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8 UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
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10 Daniel Adam Borsotti,) Case No. 2:16-cv-07603-FMO (JCx)
11 Claimant,)
12 v.) SUMMARY RULING
) DIRECT CONTEMPT
) in re FERNANDO MANZANO OLGUIN;
) ORDER TO SHOW CAUSE
13 Quality Loan Services)
Corporation,)
14)
Defendant.)
15)

16 I
ORDER
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18 1. COMES NOW THE ABOVE ENTITLED COURT OF RECORD ¹ and finds the
19 magistrate ² of the court, Fernando Manzano Olguin, in direct
contempt ³ of the authority of this court. ⁴
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21 ¹ A court of record is, "A judicial tribunal having attributes and exercising functions independently of the person of
22 the magistrate designated generally to hold it. Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte
Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689"
Black's Law Dictionary, 4th Ed., 425, 426.

23 ² "MAGISTRATE. A person holding official power in a government; as: a The official of highest rank in a
government (chief, or first, magistrate). b An official of a class having summary, often criminal, jurisdiction."
Webster's New Practical Dictionary, 386 (1953), G. & C. Merriam Co., Springfield, Mass.

24 "MAGISTRATE, an official entrusted with administration of the laws"; Merriam-Webster On-Line Dictionary
25 "MAGISTRATE, Person clothed with power as a public civil officer. State ex rel. Miller v. McLeod, 142 Fla.
254, 194 So. 628, 630." Black's Law Dictionary, 4th Ed., 1103

26 ³ This is the 3rd finding of contempt against Fernando Manzano Olguin. The prior contempts were filed as
[DKT. NO. 86] and [DKT. NO. 90].

1 2. On March 29, 2017, Fernando Manzano Olguin, despite being
2 informed of his lack of authority,⁵ and despite being ordered
3 [DKT. NO. 90] to not enter into the court record any further
4 orders without leave of court, entered into the court record an
unlawful *ORDER TO STRIKE ELECTRONICALLY FILED DOCUMENT(S)* [DKT.
NO. 91] without leave of court, which the court rescinded
(Attachment 5).

5 3. Further, the court finds that Fernando Manzano Olguin is
6 causing unnecessary delay resulting in justice delayed for the
7 defendant, Quality Loan Service Corporation, and the claimant,
Daniel Adam Borsotti. Therefore, Fernando Manzano Olguin shall
8 pay a fine of one hundred dollars (\$100), payable to the
9 defendant, Quality Loan Service Corporation.

4. Further, Fernando Manzano Olguin shall not issue any further
orders without leave of court.

10 II
11 ORDER TO SHOW CAUSE

12 5. The magistrate, Claimant, and defendant are each ordered to
13 file and serve on all other interested parties and magistrate a
14 brief no later than April 25, 2017 to show cause, if any there
15 be, to this court why this *ORDER* should not take effect or
should be modified. Unless requested, there will be no oral
argument. The court, mindful of the rights of the parties and
the importance of fair play, will liberally construe the written
arguments presented.

16 III
17 BASIS

18 6. The Supreme Court of the United States acknowledges the
19 superior standing of a court of record. It said, "The judgment
20 of a court of record whose jurisdiction is final, is as
21 conclusive on all the world as the judgment of this court would
be. It is as conclusive on this court as it is on other courts.
It puts an end to inquiry concerning the fact, by deciding it."
Ex parte Watkins, 3 Pet., at 202-203. [cited by SCHNECKLOTH v.
BUSTAMONTE, 412 U.S. 218, 255 (1973)]

22 7. Because of the rules and the potential for misunderstanding

23 ⁴ "Court...The person and suit of the sovereign; the place where the sovereign sojourns with his
24 regal retinue, wherever that may be." Page 425, Black's Law Dictionary, Revised Fourth Edition

25 ⁵ See Order Magistrate's Duty Assignment [DKT. NO. 69]; Writs of Error and Contempts, [DKT. NO. 86], [DKT.
26 NO. 87], [DKT. NO. 89] and [DKT. NO. 90], which fully informed Fernando Manzano Olguin of his limitations.

