

No. 17-35202

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

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William Scheidler,  
Appellant,

v.

State of Washington, and Kevin Hull, individually and  
in any official capacity; Jesse Young, individually  
and in any official capacity; Michelle Caldier,  
individually and in any official capacity; Jan Angel,  
individually and in any official capacity; and  
Jane and John Does, 1-100,  
Appellees

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APPEAL FROM THE FEDERAL DISTRICT COURT, TACOMA, WA  
CASE 3:16-cv-06016-BHS

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**BRIEF AMICI CURIAE OF  
THOMAS SCOTT AND SARA NAHEEDY, ESQ.  
IN SUPPORT OF APPELLANT IN HIS REQUEST FOR REVERSAL**

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July 20, 2017

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**STATEMENT OF ISSUES PRESENTED**

1. Violation of 28 U.S. Code § 455 discredits the integrity of the legal system in the eyes of everyday Americans.
2. The obstruction of justice committed by the Kitsap County prosecutor is a crime in some jurisdictions.
3. Opinions of the United States Court of Appeals for the Ninth Circuit have bearing on opinions rendered in other circuits, particularly in one

amicus's locale, the United States Court of Appeals for the First Circuit.

**IDENTITY AND INTEREST OF AMICI CURIAE**

Pursuant to FRAP Rule 29, Thomas Scott and Sara Naheedy respectfully submit this brief amici curiae in support of Appellant under their right to petition the government as stated in the First Amendment of the U.S. Constitution.

Sara Naheedy is a practicing attorney in Irvine, CA, who has a strong interest in justice.

Thomas Scott has a computer engineering degree, holds a U.S. patent, is a former college and semi-pro athlete, sponsors two children in foreign countries, and was the top-rated fitness model in the entire world until about 2012. He has been involved as a litigant in approximately twenty-five legal cases in three different states concerning nearly all areas of law imaginable, except possibly for maritime law.

The primary interest of the amici is the dangerous direction the American judiciary has taken over the last century and, in particular, the last several decades. Confidence in the U.S. legal system is low, with nearly half of the people in a recent

Rasmussen poll saying they believe the system is unfair to most Americans.<sup>1</sup> True blind justice whereby rules of procedure, statutory law, and *stare decisis* are observed and justice actually prevails in court is rapidly becoming extinct. A system with authority, but without accountability is a dangerous institution to the electorate. Appellant has suffered at the hands of others as he has so eloquently pointed out in his brief. Our participation in this matter is not to directly influence the court, but to request that it merely follows the rule of law without bias, resentment, or retaliation.

**STATEMENT OF AUTHORSHIP AND FINANCIAL SUBSIDIZING**

1. Amici curiae wholly authored this brief.
2. No party or counsel contributed money or funds of any kind to financially subsidize this brief.
3. No person or entity contributed money or funds of any kind to financially subsidize this brief.

**ARGUMENT**

First and foremost, failure of a judge, magistrate, or other ruling official to recuse as required by 28 U.S.

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[http://www.rasmussenreports.com/public\\_content/archive/mood\\_of\\_america\\_archive/supreme\\_court\\_ratings/43\\_say\\_u\\_s\\_justice\\_system\\_unfair\\_to\\_most\\_americans](http://www.rasmussenreports.com/public_content/archive/mood_of_america_archive/supreme_court_ratings/43_say_u_s_justice_system_unfair_to_most_americans)

Code § 455 severely diminishes the impartiality of the American judicial system and leads to more corruption within it. Furthermore, the impression such refusal leaves with the electorate further undermines confidence in the system. A judge who believes a peace officer can manufacture evidence against an accused individual if the officer believes the person is guilty is not only disturbing, but also supports the premise that such a judge is not fit for the bench. The only time Judge Benjamin Settle should be inside a courtroom is as a litigant. See *Spencer v. Krause* (2017 in publication).

Secondly, for the Kitsap County prosecutor, Cassandra Noble, to intimidate Attorney Ellerby by threatening to rescind his license to practice law is not only unethical, but also a criminal act in some states. See, for example, Massachusetts General Law chapter 268 § 13B(1)(c)(v) and Rhode Island law § 11-32-3. There are several injustices that have been committed against the appellant in this case, but this is one of the first which precipitated many of the others.

Thirdly, opinions of this court greatly affect people living in other jurisdictions nationwide. The

United States Court of Appeals for the First Circuit cited in *Buntin v. City of Boston*, 209 F. Supp. 3d 368 (2017) that this court held that Congress implicitly overruled *Jett* regarding 42 U.S. Code § 1981 claims against state actors via the Civil Rights Act of 1991. Of the nine federal circuits that have decided such cases since then, this court has been the lone dissenter. This court's opinion was pivotal in *Oliveira v. New Prime, Inc.*, (2017 in publication). In fact, the First Circuit clearly stated so: "The case on which Oliveira relies—the Ninth Circuit's decision..." See also *United States v. Ponzio*, (2017 in publication), *Wal-Mart Puerto Rico, Inc., v. Zaragoza-Gomez*, 834 F.3d 110 (2016), and others.

#### **CONCLUSION**

As can be seen from the foregoing, decisions from this court can have grave negative impact on people and businesses in other parts of the country. Because several transgressions have been committed against the appellant by those charged with upholding justice and because of the impact not just to the appellant, but to others living in different jurisdictions, amici implore this court to reverse Judge Settle's orders,

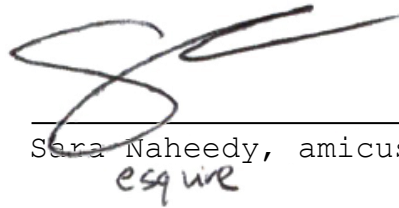
docket 28, and remand for a jury trial to decide the extent of the appellee's just powers.

Date: July 20, 2017



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Thomas Scott, amicus



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Sara Naheedy, amicus  
esquire

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"Who will govern the governors? There is only one force in the nation that can be depended upon to keep the government pure and the governors honest, and that is the people themselves. They alone, if well informed, are capable of preventing the corruption of power, and of restoring the nation to its rightful course if it should go astray. They alone are the safest depository of the ultimate powers of government." - **Thomas Jefferson**