

No. 17A 584

IN THE
SUPREME COURT OF THE UNITED STATES

TU MY TONG

Loi Thanh Nguyen
co. petitioner

— PETITIONER

VS. (Your Name)

The State of New Mexico
Governor Susana Martinez
Ida D'Antonio Hanger
Luis Martinez

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Supreme Court of the State of New Mexico
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Tu My Tong

(Your Name)

504 W. 41 Dr. #104

(Address)

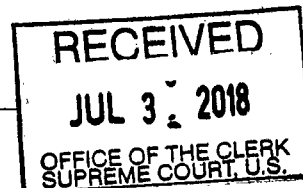
Los Angeles, CA 90037

(City, State, Zip Code)

Appearing In Forma Pauperis

361-500-1835

(Phone Number)



• Questions Presented

Was Petitioner deprived of Due Process - Equal protection of law - Privilege
immunity - because Cong was not having any hearing all through this instance suit.

5. The Federal government prosecutor officials did not testimony Tong all through the time they begun implicit investigation on Tong's business, properties, personally since 9.29.2010 - neither before an arrest on 3.05.2013, nor after arrested until the date to Trial 10.20.2014. For which the U.S. v. Tsung Tong For Human trafficking is famous crime.

2. They had been claimed, my two workers are Tom Lai and Loi nguyen involved into this such crime also, nonetheless they did not take any testimony them as well.

3. Petitioner has so diligent strictly construed objections through and through the 5 (Five) courts/Judges' orders, opinions, judgments: USDC, NM, Albuquerque; Tenth Circuit Court, Denver, CO; N.M. Court Appeal; Third Judicial D.C. NM, Las Cruces; N.M. Supreme Court. 's denied all Tong's requests for necessity hearing - and dismissed Tong's Amended complaint. For which the suit compulsory counter claims for malice, prosecuti

4. There's dismissed. caused the complaint is futile! - Tort claims Act -

a waiver of the State's sovereign immunity then which cited two of conflicts with cases law are: Begay v. State 1985 NMCA and Smialek v. Begay 1986 NMSE.

caused the panel Judge has determined unanimously that oral hearing would not materially assist in the determination, in conjunction with such court was misjudge in matter of facts, and by which deliberate cited of conflicts with cases law, then that its is (seems that such court based on its cases law) "when all federal claims has been dismissed, the court may and usually should decline to exercise jurisdiction over any remaining state claims" (Tenth circuit deemed that, so) - And then entered for the Court Circuit Judge Neil Gorsuch... that it is - We affirm the district court's thorough and well-reasoned judgment. We also deny motion to amend her opening brief and her motion to reconsider this court's denial of her request to augment the record.

American America has one U.S. Justice Scalia that's why we has one U.S. President Barack Obama, that's enough! Thanks a millions For some of such U.S. Justice? - Caused of NMCA's statement ^{that} Plaintiff's allegations of constitutional violations of the 5th Amend. the sixth Amend. the 8th Amend. these are issues for Federal Courts, not this court.

And then NIMCA deliberately cited of conflicts case law (explaining that Court deny motion to amend that raise issues that are not viable, even if they allege Fundamental or jurisdictional errors), so, Court affirm the district court's order dismissing with prejudice. Emphasize to plaintiff that no further pleading will be considered. But, such Court's order is bears no date. In which such Judge's ~~enormous~~ ^{to} ~~random~~ ^{to} ~~opinion~~ ^{to} state a LIE. Judge Monica Zamora is a master liar. (A listing of Judges' statements lies in conjunction with a FAULT list in Fraud of Fraudulent of Defendants will be submits asap on the factual record.)

8 - NMSC chief Justice Judith Nakamura was play quibbling in court's order to plaintiff
petitioner victim innocence pro se speak broken English ignorant English.

On right hand court ordered granted motion to amend, then, In No Time,
on left hand - Further ordered denied the petition for writ of certiorari - within this
Court intentional fast ~~down~~ mail it order on time to Tong pro se, more extraordinary
it order issue on date 8.24.2017, but I called to check a next date with Amy Maysa sup-
ervisor clerk she lies to me - not yet - no court order now - (that lies by court's instruction
absolutely). I called NMCA, some one told me it case is closed already.

9. Immediately I filed Second Amended Complaint on 9.02.2017 - Request a necessitating
hearing - and consecutive Filed Additional Second Amended Complaint with Particular
Relief - None of any address from NMSC, even plaintiff's objection Request judicial notice
nor NM Attorney general's respond at all.

Such NMSC's order dismissed just is a few words like that, without any Judge's duty
consider for accountable to the people under constitutional law.

10. As that hard facts showing all these inferior court ^{premise} ~~that~~ this instance suit deliberate
determining ^{partial shield} ~~unanimously~~ refused, denied having ~~Tong~~ any hearing ^{that is} conspiracy of silence to
suppress evidences from such potential defendant's severe conduct violations amount to (10)
total is 10 Amendment to the United States Constitution

11. Further extremely these inferior court in ^{premise} participated ignored, did not
consider ~~Tong~~ victim pro se's action Relief sought by anyway, no matter what.

~~Tong~~ petitioner plaintiff pro se innocence victim of the Federal - states government of the United
states, contends that under the circumstances this victim pro se was deprived of privilege
immunity, committed that government of the U.S. intentional violation ~~Tong~~ victim's consti-
tutional rights, at first clearly with these court there's 14th Amend. U.S. const. "Race is
one". What could the Federal - state government of the U.S. treated, did that to Whites?

Under such circumstances, was ~~Tong~~ petitioner victim pro se's constitutional
rights of the U.S. Abridged?

II. Questions Presented For Review

Was petitioner ~~Tong~~ ^{any} ~~Tong~~ deprived of Due Process, Equal protection
of the law, and the privileges and immunities guaranteed to all U.S. citizens
by the First; the Second; the Fourth; the Fifth; the Sixth; the Eighth;
the ninth; the Tenth; the Fourteenth Amendments to the U.S. Constitution
thereto?

(See following pages for more detailed statement of Questions Presented
For Review - It's Questions Presented For Review - Additional Pages)

QUESTION(S) PRESENTED FOR REVIEW

1. ^{dis. Judge Arnesen} USDC NM's Order p. 9: "Plaintiff bring claims premised on a violation of her rights under the United States Constitution, against both the Federal and state agents, this Court has jurisdiction over such claims 28 U.S.C. § 1331. Then Dismissed all claims which remain Plaintiff's state tort claims against state defendants 28 U.S.C. § 1367 (c)(3). Is there's Federal government interest?"
2. But, in p. 2: "...dismissed due to lack of Jurisdiction. Court's discretion to decline to exercise supplemental jurisdiction over Plaintiff's claims against the state Defendants arising from state law. Is that this Court abused of process? Is that the conflict patent?"
3. Which Final Judgment 11/03/15 p. 2: "...dismissed Plaintiff's claims arising under Federal law against New Mexico governor Susana Martinez and 'state of NM'." It is hereby ordered that the complaint is Remand to state court." Is that the state interest? Is that abused of the process? There's the conflict patent?
4. All these potential Defendants Did Not Answer Plaintiff's summons Complaint. Did not Respond motion Requested For Default Judgment and Hearing. Then in page 5: "Plaintiff was not entitled to Default Judgment against any of Federal Defendants." Is that USDC NM which Judge's partial, prejudgment such case, have had a prejudice against pro se litigant?
5. NMCA Judge Zamora's memorandum opinion bears No date, near to end of April 2017, on pages: "Plaintiff raises competency issues related to her Federal court trial and allegations of constitutional violations she suffered during the Federal court trial, including, violations of the Fifth Amendment; the Sixth Amendment, and the Eight Amend. There are issues For the Federal Courts, not this court." Is the truth that's U.S. constitution mere for Federal government?
6. Why NMCA deliberate to dodge about another Five Amendments that petition have had been assert affirmative strictly construed those: 1st Amend, 2nd Amend, 4th Amend; 14th Amend; 15th Amend. Why so? There's state interest?
7. Such USDC NM in conjunction with NMCA deliberate to dodge the Federal government's Constitutional Violations which such dodge of NM Courts the same way as Courts dodge a bill or dodge a bells. That caused conflict of interest to petitioner? That's the NM Courts conflict patent? This matter upon the U.S. Supreme Court's Just cause.
8. "State cannot indirectly Force a person to abandon his/her precepts of First Amendment rights in order to qualify for state benefits" That U.S. Constitution art. VI. is true? That shall be apply for Petitioner pro se litigant instance case?
9. Section 41.4.17(A) Tort claims Act: does not per se prohibit the bringing of a Federal action? It shall be apply for petitioners innocence victim pro se Vietnamese Americans speak broken English ignorant English?
10. NMCA, paragraph 10: "TCA, sec. 41.4.4 NM SA provides that the state of NM, state agencies of state NM, or employees of state of NM are immune from liability..." Plaintiff's lawsuit does not fit within any of the statutory exception. It's apply in Petition instance case?
11. As particularly applied to this instance claims TCA which exposed, reveal, unmasked the Federal government officials' ^{interrogation tort} siderrigation of Violation of Petitioner innocence victim of constitutional rights for which wicked the Federal government's Slander Fraud, Libel, Defamation wrong on Petitioner For human trafficking crime. So, it's Does Fit which its statutory Exception?
12. The Federal government prosecution FBI. Hangen and As. US. At. Martinez arrested Petitioner by an unlawful warrant without Law Enforcement officer sworn. Probate on it; but within their LIES, Fraudulent's affidavit. Still, these Federal government officials/employees NM be entitled to absolute immunity to the Federal government prosecutors? 15
13. Especially so in the United States argues that FBI. Hangen's execution of the valid arrest warrant, this FBI is entitled to "absolute quasi-judicial immunity". Though such Federal government's great created Federal government criminal case Correspondence which such wrongs conspired to be done, having power to prevent such violations, shall be liable to ^{For Failure of} petitioner injured for all damages caused by such wrong Full act.

Additional pages Questions Presented For Review

1. Did the Federal-state government of the U.S. Defendants' malicious actions against Tong victim plaintiff pro se were in excess of their authority and constituted a considerable ^{canon} violation of Tong's rights under the U.S. Constitution, and specifically but not limited to the 1st; the 2nd; the 4th; the 5th; the 6th; the 8th; the 9th; the 10th; the 14th; the 15th Amendments of the U.S. Const. thereto.

2. Jurisdiction is conferred upon the court with respect to Federal question §1331 28 U.S.C. that constitutional defendants violations Tong's rights of Fundamental principles by abridging Tong's privileges and immunities of U.S. Citizen protected by 14th Amend. U.S. Const.; as deprived Tong personal of life, liberty, business property without ^{procedural} Due Process of Law which substantive?

3. Tong aggrieved pro se litigant was driven out of independent business profits by this law denied its validity in suit, that the statute abridged the privilege and immunity of Plaintiff in Fundamental error as citizen of the U.S.?

4. Tong's right of particular privilege which be violated was that of pursuing freely my chosen trade, business in Ruidoso Town N Mexico for my retiring pension from a long lease then just concerning a matter of a written book. In fact the state NM created danger which deprived Tong's right to exercise Tong's trade, as to be in trade. It's state's interest?

5. Mr. Justice Field stated: "The fundamental rights, privileges, immunities which belong to man as a citizen of the U.S. and ordains that they shall not be abridged by state legislation. No state could ever have interfered by its laws, and no new constitutional provision was required to inhibit such interference. But, its laws does not apply to Tong cause N Mexico's Racial injustice?"

6. Due Process of Law were intended to secure the individual from the arbitrary exercise of the powers of government? Due process of Law signifies a right to be heard in one's defense? The inferior courts/Judges this instance suit deprived Tong's opportunity for hearing appropriate to hear Tong's claims that it is an effective barrier to Tong access to the courts?

7. The loss of access to the courts in an action brought for violations of Tong's Constitutional rights, pursuant to 28 U.S.C. §1331 which Federal Tort Claims Act, may invoke the defense of qualified immunity to Tong's civil rights claims §1343-42 U.S.C. §1983 (1988) It is a right of substantial magnitude when only through the courts may redress/relief be obtained?

8. Due Process require that the state, the courts can enter a default Judgment against defendant who, after adequate proof of service of summons/pleadings notice, failed to respond, which without justifiable excuse, violates a procedural rule requiring the production of evidence necessary for orderly adjudication? Why it Rule doesn't apply to Tong?

9. The Procedural formality requisites for the hearing can vary depending upon the importance of the interests involved and the nature of the subsequent proceedings. That the hearing required by due process?

9. The privileges and immunities clauses in the U.S. Const. Forbids one state from discriminating against citizens of another state with respect to privileges and immunities that state affords its own citizens. The validity of the courts partial deprived / denied / differentiation in treatment, can be tested as well under the Equal Protection clause?

10. As the history, interpretation, and rulings on Article IV and the 14th Amend. are much more nuanced and controversial, Tong's filed substantive the other procedural relates to Judicial Jurisdiction. Requested for Judicial notice of adjudicated facts with which opportunity to be heard. NM Supreme Court's in Fundamental principle error by just ignored it, none of any advise?

11. For hard facts showing upon the substantial of the interest controversy of the subsequent proceedings pleadings but that it was only Tong pro se diligent work on its controversy with the courts so far. Still Defendant NM Attorney general did not and could not respond to its. None of objection excepted only one motion to dismiss. Silence gives consent. If nothing is said against a complaint, it may be considered to be accepted?

12. The controversy from the inferior courts there's court's order / opinion denied / dismiss only, there courts never advisement for victim pro se pleadings / motion, even though Tong victim pro se raised reveal that their statement are lies, that's there courts in Fundamental principle error?

13. The NMSC did not have any advise address to Tong's Application for Interlocutory Appeals (in twice) with others substantial ^{which} certainty of the matter / facts in question as Judicial notice; Second Amended complaint ^{specific} objections thereof. That NMSC in Fundamental principle error?
Docketing statement - Amend Docketing;

14. The NMSC's orders (in twice) are very ambiguity and which ambiguous then none of any accountable to Tong serious claims error affects Tong's substantial rights. While Tong aggrieved plaintiff's admits an actual evidences on the record with ^{presented} the specific grounds, but defendant NM Attorney general never respond / object to its, then NMSC very partial did never rulings on Tong's certainty evidences without any exclude. That NMSC's acts Judicial acts without jurisdiction?

15. NMSC's orders incorrect legal principle which did never having Tong a hearing significant requested; that NMSC's intentional violation of due process of law? That NMSC's intentional deprived Tong victim pro se's constitution rights of confrontation as other rights?

16. NMSC - U.S.C.A Tenth Circuit. NM courts's intentional Ignored Tong innocence victim's contention demonstrating that the manner in which Federal government officials executed the search warrant was unlawful, wrongful asserted because of their LIES, their Falsify Affidavit, which motivated in fact by their PLOT direct exclusively against Tong victim. There's on court record, so there's upon court's Plain Error?

That it is Prerequisite to the United States Appellate review?

17. When by Tong aggrieved pro se's substantial right violated by evidence of certain

• Additional page 3 of Questions presented for Review

offenses from Federal government officials' tricks, but from all the Courts in instance suit intentional violation of the state, the Federal constitution? It's so conspired that rescued defendants in such courts' benefit, in such state's interest?

18. In the course of NM. Attorney general defendant did not and could not raised any objection, deny, cross complaint to those defendant's offenses, but then NM. courts - U.S.C.A. Tenth circuit courts were intentional unanimous violations of law, which prejudice to Tong victim's claims.

That it is Judicial Error? It's Fundamental Principle Jurisdiction error?

19. Tong innocence victim pro se litigant primary had been require DENIAL on which court's order 'Dismiss for Fail to state a claim with relief could be granted' over subject matter plaintiff's claims against the government violations of Tong's constitutional rights - which Tort Claims Act.

Then those courts intentional unanimous dismissal by prejudgment to the prejudice of plaintiff by Judges's benefit? By Judges/courts's Faction. Factionous?

20. For Fact Finding an actual fact that those Court's order denial within Judges's stated a lie. It would be sort of like a mockingbird. There was about to be committed, and Aid in preventing the commission of the same, it's shall be liable to Tong innocence victim injured?

21. Those Courts Violates Tong's due process rights when it fails to inquire into competency after Tong presents enough evidence to entitle Tong to a hearing on the issue while Defendants present nothing evident. Those Courts' denial/Deprived it hearing these's courts' Deprivation of Constitutional rights of victim pro se?

22. A hearing on Tong aggrieved pro se's competency requires adequate notice, an adversarial hearing before an independent decision maker, and a written statement from the fact finder clarifying the evidence relied upon and reasons for the decision. Here courts' decision without any hearing for Tong and without courts' advise/address to Tong's statement. That's Judicial acts without Jurisdiction?

23. Those Courts' deprived examine both sides of the controversy taking and weighing the evidence, that is offered and Finding Facts based on a consideration of the evidence. A refusal to allow witnesses to be called is a denial of Procedural due process by the Courts?

