

Supreme Court of the United States

Washington, DC 20543-0001

Case No.: 18-5131

TU MY TONG,

Plaintiff - Appellant.

Interested entities/parties
Loi Thanh Nguyen
V.

THE STATE OF NEW MEXICO;
THE GOVERNOR OF NEW MEXICO
SUSANA MARTINEZ; IDA
D'ANTONIO HAGEN, an individual;
LOUIS MARTINEZ, an individual;
JOHN DOES 1-100, inclusive;
UNITED STATES OF AMERICA,

Defendants - Appellees.

No. 15-2144

(D.C. No. 2:15-CV-00191-MCA-SMV)
(D.N.M.)

→ This case name was Type by USCA
Tenth Circuit - Denver - CO.

Petition For the ~~Hearing~~ Rehearing on the Merits
Critical FIRST REQUESTING a RESPONSE of U.S. Justices.

To the Supreme Court of the United States Justices and to the New Mexico Attorney general, to New Mexico Senators, to NM governor Susana Martinez:

Comes now plaintiff petitioner Innocence victim pro se Tu my Tong hereby with all due respect submission of a petition For the rehearing on the merits which critical First Requesting a Response of the U.S. Justices, as follows the Supreme Court Rule 44 - Rehearing - of its court decision denial on Oct. 1, 2018.

Tu my Tong Petitioner plaintiff victim pro se, victim of the U.S. government being now respectfully requests the U.S. Justices of paramount preserve the Judicial Power, would extend to all cases, and without characteristic, as for this instance case, in Law and equity, arising under constitution of the United States of America; of the U.S. Supreme Court; of the State of New Mexico.

A ^{FBI} As Hard Facts that to Show the cloven hoof of the New Mexico government prosecutors officials potential defendants prosecution acts of malfeasance wrong on Tu my Tong for human trafficking infamous crime by their intentional Tort of Slander Fraud Libel, Defamation for wrongful arrested Tu my Tong victim in which unlawful warrant

in conjunction with FBI-Ida D'Antonio Hagen and Luis Martinez U.S. Attorney by their Falsification Affidavit - in Fraud of crafty on Tapes recorded - to the Fraud of misrepresentation discovery - Falsify statements - Fraudulent indictment Mislead the Judges - intentional Tort, ill - will created Fabricate government's Witnesses Fraud - Intentional Tort ill - evil - evil minded - evil tongue - vile language - vile offence - deceitfulness to summon the Federal grand Jury to indict, extremely these's GHOST Jury in which a Federal Court Hearing without Jury - Judge - Accusers - Defendants accused. That is was present in only the FBI and the U.S. Attorney. A yet more important thing to reveal it is the US Federal government summon Federal grand Jury hearing to indict was on 6/19/2013 there after the US government arrested date on 3/05/2013.

Irony that an accurate Fact it is All the witnesses - the US government's witnesses of the USA government case, that the case is: - "The United States vs. ~~En my Tong~~; Daniel Cullar" (Cullar is my worker for bussiness sundry of my stores by piece work). That is all government's witnesses of such US government case were be **WITNESSES FRAUD**. - Fraud which in Fought with Danger to Tell LIES. A shameless way with LIES. Nonetheless, the Trial Judge Robert Brack ^{deliberate} ignored of all those. Simply that Judge Brack acts of Judicial malfeasance intentional Tort ignored all impudence words, impudence all US government's witnesses Fraud, gave publicity to Fraud on the court record, Face to Face the Jury, Federal Jury.

What an Impudent Slender! What an Impudent Rascals!.. Notwithstanding Judge Brack acceptable without any question to them. But then Brack like to questions ~~En my Tong~~ **B** - ~~These are the case. This is the case.~~

The FBI, Ida Hagen and U.S. Attorney Luis Martinez acts of malfeasance Intentional Torts - all through FORGERY as EXPOSE THE TRUTH.

EXPOSE to America - Americans - REVEAL to the world which ~~En my Tong~~ innocence victim in this instance claims be instancy to have a rightfully a claim to First at all Tension Requesting a Response from U.S.S.C. Justices holding that Power accountable to ~~Tong~~'s claim the protection of the law, a claim to First Amend. to the US. constitution the petitioning For a governmental redress of grievances, to put in a claim for Damages: - US government prosecutors FBI - U.S. Attorney - no governor defendants were damages ~~Tong~~ victim plaintiff's reputation - damages ~~Tong~~'s business, property

As the righteous indignation ~~Tong~~ plaintiff petitioner rightful to bring an action of Damages against US government Defendant, with which Equity claim matter requires to set Defendants to work at the court to Justice.

This step being the US Supreme Court is the heart of all accountability of Justices power to the people, to ~~Tong~~ petitioner plaintiff victim under Constitutional law - on the Redress and enforcement.

