

ORIGINAL

No. 19-6974

Supreme Court, U.S.
FILED

SEP 05 2019

OFFICE OF THE CLERK

SUPREME COURT OF THE UNITED STATES

Wilfredo Torres,

Pro Se Petitioner

-vs-

City of New York, et al.

Respondents

**On Petition for a Writ of Certiorari to the United States Court of
Appeals for the Second Circuit**

PETITION FOR A WRIT OF CERTIORARI

**Wilfredo Torres,
Plaintiff Pro Se
470 Second Avenue Apt.2A
New York, N.Y. 10016
Telephone: 212-447-1737**

(2)

QUESTION PRESENTED:

In her short tenure as U.S. District Judge of the Southern District of New York, the Honorable Ronnie Abrams has presided over a number of cases that presented issues in which her recusal was justified such as:

---Present case: TORRES VS CITY OF NEW YORK, ET AL.(16CV2362) in which a clear conflict of interest exists due to the Judge's marriage to Greg Andres, Esq, employed by defendant U.S. Department of Justice-Office of Special Counsel Robert Mueller; and also employed by law firm Davis Polk & Wardell, LLP which represents in other cases defendant mega-landlord and political donor The Blackstone Group.

My recusal request was denied by Judge Abrams on 2-04-19, stating:

"18USC section 455(a):

a Judge shall only disqualify herself in a proceeding where her impartiality might reasonably be questioned".

The decision was affirmed by the U.S. Court of Appeals for the Second Circuit on 6-13-19, case 19-395.

Although on 9-05-19, I timely filed the present Writ of Certiorari in this Court, on 9-03-19 Judge Abrams further consummated her conflict of interest by dismissing my related lawsuit 18CV6434 against defendant The Blackstone Group, represented in other cases by Davis Polk & Wardell, LLP.

---SEGARRA VS FEDERAL RESERVE BANK OF NEW YORK (13CV7173) made world headlines when late in the proceedings Judge Abrams told the litigants:

"I just learned that my husband, Greg Andres, Esq. is a member of the law firm Davis Polk & Wardell, LLP representing Wall Street defendants in this multi-billion dollar lawsuit".

The Plaintiff asked for details, and Judge Abrams dismissed the case, stating:

"This honorable Court does not allow Judge-shopping".

The decision was affirmed by the U.S. Court of Appeals for the Second Circuit, which, in a clear demonstration of Wall Street control over these Courts, and to discourage future lawsuits from others, dehumanized the young Plaintiff by calling her "silly".

A curious angle to these cases is that Judge Abrams, and her mentor, U.S. Senator Kirsten Gillibrand, are former employees of Davis Polk & Wardell, LLP.

---CITIZENS FOR RESPONSIBILITY IN EHTICS VS TRUMP (17CV0458) in which the Judge recused herself, thus accepting as a conflict of interest her husband's employment at the U.S. Justice Department-Office of Special Counsel Robert Mueller as related to the case.

CONCLUSION:

18USC Section 455 (a):

" A judge shall only disqualify herself in a proceeding where her impartiality might reasonably be questioned" is unconstitutionally vague, ambiguous, arbitrary, capricious, violates due process of law, and brings corrupt practices to the federal judiciary.

(3)

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:

See Attached

RELATED CASES

LIST OF PARTIES:

City of New York-Law Department
Attn. Samantha Rena Millar, Esq.
100 Church Street
New York, N.Y. 10007
Telephone: 212-356-1000
Representing: The City of New York

Bellevue South Associates
Attn. James Robert Pigott, Esq.
902 Broadway 13th Floor
New York, N.Y. 10010
Telephone: 243-9090
Representing: Bellevue South Associates

Rose & Rose Law Firm
Attn. Dean Dreiblatt, Esq.
291 Broadway 13th Floor
New York, N.Y. 10007
Telephone: 212-349-3366
Representing: The Blackstone Group

Heidell, Pittoni, Murphy, & Bach law Firm
Attn. Doreen Dufficy, Esq.
99 Park Avenue #7
New York, N.Y. 10016
Telephone: 212-286-8585
Representing: HHC Bellevue Hospital

Bond, Schoeneck & King, Law Firm
Attn. Jessica C. Moller, Esq.
1010 Franklyn Avenue Suite 200
Garden City, N.Y. 11530-2900
Telephone: 516-267-6300
Representing: NYU Hospital for Joint Diseases

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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 7 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.

(6)

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 4-26-19.

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: 6-13-19, and a copy of the order denying rehearing appears at Appendix _____.

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

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

For cases from **state courts**:

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

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

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

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

GENERAL STATEMENT:

I am erroneously included in the terrorists list of the United States government, and as such am persecuted, tortured, incarcerated, and denied due process of law.

BACKGROUND INFORMATION:

1---The government of the United States openly accepts that the destruction of New York City's World Trade Center on September 11, 2001 was a Deep State job of controlled demolition intended to create a fake "war on terror"; multiply the military and national security budgets; trash the U.S. Constitution; activate the totalitarian Patriot Act-Foreign Intelligence Surveillance Act (FISA); a secret and omnipotent Court (FISC); militarize all police agencies to subjugate the civilian population; expand its hit-list of over 3-million targeted individuals; and take total control of the news-media. Exhibits 1,2,3,4,5.

