Case No. 23-6288

IN THE SUPREME COURT OF THE UNITED STATES

Plaintiff, *Carlos Velasquez, Pro Se*

v.

Hon. Mr. Robert. Baldock (10th Cir.)

Hon. Mr. Dee Benson (Dec.)

Hon. Ms. Allison Eid (10th Cir.)

Hon. Mr. Paul Kelly (10th)

Hon. Mr. Dale Kimball

Hon. Ms. Carolyn McHugh (10th Cir.)

Hon. Ms. Nancy Moritz (10th Cir.)

Hon. Mr. David Nuffer

Hon. Mr. Paul Warner

EMERGENCY PETITION FOR REHEARING

Pro Se Plaintiff

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Defendant Counsel

District Court
Abandoned

Composed for the Supreme Court of the United States
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Table of Contents

CERTIFICATE OF COMPLIANCE

The text of this petition for rehearing is composed to conform to the Rules of the Supreme Court, is fixed in Century Schoolbook Pro font, and does not exceed 1400 Words.

Initial CV

CERTIFICATE OF SERVICE

All Defendants *waived* or *did not* reply. (See Docket, Case No. 23-6288)

Initial CV

CERTIFICATE IN GOOD FAITH

The case was a Pro Se *emergency civil action* presented against 15 Judges for Judicial Malpractice at *fraud on the court;* the case was not resolved in the District Court. The District Court Judge and Magistrate conspired to commit PERJURY against the court's record of the Complaint, and related case records and so disenfranchised this petitioner within a form of a *false certiorari scheme.*

It is not presented for DELAY; I am not incarcerated and made a personal choice to petition courts on this matter because I believed I could win the case. I am now facing life-long destitution for the criminal delay by the judiciary, this Petition is meritorious.

The court's declension robs us of personal confidence as we struggle to recover financially and dignitarily from repeated Judicial Malpractice.

Further, it leaves us vulnerable to dignitary and political abuse under the Circuit Court, where we have shown this court it is capable of all kinds of criminal malpractice to frustrate us.

s/Carlos Velasquez, Pro Se Appellant

CERTIFICATE ON SUBSTANTIAL GROUNDS

OF EGREGIOUS HARM TO HIS VICTIM PARTY

We believe the court has not considered that its general agency is being abused by members of the lower courts in a *false certiorari scheme*, which operates to predict the court will decline more or less demographically *any and all petitions*; we believe they are falsely interpreting the disinterest of the court so to *evade* discovery of radical crimes committed against the Pro Se appellant.

Declension by the Supreme Court does not show a disciplined discretion; U.S. Courts have not protected us from Judicial Malpractice, and the *declension* is perceived to be NOT in good faith. The court *reports* to, and *vindicates* those Malpracticants who were *released* from civil liability more or less at the caprice of whoever took up the document in the court.

There accrues a new *cause of action* against United States, apparent from the Certiorari petition; the Supreme Court's inaction *gambles* in favor of Judicial Malpracticants that it will not be discovered the improvements to accessible civil rights in U.S. Courts after World War II when the *fraud on the court* rule, Fed. R. Civ. P. 60 (d), was instilled upon the Federal Rules of Civil Procedure because there was no sound reason for its exclusion. See Fed. Rs. Civ. P. R. 60, Notes of the Advisory Committee—1946 Amendment.

Additionally this was *not* a habeas corpus petition, it is an unresolved legal complaint with *mounting legal liabilities* against United States and named Federal Officers.

WHEREAS we are resolved, the Supreme Court will preserve the dignity of the U.S. Constitution and U.S. Courts, United States, the *confidence* of people, to actually address this case of Judicial Malpractice where U.S. Courts membership was intent to evade the discovery with *exclusive* and repeated *false declarations in the official transaction.*

All of the court's decisions which issued on 2/20/2024 show questions of the propriety of Federal practice where Judicial decisions of various degree are concerned; *Missouri Dept. of Corrections v. Finney* (Case No. 23-303); *Coalition for TJ v. Fairfax County School Board* (Case No. 23-170); *In re Michael Bowe* (Case No.22-7871); *Pinehurst LLC, et al. v. City of New York et al.* (Case Nos. 22-1130 and 22-1170).

Each of those rulings was in no way disfavorable from a Federalist approach. More, the Supreme Court is *hearing* cases on Political Fraud by *federal officers,* instances where the officer's testimony is impeachable.

