

20-5500  
No. \_\_\_\_\_

**IN THE SUPREME COURT OF THE UNITED STATES**

08/19/20  
\_\_\_\_\_

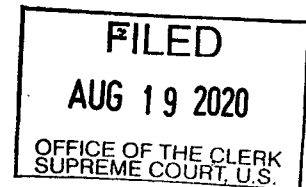
VALENTIN SPATARU, Petitioner,

vs.

PEDRO ANTONIO SUAREZ and SVITLANA KHRAMTSOVA, Respondents.

ORIGINAL

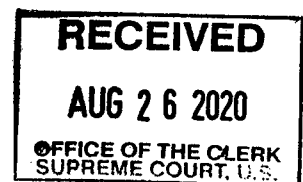
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On Petition For Writ Of Certiorari to the  
Supreme Court of the State of Florida  
\_\_\_\_\_



**PETITION FOR WRIT OF CERTIORARI**  
\_\_\_\_\_

by Valentin Spataru, pro se  
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To the Honorable Chief Justice Charles T. Canady of the Supreme Court of the State of Florida:



## QUESTIONS PRESENTED

1. Whether Florida judges may disregard my filings and prior cases, and may not exercise the standard of care requested by law and expected from professionals in the USA and State of Florida pursuant to Rule 7.110.(e) of the Florida Small Claims Rules.
2. Whether “Lex iniusta non est lex” and judges have the authority and the obligation to refuse to enforce unjust rules, such as dismissal for my naming appeal other than “Notice of Appeal”.
3. Whether U.S. Const. Amend. IX -which protects rights not enumerated in the Constitution- protects my right to benefit from the fairest, best and newest practices in judiciary procedures.
4. Whether Florida legislators at the state level have been lobbied and paid illegally by attorneys to complicate unreasonably and unjustly the rules of litigation procedure for a pro-se litigant with cognitive injuries to lose case.
5. Whether Florida judges may profiteer and discriminate against me, and allow the Respondents not to return my money and compensate me for the suffering they caused me.

If you do not order Respondents to return my money and compensate me for the suffering they caused me, then they will defraud others.

These questions are of great national importance due to the high number of citizens who come to Florida.

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## PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully petitions this Court for a writ of certiorari to review the judgment below.

### 3 OPINIONS BELOW

The Judges of the Supreme Court of Florida (SCF), decided on 05/21/2020 that SCF lacks jurisdiction to review an unelaborated decision from a district court of appeal. A copy is attached at Appendix 10.1.

6 The Judges of Florida's Third District Court of Appeal (3DCA) affirmed -see Appendix 10.2.- on March 18, 2020, the opinion below. I have appealed to SCF because the decision disregarded prior legal cases, such as *Torrey v. Torrey*, 815 So. 2d 773 (Fla. Dist. Ct. App. 2002) and *Perrier v. Bonagura*, 11 Fla. L. Weekly Supp. 749 (Broward Cty. Ct. 2004) (Lee, J), and expressly affects a class of constitutional or state officers.

12 The Judges of the Appellate Division of the Circuit Court of the 11th Judicial Circuit of Florida (CC) in and for Miami-Dade County dismissed my action abusively on August 22, 2019, for lack of jurisdiction due to my late appeal -see Appendix 10.3-, even though I requested CC and SCC to consider my "Motion to Retain Case on Docket and for Default Final Judgment" as "Notice of Appeal"; indeed, their decision disregarded prior legal cases, such as *Torrey v. Torrey*, 815 So. 2d 773 (Fla. Dist. Ct. App. 2002). Moreover, in addition to the stress caused by Respondents, I was suffering more and recovering after new injuries -see cases Valentin SPATARU vs. FAA, et. al. at the Federal court in Miami, no case no. yet, and Valentin Spataru vs. Wal-Mart ..., case no.s 3D19-732, 2017-000394-AP-01 & 2016-006839-SP-26-, thus I was not able to know all rules, including to name my request "Notice of Appeal". Truly, 'Courts must often "exercise [their] equity powers ... on a case-by-case basis," *Baggett v. Bullitt*, 377 U. S. 360, 375, demonstrating "flexibility" and avoiding "mechanical rules," *Holmberg v. Armbrecht*, 327 U. S. 392, 396., in order to "relieve hardships ... aris[ing] from a hard and fast adherence" to more absolute legal rules, *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U. S. 238, 248.

27 Judge Cuesta of the Small Claims Court (SCC) of the 11th Judicial Circuit of Florida (CC) in and for Miami-Dade County dismissed -see Appendix 10.4.- my action abusively on Nov. 09, 2016, because I did not answer her Notice of Lack of Prosecution (NLP) -see Appendix 10- even though I had not received the NLP. Her decision disregarded prior legal cases, such as *Urbina-Osejo v. I.N.S.*, 124 F.3d 1314 (9th Cir. 1997).

Indeed, by having disregarded prior cases, the judges below (at SCF, 3DCA, CC and SCC) have proved their abusive adversity and discrimination against me due to my disabilities, political affiliation, religion, ethnic or national origin, domicile, first spoken language, race, or other illegal causes; and they have proved illegally-undisclosed common interests with the Respondents, such as common investments or profiteering -respectfully, I request you to ask the FBI, NSA, etc. to investigate them-. Truly, judges have been liable for criminal acts committed under “color of law”, pursuant to 18 U. S. C. § 242, and for conspiracy against rights, pursuant to 18 U. S. C. § 241. As provided in 18 U.S.C. § 3331(a), the U.S. District Court must impanel a special grand jury when requested -and I request it for all judges involved in my case, and for all legislators involved in voting of the abusive, unethical laws- to investigate whether organized crime is occurring in the community in which it sits. This could include, for instance, organized drug activity or organized corruption in government.

## **JURISDICTION**

This petition is timely filed. The date on which the highest state court, the Supreme Court of Florida, decided that it lacks jurisdiction to review an unelaborated decision from a district court of appeal was 05/21/2020. A copy of that decision appears at Appendix 10.1.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a). My questions and case are of national importance, as many persons come to Florida.

