

No.

62-5831

In The
Supreme Court of The United States

Roberto Carlos Mendives, *sui juris*, individually,
and on behalf of his four minor children,
R.C.M. II, M.A.M., G.L.M. E.F.M (minor
children)

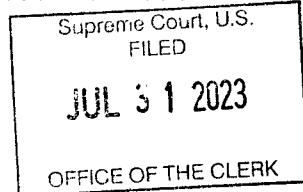
Petitioner(s)

v.

Bexar County, Et al; State of Texas, Et al; Angela
Rose Wooten (in err); Department of Health and
Human Services o/b/o and Department of Justice
o/b/o; Attorney Velia Judith Meza;

Respondent(s)

**MOTION FOR FORMA PAUPERIS IN
ORDER TO WAIVE COST OF COURT
COSTS AND FEES**



"REQUEST FOR ORAL ARGUMENT"

MOTION FOR WAIVER OF PAYMENT OF COURT COSTS AND FEES

Petitioner. Roberto Carlos Mendives, Sr., (Mr. Mendives), in Propria Persona, comes before this body *Sui Juris*, and on behalf of his four minor children, *R.C.M. II, M.A.M.*¹, G.L.M., and E.F.M. ("minor children") to which the whereabouts is unknown to Petitioner since November of 201 due to fraud upon the court in Action No. 2015-CI-00877 of the Bexar County Court of the State of Texas and No.: 5:21-CV-00356-JKP-RBF of the United States District Court for the Western District of Texas; respectfully moves this honorable United States Supreme Court for the for an Order waiving of any payment of court costs in this action, and for reasons states:

1. The Petitioner filed a petitioning a Writ of Certiorari for Intervention on the Quit Tam Claim, and "Independent Action" for relief from theft of property in Action No. 2015-CI-00877 in the Bexar County Court of San Antonio in the State of Texas, to 1) remedy fraud on the court; 2)

¹ R.C.M. and M.A.M. have become adult above the age of eighteen [18] years old in the lapse of this case.

Systematic Discrimination; 3) Invidious Discrimination; 4) First Amendment Violations; 5) Fourteenth Amendment Violations; 5) Defraud the United States Government (“Complaint”) in the District Court for April 1st of 2021; 6) stop perpetuating the massive fraud against Title IV-D welfare federal funding; and 7) Petitioner does not know the whereabouts of his four minor children who have been held hostage from him for over six years.

2. For the lapse of almost nine [9], the Petitioner has provided the Department of Justice (DOJ) and law enforcement agencies such as the Federal Bureau of Investigation (FBI) of the crimes committed by Angela Rose Wooten (Ms. Wooten), her attorney Judge Velia Judith Meza (Ms. Meza), and the Bexar County Court of San Antonio in the State of Texas in Action No. 2015-CI-00877.

3. Petitioner has been ignored his valid federal legal claims. This has been an independent action that in no way Petitioner is seeking to relitigate the claims in State Court.

4. In applying these principles here-in and to perpetuate the fraud by the state actors in this case, this court would find out that judgments and orders have not been rendered by the Texas Supreme Court. Nor have Defendants “finally resolved all the Federal Question in the Litigation” or else satisfied practical finality under *Cox. Federation, 410 F. 3d at 25; See Cox, 420 U.S. at 477-85*. Additionally, Petitioner has filed several motions for adjudication hearing which are pending since 2015, discovery is incomplete, no trial has been ever scheduled, there is no adjudication hearings on the record nor there will ever be an adjudication since there is absolutely no allegations that can withstand against the Petitioner; and, worse-even is the fact that the actions of the State Court were in the worst interest of the Children. Since Petitioner found both intrinsic and extrinsic fraud by defendants in the case, **the State’s Court proceeding are far from “ended.” Exxon, 544 U.S. at 291; see, e.g., Federacion, 410 F. 3d at 24 & n. 10. So, Rooker-Feldman did not deprive the Western District Court of Jurisdiction, but due to the massive fraud the U.S. District Court for the Western District erred by avoiding action.**

5. At issue, this case brings facts of systematic racially malicious and arbitrary treatments of Bexar County court in the state of Texas for the economic enslavements whence the state court forcedly self-ward Petitioner’s minor children to the state of Texas in order to obtain Title IV-D Child Support funding from the federal government. The predicted outcome is violation of Due Process against Petitioner in American Law, [in the State case # 2015-CI-00877]. The Bexar County Court does not have jurisdiction to make [any] court order, judgments, decree to order the known as “Child Support Order(s)” and to economically enslave the Petitioner.

6. The Bexar County Court made unlawful and illegal incantations to insinuate that their actions have some legal sounds and/or that their court actions are legal, lawful and for the best interest of the children. See, Blessing v. Freestone, 520 U.S. 329 (1997), which indicate that such “in the best

interest of the Child[ren]" does not exists against a father who is fit to PERSONALLY care, raise and sired for his own children. In fact, the State Court has maliciously trespassed causing irreparable and material harm to Petitioner and his four minor children; thus, encouraged by mob's² rule/justice and public disorder.³ Consequently, the Petitioner is homeless.

