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8 U.S. District Court  
9 District of Columbia

10 **Yi Tai Shao, Plaintiff**

11 **v.**

12 **Chief Justice John G. Roberts, et al.**

**CASE NO.: 1:18-cv-01233- RC**

**PLAINTIFF’S MOTION TO  
DISQUALIFY JUDGE RUDOLPH  
CONTRERAS AND REQUEST TO  
CHANGE VENUE TO U.S.D.C. NEW  
YORK, PURSUANT TO 28 USC §455  
AND COMPENDIUM OF SELECTED  
OPINIONS 3.6-6[1](Committee on the  
Code of Conduct for United States  
Judges, April 2013)**

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1 Plaintiff Yi Tai Shao [“SHAO”] respectfully requests the recusal of Honorable Rudolph  
2 Contreras based on the appearance of bias and prejudice and direct conflicts of interest,  
3 according to 28 USC §455(a) and (b)(1), on the following grounds:  
4

5 **A. IRREGULARITIES IN HOW THIS COURT PROCEEDING HAS BEEN**  
6 **HANDLED APPEAR TO HAVE BEEN DIRECTED BY JUDGE CONTRERAS**

7 This case was filed about six weeks ago but already there have been many irregularities in how  
8 it has been handled. When queried, the Clerk’s Office did not deny that these irregularities were  
9 directed by Honorable Judge Rudolph Contreras. (See, **Exh. A** for a trail of emails on this issue  
10 from June 18, 2018.) What concerns Plaintiff is that these irregularities follow the same pattern  
11 as those complained of in the courts as outlined in the Complaint and the First Amended  
12 Complaint [“FAC”]. These are: false docketing, delays in filing, deterrence of the proceedings,  
13 deterrence of filing, false notices, blocking reasonable access to the docket, blocking access to  
14 the court, all of which arose from direct conflicts of interest, i.e., the courts’ undisclosed  
15 relationship with James McManis, Michael Reedy and the American Inns of Court. See, e.g.,  
16 FAC (ECF#16) ¶¶31, 35, 41.  
17

18 It is the Clerk’s Office’s ministerial duty to maintain the docket and the file. See Federal  
19 Rules of Civil Procedure, Rule 79, which mandates that the clerk maintain the civil docket,  
20 enter the docket pursuant to the manner prescribed by the Judicial Conference of the U.S., and  
21 make entries about papers filed with the court, and to issue Summons. The Clerk is not allowed  
22 to tamper with the clerk’s records and refuse to record filing. See Rule 79(a)(1), (d); see also,  
23 F.R.A.P. Rule 45(a)(1), (b)(1) & (3); 18 USC §2071. The duty to enter a correct date of entry is  
24 embedded in Rule 79, since sometimes the filing date is significant in calculating interest.  
25

26 Another clear example of why an accurate date of entry is significant is F.R.C.P. Rule 58, where  
27

1 a judgment is effective only from the date of entry of the judgment into the docket. Therefore,  
2 it is *irregular and improper* for a clerk to knowingly put down the wrong date on docket entries.

3 Besides the duty to keep correct docket entries under Rule 79, Rule 5(e) of the Federal  
4 Rules of Civil Procedure mandates that the clerk shall not refuse to accept a pleading for filing,  
5 even when the pleading technically does not conform with requirements. The court clerks are  
6 without discretion to refuse to file pleadings presented to them for filing. See, *McCennon v.*  
7 *Lone Star Gas Co.* (1995, 5<sup>th</sup> Cir.) 66 F.3d 98, 101. The Clerk's Office has an administrative  
8 ministerial duty to file pleadings presented for filing. Whether a pleading has legal merit is a  
9 determination to be made only by a judge. In Voit v. Superior Court (2011, 6<sup>th</sup> Dist) 201  
10 Cal.App.4<sup>th</sup> 1285, the California Court of Appeal, Sixth District held that the clerk's office  
11 violated an inmate's right of access to the courts under the U.S. Constitution, First Amendment,  
12 and the California Constitution, Art. I, Clause 3, by refusing to file his motion.

13 The clerk's duty to file pleadings presented for filing is "non-discretionary." *Bloomfield v.*  
14 *Charter Oak Bank* (1887) 121 US 121; *Sabo v. Patterson* (2007, USDC for Western District of  
15 Pennsylvania) Civil Action No. 04-717 decided on May 17, 2007.

