

NO. 19-1289

Supreme Court, U.S.
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IN THE
Supreme Court of the United States

GEORGE ANDREW BENAVIDES,
PETITIONER,

v.

UNITED STATES ATTORNEY GENERAL
WILLIAM BARR, et. al, RESPONDENTS.

On Petition For Writ of Certiorari
To The United States Court of Appeals For The Fifth
Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTION(S) PRESENTED

The Espionage Act of 1917 was intended to prohibit interference with "Military" operations or recruitment, to prevent insubordination in the military, and to prevent the support of United States enemies during wartime. In order to invade the privacy or civil rights of an American citizen, a federal judge must have probable cause to issue the rights of a federal agency to spy, eavesdrop or wiretap an American citizen. 18 U.S.C §119. The Fourth Amendment of the United States Constitution, prohibits the right of the people to be secure against unreasonable searches and seizures. The United States Constitution also protects an American citizen from Torture or Treason. 18 U.S.C § 2340A, 18 U.S.C § 2381.

The questions presented is whether the United States Navy/USN had legal consent to spy on me while serving in the United States Marine Corps/USMC during the Gulf War and why wasn't the spying terminated and removed when my career ended in the military?

Did the lower courts neglect to hear this case based on the preponderance of the evidence and beyond a reasonable doubt that in fact a federal crime has been committed and a civil tort is this aftermath?

When is my freedom going to be restored and the torture going to stop? U.S Const. Amend 14

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**CONSTITUTIONAL AND STAUTORY
PROVISIONS INVOLVED**

Geneva Convention Rule 7c UN Convention Against
Torture, Signed 18 April 1988, Rat 21 oct94
Hate Crime Prevention Act 2009
1584 Richmond California, Resolution I-1, Support of
Space Preservation Act House Bill 4513 (2003)
Michigan House Bill 4514 (2003)
State of Massachusetts/Chapter 170 of the Act 2004
Maine Chapter 264 H.P. 868-L.D. 1271 (2005)
Hate Crime Prevention Act 2009
Richmond California, Resolution I-1, Support of
Space Preservation Act.
State of Massachusetts/Chapter 170 of the Act 2004
Michigan Chapter 170 of the acts of 2004 Chapter
264 H.P. 868-L.D. 1271 (2005)
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18 U.S.C.A 2516

18 U.S.C.A 2518

10 CFR 1047.7

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1914 105 N.E. 92, 93

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United States v. Karo, 468 U.S 705 (1984)

Katz v. United States, 389 U.S 347 (1967)

Griswold v. Connecticut 381 U.S 479 (1965)

People v. Superior Court (Walker) 143 Cal.App.4th 1183 (2006)

People v. Jenkins 22 Cal.4th 900 95 (2000)

Miranda v. Arizona, 384 U.S 436, 491 (1966)

Chambers v. Florida 309 U.S 227 (1940)

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Mallory v. Hogan 378 U.S 1 (1964)
In re Oliver 333 U.S 257 (1948)
Klopfer v. Notrth Carolina 386 U.S. 213 (1967)
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United Public Workers v. Mitchell 330 U.S 75 (1947)
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People v. Rhodes 126 Cal.App.4th 1374 (2005)
Brown v. Board 347 U.S. 483 (1954)
Lochner v. New York 198 U.S. 45 (1905)
Lawrence v. Texas (02-102) 539 U.S 558 (2003)
Roe v. Wade 410 U.S 113 (1973)
United States v. Alvarez 567 U.S (2012)
Title 7 Sec 571.020 Tex. Health & Safety Code
Labella v. FBI, United States District Court, Eastern
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OPINIONS BELOW

The opinion of the United States court of appeals appears at Appendix: A

JURISDICTION

The United States Supreme Court has jurisdiction over this case because the federal laws in question are Title 42 U.S.C. 1983 and Title 28 U.S.C. 1343(a).

PROVISIONS INVOLVED

The statutory and constitutional provisions involved include The Espionage Act of 1917, Deprivation of Civil Rights- 42 U.S.C. § 1983, Civil Rights- 28 U.S.C. § 1343.

STATEMENT

I've been falsely imprisoned, a victim of spying, torture and treason for twenty-six years. I am isolated by a spying device used to transmit or broadcast my thoughts and privacy to enemy, society or the government without a federal judge's authority. My civil rights have been violated and USN did not have my consent or proper federal court order to illegally spy and torture me. See Sanders v. American Broadcasting Cos, Inc., 978 P.2d 67 (Cal. 1991), Union Pacific Railway Co. v. Botsford, 141 U.S 250 (1891). 49 CFR § 801.56.

