No.

IN THE

SUPREME COURT OF THE UNITED STATES

ROBERT JOSEPH SARHAN, MD

PETITIONER,

V.

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

RESPONDENTS.

ON PETITION FOR A WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

PETITITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

This Writ of Certiorari is of Great National Importance. After 11 years of fighting for Justice, numerous Judges continue to deprive the Petitioner of his Liberty and Property in violation of the Fourteenth Amendment Rights of Due Process and turn a blind eye to Fraud on the Court. Under Rule 10, this Petitioner Prays for an **Exercise of this Supreme Courts Supervisory Power** and seeks review of a Manifest Injustice that is fundamental to the integrity of Administrative and Civil proceedings in the United States, where we Respectfully Request and Pray for **"JUSTICE."**

1. Whether the Eleventh Circuit Court of Appeals, and other Courts involved acted in a manner inconsistent with due process and violated the U.S. Supreme Court Law and precedent governing review of fraud on the court actions by *summarily affirming* the Petitioner's Federal District Court actions for relief from judgment procured by fraud on the court - **all without ever reviewing Petitioner's fraud on the court allegations, the very subject matter of his action, and the very allegations, proven with prima facie evidence, that entitle him to relief ?**

2. Whether the Eleventh Circuit Court of Appeals decision is contrary to their own opinion and the United States Supreme Court Precedents and states: a judgment is a "void judgment" if the court that rendered judgment... acted in a manner inconsistent with due process?"

3. Whether the Court of Appeals erred in there ruling of res judicata, differs from the Six Circuit, where ***collateral estoppel*** nor ***res judicata*** is not rigidly applied in administrative actions; both rules are qualified or rejected when their application would contravene overriding public policy or result in **Manifest Injustice**.. Whether res judicata is blocking the truth" and is shielding the fraud and the cheat as well as the honest person?

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FOR WRIT OF CERTIORARI

Robert J. Sarhan, MD respectfully prays that this Court grant a writ of certiorari to review the judgment and opinion of the United States Court of Appeals for the Eleventh Circuit.

OPINONS BELOW

The Eleventh Circuit Court of Appeals Case No. 15-13834 entered an order denying a Petition for Rehearing en banc April 10, 2018, The Eleventh Circuit Court of Appeals entered an order on November 15, 2017, ruling Per Curiam. The District Court ruled res judicata applied on July 27,2015. The United States Court of Appeals for the Federal Circuit ruled Per Curiam on April 10, 2015, The United States Court of Appeals for the Federal Circuit Ruled Per Curiam May 19, 2009. The MSPB original decision is reported on November 2007 Case No. AT0752070789-I-1

STATEMENT OF JURIDICTION

This Petition seeks review of a decision of the United States Court of Appeals for the Eleventh Circuit Court entered a judgment on April 10, 2018. This Court has jurisdiction under 28 U.S.C § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

The Fourteenth Amendment to the Constitution states, in pertinent part, as follows:

"No state shall make or enforce any law which shall abridge the privilege or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of Law...

INTRODUCTION

This Writ of Certiorari is of Great National Importance. After 11 years of fighting for Justice, numerous Judges continue to deprive the Petitioner of his Liberty and Property in violation of the Fourteenth Amendment Rights of Due Process and turn a blind eye to Fraud on the Court. Under Rule 10, this Petitioner calls for an **Exercise of this Supreme Courts Supervisory Power** and seeks review of a Manifest Injustice that is fundamental to the integrity of Administrative and Civil proceedings in the United States, where we Respectfully Request and Pray for **"JUSTICE."**

This United States Supreme Court Must Correct a very serious problem in this Country. Many Judges, like the Petitioner's Administrative Law Judge (ALJ) has violated the Procedural Due Process Rights of the Petitioner many times over. This ALJ took Petitioner's Liberty and Property without due process. This ALJ interfered with the Petitioner's Civil Rights in violation of 42 U.S.C. § 1985. How could the Federal Court of Appeals also deny the Petitioner his Procedural Due Process Rights? How Could they rule against the Supreme Court Precedents in *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985), *Board of Regents of State Colleges v. Roth*, 408 U.S. 564 (1972),*Perry v. Sindermann*, 408 U.S. 593 (1972). How Could they rule against the Supreme Court Precedents in Hazel-Atlas, 322 U.S. at 250-51 and U.S. v. Throckmorton, 98 U.S. 61 where the Bureau of Prisons Staff committed Fraud on the Court?

Many of us American Citizens cannot afford to hire the best attorneys to undo what this ALJ did,

how he destroyed our family's life? How can this happen in America, where a Judge would violate the Constitutional Rights of the Petitioner and other Judges do the same, like a Good Old Boy System, that Must Be Retired. The only way that the Supreme Court can fix this problem is grant this Writ of Certiorari and punish the Judges that violated the Constitutional Rights of the Petitioner.

The Petitioner worked for the Department of Justice Federal Bureau of Prisons (BOP) for Thirteen Years as a Physician Assistant, however, was a Medical Doctor. The Petitioner was also on the Special Operations Response Team most of that time as his auxiliary duties. During the Petitioners Thirteen years he never once received an unsatisfactory evaluation, always fully satisfactory, exceeds or excellent evaluations, even upon discharge.

On March 29, 2006, Petitioners wife, who suffers from a severe case of Paranoid Schizophrenia, wrote an email to the Bureau of Prisons (BOP) stating that the Petitioner threatened an inmate if he did not give legal help, the staff reacted and the inmate stated this was not true. This email from the Petitioners wife was supposed to go in the Petitioners file and presented to the Petitioner within 15 days, that never happened. The BOP staff fraudulently concealed the email up until the day of trial. Throughout the discovery period the Petitioner and attorney had no idea how this case got started, Petitioners felt like he was fighting a Phantom.

On March 27, 2007, the Petitioner met with Warden Pastrana. Petitioner explained orally and in writing that he spoke with the inmate, mostly about

his children and his wife divorcing him and how his attorney just told him to plead guilty, he was very disturbed and the Petitioner gave him medication daily for depression and anxiety.

On June 5, 2007, the Petitioner was discharged from the BOP for excepting legal advice from an inmate.

On October 4, 2007, the hearing started and in the beginning of the hearing, the ALJ states, if we don't have it, we are not talking about it. The BOP refused to turn over the most important document in the whole trial, the Petitioners wife's Email. This is Fraudulent Concealment.

