

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Roosevelt Williams, Jr.
Appellant,

9th Cir. Case No. : 16-56396

Originating Court Case No.: CV-04781-AG-AFM

vs.

The State of California, et al
Appellee(s).

APPELLANT'S INFORMAL BRIEF

1. Jurisdiction

a. Timeliness of Appeal:

- (i) Date of entry of judgment or order of originating court: 8/31/2016
- (ii) Date of service of any motion made after judgment (other than for fees and costs): Not applicable.
- (iii) Date of entry of order deciding motion: Not applicable.
- (iv) Date notice of appeal filed: 9/22/2016
- (v) For prisoners, date you gave notice of appeal to prison authorities:

2. What are the facts of your case?

On 6/24/15, I filed a complaint against the named Defendants for a good faith Claim of Damages for various violations of my Constitutional Rights, Civil Rights, Individual Rights, and Personal Rights that have been violated creating

Case Number CV-04781-AG-AFM. I petition to proceed Forma Pauperis and was granted In Forma Pauperis status by Magistrate Judge Douglas F. McCormick.

Then on 7/20/16, I received notice that Chief Magistrate Judge Suzanne H. Segal was transferring the Case from Magistrate Judge Douglas F. McCormick to Magistrate Judge Alexander F. MacKinnon. I do not know any of these Judges and they do not know me, but upon doing some research, I found out that Magistrate Judge Alexander F. MacKinnon was newly appointed so the Chief Judge placed my Case on his Calendar to balance the Court Calendar, this would have been fine with me, if he was Fair, if he acknowledged the Summons, if he recognized my Right to Jury Trial, acknowledged my Original Complaint and Amended Complaint to be worthy of proceeding, if he respected my Right to Be Heard, if he Respected my Day in Court before a Jury, Presentation of Evidence, Presentation of Witnesses, which is my Right but he decided otherwise, despite the fact that a 21 Day Summon was entered on **8/31/2015**, which stated in pertinent part “Within 21 days after service of this summons on you...you must serve on the plaintiff an answer to the attached complaint or motion under Rule 12 of the Federal Rules of Civil Procedure...If you fail to respond, judgment by default will

be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the Court.”. (Please see Docket #8)

Despite the Clerk of Court Summons notated above and the failure of any of the named Defendants Answering the Complaint within 21 days, Magistrate Judge MacKinnon dismissed my Complaint with Leave to Amend. I amended the Complaint because Judge MacKinnon asked me to, even though I knew it was wrong that he didn't Respect the Summons. Judge MacKinnon permitted the Defendants to file answers to the Complaint after the allotted time in the Summons. The amended complaint was filed on 10/30/15.

On 1/13/16, I requested a Change of Venue to USDC Southern District because one of the named Defendants, Judge Marguerite Downing, stated on the Record during the Child Dependency Case that I was in attendance to that my Federal Lawsuit was going to be dismissed before it was dismissed. Judge Downing is one of the Judge Defendants named in Case CV-04781-AG-AFM and has extremely violated every one of the Rights I hold as a Human, Man and Father. I have sought her removal from the Child Dependency Case CK89770, in the form of Requesting a Recusal and stating on Record that she is a named Defendant to this Federal Lawsuit, creating a conflict of interest and failure on her part to be a “neutral and

detached” magistrate to adjudicate fairly on the Children Court Case. Judge Downing has refused to Recuse herself from the Children Court Case despite my formal request for Recusal, knowledge of the Federal Lawsuit and my numerous Motions challenging her Jurisdiction, my statements in Open Court on the Record challenging her Jurisdiction, my statements in Open Court giving her Notice to the Federal Lawsuit and my filing of Affidavit of Prejudice. Other named Defendants have removed themselves from the Children Court case when they received notice of the Federal Lawsuit filed in District Court, Case CV-04781-AG-AFM.

When Judge Downing stated on the Record that my meritorious claims here in the Federal Court would be dismissed, when at that time, the legal process had just initiated, I knew she either knew Judge MacKinnon personally or had inside knowledge giving her a unfair advantage and closing the door on my good faith, meritorious Lawsuit, so I simply requested that the Case be transferred to make sure that I would have fairness and justice. Although the Motion to Change Venue was asserted in good faith, timely and was set for hearing on 3/8/16, the Motion to Change Venue was denied on 2/23/16 by Judge MacKinnon.

The Judge Defendants and Jasminder Deol, were the only ones who even answered my Original and Amended Complaint, both after the Summons stated that Default

Judgment would be entered in my favor if they did not answer within 21 days.

