

No. **21-1546**

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IN THE  
**Supreme Court of the United States**

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CAROLINE ALASAGAS,  
*Petitioner,*

v.

ANTHONY J. BLINKEN, SECRETARY OF STATE  
*Respondent,*

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On Petition for Writ of Certiorari  
to the United States Court of Appeals  
For the Fourth Circuit

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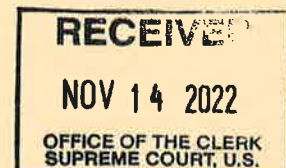
**PETITION FOR REHEARING**  
**"Fraud on the Court"**

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Caroline Alasagas  
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Alexandria, VA 22210  
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cs.iris@yahoo.com

October 25, 2022

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## **PETITION FOR REHEARING “FRAUD ON THE COURT”**

The Petitioner respectfully request for Petition for Rehearing from the Writ for Certiorari judgment on October 3rd, 2022, to receive a fair and balanced judgment from the United States Supreme Court and legally overturn the decision made by the U. S. Court of Appeals for the Fourth District Court against the Petitioner. Submitted on this day, October 25, 2022.

### **REASON FOR GRANTING THE PETITION FOR REHEARING**

Rule 44.2 of the Rules of the Supreme Court of the United States allows petitioners to file petitions for rehearing of the denial of a petition for Writ of Certiorari and permits rehearing on the basis of *“intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.”*

1. The Petition for Rehearing is based on the merits under the “Due Process Clause of the U.S. Constitution”<sup>1</sup> that a Fraud on the Court existed – a serious offense.

An “Officer of the Court,” Dennis C. Barghaan, Jr. Deputy Chief, Civil Division Assistant U.S. Attorney – Defense Counsel representing the Respondent, failed to recuse himself while intentionally commits fraud throughout entire the court proceedings at the U.S. District Court Eastern District of Virginia, Alexandria and at the U. S. Court of Appeals for the Fourth District.

**“Filing false information and material  
misrepresentation, under oath in federal court.”**

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<sup>1</sup> Process Clause of the U.S. Constitution. *United States v. Sciuto*, 521 F.2d 842, 845 (7th Cir. 1996) (“The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause.”).

## **FRAUD PERPETUATED BY AN OFFICER IN COURT**

The “Per Curiam Opinion, Affirmance Without Opinion,” decided by the U. S. Court of Appeals for the Fourth District has now been tainted. Its judicial function, court proceedings, and specifically the final judgment of the Magistrates have been corrupted as stated below.

- Failed to Respond to the Court due, July 11, 2022
- Intentionally perpetuated the infringement in court.
- Misguided the court in submitting the wrong docket.
- Mislead the court by arguing on the wrong docket.

1. The Respondent’s Defense Counsel while “under oath” knowingly filed false information in the federally regulated court – violating the Federal Rules of Civil Procedure (FRCP) that governs civil proceedings while failing to recuse himself on his own prerogative.

2. The petitioner also contends that the perpetuation of Fraud on the Court by the Respondent’s Defense Counsel blemished the entire judicial process. The judges decisions will be perceived with impartiality in the public domain and will definitely discourage the public confidence towards the judicial process as displayed in this case.

**“Even Judges are held to the same  
standard in court.”<sup>2</sup>**

“The Supreme Court has ruled and has reaffirmed the principle that justice must satisfy the appearance of justice.”

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<sup>2</sup> 1994, the U.S. Supreme Court held that "Disqualification is required if an objective observer would entertain reasonable questions about the judge's impartiality. If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge must be disqualified." [Emphasis added]. *Lite v. U.S.*, 114 S. Ct. 1147, 1162 (1994).

## CASE STATEMENT

The Petitioner's evidence stated herein were not included in the Writ for Certiorari filed at the U.S. Supreme Court. The Respondent's Defense Counsel's "competence, gross negligence and failure" to meet the court proceedings is indefensible.

1. Respondent failed to respond to the U.S. Supreme Court request in a timely case which was due by July 11, 2022.<sup>3</sup> The Petitioner contends that Elizabeth B. Prelogar, Solicitor General, Counsel of Record is not the Respondent's Defense Counsel in this Civil Case.

- Note: Only response received by the Petitioner on June 13, 2022, was from Elizabeth B. Prelogar, solicitor General, Counsel of Record.

2. Respondent's initial erroneous submission of the "Wrong and/or Unknown Docket while filing a Motion to Dismiss," - Civil Action No. 1:20cv408. Proof of the falsification of material documents filed by the Respondent's Defense Counsel.