In 1993 when I enlisted at the Military Entrance Processing Station in San Antonio, Texas I had a background investigation and I was accepted to enlist in the United States Marine Corps during the Gulf War. I never imagined that I would be segregated from all other marines who enlisted with me during my career in the Marines. In 1994 while stationed at Marine Corps Recruit Depot (MCRD) located at 4300 Midway Ave, San Diego, California 92140. The USN and its dental staff were supposed to only clean and repair my teeth, not illegally implant a spying device inside of me used to broadcast or transmit the privacy of my life or my duties as a United States Marine Infantry man.¹²³ After the USN inserted the spying device inside of me, I continued to proceed to train for the Gulf War, exploiting or transmitting the secrecy and

¹ 25 CFR § 11.400- Assault

² U.S Const. amend 4- Unreasonable search and seizure

³ 18 U.S.C. § 2511, 18 U.S.C. § 2518, 18 U.S.C. § 2516, 18 U.S.C. §2510

privacy of the Marine Corps Infantries Battalions to the enemy, society and the government.⁴⁵ See Scott v. Sandford 60 U.S. 393 (1856), Slaughter- House Case 83 U.S 16 Wall. 36 36 (1872). 25 CFR § 11.404. The problem here is that when my career ended in the USMC, the USN had a legal duty to remove or take back all federal government property from me including the spying device they placed inside of me.⁶ See Katz v. United States, 389 U.S 347 (1967), Griswold v. Connecticut 381 U.S 479 (1965).

The lower courts neglected to investigate this case by utilizing the Res ipsa loquitur doctrine which means "The Thing Speaks For Itself", in which was cited in my case. ⁷ See Marbury v. Madison, 5 U.S. 137 (1803), Miranda v. Arizona, 384 U.S 436, 491 (1966), Chambers v. Florida 309 U.S 227 (1940), Mallory v. United States 354 U.S 449 (1957). What we do know is that Respondents/Defendants were negligent and the assumption is made even without specific evidence of negligence, as this tort or damages would not have occurred in the absence of negligence.⁸ In order to acquire the evidence, the lower courts should have allowed for discovery under the Federal Rules of discovery. (FRCP 26-37).⁹ The negligence by the Respondents is allowing the

⁴ The Espionage Act of 1917

⁵ U.S Const. amend 13- Involuntary servitude

⁶ 18 U.S.C § 2151, 2155

⁷ U.S Const. amend 5- Due process of the law

⁸ Johnson v. United States, 333 U.S 46 (1948), Ybarrs v. Spangard, 25 Cal.2d 486, Eaton v. Eaton, 575 A2d 858 (NJ 1990), Kerber v. Sarles, 151 A.D.2d 1031 (N.Y. App. Div. 1989)

⁹ Federal Rules of Discovery (FRCP 26-37)

enemy, society or government to understand what I am thinking or doing on a daily basis as a U.S Marine, thus creating the federal crime of illegal espionage, eavesdropping, or wiretapping. “Let the people speak the problem” if you were to ask the people out in public if they can understand what I am thinking or doing in my own privacy and they give you an answer, it’s a violation of my civil rights. The lower courts also neglected to judge the crimes being committed against me and other Americans by using Satellite weapons and electronic harassment. Using space weapons by your own government and subcontractors against myself and other American is called treason and torture. ¹⁰¹¹

A. STATUTORY BACKGROUND

1. The Espionage Act of 1917 prohibits interference with military operations or recruitment, to prevent insubordination in the military, and to prevent the support of United States enemies during wartime. In 1994 the USN implanted me with a spying device while serving during the Gulf War. Espionage Act of 1917 does not have a statute of limitations in a crime involving war.
2. Illegal eavesdropping and wiretapping on me must be ordered by a United States Federal Judge which makes the Navy implant or spying illegal under the United States Constitution, 18 U.S.C. § 2510, 18

¹⁰ 18 U.S.C. § 2381-Treason, 18 U.S.C. § 2340(A)-Torture

¹¹ 10 CFR 1047.7 – Use of Deadly Force

U.S.C. § 2516, 18 U.S.C. §2518, 18 U.S.C. § 2511.

