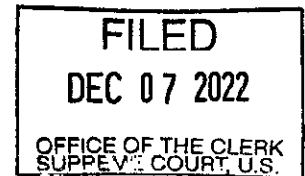


22-6284

21-3108

ORIGINAL

**Supreme Court
of the
United States
Court of Appeals**



Bryan Espinoza

Plaintiff – Petitioner

V.

Federal Bureau of Investigations

&

Central Intelligence Agency

Defendants – Respondent

On Petition for a Writ of Certiorari

In Appeal to the Latest Judgement of the

Chief Judge Deborah Anne Livingston

United States Court of Appeals for the Second Circuit

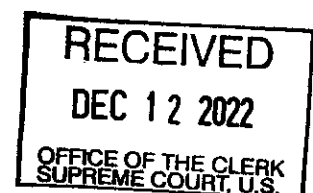
Thurgood Marshall Courthouse, Lower Manhattan, New York

Bryan Espinoza, ProSe, Informa Pauperis

35 East 94th St. (Apt. 6J)

Brooklyn, NY, 11212

(631) 702 0232



Question on Petition

On Petition for a Writ of Certiorari, the question, not for argument, but for relief and settlement, presented while bringing forward the merits to this case is based on the following:

- 1) The Federal Tort Claims Act (FTCA) is Federal Legislation enacted in 1946 that provides a legal means for compensating individuals who have suffered personal injury, death, or property loss or damage caused by the negligent or wrongful act or omission of an employee of the Federal Government.
- 2) Upon the Fourth Amendment – the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
- 3) What is a “cause of action” under Bivens? - Davis V. Passman, 99 S. Ct. 2264, 442 U.S. 228 (U.S. 1979), stating “No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All officers of the government, from the highest to the lowest, are creatures of the law, and are bound to obey it. ‘United States V. Lee, 106 U.S. [196], 220 [(1882)].’” 438 U.S. at 506.
- 4) Upon the conclusion of Bell V. Hood, 327 U.S. 678 (1946) – Certiorari To The Circuit Court of Appeals For The Ninth Circuit – “Where the complaint seeks recovery squarely on the ground of violation of plaintiffs’ rights under the Fourth and Fifth Amendments, a federal district court has jurisdiction of a suit against agents of the Federal Government to recover damages in excess of \$3,000 alleged to have been suffered by the plaintiffs as a result of such violations – even though neither the Constitution nor the Congress has provided for the recovery of money damages for such violations and the complaint is so framed as possibly to state a common law action in tort or trespass. Pp. 327 U.S. 680-685.”

Hence the question petitions for certiorari, seeking direct review to be filed in the U.S. Supreme Court, where substantial probable cause and evidence for a federal issue has been raised in Obstruction of Justice to imperative Discovery. Furthermore, where the decision and judgement of the Lower Court, at the Eastern District Court with Judge William F. Kuntz and at the 2nd Circuit Court of Appeals with Judge Deborah Anne Livingston, has significant influence and outcome in effects to the natural order of beings in morale, ethics, education, safety, and financial economic opportunity. Hence, the Supreme Court now has greater influence, so as much to eliminating the continued victimization and negligence, as per the Whistleblower Protection Act, of the litigant developing this petition. -

Finally, in question, why is a death threat, identity theft with conspiracy to drug-trafficking, money laundering, excessive fraud in credit profiles, leading to credit-delinquency, discrimination and unemployment for the last three years on a Professional Start-Up Architect in Candidacy, Associate Architect of the American Institute of Architects, Licensure Candidate of the National Council of Architectural Registration Boards, Founder of the interest in competition Greatly Observed Objectives Defined LLC, and Master of Architecture still under threat with no discovery, being financially deprived of relief, employment and settlement in negligence for numerous malicious acts as will be stated in this petition and presented in the prior brief(s) and complaint(s) to the Eastern District Court and to the 2nd Circuit District Court of Appeals of New York?

Accordingly, and courteously, I the plaintiff, Prose and Informa Pauperis, because of the lack of financial stability and opportunity with interest to an appointed attorney, support the grant of certiorari for the necessary and important relief in settlement of punitive and compensatory damages.

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Economic Opportunity Act of 1964 (EOA)

Federal Legislation establishing a variety of social programs aimed at facilitating education, health, employment, and general welfare for impoverished Americans. It was signed into law in August 1964 by U.S. President Lyndon B. Johnson as one of the landmarks of his War on Poverty and Great Society Domestic Programs.

Legislative Reorganization Act of 1946 – Title IV

The Federal Tort Claims Act (FTCA) is a Federal Legislation Enacted in 1946 that provides a legal means for compensating individuals who have suffered personal injury, death, or property loss or damage(s) caused by the negligent or wrongful act or omission of an employee of the federal government.

Standards For Punitive Damages – Jardel Co., Inc. V. Hughes, (1987) – (Tables of Authorities)

“As to the award of compensatory damages, Jardel challenges, only the loss of earning capacity component hereinafter discussed. Indeed, in view of the nature and extent of plaintiff’s injuries and the harrowing circumstances in which they were inflicted, the jury’s award of \$530,000 in compensatory damages is fully supportable.”

“At trial, in conformity with a pretrial ruling that evidence of Jardel’s net-worth would not be presented until plaintiff established a prima facie case for punitive damages, Jardel moved for a directed verdict on the punitive damages claim at the Conclusion of plaintiff’s evidence directed to liability.”