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

Rule 7.110.(e) of the Florida Small Claims Rules: “All actions in which it affirmatively appears that no action has been taken by filing of pleadings, order of court, or otherwise for a period of 6 months shall be dismissed by the court [...] unless [...] a party shows good cause in writing [...].”

U.S. Const. Amend. XIV, sec. 1: All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of [...] property [including my money taken by the Respondents who are actually part of a conspiracy -which includes below judges- to defraud others], without due process of law; nor deny to any person within its jurisdiction the equal protection of the

laws.

U.S. Const. Amend. VII: In Suits at common law, the right of trial by jury shall be preserved.

- 3 U.S. Const. Amend. VIII: Prohibits cruelty.

U.S. Const. Amend. IX: Protects rights not enumerated in the Constitution, including my right to benefit from the best and newest practices in judiciary procedures.

- 6 U.S. Const. Amend. I: Guarantees the right to petition the government.

18 U.S.C. §§ 241, 242: It is a crime for one or more persons acting under color of law willfully to deprive or conspire to deprive another person of any right protected by the Constitution or laws of the United States.

- 18 U.S.C. §§ 1961–1968 (RICO) - The Racketeer Influenced and Corrupt Organizations (RICO) Act provides for extended criminal penalties and a civil cause of action for acts performed as part of an ongoing criminal organization. The RICO Act focuses specifically on racketeering and allows the leaders of a syndicate to be tried for the crimes they ordered others to do or assisted them in doing.

29 U.S.C. § 794 - Nondiscrimination under Federal grants and programs.

34 U.S.C. § 10228 - Prohibition Against Discrimination on ground of race, color, sex, or national origin - The Office of Justice (OJP) Program Statute.

42 U.S.C. § 1983, Reconstruction Civil Rights Act: “Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.” It allows citizens to sue governmental officials, including judges, and their employers, the cities, counties and states, for damages caused by them; it is enough to show that the official, acting under color of state law, caused the deprivation of some specific federal right. Punitive damages are available against individual Respondents where a Petitioner establishes actions were either intentional or committed with reckless or callous disregard for the Petitioner's rights. Significantly, punitive damages may be available against individual Respondents even absent actual damages.

42 U.S.C. § 1985 - Prohibition Against Discrimination on ground of race, color, or national origin. It



renders conspiracies civilly actionable.

42 U.S.C. § 2000d, et seq. - Prohibition Against Discrimination on ground of race, color, or national origin - Title VI of the Civil Rights Act of 1964

42 U.S.C. § 12131, et seq. - Prohibition Against Discrimination on ground of disabilities - Title II of the Americans with Disabilities Act, The Public Health and Welfare Title

34 C.F.R. Part 104.4 - Section 504 of the Rehabilitation Act of 1973: It prohibits discrimination against people with disabilities in programs that receive federal financial assistance (“no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance”).

The United Nations' Universal Declaration of Human Rights forms part of customary international law, thus applies in my case, as I was born outside the USA -I became a citizen of the USA by naturalization in 2002- in Romania -a current member of NATO and UE- and includes:

Article 1. [...] act towards one another in a spirit of brotherhood.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 8. [...] effective remedy by the competent national tribunals.

Article 10. [...] independent and impartial tribunal.”

## INTRODUCTION

1. <https://www.supremecourt.gov/filingandrules/electronicfiling.aspx> writes “Filings from pro se parties are submitted only on paper, but will be scanned and made available electronically on the Court’s docket”, thus I submit only one paper copy of my petition to save valuable resources by not printing and mailing more copies; please let me know if you need more paper copies. A digital copy of this PWC is available also at my public storage at <http://tiny.cc/8ffksz>.

2. Petitioner will be referred to as “Petitioner”, or “I” as I, the Petitioner myself, will have written this. All of the Respondents collectively shall be referred to as “Respondents”; Svitlana Khramtsova shall be referred to as KHRAMTSOVA, Pedro Antonio Suarez as SUAREZ; the Civil Court as CC; the Small

Claims Court as SCC; other terms and acronyms will be defined as they appear. Items contained in the records on appeal for my prior action's appeals will be designated by the letters "ROA" followed by the page number(s). I use bold letters to emphasize and ease the reading.

3. If I do not know who is guilty for a violation, I will use the term "Offenders".

4. I attest upon penalty of perjury that all my statements and pleadings are true.

5. I have been a serious person who has worked hard, aimed for the highest achievements, had many successes, and my resume proves it:

6. "EDUCATION

7. Master of Accountancy, Taxation 08/98 – 12/00

8. University of Georgia, Athens, GA, USA: •Was "Presidential Scholar" for A in each class during my second semester; •Received merit student loan all semesters.

9. Master in Financial Economics and Management 09/92 – 06/97

10. The Academy of Economic Studies, Bucharest, Romania: •Majors: Finance, Banking, and Accounting; •Diploma Thesis (The Financial Analysis of the Company) Grade: 9/10 (3.8/4);

•Admission Exams GPA: 9.15/10 (3.9/4; top 1.5%; the admission percentage was 16%) •Received merit scholarship all semesters.

11. PROFESSIONAL DEVELOPMENT AND QUALIFICATIONS:

12. •**Licensed Certified Public Accountant (CPA) in GA, USA, in 2003.**

13. HONORS AND ACTIVITIES: •Have volunteered: -for CILK, Key Largo, FL, USA ([www.cilsf.org](http://www.cilsf.org)): have guided Social Security customers regarding their benefits and responsibilities in 2013; -for Christian Students Assoc., Bacau, RO: **have promoted the Christian living and spirituality** in the city during 2010-2012; -for the International Foundation for Global Studies, Athens, Georgia, USA: have prepared the financial statements, tax returns, and budgets for the years 1998 – 2000 •**Have placed in the Romanian National Physics Team (the top 15 students of my age group in the nation)** in 1988, and in the top 1-5 positions in regional Physics and Mathematics competitions in the years 1986-1990."

