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22-830
No. 22-

IN THE

Supreme Court of the United States

HIRAM I. PEREZ SOTO, Pro Se,

Petitioner,

v.

HONORABLE MAITE D. ORONOZ *et al.*,

Respondents.

**On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the First Circuit**

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

I filed a complaint in the Federal District Court of Puerto Rico in March 2019 19CV-1266 Leading case, and 19CV-1774. I wanted to obtain a declaratory judgment against the justices of the Supreme Court of Puerto Rico because I was disbarred without giving me the opportunity to defend myself. The Commissioner named by the Supreme Court refused to give the opportunity to explain the five ethical complaints and five recusal motions I filed against judges. There is the constitutional right to file ethical complaints and recusal motions against judges with specific facts, reasonable basis and with respect, see *In Re Little*, 404US533; *Holt v. Virginia*, 381US25; *In Re Cardona Alvarez*, 116DPR895. I filed the complaint under 42USC1983. There is no immunity for declaratory judgment and under the facts of this case for injunction remedy, see *Heimbacke v. Lyons*, 597F2d344; *Allen v. Debello*, 861F3d433; *Clay v. Olstain*, 210US District Court Lexis 111395; *Khun v. Thompson*, 304FedSupp2d1313; *Tesmer v. Kowasky*, 114FedSupp622; *Monaham v. Savatis*, 2014 US District Lexis 19840; *Cain v. City of New Orleans*, 184FedSup 3rd 379; *Page v. Gladys*, 78FedSupp1207; *Snow v. King*, 2018 US District Lexis 1613; *Allee v. Medrano*, 416US802; *Sibly v. Lamb*, 437F3d1077; *Littleton v. Berbling*, 468F3d389; *Association of Medical Malpractice v. Torres Nieves*, 2013 US District Lexis. Under the facts of this case there is no immunity for an injunction decree where no declaratory judgment can be obtained due to the bias of judges. See *Owen v. Cowan*, 2018 US District Lexis 2714; *Chults v. Alabama*, 2018 US District Lexis 228824. When there is a reasonable basis of bias of state justices and judges their judicial decisions and judgments can be voided under a declaratory

(i)

judgment or injunction remedy under Section 1983. Additionally when egregiously wrong decisions are made they are equivalent of a bias judgment and they can be voided, see *In Re Honorable Díaz García*, 158DPR895; *Davila v. Melendez*, 2013JTS15; *In Re Hammermaster*, 985P2d924 (1999); *In Re Benoit*, 487A2d1158 (1975); *In Re King*, 568NE2d588; *The Line Between Legal Error and Judicial Misconduct: Balancing Judicial Independence and Accountability*, Hofstra Law Review, Vol. 32 Issue 4 by Cynthia Grey.

There was no due process in the hearing before the Commissioner named by the Supreme Court my disbarment and disqualification was void. It was a prior restraint, see *Near v. Minnesota*, 283US697; *In Re Ruffalo*, 395US544; *Selling v. Radford*, 243US46 (1917). No judge filed ethical complaint against me. They did not dared to do so after I filed a judicial complaints and recusal motion against judges, they knew that my judicial ethical complaints and recusal motions were constitutionally protected as before stated. Only an adversary lawyer filed an ethical complaint against me for the ethical complaints and recusal motions I filed against judges of the Commonwealth of Puerto Rico. He didn't had legitimacy to do so, see *Zachari v. Tribunal Superior*, 104DPR267.

The questions presented are:

1. Whether a Federal Court in a claim filed under Section 1983 can void a disbarment judgment of the Supreme Court of Puerto Rico in which the disbarred lawyer didn't had the opportunity to explain the judicial ethical complaints filed by him. Those judicial ethical complaints were specific with reasonable basis and respect.

2. Whether the complaint filed under Section 1983 private lawyers who conspire with judges to prepare judgments that were bias and egregiously wrong can be held responsible in damages.
3. Whether District Attorneys of the Solicitor General Division of the Department of Justice of Puerto Rico can be held responsible in damages in a complaint filed under Section 1983 when their investigative reports were prepared with bias.
4. Whether the Director of the Judicial Administration of the Commonwealth of Puerto Rico which failed to supervise and punish the judges who prepared bias judgments can be held responsible in damages. The decision of the Judicial Administrator were not quasi-judicial decisions.
5. Whether Federal District Judges must refer to Federal District Attorneys for investigation of a violation of Section 18USC242, the Criminal Federal Civil Right Statute that could be applicable to defendants in a 1983 complaint.

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INTRODUCTION

In this case I filed a complaint in the Federal District Court of Puerto Rico on March 2019, 19CV-1266 Leading Case, 19CV-1774. This complaint was filed under 18USC1983. The inheritance case in which I was the plaintiff Pro Se HSCI2007-01040 was dismissed without a hearing. That complaint included three claims, the first was to compute the estate of my late father, Hiram Pérez-Beltrán, second to void a fraudulent redemption of 25% interest which I had in the family corporation Cantera Pérez which was in the business of sand and gravel quarry. The third is a contingent derivative claim in which I as a minority shareholder wanted to void a real estate sold fraudulently by corporation Cantera Pérez. The complaint was dismissed using false cases, the judges were biased against me. The Appellate Courts confirmed judgments without any basis in the Law. Finally the Supreme Court refused using the discretionally writ of Certiorari to revoke decisions that were egregiously wrong. The Rule of Law was violated repeatedly and the stare decisis rule. I was disbarred by the Supreme Court of Puerto Rico because I filed 5 ethical complaints against judges and 5 recusal motions. In a hearing before a Commissioner named by the Supreme Court I wasn't allowed to discuss the ethical complaints nor the recusal motions. I wasn't permitted to discuss the egregiously wrong decisions and sanctions made against me by state judges. Nor the frivolous motions filed by the adversary lawyers citing wrong cases, using the secret ethical complaints in a conclusory way to incite the hostility of judges against me. Every lawyer has a constitutional right based on free speech and the right of a fair tribunal to file judicial complaints and recusal motions against judges with reasonable basis, specific facts and with respect, see

