19-6263

IN THE UNITED STATES SUPREME COURT

Velasquez v. State of Utah, Utah Dept. of Human Services, Utah Division of Aging and Adult Services/APS, Utah Office of Legislative Research and General Counsel	Supreme Court Case: 19A227 Court of Appeals Case: 19-4041 District Court Case: 2:18-cv-00728-DN (D. Utah)

Petition for *Writ of Certiorari* (Supervisory)

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QUESTIONS

I.

Were it that a judge held every reason to believe that *Rooker-Feldman* doctrine should bar "even [his] constitutional claims," after a state appellate court had reached any conclusion, even one totally dismissive and irrespective, to state that any party or judge-made claim by 28 U.S. § 1257(a), is there not a narrow jurisdiction available to the Civil Rights when (1) the constitutional challenge is comprehensive to depose the statute and merit injunction, and (2) state appellate courts have lacked any same resolution? Shall it not be totally plain that this argument was merely disregarded in the lower courts?

II.

Did the Court of Appeals fail to evaluate "Fraud on the Court" when it was presented pre-trial, on reconsideration, and commit a separate and superior "Fraud on the Court" when it represented the *Rooker-Feldman* doctrine as withstanding without appreciating relevant and available documentation from Utah Appellate Courts as from before the trial court, nor having recognized that constitutional challenge that it did not evaluate any part of the appellant's briefing than discriminated against that late and overburdened motion from before the trial court?

III.

Was not the recognizable order of any such claim generally original by an objecting party, and dutied to demonstrate that the State of Utah Administrative Courts (Utah

Office of Administrative Hearings) and Superior Courts defined the constitutional question?

IV.

Was there not a plausible "Fraud on the Court" (Fed. R. Civ. P. 60(d)(3)) when both an intake clerk, and a magistrate refused to positively disposition a Summons/Motion for Summons? Were the procedural mechanisms in place not used first to obstruct, then to terminate? Did a Judge terminating a case before that action not compound "Fraud," or at least then plausible "Fraud" and plainly *fabricated* the *Rooker-Feldman* claim, that it was without demonstration of any opinion by any Utah Appellate Court? Did the District Court fail to Fed. R. Civ. P. 5.1 (c) at the question of summons, and amend of jurisdiction, that no pre-trial action was expressed before it was merely suppressed without complex expression of the cause?

V.

Is this action not due immediate remand to United States Court of Appeals for the correct form of rehearing, that it is demonstrated in this petition and does not require any response from parties at genuine interest, than a supervisory action taken made? Is not the previous appellate panel recused?

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ADDENDA

TABLE OF AUTHORITIES

Cases

Statutes

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PARTIES

COURTS

United States Court of Appeals for the Tenth Circuit

Hon. Paul J. Kelly, Jr.

Hon. Carolyn B. McHugh

Hon. Nancy L. Moritz

ATTN Case 19-4041 (2:18-00728-DN, D. UT.)

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United States Court for the District of Utah, Central Division

Hon. David Nuffer

ATTN Case 2:18-cv-00728-DN

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PETITION FOR A WRIT OF CERTIORARI

This is a petition for *Writ of Certiorari* seeking a supervisory appeal; the Court of Appeals has departed too far from regular and good practice in this instance, and sanctioned such an abusive departure from the lower court. Appellant Carlos Velasquez respectfully petitions for *Writ of Certiorari* to review the judgment of the United States Court of Appeals for the Tenth Cirtcuit.

PROCEDURAL STATEMENT

Appellant Velasquez does not hold any particular or commanding assets in any private corporation of relevance.

OPINIONS BELOW

Opinions of the United States Court of Appeals for the Tenth circuit in the case 19-4041 (Final Termination: 9/16/19), *Velasquez v. State of Utah, et al.,* are reported as unpublished.[1] The same case in District of Utah (Final Termination: 3/12/19) (2:18-cv-00728-DN, D. UT), Central Division courts is not designated as published;[2] the original case title was *"by & through"* state of Utah agencies, and not respected by the District of Utah clerk at intake.

Evaluation of Utah Office of Administrative Hearings opinions is relevant to the *Rooker-Feldman application*, Judges have not represented an evaluation of these

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[1] The following hyperlink is available on the Court's website when searching opinions: https://www.ca10.uscourts.gov/opinions/19/19-4041.pdf.
[2] The following hyperlink is available on the Court's website when searching opinions: https://ecf.utd.uscourts.gov/cgi-bin/DktRpt.pl?111723.

opinions where they are referenced in the trial court, and in the Court of Appeals. The Utah Administrative Case No. is 2246378, and did not resolve an opinion on the statutory challenge after it was presented at every termination, dated 2/16/17.[3]

Utah Appellate Court proceedings are not recognized as due to before this court any kind of collateral proceeding.

JURISDICTION

On 8/30/19 Associate Justice Sotomayor granted extension of time to file a petition for *Writ of Certiorari* to this court until 11/12/19. Appellant seeks the supervisory convention of United States Supreme Court by Sup. Ct. R. 10(a) by 28 U.S. § 1254.

All courts are served; parties at genuine interest are served to provide comprehensive opportunity and precedent any notice. Those parties were not summoned due to a sustained "fraud on the court" claim which originated appeal process after premature termination.

STATUTORY PROVISIONS INVOLVED

Petition for Writ of Certiorari as a supervisory convention involves IFP statutory provisions, 28 U.S. § 1915, as relates to original grant at demonstration of constraint of costs, as well on conditions by which a trial judge presents statement that an appeal is made in bad faith.

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[3] Addenda, Page 073; Record on Appeal, Document 1, Petition for *Writ of Certiorari*, Facts of the Administrative Case (COA Docket No. 10639771) at Page 112.

More generally, 28 U.S. §§ 1254 and 1257 provide the order of precedence, respectively for United States Courts of Appeals and State Appellate Courts (as directly from before the highest court therein). Statutes are invoked at *Rooker-Feldman* doctrine precedence as expressed by the original trial court judge, and involve that original *stare decisis* as applied in the trial court, and affirmed in the Court of Appeals.

Because there is demonstrated here an absolute void of the complex conditions of case merits, those statutory provisions are not directly involved than there is simply refuted the expressed *Rooker-Feldman* application. The petitioner is aggressively discriminated against at his First Amendment right to petition redress: Judicial Opinions are devoid of any consistent deposition of any comprehensive brief, Fed. R. Civ. P. 60(d)(3) is relevant as action due by "Fraud on the Court," and not well-advised any sustained evaluation by Fed. R. Civ. P. 60(a) where the question of an error or mistake held the expressed grounds by Fed. R. App. P. 4 and precluded review by Fed. R. App. P. 21; there was effectively voided a successful *mandamus* brief which was served on all parties for correction in the Court of Appeals.

At sustained "Fraud on the Court," there is expressed 28 U.S. § 455 to command recusal of all prior judges presiding by 28 U.S. § 455, "[any judge] of the United States shall disqualify himself in any proceeding in which his impartiality might be reasonably questioned."