Appellant's Petition for Rehearing First Requesting a Response

C. - The court's attention that the clerk of ^{this} court ~~erred~~ /deliberated suppressed Tong appellant pro se's "Supplemental Brief" with which designedly to transfer it brief to the Justice for review. - This brief filed certified mailed 8-16-18. That included Appellant's motion for "Leave to file Supplemental Brief". It certified mailed on 8/10/2018. - Then which the clerk did not send its back to Tong petitioner pro se with instruction by law/rule of court for the pro se make its correct. - That the clerk deliberately did secret pockets, suppressed Tong pro se application Brief /pleadings/motion of court records (that the clerk of this court did so in the prior appellant's writ of certiorari of case: *In re My Tong vs. Seventeen names Federal* ")

1. The "Appellant's Supplemental Brief" is brought pursuant to this Court Rule 15. provides that "Any party may file a supplemental Brief at any time while a petition for a writ of certiorari is pending..."

That appellant pro se calling attention to intervening matter not available at the time of the party's last filing. Insofar as if the U.S. Justices' has review it Brief, it is applicable, the Form for a brief in opposition prescribed by this Rule. That's why such clerk acts of conspiracy malfeasance did secret pockets on its.

2. As per the Defendants/NM Attorney General Did Never Respond to any of Tong plaintiff victim pro se's from the Summons counter claims - First Amended complaint until Tong application "Supplemental Brief" and "Statement to the U.S. Supreme Court U.S. Chief Justice". Its both were filed on September 2018, in before this Court's Denial on 11-1-2018. (without only one of motion to Dismiss.)

That they was Just Keep in silent, But Then in it time they was acts as Returned it Supplemental Brief by mailed it back to Tong current address in the last week of Sept. 2018. (???) - When I called for it such mailed returned, the clerk is Sharyl, she said - Supreme court told that not respond -

When I called the clerk of the Supreme Court as many times with no Answer - later on, in last week of Sept. 2018, one man told me he will send it to the Justice.

- As the way they acted, I don't believe. That I was in compelled to drive almost 6,000 miles from CA. to Washington D.C. to "Down with" in front the Supreme Court, and was not leave the Court House until the Segant, officer, police with civil suits were convinced me by received my Briefs with promised that they will submit them to this Court. - Yet, on first week of this October 2018, the clerk sent back all Briefs that I handed to U.S. Supreme Court's officials, there's three men - of date

3. Which is the "Supplemental Brief" filed to Court without the Court Stamp Received. As such the Court Response as petition requests a Response as Rehearing should be granted - caused of the Court does not received the Supplemental Brief then denial that is Not Final. - NM governor - Inferior Courts

The U.S. government prosecutor officials acts of malfeasance misconduct Appellant's petition for Rehearing First Requesting a Response.

deliberate was not only violation of the state/Federal Constitutions but much moreover violation deeply in the special aspect of 14th Amend. - Citizenship - Civil Right - Privileges/Immunities - Substantives Due process - Equal Protection - Felon Disenfranchisement - power of enforcement - ^{of Tong must be weighed against the facts, failed to consider substantial important evidence} Within the inferior courts.

In which such inferior courts deliberate unanimous denial Tong plaintiff victim prose's Amended complaint on the grounds that the court's decision - opinion - preconceived opinion show favorite to unfair partial - there were irrelevant and the principle of Ethics in Error, and overly prejudicial to Tong aggrieved party.

That's the inferior court in this instance case Failure in Courts/Judges Ethical Consideration. That all through Tong's supplemental Brief in page 2-3-4th There's Race is one. See Karst, Invidious Discrimination (1969)

4. - Constitutional Law. 92K 387A K. In general. Most cited Cases - The right to meaningful opportunity to be heard within limits of practicality must be protected against denial by particular laws that operate to jeopardize it for particular individuals. U.S.C.A. Const. Amend. 14.

The unclear hands doctrine was also applied in inferior courts ^{Judges} unanimous deprived Tong plaintiff victim prose applied in 14th Amend. U.S. Constitution. As U.S. government wrongfully prosecuted with unlawful warrant - Invalid falsification Affidavit, that Tong innocent victim prose was denied Due process - 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 Constitutions because they look me down is a Vietnamese immigrant speak broken English. Ignorance English. That's on which the Judges/inferior courts refused ^{biased} any relies has proven very elastic in the hands of Judges.

In short, Tong aggrieved plaintiff petitioner was the innocence victim of the U.S. government's wrongful actions and review Tong petition for rehearing at first requesting this super-high court response must be granted to secure Justice.

- 14th Amend. believed the states would be required to recognize the same individual rights as the Federal government. All the rights within the - Privileges - Immunities safeguarded by the amendment.

- As the Bill of Rights applied to the states, for which 14th Amend.'s Due process clause - Equal Protection clause incorporates all of the substantive protections of the First, Second, Fourth, Fifth, Sixth Amendments and the Cruel and Unusual Punishment clause of the Eighth Amendment.

5. The power of the states over constitutional provisions as in some special aspect as could a state deny to any hearing, access to Courts - Right to Seek Remedy in claim suit who were Vietnamese Americans Ignorance English and grant them to whites?

• Deny them to others Religion and grant them to Protestants?

• Deny them to others the opposition party - the party in opposition - partisanship

• Appellant's petition for Rehearing - First Requesting a Response.

Deny them to those convicted of Larceny and grant them to those convicted of embezzlement?