2---On 9-28-15 the Central Intelligence Agency-Federal Bureau of Investigation-New York City Police Department Unit ("CIA-FBI-NYPD Unit"), created to persecute political dissidents, with the help of my landlord Bellevue South Associates ("BSA"), broke the door of my apartment in Manhattan, New York City, handcuffed me, and at gunpoint carried-out a warrantless raid.

--I was not arrested or accused.

--they left a hand-written note with the word "intel", and the name of Department of Homeland Security Regional Director, Dennis McGowan, as the person that sent them.

3---They called the crime "a wellness check".



4---I filed the present lawsuit 16CV2362 at the Southern District of New York federal Court, which was assigned to the Honorable Judge Ronnie Abrams, and the Honorable Magistrate-Judge Kevin Nathaniel Fox.

5---The CIA-FBI-NYPD Unit returned on 4-28-16, and with assistance of the landlord broke the door of my apartment; carried-out another warrantless raid; handcuffed, kidnapped, and took me as a John Doe in an ambulance followed by a police car with sirens blasting, to the psychiatric unit of HHC Bellevue Hospital ("HHC Bellevue Hospital"); assaulted and injected me with sleeping drugs; subjected me to numerous involuntary medical tests such as forcibly taking my urine and blood; and released me the next day as a John Doe with a fabricated diagnosis of delirium. Exhibit 6.

6---Known as "the Guantanamo of New York", HHC Bellevue Hospital is used as a detention and torture center for people accused of terrorism.

7---The perpetrators called the raid "a wellness-check".

8---When I returned home noticed that the CIA-FBI-NYPD Unit had searched my apartment, and the door had been replaced.

9---Up to this day it's not known who handcuffed and transported me to HHC Bellevue Hospital during the incident because the highest-ranking NYPD official at the scene of the kidnapping states in an affidavit:

"I DID NOT MAKE THE DECISION TO TRANSPORT THE PLAINTIFF TO THE HOSPITAL, NOR I INSTRUCT ANYONE TO DO SO; ANOTHER OFFICER PLACED HANDCUFFS ON THE PLAINTIFF".

10---The alleged member of the NYPD that placed handcuffs on me was identified as Kevin Walight, but a year and a half into the proceedings the City of New York lawyers mysteriously dropped him as defendant, erased him from the case, and refused to provide information of his whereabouts to be served.

11---My numerous attempts to locate and serve Kevin Walight have been ignored by the Court. Docket 197.

12---On 10-19-18, I asked Judge Abrams to include the FBI as defendant. Docket 316.

13---The following day, 10-20-18, the CIA-FBI-NYPD Unit fabricated against me a Family Court accusation for Aggravated Harassment using as complaining witness a mentally ill, heroin-addicted female who had a pending case for felony possession of ten (10) bags of heroin.

14---My accusation was later dismissed.

15---On 12-13-18, the CIA-FBI-NYPD Unit, accompanied by my landlord, demanded access to my apartment, and when I denied it they used a sledgehammer trying to break-down the door while stating:

"YOU PAID FOR THE DOOR AND WILL HAVE TO PAY AGAIN". Video-recorded.

16---On 12-21-18 the CIA-FBI-NYPD Unit fabricated against me a criminal accusation for Aggravated Harassment about the same Family Court case.

008

17--- I surrendered, was arrested, and released by a Judge the same day.

18---The documents for that accusation were fabricated on 12-28-18.

19---The case was later dismissed.

20---On 2-10-19 the CIA-FBI-NYPD Unit, accompanied by my landlord, demanded access to my apartment, and when I denied it made threats such as:

"IF YOU DON'T OPEN THE DOOR WE WILL TELL YOUR NEIGHBORS THAT YOU ARE A RAPIST AND A PEDOPHILE". Recorded.

21---On 2-27-19 an appointment had been arranged with the District Attorney for the complaining witness to retrieve property from my apartment, with the understanding that the police would not be there.

22---When the woman walked-in, the CIA-FBI-NYPD Unit invaded my apartment; conducted another warrantless raid; arrested me on a fabricated charge of violating an Order of Protection related to the same woman and the same case; searched the apartment; and removed property.

23---Handcuffed and with leg-shackles I was taken to defendant HHC Bellevue Hospital for another involuntary psychiatric examination, but:

TWO (2) AGENTS, (THE ONES OF THE SLEDGEHAMMER INCIDENT), STAYED SEARCHING AND RANSACKING THE APARTMENT. Exhibits 7, and 8

24---During their crime they made jokes and comments such as:

"WE SHOULD GIVE A GIFT CERTIFICATE FROM COSTCO TO REPLACE ALL THE JUNK IN THIS APARTMENT".

"TORRES FILES LAWSUITS AGAINST EVERYONE".

25---The next day a Judge released me.

26---The case was later dismissed.

27---Judge Abrams' bias and lack of action serve as invitation for the defendants to commit more crimes against me.

