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No. 21-1381

In the
Supreme Court of the United States

ENRIQUE VAZQUEZ-QUINTANA, MD,

Petitioner,

v.

JUDGE LIANA FIAL MATTA ET AL.,

Respondents.

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

PETITION FOR REHEARING

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PETITION OF REHEARING

Now comes Doctor Enrique Vázquez Quintana, Pro Se, soliciting a Petition of Rehearing to the Denial of the Writ of Certiorari presented to this Hon. Court on April 22, 2022. I am unaware at which stage of the evaluation process my certiorari was denied. The fact is that with this denial I will continue to carry the dubious distinction of being the only surgeon in the world that caused a dementia on one of my patients. This is a scientific impossibility since no one knows the causes of the dementias, and low calcium does not produce memory loss. The judgment of the Supreme Court of Puerto Rico is the result of a crass judicial mistake made with the intention to punish me for political or professional reasons. Justices are intelligent and educated individuals. In this case they accepted a scientific lie and transformed it into a judicial truth through a crass judicial mistake, a decision that cannot be corroborated under any other circumstances. Their statutory judicial immunity, impunity and infallibility led to judicial abuse of power against an honest professional who has served his patients and his country well. The witness who testified that low calcium brought about the patient's loss of memory had to negotiate with me and accept to pay a confidential amount in order to be removed from the case.

Before this draconian judgment, I had to maintain my pride, honor and prestige among my colleagues and patients. I could not find a lawyer since they are afraid of future adverse decisions by judges not based on justice but on discrimination and prejudice. So, I decided to pursue my case as a Pro Se litigant. This

experience has been extremely demanding and stressful though immensely rewarding since I have learned a great deal about the law and the judiciary system. Few cases from Puerto Rico reach the U.S. Supreme Court. If I had refrained from this endeavor, for the remainder of my life I would regret that I did not fulfill a worthy pursuit inspired by my fundamental belief in myself and in justice. Lawyers in Puerto Rico do not even know that a Writ of Certiorari starts with a question.

The question I pose in my Writ of Certiorari is a novel one; no one has been accused of causing a dementia on a patient and the Supreme Court of Puerto Rico cannot impose a new paradigm for medical treatment, an area where they have no knowledge or expertise. That is the domain of the academic community. My economic and emotional suffering are likewise novel and unique. By the time of the trial, I had performed upwards of 10,000 operations of the thyroid gland and more than 750 parathyroid glands operations. None of those patients developed a dementia. There is not a single article in the medical literature reporting that low calcium causes dementia.

The American College of Surgeons, the American Medical Association and the Association for Academic Surgery have addressed their members expressing their concern about the courts after this Honorable Supreme Court overturned *Roe v. Wade*. (Copies enclosed) Montesquieu once said: "An injustice against a single individual, is a menace against all." While this far-reaching issue is a bombshell, my own issue is a problem to all sectors of society and all corners of the earth. The judgment of the Supreme Court of Puerto Rico had been cast before the *Roe v Wade* decision.

The court's decision that negates a scientific truth is equivalent to prevarication in the Spanish and Latin American judiciary systems. In those countries judges can be fined, removed from the bench and even incarcerated if they abuse the citizens who seek justice in the courts. As a Spanish colony, Puerto Rico was ruled by the Napoleonic Code. After the American invasion of July 25, 1898, the federal courts were organized in Puerto Rico under the Anglo-Saxon judicial system.

Judge Jay García Gregory and the First Circuit Court of Appeals in Boston are obsessed with the immunity, impunity and infallibility of judges—they have no other arguments to support their erroneous stance. It does not matter that they mistreat honest citizens who rely on the courts and do not deserve their abuse of power. The Hon. Justice Stephen Breyer admitted in his last book that, "Court decisions are accepted by our citizens even when they believe they are wrong." This is precisely what is happening in the territory of Puerto Rico. A prominent ENT and Head and Neck surgeon, (CV included) trained in the U.S. and member of prestigious medical societies informs his patients that if their thyroid operation results in low calcium (hypocalcemia) they might develop dementia. (Copy enclosed) Since the judgment was made by the Supreme Court of Puerto Rico, Puerto Ricans will believe this even though it is not true when it is simply a wrong decision.

The Englishmen and women who arrived at Plymouth Harbor, Massachusetts, on December 16, 1620, came chasing political and religious freedom. Eventually, the Republic of the United States of America was established by the founding fathers who also created the Constitution of the new country. Puerto Rico has

been a non-incorporated territory, euphemism for colony since the American invasion of July 25, 1898. Even though I am an American citizen from the territory of Puerto Rico, I cannot be treated as a second-class citizen with less rights than mainland Americans. No court, not even the Supreme Court, can ignore or discriminate against me as an American citizen. I was trained in general surgery and fulfilled the academic requirements to become a member of the American College of Surgeons, the American Medical Association and the Southeastern Surgical Congress. If I was good enough to defend the Constitution and the democracy of the U.S. by serving in the Army, including time in the Republic of Vietnam, no one can discriminate against me or exclude me from receiving justice when I have been treated abusively by the Supreme Court of the territory of Puerto Rico. My worth and dignity are no less than those of other American citizens.