- Petitioner never submitted any "darker envelope" at Clerk the Office in Alexandria, VA., as asserted by the Respondent's Defense Counsel. All envelopes submitted by the Petitioner are "lighter brown" purchased at Staples, Springfield, VA.
- Petitioner's address labels are custom made printed on a "Letter Size 8-1/2×11 White Paper." Not printed on a "Pre-cut Custom Blue Labels."
- Petitioner's returned address is not Catherine P. Petitioner real name was required for conciseness for under FRCP as directed by the Clerk Office.

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<sup>3</sup> Rules of the Supreme Court of the United States, Adopted April 17, Effective July 1, 2019.

3. In fact, the FRCP Rule was served against the Petitioner at the Dept of Labor EEOC Court Hearing; the Petitioner made an appeal and prevailed on the EEOC legal proceeding.

Petitioner's Standard Address Envelope court submission.

From:

Caroline Alasagas  
P.O. Box 100176  
Arlington, VA 22210

To:

**United States Attorney for the Eastern  
District of Virginia  
2100 Jamieson Avenue  
Alexandria VA 22314**

Respondent' Address Envelope falsely submitted in court to conceal the 60-Day Court Deadline failure.

From:

Cathryn P.  
P.O. Box 100176  
Arlington, VA 22210

To:

**United States Attorney for the Eastern  
District of Virginia  
2100 Jamieson Avenue  
Alexandria VA 22314**

*"Fraud on the court occurs when the judicial machinery itself has been tainted, such as when an attorney, who is an officer of the court, is involved in the perpetration of a fraud or makes material misrepresentations to the court."*<sup>4</sup>

4. Under FRCP Rules, the "Memorandum of the Law in Support of Motion to Dismiss" on the wrong docket filed by the Respondent's Defense Counsel completely lacks the legal power to revise the rule of law in dismissing the Petitioner's Complaint for a Civil Case 1:20-CV-00581-RDA-IDD – the correct Docket Filed by the Petitioner.

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<sup>4</sup> Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985)

## EQUAL APPLICATION OF THE LAW UNDER FRCP RULES

In this Petition for Rehearing under the presence of "Fraud on the Court," the Petitioner is requesting that the equal application of the law must be applied. As stated, the Respondent's Defense Counsel failed to recuse himself and persisted to continue to represent the Respondent on the wrong docket - 'Filed false information and material misrepresentation while under oath in federal court.' A question of legality with no equal application of the law.

**"Fraud upon the court" makes void the orders  
and judgments of that court."**<sup>5</sup>

2. The "appearance of impartiality" on the judgment in favor of the Respondent by the U.S. District Court Eastern District of Virginia, Alexandria and at the U. S. Court of Appeals for the Fourth District and specifically at the U.S. Supreme has been mired by the lack of discretionary action in adhering to Court Policies under the Federal Court of Civil Procedures perpetrated by Respondent's Defense Counsel.

Based on the "Court Decisions presented on the Footnotes," all legal arguments presented by the Respondent's Defense Counsel are baseless - "Fraud upon the Court" vitiates the entire court proceeding.

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5 It is also clear and well-settled Illinois and Federal law that any attempt to commit "fraud upon the court" vitiates the entire proceeding. *The People of the State of Illinois v. Fred E. Sterling*, 357 Ill. 354; 192 N.E. 229 (1934) ("The maxim that fraud vitiates every transaction into which it enters applies to judgments as well as to contracts and other transactions."); *Allen F. Moore v. Stanley F. Sievers*, 336 Ill. 316; 168 N.E. 259 (1929) ("The maxim that fraud vitiates every transaction into which it enters ..."); *In re Village of Willow brook*, 37 Ill.App.2d 393 (1962) ("It is axiomatic that fraud vitiates everything."); *Durham v. Durham*, 57 Ill.App. 475 (1894), affirmed 162 Ill. 589 (1896); *Shelly Oil Co. v. Universal Oil Products Co.*, 338 Ill.App. 79, 86 N.E.2d 875, 883-4 (1949); *Thomas Stael v. The American Home Security Corporation*, 362 Ill. 350; 199 N.E. 798 (1935).

## COMPLAINT FOR A CIVIL CASE CERTIFICATION REQUIREMENTS

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint:

- Is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.
- Is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law.
- 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 complaint otherwise complies with the requirements of Rule 11.

