

UNITED STATES SUPREME COURT

PETITIONER: Alberto Rojas Jr.

Rojas V. Meinster, et al

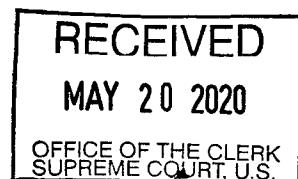
USCA 10 No. 19-1392

RESPONDENTS: Ann Gail Meinster et.al.

MOTION TO FILE AN OUT OF TIME PETITION FOR A WRIT OF CERTIORARI

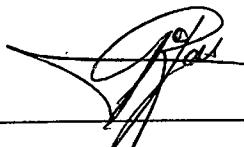
Comes now the Petitioner Alberto Rojas Jr, acting Pro Se and under indigent status, respectfully requests the court clerk to file an Out of Time Petition for a Writ of Certiorari based on the following:

1. Due to the District Court's unclear and confusing dates regarding court decisions, the Petitioner believed the filing of the Petition was under the required timeline.
2. It is also worth explaining that the Petitioner is acting Pro Se and has no legal knowledge or assessment other than his own research.
3. The Petitioner had placed a call to the Supreme Court stating the facts and a court clerk had communicated that "he" would accept the Petition knowing beforehand it was delayed because the original request had been missing an Appendix.
4. The Petition was sent again with an Appendix included as per the clerk's instruction.

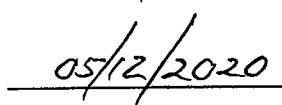


5. The Plaintiff begs the court will review the district court's decision as the lives and rights of a child and her father have been compromised by the lower courts.
6. It is up to this court to uphold and ensure that our civil rights are guaranteed and that the rule of law prevails. The lower courts have denied the Petitioner's request for a review without addressing the direct and blatant violations by the lower court.
7. Indeed, the constitutional rights of two individuals have been grossly violated by the lower court making use of the judicial immunity by abusing judicial discretion and misconduct as well as violating key an essential state and federal laws.
8. The life of a child has been constantly exposed to physical and emotional harm. There is no explanation why the lower court continues to expose the child to such absurd faith.
9. For these and ongoing serious issues, the Petitioner requests the clerk to file an out of time petition for a writ of certiorari.

Most respectfully.



Alberto Rojas Jr. / Petitioner



Date

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

November 18, 2019

Elisabeth A. Shumaker
Clerk of Court

ALBERTO ROJAS, JR.,

Plaintiff - Appellant,

v.

ANA GAIL MEINSTER, Hon.; ERIC
MOTTER; CYNTHIA SCHIPPERT; ERIC
J. KELLY; ANDREW LOUIZEAX;
WILLIAM J. CAMPBELL,

Defendants - Appellees.

No. 19-1392
(D.C. No. 1:19-CV-01896-LTB-GPG)
(D. Colo.)

ORDER AND JUDGMENT*

Before **CARSON**, **BALDOCK**, and **MURPHY**, Circuit Judges.**

Plaintiff-Appellant Alberto Rojas, Jr. appeals pro se from the district court's order dismissing his complaint both with prejudice as legally frivolous and without prejudice for lack of subject matter jurisdiction. Plaintiff's amended complaint, filed

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

** After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

Appendix A

in the District of Colorado, sets forth allegations stemming from a state domestic relation proceeding. Specifically, Plaintiff appears to allege the following.

First, Plaintiff alleges Ann Meinster, a state court judge, deprived Plaintiff of his constitutional rights in the state court custody proceeding. Next, Plaintiff alleges his child's guardians, Eric Motter and Cynthia Schippert, have: (1) failed to report sexual assault and harassment his child has endured at school; (2) prevented Plaintiff from communicating with his child; (3) indoctrinated Plaintiff's child with a foreign religion; (4) treated Plaintiff's child wrongfully; and (5) engaged in parental kidnapping. Third, Plaintiff alleges Eric J. Kelly, attorney for Eric Motter and Cynthia Schippert, violated the rules of professional conduct and committed criminal acts with respect to the state court custody proceeding. Fourth, Plaintiff alleges Andrew Louizeaux, a court-appointed child custody expert, slandered him in a report Defendant Louizeaux provided to the court. Finally, Plaintiff alleges William J. Campbell, the executive director at the Colorado Commission on Judicial Discipline, failed to appropriately discipline Judge Meinster for her wrongful actions as described in his complaint.

Pursuant to District of Colorado Local Rule of Civil Procedure 8.1, the district court referred the action to a magistrate judge for an initial review. After reviewing the amended complaint, the magistrate judge issued a Report and Recommendation. Therein, the magistrate judge recommended the complaint be dismissed with prejudice as to Defendants Meinster and Louizeaux due to their absolute judicial and quasi-judicial immunity, respectively. The magistrate judge further recommended the action

be dismissed without prejudice as to Defendants Motter, Schippert, Kelly, and Campbell for lack of subject matter jurisdiction. Thereafter, Plaintiff filed objections to the Report and Recommendation, which were subsequently overruled by the district court. The district court adopted the Report and Recommendation in its entirety and dismissed the action. This appeal follows. Exercising jurisdiction pursuant to 28 U.S.C. § 1291, we affirm.

On appeal, Plaintiff asserts the same allegations set forth in his amended complaint. In a well-reasoned Report and Recommendation, which the district court wholly adopted, the magistrate judge competently explained why Plaintiff's allegations must be dismissed as to Defendants Meinster and Louizeaux due to their absolute judicial and quasi-judicial immunity, respectively. The magistrate judge further explained that the court lacks subject matter jurisdiction over the remaining Defendants. For the purpose of resolving this appeal, we have thoroughly reviewed the district court record and Plaintiff's appellate brief, and we discern no reversible error. Where the district court accurately analyzes an issue, we see no useful purpose in writing at length. Therefore, we AFFIRM for substantially the same reasons set forth in the district court's order dismissing Plaintiff's complaint. Plaintiff's motion to proceed in forma pauperis is GRANTED.

Entered for the Court

Bobby R. Baldock
Circuit Judge

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
OFFICE OF THE CLERK

Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157

Elisabeth A. Shumaker
Clerk of Court

Chris Wolpert
Chief Deputy Clerk

December 10, 2019

Mr. Jeffrey P. Colwell
United States District Court for the District of Colorado
Office of the Clerk
Alfred A. Arraj U.S. Courthouse
901 19th Street
Denver, CO 80294-3589

RE: **19-1392, Rojas v. Meinstre, et al**
Dist/Ag docket: 1:19-CV-01896-LTB-GPG

Dear Clerk:

Pursuant to Federal Rule of Appellate Procedure 41, the Tenth Circuit's mandate in the above-referenced appeal issued today. The court's November 18, 2019 judgment takes effect this date.

Please contact this office if you have questions.

Sincerely,



Elisabeth A. Shumaker
Clerk of the Court

cc: Alberto Rojas Jr.

EAS/na

Appendix B

**Additional material
from this filing is
available in the
Clerk's Office.**