

No. \_\_\_\_\_

19-6202

IN THE  
SUPREME COURT OF THE UNITED STATES

<u>Manuel Rodriguez-Santana</u> (Your Name)	— PETITIONER
vs.	<div style="border: 1px solid black; padding: 5px; text-align: center;">FILED SEP 23 2019 <small>OFFICE OF THE CLERK SUPREME COURT, U.S.</small></div>
<u>United States Government</u>	— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

First Circuit Court, in Boston MA

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

PETITION FOR WRIT OF CERTIORARI

Manuel Rodriguez-Santana Reg. 01026-069

(Your Name)

Federal Correctional Complex(Middletown) Coleman

(Address)

P.O.Box 1032, Coleman Fl. 33521

(City, State, Zip Code)

N/A Confined in a Prison

(Phone Number)

## QUESTION(S) PRESENTED

- No. 1 Whether the District Court Violated the Fourth and Fifth Amendment; Federal Rule Criminal Procedure (Rules 3-4) When it Accepted an Accusation Without a Probable Cause Affidavit Sworn (Under Oath) to Support a Criminal Complaint by a Federal Agent, to be Adjudicated by a U.S. Magistrate, as held by the U.S. Constitution Article II. See: Appendix "B".
- No. 2 Whether the District Court Violated the Sixth Amendment? When at trial the Defense Counsel, Submitted a Rule 29, (Fed. Rule Crim. Proc.) Based in Insufficient Evidence Linking the Petitioner the Case, it Because the First Government Witness When Indicting Infront the Grand Jury, Never Was Able to Provide None Description Nor the Real Name of the Petitioner, and the Second Government's Testified "THAT HE NEVER SAW THE PETITIONER PARTICIPATING NOR TRANSPORTING DRUGS". Being that the Sixth Amendment Plainly Held That the Evidence Should be Submitted to the Jury and Proved Beyond Reasonable Doubt. See: Appendix "C".
- No. 3 Whether the District Court Violated the Article III, Section 2. Fed. Rule Crim. Procedure, and the Supreme Court Provision that held: Before Performing Any Judicial Act in a Criminal Case, The Judges Are Mandate By Law to "INSPECT THE (CRIMINAL) COMPLAINT" to Confirm Whether Article III Jurisdiction Exist. See Rule 3. Art. III. And International Primate P. League Vs. Admin T. Education Fund 500 U.S. 72 (1991). See: Appendix "D" If Motion Filed at the First Circuit and just they denied.
- No. 4 Whether District Court Violated the 28 U.S.C. Sections 543, 547, and Sect. 3002(15). Under Section 543, The Government Attorneys, and its Assistants "Shall Take An Oath" to "Execute Faithfully Their Duty" Under Sect. 547, The Government Attorney May Only Appear in Dist. C. On Behalf of the Proper U.S. Authority; As Holds Art. II. Fed. Rule Crim. Proc. (Rule 3) Fourth Amendment and Fifth Amendment. Supme Court, and Provisions. "NO GENUINE CRIMINAL ACTION, WHEN NO CRIMINAL COMPLAINT! See. Appendix "D" Motion Filed. At the First Circuit.
- No. 5 Whether the District Court Violated the 28 U.S.C § 1865 That Plainly States: In making jury qualification the judge of district court Shall Deem any Person qualified to serve on grand or Petit juries in the district Unless "he is unable to read and understanding the English Language with a degree of Proficiency to fill out satisfactory the juror qualification form". At trial 2 juror Plainly Stated: "That They did not Know nor Understanding the English Language. Because Never had the Practice. Tr.Tr. October 26 pgs. 47 and 50. Also See Appendix ("C" Attach.
- No. 6. Whether the District Court Violated the Sixth Amendment? When the Jury Were Deliyering and Sent a NOTE TO THE JUDGE, THEN... (SEE APPENDIX C) HURRIED THEM With Ailing INSTRUCTION What Higtly Prejudged the Petitioner Violating His Sixth Amendment Right. See. Tr.Tr. October 28, 1998.