In a government by the people and for the people, it is to the people, as following Tong aggrieved petitioner plaintiff innocence victim of the U.S. government, of the state NMexico, that accountability must be enforced.

The Complaint for Tort Claims Act - For Violations U.S. Constitutional Rights come before Tong victim innocence only after every other legal remedy has been attempted. Court proceedings requirement that Judges/Justices address/response all Facts presented by the complaining party according to the evidence shown on record.

Tong aggrieved petitioner tension requesting the Justices response to apply the appropriate law to the Facts determined to be relevant and material to the case according to the evidence of record - As hard Facts showing in the course of defendants was has had have Nothing - None of opposing Facts and evidences, as against, and relating to, that of the Tong plaintiff claims.

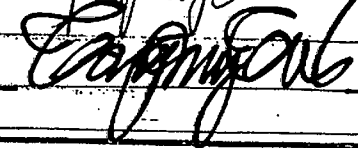
But then the inferior courts/Judges in the state just arbitrarily superseding Tong plaintiff victim innocence's Facts and evidence - That showing a picture of inferior courts/Judges' despite of conflicts with statute, case laws, common law, mostly extremely constitutional provisions - And then scary of conspiracy - corruption. As legal corruption is covering the U.S. states like a blanket.

6. petition for rehearing tension requesting this higher super Court Response those written Findings of Fact and conclusions of law in this Tong victim innocence of U.S. government instance lawsuit and proceedings - A written explanation for motion dispositions to legally support the judicial decision reached

Bring the case to a lawful conclusion in a timely fashion as specified by law.

D. Rehearing should be granted to Determined Emotional Distress Damages are recoverable upon the defendants committed to Attempt Tong victim innocence's life - prerogatives privileges citizen innocence - Committed Torts for Violations Extraordinary Tong victim of U.S. government's Constitutional Rights. Please this super Court review Tong's Supplemental Brief Filed on 8-10-2018. Application Request a Hearing Filed on 9-22-2018 incorporate to this Rehearing.

Los Angeles, California
October 25/2018

Respectfully Submitted


See, please, additional page 6 -

Cu Huy Tong

Appellant's petition for rehearing First Requesting a Response.

* Additional Pages Rehearing First Requesting a Response *
* A List of FAULT Incorporative *

On my Tong Plaintiff innocence victim of U.S. government with all due respect in theory to apply appropriate measures that, I submit such U.S. Defendants intentional Tort to attempt to My Tong a Viet Namese American's Life which she speaking of broken English ignorant of English. To commit a crime which wrongdoing on Tong. To get Tong victim in wrong. Designedly an attempt abused of power Just Deprived Tong's right of Privilege prerogative at wrongdoers leap at an accuser hearsays to commit Tong victim innocence to prison. That much by Slander Fraud, Defamation upon a severe subject of Human Trafficking in the course of merely that on Sept. 2010 Tong was hire as very urgent an undocumented immigrant Hispanic man for an odd job to clean-up a heap of big construction garbage for grand opening the three retail shops, which was it in limit 30 days finish by Village of Ruidoso's demanded.

Tong plaintiff pro se's allegation is most material to Facts. There are serious question the Fraudulent of the U.S. government's ^{prosecution} its cannot be questioned that such defendants malicious prosecuted Tong victim innocence by lying to the court, providing false evidence to the court, falsifying evidence, egregious conduct caused a judge to issue an invalid arrest warrant, in conjunction with conspiracy-corruption to the fraud of summons the Ghost Federal grand Jury to indict. There is the case. Ghost Federal grand Jury Hearing 6/19/2013.

Furthermore, even though without evidence, without any testimony Tong since U.S. prosecutors started their malfeasance implicit terrorism investigation on 9/30/2010, until an arrest on 3/05/2013, and then as far as to hit on a Jury Trial 10/20/2014. Whatsoever things are, the U.S. government officials which racial injustice acted as Racism were put Tong victim down as a fool within "their scorn"; hence they were simply acts of malignity by which urgent case, at any rate to arrest Tong at any where. It's so tenseness that they were very wholly unexpected arrested Tong right inside the international China Air plane 747 from VN back to USA.

There's SHADY actions as per to review the past of closed to three (3) years that the FBI/S could not and Did not and FAILED to find out who's Rented a Rental car for a transportation a Hispanic couple aliens from CA. to NM. by such a couple ^{Hearsays} accusers that a rental car rented by Tong.

Yet, So ironical when the U.S. FBI by Fraudulent gains an unlawful warrant arrest, then in No Time FBI knows full surely that Tong have been a seat in it Night Flight. At that, though the LA CA Felony Court, a Federal Judge Rosenberg was let Tong free to Home without any bail. Free to back and forth to New Mexico.

Appellant's Petition For Rehearing First Request a Response.

