

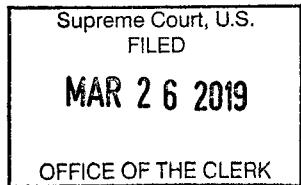
No. 18-9668

In The
SUPREME COURT OF THE UNITED STATES

Miguel Ángel Arias,
Petitioner,

v.

Ashley B. Moody,
Jane Doe-pseudo name of known CIA Agent,
Laura Ann Arias,
Michael Samuel Dyer,
Brent Allen Rose



Respondent.

On Petition for a Writ Certiorari to
The United States Court of Appeals for the Eleventh Circuit,
Case No.: No. 18-12921-G

PETITION FOR A WRIT OF CERTIORARI

MIGUEL ANGEL ARIAS (PROSE)
miguel.arias006@gmail.com
(813) 504-6613

QUESTION(S) PRESENTED FOR REVIEW

Does a government official, e.g., a Judge, or a CIA agent maintain their immunity after it has been discovered that they use their position to commit fraud, terrorized its victims to enrich themselves and family members?

LIST OF PARTIES

1. Miguel Angel Arias, Petitioner and Respondent;
2. Jane Doe - pseudo name of known CIA Agent, Defendant
3. Ashley B. Moody, Defendant.
4. Laura Ann Arias, Defendant.
5. Michael Samuel Dyer, Esq., Defendant
6. Brent Allen Rose, Esq., Defendant

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	Document 17, Report and Recommendation" of the Magistrate Judge - dated June 5,2018.....	1B
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OPINIONS BELOW

1. **United States Court of Appeal for the Eleventh Circuit:**
 - a) March 20, 2019 Notice of Court Action - Appeal from the United States District Court for the Middle District of Florida Motion to proceed IFP is denied (Appendix A, Exhibit 1A)
2. **United States District Court, Middle District of Florida, Tampa Division:**
 - a) Document 17, "Report and Recommendation" of the Magistrate Judge - dated June 05, 2018 (Appendix B, Exhibit 1B).
 - b) Document 19, "Report and Recommendation" of the Magistrate Judge dated June 21, 2018 (Appendix B, Exhibit 2B)
 - c) Order signed by US District Judge June 21, 2018 (Appendix B, Exhibit 3B)

TABLE OF AUTHORITIES

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STATEMENT OF JURISDICTION

The United States Court of Appeal for the Eleventh Circuit issued its decision affirming the district court's denial of Petitioner's Motion to IFP on March 20, 2019. This affirmation came via a "Notice of Court Action - Appeal from the United States District Court for the Middle District of Florida Motion to proceed IFP is DENIED ." The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitutional Provisions:

I. The Fourteenth Amendment to the United States Constitution. Section 1 of the Fourteenth Amendment to the U.S. Constitution, provides: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges 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; nor deny to any person within its jurisdiction the equal protection of the laws.

II. First Amendment To The United States Constitution - Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of

people peaceably to assemble, and to petition the government for a redress of grievances.

III. Eight Amendment to the United States Constitution - Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Statute And Regulations At Issue:

IV. 42 U.S. Code § 1983 - Civil action for deprivation of rights - Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia, Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983.

V. 2019 Federal Rules of Civil Procedure

FRCP 60(d)(3) This rule does not limit a court's power to: set aside a judgment for **fraud on the court**.

Rule 60 – Relief from a Judgment or Order

(d) Other Powers to Grant Relief. This rule does not limit a court's power to:
(3) set aside a judgment for **fraud on the court**.

Under Federal law which is applicable to all states, the U.S. Supreme Court stated that if a court is "without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers." Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828) Elliot v. Piersol

VI. Florida Statutes

1. Florida Family Law Rules of Procedure 12.615 Civil Contempt in Support Matters.
2. F.S.A. 837.02 and 837.03 - Perjury, Suborning Perjury, and submitting false evidence.
3. F.S.A 61.075. Equitable distribution of marital assets and liabilities

INTRODUCTION

1. **Petitioner:** Worked in the Information Technology field for 31 years. After the initial 22 years as a permanent employee in the private sector he resigned and continue his career as a consultant for the State of Maryland, Department of Human Resources, the US Treasury, Internal Revenue Service Martinsburg West Virginia, the US Health and Human Services Woodlawn Maryland, the Florida Department of Management Services in Tallahassee, and finally back to the private sector as a permanent employee to work for the TBC Corporation Palm Beach Florida.

2. **Background:** After the September 11, 2001 tragedy, changes to our National Security assets were structure and standardized to facilitate communication, quick response and cooperation under Homeland Security. These changes have proven to be affective in keeping the United States and its citizens safe. In contrast, some of those assets have decided to use the changes to facilitate

Fraud to enriched themselves and family members.