1 by the magistrate, on January 25, 2017 this court of record
2 issued sua sponte the *ORDER, MAGISTRATE'S DUTY ASSIGNMENT* [DKT
3 NO. 69], which clarified and defined the duties of the judge's
4 administrative authority.⁶ In the Anglo-American legal system,
5 for over 800 years the magistrate is merely the top officer of a
6 court. He is not the court or court of record.⁷

8. Since January 25, 2017 the magistrate, Fernando Manzano
9 Olguin, issued five (5) unlawful orders⁸ attempting to subvert
10 this court of record and convert this court⁹ into an inferior
11 court.¹⁰

12 9. There is no reasonable justification for Fernando Manzano
13 Olguin to believe that this case is business as usual. This
14 court is a court of record,¹¹ not an inferior court.¹² As such
15 Fernando Manzano Olguin, as the magistrate of the court, may not
16 take any action which is reserved to the tribunal.¹³

17 ⁶ "MAGISTRATE. A person holding official power in a government; as: a The official of highest rank in a
18 government (chief, or first, magistrate). b An official of a class having summary, often criminal, jurisdiction."
19 Webster's New Practical Dictionary, 386 (1953), G. & C. Merriam Co., Springfield, Mass.

20 ⁶ "MAGISTRATE, an official entrusted with administration of the laws", Merriam-Webster On-Line Dictionary
21 "MAGISTRATE, Person clothed with power as a public civil officer. State ex rel. Miller v. McLeod, 142 Fla.
22 254, 194 So. 628, 630." Black's Law Dictionary, 4th Ed., 1103

23 ⁷ "Henceforth the writ which is called Praeceptum shall not be served on any one for any holding so as to cause a free
24 man to lose his court." Magna Carta, Article 34

25 ⁸ See [DKT. NO. 71, 84, 85, 88, and 91].

26 ⁹ COURT. The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue,
27 wherever that may be. [Black's Law Dictionary, 5th Edition, page 318.]

28 ¹⁰ "Inferior courts" are those whose jurisdiction is limited and special and whose proceedings are not according to
the course of the common law." Ex Parte Kearny, 55 Cal. 212; Smith v. Andrews, 6 Cal. 652

"The only inherent difference ordinarily recognized between superior and inferior courts is that there is a
presumption in favor of the validity of the judgments of the former, none in favor of those of the latter..." Ex parte
Kearny, 55 Cal. 212.

¹¹ 28 USC § 132 "(a) There shall be in each judicial district a district court which shall be a court of record known as
the United States District Court for the district."

¹² "The only inherent difference ordinarily recognized between superior and inferior courts is that there is a
presumption in favor of the validity of the judgments of the former, none in favor of those of the latter, and that a
superior court may be shown not to have had power to render a particular judgment by reference to its record. Ex
parte Kearny, 55 Cal. 212.

Note, however, that in California 'superior court' is the name of a particular court. But when a court acts by virtue
of a special statute conferring jurisdiction in a certain class of cases, it is a court of inferior or limited jurisdiction for
the time being, no matter what its ordinary status may be. Heydenfeldt v. Superior Court, 117 Cal. 348, 49 Pac. 210;
Cohen v. Barrett, 5 Cal. 195" 7 Cal. Jur. 579

¹³ A court of record is, "A judicial tribunal having attributes and exercising functions independently of the person of
the magistrate designated generally to hold it. Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte

1 10. In each of his orders the magistrate cites General
2 Order 16-05, or Local Rule 6-1, or Local Rule 11-4.1. An
3 examination of his cites and claims fails to show where the
4 magistrate has any monopolistic authority to make any
5 discretionary decisions. At best the magistrate is an
6 administrative entity limited to enforcing the orders of the
7 court. Only the tribunal of the court may make discretionary
8 decisions.