Despite the U.S. prosecutor's official still, acted with malice to post it on his
Internet crime site purpose. Gong's business title on which Reuters News Papers
at once 3/10/2013. That U.S. government was committed in my Tong's reputation, in deeply
in spite of fact, the superior court just went ahead regardless of consequences
unanimous were be wrong just dismissal. In my Tong innocent victim plaintiff pro se's
"First Amended Complaint" in conjunction with intentional violation of due process
of law all courts/judges ignored evidence, reviewed Gong's title of Right of Access to
courts by adjudication be preceded refused any hearing appropriate to the nature
of the case. All those inferior courts/judges deliberate denial for having Tong any hearing
to be heard depending upon importance of the interest involved, and the nature of
the subsequent proceeding - U.S. Const. Amend. 14.

U.S. government
Gong's "First Amended Complaint" which asserts plaintiff's claim for
violation of Tong's constitutional rights. The suit was filed 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 the New Mexico Tort Claims Act
§ 54-4-1 through 4-4-29, N.M.S.A. 1978-1981

Tortious conduct may be fully compensable under a state remedy for
at tortious loss. See *Parratt v. Taylor*, supra, with may be compensable under the Tort Claims Act.
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.

The legislature also acknowledges that a constitutional deprivation
may be remedied in a jurisdiction other than New Mexico. Section 41-4-20(A)(1)
(b), N.M.S.A. 1978 (am. sup. 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.

N.M.S.C. told that 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 rights by a state would be in violation of
the supremacy clause of the United States Constitution, which states:
"531 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 laws of any state
to the contrary notwithstanding."

U.S. Const. art. VI, cl. 2. See *Shelburne v. Weaver*, 374 U.S. 399, 83 S. Ct. 1790, 10 L. Ed.
2d 965 (1963) (state cannot indirectly force a person to abandon his/her precepts of
First Amend. rights in order to qualify for state benefits); see *McCulloch v. Maryland*,
17 U.S. (4 Wheat.) 316, 4 L. Ed. 579 (1819) (states may not burden the operations of the constitutional laws
• Appellant's Petition for Rehearing First Request a Response.

of Congress enacted to carry out the powers vested in the national government).

It is beyond dispute that the Federal remedy under section 1983 for deprivation of

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.

* U.S. Constitution Article III - section 2. Jurisdiction.

The Judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority. To controversies to which the United States shall be a Party. to Controversies between two or more States (between a state and citizens of another state)

In all cases affecting in which a state shall be Party, the supreme Court shall have original Jurisdiction

Wherefore in this instance claims, caused of the New Mexico government hanger the sign banner in Ruidoso mid-Town at Mexican Market, it is:

- "America's Clemency For who's Victim of Human Trafficking" (It Just as a Fresh Fillet beef steak to bait the line in front a dogs)

If Not to Have It Banner; that could Have No such Lawsuit - "The United States v. Gu my Tong - Daniel Cuellar" And then a Lawsuit to go after, the Counter-claim from an innocence victim of U.S. government - "Gu my Tong v. State of New Mexico"

The then U.S.C.A. Tenth Circuit-Denver, Co. was add up more words For Defendants: "Vs. United States of America"

Yet, if the human trafficking was not apply pressure on the government's Lawsuit Tong victim, so how an Amnesty cure... CURE till now... That the government's lien of it matter of Lawsuit still be on Record wrong on Tong victim innocence name - personally - personally - business - as per to it bear Record to it government's Lawsuit. In spite of the Fact IT OFF the RECORD - It to travel out of the record. Even though Tong victim got in an acquittal Verdict Judgment, it is strange, yet true.

Truly, an accurate appraisal the matter of Undocumented workers are a way of Life. Enforcement is rare.

* Tong innocence victim of U.S. government of the United States of America Lawsuit Tong, That want to be Treated Fairly as are the Trainers Hat Hire Undocumented workers at Race Tracks in "Ruidoso Race Track" NM - In "Hobbs Race Track" NM - together with much, much more in which Ranches - Farms at state of New Mexico !!!

These workers undocumented move and are Transported by Trainers/owners to different race tracks to work. The workers work 7 days per week and stay within the confines of the Fenced area that is off limits to people without a licence. Someone may not enter the backside without permission. Someone must also sign in and sign out in some instances thru the stable gate.

• Appellant's petition For Rehearing First Requesting a Response.

And then within New Mexico's the FBI's - The police had has have ignored as well as corruption. A corruption is covering state of NM. Like a blanket.

Whereas Tong victim petition plaintiff pro se's respectfully theory submissions such instance severe - extraordinary Fault's caused the serious lawsuit in which plaintiff petitioner victim's preponderance of the evidence heretofore specifically:

1. The U.S. government prosecutors FBI, Ida Pantoja Hanger and U.S.A. Attorney Luis Martinez - in fraud of prosecution in which fraudulent gains an unlawful warrant arrest by to the fraud of forgery documents, falsification statements, transcripts, Tape-recorders, Slander Fraud - Libeled - Defamation for created infamous crime Human Trafficking.

2. And then New Mexico Inferior Courts/Judicial officers were wrongful Dismissal of following acts of Judicial malfeasance deliberate violation of the state - Federal Constitutions Fraud - Conspiracy - intentional violation of due process of law.

Despite the case of conflicts with statutes, case laws, common law, constitutional provisions.