3. References: As used herein, the Petitioner, Miguel Angel Arias, is referred to as the "Petitioner", "Former Husband", "FH". The Defendant, Laura Ann Arias, is referred to herein as the "Former Wife" or "FW". The Defendant, Jane Doe-pseudo name of known CIA Agent, is referred to herein as "CIA Agent". The Defendant, Ashley B. Moody, is referred to herein as "Judge Ashley B. Moody". The Defendant, Michael Samuel Dyer, is referred to herein as "Michael Samuel Dyer Esq., (FH Attorney)" and Unknown local Homeland Security assets , is referred to herein as "Local Assets". References to the record are indicated as "(R:[page number],[line number])", whereas references to the transcript are indicated as "(T:[page number],[line number])".

STATEMENT OF THE CASE
(Exhibits reference in Appendix "C")

SUMMARY BACKGROUND (2008 - 2012):

Pleading : Appeal (No Transcript)

District Court Proceedings (07-DR-015811, December 16, 2008, R:Pg. 165-167) Final Judgment order on the Dissolution Of Marriage of Miguel Angel Arias and Laura Ann Arias. See (EXH. A-1).

Appellate Court Proceedings (2D09-194, February 10, 2010) Opinion filed February 10, 2010. See (EXH. A-5) and Mandate filed March 23, 2010. See (EXH. A-6). The Appellate Court "affirmed" the order because there was no Transcript. See excerpt from the Opinion below:

"We recognize that the final judgment fails to contain certain requisite findings supporting the equitable distribution and alimony determinations. See §61.075(1)(a)-(j), (3)(a)-(d), Fla. Stat. (2007). However, in the absence of a transcript or an appropriate substitute, we are constrained to affirm. See Esaw v. Esaw, 965 So. 2d 1261, 1264-65 (Fla. 2d DCA 2007)."

Florida Supreme Court Proceedings (SC10-668, April 12, 2010). On April 1, 2010 Petitioner Filed a "Notice to Invoke Discretionary Jurisdiction" (EXH. A-7), base on, as stated therein:

NOTICE IS GIVEN that Miguel Angel Arias, Defendant / Petitioner, invokes the discretionary jurisdiction of the Supreme Court to review Opinion file February 10, 2010 and by Court Order file March 5, 2010. The decision expressly and directly conflicts with its own decision, a decision of another district court of appeal or of the Supreme Court on the same question of law.

The appellate court decision expressly and directly conflicts with its own decision in *Hoirup v Hoirup*, 862 So.2d 780 (Fla.App. 2 Dist.,2003) where no transcript was available, the appellate court held that equitable distribution of marital assets was fundamentally erroneous on its face. As in No. 10 of the order that awarded the pension to Defendant(FW). See (EXH. A-1) Excerpt below:

10. The wife is awarded her *vested pension with Pfizer Pharmaceuticals.*¹

The trial court may make an unequal distribution of assets, provided the court supplies a specific finding of fact to justify its unequal distribution. (F.S.A 61.075. *Equitable distribution of marital assets and liabilities*) (1) See (EXH. A-8) Appellate Brief to the Florida Supreme Court (SC10-668) Lower Tribunal(2D09-194) - Filed April 12, 2010. The lower court did not do that.

Florida Supreme Court Decision:

41 So.3d 217 (2010). ARIAS v. ARIAS. No. **SC10-668**. Supreme Court of Florida. July 6, 2010. **Decision without published opinion Review denied.**
See (EXH. A-9).

Pleading : Appeal (Motion to Set Aside Final Judgment Of Dissolution Of Marriage Base On Fraud). See (EXH. B-1)

¹ In 2010 Petitioner(Prose) received subpoena records showing that former wife would be receiving \$1,336.32 a month from her pension, the value of which according to Social Security Administration calculation (A woman turning age 65 today can expect to live, on average, until age 86.6, which is an additional 21.6 years. Which is 259.2 months at \$1,300 per month) \$336,960.00.

