

No.

IN THE
SUPREME COURT OF THE UNITED STATES

ABIGAIL (ABE) ARROYO,
Petitioner

v.

ÁNGEL M. TORRES-SÁNCHEZ, ASSIST. SPVR.,
PUERTO RICO WATER & SEWER AUTHORITY,
AAA PRANF-WEST REGION,
Respondent

On Petition for Writ of Certiorari to
the United States Court of Appeals for the
First Circuit

PETITION FOR WRIT OF CERTIORARI

ABIGAIL (ABE) ARROYO
PO Box 1243-Victoria Station
Aguadilla, Puerto Rico 00603-1243
(787) 358-0550

i.

QUESTIONS PRESENTED

1. By their deceit, abuse of discretion and unjust “fast track” imposed burden, Respondents violated the Petitioner’s rights to life, liberty, pursuit of happiness, property and “the guarantee of due process of law”, as found in the Fifth and Fourteenth Amendments to the U.S. Constitution.
2. All along the judiciary process, the Respondents have not presented any opposition to the Petitioner’s alleged facts, as presented and sustained by Affidavit #10,480.
3. This is a case of public interest.
4. “Assuming the existence of a federal question, the element of diversity is immaterial, and so here, even though the parties are residents of this state, this court has jurisdiction, provided the jurisdictional amount is present.”
Coffman v. City of Wichita, Kan. 1958, 165 Fed. Supp. 765, affirmed 261 F2d 112. Fed. Courts Key 191; Fed. Courts Key 331.1.
5. On June 3, 2017, the Hon. Federal District Court dismissed this case **with prejudice**, but on October 15, 2018, the Hon. U.S. Court of Appeals affirmed it **without prejudice**.

ii.

LIST OF PARTIES

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

TABLE OF CONTENTS

QUESTIONS PRESENTED.....	i
LIST OF PARTIES.....	ii
TABLE OF CONTENTS.....	iii
INDEX OF APPENDICES.....	iv
TABLE OF AUTHORITIES CITED.....	v
STATUTES AND RULES.....	vi
OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY	
PROVISIONS INVOLVED.....	3
STATEMENT OF THE CASE.....	3
REASONS FOR GRANTING THE PETITION.....	6
CONCLUSION.....	8

**INDEX
OF APPENDICES**

Appendix A	JUDGMENT – U.S. Court of Appeals for the First Circuit – October 15, 2018
Appendix B	JUDGMENT – United States District Court for the District of Puerto Rico – May 31, 2017
Appendix C	ORDER – United States District Court for the District of Puerto Rico – May 24, 2017
Appendix D	AFFIDAVIT No. 10,480 – September 19, 2016
Appendix E	LETTER TO PUERTO RICO POTABLE WATER & SEWER AUTHORITY (AAA) Customer Service Center – from Abigail (Abe) Arroyo - August 11, 2016

TABLE OF AUTHORITIES CITED

CASES

1. <i>Torrance v. Caddo Parish Police Jury,</i> La. App. 119 So 2d 617, 619	4
2. <i>Dickey v. Brannon,</i> 162 S. 2d 827, 829, 118 Ga. App (B).....	4
3. <i>U.S. v. McWilliams,</i> 103 F. 2d 695, 697, 82 U.S.; App. (B).....	4
4. <i>Hebebrand v. State,</i> 196 N.E. 412, 415, 120 Ohio St 574.....	4
5. <i>Armour Transp. Co. v. Penn. Public Utility Commission,</i> 10 A 2d 86, 90, 138, Pa. Super. 243.....	5
6. <i>Coffman v. City of Wichita, Kan.,</i> 1958, 165 Fed. sup. 765, affirmed 261 F2d 112, Fed Courts Key 191; Fed. Courts Key 331.1.....	6
7. <i>Mine Workers v. Gibbs,</i> 383 U.S. 715, 726 (1966).....	7
8. <i>Pennhurst State School & Hospital v. Halderman</i> 465 U.S. 89, 117.....	7

STATUTES AND RULES

1. 16 Am. Jur. 2d Sec. 560. Const. Law.....	3
2. 168 Am. Jur. 2d Sec. 890.....	3
3. 14 A Fed. Words & Phrases, pp. 495, 496, Due Process Synonymous, p. 504 “Notice and opportunity to be heard”.....	3

IN THE SUPREME COURT OF THE UNITED
STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari be issued to review the judgment below.

OPINIONS BELOW

[] For cases from **federal courts**:

The opinion of the United States Court of Appeals appears at **Appendix A** to the petition and

[] is reported at -----; or,

[] has been designated for publication but not yet reported; or,

[] is unpublished.

The opinion of the United States District Court appears at **Appendices B and C** to the petition and

[] is reported at -----; or,

[] has been designated for publication but not yet reported; or,

[] is unpublished

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was October 15, 2018.

