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Petitioner in Pro Se

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

In Re:

GUSTAVO ESCAMILLA, an individual,

Petitioner,

v.

UNITED STATES OF AMERICA; UNITED STATES DEPARTMENT OF JUSTICE; and OTIS D. WRIGHT, II, in his official capacity as a United States District Judge,

Respondents.

Case No. 2:26-cv-09383-AB

PETITIONER'S EMERGENCY NOTICE OF SUPPLEMENTAL FACTS IN SUPPORT OF MOTION TO DISQUALIFY THE UNITED STATES ATTORNEY'S OFFICE: COMPLAINT OF JUDICIAL MISCONDUCT FILED WITH THE NINTH CIRCUIT; THE OFFICE'S SILENCE ON ITS DUTY TO REPORT (JUSTICE MANUAL § 1-4.340); DECLARATION OF GUSTAVO ESCAMILLA; EXHIBITS A–C [Re: Dkt. 36]

[No Hearing Requested; No Ruling Requested]

Hon. André Birotte Jr.

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PETITIONER'S EMERGENCY NOTICE OF SUPPLEMENTAL FACTS IN SUPPORT OF MOTION TO DISQUALIFY THE UNITED STATES ATTORNEY'S OFFICE: COMPLAINT OF JUDICIAL MISCONDUCT FILED WITH THE NINTH CIRCUIT; THE OFFICE'S SILENCE ON ITS DUTY TO REPORT (JUSTICE MANUAL § 1-4.340); DECLARATION OF GUSTAVO ESCAMILLA; EXHIBITS A–C [Re: Dkt. 36]

TO THE HONORABLE COURT, AND TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Petitioner Gustavo Escamilla, a federally identified crime victim, submits the following supplemental facts in support of his pending Motion to Disqualify the United States Attorney's Office for the Central District of California (the "Office") (Dkt. 36). Each fact is established by the documents attached to this Notice, by the public docket, or by petitioner's declaration.

This Notice requests no ruling and no relief beyond what the pending Motion already seeks, and it requests no finding concerning any judge. Petitioner is filing the same Notice in No. 2:26-cv-09383-AB and No. 2:17-cv-07748-AB.

I. THE COMPLAINT OF JUDICIAL MISCONDUCT

October 30, 2026: the complaint is mailed. This morning, Petitioner mailed a verified Complaint of Judicial Misconduct concerning the Honorable Otis D. Wright, II, to the Office of the Circuit Executive, United States Court of Appeals for the Ninth Circuit, under 28 U.S.C. §§ 351–364 and the Rules for Judicial-Conduct and Judicial-Disability Proceedings. It was sent from Glendale, California, by USPS Certified Mail, tracking number 9589 0710 5270 4397 5492 24, in an envelope marked "COMPLAINT OF MISCONDUCT," as the Circuit's rules require. (Ex. B; Escamilla Decl. ¶¶ 2–3.) The Postal Service expects delivery by Monday, November 2, 2026. (Ex. B.) Exhibit A is a true and correct copy of the

complaint as mailed: the Ninth Circuit's official complaint form and a five-page Statement of Facts. (Ex. A; Escamilla Decl. ¶ 2.)

What it says. The complaint does not challenge the correctness of any ruling. It describes conduct, with pin cites to the public docket, and asks the Chief Judge of the Circuit to conduct the limited inquiry that Rule 11(b) provides and, if warranted, to appoint a special committee under 28 U.S.C. § 353. (Ex. A, Statement of Facts at 5.) Among the facts it sets out:

- A DHS agent reported to the victim, in writing, a Colorado ruling for the enterprise's leader that no court ever entered, and Judge Wright's April 4, 2018 order dismissed on a "negative judgment in the Colorado action" that never existed. (*Id.* at 1–2 (citing No. 2:17-cv-07748, Dkt. 1, Ex. 9, Page ID #:50–51; Dkt. 13 at 13, Page ID #:221).)
- When the victims proved the fabrication, the Office did not deny it. It assumed a fraud on the court "arguendo," and argued instead that the victims had failed to meet and confer, relying on a declaration of AUSA Kevin B. Finn that he had sent two emails. The victims' counsel answered under penalty of perjury that he had initiated the conference on September 21, 2021, had followed up, had no record of either email, and that no one from the Office ever called or conferred with him. Judge Wright did not resolve that dispute. Fifteen days after the Office's opposition, he struck the motion for "[f]ailure to comply with Local Rules 7-3 and 11-6," without a word on its substance. (Ex. A, Statement of Facts at 3; No. 2:17-cv-07748, Dkt. 23 at 5, Page ID #:753; Dkt. 23-1; Dkt. 24 at 14–15, ¶¶ 2–4, Page ID #:773–774; Dkt. 25.)
- Canon 3B(6) of the Code of Conduct for United States Judges requires a judge to "take appropriate action upon learning of reliable evidence indicating the likelihood" of attorney misconduct. The complaint states that Judge Wright took no action of any kind. (Ex. A, Statement of Facts at 3–4.)

Whether misconduct occurred is for the Chief Judge and the Judicial Council of the Ninth Circuit to determine. 28 U.S.C. §§ 352–354. Petitioner asks nothing of this Court concerning it.

II. JUDGE WRIGHT'S TWO ORDERS CANNOT STAND TOGETHER

The complaint rests in large part on two of Judge Wright's own orders. In 2018, he held that he lacked subject-matter jurisdiction over every claim before him. In 2021, with no authority over the victims' crime-victim petition either, he "reaffirm[ed]" that order as though it had decided the victims' rights, and then disparaged the very facts it had recited. (Ex. A, Statement of Facts at 1–3.) Set side by side, the two orders refute each other.

1. What the 2018 order held: no jurisdiction, and not a word about victims' rights.

> "The Court DISMISSES Claims 1–3 for lack of subject matter jurisdiction." (No. 2:17-cv-07748, Dkt. 13 at 10, Page ID #:218.)
>
> "Accordingly, the Court DISMISSES Plaintiffs' state law claims, Claims 4–7, for lack of subject matter jurisdiction." (*Id.* at 13, Page ID #:221.)

The 2018 order addressed claims under 42 U.S.C. § 1983 and the Federal Tort Claims Act. (*Id.* at 7–8, Page ID #:215–216.) It does not mention the Crime Victims' Rights Act.

2. What the 2021 order said the 2018 order had decided.

> "They are merely speculation pulled from the ether and do nothing to cause the Court to reconsider its earlier determination that Plaintiffs have supplied no basis to establish any rights under the Crime Victims' Rights Act. The Court reaffirms its April 4, 2018 Order dismissing this matter with prejudice." (No. 2:21-cv-01910, Dkt. 10 at 2, Page ID #:294.)

There was no "earlier determination" under the Crime Victims' Rights Act. The order the 2021 ruling "reaffirm[ed]" was entered in a different case, which the 2021 order cited by a case number that does not exist: "case No. 17-cv-07747." (*Id.* at 1, Page ID #:293.) And an order dismissing for lack of jurisdiction decided nothing that could be reaffirmed against anyone. The Supreme Court has said so plainly:

> "Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause." *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94 (1998) (quoting *Ex parte McCardle*, 7 Wall. 506, 514 (1869)).

3. What the 2018 order recited about the investigation, and what the 2021 order called it.

> **2018:** "Gibson explained to Plaintiffs that the Greenway investor defendants in Plaintiffs' civil suit had already been subject to extensive investigation for criminal trademark infringement. . . . He told them that, as of the meeting date, ICE and the United States Attorney's Office had recovered over $26 million in the investigation. . . . He also informed Plaintiffs that they may be able to recover from an established victims' fund." (No. 2:17-cv-07748, Dkt. 13 at 2, Page ID #:210 (citing the government's motion, "Mot. 3").)

> **2021:** "[W]hile plaintiffs claim to be victims in an on-going criminal proceeding, they failed to specifically identify a criminal proceeding supporting their claim that they have been victimized by the United States or the Department of Homeland Security and its agents. . . . Plaintiffs admit to being unable to identify anything concerning the claims being asserted against Selakovic or Blackburn because the file is sealed . . . ." (No. 2:21-cv-01910, Dkt. 10 at 2, Page ID #:294.)