Vivian Bonet testified that she was ordered to sign the termination letter by Warden Pastrana, however she stated, "knew nothing about the case and whether the Petitioner was guilty or innocent of excepting legal advice." The signing of the termination letter was a Prohibited Personnel Practice.

However, what was the biggest surprise in the last five minutes of the Administrative Hearing, Warden Pastrana testified that he was not the deciding official and had nothing to do with the case. In the deposition and throughout the case for 19 months, he testified that he was the deciding official. Since Warden Pastrana testified that he was not the deciding official, there are a whole host of Procedural due process violations, because the BOP took Petitioners Liberty and Property without Due Process.

This meant that the Petitioner had **No Pre-Termination hearing**, no one heard his oral response to the charges or read his written response

to the charges. There was **No Douglas Factor** completed which was mandatory before termination. Warden Pastrana committed fraud on the Court as well as the other staff involved by fraudulently concealing the most important evidence which started this case, the Email from Petitioners wife. Since Warden Pastrana gave sworn testimony that he was not the Deciding Official, then there was **No Pre-Termination Hearing** by the Deciding Official. A violation of the 14th Amendment of United States Constitution and A Procedural Due Process Violation, which was mandatory under the Master Agreement of the BOP and the Supreme Court. See *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985), *Board of Regents of State Colleges v. Roth*, 408 U.S. 564 (1972), *Perry v. Sindermann*, 408 U.S. 593 (1972).

Another big violations of due process was that the ALJ denied the Petitioner the right to cross examine the only witness in the case, the inmate. Prior to the Administrative Hearing, he was moved 1000 miles away to another federal prison in Yazoo Mississippi. The ALJ also denied the Petitioner to call the four witness to testify in his behalf.

The Administrative Judge "misapplied and failed to consider direct and relevant [board] precedent concerning Pre-termination Procedural Due Process rights available to federal employees." See *Svejda v. Department of the Interior*, 7 M.S.P.R. 108 (1981), and in his failure to apply *Facciponti v. U.S. Postal Service*, 15 M.S.P.R. 183 (1983). The ALJ findings, abused his discretion, where the Administrative Judge refused to reconsider clear factual error. see *Norman v. Arkansas*, 79 f.3d 748, 750. This case is **A**

Manifest Injustice where there were (1) Many Errors, (2) which were Plain, (3) that Affected the Appellants Substantial Rights, 507 U.S., at 732, and (4)The "Errors" "Seriously affect[Ed] The Fundamental Fairness, Integrity and Public Reputation of the Judicial Proceedings, *United States v. Olano*, 507 U.S. 725, 736, 113 s. Ct 1770, 1779(1993). quoting *United States* v. *Atkinson,* 297 U. S. 157, 160 (1936)).

A judgment is a "void judgment" if the court that rendered judgment... acted in a manner inconsistent with due process," *Klugh v. U.S. D.C.S.C,* 610 F. Supp. 892, 901. Burke v. Smith, 252 F.3d 1260, 1263 (11th Cir. 2001).

STATEMENT OF THE CASE AND THE FACTS

1. BACKGROUND

Appellant was first hired by the Defendant, Department of Justice Federal Bureau of Prisons on June 5, 1994 in the position as a Physician Assistant, Appellant is a Medical Doctor. Plaintiff's employment with the BOP was wrongfully terminated by the Defendants on June 5, 2007, at which time he held a 13-year tenured position as a GS 11 Step 8 Physician Assistant.

On March 29, 2006, the Appellants wife who suffers from a severe illness of Paranoid Schizophrenia and noncompliant in taking her medication, sent a delusional email into the Bureau of Prisons, stating the Appellant threatened an inmate for legal help. Immediately, the staff reacted, and the inmate stated this was untrue.

On February 21, 2007, Vivian Bonet, Health Service Administrator signed an order of removal, however Bonet stated "she was ordered to sign the order of removal by Warden Pastrana, but had no firsthand knowledge of what took place," her signature was a Prohibited Personnel Practice 5 U.S.C § 2302(B)(2).

On March 27, 2007, the Appellant met with Warden Pastrana who was known to be the Deciding Official and explained orally and in writing that the Appellant never excepted legal advice from the inmate, he had two lawyers working on his Case Howard Scott and Arthur Morburger, who was an Appellate Attorney, who were fighting for his mother freedom from a Guardianship Case, where the Guardians were isolating and abusing the Appellants mother. Since that time, the Appellant's mother died of an overdose of Seroquel, which was contraindicated and caused her to die of Sudden Cardiac Death at young age of 79, she had no Family history of heart problems, was never sick a day in her life.

On June 5, 2007, after 13 years of government service, the Appellant was dismissed from his position for excepting legal advice from an inmate, but not one person at trial could articulate what that legal advice was, and did it have any value. The Petitioner was denied the right to cross examine the only witness in the case the inmate, he was moved 1000 miles away in another Federal Prison in Yazoo Mississippi prior to the Administrative Hearing.

On October 4, 2007, Appellant had an Administrative Hearing with the Merit System Protection Board (MSPB). In that hearing, the Administrative Judge, Richard W. Vitaris (known

hereinafter as ALJ) uncovered the Agency's Fraud on the Court, Misrepresentation by the Warden Pastrana, Numerous Prohibited Personnel Practices, Many Procedural Due Process violations, Fraudulent Concealment, Discovery Violations and Perjury by the Agency and the ALJ then ruled and violated the Due Process Rights of the Petitioner and violated the U.S. Supreme Court Law and precedent governing review of fraud on the court actions and did nothing.

On February 8, 2008, Anabella wrote a second email explaining to the BOP that she has Schizophrenia, was not taking her medication at the time she wrote the email and the email was untrue. Anabella stated, "I suffer from hallucinations and I take full responsibility for my actions. Appellant wife has been Baker Acted over 66 times to date and hospitalizations prior and during her the time she wrote the Email.

On September 17, 2008, the Appellant appealed the Administrative Judges decision and was denied, due to the overwhelming Fraud perpetrated on the Court by the Agency and ruled in a manner inconsistent with Due Process.

