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5 IN THE
6 SUPREME COURT OF THE UNITED STATES

7 Pierre Genevier (Petitioner) | No:_09-8222
8 VS | (Application for a stay
9 Brian DeMore (Respondent) | of deportation no. 09A601)

10 **Request for a resubmission of the application for a stay**
11 **of deportation to Justice Sonia Sotomayor.**

12 Following the Solicitor General's waiver to file a response to the
13 petition for writ of certiorari filed on 1-21-10 and the recent California
14 Supreme Court summary denial of the petition for review [S178869] in the
15 related case against the County (see RFJN 16-37), petitioner would like to
16 renew his application for a stay of deportation and make a related comment
17 as allowed by Rules 22.4.

18 As explained in the *'reply to (or supplemental brief after) the Solicitor*
19 *General's waiver to file a response to the petition'* sent **on February 1 2010**
20 (the bad weather has delayed the delivery, it seems), the waiver to file an
21 opposition is a **'practical' admission** of the grave (even criminal)
22 wrongdoings from several civil servants, and of petitioner's good faith, it also
23 confirms that **the removal order should be canceled** and that petitioner

24 is a refugee entitled to adjustment of status to permanent resident status,
25 and finally it supports the well-founded of the petition on the jurisdiction and
26 transfer issues (please see reply...), **so the stay of deportation is even**
27 **more justified and deserved now.**

28 Concerning the recent California Supreme Court **summary** denial of
29 the petition for review in the related case against the County (see petition in
30 RFJN 16-37), the California Supreme Court did not address the issues of the
31 petition for review although there is an '**obvious and public**' controversy on
32 the meaning of the word '*answer*' in CCP 471.5 whose resolution determines
33 petitioner's right to an entry of default against the LA County [two leading
34 publishers of Civil Procedure Guide (Rutter Group and Matthew Bender) present
35 contradictory conclusions on this issue (see RFJN 28-29) and the Courts are
36 obviously uncertain also, so the Appeals Court and State Supreme Court **should**
37 **have clarified the meaning of the CCP 471.5 statute** (it is part of their role),
38 especially when their summary decisions violate also the California and US
39 Constitution (see RFJN 24-26) and when their refusal to address the issue make a
40 very poor loose a significant amount money (a \$2840 000 damage is requested). The
41 US Supreme Court that oversees the justices of 50 states and knows how other
42 states address the issue, is now the last resort to clarify the meaning of this statute
43 for everyone's benefits and of course to correct a grave injustice also].

44 This Court has already reviewed the issues of this petition in case No.
45 09-6525, but petitioner, a pro se, had not brought all the supporting legal
46 authorities he brought in his new petition that also resolves the problem of

47 raising the violation of the US Constitution in the State Court, so petitioner
48 will re-file a petition for writ of certiorari in this new case as soon as possible.
49 But, of course, since the Supreme Court has the authority to rehear on its
50 own motion any previous petition at any time, it could rehear the previous
51 petition (09-6525) based on the explanation given in the petition for review
52 ‘attached’ to the stay application (see RFJN 16-37) and it could use this case
53 to help reach a (joint) settlement with the 3 administrations involved in this
54 long lasting case after the Solicitor General waived its right to respond
55 [petitioner has written to the Solicitor General to ask her to cancel the deportation
56 and to either offer or discuss a possible settlement of the case].

57 In the related pending appeal [07-56730 (DC no 05-7517) the deprivation
58 of civil right, conspiracy and negligence against the US, LA County, and several civil
59 servants in their individual capacity], the State of California did **not** oppose the
60 appeal opening brief against the State employees defendants, so the 3
61 administrations involved in the case [US, State of California, and LA County]
62 have all at one point ‘defaulted’ on the case, indirectly or ‘practically’
63 **admitting the grave wrongdoings** [that are also obvious when looking at the
64 basic documents of the case attached to the petition for certiorari] and to discuss a
65 settlement is deserved and meaningful after so many years and suffering for
66 petitioner. The US Supreme Court that has seen every previous cases [**first,**
67 **SC no 05-7408** in which the LA County obtained the immunity for
68 misrepresentation although there is a legal authority (*Michael J. V. Los Angeles*
69 *County, Department of Adoption (app. 2 Dist 1988) 247 Cal. Rptr.*) stating that this

