

ORIGINAL

20-8263  
No.

FILED

MAY 17 2021

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

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 police see reports exhibits,Maria Del Carmen VEREAU ALVAREZ,Nilo PARAVICINO ALARCON,Gisela VENERO DE MONTEAGUDO,Walter BECERRA HUANACO,Victor FARFAN MERCADO,Miguel A.CASTELO ANDIA,Ignacio ORTEGA MATEO,Julio Cesar ALVARADO 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)

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*Respondents*

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**On Petition for Writ a Certiorari to**

**The United States Court of Appeals for**

**The District of Columbia**

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**PETITION FOR A WRIT OF CERTIORARI**

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## QUESTIONS PRESENTED

1.USCA(case 20-7119) erroneously denied court appointed counsel alegding case did not have merits but chief judge Colleen Mc Mahon NYSD court(case 18-01740) judged it had merits and transferred it to DC june 13 2018.Since then my complaints keep getting dismissed because of mere formalities and presentation instead of merits so obviously I do need court appointed counsel.

2.USCA did not correct the errors of DC district judge K.Brown J.,without considering the text of the complaint I indicated had filed 2 days before the last day of main claim(tentative of extrajudicial killing ,personal injuries,torture)accrued on february 28 2008,so that if i refile a new case as she asks,the statute of limitation will be barred and amounts to a dismissal with prejudice.So USCA should have ordered admitting my complaint because of res judicata.

3.Errors of district judge DC Brown(case 20cv3111): affirming that the complaint" is 133 pp long so neither short nor plain" has no value because FRCP art 8 and others doesn't set a limit on length of the complaint ,only it must include "a short and plain statement of the claim showing that the pleader is entitled to relief. "which it did,despite the court of appeals claims that not for which reason I include a copy of the whole complaint for You to see for Yourself.This was overlooked by USCA,ordering " that the district court's order filed November 20 2020 be affirmed.The district court correctly concluded ...",as USCA overlooks the arguments in my appeal because on page 6 of my brief,I had mentioned that on p.95 of my pleading there was a chapter "short and plain statement of claims",and that on p.125 of my pleading there was a chapter"Plaintiff claim for relief"; on p.6 of my brief I demonstrated this and that"A 25 PP. AMENDED COMPLAINT,AS RESUME,MAY BE FOUND ON DOCKET DC CIRCUIT 18 1460,FILING 12 17 2018)violating res judicata (collateral estoppel)in june 13 2018 transfer order from C.Mc Mahon chief judge(18cv01740) that already admitted it on merits.

4.USCA did not correct District judge BROWN alegding wrongly on p.2 of attached memo November 30 2020"Plaintiff is a resident of Peru, who has sued the Republic of Peru and Peruvian officials for sweeping misconduct."which is a banalization of the case,that is a complaint,as of civil cover sheet, for nature of suit Personal injuries from terrorism and torture resting on the Antiterrorism Act and Torture Victim Protection Act.

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

-Opinion of the USCA for DC circuit in H.Suarez Clark v. Peru Republic

et al.,No 20-7119(March 3 2021)

*-Petition for rehearing and rehearing en banc Denials (Apr 7/3 2021)*

### APPENDIX B: Decisions of district courts:

-Memorandum Opinion of the US District court for the DC

in H.Suarez Clark v.Peru Republic et al.No 20-3111(November 30 2020)

-Order of the US district Court for DC No 20-3111(Nov 30 2020)

-Order,US District NYSD,H.Suarez Clark v. Peru Republic et al.

No 18-01740(june 13 2018)

*APPENDIX C : Copy of district case 20-3111 (39M)*

### INTRODUCTION

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

### JURISDICTION

The date on which the United States Court of Appeals decided my case was

march 3 2021.Petitions for rehearing and rehearing en banc to vacate district order were denied April 13 2021(see appendix)and I moved to stay mandate within 7 days. 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)despite exception to immunity,Foreign Sovereign Immunities Act 28 U.A.C.s.1605A (hereinafter"FSIA").

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

3 The lower courts have abused their discretion and due process of the 14th amendment, overlooked and misapprehended (FRAP 40)all the points of law I raised in my appeal, The court has so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's supervisory power: 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, on page 6 of my brief,I had mentioned that on p.95 of my pleading there was a chapter "short and plain statement of claims",and that on p.125 of my pleading there was a chapter"Plaintiff claim for relief"; on p.6 of my brief I demonstrated this and that"A 25 PP.AMENDED COMPLAINT,AS RESUME,MAY BE FOUND ON DOCKET DC CIRCUIT 18 1460,FILING 12 17

4 Res judicata:for wrongful tentative of extrajudicial killing ,torture, -5-

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.2d 140,159-161 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;

4 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; the opinion is in conflict with this court and the conflict is not addressed in the opinion: by attached order USCA march 3 2021, court stated

5 Erroneously I was denied court appointed counsel because my case does not have likelihood of success on its merits: if my case didnt have merits, Chief Judge Colleen Mc Mahon in 18-1740 NYSD would not 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 opined 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) violates res judicata and 14th amendment collateral -4- estoppel. It is cruel and illegal to deny my motion for court appointed counsel since I attach medical documents I am invalid because of injuries inflicted by crimes detailed.

## STATEMENT OF THE CASE

-1) Errors in district court: American born citizen, while studying in Peru university I was and am submitted to a terrorist conspiracy and acts of torture on behalf of the Peru government and many peruvian citizens acting often as agents, and having exhausted domestic remedies in Peru, I filed pro se a civil action 133pp long including a short and plain statement of jurisdiction, another of claims, another showing I am entitled to relief, requesting compensation and punitive damages, that was dismissed without prejudice in DC district court wrongfully argumenting :

-1) the complaint was to long (133pp. that are necessary to ask discovery of years of crimes by the government organization because of denial of investigation by the FBI) thus incompliant with art.8 FRCP, despite this article only sets limits to the statements of jurisdiction, claims, relief;

-2) complaint was "for sweeping misconduct" by the Peru government, banalizing it was for terrorism torture etc, to conclude it had no merits.

-2) Then the USCA for DC circuit refused to take into account my brief and reaffirmed the wrongs of district court, denying also court appointed counsel "because case had no merits" despite res judicata of Chief judge C. McMahon June 13 2018 ruling it had merits and transferred to DC

## 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 aleging I didn't prove my case had merits.

2.The lower courts keep erring aledging I didn't comply with FRCP 8a)by not including a short and plain statement of the claims,despite I had

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 torture and terrorism exception to FSIA.

4.Appeals court should have granted my request for leave to file an amended complaint instead of letting the district court dismiss,since it is only about formality.

#### CONCLUSION

I pray this Court for relief to accept my original complaint ,if not,allow me leave to file an amended complaint with help of court appointed counsel.



Helga Suarez Clark

May 5 2021