16 These irregularities constitute felonies under 18 USC §371. In Tanner v. United States  
17 (1987) 483 U.S. 107, in remanding to the trial court to determine whether the evidence showed  
18 that defendants' conspiracy to defraud a utility company involved misrepresentations to the  
19 Rural Electrification Administration, the Supreme Court held that the fraud covered by 18 USC  
20 §371 applies to "any conspiracy for the purpose of impairing, obstructing or defeating the  
21 lawful function of **any department of government**" (see, i.d. at P.111). The court held further  
22 that no other form of injury to the Federal Government needs to be established in order for the  
23 conspiracy to fall under §371 (i.d. at P.128), and that the broad language of §371 covers  
24  
25  
26  
27

1 “conspiracies to defraud ‘in any manner for any purpose,’ [and] puts no limits ...on the *method*  
2 used to defraud the United States,” (Id, at P.129), including a method which makes use of  
3 innocent individuals or businesses to defraud the United States (I.d. at P.129).  
4

5 The irregularities in the case presently before this court which the case initiation clerk  
6 Michael Darby did not deny<sup>1</sup> were caused by Judge Rudolph Contreras’s instructions in this  
7 proceeding include:  
8

9 **1. Delay in docketing by 10 days, which constitutes a violation of 18 USC §2071(b) and  
10 18 USC §371**

11 First, this Complaint was delayed in being docketed by 10 days. The Complaint (ECF#1) was  
12 put into the court’s Dropbox on the evening of Friday May 18, 2018 (See in **Exhibit B: One**  
13 **Source Process’s** email notification of having filed the Complaint by putting it into the court’s  
14 Dropbox at 6:41 p.m. on May 18, 2018 (with private information redacted)). The filing date of  
15 the Complaint was thus expected to be Monday May 21, 2018. Yet it was not until Wednesday,  
16 May 30, 2018 that the case docket was created and the Complaint was actually filed.

17 Such docketing took place only *after* One Source Process called the Clerk’s Office  
18 repeatedly, and also sent a process server there in person to inquire about the status of filing.  
19 The docket creation date was shown at the end of the description of the ECF #1 Complaint. See  
20 the current docket in **Exhibit C** with a remark of 8 irregularities shown on the docket. Such  
21 delay in docketing is irregular and may constitute an obstruction of justice.  
22  
23  
24

25 <sup>1</sup> As shown in Exhibit A, Mr. Michael Darby has not denied Judge Contreras’s manipulation of  
26 the Clerk’s Office’s irregularities in this case that were requested by Plaintiff since June 18,  
27 2018 but argued that they were fixed later. Yet, §371 does not require establishment of injury  
other than existence of such conspiracies and disruption of normal function of a department of  
the US government. See, Tanner v. United States (1987) 483 U.S. 107, 129.

1 Had the third party process server not kept inquiring about the status of filing, this  
2 Complaint could have simply disappeared, as happened in the state court proceedings with  
3 Judge Socrates Manoukian's Order of Dec. 2, 2015<sup>2</sup>, which was not shown in the docket for the  
4 case of Shao v. McManis (Santa Clara County Court, 112CV220571), as was mentioned in the  
5 complaint (ECF#1, P.150, Lines 13-14) and First Amended Complaint (ECF#16, P.219, Lines  
6 2-3).  
7

8 18 USC §2071 holds that

9 “(a) Whoever willfully and unlawfully conceals, removes, obliterates, or destroys, or  
10 attempts to do so, or with intent to do so takes and carries away any record,  
11 proceeding, map, book, paper, document, or other thing, filed or deposited with any  
12 clerk or officer of any court of the United States, or in any public office, or with any  
13 judicial or public officer of the United States, shall be fined under this title or  
14 imprisoned not more than three years, or both.

15 (b) Whoever, having the custody of any such record, proceeding, map, book,  
16 document, paper, or other thing, willfully and unlawfully conceals, removes,  
17 mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or  
18 imprisoned not more than three years, or both, and shall forfeit his office and be  
19 disqualified from holding any office under the United States. As used in this  
20 subsection, the term “office” does not include the office held by any person as a  
21 retired officer of the Armed Forces of the United States.”

22 <sup>2</sup> On December 2, 2015, in response to Plaintiff's motion to disqualify him based on his wife,  
23 Defendant Justice Patricia Bamattre-Manoukian's regular social relationship with Defendant  
24 Michael Reedy through the membership at the Executive Committee of the Honorable William  
25 A. Ingram American Inn of Court, Judge Socrates Manoukian issued an order to recuse himself  
26 with a finding that

27 “Upon review of the file in the above entitled matter, this Court will recuse itself  
because a person might reasonably entertain a doubt that the judge would not be  
able to be impartial.”

This Order was criticized on the record by Defendant David Sussman on Dec. 9, 2015 as being  
prejudicial. Santa Clara County Court never entered this Order into the docket of SHAO v.  
McManis, et al. (case number of 112CV220571).

1 Judge Contreras's attempt to conceal the Complaint constitutes a violation of 18 USC  
2 §2071(a) and aiding and abetting Jackie Francis on a violation of 18 USC §2071(b) and he  
3 should forfeit his office and be disqualified from holding any office.

