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IN THE

SUPREME COURT OF THE UNITED STATES

SAMUEL RIVERA ROSADO - PLAINTIFF/APPELLANT,

vs.

LUCID ENERGY, INC. - DEFENDANT/APPELLEE

ON PETITION FOR WRIT OF CERTIORARI FOR REHEARING UNDER S. C. RULE 44.1.6; RULE 23.3; AND RULE 29.1.2 (2017). THE PETITIONER ENTERED A MOTION FOR REHEARING FROM THE DENIAL OF THE PETITIONER'S MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS AND THE PETITION FOR WRIT OF CERTIORARI IS DISMISSED UNDER RULE 39.8 IN VIOLATION OF DUE PROCESS OF LAW ACCORDING AMENDMENTS V, VII AND XIV(1) TO THE UNITED STATES CONSTITUTION.

**PETITION FOR WRIT OF CERTIORARI  
FOR REHEARING**

SAMUEL RIVERA ROSADO

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Plaintiff, Samuel Rivera Rosado, *pro se*, moves this Honorable Supreme Court, pursuant to S.C. Rule 44.1.6; Rule 23.3; and Rule 29.1.2 (2017), to correct this unlawful denial of due process of law in the Petition for Writ of Certiorari on October 7, 2019, and received on October 23, 2019. The Motion of Petitioner for Leave to Proceed in Forma Pauperis is denied, and the Petition for Writ of Certiorari is dismissed according to S.C. Rule 39.8.

If satisfied that a petition for a writ of certiorari; jurisdiction statement, or petition for an extraordinary writ is frivolous or malicious, the Court may deny leave to proceed in forma pauperis.

The Honorable Court overlooked and misapprehended or failed to screen the U.S. District Court Southern District of Florida and the U.S. Court of Appeal for the Eleventh Circuit Court order. The Petitioner never stated that he was seeking monetary relief against the California Energy Commission and which this Department has immune protection under the U.S. Constitution Amendment XI. The Petitioner only sued Lucid Energy, Inc. for copyright infringement in violation of Title 17 U.S.C. §§102(a) and 106, for stealing the Plaintiff's design drawing and blueprints that belong to the Plaintiff, water turbine energy system pipe that was built by Lucid Energy Inc., for monetary gain without paying the Plaintiff compensation for the stolen copyright water turbine energy system designs and blueprints . . . "Lucid Energy Inc., does not have immune protection and no company and the United States have immune protection according to the U.S.

Constitution Amendment XI. In this matter of laws pursuant to 28 U.S.C. §1915(e)(2)(B); and §1915(e)(2)(B), (see Appendices “5” page 111), the Court cannot dismiss the Plaintiff's complaint law suit against Lucid Energy, Inc. by stating the Plaintiff's complaint is frivolous or malicious claim seeking monetary relief against a Defendant Lucid Energy, Inc., . . . Lucid Energy Inc. does not have any immune protection for stolen property according to the U.S. Const. Amend. XI. The Court shall conduct a hearing in this complaint law suit according to Fed. R. Crim. P. Rule 52(b). This plain error that has never been addressed on the merit by any federal courts in the united States that must be legally be addressed on the merit and Lucid Energy, Inc., must show cause when Lucid Energy filed copyright, what year, and who is responsible for the use of the Plaintiff's water turbine energy system pipe stolen design for commercial and advantage of private financial gain . . . in violation of Title 17 U.S.C.A. §102(a)(5)(8); §106; §506(a)(1)(A); and section 2319 of Title 18 and the U.S. Const. Amend. V, nor private property be taken for public use without compensation to the owner of the property. (See Appendices “5” 119-122) and (see the Petition for Writ of Certiorari page 7 – 10).

The Plaintiff's writ for rehearing shall be addressed under Title 18 U.S.C.A. §242 the color of law.

This Honorable Court overlooked and misapprehended the Plaintiff, Samuel Rivera Rosado, is the victim in this complaint. This Court protecting the

Defendant, the person that stole my property! Where is the law in this stolen property? Lucid Energy, In., must answer the complaint for stolen property and tempering to the copyright office with stolen documents. In Bateman v. Mnemonic, Inc., 79 F. 3d 1523, 1541 (11th Cir. 1996). (Once the Plaintiff produces a certificate of copyright, the burden shifts to the defendants to demonstrate why the claim of copyright is invalid frivolous or malicious claim.) Supra in Roberts v. Lord, 877 F. 3d 1024, 1025 (11th Cir. 2015). . . The issue is that there cannot be two copyright protecting the same system, and the work or design of which are substantially similar. (See Appendix “2” and “3”).

