

No. _____

19-5452

IN THE
SUPREME COURT OF THE UNITED STATES

Pablo Enrique Rosado Sánchez

ORIGINAL

— PETITIONER

vs.

Banco Santander Puerto Rico

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. District Court for the District of Puerto Rico

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

FILED

AUG 02 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

PETITION FOR WRIT OF CERTIORARI

Pablo Enrique Rosado Sánchez

(Your Name)

Urb. Levittown, 1093 Paseo Damasco

(Address)

Toa Baja PR 00949

(City, State, Zip Code)

787 902-7153

(Phone Number)

QUESTION(S) PRESENTED

1. Judge McGiverin wrote, a final judgment and opinion not based on the weigh of the facts, as he wrote, and that is an unsupported conclusion, and I quote his Document 149, on page 2:

"The court does not weigh the facts, but instead ascertains whether the evidence is such that a reasonable jury could return a verdict for the nonmoving party."

But all the steps I followed, were based on the evidence and its weight.

2. On page 8, Judge McGiverin wrote, disregarding my Interrogatory, and all the evidence I submitted not only to the Court, but following all required previous steps,

that, and I quote the Judge false quote on Page 8 of Docket 149, first sentence:

"Rosado did, in a way, address fact 11, which alleges that Santander has always reported Rosado's accounts pursuant to the agreement."

This statement from the Judge is false, how can that be allowed?

3. By insisting precisely in what I took as Judicial Misconduct, from previous Judge Garcia Gregory, Judge McGiverin final opinion dismissed the evidence:
How a Court Judge decide, **without counting the evidence**, that the required Discovery requirements were not met?

4. Even at the 3 main credit bureaus, and through the C.F.P.B. their first lawyer, Mrs. Vanessa Muñoz Martínez, received all the evidence without missing anything, and she simply denied the bank was violating the Fair Credit Reporting Act, but all evidence was received by her, before the Lawsuit: Discovery requirements took place also at C.F.P.B.

5. None of the credit bureaus reported my complaints as frivolous, or that there was no genuine dispute: it was the opposite, and I have the right to dispute inaccurate information reported:
Rule 10, Reasons (a),(c); Document 149 7/24/2019; Docket 155 7/26/2019

6. Is also Judicial Misconduct to pretend our education is not enough to see this egregious and hostile tactics, is an insult, but not even their Judicial Council weigh the facts? Rule 10, Reasons (a),(c);
Guide to Judiciary Policy Document 149 7/24/2019; Docket 155 7/26/2019

7. All their insistence of accusing me, by Judges McGiverin and Garcia Gregory **but without the weigh of the evidence and against the evidence, of not following the Rules, when the fact is, Judges here are the ones not following the Federal Rules of Civil Procedure,**

is because a Pro Se Plaintiff that complies with all, fast, and perfectly, is a threat to their Pro Bono Program?

8. Is the Pro Bono Program used as a way to make favors to their colleague attorneys?
9. If the Pro Bono Program is optional, then why a District Judge is allowed, by specific Rules, to freeze our Case without even asking if we accept first ?
10. Judge McGiverin is practicing Retaliation: I filed Misconduct complaints, against Judges García Gregory and Vélez Rive, who took the Case before him, because they are colleagues at the District Court of Puerto Rico?

This same Case, arrived at the First Circuit as an Interlocutory Appeal, for Bad Faith and or Unnecessary delays, because Judge Garcia Gregory was trying to impose the Pro Bono Program.

11. Judge McGiverin is just presenting lots of words and arguments the evidence contradicts, to justify the unlawful actions of a multimillionaire bank, and that is Judicial Misconduct too:

But Appellate Judges don't see because is not included in their Guide to Judiciary Policy, no matter it does not have to?

12. Looking straight at the evidence, reminding Justices Appellate Judges Guide to Judiciary Policy is not limited to what it is included on it, this same Case and Appeal under Petition, looks the opposite to Docket 149: why?
13. To misrepresent the facts and to deviate the attention from the evidence, minimizing its importance was used, according to the evidence I brought to the Court, that the Judges decided not to weigh? by the Appellee, and their Attorneys?
14. Basically: Judge McGiverin dismissed the facts of the Case, exactly like the Judicial Council, and Chief Judge Howard at the First Circuit, did: Judge McGiverin never mentioned before, on any Document, or live in person at the Initial Conference, he was not going to weight the facts of this particular case at all: is useless to return to the First Circuit, because they will simply reaffirm what was done only.
15. Were Judge McGiverin, Judge García Gregory, and Judge Vélez Rive, as well as Judge Hernández, who is part of the Judicial Council at the First Circuit, no matter he is a Judge at the District Court of Puerto Rico, so egregious and hostile, to deny the fact this lawsuit was filed, precisely because of the weight of the evidence ?

16. Does the Judicial Council recognizes, all students at schools, are instructed to use recognzied sources to find the meaning of words,

and to compare the definitions from one word in one recognized dictionary to another, and that does not include Chief Howard's Dictionary, or Judge García Gregory, or Vélez Rive Dictionaries, because none of these Judges are recognized as recognized sources, or even have a dictionary, above the Merriam Webster Dictionary, which is older than the First Circuit Court, to give just one example?

17. Are these Judges aware that their actions are going to be called charlatan actions, as shown at <https://www.merriam-webster.com/dictionary/charlatan> and the good reputation, that other good judges have, will not apply to them at all, or to the Courts they work, either?

18. Erasmo Reyes Peña, Banco Santander second attorney assigned to this Case, suggested after the Initial Conference with Judge McGiverin, that I should pay attention to the advice of the 2nd appointed Pro Bono Counsel, Rodolfo Carrión: How could I pay attention to that advice as if they agreed behind my back?

