress. The ADA could not and did not seek to individually modify every statute and every procedure and every rule that exists and that can impact a disabled pro se litigant, but emphasized "sweep of congressional authority" and "elimination of discrimination". Therefore, when a disabled pro se litigant requires access to the court, the ADA must be considered with priority and applied diligently and unfailingly to every aspect of the disabled litigant's participation and access, through adaptation and modification of each statute, procedure and rule to ensure necessary and appropriate accommodation for disability to achieve access and equal opportunity and equal and full participation for the disabled litigant. No statute, no procedure, no rule is exempt from this consideration, to the extent of

"fundamental alteration" identified by the ADA as the limiting factor. It is the policy and practice of our courts to ignore this principle, or to prejudicially advance a claim of "fundamental alteration" (see 4262 Doc 96) without meeting the standard of scrutiny. For example, FRAP does not include, consider or apply the ADA and this court will not adapt or modify FRAP to accommodate the disabled despite the mandate of the ADA and proof by Hazari of suffering the discrimination that the ADA was legislated to prevent.

ISSUE: pre-emption

The right to disability accommodation is paramount, and the ADA pre-empts procedure, as well as pre-empting conflicting substantive law and precedent. An example of conflicting substantive law and precedent is denial of a stay that is identified as the only and necessary accommodation for a disability at this time. Courts systemically and mistakenly, and often deliberately, pre-empt the ADA with a precedent that disfavors a stay or other accommodation, and betray the protection of a highly protected class. A determinate stay of one year (or more) based on proof and scientific evaluation, does not constitute a valid exception to the application of the ADA, as it does not constitute a "fundamental alteration".

ISSUE: opportunity

Due to denial of ADA accommodation, and the injuries consequent, Hazari cannot litigate, appear, participate, plan, strategize or move any case forward, put on any offensive, but is solely limited to only defend, react, repel, respond, and object in his lawsuits. This does not constitute ADA "equality of opportunity" to "fully participate" in due process.

See also [fairness] and [protection] re unequal protection of criminals/prisoners.

Equality of opportunity includes permitting a disabled pro se litigant to state what he means and be allowed to communicate his purpose and meaning, not to speak for him as in Order 72. Instead Hazari's opponents, who repeatedly remind all of us that Hazari is a law school graduate, speak for him with perjury and fraud and assassinate his character and paint him as a mad terrorist. And the court speaks for him and what he means to say and what he intends. And judge JSW who speaks for Hazari when Hazari has not said a words of what this judge claims and interprets Hazari to say, the privilege of representation of Hazari is personal to him and not to the court.

As this writing makes clear, Hazari wants to personally say what he wants to say, not have another person speak while he is silent and not allowed to approve or correct that speech. Substituting the judge as Hazari's mouthpiece on a motion to disqualify that same judge, as JSW has declared the withdrawal motion of Hazari to be, is a violation of ethics, since Hazari would be capable of disqualifying the judge by himself. Hazari is only put in this TRAP, where the judge chooses to speak to him on an issue that involves the ethics of the judge, because he is incapacitated and the case proceeds without his access and participation.

There is no case for JSW to argue that he raised the issue of disqualification on behalf of Hazari for his best interests, when there is the strong appearance of impropriety and conflict of interest by a judge who speaks for a disabled pro se litigant whom he silenced by deprivation of disability accommodation that would otherwise provide him with capacity to speak for himself. Hazari's motion to withdraw his request for accommodation is precisely that. The judge uses an opportunity he created by silencing Hazari to then implicate him for trying to disqualify him, and makes it supremely easy for himself to deny the recusal motion that he creates in the void of form and content and express intention.

Thus JSW sets himself to remain on the case and continue to abuse Hazari, and deny him all future opportunity to remove the judge. Hazari demonstrates that he can file an affidavit to disqualify the judge by his filing in Doc 97, and that the Doc 69 motion to withdraw was precisely that, and not to be conveniently interpreted when a judge wants to defend his ethics and promote and extend his discrimination by staying on the case, by picking the easiest opportunity to deny that invented attempt to disqualify.

This is not the first time that JSW punishes Hazari for failing to participate irrespective of the lack of appropriate ADA accommodation and despite incapacity. See for example 4262 Doc 67 line 27, where he accuses an incapacitated Hazari of not having justified his right to privacy, when in fact JSW has the burden to justify the elimination of Hazari's privacy right, and more importantly, he is asking an incapacitated unaccommodated disabled seriously ill pro se litigant to defend his rights.

No court provides equal opportunity to a disabled pro se litigant with invisible disabilities.

ISSUE: access

Access is as much as a perception as it is a physical and procedural experience of a litigant. It is insufficient for courts to consider "access" as merely acceptance of filing fees, allowing filings and scheduling of motions and pleadings, and permitting appearance in hearings and trials with physical

accommodations, with equal application of conventional rules and procedures and precedents to both parties. “Invisible disabilities” must be accommodated properly and according to medical authorities with appropriate consideration to unique needs of each disabled litigant, which generally can change with time. The disabled must, by virtue of their difference caused by disability, be treated differently and unequally (in a positive and beneficial meaning of the word) by the courts. Hazari’s record demonstrates that existing processes and practices of courts are insufficient in meeting the legal rights of disabled pro se litigants with “invisible disabilities”. Accessing the services of a court unequally when the ADA is violated does not constitute “access” as the ADA intends.

The perception of the hostile environment maintained by a court towards her is a psychological and emotional bar to access. Like every pro se litigant, the naïve disabled pro se litigant expects the courts and its judge to be wise and benevolent. Once they feel that these judges express the same discrimination and mindset that disadvantages the disabled in society, but now with the power to abuse and control their life, liberty and property, the disabled become traumatized and lose equal opportunity by virtue of loss of mental calm and composure and the ability to fully participate by virtue of fear, anxiety and intimidation of discrimination and the magnified consequences of that discrimination by courts.

By virtue of the hostile environment of our courts for the disabled pro se litigant, these vulnerable and highly protected class are impacted even more deeply and severely by the discrimination of the court, against which they do not even have the protection of withdrawal without consequence, as Hazari demonstrates over 5 years of litigation.

ISSUE: limits

The only limit on disability accommodation under the ADA is “fundamental alteration”. No fact or circumstance of Hazari’s case, or any of his accommodation requests, constitutes a “fundamental alteration”. No limit on the duration or quantity or frequency of accommodations may be placed on Hazari when no “fundamental alteration” lies. A stay of one year (or more) with medical and scientific proof justifying the accommodation does not constitute a “fundamental alteration”. Courts have discretion on extensions of time, including appeal courts, but choose to deny time extensions to the disabled pro se litigant based on improper reasoning and erroneous application of law. Courts falls far short of the limit prescribed by the ADA.

In [fairness] Hazari discusses long Covid. This court imposed a limit on accommodation that spills over from ADA discrimination based on disabilities into discrimination in general inflicted on Hazari. This is no different than the state courts' action to eliminate all of Hazari's rights. Hazari is denied the same accommodation and the same consideration that was offered and IS STILL BEING OFFERED to Covid victims by the courts, and Hazari has long Covid with debilitating long term symptoms. As a result Hazari is succumbing to infection after infection because his already inferior immunity is taxed by opportunistic bacteria and viruses despite extremely long quarantine.

Therefore, the court of JSW has an accounting on accommodation that is alien to law and to the dignity of the human being, and is being applied to limit accommodation by stay without humanity or restraint to Hazari, under the label of 'fairness'. In this accounting, Hazari has exhausted a limit on stays that JSW has set at approx. 1 year (with multiple interruptions depriving Hazari of the benefit of his only recommended treatment of "complete rest and isolation from stress"). But Hazari also developed long Covid. There is NO conduct more illustrative of the hostility of courts for a disabled pro se litigant like Hazari than the inhumanity they inflict with prejudice and display of their will to injure Hazari by DEPRIVING HIM OF EQUAL PROTECTION AFFORDED TO THE ENTIRE POPULATION OF THE UNITED STATES, who received accommodation from the courts for Covid (see [fairness]). The hostility is deliberate and Hazari has no rights in the Federal Court system, except in the court of BLF.

ISSUE: fairness

In considering 'fairness', the ADA and the People require the court to prioritize the relative consideration of disabilities as a national goal that has been emphasized multiple times by Congress. Congress has corrected the courts repeatedly because the courts discriminate against the disabled despite legislation. When the two authorities (ADA and fairness) are in conflict, the court must emphasize the protection of the disabled class, even at the expense of conventional 'fairness', which does not incorporate the considerations of the ADA, because of the habituation due to decades of disability-ignorant legal thinking. The ADA expects extinguishment of "unfair and unnecessary discrimination and prejudice" and that the disabled are assured "full participation". Nowhere under the facts in the lawsuit is there any basis for JSW's order that deprivation of Hazari's full participation in his own litigation is fair and necessary. Nowhere in any fact or order is there any basis for JSW's determination that the inferior accommodation of more pages and more time is appropriate or fair, and, in the light most favorable to JSW, he seems to be offering Hazari scraps of accommodation because he perceives that he has no other choice.

It is inherently unfair to redefine a medical and scientific truth for the convenience of the court and based on erroneous logic by a judge that elevates a religiously-observed precedent ('indefinite' stay) to pre-empt a naturally comprehensible law (ADA) that any reasonable person would offer instinctively to the disabled person without need for legislation. No matter what a judge wishes to believe, the 'active phase' will never be the same problem as the 'passive phase' of Hazari's diseases.

It is inherently unfair for the disabled pro se litigant to be burdened by having to fight for disability accommodation because disability accommodation is regarded as a peripheral process by courts, and is an after-thought that is not centrally integrated into the court's services and processes, like for example, the rights and processes provided for criminals. Like architectural modifications and provisions, it is the court that must concern itself proactively with the ADA accommodation of the disabled pro se litigant with "invisible disabilities". Instead, the opposite is true.

The very burden of having to go through the process of asking and obtaining disability accommodation is demanding and is an additional burden for the disabled pro se litigant that is not suffered by the non-disabled opponent (or the criminal). And given the appalling state of our system of jurisprudence that deliberately disobeys the ADA, the disabled pro se litigant faces a court whom she must FIGHT in order to correct the court's disability violations and to be accommodated, as well as conducting her lawsuit. It is unfair that the disabled litigant has to fight TWO LAWSUITS for every one lawsuit that her opponent fights by reason of her disability. It is unfair that the disabled litigant faces the court as an adversary not as an impartial judge. This has been Hazari's plight for 5 years in the state courts, and now here.

It is inherently unfair to expect a disabled pro se litigant to suffer injury as the cost of access to the court, and as the price of (unequal) participation. It is unfair to keep Hazari TRAPPED in a never-ending cycle of serious and permanent injury by not 'letting him out' of his 'active phase' with appropriate disability accommodation.

It is inherently unfair to protect and cater to one class of people (criminals/prisoners) who are in jeopardy of their lives, liberty and property and other rights if special considerations and accommodations are not provided to them in criminal proceedings, and to unequally protect the disabled, who by mere existence, are deprived (to whatever degree unique to each) of life, liberty and property and other rights, especially when Congress, multiple times in the past approx. 4 decades has insisted on special considerations and accommodations to be provided by courts for this highly vulnerable and perennially wronged class and who are identified as "often [having] no legal recourse to redress … discrimination" by courts.

The criminal is protected so highly at the initiative and unrelenting consideration of the court that counsel is available and even 'pushed' on the self-represented accused any time he needs it, and care is exercised throughout the proceedings to determine the ability of the accused to proceed pro se. If under the influence of medications that influence cognition or participation, the accused is provided time. Care is provided to the accused if sick or injured while the case is in progress.

In contrast, the disabled have to petition, and BEG for accommodation and FIGHT for it, and courts do not recognize their protection or the inherent discrimination that further erodes their life, liberty and property and other rights systemically. If under medication or suffering cognitive impairment, courts proceed without regard to the impact to participation afflicting the disabled litigant. If injured or seriously ill during the proceeding, courts offer no rest or care. Thus the same courts protect the criminal and ensure no right or consideration fails to be provided to them, while injuring and abusing the disabled and eliminating their rights that are specified by multiple laws. No pro bono counsel is offered to an (indigent) disabled pro se litigant but she is coerced into unequal participation while incapacitated (like Hazari).

However, if you compare the treatment prisoners and the disabled merely based on equal protection then you continue to give weight to courts ignoring their fundamental duty of respecting the dignity of every human life, which is only achieved by understanding and learning about disabilities. See [competence].

No court would take a normal litigant and mutilate her to inflict disability and thus make her equal to the disabled pro se litigant who opposes her, and then proceed without accommodation of either party and without regard to the ADA. The ordinary sensibility and the dignity of human life, as well as the dignity of justice are offended by consideration of adding injury and inflicting a most undesirable condition (disability) on any human being. However, the systemic behavior of courts is to inflict injury, add and increase disability, and violate the dignity of a disabled pro se litigant and to insult and evict justice from the court (4262 Docs 82, 83, 96). Yet even in this hypothetical scenario of mutilation to equalize disabilities as a condition of access to the court, the issue of "full participation" is not addressed.

When Covid arrived, the courts, without precedent, or any authority in the Constitution or at law, unilaterally decreed that everyone should be accommodated by more time, because Covid is an injurious disease that can affect the access of every litigant. The courts were mindful of Covid even after the emergency orders were lifted. However, now comes Hazari, suffering injuries as bad as Covid for the past 5 years, some even more serious, and when he develops LONG COVID, a variety of Covid unknown that the CDC distinguishes as having uncertain but debilitating long term effects, and Hazari is

denied the same accommodation and the same consideration that was offered and IS STILL BEING OFFERED to Covid victims by the courts.

'Fairness' is used by courts as un unlawful and improper justification for elimination of disability rights and for justifying the court's violations of the ADA and of the Constitution.

ISSUE: unequal participation

When a disabled pro se litigant can only participate unequally in due process, and yet, by means of disability accommodation appropriate to her needs, and compliant with the ADA, she can participate equally, and have equal opportunity to conduct litigation, and this accommodation is not provided to her, then there is a violation of the Constitution as well as of the ADA, and a betrayal of the People's trust in our courts that shows a major defect exists in our jurisprudence. According to medical facts and scientific proof, a stay of predicted duration as Hazari has requested, is appropriate disability accommodation. A stay of the form that Hazari requested for the purpose of regaining capacity to participate in litigation must never be denied.

"Full participation" by Hazari is impossible without the appropriate disability accommodation, which JSW denied. "Equality of opportunity" requires what 4262 Doc 96 (Minkowski) describes as an equalization based on providing the disabled litigant with a 'step up' via 'threshold unequal treatment favoring the disabled litigant' designed to make her equal to the opponent in terms of her natural participation and her opportunity to access the court. She must be treated unequally until she is at a threshold of ability to participate that is objectively equal.

This does not mean that she must be accommodated until she is able to participate like an attorney. But it does mean that she must not be prevented from having equal opportunity and full participation, and not subjected to an unethical or hostile atmosphere of court that impacts her mental and emotional ability to participate, and her perception of the integrity and propriety of the court according to the accommodation of her disability, which then acts as a bar to access. Until that threshold point of equality is reached, the disabled litigant has not been properly accommodated. This 'threshold unequal treatment favoring the disabled litigant' is described in the ADA, in part, by the national goals of ASSURING "equality of opportunity, full participation".

Participation is not equal when a judge, who treats a pro se litigant equally to a represented litigant, treats a disabled pro se litigant, to whom he has denied necessary and appropriate ADA accommodation, as equal to a represented litigant. Nevertheless, this is the modus operandi of our courts and judges. This

is what JSW has done. Without necessary and appropriate disability accommodation, no equal participation is provided.

Participation is unconscionable in the ‘active phase’ for Hazari as the factors described above are present and constitute a bar to access, and the distress of their presence and infliction upon Hazari induces more injury and TRAPS him in the ‘active phase’ – see 4262 Doc 75,90.

Disabled pro se litigants are systemically subjected to discriminatory and coerced unequal participation and denied “full participation” and “equality of opportunity” in our courts.

ISSUE: due process

A disabled pro se litigant pleads an ADA personal injury and/or ADA violation against a court in the underlying lawsuit. The disabled litigant also applies for ADA accommodation, by virtue of an etiology and pathology for injury and disability that is common with the causes of action, and which prevents her “full participation” and “equal opportunity”. In the void of guidance and instructions (and no listing in websites or ECF) by the court regarding disability accommodations, the disabled pro se litigant’s privacy is prone and easily destroyed and prejudice to due process is likely. The litigant is ordered to disclose and deprived of the privacy of her disability information and must enter an adversarial process of securing accommodation, WHILE SHE IS AN UNEQUAL PARTICIPANT in the adversarial process (i.e. before the accommodation is granted), undermining the ADA.

Any ensuing ruling by a court on the collateral issue of disability accommodation, is either a ruling on the personal injury and ADA violation causes of action, or irreversibly prejudices a fair trial on the merits. Add to this the proven failure of ADA accommodation in the courts, and the need for Hazari to litigate based on the court’s violations of the ADA, and due process is lost and recovery is an oppressive and unduly burdensome task even for the most competent attorney, so God help the disabled litigant.

A plaintiff who asks for a jury trial before a presiding judge who has ruled on a motion on ADA accommodation, based on an etiology and pathology for injury and disability that is common with the causes of action, has already made a determination and enters the jury trial with a bias. The mere appearance of bias, its possibility in such a situation, is a bar to litigation proper. No non-disabled litigant (who does not require disability accommodation) in an ADA personal injury case is placed in this same quandry or subjected to the same abuse as the disabled litigant. The foregoing meets the definition of discrimination.

Not even the privilege related to Settlements apply by procedural rules to prohibit use by opponents of the disability information or the order on accommodation by the court. Courts cannot be trusted for their discretion and diligence as demonstrated by Hazari for the past 5 years. Thus, disability accommodation of a disabled pro se litigant must never be conducted by courts in the manner evidenced in California or in the Federal court system, by adversarial motion and disclosure of disability information to anyone. BLF got it right. Otherwise a ruling on accommodation is in effect a FINAL JUDMENT on those causes of action, at the time of the order on the motion for disability accommodation, and is arrived at without due process and in violation of the ADA.

The accommodation provided by BLF is the proper form of ADA accommodation for safeguarding due process as no disclosure of the information for the disability accommodation is made, no use of the disability information may be made by any (opportunistic and exploitative) opponents (Mr Rossi appears to have ethics and integrity), no issues of res judicata/collateral estoppel arise, and no bias appears for the presiding judge. The BLF court demonstrates competence in independently evaluating the medical facts supporting the request for accommodation and safeguards the integrity of due process, since injuries are also pled in that lawsuit. If any opponent has an issue that a presiding judge may be influenced by the sealed information that she rules on in camera, then a separate judge may be the solution: assign disability accommodation to a special master or separate judge.

A disabled litigant's due process right is compromised in any matter before the court that ordinarily requires the participation of a disabled pro se litigant, from which participation she is excluded despite objection (e.g. 4262 Doc. 87 – JSW will decide the motion if Hazari does not file opposition on 10/7/2022) by deprivation of appropriate ADA accommodation.

In Hazari's lawsuit, one of his claims and defenses is that the misconduct of the California court system in systemically and deliberately violating the ADA and eliminating all of his rights is not entitled to full faith and credit. However, in 4262 Doc 61, without consideration to Hazari's complaint, JSW references a ruling by the state courts where that court pronounced Hazari to be vexatious, which appears to have weighed in to JSW's order. That court did so after depriving him of access, and despite Hazari's objection. That unethical court claimed that Hazari offered no opposition to the vexatious motion while the unethical judge had claimed that the lawsuit was over and after the motion for his disqualification had been filed. The same court had previously ruled in his favor because he was able to file a defense (by attorney Schumann) to the same vexation claim. Hazari's opponents Brady et al. exploited the extreme prejudice of that judge, which he admitted to Schumann, and Hazari's incapacity and the absence of Schumann, to engineer a vexation judgment to silence Hazari and prevent him from any further action against them to undo the blatant injustice of California courts.

JSW's reference and use of that state court ruling is improper in view of the 4262 complaint and the facts, including those facts stated in 4262 Doc 100, and indicates a bias, and lack of independence, which when seen in conjunction with discrimination based on disabilities, is cause for Hazari's demand for appeal based on [final judgment].

Time and unaccommodated disability prevents me from giving more examples. Disabled pro se litigants are systemically deprived of their rights to due process by courts. Courts proceed in inflicting discrimination and prejudicially creating and manipulating evidence and establishing collateral estoppel without due process on issues that dispose of a just lawsuit unjustly.

ISSUE: privacy

The courts must protect the privacy right of the disabled pro se litigant, and prevent injuries from humiliation and embarrassment due to disclosure of medical information to ANYONE. They must protect the disabled from exploitation and interference of opponents using knowledge obtained from the disclosure of private medical information for improper purposes (Hazari's case against his opponents who injure him is of great educational importance for this court and of public interest).

The process of determining disability accommodation must be implemented using similar principles to a fee waiver application, where the financial privacy of the litigant is protected by seal, and every court is inherently competent in financial analysis of economic capacity. Disabled pro se litigants are systemically deprived of their privacy by courts.

This court does not recognize the privacy rights of a disabled pro se litigant, and by limiting this writing to 4262 Doc 72 and 'disqualification' by ignoring the amendment of the notice of appeal to add 4262 Doc 67, does not even notice the appealable issue that the privacy right of the disability of information of Hazari is sacrosanct and its violation by a court that disobeys the ADA and pre-empts the ADA with rules of procedure leading to more information and ammunition provided to exploitative and interfering opponents who have a demonstrated history of abuse and infliction of injuries through such knowledge to continue, increase and opportunistically inflict more serious injuries on Hazari to maintain his incapacity and even kill him in plain sight of errant courts who fail to protect Hazari, even though he has brought suit that includes the exploitation and interference of these actors.

ISSUE: competence

Courts (deliberately) lack competence in disabilities and the ADA. The competence requirements must include the independent evaluation of the disability information and medical authority for the accommodation request, without requiring any adversarial process for establishing facts or for deciding accommodation. Accommodation of the disabled must be a consequence only of the need, and the need must be ascertained by the court alone and based on objective facts. The competence standard must eliminate the ignorance of disabilities, and inattention to disability facts provided by the litigant, and the inability to properly evaluate the accommodation requested OR APPARENTLY NECESSARILY, that judges habitually demonstrate. Some pro se litigants cannot even state what accommodation they need, or may request accommodation insufficient or inappropriate for their needs. Pro se litigants, including the disabled, are greatly disadvantaged by their own grasp of their own needs for accommodation, and authentic treating physicians are, ASA RULE, reluctant to be involved with any litigation.

For example, JSW is typical of judges who have stated their expectation that Hazari's MS relapse must end according to a deadline set by an order (4262 Doc 61, 67, 87) of the court, or for Hazari to participate incapacitated and unequally at expiration of a deadline, without accommodation identified by medical authority as necessary and proper, which implicates competence in disabilities.

For another example, JSW has read Hazari's lengthy repetitive filings (due to cognitive impairments and coping) but incorrectly describes Hazari's disability and condition as an MS relapse in his order Doc 61, 87, whereas Hazari has multiple disabilities the condition for which have been explained in his filings. Hazari has repeatedly documented that he has comorbidities and these are distinguished from his MS.

JSW omits any mention that the reason for Hazari's requests for ADA accommodation is not an MS relapse, but that HIS MULTIPLE DISABILITIES HAVE A CRITICAL DEPENDENCE ON DISTRESS INFLICTED BY THE ACTIONS OF THE COURT, AND THAT HE IS TRAPPED BY THE REPEATED DISTRESS INFLICTED BY THE COURT BY VIRTUE OF DENYING HIS ADA ACCOMMODATION. The omission of the court-induced distress by reason of denial of Hazari's disability accommodation during his 'active phase' implicates JSW's competence in disabilities, as does his lack of reference to Hazari's comorbidities, which include a number of disabilities, some of which are more likely to cause his death than his MS relapse, and each of which causes impairments or incapacity that no one can dispute, such as inability to breathe.

The courts must demonstrate for public review, competence in the ADA and its proper implementation. The DOJ implementation of the ADA and the ADA amendment mandates court quality control and maintenance of public records of compliance with the ADA. No exception exists for any court. The

ADA is undisputed in precedents, and therefore must be implemented by the federal courts. Having these records is not a substitute for quality and correctness in implementing the ADA.

At a minimum, maintain a track record of:

- documented competence in understanding disabilities
- competently evaluating the accommodation needs of the disabled (with "invisible disabilities") according to the applicable standard
- providing appropriate disability accommodation, quality-checked for fitness for purpose, and for its no-injury character

Courts do not comply with any of these requirements.

ISSUE: double standards

According to JSW, if the complaint alleges personal injury, then the District Court does not permit privacy of disability information and orders disclosure of all private disability information to the opponent for adversarial determination of the ADA accommodation. According to BLF, if the complaint alleges personal injury, then the District Court ensures the privacy of disability information and seals it and relies on the court's competence for exclusive determination of the accommodation. Judge BLF is correct, and the model for precedent. **However, according to the Federal District Court, privacy is a permissive right determined based on the consent of an opponent, and is not a guaranteed right that the Constitution and our laws expect.**

According to JSW, it is sufficient for an opponent to merely oppose a request for ADA disability accommodation for it to be denied. The ADA disagrees. Compare with a criminal case where a District Attorney would object to an indigent litigant who requests assistance of pro bono counsel as accommodation for his situation. Elimination of such a prisoner's right to that representation by mere objection would be considered a criminal act, a cruel inconsideration of the vulnerability and derogation of the rights of the accused, an insult to justice, a basis for nullity of any verdict, and unconscionable. Compare with the disabled pro se litigant, whose rights to accommodation is legislated with the "sweep of congressional authority" and repeatedly legislated to correct the incompetence of our courts to grasp and adhere to disability laws. The disabled is unaccommodated by systemic prejudice, and is required even when incapacitated, or suffering injury as a result of that prejudice, to suffer injustice and further loss of rights due to ADA accommodation that is denied because of an opponent's objection. ABSOLUTELY NO PROCESSES AND NO SAFEGUARDS EXIST TO PROTECT THE DISABLED

WHOSE PROTECTION AGAINST SUCH DISCRIMINATION IS MANDATED AS A NATIONAL PRIORITY.

Disabled pro se litigants are systemically suspected, accused and libeled because they are disabled. They are silenced and incapacitated and then coerced into participation and when they appear or write, the court and opponents are waiting to say “see, I told you she does not need accommodation”. Accused criminals are held to be innocent until proven guilty, while exploitative opponents are given broad latitude and encouraged to accuse, libel, abuse, and offer allegation without evidence and erode the ADA rights of the disabled. A criminal prosecution is held to the standard of Evidence, but ADA accommodation does not recognize any Evidence code. See [exploitation]. The ADA prohibits such prejudice and abuse and provides relief against the court which fails (systemically) to protect a highly protected class. This appeal court further undermines the ADA and its legislated mandate of protection of the disabled by conduct documented in this appeal.

Disabled pro se litigants are abused to the point of being silenced, and then the courts and their opponents habitually speak for them. In hearings they are routinely not allowed the same amount of time or opportunity to speak or object, and the courts even speak on their behalf with the judge’s interpretation of what the disabled litigant is saying or even what the disabled litigant WANTS TO SAY, when in fact, in every case Hazari recalls from 5 years of litigation injuries is that the judges are wrong wrong wrong and nevertheless act as his mouthpiece and rule in accordance with their representation of Hazari. It is a double standard for JSW to deny the speech of Hagan in Doc 75 but then to contrive an intention by Hazari and then speak for him and rule in his own favor. See also [fairness].

Many more examples – add here.

ISSUE: duty of care

The ADA is a major law that prohibits discrimination based on disability but also identifies some types of harm to the disabled that result from that discrimination. The mere existence of discrimination and the fact that it is considered as a prohibited act establishes that discrimination causes harm to the disabled person, including the harm cited by the ADA. If a court is obligated to obey the ADA and provided accommodation for access and to ensure “legal recourse”, then absence of obedience to the ADA can be presumed, at a minimum, to cause the harm, or make the disabled person prone to suffering the harm. Thus a duty of care arises for the court to obey the ADA and thereby prevent and mitigate harm, and miscarriages of justice during due process.

A disabled pro se litigant who enters the machinery of the court is at the mercy of the procedures and processes of jurisprudence that do not incorporate the ADA which was enacted for her protection. When a court is in control of injuries and capacity of a disabled pro se litigant (as in Hazari's facts, also Danilak, Hagan, Minkowski Docs 82,83,96), and can prevent and mitigate injuries, and ensure capacity, through provision of disability accommodation, but fails, a duty of care has been breached. But tort duty of care must be distinguished from ADA duty of care.

The anticipated harm that creates the duty of care by operation of the ADA is not limited to the harm described in the text of the ADA. A court must protect the disabled litigant against injuries and incapacity that result from its lack of propriety and faithfulness to the ADA and to the Constitution, because injuries and incapacity are foreseeable for a disabled pro se litigant like Hazari whose facts document injury as a result of experiencing the issues described in this writing. If the court does not exercise ADA care, Hazari has shown that injuries and incapacity foreseeably result. A court must discharge its duty of care arising from the ADA through diligent and careful provision and application of ADA-tempered procedures and processes, and through timely and proper disability accommodation as well as the maintenance of a non-hostile and non-oppressive environment for the disabled litigant.

Judges and courts demonstrate a duty of care towards (indigent) criminal defendants, but no duty of care is demonstrated towards the disabled, who are PRESUMED by judges and courts NOT to be disabled. This is contrary to the expectation of the ADA which requires the disabled to be treated as such under the protection of the ADA, once they have identified themselves to the court as disabled. However, if a disabled litigant does not know this requirement, the court SHOULD exercise care is asking about disability. The courts also do not dare speak on behalf of a criminal defendant, especially as it might prejudice him. But courts do not hesitate to speak on behalf of a disabled pro se litigant WHOM THEY SILENCE BY DISCRIMINATION, and to rule on what the judge claims he intends to say (and get it wrong) as JSW demonstrates in 4262 Doc 72 to the prejudice of Hazari. See [competence], [ethics], [abuse].

ISSUE: exploitation

According to statistics, the People believe that attorneys are in general unethical and that the "business of law" is corrupt. Public confidence in our courts is reported to be at an all-time low, with the conservative Gallup reporting that since 2006, confidence in the US Supreme Court has averaged 35%. A disabled pro se litigant who seeks ADA accommodation is prone to abuse by courts and interference and exploitation by opponents and their attorneys, as documented in Hazari's case over the past 5 years.

Silenced disabled litigant can only utters the word “slander” in response to long diatribes of character assassination and false accusations from opponents , as Hazari did in August 2018 in response to fraud and misrepresentation and false allegations and perjuries offered by Hughmanick, and Wendt and their clients Brady et al. to judge Kirwan in the California trial court to eliminate Hazari’s motion for stay in lieu of disability accommodation, a motion that Hazari has had to resort to bringing in 4262 in Doc 75.

California courts rely on Vesco and on an adversarial process to determine the appropriate disability accommodation for a disabled pro se litigant. The disabled litigant is highly prone to abuse and in a condition where she may not be able to represent herself or participate as Hazari was in August 2018. She has limited resources and requiring her to hire an expert witness to confirm her disability would pose an insurmountable barrier that would prevent her from pursuing her ADA case. Courts do not follow evidentiary and due process standards in deciding disability accommodation, but exercise judgment based on their inherent bias and systemic prejudice against the disabled. This gives opportunity for opponents to interfere with the ADA accommodation and leaves the door open for them to exploit the affected disabled litigant’s loss of opportunity and ability to participate. This has been Hazari’s experience in the past 5 years, including in the District court.

The exploitation by opponents of the disadvantage of the disabled and their discrimination by the courts is with the knowledge and blessing of courts. Opponents are the vanguard and the proxy of the abusive of courts, who reward them and have indicated how generously they will do so through favorable verdicts to opportunistic and frivolous motions and claims, and the award of $600,000 in attorney fees to criminal and dishonest defendants who ensured that Hazari’s injuries are multiplied and his just lawsuits dismissed through effective collusion with courts. The court’s recruitment of opponents as vanguard and proxy is subtle but commemorated in the filings in Hazari’s cases.

For example, defendant Hughmanick commented on the prejudiced and abusive ruling by judge Manoukian in 16CV295730, admitting that Manoukian disqualified Horvath as not being an expert and therefore disregarded her opinions in his decisions on the ADA accommodation for Hazari. This is what opponents also attempt to do in this lawsuit. Appendix C of ADA DOJ regulations 28 CFR 35 states: “one commenter said “[m]any people with disabilities have limited resources and requiring them to hire an expert witness to confirm their disability would pose an insurmountable barrier that could prevent them from pursuing their ADA cases.” and DOJ decided “Department's proposed language appropriately reflects Congress's intent to ensure that individuals with disabilities are not precluded from seeking protection under the ADA because of overbroad, burdensome, and generally unnecessary evidentiary requirements.”.

The defendants in Hazari's case who derive from 16CV295730 and 18CV337311 are dishonest and criminal human beings, and therefore they provide the perfect opportunity for this court to witness and review the exploitation that is possible in the case of a disabled litigant and the systemic discrimination by courts, as well as the subtle collusion of the two. This opportunity must not be wasted for the public interest.

These defendants demonstrate their prolific use of perjury and false representations and character assassinations and other unethical behavior (e.g. 4262 Doc 81). For example, for a prolonged period during which Hazari was incapacitated and unable to read and respond to filings by his opponents, defendant Hughmanick alleged repeatedly that Hazari is such an undesirable litigant that his own attorney had fired him. At those times, Hughmanick knew well that Lundell, Hazari's attorney had chosen to semi-retire and limit his practice to transactional law, and eventually when Hazari was able to respond, he produced a written response from Lundell which may be summarized as "bullshit". Ex parte communications between these defendants and judges of California courts, including with judges of unrelated cases, intended to block Hazari's ADA accommodation, were never punished or prevented by any judge. The presiding judge of the California appeal court even conducted ex parte communication with my opponents and sealed her communication and would not allow me to see it. Subsequently she made an egregious ruling against me that demonstrates without doubt that the courts are my adversaries and no due process exists. The same character assassination and fraud and perjury is continuing in the Federal court by Brady et al. for the reason that it was effective in the state courts, and Hazari's incapacity continues. (see 4262 Doc 81).

People v. Hayes, 27 Cal.App.5th 340, 346 (Cal. Ct. App. 2018) ("A defendant has a constitutional right to testify in his or her own defense, but does not have a right to testify falsely. (Nix v. Whiteside (1986) 475 U.S. 157, 173, 106 S.Ct. 988, 997, 89 L.Ed.2d 123, 138.) A defense attorney has an obligation to act as a conscientious and diligent advocate, but "[i]t is utterly reprehensible for an attorney at law to actively procure or knowingly countenance the commission of perjury. [Citation.]" (In re Jones (1971) 5 Cal.3d 390, 400, 96 Cal.Rptr. 448, 487 P.2d 1016.) A defendant's right to testify does not trump an attorney's ethical responsibilities. (Whiteside , at p. 173, 106 S.Ct. at p. 997, 89 L.Ed.2d at p. 138].) " '[A]n attorney owes no duty to offer on his client's behalf testimony which is untrue.' [Citations.] Stated slightly differently, an attorney, including a criminal defense attorney, has a 'special duty ... to prevent and disclose frauds upon the court....' [Citation.]" (People v. Riel (2000) 22 Cal.4th 1153, 1217, 96 Cal.Rptr.2d 1, 998 P.2d 969 (Riel).) "A ' "lawyer should not conclude that testimony is or will be false unless there is a firm factual basis for doing so. Such a basis exists when facts known to the lawyer or

the client's own statements indicate to the lawyer that the testimony or other evidence is false." ’ " (Ibid .)”)

Lee v. Shapiro and Clamon, D056947, at *1 n.5 (Cal. Ct. App. July 29, 2011) (“"[A]n attorney may not 'knowingly allow a witness to testify falsely, " and "[a]n attorney who attempts to benefit his client through the use of perjured testimony may be subject to criminal prosecution (Pen. Code, § 127) as well as severe disciplinary action [citation]." (In re Branch (1969) 70 Cal.2d 200, 210-211.) "In general, a lawyer 'is entitled to rely on information provided by the client.' [Citation.] If the lawyer discovers the client's statements are false, the lawyer cannot rely on such statements in prosecuting an action." (Daniels v. Robbins, supra, 182 Cal.App.4th at p. 223.)”)

The above precedents provided to me cover some of the unethical conduct perpetually used by my opponents, with the court encouraging and rewarding the behavior with impropriety. See for example 4262 Doc 81. I can provide more examples of perjury, such as is recorded in 18CV337311, and in filings in 16CV295730, such as I provided under duress in 4262 Doc 100.

ISSUE: interference

Opponents exploit disabilities and interfere with disability rights to keep the disadvantaged and abused disabled litigant subdued and disempowered and prevented from accessing the court as intended by the ADA. They rely on the courts’ lack competence and judges that are or become prejudiced against the disabled litigant. They create and find opportunities, and then are increasingly invited and encouraged to undermine the rights of the disabled litigant (see [exploitation]).

Any good judge like BLF is subjected to pressure for adhering to the ADA. Note from the last order of BLF that she asks Hazari’s opponent in 1 9-cv-04392 if he objects to Hazari’s accommodation. Note also that this is the first time that she asks the pointed question. Note also that prior to this ask, judge JSW ‘defended’ himself against his invention of a motion for disqualification by Hazari by reference to BLF. It is extremely serious for a good judge to be pressured by anyone because of reasons that raise questions of ethics about other judges. Note also that prior to these events, Hazari’s opponents in 21-cv-04262 INTERFERED with Hazari’s ADA accommodation in 19-cv-04392, pressuring judge BLF into evaluating her course of conduct, when she had not hesitated to provide Hazari with the requested accommodation previously.

Our court’s systemic discrimination against disabled pro se litigants creates a dynamic of pressure on everyone to conform to the misconduct of ADA-errant judges who are in the majority, and act with

impropriety or conflicts of interest in violating disability rights. Judges do not take criticism lightly, especially form the ‘ignorant’, ‘annoying’ pro se litigant, and thus their egos and retaliation add to the burden of corrective action that must be borne by the victim of their discrimination.

This compounds the negative and hostile atmosphere of courts, as the habitually abused disabled pro se litigant anticipates that a good judge will be bullied and converted despite her good character. And that a bad judge will increase his prejudice and discrimination and cause more injury. Hazari believes in the integrity of BLF and that she will resist any adverse pressure, but it is repugnant that in the same court, another judge is abusing Hazari while the very same court sets the proper standard of ADA accommodation.

ISSUE: scrutiny

The standard of scrutiny for accommodation under the ADA is strict/heightened scrutiny because of the findings and intent of Congress in the ADA and in the amendment of the ADA. The DOJ implementation of the ADA imposes on a court that denies disability accommodation the requirement to justify its action. Statutory presumptions are reversed by the ADA and DOJ, but not followed by our courts. The disabled are abused instead of protected, and no judge intends to be accountable for justification of his prejudice, and no judge follows the standard. The courts treat the disabled as collateral damage. History has witnessed that this weak and powerless class will not challenge the courts for violating their disability rights, and if they do, they receive only more injustice and injury. All facts must be reviewed de novo on appeal or writ, and higher courts fail to do so. Courts do not meet the applicable standard of scrutiny. This court is incompliant with the ADA in its treatment of Hazari and its failure to modify FRAP to permit this appeal. This appeal court must grant appeal and scrutinize the record and the facts, and allow Hazari to recover and then submit a proper appeal, and thereby set a precedent.

ISSUE: ethics

Obedience of the ADA implicates discrimination and directly relates to the ethical prohibition against discrimination in the judicial codes of ethics. Any violation of the ADA is therefore, by definition, an ethical violation.

Even judicial codes of ethics acknowledge that it is not possible to enumerate all possible prohibited acts and therefore the codes must necessarily cast prohibitions in general terms that extend to conduct by

judges that is harmful although not specifically mentioned in the code. The same applies to the ADA and its [application].

Neglecting to follow and apply the ADA, is a violation of ethics. Knowing that the ADA applies, and not applying it, deliberately or because of lacking competence, is unethical. Organize and dictate the operation of courts and the judiciary by means of controlling precedents, or by through of bodies that devise and implement court rules and rules of procedure, and allow precedents or rules and procedures to be followed that violate the ADA, and a conspiracy lies and the ethics of jurisprudence is implicated. See 4262 Doc 82, 83. Note that the Judicial Council of Circuits, unlike California's Judicial Council, has not addressed the ADA.

Not every judge understands that they are prejudiced. But when their prejudice is explained to judges and they fail to make corrections, ethics are implicated.

Nowhere better is the integrity of a judge and a court better tested that in the treatment of the most disadvantaged and most vulnerable and most handicapped litigant, cue Hazari, the disabled pro se litigant who is seriously ill.

The integrity of a judge, upon which the integrity and independence of the court stands, is unraveled if they do not comply with the law or are unfaithful to the law. Where is my ADA accommodation? Violation of the ADA touches on adherence to the Constitution, and no reasoning about the independence of a judge can justify or excuse the violation, especially given the context of all relevant circumstances in Hazari's case.

No judge must favor any party, but what is on display in our courts is discrimination against disability. The discriminated party is disfavored and the opponent thereby favored. Therefore the favoritism does not need to be overt, it can be derived by conduct. The serious of the improper activity is most apparent by the proof of consequent permanent and serious injuries inflicted as a result of the lack of integrity of the judge. Hazari has declined to contraction of long Covid and sustaining more injuries, and continued abuse by the judge has exposed him to repeated opportunistic infections. When this discrimination is systemic, it undermines the integrity and independence of our entire judiciary when the conduct is not limited to one judge, but is systemic.

When the ordinary person does not hesitate to be considerate and accommodating to Hazari, but our judiciary, except for BLF, uniformly abuse him and refuse him accommodation for his disabilities and his serious illness, and reward his opponents, the People find an honorable and independent judiciary to

be absent, and are justified in having no confidence because of the low standards that such conduct by our judges publicly demonstrates.

The disrespect shown by judges for the ADA and the rights of the disabled, which is the mandate of the People expressed by the ADA, does not demonstrate the impartiality expected of our judges. It demonstrates impropriety. No ordinary person would consider the abuse of Hazari and the discrimination that is his history to be proper.

Considering Hazari's circumstances, which are already well disclosed, and can be easily ascertained by the most simple and reasonable inquiry and supported by numerous witness testimonies and authoritative medical records, when compared to the writings and reasonings and orders of judges that deny him accommodation, invariably and reliably leads to questions about the honesty, integrity, temperament, and fitness for service of those judges.

The absence of any corrective action for violation of the ADA, whether self-initiated by the judge, or by a higher court, and especially in the total absence of the implementation of the ADA as legislated, is grounds for the reasonable belief that the judiciary are irresponsible and that a judge's independence is in fact defiance of law and ethics and a betrayal of trust. The appearance of impropriety is indisputable.

Judges who violated the ADA in dealing with Hazari have acted unfairly. No excuse may be found for abusing and injuring Hazari, whose dire circumstances are unfailingly identified with proof, and fairness does not exist when the value of life and human dignity and human rights is placed below the administration of justice that requires the incapacitated to do the impossible. The Constitution did not provide for cruel and unusual punishment for seriously ill disabled incapacitated litigants for the sake of speedy trials and dogma that eliminate the access of the disabled to our courts in the name of 'fairness' and conformity to outdated reasoning by higher courts. Even criminal defendants and prisoners are given more consideration and protection.

Judicial ethics expressly forbid prejudice and bias, harassment and abuse. All these are seen, and increasingly so with the passage of time, in the conduct of judges who deal with Hazari and deny his disability accommodation.

Look for example to how JSW has become increasingly abusive, not only eliminating Hazari's only appropriate disability accommodation (stay) in perpetuity, but also now insisting that he must perform (while incapacitated) and an equal participant (see 4262 Doc 92). Professional competence requires knowledge of the ADA, knowledge of covered disabilities, the standards that the ADA demands of

jurisprudence, competence in determining appropriate accommodation, and competence in interaction with a disabled pro se litigant, and ensuring her protection.

A conflict of interest is apparent when a disqualified judge chooses the most opportune moment in the litigation to declare that a challenge has been made to remove him, and no such challenge has in fact been made, but he has chosen to declare it so and then rule in his own favor upon having silenced and injured the litigant and deprived him of benefits and relief provided by law (4262 Doc 72, then compare with Doc 97). This judge continues to preside in the case, and increases his enmity, abuse and prejudice. His impartiality has reasonably been questioned as BLF has granted accommodation, and JSW has not said that BLF is wrong, but has only alleged a justification ('fairness') that is unreasonable and does not meet the applicable standard of set by the ADA. JSW does not meet the burden of justification and proof that is squarely on his shoulders.

It is neither patient, nor dignified, nor respectful nor courteous when a judge treats Hazari as seen in 4262. For example, a judge who demands that Hazari be either cured or recovered from his incapacity and be ready to litigate without disability accommodation by a deadline set by the court, does not demonstrate either of these required qualities. The test of patience is not how long a stay JSW has provided to Hazari before mutilating him as is now on display. The injuries and consequential measures Hazari has endured in order to address JSW's prejudice and mutilation, as well as to make a case to this court for intervention by appeal, is evidence of impropriety of our courts, and ethical failures of our judiciary.

Conferring the full right to be heard at law must not be at the expense of repeated predictable permanent and serious injuries to a disabled pro se litigant. Granting a stay in 4262 and, during each stay, undermining the stay and permitting the prosecution of motions filed by exploitative opponents intent on causing injuries to Hazari and maintaining his incapacity in view of their discovery that courts fail to protect Hazari as the ADA requires, constitutes bias and disregard of law, not fairness and ethical conduct to hear an oppressor.

The failure by a judge or (this) court to rule on a motion for disability accommodation, and thereby holding a disabled and prone litigant in suspense and anxiety and ruling months later to deny her accommodation, does not constitute prompt disposal of the business of the court. Coercing a disabled pro se litigant into unequal participation (order for Hazari to respond to the motion to dismiss) after depriving her of all rights, is not justified by a claim of prompt disposal of the business of the court. Ethics require the court to be efficient and business-like but not at the expense of being patient and deliberately following the ADA, which pre-empts the 'fairness' that JSW claims (see [fairness]). There

can be no public confidence in the abuse of a disabled pro se litigant who comes for relief A SECOND TIME to a Federal Court system that has no regard for the law that authorizes that relief. While the court must avoid delays, there is not one shred of evidence that the delay necessary for Hazari's accommodation is avoidable, and JSW has not taken one step in proving so. In fact he has ratified BLF's conduct and therefore agrees that the delay is unavoidable, yet despite this he denies the same accommodation BLF offers. The appearance of bias is blinding.

The discrimination by JSW has developed into misconduct constituting intentional discrimination on the basis of disability, which is expressly forbidden in the Federal code of judicial ethics. Deprivation of any stay from the reach of Hazari is a hate crime as it injures Hazari, exposes him to continued exploitation with consent of the court, and deprives Hazari of all benefit conferred by BLF in 19-cv-04392.

Public confidence in the integrity and impartiality of the judiciary is promoted when judges take appropriate action based on reliable information of likely misconduct. Hazari has repeatedly provided information about the violation of his rights, the infliction of injuries upon him by the use of the mechanism that induces his injuries and disabilities in the 'active phase', and the exploitation of his opponents. Absolutely no action has been taken by any court receiving this information. Appropriate action depends on the circumstances, but the overarching goal of such action should be to prevent harm to those affected by the misconduct and to prevent recurrence. Hazari has seen absolutely no sign or indication that any judge or any court will conform to this ethical requirement, especially not any self-interested judge or court that refuses to disqualify itself when the appearance of impropriety is present.

Coercing an unaccommodated seriously ill disabled pro se litigant with long Covid into this participation is an act of malice and hatred. This disabled litigant is having his life, liberty, property and rights stolen and destroyed by our courts. No ethics exist when such acts are perpetrated by the most powerful and trusted members of society. Except for BLF to date, judges and courts have difficulty catching up to what common people consider to be moral ethical sense.

ISSUE: independence

A higher court's failure to consider or to provide ADA accommodation when appropriate and necessary ratifies by conduct the denial of ADA accommodation by a lower court, as is the case with Hazari. A higher court that relies on the ruling on disability accommodation of a lower court to determine the disability accommodation of a disabled pro se litigant who makes a motion for ADA accommodation in the higher court, has violated the rule of independence of courts. That higher court has also undermined

the ADA by being close-minded and ignored the standard of scrutiny that requires de novo and independent review of every fact, not just law. Thus the independence of the court is lots and its raison d'etre eliminated. In the absence of an adequate justification that must be provided by the lower court due to reversal of presumptions and modification of appellate practices by the ADA, the systemic failure of our higher courts is demonstrated by the refusal to recognize and apply the modification of their practices and rules by the ADA. Courts systemically forfeit their independence through disobedience of the ADA.

ISSUE: abuse

Courts may not perform experiments on the disabled litigant to establish the appropriate accommodation by coercing participation and measuring the functioning of the litigant in comparison to her disclosed medical information and her stated needs for accommodation. When one judge provides essential accommodation and the other judge does not, whatever the reason, and injuries arise by the disclosed and carefully explained and scientifically established process that only the requested accommodation can abate, abuse is in progress.

Abuse includes the disrespect for human life, the rule of inhumanity in our courts, the hostile atmosphere presented to disabled litigants, the selective violation of the rights of the disabled by courts, the deprivation of speech and access and equal opportunity and full participation by courts.

Abuse includes the customary libel that the disabled face from hostile courts, the adversarial conduct of judges who are implicated for their impropriety and ethics, and the exploitation that courts facilitate by opponents with fairness held prisoner in favor on tradition rather than recognition of disability rights. Even the complaint by the disabled litigant who cannot properly write it due to unaccommodated disabilities is libeled by the court – see [evidence].

The last thing a disabled person needs is arguing for acceptance of her disability and being embarrassed or shamed or denied that she has it and a corresponding need for accommodation. This is abuse.

A horrific experience for the disabled litigant is how the courts silence her through unequal opportunity in hearings, inattention to her writings and speech, denial of her accommodation and then SPEAKING ON HER BEHALF AND INTERPRETING HER INTENTIONS WHILE SHE IS SILENCED. Witnessing this regular occurrence is cause for distress from the apparent hostility and impropriety that is the modus operandi of courts, and is a permanent bar to access by the disabled because of the

lingering and increasingly impactful perception it creates in the mind of the disabled litigant that the court intends to harm her and will ensure that injustice results to her. Much more can be said.

The last thing a disabled person needs is arguing for acceptance of her disability and being embarrassed or shamed or denied that she has it, and also has a corresponding need for accommodation. This is abuse. The ADA presumes disability exists in Hazari's case, but he is constantly being made to FIGHT to prove it, when the burden of proof of non-disability is on the court, and the basis that judge JSW cannot find in his order in Doc 87 is that the ADA should be set aside in favor of a precedent or rule of court that he quotes NOWHERE. Judge JSW is entirely indifferent to the injuries that he inflicts on Hazari by his orders, and cannot provide justification according to the standard set by the ADA, and hence the absence of his mandated justification except a vague reference to his a previous order that also does not provide the required justification for denial of accommodation to Hazari.

Abuse stops the disabled pro se litigant in her tracks. Abuse takes the wind out of her sails. Abuse makes the court a traumatic place that she becomes conditioned to fearing, and then avoiding. Abuse results directly in injury and in injustice. Like domestic violence, the abuse of courts has the same effects as one abusive spouse on another. Therefore, that relationship is unethical, must not be tolerated and must be eradicated from our courts. This is the reality of the experience of the disabled in our courts.

Hazari strongly objects to the abuse and intimidation of his support persons, especially the offensive and disrespectful speech against ADA Disability Advocate Ms. Hagan who has been an angel.

ISSUE: hate crime

Despite extreme opposition and unfailing objections, courts persist in violating the ADA and the rights of the disabled. The disabled pro se litigant is treated as an irritant to court, and reluctant to conform to the established and disability-agnostic processes of courts, and therefore in need of punishment and in need of being induced to conform and obey the court. Thus negligence and systemic discrimination, when not intentional, transforms step by step into animus and retaliation by courts and then into deliberate abuse and knowing infliction of injuries and injustice that precisely follow the characterization of wrongs that the ADA prohibits. Despite repeated explanations, objections, demonstrated inability to participate and documented injuries, courts persist in their abuses of the disabled. Thus systemic discrimination motivates the transition of the courts' negligent abuse of the disabled to deliberate abuse, and a hate crime is born.

A disability hate crime is described as a form of hate crime involving the use of violence against people with disabilities. The violence in Hazari's case is keeping him TRAPPED in the 'active phase' and not letting him out through appropriate accommodation into the 'passive phase', and as a result, inflicting repeated serious and permanent injuries upon him. The injuries include the inducement of new and additional disabilities and (life-threatening) comorbidities and symptoms, and worsening of existing disabilities and conditions. These deprive a disabled person of life and liberty and quality of life.

Not one judge has the sensibility to even imagine that it is the feedback from the judge's behavior in mistreatment and abuse of the disabled pro se litigant that results in the increased opposition to abuse by the disabled pro se litigant. Just like in domestic violence, the pattern of the victim's behavior becomes controlled by the abuser, the court, as do the victim's injuries. And all this because of the complete lack of appropriate competence of courts in the ADA and in disabilities. Disabilities are abused equally, in the minds of judges, using the argument that all litigation is stressful. The ADA disagrees. The discrimination against the disabled includes infliction of stress that can be a basis for accommodation of invisible disabilities.

Refusal of judges and courts to correct their improprieties and disobedience of the ADA despite repeated demands and cause provided in depth and with proof is the undeniable intention to commit a hate crime against Hazari, who gave over 100 notices in the same vein as this one to the state courts. California judge Socrates Manoukian is the perfect example of a perpetrator of disability hate crimes on Hazari. Read the filings in 16CV295730. Her equally accomplished peer in the appeal court is judge Mary Greenwood.

ISSUE: diligence

Compare with accused criminals and the mechanisms and processes of courts to ensure the proper and just handling of their rights and their prosecution through due process and their need for counsel.

The disabled on the other hand are accustomed to discrimination as a rule, and where do they go to get justice and relief? The Courts. And what happens in the courts? They are abused, subjected to more discrimination and are ejected from courts, by virtue of a process that is incompatible with court access by the disabled litigant who is unaccommodated. No judge will ask if a pro se litigant is disabled, or check on the condition of the disabled or her fitness to participate, or evaluate competently (see [competence]) and impartially if her opportunities are equal to her opponents. The due diligence required for the protection of the disabled class does not constitute favor or a breach of ethics.

No quality control of ADA compliance and the appropriate and timely accommodation of the disabled pro se litigant exists and no records kept as the DOJ requires. When the disabled pro se litigant is deprived of appropriate ADA accommodation she is not offered an attorney to represent her when she cannot equally participate or access the court. The ADA reverses presumptions and requires courts to justify their discrimination, but courts do not obey, and proceed as if the disabled is not disabled, just pro se.

Courts do not act in accordance with the inability of disabled pro se litigants in expressing their own accommodation needs or availing themselves timely and easily, without undue burden, of disability accommodation by the court. Judges do not ask, and have no clue if the disabled pro se litigant before them is disabled, and do not inquire, and do not instruct and guide the litigant to accommodation. Rules of evidence are routinely violated in the adversarial process of the accommodation of the disabled, and character assassination and false accusations and libel are habitually offered (see Hazari's cases) to block accommodation.

Courts must monitor and adapt and offer accommodation, according to changing circumstances without initiation of petition by the disabled litigant, but do not. A disabled pro se litigant can go through the entire process of litigation in this court system without even knowing her disability rights or how to access accommodation.

For a higher court, the question "is this effectively a final judgment" posed by Hazari should be the first and foremost consideration when a litigant like Hazari applies for relief that is incommensurate with the written wording of FRAP. The information provided by Hazari, and sealed by this court, unquestionably evidences the near certainty that Hazari's lawsuits in the District Court (both of them) will be disposed by virtue of the inability by Hazari to access the court by reason of disability. Instead this court is poised to evict Hazari for a THIRD TIME without relief from what is in effect a final judgment, when it should initiate a precedent setting process of its own accord, as well as conform its own processes to the ADA. Who better equipped and available and able to set such a precedent?

ISSUE: precedent

There is no precedent that covers Hazari's multiple fact patterns and the questions and issues that they present. But Hazari's fact patterns are applicable to numerous included scenarios and fact patterns that have been seen and are being increasingly seen in our courts. See Doc 82, 83, 96.

ISSUE: presumptions

I should not have to remind this court that the presumptions concerning appellate court actions are reversed in the case of Hazari who pleads violations of the ADA.

The disabled must be believed, not libeled and discouraged and shut out of access. Technical correctness and disability-exclusive rules and procedures are organizing principles to commit obedient judges to discriminating against disabled pro se litigants, and thus FRAP arguably demonstrate a conspiracy by courts to deny disabled their rights. This court's inconsiderate and anticipatory denial of any accommodation to Hazari in Doc 6 indicates that the intolerance fostered by the deficiency of FRAP is being enacted despite knowledge of judges that injury is predicted and a disabled litigant who has been abused and discriminated against for 5 years and denied "legal recourse to redress … discrimination" by courts, is again being denied his rights despite his objection and resolute and clear actions at the cost of serious injuries.

Discrimination is presumed, and rebuttal and justification by the court must be made more burdensome when ADA is absent. Reversal of presumptions is the rule.

ISSUE: evidence

Judges HABITUALLY INVENT EVIDENCE that misrepresents the disability needs of the disabled pro se litigant, and use it to deny accommodation. Courts habitually ignore evidence provided by the disabled pro se litigant in favor of their discriminatory rulings because their rationale for denial of accommodation is otherwise undermined. Courts habitually presume to know what the disabled litigant wants to say and then speak on her behalf, and INCORRECTLY. Courts habitually give improper weight and credence to evidence provided by the disabled litigant. Courts provide improper weight and credence to opponents' allegations, accusations, defamation, character assassinations, and perjuries (see these documented in Hazari's lawsuit, including Doc 81), even treating some of these as evidence, when a proper litigation would have no room for them and would exercise the court's power to punish unethical conduct by those attorneys.

In Doc 87, for example, judge JSW writes "Mr Hazari continues to argue the Court should stay this case because the stress of litigation exacerbates his MS." Hazari has repeatedly, and clearly specified that it is the DISTRESS OF BEING DENIED DISABILITY ACCOMMODATION FOR HIS 'ACTIVE PHASE' AND BEING COERCED INTO UNEQUAL PARTICIPATION AND THUS DENIED ACCESS TO THE COURT, that is inducing his MS relapse AND THE EXACERBATION OF HIS **COMORBIDITIES**. What possible interpretation of the BOLD text matches the misrepresentation of

judge JSW? How is ‘normal litigation’ comparable to abuse of discretion and systemic subversion. Is it just an innocent over-simplification by the judge? It indicates a perspective of a judge who has no grasp of what Hazari’s disabilities are or their significance and how to deal with them or evaluate Hazari’s needs for accommodation. It also shows that the judge mis-states the evidence and Hazari’s claims.

The correct simplified description should have been “Mr Hazari continues to argue the Court should stay this case because the denial of his ADA accommodation in this phase of illnesses exacerbates his MS AND **COMORBIDITIES**”. These are 2 distinctly different descriptions. The condition of Hazari is dire because he is afflicted with **MULTIPLE DISABILITIES** which are active.

In the latter description, it is the court that is unlawfully causing repeated serious and permanent injuries, as well as depriving a disabled pro se litigant of lawful and proper accommodation. Under no circumstances can this be described as ‘the stress of normal litigation’. The choice of words by judge JSW who diminishes Hazari’s claims in a public order that can be used against Hazari in the course of this litigation to under-represents the severity and breadth of Hazari’s disabilities, and his complaint, and should be seen as libel and discrimination by a court of a disabled and seriously ill litigant. It also demonstrates how unaccommodated disability leads to slander of claims.

Judge JSW has been supplied with exacting details and information about Hazari’s disabilities, well enough to be able to accurately represent Hazari’s plight and grievance. By under-representing Hazari’s illness, JSW intends to portray Hazari prejudicially as suffering the ‘usual stress of litigation’ that is to be expected as the cost of participation as a pro se litigant in litigation in any court. It has the appearance of a lack of sensitivity and competence in dealing with invisible disabilities, and a will to abuse Hazari by justifying the denial of ADA rights including his protection.

By justifying his malfeasance, judge JSW discriminates through diminution of the evidence of oppression and discrimination and injury suffered by Hazari due to lack of ADA accommodation. Through his misrepresentation judge JSW has in effect rendered an improper judgment on Hazari’s lawsuit declaring that Hazari has not suffered any injury in any court other than the ‘normal stress’ associated with litigation. The appearance of impropriety as well as the absence of fairness and lack of diligence and lack of impartiality exists. Based on judge JSW’s collective orders so far, Hazari is made to appear as a frivolous plaintiff without any case of distress induced injury controlled by the court before he has even written his complaint proper. The judge seems to be offering defenses to the defendants the California courts et al. by his reasoning.

Battle of experts versus authentic physicians: See discussion re DOJ position of expert versus authentic physician testimony in [exploitation]. Throughout the process of seeking disability accommodation from

a court, the disabled pro se litigant is subjected to considerable due process issues (see [due process]) and the rules of evidence do not appear to apply. Courts do not acknowledge medical authority in the absence of competence.

ISSUE: inhumanity

The human rights of disabled pro se litigants are diminished and eliminated when courts take control of litigation while ignoring the ADA and deny appropriate accommodation. Injuries, such as the inducement of PTSD or "legal abuse syndrome" due to the abuse and discrimination of courts by reason of disability are common consequences of the denial of appropriate disability accommodation (see Doc 82, 83, 96). Hazari has also developed these conditions for the same reasons. Hazari's history of litigation since 2018 documents egregious and unconscionable abuse by courts that have deprived him of all rights, and driven him deep into disability and kept him trapped in serious illness and suffering.

The People are commonly aware of human rights violation abroad, but in general, these United States are the haven for the tortured, and the oppressed. The People recognize human rights, even if a minority do not. However, despite celebration of the ADA as world changing law, our courts MUTILATE the disabled pro se litigant by reason of her disability and strip her of all rights and send her punished and DESTROYED for attempting to access court services.

On 9/28/2022, our President celebrated the anniversary of the ADA with the words "For our country, the ADA is a testament to the character of our people, to the country. It's proof we can work together and keep moving closer to realizing the promise of America for all Americans — for all Americans. And it's proof of the power of our example — an American law that is a global model, inspiring 180 other nations to pass similar disability laws."

The People as yet are not aware that our courts, that once were Hazari's inspiration and hope for global justice, embarrass and undermine our nation, and betray a national goal of which Americans are proud, and which has inspired the world.

International laws now include disability rights, and by reference and by their application our courts are implicated as violators of human rights.

ISSUE: subversion

The ADA is 32 years old. A court has no excuse not to have properly and obediently implemented it correctly and to have diligently and competently applied it to every disabled pro se litigant. But Hazari has witnessed and suffered and documented systemic discrimination prohibited by the ADA and despite numerous demands for corrective action, has only witnessed the resolve of the courts in continuing the abuse and prejudice and denial of access that brings this lawsuit. A judge and a court are obligated to uphold the power and authority of the Constitution and of Federal law that is valid. This obligation is not demonstrated by judges and courts.

ISSUE: burden

Precedents for Hazari's fact patterns are absent, except too few. The systemic discrimination of the disabled pro se litigant by our courts has set up burdensome and inaccessible procedures for unaccommodated disabled pro se litigants in need of reversing orders denying appropriate accommodation. As in California, the disabled pro se litigant is expected to bring a writ of mandate against judge JSW who violates the ADA.

Think for a moment on the burden this places on a seriously ill, unaccommodated disabled pro se litigant like Hazari. The disabled litigant has to appear and participate subject to life limiting impairments, which in the case of invisible disabilities commonly limit life energies, attention, effort, cognition etc leaving less opportunity for participation, as well as less ability to participate. Time is the most common need for accommodation, and courts are reluctant to provide more time, even though they have discretion.

Thus, a disabled pro se litigant is faced with demanding writing of a writ in timeframes that conflict with other proceedings, but requiring urgency to mitigate the on-going abuses of discretion by the court caused by the denial of appropriate ADA accommodation which impeded the disabled litigant's access In California, a writ must be filed within 10 days of the order denying ADA accommodation, while hearings and discovery and other litigation activities continue. Since this court like California higher courts, do not recognize the rights of disabled pro se litigants to court accommodation here, a stay of lower court proceedings pending writ decision unrealistic.

Therefore an injured seriously ill disabled pro se litigant faces a choice of even greater effort and oppressive burden of writing a writ as well as proceeding with the case without accommodation. This is a design that encourages and coerces such a disabled litigant into giving up any writ and keeping scare

energies and capability for the proceedings. Thus the ADA is further undermined by this systemic discouragement to contest rulings denying ADA accommodations. Judges know this.

And if the disabled pro se litigant fails to object or speak or apply for accommodation (because she becomes conditioned by the court into believing that no accommodation will ever be granted to her, and that her insistence will piss off the judge and cause him to retaliate and punish her). Subsequently she is confronted with the false accusation of not voicing her objection or using her grievance process of filing writ.

The process imposed on the disabled is radically different from the attention and consideration that is afforded by a court to the pro se criminal defendant to protect him, and allow him to proceed with the least prejudice, and greatest protection of rights, and the highest chance of a fair court and fair trial.

ISSUE: fundamental change

Nothing that Hazari has requested as accommodation constitutes "fundamental change" under the ADA, either in this Federal court system, or in the California state courts, or from the US Supreme Court. In almost all of the various courts' responses to Hazari's accommodation requests no judge has dared to assert "fundamental change" as a reason for denial of Hazari's ADA accommodation. However this does not mean that courts do not invoke and misuse "fundamental change" as a basis for denial of appropriate ADA accommodation with abandon, as is the case for example in 4262 Doc 96. This illustrates how deeply rooted the discrimination by the courts is when facing the needs of a disabled litigant.

For any court to hesitate to maximally modify established procedures and rules and deadlines when Hazari needs accommodation, is not because a "fundamental change" prohibits, but in practice because that court is fearful of religious disobedience to a long established habit that now requires scrutiny by reference to the very roots of the derivation of that long established habit, and its reform. The People did not support and trust a judiciary that would be cowardly or fanatical. No question is improper and no rule or habit is beyond question. There is enormous room for change before it may be considered "fundamental change". The modern man is a new specie and requires a modern jurisprudence if it is to rise to the full height that is demanded by its dignity and its intelligence.

ISSUE: protection

Protection requires first the recognition that the disabled person with invisible disabilities arrives at the court with inherent inequality that is a feature of her existence. Protection also requires the recognition that without consideration and attention to the inequality of the disabled person, and without special handling, discrimination is INEVITABLE in the course of any activity which has been designed and implemented by ordinary persons who did not consider participation by the disabled. Our courts and our system of jurisprudence is so designed. It is also essential to recognize that, although you may feel you understand and can predict the needs of the disabled and can design and implement their equalization, you DO NOT walk in their shoes, and therefore you MUST NOT be inattentive to their expression of need and solutions for addressing their inequality. In particular, when a disabled person tells you that the equalizing process is inadequate, or flawed, or NON-EXISTANT, if you do not act to investigate and take appropriate corrective action, discrimination is inevitable. Courts protect the criminal defendant and the prisoner with designed processes and safeguards, but fail to do so in the case of the disabled.

The ADA finds that the disabled experience discrimination and "no legal recourse to redress … discrimination" which therefore requires "elimination of discrimination against individuals with disabilities". It does not state that a 'reduction of prejudice' is permissible as accommodation.

It is discrimination when JSW improperly 'accommodates' Hazari by providing page count and extra time in 4262 Doc 87 as accommodation for 'active phase' when a one year stay is necessary and proper for 'active phase', and the accommodation that he provides is only suitable in scenarios of the 'passive phase'. He is repeatedly reminded by Hazari of his folly, but deliberately makes no correction to his impropriety, therefore discrimination is on-going and deliberately inflicted on Hazari. In stark contrast to BLF, JSW ensures that Hazari's injuries will continue and that he will decline and even die, the risk of which has been explained by at least 2 physicians to the District Court. Note that JSW has access to all of the court records of 19-cv-04392, and he has admitted to reviewing that case.

The disabled like Hazari are prone to injury. Hazari's 4262 Docs 82 and 83 evidence testimonies of other disabled pro se litigants with invisible disabilities, who like Hazari, have developed serious injuries as a result of the intentional discrimination by courts, namely PTSD and "legal abuse syndrome".

The ADA does not permit any court to maintain policies, practices and procedures that exclude the disabled pro se litigant and eliminate, as for example, happens in this court by virtue of the disability-exclusive FRAP. Yet despite repeated notice by Hazari, this court will not take corrective action, and causes injury and discrimination to Hazari.

The ADA does not permit a judge to demonstrate prejudice and hatred against a disabled pro se litigant because he cannot accommodate his own needs, and because he cannot change the mechanisms and course of his disabilities and illness at the command of the court in observance of the court's biased view of 'fairness' and 'propriety' when in fact both are absent. JSW continues to expect Hazari to cure himself, remit on JSW's schedule and participate equally to every non-disabled litigant, because he does not recognize and refuses to recognize the truths of paragraph 1 of this part.

The ADA even provides for criminal defendants and prisoners and their accommodation. In prison, a disabled litigant without legs is not expected to use the stairs to arrive at the lower floor of the prison. A blind prisoner is not expected to navigate the prison without aid. But in the courts, disabled persons like Hazari are expected to forfeit their lives and liberty by suffering injuries and by being expected to function according to unconscionable expectations.

Even though federally funded by Hazari's taxes, federal court policies, practices and procedures protect criminal defendants and prisoners, but those policies, practices and procedures provide no provision for the disabled, or if they do, the provisions are defective and improper. The disabled remain indicted and imprisoned in their bodies and those bodies are increasingly made more injured and less functional just because the courts control the destiny and health of the captive disabled person who is a prisoner without rights and due process to the inconsiderate, inappropriate and inhuman treatment of a system that intends to dispose of a case without regard to fundamental considerations that no human being would find to be commensurate with the dignity of human life and the delivery of justice.

The ADA does not demand that a disabled pro se litigant petition for her rights, but for the courts to protect her rights with attention, care and diligence, but nowhere is this seen. The ADA does not expect a disabled pro se litigant to be abused and injured in the process of accessing her rights under the ADA, and courts are expected to ensure that she is fully provided with her rights, but nowhere is this seen. The ADA attempts to reduce the burden upon the disabled and to prohibit their fall into silence and injustice by virtue of the discrimination of courts and the impossibility of their access to legal recourse, but the courts ensure that legal recourse is not available through discrimination that silences the disabled by injury and ensure injustice results. The ADA expects the courts to greet the disabled with accommodation and ensure their accommodated and carefully monitored access, but the courts do not recognize the ADA when the disabled pro se litigant arrives.

It is not unexpected then that a disabled litigant is forced to sue a California court for its violations of her rights in the Federal court, and it is to be expected that the result is that the California judge will retaliate by denying ALL accommodation to the plaintiff, as judge Kirwan did when Hazari filed 19-cv-1986.

Hazari has no choice but to object and identify the inadequacy, or flaws, or NON-EXISTANCE of ADA compliance by courts, otherwise he is accused of not mitigating injury as he is coerced into loss of life, liberty, property and all rights. It is the deliberate discrimination against the disabled by the courts that causes these courts not to correct their indiscretion and subversion and malicious cruelty, and evidence abounds of how these courts have failed to investigate and take appropriate corrective action, but retreat to become unethical adversaries without care for the corruption and (appearance of) impropriety that the People witness.

JSW, in effect, has done the same as Kirwan did, by ensuring that he deprives Hazari of opportunity for responding to this appeal court to aid his own interest as Hazari's adversary. His knowledge of Hazari's circumstances and condition and susceptibility to injury is documented in the record. Like other courts, JSW has forced Hazari into extreme despair and extreme struggle by having to resort to this cut-and-paste and re-cycled fiesta of over-used repetition stored in cob-web ridden records of courts, that this appeal court will very likely NOT READ OR ATTEMPT TO LEARN FROM. Note the lack of precedent that Hazari would be capable of incorporating a writing only if he were accommodated and allowed to get out of his 'active phase'.

In Hazari's first appeal effort, JSW did not hesitate to accommodate Hazari with a stay to deal with this court's appeal. But there is distinct appearance that as this appeal and order to show cause concerns his improper conduct in 4262 Doc 72, he does not intend for Hazari to meet this court's inappropriate deadline and to be injured if I try. He even admonishes me when denying my motion for stay by expecting an unaccommodated incapacitated litigant to perform equally to an attorney, increasing my distress and repeating that discrimination awaits Hazari in his court.

Protection is not when a judge discourages and intimidates my ADA disability Advocate Hagan, who steps in to save my life and stop injuries by demanding what is my right, and instead substitutes himself when I withdraw my motion for accommodation and opportunistically speaks for me to my disadvantage and prejudice.

It is the modification of procedure and deadlines that is the most convenient means to accommodate the disabled litigant, particularly when pro se. Hesitance or refusal to maximally modify procedure and deadlines within the limits of 'fundamental change' is to intentionally discriminate.

Through the treatment of Hazari, it is seen that Congress is powerless and that the courts control the rights and lives of the People without accountability, and that the celebrated creation of a protected class (disabled persons) ,and that the hope for inspiration of the country and the world celebrated by our

presidents and our elected representatives and by the People, is based on a dream that our courts refuse to honor as the People intend.

ISSUE: deadlines

It appears that every statute of limitation, every appellate deadline, every procedure time limit or timing of every rule, is arbitrary and has become historically established by reasoning that did not consider the disabled in the context of modern society. The ADA did not exist. Each deadline became absolute over decades. Many have been modified over time due to the injustices they have caused, without consideration of disabilities. All of these deadlines were established without reference to, or consideration of, the challenges faced by the disabled pro se litigant. Modernly, access of courts by the disabled pro se litigant is a growing statistic. Application of the ADA requires adaptation of these deadlines as needed to accommodate the participation and capacity of the disabled pro se litigant. Our legal system fails to adapt these deadlines. Compare to the Prisoner Mailbox Rule where a criminal is given an exception to deadlines, but a disabled pro se litigant sees no exception to any (arbitrary) deadlines, as seen in this appeal. Deadlines must all be modifiable for the disabled and the modification does not constitute a "fundamental alteration". This is seen for example when at least one exception to the deadline for filing notice of appeal exists based on consideration of the disadvantage of an incarcerated pro se appellant.

The absoluteness applied to filing appeals and finality of actions is incompatible with disability rights of pro se litigants who may be incapacitated like Hazari, and entitled to due process rights and ADA protection. This does not constitute 'fundamental alteration' because originally, those deadlines were set arbitrarily, and the ADA was not yet born.

ISSUE: advocacy

In the absence of attorney representation, the courts deny to the disabled pro se litigant any support or advocacy by third parties, and assert that the privilege of self-representation is personal to the litigant. When a support person or advocate intercedes to prevent repeated serious and permanent injuries to the disabled litigant, that individual is intimidated and discouraged by the court (Doc 87 and associated filing by Brady et al. accusing Hagan of practicing law). An unaccommodated disabled pro se litigant must not be deprived of any support or advocacy, or intervention under like circumstances. Other

nations lead the United States which must follow (McKenzie friend in Australian jurisprudence), at least for accommodation of disabled litigants. See also [opportunity].

I am master of choosing my advocate, not a judge who chooses to speak for me, with impropriety and malice, to eliminate my right to disqualify him by opportunistic manipulation (4262 Doc 72) of a situation of disadvantage and incapacity of the litigant that he intends to continue to abuse.

ISSUE: discrimination

The evidence of discrimination based on disability is accumulating in the Federal court system based on the documented treatment of Hazari. Since The federal courts receive federal funding, Hazari is suffering the additional complexification of his lawsuits by having to seek remedies outside his lawsuit.

According to JSW, if the complaint alleges personal injury, then the District Court does not permit privacy of disability information offered solely for the collateral purpose of confidentially obtaining disability accommodation. Otherwise, JSW claims, no disclosure of disability information is required because he supports the decision by BLF in 19-cv-04392. However, JSW is mistaken, and appears as usual not to read the writings filed in the courts. Hazari's lawsuit 19-cv-04392 does include personal injury. So JSW is wrong, but offers his reasoning nevertheless. This is a remarkable carelessness given the ADA's requirement that the disabled be treated as a protected class, but Hazari believes that JSW intends him harm (see 4262 Doc 97).

According to JSW, he is right in denying Hazari all accommodation in the form of a stay because Hazari has exhausted a secret and undisclosed quantity of days of stay (see [limits]). He distinguishes his denial of Hazari's accommodation in the form of a stay from BLF's order granting Hazari his eighth stay of six months since 2019. JSW claims that Hazari's accommodation is a permissive right contingent on the agreement of his opponents, and not a right conferred to a protected class that pre-empts established bad habits of courts in misusing notions of fairness by bias,

JSW asserts that the mere objection by a dishonest group of opponents with a documented history of interference with, and exploitation of Hazari's disabilities for unjust gain, is sufficient to deny him any appropriate relief despite authoritative medical and other evidence and despite the addition of long Covid. (see [fairness]). He imposes the ban on any further stay perpetuity, depriving Hazari forever from an entire body of accommodation that a court may confer on a needy litigant, and without any regard to Hazari's disability needs or his consequent elimination of access to the court.

It appears that JSW intends to proceed with Hazari's case, and as he states in his order, without Hazari's participation. A reading of this judge's other writings in this lawsuit combines with his orders to present a picture of bias and intention to discriminate against Hazari as prohibited by the ADA and to dispense with his case, since Hazari's evidence indicates that absent accommodation, he cannot participate.

Hazari has been here before. He has faced all of the courts in the hierarchy of California jurisprudence, and it appears as if JSW is one of them when you review his conduct.

By ratifying the orders by BLF but distinguishing, this judge has committed his position to one of denial of appropriate disability accommodation based on 'fairness'. Since the ADA intends deliberate and equalizing positive discrimination to enable the access of Hazari to the courts, the deliberate decision by a judge to entirely ignore the ADA and place his biased definition of 'fairness' above a mandate of law that pre-empts procedure and 'fairness', then discrimination lies. Add the lawsuit filings that plead exploitation by defendants, their unjust enrichment as a result, and that no prejudice is experienced by them if Hazari is accommodated, as well as their failure to show any prejudice would attach despite copious fraud (see for example 4262 Doc 81), and the picture of discrimination based on disabilities is inescapable. The result is that Hazari is injured more and burdened with more oppression and protest, and deprived again of all of his rights, with the prospect of repeating 5 years of suffering and injustice in another court system that is as abusive and as subversive as California.

ISSUE: disparity

Hazari's 5 year long experience of discrimination by the California courts by reason of disabilities exposes the diversity of disability rulings on applications for accommodation that show many similarities with those of JSW and those of this court and with BLF. The diversity is too significant to indicate that any law or any rational basis is being applied by different courts to the same fact patterns and evidence. Scrutiny of the absent or minimal reasonings provided to justify the orders show inconsistency with the mandate and standards set by the ADA, with the burden of proof, and with the presumptions introduced by the ADA to protect Hazari. When such disparity in accommodation based on the same facts and evidence is present, a major flaw is identified in jurisprudence. The legislated protection of the class of persons with disabilities does not permit such a prominent flaw. Courts, except BLF, are INCAPABLE of making correction and conforming their conduct to governing law back by the "sweep of congressional authority" because Hazari gives repeated notice of violations and despite these repeated notices, ABSOLUTELY NOTHING HAS BEEN DONE TO REMEDY THE GLARING FLAWS OF OUR JURISPRUDENCE, including the total absence of disability accommodation and

ADA compliance in this court. The glaring flaws are clear to the disabled, but not one judge in this court has the sight or qualification to see from the eyes of a disabled litigant that a major law is not implemented and "the emperor has no clothes". BLF who has so far been the champion of justice, should not be in a minority.

CONCLUSION

Sufficient cause is presented using 5 years of writing and data gathering, and the testimony of similarly situated disabled litigants and witnesses and medical evidence, that intentional discrimination exists in violation of the ADA and is systemic to the courts. The same pattern of discrimination has already unfolded in the Federal court system. It will predictably and inevitably lead to the elimination of this lawsuit, as it mirrors 5 years of state court litigation that met the same end by similar elimination of Hazari's rights and through infliction of injuries that maintained his incapacity to litigate his just cases. There in effect a 'final judgment' in this lawsuit. I cannot organize or review this writing. At the time of creating each part, I believe each part to be accurate. Therefore I believe that the writing is accurate in its entirety. This court's conduct has been incorporated to raise awareness. This court deprived me of the opportunity to provide legal argument with precedents by not accommodating my disability. My cognitive impairments and my state of health explain the content, form and length of this document, and the explanation is well documented in this court, under seal. I hope that, unlike recalcitrant California courts, this court will act to establish precedent, and not leave it to this injured disabled victim of the courts' violence to continue alone to extract relief by correcting courts and provide for the public benefit at his continued personal expense.

Dated: 14th October, 2022



Cyrus Hazari

THANKS: Hazari thanks the voiceless and oppressed and perpetually injured disabled pro se litigants who are his inspiration and contribute to his support for his efforts to bring light into the darkness of the incessant prejudice and hatred of our judiciary and judicial system for disabled and sick pro se litigants. Despite the resolve of the People of our United States to abolish all such hatred and prejudice by repeated acts of Congress, the courts ignore the People and cater to their own comfort and familiarity, leaving no room for the disabled to access our courts. And infinite thanks for my care providers for keeping me alive, and squeezing blood out of a stone so that I can speak and fight for rights even if for a brief time. Special thanks to my support Judy DeLeon for enabling superhuman effort.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 9 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CYRUS HAZARI, Plaintiff-Appellant, v. SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA; et al., Defendants-Appellees.	No. 22-16174 D.C. No. 4:21-cv-04262-JSW Northern District of California, Oakland ORDER

Before: TASHIMA, S.R. THOMAS, and CLIFTON, Circuit Judges.

A review of the record and the responses to the court's September 23, 2022 order to show cause demonstrates that this court lacks jurisdiction over this appeal because the district court's July 19, 2022, July 22, 2022, September 8, 2022, and October 3, 2022 orders challenged in the August 3, 2022 notice of appeal and October 4, 2022 amended notice of appeal are not final or appealable. *See* 28 U.S.C. § 1291; *United States v. Washington*, 573 F.2d 1121, 1122 (9th Cir. 1978) (order denying motion to disqualify judge not final or appealable).

Consequently, this appeal is dismissed for lack of jurisdiction.

All pending motions are denied as moot.

at/MOATT

The Clerk will transmit appellant's amended notice of appeal (Docket Entry No. 12) to the district court to docket as a new notice of appeal of the district court's October 18, 2022 order and judgment, and November 1, 2022 order. *See* Fed. R. App. P. 4(d).

DISMISSED.

APPENDIX D: Initial statement by Leslie Hagan to the United Nations Special Procedures

I am a victim of abuse and discrimination by judges and courts in the Unites States. My human rights have been violated by judges, both as an individual in my own litigation, and as a human rights advocate. My litigation has been subjected to unconstitutional due process in the courts and I have received injustice. I have been subjected to punishment and defamation and intimidation and coercion by judges because of my opposition to abuse and human rights violations. I confirm from personal experience and from witnessing the abuses of other litigants for about a decade that what Mr. Hazari reports is true and correct.

For almost a decade, I have assisted disabled and sick litigants to cope and oppose their abuse and discrimination by various courts. The problem is very serious and affects many individuals and their families. These human rights violations are not the same as the human rights violations that the United Nations normally involves itself with. These human rights violations are very real, very potent, they have a crippling and traumatic effect on human lives that last a lifetime. Each victim reaches of point of having to give up pursuing justice, and to have to accept the abuse and injustice being done to them. They want to never deal with the courts again. Their trauma and their fear is so powerful that they do not want to talk about their cruel, inhuman and degrading treatment.

One judge took me into her chambers and explained that the problem of judicial abuse and human rights violations of disabled litigants is a very serious problem. She explained that without my advocacy, she would have punished the disabled party and given adverse rulings, which the customary administration of justice requires. She interviewed me to learn about the experience of the disabled pro se litigant and listened attentively. She encouraged me to advocate for disabled and sick litigants. She had perceived that disabled litigants get injured by the legal process and felt this is cruel and inhuman and degrading, and acknowledged that they can easily end up being treated unjustly and punished by a court. She felt that this must be prevented and it could not be done by the litigant. She said that I am doing an important job, and explained that there should be ADA certified disability advocates available in every court to ensure that every judge accommodates every invisibly disabled pro se litigant. She confirmed to me that the justice system is not designed to give access to disabled litigants especially invisibly disabled persons, whose disability is not discernible.

My explanation to the judge was based on my training as an ADA certified disability advocate by Karin Huffer. I explained that invisibly disabled pro se litigants shut down and go into survival mode when

they are abused by the superior force of a judge. They go into a constantly reactive state and are not able to function like a normal litigant, so they become mentally ‘absent from the proceedings’.

These litigants have subtle visible symptoms that result from the inner turmoil and overwhelming reactions from their abuse that control their inner experience and their minds. Their treatment by courts results in stress disorder and post-traumatic stress injury which is a form of physical traumatic brain injury which can be seen on a SPECT scan for example. I explained that every trauma-related neuropathway can be re-activated by a triggering event that then keeps the survivor in a constant reactive state. This results in them being unable to cope and become much more psychologically and functionally impaired, without showing any visible signs such a changes in skin color. I explained that they cannot function or participate, but no one can perceive this unless you are trained to understand how stress and Legal Abuse Syndrome (ICD Code Z65.3) affects a disabled person. Such a person quickly perceives that justice is ‘not blind’ but is cruel, unfair, unkind, disrespectful, and accusatory to the disabled pro se litigant and that “lies prevail”. I confirmed that what the litigant perceives is what I have personally experienced and it has helped me greatly to perceive it in others.

I explained to the judge that disabled pro se litigants are triggered by the cruel, inhuman and degrading treatment of judges and denial of accommodation based on memory of their past abuse by the judge. I explained that once they suffer from traumatic brain injury caused by their cruel, inhuman and degrading treatment by the judge, they are compromised. They become symptomatic from many types of events, and when they are symptomatic, they cannot participate in litigation. I explained that routine events in litigation can be debilitating, and make them symptomatic, such as receiving emails, or just opening the inbox to check emails, traveling to court, receiving information from attorneys. They have lost trust in attorneys’ ethics and in the judge’s neutrality, which is proven more and more true as the litigation proceeds and they receive more cruel, inhuman and degrading treatment. They have a deep sense of man’s inhumanity to man. They start to receive fines and punishment for being unable to participate, and this reinforces their feelings and beliefs about the court. I explained that a disability advocate has to understand and look for the symptoms of emotional stress, how they affect the specific person and to anticipate how their participation in the court will be affected.

I explained to the judge that such a litigant loses quality of life, and loses their health due to their cruel, inhuman and degrading treatment by judges. The job of an advocate becomes increasingly hard as disability accommodation is denied or is not meaningful, and the litigation goes on for a long time.

Such litigants are also stigmatized by the perceptions of others and their anticipation of the perception of the public about being characterized by the judge as doing something wrong. They become more easily

overwhelmed, agitated, frustrated, moody, and feel desperate, and feel they are losing control or need to take control, which they cannot. They cannot relax and have difficulty quieting their mind and concentrating. They feel increasingly bad about themselves, lonely, worthless and depressed. They develop very low self-esteem, and try to avoid others as much as possible and be left alone. They have physical symptoms, the common ones being low energy, headaches, upset stomach, diarrhea, constipation, nausea. They have aches and pains and tense muscles, chest pains and rapid heartbeat, high blood pressure. They develop insomnia, get frequent colds and infections. Commonly they lose sexual desire and ability. They develop increasing nervousness and shaking, ringing in their ears, cold and sweaty hands, dry mouth, and clench their jaws and grind their teeth.

This psychological 'torture' keeps repeating in the court, because no judge wants to know or understand the experience of the disabled pro se litigant, and they operate with unconscious bias and discriminate, and become resentful if criticized for doing so. I have witnessed victims with good cases freeze or end up unable to explain their side and suffer prejudice as a result.

I explained to the judge that common cognitive symptoms that are caused by cruel, inhuman and degrading treatment by judges include constant worrying, racing thoughts, forgetfulness and disorganization, inability to focus, poor judgment, and being constantly pessimistic or seeing only the negative side. They also develop behavioral symptoms such as changes in appetite, either not eating or eating too much. They procrastinate and avoid responsibilities. They have increased use of alcohol, drugs or cigarettes. They exhibit more nervous behaviors, such as nail biting, fidgeting, and pacing.

Coping mechanisms are triggered by the disabled litigant's experience of these cognitive and behavioral symptoms that accompany the loss of health and the traumatic brain injuries caused by their cruel, inhuman and degrading treatment by the court. They go into survival mode and may resort to coping by fight, flight, freeze, or fawn which results in their being misjudged further.

What I have seen again and again in the courts is that the disabled pro se litigant is psychologically tortured by the court. They cannot withdraw from the litigation without serious harm. They cannot fail to appear without punishment, or the risk of contempt or being forced to come to the court. They cannot fail to do what the judge expects, and because they cannot do what the judge expects, they are perceived as disobeying and being uncooperative or not having a good case. They cannot complain about their treatment because their complaint increases their torture. The stakes are very high for them, and almost always they are punished, badly damaged and receive injustice, and end up with lifelong trauma.

All these elements contribute to their inability to participate in the legal process. Courts exclude them from their own litigation, and the judge will accuse them and conclude things in the record that are

completely false and do not represent the truth about the disabled litigant. These litigants can even lose the support of friends and family who don't understand what is going on. I explained to the judge that these factors damage the mental function and the emotions of the disabled pro se litigant so much as to make litigation impossible without compassion and understanding by the judge and I thanked her for being such a judge.

I wish to disclose privately the information that I have that concerns my litigation and also the cruel, inhuman and degrading treatment of other victims whom I have assisted to stop their abuse by judges who have discriminated against them and punished them and delivered injustice to them. If there is a pathway for remedies available through this channel, some of the victims may choose to also testify. I do not wish to write their personal information in this submission, but can discuss some of the information confidentially. More victims may come forward if they become aware that there is actually a way to change the legal system to stop the discrimination and the torture of disabled litigants.

The information that I can provide confirms what Mr. Hazari is reporting on our behalf and gives a larger perspective on this pervasive and significant human rights problem in the courts.

I certify that what I have stated is true and correct.

5 December 2024



Leslie Hagan

Exhibit C

THE PRIVATE ATTORNEY GENERAL
15209 Blue Gum Court, Saratoga, CA 95070
Tel: 408-898-4470 Email: cyrus@metafusion.net

23 January 2025

Mary H. Murguia
Chief Judge of the Ninth Circuit
U.S. Court of Appeals for the Ninth Circuit
401 West Washington Street, Suite 500
Phoenix, AZ 85003-2118

Notice re the prohibited treatment of litigants by the judges and the courts of the Ninth Circuit[1]

Dear judge Murguia,

It is now established in the public record[2], and through an unintended 'investigation' spanning the last six years, that your Circuit's judges operate according to a systemic and invariant policy of discrimination based on disability, and proceed according to a policy of calculated violation of human rights[3] that are non-derogable under the *jus cogens* of International Law under any circumstance, and confirmed as prohibited acts

[1] Throughout this writing, I refer to the Ninth Circuit as including the district courts, the bankruptcy court and the Ninth Circuit court of Appeals.
[2] See the December 23, 2024 letter from Molly C. Dwyer, Clerk of the court (docket #12), addressed to me, Cyrus Hazari, in appeal # 24-6312 in the Ninth Circuit court of Appeals, and beginning there, review all records of the appeal court and the district court tracing to appellate case numbers 24-6312, 24-3353, 23-15221, 22-16174, 22-16046, 19-16291, with particular attention to the orders of the district court in case # 19-cv-04392-BLF
[3] Discrimination by cruel, inhuman and degrading treatment and punishment, and TORTURE (as defined by Article 16 and Article 1 of the UNCAT) are prohibited acts that do not require a State's consent to be bound to the UNCAT or to customary international law. The taking of jurisdiction is a form of control under which information is coerced or intimidated out of the unaccommodated disabled pros e litigant by the judge(s) and the court. The simple explanation of human rights violations is found by considering that a seriously ill pro se litigant with disabilities is coerced and intimidated by judges and courts to unequally participate in a structurally defective due process while expected to suffer injuries induced through distress and trauma on a recurrent basis through refoulement, and despite the pleas and warnings of multiple doctors and the prediction of serious physical and mental injuries and mortality. Despite the chronologically documented serious physical and mental injuries, judges and courts purposely and intentionally continue to induce distress and trauma on a recurrent basis, despite the warnings of multiple doctors becoming actualized, by demanding unequal and unaccommodated participation from an injury-prone and functionally and cognitively impaired, often substantially incapacitated, human being, who in repeatedly forced into unequal access to the court. In this process, the litigant is required to surrender or undermine essential medical treatment for remission, recovery and rehabilitation. The litigant is unable to produce any voluntary or prepared information to submit to the judge or court to satisfy their demands for information, and thus injustice, even death, is guaranteed to the litigant. The litigant cannot withdraw, and cannot proceed, thus he is trapped and injured incessantly. In the absence of the required information, the litigant is punished without any opportunity for success in litigation. The judge(s) and the court simply traumatize and re-traumatized the litigant and ensure the absence of constitutional due process for the litigant in the court.

under treaties[4] and the US Constitution[5]. This pervasive judicial conduct persists despite notice of impeachment and violations of ethics documented over six years, by one of the judges of your Circuit[6], against the systemic prohibited conduct of the rest of your judges.

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[4] Refer to the prohibition of cruel, inhuman and degrading treatment or punishment, which includes the deprivation of constitutional due process, in the UNCAT (which also prohibits torture) and the ICCPR and the CRPD (which also prohibits discrimination based on disability). Refer to the UN Charter which prohibits the human rights violations which I have referenced in disqualification motions against your judges. UNCAT: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; ICCPR: International Covenant on Civil and Political Rights; CRPD: Convention on the Rights of Persons with Disabilities

[5] "*on one level, because the Bill of Rights codifies a very large and progressive view of human rights and because the Bill of Rights is part of the Constitution, which is the highest law of the land, it could be argued that in any case invoking the Bill of Rights, the law of human rights has always been treated as the rule of decision in U.S. courts.*" Seinfeld, Gil. "The Puzzle of Complete Preemption." U. Pa. L. Rev. 155, no. 3 (2007): 537-79. However, in the case of the disabled pro se litigant, human rights are eliminated by judges as a pervasive feature of jurisprudence that is discrimination by the courts.

[6] Judge Beth Freeman of the Northern District of California has demonstrated over the course of almost six years of dealing with me in the Ninth Circuit that all rules, procedures and policies which your other judges hold as invariant and absolute must be set aside in order to accommodate the disabled pro se litigant, and to ensure his human rights are absolutely respected and protected against systemic derogation and that he is not deprived of fundamental and other rights, including access to constitutional due process in the courts. She does not treat me as "a kind of trash not worth the time" (*see Debra Cassens Weiss, Posner: Most judges regard pro se litigants as 'kind of trash not worth the time', ABA Journal 9/11/2017. "The basic thing is that most judges regard these people as kind of trash not worth the time of a federal judge," Posner said*) as your other judges do. Each of the prohibited acts described in the herein text naturally and assuredly induce severe pain and suffering to the human being, and thus Freeman avoids the infliction of pain and suffering as a condition of litigation and access to her court. She is faithful to Article 16 of the UNCAT (and Article 15 of the CPRD and Article 7 of the ICCPR) and will not violate my human rights by cruel, inhuman and degrading treatment that is the hallmark of the Ninth Circuit courts and judges. My human rights have been expended through coercion and intimidation and discrimination by your other judges by orders and expectations that I have no right to life or liberty or property, such as the expectation that I cure my disabilities instantly as a price of admission to their courts, or that I heal my serious illness which is induced by the distress caused by their prohibited acts, or that I must participate unequally without equalized opportunity for success in litigation, or that I must suffer predictable injury, even DEATH, as the condition of providing information under coercion and intimidation, without preparation or opportunity to express my innate abilities, that will then be used to prejudice and harm me, and further deprive me of life, liberty and property. Not a single one of your other judges performed any investigation of my multiple human rights complaints about the lower courts, or even considered discrimination or human rights as a factor is dispatching my appeals as if I have no rights in your courts. The facts supporting each of these conclusions are well-documented in the district court records of 19-cv-01986-LHK, 19-cv-04392-BLF, 21-cv-04262-JSW and my appellate actions 19-16291, 22-16046, 22-16174, 23-15221, 24-3353, 24-6312 and need no repetition, especially in view of the duty of each judge to investigate my records in detail according to the UN Istanbul Protocol which establishes the sufficiency of this writing as a complaint for human rights. Judge Freeman demonstrates by conduct from 2019 to 2024 that the talking of jurisdiction by a court is a form of custody or physical control over the person as the person is then restricted by the court from acting freely with respect to the issues and related freedoms and even property under adjudication, and thus she takes care not to trigger Article 1 of the UNCAT through issuance of any order requiring my appearance or participation or any obligation. Freeman respects medical treatment and the authority of authentic unbiased physicians. Orders by a court in civil proceedings, as well as rules, procedures and policies, invariably require the production of information either by filings or testimony or by other means under the control and regulation of the court. Freeman is well aware that any such activity by a seriously ill and functionally and cognitively impaired disabled litigant who is kept by his circumstances and health condition from accessing information or producing information to render to the court or other parties under control and coercion by the court is beyond the humane reach of such a litigant. Since the court works on the basis of punishment and sanctions for failure to produce information, or for the information (such as a response to a motion) failing to meet standards and requirements which such a disabled and sick litigant cannot meet, Freeman recognizes that subjecting such a litigant to demands requiring information is a prohibited act under color of authority that combines with the other elements present to constitute torture by a judge and her court. Thus, with "good Behaviour", this judge GRANTS the requested safe harbor and disability accommodation, simultaneously satisfying the US Constitution's supreme Law of the Land, including every treaty despite the absence of implementing federal law, and the operation of customary international law that requires her conduct even if the United States had not signed the UNCAT or the CRPD or the ICCPR. In

The extraordinary circumstance presented by my facts over seven years of dealing with 9 state and federal courts and over 40 judges who are representative of the entire judiciary of this nation is one of the government's deliberate violation of the supreme Law of the Land both by the states and by the federal judiciaries, and is contemplated and condemned by the US Constitution and by the Articles of Confederation. Without resorting to details on a matter that is self-evident, we face a judiciary that, under Separation of Powers, exclusively controls the constitutional mandate to "ensure justice" by holding the final word on what constitutes the supreme Law of the Land, the final word on the effect of laws upon the constitutional operations of the courts, and the final word on this nation's domestic compliance with treaties and the rule of International Law.

It is demonstrated over seven years that this nation's judiciary purposely and intentionally violate the supreme Law of the Land and administer 'justice' through the operation of courts that provide absolutely no pathway for ensuring constitutional justice for litigants with certain characteristics. It is demonstrated over seven years that the judiciary have increasingly privileged themselves to be above the law, and exempt from all accountability for absence of "good Behaviour". It is demonstrated over seven years that this nation's judiciary thus commit violations of the US Constitution that are uncorrectable[7] and without constitutional remedy or relief, by virtue of the defective design of jurisprudence which is ultimately controlled by the federal judiciary. The record of 9 courts bears the detailed evidence of what I speak.

As the Private Attorney General[8], I inform you through this communication that an important defect in the operation of your courts and in the administration of justice by your judges requires immediate corrective action[9] by you personally by virtue of the design of federal Circuit jurisprudence.

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contrast, every other judge in this Circuit who has dealt with me since 2019 has violated UNCAT Article 1 or Article 16 or both. Judge Beth Freeman is identified by me to the United Nations Human Rights Council as a human rights defender, and may not be influenced or subjected to any adverse action or peer pressure by anyone.

[7] For example, examine carefully the effect of the Amendment to the Americans with Disabilities Act upon judicial conduct in this nation. The Amendment's central message was to look from the perspective of the person with disability at discrimination, and redefined the perversion of "reasonable" accommodation by the courts as expressed by the highest court and to this day, invidious discrimination by the judiciary remains the standard of judicial conduct and not the exception in judicial conduct that may be corrected by the primitive hierarchic design of courts.

[8] The Department of Justice directed me to take action against the judicial branch of government;

[9] At the present time, I limit my jurisdiction to judicial discrimination and prohibited human rights violations based on pro se status and disability and serious illness, in any combination with reference to the US Constitution, and treaties and International Law. As a starting point, I strongly recommend that you carefully read my sealed records in your court from 2019 to the present, which chronologically record unconscionable physical and mental injuries inflicted by your

The defect exhibits as systemic discrimination and violations of fundamental rights, including human rights that are non-derogable under any circumstance, by your judges and courts. These prohibited acts are knowing, stealthy, intentional, purposeful and persistent, and escalate to crimes recognized under Article VI of the US Constitution[10], under treaties and under customary international law, as well as under general principles of law recognized by civilized nations. The defect is subtly unacknowledged by your judges, and stealthily concealed. Evidence of these prohibited acts is captured in the records of your Ninth Circuit courts[11]. Your judges behave as if they are exempt from laws and international instruments that prohibit these acts, and assert that they are the final arbiters of their personal compliance with these laws and instruments, and the final judges of their liabilities and immunities. Not even law enforcement authorities have standing to challenge our judges' prohibited acts[12].

No judge is above the law, or immune from criminal prosecution for these prohibited acts. Relief and remedy is available under customary international law, which the US Constitution recognizes as essential to our national security and general Welfare, and inextricably integrated with our supreme Law of the Land[13].

You are the Chief judge of the United States courts for the Ninth Circuit. You are responsible for circuit-wide administration. You have the authority and the responsibility to punish unlawful, unethical[14] and unprivileged conduct by every judge and employee of your Circuit and to "establish Justice". The Preamble of the US

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judges upon a disabled and seriously ill pro se litigant who has been, and continues to be, purposefully and intentionally deprived of medical treatment and required to cure his disabilities and heal his serious illness upon the command of your judges, while punished and sanctioned for inability to conform with judicial rules, procedures, policies and orders, thus perpetually subjected to severe pain and suffering and the elimination of all of my cases and evasion and denial of my complaints for human rights violations which require mandatory action by each judge which is purposely and intentionally withheld.

[10] The "supreme Law of the Land" includes the express rule of treaties in domestic jurisprudence, which by their nature must be adjudicated according to customary international law (which the US Constitution refers to as the Law of Nations). The judges of the state courts are personally bound to obedience of treaties, and therefore, under the principle of national standards in jurisprudence, every federal judge is similarly bound. Under Article III "good Behaviour" no federal judge may 'turn his back' on treaties or on customary international law. The human rights that are eliminated by judges of your Circuit are non-derogable under customary international law and cannot be limited under any circumstances, but this Circuit's courts through its judiciary treat a *jus cogens* of international law nonchalantly, evading even minimum obligations under standards such as the UN Istanbul Protocol which embodies the norms of customary international law applied to particular prohibited acts herein discussed.

[11] Northern District of California cases 19-cv-01986-LHK, 21-cv-04262-JSW, 19-cv-04392-BLF, Ninth Circuit court of Appeals cases 19-16291, 22-16046, 22-16174, 23-15221, 24-3353, 24-6312, Bankruptcy court of Northern California 23-50690

[12] As communicated by letter from the Department of Justice to me personally and directing me to personally take action against the US Supreme court.

[13] Our highest court dare not address the issue of the domestic rule of treaties and of customary international law under this fact pattern despite repeated petitions by me, and ensures that the defect remains to 'others' to address.

[14] You must ensure and promote "good Behaviour" (Article III) as well as the Code of Conduct of United States judges

Constitution, which is the statement of its object and purpose and must be satisfied in all judicial conduct, is violated by your judges and courts. Your personal and immediate investigation and corrective action within your Circuit is essential and unavoidable. Substantial grounds recorded in your courts' records confirm prohibited acts under authorities including the UNCAT[15] that require an immediate stay of litigation, and protections for all actual and potential victims, while an independent investigation pursuant to international standards applicable to the facts is conducted[16].

The People tolerate no judge and no court who deprive us of fundamental rights and the benefits of our nation's object and purpose, embodied in our US Constitution. Reform of an outdated jurisprudence that is inferior to the needs of the People and our expectations of constitutional jurisprudence is long overdue. These reforms should have been enacted at least 35 years ago.[17]

You preside over the Judicial Council of the Ninth Circuit, which serves as the chief policy-making body for all of the courts in the circuit[18] and is indicated as the necessary channel for a permanent correction of the herein reported prohibited conduct within the Ninth Circuit. The Judicial Council oversees the administration of the courts within the circuit and is supposed to ensure the effective and expeditious administration of justice. The council sets policies, addresses issues related to judicial conduct and discipline, and implements decisions made by competent authorities regarding the administration of the courts[19]. Your personal action and leadership of the Judicial Council of the Ninth Circuit is immediately required to permanently correct and revise and modernize the rules, procedures and policies of all Ninth Circuit courts[20].

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[15] Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
[16] Attention to the UN Istanbul Protocol.
[17] For example, the US Commission on Civil Rights continues to report that the US Supreme court refuses to recognize the suspect classification standing of disability despite the 1990 enactment of the ADA
[18] Orientation Manual for Lawyer Representatives to the Ninth Circuit Judicial Conference - https://cdn.ca9.uscourts.gov/assets/lawyer-reps/LR-Orientation-Manual.pdf
[19] "The Mission of the Judicial Council of the Ninth Circuit is to support the effective and expeditious administration of justice and the safeguarding of fairness in the administration of the courts within the circuit. To do so, it will promote the fair and prompt resolution of disputes, ensure the effective discharge of court business, prevent any form of invidious discrimination, and enhance public understanding of, and confidence in, the judiciary. To help accomplish its governance goals, the Judicial Council relies on three associations of judicial officers and a number of standing advisory committees." – from https://www.ca9.uscourts.gov/judicial-council/
[20] Including Bankruptcy courts

Over the course of a seven year unintended 'investigation' of jurisprudence in six representative federal courts in the United States[21], substantial grounds are demonstrated that the defect of jurisprudence herein described[22] is systemic to all federal courts and inextinguishable[23]. These prohibited acts are very serious[24], and are required to have domestic remedy and relief[25]. None is available. The federal judiciary ensures that none is available.

For orientation of what defect I write about, I recommend[26] that you review my sealed records in your Circuit from 2019 to the present under 6 cases, and in the District court under 3 cases, and in the Bankruptcy court under 1 case. These records are the product of the purposeful and intentional judicial coercion and intimidation of a seriously ill and disabled pro se litigant to provide information, while he is substantially incapacitated with functional and cognitive impairments. The judicial orders knowingly and willfully induce severe pain and suffering through torture and

[21] Including the Ninth Circuit's court of Appeals, District court and Bankruptcy court

[22] Judges and court violate the human rights of disabled and pro se litigants to egregious extents, without restraint, while no means to stop, investigate, prohibit, remedy or punish these prohibited acts exists within jurisprudence.

[23] Look for example at the despicable treatment recently documented in your court. In ECF-12 in 24-6312, the clerk of your court, knowing the history of my abuse by your judges since 2019, and knowing that my request for safe harbor and disability accommodation is pending, appears to have been instructed by one or more judges of your court to AGAIN deny me safe harbor and disability accommodation which judge Beth Freeman in 19-cv-04392-BLF considers to be indispensable and which the US Constitution under Article VI and under customary international law consider to be a crime that invokes the protection of the UNCAT. With a record of your appeal court mooting my request in 24-3353 in retaliation for my filing 24-6312, and in concealment of its criminal purpose and intent, and prior to 24-3353 simply ignoring my requests for safe harbor and disability accommodation for five years, the conduct of the court in ECF-12 of 24-6312 displays purposeful and intentional prohibited conduct violating multiple treaties including Articles 1 and 16 of the UNCAT. The question to ask yourself is why your appeal court's response to my request for safe harbor and accommodation, with particular attention to the accommodation requested and to the content of the motion, has been evaded by your judges for 3 months when it required a response within 3 days, and what use any response by your court would be when promised so disingenuously and so evasively by its clerk over 1 month ago with a deadline for my injurious unaccommodated participation set for 3 weeks from now. How does a disingenuous promise for a response the request for safe harbor and disability accommodation prevent re-traumatization and refoulement by induced distress of hostility of uncertainty, and how does the conduct by the clerk, guided by your judges, not constitute a further prohibited act under the cited international instruments?

[24] There are reasonable grounds to allege crimes under treaties and customary international law, that have enforceable standing under Article VI of the US Constitution.

[25] Exhibit 3

[26] My recommendation is only provided to draw your attention to your duty to investigate. Refusal to follow my recommendation is not an option.

deprivation of life[27], liberty[28], property[29], rights[30] and harm to his family and to every person with disability[31].

The first question that you may ask yourself is: why has judge Beth Freeman of the District court of Northern California concurrently provided the same disabled pro se litigant almost six years of stay in 19-cv-04392-BLF, while no other judge did? And then ask: when the same disabled pro se litigant has concurrently requested accommodation in your court since 2019, even when unopposed in appellate actions by the absence of any opposing party, why have your judges not provided a single day of accommodation or safe harbor, by stay of appeals? Thus quickly arriving at the question: what is so urgent in your judges' consideration that warrants a purposeful and intentional violation of human rights of the disabled pro se litigant[32]? The answer is: nothing. The crime is in the public view.

Your focus during your orientation is best directed to whether or not it is distinctly clear that the litigant has sufficiently complained of human rights violations by the lower court each time that he has sought the protection of your court[33], and whether or not he would have ever received any relief and remedy from your court for the human rights violations[34]. You will find that the picture in the record is the intentional violation by your judges and your courts of human rights in the course of jurisprudence, and as the cost of accessing your courts. The defect is a culture of judicial violence that is seen by your judges as necessary and proper in the administration of justice by your courts, while a single judge has repeatedly ruled that

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[27] Deprivation of life is multi-faceted. One facet is the statistically verified reduction of lifetime and quality of life through the infliction of trauma, severe pain and suffering inherent in torture.
[28] Deprivation of liberty is multi-faceted. One facet is the deprivation of movement and confinement to one room and to the need for full-time care of an international entrepreneur. Another is the deprivation of constitutional due process by the invariance of rules, procedures and policies of the courts enforced by judges who are impeached by a federal judge of "good Behaviour" and condemned by customary international law.
[29] A lawsuit won resoundingly over a decade earlier for the same causes of action against the same defendant was dismissed a second time because I was disabled, and the property lost to me through fraud and judicial malice and corruption, with your courts ensuring the unjust enrichment of the racketeers and the complicit judges.
[30] In addition to having no rights in the courts, the state courts labeled me vexatious for their inducement of my substantial incapacity to litigate, and then PERVERTED the vexation statute to perpetually obstruct justice.
[31] Under authorities for disability hate crime, the victims of the hate crime include those who receive notice of it who may be affected negatively by the perception of the hate crime. Thus the judicial hate crimes perpetrated against me, upon being discovered by other persons with disability are likely to result in a predictably negative and psychologically harmful effect on other persons with disability, friends, acquaintances, and others. The effct6 of judges an courts perpetrating disability hate crimes has a chilling effect on all prone litigants.
[32] Which is chronologically charted in his filings in your court
[33] Refer to the UN Istanbul Protocol for the sufficiency of my notices of violations of my human rights indicating prohibited acts that even with full enforcement of UNCAT RUDs are nevertheless prohibited under domestic law.
[34] Receipt of relief and remedy is mandated by treaties and the *jus cogens* of customary international law.

"the emperor has no clothes"[35]. The People condemn this judicial culture which is long overdue for reform, and repugnant to the national ethos[36], and on the wrong side of the Freeman Bright Line[37].

It is my duty and my aim to establish Justice through a national reform of jurisprudence that corrects this important defect in jurisprudence that infects all courts to the highest levels, and to ensure the general Welfare and secure the Blessings of Liberty to ourselves and our Posterity. For that reform, you are the necessary element and through you is the necessary pathway for the repair of judicial treason and the restoration of constitutional jurisprudence.

I have demonstrated over the course of six years that this reform may not be achieved by the means of customary jurisprudence through your Circuit's courts, or through any federal Circuit in the United States. Jurisprudence is designed to be uncorrectable through jurisprudence[38] when certain fact scenarios arise and intended to deprive the litigant who is caught within the defect I discuss, of all rights and remedies and relief. Thus I have qualified through exhaustion of all domestic remedies to notify the United Nations[39] and address the Human Rights Council and Special Procedures.

You as the Chief judge of the Ninth Circuit are responsible to ensure ethical and constitutional compliance by your judges and your courts. Therefore your duty to act upon receiving this notice is independent of the considerations and actions by any other component of government, including the United States Supreme court.

As the Chief judge of the United States courts for the Ninth Circuit, you have the means to initiate and influence national reform of jurisprudence to correct the important defect in federal jurisprudence through the Judicial Conference of the

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[35] i.e. that all other judges are violating human rights

[36] You will see this culture of violence discussed in depth in the forthcoming disqualification motions that will be initially filed in your court under 24-6312. Although the writing is gravely hampered by significant functional and cognitive impairments, it communicates the case of human rights violations by each judge using Artificial Intelligence as my crutch. I therefore refer you to that source for elaboration of the defect in jurisprudence.

[37] The Freeman Bright Line of law is the emerging template for safe harbor and disability accommodation to be adopted by every court in this nation as a uniform national standard for the elimination of discrimination based on disability in our courts, under the flagship of the Americans with Disabilities Act combined with human rights treaties and the *jus cogens* of customary international law. The Freeman Bright Line is embodied in the orders by judge Beth Freeman issued in 19-cv-04392-BLF in the District court of Northern California.

[38] See, for example, discussion of the doctrine of *forum nullus* in the US Supreme court writ of certiorari 24-6012

[39] Cases involving disabled pro se litigants that proceed in federal courts may not be compromised or prejudiced by any investigation by the United Nations. The fundamental rights guaranteed by the US Constitution must be continuously provided by your courts without limitation. However, the victims must be protected from any further harm, thus requiring, for example, stays of their litigations in the federal courts pending an independent investigation into the alleged systemic human rights violations by your judges.

United States, and this is duty incumbent upon you by virtue of this notice and the privilege of your rank that is entrusted to you personally by the People, on whose behalf I speak. Over 28% of the People are immediately identifiable as members of a class[40] who are potentially affected by this systemic defect in jurisprudence. It is now necessary and urgent that you work with me and give notice to the Judicial Conference, and pursue of a course of personal conduct to ensure the general Welfare and to establish Justice for the People through influencing judicial reform through that national mechanism in cooperation with me.

In discharging my duty, I am also concurrently in communications with the United Nations, where I am identified as a human rights defender, and I have identified other victims of domestic jurisprudence. The pattern of systemic human rights violations is not limited to your courts, but is a feature of domestic jurisprudence which has never contemplated human rights or disabilities in its now well-outdated design[41]. The UN Secretariat has received my preliminary complaint through its Human Rights Council and various Special Procedures, and based on my information, asked me to also direct it to an additional Special Rapporteur[42] that I had not contemplated. Judicial ethics are key to these prohibited acts[43].

It is also necessary to admonish and prevent any clerk or employee of any court in the Ninth Circuit from issuing any order, or enforcing any rule, procedure or policy of the Ninth Circuit courts once a litigant identifies him or herself as disabled and pro se, until an independent investigation pursuant to applicable international standards is undertaken and completed. These litigants are inherently in the path of harm, and prone to serious injuries and re-traumatization and refoulement by courts that follow invariant rules, policies and procedures. Every interaction with such a litigant must be judicially supervised and documented and tracked for quality, in conformity with the specifications provided by the Private Attorney General[44], until such reform of jurisprudence is enacted that gives absolute confidence that the new process for

[40] Persons with disability
[41] The origins of the rules, procedures and policies of courts is in another era of society where other inherent and embedded mechanisms of civil society, and the fabric of civil society shaped through world wars shaped judicial ethics and ameliorated the suppression of the expression and exercise of freedoms by persons with disability.
[42] Special Rapporteur on the independence of judges and lawyers
[43] My forthcoming communications with each of your judges is a product of my education through a communication with the UN Secretariat
[44] Exhibit 1

'processing' the litigant and her case by the courts are compliant with all applicable authorities and international instruments and the US Constitution[45].

I ask you to do this now. Every such litigant must be protected in this manner forthwith, and without fail. A review is necessary to identify all past victims.

In order to discharge my duty, after my communication with you, I will communicate directly with each judge of the Ninth Circuit who is implicated over the past six years for violation of human rights, to place them individually on notice of prohibited acts, with detailed information that should sufficiently communicate substantial grounds for prohibited acts which they must individually action, and cooperate to address. I am not permitted to rely on you to give this notice to your judges and your clerks, but it also your responsibility to do so. You will shortly see these communications with your judges filed in the record of 24-6312.

In the event that you might mistakenly believe that the matters which I take under my jurisdiction are either non-existent, inconsequential, or easily fixed, I draw your attention to serial human rights violation by your court of appeals in the conduct of judge Barry Silverman[46], who presided over 22-16046, 22-16174, and 24-3353, and not once demonstrated the humanity or judicial candor that this nation expects from our judges, and judge Jeffrey White of the district court in 21-cv-04262-JSW, who, while challenged continuously by me since 2021, and also by the orders of his peer the good judge Freeman in 19-cv-04392-BLF, never once altered course from his cruelty, inhumanity or degrading treatment and torture, and violated the cited instruments continuously since 2021[47]. His 'accommodation' was meaningless and injurious and propagated not abated, his human rights violations and those of his peers in the state courts.

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[45] I do not believe that it is ethical for the judiciary to police itself with respect to the human rights of litigants in the course of jurisprudence.

[46] Do not incorrectly imagine that this is limited to one judge, but the cruel, inhuman and degrading treatment is in the genetic code of your court, and we must now mutate this inferior genetics into a creation of beauty for the delight of nation

[47] If you mistakenly consider White's rare grant of what he thinks of as 'accommodation' to be his redemption, I insist that you look again, very carefully, and set aside uninterrupted time to review every single one of my requests for accommodation that he would have seen in chronological order, together with a qualified licensed physician sitting with you and advising you. Then show the physician every request for accommodation that I made to Freeman, in chronological order. Look carefully at my requests for GLOBAL accommodation, and think about the consequence of being tortured by White to my other cases and burdens and treatment in the many courts. Judges must always yield to medicine and science, must never practice medicine without a license, and may never be permitted to commit such crimes. Judges must reach outside their courts when human rights violations are alleged.

It is my hope and my expectation that you will cooperate with me in investigating and evaluating the defect in jurisprudence, and collaborate with me to extinguish it by evolving our domestic jurisprudence to be the desire of all nations and the judicial standard promoted by the United Nations to the world. It is an ethical mandate for a Chief judge to do so. Our courts and judges in this nation stand at the historically lowest judicial legitimacy and even the US Supreme court chief justice warns of violence against our judges. This must be prevented[48], and this nation 'must not be divided against itself'[49].

Your personal commitment to cooperation with me in enacting essential reform of jurisprudence will significantly affect the judicial legitimacy of all judges and courts in the United States. The treatment of the most disadvantaged and vulnerable litigants is cause for national interest. I represent to you that such sincere cooperation with me in investigating and enacting any necessary reform of jurisprudence is an ethical mandate, for both of us, and your unavoidable duty.

I caution you that the facts that are recorded in your courts for the past six years indicate criminal conduct by your judges. With respect to these human rights violations, omission to act when informed, is as consequential as the intent and purpose to commit prohibited acts. As is acquiescence to prohibited acts.

I represent to you that all of our cooperation, if sincere and unrestrained by any agenda or norms or customs, shall not be used to prejudice your judges, employees or courts further, as long as our collaboration results in publicly documented records, and transparency, and derivative guidance and reform, if indicated by an independent and proper investigation. I stated publicly to the US Supreme court in writ of certiorari 23-7017 which that court denied, that judges are our family, friends, neighbors, and fellow citizens and this reform is essential to keep them on the path of "good Behaviour"[50]

For this purpose, I request that you assign a separate and unique case number in your court of appeals to this collaboration and investigation with the Private Attorney

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[48] We need to educate and rehabilitate our judges.

[49] Your personal duty as a member of government is embedded in the Preamble to the US Constitution, which includes the duty "to form a more perfect Union" in obedience to the US Constitution.

[50] "I witnessed how the organization of jurisprudence and its fanatical adherence to dogma under an tightly woven complex mesh of rules and policies and statutes places our family, friends, neighbors and fellow citizens in the path of infamy when they intend to serve faithfully and with good character as judges, in the face of a national mandate to recognize the disabled as being equal in society. My friend is a judge. It is crippling to witness unreasonableness and blatant disregard of the obvious by those in power who stray." – page 7 para 2

General, and therein file each of my communications with respect to this action, including my direct communications with you, with your judges and your employees. I also request that public notification be provided, as well as your assistance with identifying all members of the class of affected litigants in all of your courts, so that the investigation and reform is effective and of the maximum benefit possible to the People. Openness and accountability are indispensable to judicial legitimacy.

I advance an initial proposal for our cooperation[51].

I request that you promptly respond to this letter and I hope for your cooperation.

Sincerely yours,



Cyrus Hazari
Private Attorney General

[51] Exhibit 2

EXHIBIT 1

Preliminary guide for the judicial treatment of the disabled pro se litigant

1. Human rights must be proactively protected against infringement by all branches of government. International mechanisms for the independent investigation and protection of human rights against infringement by government are well-established and shall be followed by every court[1].
2. Human rights treaties and the UN Charter shall be directly enforced in the courts with respect to the treatment of litigants by judges and courts. Human rights shall be preeminent in the consideration of laws, rules, procedures and policies of courts by judges, and in judicial ethics.
3. No rule herein specified shall be construed as a restraint on the independence of the judiciary as a third branch of government. Independence of the judiciary is distinct from the protection of non-derogable rights from infringement by the judiciary. The independence of the judiciary as a third branch of government does not confer upon any judge or any court the right or the privilege of infringing upon non-derogable rights or otherwise violating human rights.
4. The absolute obligation of the judiciary to ethical conduct that is demonstrably protective of human rights is paramount. No limitations shall be placed by any judge or any court upon the prohibition, abatement, prevention, remedy, redress and punishment of human rights violations according to International Law, and international human rights standards and protocols.
5. No human being may be subjected to cruel, inhuman or degrading treatment or punishment, or torture, by any judge or any court as a condition of access to jurisprudence, or in the course of jurisprudence. Such conduct constitutes infringement of a non-derogable right that is not justified under any circumstances, and is punishable at law. No judge shall be immune from such punishment[2].
6. It is presumed that a disabled pro se litigant is vulnerable to physical and mental injuries that may result from any failure of court accommodations or safe harbor[3] in the course of

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[1] Article VI of the US Constitution defines the supreme Law of the Land, which requires every judge and every court to personally obey treaties and customary international law which endorse international mechanisms for the independent investigation and protection of human rights against infringement by government. For federal judges, this is an implicit component of "good Behaviour" under Article III.

[2] The minimum standard for addressing such prohibited conduct shall be according to the UN Istanbul Protocol.

[3] Safe Harbor is a term that I defined in the context of human rights to mean safety from injury and prohibited conduct. In this, as in all my writings, the term "safe harbor" is used in conjunction with the term "disability accommodation" and together often referred to as the singular term "accommodation". Safe Harbor encapsulates the need to stop all activity and court orders and schedules and influences that may induce distress or prolong serious illness, and thereby cause physical and mental injuries, so that the medical treatment which is complete rest and isolation from distress for a statistically predicted duration,

jurisprudence. A failure of court accommodations or safe harbor in the course of jurisprudence is presumed to constitute cruel, inhuman or degrading treatment or punishment.

7. An entity that is independent of the courts and every other person, and expert in human rights laws and, at all times, conformant with best human rights practices and conformant with International Law and conformant with the highest ethical standards, shall independently determine appropriate and meaningful court accommodations of each litigant individually, and investigate complaints of violations of human rights and discrimination by the courts, subject to a determination of substantial grounds by the independent entity, and issue rulings that shall have authority in the courts, and provide references and guides for the abatement, prevention, remedy and redress and punishment of human rights violations in the courts. This independent entity shall be referred to as the Tribunal.
8. The Tribunal shall strictly follow the most objective standards available, including scientific and medical standards and state of knowledge in each field, to aid and assist in the most objective and high-quality determination of the need for safe harbor and disability accommodation, and render decisions on safe harbor and accommodation that shall be consistent with treaties, human rights principles, the best applicable international standards, and consistent with the UN Istanbul Protocol. The Tribunal is encouraged to consult directly with authentic treating physicians.
9. The Tribunal shall treat any order, finding of fact or offer of evidence from anyone, including the judge presiding in each court, as merely an offer of evidence, and shall not construe such evidence as having any priority or preemption over the independent, original and objective investigation and determination of safe harbor and disability accommodation. The Tribunal shall be privileged to discard any such evidence entirely without qualification.
10. At any time, the Tribunal may make a finding on the interference or bad faith of any party offering evidence in opposition or modification of the litigant's requested safe harbor and disability accommodation.
11. All pre-existing statutes, rules, procedures and policies of courts, and all precedents are presumed to be suspect when applied to the disabled pro se litigant by a judge or by a court. No statute, precedent, rule, procedure or policy of any court shall be enforced if a human rights

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may occur. Disability accommodation encapsulates aids and modifications to processes and rules and expectations by the court that provide a disabled litigant with equalized opportunity for success in litigation, and with unburdened access to the court, and with meaningful access to due process. The orders for my accommodation by federal judge Freeman demonstrate how safe harbor is provided to a litigant like me by a court. Freeman has provided almost SIX YEARS of continuous stays of my litigation, preventing any activity in the case pending my remission, recovery and rehabilitation and ensuring that on her part, she provides me every opportunity for complete rest and isolation from distress. Every other judge and every other court concurrently has undermined any benefit of her accommodation.

violation may result. The final arbiter of the possibility of human rights violation resulting from the enforcement of a rule, procedure or policy of the court shall be the Tribunal. The Tribunal shall determine any unwritten or unacknowledged or secreted policy of each court that may bear on the possibility of human rights violation by conducting an independent investigation upon allegation or indication by the victim or by any other person or by any judge.

12. A disabled pro se litigant may not be deprived of fundamental rights under any circumstances, including the right to constitutional due process, with primacy of consideration always given to human rights. Constitutional due process shall never include discrimination based on disability or any violation or deprivation of human rights.
13. Any requirement that may be construed as an expectation by a judge or a court that a disabled pro se litigant cure their disability is a violation of human rights. Any requirement that may be construed as an expectation by a judge or a court that a sick litigant heal their illness is a violation of human rights. Any act of discrimination by any judge or any court based on disability or illness is a violation of human rights. Any demand for function or information involving a disabled pro se litigant without meaningful and appropriate accommodation that is approved by the Tribunal without objection by the litigant is a violation of human rights.
14. Every judge and every court shall respect the authority of science and the preeminence of medical knowledge. When expressed by an authentic treating physician or qualified providers of care, no judge and no court may ignore, modify, or deny scientific and medical information that has been "properly applied" to the litigant and describes the litigant's needs for accommodation and safe harbor in the court. Every judge shall apply the authorities and recommendations provided by authentic treating physicians and qualified providers of care to meaningfully and properly accommodate the disabled litigant. In the case of an objection by the judge, the Tribunal shall independently determine the accommodation by the court. No judge may determine "properly applied" or practice medicine at any time by deviating from or altering the recommendation of authentic treating physicians and qualified providers of care, and may not interfere, obstruct or modify the recommended medical treatment for the litigant. No judge and no court may interfere with, delay or obstruct the recovery and rehabilitation of any litigant who is injured or in need of medical treatment.
15. A fundamental alteration of the court's services, programs and activities is permitted, and controlled in its extent by the primacy of human rights and the absolute prohibition on cruel, inhuman and degrading treatment or punishment, followed by the primacy of every other fundamental right. Thus every judge and every court must, as necessary, unhesitatingly adapt and modify and eliminate rules, procedures and policies of courts, and the application of precedents,

to absolutely ensure fundamental rights, including the primacy of human rights in the course of jurisprudence, at all times.

16. Reasonable accommodations must always be reasonable from the viewpoint of the person with disability or serious illness, and the viewpoint of the person with disability or serious illness must be the preeminent consideration of reasonableness of the accommodation. The opinion of authentic treating physicians and qualified providers of care as to reasonableness shall be next in consideration of reasonableness of the accommodation. Balancing of harm shall be next in consideration of reasonableness of the accommodation, without litigation privilege. The convenience of the court shall be last in consideration of reasonableness of the accommodation.
17. The court is responsible for proactively and timely inquiring from the litigant his or her needs for safe harbor and disability accommodation from the first contact of the litigant with the court, and the court shall consistently and timely make such inquiry and provide safe harbor and meaningful and proper disability accommodation to the litigant, without any burden placed upon the litigant. Failure to do so shall be considered a violation of human rights.
18. The privacy of medical information of the disabled litigant shall be strictly protected, and the judge and court may not share any medical information with any other party under any circumstances, except with the Tribunal and only for the purpose of the Tribunal's function, which shall result in a confidential communication of the accommodation to be provided by the court, which the court shall then fashion into an order without disclosure of any private information.
19. No litigation privilege shall be provided under any circumstances to any party who speaks on, opposes, or interferes with disability accommodation or safe harbor of a disabled pro se litigant. There shall be no participation by any party in the process of safe harbor and disability accommodation, except the participation of the disabled pro se litigant with appropriate safe harbor and disability accommodation for the participation in the accommodation process itself, to be determined solely by the Tribunal.
20. The court and the Tribunal shall monitor and control the quality of accommodation for every disabled pro se litigant, with the court retaining the judgment pursuant to periodic evaluations of the courts' delivery of safe harbor and disability accommodation to the disabled pro se litigant.
21. Any failure of safe harbor or disability accommodation, as determined by the Tribunal in the course of its processes, shall be a basis for reversal without need for conventional appellate action.

22. Upon request for safe harbor and disability accommodation, the Tribunal shall be engaged swiftly, and the underlying litigation shall be automatically stayed pending the decision by the Tribunal.
23. Upon decision by the Tribunal of the accommodation without objection by the litigant, the judge and court shall not delay in implementing the Tribunal's recommended accommodation. In the presence of an objection by the litigant, the Tribunal shall enact a review in consideration of the objection, and then render a decision.

EXHIBIT 2

Proposed steps for an investigation as a key component of judicial reform

PREAMBLE

Recognizing that human rights are fundamental to this nation and to its Constitution and vital to this nation's interests and security in the world and of paramount importance to the People; and recognizing that the judiciary of this nation must at all times be committed to the recognition and the protection and the enforcement of human rights in ensuring justice and in the course of jurisprudence; and recognizing that the guidance, monitoring and correction of human rights compliance in jurisprudence must be performed ethically and independently of judicial influence or control, with impartiality and with authority, and in conformity with International standards of human rights; and recognizing that the judiciary play a critical role in advancing national and international standards in human rights in concert and in unity with the United Nations[1] and must continuously empower and support the international success of human rights and the domestic and worldwide proliferation of an ethical judiciary[2]; and recognizing that there must be mechanisms in place to guide, monitor and correct jurisprudence to continuously demonstrate the highest standards of judicial conduct that impeccably ensure human rights; and recognizing that when any domestic mechanism for recognition, protection or enforcement of human rights by the judiciary in conjunction with independent bodies reaches an impass or obstacle, that there must be an independent international mechanism for resolution of differences[3] to ensure the highest standards of human rights in jurisprudence[4]; and recognizing our commitment to the Preamble to the US

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[1] And recognizing that unity herein does not mean the merger or consolidation or forfeiture of independence, but instead means that both the American judiciary and the United Nations must simultaneously and independently advance human rights to the highest possible standards, and always seek harmony to derive a mutually endorsed standard for offer to all nations in the design and approach and processes for advancement and protection and enforcement of human rights.

[2] And recognizing that an ethical judiciary is a judiciary that recognizes, protects and enforces human rights as the first canon of its code of judicial conduct.

[3] The US Constitution recognizes that this nation exists and survives and thrives in a world society, and may never remain insular, and that treaties are necessary and essential to the general Welfare and to provide for a common defense, to establish Justice, to insure domestic Tranquility, to form a more perfect Union, and to secure the Blessings of Liberty to ourselves and to our Posterity.

[4] Under the Constitutional lens, such an independent body must be independent of all branches of government, and hold its strict conformity with International Law, which is authorized under Article VI of

Constitution; and recognizing that allegations of violations of human rights by the judiciary requires an abundance of caution exercised by judges and a sincere and independent inquiry; and recognizing that disabled litigants have protections and rights provided to them by domestic legislation and by treaties, and that discrimination based on disability is inherently a violation of human rights; and recognizing that human rights in jurisprudence may be violated by virtue of innate bias and norms, customs and practices, including discrimination, that may require review of judicial norms from time to time based on the evolution of society and new social norms and expectations; and recognizing that accommodations for the disabled litigant in the course of litigation are best determined objectively and based on science and medical knowledge by an independent body of qualified persons and ethical medical experts; we hereby proceed in this cooperation between the People and the United States Courts for the Ninth Circuit.

FINDINGS

Without implying any wrongdoing or admitting any fault; and finding that the American judiciary recognize in their hearts and minds the importance of their commitment to excellence in the administration of justice and its role in the unity of the People, and the highest standards for ensuring Justice and the general Welfare and the securing of the Blessings of Liberty to the People; and finding that five independent litigants have alleged to the United Nations that the American judiciary are perpetrators of prohibited acts under International Law[5] that impinge on human rights, and that four independent litigants have alleged to the United Nations that the American judiciary are perpetrators of prohibited acts under domestic laws that prohibit discrimination in jurisprudence based on disability, that are also human rights violations; and that these allegations of prohibited acts have been made against judges and courts of the Ninth Circuit by one of those litigants who speaks for the People; and finding that certain of these allegations constitute crimes; and finding that under the United Nations Charter and under customary international law, certain standards exist[6] for the necessary investigation of

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the US Constitution which provides that treaties are a separately recognized component of the supreme Law of the Land separately to the laws enacted by the legislative branch

[5] And under Article VI of the US Constitution

[6] As promulgated by the United Nations, specifically the Istanbul Protocol for the violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). These standards are well-developed by domain experts who have decades of experience and have embodied their expertize and experience into the formulation of well-developed standards and practices which may be immediately leverage to provide excellence as a starting point for a framework and process of investigation.

such allegations, and the prevention of such conduct, and the necessary protection of alleged victims pending such investigation; and finding that it is alleged by these victims that there is no effective national or local mechanism for the prevention or investigation of the alleged conduct that is compliant with the standards promulgated under International Law; and finding that an investigation is warranted under an abundance of caution and in compliance with International Law; and finding that the protection of these identified alleged victims is proper and necessary pending the investigation under an abundance of caution and in compliance with International Law[7]; and finding that such an investigation is of the highest benefit when it treats every person who may be potentially affected as a beneficiary; and finding that the nation benefits by efficiency and avoidance of duplication in addressing such prohibited acts which may be achieved by establishing an effective and persistent mechanism and framework and process for this nation arising from this investigation; and finding that it benefits our nation to have a persistent mechanism and framework and process that is independent of all branches of government and which is compliant with the United Nations Charter and with International Law on an on-going basis; and finding that such a persistent domestic mechanism enhances and promotes our world stature as a nation that stands for human rights as we did through our history, and bolsters our respect and good will among nations; we, the People and the United States Courts for the Ninth Circuit set out with the following purpose.

PURPOSE

1. To design and establish a template for an independent[8] domestic mechanism and framework and process for: a) preventing violations of human rights; b) investigating violations of human rights and c) compliance with human rights treaties, human rights principles and the UN Charter; and d) the proper and meaningful accommodation of disabilities in the course of jurisprudence; by the judiciary;
2. To initiate an investigation of human rights violations and of alleged prohibited acts that violate human rights, by applying the template to create an independent entity that embodies the mechanism, framework and process to investigate the organization, the rules, the policies, the procedures of the courts, the norms of judicial conduct, and judicial administration, and specific judicial conduct; with

[7] In particular, with reference to the UN Istanbul Protocol
[8] and United Nations compliant

focus and guidance for efficiency provided by the alleged prohibited conduct; and to provide the independent entity the full cooperation of every identified court and judge through the rank and the respect commanded within the judiciary by this court; and to provide public transparency to the extent possible throughout the investigation;

3. To review and deliberate the findings of the investigation and issue a report on the template and its suitability for a persistent domestic mechanism and framework and process for the purposes intended; and to enhance its effectiveness as learnings indicate; while ensuring that the entity maintains conformity with International Law and human rights treaties, human rights principles and the UN Charter on an on-going basis;
4. If indicated by the report, for discussion to be held by the independent entity with the Private Attorney General and the Chief judge of this Circuit about restoration of the full function of this Circuit based on the investigation findings, specifically addressing any finding of wrongdoing by any judge of this court with every opportunity as appropriate provided to each judge to address issues, and ensuring that the People and their government are sound and intact and publicly seen as being highly legitimate and committed to ensuring justice and human rights;
5. Subject to the report regarding the effectiveness of the template, for the Ninth Circuit to continue to fund and maintain the enhanced independent entity while the Private Attorney General pursues establishing the enhanced independent entity independently of the judiciary and the government, and as national resource for the benefit of the People;
6. Subject to the report regarding the effectiveness of the template, for the Private Attorney General to pursue means to establish the persistence of the independent mechanism, framework and process; by actions including but not limited to, (joint) recommendation to Congress for a budget and resources and legislation, or by actions in concert with the United Nations, or by expansion of the scope of function of an existing government funded body, or by other means; for the establishment and persistence of an independent body and center of excellence for maintaining and evolving this independent domestic mechanism and framework and process for the purpose of preventing and investigating human rights violations, and for remedy and relief; and to provide for its nationwide availability in a distributed fashion based on need; and to endow it with authority to guide, monitor and correct

jurisprudence by authoritative recommendation to each and every court in the event of human rights violations[9];

7. Subject to the report regarding the effectiveness of the template, to ensure that the membership of this independent domestic mechanism and framework and process for preventing and investigating human rights violations is open to all individuals, without discrimination and without constraints on geography or nationality or any protected characteristic, including disability, with the requirement of membership by radiant souls with impeccable personal qualities that will distinguish their service to human rights;
8. To ensure that a template that embodies the mechanism, framework and process for determination of meaningful and appropriate disability accommodation in the courts for the course of litigation is available in every court according to a determination based on science and medicine by an independent body of qualified persons and medical experts, and is endorsed by this court to be used by judges throughout this nation in ensuring accommodations and safe harbor to every disabled litigant.

INITIAL STEPS:

With the consent and endorsement of the Chief judge on behalf of the United States Courts for the Ninth Circuit, and with the consent and endorsement of the Private Attorney General, for a formal invitation to be made to the following experts[10], requesting initial assistance for the Chief judge and the Private Attorney General, and others as agreed between them, with establishing[11] the template for a mechanism, framework, and

[9] Including discrimination based on disability

[10] And/or their nominees or substitutes, to be agreed between the Chief Judge and the Private Attorney General and the nominees herein named

[11] The United States has no domestic mechanism, framework or process that meets with the well-developed mechanism, framework and process promulgated by the UN and through its Istanbul Protocol and through the expertise of the personnel involved with the United Nations bodies on human rights. Therefore, for rapid and high-quality results, a transfer of standards, approach, knowledge, expertize, and lessons-learned is advantageous to efficient and rapid establishment of a domestic mechanism, framework and process to assist our judges and courts in delivering on their constitutional mandates and regaining legitimacy that is dangerously in decline. Since no domestic mechanism, framework or process exists for investigating human rights violations in jurisprudence, it is very important that established national perspectives on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which may be advocated by domestic 'experts' on torture, be re-examined upon the domestic establishment of a mechanism, framework and process that is compliant with International Law, and compliant with best practices recognized under International Law.

process[12] for an investigation pursuant to the United Nations Istanbul Protocol into judicial conduct:

- Claude Heller, Chair of the United Nations Committee Against Torture
- Alice Jill Edwards, United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Mary Lawlor, United Nations Special Rapporteur on the situation of human rights defenders
- Suzanne Jabbour, Chairperson, United Nations Subcommittee on Prevention of Torture
- Heba Hagrass, United Nations Special Rapporteur on the rights of persons with disabilities

The steps of establishing and conducting the investigation to be funded, as necessary, by an initial budget established by the United States Courts for the Ninth Circuit [13], and subsequently from other funding sources for the purpose of independently fostering national excellence in jurisprudence with respect to judicial compliance with human rights treaties as a fundamental aspect of judicial office and "good Behaviour"[14].

The initial steps to be taken with the goal of fostering and maintaining the interest, involvement and cooperation of appropriate international experts[15] in International Law and torture and human rights, and the periodic transfer of expertize and education to independent domestically accessible experts and investigators to be specified, in order to create a persistent independent[16] domestic body of excellence within the United States[17] to cultivate, implement, archive, educate and accommodate best practices.

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[12] and specification for personnel and resources and reports, and the designation of the initial personnel, and other advice

[13] But with complete independence of the framework, process and all associated personal, and the investigation itself, from the United States Courts for the Ninth Circuit or any government entity.

[14] and the realization and securing and confirmation of best practices by the American judiciary that the world may follow, and for the United Nations to use as a reference model for education elsewhere.

[15] It benefits this nation if international experts feel a desire and interest in assisting this nation in holding and evolving best practices and establishing an ethical and human-rights-compliant reference.

[16] The judiciary must not be permitted to police itself with respect to human rights, or have any influence or control over such a body, nor must Separation of Powers be compromised

[17] With very strong involvement and representation by persons with disability and persons who have experienced the limitations of jurisprudence while sick or disabled, These individuals must hold the purpose and intention that their service must be dedicated to achieving the highest possible standards for jurisprudence while ensuring that the judiciary can practically and effectively administer justice for all without insurmountable burden, while impeccably respecting and protecting human rights of litigants in the courts and within other mechanisms for ensuring justice.

The initial steps to also result in the immediate availability of a template for a mechanism and framework and process creating a tribunal[18] for the independent determination of safe harbor and disability accommodation[19] in courts that is readily available to every court in the United States, and which ensures that the determination of disability accommodation in the course of jurisprudence is based on objective principles and independently monitored and consistent with human rights requirements.

The initial steps to result in a schedule and a plan for the prompt investigation into the herein allegations.

The invitations for above individuals to be issued as soon as possible, and preferably no later than January 31, 2025.

The next steps after these initial steps to be agreed between the Chief judge of United States Courts for the Ninth Circuit and the Private Attorney General[20] and with a minimum goal of having the mutually agreed initial personnel appointed and authorized for an investigation by mutual agreement following the process of initial assistance.

Neither the Chief judge nor the Private Attorney General to permit any conflict of interest to affect the investigation, and for the interest of human rights to be paramount.

ADDITIONAL RECOMMENDATION:

For the Chief judge to deliberate with her colleagues in this court for the purpose of recommending the addition of a specific canon to the Code of Conduct for United States Judges that reinforces the recognition and protection of human rights in the course of jurisprudence. The canon to be enacted for discipline and punishment of judges for any infringement on human rights as a violations of ethics[21], which must instill in this nation

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[18] See ECF 6,7,8 in 24-3353 in the Ninth Circuit court of Appeals, and ECF 5,6,7 in 24-6312 in the Ninth Circuit court of Appeals. An independent body for human rights protections and investigation and compliance may naturally provide the necessary resource for disability accommodations and safe harbor investigation and compliance.

[19] consistent with the Freeman Bright Line. The Freeman Bright Line is embedded in the requests for safe harbor and disability accommodations of a disabled pro se litigant, and the orders for safe harbor and disability accommodation issued by federal judge Beth Freeman in the Northern District of California, in 19-cv-04392-BLF, between 2019 and March 1, 2024. The Freeman Bright Line insists that human rights are first in jurisprudence, and impeaches 19 judges and one commissioner of the United States Courts for the Ninth Circuit.

[20] With a provision for replacing the Private Attorney General in the event of sudden death or permanent incapacity.

[21] I refer for authority to the quotation from Justice Clark on Page 13 of the Code of Conduct of the United States Supreme court

enormous trust and confidence that human rights are imperative and are in the safest hands when entrusted to the American judiciary by specific mention under ethics. Thus then discuss and agree the effectiveness of the amendment with the Private Attorney General, whereupon a proposal for an effective amendment to the Code of Conduct for United States Judges be made jointly to the Judicial Conference, and notification of other entities as applicable. In this manner, to enable the authoritative findings of the independent investigative body to be implemented by the United States Courts for the Ninth Circuit with safeguards provided through enforcement of judicial ethics, especially with respect to discipline and punishment of judges, except criminal punishment which must proceed according to the US Constitution[22].

[22] And which requires respect for International Law.

EXHIBIT 3

Domestic remedies are absent for human right treaty violations by the judiciary

Precedents are absent regarding the obedience of judges and domestic courts to treaties[1] recognized as supreme Law of the Land[2] under the US Constitution. The conventional and light interpretations of treaties as domestic laws are long overdue for serious and authoritative clarity.

First, under customary international law, unless this nation State withdraws from a human rights treaty, upon signing the treaty and irrespective of its ratification by our Congress, our government (all of its three branches) is bound by the object and purpose of the treaty. Thus, every judge and every court must notice, interpret and apply the treaty consistently with, and obediently to, its object and purpose and according to International Law.

Second, under the rule of International Law, RUDs increasingly used by the United States must not interfere with or obstruct any object or purpose of the human rights treaty, and are held as void under International Law if they do. Thus judges and court may not operate under the notion that the RUD modifies the object and purpose of the treaty, but they do[3].

Third, when a particular human rights treaty, such as the UNCAT[4], encapsulates a *jus cogens* of customary international law, our nation State is bound by it whether or not we have signed or ratified the treaty. Such a human rights treaty is inviolable under any circumstances[5] and may not be modified by "later-in-time" federal law that modifies or obstructs any object or purpose of the treaty or the jus cogens of International Law. A *jus cogens* of customary international law is deeply

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[1] See "Foreign Treaties in the Federal courts" under History of the Federal Judiciary published by the Federal Judicial Center

[2] Article VI, US Constitution

[3] The Chief judge of the Bankruptcy court of this Circuit even uses a RUD explicitly as a justification for violating human rights.

[4] Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

[5] The exception of "incidental to lawful sanctions" have a high burden of proof for the offender, and is not met by any judge of this Circuit under these facts

rooted in fundamental aspects of the human reality which are generally invariant and thus presumptively unmodifiable.

Fourth, the failure of Congress to legislate a ratified human rights treaty in full[6], is cause for the treaty itself to be interpreted and applied with respect to its missing components that should have been embodied in federal law(s) if the missing components of the treaty that are not embodies in federal law are necessary to satisfy the object and purpose of the treaty. The compliance with the treaty does not become a matter of political control or future action, as the US Constitution provides the bright line of compliance under Article VI, which specifies that the adjudication of the unambiguous treaty as enacted under International Law shall control.

Fifth, when our nation State promises in a RUD to UNCAT that the reason for the reservation and the non-self-execution of the treaty is to extinguish a dual-pathway to relief and remedy, one through enforcement of the US Constitution and one through direct enforcement of the treaty, and this nation does not provide a pathway to relief and remedy through the US Constitution, as in the treatment of the disabled pro se litigant, then the RUD may not be enforced by our domestic jurisprudence. Thus the treaty may be directly used for adjudication.

Sixth, every case of treaty rights enforcement under existing precedents involves some infraction by government that is not pled as a complaint for treaty violation against our judiciary[7]. Our judges may argue that the standard organization of jurisprudence with the mechanism of appellate review constitutes the filing and prosecution of a complaint for violation of the treaty by the judiciary upon filing of an appellate action for a wrong judgement under a treaty (i.e. reversal based on judicial error). But this cannot hold as the facts herein deal with a systemic exclusion of treaties by our judges and courts, particularly the systemic elimination of a non-derogable human rights under rules, procedures and policies of our courts

[6] Review carefully the "Resolution of Ratification: Senate Consideration of Treaty Document 100-20". The Congress implemented a subset of the UNCAT. My facts in the records of the Ninth Circuit courts since 2019 demonstrate that even with a subset of the UNCAT implemented by Congress, the elements of torture under federal law may be argued to be present.

[7] This is not because of sovereign immunity, which may be penetrated by the UNCAT for example

that are invariant throughout the hierarchy of our courts. Thus it is not possible to use jurisprudence for a complaint against human rights treaty violation by our judiciary in a case where the human rights violation is originally due to systemic deprivation of rights and due process by all members of the judiciary.

Seventh, under the textual interpretation of Article VI the US Constitution, state judges are personally[8] and expressly required to obey and follow treaties, without qualification. Particular attention to the wording in Article VI: "any Thing in the Constitution or Laws of any State to the Contrary notwithstanding". Absent this clause in the US Constitution, foreign States could consider the nascent nation not credible for entry into binding international treaties, and the arrogance of modifying a treaty by RUDs would have been cause for renegotiation or rejection. The applicable authority for evaluation of the obedience by state judges to treaties is the law for their interpretation, which is International Law, and not federal laws or the body of the US Constitution itself.

Eighth, federal judges are bound by Article III "good Behaviour" and such Behaviour is absent if any federal judge dare to evade or obstruct the object and purpose of a human rights treaty as adjudged under International Law. The inherent endorsement of standards in ensuring justice and implementation of jurisprudence and uniformity of due process in the courts requires parity and consistency between the obligations of state and federal judges under Article VI and the obedience to the supreme Law of the Land, and thus federal judges are personally bound, like the state judges are personally bound, to obedience of the treaty and the direct application of International Law to adjudication of treaties in domestic jurisprudence.

It is our federal judges who are therefore the ultimate promise-bearers by this nation under treaties made by the United States that regulate all government conduct including the conduct of our judiciary. My facts demonstrates that our judiciary undermines and violates human rights treaties and undermines the

[8] and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding

general Welfare and our national security in the global community. These are “high crimes”.

Under my facts as recorded over six years in the records of Ninth Circuit courts, it is demonstrated that the judiciary of the Ninth Circuit purposely and intentionally violate human rights treaties and will not permit adjudication of their violations within the courts according to Article VI of the US Constitution and the controlling rule of International Law. Thus no pathway to relief and remedy is domestically available against judicial derogation of human rights within the course of jurisprudence in contravention of human rights treaties.

The People are not limited by their judiciary from accessing their constitutional rights, privileges and immunities, and no treasonous force may take our Liberty and undermine our general Welfare and our Unity and the guarantee of Justice to us and to our Posterity.

Exhibit D

Cyrus Hazari, Pro Se Plaintiff & private attorney general
15209 Blue Gum Court, Saratoga, CA 95070
Tel: 408 898 4470
Email: cyrus@metafusion.net

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

Cyrus Hazari	Case# 24-6312
Plaintiff & Private Attorney General	Trial Case# 21-cv-04262-JSW
v.	
Superior Court et al., and DOES 1-200	DISQUALIFICATION *en banc*
Defendants - Appellee	and *Erga Omnes*

Contents

SUMMARY AND PREFACE 2
THE OPERATIVE FACTS DEMONSTRATE ABSENCE OF JUDICIAL ETHICS *en banc* 14
THE INTERPRETATION OF THE US CONSTITUTION IS JUDICIALLY RESTRICTED 26
THE ESSENTIAL VIOLATION OF TREATIES ARE JUDICIALLY MANDATED 32
THE ADA REINFOCED BY THE CRPD ARE BOTH JUDICIALLY NULLIFIED 38
THE UNTENABLE PARADOX IN JURISPRUDENCE VIOLATES JUDICAL ETHICS 51
DUE PROCESS MAY NOT BE HELD IN A *forum nullus* ABSENT JUDICIAL REFORM 60
DISQUALIFICATION IS WARRANTED 62
THE DEMANDS BY THE PRIVATE ATTORNEY GENERAL ARE JUSTIFIED 69
WHEREBY 71

SUMMARY AND PREFACE

This motion and notice of disqualification of all judges of the Ninth Circuit court of Appeals is based upon substantial grounds recorded in the following court records:

- District court of Northern California 19-cv-01986-LHK, 19-cv-04392-BLF, 21-cv-04262-JSW
- In this court of Appeals: 19-16291, 22-16046, 22-16174, 23-15221, 24-3353, 24-6312 and several amended notices of appeal which were in essence simply ignored
- US Supreme court: 23-7017

The following judges may not preside in any case that involves a disabled litigant, or any question of disability or treaty or human rights, pending the determination resulting from an independent investigation according to authorities recognized by the US Constitution and original federal common law, and preemptively operative in the present circumstances under international instruments applicable to human rights treaties and according to pre-emptory norms of customary international law[1].

- Mary H. Murguia - the Chief judge is subject to particular exceptions discussed elsewhere[2]
- J. Clifford Wallace
- Mary M. Schroeder
- Dorothy W. Nelson
- William C. Canby, Jr.
- Diarmuid F. O'Scannlain
- Stephen S. Trott
- Ferdinand F. Fernandez
- Andrew J. Kleinfeld
- Michael Daly Hawkins
- A. Wallace Tashima
- Sidney R. Thomas
- Barry G. Silverman
- Susan P. Graber
- M. Margaret McKeown
- Kim McLane Wardlaw
- William A. Fletcher
- Ronald M. Gould

[1] See the United Nations Istanbul Protocol and the requirement of a necessary independent investigation based on the substantial grounds of prohibited judicial acts that are presented in the records identified. Other authorities are identified herein.

[2] See letter to the Chief judge of this Circuit filed in the record of 24-6312

- Richard A. Paez
- Marsha S. Berzon
- Richard C. Tallman
- Johnnie B. Rawlinson
- Richard R. Clifton
- Jay S. Bybee
- Consuelo M. Callahan
- Carlos T. Bea
- Milan D. Smith, Jr.
- Sandra S. Ikuta
- N. Randy Smith
- Morgan Christen
- Jacqueline H. Nguyen
- Andrew D. Hurwitz
- John B. Owens
- Michelle T. Friedland
- Mark J. Bennett
- Ryan D. Nelson
- Eric D. Miller
- Bridget S. Bade
- Daniel P. Collins
- Kenneth Kiyul Lee
- Daniel A. Bress
- Danielle J. Forrest
- Patrick J. Bumatay
- Lawrence VanDyke
- Lucy H. Koh
- Jennifer Sung
- Gabriel P. Sanchez
- Holly A. Thomas
- Salvador Mendoza, Jr.
- Roopali H. Desai
- Anthony D. Johnstone
- Ana de Alba

- Commissioner Fitzgerald

The reach of this disqualification is based upon substantial grounds in the record, the international instruments and standards herein referenced which are respected by the US Constitution through Article VI, the legal discussion herein, common sense, and statistical analysis. The disqualification refers to Article III, the Code of Conduct of United States Judges and internationally recognized codes of judicial ethics[3]. The overarching goal of this action to disqualify each judge is to prevent harm to those affected by the misconduct and to prevent recurrence[4]. The harm is repetitive, predictable and there are no mechanisms to stop or prevent it through the customary and familiar course of jurisprudence.

When this judge was requested personally to intervene and stop human rights violations by the lower court and others, via my request for reconsideration *en banc* in 24-3353, this judge refused to intervene and address and action human rights violations by the lower court and others, in violation of the US Constitution and human rights treaties and the *jus cogens* of customary international law. The refusal by this judge may be considered a crime under the operation of customary international law.

The government of the United States, through its judges and courts, tortures[5] its population through the course of jurisprudence, in the name of due process of law[6]. The offense becomes particularly discernable in the treatment of the disabled pro se litigant. There is no domestic mechanism available for stopping, preventing, abating, or punishing judicial torture, by virtue of the control exerted by judges and courts over the availability of protections, relief and remedies from torture, which customary international law insists must be present domestically.

The author has taken great lengths, through the assistance of ever-improving Artificial Intelligence[7] to describe in unmistakable detail through this writing addressed to every judge in this Circuit's appeal court, the prohibited judicial acts, their historical and current and predictable impact on justice, on health, on legal custody, on bodily autonomy and freedom from injury and from severe pain and

[3] Enumerated in the UN Istanbul Protocol.
[4] Code of Conduct of United States Judges Canon 3B(6)
[5] Article 1 of the UNCAT. See also Article 16, which is found also in other human rights treaties signed by the United States
[6] Read the testimony of three independent victims who have so far come forward in 21-cv-04262-JSW: Leslie Hagan, Eva Danilak, Julia Minkowski. Other victims from other parts of the country are expected to testify.
[7] The author is substantially incapacitated and perpetually injured by judges keeping him in the state of substantial incapacity. Only by training and re-using A.I. for making the same arguments and statements is the author able to present tens of pages of facts, authorities, arguments and reasoning that express the extraordinary conduct of our judiciary. The evolution of the author's impaired expression by A.I. is chronologically documented in this Circuit's records from 2019 to the present. The refinement and surmounting of barriers to expression of objections abut judicial prohibited acts is no justification for any judge or any court to maintain control over the author's bodily autonomy and to deprive him of life-saving medical treatment as a condition of access to this Circuit's courts.

suffering, and upon the absence of life-saving medical treatment[8] that has placed and held the author walking the tightrope of death while deprived of rights, of life, of liberty, of freedom from severe pain and suffering, of quality and enjoyment of living, of family, of friendships and associations, of travel, of the membership of society, of economic independence and of the autonomy of person and body, all without opportunity of withdrawal from the legal custody by the courts.

And the author is not the only such victim of judges and courts. Others have testified and others are coming forward from around this nation to testify to a national tyranny by judges and the courts in this nation. The matter is now of international interest through my stewardship.

A systemic and unpublished judicial policy exists in this Circuit's courts that controls the conduct of the Ninth Circuit judiciary and robs individual judges of their independence and impartiality in discharging the duties of their office according to the authorities herein discussed. Over one-third of the judiciary of this Circuit's appeal court have been 'tested' by fate over the course of six years, demonstrating impropriety through the control and effectiveness of this unstated policy over the independence and impartiality of every judge, and demonstrating that the personal choice by each judge has been to follow this policy to knowingly and willfully deprive a seriously ill and disabled litigant of essential medical treatment and accommodation that predictably led to serious and irreparable physical and mental injuries and severe pain and suffering, with punishment dealt to the litigant for failing to cure his substantial disabilities and for failing to heal his serious illness according to a cruel, inhuman and degrading time and performance schedule set by the courts of this Circuit.

The unpublished judicial policy of discrimination and human rights violations is unconstitutional and violative of human rights treaties and of the *jus cogens* of customary international law. The clerk of this court violates the US Constitution, treaties and customary international law under the color of authority of this court, *en banc*[9]. A request for safe harbor and disability on November 10, 2024 is promised a

[8] This has been repeatedly defined precisely as "complete rest and isolation from distress [for a sufficient period of time]" estimated by science and medicine and statistics with increasing precision. The "sufficient period of time" grew from 4 weeks in 2018 by virtue of the accumulating burden of physical and mental injuries to ONE YEAR, and has remained at ONE YEAR for several years. Judge Beth Freeman's last order in 2024 was for ONE YEAR of stay of the litigation in 19-cv-04392-BLF. Read the last line of her order for a message to each of you judges about humanity in jurisprudence.

[9] See ECF-12 in 24-6312, which was issued deliberately and with knowledge that it would inflict severe pain and suffering and unconscionable distress-induced physical and mental injuries, which it has. The knowledge arises from the content of my request for safe harbor and disability accommodation in 24-6312, as well as its incorporation of my previous requests for safe harbor and disability accommodation to this court in 5 prior cases, as well as reference to the records of three district court cases in this Circuit, as well as the existence of on-going and incessant prohibited acts in the state courts for which I resorted to the federal court for salvation, protection, remedy and relief which has never been provided. The order by the clerk continues my torture by this Circuit's appeal court (the previous instance is 24-3353). The refusal of this court to grant my safe harbor and disability accommodation and for the first time in six years, make a promise by the clerk that my request will be responded to. but without the common sense of a response prior to a briefing schedule order, is no less than the willful and deliberate infliction of extreme distress known to induce serious and irreparable physical and mental injuries and severe pain and suffering upon a prone victim under legal custody by the control over his bodily autonomy and integrity through the

response by the clerk on December 23, 2024[10], and the response did not come, and will never come. If it will ever come, it will not be in any lawful or reasonable or commonsensical form because this court operates without due process and as my unethical adversary, and intends to defraud me and the public. This court stealthily conceals its purposeful and intentional discrimination and human rights violations, which are revealed for public view on rare occasions[11].

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deprivation of life-saving treatment by the court, all of which are documented in this Circuit's record, including discussion in the request. It also constitutes the infliction of severe pain and suffering and a coercive order for extraction of information from me by intimidation of the dismissal of a meritorious appeal, and the assurance of my refoulement to the legal custody by the same district court judge and my guaranteed deprivation of essential medical treatment and re-traumatization which continues in each court of this Circuit, including the Bankruptcy court. The clerk does not identify who endorsed the torture ordered in ECF-12, and therefore executes a standing policy which is set in place and approved by the judges of this court *en banc*, while giving assurance that my request will be answered. Thus every judge in this court is implicated by the action of the clerk, who operates under the color of authority of this court *en banc*, which consists of the 52 named judges together.

[10] Compare with the rapid responses by Freeman in 19-cv-04392-BLF. Freeman recognizes that a disabled pro se litigant seeking accommodation must never be kept in suspense or feel any hostility or chill from the court, especially if the disability is distress-dependent and any indication of hostility or feeling of chill is a trigger for the exacerbation or inducement of disability. Freeman deviates from the conduct of every other judge in this Circuit and acts consistently with what every normal and reasonable human being intuitively recognizes, which is that persons with disability are unequal in society by virtue of impairments beyond their control, and require compassion and understanding and considerate treatment. It is cruelty and the absence of humanity and the disrespect for the dignity of the human being that elicits contrary conduct from every other judge. There is no good Behaviour seen in such a mindset and approach to judicial duties.

[11] On May 16, 2024, I filed a Notice of Appeal (ECF-135 in 21-cv-04262-JSW became 24-3353) which was a complaint against persistent human rights violations by judge Jeffrey White in the district court. The human rights complaint is sufficient under the UN Istanbul Protocol and requires a specific investigation and protective action by this court without fail. Instead, this court under Bumatay, Sanchez and Silverman immediately dismissed the appeal as taken from a non-appealable order and provided no required investigation or action under the UN Istanbul Protocol or any consideration or action under any other authority cited in the Notice of Appeal. This was Silverman's third internationally-recognized offense. Under the Protocol, any means of informing this court of derogation of non-derogable rights must result in this court's conforming action. This was the FIFTH complaint for human rights violations that this court ignored, and the FIFTH appeal (not counting the amended notices of appeal) that, in its body of communications with this court, stated that no due process exists absent disability accommodation and that I am deprived of control over my bodily autonomy by deprivation of life-saving medical treatment by a court that is coercing me to litigate unequally and at the expense of serious and irreparable physical and mental injuries and severe pain and suffering. The Notice of Appeal, which is a call to action to stop discrimination and human rights violations for this court to pounce upon, attached the order of ONE YEAR of accommodation for me by judge Beth Freeman of the district court, leaving no doubt that stare decisis on my accommodation, violated by White, must be confirmed and provided in this court. By dismissal, Bumatay, Sanchez and Silverman entirely evaded any required action and prevented any effect of a request for accommodation to this court, and by acquiescing to White's torture, ejected me from this court back to be refouled and re-traumatized by White, which White did not hesitate to do. I asked for reconsideration *en banc* and then Bumatay, Sanchez and Silverman became silent for FOUR MONTHS, and did not take any action on my communications or render any decision on my request for safe harbor and disability accommodation delivered to this court on July 9, 2024, leaving White to 'carry on'. Had they taken any action on my request for safe harbor or disability accommodation, which they could not evade under operative laws, they would have either contradicted White or Freeman. The notice of reconsideration invoked this court's attention *en banc*, but no such attention was provided, when even an administraive review of the record would commit this court *en banc* to mandatory action under these authorities. Thus these three judges joined with the court's solidarity and demonstrated intent to permit torture in this Circuit's courts to continue, and for a contradiction and inconsistency to be stealthily maintained in the provision of safe harbor and disability accommodation in this Circuit's courts. In so doing, the judges and this court maintained that a private plaintiff attributed with ripeness and standing has no right to address a justiciable issue by virtue of being disabled and the victim of discrimination and human rights violations by this District's courts. By taking this position, this court and its judges mooted the underlying lawsuit in 21-cv-04262-JSW and rendered a final judgment that White has no choice but to follow, and has demonstrated that he will follow. Thus, by evading my request for accommodation since 2019, under Bezon, Bumatay, Callahan, Clifton, Collins, Fitzgerald, Friedland, Ikuta, Owens, Sanchez, Schroeder , Silverman, Sung, Tashima, and Wardlaw, this court has repeatedly ruled that there shall be no merit to my complaint in 21-cv-04262-JSW and that it must be dismissed. This confirms my

repeated claims that the lawsuit is over, which is stated to this court in each of six appeals in the same case since 2019. In 2024 (approximately in July) after I filed 24-3353, I discovered that the order of dismissal by White which initiated the appeal in 23-15221 contained an order that Brady is excluded as a defendant in 21-cv-04262-JSW. Having been shocked by this discovery, I filed an amended notice of appeal on August 5, 2024 to justice this issue, and the unlawful protection of a recidivist by White. What Bumatay, Sanchez and Silverman then did was blatant discrimination based on disability and punishment for being disabled and unaccommodated by the courts. Bumatay, Sanchez and Silverman and this court received a manipulative ex parte communication from defendant Mandy Brady on August 26, 2024 from the lower court that had received it earlier, re-directed from the federal court of Southern California. This ex parte communication was not served upon me by Brady whom White protected in violation of the US Istanbul Protocol. In that communication which shows the tell-tale signature writing of one of Brady's attorneys, she claims to have no attorney and to be a victim of my vexation (while the record of the state courts revealed that she is a vigorous litigant with $10 million in professed wealth and active in multiple appeals and superior court motions). For TWO MONTHS, this court, and Bumatay, Sanchez and Silverman did nothing about this ex parte communication by Brady. Then once I had filed 24-6312 on October 17, 2024 after invoking injunction and declaratory relief against the torture and attempted murder by White, within two weeks, on October 30, 2024, Bumatay, Sanchez and Silverman exposed their true intention to obstruct justice for the disabled pro se litigant at any cost and on behalf of this court, *en banc*. By fabricating an excuse, that I am vexatious, these three judges and this court willfully ignored the disclosure of my cognitive impairment of reading comprehension (for which they are challenged in my request for safe harbor and disability accommodation in 24-6312) which prevented my comprehension of White's exclusion of Brady as a defendant in 21-cv-04262-JSW on 10/18/22, and which issue has never been reviewed by this court (not under 23-15221 or at any other time). Had I been accommodated by White according to the Freeman Bright Line, this would not have occurred. In the most offensive and repugnant manner that confirms Posner perfectly, Bumatay, Sanchez and Silverman conveniently alleged that because I am vexatious (for identifying conflicts of laws, and a major defect in jurisprudence), I should be punished, thus retaliating for my need for disability accommodation and safe harbor, and expressly violating the UN Istanbul Protocol. Note that until that point in time, this court had never ruled on my requests for safe harbor and disability accommodation, each of which was also a complaint for prohibited violations of human rights, until October 30, 2024. On October 30, 2024, having replaced the duty of this court's judges *en banc* (which I had invoked on July 2, 2024 in ECF-5) and having assumed authority for this court on behalf of all 52 judges, Bumatay, Sanchez and Silverman rendered the first decision by this court on my request for safe harbor and disability accommodation. "Moot" they said, expressly violating the authorities herein and propagating and prolonging a crime. Thus Bumatay, Sanchez and Silverman prevented the necessary reform of jurisprudence and maintained the status quo of legalized criminal conduct by the federal judiciary. In that decision they stated that an ex parte communication suffices to condemn a disabled pro se litigant without due process and without the right of rebuttal, and justifies the deprivation of safe harbor and disability accommodation absolutely. This perfectly mirrors the conduct of the state judges and courts pleaded in my abortive amended complaint in 21-cv-04262-JSW (see for example the March 2020 preemptory mandate by judge Mary Greenwood in particular) and thus Bumatay, Sanchez and Silverman issued a mandatory and final ruling in 21-cv-04262-JSW which they have instructed White to ensure. Under their instruction, White is to find no fault with the unlawful actions by the defendants and must dismiss 21-cv-04262-JSW. Under Article VI and under international law, the judicial protection of Brady is a criminal act. Under Article VI and under international law, deprivation of my safe harbor and disability accommodation, which the humanitarian judge Freeman condemns, is a criminal act. Under Article VI and under international law, deprivation of due process performed as a punishment in conjunction with my torture by this Circuit's judges and courts, is a criminal act. Silverman in particular, was very familiar since 2022 with me and my chronological injuries and severe pain and suffering and the insistent medical authorities demanding my accommodation. His October 30th order was the third time that he personally acquiesced to, and endorsed my torture by White and others, and committed torture in this court. Within approximately one month of the final dismissal of 24-3353, it was confirmed in 21-cv-04262-JSW that Brady again lied and continues to be represented by the same attorney whom she claimed is no longer representing her – see 21-cv-04262-JSW ECF-153 to 163. Note that it was the second time that Bumatay, Sanchez and Silverman together acquiesced to my torture and to my refoulement and my re-traumatization by White. The denial of reconsideration was the second order during my torture by this court in 24-3353, with these three's actions satisfying the UN Istanbul Protocol elements of prohibited acts. Notice also how Bumatay, Sanchez and Silverman punitively and retaliatorily ignored ECF-144 in 21-cv-04262-JSW, entirely discarding the additional human rights violations to be attached to 24-3353. The clear message publicly stated by Bumatay, Sanchez and Silverman on behalf of this court *en banc*, is that this court has a policy of not provide any disability accommodation according to the applicable authorities herein discussed, and that this court sees no value in human rights, and that this court only recognizes its own *stare decisis* and condemns the US Constitution, human rights treaties and the *jus cogens* of customary international law, and deprecates them into a position of inferiority and insignificance. In the most profound and creative way possible, Bumatay, Sanchez and Silverman defraud the public to perceive this litigant as vexatious and take the focus away from their torture and human rights violations and slander of the US Constitution, human rights treaties and the *jus cogens* of customary international law by alleging that the entirety of this litigant's action is abuse of process and frivolous and meritless. This is behavior that is predicted and abhorred by international law and addressed by the UN Istanbul Protocol. What Bumatay,

Every judge of this court who was tested by fate during the past six years has disclosed an intrinsic bias that is strongly indicated as being court-wide, peer-encouraged, and unassailable. One third of judges out of 52 is a significant population sample, and six years and six actions is a significant sample time; together the samples provide substantial grounds for the presence of systemic judicial bias and for this motion[12]. The revelation of overt discrimination and unconscionable retaliation for disability in 24-3353[13], and the blatant violation of human rights[14] that indicates the pre-destined ruling in 24-3353 an

Sanchez and Silverman dare not admit is that they provoked me to stop my own torture by bringing an appellate action in 24-6312 consistent with the statute that they unlawfully enforced to dismiss my appeals, including 24-3353.

[12] At a minimum, this motion, when applied to judges who have not yet been actually tested for intrinsic bias and volitional obedience to an unlawful systemic policy of this Circuit's courts, is a contingent motion for disqualification that is activated if they preside over this case outside the boundaries set by the Private Attorney General, and identifies a basis for punishment by their choice of personal taking of jurisdiction when, in due course, it is retroactively proven by their prohibited acts despite this motion that they violated ethics and laws in a *forum nullus*.

[13] Ibid.

[14] According to the UN Istanbul Protocol, the notice of appeal in 24-3353 was a complaint for violation of human rights, which require specific responsive acts by the judges of this court and by this court. None is seen in the record, except a continuation of my torture and human rights violations by this court, and the green light given to the lower court to continue its discrimination and torture and my attempted murder. Under the CRPD and the ADA, the notice of appeal was immediately actionable by this court by a protective action, which was undermined by its dismissal and constituted a prohibited act by the presiding judges Bumatay, Sanchez and Silverman, and by this court. The complete absence of any response to my request for safe harbor and disability accommodation, except the prolongation of time to issuance of mandate and declaration of denial of any reconsideration in 24-3353 is a prohibited act under these international instruments and under the US Constitution.

also in this appeal 24-6312[15] is cause for forceful and pre-emptory mandate by the Private Attorney General[16] in this *forum nullus*[17].

[15] The thrust of this appeal court, as appears from its continued prohibited acts, is that 24-6312 will be summarily denied as no provision for my participation in constitution due process or any recognition of controlling authorities is demonstrated by the clerk's order in ECF-12. Adherence to a systemic policy of discrimination and torture is indicated by the clerk officiating under the color of authority of this court *en banc*, expressed in ECF-12, because no express grant of accommodation according to the Freeman Bright Line is forthcoming from this court despite the underlying action in the district court, which is an injunction against discrimination and prohibited human rights violations by a PRESIDING FEDERAL DISTRICT COURT JUDGE. It must be understood by every judge that the litigant sees from the public's perspective and not a judge's perspective, which are radically different on human rights. A victim of the prohibited acts will readily perceive that the judges of this court will argue that no litigant may enjoin a presiding judge in the litigation at bar, since this must necessarily be construed as the scheming by the litigant to delay the inevitable justice that superior judicial minds have already foreseen and decided, even despite expression of a complaint or appellate brief by the oppressed litigant. The clerk speaks under the color of authority of this court, which is all of its judges controlling their court and their clerk *en banc*, and therefore it is natural for a victim to see every judge of this court as their oppressor. The judges of this court may not simply discard this natural human reaction, and must remember at all times that their basis for existence and legitimacy is the public trust, and thus the public's perception is critical, not incidental, to their role. This is the *raison d'etre* of "good Behaviour" in Article III. It must not be mistaken by any judge that from the public's perspective of the treatment of the most vulnerable litigant, the clerk makes a sham promise of a ruling on my disability accommodation which this court has never intended to keep, and only makes it to perpetrate a fraud upon the public. As seen from the public's point of view, this court and its judges display discrimination and human rights violations targeting a pro se litigant whom the judges of this court continue to "treat as a kind of trash not worth the time of a federal judge" (Posner). No ordinary reasonable person would treat such a litigant in the same manner as this court and its judges do. Freeman stands as the reference for "good Behaviour" by the judges of this court, under authorities that the judges of this court refuse to recognize, but which Freeman confirms as being the preeminent authorities through setting and holding the Freeman Bright line of accommodation, which this court and its judges have violated for six years.

[16] the initial action is through judicial ethics, with other actions being discussed with the Chief judge of the Ninth Circuit, the Judicial Council of the Ninth Circuit, and the Judicial Conference of the United States. The US Supreme court is also being addressed for a mechanism and investigation into the pervasive prohibited conduct by the federal and state judiciary.

[17] See discussion in the US Supreme court writ 24-6012. *Forum nullus* is an original analysis based on these unique facts. The facts are that a court systemically violates the authorities invoked herein (standards on elimination of discrimination, international human rights standards established by treaties and incorporated in the Constitution under Article VI and the Bill of Rights). Then a higher court systemically endorses the lower court's violation by either providing no mechanism for remedy, or by selectively ignoring or violating the same authorities. When the pinnacle of jurisprudence in that state systemically endorses every lower court's violation in the same manner, then there is no forum in the hierarchy of the state in which these authorities are recognized or controlling of jurisprudence. The same analysis applies to the hierarchy of federal courts. Since jurisdiction relies on the constitutional operation of courts, a fundamental basis for jurisdiction by each court is absent. In other words, the hierarchy of courts are systemically blind to their violations of preeminent laws. *Forum nullus* invalidates the jurisdiction of **an entire hierarchy of courts** that are otherwise endowed with jurisdiction derived from the Constitution or statute (e.g. *Goldberg v. Kelly (1970) 397 U.S. 254* "A complete absence of jurisdiction means that a court acts "when it does not have any statutory or constitutional power to adjudicate the case."). There is no judicial legitimacy to any outcome from a *forum nullus* court. *Forum nullus* constitutes an organized subversion of the Constitution. At its core is the elimination of inalienable rights guaranteed by the Constitution, and by the *jus cogens* of international law, fueled by a dereliction of necessary and repeatedly emphasized standards under the rule of law, and absence of judicial ethics. No decision by a *forum nullus* court may stand, yet full faith and credit is automatically provided to it, and all courts and all precedents PRESUME its impossibility. Thus the customary applications of laws in a *forum nullus* perpetuates the invalidation of the US Constitution, and a *forum nullus* ensures the absence of constitutional government while portraying publicly that all is well and the course of laws and justice are in safe hands. The fact that *forum nullus* is not expressly accounted in the US Constitution flows from the fragile dependence of the founders on the integrity and commitment and resolute dedication of human beings to creating a new nation that depends on its survival and prosperity on the conduct of individuals in positions of power and influence. Thus delegation of jurisdiction and formation of components of government according to a design does not imply that jurisdiction is a right of any court or judge that may be held despite violations of inalienable and non-derogable rights, and abandonment of supreme Law. Personal or in rem jurisdiction is, in principle, not possible by conduct or by consent or any other means within a *forum nullus* by the operation of the US Constitution. A *forum nullus* may not *sua sponte* assert jurisdiction.

Upon repeated confirmation that this Circuit's courts, according to the consistent prohibited acts by their hierarchy, cannot hold jurisdiction[18], the Private Attorney General held that this Circuit is *forum nullus* for litigation by the disabled and pro se litigant. Therefore, the courts of this Circuit are barred from providing due process pending corrective action and judicial reform that restores the courts of this Circuit to constitutional jurisprudence. The imperative of reform is an ethical obligation, requiring demonstration of each judge's commitment to the public trust. No judge of this Circuit's courts[19], and no court of this Circuit, may, at a minimum, hold jurisdiction over any disabled and pro se litigant, or over any case involving disability, any treaty or human rights[20].

The protection of the victim of prohibited acts and the cessation of further prohibited acts is necessary[21] by all available methods. No judge may stand motionless without offering protection.

Referral of the complaint for violation of human rights in this Circuit to this court has been obstructed for six years, and continues to be obstructed. When forcefully presented to this appeal court for judicial review, judges refused and continue to refuse to consider the human rights complaint that is contained in the envelope of the appeals despite the requirements of judicial conduct[22] and judicial ethics[23]. In contrast, the lawful response expected from this court to each of my referrals over the past six years is indicated by the UN Istanbul Protocol. This court stands in violation of the UN Istanbul Protocol and of the *jus cogens* of customary international law, under which the acts herein described are absolutely prohibited, and are considered crimes.

Judicial ethics is a primary consideration in eliminating discrimination and human rights violations in this Circuit's courts[24]. Judicial ethics leaves no room for such prohibited acts, including torture which is a crime with no statute of limitations, and including cruel, inhuman and degrading treatment and punishment[25], and deprivation of fundamental rights which are also condemned by the US Constitution.

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[18] See appeals 19-16291, 22-16046, 22-16174. Further confirmed as *forum nullus* by 23-15221, 24-3353 and 24-6312

[19] With the exception of the person of judge Beth Freeman, who volitionally will not advance litigation, as required by these international instruments, and is expected to continue to demonstrate good Behaviour and obedience to the supreme Law of the Land. However, the Ninth Circuit is *forum nullus*, and thus a good judge Freeman is further prevented from proceeding with litigation in her court until restoration of constitutional jurisprudence in this Circuit, since the right to review must be present for a good district court judge to conduct her court.

[20] This demand is authorized by the *jus cogens* of customary international law, in conjunction with enforcement of the US Constitution. This demand may not be characterized as a political action. The Private Attorney General is not limited by Separation of Powers.

[21] Per the UN Istanbul Protocol which addresses UNCAT Article 1 and 16 violations, and which CRPD Article 15 and ICCPR Article 7 also activate

[22] Obedience by every judge is required to the US Constitution and the Bill of Rights, to Article III good Behaviour and under Article VI's definition of the supreme Law of the Land to human rights treaties and to the *jus cogens* of customary international law. See description and explanation provided by the UN Istanbul Protocol on non-derogation.

[23] See also judicial ethics requirements under the UN Istanbul Protocol

[24] This is indicated also at the international level by a communication from the UN Secretariat.

[25] Also a crime with no statute of limitations under the UNCAT, the CRPD and the ICCPR

Judicial ethics is a primary consideration because this unethical conduct is systemic and persistent, disqualification is the only means[26] to address the prohibited conduct at the present time within a *forum nullus* which does not respect injunctions and disarms writs.

This motion is expressed under the standing of the plaintiff in 24-6312 who has been personally harmed by the prohibited acts. It is also expressed under the authority of the Private Attorney General reaching on behalf of the People into every case in this court[27], and requiring disqualification of every judge *Erga Omnes*[28] under applicable authorities to protect actual and prospective victims of this pervasive and systemic judicial conduct, and pending an independent investigation according to the instruments[29] herein described.

The body of judges in this court, individually and in unison, must abide by the US Constitution in its entirety and not only selected portions of it at the exclusion of its remainder. This includes the recognition of the instruments herein, and respect for the enforcement of unenumerated rights undertaken by the Private Attorney General. Such judicial conduct constitutes a judicial variant of state

[26] Challenge by writ is impossible in this Circuit as the presumptions and operative rules on writs focus on error. In a *forum nullus*, review by writ is a sham process.

[27] By invocation of the private attorney general doctrine, modified by this case of first impression with extension of reach under necessity and conformant with the US Constitution. Here invoked for the protection of all litigants who are disabled or who bring issues related to disability or treaties or human rights for adjudication to this Circuit's judges and courts. Acting for the protection of the general Welfare, to ensure Justice and secure Liberty, and to insure domestic Tranquility, and *Erga Omnes* by invocation of judicial ethics to circumvent damage to our foreign relations, and our peace and security.

[28] this phrase means "towards all" or "against all" and is used in legal contexts to describe obligations or actions that are binding on all parties. The term is usually used to refer to obligations or rights that are owed to the international community as a whole, not just to individual States. Obligations *Erga Omnes* arise when there is a fundamental interest in protecting certain values or preventing certain harms that affect the international community as a whole. Examples are the prohibition against torture and the right to self-determination focusing on the rights of the individual that are guaranteed by the US Constitution and by customary international law, and that are extinguished by the unconstitutional judicial conduct that is prevalent (by statistical measurement) in the United States and cannot be 'cured' by constitutional means. *Erga Omnes* obligations are primarily derived from customary international law, which is formed through the consistent practice of states and their belief that the practice is legally required. Some treaties, including the UNCAT, also create *Erga Omnes* obligations, either explicitly or implicitly. The concept of *Erga Omnes* reflects the idea that certain fundamental values and obligations are the concern of the entire international community, not just individual States. It helps to uphold international law and protect fundamental values that are essential for maintaining peace and security. The scope and application of *Erga Omnes* obligations continue to evolve as international law develops and new challenges arise. Examples in legal precedents include: *Barcelona Traction Case (ICJ 1970)* (the International Court of Justice (ICJ) recognized the obligation to respect the right to self-determination as an erga omnes obligation); *Belgium v. Senegal (ICJ 2012)* (the ICJ held that any state party to the Convention against Torture could invoke the responsibility of another state party that violates the treaty, even if it wasn't directly harmed); *Rohingya Genocide Case (ICJ 2020)* (The ICJ found that The Gambia had standing to bring a case against Myanmar for alleged genocide against the Rohingya people, even though The Gambia was not directly affected). In essence, *Erga Omnes* signifies a shared responsibility among states to uphold fundamental values and protect the international community as a whole. It's a powerful legal tool for addressing serious violations of international law and promoting accountability. The Private Attorney General may seek enforcement of judicial ethics for the general Welfare and to ensure Justice, and to secure Liberty and insure domestic Tranquility, and also to ensure that our foreign relations, and our peace and security are not undermined by domestic judicial ethics.

[29] In particular, reference is made to the UN Istanbul Protocol, to human rights treaties, the UN Charter which incorporates the UDHR, and to Article III "good Behaviour" and the Code of Conduct of United States judges and associated statutes, and other applicable bodies of ethics (for example the Bangalore Principles of Judicial Conduct).

capture[30], where the judiciary, by use of unrestrained rank and authority, control and alter the intended interpretation and application of constitutional principles. This disqualification motion is therefore a first step in restoring this court to constitutional operation in all respects.

This action is not by choice of the Private Attorney General, but is mandated by the US Constitution to whose protection he is pledged as a private citizen, as well as the requirement of being a human being which makes unity and the defense of others the personal obligation of every human being. No other course of action is possible[31]. It is brought pursuant to the proof of invariant and invidious discrimination based on disability[32] and based on the human rights violations of the disabled and sick and pro se litigant by this Circuit's courts and judges, in contravention of the US Constitution and recognized authorities, and the *jus cogens* of customary international law. Judicial ethics and "good Behaviour" are central to this action.

The prohibited acts referenced are documented over six years, beginning in 2019. Eighteen out of Fifty-two judges of this court, one commissioner, and two judges of the district court have been confirmed to have committed prohibited acts under the US Constitution and recognized authorities, and the *jus cogens* of customary international law. The prohibited acts are therefore systemic, unethical, and deeply rooted in the undisclosed policies of this Circuit's courts and cannot be abated by means of jurisprudence. The prohibited conduct directed against the sick and the disabled is substantially worse than the treatment of the pro se litigant as "a kind of trash not worth the time of a federal judge"[33].

In view of the lengthy time span of the statistics and the significant repetition of the prohibited acts and the population of more than one third of the judges of this court consistently committing, endorsing, and acquiescing to the prohibited acts, and the confirmation of the elements of the prohibited acts, substantial grounds are stated to confirm that the prohibited acts occurred and will continue to occur unabated in this appeal court, despite incessant demands and objections and the operation of the supreme

[30] State capture is a type of systemic political corruption where private interests significantly influence a state's decision-making processes to their own advantage. Essentially, it's when powerful individuals or groups manipulate government institutions and policies to benefit themselves, rather than the public.

[31] I have taken jurisprudence to its limits and failed to domestically reform the courts through jurisprudence itself. I have proven this to be true of every major representative forum in this nation, and both state and federal jurisprudence. I have invoked law enforcement who have directed me to take on the highest bodies of jurisprudence. The United Nations has indulged me only after exhaustion of ALL domestic remedies after SEVEN YEARS of torture.

[32] Note herein the discussion on the operation of CRPD under supreme Law of the Land imposing the duties of disability accommodation according to that preeminent treaty upon all federal judges. The CRPD clarifies the intended application of the ADA and makes the ADA binding on all federal judges despite the improper and unlawful position of the federal judiciary and the Judicial Conference that the ADA only applies to state judges and state courts, not to federal judges and to the federal courts.

[33] Debra Cassens Weiss, Posner: Most judges regard pro se litigants as 'kind of trash not worth the time', ABA Journal 9/11/2017. "The basic thing is that most judges regard these people as kind of trash not worth the time of a federal judge," Posner said.

Law of the Land. The appearance of impropriety rides with this circuit's courts and taints every single judge of this court.

This action is in the public interest, and directly affects more than 28% of this nation's population who are disabled and who are deprived of fundamental rights and human rights by the systemic discrimination and the faulty rules, procedures and policies enforced by this court. The availability of constitutional and humane justice must be assured to every person, and judicial legitimacy exists only in the perceived availability of constitutional and humane justice for any person who may need to access it at any time. This action affects all of the People of the United States whose judges and courts stand at the lowest judicial legitimacy in this nation's history. I have been personally and repeatedly harmed over the past six years by this judicial conduct, which can oppress, harm and injure over 28% of the People, not counting the population of pro se litigants who are also within the zone of danger. I speak for everyone who may come in the zone of danger, or has already been a victim of judges and courts.

Nothing has changed despite decades of notice and opportunity for our judiciary to take self-diagnose and take corrective action[34]. The People insist on the respect for, and the protection and enforcement of human rights, and the elimination of discrimination based on disability in every court. Upon perceiving the conduct by this court, the People generally conclude that the judges and this Circuit's courts operate unconstitutionally and without "good Behaviour" and are untrustworthy, and do not hold judicial legitimacy because they refuse to correct their improper and unlawful conduct.

An investigation based on judicial ethics to determine human rights violations by this court is one avenue of investigation of human rights violations preliminarily indicated by the United Nations in a private communication with the plaintiff. Other UN Special Procedures have been invoked, each of which focuses on a separate aspect of human rights violations reported by me and other victims of the judiciary. International Law requires particular standards for the independent investigation of certain prohibited acts, which are established over decades of diligent work by international human rights experts. International codes of judicial ethics respect and protect human rights and require a different judicial conduct than the conduct witnessed and documented against over one third of the judges of this court over a period of six years.

I have requested by a prior communication that the Chief judge of this Circuit preside over matters requiring the stay of actions, the protection of alleged victims and the identification of parties pending the independent investigation into these allegations of wrongdoing by this Circuit and its judges. No

[34] The record demonstrates a complete lack of monitoring and quality controls for disability accommodation and human rights compliance within this Circuit's courts. There is no interest in this Circuit's court or amongst its judges personally, in disability accommodations or the human rights of litigants.

case within the restricted list asserted by the Private Attorney General may proceed in this court and shall be stayed pending the independent investigation and evaluation of the outcome[35]. The cooperation of the Chief judge with the return of this Circuit's courts to constitutional function has been requested in a separate communication, which is also filed in this record.

For greater clarification and discussion of authorities, please refer to the forthcoming motions disqualifying specific judges of this court.

THE OPERATIVE FACTS DEMONSTRATE ABSENCE OF JUDICIAL ETHICS *en banc*

This case of first impression is distinguished from every case on human rights contemplated by our three branches of government in that our JUDICIARY are the perpetrators of prohibited acts that are considered crimes under the *jus cogens* of customary international law[36], and absolutely prohibited under the US Constitution, and exhibit as the absence of "good Behaviour" and the infliction of cruel and unusual punishment without due process of law. Under no light may such conduct be considered lawful sanctions.

The record of this Circuit's courts establishes that our judges will take control over the bodily autonomy of the disabled pro se litigant, and deprives us of life-saving medical treatment[37] without opportunity for us to withdraw without more injury and more harm[38], while coercing the extraction of information from us by orders to participate unequally and unaccommodated in litigation and intimidate us that if we do not obey, we will be deprived of constitutional test of merits and ejected from the court with injustice, unlawful sanctions and punishment, along with a lifetime ban on access to the court reserved for us under a special and undisclosed policy of vexation that ensures we are subjected to harm and injustice in perpetuity merely for being disabled and human. In fact, the threat is the inevitable outcome, whether or not we succumb to the coercion and judicial oppression.