STATEMENT on SUPERVISORY APPEAL

This is an original civil case brought by Appellant Velasquez, without any criminal liability. This complaint's most principle contention is Court of Appeals has affirmed two decisions by trial court judges who effectively chose not to read his petition, chose not to act on pre-trial motions, and instead chose to fabricate a *Rooker-Feldman* bar as representation for dismissal of the complaint by 28 U.S. § 1915 under Fed. R. Civ. P. 12(b)(6), for failure to state a claim upon which relief can be granted.[4]

1. Appeal Terminated/IFP Denied: 6/11/19.
2. Order Denying Rehearing: 6/13/19.
3. Order Denying Stay of Mandate/Recusal: 6/21/19.
4. Order Denying Suspension of Rule 40.3 to Permit 2nd Petition for Rehearing: 6/25/19.
5. Judicial Misconduct Complaint filed: 7/23/19.
6. Order Denying Recall of Mandate (after standing Judicial Misconduct Complaint, S.C. extension of time): 9/16/19.
7. Final Termination from Utah Office of Administrative Hearings: 3/9/17 (Case No. 2246378)(non-collateral).
8. Final Termination from Utah Appellate Courts: 8/14/18 (Case no. 170903058)(collateral).

[4] *Id.*, at Page 037; Record on Appeal, Document 1, Trial Court Memorandum and Order of Dismissal (COA Docket No. 10639771) at Page 630.

The duty of this case argument is only to prove the *Rooker-Feldman* application is at least plausibly fraudulent and incompletely expressed; to prove the statutory bias by 28 U.S. § 1257 is unduly prejudiced and suppresses a withstanding case argument.

a. Standing for the complaint

The case and argument prove that the Court of Appeals did not evaluate a test of process, nor evaluate Utah Appellate Court opinions, and merely failed to read the Motion for Reconsideration (Fed. R. App. P. 4) comprehensively when it conducted evaluation, as well the *mandamus* petition (Fed. R. App. P. 21), failed to summon the State of Utah, and failed to restate the relevant status of Utah Appellate Courts' litigation.

Generally, Velasquez' comprehensive question has been *avoided*; the originality of that question's demonstration is exhibited[5] from the Motion for Reconsideration. That the Court of Appeals neglected to find the trial court record from that Motion objecting to cloture demonstrates further only that there was agreed implicit *on merits* the question should not be evaluated.

Present case argument must conclude that Judges are engaged in a tort of apophasis by "Fraud on the Court," upon an initial failure by a Magistrate to uphold Fed. R. Civ. P. 72 on pre-trial motions.

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[5] *Id.*, at Page 079; Record on Appeal, Document 1, Appellant's Motion for Reconsideration (COA Docket No. 10639771) at Page 644.

Court of Appeals claims to have reviewed the Motion for Reconsideration,[6] and evaluated Fed. R. Civ. P. 59(e) for Abuse of discretion on *Nelson v. City of Albuquerque,* 921 F.3d 925, 929 (10th Cir. 2019); however at deposition on the affirmative order no part of *Nelson* is demonstrated, and the Judge terminating does not cite the Motion for Reconsideration. Court of Appeals then proceeds to generally restate *Rooker-Feldman* doctrine and misrepresent the materials expressed from Utah Appellate Courts. The Judge has not read the Motion he claims, and violates the First Amendment before judicial agency.

> "The plaintiff considers the court is incorrectly exercised its discretion, and misrepresents the proceedings; the magistrate judge did not promptly reply to motions, including one for a specific summons, a hearing, any queries after the case or the failure of parties for [State of Utah] to respond, any requests to directly submit motions; this is self-authentic from any brief review of the docket."[7]

"Fraud on the Court" is precedented by Fed. R. Civ. P. 72 and Fed. R. Civ. P. 60(d)(3). The *Abuse of discretion* evaluation is inauthentic to the presentation; the motion was originally presented reevaluation by the trial court judge, and the clerk did command Velasquez to produce a *mandamus* petition.[8] It was proper for the Court of Appeals to have evaluated *mandamus* petition to discern that State of Utah required to be summoned.[9]

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[6] *Id.,* Page 029; COA Order and Judgment Affirmed, Terminated (COA Docket No. 10654847)(Filed 6/11/19).
[7] *Id.,* Page 078; Record on Appeal, Document 1, Appellant's Motion for Reconsideration (COA Docket No. 10639771) at Page 638.
[8] *Id.,* Page 003; Order lifting abatement (COA Docket No. 10639740)(Filed 4/9/19).
[9] *Id.,* Page 091; Motion to Expedite Appeal (COA Docket No. 10650217)(Filed 5/21/19).

Velasquez has every reason to believe the original claim has standing by the Civil Rights Act given that State Courts did not actually resolve the constitutional challenge in any way, that the Judge-Made *Rooker-Feldman* application in this instance does not demonstrate any reflection either upon the constitutional challenge presented *or* upon Utah Appellate Courts opinions provided to trial court for review of the very same question.

> "Whenever a party is authorized to proceed without payment of fees under the IFP Statute, the court is required to 'dismiss the case at any time if the court determines that...the action...fails to state a claim on which relief may be granted *fn. 10,* 28 U.S. § 1915(e)(2)(B)(ii).' In determining whether a complaint fails to state a claim for relief under the IFP Statute, courts employ the same standard used for analyzing motions to dismiss for failure to state a claim under Fed. R. Civ. P. 12(b)(6) *fn. 11*, *See Kay v. Bemis,* 500 F. 3d 1214, 1217-18 (10th Cir. 2007).[10]

Kay is a somewhat deep, three-part evaluation of criteria for establishing *Rooker-Feldman* precedence that, "[it] prohibits a lower federal court both from considering claims actually decided by a state court, and claims inextricably intertwined with a prior state-court judgment." *Kenman Eng'g v. City of Union,* 314 F.3d 468, 473 (Cir. 2002).

> "A federal claim is intextricably intertwined with a state court judgment 'if the federal claim succeeds only to the extent that the state court wrongly decided the issues before it." *Pennzoil Co. v. Texaco, Inc.,* 481 U.S. 1, 25, 107 S. Ct (Marshall, J. Concurring). Moreover, a federal claim is barred if 'the injury alleged by the federal plaintiff resulted from the state court judgment itself,' as opposed

[10] *Id.,* Page 037; Record on Appeal, Document 1, Trial Court Memorandum and Order of Dismissal (COA Docket No. 10639771) at Page 630.

> to being distinct from that judgment. For *Rooker-Feldman* to apply the state court decision must be final. *See Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 287, 125 S. Ct. 1517, 1522-23, 1526 (2005). A state court decision is final 'if a lower state court issues a judgment and the losing party allows the time for appeal to expire.' *Bear v. Patton,* 451 F.3d 639, 642 (10th Cir. 2006)." *Kay v. Bemis,* No. 2:06-cv-23 (D. UT, February 10th, 2009).

"Intertwining" is generally read as a literal, or lateral-transgressive amend of a judgment or order.

On remand from the Court of Appeals, the trial court affirmed termination of the case by the *Rooker-Feldman* standard and allowed a period of time for the plaintiff to file a Motion for Discovery. *Rooker-Feldman* precedence is found at this particular termination of the case, and not from the Superior court context found in *The Federal Reporter*.