19. Judge Vélez Rive sent a message through a security guard at the floor of the Federal Building where the U.S. District Court pf Puerto Rico is located, that "only attorneys" will be received at her chambers, not allowing me to participate at this required appointment,

no matter I was required to be that specific date, I was suing Pro Se, and it was more than clear that I wanted to continue as Pro Se,

and even the 2nd appointed Pro Bono Counse Rodolfo Carrión did not showed at this required visit to Judge Vélez Rive chambers either but defendant's attorney was allowed to enter?

20. In order to constitue Judicial Misconduct, the Appellee or Plaintiff does not have to include that on an Appeal;

The evidence shows if this is true and Judges must evaluate it, but this Case called 17-2124 at First Circuit was brought by myself for Bad faith and or Unnecessary delays, without mentioning actions from Judge García Gregory were Judicial Misconduct the first time; Appellate Judges only wrote Final Judgment was required, knowing at the District Court, "they do not weigh the facts" as Judge McGiverin wrote?

QUESTION(S) PRESENTED

22. This same Case was submitted on the briefs, without oral arguments, at the First Circuit from a District Court Order appointing a Pro Bono Counsel against my will,

but Appellate Judges didn't submitted a Judgment about my Brief?

23. My motion rejecting the Pro Bono Counsel at the District Court was set aside, and not entered, no matter I filed Pro Se, within less than 24 hours before anyone was appointed and this Case was stopped for 30 days without asking my consent, not recognizing my Right to represent myself at the District Court:

but Appellate Judges just dismissed it for lack of Final Judgment at the District Court and lack of jurisdiction?

24. Now, this Case has the required Final Judgment from the District Court of Puerto Rico, but the Judge who made it wrote:

"The Court does not weigh the facts" dismissing my Case,

no matter what he wrote means, the specific facts about this Case were no counted?

25. This same Case was taken by myself to 2 Federal Courts, but:
- none of the 2 evaluated its evidence, no matter the unfair damages the evidence clearly show:

But if I return again to the Court of Appeals for the First Circuit, "The First Circuit will not weigh the facts either",

because that was exactly what took place when this Case came as an Interlocutory Appeal before Final Judgment ?

26. This same Appeal was described as Related Case to the Lead Case I brought as Appeal No. 17-2105.

My Brief of the Appellant includes both Cases, because the evidence shows, I unfairly lost my salary for 1 year due to Discrimination, and this provoked my missed payments. One Appeal can't be properly presented without the other, but when Judges rejected to review this Appeal, without giving importance to the evidence, they also disregarded with doctrines and arguments, the evidence of Discrimination.

21. To report incorrectly as a business credit card my personal credit card, is because Banco Santander is trying to avoid been charged as violating the Fair Debt Collection Practices Act, because it does not apply to business cards?

LIST OF PARTIES

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

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

RELATED CASES

1. United States District Court District of Puerto Rico (San Juan)

CIVIL DOCKET FOR CASE #: 3:18-cv-01398-CCC

Pedreira-Abreu v. Banco Popular de Puerto Rico

Assigned to: Judge Carmen C. Cerezo: No Judgment entered yet, as of July 29, 2019:

07/29/2019	<u>18</u>	SCHEDULING ORDER/CASE MANAGEMENT ORDER: Rule 26(a)(1) mandatory disclosures shall be made by 8/30/2019; Discovery due by 1/10/2020; Pretrial/Settlement Conference SET for 3/9/2020 at 1:30 PM in Judge Carmen C. Cerezo's Chambers; Jury Trial SET for 4/13/2020 at 9:30 AM in Courtroom 4. Signed by Judge Carmen C. Cerezo on 7/29/2019. (mld) (Entered: 07/29/2019)
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Cause: 15:1681 Fair Credit Reporting Act

Date Filed: 06/21/2018 Jury Demand: Plaintiff

Nature of Suit: 480 Consumer Credit, Jurisdiction: Federal Question

2. United States District Court District of Puerto Rico (San Juan)

CIVIL DOCKET FOR CASE #: 3:17-cv-01395-DRD

Martinez Dominguez et al v. Caparra Country Club

Cause: 15:1692 Fair Debt Collection Act

Date Filed: 03/24/2017; Date Terminated: 01/16/2018

Date Filed	#	Docket Text
07/18/2018	<u>25</u>	AMENDED JUDGMENT: Pursuant to the Court's Opinion and Order (Docket No. 19) granting Defendant's Motion to dismiss (Docket No. 8), the Court hereby enters a final judgment DISMISSING PLAINTIFFS' FEDERAL CLAIMS AND STATE LAW CLAIMS WITHOUT PREJUDICE. THIS CASE IS NOW CLOSED FOR ALL

		ADMINISTRATIVE AND STATISTICAL PURPOSES. IT IS SO ORDERED, ADJUDGED AND DECREED. Signed by Judge Daniel R. Dominguez on 7/18/2018. (MES) (Entered: 07/18/2018)
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**3. CASE CLOSED United States District Court District of Puerto Rico (San Juan)
CIVIL DOCKET FOR CASE #: 3:15-cv-03082-PAD**

Cintron-De-Jesus v. Rodriguez Fernandez Law Offices, LLC et al

Assigned to: Judge Pedro A. Delgado-Hernandez

Cause: 15:1692 Fair Debt Collection Act

Date Filed: 12/15/2015 Date Terminated: 02/03/2016

Nature of Suit: 480 Consumer Credit

02/03/2016	<u>15</u>	JUDGMENT dismissing plaintiff's claims with prejudice. This case is now closed for statistical purposes. Signed by Judge Pedro A. Delgado-Hernandez on 02/03/2016.(LMR) (Entered: 02/03/2016)
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**4. United States District Court District of Puerto Rico (San Juan)
CIVIL DOCKET FOR CASE #: 3:15-cv-02887-FAB**

Medina v. Oriental Bank of Puerto Rico et al

Assigned to: Judge Francisco A. Besosa

Cause: 15:1681 Fair Credit Reporting Act

Date Filed: 11/18/2015 Date Terminated: 01/26/2016

Nature of Suit: 480 Consumer Credit

01/26/2016	<u>17</u>	JUDGMENT dismissing the complaint with prejudice. This case is now closed for statistical purposes. Signed by Judge Francisco A. Besosa on 1/25/16.(np) (Entered: 01/26/2016)
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**5. United States District Court District of Puerto Rico (San Juan)
CIVIL DOCKET FOR CASE #: 3:15-cv-02823-JAG-BJM**

Cancel-Perez v. Caguas Auto Mall, Inc.