Holt v. Virginia 381US25; *In Re Little* 404US533; *In Re Cardona Alvarez* 116DPR895. Under the due process clause every litigant has a right to an impartial forum, see *Capperton v. ATMassey* USSC June 2009. After I filed the first judicial ethical complaint a judge of the Court of First Instance of Humacao was removed by the Judicial Administration. This judicial ethical complaint triggered a conspiracy by judges of the Court of First Instance of Humacao to punish me with egregiously wrong decisions. The Appellate Courts refused to revoke those decisions without any basis in the Law, so did the Supreme Court of Puerto Rico. In the Commonwealth of Puerto Rico there is an informal policy that no lawyer can file a judicial ethical complaint because if he uses his constitutional right he will be punished, his complaint will be dismissed in a bias way. He will be disbarred without affording him an opportunity to defend himself; this is a prior restraint, see *Near v. Minnesota* 283US697. No judge filed an ethical complaint against me. An adversary lawyer filed an ethical complaint against me and it was conclusory. This lawyer didn't had legitimacy to file this ethical complaint based on the fact that I filed ethical complaints against judges, see *Zachari v. Tribunal Superior* 104DPR267. No judge had the courage nor dared to file ethical complaint against me because they knew all my ethical complaints were filed with reasonable basis, specific facts and respect. Lawyers have the obligation to file ethical complaints and recusal motions against judges to defend their clients. This highly unethical conduct of judges and justices of the Commonwealth of Puerto Rico which is a type of corruption has spread like a cancer and lawyers are afraid to comply with their ethical obligation to file meritorious judicial complaints and recusal motions. The citizens are the

ones who are being punished because of the unethical conduct of judges and lawyers. I was Pro Se in the litigation which has taken 15 years and I found almost impossible to find lawyers, they are afraid of being blacklisted. I stand to lose around \$15 million with the dismissal of my complaint. An adversary lawyer prepared judgments signed by judges with no basis in the Law. I had no hearing, no due process. The judicial proceedings were bias. Judges conspired with the adversary lawyers who prepared judgments signed by judges full of bias and hostility towards me. An adversary lawyer started using foul language accusing me of paranoid. Furthermore I was disqualified by a bias judge based on lies of adversary lawyers; I was Pro Se. I was accused of taking a deposition with a lawyer not admitted to the case, this lawyer was a public notary who sworn the witness and excused himself as is the practice in Puerto Rico. In this way without a hearing I was disqualified. No effort was put to prove that I was emotionally or intellectually unfit to be Pro Se, see *Meléndez Vega v. Caribbean* 2000TSPR101; *Kmart v. Walgreens* 121DPR633; *Otaño Cuevas v. Vélez* 96JST142. I always respected the dignity of the judicial proceedings. The denial of my Pro Se was in fact a denial of access to the Courts, see *Logan v. Zimmerman* 455US422; *Lasister v. Department of Social Services* 425US18; *Boddie v. Connecticut* 40QUS371 (1971); *NAACP v. Button* 371US415 (1973); *Evitts v. Lucey* 469US387; *Mathews v. Eldridge* 424US319 (1976); Laurence H. Tribe American Constitutional Law Sec. 10-18 pag. 753 y sig.; Note 55 Fordham L. Rev. Page 1109 y sig. The presiding judge in the Court of First Instance of Humacao Adalgisa Dávila Vélez disqualified me without a hearing April 2008. I sent to her a transcript of the deposition in which it was proven that I was the one who took the

deposition. That deposition was taken on February 2007. Counselor Laguna Mimoso cited me for a deposition in the court premises. This deposition was on November 2007. The complaint was filed on August 2007. He constantly insulted me in motions labeling me as paranoid. In this deposition there were insults and yelling, humiliation, interruptions. I couldn't explain the nature of a contingent derivative claim. She didn't disciplined the adversary lawyer, she had the obligation to maintain the dignity of the judicial proceedings. Counselor Laguna Mimoso was defending the corporation Cantera Pérez which is the beneficiary of the contingent derivative claim. He filed two motions of summary judgment with an unfinished deposition citing me out of context. My turn never came. I filed an ethical complaint against Judge Dávila Vélez; I had information that I couldn't corroborate that she was friend with counselor Laguna Mimoso. She was subject to ethical investigation, I have reasonable basis to believe that she was removed from the case by the Judicial Administration. I appealed the decision to disqualify me without a hearing KLCE2008-00585. In the panel was Judge Brau Ramírez; I have reasonable basis to believe that he was the one who prepared the judgment. In this judgment my disqualification without a hearing wasn't revoked. This decision was made on June 2008. This judge used the same abusive language used by attorney Laguna Mimoso. He labeled me as paranoid. Judge Brau Ramírez was proposed as a Commissioner on November 2009 by the adversary lawyers when he was out of the judiciary; he didn't performed as such. The position of Judge Brau as an Appellate Judge expired. Judges are named in Puerto Rico based on politics. When the political party who named initially Judge Brau won an election he was named to the court again.