## TABLE OF LAW AND AUTHORITIES

- Pg.1. ALBRECHT vs. United States, 273 U.S.1. 47 S Ct. 250 (1927)
- Pg.1. International Primates Protection League vs. Admin Tulance Educ.Fund, 500 U.S.72(1991).
- Pg.1. Marbury vs. Madison, 5 U.S. (1 Cranch) 137,170, 2L Ed.60 (1803)
- Pg.1. Raines vs. Byrd, 511U.S. 811 (1997)..
- Pg.1. Edge Petroleum Operating Co. v. GPR Holding L.L.C. (In Re TXNB Internal)  
483 F.3d 292,298 n.6 (5th Cir. 2000).
- Pg.1. "TAKE CARE CLAUSE" of Art. II Sect. 3. of U.S. Constitution, Federal Rules of C.P.  
and 28 U.S.C. cc. 547,547 "The Court Lacked Subject Matter Jurisdiction"

## LAW and AUTHORITIES

- Pg.1. The Power to Enforce Federal Criminal Law, is Strictly Limited to the President and  
and Officers Commissioned By Him Pursuant to the "TAKE CARE CLUSE" U.S. Constitution.
- Pg.1. Printz vs. U.S. 521 U.S. 898 (1997); Springer vs. Philippine Island, 277U.S.1899  
Smith vs. U.S. 375 F2d 243 (5th Cir. 1967); FDIC vs. Caban-Miniz 216 F. Supp. 3d  
255,257 (D.P.R. 2016).
- Pg.2. Murphy vs. U.S. 45 F.3d 520, 522 (1st.Cir. 1995)
- Pg.2. .
- Pg.2. .
- Pg. 2. Viqueira vs. First Bank, 140 F. 3d 12, 16 (1st. Cir. (1998)( Citing Royal vs.  
Leading Edge Prods., Inc., 833 F.2d 1,1 (1 st-Cir.1987)
- Pg.2. See: Calderon-erra vs. Wilmington Trust Co., 715 F.ed 14 17 (1 st. Cir. 2013)
- Pg.2. Land vs. Dollar, 330 U.S. 731,735 n.4, 67 S. Ct. 1009, 91 L. Ed 1209 (1947)
- Pg.2. Aversa vs. U.S. 99 F. 3d 1200 (1 st.Cir. (1996)
- Pg.2. Acosta Ramire vs. Banco Popular de P.R. 712 F. 3d 14, 18 (1 St. Cir. (2013)
- PG.2. Nowak vs. IronWorkers Local 6 Pension Fund, 81 F.3d 1182,1187 (2d cir. 1996)
- Pg.2. Prestige Capital Corp. vs. Piperliners of Puerto Rico., Inc 849 F. Supp. 2d 240.  
(D.P.R. 2012).

- Pg. 2. See "Delta Commercial Fisheries Ass" Gulf of Mexico Fishery Management Council 364 F. 3d 269 (5th Cir. 2004). Steel Co. 523 U.S. at 237.
- Pg.2. Bigelow vs. Michigan Dept. of Natural Res. 970 F 2d. 154, 157 (6th Cir. 1992).
- Pg. 3. Giordenello vs. U.S. 357 U.S. 480, 486, 78 S. Ct. 1245, 2 L.Ed. 2d 1503 (1958)
- Johnson vs. U.S., 333 U.S. 10, 14, 68 S Ct. 367, 369, 92 L. Ed. (1948).
- Pg.3. Illinois vs. Gates, 462 U.S. 213, 103 S. Ct. 2317, 76 L. Ed. 2d 527 (1983).  
The Standard of Probable Cause is the Probability, not a Prima Facie Showing of Criminal Liability. Id. at 235, 103 S. Ct. 2330-31.
- Pg.3. Garmon vs. Lumpkin County, 867 F. 2d at 1409 (11th Cir. 1989).
- Pg.3. 18 USS.C. Sect. 3231. See: Steel vs. Lujan Focus:
- Pg. 3. Garner vs. Treansters, 346 U.S. 485, 74 S Ct. 161 (1953).
- Pg. 4. United States vs. Virginia Erectin Court. (1964 A 4 Va) 335 F. 2d 868.
- Dominguez-Cota vs. Cooper Tire and Rubber Co., 396 F. 2d 600 5th Cir. 2005.
- Pg. 4. Myers vs. U.S., (1926) 272 U.S. 52, 47 S Ct. 21, 71 L Ed 160 (1926) U.S. Lexis 35.
- Pg. 5. Raines vs. Byed, 521 U.S. 811, 818, 117 S.Ct. 2312, 138 L. Ed. 2d 849 (1997).
- Pg. 5. Simon vs. Eky. Welfare Rigths Ore., 426 U.S. 26, 37, 96 S.Ct. (1917), 48 L. Ed 2d 450 (1976)
- Citing Flast vs. Cohen, 392 U.S. 83, 95, 88 S. Ct. 1942, 20 L. Ed. 2d 947 (1968)).
- Pg. 5. Arnett vs. Myers, 281 F.3d 552, 562 (6th Cir. 2002). As the Court has Made it Clear in Several Decisions "RELIEF IN THE FORMER."
- Pg. 5. U.S. vs. Mills, 221 F 3d 1201, 1205-06 (11th Cir. 2000).
- United States Vs. Cotton, 525 U.S. 624 (2002). Morgan vs. Dubley, 18 B. Mon. 639 68 Am Dec. 135.
- Revill vs. Pettit, 3 Metc. 314; Kennedy vs. Terril-Hardin, 491;
- Ayers vs. Cox, Appeal From the District Sixth Cir. Manning vs. Kechan, 58 F. 2d-948; (1932) U.S, App. Lexis 4805 May. 13, (1932).
- Pg.6. Re Negal (1890) 135 U.S. 1. 10 S Ct. 658, 34 L Ed 55, 1890 U.S. Lexis 2006.  
Article II. Section 3.
- Myers vs. United States, (1926) 272 U.S. 52, 47 S Ct. 21, 71 L Ed 160 1926 US Lexis 35.
- Printz vs. United States, 521 U.S. 898 (1997); Smith vs. U.S. 375 F. 2d 243 5th Cir. 1967); Rass Angler Sportsma Soc. vs. United Steel Co. 324 F. Supp 412 (D. Als)
- Aff, d 447.2d 1304 (5th Cir. 1971) Garner vs. Treansters, 346 U.S. 485, 74 S Ct. 161 (1953).  
Warth vs. Seldin, 422 U.S. 490 (1975). Morgan vs. Dudley, 18 B. Mon. 639 68 AM Dec. 735:  
Revill vs. Pettit, 3 Metc. 314; Kennedy vs. Terril-Hardin, 491; Raines vs. Byrd 511 U.S. 811 (1997). Vance vs. United States, (1982) (Astex 676 F 2d 183.
- United States vs. Bowker, 372 F. 3d 365, 374 (6th Cir 2004).