3. The fourth Amendment of the United States Constitution prohibits the unreasonable search and seizure of any person. Since I am transmitting or broadcasting the privacy of my life to the enemy, society and the government this breached my Fourth Amendment rights caused by the USN illegal spying.
4. After being denied legal assistance for violation of my civil rights, spying and torture by federal judges, federal officials, United States Congressman, United States Senators and the Federal Bureau of Investigations.¹² ¹³ See Skinner v. Oklahoma, ex. Rel Williamson, 316 U.S. 535 (1942), Eisentsadt v. Baird 405 U.S 438 (1972), People v. Rhodes 126 Cal.App.4th 1374 (2005), Brown v. Board 347 U.S. 483 (1954), A time line was created to help this court understand who I made contact with to seek legal assistance. On April 29, 2019, I filed a federal law suit for Deprivation of my civil rights and violation of my civil rights under the United States constitution 42 U.S.C. § 1983, 28 U.S.C. § 1343(a).¹⁴ See Griswold v. Connecticut 381 U.S 479.

¹² 18 U.S.C. § 242- Deprivation of civil rights, 18 U.S.C. § 241- Conspiracy against civil rights

¹³ U.S Const. amend 14 – equal protection of laws

¹⁴ U.S Const. amend 9- unenumerated rights

(1965), United Public Workers v. Mitchell
330 U.S 75 (1947). 18 U.S.C 2333, 2331.

5. As I begin investigating my case, the respondents especially the FBI began to stalk, track and torture me with satellite weapons and electronic harassment taking advantage of the United States Navy implant, spying and tracking device. This is a violation of the United States Constitution 18 U.S.C. § 2381, 18 U.S.C. § 2340(A)

B. FACTUAL BACKGROUND

1. In 1994 the USN illegally eavesdrop and wiretapped me during the Gulf War which is considered espionage or spying.
2. In 1998 when I was honorably discharged from USMC, the USN failed to stop the illegal spying and torturing.
3. On May 12, 2000 I filed a lawsuit in the United States District For Western District of Texas San Antonio Division, Judge Edward C. Prado presiding and Law Clerk, Henry Bemporad assisting. Judge Prado ignore the federal crime, espionage and threw the case out of court.
4. After being denied legal assistance by federal officials for assisting me in the investigations of the violation of my civil rights and liberties. On April 29, 2019 I filed a laws suit in the United States District For Western District of Texas San

Antonio Division to restitute this illegal spying and torture.

5. Because this case is not repetitive, and default judgement was filed in compliance with United States Federal Rule of procedure and because Magistrate Federal Judge, Henry Bemporad was Bias and Prejudice. This case is now filed with the United States Supreme Court because the lower courts are neglecting to investigate the tort and the crimes committed against me by the Respondents. They failed to judge the behaviors of the federal government agencies to maintain law and order.

C. PROCEEDINGS BELOW

In the twenty-six years I have been falsely imprisoned, spied on, implanted, tracked, and tortured by satellite weapons and electronic harassment. I have gathered evidence that in fact the United States Federal Government has been attacking me and other Americans with satellite weapons and electronic harassment. See ROA.302 Plaintiff's Motions To Submit Documentary evidence. After gathering evidence from several organizations especially Targeted Justice, its evident that I am not the only American stalked, harassed and tortured. This seems like a "Pandemic of Domestic Terrorism" attacking Americans world-wide. See www.targetedjustice.com

Since 1994 I have been a targeted individual from San Antonio, Texas. I met up

with Derrick Robinson former United States Navy Veteran, who opened up an organization called Freedom From Covert Harassment and Surveillance found at www.freedomchs.com or www.freedomfchs.startlogic.com. Derrick Robinson was harassed by the Federal government for opening up this organization in 2008. So, he was forced to shut down. This did not stop Mr. Robinson. He proceeded to hire an attorney and opened up another organization called People Against Covert Torture & Surveillance, International. See www.pactsntl.org. Mr. Robinson informed me that I was not going insane and that the unexplained pain was in fact the act of satellite weapons and electronic harassment operated by the U.S Federal Government and subcontractors. He then proceeded to tell me that he knew of a physician by the name of Dr. John Hall, who was from my home town San Antonio, Texas who had written a book called, A New Breed Satellite Terrorism in America. After reading the book and investigating this. I came across a whistleblower who worked for the United States Central Intelligence Agency, Dr. Robert Duncan. Dr. Duncan wrote books in regards to satellite weapons and electronic harassment. The books are called: How to Tame a Demon: Short practical guide to organized intimidation stalking, electronic torture, found on Amazon. His other book is called: Project: Soul Catcher: Secrets of Cyber and Cybernetic Warfare Revealed. Dr. Duncan