The United States Supreme Court in Eldred. v. Ashcroft, 537 U.S. 186, 123 S Ct. 769, 154 L.Ed.2d 683 (2003), dissent by Stevens Breyer. 4. “The copyright law, like the patent statutes, makes reward to the owner a secondary consideration.” See Home Design Services, Inc. v. Turner Heritage Homes, Inc., 26 Fed. Law Weekly, C412 (11<sup>th</sup> Cir. June 17, 2016), copyright infringement, architectural work. The Seventh Amendment guarantees permit Plaintiff to recover either actual or statutory damages for violations of Act. 17 U.S.C.A. § 102(a) (5)§504 and when a Plaintiff seeks to recover either actual or statutory damages under the Act. The Seventh Amendment of the United States Constitution guarantees that Plaintiff a right to jury trial will not be denial Feltner v. Columbia Pictures Television, Inc., 523 U.S. 340, 355, 1188 S.Ct. 1279, 1288 (1998); See Id.

at 346, 118 S.Ct. at 1284.

This Court entered the following order in the above Plaintiff case by stating the Motion of Petitioner for Leave to Proceed in Forma Pauperis is denied and the action is frivolous or malicious determination in Title 28 U.S.C. §1915(e)(2)(B), and the Petitioner for a Writ of Certiorari is dismissed under S.C. Rule 39.8 because the scope of copyright protection is limited, however, in that it does not “extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.” 17 U.S.C. §102(a)(5)(8) and § 106. Unlike a patent, which protects the duplication of an invention, when the invention do not being stolen from other person like Lucid Energy, Inc., “a copyright gives no exclusive right to the art disclosed; protection is give only to the expression of the idea – not the idea itself.”

The laws do not state that a person can go to the Library of Congress and take any person's copyright projects and file for patent and copyright by taking the other person's technical drawings, works and duplicating the invention and changing other methods or concept, to become the owner of another persons projects, now the U.S. District Court's stated the Plaintiffs Water Turbine Energy Project belong to Lucid Energy Inc., because Lucid Energy filed for patent with stolen property in which is a criminal offense in violation of Title 18 U.S.C.A.

§1365(4); §1962(a)(b); or (c) and §1344(1)(2) 2018 and the Court's never requested the copyright and patent office to investigate the filed date and look into the form of the system original work of the projects belong to the Plaintiff Water Turbine Energy System Pipe under VAU-529-047 copyright registration of the square pipeline and round pipeline water turbine energy system.

The Plaintiff's new manual and new book, "*The New Super-Power Square Pipeline that Produces Electricity from Fresh or Seawater*" that was registered by the Plaintiff in 2001 and 2003 with the U.S. Copyright Office and with the Library of Congress under registration number TXU1-097-049 on March 10, 2003!! Show that Lucid Energy, Inc., copied all the ideas, theory, and information on how to build the Water Turbine Energy System that produces electricity by using the city water utility main pipe in violation of copyright infringement in Title 17 U.S.C.A. §106(3); no part of the Plaintiff's new book, "*The New Super-Power Square Pipeline that Produces Electricity from Fresh or Seawater*" copyright publication by the Library of Congress may not be reproduced, stored in a retrieval system, or transmitted in any form by any means or built for any purpose for commercial and advantage of private financial gain . . . except as permitted by the Plaintiff that owns this new Water Turbine Energy System Pipeline. This publication that are protected under Title 17 U.S.C.A. §102(a)(5)(8), §506(a)(1)(A); and section 2319 of Title 18. See Kirtsaeng v. John Wiley & Son, Inc., 568 U.S. 519, 557, 133 S.Ct.

1350(2013). Supra (8).