The same 2021 order quoted the victims' identification of the proceeding: a criminal case filed "under seal against SELAKOVIC, BLACKBURN and others," in "DHS and DOJ's criminal proceedings being conducted in the Western District of Missouri." (*Id.*) The victims never claimed that the United States was the criminal; the crime was the counterfeiting the government itself had investigated. The order faulted the victims for not knowing the contents of a sealed file that the government, not the victims, controlled. And it called their account of what became of that prosecution "merely speculation pulled from the ether," three years after the same judge had written the investigation, the $26 million recovery, and the victims' fund into his own order. (*Id.*; No. 2:17-cv-07748, Dkt. 13 at 2, Page ID #:210.)

4. The 2021 order rested on a case in which Judge Wright had held he lacked subject-matter jurisdiction, and ruled anyway.

> "On March 22, 2021 the Court issued an Order to Show Cause why this matter should not similarly be dismissed for failure to state a claim under 18 U.S.C. § 3771. Specifically Plaintiffs were ordered to show cause why the relief sought in the Complaint is not barred by issue and claim preclusion as a result of the Court's dismissal of Plaintiff's claims with prejudice in Gustavo Escamilla et al v. Department of Homeland Security, et al., 17-CV-07748-ODW (MRWx) (C.D. Cal April 4, 2018)." (No. 2:21-cv-01910, Dkt. 10 at 1, Page ID #:293.)

> "The Court reaffirms its April 4, 2018 Order dismissing this matter with prejudice. For the same reasons, the Court discharges the OSC and sua sponte dismisses the Victim's Emergency Petition." (*Id.* at 2, Page ID #:294.)

The only "reasons" the 2021 order identified were those of the 2018 order, and the 2018 order dismissed every claim for lack of subject-matter jurisdiction. (No. 2:17-cv-07748, Dkt. 13 at 10, 13, Page ID #:218, #:221.) A dismissal for lack of jurisdiction is not an adjudication on the merits. Fed. R. Civ. P. 41(b) (excepting a

dismissal "for lack of jurisdiction"). It must be without prejudice, *Kelly v. Fleetwood Enters., Inc.*, 377 F.3d 1034, 1036 (9th Cir. 2004), and it cannot bar a later claim by issue or claim preclusion. A court that has held it has no power over a controversy has decided nothing about it.

Judge Wright had held, in 2018, that he lacked subject-matter jurisdiction. In 2021, he treated that ruling as though it had decided the victims' rights, and on that foundation he weighed a crime victim's credibility and called his account "speculation pulled from the ether." He had no authority to do either.

The two cannot stand. Either the 2018 order decided nothing beyond jurisdiction, in which case there was no "earlier determination" to reaffirm; or it decided the victims' rights, in which case it did so without jurisdiction. Either the investigation recited in the 2018 order existed, in which case the victims identified it; or it was "speculation pulled from the ether," in which case the government's own motion, which the 2018 order cited, described a fiction. On every point, the second order contradicts the first. Nothing in the record reconciles them.

III. THE CLOSED LOOP: ONE FABRICATION, RECAST FOUR TIMES, THROUGH ONE COURTROOM

The two orders did not contradict each other by accident. Each rested on the same fabricated ruling, which the Office restated in a new form each time it was challenged, and which passed through Judge Wright's courtroom at every turn. The record shows four versions.

Version one (2016): the agent's fabricated ruling. On October 28, 2016, DHS Supervisory Special Agent Shawn S. Gibson wrote to the victim:

> "We have researched your claims and consulted with the United States Attorney's Office, Western District of Missouri and while we sympathize with your situation, we have been advised that on August 17, 2015 a District Court found in favor of Selakovic against Greenway Nutrients in regards to the assertion of the Greenway trademark. While we understand that you may disagree with this judgement, our agency is

> bound by decision of the court . . . ." (No. 2:17-cv-07748, Dkt. 1, Ex. 9, Page ID #:50–51; *id.*, Dkt. 24 at 5, Page ID #:764.)

No such ruling exists. No court has ever ruled in favor of Selakovic on Greenway's civil trademark-infringement claims against him. The only ruling on those claims went the other way. On March 31, 2015, Chief Judge Marcia S. Krieger rejected Selakovic's challenge to them:

> "Mr. Selakovic argues that under the Calder effects test, Greenway has not alleged that he 'expressly aimed' any tortious activity at Colorado. The Court disagrees. Trademark infringement turns on whether customers are likely to be confused, mistaken, or deceived by the use of a trademarked product. 15 U.S.C. §§ 1114(1). Thus, the effects of an infringement will be felt wherever the infringing products are marketed or sold because that is where the confusion, mistake, or deceit will occur. Here, Greenway alleges that the Defendants sold counterfeit and unauthorized product through a Colorado distributor, Supreme Growers, LLC. It is therefore reasonable to infer that the effects of the Defendants' allegedly infringing acts would be felt in Colorado. . . . The Court finds that the Amended Complaint sufficiently alleges that Mr. Selakovic expressly aimed his conduct at Colorado. Accordingly, the Court agrees with the Magistrate Judge that at this early stage of litigation, Greenway has met its burden of making a prima facie showing of personal jurisdiction over Defendants Blackburn, FSS, and Selakovic. . . . The motion is DENIED in all other respects." (*Greenway Nutrients, Inc. v. Blackburn*, No. 1:13-cv-01088 (D. Colo.), Dkt. 129 at 10–11; *see* No. 2:26-cv-05207, Dkt. 9, Ex. D.)

Gibson reported a ruling "in favor of Selakovic against Greenway Nutrients in regards to the assertion of the Greenway trademark." The only ruling on Greenway's trademark claims against Selakovic said the opposite: "The Court disagrees." The only entry on August 17, 2015, was the judgment on a dismissal without prejudice for failure to prosecute. (No. 2:17-cv-07748, Dkt. 9-2, Ex. 3 at 25, Page ID #:172; *id.*, Dkt. 13 at 3, Page ID #:211.) The Colorado court later confirmed

that Greenway's claims "were not adjudicated on the merits" and were "still viable." (*Id.*, Dkt. 9-2, Ex. 3 at 26, Page ID #:173.)

On November 21, 2016, Gibson compounded it, telling the victims that DHS could not "move forward with any investigation involving [Plaintiffs'] trademark until [Plaintiffs] resolve[d] this issue with the District Court in Colorado." Judge Wright's 2018 order recited the reason Gibson gave:

> "[B]ecause that decision in favor of the alleged infringers precluded them from filing charges." (*Id.*, Dkt. 13 at 3, Page ID #:211; *see id.*, Dkt. 1, Ex. 10, Page ID #:63.)

Version two (2018): the "negative judgment." Under United States Attorney Nicola T. Hanna, the Office carried Gibson's reason into this Court as grounds for dismissal. (*Id.*, Dkt. 9 at 11, 22, Page ID #:132, #:143.) Judge Wright adopted it:

> "As Defendants explained to Plaintiffs, they chose not to further investigate Plaintiffs' claims due to the negative judgment in the Colorado action. . . . DHS weighed the impact of allotting these scarce resources to a criminal investigation in which a civil court had already ruled against the victims . . . ." (*Id.*, Dkt. 13 at 13, Page ID #:221.)

Version three (2021): "not a judgment on the merits." Under Acting United States Attorney Tracy L. Wilkison, opposing the victims' motion to disqualify Judge Wright, the Office defended the judge's orders and replaced Gibson's reason with a new one:

> ". . . Judge Wright correctly noted that plaintiffs could not identify any criminal proceeding supporting their rights as victims . . . ." (*Id.*, Dkt. 15 at 2–3, Page ID #:320–321.)