7. Furthermore, The U.S. Federal Court for the Western District of Texas has been erroneously quoting the Rooker-Feldman Doctrine. State(s) as well as Federal Court have Jurisdiction over suits brought pursuant to **42 U.S.C Section 1983**.

8. The Third Circuit Case No. 18-3373 - Surender Malhan v. Secretary United States Depart, et al in which it is explained that Rooker-Feldman Doctrine conflicts with the familiar maxim that Federal Court have a "**virtually unflagging**" duty to exercise jurisdiction conferred by Congress. *Colorado River Water Conservation Dist. v. United States, 424 U.S. 800, 817 (1976)*. At the same time, federal district courts have jurisdiction over on-going cases such as Bexar County Case # 2015-CI-00877.

9. **Therefore, Third Circuit confirms limits of the Rooker-Feldman Doctrine; and, that it cannot be used as a defense by the U.S. District Court for the Western District of Texas to avoid actions.** Further, the Court Reasoning, however, has implication that go well beyond the particular facts of the case and may limit the use of the Rooker-Feldman Doctrine as a threshold defense in federal court litigation more "**BROADLY**" (yes, broadly), whether in bankruptcy cases or **OTHERWISE**. That [otherwise] means any case brought before a United States' court.

10. Moreover, the garnishment in place against Petitioner using unlawful and illegal Child Support Order in violation of 15 U.S.C. Section 1673 which is the Consumer Credit Act.

11. This matter comes to the United States Supreme Court due to the massive welfare fraud that been perpetuated in the State of Texas against Petitioner and those in similar situation(s). Further, "all courts" have the inherent power to all things reasonably necessary to ensure that "just" results are reached to the fullest extent possible.

12. Due to Defendant(s)' fraud on the court, Petitioner has been detrimentally, directly and indirectly damaged, **his property has been trespassed and theft away** under the pretenses of Title IV-D. Further, Petitioner's Constitutional rights to Due Process remains circumvented to date. Moreover, this Court has the power to put an end to the massive fraud and crimes committed by Defendant(s) as demanded and in compliance of Federal Rules of Procedure(s). *Warnock v. Pecos*

² **MOB.** An assemblage of many people, acting in a violent and disorderly manner, defying the law, and committing, or threatening to commit, depredations upon property or violence to persons. Alexander v. State, 40 Tex.Cr.R. 395, 50 S.W. 716; Marshall v. Buffalo, 50 App.Div. 149, 64 N.Y.S. 411; Champaign County v. Church, 62 Ohio St. 318, 57 N.E. 50, 48 L.R.A. 738.

³ **DISORDER.** Turbulent or riotous behavior; immoral or indecent conduct. The breach of the public decorum and morality.

County, 88 F.3d 341 (5th Cir. 07/08/1996)

13. The Intention of this case is to decide who the Bad Actors are to stop the massive welfare fraud, and to what level does their involvement arise given the current Status of events; being a “Preponderance of the Evidence” or Beyond Reasonable Doubt. Owen v. City of Independence, 445 U.S. 622 (1980), was a case decided by the United States Supreme Court, in which the court held that municipality has no immunity from liability flowing from its constitutional violations and may not assert the good faith of its officers as a defense to such liability.

14. Petitioner is an indigent due to the massive welfare fraud on the court and is not able unable to pay the court costs associated with these proceedings. Please, See Attached - Affidavit of Indigency. Since for over the course of almost six years the Petitioner has been stolen an approximate of **\$342,358.56** under the pretenses and massive fraud perpetuated by Defendants using Title IV-D to justify their criminal and massive fraud.

15. Clearly, justice should not be based on Petitioner’s ability to pay or not the cost of a Petition that is proving beyond all reasonable doubts that for six [6] years the Petitioner has been placing the massive fraud within the view of the Department of Justice. It is understandable that Petitioner is not Shad White but this massive fraud in the State of Mississippi is now proven that the State of Texas is also practicing the same unlawful, illegal and unconstitutional violations.

16. This Title IV-D Welfare massive fraud and embezzlement is an epidemic affecting the lives of Americans and tax payers. **THE SAME** massive fraud has happened in the State of Mississippi in which “*The Mississippi Office of State Auditor*” special agents from the office of State Auditor Shad White have arrested John Davis, the former Director of the Mississippi Department of Human Services (DHS); former DHS employee Latimer Smith; Dr. Nancy New, owner and Director of the Mississippi Community Education Center (MCEC) and New Learning, Inc.; Zach New, Assistant Executive Director of MCEC; Anne McGrew, accountant for MCEC; and Brett DiBiase in connection with a multimillion-dollar embezzlement scheme. The indictments include a range of violations involving fraud and embezzlement. See, webpage for the Mississippi Office of the State Auditor Shad White, State Auditor.⁴

17. Petitioner is left with a monthly average of \$50.00 or less to spread throughout the month for food due to fraud on the court perpetuated by Defendant(s).