On July 8, 2013, an experienced Criminal Attorney, Robert L. Moore filed a 93-page petition to reopen this closed case due to Fraud on the Court. However, Judge Thompson stated that he did not have authority to reopen and reinstate an appeal, he stated this must be addressed to the full board.

On October 10, 2013, Attorney Robert L. Moore appealed to the MSPB Board.

On July 31, 2014, the MSPB Affirmed the Administrative Judges Final Decision was in Error and stated you may file a civil action against the

agency on both your discrimination claims and your other claims in an appropriate United States District Court. See 5 U.S.C. 7703 (b)(2).

On September 6, 2014 Plaintiff files a lawsuit against the Department of Justice Federal Bureau of Prisons for wrongful termination, for committing Fraud on the Court, Prohibited Personnel Practices and Violating all of the Appellants Procedural Due Process Rights. The Court ruled res judicata.

On April 10, 2015, the Federal Court of Appeals stated, "that the Fraud must change the posture of this case in order to provide a basis for revisiting the appeal." The Federal Court of Appeals also stated, "how would of the Concealment change the outcome of the case"? They also asked, "How would the Fraud on the Court changed the posture of the Case"? The Court ruled res judicata.

On July 27, 2015, District Court dismissed the Appellants case stating that *res judicata* is bars the filing of the Plaintiff's claims. "Plaintiff makes a number of unsubstantiated allegations in support of his theory that *res judicata* is inapplicable and fails to cite to any legal precedent to support his argument.

The Appellant Appealed the District Courts Decisions to the Eleventh Circuit Court of Appeals on grounds that res judicata is inapplicable due to the Fraud on the Court and Procedural Due Process violations, the Court ruled res judicata applied and the Appellant filed for en banc which was denied on March 30, 2018.

2. COURT PROCEEDINGS

The March 29, 2006 Email from the Appellants wife was supposed to go into a disciplinary file or investigative file and the Appellant notified within 15 days by the Human Resource Manager, Marco Cuero. The Appellant was never notified of the email and was concealed from the Appellant until the day of the Administrative Hearing, 19 months later. Even after hiring counsel, the Email was concealed from his counsel and the ALJ until the day of the hearing. Prior to the Hearing the Agency refused the ALJ orders to turn over all discovery but on the day of the trial, the ALJ had not received the email, as well as the Plaintiff. Here Paralegal James Vogal tries to cover up this **Fraudulent Concealment** of 19 months. Lt. Wenzler met with the Appellants wife and spoke to her while in Jackson South Hospital Psychiatric Ward and on prison grounds in the parking lot, with Marital Privileged information and with perjury and serious discovery violation 5 CFR 1201.73. Perjured testimony by Wenzler and Vogal.

Q: Appellants Attorney Reiner "Is there a reason you didn't try to find the sender of the email?"

A: Wenzler, Because I had the email right in front of me Sir.

Q: "I got the email in front of me, what a coincidence. Did you notice anything unusual about it?"

Q: **Judge Vitaris: "Is the Email in the record?"**

A: Bop Counsel, Mr. Vogal: "No, it's not, your Honor."

A: Reiner: "Yet, this is the stuff that was just produced this week and last week?"
Judge Vitaris: "Okay"

Reiner: "I mean, you know, we..."

Q: Judge Vitaris: "Do you have a copy for me?"

A: Reiner: "**Actually I think you do. NOW the Stuff that was made today we made three copies, I got one , you got one, and...**"

Judge Vitaris: "Were not talking about it if I don't have it."

Reiner: "Agreed. I 've got - if I may let me give this (handing documents to the Judge). **I have three chunks.**"

Vogal: Paralegal James Vogal, "I'd like to object that this Email was not used in the Adverse Action File, made to make the determination whether or not for employment of Mr. Sarhan.
(Transcript#1: Vol II, P 169 L17-P. 172, L10)

On February 21, 2007, Vivian Bonet, Health Service Administrator signed an order of removal, however Bonet stated "she was ordered to sign the order of removal by Warden Pastrana, but had no firsthand knowledge of what took place," and had no

idea whether the Appellant was innocent, which is a **Prohibited Personnel Practice** 5 U.S.C § 2302(B)(2).

Q: Reiner: Do you have any first- hand knowledge of the truth or accuracy of the allegations in this termination letter?

A: Bonet: No.

Q: Reiner: Did you make any changes to it after Mr. Cuero prepared it and presented it to you?

A: Bonet: No.

Q: Reiner: Do you have any first-hand knowledge regarding Mr. Sarhan's guilt or innocence on any of these allegations?

A: Bonet: No.

(Transcripts #2 Vol. I, P130 L24, P131 L1) (Transcript #2 Vol I, P133 L10-L13) (Transcript#2 Vol I, P133 L 20 - P134 L13)

On March 27, 2007, the Plaintiff met with Warden Pastrana about his proposal for termination. The Plaintiff also gave the Warden a written answer to the charges. At this time, Warden Pastrana was said to be the deciding official in this case.

On October 4, 2007, in what was perhaps the biggest surprise of the last 5 minutes of the final hearing, Warden Jorge Pastrana stated, "**I am NOT the Deciding Official, I'm Not Deciding those charges or sustain or NOT.**

Warden Pastrana stated that:

"The SIS Lieutenant – Special Investigative Lieutenant – is the one that sustained the charges. And then that's submitted to OIA, too, then they review it also and that they agree with the charges or

not. But I'm not the Deciding Official. I'm not deciding those charges or sustain or not."
By AJ Vitares:
Q: "I just had one question. Warden, when you indicated that the charges had been sustained by internal affairs and you were not the deciding official, did you mean that you did not make your own determination of Mr. Sarhan's guilt or innocence, but merely deferred to the recommendation of internal affairs?"
By Warden Pastrana:
A: "Well when I mentioned -- you know, they did a report. The investigation is completed and in our case here. SIS Lieutenant -- Special Investigative Lieutenant [Wenzler] -- is the one that sustained the charges. And then that's submitted to OIA, too, then they review it also and that they agree with the charges or not. **But I'm not the deciding official. I'm not deciding those charges or sustain or not."** (Emphasis supplied by counsel).
By AJ Vitaris:
Q: "Does that mean then that you did not consider what Mr. Sarhan's defense is to the charge and you simply assumed he was guilty because that's what internal affairs had concluded or did you make your own determination of his innocence or guilt?
By Warden Pastrana:
A: "I did not do that at that point."
(Transcripts#3 P 273, lines 3-21, P 274 lines 1-4)

