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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-16-07603-FMO (JC)
11 Claimant)
12 v.) SUMMARY RULING
13 Quality Loan Services) DIRECT CONTEMPT
Corporation,) in re FERNANDO MANZANO OLGUIN;
14 Defendants) ORDER TO SHOW CAUSE
15)
_____)

16 I
ORDER
17

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 of the authority of the court. ³ On March 22, 2017, Mr.

20 ¹ A court of record is, "A judicial tribunal having attributes and exercising functions independently of the person of
21 the magistrate designated generally to hold it. Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte
22 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 "Court...The person and suit of the sovereign; the place where the sovereign sojourns with his
regal retinue, wherever that may be." Page 425, Black's Law Dictionary, Revised Fourth Edition

1 Olguin, despite being informed of his lack of authority,⁴ caused
2 to be entered into the court record an unlawful *ORDER TO STRIKE*
3 *ELECTRONICALLY FILED DOCUMENT(S)* [DKT. NO. 84] without leave of
4 court. Further, despite being ordered [DKT. NO. 86, ¶ 3) to not
5 enter into the court record any further orders without leave of
6 court Mr. Olguin issued another order [DKT. NO. 88].

7
8 2. Further, Fernando Manzano Olguin shall pay a fine of fifty
9 dollars (\$50), payable to the United States Treasury General
10 Fund.

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

13
14 II
15 ORDER TO SHOW CAUSE

16 4. Further, the magistrate, Claimant, and defendant are each
17 ordered to file and serve on all other interested parties and
18 magistrate a brief no later than April 10, 2017 to show cause,
19 if any there be, to this court why this *ORDER* should not take
20 effect or should be modified. Unless requested, there will be
21 no oral argument. The court, mindful of the rights of the
22 parties and the importance of fair play, will liberally construe
23 the written arguments presented.

24 III
25 BASIS

26 5. The Supreme Court of the United States acknowledges the
27 superior standing of a court of record. It said, "The judgment
28 of a court of record whose jurisdiction is final, is as
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)]

29 6. There is no reasonable justification for Mr. Olguin to
30 believe that his case is business as usual. This court is a
31 court of record,⁵ not an inferior court.⁶ As such Mr. Olguin,
32

33 ⁴ See Writs of Error, [DKT. NO. 79] and [DKT. NO. 87], which fully informed Fernando Manzano Olguin.

34 ⁵ 28 USC § 132 "(a) There shall be in each judicial district a district court which shall be a court of record known as
35 the United States District Court for the district."

36 ⁶ "The only inherent difference ordinarily recognized between superior and inferior courts is that there is a
37 presumption in favor of the validity of the judgments of the former, none in favor of those of the latter, and that a

1 as the magistrate of the court, may not take any action which is
2 reserved to the tribunal.⁷

3 7. Four times Mr. Olguin, under color of law, usurped⁸ the
4 function of the tribunal:

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

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

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

11 [DKT. NO. 88] *ORDER STRIKING FILED DOCUMENTS FROM THE*
12 *RECORD*

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

18 IV
19 HISTORY

20 9. On January 20, 2017, Claimant, as one of the people⁹ of the

21 superior court may be shown not to have had power to render a particular judgment by reference to its record. Ex
22 parte Kearny, 55 Cal. 212.

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

27 ⁷ A court of record is, “A judicial tribunal having attributes and exercising functions independently of the person of
28 the magistrate designated generally to hold it. Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte
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 ⁸ “USURP. To seize and hold any office by force, and without right; applied to seizure of office, place, functions,
32 powers, rights, etc. of another. State ex rel. Scanes v. Babb, 124 W. Va. 428, 20 S.E.2d 683, 686.

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

35 “The unlawful seizure or assumption of sovereign power. The assumption of government or supreme power by
36 force or illegally, in derogation of the constitution and of the rights of the lawful ruler.

37 “Usurpation for which writ of prohibition may be granted involves attempted exercise of power not possessed by
38 inferior officer.”

39 Black’s Law Dictionary, Fifth Edition, page 1385

40 ⁹ “Government: Republican Government. One in which the powers of sovereignty are vested in the people and are
41 exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are
42 specially delegated. In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21
43 Wall.) 162, 22 L.Ed. 627.” Black’s Law Dictionary, Fifth Edition, p. 626

1 United States, filed a *FIRST AMENDED ACTION* [DKT NO. 67] in
2 which he established the above-entitled court ¹⁰ as a court of
record. ¹¹

3 10. On January 25, 2017 this court of record issued sua sponte
4 *ORDER, MAGISTRATE'S DUTY ASSIGNMENT* [DKT NO. 69], which defined
the duties of the judge. ¹²

5 11. On January 27, 2017 the clerk filed the unlawful *ORDER TO*
6 *STRIKE ELECTRONICALLY FILED DOCUMENT(S)* [DKT. NO. 71]
7 (Attachment 1) received from the magistrate of the court. In
this instance, the magistrate unlawfully usurped the authority
of the tribunal of the court of record.