3. Defendants Failed to provide any sufficient to proof - objection reasonable to plaintiff's severe claims.

4. Defendants failed to reply - respond to Plaintiff's requirement by Rule to JOIN - JOINDER by which a reasonable proposal.

5. Defendants Knew/should have known that according to motion to dismiss plaintiff's Amended Complaint, it must be, compel to attach importance Valid Warrant Arrest. They Failed Such attachment to entertain the defendants misconduct prosecutors motion to dismiss.

6. Defendants Failed to maintain any argument to opposition - objection by pleading to support defendants' motion to dismiss - Nor any motion to support a charge had have been asserted accusation by plaintiff Innocence Victim Tu My Tong.

7. Defendants Failed to provide neither any evidence, in concrete or in abstract in which none of their motions/pleading throughout this instance lawsuit.

8. Falsely defendants submits of any tape-recorder by fraudulence and an unlawful warrant arrest - and any reporter transcript of a Federal court's hearing of Federal Grand Jury summons to indict only Tong victim in which showing any Judge or any Federal grand Juror - or defendant victim Tong - or codefendant Daniel Cuellar - whom's was be present at it ghost Federal grand Jury summons Hearing for 20 years Jail, plus \$ one million punishment on Tong only nothing for codefendant Cuellar. There's defendants committed a crime to Plot against Tong victim.

That defendants Failed to provide "sufficient positive" such extraordinary evidence.

9. The inferior Courts/Judicial officers Failed in respect for plaintiff pro se's claimed that those Judges - Honorables to stated a lie in their opinion - order - Decision - That those Judges give Tong plaintiff victim the LIE. That is those Judges are Liar. That is those Judges Fold in Tong plaintiff victim innocence pro se's esteem.

10. That the injury occurred in a way which was reasonably Foreseeable as a consequence of that dangerous condition of the damages reputation - of the

Petition For Retractions First Requesting a Response.

1 dangerous condition of the damages of the property, the business - of the serious
2 dangerous condition of the safety in life so far

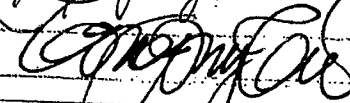
3 11. The dangerous condition was created by a wrongful act of New Mexico
4 governor Susana Martinez defendant's trespass on Cong plaintiff's property.

5 That the NM governor created state danger - To trespass against
6 a law.

7 12. All defendants, state of New Mexico committed violations of Cong victim
8 innocence's constitutional rights in which 10th Amendments to the United
9 States Constitutions as has been construed throughout the writ of certiorari
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11 Los Angeles, CA - 10/25/2018

12 Respectfully submitted

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14 Edmy Cong

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Nonetheless, the New Mexico inferior courts, the NM governor ^{were} deliberate asserted to shield those shifty defendants FBI, Ida D'Antonia Hanger and Assistant U.S. Attorney Federal court Luis Martinez.

And hence, they has had arbitrarily superseding since threshold of a door of suit to apply the appropriate law to Tong's serious Facts to the question's material allegations substantial evidences of record; that the Federal, U.S.D.C./New Mexico Albuquerque a chief Judge Christina Armijo intentional violation of due process of law; this chief Judge New Mexico Federal court stated falsifications of court records, misapplication of law declined exercise jurisdiction over a suit against a federal officers; that Judicial Armijo acted without jurisdiction, simply deprived pro se plaintiff's seeking damages for Federal officers ^{first of all} committed violation of the Fourth Amendment; that Judicial Armijo ignored in which did not expressly rule on the question whether the Fourth Amend. gave rise to an implied Federal right of action.

But then this chief Judge stated "while this may be the case, the United States did not attach this ^{arrest} warrant to its Motion, and the Court believes that such an issue requires a factual record and thus is more properly decided on a Motion for Summary Judgment." Whatsoever, none of any mentioned from inferior courts about it summary judgment though pro se plaintiff's pleadings reenter stated about it summary judgment.

b. Shoruph New Mexico Federal Court involved which it Probate Fraud, then just shifty declared considering all evidences of pro se plaintiff within Judicial in the course of none of defendants' evidence. There it was the New Mexico Federal Court's complete manner within appearance of impropriety in dodge Judicial accountability. There was the New Mexico Federal Court was pass a ball, was dodge a ball to the State Court, such dodger Court interfering ordered in which Remand the claims to inferior Judge Mary Romero. Its play a bad action signal to the inferior Court for that's implicated instruction.

Yet there to dodge a question that the right to sue a Federal officers was properly characterized as a creature of state law anyway that it's to beg the question.

Hitherto anyway it treated pro se plaintiff complaint's serious allegations to that effect as stating a Federal question substantial enough to ground the court's jurisdiction. Still New Mexico Federal chief Judge Armijo's order on 8/26/2015 that its court has no jurisdiction as a pro se plaintiff's claims.

c. Furthermore initially that New Mexico government prosecutors officials was not only committed violation in discrimination racial injustice on pro se Tong, but in true of fact they were committed a HATE CRIME on Tong a Vietnamese American refugees speak broken English ignorant English.

Such HATE CRIME is embodied the ardent bad Faith as its "State Created Danger" was through New Mexico painstaking effort.