28---On 2-04-19, I filed a motion asking Judge Abrams to recuse herself. Docket 333.

29---On 4-15-19 she denied my motion, and wrote:

"APPLICATION DENIED. A JUDGE SHALL ONLY DISQUALIFY HERSELF IN A PROCEEDING WHERE HER IMPARTIALITY MIGHT REASONABLY BE QUESTIONED". 18USC S455(A). PLAINTIFF SETS FORTH NO REASONABLE BASIS FOR SUCH DISQUALIFICATION". Docket 343.

30---My appeals to the U.S. Court of Appeals-Second Circuit, as Writ of Mandamus, and Request for Reconsideration en Banc (No. 19-395), were denied on 4-26-19, and 6-13-19. Exhibits 9, and 10.

EXAMPLES OF JUDGE ABRAMS' VIOLATIONS OF MY RIGHT TO DUE PROCESS:

a---10-19-18. My Motion to Compel about the whereabouts of Kevin Walight. Docket 127. Ignored.

b---4-05-18. My Motion, consented-to by all the defendants, asking for fourteen (14) days extension to answer the voluminous Motions for Summary Judgement filed by four (4) law-firms representing over twenty (20) defendants. Denied. Docket 258.

The Judge wrote: "the decision to grant such request is left to the sound discretion of the Court".

clu

c---9-29-18. Order preventing me from filing new motions. Docket 298.

d---11-19-18. My request to include the FBI as defendant. Ignored. Docket 316.

e---12-13-18. My request to preserve building-videos of the raid that day. Ignored. Docket 325.

f---1-14-19. My request to include as defendants the perpetrators of the 12-13-18 raid. Ignored. Docket 325.

g---2-04-19. My request to Judge Abrams to recuse herself. Denied. Docket 333.

h---2-22-19. My request to preserve the building videos of the 2-20-19 incident. Ignored. Docket 335.

i---4-04-19. My request to eliminate the Court Order that prevents me from filing motions. Ignored. Docket 341.

j---4-15-19. My request to include the CIA as defendant. Denied. Docket 342.

k---7-08-19. My request that the new related case (19CV6332) in which the same defendants raided my apartment on 2-27-19 be heard by another Judge. Ignored. Docket 349.

l---7-19-19. Defendant Dennis McGowan's motion to answer the complaint now, 46 months after his crime of 9-28-15. Granted. Docket 351.

m---8-12-19. Defendant Aaron Buckland, M.D.'s answer to the complaint now, 40 months after his crime of 4-28-16. Accepted. Docket 256.

n---1-30-18. My Motion to invalidate my deposition of 11-08-17. Ignored. Docket 188.



o---DENIAL OF DUE PROCESS OF LAW BY JUDGE RONNIE ABRAMS:

Facing overwhelming evidence against them, the defendants often delay the case.

Magistrate-Judge Kevin Nathaniel Fox granted extensions for discovery, and made clear that it would end on 12-04-17. Docket 123.

On 12-13-17, lawyer Doreen Dufficy, (Heidell, Pittoni, Murphy & Bach, LLP), representing defendant HHC Bellevue Hospital, filed a motion before Judge Fox demanding that discovery be reopened. It was denied. Docket 156.

Two days later, 12-15-17, Ms. Dufficy again filed another motion demanding that Judge Fox re-open the discovery period. It was denied. Docket 159.

During a 12-20-17 telephone conference with Judge Fox to discuss other issues, Ms. Dufficy continued nagging the Judge demanding that discovery be reopened.

Judge Fox polled each lawyer from the four-law firms present, confirmed the clarity of his past Order about the end of discovery, and again denied the motion by Ms. Dufficy. Docket 161.

Two (2) days later, on 12-22-17, in violation of the most basic canons of decency and ethics Ms. Dufficy and another lawyer from her law-firm, Gabrielle LaMarche DeYoung, made the same motion to the Court, but this time they went before Judge Abrams. Docket 164.

Just six (6) days later, on 12-28-17, without giving me time to object and explain the drama that took place before Judge Fox, Judge Abrams granted the motion. Docket 169.

On 12-29-17, I sent a letter to Judge Abrams protesting her action. Dockets 173, and 174.

(Signature)

On 1-02-18, I filed a Motion to Vacate the order. Docket 175.

The following day, 1-03-18, Judge Abrams denied my motion. Docket 176.

STRANGE EVENTS AFTER MY 2-04 19 REQUEST TO RECUSE JUDGE ABRAMS (DOCKET 333):

--2-20-19, the defendants appeared at my door demanding access and threatening to "tell everyone that you are a rapist and pedophile". Docket 336.

--2-27-19, the defendants carried-out another warrantless raid of my apartment, falsely arrested me, and brought me to another involuntarily psychiatric exam. Docket 339.

--5-03 19, Judge Abrams' husband, Greg Andres, employed by defendant U.S. Department of Justice as prosecutor in the Office of Special Counsel Robert Mueller, resigned from his job.