14. I have not been able yet to find an attorney to help me on contingency in my lawsuit against the Respondents, but in the case *Faretta v. California*, 422 U.S. 806 (1975), the Supreme Court of the

United States held that even criminal Respondents have a constitutional right to represent themselves in legal proceedings; therefore, respectfully, I request you not to dismiss my complaint without proper trial. Indeed, everyone has the constitutional right to proceed without counsel and to be assisted by court in presenting one's case.

15. I would like to write more and review my Petition again but I have no more time, as my brain injuries have slowed me very much. Moreover, due probably to my legal actions in Courts for my injuries and damages, on July 14, 2019, in Miami Beach, FL, two persons -ordered or "suggested" by a criminal organization (OrC)- hit my head and my face, which caused me open facial wounds, new brain and body issues and aggravation of old issues -such as headaches, nausea, impaired and slow reasoning and memory. The emergency CT of my head/brain was done by Mount Sinai Medical Center due to my pain and visible head trauma -see <http://tiny.cc/nar9gz>. Respectfully, I request you to ask the Federal USA Attorney and FL State Attorney to prosecute the two attackers for attempted manslaughter, and let me know ASAP about the result of the case and investigation. Respectfully, I request you to investigate whether Respondents have been involved in that injuring "incident". Respectfully, I request you to ask legislators in all the USA -and even all the other UN countries- to ban corporal "punishment" -and especially hits to or other kinds of attacks of the head, mind, and abdomen- at all ages, as it injures and disables permanently (parents and educators should convince by explaining the bad consequences of improper behavior.) Please pray for my recovery -and that of the offenders-. Due to my brain injuries, memorizing, remembering, and thinking are painful, thus I am very slow mentally and I need to spend very much time about what I write, and to check it many times.

16. Respectfully, I request you to accept my motions, forms, pleadings, and other communications as they are or assist me in correcting or clarifying them; and in the interest of justice, guide me to proceed properly. Indeed, due to the mental injuries that in part, at least 6%, the Respondents caused or aggravated, such as depression, anxiety, headaches, reading and writing and short-term memory problems, concentration and attention problems, and other undiscovered yet issues, I am not able anymore to read and memorize all the rules of procedures promptly and completely. Respectfully, I request you, for proper justice and civilization and for the progress of our states and country, and even other countries, urgently, to create a new Public Office with a name such as "Public Civil Attorney Assistance for Mentally Injured Persons", that must offer -free or for credit or loan given from the public budget- professional, independent legal help in civil cases to victims like me, who became cognitively impaired and do not have anymore the necessary mental capacities promptly to prove their

complaints.

17. Respectfully, to save valuable resources by not printing and mailing, I request you to send me all your communications by emails only, and to allow me to file all my future documents by using the Court's electronic system.

## STATEMENT OF THE CASE

1. At all times material, Respondents were *sui juris*; Petitioner was and is *sui juris*.

2. I met SUAREZ in Nov. 2012 when I bought a small sailboat from him. He stated that he and his partner, KHRAMTSOVA, wanted to buy a bigger sailboat for themselves. In Dec. 2012, SUAREZ asked me for a short-term loan. I lent the Respondents \$5,000 in Dec. 2012 until Jan. 15, 2013. They signed the contract to return to me the \$5,000 and half of my related bank fee on Jan. 15, 2013 plus a bonus, and to guarantee the loan with one of their vehicles; see the contract in the appendix -also in the Court's computer server (first, log in your Court account) at <https://www2.miami-dadeclerk.com/ocs/ViewerHTML5.aspx?QS=B6%2f9EwnZIIih%2bgqiU8rawLJW%2bj4E30XGWoN6L%2b82TkMiKjL6tNMPL1soiigHFhM0K6wXurxArmsj6sOLUzGFDyKpztQ46aq2ZshFHmAnJBz7z29w%2b1%2fRckEYcwr6SIyqRtZktDIfrvktID089SJqnDo36YsQhJ%2fe7%2fEZSOI7E4RbYNRh%2b%2b384jIf%2bl3rturFAh4TKmFSXCd1yfyZ%2bwfRrG4%2bvFMsmk> (from <https://www2.miami-dadeclerk.com/ocs/Search.aspx>); and at my public storage, (please include the “\_” at the end) <https://1drv.ms/b/s!AoQWYvOOcbRY1VV6T3JHIZjaY0S> for a more clear picture-. Why isn't the copy in ROA for my action's prior appeals, especially appeal 2017-266-AP-01? Respectfully, I request you to investigate and fix the problems with the clerks and SCC.

3. The Respondents did not give me back any money. They breached their contract to return my money. The Respondents had and have no excuse for the breaches of the contract. Moreover, when I needed a place to live and called them, they did not give me at least a little space for a cot or couch in their home until they would have returned my money.

4. The Respondents guaranteed with one of their vehicles which had a value of almost \$5,000, VIN KNDUP131826261691, plate AVS6916, that they would return the \$5,000 to me on Jan. 15, 2013. See Appendix 7 for the contract which includes the guarantee clause. They fooled me with elaborate acting

to like, respect, and trust them, thus I had not registered the contract at the Florida Department of Highway Safety and Motor Vehicles (DMV). After they did not return my money, and when I requested  
3 in February 2013 the guarantee vehicle, unlawfully, they did not give me the guarantee vehicle. In addition, even though they assured me that they would return my money if they sold the guarantee vehicle themselves, they sold it themselves without notifying me, and did not return my money. Thus,  
6 they breached their guarantee clause of the contract too. The Respondents had and have no excuse for the breaches of the guarantee contract.

5. By breaching all clauses of the contract, the Respondents caused me the loss of \$5,000 plus bank  
9 fees, court fees, loss of opportunities and time, loss of interest, and psychological and emotional pain and suffering.