70 immunity does not apply in the service social area as in this case; **second, SC no.**
71 **07-7122** in which the State of California obtained the 'judicial immunity' for
72 negligence although there is a legal authority (*Bradford v. State of California (1975)*
73 *36 CA 3d 16, 19, 111 Cr 852...*) stating that G815.6 makes the state directly liable
74 for negligence independently from any (judicial) immunity his employees may enjoy;
75 **third, SC no 07-6445** in which the LA County unfairly escaped the entry of default
76 although it had responded more than 50 days after the complaint was officially
77 served by the Sheriff and more than 60 days after it was dropped at the LA County
78 by petitioner; **and last, SC no 09-6525** in which the County unfairly escaped again
79 entry of default after filing a new demurrer on an amended complaint that complies
80 with the judge's order although it is not allowed according to CCP 471.5 (see RFJN
81 26-28), and after failing to notice the demurer for more than 7 months which violates
82 the CA rules of court (see RFJN 34-35)], and (again) that can rehear on its own
83 motion any previous petitions, **could easily help reach a deserved and**
84 **fair settlement** and resolve this 'long' lasting case in cooperation with the
85 Solicitor General after the '*practical*' admissions of grave wrongdoings by the
86 3 administrations and in the context of a petitioner, pro se, who has suffered
87 a very grave prejudice although he has been obviously very diligent in trying
88 to resolve the problems.

89 To conclude, the application for a stay of deportation **is even more**
90 **deserved after the filing of the waiver to oppose the petition by the**
91 **Solicitor General.** Moreover after the recent California Supreme Court
92 summary denial of the petition for review in the related case against the

93 County (see RFJN 16-37), this Court that can rehear on its own motion any
94 previous petitions for certiorari and that has reviewed the previous petitions,
95 could easily help find a settlement for this long lasting case with the 3
96 administrations involved and in cooperation with the Solicitor General as
97 seen above. So petitioner would like to request a new submission to Justice
98 Sotomayor of the application for a stay of deportation that was denied by
99 Justice Kennedy. The Court will find attached **10 copies** of the original
100 application for a stay of deportation (13 pages), and of the request for judicial
101 notice in connection with the application for a stay of deportation (39 pages)
102 filed with the initial application.

103 Respectfully submitted

104 Yours sincerely,

105 Dated: February , 2010.

106 By: _____

107 Pierre Genevier

108
109 This pleading can be found also at:

110 <http://pgenevier.110mb.com/npdf/stay2supcourtus2-8-10.pdf>

111 No. 09-8222

112 IN THE

113 SUPREME COURT OF THE UNITED STATES

114 Pierre GENEVIER (Pro se) — PETITIONER

115 vs.

116 Mr. Brian DeMore

117 Respondent

118 **PROOF OF SERVICE**

119 I, Pierre Geneviev, do swear or declare that on this date, February , 2009, as
120 required by Supreme Court Rule 29, I have served the enclosed '**Request for a**
121 **resubmission of the application for a stay of deportation to Justice**
122 **Sonia Sotomayor**' on each party to the above proceeding or that party's counsel, and
123 on every other person required to be served, by hand delivering or faxing or emailing or
124 mailing the above documents.

125 **The names and addresses of those served are as follows:**

126 **Mr. Tim Laske, Assistant US Attorney, Attorney for Mr. DeMORE, at**
127 **Room 7516 Federal Building, 300 North Los Angeles Street, Los Angeles, CA**
128 **90012, Fax: (213) 894-7819.**

129
130 **The Solicitor General of the United States, Room 5614, Department of**
131 **Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530-0001.**

132 I declare under penalty of perjury that the foregoing is true and correct.

133

134 Executed on February , 2010

135 Pierre Geneviev

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