Assigned to: Judge Jay A. Garcia-Gregory

Referred to: US Magistrate Judge Bruce J. McGiverin

Cause: 15:1681 Fair Credit Reporting Act

Date Filed: 11/14/2015 Date Terminated: 07/26/2017

Jury Demand: Plaintiff

Nature of Suit: 480 Consumer Credit

07/26/2017	<u>24</u>	JUDGMENT dismissing this case WITH PREJUDICE. Signed by Judge Jay A. Garcia-Gregory on 7/26/2017. (lir) (Entered: 07/26/2017)
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**6. United States District Court District of Puerto Rico (San Juan)
CIVIL DOCKET FOR CASE #: 3:15-cv-02567-CCC**

De-Jesus-Rivera v. Midland Credit Management, Inc.
Assigned to: Judge Carmen C. Cerezo
Cause: 15:1692 Fair Debt Collection Act

Date Filed: 10/18/2015 Date Terminated: 12/30/2015
Nature of Suit: 480 Consumer Credit

12/30/2015	<u>5</u>	JUDGMENT - DISMISSING this case, without prejudice, for plaintiff's failure to pay the \$350.00 filing fee established in 28 U.S.C. 1914. Signed by Judge Carmen C. Cerezo on 12/30/2015. (mld) (Entered: 12/31/2015)
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**7. United States District Court District of Puerto Rico (San Juan)
CIVIL DOCKET FOR CASE #: 3:15-cv-02485-MEL**

Torres-Figueroa v. Midland Credit Management Puerto Rico LLC
Assigned to: US Magistrate Judge Marcos E. Lopez
Cause: 15:1692 Fair Debt Collection Act

Date Filed: 10/08/2015 Date Terminated: 07/18/2016
Jury Demand: Plaintiff
Nature of Suit: 480 Consumer Credit

07/14/2016	<u>24</u>	NOTICE of Voluntary Dismissal <i>with prejudice</i> by Javier Torres-Figueroa (Velez-Colon, Jose) (Entered: 07/14/2016)
07/18/2016	<u>25</u>	ORDER re <u>24</u> Notice of Voluntary Dismissal filed by Javier Torres-Figueroa. Noted and granted. The complaint is dismissed with prejudice. Signed by US Magistrate Judge Marcos E. Lopez on 7/18/16.(ft) (Entered: 07/18/2016)
07/18/2016	<u>26</u>	JUDGMENT dismissing the complaint with prejudice. Signed by US Magistrate Judge Marcos E. Lopez on 7/18/16.(ft) (Entered: 07/18/2016)

**8. United States District Court District of Puerto Rico (San Juan)
CIVIL DOCKET FOR CASE #: 3:15-cv-02243-JAF**

Cancel-Perez v. CICA Collection Agency, Inc. et al
Assigned to: Judge Jose A. Fuste

Cause: 15:1692 Fair Debt Collection Act

Date Filed: 09/07/2015 Date Terminated: 11/10/2015

Nature of Suit: 480 Consumer Credit

11/10/2015	<u>11</u>	NOTICE of Voluntary Dismissal <i>with prejudice as to all Defendants</i> by Hector Cancel-Perez (Velez-Colon, Jose) (Entered: 11/10/2015)
11/10/2015	<u>12</u>	JUDGMENT is entered dismissing this action with prejudice. Signed by Clerk on 11/10/2015.(dv) (Entered: 11/23/2015)

**9. United States District Court District of Puerto Rico (San Juan)
CIVIL DOCKET FOR CASE #: 3:15-cv-02241-FAB**

Cancel-Perez v. Credit Now, Inc. et al
Assigned to: Judge Francisco A. Besosa
Cause: 28:1331 Fed. Question

Date Filed: 09/05/2015 Date Terminated: 01/11/2016

Jury Demand: Plaintiff Nature of Suit: 480 Consumer Credit

01/07/2016	<u>20</u>	NOTICE of Voluntary Dismissal <i>with prejudice as to all defendants</i> by Hector Cancel-Perez (Velez-Colon, Jose) (Entered: 01/07/2016)
01/08/2016	<u>21</u>	ORDER re <u>20</u> Notice of Voluntary Dismissal: GRANTED. This case is DISMISSED with prejudice. Judgment shall be entered accordingly. Signed by Judge Francisco A. Besosa on 01/08/2016. (brc) (Entered: 01/08/2016)
01/11/2016	<u>22</u>	JUDGMENT dismissing the complaint with prejudice. Signed by Judge Francisco A. Besosa on 1/8/16.(np) (Entered: 01/11/2016)

TABLE OF AUTHORITIES STATUTES AND RULES

Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Learn more about your [major rights under the FCRA](#).

Fair Debt Collection Practices Act

The Fair Debt Collection Practices Act (FDCPA) is the main federal law that governs debt collection practices. The FDCPA prohibits debt collection companies from using abusive, unfair or deceptive practices to collect debts from you. [Read more](#) information on your rights under the FDCPA.

