NO. 19-_____

In the Supreme Court of the United States

TERESITA A. CANUTO,

Petitioner,

v.

LTC. TROY ALEXANDER, ET AL.,

Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

PETITION FOR A WRIT OF CERTIORARI

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JUNE 18, 2020

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QUESTIONS PRESENTED

1. Whether a foreign state's immunity from suit under the Foreign Sovereign Immunities Act, 28 U.S.C. § 1604 extends to an individual for acts taken in the individual's former capacity as an acting official because the act apply on behalf of a foreign state.

2. Whether the U.S. Court of Appeals and the District Court erred when it affirms the Motion for Summary Affirmance of Appellees Cirrus Asset Management, Inc., Woodman-Sylvan Properties, Inc. and Bank of America, N.A. Appellees failed to conform to the rules of pleading. The District Court's decision Memorandum Opinion and Order filed June 30, 2018 that granted the motion for summary affirmance of appellees was erroneous and contrary to rules because appellees failed to comply with Fed. R. Civ. P. Rule 11's pleading requirement.

LIST OF PARTIES

Petitioner

- Teresita A. Canuto

Respondents

Former

- Ash Carter – Sec. of Defense
- Ray Mabus – Sec. of Navy
- Patrick J. Murphy – Sec. of Army
- Deborah L. James – Sec. of Airforce
- Elaine Duke – Sec. of Homeland Security
- Troy Alexander – Ltc. Battalion Commander (U.S. Army Reserves)
- George Pickett – OSM/Command Sergeant Major {U.S. Army Reserve)
- Barack Hussein Obama – Commander in Chief Army and Navy
- Channing D. Phillips – U.S. Attorney of the District of Columbia
- Jefferson Sessions, Jr. – Atty. Gen. U.S.
- Cirrus Asset Management, Inc.
- Bank of America, N.A.
- Woodman-Sylvan properties, Inc. (formerly HK-DePauw Property Management, Inc.)

Successors

- James Mattis
- Richard Spenser
- Eric Fanning
- Heather Wilson
- Jeh Johnson
- Donald Trump

LIST OF PROCEEDINGS

United States Court of Appeals for the District of Columbia

No. 19-5186

Teresita A. Canuto, *Appellant*, v.
Troy Alexander, Ltc.-Battalion Commander (U.S. Army Reserve), et al., *Appellees*

Decision Date: January 30, 2020

Rehearing Denial Date: April 20, 2020

United States District Court for the District of Columbia

Teresita A. Canuto, *Plaintiff* v.
James Mattis, Secretary of Defense, et al., *Defendants*.

No. 16-2282

Final Decision Date: June 30, 2018

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OPINIONS BELOW

United States Court of Appeals for the District of Columbia Circuit Denied Petition for Rehearing on April 20, 2020. (App.69a). Judgment of the Court of Appeals of the District of Columbia Circuit is entered on January 30, 2020. (App.1a).

JURISDICTION

This Court has jurisdiction to review this case under 28 U.S.C. § 1254, which provides that (c)ases in the court of appeals may be reviewed by the Supreme Court by writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree.

STATUTORY PROVISIONS AND JUDICIAL RULES INVOLVED

28 U.S.C. § 1605

(a) A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case—

(1) in which the foreign state has waived its immunity either explicitly or by implication, notwithstanding any withdrawal of the waiver which the foreign state may purport to effect except in accordance with the terms of the waiver;

(2) in which the action is based upon a commercial activity carried on in the United States by the foreign state; or upon an act performed in the United States in connection with a commercial activity of the foreign state

elsewhere; or upon an act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act causes a direct effect in the United States;

(3) in which rights in property taken in violation of international law are in issue and that property or any property exchanged for such property is present in the United States in connection with a commercial activity carried on in the United States by the foreign state; or that property or any property exchanged for such property is owned or operated by an agency or instrumentality of the foreign state and that agency or instrumentality is engaged in a commercial activity in the United States;

(4) in which rights in property in the United States acquired by succession or gift or rights in immovable property situated in the United States are in issue;