“The object and purpose of an award of compensatory damages in a civil case is to impose satisfaction for an injury done. 22 Am.Jur.2d Damages § 1, at 13 (1965). In tort actions that satisfaction normally takes the form of an award of monetary damages to an injured plaintiff, with the size of the award directly related to the harm caused by the defendant. Once liability is established, the goal in fixing damages is just and full compensation, with the focus upon the plaintiff’s injury or loss.”

“The punishment/deterrence rationale underlying punitive damages has caused them to be characterized as civil penalties which serve as a substitute for criminal prosecution for conduct which, though criminal, often goes unpunished by the public prosecutor. David V. Schuchat, D.C. Cir., 166 U.S. App. D.C. 351, 510 F.2d 731, 737-738 (1975).”

Court Rules On Emergency Property Title Laws After the San Francisco Fire-American Land Company v. Zeiss, 31 S. Ct. 200, 219 U.S. 47 (U.S. 1911)

“Proceedings under the act cannot, without violation of the principles of natural justice, be brought within the class of cases where constructive service is permissible. Cases supra and Bruce v. Watt, 1 M. & G. 1; 39 E.C.L. 612; but see also Mayor v. Cox, L.R. 2 H.L. 239, Hart v/ Samson, 110 U.S. 151.”

“While a court may be empowered to determine the title to real estate within its limits, as against a non-resident defendant, notified only by publication, this, however, will not justify a pretended notice against natural justice. Arndt v. Griggs, 134 U.S. 316; Meyer v. Kuhn, 65 Fed. Rep. 705.”

“As, however, the question of power is intimately interwoven with the sufficiency of the procedure adopted, and as a clear comprehension of the scope of the power will serve to elucidate the question of procedure, we

shall briefly refer to some of the leading cases by which the elementary doctrine of power over the subject of titles to real estate and the application of that doctrine to a case like the one in hand is settled beyond question. That a State has the power, generally speaking, to provide for and protect individual rights to the soil within its confines and declare what shall form a cloud on the title to such soil was recognized in *Clark v. Smith*, 13 Pet. 195. So, also it is conclusively established that when the public interests demand the law may require even a party in actual possession of land and claiming a perfect title to appear before a properly constituted tribunal and establish that the title by a judicial proceeding.”

“The well-being of every community requires that the title to real estate therein shall be secure, and there be convenient and certain methods of determining any unsettled questions respecting it. The duty of accomplishing this is local in its nature; it is not a matter of national concern or vested in the general government; it remains with the state; and as this duty is one of the State, the manner of discharging it must be determined by the State, and no proceeding which it provides can be declared invalid, unless it conflicts with some special inhibitions of the Constitution, or against natural justice.”

Does Federal funding trigger the FTCA-United States v. Orleans, 425 U.S. 807, 813, 96 S. CT. 1971, 48 L.Ed.2d 390 (1976)

“The Court of Appeals for the Sixth Circuit reversed the District Court, 509 F.2d 197 (1975), holding that it was necessary to examine the “type and extent of control retained by the principal.” *Id.*, at 201. It noted, however, that it was “necessary to keep in mind the concept of the importance of using all the resources of the local community to fight poverty which underlies the Economic Opportunity Act of 1964.” *Id.*, at 202.S”

“The Court of Appeals reasoned that since both the Federal Tort Claims Act and Economic Opportunity Act were designed to remedy hardship and suffering, they, when read together, indicate that Congress did not intend that beneficiaries of the Economic Opportunity Act who sustain injury in the course of federally approved programs be barred from recovery under the Federal Tort Claims Act.”

“The Tort Claims Act was never intended, and has not been construed by this Court, to reach employees or agents of all federally funded programs that confer benefits on people. The language of 28 U.S.C. 1346(b) is unambiguous, covering injuries “caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of this office or employment”

Supreme Court allows private actions against Federal Agents for constitutional violations – Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)

“Petitioner’s complaint states a Federal cause of action under the Fourth Amendment for which damages are recoverable upon proof of injuries resulting from the Federal Agents’ violations of that Amendment. Pp. 390-97”

“The Fourth Amendment provides that: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated”

“Petitioner claimed to have suffered great humiliation, embarrassment, and mental suffering as a result of the agents’ unlawful conduct and sought \$15,000 damages from each of them. The District Court, on respondents’ motion, dismissed the complaint on the ground, inter alia, that it failed to state a cause of action.*fn2,276 F.Supp.12 (EDNY 1967). The Court of Appeals, one Judge Concurring specially, *fn3 affirmed on that basis. 409 F.2d 718 (CA2 1969). We granted certiorari. 399 U.S. 905 (1970). We reverse.”

Court applies materiality to Brady requirement that evidence be shared with defendant – United States v. Bagley, 473 U.S. 667 (1985)

"In *Brady v. Maryland*, 373 U.S. 83, 87 (1963), this Court held that "the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material, either to guilt or punishment." The issue in the present case concerns the standard of materiality to be applied in determining whether a conviction should be reversed because the prosecutor failed to disclose requested evidence that could have been used to impeach Government witnesses."

"The Brady rule is based on the requirement of due process. Its purpose is not to displace the adversary system as the primary means by which truth is uncovered, but to ensure that a miscarriage of justice does not occur *Fn6."

