

1 *** THIS LAWSUIT WAS NOT NEEDED. ONE OR MORE OF THE NAMED
2 DEFENDANTS OR SOMEONE ELSE IN THEIR DEPARTMENT RESPONDED TO A
3 REQUEST TO HELP US WITH OUR RIGHT TO PETITION THE COURTS. THE
4 ORIGINAL LAWSUIT HAS BEEN FILED. ***

5 Aouie Goodnis | Dhun May
6 12752 Longworth Ave, | Plaintiff in Pro Per

7 Norwalk, CA 90650

8 Plaintiff in Pro Per

9 United States District Court

10 Northern District of California

11 Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 (non-prisoners) and

12 42 U.S.C. § 1985 | Jury Trial Demanded : Yes

13 Aouie Goodnis, and Dhun May, Plaintiffs

14 v.

15 Frank A. McGuire, in the official capacity as Court Administrator and Clerk of the Supreme
16 Court of California,

17 Jorge Navarrete, in the official capacity as Assistant Clerk and Administrator of the
18 Supreme Court of California,

19 Jennifer L. Casados, in the official capacity as Supervising Deputy Clerk of the Supreme
20 Court of California,

21 Chief Justice Tani G. Cantil-Sakauye, in the official capacity as Chair of the Judicial
22 Council of California,

23 Steven Jahr, in the official capacity as Administrative Director of the Courts,
24 Administrative Office of the Courts,

25 Curt Soderlund, in the official capacity as Chief Administrative Officer, Administrative
26 Office of the Courts,

27 Doe (#1-50), in an as of yet unknown capacity,

28 and the Supreme Court of California.

1 **I. Introduction**

2 1. "The right to sue and defend in the courts is the alternative of force. In an organized
3 society it is the right conservative of all other rights, and lies at the foundation of orderly
4 government. It is one of the highest and most essential privileges of citizenship."

5 Chambers v. Baltimore & Ohio Railroad Co., 207 U.S. 142, 148 (1907).

6 2. Plaintiffs submitted an original jurisdiction petition with full fees paid to the Supreme
7 Court of California. Twice in December 2013, the petition was returned unfiled to the
8 plaintiffs in a manner that violated their rights. This is an illegitimate form of extrajudicial
9 "front-desking" of a petition submitted to the court. California Rules of Court 8.20.

10 requires that "A Court of Appeal must accept for filing a record, brief, or other document
11 that complies with the California Rules of Court." As can be seen in the letters
12 accompanying the unfiled petitions, no reference is made as to whether the petitions were
13 not compliant with any rules.

14 3. "It is true that a State is not required by the Federal Constitution to provide appellate
15 courts or a right to appellate review at all. But that is not to say that a State that does grant
16 appellate review can do so in a way that discriminates against some ..." *** Lewis v.
17 Casey USC 1986 *** The Constitution of the United States does not require an original
18 jurisdiction option at the Supreme Court of California. But that is not to say that the court
19 may do so in a way that discriminates against some in a manner that violates the
20 Constitution of the United States.

21 4. Plaintiffs seek to have their right to petition the judicial branch of the government
22 vindicated. If there were any who conspired to violate plaintiffs' rights and keep their
23 petition, which sought to defend our political power and democracy, from getting fair
24 consideration by the Supreme Court of California, then plaintiffs seek to expose and hold
25 them accountable.

26 **II. Jurisdiction**

27 5. This court has jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1343. Federal
28 question jurisdiction arises pursuant to 42 U.S.C. § 1983, 42 U.S.C. § 1985 and the

1 Constitution of the United States.

2 **III. Venue**

3 6. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because a substantial
4 part of the events giving rise to the claims likely occurred at the Supreme Court of
5 California in the city of San Francisco.

6 7. (May not be able to justify Los Angeles venue.) Venue is proper in this Court pursuant
7 to 28 U.S.C. § 1391(b) and (e) because the California Supreme Court services all of
8 California, and a substantial part of the events giving rise to the claim occurred in Los
9 Angeles county, namely the mailing of the petition to the court, receipt of the unfiled
10 petition by a plaintiff, and the harm inflicted on the plaintiffs. Plaintiffs reside in this
11 county. One or more Does may reside in this county too.