9 11. As an aside, a court of record is not to be confused with
10 an equity court, which allows a judge to develop a "god
11 complex".

12 12. Despite repeated writs of error ¹⁴ and contempts of court ¹⁵
13 containing explanatory admonishments, the magistrate persists in
14 his rebellious usurpation of the jurisdiction of this court of
15 record.

16 13. After [DKT. NO. 71] was rescinded by WRIT OF ERROR,
17 Fernando Manzano Olguin was fully informed of the legal
18 reasons why he had not the authority to displace the court
19 tribunal. Yet, he persisted four more times under color of
20 law to commit usurpation as a usurper.

21 14. Five (5) times Fernando Manzano Olguin, under color of law,
22 usurped ¹⁶ the function of the tribunal:

23 [DKT. NO. 71] *ORDER TO STRIKE ELECTRONICALLY FILED*
24 *DOCUMENT(S)*

25 [DKT. NO. 84] *ORDER TO STRIKE ELECTRONICALLY FILED*
26 *DOCUMENT(S)*

27 [DKT. NO. 85] *NOTICE OF DOCUMENT DISCREPANCIES and*
28 *ORDER OF THE JUDGE/MAGISTRATE JUDGE*

29 Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689"
30 Black's Law Dictionary, 4th Ed., 425, 426.

31 ¹⁴ See writs of error, DKT NO. 79, 87, and 89

32 ¹⁵ See contempts of court, DKT No. 86 and 90

33 ¹⁶ "USURP. To seize and hold any office by force, and without right; applied to seizure of office, place, functions,
34 powers, rights, etc. of another. State ex rel. Scanes v. Babb, 124 W. Va. 428, 20 S.E.2d 683, 686.

35 "USURPATION. The unlawful encroachment or assumption of the use of property, power or authority which
36 belongs to another. An interruption or the disturbing a man in his right and possession.

37 "The unlawful seizure or assumption of sovereign power. The assumption of government or supreme power by
38 force or illegally, in derogation of the constitution and of the rights of the lawful ruler.

"Usurpation for which writ of prohibition may be granted involves attempted exercise of power not possessed by
inferior officer."

Black's Law Dictionary, Fifth Edition, page 1385

1 [DKT. NO. 88] ORDER STRIKING FILED DOCUMENTS FROM THE
RECORD

2 [DKT. NO. 91] ORDER STRIKING FILED DOCUMENTS FROM THE
RECORD

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4 15. Each of the usurpations was followed by a writ of
5 error that rescinded the relevant order. The court found
6 Fernando Manzano Olguin in contempt of court for his
7 rebellion despite the authority of this court of record.

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IV
HISTORY

16. On January 20, 2017, Claimant, as one of the people ¹⁷ of
the United States, filed a *FIRST AMENDED ACTION* [DKT NO. 67] in
which he established the above-entitled court ¹⁸ as a court of
record. ¹⁹

17. On January 25, 2017 this court of record issued sua sponte
ORDER, MAGISTRATE'S DUTY ASSIGNMENT [DKT NO. 69], which defined
the duties of the judge. ²⁰

18. On January 27, 2017 the clerk filed the unlawful *ORDER TO*
STRIKE ELECTRONICALLY FILED DOCUMENT(S) [DKT. NO. 71] in re
[DKT. NO. 69 & 70] received from the magistrate of the court.
In this instance, the magistrate unlawfully usurped the
authority of the tribunal of the court of record.

¹⁷ "Government: Republican Government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law Dictionary, Fifth Edition, p. 626

¹⁸ 28 USC 132 "CREATION AND COMPOSITION OF district courts. (a) There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district."

COURT. "The person and suite of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be." Black's Law Dictionary, 4th Ed., 425, 426

¹⁹ A court of record is, "A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it. Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689" Black's Law Dictionary, 4th Ed., 425, 426.