Website:

<https://www.consumerfinance.gov/consumer-tools/credit-reports-and-scores/answers/key-terms/#fair-credit-reporting-act>

<https://www.consumerfinance.gov/consumer-tools/debt-collection/answers/key-terms/#fair-debt-collection-practices-act-fdcpa>

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* A-7: Corrected Brief		
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* = means
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not sent: unable
to pay for all
PERS sent:

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* i - 9: Guide to Judiciary Policy March 2019

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* K - 1c: 3 \$128.00 payments and \$75 payment Dec. 29 2016 front

* K - 1d: \$2065.20 payment fully updated Loan May 26 2017

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* = means it was not send.

Sent.
P.E.R.S.

1

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

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

OPINIONS BELOW

☒ For cases from **federal courts**: Case 17-2124 (3:17-cv-02169-BJM)

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

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

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

☐ reported at _____; or,

☒ has been designated for publication but is not yet reported; or,

☒ is unpublished.

☐ For cases from **state courts**:

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

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

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

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or, ☐ is

unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was May 4 2018; May 29 2018

☐ No petition for rehearing was timely filed in my case.

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

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

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

☐ For cases from **state courts**:

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

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies.

There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records).

Here is a summary of your major rights under the FCRA.

For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

☐ **You must be told if information in your file has been used against you.**

Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.

☐ **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. **You are entitled to a free file disclosure if:**

- ☐ **a person has taken adverse action against you because of information in your credit report;**
- ☐ **you are the victim of identity theft and place a fraud alert in your file;**
- ☐ **your file contains inaccurate information as a result of fraud;**
- ☐ **you are on public assistance;**
- ☐ **you are unemployed but expect to apply for employment within 60 days.**

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies.

See www.consumerfinance.gov/learnmore for additional information.

☐ **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus.

You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.

☐ **You have the right to dispute incomplete or inaccurate information.**

If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.consumerfinance.gov/learnmore for an explanation of dispute procedures.

- ☐ Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information. Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- ☐ Consumer reporting agencies may not report outdated negative information. In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- ☐ Access to your file is limited. A consumer reporting agency may provide information about you only to people with a valid need -- usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- ☐ You must give your consent for reports to be provided to employers. A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.consumerfinance.gov/learnmore.
- ☐ You may limit "prescreened" offers of credit and insurance you get based on information in your credit report. Unsolicited "prescreened" offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- ☐ You may seek damages from violators. If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- ☐ Identity theft victims and active duty military personnel have additional rights. For more information, visit www.consumerfinance.gov/learnmore.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:

The Fair Debt Collection Practices Act (FDCPA)

The Fair Debt Collection Practices Act (FDCPA) is the main federal law that governs debt collection practices. The FDCPA prohibits debt collection companies from using abusive, unfair or deceptive practices to collect debts from you

The FDCPA covers the collection of:

Mortgages
Credit cards
Medical debts

Other debts mainly for personal, family, or household purposes.

The FDCPA does not cover business debts. It also does not generally cover collection by the original creditor to whom you first became indebted.

Note: evidence of false business credit card to be included for Supreme Court

Under the FDCPA, debt collectors include collection agencies, debt buyers, and lawyers who regularly collect debts as part of their business.

There are also companies that buy past-due debts from creditors or other businesses and then try to collect them. These debt collectors are also usually called debt collection agencies, debt collection companies, or debt buyers.

Restrictions on communications by debt collectors when collecting a debt
Time and place. Generally, debt collectors may not contact you at an unusual time or place, or at a time or place they know is inconvenient to you, and they are prohibited from contacting you before 8 a.m. or after 9 p.m. Also if a debt collector knows that you're not allowed to receive the debt collector's communications at work, then the debt collector is not allowed to contact you there.

Harassment.

Debt collectors may not harass you or anyone else, over the phone or through any other form of contact.

Representation by attorney. If a debt collector knows that an attorney is representing you about the debt, the debt collector generally must stop contacting you, and must contact the attorney instead.

This is only true if the debt collector knows, or can easily find out, the name and contact information of your attorney. If an attorney is representing you and a debt collector calls, tell them which attorney is representing you and that the debt collector should contact the attorney, not you.

Tip: The CFPB has prepared sample letters that you can use to respond to a debt collector who is trying to collect a debt. Our letters include tips on how to use them.

The sample letters may help you to get information, set limits or stop any further communication, or protect some of your rights. Always keep a copy of your letter for your records.

If you tell a debt collector in writing to stop contacting you, the debt collector can't contact you again except to:

Say there will be no further contact

Notify you that the debt collector or the creditor may take certain specific action it is legally allowed to take, such as a lawsuit against you

Warning: Telling a debt collector to stop contacting you does not prevent the debt collector from pursuing other legal ways to collect the debt from you if you owe it, including a lawsuit against you or reporting negative information to a credit reporting company.

Any debt collector who contacts you claiming you owe payment on a debt is required by law to tell you certain information about the debt.

That information includes:

The name of the creditor

The amount owed

That you can dispute the debt

That you can request the name and address of the original creditor, if different from the current creditor

If the debt collector doesn't provide this information when they first contact you, they are required to send you a written notice including that information within five days of the initial contact.

You can dispute all or part of the debt. You can also ask for more information if you are unsure you owe money to a creditor, or how much you might owe.

If you dispute all or part of a debt in writing within 30 days of when you receive the required information from the debt collector, the debt collector cannot call or contact you to collect the debt or the disputed part until the debt collector has provided the verification of the debt in writing to you.

You can also request that the creditor give you the name and address of the original creditor.

If you make that request in writing within 30 days, the debt collector has to stop all debt collection activities until the debt collector provides you that information.

If you don't recognize the name of the creditor, ask if it might have purchased the debt from another company, and, if so, what the name of that company is.