4 According to Tanner v. U.S., supra, Judge Contreras's impairing and obstructing the basic  
5 function of the Clerk's Office constitute violations of 18 USC §371. Judge Contreras and his  
6 clerk/administrator Jackie Francis, in joint knowing conspiracy, have interfered in SHAO's  
7 right to have the clerk's office file the Complaint and Designation of Doe 1 to 3 Defendants, to  
8 issue Summons, to create a correct case docket, and to enter into the docket the filing of  
9 Designation of Doe 1 to 3 Defendants (submitted for filing over the counter on June 11, 2018<sup>3</sup>)  
10 and even removed the entry of docket on June 5, 2018 in violation of 18 USC §1512(c)(1)<sup>4</sup>.  
11 They have also backdated documents in violation of 18 USC §2071(a) and (b).  
12  
13

14 **2. That the delay in docketing was willful and purposeful was shown by the omission of**  
15 **the First Named Defendant Chief Justice John G. Roberts from the short form of the**  
16 **case name on the belated docket**

17 The short form of the case name was irregularly changed by the court to be "Shao v.  
18 Kennedy, et al.," even though the last name of the first named defendant in the Complaint was  
19 "Roberts" (Chief Justice John G. Roberts). The short form of a case usually is the last name of  
20  
21

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22 <sup>3</sup> See in **Exhibit F** for emails of One Source Process's submission of the pleading of  
23 Designation of Doe 1-3 Defendants and three Summons for Doe 1 through 3 on June 11, 2018  
24 over the counter, and for the filed "Designation of Doe 1 through 3 Defendants" where it  
stamped receipt on June 11, 2018.

25 <sup>4</sup> 18 USC §1512 (c)Whoever corruptly--  
26 (1)alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do  
27 so, with the intent to impair the object's integrity or availability for use in an official proceeding;  
or  
(2)otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so,  
shall be fined under this title or imprisoned not more than 20 years, or both.



1 the first defendant and so the short form case name for this matter should have been “Shao v.  
2 Roberts, et al.”

3 SHAO mentioned in the complaint and FAC that Santa Clara County Court altered the  
4 underlying family case docket to be a “confidential” case such that the public was unable to  
5 have access to the case docket from February through about October of 2017, in violation of  
6 California Government Code §68151(e) which states that “court records should be indexed for  
7 convenient access” by the public. (See Complaint, ECF#1, P.35, Lines 1-4) Judge Contreras  
8 not being willing to docket the case until being hounded multiple times by One Source Process  
9 Server is similar to Santa Clara County Court’s §68151(e) violation. See, e.g., FAC, ¶41 on  
10 P.39.  
11

12  
13 Clearly, the delaying docketing and eventually changing the short form of the case name,  
14 was to hide the name of Chief Justice John G. Roberts from being a defendant in this case  
15 because Chief Justice Roberts appointed Judge Contreras for a second judicial seat.

16 **3. Judge Contreras did not disclose his relationship with the first named Defendant,**  
17 **Chief Justice John G. Roberts, and hid the name of “Roberts” from reference in**  
18 **the short form name of this case.**

19 Because of the irregularities complained of herein occurring in the first month of filing, SHAO  
20 investigated and discovered that the delay in docketing and issuing Summons were likely  
21 because of Judge Contreras’s *undisclosed* relationship with Chief Justice John G. Roberts. (see  
22 **Exh. H**, on Wikipedia, Judge Contreras reported: In April 2016 Chief Justice John Roberts  
23 appointed Contreras to the United States Foreign Intelligence Surveillance Court for a term  
24 starting May 19, 2016.”)

25  
26 As shown in the Complaint or FAC, a similar situation also took place on October 25, 2017,  
27 where Mr. Jeff Atkins instructed the deputy clerk handling docketing of SHAO’s Petitions for

1 Writ of Certiorari to remove the names of James McManis and Michael Reedy from being  
2 named as Respondents in the civil case docket, but only listed McManis Faulkner LLP. (See  
3 ECF#1, P.105, ¶252<sup>5</sup>)

4 Exhibit J proves that about 3 years after Judge Contreras took the judicial seat in this  
5 Court, Chief Justice John G. Roberts appointed Judge Contreras to a second judicial seat at U.S.  
6 Foreign Intelligence Surveillance Court, which undoubtedly generates additional income for  
7 Judge Contreras. This logically explains why the short form name of the case omitted the name  
8 of “Roberts” and substituted “Kennedy,” the last name of the second named defendant.

9 Canon 3 of the Code of Conduct for United States Judges requires disclosure to be made  
10 by Judge Contreras about his conflicts of interest. There is the appearance to the reasonable  
11 person that Judge Contreras failed to uphold the integrity and independence of the judiciary  
12 pursuant to Canon 1, failed to disallow social or financial relationships to influence his judicial  
13 conduct, as required by Canon 2, and/or failed to avoid lending the prestige of the judicial office  
14 to advance the private interests of the judge or others as mandated by Canon 2B.