The evaluation is three-part to evaluate (a) whether a case was obviously prior litigated, *Kiowa Indian Tribe v. Hoover*, 150 F.3d 1163, 1169 (10th Cir. 1998); (b) Whether the claim is intertwined or transgresses the original court's resolutions on the lateral appeal, *Pennzoil;* (c) and whether or not vertical jurisdiction is finalized after time for appeal has run, *Bear*.

Neither *Kiowa* nor *Pennzoil* have defined this complaint; the trial court stated,

> "All of the allegations in Velasquez' complaint center around proceedings related to the Administrative Case. Furthermore, Velasquez admits in the complaint that he has already litigated all of the issues raised in the complaint (including the constitutional issues) in Utah administrative agencies, the Utah Third District Court, the Utah Court of Appeals, and the Utah Supreme Court. If Velasquez's claims were adjudicated in this action, the

> court would 'effectively act as an appellate court reviewing' the decisions of those state agencies and tribunals." *Merrill-Lynch Bus. Fin. Servs. v. Nudell,* 363 F.3d 1072, 1074-75 (10th Cir. 2004); *see* 28 U.S. § 1257(a).

The trial court, on the memorandum has not cited where Velasquez' admission is expressed, and does not demonstrate evaluation of the Utah Appellate Court opinions. It emphasizes the complaint "center[s] around proceedings related to the Administrative Case."

Kiowa literally requires as by the trial court's expression of the Appellate mandate the State appellate court resolution demonstrated, "Attached as Exhibit B to the Defendants' supporting memorandum is an Order from the Utah Third Judicial District Court granting summary judgment against Plaintiff in *Kay v. Friel,* No. 050901211 (Salt Lake D. Utah August 17, 2005)."[11]

Pennzoil expresses that there were some error in the substance of the determination, that a lateral appeal was made than the vertical one, where the federal court's influence would already be too extrinsic for the withstanding doctrine.

A careful demonstration of Utah Appellate Court opinions would find exactly the opinion of the State of Utah, its courts generally, and express that *Rooker-Feldman* doctrine were found thereby.

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[11] The following hyperlink is available on the Court's website when searching opinions: https://ecf.utd.uscourts.gov/cgi-bin/DktRpt.pl?55268

The extant question for the actual cause of claim preclusion by United States District Court should rest with *Bear,* and defines both claim preclusion for *particular* lateral claims and those claims in terms of time for appeal having run.

There is the possible narrow interpretation of the trial court's overbroad opinion, and an enlargement of *Rooker-Feldman* doctrine, that because the petitioner allowed time to expire to the question in Utah Appellate Courts, that a judgment had been entered irrespective of his pleadings, the status of a final judgment precludes the claim. *Bear*, however, does not respect constitutional challenges on the order this case presents, only cases of review *de novo.*

For withstanding order on *Bear,* finality of judgment, the trial court must also have evaluated the petitioner's diligence after time has lapsed, both demonstrable and not reviewable because Utah Appellate Courts did not respect that part of his pleadings. The entanglement at timeliness is thereby arbitrary, not sustained at paucity of substance by UAC opinions, or not sustained while the efficacy of the constitutional challenge to the statute entirely is demonstrated for the Civil Rights Act which does not express any prohibition at time.

The correct path in such cases is to petition United States Supreme Court for transfer to cure a want of jurisdiction after a state appellate court has reached a conclusion.

In this instance the trial court appears to favor that because Utah Appellate Courts chose not to hear his pleadings, his First Amendment right to petition redress,

the Third District Court in Salt Lake City was ultimately capable to dismiss the case without prejudice of an opinion,[12] that the alleged rights violation is substantive *res judicata* even when addressing no part of the petitioner's object, nor permitting him to litigate any part of the question.

Court of Appeals thereby affirmed but clarified that interpretation,

> "By negative inference, inferior federal courts lack subject matter jurisdiction to hear appeals from state court. *Mo's Express, LLC v. Sopkin,* 441 F.3d 1229, 1233 (10th Cir. 2006). The scope of the doctrine, however, is narrow. *Rooker-Feldman* only bars federal district courts from hearing cases "brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments." *Exxon Mobil Corp. v. Saudi Basic Indus. Corpo.,* 544 U.S. 280, 284 (2005). Where the relief requested would necessarily undo the state court's judgment, *Rooker-Feldman* deprives the district court of jurisdiction. *Mo's Express,* 441 F.32 at 1237.

The question in terms of the present case is claim preclusion, not direct entanglement. The remedy sought in this case is by United States Civil Rights Act, to declare the statute unconstitutional, and have the judgment voided thereby than direct review of the particular claim. All such claims in the State of Utah are due voided. The literal rejection of the petitioner does not affirm the First Amendment,

There is no *necessity* to undo a state court judgment on *de novo* review, it is *void* because the petitioner is originally and actually immune from any application, his innocence not relevant. The deprivation of jurisdiction is the same enlargement

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[12] Addenda, Page 018.

to the precedent expressed by *Exxon* in the trial court, due only where a superior court has literally evaluated the same question. A meritorious immunity intrinsic to the original issue is dependent upon the intrinsic order of statute and not by any expression of a court, and the relevance of jurisdiction not actually made precedented.

In this way, by the Civil Rights Act, the cause of action is not that there was any rights injury in the state courts, but that the statute can be demonstrated as intrinsically fraudulent and/or notwithstanding. The rights injury is not original to the court, than it was to the State of Utah Legislature. That this key element is not addressed, suggests that the termination is speculative and even criminal where judges divest the petitioner of his First Amendment privilege in a manner to damage the appeal at IFP costs, liabilities upon the family, the *advocative continuum,* the lower courts have addressed the petitioner in a comprehensive spirit of malice.

Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923), and *Columbia Ct. of Appeals Bar Assoc. v. Feldman*, 460 U.S. 462 (1983) express the Constitutional question is originally intrinsic to considering both whether a court may have an original jurisdiction extended by the Civil Rights Act *when it is demonstrated pre-trial that a state law is unconstitutional*, and whether *res judicata* of the original appellate court is as transgressed on a more typical (than extraordinary) lateral appeal in a more particular case.

An administrative rule at a constitutional challenge in that respect should be so to a degree of extraordinary caprice.

Court of Appeals attempted to perfect the controversy against the petitioner,

> "In Mr. Velasquez's case, he appears to challenge decisions by the Utah state courts reviewing his state administrative law appeal. He claims that the Utah state courts violated his constitutional rights in the court of that litigation and seems to seek reversal of the decisions he lost on the merits. This is precisely the type of suit *Rooker-Feldman* prevents federal districts from hearing. Having already his various objections in state court and failed, Mr. Velasquez has now 'repaired to federal court to undo the state-court judgment against him. *Exxon,* 544 U.S. at 293... The district court properly dismissed this action for lack of subject matter jurisdiction."[13]

Claim preclusion, as expressed is not in order by an evaluation of subject matter jurisdiction on the Civil Rights Act question, specifically 42 U.S. §§ 1981, 1988. Court of appeals is demonstrated to have erred in the particular terminology of *precision*; "reversal of decisions he lost" is refuted when courts have no comprehensive opinion, nor the district court any ground to declare a more intrinsic flaw in the subject statute. Court of Appeals has misrepresented speculation of *claim preclusion.*

It is observable Judges have absconded with merits, that it is to themselves; their rulings, to any serious petitioner, promote appeal and challenge, and completely fail to arrest the plausible question on the substantive origins of plausibly *Rooker* biased *D.C. Ct. of Appeals* questions; the irony is plain: *res judicata* is to the court as it finds represented the particular pleadings, and no amount a petitioner's having been directly ignored by any court will ever substantiate *res judicata* in a Federal

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[13] *Id.,* Page 032; COA Order and Judgment Affirmed, Terminated (COA Docket No. 10654847)(Filed 6/11/19).

court system. It is merely a direct divestment against the most general standing, as entirely defined United States Constitution, of any pleader.

