

20-5420

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

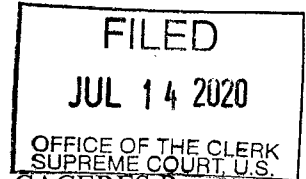
ORIGINAL

In the  
Supreme Court of the United States

HELGA SUAREZ CLARK

*Petitioner*

v.



PERU REPUBLIC et al.(Carlos CASTELLON CUEVA,Arturo QUISPE CACERES,Rory LAZO BUSTAMANTE, Emilio LIAS CUERVO,Gamero ALVAREZ BASAURI,R.CHUQUIHUAYTA QUILLAHUAMAN,police under Jhon BECERRA DIAZ,Wilder PEDROZA RUIZ, Julio Cesar TELLO YLLA,Minoho,CALLANAUPA PEREZ,Hugo MINAYA CHIRINOS,PEREZ GARCIA,ALVAREZ GARCI,Julio ARCE DE LA TORRE BUENO,Lisbeth AFAN QUISPE,Luis RAMIREZ ARCAYA,Javier Freddy ALVAREZ,other pólce see reports exhibits,Maria Del Carmen VERAU ALVAREZ,Nilo PARAVICINO ALARCON,Gisela VENERO DE MONTEAGUDO,Walter BECERRA HUANACO,Victor FARFAN MERCADO,Miguel A.CASTELO ANDIA,Ignacio ORTEGA MATEO,Julio CesarALVARADO VILLENA,Rodolfo HUAMAN FLORES and Etel MARQUINA RODRIGUEZ,Felix TUPAYACHI PACHECO,Nelly CALDERON NAVARRO,Miguel A.CACERES CHAVEZ, Carlos A.PEREZ CHAVEZ,Julio C. VILLENA ALVARADO,Magaly ROJAS ESPINOZA,Jose M.MAYORGA ZARATE,Tamara T.CATACORA JARA , Alberto PEREZ CARDENAS,Gary J.ORTIZ AGUILAR,Luis PAREDES CUSI,Nataly UGARTE MOLINA,Gladys QUISPE,Evelyne M.MAURICIO APARICIO,F.ALMANZA ALTAMIRANO,Elisabeth ORTIZ DE ORUE RODRIGUEZ LADRON DE GUEVARA,Lucy CHAUPIS VALVERDE,Maria T. YNONAN VILLANUEVA and Maria SUAREZ ARIAS,judge NINO DE GUZMAN,Jose ROCA MENDOZA, all District and national attorneys) in caselaw reports (exh.),judges names in reports(exh.,Mariangeles ROMERO GUEVARA,Graciela ROMERO) QUISPE,Jorge CHACON MENDOZA,Richard ALARCON) URRUTIA,Rocio ZEVALLOS HUAYHUA),Gisela VARGAS CAJAHUANCA,Doris Luz BLAS RAMIREZ,Milagros ANDERSON, Calixto COANQUI QUISPE,ALMENARA BRYSON,HUAMANI LLAMAS,ESTRELLA CAMA,CALDERON CASTILLO,CALDERON PUERTAS,Peru Supreme Civil court,Cesar LANDA ARROYO,GONZALES OJEDA,BARDELLI,LARTIRIGOYEN,ALVA ORLANDINI,GARCIA TOMA,BLUME) FORTINI,LEDESMA NUNEZ,ESPINOSA SALDANA BARRERA,FernandoCALLE HAYEN,BEAUMONT CALLIRGOS,ETO CRUZ,Ernesto ALVAREZ,MIRANDA,MIRANDA CANALES,SARDON DE TABOADA,CarlosMESSIA) RAMIREZ,Juan VERGARA GOTELLI,Peru constitutional tribunal,All defendants covered up by Republic Justice in reports complaints,All c/oEmbajador Hugo DE ZELA MARTINEZ)

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*Respondents*

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**PETITION FOR A WRIT OF CERTIORARI**

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June 14 2020

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**QUESTIONS PRESENTED**

1 USCA(case 20-7001) erroneously denied my motion for court appointed counsel, aludging case did not have merits despite chief judge Mc Mahon NYSD(18-01740)judged it had merits and transferred it to DC because of venue.