Otherwise the court has meditated over negligence: Utah attorneys of standing shirk the petitioner, and strategically isolate the civil plaintiff; the clerk in those courts then becomes undisciplined sensing a disposition of legal culture's collegial spirit, and fabricates reasons to *not* to file petitions for *discretionary review.*

This was originally a single civil complaint challenging the constitutionality of a statute in the State of Utah, the process suffered original Judicial Malpractice.

Isolation of the Plaintiff in the Supreme Court is their Malpractice strategy; none of them replied at any point to the court once the petition was served. Their decisional failure in that respect is, again, an inchoate malice which the Supreme Court is obligated under the constitution to have observed and corrected by GRANT of this extraordinary pleading for a writ of *fraud on the court.*

THEREFORE we find it recognizable the Supreme Court of the United States is uniquely postured to hear and state how Political Fraud, as *fraud on the court* must be handled in the lower courts.

NOTARIZATION

I swear under penalty of Perjury that the foregoing is true and correct. These THREE certificates on COMPLIANCE and SERVICE, GOOD FAITH, and SUBSTANTIAL GROUNDS.

Reference/ID: 166049916

Notary: _____ Date: 2/22/24

Seal: SHARLYN CORRALES GUERRERO
Notary Public - State of Utah
Comm. No. 722734
My Commission Expires on
Jan 31, 2026

s/Carlos Velasquez, Pro Se Appellant

Civil Bureaucratic Federalist

2/22/2024

STATEMENT

1. The court's declension appears whimsical.

2. There is no other language to define *fraud on the court*, than based in the contempt statute, and the technical rationalization of "Judicial Malpractice" as may be discerned from any *false declaration* in the official transaction; at least we have no plain mitigating language from the lower courts due to their malpractice, and can find no valid legal reasoning in the opinions complained against.

3. The civil rule provides this relief; but we are demonstrating the Judges in the lower courts ignored the rule and technically misstated the case that was presented. We continue to hold that it constitutes such a PERJURY, an ACTION which is designed by CONSPIRACY to DEPRIVE CIVIL RIGHTS, and also to OBSTRUCT JUSTICE which knows "more of the truth" *U.S. v. Golden,* 34 D.2d 367, 370 (1929) and may "ascertain what is wrong and cure it." *Id,* 376. We invoke that precedence because it must encourage the judiciary to engage a real purity test to punish Judicial Malpractice in U.S. Courts. The opinions in the lower courts are unconstitutional and irresolute.

4. The Court's declension is received as part of the implicit *trap* of Judicial Malpractice, given that the Federal question exhibited here is literally included whether to *command* them to respond to the Supreme Court since we *foresaw* how they would not reply.

5. The *certiorari* statute itself begins to appear unconstitutional because it is no longer tailored for general practice than for *preferential* access to U.S. Courts; the Malpracticants *easily* included the high court's oversight in their criminal calculations to *deprive civil rights.*

6. This means the Supreme Court must *renew* the District Court opportunity and uphold directly the Federal Rules of Civil Procedure, because the volume of *appeals* simply appears to outweigh the technical capacity of the judicial system otherwise, so much so that the Judiciary could be accused of *falsely* off-loading cases, and *falsely* protecting an *impeachable* resource.

RESTATEMENT OF FACTS GRANTING CERTIORARI REVIEW

7. The Magistrate falsely stated Supreme Court's precedence, is a whimsical statement characteristic of *fraud on the court.* (See Cert. Ptn. At Page 28, ¶92)

8. The Magistrate falsely stated the manner of Judicial Immunity, and postures the District Court that immunity is handed down from disinterest of the Supreme Court. (See *Id.*)

9. The Court of Appeals falsely stated Rule 59 Applications to evade the Federal Rule of Civil Procedure 60(d)(1) and (3), which has no time limit. (*Id,* Case Background, at Pages 7-13)

10. The District Court Complaint which transcends two cases reviewed for this same complaint, See Appendix C, Tertius, remains withstanding the *false declaration* of Absolute Immunity. (See the Clerk for a Copy of the Courtesy Appendix)

REASONS GRANTING

11. The court, and this country, are hearing numerous high-profile questions on political fraud, specifically questions of civil and criminal immunity. (See *President Trump v. United States,* Case No. 23A745) this is such a case as bears the immunity question against 15 federal judges for crimes committed *in the official transaction.*

12. Presumptive *immunity* was used by the Magistrate as a false reason to dismiss the case; the magistrate committed PERJURY against the District Court's record, the comprehensive Rule 60(d) case under the Civil Rights Act, failing

to address all rational claims in gross prejudice of *absolute immunity,* this same *false certiorari scheme* now upon the court's hands.