• Additional page/petition for Rehearing First Request a Response.

the U.S. government
12/2 New Mexico defendants N.M. Attorney general accused failed to respond
to any long standing victim innocence or se's pleading motions to accusatory for indict
ment. "Even" s' inferior purpose and motivation is so misusing the process in
misused, abused of power authority, that "they" just acts as a mere keep silent and
give NO ANSWER - silent defendant's suit - silent gives consent - That's sunset
merges into darkness.
That's the U.S. government deliberate disregard of material facts, ignored,
refused to decide a case - to decide a question on its merits.
Event of great significance there's the U.S. government, the U.S. defendants, the U.S.
Judicial officers were united acts of obstruct justice. Misuse - to take advantage
of abused power to prevent aid in which professional knowledge that U.S. defendants of
the wrongs conspired to be done.
yet, up to now the U.S. government, the U.S. Judicial officers committed to
SHIELD the U.S. defendants - all U.S. employees - staffs in such instances case, by which
wrongful act an attempt at failed in ignored the U.S. defendants' fraud - fraudulent
which such caused great damages to bond innocence of the U.S. government is the
plaintiff pose by redoubtable hardship diligence could have prevented. Exh. A
14. Title 42, U.S.C. § 1986, Section for request to prevent conspiracy.
Felony For Failure to Prevent Such Violations
Any number of persons guilty of such wrongs must meet
or Refusal may be joined as defendants in the action.
15. Whereas an extreme in defiance of New Mexico supreme court can't be
was shown a serious problem as bad as the inferior courts/Judges were fall into
principle that following acts of conspiracy - corruption - racial - racist within
the U.S. defendants as said, that the NMSC chief Justice Nakamura was
DODGE to reconsider - means that the petition plaintiff's unit of testimony by which
quicker in ambiguous as quibbling as on which a right hand ordered that the
motion to amend is GRANTED. Then which a left hand further ordered
that the petition for writ of certiorari is denied. Within at once it is
further ordered that the writ of certiorari may proceed in *Long v. State, Ct. App. No.*
35653, in accordance with the Rules of Appellate procedure. - Enclosed spaces 1 and 2
Conspicuously victim innocence file the second amended complaint by
pursuant NMSC Rule, it filed on court record, certified mailed to NMSC and Attorney
NM general and the solicitor general DOJ and FBI DOJ - on 9/02/2017 (has been
submitted as Appendix in which writ of certiorari to the U.S. Supreme Court)
in accordance with the instruction of court side - long victim was timely
filed "leave to file second amended complaint" on 7/13/2017 - Exh. 2
16. NM court of Appeals filed Amended Petition to D.C. clerk on 9/8/2017
it is: "This decision being now final" Exh. 3
Additional Page Position for Petitioner First Request in Response.

Tong victim filed "objection to NMCA's Final order Amended
Mandate and "Re-Filing objection to NMCA's Final Order - Exh. 4

Neither of any Courts/Judges - NMCA/NMSC - response to those Tong victim's
pleadings - Nor any Respond from NM Attorney General

17. Whereas in the course of the NM governor susana martinez defendants
NM Attorney General defendant Did not and could not Filed "they" strike at plaintiff pro
se victim's evidence was inform against in written. From then onwards "they"
Failed to have never respond to any plaintiff victim pro se's with hard Facts of
accusatory the U.S. - the N. Mexico government.

But then the New Mexico inferior Courts/Judges acted as Factionous to
Follow U.S. defendants' dismiss under Rule 1.012 (B)(6) by Tong plaintiff's First
Amended Complaint is Futile. And then participated to a shocking affair deliberate
ignored evidence, ignored laws rendering conflicts cases law; statute.

Conspiracy Deliberate "deprived" Tong victim of the Equal protection of the
laws and of Tong victim's privileges as America Citizen, that Tong victim could
and would to fight it out which challenge the constitutionality of the United States
14th Amend. as Firstly - Secondly; that it denies Tong victim Equal protection of the laws.
Thirdly; that it contravenes the Due process clause by violation of the state or Federal
Constitutions as which ignored taking any testimony Tong victim until hit the trial.
Refused to any requested a hearing from Tong victim till today. Violation of citizenship
and civil rights. Violation Constitution laws blocked Tong victim's Access to Courts - Blocking
of a lawful conclusion of a case Right to Seek Remedy

Fourthly; that it violation Privileges Immunities clause of article IV, which it
protects the privileges and immunities of state citizenship from interference by other
states, hereoffindication of interference by Colorado, Denver state's obstruct in the
march forward such hearing, trial instance lawsuit.

