

No. 22-836

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 REHEARING

HIRAM I. PÉREZ SOTO
Pro Se
Villas de Paraná
S1-5, Calle 11
San Juan, Puerto Rico 00926-6045
(787) 438-6687
hperez1057@gmail.com
Counsel for Petitioner

May 31, 2023

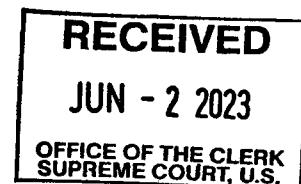


TABLE OF CONTENTS

	Page
PETITION FOR REHEARING.....	1
RULE 44 CERTIFICATE OF COUNSEL	11

TABLE OF AUTHORITIES

FEDERAL CASES	Page(s)
<i>In Re Benoit</i> , 487AD21158.....	1
<i>Holt v. Virginia</i> , 381US25.....	5, 7
<i>Koligsberg v. State Bar</i> , 35US272.....	5
<i>Lasister v. Department of Social Services</i> , 425US18.....	1
<i>In Re Little</i> , 404US533	5, 7
<i>Logan v. Zimmerman</i> , 455US422	1
<i>In Re Oliver</i> , 330US533	5
<i>In Re Ruffalo</i> , 390US544	5
<i>Selling v. Radford</i> , 243US46 (1917).....	5, 6
STATE CASES	
<i>Balzac v. Vélez</i> , 109DPR670	1
<i>Capperton v. ATMassey</i> , TSEU June 2009	4
<i>In Re Cardona Alvarez</i> , 116DPR895	5, 7
<i>In Re Fernandez Torres</i> , 125DPR895	4

TABLE OF AUTHORITIES—Continued

	Page(s)
<i>Flecha v. Lebrón</i> , 2005JTS176.....	2
<i>Gutierrez v. Registrador</i> , 114DPR850	1
<i>Irizarri v. Registrador</i> , 22DPR94	1
<i>Kmart v. Walgreens</i> , 121DPR633	3
<i>Mercado v. Mercado</i> , 66DPR368	2
<i>Muñiz v. Registrador</i> , 41DPR676	1
<i>Otaño Cuevas v. Vélez</i> , 96JTS142.....	3
<i>Villanova v. Villanova</i> , 2012JTS53.....	2
FEDERAL STATUTES	
Federal Criminal Laws, 18USC241, 242.....	4
STATE STATUTES	
Code of Judicial Procedure of Puerto Rico 32LPRA Section 3077 <i>et seq.</i>	2
Puerto Rican Penal Code, Articles 259, 260	4

TABLE OF AUTHORITIES—Continued

LAW REVIEW ARTICLES	Page(s)
Cynthia Grey, <i>The Line Between Legal Error and Judicial Misconduct: Balancing Judicial Independence and Accountability</i> , Hofstra Law Review, Vol. 32 Issue 4	1
Gonzalez Tejera, <i>The Inheritance Rights Under Puerto Rican Law</i> Vol. 1 page 436 <i>et seq.</i>	1

PETITION FOR REHEARING

Comes now the petitioner, *Pro Se*, and respectfully files the petition of rehearing:

- 1) On May 15, 2023 we were notified of an order by this Honorable Court denying a petition for a writ of Certiorari.
- 2) That in this case I was denied my constitutional rights of access to the courts, *see Logan v. Zimmerman* 455US422: *Lasister v. Department of Social Services* 425US18. In this case due to the fact that after I filed ethical complaints and recusal motions against judges I cannot find a lawyer to represent me, they are afraid of being blacklisted. They are afraid that reprisals could be taken against them. Additionally after 15 years of litigation I cannot pay legal fees as rapidly and in the amount lawyers demand. The litigation in the state courts was delayed by the egregiously wrong decisions made by judges and the justices of the Supreme Court, *see The Line Between Legal Error and Judicial Misconduct: Balancing Judicial Independence and Accountability*, Hofstra Law Review, Vol. 32 Issue 4 by Cynthia Grey; *In Re Benoit* 487AD21158. I need to file a complaint in the state court to divide partially the estate of the deceased. The estate consists of investments administered by the investment company UBS of around \$2.3 million. Under Puerto Rican Law any heir has an unrestricted right for a partial or total division of the estate, *see Balzac v. Vélez* 109DPR670; *Gutierrez v. Registrador* 114DPR850. The heirs can agree to a division of the estate without an authorization of the person named in the will of the deceased or by the courts to divide the estate "Contador Partidor", *see Irizarri v. Registrador* 22DPR94; *Muñiz v. Registrador* 41DPR676; Gonzalez Tejera *The Inheritance Rights Under Puerto Rican*

