

No. 21-40904

22-7724 ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

APR 10 2023

OFFICE OF THE CLERK

Juan Andrade-Moreno PETITIONER
(Your Name) Plaintiff

vs.

Isaac Kwartens et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals Fifth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Juan Andrade-Moreno: Agent
(Your Name)

Gib Lewis Unit 777 FM 3497
(Address)

Woodville Texas 75990
(City, State, Zip Code)

(409) 283-8181
(Phone Number)

QUESTION(S) PRESENTED

- 1.) awaiting for 3-4 Years for Permanent Physical Injury for Experience Ruptured Neck disc C3-7; Including Suffering Serious Physical Injury to his Lower back Spine disc 3-4 Vertebral Fracture Bone meet Surgery done; Including Physical Serious eyes Cataract causing blindness blurred vision delay Surgery delay eyes Glasses 3-4 Years? Including Suffering Experience Serious Physical Injury to hold eardrum impairment 3-4 Years, Experience Suffering Physical (ADHD) impairment mobility In Gib Lewis Unit HIGH SECURITY Segregation in Violation of TDCJ Policies AD-03.50? FACTUAL DISPUTED CLEARLY IS PRESENT?
- 2.) Why was delay medical for this Permanent Physical Injury for 3-4 Years?
- 3.) Does Mr. Moreno have a Bill of Right of Texas Constitution And U.S. Constitutional to file Sue Contract 1983 Civil right without retaliated and without discrimination?
- 4.) Mr. Moreno, is a qualified Individual disabled Person, Class member (ADA) within Title II of American with Disabilities Act Section 504 Rehabilitation why Violated?
- 5.) Does Mr. Moreno have some Constitution right to have a Counsel in disciplinary for mental Developmental disabilities to Present evidence, witness, documented, video?
- 6.) Why is there conflict between Maritime Commerce Law of Sea and Supreme Law of Land (U.C.C.) God Law which is Common Law Supersedes all other Law Uniform Commercial Code Covenant and Contract?
- 7.) Mr. Moreno Ask why to object Not Limited Liability?
- 8.) That Jurist of Reason would find it debatable whether the Petition States a Valid Claim?

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

42 U.S.C. § 1983. Accordingly the Court determines Venue Under the General Venue Provision in 28 U.S.C. § 139 (b) see Baker v. State of Tex. No. 1:16-cv-008, 2016 WL 625090 at *1 (S.D. Tex. Jan. 13, 2016) (citing Williams v. Hoyt 556 F.2d 1336, 1341 (5th Cir. 1977) (citing 28 U.S.C. § 1391 (b) as Venue Provision applicable to Section 1983 Action) Pursuant to Section 1391 (b) Venue for a Section 1983 lies in the judicial district where all defendants' resides, or in the judicial district where a substantial part of the event or omissions giving rise to the claim occurred." Id (quoting Trudillo v. Dr. Arce, No. CIV.A. 5:03-cv-114-C, 2003 WL 21266974, at *1 (N.D. Tex. May 27, 2003)). Mr. Juan Andrade-Moreno Complaint asserts civil rights violations that allegedly occurred in McConnell Unit where he was in car created. His allegations are related solely to event that allegedly occurred with all defendant that are Joinder Rule 18(a), Fed. R. Civ. P.; Rule 20(a)(2), Fed. R. Civ. P. see George V. Smith, 507 F.3d 605, 607-08 (7th Cir. 2007); Valdez v. Dretke, 2007 WL 2177007, *8-9 (S.D. Tex. June 26, 2007); Pope v. Miller 2007 WL 2427978 at *4-5 (W.D. Okla. Aug 21, 2007) See Id § 1404 (stating that for convenience of parties and witnesses, in interest of Justice. Norbeck v. Adair of Church Extension 84 UTAH 37 P. 2d 339, 129 U.S. 45-46.

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- (2) Brady v. Maryland Page.....8
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- (13) Brown v. Arkansas Dep of Corre U.S. Court of Appeals Eighth Cir 265 F.3d 718
2001 U.S. App. Lexis 20315 PG.....8
- (14) Verizon Maryland v. Public Service Commission Maryland 535 U.S. 635 152
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- (15) William v. Hoyt 556 F.2d 1336, 1341 (5th Cir 1977) PG.....3

STATUTES AND RULES

- 28 U.S.C. § 139 (b)
- American with Disabilities Act Rehabilitation Act Section 504
- 29 U.S.C. §§ 12131-213
- 42 U.S.C. § 1331 (c) and 1343
- 42 U.S.C. § 1983
- Supreme Court Rule
- Rule 37.2 34.6.
- Rule 47. Rule 10.
- Rule 5.2 Rule 11.
- 28 U.S.C. § 139 (b)
- Rule 17. 2 Procedure in an Original Action

OTHER

Rule 37.2. An Amicus Curiae brief in Support of a motion
of a Plaintiff for Leave to file a bill of Complaint in
Original Pleading. In Support of writ of Certiorari

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

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

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

The opinion of the United States district court appears at Appendix B to the petition and is

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

☐ For cases from **state courts**:

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

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

The opinion of the _____ court appears at Appendix D to the petition and is

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

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was January 26, 2023.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: January 26, 2023, and a copy of the order denying rehearing appears at Appendix B.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was June 19, 2022.
A copy of that decision appears at Appendix B.