> ". . . did not reach a judgment on the merits." (*Id.*)

Gibson never said the Colorado court had not reached the merits. He said it had ruled for Selakovic. Three months later, when the victims proved the fabrication, the Office did not deny it:

> "While Plaintiffs have also failed to establish a fraud on the court, assuming arguendo that once [sic] existed, it would not 'affect the outcome of the case' and would not support the relief Plaintiffs seek." (*Id.*, Dkt. 23 at 5, Page ID #:753.)

Version four (2026): "repeatedly rejected." Under First Assistant United States Attorney Bilal A. Essayli, the Office described the victim's claims, in a proceeding in which he was not a party and could not respond, in these words:

> ". . . all of which involve broad allegations of government misconduct that courts have repeatedly rejected." (*United States v. McCormick*, No. 2:20-cr-00346, ECF No. 864 at 4–5, Page ID #:11427–11428.)

In the same filing, it conceded that "the government does not address them here in substance." (*Id.*) Petitioner cites that filing only for what the Office said there about him and his claims.

Five times in seven months. Between March and November 2021, the victims placed their challenge to the government's evidence before Judge Wright five times:

- March 29, 2021: the government's own declarations, filed in response to his order to show cause (No. 2:21-cv-01910, Dkt. 9). Four days later, he dismissed the petition sua sponte. (*Id.*, Dkt. 10.)
- July 12, 2021: the victims' motion to disqualify him, with supporting declaration (No. 2:17-cv-07748, Dkt. 14). The Office answered with version three. (*Id.*, Dkt. 15.)

- September 18, 2021: the victims' Rule 60(d)(3) motion for fraud on the court, with supporting declaration (*id.*, Dkts. 18, 19). He struck it two days later. (*Id.*, Dkt. 20.)
- October 18, 2021: the refiled motion, with supporting declaration (*id.*, Dkts. 21, 22). The Office answered "arguendo." (*Id.*, Dkt. 23.)
- November 1, 2021: the victims' reply, setting Gibson's emails beside the Colorado court's own ruling, with counsel's sworn declaration on the meet-and-confer dispute (*id.*, Dkt. 24 at 5–8, 14–15, Page ID #:764–767, #:773–774). Eight days later, he struck the motion without a word on its substance. (*Id.*, Dkt. 25.)

Not once did Judge Wright reach the fabrication. Each version rested on the one before it, and each was possible only because the one before it was never addressed. Exhibit C is the demonstrative summary of this sequence that petitioner filed on October 19, 2026, and that is already of record. (Ex. C; No. 2:26-cv-09383, Dkt. 44-1, Ex. C, Page ID #:1626–1631; No. 2:17-cv-07748, Dkt. 40-1, Ex. C.)

IV. THE NINTH CIRCUIT HAS ALREADY CONDEMNED THIS SPECIES OF MISCONDUCT

Petitioner makes no assertion in this Notice about any individual's culpability. That question is for the bodies to which the matter has been reported. He places before the Court only the governing law of this Circuit.

In *Lanuza v. Love*, 899 F.3d 1019 (9th Cir. 2018), an attorney for Immigration and Customs Enforcement, a component of DHS, submitted a forged document in a removal proceeding to make a Mexican father with two United States citizen children appear ineligible for relief Congress had made available to him. The attorney was prosecuted under 18 U.S.C. § 242, pleaded guilty, served thirty days, and was barred from practicing law for ten years. *Id.* at 1022–23. The Ninth Circuit held that he could be sued for damages, and explained why:

> "At its core, this case is about a lie, and all the ways it was used, over several years, to defraud the courts." *Id.* at 1034.

> "[W]e will not allow an officer of the immigration court to cloak himself in the government's protection when he commits the crimes of forgery and perjury." *Id.* at 1029.

> "Failing to provide a narrow remedy for such an egregious constitutional violation would tempt others to do the same." *Id.* at 1034.

Lanuza does not stand alone. In *Dixon v. Commissioner*, 316 F.3d 1041 (9th Cir. 2003), the Ninth Circuit held that attorneys for the Internal Revenue Service committed fraud on the court when they concealed agreements with witnesses and allowed false testimony to stand. It reversed the Tax Court's refusal to set aside the resulting decisions, and it held that the taxpayers harmed by that fraud need not show prejudice:

> "Fraud on the court occurs when the misconduct harms the integrity of the judicial process . . . ." *Id.* at 1046.

The Office's answer to the victims' proof in 2021 was that, "assuming arguendo" a fraud on the court existed, "it would not 'affect the outcome of the case.'" (No. 2:17-cv-07748, Dkt. 23 at 5, Page ID #:753.) Under *Dixon*, whether a fraud affected the outcome is not the question.

In *Demjanjuk v. Petrovsky*, 10 F.3d 338 (6th Cir. 1993), the court vacated judgments obtained by attorneys of the Department of Justice who had withheld evidence. It found no intent to deceive, and it held that none was required:

> "[A] scheme, based on a subjective intent to commit fraud, is not required . . . . Reckless disregard for the truth is sufficient." *Id.* at 353.

And the Supreme Court has long recognized that a party who is kept from presenting his case by deception has been defrauded:

> "Where the unsuccessful party has been prevented from exhibiting fully his case, by fraud or deception practised on him by his opponent . . . ." *United States v. Throckmorton*, 98 U.S. 61, 65–66 (1878).

Here, a federal agent told the victims that a court had ruled against them. On that representation, the investigation was suspended and the victims' claims were treated as foreclosed. (No. 2:17-cv-07748, Dkt. 13 at 3, 13, Page ID #:211, #:221.)

The demonstrative at Exhibit C sets the record of these proceedings beside *Lanuza* point by point. (Ex. C, Page ID #:1630.) There, one forged document, carried by one ICE attorney, in one proceeding. Here, a federal court ruling that never existed, reported by a DHS supervisory special agent and carried by the same Office across three administrations and four federal dockets, for nearly ten years. There, the forgery was exposed and the courts corrected it. Here, the fabrication was assumed "arguendo," and no court has ever reached it.

V. THE OFFICE HAS HAD THESE ALLEGATIONS SINCE JANUARY 23, 2026

On January 23, 2026, petitioner emailed Supervisory Victim Witness Specialist Allison Stafford, copying First Assistant United States Attorney Bilal A. Essayli, a submission titled:

> "Supplement – Credible Allegations of Judicial Misconduct, and CVRA Denials – For DOJ OPR/OIG And Oversight Review." (Dkt. 44-1, Ex. B.)

It reported Judge Wright's reliance on false and materially misleading declarations and pleadings submitted by the Office, and his failure to act on reliable information of attorney misconduct, contrary to Canon 3B(6). It asked that the material:

> "be immediately incorporated into any urgent reports and escalated to the appropriate Department of Justice administrative oversight bodies." (Dkt. 44-1, Ex. B; Dkt. 44-1, Ex. A at 1–2.)

On January 28, 2026, Ms. Stafford replied:

> "It does not appear that you are an identified crime victim in a federal criminal proceeding. . . . We cannot assist you." (No. 2:26-cv-09383, Dkt. 2-1, Ex. S, Page ID #:383–384.)

On February 5, 2026, petitioner asked the Office in writing to:

> "[e]scalate the allegations of misconduct/fraud on the court to DOJ-OPR, DOJ-OIG, and the Victims' Rights Ombudsman, with confirmation of referral." (*Id.*, Ex. T, Page ID #:385–391.)

No confirmation has ever been given. (Escamilla Decl. ¶ 4.)

VI. THE DEPARTMENT'S OWN RULES REQUIRED A REPORT

The Office has no authority over a federal judge, and petitioner has never asked it to act against one. Complaints against federal judges are for the chief judge and judicial council of the circuit. 28 U.S.C. §§ 351–364. But the Department's rules do not leave allegations of judicial misconduct to the discretion of the employee who receives them. The Justice Manual provides:

> Allegations that "non-Department attorneys or judges have committed misconduct shall be reported to OPR to determine whether to refer the allegation to appropriate disciplinary authorities." "[I]ndividual Department components or employees are not authorized to make such referrals." Justice Manual § 1-4.340.

