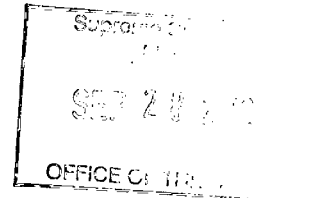


19-6853

No.

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



NHUONG VAN NGUYEN

Petitioner

vs.

JACKSON LUCKY et. al

Respondent

ON PETITION FOR
MOTION TO VACATE A JUDGMENT FOR FRAUD UPON THE COURT TO
UNITED STATE COURT OF APPEAL FOR THE NINTH CIRCUIT

NHUONG VAN NGUYEN
22539 SOUTHWALK STREET
MORENO VALLEY CA 92553
PHONE: 951 653 0232
Email: nhuongnguyen4734@yahoo.com

QUESTIONS PRESENTED

1.

Whether the District Court and the court of Appeals correctly rejected petitioner's claim that the United States committed "FRAUD UPON THE COURT"?

2.

Fraud upon the court is one of the most serious violations that can occur in a court of laws. This fraud upon the court case is well proved by clear and convincing evidence. If Jackson Lucky was not committed Fraud upon the court, he has already put me in jail? For caluminate him?

3.

FEDERAL RULE CIVIL PROCEDURE, RULE 60 (d) (3) states that nothing in rule 60 limits a court's power to set aside a judgment for Fraud upon the court?

4.

FRAUD UPON THE COURT is proved; FRCP rule 60 (d) (3) is provided; Motion to vacate the judgment for fraud upon the court is applied. What happens to the perpetrator?

LIST OF PARTIES

NHUONG VAN NGUYEN
22539 SOUTHWALK STREET
MORENO VALLEY CA 92553
TEL: 951 653 0232
EMAIL nhuongnguyen4734@yahoo.com

Petitioner

JACKSON LUCKY
Judge; Superior Court of California
County of Riverside
4050 Main Street
Riverside CA 92501

Respondents

MONIQUE PHAM
Law office of Tuyet Tina Pham
9741 Bolsa Ave Suite 203
Westminster CA 92683
Phone: (714) 775-4952
Fraud partner of Judge Jackson Lucky

Respondent

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APPENDIXES

- 1 Judgment of Appeal Court for the Ninth Circuit
- 2 Judgment of District Court; Central District of California; Eastern Division
- 3 Ruling March 30 2011 of Judge Jackson Lucky Page 1 to page 6
- 4 Bank of America's microfilm records of Page 7
CD 08055 CD 10198 and CD 05561
- 5 Three Fraud Payment Order
Depleted entire my Thrift Savings Plan Page 8, 9, 10



Page 1
(Motion to vacate a judgment for fraud upon the court)

Nhuong Van Nguyen
22539 Southwalk Street
Moreno Valley CA 92553
Tel: 951 653 0232
Email nhuongnguyen4734@yahoo.com
Plaintiff in proper

**SUPREME COURT
OF THE UNITED STATES**

| | | |
|-----------------------|---|---------------------------------------|
| NHUONG VAN NGUYEN |] | CASE # |
| |] | |
| Plaintiff |] | |
| |] | |
| Vs |] | |
| |] | |
| |] | |
| JACKSON LUCKY, et al. |] | Plaintiff's |
| |] | NOTICE OF MOTION AND MOTION TO |
| |] | VACATE A JUDGMENT FOR |
| Defendant |] | "FRAUD UPON THE COURT" |

TO THE HONORABLE COURT AND TO ALL PARTIES:

PLEASE TAKE NOTICE that:

Nhuong Van Nguyen, the plaintiff in this case, will move this court pursuant to Federal Rule of Civil Procedure, Rule 60 (d) (3) Motion to vacate a judgment for "fraud upon the court".

This motion is based upon the following documents:

1. Fraud upon the court proved with competent and substantial evidences such as Factually declarations and exhibits with this motion.
2. Federal Rule of Civil Procedure, Rule 60 (d) (3) Motion to vacate a judgment for fraud upon the court.

Page 2

(Motion to vacate judgment for fraud upon the court)

3. ART III, Sec 2 of the United States Constitution; Provide Jurisdiction for Federal Court.
4. U.S. Code 1331 Federal Question Jurisdiction.

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(Motion to vacate a judgment for fraud upon the court)

Nhuong Van Nguyen
22539 Southwalk Street
Moreno Valley CA 92553
Tel: 951 653 0232
Email nhuongnguyen4734@yahoo.com
Plaintiff in proper

**SUPREME COURT
OF THE UNITED STATES**

| | | |
|-----------------------|---|-----------------------------------|
| NHUONG VAN NGUYEN |] | Case # |
| |] | |
| Plaintiff |] | |
| |] | |
| |] | |
| Vs |] | |
| |] | |
| |] | Plaintiff's |
| JACKSON LUCKY, et al. |] | MEMORANDUM OF POINTS |
| |] | AND AUTHORITIES IN SUPPORT |
| Defendant |] | OF MOTION |
| |] | |

Introduction.