☐ A timely petition for rehearing was thereafter denied on the following date: July 2, 2022, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Claimant Mr. Juan Andrade-Moreno: IS likely to Succeed on the merits due to Constitutional and Statutory Provisions that are involved. The STATE WAIVER THEIR IMMUNITY due to within Title II of American with Disabilities Act Section 504 Rehabilitation Act 29 U.S.C. §§ 12131-12132 Cite United States Court of Appeals Second Circuit 331 F.3d 261; 2003 U.S. App. Lexis 11440; Cite Linda R. Gibson Larry Douglas Brown v. Arkansas Dept of Correction Thomas Mac Appellees United States Court of Appeals Eighth Circuit, 265 F.3d 718 2001 U.S. App. Lexis 20315 Cas (BNA) 328 Nos. 01-1038; 01-1114; [Quoting Porretti v. Azucenda, 11 F.3d 1037 (9th Cir 2021)]. Claimant Mr. Juan Andrade-Moreno have a record of Physical and mental impairment; (2) Mr. Moreno have a record of Permanent Physical injury that Defendants Cause; (3) Mr. Moreno is regarded as having such impairment; (4) Mr. Moreno is a qualified individual disabled person; (5) Mr. Moreno have a such record for Psychologist treating developmentally disabled out patient and in Patient Hospital. All Defendants receiving Federal financial Assistance or under any Program or Activity conducted by any Federal Executive Agency Alexander v. Choate, 469 U.S. 287, 301, 105 S.Ct. 712, 7020, 83 LEd 2d 661, 672 (1985) Defendants are Subject to (ADA) (2) All Defendant received Federal funding in UTM B Employees Pace v. Bagolusarity, 403 F.3d 272, 289 (5th Cir. 2005) (en banc). Citing Verizon Maryland, et al vs. Public Service Commission of Maryland, 535 U.S. 635 152 LEd 2d 871, 1225 Cst 1753 [No. 00151] No. 001711 have jurisdiction 42 U.S.C. § 1331 (1) and 1343 allowed the Sued to go forward with the doctrine of Ex Parte Young (1908) 209 U.S. 123, 52 LEd 714, 28 S.Ct. 441. A Federal has jurisdiction over a Suit Against a State officer under the Eleventh Amendment. Ex Parte Young Permits Verizon suit to go forward in their Capacities. The Government's Constitution disclosure duties. The Fifth and Fourteenth Amendment require the Government to disclose specific UTM B medical evidence of record. In Brady v. Maryland the Supreme Court held that due Process requires the Defendants to disclose upon which was request evidence favorable to an accused when such evidence is material to guilt or punishment. A Brady violation occurs when: (1) evidence is favorable to accused because it is exculpatory or impeaching; (2) evidence was suppressed by the State, either willfully or inadvertently; and (3) Prejudice ensued.

STATEMENT OF THE CASE

This is A Contract Civil Right Action Filed by Juan Andrade-Moreno, on June 19, 2022 A State Prisoner for damage and Inductive Relief under 42 U.S.C § 1983 Alleging denial of medical Care 3-4 Years in Violation of the Eighth Amendment to the U.S. Constitutional and disciplinary Sanction in violation of the due Process clause of the fourteenth to the Texas Constitutional Amendments, As well Under the American with Disabilities Act title II Section 504 Rehabilitation Act 29 U.S.C §§ 12131-213.