--7-08-19, case 19CV6332 which I filed on this day related to the warrantless raid of 2-27-19 is clearly related to the previous warrantless raids by the defendants, but to escape the persecution by Judge Abrams I was forced to ask the Chief Judge of the Court, Honorable Colleen McMahon, to assign it to a different Judge.

THE STATEMENTS OF JUDGE ABRAMS DURING HER CONFIRMATION AT THE U.S. SENATE COTRADICT HER ACTIONS IN THIS CASE:

At her confirmation hearings a few years ago Judge Abrams vouched to support the U.S.

Constitution, but her actions in this case tell a very different story. Exhibit 11.

CONFLICT OF INTEREST BY JUDGE ABRAMS:

Judge Abrams' marriage to Attorney Greg Andres, employed by defendant U.S. Department of Justice-Office of Special Counsel Robert Mueller, and law firm Davis Polk & Wardell, LLP, which represents defendant The Blackstone Group, represents a major conflict of interest.

CONCLUSION:

18 USC Section 455(a) :

"A Judge shall only disqualify herself in a proceeding where her impartiality might reasonably be questioned"

is unconstitutionally vague, ambiguous, arbitrary, capricious, violates my right to due process of law, and allows corrupt practices by federal Judges.

RELIEF REQUESTED:

I respectfully ask the Court to grant this Writ of Certiorari for the recusal of Judge Ronnie Abrams, and to invalidate 18USC Section 455 (a).

Wilfredo Torres

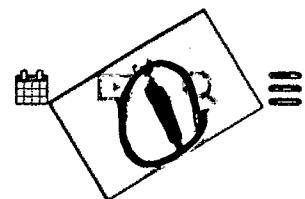
Wilfredo Torres, Pro Se Plaintiff
470 Second Avenue Apt. 2A
New York, N.Y. 10016
Telephone: 212-447-1737

Dated: December 12, 2019

6/21/2019

PressTV-'I think I know' who was behind 9/11: Trump

President Trump approved strikes against Iran before dawn Friday but abruptly pulled back from launching them, the New York Times reports.



'It was not Iraq. It were other people', says Trump

Home / US / Politics

Mon Jun 17, 2019 03:25PM [Updated: Mon Jun 17, 2019 05:57PM]

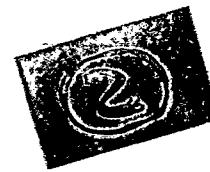


US President Donald Trump talked to ABC News' George Stephanopoulos on Sunday.

US President Donald Trump says he knows who was behind the September 11, 2001 terrorist attacks that left thousands of Americans dead.

In an exclusive interview with ABC News' George Stephanopoulos broadcast on Sunday, Trump categorically said that "Iraq did not knock down the World Trade Center."

3,000+



(L)

Breakthrough: U.S. Attorney Agrees to Present Evidence of WTC Demolition to Federal Grand Jury

Finally, after 17 long years, the 9/11 Truth Movement has opened an avenue to prosecuting those responsible for the shocking destruction of the World Trade Center and the horrible loss of life that resulted.

In April 2018, the Lawyers' Committee for 9/11 Inquiry — together with more than a dozen 9/11 family members and with help from AE911Truth — filed a petition with the U.S. Attorney in Manhattan demanding that he present evidence of unprosecuted federal crimes at the World Trade Center to a special grand jury. Then, in November, came the big news: The U.S. Attorney notified the Lawyers' Committee (<https://www.ae911truth.org/images/PDFs/US-Attorney-Letter-110718.pdf>) in writing that he would comply with the provisions of 18 U.S.C. § 3332 requiring him to relay their report to a special grand jury.

Now the Lawyers' Committee and AE911Truth are working to ensure a *thorough and successful* grand jury investigation.



Published on *American Civil Liberties Union* (<https://www.aclu.org>)



Terror Watch List Counter: A Million Plus [1]

Why are there so many names on the U.S. government's terrorist list?

In September 2007, the Inspector General of the Justice Department reported [2] that the Terrorist Screening Center (the FBI-administered organization that consolidates terrorist watch list information in the United States) had over 700,000 names in its database as of April 2007 - and that the list was growing by an average of over 20,000 records per month.¹ (See also this new March 2008 report [3].²)

By those numbers, the list now has over one million names on it. Terrorist watch lists must be tightly focused on true terrorists who pose a genuine threat. Bloated lists are bad because

- they ensnare many innocent travelers as suspected terrorists, and
- because they waste screeners' time and divert their energies [4] from looking for true terrorists.

