

22-7612

No. _____

FILED
MAY 18 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Bayardo Reno Sandy (Pro-se) — PETITIONER
(Your Name)

vs.

Baca Grande Property Owners Association, The
(Abbr: "BGPOA") — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Colorado Supreme Court, Case 2022SC650

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Bayardo Reno Sandy (Pro-se)
(Your Name)

P.O. Box 81922
(Address)

Las Vegas, NV 89180
(City, State, Zip Code)

310-929-0321
(Phone Number)

QUESTION(S) PRESENTED

- I. Did Colorado violate Petitioner Bayardo Sandy's Civil Rights?
- II. Has Colorado been Engaged in a Cover up of its Abuse of Discretions?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

Sandy v. BGPOA et al.;	U.S. Colorado District	case no. 18CV02572
BGPOA v. Bayardo Sandy;	Saguache County Court;	case no. 2018CV30078
BGPOA v. Bayardo Sandy;	Saguache District Court;	case no. 2019CV21
Bayardo Sandy v. BGPOA;	Colorado Supreme Court;	case no. 2020SC623
BGPOA v. Bayardo Sandy;	Saguache District Court;	case no. 2022CV2
Bayardo Sandy v. BGPOA;	Colorado Supreme Court;	case no. 22SC651
Sandy v. Colorado State et al.;	U.S. Colorado District	case no. 22CV0413

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APPENDIX C - SAGUACHE TAX ASSESSOR BILL FOR 2020

APPENDIX D - JUDGE ZOLLARS RETIREMENT ANNOUNCEMENT

APPENDIX E - REGISTER OF ACTION ("CSC") CASE 2020SC623

APPENDIX F - REGISTER OF ACTION ("CSC") CASE 2022SC651

APPENDIX G - DENIAL OF SAGUACHE DISTRICT (first appeal) Case 2022CV2

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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No precedent with authority were cited, only related cases were mentioned for narration.

STATUTES AND RULES

42 U.S.C § 1981	Pages: 2, 6
42 U.S.C § 1982	Pages: 2, 6
42 U.S.C § 1983	Pages: 2, 6
42 U.S.C § 1985	Pages: 2, 6
42 U.S.C § 3617	Pages: 2, 6
Colo.R.Civ.P. Rule 363	Pages: 2
Colo.Rev.St. § 13-6-104(1)	Pages: 2, 3

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[X] For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix B to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the Saguache District Court court appears at Appendix G to the petition and is

reported at Saguache District Court; Colorado 2022CV1; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

[X] For cases from state courts:

The date on which the highest state court decided my case was 02/21/2022.
A copy of that decision appears at Appendix B.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a); although Petitioner is afforded rehearing according to Colorado Appellate Rules ("C.A.R") Rule 40; the Colorado Supreme Court Clerk withheld mailing of the 2 judgements on 02/21/2022 for a whole month; (yet the envelope was stamped on 02/22/2022); thus robbing the Petitioner from a rehearing in Colorado; and thus robbing 30 of the 90 days to petition with the U.S. Supreme Court. This experience will be narrated below in the active Cover up of three suddenly retired judges:

- a) "Judge Epstein," soon after allegation of ex parte communication on record,
- b) "Judge Zollars," soon after allegation of Alzheimer's;
- c) "Judge Ulrich" soon after allegation of conflict of interest with Respondent BGPOA.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fifth Amendment provides, in pertinent part: "*No person shall . . . be deprived of life, liberty, or property, without due process of law.*" Likewise, The Fourteenth Amendment provides "*equal protection of the laws*". The State of Colorado violated the Petitioner's Constitutional Rights numerous times; most recently covering up the abuse of discretions of suddenly retired judges.

Consequently, the Colorado Supreme Court's denial of Petitioner's *Cert-Review* (Appendix-B) was part of violations of V and XIV Amendments. *Inter alias* Colorado actively covered up *ex parte communication* of a District Court Judge (Epstein) suddenly retired; and a mentally disable County Judge (Zollars) suddenly retired. The Respondent BGPOA is a property owners association which had a member who was also a County Judge (Ulrich) who also suddenly retired; after the Petitioner complained to Colorado that then Judge Ulrich used her position to lobbying for BGPOA and being a *de facto* BGPOA employee benefiting from a *quid pro quo*. From a plethora of county cases neither Judge nor Respondent BGPOA recused Judge Ulrich from explicit conflict of interest. The State of Colorado will vastly benefit from the cover ups and denial of Petitioner's *Cert-Review*, because admission of: a) *ex parte* communications, b) mental disability of a judge, c) conflict of interest; will create a great number of liability to the State of Colorado to many other citizens, possibly and vastly above Petitioner's claims.

Federal Statutory laws violated were: 42 U.S.C § 3617 - Interference, Coercion, or Intimidation; 42 U.S.C § 1983 - Deprivation of rights; 42 U.S.C § 1981 - Equal Rights; 42 U.S.C § 1982 - Property Rights; 42 U.S.C § 1985 - Conspiracy to Interfere with Civil Rights.