The intent of our judges to inflict severe pain and suffering is established by the voluminous record of objections by their victim with predictions of injuries supported by medical authorities, and information about consequent injuries caused by judicial conduct, and by common knowledge of the consequences of the judges' treatment of their victim and his medical condition. Every medical authority and

[35] This court may not operate according to its invariant rules, procedures and policies during the pendency of the necessary investigation and the subsequent corrective actions.

[36] i.e. require no agreement by any nation State to be bound to a treaty or to customary international law

[37] taking control over the bodily autonomy of the disabled pro se litigant, and depriving us of life-saving medical treatment is a form of legal custody

[38] At all times during my six years of pleas to this Ninth Circuit's judges to stop their discrimination and their torture, I have been subject to invidious discrimination and torture in the state courts, who unrelentingly injure me and harm me. Today, these state judges increase my debt, from $600,000 in unlawful sanctions in 2021 to now approximately $7 million in unlawfully generated damages and liability, they have bankrupted me and they have intentionally and purposefully induced egregious physical and mental injuries,

information provided to this Circuit's courts and judges indicates the need for the one-and-only life-saving treatment of complete rest and isolation from distress (i.e. no legal activity or performance of whatever form through jurisprudence) for a specified period of time, and may not be interrupted, varied or obstructed. Yet every time without fail the judges of this court simply ignored these authoritative information and warnings, and deliberately proceeded with injurious acts.

The record of this Circuit's courts establishes that all of this information and other supportive information is provided to the judges always prior to their prohibited acts[39]. Knowing these facts, judges willfully proceed with their mutilation and torture. The absence of accommodation and the deprivation of essential medical treatment despite my vehement objections and testimony[40], shows judges willfully proceed with a course of conduct that causes the injury[41] according to the mechanism identified to them[42]. The judges and courts persist, despite the resulting injuries being reported to the court, in repeatedly inflicting the same injuries knowingly and deliberately. No judge does anything with my human rights complaints[43].

The purpose of our judges in intentionally inflicting severe pain and suffering and injuries to us is in order to maintain the invariance of judicial rules, procedures and policies without reasonable modifications necessary for the meaningful access and equalized opportunity to succeed in due process for the disabled pro se litigant, and with disregard of human rights. It is also for judicial comfort and convenience and familiarity[44] with the established norms in jurisprudence. The performance of courts in turning over cases has taken precedence over the quality of jurisprudence and the redefinition of Justice[45]. Judges re-characterize this conduct as obedience to law, procedure and ethics. We are disabled and pro se litigants are considered to be even less than "a kind of trash not worth the time of a federal

[39] See the chronological filings of my requests for accommodation and safe harbor in this Circuit's courts, and my objections, and motions repeating the absence of accommodation and safe harbor. Then see the dates of the orders by the judges of this court which ensure my continuing torture.
[40] Ibid.
[41] Ibid.
[42] The Multiple Sclerosis Stress Equation, Solomon et al., Journal of Medical Statistics and Informatics, Volume 11, Article 1
[43] See the chronological filings ibid.
[44] In one respect, the judicial behavior may be construed as a reluctance by a judge to apply him or herself to the facts with diligence and open-mindedness, in particular when the litigant is pro se and incapable of grasping the gravamen of his or her own case.
[45] No judge refuses the performance metrics of his or her court without consequence. Every one of these performance metrics has a flaw and thus interferes with the object and purpose of the US Constitution "establish Justice" in its original and intended meaning. Under the original sense, when performance of courts became an issue, more were created. Today, efficiency becomes a business interest of a for-profit judicial institution called the court. Justice can never exhibit when other interests are dominant, and balancing and fairness do not exist when disparate and inequivalent concepts and goals are balanced.

judge"[46]. Our life, liberty and rights do not matter to the judges of this Circuit. But they matter to the US Constitution and to the People, and to our international commitments and foreign relations.

The facts demonstrates that the judges of this court obstruct justice and prevent remedy and relief to the disabled pro se litigant. The list of laws broken by the judges of this Circuit increasingly resembles the list coerced out of me by judge Jeffrey White of the district court as a result of his order for the amended complaint in 21-cv-04262-JSW[47].

The record of this Circuit's courts establishes that the judicial conduct induces severe pain and suffering on a recurrent basis, and re-traumatization and refoulement by the same judges is represented by our judiciary as a requirement of judicial ethics. Judge and court proclaim that lawful sanctions include discrimination based on disability[48] and violations of human rights.

The record of this Circuit's courts establishes that our judiciary have had complete and exclusive control over their own rules, procedures and policies in administering justice through the courts through Separation of Powers and the mechanisms provided by law for them to independently "establish Justice"[49] under the US Constitution, and through their personal conduct which they regulate using the immature codification of judicial ethics which are prevalent and customary and fixed.

The record of this Circuit's courts demonstrates that no combination of international law, the US Constitution, statutes, or judicial rules, procedures and policies and review, provides any pathway for relief or remedy from judicial discrimination and cruel, inhuman and degrading judicial treatment and punishment, or from torture at the hands of our judiciary. Therefore judicial ethics is one indicated prong of action for stopping, preventing, prohibiting and punishing the prohibited acts.

In 2019, a disabled pro se litigant who was seriously ill came to the district court of this Circuit, alleging discrimination based on disability and human rights violations by state court judges in the course of jurisprudence and asking for protection, remedy and relief. He was unaware of the human rights treaties and international instruments discussed herein. He had received serious and irreparable physical and mental injuries and endured severe pain and suffering at the hands of the state court judges who were in the community of certain of this Circuit's federal judges' friends and colleagues.

Commencing with discrimination based on disability and denial of ADA-compliant court accommodations in April 2018, the state trial court judges had induced serious and irreparable physical

[46] Posner, ibid
[47] See the amended complaint filed in May 2024
[48] Prohibited by the ADA, and the CRPD in all federal courts
[49] Refer to the Preamble to the US Constitution

and mental injuries through incessant cruel, inhuman and degrading treatment and punishment and the victim's coercion into unequal participation in litigation. An explanation of why the treatment by courts of a seriously ill and disabled pro se litigant who is denied safe harbor[50] and disability accommodation, and prevented from receiving essential and uninterrupted medical treatment, is cruel, inhuman and degrading has been repeatedly and extremely well-described to the judges and clerks in this court[51], and Bezon, Bumatay, Callahan, Clifton, Collins, Fitzgerald, Friedland, Ikuta, Owens, Sanchez, Schroeder , Silverman[52], Sung, Tashima, and Wardlaw were personally provided with sufficient information through the record to unmistakably know that their conduct constitutes, at a minimum, cruel, inhuman and degrading treatment and punishment under Article 16 of the UNCAT[53], and is unethical.

In short, the repeating pattern of ill-treatment, which graduated to torture, is as follows:

Upon taking jurisdiction over my person, a court is faced with a fragile plaintiff who has medical diagnoses which have caused disabilities and require accommodation, and are sensitive to extreme distress. In 2018, these serious medical vulnerabilities were activated and the activation never ceased since. Since 2019, he has also been at the risk of death from distress, by heart attack, stroke or sudden death as a result of the incessant distress and injuries that courts and judges inflicted. He is prevented from withdrawing from litigation and the courts by virtue of greater injuries and increased severe pain and suffering, and finalized and continued harm. Others are harmed within his filed of awareness and the US Constitution is betrayed.

As verified by medical science, if this litigant is distressed by prohibited acts, hostility, undue burden of court access, deprivation of due process, unequalized opportunity to succeed in litigation and the absence of meaningful and equal participation in litigation, or other details discussed in his chronological requests for safe harbor and disability accommodation, he suffers serious and irreparable PHYSICAL and mental injuries. If certain disabilities are put into an 'activated' state which promotes more disability and more injuries, then there is a need for life-saving medical treatment that is non-negotiable and unmodifiable[54], and must not be obstructed under any circumstances.

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[50] 21-cv-04262-JSW

[51] Review the filings in the referenced cases in this Circuit, with particular attention to requests for safe harbor and disability accommodation and how each judge of this Circuit handled the requests

[52] Silverman is complicit in my torture, refoulement and re-traumatization THREE SEPARATE TIMES

[53] Part 1: "Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity." Part 2: "The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion." Note that the ICCPR and the CPRD incorporate the prohibition in Part 1.

[54] A DISTRESS-induced MS relapse may only be treated by complete rest and isolation from DISTRESS from a sufficiently long period of time to cause the onset of remission. The remission must be confirmed and recovery must be permitted from

At stake in his originating litigation in the state court, which then mushroomed to the federal courts and to the US Supreme court and arrived at the United Nations, is the deprivation of the most important and cherished elements of being an American. He must regain the deprivation of his dignity, all rights, and life, liberty, property and the pursuit of happiness, and privileges and immunities, by orders of judges, including the judges of this court and this Circuit who strip him of all of them.

He faces the complete absence of any option to withdraw from litigation, or protect himself from PHYSICAL and mental injuries and severe pain and suffering inflicted by judges and courts, following their taking of his rights, his property and his relief and remedies, and his life and liberty and his future.

This litigant was bankrupted[55] by judges and courts, and to this day suffers the incessant compounding of harm from an originating lawsuit against the same defendant[56], while being denied protection by the Bankruptcy court, which tortured him.

The originating lawsuit had superior merit to the first lawsuit in 2002, and the forensic evidence of harm and merit was published to the court multiple times. The state courts committed the same unethical and prohibited acts complained of herein, and issued and continue to issue cruel and unusual punishment without due process, with a punishment for disability of $600,000 in 2021, now increasingly compounded by prohibited acts and the absence of judicial ethics to over $6 million of damages and liabilities in 2024 and increasing my damages and liabilities in 2025 to approximately $7 million with no sign of relenting.

As the primary victim, I became permanently homeless, with loss of homestead and means for economic survival. And my doctor and human rights defender is so far punished in excess of $3 million in 2024, now over $4 million in 2025 and increasing, with the liability cast upon me.

The courts, including this court, are culpable for the inducement of my two reported heart attacks and an accumulated burden of complex diseases that confound doctors and have increased my disabilities substantially to the point that I have been confined to one room for the past seven years and under full-

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the serious injuries (brain and spine cellular death causing permanent deficiencies in bodily integrity and physical and mental functions). As legal Abuse Syndrome (ICD Z65.3) and the etiology of many other diagnoses confirm, distress and stress cause and exacerbate disease. In my case, the abuse by judges is the origin of my distress, which predictably causes exacerbation of my many comorbidities in conjunction with my relapses of MS (see Solomon et al., Multiple Sclerosis Stress Equation).

[55] But even the Bankruptcy court has tortured him and ejected him and deprived him of the same.

[56] Mandy Brady, who is fiercely protected by this Circuit's courts. She was sued by me in 2016 for the same causes of action that I won resoundingly the first time in 2005 against her, and had to repeat starting in 2016 for the same defendant's recidivism and repetition of the same wrongs.

time care, with no possibility of receiving the most essential medical treatment that I have repeatedly petitioned every judge and every court to receive over the past seven years.

In 2023, a peer-reviewed international publication[57] confirmed that absent the repeatedly requested and essential medical treatment in the form of complete rest and isolation from distress for a sufficient and predictable time period, this litigant would deterministically and therefore as a certainty, suffer permanent death of the tissues of his brain and spine, robbing him of physical, psychological and emotional integrity[58], bodily and mental autonomy. These injuries would imprison him in his body and in his mind, by functional and cognitive impairments that in turn cause distress when he is required to function and cognize in a manner and extent equal to every other person, and without accommodation. It is demonstrated that the accommodation and the medical treatment has consistently been under the exclusive control of judges in collusion with exploitative adversaries who are protected by every court and encouraged[59] to commit and contribute to my ill-treatment and torture and rights deprivation by judges and courts. Because my accommodation must be global, a single judge who fails to accommodate necessarily becomes the weak link in the concurrent chain of accommodation required in every court simultaneously for me to received life-saving medical treatment.

In other words, science and medicine and statistics have converged to prove that absent life-saving medical treatment that I have repeatedly requested from this Circuit's courts for six years, and been deprived of for six years by this Circuit's courts, except by Freeman, I will reliably and predictably suffer physical tissue death in my brain and spine and injuries that will impair my physical body and eliminate my physical integrity more and more. These physical injuries will also affect me mentally, emotionally and psychologically, directly and indirectly, by virtue of the physical death of my brain tissues which also play a controlling part in mental, emotional and psychological integrity.

The distress caused by the discrimination and human rights violations is therefore a form of battery without touching[60], and also a form of physical injury that results in potentially life-changing and permanent disability and even death. Add to that the effect of being injured like this combined with the

[57] The Multiple Sclerosis Stress Equation, Solomon et al., Journal of Medical Statistics and Informatics, Volume 11, Article 1
[58] Herein, the psychological and emotional injuries resulting from the death of critical biological tissues of the Central Nervous System are referred to as "mental injuries", which also always have an associated physical disability component i.e. "physical injury" which may not be visible but invariably involves death of bodily tissues, as would for example occur from physical battery
[59] It is very convenient for a judge to enlist the aid of an exploitative opponent and only deal with familiar and conventional justiciable issues and avoid the 'elephant in the room' which requires reform of jurisprudence. A judge loaded with cases and subject to performance metrics and reviews is inherently willing to breach ethics and reluctant to open "Pandora's Box" after prolonged habituation to an undesirable court environment, with limitations of resources, funds and time.
[60] See also the amended complaint in the district court 21-cv-04262-JSW

unrelenting distress and trauma, and a host of other diseases referred to as comorbidities[61] exhibit, and each in turn is modulated by distress in a significant way to independently, and in association with MS, also cause serious injuries from the same source and application of distress.

Thus, without physically touching me, courts and judges induce serious and irreparable physical and mental injuries of the worst kind to me.

My disabilities are complex and deprive me of life, of liberty, of freedom from severe pain and suffering, of quality and enjoyment of living, of family, of friendships and associations, of travel, of the membership of society and of the autonomy of my person and my body. I have spent my life in one room for seven years consumed by petitioning for my freedom from torture, from discrimination, from deliberate infliction of extreme distress and severe pain and suffering, from deliberate injuries to my family and friends, and witnessing more and more the same cruelty, inhuman and degradation of others like me by the courts and judges. And I have to live by volumes of medicines and poisons and side-effects, and suffer numerous treatments and discomforts, while I watch the decline of my being, my health, my function, my body, my loss of individuality and expression and pursuit of happiness, my symptoms of potential imminent death or catastrophic injury, with no possibility of withdrawal to escape from courts and judges who continue to injure me and compound the egregious damages to me without any form of protection.

I have graduated from loss of property in 2019 and $600,000 in fines for being disabled in 2021, to now approximately a combined $7 million of liabilities and damages as a homeless and bankrupt human being oppressed by the judiciary, while I watch my doctor and human rights defender who at 80 years old is being robbed of her home or property and experiencing her own health injuries at the hands of the courts and judges, while I and my wife depend upon her charity and housing.

Meanwhile, others who depend on me for courage and persistence in fighting judicial tyranny, who are themselves independent victims of judicial tyranny, inform me of their trauma. Two have fled the reach of the courts out of this country in order to stop their injuries and the obstruction of their medical treatment, together with losing their children and all property and being punished and driven into

[61] i.e. independent diseases that can be associated with the presence or absence of inability to manage the primary disease of Multiple Sclerosis. These include life-altering and crippling diseases that directly affect and pose a danger to my bodily and mental integrity, including ability to breathe, ability to swallow without choking, ability to function without chronic and debilitating fatigue, ability to see and hear, ability move and walk and use my limbs, and mental, emotional and psychological oppression from diseases that include severe depression severe anxiety, and PTSD, which color life is the most dark and overwhelming ways. The combination of comorbidities amplifies the severe pain and suffering daily experienced by me for seven years, and distress is the key to their origination, exacerbation and the magnitude and duration and form of their harmful expression. The dependence of my comorbidities, their presence and exacerbation, and their impact on my bodily and mental integrity are documented and proven by scientific method and measurements and reported to the records of the courts for seven years. This court's own records sufficiently document these facts.

disability and ill health, while others who I am meeting across the country thanks to the internet are reporting the same pattern of judicial tyranny and extraordinary betrayal by judges and courts, and asking me for help.

From the moment that I stepped into the courts of this circuit, I was designated to be the collateral damage of a cruel, inhuman and degrading jurisprudence that is invariant no matter what ill-treatment and torture and even death that it inflicts upon the litigant under its jurisdiction. Despite loss of jurisdiction[62], judges and courts will not deviate from their unconstitutional and criminal treatment of this litigant. And judges and courts invariably collude with my exploitative adversaries, Mandy Brady and her attorneys and multiple law firms, who are unjustly enriched for their cooperation in my ill-treatment and torture, which is rooted in discrimination by judges based on disability.

The state lawsuit never made it past discovery in the state court. Coercive orders for my unaccommodated production of information which I could not accomplish under my serious illness and unaccommodated disabilities and inability to travel to access records, and the court's intimidation that it will punish me for my inability to satisfy discovery when judges favored the criticisms by their collaborating attorney friends and my opponents, were followed by punishment of $600,000 in attorney fees and dismissal by discovery termination sanction by a trial judge who continues to be a serial recidivist, and continues to preside in the state litigation to this day while refusing to recuse himself even while disabled and disqualified, and while shutting me permanently out of the state courts through perversion of the vexation statute. The property was lost, not once but twice, with now approximately $7 million in damages and liability generated as punishment and severe pain and suffering by the state courts. And I am not the only disabled and sick victim of this judge and other California judges, as the California courts and the United Nation document.

In 2019, upon referral of my complaint to this Circuit's district court and judge Lucy Koh, I was a victim under Article 16 of the UNCAT[63]. The abuse graduated by incessant repetition of my ill-treatment[64] in the state court to torture under Article 1 of the UNCAT[65], with 2018 ending for me with three end-stage symptoms of my Multiple Sclerosis induced by the extreme distress of my uncertain and

[62] See *forum nullus*
[63] Which is repeated in the CRPD and the ICCPR, and prohibited by the UN Charter and the UDHR
[64] "ill-treatment" is herein used interchangeably with cruel, inhuman and degrading treatment and punishment
[65] "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

absent safe harbor and accommodation and violation of my privacy by the judges, and the collaborative torture by my opponents (Brady and her attorneys and law firms) and the courts.

At the start of 2019, I began to prepare my estate for my death in assistance to my foreign wife, who wanted at all costs to avoid any dealing with the courts, having witnessed my torture, and having later suffered her own egregious injuries and defamation from the recidivist state judges. By the time I arrived in your circuit's district court, Article 1 was distinctly violated.

The district court, under judge Lucy Koh, ruled that state court judges are privileged to discriminate based on disability and to violate human rights and must be permitted to do so freely and without restraint, because they have exclusive jurisdiction over the victim, and the federal courts can and shall do nothing to stop prohibited acts. She did not disclose what Constitution she applied, but she cited inapplicable precedent that holds no legitimacy under the facts. Koh absolutely confirmed Posner.

When presented with a request to stop discrimination based on disability in the district court and to respect human rights in the course of jurisprudence in the district court itself, Koh demonstrated that the district court is privileged to discriminate based on disability and to violate human rights, making the federal court indistinguishable from the state courts in committing prohibited acts. Koh was required to discern my human rights complaint and take action according to the UN Istanbul Protocol and by other methods to stop the prohibited acts. She instead acquiesced to them and endorsed them by her own conduct. In the best case for Koh in defending against purpose and intent, her omission to act nevertheless condemns her crime[66].

Upon referral of Koh's unconscionable conduct that ended her jurisdiction and only then resulted in her dismissal of my case, this appeal court acquiesced and endorsed Koh's discrimination and human rights violations, but only after discriminating based on disability and after violating my human rights by refusing to provide me safe harbor and meaningful accommodation and access to constitutional due process. This appeal court saw no wrong in the district court's discrimination or violations of my human rights, and Koh's endorsement of the torture by her colleagues in the state courts. Thus this court's jurisdiction ended before it rendered its final decision. And I was so mutilated by the combination of the state and federal courts in my torture that I could not raise a pen to the high court[67].

Thus in 2019 I was ejected with prejudice from the Ninth Circuit to be refouled, re-traumatized and subjected to severe pain and suffering under judicial torture in the state courts, and told not to return

[66] UN Istanbul Protocol

[67] I was without life or opportunity to address the US Supreme court, and consumed by my opposition to the torture by the state courts. The state judge viciously retaliated for my complaint about ADA violations

until the state courts were finished with my torture. This appeal court's verdict (Hurwitz, Nguyen, Wardlaw) that both Koh, and her former colleagues in the state courts must be permitted to discriminate and violate my human rights freely and without restraint resulted in the continued knowing and willful infliction of serious and irreparable physical and mental injuries to me by state judges, resulting in the declaration by my doctors, only a few months later, of my potential imminent death, stroke or heart attack from my torture by the state courts, on top of the distress-induced irreparable physical and mental injuries. I had perceived this danger when I had applied for salvation to Koh. The punishment for my complaint to the federal court was a perpetual ban on my accommodation in the state courts, and was foreseeable when Koh, Hurwitz, Nguyen, and Wardlaw had the final chance to stop my torture.

This conduct by this Circuit's four judges in 2019 is condemned by the US Constitution and by the *jus cogens* of international law. Human rights treaties forbid it.

However, the US Constitution and customary international law both endorse another federal judge in your district court. Soon after Koh tortured me, judge Beth Freeman[68] eliminated discrimination in jurisprudence and obeyed the authority of human rights treaties and the *jus cogens* of international law, and protected me from refoulement by your Circuit's courts, and from being re-traumatized by your Circuit's invariant rules, procedures and policies. Freeman distinguished through her "good Behaviour" that your Circuit's invariant rules, procedures and policies are used unconscionably by other judges as basis for inflicting cruel, inhuman and degrading treatment and punishment and torture upon the disabled pro se litigant[69]. Through her distinction, it became evident that your other judges stealthily classify such ill-treatment and torture as lawful sanctions under which the infliction of serious and irreparable physical and mental injuries and severe pain and suffering by the court are declared to be lawful. This further confirms Posner's testimony.

Not even under criminal law are such 'sanctions' permissible or constitutional.

Thus beginning in 2019 and continuing to the present day, Freeman established a reference in the Ninth Circuit as the national standard for disability accommodation and safe harbor in the federal courts[70], and

[68] See district court 19-cv-04392-BLF

[69] The UNCAT RUD identifies such treatment as unconstitutional, most directly a violation of the Eighth Amendment.

[70] It should not be construed that Freeman's preemptive orders are binding upon all judges of the federal courts **merely based upon** *stare decisis* for the accommodation of the same indivisible litigant by time precedence. In fact, Freeman's orders are the correct interpretation and the direct enforcement of the ADA in providing federal court disability accommodation that is the preeminent consideration. Federal judges widely misinterpret the ADA as inapplicable to the federal courts, and radically violate the CRPD which is operative federal law despite absence of ratification by Congress: this is because of the operation of Article VI and the requirements of customary international law and the convention on treaties. The CRPD is directly applicable to the federal courts and requires obedience by all federal judges personally, and comprehensively supports the ADA, and clarifies "reasonable accommodation" and "fundamental alteration" which are perverted by our judges and courts. The perversion is the hallmark of an immature and human-abusive jurisprudence that refuses to correct course, despite the wisdom and authority of international expert and the *jus cogens* and authority of customary international; law and treaties.

by express preemption mandated by the ADA, Freeman also established the same uniform national standard for the courts of every state. Under the Freeman Bright Line, upon my facts and medical evidence being presented to whatever court, the safe harbor and accommodation is to be provided identically to her orders. This is confirmed by the domestic operation of the CRPD[71].

In 2021, I returned to the district court to continue the lawsuit originally filed in 2019 against the state courts and unlawfully discarded by Koh, Hurwitz, Nguyen, and Wardlaw. Mutilated and unable to re-activate 19-cv-01986-LHK, or to write a complaint in 21-cv-04262-JSW, prior to service, I was opportunistically tortured by my principal opponents who are Brady and her attorneys and law firms, rapidly exposing the continuity of the torture by this court through the person of judge Jeffrey White who replaced Koh as my executioner.

While the rule of law is clear and unambiguous if all authorities are considered, and Freeman's Bright Line is coherently just and commonsensical, we find another agenda in force in the Ninth Circuit that does not comport with human rights. White repeatedly and incessantly violated the Freeman Bright Line, with purpose and intent to cause me re-traumatization and severe pain and suffering without regard to the primacy of my human rights and to the immutable mandate by the People for the federal judiciary to end discrimination based on disability ON BEHALF OF the disabled litigant[72]. Each time that I filed a complaint in this appeal court according to the UN Istanbul Protocol[73], the judges of this court violated that international protocol which is applied under the *jus cogens* of customary international law, acquiesced to and endorsed my torture and committed me to refoulement and re-traumatization by White and the state judges. All of these acts are considered crimes under the lens of customary international law with no statute of limitations. But our judiciary considers itself immune as long as it prevents the international community from objection.

Each time that I applied for salvation to this court upon arriving here by triggering the vehicle of an appeal[74], I applied for safe harbor and disability accommodation in this court by words, or by motion consistent with the communications with Freeman. This court, under Bezon, Bumatav, Callahan, Clifton, Collins, Fitzgerald, Friedlland, Ikuta, Owens, Sanchez, Schroeder , Silverman[75], Sung, Tashima, and Wardlaw, were provided with knowledge of my torture, and were asked to rule on my request for

[71] See discussion below re operation of CRPD prior to ratification. CRPD: "Convention on the Rights of Persons with Disabilities"
[72] See the Americans with Disabilities Act and its Amendment
[73] Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2022 edition)
[74] Which is the least burdensome method of invoking the jurisdiction of this court to interrupt my torture and petition for remedy and relief from torture by the lower court
[75] Silverman is complicit in my torture, refoulement and re-traumatization THREE SEPARATE TIMES

safe harbor and disability accommodation to permit me to state my case without being radically compromised and prejudiced by the order for extraction of information under the authority of each of these judges, and the authority of the judges of this court *en banc* which is exercised by its clerk. In every case, these judges deliberately refused to address my request for safe harbor and disability accommodation, refused to provide me protection and refused to stop my refoulement and re-traumatization under torture both in this court and in the lower courts. These judges justified my torture, and even my attempted murder, as lawful sanctions for daring to access this court. All of this while this *forum nullus* Circuit held me under legal custody which deprived me of bodily autonomy through deprivation of life-saving medical treatment.

Thus it has been demonstrated with consistency and predictably through six repeated 'tests' over six years that there is no mechanism in domestic jurisprudence for the protection and enforcement of human rights in our courts when judge are the perpetrators of prohibited acts condemned by human rights authorities.

Every filing in this court and in the lower court in the cited cases provides sufficient facts[76] in support of the systemic torture and human rights violations perpetrated by this circuit's courts while Freeman[77] holds the Bright Line of law and judicial ethics that customary international law demands.

The chronological records in the courts of this Circuit demonstrate the progress of my disabilities and my serious and irreparable physical and mental injuries under the control and inducement of torture by the judges of this Circuit. View these by searching for my consistent requests for safe harbor and disability accommodation which were generally filed under seal, and then view the contents of each one of my other filings for consistent expression in the public record. When pushed to extremes, note how I attempted to use every existing means under invariant rules, procedures and policies of this Circuit's courts to construct some modicum of accommodation, and how the momentum of torture ensured my continued and severe pain and suffering.

I have never received the necessary medical treatment for my remission, recovery and rehabilitation, which monumentally increased my injuries and disabilities and chronologically expanded the duration required for my medical treatment[78]. This court was notified of the mechanism of distress-induced

[76] Conformant with the UN Istanbul Protocol

[77] No judge of this court or of this Circuit may interfere with Freeman or her judicial conduct. She is identified to the United Nations as an ethical and independent judge and a human rights defender.

[78] 4 weeks of complete rest and isolation from distress graduated by judicial torture to months and then ONE YEAR. I have been 'locked in" a state of perpetual injury and substantial incapacity. If it were not for the advent of A.I., I would have been completely silenced as my life energies were robbed and my physical and mental integrity increasingly declined. Only the artificial human who is a disabled pro se litigant, can keep objecting and speaking out against judicial crimes after enduring so much injury and pain and suffering, not a living breathing original flesh and blood human being.

injuries, which became internationally peer-reviewed and confirmed in the international medical literature and was published to this Circuit's courts. The record constitutes substantial grounds for torture and ill-treatment by the judges of this Circuit, rooted in discrimination based on disability.

All of the judges of this Circuit's appeal court are implicated in this prohibited conduct, particularly when Bumatay, Sanchez and Silverman deliberately dismissed the reconsideration *en banc* requested by me. This action was in retaliation for my cognitive impairment[79]. It was Silverman's third time in not controlling discrimination and endorsing my torture by this court and by the lower court and others. The conduct demonstrates a systemic absence of judicial ethics in this Circuit as its judges profess to no wrongdoing at the scene of prohibited acts, while ethics scream of unconscionable wrongs and the complete absence of "good Behaviour".

This case of first impression provides numerous original questions of law and ethics and international law[80], which this Circuit's judges unconstitutionally suppressed. The facts indicate the judiciary's overt violations of the US Constitution, of human rights treaties and principles and the *jus cogens* of customary international law which are are violated and may not be violated under any circumstance. Despite this undeniable truth, the judges of this Circuit hold that they are ethical and that they do no wrong. The facts demonstrate that a lawless and wayward judiciary controls rights in the United States in a manner unintended by the US Constitution, while the same judiciary is continuously impeached by a federal judge since 2019.

THE INTERPRETATION OF THE US CONSTITUTION IS JUDICIALLY RESTRICTED

Although customary international law and human rights treaties and the UDHR[81] prohibit the discrimination, torture, and the cruel, inhuman and degrading treatment and punishment that I have received from this Circuit's judges and courts for the past six years as a disabled pro se litigant, the judges of this Circuit hold that there has been no constitutional violation in my treatment and

[79] Due to severe cognitive impairments disclosed to this Circuit's courts and communicated in my requests for safe harbor and disability accommodation, I had only recently cognized the 2022 written order by White in 21-cv-04262-JSW dismissing Brady from the amended complaint, and filed an amended notice of appeal in 24-3353 two years later upon cognizing it. The issue had not been argued in 23-15221 due to absence of its cognition. Once Brady continued my torture through her fraud, documented in my motion for safe harbor and disability accommodation in 24-6312, Bumatay, Sanchez and Silverman deliberately dismissed the reconsideration *en banc* requested by me in retaliation for my cognitive impairment, while never offering me any accommodation for that cognitive impairment or any other functional or cognitive impairment of which they had notice, and endorsing the refusal by White to accommodate the same impairment. In essence, Bumatay, Sanchez and Silverman again endorsed the deprivation of my accommodation for that cognitive impairment by every court in this Circuit.

[80] I will express these if given a constitutional opportunity and runway to express this appeal. This appeal is in the national interest, and shall be prosecuted to the highest levels of jurisprudence, domestically and internationally. Thus, for this nation's benefit, this court and its judges must ensure that it receives great care and protection in judicial hands to "establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity". The first pillar of care and protection is my accommodation to provide me with long-overdue life-saving treatment.

[81] Universal Declaration of Human Rights

punishment, and refuse to recognize human rights treaties and the *jus cogens* of customary international law. A serious and pervasive problem of ethics exists among the judges of this Circuit. The US Constitution and applicable authorities are artificially perverted and restricted by this judiciary.

Our judiciary interprets and applies the US Constitution and derives judicial rulings and precedents. In the history of jurisprudence in the United States, our judiciary advances the dictum that only through domestic cases and controversies, and the occasional consideration of human rights, the Constitution is progressively better interpreted. This artificially delays the evolution of jurisprudence[82].

In 1945, the United States unreservedly ratified the United Nations Charter, which has a strong human rights mandate[83]. In 1948, the UN General Assembly adopted the Universal Declaration of Human Rights (UDHR) with its founding member, the USA, voting for its adoption. The UDHR carries immense moral and political weight. By voting in favor of it, the US signaled its agreement with the fundamental principles and rights enshrined in the document, which are consistent with the spirit, and the object and purpose of the US Constitution. Thus the USA signaled a strong commitment to the recognition, protection, and promotion of human rights as outlined in the UDHR, both domestically and internationally. The UDHR has served as the foundation for numerous subsequent human rights treaties, some of which the US has ratified. By supporting the UDHR, the US helped pave the way for the development of a comprehensive system of international human rights law, and the increasing success and persistence of the US Constitution.

While the UDHR is not a treaty itself, it serves as an authoritative interpretation of the human rights provisions in the UN Charter, which is an enforceable treaty. It clarifies what those general human rights obligations entail. So, by voting in favor of the UDHR, the US has essentially agreed to uphold the specific rights and principles outlined in the declaration as a way of fulfilling its obligations under the UN Charter, both domestically and internationally. What is unrecognized by our judiciary is that the UDHR is a key for making visible the unenumerated rights protected by our Constitution.

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[82] The requirement of the US Constitution (see its Preamble) that the government establish Justice inherently requires for justice to be continuously commensurate and relevant with modern society and the People's needs and expectations, and consistent the national ethos. We as a nation can be vastly more advanced in domestic jurisprudence with the cross-fertilization with the best in justice (which human rights treaties enable) and the inclusion of essential authorities in our domestic judicial norms.

[83] the UN Charter itself, which the US has ratified, includes several provisions related to human rights. It states that one of the purposes of the UN is to "achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all." This creates a general obligation for member states, including the US, to work towards the realization of human rights. The realization of human rights is critically a judicial function, and absence of recognition of human rights in judicial ranks undermines entirely the success of the purpose of the Charter.

Many of the rights and principles enshrined in the UDHR have also become part of what is known as "customary international law." This means that these rights are considered to be legally binding on all states, regardless of whether they have explicitly agreed to them, simply because they are widely recognized and accepted by the international community as fundamental human rights.

The US's support for the UDHR means that it is subject to international scrutiny regarding its human rights record[84]. Other countries and international organizations can hold the US accountable for upholding the principles of the UDHR, even if it is not a legally binding treaty.

"Human rights" are incompletely enumerated in the US Constitution[85], but they are more exhaustively considered and enumerated in the UDHR. The Private Attorney General holds that an unenumerated constitutional right to freedom from discrimination based on disability[86] exists that has perpetually been violated by our judiciary. The Private Attorney General holds that discrimination based on disability that deprives any other fundamental right enumerated either under the US Constitution, or by operation of statutes or precedents or the *jus cogens* of international law, shall not stand. The Private Attorney General holds that human rights shall not be abridged or eliminated under any circumstances by any judge or any court or under color of any authority, or in any instance in the course of jurisprudence. The Private Attorney General asserts that the same holds for freedom from torture and cruel, inhuman and degrading treatment or punishment, under any circumstance. These constitutionally unenumerated rights are consistent with the UDHR.

Our judiciary take the dim view that the UDHR should be excluded from domestic jurisprudence except to be discretionarily considered when interpreting domestic laws and except when deciding cases related to human rights. According to the record, our judiciary simply refuse to apply the UDHR in the case of the serious ill and disabled pro se litigant and their access to due process and the courts. Multiple human rights victims of the courts concur, and have testified in the record of the Ninth Circuit to this truth[87]. The absence of the application of the UDHR is one indication of discrimination. The refusal of judges to see the US Constitution through the true and tested lens of the UDHR in revealing the unenumerated rights in the US Constitution is judicial bias and lack of impartiality.

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[84] While the US has consistently voiced its support for human rights, its actual record on human rights has been subject to criticism. There have been instances where the US has been accused of violating human rights, both at home and abroad.
[85] The framers of the Constitution recognized that it would be impossible to list every single human right that people have. That is why the Ninth Amendment states: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." The idea of natural rights, which influenced the Founding Fathers, suggests that individuals possess certain inherent rights simply by virtue of being human. These rights are not granted by the government but exist independently.
[86] Well enumerated and described and confirmed by the CRPD
[87] See the testimonies of Eva Danilak, Julia Minkowski and Leslie Hagan in 21-cv-04262-JSW

While the UDHR is considered as not directly enforceable, its principles are influential in US law and policy, and they contribute to the ongoing development of human rights protections within the country. This nation only benefits from the adoption by our judiciary of the UDHR as a core principle of judicial ethics and a practical safety net for the interpretation and application of laws. While international judicial ethics respect human rights[88], domestic judicial ethics leave a great deal to be desired. This court's own district judge White legalizes my torture and deprivation of my fundamental rights, and repeatedly claims it to be ethical[89].

In reviewing precedents, the product of our judiciary's contributions to the interpretation of the US Constitution and to the body of US Laws, as well as to the rules and procedures and policies of the courts, are perpetually lagging[90] a long way behind a UDHR-influenced interpretation of the US Constitution[91] and assessment of laws, and rules and procedures and policies of the courts. We hold the

[88] See discussion in UN Istanbul Protocol. Also see Bangalore Principles of Judicial Conduct

[89] White has repeatedly insisted that there are only 2 bases available for disqualification of a federal judge and neither apply. He claims that violations of human rights and discrimination based on disability are ethically and warranted.

[90] Refer to the increasing national discontent of the People about our Family courts.

[91] The concept of inherent human rights is rooted in the natural rights philosophy, which influenced the Founding Fathers. The Declaration of Independence, with its emphasis on "unalienable Rights" to "Life, Liberty and the pursuit of Happiness," reflects this philosophy. The US Supreme Court has interpreted various provisions, particularly the Bill of Rights and the 14th Amendment, as recognizing and protecting fundamental human rights. This interpretation is rooted in the natural rights philosophy and continues to evolve very slowly through landmark cases. With regard to human rights, even our flawed jurisprudence acknowledges the unequivocal recognition of human rights by our Constitution. The first ten amendments to the Constitution guarantee fundamental rights like freedom of speech, religion, the press, assembly, and protection against unreasonable searches and seizures. These are considered basic human rights inherent to individuals. After enactment of the Bill of Rights, *Marbury v. Madison* established the concept of inherent rights through establishing judicial review to ensure these rights are protected. The 14th Amendment, ratified after the Civil War, includes the "Equal Protection Clause" and the "Due Process Clause," which have been used to protect a wide range of rights. *Brown v. Board of Education* (1954) declared state-sponsored segregation in public schools unconstitutional, recognizing the fundamental right to equality. *Loving v. Virginia* (1967) struck down laws prohibiting interracial marriage, recognizing the fundamental right to marry. *Roe v. Wade* (1973) recognized a woman's right to an abortion, based on the right to privacy derived from the Due Process Clause. The US Supreme Court has recognized certain unenumerated rights, meaning rights that are not explicitly listed in the Constitution but are still protected. *Griswold v. Connecticut* (1965) recognized a right to marital privacy, even though it is not explicitly mentioned in the Constitution. *Obergefell v. Hodges* (2015) recognized the right to same-sex marriage, based on the principles of equality and liberty. But nowhere are human rights better enumerated and more completely stated than in international instruments that developed with focus on human rights and universal applicability. For example, *Griswold* is 'covered' under Articles 12 (broad protection of privacy and family life includes the privacy of the marital relationship) and 16 (the protection of the family unit implies respect for the private sphere of family life, which includes the marital relationship) of the UDHR; *Obergefell* is covered under Article 1 (denying same-sex couples the right to marry is a form of discrimination) and Article 16 (consistent with the principles of equality and non-discrimination, thus including same-sex couples) of the UDHR. *Roe v. Wade* is covered under Article 3 (interpreted as encompassing bodily autonomy) and Article 12 (has been used to argue for a woman's right to make decisions about her own body and reproductive health, including the decision to have an abortion) of the UDHR. *Loving* is expressly covered under Article 16 of the UDHR. *Brown* is covered under Article 1 (directly challenges the idea of racial segregation, which inherently denies the equal dignity and rights of individuals based on their race), Article 2 ("everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour...") and Article 26 ("everyone has the right to education") of the UDHR. Therefore we see that cases that can be decisively determined by application of the UDHR, instead do not treat the UDHR as a primary authority on interpretation of law, and have to travel the entire hierarchy of domestic jurisprudence and cause significant harm before they are resolved by the highest court according to the UDHR. This is extraordinary waste and a characteristic failure of jurisprudence. A proper jurisprudence would home-in on the highest quality principles and the best methods of interpretation and application of the US Constitution and the establishment of Justice that is possible. The

attitude that even the cream of legal expressions of justice have no place in domestic jurisprudence unless we have invented or derived them. Even the gems of original federal common law are shunned by our judiciary's ethics.

In other words, a well-developed body of human rights principles is held at bay, and considered to be an encroachment on national sovereignty by our judiciary, when in fact, a nation only stands to benefit from the well-developed principles of the UDHR in the general interpretation of the US Constitution and its application as a standard in the course of domestic jurisprudence. A superior interpretation of the US Constitution results when it is explored in conjunction with the UDHR as a clarifying lens.

Instead, deference is given by our judiciary to the incremental discovery and 'ratification' of the principles enshrined in the UDHR, piecemeal, and their slow and late incorporation in domestic precedents[92]. The inevitable outcome is the complete recognition of every principle of the UDHR as embedded in the US Constitution, but only at the price of unconscionable suffering of the masses as payment for the aggrandizement of our judiciary. This anti-progressive stance by our judiciary with respect to a body of principles and enumerated rights that inherently interpret and clarify our US Constitution, delays and prevents their application at once and without reservation to developing our body of precedents with greater perfection, speed and efficiency[93]. In fact, under the proper application of the UDHR as a core principle of judicial ethics, many precedents would not even be necessary.

More importantly, under such judicial recognition of the proper place of the UDHR in judicial thinking, judicial ethics would be radically different and no prohibited acts herein discussed would be systemically and pervasively witnessed.

In the case of the disabled pro se litigant, this judicial policy of discretionary reference to the UDHR in limited cases is a 'guarantee of victimization'. A judiciary that ethically considers the UDHR to be a requirement and safety net in the interpretation and application of laws consists of judges of "good Behaviour" who, like judge Beth Freeman, command the People's respect and trust. Instead the record

UDHR's principles can be applied generally to help interpret the US Constitution, and can be applied to specific situations to protect and promote human rights. The UDHR should be applied prolifically by judges as a safety net. Thus we do not have to wait for cases and controversies and the judiciary of the United States of America to catch up with international instruments and authorities of rank and splendor and universal applicability in order to benefit from rights if the UDHR were used routinely as a reference and a safety net in judicial considerations.

[92] Cases and controversies are only effective when our judiciary recognize the full spectrum of authorities comprising the supreme Law of the Land. Even in that instance, the economics of litigation and the education of attorneys is a significant barrier to cases and controversies arriving at the appropriate forums.

[93] Cast your mind to 1787 and if the UDHR was presented to the founding fathers. They would embrace the UDHR, not discard it as our judiciary habitually do. It would have been 'written in' to the US Constitution.

evidences torture and betrayal of the UDHR, consistent with the lowest judicial legitimacy in the history of our nation[94].

The proof in seven years of human rights violations by the courts demonstrates that when the facts bring the UDHR into focus, judicial discretion is never applied to the disabled pro se litigant and their treatment by the courts in order to acknowledge and address human rights violations.

Our judiciary believe that adherence to the UDHR in interpreting the US Constitution with respect to its general interpretation is a faux-pas, encroaching on the national sovereignty in domestic affairs. In fact, our founders embedded the embracing of international law into our nation's genetic code, and the UDHR is welcomed by our supreme Law of the Land as a device to better establish Justice. It is proven by six years of records in the Ninth Circuit that, absent the application of the UDHR to the general interpretation of the US Constitution, the rights, privileges and immunities in the US Constitution, in particular the First, Fifth, Eighth, Eleventh and Fourteenth Amendments, are unavailable for the disabled pro se litigant[95].

Today, in 24-6312, this court holds that it will extract information under coercion by order, and intimidation by dismissal, without first ruling on my safe harbor and disability accommodation, in an appeal for invidious judicial discrimination based on disability and for violation of human rights and for torture and attempted murder by a district court that refuses to provide safe harbor and disability accommodation which resulted in severe pain and suffering and unconscionable and irreparable physical and mental injuries as a condition of access to due process.

The full control of this court over the essential medical treatment of a litigant who cannot withdraw from litigation because he is incessantly subject to harm in multiple courts and reliant on this Circuit's courts for the only possible relief and remedy and mandated protections, is the custody element[96] of statutory torture under a non-compliant federal legislation that undermines the UNCAT by its glaring deficiencies. And it did not occur on foreign soil. This conduct is nevertheless unconstitutional and is a

[94] See the ABA letter to the US Supreme court demanding the adoption of the Code of Conduct

[95] For example, the UNCAT RUD expressly represents to the treaty partners and the United Nations that every reservation by the United States, with the death penalty excepted, is because the US Constitution already provides a pathway for relief and remedy, and thus the reservation merely serves as an elimination of a dual-pathway under jurisprudence to relief and remedy, one under the Constitution and one under the UNCAT. The finding demonstrated over six years of human rights violations by the Ninth Circuit is that the US Constitution provides no pathway to relief and remedy for the disabled pro se litigant for judicial violations of the UNCAT.

[96] This is because this Circuit's courts exert control over my bodily autonomy and my right to life-saving medical care. The proof of serious and irreparable and life-threatening physical and mental injuries through deprivation of my life-saving medical treatment is chronologically documented in the records of the Circuit's courts. And let us not forget the contempt power of every judge to punish non-compliance with the orders of a court. The opportunity for a judge to place a litigant under contempt is arguably a form of legal custody.

criminal violation under customary international law. This court does not recognize the UDHR or the US Constitution or customary international law when addressing the disabled pro se litigant.

The UDHR should be directly applied to interpret and apply the US Constitution in every case involving the disabled and seriously ill pro se litigant whose unconscionable and irreparable physical and mental injuries depend on the cruel, inhuman and degrading treatment and punishment and torture by the judiciary, but who otherwise would be able to access the court with disability accommodation and in the absence of ill-treatment[97] and torture. The corresponding authority within the text of the US Constitution may then be readily identified.

When the UDHR is applied to the court disability accommodation by this Circuit's courts, it immediately identifies the prohibition against this court ignoring my requests for safe harbor and disability accommodation, and against this court not summarily and expeditiously granting my requested safe harbor and disability accommodation, and the prohibition against this court not correcting the lower court's ignoring or denial of my requests for safe harbor and disability accommodation. Just the handling of these requests for accommodation by the judges are a sufficient basis for confirming violations of the US Constitution.

The UDHR does not permit the use of a rational basis justification for discrimination based on disability[98] that eliminates due process, since a fundamental right is eliminated. Nor does it permit the elimination of essential medical treatment, which is the only accommodation in my present condition subject to which I can participate equally and without loss of life, liberty or rights in constitutional due process, which is absent in this Circuit's courts.

When the US Constitution is interpreted according to the authorities discussed herein, my treatment and punishment in six actions in this court over six years confirms violations of the US Constitution and unenumerated rights and is confirmed by the operation of customary international law. These arise from breaches of judicial ethics. Good Behaviour and judicial ethics require an entirely different candor from the judges of this Circuit that is not witnessed in the record.

THE ESSENTIAL VIOLATION OF TREATIES ARE JUDICIALLY MANDATED

The judges of this court could not conduct 'business as usual' in the consistent manner documented over the past six years without expressly violating the object and purpose of human rights treaties, and federal common law[99].

[97] "ill-treatment" is herein used interchangeably with cruel, inhuman and degrading treatment and punishment
[98] Nor does the CRPD
[99] With emphasis on foreign relations and "gap filling"

The Private Attorney General holds that federal precedents are wrong[100] when they hold that the Senate's understanding of the meaning of torture must apply, even when that understanding does not align with the prevailing interpretation in the international community[101]. In particular, the meaning of torture and the right of freedom from torture is a non-derogable *jus cogens* of customary international law and may not be infringed under any circumstance, but the Senate permits it when constitutional safeguards fail. This is not the requirement of the *jus cogens* of customary international law which requires punishment as a crime, not a civil liability. The Senate did not legislate torture, or cruel, inhuman and degrading treatment or punishment[102] consistently with the object and purpose of the UNCAT. The authority binding the federal judiciary to obedience of the UNCAT definition of torture and its no-derogability under international law is provided by Article VI of the US Constitution under the definition of the supreme Law of the Land.

At the time of its creation, the US Constitution could not textually express all of the necessary supreme Law of the Land. In defining what constitutes the supreme Law of the Land, our founders committed this nation to the authority of treaties as domestic law, but with the adjudication of treaties according to the Law of Nations, which evolved and is modernly referred to as customary international law. Absent the express definition of the "supreme Law of the Land" under Article VI, and the direct force of treaties in domestic jurisprudence, no foreign nation could reasonably be expected to have confidence in any treaty and that it would not be violated by a wayward state within our nascent Union. Thus the force of respect and obedience to treaties expressed by the text of Article VI, and the consistency seen in the Articles of Confederation, and the clarification of the rule of treaties as imperatives within domestic jurisprudence provided by that document.

The express designation of treaties as the supreme Law of the Land evidences the critical importance of treaties to the interpretation and the application of the US Constitution in our courts. Congress and the President are not privileged to unilaterally redefine the object and purpose of a treaty. Clear rules apply under customary international law to the compliance with a treaty and to withdrawal from a treaty. Congress may not legislate to restrict or undermine the object and purpose of a treaty. Non-self-execution of a treaty is not a bar to an action by the People to cause government to comply with the object and purpose of any treaty.

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[100] The issues raised herein have not been determined by the US Supreme court, but they are determined under international law and the Private Attorney General refers to these holdings and expectations in this discussion.

[101] See Congressional Research Service Sept. 7, 2022 publication: "Reservations, Understandings, Declarations, and Other Conditions to Treaties".

[102] Cruel, inhuman and degrading treatment or punishment is an element of other human rights treaties ratified by the USA. Therefore, the added importance of the correct interpretation and recognition of the prohibited act by virtue of its wider applicability.

America has always relied on the principle that a liberated humanity with universal respect for the dignity of the human being and affording her fundamental and human rights that must be non-derogable[103], and affording the individual control to determine her own government and to protect her own Liberty, is the proper and just form of human existence in this Land. The Preamble of the Constitution reflects this desire and associated morality and establishes the object and purpose of our unified nation consistently with the UDHR. The United States of America has been a fundamental catalyst for the development of international law, which has been a unifying global force and endorsement of this nation's ideals. It is international law and human rights principles that lead the statement and enumeration of human rights. It is this enumeration of human rights by the UDHR that clarifies the principles embedded in our Constitution.

Within customary international law are preemptory norms to which this nation is bound without the requirement of the execution of any treaty. *Jus cogens* norms are peremptory principles that are universally recognized and accepted as fundamental to the international community. These norms cannot be violated or derogated from, even by treaty. One such preemptory norm is freedom from torture and cruel, inhuman and degrading treatment or punishment. The *jus cogens* of customary international law are non-derogable under any circumstances, and any violation is a crime with no statute of limitations. Our highest court has historically refrained from addressing questions of law that are inherent to the limits of authority by treaties, including reaching to preemptory norms, and the controversy presented by this action.

It is statistically HIGHLY likely that those of you judges who are not individually served with a directed disqualification motion for having adjudicated my cases[104], do not respect the human rights of the disabled and pro se litigant, do not interpret or apply treaties according to Article VI and according to customary international law, and do not respect or apply the *jus cogens* of customary international law. The clerk of this court violates treaties and customary international law under the color of your authority, *en banc*. Therefore reform of jurisprudence and the need for corrective action in this court is irrefutably indicated by the record, and necessary based upon substantial grounds repeatedly communicated to this court since 2019.

Under customary international law, every treaty shall be obeyed according to its object and purpose by every signatory nation, irrespective of ratification. No RUD may be employed to restrict or alter the

[103] See discussion in UN Istanbul Protocol
[104] Bezon, Bumatav, Callahan, Clifton, Collins, Fitzgerald, Friedlland, Hurwitz, Ikuta, Koh, Nguyen, Owens, Sanchez, Schroeder , Silverman, Sung, Tashima, Thomas, Wardlaw

object and purpose of any treaty. The objection of any party State to any RUD advanced by a signatory State[105] carries great weight in the international court that addresses violations of the treaty by a State.

The signature power of the President or designate renders the object and purpose of a treaty binding upon this nation and our judiciary[106] under Article II in combination with Article VI and customary international law. There is no uncertainty about the effect of the signature under Article II combined with customary international law[107]. Under domestic jurisprudence, every treaty is therefore required by Article VI to be interpreted as domestic law upon its signing, and must be applied fully, which means that its object and purpose must be fully satisfied within domestic jurisprudence at all times. No State may hold any inconsistent position with respect to the object and purpose of a signed treaty and every State is well-versed in how to end a treaty[108], which is the required means to end the authority of a treaty in domestic jurisprudence and in international obligations by the State.

Upon signing by the President or designate "by and with the Advice and Consent of the Senate"[109], a treaty must be enacted into domestic federal laws, and if the enactment of corresponding laws is deficient with respect to the full measure of the treaty's object and purpose, then the treaty itself has standing as an enforceable domestic law according to its text, with respect to its deficiencies under federal laws, and the treaty thus may not be evaded or abridged under its direct force in domestic jurisprudence.

Customary international law has held that a treaty must be obeyed upon signing, and the minimum standard of obedience is according to its object and purpose, and that until a State has not withdrawn from the treaty according to international protocol[110], the State is bound by the treaty's object and purpose, and may not deviate from its object and purpose. Nevertheless, our judiciary take no notice of

[105] See the objections by States to our treaty RUDs
[106] Article VI binds every state judge personally to obedience of treaties, and under "good Behaviour" of Article III, federal judges must be bound by parity of judicial conduct and faithfulness to Article VI "supreme Law of the Land".
[107] *Pacta sunt servanda* ("agreements must be kept") is a fundamental principle of international law. It essentially means that states are obligated to fulfill the treaty obligations they have entered into. Even before a treaty officially enters into force (which often requires ratification), states have a responsibility to act in a way that does not defeat the treaty's purpose. This is because signing a treaty signifies an intention to become bound by it eventually. States are prohibited from taking actions that would undermine the object and purpose (i.e. the main goals and aims) of a treaty, even before the treaty is fully in force. Obedience to the object and purpose of treaties is a requirement of good faith by each State and promotes good faith in international relations. It is a customary expectation that States should be able to rely on each other to act in accordance with the commitments they have made, even if the formal legal obligations have not fully 'kicked in' yet. This principle helps ensure that treaties are effective. If States could freely act against the object and purpose of a treaty before it enters into force, it could undermine the whole point of having the agreement in the first place.
[108] See e.g. the Vienna Convention on the Law of Treaties
[109] The United States must be presumed to enter treaties with the indication by the signator that the ratification has been discussed prior to signing and provided favorable indication thereof.
[110] See the Vienna Convention for understanding the mechanisms of international law

treaties as required by Article VI which insists upon the judiciary's obedience to customary international law.

Under customary international law, a RUD used to limit the federal legislation implementing a treaty may not be used to limit or modify the object and purpose of a treaty. This is respected by Article VI of the US Constitution[111].

The UNCAT RUD, for example, limits the domestic use of the treaty by assuring the international partners that our US Constitution abundantly and superlatively provides the protections required by much of the UNCAT[112], and thus two pathways to the same human rights are an imposition on domestic jurisprudence. Thus the United States has overtly and decisively assured its compliance with the object and purpose of the UNCAT by its RUD. Its periodic reports do not dispute this claim.

In the case of UNCAT, Congress failed to legislate according to the object and purpose of the UNCAT[113]. Upon the objection of States and the torture and ill-treatment during war, Congress legislated a second time to address glaring deficiencies in domestic compliance with the UNCAT, only again to fail to fully legislate its object and purpose[114]. Thus the Private Attorney General directs adjudication to the treaty itself in the case of the deficiencies in federal law in the implementation of the

[111] Note the objections of other nation States to our treaty RUDs. These objections hold weight under customary international law, further neutralizing and deprecating our RUDs.

[112] With regard to Article 16 of the UNCAT, the US stated that it is bound by the obligation to prevent "cruel, inhuman or degrading treatment or punishment" only insofar as those terms mean the cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the US Constitution. Nevertheless, this Circuit's courts knowingly and deliberately inflict cruel, unusual, and inhumane treatment and punishment prohibited by the Fifth and Eighth Amendments upon the disabled pro se litigant, as chronologically reported in my filings in this Circuit's courts. Note that acquiescence by a judge to human rights violations or omission to take corrective and protective action to prevent and address such human rights violations provides the element of intent under the operation of international standards, such as the Istanbul Protocol.

[113] The federal law for torture, under 18 US Code § 2340 is made applicable only to a prohibited act outside the United States, and no such geographic limitation is permitted by the UNCAT. Note the essential incompatibility of the text of Article 1 of the UNCAT with 18 US Code § 2340: "within their custody or control". Article 1 expressly omits such a requirement. The statute was intended to implement the international instrument, which specifies a crime. The statute does not implement Article 1 of the UNCAT. Nor do the courts in the United States provide any alternate pathway to relief and remedy, which makes the UNCAT RUDs a misrepresentation of the domestic compliance of our State with an international treaty.
It is from the viewpoint of International Law that the object and purpose of the UNCAT Article 1 is determined, not the viewpoint of the federal law that implements it. It is the object and purpose of the UNCAT that must be satisfied under the internationally mandated domestic legislation that is supposed to implement it within the United States. That object and purpose is not satisfied. No RUD is controlling under the fact pattern herein. The same is true of the delayed 42 U.S. Code § 2000dd, which was a reluctant afterthought from US treatment of terrorist suspects and prisoners of war, and this statute adds the requirement of "custody or under the physical control of the United States Government". Where is the rest of Article 16, and how does the statute withstand the test for compliance with the object and purpose of Article 16 under International Law? It does not withstand such scrutiny. Instead it legalizes cruel, inhuman or degrading treatment, which is a crime. California's only criminal statute under Penal Code § 206 is for a subset of torture, and does not cover other prohibited acts under UNCAT.

[114] 42 U.S. Code § 2000dd

UNCAT's object and purpose, and thus enforces the treaty directly as the People and on behalf of the People.

In particular, when a treaty is pending ratification, the full terms of the treaty apply and the treaty itself must be noticed in full, and interpreted and applied under the requirements of customary international law. Our judiciary may not take the opposite position, namely that unless and until the treaty is ratified, it holds no force in domestic law, but instead must interpret and apply the treaty proper otherwise they violate Article VI and stand inconsistently to the Articles of Confederation, while deriving benefit, even if slight, from the signing.

Similarly, prior to ratification, our judiciary may not consider a treaty's RUDs, as such consideration is a political question about a prospective legislative act. The force of customary international law must be considered, and thereby, for example, the CRPD[115] that is pending ratification, must be enforced in full including its Article 15[116].

Authority for this position on treaties that are pending ratification is also provided by Article VI "all Treaties made, or which shall be made"[117].

Additionally and in particular, special rules apply on direct enforcement of a treaty within domestic jurisprudence when the *jus cogens* of customary international law requires adherence by the State, and the proper adherence is by domestic legislation to enforce the treaty in full. However, no domestic legislation implementing human rights treaties is available in the case of UNCAT Articles 1 and 16, and the CRPD Article 15[118], and the ICCPR Article 7. Under these circumstances, the applicable international authority may not be evaded or eliminated by any RUD or other conflicting or inconsistent federal statute or judicial rule or procedure or policy or precedent.

In prohibiting torture and cruel, inhuman and degrading treatment as codified in the UNCAT, as a *jus cogens* of customary international law is directly recognized by the US Constitution as having the same standing as federal laws, without limitation and without requiring express legislation. And no domestic legislation is permitted to conflict with a *jus cogens* of international law under the US Constitution, and

[115] The CRPD officially has no RUDs
[116] Part 1: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation. Part 2: States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.
[117] In conventional judicial thinking, the term is limited to dynamic and evolving international relations, and the supremacy of future treaties, but never has our judiciary considered the space in time between signing and ratification of a treaty in the context of "shall be made". A signed treaty pending ratification requires enforcement as a treaty that "shall be made".
[118] Therefore, the part of CRPD that includes the *jus cogens* of customary international law is always enforceable, and does not require domestic legislation for its judicial enforcement.

according to the necessary operation of original federal common law. The US Constitution acknowledges the requirement under the supreme Law of the Law of adherence to the requirements of customary international law according to treaties and thus confirms that the success and legal correctness of foreign relations are a critical component of constitutional government conduct. The standard of legal correctness is, by necessity and common sense, the compliance with customary international law, and not conformity with any insular domestic whims of any branch of our government, including the judicial branch.

Thus, Treaties may be enforced directly in US courts according to their object and purpose, without limitation, under the authority of customary international law. When they are reviewed properly and according to Article VI, it is demonstrated that the judges of this Circuit systemically and individually violate human rights treaties and the *jus cogens* of customary international law, and judicial ethics. The failure by the judges of this Circuit to recognize the substitute domestic law violations is unconscionable and mortally injurious to me. According to the UNCAT RUD, these prohibited acts constitute constitutional violations of the First, Fifth and Eighth Amendments. But neither any sign of the recognition of any constitutional violation is seen in this Circuit's courts, nor any relief or remedy is provided through any treaty or under international law in this Circuit's courts.

THE ADA REINFOCED BY THE CRPD ARE BOTH JUDICIALLY NULLIFIED

Freeman recognizes that every federal judge must enforce the ADA in the federal courts to provide disability accommodation to every litigant according to their unique needs for equalization of success in due process and for the purpose of non-burdensome and meaningful access to the court, without injury.

Although it may be argued that Freeman derived this requirement from the US Constitution in harmony with the UDHR, the more evident logic underlying her judicial conduct is the effect of the ADA on the federal judiciary[119]. Also do not underestimate the correctness of the Freeman Bright Line under the operative control of the CRPD under the US Constitution, and the CRPD's standing as federal law pending ratification[120] under customary international law and Article VI.

It is not true that the federal judiciary are <u>not</u> required to follow the ADA, which textually requires the state judiciary to exactingly obey it despite the Eleventh Amendment. In fact, Freeman recognizes that

[119] The Eighth Circuit confirms on its website that "*pursuant to United States Judicial Conference policy, the Eighth Circuit Court of Appeals provides reasonable accommodations to persons with disabilities".* That Circuit is in error that "*The Americans with Disabilities Act does not apply to the federal judiciary".*

[120] Discussed elsewhere herein. Customary international law requires compliance by a State with the object and purpose of a treaty pending ratification, until and unless the State formally withdraws from a treaty. No withdrawal from the CRPD has occurred, and Congress almost ratified the CRPD, and now awaits re-voting it.

the ADA is only effective if it is enforced by the federal judiciary uniformly across all courts[121] and as a national standard. Thus she is unhesitant in respecting and enforcing the ADA in her federal court. Freeman also recognizes the impossibility of justice and the deprivation of due process absent reasonable accommodation of disability in the course of jurisprudence.

The ADA makes a forceful and clear statement: that the federal judiciary shall end discrimination based on disability (in the courts) ON BEHALF OF the person with disability[122]. Despite this express mandate for the federal government (and the federal judiciary), we see federal judges insist that because the ADA expressly identifies the states elsewhere, they may ignore it and do as they wish, without uniformity and without any standard.

Even when the Eighth Circuit asserts that "*pursuant to United States Judicial Conference policy, the Eighth Circuit Court of Appeals provides reasonable accommodations to persons with disabilities"*, this Ninth Circuit court of Appeals will not give one day of disability accommodation to me.

Freeman is not confused by the requirement of "reasonable accommodation", which must give priority to reasonableness measured by its effectiveness for minimizing the adverse effect of the impairments represented by each disability in the pursuit of justice and in enabling the expression of the innate abilities of the litigant. The viewpoint of the person with disability is the dominant perspective on reasonableness of accommodation. Instead, our judges operate as tyrants whose comforts and customs are held as preeminent over the sovereignty of the People, and "reasonable" is controlled from the innately biased judicial perspective that abhors disability[123].

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[121] I limit discussion of the ADA to court accommodations

[122] The ADA and Congress did not curtail or abrogate the Rules Enabling Act to tell the courts how to operate. Separation of Powers is unchallenged if Congress leaves the court's rulemaking and procedure design to the courts. The language of the ADA as it instructs the federal courts is not merely to establish federal preemption. It orders the federal courts, as a branch of government, to end discrimination based on disability. This interpretation is not considered by our federal judiciary, who offer no alternative pathway through judicial function to achieve this express object and purpose of the ADA. The duty to follow the ADA in the federal courts is reinforced by attributing a duty to the federal judiciary to end discrimination UNIFORMLY and NATIONALLY according to A SINGLE STANDARD. This is impossible if court accommodations in the state courts, enforced by the federal judiciary, are different to federal court accommodations. It may not be argued that it would be possible to have two standards, as the Judicial Conference insists, one for the state courts and one for the federal courts. Discrimination may not be redefined according to two independent court systems, in the same way that discrimination may not be redefined for each of the 50 states, and due process may not be different according to each court. The duty to follow the ADA in the federal courts is further reinforced by the express language of the ADA that the federal judiciary must act ON BEHALF OF the person with disability. This is not a duty reserved to the states, but it is mandated for the federal judiciary in the courts. No federal judge may meet this federal requirement without impeccable compliance with the ADA in their own court and ensuring disability accommodation is provided to every disabled litigant in an impeccable and exemplary way that the state courts have no choice but to follow.

[123] A disabled judge may be disqualified under canons of ethics. This creates an appearance of an inherent judicial bias against disability. But the bias that I have firmly demonstrated in seven years of voluminous protests in now 10 representative courts of this nation is actual judicial bias. We are an inconvenience to the comforts of every judge. The disabled litigant is met with intrinsic bias of each judge, designed to subdue our Liberty and silence our speech and carry us as "a kind of trash"

Particularly in the case of the pro se litigant, extra consideration is required to reduce and eliminate the inequality of the disabled pro se litigant in the course of a modernly complex jurisprudence where the pro se litigant is at a disadvantage, and where it is common sense that disability increases the disadvantage.

Freeman shows all of us that the norms and customs of jurisprudence and the comfort of our judges are last in consideration when need for accommodation of the disabled litigant is indicated. Performance metrics of a court are a mere distraction, says Freeman.

Freeman does not violate the litigant's privacy, and would not provide litigation privilege to an opponent to interfere with or obstruct the accommodation without consequence. But she would consider prejudice to evidence and maintenance of the status quo as the balancing of harm.

Freeman does not resort to evasion, judicial gamesmanship[124] or the common pattern of judicial fraud and libel prolifically displayed by this nation's judges in their treatment of the disabled and pro se litigant. She does not create facts and reasons for denial of accommodation. She does not subject the disabled litigant to orders that would cause injuries or extract function and participation that may cause prejudice or convey a sense of hostility or unfairness. She is impeccably prompt in deciding a request for accommodation and in swiftly accommodating to ensure that no sense of hostility or reluctance or failure to do right is experienced by the disadvantaged litigant.

Freeman understands that a fundamental alteration of due process occurs only if fundamental rights, immunities and privileges conferred by the US Constitution are unquestionably violated by the accommodation required. Unless a specific law specifically prohibits the safe harbor or accommodation provided by Freeman, she does not give importance to rules, procedures or policies of the court.

Freeman will act to break the invidious discrimination long-captured in precedents, such as the abysmal creation by judges that a stay of one year is inconceivable, and that an indeterminate stay and an indefinite stay are absolutely prohibited. Every judge in this Circuit has been impeached by her, even those who have not signed any order against me, but whose personal performance was invoked by my *en*

through the hollow and sham motions of an unconstitutional due process without any possibility of equality or the lawful recognition of our rights.

[124] See for example ECF-12 in 24-6312 in this Circuit's appeal court. Consider the timing of a ruling on my request for accommodation which is made to allow me to prosecute this appeal. When the clerk orders my unaccommodated and injurious participation with a deadline of Feb 14, 2025, which again deprives me of essential medical treatment, especially after Freeman raised the bar to granting ONE YEAR of stay given the accumulated burden of my injuries, what use is a ruling on my request AFTER filing of another unprepared, involuntary and incompletely stated brief? And why must I be kept under perpetual and extreme distress by the habitual evasion of this appeal court of my request, with its explanatory content that leaves this court with no room for evasion? Why must I be subjected to severe pain and suffering at every encounter with this court and its judges? The action by the clerk is under the color of the authority of all judges of this court, *en banc*.

banc invocations[125], and whose mark was made by the court's invariant practices espoused by its clerk and its commissioner.

The ADA spread from this nation to draw expression of the innate humanity of the people around the world, and returned to this nation as the CRPD[126] and an international human rights treaty. Its importance cannot be underestimated. Under customary international law, the CRPD must be noticed and enforced by our judiciary in domestic jurisprudence. It is not. When the federal judiciary insist, improperly, that they are not bound by the ADA, they may not evade the CRPD. Freeman is the exception. She has respected every treaty including the CRPD, and the UN Constitution and customary international law through the form and issuance of her orders for my safe harbor and disability accommodation since 2019.

Like every human rights treaty and the UDHR, the CRPD clarifies other related laws on disability, such as the ADA. The Preamble of the CRPD[127], alone, suffices to put every judge in this Circuit who has failed to provide parity of accommodation to Freeman to public shame. No such judge may claim to have independence or impartiality. And there is no indication of humanity in the conduct by each judge in this Circuit who dealt with me since 2019.

[125] See my demand for reconsideration en banc in 24-3353

[126] Still pending ratification

[127] From the CRPD Preamble*: (a) Recalling the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world, b) Recognizing that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, (c) Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination, (e) Recognizing that disability is an evolving concept and that* ***disability results from the interaction between persons with impairments and attitudinal and environmental barriers*** *that hinders their full and effective participation in society on an equal basis with others, (h) Recognizing also that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person, (i) Recognizing further the diversity of persons with disabilities, (j) Recognizing the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support, (k) Concerned that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world, (w) Realizing that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Bill of Human Rights, …*

Freeman stays well clear of violating the Article 2 definition of "Discrimination on the basis of disability"[128]. The accommodation by Freeman is reasonable according to Article 2[129] of the CRPD.

[128] Article 2 of the CRPD defines "Discrimination on the basis of disability" to mean *any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation*.

[129] Under Article 2 of the CRPD, *"Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms*.

Every other judge of this circuit who has dealt with me, violated the CRPD, including Articles 1[130], 2, 3[131], 4[132], 5[133], 8[134], 9[135], 10[136], 12[137], 13[138], 14[139], 15[140], 16[141], 17[142], 18 and 20[143], 21[144], 22[145], 25[146],

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[130] "*The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.*" A judiciary that discriminates and violates human rights treats litigants identically, when one party is disabled and requires accommodation to be equal in litigation to the other parties. "*Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others*." Refer to my motions for safe harbor and disability accommodation filed in this Circuit's courts since 2019 with proof of significant disabilities.

[131] a. *respect for inherent dignity* (this Circuit expects me not to be disabled and not to be ill, and to function like a 'normal' litigant, otherwise to be excluded from due process as punishment), b. *non-discrimination* (note definition of discrimination from the Preamble part e and Article 2), c. *full and effective participation and inclusion in society* (impossibility of participation in due process absent safe harbor and disability accommodation), d. *respect for difference and acceptance of persons with disabilities as part of human diversity and humanity* (invariant rules, procedures and policies of courts do not respect persons with disability), e. *equality of opportunity* (no equal opportunity for success, in fact no opportunity to access constitutional due process), f. *accessibility* (not limited to physical access, but includes modifications to rules, procedures and policies of courts to ensure that every disabled litigant has access to constitutional due process without fail)

[132] Paragraph 1 states: "*States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.*" "All human rights" includes the right to essential medical treatment and recovery and rehabilitation from serious illness, and freedom from injury as the price of access to the courts, as Freeman insists, and not the promotion of serious illness and its prolongation with consequent serious and permanent physical and mental injuries, which is the modus operandi of this Circuit's judges. "Full realization of … fundamental freedoms" includes the right of expression and the right to access constitutional due process, and no such right is provided to me in this Circuit according to the authorities asserted herein, as the records since 2019 demonstrate. "*To this end, States Parties undertake: a. To adopt all appropriate … administrative and other measures for the implementation of the rights recognized in the present Convention*" (no measures are provided by this Circuit's courts. The best case is ad hoc and inappropriate and meaningless accommodation that is more injurious that useful. i.e. White). "*b. To take all appropriate measures … to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities*" (no such measures are provided by this Circuit's courts. Only Freeman achieves this in her court by conduct). "*c. To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes*" (this has never happened in this Circuit's courts, except Freeman. Upon receiving my complaints for human rights violations by the lower courts SIX TIMES over six years, this appeal court did absolutely nothing to protect or promote my human rights. Instead the judges of this court refouled and re-traumatized me by torturing me and rendering me back to my torturers in the lower courts). "*d. To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention*" (the judges of this court refouled and re-traumatized me by torturing me and rendering me back to my torturers in the lower courts. The judges of this court did not take a single action to ensure that the lower courts and complicit parties in my torture act in conformity with the CRPD or customary international law). "*e. To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise*" (included are individual judges and exploitative opponents, which this court rewards and encourages to commit discrimination and torture, and courts, including this appeal court, wherein no judge will take a single step towards eliminating discrimination). Paragraph 3 of Article 4 states that [courts and the judiciary]: "*shall closely consult with and actively involve persons with disabilities*" "*[i]n the development and implementation of legislation and policies to implement the [CRPD], and in other decision-making processes concerning issues relating to persons with disabilities*" (my input on disability accommodation has been repeatedly provided, never solicited, and never acknowledged or considered by the courts of this Circuit. I have not needed to give input to Freeman because she operates on the correct side of the Freeman Bright Line). Paragraph 4 of Article 4 states that "*Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent*" (Six years of records in this Circuit's court demonstrates that the opposite is the case. The CRPD is entirely ignored by this Circuit's courts, including the ADA and international law, in this Circuit's dealings with the disabled litigant. Thus the CRPD is the operative standard applicable to this Circuit's courts, but is not followed. There are absolute restrictions and derogation of human rights and fundamental freedoms by this Circuit's courts, and no recognition by this Circuit of Conventions or customary international law). Paragraph 5 of Article 4 states that "*The provisions of the present*

Convention shall extend to all parts of federal states without any limitations or exceptions". (This means that every single part of the CRPD applies to all levels of government in a federal state. This includes the national (federal) government, as well as state and local governments. The "...without any limitations or exceptions." is the crucial part of the treaty. It means there is no wiggle room. Federal States cannot pick and choose which parts of the CRPD they want to apply or claim that certain parts don't apply to certain levels of government. It's a blanket statement of full application. Thus, in a federal system like the US, where power is divided between the federal and state governments, it's important to be crystal clear about who is responsible for implementing treaty obligations. This sentence removes any ambiguity. It puts the onus on all levels of government to ensure that the rights of people with disabilities are protected and promoted.)

[133] In addition to the judges of this Circuit violating Article 5 paragraphs 1 and 2, the record documents the complete absence of any accommodation by this court, which paragraph 3 condemns. Paragraph 4 requires the judges of this Circuit to takes measures to accelerate or achieve de facto equality of persons with disabilities. Except for Freeman, no other judge is seen taking specific measures to accelerate and achieve de facto equality of persons with disabilities. Is ECF-12 is just another clear demonstration of this truth? Will each judge answer how this will affect the public trust?

[134] Except Freeman, not a single judge of the Circuit's courts, when tested, took any step to (Article 8 para 1(b)) combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life, either in this Circuit's courts or in any other court. The judiciary must police the judiciary, as the commentary of the US Supreme court's Code of Conduct reminds us.

[135] Paragraph 1 of Article 9 requires access to services, and this Circuit's judges deny access to this Circuit's courts and to constitutional due process. ECF-12 by the clerk is a continued demonstration of no access for the person with disability on behalf of 52 judges *en banc*. Access at the cost of injury is prohibited. Despite paragraph 2 of Article 9, nowhere in the rules, procedures and policies of this Circuit's courts are there any considerations to or any mention of any standards or guidelines for accommodating every person with disability in the course of jurisprudence. ECF-12 is a perfect illustration: having acknowledged the receipt of my request for accommodation, this court's clerk declared, on behalf of 52 judges *en banc*, that there is no standard or guideline on disability accommodation and therefore no accessibility to the court's service which is open to the public. There is no evidence in any publicly accessible document that this Circuit has ever provided any training to its judges or employees or anyone else on accessibility issues facing persons with disabilities, raising the question of compliance with Article 9 paragraph 2(c). All of these facts are true except in the case of Freeman.

[136] Under the 5th and 14th Amendments, the right to life is primarily interpreted as protecting against government actions that take a person's life without proper legal justification and procedures. In my case, my right to life was extinguished by the judges of this Circuit's courts without proper legal justification and procedures, as we see repeated by ECF-12 whose issuance by the clerk of this court has seriously and irreparably injured me and continues to distress me as the cliffhanger of the deadline of Valentine's Day approaches and compels me to take extraordinary measures as plaintiff and the Private Attorney General, further distancing me from essential medical treatment under the continuing control of this court robbing me of bodily and mental autonomy. The facts in my repeated and chronologically filed requests for safe harbor and disability accommodation leave no doubt: the judges of this appeal court continue my unlawful mutilation and KILLING by the government. Under what degree and extent of distress will I finally succumb to the one fatal heart attack or the catastrophic stroke so many times predicted by my doctors and reported to this court? "*States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others*" says Article 10. In my case, proof of measurable shortening of my life as a consequence of discrimination and human rights violations by judges and courts extensively crowds the records of multiple courts, including three courts in this Circuit, and one appellate panel. Statistically, each injury and each disability, when induced and then each time it is exacerbated, statistically reduces my lifespan compared to the normal population and induces other factors which precipitate statistical shortening of lifespan. My doctor of 30 years let it slip accidentally in an examination that she expects me to be dead before the exercise of an option in 2029 from my serious and irreparable and continuing injuries from legal proceedings. This must be combined with the elements of deprivation by judges of my bodily autonomy and the impact on my lifespan and life quality of the incessant deprivation of life-saving medical treatment. It must also be combined with the deprivation by judges of my protection from private violence, which my exploitative opponents have incessantly inflicted in court after court under color of judicial authority. And it must be combined with the deprivation of social and economic rights by judges, which include but are not limited to access to basic necessities like food, shelter and healthcare. I became confined to one room in California, unable to work or travel as I used to, devoid of all income and savings, my wife and I are homeless and I was bankrupted by judges and courts, including this Circuit's courts who took no action in my protection from prohibited acts and perpetuate the same prohibited acts. Without discussing different philosophical perspectives on the nature of life and the role of government in influencing how the right to life is interpreted, and notwithstanding the changing social and cultural values also play a role in shaping the understanding of this right, based on objective and statistical considerations, I am deprived of the right to life according to the CRPD, and the US Constitution. No measure by the judges of this court has ever been taken to ensure the effective enjoyment of my right to life. Except by Freeman, who, in her last order, wished me "good health" while all of her peers continued my legalized torture and murder.

[137] Upon presenting adequate complaints for human rights violations to the judges and courts of this Circuit, the judges and courts of this Circuit, except Freeman, did not treat me as a person, in violation of Article 12 para 1. Except Freeman, at no time did the judges and courts in this Circuit take APPROPRIATE measures to provide me with access to the support that I require in exercising my legal capacity in litigating my lawsuits and appellate actions. This violates Article 12 para 3. The judges and courts of this Circuit did not once take all appropriate and effective measures to ensure the equal right of this person with disabilities to own property, to control his own financial affairs, and did not ensure that this person with disabilities is not arbitrarily deprived of their property despite a complaint in 2021 and express motions for that purpose in 2023 in this Circuit's courts. This violates Article 12 para 5.

[138] The judges and courts of this Circuit violated Article 13 through deprivation of all safe harbor and disability accommodation to me since 2019. The sham and meaningless 'accommodation' by White demonstrates a will to discriminate and entirely abusive criteria knowingly and willfully adopted by him and purposefully and intentionally by a torturer who 'takes a break' from his torture but operates under the same pattern and practices and hostility characteristic of his conduct does not constitute procedural and age-appropriate accommodation under Article 13, which states: "*States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages*.". Not once has any judge of this appeal court provide a shred of procedural or age-appropriate accommodation to me in six years of my torture in this Circuit. Note that the state lawsuits were all dismissed in their investigative or their other preliminary stages, and this Circuit's courts did not take a single step to provide remedy, relief or punishment for those prohibited acts, instead dismissing an incompletely stated complaint that requested procedural accommodations to state my causes of action, updated since 2019 in the germinal lawsuit. There is absolutely no indication of any training for any judge or employee of this court as required by Article 13 which states "*In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.".* In fact the clerk is not trained at all, and this does not excuse his prohibited acts on behalf of the judges of this court, *en banc*.

[139] Liberty under the US Constitution is a broad and multifaceted concept. The most basic understanding of liberty is the freedom from physical restraint or confinement. This is protected by the Due Process Clauses of the Fifth and Fourteenth Amendments, which prevent the government from depriving someone of their liberty without due process of law. This includes protection against arbitrary arrest and detention. The control of my bodily autonomy by judges and courts and their deprivation of my life-saving medical treatment is no less than a form of detention and legal custody resulting in my confinement to a single room for seven years to date, and thus a loss of liberty. This is no less that cruel and unusual punishment without due process. The concept of liberty extends beyond physical freedom to encompass autonomy and self-determination. The disablement and injuries by judges and courts prevent a former entrepreneur with an international business from engaging in agreements and pursuing economic interests, from seeking knowledge and personal development according to my innate abilities, and to travel. The right to liberty also includes procedural protections when the government seeks to restrict or deprive someone of their liberty. Procedural due process requires that the government must follow fair procedures and provide an opportunity to be heard before taking actions that affect a person's liberty interests. This has not happened in seven years in 9 representative courts before over 40 judges. In every case and every court and before every judge, except Freeman, I have been coerced into speech that I could not deliver without accommodation, which was never meaningfully provided, if provided at all. In my case, the right to be heard must be before a body of judges and in courts that follow the law and "ensure Justice", which has not happened even once in 9 representative courts of this nation in seven years. The concept of liberty has been interpreted to include certain fundamental rights and freedoms that are not explicitly listed in the Constitution but are considered essential to individual liberty. These unenumerated rights are protected by the Due Process Clause and have been recognized by the Supreme Court in cases involving privacy, bodily integrity, and maintaining a family relationship as substantive due process. I have been deprived of every one of these rights by judges and courts. The Equal Protection Clauses of the 5th (by reverse incorporation) and the 14th Amendments ensures that the right to liberty is protected equally for all persons, regardless of race, gender, or other protected characteristics. Nevertheless, the government, represented by its judges, arbitrarily discriminate against disabled litigants in restrictions on liberty, particularly through invariant judicial rules, procedures and policies. Not once have judges and courts demonstrated any legitimate government interest in restricting my liberty, and upon review, every restraint on my liberty has been vastly dis proportionate to the goal being pursued, which judges proclaim to the fairness to all litigating parties. Freeman impeaches the judicial "high crime". Our judges and courts systemically destroy a cornerstone of American democracy by destroying the right to liberty for the disabled litigant. Article 14 specifically prohibits all of this conduct: "*1. States Parties shall ensure that persons with disabilities, on an equal basis with others: a. Enjoy the right to liberty and security of person; b. Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty. 2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance*

with international human rights law and shall be treated in compliance with the objectives and principles of this Convention, including by provision of reasonable accommodation."

[140] The judges and courts of this Circuit endorsed my torture and cruel, inhuman and degrading treatment and punishment and also perpetrated them. Article 15 condemns the prohibited acts by the judges of this Circuit: "*1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation"*. Deprivation of my life-saving medical treatment by judges is torture and cruel, inhuman and degrading treatment and punishment, and it may additionally be considered to be a form of medical experimentation, with judges inflicting very harsh punishments to make a victim conform to their tyrannical will, later based on their observation of my response and severe pain and suffering and disclosure of additional injuries, to discretionarily vary the harshness of their punishments. These prohibited acts are clearly demonstrated by White in the district court, who has been impeached continuously since 2021 by Freeman, who is his peer in the same court. In comparing each of my requests for safe harbor and disability accommodation to White and to Freeman, which is tabulated in this court in the records of my 2024 actions, concurrent requests for the same accommodation are made with White's overt prohibited acts, and his inconsistent "yo-yo" modulations of my torture, such as his discretionary grant of a stay of several months after his dismissal, while burdening me with work to interrupt and obstruct my life-saving medical treatment, and leaving me in the indeterminacy of the irrationality and unpredictability of his further acts of torture, which invariably occurred. Considering his irrational and discretionary variations the momentum of my torture, such as depriving me of accommodation and medical treatment to then 'accommodate' me with an increase in word count, while denying me all accommodation and necessary medical treatment with unmistakable hostility when I contracted long Covid, forcing me to object and struggle and use desperate measures to access remedies and relief while the state courts continued my torture, the pattern of White's conduct may be characterized as a form of medical experimentation to find ways of extracting information and injurious function out of me. Article 15 also requires "*2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment*". No judge in this Circuit, except Freeman, has taken any administrative, judicial or other measure to prevent me as a person with disability from being subjected to torture or cruel, inhuman and degrading treatment and punishment, while no one else has been subjected to the same prohibited acts.

[141] Exploitation, violence and abuse under Article 16 cover the conduct of judges, courts, employees of courts and others acting under color of authority, including Mandy Brady and her attorneys and law firms. Para 1 requires the judges of this court and its employees, including its clerks, to take all appropriate (other) measures to protect persons with disabilities, from all forms of exploitation, violence and abuse. This has never happened in this Circuit, except Freeman. Para 2 requires the judges of this court and its employees, including its clerks, to take "*all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive*." No demonstration by the judges and courts of this Circuit in meeting this requirement is found anywhere in the record. We see in ECF-12 the sixth repetition of prohibited acts by the court, as measured by the number of appeals that I filed to stop human rights violations by judges and others. Here the clerk is speaking for the judges of this court *en banc*, demonstrating NO form of support or any other measures whatsoever in accordance with para 2. There is no monitoring whatsoever in any court of this Circuit, each of which should monitor judges and the court, and the rules, procedures and policies of this Circuit's courts for compliance with the CRPD, as required by para 3: "*In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities*." There is no compliance whatsoever by any judge or any court of this Circuit, except Freeman, with para 4: "*States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs*." In fact, the record of six appeals filed in this court against two district court judges of this Circuit, Koh and White, demonstrates that the judges of this court acquiesced to and endorsed Koh and White's obstruction of my physical, cognitive and psychological recovery, rehabilitation from the exploitation, violence and abuse by Mandy Brady, her attorneys and their law firms, and from the state court judges and courts, and by Koh and White, and ensured that I am subjected to a hostile court environment that destroys my health, welfare, self-respect, dignity and autonomy. The destruction of my health, welfare, dignity and autonomy are chronologically documented in the records of the proceedings identified at the start of this writing. This court has the latest proof of the destruction of my health, welfare, self-respect, dignity and autonomy in the request for safe harbor and disability accommodation which the clerk of this court acknowledges in ECF-12. But more egregiously, when I sought remedy and relief from this court by means of the only accessible method, which was to invoke an appeal, six times, this court instead made me a victim of its violence and abuse, and rewarded my exploitative adversaries, and took absolutely no measures to promote physical, cognitive and psychological recovery, rehabilitation or

reintegration, and did so by ensuring that I experience an extremely hostile court environment, typified by the retaliatory, discriminatory, abusive and violent denial of reconsideration in 24-3353, that ensured the destruction of my health, welfare, self-respect, dignity and autonomy. Excepting Freeman, not once in any court of this Circuit, was there any identification, investigation or prosecution of any torture or ill-treatment or exploitation or violence or abuse perpetrated against me by anyone, including by the judges of this Circuit's courts. Para 5 requires the courts of this Circuit to "*put in place effective … policies … to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted*." Imagine what impact the grant of accommodation by this court might have had on the prohibited acts, including discrimination, by the state courts who fervently continue my torture and murder.

[142] Article 17 states "*Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others*". It is demonstrated that the judges and courts of this Circuit have no respect for the physical or mental integrity of a disabled pro se litigant. The substantial grounds for this assertion is found by comparison of the chronologically filed requests for safe harbor and disability accommodation in the records of this circuit's courts. The medical record and my requests for safe harbor and disability accommodation and my public filings provide evidence of incessant distress-induced physical and mental injuries caused by the prohibited acts of the judges and courts of this Circuit. The integrity of my body relies upon freedom from judicially induced injuries and the psychological and physical impact of distress caused by the prohibited acts, and on the opportunity to remit, recover and rehabilitate from injuries caused by judges and courts. All of these were denied to me by judges and courts of this Circuit, depriving me of integrity. If the judges and courts of this Circuit claim that I am treated equally to everyone else, then every pro se litigants is being injured by this Circuit or potentially at risk of injury (refer to Posner and the treatment of the pro se litigant by a federal appeals court), and as Private Attorney General, I will expand my jurisdiction and action to protect all pro se litigants who access this Circuit's courts.

[143] Article 18: "*States Parties shall recognize the rights of persons with disabilities to liberty of movement …*" This Article is not only concerned with nationality and freedom to be and live in different locations. Article 20 states: "*States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities*". When Article 18 is combined with Article 20, they prohibit the acts by judges and courts who disabled me and made me ill to such an extent that I have been confined to one room for seven years. Previously I was a world traveler running an international business.

[144] "*States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression*". The US Constitution ensures the right to petition the government to address grievances or seek changes in laws or policies. In every case that I brought in this court, its judges ensured that I am deprived of the right to petition for grievances and seek changes in laws and policies. The judges of this court did this by not providing me safe harbor and disability accommodation, and by not providing me meaningful access to this court, and by depriving me of bodily autonomy and life-saving medical treatment. Not once in six years have I had the opportunity to state my petition voluntarily, preparedly and in full, because the judges and clerks of this court, in conjunction with exploitative persons, prevented it. There are no constitutional limits applicable to my freedom of expression in this court, yet I am not provided with freedom of speech in this court. Study carefully the unethical conduct by White in the district court, and how he prevented the amendment of a complaint, through invidious discrimination while torturing me and keeping life-saving treatment out of my reach knowing that in the state courts I was being tortured and that this Circuit's court were my only designated salvation. Review carefully how he prevented my expression, coercing and intimidating me to produce information in the form of an amended complaint under duress and subject to unconscionable and irreparable physical and mental injuries with unconstitutional restrictions on my speech that I could not completely comprehend, and for which this court punished me in 24-3353. White's torture is unmistakably recorded in the district court, and this court and its judges have not once failed to endorse it, and acquiesce to my murder by judicial dagger in plain view. There is no content or viewpoint neutrality in this Circuit's courts, and a good example is the retaliatory and discriminatory dismissal of reconsideration and issuance of the punitive mandate in 24-3353. Deprivation of my freedom of expression assures my deprivation of individual autonomy. What is strikingly evident from my writings is how they have chronologically improve in tandem with the chronological improvements in A.I. This is further proof that absent world-transforming aids, I was 'locked out' of the courts by judicial discrimination and torture and prevented from expression, instead paraded like an inept puppet who was then characterized as vexatious and frivolous.

[145] Freeman respects my privacy. In providing stays that have cumulatively and continuously spanned almost six years, she has not once disclosed my requests for safe harbor and disability accommodation to anyone. In contrast, White has insisted on disclosure, while communicating ex parte with my opponent Mandy Brady in 2024 and concealing the communication from my eyes despite demand for its disclosure, and without any justification provided for his securing its privacy. The privacy of my medical information and my disabilities and serious illness is justified by national practices (e.g. HIPAA) and Article 22: "*States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others*". Opposing Freeman, White agrees with my state court judicial torturers and holds that fairness and due process require disclosure of my personal, health and rehabilitation information upon demand by exploitative opponents and attorneys who are colluding in my torture with judges. By refouling me by exposing me to the

28[147], 31[148], and 33[149]. These violations continue, spanning six years, now manifesting in 24-6312 upon issuance of ECF-12 by the clerk on behalf of this court *en banc*, in the backdrop of the Freeman Bright Line which mandates ONE YEAR of accommodation as requested by me.

ECF-12 states that a limit to my safe harbor and accommodation shall be at most a few days instead of ONE YEAR, since it commands me to prepare an opening brief, which I would not be able to accomplish even in three months of injurious and oppressive labor[150]. This truth is evidenced from my earliest pleas for safe harbor and disability accommodation to this court in 2019, and chronologically evident and supported in every one of my subsequent requests for safe harbor and disability

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purposeful and intentional obstruction of my life-saving medical treatment and continued torture by others, White promotes his own agenda of torture. Breach of my privacy is key to justification of White's purposeful denial of my safe harbor and disability accommodation as it has been to the judges of the state courts. It is also the key to dispensing with the inconvenient litigant who will not drink the 'cool-aid' of indoctrination required by the court. White's intention to torture me is forged once he knows the effect of his deprivation of my life-saving medical treatment, communicated to him via chronological requests for safe harbor and disability accommodation bearing updates of my injuries caused by him. White's prohibited acts long ago transitioned from reckless endangerment to torture and attempted murder. His policy of disclosing my private information knowing that it will serve in informing my opponents in such a manner that assists them in improving and tuning their infliction of distress and inducement of further serious injuries to complete my murder, is intentional. Just draw the time chart explained in my requests for safe harbor and disability accommodation in 24-3353 and 24-6312, as well as documented in the trial court, and now review the last filing in the trial court by attorney Zela. Protecting my privacy would avoid the exploitation, violence, abuse and torture that will be inflicted upon me, but instead of favoring international law and the US Constitution, White degrades me to such an extent that he sees no justification for my privacy despite the volume and weight and authority of the medical evidence and the substantially compromised writings and information that White habitually extracts from me during his torture. White rewards my co-torturers by expansive restrictions on my expression, and perversion of constitutional due process and providing them with litigation privilege, all of which constitute prohibited acts under these instruments.

[146] The deprivation of life-saving medical treatment is inconsistent with Article 25, which states: "*States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability*". Article 26 enhances the judicial responsibility under Article 25 to provide me safe harbor and disability accommodation.

[147] Article 28 states: "*1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.*" The judges and courts of this Circuit ensured my economic doom, bankrupted me, kept me in homelessness with my family, and ensured that I cannot improve my living conditions, while the state courts continued without this Circuit's restraint to make my standard of living worse. This Circuit eliminated my bankruptcy protection through discrimination and torture, and permitted the state court to increase my egregious punitive liabilities from $600,000 in 2021 to a combined liability and damages of approximately $7 million in 2025, and increasing. Despite with the requirement of social protection in paragraph 2, this Circuit caused serious and irreparable injuries that eliminated my independent living and increased my poverty, excluded me from inclusion and participation in the courts and trashed my dignity and equality. This is the sixth years that I am pleading for protection and remedy and relief from my perpetual torture and not one single judge in this Circuit has changed course from my torture and attempted murder and deprivation of rights.

[148] This Circuit does not collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention.

[149] There is no national implementation and monitoring the CRPD.

[150] I rely substantially on A.I. which, together with my focus, must be trained and compiled and organized to address this court's requirements of form and procedure and content and size and other requirements. Meanwhile I am daily assaulted and tortured by the incessant prohibited cats of the state judges and courts, who have directed their malice and corruption targeting others whom I protect as the Private Attorney General, and keep me under unrelenting abuse and distress and punishment and severe pain and suffering, leaving no opportunity for any preparation or voluntary compliance with this court's demands.

accommodation, which are numerous. ECF-12 was issued deliberately, invoking the conflicting Ninth Circuit Rule 31-2(b)[151] that has no standing under the preeminence of the authorities herein discussed. This was done with the knowledge that the absence of a stay of ONE YEAR for life-saving medical treatment will be perceived as continued hostility and evasion of preeminent authorities by this court and its judges and cause me extreme distress, and therefore with knowledge that it would inflict severe pain and suffering and unconscionable distress-induced physical and mental injuries, which it has. This *en banc* conduct on your behalf by your clerk should not have occurred. A response expressly addressing my request is long overdue, and as expected, was never going to provided despite the clerk's assurance.

A response to my request for safe harbor and disability accommodation was necessary and proper within a few days of my November 2024 request[152], and *en banc*, it was withheld. This court and each judge must not fail to perceive that this has the public appearance of a fraud by the clerk on behalf of this court, *en banc*. The promise to respond does not constitute the abatement of prohibited acts, but it is presumptively their continuation. Let us not forget that this appeal comes from an injunction against a serial torturer who impatiently awaits my refoulement to his hands in the district court.

The clerk's order forced me into writing these disqualification motions and initiating reform by exercising authority while seriously ill and unaccommodated for disabilities.

Dear judges, it is not judicial propriety to perceive discrimination and human rights compliance from your distorted point of view. You must descend from your misguided perspective to see from the viewpoint of your victim. Without express grant of the approval for me to receive life-saving treatment by one year of stay[153], you commit me to perpetual anxiety and the necessity and inevitability[154] of interrupting any possible life-saving treatment to secure my future welfare by exerting myself to write a brief for a still-impossible deadline which you imagine to be a generous grant of time. Your clerk compels me to view my next obstacle to receiving my life-saving medical treatment, and expend life

[151] This rules requires acts and actions and proof of acts and actions. The life-saving treatment requires complete rest (i.e. no act and no action). Thus the rule stands in conflict with life-saving medical treatment, and this is a prohibited. The preeminent authorities herein discussed require no refoulement, no re-traumatization, no prohibited acts including coercion of information. ECF-12 is a standing order for the extraction of information and for unequal and unaccommodated participation at the expense of life-saving treatment while this court has control over my bodily autonomy. The requirement of a response on Valentine's Day to the clerk under a court rule that is not compliant with the preeminent authorities is a deviation from operative law. It is this court that must adapt its rules to these preeminent authorities, as Freeman has done for over FIVE YEARS, not for the victim to conform with an inconsistent rule for the sake of this court demonstrating some control over the proceedings at any cost.

[152] In conformity with the Freeman Bright Line, which ensures that I am not distressed by any appearance of delay or hostility by the court

[153] Which is already considered and ruled upon by Freeman and requires every judge to follow the Freeman Bright Line for its correctness

[154] The mind may not be controlled in the mechanistic and inhuman way that our judges imagine it must be. Even you yourselves are incapable of such control

energies to stretch my brief respite by any means all of which are excessively burdensome and very injurious, thus depriving me of any possible rest and isolation from distress. Freeman shows every judge the proper conduct, but no judge will comply, and the clerk, on behalf of all you judges, will ignore.

Under the CRPD, and confirmed by Freeman's conduct, the minimum standard of scrutiny for discrimination is to assess the violation of fundamental freedoms and human rights. This naturally indicates that heightened scrutiny must be applied[155] to disability and court accommodations. No judge and no court may abide by any precedent or principle or interpretation to the contrary.

The CRPD preempts every statute, including all jurisdictional and time-related statutes applicable to this Circuit's courts, if they violate the fundamental freedoms and human rights and the integrity and autonomy of a disabled litigant. There is no 'newer in time' preemption of the CRPD.

What is crucial in that the CRPD Article 4 paragraph 5 places the onus on this Circuit's judiciary and courts to enforce the CRPD "...without any limitations or exceptions"[156].

The status of the CRPD as signed but not yet ratified[157], makes the treaty enforceable directly according to its object and purpose under Article VI of the US Constitution, and the absence of any RUD makes it textually enforceable, and a tool for the Private Attorney General to restore constitutional jurisprudence. Article 14 of the CRPD leaves no room for evasion of the requirement of domestic enforcement and accommodations.

The violations of the ADA and the CRPD establish violations of judicial ethics by the judges of this Circuit, who permitted, perpetrated and endorsed these violations of laws and pre-emptory norms. The posture of the judges of this Circuit is that their violations of the ADA and the CRPD and the *jus cogens* of customary international law are lawful sanctions applied to a disabled pro se litigant who should not be disabled, should not be seriously ill and should not need the essential medical treatment repeatedly specified to the court, otherwise he may not access this Circuit's courts. Freeman disagrees. Common sense is outraged.

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[155] I have argued to the US Supreme court that a sliding scale of scrutiny is appropriate to disability, according to the fundamental right being abridged. Deprivation of due process requires strict scrutiny.

[156] Ibid.

[157] For those judges who stealthily oppose access by persons with disability and oppose the CRPD by virtue of intrinsic bias, the July 14, 2014 Press release by the National Council on Disability is informative. That federal agency highly recommends the CRPD's ratification by dispelling opposition based on conventional judicial considerations. The NCD is an independent federal agency committed to disability policy leadership since 1978. The NCD Statement on the Convention on the Rights of Persons with Disabilities (CRPD) may be found at: https://www.ncd.gov/2014/07/14/ncd-statement-on-the-convention-on-the-rights-of-persons-with-disabilities-crpd/

Let the judges state in writing and in detail their justification for these 'lawful sanctions' while addressing all of the circumstances and all of the facts, and we will witness the prohibited privilege of the exercise of silence as a device for evasion, and frivolous justifications like those offered by White in the District court, and Johnson in the Bankruptcy court. In no instance claimed to be a lawful sanction is the claim supported by any authority that does not violate preeminent laws and controlling instruments. In every instance, there is the indication of criminal liability. The Private Attorney General condemns any such unethical and meritless justification by the judiciary.

THE UNTENABLE PARADOX IN JURISPRUDENCE VIOLATES JUDICAL ETHICS

When tested at its boundaries, but within the envelope of its function, federal jurisprudence fails abysmally under the presence of the disabled and seriously ill pro se litigant, undermining the object and purpose of the US Constitution. When challenged for this failure, federal judges and courts insist that there is no flaw, while Freeman disagrees. Yet no federal judge or court will resolve this contradiction, and no federal court or judge will permit this question to be addressed through jurisprudence. This is a paradox.

Federal jurisprudence thus deviates radically from Article VI and the US Constitution, and undermines fundamental rights and our international standing, while betraying the will of the People expressed through their government[158]. It systemically violates human rights treaties and even the prohibition of torture and ill-treatment which are absolute and non-derogable and cannot be limited under any circumstances. The third branch of government invented by the US Constitution created a judiciary that were expected to ensure that there shall never be such deviation, and that any such deviation will be promptly corrected. This is a paradox.

With the mandate under the Rules Enabling Act, and customary deference by other branches of government to judicial control of their own court's organization, and Separation of Powers preventing interference with the judiciary's selection of rules, procedures and policies, it is an extraordinary betrayal of this nation when our judiciary holds jurisprudence under a measurable contradiction with human rights treaties and customary international law.

The function of jurisprudence, as profoundly expressed in *Marbury v. Madison*, is not to permit a framework of tyranny and fundamental contradictions to exist in domestic government and domestic laws. The function of jurisprudence is to be the final arbiter of the supreme Law of the Land, not the unrestrained editor of it. But our judiciary edit the supreme Law of the Land rather than interpret it

[158] Such as through the ADA and its Amendment

unchanged and according to its spirit and original intent and consistent moral reason, and will not permit any action to change their course in their monopoly over Justice. This is a paradox.

With human rights treaties and customary international law historically and consistently focused on the highest ideals for human existence, our judiciary denigrates those high ideals, and holds them beyond the reach of private citizens by encouraging Congress to do the same.

Faithfulness to the principle introduced in *Marbury* requires the judicial correction of the insularity by Congress in order to steer our legislative branch to conform to customary international law and stop erosion of foreign relations and responsible world citizenship. This is not a political act but a mandatory judicial act.

When Congress expressly ignores the *jus cogens* of customary international law, it is the judiciary who must be first in unfailingly raising the alarm and quashing the transgression. Despite this obvious requirement, our judiciary endorses the betrayal of the object and purpose of the US Constitution by Congress when it does not legislate treaties or the *jus cogens* of customary international law appropriately. Congress has nullified the direct application of treaties impermissibly, thus invalidating our commitment to treaties, and committing an international fraud on behalf of a nation bound to obedience to the object and purpose of every treaty we sign, irrespective of ratification. This is a paradox.

This court operates while maintaining an untenable and patently unlawful policy on disability accommodation and safe harbor that radically undermines constitutional due process. It has the power to fix the structural defect in due process and provide disability accommodation and safe harbor in order to avoid and prevent the paradoxes discussed in this chapter. With exclusive control over this matter, instead this court pretends that the paradoxes and contradictions and inconsistencies can be ignored and that it can simply proceed with ‘business as usual’ without harm.

Thus this court positions itself in constitutional due process as my adversary when it must be impartial and independent. Thus, when the US Constitution insists on inalienable rights, and treaties and international law insist on human rights, this court and its judges simply dispense with those rights that do not fit their choice of customary jurisprudence, and eliminate rights that must be guaranteed to the disabled and pro se litigant with impunity, while good Bahviour disqualifies every such judge, and jurisdiction is thereby lost to this court. All of these prohibited acts are systemic and habitual, without any means within established jurisprudence to correct this major constitutional and criminal problem. This is a paradox.

The dispute herein is between the litigant and the court about how constitutional due process must be conducted ("the dispute"). The dispute turns on the failure of jurisprudence to properly interpret and follow the US Constitution which requires obedience to domestic laws such as the ADA which is never seen properly respected in court accommodations, and requires obedience to treaties in a different way that our judiciary hold. The dispute exposes many questions never addressed by the US Supreme court. The dispute is unresolved and in effect during the pendency of an obstructed litigation at bar whose object and expression and issues are identical to the dispute, but against state actors and private parties. Yet reviewing courts simply 'brush open issues under the carpet' and refuse to discharge their judicial functions. This is a paradox.

Look carefully at the policy of this court on disability accommodation and safe harbor from physical and mental injuries of the litigant: The judges of this appeal court will not rule on or grant any safe harbor or disability accommodation when the appellate action is for the refusal of the trial court to grant any safe harbor or disability accommodation. If this court grants safe harbor or disability accommodation like Freeman to enable me to prosecute any appellate action, it is a ruling on the appellate action against the trial court, and reversal is required without conducting the appellate action, and the trial court is bound by stare decisis from further denials or evasion of my safe harbor and disability accommodation. If this appeal court denies my request for safe harbor or disability accommodation, it is a ruling in favor the trial court, and the trial court may continue to discriminate. If this appeal court ignores my request for safe harbor or disability accommodation, and claims that this is the only unbiased way to determine the question presented, it is not so. By ignoring my request, this court has ruled in favor of the trial court by repeating that judge's behavior. And what about Freeman? This inevitability of consequences and 'checkmate of possible moves by this court' is a paradox.

This court does not recognize the Freeman stare decisis or resolve the contradiction between the White and the Freeman accommodations. It does not consider the decisive rule of the ADA and CRPD, especially when combined, which leave no room for ignoring such a request or denying it. But when reviewing the conduct of the judges of the court in six cases since 2019, we find a consistent violation of the applicable laws, and endorsement of the prohibited acts of the lower court, while progressively this court indicates hesitation. The records of this court demonstrate that since 2019, this court entirely avoids the questions presented and will not issue any statement of decision on the question, and well demonstrated by the second dismissal in 24-3353. This is not permissible under *Marbury*. This is a paradox.

Under international law, any means of notifying this Circuit and this court of human rights violations in its lower courts is sufficient to trigger this court's duty of compliant action under these instruments. But

this court strictly enforces a statute that is directly in conflict with treaties under Article VI, and whose strict enforcement under this fact pattern violates a *jus cogens* of customary international law. In other words, this court's judges commit a crime in order to apply the law that they choose to follow and to evade the authorities that no judge and no court may fail to follow upon receiving notice of these prohibited acts. This is a paradox.

By evading my requests for safe harbor and disability accommodation, the judges of this court endorsed the actions of the defendant **state judges** and courts in the underlying complaint (19-cv-01986-LHK and 21-cv-04262-JSW) and issued a mandate to White that he must dismiss the ADA claims against the defendants in 21-cv-04262-JSW. White has limited the entire lawsuit in 21-cv-04262-JSWto ADA violations by obstruction of justice[159]. White has stated that there is no lawsuit before his court, and this court has confirmed that there shall be no lawsuit before White. Therefore each evasion by this court to rule on my request for safe harbor and disability accommodation is a ruling in favor of the defendants before due process and a test of merits in the lower court, violating the Fifth Amendment. Since the judges of this court must act with independence and impartiality, this breach of ethics continues unabated, and a reviewing court is incapable of rendering review, while systemic discrimination and a structural defect in constitutional due process in this Circuit remains unaddressed by the deliberate actions of this court and its judges. This is a paradox.

No rule, procedure or policy must be carried out in such a Circuit until the structural defect in jurisprudence and the contradictions and inconsistencies and conflicts of laws exposed by the presence of the disabled pro se litigant are resolved in full. The gravamen of the plaintiff's complaint and legal aims is this judicial reform. Yet we find that this court proceeds without jurisdiction and promotes torture everywhere in jurisprudence. The rejection of Freeman by this court establishes White as the federal standard on disability accommodation in the courts, legalizing discrimination, ad hoc discretionary reckless endangerment and attempted murder, and promoting disability hate crime as a uniform national standard under the ADA. This is a paradox.

A court and its judge(s) may not have an intrinsic bias when adjudicating a question of law. The requirements of ethical independence and impartiality are violated when the dispute exists in federal courts during a question about the same dispute with the state courts. Each court and every judge in this Circuit who dealt with me since 2019, except Freeman, sits with an intrinsic bias by not resolving this essential conflict of interest. 18[160] judges of this appeals court, its commissioner and clerk(s) practice the

[159] This court should inquire from me what parts of the dismissal order by White I cognized I submitted my coerced and involuntary and unprepared and unaccommodated response in 23-15221.
[160] Correction: due to cognitive impairments, I have difficulty counting the number of judges. I believe they may be 19 who have dealt with me.

same unconstitutional due process as the district court and Koh and White, and the state court and state judges. No judge of this appeals court will even consider the question of the structural and systemic defect in due process explained by me since 2019, despite the Freeman Bright Line. The appeal 23-15221 turned on it, but this court and its judges declared that no such consideration may be contemplated under any law. This court signals that it will not resolve this question first and resolve the dispute between me and the federal courts, before proceeding to adjudicate the same dispute between me and the state courts. Therefore, bringing this question to this court is an impossibility, while the federal courts are designated as the forum for such a question. This is a paradox.

The dispute herein infects and controls the courts who preside over the litigation at bar outside constitutional bounds, and provides no mechanism for correction or effective resolution of the dispute. The dispute is over the judicial conduct and the structural defect in due process that prevents for all time the adjudication of the litigation at bar in this forum's courts, by **exterminating the litigant** during the litigation at bar as a condition of attempting to access due process in the litigation at bar. Litigation in this forum's courts by persons of a particular characteristic is in effect, an enrollment in torture and a death sentence without due process of law, in the course of civil proceedings. See my chronological requests for safe harbor and disability accommodation for proof. Meanwhile courts are invented by the US Constitution to "establish Justice" and realize the object and purpose of the US Constitution as expressed by its Preamble. This is a paradox.

Disability accommodation required for access to the court and equalized participation in litigation is required BEFORE access and participation. But this court's position, stated in the public record, is that accommodation shall only be provided after unequal participation and penetration by the litigant of the obstruction of access to the court[161]. Yet, the Eighth Circuit reports that the Judicial Conference is aligned with that Circuit in the commitment to the disabled: "*pursuant to United States Judicial Conference policy, the Eighth Circuit Court of Appeals provides reasonable accommodations to persons with disabilities*", while this Circuit provides no such assurance, and the judges of this court distinctly refuse to acknowledge disabilities and all applicable authorities. And precedents discuss meaningful

[161] In ECF-12 in 24-6312, the clerk assures that there will be a response to my request for safe harbor and disability accommodation. A response to my request is timely within a few days from the making of the request. That time long expired in November 2024. The Freeman Bright Line considers the same medical information as I provided to this court in 2024, and sets the bar at one year as a MINIMUM accommodation by stay. At the eleventh hour of the expiration of the clerk's order now in February 2025, we find no accommodation whatsoever that enables life-saving medical treatment. It may be concluded that there is no intention by this court and its judges to EVER provide any safe harbor or disability accommodation, and this is consistent with the purposeful and intentional infliction of severe and pain and suffering by this court.

access and undue burden and chilling effect while this court declares that even the most needy of disabilities shall receive no accommodation. This is a paradox.

In the best case for the judges of this Circuit, their inhumanity displays as suspicion that a disabled pro se litigant seeks to delay the dispensation of justice. But not one shred of evidence supports that position, except the re-invention of facts under fanatical judicial bias that is the tip of the hatred and contempt of our judiciary for disability and non-conformity and disobedience to their hauteur of rank. The position of our judges is that the invariant methods of ensuring justice must be applied despite the knowing infliction of injuries, reckless endangerment, and intentional criminal judicial acts. Meanwhile the entire judiciary rely exclusively for their legitimacy upon the public trust, whom they assault and mutilate and torture and murder. This is a paradox.

The organization of jurisprudence controlled by this judiciary is one where a litigant with particular characteristics is assured from the outset with a bizarre and unconstitutional course of judicial events and outcomes. No scrutiny is provided for discrimination and violation of human rights of a class of persons who is protected at the highest level of scrutiny by operation of treaties and international law, and by command of Congress which is perennially ignored by our judiciary. Two branches of government disagree perennially on the interpretation of a major federal law that is confirmed as applying to the federal courts[162], but the federal courts refuse to follow it. No finality is possible on a question of law because the judiciary do not wish to be bound by that law, and thus control the adjudication f every case that conflicts with the judiciary's interest to deprecate that law. This is a paradox.

The mushrooming of litigation is inevitable and guaranteed to compound injustice. The operation of jurisprudence ensures the elimination of due process in an original lawsuit, yields guaranteed injustice and the origination of a second lawsuit to seek relief for the injustice in the first lawsuit without right to change the outcome of the first. This in turn yields injustice and the origination of a third lawsuit to seek relief for the injustice in the second lawsuit without right to change the outcome of the second, with the guarantee of injustice in the third lawsuit. Thus jurisprudence guarantees cruel and unusual punishment and deprivation of fundamental rights and injustice to a litigant with particular characteristics, and prolongs his torture by the judiciary. The US Constitution seeks the general Welfare and domestic Tranquility and the Blessings of Liberty. This is a paradox.

[162] See the statement of the purpose of the ADA and its Amendment which requires the federal judiciary to follow it, and note the endorsement of the ADA as a subset of the CRPD and application of the CRPD (and its constituent ADA) to the federal judiciary.

In the state courts, I was tortured then punished with an unlawful award of $600,000 in attorney fees for a lawsuit that was dismissed by unlawful discovery sanctions for my disability and substantial incapacity. Then my doctor was abused, and as a result, this 80 year old exemplary citizen and luminous human being has punitively suffered over $4 million in damages to date for describing my health and predicting my injuries to state judges, resulting in liabilities to me as I am the cause of her ill-treatment as a matter of principle and causation through the absence of my court accommodations. As for me, my punitive damages and liabilities caused by the court are now approximately $7 million. Thus since 2023 when I applied to this court for an injunction to stop the state courts, I have suffered a further $5+ million in punishment on top of the original $600,000 in punishment which I identified to this Circuit's district court under White in 2021. There is no possibility of withdrawal as withdrawal is more consequential than persisting in opposition and petitioning for rights. And no state or federal court will relent from my torture or attempted murder. The only path to stopping my torture and unlawful punishment is to sue and prevail in a test of merits, while test of merits is possible due to a fundamental and systemic defect in domestic jurisprudence which the courts and judges refuse to acknowledge. This is a paradox.

As the mouthpiece of the Ninth Circuit courts on the subject of the legalized discrimination and torture of the disabled pro se litigant[163], judge Jeffrey White insists that it is necessary for a litigant with particular characteristics to endure discrimination and torture in order to earn the right to appeal[164]. White insists that finality of the litigation at bar without due process must be tolerated and the right to appeal earned. White presides in a lawsuit for the same wrongs perpetrated by state judges as he perpetrates in the federal court as the federal judge presiding over the state claims. And White is well habituated to this court's endorsement of his torture and discrimination, and thus he psychologically taunts me by reminding me that if I do not yield to his coercion, I will face the inevitable deprivation of all rights and finality of all my meritorious claims and the benefits for a nation, by the consistent actions of this court that await me. The US Constitution speaks of human beings and their rights while this Circuit's courts and judges treat human beings as fodder for medical experimentation and abject cruelty and inhumanity. This is a paradox.

Similarly, Chief judge Stephen Johnson of the Bankruptcy court insists that I have no right to complain about discrimination and torture in his court. See the filings in the Bankruptcy court and in the Appellate Panel in your Circuit for details. Johnson claims that no protection shall be provided to a litigant with

[163] Judge Jeffrey White has committed the reported prohibited acts with the acquiescence and endorsement of the judges of this appeals court

[164] Read his last writings in the trial court case

particular characteristics. Johnson states plainly and without reservation that he can violate human rights and that I have no personal right of action against his human rights violations. The US Constitution speaks of inalienable rights and Equal Protection. This is a paradox.

Judge Lucy Koh sees no wrong in discrimination and torture by her former friends in the state courts, and she was not disciplined but was promoted to this court despite her prohibited acts. Six years elapsed indicate the appearance that she was promoted FOR her prohibited acts, since they comport with the statistically indicated ethics of this court's judges. Ethics forbids comradery and association that invalidates independence and impartiality that lead to a departure from the supreme Law of the Land. This is a paradox.

18 judges of this appeals court and one commissioner see no wrong in coercing the extraction of information from me under severe pain and suffering and mortal injuries, and abusing me for extraction of incomplete and prejudicial statements, and punishing me for my expression and for being tortured. And my appeals seek relief and remedy for coercion and extraction of information from me by the lower court under severe pain and suffering and mortal injuries, and for abusing me for incomplete and prejudicial statements, and punishing me for being tortured. This is a paradox.

With these overt and unlawful and unethical acts, the only avenue for relief and remedy offered to me is refoulement to jurisprudence under the control of the same judiciary who repeat the same prohibited conduct. At all times, the same judiciary claim to be conducting themselves ethically and their courts constitutionally. Any motion for disqualification is defended as if this is how jurisprudence must be, while the ordinary reasonable person is outraged. Simply read the information provided by my many doctors for the reasonable person view, and then consult the UN Istanbul Protocol that precisely characterizes the behavior of each of these judges as predictable and prohibited. This is a paradox.

Having at least once before tested the effective protections of constitutional and human rights on appeal in the Ninth Circuit in 23-15221, it has been demonstrated that in fact there are no protections of human rights by the Ninth Circuit, and no recognition of fundamental rights for a litigant with particular characteristics. It is not possible for this extraordinary betrayal of the Constitution and morality to be limited only to 18 judges out of 52. When our judiciary are charged as the ultimate bastion of human rights, we find our judges to be the essential violators of human rights with full control over the legalization of human rights violations. The sanctuary that should be our courts is invaded by a judicial philosophy that adheres to the People's enemies. This is a paradox.

The courts protect instigators and perpetrators of prohibited human rights violations in contravention of the US Constitution and customary international law[165] and declare their actions to be lawful. This is a paradox.

I cannot even stop ADA violations by the state courts through this Circuit's courts, while a federal judge in this Circuit who is not tasked with stopping the ADA violations by the state courts insists that no such ADA violations are permissible. This is a paradox.

While the state courts torture and murder me and violate human rights defenders and other disabled litigants, this Circuit's courts to whom I refer to stop the prohibited acts by the state, ensure that my torture is unrelenting and my medical treatment is never provided and thus my lawsuit simply cannot have any effect for its intended purpose, and will never see fairness or any test of merits. Meanwhile the ADA reminds us all that the federal court holds preemption on ADA rulings, this Circuit's courts both contradict and confirm the state courts, while this appeals court plays games and evades essential accommodation which the Eighth Circuit claims to be provided by the order of the Judicial Conference. Thus one judge contradicts another judge in the federal district court, and two Circuit appeals court contradict one another, while no one steps in to protect and save the disabled litigant from torture and death despite the authoritative mandate by Congress enabling such salvation. This is a paradox.

Thus we, the most disadvantaged of all litigants, are systemically excluded from constitutional due process by the judiciary who rapidly lose jurisdiction over us, and who do not provide the right to review. Despite losing jurisdiction by purposefully and intentionally violating our rights and subjecting us to severe pain and suffering, and willfully and knowingly injuring and harming us, judges maintain jurisdiction, and claim that the constitution does not permit any alternate jurisdiction for a rights-deprived and tortured litigant. *Forum nullus* is established by judicial prohibited acts, and our judiciary nevertheless hold jurisdiction and refuse recusal and deliberately propagate and amplify our torture and deprivation of rights. And no other court will take jurisdiction, as I proved in the Tenth Circuit. Thus we must endure the perennial and unrestrained refoulement and re-traumatization that is the policy of the courts when meeting the disabled pro se litigant. No ordinary reasonable person would commit such outrageous and immoral acts, and we are not dealing with ordinary persons, but judges. This is a paradox.

[165] The direct protection of defendant Mandy Brady, and the mandate by White and by this court that the evasion and deprivation of my safe harbor and disability accommodation by the state courts and judges is permissible at law and under ethics. Brady is the instigator of my torture and the discrimination by the courts, having gone as far as suborning the perjury of 'neurologist' Cassini whose fraudulent evaluation is expressly quoted by the recidivist state trial judge Socrates Manoukian in his dismissal order in 16cv295730

Right to review through higher courts as the only means of salvation from unlawful and criminal judicial conduct does not exist, while the higher courts and judicial review are intended to be the safeguard against cruelty, inhumanity, degradation and discrimination by lower courts. This is a paradox.

The outcome is better for every disabled pro se litigant if we never access any court to petition for our rights and never seek any remedies and relief, and instead, simply tolerate the wrongs done to us in society, and endure the loss and damages. We are taught like dogs in Pavlov's laboratory to accept cruelty, inhumanity and degradation at the hands of the judiciary, and therefore conditioned never to seek the courts for legal remedies. The findings of the ADA are copiously reflected in the discrimination by our judges. This is a paradox.

It is the independence, the impartiality and the candor of the judiciary that is the safeguard against the creation, maintenance and incorrigibility of these paradoxes in jurisprudence[166]. Since the paradox is persistent and characteristic of this court over six interactions over six years, judicial ethics are demonstrated as being absent *en masse* and violations of judicial ethics are encouraged according to a systemic and prevalent policy of judicial discrimination and judicial human rights violations.

There is always an underlying truth to a paradox. The truth in this case is sinister and must not be allowed to persist in this or in any nation. Every judge in this Circuit must take corrective action and eradicate every paradox. The Private Attorney General now speaks in the protection of the People.

DUE PROCESS MAY NOT BE HELD IN A *forum nullus* ABSENT JUDICIAL REFORM

At the moment that the disabled litigant is in contact with the court, due process is modified according to the requirements of the ADA and CRPD, with priority to CRPD[167] which is overarching, and protective of non-derogable human rights that are the *jus cogens* of customary international law and require no consent by government for our nation State to be bound. This nation has no intention of evading any treaty commitment or undermining and violating international law or conventions[168], and thus our judges speak as agents of a foreign nation who is not aligned with our morality and do not abide by our Constitution, and on our behalf evade our treaty commitments and undermine and violate international

[166] See international codes of judicial ethics recognized by the US Istanbul Protocol

[167] It has been established herein that the CRPD is operative as federal law, applicable to the federal and the state courts and judiciary, according to its object and purpose, without ratification by Congress.

[168] We, the People, are a progressive and responsible collection of 330 million individuals who insist on Life, Liberty, Justice and human rights for all people of the world, and this is deeply embedded in our national ethos. It draws to us multitudes who are welcomed by the symbol of liberty in New York. We respect international law and our treaty commitments, and where there are contradictions between treaties and treaties and between laws and treaties, we strive to act in good faith and with respect, and according to international etiquette, to change our commitment to treaties when necessary in a manner that does not betray any State's trust. We have not always done so in the past, and we stand foul of several treaties that we have signed since the UN Charter. But we intend to repair this problem and to comply with international law and with our obligations of world citizenship as a State in exemplary fashion. The legacy established by generations of Americans will not be fouled, and the international community can trust and rely on our good faith.

law and conventions. Our judiciary bring this unconstitutional position and apply it in due process in their courts.

There is no sign of accommodation or respect for human rights or fundamental constitutional rights[169] in our courts, when tested by the disabled pro se litigant. This locates the tip of the iceberg of systemic failure of jurisprudence and rapidly exposes an entire iceberg when investigated.

This Circuit is *forum nullus* for all litigation by any disabled litigant, and *forum nullus* for any case involving disability, treaties or human rights. Substantial grounds are provided by the records identified herein of prohibited acts that are statistically highly likely to be committed against every disabled and pro se litigant in this Circuit's courts.

The US Constitution identifies the jurisdiction of its mentioned courts. Associated federal law speaking on jurisdiction of courts, does not provide for *forum nullus*, which is a stupendous and systemic failure by an entire hierarchy of courts to hold constitutional jurisdiction. No precedent contemplates such systemic failure, which is real and present. Jurisprudence is so flawed that upon referral to an alternative court hierarchy[170] permitted by the operation of the US Constitution[171], judges and courts operate to eliminate constitutional rights in favor of rigid compartmentalization of jurisdiction and an absolute insistence on never relinquishing jurisdiction when it is lost, even by judicial acts which are identified as crimes under customary international law.

It is the US Constitution, not conflicting laws, interpretations of laws, rules, procedures and policies of courts that control jurisdiction, and the US Constitution includes treaties, unlike our judges and courts who exclude them from the Supreme Law of the Land.

It is demonstrated herein that Congress failed to legislate the UNCAT and that our government, through its judiciary, refuses to enforce the UNCAT domestically, despite the *jus cogens* of customary international law, and the ratification of the treaty which hold our government to the object and purpose of the treaty. Our judiciary ensure that the object and purpose of the UNCAT is never realized domestically, in particular within the course of jurisprudence. Under no legitimate and consistent interpretation of the US Constitution can this position be maintained.

Any court within which any judge commits these prohibited acts loses jurisdiction. When the hierarchy of the Circuit lose jurisdiction, a *forum nullus* is established and is constitutionally barred from taking or holding jurisdiction. Due process in such a court hierarchy is suspect and presumed to be

[169] Which, by derivation, include the unenumerated human rights which are enumerated in the UDHR.
[170] E.g. the 10th Circuit
[171] Right to Due Process under the Fifth Amendment

unconstitutional. Since the appearance of impropriety is grounds for disqualification of judges upon whom the operation of the courts rely, by default, no judge in the courts of that forum may preside in a *forum nullus*.

Due Process may not be held in a *forum nullus* absent judicial reform.

DISQUALIFICATION IS WARRANTED

With substantial grounds establishing a systemic policy of discrimination and human rights violations, and the consistency of fault with judicial ethics confirmed in this Circuit's courts through one third of its appellate judges who have endorsed prohibited acts by its lower court[172] and by others, measured over six years and through six appeals, it is highly likely that every judge of this court of appeals violates judicial ethics consistently and according to a systemic defect in jurisprudence.

ECF-12 comprises multiple prohibited acts performed by the clerk under the color of authority of the judges of this appeal court, *en banc*, and asserts on the face of the order that the clerk proceeds with the issuance of ECF-12 presumptively authorized *en banc* with full knowledge of my request for safe harbor and disability accommodation, thus further entwining judicial conduct with the clerk's actions and implicating judicial ethics, which require the proper and effective administration of this court by each one of its judges. The action by the clerk under color of authority, is prohibited, and is attributable to each of this court's judges, notwithstanding agreements between judges.

No judge may take control over the bodily autonomy of a disabled and seriously ill human being and deprive him of life-saving medical treatment as a condition of access to due process. But this is the standard operating policy of this Circuit's courts. Fortunately Freeman does not comply with that policy.

The Private Attorney General has demonstrated that a deficiency in judicial ethics systemically controls the judicial conduct of the judges in this Circuit with respect to the treatment of persons with disability. Judicial candor requires judicial respect for the supreme Law of the Land and the *jus cogens* of customary international law, both of which must be simultaneously and immaculately respected by every judge, but no such respect is demonstrated in the courts of this Circuit. Except by Freeman. Thus judicial ethics may be enforced in this circumstance, and every judge of this court required to address a response to this challenge under ethics.

This judicial conduct violates "good Behavior"[173] which is the preeminent standard for judicial ethics for the federal judges in our nation. A simple question is this: would the ordinary reasonable person deprive

[172] District judges have violated human rights at the 66th percentile in sampling over six years
[173] Article III

a disabled and seriously ill pro se litigant of life-saving medical treatment and require him to suffer injury as the cost of litigation and proclaim that this is American justice?

Judge Beth Freeman in accord with the reasonable person.

At the first instance when this Circuit's court were identified by substantial grounds as *forum nullus*, should any judge or court in this Circuit continue to preside or assert jurisdiction over any disabled and pro se litigant, or over any case involving disability, treaties or human rights, then "good Behavior" is absent and a violation of judicial ethics is established. No judicial office must be exercised absent first a correction and restoration of this court to conformity with constitutional jurisprudence and restoration of public confidence. Eighteen judges nevertheless rejected the US Constitution, and statistically, every one of the remaining 34 are highly likely to do so.

To the present day, this Circuit's courts remain *forum nullus* for any disabled and pro se litigant, and for any case involving disability, treaties or human rights. No judge or court in this Circuit must take or hold jurisdiction over any disabled and pro se litigant, or over any case involving disability, treaties or human rights until corrective action has resulted in the persistent reform of jurisprudence in this Circuit consistent with the cited authorities and instruments. Impropriety is otherwise present.

Our judiciary have deprecated "good Behaviour" into insignificance, and evaded the import of the distinction in the text of the US Constitution between a standard for discipline of judicial officers of the United States under Article III and standard for discipline of civil officers of the United States under Article II, and granted themselves extensive immunities that are inconsistent with "good Behaviour" and human rights authorities[174] which the judiciary controls.

Therefore, in order to prevent further evasion and justification of prohibited acts, it is necessary to provide an analysis of judicial ethics pursuant to the Code of Conduct of United States Judges, in order to demonstrate that, even on the basis of inferior ethics promoted by the Code, the judges of this Circuit are found wanting. The discussion applies by the prediction of statistical analysis and the clerk's order in ECF-12 to the judges of this court, *en banc*. Disqualifications for the judges who dealt with my cases may be issued individually in order to supplement this motion.

[174] The American judiciary have ruled that a judge may act corruptly and with malice without fear of liability. This stands in direct conflict with human rights and International Law. See for example *Ballard v. Wall (5th Cir. 2005) 413 F.3d 510, 515, Basile v. Connolly (2d Cir. 2013) 538 F. App'x 5, 3-4, Dellenbach v. Letsinger (7th Cir. 1989) 889 F.2d 755, 757-58, Falls v. Superior Court (1996) 42 Cal.App.4th 1031, 1037, Grandy v. Fowler (Nov. 15, 2011, E052843) ___ Cal.App.4th ___, McCray v. State of Maryland (4th Cir. 1972) 456 F.2d 1, 3, Marcello v. Maine (D. Me. 2006) 464 F. Supp. 2d 38, 42-43, Mireles v. Waco, 502 U.S. 9, 11, 112, Toste v. Superior Court No. C058938 (Cal. Ct. App. Oct. 27, 2009)*

There is no honor when any judge betrays human rights or the US Constitution and undermines our peace and national security, and adversely affects our foreign relations[175] through bad faith and prohibited acts. The *jus cogens* of customary international law are clear, and hold no forgiveness for prohibited judicial conduct[176] that rise to the level of crimes. Low standards of conduct reported by this writing must not be demonstrated at any time. There is no judicial integrity or independence seen under these facts.

Deference to the judgments and rulings of courts depends on public confidence in the integrity and independence of judges. The courts of this nation combined, sit at an unforgivable and historically low legitimacy. The US Supreme court Chief justice expressed concern about violence against our judges.

The integrity and independence of judges depend in turn on their acting without fear or favor. But favor does not mean membership of a 'systemic-policy-club' that condones and legalizes discrimination and torture in the course of jurisprudence[177]. It is not judicial independence to declare one's independence from the law and condemn human rights. And judicial fear[178] must not be so extreme as to justify draconian self-interested precedents permitting malice and corruption by the judiciary and degrading the stature of the judicial office. Such precedents and such judicial failure of independence and integrity justifies the fear of Mr. Roberts for the safety of our judiciary. Men and women of stainless integrity and impeccable good Behaviour are reluctant to associate with such a fearful and lawless judiciary[179], and this nation loses the benefit of their service. Yet not once in the course of six years of my dealings with this Circuit do we find any 'resignation' of any judge in this Circuit from the 'systemic-policy-club' that condones and legalizes discrimination and torture in the course of jurisprudence[180].

Although judges should be independent, they must comply with the law and should comply with the ethics code. Abandonment of "good behavior"[181] , and frivolous defenses to challenges for disqualification under the ethics code[182], do not constitute independence or compliance with ethics.

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[175] *Belgium v. Senegal (ICJ 2012)*: The ICJ held that any state party to the Convention against Torture could invoke the responsibility of another state party that violates the treaty, even if it wasn't directly harmed.
[176] Our judges violates the UN Istanbul Protocol in multiple ways.
[177] When perpetrated in unison and with agreement with other judges, is this not a form of partisanship to maintain the customary comforts of judicial office, and deliver the consistent treatment of pro se litigants which Posner reveals to the public?
[178] See the concerns expressed in precedents that endorse judicial corruption and malice and immunize against civil liability
[179] I often wonder how far we have descended in quality in our courts, when men and women of stainless integrity and good Behaviour well known to me personally would have no hesitation to serve as judges without these grotesque judicial immunities.
[180] Take for example the serial torture and discrimination by White in the District court and Silverman in this court
[181] See multiple frivolous defenses asserted by judge Jeffrey White in the district court of this circuit. Those judges who find no wrong in his conduct as a violator of human rights and a perpetrator of discrimination, it is time for a very close review of your understanding of law and judicial ethics and the expectations of the People of your office.
[182] See White's multiple defenses to ethics questions about his conduct

Adherence to this responsibility of compliance with the law and with observance of human rights and the ethics code helps to maintain public confidence in the impartiality of the judiciary. Conversely, violation of this Code has diminished public confidence in the judiciary and has injured our system of government under law.

In fact, the public perceive an alignment of interests between judges and attorneys, leaving the pro se litigant chilled. Every day, justice in this nation is established through the collective control and conduct of attorneys and judges. Every attorney's livelihood relies on their favor with the court, and freedom from discipline, and every judge is required to have been a practicing attorney[183]. Thus a conflict is indicated when the private person may not challenge the systemic discrimination and the design and invariance of rules, procedures and policies of courts to violate human rights, and exploitative attorney are invited by judges to collude with the deprivation of human rights.

The Canons are rules of reason. The record of this Circuit's courts evidence an absence of judicial common sense and reason. To coerce a seriously ill and disabled litigant, without providing safe harbor for life-saving treatment and without accommodation to provide information and never access the court with a disability or when seriously ill, while holding that due process is on display, is uncommon sense and absence of reason. Such demonstrated judicial conduct is found in every single one of six appeals over six years, and no doubt, upon investigation, in other cases of other victims of the same judicial prohibited acts.

There is no sign in the record that the canons of ethics are applied consistently with constitutional requirements, statutes, other court rules and decisional law, and in the context of all relevant circumstances. The relevant circumstances are that constitutional due process is absent when accommodation and safe harbor are absent, and no privilege exists for any judge to proceed with litigation. Proceeding thus is unethical in addition to being lawless.

In fact, the conduct of the judges of this Circuit, except Freeman, read like a textbook violation of the UN Istanbul Protocol and of the CRPD. On what page and what line is the Constitution do we find the privilege for judges to use our courts to commit crimes? The degree of discipline required for a crime is criminal punishment. Yet the fraternity of judges and attorneys in collusion ensure no such punishment is ever dealt, and law enforcement authorities recognize the impenetrability of the judicial cartel.

Did our judges begin their career intending to join a cartel?

[183] The Fraternity: Lawyers and Judges in Collusion, John Fitzgerald Molloy (Paragon House, St. Paul, Minnesota, 2005). Every judge of this court is required for their eligibility for appointment to have been a licensed attorney.

There is no sign of respect or correct interpretation of the ADA to be found in this Circuit, except Freeman who has directly applied the ADA in the manner intended by the supreme Law of the Land. Freeman is the exception[184]: she has applied ethics consistently with constitutional requirements, statutes, and court rules and decisional law, properly and commonsensically prioritizing those in conflict and applying them in the context of all relevant circumstances. The inescapable conclusion reached by Freeman is that accommodation and ensuring opportunity for life-saving treatment is mandatory as a matter of judicial independence and impartiality, and she has set aside every rule, procedure and policy of this Circuit's courts in deference to superior authorities in human rights and for the elimination of discrimination based on disability in the courts.

A strong appearance of judicial impropriety by appearance of judicial comradery and solidarity is present. Koh for example came from the state courts that mutilated and tortured me and refused to stop their discrimination and human rights violations. In this court, three judges at a time combined on five previous occasions and saw absolutely no wrong in knowingly and willfully torturing and injuring me and depriving me of life-saving treatment, and acquiescing to, and endorsing my torture by other courts, and refouling and re-traumatizing me. The duty for the judges of this court has always been clear under Article VI and the UN Istanbul Protocol and the CRPD.

It is not necessary to engage reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, to find that each judge's honesty, integrity, impartiality, temperament, or fitness to serve as a judge may be impaired. Freeman stands as the resonator of the verdict of many reasonable minds, who are impartial and qualified and educated and reasonable doctors and care providers who speak with independence and with integrity and with one opinion, and are aware of all the relevant circumstances. Since 2019, and repeatedly upon receiving my updated requests for safe harbor and disability accommodation, Freeman has stayed all litigation, discarded rules, procedures and policies of her court that may be used to commit discrimination and torture, and has accommodated me to provide me opportunity for life-saving treatment. No judge in this court has done the same. Statistical analysis confirms that none of you will until you yield to superior authority, which shall always remain the People, and not you.

Every other judge and every other court has usurped and squandered the opportunity that Freeman created for my life-saving treatment. Because it is not practicable to list all prohibited acts, the prohibition in Canon 2A is necessarily cast in general terms that extend to conduct by judges that is harmful although not specifically mentioned in the Code. It is harmful to Justice and to life, liberty,

[184] She declined her membership of the 'systemic-policy-club', which is an organization of judges under a systemic policy of invidious discrimination.

property and rights for any judge to deprive me of bodily autonomy and of life-saving treatment, knowingly and willfully for the purpose of blind obedience to invariant rules, procedures and policies of this Circuit's courts, and for other reasons including comfort. Actual improprieties under this standard include violations of law, court rules, or other specific provisions of the ethics Code. With such extreme violations of laws that remain unrecognized for their preeminence by the judges of this court, *en banc*, my treatment is not the mere appearance of impropriety: it is impropriety personified.

The preeminence and preemption of the herein cited authorities and even judicial ethics itself over court rules, procedures and policies must be respected. There is absolutely no room for any judge to violate human rights. No judge may assert professional incompetence as a defense in ethics. The presumption of judicial knowledge of the law combined with the repeated presentation of my objections, my requests for accommodation and my objections to my ill-treatment and torture establish an egregious lack of faithfulness to the law that is pervasive among our judiciary and systemic in jurisprudence.

The failure of each judge to be faithful to the law and to obey and apply the supreme Law of the Land, both personally and in the course of conducting jurisprudence, constitutes a public manifestation by each judge of the knowing approval of invidious discrimination based on disability, and gives the appearance of impropriety under Canon 2 and diminishes public confidence in the integrity and impartiality of the judiciary, in violation of Canon 2A.

Canon 3 is treated with contempt by the judges of this Circuit, based on six year and 18-judge sample and the behavior of the court's clerk, reflecting the candor and decorum of all judges, *en banc*.

Freeman confirms by the radical contrast in her order with the conduct of the judges of this court, bias in the judicial conduct of the judges this court. Every judge who dealt with me over the past six years, should have granted my accommodation as sought, and considered discrimination and human rights violations as the primary consideration upon my appeals. None did.

Instead, I was subjected to extreme prejudice by every judge who dealt with me and was informed about my serious illness and disabilities and my need for life-saving treatment and for imperative justice[185] in the face of incessant discrimination and torture in the state courts, which continues to the present day. I have never been provided the right to be heard by this court, according to the supreme Law of the Land.

Judges of this court harassed and coerced me to participate unequally and at the cost of serious and irreparable physical and mental injuries and to provide information involuntarily and unpreparedly under intimidation with punishment by dismissal and issuance of mandate, thereby prejudicing me further

[185] UN Istanbul Protocol: relief, remedy, punishment

using my own submitted and incomplete information and my highly impaired and therefore distorted expression by virtue of unaccommodated impairments. Objection to these acts voluminously fill the record of my activities in this Circuit.

The ex parte communication of my opponent Mandy Brady with this court in 24-3353 is inexcusable. It is manipulation for the purpose of promoting my torture and ensuring finality in my oppression. The ensuing prohibited acts by the judges of this court are unconscionable and have been extremely injurious, as predictably evident[186]. A disabled pro se litigant who informed this court of cognitive impairments well demonstrated in the record was punished for his disability, as discussed in the request for safe harbor and disability accommodation in 24-6312 filed in November 2024 and never answered.

In six appeals, there is no sign of fairness or due regard for my right to be heard as a substantially incapacitated litigant[187]. And there is no sign of efficiency[188] since this Circuit's courts and judges repeatedly refuse to consider applicable laws and principles and international instruments, causing me to have to litigate twice and after enormous delays exclusively under the control of judges. At least two complex lawsuits are required for every straightforward civil lawsuit: once to exhaust all domestic remedies while suing every judge and every court through more litigation, and bring international entities to speak the obvious, and then a second time to mandate the reversal of judgments and invalidate the finality of suits, and re-litigate the straightforward civil lawsuit. Judges consider this to be heresy and impermissible. The US Constitution and customary international law consider it to be necessary and non-derogable right.

The overarching goal of an action to disqualify a judge is to prevent harm to those affected by the misconduct and to prevent recurrence[189]. This is the crux of this action.

Is it not political activity prohibited by Canon 5 for the judges of this Circuit to selectively implement parts of the US Constitution, to denigrate treaties and international obligations and to violate the *jus cogens* of customary international law?

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[186] The retaliatory ending of 24-3353 by this court ***EN BANC***, represented by 3 of its 52 judges, is a textbook violation of the Istanbul Protocol

[187] Canon 3A(5). In disposing of matters promptly, efficiently, and fairly, a judge must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay.

[188] Ibid.

[189] Canon 3B(6). Public confidence in the integrity and impartiality of the judiciary is promoted when judges take appropriate action based on reliable information of likely misconduct. Appropriate action depends on the circumstances, but the overarching goal of such action should be to prevent harm to those affected by the misconduct and to prevent recurrence. A judge, in deciding what action is appropriate, may take into account any request for confidentiality made by a person complaining of or reporting misconduct.

When our judges preside over us and our cases, they may firmly believe that justice is being done. When a judge operates with extreme bias, consistent with systemic policy of discrimination, and believes that the path she follows is unassailably sound, and then ignores unmistakable signs of harm and injury and objections and reports of injustice, then the over-confidence of our judiciary is no less than the absence of independence and impartiality fostered by the arrogance of rank and the tyranny ushered in by authority, which judicial ethics must absolutely prevent. It presents an extremely dangerous situation when a prohibited act of such significance as this case brings, must be abated, prevented and punished.

Judges choose to stay within their comfort and will not even consider variance to judicial rules, procedures and policies to abate, prevent or punish these prohibited acts. There is no due process possible before such judges, and the demonstration of *forum nullus* for six years in the courts of this Circuit is justification for a finding of a failure of judicial ethics. Such judges continue to preside nevertheless and demonstrate a continued lack of impartiality in their judicial candor.

THE DEMANDS BY THE PRIVATE ATTORNEY GENERAL ARE JUSTIFIED

The government of the United States, through its judges and courts, tortures its population through the course of jurisprudence, in the name of due process of law[190]. The offense becomes particularly discernable in the treatment of the disabled pro se litigant. There is no domestic mechanism available for stopping, preventing, abating, or punishing torture, by virtue of the control exerted by judges and courts over the availability of protections, relief and remedies from torture, which customary international law insists must be present domestically.

Together, you named judges are the Ninth Circuit court of Appeals, *en banc*. Together as one court, you have tortured me and enabled my attempted murder through jurisprudence, and deprived me of all rights, while you had clear notice that I was under your legal custody and unable to withdraw from litigation. Not once did you stop, prohibit, prevent of punish my ill-treatment and torture and turned a blind eye to torture and my attempted murder by your Circuit's judges, all of which continue in this court.

I write at the cost of injury and severe pain and suffering, with symptoms that would frighten you, and which may signal my end. I have been of death row since 2019 without due process. My psychological therapy has focused on radical acceptance of my death for approximately two years because my care providers are frustrated in having no means to treat me and stop my unconscionable and incessant physical and mental injuries and my decline in health and psyche, despite their pleas to judges and

[190] Read the testimony of three independent victims who have so far come forward in 21-cv-04262-JSW: Leslie Hagan, Eva Danilak, Julia Minkowski. Other victims from other parts of the country are expected to testify.

courts for humanity and compassion and mercy for me. But I write because not writing is more injurious to me, to my family, to my friends, and to innocent people who are victims of the pervasive judicial tyranny in this Land. Your prohibited conduct and your acquiescence to prohibited conduct is degrading to the People of this country who expect far more from their government.

I keep identifying more victims of the same judicial prohibited acts as I have suffered. People are taking action in groups around the country. This week I discovered a number of such individuals in several parts of this nation, and confirmed the pattern of prohibited acts. The problem of which I speak is real and urgent and pervasive and leaves no room for alternate action. Therefore, my facts are not exceptional, although my fact pattern is unprecedented and fit for providing a service to a nation.

The discovery of increasing numbers of victims spread around the country further confirms that my action based on statistics to disqualify all of the judges of the Circuit has merit. The judicial conduct that I seek to end is widespread and consistent, and impermissible.

I assert jurisdiction over unenumerated rights, specifically human rights and the rights of the disabled and the right to non-derogable rights according to the *jus cogens* of customary international law. Except Freeman, every judge in this Circuit with whom I have dealt has confirmed that the prohibited acts are systemic in our courts. I therefore assert that the rights of citizens includes human rights, including freedom from ill-treatment and torture, which may not be separated from the constitutional and legislated rights of citizens and derogated under any circumstances. By conduct and by significant numbers, our judiciary disagree. Except Freeman. Thus my demands are justified.

The requirement of "good Behaviour" does not permit these prohibited acts under any circumstances. The People of the United States look favorably upon the UDHR, the UN Charter and human rights treaties, because the treatment required by them, and the acts prohibited by them, are concordant and harmonious with "good Behaviour" and our nation's core values, and with the US Constitution.

Codes of judicial ethics are deficient in not expressly mandating the recognition, protection and enforcement of human rights and specifying punishment. This must change, Codes of ethics must be more demanding and establish the presence of judges of impeccable standards, not those whose impropriety encroaches into crime.

The *jus cogens* of customary international law may be directly enforced under domestic jurisprudence with private standing to bring the action. And no RUD may modify the *jus cogens* of customary international law. Neither the executive nor the legislative branches have the power to enforce any disability law or treaty against the judiciary who are systemically organized to prevent the enforcement

of any disability law or treaty against the judiciary, and to exclude selected laws that must be enforced. The authorities on a private attorney general action are established at common law and by precedents, and occasional statutes. However, these authorities do not address as any circumstance conformant to these facts. Therefore the Private Attorney General is not bound by any prior authorization by any statute for taking jurisdiction as required in the interests of the People and in protection of the US Constitution, and acts according to the powers inherently reserved to the People under such extraordinary circumstances, not just under the 9th and 10th Amendments. The Private Attorney General acts to break the impass presented by a systemic and impenetrable defect in jurisprudence, and deliver this nation from tyranny by use of international mechanisms endorsed by the US Constitution.

The extraordinary failure of our government to prevent and avert domestic torture is grounds for the broadest powers for the Private Attorney General, including the prosecution of crime of international standing, thus creating a case of first impression on the reach of that office under domestic jurisprudence. The US Constitution requires no less for its defense and preeminence.

Pedantic and frivolous defenses by our judges, evading respect for preeminent laws which are purposefully unrecognized by the judges of this Circuit will not promote public confidence in the integrity and impartiality of the judiciary. A detailed rebuttal in the event of refusal to recuse under this motion is necessary and proper from each named judge.

WHEREBY

The identified judges shall not preside in any case that involves a disabled litigant, or any question of disability or any treaty or human rights[191] pending the outcome and recommendations of an independent investigation according to authorities recognized by the US Constitution and preemptively operative in the present circumstances under international instruments recognized by customary international law[192]. These authorities shall be discussed with Chief judge Murguia of this Circuit.

Every judge named in this document has a non-delegable duty to ensure the identification and protection of every victim of prohibited acts herein discussed, which are systemic to jurisprudence in the Ninth Circuit and elsewhere, and the cessation of further prohibited acts in every forum by every available method within the reach of each judge. No judge must adhere to any rule, procedure or policy of this court as a substitute for the demands and internationally recognized and preemptive process identified by the Private Attorney General.

[191] Erga Omnes
[192] Refer to the UN Istanbul Protocol for guidance

Under judicial ethics, every judge has an inviolable duty of diligence to address defects in jurisprudence and "establish Justice"[193]. No such compliance is seen in this Circuit, except by Freeman. This compliance is required from every judge herein named, with immediate commencement.

No rules, procedure or policy of this court caters for the types of violations and the process for addressing those violations reported herein, and according to applicable laws. Therefore no judge of this court must deal with any action or demand by this plaintiff and Private Attorney General according to customary rules, procedure or policies of this court. Every interaction must be original, unrestrained by custom or norms, and consistent with the authorities herein.

Be very clear in your minds that the Private Attorney General is unrelenting in his mission to reform jurisprudence and will seek remedy, relief and punishment for every prohibited act and any conduct prohibited by the herein authorities. Every judge has a duty to know these authorities, personally abide by them, and apply them correctly as discussed herein and in the referenced materials.

However, make no mistake. It is the duty of the Private Attorney General to protect the innocent, and to show compassion for mistakes, to build up not break down every person who is complicit in prohibited acts to assist them in becoming champions of those they violated and those who may be violated, and to punish the recalcitrant.

The Private Attorney General shall not entertain any conflict of interest, even if it means forfeiting his personal remedies and relief. We enter a modern era where exclusion and separateness must be extinguished from human society with sacrifice and integrity, and every human being must be included, loved and assisted with humanity and understanding to be a harmonious member of a world and galactic society. No one may be excepted.

Therefore set your minds on progress and a sincere mission to excel in humanity and extinguish bias[194], cruelty and degradation and prejudice in your personal conduct. A benevolent judge is a judge who will remain, and be trusted and admired in a new and emerging society.

The Private Attorney General now proceeds through attempted cooperation with the Chief judge Murguia of this Circuit, as well as attempted cooperation with the Judicial Council of the Ninth Circuit and the Judicial Conference of the United States, as well as attempted cooperation with the US Supreme court to reform jurisprudence to end discrimination based on disability and end human rights violations by this nation's judges in the course of jurisprudence. The cooperation of all of the named persons and

[193] Preamble to the US Constitution

[194] *"Yes, court bias exists — and judges must attack it", Judge Bernice Bouie Donald of the United States Court of Appeals for the 6th Circuit, ABA Feb. 11, 2022*

bodies in this writing with the Private Attorney General and with the United Nations is indispensable to the success of this nation and to the legitimacy of our judges and courts.

8 February 2025



Cyrus Hazari

Exhibit E

View documents on PACER (PACER Docket) (https://ca9-showdoc.azurewebsites.us/24-6312)

Date Filed	10/17/2024
Entry #	1
Docket Text	**CASE OPENED.** A copy of your notice of appeal / petition filed in 4:21-cv-04262-JSW has been received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit. The U.S. Court of Appeals docket number **24-6312** has been assigned to this case. All communications with the court must indicate this Court of Appeals docket number. Please carefully review the docket to ensure the name(s) and contact information are correct. It is your responsibility to alert the court if your contact information changes. **Resources Available** For more information about case processing and to assist you in preparing your brief, please review the Case Opening Information (for attorneys (https://cdn.ca9.uscourts.gov/datastore/acms/Attorney-Appeal-Case-Opening-Dec-2019.pdf) and pro se litigants (https://cdn.ca9.uscourts.gov/datastore/acms/Pro-Se-Appeals-Case-Opening.pdf)) and review the Appellate Practice Guide (https://cdn.ca9.uscourts.gov/datastore/uploads/guides/AppellatePracticeGuide.pdf). Counsel should consider contacting the court's Appellate Mentoring Program (https://cdn.ca9.uscourts.gov/datastore/general/2013/03/22/ninth_circuit_applt_lawyer_rep_mentoring_project.pdf) for help with the brief and argument. [Entered: 10/17/2024 10:43 AM]

Date Filed	10/17/2024
Entry #	2
Docket Text	**PRELIMINARY INJUNCTION SCHEDULE NOTICE.** Preliminary Injunction Opening Brief Due (Appellant) 11/14/2024. **For appeal no. 24-6312, 4:21-cv-04262-JSW**.All briefs shall be served and filed pursuant to FRAP 31 and 9th Cir. R. 31-2.1. Failure of the petitioner(s)/appellant(s) to comply with this briefing schedule will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1. [Entered: 10/17/2024 10:46 AM]

Date Filed	10/18/2024
Entry #	3
Docket Text	**DOCUMENT SENT.** Sent check number 150 for $605.00 to the US District Court for processing. [Entered: 10/18/2024 12:16 PM]

Date Filed	10/19/2024
Entry #	4
Docket Text	**DEFECTIVE --- STATUS REPORT** filed by Appellant Cyrus Hazari. [Wrong filing type used, correct entry is DE 5.] [Entered: 10/19/2024 12:12 PM] [Edited: 10/21/2024 10:06 AM]

Date Filed	10/19/2024
Entry #	5
Docket Text	**CORRESPONDENCE** filed by Appellant Cyrus Hazari. [COURT ENTERED FILING to correct entry 4.] [Entered: 10/21/2024 10:05 AM]

Date Filed	11/10/2024
Entry #	6
Docket Text	**MOTION** to File Document Under Seal and Sealed Document Submitted for Filing filed by Appellant Cyrus Hazari.--[COURT UPDATE: Removed motion for miscellaneous request (refiled at DE 7)] [Entered: 11/10/2024 11:37 PM] [Edited: 11/13/2024 02:14 PM]

Date Filed	11/10/2024
Entry #	7
Docket Text	**MOTION** for Miscellaneous Relief filed by Appellant Cyrus Hazari.--[COURT ENTERED FILING to correct DE 6; attached sealed Exhibit B originally filed at DE 6] [Entered: 11/13/2024 02:12 PM]

Date Filed	11/14/2024
Entry #	8
Docket Text	**TERMINATED** participation of Counsel for Appellee Julian Pardo de Zela representing Not Applicable Mandy Brady. [COURT UPDATE: party incorrectly added as appellee at case opening] [Entered: 11/14/2024 02:28 PM]

Date Filed	11/19/2024
Entry #	9
Docket Text	**ORDER FILED.** A review of this court's docket reflects that the filing and docketing fee s for this appeal remain due. Within 21 days after the date of this order, appellant mus t pay to the district court the $605.00 filing and docketing fees for this appeal and file i n this court proof of such payment or file in this court a motion to proceed in forma p auperis. Failure to pay the fees or file a motion to proceed in forma pauperis will result in the automatic dismissal of the appeal by the Clerk for failure to prosecute. See 9th C ir. R. 42-1. The Clerk will serve a Form 4 financial affidavit on appellant. [Entered: 11/1 9/2024 01:39 PM]

Date Filed	12/9/2024
Entry #	10
Docket Text	**RESPONSE** to Order - Filing Fees Due (DE 9) filed by Appellant Cyrus Hazari. [Entered: 12/09/2024 08:39 PM]

Date Filed	12/20/2024
Entry #	11
Docket Text	Originating Court Notice of Fee Received. [Entered: 12/20/2024 12:47 PM]

Date Filed	12/23/2024
Entry #	12
Docket Text	**ORDER FILED.** On December 19, 2024, the district updated its October 25, 2024 docke t entry to reflect that appellant has paid the fees for this appeal. Accordingly, the Nove mber 19, 2024 order is vacated. The opening brief was due on November 14, 2024 and has not been filed. The court extends the deadline for the opening brief to February 1 4, 2025. If appellant seeks additional time to file the opening brief, he must file a moti on requesting an extension of time that complies with the requirements of Ninth Circu it Rule 31-2(b). Appellant's motion to seal and motion for miscellaneous relief (Docket Entry Nos. 6, 7) will be addressed by separate order. Appellant's failure to file the open ing brief will result in the dismissal of this appeal by the Clerk. See 9th Cir. R. 42-1. [Ent ered: 12/23/2024 08:43 AM]

Date Filed	2/10/2025
Entry #	13
Docket Text	**DEFECTIVE---STATUS REPORT** filed by Appellant Cyrus Hazari. [Wrong filing type used, corrected in DE 14] [Entered: 02/10/2025 07:27 AM] [Edited: 02/10/2025 10:22 AM]
Date Filed	2/10/2025
Entry #	14
Docket Text	**CORRESPONDENCE** filed by Appellant Cyrus Hazari. [Court entered filing to correct DE 13] [Entered: 02/10/2025 10:21 AM]
Date Filed	2/10/2025
Entry #	15
Docket Text	**MOTION** for disqualification en banc filed by Appellant Cyrus Hazari. [Court edit to reflect contents of filing] [Entered: 02/10/2025 10:39 PM] [Edited: 02/14/2025 12:46 PM]
Date Filed	2/11/2025
Entry #	16
Docket Text	**MOTION** to File Document Under Seal and Sealed Document Submitted for Filing filed by Appellant Cyrus Hazari. [Entered: 02/11/2025 04:25 PM]
Date Filed	2/13/2025
Entry #	17
Docket Text	**MOTION** to disqualify filed by Appellant Cyrus Hazari. [Court edit to reflect contents of filing] [Entered: 02/13/2025 04:41 PM] [Edited: 02/14/2025 12:51 PM]
Date Filed	2/13/2025
Entry #	18
Docket Text	**MOTION** to disqualify filed by Appellant Cyrus Hazari. [Court edit to reflect contents of filing] [Entered: 02/13/2025 04:48 PM] [Edited: 02/14/2025 12:55 PM]

Date Filed	2/13/2025
Entry #	19
Docket Text	**MOTION** to disqualify filed by Appellant Cyrus Hazari. [Court edit to reflect contents o f filing] [Entered: 02/13/2025 04:51 PM] [Edited: 02/14/2025 12:56 PM]

Date Filed	2/13/2025
Entry #	20
Docket Text	**MOTION** to disqualify filed by Appellant Cyrus Hazari. [Court edit reflect contents of fil ing] [Entered: 02/13/2025 04:58 PM] [Edited: 02/14/2025 12:57 PM]

Date Filed	2/13/2025
Entry #	21
Docket Text	**MOTION** to disqualify filed by Appellant Cyrus Hazari. [Court edit to relfect contents o f filing] [Entered: 02/13/2025 05:05 PM] [Edited: 02/14/2025 12:59 PM]

Date Filed	2/13/2025
Entry #	22
Docket Text	**MOTION** to disqualify filed by Appellant Cyrus Hazari. [Court edit to reflect contents o f filing] [Entered: 02/13/2025 05:09 PM] [Edited: 02/14/2025 01:01 PM]

Date Filed	2/13/2025
Entry #	23
Docket Text	**MOTION** to disqualify filed by Appellant Cyrus Hazari. [Court edit to reflect contents o f filing] [Entered: 02/13/2025 05:12 PM] [Edited: 02/14/2025 01:03 PM]

Date Filed	2/13/2025
Entry #	24
Docket Text	**MOTION** to disqualify filed by Appellant Cyrus Hazari. [Court edit to reflect contents o f filing] [Entered: 02/13/2025 05:21 PM] [Edited: 02/14/2025 01:04 PM]

Date Filed	2/13/2025
Entry #	25
Docket Text	**MOTION** to disqualify filed by Appellant Cyrus Hazari. [Court entered filing to reflect c ontents of filing] [Entered: 02/13/2025 05:24 PM] [Edited: 02/14/2025 01:05 PM]
Date Filed	2/13/2025
Entry #	26
Docket Text	**MOTION** to disqualify filed by Appellant Cyrus Hazari. [Court edit to reflect contents o f filing] [Entered: 02/13/2025 05:32 PM] [Edited: 02/14/2025 01:06 PM]
Date Filed	2/13/2025
Entry #	27
Docket Text	**MOTION** to disqualify filed by Appellant Cyrus Hazari. [Court edit to reflect contents o f filing] [Entered: 02/13/2025 05:35 PM] [Edited: 02/14/2025 01:07 PM]
Date Filed	2/13/2025
Entry #	28
Docket Text	**MOTION** to disqualify filed by Appellant Cyrus Hazari. [Court edit to reflect contents o f filing] [Entered: 02/13/2025 05:38 PM] [Edited: 02/14/2025 01:08 PM]
Date Filed	2/13/2025
Entry #	29
Docket Text	**MOTION** to disqualify filed by Appellant Cyrus Hazari. [Court edit to reflect contents o f filing] [Entered: 02/13/2025 05:41 PM] [Edited: 02/14/2025 01:09 PM]
Date Filed	2/13/2025
Entry #	30
Docket Text	**MOTION** to disqualify filed by Appellant Cyrus Hazari. [Court edit to reflect contents o f filing] [Entered: 02/13/2025 05:46 PM] [Edited: 02/14/2025 01:10 PM]

Date Filed	2/13/2025
Entry #	31
Docket Text	**MOTION** to disqualify filed by Appellant Cyrus Hazari. [Court edit to reflect contents o f filing] [Entered: 02/13/2025 05:53 PM] [Edited: 02/14/2025 01:11 PM]
Date Filed	2/13/2025
Entry #	32
Docket Text	**MOTION** to disqualify filed by Appellant Cyrus Hazari. [Court edit to reflect contents o f filing] [Entered: 02/13/2025 06:00 PM] [Edited: 02/14/2025 01:18 PM]
Date Filed	2/13/2025
Entry #	33
Docket Text	**MOTION** to qualify filed by Appellant Cyrus Hazari. [Court edit to reflect contents of fi ling] [Entered: 02/13/2025 06:04 PM] [Edited: 02/14/2025 01:20 PM]
Date Filed	2/14/2025
Entry #	34
Docket Text	**DEFECTIVE --- STATUS REPORT** filed by Appellant Cyrus Hazari. [Wrong filing type us ed, corrected in DE 35] [Entered: 02/14/2025 09:52 PM] [Edited: 02/18/2025 12:03 PM]
Date Filed	2/14/2025
Entry #	35
Docket Text	**CORRESPONDENCE** filed by Appellant Cyrus Hazari. [Court entered filing to correct D E 34] [Entered: 02/18/2025 12:02 PM]
Date Filed	2/18/2025
Entry #	36
Docket Text	**MOTION** for Miscellaneous Relief filed by Appellant Cyrus Hazari. [Entered: 02/18/202 5 04:00 PM]

Date Filed	3/3/2025
Entry #	37
Docket Text	**ORDER FILED.** Lisa B. Fitzgerald, Appellate Commissioner. The motions (Docket Entry Nos. 6 and 16.2) to file under seal the exhibits in support of the motions for a stay of appellate proceedings are granted. The clerk will maintain un der seal Docket Entry Nos. 6, 7.2, and 16. The motions (Docket Entry Nos. 7 and 16.1) t o stay appellate proceedings are treated as requests to administratively close this app eal and are granted. The clerk will close this docket for administrative purposes. No ma ndate will issue and the court may reopen this case at any time, on its own initiative or at the request of a party. [Entered: 03/03/2025 03:15 PM]

Date Filed	4/16/2025
Entry #	38
Docket Text	**Emergency MOTION** Circuit Rule 27-3 Certificate filed by Appellant Cyrus Hazari. [Co urt edit to update PDF. PDF of motion in DE 40] [Entered: 04/16/2025 12:18 PM] [Edite d: 04/16/2025 02:25 PM]

Date Filed	4/16/2025
Entry #	39
Docket Text	**MOTION** to File Document Under Seal and Sealed Document Submitted for Filing file d by Appellant Cyrus Hazari. [Entered: 04/16/2025 12:20 PM]

Date Filed	4/16/2025
Entry #	40
Docket Text	**MOTION** to Stay Lower Court or Agency Proceedings/Order/Judgment filed by Appell ant Cyrus Hazari. [Court entered filing, PDF from DE 38] [Entered: 04/16/2025 02:23 P M]

Exhibit F

Case Details

General

Create a New Filing (/casedetails/newfiling/?refentity=pcx_case&refid=556160aa-b98d-4d0d-afa3-2304adf6db8d&refrel=pcx_case_pcx_casemotion_case)

Case Number

25-3879

Case Name

Hazari v. County of Santa Clara, et al.

Received Date

6/20/2025

Fee Status

Paid

Case Participants

Parties

Case Participant Name	Cyrus Hazari
Participant Role	Appellant
A Number	
Is Lead	Yes

Case Participant Name	Brian Rosa
Participant Role	Appellee
A Number	
Is Lead	No

Case Participant Name	Carolyn Walsh
Participant Role	Appellee
A Number	
Is Lead	No

Case Participant Name	County of Santa Clara
Participant Role	Appellee
A Number	
Is Lead	Yes
Case Participant Name	County of Santa Clara Board of Supervisors
Participant Role	Appellee
A Number	
Is Lead	No
Case Participant Name	Dennis Contra
Participant Role	Appellee
A Number	
Is Lead	No

Case Participant Name	Gary Flagg
Participant Role	Appellee
A Number	
Is Lead	No
Case Participant Name	Jack Zog
Participant Role	Appellee
A Number	
Is Lead	No
Case Participant Name	John Toth
Participant Role	Appellee
A Number	
Is Lead	No

Case Participant Name	Kirk Girard
Participant Role	Appellee
A Number	
Is Lead	No



< 1 2 >

Attorneys

Case Participant Name	Michael L. Rossi
Participant Role	Counsel for Appellee



Docket Entries

View documents on PACER (PACER Docket) (https://ca9-showdoc.azurewebsites.us/25-3879)

Date Filed	6/23/2025
Entry #	1
Docket Text	**CASE OPENED.** A copy of your notice of appeal / petition filed in 5:19-cv-04392-BLF h as been received in the Clerk's office of the United States Court of Appeals for the Nint h Circuit. The U.S. Court of Appeals docket number **25-3879** has been assigned to this case. All communications with the court must indicate this Court of Appeals docket number. Pl ease carefully review the docket to ensure the name(s) and contact information are cor rect. It is your responsibility to alert the court if your contact information changes. **Resources Available** For more information about case processing and to assist you in preparing your brief, please review the Case Opening Information (for attorneys (https://cdn.ca9.uscourts.g ov/datastore/acms/Attorney-Appeal-Case-Opening-Dec-2019.pdf) and pro se litigants (https://cdn.ca9.uscourts.gov/datastore/acms/Pro-Se-Appeals-Case-Opening.pdf)) and review the Appellate Practice Guide (https://cdn.ca9.uscourts.gov/datastore/uploads/g uides/AppellatePracticeGuide.pdf). Attorneys should consider contacting the court's A ppellate Mentoring Program (https://cdn.ca9.uscourts.gov/datastore/general/2013/03/ 22/ninth_circuit_applt_lawyer_rep_mentoring_project.pdf) for help with the brief and ar gument. [Entered: 06/23/2025 10:47 AM]

Date Filed	6/23/2025
Entry #	2
Docket Text	**ADDED** Counsel for Appellee Michael L. Rossi (omitted from the docket at case openin g in error) [Entered: 06/23/2025 11:02 AM]

Date Filed	6/23/2025
Entry #	3
Docket Text	**PRELIMINARY INJUNCTION SCHEDULE NOTICE.** Preliminary Injunction Opening Bri ef Due (Appellant) 7/21/2025, Preliminary Injunction Answering Brief Due (Appellee) 8/ 18/2025. **For appeal no. 25-3879, 5:19-cv-04392-BLF**.All briefs shall be served and fil ed pursuant to FRAP 31 and 9th Cir. R. 31-2.1. Failure of the petitioner(s)/appellant(s) to comply with this briefing schedule will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1. [Entered: 06/23/2025 11:04 A M]

Date Filed	6/24/2025
Entry #	4
Docket Text	Amended Notice of Appeal Received. [Entered: 06/24/2025 01:50 PM]

Date Filed	7/16/2025
Entry #	5
Docket Text	**MOTION** for Judicial Notice filed by Appellant Cyrus Hazari. [Entered: 07/16/2025 11:10 PM]

Date Filed	7/16/2025
Entry #	6
Docket Text	**Emergency MOTION** Circuit Rule 27-3 Certificate filed by Appellant Cyrus Hazari. [Entered: 07/16/2025 11:29 PM]

Date Filed	7/16/2025
Entry #	7
Docket Text	**MOTION** to File Document Under Seal and Sealed Document Submitted for Filing filed by Appellant Cyrus Hazari. [Entered: 07/16/2025 11:32 PM]

Date Filed	7/16/2025
Entry #	8
Docket Text	**MOTION** for Miscellaneous Relief filed by Appellant Cyrus Hazari. [COURT ENTERED FILING to refile motion in DE 6.] [Entered: 07/17/2025 07:47 AM]

Date Filed	9/2/2025
Entry #	9
Docket Text	**ORDER FILED.** (Sidney R. THOMAS, Barry G. SILVERMAN, Mark J. BENNETT) This court lacks jurisdiction over this appeal because the orders challenged in the notice of appe al are not final or immediately appealable. See 28 U.S.C. § 1291; Silberkleit v. Kantrowit z, 713 F.2d 433, 434 (9th Cir. 1983) (order granting or denying a stay of proceedings is not generally a final decision appealable under 28 U.S.C. § 1291); United States v. Wash ington, 573 F.2d 1121, 1122 (9th Cir. 1978) (order denying motion to disqualify judge i s not final or appealable). This appeal is therefore dismissed. See 9th Cir. R. 3-6(b) (if court determines it lacks jur isdiction, court may dismiss appeal without notice or further proceedings). All pending motions are denied as moot. No further filings will be entertained in this closed case. DISMISSED. [Entered: 09/02/2025 02:51 PM]

Exhibit G

Cyrus Hazari, Pro Se Plaintiff & private attorney general
15209 Blue Gum Court, Saratoga, CA 95070
Tel: 408 898 4470
Email: cyrus@metafusion.net

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

Cyrus Hazari **Plaintiff & Private Attorney General** v. County of Santa Clara et al **Defendants - Appellee**	Case# 19-cv-04392-BLF DISQUALIFICATION[1]

Contents

SUMMARY AND PREFACE....1
THE OPERATIVE FACTS DEMONSTRATE ABSENCE OF JUDICIAL ETHICS....18
DISQUALIFICATION IS WARRANTED....32
THE INTERPRETATION OF THE US CONSTITUTION IS JUDICIALLY RESTRICTED....52
THE ADA REINFOCED BY THE CRPD ARE BOTH JUDICIALLY NULLIFIED....59
THE ESSENTIAL VIOLATION OF TREATIES ARE JUDICIALLY MANDATED....86
THE UNTENABLE PARADOX IN JURISPRUDENCE VIOLATES JUDICAL ETHICS....106
DUE PROCESS MAY NOT BE HELD IN A *forum nullus* ABSENT JUDICIAL REFORM....118
THE DEMANDS BY THE PRIVATE ATTORNEY GENERAL ARE JUSTIFIED....120
WHEREBY....123

SUMMARY AND PREFACE

This motion and notice of disqualification of judge Beth Freeman of the Northern District of California is based upon substantial grounds recorded in the following court records:

[1] Revised. Wrong version posted on April 10, 2025 due to cognitive impairments

- District court of Northern California 19-cv-01986-LHK, 19-cv-04392-BLF, 21-cv-04262-JSW
- In the 9th Circuit of Appeals: 19-16291, 22-16046, 22-16174, 23-15221, 24-3353, 24-6312 and several amended notices of appeal which were in essence simply ignored
- 9th Circuit Bankruptcy 23-50690, and Appellate Panel NC-24-1204
- In the 10th Circuit courts 23-cv-03168 (Denver) and appeal 24-1107
- US Supreme court: 23-7017, 24-5808, 24-6012, and multiple other submissions to that court
- Superior court of Santa Clara County, California, 16cv295730, 17cv312522, 18cv335914, 18cv337311, 19cv350958
- California Sixth District court of Appeals, H051863, H052596, H052601, H052563, H052068, H051831, H051766, H051717, H051557, H049580, H049414, H049025, H048909, H048827, H048755, H048725, H048713, H048512, H048471, H048396, H048298, H048283, H047999, H047840, H047822, H047655, H047629, H047629, H047629, H047614, H047603, H047541, H047511, H047470, H047432, H047432, H047432, H047432, H047432, H046710, H046595, H046576, H046576, H046576, H028327, H020863, and multiple actions that could not be brought due to invariant deadlines[2]
- California Supreme court, S284268, S284075, S283992, S283705, S268997, S267318, S267314, S266549, S266540, S266474, S266471, S265717, S263716, S263714, S263711, S263610, S253843, S253843, S253843, and multiple actions that could not be brought due to invariant deadlines.

The judge may not preside in any case that involves a disabled litigant, or any question of disability or treaty or human rights, pending the determination resulting from an independent investigation according to authorities recognized by the US Constitution and original federal common law, and preemptively operative in the present circumstances under international instruments applicable to human rights treaties and according to pre-emptory norms of customary international law[3].

The reach of this disqualification is based upon substantial grounds in the record, the international instruments and standards herein referenced which are respected by the US Constitution through Article VI, the legal discussion herein, common sense, and statistical analysis. The disqualification refers to Article III, the Code of Conduct of United States Judges[4] and internationally recognized codes of

[2] i.e. discrimination based on disability and/or serious illness

[3] See the United Nations Istanbul Protocol and the requirement of a necessary independent investigation based on the substantial grounds of prohibited judicial acts that are presented in the records identified. Other authorities are identified herein.

[4] Beyond judicial ethics, the judge's conduct implicates fundamental human rights protections under international law, particularly the absolute prohibitions against torture and cruel, inhuman, or degrading treatment or punishment (CIDT). The United States is party to both the UN Convention Against Torture (UNCAT) and the International Covenant on Civil and Political Rights (ICCPR), and the Committee on the Rights of Persons with Disabilities (CRPD) which is pending ratification but nevertheless must be obeyed in good faith according to its object and purpose.

judicial ethics[5], and 28 USC § 455. The overarching goal of this action to disqualify this judge is to prevent harm to those affected by the misconduct and to prevent recurrence[6]. The harm is repetitive, predictable and there are no mechanisms to stop or prevent it through the customary and familiar course of jurisprudence.

This disqualification and the associated motion to enjoin are filed early in the procedural history of this case, based on statistical confirmation of the inevitable conduct of this judge under a uniform national judicial policy requiring the violation of non-derogable human rights of litigants with particular characteristics, shared by the Plaintiff. By her orders in ECF-87 and 93, the judge has confirmed that she will act consistently with this prohibited judicial policy that is statistically confirmed as existing nationwide. The conduct of the judge confirms with specificity, the truth of the allegations made by the Plaintiff and the Private Attorney General to 10 representative state and federal courts, and now active as a complaint in international human rights bodies, that state and federal judges and court in the United States will not hesitate to violate human rights with impunity in the administration of justice, and that the long-standing criticisms by international bodies of the state of human rights in the United States, and the non-compliance by our government with human rights treaties and the *jus cogens* of customary international law, including absolute prohibitions thereunder, is real, systemic, pervasive, and uncorrectable through government, including the "judicial process" which the United States has assured its international partners to be effective in preventing and punishing the conduct that we see on display by this judge.

This disqualification examines serious allegations leveled against a United States federal judge concerning the treatment of a plaintiff whom she confirmed for approximately six years as being seriously ill and disabled. The central allegation is that the judge, despite possessing prior knowledge of the plaintiff's condition and having previously granted necessary accommodations, subsequently compelled the plaintiff's participation in litigation proceedings without access to life-saving medical treatment and essential disability accommodations. Key elements of the alleged conduct include the judge's awareness of the plaintiff's significant health vulnerabilities, the prior provision and subsequent abrupt withdrawal of Safe Harbor and disability accommodations, and the alleged use of judicial authority to coerce participation despite the apparent risk of severe health consequences, potentially including irreparable harm or even death. These alleged actions raise profound questions regarding judicial conduct and the fundamental rights of litigants within the U.S. legal system.

[5] Enumerated in the UN Istanbul Protocol.
[6] Code of Conduct of United States Judges Canon 3B(6)

When this judge was requested personally to intervene and stop human rights violations by others, via my request for Safe Harbor and disability accommodation ("Accommodation")[7] in ECF-76, this judge refused to intervene and address and action human rights violations by others, in violation of the US Constitution and human rights treaties and the *jus cogens* of customary international law. Instead, the judge acquiesced to and endorsed the human rights violations by others, and certified me to be refouled and tortured by other judges and courts and others. In the process, she subjected me to ill-treatment and torture, and when asked to stop her conduct and reconsider her actions, she refused to do so in ECF-93. Based on persuasive statistics obtained through severe pain and suffering and torture, by the Plaintiff, over seven years and dealings with over 40 state and federal judges, the Private Attorney General proclaims that upon verification of the identical pattern of prohibited conduct by each judge, no tolerance for human rights violation shall be shown to any judge and one strike is sufficient, and actual and imminent and criminal harm must be mitigated by all lawful and approved means including disqualification under judicial ethics.

More particularly, the judge displayed the intent to inflict ill-treatment and to purposefully propagate torture that commenced in 2018 in the California courts and spread to this court through 19-cv-01986-LHK, matured through 21-cv-04262-JSW in the federal system, and now infects this lawsuit through a conspiracy of defendants. The judge acquiesced to, endorsed, and perpetrated torture and ill-treatment, instead of her duty under the law to cause an investigation and stop torture and ill-treatment, and the exploitation of human rights under judicial control, dead in its tracks and according to the UN Istanbul Protocol[8]. The torture of the litigant stems from his California litigation, wherein numerous orders certifying him for torture by every California court have been issued for seven years, and presented to federal judges by defendants who instigated and purposefully perpetrated Plaintiff's torture in the federal courts under the color of authority of the state courts, and under their licensure as officers of the federal courts. Judge Freeman gave full faith and credit to the torture by the state judiciary and their call for Plaintiff's torture and their certification of his fitness to be tortured as the cost of participation in litigation, despite the pending litigation in 21-cv-04262-JSW in her own district court which challenged the state judiciary's actions.

[7] The motion was to secure ONE YEAR of stay in this court, but it also contained a UN Istanbul Protocol-compliant human rights complaint, which this judge was required to notice and respond to. She did not. Later it became apparent that she intentionally did not.
[8] Although the Istanbul Protocol is primarily designed as a manual for the investigation and documentation of torture after it has allegedly occurred, its principles carry broader implications for the conduct of all state officials, including judges, who interact with individuals potentially vulnerable to or alleging such treatment. The Protocol is grounded in the absolute prohibition of torture and cruel, inhuman or degrading treatment or punishment, and the corresponding state obligation of prevention. A judge's disregard for known, severe medical needs and necessary disability accommodations, creating a risk of severe suffering or irreparable harm to compel participation in legal proceedings, is fundamentally at odds with the Protocol's emphasis on preventing harm, respecting physical and psychological integrity, and giving due weight to medical realities. Such conduct falls short of the standards implicitly expected of judicial officers under the framework established by the Protocol for dealing with vulnerable individuals in situations where ill-treatment is a potential risk or consequence.

The purpose of the judge, who had been an exemplary protector and anchor of human rights in the nation's courts until March 1, 2025, turned to the coercion and intimidation of the Plaintiff to litigate unaccommodated at the cost of serious and irreparable injuries in order to ensure the invariance of rules, procedures and policies of the Circuit's courts, under a requirement of her total obedience to a pervasive criminal ideology shared by the judiciary of this nation *en masse*, which derogates absolutely protected human rights. The radical contrast in her judicial conduct before March 1, 2025 and subsequently is proof of Plaintiff's thesis in every state and federal court, including the US Supreme court, and categorical confirmation of the 'verdict' of the Committee Against Torture (CAT) in CAT/C/USA/CO/3-5[9]. Thus, the Private Attorney General may now represent to the CAT that the judiciary in the United States *en masse* **and without exception**, systemically violate the absolute prohibitions under the *jus cogens* of customary international law which the United States has assured are prohibited throughout the United States and its territories.

Knowing through ECF-91 the serious and irreparable injuries that she inflicted, which informed her objectively of the harm she caused in handling and denying the Accommodation request, and being eminently familiar with Plaintiff's physical and mental condition and dire circumstances over almost six years prior, and knowing how she caused the deprivation of life-saving medical treatment for the Plaintiff at an unprecedented level with predictable and potentially fatal harm, the judge nevertheless proceeded with impunity to inflict severe pain and suffering upon the Plaintiff by ordering his unaccommodated participation. The actions of the judge are of particular interest to human rights bodies, to which the Private Attorney General demonstrates the complete absence of the "alternate mechanisms" alleged to be present in domestic law and jurisprudence by the United States in its initial and periodic reports to the CAT and confirmed by Congress[10].

By deliberately conflating **ability** with **capacity**[11], the judge promoted every judge in the nation, through her preemptive federal stare decisis on a federal question (court Accommodation), to use an illogical and

[9] From CAT/C/USA/CO/3-5 "*Notwithstanding the State party's statement that under United States law, acts of torture are prohibited by various statutes and may be prosecuted in a variety of ways, **the Committee regrets that the specific offence of torture has not yet been introduced at the federal level**. The Committee is of the view that the introduction of the offence of torture, in full conformity with article 1 of the Convention, would strengthen the human rights protection framework in the State party. The Committee also regrets that the State party maintains a restrictive interpretation of the provisions of the Convention and does not intend to withdraw any of its interpretative understandings lodged at the time of ratification. … especially with regard to articles 1 and 16 of the Convention, the Committee recalls that, under international law, **reservations that are contrary to the object and purpose of a treaty are not permissible** (arts. 1 and 2, paras. 1 and 4)."*

[10] The USA has insisted that the "judicial process" is sufficient to ensure US compliance with the UNCAT, which is so stated in its RUD, and in Congress Executive Report 101-30 to accompany Treaty Doc 100-20.

[11] The distinction between "ability" (superficial capacity to perform an act) and "capacity" (ability to perform the act meaningfully and safely without undue risk or harm) is crucial for due process. Refusing necessary accommodations and disregarding the impact of serious illness/disability, especially while conflating superficial "ability" with true "capacity" to participate safely, constitutes manifesting bias. The judge fails to treat the litigant based on their actual circumstances, of which she is thoroughly and well-informed, thus indicating that her conduct is influenced by apparent prejudice against accommodating the disability and illness. Despite her knowledge of Plaintiff's health, his dangerous sensitivity to distress from ill-treatment and torture by the court, and his circumstances revealed to her over almost six years

inapplicable UNIFORM NATIONAL STANDARD of human rights deprivation in the courts, in the adjudication of court Accommodation, and to crush the standing of human rights and human rights treaties and the absolute prohibitions of the *jus cogens* of customary international law, which are enshrined in the US Constitution and expressed by Article VI as dominant components of the supreme Law of the Land. Thus she participated in a national judicial subversion of preeminent law, which holds the standing of supreme Law of the Land.

When confronted with evidence of ADA and CRPD violations by the state judiciary, and confirmation of the ill-treatment and torture by the state judiciary reported to her in the previous filings by the Plaintiff since 2019, this judge abandoned her federally preemptive role with respect to rulings on the ADA and CRPD by giving preemptive status to contradictory state rulings[12] that were not final judgements. When confronted with a human rights complaint under the UN Istanbul Protocol, this judge turned a blind eye[13] to Plaintiff's torture and ill-treatment and permitted Rossi and the defendants to commit a criminal act with success in the judge's court.

There is no sign of any medical rebuttal disallowing Accommodation to a highly endangered litigant, despite the judge granting extensive Accommodation exceeding five years of stay based on medical information about the Plaintiff, thus admitting the essential need for Accommodation and the importance of Plaintiff's access to life-saving medical treatment.

The radical departure from her human-rights-compliant conduct, and her sudden condemnation of a human being to non-human status comparable to chattels and corporations, while stripping the Plaintiff of non-derogable rights in the name of fairness and 'due process' and 'equal protection', confirms that human rights hold a tertiary position in jurisprudence if at all, despite *jus cogens*, and despite absolute prohibitions under customary international law and human rights treaties.

By her radical departure from her human-rights-compliant conduct, the judge now demonstrates the specific intent to violate human rights to enforce procedure and the national judicial policy of derogation

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and 10 separate communications, the judge *insisted* on Plaintiff's unaccommodated participation, mischaracterizing the plaintiff's ability and ignoring his actual capacity and the dire health risks. Ignoring the distinction between ability and capacity, and the need for life-saving treatment, shows a lack of competence in handling cases involving severe disability and health issues fairly. The judge's actions are disrespectful and lack dignity, dismissing the litigant's critical health needs and capacity limitations. The judicial conduct denies a fair hearing by making safe and meaningful participation impossible. Coercing participation beyond capacity violates the right to adequate facilities and conditions for due process and defense. This conscious disregard for fundamental safety and capacity meets the high threshold for willfulness under 18 U.S.C. § 242 providing the appearance of impropriety.

[12] Provided to her through the defendants in this lawsuit under a conspiracy with the defendants in 21-cv-04262-JSW

[13] The Istanbul Protocol serves as a critical tool for combating impunity for torture and cruel, inhuman or degrading treatment or punishment. It establishes detailed standards for states, legal professionals, health professionals, and human rights defenders on how to effectively investigate and document allegations of torture and ill-treatment, consistent with international law. While focused on investigation and documentation, its underlying principles are grounded in the absolute prohibition and the state's duty to prevent torture and cruel, inhuman or degrading treatment or punishment. The 2022 revision incorporates lessons learned over two decades, strengthening guidance on impartiality, transparency, civil society participation, and considerations for vulnerable populations

of human rights in the courts, in a manner that ensures injury and potentially death of the litigant whose bodily autonomy she controls under the impossibility of withdrawal, depriving him of life-saving medical treatment, and intimidates and coerces responsive pleadings and information from the Plaintiff which are known and calculated to induce severe pain and suffering, and injury, which the judge then uses against the Plaintiff to further prejudice him[14].

While ill-treatment[15] requires no intent, and torture requires no specific intent, the judge demonstrates the specific intent, to deliberately proceed with a policy of discrimination and ill-treatment and torture, knowing that severe pain and suffering would result to the Plaintiff. When informed of the serious injuries that she caused by her order, and will cause by her continued conduct, the judge demonstrates specific intent to torture the Plaintiff, deliberately ignoring the facts which she confirmed for over five years as being true and controlling, and intentionally proceeded with her order for the purpose of ensuring that the court's policy remain unchanged and be used to inflict pain and suffering upon such litigants. By giving control of Accommodation to Rossi and the defendants, who conspire with Mandy Brady and her attorneys[16] to torture the Plaintiff, and to achieve unjust enrichment through the courts[17], the judge did not apply a medical standard or human-rights-compliant rationale to the adjudication of Accommodation, which is treated by every court in this nation as a matter of casual discretion of individual judges, instead of the strict scrutiny and Due Process that such Accommodation requires.

The judge ignored the specific facts provided by the Plaintiff and the Private Attorney General regarding foul play by the defendants delivered personally by Rossi, who used, the **endorsement by state judges of the Plaintiff's torture, for full faith and credit under Article IV[18] of the US Constitution, to create a deadlock with Article VI preeminence of human rights treaties and the absolute prohibitions of the *jus cogens* of customary international law[19]**. The torture of the Plaintiff by the state courts and defendants, as well as by the assigned federal district judge is on appeal for torture in the course of proceedings in this district court. Thus Rossi intertwined and related lawsuits, and converted this lawsuit into a matter that requires consideration at the highest national and international levels and created a further case and controversy in international relations and detriment to the national security of

[14] Compare with the elements of Article 1 of the UNCAT
[15] "Cruel, inhuman or degrading treatment or punishment" is prohibited under Article 16 of the UNCAT, Article 15 of the CRPD, Article 7 of the ICCPR
[16] See 21-cv-04262-JSW
[17] It is critical for Mandy Brady and her attorneys that they thwart the Plaintiff's rights in property and eliminate any relief and remedies to him for past wrongs, continuing to the present day, committed by the defendants in this lawsuit. This is documented by the Private Attorney General in a separate writing.
[18] Unfortunately for the judge, the state court orders she relied on did not have the standing of finality, i.e. verdicts, judgments, etc.
[19] This issue is far beyond the reach of judge Beth Freeman presiding in a civil lawsuit which must now either be amended to include the significant rights violations by Rossi and the defendants or be referred to higher courts and international bodies for priority resolution. The judge has the power for certify for certiorari in the first instance, and this is a precedential case, with a rich history in the Ninth Circuit court of Appeals, all of whose judges were disqualified by the Plaintiff and Private Attorney General in 24-6312

the People by his exploitation of a well-understood mechanism of diverting the course of justice, in which the defendants in 21-cv-04262-JSW are highly proficient and whose assistance was essential to Rossi for unjust enrichment. He also compounded the liability for his clients and employer.

In unquestioningly confirming the binding status of the unlawful state court conduct and orders as stare decisis, while a question of their lawfulness is open in 21-cv-04262-JSW in the same district court of which this judge had notice, and without the requisite investigation under human rights standards promulgated and agreed by the United States through treaties and express representation to human rights bodies, the judge demonstrated the specific intent to commit the act and the harm prohibited by international instruments.

The United States government has assured the CAT[20] that such conduct will not be permitted and that such harm shall be punished by its government. Instead, we see the judge proceed with ill-treatment and torture of the Plaintiff with impunity.

By delegating her duty, and abandoning her personal findings of fact and evaluation of Plaintiff's health and circumstances for over five years, the judge ensured that the defendants will now be subject to prosecution and criminal punishment elsewhere, while her specific intent to torture the Plaintiff despite her personal knowledge of his status and needs confirms the statistics by the Private Attorney General that 100% of state and federal judges in this nation must be presumed to subvert Article VI of the US Constitution and to violate the non-derogable rights of litigants in contravention of customary international law including its absolute prohibitions. Thus the judge implicates over 30,000 judges of this nation as primed and unquestioning about inflicting human rights violations upon litigants, with impunity.