Fifthly; that it violation Privilege Immunities of citizen in the state/states
"within its jurisdiction" in particular Constitutional Rights - Right to Property.
New Mexico governor susana martinez defendants was trespass on Tong innocent victim
plaintiff pro se's property; although she has have NM Attorney General defended; perhaps
she will come be indirectly involved in a menace to Tong victim innocence personally
security. It NM governor's trespass against a law. An extraordinary that it state
created Danger as the Following are noteworthy accidents:

a. NM governor was intrusion Tong's property on 8/26/2016 - Tong did not
have any greeting her. Some persons, customer in Town could speak about it later on.
b. First week next Sept. 2016, over midnight an exildoor is white, about
60 years old sneaked into it Tong place with my door key his has it - my hero dog was
violent attacked him. I called 911 it caught on camera. Ruidoso police with body
camera also.

c. Third week of it September 2016, again over midnight other two women
Additional page 2 permission for Rethinking First Requested Response.

sneaked cross the iron chain gate entrance, waste both's efforts by it door key; because as recently that I got set the safety chain lock inside door. My hero dog violent barking - 911 called - It caught on store's camera. Ruidoso Police came with body camera also. d. whereby one police man was admonish me ought to move off my place. An other police man was advise a worker Loi Nguyen better to move away Ruidoso, NM. We realized that its' cross wind portends whirlwind; but then that by which human sentiment. As well as some neighbourhoods told us the same thing then. Those words were pressed upon our mind. We resigned ourselves to suffer from urgent case Flee from such evildoers enemy defendants on 9.24.2016.

That is NMexico Governor Martinez was suppressed, ambush Tong innocence victim's life by NM state created Danger - by Forced Tong lose Ruidoso business was build up experience harsh trials

91 S.Ct. 780 92K 1109K. In General, Most cited Cases - Wherever one is assailed in his/her person or property, there he/she may defend. U.S.C.A., Const. Amend. 14.

Sixthly, on Jan. 22, 2016 Tong victim Filed 20 pages writing accusatory NM. Defendants which come to point the point upon channel 7, abc. News Television at 5 pm. Journalist asked Face to Face the NM governor, Susana Martinez: "... we paid for the governor to manage the state, not paid for go to the Hotel..." Even though the NM governor as dead drunk but a short conversation was: "... the political be separated to the private life... it's over..." myself, I saw and heard that a few of National guards and polices were present in around NM governor Martinez in which some voice "... she's so drunk... but... she's the governor..." Some more others words spoke rapidly that my poor English could not afford as well as understood. There's 911 called from some one in the Hotel. I has sue NMexico defendants for misconduct; I must stated the true Fact. Ergo, this plaintiff victim has have nothing need to rectify a statement. Needless to say, thenceforth I received several threatening, by which secret persons... specifically by Ruidoso Polices were play a trick upon gag rule. Tong victim's writing within implicit terrorism investigation.

The NM governor Martinez, the U.S. defendants, the state of New Mexico committed violation the First Amend. to the U.S. Constitution, abridging the Freedom of speech, infringing on the Freedom of the press on Tong victim life.

Seventhly, a severe accident in Tong victim's stores on 10/30/2012 that two of Ruidoso polices of a sudden was intrusion into Tong business at 2511 Sudderth Drive Ruidoso, NM which at once arrested Tong with handcuffs then march past with them on the street to their police car parking other shops, by caused and effect of Tong owner did not removed the store sign letter (by wood, not electric sign) as per Village of Ruidoso chief Inspector demanded. - But, truly of Fact, that it is the sign letter has been removed since Sept. 02/2012, the Chief Inspector is Shawntor came to take down his Red Tag already on Sept. 8/2012. Ruidoso polices detained Tong from 10 am to 7 pm which forced my cousin worker is Tom Lai brought

Additional page 3 of petition for the hearing first Request a response.

That about NM governor Martinez used state of NM Funds \$8,000. Paid for her Party Birthday

#700 cash to go bail for Tong. - A next date Tong victim filed an Emergency report to Ruidoso municipal Court. Two week later Village of Ruidoso sent a check \$500. refunded on Tong name. Tong victim filed the complaint to Carrazo court. The case had been recusal from two Judges. It came to the thirdly Judge, instantly he dismissed then.

Eightly, whereabouts we stay far away from New Mexico, I then filed a notice to NM Taxation Revenue Dept. that I has been closed my business in Ruidoso N.M. on 9/26/2016. In N. Mexico, the businesses must pay Tax in monthly, and on January pay yearly Tax - pay to both - monthly and yearly.

On October 25/2016 Tong victim received Susana Martinez governor NM's letter notice Tax Audit \$19,956.00 (???) - I filed continuing statements to explain my Tax was pay all time each month with each year. My paid Tax always performance duty. No answer from NM Taxation ^{but} "in about a year", then" was stop send any bill to me. Until 12/04/2017 I received the check \$138.00 for Tax year 2016 personal Income Tax, it from State of NM Dept. of Finance and Administration. Throughout 9 years opened business in Ruidoso NM, I always has Tax bookkeepers handle for Tax payment. There's guilty of intimidation.

Ninethly, on May 25/2016, as usually, I driving into my stores from East side before I made a left turn, then stop in waiting the cars on coming from west side (this street have 2 ways). Because I arrived right in front my property already, therefore I took down the seatbelt. When I just parked the car inside my parking lot, that one of police car parked in the entrance my stores, then he made a sign to stop me don't get out my car - concurrent that others Four (4) police cars on coming which parked along the street, right in front my three stores - And extraordinary in concurrence with one of special police man wore waistcoat exterior uniform of approached within bearing ready for arrest me. ??? The people in Town came in Flocks were stand cross side of street watching towards my car. Tong victim experienced the fully strained at that moment within a tense mind, gone hot and cold... until then other police came for replacement by which a Form's traffic ticket. There's guilty of intimidation.