6. I have proved all the elements of the cause of action for the breach of the contract by the  
12 Respondents, more than likely: 1) The formation of a contract -see Appendix 7- between me and the Respondents; the contract has definite terms to be enforced, such as the sum, \$5,000, that I lent them, and the deadline date, Jan. 15, 2013, when they had to pay back to me the \$5,000 plus half a bank fee  
15 plus \$500 appreciation bonus, 2) Performance by me; I lent them \$5,000 in Dec. 2012. I gave them a cashier's check -see Appendix 8- which I purchased from Bank of America, 3) Failure to perform by the Respondents; they did not pay any sum back to me, and 4) My damages; the \$5,000 I loaned them  
18 plus \$75 of bank fees, plus court fees, plus process service fees, plus loss of opportunities and time, loss of money interest, plus psychological and emotional pain and suffering, which manifest also as recurring headaches, depression, anxiety, distrust of people.

21 7. I have proved all the elements of the cause of action for the breach of the guarantee clause -see Appendix 7- of the contract by the Respondents, more than likely: 1) Contract; it has definite terms to be enforced, such as the vehicle which was their guarantee for the \$5,000 I lent them -see the guarantee  
24 vehicle's registration in Appendix 7-, 2) Performance by me; I lent them \$5,000 in Dec. 2012 -see Appendix 8-, 3) Breach by the Respondents; indeed, they did not give me the vehicle on Jan. 15, 2013 when they did not pay the \$5,037.5 back to me and the appreciation bonus; they had no reasonable  
27 excuse for their breach and 4) My damages; the \$5,000 I loaned them plus \$75 of bank fees, plus court fees, plus process service fees, plus loss of opportunities and time, loss of money interest, plus psychological and emotional pain and suffering.

30 8. The Respondents know about my lawsuit but avoid it criminally. I have paid Police for service of

process -but Police did not serve them-, and notified many times the Respondents in person, by phone, emails and mail to return my money or to contact the Court to answer my complaint. I have enclosed the signed return receipts -see Appendix 4- and emails -see Appendix 5- which which prove the Respondents' knowledge of the lawsuit (for example, on Monday, **Jun 16, 2014**, <[lanasova@yahoo.com](mailto:lanasova@yahoo.com)> wrote: "Hello Val, I promise to you that once I receive my check **I will reimburse you**"). However, they have not returned my money and not answered to the Courts, which is criminal contempt of justice and courts. Indeed, the Courts should not accuse me for lack of prosecution. Please do not allow them to defraud me.

9. I have proved all the elements of the cause of action for infliction of emotional distress (IED) by the Respondents, beyond a reasonable doubt: (1) Respondents' extreme and outrageous conduct, including criminal ignorance of my welfare, with either the intention of, or reckless disregard for, causing emotional distress, (2) my having suffered severe or extreme emotional distress and (3) actual or proximate causation. Respondents' conduct was heinous and beyond the standards of civilized decency, utterly intolerable in a civilized society; it would cause a reasonable person to feel extremely offended, shocked, and/or outraged. The Respondents' conduct was extreme and outrageous, as I was vulnerable and the Respondents knew it.

10. I have proved all the elements of the cause of action for negligent infliction of emotional distress (NIED) by the Respondents, beyond a reasonable doubt: 1. The Petitioner must suffer some physical injury: I suffer from depression, anxiety and headaches which the Respondents caused or aggravated; 2. Which was a result of a psychological trauma: the Respondents caused me psychological trauma; I do not trust people I do not know well; 3. That resulted after witnessing a negligent injury: I witnessed my own struggle to find them and recuperate my money; 4. To someone with whom the Petitioner has a close personal relationship: to my own person.

## REASONS FOR ALLOWANCE OF THE WRIT

1. Abusively, SCC's Judge Cuesta dismissed my case on Nov. 09, 2016 because I had not answered her 09/26/2016 Notice of Lack of Prosecution (NLP) -see NLP at Appendix 1.1- even though I had not received the NLP; only in December 2016, after the deadline to answer the NLP, I checked the website of SCC and saw the 11/09/2016 Order of Dismissal (F.W.O.P.), and the 09/26/2016 NLP. Indeed, the dismissal was and is not legal, ethic, fair and correct because I had not received SCC's letter from Sep.

26, 2016 with the Notice of Lack of Prosecution (NLP) and the Notice of Hearing (NOH), therefore, I did not know about the warning and the hearing. Moreover, my accidents after 05/09/2013, in 2013, 2014, 2015, 2016, caused me memory and other cognitive problems, thus I was not aware of the rules of procedure that require the Petitioner to resend the old motions when a new judge takes the case -am I wrong about the rule?-. Due to my injuries, the Social Security Administration (SSA) approved my request for SS Disabilities Insurance (SSDI) benefits -which are only \$1027 per month-. In addition, I was not able to find an attorney to help me on contingency, and I do not have enough money to hire attorneys by their time.

2. Respectfully, I request you to change the rules of procedure, to require a new judge who takes the case to read the old file and to require courts to notify parties by phone and email about their requests. In my case, the new judge should have known that the Respondents hid from their victims, including me, and illegally avoided service of my court's documents, thus I was not guilty of lack of prosecution. Indeed, I had asked the FBI, NSA, Police to locate the Respondents and had been waiting for their results -see Appendix 5-.

3. Moreover, the judge should have thought that I could have been injured and unable to memorize or remember the rules of procedure, including RULE 7.110.(e) of the Florida Small Claims Rules. In the interest of proper justice, the judge should have made sure that I would have received her notice, by calling and emailing me. Respectfully, I request you to add it as a rule for all courts.