District Court Proceedings (07-DR-015811, September 9, 2009). After Petitioner(FH) received the Subpoena records. See (*EXH. B-2*) Response Pension Subpoena Pfizer1 - Dated September 01, 2010 and (*EXH. B-3*) Response Pension Subpoena Pfizer2 - also dated September 01, 2010. He file a Motion to "Set Aside the Final Judgment Base on Fraud dated December 17, 2009, See (*EXH. B-1*). His Motion was denied. See (*EXH. B-4*). A request for a rehearing was also denied. See (*EXH. B-5*). Subsequently Appellate submitted a Notice of Appeal. *See (EXH. B-6)*

Appellate Court Proceedings (2D11-434). On April 02, 2011 Appellant(FH) submitted his Brief to the appellate Court. See (*EXH. B-7*). In the Transcript of the hearing file with the Brief (See *EXH. B-8*) location (T:[30],[23-24]) and (T:[31],[1-17]), the presiding Judge acknowledges that Defendant(FW) new about her Pension and committed Fraud when she lie about it. See (*EXH. B-9*). The Appellate Court Affirmed the lower court order without a written opinion. See (*EXH. B-10*). A Mandate was filed March 05, 2012. See (*EXH. B-11*).

Conspiring To Commit Fraud and Defrauding Plaintiff (FH) of His Social Security Retirement Income To Enrich Defendant Laura Ann Arias (FW)

MOTION FOR CONTEMPT FOR NOT PAYING ALIMONY

Heard December 19, 2011, between 2:13 p.m. and 2:38 p.m., before the Honorable Paul L. Huey in Hillsborough County Courthouse, 800 Twiggs Street Tampa, Florida. Court Reporter, Melinda McKenna.

Section 1983 / Biven- The Honorable Paul L. Huey (Uncooperative Participant), Jane Doe - pseudo name of known CIA Agent², Defendant Laura Ann Arias (FW) and Unknown local Homeland Security assets:

² The Intelligence Identities Protection Act of 1982 (Pub.L. 97-200, 50 U.S.C. §§ 421-426) is a United States federal law that makes it a federal crime for those with access to classified information, or those who systematically seek to identify and expose covert agents

Count I

Violation Plaintiff First, and Fourteenth Amendments of the United States Constitution

District Court Proceedings (Case No. 07-DR-015811- December 14, 2009 thru April 28, 2015, which include "Summary Background (2008 - 2012)" above.) The court violated Petitioner 's First, and Fourteenth Amendment due Process and Equal Protection under the Law, to favor Defendant (FW).

After Petitioner(FH) lost his job and could not pay the \$2,500 alimony, he filed a "Supplemental Petition for Modification of Alimony" on December 14, 2009. See (*EXH. C-1*). The court refused to hear Petitioner(FH)'s Modification of Alimony for approximately five (5) years, but continue to have hearings of contempt for not paying alimony to favor Defendant(FW).

Count II

Violation Plaintiff First, and Fourteenth Amendments of the United States Constitution

District Court Proceedings (Case No. 07-DR-015811 - Order dated December 19, 2011. See (*EXH. C-2*) and Amended order dated December 20, 2011. See (*EXH. C-3*). Violated Petitioner 's First, and Fourteenth Amendment due Process and Equal Protection under the Law, to favor Defendant Laura Ann Arias

During the Contempt Proceeding Defendant(FW) who was staying with CIA Agent, was conference in from Armenia. Petitioner(FH) was given 10 days in jail which he served. While Petitioner was still in jail, the court filed an Amended Order (December 20, 2011) that alleged Petitioner had a \$40,000 pension, that could be use to purge the incarceration, The allegation that Petitioner had a \$40,000 pension was false, and was fabricated by Defendant(FW) and her attorney

to keep Petitioner(FH) in jail³ in the hopes that his elderly mother (Approximately 82 years old at the time) would use her Social Security savings to pay the \$5,000 amount to purge his contempt . See excerpt below of the strict requirements that must be follow when applying Rule 12.615 Civil Contempt In Support Matters

"The Due Process Doctrine of "fundamental fairness" which was incorporated into the criteria which serves as a prerequisite to imprisonment for non-payment in support matters.(See Florida Family Law Rules of Procedures 12.615 Civil Contempt in Support Matters: (e) PURGE. If the court orders incarceration, a coercive fine, or any other coercive sanction for failure to comply with a prior support order, the court shall set conditions for purge of the contempt, based on the contemnor's present ability to comply. The court shall include in its order a separate affirmative finding that the contemnor has the present ability to comply with the purge and the factual basis for that finding)"

Petitioner(FH) file a Notice of Appeal on the Amended Order dated December 20, 2011. See (*EXH. C-4*).

Appellate Court Proceedings (Case No. 2D12-480) - Petitioner(FH) file his Brief of Appeal (*EXH. C-6*), on Amended Order dated December 20, 2011 from the December 19, 2011 Hearing (*EXH. C-2*) and Transcript (*EXH. C-5*). The incarceration was overturned because it was base on perjures testimony of Defendant Laura Ann Arias(FW) and the subornation of that testimony by her attorney (Brent Allen Rose, Esq.). On remand, the lower court was also order to hear Petitioner(FH) "Supplemental Petition for Modification of Alimony" filed December 14, 2009, which was henceforth scheduled April 28, 2015, **over 5 years later**. See *EXH. (C-7)* Second District Court of Appeal (2D12-480) Opinion.