Claimant Mr. Moreno, due not Accepted Thrid Party Corporation Contract due that defendant were already Operating in Contract without given notice to Mr. Moreno. Mr. Moreno, object to thrid Party Contract Appeals Optioning Juan Andrade-Moreno: Accepted fully Liability Assurance from the State Co-Defendants for their misconduct and their discrimination their retaliation for inducing Mr. Moreno, with Permanent Physical injury that cause more mobility impairment due that Mr. Moreno was Schedule to Galveston Hospital to see Specialist Physician for the injured diagnosed for neck injury and eardrum impairment. Juan Andrade-Moreno was taken out of Hostage from Mc Connell Unit Segregation on April 20, 2023 And transfer to Estelle medical Unit for a week on April 26, 2023 Mr. Moreno caught chain to Gib Lewis Unit HIGH SECURITY were Mr. Moreno is now being Hostage against his will. The yclo officer retaliated by not giving Mr. Moreno his chain Bag with Legal materials which He brought from Mc Connell Unit to Estelle Unit. It was in Estelle Unit were my chain bag stayed. on that week Mr. Moreno wrote from Estelle Unit to the Supreme Court of the United States to give then notice of the Pending writ of Certiorari in Cause No. Moreno wrote the two (2) Letter from Estelle Unit. on May 15, 2023 Mr. Moreno received Legal mail from Gib Lewis Unit that came from Mc Connell Unit the mail was address from Clerk Scott S. Harris and Susan Frimpong Supreme Court of the United States office of the Clerk Washington, DC. Now I have a Correspondence of one of two Pending Cause Account No. 21-40904. Put your self in my shoe to find out if this is not retaliated all because I speak the true about my injury and for filing Lawsuit. will hold them Liability for my Blood. I AM not a fictional Limited Entity! I AM not A Fictional Limited Liability Party for any fictitious Person. I AM not A Fictional Limited Liability or otherwise known as a Corporation Liability Mayfield v. First Nat Bank of Chattanooga Tenn. C.C.A. Tenn 137 F.2d 1013, 1019. Feil v. City of Orund Alene 23 Idaho 32, 129 P. 643, 649, 43 L.R.A.N.S 1095 Bre Saw v. Rightmire, 196 Y.S. 539, 541, 119 misc. 833 J.

REASONS FOR GRANTING THE PETITION

Wherefore, base on the foregoing fact Statement, Authorized Mr. Juan Andrade-Moreno: A Sovereignty, Secured Party, Shareholder, Beneficiary Agent, Cestui que Trust Account number 01689833 1S Proceeding Sui Juris in Propia Persona, read into the record. The Claim in this writ require and warrant relief to be granted by this Honorable Justice. The allegation do not fail to state a claim upon which relief can be granted. Relief is required due to a failure of the mutual and fair meeting of minds within Commerce Code. The following writ legally and lawfully provides the remedy upon which relief may be granted. with this writ, all previous Presumption are rebutted, and the misuse of maritime Commerce laws, its Stand corrected by God YHVH Laws, which is Common Law, because Common Law supercedes all other law." (UCC) Uniform Commercial Code of Covenant of Land.

Juan Andrade-Moreno: Agent Practice Defactor Dedur Under Common Law which claim His Privacy and Private System of Justice. Into which the defacto Public Government Defendants Contract Cannot Intrude. Morenos hold the Judge to hold his office OAKH from committing Treason Against the Constitutional of the United States and restrict him of the Law which I, Juan Andrade-Moreno: Stated. All Defendants Parties are Sue \$ 500,000.00 individual in their bond number And their Agency numbers Capacity monetary award Compensatory damage and award Punitive damage, each Defendant individual of \$ 100,000.00 an equitable Accounting release, recoupment, indemnity. This is an unliquidated claim - The money sought is within the Jurisdictional limits of the Court. Juan Andrade-Moreno, request the Account of Cestui que Trust Account number 01689833 be Settled, Closed, discharged and the bid bond/Surety bond extinguish, and release Juan Andrade-Moreno: in Propia Persona, from Surety ship and release Juan Andrade-Moreno: from Prison for all the damage that the Defendant Cause to Mr. Juan Andrade-Moreno: I Am being Hostage A Prisoner of War in maximum Gib Lewis unit HIGH SECURITY MY Status is G2 S3 Trust Class. This is Cruel Pishment tormented No clean Supplies no necessity for hygiene, tooth Paste, toothbrush for this Gib Lewis unit is being investigate for murderer and People dying with drug MY God YHVH will bring Judgment on the Government who are doing Undjustice to his Servant El messenger MY Royal Prophet they will not get away of his Judgment - I am a Living Flesh-and-blood natural Person.

Juan Andrade-Moreno:

Juan Andrade-Moreno: Respectfully request that this Honorable Justice Grant this writ Contract due to the Experience of Suffering that Defendant Cause for Permanent Physical injury Scores for Life. For all the Pains Suffering for to get medical care Attention 3-4 Years awaiting and still awaiting for more referral evaluation examination diagnosis which will cause Surgery and medical Treatment as well more Physical Specialist Physician to see that I, get Physical Therapy done. Moreno was getting Physical Therapy in Estelle Unit and was referral by the Specialist Therapy to see Specialist Physician in Galveston Hospital as well was referral by McConnell Unit Physician Ronald R. Holdorf to see the Specialist Physician for the Physical injury. Instead the McConnell Unit Co-Defendant retaliated by sending Mr. Moreno to Bib Lewis Unit which is not medical unit or brutal tortured, and request to be sent back to McConnell Unit or back to medical Unit.

CONCLUSION

The petition for a writ of certiorari should be granted. Request Assignment to Master Chancery

Respectfully submitted,

Juan Andrade-Moreno: Agent Cestui Que Trust Account 01689833

Date: May 21, 2023

Sovereign