Later on, I received a "Judgment and sentence coming on for hearing" on Sept. 7/2016 - Ruidoso Municipal Judge Beverly Rankin has recused herself from presiding over the "Judgment and sentence" captioned case above.

So, Judge from somewhere Timothy Prather came in which ordered "defendant" Tong pays Fine of \$82.00. Mandatory use of seatbelts, and - Pays Fines of \$98.00 of oncoming Vehicle - Yield Right. I plea Not guilty on the Court Record - but later I paid for its on time, because my situation compelled me to evacuate out Ruidoso - New Mexico.

Such a Judge special stated in ordered "Defendant" has 15 days from the date of this order to appeal. - Only 15 days not 30 days as usual. I miss it appeal.

There's discrimination of intimidation

Additional page 4 of petition for Rehearing First Request a Response.

Tenthly, most immediately on 9/29/2016 NM governor Susana Martinez's letter-notice with her name on left corner - The words M.V.D. on right corner - Taxation - Revenue Dept. - Motor Vehicle Division - Santa Fe - "POINT ACCUMULATION WARNING NOTICE AS OF Sept. 28/2016" ... "your point total has reached a critical level - the division has received a report of conviction"

There's discrimination, guilty intimidation

Eleventhly, on October 24/2016 Tong victim innocence filed to New Mexico court of Appeal "Urgent Notice of Danger situation and changing a New Address!"

Twelvethly, As long as the New Mexico government's lien had been put to it to tie up Tong's liberty, that about created credibility gap, within it tightness Tong properly deprived Tong person of life during the New Mexico government began implicit terrorism investigation since the slander fraud accusation 9/29/2016.

Section 61-2-9, N.M.S.A., 1953 Comp., reads in part:

"No lien provided for in this article binds any building, improvement or structure for a longer period than one (1) year after the same has been filed, unless proceedings can be commenced in a proper court within that time to enforce the same"

Hitherto, that the NM government's lien still put to it on pro se plaintiff Tong personal credit and Not Delete Until Today even though Tong got an Acquittal Judgment since 10/23/2017.

So that I, Tony Tong pro se plaintiff-petitioner still staying under New Mexico governmental conduct committed inflicting credibility gap to tie up all things.

That Tong still being victim of an injustice which being victim a glaring injustice of the New Mexico inferior Courts.

Thirteenthly, The superior Court's attention that U.S. - NM. defendants to hatch a PLOT to damaged Tong personally - businesses' credibility gap - in Financial severe problem - which Not clean record of infamous crimes.

That it is Tong victim could not and did not apply for any loan to pay off the two properties' debt as high rate in which a First term of mortgage.

Eventhough with my own name that since 10/1/2010 No Way Tong victim could not apply for any business advertising, or alarm door, or insurance or Fax line etc.

Fourteenthly, Constitutionality. It is not a denial of equal protection to provide for a shorter statute of limitations for contracts with governmental entities than with private entities because the greater volume of contracts with which governmental entities are involved would tend to cause the memory to fade as to any one contract. Sena Bus. Cov. Board 1904.

The petition For Rehearing First Requesting a Response should be granted.

Los Angeles, CA. 11/19/2019

Respectfully submitted.

Tong Tony Tong

Tue. 11/19/2019

Appellant's Additional page 5 of petition For Rehearing Requesting a Response

Supreme Court of the United States

Washington, DC 20543-0001

Case No. : 18-5131

TU MY TONG,

Plaintiff - Appellant,
Interested Entities / parties
Loi Thanh Nguyen

V.

THE STATE OF NEW MEXICO;
THE GOVERNOR OF NEW MEXICO
SUSANA MARTINEZ; IDA
D'ANTONIO HAGEN, an individual;
LOUIS MARTINEZ, an individual;
JOHN DOES 1-100, inclusive;
UNITED STATES OF AMERICA,

Defendants - Appellees.

Related case in NM: D-1926-CV-207-115-

No. 15-2144

(D.C. No. 2:15-CV-00191-MCA-SMV)

(D.N.M.)

→ *This case name was Type by USCA
Tenth Circuit - Denver - CO.*

• Correct and Resubmit the petition For rehearing.

To the Court, to the clerk of court and to NM general Attorney, pursuant to the clerk office ussc, I, Tu my Tong plaintiff petitioner pro se respect to Follow which the clerk instruction letter on 10/30/2018 in corrected form:

The petitioner's petition for rehearing on the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

The petition of Tong's petitioner plaintiff pro se rehearing with First requesting a response.

This petition for rehearing in the above-entitled case would be re submitted to the office of the clerk on time today 11/14/2018 by certified mail with a green card return. Rule 74, f.

San Diego, 11/14/2018

Respectfully Submitted

Tu my Tong

Tu my Tong

B.

**Additional material
from this filing is
available in the
Clerk's Office.**