(5) not otherwise encompassed in paragraph (2) above, in which money damages are sought against a foreign state for personal injury or death, or damage to or loss of property, occurring in the United States and caused by the tortious act or omission of that foreign state or of any official or employee of that foreign state while acting within the scope of his office or employment; except this paragraph shall not apply to—

(A) any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function regardless of whether the discretion be abused, or

(B) any claim arising out of malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights; or

(6) in which the action is brought, either to enforce an agreement made by the foreign state with or for the benefit of a private party to submit to arbitration all or any differences which have arisen or which may arise between the parties with respect to a defined legal relationship, whether contractual or not, concerning a subject matter capable of settlement by arbitration under the laws of the United States, or to confirm an award made pursuant to such an agreement to arbitrate, if (A) the arbitration takes place or is intended to take place in the United States, (B) the agreement or award is or may be governed by a treaty or other international agreement in force for the United States calling for the recognition and enforcement of arbitral awards, (C) the underlying claim, save for the agreement to arbitrate, could have been brought in a United States court under this section or section 1607, or (D) paragraph (1) of this subsection is otherwise applicable.

28 U.S.C. § 1606—Extent of liability

As to any claim for relief with respect to which a foreign state is not entitled to immunity under section 1605 or 1607 of this chapter, the foreign state shall be liable in the same manner and to the same extent as a private individual under like circumstances; but a foreign state except for an agency or instrumentality thereof shall not be liable for punitive damages; if, however, in any case wherein death was caused, the law of the place where the action or omission occurred provides, or has been construed to provide, for damages only punitive in nature, the foreign state shall be liable for actual or compensatory damages measured by the pecuniary injuries resulting from such death which were incurred by the persons for whose benefit the action was brought.

Fed. R. Civ. P. 11

(b) Representations to the Court. By presenting to the court a pleading, written motion, or other paper—whether by signing, filing, submitting, or later advocating it—an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

(c) Sanctions.

(1) In General. If, after notice and a reasonable opportunity to respond, the court determines that Rule 11(b) has been violated, the court may impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is responsible for the violation. Absent exceptional circumstances, a law firm must be held jointly responsible for a violation committed by its partner, associate, or employee.

STATEMENT OF THE CASE

In the early 2014, Ash Carter, Secretary of Defense, Ray Mabus, Secretary of Navy, Patrick J. Murphy, Acting Secretary of Army, Deborah L. James, Secretary of Air Force, Troy Alexander, Battalion Commander of U.S. Army Reserve, George Pickett, OSM/ Command Sergeant Major U.S. Army Reserve, Jeh Johnson, Secretary of Homeland Security, Barack Obama, Commander in Chief of Army and Navy were serving the government as federal officials, officers, head of the departments, agency of the United States government.

Following the attack of September 11, 2001, the United States abandoned its policy of opposing torture. A program of cruel psychological and physical abuse was applied to detainees in the United States control and Guantanamo Bay and other sites beyond United States borders. These detainees were suspected terrorists and unlawful enemy combatants.

While the government's policy was being carried out Plaintiff claim was tortured without trial. Plaintiff brought suit as a result of the treatment received from the above federal defendants. Respondents were represented by their counsel Marsha Yee. Federal defendants argued to the district court that plaintiff did not file administrative FTCA and the complaint should be dismissed. The district court accordingly dismiss the claim of plaintiff. (case no. 16-02282 EGS *Canuto v. Mattis*)

Federal defendants are federal officials of the United States Secretary of Defense's, Acting Secretary of Army's, Secretary of Air Force's, Battalion

Commander's of Army, Secretary of Homeland Security's, Commander in Chief of Army and Navy's official capacity, they are responsible for enforcing United States laws, custom practices, and policies. In that capacity, federal officials, head of the government of United States presently enforcing the laws, customs practices and policies complained in this action.

Specifically, federal defendants are the authority charged with processing and issuing concealed carry permit to continuous sexual assault and battery or torture of plaintiff in California where plaintiff resides. They are sued in their official capacity

In the late 2014, plaintiff began to be tortured in the form of sexual assaults and batteries by the U.S. armed forces after infiltrating her residence and was put in deep sleep. The said actions taken under the color of law engaged by an acting official apparent authority was a provision of material support to the federal officials of the United States government. Plaintiff sued the *Department of Defense, et al.*, case no. 1:16-cv-2282 (EGS). The district court accordingly dismiss the claim because of lack of jurisdiction.