I have repeatedly asked the Supreme Court to investigate if this judge received any money. If he was paid any legal fees and he didn't paid back those fees there could be bribery, this is a crime under Puerto Rican Law, see Articles 259 and 260; the first penalizes who receiving of a bribery, the second the payment of a bribery. This also could be a crime under 18USC241 and 242, 18USC666 and 18USC101. He participated in the preparation of the ethical report AB2013-0510 with a lawyer of the Solicitor General Office of the Commonwealth of Puerto Rico. He was constantly cited in this report. This report didn't discussed my ethical complaints. In the case KLAN2011-00720 Appeals Court in May 2013 after I explained in the abusive way I was disqualified based on lies allowed my Pro Se. It revoked the decision of Judge Dávila Vélez in April 2008 and of the panel KLCE2008-00585 June 2008. After my Pro Se was allowed KLAN2011-00720 on May 2013 all the Appeals Courts allowed my Pro Se: KLCE2015-00725, KLCE2015-00534, KLRX2015-00008, KLCE2017-00108. Only the corrupt and bias judges of the Court of First Instance of Humacao didn't allow my Pro Se, they were in contempt of the Appeals Court decision, the judges were Negrón Villardefranco, Hernández González, Castro Rodríguez; all of them were removed by the Judicial Administration after I filed ethical complaints against them. The Commissioner named by the Supreme Court in my disbarment case took judicial notice of all the appellate cases in which my Pro Se was allowed. The Commissioner didn't ask the Supreme Court for my disbarment or disqualification. The Commissioner only stated that I should be disciplined. The Commissioner didn't permit me to discuss the five ethical complaints and five recusal motions that I filed. Didn't permit me to explain the egre-

giously wrong and bias decisions made by the Courts of Puerto Rico against me. Didn't permit me to explain that the adversary lawyers constantly used the secret ethical complaints I filed against judges to incite hostility against me. Constantly cited false cases lying to the courts and made frivolous motions. There was no due process in the hearing before the Commissioner see *Selling v. Radford* 243US46 (1917); *In Re Ruffalo* 395US544. The Supreme Court in its disbarment judgment CP2015-020 June 2018 disbarred me without any evidence. It also disqualified me violating the Due Process of Law because all the appellate decisions previously decided were res judicata, nobody appealed those decisions. The Supreme Court didn't had jurisdiction to disqualify me, it showed bias. The Supreme Court also lied when they stated that I filed frivolous motions, cited false cases and accused the adversary lawyers of lying, this is completely incorrect. I can prove easily that the adversary lawyers lied to the court and cited false cases.

In the case KJV2006-2638 Judge Sagebien in Court of First Instance of San Juan approved what is called in Puerto Rico "Carta de Albaceazgo" which is a type of Letter of Administration. The deceased passed away in October 2006, the "Albacea" or Administrator was named on November 2006. After intensive litigation the Court of First Instance of San Juan decided that an Administrator named for an undetermined amount of time its position expires in two years. The Court decided that the position of "Albacea" expired in January 2010. This was res judicata. Nobody appealed the decision. Once the position of "Albacea" or Administrator, expires, the administration of the estate is transferred to the heirs. They vote according to the participation of ownership they have in the estate. I have a 50% participation, my sister codefendant Enid

Pérez Soto has 1/6, her two daughters which are also codefendants, Marisel and Arleene Valeiras Pérez, have 1/2 of 2/3 of the estate. Codefendant Cordero Soto a cousin of mine by the maternal side helped my father in the administration of the family business Cantera Pérez. He was named as "Albacea", Administrator, and his position expired as previously explained. Attorney Alcaraz Micheli in February 2010 knowing that the first judge Dávila Vélez was removed in August 2009 after secret judicial complaint asked the Court of First Instance of Humacao HSCI2007-01040 to name Mr. Cordero Soto Administrator. In November 2010 the Court of First Instance of Humacao in a bias way violating the doctrine of res judicata named Mr. Cordero Soto Judicial Administrator based on the will of the deceased. The will of the deceased cannot go against the Law, a person accused of fraud against the estate as was Mr. Cordero Soto cannot be named Judicial Administrator. The Judicial Administrator should be impartial. There should be a hearing, notification, bond, this procedure is of strict compliance of Article 337 of the Code of Civil Procedure wasn't complied. The naming of Mr. Cordero Soto was void, see *Flecha v. Lebrón* 2005JTS176; *Villanova v. Villanova* 2012JTS53. We filed an appeal to revoke the decision to name Mr. Cordero Soto as Judicial Administrator, KLCE2011-00057. This was on February 2011. On March 1, 2012 we filed a Mandamus with the Supreme Court of Puerto Rico. We wanted a prompt decision of a simple case. After we filed the Mandamus the Appeals Court decided in a bias way that the naming of Mr. Cordero Soto as Judicial Administrator was legal. They didn't even discussed the case KJV2006-2638. The decision was egregiously wrong and showed bias. We filed motion asking for the voidance of the position of Administrator on December