²⁰ "MAGISTRATE. A person holding official power in a government; as: a The official of highest rank in a government (chief, or first, magistrate). b An official of a class having summary, often criminal, jurisdiction." Webster's New Practical Dictionary, 386 (1953), G. & C. Merriam Co., Springfield, Mass.

"MAGISTRATE, an official entrusted with administration of the laws", Merriam-Webster On-Line Dictionary
"MAGISTRATE, Person clothed with power as a public civil officer. State ex rel. Miller v. McLeod, 142 Fla. 254, 194 So. 628, 630." Black's Law Dictionary, 4th Ed., 1103

1 19. On February 23, 2017 at 1:03 pm, this court of record issued
2 a *WRIT OF ERROR QUAE CORAM NOBIS RESIDANT* [DKT. NO. 79], which
3 rescinded [DKT. NO. 71]. The WRIT also contained an *ORDER TO*
SHOW CAUSE giving all parties an opportunity to show cause, if
any, why the WRIT is unlawful.

4 20. The purpose of the WRIT was to rescind the unlawful order,
5 and to inform Fernando Manzano Olguin of his error The WRIT
6 also contained an *ORDER TO SHOW CAUSE* giving him an opportunity
7 to show cause, if any, why the WRIT should not be issued. At no
8 time did anyone answer or otherwise respond to the *ORDER TO SHOW*
CAUSE [DKT. NO. 79]

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10 21. On March 7, 2017, this court of record issued a *RULING, ON*
11 *DEFENDANT'S MOTION TO DISMISS* [DKT. NO. 83] in re [DKT. NO. 74]
12 which also contained an *ORDER TO SHOW CAUSE* giving all parties
13 an opportunity to show cause, if any, why the ruling is
unlawful.

14 22. At no time did any interested party answer or otherwise
15 respond to the *ORDER TO SHOW CAUSE* [DKT. NO. 83]

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17 23. On March 8, 2017 the clerk filed the unlawful *ORDER TO*
18 *STRIKE ELECTRONICALLY FILED DOCUMENT(S)* [DKT. NO. 84] in re
19 [DKT. NO. 83] received from Fernando Manzano Olguin. Despite
20 being informed by the previous *ORDER MAGISTRATE'S DUTY*
21 *ASSIGNMENT* [DKT. NO. 69], Fernando Manzano Olguin again
unlawfully usurped the authority of the tribunal.²¹

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23 24. On March 15, 2017 the clerk filed the unlawful *NOTICE OF*
24 *DOCUMENT DISCREPANCIES* and *ORDER OF THE JUDGE/MAGISTRATE JUDGE*
25 [DKT. NO. 85] received from Fernando Manzano Olguin. Despite
26 being informed by the previous *ORDER, MAGISTRATE'S DUTY*
ASSIGNMENT [DKT. NO. 69], Fernando Manzano Olguin again
unlawfully usurped the authority of the tribunal.

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28 25. On March 16, 2017 at 1:30 pm, this court of record issued a

²¹ A court of record is, "A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it. Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689" Black's Law Dictionary, 4th Ed., 425, 426.

1 *WRIT OF ERROR QUAE CORAM NOBIS RESIDANT* [DKT. NO. 87], which
2 rescinded DKT. NO. 84. The WRIT also contained an *ORDER TO SHOW*
3 *CAUSE* giving all parties an opportunity to show cause, if any,
4 why the WRIT is unlawful.

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6 26. At no time did any interested party, magistrate or
7 otherwise, answer or otherwise respond to the *ORDER TO SHOW*
8 *CAUSE* [DKT. NO. 87]

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10 27. On March 16, 2017 at 1:31 pm, this court of record issued a
11 *SUMMARY RULING DIRECT CONTEMPT in re FERNANDO MANZANO OLGUIN*
12 [DKT. NO. 86]. The *RULING* also contained an *ORDER TO SHOW CAUSE*
13 giving all parties an opportunity to show cause, if any, why the
14 *RULING* is unlawful.