[x] No petition for rehearing was timely filed in my case.

The jurisdiction of this Court is invoked under 28 U.S.C.A. 1257 (a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. 16 Am. Jur. 2d, Sec. 560. Const. Law
2. 168 Am. Jur. 2d, Sec. 890
3. 14 A. Fed. Words & Phrases, pp. 495, 496, Due Process
Synonymous, p. 504 “Notice and opportunity to be heard”

STATEMENT OF THE CASE

1. **On May 26, 2007**, Petitioner purchased a second floor building with a separate water meter and **residential** service account number 11683602-002-B. The first floor belonged to the seller, **Felipe Rodríguez-Yulfo (Rodríguez)**, with **commercial** water service account number 11552784-001-7.
2. **On 8/7/2007**, Petitioner’s second floor **water meter was closed** by the Aguadilla (PR) Water & Sewer Authority at his request because the water bills were too high due to a water pipe system controversy that eventually demonstrated that the second (residential) floor was not totally independent from the first (commercial) floor. The water service to the second floor was **never again restored** because the parties indulged in a legal controversy that lasted until **January 26, 2015**, when it reached the Supreme Court of the United States as Civil Case #14-598, because it was the **Westernbank PR (WEPR)** that, in violation of several federal banks and banking regulations, “**liberated**” the second floor from Rodríguez’ mortgage and caused the whole controversy and **incurable damages** to the Petitioner; **but the case was never adjudicated on the merits**. On February 8, 2016,

the Petitioner was forced to move out of his home in Aguadilla, PR, to his new residence in **Quebradillas, PR**.

3. Which brings us to the controversy in the caption of the case caused by the Respondents through their “**abuse of discretion**”; see *Torrance v. Caddo Parish Police Jury*, La. App. 119 So 2d 617, 619; and “**deceit**”; see *Dickey v. Brannon*, 162 S. 2d, 827, 829, 118 Ga. App. This is the core of the whole controversy, because they are now claiming an old \$3,287.82 (first floor) **commercial** bill that belongs to **Rodríguez**’ (first floor), and they have now adjudicated it to **Arroyo**’s (second floor) **residential** water bill.

4. Petitioner immediately responded personally at the Aguadilla Office and wrote a few complaint letters to the AAA PRANF-West Region, which responded with a “fast tract”, illegal, fraudulent and abusive act, contrary to decency and unreasonable, by closing and sealing the water meter at his home in **Quebradillas**; see *U.S. v. McWilliams*, 103 F. 2d 695, 697, 82 U.S. App. D.C. 259.

5. Petitioner then submitted **Affidavit No. 10,480**, because Respondents **fraudulently** claimed that they had advised him through his niece, Providencia (Provi) Arroyo-Gómez about their Rule 4.07 that grants a ten (10) day peremptory period to request an Administrative Review. Afterwards, they also **falsey** claimed that they had given a letter to Provi to hand over to the Petitioner; see *Hebebrand v. State*, 196 N.E. 412, 415, 120 Ohio St. 574. According to the federal jurisprudence, this is an act of “**deceit**”, and the constitutional requirements of “**due process**” and “**equal protection**” require that a party affected by a judgment, award or decree shall have notice of

the proceeding and an opportunity to be heard; see *Armour Transp. Co. v. Penn. Public Utility Commission*, 10 A2d 86, 90, 138, Pa. Super. 243.

REASONS FOR GRANTING THE PETITION

1. “A United States Court of Appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.”
2. Puerto Rico needs to practice Common Law. This case should be adjudicated on its merits.
3. Respondents aggravated Petitioner’s damages.
4. Respondents did not answer the summons.
5. Respondents did not follow the **ORDERS** of the U.S. Court of Appeals.
6. Respondents did not answer, nor submitted their **Brief** to the Court.
7. Respondents are in **Default Judgment**.
8. The Court has already stated that, “Assuming the existence of a federal question, the element of diversity is immaterial, and so here, even though the parties are residents of this state, this court has jurisdiction, provided the jurisdictional amount is present”; *Coffman v. City of Wichita, Kan.* 1958, 165 Fed. Supp. 765, affirmed 261 F2d 112. Fed. Courts Key 191; Fed. Courts Key 331.1.
9. On June 3, 2017, the PR Federal District Court dismissed this case **WITH PREJUDICE**; but on October 15, 2018, the U.S. Court of Appeals affirmed it **WITHOUT PREJUDICE**.
10. “Federal Courts have the power to adjudicate

claims over jurisdictions that are normally outside their range, assuming pendent jurisdiction", *Mine Workers v. Gibbs*, 383 U.S. 715, 726 (1966); *Pennhurst State School & Hospital v. Halderman*, 465 U.S. 89, 117.

CONCLUSION

The Petition for Writ of Certiorari should be granted.

Respectfully submitted,



Abigail (Abe) Arroyo

January 15, 2019

Date