2012, March 2014, October and December 2014. In a bias way the Court of First Instance of Humacao refused to void the position in a conclusory way. Attorney Cordero Alcaraz which is the daughter of Mr. Cordero Soto started filing motions lying to the Court. She stated that in a hearing in June 2011 there was an agreement for the paying of legal invoices she submitted to her father. This is a blatant lie. We opposed the payment of these invoices. Attorney Cordero Alcaraz filed numerous motions with the headings of the Appeals Court KLCE2011-00057 in the Court of Humacao, it was made to confuse the Accounting Division. She prepared an order signed by Judge Negrón Villardefranco with the heading of the Appeals Court; this was made to confuse the Accounting Division of the Court of First Instance of Humacao. Judge Negrón signed the order in October 2013 and in December 2013. Before that Judge Hernández González signed the same order on February 2012. This last order wasn't discussed and was never notified by the Court. The order stated a blatant lie; that there was an agreement to pay the disputed invoices. We filed a recusal motions against Judge Negrón Villardefranco and it was denied. We appealed Pro Se KLCE2014-0414. In that panel was Judge Brau Ramírez which started insulting me. He stated that I couldn't be Pro Se. He knew I was disqualified based on lies. He insulted me telling that I had filed frivolous ethical complaints against judges which were secret. He stated that my motion should be delivered back to me. Judge Negrón wasn't disqualified. When the case came back to the Court of Humacao judge Negrón accepted there was no agreement. He accepted that attorneys Cordero Alcaraz and Alcaraz Micheli lied for more than three years. In a hearing in September 2014 without examining the

invoices judge Negrón approved them. In Puerto Rico the Administrator is the one who has the burden to proof the legality of the disputed invoices, see *Mercado v. Mercado* 66DPR368. Judge Negrón was removed by the Judicial Administration on October 2014. Also Judge Brau Ramírez was removed by the Judicial Administration. I received a letter on October 2014 which stated that I had reasonable basis to complain about the behavior of Judges Brau Ramírez and Negrón Villardefranco. There were two orders of the Court of First Instance of Humacao signed by Judge Trigo Ferraiouli of March and April 2012 stating that the disputed invoices couldn't be paid. Judge Castro Rodríguez who came to the case approved the invoices, they were increased from \$8,000 to \$140,000. I went to the Appeals Court Pro Se KLCE2017-00108. It decided that the approval of invoices of attorney Cordero Alcaraz were void. She then submitted additional invoices for \$30,000 after that knowing the bias of Judge Castro Rodríguez. Even though she prepared a motion in which her father resigned as Administrator in June 2015. Judge Castro Rodríguez in a bias way approved all those invoices that were primarily legal invoices of attorney Cordero Alcaraz. More than \$100,000 disappeared from the Accounting Division of the Court of First Instance of Humacao. This could be illegal appropriation of money which is penalized under Article 182 of Puerto Rico Penal Code. The federal statutory crimes related to civil rights could have been violated 18USC241 and 242, 18USC666, 18USC1001. These last two federal statutory crimes apply to federal and state employees and private persons.

My federal case 19CV-1266 was paralyzed in an unethical way. In this scheme participated the now retired federal judge Vargas de Cerezo, García

Gregory, Aida Delgado, Gustavo Gelpi. Judge Vargas refused to approve summons by publication. The case was paralyzed for more than two years. Then Judges García and Delgado refused to decide my motion against a motion of dismissal by the codefendants. Finally Chief Judge Gustavo Gelpi which is now a member of the Federal First Circuit Court of Boston in a conspiracy to violate my right to a fair trial, see *Capperton, supra* named a senior judge of more than 80 years old from another district Honorable Judge William Young. This judge in a conclusory way dismissed my complaint based on the doctrine of judicial immunity which is not applicable to declaratory judgment and in the facts of this case to injunction remedies. This is so because of the bias of the judiciary of Puerto Rico I couldn't obtain a declaratory judgment, see *Heimbacke v. Lyons, supra*. The complaint I filed had claims against adversary lawyers who conspire with judges and prepare bias judgments who were signed by state judges they don't have immunity in damages see *Denny's v. Sparks* 449US24; *Tower v. Glover* 467US914. The District Attorneys of the Solicitor General Office of the Department of Justice of Puerto Rico when they engaged in bias investigation they don't have immunity in damages, see *Burns v. Reed* 500US478; *Buckley v. Fitzcimmons* 113US206. The judicial administrators for their failure to supervise and punish bias judges, they don't have immunity in damages, *Clay v. Conlee* 815F2d1164. The decision of the Judicial Administrator was not a quasi-judicial decision. In the complaint I filed I made pleadings that were specific non conclusory. I complied with the doctrine of *Ashcroft v. Iqbal* 129SC344 (2009). Judge Young dismissed all my complaints against all these parties in a conclusory and bias way. He didn't discuss the non-applicability of the Rooker-Feldman Doctrine.

That doctrine isn't applicable when the plaintiff didn't had a fair opportunity to litigate his claims full and fair forum in the Court, the doctrine is not applicable, see *In Re Sun Valley* 801F2d186 7th 1986; *Robinson v. Ariyoshi* 753F2d1468. I have reasonable basis to believe that the Federal District Judges of Puerto Rico were bias in favor of the justices of the Supreme Court of Puerto Rico and other judges included as defendants of the Commonwealth of Puerto Rico. It can be easily proven that the majority of the Federal District Judges belonged to the same political party of the majority of the justices of the Supreme Court of Puerto Rico. I filed an appeal to the First Circuit of Boston, 21-1404. The judges of this court dismissed my appeal in a conclusory way. This is not fair. Judge Gelpi is one of the members of this court. I filed a Mandamus case 20-1851 on August 3, 2020 and they procrastinated and refused to decide it; I wanted a decision by the District Court of my motion against dismissal. Finally they decided that Mandamus on June 4, 2021 as mute when Judge Young dismissed my complaint in bias and conclusory way. No reason was given. I filed an ethical judicial complaint against Federal Judges, I received a letter that they will be subject to an ethical investigation. I am not very optimistic that a fair investigation will be made. Federal Judges, State Judges and justices are subject to being investigated for violation of the Federal Criminal Laws related to violation of Civil Rights above cited. There is a civil right under US Constitution and Federal Laws for a fair and impartial judicial forum. We believe Federal Courts have the obligation to submit to Federal District Attorneys violation of Federal Criminal Civil Rights Laws. Inasmuch as a question of fact it is known that around 10,000 petitions of Certiorari are filed with the Supreme Court of United States, only about 100