This case concerns the appropriate standard for establishing jurisdiction in an action against a foreign state under the FSIA or act, 28 U.S.C. § 1330. As stated in jurisdictional immunity of a foreign state 28 U.S.C. § 1605 A Terrorism exception applies to jurisdictional immunity of a foreign state—

(a) In general (1) no immunity

> A foreign state shall not be immune from the jurisdiction of Courts of the United States or of the states in any case not otherwise covered by this

> chapter in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources for such an act if such act or provision of material support or resources is engaged in by an official, employee, or against of such foreign state which acting within the scope of his or her office, employment, or agency.

Under the statute of Foreign Sovereign Immunities Act, personal jurisdiction-subject matter jurisdiction together with valid service equals personal jurisdiction. As stated in § 1330(b)

> Personal jurisdiction over a foreign state shall exist as to every claim for 'relief over which the district courts have jurisdiction under subsection (a) where service has been made under Section 1608 of this title.

Section 1608 prescribe the exclusive means of service in both foreign states and their agencies and instrumentalities. These provision are mandatory, but alternatives are specified in descending order of preference. Under § 1608(d) both states and their agencies and instrumentalities have sixty days from date of service to answer or respond to a complaint. In practice however, effecting (and establishing proof of service can be time consuming and fraught with delays.

The merits of the underlying cause of action "fully overlap with an element of the jurisdictional inquiry, and another that applies if partial or no overlap exists. *Simon*, 812 F.3d at 141. That elaborate jurisdictional superstructure is nowhere to be found in the relevant provisions of the FSIA, and it is divorced form the statute's underlying goals. *Cf. Chabad*, 528 F.3d at 955-957 & n.3 (Henderson J., concurring).

Congress mandated a careful, substantive inquiry into whether a foreign state is immune from jurisdiction in every case, not just in a limited class of cases. Other

rationales that have been advanced by plaintiff in support of the "exceptionally low" standard applied by the United States Court of Appeals for the District of Columbia Circuit, also fail to justify use of that standard to make jurisdictional determination under the FSIA. First, it is not correct to say that Section 1605(a)(3) merely requires "assert(ion) of a certain type of claim-that is, that a plaintiff must merely assert as a (non-frivolous) legal conclusion that its rights in property have been taken in violation of international law, in or to clear the hurdle of Rule 12(b)(1). *Chabad*, 528 F.3d at 941. Section 1605(a)(3) could, of course, have been worded to refer to claims "alleging" or "asserting" taking of property in violation of international law, *see, e.g.,* 15 U.S.C. § 8405, or to claims "arising under" or brought to enforce international law, *see Manning*, 136 S.Ct. at 1570-1575." But Congress chose in Section 1605(a)(3) to impose substantive requirements rather than simply to describe the subject matter of the suit. *See Verlinden*, 461 U.S. at 496 (distinguishing FSIA from statutes that "do nothing more than grant jurisdiction over a particular class of cases").

A foreign state shall not be immune from the jurisdiction of the courts of the United States provided that (1) notice of the suit is given by delivery of a copy of the summons and of the complaint to the person, or his agent, against which claim is asserted; the service of process shall be deemed to constitute valid delivery of such notice;(2) notice to the foreign state of the commencement of suit as provided in section 1608 of this title is initiated within ten days either of the delivery of notice as provided in paragraph (1) of this subsection or, in the case of a party who was

unaware a foreign state was involved of the date such party determined the existence of the foreign state's interest. Whenever notice is delivered under subsection (h)(1), the suit to enforce a claim for damage shall thereafter proceed and shall be heard and determined according to the principles of law and rules of practice of suits in rem.

Section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. § 2371), section 40 of the Arms Export Control Act (22 U.S.C. § 2780) or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism, and the term "torture" and 'extrajudicial killing" have the meaning given these terms in section 3 of the Torture Victim Protection Act of 1991. (28 U.S.C. § 1350 note).