The Plaintiff's complaint is more than a copyright infringement! Here is a criminal act by Lucid Energy Inc.! On June 10, 2004, the Plaintiff sent a portfolio to the U.S. Department of Energy, to Mr. Spencer Abraham Secretary U.S. Energy certified mail, return receipt for merchandise. That package contained 151 pages and 44 technical drawings with blueprints regarding six new power plants that will operate with the Water Turbine Energy System Pipeline and which Lucid Energy Inc., have one of the same projects that was sent to the U.S. Department of Energy regarding my invention and the package that was received on June 17, 2004 by the U.S. Department of Energy! On March 23, 2005, the Office of the Executive Secretary extensively searched their files and could not find the 151 pages with the 44 technical drawings with blueprints listed in my incoming letter because someone stole my Clean Energy Water Turbine Pipeline like Lucid Energy Inc., that now from 2004 to 2011 built one of the Water Energy Power Station that was contained in the portfolio that was sent to the Secretary U.S. Department of Energy for a proved act for military act . . . Now today Lucid Energy has that same project, the Water Turbine Energy System under the round pipe that belongs to the Plaintiff under copyright registration VAU-529-047 on May 21, 2001; also there is another issue, that Lucid energy Inc. violated two copyright registrations under number TXV1-097-049 on March 10, 2003. the Plaintiff's new manual – new book under

Title 17 U.S.C.A. §106(3) that contains all the information, ideas and theory that explain how to build the new Water Turbine Energy System Pipeline and that explain how to build the new Station Pipeline Water Turbine Energy System Pipe by using the city water utility main pipe. The law stated that no part of the literary work that cannot be reproduced, stored in a retrieval system, or transmitted in any form by any means or built for any purpose for commercial gain, except as permitted by the Plaintiff. Without the book information, Lucid Energy Inc., could not build the Water Turbine Energy System Pipe that operates with the city utility water-main pipe. (Appendix 9)

The use of Plaintiff's new manual new book is a violation of copyright infringement by Lucid Energy Inc., for commercial gain under Title 17 U.S.C.A. §106(3), §506(2)(1)(A) and Section 2319 of Title 18.

Now the law stated that Title 35 U.S.C. §154 that patent is official document securing to an inventor, because it is secured by the federal government and the party claims that Water Turbine Energy System Pipeline belong to then Lucid Energy Inc.,

Now, the law stated that any document filed in any federal government agency is a official document and are secured like patent as a evidence that can be used by the government or the Plaintiff to prove any charge or any claims in the court of law if the Plaintiff or the party Lucid Energy Inc., telling the truth.



The Plaintiff has established a legal right to take this case to trial by jury under the Seventh Amendment of the United States Constitution and call witnesses and prove that Lucid Energy Inc., operates with stolen property because before Lucid Energy Inc., on August 2007, opened the door for the first time to the public, the Plaintiff's Clean Energy Power Plants Water Turbine Energy System that was present to the U.S. government agency under official document and securing the idea and invention and all the projects and which some of the Water Turbine Energy System Power Plants that are classified documents the Court only can see not the party of Lucid Energy that are filed in the U.S. Department of Justice and other U.S. Department.

On August 31, 2000, the Plaintiff, Samuel Rivera, Rosado, was in contact with Mr. Bill Richardson, Secretary of U.S. Energy, and the Department's Idaho National Engineering, working with this new Clean Power Plant Water Turbine System Pipeline. The California Energy Commission; the Office of the Governor, Arnold Schwarzenegger California; the Florida Department of Environmental Protection; the City of Hialeah, Florida; Charlie Crist, Governor State of Florida; Mr. John H. Marburger, Executive Agencies Office of Science and Technology Policy; the U.S. Department of the Navy; Director Steve Cho University of California; Director of U.S. the Center of Intelligence, Washington, D.C.; Ministerio Internacional Creciendo En Gracia; Congress of the United States

Ileana Ros-Lehtinen; Nancy Pelosi, the Speaker of the House of Representatives,  
the Capital, Washington, D.C.; and the U.S. Department of Justice, Criminal  
Division, Washington, D.C. See Title 17 U.S.C.S. §1301(a)(3).

Once again, this agency that is a federal agency and state agency that represents official department and which securing the Plaintiff, Samuel Rivera Rosado, Clean Energy Power Plants Water Turbine Energy System Pipeline that same is a patent because this federal agency proved that this projects belong to the Plaintiff before Lucid Energy inc., in for this matter of proof the Plaintiff Samuel Rivera Rosado is requesting under the Seventh Amendment of the United States Constitution, jury trial because the Plaintiff has the right to recover his property in which is a guarantee under the truth statement and this federal agency is a witness under oath because the Constitution of the United States is superior to any ordinary act of legislature constitution and not such ordinary act must govern case to which they both apply; law repugnant to Constitution is void; when an act of congress is repugnant to Constitution, it cannot become law. Marbury v. Madison, 5 U.S. 1 CRANCH 137, 173, 2d L.Ed. 60 (1803) (cited in Myers v. United States, 272 U.S. 52, 71 L.Ed. 160, 47 S.Ct. 21), in support this truth official document, the Plaintiff is the inventor and the owner of this project and not Lucid Energy, Inc., (See Appendices 10, 11)

