

No. _____

SUPREME COURT OF THE UNITED STATES

Manuel Lampon-Paz — PETITIONER
(Your Name)

vs.

Dept. of Justice, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeal for the Third Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

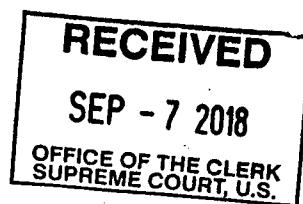
PETITION FOR WRIT OF CERTIORARI

Manuel Lampon-Paz
(Your Name)

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(Address)

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(City, State, Zip Code)

962-899-3412
(Phone Number)



QUESTIONS PRESENTED

- 1) Whether a plaintiff can have his case redacted in accordance with laws and regulations about disclosure if:
 - a) it contains information about a minor that potentially suffered child abuse or neglect?
 - b) and when an ongoing case in Federal District Court is still proceeding and the disclosure might harm plaintiffs right to a fair trial?
 - c) the case has shown that the defendants have premeditatedly threatened a minor, who is also listed as a plaintiff, to protect him from undue burden or harm?
 - d) the Court of Appeals, in an earlier case with the same plaintiff, allowed redactions of similar events?

LIST OF PARTIES

The following petitioners were plaintiffs in District Court and appellants in the Court of Appeals; Manuel Lampon-Paz; and EDLP minor child of Manuel Lampon-Paz

Respondent Department of Justice was a defendant in District Court and an appellee in the Court of Appeals. The following entities and individuals were parties in the appeal that was in the court of appeals with that appeal giving rise to this petition: Department of Homeland Security, the State of New Jersey, unknown defendants (Bivens action) and an unlisted defendant in the State of California since part of the actions that gave rise to the civil suit occurred in California. The District Court case that originated the appeal, 2:16-cv-09071-KM-JBC, and that is still pending in District Court lists United States of America as primary Respondent.

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PETITION FOR WRIT OF CERTIORARI

The petitioners in this case brought suit against the defendants in District Court for violations of civil and constitutional rights. Due to threats of retaliation and violent behavior by the defendants, the plaintiff requested an injunction be placed on the defendants in District Court. The court denied the plaintiffs motion for an injunction. The plaintiff then appealed the decision of the District Court on the grounds that the denial violated a substantial right to proceed in a civil matter without being under duress, i.e. having the lug nuts on a tire of my car loosened and having a front driver's side tire placed on my car that was so dilapidated that it burst while I was driving after the individual warned me about proceeding with my case. These actions and similar others that were listed in the District Court, and later in the Court of Appeals, about treatment of the plaintiffs', in particular a minor, and the ongoing threat of violence to that minor resulted in my appeal of the denial, of the injunction, to the Court of Appeals.

The plaintiffs' appeal was initially filed under seal to protect a minor's rights not to expose any factual material, that is still pending in District Court, about any abuse or neglect committed by the defendants. The Court of Appeals denied my injunction on the basis that it could only review final orders by the lower court and in doing so also denied my motion to file under seal. I filed a motion with the Appeals Court for reconsideration on the order to unseal the documents. I requested that the court allow me to file redacted versions of my filings, that had previously been filed with the original filings, in order to protect a minor. The Court of Appeals, in a previous request for a temporary restraining order, allowed my filings to be redacted. The court has now decided against allowing me to redact these filings in my second attempt to obtain an interlocutory order.

DECISIONS BELOW

Decisions attached.

JURISDICTION

The Court of Appeals entered its decision and final judgment in this case on July 31, 2018 and order denying reconsideration on August 15, 2018. This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourth Amendment protects “[t]he right of the people to be secure in their persons . . . against unreasonable searches and seizures.” U.S. CONST. amend. IV. The Fifth Amendment provides that “No person shall be . . . deprived of life, liberty, or property, without due process of law.” Id. amend. V. Child Abuse Prevention and Treatment Act (CAPTA) is that states must preserve the confidentiality of all child abuse and neglect reports and records to protect the privacy rights of the child and of the child’s parents or guardians, except in certain limited circumstances.

STATEMENT OF THE CASE

For the plaintiff to accurately depict the reason for the writ of certiorari, it must first summarize the facts of the case that is still pending in District Court, Manuel Lampon-Paz, et al v. United States of America, et al., 2:16-cv-09071-KM-JBC. The defendants both knowingly and willingly participated in events that created harm to the plaintiffs with the purpose of trying to create discord in their relationships, to engage in coerced sexual acts under the threat of criminal prosecution and bodily injury, threatened to disseminate personal information for the purpose of trying to embarrass plaintiffs into submission for sexual acts and to try to preclude legal action brought by the plaintiffs and when rebuffed, disseminated information of the plaintiffs to include address, names and incidents that the defendants engaged in, i.e. incidents that occurred to EDLP and myself at the hands of the defendants, which created both harm and emotional distress. The defendants also engaged in physical abuse of the plaintiffs while the plaintiffs were incapacitated, immobile or otherwise unable to defend themselves. The defendants have abused their powers, that is afforded to them by their position, by acting in a manner that is contradictory to what their duties are, without fear of reprisal. These actions were done, as related to me by the defendants, due to the fact that I, at the time a Federal Air Marshal and previously a Border Patrol Agent, had engaged in a romantic relationship with EDLP's mother, prior to knowing that she was in the country illegally, a material fact that CMLP did not disclose for a month or so after we had become intimate. CMLP, EDLP's mother, became pregnant with EDLP during that relationship.