The rule calls for no prosecutorial or litigation judgment. It does not ask the Office to agree with the allegations, to adjudicate them, or to act against any judge. It asks only that they be sent to the Department office designated to receive them.

VII. THE OFFICE WAS ASKED, AND HAS NOT ANSWERED

October 12, 2026. Petitioner asked the Office in writing:

> "1. Whether the allegations in the January 23, 2026 report concerning Judge Wright were reported to OPR under Justice Manual § 1-4.340, and if so, when. . . . 4. If no report was made, who decided not to make one, and on what basis." (Dkt. 44-1, Ex. A at 4–5.)

He asked for a response by October 16, 2026. None came. (Dkt. 44.)

October 28, 2026. Petitioner wrote to the Office again:

> "I have also been in contact with the office of Congresswoman Laura Friedman, seeking her assistance with judicial oversight, so that Judge Wright's conduct in these matters is reviewed by the appropriate oversight officials for whatever determination they may make. This Office has no authority over a federal judge, and I have not asked it to act against one." (Dkt. 56, Ex. A.)

He again asked whether the Office had reported the allegations of misconduct to the Office of Professional Responsibility or the Office of the Inspector General, and asked for a response by 10:00 a.m. on October 29, 2026. (Dkt. 56, Ex. A.) None came. (Dkt. 56.)

October 30, 2026. As of the filing of this Notice, the Office has not answered either letter, has not stated that the January 23, 2026 allegations concerning Judge Wright were reported to the Office of Professional Responsibility, and has not identified who decided not to report them. (Escamilla Decl. ¶ 5.)

VIII. WHY THESE FACTS BEAR ON THE PENDING MOTIONS

Nine months after receiving the allegations, and eighteen days after being asked directly, the Office has not said that it reported them to anyone. Petitioner has therefore done what the Department's rules required the Office to do: he has placed

the allegations before the body Congress designated to receive them. 28 U.S.C. § 351(a).

The record now shows the same pattern at every level. The Office never denied the fabrication; it assumed it "arguendo." (No. 2:17-cv-07748, Dkt. 23 at 5, Page ID #:753.) The judge before whom the proof was placed struck it without a word on its substance. (*Id.*, Dkt. 25.) And the Office whose own rules required it to report the allegations concerning that judge will not say whether it did. (Justice Manual § 1-4.340.)

The allegations describe the Office's own conduct, and they concern the judge whose orders the Office continues to defend, including the April 4, 2018 judgment that petitioner's pending Rule 60(d)(3) motion asks the Court to set aside. (No. 2:17-cv-07748, Dkt. 28.) An Office that will not say whether it reported those allegations, as its own rules required, cannot neutrally represent the United States in these matters. That is a further ground for the relief sought in the pending Motion to Disqualify. (Dkt. 36.)

IX. RESERVATION OF RIGHTS

Nothing in this Notice waives or limits any right, claim, objection, or position Petitioner holds in No. 2:17-cv-07748-AB, No. 2:26-cv-09383-AB, or No. 2:26-cv-05207-AB-Ex, including his rights under the Crime Victims' Rights Act, 18 U.S.C. § 3771, his rights under article I, section 28 of the California Constitution, and his right to mandatory restitution under 18 U.S.C. §§ 3663A and 3664. Petitioner will supplement the record with any response the Office provides.

DATED: October 30, 2026.

Respectfully submitted,



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Petitioner in Pro Se

DECLARATION OF GUSTAVO ESCAMILLA

I, Gustavo Escamilla, declare:

1. I am the Petitioner in this proceeding, appearing in pro se. I am the President of Greenway Nutrients, Inc. I have personal knowledge of the facts stated in this declaration and, if called as a witness, could and would testify competently to them.
2. On October 30, 2026, I signed and mailed a Complaint of Judicial Misconduct concerning the Honorable Otis D. Wright, II, to the United States Court of Appeals for the Ninth Circuit, Office of the Circuit Executive, Attn: Judicial Misconduct, P.O. Box 193939, San Francisco, California 94119-3939. Attached as Exhibit A is a true and correct copy of the complaint as I mailed it.
3. I mailed the complaint at the United States Post Office in Glendale, California, by Certified Mail, tracking number 9589 0710 5270 4397 5492 24, in an envelope marked "COMPLAINT OF MISCONDUCT." Attached as Exhibit B are a true and correct photograph of the envelope, which I took after postage was applied, and a true and correct copy of the USPS notice I received by email at 9:15 a.m. that day, stating that delivery is expected by Monday, November 2, 2026.
4. On January 23, 2026, I emailed the submission described in Section V of this Notice to Allison Stafford, copying Bilal A. Essayli. On February 5, 2026, I asked the Office to escalate the allegations to DOJ-OPR, DOJ-OIG, and the Victims' Rights Ombudsman, with confirmation of referral. I have never received confirmation that any referral was made.
5. As of the time I signed this declaration, I have received no response from Mr. Beck, Ms. Medrano, or anyone else at the United States Attorney's Office for the Central District of California to my October 12, 2026 letter or my October 28, 2026 email, and no one from the Office has told me whether the

allegations concerning Judge Wright were reported to the Office of Professional Responsibility.

6. Attached as Exhibit C is a true and correct copy of the demonstrative summary I filed on October 19, 2026, as it appears on the docket at No. 2:26-cv-09383-AB, Dkt. 44-1, Ex. C, Page ID #:1626–1631.

7. Nothing in this declaration is made on behalf of any other party, and nothing in it asks any court to review any charging or prosecutorial decision.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 30, 2026, at Glendale, California.

DATED: October 30, 2026.



GUSTAVO ESCAMILLA
1315 Highland Avenue
Glendale, California 91202
(818) 355-0062
gescamilla@ymail.com
Petitioner in Pro Se

CERTIFICATE OF COMPLIANCE (L.R. 11-6.2)

The undersigned, Petitioner in pro se, certifies that this Notice contains 4,363 words, which complies with the word limit of L.R. 11-6.1.

DATED: October 30, 2026.



GUSTAVO ESCAMILLA
1315 Highland Avenue
Glendale, California 91202
(818) 355-0062
gescamilla@ymail.com
Petitioner in Pro Se

CERTIFICATE OF COMPLIANCE WITH THE COURT'S GENERATIVE ARTIFICIAL INTELLIGENCE ORDER

The undersigned certifies the following regarding the use of generative artificial intelligence in the preparation of this filing:

_X_ This filing USES generative artificial intelligence.

____ This filing DOES NOT use generative artificial intelligence.

Petitioner used a generative artificial intelligence tool to assist in drafting portions of this filing. Petitioner has reviewed and revised the content, has verified the legal citations and the factual assertions to the best of his ability, and adopts the filing as his own. The positions and representations set forth herein are made in good faith and in compliance with Federal Rule of Civil Procedure 11.

DATED: October 30, 2026.



GUSTAVO ESCAMILLA
1315 Highland Avenue
Glendale, California 91202
(818) 355-0062
gescamilla@ymail.com
Petitioner in Pro Se

EXHIBIT A

Complaint of Judicial Misconduct concerning the Honorable Otis D. Wright, II, mailed October 30, 2026, to the Office of the Circuit Executive, United States Court of Appeals for the Ninth Circuit (Ninth Circuit complaint form and Statement of Facts)

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY (page 1 of 2)

1. Name of Complainant: Gustavo Escamilla

Contact Address*: 1315 Highland Avenue

Glendale, California 91202

Daytime telephone: (818) 355-0062

*Please notify the Office of the Circuit Executive in writing of any changes to your address as soon as possible. We will use your last known address on file to communicate about your complaint.

2. Name(s) of Judge(s): Hon. Otis D. Wright, II

Court: U.S. District Court, Central Dist. of Cal.

3. Does this complaint concern the behavior of the judge(s) in a particular case or cases?

☒ Yes ☐ No

If "yes," give the following information about each case:

Court: U.S. District Court, Central Dist. of Cal.