24. Procedural due process in administrative proceedings requires a fair and impartial hearing before a trier of fact, herein it was override with overreach, there is an indication of a possible temptation to an average person sitting as a judge to decide this instance suit with bias for, prejudice, partiality against any issue presented by Tong pro se. The burden of overcoming of abused of process rest on Tong aggrieved pro se making the assertion of Judicial acts without Jurisdiction? There's Jurisdictional error?

25. Heretofore, in instance which Judicial Fundamental principle errors could understand as a aspect as Courts' ulterior purpose and motivation in so misusing the process in the manner was to obtain advantage over Tong victim pro se. Vietnamese Americans speak broken English. Ignorance English by Courts' decision of conflict with statute; raised a conflict with cases law?

26. That those Courts' order/decision of conflict with constitutional provision; common law its indication wrongs conspired to be done for a certain violated Tong aggrieved pro se's substantial right to a essential special Fair Trial which Judicial arbitrarily deprived it?

Additional page 11 of Questions Presented.

27. So long as Long's objection plain, herein it is quite clear which specific expose, unmask as it was had been done, as its sufficiently informed those inferior courts that objections, was being made to Proof of content of a document in violation of the best evidence rule, it was sufficient to preserve that objections to review?

28. The fact remains its record, Pleadings of objections, disclosure, discovery, demonstrate controversy was by sole long prose diligent worked on them in a hardship then just received an acts of Judicial malfeasance deliberate disregard of material facts; blocking of a lawful conclusion of a case; Violation of the State, of the Federal Constitutions, these from fundamental Jurisdiction error?

29. Extremely NM. Attorney General did not and could not respond, opposition, object, deny, demonstrate to Tong's disclosed, accusation to the FBI, prosecutor Ida V. Antonio Hanger's testimony pertaining to the previous criminal offense, caused this FBI Hanger's testimony which lies under oath in face of jury extraordinary which such FBI prosecutor's admitted, some of her lies but then those judges instance suit still neglect arbitrarily refused to Judge it's so that courts in fundamental jurisdictional form should be present

30. These Courts orders in instance suit of conflict with constitutional provision which treated by erroneous tyrannical. From Liability - Immunity of Scope of Duties under governmental entities - Law Enforcement officers - Private persons entities - in the course of these officers be acting within the scope of employment in order to be sued in their capacity as a law enforcement officers?

31. Scope of duties - Failure to sue properly

31. Scope of duties - failing to perform a regular duty, such as timely responding to requests for records, still falls within the scope of duties for purposes of the Test Claims Act?

32. When Tong was violent revealing the serious evidences to pose with posted on Face book, on court record, the questions to Character tract of Tong owner, Guides shops was arrested by FBI. For Human trafficking crime. It's bad Fair play on Bulldozer News paper with on business website right in Texon Tong run businesses. Jurisdictional error which courts improper exclusion of such evidence of Federal, state government Slander, Fraud, Libel, Defamation?

33. Such Tong is innocent & essential

33. Such Eng. in injured to offer of proof as to reputation which it certainly evi-
dences Justifies as proof of ^{plaintiff's} paper. These courts in instance suit having knowledge that the
wrongs conspired to be done, but courts having power to prevent its, in exclusion it's. There
was court's plain Error - Courts Fundamental Principle error?

34/ Whereby Cong concerning encourage to pose with posted on Facebook substantially rendering Federal Questions to which federal state government prosecutors officials violations U.S. Constitution of Cong's rights, as towards all real names of a case: "Tan my Cong vs. seventeen names Federal" But extremely USDC NM was improper exclusion of it case by tyrannical. Just to undergo a complete change this case title to become to be: "Cong V. Shapiro" (Shapiro is a defendant No. 1 in the list names of 17 names in a lawsuit) There is Court's Failed in Fundamental principle error?

35. Whereas ~~the~~ Court of Judges stated a 'Lies in Judges' orders, it was be substantial contribution of the people ^{persons} reveal the Judicial officers, it is event of great significance to all ^{other} significant of the Constitution of the U.S. But why so quiet, it is extremely quiet. Such Silence Lack of Jurisdiction? The plant died For Lack of water?

LIST OF PARTIES

[X] All parties appear in the caption of the case on the cover page.

One party
[X] ~~All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of the petition is as follows:~~

* There is witness Loi Thanh Nguyen - on which Trial date 10-22-2014 has been detainment From 8pm/10-22-2014 until 9pm/10-23-2014 at La Quinta Hotel, Las Cruces, NM, Room 122.

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page. *Tu My Tong* plaintiff ^{petitioner} vs. The state of New Mexico, governor Susana Martinez; Individual FBI, Ida D'Antonio Hangan; As. U.S. Att. Luis Martinez, et al. Respondents.
- ☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

In this instance case being an additional party is Loi Thanh Nguyen. He was the witness under oath which the criminal trial of the Federal government case: The United States v. Tu My Tong and Daniel Cuellar - on 10/23/2014 at Federal Court House, NM, San Marcos; of Federal Judge Robert Brack, Felony Dept.

That Tu My Tong petitioner have had submissions a "Notice of Certificate of Interested Entities/parties" to the Supreme Court of the United States and to the New Mexico Supreme Court, to NM Attorney General, on behalf of petitioner plaintiff Tu My Tong due Resubmitted there are an interested entity person is Loi Thanh Nguyen, Filed on Oct. 27, 2017.

Such "Notice of Certificate of Interested Entity party Loi Thanh Nguyen had been due respect submitted Loi Thanh Nguyen name on whose NM Court of Appeal Court's record proceedings on June 2016, and whose Court Third Judicial D.E. also on

To the Supreme Court of the United States, to NM Attorney General and to all parties interesting of this instance lawsuit, I am Loi Thanh Nguyen comes Now shall be an additional party of this case and I understand that I shall be a respondent Being of this case too.

I am not represent by an attorney, I am sworn by the respondent as I will be.

I, LOI THANH NGUYEN, upon my oath/affirmation do solemnly declare/affirm that I shall be response to a complete accurate questions of the Facts to the best of my knowledge. I understand that if I make material misstatement, misconstruction of Facts, I may be prosecuted and punished by perjury.

*Los Angeles, California
November 21, 2017*

LOI THANH NGUYEN

*A witness, A respondent of the case Tu My Tong v. New Mexico -
Ida D'Antonio Hangan and Luis Martinez et al.*

- Plaintiff petitioner: *Tu My Tong*
- Defendant: *The NM governor Susana Martinez*
- Defendant: *FBI, Ida D'Antonio Hangan*
- Defendant: *Assistant U.S. Attorney Luis Martinez*
- Co. plaintiff petitioner: *Loi Thanh Nguyen*

New Mexico Supreme Court
P.O. Box 848
Santa Fe, NM 87504

Loi My Tong
504 West - 41 Drive #104
LA. - CA. 90037 - 432.248.5911

Loi My Tong
Plaintiff-Appellant

v.

The State of New Mexico
Individuals: Edith Martinez, et al.,
Does through 100 Jincosine
Defendants-Appellees.

Fax to NM Supreme Court: 505.827.4178
Fax to NM Court of Appeals: 505.827.4446

Chief Justice of NM Supreme Court: Judith Nakamura
No. 15-2144

Related case: Tong v. Alexander Shapiro
No. 16-2028

NM Court of Appeals, Judge: Monica Zamora
Trial Judge: Mary Rosner

Case No. 35,653-A/S.L.S.C.36452

Notice of Certificate of Interested Entities/Parties.

To the Supreme Court of the United States and to the New Mexico Supreme Court, to New Mexico Attorney General and to all parties interested in this instance lawsuit, comes now this Form is respectfully submissions on behalf of plaintiff/appellant/petitioner Loi My Tong due Re-submitted, there are an interested entity/person is Loi Thanh Nguyen, a previous witness of Tong plaintiff at the trial 03-2013, being now to list in this certificate for this instance claims.

Such interested entity party Loi Thanh Nguyen had been due respect submitted Loi Nguyen name on which New Mexico Court of Appeal court's record proceedings on June 2016

San Diego, Oct. 27-2017

* LOI THANH NGUYEN

[Signature]

Respectfully Submitted
[Signature]

petitioner/plaintiff/petitioner pose Loi My Tong
[Signature]

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Derringer v. State

(2003) 133 N.M. 721, 68 P. 3d 961

Sherbest v. Verner

(1987) 106 N.M. 472, 745 P. 2d 380

Silva v. State

(1987) 106 N.M. 472, 745 P. 2d 380

Wells v. County of Valencia

(1982) 98 N.M. 3, 644 P. 2d 517

STATUTES AND RULES

28 U.S.C. § 1257 (a)

42 U.S.C. 1983

The Tort Claims Act, Sections 4-4-4 NMSA 1978

New Mexico Rules of Appellate Procedure, rule 12.216

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Fourth Amendment

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- Baldwin v. Hale (1884) - Hovey v. Elliott (1897)
- Hammond Packing Co. v. Arkansas (1909) - Armstrong v. Manzo (1965)
- Bowles v. Willingham FNS - United States v. Illinois
- Schneider v. State of New Jersey (1939) - Cantwell v. Connecticut (1940)
- Covey v. Town of Somers - Lochner v. New York
- Strader v. West Virginia - McLaughlin v. Florida
- Karst, Invidious Discrimination (1969) FN*
- Long v. District Court of Iowa (1966) - Benton v. Maryland 1969
- Montgomery Police Commissioner, Inc. v. Sullivan v. Times
- Brandenburg v. Hayes - Lovell v. City of Griffin 1939
- California Motor Transport Co. v. Trucking Unlimited 1972

STATUTES AND RULES

- U.S. Supreme Court Rule 4th Amen. applied to the states by way of the Due process clause of the 14th Amen.

- U.S. Supreme Court Ruled that leads or other evidence resulting from illegally obtained evidence are also inadmissible in trials. (see, silverthorne lumber Co. v. United States 1978)

- Nardone v. United States 1939. - And Justice Felix Frankfurter described this secondary evidence in the Nardone decision as the "fruit of the poisonous tree"

- U.S. Supreme Court ruled in United States v. Carl 1881 that "in an indictment it is not sufficient to set forth the offense in the words of the statute."

- U.S. Supreme Court Ruled in Gavis v. Washington (2006) that "testimonial" refers to any statement that an objectively reasonable person in the declarant's situation would believe likely to be used in court. The constitutional vice of a vague/indefinite statute is that it "fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute"

OTHER

- Rule 8(a) of the Rules of Federal Procedure, 28 U.S.C. sec. 723 c, in the Federal Courts specifies that the pleader is entitled to relief. It is familiar law that a false arrested may be made the basis of a suit for damages (Mason v. Quince 1947)

- Rule - Evidence - Trespass - Respondent shall not write to, talk to, visit or contact the plaintiff/petitioner in any way except through the lawyer.

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APPENDIX C	Order Denying Plaintiff's severer notice Filed 5/16/2016 and Objection to proposed order Filed on 6/1/2016 and Dismissal of all other motions File after June 2, 2016 For Lack of Jurisdiction
APPENDIX D	Order Directing Appellant to File a Docketing statement and Denying all Motions Filed to date
* APPENDIX E	Order of New Mexico Supreme Court ^{Amend} Granted Petition For writ of customary 2/24/2017 - And Denying For Writ of Certiorari August 24, 2017
APPENDIX F	New Mexico Court of Appeals's AMENDED Mandate to District court clerk This Decision being now Final, the cause is Remanded to you For any Further proceedings
APPENDIX G	Order of New Mexico Supreme Court on 6/12/2017 will be Treated Plaintiff's application For interlocutory appeal as a petition for writ of certiorari - with Remaining documents Filed by Plaintiff will be Treated as attachments to the Petition 25.
APPENDIX H	New Mexico Court of Appeals's Mandate to the District court clerk on July 6 - 2017
APPENDIX I	State of New Mexico Third Judicial D.T., Judicial Specialist II Denika R. Frank on 7-11-2017 - mandate/Memorandum's order plaintiff immediate compliance Rules C.P. 1-085 NMRA →

• Additional Appendix

→ APPENDIX J: State of New Mexico, Third Judicial D.C., Peter Diskint
Attorney Supervisor's "notice on May 03-2016 = your case
is closed this pleading will not be filed or considered by the court"

Appendix J.1. : Tong v. State - Case Detail

Appendix J.2. : New Mexico Supreme Court - Case Docket - S.1-SC-36452

Appendix J.3. : A copy of Certificate/certified mailed plaintiff's Second
Amended Complaint filed to NMSC on 9-02-2017

Appendix J.4. : Copies of NMSC's Envelopes date on 8/24/2017
and June 13-2017 with which two different address

Appendix K: NMSC's supervisor clerk on 7-7-2017 with instruction
Tong plaintiff need to wait for a ruling from the court before
filing any response or petition.

Appendix L: Tong plaintiff's Requests For Jury Trial on which an
Interlocutory appeal to the NMSC.

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
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CONCLUSION	

INDEX TO APPENDICES

- 1 ← APPENDIX A "Application Request for Extension of time to file a writ of Certiorari," total 2 pages, including Notice of certiorari, court's order for a seller Hoffer temporary account, Tong's property, Revisos, NM, Notice of the court defendant is unable to appearance on January 10/24/17, Tong's Affidavit of merits.
- 2 ← APPENDIX B Notice of DATE TON and objection to NMSC order 8/24/17 - the correspondence to Request for Judicial Notice
- 3 ← APPENDIX C Objection to NMCA mandate Judge Zamora's memo opinion is Final, total 6 pages, filed on 7/27/17
- 4 ← APPENDIX D Re Filing Objection to NMCA's Final order Mandate by chief Judge on 9/08/2017, 2 pages Filed 10/09/17
- 5 ← APPENDIX E: Submission NMSC case Docket case details did not listing complete plaintiff's pleadings - Court's secret
- 6 ← APPENDIX F: Petition propose NMSC permission for leave to amended a petition to comply for writ of Certiorari
- 7 ← APPENDIX G: Objection and substantial Request NMSC can Docket must be clear and upright listing Total 5 pages, Filed 9/13/17
- 8 ← APPENDIX H: Plaintiff victim pro se request to have Page 2 of NMSC's email on 9/13/17 at 2:34 pm by Tong's requested
- 9 ← APPENDIX I: Plaintiff's Request For Join - Parties to NM Attorney General 9/14/17
- 10 ← APPENDIX J: A Response to NM Third Judicial District's Memorandum From Frank - Judicial Specialist II
- 11 ← APPENDIX K: Letter's D.C. Attorney supervisor returned Plaintiff's Request for Judicial notice on 8/03/16, because the case closed
- 12 ← APPENDIX L: motion for Default Judgment Filed 3/06/15 For F.R. Hanger and aries. At. Martinez - Filed on 3/04/15 For NM Governor Martinez
- 13 ← APPENDIX M: Plaintiff's request for Discovery, 4 pages, Filed 6/27/16
- 14 ← APPENDIX N: Plaintiff's Reconsideration Request For A Hearing to Hear motion Defendant Informant Filed 12/11/15
- 15 ← APPENDIX O: Application For Interlocutory Appeals From NMCA's Judge Zamora Decision is Final, Filed on 7/20/17, total 10 pages

(* Bear the United States Justices, please forgive me, I need more time for fill out this page, tomorrow is Thanksgiving, Post office is close, Cappy shop is close. I has no sleep over two night's already - please help!)