28 U.S.C. § 1606 provides:

Extent of Liability

> As to any claim for relief with respect to which a foreign state is not entitled to immunity under section 1605 or of this chapter, the foreign state shall be liable in the same manner and to the same extent as a private individual under like circumstances; but a foreign state except for an agency of instrumentality thereof shall not be liable for punitive damages; if, however, in any case wherein death was caused, the law of the place where the action or omission occurred provides, or has been construed to provide for damages only in punitive in nature, the foreign state shall be liable for actual compensatory damages measured by the pecuniary injuries resulting from such death which were incurred by the persons for whose benefit the action was brought.

ARGUMENT

I. THE U.S. COURT OF APPEALS ERRED WHEN IT DISMISSED APPELLANT'S CLAIM AGAINST FEDERAL DEFENDANTS BECAUSE ACCORDING TO THE COURT IT LACKS JURISDICTION TO HEAR CLAIM. APPELLANT ASSERTS THAT THE DISTRICT COURT HAS JURISDICTION AGAINST FOREIGN STATES UNDER 28 U.S.C. § 1330, BUT THAT SECTION PERMITS JURISDICTION ONLY WHEN AN EXCEPTION TO SOVEREIGN IMMUNITY APPLIES AND APPELLANT DOES NOT ALLEGE THAT ANY EXCEPTION APPLIES.

A. Appellant Claims for Damages to a Foreign State (Federal Defendants)

The course of action was due to torture, and provision of material support, or resources, in which was engaged by an official, employee, or against of such foreign state which acting within the scope of his or her office, employment, or agency.

Foreign Sovereign Immunities Act of 1976, 28 U.S.C. § 1330, 1441(d), 1602 *et seq.*, provides that a foreign state and its instrumentalities are immune from suit in United States courts, subject to limited statutory exceptions. The expropriation exception provides that a foreign state not immune "in any case . . . in which of rights in property" or a "taking in violation of international law" are in issue.

The FSIA establishes "a comprehensive set of legal standards governing claims of immunity in every civil actions against a foreign state or its political subdivision, agencies, or instrumentalities." *Verlinden B.V. v. Central Bank of Nigeria*, 461 U.S. 480, 488 (1983).

The FSIA provides that a foreign state and its agencies and instrumentalities "shall be immune from the jurisdiction" of federal and state courts except as

provided by certain s international agreements and by exceptions enumerated in the statute. 28 U.S.C. § 1604; *see* 28 U.S.C. §§ 1605-1607.

It also provides that federal district courts shall have jurisdiction of any nonjury civil action as to any claim for relief in personam with respect to which the foreign state is not entitled to immunity either under sections 1605-1607 of this title or under any applicable international agreement, 28 U.S.C. § 1330(a).

As stated in Section 1605(a)(15) of the FSIA provides that a foreign state is not immune from suit in any case:

> not otherwise encompassed in (the exception for commercial activity), in which money damages are sought against a foreign state for personal injury or death or damages to or loss of property, occurring in the United states and caused by tortious act or omission of that foreign state. The foreign state committed torture (non-stopped sexual assaults/batteries) which is an act of international terrorism and has extent liability under 28 U.S.C. § 1606.

Actions taken under the color of law by an acting official apparent authority are considered official. The order of torture in the form of non-stopped sexual assaults and batteries which plaintiff was being put into deep sleep, infliction of cuts or laceration in body parts after the sexual assault are subject to FSIA, statutory exception in which "right in property" and taken or in "violation of international law."

Plaintiff-appellant's allegations are legally sufficient to satisfy the exception's substantive requirements and were not "wholly insubstantial or frivolous." The court determined that the claim pleaded in the complaint was legally sufficient to fulfill section 1605(a)(4)'s requirements.

