

18-9535

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Alexander Ocasio _____ — PETITIONER
(Your Name)

vs.

William Perez, et al. _____ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Ninth Circuit

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Alexander Ocasio

(Your Name)

6300 West Charleston Boulevard #2049

(Address)

Las Vegas, NV 89108

(City, State, Zip Code)

(702) 420-5850

(Phone Number)

QUESTION(S) PRESENTED

Is it a violation of the Fourth Amendment and Fourteenth Amendment of the U.S. Constitution where it is clear to every reasonable police officer that an arrest is unlawful where police powers conferred by the State of Nevada of Higher Education Police Officers are expressly limited as stated in Nev. Rev. Stat. 289.350 and that to violate the jurisdictional limitations makes it unlawful and without the prerequisite requirement to have a current inter-local agreement with the county police agency and concealing the misconduct by masquerading the legality of the arrest by making a 16 year old female student the arresting officer on the police report effecting a citizens arrest?

Is it a violation of the Fourth and Fourteenth Amendments of the U.S. Constitution for Defendant College of Southern Nevada Police Officers to arrest petitioner at his home based on a misdemeanor complaint reported four days earlier and without a warrant?

Is it a violation of the Fifth Amendment of the U.S. Constitution due process where state college official sued in the individual capacity have deprived petitioner property and liberty interest with deliberate indifference by failing to disclose existing video evidence exonerating petitioner of the misdemeanor charges of stalking, student misconduct charges, and Title IX sexual harassment charges?

Is it a violation of the First Amendment of the U.S. Constitution access to the courts clause for a U.S. District Court to force petitioner to amend a well plead Amended Complaint where the said court materially mistated the facts of case to petitioners' detriment and without correction by the applicable U.S. Court of Appeals for the Ninth Circuit?

Is it a violation of the First Amendment of the U.S. Constitution access to the courts clause for the U.S. Court of Appeals for the Ninth Circuit to assign a Nevada Appointed Active Federal Judge and two inactive retired judges with relatively poor characters and have no interest or stake in improving the Constitution by virtue of such inactive status and serve to placate the semblance of a fair panel linked with the Nevada appointee to suppress justice in cases from Las Vegas, Nevada?

LIST OF PARTIES

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

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

William Perez (College of Southern Nevada Police Officer
Cory Gribben (College of Southern Nevada Police Officer
Dr. Bradley Gruner (College of Southern Nevada Student Conduct Officer
Debrah Tanner (College of Southern Nevada Title IX Officer

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OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

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

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

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

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

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is 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 August 22, 2018.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: January 2, 2019, and a copy of the order denying rehearing appears at Appendix C.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fourth Amendment of the U.S. Constitution

Fourteenth Amendment of the U.S. Constitution

Fifth Amendment of the U.S. Constitution

First Amendment of the U.S. Constitution

Nevada Revised Statute 289.350

28 U.S. Code 46

STATEMENT OF THE CASE

Petitioner filed a First Amended Complaint in the U.S. District Court for the District of Nevada on July 8, 2016 in response to Defendants' Motion to Dismiss. The above said Amended Complaint contained 3 causes of action as follows: First Cause of Action – Unreasonable seizure without probable cause and deprivation of the equal protection of the laws in violation of the Fourth and Fourteenth Amendment of the U.S. Constitution; Second Cause of Action- Deprivation of liberty, property, due process and the equal protection of the laws in violation of the Fifth and Fourteenth Amendments of the U.S. Constitution; Third Cause of Action- Deprivation of liberty, property and equal protection of the laws in violation of the Fifth and Fourteenth Amendments of the U.S. Constitution.

