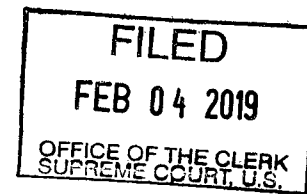


18-1095  
No. \_\_\_\_\_



IN THE  
SUPREME COURT OF THE  
UNITED STATES

\_\_\_\_\_  
◆  
\_\_\_\_\_  
CHARLES G. KINNEY,  
*Petitioner,*

v.

FRANCES ROTHSCHILD; et al.,  
*Respondents,*

\_\_\_\_\_  
◆  
\_\_\_\_\_  
On Petition For Writ Of  
Certiorari To The  
Ninth Circuit Court of Appeals  
#18-15805 (11/8/18 denial of right  
to proceed with appeal) [1 of 2]

U.S. District Court, Northern  
District of Calif. (San Francisco)  
#3:17-cv-07366-VC

\_\_\_\_\_  
◆  
\_\_\_\_\_  
PETITION AND APPENDIX FOR  
A WRIT OF CERTIORARI

\_\_\_\_\_  
◆  
\_\_\_\_\_  
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## QUESTION PRESENTED

It is *rare* for a federal statute to say it “voids” a court judgment, but that is *exactly* what 11 U.S.C. Sec. 524(a)(1) does. If that decision determines a 2010 Chapter 7 “no asset” discharged-debtor still has some “personal liability” to a listed-unsecured creditor, that judgment, order or sanction is void regardless of the rationale used to justify it. Since the statute “voids” the decision, there is no need for a collateral attack; it is not a *defacto* appeal; and the *Rooker-Feldman* doctrine does not apply.

11 U.S.C. Sec. 524(a)(2) *prohibits* listed unsecured creditors from employing any means to obtain any judgment, order or sanction which determines (e.g. presumes) a discharged Chapter 7 “no asset” debtor still has “personal liability” to a creditor.

For over 8 years, listed unsecured-creditor David Marcus has filed attorney fee motions on behalf of his client, discharged Chapter 7 “no asset” debtor Clark, based on pre-petition contracts, with help from contract attorney Eric Chomsky. Their *goal* was to shift pre- and post-petition attorney’s fees incurred by Clark onto listed-creditors Kinney and Kempton, co-buyers of Clark’s house in 2005.

Dockets show that state and federal courts keep issuing decisions that *concede* debtor Clark is *still liable* to creditor Marcus for legal work (and Marcus keeps filing attorney’s fee “cost” motions to shift those fees onto Kinney), contrary to law.

*Bosse* requires all courts to follow the law. Why is this court ignoring Kinney’s constitutional rights?

## **PARTIES TO THE PROCEEDINGS**

The parties to this proceeding are those appearing in the caption to this petition.

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Certiorari Should Be Granted Because The Courts  
are Compelling Silence About Ongoing Violations  
of Federal Law Which Violates Kinney’s First  
Amendment Rights, and Other Laws as to  
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Alleged Due Process by the Ninth Circuit Severely  
Impairs Meaningful Review of Important  
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