Ut. R. App. P. 51(a) is affirmative to this; "Order after consideration. The Supreme Court will enter an order denying the petition or granting the petition in whole or in part. The order shall be decided summarily, shall be without oral argument, and shall not constitute a decision on the merits."

Orders are demonstrated lacking efficient ruling regarding the sufficiency of the complaint.

Court of appeals cannot interpret "constitutional rights" in the course of "that litigation" as a narrative by "[the same] course of that litigation," because the statutory jurisdiction is providable. A superior court ignoring an establishing petition commits the very same transgression by rejecting its essential Article III and Article VI mandate, as violates First Amendment before Judicial Agency.

The Third District Court affirmed a motion *to withdraw* found the courts are without prejudice.

b. *Rooker-Feldman* originality affirms statutory jurisdiction

Rooker-Feldman is finally held as may only have origins from Utah Administrative Courts on particular claims unless that court took a specific position, which it was demonstrated to District Court it did not. There rather was demonstrated deliberation to violate his rights at the unconstitutional statute. The

petitioner's meritorious defense is held as "legal arguments" irrespective of substance and affirmative only to judgment by default.

The Utah Office of Administrative Hearings,

> "The undersigned finds that the remainder of Respondent's Motion raises legal argument about the underlying Supported finding, but is devoid of an explanation as to why Respondent failed to appear at hearing. In other words, Respondent's Motion has failed to allege anything other than mere neglect alone."[14]

There lacks entire lenity, and applied instead are conditions which affirm a statute without statutory opinion. The trial court not evaluating the Office of Administrative Hearings as *Rooker-Feldman precedence* is a procedural prejudice and does not uphold the efficient bias of 28 U.S. § 1257.

Moreover, there is misrepresentation of *claim preclusion* where State of Utah respondents may be unable to defend the original statutory jurisdiction held in Court of Appeals. It is an overstep of the Court of Appeals/District Court's *procedural influence/precedence* at violation of the First Amendment before Judicial Agency.

Otherwise, opinions presented appear to prejudice 28 U.S. § 1257 that once a United States agency reaches any conclusion in its proceeding, that there is no general intrinsic grounds for transfer of the particular case. This is the original standing of *Rooker*, and held only mitigated inversely and conferentially by *Dist. of Columbia Ct. of Appeals*, which holds to merit that a rule or law had to be governable

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[14] *Id.*, Page 073; Record on Appeal, Document 1, Appellant's Petition for *Writ of Certiorari,* (COA Docket No. 10639771) at Page 112.

at constitutional standing to promote any kind of injunction, on the ubiquitous pre-trial, a superior court jurisdiction is limited to extrinsic form thereby.

Affirmative, it is not fraudulent for a court to properly express a limitation to action when a question is not properly expressed, or a statutory/administrative matter is held withstanding; there must be demonstrated some other merit or narrowness to the exception than any merely potentially provisional or exceptional basis.

Restated, this case originally presented to the District Court that a statute was intrinsically fraudulent, that there is literally a crime committed at enactment,[15] and the trial court has expressed that there is an extrinsic value in both delivering a fraudulent and vague opinion, and the Court of Appeals has not clarified against "Fraud," and not evaluated the importance of the constitutional question for its present affirmative holding, than plausibly committed the same extrinsic "fraud," that it could not recognize his question of the depth a *substantive interest* a court a must represent to sustain *Rooker-Feldman* doctrine, by any kind of claim preclusion.[16]

A trial court judge's prejudice may have been to protect the magistrate's error, and so fabricated the instanced application from the docket sheet at the jurisdictional

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[15] *Id.*, Page 079-080; Record on Appeal, Document 1, Appellant's Motion for Reconsideration (COA Docket No. 10639771) at Page 644-5 ¶24.

[16] The Fraud question is held precedented, while the particular motion is appended to the IFP Motion in this court.

statement,[17] and then glossed over the petition to fabricate the prejudice at any plausible liability.

Mr. Velasquez has every reason to believe that *Rooker-Feldman* finds established his original case precedence in United States Disrict Court.

Both courts also avoid validating the constitutional question before transfer, and in fact prohibit 28 U.S. § 1631, transfer to cure want of jurisdiction, while claiming to evaluate the real jurisdiction of United States Supreme Court. This appears highly prejudicial, as even evasive to the standing of such a question, which *Kay* did affirm that its application conflicted.

A Judge-made application for *Rooker-Feldman* doctrine has compelled that because a state court reached a procedural conclusion, United States District Courts are deprived from any order of transfer. It has insinuated *appeal* and not recognized original grounds by the Civil Rights Act for matters not litigated, which discriminated against, the *vindication of civil rights* at stake, and effectively prohibits federal injunction while the United States District Courts are provided that exclusive original jurisdiction.[18] *Rooker-Feldman* doctrine never merely dispromotes a petitioner's diligence.

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[17] Addenda, Page 009; District of Utah Docket Sheet, Cause/Nature of Suit.
[18] *Id.,* Page 086-087; Record on Appeal, Document 1, Appellant's Motion for Reconsideration (COA Docket No. 10639771) at Page 676:15-677:9. Note: 42 U.S.C. § 2343 is a typo, § 1343 is intended.

Judges fail to justify not reading the petitioner and are caught in misprision, and expressly discriminate against the IFP petitioner alone.

The trial court was dutied to evaluate and state exactly how the facts of the administrative case had held and resolved the question to invoke any expression of *Rooker-Feldman doctrine.* These were demonstrated in District Court,[19] restated on the Motion for Reconsideration[20] and referred to on the *mandamus* petition.[21]

Rooker-Feldman ideally protects against transgressive lateral appeals, and is not optimal to merely protect original jurisdiction because it affords the right of abuse of power to states and some judges who already protect original jurisdiction, anyway. *McNabb v. United States,* 318 U.S. 332 (1943). The trial court's most correct original question was rather whether the case was not original to the United States Administrative Procedures Act than the amended Civil Rights Act.

This is not a merits case because *Rooker-Feldman* has been precedented by "Fraud on the Court," and lacks the opinion of the UAC resolution as represented by respondents for the State of Utah. The argument demonstrates plain fabrications of the substantive precedent and promotes that there is sustainable grounds for a question such as this one in any United States District Court as defined by 42 U.S. § 1981(c), "The rights protected by this section are protected against impairment

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[19] *Id.,* Page 063-076; Record on Appeal, Document 1, Appellant's Petition for *Writ of Certiorari,* (COA Docket No. 10639771) at Page 102-115.
[20] *Id.,* Page 083; Record on Appeal, Document 1, Appellant's Motion for Reconsideration (COA Docket No. 10639771) at Page 670 (Note 58).
[21] *Id.,* Page 089-090; Appellant's *Mandamus* brief (COA Docket No. 10647555)(Filed 5/9/19), at Page 50-1.