Law Vol. 1 page 436 *et seq.* In this case it can be easily proved that the position of Administrator "Albacea" and "Contador Partidor" expires in the same way, *see Mercado v. Mercado* 66DPR368. The decision KJV2006-2638 of Court of First Instance of San Juan decided that the position of Administrator and "Contador Partidor" named in the will expired on January 2010. Additionally codefendant Mr. Cordero Soto couldn't be named Judicial Administrator and "Contador Partidor" because he was not named according to the local rules of strict compliance to those positions, *see Code of Judicial Procedure of Puerto Rico* 32LPRA Section 3077 *et seq.* Additionally Mr. Cordero Soto couldn't be named to those positions inasmuch as he accepted that he committed fraud against the estate in more than \$1 million. That more than \$90,000 of an account in the control of the Court of First Instance of Humacao disappeared. All the invoices should have been submitted for approval of the Court of First Instance of Humacao and this wasn't done, *see Flecha v. Lebrón* 2005JTS176; *Villanova v. Villanova* 2012JTS53; *Mercado v. Mercado* 66DPR368. This invoices were of the lawyer and daughter of Mr. Cordero Soto, attorney Cordero Alcaraz.

3) By obtaining an order from a local court to divide partially the estate I would receive half of that estate. The broker which is in charge of administering the estate could divide the estate in two hours in which all the heirs including the widow Antonia Rodríguez Calderón which is entitled to a participation called "cuota usufructuaria" will be paid the investments of the same nature. In this way I could invest in an annuity which could double my income. The lawyer of codefendant Enid Pérez Soto counselor Ramos Luiña has convinced her to oppose my request to harm me. This will not affect in any way the increase of the

estate if I obtain a ruling or judgment from a Federal Court for the voidance of the judgments made against me which decrease the amount of the estate for more than around \$13 million.

4) I was disqualified in an arbitrary way by biased judges. When I filed the complaint *Pro Se* to divide the estate in August 2007 adversary lawyer Laguna Mimoso started insulting me describing me as paranoid suffering from Obsessive Compulsive Disorder in motions. He and attorney Cordero Alcaraz lying in motions accused me that I took a deposition through a lawyer not admitted to the case. This lawyer was only a public notary who sworn the witness and excused himself as is the practice in the Puerto Rican Civil Procedure. Judge Dávila Vélez who presided the case disqualified me without giving me the opportunity to defend myself in a hearing, *see Kmart v. Walgreens* 121DPR633; *Otaño Cuevas v. Vélez* 96JTS142. I appealed this arbitrary decision which was violating the Rules of Civil Procedure of Puerto Rico in case KLCE2008-00585. Judge Brau Rámirez of the Appeals Court accused me of being paranoid, the same insulting word used by lawyer Laguna Mimoso. He didn't discussed that I was disqualified without a hearing. He accused me of filing ethical complaints against the adversary lawyers who participated in the deposition in which I was deposed in October 2007 in the Court of First Instance of Humacao. There I was subject to humiliation, constantly interrupted and not able to explain myself. My turn no defend myself never came. Two motions were filed by attorney Laguna Mimoso citing me out of context which tried to dismissed a contingent derivative complaint that I had filed in the complaint to divide the estate. This was the selling of the real estate of the corporation Cantera Pérez in the year 2001 for \$100,000; this real estate was assessed

in 1998 in \$1.4 million. I had to file an ethical complaint against Judge Dávila Vélez because she refused to investigate the abusive deposition. I have reasonable basis to believe that Judge Dávila was removed by the Chief Justice as before explained. After that removal the adversary lawyers started using the secret ethical complaints inciting the hostility of judges against me. This was been prohibited by the Supreme Court of Puerto Rico, *see In Re Fernandez Torres* 125DPR895. This also proves ex parte conversations because the ethical complaint was secret. The Rule of Law and the Rule of stare decisis were constantly violated.

5) Judge Brau Ramírez was proposed as a Commissioner to determine the estate on November 2009. He didn't performed as such. Later on he was nominated again to the Appeals Court as a judge. This judge could have committed the crime of bribery under Puerto Rican Penal Code, *see* Articles 259, 260. Additionally any bias decision by state judges, justices and Federal Judges could violate Federal Criminal Laws, *see* 18USC241, 242. *See Capperton v. ATMassey*, TSEU June 2009. I have repeatedly asked the Court to investigate if he was paid any amount of money for this. He didn't performed as such. When he was nominated again as a judge he started making arbitrary decisions against me using abusive language. In the case KLCE2014-0414 he wanted my legal writings *Pro Se* to be delivered back to me. I explained to him that in April 2013 the Appeals Court KLAN2011-00720 in April 2013 allowed my *Pro Se* after I explained the arbitrary manner in which I was disqualified. After decision KLAN2011-00720 allowing my *Pro Se* all the Appeals Courts allowed it too, *see* KLCE2015-00725, KLCE2015-00534, KLRX2015-00008, KLCE2016-00108. Only the judges of the Court