In Deposition the Warden stated:

Warden: "I am the Chief Executive Officer for this Institution. I ensure that the policies and goals with

the Bureau of Prisons are followed and implemented according to the intent of the policies."
(Transcript#4 page 228, lines 18-24, P 229 lines1-25)

Warden: "In this case I look at the whole thing. I look at all charges, you know one by one, but my decision to terminate was based on the file on each charge, and then on his oral response and write response that he completely disregarded his responsibilities."
(Transcript#5 page 263, lines 10-16)

Even the Administrative Judge Vitaris praised the Appellant at the end of his trial. "Clearly, Mr. Sarhan, there is no question that your ratings have been at the worst Fully Successful, at best higher than that. That you worked long hours. You've been dedicated to your patients, that your interest in their welfare is commendable, so that is really not the controversy."

What was the controversy? Warden Pastrana claimed that Sarhan could not be rehabilitated, but Judge Vitaris showed the Warden's statements to be empty:

Q: by Judge Vitaris "The question is whether you've had any experience in the past with progressive discipline with Mr. Sarhan?"

A: Warden: "No, I said no to that one."

Q: And then the follow up question was: therefore you would have no basis to know whether he could learn from his mistakes?"

A: "No"

(Transcript # 6, vol. II, P 270, L 16-24)

REASON FOR GRANTING WRIT

THE DECISION OF THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT IS CONTRARY TO THEIR OWN OPINION, OTHER CIRCUITS AND CONTRARY TO THE UNITED STATES SUPREME COURT PRECEDENT

I. The Petitioner has been denied his 14th Amendment Rights by an ALJ and all Judges that followed including the Eleventh Circuit Court of Appeals, where the Petitioner has been denied his liberty and property without due process of law and was denied equal protection of the laws, therefore the Administrative Judgment is Void.

Petitioner urges that the decision of the United States Court of Appeals for the Eleventh Circuit is contrary to prior opinions of this Court, and this Court should grant certiorari to correct this contradiction.

Since Warden Pastrana gave sworn testimony that he was not the Deciding Official, then there was **No Pre-Termination Hearing** by the Deciding Official. A violation of the 14th Amendment of United States Constitution and A Procedural Due Process Violation, which was mandatory under the Master Agreement of the BOP and the Supreme Court decision in *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985), *Board of Regents of*

State Colleges v. Roth, 408 U.S. 564 (1972), *Perry v. Sindermann*, 408 U.S. 593 (1972).

Since Warden Pastrana gave sworn testimony that he was not the Deciding Official, and there was **NO DOUGLAS FACTOR** and there has never been A Douglas Factor in the Record, which is a Procedural Due Process Violations. The Administrative Judge erred, that a Federal Employee cannot be removed from his position unless the Deciding Official does the DOUGLAS FACTOR. See *Douglas v. Veterans Administration*, 5 MSPR 280 (1981).

In Sarhan, due to Warden Pastrana backing out as being the deciding official at the last five minutes of the Administrative Hearing and committing fraud on the court, Sarhan had **No Pre-Termination Hearing**. No one read the Petitioner's written response to the charges against him, and the Oral response to the Warden fell on death ears, since he had nothing to do with this case.

In Sarhan, there was **No Douglas Factor** completed in this case which was mandatory prior to termination. The U.S. Court of Appeals for the Federal Circuit, in Ward v. USPS, 634 f.3d 1274 (Fed. Cir. 2011) also held that information not provided to an employee regarding penalty determinations (under the *Douglas_Factors* in *Douglas* V. VA, 5 MSPB 280, 5 MSPB 313 (1981)) were also subject to Procedural Due Process violations.

Untimely Discipline- The ALJ failed to consider Untimely Discipline which should have been 120 days. The Petitioner's discipline timeline was over 15 months which according to the Assistant Director of the Bureau of Prisons Kathleen Kenny's October 31, 2006 memo states, "is cruel and unusual

punishment." The Reversal of an agency's action for Procedural Error is appropriate "only if the Procedures followed Substantially Impaired the rights of the employee. *Brewer v. United States Postal Service*, 227 Ct. Cl., 647 F.2d.1093, 1097 (1981), quoting S. Rep. No. 969, 95th Congress, 2d Session 64, reprinted in U.S. Code Ad. News 2723, 2786 (emphasis added).

No Progressive Discipline- for a 13-year Employee although the Administrative Judge challenged the Warden and again failed to do his job.

What was the controversy? Warden Pastrana claimed that Sarhan could not be rehabilitated, but Judge Vitaris showed the Warden's statements to be empty:

Q: by Judge Vitaris "The question is whether you've had any experience in the past with progressive discipline with Mr. Sarhan?"

A: Warden: "No, I said no to that one."

Q: And then the follow up question was: therefore you would have no basis to know whether he could learn from his mistakes?"

A: "No"

The ALJ findings, abused his discretion, where the Administrative Judge refused to reconsider clear factual error. see *Norman v. Arkansas*, 79 f.3d 748, 750 (8th Cir. 1996). **If a due process violation is found, the Administrative Judge must reverse the agency's action and order the agency to restore the appellant until he is afforded a "New Constitutionally correct removal procedure." Stone, 179 f.3d at 1377; see Ward, 634 f.3d at 1280.**

Pursuant to Rule 60(b)(4), a court may relieve a party from a final judgment or order based on a

finding that the judgment is void. Fed.R.Civ.P. 60(b)(4). Generally, a judgment is void under Rule 60(b)(4) "if the court that rendered it lacked jurisdiction of the subject matter, or of the parties, or if it acted in a manner inconsistent with due process of law." *In re Edwards*, 962 F.2d 641, 644 (7th Cir.1992) (citation and internal quotation marks omitted); see also *Rice v. Ford Motor Co.*, 88 F.3d 914, 918 n. 7 (11th Cir.1996). A judgment also is void for Rule 60(b)(4) purposes if the rendering court was powerless to enter it. *Gschwind v. Cessna Aircraft* Co., 232 F.3d 1342, 1346 (10th Cir.2000).