are decided each year of these 10,000 filed. In this way it is quiet probable that a judicial dictatorship in violation of the Constitution of the United States could be established de facto by the judiciary of the Commonwealth of Puerto Rico in a conspiracy with Federal District and Circuit Judges. It should be taken into consideration that I was disbarred and disqualified without giving me any opportunity to defend myself. The ethical complaints I filed and recusal motions were never discussed by the justices and judges of the Commonwealth of Puerto Rico.

OPINION BELOW

The judgment of the First Circuit Court of Appeals dismissing the appeal y made from the District Court of Puerto Rico was notified on August 8, 2022. I filed a motion of rehearing which was denied by the First Circuit of Appeals on September 19, 2022. According to Rule 13 (3) of the Supreme Court I had 90 days to file the writ of Certiorari to the Supreme Court from the day of the denial of the rehearing, September 19, 2022. According to Rule 30 of the Supreme Court that the term expires on December 20, 2022.

JURISDICTION

The Supreme Court has jurisdiction to review a final decision of the First Circuit Court of Appeals under 28USCA Section 1254 (1).

CONSTITUTIONAL PROVISION INVOLVED

U.S. Constitution, art. III, § 2 states: The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; to all Cases affecting

Ambassadors, other public Ministers and Consuls; to all Cases of admiralty and maritime Jurisdiction; to Controversies to which the United States shall be a Party; to Controversies between two or more States; between a State and Citizens of another State, between Citizens of different States, between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

STATEMENT OF THE CASE

In this case we filed in the Court of First Instance of Humacao of the Commonwealth of Puerto Rico a complaint to compute and divide the estate of my late father Hiram Pérez-Beltrán on August 2007. The deceased passed away on October 2006. According to Puerto Rican Law all gift of property made by the deceased during his life must be added back to the estate. That gift of property must be added back to the estate at the value they had when they were made. According to Puerto Rican Law 2/3 of the estate must be left to the descendants. This is a forced heirship rule. The deceased made gift of stock of a family corporation Cantera Pérez which is engaged in the sand and gravel quarry business in 1993 and 1998. According to Puerto Rican Law \$2 million must be added back to the estate. Additionally the deceased in the gift of stock he made he retained what is called under Puerto Rican Law "usufructo". It is a type of beneficial ownership retained by the deceased. Under Puerto Rican Law the dividends with interests belong to the deceased and they are part of the estate. This last sums with interests to more than \$12 million. The original value of the estate was around \$6 million. After the bankruptcy of the Commonwealth of Puerto Rico the estate is valued at \$2.5 million. The reason

for this is that the estate was invested in bonds and obligations of the Commonwealth of Puerto Rico. After the bankruptcy the value suffered loses. The defendants wanted to divide only the estate left by the deceased without the addition previously explained. The Court of First Instance of Humacao signed a judgment prepared in a conspiracy with the lawyers of the defendants and bias judges in which the above mentioned claim was dismissed without a hearing citing false cases. The judgment was egregiously wrong and made with bias. Additionally in the complaint I have another claim in which I wanted to void a redemption of stock of the family corporation; I had originally a 25% interest. The stock was redeemed in June 1998. I was never involved in the business of the family corporation. The corporation was administered by my late father and by codefendant Mr. Cordero Soto which is a cousin of mine by the maternal side. I was given fraudulent information when the redemption was made in June 1998; I became aware with due diligence of the fraud in February 2007. In this type of complaint the statute of limitation begins to run when the claimant becomes aware of the fraud with due diligence, see *Redburn v. Shield* 338SW2d23.

The dismissal of my claim for the computation of the value of the estate was made on February 2019. The judgment was prepared by adversary lawyer Ramos Luiña which represented codefendant Enid Pérez-Soto. The judgment was signed in a conspiracy with Judge Castro Rodríguez. I was denied my day in court. It was an egregiously wrong decision made with bias. Judge Castro Rodríguez cited the cases *Ramírez Ortiz v. Corporación del Centro Vascular* 22FedSupp3d83 (2010); *Shuffle Master v. MB Games* 553FedSupp2d1202 (2008); *Copablanco v. City of NY* 423F3d47, among others. Those are federal cases which aren't applicable

in Puerto Rico. Those cases decided that expert reports must be sworn in order to be used in a motion of summary judgment or against a motion of summary judgment. I was the only litigant who had an expert valuation report. With that expert valuation report I can win the case. Attorney Ramos Luiña wanted to dismiss my claim because the expert report wasn't sworn. This is completely wrong under Puerto Rican Law. In the trial of the merits my expert witness will be sworn and could be subject to cross-examination. Attorney Ramos Luiña cited cases *Amoah v. McKinney* 875F3d60; *Howard Banker v. Florida* 106FedSupp3d793. These cases were decided under Rule 26 of the Federal Civil Procedure Rules which had not been adopted in Puerto Rico. They stated that after a hearing in a Federal Court the party has 14 days to submit sworn expert reports. There is no such rule in Puerto Rico. The purpose of the rule is to permit the parties to depose the expert witness of the other party. Additionally if the 14 day rule is not complied the not complying party has the right to argue that there was a just cause. There is no such rule in Puerto Rico. In one of the most abusive judgments that I have seen attorney Ramos Luiña cited cases *Falero v. Falero* 15DPR118 (1909); *Pueblo v. Laboy* 110DPR164; *Meléndez Guzmán v. Berrios* 132DPR1010 (2008). These cases have no relation to inheritance legal principles, supposedly decided that a person has the right to renounce his legal rights. In that way the deceased could renounce the more than \$12 million in dividends with interests in which he had the obligation to declare them in his income tax reports. The deceased didn't did this. The codefendants including the so called Judicial Administrator accepted that they stole more than \$12 million from the estate. All the Articles of the Civil Code of Puerto Rico that spell out the rule to compute