Our marriage last for 10 years from 12/03/1997 to 08/24/2011. I am a Federal employee retired; I have worked for the United States Postal Services for 28 years. I saved \$277,071.92 in my Thrift Saving Plan account. Jackson Lucky of Riverside county family law court was the judge of our divorce case in the year 2011.

Judge Jackson Lucky committed "fraud upon the court" by altered my bank records of (CD 08055, CD 10198, and CD 05561) in order for his fraud partner Attorney Monique Pham to withdraw, wipeout completely \$277,071.92 in my Thrift Saving Plan by three fraud payment orders.

(Motion to vacate a judgment for fraud upon the court)

1. "Fraud upon the court" will be clearly proved in the next section: DECLARATION in support of this motion.
2. Beside the Fraud upon the court; this motion is based on the following document: Federal Rule of Civil Procedure Rule 60 (d) (3) Motion to vacate a judgment for Fraud upon the court.
3. ART III, Sec 2 of the United States Constitution; Provide Jurisdiction for Federal Courts. Under Article III of the Constitution, federal courts can hear all cases' in law and equity, arising under this Constitution, and the laws of the United States.
4. There is not any Doctrine can override the Constitution, the supreme law of the United States. This is a fraud upon the court case. After the fraud upon the court is Proved; with FRCV Rule 60 (d) (3) the Supreme Court of United State will vacate a judgment for fraud upon the court.
5. Under 28 U.S. Code 1331, Federal Question Jurisdiction. The District courts shall have original jurisdiction of all civil actions arising under the Constitution, Laws or treaties of the United States.
6. The District Court and the court of Appeals have incorrectly rejected petitioners Claim that the United States committed "FRAUD UPON THE COURT"?
7. You're Honor;

Fraud upon the Court proved beyond reasonable doubt in the next section;
Federal Rule Civil Procedure Rule 60 (d) (3) which was created for the purpose to vacate the judgment for Fraud upon the court.

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(Motion to vacate a judgment for fraud upon the court)

Nhuong Van Nguyen
22539 Southwalk Street
Moreno Valley CA 92553
Tel: 951 653 0232
Email nhuongnguyen4734@yahoo.com
Plaintiff in Pro Per

**SUPREME COURT
OF THE UNITED STATES**

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| | | |
|----------------------|---|-------------------------------|
| NHUONG VAN NGUYEN |] | Case # |
| |] | |
| Plaint |] | |
| |] | |
| Vs. |] | |
| |] | |
| |] | Plaintiff's |
| JACKSON LUCKY et al. |] | DECLARATION IN SUPPORT |
| |] | OF MOTION |
| |] | |
| Defendant |] | |

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1. ALTERED BANK RECORDS

CD 08055 \$106,548.42 opened 03-23-05 closed 12-23-05 (appendix 7)

Lucky Jackson wrote about this CD in his ruling:

...this account had both husbands and wife name (exhibit 21) Wife request one half of \$106,548 that husband withdrew when he closed account 08055. This account was opened with \$106,142.16 on September 12, 2005, and then closed December 23, 2005, when it matured. The evidence is unclear as to the source and disposition of these funds. The funds were held in an account in husband's and wife's name (exhibit 21), so they are presume to be community property. (He wrote on appendix 3 line 12).

(Motion to vacate a judgment for fraud upon the court)

Bank of America's microfilm record shows that:

ACCOUNT 3-08055
NHUONG VAN NGUYEN
ITF KHANH TRUONG NGUYEN & (my son's name)
ITF KIM THI NGUYEN (my daughter's name)
22539 SOUTHWALK STREET
MORENO VALLEY CA 92553

Jackson Lucky deliberately repeats twice the sentence "this account had both husbands and wife names (Exhibit 21)". If he can show the court his (Exhibit 21) I will accept any severe punishment available for my slanderous accusation against him.
His exhibit 21 is just a fake one! Lucky Jackson made up his FRAUD (exhibit 21).

Compare what he wrote about CD 08055 with Bank of America microfilm of CD 08055 we'll see about 80% what he wrote is wrong.

2. CREATED PHANTOM FUNDS TO OBTAIN REAL MONIES

| | | | | |
|----------|--------------|---------------|-----------------|--------------|
| CD 08055 | \$106,548.12 | Open 03-23-05 | Closed 12-23-05 | (Appendix 7) |
| CD 10198 | \$ 98,760.31 | Open 06-08-06 | Closed 07-23-08 | (Appendix 7) |
| CD 05561 | \$ 76,440.59 | Open 06-16-08 | Closed 01-26-09 | (Appendix 7) |

Total \$281,749.02 (Phantom funds)

I closed CD08055 at matures, then I used its funds to open CD 10198

I closed CD 10198 at matures, then I used its funds to open CD 05561

The source and disposition of these funds are closing then opening of those CDs. The bank must know exactly the source of fund to open any account

The balance of three different CD number came from the single source of funds; which was CD 08055 that I proved in "Altered Bank Record" above.

