

No. 23-102

**ORIGINAL**

In the

**Supreme Court of the United States**

FILED  
JUN 12 2023

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Marvin Carrera - Petitioner

v.

Rhonda K. Forsberg – Respondent

**On Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Ninth circuit**

**Petition for Writ of Certiorari**

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June 9, 2023

## QUESTIONS PRESENTED

1.) Can a Judge use the Rooker-Feldman doctrine to divert the State Federal Court from looking in to violation of civil and Constitutional violations?

2.) Does the Rooker-Feldman doctrine protect Family courts when there is evidence of violations of; 42 U.S.C. code 1985 conspiracy to interfere with civil right (2) obstructing justice, 42 U.S.C. code 1981 equal rights under the law, 18 U.S.C. code chapter 13 – civil rights and Article 6 right to a fair trial?

3.) Does the Eleventh Amendment and absolute Judicial immunity protect the Family Court Judges when there is evidence of violation of; 42 U.S.C. code 1985 conspiracy to interfere with civil right (2) obstructing justice, 42 U.S.C. code 1981 equal rights under the law, 18 U.S.C. code chapter 13 – civil rights and Article 6 right to a fair trial?

**LIST OF PARTIES**

Petitioners

Marvin Carrera

Respondent

Rhonda K. Forsberg

RELATED CASES

Claudia Montes vs. Marvin Carrera, Eight Judicial District Court of Clark County Nevada, No. D-11-453527-C.

Marvin Carrera vs. Claudia Montes Court of Appeals of the State of Nevada, No. 80547-COA.

Marvin Carrera vs. Rhonda K. Forsberg, United States District of Nevada, No. 2:20-cv 02138-GMN-EJY.

Marvin Carrera vs. Rhonda K. Forsberg, United States Court of Appeals for the Ninth Circuit, No. 21-16582.

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CIRCUIT

3-21-2023

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12-15-2022

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9-07-2021

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11-16-2020

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9-23-2019

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9-13-2019

## TABLE OF AUTHORITIES CITED

28 USCA 2411 v. Lord 456 F 2d 532; cert denied 92 S Ct 2411; US Ct App MN, (1972)

Gross v. State of Illinois. 312 F 2d 257; (1963)

Marshal v. Marshall US (No. 04-1544) 392 F 3d 1118

Harris v. Mcrae, 448 U.S. 297 (1980)

Zablocki v. Redhail, 434 U.S. 374 (1978)

U.S. v. St. Pierre, Supra, 128 F 2d

U.S. v. Lee, 106,220 1s.Ct. 240,261,27L. Ed. 171 (1882)

Haines v. Kerner, 404 U.S. at 520 (1980)

Birl v. Estelle, 66 F. 2d 592 (1981)

United States v. Lee, 106 U.S. 196,220 (1882)

U.S. v. Throckmorton, 98 US 61

Owen vs. City of Independence, 100 S Ct. 1398

Maine vs. Thiboutot, 100 S. Ct. 2502

Hafer vs. Melo, 502 U.S. 21

Cooper v. Aaron, 358 U.S. 1, 78s. Ct.1401 (1958)

## **STATUTES AND RULES**

- 1.) 42 U.S.C. code 1985 conspiracy to interfere with civil right (2) obstructing justice
- 2.) 42 U.S.C. code 1981 equal rights under the law
- 3.) 18 U.S.C. code chapter 13 – civil rights
- 4.) Article 6 right to a fair trial

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 judgement below.

OPINIONS BELOW

The opinion of the United States court of appeals appears at Appendix B to the petition and is unpublished.

The opinion of the United States district court appears at Appendix C to the petition and is unpublished.

JURISDICTION

The date on which the United States Court of Appeals decided my case was December 15, 2022.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: March 21, 2023, and a copy of the order denying rehearing appears at Appendix B. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1)

## Constitutional Provisions Involved

The eleventh amendment was the first Constitutional amendment adopted after the Bill of Rights. The amendment was adopted following the Supreme Court's ruling in *Chisholm v. Georgia*, 2 U.S. 419(1793). In *Chisholm*, the court ruled that federal courts had the authority to hear cases in law and equity brought by private citizens against states and that states did not enjoy sovereign immunity from suits made by citizens of other states in federal court. Thus, the amendment clarified article 3, section 2 of the Constitution, which gives diversity jurisdiction to the judiciary to hear cases "between a state and citizens of another state."