Case Number: 2:17-cv-07748; 2:21-cv-01910; 2:26-cv-05207

Are (were) you a party or lawyer in the case?

☒ Party ☐ Lawyer ☐ Neither

If you appealed the decision, please provide information about your appeal.

Case Number: 9th Cir. No. 21-55417 (from 2:21-cv-01910)

Current status of appeal: Affirmed March 24, 2022

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY (page 2 of 2)

4. Have you filed any lawsuits against the judge?

☒ Yes ☐ No

If "yes," give the following information about each such lawsuit:

Court: U.S. District Court, Central Dist. of Cal.

Case Number: 2:26-cv-09383-AB (filed Aug. 21, 2026)

Present status of lawsuit: Pending before Hon. André Birotte Jr.

If you appealed the decision, please provide information about your appeal.

Case Number: None

Current status of appeal: N/A

5. **Brief Statement of Facts.** Attach a brief statement of the specific facts that support your claim of judicial misconduct or disability. Describe what happened, when and where it happened, and any information that would help an investigator check the facts. **Your Statement of Facts must be no longer than five standard 8.5x11 inch, single-sided, double-spaced pages using 12-point font.**

You must provide objectively verifiable proof such as the names of witnesses or docket numbers of transcripts to support your allegations. You cannot prove misconduct only by saying that the judge ruled against you. The appellate court is the appropriate place to argue that a judge's rulings were wrong. Do not include copies of your filings in the underlying case or the judge's orders because those documents are already accessible via PACER (the federal filing system). Excess or irrelevant documentation will not be considered. Do not submit any original documents, as they may not be returned to you.

6. **Declaration and signature:**

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

(Signature)_____ (Date) October 30, 2026

STATEMENT OF FACTS — COMPLAINT OF JUDICIAL MISCONDUCT AGAINST THE HONORABLE OTIS D. WRIGHT, II (C.D. CAL.)

The Ninth Circuit has already condemned this misconduct. In *Lanuza v. Love*, 899 F.3d 1019 (9th Cir. 2018), an ICE attorney forged a document to strip a Mexican father of relief Congress had made available to him; the court refused to let an officer "cloak himself in the government's protection," *id.* at 1029, and the attorney pleaded guilty under 18 U.S.C. § 242 and was barred from practice for ten years. Complainant is a Mexican-American crime victim and grandfather. His case is the same wrong, only worse. There, a DHS-ICE attorney forged an immigration form; here, a DHS-ICE agent fabricated a federal court ruling. There, the courts exposed and corrected the forgery; here, the fabrication passed through Judge Wright's courtroom for eight years, and he never once addressed it. And a judge with no authority to decide anything for these victims decided everything against them: their status as victims, their rights under the Crime Victims' Rights Act, and restitution that federal law makes mandatory. 18 U.S.C. §§ 3663A, 3771(a)(6), (d)(3).

Complainant Gustavo Escamilla is a federally identified crime victim; DHS identified his company, Greenway Nutrients, Inc., as a victim in a federal criminal counterfeiting investigation. The primary bad actor, whose company's warehouse FBI agents raided in 2000, has avoided criminal liability for more than a quarter century. (No. 2:17-cv-07748, Dkt. 13 at 2, Page ID #:210; Dkt. 47 at 1–2, Page ID #:1105–1106.) He operated within Group America, whose leader was accused of tampering with the jury in John Gotti's first trial. (No. 2:26-cv-09383, Dkt. 28.) Rule 4(a); Code of Conduct, Canons 2A, 3A(3), 3A(4), 3B(6), 3C(1).

1. The fabrication, and what the judge knew (2018).

In 2016 a DHS agent told the victim in writing that a Colorado court had ruled for the enterprise's leader. (Dkt. 1, Ex. 9, Page ID #:50–51.) No such ruling exists; the court ruled the

other way. (*Greenway Nutrients, Inc. v. Blackburn*, No. 1:13-cv-01088 (D. Colo.), Dkt. 129 at 10–11.) Judge Wright's 2018 order recited the "extensive investigation for criminal trademark infringement," the government's recovery of over $26 million, and the victim's prospect of recovery "from an established victims' fund" (Dkt. 13 at 2, Page ID #:210), then dismissed on a "negative judgment in the Colorado action" that never existed. (*Id.* at 13, Page ID #:221.)

2. Acting as the government's advocate, outside his authority (2021).

In March 2021 the victims petitioned under the Act. (No. 2:21-cv-01910, Dkt. 1.) The Act places such a petition in the district of prosecution or, if none, where "the crime occurred," 18 U.S.C. § 3771(d)(3): here, the Western District of Missouri. Requiring no response from the U.S. Attorney's Office, he ordered the victims, on his own motion, to show cause why the petition should not be dismissed for failure to state a claim, raising a defense the government never raised. On March 29 the victims filed the government's own declarations showing its evidence was false. (Dkt. 9.) Four days later he dismissed sua sponte. (Dkt. 10, Page ID #:293–295.) Lacking subject-matter jurisdiction over the victims' claims, as his own 2018 order had held, he nonetheless made findings against them: he called their account of the sealed criminal matter "merely speculation pulled from the ether," though his own 2018 order recited it; invoked an "earlier determination that Plaintiffs have supplied no basis to establish any rights under the Crime Victims' Rights Act" that no court ever made; and "reaffirm[ed]" an order under a case number that does not exist, "17-cv-07747." (*Id.*) The Act commands courts to "ensure that the crime victim is afforded" its rights and to decide any motion asserting them "forthwith." 18 U.S.C. § 3771(b)(1), (d)(3). In July 2021, opposing disqualification, the Office returned the favor: Judge Wright had "correctly noted that plaintiffs could not identify any criminal proceeding supporting their rights as victims," and the Colorado suit "did not reach a judgment

on the merits." (No. 2:17-cv-07748, Dkt. 15 at 2–3, Page ID #:320–321.) Yet the Department's own guidelines start its duties to victims at "the opening of a criminal investigation." Att'y Gen. Guidelines for Victim & Witness Assistance art. III.B.4 (2022 ed.). A judge who raises an absent party's defense and calls a pro se crime victim's account fantasy is not "patient, dignified, respectful, and courteous," Canon 3A(3), and denies the victim "the full right to be heard," Canon 3A(4). *See Liteky v. United States*, 510 U.S. 540, 555 (1994) (judicial conduct revealing "deep-seated favoritism or antagonism that would make fair judgment impossible").

3. Proof of falsified evidence, struck on a meet-and-confer rule (2021).

From July through November 2021, complainant put before Judge Wright evidence that government attorneys relied on the fabricated ruling and filed declarations the government's own records contradicted five times in five months. (No. 2:26-cv-05207, Dkt. 16; No. 2:17-cv-07748, Dkts. 14–18, 22.) He struck their Rule 60(d)(3) motion on September 20, 2021. (Dkt. 20.) Opposing the refiled motion on October 25, the Office did not deny the fraud; it argued that "assuming arguendo" a fraud on the court existed, "it would not 'affect the outcome of the case.'" (Dkt. 23 at 5, Page ID #:753.) Fifteen days later Judge Wright struck the motion sua sponte for failure to meet and confer and for length, without a word on its substance, although counsel had attested under penalty of perjury that he initiated the conference on September 21, 2021, followed up, and that no one from the Office ever called or conferred with him. (Dkt. 25; Dkt. 24 at 14–15, ¶¶ 2–5, Page ID #:773–774.) The rule was enforced against the victims for the Office's own silence. That same day the victims had sent State Bar complaints against the Office's attorneys; nothing came of them. (No. 2:26-cv-05207, Dkt. 21 ¶¶ 2–3, Page ID #:819–820.) Canon 3B(6) requires a judge to "take appropriate action upon learning of reliable evidence indicating the likelihood" of attorney misconduct. The evidence before him included the

government's own concession. He took no action of any kind. The State Bar has since acknowledged complaints against attorneys of the same Office, and the record is before the DOJ Inspector General. (No. 2:17-cv-07748, Dkt. 52-1, Exs. B, G.) The evidence was reliable enough for the State Bar; it was never reliable enough for the judge to say a word.