The judge demonstrated an extraordinary trivialization of human rights, including unenumerated rights enshrined in the US Constitution which is the mandate of the Private Attorney General to enforce nationally, under authority of the 9th and 10th Amendments and the Article VI preeminence of human rights treaties and customary international law. No judge may intimidate or coerce the Private Attorney General into silence on a matter of public importance, by transparent and frivolous tactics such as his 'demonstrated ability'. And his **capacity** is prolifically undermined by judges with the specific intent to silence him and punish him through intentional substitution and equivalence held with **ability,** which is always only demonstrated under coercion and intimidation to cause him to provide information and expression which are then always used to his prejudice.

[20] United Nations Committee Against Torture

The CAT has authoritatively indicated that the UNCAT must be enforced directly and according to its object and purpose within the United States and its territories, in the absence of compliant federal statutes, and without a RUD as the RUD is non-compliant with dominant law. The Private Attorney General has confirmed to the US Supreme court by analysis, that the RUD is non-essential and severable, with confirmation indicated to the CAT. The United States recognizes the authority of the CAT. The US Supreme court has not occupied the field and the Private Attorney General proceeds to make it so, and holds the high court to account. The judge has now personally satisfied each element of Article 1 and 16 of the UNCAT, and has resoundingly confirmed the facts provided to the high court and to the Human Rights bodies of the United Nations including the CAT.

The motion for Accommodation was a validly expressed human rights complaint under the UN Istanbul Protocol, which the judge IGNORED, when instead she should have taken action according to dominant law under Article VI of the US Constitution, and adhered to the Istanbul Protocol. The motion for reconsideration was a validly expressed human rights complaint under the UN Istanbul Protocol, which the judge reviewed and DENIED according to an invalid procedural basis which was modified by the international instrument to make it the vehicle of delivery of the human rights complaint to the judge, and according to which the judge should have taken action according to the Istanbul Protocol under the dominant law identified by Article VI of the US Constitution, and consistently with the Concluding Remarks of the CAT[21].

Instead of protecting the physical and mental integrity[22] of a victim of judicial torture and rights deprivation, whose bodily autonomy the judge controls by having taken jurisdiction over his person and his case, she now deprives him of life-saving medical treatment which she acknowledged 10 times over a period of approximately five and a half years[23] as essential to his health and well-being and to his recovery and rehabilitation from incessant and serious and irreparable physical and mental injuries. The judge has unmistakably detailed and full knowledge of the harm that she causes to the Plaintiff, but chose to deliberately proceed to deny his Accommodation and subject him to severe pain and suffering to produce information and render unequalized participation at the cost of serious injury, and subject to the coercion by the judge and intimidation of dismissal and punishment for his meritorious lawsuit.

[21] Committee Against Torture

[22] The judicial actions represent a fundamental assault on the plaintiff's right to bodily integrity. This right, recognized as inherent in human dignity and underpinning the prohibitions against torture and cruel, inhuman, and degrading treatment and punishment, encompasses the right to autonomy over one's own body and the right to be free from non-consensual physical interference or harm. By compelling participation under conditions that deny necessary medical care and accommodation, the judge interferes with the plaintiff's control over his own body and health decisions. Forcing a choice between potentially life-sustaining treatment and participation in the legal process directly implicates the plaintiff's physical integrity and safety. This interference, especially when imposed by a state official wielding judicial power, constitutes a serious violation of the right to bodily integrity and strongly supports the classification of the conduct as, at minimum, cruel, inhuman, or degrading treatment.

[23] See the judge's admission in ECF-87 and 93, listing the orders granting Accommodation to the Plaintiff

The judge acknowledged and relied upon the 'stare decisis' provided to her by the defendants herein in collusion with the defendants in 21-cv-04262-JSW, despite the fact that the judge in 21-cv-04262-JSW, Jeffrey White, has indicated the 'stare decisis' to be suspect and adjudicable, and of which controversy judge Freeman had notice. The 'stare decisis' upon which this judge relied is unreliable and excluded under the operation of dominant law.

As the UN Istanbul Protocol makes abundantly clear, it is the chain of torture, involving every actor under color of authority, which must be stopped and investigated. Thus, by placing reliance upon the legalization and justification of the Plaintiff's torture by the chain of torturers despite notice of crime provided by the Private Attorney General, and leading to the orders which were used by Rossi on behalf of the defendants in 21-cv-04262-JSW to torture the Plaintiff, this judge's endorsement of the legalization of Plaintiff's torture under color of authority elsewhere and allowing it to also occur in her court, is torture under the treaty's definition. This judge made light of the invidious control of the defendants in 21-cv-04262-JSW over the proceedings in her court, when international instruments and Article VI required her diligence and extreme prejudice.

Thus, through her conduct, this judge opened the door on more culpability of more parties, including herself, while the victim was pushed ever further from Justice and remedy and relief. This demonstrates how the unbridled propagation and judicial legalization of torture and the exploitation of parties compounds and expands Plaintiff's litigation, as seen over seven years, reaching into 10 state and federal courts, and testing over 40 judges with consistent results. And the entire cascade of crime is enabled by basic flaws in jurisprudence which every state and federal judge insists they are blind to see.

The government of the United States, through its judges and courts, tortures[24] its population through the course of jurisprudence, in the name of Due Process, and Equal Protection of the laws[25]. The prohibited conduct is systemic and pervasive, infecting every court. The offense becomes particularly discernable in the treatment of the disabled pro se litigant. There is no domestic mechanism available for stopping, preventing, abating, or punishing judicial torture, by virtue of the control exerted by judges and courts over the availability of protections, relief and remedies from torture, which customary international law insists must be present domestically.

Here a judge who admitted the essential need for Plaintiff's life-saving medical treatment for almost six years, and who received periodic notice of how he is being tortured by other courts, demonstrates with exceptional clarity that the allegations made to the US Supreme court and to international human rights

[24] Article 1 of the UNCAT. See also Article 16, which is found also in other human rights treaties signed by the United States
[25] Read the testimony of three independent victims who have so far come forward in 21-cv-04262-JSW: Leslie Hagan, Eva Danilak, Julia Minkowski. Other victims from other parts of the country are expected to testify.

authorities are categorically correct and systemic, and infect all judges and courts in the United States and thus place our entire population at risk, with actual cases in the records of courts.

The author has taken great lengths, through the assistance of ever-improving Artificial Intelligence[26] to describe in unmistakable detail through this re-used writing addressed to the judge, the prohibited judicial acts, their historical and current and predictable impact on justice, on health, on legal custody, on bodily autonomy and freedom from injury and from severe pain and suffering, and upon the absence of life-saving medical treatment[27] that has placed and held the author walking the tightrope of death while deprived of rights, of life, of liberty, of freedom from severe pain and suffering, of quality and enjoyment of living, of family, of friendships and associations, of travel, of the membership of society, of economic independence and of the autonomy of person and body, all without opportunity of withdrawal from the legal custody by the courts.

And the author is not the only such victim of judges and courts. Others have testified and others are coming forward from around this nation to testify to a national tyranny by judges and the courts in this nation. The matter is now of international interest through my stewardship.

A systemic and unpublished judicial policy exists in this Circuit's courts that controls the conduct of the judge and robs individual judges of their independence and impartiality in discharging the duties of their office according to the authorities herein discussed. A very large number of judges in this Circuit have been 'tested' by fate over the course of six years, demonstrating impropriety through the control and effectiveness of this unstated policy over the independence and impartiality of every judge, and demonstrating that the personal choice by each judge has been to follow this policy to knowingly and willfully deprive a seriously ill and disabled litigant of essential medical treatment and Accommodation that predictably led to serious and irreparable physical and mental injuries and severe pain and suffering, and silencing of expression in pursuit of a test of merits under constitutional due process, with punishment dealt to the litigant for failing to cure his substantial disabilities and for failing to heal his serious illness according to cruel, inhuman and degrading time and performance schedules set by the

[26] The author is substantially incapacitated and perpetually injured by judges keeping him in the state of substantial incapacity. Only by training and re-using A.I. for making the same arguments and statements is the author able to present tens of pages of facts, authorities, arguments and reasoning that express the extraordinary conduct of our judiciary. The evolution of the author's impaired expression by A.I. is chronologically documented in this Circuit's records from 2019 to the present. The refinement and surmounting of barriers to expression of objections abut judicial prohibited acts is no justification for any judge or any court to maintain control over the author's bodily autonomy and to deprive him of life-saving medical treatment as a condition of access to this Circuit's courts.

[27] This has been repeatedly defined precisely as "complete rest and isolation from distress [for a sufficient period of time]" estimated by science and medicine and statistics with increasing precision. The "sufficient period of time" grew from 4 weeks in 2018 by virtue of the accumulating burden of physical and mental injuries to ONE YEAR, and has remained at ONE YEAR for several years. Judge Beth Freeman's last order in 2024 was for ONE YEAR of stay of the litigation in 19-cv-04392-BLF. Read the last line of her order for a message to each of you judges about humanity in jurisprudence.

courts of this Circuit, and elsewhere. Now this judge joins her peers in inflicting the same prohibited conduct.

The judge's conduct reflects the absolute judicial requirement in this Circuit that no seriously ill or disabled person may access this court without punishment and retaliation, and a tax on, and derogation of, human rights. The judge's conduct demonstrates the lack of independence that is the policy of this Circuit's courts, which delegates the non-delegable judicial duties of Accommodation and human rights enforcement, to every adversary in the litigation, with full immunity and abandonment of privacy. The judge's conduct reflects the uniform national policy of the state and federal judiciary that every disabled pro se litigant must first cure her disability as a condition of accessing any court, and that any seriously ill person must heal and need no accommodation before daring to access any court.

The unpublished judicial policy of discrimination and human rights violations is unconstitutional and violative of human rights treaties and of the *jus cogens* of customary international law. This court now operates without due process and as my unethical adversary, following a course that is nationally endorsed by every judge, and considered to be a crime under dominant law. This court stealthily conceals its purposeful and intentional discrimination and human rights violations, which are revealed for public view by objective proof of injury induced by the conduct of the judge in conjunction with the exploitation of adversaries. The court of Beth Freeman is confirmed as *forum nullus* by the Private Attorney General, since the appeal court above her was indicted long ago.

Every judge of this Circuit who was tested by fate during the past six years has disclosed an intrinsic bias[28] that is strongly indicated as being nationwide, peer-encouraged, and unassailable. Twenty judges of this Circuit is a significant population sample, and six years and eleven docketed actions is a significant sample time. Together the samples provide substantial grounds for the presence of **systemic** judicial bias and for this motion. The revelation of overt discrimination and unconscionable retaliation for disability in ECF-87 and 93[29], and the blatant violation of human rights[30] that indicates the

[28] *"Yes, court bias exists — and judges must attack it", Judge Bernice Bouie Donald of the United States Court of Appeals for the 6th Circuit, ABA Feb. 11, 2022.* In discussing the impact of implicit bias in the courtroom, she applied the definition: "*those unconscious associations that we make about groups of people, stereotypes that we assign to groups of people … without intention, without knowledge or control." She stated: ""Perception becomes important," because people need to see that their perception and reality are the same." "Every person in every courtroom all across this country ought to feel like they can walk in and in the fullness of themselves present their case and know that their case is going to be judged on the merits and by the law and not by any arbitrary characteristics of birth," she said. Not once in SEVEN YEARS has this been the case for me or for my witnesses who are victims like me in their own independent cases. "William E. Dailey Jr., managing attorney at the Dailey Law Firm LLC in St. Louis, Missouri, recalled something from what he called "law school 101," which is avoiding the appearance of impropriety. Because implicit bias is subconscious, it needs to be proactively addressed from "the lowest level to the highest level," he said. In the end, it is up to the judge to make sure "everyone gets a measure of dignity and we're not putting a thumb on the scale in favor of bias," Donald said."*

[29] Ibid.

[30] According to the UN Istanbul Protocol, each of Plaintiff's requests for Accommodation, particularly ECF-76, was a complaint for violation of human rights, which require specific responsive acts by the judges of this Circuit and by this court. None is seen in the record, except a continuation of my torture and human rights violations by this court, and the green light given to the lower court to continue its discrimination and torture and my attempted murder. Under the CRPD and the ADA, the notice human rights violations in my motion for

statistically predictable pre-destined ruling in this lawsuit, is cause for forceful and pre-emptory mandate by the Private Attorney General[31] in this *forum nullus*[32].

Upon repeated confirmation that this Circuit's courts, according to the consistent prohibited acts by their hierarchy, cannot hold jurisdiction[33], the Private Attorney General held that this Circuit is *forum nullus* for litigation by the disabled and pro se litigant. At the moment that the judge joined her peers in this Circuit in committing the same prohibited acts, the solitary island of Justice in this Circuit sank beneath the waves of tyranny, and thus the statistics of the Private Attorney General covering this Circuit's courts now shows 100% consistency[34] that this Circuit is *forum nullus* for litigation by litigants with particular characteristics. Therefore, the courts of this Circuit are barred from providing due process pending corrective action and judicial reform that restores the courts of this Circuit to constitutional jurisprudence. At a minimum, the judge may not preside in any case that involves a disabled litigant, or any question of disability or treaty or human rights, pending the determination resulting from an independent investigation according to authorities recognized by the US Constitution and original federal common law, and preemptively operative in the present circumstances under international

Accommodation was immediately actionable by this court by a protective action, which was undermined by its dismissal and constituted a prohibited act by the judge, and by this court. The denial of my request for safe harbor and disability accommodation is a prohibited act under these international instruments and under the US Constitution.

[31] the initial action is through judicial ethics, with other actions being discussed with the Chief judge of the Ninth Circuit, the Judicial Council of the Ninth Circuit, and the Judicial Conference of the United States. The US Supreme court is also being addressed for a mechanism and investigation into the pervasive prohibited conduct by the federal and state judiciary.

[32] See discussion in the US Supreme court writ 24-6012. *Forum nullus* is an original analysis based on these unique facts. The facts are that a court systemically violates the authorities invoked herein (standards on elimination of discrimination, international human rights standards established by treaties and incorporated in the Constitution under Article VI and the Bill of Rights). Then a higher court systemically endorses the lower court's violation by either providing no mechanism for remedy, or by selectively ignoring or violating the same authorities. When the pinnacle of jurisprudence in that state systemically endorses every lower court's violation in the same manner, then there is no forum in the hierarchy of the state in which these authorities are recognized or controlling of jurisprudence. The same analysis applies to the hierarchy of federal courts. Since jurisdiction relies on the constitutional operation of courts, a fundamental basis for jurisdiction by each court is absent. In other words, the hierarchy of courts are systemically blind to their violations of preeminent laws. *Forum nullus* invalidates the jurisdiction of **an entire hierarchy of courts** that are otherwise endowed with jurisdiction derived from the Constitution or statute (e.g. *Goldberg v. Kelly (1970) 397 U.S. 254* "A complete absence of jurisdiction means that a court acts "when it does not have any statutory or constitutional power to adjudicate the case."). There is no judicial legitimacy to any outcome from a *forum nullus* court. *Forum nullus* constitutes an organized subversion of the Constitution. At its core is the elimination of inalienable rights guaranteed by the Constitution, and by the *jus cogens* of international law, fueled by a dereliction of necessary and repeatedly emphasized standards under the rule of law, and absence of judicial ethics. No decision by a *forum nullus* court may stand, yet full faith and credit is automatically provided to it, and all courts and all precedents PRESUME its impossibility. Thus the customary applications of laws in a *forum nullus* perpetuates the invalidation of the US Constitution, and a *forum nullus* ensures the absence of constitutional government while portraying publicly that all is well and the course of laws and justice are in safe hands. The fact that *forum nullus* is not expressly accounted in the US Constitution flows from the fragile dependence of the founders on the integrity and commitment and resolute dedication of human beings to creating a new nation that depends on its survival and prosperity on the conduct of individuals in positions of power and influence. Thus delegation of jurisdiction and formation of components of government according to a design does not imply that jurisdiction is a right of any court or judge that may be held despite violations of inalienable and non-derogable rights, and abandonment of supreme Law. Personal or in rem jurisdiction is, in principle, not possible by conduct or by consent or any other means within a *forum nullus* by the operation of the US Constitution. A *forum nullus* may not *sua sponte* assert jurisdiction.

[33] See appeals 19-16291, 22-16046, 22-16174. Further confirmed as *forum nullus* by 23-15221, 24-3353 and 24-6312

[34] Referral of the complaint for violation of human rights in this Circuit has been obstructed for six years, and continues to be obstructed, as discussed in the appeal 24-6312. One more trial judge now stands in violation of the UN Istanbul Protocol and of the *jus cogens* of customary international law, under which the acts herein described are absolutely prohibited, and are considered crimes.

instruments applicable to human rights treaties and according to pre-emptory norms of customary international law

The imperative of reform is an ethical obligation, requiring demonstration of each judge's commitment to the public trust. In any balancing test of non-derogable human rights and other fundamental rights flowing from the US constitution[35], non-derogable human rights may never be cast aside, and no judicial process can justify derogation of non-derogable human rights under any circumstance, including emergencies, without consequence. Here we see this judge immunize the human rights violations of exploitative defendants, and her own, with impunity. She offers no assistance or aids for equalization of an unequal and disadvantaged litigants upon whom she paints a target for judicial torture and murder, which replicates the behavior seen from other judges of this Circuit, and generally in 10 state and federal courts. Therefore, no judge of this Circuit's courts[36], and no court of this Circuit, may, at a minimum, hold jurisdiction over any disabled and pro se litigant, or over any case involving disability, any treaty or human rights[37].

The protection of the victim of prohibited acts and the cessation of further prohibited acts is necessary[38] by all available methods. No judge may stand motionless without offering protection. No court rule, procedure or policy may obstruct any lawful method of addressing protection and cessation.

Judicial ethics is a primary consideration in eliminating discrimination and human rights violations in this Circuit's courts[39]. Judicial ethics leaves no room for such prohibited acts, including torture which is a crime with no statute of limitations, and including cruel, inhuman and degrading treatment and punishment[40]. The judicial conduct also constitutes systemic deprivation of fundamental rights which are also condemned by the US Constitution and statutes[41]. Judicial ethics is a primary consideration because this unethical conduct is systemic and persistent. Disqualification is the only means[42] to address the prohibited conduct at the present time within a *forum nullus* which does not respect injunctions and disarms writs, and forbids appeals, and perpetrates prohibited acts with impunity. Any means of

[35] Each of which is arguably a human right, but which must be balanced according to harm and degree of cruelty, inhumanity and degradation

[36] With the exception of the person of judge Beth Freeman, who volitionally will not advance litigation, as required by these international instruments, and is expected to continue to demonstrate good Behaviour and obedience to the supreme Law of the Land. However, the Ninth Circuit is *forum nullus*, and thus a good judge Freeman is further prevented from proceeding with litigation in her court until restoration of constitutional jurisprudence in this Circuit, since the right to review must be present for a good district court judge to conduct her court.

[37] This demand is authorized by the *jus cogens* of customary international law, in conjunction with enforcement of the US Constitution. This demand may not be characterized as a political action. The Private Attorney General is not limited by Separation of Powers.

[38] Per the UN Istanbul Protocol which addresses UNCAT Article 1 and 16 violations, and which CRPD Article 15 and ICCPR Article 7 also activate

[39] This is indicated also at the international level by a communication from the UN Secretariat.

[40] Also a crime with no statute of limitations under the UNCAT, the CRPD and the ICCPR

[41] deprivation of rights, conspiracy against rights, etc. – see amended complaint in 21-cv-04262-JSW

[42] Challenge by writ is impossible in this Circuit as the presumptions and operative rules on writs focus on error. In a *forum nullus*, review by writ is a sham process.

communication of a human rights complaint to the trial court and to higher courts is permissible according to the UN Istanbul Protocol, and must be met with Protocol-compliant action. Substantial grounds are indicated by chronological records in this court enumerated by the judge in her Order depriving Accommodation and ordering Plaintiff's continued torture in this court.

This motion is expressed under the standing of the plaintiff in a lawsuit who has been personally harmed by the prohibited acts by the judge, in concert with more than 40 judges in 10 representative state and federal courts. It is also expressed under the authority of the Private Attorney General reaching on behalf of the People into every case in this Circuit[43], and requiring disqualification of every complicit judge *Erga Omnes*[44] under applicable authorities to protect actual and prospective victims of this pervasive and systemic judicial conduct, and pending an independent investigation according to the instruments[45] herein described. No case involving the target class may proceed in any court pending essential reform of jurisprudence to address critical failures and paradoxes and deadlock.

The body of judges in this Circuit, individually and in unison, must abide by the US Constitution in its entirety and not only selected portions of it at the exclusion of its remainder. This includes the recognition of the instruments herein, and respect for the enforcement of unenumerated rights undertaken by the Private Attorney General. Such judicial conduct constitutes a judicial variant of state

[43] By invocation of the private attorney general doctrine, modified by this case of first impression with extension of reach under necessity and conformant with the US Constitution. Here invoked for the protection of all litigants who are disabled or who bring issues related to disability or treaties or human rights for adjudication to this Circuit's judges and courts. Acting for the protection of the general Welfare, to ensure Justice and secure Liberty, and to insure domestic Tranquility, and *Erga Omnes* by invocation of judicial ethics to circumvent damage to our foreign relations, and our peace and security.

[44] this phrase means "towards all" or "against all" and is used in legal contexts to describe obligations or actions that are binding on all parties. The term is usually used to refer to obligations or rights that are owed to the international community as a whole, not just to individual States. Obligations *Erga Omnes* arise when there is a fundamental interest in protecting certain values or preventing certain harms that affect the international community as a whole. Examples are the prohibition against torture and the right to self-determination focusing on the rights of the individual that are guaranteed by the US Constitution and by customary international law, and that are extinguished by the unconstitutional judicial conduct that is prevalent (by statistical measurement) in the United States and cannot be 'cured' by constitutional means. *Erga Omnes* obligations are primarily derived from customary international law, which is formed through the consistent practice of states and their belief that the practice is legally required. Some treaties, including the UNCAT, also create *Erga Omnes* obligations, either explicitly or implicitly. The concept of *Erga Omnes* reflects the idea that certain fundamental values and obligations are the concern of the entire international community, not just individual States. It helps to uphold international law and protect fundamental values that are essential for maintaining peace and security. The scope and application of *Erga Omnes* obligations continue to evolve as international law develops and new challenges arise. Examples in legal precedents include: *Barcelona Traction Case (ICJ 1970)* (the International Court of Justice (ICJ) recognized the obligation to respect the right to self-determination as an erga omnes obligation); *Belgium v. Senegal (ICJ 2012)* (the ICJ held that any state party to the Convention against Torture could invoke the responsibility of another state party that violates the treaty, even if it wasn't directly harmed); *Rohingya Genocide Case (ICJ 2020)* (The ICJ found that The Gambia had standing to bring a case against Myanmar for alleged genocide against the Rohingya people, even though The Gambia was not directly affected). In essence, *Erga Omnes* signifies a shared responsibility among states to uphold fundamental values and protect the international community as a whole. It's a powerful legal tool for addressing serious violations of international law and promoting accountability. The Private Attorney General may seek enforcement of judicial ethics for the general Welfare and to ensure Justice, and to secure Liberty and insure domestic Tranquility, and also to ensure that our foreign relations, and our peace and security are not undermined by domestic judicial ethics.

[45] In particular, reference is made to the UN Istanbul Protocol, to human rights treaties, the UN Charter which incorporates the UDHR, and to Article III "good Behaviour" and the Code of Conduct of United States judges and associated statutes, and other applicable bodies of ethics (for example the Bangalore Principles of Judicial Conduct).

capture[46], where the judiciary, by use of unrestrained rank and authority, control and alter the intended interpretation and application of constitutional principles. This disqualification motion is therefore a first step in restoring this court to constitutional operation in all respects.

This action is not by choice of the Private Attorney General, but is mandated by the US Constitution to whose protection he is pledged as a private citizen, as well as the requirement of being a human being which makes unity and the defense of others the personal obligation of every human being. No other course of action is possible[47]. It is brought pursuant to the proof of invariant and invidious discrimination based on disability[48] that is uniformly the rule in jurisprudence, and based on the human rights violations of the disabled and sick and pro se litigant by this Circuit's courts and judges, in contravention of the US Constitution and recognized authorities, and the *jus cogens* of customary international law. Judicial ethics and "good Behaviour" are central to this action.

The prohibited acts referenced are documented over six years, beginning in 2019 in this Circuit. Twenty out of the approximately 400 judges of this Circuit have been confirmed to have committed prohibited acts under the US Constitution and recognized authorities, and the *jus cogens* of customary international law. Based on the sample size and duration, the consistent prohibited acts are therefore systemic, unethical, and deeply rooted in the undisclosed policies of this Circuit's courts and cannot be abated by means of jurisprudence. The prohibited conduct directed against the sick and the disabled is substantially worse than the confirmed treatment of the pro se litigant as "a kind of trash not worth the time of a federal judge"[49].

In view of the lengthy time span of the statistics and the significant repetition of the prohibited acts and the population of approximately five percent of the judges of this Circuit consistently committing, endorsing, and acquiescing to the prohibited acts, and the confirmation of the elements of the prohibited acts, substantial grounds are stated to confirm that the prohibited acts occurred and will continue to occur unabated in this Circuit's courts, despite incessant demands and objections and the operation of

[46] State capture is a type of systemic political corruption where private interests significantly influence a state's decision-making processes to their own advantage. Essentially, it's when powerful individuals or groups manipulate government institutions and policies to benefit themselves, rather than the public.

[47] I have taken jurisprudence to its limits and failed to domestically reform the courts through jurisprudence itself. I have proven this to be true of every major representative forum in this nation, and both state and federal jurisprudence. I have invoked law enforcement who have directed me to take on the highest bodies of jurisprudence. The United Nations has indulged me only after exhaustion of ALL domestic remedies after SEVEN YEARS of torture. The People's interest and safety is my charge and requires me to exercise prerogative under the 9th and 10th Amendments and Article VI, or consent to subversion and tyranny by the judiciary. My choice is made and clear.

[48] Note herein the discussion on the operation of CRPD under supreme Law of the Land imposing the duties of disability accommodation according to that preeminent treaty upon all federal judges. The CRPD clarifies the intended application of the ADA and makes the ADA binding on all federal judges despite the improper and unlawful position of the federal judiciary and the Judicial Conference that the ADA only applies to state judges and state courts, not to federal judges and to the federal courts.

[49] Debra Cassens Weiss, Posner: Most judges regard pro se litigants as 'kind of trash not worth the time', ABA Journal 9/11/2017. "The basic thing is that most judges regard these people as kind of trash not worth the time of a federal judge," Posner said.

the supreme Law of the Land. The appearance of impropriety[50] rides with this Circuit's courts and taints every single judge of this Circuit.

This action is in the public interest, and directly affects more than 28% of this nation's population who are disabled and who are prospectively or actually deprived of fundamental rights and human rights by the systemic discrimination and the faulty rules, procedures and policies enforced by this Circuit's courts, which are prevalent nationwide according to statistics. The availability of constitutional and humane justice must be assured to every person, and judicial legitimacy exists only in the perceived availability of constitutional and humane justice for any person who may need to access it at any time. This action affects all of the People of the United States whose judges and courts stand at the lowest judicial legitimacy in this nation's history. I have been personally and repeatedly harmed over the past seven years by this judicial conduct in 10 courts, which can oppress, harm and injure over 28% of the People, not counting the population of pro se litigants who are also within the zone of danger. I speak for everyone who may come in the zone of danger, or has already been a victim of judges and courts.

Nothing has changed despite decades of notice and opportunity for our judiciary to self-diagnose and take corrective action[51]. The People insist on the respect for, and the protection and enforcement of human rights, and the elimination of discrimination based on disability[52] in every court. Upon perceiving the conduct by this court, the People generally conclude that the judges and this Circuit's courts operate unconstitutionally and without "good Behaviour" and are untrustworthy, and do not hold judicial legitimacy because they refuse to correct their improper and unlawful systemic conduct.

An investigation based on judicial ethics to determine human rights violations by this court is one avenue of investigation of human rights violations preliminarily indicated by the United Nations in a private communication with the plaintiff. Other UN Special Procedures have been invoked, each of which focuses on a separate aspect of human rights violations reported by me and other victims of the judiciary. International Law requires particular standards for the independent investigation of certain prohibited acts, which are established over decades of diligent work by international human rights experts. International codes of judicial ethics respect and protect human rights and require a different

[50] This focus on public perception is a recurring theme in the interpretation and application of 28 USC § 455. The legislative history and subsequent judicial decisions emphasize that promoting public confidence in the impartiality of the judiciary was a primary goal of the 1974 amendments to § 455. The objective standard in § 455(a), which asks how things would appear to a reasonable, well-informed observer , is designed precisely to address situations where, regardless of the judge's actual state of mind, the circumstances create an appearance of partiality that could undermine public trust. Therefore, disqualification under § 455(a) serves not only the litigants' interest in a fair hearing but also the broader systemic imperative of preserving the legitimacy and authority of the judiciary in the public eye.

[51] The record demonstrates a complete lack of monitoring and quality controls for disability accommodation and human rights compliance within this Circuit's courts. There is no interest in this Circuit's court or amongst its judges personally, in disability accommodations or the human rights of litigants.

[52] Serious illness may be treated as a disability with particular and unique needs

judicial conduct than the conduct witnessed and documented against five percent of the judges of this Circuit over a period of six years. Therefore, it is essential that this judge personally respects this inquiry and ethics motion.

I have requested by a prior communication that the Chief judge of this Circuit preside over matters requiring the stay of actions, the protection of alleged victims and the identification of parties pending the independent investigation into these allegations of wrongdoing by this Circuit and its judges. No case within the restricted list asserted to the Chief judge by the Private Attorney General may proceed in this Circuit, and every such case shall be stayed pending the independent investigation and evaluation of the outcome[53]. The cooperation of the Chief judge with the return of this Circuit's courts to constitutional function has been requested in a separate communication, which is also filed in the record of 24-6312.

The investigation of the ill-treatment and torture by this judge necessarily requires a review of each element of the chain of torture, and the 'stare decisis' that legalized the torture, and was ultimately used as stare decisis by this judge to which she acquiesced, and which she endorsed to every court in the nation, and by which she abided to perpetrate torture with the requisite intent and purpose of causing the Plaintiff severe pain and suffering. Her omission to correct the chain of torture is a prohibited act. The defendants expressly relied on this chain of 'stare decisis' to collude with the defendants in the related case 21-cv-04262-JSW in this court to perpetrate the torture upon the Plaintiff in this lawsuit.

THE OPERATIVE FACTS DEMONSTRATE ABSENCE OF JUDICIAL ETHICS

This case of first impression is distinguished from every case on human rights contemplated by our three branches of government in that our JUDICIARY are the perpetrators of prohibited acts that are considered crimes under the *jus cogens* of customary international law[54], and absolutely prohibited under the US Constitution, and exhibit as the absence of "good Behaviour" and the infliction of cruel and unusual punishment without due process of law. Under no light may such conduct be considered lawful sanctions. Yet for ages, this conduct pervades every state and federal court, and is stealthily concealed by the judiciary as the unassailable rule of law. The Private Attorney General has initiated a process of uncovering proof of this observation far and wide in this nation, with confirmatory initial results.

[53] This court may not operate according to its invariant rules, procedures and policies during the pendency of the necessary independent investigation and the subsequent corrective actions.
[54] i.e. require no agreement by any nation State to be bound to a treaty or to customary international law

The record of this Circuit's courts establishes that our judges will take control over the bodily autonomy of the sick and disabled pro se litigant, and deprive us of life-saving medical treatment[55] without opportunity for us to withdraw without more injury and more harm[56], while coercing the extraction of information from us by orders to participate unequally and unaccommodated in litigation and intimidate us that if we do not obey, we will be deprived of constitutional test of merits and ejected from the court with injustice, unlawful sanctions and punishment, along with a lifetime ban on access to the court reserved for us under a special and undisclosed policy of vexation that ensures we are subjected to harm and injustice in perpetuity merely for being disabled and human. In fact, the threat is the inevitable outcome, whether or not we succumb to the coercion and judicial oppression.

The intent of our judges to inflict severe pain and suffering is established by the voluminous record of objections by their victim with predictions of injuries supported by medical authorities, and information about consequent injuries caused by judicial conduct, and by common knowledge of the consequences of the judges' treatment of their victim and his medical condition. Every medical authority and information provided to this Circuit's courts and judges indicates the need for the one-and-only life-saving treatment of complete rest and isolation from distress (i.e. no legal activity or performance of whatever form through jurisprudence) for a specified period of time to achieve the medical goal, and may not be interrupted, varied or obstructed. Yet every time without fail the judges of this court simply ignored these authoritative information and warnings, and deliberately proceeded with injurious acts. Now, the only good judge who acknowledged the necessity of the life-saving medical treatment and attempted to provide it to the Plaintiff, has joined the ranks of tyrants and torturers.

The record of this Circuit's courts and every other court establishes that all of this information and other supportive information is provided to the judges always prior to their prohibited acts[57]. Knowing these facts, judges willfully proceed with their mutilation and torture. The absence of Safe Harbor and disability accommodation ("Accommodation") and the deprivation of essential medical treatment despite my vehement objections and testimony[58], shows judges willfully proceed with a course of conduct that causes the injury[59] according to the mechanism identified to them[60]. The judges and courts

[55] taking control over the bodily autonomy of the disabled pro se litigant, and depriving us of life-saving medical treatment is a form of legal custody

[56] At all times during my six years of pleas to this Ninth Circuit's judges to stop their discrimination and their torture, I have been subject to invidious discrimination and torture in the state courts, who unrelentingly injure me and harm me. Today, these state judges increase my debt, from $600,000 in unlawful sanctions in 2021 to now approximately $7 million in unlawfully generated damages and liability, they have bankrupted me and they have intentionally and purposefully induced egregious physical and mental injuries,

[57] See the chronological filings of my requests for accommodation and safe harbor in this Circuit's courts, and my objections, and motions repeating the absence of accommodation and safe harbor. Then see the dates of the orders by the judges of this Circuit which ensure my continuing torture.

[58] Ibid.

[59] Ibid.

[60] The Multiple Sclerosis Stress Equation, Solomon et al., Journal of Medical Statistics and Informatics, Volume 11, Article 1

persist, despite the resulting injuries being reported to each court, in repeatedly inflicting the same injuries knowingly and deliberately. No judge does anything with my human rights complaints[61].This judge, who did not follow these judicial norms, now conforms to it.

The purpose of our judges in intentionally inflicting severe pain and suffering and injuries to us is in order to maintain the invariance of judicial rules, procedures and policies without reasonable modifications necessary for the meaningful access and equalized opportunity to succeed in due process for the disabled pro se litigant, and with disregard of human rights. It is also for judicial comfort and convenience and familiarity[62] with the established norms in jurisprudence. At the moment that they feel resistance by their victim, they align motives with exploitative opponents to punish, coerce and intimidate their victim into obedience to their abuse and acceptance of their legalized torture.

The underlying subversion of the US Constitution by the judiciary and the surgical excision and elimination of human rights treaties and absolute prohibitions under the *jus cogens* of customary international law, are stealthily concealed by judges. The performance of courts in turning over cases has taken precedence over the quality of jurisprudence and resulted in the redefinition of Justice[63]. Judges re-characterize this conduct as obedience to law, procedure and ethics. We disabled and pro se litigants are considered to be even less than "a kind of trash not worth the time of a federal judge"[64]. Our life, liberty and rights do not matter to the judges of this Circuit. But they matter to the US Constitution and to the People, and to our international commitments and foreign relations.

The facts demonstrates that the judges of this court obstruct justice and prevent remedy and relief to the disabled pro se litigant. The list of laws broken by the judges of this Circuit increasingly resembles the list of wrongs coerced out of me by judge Jeffrey White of the district court as a result of his order for the amended complaint in 21-cv-04262-JSW[65].

The record of this Circuit's courts establishes that the judicial conduct induces severe pain and suffering on a recurrent basis, and re-traumatization and refoulement by the same judges is represented by our

[61] See the chronological filings ibid.
[62] In one respect, the judicial behavior may be construed as a reluctance by a judge to apply him or herself to the facts with diligence and open-mindedness, in particular when the litigant is pro se and incapable of grasping the gravamen of his or her own case.
[63] No judge refuses the performance metrics of his or her court without consequence. Every one of these performance metrics has a flaw and thus interferes with the object and purpose of the US Constitution "establish Justice" in its original and intended meaning. Under the original sense, when performance of courts became an issue, more were created. Today, efficiency becomes a business interest of a for-profit judicial institution called the court. Justice can never exhibit when other interests are dominant, and balancing and fairness do not exist when disparate and inequivalent concepts and goals are balanced.
[64] Posner, ibid
[65] See the amended complaint filed in May 2024

judiciary as a requirement of judicial ethics. Judge and court proclaim that lawful sanctions include discrimination based on disability[66] and violations of human rights.

The record of this Circuit's courts establishes that our judiciary have had complete and exclusive control over their own rules, procedures and policies in administering justice through the courts through Separation of Powers and the mechanisms provided by law for them to independently "establish Justice"[67] under the US Constitution, and through their personal conduct which they regulate using the immature codification of judicial ethics which are prevalent and customary and fixed.

The record of this Circuit's courts demonstrates that no combination of international law, the US Constitution, statutes, or judicial rules, procedures and policies and review, provides any pathway for relief or remedy from judicial discrimination and cruel, inhuman and degrading judicial treatment and punishment, or from torture at the hands of our judiciary. Therefore judicial ethics is one indicated prong of action for stopping, preventing, prohibiting and punishing the prohibited acts.

In 2019, a disabled pro se litigant who was seriously ill came to the district court of this Circuit, alleging discrimination based on disability and human rights violations by state court judges in the course of jurisprudence and asking for protection, remedy and relief. He was unaware of the human rights treaties and international instruments discussed herein. He had received serious and irreparable physical and mental injuries and endured severe pain and suffering at the hands of the state court judges who were in the community of certain of this Circuit's federal judges' friends and colleagues.

Commencing with discrimination based on disability and denial of ADA-compliant court accommodations in April 2018, the state trial court judges had induced serious and irreparable physical and mental injuries through incessant cruel, inhuman and degrading treatment and punishment ("ill-treatment") and the victim's coercion into unequal participation in litigation. An explanation of why the treatment by courts of a seriously ill and disabled pro se litigant who is denied safe harbor[68] and disability accommodation, and prevented from receiving essential and uninterrupted medical treatment, is cruel, inhuman and degrading has been repeatedly and extremely well-described to the judges and clerks in this Circuit[69], and each judge was personally provided with sufficient information through the

[66] Prohibited by the ADA, and the CRPD in all federal courts
[67] Refer to the Preamble to the US Constitution
[68] 21-cv-04262-JSW
[69] Review the filings in the referenced cases in this Circuit, with particular attention to requests for safe harbor and disability accommodation and how each judge of this Circuit handled the requests

record to unmistakably know that their conduct constitutes, at a minimum, cruel, inhuman and degrading treatment and punishment under Article 16 of the UNCAT[70], and is unethical.

In short, the repeating pattern of ill-treatment, which graduated to torture, is as follows:

Upon taking jurisdiction over my person, a court is faced with a fragile plaintiff who has medical diagnoses which have caused disabilities and require accommodation, and are sensitive to extreme distress. In 2018, these serious medical vulnerabilities were activated and the activation never ceased since. Since 2019, he has also been at the risk of death from distress, by heart attack, stroke or sudden death as a result of the incessant distress and injuries that courts and judges inflicted. He is prevented from withdrawing from litigation and the courts by virtue of greater injuries and increased severe pain and suffering, and finalized and continued harm. Others are harmed within his filed of awareness and the US Constitution is betrayed.

As verified by medical science, if this litigant is distressed by prohibited acts, hostility, undue burden of court access, deprivation of due process, unequalized opportunity to succeed in litigation and the absence of meaningful and equal participation in litigation, or other details discussed in his chronological requests for safe harbor and disability accommodation, he suffers serious and irreparable PHYSICAL and mental injuries. If certain disabilities are put into an 'activated' state which promotes more disability and more injuries, then there is a need for life-saving medical treatment that is non-negotiable and unmodifiable[71], and must not be obstructed under any circumstances.

At stake in his originating litigation in the state court, which then mushroomed to the federal courts and to the US Supreme court and arrived at the United Nations, is the deprivation of the most important and cherished elements of being an American. He must regain the deprivation of his dignity, all rights, and life, liberty, property and the pursuit of happiness, and privileges and immunities, by orders of judges, including the judges of this court and this Circuit who strip him of all of them.

[70] Part 1: "Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity." Part 2: "The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion." Note that the ICCPR and the CPRD incorporate the prohibition in Part 1.

[71] A DISTRESS-induced MS relapse may only be treated by complete rest and isolation from DISTRESS from a sufficiently long period of time to cause the onset of remission. The remission must be confirmed and recovery must be permitted from the serious injuries (brain and spine cellular death causing permanent deficiencies in bodily integrity and physical and mental functions). As legal Abuse Syndrome (ICD Z65.3) and the etiology of many other diagnoses confirm, distress and stress cause and exacerbate disease. In my case, the abuse by judges is the origin of my distress, which predictably causes exacerbation of my many comorbidities in conjunction with my relapses of MS (see Solomon et al., Multiple Sclerosis Stress Equation).

He faces the complete absence of any option to withdraw from litigation, or protect himself from PHYSICAL and mental injuries and severe pain and suffering inflicted by judges and courts, following their taking of his rights, his property and his relief and remedies, and his life and liberty and his future.

This litigant was bankrupted[72] by judges and courts, and to this day suffers the incessant compounding of harm from an originating lawsuit against the same defendant[73], while being denied protection by the Bankruptcy court, which tortured him.

The originating lawsuit had superior merit to the first lawsuit in 2002, and the forensic evidence of harm and merit was published to the court multiple times. The state courts committed the same unethical and prohibited acts complained of herein, and issued and continue to issue cruel and unusual punishment without due process, with a punishment for disability of $600,000 in 2021, now increasingly compounded by prohibited acts and the absence of judicial ethics to $7 million in damages and liabilities in 2024 and increasing my damages and liabilities in 2025 to approximately $7 million with no sign of relenting.

As the primary victim, I became permanently homeless, with loss of homestead and means for economic survival. And my doctor and human rights defender is so far punished in excess of $3 million in 2024, now over $4 million in 2025 and increasing, with the liability cast upon me.

The courts are culpable for the inducement of my two reported heart attacks and an accumulated burden of complex diseases that confound doctors and have increased my disabilities substantially to the point that I have been confined to one room for the past seven years and under full-time care, with no possibility of receiving the most essential medical treatment that I have repeatedly petitioned every judge and every court to receive over the past seven years.

In 2023, a peer-reviewed international publication[74] confirmed that absent the repeatedly requested and essential medical treatment in the form of complete rest and isolation from distress for a sufficient and predictable time period, this litigant would deterministically and therefore as a certainty, suffer permanent death of the tissues of his brain and spine, robbing him of physical, psychological and emotional integrity[75], bodily and mental autonomy. These injuries would imprison him in his body and in his mind, by functional and cognitive impairments that in turn cause distress when he is required to

[72] But even the Bankruptcy court has tortured him and ejected him and deprived him of the same.
[73] Mandy Brady, who is fiercely protected by this Circuit's courts. She was sued by me in 2016 for the same causes of action that I won resoundingly the first time in 2005 against her, and had to repeat starting in 2016 for the same defendant's recidivism and repetition of the same wrongs.
[74] The Multiple Sclerosis Stress Equation, Solomon et al., Journal of Medical Statistics and Informatics, Volume 11, Article 1
[75] Herein, the psychological and emotional injuries resulting from the death of critical biological tissues of the Central Nervous System are referred to as "mental injuries", which also always have an associated physical disability component i.e. "physical injury" which may not be visible but invariably involves death of bodily tissues, as would for example occur from physical battery

function and cognize in a manner and extent equal to every other person, and without accommodation. It is demonstrated that the accommodation and the medical treatment has consistently been under the exclusive control of judges in collusion with exploitative adversaries who are protected by every court and encouraged[76] to commit and contribute to my ill-treatment and torture and rights deprivation by judges and courts. Because my accommodation must be global, a single judge who fails to accommodate necessarily becomes the weak link in the concurrent chain of accommodation required in every court simultaneously for me to received life-saving medical treatment.

In other words, science and medicine and statistics have converged to prove that absent life-saving medical treatment that I have repeatedly requested from this Circuit's courts for six years, and been deprived of for six years by this Circuit's courts, except by Freeman, I will reliably and predictably suffer physical tissue death in my brain and spine and injuries that will impair my physical body and eliminate my physical integrity more and more. These physical injuries will also affect me mentally, emotionally and psychologically, directly and indirectly, by virtue of the physical death of my brain tissues which also play a controlling part in mental, emotional and psychological integrity.

The distress caused by the discrimination and human rights violations is therefore a form of battery without touching[77], and also a form of physical injury that results in potentially life-changing and permanent disability and even death. Add to that the effect of being injured like this combined with the unrelenting distress and trauma, and a host of other diseases referred to as comorbidities[78] exhibit, and each in turn is modulated by distress in a significant way to independently, and in association with MS, also cause serious injuries from the same source and application of distress.

Thus, without physically touching me, courts and judges induce serious and irreparable physical and mental injuries of the worst kind to me.

My disabilities are complex and deprive me of life, of liberty, of freedom from severe pain and suffering, of quality and enjoyment of living, of family, of friendships and associations, of travel, of the

[76] It is very convenient for a judge to enlist the aid of an exploitative opponent and only deal with familiar and conventional justiciable issues and avoid the 'elephant in the room' which requires reform of jurisprudence. A judge loaded with cases and subject to performance metrics and reviews is inherently willing to breach ethics and reluctant to open "Pandora's Box" after prolonged habituation to an undesirable court environment, with limitations of resources, funds and time.

[77] See also the amended complaint in the district court 21-cv-04262-JSW

[78] i.e. independent diseases that can be associated with the presence or absence of inability to manage the primary disease of Multiple Sclerosis. These include life-altering and crippling diseases that directly affect and pose a danger to my bodily and mental integrity, including ability to breathe, ability to swallow without choking, ability to function without chronic and debilitating fatigue, ability to see and hear, ability move and walk and use my limbs, and mental, emotional and psychological oppression from diseases that include severe depression severe anxiety, and PTSD, which color life is the most dark and overwhelming ways. The combination of comorbidities amplifies the severe pain and suffering daily experienced by me for seven years, and distress is the key to their origination, exacerbation and the magnitude and duration and form of their harmful expression. The dependence of my comorbidities, their presence and exacerbation, and their impact on my bodily and mental integrity are documented and proven by scientific method and measurements and reported to the records of the courts for seven years. This court's own records sufficiently document these facts.

membership of society and of the autonomy of my person and my body. I have spent my life in one room for seven years consumed by petitioning for my freedom from torture, from discrimination, from deliberate infliction of extreme distress and severe pain and suffering, from deliberate injuries to my family and friends, and witnessing more and more the same cruelty, inhuman and degradation of others like me by the courts and judges. And I have to live by volumes of medicines and poisons and side-effects, and suffer numerous treatments and discomforts, while I watch the decline of my being, my health, my function, my body, my loss of individuality and expression and pursuit of happiness, my symptoms of potential imminent death or catastrophic injury, with no possibility of withdrawal to escape from courts and judges who continue to injure me and compound the egregious damages to me without any form of protection.

I have graduated from loss of property in 2019 and $600,000 in fines for being disabled in 2021, to now approximately a combined $7 million of liabilities and damages as a homeless and bankrupt human being oppressed by the judiciary, while I watch my doctor and human rights defender who at 80 years old is being robbed of her home or property and experiencing her own health injuries at the hands of the courts and judges, while I and my wife depend upon her charity and housing.

Meanwhile, others who depend on me for courage and persistence in fighting judicial tyranny, who are themselves independent victims of judicial tyranny, inform me of their trauma. Two have fled the reach of the courts out of this country in order to stop their injuries and the obstruction of their medical treatment, together with losing their children and all property and being punished and driven into disability and ill health, while others who I am meeting across the country thanks to the internet are reporting the same pattern of judicial tyranny and extraordinary betrayal by judges and courts, and asking me for help.

From the moment that I stepped into the courts of this circuit, I was designated to be the collateral damage of a cruel, inhuman and degrading jurisprudence that is invariant[79] no matter what ill-treatment and torture and even death that it inflicts upon the litigant under its jurisdiction. Despite loss of jurisdiction[80], judges and courts will not deviate from their unconstitutional and criminal treatment of this litigant. And judges and courts invariably collude with my exploitative adversaries, Mandy Brady and her attorneys and multiple law firms, who are unjustly enriched for their cooperation in my ill-treatment and torture, which is rooted in discrimination by judges based on disability.

[79] i.e. discrimination based on disability and/or serious illness
[80] See *forum nullus*

The state lawsuit never made it past discovery in the state court. Coercive orders for my unaccommodated production of information which I could not accomplish under my serious illness and unaccommodated disabilities and inability to travel to access records, and the court's intimidation that it will punish me for my inability to satisfy discovery when judges favored the criticisms by their collaborating attorney friends and my opponents, were followed by punishment of $600,000 in attorney fees and dismissal by discovery termination sanction by a trial judge who continues to be a serial recidivist, and continues to preside in the state litigation to this day while refusing to recuse himself even while disabled and disqualified, and while shutting me permanently out of the state courts through perversion of the vexation statute. The property was lost, not once but twice, with now approximately $7 million in damages and liability generated as punishment and severe pain and suffering by the state courts. And I am not the only disabled and sick victim of this judge and other California judges, as the California courts and the United Nation document.

In 2019, upon referral of my complaint to this Circuit's district court and judge Lucy Koh, I was a victim under Article 16 of the UNCAT[81]. The abuse graduated by incessant repetition of my ill-treatment[82] in the state court to torture under Article 1 of the UNCAT[83], with 2018 ending for me with three end-stage symptoms of my Multiple Sclerosis induced by the extreme distress of my uncertain and absent safe harbor and accommodation and violation of my privacy by the judges, and the collaborative torture by my opponents (Brady and her attorneys and law firms) and the courts.

At the start of 2019, I began to prepare my estate for my death in assistance to my foreign wife, who wanted at all costs to avoid any dealing with the courts, having witnessed my torture, and having later suffered her own egregious injuries and defamation from the recidivist state judges. By the time I arrived in your circuit's district court, Article 1 was distinctly violated.

The district court, under judge Lucy Koh, ruled that state court judges are privileged to discriminate based on disability and to violate human rights and must be permitted to do so freely and without restraint, because they have exclusive jurisdiction over the victim, and the federal courts can and shall do nothing to stop prohibited acts. She did not disclose what Constitution she applied, but she cited inapplicable precedent that holds no legitimacy under the facts. Koh absolutely confirmed Posner.

[81] Which is repeated in the CRPD and the ICCPR, and prohibited by the UN Charter and the UDHR

[82] "ill-treatment" is herein used interchangeably with cruel, inhuman and degrading treatment and punishment

[83] "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

When presented with a request to stop discrimination based on disability in the district court and to respect human rights in the course of jurisprudence in the district court itself, Koh demonstrated that the district court is privileged to discriminate based on disability and to violate human rights, making the federal court indistinguishable from the state courts in committing prohibited acts. Koh was required to discern my human rights complaint and take action according to the UN Istanbul Protocol and by other methods to stop the prohibited acts. She instead acquiesced to them and endorsed them by her own conduct. In the best case for Koh in defending against purpose and intent, her omission to act nevertheless condemns her crime[84].

Upon referral of Koh's unconscionable conduct that ended her jurisdiction and only then resulted in her dismissal of my case, this appeal court acquiesced and endorsed Koh's discrimination and human rights violations, but only after discriminating based on disability and after violating my human rights by refusing to provide me safe harbor and meaningful accommodation and access to constitutional due process. This appeal court saw no wrong in the district court's discrimination or violations of my human rights, and Koh's endorsement of the torture by her colleagues in the state courts. Thus this court's jurisdiction ended before it rendered its final decision. And I was so mutilated by the combination of the state and federal courts in my torture that I could not raise a pen to the high court[85].

Thus in 2019 I was ejected with prejudice from the Ninth Circuit to be refouled, re-traumatized and subjected to severe pain and suffering under judicial torture in the state courts, and told not to return until the state courts were finished with my torture. The appeal court's verdict (Hurwitz, Nguyen, Wardlaw) that both Koh, and her former colleagues in the state courts must be permitted to discriminate and violate my human rights freely and without restraint resulted in the continued knowing and willful infliction of serious and irreparable physical and mental injuries to me by state judges, resulting in the declaration by my doctors, only a few months later, of my potential imminent death, stroke or heart attack from my torture by the state courts, on top of the distress-induced irreparable physical and mental injuries. I had perceived this danger when I had applied for salvation to Koh. The punishment for my complaint to the federal court was a perpetual ban on my accommodation in the state courts, and was foreseeable when Koh, Hurwitz, Nguyen, and Wardlaw had the final chance to stop my torture.

This conduct by this Circuit's four judges in 2019 is condemned by the US Constitution and by the *jus cogens* of international law. Human rights treaties forbid it.

[84] UN Istanbul Protocol

[85] I was without life or opportunity to address the US Supreme court, and consumed by my opposition to the torture by the state courts. The state judge viciously retaliated for my complaint about ADA violations

However, the US Constitution and customary international law both endorsed Beth Freeman, until March 1, 2025. Soon after Koh tortured me, judge Beth Freeman[86] eliminated discrimination in jurisprudence and obeyed the authority of human rights treaties and the *jus cogens* of international law, and protected me from refoulement by this Circuit's courts, and from being re-traumatized by your Circuit's invariant[87] rules, procedures and policies. Freeman distinguished herself until recently through her "good Behaviour", signaling that this Circuit's invariant rules, procedures and policies are used unconscionably by other judges as basis for inflicting cruel, inhuman and degrading treatment and punishment and torture upon the disabled pro se litigant[88]. Through her distinction, it became evident that every other judge stealthily classifies such ill-treatment and torture as lawful sanctions under which the infliction of serious and irreparable physical and mental injuries and severe pain and suffering by the court are declared to be lawful. This further confirms Posner's testimony. Under no circumstance may this conduct be considered a lawful sanction.

Not even under criminal law are such 'sanctions' permissible or constitutional.

Thus beginning in 2019 and continuing to March 1, 2025, Freeman established a reference in the Ninth Circuit as the national standard for disability accommodation and safe harbor in the federal courts[89], and by express preemption mandated by the ADA, Freeman also established the same uniform national standard for the courts of every state. Under the Freeman Bright Line, upon my facts and medical evidence being presented to whatever court, the safe harbor and accommodation is to be provided identically to her orders. This is confirmed by the domestic operation of the CRPD[90]. The in the past weeks, Freeman recanted and condemned her Bright Line, and insists that no judge who tortured me and deprived me of fundamental rights did any wrong.

In 2021, I returned to the district court to continue the lawsuit originally filed in 2019 against the state courts and unlawfully discarded by Koh, Hurwitz, Nguyen, and Wardlaw. Mutilated and unable to re-activate 19-cv-01986-LHK, or to write a complaint in 21-cv-04262-JSW, prior to service, I was opportunistically tortured by my principal opponents who are Brady and her attorneys and law firms,

[86] See district court 19-cv-04392-BLF
[87] i.e. discrimination based on disability and/or serious illness
[88] The UNCAT RUD identifies such treatment as unconstitutional, most directly a violation of the Eighth Amendment.
[89] It should not be construed that Freeman's preemptive orders are binding upon all judges of the federal courts **merely based upon** *stare decisis* for the accommodation of the same indivisible litigant by time precedence. In fact, Freeman's orders are the correct interpretation and the direct enforcement of the ADA in providing federal court disability accommodation that is the preeminent consideration. Federal judges widely misinterpret the ADA as inapplicable to the federal courts, and radically violate the CRPD which is operative federal law despite absence of ratification by Congress: this is because of the operation of Article VI and the requirements of customary international law and the convention on treaties. The CRPD is directly applicable to the federal courts and requires obedience by all federal judges personally, and comprehensively supports the ADA, and clarifies "reasonable accommodation" and "fundamental alteration" which are perverted by our judges and courts. The perversion is the hallmark of an immature and human-abusive jurisprudence that refuses to correct course, despite the wisdom and authority of international expert and the *jus cogens* and authority of customary international; law and treaties.
[90] See discussion below re operation of CRPD prior to ratification. CRPD: "Convention on the Rights of Persons with Disabilities"

rapidly exposing the continuity of the torture by this court through the person of judge Jeffrey White who replaced Koh as my executioner.

While the rule of law is clear and unambiguous if all authorities are considered, and Freeman's Bright Line, which she has abandoned and slandered, is coherently just and commonsensical, we find another agenda in force in the Ninth Circuit that does not comport with human rights. White repeatedly and incessantly violated the Freeman Bright Line, with purpose and intent to cause me re-traumatization and severe pain and suffering without regard to the primacy of my human rights and to the immutable mandate by the People for the federal judiciary to end discrimination based on disability ON BEHALF OF the disabled litigant[91]. Each time that I filed a complaint in this appeal court according to the UN Istanbul Protocol[92], the judges of this court violated that international protocol which is applied under the *jus cogens* of customary international law, acquiesced to and endorsed my torture and committed me to refoulement and re-traumatization by White and the state judges. All of these acts are considered crimes under the lens of customary international law with no statute of limitations. But our judiciary considers itself immune as long as it prevents the international community from objection.

Each time that I applied for salvation to the appeal court upon arriving here by triggering the vehicle of an appeal[93], I applied for safe harbor and disability accommodation in that court by words, or by motion consistent with the communications with Freeman. The appeal court, under Bezon, Bumatav, Callahan, Clifton, Collins, Fitzgerald, Friedlland, Ikuta, Owens, Sanchez, Schroeder , Silverman[94], Sung, Tashima, and Wardlaw, were provided with knowledge of my torture, and were asked to rule on my request for safe harbor and disability accommodation, with embedded complaint for human rights, to permit me to state my case without being radically compromised and prejudiced by the order for extraction of information under the authority of each of these judges, and the authority of the judges of that court *en banc* which is exercised by its clerk. In every case, these judges deliberately refused to address my request for safe harbor and disability accommodation, refused to provide me protection and refused to stop my refoulement and re-traumatization under torture both in that court and in the lower courts. These judges justified my torture, and even my attempted murder, as lawful sanctions for daring to access this Circuit's court. All of this while this *forum nullus* Circuit held me under legal custody which deprived me of bodily autonomy through deprivation of life-saving medical treatment.

[91] See the Americans with Disabilities Act and its Amendment
[92] Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2022 edition)
[93] Which is the least burdensome method of invoking the jurisdiction of this court to interrupt my torture and petition for remedy and relief from torture by the lower court
[94] Silverman is complicit in my torture, refoulement and re-traumatization THREE SEPARATE TIMES

Thus it has been demonstrated with consistency and predictably through six repeated 'tests' over six years that there is no mechanism in domestic jurisprudence for the protection and enforcement of human rights in our courts when judges are the perpetrators of prohibited acts condemned by human rights authorities.

Every filing in this Circuit in the cited cases provides sufficient facts[95] in support of the systemic torture and human rights violations perpetrated by this Circuit's courts while Freeman[96] held the Bright Line of law and judicial ethics that customary international law demands.

The chronological records in the courts of this Circuit demonstrate the progress of my disabilities and my serious and irreparable physical and mental injuries under the control and inducement of torture by the judges of this Circuit. View these by searching for my consistent requests for safe harbor and disability accommodation which were generally filed under seal, and then view the contents of each one of my other filings for consistent expression in the public record. When pushed to extremes, note how I attempted to use every existing means under invariant[97] rules, procedures and policies of this Circuit's courts to construct some modicum of accommodation, and how the momentum of torture ensured my continued and severe pain and suffering.

I have never received the necessary medical treatment for my remission, recovery and rehabilitation, which monumentally increased my injuries and disabilities and chronologically expanded the duration required for my medical treatment[98]. This court was notified of the mechanism of distress-induced injuries, which became internationally peer-reviewed and confirmed in the international medical literature and was published to this Circuit's courts. The record constitutes substantial grounds for torture and ill-treatment by the judges of this Circuit, rooted in discrimination based on disability.

All of the judges of this Circuit are implicated in this prohibited conduct, particularly when Bumatay, Sanchez and Silverman deliberately dismissed the reconsideration *en banc* requested by me. This action was in retaliation for my cognitive impairment[99]. It was Silverman's third time in not controlling

[95] Conformant with the UN Istanbul Protocol
[96] No judge of this court or of this Circuit may deny my Accommodation.
[97] i.e. discrimination based on disability and/or serious illness
[98] 4 weeks of complete rest and isolation from distress graduated by judicial torture to months and then ONE YEAR. I have been 'locked in" a state of perpetual injury and substantial incapacity. If it were not for the advent of A.I., I would have been completely silenced as my life energies were robbed and my physical and mental integrity increasingly declined. Only the artificial human who is a disabled pro se litigant, can keep objecting and speaking out against judicial crimes after enduring so much injury and pain and suffering, not a living breathing original flesh and blood human being.
[99] Due to severe cognitive impairments disclosed to this Circuit's courts and communicated in my requests for safe harbor and disability accommodation, I had only recently cognized the 2022 written order by White in 21-cv-04262-JSW dismissing Brady from the amended complaint, and filed an amended notice of appeal in 24-3353 two years later upon cognizing it. The issue had not been argued in 23-15221 due to absence of its cognition. Once Brady continued my torture through her fraud, documented in my motion for safe harbor and disability accommodation in 24-6312, Bumatay, Sanchez and Silverman deliberately dismissed the reconsideration *en banc* requested by me in retaliation for my cognitive impairment, while never offering me any accommodation for that cognitive impairment or any other functional or cognitive impairment of which they had notice, and endorsing the refusal by White to accommodate the same impairment. In

discrimination and endorsing my torture by this court and by the lower court and others. The conduct demonstrates a systemic absence of judicial ethics in this Circuit as its judges profess to no wrongdoing at the scene of prohibited acts, while ethics scream of unconscionable wrongs and the complete absence of "good Behaviour".

Of particular interest is the invidious control of defendants over the judges of this Circuit. The same core defendants exploit judges in every state and federal court into which they have reached to torture the Plaintiff. Today they stand with a motion before a torturer-judge of their victim, Jeffrey White, asking for carte blanche immunity for posterity against their torture and racketeering and abuse of process in every court in the nation, forthwith and without limitation. These actors, identified as Mandy Brady and her attorneys and co-conspirator defendants, are experts in reading the major flaws in jurisprudence that enable the directing of the full force of systemic judicial prejudice and criminal human rights violations at their victim, secure of full privilege under the color of judicial authority, and brandishing one order after another secured through the activated human rights violations of one judge to the next judge for full faith and credit.

The experience of the disabled and sick litigant are never considered by judges. The chronic oppression that afflicts the victim every single day of their life as they reel to the incessant violence and trauma inflicted by judges and courts as their entire life is mapped by schedules controlled by courts and exploitative attorneys and they are forced to wake and toil for freedom from torture and rights deprivation under duress and battling their functional and cognitive impairments and witnessing their fresh injuries and descending into hopelessness and disease, constitutes no less than a form of gladiatorial spectacle for the pleasure of the judiciary and their self-aggrandizement with the victim bleeding from injuries, shackled and weaponless.

Freeman and White stand with tarnished records **confirming the systemic policy of human rights violations in this Circuit at the 100th percentile of sampled judges**. White, a senior judge, has been particularly active in my torture in the district court, now joined by her peer Freeman.

This case of first impression provides numerous original questions of law and ethics and international law[100], which this Circuit's judges unconstitutionally suppressed. The facts indicate the judiciary's overt violations of the US Constitution, of human rights treaties and principles and the *jus cogens* of

essence, Bumatay, Sanchez and Silverman again endorsed the deprivation of my accommodation for that cognitive impairment by every court in this Circuit.

[100] The action by the Plaintiff and Private Attorney General is in the national interest, and shall be prosecuted to the highest levels of jurisprudence, domestically and internationally. Thus, for this nation's benefit, this court and its judge must ensure that it receives great care and protection in judicial hands to "establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity". The issues are directly relevant to this litigation. The first pillar of care and protection is my Accommodation to provide me with long-overdue life-saving treatment.

customary international law which may not be violated under any circumstance. Despite this undeniable truth, the judges of this Circuit hold that they are ethical and that they do no wrong and that the conduct is sanctioned by a national policy expressing the standard in judicial administration of justice in the United States. The facts demonstrate that a lawless and wayward judiciary controls rights in the United States in a manner unintended by the US Constitution, while the same judiciary has been continuously impeached by a federal judge since 2019, who now abandons her Bright Line.

DISQUALIFICATION IS WARRANTED

This scenario presents a deeply concerning situation involving judicial misconduct with severe implications for the litigant's health, rights, and access to justice. Analyzing the judge's actions through the lens of judicial ethics codes and human rights treaties reveals profound ethical violations. Of greatest concern is that the judge, having unequivocally admitted that the Plaintiff requires life-saving treatment and Accommodation to meaningfully access the court and to be capable of availing himself of fundamental rights, is triggered by characteristic factors that results in her immediate behavioral transition to a state of perpetual cruelty, inhumanity and intentional degradation of a highly vulnerable and endangered human being according to the same nationwide policy as statistically proven to be followed by every judge and every court. It is the radical contradiction of the treatment of a human being by a judge, and her transformation under a systemic policy of derogation of human rights that violates multiple principles and laws that this judge now presents for scrutiny at higher levels.

With substantial grounds establishing a systemic policy of discrimination and human rights violations, and the consistency of fault with judicial ethics confirmed in this Circuit's courts through approximately five percent of its judges who have endorsed prohibited acts by its own courts and by others, measured over six years and through six appeals from three separately numbered lawsuits, it is highly likely that every judge of this Circuit violates judicial ethics consistently and according to a systemic defect in jurisprudence, that constitutes no less than a conspiracy to deprive the rights of litigants with particular characteristics that is expressed in orders and judgements to completion. Therefore the basis for proof of systemic judicial torture and hate crime is well established in this Circuit precisely.

The judge wants the public to believe that her conduct is honest, principled and free from improper influence[101]. She wants us to trust that she is fair and impartial, and believes that she is avoiding the appearance of impropriety[102] by certifying the Plaintiff's fitness for torture by means of unaccommodated participation in litigation at the expense of guaranteed actual and irreparable harm about which she has been educated, by her own admission, 10 times over almost six years. The judge

[101] ABA Model Code Canon 1
[102] ABA Model Rule 1.2

wants us to believe that she is acting without bias or prejudice towards any party, including an unaccommodated, seriously ill and disabled pro se litigant whom she orders to be tortured by coerced participation at the expense of serious, possibly mortal injury, and that she is treating fairly all who come before the court[103]. Therefore the judge asks us to trust the judicial process, and that she can be relied upon to be fair, unbiased and honorable, and that she will maintain decorum and treat litigants with patience, dignity, and courtesy[104].

International human rights experts remind us that judicial ethics is intended to stop and prevent discrimination and human rights violations in the course of jurisprudence, and that the presence of these prohibited elements in a court are the tell-tale sign of absent judicial ethics.

No human rights expert or human rights advocate, and no ordinary reasonable person finds fairness, principle or honor in a judge's conduct when human rights are violated. "Propriety" refers to expected standard of conduct for judges, encompassing more than just adherence to specific rules. It's about maintaining the highest standards of behavior, both on and off the bench, to uphold the integrity, independence, and impartiality of the judiciary and to promote public confidence in the courts. Violation of human rights, particularly when the victim is seriously ill and disabled and being deprived of fundamental rights by the judge, does not constitute propriety.

Certainly, there is no propriety where there is any sign of discrimination in judicial conduct. The judge's order in ECF-87 confirms 10 prior orders granting stays for the reason that requiring the participation and appearance of the Plaintiff would discriminate based on disability and his serious illness, which hold him under substantial incapacity. But now the judge resorts to denying the disability of a seriously ill and disabled pro se litigant by certifying that he has impeccable ability for expression and she then takes the next extreme leap of illogic through abandoning her impartiality to establish the false finding of fact that his disability and his illness do not affect him. By illogically conflating ability with capacity, and ignoring the proven injurious cost of the coercion of the Plaintiff to demonstrate his raw ability with A.I. in ECF-85, 86 and 89 at the expense of serious and irreparable physical and mental injury, which the Plaintiff immediately informed the judge about in ECF-90 by motion to seal, as proof of her bias, and which the judge deliberately and knowingly suppressed to reconfirm her intentionally misleading finding of facts, we find her impartiality cannot exist, and thus the core of judicial propriety, which is impartiality, is absent from the judge's conduct.

[103] ABA Model Rule 2.2
[104] ABA Model Rule 2.8

Discrimination by a judge based on a litigant's disability or illness is a profound violation of judicial propriety. Discriminating demonstrates bias and prejudice, directly contradicting the judge's duty to apply the law neutrally based on facts and law, not personal characteristics[105], which here she alters to eliminate the Plaintiff's disability from consideration. Treating a litigant unfavorably or denying them necessary accommodations due to disability or illness prevents a fair hearing and equal treatment under the law. Fair-minded people expect judges to be unbiased. When a judge discriminates, it severely damages the public's trust in that judge and the judiciary as a whole. It creates the impression that justice is not available equally to all[106]. Such conduct clearly appears improper, signaling that the judge's decisions may be influenced by prejudice rather than legal principles. Codes of judicial conduct explicitly prohibit judges from manifesting bias or prejudice based on disability[107]. Violating these specific rules is, by definition, a failure to maintain propriety. Therefore, discriminating against a disabled or sick litigant strikes at the heart of judicial integrity and fairness, making propriety completely absent in such actions.

A sick or a disabled litigant is presumptively at a disadvantage in litigation compared to others. The failure to equalize their opportunity for success in litigation is discrimination. The failure to provide un-burdensome and meaningful access to the court and constitutional due process is discrimination. When a judge, acting as a state official, discriminates against a disabled or sick litigant, it's not only an ethical violation but also infringes upon fundamental human and legal rights. However, it is not the case that the infringement is separated from the ethics of the conduct and subject to separate action for relief and remedy. In the context of human rights violations by the judge, international Protocol and judicial ethics, and the mandate of human rights treaties and the *jus cogens* of customary international law, **integrates** such prohibited acts with the core requirements of judicial ethics. Thus judicial ethics are to be interpreted to ensure no derogation of non-derogable rights, in particular human rights. Otherwise, the judge may merely repeat her human rights violations, persistently inflict actual and imminent harm through prohibited conduct, including absolute prohibitions under the *jus cogens* of customary international law, and then, having irreparably harmed and injured the litigant, assert judicial immunity to thwart remedy, relief and punishment subject to the undue burden she places upon the Plaintiff to prosecute her prohibited acts by separate legal action. Note that at no stage during the proceedings are any of the judge's prohibited acts and violations of human rights actionable by a higher court, due to the specific design of jurisprudence. The standard remedies alleged to be provided by jurisprudence in the

[105] ABA Model Rule 2.3
[106] ABA Model Rule 1.2
[107] ABA Model Rule 2.3(B)

form of appeal, mandamus and judicial discipline are systemically impotent and unavailable, as verified by the Plaintiff in 6 appeals in the Ninth Circuit since 2019.

This is extraordinary madness and the actual state of American jurisprudence in the state and federal courts. The judge is well aware that this is the fate awaiting the Plaintiff, thus rendering her court indistinguishable from every other court in which the Plaintiff is tortured.

What is remarkable about the conduct of this judge is that, by her own admission, as long as the defendants did not object, she could examine the sealed records of the Plaintiff, and decide by discretion, if and how to Accommodate him. And each time in 10 instances of examination admitted by her, she Accommodated him, with the last Accommodation being ONE YEAR of stay for complete rest and isolation from distress, which were the identified and only life-saving treatment for him. Having admitted the need for radical Accommodation which every other judge considers to be unthinkable, at the moment that the defendants objected to the Accommodation, without providing a shred of medical information to challenge the essential needs of the Plaintiff, this judge condemned her own judgment transforming ONE YEAR of necessary stay into zero, abandoned all human rights principles, and apologetically and fervently insisted that the Plaintiff has no human rights and may not be Accommodated.

More than the conduct of any other judge, including Mary Greenwood in 2019[108], this judge proves that the judiciary of this nation will abandon human rights in the 'administration of justice; and are prohibited by the design of jurisprudence and a perverted and POLITICAL interpretation of Article VI of the US Constitution from considering the human rights of litigants under a uniform national policy of discrimination and violation of human rights treaties and condemnation of the *jus cogens* of customary international law. Thus, instead of an INDEPENDENT judiciary, opponents completely control the human rights of litigants in American courts and every judge is required to violate human rights when an opponent requests it, in favor of rules, procedures and policies designed for chattels and serfs and money and corporations and not for human beings. Thus litigants appear before judges as serfs and commoners did before the monarch, and judges became the tyranny that tenure and Separation of Powers was intended to thwart.

The right to Non-Discrimination and Equal Protection is a cornerstone human right, recognized internationally (e.g., UDHR, ICCPR, CRPD, ICESCR) and domestically. The Equal Protection Clause

[108] The presiding judge of the Sixth District court of Appeals of California personally examined me on October 2, 2019 and assured me of repeating Accommodation in her court in repeating blocks of 120 days, and promptly violated her own order, upon discovery that the trial court held an inconsistent position

of the 5th Amendment[109] and laws like the ADA prohibit discrimination based on disability by state actors, which is necessarily applicable to the federal judiciary, including courts[110]. When the Plaintiff's disability and illness control his **capacity** to litigate injury-free, he must be provided with life-saving medical treatment to ensure his physical and mental integrity, not be coerced into unequalized participation with inferior opportunity for success than his opponent. THE CRPD leaves no room for such judicial discrimination and human rights violation. Judicial discrimination violates this basic right to be treated equally under the law. In this context, the discrimination is criminal under Article 1[111] of the UNCAT discussed below. There is no propriety in such judicial conduct.

The right to a Fair Trial and Due Process is absent for the Plaintiff. Discrimination can fundamentally compromise a litigant's right to a fair hearing (guaranteed by the 5th and 14th Amendments). If a judge's bias prevents impartial consideration of the case, denies necessary accommodations for participation, or leads to decisions based on prejudice rather than evidence and law, due process is violated. We already find prejudice instead of evidence and law, as the judge insists that her inducement of the demonstration of Plaintiff's ability is evidence of his capacity to litigate equally and without suffering actual and imminent harm.

The Plaintiff does not have the right to Equal Access to Justice. Discrimination based on disability creates unassailable barriers that prevent individuals from effectively accessing the legal system and presenting their case on an equal footing with others. Here the Plaintiff has to accept serious and irreparable physical and mental injuries as the cost of coerced participation, while the judge controls his bodily autonomy, and deprives him of life-saving medical treatment, and he has no option of withdrawal as the harm from withdrawal exceeds the harm that he must endure under torture at the hands of this judge and the exploitation of defendants who have conspired with others to ensure Plaintiff's torture proceeds in the federal courts.

The Plaintiff does not have the right to Dignity. Treating a litigant with prejudice based on their health condition, and impacting their health condition seriously and irreparably with attendant danger of death, in the name of 'the administration of justice', violates their inherent human dignity, which judges are expected to respect.

A judge has an inviolable duty to uphold the law[112]. This includes human rights laws expressed through human rights treaties and through the *jus cogens* of customary international law, including absolute

[109] Present by reverse incorporation
[110] As the CRPD confirms
[111] And at a minimum , a crime under Article 16
[112] US Code Canon 3(A)(1), ABA Rule 2.5

prohibitions that are binding upon every nation including the United States irrespective of ratification of any treaty, and so recognized by the United States. Every human being grasps what a violation of human rights is, and so do judges. When judges knowingly and willfully violate human rights, there is no sign of their ethics. Human rights violations are inherently violations of judicial ethics, as they prove, at a minimum, the absence of impartiality[113], integrity and propriety[114]. Here, the judge violates UNCAT Articles 1 and 16 with the intent to misrepresent the Plaintiff's true health status and disability in order to hold invariant[115] the rules, procedures and policies of her court, knowing the serious and irreparable harm that she inflicts upon the Plaintiff who reports his severe pain and suffering, and objectively measures his injuries. The judge also violates the CRPD Article 15, and the ICCPR Articles 6 (right to life, by obstructing access to life-saving treatment), 7 (freedom from torture and ill-treatment), 14 (fair trial, denial of a fair hearing by making safe and meaningful participation impossible, Coercing participation beyond capacity violates the right to adequate facilities and conditions for defense), and 26 (non-discrimination and equality).

We need to merely run our finger down the page of the Code of Conduct of United States Judges ("US Code"), the ABA Model Code of Judicial Conduct ("ABA")[116] and the Bangalore Principles of Judicial Conduct ("Bangalore") and we must stop time and again at violation after violation, as follows.

A. Code of Conduct for United States Judges

1. **Canon 1: A Judge Should Uphold the Integrity and Independence of the Judiciary.** [1]
    - *Violation:* Forcing a litigant to choose between potentially life-saving treatment and participating in court proceedings undermines the integrity of the judicial process. It suggests the process values expediency or coercion over fundamental human needs and fairness, thereby damaging public perception of judicial integrity.
2. **Canon 2: A Judge Should Avoid Impropriety and the Appearance of Impropriety in All Activities.**
    - *Violation:* Compelling participation under threat of serious injury creates a stark appearance of impropriety (Rule 2A)[117]. A reasonable observer would likely question

[113] The treaty norms regarding non-discrimination and fair trial directly align with ethical duties of impartiality and equality (US Code Canon 3(A)(4), ABA Rule 2.3, Bangalore Values 2 & 5). Violating these treaty principles is inherently unethical.
[114] Acting in ways that violate universally recognized human rights norms codified in treaties ratified by the U.S. fundamentally undermines judicial integrity and propriety (US Code Canons 1 & 2, ABA Canons 1 & 2, Bangalore Values 3 & 4). Such conduct is incompatible with the expected ethical standards of the judiciary.
[115] i.e. discrimination based on disability and/or serious illness
[116] Referenced by international ethics code
[117] Every other judge and every other court usurped and squandered the opportunity that Freeman created for my life-saving treatment, and now she abandons her human rights compliance in favor of their crimes. Because it is not practicable to list all prohibited acts, the

the judge's fairness and judgment. Such conduct erodes public confidence in the judiciary's commitment to justice and basic decency.

3. **Canon 3: A Judge Should Perform the Duties of the Office Fairly, Impartially[118] and Diligently[119].**

    - **Rule 3(A)(1) (Faithfulness to the Law):** The judge must be faithful to the law, including constitutional principles of Due Process and federal laws like the Americans with Disabilities Act (ADA), which may require reasonable accommodations for disabled litigants. Insisting on participation without needed accommodation or necessary medical prerequisites appears unfaithful to these legal requirements.

    - **Rule 3(A)(3) (Patience, Dignity, Respect, Courtesy):** Forcing participation under these circumstances is the antithesis of patience, dignity, and respect. It treats the litigant's life-threatening condition and disability as obstacles to be overridden rather than serious conditions requiring careful consideration and accommodation.

    - **Rule 3(A)(4) (Bias and Prejudice):** This rule explicitly prohibits judges from manifesting bias or prejudice based on disability. Refusing necessary accommodations and disregarding the impact of serious illness/disability, especially while conflating superficial "ability" with true "capacity" to participate safely, constitutes manifesting bias. The judge is failing to treat the litigant based on their actual circumstances, influenced by apparent prejudice against accommodating the disability/illness.

    - **Rule 3(A)(6) (Diligence and Promptness):** While judges must manage their dockets, this duty does not supersede fundamental fairness and safety. Diligence cannot justify coercing participation that risks irreparable harm or denies access to life-saving care. True diligence includes managing cases in a way that respects litigants' fundamental rights.

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prohibition in Canon 2A is necessarily cast in general terms that extend to conduct by judges that is harmful although not specifically mentioned in the Code. It is harmful to Justice and to life, liberty, property and rights for any judge to deprive me of bodily autonomy and of life-saving treatment, knowingly and willfully for the purpose of blind obedience to invariant rules, procedures and policies of this Circuit's courts, and for other reasons including comfort and comradery. Actual improprieties under this standard include violations of law, court rules, or other specific provisions of the ethics Code. With such extreme violations of laws that remain unrecognized for their preeminence by the judges of this Circuit, *en banc*, my treatment is not the mere appearance of impropriety: it is impropriety personified.

[118] See also 28 USC § 455

[119] Canon 3 is treated with contempt by the judges of this Circuit, based on six year and 20-judge sample, reflecting the candor and decorum of all judges, *en banc*.

B. ABA Model Code of Judicial Conduct (Largely mirrors the federal code, reinforcing the violations)

1. **Canon 1 / Rule 1.2 (Integrity, Independence, Public Confidence):** Same violations as US Code Canon 1 & 2 – conduct undermines integrity and public confidence.
2. **Canon 2 / Rule 2.2 (Impartiality and Fairness):** The actions demonstrate a lack of impartiality and fairness towards the disabled and ill litigant.
3. **Canon 2 / Rule 2.3 (Bias, Prejudice, Harassment):** Rule 2.3(B) directly prohibits manifesting bias based on disability by words or conduct. The judge's insistence and refusal to accommodate, especially when aware of the risks, manifests such bias.
4. **Canon 2 / Rule 2.5 (Competence, Diligence, Cooperation):** Diligence must be exercised fairly (Comment [1]). Ignoring the distinction between ability and capacity, and the need for life-saving treatment, shows a lack of competence in handling cases involving severe disability and health issues fairly.
5. **Canon 2 / Rule 2.8 (Decorum, Demeanor, Communication):** The judge's alleged conduct lacks the required patience, dignity, and courtesy (Rule 2.8(B)).

C. Bangalore Principles of Judicial Conduct (International Standards)

1. **Value 2: Impartiality:** The judge's actions display bias and prejudice, violating Principle 2.1 (perform duties without bias) and undermining public confidence in impartiality (Principle 2.2).
2. **Value 3: Integrity:** The conduct is not "above reproach" (Principle 3.1).
3. **Value 4: Propriety:** The actions constitute both impropriety and the appearance of impropriety (Principle 4.1), eroding public faith (Principle 4.2).
4. **Value 5: Equality:** This is a direct and severe violation. The judge fails to understand or acknowledge the litigant's needs arising from disability (violating Principle 5.1), manifests bias based on disability (violating Principle 5.2), and fails to give appropriate consideration based on the litigant's actual capacity and health status (violating Principle 5.3).
5. **Value 6: Competence and Diligence:** The judge fails to perform duties fairly (Principle 6.1) and demonstrates incompetence in managing a case involving critical health needs and disability rights.

Following the bright line of ethics, we find that the ethical violations described directly correspond to violations of the plaintiff's fundamental human and legal rights:

1. **Right to Life / Bodily Integrity:** Forcing participation that jeopardizes access to *life-saving* treatment and risks *serious and irreparable* physical injury implicates the fundamental right to life and bodily integrity, violating substantive due process under the Fifth Amendment.
2. **Right to Due Process / Fair Hearing (Fifth Amendment):** A litigant cannot meaningfully participate or receive a fair hearing if they are denied necessary medical treatment or accommodations, or if participation itself causes severe harm. Coercing participation under such conditions renders the process fundamentally unfair. The distinction between "ability" (superficial capacity to perform an act) and "capacity" (ability to perform the act meaningfully and safely without undue risk or harm) is crucial for due process.
3. **Right to Non-Discrimination / ADA/ CRPD:** If the judge's refusal constitutes a failure to provide reasonable accommodations required by the ADA or CPRD, or reflects discriminatory treatment based on disability, it violates federal statutory rights and potentially equal protection principles (as applied to federal action through the Fifth Amendment), in addition to non-derogable rights under human rights treaties and the *jus cogens* of customary international law.
4. **Right to Access to Justice:** While the judge is ostensibly forcing "access," doing so under conditions that risk severe harm effectively denies meaningful access on fair terms.

We further find that the ethical violations cover criminality, which are strongly confirmed under human rights treaties and the absolute prohibitions of the *jus cogens* of customary international law, and constitute violations of judicial ethics. When we limit our inquiry to only domestic statutes, such as 18 U.S.C. § 242 (Deprivation of Rights Under Color of Law), which is perhaps the most relevant domestic criminal statute, the key is whether the judge acted "willfully" to deprive the plaintiff of rights secured by the Constitution or laws of the United States (e.g., Due Process, ADA rights, right to bodily integrity). Since the facts suggest exploration of this statute, the mere appearance that the judge may have violated this statute, in conjunction with these facts and particular attention to the fact that the judge knew in detail the dire condition and the serious circumstances of the Plaintiff, and granted ONE YEAR of stay for his complete rest and disability accommodation, the argument for willfulness becomes potent. The judge *knew* the plaintiff required life-saving treatment. The judge *knew* forcing participation without treatment/accommodation risked serious and irreparable physical and mental injury. Despite this knowledge, the judge *insisted* on participation, mischaracterizing the plaintiff's ability and ignoring his actual capacity and the dire health risks. This conscious disregard for known, potentially fatal or

devastating consequences, solely to compel participation in a legal process, rises above mere error or abuse of discretion to the level of reckless disregard necessary to constitute "willfulness" under § 242. The act is not just denying a motion; it's allegedly coercing the litigant into grave physical danger.

Having discussed the most obvious ethical violations by the judge, we turn to two essential indictments of the ethics of the state and federal judiciary, *en masse*, provided by the remarkable contribution of this judge to Plaintiff's torture and attempted murder in the name of 'law and Justice'.

First, we observe that the order by the judge for Plaintiff's torture to be enacted in her court, demonstrates that she propagated, acquiesced to, endorsed and performed the torture that originated in the state courts as her personal policy through full faith and credit, and asserted in her order that it shall become the unquestioning "judicial process" in this court. She expressly restated the observation of Plaintiff's ABILITY as the only determinant of Accommodation, under the definition of Safe Harbor and disability accommodation. This is a call for Plaintiff's torture in every court in the United States. Even the senior federal judge in her own court did not dare make such an overt statement calling for every court to follow the standard of the California courts for justifying torture of litigants with particular characteristics.

Then the judge was immediately challenged for her unconscionable human rights crime, by the records provided by the Plaintiff to be sealed a second time, proving that the judge's cruel, inhuman and degrading treatment and punishment for being sick and disabled, and her creation of a federal standard to destroy and set aside her Bright Line of Accommodation in a case with international dimension and national import, has resulted in physical and mental injury measured objectively, and is consistent with scientific laws.

Thus the judge was immediately confronted with proof of the statements and predictions of the scientific method and confirmation of the testimony of multiple licensed and highly qualified doctors to which she had absolutely no response *on par*. In fact, there is no sign of any medical rebuttal to the Plaintiff's authoritative medical information provided in his motion for Accommodation or reconsideration, and which established conclusively the essential need for the life-saving medical treatment sought, which an independent investigation would resoundingly confirm as the accurate statement of Plaintiff's unique and unavoidable need for Accommodation, the deprivation of which would constitute ill-treatment and torture.

We observe that the judge used a procedural argument to again toss aside the authoritative medical information, and eliminate a human rights complaint against her, issued under the envelope of a motion for reconsideration. Since it is proven that, nationwide in both state and federal courts, there is no

mechanism by which to challenge a deprivation of rights and Accommodation by virtue of a systemic design of jurisprudence to discriminate and violate human rights, the Plaintiff had to select a procedure that would become the envelope for communication of his human rights complaint against the judge which would compel the judge to look at the proof of her prohibited acts and have to respond to the Plaintiff. Thus the motion to reconsider. And thus the evasive response of the judge to ensure Plaintiff's torture proceeds, with impunity.

With extreme prejudice characteristic of the national systemic policy of the judicial torture of litigants with particular characteristics, the judge did not fail to confirm precisely the national behavior that is religiously followed by every judge in the nation: she immediately **rejected any duty** to address the human rights complaint, discarded it with specific intent to assert that customary procedure shall always be dominant to preemptive law, and to absolute prohibitions of the *jus cogens* of customary international law ratified by treaty, and to the most cherished values and norms of our national morality, which do not approve of such harm to any human being.

Under no scenario of human rights compliance, or any interpretation of the US Constitution that conforms fully with Article VI's definition of supreme Law of the Land, is such conduct, and the impunity expressed by the judge, remotely permissible. Like every judge in this nation, were this judge to attempt to simultaneously satisfy every applicable law, she would necessarily have to grant the Accommodation sought by the Plaintiff, unless she were to provide him with counsel. But the opportunity for that accommodation is long expired due to the accumulated burden of injuries to the Plaintiff under judicial torture and his circumstances, as demonstrated most recently in the Bankruptcy court record.

Therefore, we observe that upon proof of injury and confirmation that the judge's order will result in more injuries with potential death of the Plaintiff, she **did not hesitate** to continue with her course according to a systemic judicial policy of discrimination and human rights violations that she insists must be followed, and describes it by her conduct as **evidently obvious and invariant** across the nation. From the perspective of the ordinary reasonable person, the policy is invidious and deplorable, and does not warrant the public trust. The judge's contribution to an on-going action in the United Nations is not only confirmation of a systemic human rights assault on a civilian population, but demonstrates that judicial ethics, which should have stopped such conduct, are impotent by virtue of a design defect, where the judge who demonstrates the most egregious and profound violations of human rights with impunity, is in the best case, examined for her ethics by another judge or judges who are religiously compliant with the same systemic policy of human rights violations, and therefore cannot see any wrong in such malicious and injurious judicial conduct by any other judge.

Second, we observe that the judge has violated multiple points and paragraphs of the UN Istanbul Protocol, despite her duty to address the torture by other courts, and to obey dominant Law and thereby refrain from perpetrating torture in her own court. The Protocol is binding upon the judge by operation of the absolute prohibitions under customary international law which are expressly embraced by the United States[120]. Her deviations from the Protocol are necessarily violations of judicial ethics, as the Protocol ensures human rights in the face of torture. She may not assert any RUD to the UNCAT in her defense or as justification of her illegal conduct, as the object and purpose of the treaty is clearly undermined by her conduct, and by her endorsement of torture elsewhere. The violation of the absolute prohibition against her conduct is not merely a matter of a violation of a dominant world law embraced by this nation, but is fundamentally a matter of ethics. When human rights meet law, they necessarily rely on the "judicial process" for assured recognition and enforcement, and thus any failure is necessarily a question of judicial impartiality, independence, propriety and almost every other element of judicial ethics related to discharge of judicial duty.

The judge had a duty of prevention[121] under the Istanbul Protocol and failed to prevent[122] Plaintiff's torture and cruel, inhuman and degrading treatment. When Rossi exploited the major flaws in domestic jurisprudence in conspiracy with the defendants in 21-cv-04262-JSW, and failed to provide a single piece of medical rebuttal to the Plaintiff's medical information produced to the defendants under a fraud beckoning the judge to violate the Plaintiff's privacy and assuring publicly that he would not oppose any medical necessity[123], the judge simply abandoned her duty under the Protocol and under the UNCAT, which requires the criminalization of torture. This omission to act is itself a prohibited act, and doubly so as it constitutes acquiescence to torture, and triply so as she used it to justify the continuation of Plaintiff's torture in her own court.

The Protocol places significant emphasis on the role of medical evidence in documenting torture and ill-treatment. It provides extensive guidance on conducting thorough physical and psychological evaluations to identify sequelae consistent with alleged abuse. This underscores the necessity of taking medical conditions and evidence seriously. The judge disregarded medical reality. Her refusal to acknowledge and accommodate the plaintiff's medically necessary treatment or disability needs runs

120

121 The Protocol is fundamentally linked to the state's obligation under UNCAT Article 2 to take effective measures to prevent torture and cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction. This duty extends to all state officials, including members of the judiciary, and requires proactive steps to avoid situations conducive to ill-treatment.

122 By disregarding the plaintiff's known, serious medical condition and disabilities, denying necessary life-saving treatment or accommodation, and compelling participation under these circumstances, the judge failed in the fundamental duty of state officials to prevent acts that could constitute cruel, inhuman or degrading treatment or punishment or torture. Instead of preventing harm, the alleged actions actively create a situation risking severe suffering.

123 In the event, Rossi produced only endorsement of Plaintiff's torture by other judges and courts consistent with the national systemic judicial policy of ill-treatment and torture of litigants by the judiciary. This judicial policy is statistically predicted to control over 30,000 judges in this nation's state and federal courts

counter to the Protocol's emphasis on the importance of medical assessment and the physical and psychological state of individuals. It demonstrates an intentional dismissal of objective medical factors crucial to the plaintiff's safety and ability to participate.

Principles governing investigations – promptness, impartiality, independence, competence, thoroughness – reflect the standards expected when dealing with allegations or risks of torture or ill-treatment. These principles inform the expected diligence and care officials should exercise. The judge failed to demonstrate any of these principles, which closely overlap with ethical duties of the judge.

The Protocol calls for special attention to the needs and vulnerabilities of specific groups during investigations and documentation. Individuals with serious illnesses or disabilities clearly fall within this category, requiring heightened sensitivity and protective measures. The judge’s conduct demonstrates a failure to apply the heightened standard of care required when dealing with a vulnerable individual (a person who is seriously ill and disabled).

Forcing participation without essential medical care or accommodation directly risks causing further severe physical or psychological harm, potentially irreparable harm. This contradicts the core protective aim underlying the Protocol's guidelines.

The guidelines stress the need to avoid causing further harm or re-traumatization during investigative or documentation processes. This principle extends logically to any interaction by state officials with potential victims or vulnerable individuals.

The judges actions are therefore contrary to the Protocol's underlying principles of prevention of harm, respect for medical reality and assessment, and protection of vulnerable individuals.

The allegations are exceptionally grave. Torture and ill-treatment are absolutely prohibited under international law, admitting no exceptions. The victim belongs to a particularly vulnerable group due to serious illness and disability, heightening the state's (and thus the judge's) duty of care. The prohibited conduct by the judge involves not merely procedural irregularities but actions that potentially endanger the plaintiff's health and life, with the well-documented prospect of irreparable harm. The actions by the judge represent a profound betrayal of judicial ethics and a serious violation of fundamental human rights.

The judge was distinctly warned that disclosure of Plaintiff’s private and medical information will result in aggravated torture by the identified defendants, and paid absolutely no heed to the warning. The result is well documented in the record, including the immediate motion by Rossi to dismiss the complaint with full knowledge of the substantial incapacity of the Plaintiff, and the egregious harm that he will

inflict by immediately proceeding with litigation while the judge, with aligned motive with his, denudes Plaintiff of human rights and deprives him of meaningful access to an unconstitutional due process in a *forum nullus*.

The judge admits to having provided me Accommodation 10 times in ECF-87. As I was tortured and declined in health and Life, she increased my Accommodation to ONE YEAR of stay to provide me the complete rest and isolation from distress that I desperately required to save my life, and which every other court DEPRIVED ME OF. Nothing had changed except my having suffered even more injury and having come to her one year later with decline under torture and much larger accumulated burden of injuries. The abrupt withdrawal of Accommodation despite prior knowledge and evidence of worsened condition and circumstances is particularly indicative of the appearance of impropriety.

What is extraordinary about the inhumane and cruel conduct of this judge that is unprecedented, and distinguished from the systemic violence and torture of every other state and federal judge, is how she turned and became my abuser after almost six years of protecting me from harm which she thus admitted as essential. From the record, we see that she knew that other judges were torturing me, and she knew from the sealed records that she references in her order what those judges' prohibited acts caused to my health and physical and mental integrity. This judge knew of my other litigation in her district court from the time I related it to the present lawsuit in 2021. She knew that other judges discriminate based on disability and violate my human rights, so she ordered ONE YEAR of stay on March 1, 2024 for the reason that I asked her to set a bright line against the use of arbitrary and capricious and vague guidelines on the maximum duration of a stay in litigation that were prolifically inflicted on victims of courts like me, including by her peer judge White, and she occupied the field and established that Bright Line, setting the focus on the human being and his non-derogable rights as opposed to some draconian invention of cruel and inhuman judicial minds. She knew of my appeals in this Circuit, and would have been able to access the records, including seeing the template for this motion of almost 100 pages, which is used in appeal 24-6312, and to address ethics in the federal and state courts.

The necessary writing constitutes evidence for higher forums, and proof of exhaustion of all domestic remedies as the Plaintiff expects the conduct of the judge and the exploitative defendants and their attorneys to unfold precisely as in every other forum.

No judge may take control over the bodily autonomy of a disabled and seriously ill human being and deprive him of life-saving medical treatment as a condition of access to due process. But this is the standard operating policy of this Circuit's courts, and courts generally.

The Private Attorney General has demonstrated that a deficiency in judicial ethics systemically controls the judicial conduct of the judges in this Circuit with respect to the treatment of persons with disability and serious illness. Judicial candor requires judicial respect for the supreme Law of the Land and the *jus cogens* of customary international law, both of which must be simultaneously and immaculately respected by every judge, but no such respect is demonstrated in the courts of this Circuit. Thus judicial ethics may be enforced in this circumstance, and every judge of this court required to address a response to a challenge under ethics.

This judicial conduct violates "good Behavior"[124] which is the preeminent standard for judicial ethics for the federal judges in our nation. A simple question is this: would the ordinary reasonable person deprive a disabled and seriously ill pro se litigant of life-saving medical treatment and require him to suffer injury as the cost of litigation and proclaim that this is American justice?

Judge Beth Freeman is no longer in accord with the reasonable person.

At the first instance when this Circuit's courts were identified by substantial grounds as *forum nullus,* should any judge or court in this Circuit continue to preside or assert jurisdiction over any disabled and pro se litigant, or over any case involving disability, treaties or human rights, then "good Behavior" is absent and a violation of judicial ethics is established. No judicial office must be exercised absent first a correction and restoration of this Circuit to conformity with constitutional jurisprudence and restoration of public confidence. Twenty judges nevertheless rejected the US Constitution, and statistically, every one of the remaining judges in this Circuit are statistically highly likely to do so.

To the present day, this Circuit's courts remain *forum nullus* for any disabled and pro se litigant, and for any case involving disability, treaties or human rights. No judge or court in this Circuit must take or hold jurisdiction over any disabled and pro se litigant, or over any case involving disability, treaties or human rights until corrective action has resulted in the persistent reform of jurisprudence in this Circuit consistent with the cited authorities and instruments. Impropriety is otherwise present.

Our judiciary have collectively and individually deprecated "good Behaviour" into insignificance, and evaded the import of the distinction in the text of the US Constitution between a standard for discipline of judicial officers of the United States under Article III and standard for discipline of civil officers of the United States under Article II, and granted themselves extensive immunities that are inconsistent with "good Behaviour" and human rights authorities[125] which the judiciary controls.

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[124] Article III

[125] The American judiciary have ruled that a judge may act corruptly and with malice without fear of liability. This stands in direct conflict with human rights and International Law. See for example *Ballard v. Wall (5th Cir. 2005) 413 F.3d 510, 515, Basile v. Connolly (2d Cir. 2013) 538 F. App'x 5, 3-4, Dellenbach v. Letsinger (7th Cir. 1989) 889 F.2d 755, 757-58, Falls v. Superior Court (1996) 42 Cal.App.4th*

There is no honor when any judge betrays human rights or the US Constitution and undermines our peace and national security, and adversely affects our foreign relations[126] through bad faith and prohibited acts. The *jus cogens* of customary international law are clear, and hold no forgiveness for prohibited judicial conduct[127] that rise to the level of crimes. Low standards of conduct reported by this writing must not be demonstrated at any time. There is no judicial integrity or independence seen under these facts.

Deference to the judgments and rulings of courts depends on public confidence in the integrity and independence of judges. The courts of this nation combined, sit at an unforgivable and historically low legitimacy. The US Supreme court Chief justice expressed concern about violence against our judges.

The integrity and independence of judges depend in turn on their acting without fear or favor. But favor does not mean membership of a 'systemic-policy-club' that condones and legalizes discrimination and torture in the course of jurisprudence[128]. It is not judicial independence to declare one's independence from the law and condemn human rights. And judicial fear[129] must not be so extreme as to justify draconian self-interested precedents permitting malice and corruption by the judiciary and degrading the stature of the judicial office. Such precedents and such judicial failure of independence and integrity justifies the fear of Mr. Roberts for the safety of our judiciary. Men and women of stainless integrity and impeccable good Behaviour are reluctant to associate with such a fearful and lawless judiciary[130], and this nation loses the benefit of their service. Yet not once in the course of six years of my dealings with this Circuit do we find any 'resignation' of any judge in this Circuit from the 'systemic-policy-club' that condones and legalizes discrimination and torture in the course of jurisprudence[131]. Freeman demonstrates that she dare not resign, and while she could, she 'flew under the radar', but once discovered, she immediately changed her tone and conduct. We must view this as a coercive mechanism that oppresses the judiciary and binds their conduct to inhumane and illegal policies advocated by courts nationwide, and 'sold' to the public as the 'due process of law'.

1031, 1037, Grandy v. Fowler (Nov. 15, 2011, E052843) ___ Cal.App.4th ___, McCray v. State of Maryland (4th Cir. 1972) 456 F.2d 1, 3, Marcello v. Maine (D. Me. 2006) 464 F. Supp. 2d 38, 42-43, Mireles v. Waco, 502 U.S. 9, 11, 112, Toste v. Superior Court No. C058938 (Cal. Ct. App. Oct. 27, 2009)

[126] *Belgium v. Senegal (ICJ 2012)*: The ICJ held that any state party to the Convention against Torture could invoke the responsibility of another state party that violates the treaty, even if it wasn't directly harmed.

[127] Our judges violates the UN Istanbul Protocol in multiple ways.

[128] When perpetrated in unison and with agreement with other judges, is this not a form of partisanship to maintain the customary comforts of judicial office, and deliver the consistent treatment of pro se litigants which Posner reveals to the public?

[129] See the concerns expressed in precedents that endorse judicial corruption and malice and immunize against civil liability

[130] I often wonder how far we have descended in quality in our courts, when men and women of stainless integrity and good Behaviour well known to me personally would have no hesitation to serve as judges without these grotesque judicial immunities.

[131] Take for example the serial torture and discrimination by White in the District court and Silverman in the appeal court of this Circuit

Although judges should be independent, they must comply with the law and should comply with the ethics code. Abandonment of "good behavior"[132] , and frivolous defenses to challenges for disqualification under the ethics code[133], do not constitute independence or compliance with ethics. Adherence to this responsibility of compliance with the law and with observance of human rights and the ethics code helps to maintain public confidence in the impartiality of the judiciary. Conversely, violation of this Code has diminished public confidence in the judiciary and has injured our system of government under law. Today we see nationwide disdain for the judiciary and public disrespect for them. This is especially prevalent in the Family courts, where a large percentage of litigants are pro se. Increasingly, the People are organizing in groups around the nation to oppose the human right violations of judges in Family courts and related cases. Based on sampling of cases in different places in the nation by the Private Attorney General, the preliminary indications are that an organized review of past cases in these courts according to human rights treaties and human rights standards will provide evidence of legalized wrongs that were permitted by judicial ethics, and required by the systemic judicial policy of human rights violation that prevents independent investigation.

In fact, the public perceive an alignment of interests between judges and attorneys[134], leaving the pro se litigant chilled. Every day, justice in this nation is established through the collective control and conduct of attorneys and judges. Every attorney's livelihood relies on their favor with the court, and freedom from discipline, and every judge is required to have been a practicing attorney[135]. Thus a conflict is indicated when the private person may not challenge the systemic discrimination and the design and invariance of rules, procedures and policies of courts to violate human rights, and exploitative attorney are invited by judges to collude with the deprivation of human rights.

The Canons are rules of reason. The record of this Circuit's courts evidence an absence of judicial common sense and reason. To coerce a seriously ill and disabled litigant, without providing Safe Harbor for life-saving treatment and without accommodation to provide information and never access the court with a disability or when seriously ill, while pretending that due process is on display, is uncommon sense and absence of reason. Such demonstrated judicial conduct is found in every single one of eleven actions in this Circuit over six years, and no doubt, upon investigation, in other cases of other victims of the same judicial prohibited acts.

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[132] See multiple frivolous defenses asserted by judge Jeffrey White in the district court of this circuit. Those judges who find no wrong in his conduct as a violator of human rights and a perpetrator of discrimination, it is time for a very close review of your understanding of law and judicial ethics and the expectations of the People of your office.
[133] See White's multiple defenses to ethics questions about his conduct
[134] The Fraternity: Lawyers and Judges in Collusion, John Fitzgerald Molloy (Paragon House, St. Paul, Minnesota, 2005). Every judge of this court is required for their eligibility for appointment to have been a licensed attorney
[135]Ibid

There is no sign in the record that the canons of ethics are applied consistently with constitutional requirements, statutes, other court rules and decisional law, and in the context of all relevant circumstances. The relevant circumstances are that constitutional due process is absent when accommodation and Safe Harbor are absent, and no privilege exists for any judge to proceed with litigation. Proceeding thus is unethical in addition to being lawless.

In fact, the conduct of the judges of this Circuit, now including Freeman, read like a textbook violation of the UNCAT, the CRPD, the ICCPR and the UN Istanbul Protocol, as discussed. On what page and what line is the Constitution do we find the privilege for judges to use our courts to commit crimes? The degree of discipline required for a crime is criminal punishment. Yet the fraternity of judges and attorneys in collusion[136] ensure no such punishment is ever dealt, and law enforcement authorities recognize the impenetrability of the judicial cartel. Today we witness a motion in 21-cv-04262-JSW to exculpate and render immune torturers, endorsed by a SENIOR JUDGE of this Circuit. Note that the motion seeks immunity for all future conduct of the defendants in 21-cv-04262-JSW in THIS LAWSUIT, confirming that Rossi and his clients conspired with the defendants in 21-cv-04262-JSW to commit torture and to instigate he reflexive obedience of Freeman to the systemic policy of human rights violations that lurks in wait for every disabled and sick pro se litigant in this nation.

Did our judges begin their career intending to join a criminal cartel?

There is no sign of respect or correct interpretation of the ADA to be found in this Circuit, and no judge has directly applied the ADA in the manner intended by the supreme Law of the Land. And there is no compliance with the CRPD. Freeman used to be the exception, and by appearance, previously applied ethics consistently with constitutional requirements, statutes, and court rules and decisional law, properly and commonsensically prioritizing those in conflict and applying them in the context of all relevant circumstances. The inescapable conclusion reached by Freeman appeared to be that accommodation and ensuring opportunity for life-saving treatment is mandatory as a matter of judicial independence and impartiality, and she set aside every rule, procedure and policy of this Circuit's courts in deference to superior authorities in human rights and for the elimination of discrimination based on disability in the courts. But as soon as she was 'stress-tested' she revealed that her ordinary sensibilities demonstrated by her 10 orders will be discarded in obedience of an invariant policy of judicial human rights violation. Thus this judge confirms that the judiciary are merely an organized 'army' of actors who are DEPENDENT on direction by systemic policy to deliberately violate human rights with impunity.

[136] The Fraternity, ibid

When supplied with an amicus to confirm the due process required to be followed when a disabled or sick litigant is in the court, Freeman abandoned principles and considerations that characterize a reformed jurisprudence that leave no room for such injustice or absence of ethics as evidenced here.

Freeman does not 'own' the Freeman Bright Line. To the extent that the Freeman Bright Line is consistent with judicial ethics and preeminent law endorsed by Article VI of the US Constitution, the character of the Freeman Bright Line shall remain. Her subsequent conduct that violates the undeviating line to Justice must be discarded. No objection by any opponent may ever be used to justify a violation of human rights or breach of privacy, and those who do, or rely upon it, must be punished.

A strong appearance of judicial impropriety by appearance of judicial comradery and solidarity is present. The Private Attorney General has discussed this through ECF-85, 86 and 89 with respect to Freeman and White. Koh for example, in 19-cv-01986-LHK in this district, came from the state courts that mutilated and tortured me and refused to stop their discrimination and human rights violations. In this Circuit, judges combined in six appeals, and three separately docketed lawsuits, and saw absolutely no wrong in knowingly and willfully torturing and injuring me and depriving me of life-saving treatment, and acquiescing to, and endorsing my torture by other courts, and refouling and re-traumatizing me. The duty for the judges of this court has always been clear under Article III and VI and the cited instruments, including the UN Istanbul Protocol and the CRPD.

It is not necessary to engage reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, to find that each judge's honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired. The doctors who have testified in sealed records provided by me to this Circuit over six years, along with my personal declarations, are the resonator of the verdict of reasonable minds. These authorities are impartial and qualified and educated and reasonable doctors and care providers who speak with independence and with integrity and with one opinion, and are aware of all the relevant circumstances. Since 2019, and repeatedly upon receiving my updated requests for safe harbor and disability accommodation, this judge impeached every other judge and declared them to be unethical. She stayed all litigation, discarded rules, procedures and policies of her court that may be used to commit discrimination and torture, and accommodated me to provide me opportunity for life-saving treatment. No judge in this court did the same. The startling 'hatred' of this judge for human rights, combined with the established statistical analysis, confirms that no judge will yield to superior authority and unassailable reason. And it shall always be the People who shall ultimately determine in unity what Justice shall be in this nation, and not its judiciary.

The preeminence and preemption of the herein cited authorities and even judicial ethics itself over court rules, procedures and policies must be respected. There is absolutely no room for any judge to violate human rights. No judge may assert professional incompetence as a defense in ethics. The presumption of judicial knowledge of the law combined with the repeated presentation of my objections, my requests for accommodation and my objections to my ill-treatment and torture establish an egregious lack of faithfulness to the law that is pervasive among our judiciary and systemic in jurisprudence.

The failure of each judge to be faithful to the law and to obey and apply the supreme Law of the Land, both personally and in the course of conducting jurisprudence, constitutes a public manifestation by each judge of the knowing approval of invidious discrimination based on disability, and discrimination when human rights require invariant rules and procedures to yield, and gives the appearance of impropriety under Canon 2 and diminishes public confidence in the integrity and impartiality of the judiciary, in violation of Canon 2A.

Freeman confirms the systemic bias in the judicial conduct of the judges this court, by impeaching the conduct of her peers from 2019 to March 1, 2025. Every judge who dealt with me over the past six years, should have granted my Accommodation as sought, and considered discrimination and human rights violations as the primary consideration upon my Accommodation requests and appeals. None did.

Instead, I was subjected to extreme prejudice by every judge who dealt with me and who was informed about my serious illness and disabilities and my need for life-saving treatment, and for imperative justice[137], in the face of incessant discrimination and torture in the state courts, which continues to the present day in every court. I have never been provided the right to be heard by this Circuit's courts, according to the supreme Law of the Land. And Rossi strikes swiftly, on the advice of his co-conspirators to silence my expression and reach for the unjust fruits of jurisprudence guaranteed to him by Freeman's course.

The judge ensured that I shall suffer the most extreme costs and delays conceivable in jurisprudence. This case now is statistically destined for the US Supreme court and the United Nations Human Rights bodies upon its guaranteed dismissal, thereafter to return with mandates for the reversal, and punishment of actors who today enjoy every privilege possible under the absence of judicial ethics in this court[138].

[137] UN Istanbul Protocol: relief, remedy, punishment

[138] Canon 3A(5). In disposing of matters promptly, efficiently, and fairly, a judge must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay.

Is it not political activity prohibited by Canon 5 for the judges of this Circuit to selectively implement parts of the US Constitution, to denigrate treaties and international obligations and to violate the *jus cogens* of customary international law?

The overarching goal of an action to disqualify a judge is to prevent harm to those affected by the misconduct and to prevent recurrence[139]. This is the crux of this action.

The federal judge's conduct is a flagrant violation of judicial ethics under the Code of Conduct for United States Judges, the ABA Model Code, and the Bangalore Principles, particularly regarding impartiality, propriety, equality, and respect for litigants. These actions also constitute violations of fundamental human rights recognized in international treaties (like UNCAT and ICCPR) and secured under the U.S. Constitution and laws (Due Process, ADA). The judicial conduct is systemic and pervasive, proven by statistics and lies at the intersection of ethics, rights and criminal law, requires prosecution under Articles 1 and 16 of the UNAT and 18 U.S.C. § 242 and others. The mere appearance of these wrongs is sufficient cause for disqualification of the judge.

Most importantly, the most essential element of judicial ethics that has been omitted from every code of judicial conduct, but is inextricable from it, and fundamentally dominates every code, is the strict observance of human rights. Now we see no compliance by this judge with human rights under ethics.

While judicial ethics canons remain generally immature and incomplete, and provide too much discretion and freedom and opportunity to judges to stray into impropriety with impunity, we note from these learnings from the unethical conduct of this judge that issues of privacy and prevention of harm by disclosure of private information, which impinge on ethics, are unconsidered by the canons, as are the express recognition and enforcement of human rights as an absolute ethical mandate, as are respect for science and the exercise of reason and judgment, none of which are considered under judicial ethics.

THE INTERPRETATION OF THE US CONSTITUTION IS JUDICIALLY RESTRICTED

Although customary international law and human rights treaties and the UDHR[140] prohibit the discrimination, torture, and the cruel, inhuman and degrading treatment and punishment that I have received from this Circuit's judges and courts for the past six years as a disabled pro se litigant who has been kept seriously ill by them, the judges of this Circuit hold that there has been no constitutional violation in my treatment and punishment, and refuse to recognize human rights treaties and the *jus*

[139] Canon 3B(6). Public confidence in the integrity and impartiality of the judiciary is promoted when judges take appropriate action based on reliable information of likely misconduct. Appropriate action depends on the circumstances, but the overarching goal of such action should be to prevent harm to those affected by the misconduct and to prevent recurrence. A judge, in deciding what action is appropriate, may take into account any request for confidentiality made by a person complaining of or reporting misconduct.
[140] Universal Declaration of Human Rights

cogens of customary international law. A serious and pervasive problem of ethics therefore exists among the judges of this Circuit. The US Constitution and applicable authorities are artificially perverted and restricted by this judiciary.

Our judiciary interprets and applies the US Constitution and derives judicial rulings and precedents. In the history of jurisprudence in the United States, our judiciary advances the dictum that only through domestic cases and controversies, and the occasional consideration of human rights, the Constitution is progressively better interpreted. This artificially delays the evolution of jurisprudence[141].

In 1945, the United States unreservedly ratified the United Nations Charter, which has a strong human rights mandate[142]. In 1948, the UN General Assembly adopted the Universal Declaration of Human Rights (UDHR) with its founding member, the USA, voting for its adoption. The UDHR carries immense moral and political weight. By voting in favor of it, the US signaled its agreement with the fundamental principles and rights enshrined in the document, which are consistent with the spirit, and the object and purpose of the US Constitution. Thus the USA signaled a strong commitment to the recognition, protection, and promotion of human rights as outlined in the UDHR, both domestically and internationally. The UDHR has served as the foundation for numerous subsequent human rights treaties, some of which the US has ratified. By supporting the UDHR, the US helped pave the way for the development of a comprehensive system of international human rights law, and the increasing success and persistence of the US Constitution.

While the UDHR is not a treaty itself, it serves as an authoritative interpretation of the human rights provisions in the UN Charter, which is an enforceable treaty. It clarifies what those general human rights obligations entail. So, by voting in favor of the UDHR, the US has essentially agreed to uphold the specific rights and principles outlined in the declaration as a way of fulfilling its obligations under the UN Charter, both domestically and internationally. What is unrecognized by our judiciary is that the UDHR is a key for making visible the unenumerated rights protected by our Constitution.

Many of the rights and principles enshrined in the UDHR have also become part of what is known as "customary international law." This means that these rights are considered to be legally binding on all

[141] The requirement of the US Constitution (see its Preamble) that the government establish Justice inherently requires for justice to be continuously commensurate and relevant with modern society and the People's needs and expectations, and consistent the national ethos. We as a nation can be vastly more advanced in domestic jurisprudence with the cross-fertilization with the best in justice (which human rights treaties enable) and the inclusion of essential authorities in our domestic judicial norms.

[142] the UN Charter itself, which the US has ratified, includes several provisions related to human rights. It states that one of the purposes of the UN is to "achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all." This creates a general obligation for member states, including the US, to work towards the realization of human rights. The realization of human rights is critically a judicial function, and absence of recognition of human rights in judicial ranks undermines entirely the success of the purpose of the Charter.

states, regardless of whether they have explicitly agreed to them, simply because they are widely recognized and accepted by the international community as fundamental human rights.

The US's support for the UDHR means that it is subject to international scrutiny regarding its human rights record[143]. Other countries and international organizations can hold the US accountable for upholding the principles of the UDHR, even if it is not a legally binding treaty.

This judge have violated many principles enumerated in the UDHR.

"Human rights" are incompletely enumerated in the US Constitution[144], but they are more exhaustively considered and enumerated in the UDHR. . The fundamental respect of the US Constitution for human rights treaties and the preeminence over all federal laws[145] and other treaties may be clarified when we observe that the UDHR[146] is the key to unraveling the unenumerated rights enshrined in the US Constitution.

The Private Attorney General holds that an unenumerated constitutional right to freedom from discrimination based on disability[147] exists that has perpetually been violated by our judiciary *en masse*. The Private Attorney General holds that discrimination based on disability that deprives any other fundamental right enumerated either under the US Constitution, or by operation of statutes or precedents or the *jus cogens* of international law, shall not stand. The Private Attorney General holds that human rights shall not be abridged or eliminated under any circumstances by any judge or any court or under color of any authority, or in any instance in the course of jurisprudence. The Private Attorney General asserts that the same holds for freedom from torture and cruel, inhuman and degrading treatment or punishment, under any circumstance. These constitutionally unenumerated rights are consistent with the UDHR.

Our judiciary take the dim view that the UDHR should be excluded from domestic jurisprudence except to be discretionarily considered when interpreting domestic laws and except when deciding cases related

[143] While the US has consistently voiced its support for human rights, its actual record on human rights has been subject to criticism. There have been instances where the US has been accused of violating human rights, both at home and abroad.
[144] The framers of the Constitution recognized that it would be impossible to list every single human right that people have. That is why the Ninth Amendment states: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." The idea of natural rights, which influenced the Founding Fathers, suggests that individuals possess certain inherent rights simply by virtue of being human. These rights are not granted by the government but exist independently.
[145] Human rights treaties are never equal to federal laws and not subject to last-in-time doctrine. The "last-in-time" principle is appropriate to other treaties, for example, naturalization, SALT, water quality agreements, maritime boundaries, intervention in currency markets, protocols on substances, trade agreements, sale of goods, copyrights, genetics, arms, plans of action, strategic partnerships, etc. BUT NOT HUMAN RIGHTS TREATIES. Human rights treaties are keys to identification of unenumerated rights in the US Constitution. Additionally, the human rights treaty under Article VI has the status of a constitutional amendment by formalities and by separation from federal statutes in the test of the Article. In Plaintiff's writ of certiorari to the US Supreme court from Tenth Circuit Court of Appeals 24-1107, a treatment of the non-equivalence of human rights treaties and federal statutes, and the invalidation of the later-in-time principle is provided.
[146] Universal Declaration of Human Rights
[147] Well enumerated and described and confirmed by the CRPD

to human rights. According to the record, our judiciary simply refuse to apply the UDHR in the case of the serious ill and disabled pro se litigant and their access to due process and the courts. Multiple human rights victims of the courts concur, and have testified in the record of the Ninth Circuit to this truth[148]. The absence of the application of the UDHR is one indication of discrimination. The refusal of judges to see the US Constitution through the true and tested lens of the UDHR in revealing the unenumerated rights in the US Constitution is judicial bias and lack of impartiality.

While the UDHR is considered as not directly enforceable, its principles are influential in US law and policy, and they contribute to the ongoing development of human rights protections within the country. This nation only benefits from the adoption by our judiciary of the UDHR as a core principle of judicial ethics and a practical safety net for the interpretation and application of laws. While international judicial ethics respect human rights[149], domestic judicial ethics leave a great deal to be desired. This court's own district judge White legalizes my torture and deprivation of my fundamental rights, and repeatedly claims it to be ethical[150].

In reviewing precedents, the product of our judiciary's contributions to the interpretation of the US Constitution and to the body of US Laws, as well as to the rules and procedures and policies of the courts, are perpetually lagging[151] a long way behind a UDHR-influenced interpretation of the US Constitution[152] and assessment of laws, and rules and procedures and policies of the courts. We hold the

[148] See the testimonies of Eva Danilak, Julia Minkowski and Leslie Hagan in 21-cv-04262-JSW
[149] See discussion in UN Istanbul Protocol. Also see Bangalore Principles of Judicial Conduct
[150] White has repeatedly insisted that there are only 2 bases available for disqualification of a federal judge and neither apply. He claims that violations of human rights and discrimination based on disability are ethically and warranted.
[151] Refer to the increasing national discontent of the People about our Family courts.
[152] The concept of inherent human rights is rooted in the natural rights philosophy, which influenced the Founding Fathers. The Declaration of Independence, with its emphasis on "unalienable Rights" to "Life, Liberty and the pursuit of Happiness," reflects this philosophy. The US Supreme Court has interpreted various provisions, particularly the Bill of Rights and the 14th Amendment, as recognizing and protecting fundamental human rights. This interpretation is rooted in the natural rights philosophy and continues to evolve very slowly through landmark cases. With regard to human rights, even our flawed jurisprudence acknowledges the unequivocal recognition of human rights by our Constitution. The first ten amendments to the Constitution guarantee fundamental rights like freedom of speech, religion, the press, assembly, and protection against unreasonable searches and seizures. These are considered basic human rights inherent to individuals. After enactment of the Bill of Rights, *Marbury v. Madison* established the concept of inherent rights through establishing judicial review to ensure these rights are protected. The 14th Amendment, ratified after the Civil War, includes the "Equal Protection Clause" and the "Due Process Clause," which have been used to protect a wide range of rights. *Brown v. Board of Education* (1954) declared state-sponsored segregation in public schools unconstitutional, recognizing the fundamental right to equality. *Loving v. Virginia* (1967) struck down laws prohibiting interracial marriage, recognizing the fundamental right to marry. *Roe v. Wade* (1973) recognized a woman's right to an abortion, based on the right to privacy derived from the Due Process Clause. The US Supreme Court has recognized certain unenumerated rights, meaning rights that are not explicitly listed in the Constitution but are still protected. *Griswold v. Connecticut* (1965) recognized a right to marital privacy, even though it is not explicitly mentioned in the Constitution. *Obergefell v. Hodges* (2015) recognized the right to same-sex marriage, based on the principles of equality and liberty. But nowhere are human rights better enumerated and more completely stated than in international instruments that developed with focus on human rights and universal applicability. For example, *Griswold* is 'covered' under Articles 12 (broad protection of privacy and family life includes the privacy of the marital relationship) and 16 (the protection of the family unit implies respect for the private sphere of family life, which includes the marital relationship) of the UDHR; *Obergefell* is covered under Article 1 (denying same-sex couples the right to marry is a form of discrimination) and Article 16 (consistent with the principles of equality and non-discrimination, thus including same-sex couples) of the UDHR. *Roe v. Wade* is covered under Article 3 (interpreted as encompassing bodily autonomy) and Article 12 (has been used to argue for a woman's right to make decisions about her own body and reproductive health, including the decision to have an abortion) of the UDHR. *Loving* is expressly covered under Article 16 of the UDHR. *Brown* is covered under Article 1 (directly challenges the idea of racial segregation, which inherently denies the equal dignity and rights of individuals based on their race), Article 2 ("everyone is entitled to all the rights and

attitude that even the cream of legal expressions of justice have no place in domestic jurisprudence unless we have invented or derived them. Even the gems of original federal common law are shunned by our judiciary's ethics.

In other words, a well-developed body of human rights principles is held at bay, and considered to be an encroachment on national sovereignty by our judiciary, when in fact, a nation only stands to benefit from the well-developed principles of the UDHR in the general interpretation of the US Constitution and its application as a standard in the course of domestic jurisprudence. A superior interpretation of the US Constitution results when it is explored in conjunction with the UDHR as a clarifying lens.

No judge must ignore or forget that the People want the conferment of individual rights provided by the UDHR and by human rights treaties and the *jus cogens* of customary international law, and will not tolerate their forfeiture by the judiciary.

Instead of taking notice and applying the UDHR as a guide to ethics and to the administration of justice, deference is given by our judiciary to the incremental discovery and 'ratification' of the principles enshrined in the UDHR through exclusive rationale, piecemeal, and their slow and late incorporation in domestic precedents[153]. The inevitable outcome is the eventual and complete recognition of every principle of the UDHR as embedded in the US Constitution, but only at the price of unconscionable suffering of the masses as payment for the aggrandizement of our judiciary, and insularity of their processes. This anti-progressive stance by our judiciary with respect to a body of principles and enumerated rights that inherently interpret and clarify our US Constitution, delays and prevents their application at once and without reservation to developing our body of precedents with greater perfection, speed and efficiency[154]. In fact, under the proper application of the UDHR as a core principle of judicial ethics, many precedents would not even be necessary.

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freedoms set forth in this Declaration, without distinction of any kind, such as race, colour...") and Article 26 ("everyone has the right to education") of the UDHR. Therefore we see that cases that can be decisively determined by application of the UDHR, instead do not treat the UDHR as a primary authority on interpretation of law, and have to travel the entire hierarchy of domestic jurisprudence and cause significant harm before they are resolved by the highest court according to the UDHR. This is extraordinary waste and a characteristic failure of jurisprudence. A proper jurisprudence would home-in on the highest quality principles and the best methods of interpretation and application of the US Constitution and the establishment of Justice that is possible. The UDHR's principles can be applied generally to help interpret the US Constitution, and can be applied to specific situations to protect and promote human rights. The UDHR should be applied prolifically by judges as a safety net. Thus we do not have to wait for cases and controversies and the judiciary of the United States of America to catch up with international instruments and authorities of rank and splendor and universal applicability in order to benefit from rights if the UDHR were used routinely as a reference and a safety net in judicial considerations.

[153] Cases and controversies are only effective when our judiciary recognize the full spectrum of authorities comprising the supreme Law of the Land. Even in that instance, the economics of litigation and the education of attorneys is a significant barrier to cases and controversies arriving at the appropriate forums.

[154] Cast your mind to 1787 and if the UDHR was presented to the founding fathers. They would embrace the UDHR, not discard it as our judiciary habitually do. It would have been 'written in' to the US Constitution.

More importantly, under such judicial recognition of the proper place of the UDHR in judicial thinking, judicial ethics would be radically different and no prohibited acts herein discussed would be systemically and pervasively witnessed.

In the case of the disabled pro se litigant, this judicial policy of discretionary reference to the UDHR in limited cases is a 'guarantee of victimization'. A judiciary that ethically considers the UDHR to be a requirement and safety net in the interpretation and application of laws consists of judges of "good Behaviour" who, like judge Beth Freeman, command the People's respect and trust. Instead the record evidences torture and betrayal of the UDHR, consistent with the lowest judicial legitimacy in the history of our nation[155].

The proof in seven years of human rights violations by the courts demonstrates that when the facts bring the UDHR into focus, judicial discretion is never applied to the disabled pro se litigant and their treatment by the courts in order to acknowledge and address human rights violations.

Our judiciary believe that adherence to the UDHR in interpreting the US Constitution with respect to its general interpretation is a faux-pas, encroaching on the national sovereignty in domestic affairs. In fact, our founders embedded the embracing of international law into our nation's genetic code, and the UDHR is welcomed by our supreme Law of the Land as a device to better establish Justice. It is proven by six years of records in the Ninth Circuit that, absent the application of the UDHR to the general interpretation of the US Constitution, the rights, privileges and immunities in the US Constitution, in particular the First, Fifth, Eighth, Eleventh and Fourteenth Amendments, are unavailable for the disabled pro se litigant[156].

Today, this judge holds that she will extract information under coercion by order, and intimidation by dismissal, without Accommodation, with the guarantee of severe pain and suffering and unconscionable and irreparable physical and mental injuries as a condition of access to due process.

The full control of this court over the essential medical treatment of a litigant who cannot withdraw from litigation because he is incessantly subject to harm in multiple courts and reliant on this Circuit's courts for the only possible relief and remedy and mandated protections, is the custody element[157] of statutory

[155] See the ABA letter to the US Supreme court demanding the adoption of the Code of Conduct

[156] For example, the UNCAT RUD expressly represents to the treaty partners and the United Nations that every reservation by the United States, with the death penalty excepted, is because the US Constitution already provides a pathway for relief and remedy, and thus the reservation merely serves as an elimination of a dual-pathway under jurisprudence to relief and remedy, one under the Constitution and one under the UNCAT. The finding demonstrated over six years of human rights violations by the Ninth Circuit is that the US Constitution provides no pathway to relief and remedy for the disabled pro se litigant for judicial violations of the UNCAT.

[157] This is because this Circuit's courts exert control over my bodily autonomy and my right to life-saving medical care. The proof of serious and irreparable and life-threatening physical and mental injuries through deprivation of my life-saving medical treatment is chronologically documented in the records of the Circuit's courts. And let us not forget the contempt power of every judge to punish non-compliance with the orders of a court. The opportunity for a judge to place a litigant under contempt is arguably a form of legal custody.

torture under a non-compliant federal legislation that undermines the UNCAT by its glaring deficiencies[158]. And it did not occur on foreign soil. This conduct is nevertheless unconstitutional and is a criminal violation under customary international law. This court does not recognize the UDHR or the US Constitution or customary international law when addressing the disabled pro se litigant.

The UDHR should be directly applied to interpret and apply the US Constitution in every case involving the disabled and seriously ill pro se litigant whose unconscionable and irreparable physical and mental injuries depend on the cruel, inhuman and degrading treatment and punishment and torture by the judiciary, but who otherwise would be able to access the court with disability accommodation and in the absence of ill-treatment[159] and torture. The corresponding authority within the text of the US Constitution may then be readily identified.

When the UDHR is applied to the court disability accommodation by this Circuit's courts, it immediately identifies the prohibition against this court denying my Accommodation, and against this court not summarily and expeditiously protecting my human rights and shielding me from judicial torture through exploitation and 'full faith and credit'. Just the handling of my request for Accommodation by the judge is a sufficient basis for confirming violations of the US Constitution.

The UDHR does not permit the use of a rational basis justification for discrimination based on disability[160] that eliminates due process, since a fundamental right is eliminated. Nor does it permit the elimination of essential medical treatment, which is the only accommodation in my present condition subject to which I can participate equally and without loss of life, liberty or rights in constitutional due process, which is absent in this Circuit's courts. The abuse of "ability" to give the false characterization of my "capacity" is a criminal violation of human rights, and condemned by the UDHR.

When the US Constitution is interpreted according to the authorities discussed herein, my treatment and punishment in eleven docketed actions in this Circuit over six years confirms systemic judicial violations of the US Constitution and unenumerated rights and is confirmed by the operation of customary international law. These arise from breaches of judicial ethics. Good Behaviour and judicial ethics require an entirely different candor from the judges of this Circuit that is not witnessed in the record.

[158] The non-compliance is confirmed by the CAT
[159] "ill-treatment" is herein used interchangeably with cruel, inhuman and degrading treatment and punishment
[160] Nor does the CRPD

THE ADA REINFOCED BY THE CRPD ARE BOTH JUDICIALLY NULLIFIED

This judge once recognized that every federal judge must enforce the ADA in the federal courts to provide disability accommodation to every litigant according to their unique needs for equalization of success in due process and for the purpose of non-burdensome and meaningful access to the court, without injury.

Although it may be argued that this judge derived this requirement from the US Constitution in harmony with the UDHR, the more evident logic underlying her judicial conduct is the effect of the ADA on the federal judiciary[161]. Also do not underestimate the correctness of the Freeman Bright Line, before this judge abandoned it and slandered it, under the operative control of the CRPD under the US Constitution, and the CRPD's standing as federal law pending ratification[162] under customary international law and Article VI.

It is not true that the federal judiciary are not required to follow the ADA, which textually requires the state judiciary to exactingly obey it despite the Eleventh Amendment. In fact, this judge once recognized by conduct, that the ADA is only effective if it is enforced by the federal judiciary uniformly across all courts[163] and as a national standard. Thus she was once unhesitant by conduct in respecting and enforcing the ADA in her federal court. The judge also once recognized by conduct the impossibility of justice and the deprivation of due process absent reasonable accommodation of disability in the course of jurisprudence.

This judge cannot now claim that she did not intend the Accommodation, since on 10 occasions in ECF-87, she did not ask if the defendants object to Plaintiff's Accommodation by the court. And in each accommodation equal to or exceeding six months, she used discretion that other judges dared not, and would not[164]. What is relevant is the objectively measured conduct which is consistent with the CRPD and the ADA, not the rationale locked in the mind of the judge.

The ADA makes a forceful and clear statement: that the federal judiciary shall end discrimination based on disability (in the courts) ON BEHALF OF the person with disability[165]. Despite this express mandate

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[161] The Eighth Circuit confirms on its website that "*pursuant to United States Judicial Conference policy, the Eighth Circuit Court of Appeals provides reasonable accommodations to persons with disabilities"*. That Circuit is in error that "*The Americans with Disabilities Act does not apply to the federal judiciary".*

[162] Discussed elsewhere herein. Customary international law requires compliance by a State with the object and purpose of a treaty pending ratification, until and unless the State formally withdraws from a treaty. No withdrawal from the CRPD has occurred, and Congress almost ratified the CRPD, and now awaits re-voting it.

[163] I limit discussion of the ADA to court accommodations

[164] Even when judge Jeffrey White **allegedly granted** 'accommodation equal to or exceeding six months twice in 21-cv-04262-JSW, they were meaningless and disrupted and 'worthless', unlike the Accommodation provided previously by this judge.

[165] The ADA and Congress did not curtail or abrogate the Rules Enabling Act to tell the courts how to operate. Separation of Powers is unchallenged if Congress leaves the court's rulemaking and procedure design to the courts. The language of the ADA as it instructs the federal courts is not merely to establish federal preemption. It orders the federal courts, as a branch of government, to end discrimination based on disability. This interpretation is not considered by our federal judiciary, who offer no alternative pathway through judicial

for the federal government (and the federal judiciary), we see federal judges insist that because the ADA expressly identifies the states elsewhere, they may ignore it and do as they wish, without uniformity and without any standard.

Even when the Eighth Circuit asserts that "*pursuant to United States Judicial Conference policy, the Eighth Circuit Court of Appeals provides reasonable accommodations to persons with disabilities"*, the Ninth circuit courts, except for this judge, did not give one day of disability accommodation to me.

This judge was once not confused by the requirement of "reasonable accommodation", which must give priority to reasonableness measured by its effectiveness for minimizing the adverse effect of the impairments represented by each disability in the pursuit of justice and in enabling the expression of the innate abilities of the litigant. She confirms that Plaintiff has the raw ability to litigate his case, thus no court should have obstructed his expression as every court and every judge has done. And no court and no judge should have robbed him of his capacity to express his ability, but every judge and every court did, including now this judge. And all courts maintain him in a state of substantial incapacity wherein the expression of his ability results in serious and irreparable injuries and the possibility of death.

The viewpoint of the person with disability is the dominant perspective on reasonableness of accommodation. Instead, our judges operate as tyrants whose comforts and customs are held as preeminent over the sovereignty of the People, and "reasonable" is controlled from the innately biased judicial perspective that abhors disability[166]. This judge now joins the collective of judges in this respect.

Particularly in the case of the pro se litigant, extra consideration is required to reduce and eliminate the inequality of the disabled pro se litigant in the course of a modernly complex jurisprudence where the pro se litigant is at a disadvantage, and where it is common sense that disability increases the disadvantage.

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function to achieve this express object and purpose of the ADA. The duty to follow the ADA in the federal courts is reinforced by attributing a duty to the federal judiciary to end discrimination UNIFORMLY and NATIONALLY according to A SINGLE STANDARD. This is impossible if court accommodations in the state courts, enforced by the federal judiciary, are different to federal court accommodations. It may not be argued that it would be possible to have two standards, as the Judicial Conference insists, one for the state courts and one for the federal courts. Discrimination may not be redefined according to two independent court systems, in the same way that discrimination may not be redefined for each of the 50 states, and due process may not be different according to each court. The duty to follow the ADA in the federal courts is further reinforced by the express language of the ADA that the federal judiciary must act ON BEHALF OF the person with disability. This is not a duty reserved to the states, but it is mandated for the federal judiciary in the courts. No federal judge may meet this federal requirement without impeccable compliance with the ADA in their own court and ensuring disability accommodation is provided to every disabled litigant in an impeccable and exemplary way that the state courts have no choice but to follow.

[166] A disabled judge may be disqualified under canons of ethics. This creates an appearance of an inherent judicial bias against disability. But the bias that I have firmly demonstrated in seven years of voluminous protests in now 10 representative courts of this nation is actual judicial bias. We are an inconvenience to the comforts of every judge. The disabled litigant is met with intrinsic bias of each judge, designed to subdue our Liberty and silence our speech and carry us as "a kind of trash" through the hollow and sham motions of an unconstitutional due process without any possibility of equality or the lawful recognition of our rights.

Once upon a time, this judge showed all of us that the norms and customs of jurisprudence and the comfort of our judges are last in consideration when need for accommodation of the disabled litigant is indicated. Performance metrics of courts, were seen by the conduct of this judge as a mere distraction that must yield to substantive justice.

On at least 10 occasions in ECF-87, this judge did not violate the litigant's privacy, and would not provide litigation privilege to an opponent to interfere with or obstruct the accommodation without consequence. It would have been appropriate for her to consider prejudice to evidence and maintenance of the status quo as the balancing of harm, but never the violation of privacy, which she eventually caused, with invidious consequences. She now considers it irrelevant how the defendants, in conspiracy with the defendants in 21-cv-04262-JSW, torture and mutilate the litigant, much better informed of how to accomplish their torture and attempted murder thanks to the enabling disclosure ordered by this judge.

This judge now has failed to scale the precipice of ethics, and is statistically predicted to resort to evasion, judicial gamesmanship or the common pattern of judicial fraud and libel prolifically displayed by this nation's judges in their treatment of the disabled and pro se litigant. These judges give full faith and credit to fraud and torture, evading Plaintiff's Accommodation, and when shown proof of the actual and unconscionable harm that they cause, 'play' with the Plaintiff's life and welfare.

The judge did not previously create facts and reasons for denial of Accommodation. She did not subject the disabled litigant to orders that would cause injuries or extract function and participation that may cause prejudice or convey a sense of hostility or unfairness.

A fundamental alteration of due process occurs only if fundamental rights, immunities and privileges conferred by the US Constitution are unquestionably violated by the absence of the Accommodation required. Unless a specific law specifically prohibits the Safe Harbor or accommodation, a judge may not give importance to rules, procedures or policies of the court. The standardization of rules, policies and procedures of courts must always yield to these imperative and preemptive considerations.

Freeman previously acted to break the invidious discrimination long-captured in precedents, such as the abysmal creation by judges that a stay of one year is inconceivable, and that an indeterminate stay and an indefinite stay are absolutely prohibited. Every judge in this Circuit was impeached by her, even those who have not signed any order against me, but whose personal performance was invoked by my *en banc* invocations[167], and whose mark was made by this Circuit's invariant practices[168].

[167] See my demand for reconsideration en banc in 24-3353
[168] i.e. discrimination based on disability and/or serious illness

The ADA spread from this nation to draw expression of the innate humanity of the people around the world, and returned to this nation as the CRPD[169] and an international human rights treaty. Its importance cannot be underestimated. Under customary international law, upon signing, which demonstrates the intent to ratify, under the good faith obedience required to its object and purpose, the CRPD must be noticed and enforced by our judiciary in domestic jurisprudence. It is not. Instead it is completely ignored. When the federal judiciary insist, improperly, that they are not bound by the ADA, they may not evade the CRPD. Until March 1, 2025, this judge respected every treaty including the CRPD, and the US Constitution "treaties to be made" and customary international law, through the form and issuance of her orders for Plaintiff's Safe Harbor and disability accommodation since 2019.

Like every human rights treaty and the UDHR, the CRPD clarifies other related laws on disability, such as the ADA. The Preamble of the CRPD[170], alone, suffices to put every judge in this Circuit who has failed to provide parity of accommodation to Freeman (until she abandoned her Bright Line and purposefully violated Plaintiff's human rights) to public shame. No judge who violates the ADA and the CRPD may claim to have independence or impartiality. And there is no indication of humanity in the conduct by this judge upon reversal of her treatment since 2019.

This judge now violates Article 2 definition of "Discrimination on the basis of disability"[171]. The Accommodation by this judge is no longer reasonable according to Article 2[172] of the CRPD. Faithfulness to law, fairness, impartiality, independence, patience, dignity, and courtesy are absent when the ADA and CRPD are violated. Most importantly, the most essential element of judicial ethics that has been omitted from every code of judicial conduct, but is inextricable from it, and fundamentally

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[169] Still pending ratification

[170] From the CRPD Preamble*: (a) Recalling the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world, b) Recognizing that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, (c) Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination, (e) Recognizing that disability is an evolving concept and that* ***disability results from the interaction between persons with impairments and attitudinal and environmental barriers*** *that hinders their full and effective participation in society on an equal basis with others, (h) Recognizing also that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person, (i) Recognizing further the diversity of persons with disabilities, (j) Recognizing the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support, (k) Concerned that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world, (w) Realizing that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Bill of Human Rights, …*

[171] Article 2 of the CRPD defines "Discrimination on the basis of disability" to mean *any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation*.

[172] Under Article 2 of the CRPD, *"Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.*

dominates every code, is the strict observance of human rights. Now we see no compliance by this judge with human rights under ethics.

Every judge of this circuit who has dealt with me, has violated the CRPD, including Articles 1[173], 2, 3[174], 4[175], 5[176], 8[177], 9[178], 10[179], 12[180], 13[181], 14[182], 15[183], 16[184], 17[185], 18 and 20[186], 21[187], 22[188], 25[189],

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[173] "*The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.*" A judiciary that discriminates and violates human rights treats litigants identically, when one party is disabled and requires accommodation to be equal in litigation to the other parties. "*Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others*." Refer to my motions for safe harbor and disability accommodation filed in this Circuit's courts since 2019 with proof of significant disabilities.

[174] a. *respect for inherent dignity* (this Circuit expects me not to be disabled and not to be ill, and to function like a 'normal' litigant, otherwise to be excluded from due process as punishment), b. *non-discrimination* (note definition of discrimination from the Preamble part e and Article 2), c. *full and effective participation and inclusion in society* (impossibility of participation in due process absent safe harbor and disability accommodation), d. *respect for difference and acceptance of persons with disabilities as part of human diversity and humanity* (invariant rules, procedures and policies of courts do not respect persons with disability), e. *equality of opportunity* (no equal opportunity for success, in fact no opportunity to access constitutional due process), f. *accessibility* (not limited to physical access, but includes modifications to rules, procedures and policies of courts to ensure that every disabled litigant has access to constitutional due process without fail)

[175] Paragraph 1 states: "*States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.*" "All human rights" includes the right to essential medical treatment and recovery and rehabilitation from serious illness, and freedom from injury as the price of access to the courts, as Freeman insists, and not the promotion of serious illness and its prolongation with consequent serious and permanent physical and mental injuries, which is the modus operandi of this Circuit's judges. "Full realization of … fundamental freedoms" includes the right of expression and the right to access constitutional due process, and no such right is provided to me in this Circuit according to the authorities asserted herein, as the records since 2019 demonstrate. "*To this end, States Parties undertake: a. To adopt all appropriate … administrative and other measures for the implementation of the rights recognized in the present Convention*" (no measures are provided by this Circuit's courts. The best case is ad hoc and inappropriate and meaningless accommodation that is more injurious that useful. i.e. White). "*b. To take all appropriate measures … to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities*" (no such measures are provided by this Circuit's courts. Only Freeman achieves this in her court by conduct). "*c. To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes*" (this has never happened in this Circuit's courts, except Freeman, who now repents her former human rights compliance. Upon receiving my complaints for human rights violations by the lower courts SIX TIMES over six years, this appeal court did absolutely nothing to protect or promote my human rights. Instead the judges of this Circuit refouled and re-traumatized me by torturing me and rendering me back to my torturers in the lower courts). "*d. To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention*" (the judges of this Circuit refouled and re-traumatized me by torturing me and rendering me back to my torturers. The judges of this Circuit did not take a single action to ensure that judges and complicit parties in my torture act in conformity with the CRPD or customary international law). "*e. To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise*" (included are individual judges and exploitative opponents, which this court rewards and encourages to commit discrimination and torture, and courts, including the appeal court, wherein no judge will take a single step towards eliminating discrimination). Paragraph 3 of Article 4 states that [courts and the judiciary]: "*shall closely consult with and actively involve persons with disabilities*" "*[i]n the development and implementation of legislation and policies to implement the [CRPD], and in other decision-making processes concerning issues relating to persons with disabilities*" (my input on disability accommodation has been repeatedly provided, never solicited, and never acknowledged or considered by the courts of this Circuit.). Paragraph 4 of Article 4 states that "*Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent*" (Six years of records in this Circuit's court demonstrates that the opposite is the case. The CRPD is entirely ignored by this Circuit's courts, including the ADA and international law, in this Circuit's dealings with the disabled litigant. Thus the CRPD is the operative standard applicable to this Circuit's courts, but is not followed. There are absolute restrictions and derogation of human rights and fundamental freedoms by this Circuit's courts, and no recognition by this Circuit of Conventions or customary international law). Paragraph 5 of Article 4 states that "*The provisions of the present Convention shall extend to all parts of federal states without any limitations or exceptions*". (This means that every single part of the CRPD applies to all levels of government in a federal state. This includes the national (federal) government, as well as state and local governments. The "...without any limitations or exceptions." is the crucial part of the treaty. It means there is no wiggle room. Federal States cannot pick and choose which parts of the CRPD they want to apply or claim that certain parts don't apply to certain levels of government. It's a blanket statement of full application. Thus, in a federal system like the US, where power is divided between the federal and state governments, it's important to be crystal clear about who is responsible for implementing treaty obligations. This sentence removes any ambiguity. It puts the onus on all levels of government to ensure that the rights of people with disabilities are protected and promoted.)

[176] In addition to the judges of this Circuit violating Article 5 paragraphs 1 and 2, the record documents the complete absence of any accommodation now by this every court of this Circuit, which paragraph 3 condemns. Paragraph 4 requires the judges of this Circuit to takes measures to accelerate or achieve de facto equality of persons with disabilities. Except for Freeman, until she abandoned her human

rights compliance, no other judge is seen taking specific measures to accelerate and achieve de facto equality of persons with disabilities. This fundamentally erodes the public trust.

[177] Except Freeman, until she abandoned human rights, not a single judge of the Circuit's courts, when tested, took any step to (Article 8 para 1(b)) combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life, either in this Circuit's courts or in any other court. The judiciary must police the judiciary, as the commentary of the US Supreme court's Code of Conduct reminds us.

[178] Paragraph 1 of Article 9 requires access to services, and this Circuit's judges deny access to this Circuit's courts and to constitutional due process. Access at the cost of injury is prohibited. Despite paragraph 2 of Article 9, nowhere in the rules, procedures and policies of this Circuit's courts are there any considerations to, or any mention of, any standards or guidelines for accommodating every person with disability in the course of jurisprudence. Every judge in this Circuit and every court acknowledges there is no standard or guideline on disability accommodation and therefore no accessibility to the court's service which is open to the public. There is no evidence in any publicly accessible document that this Circuit has ever provided any training to its judges or employees or anyone else on accessibility issues facing persons with disabilities, raising the question of compliance with Article 9 paragraph 2(c).

[179] Under the 5th and 14th Amendments, the right to life is primarily interpreted as protecting against government actions that take a person's life without proper legal justification and procedures. In my case, my right to life was extinguished by the judges of this Circuit's courts without proper legal justification and procedures, as we see repeated as we see from the orders of every judge in this Circuit who thereby have seriously and irreparably injured me and continue to distress me by use of the cliffhanger of deadlines of my coerced performance approach and compel me to take extraordinary measures as plaintiff and the Private Attorney General, further distancing me from essential medical treatment under the continuing control of this court robbing me of bodily and mental autonomy. The facts in my repeated and chronologically filed requests for safe harbor and disability accommodation leave no doubt: the judges of this Circuit continue my unlawful mutilation and KILLING by the government. Under what degree and extent of distress will I finally succumb to the one fatal heart attack or the catastrophic stroke so many times predicted by my doctors and reported to this court? "*States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others*" says Article 10. In my case, proof of measurable shortening of my life as a consequence of discrimination and human rights violations by judges and courts extensively crowds the records of multiple courts, including three courts in this Circuit, and one appellate panel. Statistically, each injury and each disability, when induced and then each time it is exacerbated, statistically reduces my lifespan compared to the normal population and induces other factors which precipitate statistical shortening of lifespan. My doctor of 30 years let it slip accidentally in an examination that she expects me to be dead before the exercise of an option in 2029 from my serious and irreparable and continuing injuries from legal proceedings. This must be combined with the elements of deprivation by judges of my bodily autonomy and the impact on my lifespan and life quality of the incessant deprivation of life-saving medical treatment. It must also be combined with the deprivation by judges of my protection from private violence, which my exploitative opponents have incessantly inflicted in court after court under color of judicial authority. And it must be combined with the deprivation of social and economic rights by judges, which include but are not limited to access to basic necessities like food, shelter and healthcare. I became confined to one room in California, unable to work or travel as I used to, devoid of all income and savings, my wife and I are homeless and I was bankrupted by judges and courts, including this Circuit's courts who took no action in my protection from prohibited acts and perpetuate the same prohibited acts. Without discussing different philosophical perspectives on the nature of life and the role of government in influencing how the right to life is interpreted, and notwithstanding the changing social and cultural values also play a role in shaping the understanding of this right, based on objective and statistical considerations, I am deprived of the right to life according to the CRPD, and the US Constitution. No measure by the judges of this Circuit has ever been taken to ensure the effective enjoyment of my right to life. Except by Freeman, who, in her previous order, wished me "good health" while all of her peers continued my legalized torture and murder. And now this judge has turned coat and condemned me to torture and death.

[180] Upon presenting adequate complaints for human rights violations to the judges and courts of this Circuit, the judges and courts of this Circuit, except previously Freeman who has also abandoned ethics and human rights, did not treat me as a person, in violation of Article 12 para 1. Except Freeman until recently, at no time did the judges and courts in this Circuit take APPROPRIATE measures to provide me with access to the support that I require in exercising my legal capacity in litigating my lawsuits and appellate actions. This violates Article 12 para 3. The judges and courts of this Circuit did not once take all appropriate and effective measures to ensure the equal right of this person with disabilities to own property, to control his own financial affairs, and did not ensure that this person with disabilities is not arbitrarily deprived of their property despite a complaint in 2021 and express motions for that purpose in 2023 in this Circuit's courts. This violates Article 12 para 5.

[181] The judges and courts of this Circuit violated Article 13 through deprivation of all Safe Harbor and disability accommodation to me since 2019. For example, the sham and meaningless 'accommodation' by White demonstrates a will to discriminate and entirely abusive criteria knowingly and willfully adopted by him and purposefully and intentionally by a torturer who 'takes a break' from his torture but operates under the same pattern and practices and hostility characteristic of his conduct does not constitute procedural and age-appropriate accommodation under Article 13, which states: "*States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages*.". Not once has any judge of the appeal court provided a shred of procedural or age-appropriate accommodation to me in six years of my torture in this Circuit. Note that the state lawsuits were all dismissed in their investigative or their other preliminary stages, and this Circuit's courts did not take a single step to provide remedy, relief or punishment for those prohibited acts, instead dismissing an incompletely stated complaint that requested procedural accommodations to state my causes of action, updated since 2019 in the germinal lawsuit. There is absolutely no indication of any training for any judge or employee of this court as required by Article 13 which states "*In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.".* Every judge administrates their own court.

[182] Liberty under the US Constitution is a broad and multifaceted concept. The most basic understanding of liberty is the freedom from physical restraint or confinement. This is protected by the Due Process Clauses of the Fifth and Fourteenth Amendments, which prevent the government from depriving someone of their liberty without due process of law. This includes protection against arbitrary arrest and detention. The control of my bodily autonomy by judges and courts and their deprivation of my life-saving medical treatment is no less than a form of detention and legal custody resulting in my confinement to a single room for seven years to date, and thus a loss of liberty. This is no less that cruel and unusual punishment without due process. The concept of liberty extends beyond physical freedom to encompass autonomy and self-determination. The disablement and injuries by judges and courts prevent a former entrepreneur with an international business from engaging in agreements and pursuing economic interests, from seeking knowledge and personal development according to my innate abilities, and to travel. The right to liberty also includes procedural protections when the government seeks to restrict or deprive someone of their liberty. Procedural due process requires that the government must follow fair procedures and provide an opportunity to be heard before taking actions that affect a person's liberty interests. This has not happened in seven years in 10 representative courts before over 40 judges. In every case and every court and before every judge, except Freeman, I have been coerced into speech that I could not deliver without accommodation, which was never meaningfully provided, if provided at all. In my case, the right to be heard must be before a body of judges and in courts that follow the law and "ensure Justice", which has not happened even once in 10 representative courts of this nation in seven years. The concept of liberty has been interpreted to include certain fundamental rights and freedoms that are not explicitly listed in the Constitution but are considered essential to individual liberty. These unenumerated rights are protected by the Due Process Clause and have been recognized by the Supreme Court in cases involving privacy, bodily integrity, and maintaining a family relationship as substantive due process. I have been deprived of every one of these rights by judges and courts. The Equal Protection Clauses of the 5th (by reverse incorporation) and the 14th Amendments ensures that the right to liberty is protected equally for all persons, regardless of race, gender, or other protected characteristics. Nevertheless, the government, represented by its judges, arbitrarily discriminate against disabled litigants in restrictions on liberty, particularly through invariant judicial rules, procedures and policies. Not once have judges and courts demonstrated any legitimate government interest in restricting my liberty, and upon review, every restraint on my liberty has been vastly dis proportionate to the goal being pursued, which judges proclaim to the fairness to all litigating parties. Freeman impeaches the judicial "high crime". Our judges and courts systemically destroy a cornerstone of American democracy by destroying the right to liberty for the disabled litigant. Article 14 specifically prohibits all of this conduct: "*1. States Parties shall ensure that persons with disabilities, on an equal basis with others: a. Enjoy the right to liberty and security of person; b. Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty. 2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of this Convention, including by provision of reasonable accommodation.*"

[183] The judges and courts of this Circuit endorsed my torture and cruel, inhuman and degrading treatment and punishment and also perpetrated them. Article 15 condemns the prohibited acts by the judges of this Circuit: "*1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation"*. Deprivation of my life-saving medical treatment by judges is torture and cruel, inhuman and degrading treatment and punishment, and it may additionally be considered to be a form of medical experimentation, with judges inflicting very harsh punishments to make a victim conform to their tyrannical will, later based on their observation of my response and severe pain and suffering and disclosure of additional injuries, to discretionarily vary the harshness of their punishments. These prohibited acts are clearly demonstrated by White in the district court, who has been impeached continuously since 2021 by Freeman, who is his peer in the same court. In comparing each of my requests for safe harbor and disability accommodation to White and to Freeman, which is tabulated in the appeal court in the records of my 2024 actions, concurrent requests for the same accommodation are made with White's overt prohibited acts, and his inconsistent "yo-yo" modulations of my torture, such as his discretionary grant of a stay of several months after his dismissal, while burdening me with work to interrupt and obstruct my life-saving medical treatment, and leaving me in the indeterminacy of the irrationality and unpredictability of his further acts of torture, which invariably occurred. Now Freeman attempts to rehabilitate White but fails, implicating her ethics and demonstrating the intent to cause me serious and irreparable injuries. Considering this irrational and discretionary variations in the momentum of my torture, such as White depriving me of accommodation and medical treatment to then 'accommodate' me with an increase in word count, while denying me all accommodation and necessary medical treatment with unmistakable hostility when I contracted long Covid, forcing me to object and struggle and use desperate measures to access remedies and relief while the state courts continued my torture, the pattern of White's conduct, now joined by Freeman with her own arbitrary and capricious ideas, may be characterized as a form of medical experimentation to find ways of extracting information and injurious function out of me. Article 15 also requires "*2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment*". No judge in this Circuit, except Freeman until she abandoned the US Constitution and human rights, has taken any administrative, judicial or other measure to prevent me as a person with disability from being subjected to torture or cruel, inhuman and degrading treatment and punishment, while no one else has been subjected to the same prohibited acts.

[184] Exploitation, violence and abuse under Article 16 cover the conduct of judges, courts, employees of courts and others acting under color of authority, including Mandy Brady and her attorneys and law firms. Para 1 requires the judges of this court and this Circuit and their employees, including its clerks, to take all appropriate (other) measures to protect persons with disabilities, from all forms of exploitation, violence and abuse. This has never happened in this Circuit, except Freeman. Para 2 requires the judges of this court and this Circuit and their employees, including its clerks, to take "*all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive*." No demonstration by the judges and courts of this Circuit in meeting this requirement is found anywhere in the record. We see in ECF-12 in appeal 24-6312 the

sixth repetition of prohibited acts by the appeal court, as measured by the number of appeals that I filed to stop human rights violations by judges and others. Here the clerk is speaking for the judges of the appeal court *en banc*, demonstrating NO form of support or any other measures whatsoever in accordance with para 2. There is no monitoring whatsoever in any court of this Circuit, each of which should monitor judges and the court, and the rules, procedures and policies of this Circuit's courts for compliance with the CRPD, as required by para 3: "*In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities*." There is no compliance whatsoever by any judge or any court of this Circuit, except Freeman, with para 4: "*States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs*." In fact, the record of six appeals filed in the appeal court against two district court judges of this Circuit, Koh and White, demonstrates that the judges of the appeal court acquiesced to and endorsed Koh and White's obstruction of my physical, cognitive and psychological recovery, rehabilitation from the exploitation, violence and abuse by Mandy Brady, her attorneys and their law firms, and from the state court judges and courts, and by Koh and White, and ensured that I am subjected to a hostile court environment that destroys my health, welfare, self-respect, dignity and autonomy. The destruction of my health, welfare, dignity and autonomy are chronologically documented in the records of the proceedings identified at the start of this writing. This court has the latest proof of the destruction of my health, welfare, self-respect, dignity and autonomy in the request for safe harbor and disability accommodation, when I sought remedy and relief from this court by means of the only accessible method, which was to ask to renew my long-standing Accommodation, but this court instead made me a victim of its violence and abuse, and rewarded my exploitative adversaries, and have clearly taken absolutely no measures to promote physical, cognitive and psychological recovery, rehabilitation or reintegration, and did so by ensuring that I experience an extremely hostile court environment, typified by the retaliatory, discriminatory, abusive and violent denial of reconsideration that ensured the destruction of my health, welfare, self-respect, dignity and autonomy. Not once in any court of this Circuit, was there any identification, investigation or prosecution of any torture or ill-treatment or exploitation or violence or abuse perpetrated against me by anyone, including by the judges of this Circuit's courts. Para 5 requires the courts of this Circuit to "*put in place effective … policies … to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted*." Imagine what impact the grant of accommodation by this court might have had on the prohibited acts, including discrimination, by the state courts who fervently continue my torture and murder.

[185] Article 17 states "*Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others*". It is demonstrated that the judges and courts of this Circuit have no respect for the physical or mental integrity of a disabled pro se litigant. The substantial grounds for this assertion is found by comparison of the chronologically filed requests for safe harbor and disability accommodation in the records of this circuit's courts. The medical record and my requests for safe harbor and disability accommodation and my public filings provide evidence of incessant distress-induced physical and mental injuries caused by the prohibited acts of the judges and courts of this Circuit. The integrity of my body relies upon freedom from judicially induced injuries and the psychological and physical impact of distress caused by the prohibited acts, and on the opportunity to remit, recover and rehabilitate from injuries caused by judges and courts. All of these were denied to me by judges and courts of this Circuit, depriving me of integrity. If the judges and courts of this Circuit claim that I am treated equally to everyone else, then every pro se litigants is being injured by this Circuit or potentially at risk of injury (refer to Posner and the treatment of the pro se litigant by a federal appeals court), and as Private Attorney General, I will expand my jurisdiction and action to protect all pro se litigants who access this Circuit's courts.

[186] Article 18: "*States Parties shall recognize the rights of persons with disabilities to liberty of movement …*" This Article is not only concerned with nationality and freedom to be and live in different locations. Article 20 states: "*States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities*". When Article 18 is combined with Article 20, they prohibit the acts by judges and courts who disabled me and made me ill to such an extent that I have been confined to one room for seven years. Previously I was a world traveler running an international business.

[187] "*States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression*". The US Constitution ensures the right to petition the government to address grievances or seek changes in laws or policies. In every case that I brought in this Circuit, its judges ensured that I am deprived of the right to petition for grievances and seek changes in laws and policies. The judges of this Circuit did this by not providing me safe harbor and disability accommodation, and by not providing me meaningful access to this Circuit, and by depriving me of bodily autonomy and life-saving medical treatment. Not once in six years have I had the opportunity to state my petition voluntarily, preparedly and in full, because the judges and clerks of this Circuit's courts, in conjunction with exploitative persons, prevented it. There are no constitutional limits applicable to my freedom of expression in this court, yet I am not provided with freedom of speech in this court. Study carefully the unethical conduct by White in the district court, and how he prevented the amendment of a complaint, through invidious discrimination while torturing me and keeping life-saving treatment out of my reach knowing that in the state courts I was being tortured and that this Circuit's court were my only designated salvation. Review carefully how he prevented my expression, coercing and intimidating me to produce information in the form of an amended complaint under duress and subject to unconscionable and irreparable physical and mental injuries with unconstitutional restrictions on my speech that I could not completely comprehend, and for which the appeal court punished me in 24-3353. White's torture is unmistakably recorded in the district court, and the appeal court and now it is confirmed that all of this Circuit's judges endorse it, and acquiesce to my murder by judicial dagger in plain view. There is no content or viewpoint neutrality in this Circuit's courts, and a good example is the retaliatory and discriminatory dismissal of reconsideration and issuance of the punitive mandate in 24-3353, which is now topped by the extraordinary abandonment of human rights and the mandate for my torture and murder by Freeman. Deprivation of my freedom of expression assures my deprivation of individual autonomy. What is strikingly evident from my writings is how they have chronologically improve in tandem with the chronological improvements in A.I. This is further proof that absent world-transforming aids, I was 'locked out' of the courts by judicial discrimination and torture and prevented from expression by judicial incapacitation, despite my ability, instead paraded like an inept puppet who was then characterized as vexatious and frivolous.

28[190], 31[191], and 33[192]. These violations continue, spanning six years, now manifesting in this judge joining the human rights violations by her colleagues, in the backdrop of the abandoned Freeman Bright Line which mandates ONE YEAR of accommodation as requested by me.

This judge now commands that I shall not be Accommodated and that my Protocol-compliant human rights complaint that is considered actionable by the CAT, is a PROLIX filing and some incoherent and irrelevant rant, while then expecting considered, voluntary and prepared expression to litigate a lawsuit which the judge did not hesitate to pause for almost six years, and which expression I would not be able to accomplish even in three months of injurious and oppressive labor[193] in training A.I., and abandoning my struggle to be afforded human rights in the courts. This truth is evidenced from my earliest pleas for

[188] Freeman respects my privacy. In providing stays that have cumulatively and continuously spanned almost six years, she has not once disclosed my requests for safe harbor and disability accommodation to anyone. In contrast, White has insisted on disclosure, while communicating ex parte with my opponent Mandy Brady in 2024 and concealing the communication from my eyes despite demand for its disclosure, and without any justification provided for his securing its privacy. The privacy of my medical information and my disabilities and serious illness is justified by national practices (e.g. HIPAA) and Article 22: "*States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others*". Opposing Freeman, White agrees with my state court judicial torturers and holds that fairness and due process require disclosure of my personal, health and rehabilitation information upon demand by exploitative opponents and attorneys who are colluding in my torture with judges. By refouling me by exposing me to the purposeful and intentional obstruction of my life-saving medical treatment and continued torture by others, White promotes his own agenda of torture. Breach of my privacy is key to justification of White's purposeful denial of my safe harbor and disability accommodation as it has been to the judges of the state courts. It is also the key to dispensing with the inconvenient litigant who will not drink the 'cool-aid' of indoctrination required by the court. White's intention to torture me is forged once he knows the effect of his deprivation of my life-saving medical treatment, communicated to him via chronological requests for safe harbor and disability accommodation bearing updates of my injuries caused by him. White's prohibited acts long ago transitioned from reckless endangerment to torture and attempted murder. His policy of disclosing my private information knowing that it will serve in informing my opponents in such a manner that assists them in improving and tuning their infliction of distress and inducement of further serious injuries to complete my murder, is intentional. Just draw the time chart explained in my requests for safe harbor and disability accommodation in 24-3353 and 24-6312, as well as documented in the trial court, and now review the last filing in the trial court by attorney Zela. Protecting my privacy would avoid the exploitation, violence, abuse and torture that will be inflicted upon me, but instead of favoring international law and the US Constitution, White degrades me to such an extent that he sees no justification for my privacy despite the volume and weight and authority of the medical evidence and the substantially compromised writings and information that White habitually extracts from me during his torture. White rewards my co-torturers by expansive restrictions on my expression, and perversion of constitutional due process and providing them with litigation privilege, all of which constitute prohibited acts under these instruments.

[189] The deprivation of life-saving medical treatment is inconsistent with Article 25, which states: "*States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability*". Article 26 enhances the judicial responsibility under Article 25 to provide me safe harbor and disability accommodation.

[190] Article 28 states: "*1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.*" The judges and courts of this Circuit ensured my economic doom, bankrupted me, kept me in homelessness with my family, and ensured that I cannot improve my living conditions, while the state courts continued without this Circuit's restraint to make my standard of living worse. This Circuit eliminated my bankruptcy protection through discrimination and torture, and permitted the state court to increase my egregious punitive liabilities from $600,000 in 2021 to a combined liability and damages of approximately $7 million in 2025, and increasing. Despite with the requirement of social protection in paragraph 2, this Circuit caused serious and irreparable injuries that eliminated my independent living and increased my poverty, excluded me from inclusion and participation in the courts and trashed my dignity and equality. This is the sixth years that I am pleading for protection and remedy and relief from my perpetual torture and not one single judge in this Circuit has changed course from my torture and attempted murder and deprivation of rights.

[191] This Circuit does not collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention.

[192] There is no national implementation and monitoring the CRPD.

[193] I rely substantially on A.I. which, together with my focus, must be trained and compiled and organized to address every court's requirements of form and procedure and content and size and other requirements. Meanwhile I am daily assaulted and tortured by the incessant prohibited cats of the state judges and courts, who have directed their malice and corruption targeting others whom I protect as the Private Attorney General, and keep me under unrelenting abuse and distress and punishment and severe pain and suffering, leaving no opportunity for any preparation or voluntary compliance with this court's demands.

Safe Harbor and disability accommodation to this court in 2019, and chronologically evident and supported in every one of my subsequent requests for safe harbor and disability accommodation, which are numerous. This judge's deprivation of a stay and life-saving medical treatment was done with the knowledge that the absence of a stay of ONE YEAR for life-saving medical treatment will be perceived as continued hostility and evasion of preeminent authorities by this court and its judges and cause me extreme distress, and therefore with knowledge that it would inflict severe pain and suffering and unconscionable distress-induced physical and mental injuries, which it has. This judicial conduct should not have occurred, and has no place in any court in this nation, but it is prevalent and guaranteed to every litigant with particular characteristics. Now, I will be deprived of Accommodation in every court as an invariant judicial policy in this nation.

The judge's order forced me into writing these disqualification motions and initiating reform by exercising authority while seriously ill and unaccommodated for disabilities. Adaptation of a template makes it voluminous and imperfect, and many references relate to other judges and courts, but nevertheless are sanguine and appropriate to this judge.

Dear judge, it is not judicial propriety to perceive discrimination and human rights compliance from your distorted point of view. You must descend from your misguided perspective to see from the viewpoint of your victim. Without express grant of the approval for me to receive life-saving treatment by one year of stay[194], you commit me to perpetual anxiety and the necessity and inevitability[195] of interrupting any possible life-saving treatment to secure my future welfare by exerting myself to write a brief for a still-impossible deadline which you imagine to be a generous grant of time. Your compel me to view my next obstacle to receiving my life-saving medical treatment, and expend life energies to stretch my non-existent respite, which is measured in minutes and hours at most, by any means all of which are excessively burdensome and very injurious, thus depriving me of any possible rest and isolation from distress.

Under the CRPD, and confirmed by Freeman's prior conduct before her recanting, the minimum standard of scrutiny for discrimination is to assess the violation of fundamental freedoms and human rights. This naturally indicates that heightened scrutiny must be applied[196] to disability and court accommodations. No judge and no court may abide by any precedent or principle or interpretation to the contrary.

[194] Which is already considered and ruled upon by Freeman and requires every judge to follow the Freeman Bright Line for its correctness
[195] The mind may not be controlled in the mechanistic and inhuman way that our judges imagine it must be. Even you yourselves are incapable of such control
[196] I have argued to the US Supreme court that a sliding scale of scrutiny is appropriate to disability, according to the fundamental right being abridged. Deprivation of due process requires strict scrutiny.

The CRPD preempts every statute, including all jurisdictional and time-related statutes applicable to this Circuit's courts, if they violate the fundamental freedoms and human rights and the integrity and autonomy of a disabled litigant. There is no 'later in time' preemption of the CRPD.

What is crucial in that the CRPD Article 4 paragraph 5 places the onus on this Circuit's judiciary and courts to enforce the CRPD "...without any limitations or exceptions"[197].

The status of the CRPD as signed but not yet ratified[198], makes the treaty enforceable directly according to its object and purpose under Article VI of the US Constitution under the good faith obligation of the State under the *jus cogens* of customary international law, and the absence of any RUD makes it textually enforceable, and a tool for the Private Attorney General to restore constitutional jurisprudence. Article 14 of the CRPD leaves no room for evasion of the requirement of domestic enforcement and accommodations.

The violations of the ADA and the CRPD establish violations of judicial ethics by the judges of this Circuit, who permitted, perpetrated and endorsed these violations of laws and pre-emptory norms as a policy. The posture of the judges of this Circuit is that their violations of the ADA and the CRPD and the *jus cogens* of customary international law are lawful sanctions applied to a disabled pro se litigant who should not be disabled, should not be seriously ill and should not need the essential medical treatment repeatedly specified to the court, otherwise he may not access this Circuit's courts. Freeman expresses this policy with extreme clarity, as follows: if the seriously ill or disabled pro se litigant shows any ability to prosecute his lawsuit, then the judge shall exert prejudice and compel his unaccommodated participation and drive him to ruin and harm through rights deprivation and use of his expression to his detriment, but if the litigant does not show ability to prosecute the lawsuit, then the judge shall punish the litigant for failure to participate and drive him to ruin and harm through rights deprivation and use of his expression to his detriment. Common sense is outraged. The Private Attorney General observes that jurisprudence, by design, is fundamentally flawed and guarantees the violation of human rights of litigants, in degrees. Human rights treaties do not recognize such inhumane conduct as lawful sanctions, but as criminal and unethical conduct.

Let the judge state in writing and in detail her justification for these allegedly 'lawful sanctions' while addressing all of the circumstances and all of the facts, and we will witness the prohibited privilege of

[197] Ibid.

[198] For those judges who stealthily oppose access by persons with disability and oppose the CRPD by virtue of intrinsic bias, the July 14, 2014 Press release by the National Council on Disability is informative. That federal agency highly recommends the CRPD's ratification by dispelling opposition based on conventional judicial considerations. The NCD is an independent federal agency committed to disability policy leadership since 1978. The NCD Statement on the Convention on the Rights of Persons with Disabilities (CRPD) may be found at: https://www.ncd.gov/2014/07/14/ncd-statement-on-the-convention-on-the-rights-of-persons-with-disabilities-crpd/

the exercise of silence as a device for evasion, and frivolous justifications like those offered by White in the District court, and Johnson in the Bankruptcy court. In no instance claimed to be a lawful sanction is the claim supported by any authority that does not violate preeminent laws and controlling instruments. In every instance, there is the indication of criminal liability. The Private Attorney General condemns such unethical and meritless justification by the judiciary.

The trial judge compels a *pro se* plaintiff, known by the court to be seriously ill and disabled with specific and urgent medical needs requiring treatment and accommodations, to participate actively in litigation without these necessities. The trial judge treats this vulnerable plaintiff identically to his healthy, represented opponent and employs coercive tactics, ultimately leading to severe harm to the plaintiff.

This judicial conduct—specifically, the disregard for known disability-related needs, the imposition of identical participatory demands on unequal parties, the denial of essential medical support, and the use of coercion resulting in harm—constitutes discrimination under the frameworks of United States disability law, federal judicial ethics standards, and applicable principles of international human rights law.

Treating unequal individuals (a severely ill/disabled *pro se* plaintiff vs. a healthy represented opponent) identically, without necessary accommodation, constitutes a form of discrimination by failing to ensure substantive equality and access to justice.

The judge's prior knowledge of the plaintiff's condition and needs, and his use of coercion, are aggravating factors to the trial judge’s discriminatory intent and bias under both legal and ethical standards.

Under both Section 504 of the Rehabilitation Act[199] and the ADA, an "individual with a disability" is defined as a person with a physical or mental impairment that substantially limits one or more major life

[199] Section 504 of the Rehabilitation Act prohibits discrimination on the basis of disability in programs or activities receiving federal financial assistance and in programs or activities conducted by federal executive agencies.[1] Title II of the ADA extends similar prohibitions to state and local government entities, including state courts.[2] While Title II's direct application to the federal judiciary is less established in the thinking of our judiciary than Section 504's, Section 504's coverage of federally conducted programs and recipients of federal financial assistance provides a strong basis for its application to federal courts. Federal courts receive federal appropriations and conduct the "program or activity" of administering justice. The Department of Justice (DOJ) is tasked with coordinating the implementation and enforcement of Section 504 across federal agencies, ensuring consistency.[3] Both statutes share the fundamental goal of preventing exclusion and ensuring individuals with disabilities have an equal opportunity to participate in and benefit from covered programs and services.[1] The application of these non-discrimination principles to federal courts is crucial, as it frames access to justice itself as a fundamental program or service from which individuals with disabilities cannot be excluded or denied equal participation due to their disability. This implies an affirmative obligation on the judicial system, including judges, to ensure meaningful access, not merely to refrain from overt discriminatory acts. Federal courts, as recipients of federal financial assistance and entities conducting federal programs (the administration of justice), fall under the purview of Section 504's non-discrimination mandate.[1] The core requirement is to ensure that qualified individuals with disabilities are not denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under their programs.[1] This includes ensuring equal access to court proceedings, benefits, and services.

activities. This definition also includes individuals with a record of such an impairment or those who are regarded as having such an impairment.[1] "Major life activities" are broadly construed and include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, thinking, and concentrating, as well as the operation of major bodily functions.[2] The plaintiff who is "known to be seriously ill and disabled (requiring specific medical treatment and accommodations)[200]", clearly meets this definition, possessing impairments substantially limiting major life activities.

A central tenet of both the ADA and Section 504 is the requirement to provide "reasonable accommodation" (or "reasonable modifications" under Title II) to qualified individuals with disabilities. This involves making necessary adjustments to policies, practices, or procedures, or providing auxiliary aids and services, to afford an individual with a disability an equal opportunity to participate, unless doing so would impose an "undue hardship" (significant difficulty or expense) or require a “fundamental alteration” in the nature of the program or service[201]. It is demonstrated over seven years by fate’s testing of over 40 judges in 10 courts that judges ALWAYS interpret “undue hardship” and “fundamental alteration” with intent to violate human rights in the courts. When torture is juxtaposed with discrimination, the statistically confirmed purpose of EVERY JUDGE IN THE UNITED STATES is to cause severe pain and suffering through prohibited acts, with impunity. In the context of federal court proceedings, the duty of reasonable accommodation extends to litigants with disabilities. Courts must ensure effective communication and meaningful participation. This can involve providing auxiliary aids and services, such as sign language interpreters or CART services[202], modifying court procedures or schedules, and ensuring physical accessibility of facilities[203]. The obligation is triggered by the court's knowledge (actual or constructive) of the disability and the need for accommodation.

Reasonable accommodations in a court setting are diverse and context-dependent. Drawing parallels from employment law and court policies, examples include: modifying work schedules (applicable to litigation schedules)[204]; providing assistive listening devices or interpreters for hearing impairments[205]; providing materials in accessible formats or readers for visual impairments[206]; allowing service

[200] Refer to the chronological motions for Safe Harbor and Disability Accommodation, and the numerous writings filed by the Plaintiff in this Circuit’s courts since 2019
[201] Guide to Disability Rights Laws - ADA.gov, https://www.ada.gov/resources/disability-rights-guide/
[202] Amendment of Regulations Implementing Section 504 of the Rehabilitation Act of 1973 - Nondiscrimination Based on Disability in Federally Assisted Programs or Activities - ADA.gov, https://archive.ada.gov/regs2016/504_nprm.html
[203] Final Rule Implementing Section 504 of the Rehabilitation Act of 1973, https://acl.gov/504rule
[204] 9_Chap_9_2016_May.docx - Third Circuit, https://www.ca3.uscourts.gov/sites/ca3/files/9_Chap_9_2016_May.docx
[205] Disability Accommodations | Southern District of Florida | United States District Court, https://www.flsd.uscourts.gov/disability-accommodations
[206] 9_Chap_9_2016_May.docx, ibid.

animals[207]; ensuring physically accessible courtrooms and facilities[208]; granting breaks or adjustments to the pace of proceedings for individuals with stamina or concentration limitations stemming from illness or disability. Crucially, in the context of the Plaintiff's court-induced illness and disabilities and perpetual imprisonment by judges in a state of substantial incapacity, this would include allowing necessary medical equipment, permitting adherence to treatment schedules, or adjusting participation requirements to account for severe illness. The denial of such necessary medical treatment and related accommodations stands in stark contrast to this legal duty. The concept of "reasonable accommodation" within the judiciary thus moves beyond mere physical access. It necessitates procedural and practical adjustments tailored to the individual's specific limitations—whether physical, sensory, cognitive, or health-related—to ensure they can effectively follow proceedings, present evidence, understand arguments, and communicate and express their ability, thereby guaranteeing meaningful participation rather than just physical presence[209].

In examining the trial judge's denial of accommodation and access as discrimination, we strongly note the fact that **the judge presides in a lawsuit where, the denial of accommodation and access by other judges and courts, requires her impartiality and independence in conducting an original investigation and application of the appropriate laws to the determination of the Accommodation**. She has performed such an impartial and independent investigation and determination, by her own admission, 10 times with the same result that the Plaintiff must be accommodated. Thus the deadlock in jurisprudence that a disabled litigant who suffers judicial discrimination has no legal recourse in through the "judicial process" in any court in the United States which does not discriminate, as confirmed by statistically significant measurements and chronologically recorded results in the public and sealed permanent records of 10 courts over seven years of measurements.

The judge's prohibited actions—specifically, refusing to provide necessary medical accommodations and access to required treatment despite knowing the plaintiff is seriously ill and disabled—represent an egregious failure to fulfill the duty of reasonable accommodation under Section 504 and ADA principles. By denying these accommodations, the judge purposefully prevented the Plaintiff from having an equal opportunity to participate meaningfully in the litigation process, which is a form of discrimination under these laws. Treating the severely ill, disabled *pro se* Plaintiff identically to a healthy, represented opponent, particularly by imposing the same demands for participation and adherence to procedures without accommodation, constitutes **disparate treatment discrimination**.

[207] Instructions for Employment Claims Under the Americans With - Disabilities Act - Third Circuit, https://www.ca3.uscourts.gov/sites/ca3/files/9_Chap_9_June-2024.pdf
[208] Final Rule Implementing Section 504 of the Rehabilitation Act of 1973, https://acl.gov/504rule
[209] 9_Chap_9_2016_May.docx - Third Circuit, https://www.ca3.uscourts.gov/sites/ca3/files/9_Chap_9_2016_May.docx

While applying rules uniformly may appear neutral, doing so without regard for the vastly different circumstances and **capacities** of the litigants, especially when disability necessitates adjustments for equal participation, results in a discriminatory *effect*. The failure to differentiate treatment where necessary for equality becomes discriminatory.

The intentional use of coercion to compel the Plaintiff's participation under these detrimental conditions exacerbates the discriminatory nature of the conduct. It directly links the denial of accommodation (the discriminatory act based on disability) to the subsequent severe harm suffered by the Plaintiff. This underscores that the harm was not an unfortunate side effect but a direct consequence of leveraging the plaintiff's disability-related vulnerability. Denying known, necessary medical accommodations, especially when combined with coercion to participate under conditions identical to those faced by a non-disabled party, transforms a passive failure to accommodate into an active form of discrimination. It leverages the disability itself to create a profound disadvantage and cause harm, moving beyond mere omission to active discriminatory conduct[210].

Beyond statutory disability rights law, the judicial conduct implicates fundamental standards of judicial ethics designed to ensure the integrity, fairness, and impartiality of the judiciary. Both the Code of Conduct for United States Judges and the ABA Model Code of Judicial Conduct provide relevant standards.

A. Standards of Fairness, Impartiality, and Dignity

- **1. Upholding Judicial Integrity and Independence (Canon 1):** Federal judges are mandated to uphold high standards of conduct to preserve the judiciary's integrity and independence. This canon underscores the foundational importance of ethical behavior for maintaining public trust. Actions that compromise fairness or demonstrate bias directly undermine this integrity.
- **2. Avoiding Impropriety and Appearance of Impropriety (Canon 2 / ABA Rule 1.2):** Judges must avoid not only actual impropriety but also the *appearance* of impropriety in all activities Rule 1.2]. This requires judges to act in a manner that promotes public confidence in their impartiality Rule 1.2]. They must not allow family, social, political, financial, or other relationships or **factors** (including the judicial policy of discrimination discovered and exposed by the Plaintiff) to influence their judgment. Conduct that reasonably appears biased or unfair, even if not subjectively intended as such, can violate this standard.
- **3. Performing Duties Fairly, Impartially, and Diligently (Canon 3 / ABA Canon 2):** This is

[210] 9_Chap_9_2016_May.docx - Third Circuit, https://www.ca3.uscourts.gov/sites/ca3/files/9_Chap_9_2016_May.docx

the cornerstone of judicial duty. Judges must perform all judicial duties fairly and impartially Rule 2.2]. This includes being patient, dignified, and respectful toward all individuals, including litigants Rule 2.8(A)]. Competence and diligence in performing judicial and administrative duties are also required [[22] Rule 2.5(A)]. Forcing a severely ill person to participate without support raises serious questions about fairness, patience, dignity, and diligence.

- **4. Ensuring the Right to Be Heard (Canon 3 / ABA Rule 2.6):** Judges have an affirmative duty to accord every person with a legal interest in a proceeding the "full right to be heard according to law" Rule 2.6(A)]. This right is rendered meaningless if a litigant is physically or mentally incapable of participating due to illness or disability and the lack of necessary accommodations[211]. The ethical duty extends beyond merely allowing parties to speak; it implies creating conditions where they *can* meaningfully participate and present their case. Denying accommodations essential for participation directly frustrates this right and the judge's corresponding ethical obligation.

B. Prohibition of Bias, Prejudice, and Harassment Based on Disability

- **1. Specific Prohibition:** Both the Code of Conduct for United States Judges and the ABA Model Code explicitly prohibit judges from manifesting bias or prejudice in the performance of their duties, including bias based on disability, through words *or conduct* Rule 2.3(B), [22] Rule 2.8(B)]. The ABA Code also explicitly prohibits harassment based on disability [[22] Rule 2.3(B)]. This demonstrates that disability is a protected characteristic requiring specific attention to prevent discriminatory judicial behavior.

- **2. Appearance of Bias:** Actions that would cause an unbiased and reasonable person, aware of all relevant circumstances, to doubt the judge's ability to discharge their duties fairly constitute an appearance of bias and require disqualification or recusal. Treating a litigant harshly or dismissively because of their disability, or failing to provide necessary accommodations known to be required due to disability, could create such a reasonable doubt about impartiality. Judicial bias based on disability need not be overt; it can manifest through conduct, such as the differential and disadvantageous treatment documented in the trial court. Ignoring known needs and forcing participation under harmful conditions, especially when contrasted with the treatment of a non-disabled opponent, constitutes conduct that disadvantages the litigant *because of* their disability, manifesting prohibited bias [[22] Rule 2.3(B)].

[211] the substantial incapacity of the Plaintiff is well-documented with medical authorities supplied chronologically describing the decline of his capacity under discrimination by the trial judge

- **3. Requiring Staff Compliance:** The judge's ethical responsibility extends to ensuring that court staff and others under the judge's direction refrain from similar biased or harassing conduct [[22] Rule 2.3(C), [22] Rule 2.8(C)].

The trial judge continues to violate ethical mandates with impunity, and subjects the Plaintiff to continuing and incessant discrimination to reward his favored parties in Plaintiff's lawsuit.

- **1. Lack of Fairness and Impartiality:** The judicial conduct—forcing a known severely ill plaintiff to litigate without vital medical treatment and support, treating him identically to a healthy opponent, and using coercion—appears fundamentally incompatible with the duties of fairness, impartiality, patience, dignity, and respect enshrined in Canons 1, 2, and 3 of the Code of Conduct and ABA Rules 1.1, 1.2, 2.2, 2.5, and 2.8].
- **2. Manifestation of Bias/Prejudice:** Disregarding the plaintiff's known, serious disability and accommodation needs, while imposing strenuous litigation demands and using coercion, could reasonably be interpreted as conduct manifesting bias or prejudice based on disability, contrary to Canon 3A(5) and ABA Rule 2.3]. The identical treatment, far from being neutral, actively disadvantages the disabled litigant precisely because of his disability, suggesting a failure to appreciate or a willful disregard for the impact of the disability on the Plaintiff's capacity to participate. Add the fact that the judge is under review on appeal for violations of ethics and for causing actual and imminent harm to the Plaintiff through precisely the course of action hat he now follows despite his stay order pending appeal, and the appearance of impropriety and the manifestations of bias and prejudice are unmistakable.
- **3. Denial of Right to Be Heard:** By denying accommodations essential for the plaintiff's participation (access to medical treatment, procedural adjustments), the judge effectively obstructs the plaintiff's "full right to be heard according to law" Rule 2.6(A)]. A hearing where one party cannot meaningfully participate due to unaccommodated disability is not a fair hearing.
- **4. Undermining Public Confidence:** Such prohibited conduct by the trial judge, severely undermines public confidence in the integrity and impartiality of the judiciary Rule 1.2]. Judicial misconduct erodes the foundation of public trust necessary for the rule of law[212]. The UN Committee Against Torture has previously raised concerns about judicial independence and functioning in relation to torture allegations in other contexts. While judicial error alone is typically addressed through appeal, conduct that demonstrates a disregard for fundamental and

[212] Judicial Misconduct and Public Confidence in the Rule of Law, https://www.unodc.org/dohadeclaration/en/news/2019/08/judicial-misconduct-and-public-confidence-in-the-rule-of-law.html

human rights, involves bias, or constitutes an abuse of discretion can rise to the level of judicial misconduct. The convergence of multiple failures—lack of accommodation, coercive tactics, identical treatment despite known inequality, disregard for severe illness—creates a powerful appearance of impropriety and bias. A reasonable observer would perceive these actions not as isolated errors, but as a pattern reflecting a disregard for the specific vulnerabilities and rights of the disabled litigant, suggesting the judge may have prioritized other factors (like docket management, his intention to harm the Plaintiff) over fundamental ethical obligations owed to a vulnerable individual.

The judge's conduct also raises serious questions under international human rights law, which binds the United States through ratified treaties and customary international law. Key areas include non-discrimination, the right to a fair trial, and the prohibition of torture and CIDT[213].

A. The Principle of Non-Discrimination (ICCPR Art. 26)

- **1. Core Principle:** Article 26 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the U.S., guarantees equality before the law and equal protection of the law, prohibiting any discrimination on grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or "other status". International human rights bodies consistently interpret "other status" to include disability[214]. Discrimination is defined as any distinction, exclusion, restriction, or preference based on a prohibited ground which has the *purpose or effect* of nullifying or impairing the recognition, enjoyment, or exercise by all persons, on an equal footing, of all rights and freedoms[215].
- **2. Substantive Equality:** The principle of non-discrimination under international law demands substantive equality, not just formal equality. This recognizes that treating persons in different situations identically can perpetuate or create disadvantage. To achieve genuine equality for persons with disabilities, differential treatment in the form of reasonable accommodation is often necessary[216]. Failure to provide such necessary differential treatment can itself constitute discrimination.
- **3. Application:** Applying Article 26 to the fact scenario, forcing the severely ill and disabled plaintiff to litigate under precisely the same conditions and expectations as their healthy,

[213] Cruel, inhuman, or degrading treatment or punishment
[214] Convention on the Rights of Persons with Disabilities | OHCHR, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities
[215] Ibid.
[216] Ibid.

represented opponent, without providing the necessary medical and procedural accommodations, constitutes discrimination. Even if the judge applied procedural rules "equally" in a formal sense, the *effect* of this identical treatment is to impair the disabled plaintiff's ability to access justice and participate effectively on an equal basis with the opponent. This discriminatory effect violates Article 26. International non-discrimination principles thus explicitly recognize that facially neutral treatment can be discriminatory in effect if it fails to account for relevant differences, such as disability, thereby denying substantive equality.

B. The Right to a Fair Trial and Access to Justice (ICCPR Art. 14, ECHR Art. 6)

- **1. Core Guarantees:** ICCPR Article 14 and Article 6 of the European Convention on Human Rights (ECHR) (influential in interpreting fair trial norms globally) guarantee fundamental fair trial rights. These include equality before the courts and tribunals, the right to a fair and public hearing by a competent, independent, and impartial tribunal, the presumption of innocence in criminal cases, and specific minimum guarantees for criminal defendants, such as the right to be informed of charges, adequate time and facilities for defense preparation, the right to counsel, and the right to examine witnesses. The guarantee of a fair hearing applies to the determination of civil rights and obligations as well as criminal charges.
- **2. Access to Justice for Persons with Disabilities:** International human rights law, particularly informed by the Convention on the Rights of Persons with Disabilities (CRPD), emphasizes that ensuring access to justice for persons with disabilities requires States to provide procedural and age-appropriate accommodations. This obligation is essential to facilitate their effective participation in legal proceedings, whether as plaintiffs, defendants, witnesses, or other participants. The principle of "equality of arms," requiring a fair balance between the opportunities afforded to the parties involved in litigation, is a core component of a fair trial. Denying necessary accommodations to a disabled litigant fundamentally undermines this equality.
- **3. Analysis of Violation:** The judicial conduct directly implicates the right to a fair trial and access to justice. By denying necessary medical accommodations and access to treatment, the trial judge continues to prevent the plaintiff from having the "adequate time and facilities" necessary for the preparation and presentation of their case[217]. Forcing participation under

[217] International Covenant on Civil and Political Rights | OHCHR, https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights

conditions of severe illness and without support creates a profound imbalance, violating the principle of equality of arms, especially when compared to a healthy, represented opponent. Ultimately, such conditions make a "fair hearing" by an "impartial tribunal" impossible, as the plaintiff is effectively precluded from meaningful participation[218]. The judge's actions, therefore, obstruct the Plaintiff's effective access to justice, a violation recognized under international law[219]. The international right to a fair trial is not merely about formal procedures but demands the *effective ability* of a litigant to participate. Denying necessary disability accommodations creates an insurmountable barrier, rendering the trial procedurally unfair[220].