2 USCA(3d par.,april 15 2020 judgment, erroneously holds” *Appellant’s complaint failed to set forth “a short and plain statement” of the claims showing she is entitled to relief. Fed. R. Civ. P. 8(a)*”,indeed,I did enclose in original complaint the statement required(as stated on p.7 of brief) “4. Likewise,on pp.14 to.20 of my pro se complaint, I stated “ *V. SHORT AND PLAIN STATEMENT OF CLAIMS AGAINST DEFENDANTS*”, Indeed,on pp.

14 to 20,parr.13 on,of my civil action in district court 19-3349,I had enclosed a “*short and plain statement of claims*”(see Appendix C,p.14 of original complaint)

3 USCA did not grant my request to file an amended complaint thus contradicting itself since I was reproached by USCA in last year same case 18-7182 appeal”*She didn’t ask nor was granted ,district judge for leave to file an amended complaint “*: court stated the judge had erred in so doing (to cure electronically actual district court case formal defects would be faster,save trees and cost me(I am in forma pauperis) another \$200 in international mailing of a new original complaint if I am dismissed; thus USCA should have asked district judge CHUTKAN to let me amend my supposedly formally defective complaint,before dismissing it.

## TABLE OF CONTENTS

QUESTIONS PRESENTED	i,ii
INTRODUCTION	1
JURISDICTION	1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	1
STATEMENT OF THE CASE	2-4
REASONS FOR GRANTING THE WRIT	4
CONCLUSION	4
INDEX TO APPENDICES	

### APPENDIX A:Decisions of USCA for DC Circuit:

-Judgment,H.S. Clark v.Peru Republic et al.,No 20-7001(april 15 2020)

-Judgment,” “ “ ,No 18-7182(april 2 2020)

-2 orders denial june 3 2020:petitions for rehearing,rehearing banc,No20-7001

### APPENDIX B: Decisions of district court,case 19-3349

APPENDIX C: Original complaint 19-3349, p. 14, Short and plain statement of claim.

## INTRODUCTION

Helga Suarez Clark respectfully petitions for a writ of certiorari to reverse the judgment of the United States Court of Appeals for the District of Columbia in this case.

## JURISDICTION

The date on which the United States Court of Appeals decided my case was April 15, 2020. A petition for rehearing and rehearing en banc and to vacate district court order was denied on June 3, 2020 (see appendix) and I moved to stay mandate within 7 days of June 3.

The jurisdiction of this court is Rule 10 a) of this court; 28 U.S.C. s. 1254 al. (1)

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1 **Nullum crimen sine lege**: this case has been dismissed despite it proves torture and terrorism, thus granting impunity (Antiterrorism and effective death penalty act) exception to immunity, **Foreign Sovereign Immunities Act 28 U.S.C. s. 1605A** (hereinafter "FSIA")

2 **Rule 10 al. 1 lit a) of this Court**

3 **The lower courts have abused their discretion and due process of the 14<sup>th</sup> amendment, overlooked and misapprehended (FRAP 40) all the points of law I raised in my appeal.**

4 **-3. Res judicata and estoppel.**

1     Nullum crimen sine lege:this case has been dismissed despite it proves torture and terrorism, thus granting impunity(Antiterrorism and effective death penalty act)exception to immunity,Foreign Sovereign Immunities Act 28 U.A.C.s.1605A (hereinafter"FSIA")for wrongful tentative of extrajudicial killing ,torture,extreme mental anguish ,suffering , personal injury,hostage taking ,economic loss,and taking of property in violation of international law and related torts ,deprivation of rights under color of law,denial of due process and equal protection of the law:this section holds 2)Claim heard:The court shall hear a claim under this section if (A)(i)(1)the foreign state was designated as a state sponsor of terrorism or was so designated as a result of such act,(ii)see in Roeder v.islamic Republic of Iran 195 F.Supp.2d140,159-161 DDC2002.2 TVPA (Torture victim protection act),tort(440 civil rights abuses,360 other personal injury)arbitrary detention ,reckless endangerment,deprivation of rights under color of law,slander,conspiracy against the United

2     Rule 10 al.1 lit a)of this Court:" (a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;

3     The lower courts have abused their discretion and due process of the 14<sup>th</sup> amendment, overlooked and misapprehended (FRAP 40)all the points of law I raised in my appeal,and the following situations exist:

-1.a material factual or legal matter was overlooked in the decision: in the decision,third paragraph of judgment,it holds" Appellant's complaint failed to set forth "a short and plain statement" of the claims showing she is entitled to relief. Fed. R. Civ. P. 8(a) .