[Watch list main page](#) [5]

[Airline security page](#) [6]

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Source URL: <https://www.aclu.org/other/terror-watch-list-counter-million-plus#comment-0>

Links

- [1] <https://www.aclu.org/other/terror-watch-list-counter-million-plus>
- [2] <http://www.usdoj.gov/oig/reports/FBI/a0741/final.pdf>
- [3] <http://www.usdoj.gov/oig/reports/plus/ao816/final.pdf>
- [4] <https://www.aclu.org/privacy/gen/26535res20060824.html>
- [5] <https://www.aclu.org/technology-and-liberty/watch-lists>
- [6] <https://www.aclu.org/technology-and-liberty/airline-security>

DANIEL L. MEYERS
ATTORNEY-AT-LAW
350 BROADWAY, SUITE 308
NEW YORK, NY 10013
(212) 226-4106 (PHONE)
(212) 431-0107 (FAX)

May 23, 2006



Central Intelligence Agency
Information and Privacy Coordinator
Washington, D.C. 20505

**Re: Freedom of Information Act Request
On behalf of Mr. Wilfredo Torres**

Dear Information and Privacy Coordinator:

Your undersigned is the attorney for Mr. Wilfredo Torres, who has, in writing, authorized me to request on his behalf certain records and information from your agency as more fully described below. (Attached is the duly notarized authorization).

This letter constitutes a request pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), and the Privacy Act, 5 U.S.C. § 552a ("PA"). Similar requests have been submitted to the Transportation Security Organization ("TSA"), the Department of Justice ("DOJ"), the Department of Homeland Security ("DHS"), the Federal Bureau of Investigation ("FBI") and the National Security Agency ("NSA").

The following personal information is submitted to specifically identify the party in interest:

- Mr. Wilfredo Torres;
- 470 Second Avenue, Apt. 2A
New York, NY 10016;
- Date of birth, March 23, 1952;
- Place of birth, San Juan, Puerto Rico;
- Social Security number, 584-42-7541.

For many years, including 2006, Mr. Torres travels frequently between New York and Puerto Rico. His principle travel purpose is to visit with family. He has been designated wrongfully, by your agency and/or in concert with other governmental agencies and/or the airlines, as a person who poses or is suspected of posing "a threat to civil aviation." As a



Role	Means	Programs	Implementation	Results
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Tuesday, Feb 18 2014 12:01 PM GMT www.livleak.com/ciPressTV

Worte des Refugees

Email Print

"US Terrorism List Violates US Civil Liberties"

The Federal Bureau of Investigation, the national policing agency of the United States, admits to having compiled a "Terrorist Screening Database" with the names of persons suspected or alleged to be involved in terrorism.

The list contains the names of over a million people, who have been convicted of no crime and given no chance to defend themselves. One activity of the "Terrorism Screening Database" is the creation of the "No Fly List", which prevents thousands of people, including many US citizens, from boarding any aircraft. Once added to the list, things in their lives can become very difficult. Wilfredo Torres, suddenly found himself being subject to all kinds of harassment after he began protesting discrimination in travel policies. In one instance he was removed from a flight by airline officials. When Mr. Torres lawyer filed a request for information, the FBI revealed that it had collected over 100 pages of information about him. He now wants to have his name removed from the list. The FBI and other divisions of the US Department of Justice, have a long history of suppressing political dissidents over the last several decades. A law suit has been filed by the American Civil Liberties Union, in the hopes that courts will intervene, and halt the continued use of such lists.

Select Bitrate *

Caleb Maupin, Press TV New York

Faint Currents

Faint Currents

6



Today Last Week Last Month

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How to watch Press TV

Zionists celebrate corruption of USA

Free Syrian Army fresh info
staff

'Fighting Takfirs' worth a suffice
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Leader says not optimistic about N-treats

RADIATION

UN to evacuate MKO terrorists from Iraq

Support for Canada-US National Security Cooperation declines

Unknown-M,Dogwood, 54 y/o M, DOB 1/1/62

MRN 3727225, visit 3727225-1

Bellevue Hospital Center, medicine

Discharge Instruction Sheet

4/29/16 13:55



Last edit by White,LeRoy, RN on 4/29/16 14:00, complete.
(Patient Instructions)

IMPORTANT: Please bring this form to your first appointment with your doctor.

Physician Discharge Instructions by An,Nicholas, MD (Attending Hwang,John, MD) as of 4/29/16 01:29pm

Discharge Date: 4/29/16

Diagnoses:

The principle reason(s) for your hospitalization were: Delirium

Activity and Diet:

Home Care Ordered: no home care required

Activity: as tolerated

Home Diet: Regular

Your Medications Are:

Home Medication List

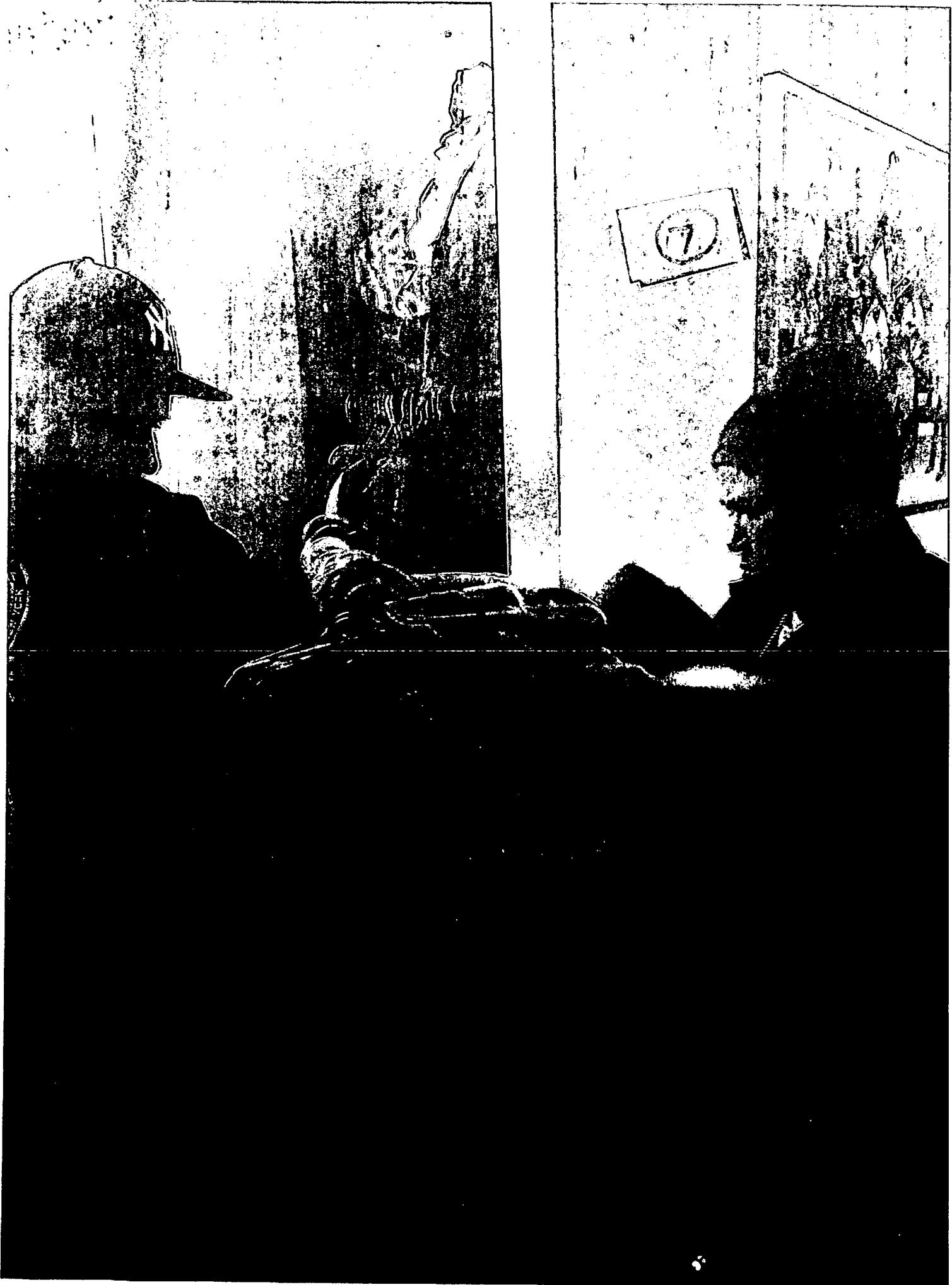
Discharge Medications

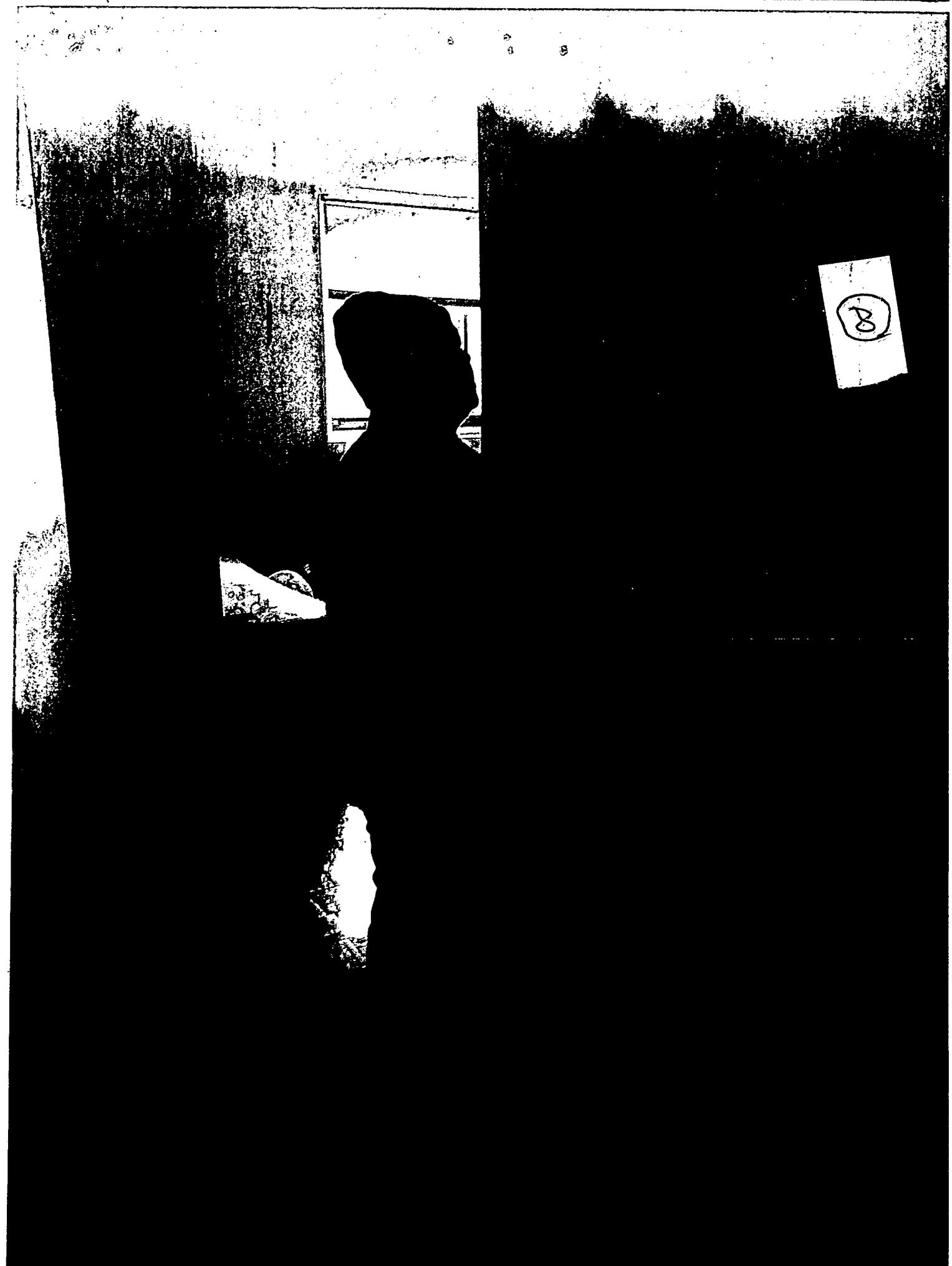
Smoking Status and Additional Information:

You are not a smoker.

Discharge Equipment Required: none,

No follow-up appointments necessary





S.D.N.Y. - N.Y.C.
16-cv-2362
Abrams, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT



At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 26th day of April, two thousand nineteen.

Present:

Amalya L. Kearse,
Rosemary S. Pooler,
Richard C. Wesley,
Circuit Judges.

In Re: Wilfredo Torres,
Petitioner.

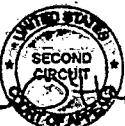
19-395

Wilfredo Torres,
Petitioner,
v.

Bellevue South Associates LLP, et al.,
Respondents.

Petitioner, pro se, has filed a petition for a writ of mandamus seeking the removal of the judge presiding over his district court proceedings. Additionally, Petitioner moves for leave to proceed in forma pauperis. Upon due consideration, it is hereby ORDERED that the motion for leave to proceed in forma pauperis is GRANTED for the purpose of filing the mandamus petition. It is further ORDERED that the mandamus petition is DENIED because Petitioner has not demonstrated that he lacks an adequate, alternative means of obtaining relief, that his right to the writ is clear and indisputable, or that granting the writ is appropriate under the circumstances. See *Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 380-81 (2004).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court

Catherine O'Hagan Wolfe
The seal of the United States Court of Appeals for the Second Circuit, featuring a circular design with the text 'UNITED STATES COURT OF APPEALS' and 'SECOND CIRCUIT' around the perimeter, and a central shield.

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 13th day of June, two thousand nineteen.

In Re: Wilfredo Torres,
Petitioner.

Wilfredo Torres,

Petitioner,

v.

Bellevue South Associates LLP, City of New York,
Bellevue Hospital, Officer Michael Traverso, Officer
Colby Wright, Officer Nicholas Machio, Officer
Krzysztof Fryc, Dennis McGowan,

Respondents.



ORDER

Docket No: 19-395

Petitioner, Wilfredo Torres, filed a motion for panel reconsideration, or, in the alternative, for reconsideration *en banc*. The panel that determined the appeal has considered the request for reconsideration, and the active members of the Court have considered the request for reconsideration *en banc*.

IT IS HEREBY ORDERED that the motion is denied.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

Catherine O'Hagan Wolfe

Responses of Ronnie Abrams
Nominee to be United States District Judge for the Southern District of New York
to the Written Questions of Senator Chuck Grassley



1. What is the most important attribute of a judge, and do you possess it?

Response: I believe that the most important attributes of a judge are fidelity to the law, independence, integrity, fairness, good judgment, an appropriate temperament and a commitment to treating all those before her with dignity and respect. I believe that I possess these attributes.

2. Please explain your view of the appropriate temperament of a judge. What elements of judicial temperament do you consider the most important, and do you meet that standard?

Response: I believe that having an appropriate judicial temperament is critical to a judge's ability to administer justice faithfully and to the public's confidence in the judicial system. It is especially important that a judge be consistently fair, respectful, courteous, patient, humble, open-minded, evenhanded and decisive. I believe that, if confirmed as a district judge, my conduct will meet that standard.

3. In general, Supreme Court precedents are binding on all lower federal courts and Circuit Court precedents are binding on the district courts within the particular circuit. Are you committed to following the precedents of higher courts faithfully and giving them full force and effect, even if you personally disagree with such precedents?