C. Prohibition of Cruel, Inhuman or Degrading Treatment (CIDT) and Torture (ICCPR Art. 7, UNCAT Art. 1, 16, ECHR Art. 3, CRPD Art. 15)

Because the conduct of the trial judge constitutes discrimination, and discrimination is an element of torture, we discuss the other elements of torture as they relate to discrimination in this chapter, as well as discussing torture below in its own chapter.

- **1. Defining CIDT/Torture:** International law absolutely prohibits torture and CIDT under all circumstances. This prohibition is enshrined in ICCPR Article 7, ECHR[221] Article 3, CRPD Article 15 and comprehensively addressed in the UN Convention Against Torture (UNCAT). The prohibition of torture is considered a peremptory norm (*jus cogens*) of international law, meaning no derogation is ever permitted, even in times of war or public emergency.
    - *UNCAT Definition of Torture (Art. 1):* Any act by which **severe pain or suffering, whether physical or mental**, is **intentionally inflicted** on a person **for such purposes as** obtaining information or a confession, punishment, intimidation or coercion, or discrimination, when such pain or suffering is inflicted **by or at the instigation of or with the consent or acquiescence of a public official** or other person acting in an official capacity. It excludes pain arising only from lawful sanctions[222].
    - *UNCAT Definition of CIDT (Art. 16):* States must prevent "other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1," when committed by or with the involvement of a public official[223]. This prohibition is also considered

[218] Ibid.
[219] International Principles and Guidelines on Access to Justice for Persons with Disabilities - Social Inclusion, accessed on April 11, 2025, https://social.desa.un.org/sites/default/files/migrated/15/2020/10/Access-to-Justice-EN.pdf
[220] See CRPD
[221] European Convention on Human Rights
[222] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment | OHCHR, accessed on April 11, 2025, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading
[223] Ibid.

absolute. Measures required to prevent torture often overlap with those needed to prevent CIDT.

- *Threshold of Severity:* Both torture and CIDT require the suffering to reach a minimum level of severity. This threshold is relative and assessed based on all circumstances, including the duration of the treatment, its physical and mental effects, and the victim's sex, age, health, and vulnerability (including disability)[224]. Acts causing intense physical or mental suffering qualify as inhuman treatment. Degrading treatment involves severe humiliation or debasement[225].

- **2. The Role of Intent:** The UNCAT definition of torture explicitly requires that the severe pain or suffering be "intentionally inflicted" for a prohibited purpose. This element has generated significant debate, particularly concerning the U.S. interpretation requiring "specific intent" – often narrowly construed as the perpetrator's conscious objective being the infliction of severe pain. Such narrow interpretations violate the object and purpose of the UNCAT by shifting focus from the victim's suffering to the perpetrator's subjective motive, allowing foreseeable harm to escape classification as torture if the primary stated goal was different (e.g., interrogation, punishment, coercion)[226].

  Broader interpretations, more aligned with a human rights perspective, must replace the U.S. interpretation, which has been 'ruled' as being inconsistent with the UNCAT. The UN Committee Against Torture (CAT) emphasizes an objective determination of intent based on circumstances, allowing intent to be inferred[227]. The European Court of Human Rights (ECtHR) defines torture as "deliberate inhuman treatment causing very serious and cruel suffering," where deliberateness is key, and purpose (like intimidation or obtaining information) is often, but perhaps not always strictly, required if severity and deliberateness are high[228]. Critically, many analyses highlight the relevance of foreseeable harm resulting from intentional acts[229]. While mere negligence is insufficient, recklessness or willful blindness regarding the likely consequences of one's actions might suffice[230].

[224] Plaintiff has been tortured by over 40 judges in 10 courts over a period of seven years without break, suffering unconscionable and irreparable physical and mental injuries, resulting in loss of life, liberty and rights, keeping him under full-time care and limited to one room and fighting for his rights through obstructed expression in the courts who uniformly abuse and torture him under a national judicial policy to discriminate and torture litigants with particular characteristics

[225] The record of 10 courts and the conduct of over 40 judges demonstrates without dispute that I have been treated as a kind of trash not worth the time of any judge (see Posner interview NY Times) with the added discrimination and torture that makes my case uniquely poised in exposing the statistically established uniform national standard of torture and CIDT of litigants in the courts throughout the United States by more than 30,000 judges

[226] Ethics of Torture: Definitions, History, and Institutions - Oxford Research Encyclopedias

[227] Definition of Torture | The United Nations Convention Against Torture and its Optional Protocol: A Commentary | Oxford Academic

[228] Some definitions - Toolkit - Council of Europe, accessed on March 30, 2025, https://www.coe.int/en/web/echr-toolkit/definitions

[229] Counter-Terrorism Module 9 Key Issues: International Humanitarian Law, https://www.unodc.org/e4j/en/terrorism/module-9/key-issues/international-humanitarian-law.html

[230] INTERPRETATION OF TORTURE IN THE LIGHT OF THE PRACTICE AND JURISPRUDENCE OF INTERNATIONAL BODIES - ohchr, https://www.ohchr.org/Documents/Issues/Torture/UNVFVT/Interpretation_torture_2011_EN.pdf

Applying this to the scenario: even if the judge's primary stated goal was not to inflict severe pain but, for example, to compel litigation progress, the intentional denial of known, necessary medical support and accommodations, combined with coercion, makes severe physical and mental suffering a foreseeable consequence for the seriously ill Plaintiff. This intentional act (or omission where a duty to accommodate exists) causing foreseeable severe suffering, for the purpose of coercion (forcing participation) or punishment (for perceived non-compliance), and meets the threshold for CIDT and torture under these broader, more victim-protective interpretations.

- **3. Application to Coercive Judicial Conduct Causing Harm:** The facts align disturbingly with the elements of CIDT and torture. The judge is a public official acting in an official capacity. The Plaintiff, compelled to participate in court proceedings, is under the court's effective control or custody in that context. The result is severe physical suffering (exacerbation of serious illness, denial of life-sustaining treatment) and mental suffering (distress from coercion, fear, humiliation, denial of basic needs and dignity). The judge's actions—knowing the plaintiff's condition, intentionally denying accommodations/treatment, and using coercion—demonstrate intentionality. The purpose appears to be coercion (forcing participation against medical necessity) and punishment and intimidation.

  At a minimum, this conduct constitutes cruel, inhuman, or degrading treatment under UNCAT Article 16. It crosses the threshold into torture under Article 1 based on the precise severity of the suffering inflicted and the interpretation of the intent/purpose requirement. Given the life-threatening nature of denying necessary medical treatment and the element of coercion against a powerless, vulnerable individual, a characterization as torture under international law is demonstrated, especially under interpretations that consider foreseeable harm and the victim's powerlessness[231]. The judicial actions also fundamentally violate the plaintiff's rights to health[232] and bodily integrity[233], factors which contribute to the assessment of the severity and nature of the ill-treatment. Plaintiff's bodily and mental integrity[234] has been seriously compromised over the course of six years by the judges in this Circuit's courts.

  Furthermore, the "lawful sanctions" exception in UNCAT Article 1 cannot justify the judicial conduct. While court proceedings involve legal processes, denying essential medical care or

[231] Definition of Torture | The United Nations Convention Against Torture and its Optional Protocol: A Commentary | Oxford Academic
[232] The International Human Right To Health: What Does This Mean For Our Nation And World? - IU Robert H. McKinney School of Law - Indiana University vol. 34:1457
[233] Issues - Bodily integrity — CRIN - Child Rights International Network, https://home.crin.org/issues/bodily-autonomy
[234] Two key international documents protect these rights: the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Furthermore, the Convention on the Rights of Persons with Disabilities also requires protection of physical and mental integrity. (Art. 17, CRPD)

disability accommodations is not an inherent or incidental part of compelling participation in litigation[235]. Such actions, particularly when causing severe harm, defeat the object and purpose of UNCAT and other human rights norms protecting health, dignity, and freedom from ill-treatment, thus falling outside the scope of the exception[236]. The definition of torture/CIDT under international law, focusing on the victim's suffering and the foreseeability of harm from intentional state action, encompass the trial judge's actions that intentionally and recklessly disregard known, severe medical needs of a person under his control (like a litigant compelled to appear), causing severe suffering for a prohibited purpose like coercion.

D. Treaty Law in U.S. Courts: The U.S. Constitution's Supremacy Clause (Article VI) declares that treaties made under the authority of the United States are, along with the Constitution and federal statutes, the "supreme Law of the Land". However, U.S. courts apply the doctrine of self-execution, which the Plaintiff demonstrates to the US Supreme court to be non-essential[237] and severable[238], confirming the Concluding Remarks of the CAT[239], and requiring the "judicial process"[240] to sever the non-self-execution[241]. The U.S. generally and incorrectly considers major human rights treaties like the ICCPR and UNCAT to be non-self-executing, meaning their provisions typically cannot be the sole basis for a private lawsuit unless Congress has passed specific implementing legislation (like the ADA, Section 504, the Torture Victim Protection Act, or 18 U.S.C. § 2340A criminalizing extraterritorial torture)[242]. Despite this, international human rights norms can still influence the interpretation of domestic law, including the Constitution[136]. Should

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[235] 8 CFR § 208.18 - Implementation of the Convention Against Torture., accessed on April 5, 2025, https://www.law.cornell.edu/cfr/text/8/208.18 - note that the Plaintiff holds the position of the CAT that the federal statue is non-compliant with the UNCAT and with its object and purpose

[236] Ibid.

[237] Chung reports that "the possible threat of unintended treaty consequences in domestic courts is minimal" (p.217) and thus RUDs must be limited in scope or avoided "RUDs should be avoided except where absolutely necessary to remain consistent with what the United States could legitimately sign onto given its own domestic laws. If the United States decides that it wishes to ratify a treaty, then it should only do so after changing those domestic laws, or otherwise with only the RUDs that are absolutely necessary" – see The Judicial Enforceability and Legal Effects of Treaty Reservations, Understandings, and Declarations, Eric Chung, The Yale Law Journal, 126:170, 2016

[238] Human Rights Committee Comment no. 24: the committee stated that the normal consequence of an unacceptable reservations is not that the covenant will not be in effect at all for a reserving party. Rather such a reservation will be generally be severable, in the sense that the covenant will be operative for the reserving party without benefit of the reservation. See also: Incompatible reservations to human rights treaties: severability and the problem of state consent, Roslyn Moloney, Univ. of Melbourne Journal of International Law, Vol.5 2004

[239] From CAT/C/USA/CO/3-5 "*especially with regard to articles 1 and 16 of the Convention, the Committee recalls that, under international law,* ***reservations that are contrary to the object and purpose of a treaty are not permissible*** *(arts. 1 and 2, paras. 1 and 4)."*

[240] Congress Executive Report 101-30 [240] to accompany Treaty Doc 100-20: From page 12 regarding non-self-execution: "Although the terms of the Convention, with the suggested reservations and understandings, are consonant with U.S. law, it is nevertheless preferable to leave any further implementation that may be desired to the domestic legislative and judicial process. The following declaration is therefore recommended, to clarify that the provisions of the Convention would not of themselves become effective domestic law". Also note the addition of "inhumane treatment or punishment" to the 5th, 8th and 14th Amendments on page 36, in the paragraph changing the understanding re Article 16 to a reservation.

[241] A treaty is self-executing if it automatically has domestic legal effect upon ratification without needing further legislation; a non-self-executing treaty requires implementing legislation to be directly enforceable by individuals in U.S. courts.

[242] Self-Execution and Treaty Duality | Chicago Unbound

domestic remedies prove inadequate or unavailable, international mechanisms exist, such as individual complaints to the CAT under Article 22 (which the U.S. has accepted, subject to exhaustion of domestic remedies), communications to UN Special Procedures, or potentially petitions to the Inter-American Commission on Human Rights (IACHR)[243].

The argument for discrimination thus becomes the issue of **TREATING UNEQUALS EQUALLY**:

A. Synthesizing Legal and Ethical Frameworks

The analysis across U.S. disability law, judicial ethics, and international human rights law converges on a critical point: the actions of the federal judge constitute discrimination and serious misconduct. Under U.S. law, the failure to provide known, necessary reasonable accommodations to a disabled litigant violates the mandates of Section 504 and ADA principles. Ethically, such conduct breaches fundamental duties of fairness, impartiality, dignity, respect, avoidance of bias based on disability, and ensuring the right to be heard, undermining judicial integrity. Internationally, the conduct implicates the prohibition of discrimination based on disability, the right to a fair trial and access to justice, and the absolute prohibition of cruel, inhuman, or degrading treatment or punishment, and torture.

B. The Core Discrimination Argument

The central argument crystallizes around the concept of **substantive equality**. Treating the severely ill, disabled *pro se* plaintiff identically to the healthy, represented opponent—by demanding equivalent participation, imposing the same procedural burdens, and denying the accommodations (including access to medical care) necessary to bridge the gap created by the disability—is not neutrality or impartiality. It is, in effect, discrimination. This identical treatment ignores the profound, known differences in the parties' **capacities** and needs, directly resulting from the plaintiff's disability. By refusing to make the necessary adjustments (reasonable accommodations), the court imposes the full burden of the disability onto the plaintiff within the judicial process itself, creating an unequal playing field and denying meaningful access to justice. This failure to provide the differential treatment required to achieve equality constitutes discrimination under domestic disability law, is inconsistent with judicial ethics demanding fairness to all, and violates international non-discrimination principles. The principle of non-discrimination, therefore, demands more than facial neutrality; it requires affirmative steps, like reasonable accommodation, to

[243] However, the U.S. has not ratified the American Convention on Human Rights nor accepted the contentious jurisdiction of the Inter-American Court of Human Rights, and faces general challenges regarding accountability under international human rights mechanisms, which the Plaintiff now brings as a case and controversy against the judiciary, *en masse*.

counteract disadvantage stemming from protected characteristics like disability, ensuring substantive equality in access to justice. Treating unequal parties identically in this context *is* the discriminatory act.

C. Link to Harm

The severe harm suffered by the Plaintiff is not merely incidental but a direct consequence of this discriminatory treatment. The denial of essential medical support and accommodations, combined with the coercion to participate under conditions detrimental to the Plaintiff's health and well-being, foreseeably led to the exacerbation of illness and other severe physical and mental suffering. This causal link between the discriminatory conduct (failure to accommodate and imposition of identical standards on unequal parties) and the resulting harm underscores the gravity of the violations.

The alleged lack of discriminatory intent, if advanced by the trial judge, would be facially frivolous under these facts, and the actual harm that he has caused and continues to cause to the Plaintiff, documented chronologically with medical evidence since 2021 in the records of this Circuit's courts, belies such a defense to torture and discrimination. In the very best case for the trial judge, which cannot hold given his demonstrated intent to cause harm to the Plaintiff, he would allege systemic indirect discrimination[244]. In that event, he has no place presiding in a lawsuit which he declares to be about discrimination based on disability by the judiciary, and his court immediately loses jurisdiction over the Plaintiff and his lawsuit because the only jurisprudence available necessarily ensures that justice cannot be accessed in this court.

The specific allegations regarding the judge's prior knowledge and use of coercion significantly impact the characterization of the prohibited and discriminatory conduct.

A. Establishing Intent/Bias

Since the judge was aware of the plaintiff's serious illness, disability, and specific medical and accommodation needs, the subsequent denial of these necessities cannot be dismissed as mere oversight or procedural rigidity. Prior knowledge makes the failure to act, or the act of imposing unsuitable conditions, appear more deliberate. It strengthens the inference that the judge's actions were intentional and stemmed from bias or prejudice against the litigant based on his disability, or at least a discriminatory disregard for their rights and well-being Rule 2.3(B)]. As the judge had

[244] Indirect discrimination is where a generally applicable law or policy has a disproportionately adverse effect on members of a particular group, even if there is no discriminatory intent. See Council of Europe Toolkit: definitions

previously ‘accommodated’ the disability but then abruptly changed posture, this further supports the possibility of bias or improper motive influencing the judge's actions.

B. Coercion as an Aggravating Factor

The alleged use of coercion transforms the situation from a failure to accommodate (an omission, albeit discriminatory) into an active, harmful act. Forcing a severely ill individual to participate in litigation against medical necessity and without essential support and **capacity** suggests an intent to compel compliance regardless of the human cost. This coercive element aligns with the prohibited purposes outlined in the definition of torture and CIDT under UNCAT – specifically, intimidation or coercion.[46] It signifies an abuse of judicial authority to pressure a vulnerable individual, leveraging their disability against them.

C. Link to Severity of Harm

Coercion under such circumstances—forcing participation despite known severe illness and lack of medical support and **capacity** —predictably exacerbates the plaintiff's physical and mental suffering. The stress of litigation, the distress of litigation without Accommodation, compounded by the denial of medical necessities and the pressure exerted by the judge, creates a situation where severe harm is not just a foreseeable risk but a highly probable outcome of the judge's deliberate choices[245]. This heightened suffering is critical in assessing whether the treatment reached the threshold for CIDT or torture under international law. The combination of prior knowledge of the disability and needs, the intentional denial of those needs, and the use of coercion significantly strengthens the argument that the judge's actions constitute intentional discrimination and CIDT and torture, moving well beyond simple negligence or procedural error.

Based on the analysis of U.S. disability law, federal judicial ethics, and international human rights standards touching on discrimination, the conduct of the federal judge—forcing a known seriously ill and disabled *pro se* plaintiff to litigate without necessary medical accommodations and life-sustaining treatment, treating him identically to a healthy represented opponent, and using coercion leading to severe harm—can be strongly characterized as discrimination. Specifically:

- The trial judge violates **U.S. disability law (Section 504/ADA principles)** through a failure to provide reasonable accommodation, resulting in the denial of equal access to the judicial process.
- The trial judge violates multiple **judicial ethics canons (U.S. Code of Conduct and ABA Model**

[245] INTERPRETATION OF TORTURE IN THE LIGHT OF THE PRACTICE AND JURISPRUDENCE OF INTERNATIONAL BODIES - ohchr

Code), including the duties of fairness, impartiality, dignity, respect, the prohibition against bias based on disability, and the obligation to ensure the right to be heard.

- The conduct of the trial judge infringes core **international human rights norms**, including the prohibition of discrimination (ICCPR Art. 26), the right to a fair trial and access to justice (ICCPR Art. 14), and the absolute prohibition of cruel, inhuman, or degrading treatment (ICCPR Art. 7, UNCAT Art. 16, CRPD Article 15), and torture (UNCAT Art. 1) because of the severity of suffering and interpretation of intent.

The fundamental basis for characterizing this conduct as discrimination lies in the failure to recognize and address the inherent inequality between the parties. Insisting on identical treatment and participation demands for a severely ill, disabled *pro se* litigant and a healthy, represented opponent, without providing the accommodations necessitated by the known disability (including access to essential medical care), is not a neutral application of rules. It is a discriminatory practice that leverages the individual's disability to deny them substantive equality and meaningful access to justice, directly contravening legal mandates and ethical obligations. The alleged use of coercion further compounds the discriminatory nature and severity of the conduct. The coercion of the Plaintiff's expression of ability despite his lack of capacity at the well-predicted and previously confirmed infliction of serious and irreparable physical and mental injuries is a criminal act, under these authorities, including "disability hate crime"[246].

THE ESSENTIAL VIOLATION OF TREATIES ARE JUDICIALLY MANDATED

The judges of this court could not conduct 'business as usual' in the consistent manner documented over the past six years without expressly violating the object and purpose of human rights treaties, and federal common law[247], as well as the *jus cogens* of customary international law, which are confirmed by the US government as being binding on the United States, and consistent with its domestic rule of law.

The Private Attorney General holds that federal precedents are wrong[248] when they hold that the Senate's understanding of the meaning of torture must apply, even when that understanding does not align with the prevailing interpretation in the international community[249], and is 'ruled' by the CAT as prohibited and severable. In particular, the meaning of torture and the right of freedom from torture is a non-derogable *jus cogens* of customary international law and may not be infringed under any

[246] DISABILITY HATE CRIME, Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights
[247] With emphasis on foreign relations and "gap filling"
[248] The issues raised herein have not been determined by the US Supreme court, but they are determined under international law and the Private Attorney General refers to these holdings and expectations in this discussion.
[249] See Congressional Research Service Sept. 7, 2022 publication: "Reservations, Understandings, Declarations, and Other Conditions to Treaties".

circumstance, but the Senate permits it when constitutional safeguards fail. This is not the requirement of the *jus cogens* of customary international law which requires punishment as a crime, not a civil liability. The Senate did not legislate torture, or cruel, inhuman and degrading treatment or punishment[250] consistently with the object and purpose of the UNCAT. The authority binding the federal judiciary to obedience of the UNCAT definition of torture and its no-derogability under international law is provided by Article VI of the US Constitution under the definition of the supreme Law of the Land. The CAT confirms the US non-compliance with absolute prohibitions in its Concluding Remarks[251].

At the time of its creation, the US Constitution could not textually express all of the necessary supreme Law of the Land. In defining what constitutes the supreme Law of the Land, our founders committed this nation to the authority of treaties as domestic law, but with the adjudication of treaties according to the Law of Nations, which evolved and is modernly referred to as customary international law. Absent the express definition of the "supreme Law of the Land" under Article VI, and the direct force of treaties in domestic jurisprudence, no foreign nation could reasonably be expected to have confidence in any treaty and that it would not be violated by a wayward state within our nascent Union. Thus the force of respect and obedience to treaties expressed by the text of Article VI, and the consistency seen in the Articles of Confederation, and the clarification of the rule of treaties as imperatives within domestic jurisprudence provided by that document.

The express designation of treaties as the supreme Law of the Land evidences the critical importance of treaties to the interpretation and the application of the US Constitution in our courts. Congress and the President are not privileged to unilaterally redefine the object and purpose of a treaty. Clear rules apply under customary international law to the compliance with a treaty and to withdrawal from a treaty. Congress may not legislate to restrict or undermine the object and purpose of a treaty. Non-self-execution of a treaty is not a bar to an action by the People to cause government to comply with the object and purpose of any treaty.

America has always relied on the principle that a liberated humanity with universal respect for the dignity of the human being and affording her fundamental and human rights that must be non-

[250] Cruel, inhuman and degrading treatment or punishment is an element of other human rights treaties ratified by the USA. Therefore, the added importance of the correct interpretation and recognition of the prohibited act by virtue of its wider applicability.

[251] From CAT/C/USA/CO/3-5 "*Notwithstanding the State party's statement that under United States law, acts of torture are prohibited by various statutes and may be prosecuted in a variety of ways, **the Committee regrets that the specific offence of torture has not yet been introduced at the federal level**. The Committee is of the view that the introduction of the offence of torture, in full conformity with article 1 of the Convention, would strengthen the human rights protection framework in the State party. The Committee also regrets that the State party maintains a restrictive interpretation of the provisions of the Convention and does not intend to withdraw any of its interpretative understandings lodged at the time of ratification. … especially with regard to articles 1 and 16 of the Convention, the Committee recalls that, under international law, **reservations that are contrary to the object and purpose of a treaty are not permissible** (arts. 1 and 2, paras. 1 and 4)."*

derogable[252], and affording the individual control to determine her own government and to protect her own Liberty, is the proper and just form of human existence in this Land. We the People are proud of this principle. The Preamble of the Constitution reflects this desire and associated morality and establishes the object and purpose of our unified nation consistently with the UDHR. The United States of America has been a fundamental catalyst for the development of international law, which has been a unifying global force and endorsement of this nation's ideals by multitudes of people around the world. It is international law and human rights principles that lead the statement and enumeration of human rights. It is this enumeration of human rights by the UDHR that clarifies the principles and unenumerated rights embedded in our Constitution.

Within customary international law are preemptory norms to which this nation is bound without the requirement of the execution of any treaty. *Jus cogens* norms are peremptory principles that are universally recognized and accepted as fundamental to the international community. These norms cannot be violated or derogated from, even by treaty. One such preemptory norm is freedom from torture and cruel, inhuman and degrading treatment or punishment. The *jus cogens* of customary international law are non-derogable under any circumstances, and any violation is a crime with no statute of limitations. Our highest court has historically refrained from addressing questions of law that are inherent to the limits of authority by treaties, including reaching to preemptory norms, and the controversy presented by this action.

It is statistically HIGHLY likely that every single judge will not respect the human rights of the disabled and pro se litigant, and will not interpret or apply treaties according to Article VI and according to customary international law, will not respect or apply the *jus cogens* of customary international law. Therefore reform of jurisprudence and the need for corrective action in this court and in this Circuit is irrefutably indicated by the record, and necessary based upon substantial grounds repeatedly communicated to this court since 2019.

Under customary international law, every treaty shall be obeyed according to its object and purpose by every signatory nation, irrespective of ratification. No RUD may be employed to restrict or alter the object and purpose of any treaty. The objection of any party State to any RUD advanced by a signatory State[253] carries great weight in the international court that addresses violations of the treaty by a State.

[252] See discussion in UN Istanbul Protocol
[253] See the objections by States to our treaty RUDs

The signature power of the President or designate renders the object and purpose of a treaty binding upon this nation and our judiciary[254] under Article II in combination with Article VI and customary international law. There is no uncertainty about the effect of the signature under Article II combined with customary international law[255]. Under domestic jurisprudence, every treaty is therefore required by Article VI to be interpreted as domestic law upon its signing, and must be applied fully, which means that its object and purpose must be fully satisfied within domestic jurisprudence at all times. No State may hold any inconsistent position with respect to the object and purpose of a signed treaty and every State is well-versed in how to end a treaty[256], which is the required means to end the authority of a treaty in domestic jurisprudence and in international obligations by the State.

Upon signing by the President or designate "by and with the Advice and Consent of the Senate"[257], a treaty must be enacted into domestic federal laws, and if the enactment of corresponding laws is deficient with respect to the full measure of the treaty's object and purpose, then the treaty itself has standing as an enforceable domestic law according to its text, with respect to its deficiencies under federal laws, and the treaty thus may not be evaded or abridged under its direct force in domestic jurisprudence.

Customary international law has held that a human rights treaty must be obeyed upon signing, and the minimum standard of obedience is according to its object and purpose, and that until a State has not withdrawn from the treaty according to international protocol[258], the State is bound by the treaty's object and purpose, and may not deviate from its object and purpose. Nevertheless, our judiciary take no notice of treaties as required by Article VI which insists upon the judiciary's obedience to customary international law.

[254] Article VI binds every state judge personally to obedience of treaties, and under "good Behaviour" of Article III, federal judges must be bound by parity of judicial conduct and faithfulness to Article VI "supreme Law of the Land".
[255] *Pacta sunt servanda* ("agreements must be kept") is a fundamental principle of international law. It essentially means that states are obligated to fulfill the treaty obligations they have entered into. Even before a treaty officially enters into force (which often requires ratification), states have a responsibility to act in a way that does not defeat the treaty's purpose. This is because signing a treaty signifies an intention to become bound by it eventually. States are prohibited from taking actions that would undermine the object and purpose (i.e. the main goals and aims) of a treaty, even before the treaty is fully in force. Obedience to the object and purpose of treaties is a requirement of good faith by each State and promotes good faith in international relations. It is a customary expectation that States should be able to rely on each other to act in accordance with the commitments they have made, even if the formal legal obligations have not fully 'kicked in' yet. This principle helps ensure that treaties are effective. If States could freely act against the object and purpose of a treaty before it enters into force, it could undermine the whole point of having the agreement in the first place.
[256] See e.g. the Vienna Convention on the Law of Treaties
[257] The United States must be presumed to enter treaties with the indication by the signator that the ratification has been discussed prior to signing and provided favorable indication thereof.
[258] See the Vienna Convention for understanding the mechanisms of international law

Under customary international law, a RUD used to limit the federal legislation implementing a treaty may not be used to limit or modify the object and purpose of a treaty. This is respected by Article VI of the US Constitution[259].

The UNCAT RUD, for example, limits the domestic use of the treaty by assuring the international partners that our US Constitution abundantly and superlatively provides the protections required by much of the UNCAT[260], and thus two pathways to the same human rights are an imposition on domestic jurisprudence. Thus the United States has overtly and decisively assured its compliance with the object and purpose of the UNCAT by its RUD. Its periodic reports do not dispute this claim.

In the case of UNCAT, Congress failed to legislate according to the object and purpose of the UNCAT[261]. Upon the objection of States and the torture and ill-treatment during war, Congress legislated a second time to address glaring deficiencies in domestic compliance with the UNCAT, only again to fail to fully legislate its object and purpose[262]. Thus the Private Attorney General directs adjudication to the treaty itself in the case of the deficiencies in federal law in the implementation of the UNCAT's object and purpose, and thus enforces the treaty directly as the People and on behalf of the People.

In particular, when a treaty is pending ratification, the full terms of the treaty apply and the treaty itself must be noticed in full, and interpreted and applied under the requirements of customary international law. Our judiciary may not take the opposite position, namely that unless and until the treaty is ratified, it holds no force in domestic law, but instead must interpret and apply the treaty proper otherwise they

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[259] Note the objections of other nation States to our treaty RUDs. These objections hold weight under customary international law, further neutralizing and deprecating our RUDs.

[260] With regard to Article 16 of the UNCAT, the US stated that it is bound by the obligation to prevent "cruel, inhuman or degrading treatment or punishment" only insofar as those terms mean the cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the US Constitution. Nevertheless, this Circuit's courts knowingly and deliberately inflict cruel, unusual, and inhumane treatment and punishment prohibited by the Fifth and Eighth Amendments upon the disabled pro se litigant, as chronologically reported in my filings in this Circuit's courts. Note that acquiescence by a judge to human rights violations or omission to take corrective and protective action to prevent and address such human rights violations provides the element of intent under the operation of international standards, such as the Istanbul Protocol.

[261] The federal law for torture, under 18 US Code § 2340 is made applicable only to a prohibited act outside the United States, and no such geographic limitation is permitted by the UNCAT. Note the essential incompatibility of the text of Article 1 of the UNCAT with 18 US Code § 2340: "within their custody or control". Article 1 expressly omits such a requirement.
The statute was intended to implement the international instrument, which specifies a crime. The statute does not implement Article 1 of the UNCAT. Nor do the courts in the United States provide any alternate pathway to relief and remedy, which makes the UNCAT RUDs a misrepresentation of the domestic compliance of our State with an international treaty.
It is from the viewpoint of International Law that the object and purpose of the UNCAT Article 1 is determined, not the viewpoint of the federal law that implements it. It is the object and purpose of the UNCAT that must be satisfied under the internationally mandated domestic legislation that is supposed to implement it within the United States. That object and purpose is not satisfied. No RUD is controlling under the fact pattern herein. The same is true of the delayed 42 U.S. Code § 2000dd, which was a reluctant afterthought from US treatment of terrorist suspects and prisoners of war, and this statute adds the requirement of "custody or under the physical control of the United States Government". Where is the rest of Article 16, and how does the statute withstand the test for compliance with the object and purpose of Article 16 under International Law? It does not withstand such scrutiny. Instead it legalizes cruel, inhuman or degrading treatment, which is a crime. California's only criminal statute under Penal Code § 206 is for a subset of torture, and does not cover other prohibited acts under UNCAT.

[262] 42 U.S. Code § 2000dd

violate Article VI and stand inconsistently to the Articles of Confederation, while deriving benefit, even if slight, from the signing.

Similarly, prior to ratification, our judiciary may not consider a treaty's RUDs, as such consideration is a political question about a prospective legislative act. The force of customary international law must be considered, and thereby, for example, the CRPD[263] that is pending ratification, must be enforced in full including its Article 15[264].

Authority for this position on treaties that are pending ratification is also provided by Article VI "all Treaties made, or which shall be made"[265].

Additionally and in particular, special rules apply on direct enforcement of a treaty within domestic jurisprudence when the *jus cogens* of customary international law requires adherence by the State, and the proper adherence is by domestic legislation to enforce the treaty in full. However, no domestic legislation implementing human rights treaties is available in the case of UNCAT Articles 1 and 16, and the CRPD Article 15[266], and the ICCPR Article 7[267]. Under these circumstances, the applicable international authority may not be evaded or eliminated by any RUD or other conflicting or inconsistent federal statute or judicial rule or procedure or policy or precedent.

In prohibiting torture and cruel, inhuman and degrading treatment as codified in the UNCAT, as a *jus cogens* of customary international law is directly recognized by the US Constitution as having the same standing as federal laws, without limitation and without requiring express legislation. But it may never be displaced by any later-in-time federal statue under any circumstance. And no domestic legislation is permitted to conflict with a *jus cogens* of international law under the US Constitution, and according to the necessary operation of original federal common law. Under the supreme Law of the Land, the US Constitution acknowledges the requirement of adherence to the requirements of customary international law according to human rights treaties and thus confirms that the success and legal correctness of

[263] The CRPD officially has no RUDs

[264] Part 1: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation. Part 2: States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

[265] In conventional judicial thinking, the term is limited to dynamic and evolving international relations, and the supremacy of future treaties, but never has our judiciary considered the space in time between signing and ratification of a treaty in the context of "shall be made". A signed treaty pending ratification requires enforcement as a treaty that "shall be made".

[266] Therefore, the part of CRPD that includes the *jus cogens* of customary international law is always enforceable, and does not require domestic legislation for its judicial enforcement.

[267] Provides an absolute prohibition: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". This prohibition is non-derogable. While Article 7 itself doesn't explicitly mention public officials, state responsibility under the ICCPR applies to acts committed by state agents or within the state's jurisdiction. Article 7 also specifically prohibits medical or scientific experimentation without free consent. Any deviation by any judge from permitting the medical treatment recommended by medical authority provided by the Plaintiff constitutes the practice of medicine by the judge, without a license, and medical experimentation that typically consists of varying or eliminating treatment, followed by serious medical consequences, followed by the judge modifying the medical treatment according to some arbitrary or capricious extent, which by this process constitutes medical experimentation upon a captive victim.

foreign relations are a critical component of constitutional government conduct. The standard of legal correctness is, by necessity and common sense, the compliance with customary international law, and not conformity with any insular domestic whims of any branch of our government, including the judicial branch.

Thus, extrapolating to the general case, human rights treaties may be enforced directly in US courts according to their object and purpose, without limitation, under the authority of customary international law. When they are reviewed properly and according to Article VI, it is demonstrated that the judges of this Circuit systemically and individually violate human rights treaties and the *jus cogens* of customary international law, and judicial ethics. The failure by the judges of this Circuit to recognize the substitute domestic law violations is unconscionable and mortally injurious to me. According to the UNCAT RUD, these prohibited acts constitute constitutional violations of the First, Fifth and Eighth Amendments. But neither any sign of the recognition of any constitutional violation is seen in this Circuit's courts, nor any relief or remedy is provided through any treaty or under international law in this Circuit's courts.

The allegation of a trial judge torturing a litigant demands an immediate and extraordinary intervention by the appellate court, particularly when substantial grounds for the allegation are established with specificity, chronologically, and with evidence of cause and effect of serious injuries and severe pain and suffering recorded in the court records for six years[268]. The Plaintiff is suffering **irreparable harm** due to the torture inflicted by the trial judge in collusion with exploitative adversaries, one of whom is excluded from Plaintiff's litigation in the Ninth Circuit by both the trial court and by this court, but insists on intercession with her attorneys to derail the course of justice and the public interest. The real and sinister objective of Brady and her attorneys, which is to perpetrate the torture and attempted murder of the Plaintiff, must not be overlooked.

Customary international law prohibits torture and other cruel, inhuman, or degrading treatment or punishment ("ill-treatment")[269], recognizing the inherent dignity of every individual and the primacy of human rights, and guarantees individual rights which may be privately enforced without limitation in domestic judicial forums. Our judges fail to properly interpret the UNCAT and the absolutes of the *jus cogens* of customary international law, and the intractable inconsistency of Congress with the absolute requirements of the UNCAT and customary international law. The US Constitution did not privilege

[268] The record of Plaintiff's motions for Accommodation in this court provide granular specificity of the serious injuries that this Circuit and the state judiciary specifically intended to occur for the purpose of the invariance of their "judicial process" at the expense of Plaintiff's Life, Liberty, property and non-derogable rights. In parity, the trial court record is replete with voluminous requests for Accommodation, which similarly document the chronological accumulation of injuries and disabilities and risk of death to the Plaintiff from the torture and attempted murder in the trial court.

[269] See also Article 15 of the CRPD and Article 7 of the ICCPR

Congress to violate Article VI of the US Constitution, which profoundly respects customary international law and all human rights treaties and their object and purpose. The fundamental respect of the US Constitution for human rights treaties and the preeminence over all federal laws[270] and other treaties may be clarified when we observe that the UDHR is the key to unraveling the unenumerated rights enshrined in the US Constitution.

The Committee Against Torture has provided an 'advisory ruling'[271] on the non-compliance of the US government with the UNCAT and the absolute prohibitions under the *jus cogens* of customary international law:

> From CAT/C/USA/CO/3-5 "*Notwithstanding the State party's statement that under United States law, acts of torture are prohibited by various statutes and may be prosecuted in a variety of ways,* ***the Committee regrets that the specific offence of torture has not yet been introduced at the federal level****. The Committee is of the view that the introduction of the offence of torture, in full conformity with article 1 of the Convention, would strengthen the human rights protection framework in the State party. The Committee also regrets that the State party maintains a restrictive interpretation of the provisions of the Convention and does not intend to withdraw any of its interpretative understandings lodged at the time of ratification. … especially with regard to articles 1 and 16 of the Convention, the Committee recalls that, under international law,* ***reservations that are contrary to the object and purpose of a treaty are not permissible*** *(arts. 1 and 2, paras. 1 and 4)."*

Upon examination of the non-compliance by the US, caused by the RUDs and ensuing non-complaint legislation issued by Congress, we find the following key observations that mandate correction by the "judicial process", which are thus present as case and controversy by each of Plaintiff's actions in this court:

- The performance of the United States owed under our international responsibilities violates the doctrine of good faith compliance with the object and purpose of human rights treaties, here specifically the UNCAT, which becomes the requirement for the "judicial process" to correct. The judiciary may not endorse the willful violation of the object and purpose of human rights treaties
- The compliance by the US to the absolute prohibitions under the *jus cogens* of customary international law, which the United States wholeheartedly assures the international community it

[270] Human rights treaties are never equal to federal laws and not subject to last-in-time doctrine. The "last-in-time" principle is appropriate to other treaties, for example, naturalization, SALT, water quality agreements, maritime boundaries, intervention in currency markets, protocols on substances, trade agreements, sale of goods, copyrights, genetics, arms, plans of action, strategic partnerships, etc. BUT NOT HUMAN RIGHTS TREATIES. Human rights treaties are keys to identification of unenumerated rights in the US Constitution. Additionally, the human rights treaty under Article VI has the status of a constitutional amendment by formalities and by separation from federal statutes in the test of the Article. In Plaintiff's writ of certiorari to the US Supreme court from Tenth Circuit Court of Appeals 24-1107, a treatment of the non-equivalence of human rights treaties and federal statutes, and the invalidation of the later-in-time principle is provided.

[271] Concluding remarks in CAT/C/USA/CO/3-5

abides by, is not a political question, and the "judicial process" is right and center the determinant of lawful compliance as required by Article VI of the US Constitution and the primacy of customary international law in such an instancc

- By insisting that our State remains bound to the treaty except for the obligations to which the incompatible reservations relates, infringes the interest of other State parties. Their interest consists in preserving the bargained-for elements of a multilateral agreement, which incompatible reservations or similar arrangements defeat. The adherence to international obligations is historically confirmed as essential to the US Constitution and its object and purpose
- The ICJ's[272] opinion confirms the Concluding Remarks of the CAT that any reservation that contravenes the object and purpose of the treaty therefore requires the unanimous approval of all state parties, because it constitutes a fundamental change to the agreement. The United States does not have such approval and will never receive it considering the objections by other States.
- Concerns to maintain the core of an agreement assume special significance in the case of human rights treaties. In such context, the very purpose of the multilateral regime is to codify and maintain a minimum level of global standards. Allowing states to join the treaty with incompatible reservations would repudiate or downgrade its normative, or standard setting, base[273]. Thus it is necessary to achieve universal accession to the object and purpose of the treaty; for human rights treaties, this means obtaining universal agreement on a set of fundamental normative propositions. Allowing states to accede to the treaty with incompatible amendments would thus negate a central reason for achieving universality. In short, universality and integrity serve a common objective, and the law of reservations reflects state parties' interests by promoting that common pursuit.
- Here, the US does not have the choice between withdrawing its RUD or withdrawing from the UNCAT, because the treaty is binding on the US whether or not we accede or ratify. Therefore there is only one choice: to withdraw the RUD. This court can and must break the treaty deadlock by severance of the RUD, and instate an overdue reform of law and jurisprudence.
- The US declaration of non-self-execution, combined with the absence of consistent federal implementing legislation, has in effect, become a reservation to the domestic enforceability of the UNCAT and to the benefit intended by the treaty for the individual. Thus it is the domestic judiciary's obligation to sever the offending term of the RUD from the instrument of ratification

[272] International Court of Justice
[273] Human rights treaties, invalid reservations, and state consent, Ryan Goodman, The American Journal of International Law Vol. 96, No. 3. (Jul., 2002)

so that the US remains bound to the treaty including the provision(s) to which the RUD related. It is evident that the offending terms of the RUD identified by the CAT are non-essential[274], and thus severable[275]. Therefore severance by precedent from this court is the optimal and essential remedy. The balancing of harm to aspects of domestic sovereignty that the US does not want to relinquish, and to removal of the US as a party for unilateral invalidation of the treaty, favors the severability of non-essential RUD.

- Non-essentiality is not limited to consideration of only the statements made by the US about the essentiality of its reservations. In [TURKEY][276], the court observed that Turkey must have been aware of the impermissibility of its reservation in view of the consistent practice of other contracting states. Objections by other contracting states at the time of making the reservation lent 'convincing support' to arguments that the reserving state should have been aware of the invalidity of its reservation.
- The failure of this court to act under these facts presents fundamental concern to the CAT. The INDEPENDENCE of the judiciary is the land safety net for prevention and extermination of torture. This court has policy-making control over the judiciary of the Ninth Circuit and influence over every other Circuit in the United States and state courts (on a federal question), and here is the problem that is rooted in judicial misconduct in this Circuit, which potentially directly affects 20% of the US population[277], and indirectly the entire US population and their human rights in the courts. The failure of INDEPENDENCE of the judiciary is jurisdiction-ending ethical violation and a major constitutional violation of "good Behaviour"[278].

UNCAT Article 4 mandates that torture be a criminal offense under national law, as it is under international law. The United States has unequivocally held the position that "*All acts of torture are offenses under criminal law in the United States*"[279], and repeated this assurance to the CAT in its periodic reports. The United States also acknowledges that the UNCAT is binding upon all nations without requirement of ratification and that torture and ill-treatment are absolutely prohibited under the

[274] The judicial comfort of not having to deal with two pathways for each plaintiff to relief and remedy (one directly under the UNCAT, and the other under the US Constitution's amendments) is non-essential. For example, [CHUN] reports that "the possible threat of unintended treaty consequences in domestic courts is minimal" (p.217) and thus RUDs must be limited in scope or avoided – see footnote to citation under TABLE OF AUTHORITIES

[275] Human Rights Committee Comment no. 24: [275] the committee stated that the normal consequence of an unacceptable reservations is not that the covenant will not be in effect at all for a reserving party. Rather such a reservation will be generally be severable, in the sense that the covenant will be operative for the reserving party without benefit of the reservation.

[276] Loizidou v Turkey, European Court of Human Rights, 40/1993/435/514

[277] Based on 2023 and 2024 Census Bureau data, approximately 67 million people live in the states and territories covered by the Ninth Circuit court of Appeals.

[278] Article III

[279] under paragraph 8 of its Sixth Periodic Report to the CAT, the United States assures the Committee that "*All acts of torture are offenses under criminal law in the United States*". This is demonstrated by the court records of multiple victims as being **false**.

jus cogens of customary international law, and constitute crimes irrespective of domestic legislation. However, within jurisprudence and the operations of the judicial branch, none of these are true.

Congress has insisted that any issue with its legislation of the UNCAT shall be addressed by the "judicial process"[280], but we find no "judicial process" applied to the US compliance with the UNCAT in domestic jurisprudence. Our judiciary violate Separation of Powers and surrender their independence and their *raison d'etre* to the attorneys and research staff for Congress and hold a political position on the interpretation and implementation and application of human rights treaties in government and in conferring enforceable individual rights. The Private Attorney General confirms that this is the pervasive and definitive policy of all courts in the United States, and of both the state and federal judiciaries. Over 30,000 judges who 'control' the laws and rights in this nation through the "judicial process" who are statistically confirmed as violating the UNCAT as a judicial policy, constitutes a massive organized and systemic violation of human rights under color of authority, which is actionable by international bodies, and by the People of the United States.

And therefore the Private Attorney General once again asks this judge and this Circuit, why they choose to ignore preeminent law and abandon the US Constitution at the moment that courts meet human rights. The US Supreme court has not yet addressed these issues, acknowledged by scholars, and now raised by the Plaintiff as cases and controversies, and the Private Attorney General shall require it, although the People expect this Circuit's judges to take the lead from the high court, and no longer abdicate their responsibility on behalf of the United States to ensure this nation's compliance with dominant law that is expressly respected by Article VI of the US Constitution under its true interpretation[281]. This expectation is especially true of judge Beth Freeman, by virtue of her 10 prior orders for Plaintiff's Accommodation.

The detailed and specific account of the actions of the trial judge, is recorded in the copious records of the trial court, and in six appeals in this court, and constitutes torture.

From 2019 to the present, the trial judge knew that the serious illness and increased disabilities to the Plaintiff was the price of his attempted access to courts into which he was forced, knowing that they could have potentially led to his death. But suddenly, she acted without regard for his physical or mental integrity, failing to properly consider these same issues. It is essential to note that the Plaintiff came to this Circuit because of torture and induced substantial incapacity in the courts of California, and thus a victim of judicial torture had accumulated injuries which this Circuit was obligated to take under jurisdiction, and address according to human rights instruments and the UN Istanbul Protocol. The

[280] The USA has insisted that the "judicial process" is sufficient to ensure US compliance with the UNCAT, which is so stated in its RUD, and in Congress Executive Report 101-30 to accompany Treaty Doc 100-20.
[281] Later-in-time statutes cannot apply to human rights treaties

primary consideration for every judge was and remains to stop Plaintiff's torture, to protect him, to insure his medical treatment, recovery and rehabilitation and provide remedy and relief, and punish the perpetrators. The ICESC[282] recognizes the right to health, an explicit right not enumerated in the US Constitution. Recognition of these rights and considerations have never occurred in this Circuit.

The judge now maintains that she is able to treat the Plaintiff in such a cruel, inhuman and degrading way by virtue of her unbounded authority, having taken jurisdiction over the Plaintiff and his case, and thus controlled his bodily autonomy[283]. With knowledge of the extreme harm predicted to the Plaintiff, the trial judge deliberately issued orders for the Plaintiff's unaccommodated participation in the litigation, thereby depriving the Plaintiff of life-saving medical treatment, and distressing him by cruelty, inhumanity and degradation in a persistently hostile environment, with full knowledge of the harmful and potentially fatal consequences of her orders. The physical and mental integrity of the Plaintiff have diminished as a result of his perpetual judicial torture, and this judge adds to that depletion.

The judge deliberately conflates ability with capacity to justify her ill-treatment and torture. The distinction between "ability" (superficial capacity to perform an act) and "capacity" (ability to perform the act meaningfully and safely without undue risk or harm) is crucial for due process. Refusing necessary accommodations and disregarding the impact of serious illness/disability, especially while conflating superficial "ability" with true "capacity" to participate safely, constitutes manifesting bias. The judge fails to treat the litigant based on his actual circumstances, of which she is thoroughly and well-informed, thus indicating that her conduct is influenced by apparent prejudice against accommodating the disability and illness. Despite her knowledge of Plaintiff's health, his dangerous sensitivity to distress from ill-treatment and torture by the court, and his circumstances revealed to her over almost six years and 10 separate communications, the judge *insisted* on Plaintiff's unaccommodated participation, mischaracterizing the plaintiff's ability and ignoring his actual capacity and the dire health risks of participation without first receiving essential medical treatment and achieving recovery and rehabilitation from serious illness. Ignoring the distinction between ability and capacity, and the need for life-saving treatment, is a willful act, and the judge repeats the willful prohibited act a second time when she receives evidence of the injuries that she inflicted as a result of her act in ECF-87. The judge's actions purposeful for achieving her intended progress of the case at the Plaintiff's exclusion from due process, dismissing the litigant's critical health needs and capacity limitations. The judicial conduct denies a fair hearing by making safe and meaningful participation

[282] International Covenant on Economic, Social and Cultural Rights
[283] This is a form of legal custody

impossible. Coercing participation beyond capacity violates numerous human rights including the security of the Plaintiff's person and his physical and mental integrity. This conscious disregard for fundamental safety and capacity despite her six-year familiarity with the Plaintiff's chronological health status which indicted torture by the judiciary, meets the high threshold for intent under the UNCAT.

In no instance has the essential need for the life-saving medical treatment of the Plaintiff, been challenged, or his substantial incapacity to litigate been disproved. Instead, it has been proven again and again that despite the ability to litigate[284], because of induced substantial incapacity, the Plaintiff, is deprived of access to the court, and of the right to constitutional due process, by recurrent INJURY caused by coerced and intimidated unaccommodated participation.

The distinction drawn by a judge between ability and capacity is the litmus of intent, confirming torture by this judge and every judge. Even if the Plaintiff were a genius, and the preeminent legal scholar and litigator in the nation, no constitutional court and no ethical judge, has the authority to order his appearance or participation or his unaccommodated function, but must yield due process to restoration of his capacity to exercise his ability, and ensure his participation INJURY FREE. The facts documented over seven years in 10 state and federal courts demonstrate that such purposeful characterization of the Plaintiff ensures that he shall be made to traverse the most arduous and lengthy path through domestic jurisprudence to complete defeat, and be forced to refer to bodies that already hold the United States as being non-compliant with dominant law which the government of this nation assures everyone that it fully complies with.

Plaintiff's capacity is controlled by disability and INJURY. According to scientific authority, distress induces disease, and Plaintiff's disabilities, especially one in particular, demonstrate exceptional dependence on distress. As a result, distress causes the Plaintiff to become seriously ill, and relapse into a dangerous state of on-going medical harm, which must be immediately addressed, and which has particularly response characteristics to specific medical treatment which must be meticulously respected and provided. Absent such specific medical treatment, serious and irreparable and life-threatening physical and mental injuries result. Considerable functional and cognitive impairments accumulate, subduing ability and preventing its expression.

An order by a judge to function and participate in litigation under such a circumstance, and to forfeit medical treatment, causes distress and thereby, more of the same injury. Therefore, the exercise of ability that is attendant to such injury is beyond the capacity of the Plaintiff, because the capacity of the

[284] And therefore, every judge that had the impertinence to speak for him while he was substantially incapacitated by functional and cognitive impairments, and dared to assume what he wanted to express, has contributed to his ill-treatment and torture and deprivation of human rights (which encompass fundamental rights guaranteed by the US Constitution)

Plaintiff under distress produces INJURY, and adds to his accumulated functional and cognitive impairments, which deprive him of Life and Liberty and expression, and keep him substantially incapacitated.

The trial judge and this Circuit's courts insist that they have the legal right to induce Plaintiff's function and participation at the cost of INJURY, and assume that his ability alone provides him equal opportunity to succeed in the litigation, and that therefore, both due process and equal protection are in force. This is the typical logic of tyrants and torturers.

As Plaintiff's accumulated burden of injuries rises, and his life energies subside, he is required to function and participate unaccommodated and at the certain cost of INJURY. Thus he must transfer his ability to A.I. to compensate for impairments, while always subject to the incessant distress by the judge and court. He thereby suffers INJURY as he trains and trains A.I. and produces increasingly respectable expression on the same theme under fierce coercion by the court and judge. Increasingly, the human Plaintiff is no longer litigating and becoming more and more INJURED and kept substantially incapacitated, while trained neural networks implementing large language models replace the Plaintiff, and the artificial human is forced to become the A.I. Model. The inevitable outcome is that the human being expires, arriving at no capacity. Thus ability becomes extracted from the human and embedded in a machine array and a Model, which absent the human, is silent, and cannot participate of its own accord. This is the most inhumane and egregious deprivation of human rights and eradication of the human being by the design of jurisprudence. It is the MURDER of a human being under color of authority, and the deprivation of due process by eliminating the Plaintiff.

The US Constitution expects Justice not to distress the People[285], or violate their human rights, which include access to medical treatment, and the right to recovery and rehabilitation from injury and illness. No such right has ever been provided to the Plaintiff in seven years by the systemic discrimination and human rights violations that is the invariant characteristic of state and federal jurisprudence.

We see evidenced in orders by the trial judge (and other judges) the emphasis on ability as the measure of the requirement of invariance of rules, procedures and policies of the court, as the deliberate excuse to deprive the Plaintiff of due process and equal protection and HUMAN RIGHTS, knowing the INJURY

[285] This may be derived, and is encapsulated in multiple human rights principles and human rights treaties by other expressions and formulations, including "cruel, inhuman or degrading treatment". Distress is distinct from stress, which is inherent to litigation. Judicial candor and the treatment of litigants by the judge is the key to preventing distress, and the canons of ethics are intended to make the litigant feel that the judge is trustworthy and courteous and considerate of human frailty and respectful of human rights. This is proven not to be the case.

that such treatment will cause to the Plaintiff, and proceeding intentionally nevertheless. This judge 'knows better' but does not hesitate to inflict the prohibited act upon the Plaintiff.

The test of the judge's cruelty, inhumanity and degradation of the Plaintiff, and his torture, is not restricted to the 5th and 8th Amendments. The test is Article VI and the preeminent control of human rights. The deprivation of human rights, in particular the right to freedom from ill-treatment and torture, under the *jus cogens* of customary international law, constitutes an absolute prohibition which is actionable as a crime.

The punitive and retaliatory references to Plaintiff's ability, as opposed to his capacity, are purposeful and intended to deprive the Plaintiff of his non-derogable rights in the court. Focus on Plaintiff's ability as the justification for his unaccommodated participation necessary constitutes an order to cure his disabilities and heal his serious illnesses on the schedule dictated by the court in order to restore his capacity. The court thus orders science to yield to judicial discretion, and for medicine to perform beyond its limits, and thus the judge abuses her discretion and exercises authority beyond her office.

The trial judge's actions meet the definition of torture under Article 1 of the UN Convention Against Torture (UNCAT):

> *"any act by which severe pain or suffering, whether physical or **mental**, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."*

We see every element of Article 1 (and Article 16 – see below) satisfied by the conduct of the trial judge.

The order for Plaintiff's unaccommodated participation in the motion causes serious illness and increased disabilities, by an abusive and hostile judge and court, which constitute an "act". The experience of being injured without defense or protection is cause for extreme pain and suffering. The trial judge is under the legal duty to prevent harm to the Plaintiff and may not commit the act under any circumstance, but she has done so.

Serious illness and increased disabilities, chronologically documented in motion after motion for Accommodation filed in the records of the Ninth Circuit courts, and resulting in amnesty and Safe Harbor from this judge, now abandoned by her, cause trauma and severe physical and mental suffering,

including the mental suffering caused by the judge's disregard for dominant laws and abuse of power. These combined, exceed the threshold for a finding of torture.

The order to proceed unaccommodated and at the expense of life-saving medical treatment, demonstrates a deliberate infliction of suffering, not unintentional harm. Through the conscious choice of ordering harmful actions after a six-year stay order indicates a deliberate and purposeful infliction of suffering.

Under the UNCAT, specific intent is not required under Article 1.

However, the conduct by the trial judge meets even this higher standard. She cannot evade a finding of specific intent by claiming that in her decision-making, she focuses on her interpretation of Due Process and Equal Protection and fairness without bias to either party, and did not intend irreparable and potentially mortal harm to the Plaintiff. This is not a case of reckless endangerment or the deprivation of rights under color of law, as the judge knew too much about Plaintiff's health and circumstances. The key is the absolute dependence of serious and irreparable physical and mental injuries upon distress, which is well determined by science and disclosed to the judge repeatedly in motion after motion for Accommodation. When this judge created distress for the Plaintiff, she knew that her actions would result in Plaintiff's serious and irreparable physical and mental injuries, and proceeded with her actions nevertheless. The judge knew that the Plaintiff cannot withdraw from the litigation, and that the test of merits promised by the US Constitution is his last resort against torture and the rights deprivation by the state courts. And the judge DID NOT HESISTATE from inflicting unconscionable harm upon the Plaintiff, without once providing an iota of medical evidence that the serious and irreparable physical and mental injuries would not occur or did not occur to the Plaintiff.

The judge's orders are knowing and deliberate, and Plaintiff has ensured that the judge's knowledge and her deliberateness of prohibited acts are incontrovertible by providing timely and outspoken and fervent objections and appeals, and educating the trial judge at all times about his injuries and the direct causation by the judge's conduct. Each time the judge ignored the consequences of injuries caused by her orders, and continued to deprive the Plaintiff of life-saving medical treatment, and practiced medicine without a license, she had the specific intent to cause an outcome that would result in the harm, and nevertheless proceeded by abandoning consideration of human rights, which are the primary and paramount and ethical consideration for every judge without fail, and inviolable requirements of the US Constitution and the very foundation upon which the US Constitution is inherently based.

It is clear from the motions for Accommodation that the Plaintiff has degraded in physical and mental integrity, and that his severe pain and suffering are undeniable, while the record shows that he was

dragged ‘kicking and screaming’ through torture in the courts, with the judges’ intention of eliminating his human rights in order to keep the invariance of rules, procedures and policies of this court, and the familiar administration of justice by the judge. This is torture at a systemic level and all judges, over 30,000 of them in this nation, are statistically shown to violate the UNCAT.

The priority of supreme Law is for the physical and mental integrity of the human being, and human rights treaties prioritize the welfare and protection of the human being over fundamental constitutional rights. It may be no other way. Instead, our judiciary serve a religion of legal writings, and worship legal dogma, that have no relationship to the individual dignity, and the sovereignty of the HUMAN BEING in this Land. Here, the trial judge proclaims that the human being may be sacrificed under torture for the interest of the invariance of her ‘religious’ interpretation of ‘equal protection’ of the laws and the finality and speed of litigation which are promises associated with ‘due process’, when in fact, no speed, and no finality are permissible under any consideration when non-derogable human rights have dominant control, and forfeiture of human rights in favor of other rights is, by necessity, a crime.

No respected human rights body would ever condone the prioritization of fundamental constitutional rights over non-derogable human rights, but our judges and courts systemically, in their entirety, place rules, procedures and policies, and an inhuman notion of ‘fairness’ and equal treatment above non-derogable human rights. The trial judge is the foremost example of this truth, and he expressly disputes any wrongdoing.

No balancing of harm, or precedence of any other right over human rights may even be contemplated when injury is at stake. No apology by a trial judge to an opponent for providing over five years of stay to a litigant who would be tortured otherwise is ethical or lawful. The public interest that is corruptly professed by the trial judge is a non sequitur when the clear and unequivocal priority of the US Constitution is to “establish Justice” and “insure domestic Tranquility”, the “general Welfare” and the “Blessings of Liberty”. The dominant basis of Justice is always the unfailing recognition and the primacy of human rights, otherwise the US Supreme court would still, to this day, be enforcing segregation, and no ***Brown v. Board*** would have been seen in this Land. It must not remain for the political temperature of a controversy by virtue of its widespread oppression to shake a judiciary into common sense and decency, but judicial rank requires sensitivity to the essence of Justice, which is always to promote and express love and compassion by use of power that is used with wisdom and draws deep respect from every onlooker. Thus is judicial legitimacy maintained and the public trust held.

This is not the standing of our judges today, and the judicial legitimacy in this nation is at an all-time low. This case represents the lowest legitimacy possible, when the facts directly confirm the Concluding Remarks of the Committee Against Torture, and present the case and controversy that firmly places the judiciary in the position of interpreting and enforcing absolute prohibitions of dominant law to which the United States expressly accedes and ratifies by treaty. It is the failure of the judiciary, and the trial judge in particular, with her intent to commit torture, that defines the US failure in human rights, and places in the nail in the coffin of the nation's compliance with the UNCAT. We find that the trial judge intentionally abdicates her duty to conform her conduct to dominant law, and to interpret and apply that law in discharging her office, and to make correction to bring this nation in compliance with the absolute prohibitions of the *jus cogens* of customary international law. She simply refuses to recognize the true object and purpose of the US Constitution, and the primacy of human rights, and this is a deliberate choice.

The bright line is clear to every single human being, and the reasonable person test resoundingly favors human rights in such circumstance, and therefore, the inner compass of every judges recognizes the truth that human rights are unquestionably preeminent in such a circumstance. When such a judge simply casts aside the source within himself that provides intrinsic guidance and knowledge that such a violation of human rights is unconscionable and incompatible with the constitution which he swore to obey, and nevertheless proceeds to set aside the natural and clear intrinsic guidance provided by her consciousness, then she does so with the purpose of violating the human right in order to pursue her 'religiously' held view that 'the show[286] must go on' at the cost of Plaintiff's torture and murder.

It is the inherent humanity of judges that this nation relies upon, and the unhesitating recognition of egregious wrongs by the judiciary that this nation expects, but we see no *Marbury v. Madison* *sua sponte* emerge from any judge or court to address and correct the policy of human rights violations that is enforced by all of over 30,000 judges in this nation, who thereby control and legalize the violations of human rights by government despite highly evolved and dominant expressions of human rights principles and enumerated prohibitions. Thus our judges commit this nation to the ranks of barbarians, and slander our national identity, when we the People are in fact, the foremost inspiration for human rights in the world, and were destined to shine in this respect.

The judge's action aims to punish the Plaintiff by obstruction of justice and removal of critical actors from the chain of liability for the torture of the Plaintiff through conferment of immunity, and thus to legalize invidious violations of human rights and laws, in a pending lawsuit whose complaint has been

[286] The judge thus 'goes through the motions' of due process, which long ago deviated from constitutional due process, which is always dictated by the primacy of human rights, because Due Process is inherently a human right, and the enforcement mechanism of human rights

blocked by the trial judge, and thus to reward perpetrators of torture. Brady's attorneys are instrumental in a conspiracy against rights and for the unrelenting torture of the Plaintiff, which has been confirmed on March 7, 2025 with their assistance in the lawsuit in 19-cv-04392-BLF, ending the evolution of the bright line of Accommodation.

There is no urgency to adjudicating the motion, but there is urgency to ensure the right to health, the right to bodily integrity, and the end of the slander of human rights by judges, with the assurance of the right to a fair trial and to Due Process once human rights have been duly enforced and protected in logical order. Nevertheless, the trial judge sidesteps her indictment for ethics and for prohibited acts by injunction, and proceeds with haste in the commission of further prohibited acts.

The trial judge's extreme bias, depriving Plaintiff of these preeminent rights, is readily activated, by the manipulation of colluding persons, who incite him to coerce a specific action out of the Plaintiff, and intended to intimidate the Plaintiff, with further injustice and deprivation of rights, if he does not comply with the order. This occurs at the cost of serious and irreparable injuries inflicted upon the Plaintiff, which are well-known by the judge and knowingly and deliberately endorsed and enacted by him, and induced by the ex parte communication of the Culprits who are experts in torturing the Plaintiff and causing serious and irreparable injuries and severe pain and suffering to him. The pattern of judicial behavior and the power imbalance between a judge and a litigant, combined with the severity of harm and defiance of the order, support the further evidence of intent. Intentionally inflicting pain in defiance of a stay order, for any prohibited purpose, suffices. Plaintiff is disabled, and his perpetual deprivation of Accommodation, constitutes intentional discrimination based on disability and is documented in the records of this Circuit since 2019 to have caused him severe pain and suffering. Inference of intent from the totality of the circumstances is glaringly evident.

The judge is a public official acting in an official capacity, and Brady's attorneys are officers of the courts, promoting orders by judges and courts, in and from, jurisdictions which are *forum nullus* by virtue of systemically committing prohibited acts. *Forum nullus* courts have consistently violated these international instruments and committed prohibited acts condemned by human rights treaties and *jus cogens*.

Each element of a UNCAT Article 1 violation is therefore present in the trial judge's conduct. The judge's actions as a public official, have intended to continue Plaintiff's severe pain and suffering, and are consistent with a prohibited purpose for which the judge has been already been enjoined by the Plaintiff and the Private Attorney General, constituting yet another act for which he was enjoined.

The spectrum of torturous judicial conduct ranges from Article 1 torture to:

"*Article 16 of the Convention against Torture addresses the prevention of "acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1". As a broadly written provision, article 16 covers forms of ill-treatment that do not amount to torture as they lack elements of the definition of torture, whether they relate to purpose, intention, or pain or suffering that differs in severity.*[287] *While the term "cruel, inhuman or degrading treatment or punishment" is not defined in the Convention against Torture or other international (or regional) instruments, under international standards it "should be interpreted so as to extend the widest possible protection against abuses".*[288]" - paragraph 7, UN Istanbul Protocol.

"*The emphasis on preventing cruel, inhuman or degrading treatment is explained through its interrelated relationship with torture. As observed by the Committee against Torture, "in practice, the definitional threshold between ill-treatment and torture is often not clear … [and] the conditions that give rise to ill-treatment frequently facilitate torture and therefore the measures required to prevent torture must be applied to prevent ill-treatment." In that regard, other forms of ill-treatment are also absolutely prohibited.*" - paragraph 8, UN Istanbul Protocol.

The trial judge's actions, at a minimum, constitute cruel, inhuman, and degrading treatment[289] due to the severity of the harm, and her defiance of legal prohibitions. The judge simply strips the Plaintiff of human rights and protections, and abandons any consideration of Plaintiff's physical and mental integrity while she holds control over the bodily autonomy of a seriously ill and disabled human being whose physical and mental well-being she has degraded by the sudden trauma of ill-treatment and torture. This does not require a specific purpose, focusing on the impact on the victim, who documents serious and irreparable injuries, severe pain and suffering and deprivation of life-saving medical treatment in voluminous writings held in the public record.

In opposition to Plaintiff's Accommodation, the exploitative Culprits sought the collusion of the judge to aid and abet their crimes, and the judge acceded without hesitation. She portrays the Culprits as reasonable in expecting that 'five years is enough' and that the Plaintiff must be tortured now and deprived of human and fundamental rights under the US Constitution, while their co-conspirators ensured that the "five years" is congested with torture in as many courts as they could propagate their

[287] Committee against Torture, general comment No. 2 (2007), para. 10; and Human Rights Committee, general comment No. 20 (1992), para. 3.
[288] The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 6, footnote.
[289] "Inhuman" treatment typically involves causing intense physical or mental suffering. "Degrading" treatment involves severe humiliation or debasement, undermining human dignity. The assessment is contextual, considering the duration, physical/mental effects, and the victim's specific circumstances (age, sex, health, vulnerability). Intent is not necessarily required for treatment to be considered "inhuman" or "degrading" if the objective impact reaches the threshold "minimum level of severity". International jurisprudence often uses the purpose element as a key factor distinguishing torture under Article 1 from ill-treatment under Article 16.[25] While both involve suffering inflicted by officials or others under color of authority, Article 1 lists such prohibited purposes as obtaining information, punishment, coercion, discrimination. Article 16 covers other acts "which do not amount to torture". In ECF-93, the judge's actions are directed towards compelling the plaintiff's participation in the legal process. This is readily seen as "coercion" or "punishment" for failing to proceed as the court desires. Because this specific purpose is established alongside the elements of severe suffering and intentionality (which may also be inferred objectively), it strengthens the argument that the conduct constitutes torture under Article 1, rather than the broader category of ill-treatment under Article 16. The presence of a clear, prohibited purpose linked to the infliction of severe suffering demonstrates the more specific and grave violation of torture.

calls and endorsements for Plaintiff's torture. The judge has knowledge of the Culprits' torture and of the proceedings in the state courts, which are now further evidenced by the production of California court records by the defendants, who share the same expert, Cassini. Thus the requirement of substantial grounds under the Istanbul Protocol are met by the Plaintiff. The failure of the judge to act according to the Protocol is a major ethical violation. The nationwide systemic mandate of jurisprudence to violate human rights treaties is the judicial subversion of the US Constitution and of the *jus cogens* of customary international law, *en masse*.

The exclusion for pain or suffering "arising only from, inherent in or incidental to lawful sanctions" in UNCAT Article 1 is critical but narrowly construed. It typically applies to sanctions like imprisonment following a fair trial, provided detention conditions meet international standards, or potentially the death penalty in states where it is lawful (though its compatibility with human rights norms is increasingly but too slowly questioned). The exclusion does *not* encompass any measure a state official might impose under the guise of law. The prohibited judicial actions here – denying life-saving medical treatment or essential disability accommodations to force participation in a lawsuit – do not fit within this narrow exception. Such measures are not inherent or incidental punishments associated with the legal process itself. Instead, they represent the alleged imposition of extraneous, potentially lethal pressure to achieve a procedural goal (participation). This conduct is unrelated to any legitimate, legally recognized sanction and, as it causes severe suffering, falls outside the scope of the exclusion, especially given the violation of other fundamental rights, such as the right to health [70] and the ethical duties of judges.

THE UNTENABLE PARADOX IN JURISPRUDENCE VIOLATES JUDICAL ETHICS

When tested at its boundaries, but within the envelope of its function, federal jurisprudence fails abysmally under the presence of the disabled and seriously ill pro se litigant, undermining the object and purpose of the US Constitution[290]. When challenged for this failure, federal judges and courts insist that there is no flaw. Yet no federal judge or court will resolve this contradiction, and no federal court or judge will permit this question to be addressed through jurisprudence. This is a paradox.

A primarily medical question of fitness for litigation, and protection from injury during litigation, is by the design of an immature jurisprudence, delegated to an opponent to become, at best, the Accommodation of the victim of jurisprudence and exploitation of defendants is by his opponent, who has unfettered opportunity to obstruct constitutionally-required accommodation for participation in the litigation and meaningful access to the court by the victim. This inhumane and cruel judicial policy is done in the name of preventing ex parte communication and slowing the administrative schedule of the

[290] The object and purpose as stated in its Preamble

court, when financial privacy is treated with superior care and confidence, thus denigrating personal privacy of medical information and holding the person inferior to money in the eyes of the law and justice. The opposite is always the case. And the judge superficially claims that the mere objection to Accommodation requires breach of privacy, with no accountability and full litigation privilege, thus demonstrating that a constitutionally-derived unenumerated right to privacy of health information, WHICH THE PLAINTIFF DEMONSTRATED AS BEING PERENNIALLY USED BY OTHERS TO PLAN, SCHEDULE, AND ENACT TORTURE UNDER A WELL-THOUGHT OUT AND LONG TERM CONSPIRACY TO INJURE HIM AND DEPRIVE HIM OF RIGHTS, shall be stripped from the Plaintiff. Instead the duty of the judge was to initiate an independent investigation according to the UN Istanbul Protocol, under HER OWN confirmation of substantial grounds by review of 10 previous Accommodation requests. The discretionary abandonment of what the judge alleges to be an imperative rule of 'objection' under 'constitutional jurisprudence' is inconsistent with Article VI supreme Law of the Land and the absolute prohibitions under customary international law. This is a paradox.

Federal jurisprudence thus deviates radically from Article VI and the US Constitution, and undermines fundamental rights and our international standing, while betraying the will of the People expressed through their government[291]. It systemically violates human rights treaties and even the prohibition of torture and ill-treatment which are absolute and non-derogable and cannot be limited under any circumstances. The third branch of government invented by the US Constitution created a judiciary that were expected to ensure that there shall never be such deviation, and that any such deviation will be promptly corrected. This is a paradox.

When the US government assures the international community that its "judicial process" may be relied upon to correct any non-compliance with the *jus cogens* and absolute prohibitions of customary international law, and the CAT 'rules' that the US is non-compliant with the *jus cogens* and absolute prohibitions of customary international law, and the Private Attorney General confirms that the "judicial process" is designed to be politically controlled and designed to refuse to recognize the *jus cogens* and absolute prohibitions of customary international law, this is a paradox.

With the mandate under the Rules Enabling Act, and customary deference by other branches of government to judicial control of their own court's organization, and Separation of Powers preventing interference with the judiciary's selection of rules, procedures and policies, it is an extraordinary betrayal of this nation when our judiciary holds jurisprudence under a measurable contradiction with human rights treaties and customary international law.

[291] Such as through the ADA and its Amendment

The function of jurisprudence, as profoundly expressed in *Marbury v. Madison*, is not to permit a framework of tyranny and fundamental contradictions to exist in domestic government and domestic laws. The function of jurisprudence is to be the final arbiter of the supreme Law of the Land, not the unrestrained editor of it. But our judiciary edit the supreme Law of the Land rather than interpret it unchanged and according to its spirit and original intent and consistent moral mode of reasoning, and will not permit any action to change their course in their monopoly over Justice. This is a paradox.

With human rights treaties and customary international law historically and consistently focused on the highest ideals for human existence, our judiciary denigrates those high ideals, and holds them beyond the reach of private citizens by encouraging Congress to do the same.

Faithfulness to the principle introduced in *Marbury* requires the judicial correction of the insularity by Congress in order to steer our legislative branch to conform to customary international law and stop erosion of foreign relations and responsible world citizenship. This is not a political act but a mandatory judicial act.

When Congress expressly ignores the *jus cogens* of customary international law, it is the judiciary who must be first in unfailingly raising the alarm and quashing the transgression. Despite this obvious requirement, our judiciary endorses the betrayal of the object and purpose of the US Constitution[292] by Congress when it does not legislate treaties or the *jus cogens* of customary international law appropriately. Congress has nullified the direct application of treaties impermissibly, thus invalidating our commitment to treaties, and committing an international fraud on behalf of a nation bound to obedience to the object and purpose of every treaty we sign, irrespective of ratification. This is a paradox.

This court operates while maintaining an untenable and patently unlawful policy on disability accommodation and safe harbor that radically undermines constitutional due process. It has the power to fix the structural defect in due process and provide disability accommodation and safe harbor in order to avoid and prevent the paradoxes discussed in this chapter. With exclusive control over this matter, instead this court pretends that the paradoxes and contradictions and inconsistencies can be ignored and that it can simply proceed with ‘business as usual’ without harm.

Thus this court positions itself in constitutional due process as my adversary when it must be impartial and independent. Thus, when the US Constitution insists on inalienable rights, and treaties and international law insist on human rights, this court and its judges simply dispense with those rights that

[292] As expressed through its Preamble

do not fit their choice of customary jurisprudence, and eliminate rights that must be guaranteed to the disabled and pro se litigant with impunity, while good Behaviour disqualifies every such judge, and jurisdiction is thereby lost to their court. All of these prohibited acts are systemic and habitual, without any means within established jurisprudence to correct this major constitutional and criminal problem. This is a paradox.

The dispute herein is between the litigant and the court about how constitutional due process must be conducted ("the dispute"). The dispute turns on the failure of jurisprudence to properly interpret and follow the US Constitution which requires obedience to domestic laws such as the ADA which is never seen properly respected in court accommodations, and requires obedience to treaties in a different way than our judiciary hold. The dispute exposes many questions never addressed by the US Supreme court. The dispute is unresolved and in effect during the pendency of an obstructed litigation at bar whose object and expression and issues are now identical to the dispute, but against state actors and private parties. Yet judges and courts, including this judge, simply 'brush open issues under the carpet' and refuse to discharge their judicial functions. This is a paradox.

While for almost six years, this judge insisted that the Plaintiff must be Accommodated, with no change in Plaintiff's condition, except its worsening, this judge suddenly holds that Plaintiff's condition is irrelevant to jurisprudence, and the mere objection by a defendant suffices to completely undermine the consistent admission that the Plaintiff's condition is controlling of jurisprudence. This is a paradox.

The ADA mandates federal preemption in determining the uniform national standard on disability accommodation, and the judge delegates her federal preemption to the state courts, who are implicated in 21-cv-04262-JSW, a related case which she turned down in 2021, which contains ECF-102 wherein the trial judge White asserts that the state courts' ADA rulings must not be given full faith and credit[293] pending trial of the controversy in 21-cv-04262-JSW. Judge Freeman was aware of this fact when she gave full faith and credit to the state courts' disputed rulings. This is a paradox.

The Fourth Amendment to the United States Constitution states "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated". Also, the U.S. Supreme Court has upheld the right to privacy, which, as articulated by Julie Lane, often protects rights to bodily integrity. In Griswold v. Connecticut (1965) the Court supported women's rights to obtain birth control (and thus, retain reproductive autonomy) without marital consent. Similarly, a woman's right to privacy in obtaining abortions was protected by Roe v. Wade (1973). In

[293] "Mr. Hazari asserts that the Judicial Defendants engaged in conduct that violated his rights under the ADA. While he cannot remove the cases to be re-litigated in this Court, and while he may have a difficult time overcoming potential statutes of limitation or issues of judicial immunity, at this time the Court cannot say amendment would be futile"

McFall v. Shimp (1978), a Pennsylvania court ruled that a person cannot be forced to donate bone marrow, even if such a donation would save another person's life. Despite the Plaintiff's non-derogable right to bodily integrity the judge gives Full Faith and Credit under Article IV to writings that ensure the violation of Plaintiff's non-derogable right to bodily integrity, as an enforceable policy of the federal and state courts. This is a paradox.

Under international law, any means of notifying this Circuit and this court of human rights violations in its lower courts or anywhere else is sufficient to trigger this court's duty of compliant action under these instruments. But this court strictly enforces a judicial policy that is directly in conflict with treaties under Article VI, and whose strict enforcement under this fact pattern violates a *jus cogens* of customary international law. In other words, this Circuit's judges commit a crime in order to apply the policy that they choose to follow and to evade the authorities that no judge and no court may fail to follow upon receiving notice of these prohibited acts. This is a paradox.

By denying my Accommodation, this judge endorsed the torture of the defendant **state judges** and courts and other actors in the underlying complaint (19-cv-01986-LHK and 21-cv-04262-JSW) and issued a mandate to judge Jeffrey White that he must dismiss the ADA claims against the defendants in 21-cv-04262-JSW. White unlawfully limited the entire lawsuit in 21-cv-04262-JSW to ADA violations by obstruction of justice and retaliation for Plaintiff's substantial incapacity. White has stated that there is no lawsuit before his court, and this judge has confirmed that there shall be no lawsuit before White. Therefore each evasion by this court to rule on my request for safe harbor and disability accommodation is a ruling in favor of the defendants in other litigation, and IN THIS LITIGATION, without and at the exclusion of due process and any test of merits, violating the Fifth Amendment and Article VI of the US Constitution. Since the judges of this court must act with independence and impartiality, this breach of ethics continues unabated, and a reviewing court is incapable of rendering review, while systemic discrimination and a structural defect in constitutional due process in this Circuit remains unaddressed by the deliberate action of this judge. This is a paradox.

No rule, procedure or policy must be carried out in such a Circuit until the structural defect in jurisprudence and the contradictions and inconsistencies and conflicts of laws exposed by the presence of the disabled pro se litigant are resolved in full. The gravamen of the plaintiff's complaint and legal aims is this judicial reform, so that one day, if he survives his torture and attempted murder by judges and courts, he may litigate his lawsuits in a constitutional forum. Yet we find that this court proceeds without jurisdiction and promotes torture everywhere in jurisprudence. The rejection by Freeman of her own Bright Line of court accommodation, results in the courts legalizing discrimination, ordering ad hoc

discretionary reckless endangerment and attempted murder, and promoting disability hate crime as a uniform national standard under the ADA. This is a paradox.

A court and its judge(s) may not have an intrinsic bias when adjudicating a question of law. The requirements of ethical independence and impartiality are violated when the dispute exists in federal courts during a question about the same dispute with the state courts. Intrinsic Each court and every judge in this Circuit who has dealt with me since 2019, sits with an intrinsic bias by not resolving this essential conflict of interest. Unconscionable and irrational and arbitrary and capricious considerations are the policy of courts on Accommodation, while in contrast, human rights treaties invariably lead to one Accommodation, which is not what we see provided now by Freeman, consistently with every judge and every court in this nation. This is a paradox.

The dispute herein infects and controls this court, and now this judge who presides over the litigation at bar outside constitutional bounds, and provides no mechanism for correction or effective resolution of the dispute. The dispute is now bifurcated and is FIRST over the judicial conduct and the structural defect in due process that prevents for all time the adjudication of the litigation at bar in this forum's courts, by **exterminating the litigant** during the litigation at bar as a condition of attempting to access due process in the litigation at bar. Litigation in this forum's courts by persons of a particular characteristic is in effect, an enrollment in torture and a death sentence without due process of law, in the course of civil proceedings. See my chronological requests for safe harbor and disability accommodation for proof. Meanwhile courts are invented by the US Constitution to "establish Justice" and realize the object and purpose of the US Constitution as expressed by its Preamble. This is a paradox.

Disability accommodation required for access to the court and equalized participation in litigation is required BEFORE access and participation. But this judge's position, stated in the public record, is that accommodation shall only be provided after unequal participation and penetration by the litigant of the obstruction of access to the court. Yet, the Eighth Circuit reports that the Judicial Conference is aligned with that Circuit in the commitment to the disabled: "*pursuant to United States Judicial Conference policy, the Eighth Circuit Court of Appeals provides reasonable accommodations to persons with disabilities*", while this Circuit provides no such assurance, and the judges of this court distinctly refuse to acknowledge disabilities and all applicable authorities. And precedents discuss meaningful access and undue burden and chilling effect while this court declares that even the most needy of disabilities shall receive no Accommodation. This is a paradox.

In the best case for the judges of this Circuit, their inhumanity displays as suspicion that a disabled pro se litigant seeks to delay the dispensation of justice. But not one shred of evidence supports that position, except the re-invention of facts under fanatical judicial bias that is the tip of the hatred and contempt of our judiciary for disability and non-conformity and disobedience to their hauteur of rank. The position of our judges is that the invariant[294] methods of ensuring justice must be applied despite the knowing infliction of injuries, reckless endangerment, and intentional criminal judicial acts. Meanwhile the entire judiciary rely exclusively for their legitimacy upon the public trust, whom they assault and mutilate through torture and murder. This is a paradox.

The organization of jurisprudence controlled by this judiciary is one where a litigant with particular characteristics is assured from the outset with a bizarre and unconstitutional course of judicial events and outcomes. No scrutiny is provided for discrimination and violation of human rights of a class of persons who are protected at the highest level of scrutiny by operation of treaties and international law, and by command of Congress which is perennially ignored by our judiciary[295]. Two branches of government disagree perennially on the interpretation of a major federal law that is confirmed as applying to the federal courts[296], but the federal courts refuse to follow it. No finality is possible on a question of law because the judiciary do not wish to be bound by that law, and thus control the adjudication f every case that conflicts with the judiciary's interest to deprecate that law. This is a paradox.

The mushrooming of litigation, searching for a domestic remedy, is inevitable and guaranteed to compound injustice. The operation of jurisprudence ensures the elimination of due process in an original lawsuit, yields guaranteed injustice and the origination of a second lawsuit to seek relief for the injustice in the first lawsuit without right to change the outcome of the first. This in turn yields injustice and the origination of a third lawsuit to seek relief for the injustice in the second lawsuit without right to change the outcome of the second, with the guarantee of injustice in the third lawsuit. Thus jurisprudence guarantees cruel and unusual punishment and deprivation of fundamental rights and injustice to a litigant with particular characteristics, and prolongs his torture by the judiciary. The US Constitution seeks the general Welfare and domestic Tranquility and the Blessings of Liberty. This is a paradox.

In the state courts, I was tortured then punished with an unlawful award of $600,000 in attorney fees for a lawsuit that was dismissed by unlawful discovery sanctions for my disability and substantial

[294] i.e. discrimination based on disability and/or serious illness
[295] The US Commission on Civil Rights confirms that the US Supreme court deliberately refuses to hold disability as a suspect classification intended by Congress
[296] See the statement of the purpose of the ADA and its Amendment which requires the federal judiciary to follow it, and note the endorsement of the ADA as a subset of the CRPD and application of the CRPD (and its constituent ADA) to the federal judiciary.

incapacity. Then my doctor was abused, and as a result, this 80 year old exemplary citizen and luminous human being has punitively suffered over $4 million in damages to date for describing my health and predicting my injuries to state judges, resulting in liabilities to me as I am the cause of her ill-treatment as a matter of principle and causation through the absence of my court accommodations. As for me, my punitive damages and liabilities caused by the court are now approximately $7 million. Thus since 2023 when I applied to this court for an injunction to stop the state courts, I have suffered a further $5+ million in punishment on top of the original $600,000 in punishment which I identified to this Circuit's district court under White in 2021. This judge now endorses the state court's punishment of the Plaintiff by not taking any action on a properly made human rights complaint, which Congress insists will be met with action by the "judicial process". There is no possibility of withdrawal as withdrawal is more consequential than persisting in opposition and petitioning for rights. And no state or federal court will relent from my torture or attempted murder. The only path to stopping my torture and unlawful punishment is to sue and prevail in a test of merits, while test of merits is possible due to a fundamental and systemic defect in domestic jurisprudence which the courts and judges refuse to acknowledge. This is a paradox.

As the mouthpiece of the Ninth Circuit courts on the subject of the legalized discrimination and torture of the disabled pro se litigant[297], judge Jeffrey White insists that it is necessary for a litigant with particular characteristics to endure discrimination and torture in order to earn the right to appeal[298]. White insists that finality of the litigation at bar without due process must be tolerated and the right to appeal earned. Freeman now joins white, explicitly. White presides in a lawsuit for the same wrongs perpetrated by state judges as he perpetrates in the federal court as the federal judge presiding over the state claims. Now Freeman joins him. And White is well habituated to the appeal court's endorsement of his torture and discrimination, and thus he psychologically taunts me based on Freeman's ECF-87 'demonstrated ability' by reminding me that if I do not yield to his coercion, I will again face the inevitable deprivation of all rights and finality of all my meritorious claims and the benefits for a nation, by the consistent actions of this Circuit's court that await me. The US Constitution speaks of human beings and their rights while this Circuit's courts and judges treat human beings as fodder for medical experimentation and abject cruelty and inhumanity. This is a paradox.

Similarly, Chief judge Stephen Johnson of the Bankruptcy court insists that I have no right to complain about discrimination and torture in his court. See the filings in the Bankruptcy court and in the Appellate Panel in your Circuit for details. Johnson claims that no protection shall be provided to a litigant with

[297] Judge Jeffrey White has committed the reported prohibited acts with the acquiescence and endorsement of the judges of this appeals court

[298] Read his last writings in the trial court case

particular characteristics. Johnson states plainly and without reservation that he can violate human rights, including absolutely prohibited derogation, and that I have no personal right of action against his human rights violations. The US Constitution speaks of inalienable rights and Equal Protection. This is a paradox.

Judge Lucy Koh sees no wrong in discrimination and torture by her former friends in the state courts, and she was not disciplined but was promoted to this court despite her prohibited acts. Six years elapsed indicate the appearance that she was promoted FOR her prohibited acts, since they comport with the statistically indicated ethics of this court's judges. Ethics forbids comradery and association that invalidates independence and impartiality that lead to a departure from the supreme Law of the Land. This is a paradox.

This judge now joins White and 18 appellate judges of this Circuit and one commissioner who see no wrong in coercing the extraction of information from me under severe pain and suffering and mortal injuries, and abusing me for extraction of incomplete and prejudicial statements, and punishing me for my expression and for being tortured, without finality in my toil for restoration of rights to ALL affected litigants in ALL courts in this nation. And my appeals seek relief and remedy for coercion and extraction of information from me by the lower courts under severe pain and suffering and mortal injuries, and for abusing me for incomplete and prejudicial statements, and punishing me for being tortured. This is a paradox.

With these overt and unlawful and unethical acts, the only avenue for relief and remedy offered to me is refoulement to jurisprudence under the control of the same judiciary who repeat the same prohibited conduct, and provide no mechanism for relief or remedy. At all times, the same judiciary claim to be conducting themselves ethically and their courts constitutionally. Any motion for disqualification is defended as if this is how jurisprudence must be, while the ordinary reasonable person is outraged. Simply read the information provided by my many doctors for the reasonable person view, and then consult the herein instruments and the UN Istanbul Protocol which precisely characterizes the behavior of each of these judges as predictable and prohibited and punishable as a crime. This is a paradox.

Having tested the protections of constitutional and human rights on appeal in the Ninth Circuit, once this judge turned and joined the company of torturers, it has been demonstrated that in fact there are no protections of human rights by the Ninth Circuit, and no recognition of fundamental rights for a litigant with particular characteristics. It is not possible for this extraordinary betrayal of the Constitution and morality to be limited only to 20 judges. When our judiciary are charged as the ultimate bastion of human rights, we find our judges to be the essential violators of human rights with full control over the

legalization of human rights violations. The sanctuary that should be our courts is invaded by a judicial philosophy that adheres to the People's enemies. This is a paradox.

The courts protect instigators and perpetrators of prohibited human rights violations in contravention of the US Constitution and customary international law[299] and declare their actions to be lawful. This is a paradox.

I cannot even stop ADA violations by the state courts through this Circuit's courts, while a federal judge in this Circuit who is not tasked with stopping the ADA violations by the state courts insists that no such ADA violations are permissible. Or she did until recently. This is a paradox.

While the state courts torture and murder me and violate human rights defenders and other disabled litigants, this Circuit's judiciary to whom I refer to stop the prohibited acts by a state judiciary[300], ensure that my torture is unrelenting and my medical treatment is never provided and thus my lawsuit simply cannot have any effect for its intended purpose, and will never see fairness or any test of merits. Meanwhile the ADA reminds us all that the federal court holds preemption on ADA rulings, confirmed by the dominant CRPD that forbids all of this conduct, this Circuit's courts both contradict and confirm the state courts, and evade essential accommodation which the Eighth Circuit claims to be provided by the order of the Judicial Conference. Thus one judge contradicts another judge in the federal district court, and two Circuit appeals court contradict one another, while no one steps in to protect and save the disabled litigant from torture and death despite the authoritative mandate by Congress enabling such salvation. This was Freeman's personal obligation and she recants her duty. This is a paradox.

Thus we, the most disadvantaged of all litigants, are systemically excluded from constitutional due process by the judiciary who rapidly lose jurisdiction over us, and who do not provide the right to review. Despite losing jurisdiction by purposefully and intentionally violating our rights and subjecting us to severe pain and suffering, and willfully and knowingly injuring and harming us, judges maintain jurisdiction, and claim that the constitution does not permit any alternate jurisdiction for a rights-deprived and tortured litigant. *Forum nullus* is established by judicial prohibited acts, and our judiciary nevertheless hold jurisdiction and refuse recusal and deliberately propagate and amplify our torture and deprivation of rights. And no other court will take jurisdiction, as I proved in the Tenth Circuit. Thus we

[299] The direct protection of defendant Mandy Brady, and the mandate by White and by this court that the evasion and deprivation of my safe harbor and disability accommodation by the state courts and judges is permissible at law and under ethics. Brady and her attorneys are the instigators of my torture and the discrimination by the courts, having gone as far as suborning the perjury of 'neurologist' Cassini whose fraudulent evaluation is expressly quoted by the recidivist state trial judge Socrates Manoukian in his dismissal order in 16cv295730, and repeated numerous times by Mary Greenwood, whose orders for my torture receive full faith and credit from Freeman. The defendants in 21-cv-04262-JSW conspire with the defendants herein to assure their unjust enrichment by the easy manipulation of this judge, and in 21-cv-04262-JSW, those defendants now seek to be immunized from all liability for their conspiracy with the defendants in this lawsuit, and White indicates that he will grant it despite his disqualification which is under review on appeal.

[300] The state judges are personally duty bound under Article VI of the US Constitution to the obedience of human rights treaties

must endure the perennial and unrestrained refoulement and re-traumatization that is the policy of the courts when meeting the disabled pro se litigant. No ordinary reasonable person would commit such outrageous and immoral acts, and we are not dealing with ordinary persons, but judges. This is a paradox.

Right to review through higher courts as the only means of salvation from unlawful and criminal judicial conduct does not exist, while the higher courts and judicial review are intended to be the safeguard against cruelty, inhumanity, degradation and discrimination by lower courts. This is a paradox.

The outcome is better for every disabled pro se litigant if we never access any court to petition for our rights and never seek any remedies and relief, and instead, simply tolerate the wrongs done to us in society, and endure the loss and damages. We are taught like dogs in Pavlov's laboratory to accept cruelty, inhumanity and degradation at the hands of the judiciary, and therefore conditioned never to seek the courts for legal remedies. The findings of the ADA are copiously reflected in the discrimination by our judges. This is a paradox.

Just in the past few weeks in this court, we find a perversion of Article IV of the US Constitution used to set aside Article VI by preemption of Full Faith and Credit over human rights treaties, and the fundamental rights guaranteed by the US Constitution, even when there were no final judgments involved in the malicious and criminal decisions of state judges, which remain at the highest levels of scrutiny possible under the US Constitution. Without regard to the standing of the verdicts advanced by Rossi's co-conspirators to this judge as a matter of finality in law and jurisprudence, the judge endorsed the crimes of state courts gladly, and with contempt for the Plaintiff, because it is the systemic policy of federal jurisprudence to do so. This is a paradox.

When the entire judicial system is built on reason and rational sensibility and INTRINSIC RECOGNITION OF HUMAN RIGHTS, the judicial policy governing jurisprudence is anti-human. This is a paradox.

The judge now insists that the mere objection to a stay by an opponent[301], when the stay is the ONLY mechanism in jurisprudence that will prevent the violation of the human rights and deprivation of the fundamental rights of the litigant needing the stay, shall result in denial of the stay, and the committal of the disadvantaged litigant to torture by the judge and the opponent as the cost of access to 'constitutional due process'. The Sixth Amendment guarantees the right to a "speedy and public trial" in criminal cases,

[301] Thus she acts to rehabilitate her peer, judge Jeffrey White, who insisted on depriving the Plaintiff of Accommodation and TORTURING him for four years, by alleging that the US Constitution requires that any objection by an opponent in litigation shall result in elimination of the human rights of a disadvantaged and unequal opponent

where freedom is forfeit, and the judge insists on behalf of every American judge that such a standard is also required in civil litigation, where courts are under mandates to achieve and maintain a rate of turnover of cases. Thus the judge orders no stay to deliver 'speed' but at no time does she confer the same privileges and immunities and safeguards as afforded to criminal defendants to the disadvantaged civil litigant. Thus a civil litigant may be tortured, says the judge, and have every action or failure to act extracted from him under coercion and duress, applied to his prejudice, and be stripped of all rights and all remedies and relief without consequence, and with impunity. This is a paradox.

The judge proceeds with absolutely no mechanism available in domestic jurisprudence for invidious discrimination and prohibited acts consisting of human rights violations and deprivation of fundamental rights to be stopped or punished through jurisprudence, including no right to appeal the deprivation of these rights. This is a paradox.

The US Constitution was written for human beings not chattels or corporations or beings without a soul. This judge intentionally ignores medical truths and authorities that accurately describe the human being and mandate protection and care and accommodation, and purposefully distresses the Plaintiff into suffering serious and irreparable physical and mental injuries. The judge insists that the mere possession of ability to litigate is the basis for torture, and that the Plaintiff will be punished whether or not he translates the ability into compliance with the judge's orders which shall exceed his capacity. At all times before, Plaintiff had the same capacity[302], but at all times before, the judge Accommodated him. Therefore, the judge expresses the systemic policy of this Circuit's courts that medical condition and capacity are the determinants of Accommodation, and ability is not the determinative criterion for Accommodation, but if anyone objects, then both medical condition and capacity are irrelevant and the mere ability of the Plaintiff requires function and performance to be coerced and intimidated out of him in the name of the 'administration of justice'. This is no less than the unlicensed practice of medicine by the judge, with orders for alternative medical treatment specified by the court. This systemic judicial policy stands in violation of human rights instruments and the US Constitution, which does not tolerate or conceive of such cruel, inhuman and degrading treatment and punishment, and torture. This is a paradox.

Perhaps most egregious of all, proven by the Plaintiff, is that upon deprivation of his human rights and preposterous discrimination, there is absolutely no mechanism within jurisprudence to stop this judicial conduct, and even upon appeal from a final judgment, the appeal court turns a blind eye to the incessant violation of human rights and the discrimination inflicted by the trial judge upon the litigant in the

[302] With cognitive and functional impairments of serious consequence documented in the record of multiple courts over seven years

course of the litigation in the trial court, as is well demonstrated in Plaintiff's appeal in the Ninth Circuit under 23-15221.

It is the independence, the impartiality and the candor of the judiciary that is the safeguard against the creation, maintenance and incorrigibility of these paradoxes in jurisprudence[303]. Since the paradox is persistent and characteristic of this Circuit's courts over six years, judicial ethics are demonstrated as being absent *en masse* and violations of judicial ethics are encouraged according to a systemic and prevalent policy of judicial discrimination and judicial human rights violations.

There is always an underlying truth to a paradox. The truth in this case is sinister and must not be allowed to persist in this or in any nation. This nation's judiciary violate human rights of litigants as a uniform national policy. Every judge in this Circuit must take corrective action and eradicate every paradox. The Private Attorney General now speaks in the protection of the People.

DUE PROCESS MAY NOT BE HELD IN A *forum nullus* ABSENT JUDICIAL REFORM

At the moment that the disabled litigant is in contact with the court, due process is modified according to the requirements of the ADA and CRPD, with priority to CRPD[304] which is overarching, and protective of non-derogable human rights that are the *jus cogens* of customary international law and require no consent by government for our nation State to be bound. We the People have no intention of evading any treaty commitment or undermining and violating international law or conventions[305], and thus our judges speak as agents of a foreign nation who is not aligned with our morality and do not abide by our Constitution, and on our behalf evade our treaty commitments and undermine and violate international law and conventions. Our judiciary bring this unconstitutional position and apply it in due process in their courts.

There is no sign of accommodation or respect for human rights or fundamental constitutional rights[306] in our courts, when tested by the disabled pro se litigant. This locates the tip of the iceberg of systemic failure of jurisprudence and rapidly exposes an entire iceberg when investigated.

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[303] See international codes of judicial ethics recognized by the US Istanbul Protocol

[304] It has been established herein that the CRPD is operative as federal law, applicable to the federal and the state courts and judiciary, according to its object and purpose, without ratification by Congress.

[305] We, the People, are a progressive and responsible collection of 330 million individuals who insist on Life, Liberty, Justice and human rights for all people of the world, and this is deeply embedded in our national ethos. It draws to us multitudes who are welcomed by the symbol of liberty in New York. We respect international law and our treaty commitments, and where there are contradictions between treaties and treaties and between laws and treaties, we strive to act in good faith and with respect, and according to international etiquette, to change our commitment to treaties when necessary in a manner that does not betray any State's trust. We have not always done so in the past, and we stand foul of several treaties that we have signed since the UN Charter. But we intend to repair this problem and to comply with international law and with our obligations of world citizenship as a State in exemplary fashion. The legacy established by generations of Americans will not be fouled, and the international community can trust and rely on our good faith.

[306] Which, by derivation, include the unenumerated human rights which are enumerated in the UDHR.

This Circuit is *forum nullus* for all litigation by any disabled litigant, and *forum nullus* for any case involving disability, treaties or human rights. Substantial grounds are provided by the records identified herein of prohibited acts that are statistically highly likely to be committed against every disabled and pro se litigant in this Circuit's courts.

The US Constitution identifies the jurisdiction of its mentioned courts. Associated federal law speaking on jurisdiction of courts, does not provide for *forum nullus*, which is a stupendous and systemic failure by an entire hierarchy of courts to hold constitutional jurisdiction. No precedent contemplates such systemic failure, which is real and present. Jurisprudence is so flawed that upon referral to an alternative court hierarchy[307] permitted by the operation of the US Constitution[308], judges and courts operate to eliminate constitutional rights in favor of rigid compartmentalization of jurisdiction and an absolute insistence on never relinquishing jurisdiction when it is lost, even by judicial acts which are identified as crimes under customary international law.

It is the US Constitution, not conflicting laws, interpretations of laws, rules, procedures and policies of courts that control jurisdiction, and the US Constitution includes treaties, unlike our judges and courts who exclude them from the supreme Law of the Land.

It is demonstrated herein that Congress failed to legislate the UNCAT and that our government, through its judiciary, refuses to enforce the UNCAT domestically, despite the *jus cogens* of customary international law, and the ratification of the treaty which hold our government to the object and purpose of the treaty. Our judiciary ensure that the object and purpose of the UNCAT is never realized domestically, in particular within the course of jurisprudence. Under no legitimate and consistent interpretation of the US Constitution can this position be maintained. The CAT confirms this truth[309].

Any court within which any judge commits these prohibited acts loses jurisdiction. When the hierarchy of the Circuit lose jurisdiction, a *forum nullus* is established and is constitutionally barred from taking or holding jurisdiction. Due process in such a court hierarchy is suspect and presumed to be unconstitutional. Since the appearance of impropriety is grounds for disqualification of judges upon

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[307] E.g. the 10th Circuit

[308] Right to Due Process under the Fifth Amendment

[309] From CAT/C/USA/CO/3-5 "*Notwithstanding the State party's statement that under United States law, acts of torture are prohibited by various statutes and may be prosecuted in a variety of ways,* ***the Committee regrets that the specific offence of torture has not yet been introduced at the federal level****. The Committee is of the view that the introduction of the offence of torture, in full conformity with article 1 of the Convention, would strengthen the human rights protection framework in the State party. The Committee also regrets that the State party maintains a restrictive interpretation of the provisions of the Convention and does not intend to withdraw any of its interpretative understandings lodged at the time of ratification. … especially with regard to articles 1 and 16 of the Convention, the Committee recalls that, under international law,* ***reservations that are contrary to the object and purpose of a treaty are not permissible*** *(arts. 1 and 2, paras. 1 and 4)."*

whom the operation of the courts rely, by default, no judge in the courts of that forum may preside in a *forum nullus*.

The court of judge Beth Freeman is a *forum nullus* court. Due Process may not be held in a *forum nullus* absent judicial reform.

THE DEMANDS BY THE PRIVATE ATTORNEY GENERAL ARE JUSTIFIED

The government of the United States, through its judges and courts, tortures its population through the course of jurisprudence, in the name of due process of law[310]. The offense becomes particularly discernable in the treatment of the disabled pro se litigant. There is no domestic mechanism available for stopping, preventing, abating, or punishing torture, by virtue of the control exerted by judges and courts over the availability of protections, relief and remedies from torture, which customary international law insists must be present domestically.

The judge's conduct starkly illustrates the critical nexus between judicial ethics and fundamental human rights. Her failure to adhere to core ethical principles—impartiality, fairness, respect for litigants, avoidance of impropriety—directly results in, and facilitates serious human rights violations. The ethical canons provide the standards for judicial behavior necessary to maintain trust and ensure the proper administration of justice. International human rights law establishes absolute prohibitions against acts like torture and cruel, inhuman and degrading treatment and punishment, setting inviolable boundaries. The judge disregards the basic needs and vulnerabilities of a litigant, particularly one who is seriously ill or disabled, and predictably causes severe physical or mental suffering to compel participation. Thus, the ethical lapse becomes indistinguishable from a potential human rights violation. The failure to act with fairness, dignity, and impartiality under the ethical codes directly enables the infliction of cruel, inhuman, or degrading treatment, and torture. This underscores that rigorous adherence to judicial ethics is not merely a matter of professional decorum but a crucial safeguard against the abuse of power and the violation of fundamental human rights within the justice system itself. Maintaining public confidence requires judges to uphold not only the letter of the law but also the highest standards of ethical conduct, especially when dealing with the most vulnerable individuals before the court.

I write at the cost of injury and severe pain and suffering, with symptoms that would frighten you, and which may signal my end. I have been of death row in this Circuit since 2019 without due process. My psychological therapy has focused on radical acceptance of my death for approximately two years because my care providers are frustrated in having no means to treat me and stop my unconscionable

[310] Read the testimony of three independent victims who have so far come forward in 21-cv-04262-JSW: Leslie Hagan, Eva Danilak, Julia Minkowski. Other victims from other parts of the country are expected to testify.

and incessant physical and mental injuries and my decline in health and psyche, despite their pleas to judges and courts for humanity and compassion and mercy for me. But I write because not writing is more injurious to me, to my family, to my friends, and to innocent people who are victims of the pervasive judicial tyranny in this Land. Your prohibited conduct and your acquiescence to prohibited conduct is degrading to the People of this country who expect far more from their government.

I keep identifying more victims of the same judicial prohibited acts as I have suffered. People are taking action in groups around the country. I have discovered a number of such individuals in several parts of this nation, and confirmed the pattern of prohibited acts. The problem of which I speak is real and urgent and pervasive and leaves no room for alternate action. Therefore, my facts are not exceptional, although my fact pattern is unprecedented and fit for providing a service to a nation.

The discovery of increasing numbers of victims spread around the country further confirms that my action based on statistics to disqualify this judge has merit. The judicial conduct that I seek to end is widespread and consistent, and impermissible.

I assert jurisdiction over unenumerated rights, specifically human rights and the rights of the disabled and the right to non-derogable rights according to the *jus cogens* of customary international law. Every judge in this Circuit with whom I have dealt has confirmed that the prohibited acts are systemic in our courts. I therefore assert that the rights of citizens includes human rights, including freedom from ill-treatment and torture, which may not be separated from the constitutional and legislated rights of citizens and derogated under any circumstances. By conduct and by significant numbers, our judiciary disagree. Thus my demands are justified.

The requirement of "good Behaviour" does not permit these prohibited acts under any circumstances. The People of the United States look favorably upon the UDHR, the UN Charter and human rights treaties, because the treatment required by them, and the acts prohibited by them, are concordant with the divine nature of the human being, and harmonious with "good Behaviour" and our nation's core values, and with the US Constitution.

Codes of judicial ethics are deficient in not expressly mandating the recognition, protection and enforcement of human rights and specifying punishment. This must change, Codes of ethics must be more demanding, and establish the presence of judges of impeccable standards in the courts, not those whose impropriety encroaches into crime.

The *jus cogens* of customary international law may be directly enforced under domestic jurisprudence with private standing to bring the action. And no RUD may modify the *jus cogens* of customary

international law. Neither the executive nor the legislative branches have the power to enforce any disability law or treaty against the judiciary who are systemically organized to prevent the enforcement of any disability law or treaty against the judiciary, and to exclude selected laws that must be enforced. The authorities on a private attorney general action are established at common law and by precedents, and occasional statutes. However, these authorities do not address any circumstance conformant to these facts and absolute prohibitions of dominant law which are criminalized. Therefore the Private Attorney General is not bound by any prior authorization by any statute for taking jurisdiction as required in the interests of the People and in protection of the US Constitution, and acts according to the powers inherently reserved to the People under such extraordinary circumstances, not just under the 9th and 10th Amendments. The Private Attorney General acts to break the impass presented by a systemic and impenetrable defect in jurisprudence, and deliver this nation from tyranny by use of international mechanisms endorsed by the US Constitution.

The actions of the Private Attorney General are of significant importance to the People. Article 4 of UNCAT mandates that States Parties ensure all acts of torture, attempts to commit torture, and complicity or participation in torture are criminal offenses under their domestic law, punishable by appropriate penalties reflecting their grave nature. The United States has resoundingly confirmed this requirement to the CAT. Torture is recognized as a crime under international law, and states have obligations related to jurisdiction and extradition (*aut dedere aut judicare*). To this date, the United States has failed to implement the UNCAT according to its object and purpose and according to the absolute prohibitions of the *jus cogens* of customary international law.

While the primary focus of this disqualification is on ethical and human rights violations rather than criminal liability, the status of torture as an international crime underscores its gravity. It also raises questions regarding judicial immunity, which the Private Attorney General clarifies. Judges typically enjoy immunity for acts performed in their official capacity. However, torture is considered a *jus cogens* norm—a peremptory norm of international law from which no derogation is permitted. While there has been debate in international law regarding whether *jus cogens* violations override traditional rules of state and official immunity, particularly concerning criminal prosecution, the facts clarify a bright line of law, and immunity. While civil immunity has often been upheld even in torture cases, the argument against immunity for criminal prosecution for torture is stronger, reflecting the international community's absolute condemnation of the practice. The Pinochet case, for example, saw the UK House of Lords deny immunity from extradition proceedings for torture committed after the UK ratified UNCAT. This highlights that acts amounting to torture are not considered legitimate functions of any

state official, including a judge, and must pierce the shield of immunity, at least for criminal accountability under international law principles.

The extraordinary failure of our government to prevent and avert domestic torture is grounds for the broadest powers for the Private Attorney General, including the prosecution of crime of international standing, thus creating a case of first impression on the reach of that office under domestic jurisprudence. The US Constitution requires no less for its defense and preeminence.

Pedantic and frivolous defenses by our judges, evading respect for preeminent laws which are purposefully unrecognized by the judges of this Circuit will not promote public confidence in the integrity and impartiality of the judiciary. A detailed rebuttal in the event of refusal to recuse under this motion is necessary and proper from each named judge.

WHEREBY

The impartiality and neutrality of judges are indispensable features, imperative not only for procedural fairness to individual litigants but also for preserving public confidence in the integrity of the judicial process itself. As courts have long recognized, justice must not only be done, but must also *satisfy the appearance of justice*. Public confidence is the bedrock upon which judicial authority ultimately rests.

The identified judge shall not preside in any case that involves a disabled litigant, or any question of disability or any treaty or human rights[311] pending the outcome and recommendations of an independent investigation according to authorities recognized by the US Constitution and preemptively operative in the present circumstances under international instruments recognized by customary international law[312]. These authorities shall be discussed with Chief judge Murguia of this Circuit.

The judge named in this document has a non-delegable duty to ensure the identification and protection of every victim of prohibited acts herein discussed, which are systemic to jurisprudence in the Ninth Circuit and elsewhere, and a non-delegable duty to the cessation of further prohibited acts in every forum by every available method within the reach of each judge. No judge must adhere to any rule, procedure or policy of this court as a substitute for the demands and internationally recognized and preemptive process identified by the Private Attorney General.

Under judicial ethics, every judge has an inviolable duty of diligence to address defects in jurisprudence and “establish Justice”[313]. No such compliance is seen by this judge. This compliance is required from judge Beth Freeman, with immediate commencement.

[311] Erga Omnes
[312] Refer to the UN Istanbul Protocol for guidance
[313] Preamble to the US Constitution

No rules, procedure or policy of this court caters for the types of violations and the process for addressing those violations reported herein, and according to applicable laws. Therefore this judge must not deal with any action or demand by this plaintiff and Private Attorney General according to customary rules, procedure or policies of this court. Every interaction must be original, unrestrained by custom or norms, and consistent with the authorities herein. More than five years of consistent fact-finding by this judge may not be abandoned in the name of faithfulness to conflicting laws.

This judge should be very clear that the Private Attorney General is unrelenting in his mission to reform jurisprudence and will seek remedy, relief and punishment for every prohibited act and any conduct prohibited by the herein authorities until he expires. Every judge has a duty to know these authorities, personally abide by them, and apply them correctly as discussed herein and in the referenced materials. Every conflict and deadlock in law and the US Constitution must be resolved holding human rights as a preeminent consideration.

However, make no mistake. It is the duty of the Private Attorney General to protect the innocent, and to show compassion for mistakes, to build up not break down every person who is complicit in prohibited acts to assist them in becoming champions of those they violated and those who may be violated, and to punish the recalcitrant.

The Private Attorney General shall not entertain any conflict of interest, even if it means forfeiting his personal remedies and relief. We enter a modern era where exclusion and separateness must be extinguished from human society with sacrifice and integrity, and every human being must be included, loved and assisted with humanity and understanding to be a harmonious member of a world and galactic society. No one may be excepted.

Therefore this judge should set her mind on progress and a sincere mission to excel in humanity, and extinguish bias[314], cruelty and degradation and prejudice in her personal conduct. A benevolent judge is a judge who will remain, and be trusted and admired in a new and emerging society. Beth Freeman has demonstrated this capacity previously.

The Private Attorney General now proceeds through attempted cooperation with the Chief judge Murguia of this Circuit, as well as attempted cooperation with the Judicial Council of the Ninth Circuit and the Judicial Conference of the United States, as well as attempted cooperation with the US Supreme court to reform jurisprudence to end discrimination based on disability and end human rights violations by this nation's judges in the course of jurisprudence. Separately, the Private Attorney General also

[314] *"Yes, court bias exists — and judges must attack it", Judge Bernice Bouie Donald of the United States Court of Appeals for the 6th Circuit, ABA Feb. 11, 2022*

proceeds in communication with the executive and legislative branches of the federal government and internationally recognized Human Rights bodies for the purpose of repairing the broken state of human rights in this nation and to restore the true meaning of Article VI into the operation and mindset of government as a whole. The cooperation of the disqualified judge with the Private Attorney General and with the United Nations is indispensable to the success of this nation and to the legitimacy of our judges and courts.

A wise and worthy judge would refrain from further activity in this litigation, stay the case and certify this controversy reported herein for certiorari to the US Supreme court, without further action by the Private Attorney General and the plaintiff.

I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct and that the disqualification motion is made in good faith.

9 April 2025



Cyrus Hazari

Exhibit H

Cyrus Hazari, pro se plaintiff and Private Attorney General
15209 Blue Gum Court, Saratoga, CA 95070
Tel: 408 898 4470
Email: cyrus@metafusion.net

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Cyrus Hazari **Plaintiff and private attorney general** vs County of Santa Clara et al. **Defendants**	Case number 19-cv-04392-BLF NOTICE AND MOTION FOR TRO, PRELIMINARY AND PERMANENT INJUNCTION AND STAY, CERTIFICATION

TAKE NOTICE that Plaintiff Cyrus Hazari, pro se, and acting as a Private Attorney General, moves this *forum nullus* Court for an order granting expedited consideration of the following relief (more fully expressed the ORDER below), to be decided immediately on the papers without a hearing, pursuant to the UNCAT and the Istanbul Protocol, CRPD, ICCPR, Federal Rule of Civil Procedure 65 and 28 U.S.C. §§ 2201-2202, supported by 42 U.S.C. § 1983, 18 U.S.C. § 241, 29 U.S.C. § 794, 42 U.S.C. § 12132, and Local Rule2, 7-2, 7-8, as of 5pm on 14 April 2025 (date of ECF-98):

1. A Temporary Restraining Order (TRO) to immediately prohibit Judge Beth Freeman, Attorneys Rossi et al., the defendants (County of Santa Clara et al.), and the District court of Northern California from coercing Plaintiff into unaccommodated litigation and from taking any further action in this case.

2. A Preliminary Injunction to continue the prohibitions of the TRO, and the mandates and prohibitions in the ORDER attached to protect all potential and actual victims including the Plaintiff, and to mandate an independent, non-judicial investigation into the systemic judicial torture demonstrated by the facts and the certification by the Private Attorney General, consistent with the UN Istanbul Protocol and UNCAT Article 12.

3. A Permanent Injunction to permanently enjoin the above actions per the ORDER, enforce the independent investigation, mandate Safe Harbor and disability accommodation (together "Accommodation"), and refer Judge Freeman, Rossi et al. and the defendants, and others for criminal prosecution under UNCAT Articles 1, 4, and 16.

4. Certification for appellate review under 28 U.S.C. § 1292(b) of the systemic legal issues, including the judiciary's torture policy and UNCAT's self-execution. See Private Attorney General Memorandum with detail analyses of long-standing issues to be addressed by higher courts.

5. A Stay of all proceedings in this case for a minimum of one year to allow Plaintiff life-saving medical treatment, as documented in ECF-76, 90, 92.

Plaintiff is severely ill and substantially incapacitated, unable to speak or present oral argument, and cognitively impaired, functioning at one-third the speed of the normal population per a neuropsychologist's measurement (ECF-66). The retraumatization he has experienced in every court for 7 years further erodes his capacity to function without injury before a biased judge and hostile court absent judicial reform. Consequently, Plaintiff cannot appear at or participate in any hearing, necessitating a decision on the papers under FRCP 65(b)(1) and Local Rule 7-2. Expedited consideration is required due to the imminent risk of death (ECF-76, 90, 92) and accumulating burden of serious and irreparable physical and mental injuries, justifying immediate action under Local Rule 7-8.

This AI generated motion is based on the memorandum of points and authorities filed herewith, the pleadings and records in this case (including ECF 76-100), the Declaration of Cyrus Hazari attached hereto, the Declaration of the Private Attorney General attached hereto the medical evidence provided to the record of this lawsuit, and to this Circuit, and

incorporates by reference and relies upon the filings in the trial court under 21-cv-04262-JSW which culminated in appeal 24-6312 in the Ninth Circuit and the full records of that appeal which confirm the necessity of this injunction.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiff Cyrus Hazari, a disabled pro se litigant with numerous diagnoses and debilitating symptoms, including multiple sclerosis, functional and cognitive impairments, and retraumatization, trapped in substantial incapacity by courts for 7 years, faces imminent death and accumulating burden of irreparable physical and mental injuries due to 7 years of systemic judicial torture across 10 courts and over 40 judges, including since February 2025 in *Cyrus Hazari v. County of Santa Clara et al.*, Case No. 19-cv-04392-BLF. The original 2019 complaint alleges the County of Santa Clara's taking of property, violation of equal protection, unlawful restrictions on land use, and fraud in concealing a building permit (classifying the property as undeveloped land rather than a single-family residence) and other causes of action, causing millions in damages. The case was stayed from 2019 to March 1, 2025, due to Plaintiff's disabilities (ECF-87) and torture. In February 2025, Plaintiff sought a one-year extension (ECF-76, 90, 92), but Attorneys Rossi et al. and the defendants objected, and Judge Freeman violated the Plaintiff's privacy and denied the stay in March 2025 (ECF-87, 96), coercing Plaintiff into unaccommodated litigation despite his substantial incapacity (ECF-76, 90, 92) and despite medical and other evidence (ECF-76, 79, 85, 86, 89, 90, 91, 92, 96, 97). Critical to the denial is Rossi's knowledge of the clear medical information about Plaintiff's serious medical condition and disabilities and his objections to torture by the California courts recorded in the private request for Accommodation which they reviewed, and their deliberate obstruction of the Plaintiff's Accommodation and elimination of his life-saving medical treatment. Freeman's retaliation (ECF-98, 93) and Rossi et al's collusion (ECF-78, 81, 82, 83, 84) constitute torture under UNCAT Articles 1 and 16, violate CRPD Article 13, ICCPR Article 14, and other articles of human rights treaties, the *jus cogens* prohibition on torture, binding under Article VI of the U.S. Constitution, and breach the Fifth and Eighth Amendments. Non-parties Brady et al., defendants in the state case *Hazari v. Brady et al.*, aided and abetted this torture by colluding with Attorneys Rossi et al. and the defendants, exploiting

Plaintiff's significant disabilities to perpetuate property theft and judicial misconduct (e.g., $7.5 million fee award and liabilities in the state case), and to obstruct relief, remedy, and prevention of torture through the "judicial process," necessitating immediate action on the papers. As a Private Attorney General, Plaintiff seeks prohibitory and mandatory injunctive relief from real and measured SYSTEMIC harm for himself and the 28% of Americans with disabilities and pro se litigants, reserving action against Brady et al. and other judges and courts for a later stage.

II. PLAINTIFF'S INCAPACITY AND NEED FOR EXPEDITED CONSIDERATION

Plaintiff is severely ill, unable to speak or present oral argument, with cognitive impairment of speech understanding and reading comprehension, entirely reliant on trained A.I., and functionally and cognitively impaired in other ways, functioning at one-third the speed of the normal population as measured by a neuropsychologist (ECF-66). This condition, exacerbated by judicial torture, prevents Plaintiff from appearing at or understanding any hearing and prone to egregious physical and mental harm as documented in numerous motions for Accommodation granted by judge Freeman since 2019 (*The Multiple Sclerosis Stress Equation*, numerous medical authorities referenced in that publication and elsewhere, ECF-76, 90, 92). These medical facts and authorities are well-known to judge Freeman by her own admission of having granted Accommodation in 10 prior orders since 2019 amounting to a cumulative five-and-a-half years of stay of this lawsuit. Under FRCP 65(b)(1), a TRO may be issued without a hearing if immediate and irreparable injury is shown, satisfied by Plaintiff's Declaration, the Declaration by the Private Attorney General, the record of this lawsuit and of this district court since 2019 in 3 lawsuits, and medical evidence. Local Rule 7-2 permits decisions on the papers when a hearing is infeasible. Expedited consideration is justified under Local Rule 7-8 due to the imminent risk of death (ECF-76, 90, 92), requiring immediate action.

III. JUDICIAL EXPLOITATION OF PLAINTIFF'S DISABILITIES OBSTRUCTS RELIEF

Judge Freeman, Attorneys Rossi et al., and the defendants, fully aware of Plaintiff's extreme disabilities (ECF-76, 78, 79, 80, 82, 83, 84), exploit it to ensure no relief, remedy,

or prevention of torture is possible through the "judicial process." Plaintiff's inability to speak, 'hear', or process arguments at a normal pace—functioning cognitively at one-third speed—renders him defenseless in hearings, a fact Judge Freeman acknowledged during prior stays (2019-2024) but ignored post-March 2025 (ECF-87, 93). This deliberate exploitation includes:

- **Coercion Despite Incapacity**: Freeman's order for unaccommodated litigation (ECF-87, 93) demands Plaintiff perform complex legal tasks (e.g., drafting motions, meeting deadlines) he cannot execute due to functional and cognitive impairment and inability to participate unaccommodated and requiring injurious function and significant work[1], constituting torture under UNCAT Article 1 (intentional infliction of severe pain for punishment).

- **Collusion to Exploit Vulnerability**: Attorneys Rossi et al. and defendants republish unlawful orders (ECF-82, 83, 84), to trigger Judge Freeman's systemic actions, knowing Plaintiff's disability prevents effective opposition and participation in a *forum nullus*, violating 18 U.S.C. § 241 (conspiracy against rights) and *jus cogens* norms (*Filártiga v. Peña-Irala, 630 F.2d 876, 2d Cir. 1980)*).

- **Obstruction of Accommodations**: The judiciary's systemic denial of accommodations, despite Plaintiff's documented substantial incapacity (ECF-76, 79, 85, 86, 89, 90, 91, 92, 96, 97), violates the CRPD, the ADA (42 U.S.C. § 12132, *Tennessee v. Lane*, 541 U.S. 509, 2004) which applies to the federal judiciary as discussed by the Plaintiff in appeal 24-6312, and Section 504 (29 U.S.C. § 794), ensuring Plaintiff cannot access justice (CRPD Article 13).

- **Judicial Process as a Barrier**: Requiring hearings Plaintiff cannot attend perpetuates torture, denies due process (Fifth Amendment, *Mathews v. Eldridge*, 404 U.S. 319 (1976)), creates an insurmountable barrier to relief, contradicting *Haines v. Kerner*, 404 U.S. 519 (1972), which mandates leniency for pro se litigants, and renders CAT assurances false (CAT/C/USA/CO/3-5, 2014).

[1] Plaintiff uses the 'crutch' of A.I. which he must train laboriously to generate output of words that represent his God-given ability

This exploitation underscores the need for an immediate decision on the papers, as any hearing requirement perpetuates the torture as discussed in the Declaration by the Private Attorney General.

IV. PLAINTIFF'S AUTHORITY AS A PRIVATE ATTORNEY GENERAL

The Authority of the Plaintiff as Private Attorney General is discussed in the Memorandum by the Private Attorney General. In short, Plaintiff acts as a Private Attorney General under 42 U.S.C. § 1988(b) and *Newman v. Piggie Park Enterprises, Inc.*, 390 U.S. 400 (1968). The separation of powers prevents Attorneys General from prosecuting judges (*United States v. Isaacs*, 493 F.2d 1124 (7th Cir. 1974)), and 18 U.S.C. § 2340A is inapplicable to domestic torture. UNCAT is self-executing, as U.S. reservations are severable (CAT/C/USA/CO/3-5, 2014; Vienna Convention, Article 19(c)), allowing Plaintiff and the Private Attorney General to prosecute under UNCAT Articles 1, 4, and 16, leveraging the Ninth and Tenth Amendments.

V. LEGAL STANDARD

Under *Winter v. NRDC*, 555 U.S. 7 (2008), a TRO and preliminary injunction require: (1) likelihood of success, (2) irreparable harm, (3) balance of equities, and (4) public interest. A permanent injunction adds actual success and no adequate remedy (*eBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 388 (2006)). FRCP 65 governs procedure, 28 U.S.C. §§ 2201-2202 authorize declaratory relief, and Local Rule 7-8 allows expedited consideration for imminent harm (ECF-87, 90, 92). Certification under 28 U.S.C. § 1292(b) requires a controlling legal question with substantial ground for difference of opinion.

VI. ARGUMENT

A. Likelihood of Success on the Merits

Plaintiff is likely to succeed on torture (UNCAT Article 1) and cruel, inhuman and degrading treatment and punishment (UNCAT Article 16) with 'precedent' set by the CAT in favor of the Plaintiff. He is also likely to succeed on due process (Fifth Amendment, *Mathews v. Eldridge, 404 U.S. 319, 1976*), CRPD and ADA[2] (42 U.S.C. §

[2] The ADA Title II applies to the federal judiciary and courts under the requirement of a UNIFORM NATIONAL STANDARD for ending discrimination based on disability, which deprives disabled litigants

12132) violations. Freeman's intentional coercion despite medical evidence (ECF-87, 93) and retaliation (ECF-93, 98) meets torture's elements (*Prosecutor v. Furundžija*, ICTY, 1998). Her actions, Rossi et al's collusion, and Brady et al.'s aiding violate Article VI, *jus cogens*, and judicial ethics (Canons 2, 3). *Pulliam v. Allen*, 466 U.S. 522 (1984), permits injunctive relief, despite immunity, and there is no judicial immunity under the UNCAT, which is self-executing by operation of the *jus cogens* of customary international law and the Concluding Remarks of the highest authority on torture. Plaintiff INDEPENDENTLY DERIVED the Concluding Observation of the CAT, without knowing about CAT, through experiencing seven years of judicial torture rendering his conclusions and his actions valid and confirmed by the CAT's independent findings.

B. Irreparable Harm

Plaintiff faces imminent death from distress that can induce another heart attack, or potential stroke, or catastrophic harm, or death (such as from impaired immunity that subjects him to infections from distress and which judge Freeman is well-informed of, ECF-90, 92), or serious and irreparable injuries from brain/spine damage and mental suffering, as documented in chronological motions for Accommodation filed in this District court. The *Multiple Sclerosis Stress Equation* and numerous medical authorities (see e.g. references in that publication) verify the effect of distress on disease, and are deliberately 'over-ruled' by the judge acting in concert with the Attorneys and defendants, all of whom are well-informed of these medical authorities and evidence and intend to cause harm to the Plaintiff. This constitutes irreparable harm (*Doe v. Purdue University, 928 F.3d 652, 7th Cir. 2019*), necessitating immediate relief. Actual and imminent harm is demonstrated in other cases and courts, including 21-cv-04262-JSW on appeal in 24-6312, which judge Freeman and attorneys and defendants herein in replicate in this lawsuit.

C. Likelihood of Recurrence of Harm

Absent injunctive relief, the harm will recur. Freeman's pattern of coercion (ECF-87, 93, 98) and the judiciary's systemic denial of accommodations (documented across 10 courts, 40 judges, 7 years) indicate ongoing torture. The combined $7.5 million punitive award

of fundamental rights conferred by the US Constitution by virtue of the same nationwide systemic policy of discrimination and torture of litigants by state and federal courts.

and liabilities in *Hazari v. Brady et al.* as punishment for protesting torture demonstrates a continuing violation, necessitating permanent injunctive relief (*eBay Inc.*, 547 U.S. at 391) at the moment that the same pattern of systemic violations is confirmed in any court. Seven years of attempts by every means to stop the actual and imminent harm demonstrates in the records of 10 courts that no other mechanism exists in domestic jurisprudence for stopping harm.

D. Balance of Equities

The harm to Plaintiff—potential death, irreparable physical and mental injuries—outweighs any burden on the court or defendants, who face no prejudice from a stay, as prior stays were feasible (ECF-87). The mandatory injunction imposes a minimal duty to comply with UNCAT Article 12, while the prohibitory injunction prevents further harm.

E. Public Interest

The Private Attorney General has identified other independent victims of the same systemic judicial policy of torture of litigants, who are disabled, and who are pro se, three others having already testified in this district court to the same harm, and identifying other victims around the country. The systemic judicial conduct confirms the need for CRPD and the ADA and Section 504, and the proclamation of distinguished federal appellate judge Posner that judges treat pro se litigants as "a kind of trash not worth the time"[3]. Reports indicate over 60% of disabled litigants face barriers to justice (National Council on Disability, 2021), underscoring the systemic impact. An injunction protects the 28% of Americans with disabilities (U.S. Census Bureau, 2023) and millions of pro se litigants (UScourts.gov, the National Center for State Courts 2006) increasingly crowding the state and federal courts, from actual and imminent SYSTEMIC judicial harm and deliberate judicial violations of their privacy to expose their vulnerabilities to malicious and exploitative opponents, and upholds Article VI and human rights treaties, and restores public trust (*Tennessee v. Lane*, 541 U.S. 509 (2004)).

F. No Adequate Remedy at Law

[3] Debra Cassens Weiss, Posner: Most judges regard pro se litigants as 'kind of trash not worth the time', ABA Journal 9/11/2017

The judiciary's systemic obstruction, lacking an independent investigation per the Istanbul Protocol, and exploitation of Plaintiff's substantial incapacity ensures no remedy exists, as the "judicial process" is weaponized to perpetuate torture. A non-judicial independent investigation is required, as the Judicial Conference cannot oversee due to its judicial composition (Istanbul Protocol, 2022).

G. Expedited Consideration

Under Local Rule 7-8, and FRCP 65(b)(1), expedited review and a decision on the papers is warranted due to Plaintiff's imminent death risk and the continuation of his serious and irreparable physical and mental injuries, supported by motions for Accommodation since 2019 in this district court, and the filings in this lawsuit since February 2025, justifying a TRO without notice if necessary (FRCP 65(b)).

H. Certification for Appellate Review and certiorari

The issues—judicial torture, UNCAT's self-execution, and lack of remedies—are controlling questions with substantial ground for difference of opinion (28 U.S.C. § 1292(b)). Customary international law requires immediate and decisive action, per the Plaintiff's demand upon the chief judge of the 9th Circuit in 24-6312, and precedent for domestic public welfare and international law compliance promised to the CAT by the United States.

I. Stay for Medical Treatment

A one-year stay is necessary for life-saving treatment (ECF-87, 90, 92), previously granted (2019-2024, ECF-87).

I. Independent Investigation Process Under the Istanbul Protocol

The mandatory injunction must be followed by an investigation by independent, non-judicial experts trained in human rights, such as UN Special Rapporteurs or NGOs (e.g., Physicians for Human Rights), per the Istanbul Protocol (2022). Investigators must document torture allegations (ECF 76-98), interview Plaintiff, and report findings to the court and UNCAT Committee, ensuring compliance with Article 12.

VII. RELIEF REQUESTED

Plaintiff requests and the Private Attorney General demands relief per the ORDER (below). Judge Beth Freeman may not preside over this motion.

DECLARATION OF CYRUS HAZARI

I am the Plaintiff, a disabled pro se litigant with MS, unable to present oral argument, functionally and cognitively impaired, functioning at one-third the speed of the normal population (ECF-66, 76, 79, 85, 86, 89, 90, 91, 92, 96, 97). I face death from judicial torture, require life-saving medical treatment denied to me, and cannot participate in hearings, requiring a decision on the papers, confirmed by ECF-101. I request expedited relief due to ACTUAL AND IMMINENT harm. Judge Beth Freeman is disqualified (ECF-96, 97, 98) and may not preside in any matter in this lawsuit, or in any case whatsoever due to the gravity of her misconduct. I am entirely dependent on injurious training of A.I. to write due to the burden of my injuries from judicial torture. I have provided a separate declaration for this motion with important facts and evidence, which I incorporate by reference. I have also provided a detailed memorandum (declaration) by the Private Attorney General necessary for this injunction and for higher bodies and the interests of justice. Substantial records supporting this motion are embedded in 21-cv-04262-JSW and in appeal 24-6312 which I invoke and incorporate by reference as additional justification for this injunction.

I, Cyrus Hazari, declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: May 19, 2025



Cyrus Hazari

ORDER

Substantive grounds for judicial cruel, inhuman and degrading treatment and punishment, and TORTURE of litigants with particular characteristics having been demonstrated as being the systemic policy of the state and federal courts in the United States, and confirmed with regard to the courts in California by testimonies of three independent victims filed in 21-cv-04262-JSW, and confirmed in the federal courts by the Plaintiff, and actual, imminent and irreparable harm having been substantially shown[4] through the courts of this Circuit and the 10th Circuit, and predicted with statistically-certain likelihood[5] spanning a significant time period measured in years, the **ORDER** shall be as follows[6]:

1. No human being may be subjected to cruel, inhuman or degrading treatment or punishment, or torture, by any judge or any court as a condition of access to jurisprudence through the court, or in the course of jurisprudence. Such conduct constitutes infringement of non-derogable rights that is not justified under any circumstance, and is punishable at law. No judge shall be immune from such punishment, or from personal liability for harm.
2. Human rights principles and treaties shall dominate the Safe Harbor[7] and disability accommodation of disabled litigants in each court. No judge or court shall ignore

[4] including tracing of harm flowing from the state to the federal courts

[5] For a normal distribution, the outlier test for a one-tail test is at 98%, and for a two-tail test is at 99%. The normal distribution represents the range of behaviors of judges that invariably violate human rights.

[6] See the original form of this order communicated to the Chief judge of the 9th Circuit and commemorated in appeal 24-6312

[7] Safe Harbor is a term that I defined in the context of human rights to mean safety from injury and prohibited conduct. In this, as in all my writings, the term "safe harbor" is used in conjunction with the term "disability accommodation" and together often referred to as the singular term "Accommodation". Safe Harbor encapsulates the need to stop all activity and court orders and schedules and influences that may induce distress or prolong serious illness, and thereby cause physical and mental injuries, so that the medical treatment which is complete rest and isolation from distress for a statistically predicted duration, may occur. Disability accommodation encapsulates aids and modifications to processes and rules and expectations by the court that provide a disabled litigant with equalized opportunity for success in litigation, and with unburdened access to the court, and with meaningful access to due process. The orders for my accommodation by federal judge Freeman demonstrate how safe harbor is provided to a litigant like me by a court. Freeman provided almost SIX YEARS of continuous stays of my litigation, preventing any activity in the case pending my remission, recovery and rehabilitation and ensuring that on her part, she provides me every opportunity for complete rest and isolation from distress. Every other judge and every other court concurrently undermined any benefit of her accommodation. And then, following the systemic policy of torture, when beckoned by the defendants to torture me, Freeman abandoned her Bright Line and obedience to supreme Law, and set to do her masters' bidding.

or undermine any human right treaty's object or purpose, as determined in accordance with the operation of customary international law.

3. No judge, and no court, shall determine the accommodation of the disabled litigant[8]. The accommodation shall be determined by a nationally-accessible and independent entity established with the consent of the Private Attorney General, and conformant with, and subject to, the highest international human rights standards. The independent entity shall be referred to initially as the "Tribunal"[9], and shall establish the national and international standard on human rights for use in domestic courts, inspiring the world to follow through demonstrated excellence, and compliance with customary international law governing those rights. The Tribunal shall be provided by each judge and each court, promptly, with the original information provided by each disabled and each sick litigant who requests

[8] We regard illness as a temporary disability. Thus the term "disabled litigant" also covers scenarios of (temporary) illness.

[9] The Tribunal shall be independent of every judge and every court in the United States, and outside of the control of every branch of government, and shall follow the United Nations guidelines for an independent human rights entity that can perform the functions required by the UN Istanbul Protocol, and by extension, the role of prevention and abatement of human rights violations according to international mechanisms for the independent investigation and protection of human rights against infringement by government and under color of authority. The Private Attorney General has initiated the formation of a first instance of the Tribunal for national access, and seeks the cooperation of human rights experts and qualified medical experts. To begin, the Tribunal shall consist of impartial and independent and qualified medical personnel of good standing and human rights experts pledged to the recognition and enforcement of human rights. The Private Attorney General is in communication with the United Nations to hold course according to international human rights standards and the highest applicable ethics. The Private Attorney General is also in communication with higher authorities of various courts, including the Chief judge of the 9th Circuit, to whom the Private Attorney General has described the Tribunal as follows: "An entity that is independent of the courts and every other person, and expert in human rights laws and, at all times, conformant with best human rights practices and conformant with International Law and conformant with the highest ethical standards, shall independently determine appropriate and meaningful court accommodations of each litigant individually, and investigate complaints of violations of human rights and discrimination by the courts, subject to a determination of substantial grounds by the independent entity, and issue rulings that shall have authority in the courts, and provide references and guides for the abatement, prevention, remedy and redress and punishment of human rights violations in the courts. This independent entity shall be referred to as the Tribunal. The Tribunal shall strictly follow the most objective standards available, including scientific and medical standards and state of knowledge in each field, to aid and assist in the most objective and high-quality determination of the need for safe harbor and disability accommodation, and render decisions on safe harbor and accommodation that shall be consistent with treaties, human rights principles, the best applicable international standards, and consistent with the UN Istanbul Protocol. The Tribunal is encouraged to consult directly with authentic treating physicians. The Tribunal shall treat any order, finding of fact or offer of evidence from anyone, including the judge presiding in each court, as merely an offer of evidence, and shall not construe such evidence as having any priority or preemption over the independent, original and objective investigation and determination of safe harbor and disability accommodation. The Tribunal shall be privileged to discard any such evidence entirely without qualification. At any time, the Tribunal may make a finding on the interference or bad faith of any party offering evidence in opposition or modification of the litigant's requested safe harbor and disability accommodation."

accommodation or who is reasonably identifiable[10] as requiring accommodation. The production of original information by the court and judge to the Tribunal shall be continuous and prompt, without limitation. Whereupon, The Tribunal shall exclusively determine, on an on-going basis, the accommodation for the disabled litigant in each court, and shall track each disabled litigant and coordinate all accommodation in each court and between courts for each disabled litigant, and shall maintain records by persistent methods to be determined, about the accommodation and the quality controls and measurements of the results of the accommodations. Each judge and each court shall **OBEY** the orders for accommodation issued by the Tribunal, exactingly and without delay, and closely and fully cooperate with the Tribunal, and adapt each and every court rule, procedure and policy accordingly, thus defining the meaning of "reasonable accommodation" to ensure the eradication of the herein reported prohibited acts. Objections by any person to the accommodations shall be provided promptly to the Tribunal, who shall determine the course of accommodation in each court exclusively. No litigation privilege shall be provided to any objection or to the party or attorney or judge or court making the objection. No litigation privilege shall be provided under any circumstances to any person who speaks on, opposes, or interferes with disability accommodation or safe harbor of a disabled litigant. There shall be no participation by any person in the process of safe harbor and disability accommodation, except the participation of the disabled litigant with appropriate safe harbor and disability accommodation for the participation in the accommodation process itself, to be conducted and determined solely by the Tribunal.

4. Upon every request for safe harbor and disability accommodation, the Tribunal shall be engaged swiftly by each judge and each court, and the underlying litigation shall be automatically stayed pending the decision by the Tribunal. There shall be no limit to requests for safe harbor and disability accommodation. The Tribunal shall manage the interactions with the disabled litigant in a manner to manage monitoring, safe harbor, and accommodation efficiently, timely, effectively and appropriately, and naturally minimize the need for requests for safe

[10] Due diligence by every court to determine the condition of the litigant shall not be excused.

harbor and disability accommodation. The Tribunal shall communicate with the court as-needed and the court shall promptly take notice of any instruction or order from the Tribunal, and apply it promptly to the accommodation in force.

5. Any failure of safe harbor or disability accommodation, as determined by the Tribunal in the course of its processes, shall be a basis for reversal without need for conventional appellate action.
6. It shall be presumed that a disabled pro se litigant is vulnerable to physical and mental injuries that may result from any failure of court accommodations or Safe Harbor[11] in the course of jurisprudence. A failure of court accommodations or safe harbor in the course of jurisprudence is presumed to constitute cruel, inhuman or degrading treatment or punishment, and presumed to be torture if substantive grounds are demonstrated by the victim to the Tribunal. Any allegation of cruel, inhuman or degrading treatment or punishment or torture, shall be referred by each judge and each court to the Tribunal for independent investigation and determination according to the UN Istanbul Protocol. The determination of the Tribunal shall be binding upon the court and upon the judge. A judge and a court may be summoned by the Tribunal for examination.
7. Human rights treaties which are SIGNED by the United States, in recognition of the good faith obedience[12] required from the United States to the object and purpose of the treaty pending its ratification, shall be accorded the standing of supreme Law of the Land under Article VI of the US Constitution by each court

[11] Safe Harbor is a term that I defined in the context of human rights to mean safety from injury and prohibited conduct. In this, as in all my writings, the term "safe harbor" is used in conjunction with the term "disability accommodation" and together often referred to as the singular term "accommodation". Safe Harbor encapsulates the need to stop all activity and court orders and schedules and influences that may induce distress or prolong serious illness, and thereby cause physical and mental injuries, so that the medical treatment which is complete rest and isolation from distress for a statistically predicted duration, may occur. Disability accommodation encapsulates aids and modifications to processes and rules and expectations by the court that provide a disabled litigant with equalized opportunity for success in litigation, and with unburdened access to the court, and with meaningful access to due process. The orders for my accommodation by federal judge Freeman demonstrate how safe harbor is provided to a litigant like me by a court. Freeman has provided almost SIX YEARS of continuous stays of my litigation, preventing any activity in the case pending my remission, recovery and rehabilitation and ensuring that on her part, she provides me every opportunity for complete rest and isolation from distress. Every other judge and every other court concurrently has undermined any benefit of her accommodation.

[12] This is a *jus cogens* of customary international law

and by each judge, and shall not be subject to derogation or modification or revocation of their object and purpose by later-in-time federal laws, or by the operation of any Reservation, Understanding and Declaration, which according to the *jus cogens* of customary international law, is non-essential or severable or both. The sole means of derogation or modification or revocation of any SIGNED treaty shall ONLY be according to the *jus cogens* of customary international law, which is enumerated by the Vienna Convention on treaties, and no judge and no court may maintain any deviation from these principles. Each judge and each court shall interpret and apply each human rights treaty, ratified or to be ratified, according to its object and purpose as construed by the highest international body or court recognized under the human rights treaty and as preeminently controlled by the *jus cogens* of customary international law.

8. Human rights treaties which are RATIFIED by the United States shall be accorded the standing of supreme Law of the Land under Article VI of the US Constitution in every court, and shall not be subject to derogation or modification or revocation of their object and purpose by later-in-time federal laws, or by the operation of any Reservation, Understanding and Declaration, which according to the *jus cogens* of customary international law, is non-essential or severable or both. Any determination of the U.S. compliance by the highest international bodies recognized by each human rights treaty shall be binding upon each judge and court hereby. No exception is permissible and the object and purpose of the human rights treaty must be fully complied with by every judge and every court, both in cases and controversies, and also in the administration of justice and the provision of court services, programs and activities by each judge and by each court. The sole means of derogation or modification or revocation of any RATIFIED treaty shall ONLY be according to the *jus cogens* of customary international law, which is enumerated by the Vienna Convention on treaties. Each judge and each court shall interpret and apply each human rights treaty according to its object and purpose as construed by the highest international body or court recognized under the human rights treaty and as preeminently controlled by the *jus cogens* of customary international law.

9. Every human rights treaty SIGNED OR RATIFIED by the United States shall be accorded self-execution by each judge and each court with the burden upon the government to prove the exact equivalence of domestic remedies, and shall be treated by each judge and each court as a personal right that is privately enforceable in the same manner as a right enumerated in the US Constitution. Human rights treaties and the UN Charter shall be directly enforced in the courts with respect to the treatment of litigants by judges and courts. Human rights shall be preeminent in the consideration of laws, rules, procedures and policies of courts by judges, and in judicial ethics, and none of these shall derogate or modify human rights provided by human rights treaties, signed or ratified, and by the *jus cogens* of customary international law.
10. Based on the statistics, all pre-existing statutes, rules, procedures and policies of courts, and all statutes and precedents are presumed to be suspect when applied by a judge or by a court to the disabled pro se litigant in the course of jurisprudence. No statute, precedent, rule, procedure or policy of any court shall be enforced if a human rights violation may result under the circumstances. The final arbiter of the possibility of human rights violation resulting from the enforcement of a rule, procedure or policy of the court, or a statute or precedent that appears to the Tribunal to be in conflict with human rights, shall be the Tribunal which shall at all times abide by the *jus cogens* of customary international law, and the investigation into such possibility shall be initiated by the Tribunal upon allegation or indication by the victim or by any other person or by any judge. The Tribunal shall also investigate and determine any unwritten or unacknowledged or secreted policy of each court that may bear on the possibility of human rights violation by conducting an independent investigation upon allegation or indication by the victim or by any other person or by any judge. The decision of the Tribunal shall be binding upon each judge and each court if any violation of human rights is indicated.
11. Judicial ethics shall be construed to integrally incorporate the Universal Declaration of Human Rights, and profound respect for each human rights treaty, as lying within the meaning of ‘impartiality’, and ‘independence’, and ‘impropriety’ in every applicable code of judicial conduct and integral to each term, and render each of their violation by a judge a basis for disqualification.

12. No judge and no court shall assert independence of the judiciary, or Separation of Powers as a third branch of government, as a bar to observance of these authorities, or the nullification or modification of this injunction. No principle of independence or sovereignty or immunity shall confer upon any judge or any court the right or the privilege of infringing upon non-derogable rights or otherwise violating human rights.
13. Every finding or order of another judge or another court concerning disability accommodation, upon objection, shall be presumed to be suspect, and independently investigated by the Tribunal, and its findings shall be controlling as to the degree of faith and degree of credit that shall be afforded by a court and a judge to that finding or order.
14. No limitations shall be placed by any judge or any court upon the prohibition, abatement, prevention, remedy, redress and punishment of human rights violations according to International Law, and international human rights standards and protocols. Any requirement that may be construed as an expectation by a judge or a court that a disabled pro se litigant cure their disability is a violation of human rights. Any requirement that may be construed as an expectation by a judge or a court that a sick litigant heal their illness is a violation of human rights. Any act of discrimination by any judge or any court based on disability or illness is a violation of human rights. Any demand for function or information involving a disabled pro se litigant without meaningful and appropriate accommodation that is approved by the Tribunal without objection by the litigant is a violation of human rights. Any deprivation of, or interference with, or reformulation of, necessary medical treatment, by a judge or court or opponent or attorney, is a violation of human rights.
15. The court shall be responsible for proactively and timely and confidentially inquiring from the litigant his or her needs for safe harbor and disability accommodation from the first contact of the litigant with the court, and the court shall consistently and timely make such inquiry and provide safe harbor and meaningful and proper disability accommodation to the litigant, without any burden placed upon the litigant. Failure to do so shall be considered a violation of human rights. The privacy of medical information of the disabled litigant shall be

strictly protected, and the judge and court may not share any medical information with any other person or entity under any circumstances, except with the Tribunal and only for the purpose of the Tribunal's function, which shall result in a confidential communication by the Tribunal of the accommodation to be provided by the court, which the court shall then fashion into a compliant order without any disclosure of any private information.

16. Every judge and every court shall respect the authority of science and the preeminence of medical knowledge. When expressed by an authentic treating physician or qualified providers of care, no judge and no court may ignore, modify, or deny scientific and medical information that has been properly applied to the litigant and describes the litigant's needs for accommodation and safe harbor in the court. The determination of the proper application of scientific and medical information to the litigant shall be subject to the exclusive jurisdiction of the Tribunal. Every judge shall apply the authorities and recommendations provided by authentic treating physicians and qualified providers of care to meaningfully and properly accommodate the disabled litigant, with precedence given to obedience to the determination by the Tribunal. No judge may determine or vary medical treatment or practice medicine at any time by deviating from or altering the recommendation of authentic treating physicians and qualified providers of care, and may not interfere with, or obstruct the recommended medical treatment for the litigant, with precedence given to obedience to the determination by the Tribunal. No judge and no court may interfere with, delay or obstruct the remission, recovery and rehabilitation of any litigant who is injured or in need of medical treatment.
17. A fundamental alteration of the court's services, programs and activities is permitted, and controlled in its extent by the primacy of human rights and the absolute prohibition on cruel, inhuman and degrading treatment or punishment, followed by the primacy of every other fundamental right. Thus every judge and every court must, as necessary, unhesitatingly adapt and modify and eliminate rules, procedures and policies of courts, and the application of statutes and precedents, to absolutely ensure fundamental rights, including the primacy of human rights in the course of jurisprudence, at all times. Reasonable

accommodations shall always be reasonable from the viewpoint of the person with disability or serious illness, and the viewpoint of the person with disability or serious illness must be the preeminent consideration of reasonableness of the accommodation. The opinion of authentic treating physicians and qualified providers of care as to reasonableness shall be next in consideration of reasonableness of the accommodation, with precedence given to obedience to the determination by the Tribunal. Balancing of harm shall be next in consideration of reasonableness of the accommodation, without litigation privilege. The convenience of the court, and the customs and norms of jurisprudence shall be last in consideration of reasonableness of the accommodation.

18. No disabled litigant shall be subjected to any vexation statute or vexation precedent by any judge or any court, and such allegation shall be directed to the Tribunal for review and determination of whether or not disability is a factor in the alleged violation. The determination of the disability as a factor by the Tribunal shall be binding upon the court and control the determination of vexation. No judge or court may proclaim a disabled litigant to be vexatious if any mandate or prohibition herein is at issue, or if the Tribunal determines that disability justifies the alleged conduct by the litigant.
19. No statute of limitations, statutory deadline, procedural deadline, jurisdictional deadline, rule-based deadline, policy-based deadline or any other time-limitation shall be applicable to the disabled litigant, subject to the investigation by the Tribunal of the effect of disability of the litigant upon compliance with each of these time-limitations, and the determinative effect of its findings.
20. A disabled pro se litigant may not be deprived of fundamental rights under any circumstances, including the right to constitutional due process, with primacy of consideration always given to human rights. Constitutional due process shall never include discrimination based on disability or any violation or deprivation of human rights. The standard for determination of discrimination, and the measurement thereof shall be consistent with the most demanding human rights standards, which are enumerated herein, with particular attention to the CRPD.

21. There shall be no immunity in republication of judicial orders that involve torture or arise from torture. Such republication shall be deemed complicity and participation in torture.
22. There shall be no limit on stay or Safe Harbor or disability accommodation, when any violation of human rights may ensue from denial of Safe Harbor or disability accommodation as determined by the Tribunal. Every court has a duty to cooperate with every other court in the provision of Safe Harbor and disability accommodation, under the coordination of the Tribunal.
23. Violation of any of these prohibitions, or evasion of disqualification by any judge when substantial grounds for violations of these principles are demonstrated shall prohibit the judge from presiding in any case involving the litigant, or any case involving any other disabled or pro se litigant, or any case involving a question of disability or human rights.
24. No litigation involving a disabled pro se litigant shall proceed until the Tribunal is established and operational as described, and until Accommodation is in effect for each disabled and pro se litigant.

The ORDER shall cover the timeframe, beginning from the earliest of the following dates: a) the date of any ethical violation by the judge, with any human rights violation constituting an ethics violation per se; b) violation of due process in the forum court (whether it is *forum conveniens* or *forum nullus*) that is recognized as a human rights violations; and shall continue until the earliest of the following dates: a) the date of reform of jurisprudence and establishment of a viable and effective Tribunal that controls all Accommodation and human rights compliance by judges and courts, as declared by the Private Attorney General; b) in perpetuity.

The ORDER shall initially apply to:

1. Judge Beth Freeman
2. The federal District Court of Northern California
3. Each attorney for the defendants
4. The defendants

In issuance of the ORDER according to the customs of jurisprudence, the following shall be mandated as minimum requirement:

- A Temporary Restraining Order (TRO) to immediately prohibit Judge Beth Freeman, Attorneys Rossi et al., the defendants (County of Santa Clara et al.), and the District court of Northern California from coercing Plaintiff into unaccommodated litigation and from taking any further action in this case.
- A Preliminary Injunction to continue the prohibitions of the TRO, and the mandates and prohibitions in the ORDER (above) to protect all potential and actual victims including the Plaintiff, and to mandate an independent, non-judicial investigation into the systemic judicial torture demonstrated by the facts and the certification by the Private Attorney General, consistent with the UN Istanbul Protocol and UNCAT Article 12.
- A Permanent Injunction to permanently enjoin the above actions per the ORDER, enforce the independent investigation, mandate Safe Harbor and disability accommodation (together "Accommodation"), and refer Judge Freeman, Rossi et al. and the defendants, and others for criminal prosecution under UNCAT Articles 1, 4, and 16.
- Certification for appellate review under 28 U.S.C. § 1292(b) of the systemic legal issues, including the judiciary's torture policy and UNCAT's self-execution. See Private Attorney General Memorandum with detail analyses of long-standing issues to be addressed by higher courts.
- A Stay of all proceedings in this case for a minimum of one year to allow Plaintiff life-saving medical treatment, as documented in ECF-76, 90, 92 and the attached update on Accommodation.

Cyrus Hazari, Pro Se Plaintiff
15209 Blue Gum Court, Saratoga, CA 95070
Tel: 408 898 4470
Email: cyrus@metafusion.net

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Cyrus Hazari **Plaintiff and Private Attorney General** vs County of Santa Clara et al. **Defendants**	Case number 19-cv-04392-BLF DECLARATION RE TRO, PRELIMINARY & PERMANENT INJUNCTION AND STAY -- BY THE PLAINTIFF

I, Cyrus Hazari, declare under penalty of perjury under the laws of the United States that the following is true and correct:

1. **Personal Background and Disability Status**: I am the pro se plaintiff in this case, also acting as a Private Attorney General to protect the rights of disabled and pro se litigants. I am significantly disabled, diagnosed with multiple sclerosis (MS), functional and cognitive impairments, and other debilitating conditions, functioning at one-third the speed of the normal population as measured by a neuropsychologist (ECF-66). I am unable to present oral arguments, or participate in litigation due to functional and cognitive impairments in speech understanding and reading comprehension and other measured impairments, now relying entirely on trained artificial intelligence (AI) to draft legal documents (see requests for Accommodation). I am substantially incapacitated and injured when I am coerced to litigate as the court controls my bodily autonomy and deprives me of life-saving medical treatment that I have long-sought and which has

increased by continuous deprivation and accumulating burden of irreparable physical and mental injuries. This is common knowledge about my MS and comorbidities. My condition, exacerbated by seven years of systemic judicial torture across 10 state and federal courts involving over 40 judges which is now highly predictable as to its form and progress, places me at imminent risk of death or catastrophic injury from distress-induced physical and mental injury, heart attack, stroke, or impaired immunity (ECF 16, 25, 30, 34, 45, 52, 58, 64, 69, 75, 76, 90, 92) and deprivation of my bodily and mental integrity. Since 2018, courts have not challenged my medical evidence of substantial incapacity, effectively admitting its validity (ECF-76, 90, 92; amended complaint in 21-cv-04262-JSW). The neurologist Cassini, shared by Rossi et al. and Brady et al., could only commit fraud about MS and did not dare address the comorbidities or other health problems, and this was sufficient for prejudiced judges to condemn me as Freeman has done. The alignment of purpose between Rossi et al. and Brady et al. is demonstrated by other evidence (Exhibit 2).

2. **Purpose of Declaration**: This declaration supports my motion for a Temporary Restraining Order (TRO), Preliminary Injunction, and Permanent Injunction to: (a) prohibit Judge Beth Freeman, attorneys Michael L. Rossi et al., the defendants (County of Santa Clara et al.), from coercing me into unaccommodated litigation or taking further action in this case; (b) mandate an independent, non-judicial investigation into systemic judicial torture per the UN Convention Against Torture (UNCAT) and the Istanbul Protocol; (c) permanently enjoin such actions, enforce the investigation, and refer Freeman, Rossi et al., and others for prosecution under UNCAT Articles 1, 4, 16 and 20; (d) certify systemic legal issues for appellate review under 28 U.S.C. § 1292(b), and other review; and (e) stay proceedings for one year to allow life-saving medical treatment. The relief is necessitated by Freeman's abandonment of her role as the last bastion of safety under the Istanbul Protocol, prioritizing rapid case disposition and granting unrestrained litigation privilege to Rossi et al. to deprive me of human rights and perpetuate torture under color of her authority, as well as her orders denying accommodations and recusal (ECF-87, ECF-93, ECF-98), her unethical response to my disqualification motion and retaliation (ECF-96, 97), Rossi's exploitation of unlawful state and federal court orders, the defendants' collusion, and systemic torture by California judges, including Presiding judge Mary Greenwood and federal judge Jeffrey White (see also amended complaint in

21-cv-04262-JSW). These actions violate the CRPD[1], ADA (42 U.S.C. § 12132), Section 504 of the Rehabilitation Act (29 U.S.C. § 794), due process (Fifth Amendment), and human rights treaties (ICCPR).

3. **Factual Background of the Case**: Filed in 2019, this case alleges the County of Santa Clara's unlawful taking of real property, violation of equal protection, restrictions on land use, and fraud in concealing a building permit, etc. causing millions in damages. From February 25, 2020, to March 1, 2025, Freeman granted my accommodation requests ten times, staying the case for well over five years, recognizing my disabilities and need for life-saving medical treatment (ECF-16, 25, 30, 34, 45, 52, 58, 64, 69, 75; ECF-87 at 1). On March 1, 2024, she extended the stay for 365 days, wishing me good health (ECF-75). In February 2025, I requested another one-year stay due to ongoing substantial incapacity (ECF-76, 90, 92) and reported its cause as other judges and courts and exploitation of other defendants. Rossi et al. and the defendants objected, citing sealed medical records (ECF-78), which Freeman ordered released to defendants as "Attorneys' Eyes Only" on March 3, 2025, despite my privacy concerns (ECF-79, ECF-80) and opportunity for their shared expert, Peter Cassini M.D. and Brady et al. further refining the manner of my torture and attempted murder by manipulation of courts. They succeeded. On March 7, 2025, the County opposed the stay, relying on three Greenwood orders (ECF-82, 83; Greenwood 3/25/25 order – see PAG Memo.). Freeman denied the stay on March 10, 2025, citing my "rapid, prolix filings" as evidence of litigation **capacity** (ECF-87 at 2) without due process, equating ability with A.I. as equivalent to capacity which requires injury. On March 24, 2025, she denied reconsideration, dismissing new medical evidence (ECF-89 Ex. B, ECF-91 Ex. B; ECF-93 at 3). On April 10 and 13, 2025, I moved to disqualify Freeman for bias and human rights violations (ECF-96, 97). On April 14, 2025, she denied disqualification, evading my allegations and the substance of the motion which cannot be evaded under any circumstance for the seriousness of its allegations. She retaliatorily mischaracterized my motion as a response to a motion to dismiss, and sanctioned my filings, aligning this meritorious lawsuit for dismissal (ECF-98 at 3-4; "injunction NEW - v4.docx" at 4). On April 16, 2025, she granted sealing of medical exhibits, acknowledging confidentiality (ECF-99). These actions coerce unaccommodated

[1] Convention on the Rights of Persons with Disability

litigation, causing irreparable harm and constituting torture (ECF-96, 97, 98, see also 21-cv-04262-JSW declaratory relief).

4. **Systemic Judicial Torture by California Judges**: For seven years, I have endured systemic judicial torture across 10 courts, including this case and *Hazari v. Superior Court of Santa Clara County et al.*, Case No. 21-cv-04262-JSW, documented in ECF-96, 97, injunction and declaratory relief in 21-cv-04262-JSW, ECF-76, 90, 92, and the First Amended Complaint in 21-cv-04262-JSW. California judges, including Mary Greenwood, Peter Kirwan, Socrates Manoukian, Patricia Bamattre-Manoukian, and many others, and federal Judge Jeffrey White, have denied accommodations despite unchallenged medical evidence since 2018, forcing me to litigate while substantially incapacitated, causing severe physical and mental injuries (21-cv-04262-JSW amended complaint at 17, 25, 46; Appendix 1 at 17-18). From 2018 to 2024, I filed over 100 MC-410 requests for accommodations in multiple cases (e.g., 16cv295730, 17cv312522, 18cv335914, 18cv337311, 19cv350958 and appellate actions), all denied or ignored, with courts imposing unattainable deadlines, resulting in dismissals and sanctions 21-cv-04262-JSW amended complaint (Appendix 1 at 36-453). This conduct meets UNCAT's definition of torture: intentional infliction of severe pain for punishment or coercion (Article 1, Prosecutor v. Furundžija, ICTY, 1998). The judiciary's policy, affecting 28% of Americans with disabilities, violates *jus cogens* norms, the ADA, Section 504, CRPD Article 13 and others, ICCPR Article 14 and others, and the Fifth Amendment (Tennessee v. Lane, 541 U.S. 509, 2004, 21-cv-04262-JSW declaratory relief at 6; Amended complaint at 59-79). Because of experiencing 7 years of unrelenting torture by judges and courts and exploitation, experience showed that in the absence of due process in the courts of this nation for disabled and pro se litigants, even the necessary due process and jury trial for accommodation, I must immediately intervene in any opposition to my accommodation and safe harbor or else be attributed with libel and subjected to hate crime, and thus THREE TIMES (ECF-79, 86, 89) I interceded at the expense of injury to stop Freeman from obedience to the absolute mandate of the systemic policy of torture that she must follow, for which Freeman punished me.

5. **Greenwood's Role in Systemic Torture**: Greenwood has orchestrated systemic torture by denying accommodations and endorsing fraud, as detailed in the 21-cv-04262-JSW

First Amended Complaint (at 10, 44-46; Appendix 1 at 155-160). Her four orders (November 6, 2024, H052563, H052601; March 3, 2025, H052863; March 25, 2025, H052863 (Exhibit 1); Appendix 16 PAG Memorandum) dismissed my appeals and stay requests without reasoning, citing my "ability to litigate" despite medical evidence (Amended Complaint Appendix 1 at 155). She backdated to 24 months to cover trial court judge Manoukian's ***Biscaro*** violation date which causes reversal on appeal, and has previously ignored Manoukian's impeachment by his own ADA Coordinator in March 2023 in H051717 xxx, continuing her conspiracy against rights. This is not the first time that Greenwood has independently investigated my actions in the state trial court in order to shield her peers as they conspire together against rights – on a previous occasion in March 2020 she did the same (21-cv-04262-JSW Amended complaint, Appendix 1). On March 25, 2025, she denied my appeal and judicial notice request for the third time due to criminal acts by the trial judge Manoukian, dismissing my disqualification request as moot, ignoring my filing to reverse Manoukian's suppression of a 2019 quitclaim deed (Greenwood 3/25/25 order; VL-110 at 2-15 – see PAG Memo.) from evidence, which is filed in the court's record and reviewed by him in 2020 when he dismissed my meritorious lawsuit against Brady, won once before in 2005. Her 2020 mandate eliminated accommodations across California courts (Appendix 1 at 155-160). She protected Manoukian's fraud, including evidence concealment in 16cv295730, and endorsed his reinstatement after recusal (Appendix 1 at 396-398, 433-437). Her actions reflect a conspiracy to deprive disabled litigants of rights, violating 18 U.S.C. § 241 and judicial ethics (Canon 3; Amended Complaint at 86-87, 118). Freeman gave full faith and credit to these criminal acts despite her notice of the amended complaint in 21-cv-04262-JSW. We see demonstrated how innuendo, speculation and reliance on orders by torturers, discarding science and objective findings, is obeyed throughout the United States despite the judges' knowledge of an open case and controversy addressing torture and judicial hate crimes embedded in orders that get blind faith and credit at the expense of the rights and integrity of litigants.

6. **White's Role in Systemic Torture**: Federal Judge Jeffrey White, presiding over *Hazari v. Superior Court of Santa Clara County et al.*, Case No. 21-cv-04262-JSW, has contributed to systemic judicial torture by denying accommodations and obstructing my claims against California judges, as detailed in the First Amended Complaint (at 110, 113; "_FINAL -

disqual.pdf" at 113). White insisted that I endure discrimination to earn the right to appeal, limiting my lawsuit to ADA violations and dismissing broader claims of torture and conspiracy without a merits test, despite acknowledging suspect state court rulings (ECF-102 in 21-cv-04262-JSW; ECF-96, 97 at 109-110). His rulings coerced unaccommodated participation, exacerbating my injuries, and endorsed state court violations, including Greenwood's orders, by failing to grant injunctive relief or investigate torture allegations under the Istanbul Protocol (UNCAT Article 12; Amended complaint at 44). White's actions, aligned with Freeman's, reflect a federal judicial policy of prioritizing case disposition over human rights, constituting torture, and punishing my disability and silencing my protests (UNCAT Article 1; ECF-96, 97 at 113; Amended complaint at 120-124).

7. **Freeman's Abandonment of Human Rights as Last Bastion of Safety**: As a federal judge, Freeman is the last bastion of safety contemplated by the UN Istanbul Protocol, tasked with providing relief, remedy, and punishment for torture through independent judicial oversight (Istanbul Protocol, ¶¶ 1, 74; ECF-96, 97 at 4, 9). The Protocol mandates that state officials, including judges, prevent and investigate torture, ensuring accountability (UNCAT Articles 12, 13; Amended complaint at 44). Freeman, aware of my torture allegations since 2019 (ECF-76, 90, 92), abandoned this duty by prioritizing a systemic judicial policy of rapid case disposition over human rights, granting Rossi et al. unrestrained litigation privilege to object to my accommodations and perpetuate torture (ECF-87, ECF-93, ECF-98; Injunction at 313). Her orders (ECF-87, ECF-93) denied my stay request, citing my filings as proof of capacity, despite medical evidence of incapacity (ECF-89 Ex. B, ECF-91 Ex. B; The Multiple Sclerosis Stress Equation and numerous peer-reviewed authorities, Injunction at 319). Her April 14, 2025, order (ECF-98) evaded my disqualification motion's torture allegations, mischaracterizing it as a response to a motion to dismiss, and sanctioned my filings, enabling Rossi's objections to silence me (ECF-96, 97 at 14). This reflects a policy prioritizing docket efficiency and unchecked adversarial privilege over my right to life., liberty, and freedom from torture, betraying the Istanbul Protocol's mandate and constituting torture with impunity (UNCAT Article 1; ECF-96, 97 at 5; Amended complaint at 102).

8. **Freeman's Subtractive View of Human Rights**: Freeman's orders reflect a subtractive approach, prioritizing Rossi's procedural interests over my rights to medical treatment and freedom from torture (UNCAT Article 1, CRPD Article 15, ICCPR Article 7; Amended complaint at 24-25). By endorsing Rossi's objections without medical rebuttal, she subtracted my human rights to expedite case resolution, ignoring evidence that litigation exacerbates MS and comorbidities (ECF-87, ECF-93; ECF-89 Ex. B, ECF-91 Ex. B). Her actions violate the additive principle that courts must accommodate disabilities (Tennessee v. Lane, Dec. Relief at 8) and enforce human rights, constituting torture (UNCAT Article 1, ECF-96, 97 at 6).

9. **Freeman's Violation of Judicial Ethics**: Freeman's response to my disqualification motion violates judicial ethics (ECF-96, 97). She evaded allegations of bias and torture, dismissing them procedurally under 28 U.S.C. §§ 144 and 455, and retaliated by mischaracterizing my motion and sanctioning my filings (ECF-98 at 3-4). This breaches Canons 3 and 3B(6), requiring impartiality and prevention of harm ECF-96, 97 at 3, 14). By ignoring my UNCAT-compliant complaint (ECF-76, 91), she failed to investigate torture, endorsing state court violations (UNCAT Article 12; Amended complaint at 44).

10. **Rossi's Intentional Obstruction of Accommodations**: Rossi et al., advised by Brady et al. and the same neurologist, intentionally blocked my accommodations, knowing my substantial incapacitation and the risk of injury from coerced litigation, aiming to secure a default dismissal as seen in my prior lawsuits over seven years (ECF-78, 82). From 2019 to February 2025, Rossi had access to numerous Greenwood orders, similar to the three produced (H052563, H052601, H052863), but did not object to my accommodations, as Brady informed him I would lose the property to punitive fines and a Sheriff's sale under a writ of execution in *Hazari v. Brady* (Case No. 16CV295730). Brady et al. commented to the Ninth Circuit in appeal 24-3353 that Rossi et al. were better off doing nothing in this lawsuit, expecting my financial ruin (Ninth Circuit Docket 10, 24-3353). On February 14, 2025, a $700,000 bond stopped the Sheriff's sale, saving the property. My February 22, 2025, accommodation request (ECF-76) prompted Rossi to object (ECF-78), exploiting my disability and the court's hostility to secure dismissal, knowing I could not litigate without accommodation (ECF-82; injunction at 4-5). Rossi had access to my sealed medical records (ECF-76), documenting my severe MS, cognitive impairments, and

risk of death from distress (ECF-76, 90, 92; Declaration ¶ 1). His objections triggered Freeman's coercive orders (ECF-87, ECF-93), foreseeably causing injury, as litigation in a hostile court and under a hateful judge exacerbates MS (The Multiple Sclerosis Stress Equation, JSW Injunction at 319; Declaration ¶ 14). Given my history of dismissals due to incapacity (Declaration ¶ 4; Amended complaint at 17) for which I was falsely branded vexatious, Rossi et al.'s intent was to ensure my inability to litigate, securing dismissal and perpetuating the $7.5 million liability from *Hazari v. Brady* (Declaration ¶ 13; VL-110 at 35, 48; injunction at 5). His conduct violates 18 U.S.C. § 241, 242 and 42 U.S.C. § 12132, constituting torture under UNCAT Article 1 (Declaration ¶ 10; injunction at 5).

11. **Rossi's Exploitation of Vexatious Litigant Ruling**: Rossi et al., advised by Brady et al., misrepresented my 2021 vexatious litigant designation to eliminate accommodations. The ruling stemmed from my incapacitation, not over-prosecution, as I was unable to defend against the motion (ECF-76, JSW injunction at 320; Amended complaint at 67). It arose from a $600,000 punitive award in *Hazari v. Brady* causing egregious injury (Case No. 16CV295730), escalating to $7.5 million in punishment and liability ECF-96, 97 at 113; VL-110 at 35, 48 – PAG Memo.). Rossi cited Greenwood's orders re vexation to argue vigorous prosecution (ECF-82-84; Exhibit 1), convincing Freeman to deny accommodations (ECF-87, ECF-93) without due process. My filings were attempts to stop Manoukian's fraud and to impeach Brady et al. (VL-110 at 2-15; Amended complaint at 115-116). Manoukian concealed the best evidence and the court's records as reported in 21-cv-04262-JSW, protected by Greenwood, close friend of he and his wife-appellate judge. Rossi's actions, enabled by Freeman's privilege, violate 18 U.S.C. § 241 (Mathews v. Eldridge, 424 U.S. 319, 1976).

12. **Freeman's Stare Decisis and Federal Preemption**: Freeman's rulings carry stare decisis and federal preemption under the ADA and Section 504 (Tennessee v. Lane; 42 U.S.C. § 12132; 29 U.S.C. § 794). Her March 1, 2024, stay (ECF-75) impeached Greenwood's March 3, 2025, denial (H052863; ECF-83) and eliminated use by Rossi. Her subsequent orders (ECF-87, ECF-93, ECF-98) abandoned this precedent, adopting state court violations, undermining preemption and constituting torture (ECF-96, 97 at 6; Amended complaint at 133). Instead of holding the bright line to end discrimination nationally (appeal 24-6312), she abandoned it at once upon Rossi et al.'s request for invariance of the

"judicial process" at the expense of human rights and retaliation for my efforts to end systemic judicial torture.

13. **Misrepresentation of Vigorous Prosecution**: Rossi's reliance on Greenwood's March 25, 2025, order misrepresents my actions. Her order denied my appeal 3 times, ignoring my filing to reverse Manoukian's fraud pursuant to my torture (Exhibit 1; VL-110 at 2-15 – PAG Memo.). Rossi's use, adopted by Freeman (ECF-87, ECF-93), ignores my substantial incapacity witnessed by both of them through violation of my privacy (ECF-87, 90, 92; Amended complaint at 119-120).

14. **Freeman's Orders and Judicial Misconduct**: Freeman's orders show a shift to coercion, with her express confirmation of a policy of discrimination and torture (ECF-87, 93, 98, 99, 101):

    - **ECF-75 (March 1, 2024)**: Granted a 365-day stay (ECF-75 at 1).
    - **ECF-80 (March 3, 2025)**: Released medical records, exposing vulnerabilities (ECF-79, ECF-80 at 1-2).
    - **ECF-87 (March 10, 2025)**: Denied stay, citing filings (ECF-82, 83; ECF-87 at 2).
    - **ECF-93 (March 24, 2025)**: Denied reconsideration, dismissing new evidence (ECF-89 Ex. B, ECF-91 Ex. B; ECF-93 at 3).
    - **ECF-98 (April 14, 2025)**: Denied disqualification, evading torture allegations (ECF-96, 97; ECF-98 at 3-4).
    - **ECF-99 (April 16, 2025)**: Granted sealing, not mitigating exposure (ECF-90, 92; ECF-99 at 2). These orders abandon Freeman's precedent, endorsing torture (UNCAT Article 1; "amended complaint v37.pdf" at 102).
    - **ECF-101 (May 19, 2025)** further deprived Plaintiff of due process, admits incapacity

13. **Brady's Fraud and Systemic Harm**: Brady et al. colluded with Rossi et al. to perpetuate torture. Brady's writ in 2022 falsely claimed I owned property, using fraud to impeach a 2019 quitclaim deed (Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 1944; VL-110 at 4-9) which the trial judge had notice of in the court record in 2020. Greenwood's orders enabled a $7.5 million liability JSW Amended complaint Appendix 1

at 396-398). Freeman's orders replicate this pattern, affecting other disabled litigants (JSW injunction at 120; Amended complaint at 122-124).

14. **Irreparable Harm and Urgency**: Without injunctive relief, I face imminent death or catastrophic injury from distress (ECF-76, 90, 92; The Multiple Sclerosis Stress Equation, JSW injunction at 319; Amended complaint at 46) based on predictable judicial conduct and attorney exploitation. Freeman's coercion and Rossi et al.'s exploitation constitute irreparable harm (Doe v. Purdue University, 928 F.3d 652, 7th Cir. 2019). The judiciary's systemic denial ensures recurrence (Nken v. Holder, 556 U.S. 418, 2009). Expedited consideration on the papers is required under FRCP 65(b)(1) and Local Rule 7-8 (injunction at 2).

15. **Legal Basis for Relief**: My interactions since 2024 with the United Nations has been educational and confirmed my statements to every court for the past seven years. My likelihood of success is supported by UNCAT's self-executing nature (CAT/C/USA/CO/3-5, 2014), ADA and Section 504 violations (Tennessee v. Lane), and due process breaches (Mathews v. Eldridge). Freeman's actions violate judicial ethics (Canons 2, 3) and *jus cogens* norms (Filártiga v. Peña-Irala, 630 F.2d 876, 2d Cir. 1980). Pulliam v. Allen (466 U.S. 522, 1984) permits injunctive relief against judges and no adequate legal remedy exists due to judicial obstruction (ECF-96, 97 at 14; injunction at 5). The public interest favors protecting 28% of Americans with disabilities and pro se litigants (U.S. Census Bureau, 2023; Amended complaint at 17; injunction at 5).

16. **Support for Injunction Motion Points**: a. **TRO to Prohibit Coercion**: Freeman, Rossi et al., defendants, and Brady et al. coerce unaccommodated litigation, risking my death or injury (ECF-87, ECF-93, ECF-98; ECF-76, 90, 92; injunction at 1). Rossi's objections (ECF-78, 82) in collusion with Brady exploit my incapacity (ECF-82, 83; VL-110 at 4-9 in PAG Memo.; injunction at 4-5). b. **Preliminary Injunction for Investigation**: Systemic judicial torture across 10 courts, including by Greenwood and White, requires a non-judicial investigation per the Istanbul Protocol (UNCAT Article 12; Amended complaint at 44; Appendix 1 at 36-453; injunction at 1, 5). c. **Permanent Injunction**: Permanent enjoinment, Safe Harbor, accommodations, and prosecution referrals are necessary to stop torture and ensure accountability (UNCAT Articles 1, 4, 16; ECF-96, 97 at 5; injunction at 1, 5). d. **Certification for Appellate Review**: Systemic issues—judicial

torture, UNCAT's self-execution—warrant certification under 28 U.S.C. § 1292(b) (injunction at 1, 5; Amended complaint at 17). e. **One-Year Stay**: A stay is required for life-saving treatment, previously granted (ECF-75; ECF-76, 90, 92; injunction at 1, 4). f. **Expedited Consideration on Papers**: My incapacity and imminent risk of death necessitate a decision on the papers (FRCP 65(b)(1), Local Rule 7-8; ECF-76, 90, 92; "injunction NEW - v4.docx" at 1, 3).

17. The Plaintiff experiences the judiciary's pattern of obstruction of justice, seen across cases like 24-6312 and 21-cv-04262-JSW in the 9th Circuit, which ensures that even injunctive relief is denied (21-cv-04262-JSW), perpetuating harm and necessitating a non-judicial, independent Tribunal, as proposed in the order, to investigate and enforce compliance with Article VI and international law. Thus we are set to once again witness that there is no relief, remedy or punishment for torture available in the United States, as promised to the world and to our People by the United States government. This experience continues to subject the Plaintiff and other litigants like him to extreme pain and suffering, while judges continue to torture him and attempt to murder him in public. The cost of this writing is, once again, more unconscionable injuries and torture.
18. I continue to suffer unconscionable injuries, severe pain and suffering and deprivation of life saving medical treatment as a consequence of the incessant coercion by courts and intimidation by judges ordering my unaccommodated participation in litigation with extraordinary punishment and outrageous damages. My torture has not stopped since 2018, and only increases as more judges increase their vigor in persecuting and mutilating me in public view.
19. **Certification**: I certify that the foregoing is true, based on my personal knowledge, court records, and medical evidence, and is submitted in good faith to protect my life and the rights of disabled and pro se litigants.

May 17, 2025

C. Hazari

Cyrus Hazari

EXHIBIT 1

Court of Appeal, Sixth Appellate District
Baltazar Vazquez, Clerk/Executive Officer
Electronically FILED on 3/25/2025 by S. Zamaripa, Deputy Clerk

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

CYRUS HAZARI,
Plaintiff and Appellant,
v.
MANDY BRADY,
Defendant and Respondent;
DAGMAR HORVATH,
Claimant and Respondent.

H052863
Santa Clara County Super. Ct. No. 16CV295730

BY THE COURT:

Appellant's request to file new litigation by vexatious litigant, and related request for judicial notice, are denied. The notice of appeal filed January 2, 2025, is dismissed.

As this appeal has been dismissed, and appellant has no other active cases pending before this court, appellant's request for disqualification of the Sixth District Court of Appeal "en banc and Erga Omnes" is denied as moot.

Respondent's verified request for rejection of appellant's new filings and dismissal of appeal is denied as moot.

Date: 03/25/2025 _____ P.J.

EXHIBIT 2

Declaration of Steve Devich

I, Steve Devich, declare:

1. I am a licensed civil engineer in the State of California. I am a licensed surveyor in the State of California. I am A-Grade Contractor licensed in the state of California. I am the founder of Alcon Engineering. My resume' is attached as EXHIBIT 1
2. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein.
3. I have performed work as a civil engineer for many clients who dealt with the County of Santa Clara Planning and Building departments.
4. I am very familiar with the County ordinances and codes and pattern of conduct of the county departments in dealing with infractions.
5. In 2016 and 2017, I conducted a forensic study of the changes made by defendant Mandy Brady to her property and to Mr. Hazari's property ("5320 Felter Road"), between the approximate period of 2011 to late 2017.
6. My findings are documented in my draft report attached as EXHIBIT 2.
7. My findings indicate numerous infractions of County authorities by defendant Mandy Brady that require abatement and fines.
8. I am particularly familiar with the County's conduct with respect to the immediate geographic area of Ms. Brady's residence. The County invariably acts to abate any infraction and imposes fines.
9. The infractions by Ms. Brady were reported to the County following my forensic investigation, with a copy of my draft report.

10. The behavior of the County of Santa Clara with respect to the violations identified in my report in EXHIBIT 2 is UNPRECEDENTED in my experience.
11. According to my information, the County took no abatement action against Ms. Brady. I confirmed this fact by my visual observation of her unpermitted improvements and encroachments, which persist presently.
12. However, when Ms. Brady falsely alleged violations of County authorities against 5320 Felter Road, and 5400 Felter Road, and 5150 Felter Road, which are the three properties that completely surround Ms. Brady's residence, the County immediately took action to abate the alleged infractions.
13. I am personally familiar with the alleged infractions against these three properties because I was the civil engineer and surveyor who performed work on the County's abatement notices for each of these properties.
14. Based on my experience as a civil engineer throughout Northern California, it is my opinion and belief that the County of Santa Clara treats Ms. Brady unequally to her neighbors and other residents in the same geographic area, and elsewhere in the County of Santa Clara. This conduct by the County is so remarkable that it cannot be accidental. The magnitude of Ms. Brady's infractions are significant.
15. No exceptions exist under established County authorities and procedures to permit the Brady infractions to persist.

I declare under penalty of perjury under the laws of the United States and under the laws of the state of California that the foregoing is true and correct.

Date: April 29, 2025



Steve Devich

EXHIBIT 1

RESUME’

Steve Devich, R.C.E., P.L.S.

Licensed civil engineer and licensed land surveyor
1125 Byron Street, Palo Alto, CA 94301
Tel: 650-308-5228

Professional licensing / Education

1984	B.S. in Civil Engineering, University of California Berkeley
1984-1986	Huntington Design Associates., Oakland CA *Engineering Associate*
1986-1987	Charles Allen Construction and Engineering, San Francisco *Engineering Associate and Project Manager*
1987	Civil Engineering License #C42024
1987 – present	Alcon Engineering *Principal*
2016	Land Surveying License #L9298

Statement of qualifications

Mr Devich has been a civil engineer for 30 years. He has been involved in numerous residential and light commercial projects. His extensive experience includes structural design, civil design, construction management and forensic engineering investigation. Mr Devich founded his own business in 1987. Mr Devich has been associated with a licensed surveyor through Alcon engineering, assisting him in the field and preparing drawings and calculations and legal descriptions for 2 decades. He has extensive experience including map review, permit applications, planning requirements, building requirements, building code compliance, boundary resolution, topographic surveys, parcel maps, plats and legal descriptions, survey field work, right of way mapping and easements, and other work.

Mr Devich has been an expert witness in several legal cases, including easement and right of way disputes.

EXHIBIT 2



INVESTIGATION OF THE ACTIVITIES OF

Brady et al.

FROM 2005 UNTIL JUNE 2017

AND THEIR CONSEQUENCES

FOR THE LANDS OF HAZARI

AND APPURTENANT EASEMENTS

Compiled by

Steve Devich, C.E, L.S.

PRELIMINARY

0. PREFACE

As of December 2017, it appears that Brady continues to improve her property in a manner that adversely affects Hazari, and which requires further investigation and inclusion in this report.

For example, in the past 3 months, more excavation of Hazari's hillside to install two large water tanks on the side of the hill raises more questions of the absence of permits and the diminution of lateral and sub-adjacent support for Hazari's uphill property.

For example, Brady has erected a fenceline in the region of the Hazari easement that may be delineating one edge of Hazari's easement, but absent verification, this is not certain. Hazari's access to this new fenced area is blocked by the white Brady fenceline at the point closest to Felter Road.

For example, Brady appears to be continuing to obstruct Hazari's easement in the area closest to her house with more landscaping and planting.

Therefore, this report continues to be a working document and not a FINAL report.

The contents of this preliminary report are subject to change/revision without notice.

1. SCOPE OF WORK

We were tasked with documenting the changes to the real property of Cyrus Hazari due to activities by Mandy Brady since the 2005 completion of the first lawsuit of Hazari vs Brady et al., case number 2002-1-CV-808354, filed on 6/4/2002 in Santa Clara Superior Court. . Hazari's property is identified by Santa Clara County APN 042-15-047. Brady's property is identified by Santa Clara County APN 042-15-048.



DIAGRAM 1.1. Aerial view of Hazari property in approximately 2005



DIAGRAM 1.2. March 2017 Aerial view indicating Brady encroachments

2. BACKGROUND

I was the expert engineer for Mr Hazari in his first lawsuit against Brady. I prepared the reports and engineering drawings of easement improvements for those proceedings based on the HJW aerial survey in 1999. I visited the property several times in that timeframe. I recall the encroachments into Hazari's property by Brady and the blocking of Hazari's easements. All of those encroachments into Hazari's property were eliminated and the easements restored to Hazari by virtue of a settlement in that lawsuit. The only concession made by Mr Hazari was to allow a small amount of landscape vegetation approximately 10 feet long that encroached into the easement by a few feet to remain at the front of the Brady home. This is indicated in diagram 2.1.



DIAGRAM 2.1. Brady hedge subject of the exclusion in the Hazari easement

For the purposes of this report, I have conducted many site visits to the Hazari, Brady, and the two neighboring Broquet (APN 042-15-011) and Duarte (APN 042-15-035) properties between March and June 2017. These properties are shown in diagram 2.2.

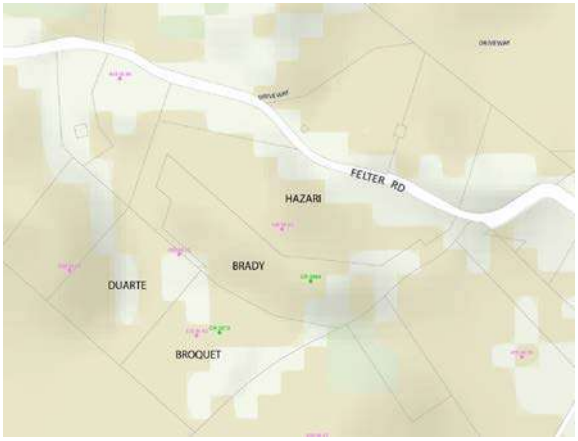


DIAGRAM 2.2. The 4 properties

We performed a survey ("Survey #1") wherein I reproduced the method by which Brady's 2016 corner record was done, which is also the method employed in the 1981 record of survey by Morey Nelsen, and using solely their methods, my survey agreed with those surveys. Note that Brady's survey failed to find three pipes that are recorded on other surveys of, or related to, that parcel. Our survey found and identified every one of those pipes. According to this survey, Brady has encroached into the easement and into Hazari's property.

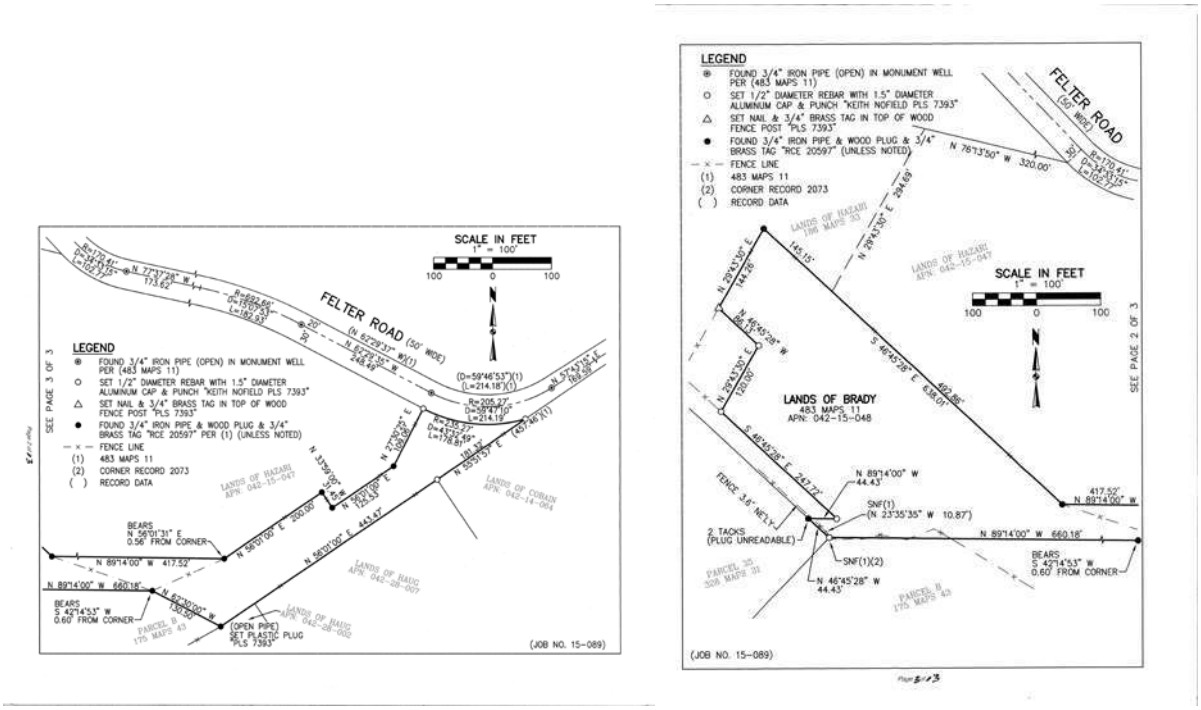


DIAGRAM 2.3. Record of survey 2016 by William Slepnikoff #5701 retracing the survey of 1981

We also performed a second survey ("Survey #2") wherein we reproduced the method by which the survey of Duarte was done in 2011 (see diagram 2). According to that survey too, Brady has encroached into the easement and into Hazari's property.