## LIST OF PARTIES

[ ] 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:

Court Reporter Arthur G. Pineda

Trial Judge Aida M. Delgado-Colon

U.S. District Judge Daniel R. Dominguez

Trial Judge Justo Arenas, magistrate

Trial Jesus A. Castellanos

USA Attorney Guillermo A. Gil-Bonar

USA Attorney Jose A. Ruiz-Santiago

USA Attorney William Stephen Muldrow

USA ATT. Francisco A. Ojeda-Diez

US # ATT. Luke V. Cass

IN THE  
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

**OPINIONS BELOW**

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A-D 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 JUNE 24, 2019

☒ 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: N/A, 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 N/A (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**:

N/A

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

[ ] A timely petition for rehearing was thereafter denied on the following date: N/A, 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 N/A (date) on N/A (date) in Application No. \_\_\_\_ A \_\_\_\_.

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

Rule  
14.1

## REASONS FOR GRANTING THE PETITION

ALL JUDICIAL OFFICERS OF THE UNITED STATES, ARE BOUND BY OATH TO SUPPORT  
THE UNITED STATES'S CONSTITUTION. ARTICLE ~~6~~ CLAUSE 3  
THE FEDERAL POWER IS SUPPOSED *Be Constitutionally* EXERCISED FOR THE PROTECTION OF PUBLIC  
AND PRIVATE INTERESTS. GARNER VS. TREAMSTERS, 346 U.S. 485, 74 S Ct. 61 (1953).

Also This Honorable Court (Supreme Court) Says: "WHERE THERE IS NOT JURISDICTION  
AT ALL THERE IS NOT JUDGE.

Reason # 1. Because The Accussation Submitted Without Sufficient Evidence to  
Linking this Petitioner to the case. See: Appendix "C" pages 1-2.

There was a Violation the Sixth Amendment. "The Evidence Should be Submitted and Proved  
Beyond Reasonable Douth."

Reason # 2. The Provable Cause was Submitted and Adjudicate in Violation of the  
Federal Criminal Rules of Criminal Procedure (Rules 3-4) Provide that a U.S. Magistrate  
is who Adjucate the Provable Cause. Also the Forth Amendment Held: "The Provable  
Cause Shold be Adjudicate by a U.S. Magistrate. Violation the Fourth Amendment.  
The Article II. § 3 States: The Federal Law Should be Enforced by a Federal Agent(s)  
Pointed by the President. See: Appendix "D" PAGES 1-6.

THIS PETITIONER RESPECTFULLY REQUEST THIS HONORABLE COURT THAT "FOR THE WELL OF THE  
JUSTICE, DO RECOGNIZE THE CONSTITUTIONAL VIOLATIONS ILLAGAL ACUSATION, CONVICTION AND  
FALSE IMPRISONENMENT.

Also This Petitioner Only Wishes to be Deported and Spend The Rest Of His Fife  
With His Wife, Sons and Also His Grand Children and Other Family Member,  
Since This Petitioner is More Than 65 Years Old.