"And in *Strickland V. Washington*, 466 U.S. 668 (1984), the Court held that a new trial must be granted when evidence is not introduced because of the incompetence of counsel only if "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.*, at 694. Fn13, The *Strickland* Court defined a "reasonable probability" as "a probability sufficient to undermine confidence in the outcome." *Ibid.*"

"The Government notes that an incomplete response to a specific request not only deprives the defense of certain evidence, but also has the effect of representing to the defense that the evidence does not exist. In reliance on this misleading representation, the defense might abandon lines of independent investigation, defenses, or trial strategies that it otherwise would have pursued. *Ibid.*"

"We agree that the prosecutor's failure to respond fully to a Brady request may impair the adversary process in this manner."

Court Requires the state to share criminal evidence with the defendant – *Brady v. Maryland*, 83 S. Ct. 1194, 373 U.S. 83 (1963)

"The principle of *Mooney v. Holohan* is not punishment of society for misdeeds of a prosecutor but avoidance of an unfair trial to the accused. Society wins not only when the guilty are convicted but when criminal trials are fair; our system of the administration of justice suffers when any accused is treated unfairly. An inscription on the walls of the Department of Justice states the proposition candidly for the federal domain: "The United States wins its point whenever justice is done its citizens in the courts." Fn2. A prosecution that withholds evidence on demand of an accused which, if made available, would tend to exculpate him or reduce the penalty helps shape a trial that bears heavily on the defendant. That casts the prosecutor in the role of an architect of a proceeding that does not comport with standards of justice, even though, as in the present case, his action is not "the result of guile," to use the words of the Court of Appeals. 226 Md., at 427, 174 A. 2d, at 169."

"Separate opinion of MR. JUSTICE WHITE.

The Maryland Court of Appeals declared, "The suppression or withholding by the State of material evidence exculpatory to an accused is a violation of due process" without citing the United States Constitution or the Maryland Constitution which also has a due process clause. . . . In my view, therefore, the Court should not reach the due process question which it decides. It certainly is not the case, as it may be suggested, that without it we would have only a state law question, for assuming the court below was correct in finding a violation of petitioner's rights in the suppression of evidence, the Federal question he wants decided here still remains, namely, whether denying him a new trial on guilt as well as punishment deprives him of equal protection. There is thus a Federal question to deal with in this Court, cf. *Bell v. Hood*, 327 U.S. 678,"

What is a "cause of action" under *Bivens*? – *Davis v. Passman*, 99 S. Ct. 2264, 442 U.S. 228 (U.S. 1979)

"No man in the country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All officers of the government, from the highest to the lowest, are creatures of the law, and are bound to obey it. 'United States v. Lee, 106 U.S. [196,] 220 [(1882)].' 438 U.S. at 506.

Certiorari To The Circuit Court of Appeals For The Ninth Circuit – Bell v. Hood, 327 U.S. 678 (1946)

"Where the complaint seeks recovery squarely on the ground of violation of plaintiff's rights under the Fourth and Fifth Amendments, a Federal District Court has jurisdiction of a suit against agents of the Federal Government to recover damages in excess of \$3,000 alleged to have been suffered by the Plaintiffs as a result of such violation – even though neither the Constitution nor the Congress has provided for the recovery of money damages for such violations and the complaint is so framed as possibly to state a common law action in tort or trespass. Pp. 327 U.S. 680-685."

"The issue whether federal courts can grant money recovery for damages alleged to have been suffered as a result of federal agents' violating the Fourth and Fifth Amendments has sufficient merit to warrant exercise of federal jurisdiction for purposes of adjudicating it. P. 327 U.S. 684."

Alternative claims process limits Bivens claims – Nebraska Beef, Ltd. V. Greening, 398 F.3d 1080 (8th Cir. 2005)

"The court stressed that the issue on appeal concerned "a fact-related dispute" as to whether the pretrial record contained evidence sufficient to show a genuine issue of fact for trial. Id. at 307 (original emphasis). The Court cautioned against expansive jurisdiction, observing that an interlocutory appeal "can threaten [district court] proceedings with delay, adding costs and diminishing coherence" and that such an appeal "risks additional, and unnecessary, appellate court work either when it presents appellate courts with less developed records or when it brings them appeals that, had trial simply proceeded, would have turned out to be unnecessary." Id. at 309. The Court concluded that a question involving only evidence sufficiency, i.e. which facts a party may be able to prove at trial, is not appealable. Id. at 313."

Evidentiary rulings under Daubert standard are to be reviewed with abuse of discretion standard -General Electric Co. V. Joiner, 522 U.S. 136 (1997)

"A divided panel of the 11th Circuit Court of Appeals (with three opinions produced by a three-judge court) reversed. "Because the Federal Rules of Evidence governing expert testimony display a preference for admissibility, we apply a particularly stringent standard of review to the trial judge's exclusion of expert testimony." Applying that standard, the Court of Appeals held that the district court had erred in excluding the testimony of Plaintiff's expert witnesses, and cited two fundamental errors. First, the district court excluded the experts' testimony because it drew different conclusions from the research from those of the experts. The Court of Appeals opined that a district court should limit its role to determining the "legal reliability of proffered expert testimony, leaving the jury to decide the correctness of competing expert opinions"

"The Supreme Court granted certiorari in response to a petition complaining of the Circuit Court's standard of review. The circuits had been split on the issue: six circuits had ruled that a trial judge could be reversed only when "manifestly erroneous. "four only when he had committed "abuse of discretion," and two adopted the "particularly stringent standard" used in the instant case."

