

Case No.

**IN THE SUPREME COURT  
OF THE STATE OF CALIFORNIA**

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*Petitioner,*

v.

GAVIN NEWSOM, in his official capacity as Governor of California,

*Respondent.*

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**VERIFIED PETITION FOR WRIT OF MANDAMUS**

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OF THE STATE OF CALIFORNIA**

**CERTIFICATE OF INTERESTED ENTITIES OR PERSONS**

**California Rules of Court, Rule 8.208**

Supreme Court Case Caption:

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*Petitioner,*

v.

GAVIN NEWSOM, in his official capacity as Governor of California,

*Respondent.*

Please check here if applicable:

X     There are no interested entities or person to list in this Certificate as defined in the California Rules of Court.

Dated: September 24, 2021

Respectfully Submitted,

\_\_\_\_\_X\_\_\_\_\_  
Pro se Petitioner

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## **VERIFIED PETITION FOR WRIT OF MANDAMUS**

**To the Honorable Tani Cantil-Sakauye, Chief Justice of the Supreme Court of California and to the Honorable Associate Justice of the Supreme Court of California:**

### **I. INTRODUCTION**

This Petition is regarding violations of the United States Constitution and of the California Constitution, and requests a mandate from the Court to cease and prohibit such activities.

Petitioner requests that Gavin Newsom, the current Governor of the State of California (“Governor”), be compelled by this Court to uphold his Oath of Office and cease violations of the United States Constitution and California Constitution. Both the United States Constitution and the California Constitution contain prohibitions against slavery and involuntary servitude (the 13<sup>th</sup> Amendment to the United States Constitution and Article I, Section 6 of the California Constitution). The California Constitution also contains prohibitions on granting privileges to only certain citizens (Article I, Section 7(b)). The Court should exercise its original jurisdiction to hear the Petition and order the Governor to cease all State activities which create the effect of slavery or involuntary servitude, and those activities which grant selective privileges.

## II. PARTIES

1. *Pro se* Petitioner is a citizen and taxpayer in the State of California.
2. Respondent Gavin Newsom is the Governor of California.

## III. JURISDICTION

3. This Court has original jurisdiction over this matter pursuant to Article VI, § 10 of the California Constitution, Code of Civil Procedure §§ 1085 and 1086 and Rule 8.486 of the California Rules of Court, to decide a dispute where, as here, the case presents issues of great public importance that must be resolved promptly.

## IV. PETITION

4. The Governor's oath requires him to "support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California." *California Constitution, Article XX, Section 3.*

5. Article XX, Section 3 of the California State Constitution states that the Governor's oath of office shall be taken in a form that is substantially similar to the following:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution

of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

“And I do further swear (or affirm) that I do not advocate, nor am I a member of any party or organization, political or otherwise, that now advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means; that within the five years immediately preceding the taking of this oath (or affirmation) I have not been a member of any party or organization, political or otherwise, that advocated the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means except as follows:

\_\_\_\_\_ (If no affiliations, write in the words “No Exceptions”) \_\_\_\_\_

and that during such time as I hold the office of \_\_\_\_\_ (name of office) \_\_\_\_\_

I will not advocate nor become a member of any party or organization, political or otherwise, that advocates the overthrow of the Government of the United States or of the State of California by

force or violence or other unlawful means.”

6. In his official capacity, the Governor is mandated to uphold and defend the United States Constitution and California State Constitution.

7. The 13<sup>th</sup> Amendment of the United States Constitution states, in part: “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”

8. The 14<sup>th</sup> Amendment of the United States Constitution states, All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

9. U.S. Code § 1738 states, The Acts of the legislature of any State, Territory, or Possession of the United States, or copies thereof, shall be authenticated by affixing the seal of such State, Territory or Possession thereto.

