

Name: Je. H., Father; Er. H., Mother.Address: c/o 4360 Huntington Dr., South.Los Angeles, California.626-789-1331CDC or ID Number: Petitioners, In Pro Per.United States District CourtCentral District of California

(Court)

Je. H. & Er. H.

Petitioner

vs.

Philip L. Browning

Respondent

**PETITION FOR WRIT OF HABEAS CORPUS**No. LA CV 14-9874 CAS (JC)*(To be supplied by the Clerk of the Court)***INSTRUCTIONS—READ CAREFULLY**

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.

- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the superior court, you only need to file the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal and you are an attorney, file the original and 4 copies of the petition and, if separately bound, 1 set of any supporting documents (unless the court orders otherwise by local rule or in a specific case). If you are filing this petition in the Court of Appeal and you are *not* represented by an attorney, file the original and one set of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and 10 copies of the petition and, if separately bound, an original and 2 copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court (as amended effective January 1, 2007). Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

This petition concerns:

- A conviction
- Parole
- A sentence
- Credits
- Jail or prison conditions
- Prison discipline

Other (specify): A civil action to terminate parental rights arising under 28 U.S.C. § 2254.

1. Your name: Je. H., & Er. H.; In re A. H., Wi. H., B. H., Jo. H. Wa. H., El. H., S. H., & Em. H.

2. Where are you incarcerated? Children are held by County of Los Angeles DCFS.

3. Why are you in custody?  Criminal conviction  Civil commitment

Answer items a through i to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

Respondent alleged that Petitioners inflicted various serious harms upon and failed to protect A. H., Wi. H., B. H., Jo. H. Wa. H., El. H., S. H., & Em. H. (collectively "Children").

b. Penal or other code sections: Welf. & Inst. Code § 300(a),(b), and (j).

c. Name and location of sentencing or committing court: Los Angeles County, California Superior Court, Central Juvenile District, Edelman Children's Court, Departments 407 & 420.

d. Case number: CK57697

e. Date convicted or committed: Date Children were removed from Petitioners' custody: 04/25/2011

f. Date sentenced: Date of ruling that denied due process concerning Children's return: 12/16/2014

g. Length of sentence: Respondent claims grounds for parental rights termination.

h. When do you expect to be released? Parental rights termination hearing date: 01/13/2015

i. Were you represented by counsel in the trial court?  Yes  No *If yes, state the attorney's name and address:*

Petitioners have claimed the right to proceed In Pro Per since day one, and Petitioners have not willingly and knowingly consented to any person representing Petitioners' or Childrens' interests.

4. What was the LAST plea you entered? (Check one):

Not guilty  Guilty  Nolo contendere  Other: Respondent's refuse to serve complaint.

5. If you pleaded not guilty, what kind of trial did you have?

Jury  Judge without a jury  Submitted on transcript  Awaiting trial

## 6. GROUNDS FOR RELIEF

**Ground 1:** State briefly the ground on which you base your claim for relief. For example, "The trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page 4. For additional grounds, make copies of page 4 and number the additional grounds in order.)

The first issue is whether Respondent must release Children because Father's fundamental due process rights were violated when the juvenile trial court unjustly denied Father's motion to quash service, and again Respondent refused to serve Father with the complaint. This Court should rule that personal jurisdiction requires Respondent make social workers report accessible to Father.

## a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts on which your conviction is based. *If necessary, attach additional pages.* CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel, you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is, *who did exactly what to violate your rights at what time (when) or place (where).* (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

Discovery will show the following true and correct. Respondent breached Respondent's duty to provide Father with social workers report prior to a termination of parental rights hearing, which denies father right know nature and cause of the claims against Petitioners. Without effectuating service, Respondent lacks personal jurisdiction to proceed. The juvenile court abused its discretion when it denied Father's motion to quash without opposition or evidence of service of complaint; the court refused Father's request for email service; and on December 26, 2014, at 11:24 AM, "Jessica", the juvenile court records clerk, refused to personally deliver a copy of the complaint to Father at the window in room 2600. Father's request for admissions from the social worker, and Father's discovery request from Respondent have gone unanswered. This petition claims that Respondent is abusing the legal process in an attempt to avoid judicial scrutiny of Respondent's claim. Respondent has in-fact and proximately injured Father's right to parent Children. The federal court should rule against Respondent's overreach into Father's rights to due process during a parental rights termination case and release Children to Mother or Ana.