12 **IV. Parties**

13 8. Plaintiff Aouie Goodnis is a California Citizen and resides in Los Angeles county.

14 9. Plaintiff Dhun May is a California Citizen and resides in Los Angeles county.

15 10. The following six defendants are responsible for ensuring that the clerks of the
16 Supreme Court of California process all submitted petitions in a manner that does not
17 violate the Constitution of the United States, that the clerks are trained to do so, and that
18 there are related policies in place.

19 11. Defendant Frank A. McGuire, in the official capacity as Court Administrator and
20 Clerk of the Supreme Court of California.

21 12. Defendant Jorge Navarrete, in the official capacity as Assistant Clerk and
22 Administrator of the Supreme Court of California.

23 13. Defendant Jennifer L. Casados, in the official capacity as Supervising Deputy Clerk of
24 the Supreme Court of California, and the official who signed the letters sent with the
25 unfiled petition.

26 14. Defendant Chief Justice Tani G. Cantil-Sakauye, in the official capacity as Chair of
27 the Judicial Council of California.

28 15. Defendant Steven Jahr, in the official capacity as Administrative Director of the

1 Courts, Administrative Office of the Courts.

2 16. Defendant Curt Soderlund, in the official capacity as Chief Administrative Officer,
3 Administrative Office of the Courts

4 17. Defendants Doe (#1-50), in an as of yet unknown capacity. Their identities are
5 unknown at this point. The Does may or may not include the already named defendants.

6 18. One or more Does took the critical decision to return plaintiffs' petition unfiled in a
7 manner that violated plaintiffs' rights. Plaintiffs have tried unsuccessfully to get the
8 identity of these Does from the Supreme Court of California.

9 19. An unknown number of Does may have conspired to violate plaintiffs' rights and keep
10 their petition, which sought to defend our political power and democracy, from getting fair
11 consideration by the Supreme Court of California. An unknown number of Does may have
12 coerced or threatened an unknown number of clerks of the Supreme Court of California to
13 process plaintiffs' petition, and possibly other petitions like it, in a manner that violated
14 the Constitution of the United States.

15 **V. Statement Of Facts**

16 20. Plaintiffs submitted to the Supreme Court of California with the related fees, an
17 original jurisdiction petition seeking a writ of mandate against the state officials who were
18 violating their initiative powers, and sought various other extraordinary reliefs. The
19 petition was returned unfiled in early December 2013. The letter from the department of
20 the Clerk of the Supreme Court stated that the "Court had already rendered its decision in
21 this matter." Based on a conversation with Jorge Navarrette, Aouie Goodnis resubmitted
22 the petition along with a cover letter explaining plaintiffs' belief that the petition was
23 returned based on an erroneous belief, and that plaintiffs sought to "exercise the right to
24 petition the courts." On December 20th, 2013 Aouie Goodnis received the unfiled petition
25 once again. The letter from the Clerk of the Supreme Court did not state any specific
26 reason. Along the lines of what Jorge Navarrette had explained earlier, it read "the Court
27 has directed me again to return it back to you unfiled." ... "I regret that we cannot be of
28 further help to you."

1 21. Aouie Goodnis has already asked the Supreme Court of California and the
2 Administrative Office of the Courts to ensure that their petition is processed for filing in a
3 manner that did not violate the plaintiffs rights. So far no state agency has assisted the
4 plaintiffs on this issue. Plaintiffs could not successfully find an organization or a lawyer
5 who would seek to protect their right to petition the government for the public good. The
6 plaintiffs decided to research related case laws relatively well, and then file this petition to
7 the federal courts by themselves.

8 22. Below is a longer list of facts that covers issues related to the original jurisdiction
9 petition that was submitted to the Supreme Court of California.

10 23. The current California Constitution was ratified on May 7, 1879. In 1911, at the height
11 of the US Progressive era, newly elected California Governor Hiram Johnson proposed
12 twenty-three amendments to the California Constitution, including provisions allowing for
13 direct democracy. In the subsequent special election, 76% of Californians voted to
14 implement the initiative into the California Constitution.