4. Keeping a case about his own conduct (2026).

On May 14, 2026, complainant petitioned, alleging that the judge's 2018 and 2021 orders rested on the fabrication and were entered without authority. (No. 2:26-cv-05207, Dkt. 1.) The notice of related cases designated a criminal matter before Chief Judge Dolly M. Gee (Dkt. 4); instead, the case went to Judge Wright as related to the 2017 action, which the notice never named. (Dkt. 11.) He kept it three months, struck both applications for decision "forthwith" as § 3771(d)(3) requires, struck the victim's motion for reasonable protection, and threatened dismissal, never requiring the Office that produced the fabrication to appear or respond. (Dkts. 35, 36, 43.) Only after complainant named him a Respondent (No. 2:26-cv-09383, Dkt. 1) did he recuse, fifty minutes after a disqualification application was entered. (No. 2:26-cv-05207, Dkts. 47, 49; see No. 2:17-cv-07748, Dkt. 30.) The grounds, a petition attacking his own orders and his "personal knowledge of disputed evidentiary facts," existed the day he received the case. "[N]o man can be a judge in his own case." *In re Murchison*, 349 U.S. 133, 136 (1955); Canon 3C(1)(a); 28 U.S.C. § 455(a), (b)(1).

5. The closed loop.

Because Judge Wright never addressed the fabrication, it never died; it changed shape in his courtroom. In 2018, under U.S. Attorney Hanna, the Office cited the nonexistent ruling. (No. 2:17-cv-07748, Dkt. 9 at 11, Page ID #:132; Dkt. 13 at 13, Page ID #:221.) In 2021, under Acting U.S. Attorney Wilkison, the Colorado court "did not reach a judgment on the merits," a

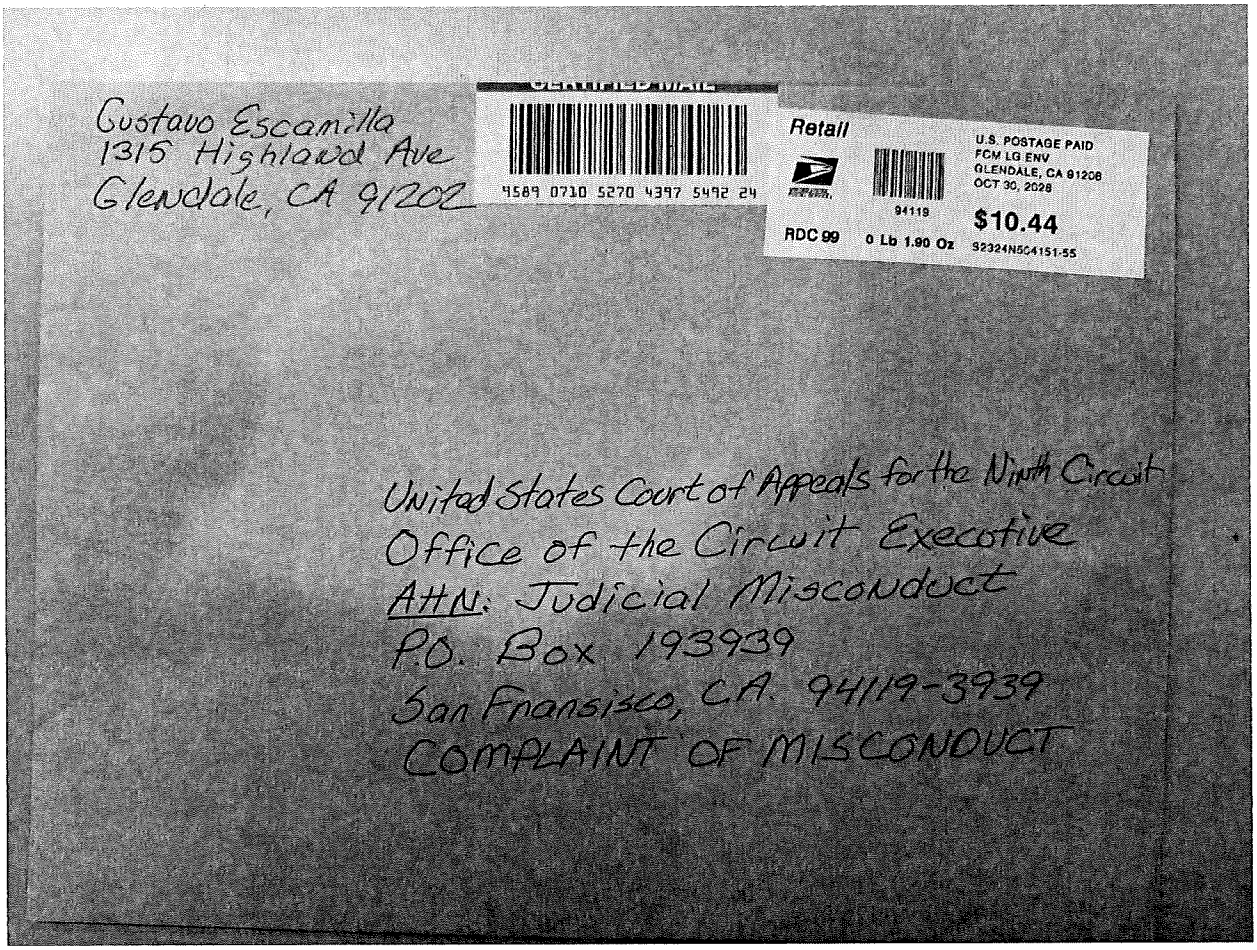
statement the DHS agent in question never made. (Dkt. 15 at 2–3, Page ID #:320–321.) In 2026, under First Assistant Essayli, claims the judge had left unaddressed for eight years had been "repeatedly rejected." (*United States v. McCormick*, No. 2:20-cr-00346 (C.D. Cal.), ECF No. 864 at 4–5, Page ID #:11427–11428.) Each version built on the last, and each was possible only because the judge took no action, made no report, and escalated nothing. The result: federally identified crime victims stripped of every right, status, and form of restitution the law guarantees them, on evidence fabricated before his court, contrary to his oath to "faithfully and impartially discharge and perform all the duties incumbent upon" him. 28 U.S.C. § 453.

6. Why this is cognizable, and what complainant asks.

Complainant asks no one to decide whether a ruling was correct. He describes how the judge treated a pro se crime victim, raised an absent party's defense, ignored undenied material evidence of attorney misconduct, and kept a case about himself: conduct "prejudicial to the effective and expeditious administration of the business of the courts." 28 U.S.C. § 351(a). His 2026 recusals corrected none of it. Fraud on a court "cannot complacently be tolerated." *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246 (1944). The judiciary has acted on less. A district judge was reprimanded and barred from new cases for a year for a "pattern of abusive behavior." *McBryde v. Comm. to Review Circuit Council Conduct & Disability Orders*, 264 F.3d 52, 54–55 (D.C. Cir. 2001). Congress impeached and removed Judge G. Thomas Porteous in 2010. Complainant respectfully asks the Chief Judge to conduct a limited inquiry under Rule 11(b) and, if warranted, to appoint a special committee under 28 U.S.C. § 353.

EXHIBIT B

USPS Certified Mail, tracking no. 9589 0710 5270 4397 5492 24: photograph of the mailed envelope, and USPS delivery notice of October 30, 2026



Photograph of the envelope mailed October 30, 2026 (USPS Certified Mail No. 9589 0710 5270 4397 5492 24).

USPS® Expected Delivery by Monday, November 2, 2026 arriving by 9:00pm 9589071052704397549224

From: USPS Tracking (auto-reply@tracking.usps.com)

To: gescamilla@ymail.com

Date: Friday, October 30, 2026 at 09:15 AM PDT

Hello ,

USPS expects to deliver your package by Monday, November 2, 2026 arriving by 9:00pm.