was also interviewed on YouTube Title: Jesse Ventura interview with Dr Robert Duncan, <https://youtu.be/gy28fgSr3Ms>, With all this evidence I was able to inform federal officials and as of this date they have not returned my question as to why I am targeted and tortured. On April 25, 2019 Targeted Justice Inc, filed Mandamus Petition with the Honorable Ryan Patrick, United States Attorney, Southern District of Texas, United States Attorney's Office, 1000 Louisiana, Ste 2300, Houston, Texas 77002. See www.targetedjustice.com, Legal Action tab.

If Targeted Justice Inc and other Americans have been denied the right to present a case in trial? When are Americans going to seek justice for being implanted, tracked, stalked and tortured? If we don't investigate this now, when is this new invisible crime going to be investigated? We know that Americans are going to be tortured using space weapons, but we the people were denied to stop the crimes committed against humanity.¹⁵ See other states who have adopted laws to protect against space weapons and electronic harassment. See Page xi other authorities.

¹⁵ Ohio United States Congressman, Dennis Kucinich, (D), 107th Congress, 1st Session, H.R. 2977, Space Preservation Act of 2001.

On May 12, 2000 I attempted to present my complaint in the United States District Court For The Western District of Texas, United States Federal Judge, Edward C. Prado threw my case out without allowing evidence to be discovered or argument to be presented.¹⁶ ¹⁷

Mentally frustrated and deprived of my constitutional rights, I continued to seek justice. I presented my argument to federal officials as documented in my book: The 1994 Hacked Mind.¹⁸ I was even presenting evidence to local media to help them understand what I was going through and other Americans. I contacted Fox news and friends, CNN, MSNBC, CBS, and other media networks by either email or twitter posting the latest information of people or organizations involved in the investigations of satellite weapons and electronic harassment. The time line listed below will help you understand that I was seeking legal assistance since the year two thousand (2000) but was denied legal assistance by federal officials and organizations. For some reason United States Congressman and United States Senators were deprive from in investigating my civil rights case. See 18 U.S.C 241-242.

PETITIONERS TIME LINE IN ATTEMPTING TO SEEK LEGAL ASSISTANCE

¹⁶ See ROA.127, May 12, 2000-Benavides v. DVA and United States Navy, SA00CA0496EP, U.S District Court for Western District of Texas, San Antonio Division

¹⁷ U.S Const. amend 1- Right to Petition the government

¹⁸ See ROA.266, Plaintiff's Motion to Submit Documentary Evidence, exhibit #1 Book, The 1994 Hacked Mind

- May 12, 2000 – Lawsuit filed against the United States Navy and United States Department of Veterans Affairs, See ROA.127
- April 13, 2005 – Legal Assistance requested from American Civil Liberties Union, See Book: 1994 Hacked Mind, Page 105
- June 14, 2005 – Legal Assistance requested from American Civil Liberties Union Foundation, See Book: 1994 Hacked Mind, Page 109
- June 29, 2005 – Legal Assistance requested from LULAC/ League of United Latin Americans. See Book: 1994 Hacked Mind, Page 112
- January 31, 2006 – Legal Assistance requested from United States Senator, John Cornyn, See Book: 1994 Hacked Mind, Page 131-154
- June 19, 2006 – Congressional Inquiry requested by United States Congressman Charles A. Gonzales. See Book: 1994 Hacked Mind, Page 115
- March 7, 2007 – Letter to United States Congressman Charles A. Gonzales, that the Petitioner met with FBI agent, Gary Simmons and he was denied assistance. See Book: 1994 Hacked Mind, Page 118
- March 19, 2007 – Letter to the United States Navy Judge Advocate asking to investigate, See Book: 1994 Hacked Mind, Page 155.
- November 7, 2009 – Legal assistance requested from United States Senator, Kay Bailey Hutchison, See Book: 1994 Hacked Mind, Pages 120-130.