15 24. In 2000, Proposition 22, passed in California and added California Family Code
16 Section 308.5. In *In re Marriage Cases* (2008) 43 Cal.4th 757, the Supreme Court of
17 California deemed the section unconstitutional and hence restricted the state from
18 applying or enforcing that code. Later in 2008, Proposition 8, passed and added Article 1,
19 Section 7.5 to the California Constitution, which had identical wording to that of
20 California Family Code Section 308.5. The attorney general of California and the
21 governor of California did not defend Proposition 8 in any of the state or federal courts. In
22 *Strauss v. Horton* (2009) 46 Cal.4th 364, the California Supreme Court held that
23 Proposition 8 was valid.

24 25. Two same-sex couples filed their challenge to Proposition 8 in a federal district court
25 in California. The California government officials who would normally have defended the
26 law in court, declined to do so. The proponents of Proposition 8 stepped in to defend the
27 law. The federal district court held that Article 1, Section 7.5 of the California Constitution
28 violated the United States Constitution. In 2010, in *Beckley v. Schwarzenegger*, the

1 plaintiffs expressed concern that in the absence of a writ of mandamus requiring certain
2 state officials to appeal the ruling, the appeal to defend the state law may be denied
3 because of a lack of standing. The California Supreme Court declined to issue the writ of
4 mandamus. The proponents of Proposition 8 appealed the federal district court's ruling.
5 The California Supreme Court, in response to a request by the United States Court of
6 Appeals for the Ninth circuit, opined that the proponents of a voter initiative could defend
7 state laws related to the initiative. But in 2013, the United States Supreme Court held that
8 the rules for federal appellate courts do not give the proponents of the voter initiative the
9 legal right to appeal the unfavorable federal district court ruling. As a result, it held, the
10 decision by the U.S. Court of Appeals for the Ninth Circuit, the intermediate appellate
11 court, has no legal force, and it sent the case back to that court with instructions for it to
12 dismiss the case.

13 26. In 2013, in *Hollingsworth v. O'Connell*, the plaintiffs question, amongst other things,
14 whether or not the ruling of the federal district court applies to all of the country clerks of
15 California. The case addressed related but different issues than the ones in the plaintiffs'
16 original jurisdiction petition. The California Supreme Court ruled against the plaintiffs of
17 that case.

18 27. In 2010, Kamala Harris as a candidate for the position of the Attorney General of
19 California implied that if elected, Kamala Harris would not seek relief from the *Perry v.*
20 *Brown* ruling. In numerous public interviews and writings Kamala Harris has indicated a
21 refusal to defend the state law on the grounds that it was in violation of the United States
22 Constitution. In a show in February 2012, Kamala Harris also indicated a bias in terms of
23 California being a “progressive” state, and conveyed a lack of value for any political
24 process that would conflict with what Kamala Harris thinks of as important
25 constitutionally protected entitlements.

26 28. Neither the Attorney General nor governor will defend the state marriage laws, and
27 the June 2013 opinion of the United States Supreme Court left California in a situation
28 where no one was mounting a defense of the state marriage laws in the higher federal

1 courts. Voter initiatives, and the people's political power contained in the same, were seen
2 by many as being subject to the sanction of the Attorney General and Governor of
3 California. Plaintiffs agree with the Supreme Court of California's recognition with
4 respect to referendums and initiatives "the duty of the courts to jealously guard this right
5 of the people". Plaintiffs believe that the California Constitution requires all state officials
6 to effectuate the initiative powers of the people, if and when in their official capacity they
7 can facilitate such effectuation. Hence, plaintiffs submitted the original jurisdiction
8 petition mentioned earlier in this statement of facts to the Supreme Court of California.

9 **VI. Claims**

10 **Claim One : Right To Petition the Government**

11 29. Plaintiffs reallege and incorporate by reference all of the paragraphs above.

12 30. Plaintiffs attempted to petition the judicial branch of the government, specifically the
13 California Supreme Court using procedures that have been made available to the citizens
14 of the state. Twice in December 2013, one or more staff attorneys, clerks, judges, or other
15 persons have essentially dismissed plaintiffs' case through an illegitimate form of
16 extrajudicial "front-desking". Thus plaintiffs' case was kept from having a fair chance of
17 getting a well considered judicial disposition from all of the judges of the California
18 Supreme court. In the absence of compelling competing interests, only by the proper filing
19 of petitions by the clerks of the courts, can the right to petition the judicial branch of the
20 government be adequately protected. Aouie Goodnis has mailed and called the offices of
21 the named defendants towards protecting the right to petition the government. So, far none
22 of them have indicated a willingness to ensure that the "front-desked" petition will be
23 processed for filing in an acceptable manner.