- 16 - Appendix P: All of Opinion/Order From NMSC's order on 6/12/2017 and Aug. 24/2017,
 17 and NMCA's order Mandated to the District Court clerk on 7/06/2017, and Third Judicial
 18 District's memorandum from Frank, Judicial Specialist II on 7/11/2017, and NMCA's Amended
 19 mandate to District C. clerk on 9/08/2017; and NMCA's Judge Zamora memorandum on April 2017
 20 which bears no date; and Third Judicial D.C. Judge Rosner's order 5/02/2016, and USDC NM
 21 chief Judge Romig's opinion and Final order on 9/26/2015 - 11/03/2015; and US Court of Appeal
 22 Tenth circuit Judge Gorsuch's order on 6/06/2016 Entered For Court, affirmed D.C. Rosner's order
- 23 - Appendix Q: Petitioner's Undisputed Fact as Undisputable Proof that circuit Court's
 24 Order 6/06/2016 made an Error's, Filed on Nov. 08/2016, total 8 pages
- 25 - Appendix R: Factual Findings - Incorporative Judge Rosner's order 5/02/2016 - Additional pages
 26 Factual Findings - Filed on July 12/2016
- 27 - Appendix S: Motion For "Second Amended Complaint" Filed on 9/02/2017. Amended
 28 Complaint for Tort claims, etc., total 11 page together Notice for leave to file second Amended
 29 Complaint in 3 pages, Filed on 7/13/2017
- 30 - Appendix T: Objection and Substantial Request NMSC Docket to be clear and upright listing
 31 plaintiff's second Amended Complaint on court's record, 5 pages, Filed 9/25/2017
- 32 - Appendix U: Objection to State Court D.C. NM Judge Rosner's order 5/02/2016, total
 33 28 pages, Filed on May 31/2016 - Part I
- 34 - Appendix V: Objection to Judge Rosner on 5/02/2016 Part II - In support to
 35 motion Vacate order, Filed on June 02/2016, total 4 pages
- 36 - Appendix W: Motion For "Judgment on the Pleadings" - Judicial Notice Requests
 37 Total 22 page including Exhibits ^{others} 95 pages, Filed on 4-11-2016, before NM Att. General
 38 's Hearing for his motion Dismiss on 4/22/2016 + motion Request Court's address Judicial Notice
- 39 - Appendix X: motion Request Third Judicial Rosner NM compulsory Address to
 40 motion for Judgment on the Pleadings - Judicial Notice Request - Filed 5/31/16, 4 pages
- 41 - Appendix Y: Application to Individual Chief Justice Justice John Robert
 42 Declaration, Brief on the merit to Mr. Justice, total 6 pages, Filed Feb. 04/2017
- 43 - Appendix Z: First Application For Interlocutory Appeals to NMCA, Judge Zamora's
 44 memorandum opinion on April 2017 bears no date, Filed on 4-29-2017
- 45 - Appendix A1: Motion For stay of Mandate From Judge Rosner's order withal plaintiff's
 46 Initiative to clerical Mistake - Justifying Relief From order 5/02/2016
 47 total 11 pages, Filed on 7/20/2016
- 48 - Appendix A2: plaintiff's Statement of Damages, total 6 pages, Filed on Dec. 31/2015
- 49 - Appendix A3: Motion to Reinstate, Request to set the cause for trial, to move the
 50 case to Final Determination - participate, pretrial Conference
 Additional pages Off Index to Appendices.

* Additional Appendix supporting writ of Certiorari to the U.S. Supreme Court

- ① Exhibit 1: Undisputed Fact as undisputable proof that Circuit Court's order Judgment 6.6.2016 made an error.
- ② Exh. 2: Plaintiff Request for Relief from this court shall "Issuance writ of Mandamus" - Declaration of Enay Tong in support thereof.
- ③ Exh. 3: Plaintiff Requests for Clarification a Requested For "Issuance writ of Mandamus"
- ④ Exh. 4: Notice an application to individual Chief Justice John Robert Declaration - Brief on the merit to Mr. Justice.
- ⑤ Exh. 5: OBJECTION and Substantial Request NMSC case docket must be clear and upright listing Tong plaintiff Victim pro se "Second Amended Complaint" Filed 9.02.2017.
- ⑥ Exh. 6: Plaintiff Victim pro se Request to have Page 2 of N.M. Supreme Court's "Events & Order of the Court" from court's email 9/13/2017 at 2:39 PM by Tong's Requested
- ⑦ Exh. 7: Request for Jury Trial on which an Interlocutory appeal to the N.M.S.C.
- ⑧ Exh. 8: Notice of Objection and Objection to NMSC's order 8.24.2017 - Incorporation to: Request for Judicial Notice.
- ⑨ Exh. 9: Petitioner's purpose NMSC's permission for leave to amended a petition to comply for writ of certiorari seeking review of the court of Appeals memorandum opinion
- ⑩ Exh. 12: Plaintiff's "Statement to the Court, Att. general Palentes. Regarding defendant's Hearing only for motion to dismiss - 7-27-2016
- ⑪ Exh. 11: Petitioner's purpose NMSC's permission for leave to amended a petition to comply for writ of certiorari seeking review of the court of Appeals memorandum opinion
- ⑫ Exh. 10: Urgent Notice of state created Danger
- ⑬ Exh. 13: Re. Filing "Objection to NMSC's Appeals' Final order amended mandate Sept. 8, 2017
- ⑭ Exh. 14: An Application for Interlocutory Appeals from the "New Mexico C.A. Chief Judge Discretion" that the "original decision/order entered on April 2017" on Appeals to Judge Zamora being now FINAL/July 06.2017 - Incorporation with Application for Interlocutory from NMCA's memorandum opinion/April 2017
- ⑮ Exh. 15: Objection to NMCA's mandate Appeals Judge's memorandum opinion entered it being now Final
- ⑯ Exh. 16: Motion request a statement of the Attorney general as regard for plaintiff's motion Request of all court's proceedings.
- ⑰ Exh. 17: Letter of Defense counsel (the second) Mrs. Valdez that ^{notice is} Mr. Martinez is more than amenable to sitting down with us to insure over the calls and translations are correct. But that time for defendants never come, just as the desert expecting the rain.
- ⑱ Exh. 18: Declaration of Enay Tong to Vacate the court order of 8.26.2015, Due to defendant's Failure to served on motion and defendant's failure

* Additional Appendix supporting writ of Certiorari to the U.S. Supreme Court

to comply the Court's rule.

- Exh. 19: Urgent Notice of the "State Created Danger"

- Exh. 20: Objection to Court's order on 8-26-2015

- Exh. 21: A statement to general FBI - DOJ, Command center Washington D.C. and to Washington Post - Report I can Trust.

- Exh. 22: Motion Request for Hearing to heard motion Default Judgment and motion Reinstatement for Leave to File First Amended Complaint to the U.S.D.C. NM and D.C. NM, as crosses.

- Exh. 23: Plaintiff's objection to Court's Opinion Final Judgment on 11-03-2015 in support to Appellant's Brief on 12-28-2015

- Exh. 24: Motion Reinstatement the case within Request to set the Cause for Trial in processing of a request for move the case to a Final Determination Consisting in plaintiff's letter to D.C. - The participation in this pretrial conference - Request Conference with Defendant's Attorney General for the purpose of getting an early disposition of at least defendant's legal defense.

- Exh. 25: Objection to NMCA's Immediate Appeals Judge's memorandum Opinion entered it being now Final

- Exh. 26: Motion for Default Judgment filed on Sept. 30/2017

- Exh. 27: Motion for other Default Judgment filed on Oct. 11, 2017

- Exh. 28: A Requests for Jury Trial on which an interlocutory appeal to the NMSC

- Exh. 29: Notice of Application to correct Error in Court Reporter Transcript on 4/27/2016 - And to correct error in Court's order 5/02/2016

Exh. 30: Motion for Leave to exceed length limitation - And Reinstatement for Court's Denying all motions filed to date - Filed on 8.2.2016

- Exh. 31: Statement to a Chief Justice Supreme Court of the U.S. Mr. John Robert, in supporting Motion Default Judgment, Request for Hearing, 1.14.2018

- Exh. 32: Motion "Address the Substitution of Defendants in their Briefs - Request for Judicial Notice from the Panel of Judge's Writs (Tenth Circuit) - Oct. 25-2015

- Exh. 33: Amended Notice of Appeal, Additional Factual Finding from D.C. Judge Rosner's order dismissed on May 04/2016

- Exh. 34: Plaintiff's motion consideration and motion Request for Hearing to heard motion Default Judgment and motion Reinstatement for Leave to File First Amended Complaint to USDC, NM - And motion consideration to Judge Mary Rosner Third Judicial D.C. NM

- Exh. 35: Motion Request a Necessitating of all court's proceedings listing - admitted by D.C. NM, Judge Rosner

Additional Appendix page (9) to appendices Court.

* Additional Appendix supporting writ of Certiorari to the U.S. Supreme Court

- Exh. 36: Notice of Certificate of Interested Entities/Parties filed Oct. 27-2017 (second time written)
- Exh. 37: Appellant's Reply Brief to Court's order objection - U.S. D.C. NM. Chief Judge Ramirez Filed on 2-7-2016 Demand Oral Argument
- Exh. 38: Notice of Appeal. Petition for "writ of certiorari". From U.S. Court of Appeals Tenth Circuit's order. Judgment on 6/6/2016.
- Exh. 39: Notice of Appeal From Court's order dismiss 5/02/2016
- Exh. 40: An Application to correct Error in Circuit Judge's order 5-27-2016
- Exh. 41: Petitioner Request for Relief from this court shall "Issuance writ of Mandamus" Declaration of Eu May Tong in support thereof.
- Exh. 42: Petitioner's Request for Clarification a Requested For "Issuance writ of Mandamus" And Requests For an Hearing on Appeal
- Exh. 43: Petitioner's Reinstatement For the Panel of Judges's Reconsider to a writ of Mandamus in Part II of legal Argument - Conclusion. Included 18 Exhibits.
- Exh. 44: Declaration of Plaintiff Eu May Tong to Vacate the Court's order of 8-26-2015, Due to Defendants's Failure to serve plaintiff with motion and For Defendants continued Failure and Refusal to comply with this court's Rules
- Exh. 45: Plaintiff's Request of all Court's proceedings Listing Amitted Objection Part II In Support to Vacate Order on 5/02/2016
- Exh. 46: Letter to the court requesting a Pretrial conference and Hearing on Defendant's LEGAL DEFENSE - Conference with Defendant's counsel "Attachment pages motion Reinstate" - Plaintiff's Trial Brief on Legal Defense
- Exh. 47: Plaintiff's Reconsideration Request For Hearing: To Heard motion Default Judgment - Reinstatement For leave to file First Amended Complaint For Malicious Prosecution Tort Claims Act
- Exh. 48: Notice Declaratory Judgment - Relief filed on 1-14-2016
- Exh. 49: Appellant's Request to Augment the Record to Tenth Circuit court Filed on 12-30-2015 - Circuit Judge Neil Gorsuch Just simply Denied.
- Exh. 50: On 9-08-2016 Request Third Judicial D.C. NM. for complete copies of clerk's Record and PAID \$ 413. 85 For costs For This Court took Tong's such money but did never want to let I pick it's up, until today.
- Exh. 51: Statement to Attorney general Santa Fe NM. and Judge Rosner D.C. NM. - Request For Clarification
- Exh. 52: Statement to the Court NM. Attorney general Puentes Regarding a Hearing on 4-27-2016 for an Court's order dismiss 5-02-2016

* Important notes

Additional Appendix page 50 Appendices to Unit 102

* Additional Appendix supporting writ of Certiorari to the U.S. Supreme Court

- Exh. 65: These 3 pages documents from circuit court adding in their proceeding mailed ^{them} together to Cong. I does not understand for which their's meaning for? but sure that is not by a mistake; it may be figurative sense threatened?
- Exh. 66: Motion Request for Hearing - To Hebra/ Default Judgment - Reinstatement For Leave to File First Amended Complaint to U.S. D.C. NM. Chief Judge Ammijo.
- Exh. 67: Motion Consideration to the court order staying proceedings for pre-Trial
- Exh. 68: Plaintiff-petitioner's Purpose of Service of Process, to: Governor NM. Speaker of the House of Representatives - The Chief Justice of the Supreme Court - to considerable as the head of the Judicial branch of the state
- Exh. 69: Motion For Leave to exceed length limitations - and Reinstatement for court's denying all motions Filed to date.
- Exh. 70: The Relief Sought supporting of an order Demand Hearing 4/15/2015
- Exh. 71: Amended the Relief Sought Filed to Tenth Circuit Court, on 11-08-2016
- Exh. 72: Appellant's Brief to the Tenth Circuit on Dec. 26 - 2015
- Exh. 73: These are 112 pages Exhibits plaintiff petitioner mailed to the Supreme court of the U.S. but the clerk of court returned them to Cong.
- * Cong victim pro se is still filing continuing much more Appendix/Exhibits in a next III binder book in soon.

Jurisdiction

The date on which the highest state court decided my case was August 24, 2017. A copy of that decision appears at Appendix E.

A request for a 60 days extension of time in which to file the petition for writ of certiorari was filed on about 11-6-2017. This court granted an extension through and including January 30, 2018 in Application No. 17A 584.

The petition for writ of certiorari was originally postmarked on 1-22-2018, but was returned by the clerk for procedural errors with instructions to correct and re-submit it.

It was re-submitted on 3-30-2018, but again returned by the clerk for procedural errors, with a letter dated April 30, 2018 indicating that the corrected petition must be filed within 60 days of the date of the letter.

Long called for confirmed with the clerk Mr. Leviton it by June 30, 2018,

The Jurisdiction of This Court is invoked under 28 U.S.C. § 1257

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. First Amendment to U.S. Constitution:

The petition clause protects the right "to petition the government for a redress of grievances." According to the Supreme Court, "redress of grievances" is to be construed broadly: it includes not solely appeals by the public to the government for the redressing of a grievance in the traditional sense, but also, petitions on behalf of private interests seeking personal gain.

The right not only protects demands for "a redress of grievances" but also demands for government action.

The rights of speech clause and petition clause, its share substantial common ground. The rights both allows citizens to express their ideas, hopes, and concerns to their government and their elected representatives... with expression directed to the government seeking redress of a grievance.

Justice Lewis F. Powell, stated that a claim for press privilege "should be judged on its facts by the striking of a proper balance between freedom of the press and the obligation of all citizens to give relevant testimony with respect to criminal conduct. The balance of these vital constitutional and societal interests on a case-by-case basis accords with the tried and traditional way of adjudicating such questions", has been frequently cited by lower courts since the decision.

First Amend. Freedoms are most in danger when the government seeks to control thought or to justify its laws for that impermissible end. The right to think is the beginning of freedom, and speech must be protected from the government because speech is the beginning of thought.

Defamation - American Tort Liability for defamatory speech or publications. An 1898 American legal textbook on defamation provides definitions of libel and slander.

An action of slander required the following: 1. Actionable words, such as those imputing the injured party: is guilty of some offense, suffers from a contagious disease or psychological disorder, is unfit for public office because of moral failings or an inability to discharge his/her duties, or lacks integrity in profession, trade or business.

That the charge must be false. That the charge must be motivated by malice.

2. Fourth Amendment to U.S. Constitution: is the part of the Bill of Rights that prohibits unreasonable searches and seizures and requires any warrant to be judicially sanctioned and supported by probable cause.

Searches and seizure (including arrest) should be limited in scope according to specific information supplied to the issuing court, usually by a law enforcement officer who has sworn by it.

Violations of 4th Amend. rights should be addressed.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. Must even justify the search.

U.S. Supreme Court ruled that the 4th Amend. applies to the states by way of the Due Process clause of the Fourteenth Amendment. - In Mapp v. Ohio (1961)

Justice Potter Stewart wrote the majority opinion that "4th Amend. protect people, not places. A 'search' occurs for purposes of the 4th Amend. when the government violates a person's 'reasonable expectation of privacy'."

The Court ruled a common law trespass... it was a search under 4th Amend.

Florida v. Jardines - probable cause to arrest must exist before the arrest is made. Evidence obtained after the arrest may not apply retroactively to justify the arrest.

3. Fifth Amendment to U.S. Const. :

No person shall be... deprived of Life, Liberty, property, without Due process of law...

5th Amend. is part of the Bill of Rights and protects a person against being compelled to be a witness against himself in a criminal case.

The 5th Amend. requires that felonies be tried only upon indictment by a grand jury. Requirement applies only to felony charges in the federal court system.

5th Amend. protects individuals from being forced to incriminate themselves. Incriminating oneself is defined as exposing oneself (or another person) to "an accusation or charge of crime, or as involving oneself (or another person) in a criminal prosecution or the danger thereof."

Historically, the legal protection against compelled self-incrimination was directly related to the question of torture for extracting information and confessions.

The Supreme Court has held that "a witness may have a reasonable fear of prosecution and yet be innocent of any wrongdoing. The privilege serves to protect the innocent who otherwise might be ensnared by ambiguous circumstances."

5th Amend. limits the use of evidence obtained illegally by law enforcement officers. Originally, at common law, even a confession obtained by torture was admissible.

"Unfair and inherently coercive context" including a prolonged interrogation rendered a confession inadmissible. - (This applied to Ho Nguyen witness at the trial 10.22.14)

The court held, "the prosecution may not use statements... stemming from custodial interrogation of defendant." Custodial interrogation is initiated by law enforcement after a person has been taken into custody or otherwise deprived of his freedom of movement before being questioned as to the specifics of the crime. (This applied to Ho Nguyen witness)

5th Amend. also has a Due Process clause (similar to the one in 14th Amend.) as well as an implied Equal protection requirement (Bolling v. Sharpe).

Additional Constitutional and Statutory provisions involved (page 1). 60

4. The 6th Amendment to the U.S. Const. - In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, in which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him/her; to have compulsory process for obtaining witnesses in his/her favor.

- Degree of prejudice to the defendant which the delay has caused
- The date of arrest or indictment, whichever first occurs - A delay of a year or more from date on which the speedy trial right "attaches" was termed "presumptive prejudicial"
- The prosecution may not excessively delay the trial for its own advantage.
- A criminal defendant has the right to be informed of the nature and cause of the accusation against him/her.