The records and judicial proceedings of any court of any such State, Territory or Possession, or copies thereof, shall be proved or admitted in other courts within the United States and its Territories and Possessions by the attestation of the clerk and seal of



the court annexed, if a seal exists, together with a certificate of a judge of the court that the said attestation is in proper form.

Such Acts, records and judicial proceedings or copies thereof, so authenticated, shall have the same full faith and credit in every court within the United States and its Territories and Possessions as they have by law or usage in the courts of such State, Territory or Possession from which they are taken.

10. Article I, Section 1 of the California Constitution provides: “All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety, happiness and privacy.”

11. Article I, Section 1 protects Californians from the unnecessary and overbroad collection, retention and stockpiling of their sensitive personal information by both governmental and non-governmental entities.

12. The internal medical condition of one’s body, including vaccination status, is highly personal and confidential, and therefore a protected privacy interest well within the ambit of Article I, Section 1.

13. Article I, Section 6 of the California Constitution states: “Slavery is prohibited. Involuntary servitude is prohibited except to punish crime.”

14. Article I, Section 7 (b) of the California Constitution states, in part: “A citizen or class of citizens may not be granted privileges or immunities not granted on the same

terms to all citizens.”

15. California Probate Code DIVISION 4.7. HEALTH CARE DECISIONS [4600 - 4806] CHAPTER 2. General Provisions Section 4650 section (a) In recognition of the dignity and privacy a person has a right to expect, the law recognizes that an adult has the fundamental right to control the decisions relating to his or her own health care, including the decision to have life-sustaining treatment withheld or withdrawn.

16. California Government Code Title 1. General Division 7. Chapter 32.5 Section (b) The state shall not provide material support, participation, or assistance in response to a request from a federal agency or an employee of a federal agency to collect the electronically stored information or metadata of any person if the state has actual knowledge that the request constitutes an illegal or unconstitutional collection of electronically stored information or metadata.

17. California Civil Code Division 1. Part 2. Section (b) All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

18. California Civil Code Division 1. Part 2.6 Chapter 2.5 section (d) Any person who willfully or negligently discloses the results of a test for a genetic characteristic to a third party in a manner that identifies or provides identifying characteristics of the person to whom the test results apply, except pursuant to a written authorization as described in subdivision (g), that results in economic, bodily, or emotional harm to the subject of the

test, is guilty of a misdemeanor punishable by a fine not to exceed ten thousand dollars (\$10,000).

19. California Health & Safety Code '24172 section (f) Be informed of the avenues of medical treatment, if any, available to the subject after the experiment if complications should arise.

20. California Probate Code Division 4 Part 7. Section (a) Where the patient has the capacity to consent to the recommended health care, the court shall so find in its order.

21. The State of California is currently mandating or allowing mandates to exist within its borders regarding healthcare-related activities, in violation of the 13<sup>th</sup> Amendment to the United States Constitution and of Article I, Sections 6 and 7 (b) of the California Constitution.

22. On March 4, 2020, the Governor proclaimed a State of Emergency related to "COVID-19", relying on limited scientific evidence. The Governor issued it specifically "to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19."

23. This was followed on March 12, 2020 by Executive Order N-25-20, on June 11, 2021 by Executive Order N-08-21 as well as Executive Order N-27-20, Executive Order N-35-20, Executive Order N-38-20

24. These three actions, among others, caused certain citizens of the United States residing in or visiting California to be granted different privileges than others, based solely on the Governor's arbitrary and unconstitutional orders.

25. On June 15th, 2021, Gavin Newsom lifted most Covid Restrictions including the stay-at-home executive order which would signify curfews are moot. When a state is listed as fully reopened, it means that businesses no longer need to follow capacity limits or curfews. Most public and private gatherings of any size are allowed (large indoor event venues might still be subject to restrictions). Domestic travelers are free to visit the state without quarantining or providing proof of a negative COVID-19 test.

26. On July 28, 2021 the State of California Department of Public Health created a Mandatory Mask Order, which adds a "recommendation" for universal masking indoors statewide, where all individuals must wear masks indoors, as well as references for new requirements for unvaccinated workers.