3. REAL MONIES & PHANTOM MONIES

REAL MONIES

Three fraud payment orders that levied entire my Thrift Savings Plan account

Dated 05-22-2013 \$71,379.56 (Appendix 8)
Dated 05-23-2013 \$16,996.13 (Appendix 9)
Dated 10-24-2013 \$188,696.22 (Appendix 10)

Total **\$277,071.91**

PHANTOM MONIES

CD 08055 \$106,548.42 (Appendix 7)
CD 10198 \$ 98,760.31 (Appendix 7)
CD 05561 \$ 76,440.59 (Appendix 7)

Total **\$281,749.02**

A few more accounts with less significant number than the three CDs above that I did not include in this list.

\$281,749.32 is phantom monies that **defrauder Jackson Lucky** created then his **fraud partner Monique Pham** obtains the real monies in my Thrift Saving Plan account with three fraud payment orders total of **\$277,071.91**

4. REQUEST FOR CLAIMS

| | |
|---------------------|---------------------------------------------|
| \$277,071.91 | My Thrift Saving Plan account balance |
| \$166,242.60 | Compensate for SP-500 stock price increased |
| \$ 65,010.36 | Compensate for attorney fees |
| \$ 51,116.40 | Compensate for spousal support |
| \$559,441.27 | Total damages |

**5. Reason for granting the Motion to vacate the judgment for
"Fraud upon the court".**

a. A concise statement of the case. Rule 14.1 (g)

Clearly proving with evidences of bank's records that Judge Jackson Lucky and His fraud partner, attorney Monique Pham committed "fraud upon the Court"
(Please see Declaration in support of motion page 5 of this petition)

Federal Rule Civil Procedure; Rule 60 (d) (3).

b. The reason relied on for the allowance of the writ; Rule 14.1 (h)

FRCP Rule 60 (d) (3) Nothing in Rule 60 (d) (3) limit a court's power to set aside a judgment for "Fraud upon the Court"

"Fraud upon the court" makes void the orders and judgments of that court.

The Motion to vacate a judgment for "fraud upon the court"

- c.** Both Jackson Lucky and his fraud partner Monique Pham working together in a fraud upon the court of **\$277,071.92** of my entire Thrift Saving Plan account.
- d.** Fraud upon the court is proved by clear and convincing evidences. Perpetrator is Unable to deny even in one word! If perpetrator is able to deny his fraud; he is Already put me in jail for slanderous accusation against him.
- e.** This court, the Supreme Court of the United States has stated that the **Inherent power of courts to vacate judgment on basis of fraud upon the court (Chambers v. NASCO Inc., 501 U.S. 32, 44 (1991))**
- f.** The District Court and the Court of Appeals have incorrectly rejected Petitioners claim that the United States (Jackson Lucky) committed "fraud upon the court".
- g.** I am 85 years old, retired after working for the United States Postal Services for 28 years; I saved \$277,071.92 in my Thrift Saving Plan. In my divorce case at Riverside county Family Law court; perpetrator judge Jackson Lucky have Modified my bank records so that his fraud partner attorney Monique Pham Withdrew completely my Thrift Saving Plan account by three fraud payment orders.

(Motion to vacate a judgment for fraud upon the court)

CONCLUSION

Under federal law when any officer of the court has committed "Fraud upon the court"; the orders and judgment of that court are void of no legal force or effect.

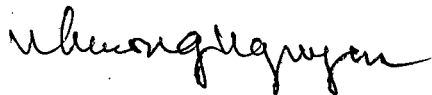
Rule 60 (d) (3) of Federal Rules Civil Procedure: Nothing in rule 60 (d) (3) limits a court's power to set aside a judgment for "fraud upon the court".

The fraud judgment, the fraud ruling March 30, 2011 (Appendix #3) of Judge Jackson Lucky is void of no legal force or effect.

For the foregoing reasons, petitioner respectfully requests that the petition for writ of certiorari and the Motion to vacate a judgment for "fraud upon the court" be granted.

Date: 11-18-2019

Nhuong Van Nguyen
22539 Southwalk Street
Moreno Valley CA 92553
Tel: (951) 653-0232
Plaintiff in Pro Per



IN THE
UNITED STATES SUPREME COURT

NHUONG VAN NGUYEN

Plaintiff

$$V_S$$

JACKSON LUCKY et al

Defendant

Case number:

(PROPOSED) ORDER

GRANTING PLAINTIFF'S
MOTION TO VACATE A JUDGMENT
FOR FRAUD UPON THE COURT

Having considered plaintiff's Motion and finding good cause therefore,

IT IS HEREBY ORDERED that plaintiff's Motion to vacate the judgment for fraud upon the court is GRANTED.

Date:

SUPREME COURT
OF THE UNITED STATES