15 Such direct conflicts of interest require the recusal of Judge Contreras. Any reasonable  
16 person who knows the facts outlines herein would believe that SHAO is unlikely to have a fair  
17 hearing in front of Judge Contreras.

18 SHAO further discovered that this may not be the first time that Judge Contreras has failed  
19 to disclose his conflicts of interest. The internet widely discusses Judge Contreras’s undisclosed  
20 personal relationship with an FBI agent while prosecuting Mr. Michael Flynn in the Fall of

21 \_\_\_\_\_  
22 <sup>5</sup> ¶252 of the Complaint and ¶273 of the FAC states:

23 “Mr. Atkins also told the Deputy Clerk that the Respondent should be "McManis  
24 Faulkner, LLP" only and "not to include the individual names of James Mc Manis  
25 and Michael Reedy."  
26

1 2017. See in **Exhibit K**. Thus, there is already a public view that Judge Contreras fails to  
 2 disclose his conflicts of interest.

3 **4. Judge Contreras’s Civil Filing Clerk withheld issuing Summons for about 23 days,**  
 4 **encroaching upon the duty of Michael Darby, in violation of 18 USC §2071 and 18**  
 5 **USC §371.**

6 It should have been Michael Darby, the deputy clerk in charge of initiation of a case, who  
 7 handled the Summons issuance and Complaint filing for this case. Yet, it became Judge  
 8 Contreras’s case administrator, Jackie Francis, who personally signed the four Summons that  
 9 were filed on June 5, 2018. She did not sign the remaining 50+ Summons. She signed the four  
 10 Summons after One Source Process Servers kept asking her about the whereabouts of the  
 11 Summons and personally attended to the Court to talk to her on June 4, 2018. (See **Exhibit E**  
 12 for One Source Process Service’s “service notification” sent to SHAO on June 4, 2018, with  
 13 private email contacts redacted). Apparently, but for One Source Process’s inquiries, Judge  
 14 Contreras would not have allowed Ms. Francis to issue the four Summons.  
 15

16 In addition, Ms. Francis’ issuing of those four Summons on June 5, 2018, was  
 17 accomplished only by her stepping over the job duties<sup>6</sup> of Michael Darby. The four Summons<sup>7</sup>  
 18 were out of order of the process server’s submission. SHAO has had a new clerk assigned just  
 19 to her case in each court, not the usual clerk who has handled all other filings for these courts in  
 20 the past, but a new clerk is willing to pass all SHAO’s filings past the judge, and then wait for  
 21

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22  
 23  
 24 <sup>6</sup> Ironically, the US Supreme Court also did the same exact thing to SHAO by hiring a special  
 25 clerk to step in and substitute for the regular clerk and then mess with the docket and deter the  
 26 filing of her pleadings. Jordan Bickell was hired to step over the job duties of Jeff Atkins in  
 handling the filing of the amicus curiae motions of Mothers of Lost Children. See Complaint,  
 P.119, Lines 3-6; FAC, P.175, Lines 26-27.

27 <sup>7</sup> The four Defendants for whom Summons got issued on June 5, 2018 are: American Inns of  
 Court, McManis Faulkner LLP, Carole Tait-Starnes and Kevin L. Warnock.

1 the judges' permission to file each one before doing so. These specially assigned clerks have  
2 been willing to illegally alter the dockets, delay and deter pleadings from being entered, and  
3 back date documents, as the court directs.

4  
5 That is a significant issue in the underlying Complaint, and it is happening again here  
6 before the Complaint has even been considered. Ms. Francis's stepping into the duties of the  
7 regular clerk is exactly like Supervising Clerk Jordan Bickell at the US Supreme Court stepping  
8 over the duties of the usual clerk specifically to deter the filing of the Amicus Curiae motion in  
9 SHAO's matter. (See Footnote 6)

10 None of the four Summons that Ms. Francis chose to issue were for any of the 25 named  
11 judge/justice defendants. They appeared to have been specifically selected to exclude any  
12 judicial officers. Such joint attempt to conceal the Summons for the judges from being in the  
13 court's records constitutes a violation of 18 USC §371 and 18 USC §2071.

14  
15 **5. False dates of issuance of Summons were entered on the docket in violation of 18**  
16 **USC §2071(b), in apparent compliance with Judge Contreras's instructions.**

17 The Clerk's Office has a duty to maintain accurate docket entries, as discussed above.  
18 Yet, just like what took place in SHAO's Petition No. 17-613 in the US Supreme Court, the  
19 California Sixth District Court of Appeal, and the California Superior Court in Santa Clara  
20 County, there have been two false entries made on the docket of this proceeding within the first  
21 month of its initiation.