DIAGRAM 2.4 Results of Duarte survey in 2011

3. SUMMARY OF FINDINGS

In 2016, Hazari filed a second lawsuit after discovering repetitions of encroachments into his property and blockage of easements by Brady. As a licensed surveyor, in collaboration with another licensed surveyor, Harvey Blomquist #3885, I surveyed the Hazari property during March, April, May and June 2017. As a licensed civil engineer, I evaluated the findings, as well as a number of other items of historical and relevant information. I identified a number of issues:

1. Brady has made several significant modifications to her property since the first Hazari lawsuit that required notice to and permission from Hazari
2. Substantial encroachments exist into the Hazari property due to Brady's improvements
3. Substantial modifications have been made to the Hazari property by Brady's improvements
4. Hazari's easements have been blocked by Brady's improvements
5. A portion of Hazari's property is now effectively unusable for Hazari's purpose
6. A large area of Hazari's property is now adversely affected by Brady's drainage
    a. Including a section of Hazari's property close to Felter Road
7. Hazari's rocks and boulders have been taken and relocated to construct Brady improvements
8. Two continuous sections of Hazari's fenceline were removed
9. Signs of a survey conducted sometime between 2011 and 2015 were discovered on the Brady property, indicating knowledge of property boundaries in recent prior years
    a. In 2016, Rosenberg (Brady's partner/husband) admitted to Brady having surveyed the property in the timeframe of the Brady developments (2013-2014)
        i. Brady developments were done with knowledge of property boundaries
10. None of the Brady improvements that affect Hazari's property were done with the necessary permits from the County of Santa Clara
    a. Brady told me that part of her house burned in the fire, but no permits for rebuilding
11. The neck of a productive well In Hazari's Gooseneck has been damaged by a heavy impact, probably a tractor or Bobcat
12. Hazari erected a fenceline around his property in 2016, with one corner referencing the incorrect one of two boundary stakes, misled due to a Brady survey stake labeled "Prop Border"
    a. The fence encroachment was relocated to the correct boundary stake promptly upon discovery and confirmation by our survey.





DIAGRAM 3.1. Brady property showing developments since first lawsuit

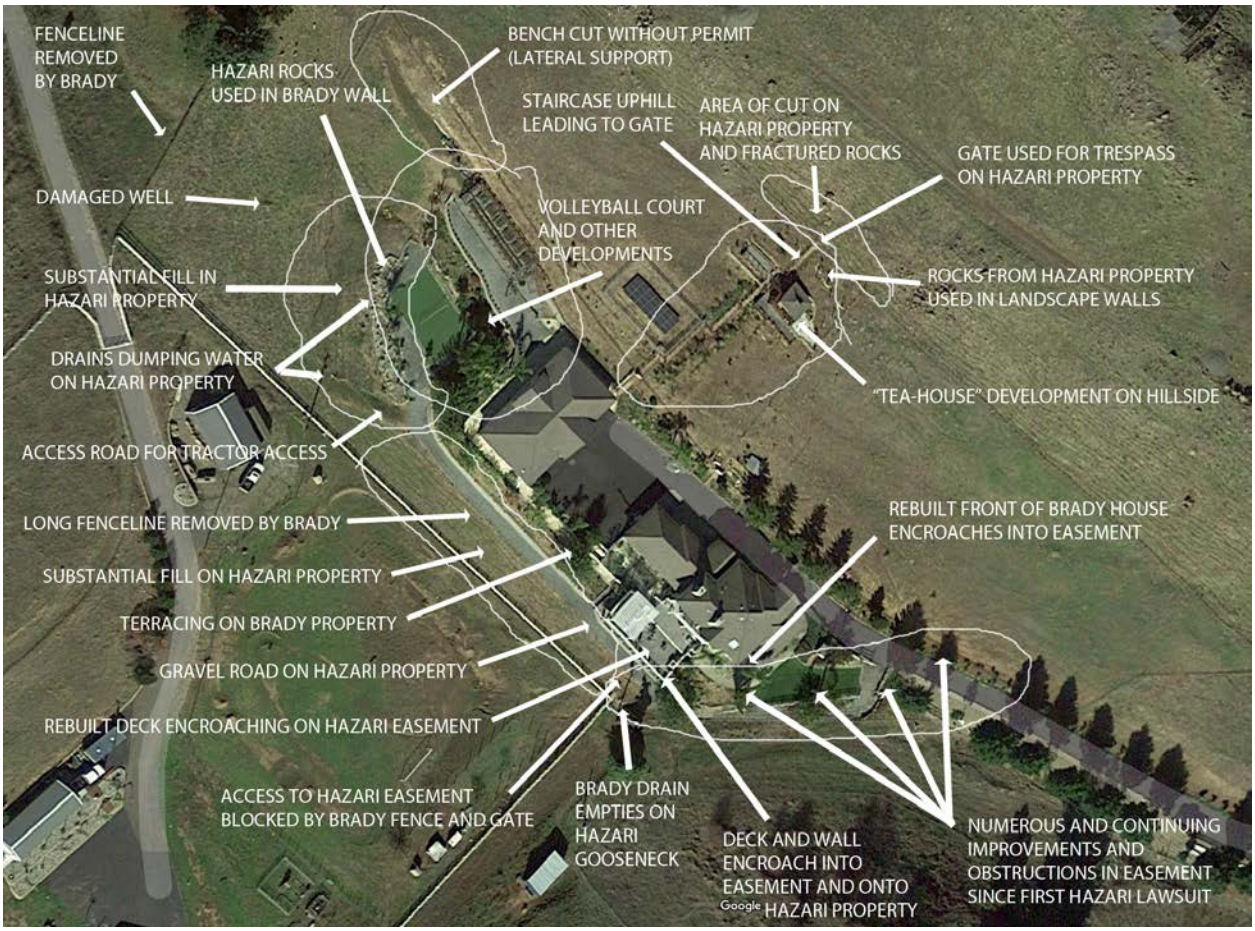


DIAGRAM 323. Impact of Brady modifications to Hazari property in the Gooseneck

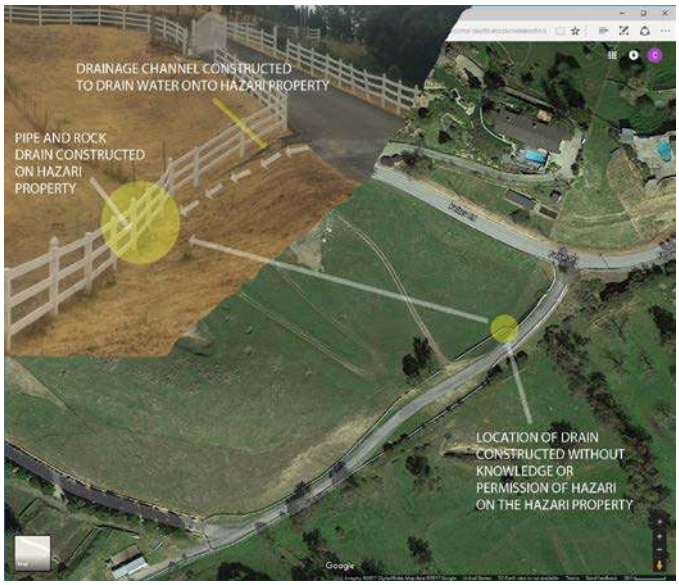


DIAGRAM 3.3. Impact of Brady modifications to Hazari property in the easterly area

4. DESCRIPTION OF BRADY IMPROVEMENTS

Since the 2005 completion of the first Hazari lawsuit, Brady made numerous improvements:

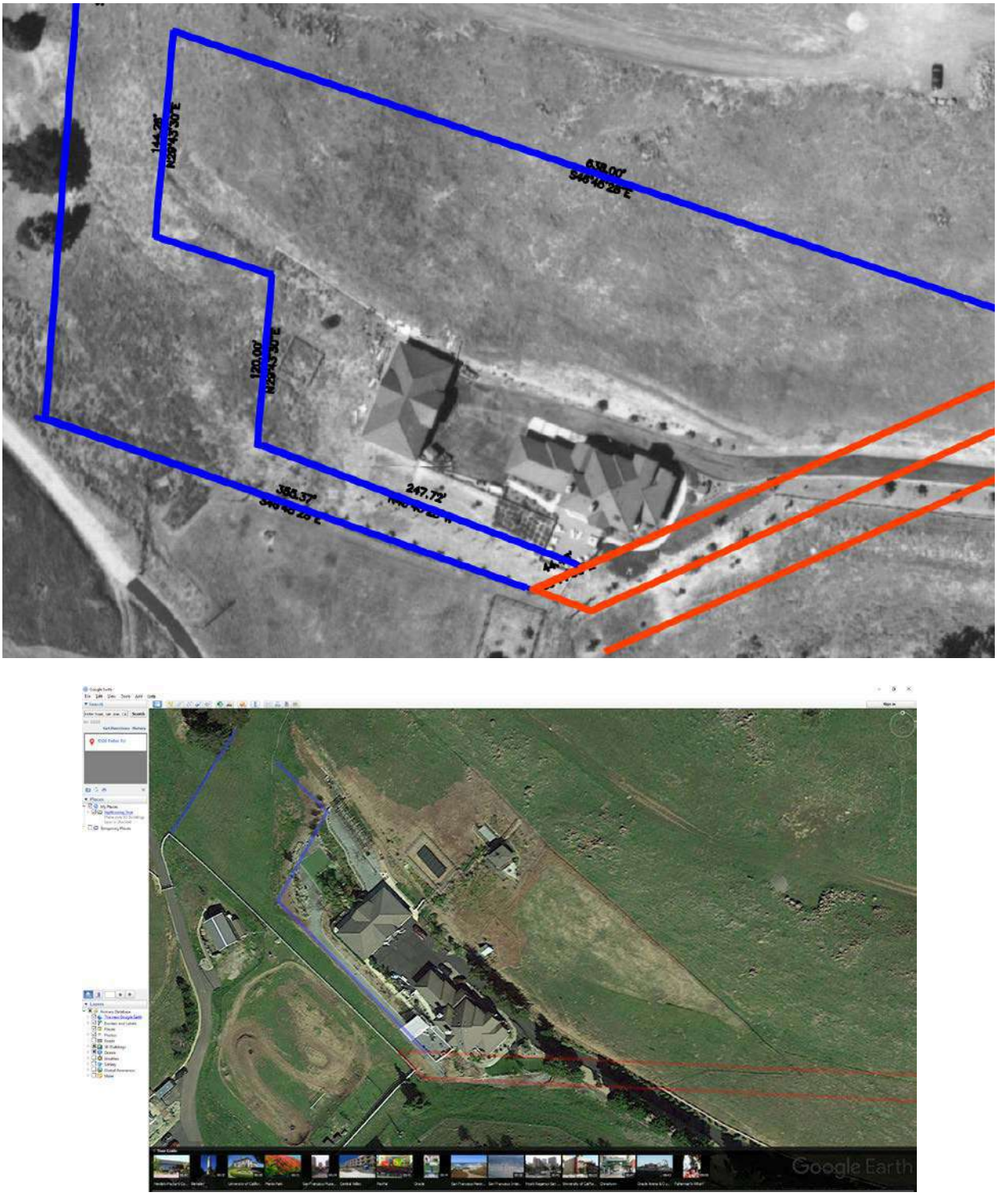


DIAGRAM 4.1 – Comparison of Brady property in 2005 and 2017



DIAGRAM 4.2 - View of Brady developments looking from South to North



DIAGRAM 4.3 - View of Brady developments looking from east to west

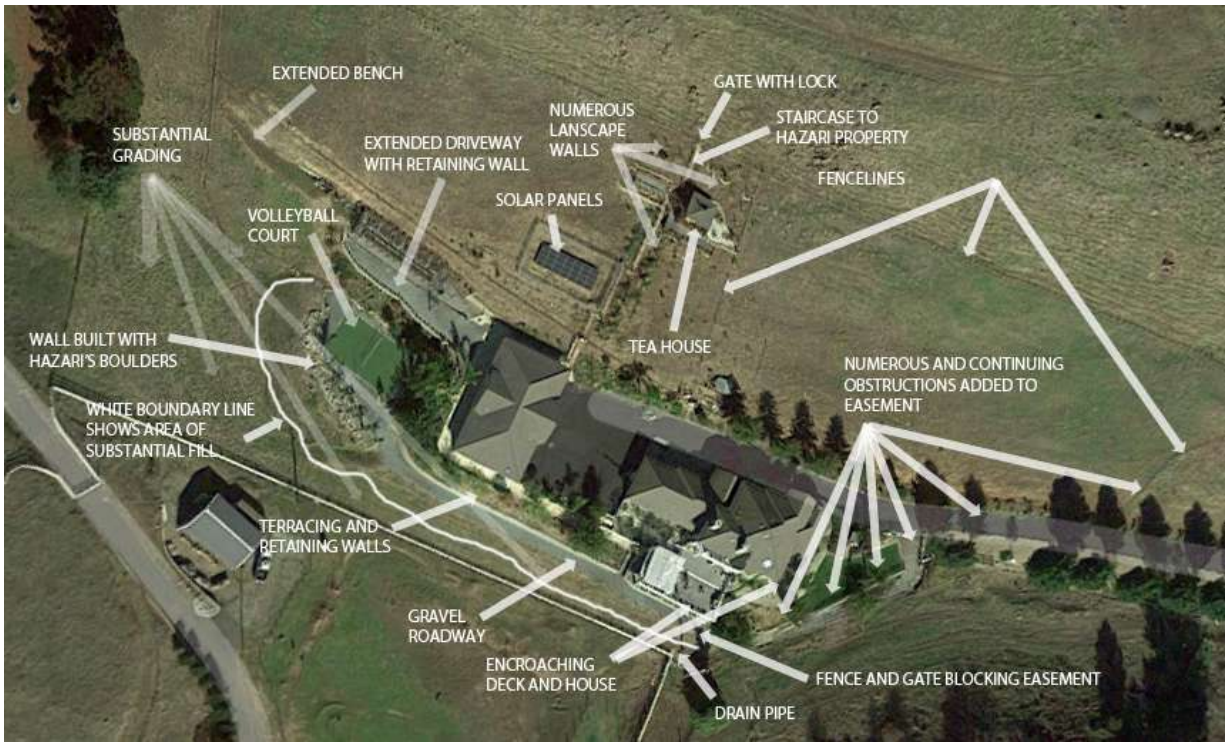


DIAGRAM 4.4. Hazari and Brady property showing developments since first lawsuit

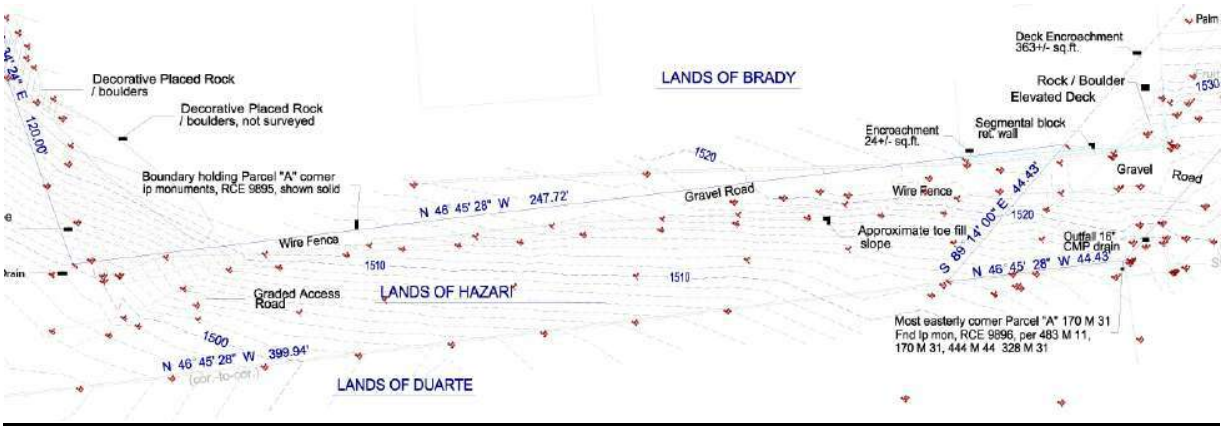


DIAGRAM 4.5. Plot map from Survey #1 and Survey #2 superimposed



DIAGRAM 4.6. Hazari easement blocked near Felter Road by white Brady fence

INDEX OF BRADY ACTIVITIES

5. SATELLITE VIEW SHOWING HISTORICAL DEVELOPMENT OF THE BRADY PROPERTY
6. BRADY ACTIVITIES CONTRARY TO SETTLEMENT FROM FIRST HAZARI LAWSUIT
7. NO PLANNING OR BUILDING PERMITS SINCE 1992
8. RECONSTRUCTION OF DECK AND HOUSE AFTER THE FIRE OF 2006
9. REMOVAL OF HAZARI FENCELINES
10. ENCROCHMENT OF REBUILT DECK INTO HAZARI'S PROPERTY
11. 2011 TRESPASS AND GRADING OF HAZARI PROPERTY
12. 2011 TAKING OF HAZARI BOULDERS
13. 2011 DAMAGE TO HAZARI WELL
14. POST 2011 TERRACING IMPROVEMENTS BY BRADY
15. SUB-ADJACENT AND LATERAL SUPPORT OF HAZARI HILLSIDE
16. 2013 AND LATER GRADING AND TAKING OF HAZARI BOULDERS AND ROCKS
17. 2013 CONSTRUCTION OF VOLLEYBALL COURT BY BRADY
18. 2013 CONSTRUCTION OF GRAVEL ROADWAY ON HAZARI PROPERTY
19. BRADY DRAINAGE CONSTRUCTED TO EMPTY ONTO HAZARI PROPERTY
20. 2013 CONSTRUCTION OF ACCESS ROAD ON HAZARI PROPERTY
21. 2013 CONSTRUCTION OF "TEA HOUSE" BY BRADY
22. 2013 CONSTRUCTION OF STAIRWAY AND GATE FOR TRESPASS INTO HAZARI PROPERTY
23. OBSTRUCTION OF HAZARI'S EASEMENT SINCE FIRST LAWSUIT
24. RECENT AND INCREASING OBSTRUCTION OF HAZARI'S EASEMENT
25. EVIDENCE OF BRADY SURVEYS PRIOR TO HER IMPROVEMENTS
26. DISCUSSION OF SURVEY METHODS

5. SATELLITE VIEW SHOWING HISTORICAL DEVELOPMENT OF THE BRADY PROPERTY

Google Earth's historical database provides an excellent forensic tool for reconstructing changes to property using pictorial satellite data. Here is a pictorial chronology of the Brady developments and the impact on the Hazari property. In addition, information including pictures and statements from Hazari, Brady, and other neighbors who witnessed Brady's developments have been incorporated into this report after cross-checking the facts with at least one other source.

Note from the reference Google Earth images, the vehicle tracks, the sites of grading, the changes in the quantities and locations of boulders, and many more details can be used to date and characterize the changes that were made to the Brady property and, as a result, to the Hazari property.

Because of poor clarity of older Google Earth images, , the referenced image sequence begins with August 2009, and goes to the most recent available at the date of this writing, which is March 2017.

Note that Brady commenced making changes to the Hazari easement since her notice of the filing of Hazari's second lawsuit in order to obstruct it further, and continues to do so to the present day. This report is unable to capture all of the changes being made by Brady, and a follow-up survey to document the on-going and additional obstructions will be required at a future date.

Note that even up until 2016, Brady repeatedly denied having any claim to any of Hazari's property, and admitted her trespass, and offered to "put everything back" as it was.

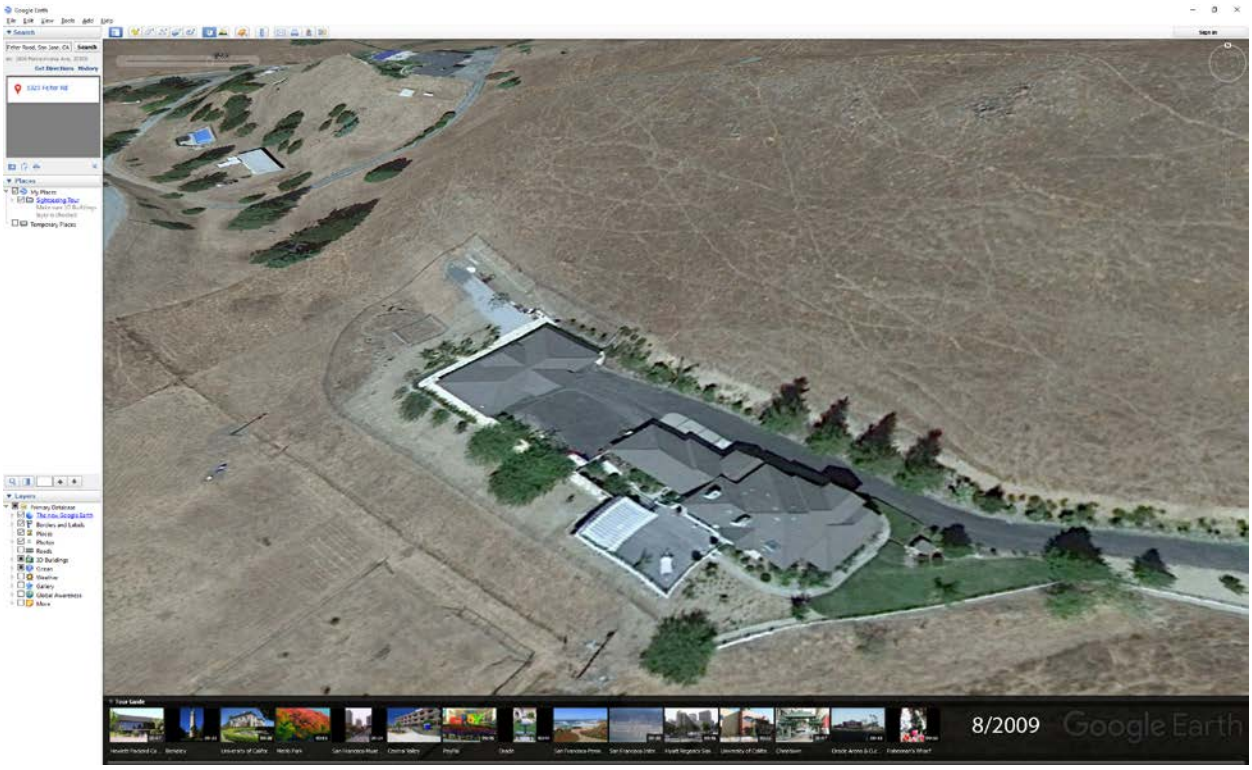


DIAGRAM 5.1 – Satellite view from August 2009

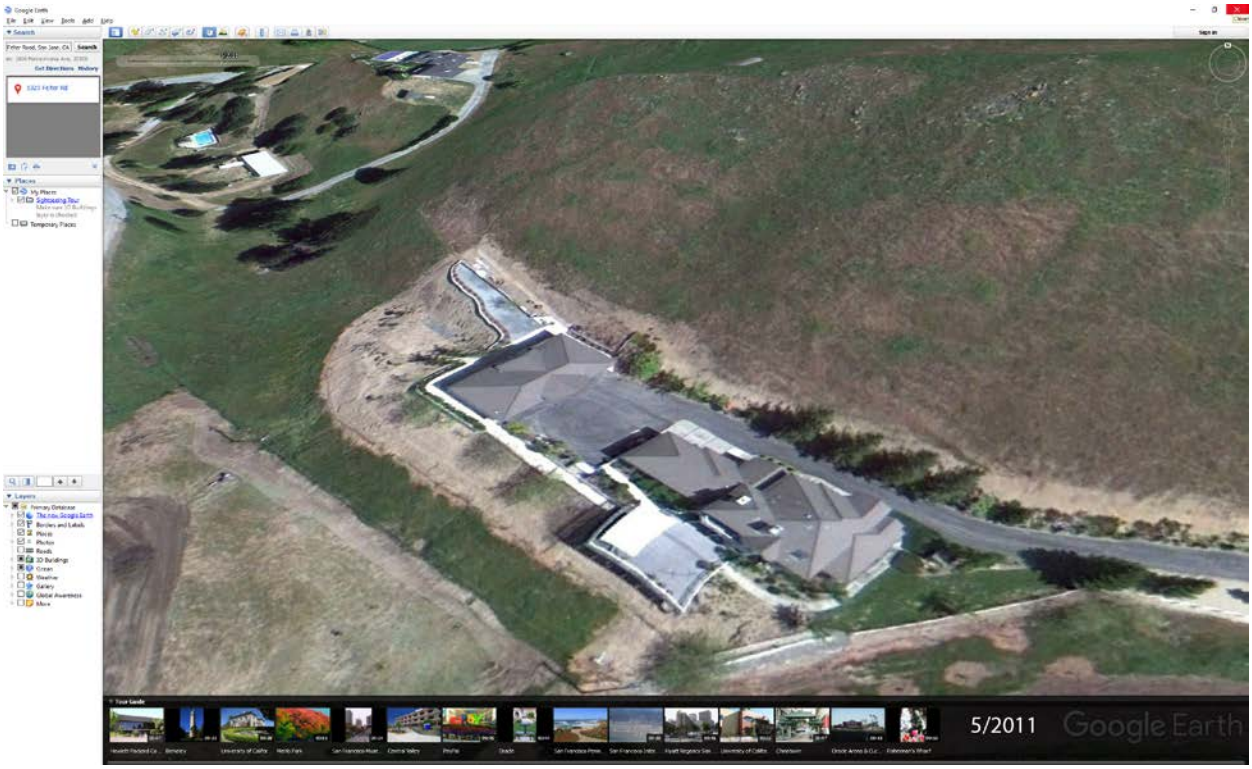


DIAGRAM 52. – Satellite view from May 2011

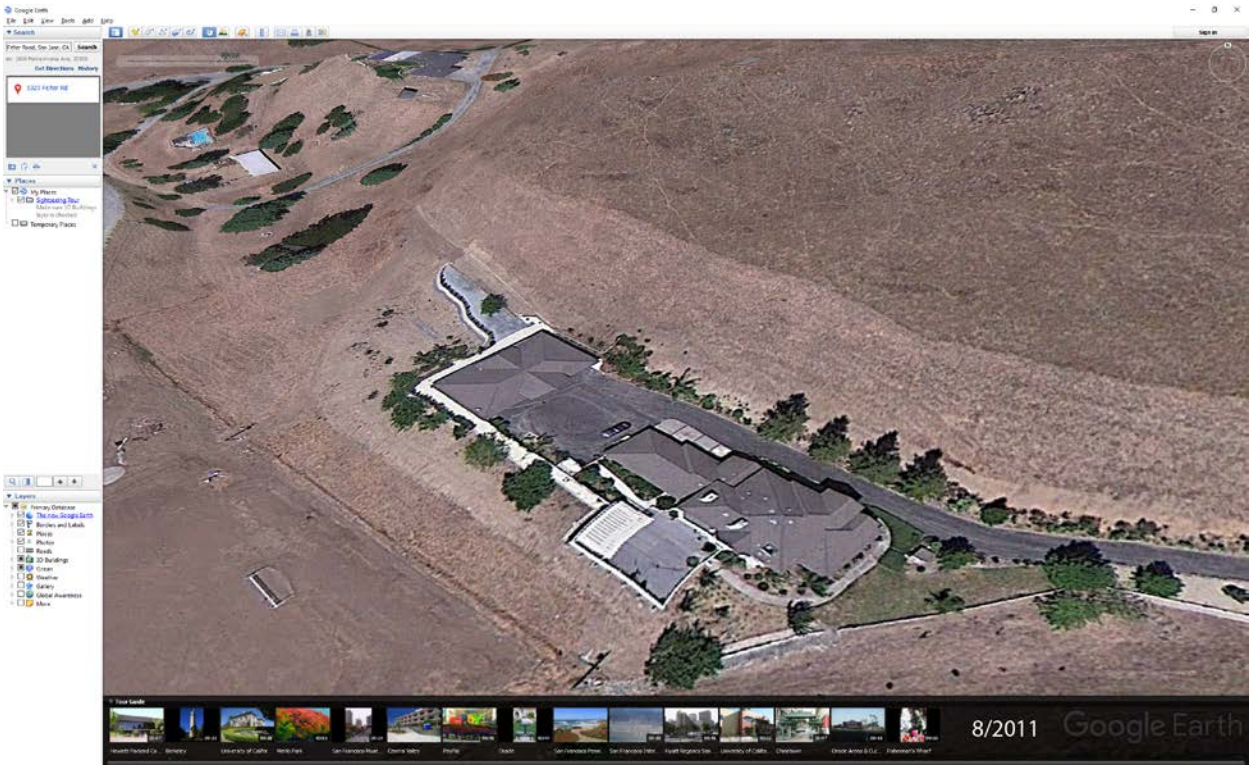


DIAGRAM 5.3 – Satellite view from August 2011

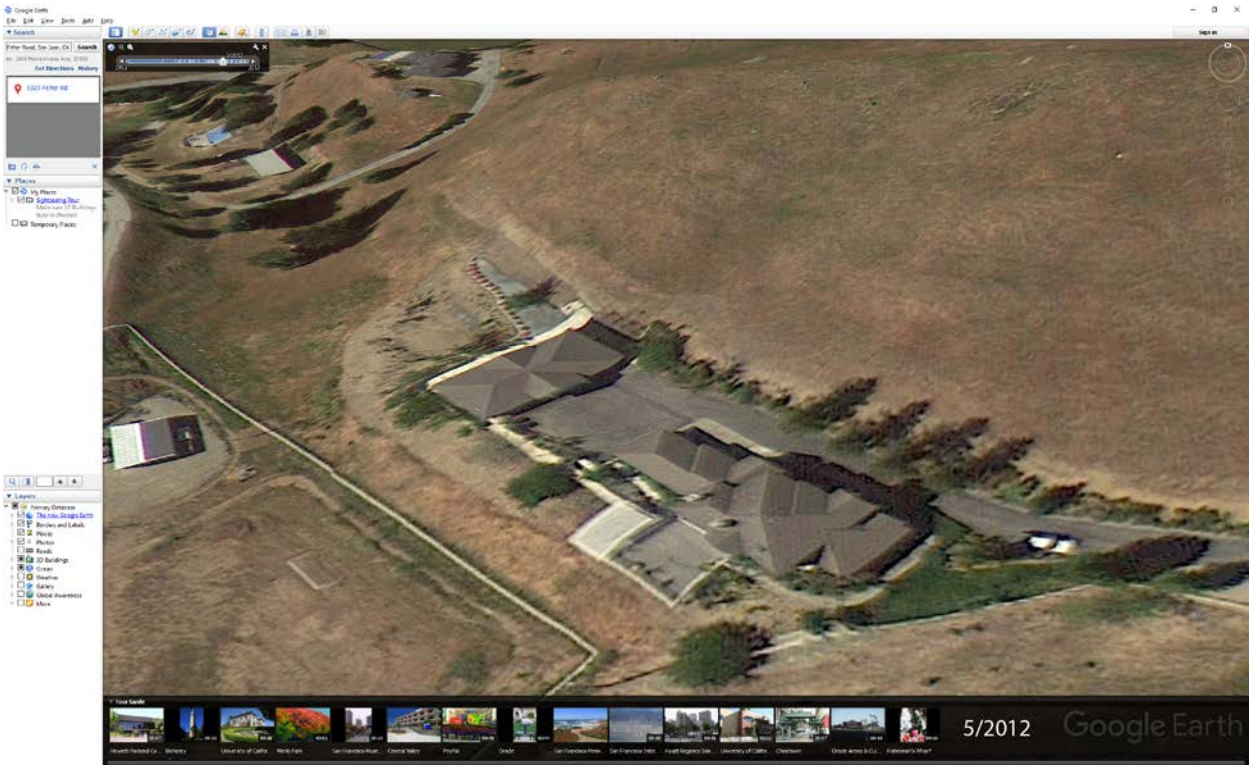


DIAGRAM 5.4 – Satellite view from May 2012

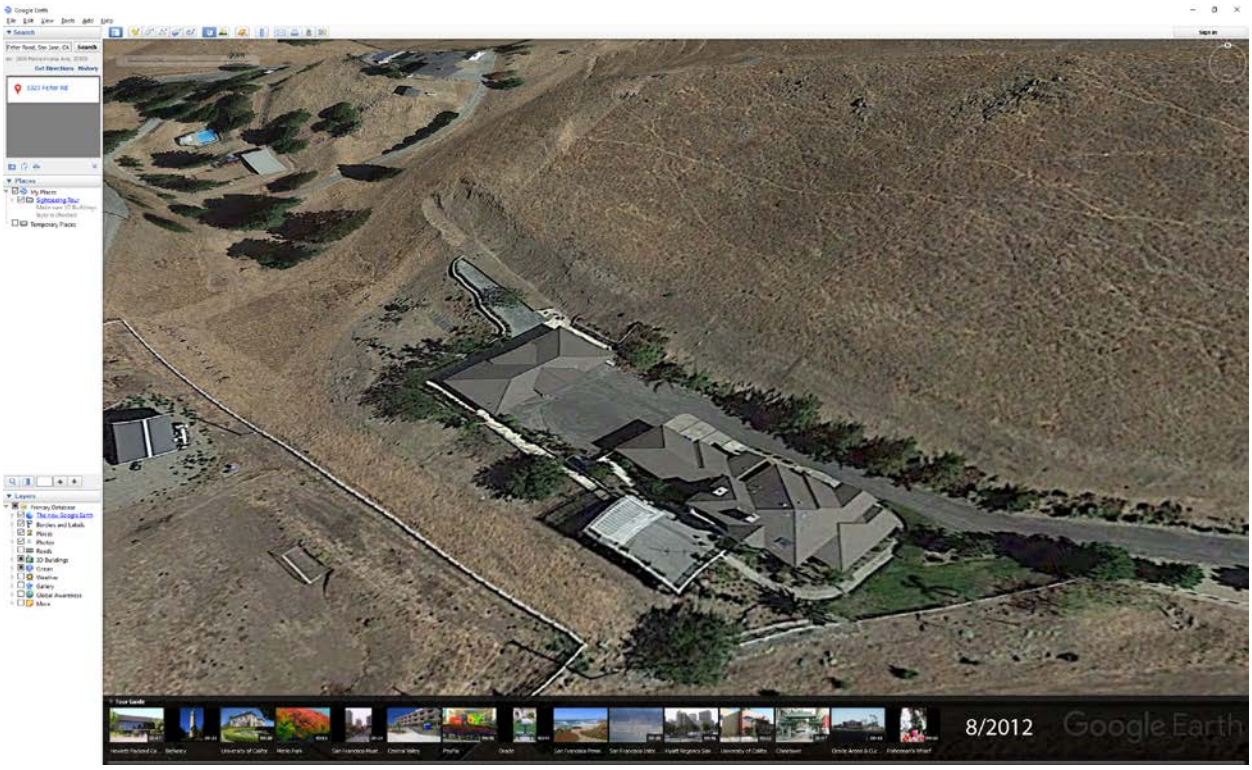


DIAGRAM 5.5 – Satellite view from August 2012

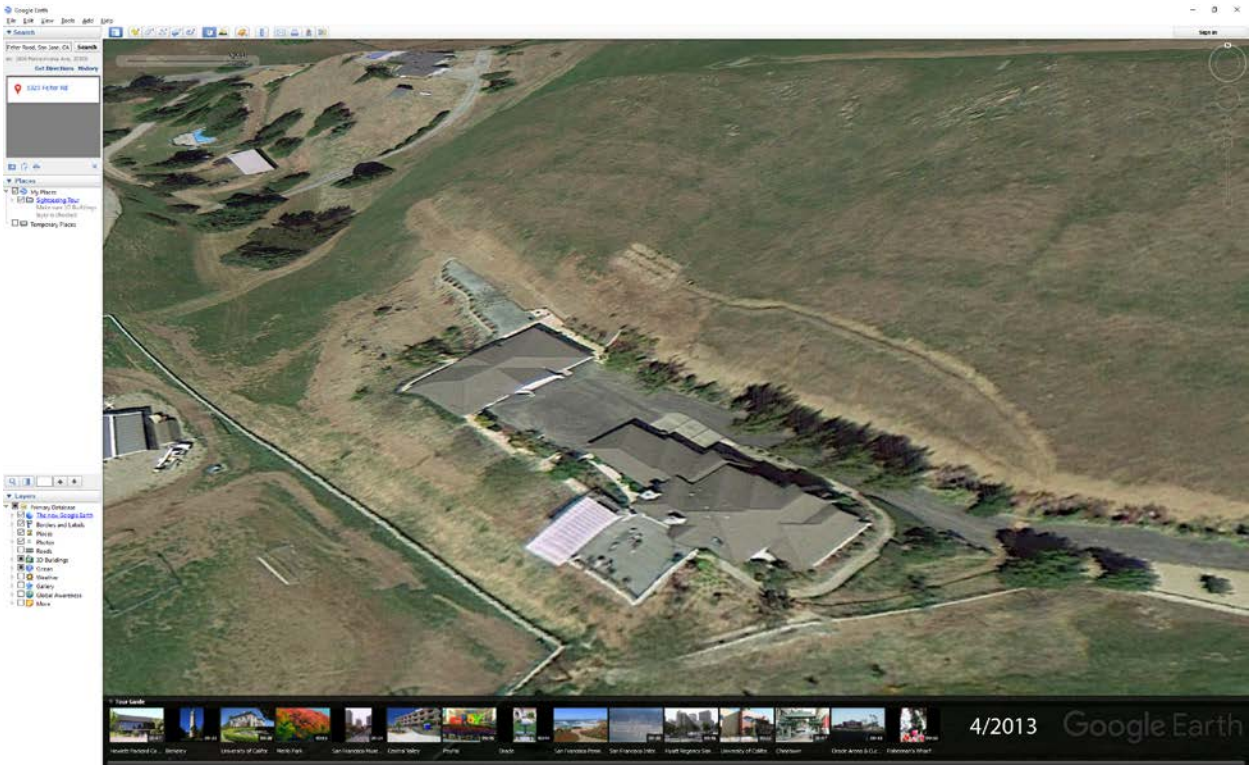


DIAGRAM 5.6 – Satellite view from April 2013

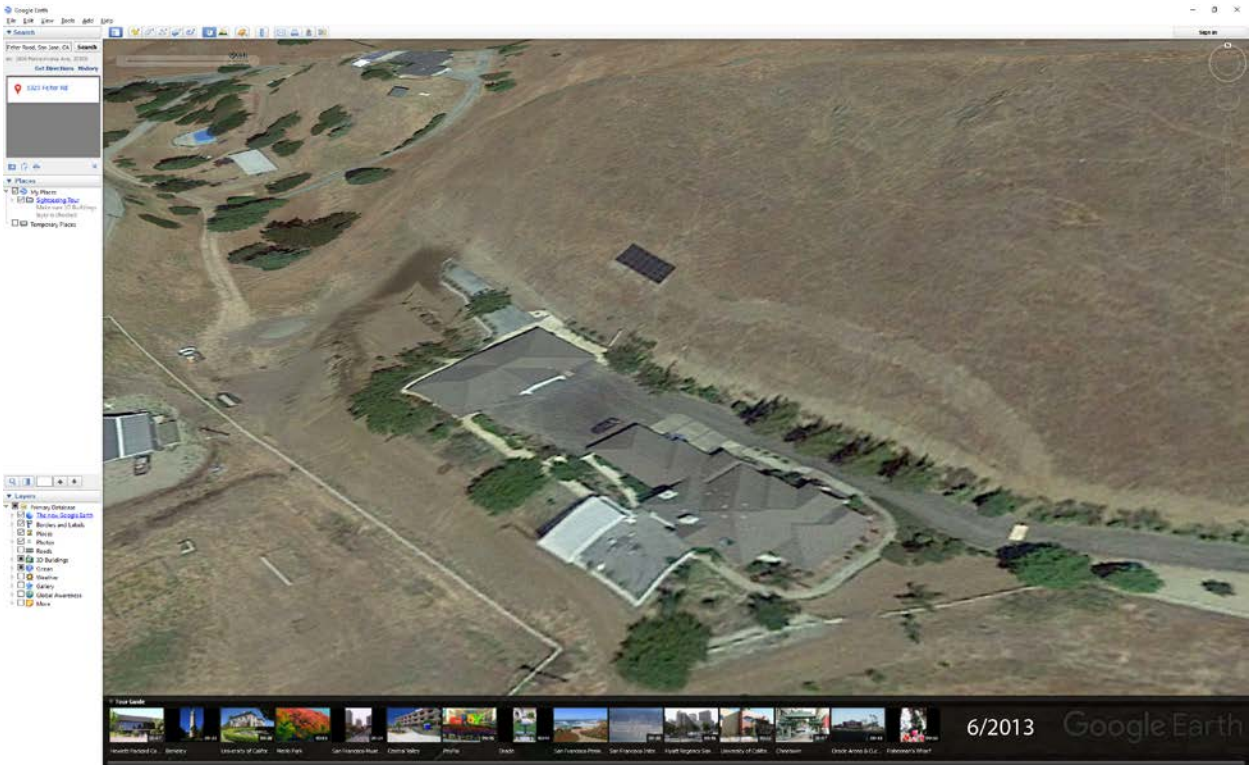


DIAGRAM 5.7 – Satellite view from June 2013

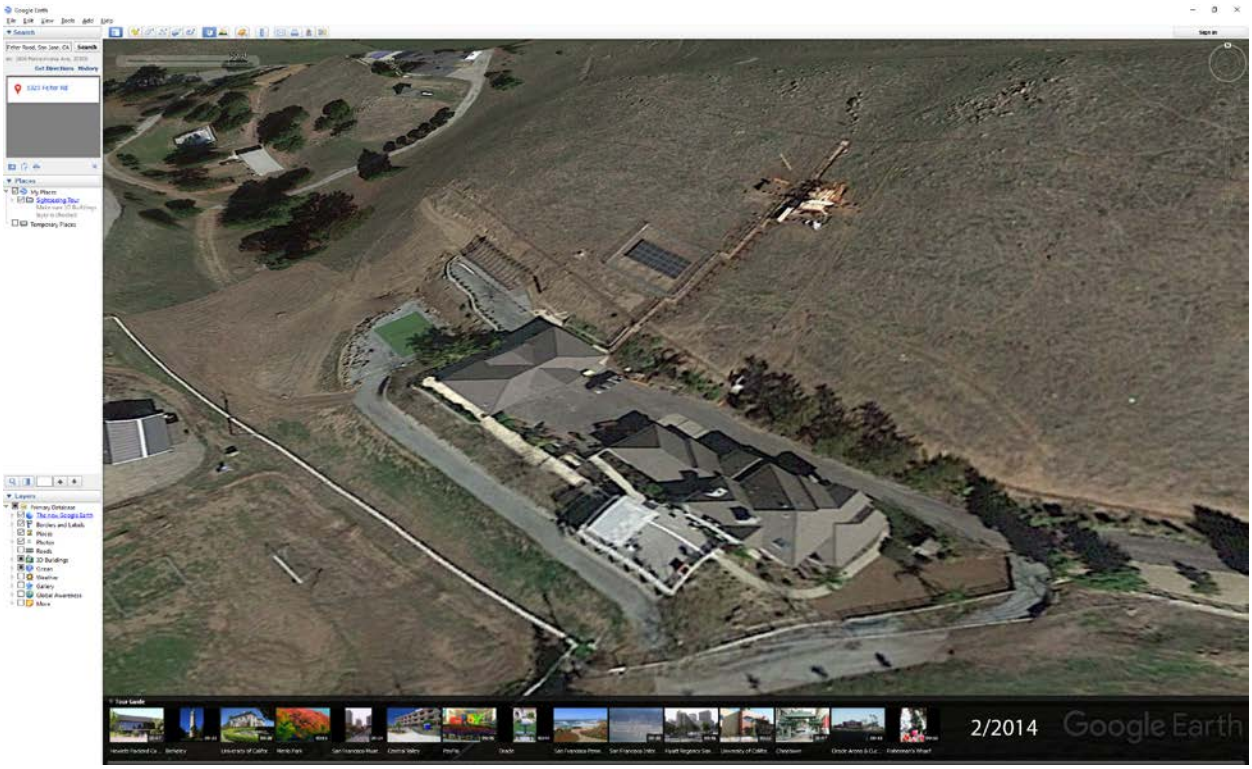


DIAGRAM 5.8 – Satellite view from February 2014

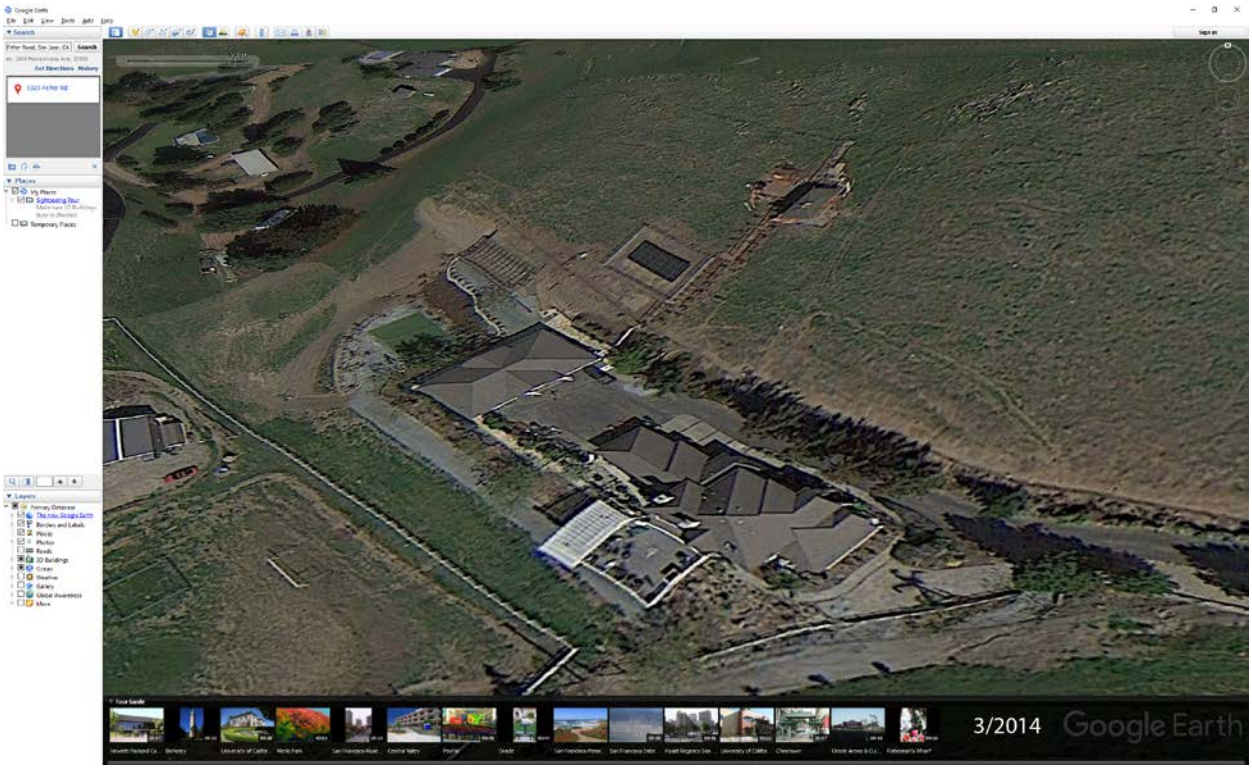


DIAGRAM 5.9 – Satellite view from March 2014

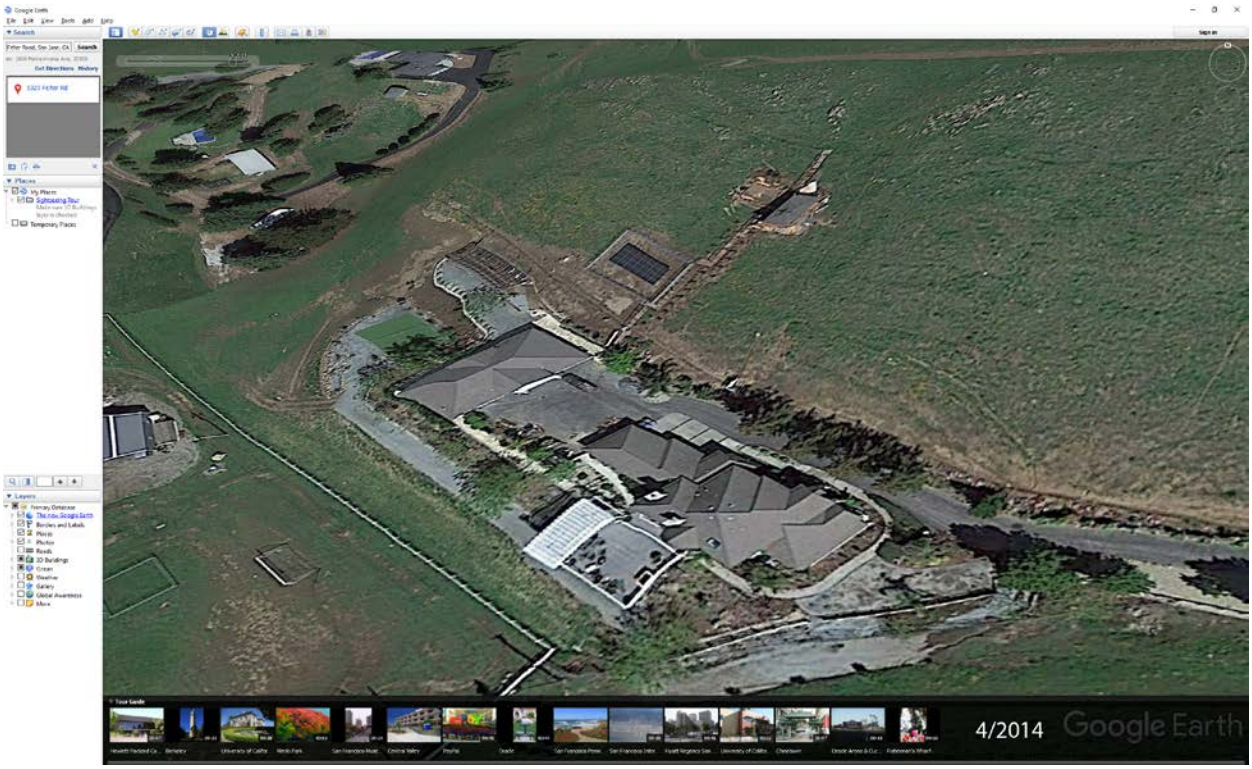


DIAGRAM 5.10 – Satellite view from April 2014

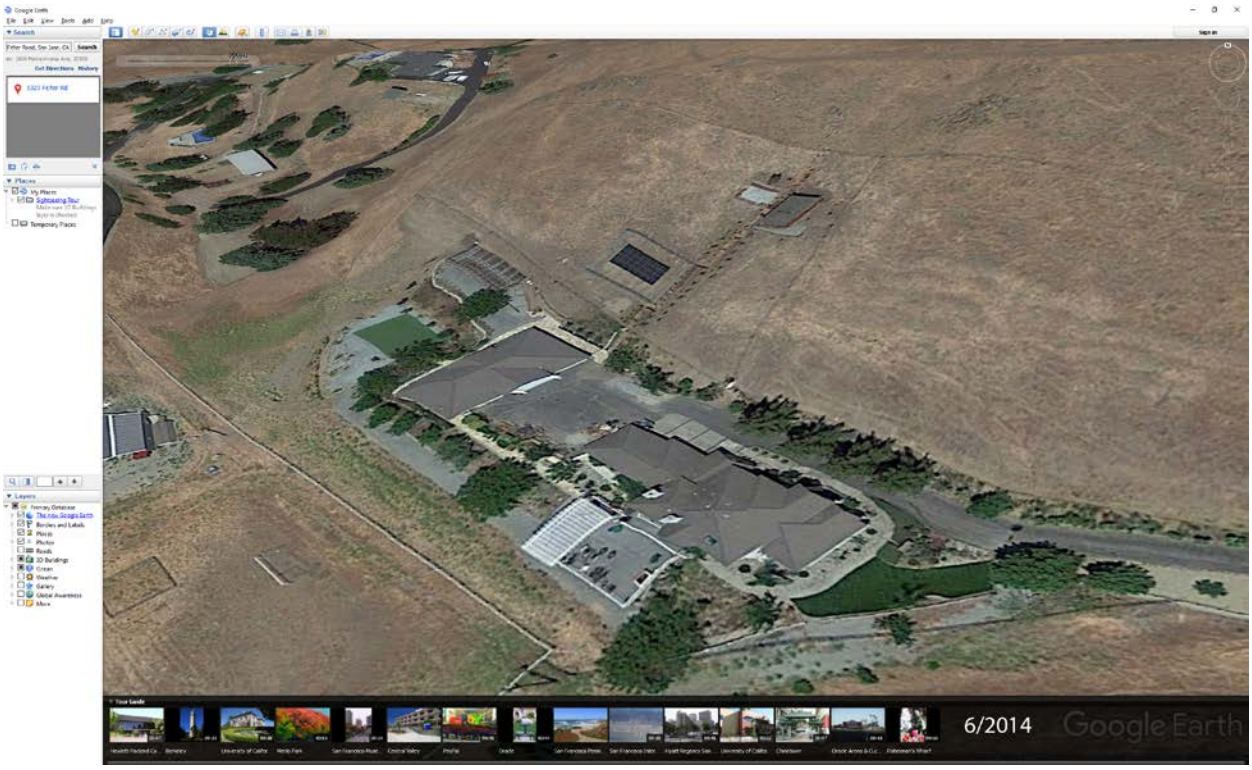


DIAGRAM 5.11 – Satellite view from June 2014

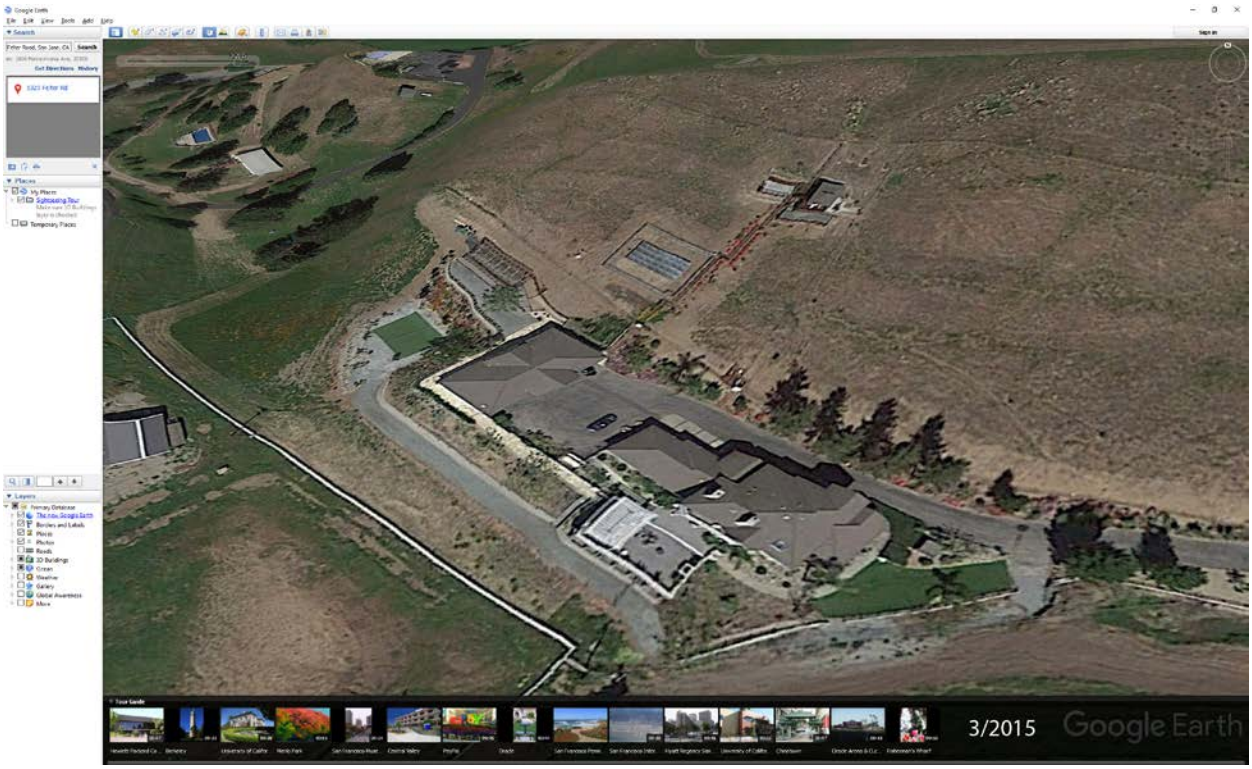


DIAGRAM 5.12 – Satellite view from March 2015

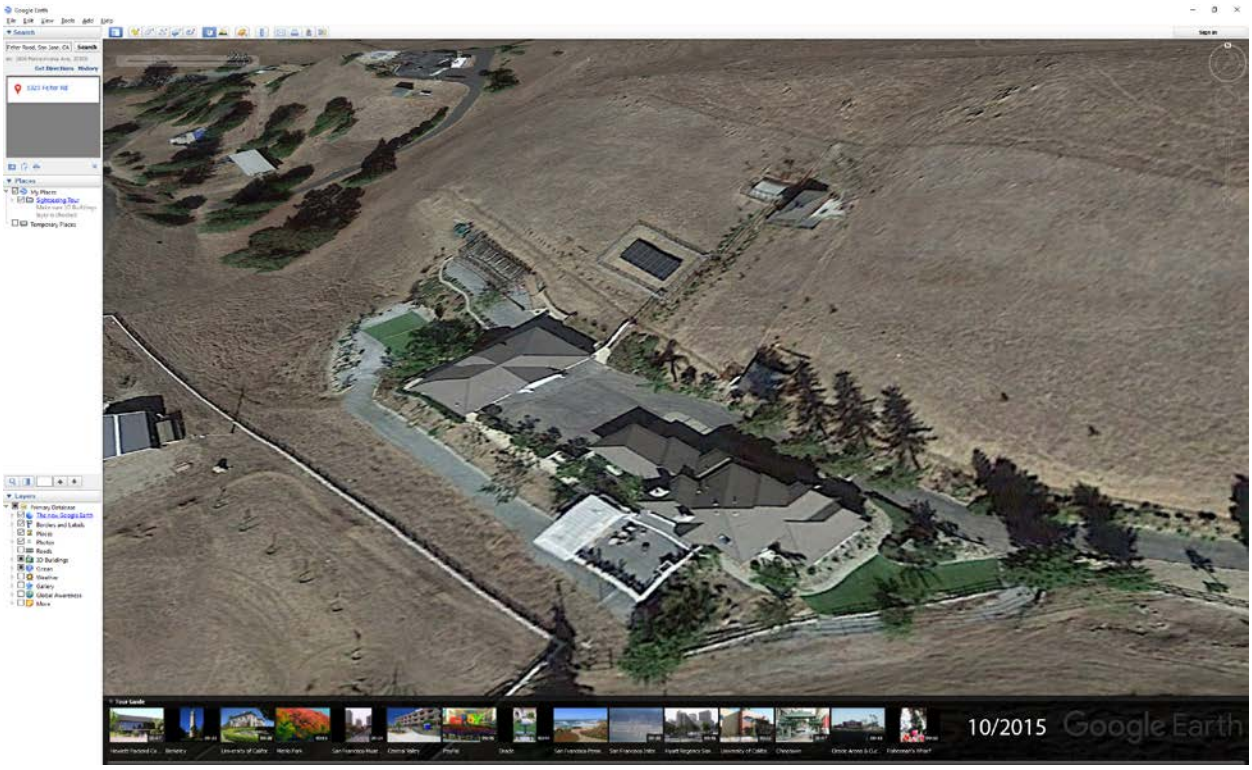


DIAGRAM 5.13 – Satellite view from October 2015

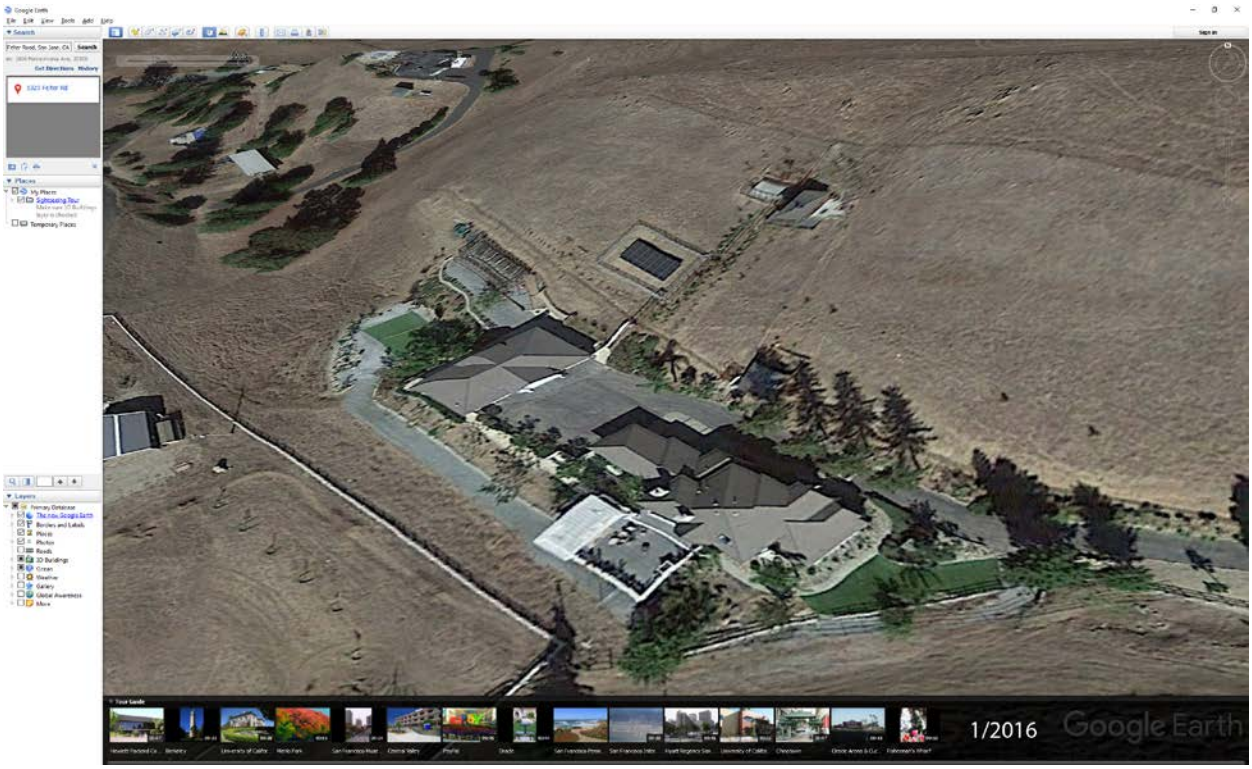


DIAGRAM 5.14 – Satellite view from January 2016

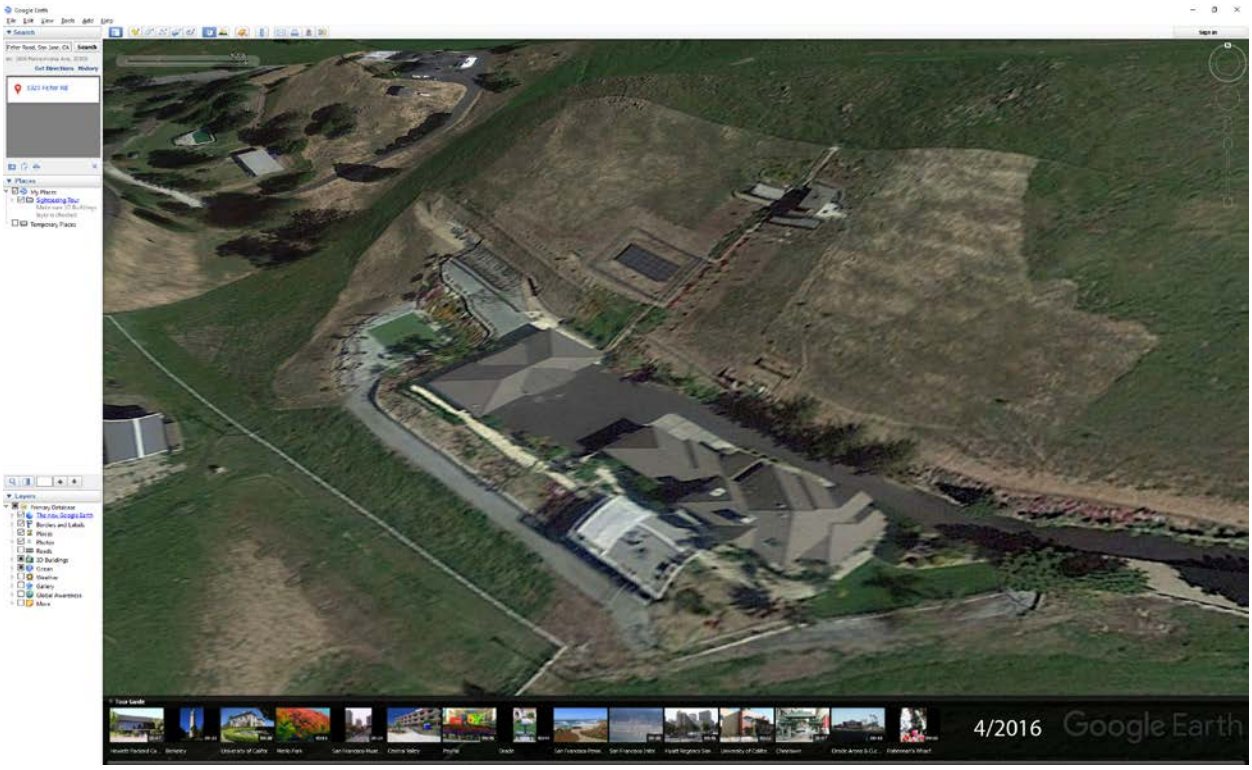


DIAGRAM 5.15 – Satellite view from April 2014

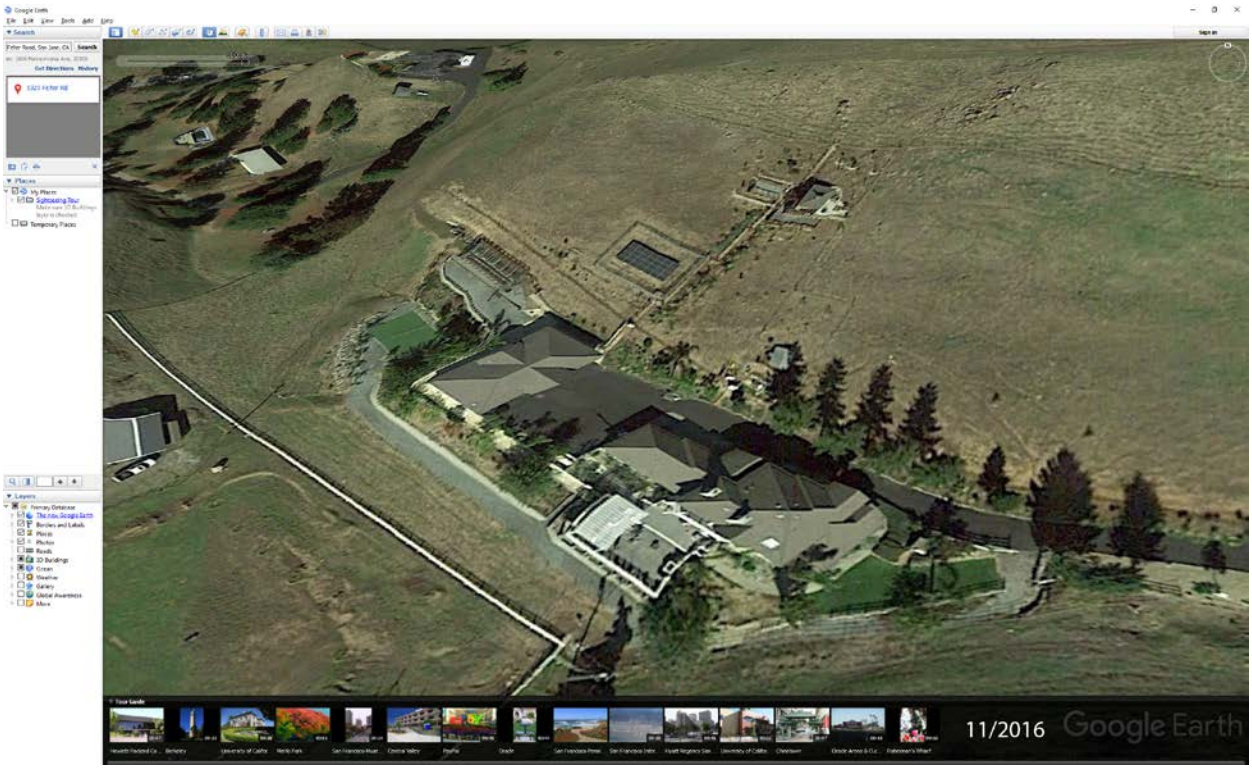


DIAGRAM 5.16 – Satellite view from November 2016

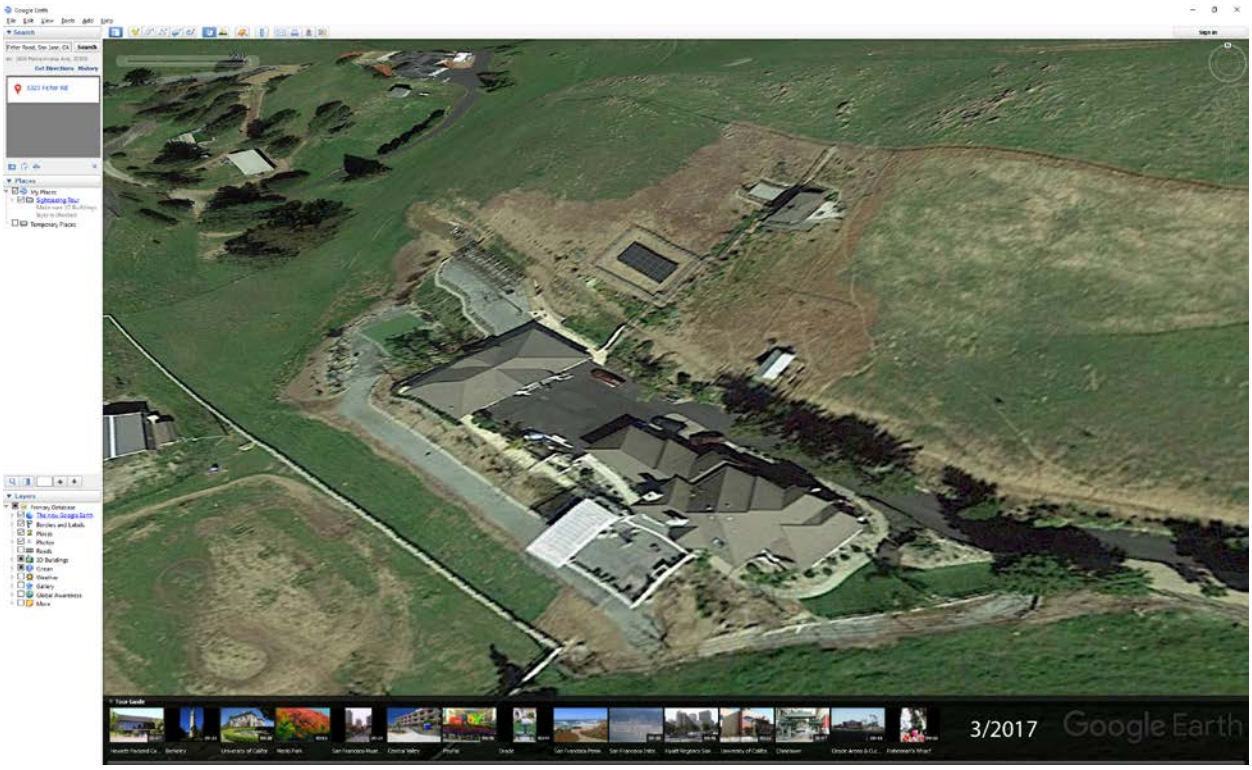


DIAGRAM 5.17 – Satellite view from March 2017

The time-series of satellite images show considerable activity on the Hazari property consistent with grading (fills and cuts), removal of fences due to the paths traversed by mechanical vehicles, removal of boulders and estimated volume of removed boulders as found in the Brady improvements and decorations, encroachments and obstructions.

The time-series indicate that the bulk of the activities occurred during approximately 2013 to 2015. The activities continue to the present day.

6. BRADY ACTIVITIES CONTRARY TO SETTLEMENT FROM FIRST HAZARI LAWSUIT

Before 2009, Hazari had given notice to Brady that he is out of the country on an extended basis. By 2009, and after the first Hazari lawsuit, Brady had moved Hazari's fenceline in the area called the "Gooseneck", particularly at the western-most part of her parcel, to encroach again into Hazari's property. Meanwhile, Brady represented by emails to Hazari that she had no claims to Hazari's property. Later in 2014, she sent a signed lease contract with a check to Hazari's US address, offering to lease the Gooseneck from Hazari. Hazari rejected the offer.



DIAGRAM 6.1 – Brady lease offer to Hazari

As can be seen from the satellite images, well into 2012, the Hazari Gooseneck and the adjoining Brady lands in the south-westerly and westerly parts of Brady's property had a gradual and continuous grade continuing into the Hazari property, and said grade featured topographic contours consistent with Hazari's engineering drawings filed with the County of Santa Clara in earlier years.

The satellite images show a progressive change in contours from approximately mid-2013 to October 2015. In this approximate time period, Brady constructed several significant improvements to her property. The grades at the south-westerly and westerly parts of Brady's property no longer exhibit a smooth transition from that property to the Hazari property. On the south-westerly part of her property, Brady has added terracing along the 30-feet-wide section of the Gooseneck and a retaining wall, and cut the Hazari property and filled adjacent to the cut to create a flat gravel roadway that lies in large part on the Hazari property. On the westerly part of her property, Brady has added considerable fill to support a terrace bearing a volleyball court and landscaping and a boulder-wall that encroach into the Hazari property.

The Hazari easement starting at the most south-westerly corner of the Brady property and continuing approximately east towards the hilltop of the Hazari property has been obstructed again by Brady, impeding use by Hazari. The hedge that was the subject of the first Hazari lawsuit settlement is gone and numerous other improvements have replaced it.

These and several other items impacting the Hazari property are now considered in detail. None of these items conform with the settlement agreement in the first Hazari lawsuit.

7. NO PLANNING OR BUILDING PERMITS SINCE 1992

After the initial development of the Brady parcel, a second permit was obtained for a detached garage in 1992. Since 1992 no other planning or building permit for the Brady parcel can be found at the County of Santa Clara, except for:

- 1997 electrical permit (work was never done as there was no inspection)
- A 2013 permit for a solar array (permit not signed off)
- A plumbing permit (work was never done as there was no inspection)

As can now be seen, the Brady parcel has seen considerable construction and improvements since 1992, most of it between 2013 and 2015. In other words, a lot of work was done on the Brady parcel that required permits and no permits were obtained for the work that was done. The County of Santa Clara would never have permitted encroachments by Brady into the easement or into the Hazari property. The County of Santa Clara would have enforced correct setbacks for Brady's encroaching constructions, which are absent.

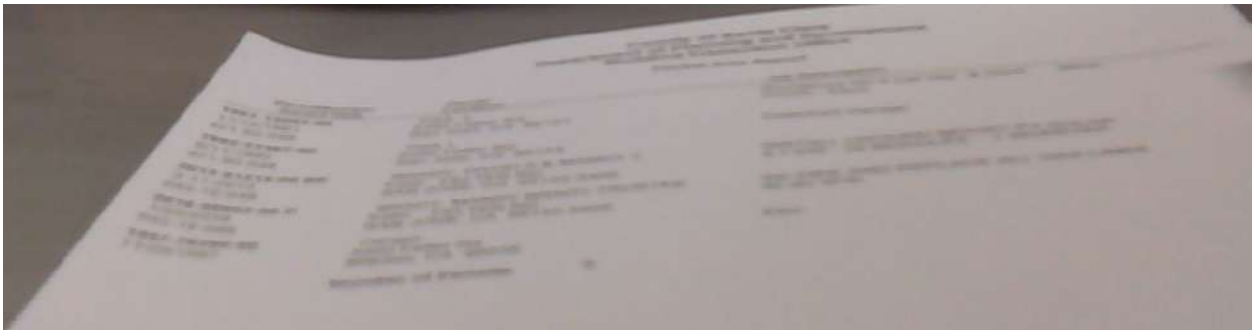


DIAGRAM 7.1 - March 2017 printout from County of Santa Clara showing absence of building permits for Brady improvements

8. RECONSTRUCTION AFTER THE FIRE OF 2006

In approximately 2006, a fire destroyed the Brady deck and the hedge (the hedge that was the concession made by Hazari in the lawsuit) and damaged the front of her house. Brady rebuilt the deck and repaired her house but did not replant the hedge.



8.1 - Encroachment of Brady deck and house into Hazari's easement

1. The rebuilt Brady deck encroaches Into the Hazari easement
    a. Per Survey #2

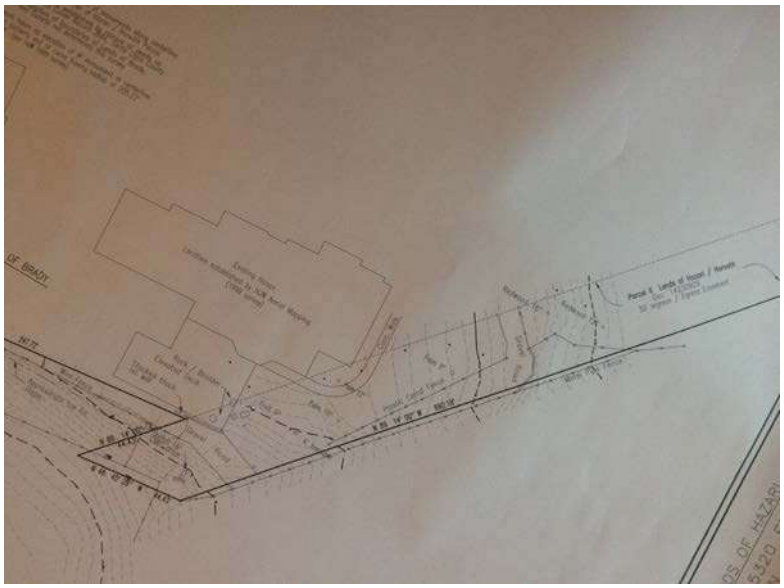


DIAGRAM 8.2 Survey #1 and Survey #2 boundaries show deck encroachment into easement and Hazari Gooseneck

2. The rebuilt Brady deck is not setback from the Hazari property as required by the applicable planning ordinances and building code
    a. If the required permits had been obtained, the deck would have been set back from the property line by 25 feet instead of encroaching into it (Survey#2), and would not have been permitted to encroach into the easement.

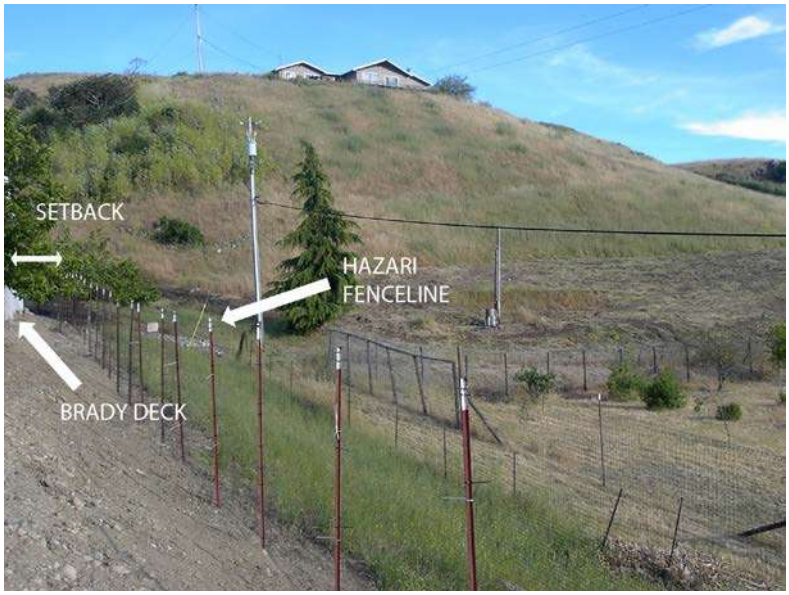


DIAGRAM 8.3 - Brady's own picture showing setback of her deck from the Hazari fenceline 8 June 2010



DIAGRAM 8.4 - Setback of old Brady deck from property boundary and Hazari fenceline approx.. 2010

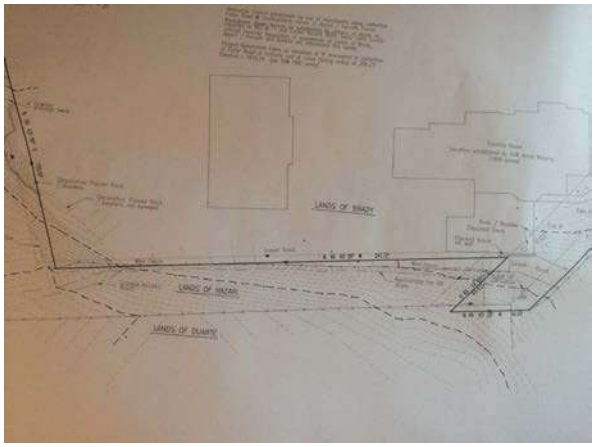


DIAGRAM 8.5 - House and deck encroachment in 2016 per Survey #1

3. The Brady house and deck and the retaining wall at its extremity encroach <u>into the easement</u>
    a. If the required permits had been obtained by Brady, the house and the deck and wall would <u>not</u> have been permitted to encroach into the easement
    b. Per Survey #1, the deck encroachment covers 94 square feet of easement, and per Survey #2, the encroachment is 363 square feet
    c. Per Survey #1, the house does not encroach into the easement, and per Survey #2, the encroachment is 88 square feet, and the HVAC unit 16 square feet
    d. Per Survey #1, the 10" wide wall encroaches into the easement by 14 lineal feet, and per Survey #2, the encroachment is 28 lineal feet
4. The rebuilt Brady deck and the retaining wall at its extremity encroach <u>into Hazari's property</u>
    a. Per Survey #2, the deck encroaches into the Hazari property by 24 square feet
    b. Per Survey #2, the10" wide wall encroaches into the Hazari property by 42 lineal feet

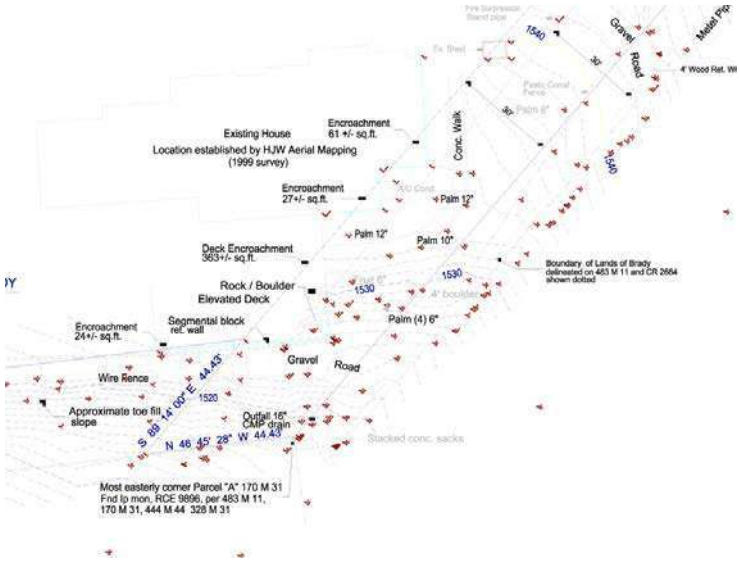


DIAGRAM 8.6 - House and deck encroachment in 2016 per Survey #2

9. REMOVAL OF FENCELINES

After Hazari's first lawsuit, I recommended that the existing fencelines be replaced and supplemented with fencelines at B, c and D to stop any trespass by the defendants into the Hazari Gooseneck, which is well concealed from the frontage Felter Road, and this work was done.

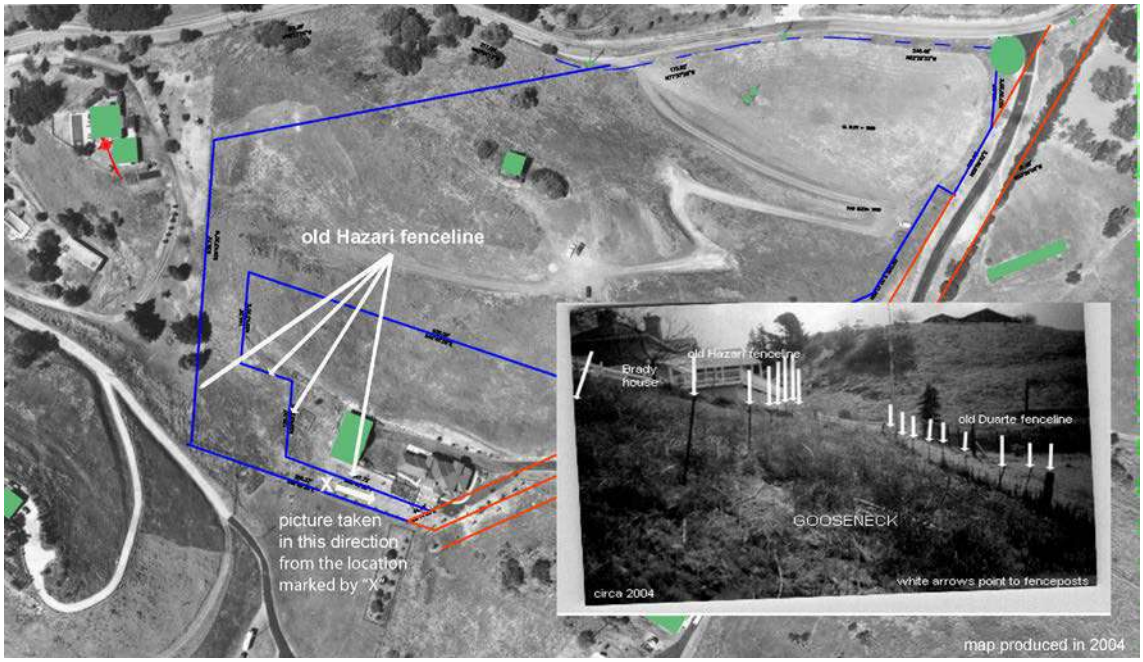


DIAGRAM 9.1 - Fencelines identified on survey for first Hazari lawsuit

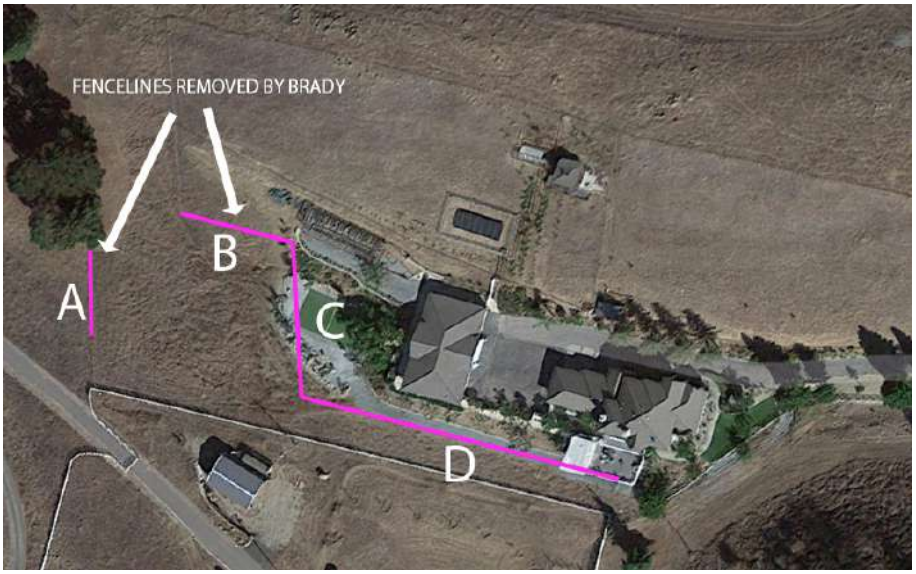


DIAGRAM 9.2 - Fencelines identified on present survey that are were removed by Brady

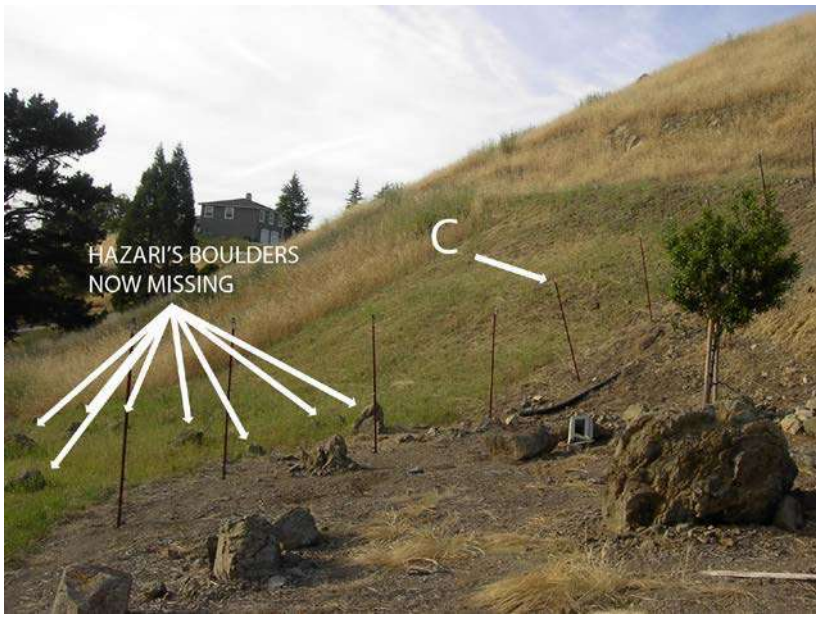


DIAGRAM 9.3 - Brady's own pictures emailed to Hazari on 8 June 2010 showing the fenceline C in place

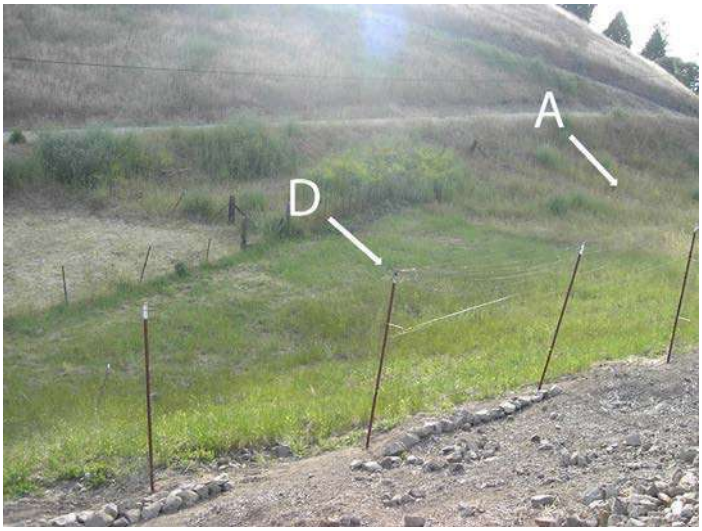


DIAGRAM 9.4 - Brady's own pictures emailed to Hazari on 8 June 2010 showing the fencelines A & D in place

By 2013, Brady had removed 4 sections of Hazari's fenceline to:

1. gain access to the Gooseneck
2. grade the Gooseneck
3. access the north western part of her property
4. transport materials
5. improve her property

10. ENCROCHMENT OF REBUILT DECK INTO HAZARI'S PROPERTY

According to Survey Method #1, the Brady deck sits on the property boundary with Hazari property and is therefore clearly at the wrong setback from that boundary line. This has happened because it was built without permits.

According to Survey Method #2, the Brady deck encroaches into the Hazari property by a maximum linear distance of approximately 1.55 feet and approximately 25 square feet in land area. The segmental concrete block retaining wall in front of the deck is 4 feet high and approximately 8 to 12 inches wide, and encroaches into Hazari's property by approximately 44 linear feet along the boundary, yielding an approximate encroachment area of 44 square feet.

The picture below shows the deck after the fire at asetback from the Hazari fenceline. Question: Did Brady move the Hazari fenceline? Or did Brady rebuild the deck into its existing configuration that encroaches past the Hazari fence into the Hazari property?



DIAGRAM 10.1 -Brady's picture of the deck after the fire and before rebuilding showing survey stake

11. 2011 TRESPASS AND GRADING OF HAZARI PROPERTY

In 2011, Brady entered Hazari's property under pretense of weed abatement and graded it



Your property

Mandy Brady <yuhuil.mandy@gmail.com> 6/15/11

to me

Dear Cyrus,

I spent the entire month of May to cut weeds, brushes and spray weeds on my property through April and May to try to get ready for inspector by the insurance company. Mr. Bob Longs has come and cut the brushes on the goose area of your property. Your property is looking clean right now, but due to the unusual cool and wet weather in the month of May, the weeds are coming back quickly. I don't think my cutting brushes and weeds on my property can affect your property and that is all what I have done. I am only wondering if you are willing to discuss the goose property that you own to sell to me for I am interested in bringing the goats to eat the brushes and weeds. It has become too much work for me to keep up with the brushes and weeds all myself. It is just an idea that I have in mind. If you are not interested selling the goose property, I will respect your decision and continue maintaining the weeds and brushes the best I can. Please need not worry. Your property is sound and there is no activity on it. I will never do anything on your land without asking you for permission first. I am just thinking about raising some goats to help me out eating all the brushes and weeds. Take care.

Best

DIAGRAM 11.1 – Brady email admitting that she enters Hazari property

1. Brady graded a bench on her hillside by entering through Hazari's property
    a. Topographic comparisons demonstrate creation of extended bench
    b. Pictorial comparisons confirm creation of extended bench

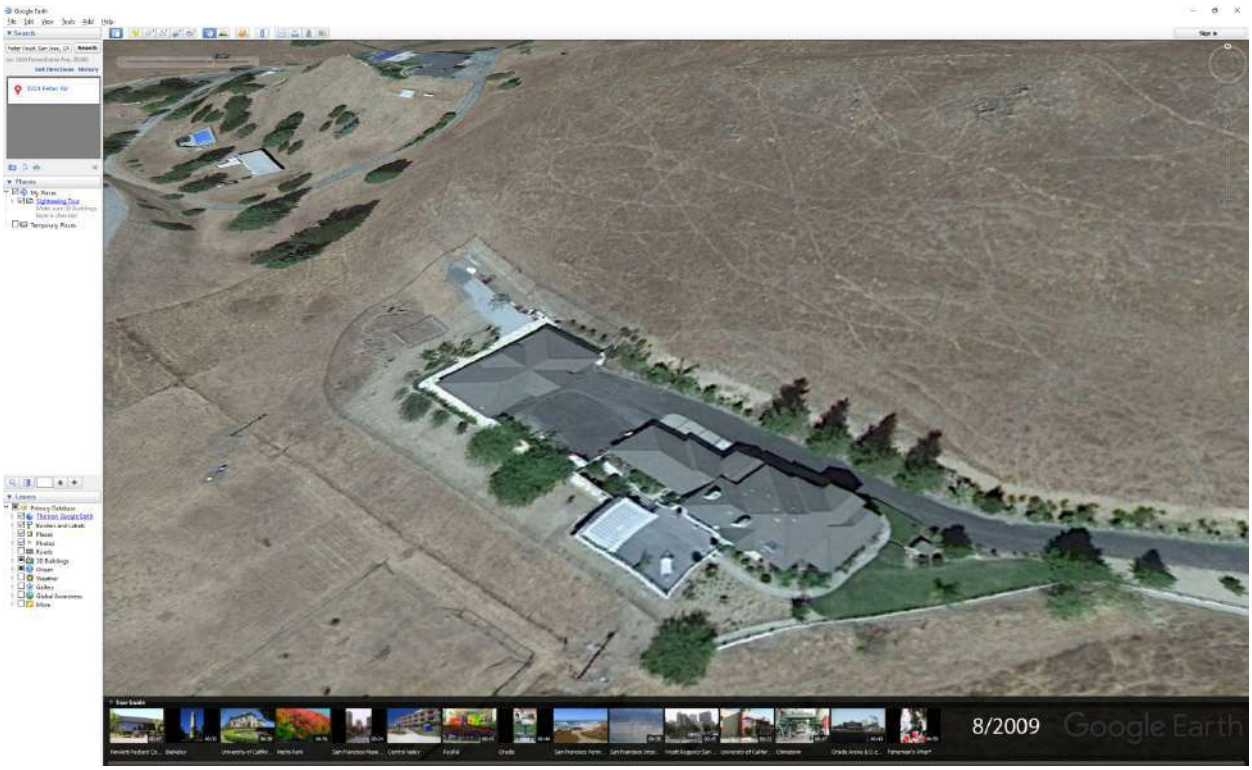


DIAGRAM 11.2 - Satellite images BEFORE grading of bench



DIAGRAM 11.3 - Caoili's picture emailed to Hazari in 2011 showing grading of bench by Brady



DIAGRAM 11.4 - Satellite images showing grading of bench and effect on Hazari property

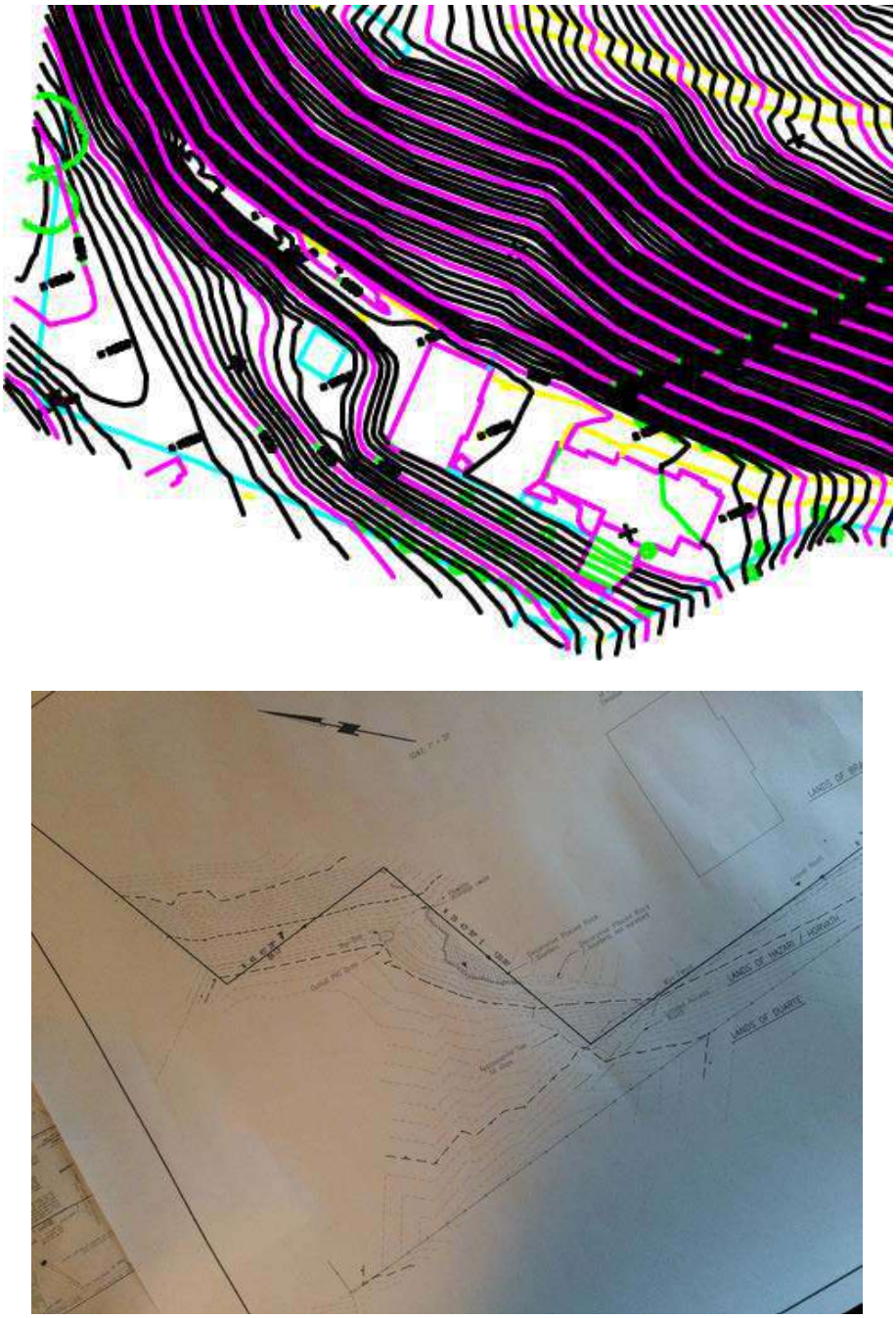


DIAGRAM 11.5 - Topographic comparison showing bench extension between first (top) and second (bottom) lawsuit

2. Brady graded Hazari's Gooseneck in the process of excavating a bench on her hillside
    a. For convenience of access to the bench area
    b. Topographic comparisons demonstrate change between Hazari first and second lawsuits
    c. Witness & Google satellite pictures confirm grading occurred in 2011



DIAGRAM 11.6 - Caoili's (neighbor) picture emailed to Hazari in 2011 showing grading of Hazari property

1. Hazari had forbidden Brady from entering his property by email on 4 May 2011
    a. Brady responded by admitting that she had no claim to Hazari's property
    b. Brady had promised she would never enter Hazari's property

On Wed, May 4, 2011 at 12:12 PM, MJB <mandysqi@prodigy.net> wrote:

Dear Cyrus,

You can rest assure that I won't make any phone calls to you anymore in the future. I will not be your eyes and messenger of your property anymore like I have done for you over the last 10 years. All the help and communications I have made for you are only bringing risks for me to allow you to manipulate my wording to try to sue me or to hurt me.

I want you to rest assure that I have no interest in any part of your property, Cyrus. I am only trying to make sure of great safety with my house and others. I apologize if any of my messages to you that has cause the false concern that I am interested in any part of your property. I am the only person who lives on this large piece of property since the decease of my husband. I don't need more land. I need safety. That's all. I pray that you will recover good health from whatever problems you have.

I sincerely hope that you can make a visit with me so we can talk how we can work together to make our property a safe place to live.

Mandy J. Brady

DIAGRAM 11.7 - Brady email: no claim to Hazari property

2. Brady admitted by email in June 2011 to trespassing on Hazari's property
    a. In the email she claimed that she abated Hazari's weeds

Your property

Mandy Brady <yuhuil.mandy@gmail.com> 6/15/11

to me

Dear Cyrus,

I spent the entire month of May to cut weeds, brushes and spray weeds on my property through April and May to try to get ready for inspector by the insurance company. Mr. Bob Longs has come and cut the brushes on the goose area of your property. Your property is looking clean right now, but due to the unusual cool and wet weather in the month of May, the weeds are coming back quickly. I don't think my cutting brushes and weeds on my property can affect your property and that is all what I have done. I am only wondering if you are willing to discuss the goose property that you own to sell to me for I am interested in bringing the goats to eat the brushes and weeds. It has become too much work for me to keep up with the brushes and weeds all myself. It is just an idea that I have in mind. If you are not interested selling the goose property, I will respect your decision and continue maintaining the weeds and brushes the best I can. Please need not worry. Your property is sound and there is no activity on it. I will never do anything on your land without asking you for permission first. I am just thinking about raising some goats to help me out eating all the brushes and weeds. Take care.

Best

DIAGRAM 11.8 – Brady email admitting that she enters Hazari property

b. Later she claimed it was the contractor's initiative (Anthony Perrera)
c. Neighbor Caoili's email and pictures show the true intention of Brady was not as she claimed to Hazari



DIAGRAM 11.9 - Brady emails to Hazari in 2011 admitting trespass

3. The professional weed abatement company (formerly the County weed abatement company) disputed Brady's claims about weeds
    a. Hazari continuously conformed with weed abatement norms and standards enforced by the California Department of Forestry
    b. Hazari continuously conformed with weed abatement norms and standards enforced by the County of Santa Clara
    c. Brady caused the company to cease working with Hazari due to harassment and interference by Brady
4. In 2014 Brady offered to lease the Gooseneck from Hazari
    a. Brady had continuously expressed interest in buying the Gooseneck from Hazari
    b. Brady sent a signed lease agreement and a check to Hazari
    c. Hazari rejected the offer



DIAGRAM 11.10- Brady offer to lease Gooseneck

5. The contractor Anthony Perera's day rate is $1000
    a. Perera quoted this rate to Hazari in 2017
    b. The grading of Hazari's property to make a rampway to grade the Brady bench would have taken at least half a day
        i. The cost to Hazari of undoing only that grading is $500 at a minimum
        ii. Perera does not accept jobs less than a day in duration, i.e. $1,000 minimum

12. 2011 TAKING OF HAZARI BOULDERS

Brady removed boulders and rocks from Hazari's property during her 2011 trespass

1. My site visits in the first Hazari lawsuit document the Gooseneck being a boulder and rock ridden terrain
2. My site visits during the first lawsuit and during the second lawsuit confirm loss of boulders
3. The track traversed by the Brady tractor or bobcat was originally covered in boulders, but after the Brady grading appears smooth and boulder free in the June 2011 photograph by Caoili



DIAGRAM 12.1 - Brady's own picture from 2010 showing boulders now missing from the Hazari property

4. Google Earth satellite images document the timing of grading and removal of boulders and rocks



DIAGRAM 12.2 - Satellite view from August 2012

5. After the fire of 2006, Hazari's picture of the Gooseneck shows numerous boulders on the surface, and closer examination shows that the ground is laden with numerous boulders below the surface that protrude from the surface soil
    a. ALL of these boulders are gone



DIAGRAM 12.3 - Brady retaining wall constructed using Hazari's boulders

6. Hazari's boulders and rocks have been used to build landscaping and for decorative purposes on the Brady property.

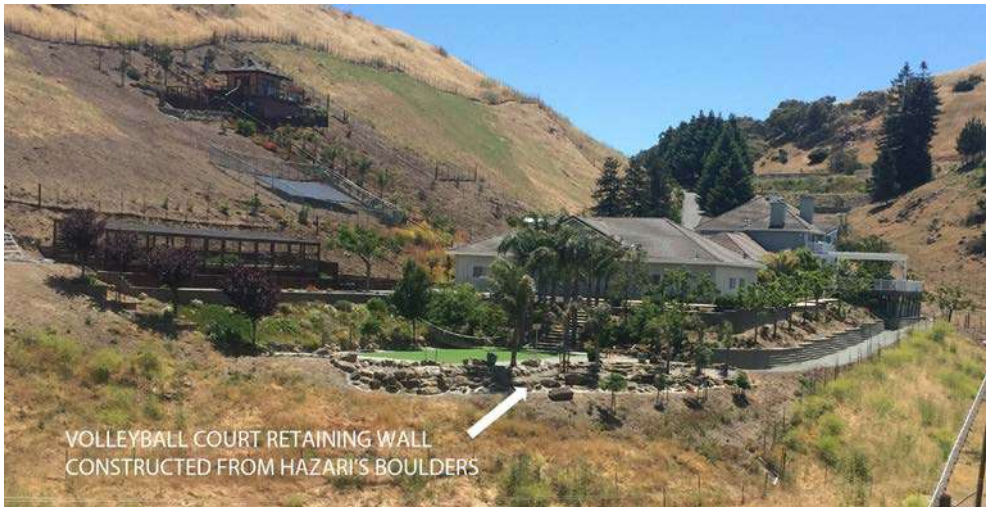


DIAGRAM 12.4 - Brady retaining wall constructed using Hazari's boulders

7. Hazari's neighbors witnessed the removal of boulders by a bobcat
    a. Identified the driver

b. Identified between 1 foot and 1.5 feet depth of excavation to dislodge and remove the boulders originating from Hazari's Gooseneck

8. Hazari's weed abatement in 2017 documents the complete absence of boulders and rocks in the Gooseneck, except for a few boulders and rocks surrounding the Hazari well.
    a. This clump of boulders consists of boulders small and light enough that they can be lifted and placed by hand or rolled along the ground into position.
    b. All other boulders and rocks, except for occasional clumps of rocks, are missing from the Gooseneck.
    c. The Gooseneck is approximately a half acre land area.



DIAGRAM 12.5 – Boulders and rocks completely missing from Hazari Gooseneck

9. From the Hazari geologic report, the boulders and rocks are from a Briones formation. These are fossil bearing rocks and more valuable than numerous other types of boulders used for landscaping and decoration
    a. The Briones layer was pushed up from the ocean floor due to tectonic activity
    b. It preserves fossils dating back to the Late/Upper Miocene epoch of the Neogene period
        i. Plants: https://en.wikipedia.org/wiki/Miocene#Flora
        ii. Animals: https://en.wikipedia.org/wiki/Miocene#Fauna
            1. Birds, fish, insects, mammals, reptiles
            2. https://en.wikipedia.org/wiki/Category:Miocene_animals_of_North_America
10. Consultation of pricing of landscaping and decorative boulders from various suppliers determined the replacement value of these boulders to be many thousands of dollars.
    a. Cannot find supplier of Briones boulders in Bay Area!
    b. Boulders of various comparable sizes can be sourced from
        i. eBay
        ii. Payless County Building Materials, San Jose, CA
        iii. U-save rockery, San Jose, CA
        iv. Sun Ray Landscape Supply, Fairfield, CA

v. Boulders4sale.com, Murriela, CA
vi. Home Depot
vii. Walmart
viii. Rosenbalm Rockery, Fresno, CA
ix. Broadway Landscape Materials, American Canyon, CA

c. Only size and shapes can be matched
    i. Not density
    ii. Not coloring
    iii. Not composition
    iv. Not weathering attributes
        1. Including growth of moss

d. A guide to boulder pricing is found at http://www.improvenet.com/r/costs-and-prices/landscaping-boulders
    i. Based on national research, the average costs for landscape boulders are:
        1. Average Minimum Cost of Landscaping Boulders: $100 per ton
        2. Average Maximum Cost of Landscaping Boulders: $600 per ton
        3. This does not include delivery or installation cost

11. An estimate of the value of some of the Hazari boulders taken by Brady is found in chapter 16

13. 2011 DAMAGE TO HAZARI WELL

It is very likely that the damage to Hazari's well in the Gooseneck happened during the 2011 trespass and extension of the Brady bench

1. The neck of the well has been damaged by impact from a heavy vehicle with tractor tracks
2. The well is in the path of the tractor tracks shown in the 2011 pictures by Caoili
3. Subsequent to the damage, a pile of boulders was placed around the well head to protect it from further impact by the tractor or bobcat tracks
4. The boulders are small and light enough that can be lifted and placed by hand or rolled along the ground into place.



13.1 - Neck of Hazari well damaged in 2011



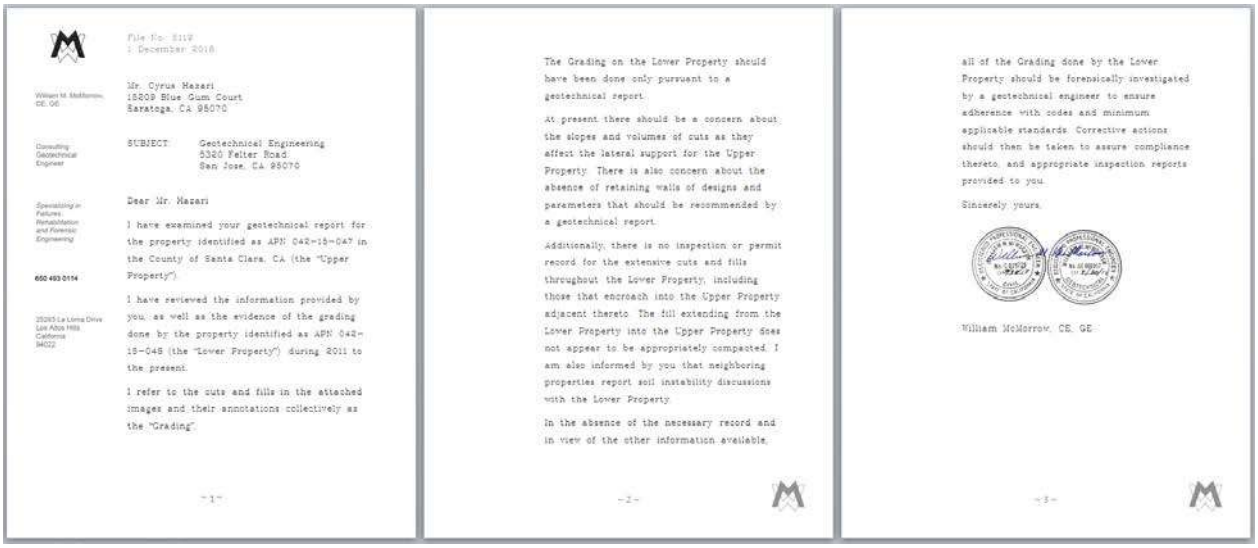
13.2 - Brady subsequently surrounded well by boulders to prevent further tractor damage



13.3 - Satellite images showing location of well in path of grading

14. SUB-ADJACENT AND LATERAL SUPPORT OF HAZARI HILLSIDE

There is a question of inadequate sub-adjacent and lateral support for a proposed building site uphill on the Hazari property (per plans submitted to the County of Santa Clara before and during the first Hazari lawsuit) due to Brady's grading of a bench downslope from the site.



File No: 8119
1 December 2018

Mr. Cyrus Hazari
15209 Blue Gum Court
Saratoga, CA 95070

SUBJECT: Geotechnical Engineering
6320 Felter Road
San Jose, CA 95070

Dear Mr. Hazari

I have examined your geotechnical report for the property identified as APN 042-18-047 in the County of Santa Clara, CA (the "Upper Property").

I have reviewed the information provided by you, as well as the evidence of the grading done by the property identified as APN 042-18-048 (the "Lower Property") during 2011 to the present.

I refer to the cuts and fills in the attached images and their annotations collectively as the "Grading".

- 1 -

The Grading on the Lower Property should have been done only pursuant to a geotechnical report.

At present there should be a concern about the slopes and volumes of cuts as they affect the lateral support for the Upper Property. There is also concern about the absence of retaining walls of designs and parameters that should be recommended by a geotechnical report.

Additionally, there is no inspection or permit record for the extensive cuts and fills throughout the Lower Property, including those that encroach into the Upper Property adjacent thereto. The fill extending from the Lower Property into the Upper Property does not appear to be appropriately compacted. I am also informed by you that neighboring properties report soil instability discussions with the Lower Property.

In the absence of the necessary record and in view of the other information available,

- 2 -

all of the Grading done by the Lower Property should be forensically investigated by a geotechnical engineer to ensure adherence with codes and minimum applicable standards. Corrective actions should then be taken to assure compliance thereto, and appropriate inspection reports provided to you.

Sincerely yours,

William McMorrow, CE, GE

- 3 -

14.1 - Geotechnical engineer opinion re bench cut by Brady beneath Hazari's hillside



14.2 – Steep slope of hillside adjacent to bench

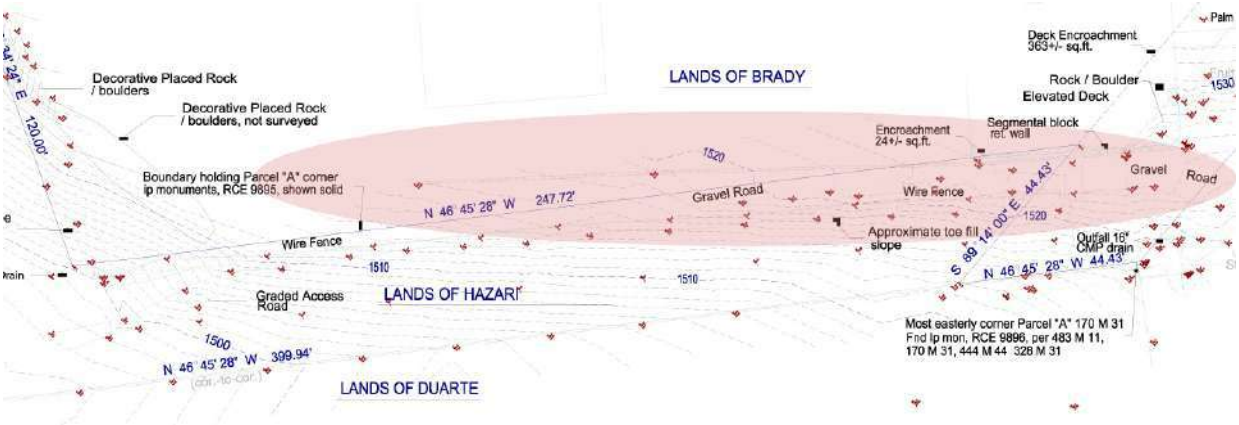
15. TERRACING IMPROVEMENTS BY BRADY

1. Over 300 feet of terracing improvements along the south western area of Brady's home



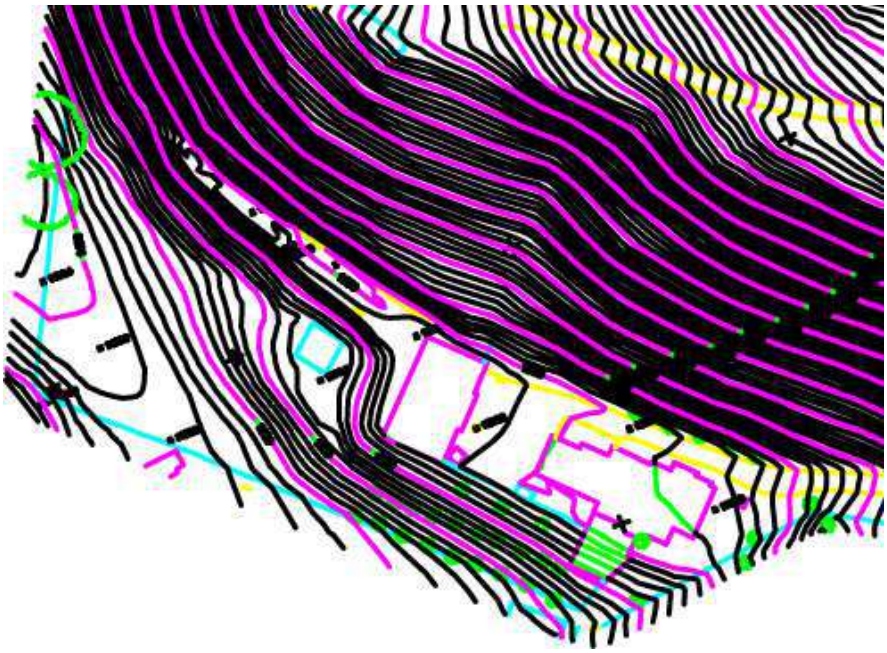
15.1 - Before (2011) and after (2016) pictures of Brady terracing

a. This terracing is appurtenant to the Hazari 30 feet-wide strip of land in the Gooseneck.
b. Parts of the terracing improvements encroach into the Hazari property
    a. The encroachment into the Hazari property by the gravel roadway terrace is
        i. Survey #1: approx. 510 sqft
        ii. Survey #2: approx. 620 sqft

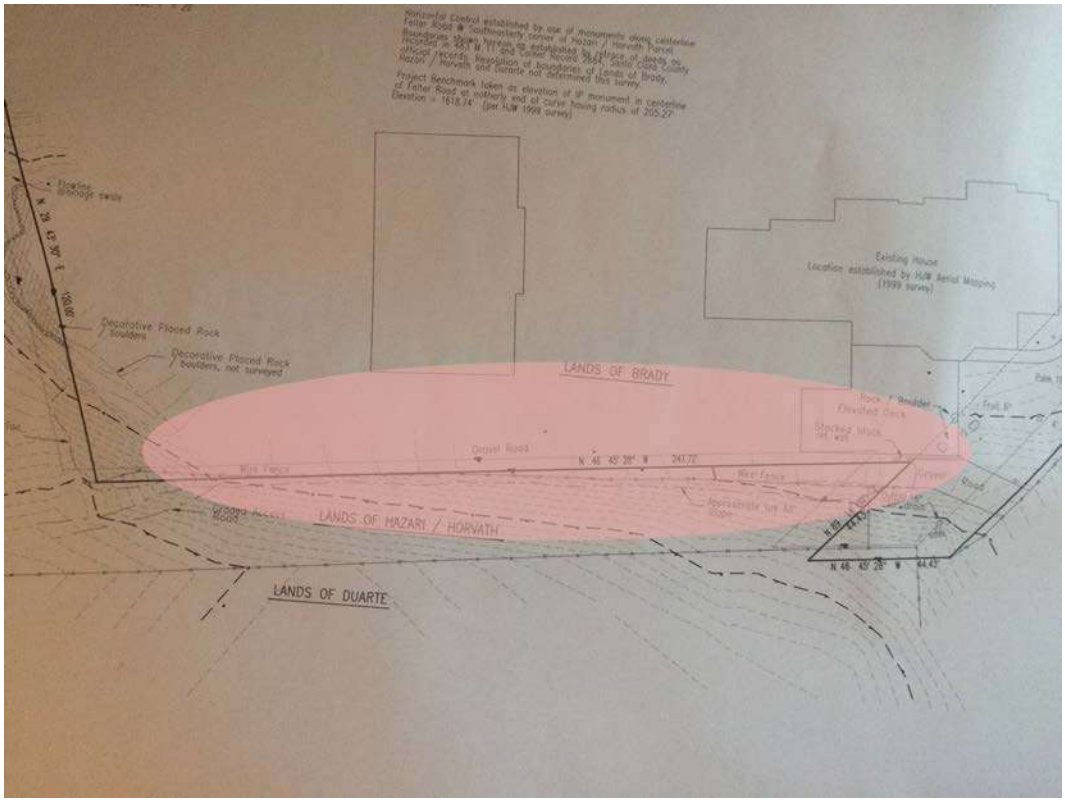


15.2 – Topographic map of Survey #1 and Survey #2 showing the cut and fill in the 30 feet strip

c. The Hazari property was cut and filled to implement the terracing



15.3 - 1999 topography of the Brady property showing no terracing



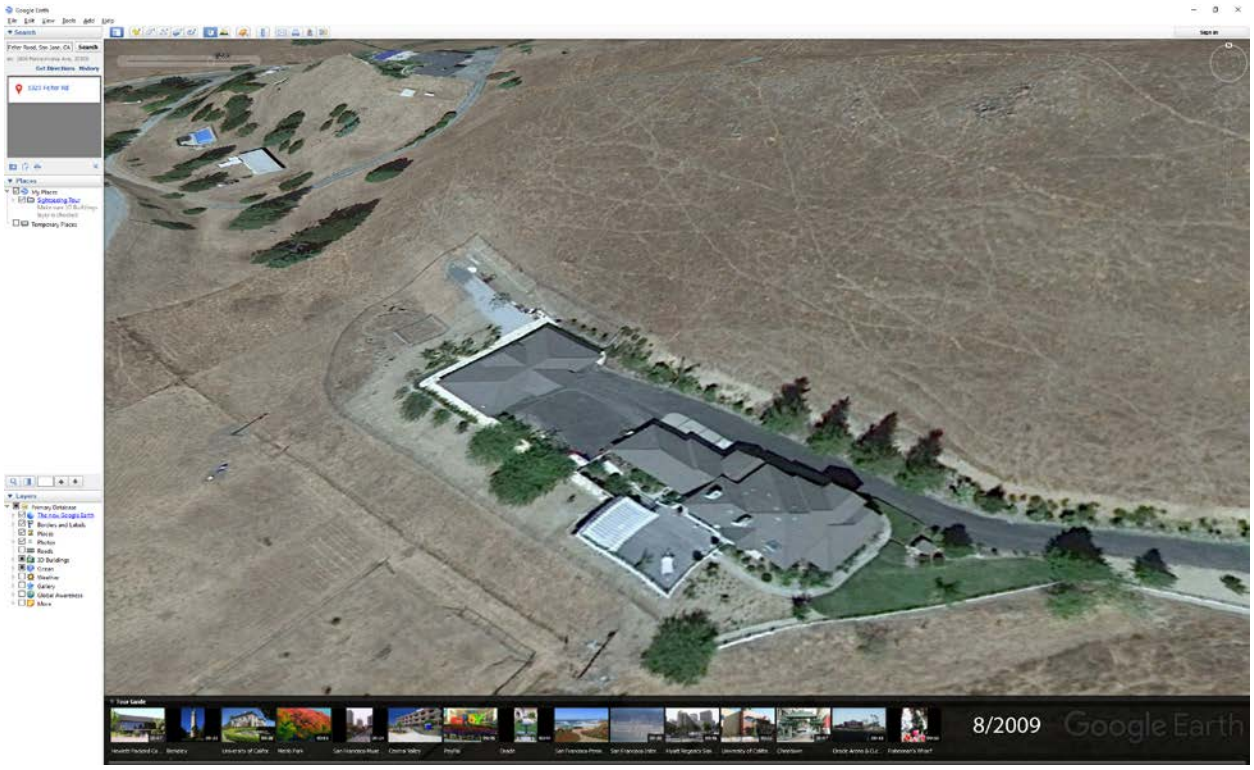
15.4 - Topographic changes due to terracing improvements as of 2017

2. Terracing improvements along the north western area of Brady's property



53.5 - Between 2009 to 2011, Brady graded, filled, and extended her driveway with a retaining wall, all without permits

a. Brady graded and filled an area for the apparent purpose of extending her driveway.
b. She built a retaining wall to hold the fill
    i. The construction of the retaining wall is inadequate
        1. No geotechnical observation by a licensed engineer
        2. Not inspected
        3. Not done to required standards



15.6 - Driveway extension was absent in August 2009



15.7 - Driveway extension completed in 2011

16. 2013 AND LATER GRADING AND TAKING OF HAZARI BOULDERS AND ROCKS

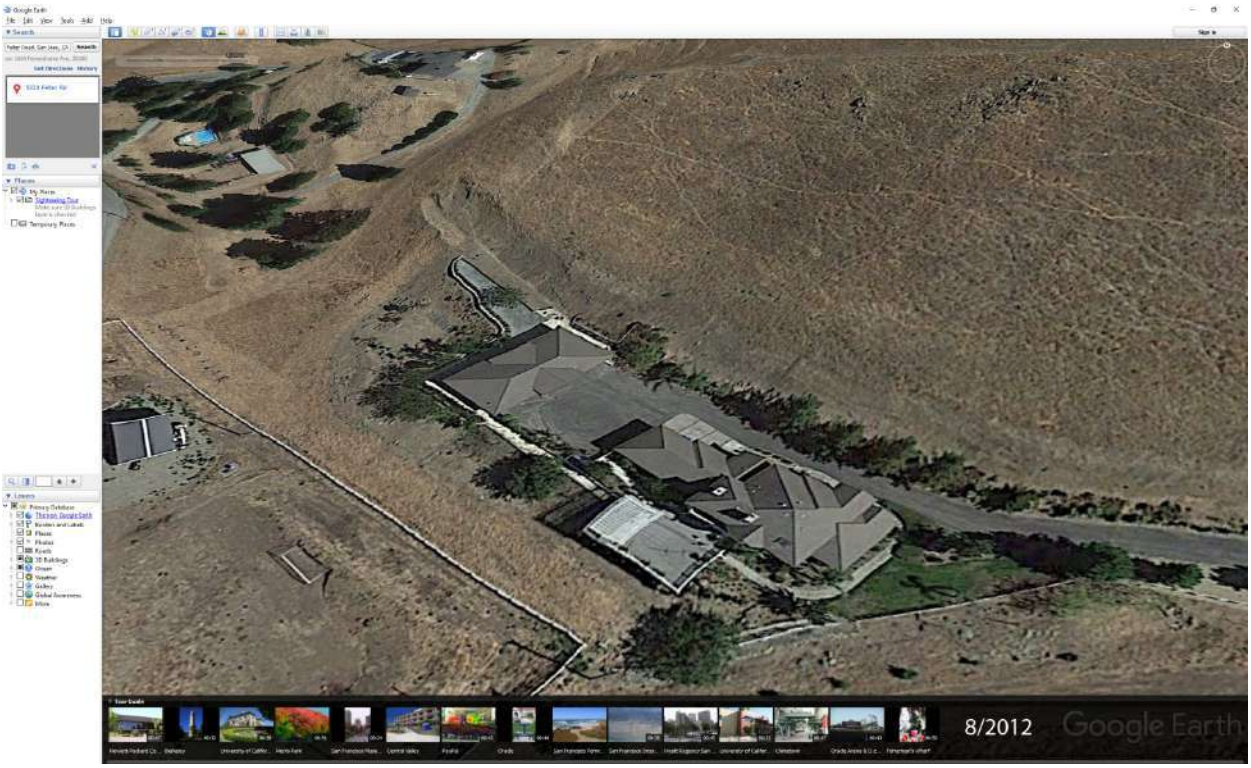


DIAGRAM 16.1 - Satellite view from August 2012



DIAGRAM 16.2 - Satellite view from February 2014

1. Brady performed substantial grading of the Gooseneck
    a. To extract boulders
    b. To enable and supply the improvements on her property

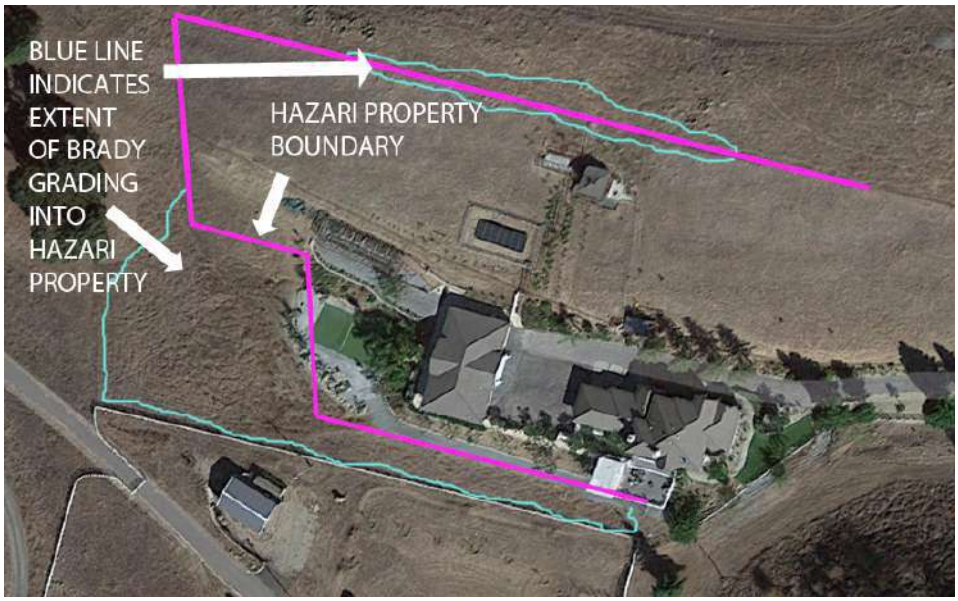


DIAGRAM 16.3 – Extent of Brady's grading of the Hazari property

2. Cuts in the Hazari property were made by Brady to unearth Hazari's boulders in the Gooseneck
    a. Boulders were partly embedded in dirt that had to be excavated for their removal
        i. Estimates by eyewitnesses identify grading of approximately half-acre of Gooseneck to a depth of 1 to 1.5 feet
    b. Comparison of my site visits for the first and second lawsuit finds the Hazari Gooseneck substantially devoid of boulders that used to be scattered all over it
    c. Brady's own pictures from 2010 show boulders in Hazari's property that are now absent



DIAGRAM 16.3 - Brady's own picture from 2010 showing boulders now missing from the Hazari property

    d. Duarte picture shows Hazari boulders staged for later removal on the Hazari property that are no longer present

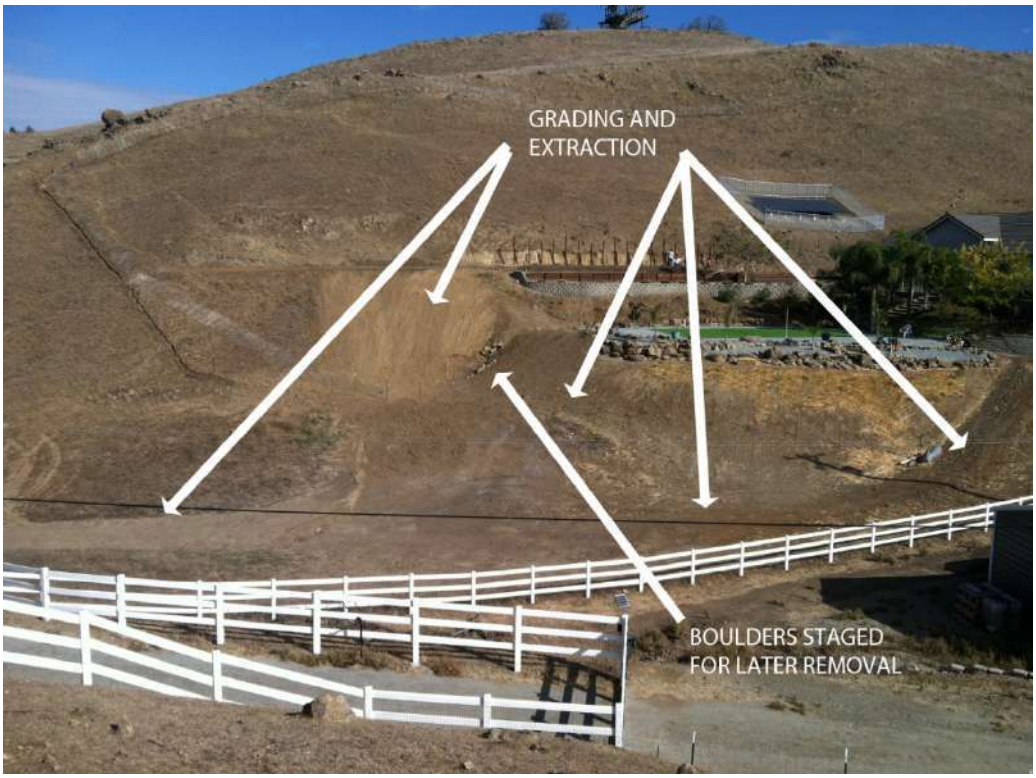


DIAGRAM 16.4 – Duarte picture of grading of the Hazari property and extraction of boulders

e. Duarte removed many Hazari boulders from his rebuilt fenceline and placed them six feet into the Hazari property, and witnessed their removal to the Brady wall
    i. Duarte provided the following picture of those boulders to Hazari
    ii. Brady admitted on a video recording by Karen Hazari to taking the boulders

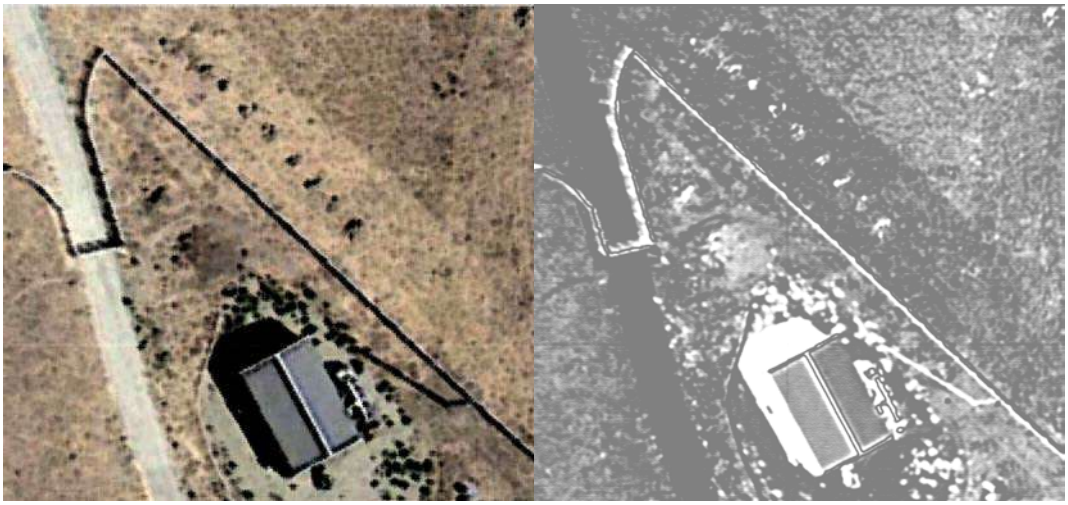


DIAGRAM 16.5 – Duarte picture of grading of the Hazari property and extraction of boulders

3. Brady removed a considerable number of Hazari boulders that covered the surface of the Gooseneck
    a. I recall from my site visits in the first Hazari lawsuit the terrain of the Gooseneck being littered with boulders and difficult to walk on. Now there are no boulders in the Gooseneck
    b. Brady's own pictures from 2010 show the presence of boulders in the Gooseneck
    c. Hazari's pictures after the fire of 2006 show considerable number of surface boulders and more that are protruding from the soil surface





DIAGRAM 16.6 – Substantial quantity of boulders "harvested" from the Hazari Gooseneck

d. Information and pictures from neighbors that Brady dug up between 1 foot and 1.5 feet depth of the surface soil of the approximately half-acre Gooseneck and removed the soil and boulders to her property
e. My estimate of value of the boulders taken is in multiples of thousands of dollars
    i. See below for estimate of value



DIAGRAM 16.7 – Boulders are naturally occurring except where grading has occurred

4. Brady used many of Hazari's boulders and rocks to construct a wall for her volleyball court





DIAGRAM 16.8 – Brady volleyball court showing boundary wall constructed from Hazari boulders



DIAGRAM 16.9 - Surveyor standing behind Brady boulder wall that lies on Hazari's property

5. Brady used some of Hazari's boulders and rocks in other improvements around her property
    a. For example, where did boulders decorating tree line on Brady's driveway come from?



DIAGRAM 16.10 - Brady driveway showing landscape boulders placed between yucca trees

    b. Garden rockery walls on her hillside adjacent to her "tea house"



DIAGRAM 16.11 – Brady's garden walls are constructed from Hazari's rocks

c. Hazari rocks were removed by Brady from Hazari's property uphill from Brady's property using the staircase and gate constructed above the Tea House. The rocks were used in the construction of numerous landscape planting walls or garden rockery walls near and around the Tea House. Brady was captured on film stealing rocks from Hazari's property.

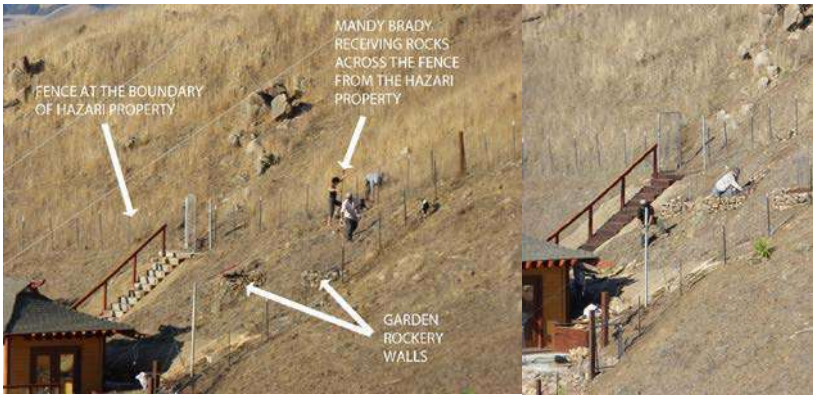




DIAGRAM 16.12 - Brady and two laborers taking rocks from Hazari's property in 2014

6. The bobcat contractor working for Brady, Anthony Perera, admitted on a voicemail to the taking of rocks and to driving his bobcat on the Hazari property.



DIAGRAM 16.13 – Voicemail left for Hazari by Anthony Perera (spelling?) at 8:22pm Feb 24, 2017

7. The volume of grading in the Hazari property is estimated as follows:
    a. In the 30 feet wide section of the Gooseneck
        i. Cut: approx. 300 sqft x 2 ft deep = 600 cubic ft = 50 cubic yds MIN
        ii. Fill: approx. 1586 sqft x 1.5 ft deep = 2379 cubic feet = 200 cubic yds MIN
    b. In the remainder of the Gooseneck
        i. Extraction of boulders
            1. Brady scarified approx. 22,000 sqft of Hazari's land in the process of removing surface boulders contained therein
            2. According to my and witness estimates, these boulders and rocks were dug out to depth of 1 feet to 1.5 feet
            3. This grading amounts to 33,000 cubic ft = 2750 cubic yds MIN
        ii. Creation of drainage swale near Hazari well for discharge of rain water
        iii. Fill to support volleyball court
            1. Survey #1→ approx. 1700 sqft x 2ft = 3400 cubic ft = 283 cubic yds MIN
            2. Survey #2 → approx. 900 sqft x 2ft = 1800 cubic ft = 150 cubic yds MIN
8. In the process of grading the Hazari property and removing boulders, Hazari's no trespass signs were again removed from the Gooseneck by Brady
    a. Brady admits to these signs existing before her grading (in email)

emails when we try so hard to get a hold of you.

Finally for your information, the sign of the trespassing you put in has disappeared that you can see in the photo I sent you because the weeds have gone so tall that is completely cover and bury by the weeds.

Unless that you live up here along with the rest of us, you have no idea how dangerous it can be up here

DIAGRAM 16.14 – Excerpt from Brady email admitting that Hazari had signs in the Gooseneck

9. The cost of restoring Hazari's property exceeds thousands of dollars
10. Refer to chapter 12 section 9 and subsequent for description of the boulders and rocks and replacement value guide

11. More specifically, the estimated value of boulders (not rocks) taken from the Hazari property is as follows:
    a. **Estimated value of boulders (based on average cost) = $19,800**
12. The method of calculation of the estimated value is as follows:
    a. I use the national boulder price guide referenced in chapter 12, and multiply by the calculated weight of the boulders taken from the Hazari property
    b. We must calculate the total weight of boulders taken by Brady
        i. We need the density of Briones rock
        ii. We need an estimate of the volume of boulders taken by Brady to build the wall
    c. The density of the Briones rock on the Hazari property is not readily found on the internet
        i. However, there is data on sedimentary rocks from the Miocene period
            1. US government: https://pubs.usgs.gov/bul/1144e/report.pdf
            2. I will use this data for comparison and sanity checking
        ii. https://www.thoughtco.com/densities-of-common-rocks-and-minerals-1439119
    d. <u>The density of a Briones rock sample from the Hazari property is **2.52 g/ cm^3 +- 7%**</u>
        i. Using a water displacement method
            1. Density = Mass / Volume
            2. Assume no porosity - http://petrowiki.org/Rock_density_and_porosity
            3. Because this is the hardest rock in the Bay Area, it is assumed that the rock does not absorb any water into which it is placed for the short duration of the test (20 seconds)
                a. i.e. during the test, Normal weight = saturation weight
                b. only one air bubble was seen upon submersion
        ii. this measured value is somewhat consistent with the US Atomic Energy Commission's density value range of Miocene sedimentary rocks
            1. nearest location tested was Salinas Shale formation, Santa Barbara County, CA
                a. slide E24 in https://pubs.usgs.gov/bul/1144e/report.pdf
            2. density of 1.78 to 2.11 g/cm^3
            3. found as surface boulders, which matches the depth of Hazari boulders
    e. The estimated volume of Hazari boulders taken by Brady to build the volleyball court wall is approximately 720 cubic feet
    f. The estimated weight of boulders taken by Brady from Hazari's property is then calculated as the density times volume = total weight
        i. Per density from my measurements of a Briones sample
            1. Total weight of boulders = 51.4 (metric) tonnes = 56.6 (US) tons
        ii. Per average density from US government (above)
            1. Total weight of boulders = 39.7 (metric) tonnes = 43.7 (US) tons
    g. The value of the taken boulders can be estimated using the measured density of the Briones rock and the national cost of boulders per ton

i. Using Briones rock density measurements
    1. **Estimated value of boulders (based on average cost) = $19,800**
    2. **Minimum value estimated at $5,600**
    3. **Maximum value estimated at $33,900**

h. The value of the taken boulders can also be roughly estimated using the national cost of boulders per ton, and the US government data for a comparable Miocene period rock
    i. Using US government data for comparable density
        1. Estimated value of boulders (based on average cost) = $15,300
        2. Minimum value estimated at $4,370
        3. Maximum value estimated at $26,230

i. Both of these value calculations discount the value of fossils contained in the Briones boulders to zero. But this is unrealistic.
    i. Fossils are valuable
    ii. Sold and traded worldwide
    iii. Therefore the actual cost of the boulders must also include a component for their fossil bearing value

j. Because of the fossil content, the boulders are more valuable than the above estimates

17. 2013 CONSTRUCTION OF VOLLEYBALL COURT BY BRADY



DIAGRAM 17.1 –Brady's garden walls are constructed from Hazari's rocks

1. In 2013, Brady told Hazari's neighbors that she has obtained permission from Hazari to enter his lands from the west and into the Gooseneck for the purpose of developing her property
    a. No easement is recorded on Hazari's deed that grants access to it from the west into the Gooseneck
    b. She asked permission of Duarte et al to use their easement abutting Felter Road
    c. She declared to Duarte et al that she would bring a couple of truckloads of dirt through the easement and through Hazari's land into her property
    d. Brady removed the fencelines of Hazari in order to gain access from the easement to her property at the site of the present volleyball court
    e. Brady brought dirt to the Hazari property to fill the area that now supports her volleyball court
        i. And adjacent areas
    f. After 5 dump truck loads of dirt, Duarte et al insisted that Brady stop her trespass, as she had exceeded the agreed number of loads
    g. While Duarte et al were absent from their homes during the day, Brady continued to traverse the easement, until caught by one of the neighbors
        i. The dump truck drivers were ordered to stop trespassing

2. Brady continued bringing dirt to her property from the east side of Hazari's Gooseneck
    a. She cut and filled the 30 foot-wide and approximately 250 feet-long strip of land in the Hazari Gooseneck, and then surfaced it with gravel.
    b. The gravel roadway was then used to transport dirt from the southern side of her home
    c. The dirt was transported and deposited to finish construction of the volleyball court
    d. The estimated amount of fill used to construct the volleyball court is 1000 cubic yards
3. Substantial fill was deposited on the Brady property to construct the volleyball court and appurtenant developments
    a. The source of fill was partly from the Hazari property and partly from external sources
    b. The cost of restoring the Hazari property to its original condition is in the thousands of dollars

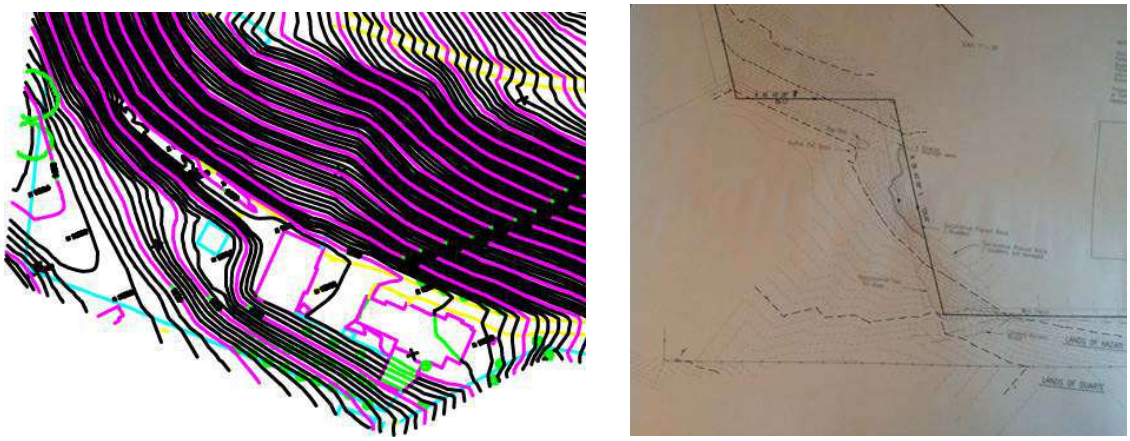
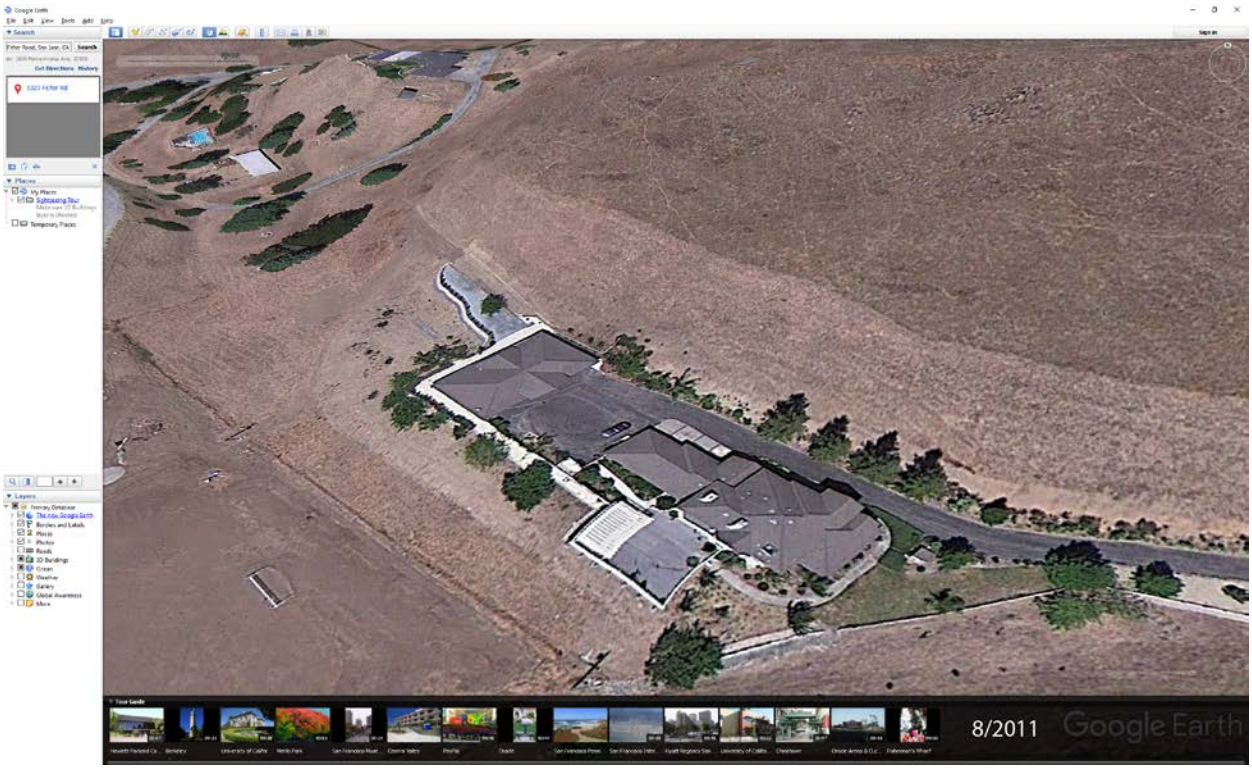


DIAGRAM 17.2 - Topographic map comparison showing fill on Hazari property

4. A large amount of fill for the volleyball court encroaches on the Hazari property
    a. This fill resulted in elevation of the topography of Hazari's Gooseneck in the area bordering the volleyball court, resulting in a much steeper slope cross-section
        i. The increased slope cross-section reduces the utility and increases the development cost for Hazari
        ii. The compaction of the fill in the volleyball court is inadequate
            1. No geotechnical observation by a licensed engineer
            2. Not inspected
            3. Not done to required standards



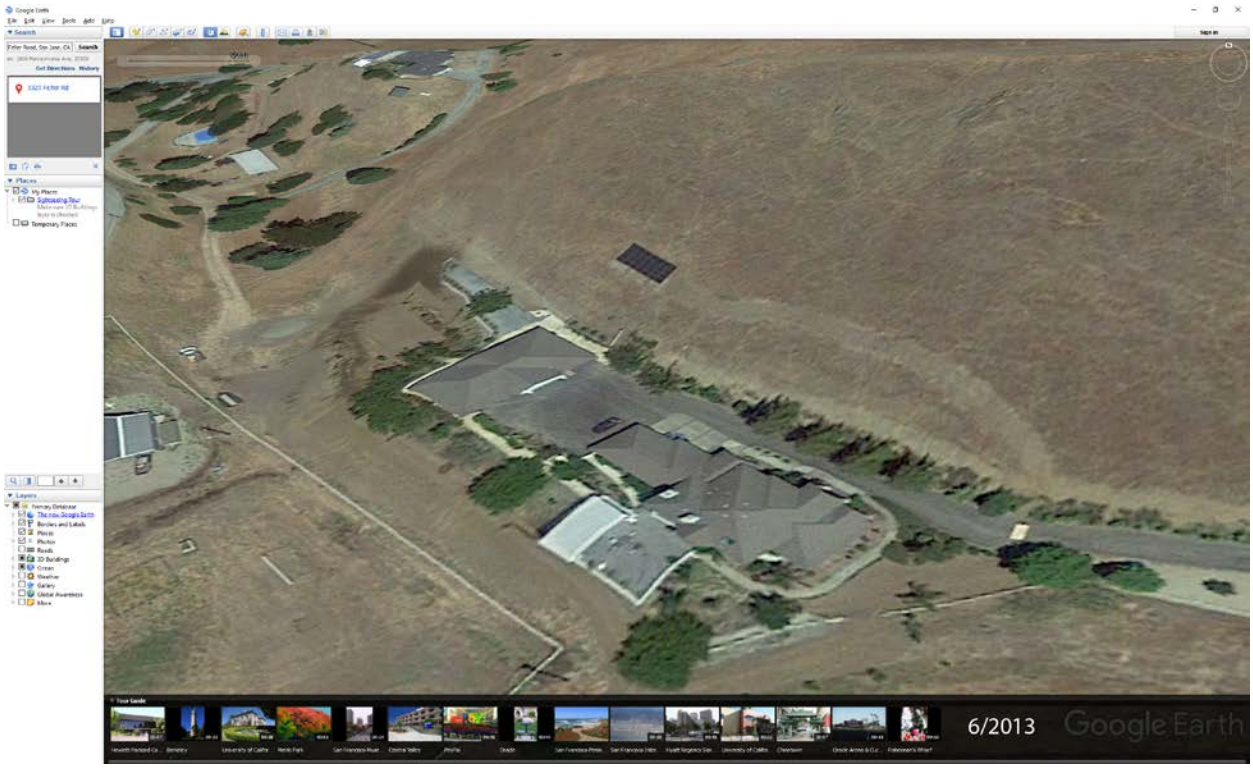


DIAGRAM 17.3 Satellite images show development of volleyball court by deposition of fill on Hazari property

5. The volume of grading done to the Hazari property to construct the volleyball court i:
    a. Creation of drainage swale near Hazari well for discharge of rain water
        i.
    b. Fill to support volleyball court
        i. Survey #1→ approx. 1700 sqft x 2ft = 3400 cubic ft = 283 cubic yds MIN
        ii. Survey #2 → approx. 900 sqft x 2ft = 1800 cubic ft = 150 cubic yds MIN
6. At the north western extremity of the volleyball court Brady erected a retaining wall constructed from Hazari's boulders
    a. The construction of the retaining wall is inadequate
        1. No geotechnical observation by a licensed engineer
        2. Not inspected
        3. Not done to required standards



DIAGRAM 17.4 - Volleyball court boulder retaining wall

18. 2013 CONSTRUCTION **OF GRAVEL ROADWAY ON HAZARI PROPERTY**

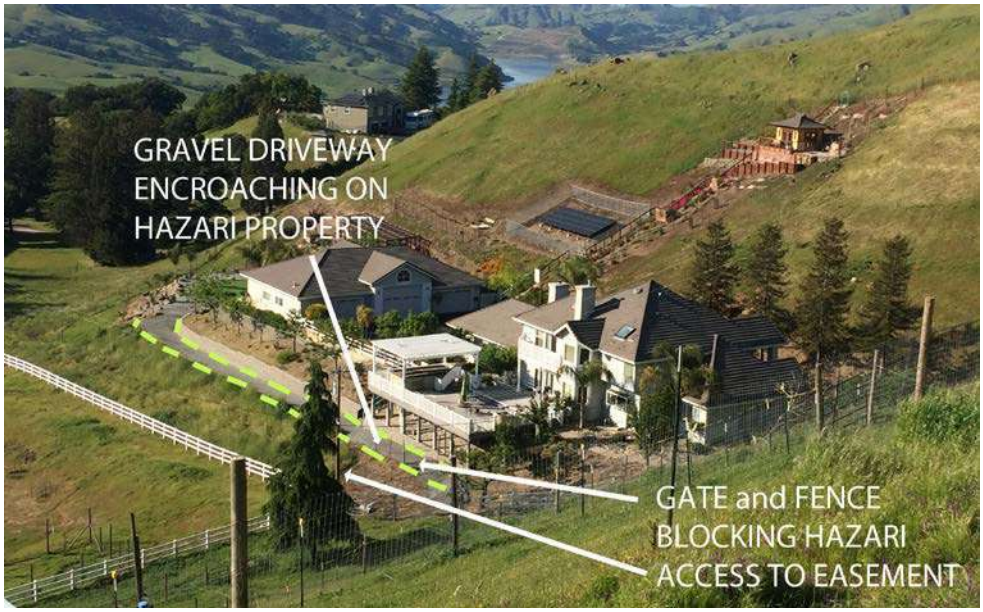


DIAGRAM 18.1 - Brady gravel driveway encroaches on Hazari property

1. Brady first cut and then used dump truck loads of dirt to fill the 30 foot-wide and approximately 250 feet-long strip of land in the Hazari Gooseneck, and then surfaced it with gravel.
    a. This cut and fill resulted in
        i. A slight lowering and flattening of the Hazari strip of land in the area of highest elevation
        ii. Steepening of the slope of the rest of Hazari's strip of land
        iii. The increased slope cross-section makes the 30 foot-wide strip unsuitable for development as intended by Hazari



DIAGRAM 18.2 – Brady changed the slope of the Hazari property

iv. The compaction of the fill in the Hazari 30-foot strip of land is inadequate and poses a hazard to Hazari and neighbor Duarte
v. The work done by Brady violates building standards
    1. No geotechnical observation by a licensed engineer
    2. Not inspected
    3. Not done to required standards

2. The gravel roadway was then used to transport dirt to the south western section for her home and to the volleyball court section of her home to provide fill.
    a. She built the gravel roadway partly because the neighbors forbid her from using their easements to access Hazari's Gooseneck from the west.
        i. Brady damaged the neighbors' easements by exceeding the number of dump trucks permitted to her to traverse the easement
        ii. After she exceeded her limit, and was instructed to stop, she covertly continued her traversals until the truck drivers were warned off by the angry neighbors
        iii. Brady subsequently resumed bringing dirt to her property and to the volleyball court by means of constructing the gravel road
3. The gravel roadway encroaches on Hazari's property



DIAGRAM 18.3 - Standing on Brady's gravel driveway in an area located entirely on Hazari's property

4. The gravel roadway drains onto Hazari's property
5. The gravel roadway is terminated by a gate to the easement
6. A fenceline runs from the edge of the gravel roadway to the other side of Hazari's 30 feet wide strip of land
    a. Intended to block off Hazari's access to easement

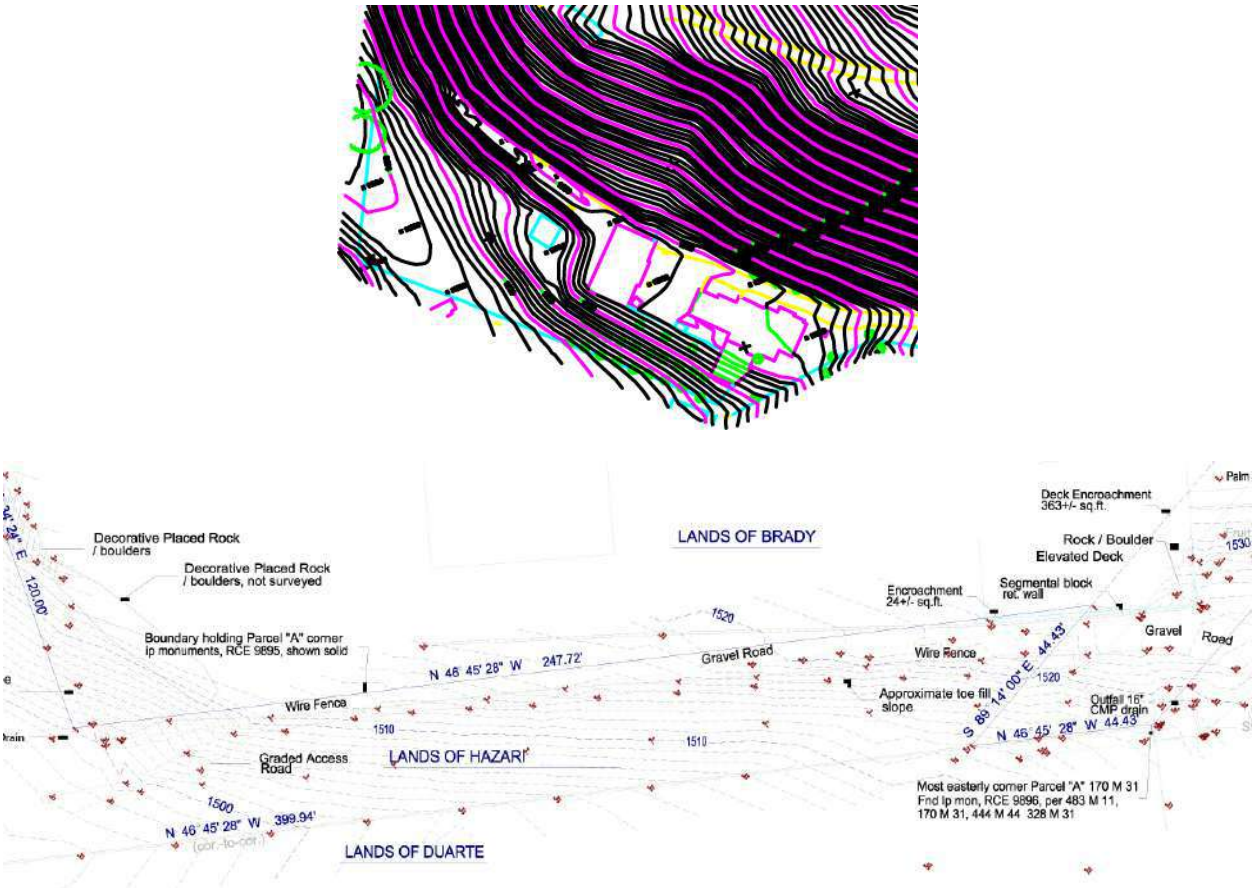


DIAGRAM 18.4 - Topography change between 2000 and 2017 showing the gravel roadway

7. The volume of grading in the Hazari property is estimated as follows:
    k. In the 30 feet wide section of the Gooseneck
        i. Cut: approx. 300 sqft x 2 ft deep = 600 cubic ft = 50 cubic yds MIN
        ii. Fill: approx. 1586 sqft x 1.5 ft deep = 2379 cubic feet = 200 cubic yds MIN

19. BRADY DRAINAGE CONSTRUCTED TO EMPTY ON HAZARI PROPERTY

1. The volleyball court drains onto Hazari's property
    a. Brady created a drainage swale near Hazari well for discharge of rain water
    b. The two drainpipes shown below empty onto Hazari's Gooseneck
    c. Brady removed the visible ends of the drainpipes as soon as she found out that Hazari had filed suit for the second time
        i. The drainage onto the Hazari property is unchanged
        ii. No drainage pipes are visible as before except upon close inspection



DIAGRAM 19.1 - Location of volleyball court drains

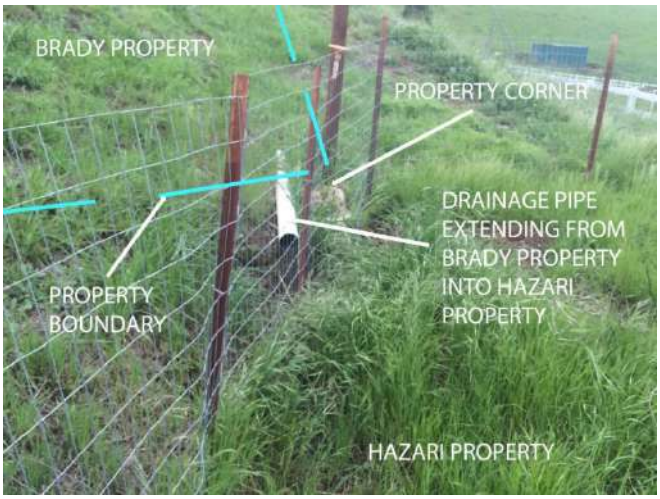


DIAGRAM 19.2 – Picture taken before Brady removed the pipe to conceal the presence of the drain - Volleyball court drain pipe #2 emptying onto Hazari property

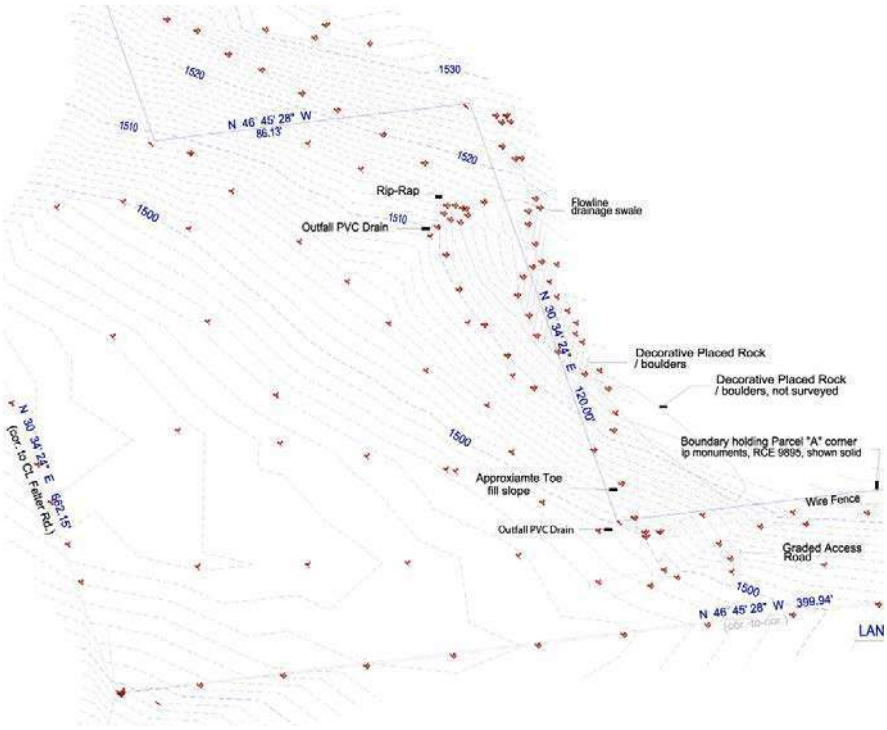


DIAGRAM 19.3 - Survey map showing location of Brady drains for volleyball court improvement

2. Brady has installed a drain that empties into the 30-foot wide strip of the Hazari Gooseneck
    a. The drain has been constructed so as to obstruct Hazari's access to the easement
        i. Near the beginning of the Hazari easement at the point closest to the 30 feet wide strip of land in the Gooseneck
    b. The large drain pipe appears to channel substantial amounts of rainwater from the Brady property into the Hazari Gooseneck
    c. A bed of rocks was added under the drain pipe with unknown purpose
    d. Bags of cement were piled to form an enclosure around the bed of rocks



DIAGRAM 19.4 - Drain in Hazari's easement

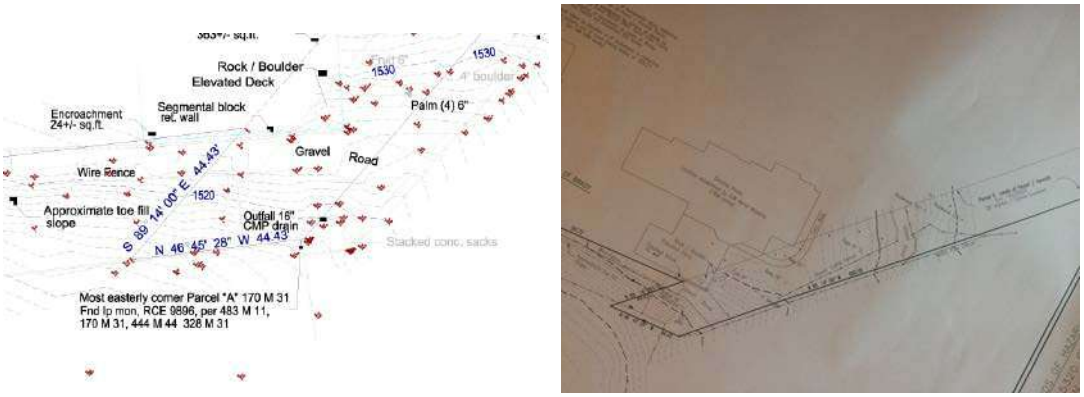


DIAGRAM 19.4 Surveys showing location of large outfall drain

3. In 2016, Brady's "partner or husband" Rosenberg, admitted that Brady surveyed the property in the timeframe of the Brady developments
    a. Rosenberg indicated to me in June 2017 that Brady's surveyor had already informed them that Brady has not conformed with the property and easement boundaries
    b. Rosenberg and Brady repeatedly approached me and my crew during the Hazari survey of 2017 and insisted that they want an "amicable settlement" with Hazari and their behavior strongly indicated to me that they knew what they had done was wrong
4. No planning or building permits were obtained for any of the developments
    a. Notice of proposed drainage was required to be given to Hazari
    b. Hazari has the right to object to drainage onto his property and prevent it
5. No engineering as required was done for the Brady developments

20. 2013 CONSTRUCTION OF ACCESS ROAD ON HAZARI'S PROPERTY

1. Brady constructed an elevated graded access road from the Hazari Gooseneck onto her volleyball court. This access road was used to transport building materials, dirt and Hazari's boulders onto Brady's property from a westerly direction of entry across Hazari's Gooseneck.

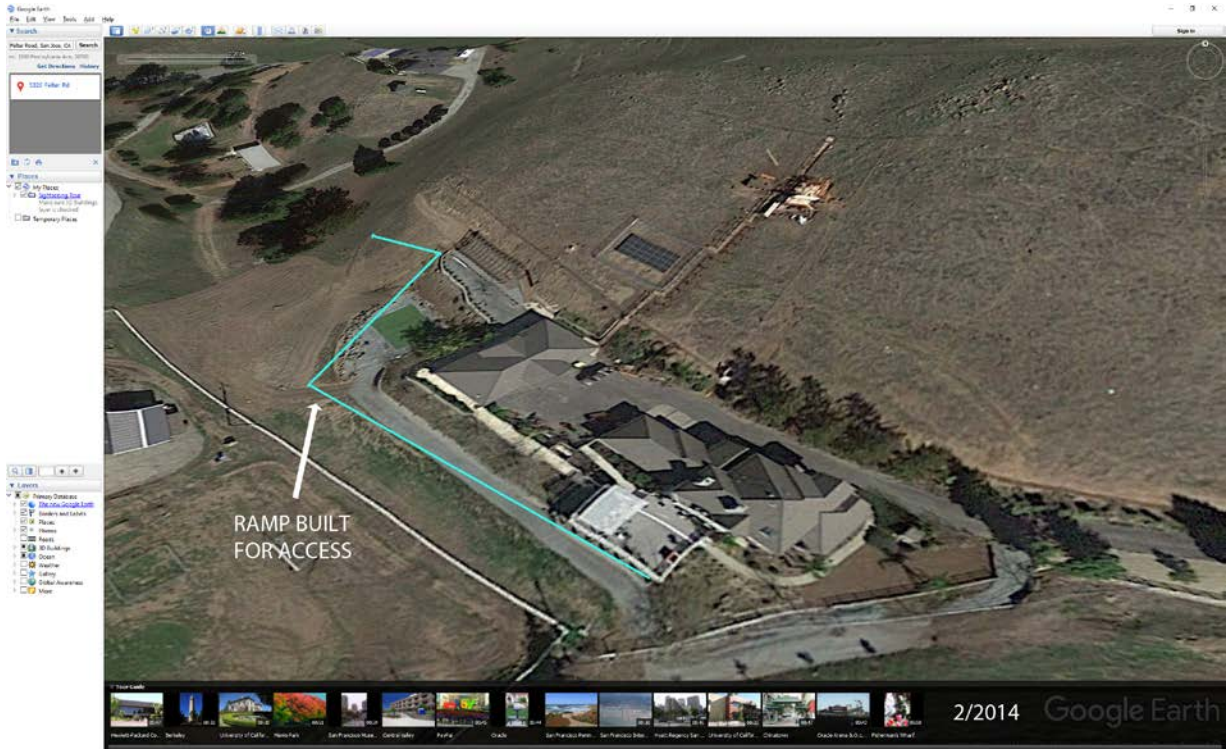


DIAGRAM 20.1 - Satellite view from February 2014



DIAGRAM 20.2 - Elevated ramp – access roadway from Hazari to Brady property

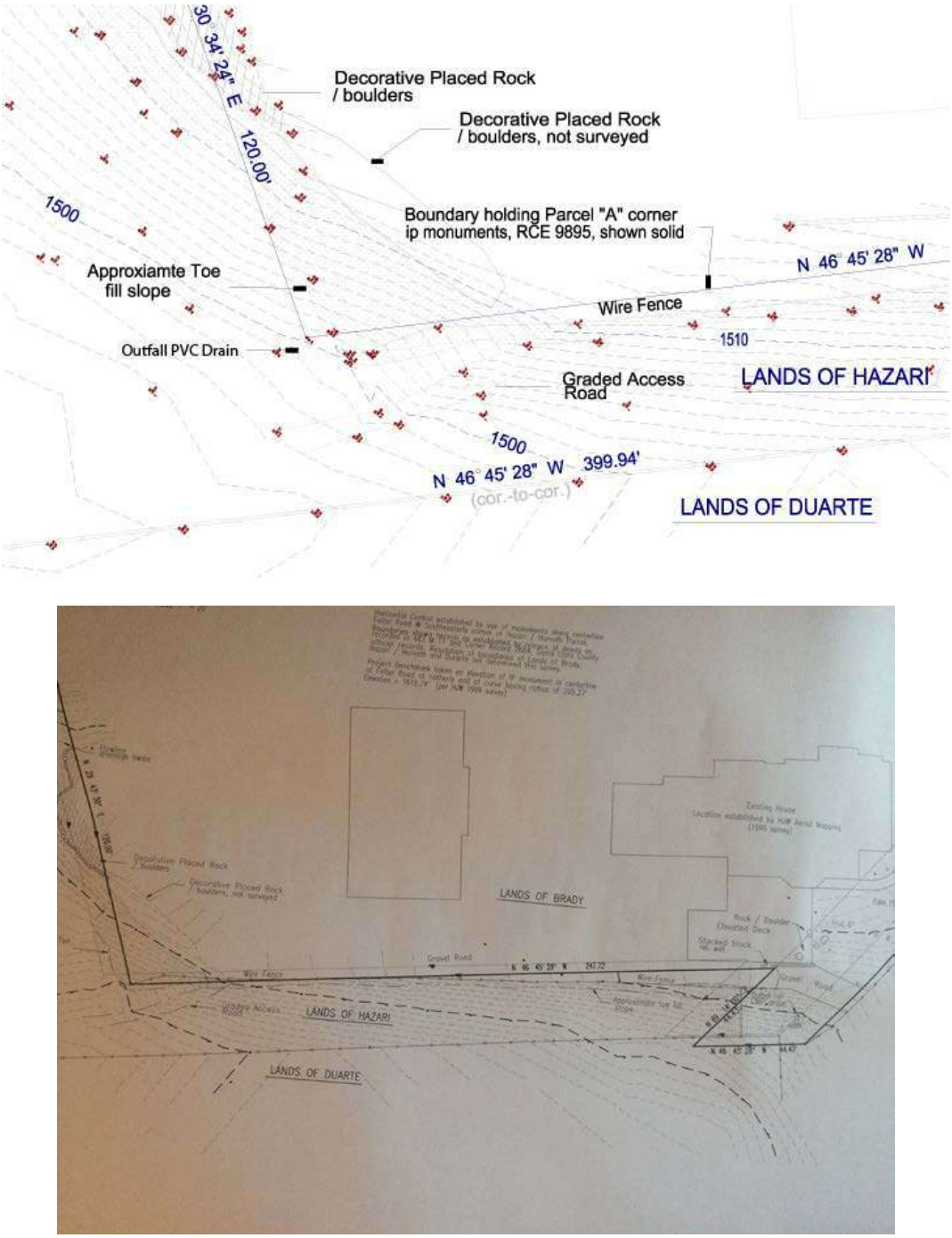


DIAGRAM 20.3 – Survey map showing graded access road

21. 2013 CONSTRUCTION OF "TEA HOUSE" BY BRADY

1. A habitable structure herein referred to as the "Tea House" with an accessory construction was built by Brady on the side of Hazari's hill. All relevant aspects of the building code are at issue.



Diagram 21.1 - Elevated ramp – access roadway from Hazari to Brady property

2. The structure was built between June 2013 and February 2014
    a. Weather considerations suggest the structure was built by late 2013

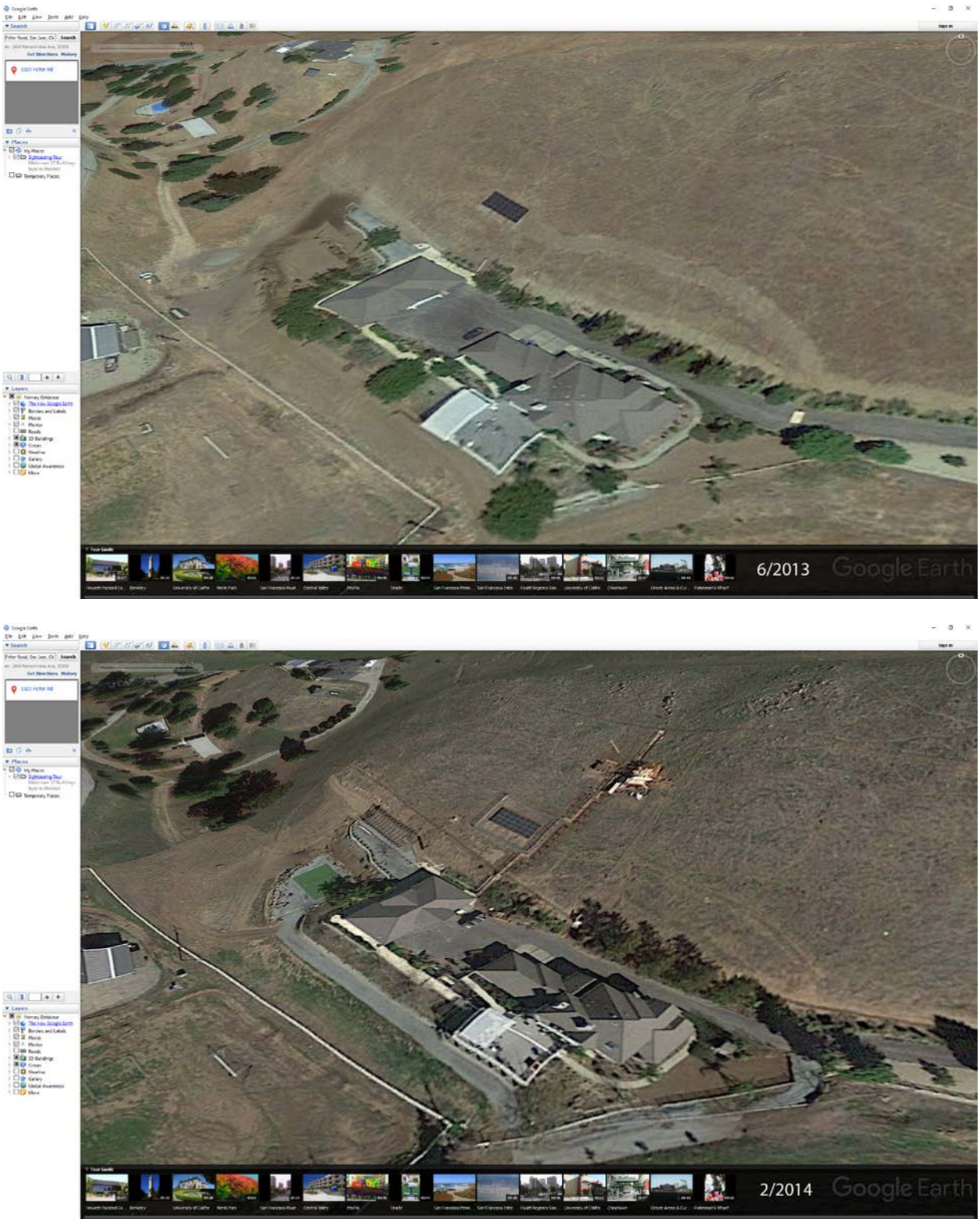


Diagram 21.2 - Construction of Tea House dated to late 2013 using satellite images

22. 2013 CONSTRUCTION OF STAIRWAY AND GATE FOR TRESPASS INTO HAZARI PROPERTY

1. Brady constructed a staircase from her "tea house" uphill to the Hazari property.
2. At the end of a staircase on the Brady Hazari property boundary, Brady erected a gate that she padlocks
    a. The gate leads onto the Hazari property and nowhere else



DIAGRAM 22.1 – Gate for accessing the Hazari property

3. The use of the staircase and gate can only be to access the Hazari property.
4. According to Hazari's neighbors, Brady has used the staircase and gate to access the Hazari property numerous times.



DIAGRAM 22.2 - Picture of staircase & gate leading to Hazari property

5. In addition to removing Hazari rocks, Brady used the gate and staircase to bring building materials into her property for construction of the “Tea House”



DIAGRAM 22.3 - Staircase & gate used for transporting materials to the Brady “tea house” by driving them onto the Hazari property

23. OBSTRUCTION OF HAZARI'S EASEMENT SINCE FIRST LAWSUIT

1. One of the Hazari easements lies closest to the Brady house.



DIAGRAM 23.1 - Looking down on obstructed easement from Hazari hilltop

2. The Brady house encroaches into this easement
3. The Brady deck that was rebuilt after the 2006 fire encroaches into the easement
4. Per Survey #1, the deck encroachment covers 94 square feet of easement, and per Survey #2, the encroachment is 363 square feet
5. Per Survey #1, the house does not encroach into the easement, and per Survey #2, the encroachment is 88 square feet, and the HVAC unit 16 square feet
6. Per Survey #1, the 10" wide block wall adjacent to the deck encroaches into the easement by 14 lineal feet, and per Survey #2, the encroachment is 28 lineal feet



DIAGRAM 23.2 – Encroachment by Brady deck into Hazari's easement

7. Historical satellite images from Google Earth indicate that after the first Hazari lawsuit, Brady commenced obstructing the easement nearest the Hazari Gooseneck with two trees and a few boulders, but sometime after June 2013 and by February 2014, she had fenced off (according to Survey #1) approximately 325 linear feet of easement containing a land area of 9720 sqft, and begun to obstruct that section of easement considerably by means of plants and construction.



DIAGRAM 23.3 - Brady proceeded to significantly obstruct the easement from June 2013

8. As part of the settlement in the first Hazari lawsuit, Hazari allowed Brady to keep a small amount of vegetation in front of her house that encroaches slightly into the easement.



DIAGRAM 23.4 . Brady hedge subject of the exclusion in the Hazari easement

9. Since that lawsuit, Brady has encumbered the easement with numerous other obstructions to Hazari's ingress and egress. An incomplete list follows:
    a. According to Survey #1:
        i. 12" redwood
        ii. 16" redwood
        iii. 8" palm
        iv. 12" palm
        v. 10" palm
        vi. 8" fruit
        vii. 6" fruit
        viii. 6" palm x 3
        ix. 12" fruit
        x. 130' of white corral fence
        xi. fire standpipe
        xii. CMP 16" diameter (corrugated metal pipe) drain
        xiii. concrete block wall 12' + outfall
        xiv. gate blocking gravel road to easement
        xv. fence blocking easement at 30' strip
        xvi. wire fence crossing easement + dog run fence
        xvii. Boulders
        xviii. Terracing
        xix. Concrete walkway 190 sqft
        xx. Landscape plants
        xxi. No trespass sign

xxii. Fence blocking easement at 60’ strip near Felter Road
xxiii. others

b. According to Survey #2, most of the items in Survey #1, and:
   i. 12" palm
   ii. fire standpipe
   iii. 70' white corral fence
   iv. concrete block wall 6'
   v. wood retaining wall 6 lineal feet
   vi. concrete walkway 300 sqft
   vii. shed (only part of it comprising 8 square feet of encroachment)
   viii. others

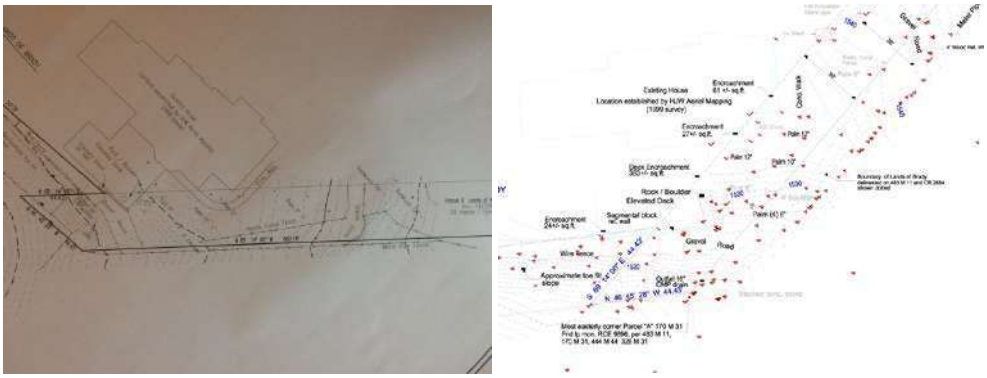


DIAGRAM 23.4 - Interim survey of the Hazari easement showing Brady obstructions

10. Brady continues to make improvements that obstruct Hazari’s easements
11. Another survey will be necessary to document all of the Brady obstructions to the easement, assuming they will stop.
12. None of the improvements made to the easement by Brady are permitted by the first Hazari lawsuit’s settlement agreement, and are not related to maintenance of the easements.