- November 21, 2007 – Legal Assistance requested from Texas State Senator, Judith, Zaffirini, See Book: 1994 Hacked Mind, Page 157
- April 2, 2008 – Memo to United States President, George W. Bush asking to investigate. See ROA.154-161
- July 29, 2008 – Letter to President, George W. Bush asking him to investigate again. See Book: 1994 Hacked Mind, Pages 196-201
- October 2, 2009 – Rebuttal to United States Congressman, Charles A. Gonzales from the United States denying the navy experiment. See Book: 1994 Hacked Mind, Page 119
- April 3, 2011 – Letter to United States President, Barack Obama asking him to investigate, See Book: 1994 Hacked Mind, Page 202-210
- April 8, 2012- Letter to Human Rights Watch requesting legal assistance, See ROA.193-195.
- January 27, 2013 – Letter to the United States Department of Justice, Attention Eric Holder, See Book: 1994 Hacked Mind, Page, 273 and ROA. 174
- January 27, 2013 – Letter to the United State Federal Bureau of Investigations asking them to investigate, See Book: 1994 Hacked Mind, page 274 and ROA.215.
- May 13, 2015 – Complaint filed with United States Intelligence Committee, Diane Feinstein, See ROA.187-192
- August 14, 2014 – Complaint filed with the San Antonio Police Department of being

targeted and tortured, See Book: 1994 Hacked Mind, Page 219

- September 8, 2015- San Antonio Archdiocese, Archbishop Gustavo-Siller Garcia was informed of attacks on Americans with satellite weapons. See Book: 1994 Hacked Mind, Page 276
- January 18, 2015 – Complaint filed with the San Antonio Police Department of being targeted and tortured, See Book: 1994 Hacked Mind, Page 218
- April 22, 2015 – Complaint filed with the office of Inspector General, See ROA.213-214
- May 27, 2015 – City of San Antonio was asked to investigate targeting and torturing of San Antonio residents.
- July 7, 2015 – U.S Congressman Will Hurd receives letter from the United States Navy denying the navy spying. See Book: 1994 Hacked Mind, Page 189-190
- May 21, 2016 – Falsely Imprisoned in a mental Institution for arguing the two federal officials about implanted, tracked, stalked and tortured by satellite weapons and electronic harassment. See Book: 1994 Hacked Mind, Page 233
- Since 1994 to this present time the DVA continue to wrongfully diagnose me as mental disorder for complaining about being implanted, spied on and tortured by satellite weapons and electronic harassment and

declared unable to work because being stalked and tortured.¹⁹

On April 29, 2019 I paid the filing fee and filed a lawsuit in the United States Western District for the State of Texas, San Antonio Division against the Respondents.

DISTRICT COURT ERROR'S

In the Petition filed On April 29, 2019 the charges presented were Deprivation of civil rights, 42 U.S.C 1983 and 28 U.S.C 1343(a). The Respondents crimes and personal injuries committed towards me is illegal eavesdropping and wiretapping, illegal spying or Espionage. See 18 U.S.C § 2511, 18 U.S.C § 2510, 18 U.S.C § 2516, and 18 U.S.C § 794, Espionage Act of 1917.

- On April 29, 2019 the Petitioner files petition against Respondents, See ROA.8
- On September 12, 2019 the Petitioner files Default Judgement against the Defendants. See ROA.83
- Instead of rendering the Default Judgement, the Senior United States District Judge, David Alan Ezra refers the case to United States Magistrate Judge, Henry Bemporad. See ROA.95
 - a) Why didn't the District Court order the default judgement in favor of the Plaintiff since the Defendants failed to appear or answer the petition?
- On October 2, 2019 – USMJ, Bemporad orders show for cause. See ROA.98-101
 - a) USMJ indicates the Petitioner filed a repetitive case.

¹⁹ 18 U.S.C. 245(b)(2)

- b) USMJ calls the case frivolous case and outside of statute of limitations.
 - c) USMJ orders the Plaintiff to file an amended petition.
 - d) USMJ orders the Plaintiff to Show Cause.
 - e) Question (a) How is the Plaintiff case repetitive if the parties and laws are not the same in either case? See ROA.8, ROA. 140 and ROA.127-129
 - f) Question (b) How is the case frivolous if the case has not yet been presented to a jury or discovery has not been rendered? Denied Due Process, U.S Const. amend 14.
 - g) Question (b) How is the Petitioners case outside of statute of limitations when the crime (Espionage) and personal injuries has not been restituted by a federal judge and jury?
 - h) On October 11, 2019 Plaintiff amended the petition. See ROA. 140
 - i) On October 11, 2019 Plaintiff files Response to USMJ, Bemporad Order to Show Cause. See ROA.118
- On October 2, 2019- USMJ, Bemporad orders Report and Recommendation. See ROA. 102-107
 - a) SDFJ, Ezra failed to render Default judgement after the Defendants failed to answer the petition under the Federal Civil Rules 55(a).
 - b) How did the Petitioner utilize Improper service when he utilized the United States Postal Service to serve the Defendants?