[under color] of State law," or any part of Title 42, Chapter 21 after a state court did not reach a substantive conclusion, or even demonstrate having held the same question.[22]

ARGUMENT

The appellant has every reason to believe United States District Court sustains original jurisdiction for this matter; a question has been left unanswered in the lower courts: Does not the jurisdiction of the Civil Rights Act sustain original jurisdiction before any party or judge-made claim of a *Rooker-Feldman* precedent when the relevant state court chose not to recognize the petitioner? When the substantive opinions *after* pleadings reflected no part of the petitioner's written expressions? When those opinions in fact resolved no part of the same question, and did not treat the matter in the same order?

I. FRAUD ON THE COURT DIRECTLY INFORMS THE *ROOKER-FELDMAN* APPLICATION

"Fraud on the Court" is cited as cause for fabrication of interest to terminate the case; the magistrate in-chambers did not disposition a motion for summons[23] after the intake clerk verbally refused to review it for any corrections. Velasquez was literally unable to proceed after that point unless State of Utah responded to his signed petition, which it did not.

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[22] *Id.*, Page 083-084; Record on Appeal, Document 1, Appellant's Motion for Reconsideration (COA Docket No. 10639771) at Page 670-1 ¶106-112.
[23] *Id.*, Page 052-055.

Termination came after a motion to vacate the Magistrate Judge;[24] The trial court judge, recognizing the disposition, fabricated the cause for termination to cover for the errors of the Magistrate in-chambers, his clerkship, and the intake clerk.[25]

United States District Court only *avoids* the petitioner's prior diligence, and furthers the tort Velasquez claims may be relevant expressed by Utah Appellate Courts. It was not the genuine interest of the petition.

Fraud on the court was grounded efficiently to set aside District Court orders on an IFP motion, and a motion to conclude abatement. A *Mandamus* petition evaluated "Fraud on the Court" by *Bulloch v. United States*, 763 F. 2d 1115, 1121 (10th Cir. 1985),[26] and the argument is yet withstanding.

The argument on Judicial Misconduct finds that the Appellate Court's treatment of the case on the "abuse of discretion" claim against any mistake by the trial judge, that he overlooks the precise context by which the case was originally brought to United States District Courts: UAC did not resolve the statutory question.

That appeal was rather *avoided* and Velasquez merely raised his complaint of "wrongful" dismissal while expositing that no Utah Appellate Court provided any opinion mandating appeal directly to Supreme Court. That claim alone only provokes

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[24] *Id.*, Page 011; District of Utah Docket Sheet No. 22.
[25] Note: Presented on Judicial Misconduct Complaint No. 10-19-90028 (Hon. Nuffer); No. 10-19-90029 (Hon. Mag. Warner).
[26] [Fraud upon the court] "[i]s fraud which is directed to the Judicial Machinery itself and is not fraud between the parties or fraudulent documents, false statements, or perjury. It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function – thus where the impartial functions of the court have been directly corrupted."

the measure of his prior diligence, and diligence or any avoision of it is not *res judicata* on the question of certification. The appellant has rather been dismissed from the court because the magistrate did not comply with Fed. R. Civ. P. 72.

In that way, this case argument finds merited on petition for *writ of certiorari,* the supervisory convention due only presently rectification of the disposition by "Fraud" and commanded rehearing to entertain and resolve the order of precedence at the substantive evaluation before State of Utah Respondents, the original relevance of the standing of the constitutional question.

a. Fraud on the Court has overlooked the precise case question and jurisdiction without direct evaluation

Court of Appeals proceeded to evaluate a Motion for Reconsideration which the trial court had resolved was overlength.[27] Just as the magistrate's failure to uphold Fed. R. Civ. P. 72 at pre-trial motions was instrumental to citing error and then "Fraud on the Court," so evaluating the Motion for Reconsideration was not generally appropriate after there was produced and served, *In re Carlos Velasquez.*

The motion treated the matter as a question of "Title 5 jurisdiction" in view of the constitutional evaluation which develops *Mathews v. Eldridge,* 424 U.S. 319 (1976) with qualified prejudice,[28] that the APA "may simply be unnecessary,"[29] that

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[27] Addenda, Page 015-016; Record on Appeal, Document 1, Memorandum and Order Denying Reconsideration (COA Docket No. 10639771) at Page 712-13.
[28] *Id.,* Page 082; Record on Appeal, Document 1, Appellant's Motion for Reconsideration (COA Docket No. 10639771) at Page 659.
[29] *Id.,* Page 083-4; at Page 670-1.

"*Rooker-Feldman* doctrine protects generally administrative rules as [represented] issued of a specifically qualified Appellate or Administrative jurisdiction," as broadly legislative in scope, "Feldman could not have petitioned any United States Court for a waiver of a rule without first having had the rule declared unconstitutional[.]"

District of Columbia Ct. of Appeals v. Feldman, 460 U.S. 462 (1983), "[T]he Maryland Board of Law Examiners waived the rule for Feldman," presents the question of an administrative jurisdiction on the qualification for admissions, because the "[p]recedent Feldman was made to appeal was that condition of the prior precedent," literally the *same* precedent by *Rooker v. Fidelity Trust co.,* 263 U.S. 413 (1923), "[It] affirmatively appears from the bill that the judgment was rendered in a cause wherein the circuit had jurisdiction of the subject matter, [that] a full hearing was had therein..."

The procedural question, if an objection had been raised on the APA, by Fed. R. Civ. P. 56(a), as claim preclusion, must evaluate subject matter jurisdiction plainly. The case argument hereon demonstrated, therefore, 28 U.S. § 1343 may establish original United States District Court jurisdiction so long as the question could not be related to the state court decision, to the *same* precedent, therein. A precedent for a *default* judgment at a failure to appear, outright disregarding pleadings, does not precedent the same question of a Federal injunction against any extrinsic jurisdictional injunction.

That "a full hearing" was had should be the Court of Appeals sticking point; case argument was presented that *default* standing is not directly challenged, than

the constitutional challenge finds the application of the statute is void, that the citizen is originally, meritoriously, immune.

Rooker-Feldman thereby discriminates against diligence, promotes the state court discrimination was equitable, expressed its conditional treatment in vague, late, and conflicting terms, and rests not on the rulings it has expressed, *Bear* particularly.

A resolution in this instance must consider that a process not cognizable to the same question rests either on separate grounds, or as by *Bear,* irrespective to a broad approach than having a *de facto* power by a privilege of injunction. *Rooker-Feldman* can only express qualified claim preclusion by vertical jurisdiction to Supreme Court, and is not originally prejudiced to generate pure jurisdictional prohibitions.

The Civil Rights Act, contradicting the statement in Court of Appeals, was created *exactly* for instances such as this one, nor should there be perceived a state or court held privilege to violate plain right.

The *mandamus* petition was the ideal document reviewed, by Fed. R. App. P. 21, as expressed from the motion to expedite time. *Rooker-Feldman* prejudice has avoided the document, and Court of Appeals is already prepared to precedent Judicial Review.