of First Instance of Humacao refused to allow my *Pro Se*. The decision of the Appeals Court KLAN2011-00720 revoked the arbitrary decision of Judge Dávila Vélez of April 2008 and of the Appeals Court KLCE2008-00585 of June 2008. No judge filed ethical complaint against me for the ethical complaints and recusal motions I filed. They were constitutionally protected, *see Holt v. Virginia* 381US25; *In Re Little* 404US533; *In Re Cardona Alvarez* 116DPR895. In November 2011 an ethical charge was filed against me by adversary lawyer Alcaraz Micheli. It failed to discuss the ethical complaints I filed and recusal motions. Judge Brau Ramírez participated in the preparation of the ethical report by the District Attorney of the Solicitor General Office of the Department of Justice of Puerto Rico, AB2013-0510. In this report this judge was constantly cited. I never had the opportunity to explain my actions to the lawyer who prepared the report. My ethical complaints and recusal motions were never discussed. In the report made by the Commissioner named by the Supreme Court the ethical complaints and recusal motions, egregiously wrong decisions made against me were never discussed. In the hearing before the Commissioner I wasn't allowed to discuss the ethical complaints and recusal motions nor the motions made against me by the adversary lawyers full of lies. I wasn't able to discuss the decisions and sanctions made against me by judges that showed bias. I was cited out of context. There was no due process in my disbarment and disqualification. *See Selling v. Radford* 243US46 (1917); *Koligsberg v. State Bar* 35US272; *In Re Ruffalo* 390US544; *In Re Oliver* 330US533. The Commissioner in her report only stated that should be disciplined but in any way suggested that I should be disbarred or disqualified. I

have reasonable basis to believe that Judge Brau Ramírez participated in the preparation of the disqualification by the Supreme Court. The Supreme Court didn't discussed the ethical complaints and recusal motions that I filed. Furthermore the Supreme Court disqualified me using language very similar by the one used by Judge Brau Ramírez in case KLCE2014-0414. He said that I filed motions after my disqualification which is false. That I insulted the adversary lawyers, which is false. I only described their unethical behavior which I can prove. Even though all the decisions made by the Appeals Court regarding my *Pro Se* and allowing it became final nobody appealed those decisions. The Supreme Court didn't only disbarred me, but disqualified me without any proof whatsoever.

6) We think that the Supreme Court has the authority to disbar a lawyer if a fair proceeding complying with due process is held, *see Selling v. Radford, supra*. I believe that the Supreme Court can not disqualify a lawyer when the Intermediate Appellate Court decided based on evidence that the lawyer cannot be disqualified. From those Intermediate Appellate Court decisions denying my disqualification the parties never appealed to the Supreme Court. The Commissioner took judicial notice of all the Intermediate Appellate Courts mentioned which allowed my *Pro Se*. The date of the disbarment and disqualification by the Supreme Court was June 4, 2018. The Supreme Court was biased in my disqualification and disbarment.

7) When all the appeals that I had to make were decided the case came back to the Court of First Instance of Humacao HSCI2007-01040 in June 2014. The adversary lawyers started lying in Court stating

that the discovery process was finished. The case was set for trial for March 2015. I had to file a Mandamus KLRX2015-00008 *Pro Se* on March 2015. Judge Castro and adversary lawyer Ramos Luiña opposed my *Pro Se*; it was allowed, I won the case. Depositions were set to be held. Numerous witnesses never appeared at the depositions when they were duly cited. Codefendant Cordero Soto and Enid Pérez didn't answer pertinent unprivileged questions. They didn't appear to the continuance of the depositions. We have transcripts of nonappearance. We filed four motions asking for sanctions. Judge Castro didn't decide those motions. He stated that I had full opportunity to depose the witnesses which is false. I have transcripts of all the depositions.

8) On February 2019 Judge Castro signed a judgment prepared by attorney Ramos Luiña dismissing my inheritance complaint based on federal and state cases that were totally inapplicable in Puerto Rico. Articles 291 and 292 of Puerto Rico Penal Code were violated. These articles prevent that a judge agrees with a lawyer to make a clearly wrong decision. More than \$10 million were taken from the estate in a bias and arbitrary manner. We appealed KLAN2019-00305. I also filed a complaint under Section 1983 in the Federal Court of Puerto Rico, 19CV-1266 Leading Case, 19CV-1774. At that time I had a lawyer who resigned from the case. He told me he was afraid of being blacklisted. This only shows that it is imperative from this Court to establish that there is a constitutional right to file ethical complaints and recusal motions against judges. It is a right and a legal duty, *see In Re Cardona Alvarez* 116DPR895; *Holt v. Virginia* 381US25; *In Re Little* 404US533. Also in the same day Judge Castro decided that the controversy of the 11% of Cantera Pérez was left in the estate of the