State Statutory Law violated were: Colo.Rev.St. § 13-6-104(1) Jurisdiction; Colo.R.Civ.P. Rule 363 Mental Disability.

STATEMENT OF THE CASE

INTRO (Why this Petition is sought [recent history])

The Respondent was summoned and did not respond to Petitioner's *Cert-Review 2022SC650* (see *Register of Actions in Appendix-F* in the Colorado Supreme Court ("CSC"); (Petitioner now pleads for his final *SCOTUS-appeal*); nevertheless, CSC denied Petitioner's *Cert-Review of 2022SC650 & 2022SC651 Cases*; even when Respondent was a no-show; this is unjust. Furthermore, prior to CSC, Respondent did not bother to answer to District-Appeal-Orders (*related cases 2022CV1 & 2022CV2*) on 06/27/2022; Judge Scott Epstein (now retired) started emails *ex parte* communication with Respondent to type two judgements for him.

Because Petitioner is currently suing the State of Colorado in Federal Court (*related 22CV413*); CSC-Clerk blocked Petitioner from filing a formal-Brief-Petition and withheld judgement-mail for a month so Petitioner would miss his chance to file for re-hearing.

Because Respondent was a now show in CSC in petitions 2022SC650 & 2022SC651 it is likely that Respondent BGPOA will be a now show again with these *Petitions* with the U.S. Supreme Court.

STATEMENT (Why this Petition is sought [previous history])

The Petitioner is a Latino minority ethnic, whose English is his second language. He has been BGPOA association-member since 1999; thus 24 years. On 2017 the Latino Petitioner had the unfortunate luck to have his nearby neighbor become the president of the Respondent BGPOA. This was when the Petitioner's started being discriminated.

Saguache County Tax Assessor designated Petitioner's Home-structure (in 2020) without the land value (\$286.00) at building structure at \$34,275.00 (see *Tax Assessor-Appx-C*; nonetheless, the Respondent sought to remove his home (in 2020) in a \$25,000.00 jurisdictional discretion court.

As a matter of law, a single dollar above \$25,000.00 is in violation of Colo.Rev.St. § 13-6-104(1).

On 09/10/2021 a hearing in person was held, in which the (suddenly-retired [Appx-D]) Judge Barbara Zollars displayed from the bench catatonic headshakes; neither Respondent nor Judge Zollars denied Petitioner's allegations of pre-Alzheimer's or dementia (via motions). On 09/10/2021, the Petitioner was afraid to put on oral-record the Judge's display of catatonic headshakes for four reasons: a) it was the peak of Covid-19 Pandemic; b) there were no vaccines yet, c) Saguache County jail was designated a hot-zone for Covid-19; and d) the Petitioner was still suffering lots of pain from the loss of his left shoulder (*on 02/20/2020 while attempting to comply with parallel order*). Placing the catatonic headshakes on oral-record would invariably land Petitioner in Saguache County Jail for contempt to court which could also end his life.

The 10/15/2021 Order (*on related case 2018C30078*), made further evident that (retired) Judge Zollars was really sick; because the *Order* had a plethora of mistakes and errors including the Judge Zollars describing a claim of "*one boat*," which was never in dispute by the parties. Again, "a boat" was never disputed by Parties; neither in the *Original Complaint*; in the *Contempt Citation Motion*; nor anytime during the *Oral Hearing* on 09/10/2021. [Emphasis added].

A week after the Petitioner filed on 12/07/2021 *Motion to Vacate* on related case 2018C30078 pointing out again that the retired Judge was suffering from Alzheimer's; the Respondent also realized the same and typed the judgement for Case 2020C30008 (without Judge asking) because at that point it was already 14 month from the 2020C30008 *trial*, and Petitioner's *Motion to Vacate* on parallel case 2018C30078 made evident that the judge was incapable to type the order. Judge Zollars retired soon after (*see Appendix-D*).

On 02/14/2022 the Petitioner started a new suit in federal court a related suit 22cv00413 *inter alias* for the financial loss due to the destruction of his home without due process and also against retired Judge Barbara Zollars, whose retirement was announced 9 days after the Petitioner sued her in Federal Court

related case 22CV00413; thus, announcement attached as Appendix-D.

This Petition for Writ is very simple; the Respondent (not the judge) typed the 2020C30008 Judgement as a gift to the judge, once noticing that the (retired) Judge was sick and at that point fourteen month came to pass from the trial; Respondent also type the Judgement for its appeal (related case 2022CV1) because (retired) Judge Epstein also ask *ex parte* via email for Respondent to type the Judgement of the Appeal for him.

Soon after the Petitioner started a claim of investigation against Judge Epstein for *ex parte* communication he also retired and Colorado refused to investigate retired Judge Epstein even after providing all the evidence to the Colorado Court Administrator.

The Petitioner had tier-two experiences with the Colorado Supreme Court (“CSC”), one before suing the state which happened in 07/23/2020, thus *related case 2020SC623* in which the CSC-Clerk was very cordial and took the Notice of Appeal Form (JDF-647) from Petitioner on 07/23/2020 and gave Petitioner 30 days (*Appx-E*) to file his 30-pages-Petition-Brief, which was filed on 08/21/2020.