## b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

Without limitation, Petitioners' common and natural law rights; U.S. Const. Amends. 1, 4, 5, 6, 7, 9, 10, 14; Santosky v. Kramer (1982) 455 U.S. 745; M.L.B. v. S.L.J. (1996) 519 U.S. 102; United States v. Van Duzee (1891) 140 U.S. 169; Sheppard v. Rees (9th Cir. 1989) 909 F.2d 1234; In re Jasmine G. (2005) 127 Cal.App.4th 1109; Cal. Rules of Court, rule 5.725; Evid. Code §115.

## 7. Ground 2 or Ground \_\_\_\_\_ (if applicable):

The second issue is whether Respondent must release Children because Respondent violated Father's fundamental due process rights to maintain a relationship with Children when Respondent denies Father's visitation with Children, which is one of the codified ways Father can prevail. The Court should rule Respondent is estopped from making claim, since it is in bad faith.

## a. Supporting facts:

Discovery will show the following true and correct. From on or about October 2013 to present Respondent breached its duty to not overreach into Father's right to parent when Respondent summarily denied Father visitation with Children. In order to prevail, Father must develop and maintain a bond with Children. (1) Respondent knew that Respondent would affirmatively deny Father visits with Children; (2) Father was ignorant of Respondent's affirmative misconduct; (3) Respondent intended to deprive Father of visitation with Children; and (4) Father relied on Respondent's good faith effort to make Children available for visitation to Father's injury. The state statute provides that one of the ways Father can prevail in a parental rights termination action is to prove severance of Father's relationship with Children would be detrimental to Children. The State statute specifically allows frequent and consistent visitation as dispositive evidence that Father has developed a relationship that would be detrimental to Children if severed. If called to witness Respondent's actions, a foster care worker would provide evidence of Respondent's prosecutorial misconduct, which includes, without limitation, Respondent coercing and threatening monitors for offering to provide visitation for Father. Since Respondent denies Father's right to develop and maintain Father's relationship with Children, Respondent should be estopped from claiming the severance of Father's relationship with Children is not detrimental to Children. This court should find Respondent acted in bad faith, invoke the federal common law rule of equitable estoppel and release Children to Mother or Ana.

## b. Supporting cases, rules, or other authority:

All relevant authorities listed in Ground 1; Troxel v. Granville (2000) 530 U.S. 57; Brittain v. Hansen (9th Cir. 2006) 451 F.3d 982; Estate of Amaro v. City of Oakland (9th Cir. 2011) 653 F.3d 808; Adoption of Kelsey S. (1992) 1 Cal.4th 816 [4 Cal.Rptr.2d 615, 823 P.2d 1216]; In re Marriage of Thompson (1996) 41 Cal.App.4th 1049 [48 Cal.Rptr.2d 882]; People v. Fixel (1979) 91 Cal.App.3d 327, [154 Cal.Rptr. 132, 134]; Welf. & Inst. Code § 366.26.

7. Ground 2 or Ground 3 (if applicable):

The third issue is whether Respondent must release Children because Respondent violated Petitioners' common and natural law rights to parent when Respondent removed Children from Petitioners' care and custody absent exigency or agreement sworn under penalty of perjury with full commercial liability that Petitioners are public servants and subject to statutory schemes.

## a. Supporting facts:

Discovery will show the following true and correct. Unlike the descendants of former slaves and the naturalized federal citizens with the United States, Petitioners and Children do not owe their political status to the Reconstruction Acts of 1867. Prior to the American Civil War, physical presence dictated the strict test of jurisdiction. This is not the case anymore. In May 2010, Petitioners knowingly, voluntarily, and unequivocally exercised their natural and inherent right to expatriate themselves and Children from the dual status of federal citizenship, and Petitioners gave notice to Respondent that Petitioners are now California Nationals without the United States. There is no question that Father owes a common and natural law duty against misfeasance towards Children, but absent exigency or agreement, a dependency arbiter has no jurisdiction over Petitioners' right to parent. The only emergency that exists in this case is the one Petitioners created. Petitioners and Children were lawfully abiding in their home when Respondent crashed into their life and made false arrests on Petitioners in order to justify the removal of Children. Dependency arbiters are persons and not judges. The law authorizes these arbiters only to administrate the federal person. Lawful judicial authority over Petitioners or Children is not present. The arbiters in this case have repeatedly made it clear on the record that they are not neutral. Respondents have no lawful contract or contact with Petitioners concerning the care and custody of Children. This Court should find that Respondents have never had jurisdiction of the subject of their alleged cause of action and release Children to Mother or Ana.