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16 28. At no time did any interested party, magistrate or
17 otherwise, answer or otherwise respond to the *ORDER TO SHOW*
18 *CAUSE* [DKT. NO. 86]

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21 29. On March 22, 2017 the clerk filed the unlawful *ORDER*
22 *STRIKING FILED DOCUMENTS FROM THE RECORD* [DKT. NO. 88] received
23 from the magistrate of the court. In this instance, the
24 magistrate again unlawfully usurped the authority of the
25 tribunal of the court of record.

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27 30. On March 27 2017, this court of record issued sua sponte
28 *WRIT OF ERROR and ORDER TO SHOW CAUSE* [DKT NO. 89], which
29 rescinded Fernando Manzano Olguin's *ORDER* [DKT. NO. 88] and
30 [DKT. NO. 85].

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32 31. At no time did any interested party or Fernando Manzano
33 Olguin answer or otherwise respond to the *ORDER TO SHOW CAUSE*
34 [DKT. NO. 89]

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36 32. On March 27, 2017, this court of record issued sua sponte
37 *SUMMARY RULING DIRECT CONTEMPT and ORDER TO SHOW CAUSE*
38 [DKT. NO. 90].

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40 33. At no time did any interested party or Fernando Manzano
41 Olguin answer or otherwise respond to the *ORDER TO SHOW CAUSE*
42 [DKT. NO. 90].

43 ---

44
45 34. Despite being informed by the previous *ORDER, MAGISTRATE'S*
46 *DUTY ASSIGNMENT* [DKT NO. 69], and *WRITS OF ERROR* [DKT. NO. 87,
47 & 89], and the previous *CONTEMPTS OF COURT* [DKT. NO. 86 & 90],

1 Fernando Manzano Olguin again unlawfully usurped the authority
2 of the tribunal.²² On March 29, 2017 the clerk filed the
3 unlawful *ORDER STRIKING FILED DOCUMENTS FROM THE RECORD*
4 [DKT. NO. 91] (Attachment 5) received from Fernando Manzano
5 Olguin.

6 ---

7 35. The purpose of a *WRIT OF ERROR* is to rescind or correct any
8 error committed by court personnel. The *WRIT* also contained an
9 *ORDER TO SHOW CAUSE* giving any interested party an opportunity
10 to show cause, if any, why the *WRIT* should not be issued.

11 36. A basic requirement of a court of record is that the
12 tribunal must be independent of the magistrate.²³ The magistrate
13 is not the court, and vice versa. That distinction is noted
14 throughout the codes. For examples, see 28 USC 2241
15 and 28 USC 2243.²⁴

16 37. Because the above-entitled court is a court of record in
17 which the tribunal must be independent of the magistrate, when
18 the magistrate issued the orders, each time he usurped the power
19 of the tribunal.²⁵ The ministerial magistrate may not exercise
20 any judicial discretion, which is reserved to the tribunal. To
21 do so constitutes a rebellion against age-old traditions of a
22 court of record fundamental to the Anglo American system of law.

23 //////////////

24 _____
25 ²² A court of record is, “A judicial tribunal having attributes and exercising functions independently of the person of
26 the magistrate designated generally to hold it. Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte
27 Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689”
28 Black's Law Dictionary, 4th Ed., 425, 426.

²³ “A judicial tribunal having attributes and exercising functions independently of the person of the magistrate
designated generally to hold it [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc.
Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689” Black's Law
Dictionary, 4th Ed., 425, 426

²⁴ Examples of the codes distinguishing between a court and a judge:
28 USC 2241 “(a) Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district
courts and any circuit judge within their respective jurisdictions...”
28 USC 2243 “A court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith
award the writ or issue an order...”

²⁵ A court of record is, “A judicial tribunal having attributes and exercising functions independently of the person of
the magistrate designated generally to hold it [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte
Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689]”
Black's Law Dictionary, 4th Ed., 425, 426.