II. Vivian Bonet, Health Service Administrator Admitted She Knew Nothing About This Case but Signed the Termination Letter Because the Warden Ordered Her to Sign, Which Is A Prohibited Personnel Practice (5 U.S.C. § 2302(B), MSPB 1225, C.F.R. § 1201.56

On February 21, 2007, Vivian Bonet, Health Service Administrator signed an order of removal, however Bonet stated "she was ordered to sign the order of removal by Warden Pastrana, but had no firsthand knowledge of what took place," and had no idea whether the Appellant was innocent, which is a Prohibited Personnel Practice 5 U.S.C § 2302(b)(2). Bonet stated that the Appellant was one of her best employees and Never received an unsatisfactory performance evaluation in 13 years, always excellent and exceeds. **The agency's action does not promote the Efficiency of the Federal Service., 5 U.S.C. 7513(a) and cannot terminate an employee if the employee's performance**

evaluations are excellent for 13 years and promotes the Efficiency of Federal Service.

Under either chapter 43 or chapter 75, the agency's decision will not be sustained if: (1) there was a **Harmful Error** in the application of the agency's procedures; (2) the action was based on a **Prohibited Personnel Practice** (such as discrimination or whistle blowing); or (3) the decision was otherwise **Not in Accordance with The Law.** These are known as "affirmative defenses." To prevail on an affirmative defense, the appellant must prove it by a preponderance of the evidence. MSPB 5 U.S.C. § 7701(c)(2); see 5 U.S.C. § 2302(b) (listing the prohibited personnel practices). MSPB 122 5 C.F.R. § 1201.56.

III. The Administrative Judge denied the Petitioners Fundamental Rights to Cross Examine the Only Witness in the Case, the Inmate, which according to the Eleventh Circuit, was a clear abuse of discretion and denied the Petitioner due process.

The Appellant lost his employment because he was accused of excepting some sort of legal advice by an inmate that was in Federal Prison.

The Warden testified, "he did not know what the legal advice was or if the legal advice had any value." Since the inmate was the only witness in this case, it was the right of the Appellant's Attorney to cross examine the inmate's credibility, since the Appellants attorney could not cross examine his affidavit. Since the Appellants Liberty and Property were at stake, the Appellant's and his Family's life and future were "condemned to suffer grievous loss," after being

employed for 13 years and not having a medical doctors license to practice medicine, outside of government agencies; the ALJ abused his discretion and violated a claimant's right to procedural due process, where he denied the claimant's request to depose and cross-examine the only witness in the case.

The right to cross-examine witnesses under oath is a fundamental right and cannot be denied.[ii]

In *Demenech v. Secretary of DHHS*, 913 F.2d 882, 885 (11th Cir. 1990) the Eleventh Circuit held that an ALJ abused his discretion and violated a claimant's right to procedural due process where he denied the claimant's request to depose and cross-examine the author of an adverse medical report and then substantially relied on the report as the basis for finding the claimant was no longer disabled.

The Court reviews limitations on the scope of cross-examination for "a clear abuse of discretion." *United States v. Maxwell*, 579 F.3d 1282, 1295 (11th Cir. 2009). However, we address de novo the question of whether a defendant's Sixth Amendment rights were violated. *United States v. Ignasiak*, 667 F.3d 1217, 1227 (11th Cir. 2012).

In *Perales*, the Supreme Court also noted that the "extent to which procedural due process must be afforded [to a party] is influenced by the extent to which he may be 'condemned to suffer grievous loss.'" 402 U.S. at 401-02 (citing *Goldberg v. Kelly*, 397 U.S. 254, 262-63 (1970) (termination of AFDC benefits)). Similarly, the extent to which "credibility and veracity are at issue" *Richardson v. Perales*, 402 U.S. 389, 408 (1971) may have a bearing on the propriety of receiving evidence where there has been no

effective opportunity to confront the adverse witnesses. For example, Connecticut has upheld the use of written reports of dentists who were not biased or interested in a license proceeding, *Altholtz v. Conn. Dental Comm'n, 4 Conn. App.* 307, 311-14, 493 A.2d 917, 921-22 (1985), but has rejected the hearsay affidavits of accident witnesses in a driver's license revocation proceeding, *Carlson v. Kozlowski*, 172 Conn. 263, 268, 374 A.2d 207, 209 (1977).

So, for example, in a contested case where a licensee is charged with making fraudulent representations, consideration of the "potential for loss of livelihood" as for the Appellant, "who has not practice medicine in 11 years," witness credibility would appear to swing the scales in favor of an absolute right to confront the adverse witnesses. A licensee may also argue that licensing proceedings are quasi-criminal and may attempt to invoke the Sixth Amendment right "to be confronted with the witnesses against him." *See Padilla v. Minn. Bd. of Med. Exam's*, 382 N.W.2d 876, 883 (Minn. Ct. App. 1986) (holding that the admission of medical records prepared by a physician in a physician disciplinary proceeding does not deny rights to cross-examine or confront witnesses).

Furthermore, it can be argued that under the APA and OAH rules, due process considerations aside, there is a clear and unequivocal right to cross examine that cannot be taken away in the absence of an express statutory provision. In *Perales*, the procedural rules appeared to balance the right to cross-examine by permitting it where necessary for "a full and true disclosure of the facts" 402 U.S. at 409 and by placing hearing procedures "in the discretion

of the hearing examiner" as long as they afford "a reasonable opportunity for a fair hearing." The Minnesota APA and OAH rules do not balance the right to cross-examine against the overall procedural fairness afforded by the hearing. For a discussion of the post-*Perales* case law, see *Kenneth Culp Davis & Richard J. Pierce, Jr., Administrative Law Treatise* § 16.8. (3rd ed. 1994).

Justice Marshall concurred in Part II in Cleveland Board of Education v. Loudermill, in the judgment, stating that, "before a decision is made to terminate an employee's wages, the employee should be entitled to confront and cross-examine adverse witnesses and to present witnesses on his own behalf whenever there are substantial disputes in testimonial evidence."

The Petitioner was discharged from his position without a Pre-Termination Hearing and was without pay from June 2007 to October 2007 when the Administrative Hearing was held. The Petitioner was denied the right to confront and cross examine and adverse witness, since there was a substantial dispute in testimonial evidence and we already suffered a grievance loss of a career.