deceased has to be decided in the trial of the merits. I explained to the Intermediate Appellate Courts KLCE2019-00367 and KLAN2019-00305 that due to the complaint filed in the Federal Court under Section 1983 and the fact that I had filed ethical complaints and recusal motions against judges made extremely difficult if not impossible to find a lawyer to represent me. After 15 years of litigation due to the judgments that I had to appeal. I could not pay legal fees as rapidly as lawyers need and demand. Those courts allowed my *Pro Se*. Those decisions were made in March 2019 after the Supreme Court disbarred and disqualified me in June 2018. My access to the courts which is a constitutional right has been violated. The Supreme Court did not revoke the decisions of the Appellate Courts granting my *Pro Se*. The Supreme Court didn't grant the writ of Certiorari violating the Rule of Law and stare decisis rule when it left standing the decision dismissing my inheritance complaint.

9) With many difficulties I contracted a new lawyer; I couldn't pay his fees as rapidly as I wanted. Additionally he was suffering from high blood pressure. The trial of June 15, 2021 in the Court of First Instance of Humacao was for the decision of whether the deceased was the owner of the 11% of the stock of Cantera Pérez. I explained Judge Huergo Cardoso that I had the right to be *Pro Se* due to the decision of the Appeals Courts. Judge Huergo Cardoso full of hostility against me didn't give me the opportunity to explain. She read from the decision of the Supreme Court disqualifying me that was copied from the statements made by Judge Brau Ramírez in the case KLCE2014-0414. I wasn't allowed to explain that my access to the courts which is a constitutional right is been violated. The judge sanctioned me with \$500 to

each of the defendants because the trial on the merits couldn't be held. In the confusion I couldn't explained that my lawyer was sick and we couldn't met for the trial. I paid the fine. I filed a recusal motion against Judge Huergo in a contingent way, wanted to void all the judgments made against me that were bias. I appealed the non-recusal of Judge Huergo Cardoso KLCE2021-00968. Attorney Ramos Luiña opposed my *Pro Se*, my *Pro Se* was granted. The case was sent to the Court of First Instance by the Appeals Court under Rule 52 of the Rules of Civil Procedure. In the hearing of June 15, 2021 Judge Huergo decided that she was going to dismiss without prejudice the controversy of whether the 11% of the stock of Cantera Pérez was left in the estate of the deceased. I had 30 days to find a lawyer. I tried to obtain the money from idle cash in the account of the estate, *see* HU2021-CV-00661. Attorney Ramos Luiña opposed because I couldn't be *Pro Se* even in controversy about the administration of the estate. The judge decided against me. Attorney Ramos Luiña appealed the decision to dismiss without prejudice the controversy that was alive previously described, *see* case KLAN2021-00877. He additionally wanted more money to be paid in fines. Judge Huergo decided in an arbitrary way on September 30, 2021 that I was the one who delayed the case for more than 15 years. The case shows clearly that the adversary lawyers were the ones who caused the delay by using secret ethical complaints to incite hostility of judges against me. She sanctioned me with \$5,000 to each of the defendants. The Supreme Court 2022-0268 decided that the dismissal was going to be without prejudice. Attorney Alcaraz Micheli tried to attach the money that I receive from the estate invested in UBS. I paid that unfair \$5,000 fine.

10) We believe this court can make an order to show cause to the Supreme Court justices of Puerto Rico of why my *Pro Se* could not be restituted. Also this Court should make an order to show cause of why my disbarment should not be voided.

11) If our motion of rehearing is granted. The respondents have the right to file a brief. All the other respondents are subject to a trial on the merits to be held in the Federal District Court of Puerto Rico by a Judge experienced in civil rights and not belonging to a court under the jurisdiction of the First Circuit. The Court of First Instance of Humacao should be ordered to set the cases for a new trial. In an alternate way the Supreme Court of Puerto Rico can hold a trial using the inter-jurisdictional authority provided in the regulations of the Supreme Court of Puerto Rico. In this type of cases the Supreme Court has original jurisdiction. The Federal District Judge named should retain jurisdiction to revise all decisions previously revoked. All appeals should be held before Federal Judges not belonging to the First Circuit.

WHEREFORE it is respectfully requested to this Honorable Court to grant this petition for rehearing.

Respectfully submitted,

Hiram I. Pérez Soto
HIRAM I. PÉREZ SOTO

Pro Se

Villas de Paraná
S1-5, Calle 11
San Juan, Puerto Rico 00926-6045
(787) 438-6687
hperez1057@gmail.com

Counsel for Petitioner

May 31, 2023