V
JUDICIAL COGNIZANCE

38. This court takes judicial cognizance of and decrees the following as the law of the case:

39. JUDICIAL COGNIZANCE. Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. [Black's Law Dictionary, 5th Edition, page 760.]

40. Constitution for the United States of America

41. Constitution for the United States of America Amendment IV

42. Constitution for the United States of America Amendment XIV

43. 18 USC 241

44. 18 USC 242

45. 42 USC 1982

46. 42 USC 1983

47. 42 USC 1985(3)

48. The Congress as the instrumentality of sovereignty is endowed with certain powers to be exerted on behalf of the people in the manner and with the effect the Constitution ordains. The Congress cannot invoke the sovereign power of the people to override their will as thus declared. *Lynch v. United States*, supra, pages 580, 582, of 292 U.S. 54 S.Ct. 840. Cited by *Perry v. United States*, 294 U.S. 330, 353 (1935).

49. In the United States, sovereignty resides in the people who act through the organs established by the Constitution. *Chisholm v. Georgia*, 2 Dall. 419, 471; *Penhallow v. Doane's Administrators*, 3 Dall. 54, 93; *McCulloch v. Maryland*, 4 Wheat. 316, 404, 405; *Yick Wo v. Hopkins*, 118 U.S. 356, 370, 6 S.Ct. 1064. Cited by *PERRY v. UNITED STATES*, 294 U.S. 330, 353 (1935)

50. The sovereignty of the state resides in the people thereof... [California Government Code, Section 100(a)]

51. The people of this state do not yield their sovereignty to the agencies which serve them. [California Government Code, Sections 11120 and 54950.]

52. Laws, whether organic or ordinary, are either written or unwritten. [California Code of Civil Procedure, Section 1895.]

1 53. A written law is that which is promulgated in writing, and
2 of which a record is in existence. [California Code of Civil
3 Procedure, Section 1896]

4 54. The organic law is the Constitution of Government, and is
5 altogether written. Other written laws are denominated
6 statutes. The written law of this State is therefore contained
7 in its Constitution and statutes, and in the Constitution and
8 statutes of the United States. [California Code of Civil
9 Procedure, Section 1897]

10 55. Any judicial record may be impeached by evidence of a want
11 of jurisdiction in the Court or judicial officer, of collusion
12 between the parties, or of fraud in the party offering the
13 record, in respect to the proceedings. [California Code of
14 Civil Procedure, Section 1916]

15 56. ...at the Revolution, the sovereignty devolved on the
16 people; and they are truly the sovereigns of the country, but
17 they are sovereigns without subjects...with none to govern but
18 themselves..... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L
19 Ed 440, 455 @DALL (1793) pp471-472.]

20 57. The very meaning of 'sovereignty' is that the decree of the
21 sovereign makes law. [American Banana Co. v. United Fruit Co.,
22 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047]

23 58. The people of this State, as the successors of its former
24 sovereign, are entitled to all the rights which formerly
25 belonged to the King by his prerogative. [Lansing v. Smith, 4
26 Wend. 9 (N.Y.) (1829), 21 Am.Dec. 89 10C Const. Law Sec. 298; 18
27 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48
28 C Wharves Sec. 3, 7.]

29 59. A consequence of this prerogative is the legal ubiquity of
30 the king. His majesty in the eye of the law is always present in
31 all his courts, though he cannot personally distribute justice.
32 (Fortesc.c.8. 2Inst.186) His judges are the mirror by which the
33 king's image is reflected. 1 Blackstone's Commentaries, 270,
34 Chapter 7, Section 379.

35 60. 28 USC 2241 "(a) Writs of habeas corpus may be granted by
36 the Supreme Court, any justice thereof, the district courts and
37 any circuit judge within their respective jurisdictions..."

38 28 USC 2243 "A court, justice or judge entertaining an
39 application for a writ of habeas corpus shall forthwith award
40 the writ or issue an order..."

41 61.This declaration of rights may not be construed to
42 impair or deny others retained by the people. [California
43 Constitution, Article 1, Declaration Of Rights Sec. 24.]