The court has given similar treatment to other immunity exceptions. *See OBB Personemverkehr AG v. Sachs*, 136 S.Ct. 390, 395 (2015) (conclusively resolving at Rule 12(b)(1) stage whether action for personal injury was "biased upon a commercial activity under section 1605(a)(2); *Nelson*, 507 U.S. at 351(same); *Amerada Hess*, 488 U.S. at 439-443 (conclusively deciding at Rule 12(b)(1) stage that "none" of the FSIA's immunity exceptions "apply to the facts of this case"). Outside the sovereign immunity context and certain other jurisdictional provisions have been held to call for a definitive legal assessment of substantive requirements at the threshold of the case. *See, e.g.*, *Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274, 278-279 (1977)."

As also stated in § 1605. General exceptions to the jurisdictional immunity of a foreign state

> (a) A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case (1) in which the foreign state has waived its immunity either explicitly or by implication, notwithstanding any withdrawal of the waiver which the foreign state may purport to affect except in accordance with the terms of the waiver.

Foreign state waived its immunity by implication through provision of material support or resources to persons temporarily engage to perform the non-stopped sexual assaults or torture in which engaged by official, employee of department of defense.

II. THE U.S. COURT OF APPEALS AND DISTRICT COURT ERRED WHEN IT DENIED JURISDICTION TO A FOREIGN STATE. FOREIGN STATE WERE PROPERLY SERVED WITH SUMMONS AND COMPLAINT BY THE APPELLANT.

A foreign state shall not be immune from jurisdiction provided that:

> (1) Notice of the suit is given by delivery of a copy of the summons and of the complaint to the person, or his agent . . . against which claim is asserted.

> The service of process shall be deemed to constitute valid delivery of such notice.
>
> (2) Notice to the foreign state of the commencement of suit as provided in section 1608 of this title is initiated within ten days either of the delivery of notice as provided in paragraph (1) of this section or, in the case of a party who was unaware of a foreign state was involved, of the date such party determined the existence of the foreign state's interest.
>
> (3) Whenever notice is delivered under subsection(b)(1) the suit to enforce a claim for damages shall thereafter proceed and shall be heard and determined according to the principle of law and rules of practice of suits *in rem*.

In accordance with the Federal rules of Civil Procedure, the appellant properly served the federal defendants with summons and complaint. Under the statute of Foreign Sovereign Immunities Act, personal jurisdiction, under the statute, subject matter jurisdiction together with valid service equals personal jurisdiction. As stated in § 1330(b), "personal jurisdiction over a for reign state shall exist as to every claim for relief over which the district courts have jurisdiction under subsection (a) where service has been made under section 1608 of this title.

Circumvent FSIA immunity simply by suing an official instead of a state agency. According natural persons immunity is most consistent with history and purpose of foreign sovereign immunity. The FSIA was intended to codify the common law of sovereign immunity, which executive and judicial precedent shows was historically extended to natural persons. *Underhill*, 168 U.S. at 252-253; *Verlinden*, 461 U.S. at 488; U.S. Op. Att'y. gen. 82 (1797). Aside from decisions of American Courts at the Circuit level, U.N. conventions and decisions of European Courts remain in general agreement that foreign sovereign immunity protects

natural persons acting in an Official capacity. *Valentin*, 888 F.9th at 18 n.5. *Jones* (2006) UKHL 26 at & 10.

Not covering natural persons under FSIA would jeopardize important policy justification for foreign sovereign immunity by suing officials would undermine the policy of not allowing our courts to be used to judge, embarrass and undermine other nations. *See Heaney*, 445 F.2d at 503 (immunity intended to avoid conflict and embarrassment). Additionally, since the U.N. and other nations immunize natural persons, not providing them immunity in the U.S. could seriously breach reciprocity, as other nations would immunize American officials but the U.S. would not accord their officials equal immunity. *Valentin*, 888 F.9th at 18 n.5; *Jones*, (2006) UKHL at MO Finally, as a textual matter the 28 U.S.C. § 1605(a)(1) FSIA exception for state sponsors of terror explicitly includes officials and employees.

The Court accordingly dismissed the claim under FSIA. Plaintiff now requesting this court to reverse the Circuit Court decision.