24 31. This claim is made against all of the named defendants in this case and an unknown
25 number of Does.

26 32. "The right to petition is one of the most precious liberties safeguarded by the Bill of
27 Rights." ... "The First Amendment provides" ... "one of "the most precious of the liberties
28 safeguarded by the Bill of Rights,"" ... "very idea of a government, republican in form" ...

1 "the right to petition extends to all departments of the Government" ... "right of access to
2 the courts is ... but one aspect of the right of petition" ... *** BEvNLRB USC 2002 ***

3 **Claim Two : Due Process**

4 33. Plaintiffs reallege and incorporate by reference all of the paragraphs above.

5 34. Non-vexatious litigants submitting non-appeal petitions to the California Supreme
6 Court routinely have their petitions filed once the clerks of the court verify that the
7 petition meets the requirements that they are allowed by law to enforce. Plaintiffs petition
8 was blocked by an unconstitutional extrajudicial "front-desk" dismissal in a non-routine
9 manner.

10 35. This claim is made against all of the named defendants in this case and an unknown
11 number of Does.

12 **Claim Three : Equal Protection**

13 36. Plaintiffs reallege and incorporate by reference all of the paragraphs above.

14 37. 'Traditionalists', those who place a relatively greater emphasis and value on traditional
15 values, should be a suspect class meriting strict scrutiny in areas where popular support
16 for social norms has changed by a large amount in the last two decades from a 'traditional'
17 or 'conservative' view to a progressive view. Similar to how a crime intended to be
18 committed against followers of the Islamic religion, but committed against turban wearing
19 followers of the Sikh religion, is still considered a 'hate crime', it only matters if the
20 mishandling of the petition was a result of an unjust discriminatory bias against
21 'traditionalists' or the views and values of 'traditionalists'. Though at least one of the
22 plaintiffs may have been mistakenly identified as a 'traditionalist', the actual beliefs of the
23 plaintiffs should not matter.

24 38. This claim is made against an unknown number of Does, and an unknown number of
25 of named defendants in this case. Discovery will hopefully help identify those responsible,
26 if any.

1 **Claim Four: 1983**

2 39. Plaintiffs reallege and incorporate by reference all of the paragraphs above.

3 40. "The right to sue and defend in the courts" ... "is the right conservative of all other
4 rights" Chambers v. Baltimore & Ohio Railroad Co., 207 U.S. 142, 148 (1907). By
5 violating the plaintiffs' right to petition the government, the defendants are also keeping
6 plaintiffs from protecting the rights that they sought to protect through the petition that
7 was "front-desked".

8 41. This claim is made against all of the named defendants in this case and an unknown
9 number of Does.

10 **Claim Five: 1985**

11 42. Plaintiffs reallege and incorporate by reference all of the paragraphs above.

12 43. An unknown number of Does may have coerced or threatened an unknown number of
13 clerks of the Supreme Court of California to process plaintiffs' petition, and possibly other
14 petitions like it, in a manner that violated the Constitution of the United States.

15 44. This claim is made against an unknown number of Does, and an unknown number of
16 of named defendants in this case. Discovery will hopefully help identify those responsible,
17 if any.

18 **VII. Relief Sought**

19 45. While plaintiffs are not aware of any rule or policy that authorizes anybody to return
20 their petition unfiled in a manner that violated the Constitution of the United States, if
21 during the course of this case such a rule or policy should surface, then plaintiffs seek a
22 related declaratory relief.

23 46. Injunctive relief compelling the defendants to ensure that plaintiffs' earlier submitted
24 petition or an updated one is processed for filing in a manner that protects their right to
25 petition the courts.

26 47. Injunctive relief compelling defendants to ensure that there are clear policies in place
27 to ensure that all submitted petitions are processed for filing without any unjust
28 discrimination, and that the clerks of the courts of California are trained to follow the

1 policies.

2 48. Court fees and costs. If any attorney should represent any plaintiff, then the attorney's
3 fees.

4 49. Any other relief to which plaintiffs are justly entitled.

5 50.