The doctrine, held as otherwise, is too unfair, and prohibits the Civil Rights Act at its most broad statutory influence, *writ of prohibition,* "so far as the same [law] may be carried into effect;" the *Rooker-Feldman* doctrine cannot fundamentally

define precluded by order of procedure any original claims than it may attempt to state the matter was previously addressed. The contrary opinion misrepresents the administrative interests of any court bar association.

There is rather plausible tort defamatory to person and constitution committed in the lower courts; a Judicial Complaint[30] is in process assessing contempt, conspiracy, and grounds for censure and impeachment.

b. The assessment that the petitioner seeks reversals of multiple decisions blankets the Court of Appeals and obstructs criticism against "Fraud" on the trial court, including pre-trial motions in Court of Appeals

As follows from above, there is not any representation of the standing of Utah Appellate Court opinions; the trial court was demonstrated the state agencies did not hold any statutory conclusions in original proceedings than expressed the negative liabilities of an unconstitutional administrative censure.

There is literally no conditional prejudice by which dismissal of a claim can be held than as one which may begin to compare failure at oath, or a "Fraud on the Court."

[30] Addenda, Page 061.

Such reversals can only amount to a grant of *writ of certiorari* to Utah Court of Appeals or Utah Supreme Court;[31] the value of the Office of Administrative Hearings opinions were not ever carried by those superior courts.

The most critical position in view, the Third District Court in Salt Lake City dismissed without prejudice of an opinion. UAC has not stated any particularity for any affirmative, or implicit standing of the subject matter from any court related.

Velasquez has every reason to believe, as does the trial court, the Court of Appeals, and the Supreme Court at those positions expressed finalization of the decision did not address the matter.

The original argument[32] in Court of Appeals, in this way, refuting *Rooker-Feldman* doctrine was presented on the IFP motion, the motion to conclude abatement, and as from beside objections that the appeal was in bad faith.[33]

Velasquez is prejudiced to presume a deliberate failure to act in view of his discrete arguments beside the failed *abuse of discretion* evaluation, are outright *ad hominem* attacks at normal IFP liability, and destructive to the clarity and timeliness of the process.

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[31] Ut. R. App. 19(g), Extraordinary Writs, "(g) Issuance of extraordinary writ by appellate court sua sponte. The appellate court, in aid of its own jurisdiction in extraordinary cases, may issue a writ of certiorari sua sponte directed to a judge, agency, person, or entity." The question of issuance is governed by Ut. App. R. 51 (See Page 13:11-14).

[32] This question is treated on the separate IFP motion in this court more directly.

[33] Addenda, Page 017; Memorandum Denying IFP Status on Appeal (COA Docket No. 10636997)(Filed: 3/29/19).

c. State of Utah can never hold the matter was litigated to effect either claim preclusion, or any procedural protectionism for Utah Appellate Court Jurisdiction after resolution

As interpreting precedence from out of Utah law, Court of Appeals did not consider on the Motion for Reconsideration, at Fed. R. App. P. 4, that *claim preclusion* is generally only providable when "[an] issue in the first action was completely, fully, and fairly litigated, and the first suit resulted in a final judgment on the merits."[34] *Moss v. Parr Waddoups Brown Gee & Loveless,* 2012 UT 42, Page 10.

Presumably, the procedural bar to state that a matter was prior litigated, resolved, and restricted from lateral appeal is one of the first defensive assessments for the State of Utah. Such an opinion should attempt to hold that a *collateral* (Sup. Ct. R. 14(b)(3)) condition to the ruling determines some part of the present evaluation, affirms the *Rooker-Feldman* application, as by dismiss without prejudice. It may, however, not control the *collateral effect* presenting only plausible violation of Velasquez' First Amendment right global otherwise global to the UAC.

The state can never prove a matter was represented to standing because the courts never held a complete opinion. The only object in that authentic purview, in any original proceeding, is whether or not the statute sustains constitutional form in view of the Older Americans Act and the Civil Rights Act, and any related argument.

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[34] *Id.,* Page 078 ; Record on Appeal, Document 1, Appellant's Motion for Reconsideration (COA Docket No. 10639771) at Page 671 ¶110.

Claim preclusion was defined by a case respecting *Saucier v. Katz*, 533 U.S. 194 (2001).

d. Magistrate ignored a motion for a pre-trial Hearing related to the summons, and general case standing

After there was no action to the process on the pre-trial Motion for summons, Velasquez filed a Motion for a hearing on the question of the summons.[35] That motion demonstrated substantial evidence and argument for the trial court to sustain partial judgment, pre-trial, by Fed. R. Civ. P. 56(a), that the statute was in bad faith on a *strict scrutiny* question, and had grounds to establish partial judgment and issue a summons, deliberate against Default at State of Utah; the evidence was enumerated on the disclosures part of the original petition in the trial court.

The argument was intended to be substantive to the pre-trial standing for *writ of prohibition*, which may have elements of that substantial evidence: an informal transcript of legislative sessions regarding Utah Senate Bill 63 (2008). Audio/Video is demonstrable.

The motion for reconsideration represented this was relevant, and statement declaring pre-trial motions moot were dutied at least to evaluate whether such material was present beside a restatement of the constitutional argument.

There is no reason to order, in this case, ever, that it is without merits, nor without cause for immediate action in the scope of the vindication of civil rights. Court

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[35] Addenda, Page 10; Motion for Summons (DC Docket No. 11)(Filed 10/24/18).

of Appeals is not well expressed some other, latent and unrelated objection to the case.

REASONS GRANTING THE SUPERVISORY PETITION

This is not any normal case under the APA, and the error in that purview was original to Mr. Velasquez, but it was remediable if the magistrate had acted correctly. The trial court judge should not have terminated than held the hearing to present any original pre-trial objections to the document, and issue any orders before further proceedings.

Otherwise, there is simply a question of original immunity of citizens in view of an original right already protected and defined by the amended Older Americans Act. That right is presently under attack where time is a crucial factor as relevant persons age, and the stress of extreme pendency is regularly tangible.

That these things are foreseeable, the petitioner states it is an abuse of the convention, and restates *Abuse,* it is *deliberate casualty of the procedural bias*, to increase costs, potentially compound injury, and otherwise aggravate what the court should view as a sensitive civil entanglement.

The fraudulent *Rooker-Feldman* expression has enlarged the doctrine without improving its scope or interest, and appears to be a result of Judges' not having read the relevant papers, conducted any efficient pre-trial process in either court, and without expressing the impartiality of state court opinions/state parties.

Judges posit that any conclusion is protected by the vertical jurisdiction of United States Supreme Court, and have not evaluated whether a comprehensive question, putting the particular claim after refutation of the constitutionality of the controlling statute, to protect the Utah agency standing by the people, held withstanding originality jurisdiction by 28 U.S. § 1343.

Procedural originality *as Jurisdiction* is increasingly derivative to the original study of a case before it has reached any conclusion, and is more principally controlled by statute.

Likwise, *Rooker-Feldman* doctrine is not jurisdictional law per se when the Civil Rights Act by 42 U.S. § 1988 states as to merit a correct application, "The jurisdiction in civil and criminal matters conferred... shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect."

When such an application should be held without merits, "[Said jurisdiction], in all cases where they are not adapted to the object... so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern said courts in the trial and disposition of the cause[.]"