Response: Yes.

4. At times, judges are faced with cases of first impression. If there were no controlling precedent that dispositoryly concluded an issue with which you were presented, to what sources would you turn for persuasive authority? What principles will guide you, or what methods will you employ, in deciding cases of first impression?

Response: If confirmed and faced with a case of first impression, I would start with the text of the provision at issue. If the plain language and structure of the text did not yield a clear answer, I would look to precedents of the Supreme Court and the Court of Appeals for the Second Circuit interpreting analogous provisions, as well as precedent from other federal courts, for guidance.

5. What would you do if you believed the Supreme Court or the Court of Appeals had seriously erred in rendering a decision? Would you apply that decision or would you use your own judgment of the merits, or your best judgment of the merits?

Response: If confirmed, I would faithfully apply any relevant Supreme Court or Second Circuit precedent, regardless of my personal judgment or views of the precedent.

6. Under what circumstances do you believe it appropriate for a federal court to declare a statute enacted by Congress unconstitutional?

Response: It is appropriate for a federal court to declare a statute enacted by Congress unconstitutional if it violates a provision clearly set out in the U.S. Constitution, or if Congress has exceed its constitutional authority. In considering a constitutional challenge to a statute, a district judge must apply any applicable precedent of the Supreme Court and the Court of Appeals for the circuit in which it sits.

7. As you know, the federal courts are facing enormous pressures as their caseload mounts. If confirmed, how do you intend to manage your caseload?

Response: If confirmed as a district judge, I would establish rules for litigants in an effort to provide clear guidance about my expectations. Among other things, I would set and adhere to firm deadlines for pretrial discovery, motions and trial. In addition, I would monitor my docket closely; encourage mediation or settlement when possible; make productive use of the magistrate judges when appropriate; and strive to decide all matters promptly. To manage my caseload effectively, I would also endeavor to learn more about and use the best practices of fellow judges in my district.

8. Do you believe that judges have a role in controlling the pace and conduct of litigation and, if confirmed, what specific steps would you take to control your docket?

Response: Yes. A critical aspect of the due administration of justice is ensuring that matters are resolved fairly and efficiently and judges play an important role in accomplishing that goal by controlling the pace and conduct of litigation. If confirmed as a district judge, I would take the steps described in my response to Question 7 to control my docket.

9. Please describe with particularity the process by which these questions were answered.

Response: I received these questions on Tuesday, October 11, 2011. Over the course of the next day, I drafted responses to the questions. I discussed my responses with a representative of the Department of Justice and authorized the Department of Justice to transmit them to the Committee.

10. Do these answers reflect your true and personal views?

Response: Yes.

Responses of Ronnie Abrams
Nominee to be United States District Judge for the Southern District of New York
to the Written Questions of Senator Amy Klobuchar

- 1. If you had to describe it, how would you characterize your judicial philosophy? How do you see the role of the judge in our constitutional system?**

Response: In my view, the role a district judge plays is a very important but limited one. That role is to decide the case or controversy before the court based on the facts before the court and the law as determined by the decisions of the United States Supreme Court and Court of Appeals for the circuit in which the court sits.

- 2. What assurances can you give that litigants coming into your courtroom will be treated fairly regardless of their political beliefs or whether they are rich or poor, defendant or plaintiff?**

Response: All parties are entitled to equal justice under the law, regardless of their economic status, political beliefs, or social status. I believe that my career in the law – in which I have represented both the federal government and defendants in criminal cases, as well as plaintiffs and defendants in civil cases, ranging from large corporations to individuals seeking to enforce their rights – demonstrates my firm commitment to that principle. Throughout my career, including as a federal prosecutor and pro bono attorney, I have endeavored to treat everyone fairly, and with dignity and respect, and if confirmed as a district judge, I would be faithful to the judicial oath and continue to do so.

- 3. In your opinion, how strongly should judges bind themselves to the doctrine of stare decisis? How does the commitment to stare decisis vary depending on the court?**

Response: The doctrine of stare decisis applies to all courts and if confirmed as a district judge, I would firmly adhere to the doctrine.

REASONS FOR GRANTING THE WRIT:

18USC section 455a: "a Judge shall only disqualify herself in a proceeding where her impartiality might be reasonably questioned" is arbitrary, capricious, and violates due process of law under the U.S. Constitution.

The present case demonstrates the propensity of the federal judiciary to abuse the statute. That law provides the perfect recipe for judicial corruption because most Judges take very offensively when a litigant questions his/her impartiality regardless of the justification for the request.

CONCLUSION:

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18 USC Section 455(a) :

"A Judge shall only disqualify herself in a proceeding where her impartiality might reasonably be questioned"

is unconstitutionally vague, ambiguous, arbitrary, capricious, violates my right to due process of law, and allows corrupt practices by federal Judges.

RELIEF REQUESTED:

I respectfully ask the Court to grant this Writ of Certiorari for the recusal of Judge Ronnie Abrams, and to invalidate 18USC Section 455 (a).


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Dated: December 11, 2019