27. On July 30, 2021 the Sacramento County Health Order directs that face coverings are to be worn, regardless of vaccination status, indoors in all of Sacramento County public settings.

28. Gavin Newsom announced that effective Sept. 20, vaccination verification or a negative COVID-19 test is required for indoor and outdoor events.

29. On Aug. 5, the health department issued an order that requires employees and health care workers to show proof of COVID-19 vaccination or submit to regular testing (once a week).

30. On Aug. 11, the health department issued an order that requires school staff to be vaccinated or submit to weekly testing.

31. The State of California is currently allowing mandates by various local governmental and private entities threatening monetary penalties (loss of income) and discrimination (loss of mobility and services) for refusing to participate in a state healthcare system that the individual does not consent to. The key issue is bodily autonomy, which was notably removed from all slaves throughout history by their masters, and which the State of California is allowing to be removed in these instances, in violation of the 13<sup>th</sup> Amendment to the United States Constitution and of Article I, Section 6 of the California Constitution. By allowing such mandates, the State is participating in the de-facto enslavement of affected citizens.

32. The State of California is currently mandating or allowing mandates by various local governmental and private entities threatening monetary penalties (loss of income) and discrimination (loss of services) for refusing to participate in “testing” for “COVID-19” using testing methods which have been proven to produce inaccurate positive readings between covid-19 or influenza and cause an extreme number of false results.

33. Bodily autonomy is again the issue since the favored method of such testing in

the field is with DNA and RNA PCR tests. If the individual declines such a genetic test, the individual is unable participate in society, which grants certain individuals to a specific sector of the population who accept the medical treatment. Testing, face coverings, and vaccinations creates a class system by offering privileges not offered to all people. Those not included within that sector are disenfranchised and stripped of rights without the enjoyment of privileges offered to the preferred class. These mandates limit the individual's major life activities such as working, eating, learning, and communicating compared to those that submit to the state health care system to participate in equal access and opportunities to live.

34. Bodily autonomy was notably removed from all slaves throughout history by their masters, and the State of California is causing its removal or allowing it to be removed in these instances is a violation of the 13<sup>th</sup> Amendment to the United States Constitution and of Article I, Section 6 of the California Constitution.

35. In removing bodily autonomy, regarding facial coverings and medical treatments [Art. I, Sec. 6], federal and state entities, private, public, and governmental, are compelling the people to engage in involuntary servitude/slavery which is defined as *the condition of an individual who works for another individual against his or her will as a result of force, coercion, or imprisonment, regardless of whether the individual is paid for the labor.*

36. The State of California currently mandates the use of face coverings in various

arbitrary settings, with little to no scientific evidence of benefit, when limiting oneself from exposure of covid aerosols, and within contravention to a growing amount of scientific evidence of severe physical and mental harm. This is limiting the individual's major life activity, such as breathing as well as major body functions such as respiratory and immune system without the choice to decline in participating in the state healthcare system.

37. With these mandates in place with little to no evidence of a active state of emergency after 565 days, certain citizens are excluded from this mandate based on arbitrary terms not defined in law, a violation of Article I, Section 7 (b) of the California Constitution.

38. The State of California currently mandates participation in healthcare insurance coverage with the threat of monetary penalties as punishment for non-compliant citizens, a form of involuntary servitude. Property, in the form of money, as a form of punishment, must be sent to the State for the privilege to NOT purchase a good or service, in violation of the 13<sup>th</sup> Amendment to the United States Constitution and of Article I, Section 6 of the California Constitution.