Suitability of the law is increasingly broad, while consistency is characteristically narrow, as 28 U.S. § 1652, State laws as rules of decision, define that jurisdictional prohibition is disfavorable when it is not a qualified procedural (*res judicata*) prohibition. In purview, the lower courts disfavor the Civil Rights Act

than properly evaluate the Utah Appellate Court resolution for *Rooker-Feldman* precedence.

A deliberate disfavor of statutory evaluation without a comprehensive procedural influence is comparable to fraud, if not demonstrated originally by "Fraud on the Court," as measured from *Dist. of Columbia Ct. of Appeals*: there is set a standard for precedence.

There is no inherent procedural intertwining when a court has not successfully evaluated a question. The originality of such application protects against surreptitious, *as fraudulent*, covert, and transgressive claims, and does not permit unqualified injunction. Any court asserting *Rooker-Feldman* doctrine is dutied against "Fraud on the Court" to demonstrate either a failure of basic diligence (*Bear*) or the withstanding resolution from the court claiming originality.

Critically, relevant claims have not been demonstrated as comprehensively barred than only potentially substantively barred; such an expression is fraudulent in the Court of Appeals when it claimed the petitioner sought reversals of dismissals for petition of transfer to a superior court. The UAC trial court never held a single merits expression because that superior court refused to recognize any part of the pleadings.

Any comprehensive procedural bar is characteristically fraudulent and premature in order when there is no specified ruling, or party expressing such ruling, defining subject matter resolution. "Fraud on the Court" should be the principle

question in such an instance; it is a *requirement* to preserve the credibility and efficiency of everyone involved, "The principles governing [procedural influence] in federal [civil] trials have not been restricted, therefore, to those derived solely from the Constitution. In the exercise of its supervisory authority over the administration of [justice] in the federal courts." *McNabb v. United States,* 318 U.S. 341-343, 332 (1943).

Rooker-Feldman doctrine is potentially just a necessary *exclusive* supervisory authority excepting instances where judges themselves are apparently somehow hostile to a First Amendment question, a particular protection or right, "[T]he purpose of this impressively pervasive requirement [over procedure] is plain. A democratic society, in which respect for the dignity of all [persons] is central, naturally guards against the misuse of the law enforcement process," *McNabb.*

Ultimately, the termination of the case was conspiratorial; by expressing vagary at representation of the interests of the petitioner, the supervisory appeal process is at least potentially partially obstructed, *and* the whole record is not preferred on a supervisory petition. When a petitioner is reduced to a highly generalized restatement while it is obvious there is comprehensive briefing suspended, the First Amendment is not served than there is an abuse plausible by procedural mechanisms while clarity of the question is jeopardized.

That was the question for the Court of Appeals, and this argument is dutied no further than to present how incomplete doctrinal representation falsely narrowed grounds for the particular case standing.

VELASQUEZ' SUMMARY OF DISPOSITION

As by the foregoing, the matter is not dismissed for any failure to state a claim by 28 U.S. § 1915, and IFP standing is reinstated;[36] any decision conflicting is *Set Aside* as *void* for "Fraud on the Court."

Relief may be cited in this instance, "Fraud on the Court" withstanding, as *partial findings*, by plausible demonstration by Fed. R. Civ. P. 52(a), a statute was successfully deposed on a pre-trial question while state appellate court rulings were not correctly represented from a record filed in the trial court. Opinions are *set aside* as *void* unless amended after conclusion. (Fed. R. Civ. P. 60(d)(3))

Remand is due for conclusion of the original constitutional question, Rule 52(c), before Court of Appeals' consideration by Fed. R. Civ. P. 56(a), the complete appellate question by partial judgment at a pre-trial declaration of unconstitutionality, amend to jurisdiction by 28 U.S. § 1343.

The lower courts in this instance did not demonstrate *Rooker-Feldman* precedence from before the state agency, have not represented another relevant position, and are refuted.

The court of appeals with the same degree of deliberation misrepresented *claim preclusion* from the trial court, and sustained unexpressed merits prejudice without establishing doctrinal *requirements* of substantive judicial resolutions. A

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[36] See IFP Motion.

jurisdictional question must always be more plain than any vague statement of the weakness of a document.

I.

The appellate panel previously assigned consisting of Hons. Mr. Kelly, Ms. Moritz, and Ms. McHugh are recused from this proceeding at sustained "fraud on the court," having affirmed a negative procedural departure in the trial court by neglecting the central question on appeal, having misrepresented relevant and available materials from Pre-trial Motions, Motion for Reconsideration which were virtually unrepresented at appellate termination.

The appellate panel presently overburdens a frivolous appeal, that merits were not prior efficiently resolved.

Hon. Mr. Nuffer is recused for the original "Fraud on the Court;" opinions supplied provided absolutely no clarity to the constitutional question as represented, and appear to have encouraged, lauded, similar vagary by a magistrate, and affirmed the First Amendment violation to the Appellate Panel.

Neither did that trial court thereby properly state the question, nor did the trial court state plainly any reason for having failed to disposition pre-trial motions per Fed. R. Civ. P. 72 other than an expression of "confusion;"[37] plausible unwillingness to recognize the case may be cited as by the Canon for Judicial Conduct

[37] Addenda, Page 035; Record on Appeal, Document 1, Trial Court Memorandum and Order of Dismissal, Background (COA Docket No. 10639771) at Page 628.

3,[38] the independence to the *sua sponte* procedural bar was merely to terminate the case, and in fact coverted procedural failings at the outset of the court's process in order to deselect the case assignment and discriminate against the petitioner; the treatment was too prejudicial and overburdened the Motion for Reconsideration.

The trial court's opinions, as derivative from the state appellate court opinions, could not have pre-empted objections or appeal.

II.

Because the Court of Appeals must repair the lower court disposition about the matter of summons, that court is due to hear the matter by *In re Carlos Velasquez,* the question of *Writ of Certiorari* to United States Courts, hear any other pre-trial objections, evaluating whether or not the court may sustain partial judgment for pre-trial interests of a declaration of unconstitutionality[39] (Fed. R. App. P. 21).

III.

The court may expedite process by 28 U.S. § 1657, good cause is demonstrated that an immediate rights question is clearly and plainly in peril before the Court of Appeals, the issue affects the global Utah DAAS/APS agency, its expressive culture of law thereby, up to and including any expeditious treatment of the most relevant parts of the Record on Review; the *mandamus* brief particularly, which went

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[38] Code of Conduct for United States Judges, Canon 3: "A Judge Should Perform the Duties of Office Fairly, Impartially, and Diligently.

[39] Addenda., Page 086-7; Record on Appeal, Document 1, Appellant's Motion for Reconsideration (COA Docket No. 10639771) at Page 676-677:2-17.

unreviewed in the Court of Appeals which orders remand to United States District Court for the State of Utah, the Central Division, the issue of a *Writ of Certiorari* to that court with amend of the jurisdiction, recusal of Hon. Mr. Nuffer, and a declaration of unconstitutionality to permit evaluation of application for *writ of prohibition,* to conduct pre-trial interrogatory by subpenae with leave of the court, and all issues thereby before bench trial of question on a fine against the state to the plaintiff.

Remand to Court of Appeals is otherwise sought immediately.[40]

IV.