Constitutional Provisions

United States Constitution, Fourth Amendment

On Petition for a Writ of Certiorari
Supreme Court of the United States

Date: November 28, 2022
Brooklyn, New York

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or Affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

United States Constitution, Fifth Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or Public Danger, nor shall any person be subject for the same offence twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, property, without due process of law, nor shall private property be taken for public use, without just compensation.

United States Constitution, Fourteenth Amendment

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 life, liberty, or property, without due processes of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Statutes & Rules

Administrative Claims Under Federal Tort Claims Act (40 C.F.R. Part 10)	Aggravated Identity Theft (18 U.S.C. 1028A)
Candor Towards the Tribunal (37 CFR 11.303)	Civil Investigative Demands (18 U.S.C. 1968)
Claim for Relief Rule 8(a) of the Federal Rules of Civil Procedure (FRCP)	Conspiracy Against Rights (18 U.S.C. 241)
Death Threat – Menacing in the 3rd Degree (New York Penal Code 120.15)	Cyber-Harassment (18 U.S.C. 2261A)
Deprivation of Rights Under Color of Law (18 U.S.C. 242)	Defamation (28 U.S.C. 1346, 28 U.S.C. 1402)
Federal Tort Claims Act (28 U.S.C. 1346)	Economic Espionage (18 U.S.C. 1831)
Fraud and Negligence (28 U.S.C. 1346) (28 U.S.C. 1402)	Fraud and Swindles (18 U.S.C. 1341)
Grand Larceny Deception (10 U.S.C. 921 - Art.121)	Harassment (25 CFR 11.443)
Illegal Interrogation (28 U.S.C. 1346) (28 U.S.C. 1402)	Intimidation (18 U.S.C. Code 373)
Importation of Controlled Substances (21 U.S.C. 952)	Protection of Trade Secrets (18 U.S.C. Ch.90)
Obscene or Harassing Telephone Calls (47 U.S.C. 223)	Telecommunication Crime (47 U.S.C. 223)
Laundering of Monetary Instruments (18 U.S.C. 1956)	Threats and Extortion (18 U.S.C. 875)
Influencing or Injuring Office or Juror Generally (18 U.S.C. 1503)	
Interference with Lawful Employment (18 U.S.C. 1513 (b)(e))	
Intentional Infliction of Emotional Distress (28 U.S.C. 1346) (28 U.S.C. 1402)	
Tortious Interference with Contract or Business Expectancy (28 U.S.C. 1346) (28 U.S.C. 1402)	
Intentional Interference with Prospective Economic Advantage (28 U.S.C. 1346) (28 U.S.C. 1402)	
Intentional Interference with Business Relations (28 U.S.C. 1346) (28 U.S.C. 1402)	
Investigative Reporting Requirements (8-703) (New York City Administrative Code, Title 8: Civil Rights)	
Obstructions of Proceedings before Departments, Agencies and Committees (18 U.S.C. 1505)	

Obstructions of Criminal Investigations (18 U.S.C. 1510)

United States as Defendant (28 U.S.C. 1346) (28 U.S.C. 1402)

Trespass to Chattels/Conversions (28 U.S.C. 1346) (28 U.S.C. 1402)

Tampering with a Witness, Victim, or an Informant (18 U.S.C. 1512)

Discrimination in the Work Environment (Title VII of the Civil Rights Act of 1964)

Failure to Make Disclosures or Cooperate in Discovery; Sanctions (a) (Rule 37) (29 CFR 18.57)

Fraud and Related Activity in Connection with Identification Documents, Authentication Features and Information (18 U.S.C. 1028)

Unwarranted Invasion of Personal Privacy (49 CFR 801.56)

Tort Claims Procedure (28 U.S.C. Chapter 171)

Petition for Writ of Certiorari

I, Bryan Espinoza, Associate Architect of the American Institute of Architects (AIA), Licensure Candidate of the National Council of Architectural Registration Boards (NCARB), Master of Architecture and Founder of the Startup Architectural Interest in Greatly Observed Objectives Defined LLC, ProSe and Informa Pauperis, residing at 35 East 94th St. (Apt. 6J), Brooklyn, NY 11212, respectfully petitions this court for a Writ of Certiorari to review the judgement of the Lower Court at the United States Court of Appeals for the Second Circuit with Chief Judge Debra Ann Livingston.

Opinions Below

Upon the complaint filed at the Eastern District Court of New York, dated August 19th, 2021, which was reviewed by Judge William F Kuntz and granted to proceed Informa Pauperis on August 27th, 2021, but requesting an amendment to the complaint and relief for a final judgement on a plausible cause of action. On Monday, September 27th, 2021, an amended complaint was submitted in a Brief Memorandum of Law and Affirmation in exhibits with supportive evidence. Yet, on November 16th, 2021, Judge William F. Kuntz dismissed the complaint stating "it fails to state a claim upon which relief may be granted, see 28 USC 1915(e)(2)(B)" and because "Plaintiffs claim for monetary damages against the FBI and CIA is barred by the doctrine of sovereign immunity; that pursuant to 28 U.S.C. 1915(a)(3) that any appeal would not be taken in good faith;". Nevertheless, a Motion for Leave to Appeal, Informa Pauperis, was submitted against Sovereign Immunity based on the Federal Tort Claims Act - 28 U.S.C. 1346. Yet, on Wednesday, December 22nd, 2021, Judge William F. Kuntz denied the reconsideration in Motion for Leave to Appeal without taking any consideration to the facts and merits of the case providing substantial evidence and argument for discovery and emergency relief in punitive and compensatory damages.