the estate of a deceased were violated. All gift made by the deceased must be added back to the estate as before explained. Additionally all fraudulent transfers of the deceased of properties must be included in the estate, see *Sánchez Jiménez v. López Jiménez* 116DPR172. We believe that Articles 291 and 292 of the Penal Code of Puerto Rico were violated. Those articles prohibit a conspiracy between a judge and a lawyer to prepare bias and fraudulent judgments. The judgment could be void under Section 42USC1983 the conspirators which are the judge and the lawyers can be indicted under 18USC242. We appealed this judgment which was bias and egregiously wrong made in February 2019 KLCE2019-00305. The conspiracy against me continued. This last court affirmed and refused to revoke a bias and egregiously wrong decision. The Supreme Court refused to revoke the decision violating the Rule of Law and the stare decisis rule.

The dismissal of my complaint for the voidance of the redemption of the stock was made on December 2010 by Judge Hernández González. The judgment was prepared once again by adversary lawyer Ramos Luiña in conspiracy with the judge. The judgment stated that Blue Sky Law of Puerto Rico 10LPRA Section 890 applies to private corporations as Cantera Pérez. This is completely wrong. Blue Sky Laws are not applicable to private corporations, see Fletcher Cyclopedia of Corporation Section 6779. The Blue Sky Law of Puerto Rico 10LPRA Section 890 contains a three year period to void a redemption of stock. That period runs without tolling "caducidad". The correct rule is that the statute of limitation voiding a fraudulent redemption of stock begins to run when the claimant acquires knowledge with due diligence of the fraud, see *Redburn v. Shield, supra*. The judgment fails to state that the correct rule to void a fraudulent

transfer in Puerto Rico, the period of statute of limitation begins to run when the claimant acquires knowledge with due diligence of the fraud, see *Girod Lube v. Ortiz Rolón* 94DPR406. I stand to lose around \$3 million from that bias decision. It has been decided by the Supreme Court of Puerto Rico that the Blue Sky Law doesn't apply to private corporations, see *Olivella Zalduondo v. Seguro* 2013JTS2. When I filed appeal to that egregiously wrong and bias decision KLAN2011-00180. The Appeals Court in its footnote No. 1 stated that they acquired judicial notice that I had filed a judicial ethical complaint against Judge Dávila Vélez of the Court of First Instance of Humacao, this shows bias. The Appeals Court stated that I was involved in the administration of the family corporation which is completely false. That I knew of the fraud against me. This is also completely false. More than 6 uncontradicted sworn statements were filed by me. My motion of summary judgment contained sworn statements, see *Valcourt v. Tribunal* 89DPR827. Adversary lawyers didn't file any sworn statements, only the contract of the redemption of the stock. This was under the theory that the statute of limitation is not tolled. The decision of the Appeals Court was bias. The conspiracy was ongoing against me. The Supreme Court once again refused to revoke an egregiously wrong decision.

A third claim contained in the complaint as before explained consisted in a contingent derivative claim. The corporation Cantera Pérez sold a real estate for \$100,000 in 2001. In 1998 it was valued in an expert valuation appraised in \$2.2 million. That sale was fraudulent. I could stand to lose \$600,000. Judge Hernández González told my attorney that he wanted us to desist without prejudice to simplify the case. We agreed in good faith to cooperate. Attorney Laguna Mimoso which was counselor of Cantera Pérez which

is the beneficiary of a derivative complaint asked the judge that the motion should be changed to a motion to desist with prejudice. The reason for this was the secret complaint I had filed against Judge Dávila Vélez as before explained. This proves *ex parte* conversations. The judge dismissed my claim with prejudice and sanctioned me with \$10,000. There was no prior warning which is required under local Law, see *Maldonado v. Secretario* 113DPR94. I appealed that bias and arbitrary decision KLAN2011-00720. The adversary lawyers knowing the bias and conspiracy against me asked for the dismissal of the appeal because I used a private mail station to notify the appeal to the lawyers. This was a frivolous argument. The private mail station was audited and authorized by the US Postal Mail System. The Rules of the Intermediate Appeals Court of Puerto Rico provide that private mail stations authorized by the US Postal System can be used to notify legal documents. In a bias manner the Appeals Court KLAN2011-00720 dismissed my appeal. This was a bias decision, part of the ongoing conspiracy of the adversary lawyers and corrupt judges. I appealed to the Supreme Court CC2011-00737. The Supreme Court in that case revoked and reprimanded the Appeals Court. The opinion was written by the then Chief Judge Fiol Matta which retired from the bench. In the Supreme Court the adversary lawyers lied to defame me. They stated that I forged the receipts of the notification of the appeal documents in the private mail station. The Supreme Court stated that this was not true. I told the Supreme Court that the adversary lawyers made a vile lie.