Reminder: This item requires a signature for delivery. If you can't sign in person, you can authorize someone else to sign.

Tracking Number: **9589071052704397549224**

Expected Delivery By

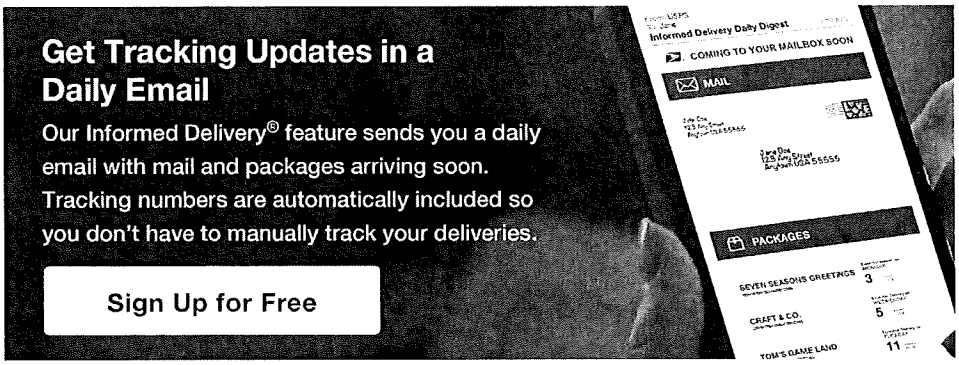
Mon

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Nov

By 9:00pm

Tracking & Delivery Options



Expected delivery date and time is subject to change, but if it does we'll send you an email update. Delivery options not available for all packages at all times.

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EXHIBIT C

Demonstrative summary, "One Fabrication. One Courtroom. Three Administrations." (as filed October 19, 2026, No. 2:26-cv-09383-AB, Dkt. 44-1, Ex. C, Page ID #:1626–1631)

Exhibit C

One Fabrication. One Courtroom. Three Administrations.
Demonstrative summary of record citations (2016–2026), prepared by Petitioner

One Fabrication. One Courtroom. Three Administrations.

How a fabricated court ruling passed through the U.S. Attorney's Office and before Judge Otis D. Wright II — and what it cost a federally identified crime victim (2016–2026)

EXHIBIT C

Demonstrative summary of record citations
No. 2:26-cv-09383-AB · No. 2:17-cv-07748

Case 2:26-cv-09383-AB Document 1-3 Filed 10/19/26 Page 39 of 43 Page ID #:1000

THE RECORD, 2016–2021

● DHS / the Office ◍ Judge Wright ● Victim's notice — and the answer ◍ Ninth Circuit ▼ each event leads to the next

● **Oct. 28 & Nov. 21, 2016** · DHS SSA Shawn S. Gibson
From his government email: a court "found in favor of Selakovic against Greenway Nutrients in regards to the assertion of the Greenway trademark." **No court ever so ruled.** Investigation suspended as to Greenway. 07748 Dkt. 1, Exs. 9–10; 09383 Dkt. 2, Ex. D

▼

● **Jan. 29, 2018** · Office under U.S. Attorney Nicola T. Hanna
Ownership "in doubt"; Ramey declaration of no complaint; "rather old" via a false "Ryan" substitution. Its own exhibit disproves the ruling. Dkts. 9, 9-1, 9-2

▼

◍ Apr. 4, 2018 · Judge Wright
Dismisses on "the negative judgment in the Colorado action," the Ramey declaration, and June 2013 "knowledge" — for lack of jurisdiction. No merits. Dkt. 13 at 11, 13, 16 n.6

continued in next column ▶

◍ Mar. 22 – Apr. 2, 2021 · Judge Wright
Before the Office appears, orders the victims to prove they are victims and that a jurisdictional dismissal does not preclude them. Four days after proof of fabrication: dismisses sua sponte without addressing it; calls his belief in a secret plea agreement "speculation pulled from the ether"; relies on an "earlier determination" that never existed. 01910 Dkts. 8, 10

▼

● **July 19, 2021** · Office under Acting U.S. Attorney Tracy L. Wilkison
Recast: suit "did not reach a judgment on the merits" — and Judge Wright's orders "entirely consistent." Dkt. 15 at 2–3

▼

● **Oct. 18–25, 2021** · Office under Acting U.S. Attorney Wilkison
Faced with a motion to set aside the Judgment for fraud on the court, the Office **denies none** of the documented instances of professional misconduct — including that Wilkison herself received the complaint Ramey swore did not exist — that stripped the victims of their rights, status, and restitution, and that it knew, or had every means to know, about. It assumes the fraud *"arguendo"* and calls it harmless — contrary to the Attorney General Guidelines for Victim and Witness Assistance and the Justice Manual that govern its conduct. Dkt. 22 ¶¶ 80, 89–91; Dkt. 23 at 5; 09383 Dkt. 24, Ex. D; JM §§ 1-4.300, 1-4.340

▼ continued on page 2

One Fabrication. One Courtroom. Three Administrations. (continued)

How a fabricated court ruling passed through the U.S. Attorney's Office and before Judge Otis D. Wright II — and what it cost a federally identified crime victim (2016–2026)

EXHIBIT C

Demonstrative summary of record citations
No. 2:26-cv-09383-AB · No. 2:17-cv-07748

THE RECORD, 2021–2026

● DHS / the Office ◍ Judge Wright ● Victim's notice — and the answer ◍ Ninth Circuit ▼ each event leads to the next

◍ **Nov. 9, 2021** · Judge Wright

Hours after State Bar complaints, strikes the motion on Local Rules 7-3 and 11-6. No word on substance. No referral. Dkt. 25; 05207 Dkt. 21 ¶¶ 2, 5, 9

▼

◍ **Mar. 24, 2022** · Ninth Circuit (pre-*Davis*)

Affirms on law of the case; the wrongdoing "occurred in a different action" — 07748, where it was struck, not decided.

No. 21-55417

▼

● **Dec. 18, 2025 – Feb. 5, 2026** · First Assistant Bilal A. Essayli · Victim-Witness

Four written requests in seven weeks, incl. Jan. 23 report of attorney and judicial misconduct. Answer: *"We cannot assist you."* 09383 Dkt. 2-1, Exs. P–T; Ex. B

continued in next column ▶

◍ **May–Aug. 2026** · Judge Wright

Petition routed to him; § 5.2 referral apparently never processed; forthwith and protection applications struck, with no chance to cure, hours after recusal denied; dismissal threatened, then sanctions; recuses 50 minutes after disqualification application entered. 05207 Dkts. 11, 35, 38, 43, 45, 49

▼

● **Aug. 5, 2026** · Office under Essayli · AUSAs Castañeda, Alexander, Seiden

The victim becomes an *"uncle"*; his *"ill-fated"* claims *"involve broad allegations of government misconduct that courts have repeatedly rejected"* — yet *"the government does not address them here in substance."* ECF No. 564 at 4–5

▼

● **Oct. 12–16, 2026** · Acting Civil Chief Beck · AUSA Medrano

Nine written questions about what the Office did with the report. **No answer.** Ex. A

▼ page 3: the closed loop · page 4: *Lanuza* · page 5: the cost

Case 2:26-cv-09383-AB Document 4-1 Filed 10/30/26 Page 43 of 49 Page ID #:1001

One Fabrication. One Courtroom. Three Administrations. (continued)

How a fabricated court ruling passed through the U.S. Attorney's Office and before Judge Otis D. Wright II — and what it cost a federally identified crime victim (2016–2026)