The Fourteenth Amendment addresses many aspects of citizenship, the rights of citizens and the equal protections of the laws. Civil Rights, Due Process Clause and Equal Protection Clause are important integral rights that apply to this case.

Equal Protection The Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution prohibits states from denying any person within its territory the equal protection of the laws. This means that a state must treat and individuals in the same manner as others in similar conditions and circumstances. The Federal Government must do the same, but this is required by the Fifth Amendment Due Process.

Civil Rights A civil right is an enforceable right or privilege, which if interfered with by another gives rise to an action for injury. Discrimination occurs

when the civil rights of an individual are denied or interfered with because of the individual's membership in a particular group or class. Various Jurisdictions have enacted statutes to prevent discrimination based on a person's race, sex, religion, age, previous condition of servitude, physical limitation, national origin, political affiliation and in some instances sexual orientation.

**Article 6 of the Constitution** protects your right to a fair trial and public trial or hearing if:

- 1.) You are charged with a criminal offence and have to go to court, or
- 2.) A public authority is making a decision that has a impact upon your civil rights or obligations.

What is a fair and public hearing? Is that you have the right to a fair and public hearing that:

- 1.) Is held within a reasonable time
- 2.) Is heard by an independent and impartial decision-maker
- 3.) Gives you all the relevant information
- 4.) Is open to the public (although the press and public can be excluded for highly sensitive cases)
- 5.) Allows you representation and an interpreter where appropriate, and is followed by a public decision.

You also have the right to an explanation of how the court or decision-making authority reached its decision.

### **Statement of the case**

Marvin Carrera, Petitioner has been victimized for years by a corrupt system of judicial misconduct in the Family Court of Las Vegas Nevada. Evidence proves that Judge Vincent Ochoa and Judge Rhonda K. Forsberg have influenced all attorney's involved and manipulated laws in family civil case (D-11-453527-C) to protect a Mother that is abusive physically and mentally toward the petitioners child, (there is written evidence by Child protective services and investigators). To protect a Mother that deliberately brain washed the child to believe someone in the petitioner Carrera's home has been sexual molesting him (written and documented by investigators). The Family Court of Las Vegas Nevada decided to take petitioner Carrera legal custodial rights of his child and to pay attorney fees on the trial where his civil and constitutional rights were violated. The claim of one parent against another cannot be taken as sufficient reason to deny one parent legal custody, physical custody and visitation, especially where there is a major financial incentive to get child support. Petitioner Carrera has been investigated many times by Nevada and California investigators for over 8 years and not once has he been found of any evidence of physical abuse or mental abuse toward his child.

Petitioner Carrera's rights under 42 U.S.C. code 1985, 42 U.S.C. code 1981, 18 U.S.C. code chapter 13-civil rights and article 6 right to a fair trial of the U.S. Constitution and probably more have been

violated. That's why petitioner has been seeking the state higher Federal Court to investigate in to this matter. The State Federal court dismiss petitioner Carrera case under the Rooker-Feldman doctrine. Petitioner Carrera would like to know where is the check and balances of the United States Judicial system. If the lower court intentionally and knowingly violate civil and constitutional rights of their citizens and they know that all they have to site is a doctrine (Rooker-Feldman) to be protected what kind of society do we live in? ("a Communist Country?").

Therefore the questions at hand with petitioner Carrera believes it is of most important of question of Federal Law. Is question; 1.) Can a judge use the Rooker-Feldman doctrine to divert the state Federal Court from looking in to violation of civil and constitutional violations? Question, 2.) Does the Rooker-Feldman doctrine protect Family courts when there is evidence of violation of; 42 U.S.C. code 1985, 42 U.S.C. code 1981, 18 U.S.C. code chapter 13-civil right and Article 6 right to a fair trial? And question, 3.) Does the Eleventh Amendment and absolute judicial immunity protect the Family Court Judges when there is evidence of violating of; 42 U.S.C. code 1985, 42 U.S.C. code 1981, 18 U.S.C. code chapter 13-civil right and Article 6 right to a fair trial? The Family court of Las Vegas Nevada has systematically deprived petitioner of his civil rights and constitutional rights during child custody proceedings. Judges must maintain a high standard of judicial performance with particular emphasis