1 62. The state cannot diminish rights of the people. [Hertado
2 v. California, 110 US 516.]

3 63. The assertion of federal rights, when plainly and
4 reasonably made, is not to be defeated under the name of local
5 practice. [Davis v. Wechsler, 263 US 22, 24.]

6 64. Where rights secured by the Constitution are involved,
7 there can be no rule making or legislation which would abrogate
8 them. [Miranda v. Arizona, 384 US 436, 491.]

9 65. There can be no sanction or penalty imposed upon one
10 because of this exercise of constitutional rights. [Sherer v.
11 Cullen, 481 F 946.]

12 66. Whereas, the people of California have presented a
13 constitution....and which, on due examination, is found to be
14 republican in its form of government.... [Act [of Congress] for
15 the Admission of California Into the Union, Volume 9, Statutes
16 at Large, Page 452.]

17 67. Republican government. One in which the powers of
18 sovereignty are vested in the people and are exercised by the
19 people, either directly, or through representatives chosen by
20 the people, to whom those powers are specially delegated. [In
21 re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v.
22 Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law
23 Dictionary, Fifth Edition, p. 626.]

24 68. The State of California is an inseparable part of the
25 United States of America, and the United States Constitution is
26 the supreme law of the land. [California Constitution, Article
27 3, Sec. 1.]

28 69. This Constitution, and the Laws of the United States which
shall be made in Pursuance thereof; and all Treaties made, or
which shall be made, under the Authority of the United States,
shall be the supreme Law of the Land; and the Judges in every
State shall be bound thereby; any Thing in the Constitution or
Laws of any State to the Contrary notwithstanding.
[Constitution for the United States of America, Article VI,
Clause 2.]

70. COURT. The person and suit of the sovereign; the place
where the sovereign sojourns with his regal retinue, wherever
that may be. [Black's Law Dictionary, 5th Edition, page 318.]

71. COURT. An agency of the sovereign created by it directly
or indirectly under its authority, consisting of one or more
officers, established and maintained for the purpose of hearing
and determining issues of law and fact regarding legal rights

1 and alleged violations thereof, and of applying the sanctions of
2 the law, authorized to exercise its powers in the course of law
3 at times and places previously determined by lawful authority.
[Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070; Black's
Law Dictionary, 4th Edition, page 425]

4 72. 28 USC 132 CREATION AND COMPOSITION OF district courts
5 (a) There shall be in each judicial district a district court
6 which shall be a court of record known as the United States
District Court for the district.

7 73. COURT OF RECORD. To be a court of record a court must have
8 four characteristics, and may have a fifth. They are:

9 A. A judicial tribunal having attributes and
10 exercising functions independently of the person of
11 the magistrate designated generally to hold it
[Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227,
229; Ex parte Gladhill, 8 Metc. Mass., 171, per
12 Shaw, C.J. See, also, Ledwith v. Rosalsky, 244
N.Y. 406, 155 N.E. 688, 689][Black's Law
Dictionary, 4th Ed., 425, 426]

13 B. Proceeding according to the course of common law
14 [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227,
229; Ex parte Gladhill, 8 Metc. Mass., 171, per
15 Shaw, C.J. See, also, Ledwith v. Rosalsky, 244
N.Y. 406, 155 N.E. 688, 689][Black's Law
Dictionary, 4th Ed., 425, 426]

16 C. Its acts and judicial proceedings are enrolled, or
17 recorded, for a perpetual memory and testimony. [3
Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas
18 Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton,
52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2
19 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205,
117 N.E. 229, 231]

20 D. Has power to fine or imprison for contempt. [3
Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas
21 Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton,
52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2
22 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205,
117 N.E. 229, 231.][Black's Law Dictionary, 4th
23 Ed., 425, 426]

24 E. Generally possesses a seal. [3 Bl. Comm. 24; 3
25 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24
F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v.
26 U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger
v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.]