IV. Res judicata is inapplicable and cannot be enforced due to the ALJ lack of jurisdiction, due process violations, concealment, fraud on the court and misrepresentation by the Warden

The principle of res judicata should be invoked only after careful inquiry because it blocks "unexplored paths that may lead to truth" and

"shields the fraud and the cheat as well as the honest person." *Felsen* 442 U.S. at 132, 99 S. Ct. at 2210.

In Kissel v. U.S. Postal Service, Docket No. SF03538810179, 42 MSPB 154 (October 17, 1989) provides an exception to res judicata where "there has been mistakes, fraud, concealment, or misrepresentation by the [agency]." *Prima Facie* evidence has been provided to the Lower Court in which res judicata is inapplicable, due to clear case of Fraud on the Court and **A Manifest Injustice**.

We recognize the importance of administrative res judicata; however, enforcement of that policy must be tempered by fairness and equity. Neither ***collateral estoppel*** nor ***res judicata*** is rigidly applied in administrative actions; both rules are qualified or rejected when their application would contravene overriding public policy or result in **Manifest Injustice**. See *Tipler v. E. I. duPont de Nemours* and Co., 443 F.2d 125, 128 (6th Cir. 1971). Res judicata of administrative decisions does not acquire the rigid finality of judicial proceedings. *Grose v. Cohen*, 406 F.2d 823, 825 (4th Cir. 1969); *Courll v. Weinberger*, 393 F.Supp. 1033 (E.D.Cal.1975). Where record of administrative proceeding is patently inadequate to support findings of administrative law judge, application of *res judicata* is tantamount to denial of due process and since fairness in administrative process is more important than finality of administrative judgments, *res judicata* is inappropriate. See *Thompson v Schweiker* (1982, CA9 Cal) 665 F2d 936.

We add that the doctrine applies even more flexibly in the administrative context than it does when a second court of competent jurisdiction is

reviewing the decision of a first court. Our prior case law suggests that this is true. *Am. Heritage Life* ***1378** *Ins. Co. v. Heritage Life Ins. Co.*, 494 F.2d 3, 10 (5th Cir.1974) ("We ... suggest ... that the doctrines [of res judicata and collateral estoppel], with respect to administrative proceedings, are not applied with the same rigidity as their judicial counterparts."). And a clear majority of our sister circuits have agreed. *See Alvear–Velez v. Mukasey*, 540 F.3d 672, 677 (7th Cir.2008) ("[W]e have applied res judicata much more flexibly in the Administrative context."); *Collins v. Pond Creek Mining Co.*, 468 F.3d 213, 229 n. 3 (4th Cir.2006) ("We have held that '*res judicata* of administrative decisions is not encrusted with the rigid finality that characterizes the precept in judicial proceedings.' " (alteration omitted)); *Quiñones Candelario v. Postmaster Gen.*, 906 F.2d 798, 801 (1st Cir.1990) ("[I]n the context of administrative proceedings, *res judicata* is not automatically and rigidly applied in the face of contrary public policy."); *Facchiano v. U.S. Dep't of Labor*, 859 F.2d 1163, 1167 (3d Cir.1988) ("[A]dministrative preclusion ... is not as rigidly enforced as preclusion in judicial proceedings."); *Artukovic v. INS*, 693 F.2d 894, 898 (9th Cir.1982) ("[I]n the Administrative law context, ... *res judicata* [is] applied flexibly."); *Parker v. Califano*, 644 F.2d 1199, 1202 (6th Cir.1981) "[A]dministrative *res judicata* ... is applied with less rigidity than its judicial counterpart."); *United States v. Smith*, 482 F.2d 1120, 1123 (8th Cir.1973) (same); *Cartier v. Sec'y of State*, 506 F.2d 191, 196 (D.C.Cir.1974) ("[T]he doctrine of administrative *res judicata* ... has not evolved into a rigid system that is to be blindly applied in every context.").

Whether the Court of Appeals erred stated res judicata applies in this case, where the decisions by the Sixth and Seventh Circuits and contrary to the U.S. Supreme Court which states res judicata does not apply to a judgment that rests on both a lack of jurisdiction and a merits determination. See Remus Joint Venture v. McAnally, 116 F.3d 180, 184 n.5 (6th Cir. 1997). The U.S. Supreme Court in Scheuer v. Rhodes, supra, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974). "A court must vacate any judgment entered in excess of its jurisdiction." (Lubben v. Selective Service System Local Bd. No. 27, supra, 453 F.2d 645 (1st Cir. 1972). . A void judgment, however, is subject to both direct and collateral attack. *Lubben v. Selective Service System Local Bd. No. 27,* 453 F.2d 645 (1st Cir.1972); *Graciette v. Star Guidance, Inc.,* 66 F.R.D. 424 (D.N.Y.1975).

V. Fraud on the Court and Fraudulent Concealment by the Warden and Staff of the BOP which Voids the Administrative Judgment

The eleventh Circuit Court of Appeals, Federal District Court, MSPB and Administrative Courts all violated the Due Process Rights of the Petitioner and violated the U.S. Supreme Court Law and precedent governing review of fraud on the court actions (Hazel-Atlas, 322 U.S. at 250-51 and *U.S. v. Throckmorton,* 98 U.S. 61), by and *summarily affirming* the Petitioner's District Court actions for relief from judgment procured by fraud on the court - **all without ever reviewing Petitioner's fraud on the court allegations, the very subject matter of**

his action and the very allegations proven with *prima facie* evidence that entitle him to relief.

The Fraud on the Court was rendered all the more egregious because the Warden of the Federal Prison **Misrepresented** that he was the Deciding Official for 19 months, throughout the investigation, in deposition and until the last five minutes of the Administrative Hearing, he stated, **"But I am not the Deciding Official, I'm not deciding those charges or not."** The Agency Misrepresentation as to who was the Deciding Official in the Petitioner's case was an attempt and succeeded in "gaining an unfair advantage over the Petitioner, this gross misbehavior constituted a Fraud on the Court." *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115, 1118-1119 (1st Cir. 1989).

The Fraud on the Court is almost identical to the Case of *John Martin v. Automobili Lamborghini Exclusive* in Case No: 00-12489, United States Court of Appeals for the Eleventh Circuit, where they upheld a dismissal for Fraud on the Court where the Plaintiff had engaged in substantial misconduct which included:

1) misleading the court about the real party in interest in the case; As the Warden stated he was the deciding official for nineteen months, then at trial, he changed his prior sworn testimony, that he was not the deciding official and had nothing to do with the case.