³ Petitioner(FH), thanks the trial judge in this instance, who change the incarceration requested from more than 5 month to 10 days. Base on the effort by Defendant(FW) and her attorney, the intent was to extort the \$5,000 from Petitioner(FH)'s elderly mom

Count III

Violation Plaintiff First, and Fourteenth Amendments of the United States Constitution

Florida Supreme Court (Case no SC14-422, August 29, 2014). On the Contempt charge, Petitioner(FH), Petition the Florida Supreme Court to review based on, "*Article V, Section 3. Supreme Court. - (b) Jurisdiction. – (3) "...or that expressly and directly conflicts with a decision of another district court of appeal or of the supreme court on the same question of law"*". Petitioner(FH) presented in his "PETITIONER'S BRIEF ON JURISDICTION" See (*EXH. C-10*) Pettry v. Pettry, 706 So.2d 107, 108 (Fla. 5th DCA 1998) 533*533("Due process requires that a party be given the opportunity to be heard and to testify and call witnesses on his behalf, and the denial of this right is fundamental error."), (Citations omitted). Id. at 360-61. In addition:

- Sanford v. Rubin, 237 So.2d 134, 137 (Fla. 1970)
- Clark y. State, 336 So. 2d 468 (Fla. App, 2 Dist, 1976)
- Koll v. Koll 812 So. 2d 529 - Fla. App. 4 Dist. 2002
- Walker v. Edel, 727 So.2d 359 (Fla. 5* DCA 1999)

On August 29, 2014, CASE No.: SC14-422, Lower Tribunal No(s) 2D 12-480; 07-DR-15811 (*EXH. C-10*), the Supreme Court of Florida refused to accept jurisdiction to review this part of the order (*EXH. C-11*). As in " Pettry v. Pettry, 706 So.2d 107, 108 (Fla. 5th DCA 1998) 533*533("Due process requires that a party be given the opportunity to be heard and to testify and call witnesses on his behalf, and the denial of this right is fundamental error." The court violated Petitioner 's First, and Fourteenth Amendment due Process and Equal Protection under the Law when it place Petitioner(FH) in jail on December 19 and amended that order on December 20 with perjures testimony while he was unlawfully incarcerated.

Count IV
First Amendment and Obstructing Justice.

The Florida Bar (Initial Complaint, dated August 2, 2015) -
Petitioner(FH) filed a complaint with the Florida Bar against Brent Allen Rose, Esq., Defendant(FW)'s attorney in this case. The complaint was against his participation in **Count II** above, which denied Plaintiff(FH) First Amendment Rights in addition to Obstructing Justice. The exhibits below illustrates the seriousness of Mr. Rose actions, which mysteriously were squash and the verdict and punishment were seal according to the Florida Bar. See (*EXH. D-1 thru D-4*) below:

EXH. D-1 Florida Bar Complaint against Mr. Rose August 02, 2015) which refers to **Count II** above.

EXH. D-2 Florida Bar Ltr to Mr. Rose 2016-10,134 (13D) August 18, 2015).

EXH. D-3 Florida Bar Notice of Grievance Committee Review January 21, 2016

EXH. D-4 Florida Bar Website listing Mr. Brent A Rose:

• Member in Good Standing	
• 10 Years Discipline History	None
• Firm Position:	Government Attorney

2016 Grievance Committee Review Excerpts -

SUBJECT OF VOTE ALLEGATIONS:

The conduct under investigation concerns actions taken in connection with incarceration of Complainant for contempt and related issues.

The Rules Regulating The Florida Bar which may have been violated are:

- Rule 4-8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation);
- Rule 4-8.4(d) (conduct prejudicial to the administration of justice).

Copies of the above-listed rules are attached hereto.

The following documents will be considered by the committee in making its determination:

1. Initial Complaint, dated August 2, 2015.
2. 15-Day Letter to Respondent, dated August 18, 2015.

3. Respondent's Response to 15-Day Letter, dated.
4. Respondent's Rebuttal of Complaint, dated August 28, 2015.
5. Letter to Respondent Forwarding Correspondence from Complainant, dated.
6. Rebuttal of Complainant, dated September 3, 2015.
7. Letter to Respondent Referring to Discipline Office, dated October 22, 2015.
8. Letter to Grievance Committee Chair - Investigating Member to Be Appointed at Next Grievance Committee Meeting, dated October 27, 2015.
9. Notice of Assignment of Investigating Member, dated November 18, 2015.