The Founding Fathers-Thomas Jefferson, George Washington, John Adams, James Madison, Alexander Hamilton, John Jay, Benjamin Franklin, John Marshall, and Roger Sherman-concluded that, "All men are created equal, endowed by the Creator with certain unalienable rights such as life, liberty and the pursuit of happiness." They authored the Constitution and the Bill of Rights. Later on, John Quincy Adams, former president of the United States, was the defense attorney for the group of Blacks from Sierra Leona that landed in the United States and were tried as slaves. The leader of the group was Joseph Cinque. He explained to Adams that when they confronted difficult problems at home they would invoke their ancestors. At the end of the trial, Adams walked past the statues of former presidents and verbalized that they had not been asked

for guidance for a long time. He concluded by stating, "Who we are is who we were." He understood that they needed strength, courage and wisdom to triumph over fears and prejudices. The slaves were set free. At the end of the trial, Cinque asked John Adams what had led him to set them free. His answer was: "I invoked my ancestors."

Senior Justice Joseph Story wrote the Court's decision. The Supreme Court ruled that the Africans on board the ship Amistad were free individuals. Kidnapped and transported illegally, they had never before been slaves. The decision affirmed that—"it was the ultimate right of all human beings in extreme cases to resist oppression and to apply force against ruinous injustice." I have never applied force in my case. I have only followed the appeals process up to the Supreme Court, the highest court second only to the Heavenly Court that can impart justice in my case. Since I received the news of the denial of my Writ of Certiorari, I have slept poorly. In my delirious sleep I dreamt that my case was to be evaluated by the first African American female Justice, the Hon. Ketanji Brown Jackson.

I urge you to invoke the Founding Fathers and provide me equal protection under the law. The courts should dispense justice without prejudice or discrimination.

Alzheimer's disease is a neurodegenerative disease of the brain that is always fatal, affects the entire family and no one survives the disease. No one is immune to this disease. Puerto Rico, with a population close to three million, has around 80,000 citizens affected by the disease that causes 2,000 deaths annually. It is the fourth cause of death in Puerto Rico. In

the U.S. about 6.5 million citizens suffer from this disease. The number doubles every five years and Alzheimer's causes over 500,000 deaths annually. It is the sixth cause of death in the U.S. Seventy-three per cent of patients are 75 years or older. By the year 2060, 14 million Americans will be suffering this disease. About one in nine people over 65 years and older (10.9%) will develop Alzheimer's disease. Alzheimer's disease is the real pandemic of this century. There is no effective treatment. There are vaccines and medications against Covid-19. I myself recovered from Covid-19 a week ago.

In Puerto Rico, one in five families has or has had a relative with Alzheimer's disease. Of nine justices on the Supreme Court, one lost a mother from the disease. That justice voted against me stating that I caused a dementia on a patient. That is an inhumane decision. The courts are supposed to adjudicate justice, not to punish citizens who attend their courts looking for fairness and justice. The judgment of the Supreme Court of Puerto Rico was Machiavellian. They removed the penalties imposed by the Lower Court and the Appeals Court but confirmed the decision that I caused a dementia on the patient. There is a familial component to this disease.

In an address to the 1998 Annual meeting of the American Association for the Advancement of Science, the Hon. Justice Stephen Breyer of the U.S. Supreme Court observed that the law "increasingly requires access to sound science . . . because society is becoming more dependent for its well-being on scientifically complex technology". (THE ROLE OF SCIENCE IN MAKING GOOD DECISIONS by Mark S. Frankel, June 10, 1998) In 1993, the Carnegie Foundation referred

to “the widespread allegations that the judicial system is increasingly unable to manage and adjudicate science and technology issues”. They went on to say that “if these claims go unanswered, or not dealt with, confidence in the judiciary will be undermined as the public becomes convinced that the courts as now constituted are incapable of correctly resolving some of the most pressing legal issues of our day.” Prophetic words indeed.

In Puerto Rico judges must retire at age 70 and are never submitted to yearly physical and mental examinations. U.S. Supreme Court justices are seated for life. I have no idea whether they are submitted to the indispensable annual medical evaluations after 60 years of age.

The question I pose at the beginning of my Writ of Certiorari begs to be answered. More importantly, the instauration of a new medical paradigm established by the court of any level should not be allowed since it will affect the practice of medicine in Puerto Rico, the United States and the world. This is not about the statutory immunity, impunity and infallibility of judges, but rather about the adjudication of justice to a citizen. This mistaken imposition is more urgent than the decision of the U.S. Supreme Court about the right to abortion, which has been shifted to the states.

Science has been humanity’s principal paradigm for freedom, progress and prosperity. The success of our American republican system of government has been anchored in our time-honored commitment to science’s unyielding pursuit of verifiable truth. Our liberation from superstition, myth, prejudice, and irrational and distorted thinking have been brought

about thanks to the prevalence of the scientific paradigm as the central tenet of our civilization. The rule of law and order in our land which we have enjoyed since our birth as a nation would not have been possible without our profound respect and commitment to scientific truth. Abandonment of our scientific standards to adjudicate justice threatens the very foundation of our most basic form of life. This case gives this Honorable Court the opportunity to reaffirm its values of equal justice for all based on objective and universally accepted standards of evidence. It is a very simple choice: Do we believe in a verifiable, scientifically tested truth or do we believe in a fabricated delusional myth?

For the above reasons, I respectfully request that you reevaluate your decision to deny my Writ of Certiorari and accept its revision by this Honorable Court.

*People of great passion can
make the impossible happen*

Respectfully submitted,

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JULY 12, 2022

**RULE 44 CERTIFICATE**

I, Enrique Vazquez-Quintana, MD, petitioner pro se, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

1. This petition for rehearing is presented in good faith and not for delay.
2. The grounds of this petition are limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

/S/ Enrique Vazquez-Quintana, M.D.

JULY 12, 2022

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