22  
23 On the afternoon of June 12, 2018, Michael Darby promised to issue all the remaining  
24 Summons on June 13, 2018 by 10:40 a.m. He agreed that One Source Process Servers could  
25 pick up all remaining Summons at that time (See **Exhibit G**). Yet the docket entry of the  
26 Summons includes a back-dated entry of issuance date, June 11, 2018. (See Exhibit C for the  
27 docket).

1           **6. Backdating the filing of “Designation of Doe 1-3 defendants” in violation of 18**  
2           **USC §2071 and 18 USC §1512(c) in conspiracy between at least Judge Rudolph**  
3           **Contreras and his clerk, Jackie Francis, was an interference with the normal**  
4           **function of the Clerk’s Office, a violation of 18 USC §371**

5           18 USC §2071 states, in relevant part, that:

6                   “(a) Whoever willfully and unlawfully conceals, removes, obliterates, or  
7                   destroys or attempts to do so, or **with intent to do so** takes and carries away any  
8                   record, proceeding, map, book, paper, document or other things, filed or deposited  
9                   with any clerk or officer of any court of the United States, or in any public office,  
10                   or with any judicial or public officer of the United States, shall be fined under this  
11                   title or imprisoned not more than three years or both.

12                   (b) Whoever, **having the custody of any such record**, proceeding, map, book,  
13                   document, paper, or other thing, willfully and unlawfully **conceals, removes,**  
14                   **mutilates, obliterates, falsifies, or destroys** the same, shall be fined under this  
15                   title or imprisoned not more than three years...” [emphasis added]

16           On June 11, 2018, One Source Process Service delivered “Designation of Doe 1-3 Defendants”  
17           and 3 Summons for 3 designated Doe Defendants. (See **Exhibit F**) Instead of filing this  
18           pleading of “Designation of Doe 1-3 Defendants” and issuing the Summons, Judge Contreras’s  
19           case administrator Jackie Francis delivered them instead to the Judge for his approval for filing,  
20           not to her supervisor Reggi Johnson. This was the identical issue Plaintiff complained about  
21           that Presiding Justice Conrad Rushing at the California Sixth District Court of Appeal had done  
22           (See Complaint, ECF #1, ¶35). The clerk’s normal duty of filing was being interfered with by  
23           the court.

24           After SHAO obtained approval for e-filing, SHAO filed Designation of Doe 4 and 5  
25           Defendants on June 14, 2018 (ECF#7). Then SHAO discovered that her prior filing of  
26           Designation of Doe 1-3 Defendants had not yet been filed. SHAO sent an email to Mr. Michael  
27           Darby at 9:51 a.m. (California time) on June 15, 2018 to inquire about the status of filing of the  
                  “Designation of Doe 1-3 Defendants.” Mr. Darby admitted receipt of this pleading on June 11,  
                  2018, but stated that it had been turned over to Ms. Jackie Francis, the civil case administer for

1 Judge Contreras. SHAO talked to Ms. Francis on June 15, 2018, and Ms. Francis refused to  
2 issue the Summons. Ms. Francis insisted that the Complaint be amended first (it was later  
3 discovered that Mr. Darby had already signed off on the Summons for Doe 1-3 Defendants on  
4 June 13, 2018). At 4:23 p.m. on June 15, 2018, Mr. Darby first provided the phone number of  
5 Jackie Francis to Ms. Shao. As of that time the docket of this case had not shown any progress.  
6

7 On the morning of June 18, 2018 the docket finally showed the filing of this  
8 Designation of Doe 1-3 Defendants by stating below:

9 “06/14/2018 10 NOTICE by YI TAI SHAO "Let this be filed" by Judge Rudolph  
10 Contreras  
11 on 6/14/2018. (tth) (Entered: 06/15/2018)”

12 Ironically, the description of the entry stated that the entry date being June 15, 2018 which  
13 is directly in conflict with the date of filing shown on the same entry. The falsity of the date of  
14 entry is shown on its face.

15 In addition to the docket entry being shown as backdated, the cover of the “Designation of  
16 Doe 1-3 Defendants” showed in handwriting “Let this be filed” and a date of 6/14/2018 with  
17 Judge Contreras’s signature. This unambiguously proves that Judge Contreras has been  
18 interfering with the function of the Clerk’s Office: its duty to file.  
19

20 The date of entry on the docket was clearly backdated willfully, in violation of 18 USC  
21 §2071(b). It is likely that not only the docket entry was backdated for this pleading but that  
22 Judge Contreras also had back dated his signature June 14, 2018 in order for it to be parallel to  
23 SHAO’s e-filing of “Designation of Doe 4 and 5 Defendants” on June 14, 2018.  
24

25 **7. Unaware that the issuance of Doe 1-3 defendants had occurred already, Judge**  
26 **Contreras and his Civil Case Administrator Jackie Contreras attempted in joint**  
27 **conspiracy to continue blocking the issuance of Summons of Does 1-3, including**  
**Associate Justice Adrienne M. Grover, until after they were sued in the First**  
**Amended Complaint**