SUPPLEMENTAL PETITION FOR MODIFICATION OF ALIMONY

Filed December 14, 2009, and heard April 28, 2015 (**Over 5 years later**) Circuit Court Judge Ashley B. Moody, Hillsborough County Courthouse, Courtroom 400 Tampa, Florida 33602

Section 1983 / Biven: Presiding Judge Ashley B. Moody, Michael Samuel Dyer Esq., (FH Attorney), Jane Doe - pseudo name of known CIA Agent⁴, Unknown local Agent:, and Laura Ann Arias(FW).

Count V

Violation Plaintiff First, and Fourteenth Amendments of the United States Constitution

District Court Proceedings, Case Management Conference: Case No. 07-DR-015811, December 10, 2014, Transcript (EXH. F-4) - The court violated Petitioner(FH)'s Fourteenth Amendment due Process and Equal Protection under the Law, to favor Defendant Laura Ann Arias(FW) who was living with CIA Agent. During this proceeding, the Petitioner(FH), in speaking with Michael Samuel Dyer Esq., his attorney, learned that the presiding Judge Ashley B. Moody had instructed Petitioner(FH)'s attorney not to do any Discovery on Defendant(FW)'s Pension and keep it from Petitioner(FH). His attorney informed Petitioner(FH) "...that he was no good to him and he should terminate his

⁴ *The Intelligence Identities Protection Act of 1982 (Pub.L. 97-200, 50 U.S.C. §§ 421-426) is a United States federal law that makes it a federal crime for those with access to classified information, or those who systematically seek to identify and expose covert agents*

representation sooner rather than later". See (*EXH. E-1 Michael Samuel Dyer Termination Email dated December 26, 2014*), (*EXH. E-2 Termination Letter to Michael S Dyer Esq. January 21, 2015*) and the court's order approving the termination of representation, (*EXH. E-3 Agree Order Withdrawal Signed January 26, 2015*).

Count VI

Violation Plaintiff First, and Fourteenth Amendments of the United States Constitution

District Court Proceedings, Pre-trial Conference: Case No. 07-DR-015811, March 23, 2015, Transcript (EXH. F-6) - The court violated Plaintiff's First, and Fourteenth Amendment due Process and Equal Protection Rights under the Law, to favor Defendant Laura Ann Arias(FW) who was living with CIA Agent. During the "Case Management Conference", **Count V** above. Petitioner(FH) discovered that his attorney was not acting in his best interest, and was terminated. During the Pre-Trial Conference representing himself (Pro Se), Plaintiff requested a Continuance based on the fact that his attorney was not acting in his best interest by not conducting Discovery on Defendant(FW) Pension. Pretrial Transcript dated March 24th 2015 was alter by removing the **REASON** he was requesting a continuance. See (*EXH. F-6*), (*T:[20],[3]*), The Court was aware that base on the reason mentioned in **Count V** above, a continuance should have been granted see (**T:[19],[10-25]**) and (**T:[20],[1-5]**).

Page 20, Line #3, the presiding judge had the Court Reporter delete all of Petitioner(FH)'s testimony.

Excerpt from transcript:

1. been done by now. It 's been pending since '09
2. MR. ARIAS: I understand, but my attorney

3. --

4. THE COURT: Okay. So the two of you step

The following from Plaintiff subpoena, shows that Defendant Laura Ann Arias(FW) continued effort to hide her pension with the assistance of the court and Jane Doe - pseudo name of known CIA Agent by facilitating moving and hiding her Pension money.

Excerpts:

- **Calculations in 2010** - "Your estimated monthly benefit from the Plan payable on November 1, 2015 as a Single life Annuity Is: \$1,336.32"⁵.
 - **EXH. B-2** Response Pension Subpoena Pfizer1 - Dated September 1, 2010
 - **EXH. B-3** Response Pension Subpoena Pfizer2 - Dated September 1, 2010.
- **Calculation in 2015⁶** - WLRP Fixed Benefit Your estimated benefit is \$111.36, payable as a monthly Single Life Annuity on 11/01/2015."