In 17 U.S.C. §102(b), §106 A(a)(3), unlike a patent, which protects

duplication of an invention if the invention is not stolen property (like in this case). Since the Plaintiff has “exclusive proof that the Plaintiff is that right” ownership and there cannot be two water turbine energy system pipelines with two different owners and one system that does the same work. See Kaseberg v. Conaco, LLC., 260 F. Supp. 3d 1229, 1243 (D.D. Cal. 2017), “to determine whether two works are substantially similar in copyright infringement action, a two-part analysis and extrinsic test is applied for summary judgment, only the extrinsic test is important.” (Internal quotation marks are omitted). Ganz Bros. Toys v. Midwest Importers of Cannon Falls, Inc., 834 F. Supp. 896, 899-901 (E. D. Va. 1993). The two works are extrinsically and intrinsically similar. Lyons Partnership v. Morris Costumes, Inc., 243 F. 3d 789, 801 (4th Cir. 2001). The two Water Turbine Energy System Pipelines, the one the Plaintiff's has and the one Lucid Energy, Inc. has, are based on similar design, theory, technical drawing and invention ideas on which it is founded.”

The Supreme Court, before dismissing the Plaintiff's Petition for a Writ of Certiorari, shall break down that there are two copyright claims in the Plaintiff's complaint law suit against Lucid Energy Inc.

One copyright deals with designs, technical drawings and blueprints but does not specify or explain how to build the Water Turbine Energy System Pipe or how the Water Turbine Energy System Pipeline works or operates under copyright

office registration number VAU-529-047. Now the law states the scope of copyright protection is limited in this case because it is unlike a patent, which protects the duplication of an invention. The Court needs to look into the copyright register of copyrights in the U.S. Copyright Office, Washington, D.C. to determine an action and appeal regarding this copyright. Now, without the other copyright registration number TXV-1-097-049, the Plaintiff's new manual, that new operations book for the Water Turbine Energy System Square Pipeline that produces electricity from fresh or seawater, you could not build or operate the Water Turbine Energy System Pipeline because this book contains all the information to make the Water Turbine Energy System Pipeline. Without the book, there is no other information for Lucid Energy Inc., to build the Water Turbine Energy System that operates with the water utility main city pipeline. (See Appendices 7, 8, 9)

Now if the Court believes that there is no copyright infringement committed by Lucid Energy Inc., in the duplication of an invention under Title 35 U.S.C. §154, with copyright registration number VAU-529-047 on May 21, 2001 . . .

Now, the copyright registration number TXV-1-097-049 shows that Lucid Energy Inc., committed copyright infringement for using and taking all the literary works and information used to build and maintain the the Water Turbine Energy System Pipeline and to operate it with the city water utility main pipe.

Lucid Energy Inc., cannot take information or duplicate any information, idea, theory or specification of this Plaintiff's book for monetary or commercial gain without the Plaintiff's permission. Lucid Energy Inc., without the information in the Plaintiff's book, the Water Turbine Energy System Pipeline would not work.

Now, if you look at Lucid Energy Inc's., work and operation manual for the Water Turbine Energy System Pipe for the city water utility main pipeline, they have the same theories, ideas and specifications for operation as in the Plaintiff's operations manual and this is a matter of evidence of law in exhibits. Lucid Energy Inc's., operation is a violation of copyright infringement of the Plaintiff's copyright registration number TXV-1-097-049 and is a violation of Title 17 U.S.C. §106(3). (See Appendix 9)

### **CONCLUSION**

Now, this Court needs to determine the true owner of the Water Turbine Energy System Pipeline by taking this case to a jury trial. This way, Lucid Energy Inc., can present evidence and documents that can prove that Lucid Energy is the owner of this new Water Turbine Energy System Pipe or the other way around. The Plaintiff can prove with documents and Federal Agencies witnesses that the Plaintiff is the true owner of the Water Turbine Energy System because someone is not telling the truth in this case! The Court shall make Lucid Energy to show cause to prove when Lucid Energy found this new invention.

This Petition for Writ of Certiorari for Rehearing, under S.C. Rule 44.1.6;  
Rule 23.3 an Rule 29.1.2 (2017) should be granted.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'S. Rivera Rosado', written over a horizontal line.

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