Statement of Case

Question 1. Is, against Judge McGiverin affirmation, and quote:

“The court does not weigh the facts, but instead ascertains whether the “evidence is such that a reasonable jury could return a verdict for the nonmoving party.” Weigh means, as shown at

https://www.merriamwebster.com/dictionary/weigh?utm_campaign=sd&utm_medium=serp&utm_source=jsonld: to ascertain the heaviness of by or as if by a balance; to merit consideration as important : COUNT evidence will weigh heavily against him;

All the steps I followed, presenting the evidence to Banco Santander, were based on the weight of the facts, before the Lawsuit and after.

I disagree with Judge McGiverin, because he ended with an Unssuported conclusion as soon as he decided not to weigh the facts I brough to the Court’s attention,

and that is the same words game used by the dedendant’s attorney in order to deviate the attention of the evidence which is easily verifiable.

Appendixes: B, A-1, C K-1, B, i-6b, i-6c

Question 2. “Rosado did, in a way, address fact 11, which alleges that Santander has always reported Rosado’s accounts pursuant to the agreement.”

This statement from the Judge is false, how can that be allowed?

My whole Lawsuit was summarized according to Rule 8, with My Interrogatory Document 53-1: Appendix K-1

The reason to file the Lawsuit is this Bank not reporting my 2 accounts with them with the precision and accuracy required by the Law, the Fair Credit Reporting Act, after all the steps clearly and precisely summarized in my Interrogatory.

Question 3. Judge McGiverin simply decided to repeat the argument posted at the P.A.C.E.R. by Judge Garcia Gregory **that the required Discovery requirements were not met? That is false:**

Appendixes: i-1 to i-9; K-1

But is because the “the Court does not weigh the evidence.”

and that is a quote from the final opinion and order from Judge McGiverin on his Document 149;

My Interrogatory clearly summarizes, that this same Bank, Rule 8
with all evidenced at Court and filed at the P.A.C.E.R.:

- a. received all THE SAME EVIDENCE before the Lawsuit; Appendix K-1
- b. then, the 3 main credit bureaus received all the same evidence
the Bank received; Appendixes K-2 to K-32
- c. then, the 3 main credit bureaus and Banco Santander,
through the C.F.P.B. RECEIVED THE SAME EVIDENCE
the Consumer Financial Protection Bureau at the same time; Appendixes K-1 to K-37b
- d. No matter is not clearly included in their Guide to Judiciary Policy, Appendix i-9
the action of not recognizing this facts, as evidence, in which
this same Bank received all previously, when I never thought
a Lawsuit would be required, never, and this Judges just wanted me
to keep re-starting the same Case all over again when this Bank
with his multimillionaire resources decides to change their attorney,
as they did by replacing Vanessa Muñoz Martinez with Erasmo Reyes,
is an abusive conduct from the Judges, and it clearly constitutes
not only an Unsupported conclusion,
this is also Judicial Misconduct from both, McGiverin, and Garcia Gregory.

My question 4:

Was simply included to emphasize, that her first attorney assigned
was Vanessa Muñoz Martínez, not Erasmo Reyes Peña. Appendix K-7

Was her the one assigned to answer my C.F.P.B. complaints, and no one
sent an official response about why she was changed:

Banco Santander decided she will not continue with the Case,
and the Judges decided, not to weigh the facts,

***No matter the evidence clearly shows, is not my problem if this Bank
changes their attorney, as much as they want:*** Appendix i-8

***Is impossible a Court of Justice requires us to re-start to present the Case
to each new attorney they decide, knowing the evidence clearly shows
Law violations from the Bank, reporting incorrect information to the
main credit bureaus:***

is not only an Unsupported conclusion, is an abusive conduct,

this is also Judicial Misconduct from both, McGiverin, and Garcia Gregory.
and the Chief Judge and Judicial Council at the First Circuit
who applauded them. Appendixes i-8,

K-1, i-1 - i-9

My question 5: Precisely the main credit bureau called Trans Union*, clearly responded to my complaints that Banco Sanatnder is reporting my 2 accounts against the evidence;

Since page 1 of my Lawsuit, this complaints at the C.F.P.B. appear listed, and the same complaints were filed as evidence at the Court, but,

*Trans Union Response found: Appendixes K-5, K-6

Similar letter from Experian not found on time.

"The Court does not weigh the evidence", Judge McGiverin wrote:

Is against the Law to disregard the evidence that proves violations against the Law, the Fair Credit Reporting Act.

Appendix K-35; Appendix K-1:

A Summary of Your Rights Under the Fair Credit Reporting Act:

https://files.consumerfinance.gov/f/201410_cfpb_summary_your-rights-under-fcra.pdf

My question 6, the meaning of egregious and hostile, appears on every recognized dictionary worldwide;

Appendixes i - 6b, i - 6c

This questions is to emphasize, not of the Judges is recognizing this, including their Judicial Council, and that alone is egregious and hostile.

Is a joke to put to evaluate Judges complaints filed against a Law, the evidence clearly shows, they don't want to recognize at all.
definition from the Merriam Webster Included also.

Question 7, is to remind the Supreme Court Justices, that the Appellate Judges and the District Judges also have to comply with Rules;

And is easy to see, considering the evidence the Courts don't want to,

This Judges don't even mention the Judicial Misconduct Law or the misconduct examples, and just want to give opinions that complaints are not cognizable, Appendix i-9; Rule 10,(a)(c) BUT BY NOT CONSIDERING THE EVIDENCE ... IS AN INSULT,

and also Judicial Misconduct.