III. THE U.S. COURT OF APPEALS AND THE DISTRICT COURT ERRED WHEN IT GRANTED THE MOTION FOR SUMMARY AFFIRMANCE OF APPELLEES CIRRUS ASSET MANAGEMENT, INC., BANK OF AMERICA, N.A., AND WOODMAN-SYLVAN PROPERTIES, INC. APPELLANT ASSERTS BOTH COURTS PERMITTED APPELLEES' FAILURE TO COMPLY TO THE FED. R. CIV. P. 11 PLEADING REQUIREMENT.

A. Appellant Claims That Appellee Cirrus Asset Management Inc. Filed a Pleading at the District Court Which Was the "Motion to Dismiss Plaintiff's Amended Complaint Filed August 22, 2017" Was Not Permitted Under Rule's 11 of the Fed. R. Civ. P.

Appellee Cirrus Asset Management, Inc.'s action which was the filing of the pleading "Motion to Dismiss Plaintiff's Amended Complaint Filed August 22, 2017

and Requests For Sanction", filed August 30, 2017 was contrary to law under the Fed. R. Civ. P.

As stated in Rule 11

> By signing the pleading attorney or unrepresented party certifies that to the best of person's knowledge, information and belief, formed after an inquiry reasonable under the circumstance:
>
> (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay or, needlessly increase the cost of litigation.
>
> (2) the claims, defenses and other legal contentions are warranted by existing law or by a nonfrivolous arguments for extending, modifying ore reversing existing law or for establishing new law;
>
> (3) the factual contentions have evidentiary support or; specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and
>
> (4) the denials of factual contentions are warranted in the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.
>
> (c) Sanctions
>
> (1) In General. If, after notice and a reasonably opportunity to respond, the court determines that Rule 11(b) has been violated, the court may impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is responsible for violation. Absent exceptional circumstances, a law firm must be held jointly responsible for violation committed by its parties, associate, or employee.

Appellee's action which was the filing of the "Motion to Dismiss Plaintiff's Amended Complaint Filed August 22, 2017 and Request For Sanctions" filed August 30, 2017 was contrary to law under the Fed. R. Civ. P. because the action was wrong or erroneous and does not comply to the Order, filed August 10, 2017, Minute Order, filed January 3, 2017.

Due to appellee's failure to understand the Order, filed August 10, 2017 resulted in non-compliance to the Order filed August 10, 2017. Appellee perceived that the Amended Complaint, filed August 22, 2017 was a different pleading of appellant from the previously filed Amended Complaint, filed January 18, 2017. The only difference between these amended complaint filed August 22, 2017 and January 18, 2017 was the names of federal officials sued substituted with their successors. The amended complaint filed August 22, 2017 was appellant's compliance to the Order, filed August 10 2017. (Exhibit I)

Appellee Cirrus Asset Management, Inc. violated Rule 11 of Fed. R. Civ. P. because erroneous and frivolous argument as shown in the content of "Defendant Cirrus Asset Management, Inc. Motion to Dismiss Plaintiff's Amended Complaint filed August 22, 2017. filed by appellee on August 30, 2017. Appellee's contention has no evidentiary support of which appellant was alleged filed another amended complaint which was the Amended Complaint, filed August 22, 2017. But the allegation was erroneous or wrong that "appellant filed another complaint" of which the counsel Craig L. Sarner signed and certify that pleading of Defendant Cirrus Asset Management, Inc.'s Motion to Dismiss Plaintiff's Amended Complaint filed August 22, 2017 as true and correct.

The district court decision Memorandum Opinion and Order, filed June 30, 2018 which granted the appellee's Cirrus Asset Motion to Dismiss Plaintiff's Amended Complaint filed August 22, 2017 and Request For Sanctions, filed August 30, 2017 was contrary to the Fed. R. Civ. P. That instead of issuing sanction of Rule 11(c) to

the appellee, the district court granted appellee's motion to dismiss. The action of the district court was contrary to law and non-compliance to the Fed. R. Civ. P. Rule 11.

The district court decision in Memorandum Opinion and order filed June 30, 2018 that granted appellee's motion to dismiss for lack of jurisdiction was contrary to law under the Rules of Civil Procedure rule A (Supplemental rules For Admiralty or Maritime Claims and asset Forfeiture Actions; and Rule B-In Personam). This existing law which the district court did not applied in the case of appellant's claim allows personal jurisdiction of the district court to appellant's claim during the Standard of Review of personal jurisdiction.