1 On June 15, 2018, Jackie Francis insisted on no more issuances of Summons until the complaint  
2 was amended. On June 22 and 23, 2018, SHAO sent emails to inquire of Mr. Michael Darby  
3 whether these irregularities complained of herein had been directed by Judge Contreras. (See  
4 such emails in **Exhibit A**) On June 24, 2018, SHAO specifically talked to the supervising clerk,  
5 Reginald Johnson, to inquire if there was indeed a need to amend the complaint. SHAO asked  
6 Mr. Johnson if Designation of Doe Defendants would not be sufficient to issue a Summons for a  
7 designated Doe Defendant. Mr. Johnson confirmed that the way SHAO had designated on the  
8 Summons was acceptable, and stated that he would talk to Jackie Francis. SHAO then  
9 announced on her FaceBook page that she would sue Judge Contreras for obstruction of justice.  
10 (See **Exhibit I, #2**) This complaint involves the issue of internet hacking.<sup>8</sup> Somehow, such  
11 information on SHAO's Facebook page appears to have been made known to Judge Contreras  
12 immediately. As stated in ¶314 of the FAC, Google, Inc.'s hacking in violation of 18 USC  
13 §2511 is likely to be directed by Chief Justice John G. Roberts. Judge Contreras could have  
14 obtained the information from Chief Justice John G. Roberts. On the next day of such  
15 FaceBook posting, on June 25, 2018, before Mr. Johnson had even talked to Jackie Francis, she  
16 spontaneously issued two Summons for Doe 4 and Doe 5 Defendants on June 25, 2018, with  
17 drastic change of her prior position. (See **Exhibit H**, Mr. Darby's email of June 25, 2018 at 4:34  
18 p.m.) These Does 4 and 5 are the California Supreme Court and its Chief Justice.

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22 However, under no circumstances would Jackie Francis issue Summons for Does 1 to 3.  
23 Despite issuing Doe 4 and 5 on June 25, 2018, Ms. Francis told SHAO that SHAO still needed  
24 to re-submit for e-filing the three Summons, and then Jackie Francis would issue them. SHAO  
25 immediately did so on June 25, 2018, but for another week, Ms. Francis still would not issue the  
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<sup>8</sup> See FAC, ¶374, ¶¶393-340.

1 Summons. The most logical explanation is that Judge Contreras was directed by Chief Justice  
2 John G. Roberts and/or James McManis to cover the judges who accomplished the common  
3 scheme of James McManis that was discussed thoroughly in the Complaint and First Amended  
4 Complaint—to assert collateral estoppel of Defendant Judge Patricia Lucas’s child custody  
5 order as their only defense to SHAO’s malpractice lawsuit against him. To achieve such goal,  
6 the appeal had to be dismissed. Another common scheme was to harass/kill SHAO. The recent  
7 accomplishment was to deny appeal of SHAO from an order to require SHAO to disclose her  
8 residence to WANG’s attorney, David Sussman. Yet, SHAO filed a motion to modify such  
9 order based on mootness. Judge Beth McGowen helped James McManis to accomplish his goal  
10 of deterring such motion.  
11

12  
13 The Doe 1 Defendant is Justice Adrienne M. Grover, the Justice who accomplished the  
14 wishes of Defendant James McManis—to dismiss the child custody appeal then pending with  
15 California Sixth District Court of Appeal on May 1, 2018. Justice Grover did this illegally,  
16 without a required noticed motion and without informing SHAO on May 10, 2018. Doe 3  
17 Defendant is Judge Beth McGowen who helped James McManis’s plan on June 7, 2018 to deter  
18 SHAO’s motion to modify such order to expose SHAO’s residence with a false excuse that  
19 SHAO was required to serve her ex-husband, Defendant Tsan-Kuen Wang.  
20

21 James McManis, a leading attorney at the American Inns of Court, published a news release  
22 on 8/12/2012 which stated:

23 “**James McManis**, founding partner of leading Northern California trial firm McManis  
24 Faulkner, **has been elected, by unanimous vote, an honorary bencher of the Honorable**  
**Society of King’s Inns, Dublin, Ireland.**

25 The oldest institution of legal education in Ireland, the Honorable Society of King’s Inns is  
26 comprised of benchers, barristers and students. The benchers include all the judges of  
27 Ireland’s Supreme and High Courts as well as a number of elected barristers. Prior to the  
election of McManis and two other Fellows of the International Academy of Trial Lawyers  
(Tom Girardi and Pat McGroder), **the only Americans so honored were U.S. Supreme**



1 **Court Chief Justice John Roberts and Justice Antonin Scalia.** Election as an honorary  
2 bencher is the highest accolade that the Inn can confer.”