18. Therefore, the Petitioner is firstly malnourished neither able to eat the proper amount of food nor is able to properly take care of his health; Secondly, all garnished money is fraudulently taken away from Petitioner under the pretenses of Title IV-D; and thirdly, it is the reason why the

⁴ See - Mississippi Office of the State Auditor NewsAuditor Arrests Former Director of DHS and Co-Conspirators in Largest Public Embezzlement Case in State History — Mississippi Office of the State Auditor News (ms.gov)

Petitioner is not able to pay for this Petition. Furthermore, the U.S. District Court for the Western District of Texas erred in its final judgment, thus, perpetuating this massive fraud and property trespass and violation of the United States Constitution.

19. Defendant(s)' together perpetuated a fraudulent campaign to designate Petitioner vexatious to prevent him from defending himself and thereafter causing damages to Petitioner financial and by reputation and denying him access and whereabouts of Petitioner' four minor children for five years and counting –rights protected by the U.S. Constitution and the "Federal Court System."

WHEREFORE, Petitioner respectfully moves this honorable Court to:

- A. Waive payment of all costs associated with these proceedings; and
- B. Award such other and further relief as the nature of this cause may require.

A Memorandum in Support of this Motion is attached hereto and incorporated herewith.

Respectful Submitted,

Date: Roberto Carlos Mendives Sr.,

Roberto Carlos Mendives

Roberto Carlos Mendives, *Sui Juris*

P.O. Box 380003 San Antonio, Texas 78268

Tel.: 321.831.0710 / robertomendives@rocketmail.com

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Roberto Carlos Mendives, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>3139.30</u>	\$ <u>N/A</u>	\$ <u>3139.30</u>	\$ <u>N/A</u>
Self-employment	\$ <u>N/A</u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>
Income from real property (such as rental income)	\$ <u>N/A</u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>
Interest and dividends	\$ <u>N/A</u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>
Gifts	\$ <u>N/A</u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>
Alimony	\$ <u>N/A</u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>
Child Support	\$ <u>N/A</u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>N/A</u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>
Disability (such as social security, insurance payments)	\$ <u>N/A</u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>
Unemployment payments	\$ <u>N/A</u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>
Public-assistance (such as welfare)	\$ <u>N/A</u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>
Other (specify): <u>N/A</u>	\$ <u>N/A</u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>
Total monthly income:	\$ <u>3139.30</u>	\$ <u>0</u>	\$ <u>3139.30</u>	\$ <u>0</u>

* There's no spouse - RM

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>National Reconnaissance Office</u>	<u>14675 Lee Rd. Chantilly, VA 20151</u>	<u>Dec. 09, 2019 TO Present</u>	<u>\$ 7944.-</u> <u>\$</u> <u>\$</u>

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.) **There's no Spouse - RM*

Employer	Address	Dates of Employment	Gross monthly pay
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>\$ N/A</u> <u>\$</u> <u>\$</u>

4. How much cash do you and your spouse have? \$ _____
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
<u>Checking Account</u>	<u>\$ 480.-</u>	<u>\$ N/A</u>
<u>Savings Account</u>	<u>\$ 0</u>	<u>\$ N/A</u>
	<u>\$</u>	<u>\$</u>

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home — not a home owner
Value 0

Other real estate — no other Real Estate
Value 0

Motor Vehicle #1
Year, make & model 2016, Dodge Ram
Value \$15,000.- to 16,000.-

Motor Vehicle #2 — no other vehicles
Year, make & model N/A
Value 0

Other assets
Description no other Assets
Value 0

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 320.-	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 14.-	\$
Life	\$ 0	\$
Health	\$ 0	\$
Motor Vehicle	\$ 180.-	\$
Other: N/A	\$ 0	\$
Taxes (not deducted from wages or included in mortgage payments)		
(specify): N/A	\$ 0	\$
Installment payments		
Motor Vehicle	\$ 625.-	\$
Credit card(s)	\$ 0	\$
Department store(s)	\$ 0	\$
Other: _____	\$ 285.-	\$
Alimony, maintenance, and support paid to others	\$ 4804.70	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$
Other (specify): N/A	\$ 0	\$
Total monthly expenses:	\$ 7944.-	\$

* There's no spouse
RM

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>no one</u> / <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
	\$ _____	\$ _____
	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
_____	_____	_____
_____	_____	_____

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
(Rent) or home-mortgage payment — <u>Rent a room</u> (include lot rented for mobile home) <u>to sleep</u>	\$ <u>850.-</u>	\$ <u>N/A</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>150.-</u>	\$ _____
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ _____
Food	\$ <u>300.-</u>	\$ _____
Clothing	\$ <u>100.-</u>	\$ _____
Laundry and dry-cleaning	\$ <u>80.-</u>	\$ _____
Medical and dental expenses	\$ <u>50.-</u>	\$ _____

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

If yes, how much? _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

Please, see Attached. APPENDIX: QUESTION #12

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: _____, 20____

(Signature)