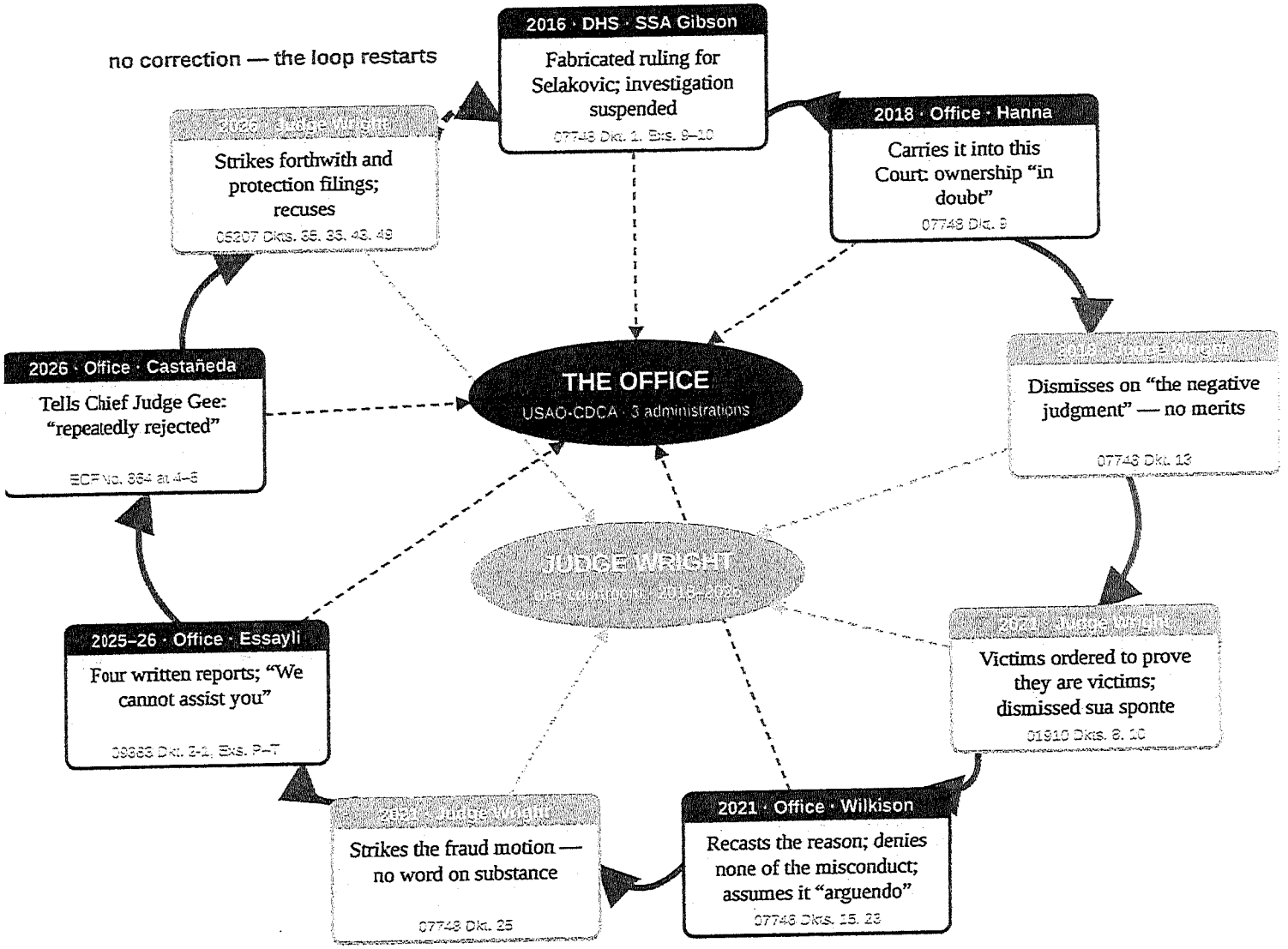
EXHIBIT C

Demonstrative summary of record citations
No. 2:26-cv-09383-AB · No. 2:17-cv-07748

Case 2:26-cv-09383-AB Document 4-1 Filed 10/19/26 Page 41 of 49 Page ID #:2002

THE CLOSED LOOP

Every path runs through the same Office and the same courtroom. Red arrows: the sequence, 2016–2026. Dashed arrows: who acted.



One Fabrication. One Courtroom. Three Administrations. (continued)

How a fabricated court ruling passed through the U.S. Attorney's Office and before Judge Otis D. Wright II — and what it cost a federally identified crime victim (2016–2026)

EXHIBIT C

Demonstrative summary of record citations
No. 2:26-cv-09383-AB · No. 2:17-cv-07743

LANUZA V. LOVE, 899 F.3D 1019 (9TH CIR. 2018)

	Lanuza v. Love	This record
False evidence	One forged document	A federal court ruling that never existed
Carried by	One ICE attorney	Three administrations of the same Office
Where	One proceeding	Four federal dockets
Duration	"Over several years"	Nearly ten years
Effect	Relief "to which he was otherwise lawfully entitled" denied	Victim rights, status, and restitution denied; investigation suspended
Consequence	§ 242 prosecution; 30 days; 10-year bar (at 1022–23)	Fraud assumed "arguendo"; called "repeatedly rejected"; not one correction

THE NINTH CIRCUIT.

"At its core, this case is about a lie, and all the ways it was used, over several years, to defraud the courts." "Failing to provide a narrow remedy for such an egregious constitutional violation would tempt others to do the same." *Lanuza*, 899 F.3d at 1034.

JUDGE WRIGHT'S OWN STANDARD (2013).

"The needs of the many outweigh the needs of the few." For one forged signature by private attorneys: "a forgery is still a forgery" — referred to their bars, the IRS, and the U.S. Attorney for this District. *Ingenuity 13 LLC v. Doe*, No. 2:12-cv-08333-ODW, ECF No. 130 at 8, 10–11.

KNOWLEDGE.

"The prosecutor's office is an entity and as such it is the spokesman for the Government." *Giglio v. United States*, 405 U.S. 150, 154 (1972); *Kyles v. Whitley*, 514 U.S. 419, 437 (1995). Hanna → Wilkison → Essayli, each supervising AUSA Castañeda. The knowledge did not reset. It accumulated.

Case 2:26-cv-09383-AB Document 4-1 Filed 10/19/26 Page 42 of 43 Page ID #:2003

One Fabrication. One Courtroom. Three Administrations. (continued)

How a fabricated court ruling passed through the U.S. Attorney's Office and before Judge Otis D. Wright II — and what it cost a federally identified crime victim (2016–2026)

EXHIBIT C

Demonstrative summary of record citations
No. 2:26-cv-09383-AB · No. 2:17-cv-07748

THE COST TO THE VICTIM

Rights

None accorded in ten years. 18 U.S.C. § 3771(a), (c)(1).

Status

Lead Victim in 2015; an "uncle" in 2026.

Restitution

The government itself told the victim he could recover from "an established victims' fund" (Dkt. 13 at 2). Nothing has been paid. The Office now calls his petitions seeking it *"ill-fated"* (ECF No. 864 at 4–5) — restitution Congress made mandatory for offenses committed by fraud or deceit, 18 U.S.C. § 3663A(c)(1)(A)(ii), and that the Ninth Circuit confirmed a victim may pursue in the district court. *In re Davis*, 146 F.4th 710 (9th Cir. 2025).

Due process

No court has ever reached the fabrication on the merits. Petitioner has asserted that multiple officials within the Office acted with deliberate indifference and conscious disregard of his rights (09383 Dkt. 15 at 27–29, Page ID #:726–728; 05207 Dkt. 50 at 27–30, Page ID #:1264–1267) and that Judge Wright's April 2, 2021 order was an act not judicial in nature (09383 Dkt. 18 at 20, Page ID #:860).

Prepared by Petitioner as a demonstrative summary of record citations set out in the accompanying Notice and Application; it adds no new facts. Unless noted, docket cites are to No. 2:17-cv-07748. Other cites: No. 2:21-cv-01910; No. 2:26-cv-05207; No. 2:26-cv-09383-AB; *Escamilla v. United States*, No. 21-55417, 2022 WL 874647 (9th Cir. Mar. 24, 2022); *United States v. McCormick*, No. 2:20-cr-00346-DMG, ECF No. 864 (cited only for what the Office said about Petitioner's own claims; Petitioner is not a party to that case). Characterizations of knowledge reflect Petitioner's position. Petitioner requests no finding concerning Judge Wright.

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