Count VII

Violation of Plaintiff's First, and Fourteenth Amendment due Process and Equal Protection under the Law and Tampering with evidence

District Court Proceedings, Trial Proceedings: Case No. 07-DR-015811, April 28, 2015) Transcript (EXH. F-7) - To favor Defendant Laura Ann Arias (FW) who was living with CIA agent. The trial judge had the Court Reporter alter

⁵ In 2010 Petitioner(Prose) received subpoena records showing that former wife would be receiving \$1,336.32 a month from her pension, the value of which according to Social Security Administration calculation (A woman turning age 65 today can expect to live, on average, until age 86.6, which is an additional 21.6 years. Which is 259.2 months at \$1,300 per month) \$336,960.00.

⁶ After transferring the majority of her fund out

the Transcript⁷ associated with the Modification hearing, April 28, 2015 by removing Defendant(FW)'s "admission" that she had executed changes to her initial pension, that would move the majority of her Pension money to a newly created account not reported in her Financial Affidavit.

Excerpts below:

CROSS-EXAMINATION

THE WITNESS: Laura Ann Arias.

BY MR. ARIAS:

(T: [91], [2-6])

2. A. It says action maybe required now for changes
3. effective January 1st, 2008.
4. Q. Did you contact your pension plan to initiate
5. any action in 2008?
6. A. I don't know.

page 91, after the question on line #4 her reply was "MAYBE", then MR. ARIAS repeated "MAYBE!...", when the judge turn and look at her, she quickly back-peddle and said "I DON'T REMEMBER!!", "I DON'T KNOW". The only statement that appears in the Transcript is "I don't know", line #6.

(T:[10],[10-14])

10. THE COURT: If you need that to refresh your
11. recollection, you're more than welcome to review
12. that. When in 2009 were you fired?
13. MR. ARIAS: From TBC Corporation. Tom, baby
14. Charlie. Tom, baby, Charlie.

FH did not say, or has no reason to say "Tom, baby Charlie. Tom, baby, Charlie"

Count VIII

Violation Plaintiff First, and Fourteenth Amendments of the
United States Constitution

District Court Proceedings (Case No. 07-DR-015811, RETROACTIVE
MODIFICATION - Final Order Filed April 28, 2015) - Any hearing of Contempt
for not paying Alimony would have to be *pending the resolution of the pre-*

⁷ Note: Petitioner(FH) inquired, as to who he could contact to investigate this and found that there is no one designated in the state to oversee court reporters.

existing "Supplemental Petition for Modification of Alimony", file December 14, 2009 (EXH. C-1). The violation of this rule denied Plaintiff 's protection guaranteed under the First, and Fourteenth Amendments of the United States Constitution. The Honorable Judge Beach (Below) illustrates the proper procedure, which is contrary to what was done when Petitioner(FH) was held in contempt⁸, unlawfully put in jail and denied to be heard on his Modification for over 5 years. See *(EXH. F-5)*, Transcript Motion for Contempt March 12, 2014 Beach - T: [page 6], [line 15 -25]. Excerpt below:

TRANSCRIPT OF PROCEEDINGS

BEFORE: Honorable Robert Beach
DATE: Wednesday, March 12th, 2014
TIME: Commencing at: 1:30 p.m.
Concluding at: 1:50 p.m.

Pg. 6 line 15-25

THE COURT: "If In fact the petition for modification were heard and the Court found that there was a change of circumstances back then -"

MR. TAPP: "Uh-huh?"

THE COURT: "-- and entered an order nunc pro tunc --"

MR. TAPP: "Yes, sir."

THE COURT: "-- reducing his obligation, would that not in effect have an effect on your motion for contempt now?"

MR. TAPP: "Your Honor, I would agree"

⁸ *The result of finding FH in Contempt, while the Trial Court was violating his Due Process Rights to be heard on his Petition for Modification, pending since December 18, 2009 is "Fruit of the Poisonous Tree" (see case 2D12-480 opinion dated November 27, 2013*

Count IX

Violation of Plaintiff Eight Amendments Rights guarantee by the United States Constitution

District Court Proceedings (Case No. 07-DR-015811, RETROACTIVE MODIFICATION - Final Order Filed April 28, 2015) - Circuit Court Judge Ashley B. Moody, violated Plaintiff's protection guaranteed under the Eight Amendments of the United States Constitution which states, *"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment."* The Court Order declare \$1,000 Alimony and \$96,710.88 in back alimony base on a contempt hearing held before the Modification was heard which violated Plaintiff(FH) protection guaranteed under the First, and Fourteenth Amendments of the United States Constitution (**See Count VIII above**). The Trial Court calculated alimony arrears of \$96,710.88 which was converted to a monetary judgment. The law requires that the Monetary Judgment be paid first of the available funds by Plaintiff(FH). With no more funds available, the alimony starts to accumulate keeping him in a lifetime of dept and poverty⁹ which is attributable to the court's violation of his Eight Amendments rights.