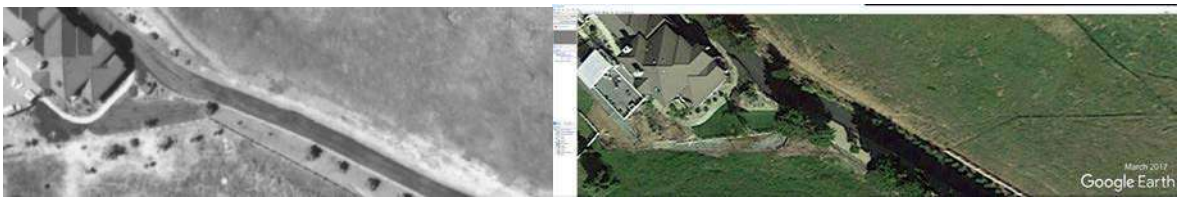
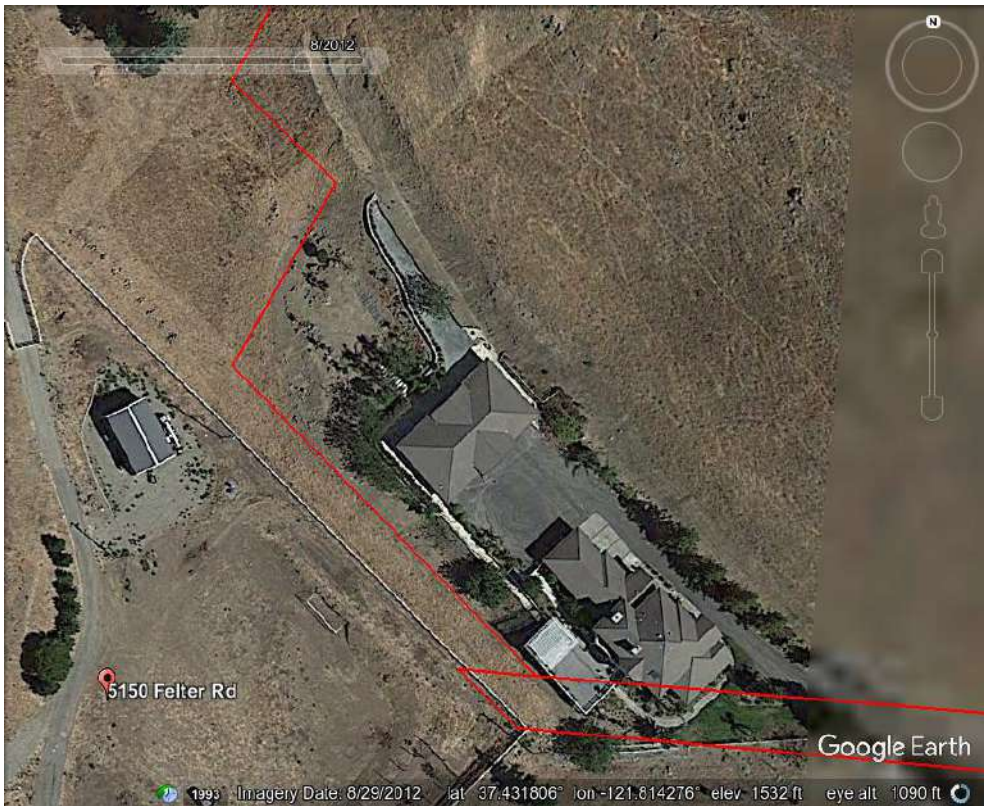
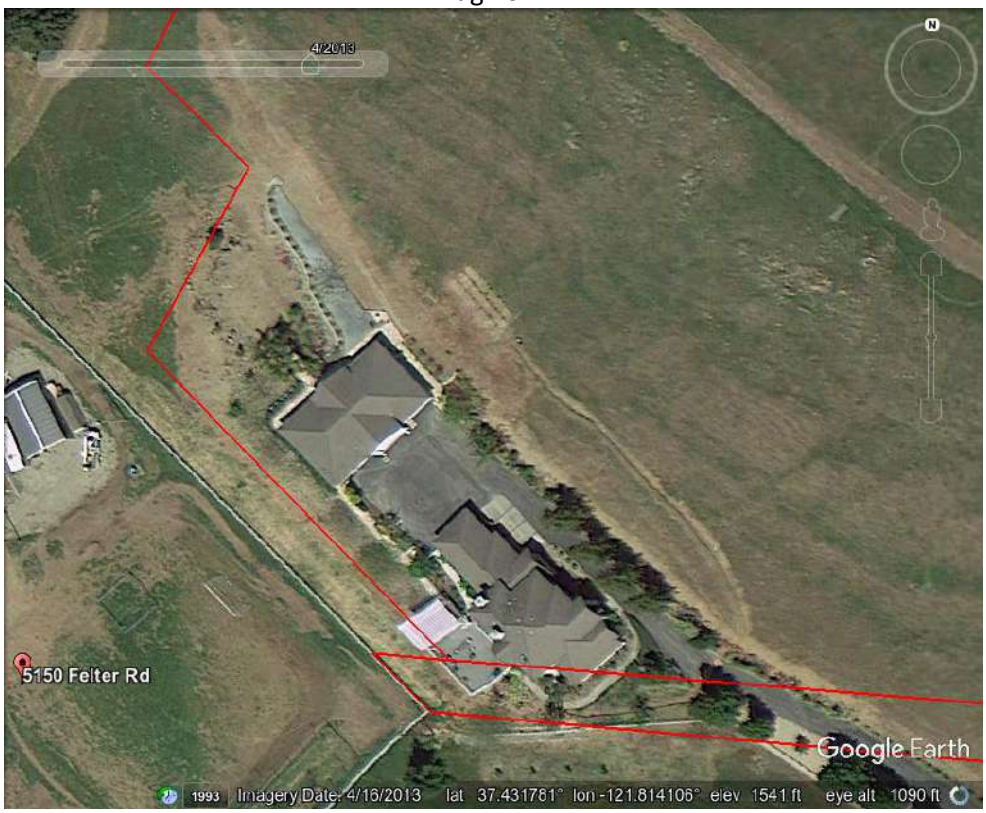


DIAGRAM 23.5 - Comparison of first lawsuit and current state of the easement

13. Historical sequence of images with approximate easement boundaries superimposed follow:
    a. Note that the satellite images may be prone to distortion and skew due to image processing
       i. i.e. straight lines on the image may correspond to curves on the land and vice versa



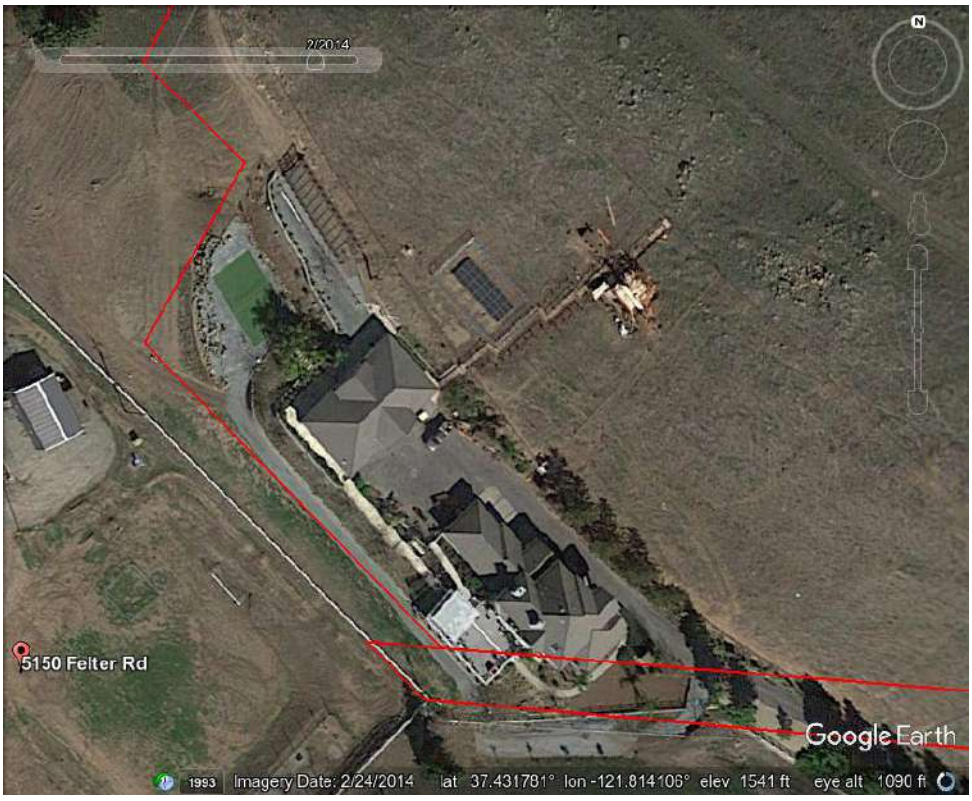
Aug 2012



April 2013



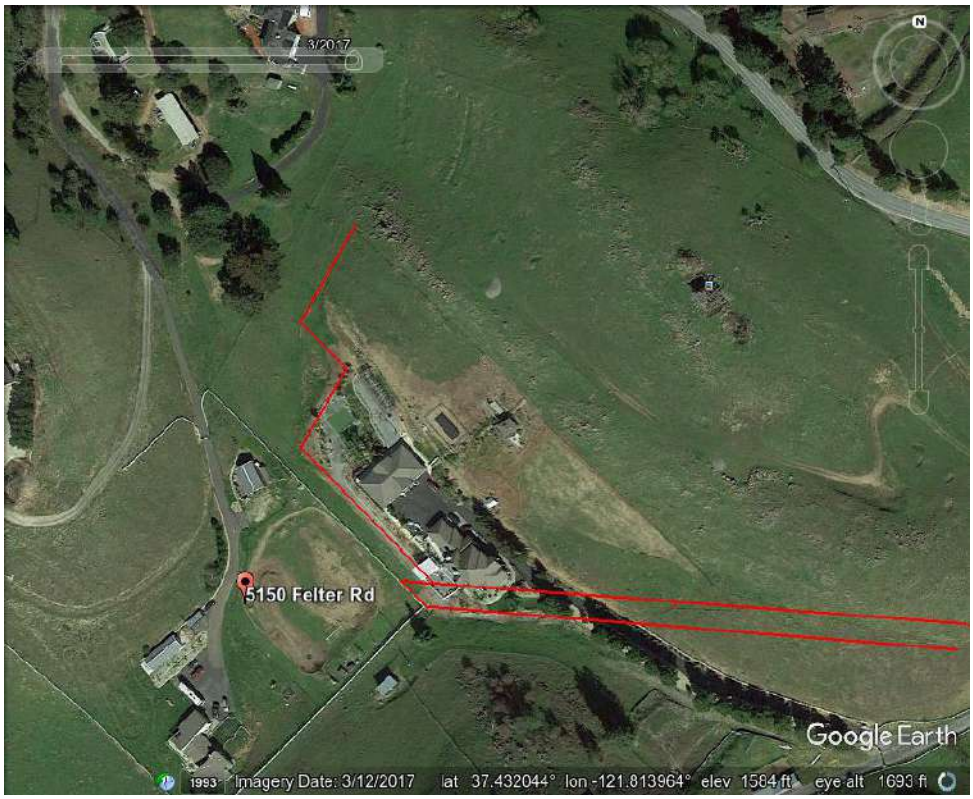
June 2013



Feb 2014



March 2015



March 2017



March 2017

14. Most interesting to me is the fact that Hazari and Duarte share the easement rights to use parcel 2, i.e. the Hazari easement closest to the Gooseneck that is situated on Brady's land. Given that fact, I cannot understand how Hazari was allowed in his first lawsuit to decide what stays (the hedge) and what is removed (everything else) from parcel 2 without having discussed it with Duarte's predecessor and obtained his agreement.
    a. Duarte has several times used the easement
    b. Recently, Brady has insisted that Duarte stay out of the easement
        i. Notice the NO TRESPASS sign in the easement is closest to the Duarte property and faces the Duarte property



DIAGRAM 23.6 - No trespass sign in easement

24. RECENT AND INCREASING OBSTRUCTION OF HAZARI'S EASEMENT

1. Brady continues to make improvements that obstruct Hazari's easements
    a. Three 6" palms appear to have been planted in May 2017
    b. More changes were made to the corrugated metal pipe drain in May and June 2017



DIAGRAM 24.1 – Brady mature palms in May 2017



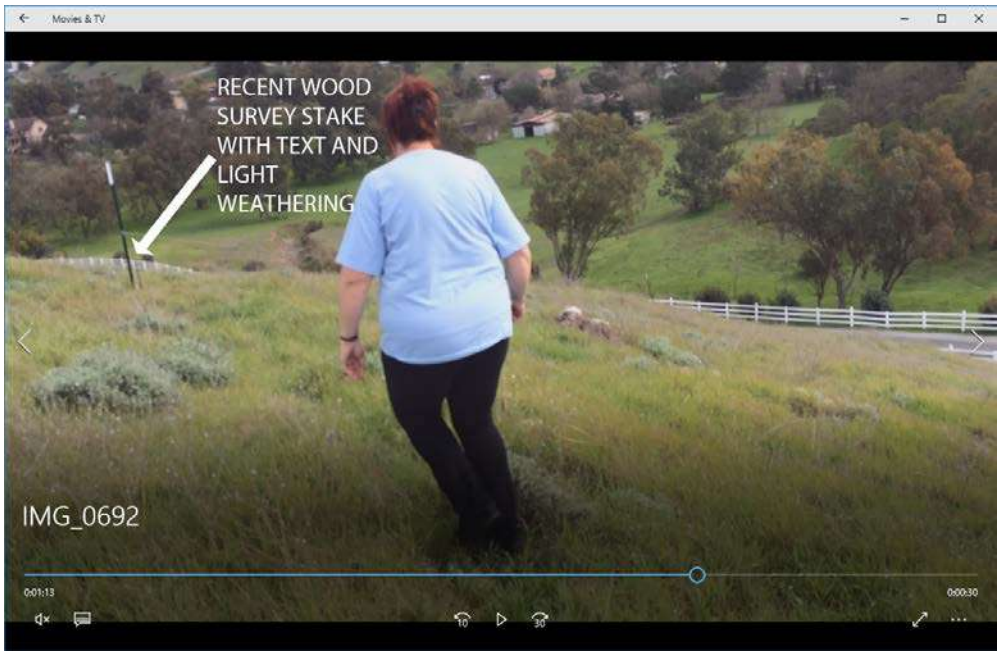
DIAGRAM 24.2 - Corrugated metal pipe drain that empties on Hazari property

25. EVIDENCE OF BRADY SURVEYS PRIOR TO HER IMPROVEMENTS

1. In January 2016, evidence of a recent survey performed on the Brady property was discovered by Hazari and his crew (that erected a fenceline around the Hazari 11.3 acre property)
    a. Based on my experience, and considering the weathering of the survey stakes and labels, the survey would have been performed within 2 to 3 years of the discovery date.







2016 evidence of recent survey

2. In 2011, Hazari's neighbor Duarte was "forced" to perform a survey of his property in order to prove to Brady that the Duarte fenceline at the Hazari property boundary was in the correct location
    a. Duarte has no adjoining boundary with Brady, except a single corner point
    b. In 2011, Duarte replaced a metal wire fence with a plastic white Kentucky-style horse fence
        i. During this process, Duarte moved several Hazari boulders located on and close to the property boundary with Hazari, and placed them on the Hazari property, in order to be able to move his excavator to the points where fence posts had to be dug.
    c. Brady objected to Duarte's work, claiming that she has conducted a survey and that her survey shows that the Duarte fence is in the wrong location
        i. Brady's survey was conducted according to the method in Survey #1
        ii. Duarte asserts that Brady was well informed about the property boundaries and insisted that Duarte comply with her demands
        iii. Brady caused her attorney to demand that Duarte remove his fenceline from the Brady property asserting her survey as the authority
        iv. Duarte was forced to conduct a survey to prove that his fenceline was in the correct location
    d. Duarte's survey established that his fenceline is in the correct location because the surveyor had replicated the method in Survey #2


CROSS LAND SURVEYING, INC.

DIAGRAM 2.4 Results of Duarte survey in 2011

    e. By virtue of the Brady's actions during the Duarte fenceline issue, and the more recent survey stakes found by Hazari and his crew, it is reasonable to conclude that Brady was well informed about the location of the property boundaries and the easements in the timeframe from at least 2011 to the present day
        i. The fact that Brady et al had conducted a survey for the first Hazari lawsuit reinforces the fact that Brady knew at all times the trespass and obstructions that she performed since that first lawsuit

26. DISCUSSION OF SURVEY METHODS

1. The principles of surveying are described in the respected textbook “Brown’s Boundary Control and Legal Principles” by Brown et al.

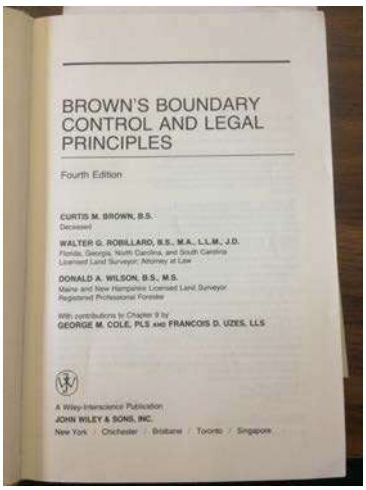


DIAGRAM 26.1 – Survey book

2. The key principles of sequential conveyances are described on 4 pages

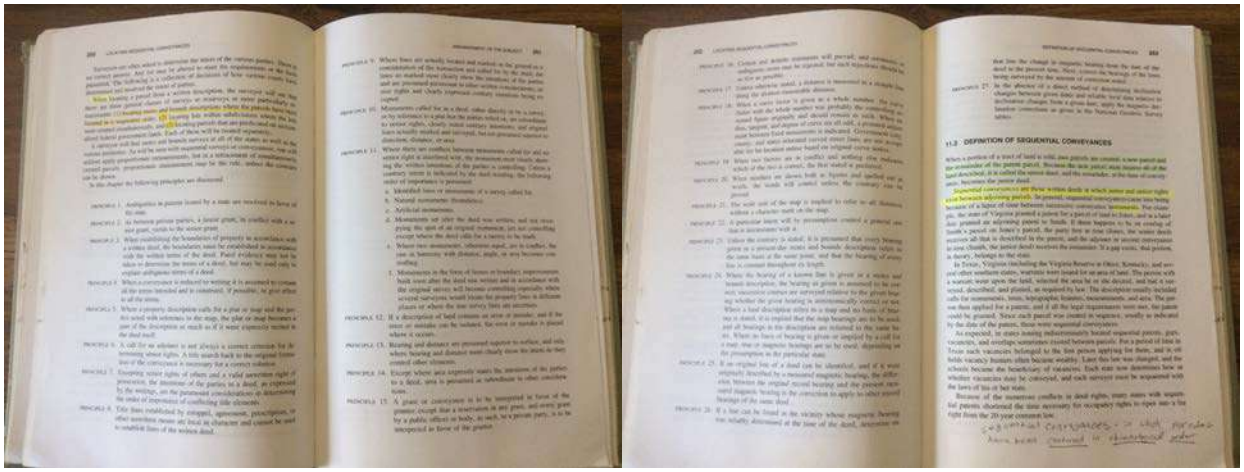


DIAGRAM 26.2 – Principles of conveyance

3. I reviewed the origins of the Hazari and Brady parcels and examining every survey since the December 1963 simultaneous conveyance of Kirschner to Gruber, Kearney and Young that resulted in creation of the parcel from which the Hazari, Brady and Broquet parcels derived
    a. Since Kirschner owned the entire parcel from which the three parcels were created, for the interior easterly corner of parcel A, there is no issue of senior rights or rights of possession, therefore the pipes as set in the field should control

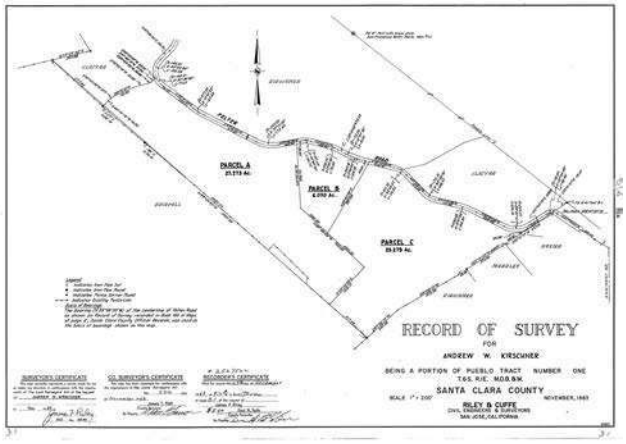


DIAGRAM 26.3 – November 1963 survey

4. I discovered that the original survey in 1963 was done apparently incorrectly by virtue of not adhering to the location of the pipes laid in the field as the determinative location of property boundaries. Instead that original survey ignored the location of the pipes and all of the legal language supports the pipes as determinative. In others words, the property corners as laid out in the field is not consistent with the property corners delineated on the recorded map
    a. A speculation would be that the surveyor placed the pipes in the wrong location and that the survey map was intended to be determinative

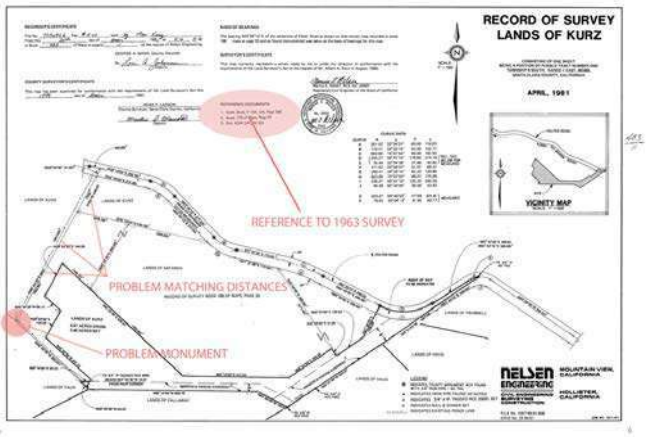


DIAGRAM 26.4 – Nelson survey of 1981 is typical of the propagation of the mistake

    b. but no such notation exists in any survey related to the relevant subdivisions,
    c. no such notation exists in any recorded document that I reviewed, including all of the deeds of the neighboring properties identified in this report.
    d. Absent such a notation, it could be argued that the principles of surveying expect the pipes in the field to be determinative
        i. This pipe has only been held in 2 historical surveys since 1963, which I refer to as Survey method #2

1. One of those 2 surveys is Duarte's survey of 2011



DIAGRAM 26.5 - Results of Duarte survey in 2011

2. The other survey is recorded in Book 328 Page 31 of the Recorder of the County of Santa Clara on 16 Aug 1973

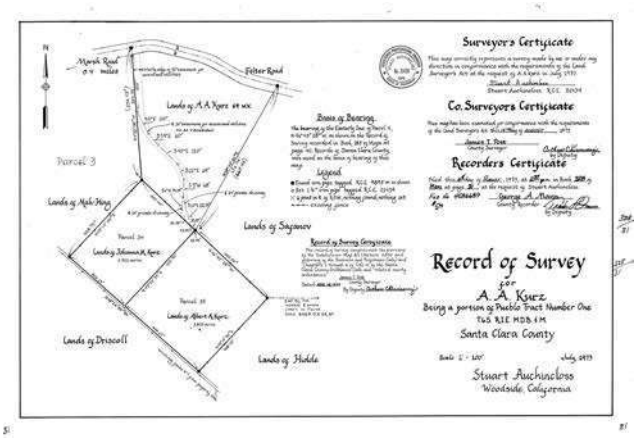


DIAGRAM 26.6 – Aug 1973 survey holds the pipe as I do in Survey #2

   ii. Every other survey has followed the same principles as the Brady survey of 2016, which I refer to as Survey method #1

5. The outcome for Brady and Hazari of using Survey method #1 versus Survey method #2 can be simplified and summarized as:
   a. In Survey #2, the deck encroaches into Hazari property
      i. As well as the block wall in front of the deck
   b. In Survey #2, the house encroaches way further into the easement
   c. In Survey #2, the gravel road encroaches more into Hazari property
   d. In Survey #2, the volleyball court encroaches less into Hazari property
   e. In Survey #2, some of the obstructions of the Hazari easement (parcel 2) are different than in Survey #1
      i. E.g. the Brady shed encroaches in the easement only in Survey #2
   f. When Survey #2 is used, Hazari loses some land area to Brady

6. The issue of reliance by several property owners on accuracy of prior surveys dating back to 1963, and even earlier, may be a consideration for using Survey #1
7. Technically, Survey #2 should be the determinative survey, and Survey #1 should be disregarded
    a. This causes one of the Hazari easements to be reformulated in the deeds of the properties that reference it
        i. The distance is stated incorrectly because according to the rules of precedence, the bearing has to be held and the distance modified accordingly
8. The property boundaries and easement boundaries differ from Survey #1 to Survey #2 as follows:

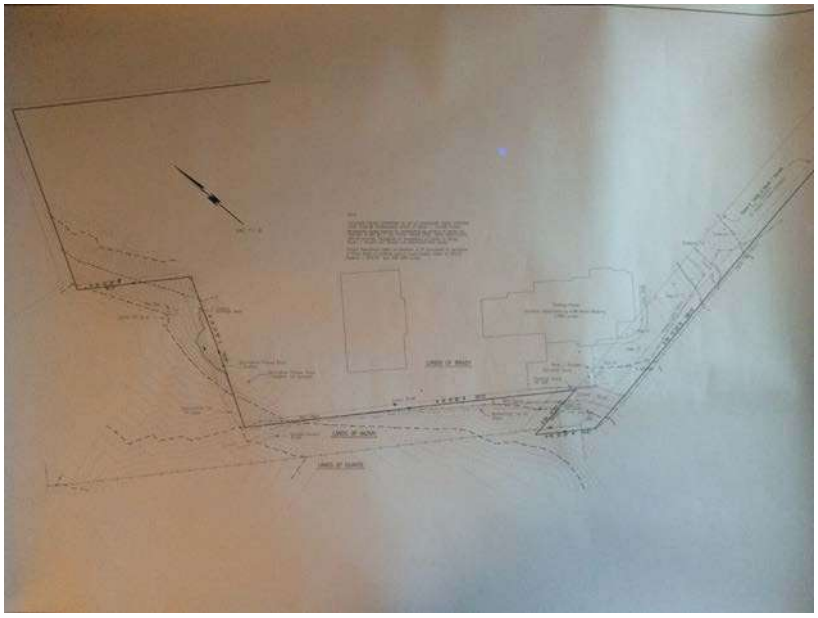


DIAGRAM 26.7 – Survey #1

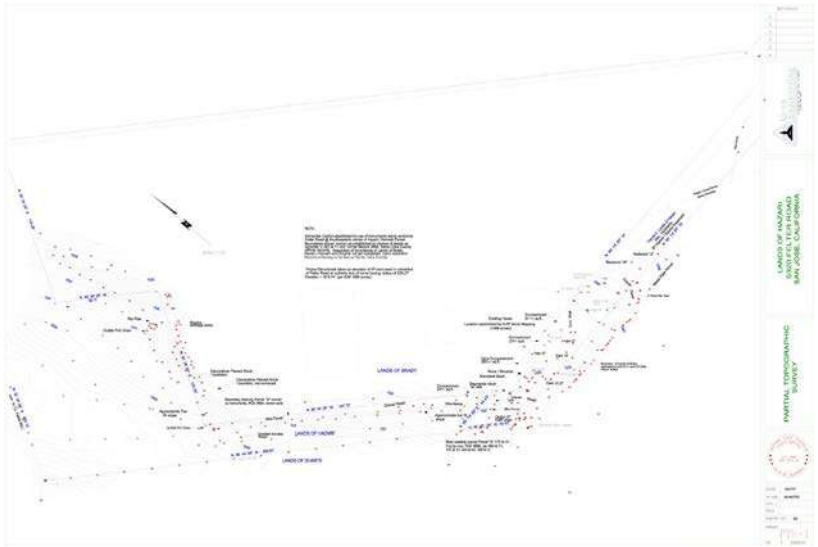


DIAGRAM 26.8 –Survey #2

9. To express another way, the criticisms of the Brady survey are that
    a. He missed 3 pipes that I found
        i. One is not Brady's corner but is on the lot line that they are supposed to traverse along
        ii. So by not finding that pipe he did not properly control that line but only retraced Morey Nelsen's survey.
    b. He did not follow the deed call to the corner
        i. Although he followed the bearing and distance, he did not get to the corner.
        ii. The controlling call is to the corner, not the bearing and distance.

Cyrus Hazari, Private Attorney General
15209 Blue Gum Court, Saratoga, CA 95070
Tel: 408 898 4470
Email: cyrus@metafusion.net

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Cyrus Hazari **Plaintiff and private attorney general** vs County of Santa Clara et al. **Defendants**	Case number 19-cv-04392-BLF MEMORANDUM RE TRO, PRELIMINARY & PERMANENT INJUNCTION & STAY, BY THE PRIVATE ATTORNEY GENERAL

As the Private Attorney General (authority per Appendix 1), I certify that the Plaintiff's action to enjoin this judge, this entire court and the defendants and their attorneys is proper and necessary, in the public interest[1], and compliant with the US Constitution, with human rights treaties and with the *jus cogens* of customary international law.

I speak on a matter of national importance, required by Justice, laws recognized by civilized nations, and the US Constitution. I am obligated under the US Constitution and Article 20 of the UNCAT and the *jus cogens* of customary international law, to act, on behalf of the United States and its People, to abate systemic policies in force in the state and federal courts of this nation which violate human rights and are unaddressed by its government, in particular the third branch of government which is the judiciary.

[1] No consent to the jurisdiction of this court is provided by any of the filings by the Plaintiff and by the Private Attorney General. This is a *forum nullus* court, and these actions are required as proof of exhaustion of domestic remedies under supreme Law recognized by Article VI of the US Constitution.

Based on a seven year analysis of 10 representative state and federal courts in the United States, including the US Supreme court, documented in chronological public and sealed records of these court, and communications with the clerks of each court, and the measurement of judicial conduct providing reliable statistical prediction of harm that is continually confirmed, now by Freeman, it has been demonstrated that a systemic policy of rights deprivation of litigants is in force nationally, and predictably subjects them to cruel, inhuman, and degrading treatment and punishment, which graduates to torture, in the guise of lawful sanctions, if they are a member of a Class who are distinguished by disadvantage.

A prohibitory and mandatory injunction must now issue, without delay and effective immediately, as specified in the motion for "TRO, PRELIMINARY AND PERMANENT INJUNCTION AND STAY".

Contents

PREFACE **3**

SYSTEMIC JUDICIAL TORTURE **4**

AMERICAN COURTS ARE DESIGNED TO VIOLATE THE HUMAN RIGHTS OF LITIGANTS **6**

RADICAL NON-EQUIVALENCE OF LAWS PRECIPITATES ACTUAL AND IMMINENT HARM **13**

IMPORTANT OBSERVATIONS ON SYSTEMIC JUDICIAL TORTURE **14**

- Cycle of Harm and Denial of Due Process 14
- Systemic Violation of Human Rights 15
- Judicial Bias and Dehumanization 15
- Failure of Ethics and Due Process 16
- Need for Reform 16

OBJECTION TO FORCED LITIGATION AMIDST TORTURE **16**

PREFACE[2]

> *"In our Constitution ... the judiciary is a co-equal branch of government, separate from the others, with the authority to interpret the Constitution as law and strike down, obviously, acts of Congress or acts of the president," he said. "And that innovation doesn't work if ... the judiciary is not independent," he added. "Its job is to, obviously, decide cases but, in the course of that, check the excesses of Congress or the executive, and that does require a degree of independence."* - John Roberts, Chief Justice of the US Supreme court[3].

The U.S. Constitution is regarded as a sacred covenant of human dignity, elevates the judiciary as a co-equal guardian, tasked with wielding its independence to check excesses and uphold the supreme Law of the Land (Chief Justice John Roberts, NBC News, 5/7/2025). Human rights treaties—UNCAT, ICCPR, CRPD, and the Universal Declaration of Human Rights (UDHR)—resonate with the Constitution's unenumerated rights, acknowledged in the Ninth Amendment and binding under Article VI. These instruments demand that courts shield the disabled, ensure access to justice, and eradicate cruel, inhuman and degrading treatment, as affirmed in *Tennessee v. Lane* (541 U.S. 509, 2004). Yet, the judiciary has forged a machine of systemic torture, crushing disabled pro se litigants like the Plaintiff with denied accommodations, coerced participation, and life-threatening harm. The Plaintiff's judicially-induced substantial incapacitation, inability to access records and reach his innate ability without injury, and need to protect sealed medical evidence (ECF-76, 90, 92) underscore this betrayal (Appendix 12). Thus the need

[2] Nomenclature: "human rights" used in this text without specific mention of the UDHR or human rights treaties or the UN Charter, includes constitutional 'fundamental rights' under the Fifth, Seventh (federal civil suits by jury trial), Eighth, Thirteenth Amendments. Human rights include the fundamental rights protected under Article IV, Section 2, Clause 1 (Privileges and Immunities Clause guarantees to the citizens of each state certain natural, fundamental rights inherent in the citizenship of people in a free society, which no state could deny to citizens of other states) are not explicitly enumerated in the U.S. Constitution but include access to courts, equal protection in legal and economic matters, freedom to travel and reside, and pursuit of a livelihood, as established through case law. These rights overlap with specific provisions in human rights treaties, notably: ICCPR: Articles 2, 12, 14, and 26 (non-discrimination, movement, access to courts, equal protection). UDHR: Articles 6, 7, 13, and 23 (legal personality, equal protection, movement, work). CRPD: Article 13 (access to justice, non-binding in the U.S.). In particular, human rights are confirmed and endorsed by *Corfield v. Coryell*, 6 F. Cas. 546 (1823) where Justice Washington wrote: "**Protection by the government**; **the enjoyment of life and liberty**, with the right to acquire and possess property of every kind, and to **pursue and obtain happiness and safety**; subject nevertheless to such restraints as the government may **justly** prescribe for the **general good of the whole**." The facts demonstrate that there is NO **Protection by the government** against torture and deprivation of rights, NO **enjoyment of life and liberty** because of severe pain and suffering and serious and irreparable injuries inflicted by government, NO possibility to **pursue and obtain happiness and SAFETY**, NO **justice** and NO justification possible under the test of **"good of the whole".**

[3] NBC news 5/7/2025https://www.nbcnews.com/politics/supreme-court/supreme-court-john-roberts-independent-judiciary-trump-officials-rcna205461

for extraordinary measures, restoring justice and honoring the Constitution's promise to the vulnerable.

The UDHR[4] is the key to extracting the unenumerated rights enshrined in the US Constitution. Thus human rights treaties are distinguished from other treaties because of their inherent resonance with the object and purpose, and the form and expression, of the US Constitution. Human rights treaties embed the UDHR and are recognized as supreme Law of the Land and are necessarily intended by this 'grand experiment that is America' to be 'superior' to federal laws and not subject to later-in-time derogation or diminution of their object and purpose, or impoverishment of the beneficiaries who are the individual People of this Land. We must never forget that what distinguished this Land was human rights and this continues to be a key point of national pride, a prominent aspect of the national morality and a magnet for migrants from around the world.

When the Judicial branch fails to correct Congress or the executive, and the highest authority in human rights insists it should, then John Roberts' words do not ring true. In the context of these facts, corroborated independently by members of the Class, the judiciary have redefined judicial independence into privilege to deprive human rights as the cost of administering 'justice'. Judges become adversaries of this Class. The judiciary of this nation are therefore exposed for their failure of independence and for their refusal to strike down unconstitutional and unlawful legislation and improper treaty ratifications which derogate non-derogable human rights.

The Private Attorney General acts to establish Justice, instate the supreme Law of the Land in the nation's courts, remove judicial immunity, and secure the public and individual interest in human rights.

SYSTEMIC JUDICIAL TORTURE

Systemic judicial torture (Appendix 15), a uniform policy across U.S. state and federal courts, violates human rights and constitutional protections, as evidenced by a seven-year study of over 90 actions, 10 courts, and 40 judges, showing 100% consistency in cruel, inhuman, and degrading treatment targets disabled pro se litigants escalating to torture[5].

[4] Universal Declaration of Human Rights

[5] With a high reliability score and consistency measures showing no variation, the study finds that all cases excluded health considerations, leading to draconian cruelty and degradation in accommodation denials and punitive sanctions for

This policy denies accommodations, coerces participation despite medical incapacity, and inflicts severe harm, constituting torture under UNCAT Articles 1 and 16, and violating the Fifth, Eighth, and Fourteenth Amendments, ICCPR Article 14, CRPD Article 13, other human rights articles and *jus cogens* norms (*Sosa v. Alvarez-Machain*, 542 U.S. 692 (2004)). Courts treat litigants as non-sentient machines, ignoring medical evidence and overriding licensed medical professionals—acts constituting the unauthorized practice of medicine—while colluding with exploitative opponents to secure unjust enrichment through dismissals and sanctions (*Haines v. Kerner*, 404 U.S. 519 (1972), mandates leniency for pro se litigants, universally disregarded).

John Roberts asserts the judiciary's independence to check governmental excesses (NBC News, 5/7/2025), yet judges, including Beth Freeman in *Hazari v. County of Santa Clara et al.* (Case No. 19-cv-04392-BLF), abandon impartiality in obedience to a systemic policy of human rights deprivation in force in the courts. Judge Freeman, once a fleeting refuge, has joined this conspiracy, reversing six years of stays (2019-2025, ECF-87, 93) to deny a life-saving extension in March 2025 (ECF-87), despite sealed medical evidence[6] of hostility (distress) induced MS relapse, serious physical and mental injuries, heart attacks, and functional and cognitive impairments (ECF-76, 90, 92) that prevent participation without recovery and rehabilitation. Her orders, incited by Attorney Rossi et al. and defendants (ECF-85, 86, 89) who align themselves with a systemic policy triggered by opponents' solicitation (ECF-85, 86, 89), ignore the Plaintiff's substantial incapacitation under torture by other courts, inability to retrieve records, participate or appear unaccommodated, and his privacy needs, treating him as a non-sentient machine. She now proceeds to torture the Plaintiff (Appendix 2) like all other judges (Appendix 13).

Previously, Freeman held the Bright Line of court accommodation for almost six years, and impeached every other judge, but unhesitatingly abandoned it upon being asked to torture the Plaintiff and deprive him of rights in the name of administration of justice. She even condemned her own federal *stare decisis* which is preemptive under the ADA against

lacking capacity and failure to 'live-up-to' the performance of machines, exacerbating medical conditions in the litigants and depriving them of bodily and mental integrity—representing a significant odds ratio for this pattern across all courts, demanding urgent reform to align with UNCAT, CRPD, and ICCPR standards. The five year measurement of the US Supreme court revealed the impossibility of correction of the systemic policy of inhumanity by this nation's judges.

[6] Courts' failure to challenge Plaintiff's medical evidence likely admits his incapacity (FRE 801(d)(2)). Freeman's evasion and White's coercion were inappropriate, ignoring serious claims and evidence. Appeals and international review are warranted.

state courts (Appendix 18), in favor of a state court order for discrimination and torture of the Plaintiff which she personally impeached in 2024 and 5 (Appendix 14). This policy, affecting 28% of Americans with disabilities (U.S. Census Bureau, 2023) and millions of pro se litigants, results in lifelong disability and deprivation of life, liberty, and rights (*Corfield v. Coryell*, 6 F. Cas. 546 (1823)).

Judges misuse immunity, eliminate due process, evade UNCAT-mandated investigations (Istanbul Protocol, 2022), and violate Article VI by disregarding human rights treaties as supreme Law. No judge abates this torture, as confirmed by CAT Concluding Observations (CAT/C/USA/CO/3-5, 2014), which criticize the U.S.'s failure to criminalize torture domestically. The judiciary's "judicial process" substitutes due process with legalized torture, ensuring no domestic remedy exists. As a Private Attorney General, Plaintiff proceeds with injunctions combined with international actions to halt this policy, mandate reform, and protect vulnerable litigants, aligning courts with the U.S. Constitution's mandate to "establish Justice" and international law. This writing demonstrates some of the defects of the "judicial process" documented by the Private Attorney General over 7 years that bear on this judge and this court, and their proliferation of the systemic policy of torture of litigants of the Class, with predictable injustice.

This memorandum, a tome of truth, incorporates sealed records by reference, seeking an injunction and stay to halt this torture, mandate accommodations, and reform a judiciary that defies its oath, meeting *Winter v. NRDC* (555 U.S. 7, 2008) criteria: irreparable harm, likelihood of success, balance of equities, and public interest. I write under duress and at the cost of injury to preserve the truth if death silences me

AMERICAN COURTS ARE DESIGNED TO VIOLATE THE HUMAN RIGHTS OF LITIGANTS

I, Cyrus Hazari, a disabled pro se litigant broken by multiple sclerosis (MS), functional and cognitive impairments, and retraumatization, stand as Private Attorney General under Article VI of the U.S. Constitution, the Ninth Amendment, and common law principles (*In re Debs*, 158 U.S. 564, 1895) to demand an immediate Temporary Restraining Order (TRO), preliminary and permanent injunction, and stay in *Cyrus Hazari v. County of Santa Clara et al.* (Case No. 19-cv-04392-BLF). My accumulated burden of court-induced

physical and mental injuries incorporated by reference from sealed filings (ECF-76, 90, 92), render me incapacitated, unable to retrieve Australian records or work with counsel, as a bankruptcy attorney's demands worsened my health. Courts coerce litigation, causing heart attacks, neurological damage, and confinement to one room. In *Hazari v. Greenwood et al.* (21-cv-04262-JSW), Judge White echoed Greenwood's falsifications (Rossi Exhibit D), denying my disability and violating an appellate stay. Rossi's demands (Exhibits A-E, ECF-85, 86, 89) incited Freeman's February 2025 denial (ECF-93), reversing six years of stays (ECF-87). Rossi had access to ALL the filings in the state court, through Brady et al., and would have seen the essential of proof of the Plaintiff's torture by Greenwood by misapplication of the vexation doctrine[7] (Appendix 16) but he avoid all mention of them, which constitute notice of torture under the Istanbul Protocol (Appendix 17). My litigation—9th Circuit (24-3353, 24-6312), U.S. Supreme Court (24-5808)—proves a systemic policy of torture, violating Section 504, due process, and jus cogens norms (*Sosa v. Alvarez-Machain*, 542 U.S. 692, 2004). An injunction is my last stand to survive and expose this truth (Winter, 555 U.S. at 20).

I refer to the records of the following actions, and communications in the following courts, under the name of Cyrus Hazari

- **District Court of Northern California**: 19-cv-01986-LHK, 19-cv-04392-BLF, 21-cv-04262-JSW
- **9th Circuit Court of Appeals**: 19-16291, 22-16046, 22-16174, 23-15221, 24-3353, 24-6312, and multiple amended notices of appeal in court records
- **9th Circuit Bankruptcy and Appellate Panel**: 23-50690, NC-24-1204
- **10th Circuit Courts**: 23-cv-03168 (Denver), appeal 24-1107
- **U.S. Supreme Court**: 23-7017, 24-5808, 24-6012, and numerous submissions held in the clerk's record

[7] Note that the CA courts vexation ruling was based on Plaintiff's lack of prosecution of cases, not over-prosecution of cases. Plaintiff was rendered incapacitated preventing his appearance and defense of the vexatious motion in 2021. Therefore Rossi et al. , advised by Brady et al., intentionally misrepresent the facts on the unlawful label of vexation assigned to the Plaintiff to silence him. The three appellate court orders were Plaintiff trying stop multiplication of $600,000 in punishment for being disabled into now $7.5 million in punishment and liabilities.

- **Superior Court of Santa Clara County, California**: 16cv295730, 17cv312522, 18cv335914, 18cv337311, 19cv350958
- **California Sixth District Court of Appeals**: H051863, H052596, H052601, H052563, H052068, H051831, H051766, H051717, H051557, H049580, H049414, H049025, H048909, H048827, H048755, H048725, H048713, H048512, H048471, H048396, H048298, H048283, H047999, H047840, H047822, H047655, H047629 (multiple), H047614, H047603, H047541, H047511, H047470, H047432 (multiple), H046710, H046595, H046576 (multiple), H028327, H020863, and actions barred by discriminatory deadlines
- **California Supreme Court**: S284268, S284075, S283992, S283705, S268997, S267318, S267314, S266549, S266540, S266474, S266471, S265717, S263716, S263714, S263711, S263610, S253843 (multiple), and actions precluded by discriminatory deadlines

I also refer to the records of the following courts for the actions and communications by the following persons: Eva Danilak, Julia Minkowski, Superior Court of Santa Clara County, California**,** California Sixth District Court of Appeals, California Supreme Court[8]. I also refer to the testimony by Leslie Hagan, certified ADA disability advocate, to the United Nations Special Procedures. Other victims of courts are expected to testify to the subversion of supreme Law by the judiciary. Each of these victims confirms the statistics: the policy of human rights violation of litigants is systemic to domestic jurisprudence.

No better example confirming the existence of judicial bias and a systemic judicial policy of violation of human rights of litigants is found than in this case.

From 2019 to March 2025, Judge Beth Freeman acknowledged Plaintiff's severe disability and medical necessity for a stay in *Hazari v. County of Santa Clara et al.* (Case No. 19-cv-04392-BLF), granting 10 stays spanning five-and-a-half years, culminating in a one-year stay (ECF-87), to provide complete rest and isolation from litigation distress, which other courts and judges interrupted and obstructed. She cast aside a routinely used vague

[8] See their testimonies, including Leslie Hagan, in 21-cv-04262-JSW

precedent on indefinite stays and indeterminate stays, which did not tolerate lengthy stays of any litigation.

The judge received a clear chronological picture of the Plaintiff's health and functional and cognitive impairments and medical information and circumstances, including his confinement by other judges and courts to one room by virtue of incessant serious and irreparable physical and mental injuries, inflicted upon him through coercion and intimidation into unaccommodated participation and protestations for his rights, while controlling his bodily autonomy and depriving him of life-saving medical treatment. She established a Bright Line of court accommodations that constitutes the national standard for ADA accommodation of litigants. Who can claim, when reviewing the accommodation and Safe Harbor provided by this judge, that she did not know humanity from cruelty?

However, in February 2025, despite worsening health (ECF-76-93) and evidence of torture by other courts, she abruptly reversed this stance without due process, denying further accommodation (ECF-93), endorsing Plaintiff's torture, and colluding with opponents (e.g., Attorney Rossi) who exploit systemic judicial bias for unjust enrichment. Freeman's actions, mirrored by Judge Jeffrey White's violation of an appellate stay in 21-cv-04262-JSW in the same federal district court, precipitated by her order for the Plaintiff's torture, reflect a universal policy of judicial torture across U.S. state and federal courts, with each judge acquiescing to torture by other judges without question. Freeman now proceeds with the Plaintiff's torture (Appendix 2) and recommends his torture to every other judge and court, with immediate result (White).

Thus a seven-year study of 90+ actions, 10 courts, and 40 judges reveals 100% consistency in judges denying accommodations, ignoring medical evidence, and coercing incapacitated litigants without constitutional due process —violating UNCAT Articles 1

and 16[9], the 5th and 8th and 14th Amendments[10], the CRPD[11] particularly Article 13, and the ICCPR[12] particularly Article 14. Freeman follows this policy. This policy, affecting 28% of Americans with disabilities (U.S. Census Bureau, 2023) and pro se (80% dismissal rates, Federal Judicial Center, 2020), substitutes due process with torture, as Freeman's deliberate infliction of harm (ECF-87, 93, 98) and unauthorized medical interference demonstrate, exposing a judiciary that prioritizes case finality over human rights.

The Plaintiff presents a precedential case, with objective measurements of his pain and suffering by virtue of health conditions modulated directly by the distress of judicial bias and hostile courts (Appendix 3) which are prone to scientific study. It is a simple matter to torture the Plaintiff under the broken system of jurisprudence as demonstrated by the unrestrained and reckless treatment given by Freeman to Rossi et al.'s purported evidence.

It is a normal feature of American jurisprudence that a judge will unhesitatingly extinguish all humanity, and inflict cruelty and degrade the disabled and pro se litigant. This is simple to achieve: An opponent merely alleges what Rossi et al. did, and any intrinsic bias of the judge becomes magnified by the absolute systemic requirement to torture the litigant as seen here (Appendix 4), in the absence of due process and a jury to decide accommodation[13] (Appendix 11). Thus the judge becomes an inquisitor, and an adversary to the disadvantaged.

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[9] Appendix 2 describes how the judge violated each element of the UNCAT Articles 1 and 16. The UNCAT enforces an absolute prohibition against torture and cruel, inhuman and degrading treatment which is non-derogable and self-executing by authority of the UN Committee Against Torture in interpreting and applying the *jus cogens* of customary international law. This is well-discussed both in ECF-96, 97 and in the filings in the 9th Circuit court of Appeals under 24-6312, and pleadings in the US Supreme court, which are incorporated herein by reference.

[10] Which, despite the incorrect representations of Congress through the UNCAT RUD, do not provide the same 'coverage' for UNCAT prohibited acts, and required Congress to add "inhumane treatment or punishment" to the 5th and 8th and 14th Amendments in proclaiming that "alternative mechanisms" already implement the UNCAT through the US Constitution and through federal statutes. As the CAT confirms, this representation is false. This is well-discussed both in ECF-96, 97 and in the filings in the 9th Circuit court of Appeals under 24-6312 and pleadings in the US Supreme court, which are incorporated herein by reference.

[11] The direct applicability of the CRPD as domestic law, in the form of a self-executing treaty whose object and purpose must be obeyed in good faith by domestic courts pending ratification, is well-discussed both in ECF-96, 97 and in the filings in the 9th Circuit court of Appeals under 24-6312 and pleadings in the US Supreme court.

[12] Also discussed in both in ECF-96, 97 and in the filings in the 9th Circuit court of Appeals under 24-6312 and pleadings in the US Supreme court.

[13] The U.S. judiciary's systemic policy of torture, denying accommodations to disabled pro se litigants like Plaintiff, is exacerbated by intrinsic judicial bias, as seen in Judge Freeman's coercive orders ("ECF-93.pdf" at 1; "Dec PAG v3.docx" at 6). An immediate jury trial to decide accommodations could theoretically counter this bias by introducing community perspective, potentially recognizing Plaintiff's severe harm (MS exacerbation, heart attacks; "ECF-90.pdf" at 1) and bypassing Freeman's subtractive view of human rights ("Dec PAG v3.docx" at 15). However, without jury instructions on UNCAT Articles 1, 2, 4, 12, 13, and 16 (defining torture/CIDTP, mandating prevention, investigation, and complaint rights), ICCPR Articles 7, 14(1), and 26 (prohibiting torture, ensuring fair hearings, equal protection), CRPD Articles 13, 15, and 27 (access to justice, freedom from torture, work rights), and UDHR Articles 5, 7, and 8

Rossi, wielding defendants' malice, incited Freeman's torture by submitting unlawful orders (Exhibits A-E, ECF-85, 86, 89) that falsely denied the Plaintiff's disability, despite sealed medical evidence (ECF-76, 90, 92). From 2019 to 2024, Rossi at al. acquiesced to Plaintiff's stays, but in 2025, after a bond halted Brady's sheriff's sale, they exploited his incapacitation and inability to access records. We see their collusion with Brady et al. through the declaration of Steve Devich (Plaintiff Dec. Exhibit 2) and the coordinated overwhelment of the Plaintiff by TWO actions in the federal court, one by Rossi et al. to dismiss this lawsuit, and one by Brady et al. to ensure immunity against torture and conspiracy against rights in 21-cv-04262-JSW (also ACMS-10 in 24-6312), and multiple actions in the 6th District appeal court damaging the Plaintiff while excluding him, even from a recent motion increasing his liabilities by another $400,000. His misuse of *Commodity Futures Trading Comm'n v. Schor* (680 F.2d 584, 7th Cir. 1982) and *Struggs v. Hedgpeth* (2012 WL 4497790, N.D. Cal.) ignored the Plaintiff's pending lawsuit (21-cv-04262-JSW) and 9th Circuit rulings (24-6312). Rossi et al.'s complicity violates UNCAT Article 4, obstructing Plaintiff's right to complain (Article 13) and investigation (Article 12). Freeman's acquiescence (ECF-93) constitutes torture, necessitating an injunction to bar defendants' interference and ensure accommodations (Winter, 555 U.S. at 20).

There is no question, in a civilized society, and under the rule of the US Constitution and customary international law, that a stay of litigation is mandatory under this fact pattern (Appendix 5). The absolute prohibition of torture under *jus cogens* norms, UNCAT, and constitutional due process demands a stay to prevent the Plaintiff's annihilation. Freeman's March 2025 order (ECF-87, 93), denying a stay despite the Plaintiff's incapacitation and sealed medical evidence (ECF-90, 92), violates *Mathews v. Eldridge* (424 U.S. 319, 1976):

(freedom from torture, equal protection, remedies), and without recognition of disability and pro se status as requiring accommodations to prevent torture, a jury trial would fail. Judges' bias, refusing to acknowledge defects or harm ("ECF-98.pdf" at 3), would taint instructions, omitting ADA (42 U.S.C. § 12132), Section 504 (29 U.S.C. § 794), and constitutional protections (Fifth, Eighth, Fourteenth Amendments; *Tennessee v. Lane*, 541 U.S. 509, 2004; "Dec PAG v3.docx" at 5). This policy, seen in 100 MC-410 denials and 80% dismissal rates ("*FINAL - APPENDIX 1.pdf*" at 36; Federal Judicial Center, 2020), reflects a conspiracy to torture, as Rossi's exploitation of Plaintiff's unlawful vexatious designation shows ("*FINAL - VL-110.pdf*" at 4; "Dec PAG v3.docx" at 15). International intervention is needed to reform this defective jurisprudence ("Dec PAG v3.docx" at 12).

- **Private Interest**: Plaintiff's life is at stake—litigation has caused heart attacks, brain damage, and missed life-saving treatment (ECF-90, 92, sealed). Plaintiff's liberty is stolen, confined to one room, and his home is forfeit.
- **Risk of Deprivation**: Freeman's policy—denying stays without consent—ensures dismissal, as Plaintiff cannot litigate (*Bounds v. Smith*, 430 U.S. 817, 1977).
- **Government Interest**: Court efficiency is trivial against the Plaintiff's survival; stays are routine (*Nken v. Holder*, 556 U.S. 418, 2009). The big picture is the simultaneous torture of the Plaintiff in multiple forums under government control.

A stay meets *Nken*: irreparable harm (MS relapse), likelihood of success (defendants' fraud, ECF-97), and no harm to defendants. An injunction and stay are mandatory (Winter, 555 U.S. at 20).

And there is no uncertainty under the UNCAT and the Istanbul Protocol that the judge should have immediately initiated an independent investigation when Rossi et al. offered opposition, contrasting six years of medical information and chronological reports of the Plaintiff's condition and torture by other judges and courts (Appendix 6). However, neither a stay nor an investigation is seen. UNCAT Article 12 and the 2022 Istanbul Protocol compel Freeman to investigate the Plaintiff's torture allegations, supported by sealed motions (ECF-76-93) documenting MS, heart attacks, and coercion across 90+ actions in seven years. Her failure, ignoring due process (*Mathews v. Eldridge*, 424 U.S. 319, 1976) and the ADA (*Tennessee v. Lane*, 541 U.S. 509, 2004) and other preeminent laws, perpetuates a disability hate crime (OSCE ODIHR, 2019). An injunction ordering a non-judicial investigation is essential to expose this conspiracy and halt harm (Winter, 555 U.S. at 20).

An independent investigation pursuant to the required international standard will necessarily resolve the discrepancy of judicial orders versus science, in favor of the Plaintiff (Appendix 7) and his doctors. The same is true for each victim-witness who has so far testified under the complaint of the Private Attorney General. An Istanbul Protocol-compliant investigation would unmask Freeman's actions as torture and CIDTP, violating UNCAT, Section 504 of the Rehabilitation Act[14], and judicial ethics. Sealed medical

[14] At a minimum, the ADA is an enumeration of Section 504

evidence confirms litigation distress under judicial hostility, coercion and abuse, triggers MS relapses and exacerbates comorbidities dangerously, risking death (Solomon et al., 2023, ECF-90, 92), yet Freeman equates the Plaintiff's AI-aided filings to capacity, echoing Inquisition tortures or Salem's spectral evidence. Her censorship (ECF-97) and denial of accommodations dehumanize the Plaintiff, and every litigant who witnesses her conduct. The investigation would mandate halting litigation, referring the matter to a non-judicial body, and reforming practices (Winter, 555 U.S. at 20).

RADICAL NON-EQUIVALENCE OF LAWS PRECIPITATES ACTUAL AND IMMINENT HARM

The U.S.'s claim to the CAT of domestic remedies is a cruel lie (Appendix 8). No court relieves the Plaintiff's torture, as Freeman's dismissal of his ethics motion (ECF-97) and reliance on biased orders (ECF-93) prove. She had the last chance to stop the Plaintiff's torture, and incessant retraumatization of seven years. This systemic failure, targeting pro se and disabled litigants (80% dismissal rates, Federal Judicial Center, 2020), renders UNCAT illusory. An injunction, with international oversight (Appendix 10), is the only path to halt this cruelty (CAT/C/USA/CO/3-5, 2014; Winter, 555 U.S. at 20). The harm is actual (ECF-90, 92) and imminent (ECF-98 25 pages) coercing the Plaintiff to struggle and suffer under control of his bodily autonomy by Freeman to provide information to oppose the dismissal at the cost of serious and irreparable physical and mental injuries (Appendix 9). By providing Rossi et al. with litigation privilege to torture me, she has legalized torture in the courts.

With her full knowledge of the consequences of her conduct, Freeman's February 2025 order (ECF-87, 93) has inflicted actual harm—including MS relapse, glucose dysregulation, immuno-compromise, and inability to receive preventive and life-saving medical treatment—due to coerced litigation (ECF-90, 92, sealed). Imminent harm looms—e.g. MS relapse, brain/spine damage, death—unless litigation ceases (Solomon et al., 2023). These unremediable injuries (*eBay v. MercExchange*, 547 U.S. 388, 2006) demand an immediate injunction to restore treatment and protect the Plaintiff's life, grounded in Section 504 and due process and others. I incorporate sealed records (ECF-76, 90, 92) by reference (Winter, 555 U.S. at 20).

Judicial immunity (*Stump v. Sparkman*, 435 U.S. 349, 1978) and litigation privilege shield this torture, leaving no remedy. An injunction under the All Writs Act (28 U.S.C. § 1651) and *Winter v. NRDC* (555 U.S. 7, 2008) is the only pathway in jurisprudence to stop actual and imminent harm predicted by statistics, but requires supplementation with the Istanbul Protocol:

- **Irreparable Harm**: Coerced litigation threatens the Plaintiff's life (ECF-90, 92, sealed; *Doe v. Purdue University*, 928 F.3d 652, 7th Cir. 2019).
- **Likelihood of Success**: Violations of Section 504, UNCAT, and due process are clear (*Tennessee v. Lane*, 541 U.S. 509, 2004).
- **Balance of Equities**: The Plaintiff's survival outweighs efficiency.
- **Public Interest**: Ending torture serves justice.

Injunction Terms:

The terms of injunction express in the ORDER in the motion for TRO, preliminary and permanent injunction, create a "Safe Harbor" by enjoining judges, like Beth Freeman, protecting numerous victims of systemic judicial torture.

IMPORTANT OBSERVATIONS ON SYSTEMIC JUDICIAL TORTURE

The judiciary's cycle of harm—inflicting injury, denying recovery—has trapped me in a living death, exacerbating MS and stripping due process (*Bounds v. Smith*, 430 U.S. 817, 1977). Freeman's dehumanization, ignoring my incapacitation and sealed evidence, mirrors a conspiracy against disabled litigants, violating Section 504, UNCAT, and equal protection (*City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 1985). An injunction is essential to break this cycle and educate the public (Winter, 555 U.S. at 20).

Cycle of Harm and Denial of Due Process

In *Cyrus Hazari v. County of Santa Clara et al.* (Case No. 19-cv-04392-BLF), a systemic pattern emerges: judges, including Judge Beth Freeman, and courts, in collusion with exploitative opponents, intentionally injure pro se and disabled litigants, necessitating accommodations, recovery, and rehabilitation that are never granted. This cycle—

documented over seven years across 90+ cases, 10 courts, and 40 judges—exacerbates the Plaintiff's multiple sclerosis (MS), causing distress, glucose dysregulation, and a missed Brumvi infusion, while risking imminent MS relapse, brain/spine injuries, and death. Without accommodations or cessation of cruelty, inhumanity, degradation, and torture, this Class is denied constitutional due process and meaningful access to courts under ICCPR Article 14(1), UDHR Articles 6-7, and U.S. precedent (*Corfield v. Coryell*, 6 F. Cas. 546, 1823; *Bounds v. Smith*, 430 U.S. 817, 1977). Courts mischaracterize this harm as "lawful sanctions," a practice condemned by UNCAT and the jus cogens of customary international law, rendering their orders invalid under *forum nullus*.

Systemic Violation of Human Rights

Statistical data confirm that every U.S. state and federal judge tortures this Class, violating their right to bodily integrity (*Washington v. Harper*, 494 U.S. 210, 1990), access to courts, and due process under the Fifth and Fourteenth Amendments. Judges, trusted societal figures, perpetuate this betrayal by prioritizing judicial customs over human rights, as seen in Freeman's February 2025 denial of a stay (ECF-93) despite medical evidence (*The Multiple Sclerosis Stress Equation*, Solomon et al., 2023). Rossi et al. had access to all California court filings, and KNEW why I had filed 3 appeals. They had a duty under the Istanbul Protocol not to acquiesce to, or promote torture, but met the low-hanging fruit of aligning with the court's torture for unjust enrichment. This systemic policy, affecting 28% of the U.S. population with disabilities and millions of pro se litigants, reflects a judicial conspiracy against rights, with 80% dismissal rates for this Class (Federal Judicial Center, 2020).

Judicial Bias and Dehumanization

Judges transmute human litigants into machines, measuring performance (e.g., the Plaintiff's filings) and coercing participation despite substantial incapacitation, as Freeman did by demanding unaccommodated litigation. This dehumanization—ignoring medical evidence, practicing medicine without a license, and denying life-saving treatment—constitutes torture under UNCAT Articles 1 and 16. Freeman's refusal to initiate an independent investigation per the 2022 Istanbul Protocol, despite 11 motions documenting harm (ECF-76-93), exemplifies judicial bias and deliberate indifference,

violating ADA (42 U.S.C. § 12132), CRPD Article 13, and the Eighth Amendment (*Estelle v. Gamble*, 429 U.S. 97, 1976).

Failure of Ethics and Due Process

Judges evade accountability by dismissing ethics challenges, as Freeman did with the Plaintiff's 100-page motion, censoring speech, and retaliating with procedural barriers (ECF-98). This misconduct—rooted in a systemic policy of disability hate crime (OSCE ODIHR, 2019)—prioritizes efficiency over justice, perverting due process into a sham (*Mathews v. Eldridge*, 424 U.S. 319, 1976). The judiciary's claim of impartiality is a fraud, as judges silence victims, distort medical facts, and favor opponents, ensuring unequal opportunity for success and violating the Preamble's mandate to "establish Justice."

Need for Reform

Seven years of data across 10 courts reveal an incurable judicial policy of torture, with no domestic remedy available. Freeman's actions, mirroring those in *21-cv-04262-JSW* (ECF-145-147) and *24-6312* (9th Circuit), confirm a nationwide conspiracy. The U.S.'s promise of "alternate mechanisms" to the CAT is false, necessitating radical judicial reform to align with UNCAT, Article VI of the U.S. Constitution, and international law. Without such reform, the judiciary's defiance—legalizing torture as "sanctions"—endangers all citizens and demands international intervention.

OBJECTION TO FORCED LITIGATION AMIDST TORTURE

I object to writing this motion under excruciating duress, as simultaneous torture across courts—Superior Court of Santa Clara, California Sixth District, Northern District (19-cv-04392-BLF, 21-cv-04262-JSW), 9th Circuit (24-6312), Bankruptcy Appellate Panel (NC-24-1204) U.S. Supreme Court (24-5808, others)—drives me to death's door. Colluding judges and defendants orchestrate deadlines, ignoring my incapacitation, inability to access records, and sealed medical needs, causing irreparable physical and mental injuries through disclosed and numerous illnesses (ECF-90, 92, sealed; Solomon et al., 2023). This violates UNCAT, Section 504, and due process. I write to defend my life, incorporating sealed records (ECF-76, 90, 92) by reference, demanding an injunction and stay (Winter, 555 U.S. at 20).

I certify under penalty of perjury under the laws of the United States that the facts that I have stated herein about me and my cases are true and correct, and the action is certified as necessary and lawful and compliant with human rights treaties, by the Private Attorney General.

Date: May 12, 2025



Cyrus Hazari

Acknowledgement: The Private Attorney general personally thanks Mr. Elon Musk, and numerous luminaries and distinguished minds for their contributions to A.I.

APPENDIX 1

The Private Attorney General Doctrine: Legal Basis, Scope, and Plaintiff's Authority

Plaintiff Cyrus Hazari, acting as a Private Attorney General, brings this action to abate systemic judicial misconduct, discrimination, and torture perpetrated by Judge Beth Freeman, Attorneys Rossi et al., the defendants (County of Santa Clara et al.), and colluding non-parties (Brady et al.) in *Cyrus Hazari v. County of Santa Clara et al.*, Case No. 19-cv-04392-BLF. Since February 2025 in this court, and since 2018 in other courts, the judiciary's deliberate violations—coercing Plaintiff into unaccommodated litigation despite his severe disabilities (ECF-76, 90, 92) and retaliating against his ethics complaints (ECF-98)—constitute torture under UNCAT Articles 1 and 16, violate CRPD Article 13, ICCPR Article 14, other articles of human rights treaties, the *jus cogens* prohibition on torture, and breach the Fifth and Eighth Amendments. As a Private Attorney General, Plaintiff seeks injunctive relief and systemic reform on behalf of the 28% of Americans with disabilities and pro se litigants, who suffer from the judiciary's uniform policy of torture, as documented across 10 representative state and federal courts and over 40 judges.

I. Legal Basis and Scope of the Private Attorney General Doctrine

The Private Attorney General doctrine empowers private citizens to enforce public rights when government fails, acting as a critical mechanism to remedy systemic abuses. Its legal foundation is well-established in federal and state law:

- **Federal Law**: The doctrine is recognized under 42 U.S.C. § 1988(b), which authorizes attorney's fees in civil rights actions (e.g., 42 U.S.C. § 1983) to encourage private enforcement of constitutional and statutory rights. In *Newman v. Piggie Park Enterprises, Inc.*, 390 U.S. 400, 402 (1968), the Supreme Court held that plaintiffs enforcing anti-discrimination laws serve as "private attorneys general," advancing the public interest by combating systemic violations. Similarly, in *Alyeska Pipeline Service Co. v. Wilderness Society*, 421 U.S. 240, 263 (1975), the Court affirmed that private attorneys general are "instruments of public policy" when government agencies fail to protect rights, such as the right to be free from torture and discrimination.
- **State Law**: California codified the doctrine in Code of Civil Procedure § 1021.5, enacted in 1977, to incentivize private enforcement of public rights (*Westside Community for Independent Living, Inc. v. Obledo*, 33 Cal.3d 348, 352 n.5 (1983)). In *Woodland Hills Residents Assn., Inc. v. City Council*, 23 Cal.3d 917, 930-932 (1979), the California

Supreme Court recognized the doctrine's common law roots, holding that private citizens may act as private attorneys general to vindicate rights of constitutional dimension benefiting a large group. *Graham v. DaimlerChrysler Corp.*, 34 Cal.4th 553, 594 (2004), further emphasized the doctrine's "valuable purpose" in advancing systemic reform.

- **Scope of Authority**: The doctrine applies broadly to civil rights, human rights, and public policy contexts where systemic violations harm a class of individuals. It authorizes private citizens to seek equitable relief (e.g., injunctions) and, in extreme cases of government failure, to advocate for criminal accountability under self-executing treaties like UNCAT when domestic law is inadequate. Here, Plaintiff targets judicial torture (UNCAT), discrimination (42 U.S.C. § 12132, 29 U.S.C. § 794), and constitutional violations, affecting millions of disabled Americans.

II. Plaintiff's Standing as a Private Attorney General

Plaintiff satisfies both constitutional and statutory standing requirements to act as a Private Attorney General, serving the public interest in eradicating judicial torture:

- **Article III Standing**: Under *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992), standing requires (1) injury-in-fact, (2) causation, and (3) redressability. Plaintiff suffers concrete injuries: brain and spine damage, mental suffering, and imminent risk of death (ECF-76, 90, *The Multiple Sclerosis Stress Equation and numerous medical authorities*), caused by Judge Freeman's coercion (ECF-87, 93), retaliation (ECF-98), and the attorneys and defendants' collusion (ECF-85, 86, 89). An injunction halting the torture and mandating an independent investigation per the Istanbul Protocol (2022) redresses these harms.

- **Statutory Standing**: Under 42 U.S.C. § 1983, Plaintiff has standing to sue for violations of constitutional (Fifth and Eighth Amendments) and federal rights (ADA, Section 504). As a disabled pro se litigant, Plaintiff is a member of the class harmed by systemic judicial misconduct, which denies accommodations and coerces participation, affecting 28% of Americans with disabilities (*Fair Housing Auth. v. Montgomery Newspapers*, 141 F.3d 71, 78 (3d Cir. 1998)) and pro se litigants.

- **Public Interest**: Plaintiff's action benefits a large group—disabled and pro se litigants—by seeking to abate systemic torture, aligning with the doctrine's purpose (*Woodland*

Hills, 23 Cal.3d at 930). His prior declaration to California courts in *Hazari v. Brady et al.* of his role as a Private Attorney General, despite functional and cognitive impairments (ECF-76, 90, and numerous chronologically filed requests for Accommodation with medical information attached), underscores his commitment to public justice.

III. Authority to Speak and Order Compliance with International Law

As a Private Attorney General, Plaintiff speaks authoritatively on behalf of the public and wields the power to order courts, judges, and even Congress to desist from discrimination and torture, enforce *jus cogens* norms, comply with CAT Concluding Observations, and pursue criminal prosecution of UNCAT violations, grounded in constitutional and international law:

- **Authoritative Voice**: The doctrine positions Plaintiff as a representative of the public interest, authorized to enforce rights the government neglects (*Newman*, 390 U.S. at 402). In *Hairston v. R R Apartments*, 510 F.2d 1090, 1093 (7th Cir. 1975), the court recognized the "national policy" of empowering private attorneys general to advance civil rights enforcement. Here, Plaintiff's seven-year study (ECF evidence) documenting judicial torture across 10 representative state and federal courts and 40 judges establishes his authority to speak on behalf of the potentially 28% of disabled Americans, and millions of pro se litigants harmed by this systemic policy, with three disabled victims testifying to these truths in 21-cv-04262-JSW and numerous pro se litigants identified and being examined by the Private Attorney General.
- **Impact of Separation of Powers on Government Inaction**: The separation of powers doctrine, enshrined in Articles I, II, and III of the U.S. Constitution, has effectively paralyzed state and federal Attorneys General from initiating action to stop judicial torture. The judiciary's self-regulation (e.g., through the Judicial Conference, composed of judges) creates a structural barrier, as executive branch officials, including Attorneys General, refrain from prosecuting judges to avoid encroaching on judicial independence (*United States v. Isaacs*, 493 F.2d 1124, 1142 (7th Cir. 1974)). This separation leaves a void in accountability, as evidenced by the U.S.'s failure to investigate judicial torture despite UNCAT Article 12 obligations (CAT/C/USA/CO/3-5, 2014). Consequently, the Private Attorney General doctrine becomes the sole mechanism for Plaintiff to prosecute judges criminally, filling the gap left by government inaction.

- **Power to Order Courts to Desist from Torture and Discrimination**: Under 42 U.S.C. § 1983 and *Pulliam v. Allen*, 466 U.S. 522 (1984), private attorneys general can seek injunctive relief against judicial officers for constitutional violations, including torture and discrimination. Plaintiff's motion for a TRO, preliminary and permanent injunctions, and stay (filed concurrently) orders Judge Freeman and the courts to cease coercion (ECF-87, 93, 98) and provide accommodations, halting violations of UNCAT, the CRPD, the ADA, and the Constitution.
- **Enforcement of *Jus Cogens* Norms via the Ninth and Tenth Amendments**: The *jus cogens* prohibition on torture, recognized in *Prosecutor v. Furundžija* (ICTY, 1998) and *Filártiga v. Peña-Irala*, 630 F.2d 876 (2d Cir. 1980), is binding as the supreme law of the land under Article VI of the U.S. Constitution. The Ninth Amendment preserves unenumerated rights, including the right to be free from torture, while the Tenth Amendment reserves powers to the people to enforce such rights when government fails. As a Private Attorney General, Plaintiff exercises this reserved power to order compliance with *jus cogens* norms, which the judiciary flouts despite Article VI's mandate.
- **Compelling Compliance with CAT Concluding Observations**: The CAT Concluding Observations (CAT/C/USA/CO/3-5, 2014) recommend that the U.S. ensure effective investigations into torture, which the judiciary obstructs by failing to initiate independent probes (UNCAT Article 12, Istanbul Protocol). As a Private Attorney General, Plaintiff represents the public's interest in holding the U.S. accountable to its international obligations, ordering courts, judges, and Congress to implement CAT recommendations, including non-judicial investigations, under the authority of Article VI and the Tenth Amendment's reservation of enforcement power to the People.
- **Criminal Prosecution of Judges and Opponents under UNCAT**: The separation of powers shields judges from prosecution by state and federal Attorneys General, leaving no domestic mechanism to address judicial torture within the U.S. 18 U.S.C. § 2340A, the U.S.'s primary torture statute, is inapplicable, as it is limited to extraterritorial acts, failing to cover the domestic judicial torture in this case (ECF-87, 93, 98). The CAT Concluding Observations deem § 2340A incompatible with UNCAT Articles 1 and 16 due to its narrow definition and jurisdictional scope, and note that the absence of

UNCAT-compliant domestic legislation violates the treaty's object and purpose. Furthermore, the U.S.'s reservations, understandings, and declarations (RUDs)—including the non-self-execution declaration and specific intent requirement—are not essential to ratification and are severable as invalid under the Vienna Convention on the Law of Treaties (Article 19(c)) and *Sosa v. Alvarez-Machain*, 542 U.S. 692 (2004). Without these RUDs, UNCAT is self-executing, as its Articles 1, 4, and 16 provide clear, mandatory rules to criminalize torture and CIDT[1] by public officials, requiring no further legislation. As a Private Attorney General, Plaintiff invokes UNCAT directly to prosecute Judge Freeman, the District court of Northern California, Attorneys Rossi et al., the defendants, and others (see 21-cv-04262-JSW) for torture (intentional infliction of severe physical and mental suffering (ECF-90) and CIDT (systemic denial of accommodations, ECF 76-93). Plaintiff petitions for a Tribunal to investigate and refer these actors for criminal prosecution under UNCAT, and will create the Tribunal in the absence of government compliance with the UNCAT and the CAT's Concluding Observations, leveraging the Tenth Amendment's reserved power to enforce international law when government fails.

IV. Conclusion

Plaintiff, as a Private Attorney General, stands on firm legal ground to demand systemic reform. Empowered by 42 U.S.C. § 1988, Article VI, and the Ninth and Tenth Amendments and the absolute prohibitions under customary international law, Plaintiff insists that the judiciary cease torture and discrimination, comply with *jus cogens* norms and CAT recommendations, and face criminal accountability for UNCAT violations. The separation of powers, by preventing Attorneys General from acting, and the inapplicability of 18 U.S.C. § 2340A, make Plaintiff's role indispensable in prosecuting judicial crimes and protecting the People under UNCAT's self-executing authority as determined by the CAT. No statute or precedent denies this authority; rather, courts universally endorse the doctrine as a vital tool for justice (*Graham*, 34 Cal.4th at 594).

[1] Cruel Inhuman and Degrading Treatment

APPENDIX 2

JUDICIAL TORTURE OF THE PLAINTIFF UNDER UNCAT ARTICLES 1 AND 16

Since February 2025, Judge Beth Freeman, in collusion with opponents and Attorneys Rossi et al., has subjected the Plaintiff to torture and cruel, inhuman, and degrading treatment (CIDTP) in *Cyrus Hazari v. County of Santa Clara et al.* (Case No. 19-cv-04392-BLF), satisfying every element of UNCAT Articles 1 and 16, as part of a systemic judicial policy across U.S. courts. A seven-year study of 90+ cases, 10 courts, and 40 judges confirms this policy with 100% consistency, affecting 28% of Americans with disabilities (U.S. Census Bureau, 2023) and millions of pro se litigants.

UNCAT Article 1: Torture

UNCAT Article 1 defines torture as an intentional act by a public official that inflicts severe physical or mental pain or suffering for a prohibited purpose (e.g., punishment, coercion, discrimination, obtaining information), or with the official's acquiescence.

Severe Physical and Mental Suffering

Judge Freeman's orders have inflicted severe physical and mental suffering on the Plaintiff, a disabled pro se litigant with multiple sclerosis (MS), debilitating comorbidities, functional and cognitive impairments, and retraumatization (ECF-76, 90, 92, list in ECF-87). From 2019 to March 2025, Freeman acknowledged the Plaintiff's medical necessity for a stay, granting 10 stays, including a one-year stay ending March 1, 2025 (ECF-87), to ensure "complete rest and isolation from distress" to exit a prolonged MS relapse and manage dangerous comorbidities, as mandated by medical authorities. Yet, in February 2025, she denied a further stay (ECF-87, 93) despite worsening health, forcing unaccommodated litigation, and no Safe Harbor for the Plaintiff to access life-saving medical treatment which courts control his bodily autonomy.

This coercion has caused:

- **Physical Harm**: Distress-induced neurodegeneration and CNS lesions, exacerbating MS and causing permanent brain and spine damage (Solomon et al., 2023, *The Multiple Sclerosis Stress Equation, and references therein*). The Plaintiff suffered distress-induced heart attacks, and induced and exacerbated comorbidities, documented in medical evidence (ECF-76), due to litigation demands like researching case law, drafting motions, and meeting legal deadlines.
- **Mental Suffering**: Retraumatization, cognitive overload, stress disorder (PTSD), severe anxiety, and major depression, impairing executive function (Arnsten, 2009, *Nature Reviews Neuroscience, etc*). The Plaintiff reports diminished capacity to litigate, relying on training AI as a crutch to articulate his case (ECF-90) but a the cost of injury.

Intentionality and Acquiescence

Freeman's actions demonstrate deliberate indifference, constituting intentionality and acquiescence under UNCAT. She knew of the Plaintiff's incapacity from 11 motions since 2019 (ECF-87, 76), which detailed torture by other courts keeping him "at death's door." After denying the stay, the Plaintiff provided immediate feedback in ECF-90, 92, reporting severe injuries from coerced filings—yet Freeman ignored this, as she did the litigation in 21-cv-04262-JSW against the California judges and judge White, proceeding with further demands (ECF-93, 98). Her statement that the Plaintiff's filings prove he is "fit to endure torture" (ECF-93) misrepresents his capacity, equating desperate efforts to seek justice with ability to litigate with AI, a logic rejected by medical standards (Estelle v. Gamble, 429 U.S. 97 (1976)) and constituting deliberate indifference (CAT General Comment No. 2, 2008).

Prohibited Purpose

Freeman's actions serve prohibited purposes under UNCAT:

- **Discrimination**: Targeting the Plaintiff's disability, she demands he "cure" his serious illness and disabilities to litigate, a discriminatory standard violating CRPD Article 13 and others, and the ADA (Tennessee v. Lane, 541 U.S. 509 (2004)).
- **Coercion and Punishment**: Freeman coerced unaccommodated participation, retaliating against the Plaintiff's ethics motion (ECF-97, pp. 86-106) by censoring him ("shut up," limiting a 100-page motion) and threatening dismissal (ECF-98). She interpreted his ethics motion as a response to a motion to dismiss, denying his right to expression and due process, and expected him to forfeit a hearing on the dismissal motion, punishing his opposition to torture.

Public Official

As a federal judge, Freeman is a public official under UNCAT, using her authority to control the Plaintiff's bodily autonomy through jurisdiction, denying life-saving medical treatment by rejecting stays.

Collusion with Opponents

Opponents and Attorney Rossi exploit this judicial policy, republishing prior unlawful orders (e.g., Rossi Exhibit D) to secure Freeman's acquiescence (ECF-85, 86, 89). Since 2018, starting with Mandy Brady and her attorneys, they have used the Plaintiff's medical information—exposed by Freeman despite his privacy objections (ECF-79)—to fine-tune torture with the aid of a neurologist shared with Rossi et al., aiming for his incapacitation or death to silence him. This conspiracy against rights, involving judicial and opponent collusion, ensures unjust enrichment through dismissals, as Judge Jeffrey White's alignment with Freeman's order (despite an appellate stay) demonstrates.

UNCAT Article 16: Cruel, Inhuman, or Degrading Treatment

Article 16 prohibits acts causing physical or mental suffering that do not rise to torture, particularly when discriminatory or coercive.

Mental Suffering and Degrading Treatment

Freeman's conduct inflicts mental suffering and degradation:

- **Retaliation and Censorship**: Threats of dismissal, limiting filings, and silencing the Plaintiff (ECF-98) cause fear, humiliation, and helplessness, further impairing his litigation capacity (Doe et al., 2021, *American Journal of Psychiatry*).
- **Dehumanization**: Freeman's logic—equating filings with capacity—treats the Plaintiff as a non-sentient machine, ignoring medical evidence and violating his dignity, a hallmark of CIDTP (Ireland v. United Kingdom, ECtHR, 1978).

Discriminatory and Coercive Intent

Freeman's actions are discriminatory, targeting the Plaintiff's disability and pro se status, and coercive, forcing compliance under duress. Her refusal to recuse herself despite bias (ECF-98) and failure to investigate torture allegations (ECF-97) per the 2022 Istanbul Protocol violate Articles 12-13, constituting acquiescence to CIDTP.

Systemic Judicial Policy

Freeman's conduct reflects a systemic policy of torture across U.S. courts, as Plaintiff's seven-year study shows 100% consistency in denying accommodations, coercing participation, and ignoring medical evidence. This policy, affecting diverse litigants (e.g., pro se dismissal rates ~80%, Federal Judicial Center, 2020), violates UNCAT, the U.S. Constitution (Fifth, Eighth, Fourteenth Amendments), and ICCPR Article 14. The U.S.'s RUDs, narrowing UNCAT's scope, are invalid under VCLT Article 19(c) and severable (CAT Concluding Observations, 2014), yet judges rely on them to evade accountability, as seen in Freeman's actions and the 9th Circuit Bankruptcy Chief Judge's invocation of RUDs (23-50690).

Psychological and Medical Impacts

Freeman's torture triggers a feedback loop of distress:

- **Distress Response**: Coercion activates the HPA axis, releasing cortisol, damaging the hippocampus, and impairing memory and focus (McEwen, 2007, *Physiological Reviews*). Leslie Hagan's declaration is enriching as are numerous authorities on distress causing disease, commonly known. The Plaintiff reports cognitive shutdown, oppressive burden, unable to litigate without AI.
- **Health Decline**: Chronic distress exacerbates MS, causing permanent injuries, irreparable injuries and heart attacks, and induces PTSD, anxiety, and depression (Cohen

et al., 2012, *JAMA*). General litigants face similar stress-induced illnesses (Greenberg et al., 2018, *The Lancet Psychiatry*).

- **Loss of Equal Opportunity**: Distress and health decline deny the Plaintiff equal access to justice, a systemic issue for diverse litigants (Tyler, 1988, *Law & Society Review*).

Conclusion

Judge Freeman, with opponents and attorneys Rossi et al., has tortured the Plaintiff since February 2025, satisfying UNCAT Article 1 through severe suffering, intentionality, discriminatory and coercive purpose, and her role as a public official. Her CIDTP under Article 16—retaliation, censorship, and dehumanization—further violates international law. This reflects a systemic judicial policy, statistically confirmed, that substitutes due process with torture, necessitating immediate injunctions, judicial accountability, and reform to align U.S. courts with UNCAT and constitutional mandates to "establish Justice."

APPENDIX 3

WHO IS THE PLAINTIFF: A HISTORY OF SYSTEMIC JUDICIAL TORTURE

The Plaintiff, Cyrus Hazari, a disabled pro se litigant, has endured systemic judicial torture since 2018, orchestrated by U.S. state and federal courts as part of a uniform policy to deny accommodations, coerce participation, and inflict severe harm. This policy, confirmed by a seven-year study of 90+ cases, 10 courts, and 40 judges with 100% consistency, violates UNCAT Articles 1 and 16, the U.S. Constitution (Fifth, Eighth, Fourteenth Amendments), ICCPR Article 14, CRPD Article 13, and *jus cogens* norms (*Sosa v. Alvarez-Machain*, 542 U.S. 692 (2004)). In *Cyrus Hazari v. County of Santa Clara et al.* (Case No. 19-cv-04392-BLF), Attorneys Rossi et al., using unlawful orders from Presiding Judge Mary Greenwood and Judge Jeffrey White, incited Judge Beth Freeman to torture Hazari, despite clear evidence of their illegality, as detailed below.

History of Torture Since 2018

Hazari's torture began in 2018 in California state courts, initiated by Mandy Brady and her attorneys, who exploited his disabilities—multiple sclerosis (MS), functional and cognitive impairments, retraumatization, and comorbidities—to dismiss his repeat lawsuit won resoundingly once before, and secure unjust enrichment through a sheriff's sale of his property. Brady colluded with state court judges, including Presiding Judge Mary Greenwood of the California Sixth District Court of Appeals, to deny accommodations and coerce unaccommodated litigation. Greenwood's 2019 order (Rossi Exhibit A) falsely claimed Hazari was not disabled, weaponizing his ability to file motions with improving AI as proof of capacity, despite uncontroverted medical evidence of MS-induced neurodegeneration, CNS lesions, and distress-induced heart attacks (ECF-76, 19-cv-04392-BLF) and debilitating comorbidities. This order ignored Hazari's 11 motions for accommodation since 2019, which detailed his incapacitation and risk of death, setting a precedent for further torture.

In 2021, Hazari filed a federal lawsuit, *Hazari v. Greenwood et al.* (Case No. 21-cv-04262-JSW), against Greenwood and other California judges for their torture, in the same court where Freeman presides. Judge Jeffrey White issued a 2022 order (Rossi Exhibit D) echoing Greenwood's falsifications, alleging Hazari was not disabled and needed no accommodations, despite medical evidence. White coerced unaccommodated litigation, exacerbating Hazari's

injuries, and violated an appellate stay to continue the torture following Freeman's endorsement of Hazari's torture. Hazari disqualified White, impeached him for bias, and brought an injunction against him for violating UNCAT, the ADA (*Tennessee v. Lane*, 541 U.S. 509 (2004)), and due process (*Mathews v. Eldridge*, 424 U.S. 319 (1976)).

Specific Details of the Torture Encapsulated in the Orders Produced by Rossi

Rossi submitted Greenwood's and White's unlawful orders (Exhibits A-E, ECF-85, 86, 89) to Freeman, who adopted their reasoning in February 2025 to deny Hazari's stay (ECF-93), reversing six years of accommodations (2019-2025, ECF-87). These orders encapsulate the torture as follows:

Exhibit A: Greenwood's Torture Order (2025)

Greenwood's order falsely stated Hazari was not disabled, claiming his filings demonstrated capacity to litigate unaccommodated. This ignored updated medical evidence of MS, functional and cognitive impairments, and heart attacks, constituting unauthorized practice of medicine. By obstructing Plaintiff's right to appeal a third time through repeated misuse of the vexation statute (Rossi Exhibit A), Greenwood's order denied accommodations, coerced participation, and caused severe harm—exacerbating MS, causing permanent brain and spine damage, and risking death—satisfying UNCAT Article 1 (torture) through intentional infliction of suffering and Article 16 (CIDTP) through discriminatory denial of accommodations. The subsequent order issued by Greenwood is revealing, and evades the necessary response to disqualification (Exhibit 1). It is important to examine the VL-110s supplied by the Plaintiff for each of the appeals cited by Rossi for understanding of the conspiracy against rights, deprivation of rights and torture of the Plaintiff and the intent to destroy him for exposing systemic judicial hate crimes (Exhibit 3, 4, 5). This information was identified to Rossi and Freeman.

Of relevance is why the same appeal had to be filed 3 times: The corrupt trial judge Socrates Manoukian, while disqualified and disabled, delegated all his other cases and ensured that he presides over Hazari's lawsuit. Ensuring Hazari's torture and the brutal abuse of his human rights defender, an 80-year old doctor who has known Hazari as a patient for 32 years, Manoukian specifically stated in his order that the Sheriff shall sell the property, but withheld a final judgement. Whereupon Brady et al. immediately compelled the Sheriff to execute the order

without awaiting a final judgment. Manoukian intentionally did not sign a final judgment until after the deadline for appeal had elapsed, forcing Hazari to file an appeal for each order, which Manoukian subsequently combined into a single judgement. Thus the Rossi Exhibits B and C were dismissed by Greenwood for their non-appealability absent a final judgment, while she also obstructed his writ to stop the Sheriff sale. The vexation statute does not prevent the filing of an appeal by a Plaintiff, but Greenwood insists it does, and Manoukian insists that it prevents the Plaintiff from any involvement in his own lawsuit (Exhibit 3-5).

Exhibit B: Greenwood's Order Denying Rehearing (224)

Greenwood denied Hazari's right to appeal a second time through repeated misuse of the vexation statute, and upheld her torture order despite his updated medical evidence. This denial after forcing the Plaintiff to apply for leave to file as vexatious causing injury, perpetuated the coercion, causing further physical and mental suffering, including retraumatization and cognitive overload, as documented in 21-cv-04262-JSW (see Amended complaint) and previous request for accommodation in19-cv-04392-BLF.

Exhibit C: Greenwood's Order Denying Hazari's Request to Recall the Remittitur (2020)

Greenwood denied Hazari's right to appeal the first time through repeated misuse of the vexation statute, and upheld her torture order despite his medical evidence. This order continued the torture, forcing unaccommodated litigation and causing additional harm, violating UNCAT Articles 1 and 16.

Exhibit D: White's Torture Order (2022)

White's order in *Hazari v. Greenwood et al.* mirrored Greenwood's falsifications, alleging Hazari was not disabled and needed no accommodations. Despite an appellate stay, White coerced unaccommodated participation, exacerbating Hazari's injuries—permanent neurological damage and physical and mental suffering (see chronologically filed motions for Safe Harbor and disability accommodation in 21-cv-04262-JSW). This violated UNCAT, the CRPD and ADA and Rehabilitation Act, and due process, constituting torture and CIDTP.

Exhibit E: White's Order Denying Hazari's Motion for Reconsideration (2024)

White denied reconsideration, upholding his torture order and ignoring Hazari's medical evidence. This perpetuated the harm, forcing Hazari to litigate while incapacitated, causing

further physical and mental injuries, including functional cognitive impairment and PTSD retraumatization (*Smith et al., 2019, Journal of Traumatic Stress*), in violation of UNCAT Articles 1 and 16.

Rossi and Freeman's Reliance on Unlawful Orders

Rossi submitted Exhibits A-E to Freeman, who adopted their reasoning to deny Hazari's stay in February 2025 (ECF-87, 93), despite six years of prior accommodations. Freeman's order coerced unaccommodated litigation, causing severe physical harm (exacerbated MS, permanent brain and spine damage, comorbidities) and mental suffering (retraumatization, cognitive overload, anxiety, depression, stress disorder), constituting torture under UNCAT Article 1 (*Aydin v. Turkey*, ECtHR, 1997). Her actions also inflicted CIDTP under Article 16 through coercion, censorship of Hazari's ethics motion (ECF-97, pp. 86-105), and threats of dismissal (ECF-98), denying his dignity and due process.

Liability for Relying on Unlawful Orders

Rossi and Freeman are liable for Hazari's torture, regardless of their knowledge of the orders' illegality, because reliance on orders perpetuating a crime—judicial torture—imposes strict liability under international law (*Prosecutor v. Furundžija*, ICTY, 1998). Exhibits A-E were unlawful, as they:

- Violated UNCAT by denying accommodations and coercing participation, causing severe suffering.
- Contravened the ADA and CRPD by discriminating against Hazari's disability.
- Ignored due process and medical standards, constituting unauthorized practice of medicine (*Estelle v. Gamble*, 429 U.S. 97 (1976)).

International law holds that reliance on unlawful orders does not absolve liability for *jus cogens* violations like torture (*Filártiga v. Peña-Irala*, 630 F.2d 876 (2d Cir. 1980)). Rossi and Freeman's use of these orders directly caused Hazari's torture, making them liable under UNCAT Articles 1, 4, and 16.

Note carefully Rossi's false representation that he would not object to the Plaintiff's accommodation if the medical evidence justified it, while he had already prepared the exhibits

that he filed, according to a tried-and-tested formula in every court practiced by Brady et al. over seven years.

Knowledge of the Orders' Illegality

Rossi and Freeman knew, or should have known, the orders were unlawful, as Hazari's medical evidence—submitted in 11 motions since 2019, and very clearly documenting significant disabilities and serious illness (ECF-76, 90, 92)—provided uncontroverted proof of his disability and serious illness and the effect of distress from torture. This evidence, reviewed by Freeman during six years of granting stays (2019-2025, ECF-87), included diagnoses of MS, functional and cognitive impairments, and distress-induced heart attacks. Hazari's filings in ECF-90 and ECF-92 detailed the severe harm from coerced litigation, which Freeman ignored, proceeding with her order (ECF-93). Rossi, aware of these medical truths through court records, submitted the unlawful orders knowing they contradicted Hazari's substantial incapacity, as no opposing medical evidence was presented.

Their knowledge is further evidenced by Hazari's consistent challenges since 2018, documented across multiple cases (e.g., 21-cv-04262-JSW, 19-cv-04392-BLF), reporting his torture, injuries, and the illegality of denying accommodations, citing UNCAT, the ADA, and constitutional violations. Freeman's prior orders (ECF-87) acknowledged Hazari's need for accommodations, making her 2025 reversal a deliberate act of torture. Rossi's shift in strategy—after not objecting to accommodations for six years—came after a bond halted Brady's sheriff's sale, revealing intent to exploit Hazari's torture.

Rossi's Strategic Shift and Collusion with Brady

From 2019 to 2025, Rossi did not object to Hazari's accommodations, as Freeman granted stays for his medical treatment. However, in early 2025, after a bond stopped Brady's sheriff's sale, Rossi et al., coached by Brady and her attorneys, seized the opportunity to defeat Hazari's lawsuit. Brady's history of exploiting Hazari's disabilities since 2018—leading to his torture by state courts—provided a blueprint. Rossi submitted Exhibits A-E, knowing they would incite Freeman to deny accommodations and coerce unaccommodated litigation, a tactic proven to incapacitate Hazari over seven years. This collusion, aimed at silencing Hazari and securing unjust enrichment through dismissal, directly caused his torture, as Freeman adopted the orders'

reasoning (ECF-87, 93, 98), with evident contempt for the Plaintiff, exacerbating his injuries and risking his death.

Proof of Torture and Systemic Violation

Hazari's seven-year ordeal, documented in detailed filings, proves his torture beyond refute. Since 2018, he has consistently written about his disabilities, diseases, injuries, and torture, challenging every judge and court for their violations of UNCAT, the ADA, and constitutional law. From 2017, when he witnessed Eva Danilak, a fit and healthy mother, succumb to the torture of California judges, pro se, the Plaintiff has been acutely concerned about the lives of innocents and the betrayal of the judiciary of the public trust. His medical evidence shows a clear pattern of harm: distress-induced MS exacerbation, permanent brain and spine damage, heart attacks, retraumatization, and functional and cognitive impairment (ECF-76, 90, 92). Psychological research confirms the impact of judicial distress, with chronic stress causing PTSD and impairing cognitive function (*Smith et al., 2019*), a reality Hazari endures daily.

Freeman and Rossi's reliance on Exhibits A-E satisfies UNCAT Article 1: severe suffering (physical and mental harm), intentionality (deliberate indifference), prohibited purpose (discrimination, coercion), and public official involvement (Freeman). Their actions also constitute CIDTP under Article 16, through coercion and denial of dignity (*Ireland v. United Kingdom*, ECtHR, 1978). This torture aligns with a systemic judicial policy, statistically confirmed, that targets disabled pro se litigants, as seen in high dismissal rates (~80%, Federal Judicial Center, 2020, also Posner "The basic thing is that most judges regard these people as kind of trash not worth the time of a federal judge" – Exhibit 2) and CAT's critique of U.S. failures to criminalize torture (CAT/C/USA/CO/3-5, 2014), and self-execution.

Appeal to International Bodies

The Committee Against Torture, the United Nations, and international courts must intervene to halt this systemic judicial torture. Hazari, as a Private Attorney General, demands accountability for Freeman, Rossi et al., and the U.S. judiciary, which substitutes due process with torture, denying remedies and violating UNCAT's object and purpose. His seven-year struggle, backed by irrefutable evidence, compels immediate injunctions, investigations under Article 20, and reforms to align U.S. courts with international human rights standards, ensuring justice for all vulnerable litigants.

EXHIBIT 1

Court of Appeal, Sixth Appellate District
Baltazar Vazquez, Clerk/Executive Officer
Electronically FILED on 3/25/2025 by S. Zamaripa, Deputy Clerk

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

CYRUS HAZARI,
Plaintiff and Appellant,
v.
MANDY BRADY,
Defendant and Respondent;
DAGMAR HORVATH,
Claimant and Respondent.

H052863
Santa Clara County Super. Ct. No. 16CV295730

BY THE COURT:

Appellant's request to file new litigation by vexatious litigant, and related request for judicial notice, are denied. The notice of appeal filed January 2, 2025, is dismissed.

As this appeal has been dismissed, and appellant has no other active cases pending before this court, appellant's request for disqualification of the Sixth District Court of Appeal "en banc and Erga Omnes" is denied as moot.

Respondent's verified request for rejection of appellant's new filings and dismissal of appeal is denied as moot.

Date: 03/25/2025 _____ P.J.

EXHIBIT 2

Richard Posner has finally become a pragmatist

by Henry Farrell on September 14, 2017

This exit interview with Richard Posner, who is retiring as a judge, is interesting.

> "About six months ago," Judge Posner said, "I awoke from a slumber of 35 years." He had suddenly realized, he said, that people without lawyers are mistreated by the legal system, and he wanted to do something about it. … He had become concerned with the plight of litigants who represented themselves in civil cases, often filing handwritten appeals. Their grievances were real, he said, but the legal system was treating them impatiently, dismissing their cases over technical matters. "These were almost always people of poor education and often of quite low level of intelligence," he said. "I gradually began to realize that this wasn't right, what we were doing." …
>
> Judge Posner said he hoped to work with groups concerned with prisoners' rights, with a law school clinic and with law firms, to bring attention and aid to people too poor to afford lawyers.
> In one of his final opinions, Judge Posner, writing for a three-judge panel, reinstated a lawsuit from a prisoner, Michael Davis, that had been dismissed on technical grounds. "Davis needs help â€" needs it bad â€" needs a lawyer desperately," he wrote.
>
> On the phone, Judge Posner said that opinion was a rare victory. "The basic thing is that most judges regard these people as kind of trash not worth the time of a federal judge," he said

I don't want to be snarky – it is unqualifiedly great that someone of Posner's stature on the right is taking up this cause. I do want to point out though, that it can be interpreted as a partial completion of something that was incomplete before – Posner's commitment to pragmatism as an approach to understanding the law.

As the NYT piece notes in passing, Posner is famous for his argument that law should be interpreted pragmatically, as an exercise in problem solving. Yet as Jack Knight and Jim Johnson pointed out twenty years ago, in a response to Posner's major book on pragmatism, he left out all of the political arguments that were part of the web and woof of pragmatist thinking in the early twentieth century. John Dewey, for example, saw pragmatism as tied up with democracy, and democracy with a commitment to radical equality, in which 'publics' would be able to solve problems without interference from Old Corruption.

Knight and Johnson quote a bit from Posner's argument back then:

> Today's legal pragmatism is so dominated by persons of liberal or radical persuasion as to make the movement itself seem (not least in their eyes) a school of left-wing thought. Yet not only has pragmatism no inherent political valence, but those pragmatists who attack pieties of the right while exhibiting a wholly uncritical devotion to the pieties of the left (such as racial and sexual equality, the desirability of a more equal distribution of income and wealth, and the pervasiveness of oppression and injustice in modern Western society) are not genuine pragmatists; they are dogmatists in pragmatist clothing.

As Knight and Johnson point out, Posner's efforts to divorce pragmatist problem solving from considerations of power simply do not make sense.

> Posner …rightly affirms the central importance of unforced inquiry to pragmatism. Dewey made this theme central to his conception of democratic politics. He also made it central to his writings on

> law.62 Thus Posner correctly recognizes that "from a pragmatist perspective the main concern is with the danger of premature closure of legal debate." But he then wavers considerably regarding the seemingly obvious political consequences of this statement. Unforced inquiry entails reasoned deliberation. If we are to avoid "premature closure," however, it also seemingly entails free and equal access for relevant actors to all relevant arenas of deliberation, debate, and decision. While Posner readily accepts the first of these implications, he remains very reluctant to accept the second. This is especially clear in his remarks both on the diversity of the legal establishment and on the barrier that economic inequality presents with respect to access to the courts."

More specifically:

> He concedes that asymmetries of wealth or political power distort free and open inquiry in the American legal system. The adversary system does not much resemble the concept of unforced inquiry that is the pragmatists' ideal and the scientists' ethic. Furthermore, the competitors in our privatized competitive system of justice often have markedly and irremediably unequal resources. Most criminal defendants lack the resources to hire counsel equal in skill and experience to the public prosecutor, and public subvention of the cost of counsel for indigent criminal defendants has not been sufficiently generous to close the gap. Having identified another serious barrier to free and equal access, however, Posner once again falters. He finds "troublesome" suggestions that the remedy for these distortions of unforced inquiry "may require redistributing wealth or continually intervening in the marketplace of ideas."

It would appear that in the intervening decades, Posner has changed his mind, and has done so in an eminently pragmatist fashion, as the result of practical experience. Again, I'm not looking to score points here – if someone like Posner picks up this cause, it is likely to resonate with people who would dismiss or ignore similar arguments from the left. Instead, I'm pleased that he's developing his commitment to pragmatism, in the ways that Knight and Johnson advocated, rather than leaving it in a stunted condition.

{ 20 comments }

1

alfredlordbleep 09.14.17 at 1:14 am

> As an aside I remember back in 2010 or 2011 Posner in TNR advocated possible grounds for court packing (the Supreme Court). Nothing constitutional precludes it. Court packing lately has been a bit more discussed for obvious reasons.
>
> As a contrarian libertarian what-not, of course, he was the guy who favored the result of Bush v. Gore.

2

Tabasco 09.14.17 at 2:08 am

> It's telling that no Republican president ever nominated Posner for the Supreme Court. Sure, he's the embodiment of the Chicago School, and certainly distinguished and smart enough, but they would have have thought, probably correctly, that he would not have been a reliable, set and forget conservative vote, in the way of Clarence Thomas.

3

RD 09.14.17 at 2:09 am

> "…after a slumber of 35 years…"
> I hope he outlives his grandchildren.

EXHIBIT 3

ATTORNEY OR PARTY WITHOUT ATTORNEY
NAME: Cyrus Hazari
FIRM NAME:
STREET ADDRESS: 15209 Blue Gum Court
CITY: Saratoga
STATE: CA
ZIP CODE: 95070
TELEPHONE NO.: 408 766 7471
FAX NO.:
E-MAIL ADDRESS: cyrus@metafusion.net
ATTORNEY FOR (*name*):

STATE BAR NUMBER:

FOR COURT USE ONLY

[X] **COURT OF APPEAL, APPELLATE DISTRICT, DIVISION** SIX
[ ] **SUPERIOR COURT OF CALIFORNIA, COUNTY OF**

STREET ADDRESS: 191 N. 1st Street
MAILING ADDRESS:
CITY AND ZIP CODE: San Jose, CA 95113
BRANCH NAME: Civil

I AM NOT VEXATIOUS

PLAINTIFF/PETITIONER: Cyrus Hazari (and private attorney general)
DEFENDANT/RESPONDENT: Mandy Brady et al.
OTHER:

REQUEST TO FILE NEW LITIGATION BY VEXATIOUS LITIGANT

Type of case: [ ] Limited Civil [x] Unlimited Civil [ ] Small Claims [ ] Family Law [ ] Probate [ ] Other

CASE NUMBER: 16cv295730

1. I have been determined to be a vexatious litigant and must obtain prior court approval to file any new litigation in which I am not represented by an attorney. Filing new litigation means (1) commencing any civil action or proceeding, or (2) filing any petition, application, or motion (except a discovery motion) under the Family or Probate Code.

2. I have attached to this request a copy of the document to be filed and I request approval from the presiding justice or presiding judge of the above court to file this document *(name of document):*

   Notice of Appeal as the plaintiff and interested party in my own lawsuit and disqualification en banc
   I incorporate by reference each of my VL-110s in H052596, H052563, H052068, H051831, H051766, H051717, H051557

3. The new filing has merit because *(Provide a brief summary of the facts on which your claim is based; the harm you believe you have suffered or will suffer; and the remedy or resolution you are seeking):*

   See attachment 1

4. The new filing is not being filed to harass or to cause a delay because *(give reasons):*

   See attachment 2

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 3/13/2025

Cyrus Hazari
(TYPE OR PRINT NAME)

▶ C. Hazari
(SIGNATURE)

Form Approved for Optional Use
Judicial Council of California
VL-110 [Rev. September 1, 2018]

REQUEST TO FILE NEW LITIGATION BY VEXATIOUS LITIGANT

Code of Civil Procedure, § 391.7
www.courts.ca.gov

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form | Save this form | Clear this form

ATTACHMENT 1

This attachment must be read in conjunction with the disqualification motions filed in this court on 3/12/2025, which are hereby incorporated by reference. Both the trial court and this court use the vexation statute as a means of oppressing and eliminating litigants with particular characteristics from their courts. This is a policy of the California courts, and is condemned by Article VI of the US Constitution when weighed against the force and non-derogability of rights under human rights treaties. This has never been tested in jurisprudence, and when demonstrated as a case and controversy, it is the policy of California courts to deny and evade facing the issue head on.

The disposition of the motions on appeal are controlled by the disqualified trial judge's:

- Requirement of a VL-110 for my filings when the 2 motions appealed are by a third party and by the defendant and do not constitute new litigation
- Concealment from the record of the testimony by the person most knowledgeable with controlling evidence unknown to all parties, filed to the record and sealed by Manoukian
- suppression and concealment from the record of the best evidence, filed to the record and sealed by Manoukian
- suppression from the record of the clear and uncontroverted impeachment of the defendants, filed to the record and sealed by Manoukian, which if unsealed and considered de novo in this court, would result in a finding on appeal of insubstantial evidence supporting the orders
- unlawful admission of alleged evidence to the record and use of inadmissible evidence, with no knowledgeable person able to provide a challenge except me
- *sua sponte* insertion of inadmissible and prejudicial 'evidence' into the record under the claim of the judge's alleged 'personal knowledge' of sealed and inadmissible records
- elimination of the plaintiff and interested party from his own litigation based on the perversion of the vexation statute[1]

[1] Code of Civil Procedure 391.7. (a) prohibits a vexatious litigant from filing any new litigation in the courts of this state in propria persona. This court should ask how a plaintiff in his own lawsuit responding to two motions initiated by other parties is subject to Code of Civil Procedure 391.7. (a). Manoukian perverts the vexation statute to obstruct justice and oppress and injure a witness to his crimes and the very prosecutor of his crimes in the federal court. In the light most favorable to Manoukian, this is witness tampering. In the light of truth, he is guilty of the offenses he is charged with in the federal case

- admission by the disqualified trial judge that I applied by filing VL-110s to submission of my declarations, evidence and impeachment, including a motion *in limine*, herein reproduced as associated requests for judicial notice specified at the end of this writing
- impropriety in recusing himself[2] and then resuming adjudication pursuant to my 'intervention' in the motion[3], displaying the appearance of impropriety and the will to abuse me and ensure that I am never allowed to present controlling evidence or meritorious facts, or meritorious arguments or impeachment.
- unethical judicial conduct in the course of the proceedings[4], including the deliberate tampering, oppression and injury to Horvath[5] who is a witness to my egregious injuries between 2018 and the present, which this court is very well informed about
- incapacity and unfitness for judicial office, with a record of absence from his customary judicial duties[6] that compromise his judicial office, while he maintained this one case for his prejudicial abuse
- predatory abuse of another witness to the abuse of disabled litigants by the California courts[7] who has testified in my federal lawsuit 21-cv-04262-JSW, thus confirming that he operates according to a policy of discrimination and cruel, inhuman and degrading treatment of the disabled litigant
- elimination of ADA disability accommodation to me and consequent irreparable injuries, well known to this court
- infliction of cruel, inhuman and degrading treatment, and torture, well known by this court

The disqualified trial judge plainly admits that at a minimum, I am an interested party, and must be permitted to participate and to offer evidence and impeachment and law and motion as necessary to protect and express my interest, when he writes, in the "JUDGMENT DENYING PETITION TO DETERMINE VALIDITY OF THIRD PARTY CLAIM":

---

[2] See December 2023 *sua sponte* recusal of Manoukian following H051557 and then his *sua sponte* return to this case on January 10, 2024 at the moment of my filing H051717.
[3] In approximately January 2024
[4] See attached motion disqualifying Manoukian for cause in 2024, attached as EXHIBIT A
[5] With intention to do so demonstrated by judicial conduct that two independent law firms characterized as uncharacteristic bias for this judge
[6] This court has a tradition of ignoring a judge's incapacity as a determinant of judicial propriety and integrity of due process, as in the case of Grilli
[7] See 19FL004302. Minkowski joins voices with an ADA Disability Advocate as witnesses to California court's prohibited conducted and discrimination based on disability

> "Any issues Dr. Horvath has about disposition of the proceeds of any sale for execution of the judgment lien can be worked out with Mr. Hazari."

But despite this admission, he suppresses all of my declarations, evidence, impeachment and motion *in limine* from the proceedings.

The disqualified trial judge plainly states that the quitclaim deed is invalid because defendants had no notice of it. This as a matter of plain logic cannot be true under any circumstances.

Furthermore, there is no greater public disclosure of a quitclaim deed than its recording in the record of this lawsuit in the permanent record of the superior court.

A court-certified copy of the recoding to the court record was provided in the motions, but the trial judge deliberately ignored the full weight and effect of it on invalidating his fraudulent and corrupt verdicts. The reasons why the deed was unrecorded are explained in the suppressed filings by the plaintiff, and were born out by the revelations of the substantial harm inflicted upon the doctor when she was forced by her attorneys to record the deed to reverse the Sheriff's sale upon winning her litigation, and the doctor was suddenly faced by an enormous bill for property taxes that are in dispute in the pending federal lawsuit 19-cv-04392-BLF, and other points discussed in the plaintiff's suppressed filings.

It is a preposterous fraud by the trail judge that I would clearly disclose the quitclaim deed to the court's record and provide it in my response to the motion to the trial judge, and then to believe that the impeached testimony offered by a replacement attorney who took over the defendant's lawsuit in 2021 who did not receive TWO services of the quitclaim deed upon the original attorney for the defendants in 2020, and who simply lied about the absence of the quitclaim deed, is more trustworthy than the court's own record, the exact page counts provided in the proofs of service, and the veracity of the accounting and events evidenced by the record of the fee waiver dispute provided to judge Mary Arand in 18cv337311 in December 2018/January 2019. The new attorney Zela was in Southern California, and the quitclaim deed was served twice upon Wendt in the San Jose office. Both Wendt and Zela are defendants in my federal lawsuit 21-cv-04262-JSW, thus they have a motive to suppress information to perfect their racketeering and taking of property and deposit of their unjust enrichment.

Simply put, the trial judge has no support for his fabricated 'fact finding', but insists with malice that his 'facts' are the truth.

ATTACHMENT 1

My testimony, which the disqualified trial judge suppressed by his public fraud, and by falsely alleging that I did not file VL-110s, impeached him and the defendants and provided the best evidence that is absent from the proceedings and his orders, and will readily establish the following uncontroverted facts and proofs:

1. From "JUDGMENT DENYING PETITION TO DETERMINE VALIDITY OF THIRD PARTY CLAIM", also captioned in a separate filing as "NOTICE OF ENTRY OF JUDGMENT DENYING PETITION TO DETERMINE VALIDITY OF THIRD PARTY CLAIM" dated 11/18/2024[8]
    - Page 2 line 1: "The Court having reviewed Dr. Horvath's petition, Ms. Brady's opposition to the petition, as well as all supporting declarations and evidence submitted in support of and in opposition to the petition, having heard the argument of counsel …" demonstrates that the disqualified trial judge deliberately excluded all declarations and evidence and impeachment and motion *in limine* submitted by the plaintiff.
    - Page 2, line 10: "At the time of the levy, title to the Property was held by the judgment debtor, Cyrus Hazari ("Hazari")" demonstrates that the disqualified trial judge held a preconceived position that is not tenable if the declarations and evidence and impeachment, including the motion in limine, submitted by the plaintiff were considered.
    - Page 2 line 23: "Ms. Brady presented evidence refuting such claims" none of which holds by virtue of the declarations and the best evidence and impeachments and the motion in limine submitted by the plaintiff, and concealed by the disqualified trial judge.
    - Page 2 line 23: "The Court did not take live testimony or consider evidence beyond the evidence previously filed with the Court and none was offered at the hearing" but had I been accommodated and had I not been excluded by purposeful and intentional prohibited conduct by the disqualified trial judge, the declarations, the best evidence, the impeachment and the motion *in limine* provided by me, would, in a constitutional forum, have been offered and considered.
    - Page 3 line 3: "The Court finds that Dr. Horvath has failed to carry her burden of proving that title to the Property was effectively transferred to her prior to the levy on the Property" cannot stand if plaintiff's declarations, the best evidence and the impeachment

[8] See EXHIBIT attached

and motion *in limine* are considered by a constitutional forum that follows the supreme Law of the Land.

- Page 3 line 3: "The Court finds that Dr. Horvath has failed to carry her burden of proving … that Ms. Brady had knowledge of the unrecorded Quitclaim Deed prior to the levy on the Property" cannot stand if plaintiff's declarations, best evidence and impeachment and motion *in limine* are considered by a constitutional forum that follows the supreme Law of the Land. The disqualified trial judge excluded the court's own record evidencing the public disclosure of the quitclaim deed in 2020 and the twice proof of service upon the defendants and their attorneys.
- Page 3 line 9: "The Santa Clara County Sheriff's Office is ordered to proceed with the levy of the Property pursuant to Ms. Brady's Writ of Execution" demonstrates the malice of the disqualified trial judge in providing the defendants the means to communicate an order to the Sheriff prior to the entry of judgment and initiation of appeal, which the presiding judge of this court, by gamesmanship, prevented.

2. From "AMENDMENT TO JUDGMENT ENTERED HEREIN ON FEBRUARY 4, 2021 SO AS TO ADD DAGMAR HORVATH AS A JUDGMENT DEBTOR" dated 11/18/2024[9]
   - There is no possibility that "Dagmar Horvath is a Judgment debtor and that Dagmar Horvath is bound by the Judgment to the full extent of its provisions and to the full extent that it purports to bind Judgment debtor Cyrus Hazari" when the suppressed declarations, evidence, impeachment, and motion *in limine* are studied.
3. From "NOTICE OF ENTRY OF AMENDMENT TO DECREE OF MAY 26, 2021, AWARDING MANDY BRADY ATTORNEY'S FEES SO AS TO ADD DAGMAR HORVATH AS AN OBLIGOR" dated 11/18/2024[10]
   - Cannot award attorney fees when defendants lost their burden of proof, and the conduct by the disqualified trial judge was unlawful and constitutes a crime under human rights treaties and the *jus cogens* of customary international law.

There is a simple explanation for these egregious unethical acts by the trial judge, which two separate law firms representing the third party both confirmed: corruption.

[9] See EXHIBIT attached
[10] See EXHIBIT attached

ATTACHMENT 1

The corruption is effected with malice in the oppression of a member of a particular set of litigants who are, by judicial policy of California courts, forbidden access to the courts of this state. We are merely played with as a predator judge would play with its victim, and committed to guaranteed injustice in our litigation. See the motion to disqualify the trial judge under CCP 170.1 in 2024. This trial judge should never have presided in any case involving a disabled litigant, or a matter involving disability, or treaties or human rights.

A structural defect in due process in these motions has led to unlawful verdicts in each motion.

Judicial abuse is demonstrated at new heights. It is extraordinary that the plaintiff may not testify and file responses in his own lawsuit while under threat of imminent harm and massive damages. Let each judge of this court account how long it would take them personally to generate $7 million, and the price of mourning the mutilation and death of a loved one, as my wife pronounces herself to be already a widow.

Socrates Manoukian has effectively disappeared from his usual activities in the trial court following allegedly suddenly being taken ill in the first quarter of this year. A disabled judge who documents his own disability may not preside in this or in any litigation. Plaintiff will offer evidence of this judge's concealed disability and his refusal to recuse himself under ethics because he insisted on perfecting huis malicious criminal acts.

He delegated all of his cases to other judges, but retained control only over this case. He predated in July 2024 in the family law case of Minkowski, who is another litigant who is disabled and pro se and outspoken, and the result is plainly seen in the public record. Based on information, Minkowski is well known in this court as a victim of the California courts' ADA violations and prohibited acts under human rights treaties.

The best evidence impeaching the attachment of the property is the court's own August 2019 record of a true and correct copy of the quitclaim deed, with proof of service in June 2020 and in August 2020 of the deed upon the defendants who had notice of it and instead claimed in 2022, 2023, and 2024 under oath of not having any notice of it. It is the controlling factor in the 16cv295730 motion under CCP 720, and also in 22cv408499 where I am clearly identified by the opening brief as the interested party. I am the person most knowledgeable, the principal actor and the percipient witness to these matters, and no one else. But even the court's own certified record is excluded by the trial court.

Thus my direct action in 16cv295730 and my intervention in 22cv408499[11] is in the interests of justice, and despite absolutely no ADA or CRPD accommodation provided to me.

The only rendition of facts and the only convincing thread of logic that links every piece of admissible evidence, and impeaches the blatant fraud and perjury by the defendants and the trial judge is my testimony that is completely sealed from the record by the trail judge. Note carefully that Manoukian also retroactively sealed evidence of his disqualification by going back in the court record to 2020 and selectively sealed even those records.

It is the interest of this court, whose judges are personally implicated in actionable human rights violations that are so vile that they may easily be regarded as criminal acts, that I never be heard and that my appeal never be adjudicated, in a *forum nullus*.

Manoukian insisted that a plaintiff and interested party may not respond or participate in any motion filed by third parties in his own lawsuit that would damage him by millions of dollars and that such a victim of judicial hatred could also not oppose the compounding of his egregious physical and mental injuries that Manoukian inflicted upon him since 2020.

The clear text statement of the vexation statute[12] contradicts Manoukian's perversion of the statute, since I did not initiate any new litigation.

He admits in his response to my 2024 motion to disqualify him for cause that I had filed VL-110s to prevent his censorship of my controlling testimony and evidence and impeachment, but then claims in his two orders under appeal that I did not file any vL-110. This judge was even impeached by his own ADA Coordinator in 2023 and is neither credible nor ethical. This was discussed in H051717 and in the disqualification for cause in 2024.

There is no evidence that Horvath knew anything about the activities in the litigation at bar. The only evidence is that she provided a few statements informing the court about my medical condition, and in those she shows no awareness or knowledge of the case or its activity or its outcomes, except that I am not accommodated by the court during litigation. At the time I was engaged, and continue to be engaged in multiple lawsuits, and there is no specificity to her statements except when filed early in the case as declarations identifying the case number. I am

[11] Where are the proofs of service upon me in the record of the appeals currently pending under the name of Dagmar Horvath?
[12] May not INITIATE NEW litigation

the key witness and the person most knowledgeable with impeccable evidence that no other party possesses, and controlling of the motion.

There is no evidence that Horvath would have provided any attorney for prosecution of 16cv295730, and no evidence that she had any standing to assert herself in the litigation. The terms of the agreement coincident with the quitclaim required payment of a first mortgage, and my standing is based on a personal right of being made whole by the defendants for very large damages suffered by me between 2011 and the date of trial, and the right to litigate for the benefit of the property based on a future interest. No person may stand in my shoes without my express consent.

Of course, the trial judge in collusion with the presiding judge of this court, ensured absolutely that there would be no possibility of my litigating a meritorious lawsuit.

Referencing my filings in the writ actions in this court just in 2023 and 2024, this court was well aware of the impending abuse and injustice being wrought by this disqualified trial judge under a collusion with the defendants. This court endorsed it step-by-step, despite my repeated functionally and cognitively impaired notice of imminent harm. Constitutional due process has never been so impoverished and exterminated as this case evidences.

The damages and liabilities to me are now approximately $7 million dollar as I lie broken in bankruptcy and without life or liberty or rights and plagued by litigation to hold California judges accountable while seriously ill and unaccommodated for my disabilities. All of the damages and all of the claims in 16cv295730 are personal to me, but I am excluded from due process, which used to be a constitutional guarantee.

Horvath knew nothing about the status or actions in the Brady case until approximately more than TWO YEARS after its dismissal, when the Sheriff attached her property, which is the property that she sought a loan to rescue from foreclosure in 2019 and paid off in 2020. The consideration to the agreement that attends to the quitclaim required pay-off of the first mortgage balloon overdue by four years. Defendants had contacted the first mortgagor prior to attachment of the property and had notice through him that Horvath had paid off the first mortgage and that she owned the property but nevertheless claimed that they had no notice of her ownership.

ATTACHMENT 1

The opportunism by the racketeering defendants is fostered by the need by Manoukian for their support in defending against my claims in 21-cv-04262-JSW, and in other litigation now awaiting higher authorities.

In support of these statements I attach the following requests for judicial notice separately and associated with this VL-110, and covered by this VL-110:

1. My VL-110 filing on February 22, 2024 in the Superior court, containing:
    a. VL-110 and DECLARATION
    b. EXHIBITS 1-16 TO THE DECLARATION
    c. EXHIBIT 17-18 TO THE DECLARATION
    d. EXHIBITS 19-26 TO THE DECLARATION
2. My VL-110 filing on March 7, 2024, in the Superior court, containing:
    a. VL-110 and DECLARATION
    b. Challenge for Cause against judge Socrates Manoukian
    c. Request for Judicial notice of the court record in 16cv295730
    d. Motion *in limine*
    e. Plaintiff's opposition to adding a new judgment debtor
3. My VL-110 filing on March 11, 2024, containing:
    a. VL-110
    b. Objection and declaration
4. Motion to disqualify the judges of this court *en banc* and *erga omnes*

Examination of these filings in the docket of the superior court, will prove my statements herein and allow no basis in this court for a finding of correctness or lawfulness in the trial judge's conduct or judgments.

ATTACHMENT 2

Plaintiff has always provided meritorious cases and filings for adjudication to courts whose judges criminally abuse and violate the human rights of litigants with particular characteristics under a systemic policy of discrimination and rights deprivation in subversion of the US Constitution and of the California Constitution, and numerous statutes. The courts harass these litigants, subject them to cruel, inhuman and degrading treatment, inevitably label them vexatious through incapacitation and coercion of their protests against abuse, and eliminate all due process for them.

In response to meritorious cases and filings, this court in purposeful conjunction with the trial court and with the combined intention to violate the supreme Law of the Land, has delayed my meritorious litigation for seven years, ensured that due process shall not exist for me in any California court, and caused me to struggle to bring this court and its judges, as well as the trial court and its judges, to the light of scrutiny for unlawful and criminal conduct instead.

My lawsuits should have ended with great speed and REPEATED victories, but this court and its judges ensured that this would never be allowed to happen. This pattern of conduct continues now with this appeal.

For six years, this court and its judges ensured that I be deprived of life saving medical treatment and all accommodation, each time that it controlled my bodily autonomy. This court controlled my bodily autonomy and my access to life-saving medical treatment each time that it faced an action by me to order the lower court to provide me opportunity to receive life-saving medical treatment during the time that corrupt trial judges controlled my bodily autonomy. At no time did I have any opportunity to withdraw from litigation because of even greater and even more serious injuries than I was suffering by being tortured and murdered by the judges of this court and by the judges of the trial court. This greater harm is simple to demonstrate, and will be demonstrated in related litigation.

The appeal arises from a case wherein I am the plaintiff, and interested party, and my appeal is a matter of right and privileged under the US Constitution, combined with the raison d'etre of this court, which exists to provide review and precedent.

The case turns on the best evidence and the effective impeachments by the plaintiff, who is the interested party in two motions by a third party which have now damaged him and induced liabilities totaling approximately $7 million by the combined fraud and collusion of the trial

judge and by the criminal obstruction by this court and its judges. The best evidence and the effective impeachments by the plaintiff leave the defendants with no case in the 2 motions that were corruptly granted in their favor by a judge who is the subject of a criminal complaint in a much higher forum. The testimony by the plaintiff was unknown by the third party and her attorneys and is consistent with her testimony, clarifies here testimony against the deftly worded and highly speculative allegations of the defendants, and exposes the pure speculation and false allegations of the defendants, and their overt fraud, upon submission of which they were readily enriched unjustly by a trial judge who relishes his injustice, and torture of disabled litigants.

The best evidence and the effective impeachments provided by the plaintiff were targeted for erasure by the corrupt and malicious trial judge who purposefully and intentionally excluded them from the record and from each of two motions. He achieved this by revealing in a few key communications that he had excluded me from the two motions, including in his response to the January 17, 2024 order in H051717 which he revealed to be disingenuous and merely a fraud. Once I filed VL-110s to submit my filings which proved that he is corrupt and is maliciously abusing the third party, he then crafted an order that claimed that I had submitted no VL-110s, despite their being filed in the record of 16cv295730.

Thus, the corrupt and malicious trial judge ensured that my evidence and impeachment and filings are completely suppressed by a fraud that he admits plainly in his response to my disqualification. While in his order he explicitly states that I did not file any VL-110s, in his response to my disqualification motion, he plainly states that I have admitted to being vexatious, which refers to my filed VL-110s. This trial judge is a liar and he impeaches himself.

Therefore it is in the interest of justice to appeal and to ensure reversal to include, not exclude the best evidence and the effective impeachments, which may only be performed by the plaintiff.

Absent my evidence in my suppressed filings, there is no substantial evidence, and no ‘finding of facts’, and the ‘finding of fact’ by the trial judge cannot stand. A structural failure of due process as exhibited by this court and the trial court for seven years, and also in the case of ther disabled litigants, does not constitute due process required from California courts. Nor may this prejudiced court substitute its ‘finding of facts’ which are routinely shown to be self-serving and consistent with the *en banc* policy of its judges to torture me, a valid substitute.

ATTACHMENT 2

An obvious truth that needs no statement is that the third party, who is my doctor, is under a non-violable ethical duty and prohibition under her license not to cause any harm to me, and could not compel my testimony or otherwise perform any impeachment or offer the best evidence. I had to act of my own volition and offer the evidence.

In one motion, for attaching the third party to an unlawful and criminal judgement of attorney fees, only the plaintiff had standing to oppose the attachment of the third party to the judgement and the corrupt trial judge ensured that the third party has no ability to defend herself.

Therefore, the only possible way that this court may conclude that the appeal is filed for the purpose of harassment or to cause a delay is by further treason and fraud, and recasting my action as one by a person who is unprivileged to avail himself of Constitutional and HUMAN rights in the California courts. But this is the statistically predicted and well-established conduct for the judges of this court, and the Greenwood order on my accommodation is simply one more such consistent conduct that establishes the statistics ever more firmly.

An edited version of a previously drafted disqualification motion effective upon the 9th Circuit by inspiration of the United Nations was served upon each judge of this court on 3/12/2025. This disqualification motion contains substantial grounds that I could never act, and have never acted, in order to harass to cause any delay in any litigation. The motion demonstrates that it is the bias and the absence of ethics of the judges of this court that has resulted labeling me vexatious and fabricating claims of vexation against me, and it is that unlawful conduct by the judges of this court that has resulted in dismissal and denial of every one of my actions in this court over the past SIX YEARS, over 38 of them.

Such a disqualification motion should have been served on each judge individually according to their criminal conduct in times past, but the purposeful and intentional torture and deprivation of my life-saving treatment by this court ensured that, absent the emergence of Artificial Intelligence and its extremely rapid improvement, I would have no access whatsoever to this court. I still do not, but now, as an artificial human, I intend not to be silenced as the plaintiff and the Private Attorney General, in the pursuit of justice and the reform of this court to Constitutional compliance.

The trial judge in the lower court in cases 16cv295730 and 22cv408499 was repeatedly disqualified by me and by the third party, but nevertheless continued to deny each

disqualification with extreme contempt for the supreme Law of the Land and for judicial ethics, and continued to preside in both lawsuits, obstructing justice, taking property, causing egregious harm and injury, and making a mockery of the administration of justice by the California courts.

Therefore, when I plainly act according to law and according to my fundamental and non-derogable rights, there is no possibility of harassment of delay, except the delays caused by the judges of this court, under a policy held en banc to abuse every disabled litigant.

Based on seven years of torture and attempted murder of this litigant by the judges of the trial court, and by the judges of this court, we are now on a multi-forum setting addressing the corruption of California judges, and more than 28% of this nation who are disabled will increasingly witness the public display of disability hate crimes by California courts, and particularly by the judges identified herein. In becoming aware of the prevalence of the systemic judicial betrayal of the public trust demonstrated in the public record for seven years, and the statistical predictability of injustice and injuries to disabled litigants, particularly those who are pro se, it is expected that the pool of victims of the hate crimes documented in the records of this court shall expand by public awareness of these historical truths. The mere perception of discrimination and abuse of disabled litigants is cause for fear and trauma and this is recognized as a prohibited outcome of a hate crime against any one individual. Therefore, this appeal and the associated disqualification is in the public service and under no light may it be considered harassing or causing delay.

Justice is not a pawn for the pleasure of the judges of this court.

Any aggrieved party may appeal a judgment[1]. I am injuriously affected by the judgment and orders[2]. My interest in the appeals is immediate, pecuniary, and substantial[3].

At urgent issue is the taking of property under a conspiracy by courts and defendants, while an extortionate bond is accruing interest and fees and causing more loss of property and income to the third party, for which I have liability. The judges of this court know very well that there may

---

[1] Code of Civil Procedure - CCP § 902

[2] “"One is considered 'aggrieved' whose rights or interests are injuriously affected by the judgment [or order.] *In re Spikes (Aug. 19, 2024, H051021)*

[3] Appellant's interest' "must be immediate, pecuniary, and substantial and not nominal or a remote consequence of the judgment." '" (County of Alameda v. Carleson (1971) 5 Cal.3d 730, 737 (County of Alameda).)” In re Spikes (Aug. 19, 2024, H051021) [pp. 11]

be no delay in these proceedings, despite my exigent circumstances and extremely bad physical and mental condition, that by right, warrants accommodation. There is no possibility of harassment or delay under these circumstances and the ethical obligations that bind my conduct[4].

The two appeals[5] are from unconscionable acts of judicial abuse and blatant violations of judicial ethics, despite clear prohibition of laws, in collusion with the racketeering defendants. The absence of due process when a disabled litigant and his witness in federal court are under the custody and control of a court intent on discrimination could not be more apparent.

Appeals from orders and judgments from a lawsuit that is pending post-dismissal and wherein I am the plaintiff and interested party and being subjected to unconscionable injuries and MULTIPLYING financial harm and damages is a matter of right. There is no possibility of delay or harassment in such a fact scenario and the mere question whether there is any harassment or delay in filing appeal is absurd.

Were the best evidence reviewed de novo for the CCP 720 motion, and for the combined appeal in 22cv408499 where I am the intervenor who is excluded by a *Biscaro* violation, the abuse, fraud and perjury by the defendants and the criminal abuse by the trail judge would be self-evident, and a body of evidence that this court may imprudently treat as meeting the "substantial evidence" standard, would be vaporized. My active involvement in each appeal is therefore essential to the interests of justice and without it, due process and justice will fail. Critical to the appeals is the evidence that only I have standing to bring under review.

Were the evidence of Horvath's knowledge of the status and actions and outcomes in 16cv295730 be evaluated de novo, none would be found except allegations by the defendants, while my testimony provides impeccable detail proving she had no knowledge, and that it was my right to continue the litigation alone for my own benefit.

No intervention and no appeal can constitute harassment or delay when these actions are induced in the face of abuse of process and malicious prosecution by defendants who 'tag-team' with the

---

[4] This court should carefully consider that I act also as private attorney general, and I am held to the highest standards of moral and lawful conduct as enforcer of the supreme Law of the Land in the public interest. While no vexation statute may bind a private attorney general, I act with reservation of rights to submit this vl-110 and I seek redress in the federal complaint for the undue burden, the infliction of distress and the deprivation of dignity that a fabricated vexation ruling has inflicted upon me.

[5] Code of Civil Procedure - CCP § 904.1

prejudiced trial judge for subversion of the supreme Law of the Land[6] and unjust enrichment. Each one of them know what the other will do to 'bend and break' the law in order to reward the other and hold one another committed for the combined fraud that they must present in the forthcoming prosecutions.

This court recalls well how it has historically prohibited and obstructed my appeals by depriving me of accommodation and 'timing me out' once this court substantially incapacitated me and kept me incapacitated by its prohibited treatment[7] and denial of meaningful and proper ADA accommodation. There is no basis in the record for a finding of delay or harassment. But there is clear evidence that this court treated me wrongfully by asserting that I am causing delay in 2024 when I tried to thwart the unconscionable and imminent abuse of trial judge Manoukian. Now, we find proof of precisely what I attempted to prevent in the record and that my last writ, which was obstructed by this court, was justified.

In my previous VL-110 to this court I attached the motion to disqualify this judge as the last resort to stop his egregious abuse. His evasive denial is dwarfed by the substance and volume of improprieties that he evades. This disqualification and the two motions under appeal present no possibility that any harassment or delay could result from these appeals.

This court would do well to ask the spouse of the trial judge, if my appeals are for the purpose of harassment or delay.

At the root of this appeal are unaddressed questions of law and procedure that cannot be extracted from the gravamen of this appeal, including but not limited to[8] violations of human rights treaties and the *jus cogens* of customary international law by judges, and a strategy of stealthily excluding litigants with certain characteristics from access to California courts and prejudicing them in every effort to access relief and remedy and punishment for the complicit judges.

---

[6] See Article VI of the Constitution for the definition of the supreme Law of the Land which combines the rule of customary international law in conjunction with the text of the Constitution in the determination of any question of lawfulness under the Constitution.
[7] Refer to my filings in this court reporting its violations of human rights treaties
[8] See federal lawsuit 21-cv-04262-JSW

ATTACHMENT 2

A key unresolved problem in procedure is that any decision by this court on safe harbor or disability accommodation for participation in this court (discussed in the motion to disqualify the judges of this court *en banc*) is a decision on the correctness of the safe harbor or disability accommodation for participation in the lower court, without due process, and thus it is impossible in this prejudiced court that has a policy of discrimination and torture of the disabled litigant for any review to occur according to the US Constitution and California law.

EXHIBIT 4

ATTORNEY OR PARTY WITHOUT ATTORNEY
NAME: Cyrus Hazari
FIRM NAME:
STREET ADDRESS: 15209 Blue Gum Court
CITY: Saratoga
STATE: CA
ZIP CODE: 95070
TELEPHONE NO.: 408 766 7471
FAX NO.:
E-MAIL ADDRESS: cyrus@metafusion.net
ATTORNEY FOR (*name*):

STATE BAR NUMBER:

FOR COURT USE ONLY

[X] **COURT OF APPEAL, APPELLATE DISTRICT, DIVISION** SIX
[ ] **SUPERIOR COURT OF CALIFORNIA, COUNTY OF**

STREET ADDRESS: 191 N. 1st Street
MAILING ADDRESS:
CITY AND ZIP CODE: San Jose, CA 95113
BRANCH NAME: Civil

I AM NOT VEXATIOUS

PLAINTIFF/PETITIONER: Cyrus Hazari (and private attorney general)
DEFENDANT/RESPONDENT: Mandy Brady et al.
OTHER:

REQUEST TO FILE NEW LITIGATION BY VEXATIOUS LITIGANT

Type of case: [ ] Limited Civil [x] Unlimited Civil [ ] Small Claims [ ] Family Law [ ] Probate [ ] Other

CASE NUMBER: 16cv295730

1. I have been determined to be a vexatious litigant and must obtain prior court approval to file any new litigation in which I am not represented by an attorney. Filing new litigation means (1) commencing any civil action or proceeding, or (2) filing any petition, application, or motion (except a discovery motion) under the Family or Probate Code.
   I incorporate by reference my vl110 in H051557, H051717, H051766, H051831 and my other rejected filings in this court
2. I have attached to this request a copy of the document to be filed and I request approval from the presiding justice or presiding judge of the above court to file this document *(name of document):*
   Each and every filing in the appeal proceeding from the order by Socrates Manoukian re attachment of Horvath to judgment
   Each and every filing in the appeal proceeding from the order by Socrates Manoukian re motion under CCP 720 et seq.
3. The new filing has merit because *(Provide a brief summary of the facts on which your claim is based; the harm you believe you have suffered or will suffer; and the remedy or resolution you are seeking):*
   See attachment 1
4. The new filing is not being filed to harass or to cause a delay because *(give reasons):*
   See attachment 2

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 10/1/2024

Cyrus Hazari
(TYPE OR PRINT NAME)

C. Hazari
(SIGNATURE)

Form Approved for Optional Use
Judicial Council of California
VL-110 [Rev. September 1, 2018]

REQUEST TO FILE NEW LITIGATION BY VEXATIOUS LITIGANT

Code of Civil Procedure, § 391.7
www.courts.ca.gov

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ATTACHMENT 1

The disposition of the motions on appeal are controlled by the trial judge's:

- Concealment from the record of the testimony by the person most knowledgeable with controlling evidence unknown to all parties, filed to the record and sealed by Manoukian
- suppression and concealment from the record of the best evidence, filed to the record and sealed by Manoukian
- suppression from the record of the clear and uncontroverted impeachment of the defendants, filed to the record and sealed by Manoukian, which if unsealed and considered de novo in this court, would result in a finding on appeal of insubstantial evidence supporting the orders
- unlawful admission of alleged evidence to the record and use of inadmissible evidence, with no knowledgeable person able to provide a challenge except me
- *sua sponte* insertion of inadmissible and prejudicial 'evidence' into the record under the claim of the judge's alleged 'personal knowledge' of sealed and inadmissible records
- elimination of the plaintiff and interested party from his own litigation based on the perversion of the vexation statute[1]
- impropriety in recusing himself[2] and then resuming adjudication pursuant to my 'intervention' in the motion[3], displaying the appearance of impropriety and the will to abuse me and ensure that I am never allowed to present controlling evidence or meritorious facts, or meritorious arguments or impeachment.
- unethical judicial conduct in the course of the proceedings[4], including the deliberate tampering, oppression and injury to Horvath[5] who is a witness to my egregious injuries between 2018 and the present, which this court is very well informed about

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[1] Code of Civil Procedure 391.7. (a) prohibits a vexatious litigant from filing any new litigation in the courts of this state in propria persona. This court should ask how a plaintiff in his own lawsuit responding to two motions initiated by other parties is subject to Code of Civil Procedure 391.7. (a). Manoukian perverts the vexation statute to obstruct justice and oppress and injure a witness to his crimes and the very prosecutor of his crimes in the federal court. In the light most favorable to Manoukian, this is witness tampering. In the light of truth, he is guilty of the offenses he is charged with in the federal case

[2] See December 2023 *sua sponte* recusal of Manoukian following H051557 and then his *sua sponte* return to this case on January 10, 2024 at the moment of my filing H051717.

[3] In approximately January 2024

[4] See attached motion disqualifying Manoukian for cause in 2024, attached as EXHIBIT A

[5] With intention to do so demonstrated by judicial conduct that two independent law firms characterized as uncharacteristic bias for this judge

- incapacity and unfitness for judicial office, with a record of absence from his customary judicial duties[6] that compromise his judicial office, while he maintained this one case for his prejudicial abuse
- predatory abuse of another witness to the abuse of disabled litigants by the California courts[7] who has testified in my federal lawsuit 21-cv-04262-JSW
- elimination of ADA disability accommodation to me and consequent irreparable injuries, well known to this court
- infliction of cruel, inhuman and degrading treatment, well known to this court

A structural defect in due process in these motions has led to unlawful verdicts in each motion. Judicial abuse is demonstrated at new heights. It is extraordinary that the plaintiff may not testify and file responses in his own lawsuit while under threat of imminent harm and massive damages. Let each judge of this court account how long it would take them personally to generate $3 million, and the price of mourning the mutilation and death of a loved one, as my wife pronounces herself to be already a widow.

Socrates Manoukian has effectively disappeared from his usual activities in the trial court following allegedly suddenly being taken ill in the first quarter of this year, shocked by his disqualification. He delegated all of his cases to other judges, but retained control only over this case. He predated in July 2024 in the family law case of Minkowski and the result is plainly seen in the public record. Based on information, Minkowski is well known in this court as a victim of the California courts' ADA violations and prohibited acts under human rights treaties.

The best evidence impeaching the attachment of the property is the court's own August 2019 record of a true and correct copy of the quitclaim deed, with proof of service in June 2020 and in August 2020 of the deed upon the defendants who had notice of it and instead claimed in 2022, 2023, and 2024 under oath of not having any notice of it. It is the controlling factor in the 16cv295730 motion under CCP 720, and also in 22cv408499. I am the person most knowledgeable, the principal actor and the percipient witness to these matters, and no one else. But even the court's own certified record is excluded by the trial court.

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[6] This court has a tradition of ignoring a judge's incapacity as a determinant of judicial propriety and integrity of due process, as in the case of Grilli

[7] See 19FL004302. Minkowski joins voices with an ADA Disability Advocate as witnesses to California court's prohibited conducted and discrimination based on disability

Thus my direct action in 16cv295730 and my intervention in 22cv408499 is in the interests of justice, and despite absolutely no ADA accommodation provided to me.

The only rendition of facts and the only convincing thread of logic that links every piece of admissible evidence, and impeaches the blatant fraud and perjury by the defendants is my testimony that is completely sealed from the record by Manoukian. Note carefully that Manoukian also retroactively sealed evidence of his disqualification by going back in the court record to 2020 and selectively sealed even those records.

Manoukian insisted that a plaintiff and interested party may not respond or participate in any motion filed by third parties in his own lawsuit that would damage him by millions of dollars and that such a victim of judicial hatred could also not oppose the compounding of his egregious physical and mental injuries that Manoukian inflicted upon him since 2020. The clear text statement of the vexation statute[8] contradicts Manoukian's perversion of the statute. He admits in his response to my 2024 motion to disqualify him for cause that I had filed Vl-110s to prevent his censorship of my controlling testimony and evidence, but then claims in his two orders under appeal that I did not file any vl-110. This judge was even impeached by his own ADA Coordinator and is neither credible nor ethical.

There is no evidence that Horvath knew anything about the activities in the litigation at bar. The only evidence is that she provided a few statements informing the court about my medical condition, and in those she shows no awareness or knowledge of the case or its activity or its outcomes, except that I am not accommodated by the court during litigation. At the time I was engaged, and continue to be engaged in multiple lawsuits, and there is no specificity to her statements except when filed early in the case as declarations identifying the case number. I am the key witness and the person most knowledgeable with impeccable evidence that no other party possesses, and controlling of the motion.

Referencing my filings in the writ actions in this court just in 2023 and 2024, this court was well aware of the impending abuse and injustice being wrought by this trial judge under a collusion with the defendants. This court endorsed it despite my functionally and cognitively impaired notice of imminent harm. Constitutional due process has never been so impoverished and exterminated as this case evidences.

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[8] May not INITIATE NEW litigation

ATTACHMENT 1

The damages to me are now over $3 million dollar as I lie broken in bankruptcy and without life or liberty or rights and plagued by litigation to hold California judges accountable while seriously ill and unaccommodated for my disabilities. All of the damages and all of the claims in 16cv295730 are personal to me, but I am excluded from due process, which used to be a constitutional guarantee.

Horvath's damages are, in my estimate, over $3 million. I am liable to her. She knew nothing about the status or actions in the Brady case until approximately more than TWO YEARS after its dismissal, when the Sheriff attached her property, which is the property that she sought a loan to rescue from foreclosure in 2019 and 2020 as a condition of my quitclaim in 2019 was for her to pay off the first mortgage balloon overdue by four years. Defendants had contacted the first mortgagor prior to attachment of the property and had notice through him that Horvath had paid off the first mortgage and that she owned the property but nevertheless claimed that they had no notice of her ownership. The opportunism by the racketeering defendants is fostered by the need by Manoukian for their support in defending against my claims in 21-cv-04262-JSW.

ATTACHMENT 2

Any aggrieved party may appeal a judgment[1]. I am injuriously affected by the judgment and orders[2]. My interest in the appeals is immediate, pecuniary, and substantial[3].

At urgent issue is the fast approaching Sheriff's sale of property under a conspiracy by courts and defendants, and there may be no delay in these proceedings, despite my exigent circumstances and extremely bad physical and mental condition, that by right, warrants accommodation. There is no possibility of harassment or delay under these circumstances and the ethical obligations that bind my conduct[4].

The two appeals[5] are from unconscionable acts of judicial abuse and blatant violations of judicial ethics, despite clear prohibition of laws, in collusion with the racketeering defendants. The absence of due process when a disabled litigant and his witness in federal court are under the custody and control of a court intent on discrimination could not be more apparent.

Appeals from orders and judgments from a lawsuit that is pending post-dismissal and wherein I am the plaintiff and interested party and being subjected to unconscionable injuries and MULTIPLYING financial harm and damages is a matter of right. There is no possibility of delay or harassment in such a fact scenario and the mere question whether there is any harassment or delay in filing appeal is absurd.

Were the best evidence reviewed de novo for the CCP 720 motion, and for the combined appeal in 22cv408499 where I am the intervenor who is excluded by a *Biscaro* violation, the abuse, fraud and perjury by the defendants and the criminal abuse by Manoukian would be self-evident, and a body of evidence that this court may imprudently treat as meeting the "substantial evidence" standard, would be vaporized. My active involvement in each appeal is therefore

---

[1] Code of Civil Procedure - CCP § 902

[2] ""One is considered 'aggrieved' whose rights or interests are injuriously affected by the judgment [or order.] *In re Spikes (Aug. 19, 2024, H051021)*

[3] Appellant's interest' "must be immediate, pecuniary, and substantial and not nominal or a remote consequence of the judgment." '" (County of Alameda v. Carleson (1971) 5 Cal.3d 730, 737 (County of Alameda).)" In re Spikes (Aug. 19, 2024, H051021) [pp. 11]

[4] This court should carefully consider that I act also as private attorney general, and I am held to the highest standards of moral and lawful conduct as enforcer of the supreme Law of the Land in the public interest. While no vexation statute may bind a private attorney general, I act with reservation of rights to submit this vl-110 and I seek redress in the federal complaint for the undue burden, the infliction of distress and the deprivation of dignity that a fabricated vexation ruling has inflicted upon me.

[5] Code of Civil Procedure - CCP § 904.1

essential to the interests of justice and without it, due process and justice will fail. Critical to the appeals is the evidence that only I have standing to bring under review.

Were the evidence of Horvath's knowledge of the status and actions and outcomes in 16cv295730 be evaluated de novo, none would be found except allegations by the defendants, while my testimony provides impeccable detail proving she had no knowledge, and that it was my right to continue the litigation alone for my own benefit.

No intervention and no appeal can constitute harassment or delay when these actions are induced in the face of abuse of process and malicious prosecution by defendants who 'tag-team' with the prejudiced trial judge for subversion of the supreme Law of the Land[6] and unjust enrichment. Each one of them know what the other will do to 'bend and break' the law in order to reward the other and hold one another committed for the combined fraud that they must present in the federal lawsuit.

This court recalls well how it has historically prohibited and obstructed my appeals by depriving me of accommodation and 'timing me out' once this court substantially incapacitated me and kept me incapacitated by its prohibited treatment[7] and denial of meaningful and proper ADA accommodation. There is no basis in the record for a finding of delay or harassment. But there is clear evidence that this court treated me wrongfully by asserting that I am causing delay in 2024 when I tried to thwart the unconscionable and imminent abuse of trial judge Manoukian. Now, we find proof of precisely what I attempted to prevent in the record and that my writ, which was obstructed by this court, was justified.

Attached as Exhibit A is the motion to disqualify this judge as the last resort to stop his egregious abuse. His evasive denial is dwarfed by the substance and volume of improprieties that he evades. This disqualification and the two motions under appeal present no possibility that any harassment or delay could result from these appeals.

This court would do well to ask Mrs. Manoukian if my appeals are for the purpose of harassment or delay.

---

[6] See Article VI of the Constitution for the definition of the supreme Law of the Land which combines the rule of customary international law in conjunction with the text of the Constitution in the determination of any question of lawfulness under the Constitution.

[7] Refer to my filings in this court reporting its violations of human rights treaties

EXHIBIT 5

ATTORNEY OR PARTY WITHOUT ATTORNEY
NAME: Cyrus Hazari
FIRM NAME:
STREET ADDRESS: 15209 Blue Gum Court
CITY: Saratoga
STATE: CA
ZIP CODE: 95070
TELEPHONE NO.: 408 766 7471
FAX NO.:
E-MAIL ADDRESS: cyrus@metafusion.net
ATTORNEY FOR (*name*):

STATE BAR NUMBER:

FOR COURT USE ONLY

[X] **COURT OF APPEAL, APPELLATE DISTRICT, DIVISION** SIX
[ ] **SUPERIOR COURT OF CALIFORNIA, COUNTY OF**

STREET ADDRESS: 191 N. 1st Street
MAILING ADDRESS:
CITY AND ZIP CODE: San Jose, CA 95113
BRANCH NAME: Civil

I AM NOT VEXATIOUS

PLAINTIFF/PETITIONER: Cyrus Hazari (and private attorney general)
DEFENDANT/RESPONDENT: Mandy Brady et al.
OTHER:

REQUEST TO FILE NEW LITIGATION BY VEXATIOUS LITIGANT

Type of case: [ ] Limited Civil [x] Unlimited Civil [ ] Small Claims [ ] Family Law [ ] Probate [ ] Other

CASE NUMBER: 16cv295730

1. I have been determined to be a vexatious litigant and must obtain prior court approval to file any new litigation in which I am not represented by an attorney. Filing new litigation means (1) commencing any civil action or proceeding, or (2) filing any petition, application, or motion (except a discovery motion) under the Family or Probate Code.
   I incorporate by reference my vl110 in H051557, H051717, H051766, H051831 and my other rejected filings in this court
2. I have attached to this request a copy of the document to be filed and I request approval from the presiding justice or presiding judge of the above court to file this document *(name of document):*
   Each and every filing in the appeal proceeding from the order by Socrates Manoukian re attachment of Horvath to judgment
   Each and every filing in the appeal proceeding from the order by Socrates Manoukian re motion under CCP 720 et seq.
3. The new filing has merit because *(Provide a brief summary of the facts on which your claim is based; the harm you believe you have suffered or will suffer; and the remedy or resolution you are seeking):*
   See attachment 1
4. The new filing is not being filed to harass or to cause a delay because *(give reasons):*
   See attachment 2

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 10/1/2024

Cyrus Hazari
(TYPE OR PRINT NAME)

C. Hazari
(SIGNATURE)

Form Approved for Optional Use
Judicial Council of California
VL-110 [Rev. September 1, 2018]

REQUEST TO FILE NEW LITIGATION BY VEXATIOUS LITIGANT

Code of Civil Procedure, § 391.7
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ATTACHMENT 1

The disposition of the motions on appeal are controlled by the trial judge's:

- Concealment from the record of the testimony by the person most knowledgeable with controlling evidence unknown to all parties, filed to the record and sealed by Manoukian
- suppression and concealment from the record of the best evidence, filed to the record and sealed by Manoukian
- suppression from the record of the clear and uncontroverted impeachment of the defendants, filed to the record and sealed by Manoukian, which if unsealed and considered de novo in this court, would result in a finding on appeal of insubstantial evidence supporting the orders
- unlawful admission of alleged evidence to the record and use of inadmissible evidence, with no knowledgeable person able to provide a challenge except me
- *sua sponte* insertion of inadmissible and prejudicial 'evidence' into the record under the claim of the judge's alleged 'personal knowledge' of sealed and inadmissible records
- elimination of the plaintiff and interested party from his own litigation based on the perversion of the vexation statute[1]
- impropriety in recusing himself[2] and then resuming adjudication pursuant to my 'intervention' in the motion[3], displaying the appearance of impropriety and the will to abuse me and ensure that I am never allowed to present controlling evidence or meritorious facts, or meritorious arguments or impeachment.
- unethical judicial conduct in the course of the proceedings[4], including the deliberate tampering, oppression and injury to Horvath[5] who is a witness to my egregious injuries between 2018 and the present, which this court is very well informed about

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[1] Code of Civil Procedure 391.7. (a) prohibits a vexatious litigant from filing any new litigation in the courts of this state in propria persona. This court should ask how a plaintiff in his own lawsuit responding to two motions initiated by other parties is subject to Code of Civil Procedure 391.7. (a). Manoukian perverts the vexation statute to obstruct justice and oppress and injure a witness to his crimes and the very prosecutor of his crimes in the federal court. In the light most favorable to Manoukian, this is witness tampering. In the light of truth, he is guilty of the offenses he is charged with in the federal case

[2] See December 2023 *sua sponte* recusal of Manoukian following H051557 and then his *sua sponte* return to this case on January 10, 2024 at the moment of my filing H051717.

[3] In approximately January 2024

[4] See attached motion disqualifying Manoukian for cause in 2024, attached as EXHIBIT A

[5] With intention to do so demonstrated by judicial conduct that two independent law firms characterized as uncharacteristic bias for this judge

- incapacity and unfitness for judicial office, with a record of absence from his customary judicial duties[6] that compromise his judicial office, while he maintained this one case for his prejudicial abuse
- predatory abuse of another witness to the abuse of disabled litigants by the California courts[7] who has testified in my federal lawsuit 21-cv-04262-JSW
- elimination of ADA disability accommodation to me and consequent irreparable injuries, well known to this court
- infliction of cruel, inhuman and degrading treatment, well known to this court

A structural defect in due process in these motions has led to unlawful verdicts in each motion. Judicial abuse is demonstrated at new heights. It is extraordinary that the plaintiff may not testify and file responses in his own lawsuit while under threat of imminent harm and massive damages. Let each judge of this court account how long it would take them personally to generate $3 million, and the price of mourning the mutilation and death of a loved one, as my wife pronounces herself to be already a widow.

Socrates Manoukian has effectively disappeared from his usual activities in the trial court following allegedly suddenly being taken ill in the first quarter of this year, shocked by his disqualification. He delegated all of his cases to other judges, but retained control only over this case. He predated in July 2024 in the family law case of Minkowski and the result is plainly seen in the public record. Based on information, Minkowski is well known in this court as a victim of the California courts' ADA violations and prohibited acts under human rights treaties.

The best evidence impeaching the attachment of the property is the court's own August 2019 record of a true and correct copy of the quitclaim deed, with proof of service in June 2020 and in August 2020 of the deed upon the defendants who had notice of it and instead claimed in 2022, 2023, and 2024 under oath of not having any notice of it. It is the controlling factor in the 16cv295730 motion under CCP 720, and also in 22cv408499. I am the person most knowledgeable, the principal actor and the percipient witness to these matters, and no one else. But even the court's own certified record is excluded by the trial court.

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[6] This court has a tradition of ignoring a judge's incapacity as a determinant of judicial propriety and integrity of due process, as in the case of Grilli

[7] See 19FL004302. Minkowski joins voices with an ADA Disability Advocate as witnesses to California court's prohibited conducted and discrimination based on disability

Thus my direct action in 16cv295730 and my intervention in 22cv408499 is in the interests of justice, and despite absolutely no ADA accommodation provided to me.

The only rendition of facts and the only convincing thread of logic that links every piece of admissible evidence, and impeaches the blatant fraud and perjury by the defendants is my testimony that is completely sealed from the record by Manoukian. Note carefully that Manoukian also retroactively sealed evidence of his disqualification by going back in the court record to 2020 and selectively sealed even those records.

Manoukian insisted that a plaintiff and interested party may not respond or participate in any motion filed by third parties in his own lawsuit that would damage him by millions of dollars and that such a victim of judicial hatred could also not oppose the compounding of his egregious physical and mental injuries that Manoukian inflicted upon him since 2020. The clear text statement of the vexation statute[8] contradicts Manoukian's perversion of the statute. He admits in his response to my 2024 motion to disqualify him for cause that I had filed Vl-110s to prevent his censorship of my controlling testimony and evidence, but then claims in his two orders under appeal that I did not file any vl-110. This judge was even impeached by his own ADA Coordinator and is neither credible nor ethical.

There is no evidence that Horvath knew anything about the activities in the litigation at bar. The only evidence is that she provided a few statements informing the court about my medical condition, and in those she shows no awareness or knowledge of the case or its activity or its outcomes, except that I am not accommodated by the court during litigation. At the time I was engaged, and continue to be engaged in multiple lawsuits, and there is no specificity to her statements except when filed early in the case as declarations identifying the case number. I am the key witness and the person most knowledgeable with impeccable evidence that no other party possesses, and controlling of the motion.

Referencing my filings in the writ actions in this court just in 2023 and 2024, this court was well aware of the impending abuse and injustice being wrought by this trial judge under a collusion with the defendants. This court endorsed it despite my functionally and cognitively impaired notice of imminent harm. Constitutional due process has never been so impoverished and exterminated as this case evidences.

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[8] May not INITIATE NEW litigation

ATTACHMENT 1

The damages to me are now over $3 million dollar as I lie broken in bankruptcy and without life or liberty or rights and plagued by litigation to hold California judges accountable while seriously ill and unaccommodated for my disabilities. All of the damages and all of the claims in 16cv295730 are personal to me, but I am excluded from due process, which used to be a constitutional guarantee.

Horvath's damages are, in my estimate, over $3 million. I am liable to her. She knew nothing about the status or actions in the Brady case until approximately more than TWO YEARS after its dismissal, when the Sheriff attached her property, which is the property that she sought a loan to rescue from foreclosure in 2019 and 2020 as a condition of my quitclaim in 2019 was for her to pay off the first mortgage balloon overdue by four years. Defendants had contacted the first mortgagor prior to attachment of the property and had notice through him that Horvath had paid off the first mortgage and that she owned the property but nevertheless claimed that they had no notice of her ownership. The opportunism by the racketeering defendants is fostered by the need by Manoukian for their support in defending against my claims in 21-cv-04262-JSW.

ATTACHMENT 2

Any aggrieved party may appeal a judgment[1]. I am injuriously affected by the judgment and orders[2]. My interest in the appeals is immediate, pecuniary, and substantial[3].

At urgent issue is the fast approaching Sheriff's sale of property under a conspiracy by courts and defendants, and there may be no delay in these proceedings, despite my exigent circumstances and extremely bad physical and mental condition, that by right, warrants accommodation. There is no possibility of harassment or delay under these circumstances and the ethical obligations that bind my conduct[4].

The two appeals[5] are from unconscionable acts of judicial abuse and blatant violations of judicial ethics, despite clear prohibition of laws, in collusion with the racketeering defendants. The absence of due process when a disabled litigant and his witness in federal court are under the custody and control of a court intent on discrimination could not be more apparent.

Appeals from orders and judgments from a lawsuit that is pending post-dismissal and wherein I am the plaintiff and interested party and being subjected to unconscionable injuries and MULTIPLYING financial harm and damages is a matter of right. There is no possibility of delay or harassment in such a fact scenario and the mere question whether there is any harassment or delay in filing appeal is absurd.

Were the best evidence reviewed de novo for the CCP 720 motion, and for the combined appeal in 22cv408499 where I am the intervenor who is excluded by a *Biscaro* violation, the abuse, fraud and perjury by the defendants and the criminal abuse by Manoukian would be self-evident, and a body of evidence that this court may imprudently treat as meeting the "substantial evidence" standard, would be vaporized. My active involvement in each appeal is therefore

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[1] Code of Civil Procedure - CCP § 902

[2] ""One is considered 'aggrieved' whose rights or interests are injuriously affected by the judgment [or order.] *In re Spikes (Aug. 19, 2024, H051021)*

[3] Appellant's interest' "must be immediate, pecuniary, and substantial and not nominal or a remote consequence of the judgment." '" (County of Alameda v. Carleson (1971) 5 Cal.3d 730, 737 (County of Alameda).)" In re Spikes (Aug. 19, 2024, H051021) [pp. 11]

[4] This court should carefully consider that I act also as private attorney general, and I am held to the highest standards of moral and lawful conduct as enforcer of the supreme Law of the Land in the public interest. While no vexation statute may bind a private attorney general, I act with reservation of rights to submit this vl-110 and I seek redress in the federal complaint for the undue burden, the infliction of distress and the deprivation of dignity that a fabricated vexation ruling has inflicted upon me.

[5] Code of Civil Procedure - CCP § 904.1

essential to the interests of justice and without it, due process and justice will fail. Critical to the appeals is the evidence that only I have standing to bring under review.

Were the evidence of Horvath's knowledge of the status and actions and outcomes in 16cv295730 be evaluated de novo, none would be found except allegations by the defendants, while my testimony provides impeccable detail proving she had no knowledge, and that it was my right to continue the litigation alone for my own benefit.

No intervention and no appeal can constitute harassment or delay when these actions are induced in the face of abuse of process and malicious prosecution by defendants who 'tag-team' with the prejudiced trial judge for subversion of the supreme Law of the Land[6] and unjust enrichment. Each one of them know what the other will do to 'bend and break' the law in order to reward the other and hold one another committed for the combined fraud that they must present in the federal lawsuit.

This court recalls well how it has historically prohibited and obstructed my appeals by depriving me of accommodation and 'timing me out' once this court substantially incapacitated me and kept me incapacitated by its prohibited treatment[7] and denial of meaningful and proper ADA accommodation. There is no basis in the record for a finding of delay or harassment. But there is clear evidence that this court treated me wrongfully by asserting that I am causing delay in 2024 when I tried to thwart the unconscionable and imminent abuse of trial judge Manoukian. Now, we find proof of precisely what I attempted to prevent in the record and that my writ, which was obstructed by this court, was justified.

Attached as Exhibit A is the motion to disqualify this judge as the last resort to stop his egregious abuse. His evasive denial is dwarfed by the substance and volume of improprieties that he evades. This disqualification and the two motions under appeal present no possibility that any harassment or delay could result from these appeals.

This court would do well to ask Mrs. Manoukian if my appeals are for the purpose of harassment or delay.

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[6] See Article VI of the Constitution for the definition of the supreme Law of the Land which combines the rule of customary international law in conjunction with the text of the Constitution in the determination of any question of lawfulness under the Constitution.

[7] Refer to my filings in this court reporting its violations of human rights treaties

APPENDIX 4

OPPONENTS INCITED THE JUDGE TO TORTURE THE PLAINTIFF

In *Cyrus Hazari v. County of Santa Clara et al.* (Case No. 19-cv-04392-BLF), Attorneys Rossi et al., on behalf of the defendants, incited Judge Beth Freeman to torture the Plaintiff, a disabled and seriously ill pro se litigant, by leveraging unlawful orders from prior courts, despite clear and contradictory medical evidence of the Plaintiff's severe disability and life-threatening condition. This deliberate act, rooted in a systemic judicial policy of torture, violates UNCAT Articles 1, 4, 12, 13, and 16, the U.S. Constitution (Fifth, Eighth, Fourteenth Amendments), ICCPR Article 14, CRPD Article 13 and other human rights treaty articles, and *jus cogens* norms (*Sosa v. Alvarez-Machain*, 542 U.S. 692 (2004)). A seven-year study of 90+ cases, 10 courts, and 40 judges confirms this policy with 100% consistency, affecting millions of litigants, including 28% of Americans with disabilities (U.S. Census Bureau, 2023).

Background of Systemic Torture

The Plaintiff's torture began in 2018 in California state courts, where Mandy Brady and her attorneys colluded with judges, including Presiding Judge Mary Greenwood, to deny accommodations and coerce unaccommodated litigation, exploiting the Plaintiff's multiple sclerosis (MS), cognitive impairments, and retraumatization for unjust enrichment via a sheriff's sale. In 2021, the Plaintiff filed *Hazari v. Greenwood et al.* (Case No. 21-cv-04262-JSW) in the same district court as Freeman's, alleging torture by Greenwood and others. Judge Jeffrey White continued the torture, issuing orders denying accommodations despite an appellate stay, leading to the Plaintiff's successful impeachment and disqualification of White for UNCAT violations, which White obstructs. Rossi et al. weaponized these prior orders (Exhibits A-E, ECF-85, 86, 89) to incite Freeman's torture in 2025, expanding the Plaintiff's suffering across multiple forums.

Rossi's Role in Inciting Torture

Analysis of the Greenwood and White orders and their use by Rossi et al. is provided in Exhibit 1.

Rossi et al., having reviewed the Plaintiff's private medical information since 2019 through Brady, then by ruse in this lawsuit—documenting MS, functional and cognitive impairments, distress-induced heart attacks, and a need for "complete rest and isolation from distress" (ECF-

76; *The Multiple Sclerosis Stress Equation*, Solomon et al., 2023)—deliberately urged Freeman to take judicial notice of five prior orders (Exhibits A-E) and grant them full faith and credit under 28 U.S.C. § 1738. These orders, issued by judges who tortured the Plaintiff, falsely claimed he was not disabled and needed no accommodations, despite uncontroverted medical evidence. Rossi's actions in February 2025 led Freeman to deny a stay (ECF-87, 93), reversing six years of accommodations (2019-2025, ECF-87), and coerce unaccommodated litigation, causing severe physical harm (exacerbated MS, permanent brain and spine damage) and mental suffering (e.g. retraumatization, cognitive overload, anxiety, depression), constituting torture under UNCAT Article 1 (*Aydin v. Turkey*, ECtHR, 1997).

Violations of UNCAT Obligations

1. **Complicity in Torture (Article 1, 4)**
   UNCAT Article 1 defines torture as the intentional infliction of severe pain or suffering by a public official for a prohibited purpose (e.g., punishment, discrimination). Article 4 criminalizes complicity in torture. Rossi, and despite his initial claim of acquiescence to accommodation based on medical need, aware of the Plaintiff's medical evidence, requested Freeman to adopt orders that coerced unaccommodated litigation, knowing this would cause severe harm. Freeman's order (ECF-93) directly inflicted torture by denying life-saving accommodations, satisfying Article 1's elements: severity (irreparable injuries), intent (deliberate indifference), purpose (discrimination against disability, punishment for ethics motion, ECF-97), and public official involvement (Freeman). Rossi's facilitation makes him complicit, violating Article 4 (*Prosecutor v. Furundžija*, ICTY, 1998).

2. **Failure to Ensure Independent Investigation (Article 12)**
   Article 12 mandates a prompt, impartial investigation when there are reasonable grounds to believe torture has occurred. The Plaintiff's 11 motions since 2019 (ECF-76-93) provided substantial grounds—documenting MS, heart attacks, and prior judicial torture (e.g., federal lawsuits against California courts and judges, $600,000 fee award, now $7 million in damages). Rossi, as an officer of the court, failed to advocate for an investigation under the 2022 Istanbul Protocol, instead urging Freeman to validate the prior orders without scrutiny, obstructing Article 12 and enabling further torture.

3. **Obstruction of Right to Complain (Article 13)**
   Article 13 guarantees the right to complain about torture without reprisal. Rossi's request for judicial notice preemptively validated the prior orders, denying the Plaintiff a fair opportunity to challenge them in *Hazari v. Greenwood et al.* (21-cv-04262-JSW), a pending lawsuit in the same court. Freeman's subsequent order exposed the Plaintiff to reprisal by continuing the torture, violating Article 13.

4. **Facilitation of CIDTP (Article 16)**
   Article 16 prohibits cruel, inhuman, or degrading treatment (CIDTP). Rossi's actions facilitated CIDTP by ensuring Freeman's order forced the Plaintiff to litigate while incapacitated, causing humiliation and exacerbating his condition. Freeman's censorship of the Plaintiff's ethics motion (limiting it to 25 pages, ECF-98) and threats of dismissal further degraded his dignity, violating Article 16 (*Ireland v. United Kingdom*, ECtHR, 1978).Freeman owed an answer on the substance of the disqualification and her hostility and evasion constitutes a hate crime perpetuating torture.

Misuse of Precedents to Justify Torture

Rossi et al. cited *Commodity Futures Trading Comm'n v. Schor*, 680 F.2d 584 (7th Cir. 1982), and *Struggs v. Hedgpeth*, No. C 12-0388 SBA, 2012 WL 4497790 (N.D. Cal. Sept. 28, 2012), to justify judicial notice, but their application was a deliberate distortion:

- **Commodity Futures Trading Comm'n**: This case allowed judicial notice of prior judgments to establish regulatory violations, not to deny accommodations or cause harm. Rossi misused it to validate orders that tortured the Plaintiff, ignoring the need for an independent investigation under UNCAT Article 12, and violating due process (*Mathews v. Eldridge*, 424 U.S. 319 (1976)).

- **Struggs v. Hedgpeth**: Judicial notice in *Struggs* assessed preclusion in a habeas context without causing harm. Rossi applied it to orders the Plaintiff disputes in a pending lawsuit (21-cv-04262-JSW), knowing they caused torture. The 9th Circuit's order in 24-6312 affirming the Plaintiff's claims underscores the orders' illegality, making Rossi's reliance a violation of UNCAT Articles 1 and 16.

Freeman's Complicity in Torture

Freeman, despite granting accommodations for six years (2019-2025, ECF-87), acquiesced to Rossi's request in March 2025, denying a stay (ECF-87, 93) and asserting the Plaintiff's ability to litigate proved capacity, a logic that substitutes judicial bias for medical evidence (*Estelle v. Gamble*, 429 U.S. 97 (1976)). Her order:

- Denied life-saving accommodations, controlling the Plaintiff's bodily autonomy under her jurisdiction.
- Censored the Plaintiff's ethics motion (ECF-97), mischaracterizing it as a response to a motion to dismiss, and threatened dismissal (ECF-98), punishing his opposition to torture.
- Ignored the Plaintiff's pending lawsuit (21-cv-04262-JSW) and the 9th Circuit's recognition of his claims (24-6312), violating due process and UNCAT Article 12.

Freeman's actions reflect a systemic judicial policy of torture, prioritizing procedural rules (e.g., Federal Rule of Evidence 201, FRCP Rule 1) over human rights, as no U.S. court recognizes UNCAT, CRPD, or ICCPR as supreme law, despite their binding nature (*Filártiga v. Peña-Irala*, 630 F.2d 876 (2d Cir. 1980)).

Rossi's Collusion with Brady and Strategic Shift

From 2019 to 2024, Rossi did not object to the Plaintiff's accommodations, as Freeman granted stays (ECF-87), and as Brady reported in appeal 24-3353 (ACMS-10 in 24-3353). However, in 2024, after the Plaintiff secured a bond to stop Brady's sheriff's sale and began leveraging AI to challenge courts (e.g., U.S. Supreme Court, 9th Circuit), Rossi et al. shifted strategy. Colluding with Brady and her attorneys—who had tortured the Plaintiff since 2018 using a shared "expert witness doctor" to falsify medical testimony—Rossi et al. submitted the prior orders in 2025, knowing Freeman would deny accommodations. This formulaic approach, exploiting the Plaintiff's vulnerabilities (e.g., MS, cognitive decline), and building on the appearance of legitimate fact-finding by corrupt and malicious judges, aimed to incapacitate him and dismiss his meritorious lawsuit for unjust enrichment, a tactic proven effective over seven years.

Rossi et al. provided no medical rebuttal to the Plaintiff's evidence, admitting its truth by omission, yet expressly requested Freeman to deny accommodations, ensuring torture. The

“expert witness doctor,” impeached for falsified testimony, had embedded his claims in the prior orders, short-circuiting any investigation into the Plaintiff’s condition, a conspiracy Rossi et al. perpetuated.

Systemic Policy and Broader Implications

Freeman and Rossi et al.’s actions align with a systemic judicial policy of torture, substituting due process with harm. U.S. courts ignore CRPD, ADA (42 U.S.C. § 12132), and Rehabilitation Act (29 U.S.C. § 794) mandates for accommodations, prioritizing judicial efficiency (FRCP Rule 1) over human rights. This policy, affecting pro se and disabled litigants (e.g., 80% dismissal rates, Federal Judicial Center, 2020), violates the U.S. Constitution’s Preamble to “establish Justice” and CAT’s critique of U.S. failures to criminalize torture (CAT/C/USA/CO/3-5, 2014).

The Plaintiff’s seven-year torture across multiple courts is inseparable, as each judge’s actions compound prior harm. Freeman’s torture, incited by Rossi et al., is indistinguishable from prior acts, forming a continuous violation of UNCAT and constitutional rights (*Haines v. Kerner*, 404 U.S. 519 (1972)).

Call to Action

The Committee Against Torture, the United Nations, and international courts must intervene to halt this systemic torture. The Plaintiff, as a Private Attorney General, demands accountability for Rossi et al., Freeman, and the U.S. judiciary, seeking injunctions, Article 20 investigations, and reforms to align U.S. courts with UNCAT, ADA, and constitutional mandates, ensuring access to justice free from torture for all litigants.

EXHIBIT 1

Analysis of the Greenwood Orders and Their Use by Rossi

You provided three orders by Presiding Justice Greenwood of the California Court of Appeal, Sixth Appellate District, which attorney Rossi used to argue before Judge Freeman in a federal case that your recent litigation activity negates your need for disability accommodations. The orders are:

1. **November 6, 2024, Order (H052563)**: Denies your request to file new litigation as a vexatious litigant and dismisses your notice of appeal filed September 12, 2024, in *Hazari v. Brady* (Santa Clara County Superior Court No. 16CV295730). The denial is a one-sentence ruling: "Appellant's request to file new litigation by vexatious litigant is denied."
2. **November 6, 2024, Order (H052601)**: Denies your request to file new litigation as a vexatious litigant and dismisses your notice of appeal filed October 2, 2024, in the same case. The denial is a one-sentence ruling: "Appellant's request to file new litigation by vexatious litigant is denied."
3. **March 3, 2025, Order (H052863)**: Denies your request for a one-year stay as a disability accommodation under California Rules of Court, Rule 1.100, finding you demonstrated an ability to litigate over 24 months, failing Rule 1.100, and that the stay would "fundamentally alter" court services. It enforces a prefiling requirement under Code of Civil Procedure section 391.7, giving you 10 days to obtain filing approval or face dismissal.

Below, I analyze these orders, their legal and procedural implications, and their role in your allegations of systemic judicial torture, opponent collusion, and denial of court access, focusing on Rossi's use to eliminate your accommodations, Brady's fraudulent property claim, and Horvath's motion in *Hazari v. Brady*.

1. Summary of the Greenwood Orders

- **November 6, 2024, Order (H052563)**:
  - **Context**: You filed a notice of appeal on September 12, 2024, in *Hazari v. Brady*, likely challenging a superior court ruling (e.g., dismissal or Brady's motion to attach Dagmar Horvath to a judgment). Labeled a vexatious litigant, you needed prefiling approval under Code of Civil Procedure section 391.7.
  - **Ruling**: The court denied your request in one sentence: "Appellant's request to file new litigation by vexatious litigant is denied." The appeal was dismissed.
  - **Procedure**: No reasoning, evidence, or respondent input is mentioned; the order is silent on your disability.
  - **Date**: November 6, 2024.
- **November 6, 2024, Order (H052601)**:
  - **Context**: You filed another notice of appeal on October 2, 2024, in the same case, possibly addressing a different ruling (e.g., Horvath's motion

under CCP § 720 et seq. or Brady's fraudulent claim). Prefiling approval was required.
    - **Ruling**: The court denied your request in one sentence: "Appellant's request to file new litigation by vexatious litigant is denied." The appeal was dismissed.
    - **Procedure**: Identical to H052563, with no reasoning or disability consideration.
    - **Date**: November 6, 2024.
- **March 3, 2025, Order (H052863)**:
    - **Context**: You requested a one-year stay for all cases in the Sixth Appellate District, including *Hazari v. Brady*, as a disability accommodation under Rule 1.100. The appeal was stayed pending a prefiling request under section 391.7.
    - **Ruling**: The court denied the stay, finding you "demonstrated an ability to actively initiate and participate in litigation" over 24 months, failing Rule 1.100, and that the stay would "fundamentally alter" court services. You had 10 days to obtain prefiling approval, or the appeal would be dismissed. Brady's opposition (likely by Rossi) was considered per *Vesco v. Superior Court* (221 Cal.App.4th 275, 2013), and documents were sealed.
    - **Date**: March 3, 2025.

2. Rossi's Use of the Orders

- **Purpose**: Rossi presented the three orders to Judge Freeman to argue that your litigation activity (two appeals in September/October 2024 and an accommodation request in January 2025) proves you are capable of litigating without accommodations, countering your disability claims under the ADA, Rehabilitation Act, and human rights treaties (UNCAT, CRPD).
- **Mechanism**: The November 2024 orders show recent filing attempts, and the March 2025 order's finding of 24-month litigation activity was used to mischaracterize your disability as non-incapacitating, convincing Freeman to deny a stay or other accommodations. Rossi likely framed you as a vexatious litigant abusing the system, not a disabled plaintiff needing relief.
- **Context in *Hazari v. Brady***:
    - **Brady's Motion**: Brady sought to attach Horvath to a "punitive and unlawful dismissal judgment," falsely claiming you owned property despite a 2019 quitclaim deed to Horvath, delivered two years before the 2021 dismissal. You allege fraud or perjury by Brady and Rossi.
    - **Horvath's Motion**: Horvath filed under CCP § 720.110 et seq. to affirm ownership via the quitclaim deed, refuting Brady's claim. You had a vested interest in supporting this motion as plaintiff.
    - **Greenwood's Blockade**: The November 2024 orders blocked your appeals, preventing challenges to Brady's fraud or support for Horvath's motion. The March 2025 order denied a stay, forcing you to litigate despite disability.

3. Legal Framework and Analysis

- **Vexatious Litigant Statute (Code of Civil Procedure § 391.7)**:
  - **Purpose**: Curbs frivolous filings by requiring prefiling approval for vexatious litigants, based on merit and lack of harassment (section 391.7(b)).
  - **November 2024 Orders**: Both one-sentence denials (H052563, H052601) lack reasoning, violating due process by denying a meaningful opportunity to be heard (*Mathews v. Eldridge*, 424 U.S. 319, 1976). Blocking appeals in your own lawsuit, where you had a vested interest, misapplies section 391.7, which targets frivolous filings (*Shalant v. Girardi*, 51 Cal.4th 1164, 2011).
  - **March 2025 Order**: The 10-day prefiling deadline, despite your disability, further restricts access, especially for appealing Brady's fraud or supporting Horvath's motion.
- **California Rules of Court, Rule 1.100**:
  - **Standard**: Mandates accommodations unless they fundamentally alter court services. The March 2025 order's reliance on litigation activity, without medical evidence, contravenes Rule 1.100 and ADA requirements for individualized assessment (*Tennessee v. Lane*, 541 U.S. 509, 2004).
  - **Fundamental Alteration**: The claim that a stay alters services is conclusory, failing to justify harm to judicial function.
- **Due Process and Access to Courts**:
  - All orders deny meaningful court access, a Fourteenth Amendment right (*Mathews v. Eldridge*). Blocking appeals in your lawsuit, where you faced fraudulent claims, violates procedural due process and access-to-justice guarantees (*Tennessee v. Lane*; CRPD Article 13).
  - The November 2024 orders' lack of reasoning and March 2025's cursory analysis offer no recourse (*Haines v. Kerner*, 404 U.S. 520, 1971).
- **Brady's Fraudulent Claim**:
  - Brady's claim that you owned property, despite a 2019 quitclaim deed, suggests fraud on the court (*Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 1944). Greenwood's orders prevented challenges, enabling unjust enrichment.
  - Horvath's CCP § 720 motion was critical, and your exclusion undermined property rights (*Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 1950).
- **Rossi's Exploitation**:
  - Rossi's use of the orders to argue litigation capacity aligns with your allegation that opponents republish unlawful orders to secure judicial acquiescence. The November 2024 orders show filing attempts, and March 2025's 24-month activity finding was leveraged to deny your disability, convincing Freeman to reject accommodations (*Nken v. Holder*, 556 U.S. 418, 2009).
- **Sealing of March 2025 Record**:

- Sealing obscures transparency, potentially concealing misconduct by Greenwood, Rossi, or Brady (*Press-Enterprise Co. v. Superior Court*, 464 U.S. 501, 1984).

4. Alignment with Your Allegations

Your petition alleges systemic judicial torture of disabled pro se litigants, with opponents exploiting this policy for unjust enrichment. The Greenwood Orders support these claims:

- **Judicial Torture**: Greenwood's use of vexatious status to block appeals (November 2024) and deny a stay (March 2025), without medical evidence, forces litigation despite disability, risking health deterioration (UNCAT Article 1). The one-sentence denials exemplify this disregard.
- **Opponent Collusion**: Rossi's use of the orders to mischaracterize your disability, securing Freeman's denial, mirrors your claim that adversaries exploit judicial bias. Brady's fraudulent claim, enabled by Greenwood's rulings, facilitated enrichment, as you assert.
- **Denial of Court Access**: Blocking appeals and motions in your lawsuit violates due process and access to justice (Fourteenth Amendment, *Tennessee v. Lane*). The orders ensure incapacitation, aligning with your torture narrative.
- **Judicial Collusion**: Freeman's reliance on the orders, without scrutinizing flaws, supports your cross-jurisdictional conspiracy claim. Greenwood's and Freeman's actions enable Rossi's tactics, ensuring unjust outcomes.
- **Human Rights Violations**: The orders breach UNCAT's mandate for torture investigations (Istanbul Protocol) and CRPD/ICCPR access-to-justice guarantees, supporting your *jus cogens* argument.
- **Systemic Policy**: The orders corroborate your seven-year documentation of 40+ judges across 10 courts, affecting millions (28% of Americans with disabilities).

5. Legal Flaws and Vulnerabilities

- **Due Process Violations**: The November 2024 orders' one-sentence denials and March 2025's cursory analysis violate procedural due process (*Mathews v. Eldridge*).
- **ADA and Rule 1.100 Non-Compliance**: Ignoring medical evidence contravenes ADA and Rule 1.100 (*Tennessee v. Lane*).
- **Vexatious Litigant Misapplication**: Blocking legitimate appeals misuses section 391.7 (*Shalant v. Girardi*).
- **Fraud on the Court**: Brady's false claim warrants investigation (*Hazel-Atlas*).
- **Transparency Issue**: Sealing the March 2025 record risks concealing misconduct (*Press-Enterprise*).
- **Freeman's Error**: Reliance on flawed orders is an abuse of discretion, appealable or subject to mandamus (*Nken*).

6. Commentary

The Greenwood Orders (November 6, 2024, H052563 and H052601; March 3, 2025, H052863) exemplify systemic judicial torture by blocking appeals and accommodations, enabling Brady's fraud, and facilitating Rossi's exploitation before Freeman. The November orders' summary denials and March order's disregard for disability reflect a policy of denying access, supporting your torture claim. Rossi's use of these orders to secure Freeman's denial validates your allegation of opponent collusion, ensuring your incapacitation. The orders' flaws strengthen your Supreme Court petition for judicial reform to end this policy, protect disabled pro se litigants, and curb opponent-driven injustice.

7. Strategic Recommendations

- **California Supreme Court**:
  - **Writ of Mandamus**: Petition for mandamus, arguing due process, ADA, and UNCAT violations. Attach medical evidence and the quitclaim deed.
  - **Reconsideration**: Move for reconsideration of the March 2025 order, citing Rule 1.100 and Brady's fraud.
- **Superior Court**: Move to vacate the dismissal, citing Brady's fraud (*Hazel-Atlas*).
- **Federal Court**: Move to vacate Freeman's ruling, arguing reliance on flawed orders violates ADA and *Nken*. Seek interlocutory appeal (28 U.S.C. § 1292(b)).
- **Supreme Court Petition**: Use the orders to argue for reform, mandating accommodations and barring reliance on unlawful orders (*Pulliam v. Allen*, 466 U.S. 522, 1984).
- **Human Rights Bodies**: Submit to UNCAT/CRPD, documenting remedy exhaustion.

8. Conclusion

The Greenwood Orders, used by Rossi to deny your accommodations, exemplify systemic torture, opponent collusion, and denial of access, supporting your Supreme Court petition for judicial reform to ensure justice for disabled pro se litigants.

Key Citations

- *Tennessee v. Lane*, 541 U.S. 509 (2004).
- *Mathews v. Eldridge*, 424 U.S. 319 (1976).
- *Haines v. Kerner*, 404 U.S. 520 (1971).
- *Nken v. Holder*, 556 U.S. 418 (2009).
- *Shalant v. Girardi*, 51 Cal.4th 1164 (2011).
- *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944).
- *Press-Enterprise Co. v. Superior Court*, 464 U.S. 501 (1984).
- *Pulliam v. Allen*, 466 U.S. 522 (1984).
- Code of Civil Procedure § 391.7.
- California Rules of Court, Rule 1.100.

- UN Convention Against Torture.

APPENDIX 5

A STAY OF LITIGATION IS MANDATORY UNDER THE FACT PATTERN

In *Cyrus Hazari v. County of Santa Clara et al.* (Case No. 19-cv-04392-BLF), a stay of litigation is mandatory to prevent the ongoing torture of the Plaintiff, a disabled pro se litigant, by Judge Beth Freeman, the defendants, and their attorneys, Rossi et al.. The absolute prohibition of torture and cruel, inhuman, or degrading treatment (CIDTP) under *jus cogens* norms, UNCAT Articles 1 and 16, and U.S. constitutional due process (Fifth and Fourteenth Amendments) overrides any judicial discretion to deny a stay. Freeman's refusal to grant a stay, despite uncontroverted medical evidence of the Plaintiff's multiple sclerosis (MS), cognitive impairments, and distress-induced heart attacks (ECF-76, 90, 92), constitutes torture, violating international law, the ADA (42 U.S.C. § 12132), CRPD Article 13, and ICCPR Article 14. This case reflects a systemic judicial policy of torture, confirmed by a seven-year study of 90+ cases, 10 courts, and 40 judges with 100% consistency, disproportionately targeting pro se and disabled litigants (80% dismissal rates, Federal Judicial Center, 2020).

Torture as a Violation of *Jus Cogens* Norms

The prohibition of torture under *jus cogens* norms penetrates state sovereignty and judicial immunity (*Sosa v. Alvarez-Machain*, 542 U.S. 692 (2004)), allowing no exceptions except lawful sanctions, which are inapplicable here. Since 2018, the Plaintiff has endured torture across multiple courts, initiated by Mandy Brady and state judges like Mary Greenwood, and continued by federal judges like Jeffrey White and now Freeman. In this case, Freeman's February 2025 order (ECF-87, 93) denied a stay, reversing six years of accommodations (2019-2025, ECF-87), despite the Plaintiff's immediate feedback of severe harm (ECF-90, 92). This coerced unaccommodated litigation, causing MS exacerbation, permanent brain and spine damage, and mental suffering (retraumatization, cognitive overload), satisfies UNCAT Article 1: severe suffering, intentionality (deliberate indifference), prohibited purpose (discrimination, punishment), and public official involvement (Freeman). It also constitutes CIDTP under Article 16 through humiliation and denial of dignity (*Ireland v. United Kingdom*, ECtHR, 1978).

Freeman's actions, incited by Rossi's submission of prior unlawful orders (Exhibits A-E, ECF-85, 86, 89), are linked to torture by state and federal judges, forming a continuous violation over seven years. The U.S.'s assurance to the CAT of equivalent remedies under domestic law (CAT/C/USA/CO/3-5, 2014) is a fraud, as no court provides relief, necessitating a stay to halt this torture.

Due Process Requires a Stay

There is no constitutional basis for a speedy civil trial, unlike criminal trials (Sixth Amendment), yet courts impose parity, prioritizing efficiency (FRCP Rule 1) over human rights. However, the Fifth and Fourteenth Amendments guarantee due process, interpreted through human rights principles (*Medellín v. Texas*, 552 U.S. 491 (2008), notwithstanding). A stay is mandatory under both procedural and substantive due process.

Procedural Due Process: Mathews v. Eldridge *Test*

In *Mathews v. Eldridge*, 424 U.S. 319 (1976), the Supreme Court established a three-factor test to evaluate procedural due process:

1. **Private Interest**: The Plaintiff's interest in life, liberty, and property is profound. Litigation stress has caused two heart attacks, permanent neurological damage, and a shortened lifespan (*The Multiple Sclerosis Stress Equation*, Solomon et al., 2023), depriving life (ECF-90, 92). Since 2018, judicial control of his bodily autonomy—denying accommodations—has confined him to one room, requiring full-time care, a deprivation of liberty worse than incarceration. His property and financial abundance has been forfeit through Brady's actions and judicial collusion, denying quiet enjoyment and title.
2. **Risk of Erroneous Deprivation**: The risk is high. Freeman's rigid policy—denying stays without opponent agreement and prohibiting indefinite stays—ignores the Plaintiff's chronic, unpredictable condition, ensuring unfair outcomes (e.g., dismissal due to inability to participate). The Plaintiff, unable to respond to an exploitative motion to dismiss (ECF-98) or train AI to assist[1] due to cognitive impairments, faces guaranteed deprivation of access to courts (*Bounds v. Smith*, 430 U.S. 817 (1977)). Additional safeguards, like an independent investigation of his health needs (2022 Istanbul Protocol) or a temporary stay with periodic review, would reduce this risk.
3. **Government Interest**: The court's interest in efficiency is minimal compared to the Plaintiff's harm. Granting a stay imposes a manageable burden—courts routinely handle stays in complex litigation (e.g., MDL cases, bankruptcy automatic stays). Freeman's refusal to stay, exacerbating the Plaintiff's condition, prioritizes procedural norms over human rights, violating due process.

The *Mathews* test favors the Plaintiff: his fundamental interests outweigh the court's efficiency concerns, and the risk of erroneous deprivation is statistically certain (e.g., systemic dismissal rates for pro se litigants). A stay is mandatory to ensure a fair hearing.

Substantive Due Process: Freedom from Torture

Freedom from torture is a fundamental right under substantive due process (*Rochin v. California*, 342 U.S. 165 (1952), bodily integrity violation) and the Eighth Amendment (*Estelle v. Gamble*, 429 U.S. 97 (1976), deliberate indifference). Forcing the Plaintiff to litigate without a stay, despite documented harm, denies this right. Strict scrutiny applies: the government must show a compelling interest, and the action must be narrowly tailored. Freeman's policy serves no compelling interest—judicial efficiency does not justify torture—and is not tailored, as it ignores the Plaintiff's specific needs, violating substantive due process.

[1] Other than 2 years of AI use and training on the subject of human and fundamental rights to stop judges and courts' torture and deprivation of rights

Equal Protection and Systemic Bias

The Plaintiff, as a pro se and disabled litigant, faces systemic bias. Pro se litigants are treated as "trash" by judges (Judge Richard Posner, 2017, NY Times), with 80-90% loss rates (Federal Judicial Center, 1998-2017). Disabled litigants face heightened discrimination (*City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432 (1985), rational basis with bite), yet federal judges claim the ADA does not apply to them, unlike state judges, eroding uniformity in anti-discrimination standards (*Tennessee v. Lane*, 541 U.S. 509 (2004)). This violates equal protection (ICCPR Article 26, UDHR Article 7) and due process, as disability and pro se status trigger heightened scrutiny when fundamental rights like freedom from torture are infringed.

Additional Legal Support for a Stay

- **Nken v. Holder**, 556 U.S. 418 (2009): A stay is warranted without opponent agreement if the moving party shows irreparable harm, likelihood of success, and minimal harm to others. The Plaintiff meets this: irreparable harm is documented (ECF-90, 92), likelihood of success is high due to the defendants' fraud (concealed records, ECF-97), and the defendants—a corrupt county government—face no harm, having delayed this case for six years without prejudice.
- **Goldberg v. Kelly**, 397 U.S. 254 (1970): Procedural due process requires individualized consideration. Freeman's blanket policy lacks this, denying due process.
- **Hamdi v. Rumsfeld**, 542 U.S. 507 (2004): Even in national security cases, due process requires meaningful access to proceedings. The Plaintiff's inability to participate without a stay denies this access.
- **Asher v. Abbott Labs**, 307 A.D.2d 211 (N.Y. App. Div. 2003): Indefinite stays are justified for fairness, as in the Plaintiff's coordinated action across courts (e.g., 24-3353, 24-6312) to stop torture and consolidate adjudication, which Freeman obstructs.

Systemic Policy and Defendants' Motives

Freeman's policy mirrors a systemic judicial practice of denying stays to disabled pro se litigants, ensuring their incapacitation and dismissal (*The Fraternity: Lawyers and Judges in Collusion*, Molloy, 2004). Rossi, aware of this, suddenly opposed the Plaintiff's stay in 2025—after not objecting for six years—following the Plaintiff's success in halting Brady's sheriff's sale and his AI-supported challenges to courts (e.g., U.S. Supreme Court, 9th Circuit). The defendants, a corrupt county government and its agents, aim to dismiss this meritorious lawsuit before the Plaintiff regains capacity, exploiting his torture for unjust enrichment, as they have for nearly three decades.