Both Defendants objected to my assertion of Rights and Judge MacKinnon agreed with them as stated in The Report and Recommendation issued by Judge MacKinnon on 7/25/16. I objected to the Report and Recommendation on 8/12/16 and Judge Andrew Guilford Ordered acceptance and adoption of the Report and Recommendation of Judge MacKinnon on 8/31/16 and Ordered Judgment that all my claims be dismissed without leave to amend and without prejudice for lack of subject matter jurisdiction.

I filed a Notice of Appeal on 9/22/16. The Appellate Court asked the District Court if I should be able to proceed in Forma Pauperis, and on 10/13/16, the District Court declined to revoke In Forma Pauperis Status. Judge Guilford deemed that this matter is appropriate for resolution without oral argument. I disagree with everything Judge Guilford Ordered and states with regards to the District Court case and now it is before you, the 9th Circuit, Court of Appeals.

3. What did you ask the originating court to do (for example, award damages, give injunctive relief, etc.)?

Jury Trial, Award Damages and Injunctive Relief.

4. State the claim or claims you raised at the originating court.

- Violations of U.S. Constitution First Amendment
- Violations of U.S. Constitution Fifth Amendment
- Violations of U.S. Constitution Fourteenth Amendment
- Violations of the Civil Rights Act of 1964
- Violations of the Family Preservation and Support Services Program Act of 1993
- Violations of the Adoption and Safe Families Act of 1997
- Violation of the Uniform Parentage Act of 2002
- Violation of the Safe and Timely Interstate Placement of Foster Children Act of 2006
- Violation of the Child and Family Services Improvement and Innovation Act of 2011
- Violations of the Uniform Child Custody Jurisdiction Act (1997, Amended 2013)
- Violation of the Uniform Adoption Act (1994)
- Violation of the Child Abduction Prevention Act (2006)

- Violation of the Child Witness Testimony by Alternative Methods Act (2002)
- Violation of the Declaratory Judgment Act (1922)
- Violation of the Representation of Children in Abuse, Neglect and Custody Proceedings Act (2007)
- Violations of Statute and Rule Construction Act (1995)
- Violations of Rules of Evidence Act (1995, Amended 2005)
- Violation of 42 USC §1983, §1985, §1986
- Violation of California Welfare and Institutions Code (WIC) §300, §309, §315, §316, §317, §319, §321, §322, §324, §328, §329, §332, §333, §334, §338, §341, §342, §345, §346, §350, §352, §353, §354, §355
- Violation of Civil Code §43, §1708
- Violation of Family Code §3010, §3011, §3025
- Intentional Infliction of Emotional Distress
- Defamation of Character
- Invasion of Privacy
- Abuse of Process
- Malicious Use of Process

- Malicious Prosecution
- Tortious Interference
- Civil Conspiracy
- Negligence
- Negligent Supervision
- Negligent Training
- Negligent Retention
- Negligent Infliction of Emotional Distress
- Breach of Implied Covenant of Good Faith
- Injunctive Relief

5. What issues are you raising on appeal? What do you think the originating court did wrong?

-Whether or not I was and am entitled to Default Judgment as a Matter of Law?

The Originating Court did not Respect my entitlement to Default Judgment. The Clerk of Court is an Officer of the District Court and the Judge didn't respect the Summons, in fact he just ignored it and made an erroneous Judgment against me when in accordance to the Summons, I am entitled to Default Judgment. The Originating Court was wrong to ignore the Summons, allow the Defendants, of

which there was only two of the named Defendants who did respond, untimely to proceed. If I had been untimely or did anything wrong, the Judge would have dismissed for untimeliness, he made me amend the Complaint, only to rule against me citing lack of subject matter Jurisdiction. Very contradictory.

On this Issue, the Court did not respect its own Summons. A Summons was sent by the Clerk, not me, stating how the Case was going to proceed and if the Named Defendants didn't think enough of the Lawsuit to reply within 21 days, then Judgment would be found in my favor. So the Court didn't even respect the Summons or my Complaint and this is flat out wrong and illegal.

-Whether or not I was and am entitled to Default Judgment as a Matter of Right?

I have endured over 5 years of violation of my Human and Civil Rights. I and others like me deserve Judgment in our favors and the Originating Court was Wrong to not recognize my Rights. I went through with specificity in the Original Complaint and Amended Complaint what the Named Defendants did and why they are liable to me for their wrongs. It was wrong and illegal of the Originating Court to not recognize my Rights as a Human, U.S. Citizen, and Resident of Alabama, whose Rights have been severely trampled upon by the State of California, et al.