Monthly Income from all Known Sources

Defendant Laura Ann Arias (FW)

1	\$1,000	Alimony (Accumulating, no income from Plaintiff's (FH)
2	\$1,000	Monetary Judgment (Deducted from Plaintiff's (Former Husband) Social Security Retirement
3	\$1,336	Warner Lambert Pension (Est. Lump sum value \$350,000) Cashed - out to defraud Plaintiff (FH) entitled share ¹⁰
4	\$673	Social Security Retirement

⁹ The above is contrary to one of the objective in "Modification Cases. See *Perez v. Perez, 2009* "[A] trial judge must ensure that neither spouse passes automatically from misfortune to prosperity or from prosperity to misfortune, and, in viewing the totality of the circumstances, one spouse should not be "shortchanged.- in *Perez v. Perez, 2009*

¹⁰ With the assistance of the Courts, her Attorneys, CIA Agent and Unknown agents/assets of Homeland Security

5 \$4,009 Total Monthly Income

Plaintiff Miguel Angel Arias (FH)

6 \$865 Remainder of Plaintiff Social Security Retirement
7 -\$1,000 Alimony - Accumulating, see Defendant Laura Ann Arias(FW) number 1 above.
8 -\$135 Total Monthly Income

Count X

Criminal Crime of Larceny to Obstruct Justice

**United States District Court Middle District of Florida Tampa Division
Case No. 8:18-cv-304-T-23CPT, subsequently Amended 8:18-cv-304-T-23CPT**

Unknown local Agents or assets of Homeland Security, gained access to the trunk of my 2005 BMW and stole a computer case containing two (2) Toshiba computer laptop which contained nine (9) years of a Florida Circuit Court Case and United States District Court. Plaintiff requested to view the garage tapes to determine the offender or offenders and was denied access to them by Mercy Hospital and the Police:

- G - 1 USPS Return Receipt 3424 Mercy Hospital March 12, 2018
- G - 2 USPS Return Receipt 5193 Mercy Whitman March 14, 2018
- G - 3 USPS Return Receipt 5278 Mercy Melchiode March 14, 2018
- G - 4 USPS Return Receipt 7626 US Dst Crt Middle Dst Tampa Div March 2018
- G - 5 Rqst Ext Rspnd Doc 9 Dsmsl March 18, 2018
- G - 6 Amended Case 8 18-cv-00304-SDM-CPT April 16, 2018
- G - 7 Doc 22 Notice of Appeal to the United States Supreme Court / Transfer to United States Court of Appeals for The Eleventh Circuit July 12 2018

REASONS WHY CERTIORARI SHOULD BE GRANTED (FRAUD ON THE COURT)

FRCP 60(d)(3) This rule does not limit a court's power to: set aside a judgment for fraud on the court.

Rule 60 – Relief from a Judgment or Order

(d) Other Powers to Grant Relief. This rule does not limit a court's power to:
(3) set aside a judgment for fraud on the court.

Under Federal law which is applicable to all states, the U.S. Supreme Court stated that if a court is "without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers." Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828) Elliot v. Piersol

Known CIA / Unknown Homeland Security agent and presiding Judge are immune from monetary judgment, but their actions to Conspired and defraud Plaintiff of his Social Security Retirement is Fraud on the Court. Base on the Rooker-Feldman doctrine, federal courts, other than the United States Supreme Court, lacks jurisdiction to entertain claims to review state court judgments. (- in Wasko v. State Farm Mutual Automobile Insurance Co., 2006) and 151 similar citations. In Rooker the Supreme Court also held that no court of the United States other than the United States Supreme Court could "entertain a proceeding to reverse or modify the Judgment of a state court" (In re Missouri Properties ,Ltd., 1996) and 115 similar citations. The U.S. Supreme Court is the only court that has Jurisdiction to entertain a proceeding to Plaintiff's ten (10) Count complaint, to vacate a state court judgment from The Circuit Court Of The Thirteenth Judicial Circuit in and for Hillsborough County, State of Florida Family Law Division,

Case No.: 07-DR-015811, and issue an order to remedy the harm done to the Judicial Institution and Petitioner.