Question 8, is simply reminding that their updated Guide to Judiciary Policy from March 2019, clearly states that it includes, *Appendix i-9*

BUT IS NOT LIMITED TO THE JUDICIAL MISCONDUCT EXAMPLES INCLUDED;

Is evident, but not recognizing the evidence is is easy to dismiss
like a charlatan act, *Appendix i-6d*
that this complaints fully backed up by the evidence, *Rule 10: (a),(c)*
not by opinions without the weight of the evidence,
will hurt the chance any of them as Judges will have
for a future nomination within the Federal Courts
for a higher position, and their resumes
will not appear as excellent as they should for that,

so even the Judicial Council,
is doing something to similar to what is described
as an example of Judicial Misconduct: *Appendix i-9*

The Judges are making favors to their colleagues,
by dismissing the complaints, their promotion chances
are kept intact. *Appendix i-9 Rule 10: (a),(c)*

My question 9, shows that Judge García Gregory, as well as Judge Vélez Rive
decided without even asking me as Plaintiff first of all,
and without paralyzing the same Case at the same time,

Appendix i-2, i-3
if I agree to have an attorney paid by a major Law Firm
through their Program called Pro Bono: *Appendix i-6*

Al this was done without asking, and backed by a specific Rule,
no matter the evidence clearly shows, I never asked
for a Pro Bono Program Appointed Attorney,
and furthermore,

This was the reason I took this same Case as an Appeal
called 17-2124, to the First Circuit: *Appendix A-4*
Rule 10: (a),(c)

Within less than 24 hours, I filed my motion informing
the District Court of Puerto Rico I was going to continue
as Pro Se to avoid further delays, but this Motion I filed
was unfairly set aside: Why? *Appendix i-4; Rule 10: Reasons (a),(c)*

They decided nobody should know how fast I rejected their attorney? *Appendix i-4*

Then the First Circuit didn't paid attention to this, but required a Final Judgment from the District Court before they decide to proceed, ignoring the Unnecessary delay, and the Judicial Misconduct from Judge Garcia Gregory?

That is why I took this case as a Petition for Writ, because Appellate Judges had all this Case also, all the evidence, but they denied and made me wait for nothing, knowing

"The (District) Court does not weigh the evidence",

as Judge McGiverin wrote on Document 149. *See Appendix A-1 to A-7 Rule 10: Reasons (a);(c)*

My question 10, clearly shows Judge McGiverin decided suddenly, and without showing any previous sign filed at the P.A.C.E.R. to agree with his colleague Judge Garcia Gregory: *Appendix i-9*

None of them referred to the Judicial Misconduct Law, or mentioned the examples of Judicial Misconduct included, much less mentioned, none of this 2 Judges, that Judicial Misconduct examples are not limited to what is included on their updated on March 2019,

My question 11, clearly emphazise, in the fact that Judge McGiverin 10 pages Document 149, with his final opinion and order, *Appendix A-1; Appendix B* has nothing to do with the evidence of this specific Case: he entered a words game that was used by the defendant attorneys Vanesa Muñoz and Erasmo Reyes, disregarding the easy to see facts,

clearly summarized on my Interrogatory Document 53-1, in which there is no game of words at all. *Appendix i-9; i-6b-d;K-1 Rule 10: Reasons (a);(c)*

My question 12, If the Supreme Court Justices pay attention directly to the specific evidence of this case, there is no way to write a final opinion and judgment like the one Judge McGiverin wrote:

This is the clear contradiction, and is also abusive conduct

from all this Judges, the Chief Judge, and their Judicial Council
who could stop all this but decided not to. Appendix K-1;

i-1 to i-9

Rule 10; Reasons (a);(c)

My question 13, reminds that all the time, the 2 different attorneys assigned
by Banco Santander, made an effort to talk about other things
that were not specifically the evidence, ignoring, minimizing,
and setting aside as not important, the main point Rule 10: (a)(c)
of the Fair Credit Reporting Act: the Law requirement
of reporting our accounts our accounts with precision and exactness.

My question 14, clearly shows that the District Court and the First Circuit,
have a tendency to agree, and that is what many other attorneys
criticize about Appeal Courts, no matter Appeal Courts are suppose
to be Review Courts, that is not what happens: they don't review.
even Document 149 shows Judge McGiverin using First Circuit procedures?

Rule 10: (a)(c)

My question 15, reminds the Justices that there is a member of the Judicial Council
at the First Circuit that is not only part of the District Court
of Puerto Rico Judges Staff, but he also recused himself
of being the Judge of this Case, when he was initially assigned
to this same Case, was not Judge García Gregory; Appendix i-9

Rule 10: (a)(c)

The first one who had the chance to see this Case
was Judge Pedro A. Delgado Hernández;

Even with that, and the fact he never wrote
"the Court will weigh the facts" as Judge McGiverin did,
nothing was read about him either.

This question reminds with evidence, that returning
to the First Circuit after the Final Judgment at the District Court
came without considering the weight of the evidence at all,
means that is exactly what the First Circuit will do: Rule 56: letter h

without considering the weight of the evidence,
they will make their judgment and order, and question 9
clearly shows, all is at the First Circuit already
since the Interlocutory Appeal was filed by myself. Appendix A-4

My question 16, reminds the Justices that is unbelievable that Appellate Judges

basically deny their elementary, intermediate and high school education;
If they do at schools, what they did with this Case,
disregarding the evidence with 10 pages of arguments,

on an English or Spanish class, their teachers will reject their work,
because the use of recognized dictionaries does not include
their opinions and arguments, *Appendix i-1 - i-9*
above recognized definitions of words, currently used world wide.

My question 17, reminds the Justices that although Judge McGiverin recognized
I referred to attorney Reyes Peña as doing charlatan acts,
the fact is the Judges are not recognizing, *Appendix i-9*
that they way they decided not to weigh the facts in this Case,
as well as probably on others, qualifies them to be described
as charlatans too affecting their reputation and the one of the Court.

My question 18, is about an incident that took place at the same time
Judge McGiverin was walking away from the Courtroom,
the only time I saw him live in person;

Just after the Initial Conference of this Case concluded,
last January 2019, defendant attorney Erasmo Reyes
was recommending me to follow the advice
of Pro Bono Attorney Rodolfo Carrión Vargas?

Who is going to believe, a Case reaches a point,
like this, where everything required was done before,

but no matter it was impossible to make the Bank
recognize the evidence, the weight of the evidence.