Cirrus Asset Management, Inc. has relationship to Meridian Pointe's maintenance employees who have relationship to tenants, janitors, carpenter and maintenance worker working in the property who have relationship with defendants or public officers sued in their official capacity who have control over private person temporarily engage to perform the task of sexual assaults and battery; who have control over the reserves of U.S. Army and U.S. Navy that resides in Meridian Pointe, Los Angeles, and itinerant.

Appellee Cirrus Asset Management, Inc. doesn't know that the private persons temporarily engage to perform the task of sexual assaults who have relationship with Meridian pointe's maintenance employees who have relationship with Cirrus Asset Management, Inc. who have entered an agreement or contract within the public officers sued in their official capacity in the district court to have appellant

sexually assaulted in a planned and scheduled basis during appellant's residency at Meridian Pointe.

Appellee Cirrus Asset Management, Inc. doesn't know that these private persons temporarily engage to perform the task of sexual assaults who, have relationship with Meridian Pointe's maintenance employees who have relationship with Cirrus Asset Management, Inc. have transacted business with public officers sued in their official capacity in the district court and received repayments for their efforts, gas expense in stalking, following and afterwards sexually assaulting the appellant. Appellant's claim for personal jurisdiction of the district court over appellee has factual basis for this court to exercise personal jurisdiction over Cirrus Asset Management, Inc. The factual basis for this Court to exercise personal jurisdiction over appellee was the injury was caused by appellee's act or omission outside the district court of Columbia. Appellee committed breach of duty of care or negligence that resulted into repeated sexual assaults and batteries of appellant during her residency at Meridian Pointe, Northridge, California. The district court may adopt the long-arm statutes which allow courts to obtain jurisdiction over nonresidents defendants because factual basis exists for this court to exercise personal jurisdiction it follows that the court may adopt the long-arm statutes to exercise personal jurisdiction to appellee.

Appellees Cirrus Asset Management, Inc., Bank of America, N.A. and Woodman-Sylvan properties, Inc. committed a violation and non-compliance to the district court's Order filed August 10, 2017. Their actions which were the filing of pleading

"Motion to Dismiss Plaintiff's Amended Complaint Filed August 22, 2017" was not permitted under the rules. *See* Exhibit A—Evidence of Appellant That All Appellees Cirrus Asset Management, Inc., Woodman-Sylvan Properties, Inc. and Bank of America, N.A. Committed Violation And Non-Compliance to Order Filed august 10, 2017.

In the other case of plaintiff filed at the district court case no. 1:17-cv-00979 APM *Teresita A. Canuto v. Department of Defense, et al.* The district court dismissed plaintiff's complaint. According to the district court's decision:

> A district court may dismiss a prose complaint without giving notice and an opportunity to be heard where the plaintiff fails to conform to the rules of pleading . . . such as the case here, the Court found that plaintiff failed to comply with Rule 8's "short and plain" pleading requirement . . . .

(Memorandum Opinion of District Court, October 13, 2017, Case No. 17-cv-00979 (APM) *Teresita A. Canuto v. Department of Defense, et al.*)

Appellees Cirrus Asset Management, Inc., Woodman-Sylvan Properties, Inc. and Bank of America, N.A. failed to comply to the rules of pleading. The U.S. Court of Appeals and the District Court permitted appellees' failure to comply with Rule 11's pleading requirement of the Fed. R. Civ. P. Both Courts permitted the erroneous actions of appellees that didn't comply to the district court's Order filed August 10, 2017, Minute Order filed January 3, 2017. The U.S. Court of Appeals and the District Court erred.

CONCLUSION

For the foregoing reasons the Petitioner requests that the Court reverse the decision of the Columbia Circuit over the appellees federal defendants and over the appellees Cirrus Asset Management, Inc., Woodman-Sylvan Properties, Inc. and Bank of America, N.A.

Respectfully submitted,

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JULY 17, 2020