However, in 2022 when Petitioner was already suing the State of Colorado and Judges via *related Case 22CV00413*; the CSC-Clerk was brusque with Petitioner and blocked the Petitioner from filing a Petition-Brief; instead the CSC-Clerk informed the Notice of Appeal Form (JDF-647) on 09/02/2022 with only 5-Pages as his formal Petition for Writ. When the Petitioner confronted the CSC-Clerk with the two forms of treatment one in 2020 and another in 2022; the Clerk terminated the phone call. The Petitioner requested the docket to prove to the CSC-Clerk of the two-tiers of treatment, and she demanded \$35.00 over the phone even after approving the Petitioner’s Pauperis form.

The U.S. Supreme Court just need to compare the dockets of CSC of related cases with the same Parties and venue, cases *2020SC623* and *2022SC650* to realize that the Petitioner was bluntly discriminated by the State of Colorado with two forms of treatment. Furthermore, even after the

Respondent failed to *answer* the Petitioner's 5 pages form (see [register of actions] Appendix-F 13J), the CSC-Court denied Petitioner's *Cert-Review*.

Once again, CSC-Clerk printed the envelope on 02/22/2023 and withheld from mailing for a month so Petitioner would miss his window for re-hearing with CSC.

The Petitioner alleges that the State of Colorado is not only discriminating against the Petitioner, but denying his *Cert-Review* in CSC; but also covering up the sudden retirement of two judges because, the determination of one judge having Alzheimer's and another having had an *ex parte* communication will expose the State of Colorado in liability not only with Petitioner, but many other citizens who had the unfortunate luck to be in front of a judge suffering from Alzheimer's.

REASONS FOR GRANTING THE PETITION

It is likely and probable that the Petitioner is once again the only one to appear in a second "supreme" Court. Collectively and individually Colorado and Respondent coerced Petitioner under 42 U.S.C § 3617 and 42 U.S.C § 1983. Violated his due process under 42 U.S.C § 1981 and 42 U.S.C § 1982; and conspired under 42 U.S.C § 1985 when judge Epstein requested a free typing and preparation *ex parte* of judgements in *related cases 2022CV1 and 2022CV2*. The Respondent had to be encouraged (or coerced) *ex parte* (by retired Judge Epstein) to write the judgement in *related appeal 2022CV1 and 2022CV2* and Respondent did not *answer* in Colorado Supreme Court Petitioner's *Cert-Review* case 2022SC650. It is unjust and un-American for Respondent to win a *Cert-Review* even when Respondent did not appear in the Colorado Supreme Court. Further reasons why:

- 1) Colorado County Court never had jurisdiction over property and matter Saguache Tax Assessor valued the home structure at \$34,275.00 and Court's discretion was \$25,000.00.
- 2) The County Judge violated Petitioner's XIV Amendment, on monetary discretion of the Court.
- 3) The County Judge violated Petitioner's V Amendment by foregoing his civil rights.

Respondent failed to *answer* the Petitioner's 5 pages form (see [*register of actions*] Appendix-F 13J), the CSC-Court denied Petitioner's *Cert-Review*.

Once again, CSC-Clerk printed the envelope on 02/22/2023 and withheld from mailing for a month so Petitioner would miss his window for re-hearing with CSC.

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- 2) The County Judge violated Petitioner's XIV Amendment, on monetary discretion of the Court.
- 3) The County Judge violated Petitioner's V Amendment by foregoing his civil rights.

4) Neither Judge Zollars, nor Respondent acknowledged the accusations that Judge Zollars was sick, neither in County Case 2020C30008 nor on its appeal 2022CV1.

5) Colorado is covering up judge's disability; thus, hurting a lot of more citizens than just this Petitioner.

6) The Respondent has no legal right to hold on a judgement on a removal of his home which a few years later estimates at \$610,300.00 with judgement with monetary jurisdiction of \$25,000.00; see

later estimates at \$616,500.00 with judgement with monetary jurisdiction of \$25,000.00, see

https://www.zillow.com/homedetails/609-Heatherbrae-Rd-Crestone-CO-81131/23646/978_zpid/

7) The retired District Judge was partial requiring Respondent to type his judgements via *ex parte* emails.

8) The Colorado Supreme Court (and Clerk) was discriminatory with Petitioner giving him two-tiers justice documented on record, one in 2020 via case 2020SC623 and another via case 2022SC650.

9) Finally, the U.S. Supreme Court should grant Petitioner Sandy a Writ of Certiorari because it is just.

A home estimated over half a million dollars cannot be destroyed via a \$25,000.00 discretion judgement.

CONCLUSION

All the allegations made in this *Petition* is supported by documentation on record. Once this *Petition* is granted, the Petitioner will provide any documents, at this point the Petitioner is still unemployed and it is an expensive gamble to make 11 copies of evidence with several pages when the evidences may never be seen. Please Honorable Justices to take notice that Colorado is not only discriminating the Petitioner, but embarrassing the U.S.A. with its actions narrated above; therefore,

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: 05/16/2023

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