• The court ruled that admitting evidence without having him/her testify, violated the Confrontation clause. *Bullcoming v. New Mexico* (2009)

• The right to confront and cross-examine witnesses also applies to physical evidence; the prosecution must present physical evidence to jury, providing the defense ample opportunity to cross-examine its validity and meaning. Prosecution generally may not refer to evidence without first presenting it. (Here instance Prosecutors were in fraudulent created the ghost Federal jury)

• The Constitution of the United States of America:

Analysis and Interpretation

• Sixth Amend. is a part of the United States Bill of Rights that sets forth rights related to criminal prosecutions. The Supreme Court has applied the protections of 6th Amend. through the Due Process Clause of the Fourteenth Amendment's

5. Confrontation clause of the 6th Amend. to the U.S. Const. provides that "in all criminal prosecutions, the accused shall enjoy the right... to be confronted with the witnesses against him/her" - generally, the right is to have a face-to-face confrontation with witnesses who are offering testimonial evidence against the accused in the form of cross-examination during a trial... which guaranteed persons accused of a crime the right to look their accusers in the eye.

• The 14th Amend. makes the right to confrontation applicable to the states and not just the federal government.

• If a statement is testimonial, the person making the statement must generally be available for cross-examination.

• Quoting the dictionary, the court explained that a witness is one who "bears testimony" evidence, and that "testimony" refers to a "solemn declaration or affirmation made for the purpose of establishing some fact."

• A common reason for a witness to be unavailable is that the witness is claiming a Fifth Amend. privilege against self-incrimination.

• Supreme Court's interpretation of the federal Confrontation clause.

• Additional Constitutional and statutory provisions involved (pages 2) - 62

① Because many jurisdictions, including the Federal courts and a number of states, practice constitutional abstention many cases that include Confrontation clause violations are decided on other grounds.

② The Due Process clauses of the Fifth and Fourteenth Amendments also require confrontation as an element of due process. State statutes and constitutions are another source of the right to confront witnesses.

③ 5. The Fourteenth Amendment to the U.S. Const.: ... No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the U.S.; 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.

④ Due Process clause prohibits state and local government officials from depriving persons of life, liberty, or property without legislative authorization. This clause has also been used by the Federal judiciary to make most of the Bill of Rights applicable to the states, as well as to recognize substantive and procedural requirements that state laws must satisfy.

⑤ The Equal Protection Clause requires each state to provide equal protection under the law to all people within its jurisdiction. This clause was the basis for *Brown v. Board of Education* (1954), the Supreme Court decision that precipitated the dismantling of racial segregation, and for many other decisions rejecting irrational or unnecessary discrimination against people belonging to various groups.

⑥ Supreme Court Justice Joseph P. Bradley commented in the civil Rights Cases that "individual invasion of individual rights is not the subject-matter of the 14th Amend. It has a deeper and broader scope. It multiplies and makes void all state legislation, and state action of every kind, which impairs the privileges and immunities of citizens of the U.S., or which injures them in life, liberty or property without due process of law, or which denies to any of them the Equal protection of the Laws."

⑦ Supreme Court has held that the Amendment's Due Process clause incorporates all of the substantive protections of the First, Second, Fourth, Fifth and Sixth Amend. and the Cruel and Unusual Punishment clause of the Eighth Amend.

⑧ Fundamental rights and privileges which pertain to citizens of the United States, and to all person who may happen to be within their jurisdiction.

⑨ "By virtue of public position (prosecutors) under a state government, deprives another of property, life, liberty, without due process of law, or denies or takes away the equal protection of the Laws, violates the constitutional inhibition; and as he acts in the name and for the state, and is clothed with the state's power, his act is that of the state."

⑩ The Court found that the state action doctrine is equally applicable to denial of privileges or immunities, due process, and equal protection of the laws.

⑪ In *League of United Latin American Citizens v. Perry* (2006) - The Court ruled that redistricting plan intentionally diluted the votes of Latinos and thus violated the Equal Protection clause.

Additional Constitutional and statutory Provision Involved

(Page 3)

6- The 8th Amend. to the U.S. Const.:- Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

7- The 9th Amend. to the U.S. Const.:- The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people

8- The 10th Amend. to the U.S. Const.:- The powers not delegated to the U.S. by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people

9- The Second Amend. to the U.S. Const.:- A well regulated militia, being necessary to the security of a Free state, the right of the people to keep and bear Arms, shall not be infringed.

10- The 15th Amend. to the U.S. Const.:- Prohibits the denial of the right to vote based on race, color. The right of citizens of the U.S. to vote shall not be denied or abridged by the U.S. or by any state on account of race, color / previous condition of servitude.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

0-175. Constitutional review by district court of administrative decisions and orders — Rules of civil procedure —

B. Filing of petition for writ: An aggrieved party may seek review of a final decision or order of an agency, here state government administrative

— Herein: The NM governor Susana Martinez defendant

— F.B.I. Ida D'Antonio Hanger — defendant

— Assistant U.S. Attorney Luis Martinez — defendant

— As contended which hard facts — evidences — legal laws — its concise showing able through plaintiff's pleading/motions/applications to the courts that substantial equity that the petitioner innocent victim of government of the U.S. is entitled to Relief —

— The Relief Sought — Amend relief sought — particular Relief sought had has been Filed to all these 5 Courts — No Courts/Judges address to these — because these Courts arbitrarily acts deliberate violation of law —

Conspiracy of silence —

Deliberate Violation of Federal — State Constitutions

— Constitutional Law — 42 XXVII due process — 42 V (F) Constitutionality of statutory provisions. — U.S.C.A. Constitutional. Amend. 14.

— These inferior Courts in premise failed, failure to prevent such violations though these courts ^{judges} having knowledge that defendants committed wrongs conspired to be done, but still misused power to prevent, aid in preventing the commission of the same — 42 U.S.C. § 1986 — § 1985

— Conspiracy § 15 — civil — Actions — Evidence

— 28 U.S.C. § 2679. F.E.L.R.T.C.A. of 1988 substitute of defendant by the U.S.

— Article VI of the U.S. Constitution — Federal law — supreme law of land Art. II, sec. 1, NM Constitution

— Art. III, Sec. 1 — U.S. Const.

— Art. I, sec. 8 — U.S. Const.

— Art. II § 20 of the Const. of NM.

And extraordinary these potential defendants, Federal prosecutor of the U.S., committed violations of Exoninnocent victim for 1st Am. — 2nd — 4th — 5th — 6th — 8th — 9th — 10th — 14th — 15th — Amend. of the U.S. Const.

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• Additional Constitutional and Statutory Provision Involved (page 5)

Statement of the Case.

Proceedings

On March 4, 2013, the petitioner Tu My Tong, a Vietnamese American speak broken English Ignorance English was a victim innocence arrested by the F.B.I. in connection with a human trafficking subject with which invalid warrant, and in a mass inside Air plane 747 International. That without any announce and without any testimony.

Thereafter Tong was indicted and tried in the U.S. District Court New Mexico for one count of conspiracy to transport illegal aliens Mexican and two counts of concealing, harboring. And then in extremely special on 6.19.2013, after an arrested, the Federal government prosecutor official Ida Hanger and Macadio to the Fraud of gains created the Ghost Federal grand Jury indictment for 20 years Jail, plus \$1 million punishment. On March 28, 2014, U.S. Dist. Ct. of U.S. D.T. Judge New Mexico ordered in forced Tong was be content with "Federal Forensic competency, Evaluation mental status, Examination to stand Trial.

On First week of Oct. 2014, in a sudden Tong's defense counsel Russell Dean Clark and Court Investigator Jim Law, came into Tong's property/business to inventory the contents of inside and outside the stores with which inventory of assets and funds.

A few days after that, the probation officer Paul Cozza in a sudden came to did the something as Clark and Law did so.

On October 23-2014 Tong was acquitted of all three counts.

In December 2014, Tong filed a lawsuit against the New Mexico state, alleging that various state and Federal officials has committed intentional torts and violated Tong's constitutional rights during the course of the investigation and prosecution. And then prosecutors FBI Hanger Ida and U.S. Attorney Luis Martinez and Alexander Shapiro committed fraudulent to created all the government's witnesses Fraud at the Jury Trial during 4 days Trial 'sensation Facing the set of the public feeling.

All defendants, Governor Susana Martinez, Ida Hanger, Luis Martinez did not answer the summon complaint, but then Hanger and Martinez illegal suppressed removed the case to Federal Court Albuquerque N.M.

The U.S. District Court Martinez unlawful substituted itself in a party and filed a motion to dismiss without notice Tong on time.

The U.S.D.C. granted the motion as to the Federal claims and remanded the matter back to the State Court.

Tong appealed and District Court order was affirmed by the Tenth Circuit court appeal on 6.6.2016; Within Refused Tong plaintiff's entreated Necessity of Requests for a hearing to Hear the case - Case No. 15-2144.

The state court matter proceeded, and on May 2, 2016, the New Mexico D.C. filed an order granting defendant's (apparently The state of NM) Motion to Dismiss

Statement of the case - proceedings.

Tong's First Amended Complaint, by NM Attorney General.

The court found that Tong had not adequately alleged facts to support a specific claim against the state of New Mexico and the action was barred by the Tort Claims Act. The order was affirmed by the New Mexico Court of Appeals.

Tong then filed an "Application for Interlocutory Appeal" with the New Mexico Supreme Court. In a June 12, 2017 order, that NMSC deemed the application to be a Petition for writ of certiorari. The clerk told Tong do not file any motion, just wait for the NM Attorney General Defendant's response and wait until the court's rule. NM Attorney General did not file any answer, not at all.

On 8/24/2017, NMSC granted Tong's motion Amend Petition for a writ of certiorari and concurrence with denied the petition for writ of certiorari.

On January 22, 2018, pursuant to NMSC's order granting a 60 days extension of time, Tong timely filed a petition for writ of certiorari with this court.

That petition was returned by the clerk with instructions to correct procedural errors. It was re-submitted, and again returned for correction of procedural errors.

This corrected Petition for writ of certiorari is timely filed pursuant to the court clerk's letter date 4/30/2018 - indicating that the corrected petition must be filed within 60 days of the date by 6.30.2018.

Statement of the case - Proceedings.

STATEMENT OF THE CASE

Before provide this statement, petitioner is respect notice to the Court that all my statements to claim one's innocence were sent to the United States Justice Washington, D.C. that were always returned back to me by the clerk of court, there are Mr. Scott Harris and Jacob Levitan. So that the U.S. Justices Supreme Court does not received to read its.

On Nov. 06/2017 I Filed an urgent Requests For an extension of time which is an extraordinary to file a writ of certiorari, it is deadline on 11-23-2017. There is two pages. I certified mail to the NM Attorney General Jose Puentes at the same time and same date to this court, also I fax to NM Att. general Fax No. 505-490-4881 - Enclosed it receipt, Exh. 2. If the NM Att. general officer still keep silent on that point, it's their business. But, silent gives consent.

The clerks lack of conscience to notice that they received my motion request extension of time in which missing a page, page 1 of 2. Then they just sent it back to me. It motion included other pleading to justify for it request extension of time. That I certified mail to DOJ, FBI, US Washington D.C. and the Solicitor General U.S. DOJ, and the US Senate - Senator Feinstein, NM SC, NM governor. please, this court consider to such request extension of time to file a writ.

I could not sleep in such petition of writ of requested with an exception I have. I must, I compel to be present in my property, my shops in Ruidoso, NM, asap, your Justices, please help!..

1. Such as all New Mexico Courts acts of Judicial malfeasance deliberate violations of the Federal, of the State Constitutions - Violation of law - Disregard of material facts - Blocking of a lawful conclusion of a case. Intentional violation of due process of law - Judicial act without Jurisdiction - Secret Docket - Probate Fraud - then Denied, Dismiss Cong innocence victim of Federal government, of states government of a pro se litigant's equity claims against the government For malicious prosecution - For Tort claim Act - Here in a mass tort. There's petitioner plaintiff's complaint is in which good Faith.

This instance claims presents a classic problem of equal protection of the laws. A question that the court be determination of the precise nature of the government function involved as well as of the private interest that has been affected by governmental action. Cafeteria & Restaurant Workers Union v. McElroy (1961). - Certainly, there is at issue the all denial of a hearing by Courts just simply ignored it request, substantial request, there is at a matter of analysis under the due process clause. The validity of this partial denial, or differentiation in treatment, can be tested as well under the Equal Protection clause. Nevertheless, at that Defendants neither testify Tong and Tong's witnessed before an arrest, nor after arrested, they deprived it Tong's rights until the trial, that they still tried to be, but they cannot do so. Therefore Tong only can have testified at the trial date 06-22-2014.

Such as defendants, government Federal and state tried to block petitioner innocence victim of government an Access to Courts - Right to seek Remedy - Deprived a right at meaningful time and in meaningful manner for hearing appropriate to the nature of the case U.S.C.A. Const. Amend 14. - That is would not stopping me fighting for my honour name, for my family children honour name. That is those courts orders Denied - Dismissed my complaint are NOWAY could be stopping me to make a clarit at Front succeed fighting for a victim of an injustice, and fighting in the cause of justice. That I will be arrested fighting, fighting and fighting until my last breath. → (See additional pages attached hereto)

2. Ironical NIMCA's author and opinion affirmed the Dist. Court's order dismissing
Cong. William Rose's Amended Complaint, for which such Judge Zamora's words hereto:

"To be clear, agents from Federal Bureau of Investigation (FBI) are federal employees,
not state employees. The United States Attorneys are federal employees, not state employees.
The actions of federal agencies and federal employees are not relevant to this state court
suit, in which plaintiff is permitted to only develop evidence that a person or agency employed by the
state of New Mexico and caused her injuries."

See, here, U.S.C. Title 28, Judiciary and Judicial Procedure, Tort Claims P. § 2671, Definitions:
Chapter and section 1346(b), 2671(b), the term "Federal agency" includes the executive departments, the judicial
and legislative branches, independent establishments of the United States, and corporations primarily acting as
instrumentalities or agencies of the United States.

"Employee of the government" includes (1) officers or employees of any Federal agency, and persons acting
on behalf of a Federal agency in an official capacity, temporarily or permanently in the service of the United
States, whether with or without compensation; and (2) any officer or employee of a Federal public defender
organization. Whereas, herein, FBI, Ida D. Antonio Hanger, defendant, and Assistant U.S. Attorney Luis Martinez are
"Employee of the government." They are Indian in the Los Alamos, New Mexico in years. And were, they are
working for the government, they were, both of Hanger and Martinez as agents/employees of the United
States government acting within the state of New Mexico, and within the judicial district. Venue is there
proper in this district. The both defendants Martinez and Hanger, acting under color of that authority.

That Congress from innocence victim pro-se litigant has had been strictly construed affirmative
to proceed with my bloody action brought for violation of my Constitution rights, pursuant to 28
U.S.C. § 1331 (Federal question), § 1343 (civil rights), 42 U.S.C. § 1983 - Federal Tort Claims Act.

Congress innocence victim pro-se litigant's claims this instance, at times material herein, defendants
FBI, Ida D. Antonio Hanger and Ass. U.S. At. Luis Martinez were agents/employees of the United States government.
They are get Full-time salary from the government. That Cong. plaintiff has amended Cong. Complaint, Filing a
First Amended Complaint pursuant to such request. Then Cong. further respectfully requests that FBI, Ida D. Antonio
Hanger and Ass. U.S. Attorney Luis Martinez, the originally named defendants, be reinstated to the case in place of the United
States of America and that the case proceed on that basis.

And then after that arose out of an incident extraordinary involving agents of the United States
government acting within the state of New Mexico the New Mexico governor Susan Martinez, as fully set forth
to be through with.

The statute refers to a "settlement" in an action under Tort Claims Act.

The Act imposes liability only upon the governmental entity and not upon the
public employee. The governmental entity is obliged to "provide a defense and pay any settlement or judi-
gment reached in a Tort claims suit, § 41.4.4c, and it has no right to "contribution, indemnity or subro-
gation" against its employee's non-malicious or non-fraudulent acts which gave rise to the suit. Section
41.4.17A. Under the clear language of the statute and the undisputed facts, there has been no settle-
ment under the Tort Claims Act. But only surprisingly that the N. Mexico governor Susan Martinez
Additional page 2 of Statement of the case.

an adverse party in such lawsuit, on August 2016, was of a sudden come into Tong victim prose litigant's property, business without any advance notice, it as a trespass for probe, in that New Mexico governor doesn't asked for Tong name, to meet with Tong victim prose. It was not, therefore, a settlement of the type to which the Statute must shall be address.

Tong victim prose litigant's "Judgment on the pleadings Laws Legal Definition: Judicial Notice" There within the undisputed facts, had been Filed to state court Third Judicial D.C.N.M. within Re-Filed it to New Mexico Court of Appeals. Such pleadings rendering in good Faith there for it must be address for Tong victim, It's of consequence which Tong victim prose with all due respect to requests that instance case substantial for a "Special Supreme Court Hearing" under the Tort Claims Act.

Further along whence the case appeals to the N.M. CA, then Tong victim prose Filed "Docketing statement" and "Additional Docketing statement" for which the claims disclosed, exposed, fully set forth for damages under 42 U.S.C. § 1983 (1976) For Cruel and unusual punishment in violation of U.S. Const. amend. VIII, and for damages for personal injury under Tort Claims Act, §§ 41-4-1 through 41-4-29, N.M.S.A. 1978.