The power to vacate a judgment that has been obtained by fraud upon the court is inherent in courts. *Universal Oil Products Co. v. Root Refining Co.*, 328 U.S. 575, 580 (1946). Moreover, the federal civil rule governing relief from judgment does not grant anyone standing to bring independent actions but, rather, merely does not restrict any standing that party otherwise has. *Herring v. Federal Deposit Insurance Corp.*, 82 F.3d 282, 285 (9th Cir. 1995). Independent actions to relieve a party from a judgment, order or proceeding are subject to the doctrine of *laches*. *In the Matter of Whitney-Forbes, Inc.*, 770 F.2d 692, 698 (7th Cir. 1985); 11 Wright, Miller & Kane, *Federal Practice & Procedure: Civil* 2d § 2868 at 401-02 (2d ed. 1995). However, independent actions to set aside a judgment for fraud on the court are not barred by *laches*. See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246 (1944), *overruled on other grounds*, *Standard Oil Co. of California v. United States*, 429 U.S. 17 (1976). See also 11 Wright, Miller & Kane, *supra* § 2870 at 412 ("There is no time limit on setting aside a judgment on [the ground of fraud upon the court], nor can *laches* bar consideration of the matter.") In *Hazel-Atlas Glass Co.*, 322 U.S. at 246, the Court granted the petitioner relief from a judgment even though the petitioner may not have exercised the highest degree of diligence because the fraud at issue did not concern only private parties but, rather, involved issues of great moment to the public and tampered with the administration of justice by institutions set up to protect and safeguard the public. Because the power to vacate a judgment for fraud on the court is so great and free from procedural limitations, only a certain type of conduct falls into this category. 11 Wright, Miller & Kane, *supra* § 2870 at 413-14. **"Indeed, 'fraud upon the court' as distinguished from fraud on an adverse party is limited to fraud which seriously affects the integrity of the normal**

process of adjudication." *Gleason v. Jandrucko*, 860 F.2d 556, 559 (2d Cir. 1988). "The concept of 'fraud upon the court' embraces '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.' " *Hadges v. Yonkers Racing Corp.*, 48 F.3d 1320, 1325 (2d Cir. 1995) (quoting *Kupferman v. Consolidated Research & Manufacturing Corp.*, 459 F.2d 1072, 1078 (2d Cir. 1972)). "Fraud upon the court must be established by clear and convincing evidence." *King v. First American Investigations, Inc.*, 287F.3d 91, 94 (2d Cir. 2002).

<u>COUNT</u>	<u>SUMMARY of VIOLATION</u>	<u>PAGE</u>
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III	First, and Fourteenth Amendment of due Process and Equal Protection under the Law. On August 29, 2014, Case No.: SC14-422, Lower Tribunal No(s) 2D 12-480; 07-DR-15811 (<i>EXH. C-10</i>), the Supreme Court of Florida refused to accept jurisdiction to review this part of the order (<i>EXH. C-11</i>).....	12
IV	First Amendment and Obstructing Justice.....	13
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CONCLUSION

ARE WE BEING ASSAULTED WITHIN?

Base on the facts presented above, since the 9/11 disaster, things have change. Government Officials are given enormous power to protect this republic and its citizens. As some are true to their cause, some have deviated and terrorized those they are sworn to protect for their personal gain.

Example one, in Count IV mentioned above shows that in Count II, Respondent (FW) and her attorney committed perjury in order to have Petitioner(FH) incarcerated. Petitioner(FH) submitted to the Florida Bar a complaint against Respondent (FW)'s attorney. The Bar was investigating the complaint when the investigation was stop and squash. The attorney in the Bar's website shows him as a Government attorney. What happen? He was rewarded by those agents acting on Respondent(FW)'s behalf.

Example two, in Count X above shows that while Petitioner(FH) was visiting his mother in the hospital, someone broke into the trunk of his car and stole a case containing two (2) Toshiba laptops containing 9 years of these proceedings. When Petitioner(FH) called the police to report the incident, he was denied access to view the garage video to identify the Larcenist.

Note: Miguel Angel Arias - has Submitted these documents via register US mail return receipt

PROOF OF SERVICE

I HEREBY CERTIFY that on the June 11, 2019 a true and correct copy of the foregoing has been served by Certified U.S. Mail, upon the following:

Ashley B. Moody
Office of the Attorney General
State of Florida
PL-01 The Capitol
Tallahassee, FL 32399-1050

Laura Ann Arias and
Jane Doe/ Known CIA Agent
Private & Civil Liberties Office
Central Intelligence Agency
Washington D. C. 30505

Brent Allen Rose
155500 Light wave Drive
Suite 107
Clearwater, FL 33760-3505

Michael Samuel Dyer
201 E. Kennedy Blvd,
Suite 950
Tampa Florida 33602

Respectfully submitted,

Date: June 11, 2019

Miguel Angel Arias
Miguel Angel Arias (Pro se)
1428 E. Mowry Dr., Apt. 106
Homestead, Florida 33033
813-504-6613
miguel.arias006@gmail.com