## b. Supporting cases, rules, or other authority:

All relevant authorities listed in Grounds 1, 2; Act of July 27, 1868, ch. 249, 15 Stat. 223; Bond v. U.S. (2014) 134 S.Ct. 2077; Meyer v. Nebraska (1923) 262 U.S. 390; Pennoyer v. Neff (1877) 95 U.S. 714; Chisholm v. Georgia (1793) 2 U.S. 419; Savorgnan v. United States (1950) 338 U.S. 491; Kawakita v. United States (1952) 343 U.S. 717; Cal. Const. art. VI, § 1; Gov't Code § 54950; Code Civ. Proc. § 430.10(a); Welf. & Inst. Code § 101(a),(b), and (d); § 366.26.

## 7. Ground 2 or Ground 4 \_\_\_\_\_ (if applicable):

The forth issue is whether Respondent must release Children because Respondent violated Petitioners' federally protected religious freedoms which forbid State from establishing a religion for Children when Respondent denies Petitioners the right to raise children in the Petitioners' faith by refusing to place Children in an available, safe, and appropriate Orthodox Jewish home.

## a. Supporting facts:

Discovery will show the following true and correct. Petitioners' and Children are Orthodox Jews. A member of the Los Angeles Jewish community, Ana Tzuberly ("Ana"), has come forward and volunteered to care for and if need be, adopt Children. The dependency court ordered Respondent to investigate the potential of moving Children into Ana's home in order to keep Children together and in a familiar religious environment. Respondent investigated and found Ana's home to be appropriate, but Respondent summarily chose to place only one child with Ana, who has a very large house and can take all Children. Respondent employees, Lora Marshall and Jerry Clyde, the social worker and supervisor in this case, willfully conspired with foster family agents to cause the physical destruction of Children's mental faculties. Respondent subjects Children to conditions of life that are intended to cause the physical destruction of Children's religious culture and heritage; imposes measures intended to prevent births within Petitioners' family; and transfers by force Children to non-Jewish homes in order to intentionally destroy the culture and heritage of Orthodox Jews. Right now, Children are scattered across many miles; rarely do Children get to see each other; and Children are being tormented by Respondents teaching Children that Children are not Jewish and that being Jewish is wrong. There is no State interest in denying Petitioners' right to Children grow up in a Jewish home. Federal law protects Petitioners' authority here. Absent Respondents proving a specific threat of harm to Children, this Court should order Respondent to release Children to Ana or Mother.

## b. Supporting cases, rules, or other authority:

All relevant authorities listed in Grounds 1, 2, 3; *Pierce v. Society of the Sisters of the Holy Name of Jesus and Mary* (1925) 268 U.S. 510; *County of Allegheny v. ACLU Greater Pittsburgh Chapter* (1989) 492 U.S. 573; 42 U.S.C.A. § 2000bb-1; 18 U.S.C.A. § 1091; *Sands v. Morongo Unified School Dist.* (1991) 53 Cal.3d 863 [281 Cal.Rptr. 34, 809 P.2d 809]; *In re Marriage of Weiss* (1996) 42 Cal.App.4th 106 [49 Cal.Rptr.2d 339]; Welf. & Inst. Code §§ 205; 361.3.

7. Ground 2 or Ground 5 (if applicable):

The fifth issue is whether Respondent must release Children because dependency court violated Mother's federally protected right to fundamental due process when dependency court denied Mother's request for a bonding study, which impermissibly restricts Mother's ability to present and to challenge Respondent's evidence supporting termination of Mother's parental rights.