- c) USMJ, Bemporad orders Objections to Report and Recommendations and Plaintiff responds. See ROA. 120
- On October 11, 2019 the Plaintiff filed an amended petition and still no answer by the Defendants.
 - a) On November 6, 2019 the Plaintiffs serves all parties with a default judgement to insure they each had a copy of the Default Judgement and would give them a chance to appear in court. See ROA.270 – 301
 - b) Why did the USMJ-Bemporad fail to render the default judgement again, in favor of the plaintiff, instead judge files Report and Recommendation to rescue the Defendants?
- On November 22, 2019 the USMJ, Bemporad fails to render Default Judgement in favor of the Plaintiff, but instead filed Order Returning Case to District Court. Why wasn't the Default Judgement granted?
- On December 9, 2019, SUSDJ, Ezra Dismiss case with prejudice.
 - a) Why didn't the judge render the Default Judgement after the Plaintiff complied with United States Federal Rules of Civil Procedure 55(a) and 15(a)(3).

**RECUSAL OF FEDERAL MAGISTRATE
JUDGE REQUESTED**

On May 12, 2000 the Petitioner file a lawsuit in the United States District Court For the Western District of Texas San Antonio Division. The Federal

Judge Presiding was Edward C. Prado. Also, at the time Judge Prado was in office, Judge Henry Bemporad was a law clerk at the time working for Federal Judge Edward C. Prado who threw my case out of court.

- On December 3, 2019 the Petitioner filed an Affidavit of Bias or Prejudice because Federal Judge, Henry Bemporad was familiar with the Petitioner case filed on May 12, 2000 and declared the Petitioners case filed on April 29, 2019 and amended petition on October 11, 2019 as a repetitive case. See ROA.376, ROA.8 and ROA.140
- How can the USMJ, Bemporad call this case repetitive if the case in its contents does not contain the same parties as in the lawsuit filed on May 12, 2000 and does not contain the same laws? ROA.376, ROA.8 and ROA.140
- Should this judge have recused him from this case by SUSDJ, Ezra or District court?²⁰

UNITED STATES COURT OF APPEALS FOR
THE FIFTH CIRCUIT ERRORS

On March 17 2020, circuit judges, DAVIS, SMITH and HIGGINSON render a judgement. It is ordered and adjudge that the judgement of the District Court is affirmed.

- How is it that a court can take side of a lower court when the Petitioners life is “obviously” violated?

²⁰ 28 U.S.C § 455 – Disqualification of justice, judge, or magistrate judge

- How can a lower court take side of a lower court when in fact the case is not Repetitive and a crime (espionage) and personal injury still exist?
- How can this court avoid the fact that the Petitioner has been deprived of his civil rights?
- How can this court avoid the fact that the Petitioner has been violated of his Fourth Amendment Rights?

Do you think its constitutionally correct to detain an American citizen or a veteran against his will or psychological mind, exploiting the privacy of my life to society or to the government in which they should have no concern of what I am thinking or doing? Do you think its ok to use satellite weapons to attack and torture me and other Americans when we are defenseless? Do you think its ok to bind a contract with a member of family and the military to illegal spy on me while serving in the USMC during a time of war? ²¹Do you think it is legally right to detour a crime or civil tort to save the stock market and investments into a crime that is attacking me and the American people? Do you think its ok for the Respondents to say will its ok to do this to me, I am being compensated at One Hundred percent (%100) by the United States Department of Veterans Affairs? To hell with the United States Constitution and the people who died to preserve the rights and freedom of the American people. We don't need to respect the privacy of the Petitioner or Americans, We, don't need to respect the Fourth Amendment

²¹ 18 U.S.C § 201 – Bribery of public officials and witnesses

rights of the Petitioner or Americans. Let's just wrongfully diagnose the Petitioner and compensate me at One Hundred Percent to keep this crime quiet. Do you think this is ok? So, do you see what the lowers courts are missing? They are missing the right to put this evidence and questions in a court of law so that way the federal government and federal courts can police the new era of technology and new era of crime: "SATELLITE WEAPONS AND ELECTRONIC HARASSMENT". If this court doesn't do it now, who will suffer later on?