I already have filed ethical complaints against the Appeals Courts KLAN2011-00720, KLAN2011-00180, KLCE2011-00057. Additionally had filed ethical com-

plaints against Judges Dávila Vélez, Hernández González, Negrón Villardefranco. All these ethical complaints were constitutionally protected, made with respect, specific facts and reasonable basis, see *In Re Little, supra*. These ethical complaints were never discussed by the lawyer who filed the ethical complaint against me, nor by the Commissioner named by the Supreme Court, nor by the Supreme Court. The adversary lawyers when I filed my appeal to the First Circuit case 21-1404 never discussed my ethical complaints. This is completely arbitrary and abusive. It should be pointed out that no judge filed ethical complaint against me. The Supreme Court of Puerto Rico refused to revoke egregiously wrong decisions violating the Rule of Law and the stare decisis rule showing bias.

When the mandate of the Supreme Court arrived at the Appeals Court KLAN2011-00720 my lawyer resigned from the case. He was afraid of being blacklisted by the judges for defending me. Adversary lawyers Laguna Mimoso and Alcaraz Micheli stated that I couldn't be Pro Se because of the secret ethical complaint I had filed. This violates local Law, see *In Re Fernández Torres* 125DPR895 that prohibits the use of judicial ethical complaints to gain an unfair advantage in the case. After I filed a detailed motion explaining the way I was disqualified based on lies without a hearing the Appeals Court KLAN2011-00720 in May 2013 allowed my Pro Se and revoked the bias decision of Judge Dávila Vélez of April 2008 and of Judge Brau Ramírez in the appeals case KLCE2008-00585 in June 2008. Judges Dávila, Hernández, Negrón and Castro were removed by the Judicial Administration after I filed judicial ethical complaint against them. The same judges in contempt of the decision KLAN2011-00720 didn't allowed my Pro Se.

I recused Judge Negrón, my lawyer recused Judge Castro Rodríguez. I also recused the panel KLAN2011-00720 after I filed a motion of reconsideration because that panel which authorized my Pro Se and revoked the bias decision of Judge Hernández González that dismissed the contingent derivative complaint by allowing the dismissal without prejudice of that claim. The reason for the recusal was that the panel left standing the sanction of \$10,000 which was abusive. In March 2010 I filed a motion to desist with prejudice the direct claim for the voidance of the redemption of my stock against the corporation. The correct claim should have been directed against the majority stockholders and administrators for violating their fiduciary duty against the minority shareholder that was me, see *Redburn v. Shield, supra*; Fletcher Cyclopedia of Corporation Section 1172. The reason was that the Appeals Court originally dismissed my appeal in a bias way and was revoked by the Supreme Court. In June 2014 the case arrived back to the Court of First Instance of Humacao after all the appeals I made from the bias and oppressive decisions of judges. No discovery process up to that time was made. In September, October and November 2010 the lawyer I had begun to depose codefendant Cordero Soto. All the depositions were suspended by the adversary lawyers for frivolous reasons. They refused to answer pertinent non privileged questions; I have transcripts of these depositions. After that I couldn't start the depositions again, I was too busy working in the appeals of the bias decisions against me. At the hearings in June, September and December of 2014 the adversary lawyers continued the pattern of lying to the court saying the depositions were finished. In December 2014 I had already received the letter of the Judicial Administration that I had reasonable basis to file

ethical complaints against Judges Brau and Negrón. Judge Castro wanted to set the case for trial for March 2015 without discovery process. I filed a Mandamus Pro Se in the Appeals Court KLRX2015-00008. Judge Castro Rodríguez opposed my Pro Se in a bias way and so did adversary lawyer Ramos Luiña. The Appeals Court allowed my Pro Se; I won the case. Depositions were set for April and May 2015. The adversary lawyers prevented numerous witnesses that were duly cited to appear at the depositions. Codefendant Enid Pérez and Mr. Cordero Soto refused to answer pertinent questions and refused to appear at the continuance of the depositions. We have transcripts of non-appearance. My lawyer filed four motions asking for sanctions. Judge Castro Rodríguez refused to decide those motions. Then lied and stated that they had decide those motions in May 2015. This was a blatant lie. There is no order to that effect. Additionally he was recused in April 2015 and under the local rules he was not habilitated to act as a judge. The decision against the recusal of the judge in his favor arrived in February 2016 KLCE2015-00725. As it can be seen the abuse against me was continue. The adversary lawyers and the judges conspired to create a kangaroo court with no due process. This should not be permitted under the US Constitution.

On February 2012 I became aware that Judge Hernández González committed an error which voided the judgment he signed in December 2010. Judge Hernández signed the judgment prepared by adversary lawyer Ramos Luiña. In that judgment he denied my petition to amend the complaint and then dismissed the cause of action that was in the amended complaint that he denied. This bizarre conduct was the product of bias. No judge can decide claims that are not properly in the pleadings of the complaints. I filed a

complaint in the Court of First Instance of San Juan in August 2012 KAC2012-0840. Also in August 2011 Judge Hernández amended the complaint motu proprio and dismissed a cause of action that was in the amended complaint. This is complete void and egregiously wrong. I also in the complaint KAC2012-0820 wanted to void this judgment. This judgment was also prepared by adversary lawyer Ramos Luiña. He cited a wrong case *Meléndez v. Fei* 135DPR610 which supposedly gave the judge authority to do that. Attorney Ramos Luiña filed an offensive motion in the Court of San Juan telling the court that my complaint should be delivered back to me, not accepted. Two judges refused to intervene in the case. In the Commonwealth of Puerto Rico is impossible due to judicial cronyism to a judge to void the judgment of other judges due to bias. The due process clause of the US Constitution is constantly being violated. Judge Marrero Guerrero dismissed my complaint without a hearing and sanctioned me with \$3,000. Motion of dismissal cannot be granted unless there is no conceivable set of acts or principles of Law that could be applicable to give merit to the complaint, see *Dorado v. Wrangler* 98JTS49. Also Judge Marrero cited a wrong case, decided in a bias manner stating that the judgment that wanted to be voided the argument had to be made in a prior appeal. This is completely wrong. A judgment that is void doesn't have juridical existence, see *Olmedo v. Sueiro* 123DPR294; Wright and Miller Section 2862. I recused Judge Marrero and the recusal was denied.