2) engaging in extensive discovery abuse to obstruct revelation of the known falsities in the Complaint; The BOP staff all colluded together to keep the email from the Petitioner, throughout the 19 months, the Petitioner had no idea his wife was involved, she was

Baker acted probably 4 to 5 times that year. The Petitioner had no idea there was an email until the day of the trial.

The Warden's Fraud on the Court prevented the Appellant from fairly presenting his case or defense and violated the Appellants Procedural Due Process Rights. *Chemtall Inc. v. Citi-Chem. Inc.*, 992 F. Supp. 1390, 1409 (S.D. Ga. 1998)(quoting *Nichols v. Klein Tools, Inc.*, 949 F.2d 1047, 1048 (8th Cir.1991). As in *Chemtall,* the Appellant has spent substantial resources in attempt to get a Court to reverse the Manifest Injustice that the Appellant and his Family have suffered over the last 10 years and in foreclosure.

According to Judge Ryskamp, the Appellants entire case is **Fraudulent.** Judge Ryskamp was faced with a similar case: the crux of the case was fraud. see *Vargas v. Peltz*, 901 F. Supp. 1572 (S.D.Fla.1995). In *Vargas*, the plaintiff brought a sexual harassment suit based upon an incident in which the plaintiff alleged that her superior gave her a woman's undergarment and told her to wear if for him. The Vargas plaintiff testified to the incident at deposition and produced the undergarment. Id. at 1574. Upon investigation, the defendant learned that the undergarment produced had not been manufactured until a year later after the alleged incident. Id. at 1574-1575. Judge Ryskamp held that the complaint should be dismissed because the plaintiff:

"has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability to impartially to adjudicate a matter by improperly influencing the Trier or unfairly

hampering the presentation of the opposing party's claim or defense."

In *Vargas*, 901 F. Supp. at 1579. "Fraud on the Court has been found only in those instances where the fraud vitiates the Court's ability to reach an impartial disposition of the case before it. See *Harbold*, 51 F.3d at 622." *Davenport Recycling Associates v. C.I.R.*, 220 F.3d 1255, 1262 (11th Circuit 2000). This is precisely our allegations here.

The Supreme Court has described Fraud on the Court as a wrong against the Institutions set up to protect and safeguard the public. *Hazel-Atlas Glass Co. v. Hartford Empire Co.*, 322 U.S. 238, 246 (1944): "Fraud on the Court is used to describe a variety of improper acts that may lead to sanctions under the rules of civil procedure or pursuant to a Court's inherent power in managing its docket. *E. G. Stanley Shenker & Assocs. v. World Wresting Fed'n Entm't*, 48 Conn.Supp.357 (Conn.Ct.2003)."

The Appellant is entitled to Relief, under the **Manifest Injustice Doctrine** and for Fraud on the Court under Rule 60(d) which is a narrow doctrine and constitutes "only that species of fraud which does or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases." *Travelers Indem. Co.*, 761 F.2d at 1551. Rule 60(d) "preserves a court's historical equity power to entertain an independent action to relieve a party from a judgment, order, or proceeding," but is "reserved for those cases of injustices which, in certain instances, are deemed sufficiently gross to demand a departure from rigid adherence to the doctrine of res judicata." *Aldana v.*

Del Monte Fresh Produce N.A., Inc., 741 F.3d 1349, 1359 (11th Cir. 2014) (emphasis added) (quoting United States v. Beggerly, 524 U.S. 38, 46, 118 S.Ct. 1862, 1867, 141 L.Ed.2d 32 (1998)) (quotations omitted). Appellant files this Rule 60(d), as adopted by the Eleventh Circuit, the elements of a Rule 60(d) independent action are as follows:

(1) a judgment which ought not, in equity and good conscience, to be enforced;
(2) a good defense to the alleged cause of action on which the judgment is founded;
(3) fraud, accident, or mistake which prevented the defendant in the judgment from obtaining the benefit of his defense;
(4) the absence of fault or negligence on the part of defendant;
(5) the absence of any adequate remedy at law.

Bankers Mortg. Co. v. United States, 423 F.2d 73, 79 (5th Cir. 1970); Day v. Benton, 346 F. 3 App'x at 478.

Fraudulent Concealment Doctrine
Discovery Violation

The Agency's extensive cover up of the Appellants wife's Email for 19 months, is what started this investigation. According to the BOP's Master Agreement, the Email should of went into the Appellants file and Cuero was to contact the Appellant within 15 days of receiving the Email, however the Agency failed to do so and even when ordered by the AJ, refused his orders. Discovery violation 5 CFR 1201.73. Paralegal James Vogal, "I'd like to object that this Email was not used in the

Adverse Action File, made to make the determination whether or not for employment of Mr. Sarhan. (Transcript 1: Vol II, P 169 L17-172, L10)

Fraudulent Concealment Elements

To establish a prima facie case of fraudulent concealment, a plaintiff must offer proof that satisfies five elements:

1. **The defendants concealed or suppressed a material fact;** The Appellants wife's Email.

2. **The defendant was under a duty to disclose the fact to the plaintiff;** The Defendants had 15 days to contact the Appellant when they received the Email, the Defendants Never contacted the Appellant. The ALJ ordered the BOP to turn over all Discovery and the Defendants refused the ALJ's orders and concealed the email for 19 months until the day of the hearing.

3. **The defendant intentionally concealed or suppressed the fact with the intent to defraud the plaintiff; that is, the defendant concealed or suppressed the fact for the purpose of inducing the plaintiff to act differently than he would have if he had known the fact;** The whole case started because of the Email, the Defendants built this whole case around the Email, the Defendants concealed the Email due to Marital Privilege and other reasons to defraud the Appellant out of his Property Right, his career.

4. **The plaintiff was unaware of the fact and would have acted differently if he had known of the concealed or suppressed fact;** The Appellant Never knew how the case was started, therefore did not know an Email existed till the day of the Hearing. If the Appellant knew it was his wife's Email, he would have subpoenaed his wife and wife's Psychiatrist who is treating her for a severe case of Paranoid Schizophrenia (noncompliant with medication) and his wife would have testified at the hearing that the Email was Delusional.