RESPECTFULLY SUBMITTED ON THIS SEPTEMBER 2019.

BY Mr. Manuel Rodriguez-Santana.

At the Institutional Mais ' s Sistem.



## STATEMENT OF THE CASE

On June 25, 1995 in Caguas, Puerto Rico, were Arrested five Men in Possession of 493 kilo of Cocaines and some firearms. See: Appendix B. page 5.

On June 27, 1995 According with the Criminal Complaint the Government Submitted it Against the first Arrested Men, but not Against this Petitioner. Appendix B.

After Plea Guilty and Make a Deal with the Government to Testify Against the Others, Oswaldo Hurtado Palacio (the Colombian) the Government took him to Make a Superseeding Indictment, but When were Infront of the Grand Jury Indicting the Petitioner the Government Discovered that his Witness did not Know the Petitioner when was not was not able to Describe the petitioner nor says his name neither last name. See App.C. And in Fact Being That He (The Government Witness) was Arrested With the Drugs and Arms was only 4. Years in Prison. ?what kind of Justice was that?.

THE GOVERNMENT, MALICIOUSLY, SELECTIVELY AND UNCONSTITUTIONALLY  
SQUARED THE CASE TO PRESENT IT TO THE GRAND JURY AND AT TRIAL.

NOW IN THIS FOLLOWING PART THE PETITIONER RESPECTFULLY INFORM TO YOUR HONOR HOW

THE GOVERNMENT IN PUERTO RICO CAN ACT, TO IDENTIFY A PERSON, INVOLVING HIM/HER IN A CASE.

IN A STATE, THE PROSECUTOR, REPRESENT THE U.S. GOVERNMENT, SO HE/THEY IS THE GOVERNMENT AND ANY ORDER COMING FROM THE PROSECUTOR OFFICE MEAN THAT THE SAME PROSECUTOR CALLED SO ALL FEDERAL EMPLOYEE OBEY SAID ORDER. ON THE APPENDIX D, PAGE 9. IS VERY CLEAR EXPLAINED THE WAY HOW THE COUNSELOR FROM THE UNIT A, ACTED WHEN THE GOVERNMENT WAS NEEDING THAT HIS WITNESS KNOW TO THIS PETITIONER, " I WAS PLACED TO LIVE AT THE SAME UNIT B, WHERE THAT GOVERNMENT WITNESS WAS LIVING, IT SHORT-CLOSE TO THE TRIAL".

The District Court, Clerk Office Filed a Criminal Complaint it Dated June 27, 1995. Said Document was done Against the First Five Arrested Men, Also on July 26, 1995 a Month after was filed an Indictment. See both documents Appendix B5 and B5a.

Said Documents Show that the Government had a Month Sufficient Time to they make Plan how Pick-Select and Identify a person to Involving Him at the case.

"TO SQUARE A CASE TO PRESENT IT TO GRAND JURY OR AT TRIAL THE JURY" they were needing Found a Boat Captain Who Go and Collect the Drugs, it Because their Witness had Says that the Drugs Came on an Air Plane from Colombia. But Being that Said Witness was Able to Identify to not Buddy Who did that then they (government) need ge anybody. But How the Government Could do that?? It is an Example: In P.R. are two State Departments, 1 is Natural Resources Depart. Were the Person has to go and get a Fishin Permit; and the Other one is the Department of Drive License to get Driver Permit, They Keep the Person All Identity. Photos, Current Address and all Information. So it is Easy for the Government Agents go there and get it Informations.

THERE IS ONE OF MY QUESTION I DO TO YOU ? IF THE GOVERNMENT WITNESS THEY USED AGAINST ME DID NOT MAKE A PROPERLY IDENTIFICATION, THEN HOW IN A GENUINE-FAIR WAY? HOW THE GOVERNMENT IDENTIFIED ME? AND IN FACT A SECOND PERSON WHO ALSO TESTIFIED AGAINST ME THIS PETITIONER, TESTIFIED THAT HE NEVER SAW THE PETITIONER PARTICIPING IN THE CASE NOR TRANSPORTING DRUGS. SO ACCORDING BOTH GOVERNMENT WITNESSES THERE WAS NOT SUFFICIENT EVIDENCE TO ACCUSE ME NOR SENTENCE ME AND PLACE ME IN PRISON, DESTROYING MY LIFE AND IT FROM MY FAMILY. ?HOW THE GOVERNMENT IDENTIFIED ME?. SEE "APPENDIX C" AND APPENDIX D PAGE 9. VERY CLEAR EXPLAINED THE WAY HOW HAPPENED IT GOVERNMENT UNJUST IDENTIFICATION.