Nevertheless, in p.7 of my brief, I wrote "4 Likewise, on pp.14, til p.20, I stated " V. SHORT AND PLAIN STATEMENT OF CLAIMS AGAINST DEFENDANTS(A 25 PP.AMENDED COMPLAINT,AS RESUME,MAY BE FOUND ON DOCKET DC CIRCUIT 18 1460,FILING 12 17 2018)", Indeed, on pp.14 to 20, parr.13 on, of my civil action in district court 19-3349, I had enclosed a "short and plain statement of claims" so due process(14<sup>th</sup> amendment) was violated and District Court abused its discretion(see appendix C).

-2.The opinion is in conflict with this court and the conflict is not addressed in the opinion: by attached order USCA april 2 2019 in USCA case 19-3349, court stated I and or the judge had erred by "Appellant did not request, nor was she granted, leave to file a third amended complaint". In "SUMMARY OF ARGUMENTS", p.19 of my brief, I wrote "7.Judge should have given me an option to make an amended complaint, better more, with court appointed counsel, instead of dismissing the whole complaint". Therefore, this court would contradict itself, by on one hand, last year in case 18 1782, commenting it would have been opportune for me to request leave to file a third amended complaint, before letting the judge in district 18 1782 dismiss my action, then on the other hand, in my refiling, not granting my request to ask the district judge permit to file an amended complaint .

**-3.Res judicata and estoppel:** The proceeding involves one or more questions of exceptional importance: -1.Erroneously I was denied court appointed counsel because my case doesn't have likelihood of success on its merits: if my case didn't have merits, Chief Judge Colleen Mc Mahon in 18-1740 NYSD wouldn't have admitted it and transferred it; I would benefit of counsel, since it is not first time I am rejected because of a formality as I am not attorney. Us supreme court as well opinated in **464 U.S. 154** (104 S.Ct. 568, 78 L.Ed.2d 37 UNITED STATES, Petitioner v. Sergio Elejar MENDOZA.No. 82-849.Argued: Nov. 2, 1983.Decided: Jan. 10, 1984), prohibits violate res judicata and 14th amendment collateral

estoppel. It is cruel and illegal to deny my motion for court appointed counsel since I attach medical documents I am disabled in an inadequate wheelchair because of the crimes.

#### REASONS FOR GRANTING THE WRIT

1.Chief Judge Mahon NYSD already admitted my case upon merits as such (NYSD 18 1740)and transferred it so there is little sense the lower courts violate res judicata to dismiss it again as well as a court appointed counsel aludging I didn't prove my case had merits.

2.The lower courts keep erring aludging I didn't comply with FRCP 8a)by not including a short and plain statement of the claims,since it was on p 14 of original complaint.

3.Lower courts keep asking I shorten my complaint despite I mentionned I am also suing FBI and Department of state for depriving my of my civil rights refusing to investigate crimes and put Peru on list of terrorist states or condemn them for torture,thus,I need to make the judge discover enclosing my own investigation,which requires extensive exhibits and facts,to prove claim can be heard for terrorism exception to FSIA.

4.Appeals court contradicted itself by not granting my request for leave to file an amended complaint instead of letting the district court dismiss,since it is only about formality,because in same facts,appeal court(appeal 18 7182)raised as error that neither me nor the district judge,asked a 3d amended complaint be filed.

#### CONCLUSION

I beg this Court for relief to accept my original complaint 19 3349 ,if not,allow me leave to file an amended complaint.

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Helga Suarez Clark

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