Because "Fraud on the Court" was originally addressed on IFP motion, and a Motion to Conclude abatement, after the trial court had terminated the case, that "Fraud on the Court" is valid, and rulings incomplete as relevant to the same question therefrom in Court of Appeals, IFP standing is due renewed, as sustained from before termination.

IDENTITY STATEMENT[41]

Velasquez expresses a novel methodological identity; Civil Bureaucratic Federalism argues for the supervisory capacity of United States Supreme Court, that there is an abuse against the First Amendment right to petition redress before the Judicial

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[40] See Motion to Waive Replies/Time for Responses.

[41] Identity Statements was included in a motion to extend time to file a petition for writ of certiorari; it is primarily used to express methodological by and through a qualified methodological identity described as Civil and Bureaucratic Federalism, which presently suppressed from before any exposition.

Agency, the question of Sup. Ct. R. 10 (a), that judicial conduct has "so far departed from the accepted and usual course of judicial proceedings, *[and]* sanctioned such a departure by a lower court.

Holds generally, that it was not addressed nor refutable, that *abuse were any made or deliberate casualty of bias,* that the conventional dialogue about whether a petitioner's question was answered than a judge or party favored, was partial to, a certain form of opinion.

The critique is obviously more extensive; the case has this identity in view primarily because the notion of legislative conspiracy appears so defined by *conspiracy against right* (particular claims), and *conspiracy to defraud a United States agency* (global claims), that it is efficient to reconsider the *sedition* question, as that against *abuse,* so *against privation and privatization of government interest,* that Article VI were not often well-articulated than made expressly *avoided* more deliberate and general polemicization of *Supreme Law,* that *The Supremacy Clause* is not ever avoided in authenticated statutory review.

Supreme Law is, as from *In re Carlos Velasquez,* material authentication against *confederation-notwithstanding.* CBF generally holds that there is cause demonstrated United States Amended Bill of Rights lacks, more than other position, a concrete restatement against *abuse* by convention, its visibility, that this may be a result of unreviewed congressional influence after the Connecticut Compromise on the abolition of the original Federal Jurisdiction; Amendments X and XI may be misplaced in real order as due rather by *stare decisis.*

The relevant allegation: the State of Utah has commanded by the particular bill, a private and conspiratorial interest of at least a single legislator and an Attorney of General Counsel, as under color by the protective order, that general and irrefutable process, a rather politicized censure with demonstrable deliberation of *conspiracy by preterition*, and the negligence of its broad peerage.

Just as the restatement against *Abuse* may argue that Amendments X and XI are not authentic to United States Constitution than merely anticipate certain *stare decisis*[42] as may compare *Rooker-Feldman doctrine* or *Pennington-Noerr doctrine* (influences which strictly amend original public standing for qualified questions of law), that originality of *Federalism* is concrete revolutionary euphemism of *government interest* to a broad terminology of *public standing* per se.

The *supervisory convention* is due held, as clarifiable in this methodological critique, on Article VI, that there is a synthetic nuance which defines the real power of the Judicial Agency as expressed from its Article III authorization; Article VI at synthetic and concrete restatement (as stated above) is *authentication* of matters *authorized*,[43] and a supervisory or any genuinely clarifying appeal seeks the Supreme Court's *order of precedence* strictly in terms of *authenticity* as mandated by comprehensive oath.

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[42] A State should never be construed to possess a "right."

[43] Concretely, it may only be interpreted the limitation of authorization for Article III scope to declarations of treason, that *authentication* is broadly authorized, and *petty treason* already abolished than prohibited evaluation of statutes related to, or formerly related to *treason,* than *high crimes and misdemeanors.*

There may be only the authentic United States Courts, and no strict or exceptional divestment therefrom.

NOTES

1. Petition complies with Sup. Ct. R. 20(3)(a), for any *sua sponte* treatment than remand to Court of Appeals for the same, as by Sup. Ct. R. 19(4). Otherwise remand is favored.
2. State statutes are not appended; they are noted for reference, however this appeal is supervisory in order, and the original statutory evaluation is not complete than it is demonstrated a lower court opinion is not withstanding, is injusticiable, not having completed the same evaluation.
3. This appeal was treated by Fed. R. App. P. 24 (c), that *in forma pauperis* proceedings may "[be] heard on the original record without reproducing any part." The original IFP standing from District Court must be honored to preserve the original integrity of the *mandamus* brief, as well the petitioner's original diligence as ordered by the court. *In re Carlos Velasquez* was burdened both to validate the pre-trial brief and stand the original argument therefore.
4. The case is unique; a Duty to Care is relevant to a non-represented party submitted an affidavit on record aiding to define falsification of the DAAS/APS claim, the Vulnerable Adult may have a separate claim in the same purview as interested 42 U.S. § 1983 claim at abuse of forensic status to advantage a constitutional tort.

5. On Judicial Misconduct complaint; the matter is measured strictly on the First and Fourteenth Amendment, directly in view of the Rules for Judicial Misconduct Complaints and the Code of Judicial Conduct; Judicial Independence may make any relevant expression, but it is dutied originally by pleadings to the statute first. A CBF statement on that paper expresses this so.
6. 28 U.S. § 2401 allows up to six years time to bring an original action against United States, and 2 years on any tort claim. Velasquez can demonstrate his original diligence to the matter is honorable.
7. Appellant finds cause for fees against Court of Appeals panel at a minimum of costs and hours (28 U.S. § 2412(a)); on favorable remand may submit a relevant motion to this court.
8. Restating the case; there is alleged a malicious prosecution commanded by an act of conspiracy in a State Legislature with a pre-trial demonstration of substantial evidence on a pre-trial motion for a hearing ignored.

This element from the complaint in the trial court; *guardian ad litem* in the State of Utah is non-diligent to the matter: the constitutional standing of agency. The censure complained of is over a decade old, and should not be perpetuated, and is not defended on record in any single published ruling in Utah Appellate Courts.

The censure is fundamentally predatory and atavistic against a circumstance where any number of confusions, to that right withstanding the

state's interest, plausible factors, which fundamentally mitigate the equitability of any *de facto* or *ex post facto* abuse claim. The state may even be at liability to aggravate interactions between persons relevant to agency issues, that it appears to take sides, falsely protect, claim possession over (*atavism*), under color of protective order, for a frivolous and untried statutory cause.

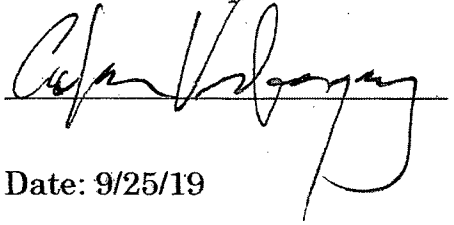
The censure is deposed as 'anti-federal,' that there is state/federal feudalism expressed on demonstrable conspiracy in the state legislature; it is grave *iconoclasm* and fabricative to agency *tautological* expressionism and order.

Such tort is overtly political and legalistic in terms of global toleration for defamation against the citizen which transgresses the technical boundaries prescribed by the science of *government interest* central to Federalism.

Any implicit court affirmation of such tort shall be evaluated for *conspiracy*.

SIGNATURE

s/Carlos Velasquez



Date: 9/25/19