In order to marry CMLP and take care of EDLP, the plaintiff decided to find a solution CMLP's predicament of being an illegal resident/citizen. Unable to find a legal solution, the plaintiff returned CMLP to her home country of Colombia and then I proceeded to travel to Colombia to marry CMLP. It is important to note that returning an illegal resident to their home country on a voluntary basis is a legal option viable to the plaintiffs if done within a certain distance from an international border, which all international airports are considered an international border. In requesting a K-3 visa for CMLP, the plaintiff was forced to state that I met her in a different country to assure that

she was granted a visa and passage to the United States. Due to another case that was being investigated, case #: 4:06-cr-00074-1 USA v. Nguyen et al, a drug smuggling case by Federal Air Marshals, the defendants opened an investigation, in 2005, into the reason for my travels to Colombia and became aware of my circumstances, CMLP being in the country illegally and my stating that we met in a different country.

During their investigation, which I was unaware of at the time, I became a whistleblower in a terrorism case. After reporting to my superiors in 2007, I filed a whistleblower action, in 2008, on what I saw as a safety deficiency in airline safety and, in 2007, filed a report on an individual that later seemed to have had a connection with the attempted Christmas bombing of an airliner from Amsterdam to Detroit. Seemingly, both reports were accurate, the latter has not been verified to me by the defendants because I had already retired and lost access to my clearance. During the current investigation, a lot was said and made of my whistleblower activity. In 2010, one comment made to me by the defendants referenced a whistleblower within the ATF and that he would be “taken care of too”, giving way to the belief that I was being targeted due to whistleblower filing. Due to my situation as a whistleblower and finding myself in a legal predicament because of my wife’s legal status and our possibility of facing felony immigration charges as well as CMLP’s investigation of fraud for using Charity Care funds for a medical procedure, gastric hernia and ectopic pregnancy, while in the country illegally by the State, I contended in my argument in District Court that the defendants have acted negligently and outside the bounds of the rule of law. That they have taken privileges by trying to create a fear of filing criminal charges if we did not give in to the demands of the defendants.

REASONS FOR GRANTING THE PETITION

The defendants have decided not to file charges on any of the above-mentioned items. It can reasonably be assumed that the reason that they did not file the charges is because their actions were far more severe, from a legal standpoint. The defendants have chosen to proceed in a different manner, as a way of seeking retribution. This was partially the reason for my request for an injunction and my petition to the Court of Appeals. In my petition to the Court of Appeals, I listed several incidents that the defendants were involved with, that I am requesting the court keep redacted for the safety of EDLP and so as not to create an undue burden to EDLP as he gets older and for his safety and not to sully any internal investigation that the defendants might be conducting.

The measure of keeping incidents that occurred to minors private has been put in place to protect the identity of individuals from any retribution or ridicule that may occur due to these incidents. Since the minor's identity, in this case, has been revealed by the defendants; I point to the over 15 thousand google hits (internet look-ups) and 50 e-mails by unknown persons as a basis for my assumption as well as teasing at his school, as my tangible cause to believe that his identity has been leaked; it is my hope to limit the scope of what can be revealed, at least until the District Court case has been ruled on. I can also attest to the fact that he has been teased, in my presence, by adults that use the instances that occurred to him even though those incidents hadn't yet been made public. This goes hand and hand with the defendants' admission of electronic surveillance which creates unforeseen harmful events, such as the numerous break-ins/ burglaries that occurred at the plaintiffs' residences, one of which was reported to the defendants, FBI Office in Newark, NJ, that classified material had been compromised. It is my belief that the prejudice to EDLP far outweigh any good that revealing them would do in the interest of justice.

The defendants have also shown that they "take matters into their own hands" by creating a turbulent atmosphere and purposely misrepresenting facts to encourage hostile behavior, confuse the situation and to try and manipulate facts in order to defend themselves

from this civil suit. EDLP has almost been hit by a car when crossing the street, I pulled him out of the way right prior to him being hit, in what seemed like a deliberate attempt, the vehicle waited until EDLP tried to cross before accelerating at a high speed, as well as being told to “go back to Mexico” while walking home from school, audio was recorded in a phone conversation while EDLP was talking to me and is in the plaintiff’s possession, due to EDLP’s Hispanic ethnicity. EDLP was also threatened in a communication, internet chat, between me and the defendants in what the State prosecutor revealed was an employee of the federal defendants. These actions and the ones that were requested to be redacted by me depict a danger that can have severe consequences to EDLP if more exposure is given to this situation. As it stands, the purposeful leaks by the defendants have created a condition where the plaintiffs have to be cautious as how to proceed due to those threats making it difficult to avoid people with hostile intentions. This has put an undue burden on the plaintiffs and putting in danger my ability to have a fair trial as I am forced to think about the dangers that may lay ahead for EDLP if I proceed or the dangers that lay ahead for EDLP if I do not.

I am proceeding pro se in this case. I have not been able to secure counsel which limits me and my ability to present a professional argument because of my inexperience and lack of knowledge of case law. This hampers my argument, I respectfully ask the court to take this into consideration when deliberating and I appreciate the court’s time.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.



Respectfully Submitted,

Manuel Lampon-Paz

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