4. In addition, Judge Cuesta of the SCC disregarded prior legal cases such as *Perrier v. Bonagura*, 11 Fla. L. Weekly Supp. 749 (Broward Cty. Ct. 2004) (Lee, J). Truly, when plaintiff in the case of *Perrier v. Bonagura* responded -which I did in my case on 12/09/2016; and earlier also, see SCC's docket- with a detailed explanation of the difficulty it had had in locating Respondents, the trial court found that plaintiff had established good cause to avoid dismissal. Indeed, in my case, Respondents have avoided service illegally, have not answered my complaint, and have not come to any hearing. Therefore, I have asked the court on 06/17/2014, before the NLP, to subpoena information regarding Respondents from many organizations, including the FBI and NSA, but, illegally, the previous judge has not approved it; furthermore, I have asked by direct emails the FBI and NSA to find and investigate Respondents, and I have been waiting for their results. If FBI and NSA lack the required resources, I offer to volunteer for them. If FBI and NSA are biased against me or bribed by Respondents -who are probably involved in other crimes, too, see Appendix 6 for another fraud-, respectfully, I request you to hire private,

independent, professional detectives (PIPD) to find and investigate Respondents. In addition, I will search again ASAP for PIPD who will accept payment on contingency. Indeed, I have established good cause to avoid dismissal.

5 . In addition, Judge Cuesta of the SCC disregarded prior legal cases, such as *In re G-Y-R*, 23 I N Dec. 181 (BIA 2001). Under *In re G-Y-R*, the notice of hearing was improper because petitioners never received actual notice. In *Altimeaux v. Ocean Construction, Inc.*, 752 So. 2d 670 (Fla. Dist. Ct. App. 2000), Altimeaux had missed the May 12 hearing because he had not received the notice of hearing and had not timely appealed because he had not received a copy of the disqualification order. The referee explained that he should file a notice of appeal challenging the May 27 disqualification order. The UAC had already treated Altimeaux's September 17 letter as a notice of appeal of that order. In the appeal *Robinson v. Villarejo*, 920 So. 2d 206 (Fla. Dist. Ct. App. 2006), the Court agreed that the trial court should not have denied Robinson's motion for rehearing without affording her an evidentiary hearing. See *Elmariah v. Assocs. Fin. Servs. Corp.*, 401 So.2d 929, 929 (Fla. 2d DCA 1981) (reversing denial of motion for rehearing claiming lack of notice of hearing that resulted in judgment and stating "[t]he question of whether or not notice was received by the appellant or his attorney is of sufficient import to justify an evidentiary hearing"). The Court in *Urbina-Osejo v. I.N.S.*, 124 F.3d 1314 (9th Cir. 1997), concluded that there was reasonable cause for failure to appear when a person has not received notice of the time and place of the hearing. The Court in *Bellsouth v. Unemp. Appeals Com'n*, 621 So. 2d 562 (Fla. Dist. Ct. App. 1993), treated Prescott's letter as a notice of appeal and set the case for hearing before an appeals referee. The Court in *Torrey v. Torrey*, 815 So. 2d 773 (Fla. Dist. Ct. App. 2002), stated that the presumption of receipt is not irrebuttable. a sworn affidavit -respectfully, I request you to consider my 12/09/2016 "Motion to Retain Case on Docket and for Default Final Judgment" as my sworn affidavit that I had not received the NLP-NOH- stating that the filing was not received will create an issue of fact which must be resolved by the trial court. Indeed, SCC was abusive; SCC should not have dismissed my case, but should have sent me another 30 days' notice, according to Rule 7.110. (e) of the Florida Small Claims Rules, and should have ensured that I will have received the notice by calling and emailing me, too; in addition, SCC should have sent me their notices by email, too, as I had requested earlier. Truly, I did not know about the NLP until December 2016, after its deadline for me to act, thus the lack of my timely answer to the NLP was not due to my abandoning the case or my not wanting to follow the request of the SCC, therefore, SCC should not have punished me by dismissing the case. In addition, SCC should have known about the prior cases, such as *In re G-Y-R* and *Perrier v.*



*Bonagura*, and about my efforts to locate the Respondents and to follow the court's rules.

6. Respectfully, I request you to investigate whether SCC's employees have been bribed or had illegal, undisclosed interest against me, and common interests with Respondents -or Respondents' partners in crimes-, such as common investments, businesses, political affiliation, or other conflicting interests; and whether they had prejudices against me based on my religion, ethnic origin, area of birth or domicile, first spoken language, race, skin color or other features. Their abusive adversity has affected my case unfairly and illegally. Respectfully, I request you to ask the FBI, NSA, and other intelligence agencies (IAs), -or PIPDs if governmental IAs lack the independence-, too, to investigate SCC's employees. My skin's color turns from white to bronze during exposure to sunlight -due to a protective reaction-, and to white again during lack of sunlight; some white-skin persons, such as, most probably, Judge Cuesta of SCC, do not tan at all naturally; some tanned-skin persons, such as, most probably, the prior Judge of SCC, Wendell M. Graham, do not whiten at all naturally during winters with reduced sunshine; most probably, also these differences caused their prejudices against me-; my religion is Rational, Truly-Scientific Christianity and Human Rights, my political preference is for Ethical Democracy and Ethical, Non-counter-intuitive, Natural, Rational Laws and Rules of Courts; my health status has been disabled by abusive incidents, I was born in Romania (current member of EU and NATO; its climate is mainly temperate -but is changing to a mainly subtropical one-), and my ethnic origin is Moldovan-Romanian.

7. Truly, I had not received the NLP letter which was lost by the USPS or the Center for Independent Living (CIL) (Phone: (305) 453-3491). CIL received my mail for me, apologized to me in case they mishandled the letter and blamed the lack of resources.