8 12. On February 23, 2017 at 1:03 pm, this court of record issued
9 a *WRIT OF ERROR QUAE CORAM NOBIS RESIDANT* [DKT. NO. 79], which
rescinded DKT. NO. 71.

10 13. The purpose of the WRIT was to rescind the unlawful order,
and to inform Fernando Manzano Olguin of the error of his ways.
11 The WRIT also contained an *ORDER TO SHOW CAUSE* giving him an
opportunity to show cause, if any, why the WRIT should not be
12 issued.

13 14. At no time did Mr. Olguin answer or otherwise respond to
14 the *ORDER TO SHOW CAUSE* [DKT. NO. 79]

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

17 16. At no time did any interested party answer or otherwise

18 ¹⁰ 28 USC 132 "CREATION AND COMPOSITION OF district courts. (a) There shall be in each judicial district a
19 district court which shall be a court of record known as the United States District Court for the district."

20 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

21 ¹¹ 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"
23 Black's Law Dictionary, 4th Ed., 425, 426.

24 ¹² "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.

25 "MAGISTRATE, an official entrusted with administration of the laws", Merriam-Webster On-Line Dictionary
26 "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 respond to the *ORDER TO SHOW CAUSE* [DKT. NO. 83]

2 17. On March 8, 2017 the clerk filed the unlawful *ORDER TO*
3 *STRIKE ELECTRONICALLY FILED DOCUMENT(S)* [DKT. NO. 84]
4 (Attachment 2) received from the Fernando Manzano Olguin.
5 Despite being informed by the previous *WRIT OF ERROR* [DKT. NO.
6 79], Fernando Manzano Olguin again unlawfully usurped the
7 authority of the tribunal.¹³

8 18. On March 15, 2017 the clerk filed the unlawful *NOTICE OF*
9 *DOCUMENT DISCREPANCIES and ORDER OF THE JUDGE/MAGISTRATE JUDGE*
10 [DKT. NO. 85] (Attachment 3) received from Fernando Manzano
11 Olguin. Despite being informed by the previous *WRIT OF ERROR*
12 [DKT. NO. 79], Fernando Manzano Olguin again unlawfully usurped
13 the authority of the tribunal.¹⁴

14 19. On March 16, 2017, 1:30pm this court of record issued sua
15 sponte *WRIT OF ERROR and ORDER TO SHOW CAUSE* [DKT NO. 87], which
16 rescinded Mr. Olguin's *ORDER* [DKT. NO. 85].¹⁵

17 20. At no time did any interested party or Mr. Olguin answer or
18 otherwise respond to the *ORDER TO SHOW CAUSE* [DKT. NO. 87]

19 21. On March 16, 2017, 1:31pm this court of record issued sua
20 sponte *SUMMARY RULING DIRECT CONTEMPT and ORDER TO SHOW CAUSE*
21 [DKT. NO. 86].

22 22. At no time did any interested party or Mr. Olguin answer or
23 otherwise respond to the *ORDER TO SHOW CAUSE* [DKT. NO. 86].

24 23. On March 22, 2017 the clerk filed the unlawful *ORDER*
25 *STRIKING FILED DOCUMENTS FROM THE RECORD* [DKT. NO. 88]
26 (Attachment 4) received from the magistrate of the court. In
27 this instance, the magistrate unlawfully usurped the authority

28 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 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.

¹⁴ 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.

¹⁵ "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 of the tribunal of the court of record.

2 24. On March 27, 2017, this court of record issued a *WRIT OF*
3 *ERROR* [DKT. NO. 89], which rescinded [DKT. NO. 88] and
4 [DKT. NO. 85].

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

9 26. A basic requirement of a court of record is that the
10 tribunal must be independent of the magistrate.¹⁶ The magistrate
11 is not the court, and vice versa. That distinction is noted
12 throughout the codes. For examples, see 28 USC 2241 and 28 USC
13 2243.¹⁷

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

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V
JUDICIAL COGNIZANCE

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

29. 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.]

¹⁶ “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

¹⁷ 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...”

¹⁸ 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 30. Constitution for the United States of America
- 2 31. Constitution for the United States of America Amendment IV
- 3 32. Constitution for the United States of America Amendment XIV
- 4 33. 18 USC 241
- 5 34. 18 USC 242
- 6 35. 42 USC 1982
- 7 36. 42 USC 1983
- 8 37. 42 USC 1985(3)
- 9 38. The sovereignty of the state resides in the people
10 thereof... [California Government Code, Section 100(a)]
- 11 39. The people of this state do not yield their sovereignty to
12 the agencies which serve them. [California Government Code,
13 Sections 11120 and 54950.]
- 14 40. Laws, whether organic or ordinary, are either written or
15 unwritten. [California Code of Civil Procedure, Section 1895.]
- 16 41. A written law is that which is promulgated in writing, and
17 of which a record is in existence. [California Code of Civil
18 Procedure, Section 1896]
- 19 42. The organic law is the Constitution of Government, and is
20 altogether written. Other written laws are denominated
21 statutes. The written law of this State is therefore contained
22 in its Constitution and statutes, and in the Constitution and
23 statutes of the United States. [California Code of Civil
24 Procedure, Section 1897]
- 25 43. Any judicial record may be impeached by evidence of a want
26 of jurisdiction in the Court or judicial officer, of collusion
27 between the parties, or of fraud in the party offering the
28 record, in respect to the proceedings. [California Code of
Civil Procedure, Section 1916]
44. ...at the Revolution, the sovereignty devolved on the
people; and they are truly the sovereigns of the country, but
they are sovereigns without subjects...with none to govern but
themselves..... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L
Ed 440, 455 @DALL (1793) pp471-472.]
45. The very meaning of 'sovereignty' is that the decree of the
sovereign makes law. [American Banana Co. v. United Fruit Co.,