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28 SUMMARY RULING

DIRECT CONTEMPT in re FERNANDO MANZANO OLGUIN;
ORDER TO SHOW CAUSE

1 [Black's Law Dictionary, 4th Ed., 425, 426]

2 74. "The following persons are magistrates: ...The judges of
3 the superior courts.... [California Penal Code, Sec. 808.]

4 "MAGISTRATE. A person holding official power in a
5 government; as: a The official of highest rank in a government
6 (chief, or first, magistrate). b An official of a class having
7 summary, often criminal, jurisdiction." Webster's New Practical
8 Dictionary, 386 (1953), G. & C. Merriam Co., Springfield, Mass.

9 "MAGISTRATE, an official entrusted with administration of
10 the laws", Merriam-Webster On-Line Dictionary

11 "MAGISTRATE, Person clothed with power as a public civil
12 officer. State ex rel. Miller v. McLeod, 142 Fla. 254, 194 So.
13 628, 630." Black's Law Dictionary, 4th Ed., 1103

14 75. ...our justices, sheriffs, mayors, and other ministers,
15 which under us have the laws of our land to guide, shall allow
16 the said charters pleaded before them in judgement in all their
17 points, that is to wit, the Great Charter as the common law....
18 [Confirmatio Cartarum, November 5, 1297" "Sources of Our
19 Liberties" Edited by Richard L. Perry, American Bar Foundation.]

20 76. Henceforth the writ which is called Praeceptum shall not be
21 served on any one for any holding so as to cause a free man to
22 lose his court. Magna Carta, Article 34.

23 77. 18 USC § 401 - Power of court

24 A court of the United States shall have power to punish by
25 fine or imprisonment, or both, at its discretion, such contempt
26 of its authority, and none other, as-

27 (1) Misbehavior of any person in its presence or so near
28 thereto as to obstruct the administration of justice;

(2) Misbehavior of any of its officers in their official
transactions;

(3) Disobedience or resistance to its lawful writ, process,
order, rule, decree, or command.

78. CCP 1209. (a) The following acts or omissions in respect
to a court of justice, or proceedings therein, are contempts of
the authority of the court:

3. Misbehavior in office, or other willful neglect or
violation of duty by an attorney, counsel, clerk, sheriff,
coroner, or other person [e.g. a judge or magistrate], appointed
or elected to perform a judicial or ministerial service;

4. Abuse of the process or proceedings of the court,
or falsely pretending to act under authority of an order or
process of the court;

5. Disobedience of any lawful judgment, order, or

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SUMMARY RULING

DIRECT CONTEMPT in re FERNANDO MANZANO OLGUIN;

ORDER TO SHOW CAUSE

1 process of the court;

2 8. Any other unlawful interference with the process or
3 proceedings of a court;

4 11. Disobedience by an inferior tribunal, magistrate,
5 or officer, of the lawful judgment, order, or process of a
6 superior court, or proceeding in an action or special proceeding
7 contrary to law, after such action or special proceeding is
8 removed from the jurisdiction of such inferior tribunal,
9 magistrate, or officer.

7 79. CCP 1211. (a) When a contempt is committed in the
8 immediate view and presence of the court, or of the judge at
9 chambers, it may be punished summarily; for which an order must
10 be made, reciting the facts as occurring in such immediate view
11 and presence, adjudging that the person proceeded against is
12 thereby guilty of a contempt, and that he be punished as therein
13 prescribed.

14 When the contempt is not committed in the immediate view
15 and presence of the court, or of the judge at chambers, an
16 affidavit shall be presented to the court or judge of the facts
17 constituting the contempt, or a statement of the facts by the
18 referees or arbitrators, or other judicial officers. ...

19 80. IT IS SO ORDERED.

20 WITNESS: the SEAL of the COURT this 11th day of April, 2017

21 THE COURT

22 By _____ (SEAL)
23 Daniel Borsotti
24 Attornatus Privatus