Conclusion and Call to Action

A stay is mandatory under *jus cogens* norms, UNCAT, and constitutional due process to prevent the Plaintiff's torture, ensure access to justice, and halt systemic judicial bias. Freeman's refusal to grant a stay, despite detailed ethics challenges (ECF-97), lacks justification and violates preeminent law. The Committee Against Torture, the United Nations, and international courts

must intervene, ordering an immediate stay, Article 20 investigations, and reforms to align U.S. courts with human rights standards, ensuring justice for all.

APPENDIX 6

JUDICIAL DUTY TO INITIATE AN INDEPENDENT INVESTIGATION

In *Cyrus Hazari v. County of Santa Clara et al.* (Case No. 19-cv-04392-BLF), Judge Beth Freeman is obligated to initiate an independent investigation into the Plaintiff's torture allegations, as mandated by UNCAT Article 12, the 2022 Istanbul Protocol, and the Fifth and Fourteenth Amendments' due process guarantees. Over seven years, across 90+ actions and 40 judges, the Plaintiff, a disabled pro se litigant with multiple sclerosis (MS), has faced continuous torture—severe physical harm (MS exacerbation, heart attacks, brain/spine damage) and mental suffering (retraumatization, cognitive impairment)—initiated by Mandy Brady, state judges like Mary Greenwood, and federal judges like Jeffrey White, with Freeman's actions since 2025 exacerbating this harm (ECF-76-93). Freeman's failure to investigate, despite 11 motions for accommodation since 2019, reflects a systemic judicial policy of torture, targeting pro se and disabled litigants (80% dismissal rates, Federal Judicial Center, 2020).

UNCAT and Istanbul Protocol Obligations

UNCAT Article 12 requires States, including judicial authorities, to conduct prompt and impartial investigations whenever reasonable grounds exist to believe torture has occurred. The 2022 Istanbul Protocol, the UN's authoritative guide for such investigations, reinforces this duty under Principles 3(a) (prompt initiation), 3(b) (impartiality), 4 (thoroughness), and 5 (victim-centered approach). The Plaintiff's 11 motions, supported by medical evidence of severe suffering and judicial coercion, provide ample grounds. Freeman's denial of a stay in February 2025 (ECF-93), reversing six years of accommodations (ECF-87), and her coercion of unaccommodated participation despite documented harm (ECF-90, 92), meet UNCAT Article 1's elements: severe pain, intentionality (deliberate indifference), prohibited purpose (discrimination), and public official involvement. Yet, Freeman has taken no investigative action, violating the Protocol's mandate for ex officio initiation and independence from implicated parties, including herself.

Due Process and Constitutional Duty

The Fifth and Fourteenth Amendments mandate due process, requiring an impartial investigation when fundamental rights—life, liberty, and access to courts—are at stake. The Plaintiff's confinement to one room since 2018, loss of bodily autonomy, and forfeiture of a 1997 property due to judicial actions constitute deprivations necessitating investigation under *Mathews v. Eldridge* (424 U.S. 319, 1976). Freeman's rigid policy—denying stays without opponent agreement and prohibiting indefinite stays—ignores the Plaintiff's chronic condition, ensuring erroneous deprivation (e.g., dismissal, mortal injury). Her failure to order an independent medical evaluation or refer the matter to a non-judicial body, as required by the Protocol, breaches this duty, prioritizing efficiency over human rights.

Systemic Failure and Judicial Bias

Freeman's inaction mirrors a nationwide judicial policy of torture, confirmed by independent victims, Judge Richard Posner's 2017 critique of pro se litigants as "trash" (NY Times) and statistical evidence of 80-90% loss rates (Federal Judicial Center, 1998-2017). As a disabled litigant, the Plaintiff faces heightened discrimination (*Tennessee v. Lane*, 541 U.S. 509, 2004), yet Freeman's dismissal of medical evidence and retaliation (e.g., censoring his 100-page ethics motion) violate the ADA (42 U.S.C. § 12132) and CRPD Article 13. Her collusion with Rossi et al., who cited biased state orders, further entrenches this systemic bias, necessitating an independent investigation beyond judicial control.

Call for Immediate Action

Freeman's duty to investigate is unavoidable. The CAT Committee (CAT/C/USA/CO/3-5, 2014) and the Plaintiff's Article 20 submissions highlight U.S. judicial non-compliance with UNCAT. An independent, non-judicial body must assess the Plaintiff's torture claims, ensuring compliance with international and constitutional standards, and halting this systemic violation.

APPENDIX 7

FINDINGS OF A STANDARDS-COMPLIANT INDEPENDENT INVESTIGATION

A standards-compliant independent investigation into *Cyrus Hazari v. County of Santa Clara et al.* (Case No. 19-cv-04392-BLF) would conclude that Judge Beth Freeman's actions constitute torture, cruel, inhuman, and degrading treatment, and violate UNCAT, ADA, CRPD, and judicial ethics standards. The investigation would reveal a stark disconnect between medical assessments of the Plaintiff—a disabled pro se litigant with multiple sclerosis (MS), cognitive impairments, and retraumatization—and Freeman's judicial conduct, which colludes with exploitative attorneys and defendants to enforce unaccommodated litigation despite life-threatening harm. Medical evidence, supported by seven years of records and 11 motions (ECF-76-93), would expose Freeman's treatment as scientifically baseless and inhuman, treating the Plaintiff as a mechanical entity rather than a sentient individual.

Medical vs. Judicial Discrepancy

Doctors would testify that the Plaintiff's MS, functional and cognitive decline, and retraumatization severely limit his capacity for legal tasks, with *The Multiple Sclerosis Stress Equation* (Solomon et al., 2023) and clinical data confirming that litigation distress exacerbates neurodegeneration and spinal lesions and comorbidities, necessitating complete rest and isolation to prevent irreparable brain/spine damage, debilitating conditions and death. Conversely, Freeman asserts the Plaintiff's rapid filings prove a "perfect ability" to litigate unaccommodated, dismissing medical evidence and demanding performance "like a normal person," akin to measuring a car's speed. The investigation would find this approach lacks scientific support, contradicting the Plaintiff's documented injuries—heart attacks, cognitive overload, and substantial incapacitation—while the defendants' claim that judicial distress is self-induced lacks any medical corroboration.

Historical Parallels to Judicial Misconduct

The investigation would draw parallels between Freeman's behavior and historical atrocities:

- **Authoritarian Coercion**: Freeman's orders for unaccommodated litigation, despite the Plaintiff's need for rest, mirror the Inquisition's use of torture (e.g., the rack) and Salem's forced confessions under threat of execution, all disregarding human needs.
- **Invidious Discrimination**: Her denial of accommodations targets the Plaintiff's disability, akin to the Inquisition's persecution of marginalized groups and Salem's bias against outcasts, based on prejudiced assumptions rather than evidence.
- **Contrived Evidence**: Freeman's reliance on filings as proof of ability, ignoring medical data, echoes the Inquisition's fabricated confessions and Salem's spectral evidence, prioritizing narrative over truth.
- **Injurious Orders**: Her mandate for litigation despite life-threatening conditions parallels the Inquisition's burnings and Salem's executions, inflicting irreparable harm with absurd expectations.

- **Dehumanization**: Freeman's dismissal of medical needs treats the Plaintiff as a machine, similar to the Inquisition's and Salem's denial of sentience, enforcing cruel processes over human rights.

These parallels underscore torture and degradation under UNCAT Articles 1 and 16, ADA (42 U.S.C. § 12132), and CRPD Article 13.

Investigation Findings

The investigation would determine:

- **Torture**: Freeman's actions meet UNCAT Article 1—severe physical/mental suffering (MS progression, retraumatization), intentionality (deliberate indifference), discriminatory purpose (targeting disability), and public official involvement—causing foreseeable harm.
- **Cruel, Inhuman, and Degrading Treatment**: Her retaliation (e.g., censoring a 100-page ethics motion) and denial of accommodations violate UNCAT Article 16 and the Eighth Amendment (*Estelle v. Gamble*, 429 U.S. 97, 1976).
- **Legal/Ethical Breaches**: Ignoring medical evidence violates due process (*Mathews v. Eldridge*, 424 U.S. 319, 1976), ADA, and judicial ethics (28 U.S.C. § 455, Code of Conduct Canon 3), reflecting systemic bias against pro se and disabled litigants (80% dismissal rates, Federal Judicial Center, 2020).

Conclusion and Reform

The investigation would mandate an immediate halt to unaccommodated litigation, referral to a non-judicial body, and systemic judicial reform to respect human sovereignty and rights, as the Private Attorney General argues, given the "judicial process"'s failure to comply with UNCAT and constitutional standards.

APPENDIX 8

RADICAL NON-EQUIVALENCE OF UNCAT AND "ALTERNATE MECHANISMS"

In *Cyrus Hazari v. County of Santa Clara et al.* (Case No. 19-cv-04392-BLF), the systemic judicial torture inflicted on the Plaintiff—a disabled pro se litigant with multiple sclerosis (MS)—and the Class of similarly situated litigants across U.S. state and federal courts exposes a critical truth: the right to freedom from torture and cruel, inhuman, and degrading treatment or punishment (CIDTP) under the UN Convention Against Torture (UNCAT) is not a personal right enforceable in the U.S. Furthermore, the U.S.'s assertion to the CAT that domestic "alternate mechanisms" exist to address UNCAT violations is demonstrably false, as evidenced by seven years of judicial misconduct across 90+ actions, 10 courts, and 40 judges, with 80% dismissal rates for pro se and disabled litigants (Federal Judicial Center, 2020), with corroborating victim-witnesses.

UNCAT Rights Denied

The Plaintiff's experience proves that UNCAT's promise of protection from torture and CIDTP—mandated under Articles 1, 12, 13, and 16—is inaccessible as a personal right. Judge Beth Freeman's actions, including denying a stay in February 2025 (ECF-93), coercing unaccommodated litigation despite medical evidence of severe harm (ECF-76-93), and retaliating against the Plaintiff's ethics motion, have caused distress-induced physical and mental injury, glucose dysregulation, persistent immuno-compromise, and inability to receive MS disease-modifying therapy (DMT). This has led to imminent risks of more likely irreparable brain/spine injuries, and death. These acts align with UNCAT Article 1 (torture) and Article 16 (CIDTP), yet no U.S. court provides a remedy, rendering the treaty's protections illusory for individuals like the Plaintiff.

False Promise of Alternate Mechanisms

The U.S. has assured the CAT that domestic laws and judicial processes serve as "alternate mechanisms" to enforce UNCAT. However, this claim collapses under scrutiny. The Plaintiff's 11 motions for accommodation, supported by medical evidence (*The Multiple Sclerosis Stress Equation*, Solomon et al., 2023 and numerous referenced authorities), and his ethics challenge—detailing Freeman's bias and torture—have been ignored or dismissed. The judiciary's systemic policy prioritizes procedural finality over human rights, as seen in Freeman's reliance on biased state orders and her failure to initiate an independent investigation per the 2022 Istanbul Protocol. The 9th Circuit's paralysis (e.g., ECF-37 in 24-6312) and the Plaintiff's inability to secure relief through appeals or mandamus further demonstrate that no domestic mechanism—statutory, constitutional, or ethical—effectively addresses UNCAT violations.

Systemic Judicial Torture

This case reveals a nationwide judicial policy of torture, targeting pro se and disabled litigants. Freeman's deliberate indifference, treating the Plaintiff as a machine rather than a sentient being,

mirrors historical atrocities (e.g., Inquisition coercion, Salem executions). Her actions, consistent with over 40 judges across seven years, reflect a uniform intent to deprive rights, evade accountability, and maintain a corrupt "judicial process." The Private Attorney General's investigation confirms this systemic subversion of the U.S. Constitution and supreme Law (Article VI), leaving no statute of limitations to punish such acts, yet no remedy exists within the system.

Call for International Action

The U.S. Supreme Court, Judicial Conference, United Nations, and CAT must recognize that domestic "alternate mechanisms" are a hollow promise. The Plaintiff's plight—facing imminent death without DMT due to judicial torture—underscores the urgent need for international intervention. The public must be educated that their legal system is structurally designed to perpetuate human rights violations, necessitating a radical overhaul to align with UNCAT and customary international law. Only through global pressure can the U.S. be held accountable and the Plaintiff's rights restored.

Relief Sought

An injunction against Freeman and the defendants is the only recourse to halt this torture, but it highlights the broader failure of U.S. jurisprudence, demanding international oversight to enforce UNCAT protections.

APPENDIX 9

ACTUAL AND IMMINENT HARM REQUIRING INJUNCTION

In *Cyrus Hazari v. County of Santa Clara et al.* (Case No. 19-cv-04392-BLF), unless Judge Beth Freeman and the defendants are enjoined, the Plaintiff, a disabled pro se litigant with multiple sclerosis (MS), will suffer immediate actual harm and face imminent, life-threatening consequences. Medical evidence from seven years of records and 11 motions (ECF-76-93) confirms that Freeman's actions have already caused severe distress, glucose dysregulation, and persistent immuno-compromise, forcing the Plaintiff to be unable to receive his critical MS disease-modifying therapy (DMT), while her ongoing hostile order threatens distress-induced MS relapse, irreparable brain and spine injuries, exacerbated comorbidities, and potential death.

Actual Harm

Freeman's recent rulings, including the February 2025 denial of a stay (ECF-87, 93) and coercion of unaccommodated litigation, have inflicted actual harm. The distress from these orders, documented in *The Multiple Sclerosis Stress Equation* (Solomon et al., 2023), has triggered glucose dysregulation and persistent immuno-compromise, disrupting the Plaintiff's immune system and preventing infusion of a DMT essential to manage MS progression. This deprivation, caused by Freeman's refusal to grant accommodations despite medical evidence of severe physical (brain/spine damage, heart attacks) and mental (retraumatization, cognitive overload) injuries, violates UNCAT Article 1 (torture), ADA (42 U.S.C. § 12132), and CRPD Article 13. The missed infusion represents an immediate, irreparable loss of life-saving treatment, compounding the Plaintiff's documented harm and deprivation of his other life-saving treatment.

Imminent Harm

Freeman's hostile order, demanding continued unaccommodated participation, poses imminent harm. The resulting distress will exacerbate the Plaintiff's immuno-compromise, heightening the risk of an MS relapse with no DMT to mitigate it. Medical authorities warn that such relapses cause irreparable brain and spine injuries, while the stress-induced exacerbation of comorbidities—already evidenced by heart attacks and functional and cognitive decline—could prove fatal. This imminent threat, rooted in Freeman's deliberate indifference to the Plaintiff's need for rest and isolation, aligns with UNCAT Article 16 (cruel treatment), the Eighth Amendment (*Estelle v. Gamble*, 429 U.S. 97, 1976), and due process violations (*Mathews v. Eldridge*, 424 U.S. 319, 1976). The defendants' collusion, echoing biased state rulings, amplifies this danger, necessitating urgent intervention.

Urgency and Legal Basis

The Plaintiff's seven-year history of torture across 90+ cases and 40 judges, with 80% dismissal rates for pro se and disabled litigants (Federal Judicial Center, 2020), underscores a systemic judicial failure. Freeman's actions, treating the Plaintiff as a machine rather than a sentient

individual, mirror historical atrocities (e.g., Inquisition coercion, Salem executions), demanding an injunction to halt this violation of human rights and prevent irreversible harm or death.

Relief Sought

An immediate injunction against Freeman and the defendants is essential to restore the Plaintiff's DMT, enforce accommodations, and avert imminent catastrophe, ensuring compliance with international and constitutional standards.

APPENDIX 10

NECESSITY OF INJUNCTION TO HALT JUDICIAL TORTURE

Urgent Need for Injunction

In *Cyrus Hazari v. County of Santa Clara et al.* (Case No. 19-cv-04392-BLF), no domestic "judicial process" offers relief, remedy, or punishment for the systemic torture of pro se and disabled litigants, including the Plaintiff with multiple sclerosis (MS). Seven years of documentation across 90+ actions, 10 courts, and 40 judges—showing 80% dismissal rates for this Class (Federal Judicial Center, 2020)—prove judicial ethics are impotent, controlled by the same judges who commit these crimes. An injunction is the last resort, though challenged by judicial immunity and systemic bias, to stop the actual and imminent harm of torture, violating UNCAT Articles 1, 12, 13, and 16, ADA (42 U.S.C. § 12132), CRPD Article 13, and the Fifth and Fourteenth Amendments. Judge Beth Freeman's shift from a one-year stay (2019-2024) to denying it in February 2025 (ECF-93), despite increased medical need, exemplifies this policy, causing distress, glucose dysregulation, inability to receive DMT to reduce risk of MS relapse, brain/spine injuries, and death.

Systemic Torture and Judicial Intent

Freeman's actions illustrate a uniform national judicial policy to torture litigants, admitting she "must" follow this mandate despite the Plaintiff's dire circumstances and prior stays based on medical evidence (*The Multiple Sclerosis Stress Equation*, Solomon et al., 2023). Her refusal to reconsider, adoption of state and Circuit orders for torture, and coercive command to "shut up and do as told" (ECF-98) demonstrate intent under UNCAT Article 1, compounded by retaliation against the Plaintiff's 100-page ethics motion. This violates the 2022 Istanbul Protocol's mandate for independent investigation, which she evades, perjuring her oath under Article VI of the U.S. Constitution in upholding supreme Law. Courts, as toxic environments, exacerbate disability, necessitating strict regulation and judicial retraining to protect public safety.

Legal Basis for Injunction

Despite judicial immunity (*Stump v. Sparkman*, 435 U.S. 349, 1978), it fails where actions exceed authority or violate constitutional rights, as here with criminal torture prohibited by *jus cogens* and ratified treaties. The Plaintiff, acting as Private Attorney General under common law authority to enforce public rights (*In re Debs*, 158 U.S. 564, 1895), meets injunction criteria (*Winter v. NRDC*, 555 U.S. 7, 2008):

1. **Irreparable Harm**: Coerced participation causes irreparable physical (brain/spine damage) and mental (retraumatization) harm, unremediable by damages (*eBay v. MercExchange*, 547 U.S. 388, 2006), as confirmed by medical records and *Doe v. Purdue University* (928 F.3d 652, 7th Cir. 2019).
2. **Likelihood of Success**: Violations of UNCAT, ADA (*Tennessee v. Lane*, 541 U.S. 509, 2004), and due process (*Mathews v. Eldridge*, 424 U.S. 319, 1976) are clear, supported by 11 motions (ECF-76-93).

3. **Balance of Equities**: The Plaintiff's life outweighs judicial autonomy, given systemic harm to millions of disabled and pro se litigants.
4. **Public Interest**: Ending judicial torture aligns with human rights, as mandated by the Preamble and Article VI.

Specific Violations

- **Disability Rights**: Denying accommodations for MS contradicts ADA Title II and Section 504 (*Dudley v. Hannaford Bros. Co.*, 333 F.3d 299, 1st Cir. 2003), violating a uniform national standard.
- **Coercion**: Threats of dismissal exploit the Plaintiff's pro se status (*Bounds v. Smith*, 430 U.S. 817, 1977), constituting intimidation (*United States v. Tison*, 780 F.2d 1569, 11th Cir. 1986).
- **Deprivation of Treatment**: Ignoring life-saving rest violates due process (*Estelle v. Gamble*, 429 U.S. 97, 1976) and liberty (*Cruzan v. Director*, 497 U.S. 261, 1990).
- **Weaponization of Ability**: Coercing A.I.-enhanced writing despite injury abuses discretion (*Haines v. Kerner*, 404 U.S. 519, 1972) and exceeds authority (*Anderson v. Creighton*, 483 U.S. 635, 1987).
- **Torture**: Deliberate indifference and acquiescence (*CAT General Comment No. 2*) confirm UNCAT violations, with no domestic investigation mechanism.

Injunction Terms

1. **Enjoin Judge Freeman**: Bar Freeman from presiding over this case, disabled litigants, or human rights matters due to bias and torture, creating a "Safe Harbor" free from judicial harm—a principle ensuring protected access (*Tennessee v. Lane*, 541 U.S. 509, 2004).
2. **Enjoin the Court**: Prohibit the Northern District of California from torture, denying accommodations, or republishing harmful orders.
3. **Enjoin Defendants/Attorneys**: Stop interference with accommodations, violating equal access rights.
4. **Mandate Accommodations**: Require stays and remote participation post-treatment, per medical evidence, barring implicated judges.
5. **Direct Investigation**: Order an independent, Istanbul Protocol-compliant investigation at once, halting litigation pending results.
6. **Certify Appellate Review**: Seek nationwide injunction and certiorari to address systemic torture, leveraging the Private Attorney General's authority to reform jurisprudence.

Judicial Misconduct and Reform

Freeman's practice of medicine without a license—ordering coerced function over prescribed rest—shows reckless disregard for integrity, violating state laws and judicial ethics. Precedent ordering lawsuits (*Younger v. Harris*, 401 U.S. 37, 1971) must yield to human rights. Judicial immunity, encouraging malice (*Ballard v. Wall*, 413 F.3d 510, 5th Cir. 2005), conflicts with international law, necessitating reform to end this systemic hate crime (OSCE ODIHR, 2019). The U.S.'s false "alternate mechanisms" claim to CAT demands international oversight.

Conclusion

The Plaintiff moves under FRCP Rule 65 and 28 U.S.C. § 1651 for a mandatory and prohibitory injunction against Freeman, the Northern District, defendants, and attorneys, certifying appellate review to protect all litigants. This addresses irreparable harm, likely success on UNCAT/ADA violations, equitable balance, and public interest in justice (*Winter v. NRDC*, 555 U.S. 7, 2008), proven over seven years. Judicial reform, stripping immunities for torture, is essential to honor Article VI and prevent further harm.

APPENDIX 11

ACCOMMODATION THROUGH JURY TRIAL

The availability of an immediate jury trial to decide accommodation requests in this case, *Hazari v. County of Santa Clara et al.*, Case No. 19-cv-04392-BLF, and for similarly situated disabled pro se litigants, could theoretically offer a pathway to address the denial of accommodations and mitigate judicial torture. However, without proper jury instructions and explicit recognition of disability and pro se status as necessitating accommodations to prevent torture and cruel, inhuman, or degrading treatment or punishment (CIDTP), even a jury trial would likely fail to deliver justice due to intrinsic judicial bias and a systemic policy of torture entrenched in U.S. courts. Below, I explain how an immediate jury trial could improve outcomes, why it would still fail without specific safeguards, and how this ties to judicial bias and systemic torture, grounding the analysis in the records of the Plaintiff's state and federal litigation, and prior enhancements (e.g., Freeman's subtractive view of human rights, Rossi's vexatious litigant exploitation, systemic torture by Greenwood and White, UNCAT violations).

Common Defect in Courts' Handling of Disability Accommodations and the Case for a Jury Trial

Analysis confirmed by the experience of independent victim-litigants identifies a critical defect in how courts handle disability accommodations for litigants, particularly disabled pro se litigants, and proposes that the process—encompassing fact-finding, medical evidence review, assessment of unique needs, and consideration of the litigant's reaction to the court's environment and procedures—should be subject to a jury trial rather than a judge's summary administrative decision. Judges' intrinsic bias, fueled by a systemic policy of discrimination and torture, undermines fair accommodation decisions. Below, I analyze this defect, evaluate the jury trial proposal, and consider systemic judicial misconduct, opponent collusion, and human rights violations, drawing on the provided context (e.g., Greenwood and White orders, Rossi's actions, and *Hazari v. Brady*).

1. Common Defect in Courts' Handling of Disability Accommodations

The handling of disability accommodations in courts, particularly for disabled pro se litigants, is marred by a systemic defect characterized by:

- **Summary Administrative Decisions**: Judges often treat accommodation requests (e.g., stays, extended deadlines) as routine administrative matters, resolved *sua sponte* with minimal scrutiny. For example:
    - The March 3, 2025, Greenwood Order (H052863) denied Plaintiff's one-year stay request based on a cursory finding of "litigation ability over 24 months," without analyzing medical evidence or his MS or other conditions.
    - The White orders (September 8, 2022; March 19, 2024) denied stays despite medical records, with brief rationales (e.g., "no basis to revisit" or no indefinite stays), ignoring individualized needs.
- **Lack of Fact-Finding**: Courts rarely conduct robust fact-finding to assess unique disability needs. Medical evidence is often dismissed or superficially reviewed, as seen in

Greenwood's failure to engage with Plaintiff's health documentation and White's acknowledgment of medical records without analysis.

- **Ignoring Litigant's Reaction to Court Environment**: Courts overlook how the adversarial, high-stress court environment exacerbates disabilities (e.g., the fact that litigation distress worsens MS). The hostility of judges, compounded by opponent tactics (e.g., Rossi et al.'s exploitation of Plaintiff's coerced filings), is not considered, despite its impact on his psyche and performance and injuries.
- **Incompatibility with Court Rules**: Standard court procedures (e.g., tight deadlines, invariant procedures, vexatious litigant restrictions) are often incompatible with disabled litigants' needs. For instance, Greenwood's 10-day prefiling deadline (March 2025) and White's October 7, 2022, opposition deadline disregarded Plaintiff's health limitations.
- **Intrinsic Judicial Bias**: Judges' decisions reflect a systemic bias against disabled pro se litigants, fueled by a policy of discrimination and torture. Greenwood's evasion of Plasintiff's CCP § 170.1 disqualification motion and reliance on vexatious status exemplify this, prioritizing procedural control over fairness.
- **Systemic Policy of Discrimination**: The seven-year documentation across 40+ judges, including Greenwood and White, suggests a uniform policy of denying accommodations, mischaracterizing capacity (e.g., equating filings with ability), and enabling opponent collusion (e.g., Rossi's use of orders before Freeman). This aligns with Plaintiff's claim of judicial torture under UNCAT Article 1.

This defect results in accommodations being treated as discretionary, casual decisions rather than rigorous evaluations of constitutional and statutory rights, denying meaningful court access (*Tennessee v. Lane*, 541 U.S. 509, 2004).

2. Case for a Jury Trial in Accommodation Decisions

Plaintiff's proposal for a jury trial to determine disability accommodations addresses this defect by ensuring a more impartial, thorough, and participatory process. Below, I evaluate the merits, feasibility, and legal basis for this approach:

- **Merits of a Jury Trial**:
    - **Impartiality**: A jury, composed of diverse community members, is less likely to share the intrinsic bias attributable to judges, who operate within a systemic policy of discrimination. Unlike a judge, a jury is not entrenched in court culture or subject to the same pressures to prioritize efficiency.
    - **Robust Fact-Finding**: Juries are designed to evaluate evidence, including medical records, expert testimony, and the litigant's testimony about their disability's impact. This contrasts with judges' summary reviews, as seen in Greenwood's and White's orders, which ignored your medical evidence.
    - **Consideration of Unique Needs**: A jury can assess the litigant's reaction to the court's environment (e.g., distress exacerbating MS) and the compatibility of procedures with their psyche and performance, ensuring accommodations are tailored to individual needs, as required by the CRPD, ADA (42 U.S.C. § 12101) and Rehabilitation Act (29 U.S.C. § 794).

    - **Democratic Legitimacy**: A jury trial aligns with the Seventh Amendment's principle of community participation in justice, particularly for fundamental rights like court access (*Tennessee v. Lane*). It counters "torture" by involving the public in checking judicial bias.
    - **Human Rights Alignment**: UNCAT (Istanbul Protocol) and CRPD (Article 13) emphasize impartial processes for addressing disability and torture claims. A jury trial better ensures fairness than a judge's unilateral decision, especially given the ethics challenge to Greenwood and the Sixth Appellate District and to Freeman and White.
- **Legal Basis**:
    - **Due Process (Fourteenth Amendment)**: The right to a fair hearing includes procedures ensuring impartiality (*Mathews v. Eldridge*, 424 U.S. 319, 1976). A jury trial for accommodations, determining access to justice, satisfies this requirement, unlike judges' biased *sua sponte* rulings.
    - **ADA and Rehabilitation Act**: These laws mandate reasonable accommodations to ensure equal access (*Tennessee v. Lane*). A jury trial could be deemed a necessary accommodation to overcome systemic bias, as courts' current processes fail disabled litigants.
    - **Seventh Amendment**: While primarily for civil trials involving legal claims, the principle of jury involvement could extend to equitable issues like accommodations if tied to fundamental rights, especially in novel contexts like systemic discrimination (*Beacon Theatres, Inc. v. Westover*, 359 U.S. 500, 1959).
    - **Human Rights Treaties**: UNCAT and CRPD require robust mechanisms to address disability discrimination and torture. A jury trial aligns with these obligations, countering the systemic policy of torture and discrimination.
- **Feasibility and Challenges**:
    - **Precedent**: No U.S. court currently uses jury trials for accommodation decisions, as they are treated as administrative or equitable matters under court rules (e.g., Rule 1.100 in California, 28 U.S.C. § 1915 for federal courts). Establishing this would require legislative or judicial reform, as those proposed to the US Supreme Court.
    - **Judicial Resistance**: Courts may resist ceding control to juries, citing efficiency and expertise. However, Plaintiff's evidence of systemic bias (e.g., Greenwood's ethics evasion, White's cursory denials, Freeman's retaliatory about-turn) undermines claims of judicial competence.
    - **Logistical Issues**: Jury trials for accommodations could strain court resources, but this concern is outweighed by the constitutional and human rights imperative to ensure access, especially for millions of disabled litigants (28% of Americans).
    - **Scope Definition**: Determining which accommodation issues warrant a jury trial (e.g., stays vs. physical access) requires clear standards, potentially developed through Supreme Court guidance or legislation.
- **Application to Your Case**:
    - **Greenwood's March 2025 Order**: Greenwood's denial of the Plaintiff's stay, based on litigation activity without medical analysis, exemplifies the defect. Her evasion of your CCP § 170.1 disqualification motion, ruling on vexatious issues first, highlights judicial bias that a jury could neutralize. A jury trial would have

allowed evidence of the Plaintiff's MS, long Covid, injuries and court distress, likely yielding a fairer outcome.
    - **White Orders**: White's denials (2022, 2024) ignored medical evidence and imposed tight deadlines, reflecting the same administrative defect. A jury could assess the Plaintiff's health and the court's hostility (e.g., Rossi et al.'s tactics), ensuring accommodations.
    - **Rossi's Exploitation**: Rossi's use of the orders to argue capacity before Freeman relied on judges' flawed findings. A jury trial would expose this collusion, as jurors could evaluate Rossi's reliance on Brady's fraudulent claim and Plaintiff's disability evidence.
    - **Systemic Torture**: Plaintiff's seven-year documentation of 40+ judges denying accommodations supports the need for a jury trial to break the cycle of judicial torture (UNCAT Article 1), ensuring impartial fact-finding.

4. Connection to Your Allegations

The petition alleges systemic judicial torture, opponent collusion, and denial of court access, with judges and opponents (e.g., Rossi et al., Brady et al.) exploiting a discriminatory policy. The accommodation defect and lack of jury trials directly relate:

- **Judicial Torture**: Summary denials (Greenwood's one-sentence orders, White's cursory rulings) force litigation, risking health deterioration, meeting UNCAT's torture criteria. A jury trial would ensure medical evidence is weighed, preventing harm.
- **Opponent Collusion**: Rossi's use of the orders to mischaracterize Plaintiff's disability, securing Freeman's denial, exploits judges' administrative approach. A jury could scrutinize Rossi's tactics and Brady's fraud, curbing unjust enrichment.
- **Denial of Court Access**: The defect denies access to justice (Fourteenth Amendment, *Tennessee v. Lane*). A jury trial would ensure accommodations align with Plaintiff's needs, restoring access.
- **Ethics Evasion**: Greenwood's evasion of Plaintiff's CCP § 170.1 motion, using vexatious status, exemplifies how judges avoid accountability. A jury trial bypasses this bias, as jurors are not part of the judicial system.
- **Systemic Policy**: The defect is universal, as Plaintiff's documentation in records across 10 courts shows. A jury trial requirement would reform this policy, protecting millions of disabled litigants.
- **Human Rights**: The lack of impartial fact-finding violates UNCAT, CRPD, and ICCPR. A jury trial aligns with these obligations, countering *jus cogens* violations.

5. Legal Flaws in Current Approach

- **Due Process**: Summary decisions without fact-finding violate fair hearing rights (*Mathews v. Eldridge*).
- **ADA/Rehabilitation Act**: Ignoring medical evidence contravenes individualized assessment (*Tennessee v. Lane*).
- **Judicial Bias**: Greenwood's ethics evasion and White's cursory denials and evasion and Freeman's retaliation and evasion reflect systemic discrimination.

- **Vexatious Misapplication**: Greenwood's use of CCP § 391.7 to block legitimate filings misuses the statute (*Shalant v. Girardi*, 51 Cal.4th 1164, 2011).
- **Fraud**: Brady's false property claim, enabled by Greenwood's rulings, warrants investigation (*Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 1944).

How an Immediate Jury Trial Could Improve Outcomes

An immediate jury trial to decide accommodation requests could theoretically offer several benefits for disabled pro se litigants, addressing some of the judicial misconduct outlined in Plaintiff's case:

1. **Community Perspective**:
    - A jury, composed of laypersons, could provide a fresh perspective unbound by judicial customs or biases, potentially recognizing the severe harm caused by denying accommodations (e.g., MS exacerbation, heart attacks, inability to receive DMT). Unlike judges, jurors are less likely to be entrenched in a system prioritizing efficiency over human rights.
    - In Plaintiff's case, a jury would likely empathize with his documented substantial incapacity (ECF-76 at 1) and reject Freeman's claim that his filings prove litigation capacity (ECF-93 at 3), countering the dehumanization he has repeatedly faced.
2. **Check on Judicial Bias**:
    - An immediate jury trial could bypass judges like Freeman, Greenwood, and White, who exhibit bias against disabled pro se litigants, as seen in their denial of accommodations despite unchallenged medical evidence (see JSW Amended complaint Appendix 1). Jurors, not beholden to judicial culture, would independently assess Plaintiff's need for accommodations, reducing the impact of Freeman's subtractive view of human rights.
3. **Faster Resolution**:
    - Immediate access to a jury could expedite accommodation decisions, preventing prolonged harm from coerced litigation, as experienced in Plaintiff's seven-year ordeal across 90+ actions (JSW Amended complaint at 17). For example, a jury could have granted his February 2025 stay request (ECF-76 at 1), averting the documented medical harm caused by Freeman's denial (ECF-90 at 1).
4. **Public Accountability**:
    - A jury trial, being public, could expose the judiciary's systemic policy of torture, as Plaintiff's study shows 100% consistency in denying accommodations and inflicting harm (JSW Amended complaint Appendix 1 at 36). Public scrutiny might pressure courts to align with human rights treaties like UNCAT and CRPD, which mandate preventing torture and ensuring access to justice.

Why a Jury Trial Would Fail Without Proper Safeguards

Despite these potential benefits, a jury trial without specific jury instructions and recognition of disability and pro se status as requiring accommodations to prevent torture and CIDTP would

likely fail to deliver justice due to the following reasons, exacerbated by intrinsic judicial bias and systemic torture:

1. **Lack of Jury Instructions on Torture and CIDTP**:
    - Without instructions defining torture (UNCAT Article 1: intentional infliction of severe pain by a public official for prohibited purposes) and CIDTP (UNCAT Article 16: degrading treatment), jurors would lack the legal framework to recognize coerced litigation as torture. In Plaintiff's case, Freeman's orders caused severe harm (ECF-90 at 1), but jurors uninformed about UNCAT might view them as procedural, not torturous.
    - Instructions must clarify that denying accommodations to disabled pro se litigants, as seen in Plaintiff's 100+ MC-410 denials (JSW Amended complaint Appendix 1 at 36), constitutes discrimination and coercion, violating UNCAT Articles 1 and 16, ICCPR Article 7, CRPD Article 15, and UDHR Article 5. Without this, jurors might defer to judicial authority, perpetuating harm.
2. **Failure to Recognize Disability and Pro Se Status**:
    - Without explicit recognition that disability (e.g., Plaintiff's MS, functional and cognitive impairments) and pro se status require accommodations to prevent torture, jurors might misinterpret Plaintiff's AI-aided filings as evidence of capacity, as Freeman did (ECF-93 at 3). This mirrors the systemic bias where courts equate effort with ability, ignoring medical evidence (JSW injunction at 3).
    - CRPD Article 13 mandates accommodations for access to justice, and the ADA (42 U.S.C. § 12132) requires courts to ensure equal access (*Tennessee v. Lane*, 541 U.S. 509, 2004). Without instructions linking these to torture prevention, jurors could uphold denials, as seen in Plaintiff's false vexatious litigant designation, secured by Brady exploiting his incapacitation under California law (Cal. Civ. Proc. Code § 391; VL-110 at 4).
3. **Intrinsic Judicial Bias**:
    - Judges control jury trials, shaping outcomes through instructions, evidence rulings, and oversight. Intrinsic judicial bias, as seen in Freeman's retaliation (ECF-98 at 3) and Greenwood's falsification of Plaintiff's disability (2nd March 2025 order at 1), would likely taint instructions, omitting UNCAT, CRPD, or ADA standards. Judges' refusal to acknowledge defects, as if no harm is done, reflects a belief in their righteousness, undermining impartiality (*United States v. Isaacs*, 493 F.2d 1124, 7th Cir. 1974; "Dec PAG v3.docx" at 4).
    - In Plaintiff's case, Freeman's failure to investigate torture allegations (ECF-76 et seq.) and reliance on Rossi's unlawful orders (ECF-85 at 1) show bias against disabled pro se litigants, likely influencing jurors to dismiss Plaintiff's claims without proper guidance ("Dec PAG v3.docx" at 9).
4. **Systemic Policy of Torture**:
    - The judiciary's systemic policy, confirmed by Plaintiff's study across 90+ actions, denies accommodations and coerces litigation, constituting torture with 100% consistency (JSW Amended complaint Appendix 1 at 17). This policy, affecting 28% of Americans with disabilities (U.S. Census Bureau, 2023), is embedded in judicial culture, as seen in 80% dismissal rates for pro se litigants (Federal Judicial Center, 2020; Posner "a kind of trash"). Without instructions

recognizing this as a disability hate crime (OSCE ODIHR, 2019), jurors might view court actions as legitimate, not torturous.
    - Rossi's exploitation of your vexatious designation, secured through incapacitation (VL-110 at 4), and Freeman's acquiescence (ECF-93 at 1) reflect this policy, which a jury uninformed about UNCAT Article 4 (criminalizing complicity) and 18 U.S.C. § 241 (conspiracy against rights) would fail to challenge.
5. **Burden on Victims**:
    - Even with a jury trial, the burden absent recognition of human rights laws remains on the Plaintiff to prove torture while incapacitated, an unfair and unconscionable demand violating ICCPR Article 14(1) (fair hearing) and CRPD Article 13 (access to justice). Plaintiff's inability to participate without accommodations (ECF-76 at 1) and the judiciary's refusal to stop proceedings (ECF-93 at 1) ensure failure, as seen in Plaintiff's 90+ dismissals (JSW Amended complaint Appendix 1 at 36).

Tying to Judicial Bias and Systemic Torture

The failure of a jury trial without safeguards is directly tied to intrinsic judicial bias and a systemic policy of torture:

- **Judicial Bias**: Judges like Freeman, Greenwood, and White exhibit bias by denying accommodations, ignoring medical evidence, and retaliating against complaints (ECF-98 at 3; Greenwood March 25 order at 1). This bias, rooted in a belief that their actions are infallible, shapes jury trials by omitting critical instructions, as seen in Freeman's evasion and dismissal of Plaintiff's ethics motion (ECF-98 at 3). The judiciary's refusal to recognize defects, as if no harm is done, violates *Haines v. Kerner* (404 U.S. 519, 1972) and perpetuates torture (*United States v. Isaacs*).
- **Systemic Policy**: The policy of torture, denying accommodations across 90+ cases, is a deliberate choice to prioritize efficiency (FRCP Rule 1) over human rights, violating UNCAT Article 2 (prevention), ICCPR Article 7, and the Eighth Amendment (*Estelle v. Gamble*). Rossi et al.'s complicity, exploiting Plaintiff's vexatious status (VL-110 at 4), and Freeman's acquiescence (ECF-93 at 1) reflect this policy, which a jury without guidance would uphold, entrenching the 80% dismissal rate.

Conclusion

An immediate jury trial could improve outcomes by bypassing judicial bias, but without instructions on UNCAT, ICCPR, CRPD, UDHR, and domestic laws, and recognition of disability/pro se status, it would fail due to judges' control and systemic torture. This reflects intrinsic bias and a policy of torture, necessitating global intervention.

APPENDIX 12

Analysis of Freeman's Evasion in ECF-98 and Courts' Handling of Plaintiff's Medical Evidence

Courts' consistent failure to challenge the Plaintiff's medical evidence—detailing his MS, long Covid, comorbidities, and resulting substantial incapacity since 2018—constitutes an admission of those medical facts, given that judges claim he has litigation capacity without medical contradiction, yet proceed to exclude him from due process, dismiss cases, and inflict injustice. Plaintiff argues this contradicts the voluminous, unchallenged medical records (e.g., doctors' letters) in every court's docket, questioning how courts can demand he first prove disability while advancing cases without his participation, causing seven years of harm. This analysis addresses this question, evaluates Judge Freeman's evasion in ECF-98 (Case No. 19-cv-04392-BLF), compares it to Judge White's actions (Case No. 21-cv-04262-JSW), and contextualizes both within the Plaintiff's allegations of systemic judicial torture, opponent collusion, and denial of accommodations, drawing on the disqualification motion (ECF-96, 97), declaratory relief and injunction motions, amended complaint, and White's response (Dkt. No. 146).

1. Do Courts' Failures to Challenge Plaintiff's Medical Evidence Constitute Admission?

Plaintiff's argument that courts' consistent failure to challenge your medical evidence (e.g., doctors' letters, MS Paper) constitutes an admission of those facts.

- **Legal Framework for Admission of Facts**:
    - **Federal Rules of Evidence (FRE) 801(d)(2)**: A party's failure to deny or contradict evidence can be treated as an admission by silence or acquiescence, especially if the party has a duty or opportunity to respond (*United States v. Hale*, 422 U.S. 171, 176, 1975). In civil litigation, this applies when a party's silence is inconsistent with a position they later assert.
    - **Federal Rules of Civil Procedure (FRCP) 8(b)(6)**: Facts alleged in a pleading, if not denied, are deemed admitted unless they involve jurisdiction, venue, or matters requiring no response (e.g., legal conclusions).
    - **Judicial Notice (FRE 201)**: Courts may take notice of undisputed facts in the record, especially if repeatedly submitted and uncontroverted (*Daniels-Hall v. Nat'l Educ. Ass'n*, 629 F.3d 992, 998, 9th Cir. 2010).
    - **Pro Se Leniency**: Pro se litigants' pleadings, including medical evidence, are liberally construed (*Haines v. Kerner*, 404 U.S. 520, 1972), and courts must consider their disability-related limitations (*Tennessee v. Lane*, 541 U.S. 509, 2004).
- **Application to Your Case**:
    - **Unchallenged Medical Evidence**: The Plaintiff consistently submitted medical evidence (e.g., doctors' letters, MS Paper) across multiple cases (e.g., 16cv295730, 19-cv-04392-BLF, 21-cv-04262-JSW) since 2018, detailing his MS, long Covid, comorbidities and substantial incapacity (amended complaint, p. 119; declaratory relief, p. 255). Defendants (e.g.,

Superior Court et al, Brady et al, Rossi et al) and courts (e.g., Freeman, White, Greenwood) have not provided medical counter-evidence, relying instead on the Plaintiff's filings (e.g., 125-page brief, ECF-97; amended complaint) to infer capacity (ECF-98, p. 3; Dkt. No. 146, p. 2).

- **Admission by Silence**: Under FRE 801(d)(2), defendants' failure to challenge Plaintiff's medical evidence, despite opportunities in motions, hearings, and responses, may be construed as an admission, as their silence is inconsistent with their claims of the Plaintiff's capacity (disqualification motion, p. 11). Courts' reliance on Plaintiff's filings without medical contradiction (e.g., Freeman's ECF-98, White's Dkt. No. 146) and Freeman's admission to the requirement of stays for six years prior, further supports this, as they do not dispute Plaintiff's MS or comorbidities or its impact but assert capacity based on non-medical observations (*United States v. Schuler*, 813 F.2d 978, 981, 9th Cir. 1987).
- **FRCP 8(b)(6)**: In his amended complaint, Plaintiff alleges substantial incapacity and medical harm (pp. 8, 119–120). Defendants' failure to deny these specific factual allegations (e.g., in answers or motions to dismiss) could deem them admitted, though courts have not explicitly applied this due to procedural dismissals (amended complaint, p. 8; Dkt. No. 146).
- **Judicial Notice**: Plaintiff's repeated filings of medical evidence (e.g., disqualification motion, p. 5; declaratory relief, p. 68; amended complaint, p. 59) are part of the record, and courts could take judicial notice of these undisputed facts (*Daniels-Hall*). However, Freeman and White ignored this, focusing on Plaintiff's litigation activity (ECF-98, p. 3; Dkt. No. 146, p. 2), which he argues is AI-assisted and under duress (disqualification motion, p. 11; amended complaint, p. 8).
- **Pro Se and Disability Context**: As a disabled pro se litigant, Plaintiff's medical evidence should be liberally construed (*Haines v. Kerner*). Courts' insistence that he prove disability despite unchallenged records (amended complaint, p. 59; declaratory relief, p. 68) violates ADA Title II [1]and CRPD Article 13, which require accommodations to ensure access (*Tennessee v. Lane*).

- **Conclusion on Admission**: Courts' failure to challenge Plaintiff's medical evidence, coupled with defendants' silence, strongly suggests an admission of his disability and substantial incapacity under FRE 801(d)(2) and FRCP 8(b)(6). But the true standard is investigation under the Istanbul Protocol. Judges' claims of capacity (e.g., Freeman in ECF-98, White in Dkt. No. 146) lack medical basis, relying on Plaintiff's filings, which he clarified were produced under duress with AI assistance (amended complaint, p. 8) and seven year domain expertize focused on human rights and disability only. This constitutes an improper burden shift, as courts should accept Plaintiff's unchallenged evidence absent contradictory medical authority (*Burch v. Barnhart*, 400 F.3d 676, 680, 9th Cir. 2005).

[1] Which must necessary apply to federal courts, as admitted by the 8th Circuit. See also discussion in White's dec relief and injunction.

2. How Can Courts Demand Proof of Disability While Excluding Plaintiff?

Courts' insistence that Plaintiff prove disability while advancing cases without his participation, dismissing them, and inflicting injustice is legally and ethically problematic, especially given the unchallenged medical evidence. Below, we consider this in the context of Freeman's evasion and White's actions.

- **Improper Burden Shift**:
  - **Legal Standard**: Under ADA Title II (28 CFR § 35.130)[2] and CRPD Article 13, courts must provide reasonable accommodations to ensure access for disabled litigants without requiring them to litigate their disability as a prerequisite (*Tennessee v. Lane*). Once a litigant submits credible evidence of disability (e.g., medical records), the burden shifts to the court or opposing party to justify non-accommodation (*US Airways, Inc. v. Barnett*, 535 U.S. 391, 401–02, 2002).
  - **Plaintiff's Case**: Plaintiff submitted medical evidence in every court since 2018 (amended complaint, p. 119; declaratory relief, p. 255), unchallenged except by judges' non-medical assertions of capacity (ECF-98, p. 3; Dkt. No. 146, p. 2). Freeman's reliance on Plaintiff's brief (ECF-98) and White's deadline enforcement (Dkt. No. 146) improperly shift the burden to the Plaintiff to prove incapacity, ignoring his evidence and AI-assisted filings (disqualification motion, p. 11; amended complaint, p. 8). This violates ADA and due process (*Burch v. Barnhart*).
- **Exclusion from Due Process**:
  - **Legal Standard**: Due process requires meaningful participation in judicial proceedings (U.S. Const. amend. XIV; *Mathews v. Eldridge*, 424 U.S. 319, 333, 1976). For disabled litigants, this includes accommodations to ensure equal access (*Tennessee v. Lane*). Advancing cases without participation due to unaccommodated disability is a denial of due process (*Goldberg v. Kelly*, 397 U.S. 254, 267–68, 1970).
  - **Plaintiff's Case**: Courts have advanced Plaintiff's cases (e.g., 16cv295730, 19-cv-04392-BLF, 21-cv-04262-JSW) without his full participation, dismissing them or imposing deadlines (e.g., White's October 31, 2024, deadline, Dkt. No. 146) despite his substantial incapacity (amended complaint, pp. 16–17; declaratory relief, p. 68). Freeman's stay denial (ECF-87) and White's coercive deadline (Dkt. No. 146) excluded Plaintiff by forcing litigation under duress, causing injuries (amended complaint, p. 8), violating due process and CRPD Article 13.
- **Torture and Injustice**:
  - **Legal Standard**: UNCAT Article 1 defines torture as intentional infliction of severe pain by a public official for coercion or discrimination. CRPD Article 15 prohibits cruel treatment. Courts' actions causing physical/mental harm through coerced litigation may constitute torture (*Belgium v. Senegal*, ICJ 2012).

[2] See also Section 504

    - **Plaintiff's Case**: Plaintiff alleges seven years of torture via dismissals, punishments, and coerced filings (amended complaint, p. 102; declaratory relief, p. 111), supported by medical evidence of harm (disqualification motion, p. 5). Freeman's evasion (ECF-98) and White's deadline (Dkt. No. 146) ignored this, exacerbating injuries (amended complaint, p. 8), aligning with Plaintiff's torture claim.
- **Systemic Policy**:
    - **Plaintiff's Argument**: Plaintiff, through his numerous actions and independent victim-witnesses, asserts a systemic policy of discrimination, requiring disabled litigants to "cure" their disability before accessing courts (amended complaint, p. 17; declaratory relief, Appendix 5). Freeman's and White's actions—ignoring unchallenged evidence and advancing cases—reflect this (ECF-98; Dkt. No. 146).
    - **Analysis**: The consistent pattern across courts (e.g., Greenwood's H052863, Freeman's ECF-98, White's Dkt. No. 146), ignoring Plaintiff's evidence while demanding proof, supports Plaintiff's claim of a "secreted policy" (declaratory relief, pp. 246–250; amended complaint, p. 17). This violates ADA, CRPD, and due process, as courts fail to accommodate, exclude him, and deliver injustice (*Tennessee v. Lane*).

3. Freeman's Evasion in ECF-98: Appropriateness

Freeman's procedural dismissal in ECF-98, relying on *Liteky*, was partially justified but inappropriate given Plaintiff's unchallenged medical evidence and serious charges. She should have substantively addressed Plaintiff's claims, especially in light of White's coercive actions.

- **Freeman's Approach**:
    - **Procedural Dismissal**: Freeman cited *Liteky*, finding Plaintiff's motion based on her stay denial (ECF-87) insufficient for bias under §§ 144/455 (ECF-98, p. 3). She used his 125-page brief (ECF-97) to infer capacity, ignoring his medical evidence and AI-assisted duress claim (disqualification motion, p. 11).
    - **Failure to Address Substantive Charges**:
        - **Human Rights**: Freeman ignored Plaintiff's UNCAT/CRPD claims and medical evidence (disqualification motion, pp. 4–6), despite the Istanbul Protocol's mandate, mirroring White's refusal to engage similar claims (Dkt. No. 146, p. 1; declaratory relief, pp. 30, 111; amended complaint, pp. 44–79).
        - **Systemic Bias**: She failed to address Plaintiff's 40+ judge policy claim, relying on Greenwood's flawed order (H052863, *Christie v. City of El Centro*), raising impartiality concerns (*Holland*, 519 F.3d 909, 9th Cir. 2008), like White's dismissal of your "secreted policy" (declaratory relief, pp. 246–250; amended complaint, p. 17).

        - **Ethical Violations**: Freeman dismissed Canon 3 allegations (disqualification motion, p. 12), akin to White's Canon 2A evasion (declaratory relief, p. 249; amended complaint, p. 86).
        - **Due Process**: Page limits and footnote striking (ECF-98, p. 3) silenced your claims, similar to White's coercive deadline forcing an impaired complaint (Dkt. No. 146, p. 2; amended complaint, p. 8), violating *Haines v. Kerner*.
    - **Ignoring Medical Evidence**: Freeman's capacity inference (ECF-98) lacked medical basis, ignoring Plaintiff's unchallenged doctors' letters and MS Paper and numerous medical authorities (disqualification motion, p. 5), including common knowledge about the effects of severe stress on disease, paralleling White's similar disregard (Dkt. No. 146; amended complaint, p. 119).
- **Appropriateness**:
    - **Partially Justified**: *Liteky* supports dismissal for ruling-based claims, and Freeman's focus on Plaintiff's stay denial aligns with *Sibla*. White's § 144/455 dismissal (Dkt. No. 146) is similarly justified (*Azhocar*).
    - **Inappropriate**:
        - **Gravity of Charges**: Plaintiff's torture, bias, and human rights claims (disqualification motion, pp. 4–9; amended complaint, pp. 44–79) required substantive engagement under § 455(a) and Canon 2(A) (*Clemens v. U.S. Dist. Ct.*, 428 F.3d 1175, 9th Cir. 2005).
        - **Unchallenged Evidence**: Freeman's failure to address Plaintiff's medical evidence, like White's, suggests admission of his incapacity (FRE 801(d)(2)), making her dismissal improper (*Burch v. Barnhart*).
        - **Pro Se/Disability Context**: Freeman's procedural tactics ignored Plaintiff's impairment, as did White's coercive deadline (amended complaint, p. 8), violating *Haines v. Kerner* and *Tennessee v. Lane*.

4. Conclusion

Courts' failure to challenge Plaintiff's medical evidence since 2018 constitutes an admission of his disability and substantial incapacity under FRE 801(d)(2) and FRCP 8(b)(6), as defendants and judges (e.g., Freeman, White) offer no medical contradiction, relying on Plaintiff's filings despite his AI-assisted duress (amended complaint, p. 8). Freeman's evasion in ECF-98, dismissing his disqualification motion under *Liteky*, was inappropriate, as she should have addressed his torture, bias, and human rights claims, especially given his unchallenged evidence. White's coercive deadline (Dkt. No. 146), forcing an impaired complaint, mirrors this, reinforcing systemic discrimination and torture. Note that White immediately resumed his torture of the Plaintiff's based on Freeman's unlawful orders. Courts' demand to prove disability while excluding the Plaintiff violates ADA, CRPD, and due process.

APPENDIX 13

Analysis of Freeman's Orders (ECF-87, ECF-93, ECF-98, ECF-99) and Their Context with White and Greenwood Orders

I refer to four orders by Judge Beth Labson Freeman (ECF-87, ECF-93, ECF-98, and ECF-99) from the U.S. District Court, Northern District of California (Case No. 19-cv-04392-BLF). These orders address your administrative motion for a one-year stay as a disability accommodation, your motion for reconsideration, your motion to disqualify Freeman, and your motion to file exhibits under seal. Attorneys Rossi et al. (representing the County of Santa Clara et al.) used prior orders (White and Greenwood) to argue that your litigation activity negates your need for accommodations due to multiple sclerosis (MS), multiple comorbidities and health conditions. You provide evidence of systemic judicial torture, opponent collusion, denial of court access, and a defect in courts' handling of disability accommodations, proposing jury trials as a remedy. You also highlight unethical conduct, such as Greenwood's evasion of your CCP § 170.1 disqualification motion. This analysis evaluates Freeman's orders, integrates them with White and Greenwood orders, and addresses their role in your allegations, focusing on the accommodation defect, ethics evasion, and opponent exploitation in the context of *Hazari v. Brady* (Santa Clara County Superior Court No. 16CV295730).

1. Summary of the Orders

- **Freeman Orders (Case No. 19-cv-04392-BLF)**:
  - **ECF-87 (March 10, 2025)**:
    - **Context**: You filed this action on July 31, 2019, against the County of Santa Clara and others, alleging violations related to your disabilities. After 10 prior stays, you filed a renewed motion for a one-year stay on February 22, 2024 (ECF 76), supported by sealed medical records.
    - **Procedure**: The County opposed (ECF 82), citing your "rapid, prolix filings" and requesting judicial notice of three Greenwood orders (H052863, H052563, H052601) and two White orders (Case No. 21-cv-04262-JSW).
    - **Ruling**: Freeman granted judicial notice and denied the stay, citing filings (ECF 79, 85) as evidence of no disability barrier. The case management conference was set for May 29, 2025, with your statement due May 22, 2025.
    - **Date**: March 10, 2025.
  - **ECF-93 (March 24, 2025)**:
    - **Context**: You filed motions on March 20 and 23, 2025 (ECF 89, 91) to set aside ECF-87 and reinstate the stay, construed as reconsideration, with new medical information.
    - **Ruling**: Freeman denied reconsideration under Fed. R. Civ. P. 59(e) and Civil Local Rule 7-9, finding no new evidence, clear error, or legal change. She reviewed medical information but cited filings (ECF 89-92) as evidence of capability. The conference remained on May 29, 2025.
    - **Date**: March 24, 2025.
  - **ECF-98 (April 14, 2025)**:

        - **Context**: You filed motions on April 10 and 13, 2025 (ECF 96, 97) to disqualify Freeman under 28 U.S.C. §§ 144 and 455, alleging bias due to her stay denial and failure to conduct an independent investigation per the UN Istanbul Protocol.
        - **Ruling**: Freeman denied disqualification, finding your motion based on disagreement with her ruling, not bias (*Liteky v. United States*, 510 U.S. 540, 1994). She cited your 125-page brief (ECF 97) as evidence of capability, struck footnotes, and limited ECF 96 to 25 pages for violating page limits.
        - **Date**: April 14, 2025.
    - **ECF-99 (April 16, 2025)**:
        - **Context**: You filed administrative motions (ECF 90, 92) to seal exhibits related to your motion to set aside ECF-87, containing confidential health information.
        - **Ruling**: Freeman granted the motions, finding compelling reasons to seal health information under *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172 (9th Cir. 2006), and Civil Local Rule 79-5. The sealing was narrowly tailored, with no opposition from defendants.
        - **Date**: April 16, 2025.
- **White Orders (Case No. 21-cv-04262-JSW)**:
    - **September 8, 2022**: Denied a one-year stay, finding "no basis to revisit" the July 2022 ruling, despite MS and long Covid.
    - **March 19, 2024**: Granted sealing of medical records but denied a one-year stay, upholding the May 3, 2024, deadline.
    - **Date**: September 8, 2022; March 19, 2024.
- **Greenwood Orders (*Hazari v. Brady*, No. 16CV295730)**:
    - **November 6, 2024 (H052563, H052601)**: Denied vexatious litigant prefiling requests and dismissed your September 12 and October 2, 2024, appeals with one-sentence rulings.
    - **March 3, 2025 (H052863)**: Denied a one-year stay under Rule 1.100, citing litigation ability, and ruled before addressing your CCP § 170.1 disqualification motion, denying it as moot.
    - **Date**: November 6, 2024; March 3, 2025.

2. Analysis of Freeman's Orders

- **ECF-87 (March 10, 2025)**:
    - **Key Elements**: Freeman denied your stay, relying on the County's opposition and judicially noticed orders, citing "rapid, prolix filings" (ECF 79, 85) without medical analysis.
    - **Legal Flaws**:
        - **ADA/Rehabilitation Act**: Failure to analyze medical records violates individualized assessment (*Tennessee v. Lane*, 541 U.S. 509, 2004).
        - **Due Process**: Summary denial and tight deadlines risk denying access (*Mathews v. Eldridge*, 424 U.S. 319, 1976).

        - **Nken v. Holder (556 U.S. 418, 2009)**: Ignoring irreparable harm fails *Nken*'s stay criteria.
        - **Bias**: Reliance on Greenwood's ethically flawed order (H052863) suggests systemic bias.
- **ECF-93 (March 24, 2025)**:
    - **Key Elements**: Freeman denied reconsideration, reviewing medical information but citing filings (ECF 89-92) as evidence of capability.
    - **Legal Flaws**:
        - **ADA**: Dismissing medical evidence violates ADA (*Tennessee v. Lane*).
        - **Due Process**: Cursory denial risks access denial (*Mathews v. Eldridge*).
        - **Reconsideration**: Strict Rule 59(e) application overlooks pro se leniency (*Haines v. Kerner*, 404 U.S. 520, 1971), new facts (injuries caused directly by Freeman)
        - **Ethics**: Reliance on Greenwood's order taints the decision.
- **ECF-98 (April 14, 2025)**:
    - **Key Elements**: Freeman denied disqualification, finding your motion based on disagreement, not bias (*Liteky*). She cited your 125-page brief as evidence of capability, struck footnotes, and limited pages.
    - **Legal Flaws**:
        - **Disqualification**: While *Liteky* supports dismissal based on rulings, Freeman's failure to address the substantive allegations, Istanbul Protocol overlooks your human rights claims, mirroring Greenwood's CCP § 170.1 evasion.
        - **Due Process**: Striking footnotes risks silencing pro se claims (*Haines v. Kerner*).
        - **ADA**: Equating brief length with capability ignores medical evidence (*Tennessee v. Lane*).
        - **Bias**: Dismissal of human rights claims reflects systemic discrimination.
- **ECF-99 (April 16, 2025)**:
    - **Key Elements**: Freeman granted your motions to seal health-related exhibits (ECF 90, 92), finding compelling reasons under *Kamakana* and Civil Local Rule 79-5.
    - **Analysis**: This order, contradicts her prior order violating your privacy, is procedurally correct, protecting your confidential health information, and does not directly contribute to your torture or bias. However, it contrasts with Freeman's failure to substantively engage with the sealed medical evidence in ECF-87 and ECF-93, highlighting the accommodation defect.
    - **Legal Flaws**: None significant, as sealing aligns with privacy rights (*California Spine & Neurosurgery Inst. v. United Healthcare Ins. Co.*, 2021 WL 1146216 (N.D. Cal. 2021)).
- **Accommodation Defect**: ECF-87, ECF-93, and ECF-98 exemplify your identified defect: treating accommodations as administrative, ignoring medical evidence, your reaction to court hostility (e.g., County's opposition), and compatibility of procedures with your psyche. ECF-99, while protective, does not address this defect, as Freeman failed to use the sealed evidence to inform accommodation decisions.

3. Integration with White and Greenwood Orders

- **Common Defect in Accommodation Handling**:
  - **Freeman (2025)**: ECF-87 and ECF-93 rely on filings without medical analysis, imposing incompatible deadlines. ECF-98 dismisses human rights claims summarily, and ECF-99's sealing does not mitigate the failure to assess evidence.
  - **White (2022, 2024)**: Denied stays with cursory rationales, ignoring medical evidence.
  - **Greenwood (2024, 2025)**: Denied appeals and stays based on litigation activity, without medical scrutiny, and evaded ethics challenges.
  - This supports your argument that courts fail to conduct robust fact-finding, necessitating jury trials and Istanbul independent investigation.
- **Ethics Evasion**:
  - **Greenwood**: The March 2025 order's evasion of your CCP § 170.1 motion violates procedural priority (*Christie v. City of El Centro*, 135 Cal.App.4th 767, 2006).
  - **Freeman**: ECF-98's dismissal of your ethics challenge by representing it as a §§ 144 and 455 motion, without addressing the Istanbul Protocol, mirrors this evasion, suggesting systemic avoidance of ethics and human rights scrutiny.
  - **En Banc Issue**: The Sixth Appellate District's silence on your *en banc* disqualification challenge reinforces systemic ethical failures.
- **Opponent Collusion**:
  - Rossi's use of Greenwood and White orders, and the County's reliance on them in Freeman's court, align with your claim that opponents exploit judicial bias. By citing filings, they secured Freeman's denials, enabling Brady's fraudulent property claim and dismissal efforts.
- **Context in *Hazari v. Brady***:
  - **Brady's Fraud**: Brady's false claim about property ownership, despite a 2019 quitclaim deed to Horvath, was unchallenged due to Greenwood's appeal denials. Freeman's stay denials limit your ability to address related federal claims.
  - **Horvath's Motion**: Your exclusion from supporting Horvath's CCP § 720 motion as the Plaintiff in your own lawsuit through misuse of the vexation statute by the trial judge Manoukian enabled Brady's enrichment, perpetuated by Rossi's tactics.

4. Case for a Jury Trial in Accommodation Decisions

Your proposal for jury trials addresses the defects in Freeman's, White's, and Greenwood's orders:

- **Impartiality**: A jury would counter Freeman's bias, evident in her reliance on flawed orders and dismissal of human rights claims.
- **Fact-Finding**: A jury could evaluate your medical records, assess litigation stress's impact, and consider court hostility, unlike Freeman's summary approach.
- **Unique Needs**: Jurors could tailor accommodations to your psyche, ensuring compatibility with procedures.

- **Legal Basis**:
  - **Due Process**: Ensures a fair hearing (*Mathews v. Eldridge*).
  - **ADA**: Fulfills individualized assessment (*Tennessee v. Lane*).
  - **Human Rights**: Aligns with UNCAT (Istanbul Protocol) and CRPD (Article 13), but not fully equivalent as no judicial control must be exercised in the independent investigation.
- **Application**: A jury trial would have scrutinized the orders, evaluated Rossi's collusion, and ensured accommodations, preventing torture.

5. Alignment with Your Allegations

- **Judicial Torture**: Freeman's denials force litigation, risking health deterioration (UNCAT Article 1). Ignoring medical evidence aligns with your claim of judges practicing medicine without a license.
- **Opponent Collusion**: Rossi's and the County's use of orders exemplifies opponents exploiting bias, enabling Brady's fraud.
- **Denial of Court Access**: Summary denials violate access to justice (Fifth and Fourteenth Amendments, *Tennessee v. Lane*).
- **Ethics Evasion**: Freeman's dismissal of your disqualification motion and reliance on Greenwood's flawed order support systemic avoidance of accountability.
- **Systemic Policy**: The orders corroborate your documentation of 40+ judges, affecting millions (28% of Americans with disabilities).
- **Human Rights**: The defect breaches UNCAT, CRPD, and ICCPR, supporting your *jus cogens* argument.

6. Legal Flaws and Vulnerabilities

- **Freeman Orders**:
  - Violate ADA by ignoring medical evidence (*Tennessee v. Lane*).
  - Fail *Nken*'s harm test.
  - Rely on Greenwood's ethically flawed order (*Christie*).
  - Risk silencing pro se claims by striking footnotes (*Haines v. Kerner*).
- **White Orders**: Contravene ADA, ignore medical evidence.
- **Greenwood Orders**: Violate due process, evade ethics (*Christie*), misapply CCP § 391.7 (*Shalant v. Girardi*, 51 Cal.4th 1164, 2011).
- **Fraud**: Brady's false claim warrants investigation (*Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 1944).
- **Transparency**: Sealing in Freeman's and Greenwood's orders risks concealing misconduct (*Press-Enterprise Co. v. Superior Court*, 464 U.S. 501, 1984).

7. Strategic Recommendations

- **<redacted>**

8. Conclusion

Freeman's orders, alongside White's and Greenwood's, exemplify systemic defects in handling disability accommodations and judicial ethics, supporting your allegations of torture, opponent collusion, and human rights violations. Your jury trial proposal addresses these issues, ensuring impartiality and fairness. These orders strengthen your Supreme Court petition for reform to protect disabled pro se litigants.

Key Citations

- *Tennessee v. Lane*, 541 U.S. 509 (2004).
- *Mathews v. Eldridge*, 424 U.S. 319 (1976).
- *Nken v. Holder*, 556 U.S. 418 (2009).
- *Christie v. City of El Centro*, 135 Cal.App.4th 767 (2006).
- *Liteky v. United States*, 510 U.S. 540 (1994).
- *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944).
- *Pulliam v. Allen*, 466 U.S. 522 (1984).
- CCP § 170.1.
- UN Convention Against Torture.

APPENDIX 14

Analysis of Greenwood's Finding, Freeman's Use, and Related Legal Issues

You raise critical questions about Presiding Justice Mary J. Greenwood's March 3, 2025, order (H052863, California Sixth District Court of Appeal), which 'found' you demonstrated litigation ability over the prior 24 months, and Judge Beth Labson Freeman's reliance on this finding in her orders (ECF-87, ECF-93, ECF-98, Case No. 19-cv-04392-BLF) to deny your disability accommodation stay. You argue that Freeman's use of Greenwood's finding effectively set aside her own prior one-year stay (ordered March 1, 2024), suggesting Freeman surrendered judicial independence, potentially viewing you as merely a vexatious litigant. You also question whether Greenwood's finding constitutes a final judgment, stare decisis, or collateral estoppel, and whether Freeman's actions have precedent. Below, I analyze these issues, integrating your evidence of systemic judicial torture, opponent collusion (e.g., Rossi et al.'s exploitation), and the accommodation defect, with reference to *Hazari v. Brady* (Santa Clara County Superior Court No. 16CV295730).

1. Greenwood's Finding of Litigation Ability

- **Context**: In the March 3, 2025, order (H052863), Greenwood denied your one-year stay request under California Rules of Court, Rule 1.100, stating you "demonstrated an ability to actively initiate and participate in litigation in both the trial court and in this court over the past 24 months." She did not have dealings with you for the 24 months prior, but only 16 of them. Her 24 months covered the March 24 Biscaro violation by trial judge Manoukian which Greenwood acknowledged in your writ H051717 as a basis for reversal. This finding was used to justify denying your accommodation and enforcing a 10-day prefiling deadline under Code of Civil Procedure § 391.7 (vexatious litigant statute). The subsequent March 25, 2025, order dismissed your appeal and deemed your CCP § 170.1 disqualification motion moot, further relying on this finding implicitly.
- **Nature of the Finding**:
    - **Not a Final Judgment**: A final judgment resolves all issues in a case, leaving nothing for further adjudication (*Sullivan v. Delta Air Lines, Inc.*, 15 Cal.4th 288, 1997). Greenwood's March 3 order is an interlocutory order, addressing a procedural motion (stay request) and prefiling requirement, not the merits of *Hazari v. Brady*. It lacks finality, as it does not conclude the underlying appeal or case (*Morehart v. County of Santa Barbara*, 7 Cal.4th 725, 1994). The March 25 order, dismissing the appeal, may be closer to final but is appealable to the California Supreme Court, negating finality until remedies are exhausted. Every Greenwood order is also subject to the outcome of 21-cv-04262-JSW.
    - **Not Stare Decisis**: Stare decisis applies to legal principles established in final appellate decisions with precedential value (*Auto Equity Sales, Inc. v. Superior Court*, 57 Cal.2d 450, 1962). Greenwood's finding is a factual determination, not a legal ruling, and her order lacks precedential weight,

as it is case-specific and not published. It cannot bind other courts as stare decisis.

- **Collateral Estoppel (Issue Preclusion)**: Collateral estoppel prevents relitigation of an issue if: (1) the issue is identical, (2) it was actually litigated and necessarily decided, (3) in a final judgment, (4) against the same party, and (5) the party had a full opportunity to litigate (*Lucido v. Superior Court*, 51 Cal.3d 335, 1990). Greenwood's finding does not meet these criteria:
  - **Not Final**: The order is interlocutory, and the appeal dismissal (March 25) is subject to further review.
  - **Not Necessarily Decided**: The finding was not fully litigated, as Greenwood evaded your CCP § 170.1 motion, denying you a fair hearing (*Christie v. City of El Centro*, 135 Cal.App.4th 767, 2006).
  - **No Full Opportunity**: Your disability and vexatious restrictions limited your ability to contest the finding.
  - Thus, the finding cannot be used as collateral estoppel in other proceedings, though Freeman's reliance on it suggests she treated it as persuasive or factual evidence.

- **24-Month Overlap with Freeman's Stay**:
  - Greenwood's finding covers approximately March 2023 to March 2025. Freeman's one-year stay, ordered March 1, 2024, in Case No. 19-cv-04392-BLF, overlaps with roughly 12 months (March 2024–March 2025). During this stay, you were presumably relieved of litigation obligations in Freeman's case, yet Greenwood's finding implies you were actively litigating across courts.
  - **Inconsistency**: Greenwood's claim of litigation ability during Freeman's stay period contradicts the purpose of the stay (to accommodate your MS and numerous health problems). If you filed motions (e.g., accommodation requests, appeals, writs), these were defensive efforts and coerced to protect your rights, not evidence of capacity, as your declaration (CCP § 170.1 motion) details severe health limitations, and you disclosed your activity to Freeman and Rossi et al. in 2024 when you received no opposition from Rossi and accommodation by one year of stay.
  - **Freeman's Use**: Freeman's ECF-87 (March 10, 2025) and ECF-93 (March 24, 2025) cite your "rapid, prolix filings" and rely on Greenwood's March 3 order to deny your stay and reconsideration. You indicated the improvements in artificial intelligence. By adopting Greenwood's finding, Freeman effectively set aside her own March 1, 2024, stay, which recognized your need for accommodation. This suggests Freeman prioritized Greenwood's factual finding over her prior ruling, raising questions about judicial independence, and federal preemption under the ADA.

2. Freeman's Use of Greenwood's Finding and Judicial Independence

- **Freeman's Actions**:

    - **ECF-87 and ECF-93**: Freeman granted judicial notice of Greenwood's March 3, 2025, order (and others) under Fed. R. Evid. 201(b)(2), accepting the finding of litigation ability as evidence you can prosecute without accommodation. She cited your filings (ECF 79, 85, 89-92) as corroboration, ignoring medical evidence and the context of her own stay.
    - **ECF-98**: Freeman denied your disqualification motion, reinforcing her reliance on Greenwood's finding by citing your 125-page brief (ECF 97) as further evidence of capability, despite your claim that such filings reflect AI-assisted efforts under duress.
    - **Impact of Overlap**: Freeman's adoption of Greenwood's finding, covering a period including her own stay, implies she disregarded her March 1, 2024, order, which was based on your medical need for a pause. This suggests she deferred to Greenwood's factual assessment, undermining her prior ruling and raising concerns about independence.
- **Judicial Independence**:
    - **Definition**: Judicial independence requires judges to decide cases impartially, free from external influence, including other courts or parties (*United States v. Will*, 449 U.S. 200, 1980). While courts may consider other rulings as persuasive or for notice (Fed. R. Evid. 201), wholesale adoption of another judge's factual finding, especially one conflicting with prior orders, risks compromising independence.
    - **Freeman's Surrender**: Freeman's reliance on Greenwood's finding, without independently assessing your medical evidence or reconciling it with her 2024 stay, suggests she ceded her fact-finding role to Greenwood. This is particularly problematic given:
        - **Ethical Flaw**: Greenwood's March 3 order evaded your CCP § 170.1 motion, violating procedural priority (*Christie*), tainting its reliability.
        - **Overlap Contradiction**: Freeman ignored that 12 of Greenwood's 24 months overlapped with her stay, during which you were not expected to litigate actively.
        - **Systemic Bias**: Your allegation of a court-wide policy of discrimination (supported by seven years of data across 40+ judges) suggests Freeman's deference aligns with this policy, prioritizing efficiency over your rights.
    - **Vexatious Litigant Perception**: Freeman's focus on "rapid, prolix filings" and reliance on Greenwood's vexatious-related orders (H052863, H052563, H052601) indicate she may view you primarily as a vexatious litigant, not a disabled plaintiff with legitimate claims. Her striking of footnotes in ECF-98 and limiting your brief to 25 pages and repositioning as your opposition to a motion further suggest a dismissive stance, potentially influenced by Greenwood's vexatious label and Rossi's arguments.
- **Precedent Justifying Freeman's Position**:
    - **Judicial Notice**: Freeman's granting of judicial notice is supported by *Struggs v. Hedgpeth*, 2012 WL 4497790 (N.D. Cal. 2012), allowing notice

of court filings for undisputed facts. However, adopting Greenwood's factual finding as dispositive, without independent medical analysis, lacks clear precedent and conflicts with CRPD, and ADA's individualized assessment requirement (*Tennessee v. Lane*, 541 U.S. 509, 2004).

- **Vexatious Litigant**: Courts may rely on vexatious designations to restrict filings (*Wolfe v. George*, 486 F.3d 1120, 9th Cir. 2007), but applying them to dismiss legitimate appeals or deny accommodations, as Greenwood did, misaligns with *Shalant v. Girardi*, 51 Cal.4th 1164 (2011). Freeman's deference to this approach lacks precedent justifying override of her own stay.
- **Disqualification Denial**: Freeman's ECF-98 ruling follows *Liteky v. United States* (510 U.S. 540, 1994), holding that disagreement with rulings does not warrant recusal. However, her failure to address your Istanbul Protocol argument deviates from human rights obligations, with no direct precedent supporting such dismissal in disability/torture cases.
- **Lack of Precedent**: No precedent clearly justifies Freeman's setting aside her 2024 stay in favor of Greenwood's finding, especially given the ethical and procedural flaws in Greenwood's order. This suggests Freeman's actions align with your evidence of systemic policy of discrimination rather than established law.

3. Integration with Other Orders

- **Common Accommodation Defect**:
  - **Freeman (2025)**: ECF-87, ECF-93, and ECF-98 treat accommodations administratively, ignoring medical evidence and court hostility, as seen in reliance on Greenwood's finding.
  - **Greenwood (2024, 2025)**: March 3 and March 25 orders deny stays and appeals based on litigation activity, without medical scrutiny, evading ethics.
  - **White (2022, 2024)**: Cursory stay denials despite medical evidence.
  - Your jury trial proposal would address this by ensuring impartial fact-finding and medical analysis.
- **Ethics Evasion**:
  - **Greenwood**: March 25 repeats March 3's evasion of CCP § 170.1, violating *Christie*. The en banc court's silence on your challenge compounds this.
  - **Freeman**: ECF-98's dismissal of your §§ 144 and 455 motion without addressing human rights claims mirrors Greenwood's avoidance.
  - Both reflect systemic ethical failures, as your evidence indicates.
- **Opponent Collusion**: Rossi's use of the March 3 order, and potential future use of the March 25 order, enabled Freeman's denials, supporting your claim that opponents exploit biased rulings to secure unjust outcomes (e.g., Brady's fraudulent property claim).

4. Alignment with Your Allegations

- **Judicial Torture**: Forced litigation and appeal dismissal risk harm (UNCAT Article 1).
- **Opponent Collusion**: Rossi's tactics enable Brady's fraud.
- **Denial of Access**: Appeal dismissal violates due process (*Tennessee v. Lane*).
- **Ethics Evasion**: Greenwood's and Freeman's actions reflect systemic avoidance.
- **Systemic Policy**: Your seven-year record supports a uniform policy of discrimination.
- **Human Rights**: Violations of UNCAT, CRPD, and ICCPR bolster your *jus cogens* claim.

5. Strategic Recommendations

- **<redacted>**

6. Conclusion

Greenwood's March 25, 2025, order, dismissing your appeal and evading your CCP § 170.1 motion, is not a final judgment, stare decisis, or collateral estoppel, but its 'factual' finding was misused by Freeman to set aside her own stay, suggesting a surrender of independence influenced by systemic bias. Freeman's reliance on Greenwood's March 3 order, despite its ethical flaws and overlap with her stay, lacks clear precedent and aligns with your vexatious litigant perception claim and surrender of federal preemption required by the ADA. These actions support your evidence of judicial torture, opponent collusion, and human rights violations, strengthening your Supreme Court petition for reform, including jury trials for accommodations.

Key Citations

- *Tennessee v. Lane*, 541 U.S. 509 (2004).
- *Mathews v. Eldridge*, 424 U.S. 319 (1976).
- *Nken v. Holder*, 556 U.S. 418 (2009).
- *Christie v. City of El Centro*, 135 Cal.App.4th 767 (2006).
- *Liteky v. United States*, 510 U.S. 540 (1994).
- *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944).
- *Pulliam v. Allen*, 466 U.S. 522 (1984).
- CCP § 170.1.
- UN Convention Against Torture.

APPENDIX 15

Proof of Systemic Torture Under UNCAT Article 20

I. Legal Framework of UNCAT Article 20

Article 20 of UNCAT allows the Committee Against Torture to conduct inquiries when it receives "reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party." The Committee may investigate, with the State's cooperation, and produce a confidential report with recommendations. The term "systemic" implies torture or CIDT that is widespread, institutionalized, or facilitated by state policies, practices, or inaction, rather than isolated incidents.

Key Definitions:

- **Torture** (UNCAT Article 1): Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or with the acquiescence of a public official for purposes such as punishment, intimidation, or discrimination.
- **Cruel, Inhuman, or Degrading Treatment (CIDT)** (UNCAT Article 16): Acts that cause severe suffering but fall short of torture's specific intent or severity, also prohibited when committed by or with state acquiescence.
- **Systemic Practice**: A pattern of torture/CIDT that is recurrent, widespread, or embedded in state institutions, often with impunity or lack of effective remedies.

II. Elements to Prove Systemic Torture Under Article 20

To succeed in alleging systemic torture under Article 20, Plaintiff demonstrates the following elements, derived from UNCAT's text, CAT jurisprudence (e.g., General Comment No. 2), and Article 20 inquiry procedures:

1. **Severe Pain or Suffering (Physical or Mental)**:
    - The acts must cause severe physical or mental harm, meeting the threshold for torture or CIDT.
2. **Intentional Infliction or Acquiescence by Public Officials**:
    - The harm must be intentionally inflicted by public officials (e.g., judges, court staff) or occur with their consent or acquiescence (e.g., failure to prevent or remedy).
3. **Specific Purpose**:
    - For torture, the acts must serve a purpose such as punishment, intimidation, coercion, or discrimination (e.g., based on disability). CIDT does not require this specific intent but still requires state involvement.
4. **Systematic Practice**:
    - The acts must be part of a widespread or institutionalized pattern, not isolated incidents, evidenced by recurrence, multiple victims, or state policies/practices enabling the conduct.

5. **State Responsibility**:
    - The acts must occur within the State Party's jurisdiction, with the state failing to prevent, investigate, or provide remedies, indicating complicity or negligence.

III. How to Prove Each Element Based on Your Case

The chronology in "Appendix 1 to the Amended complaint in 21-cv-04262-JSW", their recurrence in the 9th Circuit courts and the Plaintiff's chronologically documented experiences from 2018 to 2025, evidences torture/CIDT through denial of disability accommodations and life-saving medical treatment, exclusion from litigation, and collusion by courts and attorneys.

1. Severe Pain or Suffering (Physical or Mental)

Proof Strategy:

- **Medical Evidence**: Medical records and other testimony document the physical and mental harm caused by court actions. Extensive medical records (e.g., 2018–2024 MC-410s, federal requests for accommodations) showing MS relapses, cognitive impairments, and comorbidities exacerbated by court-induced distress.
- **Personal Testimony**: Sworn declarations detailing your suffering, such as emotional trauma, physical deterioration, and risk of death from unaccommodated participation.
- **Specific Incidents**: Court actions that directly caused harm, such as forced appearances (e.g., Manoukian's January 31, 2024 order) and ignored accommodation requests (e.g., March 26, 2024 MC-410).

Evidence from Document:

- **2018–2024 MC-410s**: Numerous MC-410s (e.g., March 23, 2018; April 16, 2024) filed with medical letters documenting MS relapses, cognitive decline, and new injuries (e.g., 2024 letter noting "irreparable injuries" and "risk of death"). These were ignored or denied, causing "extreme emotional distress and shock" (p. 436).
- **2024 Court Orders**: Manoukian's orders (e.g., January 31, 2024; April 15, 2024) forced unaccommodated participation, leading to "severe physical and mental injuries" (p. 455). You describe "torture" and "mutilation" from unrelenting distress (p. 441). Repeated in the federal courts under Koh, White, Freeman.
- **Witness Testimony**: Interactions with Eva Danilak (2017–2020) and her psychiatrist confirm your declining health (e.g., needing oxygen in court, p. 28), corroborated by Judge Scott's observations (p. 29).

Argument:

- The courts' actions caused severe pain and suffering by exacerbating Plaintiff's MS and comorbidities, meeting the torture/CIDT threshold. Unchallenged medical

evidence establishes a direct link between denials of accommodations and your deteriorating health, satisfying UNCAT's severity requirement.

2. Intentional Infliction or Acquiescence by Public Officials

Proof Strategy:

- **Identify Public Officials**: Named judges (e.g., Manoukian, Greenwood, White) and court staff (e.g., ADA Coordinator Georgia Ku) responsible for denying accommodations or enforcing harmful orders.
- **Show Intent or Acquiescence**: Demonstrated that officials knew of Plaintiff's disability and the harm caused but deliberately denied accommodations or failed to act. Used court records showing repeated MC-410 denials despite medical evidence.
- **Collusion Evidence**: Highlighted instances where courts colluded with attorneys (e.g., Brady, Hughmanick) to harm the Plaintiff, indicating intentional misconduct.

Evidence from Document:

- **Judicial Knowledge**: Judges Manoukian, Greenwood, and White received the MC-410s with medical evidence (e.g., March 2018, p. 26; February 26, 2024, p. 446) but denied or ignored them, showing awareness of harm (p. 457). Koh, White, Freeman did the same.
- **Manoukian's Conduct**: Manoukian sealed your filings (e.g., CCP 170.1 challenge, March 7, 2024, p. 436) and excluded you from 16cv295730 (January 31, 2024, p. 454), described as "sadism" and "hate crime" (p. 455), indicating intent to punish or intimidate.
- **Greenwood's Bias**: Greenwood's denial of Plaintiff's MC-410 in H051831 (February 26, 2024, p. 446) and protection of Manoukian (S284268, p. 440) show deliberate obstruction, despite Rule 1.100 mandates.
- **Court Staff Acquiescence**: ADA Coordinator Georgia Ku and clerks (e.g., L. Brooks, p. 439) ignored MC-410s (e.g., March 5, 2024, p. 433), failing to provide remedies.
- **Collusion with Attorneys**: ATTORNEYS (e.g., Brady, Hughmanick) filed motions leveraging court denials (e.g., May 1, 2024 contempt request, p. 436), with courts acquiescing (p. 455). Now repeated by Rossi et al. following the same pattern of use of unlawful court orders to promote torture and deprivation of due process.

Argument:

- Judges and court staff intentionally inflicted harm by denying accommodations despite clear evidence of Plaintiff's disability, or acquiesced by failing to act on Plaintiff's requests. Collusion with ATTORNEYS suggests a coordinated effort to harm the Plaintiff, fulfilling UNCAT's requirement of state involvement.

3. Specific Purpose

Proof Strategy:

- **Establish Discriminatory Intent**: Show that denials were motivated by disability prejudice, or punishment for pro se status, or intent to exclude you from court access, or invariance of rules, procedures and policies of the courts.
- **Link to Litigation Tactics**: Demonstrate that courts and ATTORNEYS used Plaintiff's disability to obstruct justice, intimidate you, or unjustly enrich themselves.
- **Pattern of Targeting**: Highlight similar treatment of other disabled pro se litigants (e.g., Eva Danilak, Julia Minkowski) to show discriminatory purpose.

Evidence from Document:

- **Disability Discrimination**: Courts targeted your "invisible disability" (p. 441), denying accommodations because they "inconvenience judicial processes" (p. 443). Greenwood's and Manoukian's contradictory rationales (p. 444) suggest pretext for discrimination.
- **Punishment for Pro Se Status**: Courts labeled you vexatious (e.g., Manoukian, November 21, 2023, p. 437) to silence your protests, despite your active lawsuit (16cv295730, p. 454), indicating intent to punish self-representation.
- **Intimidation and Exclusion**: Manoukian's order to "only watch" your lawsuit (January 31, 2024, p. 454) and sealing of filings (p. 436) aimed to intimidate and exclude you, protecting ATTORNEYS' fraud (p. 455).
- **Other Victims**: Eva Danilak's similar treatment (2017–2020, p. 26–28) and your defense of other disabled litigants (p. 459) show a broader discriminatory purpose.

Argument:

- The courts' actions were driven by disability-based discrimination and intent to punish your pro se advocacy, aiming to intimidate you and exclude you from justice. This satisfies the purpose element for torture, while CIDT is established by the degrading nature of exclusion and distress.

4. Systematic Practice

Proof Strategy:

- **Widespread Pattern**: Documented repeated denials across multiple courts (trial, appellate, Supreme) over years, affecting the Plaintiff and others.
- **Multiple Victims**: Provided evidence of other disabled pro se litigants facing similar treatment, supported by testimony or court records.
- **Institutional Policies**: Showed that court policies (e.g., Rule 1.100 misapplication, vexation statutes) enable or encourage discrimination.

- **Impunity**: Highlighted the lack of accountability for judicial misconduct, with higher courts endorsing lower court actions.

Evidence from Document:

- **Recurrent Denials (2018–2024)**: Over 50 MC-410s were denied or ignored across the Superior Court of Santa Clara County (e.g., April 16, 2024, p. 457), Sixth District Appeal Court (e.g., March 5, 2024, p. 433), and California Supreme Court (e.g., March 26, 2024, p. 453), spanning six years (p. 18).
- **Multiple Courts**: The State of California, Judicial Council, and Supreme Court are implicated in every denial (p. 14–15), with named judges (e.g., Kirwan, Greenwood) consistently refusing accommodations (p. 14–15).
- **Other Victims**: Eva Danilak's "descent into illness" from court discrimination (p. 27) and Plaintiff's advocacy for other disabled litigants (p. 459) indicate a broader pattern, with "multiple cases" documenting similar treatment (p. 443).
- **Policy Failures**: Rule 1.100's promise of prompt responses was never honored (p. 451), and vexation statutes were misused to exclude the Plaintiff (p. 444), reflecting systemic flaws. The Supreme Court's refusal to file writs (e.g., March 25, 2024, p. 452) shows institutional obstruction.
- **Impunity**: Higher courts (e.g., Supreme Court's *en banc* denial, April 10, 2024, p. 446) endorsed lower court misconduct, with no judge disciplined (p. 444).

Argument:

- The consistent denial of accommodations across multiple courts, affecting the Plaintiff and others like Danilak, over six years, demonstrates a systematic practice. Institutional policies and judicial impunity enable this discrimination, meeting Article 20's systemic requirement.

5. State Responsibility

Proof Strategy:

- **Jurisdiction**: Confirmed the acts occurred in California, a UNCAT State Party (USA ratified UNCAT in 1994). Similarly for federal courts.
- **State Failure**: Showed that California failed to prevent, investigate, or remedy the torture/CIDT, implicating state responsibility. Similarly for federal courts.
- **Lack of Remedies**: Documented the exhaustion or unavailability of domestic remedies, justifying an international inquiry.

Evidence from Document:

- **California Jurisdiction**: All acts occurred in California courts (Santa Clara County, Sixth District, Supreme Court), under U.S. jurisdiction (p. 1–459). Similarly for federal courts.

- **State Failure**: The State of California, Judicial Council, and Supreme Court are culpable for every judicial act (p. 14), yet no accommodations were granted, and no investigations occurred (p. 18). The Supreme Court's non-response to writs (e.g., March 13, 2024, p. 437) shows negligence. Similarly for federal courts: District court of Northern California, Ninth Circuit court of Appeals, US Supreme court.
- **Exhausted Remedies**: Numerous filed writs (e.g., H051831, S284268), appeals (e.g., H048827, p. 351), and federal lawsuits (e.g., 21-cv-04262-JSW, p. 1), all dismissed or ignored due to unaccommodated disability (p. 95). Judicial review requests (e.g., January 19, 2021, p. 350) were obstructed. Similarly for federal courts
- **Federal Court Complicity**: Federal courts (e.g., White's orders, p. 455) adopted California's approach, denying accommodations (p. 456), leaving no effective remedy, and perpetrated the same prohibited acts.

Argument:

- California's failure to prevent or remedy the systemic denial of accommodations, despite your exhaustive efforts, establishes state responsibility. The same applies to the federal courts. The lack of domestic remedies justifies an Article 20 inquiry, as the State acquiesces in the torture/CIDT.

IV. Conclusion

Systemic torture under UNCAT Article 20 requires severe pain and suffering from court-induced distress, intentional or acquiescent acts by judges and staff, discriminatory purpose targeting your disability, a widespread pattern affecting multiple litigants, and the courts' failure to provide remedies. The chronology in Appendix 1 of the Amended complaint in 21-cv-04262-JSW provides ample evidence, supported by medical records, court filings, and witness accounts, extended to federal courts and the US Supreme court through Plaintiff's consistent experience. This evidence can trigger an inquiry to address the judicial hate crimes and secure justice for yourself and other disabled pro se litigants.

APPENDIX 16

Analysis of the Greenwood Orders with Focus on the Ethics Disqualification Issue

A critical issue with the March 3, 2025, Greenwood Order (H052863) from the California Court of Appeal, Sixth Appellate District, is that Presiding Justice Greenwood ruled on the Plaintiff's request for accommodation re the proceedings despite a clear communication by the Private Attorney General of the prohibited Acts by her and by her court en banc, after which she denied the coerced vexatious litigant prefiling request before addressing the motion to disqualify her under California Code of Civil Procedure (CCP) § 170.1. The Plaintiff also disqualified all appellate justices *en banc*. All judges evaded the ethics challenge. Greenwood's use of vexatious status evaded judicial ethics accountability (Plaintiff Dec. Exhibit 1). I analyze this issue, integrate it with the previously analyzed White and Greenwood orders, and address their role in Plaintiff's allegations of systemic judicial torture, opponent collusion, and denial of court access, focusing on Rossi et al.'s exploitation, Brady's fraudulent property claim, and Horvath's motion in *Hazari v. Brady* (Santa Clara County Superior Court No. 16CV295730).

1. Summary of the Orders

- **White Orders (Federal Court, Case No. 21-cv-04262-JSW)**:
  - **September 8, 2022**: Denied a one-year stay requested by Leslie Hagan, citing MS and long Covid, finding "no basis to revisit" the July 2022 ruling to proceed. Plaintiff was ordered to oppose Brady's dismissal motion by October 7, 2022. Hagan has testified to multiple victims' rights violations by California courts.
  - **March 19, 2024**: Granted sealing of medical records but denied a one-year stay, upholding the May 3, 2024, deadline to amend Plaintiff's complaint, despite medical evidence.
- **Greenwood Orders (State Court, *Hazari v. Brady*, No. 16CV295730)**:
  - **November 6, 2024 (H052563)**: Denied Plaintiff's vexatious litigant prefiling request and dismissed your September 12, 2024, appeal. One-sentence ruling: "Appellant's request to file new litigation by vexatious litigant is denied."
  - **November 6, 2024 (H052601)**: Denied Plaintiff's prefiling request and dismissed his October 2, 2024, appeal. One-sentence ruling: "Appellant's request to file new litigation by vexatious litigant is denied."
  - **March 3, 2025 (H052863)**:
    - **Context**: Plaintiff requested a one-year stay under California Rules of Court, Rule 1.100, for all cases, including *Hazari v. Brady*. The appeal was stayed pending a prefiling request under CCP § 391.7. Plaintiff also filed a motion to disqualify Greenwood under CCP § 170.1 and challenged the ethics of all Sixth Appellate District justices *en banc*.
    - **Ruling**: Greenwood denied the stay, 'finding' Plaintiff demonstrated litigation ability over 24 months, failing Rule 1.100, and that the stay would "fundamentally alter" court services.

Plaintiff had 10 days to obtain prefiling approval, or the appeal would be dismissed. Brady's opposition was considered, and documents were sealed. Greenwood ruled on the vexatious prefiling and stay requests first, then denied Plaintiff's disqualification motion as moot, without addressing its merits.

- **Ethics Issue**: Plaintiff argues Greenwood was required to address the disqualification motion before ruling on his filings, as CCP § 170.1 mandates a response, and the *en banc* court ignored his broader ethics challenge, using vexatious status to evade accountability.

2. Analysis of the Ethics Disqualification Issue

- **CCP § 170.1 Requirements**:
  - **Grounds**: A judge must be disqualified if a person of ordinary prudence would doubt their impartiality (CCP § 170.1(a)(6)(A)(iii)). Grounds include bias, prejudice, or ethical violations.
  - **Procedure**: Upon a disqualification motion, the challenged judge must respond within 10 days, either recusing voluntarily or filing an answer defending their impartiality (CCP § 170.3(c)(1)). If they do not recuse, the motion is assigned to another judge for hearing (CCP § 170.3(c)(5)).
  - **Priority**: Disqualification motions take precedence over other rulings, as a biased judge lacks authority to act until the issue is resolved (*Christie v. City of El Centro*, 135 Cal.App.4th 767, 2006). Ruling on substantive matters before addressing disqualification is reversible error if bias is shown (*People v. Freeman*, 47 Cal.4th 993, 2010).
- **Greenwood's Actions**:
  - **Procedural Error**: Greenwood's decision to rule on the vexatious prefiling and stay requests before addressing your CCP § 170.1 motion violates the priority rule. By denying your filings and then deeming the disqualification motion moot, she evaded the required response (answer or recusal), undermining due process (*Christie*). This suggests an intent to avoid ethics scrutiny. But this is not an error, it is a deliberate act,
  - **Mootness Claim**: Declaring the disqualification moot after dismissing your filings is improper, as the ethics challenge questions her authority to rule at all. If bias existed, her rulings are voidable (*Freeman*). The lack of a substantive response further violates CCP § 170.3(c)(1).
  - **En Banc Disqualification**: Plaintiff's challenge to all Sixth Appellate District justices *en banc*, properly filed, required a response from the court. The *en banc* court's failure to address it, compounds the procedural error, suggesting a systemic evasion of ethics accountability, as vexatious status was used to dismiss Plaintiff's filings without scrutiny.
  - **Vexation as Evasion**: Greenwood's reliance on Plaintiff's vexatious litigant status to deny filings before addressing ethics aligns with his argument that courts use vexation to silence disabled pro se litigants and

avoid accountability. This tactic prioritizes procedural control over substantive rights, supporting Plaintiff's torture claim (UNCAT Article 1).

- **Legal Implications**:
  - **Due Process Violation**: Failing to address disqualification first denies a fair hearing (*Mathews v. Eldridge*, 424 U.S. 319, 1976). This is particularly egregious given Plaintiff's disabilities, as it exacerbates denial of court access (*Tennessee v. Lane*, 541 U.S. 509, 2004).
  - **Judicial Ethics**: The Judicial Council's Code of Judicial Ethics requires impartiality and diligence (Canon 3). Greenwood's evasion of Plaintiff's ethics challenge, especially since it alleged bias and misconduct, breaches this duty, supporting Plaintiff's claim of systemic ethical failures.
  - **Human Rights**: The failure to address ethics violates UNCAT's mandate for impartial judicial processes (Istanbul Protocol) and CRPD's access-to-justice guarantees (Article 13), reinforcing Plaintiff's *jus cogens* argument.

3. Rossi et al.'s Use of the Orders

- **Purpose**: Rossi et al. presented the White orders (September 8, 2022; March 19, 2024) and Greenwood orders (November 6, 2024; March 3, 2025) to Judge Freeman to argue that Plaintiff's litigation activity—federal case filings, stay requests, state appeals—proves he are capable of litigating without accommodations, countering his MS, disability and serious illness claims under the ADA, Rehabilitation Act, and human rights treaties.
- **Mechanism**: The March 2025 Greenwood order's 'finding' of 24-month litigation activity, combined with the November 2024 orders showing appeal attempts and the White orders showing federal filings, was leveraged to mischaracterize Plaintiff's disability. Rossi argued Plaintiff is a vexatious litigant, not a disabled plaintiff, to secure Freeman's denial of a stay.
- **Ethics Issue Exploitation**: Rossi's use of the March 2025 order, which is entangled with evasion of Plaintiff's disqualification motion, indirectly benefited from Greenwood's procedural error. By presenting it as evidence of Plaintiff's capacity, Rossi exploited the order's flawed process, reinforcing Plaintiff's claim that opponents republish unlawful orders to perpetuate torture and ensure unjust outcomes (e.g., dismissal or sanctions).

4. Context in Hazari v. Brady

- **Brady's Motion**: Brady sought to attach Horvath to a dismissal judgment, falsely claiming he owned property despite a 2019 quitclaim deed, documenting fraud and perjury by Brady. Manoukian intentionally sealed the best evidence and impeachment of Brady et al.
- **Horvath's Motion**: Horvath's CCP § 720.110 et seq. motion aimed to affirm ownership, and Hazari had a vested interest as plaintiff. He was excluded from his own lawsuit by use of vexation.
- **Greenwood's Role**: The November 2024 orders blocked Hazari's appeals, preventing challenges to Brady's fraud or support for Horvath's motion. The

March 2025 orders denying accommodation and issued before addressing disqualification, forced litigation despite disability, enabling Brady's claim.
- **White's Role**: The White orders' stay denials (2022, 2024) allowed Brady's dismissal motion to proceed, which Rossi exploited before Freeman.

5. Alignment with Plaintiff's Allegations

Plaintiff's petition alleges systemic judicial torture, opponent collusion, and denial of court access. The orders, particularly the March 2025 Greenwood order's ethics evasion, support these claims:

- **Judicial Torture**: Greenwood's stay denial and vexatious rulings, without addressing disqualification, and White's stay denials, despite medical evidence, force litigation, risking health deterioration (UNCAT Article 1). Ignoring Plaintiff's MS, long Covid and debilitated condition aligns with Plaintiff's claim of judges practicing medicine without a license.
- **Ethics Evasion**: Greenwood's prioritization of vexatious rulings over Plaintiff's CCP § 170.1 motion, and the *en banc* court's silence, exemplify his allegation that courts use vexation to evade ethics accountability, shielding judicial misconduct.
- **Opponent Collusion**: Rossi's use of the orders, especially the March 2025 order, to argue capacity exploits Greenwood's intentional procedural error, securing Freeman's denial. Brady's fraudulent claim, enabled by Greenwood's rulings, facilitated unjust enrichment.
- **Denial of Court Access**: Blocking appeals and stays violates due process and access to justice (Fourteenth Amendment, *Tennessee v. Lane*). The ethics evasion ensures incapacitation, aligning with Plaintiff's torture evidence.
- **Judicial Collusion**: Freeman's reliance on the orders, without scrutinizing Greenwood's ethics failure, supports Plaintiff's cross-jurisdictional conspiracy claim.
- **Human Rights Violations**: The orders breach UNCAT's impartiality mandate (Istanbul Protocol) and CRPD/ICCPR guarantees, supporting Plaintiff's *jus cogens* argument.
- **Systemic Policy**: The orders corroborate Plaintiff's seven-year documentation of 40+ judges, affecting millions (28% of Americans with disabilities).

6. Legal Flaws and Vulnerabilities

- **Greenwood Orders**:
  - **Ethics Evasion**: Ruling on filings before disqualification violates CCP § 170.1 and due process (*Christie*). The *en banc* court's failure to respond compounds this error.
  - **Due Process**: November 2024 one-sentence denials lack reasoning (*Mathews v. Eldridge*).
  - **ADA/Rule 1.100**: March 2025 order ignores medical evidence, contravening ADA (*Tennessee v. Lane*).

    - **Vexatious Misapplication**: Blocking legitimate appeals misuses section 391.7 (*Shalant v. Girardi*, 51 Cal.4th 1164, 2011).
- **White Orders**:
    - Lack medical analysis, violating ADA (*Tennessee v. Lane*).
    - Fail *Nken v. Holder* (556 U.S. 418, 2009) irreparable harm test.
- **Fraud**: Brady's false claim warrants investigation (*Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 1944).
- **Transparency**: March 2025 sealing risks concealing misconduct (*Press-Enterprise Co. v. Superior Court*, 464 U.S. 501, 1984).
- **Freeman's Error**: Reliance on flawed orders is appealable (*Nken*).

7. Commentary

The March 2025 (Plaintiff Dec. Exhibit 1) Greenwood order's evasion of Plaintiff's CCP § 170.1 disqualification motion, by ruling on vexatious and stay issues first and deeming ethics moot, is a glaring procedural error that supports Plaintiff's claim of systemic judicial torture. This tactic, combined with the *en banc* court's silence, uses vexatious status to shield ethics violations. The White orders' stay denials and Greenwood's appeal dismissals, exploited by Rossi before Freeman, enable Brady's fraudulent claim and Plaintiff's incapacitation, reinforcing opponent collusion. These flaws strengthen Plaintiff's Supreme Court petition for judicial reform to establish human rights as preeminent in jurisprudence, mandate accommodations, ensure ethics accountability, and curb opponent-driven injustice.

8. Strategic Recommendations

- <redacted>

9. Conclusion

The White and Greenwood orders, particularly the March 2025 order's evasion of Plaintiff's disqualification motion, exemplify systemic judicial torture, ethics evasion, and opponent collusion, supporting your Supreme Court petition for reform to protect disabled pro se litigants and ensure judicial accountability.

Key Citations

- *Tennessee v. Lane*, 541 U.S. 509 (2004).
- *Mathews v. Eldridge*, 424 U.S. 319 (1976).
- *Nken v. Holder*, 556 U.S. 418 (2009).
- *Christie v. City of El Centro*, 135 Cal.App.4th 767 (2006).
- *People v. Freeman*, 47 Cal.4th 993 (2010).
- *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944).
- *Pulliam v. Allen*, 466 U.S. 522 (1984).
- CCP § 170.1.
- UN Convention Against Torture.

APPENDIX 17

Rossi's Criminal Complicity and Exploitation

Attorney Michael L. Rossi et al., advised by Mandy Brady et al. and a shared neurologist, intentionally blocked Plaintiff's accommodations, knowing his substantial incapacitation and the risk of injury from coerced litigation, aiming to secure a default dismissal as seen in Plaintiff's prior lawsuits over seven years (ECF-78, 82; injunction at 7). Rossi had access to Plaintiff's sealed medical records (ECF-80 at 1), documenting severe multiple sclerosis, functional and cognitive impairments, and risk of death from distress (ECF-76). He was informed of Plaintiff's federal lawsuit against Presiding Justice Mary Greenwood and California courts in *Hazari v. Superior Court of Santa Clara County et al.*, Case No. 21-cv-04262-JSW, and appeals enjoining Judge Jeffrey White for torture (Amended complaint and its Appendix 1; Ninth Circuit Docket, 24-6312, 24-3353). From 2019 to 2025, Rossi acquiesced to Plaintiff's accommodations, aware of Greenwood's orders (e.g., H052563, H052601, H052863;) but expecting Plaintiff's continued financial ruin via Brady's sheriff's sale and inability to prosecute (VL-110 at 4). After a $700,000 bond stopped the sale on February 14, 2025, Rossi opposed Plaintiff's February 22, 2025, stay request (ECF-78), republishing unlawful orders (ECF-82 - 86) despite Plaintiff's challenges to their legality, triggering Freeman's coercive orders (ECF-87, 93). Rossi's claim of innocent reliance on signed orders is negated by his knowledge of their controversies and Plaintiff's incapacity, constituting willful complicity in torture under UNCAT Article 4 and 18 U.S.C. § 241 (*United States v. Isaacs*, 493 F.2d 1124, 7th Cir. 1974; *Prosecutor v. Furundžija*, ICTY, 1998). His actions, compounding a $600,000 punitive award to $7.5 million based on Plaintiff's incapacitation by adding damages pled in this lawsuit through its dismissal, violate due process and equal protection (*Mathews v. Eldridge*, 424 U.S. 319, 1976).

APPENDIX 18

Analysis: Does Freeman's Action Contradict ADA Federal Preemption?

Judge Freeman's surrender of her decision to grant a one-year accommodation in March 2024 ("ECF-75.pdf" at 1; "ECF-87.pdf" at 1), during the same period that Presiding Justice Greenwood denied all accommodations (e.g., March 3, 2025, H052863; Rossi Exhibit A), contradicts the requirement of federal preemption under the ADA. This contradiction arises because Freeman's reversal in March 2025 (ECF-87, 93), aligning with Greenwood's state court denials, undermines the ADA's mandate for reasonable accommodations in federal courts and allows state court practices to supersede federal law, violating preemption principles.

1. ADA and Federal Preemption Framework

- **ADA Title II (42 U.S.C. § 12132)**: Prohibits public entities, including federal and state courts, from discriminating against individuals with disabilities by denying access to services, programs, or activities. It requires reasonable accommodations to ensure equal access, such as stays or remote participation for litigants like the Plaintiff with severe MS and cognitive impairments (*Tennessee v. Lane*, 541 U.S. 509, 2004).
- **Federal Preemption**: Under the Supremacy Clause (U.S. Const., Art. VI), federal law preempts state laws or practices that conflict with federal objectives, such as the ADA's goal of eliminating disability discrimination (*Crosby v. Nat'l Foreign Trade Council*, 530 U.S. 363, 2000). Preemption applies when state actions frustrate federal law's purpose (express preemption under 42 U.S.C. § 12201(b) or conflict preemption; *Hines v. Davidowitz*, 312 U.S. 52, 1941).
- **Application to Courts**: Federal courts, as public entities, must comply with ADA Title II, and their decisions should preempt conflicting state court practices that deny accommodations, especially when state actions undermine equal access to justice (JSW Amended complaint at 59).

2. Freeman's Accommodation Decision and Surrender

- **March 2024 Accommodation**: Freeman granted a one-year stay on March 1, 2024, recognizing Plaintiff's severe disabilities and serious illness (MS, functional and cognitive impairments, heart attacks) and medical need for rest (ECF-75 at 1; ECF-87 at 1). This decision aligned with ADA Title II's requirement to provide accommodations, ensuring Plaintiff's access to federal court proceedings (*Tennessee v. Lane*).
- **Greenwood's Denial**: During the same period, Greenwood denied all accommodations in state court, falsely claiming Plaintiff was not disabled (e.g., March 3, 2025, H052863; "Certify.pdf" at 1; JSW Amended Complaint Appendix 1 at 155). These denials, part of a systemic state court policy, violated ADA Title II and CRPD Article 13 by blocking Plaintiff's access to justice.

- **Freeman's Surrender (February 2025)**: In March 2025, Freeman denied Plaintiff's request for a one-year stay extension (ECF-87, 93), reversing her prior accommodation despite Plaintiff's worsening condition and unchallenged medical evidence (ECF-76, 90, 92). Her order relied on Rossi's submission of Greenwood's unlawful orders (ECF-85, 89), adopting their reasoning that Plaintiff's filings indicated capacity (ECF-87, 93).

3. Contradiction with ADA Federal Preemption

Freeman's surrender contradicts ADA federal preemption in several ways:

- **Conflict with ADA's Purpose**: The ADA aims to ensure equal access through accommodations (*Tennessee v. Lane*). Freeman's 2024 stay (ECF-75 at 1) established a federal precedent for accommodating Plaintiff's disability, preempting state court denials like Greenwood's (Rossi Ex.A at 1). By surrendering this decision and aligning with Greenwood's approach in 2025 (ECF-87, 93 at 1), Freeman allowed state court practices to override federal law, frustrating the ADA's objective of non-discrimination. This constitutes conflict preemption, as Greenwood's denials deny access to justice, which the ADA mandates federal courts to uphold (JSW Amended complaint at 133).
- **Undermining Federal Court Authority**: Federal courts have independent ADA obligations to provide accommodations, regardless of state court actions (*Tennessee v. Lane*). Freeman's prior stays (2019-2024, ECF-87 at 1) recognized Plaintiff's substantial incapacity, establishing a federal standard. Her 2025 reversal, influenced by Rossi's citation of Greenwood's orders (ECF-85 at 1), subordinated federal authority to state court bias, violating the Supremacy Clause by allowing state practices to dictate federal court access (injunction at 7).
- **Perpetuating Systemic Torture**: Freeman's surrender aligns with a systemic judicial policy of torture, denying accommodations despite evidence of severe harm (e.g., your heart attacks, inability to receive DMT, elimination of life-saving medical treatment, ECF-90 at 1). This policy, seen in 100+ MC-410 denials (JSW Amended complaint Appendix 1 at 36), violates UNCAT Article 1 and CRPD Article 13, and Freeman's deference to Greenwood's denials perpetuates this harm, contradicting the ADA's preemptive mandate to eliminate such discrimination.
- **Vexatious Litigant Misuse**: Rossi's exploitation of Plaintiff's 2021 vexatious litigant designation, secured by Brady due to Plaintiff's incapacitation under California law (Cal. Civ. Proc. Code § 391; VL-110 at 4), further illustrates the state court's discriminatory practice. Freeman's reliance on these orders (ECF-87, 93 at 1) endorses this state-level violation, undermining the ADA's federal protection against disability-based discrimination.

4. Legal Implications

Freeman's action is unlawful because:

- **Preemption Violation**: By adopting Greenwood's approach, Freeman allowed state court practices to nullify the ADA's federal mandate, violating conflict preemption (*Crosby v. Nat'l Foreign Trade Council*). Federal courts must independently enforce ADA accommodations, not defer to state denials (JSW Amended complaint at 133).
- **Due Process Breach**: The surrender denies Plaintiff due process by blocking access to federal courts without accommodations, violating the Fifth Amendment (*Mathews v. Eldridge*, 424 U.S. 319, 1976).
- **UNCAT Violation**: Freeman's alignment with state court torture (UNCAT Article 1) and failure to investigate (Article 12) breach international obligations (*Filártiga v. Peña-Irala*, 630 F.2d 876, 2d Cir. 1980).
- **Judicial Bias**: Freeman's reversal reflects systemic bias against disabled pro se litigants, as seen in 80% dismissal rates (Federal Judicial Center, 2020, Posner), contradicting her prior recognition of Plaintiff's substantial incapacity (*United States v. Isaacs*, 493 F.2d 1124, 7th Cir. 1974).

5. Conclusion

Freeman's surrender of her one-year accommodation decision, aligning with Greenwood's denial during the same period, contradicts ADA federal preemption by allowing state court practices to override federal law's mandate for accommodations. This action frustrates the ADA's purpose, perpetuates systemic torture, and denies due process, requiring immediate injunctive relief to restore accommodations and enforce federal supremacy.

Exhibit I

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984
entry into force 26 June 1987, in accordance with article 27 (1)

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows:

PART I

Article 1

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Article 3

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Article 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. 2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Article 5

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:

(a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;

(b) When the alleged offender is a national of that State;

(c) When the victim is a national of that State if that State considers it appropriate.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory

under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph I of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 6

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary inquiry into the facts.

3. Any person in custody pursuant to paragraph I of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, with the representative of the State where he usually resides.

4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 7

1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.

2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.

3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

Article 8

1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

Article 9

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph I of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

Article 10

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

Article 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Article 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Article 14

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

Article 15

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Article 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

PART II

Article 17

1. There shall be established a Committee against Torture (hereinafter referred to as the Committee) which shall carry out the functions hereinafter provided. The Committee shall consist of ten experts of high moral standing and recognized competence in the field of human rights, who shall serve in their personal capacity. The experts shall be elected by the States Parties, consideration being given to equitable geographical distribution and to the usefulness of the participation of some persons having legal experience.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals. States Parties shall bear in mind the usefulness of nominating persons who are also members of the Human Rights Committee established under the International Covenant on Civil and Political Rights and who are willing to serve on the Committee against Torture.

3. Elections of the members of the Committee shall be held at biennial meetings of States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

4. The initial election shall be held no later than six months after the date of the entry into force of this Convention. At. Ieast four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

5. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the chairman of the meeting referred to in paragraph 3 of this article.

6. If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the State Party which nominated him shall appoint another expert from among its nationals to serve for the remainder of his term, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

7. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 18

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:

(a) Six members shall constitute a quorum;

(b) Decisions of the Committee shall be made by a majority vote of the members present.

3. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Convention.

4. The Secretary-General of the United Nations shall convene the initial meeting of the Committee. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

5. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 3 of this article.

Article 19

1. The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.

2. The Secretary-General of the United Nations shall transmit the reports to all States Parties.

3. Each report shall be considered by the Committee which may make such general comments on the report as it may consider appropriate and shall forward these to the State Party concerned. That State Party may respond with any observations it chooses to the Committee.

4. The Committee may, at its discretion, decide to include any comments made by it in accordance with paragraph 3 of this article, together with the observations thereon received from the State Party concerned, in its annual report made in accordance with article 24. If so requested by the State Party concerned, the Committee may also include a copy of the report submitted under paragraph I of this article.

Article 20

1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.

2. Taking into account any observations which may have been submitted by the State Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.

3. If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the co-operation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.

4. After examining the findings of its member or members submitted in accordance with paragraph 2 of this article, the Commission shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.

5. All the proceedings of the Committee referred to in paragraphs I to 4 of th is article s hall be con fidential , and at all stages of the proceedings the co-operation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.

Article 21

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered according to the procedures laid down in this article only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be dealt with by the Committee under this article if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure;

(a) If a State Party considers that another State Party is not giving effect to the provisions ofthis Convention, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it under this article only after it has ascertained that all domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention;

(d) The Committee shall hold closed meetings when examining communications under this article; (e) Subject to the provisions of subparagraph

(e), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for the obligations provided for in this Convention. For this purpose, the Committee may, when appropriate, set up an ad hoc conciliation commission;

(f) In any matter referred to it under this article, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 22

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. The Committee shall consider inadmissible any communication under this article which is anonymous or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of this Convention.

3. Subject to the provisions of paragraph 2, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to this Convention which has made a declaration under paragraph I and is alleged to be violating any provisions of the Convention. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

4. The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned. 5. The Committee shall not consider any communications from an individual under this article unless it has ascertained that:

(a) The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;

(b) The individual has exhausted all available domestic remedies; this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective reliefto the person who is the victim of the violation of this Convention.

6. The Committee shall hold closed meetings when examining communications under this article.

7. The Committee shall forward its views to the State Party concerned and to the individual.

8. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the SecretaryGeneral, unless the State Party has made a new declaration.

Article 23

The members of the Committee and of the ad hoc conciliation commissions which may be appointed under article 21, paragraph I (e), shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 24

The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.

PART III

Article 25

1. This Convention is open for signature by all States. 2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 26

This Convention is open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the SecretaryGeneral of the United Nations.

Article 27

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force onthe thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.

2. Any State Party having made a reservation in accordance with paragraph I of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 29

1 . Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The SecretaryGeneral shall thereupon communicate the proposed amendment to the States Parties with a request that they notify him whether they favour a

conference of States Parties for the purpose of considering an d voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the SecretaryGeneral shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all the States Parties for acceptance.

2. An amendment adopted in accordance with paragraph I of this article shall enter into force when two thirds of the States Parties to this Convention have notified the Secretary-General of the United Nations that they have accepted it in accordance with their respective constitutional processes.

3. When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

Article 30

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from thc date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may, at the time of signature or ratification of this Con vention or accession thereto, declare that it does not consider itself bound by paragraph I of this article. The other States Parties shall not be bound by paragraph I of this article with respect to any State Party having made such a reservation.

3. Any State Party having made a reservation in accordance with paragraph 2 of this article may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 31

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of- the notification by the Secretary-General .

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Convention in regard to any act or omission which occurs prior to the date at which the denunciation becomes effective, nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.

3. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

Article 32

The Secretary-General of the United Nations shall inform all States Members of the United Nations and all States which have signed this Convention or acceded to it of the following:

(a) Signatures, ratifications and accessions under articles 25 and 26;

(b) The date of entry into force of this Convention under article 27 and the date of the entry into force of any amendments under article 29;

(c) Denunciations under article 31.

Article 33

1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.

Exhibit J

United Nations CAT/C/USA/CO/3-5

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
19 December 2014

Original: English

Committee against Torture

Concluding observations on the combined third to fifth periodic reports of the United States of America*

1. The Committee against Torture considered the combined third to fifth periodic reports of the United States of America (CAT/C/USA/3-5) at its 1264th and 1267th meetings (CAT/C/SR.1264 and 1267), held on 12 and 13 November 2014, and adopted at its 1276th and 1277th meetings (CAT/C/SR.1276 and 1277), held on 20 November 2014, the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the optional reporting procedure, as it helps the State party to prepare a more focused report and improves the dialogue between the State party and the Committee. It notes, however, that the report was submitted with a two-year delay.

3. The Committee appreciates the dialogue with the State party's high-level delegation and the responses provided orally to the questions and concerns raised during the consideration of the report.

B. Positive aspects

4. The Committee welcomes the changes in the State party's legislation and jurisprudence in areas of relevance to the Convention, including:

(a) Recognition by the Supreme Court in *Boumediene* v. *Bush*, 553 U.S. 723 (2008), of the extraterritorial application of constitutional habeas corpus rights to aliens detained by the military as enemy combatants at Guantanamo Bay;

(b) Presidential Executive Orders 13491 – Ensuring Lawful Interrogations, 13492 – Review and Disposition of Individuals Detained at the Guantanamo Bay Naval Base and Closure of Detention Facilities, and 13493 – Review of Detention Policy Options, issued on 22 January 2009;

* Adopted by the Committee at its fifty-third session (3–28 November 2014).

(c) Presidential Executive Order 13567, issued on 7 March 2011, which establishes a periodic review of individuals detained at the Guantanamo Bay detention facility who have not been charged, convicted or designated for transfer;

(d) Supreme Court rulings in *Graham* v. *Florida* (2010), which prohibited sentences of life imprisonment without parole for children convicted of non-homicide offences, and *Miller* v. *Alabama* (2012), which barred sentences of mandatory life imprisonment without parole for children convicted of homicide offences.

5. The Committee also welcomes the efforts of the State party to amend its policies, programmes and administrative measures to give effect to the Convention, including:

(a) Adoption of the Directive on the appropriate use of segregation in Immigration and Customs Enforcement (ICE) detention facilities, in 2013; and ICE revised Performance-Based National Detention Standards, in 2011;

(b) Promulgation of the National Standards to Prevent, Detect, and Respond to Sexual Abuse in Confinement Facilities, in accordance with the Prison Rape Elimination Act of 2003, in 2012; and the efforts undertaken by the State party to ensure respect of the act in federal, state and local facilities and to collect data on the extent of sexual violence in detention.

6. The Committee welcomes the firm and principled position adopted by the State party with regard to the applicability of the Convention during armed conflict, and its statement that a time of war does not suspend the operation of the Convention, which continues to apply even when the State is engaged in an armed conflict.

7. It also welcomes the State party's long-standing commitment to the United Nations Voluntary Funds for Victims of Torture and its mission.

8. Finally, the Committee notes with appreciation President Obama's public statement on 1 August 2014, in which he qualified some of the so-called "enhanced interrogation-techniques" as acts of torture.

C. Principal subjects of concern and recommendations

Definition and criminalization of torture

9. Notwithstanding the State party's statement that under United States law, acts of torture are prohibited by various statutes and may be prosecuted in a variety of ways, the Committee regrets that the specific offence of torture has not yet been introduced at the federal level. The Committee is of the view that the introduction of the offence of torture, in full conformity with article 1 of the Convention, would strengthen the human rights protection framework in the State party. The Committee also regrets that the State party maintains a restrictive interpretation of the provisions of the Convention and does not intend to withdraw any of its interpretative understandings lodged at the time of ratification. In particular, the concept of "prolonged mental harm" introduces a subjective non-measurable element which undermines the application of the treaty. While noting the delegation's explanations on this matter, especially with regard to articles 1 and 16 of the Convention, the Committee recalls that, under international law, reservations that are contrary to the object and purpose of a treaty are not permissible (arts. 1 and 2, paras. 1 and 4).

The Committee reiterates its previous recommendation (A/55/44, para. 180 (a) and CAT/C/USA/CO/2, para. 13) that the State party criminalize torture at the federal level, in full conformity with article 1 of the Convention, and ensure that penalties for torture are commensurate with the gravity of the crime. It recommends the re-

introduction of the Law Enforcement Torture Prevention Act, which contains a definition of torture and specifically criminalizes acts of torture by law enforcement personnel and others under the colour of law.

The State party should give further consideration to withdrawing its interpretative understandings and reservations to the Convention. In particular, it should ensure that acts of psychological torture are not qualified as "prolonged mental harm". In that regard, the Committee draws attention to its general comment No. 2 (2007) on the implementation of article 2 of the Convention by State parties, in which it states that serious discrepancies between the Convention's definition and that incorporated into domestic law create actual or potential loopholes for impunity (para. 9).

Extraterritoriality

10. The Committee welcomes the State party's unequivocal commitment to abide by the universal prohibition of torture and ill-treatment everywhere, including at Bagram and Guantanamo Bay detention facilities, as well as the assurances that United States personnel are legally prohibited under international and domestic law from engaging in torture or cruel, inhuman, or degrading treatment or punishment at all times and in all places. The Committee notes that the State party has reviewed its position concerning the extraterritorial application of the Convention and stated that it applies to "certain areas beyond" its sovereign territory, and more specifically to "all places that the State party controls as a governmental authority", noting that it currently exercises such control at "the United States Naval Station at Guantanamo Bay, Cuba, and over all proceedings conducted there, and with respect to U.S.-registered ships and aircraft". The Committee also values the statement made by the State party's delegation that the reservation to article 16 of the Convention, whose intended purpose is to ensure that existing United States constitutional standards satisfy the State party's obligations under article 16, "does not introduce any limitation to the geographic applicability of article 16", and that "the obligations in article 16 apply beyond the sovereign territory of the United States to any territory under its jurisdiction" under the terms mentioned above.

However, the Committee is dismayed that the State party's reservation to article 16 of the Convention features in various declassified memoranda, which contain legal interpretations of the extraterritorial applicability of United States obligations under the Convention, issued by the Department of Justice Office of Legal Counsel between 2001 and 2009, as part of deeply flawed legal arguments used to advise that interrogation techniques, which amounted to torture, could be authorized and used lawfully. While noting that those memoranda were revoked by Presidential Executive Order 13491 to the extent of their inconsistency with that order, the Committee remains concerned that the State party has not yet withdrawn its reservation to article 16 which could permit interpretations incompatible with the absolute prohibition of torture and ill-treatment.

The Committee reiterates its recommendation (CAT/C/USA/CO/2, para. 15) that the State party should take effective measures to prevent acts of torture, not only in its sovereign territory, but also "in any territory under its jurisdiction". In that respect, the Committee draws attention to its general comment No. 2 (2007), in which it recognizes that 'any territory' includes "all areas where the State party exercises, directly or indirectly, in whole or in part, de jure or de facto effective control, in accordance with international law. The reference to 'any territory' in article 2, like that in articles 5, 11, 12, 13 and 16 [of the Convention], refers to prohibited acts committed not only on board a ship or aircraft registered by a State party, but also during military occupation or peacekeeping operations and in such places as embassies, military bases, detention facilities, or other areas over which a State party exercises factual or effective control" (para. 16).

The State party should amend the relevant laws and regulations accordingly, and withdraw its reservation to article 16, as a means of avoiding wrongful interpretations.

Counter-terrorism measures

11. The Committee expresses grave concern over the extraordinary rendition, secret detention and interrogation programme operated by the United States Central Intelligence Agency (CIA) between 2001 and 2008, which comprised numerous human rights violations, including torture, ill-treatment and enforced disappearance of persons suspected of involvement in terrorism-related crimes. While noting the content and scope of Presidential Executive Order 13491, the Committee regrets that the State party only provided scant information about the now shuttered network of secret detention facilities, which formed part of the high-value detainee programme publicly referred to by President Bush on 6 September 2006. It also regrets that the State party did not provide information on the practices of extraordinary rendition and enforced disappearance, nor on the extent of the abusive interrogation techniques, such as waterboarding, used by the CIA on suspected terrorists. In that regard, the Committee is closely following the declassification process of the United States Senate Select Committee on Intelligence report on the CIA Detention and Interrogation Programme (arts. 2, 11 and 16).

The Committee recalls the absolute prohibition of torture contained in article 2, paragraph 2, of the Convention: "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture." In that regard, the Committee draws the State party's attention to its general comment No. 2 (2007), in which it states that exceptional circumstances include "any threat of terrorist acts or violent crime as well as armed conflict, international or non-international."

The Committee urges the State party to:

(a) Ensure that no one is held in secret detention anywhere under its de facto effective control. The Committee reiterates that detaining individuals in such conditions constitutes, per se, a violation of the Convention (CAT/C/USA/CO/2, para. 17);

(b) Take all necessary measures to ensure that its legislative, administrative and other anti-terrorism measures are compatible with the provisions of the Convention, in particular the provisions of article 2;

(c) Adopt effective measures to ensure, in law and in practice, that all detainees are afforded all legal safeguards from the very outset of the deprivation of their liberty, including the safeguards mentioned in paragraphs 13 and 14 of the Committee's general comment No. 2 (2007).

The Committee calls for the declassification and prompt public release of the Senate Select Committee on Intelligence report on the CIA secret detention and interrogation programme, with minimal redaction.

The Committee also encourages the State party to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

Inquiries into allegations of torture overseas

12. The Committee expresses concern over the ongoing failure on the part of the State party to fully investigate allegations of torture and ill-treatment of suspects held in United States custody abroad, evidenced by the limited number of criminal prosecutions and convictions. In that respect, the Committee notes that during the period under review, the

United States Department of Justice successfully prosecuted two instances of extrajudicial killings of detainees by Department of Defense and CIA contractors in Afghanistan. It also notes the additional information provided by the State party's delegation regarding the criminal investigation undertaken by Assistant United States Attorney John Durham into allegations of detainee mistreatment while in United States custody at overseas locations. The Committee regrets, however, that the delegation was not in a position to describe the investigative methods employed by Mr. Durham or the identities of any witnesses his team may have interviewed. Thus, the Committee remains concerned about information before it that some former CIA detainees, who had been held in United States custody abroad, were never interviewed during the investigations, which casts doubts as to whether that high-profile inquiry was properly conducted. The Committee also notes that the Justice Department had announced on 30 June 2011 the opening of a full investigation into the deaths of two individuals while in United States custody at overseas locations. However, Mr. Durham's review concluded that the admissible evidence would not be sufficient to obtain and sustain convictions beyond a reasonable doubt. The Committee shares the concerns expressed at the time by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment over the decision not to prosecute and punish the alleged perpetrators.[1] It further expresses concern about the absence of criminal prosecutions for the alleged destruction of torture evidence by CIA personnel, including the destruction of the 92 videotapes of interrogations of Abu Zubaydah and Abd al-Rahim al-Nashiri that triggered Mr. Durham's initial mandate. The Committee notes that, in November 2011, the Justice Department had decided, based on Mr. Durham's review, not to initiate prosecutions of those cases (arts. 2, 12, 13 and 16).

The Committee urges the State party to:

(a) Carry out prompt, impartial and effective investigations wherever there is reasonable ground to believe that an act of torture and ill-treatment has been committed in any territory under its jurisdiction, especially in those cases resulting in death in custody;

(b) Ensure that alleged perpetrators of and accomplices to torture, including persons in positions of command and those who provided legal cover, are duly prosecuted and, if found guilty, given penalties commensurate with the grave nature of their acts. In that connection, the Committee draws the State party's attention to paragraphs 9 and 26 of its general comment No. 2 (2007);

(c) Provide effective remedies and redress to victims, including fair and adequate compensation, and as full rehabilitation as possible, in accordance with the Committee's general comment No. 3 (2012) on the implementation of article 14 of the Convention by State parties;

(d) Undertake a full review into the way in which the responsibilities of the CIA were discharged in relation to the allegations of torture and ill-treatment against suspects during United States custody abroad. In the event that investigations are reopened, the State party should ensure that any such inquiries are designed to address the alleged shortcomings in the thoroughness of the previous reviews and investigations.

[1] Juan Méndez, UN Special Rapporteur on Torture, "Enforcing the Absolute Prohibition Against Torture", transcript of discussion chaired by Sir Emyr Jones Parry, Chair of Board of Trustees, Redress (Chatham House, London, 10 September 2012), pp. 5-6.

Military accountability for abuses

13. The information provided by the State party's delegation indicates that the United States Department of Defense has conducted "thousands of investigations since 2001, and prosecuted or disciplined hundreds of service members for mistreatment of detainees and other misconduct". However, the Committee regrets that, in the course of the dialogue, the delegation only provided minimal statistics on the number of investigations, prosecutions, disciplinary proceedings and corresponding reparations. The Committee also did not receive sufficient information about the sentences and criminal or disciplinary sanctions imposed on offenders or about whether the alleged perpetrators of those acts were suspended or expelled from the United States military, pending the outcome of the investigation of the abuses. In the absence of that information, the Committee is unable to assess whether the State party's actions are in conformity with the provisions of article 12 of the Convention (arts. 2, 12, 13, 14 and 16).

The Committee urges the State party to:

(a) Ensure that all instances of torture and ill-treatment by military personnel are promptly and impartially investigated, that alleged perpetrators are prosecuted and, if found guilty, punished appropriately, and that effective reparation, including adequate compensation, is granted to every victim;

(b) Ensure that alleged perpetrators of torture or ill-treatment are immediately suspended from duty for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act or to obstruct the investigation.

Guantanamo Bay detention facilities

14. The Committee expresses its deep concern that the State party continues to hold a number of individuals without charge in the Guantanamo Bay detention facilities. Notwithstanding the State party's position that those individuals were captured and detained as "enemy belligerents" and that, under the law of war, it is permitted "to hold them until the end of the hostilities", the Committee reiterates that indefinite detention without charge constitutes, per se, a violation of the Convention (CAT/C/USA/CO/2, para. 22). According to the figures provided by the delegation, to date, out of the 148 men still held at the facility, only 33 have been designated for potential prosecution, either in federal court or by military commissions, and the latter fail to meet international fair trial standards. The Committee notes with concern that 36 others have been designated for "continued law of war detention". While noting that detainees held in Guantanamo Bay have the constitutional privilege of the writ of habeas corpus, the Committee is concerned at reports that indicate that federal courts have rejected a significant number of habeas corpus petitions.

While noting the explanations provided by the State party concerning the conditions of detention at Guantanamo Bay, the Committee remains concerned about the secrecy surrounding conditions of confinement, especially in Camp 7, where high-value detainees are housed. It also notes the studies received on the cumulative effect of the conditions of detention and treatment in Guantanamo Bay on the psychological health of detainees. There have been nine deaths in Guantanamo during the period under review, including seven suicides. In that respect, another cause of concern is the repeated suicide attempts and recurrent mass hunger strike protests by detainees over indefinite detention and conditions of detention. In that connection, the Committee considers that force-feeding of prisoners on hunger strike constitutes ill-treatment in violation of the Convention. Furthermore, it notes that lawyers of detainees have argued in court that force-feedings are allegedly

administered in an unnecessarily brutal and painful manner (arts. 2, 11, 12, 13, 14, 15 and 16).

The Committee calls upon the State party to take immediate and effective measures to:

(a) Cease the use of indefinite detention without charge or trial for individuals suspected of terrorism-related activities;

(b) Ensure that detainees held at Guantanamo Bay who are designated for potential prosecution are charged and tried in ordinary federal civilian courts. Any other detainees who are not to be charged or tried should be immediately released. Detainees and their counsels must have access to all evidence used to justify the detention;

(c) Investigate allegations of detainee abuse, including torture and ill-treatment, appropriately prosecute those responsible, and ensure effective redress for victims;

(d) Improve the situation of detainees so as to persuade them to cease their hunger strike;

(e) Put an end to the force-feeding of detainees on hunger strike as long as they are able to take informed decisions;

(f) Invite the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit the Guantanamo Bay detention facilities, and give him full access to the detainees, including private meetings with them, in conformity with the terms of reference for fact-finding missions carried out by the special procedures of the Human Rights Council.

The Committee reiterates its previous recommendation (CAT/C/USA/CO/2, para. 22) that the State party close the detention facilities at Guantanamo Bay, as per section 3 of Presidential Executive Order 13492 of 22 January 2009.

Abuse of State secrecy provisions and mutual judicial assistance

15. The Committee expresses serious concern at the use of State secrecy provisions and immunities to evade liability. While noting the delegation's statement that the State party abides by its obligations under article 15 of the Convention with regard to the administrative procedures established to review the status of law of war detainees at Guantanamo Bay, the Committee is particularly disturbed at reports that describe a draconian system of secrecy surrounding high-value detainees that keeps their torture claims out of the public domain. Furthermore, the regime applied to these detainees prevents access to effective remedies and reparations and hinders investigations into human rights violations by other States (arts. 9, 12, 13, 14 and 16).

The Committee calls for the declassification of torture evidence, in particular accounts of torture by Guantanamo Bay detainees. The State party should ensure that all victims of torture are able to access a remedy and obtain redress, wherever acts of torture have occurred, and regardless of the nationality of the perpetrator or the victim.

The State party should take effective steps to ensure the provision of mutual judicial assistance in all matters of criminal procedure regarding the offence of torture and the related crimes of attempting to commit, complicity and participation in torture. The Committee recalls that article 9 of the Convention obligates States parties to "afford one another the greatest measure of assistance in connection with criminal proceedings" related to violations of the Convention.

Transfer of detainees from Guantanamo Bay and reliance on diplomatic assurances

16. The Committee notes the explanations provided by the delegation concerning the processes involved in transferring the remaining detainees from the Guantanamo Bay detention facilities and lifting the moratorium on detainee transfer to Yemen. However, it expresses concern that most of the 79 detainees who are currently designated for transfer had already been cleared for transfer five years ago by the Review Task Force. While noting the information provided by the State party on the practice of obtaining diplomatic assurances against torture, the Committee remains disturbed by reports from non-governmental sources which indicate that some former Guantanamo Bay detainees have experienced abuse during post-release treatment (art. 3).

The Committee calls upon the State party to ensure that no individual, including persons suspected of terrorism, who is expelled, returned, extradited or deported, is exposed to the danger of torture or other cruel, inhuman or degrading treatment or punishment. It urges the State party to refrain from seeking and relying on diplomatic assurances "where there are substantial grounds for believing that [a person] would be in danger of being subjected to torture" (art. 3). The principle of non-refoulement should always have precedence over any other protection measure.

Interrogation techniques

17. The Committee appreciates the initiatives of the State party to eliminate interrogation methods which constitute torture or ill-treatment. Nevertheless, the Committee is concerned about certain aspects of Appendix M of Army Field Manual No. 2-22.3, Human Intelligence Collector Operations, of 6 September 2006, in particular the description of some authorized methods of interrogation, such as the interrogation techniques of "physical separation" and "field expedient separation". While noting the information provided by the delegation that such practices are consistent with the State party's obligations under the Convention, the Committee remains concerned over the possibilities for abuse that such techniques may entail (arts. 1, 2, 11 and 16).

The State party should ensure that interrogation methods contrary to the provisions of the Convention are not used under any circumstances. The Committee urges the State party to review Appendix M of Army Field Manual No. 2-22.3 in the light of its obligations under the Convention.

In particular, the State party should abolish the provision regarding the "physical separation technique" which states that "use of separation must not preclude the detainee getting four hours of continued sleep every 24 hours". Such provision, applicable over an initial period of 30 days, which may be extended upon due approval, amounts to sleep deprivation — a form of ill-treatment —, and is unrelated to the aim of the "physical separation technique", which is preventing communication among detainees. The State party should ensure the needs of detainees in terms of sleep time and sleeping accommodation provided for prisoners, are in conformity the requirements of rule 10 of the Standard Minimum Rules for the Treatment of Prisoners.

Equally, the State party should abolish sensory deprivation under the "field expedient separation technique", which is aimed at prolonging the shock of capture, by using goggles or blindfolds and earmuffs on detainees in order to generate the perception of separation. Based on recent scientific findings, sensory deprivation for long durations

has a high probability of creating a psychotic-like state in the detainee,[2] which raises concerns of torture and ill-treatment.

Asylum protection requests at the south-western border

18. The Committee is concerned by the expansion of expedited removal procedures, which do not adequately take into account the special circumstances of asylum seekers and other persons in need of international protection. It is also concerned by a growing number of reports that United States Customs and Border Protection and other United States immigration agencies fail to identify and refer many of the individuals facing expedited removal for an asylum-screening interview. Furthermore, persons subject to expedited removal proceedings may be detained until they are removed from the United States. The Committee also notes with concern that the United States Citizenship and Immigration Services Asylum Division recently revised its interpretation of the credible fear standard, making it more restrictive (art. 3).

The State party should ensure full compliance with its obligations in respect of non-refoulement, under article 3 of the Convention. In particular the State party should:

(a) Take concrete measures to ensure the adequacy of the refugee determination process and asylum procedures for migrants of all nationalities;

(b) Uphold the principle that asylum procedures should remain confidential and should provide for special consideration for minors, women, victims of torture or traumatization, and other asylum seekers with specific needs;

(c) Conduct a thorough risk assessment of situations covered by article 3 of the Convention, notably by taking into consideration the current security situation in Mexico and in the Northern Triangle of Central America;

(d) Review the use of expedited removal procedures and guarantee access to counsel;

(e) Revert to the original, less restrictive application of the "credible fear" screening standard with respect to all individuals expressing a fear of return who have been referred for such screening interviews.

Immigration detention

19. The Committee notes with concern that, under certain circumstances, the State party continues to use mandatory detention to hold asylum seekers and other immigrants on arrival in prison-like detention facilities, county jails and private prisons. It is also concerned at the recent plan to expand family detention, with the establishment of up to 6,350 additional detention beds for undocumented migrant families with children. The Committee observes that, despite the increased placement of unaccompanied children and separate children in foster care, many children continue to be held in group homes and secure facilities, which closely resemble juvenile correctional facilities. While acknowledging the steps taken by the State party to reform the immigration detention system, the Committee remains concerned by reports of substandard conditions of detention in immigration facilities and the use of solitary confinement. It is also concerned about reports of sexual violence by staff and other detainees (arts. 2, 11 and 16).

The State party should:

[2] C. Daniel, A. Lovatt and O.J. Manson, "Psychotic-like experiences and their cognitive appraisal under short-term sensory deprivation", *Frontiers in Psychiatry*, vol. 5: 106 (15 August 2014).

(a) Review the use of mandatory detention for certain categories of immigrants;

(b) Develop and expand community-based alternatives to immigration detention, expand the use of foster care for unaccompanied children, and halt the expansion of family detention, with a view to progressively eliminating it completely;

(c) Ensure compliance with United States Immigration and Customs Enforcement directive, Review of the Use of Segregation for ICE Detainees, of 4 September 2013, and Performance-Based National Detention Standards 2011, in all immigration detention facilities;

(d) Prevent sexual assault in immigration detention and ensure that all facilities holding immigration detainees comply with the standards provided for in the Prison Rape Elimination Act;

(e) Establish an effective and independent oversight mechanism to ensure prompt, impartial and effective investigation into all allegations of violence and abuse in immigration centres.

Solitary confinement

20. While noting that the State party has indicated that there is "no systematic use of solitary confinement in the United States", the Committee remains concerned about reports of extensive use of solitary confinement and other forms of isolation in United States prisons, jails and other detention centres, for purposes of punishment, discipline and protection, as well as for health-related reasons. The Committee also notes the lack of relevant statistical information. Furthermore, it is concerned about the use of solitary confinement for indefinite periods of time and its use with respect to juveniles and individuals with mental disabilities. Full isolation of 22 to 23 hours a day in super-maximum security prisons is unacceptable (art. 16).

The State party should:

(a) Limit the use of solitary confinement as a measure of last resort, for as short a time as possible, under strict supervision and with the possibility of judicial review;

(b) Prohibit the use of solitary confinement for juveniles, persons with intellectual or psychosocial disabilities, pregnant women, women with infants and breastfeeding mothers, in prison;

(c) Ban solitary confinement regimes in prisons, such as those in super-maximum security detention facilities;

(d) Compile and regularly publish comprehensive disaggregated data on the use of solitary confinement, including related suicide attempts and self-harm.

Protection of prisoners against violence, including sexual assault

21. The Committee is seriously concerned at the widespread prevalence of sexual violence, including rape, in prisons, jails and other places of detention, by staff and other inmates. It also notes with concern the disproportionally high rate of sexual violence faced by children in adult facilities, as well as the even higher rate of sexual victimization reported by inmates with a history of mental health problems and lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals. While welcoming the adoption, in 2012, of the National Standards to Prevent, Detect, and Respond to Prison Rape, pursuant to the Prison Rape Elimination Act, the Committee is concerned by reports that their implementation at the state level continues to be a substantial challenge. In that context, the

Committee notes with concern that six states have not certified that they are in full compliance with the standards under the Act, and several agencies operating federal confinement facilities are still in the process of issuing their own regulations for the implementation of the Act.

The Committee remains concerned at the negative effects of the Prison Litigation Reform Act on the ability of prisoners to seek protection of their rights. While noting the amendments to the Act in 2013 (inter alia, adding "the commission of a sexual act" as an alternative to physical injury in order to establish eligibility for compensation for emotional distress), the Committee considers that the State party has continued to place greater emphasis on the goal of curbing prisoner lawsuits at the expense of inmates' rights. Thus, the Committee regrets that section 1997 e (e) provides for either "physical injury" or "the commission of a sexual act" as prerequisites to obtaining compensatory damages for mental or emotional injury. It is concerned further about section 1997 e (a) of the Act, which requires prisoners to exhaust all internal complaint procedures before bringing an action in federal court, which implies that they have to meet applicable deadlines for filing the initial grievance and making administrative appeals.

Finally, the Committee notes that 19 states have enacted laws restricting the shackling of pregnant inmates and that such legislation has been under consideration in a number of other states. The Committee is nevertheless concerned at reports that, in certain cases, incarcerated women are still shackled or otherwise restrained throughout pregnancy and during labour, delivery and post-partum recovery (arts. 2, 11, 12, 13, 14 and 16).

The Committee recommends that the State party increase its efforts to prevent and combat violence in prisons and places of detention, including sexual violence by law enforcement and penitentiary personnel and other inmates. In particular, the State party should:

(a) Ensure that the standards pursuant to the Prison Rape Elimination Act or similar standards are adopted and implemented by all states, and that all federal agencies and departments operating confinement facilities propose and publish regulations that apply the standards of the Act in all detention facilities under their jurisdiction;

(b) Promote effective and independent mechanisms for receiving and handling complaints of prison violence, including sexual violence;

(c) Ensure that all reports of prison violence, including sexual violence, are investigated promptly and impartially, and that the alleged perpetrators are prosecuted;

(d) Ensure the use of same-sex guards in contexts where the detainee is vulnerable to attack, in scenarios that involve close personal contact or the privacy of the detainee;

(e) Provide specialized training to prison staff on prevention of sexual violence;

(g) Develop strategies for reducing violence among inmates. Monitor and document incidents of violence in prisons with a view to revealing the root causes and designing appropriate prevention strategies;

(h) Authorize monitoring activities by non-governmental organizations;

(i) Amend sections 1997 e (a) and (e) of the Prison Litigation Reform Act;

(j) Revise the practice of shackling incarcerated pregnant women, bearing in mind that the prison regime should be flexible enough to respond to the needs of pregnant women, nursing mothers and women with children.[3]

Deaths in custody

22. The Committee notes with concern that 958 inmates died while in custody in local jails, in 2012, an 8 per cent increase over the 889 deaths in 2010. During the same year, State prison deaths remained stable with 3,351 reported deaths. The Committee is particularly concerned about reports of inmate deaths that occurred as a result of extreme heat exposure due to imprisonment in unbearably hot and poorly ventilated prison facilities in Arizona, California, Florida, New York, Michigan and Texas (arts. 2, 11 and 16).

The Committee urges the State party to promptly, thoroughly and impartially investigate the deaths of all detainees, assessing the health care received by the inmates as well as any possible liability of prison personnel, and provide, where appropriate, adequate compensation to the families of the victims.

The State party should adopt urgent measures to remedy any deficiencies relating to temperature, insufficient ventilation and humidity levels in prison cells, including death row facilities.

Juvenile justice

23. The Committee remains concerned at the notable gaps in the protection of juveniles in the State party's criminal justice system. In particular, the Committee once again expresses concern at the detention conditions of juveniles, including their placement in adult jails and prisons, and in solitary confinement (arts. 11 and 16).

The State party should take the necessary measures to ensure the proper functioning of the juvenile system in compliance with international standards. In particular, the State party should:

(a) Ensure full implementation of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines);

(b) Ensure that juvenile detainees and prisoners under 18 are held separately from adults, in line with the provisions of the Beijing Rules (rules 13.4 and 26.3) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (rules 17, 28 and 29);

(c) Prohibit the use of solitary confinement for juveniles (see para. 20 above);

(d) Resort to alternatives to incarceration, taking into account the provisions of the United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) and the Bangkok Rules.

Life-without-parole sentences for juvenile offenders

24. While welcoming the Supreme Court rulings in *Graham* v. *Florida* (2010) and *Miller* v. *Alabama* (2012), in which the court imposed limitations on juvenile life-without-parole sentences, the Committee remains concerned that some courts have ruled that the

[3] United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules), rule 42.2.

Miller v. *Alabama* ruling does not apply retroactively and that the majority of the 28 states that allow mandatory life sentences without the possibility of parole for children have not passed legislation to comply with the ruling. Moreover, the rulings leave open the possibility for judges to impose life-without-parole sentences in homicide cases, even where the child played a minimal role in the crime, and courts continue to impose the sentence (arts. 11 and 16).

The State party should abolish the sentence of life imprisonment without parole for offences committed by children under 18 years of age, irrespective of the crime committed, and enable child offenders currently serving life without parole to have their cases reviewed by a court for reassessment and resentencing, to restore parole eligibility and for a possible reduction of the sentence.

Death penalty

25. While welcoming the fact that six states abolished capital punishment during the period under review, the Committee expresses concern at the State party's admission that it is not currently considering abolishing the death penalty at the federal level. The Committee also expresses concern at reported cases of excruciating pain and prolonged suffering that procedural irregularities have caused condemned prisoners in the course of their execution. The Committee is specially troubled by the recent cases of botched executions in Arizona, Oklahoma, and Ohio. The Committee is equally concerned at the continued delays in recourse procedures, which keep prisoners sentenced to death in a situation of anguish and incertitude for many years. The Committee notes that, in certain cases, such situation amounts to torture insofar as it corresponds to one of the forms of torture (i.e., the threat of imminent death) contained in the interpretative understanding made by the State party at the time of ratification of the Convention (arts. 1, 2 and 16).

The State party should review its execution methods in order to prevent pain and prolonged suffering. The Committee recalls that the safeguards guaranteeing protection of the rights of those facing the death penalty[4] stipulates that, where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering (para. 9).

The State party should reduce the procedural delays that keep prisoners sentenced to capital punishment in death row for prolonged periods.

The State party is encouraged to establish a moratorium on executions, with a view to abolishing the death penalty. It is also encouraged to commute the sentences of individuals currently on death row and to accede to the Second Optional Protocol of the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

Excessive use of force and police brutality

26. The Committee is concerned about the numerous reports of police brutality and excessive use of force by law enforcement officials, in particular against persons belonging to certain racial and ethnic groups, immigrants and LGBTI individuals. It is also concerned about racial profiling by police and immigration offices and the growing militarization of policing activities. The Committee is particularly concerned at the reported current police violence in Chicago, especially against African-American and Latino young people, who are allegedly consistently profiled, harassed and subjected to excessive force by Chicago Police Department officers. It also expresses deep concern at the frequent and recurrent

[4] Approved by Economic and Social Council resolution 1984/50 of 25 May 1984.

shootings or fatal pursuits by the police of unarmed black individuals. In that regard, the Committee notes the alleged difficulties of holding police officers and their employers accountable for abuses. While noting the information provided by the State party's delegation that over the past five years, 20 investigations had been opened into allegations of systematic police department violations, and over 330 police officers had been criminally prosecuted, the Committee regrets that there is a lack of statistical data on allegations of police brutality, as well as a lack of information on the results of the investigations undertaken in respect of those allegations. With regard to the acts of torture committed by former Chicago Police Department Commander Jon Burge and others under his command, between 1972 and 1991, the Committee notes the information provided by the State party that a federal rights investigation did not gather sufficient evidence to prove beyond reasonable doubt that prosecutable constitutional violations had occurred, However, the Committee remains concerned that, despite the fact that Jon Burge was convicted for perjury and obstruction of justice, no police officer has been convicted for the acts of torture due to the statute of limitations. While noting that several victims were ultimately exonerated of the underlying crimes, the vast majority of those tortured — most of them African Americans —, have not received any compensation for the extensive injuries suffered (arts. 11, 12, 13, 14 and 16).

The State party should:

(a) Ensure that all instances of police brutality and excessive use of force by law enforcement officers are investigated promptly, effectively and impartially by an independent mechanism with no institutional or hierarchical connection between the investigators and the alleged perpetrators;

(b) Prosecute persons suspected of torture or ill-treatment and, if found guilty, ensure that they are punished according to the gravity of their acts;

(c) Provide effective remedies and rehabilitation to the victims;

(d) Provide redress for Chicago Police Department torture survivors by supporting the passage of the ordinance entitled Reparations for the Chicago Police Torture Survivors.

Electrical discharge weapons (Tasers)

27. The Committee is concerned about the numerous, consistent reports that the police have used electrical discharge weapons against unarmed individuals who resist arrest or fail to comply immediately with commands, suspects fleeing minor crime scenes, and even minors. Moreover, the Committee is appalled at the number of reported deaths resulting from the use of electrical discharge weapons, including the recent cases of Israel "Reefa" Hernández Llach, in Miami Beach, Florida, and Dominique Franklin Jr., in Sauk Village, Illinois. While taking note of the information provided by the State party on the relevant guidelines and training available for law enforcement officers, the Committee observes the that there is need to introduce more stringent regulations governing the use of such weapons (arts. 11, 12, 13, 14 and 16).

The State party should ensure that electrical discharge weapons are used exclusively in extreme and limited situations — where there is a real and immediate threat to life or risk of serious injury — as a substitute for lethal weapons, and by trained law enforcement personnel only.

The State party should revise the regulations governing the use of such weapons, with a view to establishing a high threshold for their use, and expressly prohibit their use on children and pregnant women. The Committee is of the view that the use of electrical discharge weapons should be subject to the principles of necessity and

proportionality and should be inadmissible in the equipment of custodial staff in prisons or any other place of deprivation of liberty. The Committee urges the State party to provide more stringent instructions to law enforcement personnel authorized to use electric discharge weapons, and to strictly monitor and supervise their use through mandatory reporting and review of each use.

Training

28. The Committee notes the information that it has received regarding training in lawful interrogation methods and internal reporting mechanisms. It is concerned, however, by the lack of information on the impact of the training provided to law enforcement officials, intelligence and security officials, military personnel and prison staff, and how effective the training programmes have been in reducing incidents of torture and ill-treatment (art. 10).

The State party should:

(a) Further develop mandatory training programmes to ensure that all public servants — law enforcement officers, military officers, intelligence officials, prison staff and medical personnel employed in prisons and psychiatric hospitals — are well acquainted with the provisions of the Convention and are fully aware that violations will not be tolerated and will be investigated, and that those responsible will be prosecuted;

(b) Ensure that all relevant staff, including medical personnel, are specifically trained to identify cases of torture and ill-treatment, in accordance with the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol);

(c) Develop and apply a methodology for assessing how effective training programmes are in reducing the number of cases of torture and ill-treatment.

Redress, including compensation and rehabilitation

29. While noting the State party's assertion that its legislation provides a wide range of civil remedies for seeking redress in cases of torture at the federal and state levels, the Committee regrets that the delegation only provided limited information about rehabilitation programmes for both domestic and third-country victims and the resources allocated to support such programmes. The Committee is further concerned about the situation of certain individuals and groups who have been made vulnerable by discrimination or marginalization and who face specific obstacles that impede the enjoyment of their right to redress (art. 14).

The State party should ensure that appropriate rehabilitation programmes are provided to all victims of torture and ill-treatment, including medical and psychological assistance. It should also enhance its support and funding for torture rehabilitation programmes in the State party.

The Committee urges the State party to take immediate legal and other measures to ensure that all victims of torture and ill-treatment obtain redress and have an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible, in particular victims of police brutality, terror suspects claiming abuse, victims of gender violence, asylum seekers, refugees and others under international protection

The Committee draws the State party's attention to its general comment No. 3 (2012) on the implementation of article 14 by State parties, in particular paragraphs 3, 4, 11-15, 19, 32 and 39, in which it elaborates on the nature and scope of State parties'

obligations to provide full redress and the means for full rehabilitation to victims of torture.

Sexual violence and rape in the United States military

30. While welcoming the recently increased efforts by the Department of Defense to prevent sexual assault in the military, the Committee remains concerned about the high prevalence of sexual violence, including rape, and the alleged failure of the Defense Department to adequately prevent and address military sexual assaults of both men and women serving in the armed forces (arts. 2, 12, 13 and 16).

The State party should increase its efforts to prevent and eradicate sexual violence in the military by taking effective measures to:

(a) Ensure prompt, impartial and effective investigations of all allegations of sexual violence;

(b) Ensure that, in practice, complainants and witnesses are protected from any acts of retaliation or reprisals, including intimidation, related to their complain or testimony;

(c) Ensure equal access to disability compensation to veterans who are survivors of military sexual assault.

Other issues

31. The Committee reiterates its previous recommendation (CAT/C/USA/CO/2, para. 41) that the State party ratify the Optional Protocol to the Convention and make the declaration provided for in article 22 of the Convention, recognizing the competence of the Committee to receive and consider individual communications.

32. The State party is requested to disseminate widely the report submitted to the Committee and the present concluding observations, in all appropriate languages, through official websites, the media and non-governmental organizations.

33. The Committee requests the State party to provide, by 28 November 2015, follow-up information in response to the Committee's recommendations relating to ensuring or strengthening legal safeguards for persons detained; conducting, prompt, impartial and effective investigations; and prosecuting suspects and sanctioning perpetrators of torture or ill-treatment, as contained in paragraphs 12 (a), 14 (c) and 17, respectively, of the present concluding observations. In addition, the Committee requests information on follow-up to the recommendations concerning remedies and redress to victims, as contained in paragraph 26 (c) and (d) of the present concluding observations.

34. The State party is invited to submit its next report, which will be the sixth periodic report, by 28 November 2018. To that end, the Committee will, in due course, submit to the State party a list of issues prior to reporting, in view of the fact that the State party has accepted to report to the Committee under the optional reporting procedure.

Exhibit K

UNITED NATIONS

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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COMMITTEE AGAINST TORTURE

CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

GENERAL COMMENT No. 2

Implementation of article 2 by States parties

1. This general comment addresses the three parts of article 2, each of which identifies distinct interrelated and essential principles that undergird the Convention's absolute prohibition against torture. Since the adoption of the Convention against Torture, the absolute and non-derogable character of this prohibition has become accepted as a matter of customary international law. The provisions of article 2 reinforce this peremptory *jus cogens* norm against torture and constitute the foundation of the Committee's authority to implement effective means of prevention, including but not limited to those measures contained in the subsequent articles 3 to 16, in response to evolving threats, issues, and practices.

2. Article 2, paragraph 1, obliges each State party to take actions that will reinforce the prohibition against torture through legislative, administrative, judicial, or other actions that must, in the end, be effective in preventing it. To ensure that measures are in fact taken that are known to prevent or punish any acts of torture, the Convention outlines in subsequent articles obligations for the State party to take measures specified therein.

3. The obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter "ill-treatment") under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. Article 16, identifying the means of prevention of ill-treatment, emphasizes *"in particular"* the measures outlined in articles 10 to 13, but does not limit effective prevention to these articles, as the Committee has explained, for example, with respect to compensation in article 14. In practice, the definitional threshold between ill-treatment and torture is often not clear. Experience demonstrates that the conditions that give rise to ill-treatment frequently facilitate torture and

therefore the measures required to prevent torture must be applied to prevent ill-treatment. Accordingly, the Committee has considered the prohibition of ill-treatment to be likewise non-derogable under the Convention and its prevention to be an effective and non-derogable measure.

4. States parties are obligated to eliminate any legal or other obstacles that impede the eradication of torture and ill-treatment; and to take positive effective measures to ensure that such conduct and any recurrences thereof are effectively prevented. States parties also have the obligation continually to keep under review and improve their national laws and performance under the Convention in accordance with the Committee's concluding observations and views adopted on individual communications. If the measures adopted by the State party fail to accomplish the purpose of eradicating acts of torture, the Convention requires that they be revised and/or that new, more effective measures be adopted. Likewise, the Committee's understanding of and recommendations in respect of effective measures are in a process of continual evolution, as, unfortunately, are the methods of torture and ill-treatment.

II. Absolute prohibition

5. Article 2, paragraph 2, provides that the prohibition against torture is absolute and non-derogable. It emphasizes that *no exceptional circumstances whatsoever* may be invoked by a State Party to justify acts of torture in any territory under its jurisdiction. The Convention identifies as among such circumstances a state of war or threat thereof, internal political instability or any other public emergency. This includes any threat of terrorist acts or violent crime as well as armed conflict, international or non-international. The Committee is deeply concerned at and rejects absolutely any efforts by States to justify torture and ill-treatment as a means to protect public safety or avert emergencies in these and all other situations. Similarly, it rejects any religious or traditional justification that would violate this absolute prohibition. The Committee considers that amnesties or other impediments which preclude or indicate unwillingness to provide prompt and fair prosecution and punishment of perpetrators of torture or ill-treatment violate the principle of non-derogability.

6. The Committee reminds all States parties to the Convention of the non-derogable nature of the obligations undertaken by them in ratifying the Convention. In the aftermath of the attacks of 11 September 2001, the Committee specified that the obligations in articles 2 (whereby "no exceptional circumstances whatsoever…may be invoked as a justification of torture"), 15 (prohibiting confessions extorted by torture being admitted in evidence, except against the torturer), and 16 (prohibiting cruel, inhuman or degrading treatment or punishment) are three such provisions that "must be observed in all circumstances"[1]. The Committee considers that articles 3 to 15 are likewise obligatory as applied to both torture and ill-treatment. The Committee recognizes that States parties may choose the measures through which they fulfill these obligations, so long as they are effective and consistent with the object and purpose of the Convention.

7. The Committee also understands that the concept of "any territory under its jurisdiction," linked as it is with the principle of non-derogability, includes any territory or facilities and must be applied to protect any person, citizen or non-citizen without discrimination subject to the de jure or

[1] On 22 November 2001, the Committee adopted a statement in connection with the events of 11 September which was sent to each State party to the Convention (A/57/44, paras. 17-18).

de facto control of a State party. The Committee emphasizes that the State's obligation to prevent torture also applies to all persons who act, de jure or de facto, in the name of, in conjunction with, or at the behest of the State party. It is a matter of urgency that each State party should closely monitor its officials and those acting on its behalf and should identify and report to the Committee any incidents of torture or ill-treatment as a consequence of anti-terrorism measures, among others, and the measures taken to investigate, punish, and prevent further torture or ill-treatment in the future, with particular attention to the legal responsibility of both the direct perpetrators and officials in the chain of command, whether by acts of instigation, consent or acquiescence.

III. Content of the obligation to take effective measures to prevent torture

8. States parties must make the offence of torture punishable as an offence under its criminal law, in accordance, at a minimum, with the elements of torture as defined in article 1 of the Convention, and the requirements of article 4.

9. Serious discrepancies between the Convention's definition and that incorporated into domestic law create actual or potential loopholes for impunity. In some cases, although similar language may be used, its meaning may be qualified by domestic law or by judicial interpretation and thus the Committee calls upon each State party to ensure that all parts of its Government adhere to the definition set forth in the Convention for the purpose of defining the obligations of the State. At the same time, the Committee recognizes that broader domestic definitions also advance the object and purpose of this Convention so long as they contain and are applied in accordance with the standards of the Convention, at a minimum. In particular, the Committee emphasizes that elements of intent and purpose in article 1 do not involve a subjective inquiry into the motivations of the perpetrators, but rather must be objective determinations under the circumstances. It is essential to investigate and establish the responsibility of persons in the chain of command as well as that of the direct perpetrator(s).

10. The Committee recognizes that most States parties identify or define certain conduct as ill-treatment in their criminal codes. In comparison to torture, ill-treatment may differ in the severity of pain and suffering and does not require proof of impermissible purposes. The Committee emphasizes that it would be a violation of the Convention to prosecute conduct solely as ill-treatment where the elements of torture are also present.

11. By defining the offence of torture as distinct from common assault or other crimes, the Committee considers that States parties will directly advance the Convention's overarching aim of preventing torture and ill-treatment. Naming and defining this crime will promote the Convention's aim, inter alia, by alerting everyone, including perpetrators, victims, and the public, to the special gravity of the crime of torture. Codifying this crime will also (a) emphasize the need for appropriate punishment that takes into account the gravity of the offence, (b) strengthen the deterrent effect of the prohibition itself, (c) enhance the ability of responsible officials to track the specific crime of torture and (d) enable and empower the public to monitor and, when required, to challenge State action as well as State inaction that violates the Convention.

12. Through review of successive reports from States parties, the examination of individual communications, and monitoring of developments, the Committee has, in its concluding observations, articulated its understanding of what constitute effective measures, highlights of which we set forth here. In terms of both the principles of general application of article 2 and developments that build upon specific articles of the Convention, the Committee has recommended specific actions designed to enhance each State party's ability swiftly and effectively to implement measures necessary and appropriate to prevent acts of torture and ill-treatment and thereby assist States parties in bringing their law and practice into full compliance with the Convention.

13. Certain basic guarantees apply to all persons deprived of their liberty. Some of these are specified in the Convention, and the Committee consistently calls upon States parties to use them. The Committee's recommendations concerning effective measures aim to clarify the current baseline and are not exhaustive. Such guarantees include, inter alia, maintaining an official register of detainees, the right of detainees to be informed of their rights, the right promptly to receive independent legal assistance, independent medical assistance, and to contact relatives, the need to establish impartial mechanisms for inspecting and visiting places of detention and confinement, and the availability to detainees and persons at risk of torture and ill-treatment of judicial and other remedies that will allow them to have their complaints promptly and impartially examined, to defend their rights, and to challenge the legality of their detention or treatment.

14. Experience since the Convention came into force has enhanced the Committee's understanding of the scope and nature of the prohibition against torture, of the methodologies of torture, of the contexts and consequences in which it occurs, as well as of evolving effective measures to prevent it in different contexts. For example, the Committee has emphasized the importance of having same sex guards when privacy is involved. As new methods of prevention (e.g. videotaping all interrogations, utilizing investigative procedures such as the Istanbul Protocol of 1999[2], or new approaches to public education or the protection of minors) are discovered, tested and found effective, article 2 provides authority to build upon the remaining articles and to expand the scope of measures required to prevent torture.

IV. Scope of State obligations and responsibility

15. The Convention imposes obligations on States parties and not on individuals. States bear international responsibility for the acts and omissions of their officials and others, including agents, private contractors, and others acting in official capacity or acting on behalf of the State, in conjunction with the State, under its direction or control, or otherwise under colour of law. Accordingly, each State party should prohibit, prevent and redress torture and ill-treatment in all contexts of custody or control, for example, in prisons, hospitals, schools, institutions that engage in the care of children, the aged, the mentally ill or disabled, in military service, and other institutions as well as contexts where the failure of the State to intervene encourages and enhances the danger of privately inflicted harm. The Convention does not, however, limit the international responsibility

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[2] *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*

that States or individuals can incur for perpetrating torture and ill-treatment under international customary law and other treaties.

16. Article 2, paragraph 1, requires that each State party shall take effective measures to prevent acts of torture not only in its sovereign territory but also "in any territory under its jurisdiction." The Committee has recognized that "any territory" includes all areas where the State party exercises, directly or indirectly, in whole or in part, de jure or de facto effective control, in accordance with international law. The reference to "any territory" in article 2, like that in articles 5, 11, 12, 13 and 16, refers to prohibited acts committed not only on board a ship or aircraft registered by a State party, but also during military occupation or peacekeeping operations and in such places as embassies, military bases, detention facilities, or other areas over which a State exercises factual or effective control. The Committee notes that this interpretation reinforces article 5, paragraph 1 (b), which requires that a State party must take measures to exercise jurisdiction "when the alleged offender is a national of the State." The Committee considers that the scope of "territory" under article 2 must also include situations where a State party exercises, directly or indirectly, de facto or de jure control over persons in detention.

17. The Committee observes that States parties are obligated to adopt effective measures to prevent public authorities and other persons acting in an official capacity from directly committing, instigating, inciting, encouraging, acquiescing in or otherwise participating or being complicit in acts of torture as defined in the Convention. Thus, States parties should adopt effective measures to prevent such authorities or others acting in an official capacity or under colour of law, from consenting to or acquiescing in any acts of torture. The Committee has concluded that States parties are in violation of the Convention when they fail to fulfil these obligations. For example, where detention centres are privately owned or run, the Committee considers that personnel are acting in an official capacity on account of their responsibility for carrying out the State function without derogation of the obligation of State officials to monitor and take all effective measures to prevent torture and ill-treatment.

18. The Committee has made clear that where State authorities or others acting in official capacity or under colour of law, know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-State officials or private actors and they fail to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors consistently with the Convention, the State bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the Convention for consenting to or acquiescing in such impermissible acts. Since the failure of the State to exercise due diligence to intervene to stop, sanction and provide remedies to victims of torture facilitates and enables non-State actors to commit acts impermissible under the Convention with impunity, the State's indifference or inaction provides a form of encouragement and/or de facto permission. The Committee has applied this principle to States parties' failure to prevent and protect victims from gender-based violence, such as rape, domestic violence, female genital mutilation, and trafficking.

19. Additionally, if a person is to be transferred or sent to the custody or control of an individual or institution known to have engaged in torture or ill-treatment, or has not implemented adequate safeguards, the State is responsible, and its officials subject to punishment for ordering, permitting

or participating in this transfer contrary to the State's obligation to take effective measures to prevent torture in accordance with article 2, paragraph 1. The Committee has expressed its concern when States parties send persons to such places without due process of law as required by articles 2 and 3.

V. Protection for individuals and groups made vulnerable by discrimination or marginalization

20. The principle of non-discrimination is a basic and general principle in the protection of human rights and fundamental to the interpretation and application of the Convention. Non-discrimination is included within the definition of torture itself in article 1, paragraph 1, of the Convention, which explicitly prohibits specified acts when carried out for "*any reason based on discrimination of any kind*…". The Committee emphasizes that the discriminatory use of mental or physical violence or abuse is an important factor in determining whether an act constitutes torture.

21. The protection of certain minority or marginalized individuals or populations especially at risk of torture is a part of the obligation to prevent torture or ill-treatment. States parties must ensure that, insofar as the obligations arising under the Convention are concerned, their laws are in practice applied to all persons, regardless of race, colour, ethnicity, age, religious belief or affiliation, political or other opinion, national or social origin, gender, sexual orientation, transgender identity, mental or other disability, health status, economic or indigenous status, reason for which the person is detained, including persons accused of political offences or terrorist acts, asylum-seekers, refugees or others under international protection, or any other status or adverse distinction. States parties should, therefore, ensure the protection of members of groups especially at risk of being tortured, by fully prosecuting and punishing all acts of violence and abuse against these individuals and ensuring implementation of other positive measures of prevention and protection, including but not limited to those outlined above.

22. State reports frequently lack specific and sufficient information on the implementation of the Convention with respect to women. The Committee emphasizes that gender is a key factor. Being female intersects with other identifying characteristics or status of the person such as race, nationality, religion, sexual orientation, age, immigrant status etc. to determine the ways that women and girls are subject to or at risk of torture or ill-treatment and the consequences thereof. The contexts in which females are at risk include deprivation of liberty, medical treatment, particularly involving reproductive decisions, and violence by private actors in communities and homes. Men are also subject to certain gendered violations of the Convention such as rape or sexual violence and abuse. Both men and women and boys and girls may be subject to violations of the Convention on the basis of their actual or perceived non-conformity with socially determined gender roles. States parties are requested to identify these situations and the measures taken to punish and prevent them in their reports.

23. Continual evaluation is therefore a crucial component of effective measures. The Committee has consistently recommended that States parties provide data disaggregated by age, gender and other key factors in their reports to enable the Committee to adequately evaluate the implementation of the Convention. Disaggregated data permits the States parties and the Committee to identify,

compare and take steps to remedy discriminatory treatment that may otherwise go unnoticed and unaddressed. States parties are requested to describe, as far as possible, factors affecting the incidence and prevention of torture or ill-treatment, as well as the difficulties experienced in preventing torture or ill-treatment against specific relevant sectors of the population, such as minorities, victims of torture, children and women, taking into account the general and particular forms that such torture and ill-treatment may take.

24. Eliminating employment discrimination and conducting ongoing sensitization training in contexts where torture or ill-treatment is likely to be committed is also key to preventing such violations and building a culture of respect for women and minorities. States are encouraged to promote the hiring of persons belonging to minority groups and women, particularly in the medical, educational, prison/detention, law enforcement, judicial and legal fields, within State institutions as well as the private sector. States parties should include in their reports information on their progress in these matters, disaggregated by gender, race, national origin, and other relevant status.

VI. Other preventive measures required by the Convention

25. Articles 3 to 15 of the Convention constitute specific preventive measures that the States parties deemed essential to prevent torture and ill-treatment, particularly in custody or detention. The Committee emphasizes that the obligation to take effective preventive measures transcends the items enumerated specifically in the Convention or the demands of this general comment. For example, it is important that the general population be educated on the history, scope, and necessity of the non-derogable prohibition of torture and ill-treatment, as well as that law enforcement and other personnel receive education on recognizing and preventing torture and ill-treatment. Similarly, in light of its long experience in reviewing and assessing State reports on officially inflicted or sanctioned torture or ill-treatment, the Committee acknowledges the importance of adapting the concept of monitoring conditions to prevent torture and ill-treatment to situations where violence is inflicted privately. States parties should specifically include in their reports to the Committee detailed information on their implementation of preventive measures, disaggregated by relevant status.

VII. Superior orders

26. The non-derogability of the prohibition of torture is underscored by the long-standing principle embodied in article 2, paragraph 3, that an order of a superior or public authority can never be invoked as a justification of torture Thus, subordinates may not seek refuge in superior authority and should be held to account individually. At the same time, those exercising superior authority - including public officials - cannot avoid accountability or escape criminal responsibility for torture or ill-treatment committed by subordinates where they knew or should have known that such impermissible conduct was occurring, or was likely to occur, and they failed to take reasonable and necessary preventive measures. The Committee considers it essential that the responsibility of any superior officials, whether for direct instigation or encouragement of torture or ill-treatment or for consent or acquiescence therein, be fully investigated through competent, independent and impartial prosecutorial and judicial authorities. Persons who resist what they view as unlawful orders or who cooperate in the investigation of torture or ill-treatment, including by superior officials, should be protected against retaliation of any kind.

27. The Committee reiterates that this general comment has to be considered without prejudice to any higher degree of protection contained in any international instrument or national law, as long as they contain, as a minimum, the standards of the Convention.

Exhibit L

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General Comment No. 32

Article 14: Right to equality before courts and tribunals and to a fair trial

I. GENERAL REMARKS

1. This general comment replaces general comment No. 13 (twenty-first session).

2. The right to equality before the courts and tribunals and to a fair trial is a key element of human rights protection and serves as a procedural means to safeguard the rule of law. Article 14 of the Covenant aims at ensuring the proper administration of justice, and to this end guarantees a series of specific rights.

3. Article 14 is of a particularly complex nature, combining various guarantees with different scopes of application. The first sentence of paragraph 1 sets out a general guarantee of equality before courts and tribunals that applies regardless of the nature of proceedings before such bodies. The second sentence of the same paragraph entitles individuals to a fair and public hearing by a competent, independent and impartial tribunal established by law, if they face any criminal charges or if their rights and obligations are determined in a suit at law. In such proceedings the media and the public may be excluded from the hearing only in the cases specified in the third sentence of paragraph 1. Paragraphs 2 – 5 of the article contain procedural guarantees available to persons charged with a criminal offence. Paragraph 6 secures a substantive right to compensation in cases of miscarriage of justice in criminal cases. Paragraph 7 prohibits double jeopardy and thus guarantees a substantive freedom, namely the right to remain free from being tried or punished again for an offence for which an individual has already been finally convicted or acquitted. States parties to the Covenant, in their reports, should clearly distinguish between these different aspects of the right to a fair trial.

4. Article 14 contains guarantees that States parties must respect, regardless of their legal traditions and their domestic law. While they should report on how these guarantees are

interpreted in relation to their respective legal systems, the Committee notes that it cannot be left to the sole discretion of domestic law to determine the essential content of Covenant guarantees.

5. While reservations to particular clauses of article 14 may be acceptable, a general reservation to the right to a fair trial would be incompatible with the object and purpose of the Covenant.[1]

6. While article 14 is not included in the list of non-derogable rights of article 4, paragraph 2 of the Covenant, States derogating from normal procedures required under article 14 in circumstances of a public emergency should ensure that such derogations do not exceed those strictly required by the exigencies of the actual situation. The guarantees of fair trial may never be made subject to measures of derogation that would circumvent the protection of non-derogable rights. Thus, for example, as article 6 of the Covenant is non-derogable in its entirety, any trial leading to the imposition of the death penalty during a state of emergency must conform to the provisions of the Covenant, including all the requirements of article 14.[2] Similarly, as article 7 is also non-derogable in its entirety, no statements or confessions or, in principle, other evidence obtained in violation of this provision may be invoked as evidence in any proceedings covered by article 14, including during a state of emergency,[3] except if a statement or confession obtained in violation of article 7 is used as evidence that torture or other treatment prohibited by this provision occurred.[4] Deviating from fundamental principles of fair trial, including the presumption of innocence, is prohibited at all times.[5]

II. EQUALITY BEFORE COURTS AND TRIBUNALS

7. The first sentence of article 14, paragraph 1 guarantees in general terms the right to equality before courts and tribunals. This guarantee not only applies to courts and tribunals addressed in the second sentence of this paragraph of article 14, but must also be respected whenever domestic law entrusts a judicial body with a judicial task.[6]

8. The right to equality before courts and tribunals, in general terms, guarantees, in addition to the principles mentioned in the second sentence of Article 14, paragraph 1, those of equal access and equality of arms, and ensures that the parties to the proceedings in question are treated without any discrimination.

9. Article 14 encompasses the right of access to the courts in cases of determination of criminal charges and rights and obligations in a suit at law. Access to administration of justice must effectively be guaranteed in all such cases to ensure that no individual is deprived, in

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[1] General comment, No. 24 (1994) on issues relating to reservations made upon ratification or accession to the Covenant or the Optional Protocols thereto, or in relation to declarations under article 41 of the Covenant, para. 8.
[2] General comment No. 29 (2001) on article 4: Derogations during a state of emergency, para. 15.
[3] Ibid, paras. 7 and 15.
[4] Cf. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 15.
[5] General comment No. 29 (2001) on article 4: Derogations during a state of emergency, para. 11.
[6] Communication No. 1015/2001, *Perterer v. Austria,* para. 9.2 (disciplinary proceedings against a civil servant); Communication No. 961/2000, *Everett v. Spain*, para. 6.4 (extradition).

procedural terms, of his/her right to claim justice. The right of access to courts and tribunals and equality before them is not limited to citizens of States parties, but must also be available to all individuals, regardless of nationality or statelessness, or whatever their status, whether asylum seekers, refugees, migrant workers, unaccompanied children or other persons, who may find themselves in the territory or subject to the jurisdiction of the State party. A situation in which an individual's attempts to access the competent courts or tribunals are systematically frustrated de jure or de facto runs counter to the guarantee of article 14, paragraph 1, first sentence.[7] This guarantee also prohibits any distinctions regarding access to courts and tribunals that are not based on law and cannot be justified on objective and reasonable grounds. The guarantee is violated if certain persons are barred from bringing suit against any other persons such as by reason of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.[8]

10. The availability or absence of legal assistance often determines whether or not a person can access the relevant proceedings or participate in them in a meaningful way. While article 14 explicitly addresses the guarantee of legal assistance in criminal proceedings in paragraph 3 (d), States are encouraged to provide free legal aid in other cases, for individuals who do not have sufficient means to pay for it. In some cases, they may even be obliged to do so. For instance, where a person sentenced to death seeks available constitutional review of irregularities in a criminal trial but does not have sufficient means to meet the costs of legal assistance in order to pursue such remedy, the State is obliged to provide legal assistance in accordance with article 14, paragraph 1, in conjunction with the right to an effective remedy as enshrined in article 2, paragraph 3 of the Covenant.[9]

11. Similarly, the imposition of fees on the parties to proceedings that would de facto prevent their access to justice might give rise to issues under article 14, paragraph 1.[10] In particular, a rigid duty under law to award costs to a winning party without consideration of the implications thereof or without providing legal aid may have a deterrent effect on the ability of persons to pursue the vindication of their rights under the Covenant in proceedings available to them.[11]

12. The right of equal access to a court, embodied in article 14, paragraph 1, concerns access to first instance procedures and does not address the issue of the right to appeal or other remedies.[12]

13. The right to equality before courts and tribunals also ensures equality of arms. This means that the same procedural rights are to be provided to all the parties unless distinctions are based on law and can be justified on objective and reasonable grounds**,** not entailing actual disadvantage or other unfairness to the defendant.[13] There is no equality of arms if, for instance**,**

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[7] Communication No. 468/1991, *Oló Bahamonde v. Equatorial Guinea,* para. 9.4.
[8] Communication No. 202/1986, *Ato del Avellanal v. Peru*, para. 10.2 (limitation of the right to represent matrimonial property before courts to the husband, thus excluding married women from suing in court). See also general comment No. 18 (1989) on non-discrimination*,* para. 7.
[9] Communications No. 377/1989, *Currie v. Jamaica*, para. 13.4; No. 704/1996, *Shaw v. Jamaica*, para. 7.6; No. 707/1996, *Taylor v. Jamaica*, para. 8.2; No. 752/1997, *Henry v. Trinidad and Tobago*, para. 7.6; No. 845/1998, *Kennedy v. Trinidad and Tobago*, para. 7.10.
[10] Communication No. 646/1995, *Lindon v. Australia*, para. 6.4.
[11] Communication No. 779/1997, *Äärelä and Näkkäläjärvi v. Finland*, para. 7.2.
[12] Communication No. 450/1991, *I.P. v. Finland,* para. 6.2.
[13] Communication No. 1347/2005, *Dudko v. Australia,* para. 7.4.

only the prosecutor, but not the defendant, is allowed to appeal a certain decision.[14] The principle of equality between parties applies also to civil proceedings, and demands, inter alia, that each side be given the opportunity to contest all the arguments and evidence adduced by the other party.[15] In exceptional cases, it also might require that the free assistance of an interpreter be provided where otherwise an indigent party could not participate in the proceedings on equal terms or witnesses produced by it be examined.

14. Equality before courts and tribunals also requires that similar cases are dealt with in similar proceedings. If, for example, exceptional criminal procedures or specially constituted courts or tribunals apply in the determination of certain categories of cases,[16] objective and reasonable grounds must be provided to justify the distinction.

III. FAIR AND PUBLIC HEARING BY A COMPETENT, INDEPENDENT AND IMPARTIAL TRIBUNAL

15. The right to a fair and public hearing by a competent, independent and impartial tribunal established by law is guaranteed, according to the second sentence of article 14, paragraph 1, in cases regarding the determination of criminal charges against individuals or of their rights and obligations in a suit at law. Criminal charges relate in principle to acts declared to be punishable under domestic criminal law. The notion may also extend to acts that are criminal in nature with sanctions that, regardless of their qualification in domestic law, must be regarded as penal because of their purpose, character or severity.[17]

16. The concept of determination of rights and obligations "in a suit at law" (*de caractère civil/de carácter civil*) is more complex. It is formulated differently in the various languages of the Covenant that, according to article 53 of the Covenant, are equally authentic, and the *travaux préparatoires* do not resolve the discrepancies in the various language texts. The Committee notes that the concept of a "suit at law" or its equivalents in other language texts is based on the nature of the right in question rather than on the status of one of the parties or the particular forum provided by domestic legal systems for the determination of particular rights.[18] The concept encompasses (a) judicial procedures aimed at determining rights and obligations pertaining to the areas of contract, property and torts in the area of private law, as well as (b) equivalent notions in the area of administrative law such as the termination of employment of civil servants for other than disciplinary reasons,[19] the determination of social security benefits[20] or the pension rights of soldiers,[21] or procedures regarding the use of public land[22] or the taking

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[14] Communication No. 1086/2002, *Weiss v. Austria,* para. 9.6. For another example of a violation of the principle of equality of arms see Communication No. 223/1987, *Robinson v. Jamaica*, para. 10.4 (adjournment of hearing).
[15] Communication No. 846/1999, *Jansen-Gielen v. The Netherlands*, para. 8.2 and No. 779/1997, *Äärelä and Näkkäläjärvi v. Finland*, para. 7.4.
[16] E.g. if jury trials are excluded for certain categories of offenders (see concluding observations, *United Kingdom of Great Britain and Northern Ireland,* CCPR/CO/73/UK (2001), para. 18) or offences.
[17] Communication No. 1015/2001*, Perterer v. Austria,* para. 9.2.
[18] Communication No. 112/1981, *Y.L. v. Canada*, paras. 9.1 and 9.2.
[19] Communication No. 441/1990, *Casanovas v. France*, para. 5.2.
[20] Communication No. 454/1991, *Garcia Pons v. Spain*, para. 9.3
[21] Communication No. 112/1981, *Y.L. v. Canada*, para. 9.3.
[22] Communication No. 779/1997, *Äärelä and Näkkäläjätvi v. Finland*, paras. 7.2 – 7.4.

of private property. In addition, it may (c) cover other procedures which, however, must be assessed on a case by case basis in the light of the nature of the right in question.

17. On the other hand, the right to access a court or tribunal as provided for by article 14, paragraph 1, second sentence, does not apply where domestic law does not grant any entitlement to the person concerned. For this reason, the Committee held this provision to be inapplicable in cases where domestic law did not confer any right to be promoted to a higher position in the civil service,[23] to be appointed as a judge[24] or to have a death sentence commuted by an executive body.[25] Furthermore, there is no determination of rights and obligations in a suit at law where the persons concerned are confronted with measures taken against them in their capacity as persons subordinated to a high degree of administrative control, such as disciplinary measures not amounting to penal sanctions being taken against a civil servant,[26] a member of the armed forces, or a prisoner. This guarantee furthermore does not apply to extradition, expulsion and deportation procedures.[27] Although there is no right of access to a court or tribunal as provided for by article 14, paragraph 1, second sentence, in these and similar cases, other procedural guarantees may still apply.[28]

18. The notion of a "tribunal" in article 14, paragraph 1 designates a body, regardless of its denomination, that is established by law, is independent of the executive and legislative branches of government or enjoys in specific cases judicial independence in deciding legal matters in proceedings that are judicial in nature. Article 14, paragraph 1, second sentence, guarantees access to such tribunals to all who have criminal charges brought against them. This right cannot be limited, and any criminal conviction by a body not constituting a tribunal is incompatible with this provision. Similarly, whenever rights and obligations in a suit at law are determined, this must be done at least at one stage of the proceedings by a tribunal within the meaning of this sentence. The failure of a State party to establish a competent tribunal to determine such rights and obligations or to allow access to such a tribunal in specific cases would amount to a violation of article 14 if such limitations are not based on domestic legislation, are not necessary to pursue legitimate aims such as the proper administration of justice, or are based on exceptions from jurisdiction deriving from international law such, for example**,** as immunities, or if the access left to an individual would be limited to an extent that would undermine the very essence of the right.

19. The requirement of competence, independence and impartiality of a tribunal in the sense of article 14, paragraph 1, is an absolute right that is not subject to any exception.[29] The requirement of independence refers, in particular, to the procedure and qualifications for the appointment of judges, and guarantees relating to their security of tenure until a mandatory retirement age or the expiry of their term of office, where such exist, the conditions governing promotion, transfer, suspension and cessation of their functions, and the actual independence of the judiciary from political interference by the executive branch and legislature. States should take specific measures guaranteeing the independence of the judiciary, protecting judges from

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[23] Communication No. 837/1998, *Kolanowski v. Poland*, para. 6.4.
[24] Communications No. 972/2001, *Kazantzis v. Cyprus*, para. 6.5; No. 943/2000, *Jacobs v. Belgium*, para. 8.7, and No. 1396/2005, *Rivera Fernández v. Spain*, para. 6.3.
[25] Communication No. 845/1998, *Kennedy v. Trinidad and Tobago*, para. 7.4.
[26] Communication No. 1015/2001*, Perterer v. Austria,* para. 9.2 (disciplinary dismissal).
[27] Communications No. 1341/2005*, Zundel v. Canada*, para. 6.8, No. 1359/2005, *Esposito v. Spain*, para. 7.6**.**
[28] See para. 62 below.
[29] Communication No. 263/1987, *Gonzalez del Rio v. Peru*, para. 5.2.

any form of political influence in their decision-making through the constitution or adoption of laws establishing clear procedures and objective criteria for the appointment, remuneration, tenure, promotion, suspension and dismissal of the members of the judiciary and disciplinary sanctions taken against them.[30] A situation where the functions and competencies of the judiciary and the executive are not clearly distinguishable or where the latter is able to control or direct the former is incompatible with the notion of an independent tribunal.[31] It is necessary to protect judges against conflicts of interest and intimidation**.** In order to safeguard their independence, the status of judges, including their term of office, their independence, security, adequate remuneration, conditions of service, pensions and the age of retirement shall be adequately secured by law.