8. Furthermore, “mere neglect or inadvertence in complying even with court orders essential to a fair hearing is rarely enough to justify dismissal.” *Commonwealth Fed. Sav. and Loan Ass'n v. Tubero*, 569 So. 2d 1271, 1273 (Fla. 1990). Indeed, when I requested on 12/09/2016 by filing my “Motion to Retain Case on Docket and for Default Final Judgment” (MRCD), SCC's Judge Cuesta should have allowed me to proceed with the action or organized a new hearing to clarify the issues instead of having dismissed my case. Respectfully, I request you to consider my 12/09/2016 motion, MRCD, as “Notice of Appeal”, as, in addition to the stress caused by Respondents, I was recovering after new brain injuries -see cases Valentin SPATARU vs. FAA, et. al. at the Federal court in Miami, no case no. yet, and Valentin Spataru vs. Wal-Mart ..., case no.s 3D19-732, 2017-000394-AP-01 & 2016-006839-SP-

26-, thus I was not able to know all rules, including to name my request “Notice of Appeal”. Truly,  
'Courts must often “exercise [their] equity powers ... on a case-by-case basis,” *Baggett v. Bullitt*, 377  
3 U. S. 360, 375, demonstrating “flexibility” and avoiding “mechanical rules,” *Holmberg v.*  
*Armbrecht*, 327 U. S. 392, 396., in order to “relieve hardships ... aris[ing] from a hard and fast  
adherence” to more absolute legal rules, *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U. S. 238,  
6 248. Indeed, the dismissal was and is not fair and correct.

9 . Because SCC's Judge Cuesta did not answer my motion from 12/09/2016, I appealed to CC on  
03/10/2017, which opened case nr. 2017-000081-AP-01. Then, CC granted on 05/10/2017 my “Motion  
9 to return my case to the lower court” to go on with my case in the lower court; I filed the motion  
because I understood that the lower court would reopen my case.

10 . Afterwards, I asked SCC in my 06/27/2017 “Motion to **Continue**” (by “continue”, I meant “go  
12 on”, “proceed further”, not “postpone”, “continuance”) to go on with my case but  
<https://www2.miami-dadeclerk.com/ocs/Search.aspx> shows it as “Motion for **Continuance**” not  
“Motion to **Continue**”; I assume that Judge Cuesta considered it a request to postpone the action  
15 because Judge Cuesta did not read my motion which requested to proceed further with my action. I  
believe that Judge Cuesta had undisclosed interests which were adverse to me and proper justice. Then,  
on 07/03/2017, she issued the “Order denying motion to stay proceedings” because I did not answer her  
18 NLP and come to the hearing even though I did not know about her request. I assumed that Judge  
Cuesta did not want to go on with my case, therefore, I appealed to SCC, and to CC, within the appeal  
period, on 07/13/2017, the decision of SCC to close the case, but SCC did not answer. Respectfully, I  
21 request you to notify me whether my first case against the breach of contract is still open at the SCC.  
CC opened appeal case 2017-266-AP-01, merged it later into appeal case 2017-81-AP-01, but  
dismissed all on 08/27/2019 after more than two years, which was abusive, for improper appeal to SCC  
24 (“this appeal is dismissed for lack of prosecution for failing to timely file notice of appeal”), which was  
unfair and unjust, because , on 12/09/2016, within the appeal period, I requested respectfully SCC to  
retain my case by filing my “Motion to Retain Case on Docket and for Default Final Judgment” which  
27 the courts should have considered as a legal “Notice of Appeal”. Moreover, unfairly for me and proper  
justice, SCC did not notify me about the issues with my motion/appeal on 12/09/2016 for me to correct  
them. Indeed, the dismissals by SCC and CC were not and are not proper justice, fair and correct.  
30 Respectfully, I request you to ask the FBI, NSA, etc. to investigate whether SCC and CC and the other  
involved courts have undisclosed common interests with the Respondents, such as common

profiteering, religion, ethnic origin, country of birth, first spoken language, investments, or businesses with the Respondents, as their adversity affected my case and the proper justice. I was born in

3 Romania, outside USA, my ethnic origin is Moldovan-Romanian, my language is currently English, my religion is Scientific, Rational Christianity, my health status is disabled by accidents and attacks.

11. The Respondents know about my lawsuit but avoid it criminally. I have paid Police for service of

6 process -but Police did not find them, why?-, and notified many times the Respondents in person, by phone, emails and mail to return my money or to contact the Court to answer my complaint. I have enclosed the signed return receipts -see Appendix 4- and emails -see Appendix 5- which which prove

9 the Respondents' knowledge of the lawsuit (for example, on Monday, **Jun 16, 2014**, <[lanasova@yahoo.com](mailto:lanasova@yahoo.com)> wrote: "Hello Val, I promise to you that once I receive my check **I will reimburse you**"). However, they have not returned my money and not answered to the Courts, which

12 is criminal contempt of justice and courts. Indeed, the Courts should not accuse me of lack of prosecution, because I have been searching as much as possible to locate the Respondents.

12. Truly, I went in May 2015 in person to SUAREZ's address to serve them; see the details of my

15 report at the Court's computer server, <https://www2.miami-dadeclerk.com/ocs/ViewerHTML5.aspx?QS=B6%2f9EwnZlIih%2bgqiU8rawLJW%2bj4E30XGWoN6L%2b82Tm51jrNqSiCwwPjffusK3ajf5BGfUtDcYHsd0ndxix8PE6Je%2bC4KV6BTYBP2qSeXBFx%2bZMK3C66mRIb7o7RvAuEDuIWF3nliGCtj7ZAK278aLITqj74KVoGW%2bPqLm3noS5GiGExqsIEvqPZa4Goa3%2bFCFPcfS6CxAafeltPtkWajLaStCPSI5UC>. Why is it not

18 in ROA for my action's prior appeals? Respectfully, I request you to investigate and fix the problems with the clerks.

21

13. Furthermore, I requested approval of Service by Publication on 02/24/2014 but Judge Graham (retired in 2015) did not answer; why? See the details at the Court's computer server at

24 <https://www2.miami-dadeclerk.com/ocs>. Again, why isn't the copy in ROA for my action's prior appeals? Respectfully, I request you to investigate and fix the problems with the clerks.