REASONS FOR GRANTING THE PETITION

- I. The question presented to this court, did the USN violate the Espionage Act of 1917 by spying on me while serving in the United States Marine Corps during the gulf war? See United States v. Jones, 615 F.ed 544 (2012), Schloendorff v. Society of New York Hospital, N.Y. 1914 105 N.E. 92, 93
 - a) Did the Petitioner serve in the armed forces during the Gulf War? The answer is yes, I enlisted in the USMC from 1993 until 1998 when I was honorably discharged.
 - b) Why did the USN spy on me during the Gulf War?
- II. Why didn't the USN stop spying on me, after my career ended in the military?
 - a) Was it because I continued to be an employee of the federal government after my career ended?
 - b) Was it because I was given "Sovereign Immunity"?

- c) Was it because I was supposed to be a "Secret agent"? You see the lower courts did not let the me discover these questions in a court of law, they just simply dismiss the case, ignoring the 14th Amendment of the United States Constitution by defending the country they swore to protect instead of preserving my rights and the rights of other Americans under the United States Constitution knowing there is a federal crime pending. Even if the USN had abused the United States Constitution by spying on me, shouldn't they have ceased the spying on me when I was honorably discharged from the military? The problem here is that we will never know what the intention of the spying device was for or what I was supposed to do with spying device after my military career ended.
- III. Because the USN is spying on me, and none of the federal officials fail to stop this crime. See *Marbury v. Madison*, 5 U.S. 137 (1803), *Norton v. Shelby County*, 118 U.S 425 (1886), *Miranda v. Arizona*, 384 U.S 436, 491 (1966).
- a) Would it be legal if any information obtains from the USN spying device used on me from 1994 until this present date without a federal court order, without probable cause or without his consent, be consider fruit from the Poisonous tree or a violation of my Fourth Amendment Rights? See *Klopfer v. North*

Carolina 386 U.S. 213 (1967), In re Oliver 333 U.S 257 (1948)

- a) "Fruit of the poisonous tree" doctrine is an offspring of the Exclusionary Rule. The Exclusionary rule mandates that the evidence obtained from an illegal arrest, unreasonable search, or coercive interrogation must be excluded from trial. Because the USN illegally spied on me from 1994 until this present date, does this give me sovereign immunity? We have to understand that the USN had an opportunity to cease the status of Sovereign Immunity, but for they failed to remove the spying device from me when I checked out of the military.
- b) Am I exempt from civil or criminal actions since leaving the military until this present time?
- c) Because the Navy continues to spy on me, broadcasting my thoughts and my life to society and to the government in which they should have no concern, does this violate my Fourth Amendment Rights- Search and seize?
- d) Once again, we will never know the answer to these questions unless the courts allow for testimony and discovery from

people who participated in this federal crime of Espionage and deprivation of civil rights.

- IV. Was there probable cause or a federal court order to spy on me while serving in the USMC during the gulf war?
 - a. If there was probable cause to spy on me. Then why did they let me enlist in the United States Marine Corps in 1993?
 - b. Was there a contractual agreement between parties to spy on me or use me as an experiment?
 - c. What was the reason why the USN spied on me?
- V. Why am I being stalked and tortured everyday by the Respondents with satellite weapons, electronic harassment, or space exotic weapons?
- VI. Does a federal judge recuse himself for being bias or prejudice and not stopping a federal crime? Impeachment of Federal Judges, Article III, Section I.
 - a. On May 12, 2000, didn't the United States Federal Judge, Edward C. Prado have a legal duty to hear the case and stop the crime of illegal Espionage and deprivation of civil rights?
 - 1) Question why didn't the United States Federal Judge, Edward C. Prado neglect to stop a federal crime of Espionage in 2000. Instead he allowed me to be wrongfully diagnosed and compensated by DVA to keep a crime quiet?

- 2) Can Federal Judge, Edward C. Prado be impeached for neglecting to stop a federal crime when it was presented to him on May 12, 2000?