The case concerns police officers William Perez and Cory Gribben of the College of Southern Nevada (CSN) based on a misdemeanor complaint lodged by a 16 year old white female student arresting the petitioner at his home without a warrant. Said arrest lacked probable cause because the said police officers were in possession of a security video tape showing the petitioner did not follow the complainant and no probable cause existed for the crime of stalking as alleged, however the said police officers violated state and federal laws to arrest petitioner at his home because Nev. Rev. Stat. 289.350 expressly limit the police powers of the police officers within the Nevada System of Higher Education which included police officers of CSN. The said police powers limit physical jurisdiction to effect arrest and are set by law and also require an existing inter-local agreement with the local police agency to conduct mutual assistance arrest. The said police officers illegally arrested the petitioner at his home for an untimely warrantless arrest outside their jurisdictional limits and without the required inter-local agreement with the local police agency. The untimely warrantless arrest was conducted without a warrant four days after the initial lodging of the complaint and the alleged crime did not occur in the any of the officer's presence. On May 1, 2014 after failed attempts of the above said police officers to lure petitioner to enter CSN Police Department on campus to answer to be interviewed, the said police went to petitioners home and arrested him. The illegality of the arrest was masqueraded as a citizen's arrest effected by Alexis Clark the 16 year old student who made the complaint, and listed her as the arresting officer. She nor the local police agency were present during the arrest. Petitioner was charged with Stalking in violation of Nev. Rev. Stat. 200.575

Petitioner was transported to the Las Vegas City Jail, booked in on the charge, and bonded out 12 hours later on the following day of May 2, 2014. Upon his release, the CSN Title IX Officer Debrah Tanner used the police report as the complaint of sexual harassment and initiated an investigation. Student Conduct Officer Bradley Gruner of CSN also initiated a student conduct complaint for student misconduct based on the same report. Both Debrah Tanner and Bradley Gruner coordinated their simultaneous investigations of petitioner. Petitioner was immediately barred and suspended from going to classes and prevented from attending graduation end of the year Paralegal Ceremonies associated with his degree. His name was besmirched and slandered. Petitioner was denied property and liberty interest associated with going to college and graduation.

Several due process issues are of subject with Debrah Tanners' investigation of sexual harassment. First she used a falsified altered version of the said police report where someone had crossed out the word "library" and substituted the word "computer lab" in order to conform to the fact the library was closed on the day the student alleged the incident happened and destroyed her complaint. The allowed Ms. Tanner to continue investigating petitioner (against his objection) and she would not close the case due to the impossibility of the facts alleged, so she altered the report. Secondly, a video tape existed proving petitioner did not follow the student and that she lied. Neither Ms. Tanner nor Mr. Gruner would produce or allow petitioner to view the tape. He only got after going to court for a year and upon subpoena to fight the ongoing Stalking charge, which resulted in a dismissal of the charge. Both investigation were resolved in petitioners favor. Mr. Gruner refused to accept and process a student misconduct complaint against Alexis Clark for making false statements and charges on petitioner.

Petitioner causes of action should not be dismissed because every police officer would know that petitioners' arrest was illegal because it was made in violation of Nev. Rev. Stat. 289.350 and it was without probable cause as the police saw the video tape which showed petitioner did not commit the stalking offense, yet the police still arrested the petitioner at his house and without a warrant required by the fourth amendment and fourteenth amendments. Additionally, state college officers should be held to due process requirements under the fifth and fourteenth amendments as it is against good public policy and basic fairness to allow such egregious conduct to strip petitioner of his property, liberty, and due process rights associated with college investigations, going to college, and graduating.

The following cases cited by the panel of the Ninth Circuit shown in the Table of Authorities of this petition are incorporated herein and do no address with any justice petitioners' case and the injustice of these actions. Lastly 28 U.S. Code 46 should be made unconstitutional as it deprives petitioner access to the court because the court has arranged a set up with the active Nevada Appointee Judge Bybee and two inactive retiree judges to this concocted group cannot rule with any confidence on the fiery societal issues such as this. The active judge has his own interest to protect Las Vegas interest and the other two inactive judges just make an impotent quorum. This serves no justiciable interest to the petitioner especially with the poor character of the two inactive judges. Finally with all respect the lower courts did mischaracterized and materially misstated the facts of petitioner's case to benefit the defendants. It is clear.

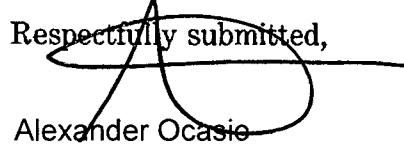
REASONS FOR GRANTING THE PETITION

The questions presented and the issues and the manner in which it has been treated "has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,


Alexander Ocasio

Date: May 31, 2019