Still, on December 22nd, 2021, I filed a Notice of Appeal to reconsider the complaint and relief, ProSe and Informa Pauperis, to the United States Court of Appeals for the Second Circuit with Chief Judge Debra Ann Livingston, in continued negligence under the color of law, under a death threat, harassment and victimization in conspiracy of endangerment to one's public, social and credit-profiles. On June 16th, I received a response in dismissal of the case by the Clerk of the Court Catherine O'Hagan Wolfe based on continued negligence and the senseless opinion stating the complaint "lacks an arguable basis either in law or fact". Of course, this must be appealed and responded to with an interest and motion of reconsideration, of which was provided on August 15th, 2022, about presenting forward the truth in need of justice and monetary relief in punitive and compensatory damages on a working professional. Yet, once again, and unfortunately, on October 04th, 2022, the court, whether in magistrate order, or in senseless and continued negligence, denied the appeal stating once again "it lacks an arguable basis either in law or in fact". Although significant probable cause and factual supportive evidence has been presented with every motion and response for immediate concerns in financial deprivation and

Jurisdiction

I, Bryan Espinoza, Associate Architect of the American Institute of Architects (AIA), Licensure Candidate of the National Council of Architectural Registration Boards (NCARB), Master of Architecture and Founder of the Startup Architectural Interest in Greatly Observed Objectives Defined LLC, under victimization, ProSe and Informa Pauperis, was denied an Appeal at the United States Court of Appeals for the Second Circuit with Chief Judge Debra Ann Livingston on October 4th, 2022.

Nevertheless, I, Bryan Espinoza, Associate Architect of the American Institute of Architects (AIA), Licensure Candidate of the National Council of Architectural Registration Boards (NCARB), Master of Architecture and Founder of the Startup Architectural Interest in Greatly Observed Objectives Defined LLC, under victimization, ProSe and Informa Pauperis, respectfully, invoke this Court's Jurisdiction under 28 U.S.C. 1254, having timely filed this petition for a writ of certiorari within (90) ninety days of the Lower Court, upon the United States Court of Appeals for the Second Circuit's latest judgement.

Statement(s) of the Appeal

The Complaint and Request for Relief -

Under Rule 8(a) and 15 of the Federal Rules of Civil Procedure (FRCP), through the Federal Tort Claims Act (FTCA 1346) and the Federal Statute U.S.C. 1346 (b)(1) – United States (Agency or Bureau) as Defendant in Malfeasance – for Intentional Torts in Negligence of Extortion and a Death Threat, in addition to Personal Injuries of Intentional Infliction of Distress, Trespass to Chattels/Conversions, Defamation, and Fraud, I, Bryan Espinoza, suitable Architectural Professional and Founder of a startup interest at Greatly Observed Objectives Defined LLC, continue to request discovery or disclosure in sanctions for a relief of punitive and compensatory damages, while under a threat in victimization and financial deprivation within lawful employment, refuting as the Appellant-Government Body of the U.S. District Court, as per rule U.S.C. 1346 (b)(1), the barring of any conviction through Sovereign Immunity, for the facts in action, negligence and omission by the Defendant-Respondent in Malfeasance of United States' Public Officials of the Federal Bureau of Investigations (FBI) and Central Intelligence Agency (CIA). Of course, this statement being supported through substantial evidence, probable cause and authority to financial and economic opportunity, as well as public safety and justice to ongoing victimization, defamation in harassment and deprivation.

This all through the interest of a Federal Question and Investigation towards identifying exhaustive Criminal Charges and Conviction for Justice and Relief to a Suitable Architectural Professional. Unfortunately, with the late disregard in relief of the Lower Courts at the 2nd Circuit and the Eastern District of New York, or in response of public authority within the last four years, the Federal Statutes have developed as follows in Grand Larceny by Deception (10 U.S.C. 921 - Art.121), Fraud and Swindles (18 U.S.C. 1341), Aggravated Identity Theft (18 U.S.C. 1028A), Intimidation (18 U.S.C. Code 373), Aggravated Harassment (25 CFR 11.443), as well as, in a Death Threat (New York Penal Code 120.15) and Extortion (18 U.S.C. 875). Furthermore, applying the statutes and rules of the Civil Investigative Demands, Investigative Reporting Requirements (8-703) (New York City Administrative Code, Title 8: Civil Rights), Deprivation of Rights Under Color of Law (18 U.S.C. 242), Conspiracy Against Rights (18 U.S.C. 241), developing sensible claim(s) of Blackmail, Blacklisting, and probable cause for Interference with Lawful Employment, Tortious Interference with Contract or Business Expectancy and Intentional Interference with Prospective Economic Advantage (28 U.S.C. 1346) (28 U.S.C. 1402). Withal, and respectfully, a monetary relief in punitive and compensatory damages is being sought for \$600,000.00 for the Interference and Loss Time of Work in Lawful Employment, on a minimum of 3-years as a suitable Architectural Professional and a minimum business hourly rate of \$100/hr. In addition, respectfully, requesting as the Honorary Judge sees fit the approval of different Federal

Applications in Job Development and Opportunity, as well as Federal Research and Development of Grant interest. In fact, the Company Start-Up Valuation in Innovative Research for competitive Practice and Technology ranging in prosperous figures should be merited through all Defamation and Tortious Interference, and, therefore, a federal contract with employment is being requested. Nevertheless, all supportive documentation has been presented and mentioned through Statements of Subject Matter and Memorandum Briefs, upon every motion and response at the Lower Courts, with noted references in authority, such as (1) *Standards For Punitive Damages – Jardel Co., Inc V. Hughes (1987)*, (2) *Does Federal Funding Trigger the FTCA-United States v. Orleans*, 425 U.S. 807, 813, 96 S.Ct.1971, 48 L.Ed.2d 390 (1976) and (3) *The Economic Opportunity Act of 1964 (EOA)*.