In the case KJV2006-2638 through Judge Sagebien decided that the invoices incurred by the "Albacea" Administrator will not be approved if it was proven in the Court of First Instance of Humacao in the case of inheritance HSCI2007-01040 that there was fraud committed by the defendants. That resolution by

Judge Sagebien was made in August 2010. A hearing was held in which all the invoices were specifically discussed. In March 2012 through my attorney I asked the Court of First Instance of Humacao for the removal of Mr. Cordero Soto as Judicial Administrator. This was after the bias decision of the Appeals Court KLCE2011-00057 confirmed the decision of December 2010 of Judge Hernández González that Mr. Cordero Soto was named in a valid way Judicial Administrator. Later in December 2012 I filed a motion for the voidance of the position of Mr. Cordero Soto as Judicial Administrator. There is no need to remove a person who holds a clearly void position. Adversary lawyer Alcaraz Micheli made the frivolous argument that my last motion accepted that there was no fraud committed by the defendants Cordero Soto and Enid Pérez Soto. In fact they accepted that they took more than \$10 million with interests that belonged to the deceased in a sworn statement. Judge Sagebien set a hearing for March 2013, she retired from the bench. Then came Judge Candal Segurola in the Court of First Instance of San Juan. I filed a motion on February 2013 telling the Court that Mr. Cordero Soto was named in a void manner by the Court of First Instance of Humacao in November 2010 to his position of judicial Administrator. The decision of Judge Sagebien deciding that the position of Testamentary Administrator expired in January 2010 was res judicata. I also stated that I had filed an ethical complaint against Judge Dávila the first presiding judge of the Court of First Instance of Humacao. Judge Candal Segurola was angry. In the hearing of March 2013 she sanctioned me for \$100 because I wasn't prepared to discuss the legality of the invoices. This was not the controversy that was to be decided as before explained. Judge Candal Segurola transferred

the hearing to January 2014. In that hearing appeared Judge Pérez Acosta. He also wanted to decide the legality of the invoices. Judges Pérez and Candal in a bias way didn't wanted to decide the controversy that was to be decided. The two judges showed bias because the case of *Mercado v. Mercado, supra* states the rule that the Administrator is the one who has the burden of proof to prove the legality of the invoices. When I argued that Mr. Cordero Soto was named illegally Judicial Administrator, that he wanted to perpetuate himself as Administrator, Judge Pérez Acosta threatened me with contempt. I filed a recusal motion against Judge Pérez Acosta and it was dismissed. I appealed to the Appeals Court KLCE2014-1279. In that panel was Judge Fraticelli Torres. She affirmed the void decision of Judge Pérez Acosta. Refused to decide whether the recusal motion of Judge Pérez Acosta had merit. Decided that the position of Mr. Cordero as Judicial Administrator was valid. Decided that I had 8 days to discuss the legality of the disputed invoices. All the invoices were discussed as previously explained in August 2010. I filed a recusal motion against Judge Fraticelli. This same judge in the case KLCE2015-00534 sanctioned me with \$3,000 when I appealed the bias decision of naming Mr. Cordero Soto as Judicial Administrator and the approval of the invoices without a hearing on September 2014. This recusal motion was never decided the judicial conspiracy against me was ongoing in a relentless way.

As it can be seen I had discussed all the judicial ethical complaints and recusal motions. In the brief filed by the adversary lawyers in the Appeals Court 21-1404 the adversary lawyers never discussed my judicial ethical complaints and recusal motions. The Appeals Court dismissed my appeal in a conclusory

way. In the Commonwealth of Puerto Rico the judicial system in a conspiracy with the Federal Court of Puerto Rico and the First Circuit Court of Appeals disbarred me without a hearing. Also disqualified me in a bias way. If this Honorable Court doesn't grant me the discretionary writ of Certiorari a judicial dictatorship would be firmly entrenched in which the right to a fair tribunal and the right to file ethical complaints and recusal motions will not be tolerated. Furthermore I had been denied access to the Courts. A Pro Se lawyer cannot be disqualified if no effort is made to prove that he wasn't qualified emotionally or intellectually. The Pro Se lawyer has the right to prove that he is entitled to be Pro Se. In fact it has been argued that there is a constitutional right to be Pro Se, a hearing must be held to disqualify a Pro Se lawyer, see note 55 Fordham Law Review page 1109 et seq.

As previously explained I am using Section 1983 to obtain a declaratory judgment to void my disbarment and disqualification without a hearing. Additionally I want to void the judgment and sanctions against me. I am not asking for damages against Judges and justices.

CONCLUSION

I was disbarred and disqualified without a hearing. My judicial ethical complaints and recusal motions were never discussed. Judgments and sanctions were imposed against me in a bias way.

Respectfully submitted,

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