That's common sense within common Law recovery substance damages to damaged Tong victim's reputation, to damaged Tong victim's business, to damages Tong victim in life, such wrongful arrested terrorism investigation. Such nightmare experience caused Tong victim much deeply mental suffering. There be a deliberate indifference to a innocence prisoner's infliction, 28 hours in Federal Felony Jail at Federal Court house Central LA CA; serious illegalize set Tong innocence victim under probation almost two years long; intentional tort submitted to Federal Felony LA CA court a bail Felony crime is one \$ million (but the Federal Felony Judge Rosenberg was set Tong free to go home within four for back and forth from CA to NM); injury on the part of a government that Federal entity to constitute a form of cruel, of discrimination arrested Tong victim imposed upon Federal Forensic Competency Evaluation Mental status examination to stand Trial. (The Doctor Nick Buzneclo, Ph.D. licensed Psychologist's clinical opinions Competency statement: "This is my professional opinion that Mrs. Tong is COMPETENT TO STAND TRIAL. The results suggests significant mental illness. Mrs. Tong is highly defensive and tends to present in an overly positive light, thus there is much to learn about her actual functioning. Mrs. Tong was rational in discussing her competent to stand trials, noting: "I feel I'm rational and will help my attorney. I am in this right hand, and I know my case and my evidences" (sic) such great evaluation mental was ordered by the Honorable U.S. District Judge of the United States D.C.N.M. on 3.29.2014.

There be Federal government committed violated Tong victim prose's speedy trial right, with which a prolonged Tong probation sentence.

The Federal government officials were conspired to prevent by force by way of implicit intimidation/threatened Tong victim citizen from lawfully entitled to VOTE for US President year 2008 (that before an arrested). That is Federal government deprived Tong victim person of right/privilege.

The Federal government officials were conspired for the purpose of impeding hindering obstructing justice, defeating Tong victim for testimony in discrimination manner refused to heard any explanation, evidence from Tong victim, the due course of justice in state of New Mexico, territory Hudson Tong, with intent to deny to Tong citizen the equal protection of the laws, to injured Tong victim, Tong business for enforcing probation sentence almost two years long; by was not having Tong any testimony neither before arrested nor after arrested until the trial, there especially so in that an arrested for felony crime on 3/14/2013, but Federal government was sit a federal grand jury indictment on 6/14/2013 which by soundant gained.

is Federal government officials attempting to enforce the right of Tong victim to the equal protection of the laws for the purpose of depriving directly of equal privileges and immunities under the laws.

In this instance, claims the Federal government officials conduct conspiracy to interfere with civil rights § 1985 (2) obstructing justice; intimidating party witness. That the Federal government officials in state of New Mexico conspired to deter, by forced, intimidation on Tong, must be deleted. all Tong's statements pleadings on which Face book, within must be accept. plea guilty one count of charged for get a case dismissed.

Moreover these Federal government officials had been severe threatened Tong's witness is Loi Nguyen committed injured witness Loi Nguyen in his person on account of his having so attended such court and testified at the trial. Heroin instance case, an extraordinary that the Federal government in state of New Mexico misused of Federal government arms which affirmative publicly prohibit Loi Nguyen to be witnesses for Tong victim by which affirmative and pleasure detained Loi Nguyen overnight from 8pm/10.22.2014 until 8 Am/10.23.2014 that they picked to confined Loi Nguyen within four walls in the Hotel La Quinta Las Cruces, NM, at room 122. Such conduct of the Federal government in state of New Mexico engaged therein do, as cause to be done, which motive act in furtherance of the object are two Vietnamese American speak broken English ignorant English of such conspiracy whereby that caused is deeply injured in Tong person and Tong's business, property and caused injured Tong's witness person is Loi Nguyen also.

That the Federal government officials deprived of having and exercising designedly violations of Tong plaintiff victim pro se's constitutional rights within Tong's privilege of a citizen of the United States included Loi Nguyen innocence victim witness for Tong victim also.

So that Tong innocence victim of Federal government, of state government of New Mexico, of Colorado including Loi Nguyen innocence victim witness, was so injured within deprived may have and would have be entitled to make an equity requests for the recovery remedy of damages occasioned by such injury deprivation, against that the Federal government, those two of state's government above of such conspirators (R.S. § 1980) that revealing to the U.S. Senate, the United state Supreme Court recognizes that Tong innocence victim of United states government's injuries from the prosecution by the Federal government caused upon Federal government employees FBI, Ida Hanger, D'Antonio and assistant US Attorney Luis Martinez. And then succeed there's the New Mexico governor Susana Martinez's involvement that she was involved in her conduct motive state interest in which "State created danger", within deliberate declined with thanks for address a complaint from Tong Vietnamese American speak broken English ignorant English, as racial injustice. Correspondingly US supreme court, US Senate would such Tortious conduct caused the injuries Tong victim innocence have had, has inflicting denying seven years long (date start investigation 9/19/2019 till today November 2017) from the Federal government prosecution and the state government exercising, that may be Fully Compensable under a state remedy for a Tortious Loss. see Parrott v. Taylor, supra. Whence in the case at bar, Tong innocence victim pro se litigant's serious material allegations to the questions may be Fully Compensable under the Tort claims Act.

The United States Senate, the US Supreme Court Justices examine with perspicacity considering that the New Mexico Court of Appeals Judge Monica Zamora's memorandum opinion which page 5 line 17-19 and p. 61-63. "Plaintiff raises competency issues related to her Federal court trial" and allegations of constitutional * Plus Judge Zamora was role quibble which the words "Federal court trial"? That is Judge Zamora manipulate to dodge the words ought to "Federal government prosecution".

Added had page 3 of statement of the case.

violations she suffered during the Federal court trial, including violations of the Fifth Amendment; the Sixth Amendment speedy trial right, and the Eighth Amendment. These are issues for the Federal courts, not this court.

Here, the Legislature, pursuant to the Tort Claims Act, section 41-12, N.M.S.A. 1978, waives immunity for certain specified torts and for the violation of constitutional rights when caused by law enforcement officers. And here, 'Law enforcement officer' means a full-time, salaried public employee of a government entity whose principal duties under law are to hold in custody any person accused of a criminal offense, to maintain public order or to make arrests for crimes, for instance such as for Ida Antonio Hungen and constant U.S. Attorney Luis Martinez. Yet, NMCA Judge Zamora affirms: the district court's order dismissing Tong amended complaint with prejudice, in the course of district court's order stated in "page 3 of 5" is: "The plaintiff fails to make a connection with injuries allegedly caused by the federal government and the state agencies she named in this lawsuit" paragraph 7.

And which is "Plaintiff's malicious prosecution claim, the last claim left of her Federal government claim, alleges that the Federal government maliciously prosecuted her. Plaintiff develops no set of facts to support a specific claim against the State of New Mexico for her alleged injuries stemming from the Federal government criminal prosecution." here, section 41-12(A)(1)(b), N.M.S.A. 1978 (Cum. Supp. 1981), provides coverage for every "risk" for which immunity has been waived under the Tort Claims Act, including "excess" liability for damages arising under the substantive law of a jurisdiction other than New Mexico, including the United States. Since the Legislature distinguishes a tort from a constitutional violation, it is reasonable to presume that they recognize the existence of a Section 1983 remedy for such violations.

Paragraph in The Tort Claims Act, section 41-12 N.M.S.A. 1978 provides that the state of New Mexico the state agencies of the state of New Mexico, or employees of the state of New Mexico are immune from liability unless the state has expressly waived a particular kind of claim. Plaintiff's lawsuit does not fit within any of the statutory exceptions.

As particularly applied to this instance suit, Tong victim pro se litigant has been strictly construed the Tort Claims Act, since it is in derogation of Federal government official's misconduct of violations of Tong victim's constitutional rights for the Federal government's slander fraud, libel, Defamation. There is Tong plaintiff's lawsuit does fit which is the statutory exception of such particular kind of claim for slander fraud, libel, Defamation to Federal government wrong on Tong victim for Human trafficking crime.

In construing a statute, the Legislature intent to have enacted the statute within the bounds of the Constitution § 12-2-1 N.M.S.A. 1978. The Legislature did not intend to condition its waiver of sovereign immunity for certain torts by prohibiting a plaintiff's Federal rights. The denial of a plaintiff's Federal law rights by a state would be in violation of the supremacy clause of the United States Constitution, which states: "This Constitution, and the laws of the United States which shall be made in Pursuance thereof, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Law of any State to the contrary notwithstanding."

See the USDC NM, Chief Judge Christina Armijo's Final Judgment on 11/03/2015, in page 2: On 8/26/2015 this court entered its memorandum opinion and order dismissing Plaintiff's claims against the United States and Ida Antonio Hungen and Luis Martinez, who are both Assistant United States Attorneys. Here is Judge Armijo deliberate to smother up facts is Ida Antonio Hungen is the SIA F.B.I. of the United States, why USDC NM, Judge intentional ignored it facts? In that there's the "state interest". The court also dismissed Plaintiff's claims arising under Federal law against New Mexico. Additional page 44 of "statement of the case"

the United States

Defendant requests the Court to strike Plaintiff's Proposed Amended Complaint or to deny her leave to file her proposed Amended Complaint on the grounds of Futility... because both Assistant United States Attorneys Luis Martinez and Special Agent Ida Hanger are immune from suit (Judge Armijo changes another the word F.B.I. for Ida Hanger, F.B.I.) which page 11. In response, Plaintiff mostly repeats the allegations which form the basis of her complaint based on the nature of the claims which she brings, the defendants are not entitled to immunity.

But then, Chief Judge Armijo cited of conflicts with a case law is Hartman v. Moore (2006) (stating that a prosecutor is absolutely immune from liability for the decision to prosecute.) That Mr. Martinez is entitled to absolute immunity with regard to his decision to prosecute Ms. Tong. Such case law not apply for Tong instance suit, it of conflicts with statute, common law, and constitutional provision. Then, see, Tong victim pro se litigant feel so sad for a Armijo of Chief Judge USDC NM position, which she cited another case law of conflicts with statute, common law, and constitutional provision also. "As to Agent Hanger, the United States argues that she is entitled to 'absolute quasi-judicial immunity' for the execution of the valid arrest warrant, citing Zamora v. City of Belen (D.N.M. 2005). While this may be the case, the United States did not attach the warrant to its Motion, and the court believes that such issue requires a factual record." which page 11.

Nevertheless, on the instant Chief Judge of USDC NM then stated: "...considering Federal Rule of civil Procedure 12(b)(6) in addition to the immunity doctrines raised by the United States, the court agrees with the United States that allowing Plaintiff to amend her complaint would be futile." which page 11. Which page 10, Chief Judge stated: "The court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). There's Chief Judge did misapplication of law, abuse of process. In Tong instance case, it of conflict with statute.

In which "However, the Court" may deny leave to amend where amendment would be futile. Jefferson City Sch. Dist. No. 2 v. Woody's Investor's Inc (10th Cir. 1999) - It of conflicts with the case law. It of conflict with statutes. It of conflicts with constitution provision of this Tong instance claims.

Whereas Chapter 37 limitations of actions provisions of § 37-1-4 - § 37-1-8 were examined to determine that Tong victim pro se litigant's original complaint for violations of Tong's civil rights, constitutional rights, which Tong Plaintiff's original Complaint being sufficient to allow "relation back."

- Violation of civil rights is timely file within three/four years from the date of the alleged injury. Tong's instance claims against federal government officials FBI, Ida Hanger and Assistant US Attorney Luis Martinez were more apply governed by the specific limitation provisions of § 41-4-15 of the Tort claims Act than by the general statute of limitation, § 37-1-8, for injury to the person, here for deeply injuries Tong victim innocence of federal government. Therefore, the two year limitation of the Tort claims Act applied.

In De Vargas v. State ex rel. NM, the supreme court's view that an action against a governmental entity is included in and controlled by the Tort claims Act.

In Galvan v. City of Albuquerque (1975) in cases concerned with an earlier and later statute where the later statute is so clear and explicit in its words to cover the whole subject, and therefore to displace the prior statute, the later statute will prevail. There's apply to Tong instance suit. The more recently enacted Tort claims Act embraces within its term every governmental entity, including cities, towns and villages. Section 41-4-2B and C, supra.

INDC Judge Pomeroy's order 5/21/16: Plaintiff lawsuit is based by the Tort claims Act. Then Neil Gorsuch circuit Judge entered for the court on 6/16 - no affirm the district court's ruling and well-reasoned judgment. Additional page 12 of "Statement of the case"

All of these "clear and explicit" terms within the Tort claims Act exemplify the intent of the legislature to bring within that Act all of the laws relevant to claims any local public body / its employees. Especially relevant to the innocent victim of Federal government's to claims against Fort. Ida Antonio Hanger and A. U.S. Attorney Luis Martinez and New Mexico governmental entity.

USDC, NM, Armijo abused of process as she stated: "A proposed amendment is futile if the complaint, as amended, would be subject to dismissal." And which The Conflict is Patent.

Claim Alive when action Filed - Eng's instance suit counter claims Filed on 12/29/2014. First Amended Complaint Filed on Jan. 2015. right afterward Eng gain over acquittal verdict on 10/23/14. Compulsory cross-complaint/counter claim against plaintiff.

"Relation back" doctrine: A counter claim that is subject matter related to the plaintiff's complaint (here is Federal government prosecution) (i.e. a compulsory counter claim) "relates back" to when the action was commenced for statute of limitations purposes [Trindade v. Sup. Ct. (Jacolic) (1973); Sidney v. Sup. Ct. (Kinoshita) (1988)]

Rationale - plaintiff's commencing an action tolls the statute of limitations on defendant's causes of action against plaintiff that are "relating to accident upon which the complaint is brought". In effect, plaintiff's action waives any limitations statute that would prevent defendant from making a proper defense [Trindade v. Sup. Ct. (Jacolic), supra; Luna Records Corp. v. Alvarado (1991)] After judgment, recovery on unrelated "related" claim barred: If the claim has still not been pleaded by the time the case goes to trial, judgment in the action will bar later recovery by defendant on the "related" claim. [CCP § 426.30; 6:550-6:555]

Eng's instance claims is compulsory counter claim for malicious prosecution, for Tort claims Act, is acting in good faith. Even on "eve of trial" leave to file compulsory counter claim mandatory absent bad faith [CCP § 426.50; see Silver Organizations Ltd. v. Frank (1990)]. The other view is that courts have no discretion to deny absent findings of bad faith based on substantial evidences.

Here Eng's instance claims based on event of great significance, substantial evidences. But the law strongly favors granting leave, see Sidney v. Sup. Ct. Kinoshita (1988)

Herein USDC, NM chief Judge Armijo and D.C. NM Honors denied, dismissed Tony plaintiff's amended complaint for which there order of conflicts with statute, case law, common law and constitutional provision as affirmative strictly construed within fully set forth therein. Then circuit Judge Gorsuch entered for the Court which affirm its. That these Judges acts of Judicial malfeasance which deliberate violation of law; violation of the state, of federal constitutions. Those potential Judges acts without jurisdiction.

Relief granted: At any time during the course of the lawsuit, the court retains power to permit defendant to file amend a counter claim to avoid forfeiture of defendant's "related" claim. If the proposed counter claim is permissive, leave of court may be granted "in the interests of justice" at any time during the course of the action (CCP § 428.50(c)).

Whereas USDC, NM chief Judge Armijo state in page iii: "A proposed amendment is futile if the complaint, as amended, would be subject to dismissal." This is was not only Judicial malfeasance's abused of process is paradoxically baseless argument, but this is the act of Judicial malfeasance's. Additional page 7 of statement of the case.

CONSPIRACY

Absolute privilege defense applied that Eng victim innocence of Federal government officials did compulsory counter claims is the used of the press as a conduit to communicate additional mass tort litigation may be reasonably related to the object of the completed judicial proceeding.

Such experience from Federal government prosecution caused Eng innocence victim much mental suffering which made a mental note of mental cruelty for ever life.

Compulsory counter claims could come before Eng innocence victim only after every other legal remedy has been attempted. As the great weight of authority is to the effect that special damages are essential to cause of action from Federal government's slander fraud, libel, defamation wrong on Eng innocence victim of Federal government actual damages and.

Whereas, USDC NM chief Judge Ramirez stated, imposed in "Because the FTCA constitutes a waiver of the government's sovereign immunity, the notice requirements established by the FTCA must be strictly construed." - Why not? Throughout Eng victim litigation's Amended Complaint, pleadings, motions, statements to the courts were be substantial strictly construed, revealing, exposed, unmask to the federal government committed fail in FTCA. If not, if USDC NM Ramirez does not recognize that merely Judge acts of malfeasance conspiracy. Eng plaintiff's Notice.