The Direct Appeal for Justice and Emergency Relief –

In consequence, and respectfully, this petition is to appeal the latest disregard by the Lower Courts at the 2nd Circuit Court of Appeals with Judge Deborah Anne Livingston, and to continue the appeal of judgement at the Eastern District Court of New York with Judge William F. Kuntz, for emergency monetary relief in punitive and compensatory damages on the issues described in statutes within this petition for a threat to life, amongst other issues like aggravated harassment and identity theft, that without a doubt leads to a harm in public safety and commination.

Hence, “An inscription on the walls of the Department of Justice states the proposition candidly for the federal domain: The United States wins its point whenever justice is done its citizens in the courts.”¹ A prosecution that withholds evidence on demand of an accused which, if made available, would tend to exculpate him or reduce the penalty helps shape a trial that bears heavily on the Defendant. That casts the prosecutor in the role of an Architect of a proceeding that does not comport with standards of justice, even though, as in the present case, his action is not “the result of guile,” to use the words of the Court of Appeals. 226 Md., at 427, 174 A. 2d, at 169.”

In fact and contrary to what the latest mandate of the 2nd Circuit Court of Appeals has presented on October 4th, 2022, by Catherine O’Hagan Wolf, stating “lacks an arguable basis either in law or fact”, is directly being petitioned and appealed because each Memorandum of Law, three different versions to be concise, with supportive documentation and Exhibits of Affirmation have been submitted through this process. Providing the necessary information to argue upon the unlawful acts in statutes of victimization under a threat to life, financial deprivation and tortious interference with prospective economic advantage. The evidence includes phone numbers, emails, account numbers and text messages that can be traced to the subjects in question of this criminal matter. By the same token, Federal Applications and Job Proposals have been provided to present the start-up interest seeking lawful employment. Hence, subpoenas of information have also requested to the lower courts and, still, the complaint, a request for discovery and relief has been neglected upon a working Architectural Professional in Candidacy.

Statement(s) of the Case

The Death Threat

On November 24th, 2020 – A Death Threat (New York Penal Code 120.15) with intentions of Extortion (18 U.S.C. 875) was reported to the NYPD regarding a Michael, with a phone number (760) 701-3804 and a conversation through a Whatsapp messenger. Yet, there has been no discovery and I have been victimized and deprived to blackmail and tortious interference with prospective economic advantage. Seriously injuring my Professional Candidacy (Reported to the NYPD 90th Precinct Dt. Brian Booth and P.O. Kumar).

The Aggravated Identity Theft

On February 2nd, 2022, a request for Subpoena(s) of Information was submitted through my Memorandum of Law to the 2nd Circuit Court of Appeals, following the initial complaint to the Eastern District Court for Discovery of the negligence in the Federal Bureau of Investigations (FBI) and Central Intelligence Agency (CIA), which was addressed in a tip back in Summer 2019, regarding two phone calls for conspiracy to include misuse my identification (18 U.S.C. 1028A) in events of narcotic importation of parcels, and an excess of \$75,000 cash (18 U.S.C. 1956), addressed to my name in Jamaica and California. Furthermore, including phone calls about two homes, both in El Paso, Texas. Yet, these phone calls are unacceptable, especially considering the serious Blacklisting and Blackmail in probable cause and Tortious Interference with Prospective Economic Advantage (28 U.S.C. 1346) (28 U.S.C. 1402).

The Grand Larceny & Scam & Fraud

On June 07th, 2021, Grand Larceny (10 U.S.C. 921 - Art.121) was reported for Scam and Fraud (18 U.S.C. 1341) along the introductory interest of the Bill and Melinda Gates Foundation, who provided an account number for a deposit made for a Maria De La Luz Cruz on a Wells Fargo Account Number: 8848690277 and Routing Number: 112000066 for a "trust-fee" deposit of \$600.00, that I ended up losing. In further deception, funding checks bounced and began an awareness of fraud on my credit profiles more than \$20,000.00. Yet, there has been no discovery, while this is a Felony, and I have been victimized and deprived to blackmail and tortious interference with prospective economic advantage. Seriously injuring my Professional Candidacy and Credit-Profiles to Credit Card Delinquency (Reported to the NYPD 90th Precinct Dt. Susan Badalamenti).