14. Moreover, truly, I mailed my Complaint to the Respondents on 03-21-2014 but they did not

27 answer to the Court even though the return receipts were signed. I mailed my Complaint to the address on the Driver's License for SUAREZ, which was the residence of his mother, where he slept sometimes to help her -which SUAREZ told me-; and I mailed my Complaint to KHRAMTSOVA's work address

30 at <https://www.myfloridalicense.com/LicenseDetail.asp?>

SID=&id=0D4680FD9FF4BD6B5082620F81F5D231 at that time, as the address on

KHRAMTSOVA's DL was not current. I have given the signed return receipts -see Appendix 4; see

3 them also at my public storage at <https://1drv.ms/u/s!AoQWYvOOQcbRYgq43yhFCnzYiQ-uyig-> to the Clerk of SCC in 2015 but the Court's computer server at <https://www2.miami-dadeclerk.com/ocs> does not show the signed return receipts. Why? And why are they not in ROA for my action's prior appeals?

6 Respectfully, I request you to investigate and fix the problems with the clerks and SCC; respectfully, I request you to ask FBI to investigate and prosecute them if the clerks accepted illegal payments from the Appellees and threw away the copy of the signed return receipts for me to lose my case.

9 15. Therefore, the Respondents certainly have known about my lawsuit but they have not answered to the Court in order to keep immorally, illegally, fraudulently and criminally my money; they did not come to any hearing requested by the Small Claims Court (SCC) on 06/19/2013, 10/02/2013, 12 11/04/2013, 03/24/2014, and afterwards, which was and is contempt of Court; they should go to jail. Indeed, the Courts should not accuse me of lack of prosecution, because I have been searching as much as possible to locate the Respondents, and I have been waiting for reports from MDPD, NSA, FBI.

15 16. In *Puckett v. Cox*, it was held that a pro-se complaint requires a less stringent reading than one drafted by a lawyer (*Puckett v. Cox*, 456 F2d 233 (1972 Sixth Circuit USCA)) [...] “The Federal Rules rejects the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accepts the principle that the purpose of pleading is to facilitate a **proper decision on** 18 **the merits.**” The Court also cited **Rule 8(f) FRCP, which holds that “all pleadings shall be construed to do substantial justice.** It could also be argued that to **dismiss a [...] lawsuit in which a serious factual pattern or allegation of a cause of action has been made would itself be violative of** 21 **procedural due process as it would deprive a pro-se litigant of equal protection of the law [...]. In a fair system, victory should go to a party who has the better case, not the better representation”.** 24 <http://www.uslawbooks.com/books/prosefederaldecisions.htm>. Indeed, I believe that Judges below have represented secretly the Respondents, which is illegal.

17. Also, “Courts must often 'exercise [their] equity powers ... on a case-by-case basis,' *Baggett v. Bullitt*, 377 U. S. 360, 375, demonstrating 'flexibility' and avoiding 'mechanical rules,' *Holmberg v. Armbrecht*, 327 U. S. 392, 396, in order to 'relieve hardships ... aris[ing] from a hard and fast adherence' to more absolute legal rules”, *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U. S. 238, 30 248. The Judges **involved in my case below in Florida** were unwilling to listen to facts or reasons;

they favored Respondents illegally also because “[j]udicial selection processes are politically controlled and closed, frequently giving us judges who are better connected than they are qualified. And once on the bench, these judges reward their friends [forming a criminal organization (OrC)] and punish their enemies. Although ethical codes require judges to disclose facts bearing upon their impartiality, they don't always do so. They sit on cases in which they have undisclosed relationships with parties, their attorneys, or have interests in the outcome, and do so deliberately because they wish to advantage either one side over another or sometimes themselves.” [http://www.tulanelink.com/tulanelink/sassower\\_01a.htm](http://www.tulanelink.com/tulanelink/sassower_01a.htm). “The politicization of Florida’s courts is a crisis.” Editorial, South Florida Sun-Sentinel, <https://www.sun-sentinel.com/opinion/editorials/fl-op-edit-florida-supreme-court-20181130-story.html>. A person is barred from deciding any case in which he or she may be, or may fairly be suspected to be, biased. The judges involved in my case so far have been biased against my just interests, therefore, respectfully, I request you to bar them from deciding any of my cases in the future. Cases from different jurisdictions currently apply two tests for apparent bias: the "reasonable suspicion of bias" test and the "real likelihood of bias" test. One view that has been taken is that the differences between these two tests are largely semantic and that they operate similarly. “Two [FL] Dade County judges involved in the nation's second largest judicial corruption investigation were convicted [...] of selling favors from the bench. [...] **Judge Harvey Shenberg, 49, was found guilty of racketeering conspiracy and one count of extortion. David Goodhart, 63, a former judge, was found guilty of racketeering conspiracy.** [...] The Government's indictment accused the four judges of accepting a total of \$266,000 in exchange for acts like lowering bail, disclosing the existence of arrest warrants, returning seized property and suppressing evidence. ... The investigation was the second-largest judicial corruption investigation in American history. The largest was Chicago's investigation of municipal courts in the early 1980's, in which 67 officials pleaded guilty and 15 judges were convicted.” <https://www.nytimes.com/1993/04/28/us/2-judges-guilty-in-florida-corruption-inquiry.html>. Judicial appointees must be qualified, professional persons of truth and proper cognitive skills, who hate injustice, rule for the rightful party -even if it hurts their selfish interests- live a healthy lifestyle and detest greed; respectfully, I request you to investigate whether all below judges have conformed to all the requirements. The current system of disciplining Florida judges, a system that is answerable only to itself, is ineffective. "If we fail to check the power of the judiciary, I predict that we will eventually live under judicial tyranny." - Patrick Henry, Founding Father of the United States. Thomas Jefferson said that “whatever power in any government is independent, is absolute also;

in theory only, at first, while the spirit of the people is up, but in practice, as fast as that relaxes.

Independence [which includes independence from selfish interests] can be trusted nowhere but with the

3 people in mass. They are inherently independent of all but moral law." Thomas Jefferson, letter to

Judge Spencer Roane, September 6, 1819, "*The Writings of Thomas Jefferson*," edited by Andrew A.