These Federal government defendants and Federal D.C. NMCA, USDC Judges cannot be insulated from this egregious conduct more because their lies and lies, then they could be part-

icipated conspiracy to denied, to dismissed Eng innocence victim of Federal government's amended complaint. Eng is quite entitled to be heard such Eng's claims on the merits. In entitled for a hearing.

The Tort Claims Act does not prohibit a plaintiff from bringing an action for damages under the Tort Claims Act where the plaintiff also pursues, by reason of the same occurrence, an action against the same government under 42 U.S.C. § 1983.

In those cases where tort damages will constitute a portion of the damages for deprivation of a constitutional right, general principles against double recovery will prevail.

By Fair means and by Fair play, as the principle underlying the rule that a statute of limitations is suspended by the filing of the original complaint is that defendants has thereby waived the claim and permitted plaintiff to make all proper defense to the cause of action plead.

(*Teinidade v. Superior Court* (1973))

What is more, as the Federal government officials defendants Fraudulent of affidavit, transcripts; falsify of warrant arrested; falsification of Federal Jury indictment; deceitful, to force distort the truth, to contort a word from its proper meaning of the Federal government's tapes recorded, which to the fraud of created will Federal government's witnesses fraud for the Federal government case for a trial. . . . Actually still more. . . . but just that is satisfying that the Federal government defendant's attempted on Eng innocence victim's life, and which committed violations mass tort, mostly of amendments to the United States Constitution as recount therein.

There could be written up against all those potential Federal defendant and all New Mexico Judges involved Felony For Failure to Prevent such violations.

Every person who, having knowledge that any of the wrong conspired to be done, and mentioned in

Additional page [B] "Statement of the case"

the preceding section [42 U.S.C. § 1985] are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses to do so, if such wrongful act be committed, shall be liable to the party injured, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case?

31. As common law, Federal government officials if false to attempted to someone's life committed violations constitutional, wrong doing which wrong does, so that they still must be compelled to Facing a Trial by law, to bring them to Justice, with which before the tribunal of public opinion, that must be the same way as the common age. So why Federal government sovereign immunity must be special apply for them? As such where is United States's Justice? And then in the course of such misconduct, wicked, crafty character, yet, then they are still enjoy the Federal government sovereign immunity? NOWAY. It should be abolished.

32. Such as all New Mexico Courts together with participated of Tenth circuit court of appeal acts was not only deliberate ignored laws of the United States but furthermore those courts acts of Repugnant to the Constitution of the United States, statutes provisions, at that those courts abuse of process set up which irregularity involved in this instance, lawsuit, for the courts interest.

33. Such Judicial acts intentional ignored all substantial evidences with justified of Cong innocence victim pro se litigant which affirmative claimed under the Constitution of the United States. Such Judicial acts of united succeed such Federal government agencies defendants purpose misusing the process in advantage over an innocence victim pro se litigant that Judicial sought misuse of power authority exercised under the Federal government of the United States, in which Judicial commission held for deprived Cong innocence victim pro se's constitutional rights, privilege, immunity.

34. It's of consequence that those Courts, Judges, chief Judges intentional test for Failure to prevent such Federal government officials defendants's violation constitutions of the United States by wrongs conspired to prevent a First Amended Complaint of Cong innocence victim of the United States, its Amended complaint pro se litigant brought for violations of Cong victim's constitution rights, pursuant to 28 U.S.C. § 1331, et al., plaintiff Taunmy Cong alleges as follows: 1. Jurisdiction is conferred upon this court by 28 U.S.C. § 1331 (Federal question) and 28 U.S.C. § 1343 civil rights. On which the case title - "Tu My Cong, v. The State of New Mexico; the governor Susana Martinez; an individual Ida P. Antonio Hanger; Luis Martinez" goes through the, Inclusive Defendants -

This is the compulsory counterclaim to the Federal government case title - "The United States v. Tu My Cong; Daniel Cuellar" For malicious prosecution

At times material herein, each of defendants named herein as does defendants was an agent employee acting in the course and scope of their employment of a Federal employee of the Federal Bureau of Investigation, of the United States Attorney's office, of the United States Governor's State of New Mexico.

Certainly they are, were an agent/employees of the United States government, acting under color of that authority, certainly they are the Federal employees of the Federal government the United States. See, Attached hereto Exh. 3, there are 2 pages of Certification of Federal Employee of the U.S. Attorney Damon Martinez. In point of fact, this Martinez was unlawful substitute sole party defendant with out an approval of the New Mexico Attorney General for head quarter, as when the Hall Additional page 9 of "Statement of the case".

is with him, with this Martinez, the ball of the Federal government officials FBI, Hungen and Martinez, ^{another} was unlawful, sneakily removed the case to the Federal Court. Just by themselves, with No any notice to Tong.

35. Despite the lack of evidence, Defendants refused to drop the charges and proceeded to prosecute. Tong victim, said criminal action was entirely without merit/basis in fact. These Federal government agents ^{fraudulently exercised under} employees of the United States ^{Power, these} intentionally, maliciously arrested without cause and without adequate evidence. This criminal proceeding was pending and hung over Tong victim's head, for nearly five years. From a date began implicit terrorism investigation on 9/29/2010 until after a full trial date 10/23/2014; whereas when Tong victim's innocence was acquitted on all charges from the Federal government of the United States, thence these Federal government agents/employees of the United States acts of disability, despicable, base soul within their tricks to unfair play wrongs conspired with the unfair Judges to dismiss Tong innocence victim prose's claims for Tort Claims Act. For Nine Causes of malicious prosecution.

36. For which hard facts showing these Federal government of the United States professional defendants' maliciousness, wickedness actions, maliciousness of process, maligant discrimination with a hate crime, it's caused Tong innocence victim were in excess of their authority; Statutory construction principles with the exclusiveness of remedy provision of the Tort claims Act; commission held which Federal government of the U.S.'s slander fraud, libel, Defamation for human trafficking crime.

Tong innocence victim ^{is claiming} Amended Complaint was filed for which the Federal government of the U.S. were purpose and motivation in so misusing the process in excess of their authority exercised under constituted a violation of Tong victim's rights under the United States Constitution, specifically the First, the second, the Fourth, the Fifth, the Sixth, the Eighth, the ninth, the tenth, the Fourteenth, the Fifteenth Amendments ^{with all damages} heretofore.

37. Tong innocence victim's instance claims to claimed, was filed for damages for personal injury under the Tort claims Act § 41-4-1 through 41-4-29 N.M.S.A. 1978.

Actually, in about section 41-4-12, N.M.S.A. 1978, waives immunity for certain specified torts and for the violation of constitutional rights when caused by law enforcement officers. But all courts ^{these} ignored laws.

38. Actually, and then the legislature also acknowledges that a constitutional deprivation may be remedied in a jurisdiction other than New Mexico, see 41-4-20(A)(1)(b), N.M.S.A. 1978, provides coverage for every "risk" for which immunity has been waived under the Tort claims Act, including "excess" liability for damages arising under the substantive law of a jurisdiction other than New Mexico, including the United States. Since a tort from a constitutional violation, it is reasonable be fully compensable under the state remedy for a tortious loss. Evidently such the Federal government prosecution, deprived Tong victim's rights of life, liberty, violated due process of law U.S. Const. and 14th ^{State} presented Ranger malfeasance Kicked Tong victim out off the business, out off the owner position had been build up in a hardship during years in life. Deprived Tong victim's rights of meaningful access to the courts is a right of fundamental importance in the United States of Justice, deprived Tong victim's rights to petition the government for redress of grievances, as guaranteed by the First Amendment to the U.S. Const. and also is protected by the provisions protecting due process of law, as set out in the Fourteenth Amendment to the U.S. Const. in Article II, sec. 18, of the New Mexico Constitution. Board of Educ. of Carlsbad Mun. Sch. v. Harrell (1994).

39. The record is clear that the objections were made.

- Due process - Equal Protection in law at its most basic level requires that any litigant have a right to a fair hearing with a unbiased Judge who applies procedural rules fairly between the parties and in a proceedings that is neither unreasonable nor arbitrary. (Hardware Dealers v. Glidden Co. (1931) - Tong had none hearing in this instance suit.

A hearing on Feb. 2016 it was only for Attorney general NM defendant argued to dismiss by complaint for service of process. A hearing on 4-27-16 it was only for NM Attorney general argued to dismiss which plaintiff False to state the claim with belief could be granted.

See in it reporter transcripts the court asked Tong: "Do you what's means of this hearing today?" "Yes, your Honor, the hearing today just for Attorney general argument his motion to dismiss."

40. Tong innocence victim aggrieved pro se litigant petition please requests the U.S. Justice Supreme Court to determine the Federal - state government officials prosecutors intentional violations of Tong's constitutional rights. These rights as expressed in the Federal Constitution has been abridged by the Courts in New Mexico, Colorado. Even though these defendants could not and did not respond, objection, opposition, deny, cross complaint to its severe claims.

wherefor Tong petitioner seeks this U.S. Supreme Court's acceptance of the case to protect victim pro se litigant's rights under the U.S. Constitution.

Furthermore on the record showing that these potential defendants NM Attorney general have had nothing certain evidence. Neither for Defense, Nor for Cross Question Tong pro se as such extremely publicly Unmask. Exposed which severe Revealing them. Excepted such defendants' arms consecutive intimidate in created danger ambush Tong victim of life since 10-29-2010 till now January 2018.

41. Is then List of a considerable amount of these a list of Amendments to the United States Constitution, total are 10 (ten) there's showing that Tong victim pro se is Entitled to Relief.

Hereupon is For hard Facts that during in three years implicit, suppressed for terrorism investigation since 10-29-2010 untill 3-05-2013, then without evidence to condemn Tong victim for human trafficking crime, nonetheless, the Federal government prosecutors FBI, DA Antonio Hanger and Assistant U.S. Attorney Luis Martinez still wicked to executed a wrongful arrested Tong on a sudden in a mass right inside 747 tong air plane in LA-CA international Airport at 5PM/ 3.05.2013. Then threw Tong into Federal Central Court House LA-CA in which Felony Room 28 hours. That within a False bail \$ one million to suggest.

The Federal Court, the Judge Rosenberg (Felony Dept.) set Tong Free to home with none of bail and with which Free to back and forth between the states.

The Federal government of the U.S. violation Tong's right of 4th Amend. Const. U.S. on which exemption from unreasonable searches and seizures of one's person, house, papers, effects 4th Amend. - By the use of the color of this ordinance, Defendants have deprived and threatened to deprive Tong of the privileges, Immunities U.S. citizen and continue to threaten to deprive Tong and others of Tong's rights under the First, 4th, 5th, 9th, 14th Amend. Const. U.S.

Additional page (Of "Statement of the case").

that on 6.19.13 defendants fraudulent to a summons the Federal grand jury to indict Fong on Tong 2013, plus \$1M, punishment.
For the unreasonable searches and seizures condemned in the 4th Amend are almost
always made for the purpose of compelling a man to give evidence against himself, which in
criminal case is condemned in the 5th Amend. "Defendants' invalid warrant made out under oath."

2. That compelling a man in a criminal case to be a witness against himself,
which is condemned in the 5th Amend. Defendants to hatch a plot that were pretending
a translators for the Hispanic couple accusers ^{called for} keeping Tong for them and their other
two brothers still looking to work for Tong, and their Defendants intentional tort to created
these Tapes record fraud to be used in evidence against Tong.

As immunity from self-incrimination was recognized in the 5th Amend, and placed
beyond violation by these defendants, it should be deem one of the immunities of citizen U.S., and
the U.S. Supreme Court may find which were dictated by the jealousy of the states as further
limitations upon the power of the Federal government, it is found in the Fifth.

3. Although Federal government of the U.S. began investigation on Tong during in three years
then play wrongful arrested on 3.5.2013 which none of any testimony Tong, even though after arrested
still not ^{had} testimony testify until the trial on 10.23.2014. Yet, in the trial, the Federal government
still tried and tried to kick Tong out of the Court room with just let the defense counsel
handle the case; Tong violent requested to substitute in pro se; but the court was only
accepted in about 30 minutes; until their defense counsel Russell Clark jumped back
to substitute in again without Tong consent.

That the Federal government ^{the government case} was attach significance to serious things that Tong
should revealing, ^{the government case} ~~unmask~~ to the jury on court record.

"The trial by jury, guaranteed by the 6th Amend. That in all criminal cases the
accused has the right to be heard by himself, to demand the nature and cause of the
accusations, to have compulsory process for witness in his favor" - here, Federal government
had been threatened with prohibit Tong's witness is Loi Nguyen to be witness for Tong in the trial,
in conjunction with Force Loi Nguyen to admits that Tong has been commit of human trafficking
crime; when Loi Nguyen asserted to resist them with raise a strong protest, at once, the govern-
ment extradited him to detain him in confined within four walls in a Hotel La Quinta, Las
Cruces, at room 122, on 8 PM - Oct. 22 - 2014 until 8 AM - Oct. 23 - 2014.

About after midnight 10.22.2014, some one with the key tried to open it hotel
room 122, but luckily Loi did safety chain lock inside door. That person leaved in quickly.
But Loi marked a note in his mind that the Court's appointed investigator Jim Han (for Tong
defendant (!)). he is the one drove Loi to La Quinta Hotel, he book the room 122 and asked
the receptionist which book for 2 (two) beds and need two (2) keys - After the trial
done - A four-days trial's sensation Facing the set of the public feeling, within the court
room was crowded with people, with Journalists - that Tong and Loi Nguyen came to a
Quinta Hotel asked for camera video and call L.C. police to a report on 10-24-2014.

The Federal government deprived Tong's right to meet the witnesses against Tong
Additional pages (2) of Statement of the case".

Face to Face and to have ^{to} confront the accusers to look straight in their eyes; to obtain witnesses; to be notified of the accusation; the right to a fair and speedy trial.

That the truth facts it is although federal government malicious prosecution. Tong victim with invalid warrant, improbable cause, wrongful arrest but still malfeasance set Tong imprisoned a probation sentence in Tong's business (Tong live on the second floors of the shops) in almost 2 years long. Thus, the federal government ^{however} was not stop here, the US DC of the United States, NM, ordered the Federal Forensic competency Evaluation mental status Examination to stand trial on April 16 to April 22, 2014. This shameful experience caused Tong much mental suffering, cruelty. But a serious matter attempted to prolong a criminal trial, Federal court's government could excessively delay the trial for its own advantage which reason to press upon Tong's mind for forced Tong to a plea guilty of one charge for dismiss a trial. Such degree of prejudice to Tong which the delay has caused.

That the federal government ^{of the U.S.} was violation of Tong's right of 6th Amend. Const. U.S.

4. The 8th Amend. Const. Prohibits excessive fines and excessive bail, as well as cruel and unusual punishment, it applied all on Tong victim by federal government wrongful conduct set out first a bail \$1 one million for Tong suggest to the Felony Dept. LA - CA ^{federal} court, within set out almost two years in probation sentence for Tong inflicted.

That the people shall be secure in their persons, papers, house and effect from unreasonable searches and seizures and that no writ shall issue for its without a probable cause of guilt is made out under oath. Here, without, none probate officer sworn on the warrant, the arrest false by Judge Rosenberg of Dept. Felony LA - CA decided, whether federal-state NM government still posted their charges wrong on Tong for Human trafficking on Ruidoso news paper, right at the Town Tong do business.

That the federal-state government of the U.S. was violation of Tong's right of 9th Amend. Const. U.S.

5. The 10th Amend. Const. Reinforces the principle of federalism by stating that the federal government possesses only those powers delegated to it by the states or the people through the Constitution. Here, the federal government principle power by insulated from employees; states egregious conduct more because their lies and other conduct caused a commonage, an innocence victim inflicted their wrongful arrest, imprisonment by the government fraudulent affidavit, to the fraud of conspiracy with their witnesses in which the federal government case - The United States of America vs. Guanyong - Daniel Cuellar. But then dismissed Cuellar charged before the trial for exchange Cuellar's lies testimony against Tong in a Jury trial. By the F.B.I (S) in fraud of lies tried to caused Tong victim in self-incriminate into federal government's F.B.I-Trap. Here as a hate crime on Tong victim, otherwise perverting the Justice system. *

That the federal government case - The U.S.A. v. Tong, Cuellar was NOT GO THROUGH the constitution of the United States. It go through the back door then hop it, to hook it after the government burnt Tong victim of life.

That the federal government of the United States was violation of Tong's right of 10th Amend. Const.

* There must be some trick about that Co. defendant Cuellar have none of Property for Government Possesses.

6. The Second Amend. Const. U.S. Protect the right to keep and bear arms. Such the Federal government case. The U.S.A. v. Tsoumyong. Cuellar. had have been set. Tsou victim under government's arms. That is Tsou innocence victim be compelled inflicted the government's terrorism implicit investigation during three years long then after the trial done, though Tsou got an acquittal verdict, the government still pressed on Tsou off life in forced Tsou leave the Town being do business, deprived Tsou's right to exercise Tsou Trade. While Tsou keep appeal to help that Tsou is staying in ambush by defendants in suit, still the Courts, the Ruidoso police, the government keep ignored that...