The Harassment and Deprivation of Rights Under Color of Law

On March 12th, 2021, Harassment (25 CFR 11.443) was reported to the NYPD against alleged MOB Conspiracy in rappers and potential agents for Trespass (28 U.S.C. 1346) (28 U.S.C. 1402), Physical Assault, Intimidation (18 U.S.C. Code 373) in Cyber-Harassment (18 U.S.C. 2261A) with Identity Theft (18 U.S.C. 1028A) and Conspiring interest in transportation of Narcotics (21 U.S.C. 952) and Unsolicited Cash (18 U.S.C. 1956). Harassment (25 CFR 11.443) was also reported for Scam and Fraud (18 U.S.C. 1341) with the Bill and Melinda Gates Foundation for Fraud (18 U.S.C. 1341) and excessive Coercion, provided with substantial evidence in The Lack of Discovery by the Federal Bureau of Investigations through a tip submitted in Summer 2019, followed by the Internal Affairs Bureau and NYPD, leading to unemployment, the continued harassment (25 CFR 11.443), intimidation (18 U.S.C. Code 373) with mail to my personal address, and threats to life in extortion (18 U.S.C. 875), Depriving my Rights Under Color of Law (18 U.S.C. 242) as an Architectural Professional, Founder of a work in progress in Greatly Observed Objectives Defined LLC. Especially, with the need in discovery of the interrogation of subjects mentioned in previous briefs to understand the trespass (28 U.S.C. 1346) (28 U.S.C. 1402) upon my private notes, private household and private activity that was used to intimidate, spy, harass and develop economic espionage (18 U.S.C. 1831) in probable causes to an illegal interrogation (28 U.S.C. 1346) (28 U.S.C. 1402) or unlawful judgement upon a working family in the United States, within citizenship and residence(s) in New York.

The Unemployment

For the last three years I have been searching for employment after termination of a Temporary Contract at \$50/hr with Essential Design Builds, following a start-up commitment with freelance interests at \$100/hr with companies such as Ultimate Realty LLC. Through the pandemic, even with a \$6-7 figure project renovation interest with St. Nick's Alliance, I was unable to attain employment while reaching out consistently to a list of equal opportunity employers as presented in previous briefs. Additionally, reaching potential clients in contractors such as Turner Construction, venture capitalists in companies like Aramco and philanthropies in Real Estate Development, such

as the Related Companies. With a powerful presentation in portfolio of works, services, skillset and opportunity, I am not sure why no response has been addressed for neither full-time offers nor of development to the start-up company in architectural design or innovative technology services. Yet, these companies develop with interest in federal contracts to explore collaborations, research development and federal funding. Even more so with a lengthy list of architectural companies apart of the American Institute of Architects with feasible and open work opportunities through medias such as Archinect and LinkedIn. This, of course, enough probable cause to place a complaint for relief and question the discovery of blackmail and blacklisting. With such commitment to an Architectural Candidacy as a Founder, especially in competitions such as the James Dyson International Challenge, the XPrize Carbon Removal Competition with Elon Musk, and the AIA Competitions with New York City Housing and Metals In Construction, I do not understand the current state of alienation and/or lack of support for employment or financial development interest in job opportunities, and questioning the neglect on social medias for marketing. Correspondingly, as I try to address federal contracts in the Department of Energy and Economic Development Administration. All of this presumes, discrimination in the work field (Title VII of the Civil Rights Act of 1964) with potential blacklisting and blackmailing in Tortious Interference with Prospective Economic Advantage (28 U.S.C. 1346) (28 U.S.C. 1402), considering innovative proposals and work development in high scientific exploration and innovative research for a start-up valuation in 7-10 figures.

The Tortious Interference with Prospective Economic Advantage

'Interference with prospective business advantage is an intentional business tort (28 U.S.C. 1346) (28 U.S.C. 1402), meaning that it is a damaging action taken against you or your business with full knowledge and/or intent to cause harm. This may be considered a type of unfair competition and may be referred to as "tortious interference". Hence, in the previous submittals to Judge William F. Kuntz and Chief Judge Deborah Anne Livingston, a start-up valuation of my company was provided with Federal Proposals in search of grant and funding opportunities through research and development programs, as well as federal contracts to develop work already in the portfolio. These project interests and total loss time of work lead to a valuation of a network in 7-10 figures of economic opportunity. Hence, some of the projects being proposed for a federal contract in innovative research development, according to our international commitment in sustainable development goals, begin at the million-dollar range with an educated potential of a billion-dollar network.

Furthermore, I question the lack of response from significant companies that are working within the same interest, equal employment opportunity employers (EEOO), of whom have decided to not be able to support the aspirations or collaborative interests in Federal Research and Development, neither, providing Full-Time Employment or Job Opportunity. Yet, some very prestigious organizations, companies and firms have been reached out to, such as the United Nations, NASA, the World Energy Council, Goldman Sachs, Morgan Stanley, Aramco, AES Corp., Bloom Energy, Google, Tesla, Apple, Mubadala, Shell, BP, the Bill and Melinda Gates Foundation (Breakthrough Energy Fund and Gates' Ventures), the International Energy Agency, the National Science Foundation, Thornton Tomasetti, Arup, Gensler, AECOM, Turner Construction, Douglas Elliman, the Boston Consulting Group, the United States Department of Energy, NYSERDA, the Kering Group, and JDS Development, that to say the least in the lack of response, really is sufficient to insinuate the blackmail and probable causes to blacklisting (8-703) (New York City Administrative Code, Title 8: Civil Rights) (Title VII of the Civil Rights Act of 1964) and interference within lawful employment (18 U.S.C. 1513 (b)(e)).