-If I am denied Default Judgment, then, Whether or not I am entitled to a Jury Trial?

I demanded a Jury Trial on the Face of the Original Complaint as well as on the United States District Court, Central District of California, Civil Cover Sheet. So how is a Judge Ordering dismissal of my Case when I have a Right to a Jury Trial and I asserted my Right to a Jury Trial? It was wrong of the Originating Court to arbitrarily deny me this Right without even giving me my day in Court, denying me my Right to be Heard, denying me the Right to have the Case heard by a fair group of people, as opposed to one Judge who obviously knows Judge Downing or has some association with her such that she knew that the case was going to be dismissed prior to the dismissal. I was entitled to a “neutral, detached” magistrate, not a friend or associate of Judge Downing or any other Judge or Defendant for that matter, that why I wanted the Case transferred, so I could have objectivity, which is my Right. The Originating Court was very wrong in taking my Right to a Jury Trial, especially in light of the fact that I asserted my Right to a Jury Trial from the initiation of my Complaint. To deny me a Jury Trial, a fundamental right, in addition to denying me Default Judgment, is violative of the Law, violative of common sense, logic and reason.

-Whether or not the District Court Judges had a Right to Adjudicate the Matter and deny me the Right to present Oral Arguments, in light of the fact that I Demanded a Jury Trial from the Original Complaint?

The Originating Court was Wrong to dismiss my Lawsuit for lack of subject matter Jurisdiction because the Federal District Court is the best Court to decide Federal law violations (28 USC §1331) and the initial action involved Diversity of Citizenship because I am a resident of the State of Alabama and the Citizens and/or Corporate Entities are of the State of California (28 USC § 1332). If the Federal Court does not decide the Issues I have presented then who decides it, what other Court. A State Court only in limited circumstances hears Federal issues. As the Plaintiff, I have a Right to decide which Court I believe is best suited to hear my case, but the District Court and the Named Defendants did not think enough of my case for it to be heard.

The District Court claimed I was trying to have them decide the Children Court case, which is not true. The Judge is supposed to look to the remedy sought to determine the validity of the Case and if the Court has appropriate Jurisdiction. I didn't ask the District Court to tell the Children Court to dismiss the frivolous case they have against me nor did I ask the District Court to decide the Children Court

Case. I told the District Court what they said they needed to know in the Complaint, I went through the Facts, my Claims, and Relief sought. I set up the Complaint exactly as they requested, outlining Jurisdiction and other relevant matters. When the Court said there was a defect, I Amended the Complaint and I did everything timely, only for the Court to dismiss the Case. It like the Court was tormenting me more than I already endured, kind of like a Bully, abusing their power and discretion to act when they are made aware of violations of Laws. I asked the District Court to recognize that my Rights had been violated by State Actors, of which those State Actors are Judges, social workers, attorneys of Los Angeles County and how they handled the Case that is still ongoing over 5 years, of which the Children Court case is the longest DCFS Open Case in the History of Children and Family Services. I told the District Court what happened how the Children Court is exercising Jurisdiction where they don't have it, which is a violation of my civil rights, how they are consistently disrespecting me which is a violation of my civil rights based on the fact they are acting on behalf of the State and not in their individual capacity, I told the District Court how the Children Court is keeping me from my family which is a violation of my right to freely assemble, lying on me, defaming me, violating longstanding laws and rights that

are outlined in the U.S. Constitution, United Nations, and State Law. I stated these violations of my Rights as a Human, American, a Man, and Father. The remedy I sought from the District Court was damages, not the return of my children.

I know the difference between Superior Court and District Court and I have followed the Law, the Rules on Procedure to have my Children reunified to me and not kept from me illegally and wrongfully. So, for the District Court to dismiss my case saying I am trying to get them to decide the Children Court case is a cop out and another violation of my Rights I can add to the laundry list of Rights that have already been violated for over 5 years.

To be clear, I'm not the Issue here; the issue is extreme corruption, abuse of power, favoritism, bias, prejudice, greed and money. That is what I am up against because the Law is good and it's in my favor, its individuals under duty to carry out the Law uniformly, fairly and accurately that are acting outside the Law based on their own ignorance, their own likes and dislikes, based on their friendships and alliances instead of Justice, Integrity and Righteousness. I have been fighting these issues and wrongs for over 5 years and I sought relief from the District Court based on the facts that I outlined in the Original Complaint, Amended Complaint, my

Demand for Jury Trial and Summons granting Default Judgment in my favor.