Lipscomb, vol. 15, p. 213 (1904). Therefore, I cannot trust below judges, and I ask you respectfully to

6 order a review of my case by a jury of independent, wise peers, only under the authority of the U.S.

Constitution. Indeed, "evidence at the Founding through the Fourteenth Amendment's adoption

actually shows the civil jury right was a fundamental right, respected by the English, the Founders, the

9 Fourteenth Amendment's Framers, and the states." [https://constitutioncenter.org/interactive-](https://constitutioncenter.org/interactive-constitution/interpretation/amendment-vii/interps/125#the-seventh-amendment-today-suja-a-thomas)

[constitution/interpretation/amendment-vii/interps/125#the-seventh-amendment-today-suja-a-thomas](https://constitutioncenter.org/interactive-constitution/interpretation/amendment-vii/interps/125#the-seventh-amendment-today-suja-a-thomas).

18. Moreover, "Lex iniusta non est lex" and judges have the authority and the obligation to refuse to

12 enforce unjust rules, therefore, certainly, by having enforced the unjust rules and dismissed my case,

the judges below have proved their abusive adversity to my rights, and their discrimination against my

person due to my disabilities, political affiliation, religion, ethnic or national origin, domicile, first

15 spoken language, race, or other illegal causes; they have had illegally-undisclosed conflicts of interest

-respectfully, I request you to ask the FBI, NSA, etc. to investigate them-; they have proved common

interests with the Respondents, such as common profiteering of my money. Truly, judges have been

18 liable for criminal acts committed under "color of law", pursuant to 18 U. S. C. § 242, and for

conspiracy against rights, pursuant to 18 U. S. C. § 241. As provided in 18 U.S.C. § 3331(a), the U.S.

District Court must impanel a special grand jury when requested -and I request it for all judges

21 involved in my case, and for all legislators involved in voting of the abusive, unethical laws- to

investigate whether organized crime is occurring in the community in which it sits. This could include,

for instance, organized drug activity or organized corruption in government.

24 19. **34 U.S.C. § 10228** and **42 U.S.C. § 2000d, et seq.** and their implementing regulations, including

**34 C.F.R. Part 104.4**, prohibit both individual instances and patterns or practices of discrimination on

ground of disability, race, color, or national origin; and offer individual remedial relief for the victim

27 and changes in the policies and procedures of the agency to remedy violations. I was born outside the

USA -I became a citizen of the USA by naturalization in 2002- in Romania -a current member of

NATO and UE-, thus the judges below considered me a helpless "alien", discriminated against me

30 based on my national origin, color -my skin tans in the sun-, and my disability, and did violated my

rights. Certainly, the judges of Florida's CC, 3DCA and SCF protected Respondents abusively and

injured me more.

20. 42 U.S.C. § 12131, et seq., 29 U.S.C. § 794, and their implementing regulations, including 28  
3 C.F.R. Part 35, Part 42, prohibit discrimination against people with disabilities. The judges below  
discriminated against me, a person with disabilities.

21. The judges below violated 42 U.S.C. § 1983 by acting as governmental officials under color of  
6 state law, and injuring me. The judges below caused the deprivation of my federal rights, including  
those guaranteed by U.S. Const. Amend. I, VII, VIII, IX, XIV.

22. The judges below violated 42 U.S.C. § 1985 and 18 U.S.C. §§ 1961–1968 (RICO), therefore,  
9 respectfully, I request you also to order all judges below and their friends not to judge in my present  
and future cases.

23. Respectfully, I request you to create at every level, local, state, federal, UN, a new public  
12 department, the Public Auditing, independent of all political parties; the Director of the Public Auditing  
shall be an ethical, reputed professional voted by and liable to the citizens. The Public Auditors will  
audit professionally all the public activities and budgets annually and prosecute all abusers and all  
15 politicians who do not respect their electoral promises.

24. The fact that I am not able (due to the injuries of my cognitive skills) to know all the rules of  
procedure, does not prove that my action has no merit, but that the Courts have to offer the help of a  
18 licensed, independent attorney to represent me, or to respond by giving me the detailed instructions,  
information and time I need to correct the problems. For proper justice and civilization and for the  
progress of our state and country, urgently, respectfully, I request you to create -and ask the legislators  
21 to approve, too- a new Public Office with a name such as “Public Civil Attorney Assistance for Persons  
with Cognitive Injuries”. Respectfully, I request you to order all Courts to offer free access to the  
relevant legal books and to computers with Lexis, Westlaw, or other such complete, electronic, legal  
24 research services. “At a speech in June at the American Constitution Society, Tribe called Americans’  
access to justice a “dramatically understated” crisis, Main Justice reports. “The whole system of justice  
in America is broken,” Tribe said. “The entire legal system is largely structured to be labyrinthine,  
27 inaccessible, unusable.”” [http://www.abajournal.com/news/article/middle-  
class-dilemma-cant-afford-lawyers-cant-qualify-for-legal-aid](http://www.abajournal.com/news/article/middle-class-dilemma-cant-afford-lawyers-cant-qualify-for-legal-aid). “We must develop a judicial climate  
in which people who lack money to hire a lawyer have a reasonable chance to vindicate their rights.” –  
30 Hon. Wallace Jefferson, Chief Justice of Texas.

25. Indeed, the dismissal of my case is wrong no matter what reasons the judges below invoke, such as defective notice, to avoid the real, imperative issue that the Respondents have not returned my money.


- 3 26. A religious text writes “Verily I say unto you, inasmuch as ye have done it unto one of the least of  
these my brethren, ye have done it unto me. [You will have to pay proper compensation.]” (The  
Christian Religion's New Testament, Matthew 25:40). Indeed, by hurting me, the offenders hurt you  
6 and all other people, too. Let's publicize that wisdom for every human being on the planet to know -and  
re-publicize it periodically for the persons with injured memory to rehear it-.

9 **CONCLUSION**

Respectfully, I request you to grant my petition for a writ of certiorari.

Respectfully submitted,

12 Valentin Spataru



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