3 This news release was produced as one of the documents to show the relationship between  
4 Chief Justice John G. Roberts, who received two Honorary Bencher elections from major  
5 partners of American Inns of Court, Kings Inn and the Middle Temple. James McManis’s news  
6 release boasted his being the third American, following Chief Justice John G. Roberts to receive  
7 this highest honor. It is a logical inference that they knew each other. In addition, James  
8 McManis, his partner, Michael Reedy and his firm, McManis Faulkner, LLP, are closely related  
9 to the American Inns of Court, where Chief Justice John G. Roberts holds a financial interest.  
10 James McManis’s law firm is the leading donor supporting the American Inns of Court. As  
11 stated in the Complaint and FAC, Jeff Atkins refused to e-file or e-post the Appendices for the  
12 Requests for Recusal. Then in late January 2018, SHAO discovered that the aforementioned  
13 news release of 8/12/2012 had been purged from the internet. It appeared that Jeff Atkins’s  
14 refusing to e-file the Appendices was done in concert with James McManis’s purging this  
15 documentary evidence boasting of his relationship with Chief Justice John G. Roberts. As  
16 Chief Justice John G. Roberts is responsible for the day-to-day administration of the US  
17 Supreme Court’s Clerk’s Office, as required by the Judicial Council of the United States, it is  
18 likely that Jeff Atkins’ persistence not to e-file the entire Request for Recusal, purposely  
19 omitting e-filing all the evidence, was to comply with Chief Justice John Roberts’ instructions,  
20 and was part of the attempt of James McManis’s to purge from the public record all evidence of  
21 his inappropriately close relationship with Chief Justice Roberts and the American Inns of Court.  
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26 It is likely that since Judge Contreras has a close relationship with Chief Justice John G.  
27 Roberts, who, in turn, is close friends with James McManis, that this Doe 1 Defendant’s

1 Summons has been delayed in issuance for 24 days since June 11, 2018, until July 3, 2018.  
2 when Judge Contreras and Ms. Francis were finally added as Defendants in the First Amended  
3 Complaint. In Paragraph 24 of the FAC, SHAO wrote:

4  
5 Based on Judge Rudolph Contreras's withholding filing of Designation of Doe 1  
6 through 3 defendants and now continued refus[al] to issue Summons for Doe 1  
7 through 3 Defendants (who are Justice Grover who help[ed] James McManis to  
8 illegally dismiss the custody appeal, Presiding Justice Mary L. Greenwood, and Judge  
9 Beth McGowen, who irregularly refused to decide the issue of vacating the residence  
disclosure order of September 27, 2016), it is likely that James McManis, a leading  
attorney of American Inns of Court, was influencing Judge Contreras to deter SHAO  
from suing his judicial friends.

10 However, unknown to both Judge Contreras and SHAO, Mr. Darby had actually signed off  
11 on the Summons for Justice Adrienne M. Grover on June 13, 2018. This process, however,  
12 indicates their joint intent to obstruct justice to the intended prejudice of Plaintiff with  
13 manifested actions to further such intent which constitutes the "attempt" in 18 USC §2071(a)  
14 and (b). On July 3, 2018, after Ms. Francis and Judge Contreras were sued by SHAO in the  
15 FAC, Mr. Johnson eventually signed the Summons for Justice Grover (ECF#17). There were  
16 24 days' attempted delay in issuing Justice Grover's Summons.  
17

18 **B. ON JULY 5, 2018 SHAO DISCOVERED WHILE INSPECTING THE DOCKET**  
19 **THAT AFTER HAVING BEEN NAMED AS DEFENDANTS IN THE FIRST**  
20 **AMENDED COMPLAINT, JUDGE CONTRERAS'S CASE ADMINISTRATOR**  
21 **JACKIE FRANCIS ATTEMPTED TO COVER UP THE EVIDENCE OF HER**  
22 **HAVING ISSUED THE FOUR SELECTED SUMMONS ON JUNE 5, 2018**  
23 **UNDER THE DIRECTION OF JUDGE RUDOLPH CONTRERAS, A**  
24 **VIOLATION OF 18 USC 2071(b).**

25 On July 5, 2018 SHAO discovered that the docket entry of 06/05/2018 had been purged,  
26 which constitutes another criminal act violating 18 USC §2071(b). The custodian of the docket  
27 of 1:18-cv-01233 deleted that docket entry for the apparent purpose of concealing evidence of  
the conspiracy between Jackie Francis and Judge Rudolph Contreras. Such purging evidence  
constitutes another violation of 18 USC §1512(a). Any person aware of the above facts would

1 believe that SHAO cannot have a fair hearing or trial at the U.S.D.C. in the District of  
2 Columbia.