39. Under California Constitution under Article 5 Section 13 "Subject to the powers and duties of the Governor, the Attorney General shall be the chief law officer of the State. It shall be the duty of the Attorney General to see that the laws of the State are uniformly and adequately enforced. The Attorney General shall have direct supervision over every

district attorney and sheriff and over such other law enforcement officers as may be designated by law, in all matters pertaining to the duties of their respective offices and may require any of said officers to make reports concerning the investigation, detection, prosecution, and punishment of crime in their respective jurisdictions as to the Attorney General may seem advisable. Whenever in the opinion of the Attorney General any law of the State is not being adequately enforced in any county, it shall be the duty of the Attorney General to prosecute any violations of law of which the superior court shall have jurisdiction, and in such cases the Attorney General shall have all the powers of a district attorney. When required by the public interest or directed by the Governor, the Attorney General shall assist any district attorney in the discharge of the duties of that office.”

40. The Petitioner asks the Court to assume original jurisdiction and compel the Governor to uphold and enforce Article I, Sections 6 and 7 (b) of the California Constitution.

41. The Petitioner asks the court to compel the Governor to suspend executive order N-27-20 Critical Health and Safety Standards, executive order N-35-20 Expand the state’s response to the covid-19 outbreak, and executive order N-38-20 Enhance the Authority of California’s Judicial Branch to take emergency action and all State mandates related to “COVID-19” testing, “COVID-19” vaccinations, and face coverings, and to suspend the health insurance mandate and its related financial penalties.

42. The Petitioner asks the court to compel the Governor to uphold his oath of



office and stop the State's violation of the 13<sup>th</sup> Amendment to the United States Constitution and of Article I, Sections 6 and 7 (b) of the California Constitution.

## **V. PRAYER FOR RELIEF**

Therefore, Petitioner respectfully requests that the Court:

1. Compel the Governor to uphold his Oath of Office and support and defend the Constitution of the United States and the Constitution of the State of California.

2. Compel the Governor to suspend all State mandates and Executive Orders related to "COVID-19" testing, "COVID-19" vaccinations, face coverings, and the State's health insurance mandate and its related financial penalty.

3. Compel the Governor to charge the Attorney General of California with the duties vested in him to enforce and uphold the United States Constitution and California Constitution by immediately taking legal action to stop, any and all, public and private entities operating in the State of California from mandating "COVID-19" testing, "COVID-19" vaccinations, and face coverings.

4. Award Petitioners their costs incurred as a result of this action and any other relief the Court determines is just and proper.

Dated: September 24, 2021

Respectfully Submitted,

\_\_\_\_\_  
X  
Pro se Petitioner

**VI. VERIFICATION**

I, , declare:

I am the Petitioner herein. I have read the foregoing Petition for a Writ of Mandamus and know its content. The facts alleged in the Petition are within my knowledge and belief and I believe these facts to be true.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this verification was executed on September 24, 2021, at San Francisco, California.

\_\_\_\_\_X  
Pro se Petitioner

**VII. CONCLUSION**

For the foregoing reasons, Petitioner respectfully requests that this Court grant the relief sought in the Verified Petition for a Writ of Mandamus.

Dated: September 24, 2021

Respectfully Submitted,

\_\_\_\_\_  
X  
Pro se Petitioner

CERTIFICATE OF WORD COUNT

I, the undersigned Petitioner, relying on the word count function of Microsoft Word, the computer program used to prepare this brief, certify that the above document contains 3,592 words, exclusive of those materials not required to be counted by Title 8 Rules of the Court.

Dated: September 24, 2021

Respectfully Submitted,

\_\_\_\_\_  
X  
Pro se Petitioner

CERTIFICATE OF SERVICE

I am a resident in the County of . I am over the age of 18 years and the Petitioner in the within entitled action; my address is

On September 24, 2021, I served a copy of the following document(s) described as **VERIFIED PETITION FOR WRIT OF MANDAMUS** on the interested party in this action by-email [C.C.P. Section 1010.6; CRC 2.250-2.261]. The documents listed above were transmitted via e-mail to the e-mail addresses on the attached service list.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

\_\_\_\_\_X\_\_\_\_\_  
Pro se Petitioner

**SERVICE LIST**

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