1. As stated above in the Complaint for a Civil Case Certification Requirement, the Petitioner consistently followed the FRCP Statutes - Rule 11: Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanction. Contemporaneously, the ill-advised "filing of false information and material misrepresentation while under oath in federal court," clearly justifies the Respondent's Defense Counsel contempt of the court proceedings.

*"Fraud upon the court"<sup>6</sup> has been defined by the 7th Circuit Court of Appeals to "embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication."*

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6 Kenner v. C.I.R., 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, 60.23. The 7th Circuit further stated "a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final."

## GROUND FOR RELIEF & REMEDY SOUGHT

As stated in the Writ for Certiorari, the Petitioner legally requested the relief and remedy sought in this Complaint for a Civil Case against the unlawful Misconduct Charge. As a United States Citizen residing in the State of Virginia, Petitioner's Civil Rights was prejudicially taken away and hereby request that U.S. Supreme Court will adjudicate this case under the U.S. Constitution of 1776 – Bill of Rights | Common Law.

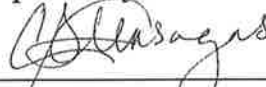
## SUMMARY:

Petitioner contends that there is “no clear, legal jurisdiction” that the Respondent's Defense Counsel, Dennis C. Barghaan, Jr. Deputy Chief, Civil Division Assistant U.S. Attorney lacks the legal authority and failed its obligation to represent the Respondent in this Complaint for a Civil case at the U.S. District Court Eastern District of Virginia, Alexandria, VA.

To this day, the Respondent's Defense Counsel's “Wrong Docket Classifications Numbering Assignments” in Court are still “not in proper and legal order” – a court process deficiency that was not corrected since August 17, 2020 and thereafter August 24, 2020.

The Petitioner is respectfully requesting that Petition for Rehearing of the Writ for Certiorari by the U.S. Supreme Court be granted to provide a fair and balanced judgment.

Respectfully submitted,



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Caroline S. Alasagas  
P.O. Box 100176  
Alexandria, VA 22210  
(571) 419-7234  
[cs.iris@yahoo.com](mailto:cs.iris@yahoo.com)

November 7, 2022



**CERTIFICATIONS**

**Rule 44**

**Notarized Copies**

**of**

**Rule 44.2 Certificate**

**Certificate of Service**

No. 21-1546

IN THE  
SUPREME COURT OF THE UNITED STATES

CAROLINE ALASAGAS,

*Petitioner,*

v.

ANTHONY J. BLINKEN, SECRETARY OF STATE

*Respondent.*

RULE 44.2 CERTIFICATE

Pursuant to Rule 44.2, the undersigned hereby certifies that the attached petition for rehearing of an order denying Writ of Certiorari is restricted to the grounds specified in Rule 44.2: it is limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented. Petitioner further certifies that the attached petition is presented in good faith and not for delay.

Executed on November 7, 2022

City/County of Alexandria  
Commonwealth of Virginia  
Subscribed and sworn to before me  
this 7 day of November, 2022  
Mary E. Andrews Notary Public  
Reg. # 552756 Com. Exp. 06/30/2023

Respectfully submitted,

Caroline S. Alasagas  
Caroline S. Alasagas  
P.O. Box 100176  
Alexandria, VA 22210  
(571) 419-7234  
[cs.iris@yahoo.com](mailto:cs.iris@yahoo.com)



**CERTIFICATE OF SERVICE**

No. 21-1546

CAROLINE ALASAGAS,

*Petitioner,*

v.

ANTHONY J. BLINKEN, SECRETARY OF STATE

*Respondent,*

I certify that on November 8, 2022, service copies of the Writ for Certiorari to the U.S. Supreme Court will be served on all parties in accordance with 28 U.S.C. 1746. All Parties and their address information as shown below:

Dennis C. Barghaan, Jr.  
Deputy Chief, Civil Division Assistant U.S. Attorney  
2100 Jamieson Avenue Alexandria, Virginia 22314

Hon. Merrick B. Garland  
Attorney General of the United States  
Main Justice Building 10th & Constitution Ave, NW  
Washington, DC 20530

City/County of Alexandria

Commonwealth of Virginia

Subscribed and sworn to before me

this 7 day of November 2022

Mary E. Andrews Notary Public

Reg. # 033265 Com. Exp. 06/30/2023

Respectfully submitted,

Caroline S. Alasagas

Caroline S. Alasagas

P.O. Box 100176

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