1 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047]

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

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

14 48. 28 USC 2241 "(a) Writs of habeas corpus may be granted by
15 the Supreme Court, any justice thereof, the district courts and
16 any circuit judge within their respective jurisdictions..."

17 28 USC 2243 "A court, justice or judge entertaining an
18 application for a writ of habeas corpus shall forthwith award
19 the writ or issue an order..."

20 49.This declaration of rights may not be construed to
21 impair or deny others retained by the people. [California
22 Constitution, Article 1, Declaration Of Rights Sec. 24.]

23 50. The state cannot diminish rights of the people. [Hertado
24 v. California, 110 US 516.]

25 51. The assertion of federal rights, when plainly and
26 reasonably made, is not to be defeated under the name of local
27 practice. [Davis v. Wechsler, 263 US 22, 24.]

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

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

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

55. 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

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1 the people, to whom those powers are specially delegated. [In
2 re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v.
3 Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law
4 Dictionary, Fifth Edition, p. 626.]

5 56. The State of California is an inseparable part of the
6 United States of America, and the United States Constitution is
7 the supreme law of the land. [California Constitution, Article
8 3, Sec. 1.]

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

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

20 59. COURT. An agency of the sovereign created by it directly
21 or indirectly under its authority, consisting of one or more
22 officers, established and maintained for the purpose of hearing
23 and determining issues of law and fact regarding legal rights
24 and alleged violations thereof, and of applying the sanctions of
25 the law, authorized to exercise its powers in the course of law
26 at times and places previously determined by lawful authority.
27 [Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070; Black's
28 Law Dictionary, 4th Edition, page 425]

29 60. 28 USC 132 CREATION AND COMPOSITION OF district courts
30 (a) There shall be in each judicial district a district court
31 which shall be a court of record known as the United States
32 District Court for the district.

33 61. COURT OF RECORD. To be a court of record a court must have
34 four characteristics, and may have a fifth. They are:

35 A. A judicial tribunal having attributes and
36 exercising functions independently of the person of
37 the magistrate designated generally to hold it
38 [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227,
39 229; Ex parte Gladhill, 8 Metc. Mass., 171, per
40 Shaw, C.J. See, also, Ledwith v. Rosalsky, 244
41 N.Y. 406, 155 N.E. 688, 689][Black's Law
42 Dictionary, 4th Ed., 425, 426]

43 B. Proceeding according to the course of common law

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1 [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227,
2 229; Ex parte Gladhill, 8 Metc. Mass., 171, per
3 Shaw, C.J. See, also, Ledwith v. Rosalsky, 244
4 N.Y. 406, 155 N.E. 688, 689][Black's Law
5 Dictionary, 4th Ed., 425, 426]

6 C. Its acts and judicial proceedings are enrolled, or
7 recorded, for a perpetual memory and testimony. [3
8 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas
9 Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton,
10 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2
11 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205,
12 117 N.E. 229, 231]

13 D. Has power to fine or imprison for contempt. [3
14 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas
15 Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton,
16 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2
17 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205,
18 117 N.E. 229, 231.][Black's Law Dictionary, 4th
19 Ed., 425, 426]

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

26 62. "The following persons are magistrates: ...The judges of
27 the superior courts.... [California Penal Code, Sec. 808.]

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

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

35 "MAGISTRATE, Person clothed with power as a public civil
36 officer. State ex rel. Miller v. McLeod, 142 Fla. 254, 194 So.
37 628, 630." Black's Law Dictionary, 4th Ed., 1103

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

44 64. Henceforth the writ which is called Praeceptum shall not be
45 served on any one for any holding so as to cause a free man to

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1 lose his court. Magna Carta, Article 34.

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

4 . . .
3. Misbehavior in office, or other willful neglect or
5 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;

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

8 5. Disobedience of any lawful judgment, order, or
process of the court;

9 . . .
8. Any other unlawful interference with the process or
10 proceedings of a court;

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

14 66. CCP 1211. (a) When a contempt is committed in the
15 immediate view and presence of the court, or of the judge at
chambers, it may be punished summarily; for which an order must
16 be made, reciting the facts as occurring in such immediate view
and presence, adjudging that the person proceeded against is
17 thereby guilty of a contempt, and that he be punished as therein
prescribed.

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

21 67. IT IS SO ORDERED.

22 WITNESS: the SEAL of the COURT this 27th day of March, 2017

23 THE COURT

24
25 By _____ (SEAL)
Daniel: Borsotti
26 Attornatus Privatus

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