The Whistleblower Protection Act

Through this petition, that I support for Granting of Certiorari, I am also questioning, seeking relief and protection from retaliation in the work-environment. Where my salary, hourly-

wage and Company Start-Up interest has been significantly affected because of my engagement in filing a complaint against discrimination, fraud and swindles (18 U.S.C. 1341), intimidation (18 U.S.C. Code 373), threats (47 U.S.C. 223) (New York Penal Code 120.15), coercion, and harassment (25 CFR 11.443) (18 U.S.C. 2261A). Furthermore, as per the Anti-Money Laundering Act (AMLA) and Criminal Antitrust Anti-Retaliation Act (CAARA), I do qualify to be protected and covered from retaliation such as the deduction of wage from a Founder's rate at a minimum \$250 an hour, or \$100 an hour start-up freelance services, or a \$50 an hour full-time employment as compared to recent offer(s), which is the second and third offer I have received in the last three years at \$36/hr and at \$31.25/hr. Nevertheless, being kind enough to negotiate a decent salary interest in the last month through this 2-year on-going complaint. Additionally, I have had to also work as a Professional Stylist at a Barbershop through this conspiracy within lawful employment opportunity, leading a very financially deprived salary of just about \$750 a week to make the mere needs of health and nutrition, for which I can barely make the living standards in New York City, as I also have to pay Barbershop Rent at 3259 Fulton St. Brooklyn, NY, 11208, at \$600 a month minimum to continue to make ends meet. Hence, through the pandemic and after the termination of employment back in December of 2019, I had to move back into my dad's apartment, yet in June 2022, I found a new place for a sub-lease rent at \$800 a month at 35 East 94th St., Brooklyn, NY, 11212, with Maritza Felix.

Nevertheless, with arguments to financial deprivation and pursuit of a healthy life, according to the American Institute of Architects (AIA), the expected salary for my resume, experience and prospective advantage is at least a salary of \$110,000 (\$52/hr) per year, with other feasible salary interests at \$220,000 (\$105/hr) per year with the Boston Consulting Group (BCG), and \$250,000 (\$120/hr) per year with the Metropolitan Transportation Authority (MTA), which would provide immediate and feasible relief to my current deprivation and distress of inflection continued through this retaliation, defamation and negligence. I should be living on my own, four years out of graduate school and a successful professional with a very well put together resume of at least 8-years of architectural experience and 10-years of work experience, further along an innovative start-up practice in Greatly Observed Objectives Defined LLC with federal research and development proposals ranging from 7 to 10 figures in potential economic opportunity.

Reasons For Granting The Writ


Following the Statements of the Case, I believe the complaint has been very well defined and introduced through the unlawful violations and acts of a Death Threat (New York Penal Code 120.15) Cyber, The Aggravated Identity Theft (18 U.S.C. 1028A), The Grand Larceny (10 U.S.C. 921 - Art.121), The Scam and Fraud (18 U.S.C. 1341), The Harassment (25 CFR 11.443) and The Deprivation of Rights Under the Color of Law (18 U.S.C. 242), The Unemployment (18 U.S.C. 1513 (b)(e)), The Tortious Interference with Prospective Economic Advantage (28 U.S.C. 1346) (28 U.S.C. 1402), and, finally, The Whistleblower Protection Act (5 U.S.C. 2302(b)(8)-(9), Pub.L. 101-12 as amended). Furthermore, as per the Economic Opportunity Act of 1964, I as a working Architectural Professional with Prospective interest of Candidacy in Licensure, am too developing social programs aimed at facilitating education, health, employment, and general welfare for impoverished Americans through my Research and Development Proposals, Federal Grant and Funding Interests, as well as, Innovative Building Infrastructure Job Opportunities with my company in Greatly Observed Objectives Defined LLC. In fact, an act of "War on Poverty", but as well as, following the acts of the Great Society Domestic Programs of the Economic Opportunity Act (EOA) signed into law in August of 1964 by United States President Lyndon B. Johnson. Moreover, alleviating my personal distress under financial deprivation, threat to life and public safety, as well as discrimination within my lawful employment in my professional work-field and harassment of which has significantly hurt my social, financial, professional and credit-profiles to delinquency. In addition, providing the means to investigate and discover the violations for settlement in emergency relief and employment. Amid, the start-up company in Greatly Observed Objectives Defined LLC, with a valuation into a Billion-Dollar Network of Economic Opportunity, has been left with job interests open and in request of 7-10 figure contracts to a state of defamation and disrespect in humiliation.

Conclusion

Accordingly, and courteously, I the plaintiff, Prose and Informa Pauperis, Associate Architect of the American Institute of Architects (AIA), Licensure Candidate of the National Council of Architectural Registration Boards (NCARB), Master of Architecture and Founder of the Startup Architectural Interest in Greatly Observed Objectives Defined LLC, residing at 35 East 94th St. (Apt. 6J), Brooklyn, NY, 11212, currently also working at 3259 Fulton St. Brooklyn, NY, 11208, because of the lack of financial stability and opportunity with interest to an appointed attorney, support the grant of certiorari for the necessary and important relief in settlement of punitive and compensatory damages and, respectfully, request that this court issue a writ of this certiorari to review the judgement of the 2nd Circuit District Court of Appeals with Chief Judge Deborah Anne Livingston.

DATED this 28th day of November, 2022.

Respectfully submitted,



Bryan Espinoza, Plaintiff, Prose

Architectural Candidate of Licensure

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