Appendixes K-1 - K-37b; L-1 - L-3; F; i-6b-d

would not be suspicious
that the attorney of the ones you are suing
is recommending the advice of your assigned free attorney,
against all of what your Lawsuit is about?

My question 19, shows the following:

Clear discrimination against me as Pro Se Litigant,
and that constitutes Judicial Misconduct, just like Judge García Gregory,
the Chief Judge Howard
at the First Circuit decided not to weigh the facts of all this,
and Judge McGiverin decided to agree with Judge García Gregory about this,

all of them are also practicing Judicial Misconduct, including the Judicial Council who I asked for review, the only way to dismiss it, is “denying to consider the weight of the evidence”

I was denied the access to Judge Vélez Rive Chambers because I was not an attorney? No matter I was required to be there and even the against my will Pro Bono Counsel appoined attorney Rodolfo Carrión didn't showed to this appointment, because he understood my Right to represent myself is recognized by the Supreme Court of the United States, and also locally, at the Supreme Court of Puerto Rico. Appendix: i-1 to i-9;

My question 20, reminds the Justices, that my original Appeal for this same Case No. 17-2124, didn't included there was Judicial Misconduct from Judge García Gregory; Appendix A-4
Appendix i-9

no matter, when comparing Judge García Gregory actions, trying to impose the Pro Bono Program by falsely accusing me Rule 10:(a)(c) of not following the Rules, or the Discovery requirements, Appendix: K-1 - K-37b using intimidation with his authority,

the fact is, Judge García Gregory was not only not following the Rules, but violating the Judicial Misconduct Law;

the evidence contradicts Judge's opinion: discovery took place well before it was required, but the weight of the evidence was not considered; Appendix: K-1 - K-37b; L-1 - L-3; i-1 - i-9

only the defendants attorney was changed, and it was their duty to pass the evidence to the new attorney about my Lawsuit,

Discovery requirements do not require me to restart the Case Appendix i-8 every time a multimillionaire Bank decides to change the attorney precisely to create delays, not recognized with the evidence Rule 56, letter h by any Judge up to this point, because evidence does not matter?

My question 21, is clearly explained at the part included with this Petition, which clearly says and quote:

The FDCPA (Fair Debt Collection Practices Act), does not cover business debts. It also does not generally cover collection by the original creditor to whom you first became indebted.

This credit card in question never was a business card: Appendix L- 4- L-7
the evidence, clearly points to the fact, Santander Bank
is incorrectly updating this account I have and still pay only to them,
but since July 20, 2019, as a business card
although it always was a personal credit card, not a business card.
See what The Fair Debt Collection Practices Act (FDCPA) covers, included on page:

Banco Santander keeps reporting my Loan as not current, charge off,
no matter now they report 73% payments on time, according to Credit Karma
e-mail received July 20, 2019, with a lower balance at the credit bureaus,
but higher at their web site, against the F.C.R.A. and the F.D.C.P.A,
Appendix L- 8- L-12

Using Document: **"GUIDE FOR PROSPECTIVE INDIGENT PETITIONERS
FOR WRITS OF CERTIORARI"**

My Questions 22 to 25, are precisely about the facts that made me take the decision of taking this Case to the Court of Appeals for the First Circuit, from the District Court Order when they stopped the Case for a Pro Bono Counsel I never asked for, and even rejected before she was appointed. Rule 10: (a)(c) P.E.R.S.

**The Documents I present as evidence, are the ones I submitted, and the ones who were written by the Judges, that prove my questions are based on facts, meaning the evidence, but Magistrate Judge McGiverin wrote:
"The Court does not weigh the facts":**

Precisely, 2 Courts, the District Court and the First Circuit, set aside the relevant facts of this Case, but is the evidence that proves it, the same one they ignore.

**Is an Unnecessary delay to return to a Court of Appeals in this Case Rule 56 (h)
where precisely, no weight was given to the facts originally:**

See Appendixes:

A - 7

A - 2

A - 3

i - 1 to i - 9

26. In this question, I present specifically that not only the Case against my employer I brought as Appeal, No. 17-2105, was described at the First Circuit as Lead Case, which is the Discrimination case, and this one is the Related, the one I brought without the Defendant-Appellee presence, because there is no way to present the Case I brought against Banco Santander and the original missed payments, which occurred because I unfairly lost my job, without presenting why and how I unfairly lost my salary for I year. I was reinstated in the same job, and also, Banco Santander received a copy of that Brief of the Appellant, which includes a perfect summary of all that took place.

See Appendixes: A-4, A-5, A-6, A-7

Reasons for Granting the Writ of Certiorari: Rule 10,

Reasons: "(a) or (a United States court of appeals) has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;

" (c) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

Quote from https://www.law.cornell.edu/rules/supct/rule_10
Rule 10. Considerations Governing Review on Writ of Certiorari

Rule 11. Certiorari to a United States Court of Appeals before Judgment

A petition for a writ of certiorari to review a case pending in a United States court of appeals, before judgment is entered in that court, will be granted only upon a showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court. See 28 U. S. C. § 2101(e).
website: https://www.law.cornell.edu/rules/supct/rule_11

Is not that this Appeal was not seen before at the First Circuit, because it was received as an Interlocutory Appeal with number 17-2124, but, the Appellate Judges ruled that because there was no final judgment entered. at the District Court, they will not review the Appeal. So I have to return? Rule 10; (a)(c)

Then, this Appeal was returned to the District Court of Puerto Rico, in order to have the Judge Final Opinion and Judgment, and now it does, as the evidence included in this Document shows. Several things are according to both Rules, 10, and 11:

Although, Judge McGiverin final opinion and judgment, show that what the Judges ruled in my Case at the District Court, and at the First Circuit for Misconduct complaints "is what Judges usually do", the fact is, what they are doing is not correct. Rule 10; (a)(c)

Corruption, is defined at the recognized Merriam Webster Dictionary as: Rule 10; (a)(c)

- a: dishonest or illegal behavior especially by powerful people
(such as government officials or police officers) : DEPRAVITY
Federal Judges are powerful people from a branch of government,
which includes executive branch, legislative branch,
and the judicial branch, and this evidently includes the Judges,
as the republican system of government is divided in the 3 branches mentioned,

Judges behavior towards the Judicial Misconduct Law, shown in this Case
according to the evidence, is disgraceful, denying the weight of the evidence,
no matter that is not what the Chief Judge, the District Judges,
or the Magistrate Judges, wrote in their opinions; they were egregious and hostile.