3  
4 **C. THERE NOW EXISTS A CONFLICT OF INTEREST WITH JUDGE RUDOLPH  
5 CONTRERAS AND THE U.S.D.C. IN THE DISTRICT OF COLUMBIA, SINCE  
6 PLAINTIFF HAS NAMED JUDGE CONTRERAS AND HIS CIVIL CASE  
7 ADMINISTRATOR AS DEFENDANTS IN HER FIRST AMENDED COMPLAINT**

8 According to the holding of Voit v. Superior Court (2011, 6<sup>th</sup> Dist) 201 Cal.App.4<sup>th</sup>  
9 1285, supra, the Clerk’s Office’s refusing to file constituted a violation of the First Amendment  
10 of the Constitution. Since within the first month of the proceeding there have already been  
11 many irregularities which indicate a public view of obstruction of justice, in amending the  
12 Complaint, Plaintiff added Judge Rudolph Contreras as a Defendant, seeking declarative relief  
13 of impeachment, based on his unambiguous violation of her First Amendment rights and  
14 disruption of the Clerk’s Office’s function, and obstruction of justice in violation of 18 USC  
15 §2071, 18 USC §1512(c)(1) and 18 USC §371.

16  
17 Pursuant to the Guide to Judiciary Policy, SHAO respectfully moves that this case be  
18 moved away from U.S.D.C. in D.C. to the U.S.D.C. in New York, in order to ensure a neutral  
19 forum. The Guide to Judiciary Policy prepared by the Judicial Conference of the United States  
20 advises as follows:

21  
22 When a judge or judicial nominee is named as a defendant and his credibility or  
23 personal or financial interests are at issue, all judges of the same district should  
24 recuse, unless the litigation is patently frivolous or judicial immunity is clearly  
25 applicable.

26 The Judicial Conference of the United States, Committee on the Code of Conduct for United  
27 States Judges, Compendium of Selected Opinions 3.6-6[1] (April 2013).

1 In conformity with the Code of Conduct for U.S. Judges, the Fifth Circuit’s majority  
2 stated in U.S. v. Jordan (1995) 49 F.3d 152, in Ft. 18, that:

3 “The public may not look favorably upon a system that allows one colleague  
4 to pass on the impartiality of another colleague who works closely with the  
5 questioned judge. As discussed supra, judges sitting in review of other  
6 judges do not like to cast aspersions, especially upon colleagues in the same  
7 district with whom they work so intimately and confer so frequently.”

8 In Footnote 25, the 5<sup>th</sup> Circuit in US v. Jordan, Supra, also mentioned that recusal of the **entire**  
9 **court is required** pursuant to Potashnick v. Port City Constr. Co. (1980) 609 F.2d 1100.

10 Further, since the Defendant American Inns of Court is headquartered in Virginia, and in  
11 view of the strong influence of Chief Justice John G. Roberts over Judge Contreras, in line with  
12 the Guide to Judiciary Policy, SHAO believes this case should be moved out of the U.S.D.C. in  
13 the District of Columbia., to the U.S.D.C. in New York.

14 Judge Contreras has in the past worked as the Chief in Civil Division of the U.S. Attorney’s  
15 Office for the District of Columbia as well as for Delaware, and there are many Chapters (16  
16 Chapters) of the American Inns of Court in the State of Pennsylvania, more than the other States  
17 in the East Coast. Judge Contreras also worked at the USDC in New Jersey before.

18 Pennsylvania, Delaware and New Jersey would therefore not be neutral forums. In Judge  
19 Contreras’s questionnaire to the Senate Judiciary Committee, he stated that he frequently  
20 appeared with the U.S. Court of Appeals for the District of Columbia District and the Third  
21 Circuit as a leading attorney on behalf of the US Attorney’s Office in Delaware and D.C..  
22 Virginia area cannot be a neutral forum as it is where the American Inns of Court is  
23 headquartered at.

24 The US Supreme Court’s Justices, especially Chief Justice John G. Roberts, have direct  
25 influence over the Fourth Circuit Court of Appeal. Therefore, the entire Fourth Circuit should  
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1 be recused. The Third Circuit should be recused based on conflicts of interest with Judge  
2 Contreras.

3 Therefore, SHAO requests a change of venue from the District of Columbia District to the  
4 U.S.D.C. in New York, which has a bit more distance away from D.C. and away from the  
5 influence of Judge Contreras, located in the geographical area of the Second Circuit and is  
6 therefore more likely to be neutral.

7  
8 WHEREFOR, Plaintiff SHAO swears that she reasonably believes she cannot have a fair  
9 hearing in front of Judge Rudolph Contreras, that Judge Rudolph Contreras was sued by her  
10 with good legal grounds and that the venue should be changed to the U.S.D.C. in New York  
11 (City), pursuant to the Guide to Judiciary Policy.

12  
13 Plaintiff Yi Tai Shao swears under the penalty of perjury under the laws of the U.S. that the  
14 foregoing is true and accurate to the best of her knowledge.

15 Dated: July 6, 2018

Respectfully submitted,  
Law Offices of Linda Shao, APLC



By: /s/ Yi Tai Shao  
Yi Tai Shao, Esq.

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