13. This declension also begins to constitute a *financial emergency,* because the *years* of *inconclusive* declarations have taken time out of ordinary life, so that I am without a complete academic degree, and I have harassed out of a career in Logistics for my Federalist approach to Labor (so much so that I have to file a new Federal complaint this season against that corporation, *in the same federal court.*). We will find a way to make do, but it is difficult. I will *not* be able to compete for the retirement I would have, had I opted *not* to petition for now six years.

14. THEREFORE, it is constitutional and ethical for the court to have conducted discretionary review under Supr. Ct. R. 10(a) in the vindication of civil prosecution of *fraud on the court.*

15. By isolating the essentially *false* and *criminal* statements by such a Federal officer as impeaches testimony of her/his decisional precedence, just as is regarded in *Trump v. U.S.* and as was detailed in The January 6th Report from U.S. House of Representatives Select Committee to Investigate the January 6th Attack on the United States Capitol.

16. FURTHER, There is good cause to dissolve Judicial Immunity declarations in terms as stated by the court, "Immunity is thus available under the statute if it was historically accorded the relevant official in an analogous situation at common law, *Imbler v. Pachtman*, 424 U.S. 409, 421, 96 S.Ct. 984, 47 L.Ed.2d 128 (1976), *Zigler v. Abbasi*, 137 (S. Ct. 1843, 198 L. Ed. 2d 290 (2017) (J. THOMAS Conc.). Thus the Cert. petition asked the court to recognize how immunity was falsely described in the District Court; the *fraud on the court* rule *authorizes* civil action in this instance under the Civil Rights Act, for *remedy* and for *restitution.*

17. "Judicial Malpractice" *is* the appropriate term; it is a practicable and accessible legal terminology, Malpractice, which indicates when a professional intentionally or negligently abuses agency and office. Malpractice review in U.S. Courts is already active versus attorneys, and there is no sound reason to prevent valid applications against U.S. Judges. Complaints to the American Bar Association *may* require a Judicial Opinion.

18. The line between *fraud* and an *abuse of discretion* is definite; *convenient* attacks on civil rights are a becoming criminal forum.

19. Exposure of *false certiorari schemes* of any kind is a mandatory step to protect and perfect the Union.

20. Otherwise, the Judiciary may develop a tendancy for *false terms* of Judicial Immunity if, in instances as this one, the court's least discretion does not enforce *remandment* and *recusal.*

21. U.S. Courts are shown in the Certiorari Petition to be upon *fraud on the court;* The District Court and Court of Appeals have totally misconducted the case. *Action is due now to uphold the U.S. Constitution, the rights and confidence of the victim of Judicial Malpractice in these same U.S. Courts.*

IMPORTANT NOTES

22. It is possible the court violated the FIRST Amendment in an effort to cover up Judicial Malpractice. The Clerk did not file the *voluminous* appendix as it was presented in FOUR PARTS (as described in the Certiorari Petition), but *abridged* the appendix to conform with circumstances characteristic *habeas corpus* petitions. The action damages confidence where so much of the Certiorari Petition requires ALL FOUR APPENDICES in order to prove the credibility of the Plaintiff's presentation of the record under the Rules of Procedure. *Fraud on the court* review requires the comprehensive record, and not judicial declarations which conducted PERJURY against that court's record.

SUMMARY PRAYER

23. Malpractice now requires the Supreme Court to protect the Jurisdiction of our complaints under Supre. Ct. R. 10(a); we have shown completely *unacceptable* departures from valid Judicial practices.

24. The selective execution of *discretion* risks inchoate *discrimination* against the Pro Se who has never been faithfully represented in the United States Courts.

25. We are vulnerable to a chilling effect of the U.S. Court of Appeals for the Tenth Circuit who have no basis for *discretionary review* of their own judgment; the clerk of that court destroyed a Contempt complaint that was submitted.

26. That was the original cause for appeal to this court.

MAY WE FIND YOU IN FAVOR OF THE FEDERAL CONSTITUTION

s/Carlos Velasquez  , Pro Se Appellant