The ruling of the District Court was an insult to my intelligence.

6. Did you present all issues listed in #5 to the originating court?

Yes.

7. What law supports these issues on appeal?

Universal Declaration of Human Rights, Article 12, United States Constitution, Federal Statutes, California State Law, Alabama State Law, Common Law, Natural Law, Moral Law, Public Policy (For more detail please see Original Complaint (Docket #1), Amended Complaint (Docket #16) and Objection to Report and Recommendation with Points and Authorities (Docket #38))).

8. Do you have any other cases pending in this court? If so, give the name and docket number of each case.

No.

9. Have you filed any previous cases which have been decided by this court? If so, give the name and docket number of each case.

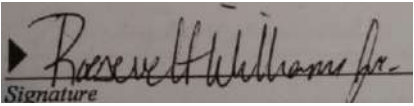
No.

10. For prisoners, did you exhaust all administrative remedies for each claim prior to filing your complaint in the district court?

Not Applicable.

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Name Signature : 
Roosevelt Williams, Jr.

Address : 3655 Oak Grove Road, Monroeville, Alabama 36460

Date: March 1, 2017

CERTIFICATE OF SERVICE

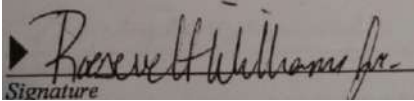
Case Name: Roosevelt Williams, Jr v. The State of California, et al
9th Cir. Case No.: 16-56396

TITLE OF DOCUMENT

APPELLANTS INFORMAL BRIEF

1. I certify that, I Roosevelt Williams, Jr., this 1st day of March, 2017 filed electronically the above document described as Appellants Informal Brief by electronically filing with the Clerk of Court a true and correct copy of the original as indicated above on the CM/ECF PACER Court System for the Ninth Circuit. Parties can access this filing through the Court System.

2. I certify that a copy of the Appellants Informal Brief and any attachments was served, either in person or by mail, on the persons listed below.

Signature : 
Roosevelt Williams, Jr

Date: 3/1/17

Name	Address	Date Served
1. The State of California Attn: Betty T. Yee	300 Capitol Mall, Suite #1850 Sacramento, CA 95814	3/1/17
2. The County of Los Angeles Kenneth Hahn Hall	500 W. Temple St. Los Angeles, CA 90012	3/1/17
3. The County of Los Angeles, DCFS	425 Shatto Place Los Angeles, CA 90020	3/1/17
4.DCFS Compton West Office Attn: Admin. Augustine Martinez	11539 Hawthorne Blvd, 1st Flr Hawthorne, CA 90250	3/1/17

5. DCFS Pomona Office Attn: Administrator	801 Corporate Center Drive Pomona, CA 91768	3/1/17
6. Judge Downing Judge Carlos Vasquez Referee Terry Truong Represented by Sarah L. Overton	Cummings McClorey Davis Acho and Associates P.C 3801 University Ave, Suite 560 Riverside, CA 92501 Email: soverton@cmda-law.com	3/1/17
7. Ivy Gentry	Children's Law Center 201 Centre Plaza Dr. #10 Monterey Park, CA 91754	3/1/17
8. Caitlin Taylor	Office of County Counsel 201 Centre Plaza Dr. #1 Monterey Park, CA 91754	3/1/17
9. Jasminder Deol Represented by Mark Schaeffer	Law Office of Nemecek & Cole 15260 Ventura Blvd. Ste 920 Sherman Oaks, CA 91403 Email: mschaeffer@nemecek-cole.com	3/1/17
10. Rosetta Upshaw & Ama Kumi Thomas	Los Angeles Dependency Lawyers, Inc. 1000 Corporate Centre Dr. Ste 410 Monterey Park, CA 91754	3/1/17
11. Vanessa Miranda & Christina Samons & Dennis Smeal	Los Angeles Dependency Lawyers, Inc. Law Office of Marlene Furth 1000 Corporate Centre Dr., Ste 430 Monterey Park, CA 91754	3/1/17
12. Willie & Katie Grant Represented by Charles W. Tourdot	Charles W Tourdot Law Offices of Charles W Tourdot 2601 East Chapman Ave, Ste 201 Fullerton, CA 92831 Email: legaltennis@gmail.com	3/1/17