5. **As a result of the concealment or suppression of the fact, the plaintiff sustained damages.** The Appellant graduated medical school and was studying for his board exam when he started working for the BOP. The Appellant never received his license, however was studying for his license when he lost his job. The Appellant therefore has not practiced medicine since working for the BOP. The Appellant has raised his 14-year old son alone, he is in foreclosure and soon could be homeless, by September of 2018. The Appellant is 57 years old and has suffered tremendously. *Dow Chemical Co. v. Mahlum*, 114 Nev. 1468, 1483-84, 970 P.2d 98, 110 (1998) (citing *Nevada Power Co. v. Monsanto Co.*, 891 F.Supp. 1406, 1415 (D.Nev.1995)).

CREDIBILITY ISSUES WITH WARDEN PASTRANA

Warden Pastrana **found not to be Credit Worthy,** the documentary material submitted by the Agency, I find Martin's testimony creditable and that of **Warden Pastrana not to be credit worthy** ..." *American Federation of Government Employees, Council of Prison Locals, Local 4052 and U.S Department of Justice, Federal Bureau of Prisons MDC*, Guaynabo, P.R., Federal Arbitration, 0-AR-4228, FMCS: 02-12276 (November 27, 2006) **(Appendix H)**

The case of *Tonita Caban v. Department of Justice, MSPB* (April 24, 2013) Docket Number AT-13-0002-I-1, where the Bureau 's Warden Pastrana was found **Not Credible** and Caban was charged with more severe charges than the Appellate which is Disparate Treatment, was put back to work due to the efficiency of service after five years of the charges were Mitigated.

In the matter of Mei-Ling Burgos, testimony by Warden Pastrana was found **Not Credible**, the Warden claims he sent a fax to Washington referred to the Vergara report to OIA, who would be responsible for investigating this matter. The Warden claimed somehow it was not received in Washington five months later. The grievance committee found that Warden Pastrana was **Not Credible** in the matter of Dr. Helfeld, FMCS Case No 02-13441 (In the Arbitration tribunal April 3, 2003) American Federation of Government Employees AFGE, Metropolitan Detention Center, Guaynabo Puerto Rico.

CREDIBILTY ISSUES WITH LT ROBERT WENZLER

Lt. Robert Wenzler, SIS who was involved in Plaintiff's termination, was the investigator in the Appellants case and testified as the Investigator in this case. At FCI Miami, Lt. Robert Wenzler offered two inmates favors for planting Marijuana in staff member and Union President, Lionel Phillips office, Lionel Phillips caught the inmate and pressed body alarm. After the investigation, the Warden asked Phillips, what do you want to keep this quiet, Officer Phillips wanted a teaching job in Education, which was a 30,000 dollar per year raise, he received the position and requested Wenzler to leave the Institution. Please see Affidavit of Officer Phillips, **(Appendix F & G)**

Warden Pastrana sent Wenzler to FCI Manchester. Within a short time at FCI Manchester, Wenzler was immediately demoted from his position as Special Investigative Services (SIS), where Wenzler was caught pulling documents from records, coercing and intimidating staff to lie in official investigations, coercing staff to sign documents in which they should not, and was demoted by Warden Karen Hogsteb, in which she stated, "I have lost all confidence in Lt Wenzler. Please see affidavit of Union President Daniel M. Ludwig, Appendix G

Wenzler threatened the Appellant to sign the Affidavit or the Appellant would be fired on the spot, the Appellant signed the Affidavit that Wenzler wrote and ordered the Appellant to sign. The Affidavit was switched to "Have Not" to "Have" at the beginning of each sentence. A technique used to confuse staff in

order to sign a opposite of what you thought you were signing.

CREDIBILITY OF MARCO CUERO HUMAN RESOURCE MANAGER

According to the BOP Master Agreement, Cuero was supposed to contact the Appellant within 15 days after the Email from his wife was received by the BOP. Cuero Never contacted the Appellant. The Appellant had absolutely no idea how this case got started, until the day of the Administrative Hearing.

During this same time period, Mr. Cuero had an inmate doing his work for him, updating Staff Members medical and insurance forms on Mr. Cuero's Computer, he was breaking rules and endangering the staff at FCI Miami, by giving an inmate access to 300 staffs social security numbers, home addresses, children's names and other confidential information, he only received a two- week suspension.

SUMMARY

The Administrative Judge committed numerous judicial errors and violated the Due Process Rights of the Appellant. **The Administrative Judge shall ensure that the appellant's due process rights are protected. See 5 C.F.R. § 1201.11** (stating that "[i]t is the board's policy that [its regulations] will be applied in a manner that ensures the fair and efficient processing of each case").

A Court reviewing a decision of the Merit System Protection Board must "set aside any agency action, finding, or conclusion found to be:

(1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. 5 U.S.C. § 706(2)(A);*United States v. Bean*, 537 U.S. 71, 77 (2002); *Gardner v. U.S. Bureau of Land Mgmt.*, 638 F.3d 1217, 1224 (9th Cir. 2011); *Latino Issues Forum v. EPA*, 558 F.3d 936, 941 (9th Cir. 2009); *High Sierra, Hikers Ass'n*, 390 F.3d at 638; *Public Util. Dist. No. 1*, 371 F.3d at 706.

(2) obtained without procedures required by law, rule or regulation reviewed *de novo* and 5 U.S.C. § 706(2)(D) .

(3) unsupported by substantial evidence..."5 U.S.C. § 7703(c); see 383 F.3d at 888.

Under 5 U.S.C. 7701(c)(2), the Board is required to reverse the action of the agency, even where the agency has met the evidentiary standard stated in paragraph (b) of this section, if the appellant:

(1) Shows harmful error in the application of the agency's procedures in arriving at its decision (as defined in § 1201.4(r));

(2) Shows that the decision was based on any prohibited personnel practice described in 5 U.S.C. 2302(b); or

(3) Shows that the decision was not in accordance with law.

CONCLUSION

For the foregoing reasons above and after 11 years of being denied Liberty, Property and denied equal protection of the laws, the Petitioner prays that this United States Supreme Court will grant a Writ of Certiorari and or Void the Administrative Judgment in this case.

August 30, 2018 Respectfully Submitted,

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