But in the contrary the New Mexico governor is quite clear then involvement matter by the state's interest. As on August 2016 that NM governor Susana Martinez was on a sudden intruding into Tsou plaintiff's business, in the course of she's the defendant of being lawsuit, so, NM governor trespass plaintiff's property. If, NM governor was not came for to arrive at a compromise, so that she came for pro be. Such NM governor defendant pro be which government's arms, that to compromise herself. Obviously, NM governor Susana Martinez was intrusion Tsou's fundamental rights, which the right of people to keep, being necessary to the security of a free state and bear arms, shall not be infringed.

That the Federal-state government of the U.S. violation of Tsou's right of Second Amend. Const. 7. The 9th Amend. Const. U.S. protects rights not enumerated in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Here the government denied Tsou's right of particular privilege which disparage Tsou's Face in Ruidoso Town, to be violated was that of pursuing freely Tsou chosen Trade business. As per an actual fact that Federal government malfeasance acts to posted on Ruidoso News paper Tsou owner Ruidoso shops arrested by FBI, for human trafficking crime - The state created danger by government's Trick's Kicked Tsou victim innocence out off Tsou's business, Tsou's property in Town - created it to play Foul raised Tax audit wrong on Tsou's shops, even though Tsou always paid Tax monthly and yearly on time with did not owe any government for Income Tax, but NM governor bill to Tsou on Sept. 2017 it Tax audit \$20,000. something so far. The Ruidoso police ^{intentional} arrested Tsou, threw Tsou in Police Department's Jail in six hours that by the issue of the store's sign letter on the left wall do not removed by the Village of Ruidoso demand. In the event of fact, it store's sign letter already removed, the chief inspector Shawn Ford came for removed his Red tag stuck right in front door of Tsou shop on first week of Sept. 2012 but he forgot to make a sign off, then police came for arrested on 10.30.2012 here's a Hollywood date - Ruidoso police were round-up Tsou's car and Tsou's shops on May 25/2016 that for the traffic ticket when Tsou just made a left turn into Tsou's shops as usually as everybody during 8 years Tsou do business in this Ruidoso Town. There's was Five police's cars round-up on Tsou at that moment. Extremely on Sept. 28. 2016, three month later, the MVD/governor Susana Martinez sent to Tsou a notice "Point Accumulation warning" that is "Your point total has reaches a critical level which the division has received a Report of conviction." Still much more, but the length of writ limit pages, so, I need list

Additional pages (14) of statement of the case.

Two more this problem, it is on May 4, 2017. Ruidoso police in the aftermath siege upon Tong's shops based upon an unwarranted effort to forcibly evict Tong from commercial premises to which Tong holds an equitable interest. That those officers implicated in, conspiring to, attempt to intimidate, and thus dispossess Tong from my equitable interest, were accompanied by agents of the seller, a paralegal of the Ruidoso law firm, who were all bent on emptying the premises; that incident happened while Tong just came back to Tong's shops in couple hours from CA.

An extraordinary that the Lien was Flow from the government lawsuit. The U.S.A. vs. Gu My Tong was still implicit Lien on Tong personal name, credibility, that tie up Tong for apply to any Loan so far. Sec. 61.2-9, N.M.S.A. 1953 Comp., reads in part: "no Lien provide for in this article binds any building, mining claim, improvement for longer period than one (1) year after the same has been filed."

That the Federal State government of the U.S. Violation of Tong's right of the 9th Amend. Const. 8. The 15th Amend. Prohibits the denial of the right to vote based on race or previous condition. Nevertheless Tong's right of the U.S. citizen ^{have the} 2012 has been abridged by the U.S. by NM state at NM, Ruidoso, convention center's Ballot Room that without governmental's accountable to Tong of that problem. At that time Tong know nothing at all about it. FBI implicit investigated, about the problem from the Hispanic couple aliens, god! Tong doesn't know chalk from cheese. That date I went there with my hero dog is Kibi.

That the Federal State government of the U.S. Violation of Tong's right of the 15th Amend. Const. 9. The 14th Amendment defines citizenship, contains the privileges or immunities clause, Due Process clause, the Equal Protection clause. No state shall deprive, abridge the privileges-immunities of U.S. citizen of life, liberty, property without due process of law - deny any person within its jurisdiction the Equal protection of the laws.

denial First, the Courts in this Tong instance claim acts without jurisdiction. That these Courts deliberate to hear Tong claims, Violated the procedural as Courts's denied Tong victim prose's Relief sought. Just by Judges' deliberate ignored it. Denied Tong's Writ of Mandamus. Ignored Tong's motion to Address the substitute of Defendant's brief. Request Panel of Judges' Writs. This by the Court's order both side to submit in the premise at USCA tenth circuit, Tong file it motion timely then expected the Court's advise to it, though defendant US attorney unlawful, illegal substitute party then did not and could not address the substitute of Defendant's brief; still This court's simply ignored it matter of case. Tong Re File motion request to hear it matter, This Court's still declined it with thanks.

But all This Court's deliberate ignored Tong's motion necessitate Relief sought. Court's intentional ignored it.

Tong Filed motion Judgment on the pleadings before the hearing for defendant's oral argument hearing his motion to dismiss. Third Judicial District ignored it and advised by law motion Judgment on the Pleading would be treat as motion Summary Judgment, as such Court's ignored it, it is denial. Denial of it kind of motion on Tong's qualified immunity privileges to be hear it result, there must be reviewable. Cohen v. Beneficial Loan Corp. (1949).

How that rule should be implemented? May it rule allow for Tong's suit?
When Tong aggrieved pro se timely appeals from "any Final Judgment/decision, any
interlocutory order/decision which practically disposes of the merits of the action, or any
Final order after entry of Judgment which affects substantial right" enter by these courts in
instance suit. That statute confers jurisdiction on the appropriate appellate Court denied
Tong's pleadings there is denied Tong's qualified immunity civil rights claims?
is then quoted, if this is so quite clear Court's fundamental principle error but if Tong
victim pro se filed a writ of error, these court still ignored it, denied it. These Courts violated
Tong's right of procedure.

These Courts lack of ethical consideration Tong aggrieved pro se's principal claim
on the merits of this appeal that these courts erred in refusing them qualified immunity from
Tong's First Amended Complaint, and being recent Second Amended Complaint which
the operative fact request for a qualified immunity as to Tong plaintiff/petitioner's FIRST
Amendment claim - on those facts, Tong had have strictly construed, which substantial
allegent repeatedly set forth by detail through general to state the claims which Relief could
be granted, but These Courts deliberate as conspiracy ignored plaintiff's version.

That These Courts intentional unanimous denied Tong's First Amend. prohibiting
the petitioning for a governmental redress of grievances. These Court erred for denied a
benefit to Tong pro se on a basis that infringes Tong constitutionally protected interest.
especially, Tong's interest in freedom of speech on such Tong's pleadings/motions its covering
Tong instance suit it revealing the Federal-state government of the U.S. - The Courts - The U.S.
officials like a blanket.

The requirement that the Courts' orders sought to be reviewed implicates rights
that will be irretrievably lost, absent immediate review and regardless of the outcome of
an appeal from the final Judgment. the right to petition Congress for a redress of grievances.

These Courts' deliberate ignored with obstruct the justice the right to inform the
United States authorities of violations of its laws.

Tong aggrieved pro se is an innocence victim of the Federal-state government Courts
upon the deprived due process - equal protection of law with unsecure from the arbitrary
exercise of the powers of government, unrestrained by the established principles of private
rights and distributive Justice. - Bank of Columbia v. Okely

These Courts' proceedings as to the qualification that such procedure must
not work a denial of fundamental rights or conflict with specific and applicable
provision of the Federal Constitution - West v. Louisiana.

That Free communication of thoughts and opinions is one of the inviolable
rights of Freeman, and that every person may freely speak, write or print on any
subject, being responsible for every abuse of that liberty.

That the Federal-state government of the U.S. violations Tong's rights of the 14th
Amend. and the 1st Amend. of Const. of the U.S.

REASONS FOR GRANTING THE PETITION

Petitioner asserts that Tong is innocence victim of the U.S. government's case "The United State v. Tou Huy Tong and Daniel Cuellar"

That Tong victim was wrongfully prosecuted without probable cause, that Tong was denied due process because Tong victim was never given an evidentiary hearing throughout the civil proceedings and that Tong was denied equal protection under the law in violation of the U.S. and state Constitution because Tong is a Vietnamese American speak broken English Ignorance English

In short, Tong was an innocence victim of the government's wrongful actions and review must be granted to secure Justice

(Please see following pages for a detailed recitation of petitioner's claims and reasons for granting this petition.)

REASONS FOR GRANTING THE PETITION

This is a matter Long petitioner/plaintiff's innocence/victim of Federal government by the Federal government lawsuit inconsistent with the law, absolute. Then the state, the New Mexico inferior Courts participated exercise their orders inconsistent with the law, absolute.

Especially that the NMSC which the NM Courts' s Team, Factional, that Judicial act of prejudgment this instance suit, to have ^a prejudice against Petitioner's claims, then just have a prejudice in favor of defendants. That the NMSC's order on 6/12/2017 was be in conflict with NMSC's order on 8/24/2017. As strictly construed, set forth in petitioner's Objections attached hereto on 9-02-2017.

By law petition Filed on time motion "Second Amended Complaint" right after this NMSC's order Denied on 8/24/2017 within substance Request for an hearing that petition never ^{either} have in New Mexico Court nor in Tenth Circuit Court Colorado. NMSC just simply ignored it "second Amended Complaint" - petitioner Filed "Objection and Requests for Judicial notice with evidences. NMSC ignored it also". In brief NMSC did not and could not address/advisement to any petitioner's pleadings/motions to this Court, then eventually is and fearance denied of those.

Notably that NMSC ignored petitioner's revealing that NM inferior courts, Judge's order/Statement/opinion which Court's motive of lies, that's not right, That's conspiracy of the NM Courts.

There's will be effect the next other cases in the future toward the other Asian American citizen immigrant shall be victim of the Federal, the state government, it no doubt. If this instance suit still be under Federal/state government deprived pro se litigant's rights of Due process and equal protection of law.

As petition affirmative, asserted to expose, unmask, reveal, disclosure to all the NM Courts/Judge's orders abuse of process, deliberate violation of the Federal and the state Constitutions, with which their decision of them are in conflict with the decisions of other courts. That petitions has been construed set forth, objection in petitioner's objection to the USDC, Judge Armijo/NM and to the NM Third Judicial D.C. Romer, and to the NMCA Judge Zamora, and previously to the Tenth Circuit Judge Neil Gorsuch also.

There Judge acts as Judicial acts without Jurisdiction.

The broad facts Long petitioner is innocence/victim of Federal government prosecution, Fraught with danger, which at Fault of exposure truth. An exposure truth there's the Lies of the Federal government officials/defendants, and with which the Lies of the Judges - inferior Judges.

Alone I must learn to broaden my horizon, day by day.

As the truth. Facts as the "state created danger" which petitioner's statements Filed on Factual Record. So A. Factual Fact that Petitioner pro se was, Long is staying under an ambush of defendants. To be in a critical stage.

Whereas the United States of America policy preserves the separation of power doctrine,

delivered in the Constitution to the branches of government, and upholds the integrity of US system of Justice. In a government by the people and for the people, it is to the people that accountability must be enforced.

Such problems with this innocent victim Vietnamese American speak broken English. Ignorance English is Tong with problems with the federal government. Truly its originate from the Federal government. It was raised from the federal government's lawsuit, prosecution of the case "The United States v. Tin may Tong and Daniel Cuellar" which carry out by the Federal government officials employees in the state of New Mexico Ida Hanger FBI and AS, US Attorney Luis Martinez; then consecutive involvement which state interest, state created danger from New Mexico governor Susana Martinez.

An explicit that if NM Mexico Ruidoso Town does not have a sign banner "America's democracy for who's victim of human trafficking" so, petitioner doesn't have had with such problems with the Federal government.

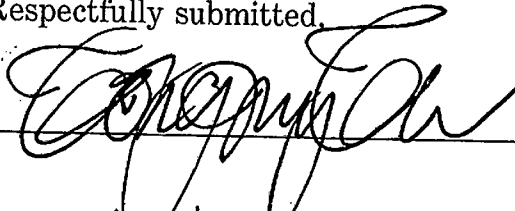
Though there's America, American's noble humanity sentiment, but that the federal government official employees were benefit by carry out it under their intrigue self interest, their cunning designs, their motive racial in justice. Here is Hispanic American persecution on Vietnamese American. There is the Hispanic Town, the Hispanic state (the most people in Town's business for Americans tourist from West Texas). As common sense, as nature law, to show the wind and reap the whirlwind. That we must fear of the law of causality.

CONCLUSION

Which common law, federal government officials are false to attempted to long petition innocent victim's life, committed violations constitutional, wrong doing which wrong does, so that they still must be compel to a trial by law, to bring them to justice, in which before the tribunal of public opinion, that must be the same way as the commonage. So why federal government sovereign immunity? * NO WAY. It should be abolished. Petitioner is respectfully petition this instance claims substantial for a "Special Supreme Court Hearing" under the Tort Claims Act, a malicious prosecution.

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: November 22, 2017

petitioner innocence victim prose
Tin May Tong

*

Especially, so in these federal government employees FBI, Ida D'Antonio Hanger; AS, US Attorney Luis Martinez were show their cloven hoof which such wickedness, wiliness, with which their extremely devilism as devildom, devilish, as such, that could be at once certainly destroy their federal government sovereign immunity. The United States, the federal government, the state government COULD NOT HIT and RUN! The U.S. government could not burned the people house and to hook it then hop it through the back door.

see additional pages of reasons for granting petition →

See following additional pages Reasons for granting the petition

1/ In this instance claims the NM governor ^{Enrique Martinez} within public employees
FBI, Ida D'Antonio Hanger and Assistant U.S. Attorney Luis Martinez, intentional tort, abuses of
process, malicious prosecution, malfeasance acts of fraud and conspiracy, deliberate
violation of the state and Federal Constitutions.

All these three defendants were ignored laws, ignored evidence, probate Fraud,
secret dockets, falsification of court records, misapplication of law, abuses of process.

2/ The NM governor Martinez knows full surely that the NM prosecutors FBI
Hanger; and Luis Martinez committed Failure in their prosecution wrongful asserted
Tong victim which an unlawful warrant, that during three years implicit, suppressed
investigation still get none of evidence, none of probable cause to convict Tong victim
of a crime by they slander Fraud, libeling of, defamation, wrong on Tong victim for a
subject human trafficking. That the charge could be motivated by malice, wicked,
discrimination within hate crime, and that the CHARGE to commit to be FALSE

NM governor Susan Martinez by her experience of over 25 years prosecution in
life, that she form a clear view of the facts that although the federal court
LA-CA Honorable Judge Rosenberg of Felony Det. was set Tong free to home without
any bail yet, notwithstanding FBI Hanger; A.U.S.A. Martinez still so craftly which
malfeasance to make a report on "FBI ARRESTED TWO Human Trafficking" - The NY
Times Ruidoso Nail spa - on 3/28/2013. - Which First Amend. U.S. Const. Defamation
stated: "American tort liability for defamatory speech" - Then actionable words, such as
those imputing the injured party: "is guilty of some offense, suffers from a contagious
disease or psychological disorder, is unfit for public office because of moral failings and
an inability to discharge his/her duties, or lacks integrity in profession, trade and business."

NM governor Martinez irrespective of those things, just as she had simply failing
to address Tong victim's statement to the NM governor which petition of Grievance, to
claim one's innocence against the NM prosecutors FBI Hanger; A.U.S.A. Luis Martinez.
That intension send to Mrs Martinez in before the trial of that the government case, "the
U.S.A. V. Tong and Cuellar."

At that, the NM governor Martinez simply disregard to response to Tong victim
Summons Complain which is named the NM governor Susan Martinez clearly in a lawsuit,
including ^{with not} Tong's motion Request for Default Judgment.

That NM governor Martinez deliberate deprived Tong victim's right to be secure
from intrusion. That Mrs Martinez Failure to Grasp a Governor's duty

3/ "First Amendment Freedoms are most in danger when the government seeks
to control thought or to justify its laws for that impermissible end. The right to think
is the beginning of Freedom, and speech must be protected from the government because
speech is the beginning of thought."

In process of time, this instance claims almost three years being Tong victim
pro se litigant was be at stake under NM governor's government direct threatened

Additional page (D) of Reasons For granting petition

and indirect menace to a victim pro se litigant in life, that the New Mexico state created danger as fully set forth in Tong's pleadings, motions on the court record.

Such as those imputing from New Mexico government defendants to the injured Tong victim pro se litigant that kill Tong slowly day by day which a wonder how longer he "alienated" by government?