## a. Supporting facts:

Discovery will show the following true and correct. The dependency court ("Edelman") has relied erroneously on social workers reports alone, which are frequently riddled with disingenuous allegations. Edelman has repeatedly and summarily rejected Mother's attempt to be heard concerning Mother's fitness. A bonding study would prove that (1) Mother has maintained regular healthy contact with Children; (2) Mother's continuing relationship outweighs the well-being the child would gain in a permanent home with adoptive parents; (3) Children old enough to be heard have made it clear that they want to live with Petitioners or Ana; (4) Children exhibit physical manifestations of mental injury when they cry uncontrollably to come home and refuse to eat hours after visits because they wanted to go home with Mother; (5) Mother has completed all court orders, including, without limitation, parenting classes, counseling, and treatment programs. Respondent has willfully and maliciously excluded above-mentioned exculpatory evidence from Respondent's reports to make it appear that Mother is not cooperating and not fit to care for Children. Due process and equal protection should require Mother be allowed a neutral expert to provide evidence of Mother's fitness. Now, Mother is left with witnesses secured and paid for by Respondents. In denying Mother's request for a bonding study, Edelman abused its discretion in violation of Mother's federally protected right to present exculpatory evidence in the fact-finding stage that Children would be emotionally injured for life if Respondent terminated Mother's parental rights. This Court should reverse the ruling and release Children to Mother.

## b. Supporting cases, rules, or other authority:

All relevant authorities listed in Grounds 1, 2, 3, 4; Gideon v. Wainwright (1963) 372 U.S. 335; Moore v. City of East Cleveland, Ohio (1977) 431 U.S. 494; Stanley v. Illinois (1972) 405 U.S. 645; Mathews v. Eldridge (1976) 424 U.S. 319; In re Marilyn H. (1993) 5 Cal.4th 295; In re Jeremy W. (1992) 3 Cal.App.4th 1407; In re Carmaleta B. (1978) 21 Cal.3d 482; In re Amber M. 103 Cal.App.4th 681; Cal. Rules of Court 5.725; Welf. & Inst. Code § 366.26(c)(1)(B).

7. Ground 2 or Ground 6 (if applicable):

The sixth and final issue is whether Respondent must release Children because Edelman violated Petitioners' fundamental and federally protected right to assistance of counsel when Edelman denied Petitioners' intelligently, voluntarily, and unequivocally asserted right to self-representation, which had it not been for the denial of said right, Children would not have been removed.

## a. Supporting facts:

Discovery will show the following true and correct. At the first hearing and many more thereafter, Petitioners knowingly, voluntarily, and unequivocally asserted their right to self-representation. Each time, Edelman improperly denied Petitioners' said motions. Edelman reasoned that Petitioners proceeding In Pro Per would not be in the best interests of Children. Edelman labeled Petitioners' assertions of right disruptive to proceedings in order to remove Petitioners from hearings. Respondents and their employees then denied notice to Petitioners for future hearings. Edelman also instructed their clerks to refuse to file Petitioners' motions. Edelman runs a federally sponsored kidnapping and racketeering scam. Respondent falsely claims exigency exists to ensure court intervention is necessary; since the threshold for evidence is nonexistent, there is no check or balance; and Respondent fraudulently offers to solve Petitioners' "problem" when in fact Respondent knows Respondent will provide the least amount of services possible in order to insure Respondent receives the federal money for adoption. Had Edelman not denied Petitioners right to access the court file and reporter's transcript; to conduct discovery; to a trial by peers; to call witnesses; to confront and cross-examine Respondent's witnesses; to object to evidence and rulings; and to appeal to higher judicial authorities, Petitioners would have kept custody of Children. When Edelman denied Petitioners' most basic common and natural law right to self-representation, Respondent was able to avoid the scrutiny required in parental rights severance cases. This Court should rule for Petitioners' and release Children to Mother or Ana.