When I went to my appointed United States Congressman and United States Senators to present my case that I have been violated of my civil Rights, didn't they have a legal duty to investigate and stop the problem? See ROA.166- Congressional Inquiry, U.S Congressman Gonzalez, ROA.210 – Congressional Inquiry, Ex-Central Intelligence Agent, U.S. Congressman, Will Hurd, ROA.187-U.S Senator, Diane Feinstein, Book: 1994 Hacked Mind, Page 154. Some of the questions I would like this court to answer:

1. What is the procedure of a United States Congressman and United States Senator, especially and Ex- Central Intelligent Agency officer who was brought to his concern that my civil rights have been violated by illegal eavesdropping and wiretapping and torture?
2. Is it against the law for any federal agency to interfere in the civil rights investigations by a United States Congressman or United States Senator?
3. As the FBI don't you have a legal duty as a Federal Law Enforcement agency to investigate civil rights violation or illegal spying or Espionage and torture.
4. On March 6, 2007 I walked into the FBI Office at 615 East Houston St, San Antonio, Texas 78205 and spoked with FBI, Agent Gary

Simmons who stated he would not investigate my case. Why didn't he investigate?

See Book: 1994 Hacked Mind, Page 118-Letter to U.S Congressman, Charles A. Gonzales in regards to meeting with the FBI.

5. Why did the lower courts neglect to hear or try this case? All these questions and evidence presented to this court is questions of evidence: Beyond a reasonable doubt and preponderance of evidence that I was hoping to depose from the Respondents.
6. How do you ignore federal crimes of espionage or illegal eavesdropping as a federal judge?
7. How do you allow me to carry on with my life after my life has been illegal exposed by the USN spying device?
8. How do neglect to hear evidence that I along with other Americans are being implanted, stalked and tortured by the United States Federal government and its agencies?
9. How do you neglect to hear the evidence of luring or coercing one of my family member(s) into a contract with bribery, knowing my family member(s) are innocent and lawless and it's against the law?

Do you continue to allow the violation of my Fourth Amendment rights to continue?

10. Do you continue to allow the treason and torturing on me and other American citizens?

11. Do you hear the first case to begin the establishment of new laws and a new era of satellite weapons and electronic harassment?
12. Was it because they didn't want to "Discover" the illegal contracts and illegal limo rides behind the Petitioners back when he was over the age of eighteen to sign his own contract or make his own decisions?
13. Why did the United States Navy spy on me during the gulf war and why wasn't the spying stop when my military career ended?
14. When will my freedom be restored?
15. When will I be release from this mental incarceration and torture?
16. What is it going to take to stop illegal experiments and torture on me and other Americans by the United States Federal Government? ²²²³²⁴

CLOSING STATEMENT

I am doing my job as a United States Veteran to report and complaint about any terroristic threats or wrongful acts done by any federal agency just as The Whistleblower Act of 1989 was intended for me to do. I don't think its ok for the Respondents to retaliate against me and with satellite weapons and electronic harassment to stop this complaint. I am

²² The Church Committee (formerly the United States Select Committee to study Governmental Operations with respect to intelligence activities) was a U.S Senate select committee in 1975 that investigated abuses by CIA, FBI, NSA and IRS.

²³ Tuskegee Study of untreated syphilis in the negro male in 1932-1972 by United States Public Health.

²⁴ Agent Orange, mixture of herbicides that U.S. Military forces in Vietnam from 1962-1971 during Vietnam war.

only asking to be compensated for illegally exploiting, falsely imprisonment and destruction of my life for twenty-six years (26).

CONCLUSION

My 14th Amendment has been violated. I have been denied due process of the law. The criminal events that took place in my case is as followed: ***breach of contract*** for ***the illegal eavesdropping and wiretapping*** by the Respondents, ***coercion*** to commit ***bribery*** by initiating an illegal contract with my family member(s), ***assault and battery*** by the USN dentist and staff who implanted the spying device inside of me without legal consent, ***espionage*** for spying on me during a time of war, invasion of privacy by exploiting my life to enemy, society and government, ***treason*** for using satellite weapons and electronic harassment to sabotage and manipulate my life, ***torture*** for inflicting pain and suffering on me with satellite weapons and electronic harassment, ***aiding and abetting*** a crime by the Respondents for not stopping this on-going crime since 1994. Why is this happening to me?

The petition for writ of certiorari should be granted.

Respectfully submitted,
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