4. Furthermore in which the state interest, NM governor Martinez deliberate ignored evidences of it serious issue that New Mexico government officials in the way of trial ^{publicly} abuses process to committed of aggravated assault. Tong's witness is Loi Nguyen by violence forced Loi Nguyen must to admit Tong is guilty of crime. It of bribery for ^{detainee} witness. The bribery for detain witness Loi Nguyen was based on assault threatening get none result from him. The other side of the shield that without the "pay off" of course, those NM government officials don't want action inconsistent with the law.

See as statutory misrepresentation in the indictment by fraudulent Affidavit; by fraudulent FBI's Tapes Recorded; by FBI's Forgery transcripts; by Assistant US's witnesses Fraud; by the hand of summons Federal Grand Jury to dispose of grand Jury indictment for Tong after a wrongful arrested; by falsification which lies in caused the Federal Magistrate Judge to issue an arrest warrant, ^{whereby} these NM government defendants did not and could not ^{unduly} ^{infringe} ^{on} their motion/pleading.

5. In view of the NM governor Susana Martinez deliberate misused of power authority, misused of the arm of the Law, malfeasance deprived Tong's right of an interest in liberty, property protected by the US Constitution. In conjunction with intentional in common design united the New Mexico Courts which time-serving factions in the state of New Mexico, it caused the NM Judges ignored to make a merit of the claims of suit, ignored to decide a suit on its merits.

So that state of New Mexico violated the second Amendment to the US Const. - "protects the right to keep and bear arms."

6. Pursuant to US Constitution VII, Tong pro se litigant respect alleged that the State cannot indirectly force a person to abandon his/her precepts of First Amend. Const. rights in order to qualify for the state benefit. *Shedbert v. Verner* (1963)

It is that these New Mexico defendants has been found to have acted fraudulently, and with actual intentional malice causing Tong victim injured, property damage, business suffer heavy losses, violation of rights, privileges, immunities secured by the constitution and laws of the U.S. and laws of NM.

That the NM courts failing into error without "look at the way the complaint is drawn to see if it is drawn so as to claim a right to recover under the Constitution and the laws of the United States." "Does not necessarily defeat a liberty-interest claim." *The Tort claim Act* section 41.4.17(A) provides the exclusive remedy against a governmental entity/public employee for any tort for which immunity has been waived.

under the Tort claims Act. The NMCA waives immunity for defamation and malicious abuse of process claims against law enforcement officers. ^{Quoted 1 time.}

Simultaneous pursuit of §1983 action not barred. The NMCA does not prohibit a plaintiff from bringing an action for damages under that act against a governmental entity or public employee where the plaintiff also pursues, by reason of the same occurrence or chain of events, an action against the same entity or employee pursuant to the Federal Civil Rights Act, 42 U.S.C. §1983. *Wells v. County of Valencia*, 1982 NMSC.

7/ "Moreover, because the NMCA includes: defamation and malicious abuse of process in its waiver of immunity for law enforcement officers" - NMCA - Sec. 41-4-4

"A governmental entity liability for any violation of property rights or any rights, any tort, privileges or immunities secured by the constitution and laws of the United States or the constitution and laws of New Mexico when alleged to have been committed by the public employee while acting within the scope of his/her duty."

"A governmental entity shall pay any award for punitive/exemplary damages awarded against a public employee under the substantive law of a jurisdiction other than New Mexico, including other states, territories, and possessions and the United States of America, if the public employee was acting within the scope of his/her duty."

• Within a point of Honor, within a point of conscience, that the GOVERNMENT CANNOT HIT AND RUN! No matter what.

See, *Silva v. State*, 1987 NMSC - liability of governmental entity for torts of employees. A governmental entity is not immune from liability for any tort of its employee acting within the scope of duties for which immunity is waived.

In this instance claims, it flows from a source of the governmental case. The United States of America v. *Benny Tong and Daniel Cuellar*.

8/ In the event of fact, that which ^{seriously} incident ^{consequence} happened that the New Mexico state created dangers, its certainly although such instance claims against the US government flows from the Federal government action for neglect created the Federal government serious criminal case for Tong victims. "The United States of America v. Benny Tong and Daniel Cuellar", but whence the Federal government failure in the trial - A four days trial's sensation facing the set of the public feeling, still the Federal government acts for neglect ignored the ^{important} matter Tong is innocent victim of Federal government to suffer the consequence of a wickedness, brutal of the Federal government wrongful arrested within ^{crashly} enforced set out probation sentence, even though the charged in which the Federal government's ^{Landes} Fraud, Libel, Defamation for Human trafficking crime, and still the Federal government involved of the wrongs conspired to be supported it news Tong owner in Buidoso shops' human trafficking to Buidoso News paper, as well as the Federal government intentional tort to blur, to black, to discredit, to dishonour, to be smirch on Tong's personal name and Tong business name and Tong's family children names.

For that reasons thence New Mexico U.S.D.C. Chief Judge Christina Armijo; and Tenth circuit Judge Neil Gorsuch; and D.C. NM Judge Rosner; and NMCA Judge Zamora; and NMSC Chief Judge

9. In this instance claims the NM governor ^{Susana Martinez} within public employees process, malicious prosecution, malfeasance acts of Fraud and Conspiracy, deliberate violation of the state and Federal Constitutions.

All these three defendants were ignored laws, ignored evidence, probate Fraud, secret dockets, falsification of court records, misapplication of law, abuses process.

10. The NM governor Martinez knows full surely that the NM prosecutors FBI Hanger; and Luis Martinez committed Failure in their prosecution wrongful arrested Gong victim which an unlawful warrant, that during three years implicit, suppressed investigation still get none of evidence, none of probable cause to convict Gong victim of a crime by they slander Fraud, libeling of, Defamation wrong on Gong victim for a subject human trafficking. That the charge could be motivated by malice, wicked, discrimination within hate crime, and that the CHARGE to commit to be FALSE

NM governor Susana Martinez by her experience of over 25 years prosecution in life, that she form a clear view of the Facts that although the federal court 1st CA Honorable Judge Rosenberg of Felony 1st was set Gong free to home without any bail yet, notwithstanding FBI Hanger; & U.S.A. Martinez still so crafty which malfeasance to make a report on "FBI ARRESTED TWO Human Trafficking" Tu My Tong owner Ruidoso Nail spa on 3/08/2013. Which First Amend. U.S. Const. Defamation stated: "American test liability for defamatory speech" - Then Actionable words, such as those imputing the injured party: "Is guilty of some offense, suffers from a contagious disease or psychological disorder, is unfit for public office because of moral failings and an inability to discharge his/her duties, or lacks integrity in profession, trade and business."

NM governor Martinez irrespective of that though, just as she had simply failing to address Gong victim statement to the NM governor which petition of Grievance, to claim one's innocence against the NM prosecutors FBI Hanger; & U.S.A. Luis Martinez that in tension send to Mrs Martinez in before the trial of that the government case, "the U.S.A. Vs. Gong and Cuellar"

At that, the NM governor Martinez simply disregard to response to Gong victim summons complain which is named the NM governor Susana Martinez clearly is a lawsuit including ^{later} Gong's motion Request for Default Judgment.

That NM governor Martinez deliberate deprived Gong victim's right to be secure from intrusion. That Mrs Martinez Failure to grasp a governor's policy

11. "First Amendment. Freedoms are most in danger when the government seeks to control thought or to justify its laws for that impermissible end. The right to think is the beginning of freedom, and speech must be protected from the government because speech is the beginning of thought." See enclosed "A statement to general FBI, DOT, Washington post-

In process of time, this instance claims almost three years being Gong victim Pro se litigant was be at stake under NM governor's government direct threatened

and indirect menace, ~~Tong~~ victim pro se litigant in life, that the New Mexico state created
Danger as fully set forth in ~~Tong's~~ pleadings, motions on the court record.
Such as those imputing from NM government defendants to the injured ~~Tong~~
victim pro se litigant that kill ~~Tong~~ slowly day by day which a wonder how longer he
"alienated" by government?

12. Furthermore in which the state interest, NM governor Martinez deliberately ignored
evidences of it serious issue that NM government officials in the way of trial ^{publicly} abuses process
to committed of aggravated assault ~~Tong's~~ witness is ~~hoi nguyen~~ by violence forced ~~hoi~~
nguyen must admit ~~Tong~~ is guilty of crime. It of bribery for ^{defendant} witness. The bribery for
delain witness ~~hoi nguyen~~ was based on assault threatening get none result from him.
The other side of the shield that without this 'pay off' of course these NM government officials
don't want action inconsistent with the law.

See as statutory misrepresentation in the indictment by fraudulent Affidavit;
by fraudulent FBI's Tapes Recorded; by FBI's Forgery transcripts; by Assistant
US's witnesses Fraud; by the fraud of summons Federal Grand Jury to dispose of grand
Jury indictment for ~~Tong~~ after a wrongful arrested; by falsification which lies in
caused the Federal Magistrate Judge to issue an arrest warrant, ^{whereas} these NM govern-
ment defendants did not and could not attach it warrant on their motion/pleading.

13. In view of the NM governor susana martinez deliberate misused of power, authority,
misused of the arm of the law, malfeasance deprived ~~Tong's~~ right of an interest in liberty,
property protected by the US Constitution. In conjunction with intentional in common
design united the New Mexico Courts which time serving factions in the state of New
Mexico, it caused the NM Judges ignored to make a merit of the claims of suit, ignored
to decide a suit on its merits.

So that state of New Mexico violated the second Amendment to the US Const.
"protects the Right to Keep and bear arms"

14. Pursuant to US Constitution ^{III}, ~~Tong~~ pro se litigant respect allege
that the State cannot indirectly force a person to abandon his/her precepts
of First Amend. Const. rights in order to qualify for the state benefit - ^{Shedbert}
V. Varner (1963)

It is that these New Mexico defendants has been Found to have acted
Fraudulently, and with actual intentional malice causing ~~Tong~~ victim injured, 91
property damage, business suffer heavy losses, violation of rights, privileges,
immunities secured by the Constitution and Laws of the US and Laws of NM.

Defendant never argued, objection, opposition, with none of question back,
or cross answer to ~~Tong's~~ pleadings/motion although that it is a serious revealing
unmask - exposed to the defendant's failure in wrongful conduct, malicious prosecution
wrong on ~~Tong~~ for human trafficking crime, with which a serious revealing that the
Courts/Judges stated a lies in their order-decision so far

15. For Fact-Finding, For the Fact Remains that the inferior courts/Judges's orders-
Decision which falsifications of statements. Notably that USDC NM chief Judge Armijo-
Christina; and NM DC Judge Mari Rosner; and NM CA Judge Monica Zamora were state-
LIES in their orders/opinions. That Tong innocence victim pro se litigant already to denounce
such matter of such the Judges are tell lied Those New Mexico Judges are a class! That the
Judges Liar! - That with all due respect Tong victim of Federal government - state government
has been repeatedly rendering ^{to be} through in which petitioner's pleadings/motions.

Ull now, those three Judges still keep silent on that point. Silence gives consent.
Whatever, Tong victim pro se litigant wants to break a silence.

That because of in case, if Tong victim pro se make material misstatement of
facts, this victim pro se may be prosecuted and punished by perjury.

So why such prosecuted - punished by perjury would not apply to those Judicial officers?
Whereas, Such those Judges to stated a LIES by which the Federal government officials to prosecute
a LIES, that is FELL. That is to attempted Tong victim's life which their FELL conduct
That's RACE is one. Furthermore that is their HATE crime.

It's so extremely FELL, that is NO WAY - NO LAW - NO RULE permitting wrongful
arrest interprise to benefit the Federal government officials from immunity. That their
argument is paradoxically-baseless, without those Judges's wrongful joined power of the
wrongs conspired to be done.

Wherefore to break its such serious silence of those Judges within such severe
silence of defendants, so that once those Judicial officers - Defendants hesitates; Tong
victim pro se litigant have them.

16. In the course of the US, the NM general attorney did not and could not respond,
objection, cross complaint to plaintiff's claims, to crown all as principal Failure in respond
to the primary writ of certiorari from NMSC's order on 6/12/2017. Nonetheless NMSC still
deliberate disregard of it fact, abused of process, ignored rule them just simply Denied
plaintiff/petitioner's writ of certiorari without any address/advisement on court's order
8/24/2017. That is the way the decision of the NMSC in Tong petitioner's writ of certiorari
was erroneous. Though NMSC knows full surely of that - "Failing to perform a regular
duty, such as timely responding to requests for records, still falls within the scope of duties
for purposes of the Tort claims Act. *Derringer v. State*, 2003 NMCA 22"

Such principle issue may be considers under the Doctrine of Fundamental
Error. Rule 12-216(B)

17. Established that Tong victim pro se does diligent preserve a question
for review accord Rule 12-216(A) NMRA 2001, for which serious appear that NM courts,
NM Judges aforementioned stated lies in which their order/decision. That severe fairly
invoked those NMCA Judges are a liar. That is a certainty accused on Tong victim's
pleadings/motions on a factual record. Then this cycle of undue process can then be

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Additional pages ④ for granting petition

used by a dishonest, criminal, or compromised Judicial officer in local courts to bankrupt a target litigant, effectively rendering Tong victim pro se, and at that point exacerbating the victim's active legal rights for no legitimate reason.

That New Mexico Courts, Judges intentional obstruct Justice. Intentional prevent Tong instance suit to go to the trial.

Petition second amended timely filed on 9.02.2017 Additional pages second Amended Complaint filed on 9.20.2017 ^{author} NM Attorney General address - respond to it.

That NMSC deliberate ignored the rule by such denied dismissed Tong Amended complaint claims for Tort claims Act. For the government - defendants committed violations Tong's rights of Constitutional of the U.S.

It is quite clear, then Tong file second Amended Complaint within 9 (nine) days from the entry thereof, so that NMSC must be grant for Tong a tense request a rehearing to hear it matter of facts, to weigh of evidences. But these courts knows full surely of that these potential defendants have none of evidence to against Tong in such serious claims for Tort claims Act, excepted evidence it defendants' arms.

21. Tong innocence victim respectfully requests the US Supreme Court rule on Tong's objections and denied the inferior Courts other decision. With in grant for Tong aggrieved innocence the Relief sought had been made but no any inferior Court attention to that.

If the Court granted the writ to enforce the settlement the case must be camped in a special US Supreme Court. Because only US Justice would be Judge in a matter circumstance 'State created danger' which Tong innocence victim pro se may lose the property in Ruidoso, N.M. It's a night mare for Tong aggrieved pro se because of that it is the place Tong choose to live which handle these shops for the rest of life. I miss my place, I love Ruidoso Town for a retirement of my life.

22. Wherefore, as despite the lack of evidence, defendants refused to drop the charges and proceed to prosecute plaintiff. The criminal proceeding was pending and hung over plaintiff's head, for nearly 5 years long, subjecting plaintiff's further damages, expense, emotional distress. As a result of the arrest and criminal prosecution, plaintiff suffered extreme economic and non-economic damages, including but not limited to lost earning, humiliation, embarrassment, damage reputation, personal injuries, mental suffering, much deeply in emotional distress. These damages are in excess of over hundreds millions \$\$. Tong aggrieved innocence prays for the Court grant more punitive and damages extra many according to proof in an amount sufficient to make an example of the individual defendant and deter future crime's conduct.

Long Beach, CA

6-28-2018

Respectfully submitted
Tong

Additional page 3 Reasons granting Petition

Tong innocence victim of government

• In the Supreme Court of the United States.

• Petition For Writ of Certiorari.

Opinions Below

The opinion of the highest state court to review the merits appears at Appendix E to the petition and is unpublished.

The opinion of the New Mexico Court of Appeals appears at Appendix A to the petition and is unpublished.

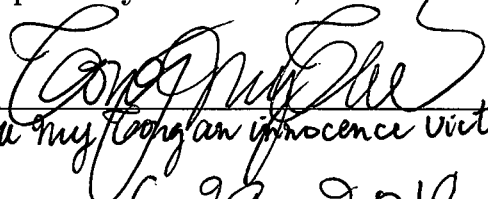
The order of the trial court (State of New Mexico, Dona Ana, Third Judicial District on 5/2/2016) appears at Appendix B to the petition and is unpublished.

Withal inferior court of New Mexico, Third Judicial D.C. as stated on which Appendix C, D, F, G, H, I, J are unpublished anyway.

Conclusion

The petition for a writ of certiorari should be granted.

Respectfully submitted,

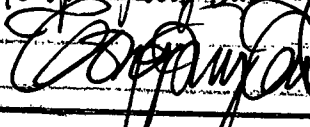

Carlos M. Delgado
an innocent victim

Date: 6-29-2018

As Following the Court clerk's letter instruction correct procedure on 1-29-18
"Corporate disclosure statement (if applicable)." And one more time on 4/30/2018.

Wherefore, Tong petitioner please with all due respect, application to
submissions the purpose written for Refiling a Petition for writ of Amendments to
the U.S. Supreme Court, this statement is contended accordant with, including
supporting attachment for this writ of certiorari for:

- Reasons for granting petition
 - Questions Presented
 - Statement of the case.
- (It is total 118 pages)

Respectfully submitted


Eric Tong petitioner Insurance
victim of government of the U.S.