## b. Supporting cases, rules, or other authority:

All relevant authorities listed in Grounds 1, 2, 3, 4, 5; *Lassiter v. Dep't Soc. Servs. of Durham Cnty., N. C.* (1981) 452 U.S. 18; *Faretta v. California* (1975) 422 U.S. 806; *Powell v. Alabama* (1932) 287 U.S. 45; *Adams v. Carroll* (9th Cir. 1989) 875 F.2d 1441; *U.S. v. Arlt* (9th Cir. 1994) 41 F.3d 516; *In re J. G. L.* (1974) 43 Cal.App.3d 447 [117 Cal.Rptr. 799]; *People v. Carlisle v. Carlisle* (2001) 86 Cal.App.4th 1382 [103 Cal.Rptr.2d 919]; *Welf. & Inst. Code* §§ 317, 353.



8. Did you appeal from the conviction, sentence, or commitment?  Yes  No If yes, give the following information:
- a. Name of court ("Court of Appeal" or "Appellate Division of Superior Court"): \_\_\_\_\_
- b. Result: \_\_\_\_\_ c. Date of decision: \_\_\_\_\_
- d. Case number or citation of opinion, if known: \_\_\_\_\_
- e. Issues raised: (1) \_\_\_\_\_  
 (2) \_\_\_\_\_  
 (3) \_\_\_\_\_
- f. Were you represented by counsel on appeal?  Yes  No If yes, state the attorney's name and address, if known:  
 \_\_\_\_\_

9. Did you seek review in the California Supreme Court?  Yes  No If yes, give the following information:
- a. Result: \_\_\_\_\_ b. Date of decision: \_\_\_\_\_
- c. Case number or citation of opinion, if known: \_\_\_\_\_
- d. Issues raised: (1) \_\_\_\_\_  
 (2) \_\_\_\_\_  
 (3) \_\_\_\_\_

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

For over four years Respondents have repeatedly denied Petitioners' rights to proceed In Pro Per; to access the court record; to investigate the issues, to file and be heard at trial and on appeal.

11. Administrative review:
- a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500.) Explain what administrative review you sought or explain why you did not seek such review:
- Petitioners have attempted and exhausted every remedy available in the courts of the State; there is an absence of available State corrective processes; and circumstances exist that render the State process ineffective to protect the rights of the Petitioners. Petitioners have made reasonable attempts to be heard in the courts of the State concerning the issues raised here. State makes it impossible to challenge Respondent's process of terminating parental rights. The dependency court clerks refuse to file Petitioners' papers, the Sheriff's deputies deny Petitioners' access to the court, the court denies Petitioners effective opportunity to be heard, Respondent refuses to participate in discovery, and State affirms this denial of due process.
- b. Did you seek the highest level of administrative review available?  Yes  No  
Attach documents that show you have exhausted your administrative remedies.

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court?  Yes If yes, continue with number 13.  No If no, skip to number 15.

13. a. (1) Name of court: Los Angeles Calif. Cnty. Sup. Ct., Central Juvenile District, Dept. 407

(2) Nature of proceeding (for example, "habeas corpus petition"): Habeas corpus petition

(3) Issues raised: (a) Violation of Petitioners' religious freedoms.

(b) Denial of due process.

(4) Result (attach order or explain why unavailable): Respondent has converted Petitioners' legal papers.

(5) Date of decision: Filed on or about 09/30/2013. Denied hearing for defect of form.

b. (1) Name of court: United States District Court, Central District of California

(2) Nature of proceeding: Habeas corpus petition [No. CV 12-10494-UA-JC]

(3) Issues raised: (a) Violation of Petitioners' religious freedoms.

(b) Denial of due process.

(4) Result (attach order or explain why unavailable): Respondent has converted Petitioners' legal papers.

(5) Date of decision: 12/27/2012. Denied hearing for defect of form.

c. *For additional prior petitions, applications, or motions, provide the same information on a separate page.*

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

N/A

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

Respondent does not deny they knowingly deprive Petitioners of federal constitutionally protected rights by deliberately using perjured testimony, and suppressing evidence favorable to Petitioners.

16. Are you presently represented by counsel?  Yes  No If yes, state the attorney's name and address, if known:

17. Do you have any petition, appeal, or other matter pending in any court?  Yes  No If yes, explain:

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

Petitioners rights to appeal have been chilled by Respondent's unlawful actions including repeatedly refusing to hear Petitioners' complaint prior to their loss of parental rights hearing.

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 01/14/2015



(SIGNATURE OF PETITIONER)