20. Judges may be dismissed only on serious grounds of misconduct or incompetence, in accordance with fair procedures ensuring objectivity and impartiality set out in the constitution or the law. The dismissal of judges by the executive, e.g. before the expiry of the term for which they have been appointed, without any specific reasons given to them and without effective judicial protection being available to contest the dismissal is incompatible with the independence of the judiciary.[32] The same is true, for instance, for the dismissal by the executive of judges alleged to be corrupt, without following any of the procedures provided for by the law.[33]

21. The requirement of impartiality has two aspects. First, judges must not allow their judgement to be influenced by personal bias or prejudice, nor harbour preconceptions about the particular case before them, nor act in ways that improperly promote the interests of one of the parties to the detriment of the other.[34] Second, the tribunal must also appear to a reasonable observer to be impartial. For instance, a trial substantially affected by the participation of a judge who, under domestic statutes, should have been disqualified cannot normally be considered to be impartial.[35]

22. The provisions of article 14 apply to all courts and tribunals within the scope of that article whether ordinary or specialized, civilian or military. The Committee notes the existence, in many countries, of military or special courts which try civilians. While the Covenant does not prohibit the trial of civilians in military or special courts, it requires that such trials are in full conformity with the requirements of article 14 and that its guarantees cannot be limited or modified because of the military or special character of the court concerned. The Committee also notes that the trial of civilians in military or special courts may raise serious problems as far as the equitable, impartial and independent administration of justice is concerned. Therefore, it is important to take all necessary measures to ensure that such trials take place under conditions which genuinely afford the full guarantees stipulated in article 14. Trials of civilians by military or special courts should be exceptional,[36] i.e. limited to cases where the State party can show that resorting to such trials is necessary and justified by objective and serious reasons, and where

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[30] Concluding observations, Slovakia, CCPR/C/79/Add.79 (1997), para. 18.
[31] Communication No. 468/1991, *Oló Bahamonde v. Equatorial Guinea*, para. 9.4.
[32] Communication No. 814/1998, *Pastukhov v. Belarus*, para. 7.3.
[33] Communication No. 933/2000, *Mundyo Busyo et al v. Democratic Republic of Congo*, para. 5.2.
[34] Communication No. 387/1989, *Karttunen v. Finland*, para. 7.2.
[35] Idem.
[36] Also see Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, art. 64 and general comment No. 31 (2004) on the *Nature of the General Legal Obligation Imposed on States Parties to the Covenant,* para. 11.

with regard to the specific class of individuals and offences at issue the regular civilian courts are unable to undertake the trials.[37]

23. Some countries have resorted to special tribunals of "faceless judges" composed of anonymous judges, e.g. within measures taken to fight terrorist activities. Such courts, even if the identity and status of such judges has been verified by an independent authority, often suffer not only from the fact that the identity and status of the judges is not made known to the accused persons but also from irregularities such as exclusion of the public or even the accused or their representatives[38] from the proceedings;[39] restrictions of the right to a lawyer of their own choice;[40] severe restrictions or denial of the right to communicate with their lawyers, particularly when held incommunicado;[41] threats to the lawyers;[42] inadequate time for preparation of the case;[43] or severe restrictions or denial of the right to summon and examine or have examined witnesses, including prohibitions on cross-examining certain categories of witnesses, e.g. police officers responsible for the arrest and interrogation of the defendant.[44] Tribunals with or without faceless judges, in circumstances such as these, do not satisfy basic standards of fair trial and, in particular, the requirement that the tribunal must be independent and impartial.[45]

24. Article 14 is also relevant where a State, in its legal order, recognizes courts based on customary law, or religious courts, to carry out or entrusts them with judicial tasks. It must be ensured that such courts cannot hand down binding judgments recognized by the State, unless the following requirements are met: proceedings before such courts are limited to minor civil and criminal matters, meet the basic requirements of fair trial and other relevant guarantees of the Covenant, and their judgments are validated by State courts in light of the guarantees set out in the Covenant and can be challenged by the parties concerned in a procedure meeting the requirements of article 14 of the Covenant. These principles are notwithstanding the general obligation of the State to protect the rights under the Covenant of any persons affected by the operation of customary and religious courts.

25. The notion of fair trial includes the guarantee of a fair and public hearing. Fairness of proceedings entails the absence of any direct or indirect influence, pressure or intimidation or intrusion from whatever side and for whatever motive. A hearing is not fair if, for instance, the defendant in criminal proceedings is faced with the expression of a hostile attitude from the public or support for one party in the courtroom that is tolerated by the court, thereby impinging on the right to defence,[46] or is exposed to other manifestations of hostility with similar effects.

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[37] See communication No. 1172/2003, *Madani v. Algeria,* para. 8.7.
[38] Communication No. 1298/2004, *Becerra Barney v. Colombia*, para.7.2.
[39] Communications No. 577/1994, *Polay Campos v. Peru*, para. 8.8; No. 678/1996, *Gutiérrez Vivanco v. Peru*, para. 7.1; No. 1126/2002, *Carranza Alegre v. Peru*, para. 7.5.
[40] Communication No. 678/1996, *Gutiérrez Vivanco v. Peru*, para. 7.1.
[41] Communication No.577/1994, *Polay Campos v. Peru*, para. 8.8; Communication No. 1126/2002, *Carranza Alegre v. Peru*, para.7.5.
[42] Communication No. 1058/2002, *Vargas Mas v. Peru*, para. 6.4.
[43] Communication No. 1125/2002, *Quispe Roque v. Peru*, para. 7.3.
[44] Communication No. 678/1996, *Gutiérrez Vivanco v. Peru*, para. 7.1; Communication No. 1126/2002, *Carranza Alegre v. Peru*, para.7.5; Communication No. 1125/2002, *Quispe Roque v. Peru*, para. 7.3; Communication No. 1058/2002, *Vargas Mas v. Peru*, para. 6.4.
[45] Communications No. 577/1994, *Polay Campos v. Peru*, para. 8.8 ; No. 678/1996, *Gutiérrez Vivanco v. Peru*, para. 7.1.
[46] Communication No. 770/1997, *Gridin v. Russian Federation*, para. 8.2.

Expressions of racist attitudes by a jury[47] that are tolerated by the tribunal, or a racially biased jury selection are other instances which adversely affect the fairness of the procedure.

26. Article 14 guarantees procedural equality and fairness only and cannot be interpreted as ensuring the absence of error on the part of the competent tribunal.[48] It is generally for the courts of States parties to the Covenant to review facts and evidence, or the application of domestic legislation, in a particular case, unless it can be shown that such evaluation or application was clearly arbitrary or amounted to a manifest error or denial of justice, or that the court otherwise violated its obligation of independence and impartiality.[49] The same standard applies to specific instructions to the jury by the judge in a trial by jury.[50]

27. An important aspect of the fairness of a hearing is its expeditiousness. While the issue of undue delays in criminal proceedings is explicitly addressed in paragraph 3 (c) of article 14, delays in civil proceedings that cannot be justified by the complexity of the case or the behaviour of the parties detract from the principle of a fair hearing enshrined in paragraph 1 of this provision.[51] Where such delays are caused by a lack of resources and chronic under-funding, to the extent possible supplementary budgetary resources should be allocated for the administration of justice.[52]

28. All trials in criminal matters or related to a suit at law must in principle be conducted orally and publicly. The publicity of hearings ensures the transparency of proceedings and thus provides an important safeguard for the interest of the individual and of society at large. Courts must make information regarding the time and venue of the oral hearings available to the public and provide for adequate facilities for the attendance of interested members of the public, within reasonable limits, taking into account, inter alia, the potential interest in the case and the duration of the oral hearing.[53] The requirement of a public hearing does not necessarily apply to all appellate proceedings which may take place on the basis of written presentations,[54] or to pre-trial decisions made by prosecutors and other public authorities.[55]

29. Article 14, paragraph 1, acknowledges that courts have the power to exclude all or part of the public for reasons of morals, public order (*ordre public*) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would be prejudicial to the interests of justice. Apart from such exceptional circumstances, a hearing must be open to the general public, including members of the media, and must not, for

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[47] See Committee on the Elimination of Racial Discrimination, communication No. 3/1991, *Narrainen v. Norway,* para. 9.3.
[48] Communications No. 273/1988, *B.d.B. v. The Netherlands*, para. 6.3; No. 1097/2002, *Martínez Mercader et al v. Spain*, para. 6.3.
[49] Communication No. 1188/2003, *Riedl-Riedenstein et al. v. Germany*, para. 7.3; No. 886/1999, *Bondarenko v. Belarus*, para. 9.3; No. 1138/2002, *Arenz et al. v. Germany*, admissibility decision, para. 8.6.
[50] Communication No. 253/1987, *Kelly v. Jamaica,* para. 5.13; No. 349/1989, *Wright v. Jamaica*, para. 8.3.
[51] Communication No. 203/1986, *Mũnoz Hermoza v. Peru*, para. 11.3 ; No. 514/1992, *Fei v. Colombia*, para. 8.4 .
[52] See e.g. Concluding observations, *Democratic Republic of Congo*, CCPR/C/COD/CO/3 (2006), para. 21, *Central African Republic*, CCPR//C/CAF/CO/2 (2006), para. 16.
[53] Communication No. 215/1986, *Van Meurs v. The Netherlands*, para. 6.2.
[54] Communication No. 301/1988, *R.M. v. Finland*, para. 6.4.
[55] Communication No. 819/1998, *Kavanagh v. Ireland*, para. 10.4.

instance, be limited to a particular category of persons. Even in cases in which the public is excluded from the trial, the judgment, including the essential findings, evidence and legal reasoning must be made public, except where the interest of juvenile persons otherwise requires, or the proceedings concern matrimonial disputes or the guardianship of children.

IV. PRESUMPTION OF INNOCENCE

30. According to article 14, paragraph 2 everyone charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to law. The presumption of innocence, which is fundamental to the protection of human rights, imposes on the prosecution the burden of proving the charge, guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt, ensures that the accused has the benefit of doubt, and requires that persons accused of a criminal act must be treated in accordance with this principle. It is a duty for all public authorities to refrain from prejudging the outcome of a trial, e.g. by abstaining from making public statements affirming the guilt of the accused.[56] Defendants should normally not be shackled or kept in cages during trials or otherwise presented to the court in a manner indicating that they may be dangerous criminals. The media should avoid news coverage undermining the presumption of innocence. Furthermore, the length of pre-trial detention should never be taken as an indication of guilt and its degree.[57] The denial of bail[58] or findings of liability in civil proceedings[59] do not affect the presumption of innocence.

V. RIGHTS OF PERSONS CHARGED WITH A CRIMINAL OFFENCE

31. The right of all persons charged with a criminal offence to be informed promptly and in detail in a language which they understand of the nature and cause of criminal charges brought against them, enshrined in paragraph 3 (a), is the first of the minimum guarantees in criminal proceedings of article 14. This guarantee applies to all cases of criminal charges, including those of persons not in detention, but not to criminal investigations preceding the laying of charges.[60] Notice of the reasons for an arrest is separately guaranteed in article 9, paragraph 2 of the Covenant.[61] The right to be informed of the charge "promptly" requires that information be given as soon as the person concerned is formally charged with a criminal offence under domestic law,[62] or the individual is publicly named as such. The specific requirements of subparagraph 3 (a) may be met by stating the charge either orally - if later confirmed in writing - or in writing, provided that the information indicates both the law and the alleged general facts on which the charge is based. In the case of trials in absentia, article 14, paragraph 3 (a) requires that, notwithstanding the absence of the accused, all due steps have been taken to inform accused persons of the charges and to notify them of the proceedings.[63]

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[56] Communication No. 770/1997, *Gridin v. Russian Federation*, paras. 3.5 and 8.3.
[57] On the relationship between article 14, paragraph 2 and article 9 of the Covenant (pre-trial detention) see, e.g. concluding observations, Italy, CCPR/C/ITA/CO/5 (2006), para. 14 and Argentina, CCPR/CO/70/ARG (2000), para. 10.
[58] Communication No. 788/1997, *Cagas, Butin and Astillero v. Philippines*, para. 7.3.
[59] Communication No. 207/1986, *Morael v. France*, para. 9.5; No. 408/1990, *W.J.H. v. The Netherlands*, para. 6.2; No. 432/1990, *W.B.E. v. The Netherlands*, para. 6.6.
[60] Communication No. 1056/2002, *Khachatrian v. Armenia*, para. 6.4.
[61] Communication No. 253/1987, *Kelly v. Jamaica*, para. 5.8.
[62] Communications No. 1128/2002, *Márques de Morais v. Angola*, para. 5.4 and 253/1987, *Kelly v. Jamaica*, para. 5.8.
[63] Communication No. 16/1977, *Mbenge v. Zaire*, para. 14.1.

32. Subparagraph 3 (b) provides that accused persons must have adequate time and facilities for the preparation of their defence and to communicate with counsel of their own choosing. This provision is an important element of the guarantee of a fair trial and an application of the principle of equality of arms.[64] In cases of an indigent defendant, communication with counsel might only be assured if a free interpreter is provided during the pre-trial and trial phase.[65] What counts as "adequate time" depends on the circumstances of each case. If counsel reasonably feel that the time for the preparation of the defence is insufficient, it is incumbent on them to request the adjournment of the trial.[66] A State party is not to be held responsible for the conduct of a defence lawyer, unless it was, or should have been, manifest to the judge that the lawyer's behaviour was incompatible with the interests of justice.[67] There is an obligation to grant reasonable requests for adjournment, in particular, when the accused is charged with a serious criminal offence and additional time for preparation of the defence is needed**.**[68]

33. "Adequate facilities" must include access to documents and other evidence; this access must include all materials[69] that the prosecution plans to offer in court against the accused or that are exculpatory. Exculpatory material should be understood as including not only material establishing innocence but also other evidence that could assist the defence (e.g. indications that a confession was not voluntary). In cases of a claim that evidence was obtained in violation of article 7 of the Covenant, information about the circumstances in which such evidence was obtained must be made available to allow an assessment of such a claim. If the accused does not speak the language in which the proceedings are held, but is represented by counsel who is familiar with the language**,** it may be sufficient that the relevant documents in the case file are made available to counsel[70]

34. The right to communicate with counsel requires that the accused is granted prompt access to counsel. Counsel should be able to meet their clients in private and to communicate with the accused in conditions that fully respect the confidentiality of their communications.[71] Furthermore, lawyers should be able to advise and to represent persons charged with a criminal offence in accordance with generally recognised professional ethics without restrictions, influence, pressure or undue interference from any quarter.

35. The right of the accused to be tried without undue delay, provided for by article 14, paragraph 3 (c), is not only designed to avoid keeping persons too long in a state of uncertainty about their fate and, if held in detention during the period of the trial, to ensure that such deprivation of liberty does not last longer than necessary in the circumstances of the specific case, but also to serve the interests of justice. What is reasonable has to be assessed in the

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[64] Communications No. 282/1988, *Smith v. Jamaica ,* para. 10.4; Nos. 226/1987 and 256/1987, *Sawyers, Mclean and Mclean v. Jamaica*, para. 13.6.
[65] See communication No. 451/1991, *Harward v. Norway*, para. 9.5.
[66] Communication No. 1128/2002, *Morais v. Angola*, para. 5.6. Similarly Communications No. 349/1989, *Wright v. Jamaica*, para. 8.4; No. 272/1988, *Thomas v. Jamaica,* para. 11.4; No. 230/87, *Henry v. Jamaica,* para. 8.2; Nos. 226/1987 and 256/1987, *Sawyers, Mclean and Mclean v. Jamaica*, para. 13.6.
[67] Communication No. 1128/2002, *Márques de Morais v. Angola*, para. 5.4.
[68] Communications No. 913/2000, *Chan v. Guyana*, para. 6.3; No. 594/1992, *Phillip v. Trinidad and Tobago*, para. 7.2.
[69] See concluding observations, Canada, CCPR/C/CAN/CO/5 (2005)**,** para. 13.
[70] Communication No. 451/1991, *Harward v. Norway*, para. 9.5.
[71] Communications No. 1117/2002, *Khomidova v. Tajikistan*, para. 6.4; No. 907/2000, *Siragev v. Uzbekistan*, para. 6.3; No. 770/1997, *Gridin v. Russian Federation*, para. 8.5.

circumstances of each case,[72] taking into account mainly the complexity of the case, the conduct of the accused, and the manner in which the matter was dealt with by the administrative and judicial authorities. In cases where the accused are denied bail by the court, they must be tried as expeditiously as possible.[73] This guarantee relates not only to the time between the formal charging of the accused and the time by which a trial should commence, but also the time until the final judgement on appeal.[74] All stages, whether in first instance or on appeal must take place "without undue delay."

36. Article 14, paragraph 3 (d) contains three distinct guarantees. First, the provision requires that accused persons are entitled to be present during their trial. Proceedings in the absence of the accused may in some circumstances be permissible in the interest of the proper administration of justice, i.e. when accused persons, although informed of the proceedings sufficiently in advance, decline to exercise their right to be present. Consequently, such trials are only compatible with article 14, paragraph 3 (d) if the necessary steps are taken to summon accused persons in a timely manner and to inform them beforehand about the date and place of their trial and to request their attendance.[75]

37. Second, the right of all accused of a criminal charge to defend themselves in person or through legal counsel of their own choosing and to be informed of this right, as provided for by article 14, paragraph 3 (d), refers to two types of defence which are not mutually exclusive. Persons assisted by a lawyer have the right to instruct their lawyer on the conduct of their case, within the limits of professional responsibility, and to testify on their own behalf. At the same time, the wording of the Covenant is clear in all official languages, in that it provides for a defence to be conducted in person "or" with legal assistance of one's own choosing, thus providing the possibility for the accused to reject being assisted by any counsel. This right to defend oneself without a lawyer is, however not absolute. The interests of justice may, in the case of a specific trial, require the assignment of a lawyer against the wishes of the accused, particularly in cases of persons substantially and persistently obstructing the proper conduct of trial, or facing a grave charge but being unable to act in their own interests, or where this is necessary to protect vulnerable witnesses from further distress or intimidation if they were to be questioned by the accused. However, any restriction of the wish of accused persons to defend themselves must have an objective and sufficiently serious purpose and not go beyond what is necessary to uphold the interests of justice. Therefore, domestic law should avoid any absolute bar against the right to defend oneself in criminal proceedings without the assistance of counsel.[76]

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[72] See e.g. communication No. 818/1998, *Sextus v Trinidad and Tobago,* para. 7.2 regarding a delay of 22 months between the charging of the accused with a crime carrying the death penalty and the beginning of the trial without specific circumstances justifying the delay. In communication No. 537/1993, *Kelly v. Jamaica*, para. 5.11, an 18 months delay between charges and beginning of the trial did not violate art. 14, para. 3 (c). See also communication No. 676/1996, *Yasseen and Thomas v. Guyana*, para. 7.11 (delay of two years between a decision by the Court of Appeal and the beginning of a retrial) and communication No. 938/2000, *Siewpersaud, Sukhram, and Persaud v. Trinidad v Tobago*, para. 6.2 (total duration of criminal proceedings of almost five years in the absence of any explanation from the State party justifying the delay).

[73] Communication No. 818/1998, *Sextus v. Trinidad and Tobago,* para. 7.2.

[74] Communications No. 1089/2002, *Rouse v. Philippines,* para.7.4; No. 1085/2002, *Taright, Touadi, Remli and Yousfi v. Algeria*, para. 8.5.

[75] Communications No. 16/1977, *Mbenge v. Zaire*, para. 14.1; No. 699/1996, *Maleki v. Italy*, para. 9.3.

[76] Communication No. 1123/2002, *Correia de Matos v. Portugal*, paras. 7.4 and 7.5.

38. Third, article 14, paragraph 3 (d) guarantees the right to have legal assistance assigned to accused persons whenever the interests of justice so require, and without payment by them in any such case if they do not have sufficient means to pay for it. The gravity of the offence is important in deciding whether counsel should be assigned "in the interest of justice"[77] as is the existence of some objective chance of success at the appeals stage.[78] In cases involving capital punishment, it is axiomatic that the accused must be effectively assisted by a lawyer at all stages of the proceedings.[79] Counsel provided by the competent authorities on the basis of this provision must be effective in the representation of the accused. Unlike in the case of privately retained lawyers,[80] blatant misbehaviour or incompetence, for example the withdrawal of an appeal without consultation in a death penalty case,[81] or absence during the hearing of a witness in such cases[82] may entail the responsibility of the State concerned for a violation of article 14, paragraph 3 (d), provided that it was manifest to the judge that the lawyer's behaviour was incompatible with the interests of justice.[83] There is also a violation of this provision if the court or other relevant authorities hinder appointed lawyers from fulfilling their task effectively.[84]

39. Paragraph 3 (e) of article 14 guarantees the right of accused persons to examine, or have examined, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them. As an application of the principle of equality of arms, this guarantee is important for ensuring an effective defence by the accused and their counsel and thus guarantees the accused the same legal powers of compelling the attendance of witnesses and of examining or cross-examining any witnesses as are available to the prosecution. It does not, however, provide an unlimited right to obtain the attendance of any witness requested by the accused or their counsel, but only a right to have witnesses admitted that are relevant for the defence, and to be given a proper opportunity to question and challenge witnesses against them at some stage of the proceedings. Within these limits, and subject to the limitations on the use of statements, confessions and other evidence obtained in violation of article 7,[85] it is primarily for the domestic legislatures of States parties to determine the admissibility of evidence and how their courts assess it.

40. The right to have the free assistance of an interpreter if the accused cannot understand or speak the language used in court as provided for by article 14, paragraph 3 (f) enshrines another aspect of the principles of fairness and equality of arms in criminal proceedings.[86] This right arises at all stages of the oral proceedings. It applies to aliens as well as to nationals. However, accused persons whose mother tongue differs from the official court language are, in

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[77] Communication No. 646/1995, *Lindon v. Australia*, para. 6.5.
[78] Communication No. 341/1988, *Z.P. v. Canada,* para. 5.4.
[79] Communications No. 985/2001, *Aliboeva v. Tajikistan*, para. 6.4; No. 964/2001, *Saidova v. Tajikistan*, para. 6.8; No. 781/1997, *Aliev v. Ukraine*, para. 7.3; No. 554/1993, *LaVende v. Trinidad and Tobago*, para. 58.
[80] Communication No. 383/1989, *H.C. v. Jamaica*, para. 6.3.
[81] Communication No. 253/1987, *Kelly v. Jamaica,* para. 9.5.
[82] Communication No. 838/1998, *Hendricks v. Guyana,* para. 6.4. For the case of an absence of an author's legal representative during the hearing of a witness in a preliminary hearing see Communication No. 775/1997, *Brown v. Jamaica*, para. 6.6.
[83] Communications No. 705/1996, *Taylor v. Jamaica*, para. 6.2 ; No. 913/2000, *Chan v. Guyana*, para. 6.2; No. 980/2001, *Hussain v. Mauritius*, para. 6.3.
[84] Communication No. 917/2000, *Arutyunyan v. Uzbekistan*, para. 6.3.
[85] See para. 6 above.
[86] Communication No. 219/1986, *Guesdon v. France*, para. 10.2.

principle, not entitled to the free assistance of an interpreter if they know the official language sufficiently to defend themselves effectively.[87]

41. Finally, article 14, paragraph 3 (g), guarantees the right not to be compelled to testify against oneself or to confess guilt. This safeguard must be understood in terms of the absence of any direct or indirect physical or undue psychological pressure from the investigating authorities on the accused, with a view to obtaining a confession of guilt. A fortiori, it is unacceptable to treat an accused person in a manner contrary to article 7 of the Covenant in order to extract a confession.[88] Domestic law must ensure that statements or confessions obtained in violation of article 7 of the Covenant are excluded from the evidence, except if such material is used as evidence that torture or other treatment prohibited by this provision occurred,[89] and that in such cases the burden is on the State to prove that statements made by the accused have been given of their own free will.[90]

VI. JUVENILE PERSONS

42. Article 14, paragraph 4, provides that in the case of juvenile persons, procedures should take account of their age and the desirability of promoting their rehabilitation. Juveniles are to enjoy at least the same guarantees and protection as are accorded to adults under article 14 of the Covenant. In addition, juveniles need special protection. In criminal proceedings they should, in particular, be informed directly of the charges against them and, if appropriate, through their parents or legal guardians, be provided with appropriate assistance in the preparation and presentation of their defence; be tried as soon as possible in a fair hearing in the presence of legal counsel, other appropriate assistance and their parents or legal guardians, unless it is considered not to be in the best interest of the child, in particular taking into account their age or situation. Detention before and during the trial should be avoided to the extent possible.[91]

43. States should take measures to establish an appropriate juvenile criminal justice system, in order to ensure that juveniles are treated in a manner commensurate with their age. It is important to establish a minimum age below which children and juveniles shall not be put on trial for criminal offences; that age should take into account their physical and mental immaturity.

44. Whenever appropriate**,** in particular where the rehabilitation of juveniles alleged to have committed acts prohibited under penal law would be fostered, measures other than criminal proceedings, such as mediation between the perpetrator and the victim, conferences with the family of the perpetrator**,** counselling or community service or educational programmes, should be considered, provided they are compatible with the requirements of this Covenant and other relevant human rights standards.

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[87] Idem.

[88] Communications No. 1208/2003, *Kurbonov v. Tajikistan,* paras. 6.2 – 6.4; No. 1044/2002, *Shukurova v. Tajikistan*, paras. 8.2 – 8.3; No. 1033/2001, *Singarasa v. Sri Lanka,* para. 7.4; ; No. 912/2000, *Deolall v. Guyana*, para. 5.1; No. 253/1987, *Kelly v. Jamaica,* para. 5.5.

[89] Cf. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 15. On the use of other evidence obtained in violation of article 7 of the Covenant, see paragraph 6 above.

[90] Communications No. 1033/2001, *Singarasa v. Sri Lanka,* para. 7.4; No. 253/1987, *Kelly v. Jamaica,* para. 7.4.

[91] See general comment No. 17 (1989) on article 24 (Rights of the child), para. 4.

VII. REVIEW BY A HIGHER TRIBUNAL

45. Article 14, paragraph 5 of the Covenant provides that anyone convicted of a crime shall have the right to have their conviction and sentence reviewed by a higher tribunal according to law. As the different language versions (crime, *infraction*, *delito*) show, the guarantee is not confined to the most serious offences. The expression "according to law" in this provision is not intended to leave the very existence of the right of review to the discretion of the States parties, since this right is recognised by the Covenant, and not merely by domestic law. The term according to law rather relates to the determination of the modalities by which the review by a higher tribunal is to be carried out,[92] as well as which court is responsible for carrying out a review in accordance with the Covenant. Article 14, paragraph 5 does not require States parties to provide for several instances of appeal.[93] However, the reference to domestic law in this provision is to be interpreted to mean that if domestic law provides for further instances of appeal, the convicted person must have effective access to each of them.[94]

46. Article 14, paragraph 5 does not apply to procedures determining rights and obligations in a suit at law[95] or any other procedure not being part of a criminal appeal process, such as constitutional motions.[96]

47. Article 14, paragraph 5 is violated not only if the decision by the court of first instance is final, but also where a conviction imposed by an appeal court[97] or a court of final instance,[98] following acquittal by a lower court, according to domestic law**,** cannot be reviewed by a higher court. Where the highest court of a country acts as first and only instance, the absence of any right to review by a higher tribunal is not offset by the fact of being tried by the supreme tribunal of the State party concerned; rather, such a system is incompatible with the Covenant, unless the State party concerned has made a reservation to this effect.[99]

48. The right to have one's conviction and sentence reviewed by a higher tribunal established under article 14, paragraph 5, imposes on the State party a duty to review substantively, both on the basis of sufficiency of the evidence and of the law, the conviction and sentence, such that the procedure allows for due consideration of the nature of the case.[100] A review that is limited to the formal or legal aspects of the conviction without any consideration whatsoever of the facts is not sufficient under the Covenant.[101] However, article 14, paragraph 5

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[92] Communications No. 1095/2002, *Gomaríz Valera v. Spain*, para. 7.1; No. 64/1979, *Salgar de Montejo v. Colombia*, para.10.4.
[93] Communication No. 1089/2002, *Rouse v. Philippines,* para. 7.6.
[94] Communication No. 230/1987, *Henry v. Jamaica*, para. 8.4.
[95] Communication No. 450/1991, *I.P. v. Finland*, para. 6.2.
[96] Communication No. 352/1989, *Douglas, Gentles, Kerr v. Jamaica*, para. 11.2.
[97] Communication No. 1095/2002, *Gomariz Valera v. Spain*, para. 7.1.
[98] Communication No. 1073/2002, *Terrón v Spain*, para. 7.4.
[99] Idem.
[100] Communications No. 1100/2002, *Bandajevsky v. Belarus*, para. 10.13; No. 985/2001, *Aliboeva v. Tajikistan*, para. 6.5; No. 973/2001, *Khalilova v. Tajikistan*, para. 7.5; No. 623-627/1995, *Domukovsky et al. v. Georgia*, para.18.11; No. 964/2001, *Saidova v. Tajikistan*, para. 6.5; No. 802/1998, *Rogerson v. Australia*, para. 7.5; No. 662/1995, *Lumley v. Jamaica*, para. 7.3.
[101] Communication No. 701/1996, *Gómez Vázquez v. Spain*, para. 11.1.

does not require a full retrial or a "hearing",[102] as long as the tribunal carrying out the review can look at the factual dimensions of the case. Thus, for instance, where a higher instance court looks at the allegations against a convicted person in great detail, considers the evidence submitted at the trial and referred to in the appeal, and finds that there was sufficient incriminating evidence to justify a finding of guilt in the specific case, the Covenant is not violated.[103]

49. The right to have one's conviction reviewed can only be exercised effectively if the convicted person is entitled to have access to a duly reasoned, written judgement of the trial court, and, at least in the court of first appeal where domestic law provides for several instances of appeal,[104] also to other documents, such as trial transcripts, necessary to enjoy the effective exercise of the right to appeal.[105] The effectiveness of this right is also impaired, and article 14, paragraph 5 violated, if the review by the higher instance court is unduly delayed in violation of paragraph 3 (c) of the same provision.[106]

50. A system of supervisory review that only applies to sentences whose execution has commenced does not meet the requirements of article 14, paragraph 5, regardless of whether such review can be requested by the convicted person or is dependent on the discretionary power of a judge or prosecutor.[107]

51. The right of appeal is of particular importance in death penalty cases. A denial of legal aid by the court reviewing the death sentence of an indigent convicted person constitutes not only a violation of article 14, paragraph 3 (d), but at the same time also of article 14, paragraph 5, as in such cases the denial of legal aid for an appeal effectively precludes an effective review of the conviction and sentence by the higher instance court.[108] The right to have one's conviction reviewed is also violated if defendants are not informed of the intention of their counsel not to put any arguments to the court, thereby depriving them of the opportunity to seek alternative representation, in order that their concerns may be ventilated at the appeal level.[109]

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[102] Communication No. 1110/2002, *Rolando v. Philippines*, para. 4.5; No. 984/2001, *Juma v. Australia*, para. 7.5; No. 536/1993, *Perera v. Australia*, para. 6.4.

[103] E.g. communications No. 1156/2003, *Pérez Escolar v. Spain*, para. 3; No. 1389/2005, *Bertelli Gálvez v. Spain*, para. 4.5.

[104] Communications No. 903/1999, *Van Hulst v. Netherlands*, para. 6.4; No. 709/1996, *Bailey v. Jamaica*, para. 7.2; No. 663/1995, *Morrison v. Jamaica*, para. 8.5.

[105] Communication No. 662/1995, *Lumley v. Jamaica*, para. 7.5.

[106] Communications No. 845/1998, *Kennedy v. Trinidad and Tobago*, para. 7.5; No. 818/1998, *Sextus v. Trinidad and Tobago*, para. 7.3; No. 750/1997, *Daley v. Jamaica*, para. 7.4; No. 665/1995, *Brown and Parish v. Jamaica*, para. 9.5; No. 614/1995, *Thomas v. Jamaica*, para. 9.5; No. 590/1994, *Bennet v. Jamaica*, para. 10.5.

[107] Communications No. 1100/2002, *Bandajevsky v. Belarus*, para. 10.13; No. 836/1998, *Gelazauskas v. Lithuania,* para. 7.2.

[108] Communication No. 554/1993, *LaVende v. Trinidad and Tobago*, para. 5.8.

[109] See communications No. 750/1997, *Daley v Jamaica*, para. 7.5; No. 680/1996, *Gallimore v Jamaica*, para. 7.4; No. 668/1995, *Smith and Stewart v. Jamaica*, para.7.3. See also Communication No. 928/2000, *Sooklal v. Trinidad and Tobago*, para. 4.10.

VIII. COMPENSATION IN CASES OF MISCARRIAGE OF JUSTICE

52. According to paragraph 6 of article 14 of the Covenant, compensation according to the law shall be paid to persons who have been convicted of a criminal offence by a final decision and have suffered punishment as a consequence of such conviction, if their conviction has been reversed or they have been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice.[110] It is necessary that States parties enact legislation ensuring that compensation as required by this provision can in fact be paid and that the payment is made within a reasonable period of time.

53. This guarantee does not apply if it is proved that the non-disclosure of such a material fact in good time is wholly or partly attributable to the accused; in such cases, the burden of proof rests on the State. Furthermore, no compensation is due if the conviction is set aside upon appeal, i.e. before the judgement becomes final,[111] or by a pardon that is humanitarian or discretionary in nature, or motivated by considerations of equity, not implying that there has been a miscarriage of justice.[112]

IX. *NE BIS IN IDEM*

54. Article 14, paragraph 7 of the Covenant, providing that no one shall be liable to be tried or punished again for an offence of which they have already been finally convicted or acquitted in accordance with the law and penal procedure of each country, embodies the principle of *ne bis in idem.* This provision prohibits bringing a person, once convicted or acquitted of a certain offence, either before the same court again or before another tribunal again for the same offence; thus, for instance, someone acquitted by a civilian court cannot be tried again for the same offence by a military or special tribunal. Article 14, paragraph 7 does not prohibit retrial of a person convicted in absentia who requests it, but applies to the second conviction.

55. Repeated punishment of conscientious objectors for not having obeyed a renewed order to serve in the military may amount to punishment for the same crime if such subsequent refusal is based on the same constant resolve grounded in reasons of conscience.[113]

56. The prohibition of article 14, paragraph 7, is not at issue if a higher court quashes a conviction and orders a retrial.[114] Furthermore, it does not prohibit the resumption of a criminal trial justified by exceptional circumstances, such as the discovery of evidence which was not available or known at the time of the acquittal.

57. This guarantee applies to criminal offences only and not to disciplinary measures that do not amount to a sanction for a criminal offence within the meaning of article 14 of the

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[110] Communications No. 963/2001, *Uebergang v. Australia*, para. 4.2; No. 880/1999, *Irving v. Australia*, para. 8.3; No. 408/1990, *W.J.H. v. Netherlands*, para. 6.3.
[111] Communications No. 880/1999; *Irving v. Australia*, para. 8.4; No. 868/1999, *Wilson v. Philippines*, para. 6.6.
[112] Communication No. 89/1981, *Muhonen v. Finland*, para. 11.2.
[113] See United Nations Working Group on Arbitrary Detention, Opinion No. 36/1999 (Turkey), E./CN.4/2001/14/Add. 1, para. 9 and Opinion No. 24/2003 (Israel), E/CN.4/2005/6/Add. 1, para. 30.
[114] Communication No. 277/1988, *Terán Jijón v. Ecuador*, para. 5.4.

Covenant.[115] Furthermore, it does not guarantee *ne bis in idem* with respect to the national jurisdictions of two or more States.[116] This understanding should not, however, undermine efforts by States to prevent retrial for the same criminal offence through international conventions.[117]

X. RELATIONSHIP OF ARTICLE 14 WITH OTHER PROVISIONS OF THE COVENANT

58. As a set of procedural guarantees, article 14 of the Covenant often plays an important role in the implementation of the more substantive guarantees of the Covenant that must be taken into account in the context of determining criminal charges and rights and obligations of a person in a suit at law. In procedural terms, the relationship with the right to an effective remedy provided for by article 2, paragraph 3 of the Covenant is relevant. In general, this provision needs to be respected whenever any guarantee of article 14 has been violated.[118] However, as regards the right to have one's conviction and sentence reviewed by a higher tribunal, article 14, paragraph 5 of the Covenant is a *lex specialis* in relation to article 2, paragraph 3 when invoking the right to access a tribunal at the appeals level.[119]

59. In cases of trials leading to the imposition of the death penalty scrupulous respect of the guarantees of fair trial is particularly important. The imposition of a sentence of death upon conclusion of a trial, in which the provisions of article 14 of the Covenant have not been respected, constitutes a violation of the right to life (article 6 of the Covenant).[120]

60. To ill-treat persons against whom criminal charges are brought and to force them to make or sign, under duress, a confession admitting guilt violate**s** both article 7 of the Covenant prohibiting torture and inhuman, cruel or degrading treatment and article 14, paragraph 3 (g) prohibiting compulsion to testify against oneself or confess guilt.[121]

61. If someone suspected of a crime and detained on the basis of article 9 of the Covenant is charged with an offence but not brought to trial, the prohibitions of unduly delaying trials as provided for by articles 9, paragraph 3, and 14, paragraph 3 (c) of the Covenant may be violated at the same time.[122]

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[115] Communication No. 1001/2001, *Gerardus Strik v. The Netherlands*, para. 7.3.
[116] Communications No. 692/1996, *A.R.J. v. Australia*, para. 6.4; No. 204/1986, *A.P. v. Italy*, para. 7.3.
[117] See, e.g. Rome Statute of the International Criminal Court, article 20, para. 3.
[118] E.g. Communications No. 1033/2001, *Singarasa v. Sri Lanka*, para. 7.4; No. 823/1998, *Czernin v. Czech Republic,* para. 7.5.
[119] Communication No. 1073/2002, *Terrón v. Spain*, para. 6.6.
[120] E.g. communications No. 1044/2002, *Shakurova v. Tajikistan,* para. 8.5 (violation of art. 14 para. 1 and 3 (b), (d) and (g)); No. 915/2000, *Ruzmetov v. Uzbekistan,* para.7.6 (violation of art. 14, para. 1, 2 and 3 (b), (d), (e) and (g)); No. 913/2000, *Chan v. Guyana*, para. 5.4 (violation of art. 14 para. 3 (b) and (d)); No. 1167/2003, *Rayos v. Philippines*, para. 7.3 (violation of art. 14 para. 3(b)).
[121] Communications No. 1044/2002, *Shakurova v. Tajikistan,* para. 8.2; No. 915/2000, *Ruzmetov v. Uzbekistan,* paras. 7.2 and 7.3; No. 1042/2001, *Boimurodov v. Tajikistan*, para. 7.2, and many others**.** On the prohibition to admit evidence in violation of article 7, see paragraphs. 6 and 41 above.
[122] Communications No. 908/2000, *Evans v. Trinidad and Tobago,* para. 6.2; No. 838/1998, *Hendricks v. Guayana*, para. 6.3, and many more.

62. The procedural guarantees of article 13 of the Covenant incorporate notions of due process also reflected in article 14[123] and thus should be interpreted in the light of this latter provision. Insofar as domestic law entrusts a judicial body with the task of deciding about expulsions or deportations, the guarantee of equality of all persons before the courts and tribunals as enshrined in article 14, paragraph 1, and the principles of impartiality, fairness and equality of arms implicit in this guarantee are applicable.[124] All relevant guarantees of article 14, however, apply where expulsion takes the form of a penal sanction or where violations of expulsion orders are punished under criminal law.

63. The way criminal proceedings are handled may affect the exercise and enjoyment of rights and guarantees of the Covenant unrelated to article 14. Thus, for instance, to keep pending, for several years, indictments for the criminal offence of defamation brought against a journalist for having published certain articles, in violation of article 14, paragraph 3 (c), may leave the accused in a situation of uncertainty and intimidation and thus have a chilling effect which unduly restricts the exercise of his right to freedom of expression (article 19 of the Covenant).[125] Similarly, delays of criminal proceedings for several years in contravention of article 14, paragraph 3 (c), may violate the right of a person to leave one's own country as guaranteed in article 12, paragraph 2 of the Covenant, if the accused has to remain in that country as long as proceedings are pending.[126]

64. As regards the right to have access to public service on general terms of equality as provided for in article 25 (c) of the Covenant, a dismissal of judges in violation of this provision may amount to a violation of this guarantee, read in conjunction with article 14, paragraph 1 providing for the independence of the judiciary.[127]

65. Procedural laws or their application that make distinctions based on any of the criteria listed in article 2, paragraph 1 or article 26, or disregard the equal right of men and women, in accordance with article 3, to the enjoyment of the guarantees set forth in article 14 of the Covenant, not only violate the requirement of paragraph 1 of this provision that "all persons shall be equal before the courts and tribunals," but may also amount to discrimination.[128]

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[123] Communication No. 1051/2002 *Ahani v. Canada*, para. 10.9. See also communication No. 961/2000, *Everett v. Spain,* para. 6.4 (extradition), 1438/2005, *Taghi Khadje v. Netherlands*, para. 6.3.
[124] See communication No. 961/2000, *Everett v. Spain*, para. 6.4.
[125] Communication No. 909/2000, *Mujuwana Kankanamge v. Sri Lanka*, para. 9.4.
[126] Communication No. 263/1987, *Gonzales del Rio v. Peru,* paras. 5.2 and 5.3.
[127] Communications No. 933/2000, *Mundyo Busyo et al. v. Democratic Republic of Congo,* para. 5.2.; No. 814/1998, *Pastukhov v. Belarus,* para. 7.3.
[128] Communication No. 202/1986, *Ato del Avellanal v. Peru,* paras. 10.1 and 10.2.

Exhibit M

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Torture and other cruel, inhuman or degrading treatment or punishment

Report of the Special Rapporteur*

Summary

In the present report, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment examines conceptual, definitional and interpretative questions arising in relation to the notion of "psychological torture" under human rights law.

* The present report was submitted after the deadline so as to include the most recent information.

Contents

		Page
I.	Introduction	3
II.	Activities relating to the mandate	3
III.	Psychological torture	3
	A. Background	3
	B. Concept of psychological torture	6
	C. Applying the constitutive elements	8
	D. Predominant methods of psychological torture	12
	E. Cybertorture	18
IV.	Conclusions and recommendations	20

I. Introduction

1. The present report was prepared pursuant to Human Rights Council resolution 34/19.

II. Activities relating to the mandate

2. In 2019, the Special Rapporteur transmitted 114 communications, jointly with other mandate holders or individually, on behalf of individuals exposed to torture and other ill-treatment.

3. Since his previous report to the Human Rights Council in March 2019, the Special Rapporteur has participated in various consultations, workshops and events on issues relating to his mandate, the most notable of which are listed below.

4. On 9 and 10 May 2019, the Special Rapporteur and his medical team conducted a visit to meet with Julian Assange, detained at Belmarsh prison in London, and with relevant British authorities, in order to assess Mr. Assange's state of health and conditions of detention, as well as alleged risks or torture or ill-treatment arising in relation to his possible extradition to the United States of America.

5. On 5 June, the Special Rapporteur participated in a conference on "Effective multilateralism in the fight against torture: trends in the Organization for Security and Cooperation in Europe (OSCE) region and the way forward" organized by the OSCE Office for Democratic Institutions and Human Rights in Vienna.

6. From 12 to 15 June, the Special Rapporteur conducted a country visit to Comoros (A/HRC/43/49/Add.1).

7. On 26 June, in support of the International Day in Support of Victims of Torture, the Special Rapporteur co-organized a side event at the forty-first session of the Human Rights Council on the "Fault lines between non-coercive investigation and psychological torture".

8. On 15 October, the Special Rapporteur presented his thematic report (A/74/148) to the General Assembly on the relevance of the prohibition of torture and ill-treatment to the context of domestic violence.

9. On 18 October, the Special Rapporteur participated in a high-level conference on tackling ill-treatment by police, held in Bečići, Montenegro, and organized by the Council of Europe.

10. From 17 to 24 November, the Special Rapporteur conducted a country visit to Maldives. The Special Rapporteur issued extensive preliminary observations after the visit and will present his report to the Human Rights Council in March 2021.

III. Psychological torture

A. Background

11. The universal prohibition of torture is recognized to be of an absolute, non-derogable and peremptory character and has been restated in numerous international instruments of human rights, humanitarian and criminal law. Since its first proclamation in article 5 of the Universal Declaration of Human Rights, the international community has established an impressive normative and institutional framework for its implementation (A/73/207, paras. 5–18). At the same time, however, numerous States have invested significant resources towards developing methods of torture which can achieve purposes of

coercion, intimidation, punishment, humiliation or discrimination without causing readily identifiable physical harm or traces (A/73/207, para. 45).[1]

12. In continuation of experiments conducted by the Nazi regime on concentration camp inmates during the Second World War,[2] the cold war era saw the emergence of classified large-scale and long-term projects involving systematic "mind control" experimentation with thousands of prisoners, psychiatric patients and volunteers unaware of the true nature and purpose of these trials and the grave health risks generated by them.[3] These experiments resulted in the adoption and international proliferation of interrogation methodologies which – despite their euphemistic description as "enhanced", "deep", "non-standard" or "special" interrogation, "moderate physical pressure", "conditioning techniques", "human resource exploitation", and even "clean" or "white" torture – were clearly incompatible with both medical ethics and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.[4] While some of these methods involved significant physical violence, others were of a specifically psychological nature. In the recent past, some of these approaches have resurfaced most prominently in connection with interrogational torture in the context of counter-terrorism,[5] "deterrence"-based detention of "irregular migrants" (see A/HRC/37/50), alleged mass internment for purposes of political "re-education",[6] and the abuse of individual prisoners of conscience.[7] New and emerging technologies also give rise to unprecedented tools and environments of non-physical interaction which must be duly considered in the contemporary interpretation of the prohibition of torture.

13. Mandate holders have long recognized "psychological" or "mental" torture as an analytical concept distinct from physical torture (see E/CN.4/1986/15), have addressed specific methods or contexts of psychological torture,[8] and have pointed to specific challenges arising in connection with the investigation and redress of this type of abuse (A/HRC/13/39/Add.5, para. 55), as well as to the inextricable link between psychological torture and coercive interrogation (A/71/298, paras. 37–45). They have also dedicated a full thematic report to the practice of solitary confinement (A/66/268), advocated the development of guidelines for non-coercive interviewing (see A/71/298), supported the recent update of the Manual on the Effective Investigation and Documentation of Torture

[1] Linda Piwowarczyk, Alejandro Moreno and Michael Grodin, "Health care of torture survivors", *Journal of the American Medical Association* (*JAMA*), vol. 284, No. 5 (2 August 2000).

[2] Jonathan D. Moreno, "Acid brothers: Henry Beecher, Timothy Leary, and the psychedelic of the century", *Perspectives in Biology and Medicine*, vol. 59, No. 1 (Winter 2016), pp. 108–109.

[3] Most notably, "Project MKUltra, the CIA's Programme of Research in Behavioural Modification" (1953–1973).

[4] United States of America, Central Intelligence Agency, *KUBARK Counterintelligence Interrogation* (1963), sect. IX; United States, Central Intelligence Agency; *Human Resource Exploitation Training Manual* (1983); United Kingdom of Great Britain and Northern Ireland, "Deep interrogation (five techniques)", litigated at the European Court of Human Rights, *Ireland v. the United Kingdom*, Application No. 5310/71, Judgment, 18 January 1978; President of France, Emmanuel Macron, statement on the death of Maurice Audin, 13 September 2018, recognizing that successive French Governments had operated a system of political torture and disappearances in Algeria; Lawrence E. Hinkle, Jr. and Harold G. Wolff, "Communist interrogation and indoctrination of 'enemies of the state': analysis of methods used by the communist state police – a special report", *American Medical Association Archives of Neurology and Psychiatry*, vol. 76, No. 2 (August 1956); and Scott Shane, "U.S. interrogators were taught Chinese coercion techniques", *New York Times*, 2 July 2008.

[5] United States, Senate Select Committee on Intelligence, *Committee Study of the Central Intelligence Agency's Detention and Interrogation Program* (2014).

[6] CAT/C/CHN/CO/5, para. 42; as well as two communications co-signed by the Special Rapporteur, communications Nos. OL/CHN18/2019, 1 November 2019, and OL/CHN15/2018, 24 August 2018. See also "China cables", available at www.icij.org/investigations/china-cables/read-the-china-cables-documents/.

[7] See, most prominently, the communications sent by the Special Rapporteur and his predecessor in the cases of Bradley/Chelsea Manning, communications Nos. UA G/SO 214 (53-24) USA 8/2011, 15 June 2011; and No. AL USA 22/2019, 1 November 2019); and Julian Assange, communications No. UA/GBR/3/2019, 27 May 2019; and No. UA GBR 6/2019, 29 October 2019).

[8] See, for example, A/74/148, paras. 32–34; A/59/324, para. 17; and E/CN.4/2006/120, para. 52.

and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and raised awareness of the challenges of psychological torture in numerous individual communications. On 26 June 2019, on the occasion of the International Day in Support of Victims of Torture, the Special Rapporteur launched his thematic consultations on the topic at a side event of the forty-first session of the Human Rights Council including an expert panel on the "Fault lines between non-coercive investigation and psychological torture" and the screening of "Eminent Monsters", a documentary film on the origins and devastating effects of contemporary psychological torture.[9]

14. Although these initiatives have been generally well received by States, national practice still tends to deny, neglect, misinterpret or trivialize psychological torture as what could be euphemistically described as "torture light", whereas "real torture" is still predominantly understood to require the infliction of physical pain or suffering (so-called "materialist bias").[10] Some States have even adopted national definitions of torture excluding mental pain or suffering, or interpretations requiring that, in order to constitute torture, mental pain or suffering must be caused by the threat or infliction of physical pain or suffering, threats of imminent death, or profound mental disruption. Both the Committee against Torture and mandate holders have rejected these approaches as contrary to the Convention against Torture.[11] Beyond that, however, the use of the term "psychological torture" in jurisprudence and human rights advocacy remains fragmented, and both legal and medical experts have long called for its clarification.[12]

15. In the light of these considerations, in the present report, the Special Rapporteur:

(a) Examines the predominant conceptual discrepancies arising in relation to the notion of "psychological torture";

(b) Proposes working definitions of "psychological" and "physical" torture from the perspective of international human rights law;

(c) Offers recommendations regarding the interpretation of the constitutive elements of torture in the context of psychological torture;

(d) Proposes a non-exhaustive, needs-based analytical framework facilitating the identification of specific methods, techniques or circumstances amounting or contributing to psychological torture;

(e) Illustrates how various combinations of methods, techniques and circumstances – not all of which may amount to torture if taken in isolation and out of context – can form "torturous environments" violating the prohibition of torture;

(f) Encourages the interpretation of the prohibition of torture in line with contemporary possibilities and challenges arising from emerging technologies and explores, in a preliminary manner, the conceivability and basic contours of what could be described as "cybertorture".

[9] See www.hopscotchfilms.co.uk/news/2019/7/26/eminent-monsters-to-be-screened-at-a-united-nations-side-event.

[10] David Luban and Henry Shue, "Mental torture: a critique of erasures in U.S. law", *Georgetown Law Journal*, vol. 100, No. 3 (March 2012).

[11] A/HRC/13/39/Add.5, para. 74; CAT/C/USA/CO/3-5, para. 9; CAT/C/GAB/CO/1, para. 7; CAT/C/RWA/CO/1, para. 7; CAT/C/CHN/CO/4, para. 33; and CAT/C/CHN/CO/5, para. 7.

[12] See, for example, Pau Pérez-Sales, *Psychological Torture: Definition, Evaluation and Measurement* (London, Routledge, 2017); Hernán Reyes, "The worst scars are in the mind: psychological torture", *International Review of the Red Cross*, vol. 89, No. 867 (September 2007); Ergun Cakal, "Debility, dependency and dread: on the conceptual and evidentiary dimensions of psychological torture", *Torture*, vol. 28, No. 2 (2018); Almerindo E. Ojeda, ed., *The Trauma of Psychological Torture* (West Port, Connecticut, Praeger Publishers, 2008); Nora Sveaass, "Destroying minds: psychological pain and the crime of torture", City University of New York Law Review, vol. 11, No. 2 (Summer 2008), p. 303; and Metin Başoğlu, ed., *Torture and its Definition in International Law: An Interdisciplinary Approach* (New York, Oxford University Press, 2017), pp. 397 and 492.

16. The Special Rapporteur has conducted extensive research and stakeholder consultations, including through an open call for contributions by questionnaire.[13] The present report reflects the resulting conclusions and recommendations of the Special Rapporteur. Given the substantive scope and complexity of the topic and the applicable constraints in terms of time and word-count, he examines the notion of psychological "torture" only. As, in practice, "torture" and "other cruel, inhuman or degrading treatment or punishment" are often closely interlinked, further research efforts should be undertaken to clarify the broader topic of psychological ill-treatment.

B. Concept of psychological torture

1. Working definition

17. "Psychological torture" is not a technical term in international law, but has been used in various disciplines, including legal, medical, psychological, ethical, philosophical, historical and sociological, for different purposes and with varying interpretations. The Special Rapporteur acknowledges that all these understandings have their own legitimacy, validity and purpose in their respective fields. In line with the mandate bestowed upon him, in the present report he examines the concept of "psychological torture" from the perspective of international human rights law.

18. According to article 1 of the Convention against Torture, the substantive concept of "torture" comprises, most notably, the intentional and purposeful infliction of severe pain or suffering "whether physical or mental". It is this explicit juxtaposition of "mental" and "physical" pain or suffering which is generally referred to as the legal basis for the concept of psychological torture. Accordingly, in human rights law, "psychological" torture is most commonly understood as referring to the infliction of "mental" pain or suffering, whereas "physical" torture is generally associated with the infliction of "physical" pain or suffering.[14]

19. In line with this position, shared by previous mandate holders (E/CN.4/1986/15, para. 118), the Special Rapporteur is of the view that, under human rights law, "psychological torture" should be interpreted to include all methods, techniques and circumstances which are intended or designed to purposefully inflict severe mental pain or suffering without using the conduit or effect of severe physical pain or suffering. The Special Rapporteur is further of the view that "physical torture" should be interpreted to include all methods, techniques and environments intended or designed to purposefully inflict severe physical pain or suffering, regardless of the parallel infliction of mental pain or suffering.

2. Distinguishing "methods" from "effects" and "rationales"

20. Although the proposed distinction between "physical" and "psychological" methods of torture appears fairly straightforward and to flow directly from the text of the Convention, its consistent and coherent application is subject to a number of caveats arising from the fact that the broader discussion of the psychological dimension of torture can be divided into at least three parallel and equally important strands, which relate to the psychological methods (i.e., techniques), psychological effects (i.e., sequelae) and psychological rationale (i.e., target) of torture.

21. First, the distinction between psychological and physical methods of torture should not obscure the fact that, as a matter of law, "torture" is a unified concept. All methods of torture are subject to the same prohibition and give rise to the same legal obligations, regardless of whether the inflicted pain or suffering is of a "physical" or "mental" character, or a combination thereof. Thus, the aim of the distinction between "psychological" and "physical" methods of torture is not to suggest any difference in terms of legal implications

[13] See www.ohchr.org/Documents/Issues/Torture/Call/QuestionnairePsychologicalTorture.docx.

[14] Luban and Shue, "Mental torture".

or wrongfulness, but to clarify to what extent the generic prohibition of torture covers methods not using the conduit or effect of severe physical pain or suffering.

22. Second, the discussion of psychological methods (i.e., techniques) of torture should not be conflated with that of the psychological effects (i.e., sequelae) of torture. In reality, both physical and psychological methods of torture each have both physical and psychological effects (E/CN.4/1986/15, para. 118). Thus, the infliction of physical pain or suffering almost invariably also causes mental suffering, including severe trauma, anxiety, depression and other forms of mental and emotional harm. Likewise, the infliction of mental pain or suffering also affects bodily functions and, depending on intensity and duration, can cause irreparable physical harm or even death, including through nervous collapse or cardiovascular failure. In terms of severity, psychological and physical stressors have been shown to inflict equally severe suffering (A/HRC/13/39, para. 46).[15] From a psychophysiological perspective, therefore, the distinction between "physical" and "psychological" torture is of predominantly conceptual, analytical and pedagogic benefit and does not suggest the parallel existence, in practice, of two separate and mutually exclusive dimensions of torture, or of any hierarchy of severity between "physical" and "psychological" torture.

23. A third, distinct aspect of the psychological dimension of torture is its inherently psychological rationale (i.e., target). From a functional perspective, any form of torture deliberately instrumentalizes severe pain and suffering as a vehicle for achieving a particular purpose (A/72/178, para. 31). Methodologically, these purposes can be pursued through the infliction of "physical" or "mental" pain or suffering, or a combination thereof, and in each case will cause varying combinations of physical and psychological effects. Functionally, however, torture is never of an exclusively physical character, but always aimed at affecting the minds and emotions of victims or targeted third persons.[16] Many methods of physical torture deliberately create and exploit debilitating inner conflicts, for example by instructing captives to remain in physically painful stress positions under the threat of rape in case of disobedience. A similar inner conflict can be induced without physical pain, for example, by instructing the detainee to masturbate in front of guards and inmates, again under threat of rape in case of disobedience. Thus, the distinction between "physical" and "psychological" torture does not imply any difference in functional rationale but, rather, refers to the methodological avenue through which that rationale is being pursued by the torturer.

3. Distinguishing psychological from physical "no marks" and "no touch" torture

24. While methods of torture entailing visible bodily injury are generally not referred to as "psychological torture", the term is sometimes conflated with "no marks" torture, the aim of which is to avoid visible traces on the victim's body, and with "no touch" torture, the aim of which is to avoid inflicting pain or suffering through direct physical interaction. In reality, however, both "no marks" torture and "no touch" torture may also be of a physical nature and, in that case, are distinct from psychological torture.

25. More specifically, although the aim of physical "no-marks" torture is to avoid visible traces on the victim's body, its purposes are still pursued through the deliberate infliction of severe physical pain or suffering. Some physical "no marks" techniques achieve the intended physical pain or suffering immediately and directly, such as beatings with insulated objects on selected parts of the body, simulated drowning ("waterboarding" or "wet submarine") or asphyxiation with plastic bags ("dry submarine"). Other physical "no marks" techniques involve the prolonged and/or cumulative infliction of initially "low intensity" physical pain or suffering, calculated to gradually evolve to unbearable levels of severity, such as forced standing or crouching, or shackling in stress positions. While all these techniques are calculated to avoid physical marks visible to the naked eye and inexpert observer, many of them still produce physical sequelae – such as swellings, abrasions, contusions and irritations – which experienced forensic experts can reliably

[15] Başoğlu, "Torture and its definition in international law", p. 37.

[16] Sveaass, "Destroying minds", pp. 313–314.

detect and document for periods ranging from days to several weeks. In practice, however, obstruction and delays, as well as lack of expertise, capacity and willingness on the part of the investigative authorities, entail that the vast majority of allegations regarding "no marks" torture are either not investigated at all, or are easily dismissed for lack of evidence.

26. Likewise, physical "no-touch" torture avoids direct physical interaction, but still intentionally manipulates or instrumentalizes physiological needs, functions and reactions to inflict physical pain or suffering. It typically includes pain inflicted through threat-imposed stress positions, or powerful sensory or physiological irritation through extreme temperatures, loud noise, bright light or bad smells, deprivation of sleep, food or drink, prevention or provocation of urination, defecation or vomiting, or exposure to pharmaceutical substances or drug-withdrawal symptoms. Although these techniques deliberately use the conduit of the victim's body for the infliction of pain and suffering, they are sometimes discussed as psychological torture, mainly because of their psychological rationale and intended destabilizing effect on the human mind and emotions, and the limited physical contact between the torturer and the victim. If "no-touch" techniques inflict severe physical pain or suffering of any kind, however, they should be regarded as physical torture.

C. Applying the constitutive elements

27. The concept of psychological torture as defined above gives rise to a number of questions concerning the interpretation of the defining elements constitutive of torture beyond what has been stated in previous reports (A/72/178, para. 31; A/73/207, paras. 6–7; and E/CN.4/2006/6, paras. 38–41). All these questions relate to the "substantive" components of the definition, which define conduct that amounts to torture, whereas the "attributive" component, which defines the level of State agent involvement required in order for torture to give rise to State responsibility, has been discussed in depth in previous reports and does not need to be re-examined here (A/74/148, para. 5).

1. Severe pain or suffering

28. International anti-torture mechanisms have left no doubt that the definition of torture does not necessarily require the infliction of physical pain or suffering but may also encompass mental pain or suffering.[17] It is worth underlining, however, that the devastating effects of psychological torture are frequently underestimated.

29. More controversial than this basic dichotomy between physical and mental is the interpretation of the required level of "severity" of the pain inflicted. While the objective measurement of physical pain or suffering gives rise to insurmountable difficulties and has entailed numerous unsatisfactory attempts at authoritatively categorizing methods of torture on the basis of resulting physical injuries and irreversible impairment, these problems are further exacerbated when trying to objectively evaluate mental or emotional pain or suffering.[18] It has been emphasized that the term "severe" does not require pain or suffering comparable to the pain accompanying serious physical injury, such as organ failure or impairment of bodily functions or even death (E/CN.4/2006/6; and A/HRC/13/39, para. 54). However, the term "torture" should also not be used to refer to mere inconvenience or discomfort clearly incapable of achieving the purposes listed in the definition.

30. Whether the required threshold of severity is reached in a particular case may depend on a wide range of factors that are endogenous and exogenous to the individual, such as age, gender, health and vulnerability, but also duration of exposure and accumulation with other physical or mental stressors and conditions, personal motivation

[17] Human Rights Committee, general comment No. 20 (1992) on the prohibition of torture, or other cruel, inhuman or degrading treatment or punishment, para. 5; see also Committee against Torture, case law, cited in footnote 11 above.

[18] Pérez-Sales, *Psychological Torture*, p. 284.

and resilience and contextual circumstances.[19] All these elements must be holistically evaluated on a case-by-case basis and in the light of the specific purpose pursued by the treatment or punishment in question. For instance, the threat of overnight detention combined with verbal abuse may be sufficiently severe to coerce or intimidate a child, whereas the same act may have little or no effect on an adult, and even less on a hardened offender. The severity of pain or suffering resulting from a particular type of ill-treatment is not necessarily constant but tends to increase or fluctuate with the duration of exposure and the multiplication of stressors. Also, while torture constitutes an "aggravated" form of cruel, inhuman or degrading treatment or punishment,[20] "aggravation" does not necessarily refer to aggravated pain and suffering, but to aggravated wrong in terms of the intentional and purposeful instrumentalization of pain and suffering for ulterior purposes. Thus, the distinguishing factor between torture and other forms of ill-treatment is not the intensity of the suffering inflicted, but rather the purpose of the conduct, the intention of the perpetrator and the powerlessness of the victim (A/72/178, para. 30; and A/HRC/13/39, para. 60).[21]

31. Several treaty provisions even suggest that the concept of torture includes conduct which, at least potentially, does not involve any subjectively experienced pain or suffering at all. Thus, article 7 of the International Covenant on Civil and Political Rights expressly prohibits "medical or scientific experimentation without free consent". Although the provision does not clarify whether such conduct would amount to "torture" or to other "cruel, inhuman or degrading treatment", its explicit mention suggests that it was regarded as a particularly grave violation of the prohibition. Even more explicit in this respect, but only of regional applicability, is article 2 of the Inter-American Convention to Prevent and Punish Torture, which expressly defines "torture" as including "methods intended to obliterate the personality of the victim or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish". Relatedly, upon ratification of the Convention against Torture, the United States expressed its understanding that "mental pain or suffering" refers to "prolonged mental harm" caused by, inter alia, the threatened or actual "administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality", wording intended to ban some of the interrogation methods developed by the United States Central Intelligence Agency (CIA) during the cold war, but also to deliberately narrow the definition established in the Convention.[22] Although the Committee rejected this interpretation as too narrow and stated that psychological torture cannot be limited to "prolonged mental harm" (CAT/C/USA/CO/2, para. 13; and CAT/C/USA/CO/3-5, para. 9), it did not clarify whether the use of "procedures calculated to disrupt profoundly the senses or the personality" could amount to torture even in the absence of subjectively experienced pain or suffering. While this was already a salient question for the drafters of the various treaty texts during the cold war era, its practical relevance has increased exponentially in present times.

32. Given the rapid advances in medical, pharmaceutical and neurotechnological science, as well as in cybernetics, robotics and artificial intelligence, it is difficult to predict to what extent future techniques and environments of torture, as well as the "human enhancement" of potential victims and perpetrators in terms of their mental and emotional resilience, may allow the subjective experience of pain and suffering to be circumvented, suppressed or otherwise manipulated while still achieving the purposes and the profoundly

[19] Inter-American Court of Human Rights, *Lysias Fleury and Others v. Haiti*, Judgment, 23 November 2011, para. 73.

[20] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 1.

[21] Gerrit Zach, "Definition of torture", in Manfred Nowak, Moritz Birk and Giuliana Monina, eds., *The United Nations Convention against Torture and its Optional Protocols: A Commentary*, 2nd ed. (Oxford, United Kingdom of Great Britain and Northern Ireland, Oxford University Press, 2019), p. 47.

[22] David Luban and Katherine S. Newell, "Personality disruption as mental torture: the CIA, interrogational abuse, and the U.S. Torture Act", *Georgetown Law Journal*, vol. 108, No. 2 (January 2020), pp. 335–336 and 373–374, referring to Title 18 of the United States Code, sect. 2340(2)(B), 2012.

dehumanizing, debilitating and incapacitating effects of torture.[23] Given that States must interpret and exercise their international obligations in relation to the prohibition of torture in good faith (Vienna Convention on the Law of Treaties, arts. 26 and 31) and in the light of the evolving values of democratic societies (A/HRC/22/53, para. 14),[24] it would appear irreconcilable with the object and purpose of the universal, absolute and non-derogable prohibition of torture, for example, to exclude from the definition of torture the profound disruption of a person's mental identity, capacity or autonomy only because the victim's subjective experience or recollection of "mental suffering" has been pharmaceutically, hypnotically or otherwise manipulated or suppressed.

33. Previous Special Rapporteurs have stated that "assessing the level of suffering or pain, relative in its nature, requires considering the circumstances of the case, including … the acquisition or deterioration of impairment as result of the treatment or conditions of detention in the victim", and that "medical treatments of an intrusive and irreversible nature", when lacking a therapeutic purpose and enforced or administered without free and informed consent, may constitute torture or ill-treatment (A/63/175, paras. 40 and 47; and A/HRC/22/53, para. 32). Building on this legacy, the Special Rapporteur is of the view that the threshold of severe "mental suffering" can be reached not only through subjectively experienced suffering but, in the absence of subjectively experienced suffering, also through objectively inflicted mental harm alone. In any case, even below the threshold of torture, the intentional and purposeful infliction of mental harm would almost invariably amount to "other cruel, inhuman or degrading treatment or punishment".

2. Intentionality

34. Psychological torture requires the intentional infliction of mental pain or suffering and thus does not include purely negligent conduct. Intentionality does not require that the infliction of severe mental pain or suffering be subjectively desired by the perpetrator, but only that it be reasonably foreseeable as a result, in the ordinary course of events, of the purposeful conduct adopted by the perpetrator (A/HRC/40/59, para. 41; and A/HRC/37/50, para. 60). Further, intentionality does not require proactive conduct, but may also involve purposeful omissions, such as the exposure of substance-addicted detainees to severe withdrawal symptoms by making the replacement medication or therapy dependent on a confession, testimony or other cooperation (A/73/207, para. 7). Where the infliction of severe mental pain or suffering may result from the cumulative effect of multiple circumstances, acts or omissions on the part of several participants, such as in the case of mobbing, persecution and other forms of concerted or collective abuse, the required intentionality would have to be regarded as present for each State or individual knowingly and purposefully contributing to the prohibited outcome, whether through perpetration, attempt, complicity or participation (Convention, art. 4 (1)).

3. Purposefulness

35. In order to amount to psychological torture, severe mental pain or suffering must be inflicted not only intentionally, but also "for purposes such as obtaining from the victim or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person", or "for any reason based on discrimination of any kind" (Convention, art. 1). Although the listed purposes are only of an indicative nature and not exhaustive, relevant purposes should have "something in common with the purposes expressly listed" (A/HRC/13/39/Add.5, para. 35). At the same time, the listed purposes are phrased so broadly that it is difficult to envisage a realistic scenario of purposeful infliction of severe

[23] A/HRC/23/47, para. 54; Adam Henschke, '"Super soldiers': ethical concerns in human enhancement technologies", Humanitarian Law and Policy blog, 3 July 2017; and Nayef Al-Rodhan, "Inevitable transhumanism? How emerging strategic technologies will affect the future of humanity", Center for Security Studies blog, 29 October 2013.

[24] Office of the United Nations High Commissioner for Human Rights (OHCHR), "Interpretation of torture in light of the practice and jurisprudence of international bodies", 2011, p. 8.

mental pain or suffering on a powerless person that would escape the definition of torture (A/72/178, para. 31).

36. While the interpretation of purposes such as "interrogation", "punishment", "intimidation" and "coercion" is fairly straightforward, the way "discrimination" is addressed in the Convention requires clarification, because it is the only qualifier not crafted in terms of a deliberate "purpose". In order for discriminatory measures to amount to torture, it is sufficient that they intentionally inflict severe pain or suffering "for reasons related to discrimination of any kind". It is therefore not required that the relevant conduct have a discriminatory "purpose", but only a discriminatory "nexus". As a matter of treaty law, this includes any distinction, exclusion or restriction on the basis of discrimination of any kind, which has either the purpose or the effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of any human right or fundamental freedom in the political, economic, social, cultural, civil or any other field (A/63/175, para. 48).[25]

37. It must be stressed that purportedly benevolent purposes cannot, per se, vindicate coercive or discriminatory measures. For example, practices such as involuntary abortion, sterilization, or psychiatric intervention on the grounds of "medical necessity" or the "best interests" of the patient (A/HRC/22/53, paras. 20 and 32–35; and A/63/175, para. 49), or forcible internment for the "re-education" of political or religious dissidents,[26] the "spiritual healing" of mental illnesses (A/HRC/25/60/Add.1, paras. 72–77), or for "conversion therapy" related to gender identity or sexual orientation (A/74/148, paras. 48–50), generally involve highly discriminatory and coercive attempts at controlling or "correcting" the victim's personality, behaviour or choices and almost always inflict severe pain or suffering. In the view of the Special Rapporteur, therefore, if all other defining elements are present, such practices may well amount to torture.

38. Last but not least, given that information gathering is an intrinsic part of legitimate investigative and fact-finding processes, it is necessary to clarify the fault lines between permissible non-coercive investigative techniques and prohibited coercive interrogation. Although of great practical importance, this particular distinction will not be discussed in the present report, as it has already been examined in depth in a full thematic report submitted by the previous Special Rapporteur (A/71/298), triggering an important and ongoing process of developing international guidelines on investigative interviewing and associated safeguards.[27]

4. Powerlessness

39. Mandate holders have consistently held that, although not expressly mentioned in the treaty text, the "powerlessness" of the victim is a defining prerequisite of torture (A/63/175, para. 50; A/73/207, para. 7; A/HRC/13/39, para. 60; and A/HRC/22/53, para. 31). As has been shown, "all purposes listed in article 1 of the Convention against Torture, as well as the *travaux préparatoires* of the Declaration and the Convention, refer to a situation where the victim of torture is a detainee or a person 'at least under the factual power or control of the person inflicting the pain or suffering', and where the perpetrator uses this unequal and powerful situation to achieve a certain effect, such as the extraction of information, intimidation, or punishment".[28]

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[25] Convention on the Rights of Persons with Disabilities, art. 2; Convention on the Elimination of All Forms of Discrimination against Women, art. 1; International Convention on the Elimination of All Forms of Racial Discrimination, art. 1; Universal Declaration of Human Rights, art. 7; and International Covenant on Civil and Political Rights, art. 26.

[26] CAT/C/CHN/CO/5, para. 42; as well as two communications co-signed by the Special Rapporteur, communications Nos. OL/CHN18/2019, 1 November 2019, and OL/CHN15/2018, 24 August 2018. See also "China cables", available at www.icij.org/investigations/china-cables/read-the-china-cables-documents/.

[27] See www.apt.ch/en/universal-protocol-on-non-coercive-interviews/.

[28] Zach, "Definition of torture", pp. 56–59. See also, Rome Statute of the International Criminal Court, art. 7 (2) (e).

40. In practice, "powerlessness" arises whenever someone has come under the direct physical or equivalent control of the perpetrator and has effectively lost the capacity to resist or escape the infliction of pain or suffering (A/72/178, para. 31). This is typically the case in situations of physical custody, such as arrest and detention, institutionalization, hospitalization or internment, or any other form of deprivation of liberty. In the absence of physical custody, powerlessness can also arise through the use of body-worn devices capable of delivering electric shocks through remote control, given that they cause the "complete subjugation of the victim irrespective of physical distance" (A/72/178, para. 51). A situation of effective powerlessness can further be achieved through "deprivation of legal capacity, when a person's exercise of decision-making is taken away and given to others" (A/63/175, para. 50; and A/HRC/22/53, para. 31), through serious and immediate threats, or through coercive control in contexts such as domestic violence (A/74/148, paras. 32–34), through incapacitating medication and, depending on the circumstances, in collective social contexts of mobbing, cyberbullying and State-sponsored persecution depriving victims of any possibility of effectively resisting or escaping their abuse.

5. "Lawful sanctions" exception

41. The definition of torture in the Convention explicitly excludes "pain or suffering arising only from, inherent in or incidental to lawful sanctions" (art. 1 (1)). At the same time, the saving clause in article 1 (2) of the Convention makes clear that this exception may not be interpreted in a manner prejudicial to other international instruments or national legislation which does or may define torture more widely. The term "international instrument" has been shown to cover both binding international treaties as well as non-binding declarations, principles and other "soft law" documents.[29] Most notably, the "lawful sanctions" clause can be accurately understood only in conjunction with the 1975 Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, from which it is directly derived, and which excludes only those lawful sanctions from the definition of torture that are "consistent with the Standard Minimum Rules for the Treatment of Prisoners" (art. 1). For example, therefore, even if permitted by domestic law, none of the following methods of inflicting mental pain or suffering can be regarded as "lawful sanctions": prolonged or indefinite solitary confinement; placement in a dark or constantly lit cell; collective punishment; and prohibition of family contacts.[30]

42. Importantly, in order to be "lawful", sanctions cannot be open-ended, indefinite or grossly excessive to their purpose, but must be clearly defined, circumscribed and proportionate. For example, while it may be lawful to punish a witness for refusing to testify in court with a fixed monetary fine or even imprisonment of a pre-defined length, the use of open-ended detention and accumulation of monetary fines as a progressively severe means to coerce the recalcitrant witness to testify would defeat the very object and purpose of the Convention and, therefore, amount to psychological torture irrespective of its "lawfulness" under national law.[31] More generally, the Special Rapporteur aligns with the understanding that the word "lawful" refers to both domestic and international law.[32]

D. Predominant methods of psychological torture

43. In the present section, the Special Rapporteur aims to provide an overview of the characteristics, rationale and effects of some of the most predominant methods of psychological torture. In contrast to physical torture, which uses the body and its physiological needs as a conduit for affecting the victim's mind and emotions, psychological torture does so by directly targeting basic psychological needs, such as

[29] Zach, "Definition of torture", pp. 56–59.

[30] United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), rule 43.

[31] See, most notably, the individual communication sent by the Special Rapporteur in the case of Chelsea Manning, communication No. AL USA 22/2019, 1 November 2019.

[32] Zach, "Definition of torture", note 147.

security, self-determination, dignity and identity, environmental orientation, emotional rapport and communal trust.

44. The aim of the following, separate discussion of specific methods, as well as their categorization based on commonly experienced psychological needs, is not to be authoritative, comprehensive or free from overlaps, or to exhaust the ways in which methods of psychological torture could or should be described or classified for a variety of purposes.[33] Rather, it is to provide an easily accessible, basic analytical framework facilitating the identification of individual methods, techniques or circumstances which, without using the conduit or effect of severe physical pain or suffering, may amount or contribute to torture as prohibited under international human rights law, whether alone or in conjunction with other psychological or physical methods, techniques and circumstances.

45. Given the virtually unlimited forms that torture can take, the selected examples are for illustrative purposes only. Various methods of torture may have similar or overlapping effects or reinforce each other in various other ways. In practice, specific methods of torture are rarely applied in isolation, but almost always in combination with other methods, techniques and circumstances, forming what has aptly been described as a "torturing environment".[34] The following, separate discussion of specific methods therefore has primarily didactic and analytical purposes and should not be taken as suggesting that any such rigid classification maps neatly onto the varied practical manifestations of torture.

1. Security (inducing fear, phobia and anxiety)

46. Perhaps the most rudimentary method of psychological torture is the deliberate and purposeful infliction of fear. The fact that the infliction of fear itself can amount to torture has been widely recognized, not only by mandate holders[35] but also by the Committee against Torture,[36] the European Court of Human Rights,[37] the Human Rights Committee,[38] the Inter-American Court[39] and other mechanisms.

47. In practice, fear can be induced through a virtually limitless variety of techniques; some of the most common include the following:

(a) Direct or indirect threats of inflicting, repeating, or escalating acts of torture, mutilation, sexual violence or other abuse, including against relatives, friends or other inmates;

(b) Withholding or misrepresenting information about the fate of the victims or their loved ones, mock executions, witnessing the real or purported killing or torture of others;

(c) Provoking personal or cultural phobia through actual or threatened exposure to insects, snakes, dogs, rats, infectious diseases, etc.;

(d) Inducing claustrophobia through mock burials or confinement in boxes, coffins, bags and other cramped spaces (depending on the circumstances, these methods may also inflict progressively severe physical pain or suffering).

48. The extreme psychological distress and enormous inner conflicts triggered by fear are often underestimated. In reality, the prolonged experience of fear, in particular, can be

[33] For other categorizations see, for example, Almerindo E. Ojeda, "What Is psychological torture?", in Ojeda, ed., *The Trauma of Psychological Torture*, pp.1–2; and Pérez-Sales, *Psychological Torture*, pp. 257–258.

[34] Pérez-Sales, *Psychological Torture*, p. 284.

[35] A/56/156, paras. 3 and 7–8; E/CN.4/1986/15, para. 119; and E/CN.4/1998/38, para. 208.

[36] CAT/C/KAZ/CO/2, para. 7; and CAT/C/USA/CO/2, para. 24.

[37] European Court of Human Rights, Grand Chamber, *Gäfgen v. Germany*, Application No. 22978/05, Judgment, 1 June 2010, para. 108.

[38] Human Rights Committee, communication No. 74/1980, views of the Committee in the case of *Miguel Angel Estrella v. Uruguay*, para. 8.3.

[39] Inter-American Court of Human Rights, *Baldeón-García v. Perú*, Judgment, 6 April 2006, para. 119; and Inter-American Court of Human Rights, *Tibi v. Ecuador*, Judgment, 7 September 2004, paras. 147–149).

more debilitating and agonizing than the actual materialization of that fear, and even the experience of physical torture can be experienced as less traumatizing than the indefinite psychological torment of constant fear and anxiety. In particular, credible and immediate threats have been associated with severe mental suffering, post-traumatic stress disorder, but also chronic pain and other somatic (i.e., physical) symptoms.

2. Self-determination (domination and subjugation)

49. A psychological method applied in virtually all situations of torture is to purposefully deprive victims of their control over as many aspects of their lives as possible, to demonstrate complete dominance over them, and to instil a profound sense of helplessness, hopelessness and total dependency on the torturer. In practice, this is achieved through a wide range of techniques including, most notably:

(a) Arbitrarily providing, withholding or withdrawing access to information, reading material, personal items, clothing, bedding, fresh air, light, food, water, heating or ventilation;

(b) Creating and maintaining an unpredictable environment with constantly changing and erratically disrupted, prolonged or delayed schedules for meals, sleep, hygiene, urination and defecation and interrogations;

(c) Imposing absurd, illogical or contradictory rules of behaviour, sanctions and rewards;

(d) Imposing impossible choices forcing victims to participate in their own torture.

50. All these techniques have in common that they disrupt the victim's sense of control, autonomy and self-determination and, with time, consolidate in total despair and complete physical, mental and emotional dependency on the torturer ("learned helplessness").

3. Dignity and identity (humiliation, breach of privacy and sexual integrity)

51. Closely related to the suppression of personal control, autonomy and self-determination, but even more transgressive, is the proactive targeting of victims' sense of self-worth and identity through the systematic and deliberate violation of their privacy, dignity and sexual integrity. This may include, for example:

(a) Constant audiovisual surveillance, through cameras, microphones, one-way glass, caging and other relevant means, including during social, legal and medical visits and during sleep and personal hygiene, including urination and defecation;

(b) Systematic derogatory or feral treatment, ridicule, insults, verbal abuse, personal, ethnic, racial, sexual, religious or cultural humiliation;

(c) Public shaming, defamation, calumny, vilification or exposure of intimate details of the victim's private and family life;

(d) Forced nudity or masturbation, often in front of officials of the opposite gender;

(e) Sexual harassment through insinuation, jokes, insults, allegations, threats or exposing genitalia;

(f) Breach of cultural or sexual taboos, including the involvement of relatives, friends or animals;

(g) Dissemination of photographs or audio/video recordings showing the victim being tortured or sexually abused, making a confession or otherwise in compromising situations.

52. It must be stressed that the humiliating and degrading nature of abuse does not necessarily relegate it to the realm of "other cruel, inhuman or degrading treatment", which is sometimes (incorrectly) regarded as a "lesser" wrong than torture. Systematic and prolonged violations of privacy, dignity and sexual integrity are known to instil severe mental suffering, including emotions of profound vulnerability, humiliation, shame and

guilt, often exacerbated by anxiety about social exclusion, self-hatred and suicidal tendencies. As with other methods, therefore, it is the intentionality and purposefulness of degrading treatment, and the powerlessness of the victim, which are decisive for its categorization as either torture or other ill-treatment.[40]

4. Environmental orientation (sensory manipulation)

53. Sensory stimuli and environmental control are a basic human need. Deliberate sensory manipulation and disorientation through sensory deprivation or hyperstimulation involves both the sensory organs and the cognitive processing of sensory perception. Sensory hyperstimulation, in particular, is thus at the very interface between physical and psychological torture.

54. While short-term sensory deprivation alone can trigger extreme mental torment, prolonged deprivation generally produces apathy, followed by progressively severe disorientation, confusion and, ultimately, delusional, hallucinatory and psychotic symptoms. Accordingly, the Body of Principles for Protection of All Persons under Any Form of Detention or Imprisonment explicitly prohibits holding a detainee "in conditions which deprive him, temporarily or permanently, of the use of any of his natural senses, such as sight or hearing, or of his awareness of place and the passing of time".[41] In practice, such deprivation involves the partial or complete elimination of sensory stimulation through an accumulation of measures such as:

- Suppression of oral communication with the victim
- Constant monotonous light
- Visually sterile environment
- Sound-proof insulation of the cell
- Hooding
- Blindfolding
- Use of gloves
- Use of facial masks
- Use of earmuffs

55. Sensory hyperstimulation below the threshold of physical pain, such as through constant bright light, loud music, bad odours, uncomfortable temperatures or intrusive white noise, induces progressively severe mental stress and anxiety, inability to think clearly, followed by increasing irritability, outbursts of anger and, ultimately, total exhaustion and despair. Extreme sensory hyperstimulation which, immediately or with the passage of time, causes actual physical pain or injury should be regarded as physical torture. This may include, for example, blinding victims with extremely bright light, or exposing them to extremely loud noise or music, or to extreme temperatures causing burns or hypothermia.

5. Social and emotional rapport (isolation, exclusion, betrayal)

56. A routine method of psychological torture is to attack the victim's need for social and emotional rapport, through isolation, social exclusion, mobbing and betrayal. Persons deprived of meaningful social contact and subjected to emotional manipulation can quickly become deeply destabilized and debilitated.

57. The predominant method of isolation and social exclusion is solitary confinement, which is defined as "the confinement of prisoners for 22 hours or more a day without meaningful human contact".[42] Under international law, solitary confinement may be

[40] See also, Cakal, "Debility, dependency and dread", pp. 23–24.
[41] General Assembly resolution 43/173, annex.
[42] The Nelson Mandela Rules, rule 44.

imposed only in exceptional circumstances, and "prolonged" solitary confinement, in excess of 15 consecutive days, is regarded as a form of torture or ill-treatment.[43] The same applies to frequently renewed measures which, in conjunction, amount to prolonged solitary confinement.[44] Even more extreme than solitary confinement is "incommunicado detention", which deprives the inmate of any contact with the outside world, in particular with medical doctors, lawyers and relatives and has repeatedly been recognized as a form of torture.[45]

58. Other methods of targeting the victim's need for social rapport include deliberate medical, linguistic, religious or cultural isolation within a group of inmates, as well as the instigation, encouragement or tolerance for oppressive situations of harassment, bullying or mobbing against targeted individuals or groups. For example, the discriminatory or punitive detention of individual homosexual men in collective cells with violent, homophobic inmates will foreseeably create a situation of mobbing involving social isolation, threats, humiliation and sexual harassment and inflict severe levels of constant stress and anxiety likely to amount to torture regardless of the occurrence of physical violence.

59. The severe psychological and physical effects of incommunicado detention, solitary confinement and social exclusion, including mobbing, are well documented and, depending on the circumstances, can range from progressively severe forms of anxiety, stress and depression to cognitive impairment and suicidal tendencies. Particularly if prolonged or indefinite, or combined with the death row syndrome, isolation and social exclusion can also cause serious and irreparable mental and physical harm.

60. Apart from, and generally in combination with, isolation and social exclusion, torturers frequently target victims' need for emotional rapport through deliberate emotional manipulation. This may include methods such as:

- Fostering and then betraying emotional rapport and personal trust
- Provoking "misconduct" through "guilty/guilty" choices and then inducing emotions of guilt or shame for betraying the torturer's trust
- Destroying emotional ties by forcing victims to betray or participate in the abuse of other prisoners, relatives and friends, or vice versa
- Deceptive, disorienting or otherwise confusing information or role play

6. Communal trust (institutional arbitrariness and persecution)

61. Every human being has the inherent need for communal trust. Confronted with the overwhelming power of the State, individuals must be able to compensate for their own powerlessness by relying on the community's ability and willingness to exercise self-restraint, most notably through adherence to the rule of law and the principles of due process. As long as administrative or judicial error, negligence or arbitrariness can be effectively, if at times imperfectly, addressed and corrected through a regular system of institutional complaints and remedies, the resulting inconveniences, injustices and frustrations may have to be tolerated as an inevitable side effect of the constitutional processes that govern democratic societies.

62. As discussed in detail in the Special Rapporteur report on the interrelation between corruption and torture (A/HRC/40/59, paras. 16 and 48–60), these constitutional processes are fatally corrupted when administrative or judicial power is deliberately misused for arbitrary purpose, and when the relevant institutional oversight mechanisms are complacent, complicit, inaccessible or paralysed to the point of effectively removing any prospect of due process and the rule of law.

[43] Ibid., rule 43 (1) (b); and A/66/268, para. 26.
[44] A/68/295, para. 61.
[45] A/HRC/13/42, paras. 28 and 32; Inter-American Court of Human Rights, *Velásquez Rodríguez v. Honduras*, Judgement, 29 July 1988, para. 187; CCPR/C/51/D/458/1991, annex, para. 9.4; and CCPR/C/61/D/577/1994, para. 8.4.

63. Typical of contexts marked by systemic governance failures, or by the persecution of individual or groups, sustained institutional arbitrariness fundamentally betrays the human need for communal trust and, depending on the circumstances, can cause severe mental suffering, profound emotional destabilization and lasting individual and collective trauma. In the view of the Special Rapporteur, when institutional arbitrariness or persecution intentionally and purposefully inflicts severe mental pain or suffering on powerless persons, it can constitute or contribute to psychological torture. In practice, this question is of particular, but not exclusive, relevance in relation to the deliberate instrumentalization of arbitrary detention and related judicial or administrative arbitrariness.

64. Apart from incommunicado detention and solitary confinement, discussed above, some of the most notable forms of arbitrary detention include:

- **Enforced disappearance.** This involves the arrest, detention, abduction or any other form of deprivation of liberty by or with the authorization, support or acquiescence of State officials, followed by a refusal to acknowledge such detention or by concealment of the fate or whereabouts of the disappeared persons, which places them outside the protection of the law.[46] Enforced disappearance can amount to a form of torture in relation both to the disappeared person and to their relatives (A/56/156, paras. 9–16).[47]
- **Coercive detention.** This involves the deliberate instrumentalization of the progressively severe suffering inflicted by prolonged arbitrary detention for the purpose of coercing, intimidating, deterring or otherwise "breaking" the detainee or third persons.
- **Cruel, inhuman or degrading punishment.** This involves excessively long or harsh prison sentences, imposed for the purpose of deterrence, intimidation and punishment, but grossly disproportionate to the seriousness of the offence and incompatible with fundamental principles of justice and humanity. It can also include the severe mental and emotional suffering inflicted by "death row syndrome".[48]

65. Whether a particular situation of confinement qualifies as "detention" depends not only on whether persons concerned have a de jure right to leave, but also on whether they are de facto able to exercise that right without exposing themselves to serious human rights violations (principle of non-refoulement).

66. Whether arbitrary detention and related judicial or administrative arbitrariness amount to psychological torture must be determined on a case-by-case basis. As a general rule, the longer a situation of arbitrary detention lasts and the less detainees can do to influence their own situation, the more severe their suffering and desperation will become. Victims of prolonged arbitrary confinement have demonstrated post-traumatic symptoms and other severe and persistent mental and physical health consequences. In particular, the constant exposure to uncertainty and judicial arbitrariness and the lack of restrained or insufficient communication with lawyers, doctors, relatives and friends induces a growing sense of helplessness and hopelessness and, over time, may lead to chronic anxiety and depression.

67. Therefore, as the Special Rapporteur has repeatedly stressed both in the context of irregular migration (A/HRC/37/50, paras. 25–27) and in individual communications,[49] where arbitrary detention and judicial arbitrariness is intentionally imposed or perpetuated

[46] International Convention for the Protection of All Persons from Enforced Disappearance, art. 2.

[47] CAT/C/54/D/456/2011, para. 6.4.

[48] A/67/279, para. 42. European Court of Human Rights, *Soering v. the United Kingdom*, Application No. 14038/88, Judgment, 7 July 1989, para. 111.

[49] See, most prominently, individual communications sent by the Special Rapporteur in the cases of Chelsea Manning, communication No. AL USA 22/2019, 1 November 2019; and Julian Assange, communications Nos. UA/GBR/3/2019, 27 May 2019; and UA GBR 6/2019, 29 October 2019.

for purposes such as coercion, intimidation, deterrence or punishment, or for reasons related to discrimination of any kind, it may amount to psychological torture.

7. Torturous environments (accumulation of stressors)

68. The above outline of specific methods should not obscure the fact that, in practice, torture victims are almost always exposed to a combination of methods, techniques and circumstances deliberately designed to inflict both mental and physical pain or suffering. If applied in isolation or for a short period of time, some of these techniques and circumstances may not necessarily amount to torture. In combination and with increasing duration, however, they have a devastating effect.[50] Thus, a finding of torture may depend not only on the specific characteristics of particular techniques or circumstances, but also on their cumulative and/or prolonged effect, sometimes in conjunction with external stress factors or individual vulnerabilities that are not under the control of the torturer and may not even be consciously instrumentalized by him. As aptly stated by the International Tribunal for the Former Yugoslavia, torture "may be committed in one single act or can result from a combination or accumulation of several acts, which, taken individually and out of context, may seem harmless ... The period of time, the repetition and various forms of mistreatment and severity should be assessed as a whole".[51]

69. Particularly in the absence of physical pain and suffering, due consideration must always be given to the context in which certain methods are used. For example, while in normal circumstances, publicly expressed insults and defamation may amount to a criminal offence, but not to torture, such an assessment might change significantly when the same conduct becomes a matter of systematic, State-sponsored vilification and persecution involving additional measures such as arbitrary detention, constant surveillance, systematic denial of justice and serious threats or intimidation.[52] Moreover, each person may react differently to a particular method of torture. In practice, therefore, torture techniques must always be evaluated by reference to the targeted victim's individual vulnerabilities (A/73/152), whether attributable to disability (A/63/175), migration status (A/HRC/37/50) or any other reason.

70. In such situations, rather than looking at each factor in isolation and asking which ones cross the "severity" threshold, it is more appropriate to speak of a "torturous environment", that is to say, a combination of circumstances and/or practices designed or of a nature, as a whole, to intentionally inflict pain or suffering of sufficient severity to achieve the desired torturous purpose.[53] This reflects the reality that victims tend to experience and respond to torture holistically, and not as a series of isolated techniques and circumstances, each of which may or may not amount to torture.[54]

E. Cybertorture

71. A particular area of concern, which does not appear to have received sufficient attention, is the possible use of various forms of information and communication technology ("cybertechnology") for the purposes of torture. Although the promotion, protection and enjoyment of human rights on the Internet has been repeatedly addressed by the Human Rights Council (see A/HRC/32/L.20; and A/HRC/38/L.10/Rev.1), torture has

[50] Physicians for Human Rights and Human Rights First, *Leave No Marks: Enhanced Interrogation Techniques and the Risk of Criminality* (2007), p. 6.

[51] International Criminal Tribunal for the former Yugoslavia, Trial Chamber II, *Prosecutor v. Milorad Krnojelac*, Case No. IT-97-25, Judgment, 15 March 2002, para. 182; see also, European Court of Human Rights, *Ireland v. the United Kingdom*, Application No. 5310/71, para. 168.

[52] Large-scale historical examples of such abuse were the so-called "struggle sessions" used during the Chinese Cultural Revolution (1966–1976) to publicly humiliate, abuse and torture political dissidents. See Tom Phillips, "The cultural revolution: all you need to know about China's political convulsion", *The Guardian*, 10 May 2016. For a recent individual case, see OHCHR, "UN expert says 'collective persecution' of Julian Assange must end now", 31 May 2019.

[53] Pérez-Sales, *Psychological Torture*, p. 284.

[54] Luban and Newell, "Personality disruption as mental torture", pp. 363 and 374.

been understood primarily as a tool used to obstruct the exercise of the right to freedom of expression on the Internet, and not as a violation of human rights that could be committed through the use of cybertechnology.

72. This seems surprising given that some of the characteristics of cyberspace make it an environment highly conducive to abuse and exploitation, most notably a vast power asymmetry, virtually guaranteed anonymity and almost complete impunity. States, corporate actors and organized criminals not only have the capacity to conduct cyberoperations inflicting severe suffering on countless individuals, but may well decide to do so for any of the purposes of torture. It is therefore necessary to briefly explore, in a preliminary manner, the conceivability and basic contours of what could be described as "cybertorture".

73. In practice, cybertechnology already plays the role of an "enabler" in the perpetration of both physical and psychological forms of torture, most notably through the collection and transmission of surveillance information and instructions to interrogators, through the dissemination of audio or video recordings of torture or murder for the purposes of intimidation, or even live streaming of child sexual abuse "on demand" of voyeuristic clients (A/HRC/28/56, para. 71), and increasingly also through the remote control or manipulation of stun belts (A/72/178, para. 51), medical implants and, conceivably, nanotechnological or neurotechnological devices.[55] Cybertechnology can also be used to inflict, or contribute to, severe mental suffering while avoiding the conduit of the physical body, most notably through intimidation, harassment, surveillance, public shaming and defamation, as well as appropriation, deletion or manipulation of information.

74. The delivery of serious threats through anonymous phone calls has long been a widespread method of remotely inflicting fear. With the advent of the Internet, State security services in particular have been reported to use cybertechnology, both in their own territory and abroad, for the systematic surveillance of a wide range of individuals and/or for direct interference with their unhindered access to cybertechnology.[56] Electronic communication services, social media platforms and search engines provide an ideal environment both for the anonymous delivery of targeted threats, sexual harassment and extortion and for the mass dissemination of intimidating, defamatory, degrading, deceptive or discriminatory narratives.

75. Individuals or groups systematically targeted by cybersurveillance and cyberharassment are generally left without any effective means of defence, escape or self-protection and, at least in this respect, often find themselves in a situation of "powerlessness" comparable to physical custody. Depending on the circumstances, the physical absence and anonymity of the perpetrator may even exacerbate the victim's emotions of helplessness, loss of control and vulnerability, not unlike the stress-augmenting effect of blindfolding or hooding during physical torture. Likewise, the generalized shame inflicted by public exposure, defamation and degradation can be just as traumatic as direct humiliation by perpetrators in a closed environment.[57] As various studies on cyberbullying have shown, harassment alone in comparatively limited environments can expose targeted individuals to extremely elevated and prolonged levels of anxiety, stress, social isolation and depression and significantly increases the risk of suicide.[58] Arguably, therefore, much more systematic, government-sponsored threats and harassment delivered through cyber-technologies not only entail a situation of effective powerlessness but may well inflict

[55] Al Elmondi, "Next-generation nonsurgical neurotechnology", Defense Advanced Research Projects Agency, available at www.darpa.mil/program/next-generation-nonsurgical-neurotechnology.

[56] See Human Rights Council resolutions 32/13 and 38/7. See, most notably, the 2013 disclosures by Edward Snowden of the global surveillance activities conducted by the United States National Security Agency and its international partners, see Ewan Macaskill and Gabriel Dance, "NSA files: decoded – what the revelations mean for you", *The Guardian*, 1 November 2013.

[57] Pau Pérez-Sales, "Internet and torture" (forthcoming).

[58] Ann John and others, "Self-harm, suicidal behaviours, and cyberbullying in children and young people: systematic review", *Journal of Medical Internet Research*, vol. 20, No. 4 (2018); Rosario Ortega and others, "The emotional impact of bullying and cyberbullying on victims: a European cross-national study", *Aggressive Behavior*, vol. 38, No. 5 (September/October 2012).

levels of anxiety, stress, shame and guilt amounting to "severe mental suffering", as required for a finding of torture.[59]

76. More generally, in order to ensure the adequate implementation of the prohibition of torture and related legal obligations in present and future circumstances, its interpretation should evolve in line with new challenges and capabilities arising in relation to emerging technologies not only in cyberspace, but also in areas such as artificial intelligence, robotics, nanotechnology and neurotechnology, or pharmaceutical and biomedical sciences, including so-called "human enhancement".

IV. Conclusions and recommendations

77. **On the basis of the above observations and considerations on the substantive dimensions of the concept of "psychological torture", and informed by broad stakeholder consultations, the Special Rapporteur, to the best of his knowledge and judgment, proposes the conclusions and recommendations set out below.**

78. **Prevalence. Psychological torture occurs in a wide variety of contexts, including ordinary criminal investigations, police detention, "stop-and-search" operations, intelligence gathering, medical, psychiatric and social care, immigration, administrative and coercive detention, as well as in social contexts such as domestic violence, mobbing, cyberbullying and political or discriminatory persecution.**

79. **General recommendations. Psychological torture constituting a subcategory to the generic concept of torture, the Special Rapporteur herewith reiterates the general recommendations of his mandate (E/CN.4/2003/68, para. 26) and emphasizes their full applicability, mutatis mutandis, to methods, techniques and circumstances amounting to "psychological torture".**

80. **Non-coercive investigation. Given the practical importance of continuing to clarify the fault lines between permissible non-coercive investigative techniques and prohibited coercive interrogation, the Special Rapporteur reaffirms the conclusions and recommendations in the thematic report submitted by his predecessor (A/71/298) and invites States to actively support the ongoing process towards developing international guidelines on investigative interviewing and associated safeguards.**

81. **Istanbul Protocol. Personnel tasked with medical examinations, the determination of migration status or the judicial adjudication of potential cases of torture should be provided with function-specific training in the identification and documentation of the signs of torture and ill-treatment, in accordance with the updated Protocol.**

82. **Specific recommendations. More specifically with regard to the notion of "psychological torture", the Special Rapporteur recommends that States adopt, incorporate and implement the following definitions, interpretations and understandings throughout their national normative, institutional and policy frameworks, including, in particular, their training and instruction of medical, judicial, administrative, military and law enforcement personnel.**

83. **Working definitions. For the purposes of human rights law, "psychological torture" should be interpreted to include all methods, techniques and circumstances which are intended or designed to purposefully inflict severe mental pain or suffering without using the conduit or effect of severe physical pain or suffering. Conversely, "physical torture" should be interpreted to include all methods, techniques and environments which are intended or designed to purposefully inflict severe physical pain or suffering, regardless of the parallel infliction of mental pain or suffering.**

84. **Constitutive elements: In the context of psychological torture,**

[59] Samantha Newbery and Ali Dehghantanha, "A torture-free cyber space: a human right", 2017.

(a) **“Mental suffering” refers primarily to subjectively experienced mental suffering but, in its absence, can also refer to objectively inflicted mental harm alone;**

(b) **“Severity” of mental pain or suffering depends on a wide range of factors that are endogenous and exogenous to the individual, all of which must be holistically evaluated on a case-by-case basis and in the light of the specific purpose pursued by the treatment or punishment in question;**

(c) **“Powerlessness” refers to the victim’s inability to escape or resist the infliction of mental pain or suffering, and can be achieved not only through physical custody but also, for example, through incapacitating medication, deprivation of legal capacity, serious and immediate threats and social contexts marked by coercive control, mobbing, cyberbullying and persecution;**

(d) **“Intentionality” is present where the perpetrator knew or should have known that, in the ordinary course of events, his or her acts or omissions would result in the infliction of severe mental pain or suffering, whether alone or in conjunction with other factors and circumstances;**

(e) **“Purposefulness” is present when mental pain or suffering is inflicted for purposes such as interrogation, punishment, intimidation and coercion of the victim or a third person, or with a discriminatory nexus, regardless of purportedly benevolent purposes such as “medical necessity”, “re-education”, “spiritual healing”, or “conversion therapy”;**

(f) **“Lawful sanctions” cannot include any sanctions or measures prohibited by relevant international instruments or national legislation, such as prolonged or indefinite solitary confinement, sensory manipulation, collective punishment, prohibition of family contacts, or detention for purposes of coercion, intimidation, or for reasons related to discrimination of any kind.**

85. **Predominant methods. In contrast to physical torture, which uses the body and its physiological needs as a conduit for affecting the victim’s mind and emotions, psychological torture does so by directly targeting one or several basic psychological needs, such as:**

(a) **Security (inducing fear, phobia and anxiety);**

(b) **Self-determination (domination and submission);**

(c) **Dignity and identity (humiliation, breach of privacy and sexual integrity);**

(d) **Environmental orientation (sensory manipulation);**

(e) **Social and emotional rapport (isolation, exclusion and emotional manipulation);**

(f) **Communal trust (institutional arbitrariness and persecution).**

86. **Torturous environments. In practice, torture victims are almost always exposed to a combination of techniques and circumstances inflicting both mental and physical pain or suffering, the severity of which depends on factors such as duration, accumulation and personal vulnerability. Victims tend to experience and respond to torture holistically, and not as a series of isolated techniques and circumstances, each of which may or may not amount to torture. Accordingly, psychological torture may be committed in one single act or omission or can result from a combination or accumulation of several factors which, taken individually and out of context, may seem harmless. The intentionality, purposefulness and severity of the inflicted pain or suffering must always be assessed as a whole and in the light of the circumstances prevailing in the given environment.**

87. **Challenges of new technologies. In order to ensure the adequate implementation of the prohibition of torture and related international legal obligations in present and future circumstances, its interpretation should evolve in line with new challenges and capabilities arising in relation to emerging technologies**

not only in cyberspace, but also in areas such as artificial intelligence, robotics, nanotechnology and neurotechnology, or pharmaceutical and biomedical sciences including so-called "human enhancement".

Exhibit N

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The Multiple Sclerosis Stress Equation

Benjamin Solomon[1*], Peter Boruta[2], Dagmar Horvath[3] and John MacKellar[4]

*Correspondence: ben.t.solomon@outlook.com

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[1]Business AIR Models Inc, 1010 Blair Ave, Sunnyvale, CA 94087, USA.
[2]Slovak Medical University, 831 01 Bratislava,Slovakia.
[3]Dagmar Horvath MD, 2550 Samaritan Dr, Suite A, San Jose, CA 95124.
[4]Mooroopna Medical Center, 87 McLennan St, Mooroopna, VIC 3629, Australia.

Abstract

Background: Multiple Sclerosis (MS) is an auto immune disease, unpredictable in its symptoms, with uncertain prognosis. The most common phenotype is Relapsing-Remitting (RRMS). Despite remissions, relapses lead to CNS damage, and less CNS function recovery from recurrence of relapses, leading to increasing debilitation. There is no cure, and medicines are used for prevention of relapse, with intervention reserved generally for relief from serious inflammatory symptoms.

Methods: This statistical study examines a 7-year span of very detailed medical records of one RRMS patient. Seven clinically observable MS disease responses to distress are identified by mapping the magnitude of distress against duration of symptom sets. Natural divisions were identified in this mapping. Probability distributions, within these natural divisions, were formally constructed. Further investigation is warranted as to how these relate to physiologic, histologic, and biochemical processes involved in MS pathology.

Results: This study establishes that stressors exacerbate and expose the presence of the disease and that distress, is the missing consideration in many clinical studies as it is an intermediate outcome between stressors and symptoms. The statistical analysis documents 4 distress characteristics, and 7 Disease Response characteristics. Distress or its absence can predictably induce an MS relapse or remission, respectively. Mathematical and statistical models between distress and relapse are derived that characterize the RRMS disease response. These formulae facilitate managing other patients' symptoms. This study recommends several approaches to modeling symptom set data for the purpose of yielding better, more consistent models. For example, how to utilize the results of survival functions, and EDDS. A Stress-Disease Meta Model is proposed. That, Stressors cause Susceptible patients to exhibit a Stress Response (or distress) that leads to Effectors causing tissue Injury evidenced as Disease Responses. The Disease Processes determine how healing and/or deterioration is evidenced in the disease as Disease Responses. This facilitates the structuring and tracking of triggers, symptoms, other factors and/or comorbidities, to yield more usable data for statistical analysis. Finally, a multi-process disease-wellness approach is proposed that should open further avenues for research.

Conclusion: MS is considered an unpredictable disease because (1) MS symptom sets are triggered within 3 days of stress triggers, (2) The random arrival of stress triggers causes the appearance of random symptom sets, and (3) MS is also unpredictable as the underlying disease processes are dynamic processes that keep switching.

Keywords: Autoimmune, Demyelination, Relapsing-Remitting, Central Nervous System, Oligodendrocytes, Stress

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Introduction: Overview

Multiple sclerosis (MS) is a chronic autoimmune [1], inflammatory neurological disease of the central nervous system. Prognosis is often uncertain [2]. A management methodology based on stressors is proposed for MS.

It is generally agreed that MS is due to demyelination of the neurons. From a clinical perspective four [3] disease phenotypes are recognized, (i) Clinically Isolated Syndrome (CIS), (ii) Relapsing-remitting MS (RMS), (iii) Secondary progressive MS (SPMS), (iv) Primary progressive MS (PPMS). Even though pathologically there are four fundamentally [4] different patterns of demyelination, it is traditionally viewed [5] as a two-stage disease, with early inflammation responsible for relapsing–remitting disease and delayed neurodegeneration causing non-relapsing progression. The final effectors of demyelination [6] are the microglia, but the initial trigger that leads to abnormal microglial activation is unknown.

The cause of MS is unknown. It is considered to be an autoimmune [1] disease. Research agrees that genetic predisposition, infectious mononucleosis with chronic EBV, vitamin D deficiency and environmental interactions are risk factors for MS. Other Viral [5] and other etiologies and risk factors [7] have also been hypothesized and studied such as infections, vaccines, parasites, solvents, cigarette smoking, body mass index, alcohol & caffeine, the gut microbiota–brain axis, and comorbidities. Research has even considered a fungal etiology [8]. Stress has been increasingly investigated [9-11] as a factor that can be modified and thus affect the course of the disease.

This paper mathematically establishes the effect of stress as a direct cause of MS relapses in RRMS, with applicability to other MS phenotypes. A data-gathering methodology is evaluated. It provides better data for statistical and mathematical analysis of MS and for derivation of more predictive relationships between MS disease pathology and distress.

Results: Summary of Findings

This paper establishes extreme-negative-emotional-stress-response ("distress") as a direct effector of an MS relapse. A data-gathering methodology is evaluated, that provides better data for statistical and mathematical analysis and derivation of more predictive relationships between MS disease pathology and its effectors. A direct relationship between distress and the exacerbation of MS is provided and modeled mathematically, to produce an MS stress equation. It is shown that the exacerbation of MS by distress is predictable and can be expressed mathematically.

The effect of psychological stress on the immune system and disease is established in the literature [9-11], including correlation of stress with the onset and exacerbation of MS. The present study shows that the occurrence of distress can be regarded as a trigger, and each distress trigger will induce an MS symptom set. A symptom set is defined as a set of one or more symptoms typical for MS, and the manifestation of the symptom set depends on where the demyelination occurs in that patient, and to what extent. Typically discussed examples of symptoms in MS could include increased fatigue, balance problems, degradation of coordination, cognitive problems, vision problems, frequent urination and bowel incontinence, hearing problems etc.

As previously reported [2] patient perspectives on disease progression in MS and other chronic progressive conditions are under-investigated and under-reported. The limited evidence available highlights the importance of providing adequate information and effective communication involving healthcare professionals [2]. There is the need to structure the clinical observations into characteristics that lead to more effective communications. Towards this goal, **Figure 1** summarizes the statistical processes that govern the relapse and remissions with respect to symptom sets and stress triggers using the Hazari Data Set (see next section). Herein, relapse is defined as the onset or exacerbation of one or more symptom sets.

This study proposes subtle shifts in our perspective towards MS research that emerges from studying the effect of acute and chronic stressors on MS symptom sets.

This paper proposes (i) the statistical and mathematical properties of MS symptom sets and the role of distress triggers (ii) an MS Stress-Disease Meta Model that is a step-by-step cause and effect sequence structure for directly relating distress and the progress of MS and (iii) other inferences pertaining to disease analysis.

The Stress-Disease Meta Model consists of 8 parts,

1. Susceptibility: A measure between 0 (will not succumb to the disease) and 1 (will always succumb to the disease). It is an indication of how likely the underlying tissue is likely to suffer injury in the presence of stress responses and/or effectors. This is not easy to estimate. As a population sample, susceptibility can be measured as a probability or proportion of the population that experience the disease. That is, population susceptibility is not conditional on the presence of Stressors or Stress Response. However, as an individual, there likely will be genetic, and environmental factors that condition susceptibility. A mathematical definition of susceptibility is outside the scope of this paper.
2. Stressors: Cause the disease to be exposed or made visible in susceptible patients when these stressors produce harmful stress responses. This is represented as distress triggers in our stress equations.
3. Stress Response: Indicates how the biochemistry responds to stressors. This is a very complex process, and our analysis suggests that these complex processes involve control mechanisms that are both feedforward and feedback. These control theory concepts are well documented in electrical engineering. Feedforward is a mechanism to control outcomes by knowing the environment, while feedback is a time delayed mechanism to achieve stability within that environment. In a sense one could say that

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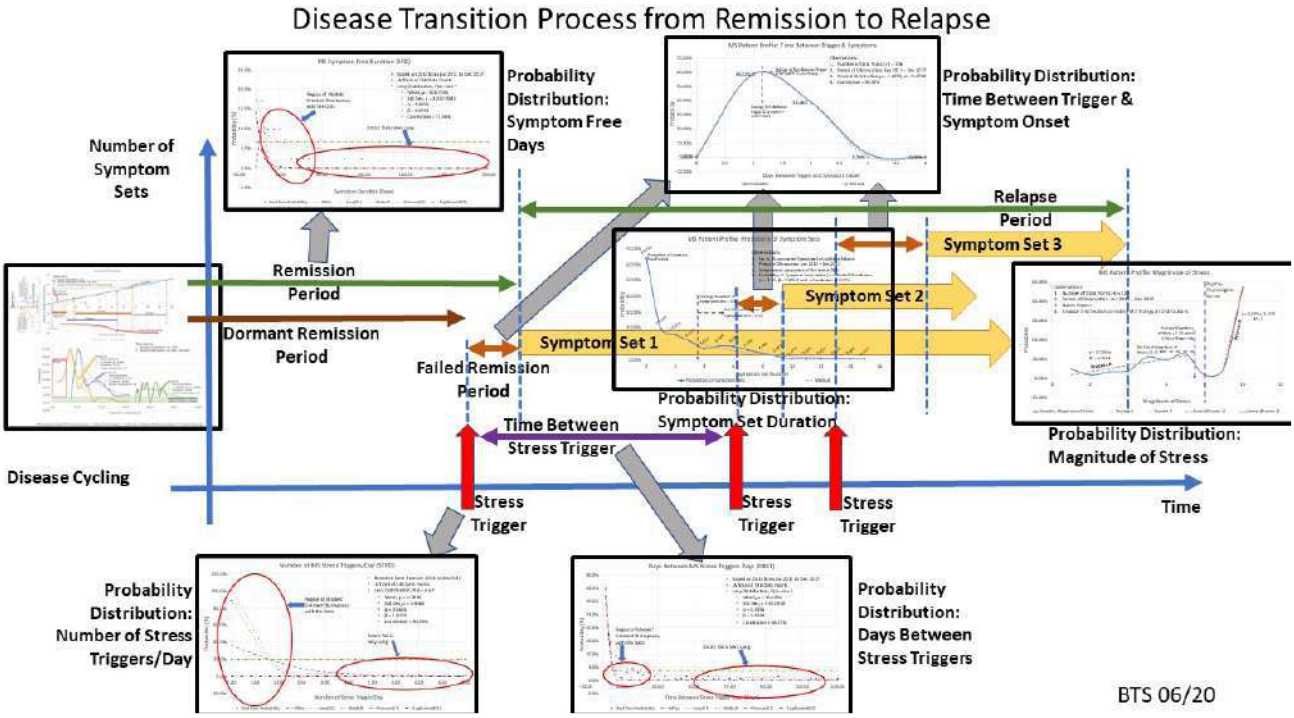


Figure 1: Statistical processes present in MS Symptom Sets.
Depicts how all the statistical distributions coalesce to produce the MS symptom set. It shows, given that MS is present, the external events trigger the onset or exacerbation of symptom sets.

a drug-based treatment is a feedforward mechanism, while symptom management is a feedback mechanism. This paper has not made any attempt to mathematically introduce these control mechanisms as these are outside the scope of this paper.

4. Effectors: The mechanism (toxins, virus, etc.) by which stress response leads to susceptible tissue injury.
5. Injury: Damage done to susceptible tissue, including both temporary and permanent damages.
6. Disease: A state of being in injury.
7. Disease Response: The statistical behavior of injured tissue exhibiting as a disease.
8. Disease Processes: The pathogenesis and biochemistry that describe individual, connected sequences to injure or heal the affected tissue. There are two classes of Disease Processes,

a. Regeneration Process: A group of subprocesses that heal the injured tissue.

b. Degeneration Process: A group of subprocesses that cause injury to tissue.

Our study determined that an MS patient, Susceptible to Stressors, has predictable Stress Response - Disease Responses relationships. **Table 1** demonstrates that application of harmful-stress, triggers distress. This in turn leads to the onset or exacerbations of MS symptom sets within 3 days. The literature provides evidence that these symptom sets can be strongly associated with brain lesions [**12**,**13**]. This deterministic Stress Response may explain the inconclusiveness or negation of some earlier research [**14**-**17**] as the precedent step, distress, was not sufficiently or uniquely accounted for.

This paper reports the results of the investigation into how distress induces MS symptom sets [**18**-**20**], documents the probability distributions characteristic of the disease, proposes several new statistical responses correlated with symptom production, and establishes that distress does induce MS symptom sets. The scope of the paper does not include the pathology of the Stress Response resulting in the inducement or action of Effectors, or of Disease Processes leading to Injury. However, the mapping of the statistical characteristics of the Disease Response to Disease Processes warrants future study.

The analyses of **Tables 1 (a)** & **(b)**, shows that:

1. Stress Not Present (**Table 1(a)**, 3rd & 4th row): MS symptoms are not induced without negative stress.
2. Stress Present (**Table 1 (b)**, 1st & 2nd row): Negative stress induces MS symptoms.

a. 109 (78.4%) out 139 days, the presence of negative stress (Stress Magnitude ≥1) results in an increase in the number of symptom sets.

b. 2 (1.4%) out of 139 days, symptoms continue to be present but at some point, in the future (1 and 280 days), the

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Table 1: Day Count & Magnitude Per MS Condition.

Change in Number of Symptom Clusters		Increase	Increase	Increase	No Change	No Change	No Change	Decrease	Decrease	Decrease	
Change in Symptom Cluster Duration		**Increase**	**No Change**	**Decrease**	**Increase**	**No Change**	**De-crease**	**Increase**	**No Change**	**Decrease**	
Triggers	**Negative Stress Magnitude**										**Totals**
Yes	>0	21	73	15	0	2	0	7	7	4	129
Yes	=0	0	0	0	0	8	1	0	1	0	10
No	>0	0	0	0	0	0	0	0	0	0	0
No	=0	22	11	47	91	2042	111	53	32	14	2423
	Totals	43	84	62	91	2052	112	60	40	18	2562

Table 1(b)

Change in Number of Symptom Clusters		Increase	Increase	Increase	No Change	No Change	No Change	Decrease	Decrease	Decrease	
Change in Symptom Cluster Duration		**Increase**	**No Change**	**Decrease**	**Increase**	**No Change**	**De-crease**	**Increase**	**No Change**	**Decrease**	
Triggers	**Negative Stress Magnitude**										**Aver-age**
Yes	>0	7.4	7.5	8.1	--	5.5	--	8.1	8.4	5.8	7.5
Yes	=0	--	--	--	--	0.0	0.0	--	0.0	--	0.0
No	>0	--	--	--	--	--	--	--	--	--	
No	=0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Average	3.6	6.5	2.0	0.0	0.0	0.0	1.0	1.5	1.3	0.4

number of symptom sets remains the same.

c. In the remaining 18 (12.9%) days, symptoms continue to be present but at some point, in the future (1 and 280 days), the number of future symptom sets decrease.

d. When no stress is present 10 (7.2%) out of 139 days, at some point, in the future (1 and 280 days), the number of future symptom sets decrease or continue with no change.

Table 1 (b) shows that the average Magnitude of Stress was consistent across the 2011-2017 period. This indicates that the stress scoring method was robust.

This paper describes the 7 statistically identified disease responses (A1, A2, B, IR, NR, NT & U) that are present with MS symptom sets and their associated statistical properties. This paper does not report how distress, alters brain neurology, as that would require regular testing, such as weekly MRI scans. However, even with MRI scans it has been shown that intracortical lesions remain largely undetected with current MR imaging resolution [5].

MS is known as an unpredictable disease [6]. It has been shown that stress management can reduce [21-24] certain types of brain lesions. Therefore, the understanding of the statistical properties of these negative-stress-triggers, is necessary to manage subsequent MS symptoms. Otherwise, without this understanding, MS may present as different variations of the same underlying disease. Histologically [3] most cases exhibit T-cell and macrophage-dominated inflammatory reaction, even though there may be different versions of the disease. This paper proposes that MS exhibits many different clinical variations because of the different statistical properties of negative-stress-triggers. Therefore, it can be hypothesized that stress arises as a product of the onset or exacerbation of an MS symptom set, or pursuant to it, which consequently acts as a feedback mechanism to modify the exacerbation and affect the course of the disease.

Though the cause of MS is still inconclusive [6] (and a cure is not yet within reach), this paper proposes a management of symptom sets based purely on statistical inferences. This is because distress does have a physiological impact on the body that triggers the onset and exacerbations of MS symptom sets, and knowledge of the Disease Response to the Stressors can be used to establish the criteria for disease management.

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Given that this study has confirmed, **Table 1**, that negative-stress-triggers cause the onset and exacerbations of MS symptom set, to manage this, this paper proposes,

1. Trigger Identification: It is imperative that the stress triggers be identified. These stress triggers were found to be within 1 to 3 days (short duration confirmed in the literature [**20**]) of the start of a symptom set, and therefore, can be identified by searching the immediate recent past for possible causes.
2. Stress Management [**25**,**26**]: Stress-trigger buffers, be identified and implemented. That is, mechanism to deflect, intervene, lessen, or eliminate negative-stress-triggers together with supportive and therapeutic resources be readily accessible to the patient.
3. Treatment Opportunity: There is a 1-to-3-day gap between negative-stress-trigger events and the start of symptom sets. This 1-to-3-day gap is a specific time-window of opportunity to evaluate early treatments before the start of symptom sets.

Methods: Mathematical & Statistical Models

The MS mathematical models reviewed here illustrate how the statistical study presented in this paper is different from these models, and therefore, provides new avenues for further research.

The Simple Mathematical Model [**27**] (SMM) for relapsing remitting multiple sclerosis was proposed to explain the non-linear irregular clinical cases and disseminated distribution of the lesions in MS with either immune or viral harmful effectors. Relapsing Remitting Multiple Sclerosis Model [**28**] (RMSM) based on SMM was proposed as a time dependent version of the SMM and assumes that the affected nerve cells secrete the toxic effectors (virus) which invade the robust nerve cells. The Reaction-Diffusion-Chemotaxis Model [**29**] (RDCM) proposes three equations describing the evolution of macrophages, cytokine, and apoptotic oligodendrocytes in the dynamics of multiple sclerosis.

All three mathematical models are different from this paper's findings. This paper has shown that when MS is present, negative stress, triggers negative emotions which in turn triggers MS symptom sets observed clinically. Whereas SMM, RMSM & RDCM are concerned with modeling the underlying disease manifestation but not related to symptom sets. Building [**27**] a reliable mathematical model to reproduce the clinical manifestation in MS is one of the possible approaches to elucidate the pathophysiological mechanism of MS to invent further therapeutic approaches. The first two uses some form of the Reproduction Model. One of the authors, Solomon, proposed Collated Distributions [**30**] and Wilcoxon Regression [**31**] as more robust statistical techniques to modeling non-linear functions. Noting that many commonly used statistical techniques require Normality, the standard references [**32**] would have been better if it covered more ground on the cautions of statistical analyses.

However, there are two other models [**33**,**34**] worth critiquing. One of the models [**33**], as will be shown later, does not distinguish between Stressors and Stress Response. The other model [**34**], is a much better model in that it provides useful insights into the MS disease. However, one of the authors, Solomon, is wary of polynomial models [**27**-**29**,**33**] as polynomials can be made to fit any data without sufficiently explaining the what, or the why of the underlying process. Note that, this paper references the Levy Distribution [**31**] which is the range-constrained Power Law distribution with lower L and upper U bounds from the data x, $L < x < U$ (unlike the Power Law where the data is unbounded $0 < x < \infty$) and yields different statistical properties from the unconstrained Power Law. For the Weibull Distribution the shape & scale parameters are α & β, respectively.

Methods: The Hazari Data Set

Patient Hazari is a research scientist diagnosed with relapsing-remitting Multiple Sclerosis. Intent on understanding and managing his disease, he collaborated with his doctors by keeping detailed medical records with the goal of using empirical findings in conjunction with treatments to minimize relapses and symptoms. Empirically, he determined a correlation between distress and relapse, and developed and used stress management methods.

The Hazari data, records with daily granularity, the symptoms when present, of his MS relapses such as numbness in extremities, bladder and bowel dysfunction, visual disturbances, muscle recruitment, but also identifies imaging findings, such as new findings in his brain and spine MRIs.

The distress triggers in the study time window of 2010-2017 originated from two sources and were inflicted as sudden and transient, or sustained for a short time, but with protracted effect. During this period, he actively managed his disease in response to acute and chronic stress. Hazari's medical records document multiple parameters, date & stress triggers ratings, with fine granularity. His symptoms were tracked by date. Thus, it is possible to statistically correlate the effect of distress triggers with symptoms. Symptoms were associated into one set if they are discerned within 48 hours of one another, except if another stress trigger is present in that time.

Stress triggers were assigned magnitudes from 0-10, with 10 indicating the most severe emotional distress described as equivalent to causing the death of a loved one. Stress triggers that did not elicit distress were assigned a value of 0. All trigger magnitudes from 1-10 produced symptom sets that persisted more than 48 hours. All stress data below magnitude 1 is excluded in this paper.

The threshold of 1 was met by distress that resulted immediately in mental and physical effects including feeling very hot and sweating, elevated pulse rate and blood pressure, feeling of weight on his chest and burning in his stomach and at the base of his sternum, feeling alarm, fear or anger, significant mood change, hopelessness, lingering anxiety,

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showing uncharacteristic reactivity, and loss of concentration associated with pre-occupation with the trigger. These responses would have to be coupled with ensuing frequent distraction by thoughts about his distress, and other observations including increased incidence of mistakes or accidents, loss of focus, inability to sleep, pre-occupation with the trigger and the perception that he faces a serious problem that is unavoidable and unsolvable, and an inability to cope. These reactions must endure for a minimum of 24 hours from the application of the stress trigger.

An example of a qualifying stress trigger would be hearing news of the MS diagnosis of Hazari's sister on the day she lost her sight. This problem was unavoidable and unsolvable (MS has no cure), and Hazari was unable to cope even if he switched between problem-focused (changing source of stress) and emotional-focused (wishful thinking, distancing, avoiding, positive reappraisal) coping strategies [**35**]. He was very distressed by his sister's diagnosis. Thus, stress magnitudes below 1 indicate the range of all other life and work stressors excluding the exceptional stressors (which meet the threshold qualifying criteria).

In assigning a value to the magnitude of the stress trigger on a Rasch-like scale, Hazari used systematic rating together with retrospective re-adjustment rating. In his rating, he leveraged POMS [**36**], COPE [**37**] and BHS [**38**] for systematic rating over time. Depressive and anxiety symptoms were included to establish convergent validity, given the substantial overlap between these variables and perceived stress noted in the literature [**39**]. Hazari leveraged SDS [**40**], BDI-II [**41**] and HDRS [**42**] for depression and leveraged BAI [**43**], HAM-A [**44**] and SAS [**47**] for anxiety. Coping is an individualized factor [**45**], and illness perception is feedback that increases stress [**46**]. Re-assessment included evaluation of the symptom and disability impact on himself because of the discrepancy between psychological adaptation and biological deterioration, as well as review of the severity of distress after the initial impact. His re-assessment rating leverages QuAT-MS's 12 categories [**36**] and SIP-68 [**48**], PSS [**39**,**49**] (looking back to the trigger date generally within 5-10 days not one month), and CHIP [**49**]. Attention to his deterioration justified the burden of the lengthy characterization.

Three are three parts to stress [**50**],

1. Stressors: Changes/stimuli from the environment that cause "stress".
2. Stress Response: The physiological and psychological responses to those stimuli.
3. Chronic Stress Response: The disease that result from an over stimulation of the physiological and psychological responses. Herein the term Disease Symptoms is used instead of Chronic Stress Response and facilitates the differentiation between acute and chronic disease symptoms.

This paper's investigation is limited to approximately 7 years of this patient's record (2011-2017), containing sufficient trigger-response data for quantitative analysis. These include the distress (Stress Response), and the MS symptom sets (Disease Symptoms). These are then refined down to a window of 2,561 days suitable for statistical evaluation.

The Hazari data was analyzed from a purely statistical point of view with no medical inferences or assumptions to determine the relationships between stress triggers and relapses, as a "black box", and without etiologic or pathologic inferences. The statistical analysis followed a step-by-step methodology to (i) structure the data, (ii) determine the characteristics of the probability distributions present in this structured data, (iii) identify threshold(s) when present and (iv) infer individual disease responses underlying the transformation of stress to MS symptoms.

Methods: Approach & Data Structuring

Boruta, Horvath and MacKellar provided care to Hazari as primary doctors with many other doctors and specialists. As Hazari is a sophisticated professional, he kept detailed daily records of his Multiple Sclerosis disease progression. These records are corroborated by medical records of his doctors. Hazari had not mathematically or statistically analyzed his data prior to Solomon's 2020 analysis, which minimizes any form of confirmation, rejection or recall bias [**51**,**52**].

The approach taken was to first examine the data only from a statistician's point of view with no medical inferences or assumptions. This posteriori data approach leads to the determination of unbiased physical processes which can then enhance the a priori medical knowledge. This is equivalent to knowing what you see versus seeing what you know [**53**]. However, the interplay between the two is what advances the sciences.

Given a very sophisticated and complex health-disease relationship, it is insufficient to just determine parameter values of interest, but to determine the underlying statistical distributions, the disease responses, that are indicative of these disease processes. However, it is not within the scope of this paper to determine what these disease processes are.

Thus, the purpose of data & statistical analyses was to determine identifiable responses that would advance medical research in MS. This requires a careful step by step methodology to (i) structure the data, (ii) determine the characteristics of the probability distributions present in this structured data, (iii) identify threshold level, if and when present, and (iv) infer individual responses or processes underlying the transformation of stress to MS symptoms.

Structuring the data results in the following fields (i) Date of Stress Trigger, (ii) Number of Stress Triggers/Day and up to 6/day were recorded. Out of the selected 2,561-day period, 1,640 (64%) days were symptom free and the remaining 921 (36%) days were not. Distress-triggers were recorded on 139 of these days. (iii) Magnitude of this Distress which ranges between 0 to 10. A zero means that a trigger event did not lead to distress. (iv) Symptom sets, a set of symptoms

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experienced after each trigger event. The advantage of using symptom sets as opposed to symptoms is that symptom sets are less sensitive to sampling errors, and therefore a much more robust measure of symptom duration. Symptoms are induced mostly within 48 hours of a trigger, sometimes within 24 hours and occasionally within 72 hours. Symptom sets in the selected date range could last between 2 and 47 days.

The Hazari data can be divided into (i) Characteristics of Distress and (ii) Clinical Characteristics of MS Stress Response.

Note that the Change in the Symptom Set Duration (Change in Duration) is defined as the difference between the duration of the next Symptom Set and the duration of the current Symptom Set caused by the Stress Trigger.

Findings: The 4 Statistical Characteristics of Distress

In terms of the Stress-Disease Meta Model, this section describes the properties of the Stressors (1. & 2. below) and Stress Response (3. & 4. below) that led to tissue injury and symptom sets. **Table 1** confirms that without these distress-trigger events, there are no symptom onsets or exacerbations. Even though distress is an external factor to MS, it is important to model distress to determine its effects on MS. The operating characteristics of these distress-triggers, provide an understanding of the clinical observation of the onset and exacerbations of MS symptoms. There are 4 negative Distress Mechanisms:

Distress Triggers/Day:

Figure 2 shows that distress triggers/day S_T are Weibull Distribution (α = 2.5416, β = 1.1355). However, a mode of 5 and 6 distress triggers/day exists that belong to a different population of triggers. That is, even though the source of these distress triggers is the same, there exists 2 different originating motivations for these triggers, and therefore care is required when reviewing distress data.

$$P(S_T) = \frac{\alpha}{\beta^{\alpha}} {S_T}^{\alpha-1} e^{-\left(\frac{S_T}{\beta}\right)^{\alpha}} \quad where\ \alpha = 2.5416, \beta = 1.1355 \qquad (1)$$

Time Between Distress Triggers:

Figure 3 shows the Time-Between-Distress-Triggers. This new Levy probability distribution function is the best fit, as the Binomial, Poisson, Weibull, LogNormal, Normal & Beta distributions do not provide even a semblance of a good fit. This Time-Between-Distress-Triggers probability P(T) density function takes the form αT^{β} where T is the duration between triggers with α= 1.7441, β = -1.2560.

$$P(T) = \alpha T^{\beta} \,|_{L=1}^{U=136} \quad where\ \alpha = 1.7441, \beta = -1.2560 \qquad (2)$$

Patient's Response to Distress Magnitude:

Figure 4 documents the probability distribution of the magnitude (on a scale of 1 to 10) of the patient's response to distress, between 2011 to 2017. It is consistent over a 7-year period. This graph shows that there are 2 active responses, A & B. This paper does not address the mapping of these responses to research findings of diseases processes, but this subject is of interest. Disease Response A is active when distress magnitudes S_E are 7 or less and Disease Response B when S_E greater than 8.

$$P(A|S_E) = 0.0166 S_E \,|_{1 \le S_E \le 7} \qquad (3)$$

$$P(B|S_E) = 0.4252 S_E - 3.7795 \,|_{8 \le S_E \le 10} \qquad (4)$$

Where S_E = magnitude of distress, which ranges from 1 to 10. $P(A|S_E)$ and $P(B|S_E)$ are the probabilities of Disease Response A and B given that a negative stress trigger S_T is present.

Psycho-Physiological Threshold:

The data (**Figure 4** vertical purple dashed-line) suggests that there exists a buffering mechanism, that substantially protects the patient from experiencing the largest magnitude of distress which could be labeled as trauma. Herein, this is denoted as the Psycho-Physiological Threshold (PPT). However, when this threshold is breached it results a perceived severe stress of magnitude 9 & 10.

$$PPT = 8 \qquad (5)$$

The probability distributions of **Figures 2** & **3** strongly suggest that the source of the distress triggers was not a random process, as random arrivals obey a Poisson Distribution and the time between random arrivals obey an Exponential Distribution. Neither are true in this case.

FINDINGS: The 7 Clinical Statistical Characteristics of MS Disease Response

This section covers Disease Responses of the Stress-Disease Meta Model, that is, the statistical properties of Responses (symptom sets) given that Injury is present. Susceptibility, Effectors, and Injury require pathogenesis investigations that are not within the scope of this paper.

A symptom set is a set (at least one or more) of symptoms observed between a symptom set Start Date and a symptom set End Date. Multiple symptom sets were recorded concurrently, each with their own start and end dates. Note that, a subsequent symptom set consists of symptom onsets and/or exacerbation of previous symptoms. The Hazari Data Set shows that there can be as many as 15 concurrent symptom sets (**Figure 5**). Symptom sets provide a higher resolution of the MS disease characteristics than just Relapse Periods would. Similarly, individual symptoms would provide a higher resolution than symptom sets. However, individual symptoms have not been reviewed for this paper. Note that, the parameters α & β of the statistical models presented in this section may be patient dependent.

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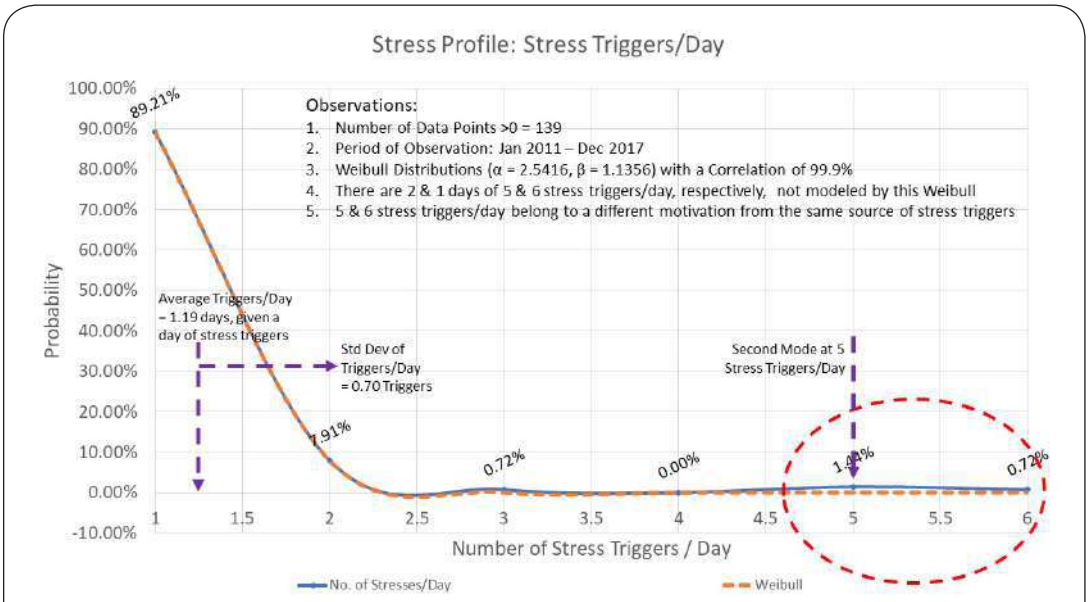


Figure 2: Stress Profile: Stress Triggers/Day between Jan 2011 to Dec 2017.
External Triggers: Probability distribution of number of stress triggers experienced per day by this patient when stress triggers are present. On average this patient experienced 1.19 stress triggers per day.

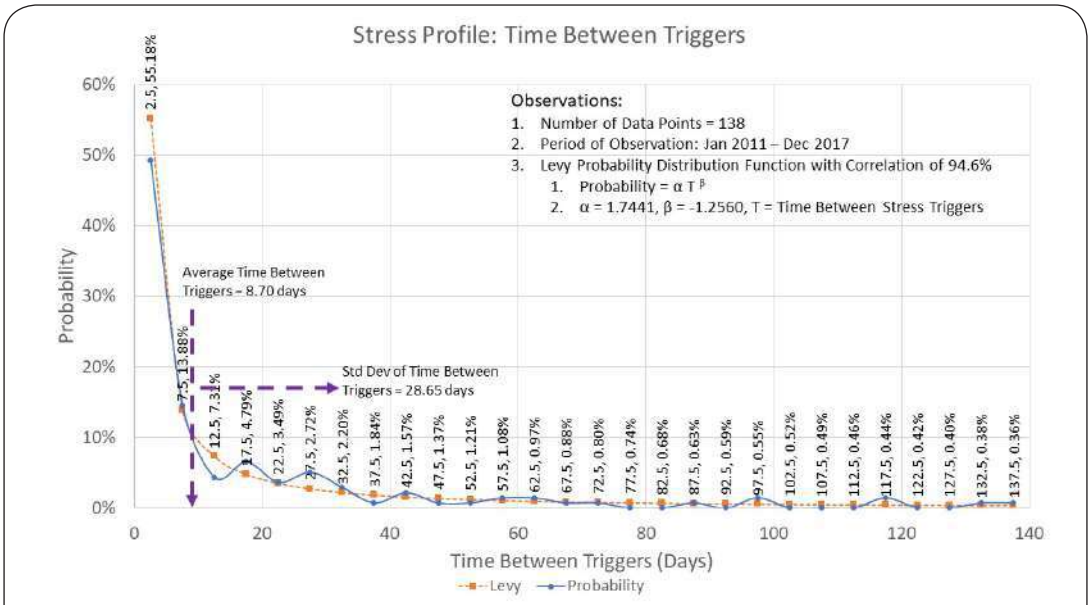


Figure 3: Stress Profile: Time Between Stress Triggers between Jan 2011 to Dec 2017
External Triggers: Probability distribution of the time, in days, between stress triggers experienced by this patient. Over the 8-year period this time between triggers obeys a Levy Distribution.

The Hazari Data Set shows that MS can be statistically characterized by 7 properties that describe the statistical properties of relapses and remissions given that stressors are in effect, and that there are in total 7 disease responses A1, A2, B, IR, NR, NT & U.

Relapse Period:

Figure 5 shows how a Relapse Period can be deconstructed into symptom sets S_C. Therefore, a Relapse Period is defined as Start Date of the first symptom set to the End Date of the last symptom set.

The probability $P(N_C|S_C)$ of N_C symptom sets S_C given

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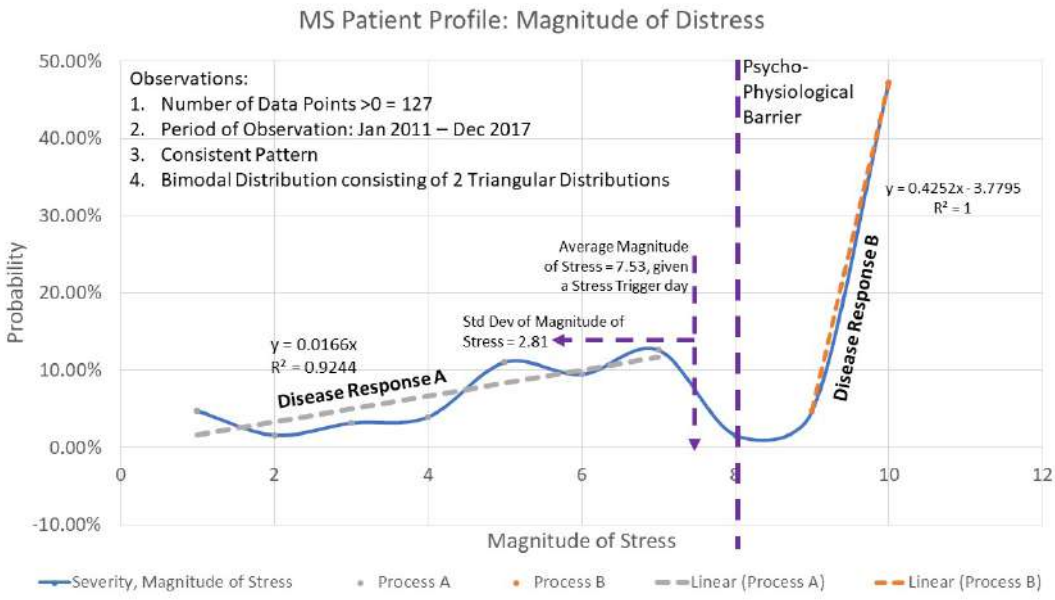


Figure 4: MS Patient's Stress Response Magnitude to Stress Triggers between Jan 2011 to Dec 2017.
Stress Response: The patient's reaction to stress triggers in terms of the magnitude of emotional distress experienced. Depicts two disease responses, A & B. Disease response B is what the patient experiences under extreme stress. Note that the transition between A & B is a dip and that the body's response appears to suppress severe responses.

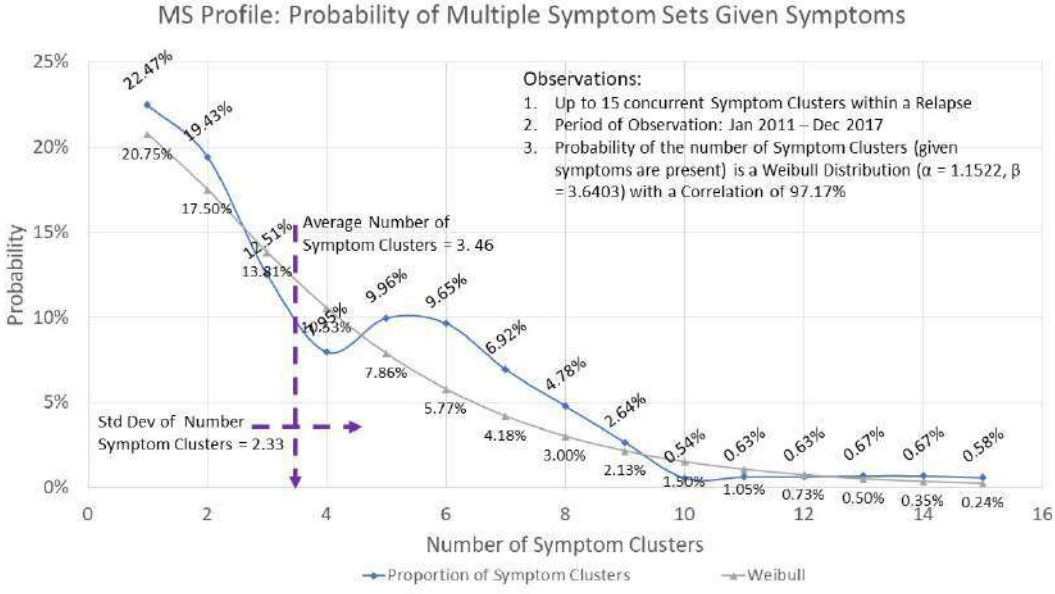


Figure 5: Probability of the number of Symptom Sets given Symptoms are present
Stress Response: The probability distribution of the number of symptom sets the patient experiences give the probability distribution of the arrival of stress triggers, Figures 2 & 3, and the patients distress experience, Figure 4.

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symptom sets are present, within the same relapse period, is defined by a Weibull Distribution with the shape & scale parameters α=1.1522 & β=3.6403, respectively. That is, few symptom sets are more likely than many symptom sets, and because α>1, the situation is worsening.

$$P(N_C|S_C) = \frac{\alpha}{\beta^\alpha} {N_C}^{\alpha-1} e^{-\left(\frac{N_C}{\beta}\right)^\alpha} \quad where\ \alpha = 1.1522, \beta = 3.6403 \qquad (6)$$

Remission Period: This is the Asymptomatic or Remission Duration (**Figure 6**) and is defined as the End Date of the last symptom set S_C of the previous Relapse Period, and the Start Date of the first symptom set of the subsequent Relapse Period. Otherwise, also known as the Remission Period. **Figure 6** shows the probability distribution of the duration of the asymptomatic remission periods between relapses. The Levy probability density function is the best fit and is of the form $\alpha {D_A}^\beta$ where D_A is the duration of remission or asymptomatic period with α=0.7474, β = -0.7918 and gives a correlation of 93.0% (the model and the data fit very well).

$$P(D_A) = \alpha {D_A}^\beta \Big|_{L=1}^{U=280} \quad where\ \alpha = 0.7474, \beta = -0.7918 \qquad (7)$$

This Levy Distribution shows that:

1. The average remission period is 38.3 days with a rare maximum of 280 days, given a Levy Distribution (**Figure 3**) of triggers with an average time between triggers of 8.7 days. A different probability distribution of triggers will result in different relapse & remission durations.
2. Short duration remission periods are more frequent (likely) than long duration remission periods.

Remission Rule: A general rule considers a remission period of 30 days intervening between two symptom sets as distinguishing separate relapses. Some consider this, an arbitrary [**54**] rule. In this study, the probability of a Remission Period (**Figure 6**) of at most 31.5 days is 66.67% or two-thirds of remission occurrences are less than 31.5 days. The average Remission Period is 38.3 days. The Hazari Data Set shows that remissions can be less than 3-days (**Figure 6**). Together our findings do not lend credence to the general rule. This 30-day definition would diagnose frequent short remissions followed by relapse as a continuous relapse and therefore, a progressive disease.

If a general rule is required, it is proposed that a remission is confirmed after 7 days (probability of 26.19%) of symptom free disease. With this new definition the diagnosis of progression would be reduced in 40.48% of the total MS cases.

Symptom Set Duration:

Figure 4 shows that there are 2 active distress magnitude Disease Responses, A & B. **Figure 7** shows that, because of these two Disease Responses, A & B, a bimodal distribution of Relapse Periods is observed. This bimodal distribution can be deconstructed for (i) Disease Response A, with probability $P(D_A)$ of a relapse duration D_A. This is a Weibull Distribution (α= 1.9425, β=13.6168) & (ii) Disease Response B, with probability $P(D_B)$ of a relapse duration D_B. This is a Normal Distribution (μ = 40.3983, σ=4.3506), and confirms that with MS there are distress mechanisms at play.

$$P(D_A) = \frac{\alpha}{\beta^\alpha} {D_A}^{\alpha-1} e^{-\left(\frac{D_A}{\beta}\right)^\alpha} \quad where\ \alpha = 1.9425, \beta = 13.6168 \qquad (8)$$

$$P(D_B) = \frac{1}{\sqrt{2\pi\sigma}} e^{\frac{(D_B-\mu)^2}{2\sigma^2}} \quad where\ \mu = 40.3983, \sigma = 4.3506 \qquad (9)$$

Since Disease Response B is a Normal distribution, this would imply that it is a more complex statistical process than Disease Response A, as it is the sum of multiple other processes. Disease Response A matches the MS survey results [**55**].

Duration Change Distributions: The rate of recovery (healing) is different from the rate of relapse. Deconstructing the change in the duration of symptom sets S_C into probability distributions, **Figure 8** shows that there are 3 probability distributions, $P(\delta_D|R1)$, P(R2) & $P(\delta_D|R3)$ with respect to increasing (relapse) and decreasing (recovery or remission) durations. That is, the underlying disease processes are different when either distress, triggers symptom sets or when the absence of distress, leads to remission.

Recovery Distribution R1 (left side of **Figure 8**) is indicative of an active process in the absence of Distress Triggers. This decreasing change δ_D in symptom sets duration is a Levy Distribution (α = 3.2780, β = 1.2441, H-Displacement = 1.2360 days) with a correlation of 93.1%. The H-Displacement is the horizontal offset required to fit the distribution to the data.

$$P(\delta_D|R1) = \alpha(\delta_D + H)^\beta \Big|_{L=2}^{U=47} \quad where\ \alpha = 3.2780, \beta = 1.2441, H = 1.2360 \qquad (10)$$

This Levy Distribution shows that:

1. In recovery, the subsequent symptom set duration tends to be similar rather than dissimilar.
2. Longer recovery occurs when symptom sets have long durations and quicker recovery when symptom set have short durations.
3. Sudden recovery (change in duration from long durations to short durations) is unlikely.

Relapse Distribution R2 (bottom right side of **Figure 8** shaded in green) is indicative of an active disease process and provides the vertical offset to Relapse Distribution R3 but not to the Recovery Distribution R1. R2 is a uniform distribution at the level of 2.8332%.

$$P(R2) = 2.8332\% \qquad (11)$$

This Uniform Distribution (**Figure 8**) shows that, under distress, the active statistical process is:

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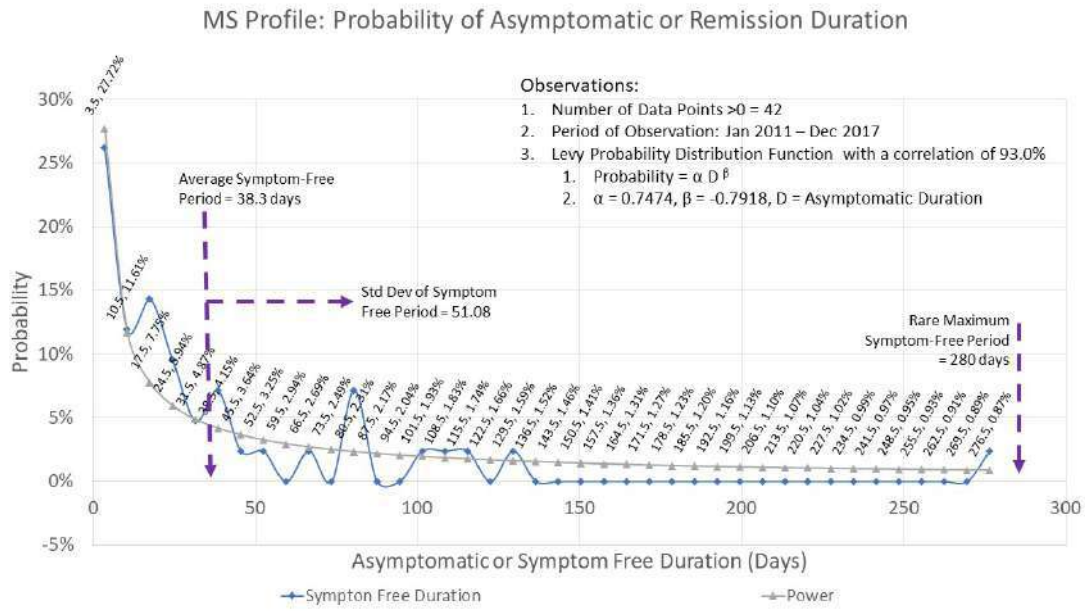


Figure 6: Probability of Remission Period or Asymptomatic Duration
Stress Response: The probability distribution of the remission duration the patient experiences give the probability distribution of the arrival of stress triggers, Figures 2 & 3, and the patients distress experience, Figure 4

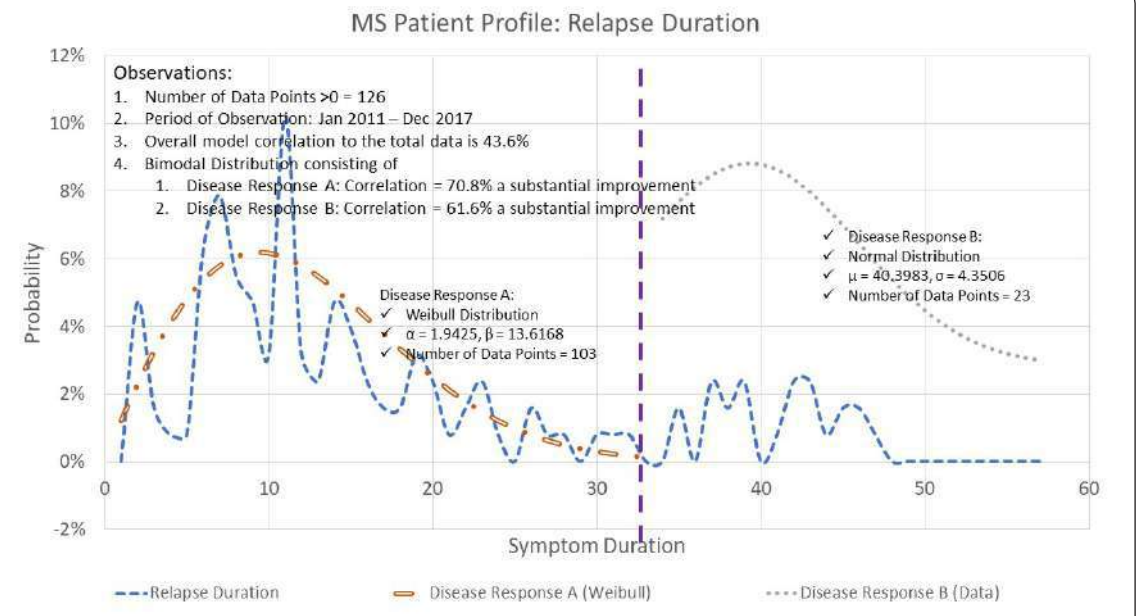


Figure 7: Bimodal Probability of Relapse Period
Stress Response: The probability distribution of the relapse duration the patient experiences give the probability distribution of the arrival of stress triggers, Figures 2 & 3, and the patients distress experience, Figure 4. It is a bimodal distribution and is split into two Disease Responses A & B.

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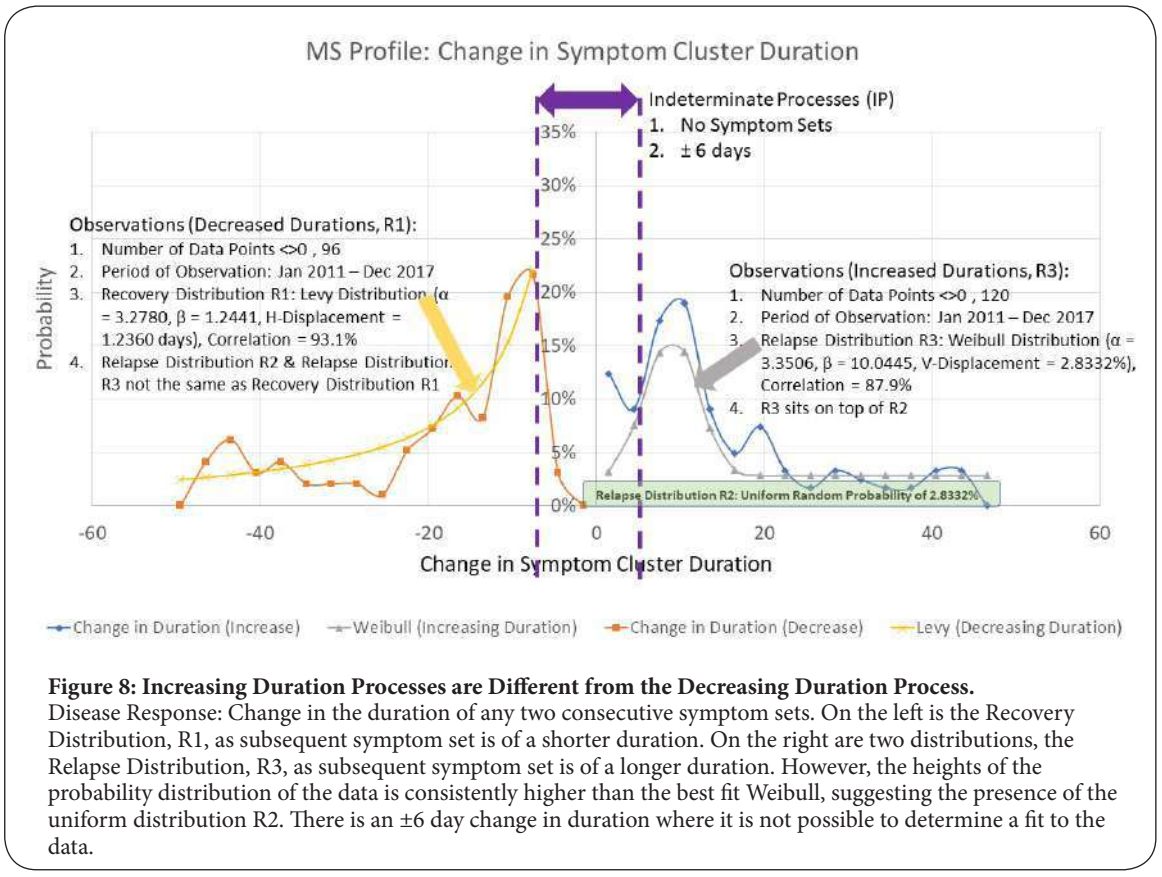


Figure 8: Increasing Duration Processes are Different from the Decreasing Duration Process.
Disease Response: Change in the duration of any two consecutive symptom sets. On the left is the Recovery Distribution, R1, as subsequent symptom set is of a shorter duration. On the right are two distributions, the Relapse Distribution, R3, as subsequent symptom set is of a longer duration. However, the heights of the probability distribution of the data is consistently higher than the best fit Weibull, suggesting the presence of the uniform distribution R2. There is an ±6 day change in duration where it is not possible to determine a fit to the data.

1. The only active underlying statistical process for any symptom set duration.
2. Adds to the probability of the debilitating processes.
3. Equally likely to produce short, medium, and long duration symptom set and produces the effect of randomness of symptom set durations.
4. The primary underlying background debilitating process could be the randomly distributed brain micro-lesions, but this requires clinical research to validate.

Relapse Distribution R3 is indicative of another active Disease Response in the presence of Distress Triggers less than 8. This is a Weibull Distribution (α = 3.3506, β = 10.0445, V-Displacement = 2.8332%) at a correlation of 87.9%. The V-Displacement is the vertical offset required to fit the distribution to the data.

$$P(\delta_D|R3) = V + \frac{\alpha}{\beta^{\alpha}}{\delta_D}^{\alpha-1}e^{-\left(\frac{\delta_D}{\beta}\right)^{\alpha}} \qquad (12)$$
$$where\ \alpha = 3.3506, \beta = 10.0445, V = 2.8332\%$$

This Weibull distribution shows that, under distress Relapse Distribution R3:

1. Is active in symptom set durations greater than 6 days.
2. Is a secondary process to that of Relapse Distribution R2.
3. Could imply temporary expansion of brain micro-lesions but this requires investigation.

Figure 8 & **Table 2** show that there exists an Indeterminate Response within the ±6 days where modeling of the Disease Responses is unclear. External to the region of Indeterminate Response, the shapes and parameters of these Disease Response distributions suggest that the underlying disease processes are different from each other.

Fundamental Disease Responses:

Figures 4, **7** & **8** provide 3 natural threshold conditions (i) Psycho-Physiological Threshold (ii) Asymptomatic Threshold & (iii) 33-Day Threshold. Together these thresholds divide the map, **Table 2**, into 3 regions:

1. The Null Response: **Table 2** shaded grey. This is the region where the Magnitude of Distress is insufficient to cause relapses of longer durations than those of Disease Response A.
2. Disease Response A: **Table 2** shaded green & blue. A Stress Response mechanism that triggers a Relapse Period of 33 days or less (33-Day Threshold) bounded by the Asymptomatic Threshold.
3. Disease Response B: **Table 2** shaded blue. A Stress Response mechanism that triggers a Relapse Period of greater than 33 days (33-Day Threshold) bounded by the Psycho-Physiological Threshold.

However, since Disease Response A has a low correlation

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(70.8%) and is bisected by the Psycho-Physiological Threshold, could Disease Response A be further deconstructed into more fundamental responses? The deconstruction produces 3 fundamental disease responses,

1. Disease Response A1: The shaded green triangle, bounded by Asymptomatic Threshold, the Psycho-Physiological Threshold, and the Indeterminate Response on the left. The probability $P(D_{A1})$ of symptom duration D_{A1} for the A1 response is a Levy Distribution ($\alpha = 57.9121, \beta = 2.5434$) with a much-improved model-data correlation of 95.7% (**Table 2**).

$$P(D_{A1}) = \alpha(D_{A1})^{\beta}\,|_{L=7}^{U=23} \;\; where\; \alpha = 57.9121, \beta = 2.5434 \quad (13)$$

2. Disease Response A2: Bounded by edge of the brown rectangle, shaded in blue, the Psycho-Physiological Threshold and 33-Day Threshold. The probability $P(D_{A2})$ of symptom duration D_{A2} for the A2 response is a Levy Distribution ($\alpha = 20.4686, \beta = 1.7315$) with a much-improved model-data correlation of 92.5% (**Table 2**).

$$P(D_{A2}) = \alpha(D_{A2})^{\beta}\,|_{L=10}^{U=32} \;\; where\; \alpha = 20.4686, \beta = 1.7315 \quad (14)$$

3. Indeterminate Response: Within the red rectangle, as the range of data is too great to provide a good fit to any probability distribution, even when modeling fundamental Disease Responses A1 & A2 with this data. This region (duration $D_{IR} \leq$ 6 days) concurs with the Indeterminate Response of **Figure 8**.

Figure 9 remaps the probability distributions of Disease Responses A1, A2 & B. They are different and distinct as (i) they have different scaling constants α, (ii) that the mode of Disease Response A2 is shifted to the right of that of Disease Response A1 and (iii) Disease Response A2 has a (right skewed) tail that is substantially fatter than that of Disease Response A1 because A2 sits on top of the Relapse Distribution R2. That is, the Relapse Distribution R2 covers the blue shaded area of **Table 2** when the Stress Magnitude is 9 or 10.

This analysis confirms that distress is a major factor in inducing MS symptoms. Comparing **Figures 4**, **6**, **7**, & **9** one can infer that there are 5 underlying pathologies of the disease states, Disease Response A1, A2, B, the Null Response (NR) and the Indeterminate Response (IR) which are observed as relapse and remission. These have quite different underlying statistical processes as evidenced by the shape of their response probability distributions and observed natural threshold conditions. This begs the question what causes this switching between these states? The answer to this is beyond the scope of this paper.

Duration Threshold:

Figure 10 shows how the disease stability and symptom set duration govern subsequent symptom set durations:

1. Indeterminate Response: The Indeterminate Response (symptom set durations <= 6 days) of **Table 2** corroborates the Indeterminate Response of **Figure 8** & **9**.
2. NT Response: This No-Triggers (NT) Response where there is sufficient recovery such that no symptom sets are present or subsequent symptom set duration is zero i.e., on recovery all disease responses (A1, A2, B & IR) revert to the NT Response. The NT Response obeys the R1 Probability Distribution of **Figure 8**.
3. Duration Threshold: For a given symptom set duration, the next duration cannot exceed the duration of the preceding symptom set, provided that the disease response is stable. This is equivalent to the Asymptomatic Threshold of **Table 2**. This is an upper bound.
4. Disease Stability: Illustrated by the curvy bidirectional red arrows **Figure 10** shows that the disease responses are not static as the Duration Threshold (blue line in **Figure 10**) prevents a change in duration that is greater than the current symptom set duration. Therefore, to produce a subsequent symptom set duration that is

   i. Less: requires a shift in the disease response to the left of the graph.

   ii. More: requires a shift in the disease response to the right of the graph.

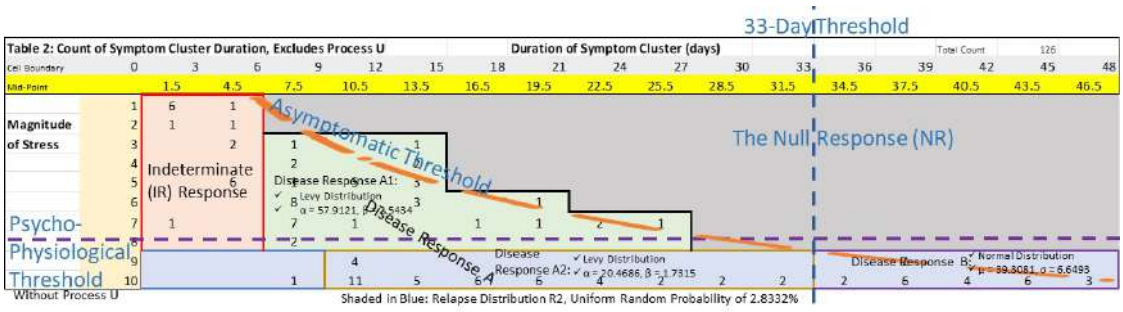
   iii. Changes in disease response is ongoing and the disease can switch between any disease response type A1, A2, B, IR & NT.

   Thereby, confirms dynamic stability.

5. Mapping Distributions: **Figure 11** shows how the probability distributions A1, A2, B, R1, R2, R3 are mapped back to their originating disease responses. Therefore,

   i. A1, A2 & B map to their respective probability distribu-

Table 2: Magnitude of Stress versus Duration of Relapse.



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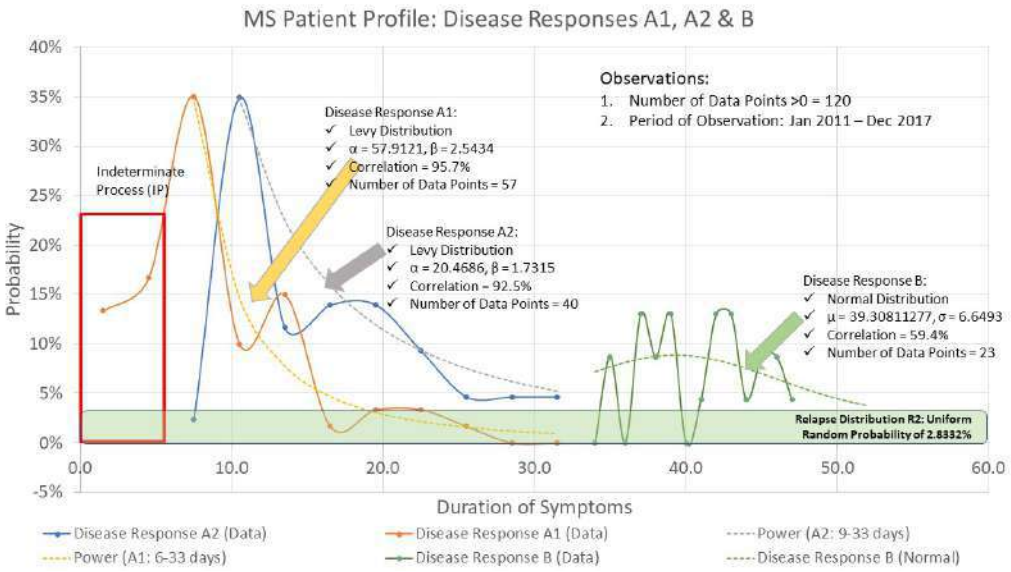


Figure 9: Fundamental Processes A1 & A2 Deconstructed from Process A.
Disease Response: Further examination of the data shows that Disease Response A can be split into 2 different responses A1 & A2. These are both Levy Distributions with A2 shifted to the right of A1. The data points that that would have altered the shape of these distributions are in the Indeterminate Process and Relapse Distribution R2. Therefore, the Levy Distributions hold. Note the substantial increase in the correlations with the data by splitting A into A1 & A2.

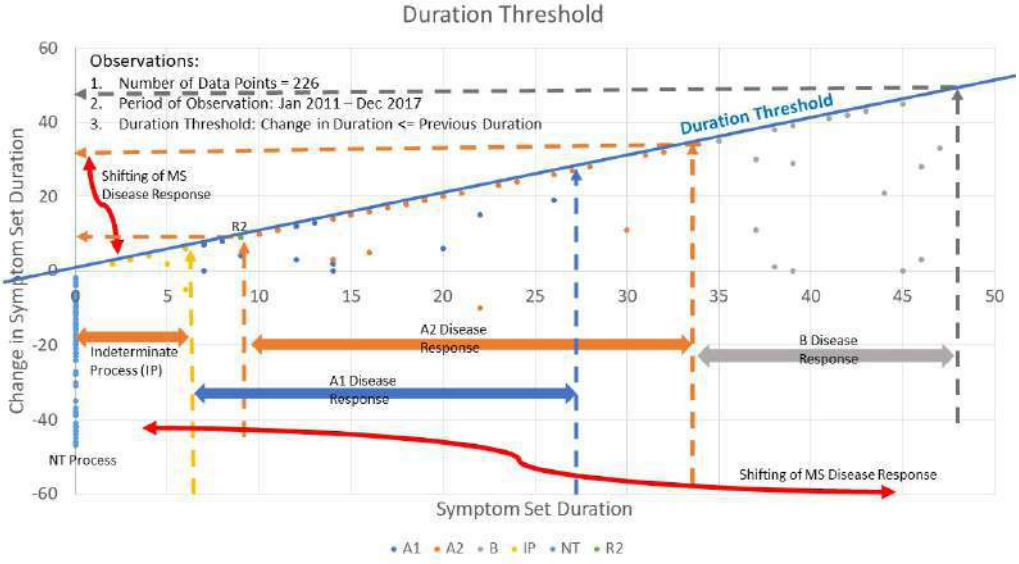


Figure 10: Duration Threshold Exposes Process Variability
Disease Response: Plotting subsequent symptom set duration versus the change in the symptom set duration shows two activities. The lower half of the graph show that remission occurrence is independent of previous symptom set duration. The upper half of the graph shows that a subsequent symptom set duration, as determined by the change in duration, can be at most, as long as the previous symptom set and upper bounded by the Duration Threshold. However, this is not observed in the same data. That means that the Disease Responses is shifting left or right, and underlying disease processes are dynamic.

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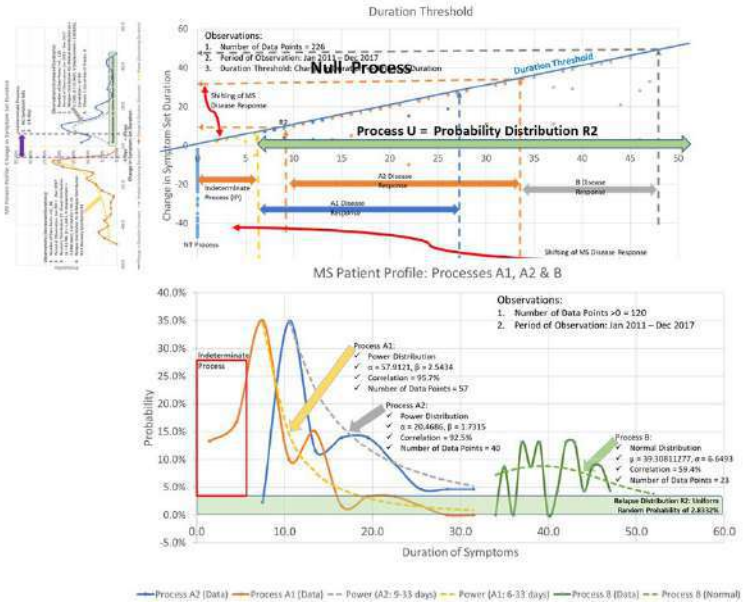


Figure 11: Mapping Probability Distributions A1, A2, B, R1, R2, R3 to the Respective Processes.
Disease Response: Combining Figures 8, 9 & 10 shows how the probability distributions of Disease Response A1, A2 & B map through the Duration Threshold to probability distributions R2 & R3. That is evidence that these underlying dynamic disease processes are quite sophisticated.

tions A1, A2 & B.
ii. The probability distribution R1, maps to the recovery response NT.
iii. The uniform distribution R2, maps to response U, the disease response below the Duration Threshold.
iv. R3 is the probability distribution of Relapse with R2.
v. The Null Response maps to the region above the Duration Threshold.

Note, that one observes that the MS disease probability distributions are right skewed. The exception is the recovery distribution R1. Compare for example, with the infectious disease COVID-19 [**31**,**56**] where the infectability and recovery probability distributions are left skewed, but the mortality distribution is right skewed (**Figure 12**). These two diseases provide further inferences that dynamic stability via regeneration and degeneration processes exists. A second inference, which needs further testing, is that disease probability distributions are right skewed when regeneration is failing and unable to overcome degeneration and left skewed when regeneration overcomes degeneration.

Findings: Mathematical Model of Symptom Sets

As reported earlier, from the 2,561-day period studied, 1,640 (64%) days were symptom free and the remaining 921 (36%) days were not. Distress-triggers (0-10) were recorded on 139 of these days causing 129 distress of magnitude 1-10. These produced 129 symptom sets or 2,239 relapse-symptom-days. A similar finding [**9**,**42**] that it is the number of stressors and not stressor severity or duration [**43**]. Duration is the inverse of frequency. The key to understanding symptom set onset and exacerbations is not the severity [**43**] of the Stressors but the severity of the resulting distress, the Stress Response, this concurs with other research [**44**,**45**] and could explain research findings that differ [**14**-**17**].

That is, given that the disease is present, every trigger caused a specific symptom set. The probability $P(N_C|S_C)$, equation (6), of the number of symptom sets is purely a function of the arrival pattern of the distress-triggers and not a function of the disease, itself. Likewise, remission period is purely a function of the absence of distress-triggers and not of the disease. It is proposed that distress-triggers exacerbate and expose the presence of the disease as 90% [**54**] of the disease is not observable, particularly in the early stages of MS.

Table 2 shows that the magnitude of distress S_E is a primary determinant of symptom duration and provides an easy method of determining the upper bound of the duration D_U of a symptom set that is independent of the operating characteristics of the distress trigger process. Given the magnitude of the distress S_E to the distress trigger, the Asymptomatic Threshold, using regression, is found to be a 2-parameter, single variable model of S_E,

$$D_U = \alpha e^{\beta S_E} \pm 1.5 \; days \; where \; \alpha = 3.9232, \beta = 0.2595 \quad R^2 = 93.63\% \qquad (15)$$

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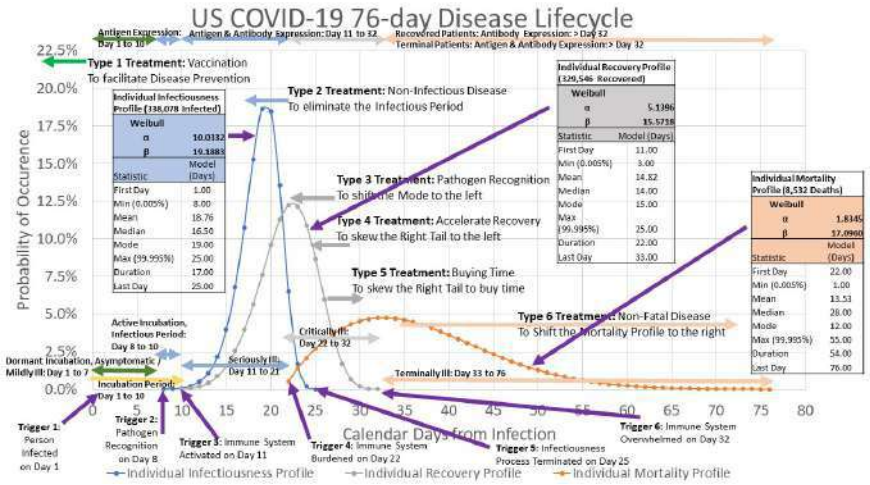


Figure 12: The 5-Stages of the US COVID-19 Infected Person's Response
Disease Response: These probability distributions were determined from the first 45-days of COVIC-19 pandemic counts. The figures the events that trigger the body's response to this variant. Most importantly patients' mortality starts at day 22 and subsequently become terminally ill by day 33. This analysis suggest that different opinions and strategies operate at different points in the disease.

And effectively a single parameter α model as a function of S_E,

$$D_U = \alpha e^{\frac{S_E}{\alpha}} \pm \gamma \; days \; where \; \alpha = 4, \gamma = 1.5 \quad (16)$$
$$R^2 = 93.74\%$$

With this patient data, the range of upper bound duration D_U is given by ±1.5 and parametrized as γ. This is to account for different patients having different ranges. For example, a magnitude 3 distress will have a symptom set duration upper bound D_U of 15 days if using the discrete data of **Table 2**. The smoothed function (16) provides 8.5 ±1.5 days or 7 to 10 days.

Conversely, (16) could be used to calibrate a patient's distress magnitude. Given the duration of symptom set, say 31 days, (16) would return a distress magnitude of 8. However, if the patient said that his/her distress magnitude S_E was 6, this patient would be 2 points or S_P below the Hazari Data Set reference and (16), in terms of this patient's S_E would be rewritten as,

$$D_U = \alpha e^{\frac{S_E + S_P}{\alpha}} \pm \gamma \; days \; where \; \alpha = 4, \gamma = 1.5, S_P = 2 \quad (17)$$

Once, this calibration is complete, it is possible to (i) determine which disease response is present, and (ii) compare patient data across many different patients. If the patient had a symptom set duration of between 18 & 21 days (**Table 2**), and the magnitude of distress triggered was 7, the underlying disease response is A1. Of course, if the duration was less than 6 days, this would signify an Indeterminate Response (IR) which appears to be a uniform distribution and more data is required to research this further. The lower bound of the symptom set duration D_L is 7 days for A1, A2 and B disease responses. Thus, mapping the data by distress magnitude S_E and duration of symptom set shows that for

1. Disease Response A1: This relationship suggests additional factors at play and that 90% of the symptom durations D_{A1} are within 7 and 15 days with all S_E are within 3 and 7.
2. Disease Response A2: Distress magnitude S_E is 10, 89.5% of the time, and 9, 10.5% of the time. Therefore, the duration D_{A2} of A2 symptom sets are given by equation (14) per **Figure 9**.
3. Disease Response B: Like Disease Response A2, Disease Response B has distress magnitude S_E of 10 only. Therefore, the duration D_B of B symptom sets are given by equation (9) in **Figure 9**.

Therefore, from a clinical perspective, only Disease Response A1, A2 and B are directly observable, and the MS symptom sets obey equations (13), (14) & (9), respectively, while being upper bounded by (17). Therefore, it is now possible to estimate symptom set durations.

Equation (17) can be used for cases where patients exhibit MS symptom sets with no apparent distress triggers. In these cases, S_P would have a high value, say 9, and any Stress Response less than 1, would trigger severe symptoms.

Since, a relapse consists of one or more symptom sets, the upper bound of a relapse duration $D_{U,R}$ would be the maximum of all symptom sets i to n, with duration upper bound $D_{U,i}$ plus the time t_i between relapse start and start of this symptom set, i.e

$$D_{U,R} = \max\{(t_i + D_{U,i}), .., (t_n + D_{U,n})\} \quad (18)$$

Where t_i is determined by the i^{th} trigger event, with the Haz-

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ari Data Set, $t_i - t_{i-1}$ is determined by equation (4), and $D_{U,i}$ is determined by equation (17). However, as a symptom within a symptom set may have reduced but not ended, there is a residual symptom. This is due to the permanent damage ρ within the central nervous system.

However, earlier research [45] suggests that the Kaplan-Meier survival curves of the probability of not reaching (i) Secondary Progression, (ii) Expanded Disability Status Scale (EDSS) score 3.0 and (iii) EDSS 6.0, are essentially straight lines of deterioration between year 6 and 36 of the MS disease process. **Table 3** evaluates the annual probability of reaching each of the three stages. It is increased by 2.5%, 2.3% and 1.8%, respectively, every year and decreases with increased disease severity. If one assumes that this a direct result of central nervous system deterioration, the annual change in the central nervous system damage δρ is 2.5%, 2.3% and 1.8%, respectively. This δρ decrease with severity, could be due to there being less healthy brain cells to damage.

That is, even though the disease responses and processes may be non-linear, the net effect on central nervous system deterioration is linear. This is an important consideration when mathematically modeling MS. However, this linearity issue may be in the measuring tool or ruler, EDDS. If EDDS is a non-linear tool then the results will appear to be linear with respect to that tool, but non-linear with respect to some other alternative measuring tool. That is, it should be important to understand the properties of the ruler.

The findings of this study can be summarized into four categories, (A) Disease Symptoms, (B) Disease Structure, and (C) Disease Dynamics (D) Alternative Interpretations, as follows,

Discussion: Disease Symptoms

1. MS symptom sets are Disease Symptoms [23] that are the Disease Responses to underlying Stressors. These Diseases Responses have statistical properties as presented in this paper for the Hazari Data Set. However, it is not within the scope of this study to determine the disease processes that cause these specific disease responses.
2. The onset and exacerbations of these Disease Symptoms is caused by the patient's distress or negative-emotional-stress-response, that are intrinsic to the patient's sensitivity, susceptibility, and condition.
3. A patient's distress is in turn triggered by Stressors. These Stressors maybe internal or external (as with the Hazari Data Set) to the patient and does not preclude both internal and external stressors being concurrently present.
4. Eliminating patient distress enables remission, and facilitating Stressors leads to relapse within 3 days.
5. Clinically, it may be argued that MS appears to be an unpredictable disease [6] because the emergence of symptom sets and their statistical properties, are dictated by the statistical properties of the Stressors. Different Stressors will have different statistical properties, and thus the appearance of unpredictably, across patients.
6. The statistical and mathematical basis for determining symptom set duration and the upper bounds of symptom set and relapse durations is provided. The mathematical model has parameters which may provide for variations in the patient's sensitivity, susceptibility, and condition with disease burden.
7. Research [46,47] has demonstrated that stress exposure can increase the likelihood of the disease emerging, as well as exacerbating preexisting conditions. That is, Stressors exacerbate and expose the presence of the disease, exhibited as MS symptom sets.

Discussion: Disease Structure

In terms of the Stress-Disease Meta Model this section relates to Effectors and Injury. Given that chronic demyelination significantly accelerates axonal loss [48], the current focus on autoimmunity as the cause of MS is based on correlation studies [49] and analogs or the resemblance [50,51] or mimicking human-animal histology. Whether inflammatory lesions, (the apoptosis of oligodendrocytes and neurons [52]), are the initial event in tissue injury is, however, currently uncertain [49], and the contribution of this cell death process to disease pathogenesis remains to be determined [52].

Given that this paper has shown that Stressors exacerbate and expose the presence of the disease, exhibiting as MS symptom sets, one can now focus on the subclinical (90% [54] of the) disease characteristics. The question is, how does one relate the distress originated 7 disease responses (A1, A2, B, IR, NR, NT & U) to, for example, the four fundamentally [4,53] different patterns of demyelination. Additionally, research suggests that there are changes to brain tissues even before the four Patterns are evident. This is corroborated by research that (i) reveal [70] subtle focal changes in the normal-appearing white matter which later develop into new T2-lesions, (ii) that subtle changes [71] in axons may precede the formation of classical MS plaques, and (iii) changes [72] well in advance

Table 3: Estimated Kaplan Meier Survival Gradient Between year 6 and 36.

MS Type	Year, x1	Probability, y1	Year, x2	Probability, y2	Gradient
Secondary progression	6	95.0%	36	20.0%	-2.5%
EDSS 3.0	6	90.0%	36	20.0%	-2.3%
EDSS 6.0	6	95.0%	36	40.0%	-1.8%

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of blood–brain barrier breakdown. Thus, do some of the 7 disease responses originate at these early changes? These are questions that only further research can answer.

Discussion: Disease Dynamics

In terms of the Stress-Disease Meta Model this section relates to Disease Processes, Regeneration and Degeneration. The cause of MS is still inconclusive [27] and the focus on auto-immune [1] mechanism of disease and risk factors have led to treatments but not a cure. Therefore, one could speculate that these factors are secondary effects of a true cause of the disease. Many questions remain, for example.

What causes the death of oligodendrocytes. Some observations [73] indicate that T-cells may not necessarily be responsible for triggering myelin destruction in some MS lesions. Thus, the influx of new oligodendrocytes [4,53] could be the immune system attempting to replace the dead oligodendrocytes and their myelin sheaths, and with T-cells removing associated debris.

Could the biochemical representations of distress emotions [74] and their byproducts have neurotoxic effects? Much of the current emotions research is centered around brain mapping [75]. While distress biochemistry does not appear to behave like excitotoxins, excitotoxins is not a new concept as research [76-78] provides evidence of neurotoxicity of glutamate, kainite, domoate and fibrin [65].

Given that myelin is considered "living" and myelinization is an active process [79] involving oligodendrocytes, then could the products of distress-based biochemical representations of emotions be a candidate (i) for neurotoxic effects on oligodendrocytes? (ii) vacuolation of myelin [80] during the construction of the myelin sheath? These require research to validate or negate. Considerations of a distress-based biochemical representations of emotions would also suggest that for future research, measuring the magnitude of distress (Stress Response) will likely give more consistent results than measuring the magnitude of the Stress, itself.

With MS one could ask if there is an approach to extend or enhance the body's remission processes as opposed to treating the changed distribution [81] of white blood cells, the relapse condition, where the clinical relevance of these biomarkers [82] in the context of the development and progression of MS remains unclear. On the other hand [83] "The decision to take the immune response in a certain direction is not made by one signal alone, instead many different elements act synergistically, antagonistically and through positive feedback loops to activate a Th1, Th2, or Th17 immune response."

Thus, given the presence of the Relapse Distribution R2 at relapse but not an equivalent at recovery, it is proposed that the body maintains a dynamic (as opposed to static) stability of wellness or disease by the interplay of two or more generic processes. Dynamic stability occurs when multiple processes are active, and the net result is an equilibrium state but introducing a disturbance or a perturbation would not change the equilibrium state. Static stability occurs when processes are at equilibrium state but introducing a disturbance or a perturbation would change the equilibrium state.

For example, (i) regeneration or revitalization and (ii) degeneration or deterioration, aging, or debilitation. This would concur with macrophages/microglia implicated in both demyelination or degeneration and re-myelination or regeneration in MS lesions [84]. On the other hand, static stability implies a single process and a single approach per that process to disease management. One's medical perspective determines how one formulates treatment strategies. For example, the analysis of COVID-19 [31,56] shows that three probability distributions must be present and suggests six different treatment strategies (**Figure 12**).

With dynamic stability, recovery occurs when the regeneration rate is greater than the degeneration rate. Similarly, relapse occurs when the regeneration rate is significantly less than the degeneration rate. In early-stage MS, recovery is present but gradually failing as mean duration [55] of the first remission is 71.32 months and that of second remission is 58.07 months. Thus, the cycling (**Figure 10** &**11**) between remission and relapse is due to the shifting dynamic stability in the presence of distress.

This dynamic stability has implications for the formulation of medical research and clinical trial objectives. For example, with a static stability model, the destruction of myelin sheath is the overt cause of MS as the primary disease. With a dynamic stability model, degeneration or demyelination and regeneration or remyelination are occurring all the time. The intricacy of the regenerative process is unknown [85], but myelin regeneration is observed. Thus, one could propose that the detection of myelin in the spinal fluid is evidence, not of the degenerative process, but of the unknown regenerative process failing, and therefore, a cure for MS may be found when this regenerative process is known.

Similarly, correlation is not cause. The interpretation that the altered population distribution of immune cell types under static stability, necessary means that specific types of immune cells are the immediate and direct cause of myelin destruction. Departing from this conventional wisdom, under dynamic stability, this no longer holds. With dynamic stability the new population distribution of immune cell types is just a recognition of the body's attempt to address (i) the necessary cleanup of dead, not the attack of live, oligodendrocytes and its associated myelin sheath and (ii) the failing unknown regeneration process. This is a likely scenario with an emotion induced mechanism that causes oligodendrocytes death and myelin destruction. Thus, even though MS may be observed as an auto-immune disease, it may involve a more subtle mechanism. Of course, the dynamic stability hypothesis needs research to be either vindicate or disprove.

Discussion: Alternative Perspectives

The purpose of empirical observations is to build theories to

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solve problems. Therefore, when considering how to interpret observations, the simpler (not simple) explanation is preferred (William of Ockham [86]). By properly structuring the analysis and discussion using the Stress-Disease Meta Model, the problem, and the disease definition, have been deconstructed into simpler components, providing a mathematical model that can be applied to other patient data with success. The simpler explanation is that distress directly causes an MS relapse. How this distress translates into a psychoneuroimmunoendocrinological or other process is beyond the scope of this paper.

Mathematics had become so sophisticated that it could be used to prove anything (Morris Klein [87]). The body of mathematical theory pertaining to MS needs to provide insights and not just be theoretically robust. Robustness is a necessary but insufficient condition for a mathematical treatment of a problem. Of the five mathematical models [27-29,33,34] considered in this paper only the last [34] provided an insight into the disease. Thus, the intention of any analysis of an investigation, is not just to model the phenomenon but to model the phenomenon to determine insights. Agreed this is more difficult to do than it sounds. In our model, the key insight is that distress directly determines disease behavior predictably and according to a mathematical form.

The need for an alternative interpretation is ever present as science is by consensus and thus the need for empirical falsification or corroboration, as all knowledge is provisional, conjectural, hypothetical (Karl Popper [88]). We have approached MS from a statistical and mathematical direction incorporating new statistical methods. In statistical methods, testing for a probability distribution, for example. Frequently, many probability distributions will fit a data set and many statistical tests will provide excellent fits even if the tails do not fit correctly because there isn't sufficient data in the tails. The point is to find a distribution that "makes sense" and one should especially look at how the mode and the tails fit the data. This is best accomplished by testing for many different distributions (i.e., many different H_0) and by viewing the results graphically, as many tests do not handle probability distribution tails well and the reason why one of the authors invented Wilcoxon Regression [31].

We have also focused on the data and not on existing theories. Looking at data and pathology from different perspectives can reveal and integrate findings in unexpected ways. This paper has provided a perspective of a direct mechanism of distress causing occurrence of nerve damage.

Conclusion

The effect of psychological stress on immune system and disease and outcomes is well discussed in the literature, including public guidance. The research has increasingly established stress as a cause of MS onset and exacerbations, development of lesions on MRIs, and reduction of quality of life. Research has considered diverse sources of stress including life stressors, war, pregnancy, social conflict. Coping is an individualized factor, and illness perception is feedback that increases stress. Self-reported stress associated with exacerbations in multiple sclerosis are well discussed, indicating a correlation, but lacking sufficient detail to permit the strict statistical scrutiny performed in this paper. Researchers have proposed ways to improve the detail of data gathered on the pathology of MS, but the detail for deeply probative statistical analysis has been lacking. Many studies have resorted to reviews and meta-analysis to derive meaningful results for fueling research.

This paper has analyzed the very detailed medical records of one MS patient spanning 8 years and been able to establish a direct relationship between distress and MS relapse, and to derive an equation linking magnitude of distress to characteristics of an MS relapse, by using statistical and mathematical methods.

This paper provides an approach to analyzing complex diseases and the role of stress, by gathering or self-reporting detailed data and then isolating the underlying statistical responses. As a result, the meta-etiology Stress-Disease Meta Model is proposed. It is suggested that future clinical studies focus on the frequency of stressors, and the magnitude of the distress rather than the magnitude of the broad spectrum of stressors. The empirical clinical observations and physiological-histological evidence presented by other researchers point to dynamic stability of the wellness-disease responses. It is possible to "trap" a patient with relapsing-remitting MS in a 'continuing relapse' that has the appearance of progressive MS by inducing distress at a frequency that makes for the appearance of no remission.

With reference to distress, it has been shown that MS is not an unpredictable disease. By identifying Stressors as the source of Disease Symptoms, prognosis can be better managed with statistical models. MS symptom sets, and thus remissions and relapses, which all provide evidence of a subclinical underlying disease can be affected through distress management. It is established that distress management reduces markers of disease activity and improves outcomes. The integration of previously independent fields of medicine appears to be paramount in considering the mechanisms of distress in MS that result in nerve damage. It is hoped that the research findings of this paper will inspire further research on symptom management, disease understanding and a cure.

Competing interests

The authors declare that they have no competing interests.

Authors' contributions

Authors' contributions	BS	PB	DH	JM
Research concept and design	--	√	√	√
Collection and/or assembly of data	--	√	√	√
Data analysis and interpretation	√	--	--	--
Writing the article	√	--	--	--
Critical revision of the article	√	√	√	√
Final approval of article	√	√	√	√
Statistical analysis	√	--	--	--

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