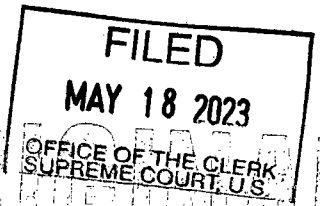


22-7666

No. _____



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 2022SC651

(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 - (one page) COUNTY COURT TRIGGER-JURISDICTION
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

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

STATUTES AND RULES

42 U.S.C § 1981	Pages: 2, 7
42 U.S.C § 1982	Pages: 2, 7
42 U.S.C § 1983	Pages: 2, 7
42 U.S.C § 1985	Pages: 2, 7
42 U.S.C § 3617	Pages: 2, 7
Colo.R.Civ.P. Rule 363	Pages: 2, 5
Colo.R.Civ.P. Rule 362(b)	Pages: 2, 6
Colo.Rev.St. § 13-6-104(1)	Pages: 2, 4, 8

OTHER

Mootness Doctrine	Pages: 5, 8
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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,
[X] is unpublished.

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

[X] reported at Saguache District Court; Colorado 2022CV2; 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; Colo.R.Civ.P. Rule 362(b) Stay of Judgement.

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 2022SC651* (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*; on 06/27/2022; Judge 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. Petitioner was the first to obtain jurisdiction over property and discrimination in Federal Court (*related case 18CV02572*) on 10/09/2018.

On 11/20/2018 Respondent started a retaliation lawsuit in County Court (*related Case 2018C30078*) at \$15,000.00 jurisdiction (in 2018, Amended to \$25,000.00 jurisdiction in 01/01/2019 [Senate Bill 18-056]); this was the first abuse of discretion, because Respondent and County Judge used

the retaliation lawsuit as a tool to force the Petitioner to countersuit in County Court and thus to create a collateral estoppel and dismiss Petitioner's federal discrimination suit.

The second abuse of discretion was Colorado County Court allowed the retaliation *related case* 2018C30078 to proceed even when all parties and judge agreed that the damages to the Petitioner far exceeded the monetary jurisdiction of \$15,000.00 by ten folds. County Judge created a mythological clause, in violation to Colo.Rev.St. § 13-6-104(1); claiming that a structure valued at \$150,000.00 will only trigger jurisdiction if Petitioner countersues Respondent (*Appendix-C*); Colo.Rev.St. § 13-6-104(1) has no provisions to countersuit-jurisdiction-trigger, this is thus a pseudo law in violation of the *XIV Amendment* and the Petitioner's Civil Rights. Colorado Attorney General provided County Judge mythological argument as defense in *related case* 22CV00413; as ECF-81-3 Page 6 here as *Appendix-C and underlined*; even when Colo.Rev.St. § 13-6-104(1) makes no provisions for countersuits.

The trigger-countersuit-jurisdiction is also mythological as "*the grandfather-clause*" because the 11/07/2019-Order (*related* 2018C30078) granted the Respondent the authority to remove a structure of \$150,000.00 in a \$15,000.00 jurisdiction. All the appeals that followed in Colorado also abused monetary discretion jurisdiction demanding three supersedeas bonds above the \$15,000.00 jurisdiction.

The Petitioner attempted to comply with 11/07/2019 Order even though it was egregious and required the Petitioner to complete his home through Colorado's Winter at 8,000 feet elevation within 6 months. On 02/20/2020 (thus Winter) the Petitioner fell from the roof and permanently lost his left shoulder. The 11/07/2019 Order granted the Respondent the authority to remove the Petitioner's structure valued at \$150,000.00 on 05/08/2020; which the Respondent, then, did not.

The Respondent sat on its 11/07/2019-Judgement and did not remove the Petitioner structure; yet a year and a half later the Respondent filed a *Contempt Citation* (04/20/2021) against the Petitioner to remove the structure even though the 11/07/2019-Judgement already granted the Respondent authority to

remove the structure since 05/08/2020.

On 09/10/2021 a hearing in person was held, in which the (suddenly-retired [Appendix-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. 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.

Also, on 09/10/2021, Respondent BGPOA told the Court that it did not wish to execute on the demolition or removal of the Petitioner's structure granted by 11/07/2019 Judgement; instead to fine the Petitioner \$50.00 for each day that the dome-structure was not removed, the Court granted Respondent's Request on her 10/15/2021 Contempt Citation Order.