upon conducting litigation with scrupulous fairness and impartiality. 28 USCA 2411; Pfizer v. Lord , 456 F 2d 532; cert denied 92 S Ct 2411; US Ct App MN,(1972). State judges, as well as federal, have the responsibility to respect and protect persons from violations of federal constitutional rights. Gross v. State of Illinois. 312 F 2d 257; (1963). States power to legislate, adjudicate and administer all aspects of family law , including determinations of custodial; and visitation rights, is subject to scrutiny by federal judiciary within reach of due process and or equal protection clauses of 14th amendment. In U.S. Supreme Court case Marshal v. Marshall US (No. 04-1544) 392 F 3d 1118, the court affirmed that the U.S. District court "have been abusing the domestic relation exception" and must take jurisdiction when civil.

#### **Reasons For Granting The Petition**

The Court should grant the petition to clarify the level of scrutiny courts must use in adjudicating Rooker-Feldman doctrine, when there is violation of civil rights and Constitutional rights by judges. The rooker-Feldman doctrine does not deprive this court of jurisdiction because: this court may determine damages liability without reviewing the propriety of the state court judgement.

Where a state law impinges upon a fundamental right secured by the U.S. Constitution it is presumptively unconstitutional. Harris v. Mcrae, 448 U.S. 297 (1980); Zablocki v. Redhail, 434 U.S. 374 (1978). Where a statutory classification

significantly interferes with the exercise of a fundamental right, constitutional scrutiny of state procedures is required. Under the supremacy Clause appears in article VI of the Constitution of the United States, everyone must follow federal law in the face of conflicting state law. It has long been established that "a state statute is void to the extent that it actually conflicts with a valid federal statute" and that a conflict will be found either where compliance with both federal and state law is impossible or where the state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of congress.

"Fundamental Rights do not hang by a tenuous thread of a layman's knowledge of the niceties of law. It is sufficient if it appears that he is attempting to assert his constitutional privilege. The plea, rather than the form in which it is asserted." U.S. v St. Pierre, Supra, 128 F 2d.

"No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it"

"it is the only supreme power in our system of government, and every man who, by accepting office participates in its functions, is only the more strongly bound to submit to that supremacy, and to observe the limitations it imposes on the exercise of the authority which it gives." US v. Lee, 106, 220 1S. Ct.240, 261, 27L. Ed.

171(1882)

Carrera asks the court to take judicial notice of the fact that he is without counsel, he is not schooled in the law and legal procedures, and is not licensed to practice law. Therefore his pleadings must be read and construed liberally. See Haines v. Kerner, 404 U.S. at 520 (1980); Birl v. Estelle, 660 F.2d 592 (1981). Further Carrera believes that this court has a responsibility and legal duty to protect any and all of Carreras constitutional and statutory rights. See United States v. Lee, 106 U.S. 196, 220 (1882).

### Conclusion

This Petition presents the ideal opportunity for this court to resolve the conflict that this Doctrine the “Rooker-Feldman doctrine” has in stopping litigants in exposing lower court judges in violating civil right and constitutional rights of citizens of the United States.

This Petition presents the ideal opportunity for this court to clarify if a judge can use the Rooker-Feldman doctrine to divert the state Federal Court from looking in to violations of civil and constitutional violations.

U.S. v. Throckmorton, 98 US 61 whereas, officials and even judges have no immunity see, Owen vs. City of Independence, 100 S Ct. 1398; Maine vs. Thiboutot, 100 S. Ct. 2502; and Hafer vs. Melo, 502 U.S. 21 ; “officials and judges are deemed to know the law and sworn to uphold the law; officials and judges cannot claim to act in good faith in willful

deprivation of law, they certainly cannot plead ignorance of the law, even the citizen cannot plead ignorance of the law". The courts have ruled there is no such thing as ignorance of the law Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958). No State legislator or executive or judicial officer can war against the constitution without violating his undertaking to support it.

For the foregoing reasons, the Petitioner respectfully requests this Honorable Court to grant Certiorari in the above captioned case.

Respectfully Submitted,

Petitioner Pro Se



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