Rule 10, Reasons (a);(c)

Their actions qualify to say they don't recognize

the Judicial Misconduct Law at all. *Rule 10, Reasons (a) and (c)*

Is disgraceful at the eyes of most of us, the Judges behavior
in this particular Case, as the behavior of other government officials
from the other branches of the government, like the governor of Puerto Rico
and members of his cabinet, currently accused of corruption by most of the public,
as the recent 14 days protests from all of us here,
ended with Puerto Rico's governor resignation just days ago.

- c : a departure from the original or from what is pure or correct *Rule 10, Reason (a);*
the corruption of a text *Rule 11*

<https://www.merriam-webster.com/dictionary/corruption>

Most people will recognize Judge McGiverin statement, and I quote:
"The Court does not weigh the facts" as not pure and correct at all.

Precisely, many of us go to a Court only because of the weight of the facts,
not to engage in words arguments about other Cases.

That was exactly what I did:

I didn't look for other Cases, until now that I found related cases,
but just included the decision from the Judge, or the current status
because one Case has not concluded yet, I didn't made a deep research about that.

Judge McGiverin clearly, and recognized by himself on his Document 149,
made a final opinion and judgment in this Case I brought to the Court,
without the weight of the evidence, meaning: *Rule 10, Reasons (a)(c)*

his final opinion and judgment has nothing to do with what the evidence shows.

That is clearly a departure to what is correct,
 and the fact it does not matter at the Court, is a clear indication of corruption,
as the definition of the word included, clearly shows. Rule 10, Reason (a) (c); Rule 11
 The Supreme Court should decide and settle this questions. Rule 10, Reason (a); Rule 11

A main Bank against the Law actions in my Case Rule 10, Reasons (a) (c); Rule 11
 were simply dismissed with lots of words?

But the attorney is paid by the defendant: we are seeing Judges doing the same,
 who are not there to represent multimillionaire banks, Rule 10, Reason (a); Rule 11
 which can pay all the attorneys they want, as the evidence clearly shows
 in this Case, but:

Judge McGiverin wrote: "The Court does not weigh the facts"

It is simply not correct what the Judge, and the other Judges did,
simply backing up the incorrect judgment of the other judge,
because they help and protect each other career by doing that
including with Judicial misconduct complaints? Rule 10, Reasons (a)(c); Rule 11

So I believe that Rule 11 applies in this case : Also
 The Supreme Court should decide and settle this questions. Rule 10, Reasons (a)(c);

All the evidence was received by the First Circuit already,
but they as Appellate Judges decided it was more important
to have a final judgment from the District Court first, Rule 10, Reasons (a)(c); Rule 11

no matter the weight of the evidence will not count at the District Court
 and the Appellate Judges knew that for sure. Rule 10, Reasons (a)(c); Rule 11

Their Mandate returning this Case to a District Court Rule 10, Reasons (a),(c)
 where they knew for sure the weight of the evidence was of no importance,
is a clear sign of corruption.

They already had all the evidence as Appeal 17-2124: was incorrect to return it.
The evidence was more than enough, to grant Suspension of Rules.

Rule 10, Reasons (a),(c)

Document 00117250608 Date Filed: 02/01/2018; Brief of the Appellant

Additional Reasons to Grant Review: 2 questions

I take this opportunity to ask the Supreme Court Justice the following:

I brought my evidence to the Court after following all the required procedures, first of all, when I was not thinking at all about a Lawsuit, never, on both Appeals but it simply had no weight on the decisions, from my employer, from the Bank, and from the Judges, who only said, without the evidence, I was not following the Rules. Rule 10: Reasons (a)(c)

Even more: a Magistrate Judge wrote on his Final Opinion and Order, something false against the reason why the Case was brought to the Court with no other choice, in the first place: Rule 10: Reasons (a)(c)

I quote the Judge false quote on Page 8 of Docket 149, first sentence:

"Rosado did, in a way, address fact 11, which alleges that Santander has always reported Rosado's accounts pursuant to the agreement."

This statement from the Judge is false, as my question 2 asks: Rule 10: Reasons (a)(c); Rule 11

Precisely, I came to Court because what the Judge wrote there, is not true.

That sentence I quoted was written in a way that it looks as if I agreed with the Bank, to misrepresent the facts: that is Bad faith, against Rule 56, letter h Rule 10: Reasons (a)(c)

Then, the Unnecessary delays, this Case has lots of evidence of that:

The worst unnecessary delays, are when the Judges promotes them with Orders:

But, their updated Guide to Judiciary Policy is excluding their delays as misconduct.

Judges made a Policy to be the exemption to the Rule: Rule 10: Reasons (a)(c)

Appellate Judges knew for sure, the District Court Judges will not weight the evidence in order to take a decision for Final Judgment in this same Case:

Neither the District Court, or the Court of Appeals for the First Circuit, paid attention to Rule 56, letter h, and don't care about creating more delays: how that is allowed?

Rule 10: Reasons (a)(c)

CONCLUSION

The petition for a writ of certiorari
should be granted.

Pablo Enrique Rosado Sanchez

Date: Friday, August 2, 2019