The 10/15/2021 Order, 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].

The Petitioner filed on 12/07/2021 *Motion to Vacate* the 11/07/2019 Order, *inter alias*: a) (retired) Judge Zollars was in cognitive decline and Colo.R.Civ. P. Rule 363 afforded her removal from the Bench; b) *Mootness Doctrine* because Respondent on 09/10/2021 asked the Court to change its *Original Complaint* and the *11/07/2019 Judgement* without a trial; c) the Order was impossible to perform without money and with just one arm; d) the cost to the Petitioner exceeded the Court's discretion.

On 01/21/2022 the Petitioner filed a Notice of Appeal on the Order denying the *Motion to Vacate* and on the same day 01/21/2022, the Respondent was destroying Petitioner's the \$150,000.00 property even though he had a timely pending Motion to Stay the 11/07/2019 Judgement which was granted.

On 01/21/2022, Respondent violated Colo.R.Civ.P. Rule 362(b) Stay of Judgement destroying the Petitioner's property without due process with a judgement limited to \$15,000.00; in stealth without asbestos inspection and without Colorado demolitions permits.

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.*

The rest of the story was cited in the *Intro, supra*, on District Judge Epstein started an *ex-parte* communication with Respondent. 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 the Petitioner 30 days (*Appendix-E*) to file his 30-pages-Petition-Brief, thus, 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 *2022SC651* 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 ages form (*see Appendix-F*), 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 2022SC651. 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 because the Petitioner was the first to obtain jurisdiction in federal court *related case 18CV02572*.
- 2) Colorado County Court *case 2018C30078* never obtained jurisdiction because there is no such thing as trigger-countersuit jurisdiction under Colo.Rev.St. § 13-6-104(1).
- 3) The County Judge violated Petitioner's XIV Amendment by creating a vague law.
- 4) The County Judge violated Petitioner's V Amendment by creating a vague law.
- 5) Subsequent Colorado judges also did not have jurisdiction because trigger-countersuit is a myth.
- 6) Three supersedeas in *related case 2019CV1* all exceeded Colo.Rev.St. § 13-6-104(1) because the case was started in 2018 at \$15,000.00; furthermore, it was originally a *non-monetary injunction*.
- 7) Under *Mootness Doctrine* the Respondent had no legal right to change its *Original Complaint* nor ask the Court to *amend* the 11/07/2019 Judgement, because it cannot be done in a hearing to change a Judgement requires a trial or a new trial.
- 8) The sudden retired Judge Zollars published the *10/15/2021 Order* full of mistakes and wrote about a *boat* (with plenty of time and documentations in chambers), which was never in dispute by the Parties.
- 9) The State of Colorado is covering up the mental decline of the judge hurting a lot of more citizens than just this Petitioner.
- 10) The Respondent has no legal right to destroy an unfinished home assessed at \$150,000.00 when the judgement jurisdiction was \$15,000.00.
- 11) The Respondent violated the Petitioner's due process when the property was destroyed and a motion to stay on the same property was granted.

- 12) The retired Colorado District Judge was partial and lazy by requiring the Respondent to type his judgement via *ex parte* emails.
- 13) 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 2022SC651.
- 14) Finally, the U.S. Supreme Court should grant Petitioner Sandy a Writ of Certiorari because it is just. He lost 7 years of work when his property was destroyed, and his left shoulder trying to comply with an *Order (that never had jurisdiction)* being discriminated by the State of Colorado Judges and by Respondent.

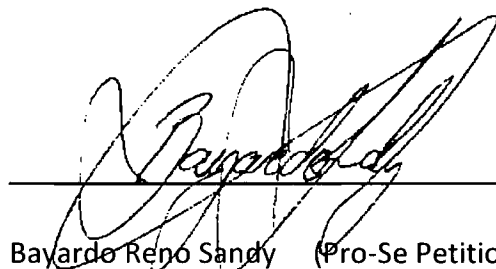
CONCLUSION

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 10 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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COVER PAGE SEPARATING DOCUMENTS

Copy of Petition for APPENDIX (A—→G)

Writ 22SC651 and corresponding Appeal 2022CV2

18 Pages