

NO.23-6568

IN THE SUPREME COURT OF THE UNITED STATE

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BOUAZZA OUAZIZ  
PETITIONER

V

JERSEY CITY ET AL ,  
RESPONDENT

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ON PETITION FOR WRIT CERTIORARI TO THE  
UNITED STATE COURT OF APPEALS  
FOR THE THIRD CIRUIT

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PETIONER REPLY BRIEF IN OPSITION OF RESPONDENT CITYMD

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### statement of the case

petitioner bouazza ouaziz sued defendant CITYMD for conspiracy to deprive rights under color of law and medical fraud and conspiracy to fake medical record to conceal cause of action and destroy of evidence, aid and abet crimes ,and the conspiracy to CITYMD to fake and fraud and misrepresentation and deceive was the cause of continuation of crime against plaintiff since 2019 ,

and it's was the cause the continuation of interstate crime against plaintiff knocking out , drugging , arrest , kidnapping and torturing , extortion , lawless violence of orders ,

the district court dismissed plaintiff claim against defendant CITYMD with prejudice based on statute of limitation and statute of limitation for sexual assault in new jersey is 7 years N.J .stat 2A:14-2a and fraud is 6 years N.J.stat 2A:24-1 and the third circuit affirmed the district court order and plaintiff had pleading element of discovery rule and one of them is CITYMD fraud and misrepresentation to deceive and refuse to provide discharge paper till April 2021 (**see exhibit 1**)

petitioner bouazza ouaziz filed this instant petition to this honorable court on January 22,2024 , asking this honorable court to accept this petition and vacate the third circuit order ,

on January 21 ,2024 petitioner planned to drive from new York to Washington DC to drop of instant petition , and defendant again conspired with NYC police department and super of the building and his wife and petitioner neighbor and premeditated had plan to kidnap plaintiff in Maimonides medical center to conduct

fraud and crime fraud and interfere with plaintiff rights to justice and free on violence under color of law for submitting certiorari to this honorable great court ,

the reason driving from new York to Washington Dc because defendant are stealing plaintiff mails and obstructing mails from reaching their destination by of manager of post office in bath avenue Brooklyn ,and plaintiff has to spend more than 12 hours driving from new York to Washington DC ,

on January 22 ,2024 plaintiff drop of his certiorari and went back to new York before getting to Delaware state at 1:27 (see exhibit 2)pm call come from Maimonides medical center and says this doctor Filardo Magdalena when you are free come to the hospital and come at night for blood result

plaintiff went three times and asked for doctor Filardo Magdalena and they said isn't here ,on January 24,2024 plaintiff was working in Manhattan till 6 am and called the same number and it says this doctor Filardo , "you can come now I'm here" , plaintiff went to emergency room and they took plaintiff inside , and one doctor Asian looking identified him self in the medical record as writer asked plaintiff for reason for visiting and plaintiff told him my muscle are shaking and throwing out and severe headache and doctor Filardo called me on Monday and she said come to the hospital for blood result and come at night,

the doctor Asian looking and he was hiding his badge (identified him self in medical record as writer and he didn't writ his name in the medical record which is indication of private agreement to kidnap petitioner to conduct fraud and crime fraud and revenge for filing certiorari ) said why you didn't come Monday , petitioner said

“I was in Washington Dc and I come late and tired” on blink on eyes doctor writer disappear and security was scanning plaintiff belongs , petitioner asked for reason and security said looking for things not to hurt people , petitioner said I’m not crazy and I’m not here to hurt any anybody ,

they transfer plaintiff to another area and found one man locked to bad and police next to him and plaintiff get alert , and one bold man believes his name is timothy asked plaintiff to take of clothes of and wear hospital clothes ,plaintiff refused and asked for reason and bold man said “you are going to take your clothes or police will called and you are going be locked to bed” and petitioner said go ahead and im not consenting to anything without knowing why I’m here , and bold man said its hospital policy and petitioner said policy isn’t the law ,

they transferred plaintiff to another room and doctor Marian Gabriel come and said you are going to see supervisor and you leave , doctor Marian Gabriel come back in 20 minute ,and she said you aren’t going to leave because you called doctor Filardo in the morning and its concerning too , and petitioner said doctor Filardo who called me and said come to hospital and said come at night , and petitioner never know who doctor Filardo is,

plaintiff nicely and respectfully asked for phone to inform his girlfriend who is visiting her family in gorgia country ,and to inform her brother ,and to inform petitioner family and friends and attorney , and doctor Gabriel said shot, shot, shot ,and 7 large people jumped on plaintiff and put two injection on plaintiff rights leg

(see exhibit 3) and doctor Gabriel Marian said you going to know how go to supreme court? do you remember ?and she was laughing and petitioner lost conscious ,

plaintiff wake up on January 25,2024 and found him self in room 602 as hell and one man was peining and popping around and throwing his clothes in the bathroom and coming out naked ,and the room smiles like human cadaver inside , and they refuse to change room or let petitioner sleep outside in Holloway , plaintiff girlfriend in Georgia contacted plaintiff family in Morocco and told them we cannot find bouazza , (see exhibit 4) , and plaintiff family get in horror , and plaintiff friend were looking for plaintiff for two days because Maimonides refuse to provide phone to petitioner to contact his family and attorney

one part in that faked record there was a part of interview about alcohol and said plaintiff didn't finish because of dementia .marimondas medical and its doctors and nurses know other conspirators are putting sleeping drug and knocking out drug on plaintiff alcohol in his apartment and they conspired to fake record about alcohol to deceive drugging and knocking out

on Friday 26,2024 in Maimonides hospital plaintiff give his girlfriend phone number secretly to one agent contacted petitioner girlfriend via what's up in gorgia country and contacted attorney,

on Friday afternoon January 26,2024 attorney showed up and plaintiff asked her to file emergency application to judge because this is kidnapping and torturing for filing certiorari and to conduct fraud and crime fraud ,as soon as attorney left doctor tudose showed up and told to plaintiff "I promise you leave Monday but not



weekend” , and plaintiff told him you told me you aren’t working Friday afternoon so why did you come now ,and plaintiff believed informed they kidnapped plaintiff to conduct fraud and crime fraud and to interfere with plaintiff right to justice

in that faked Maimonides medical record in another part said plaintiff run away from the hospital ,another part said plaintiff discharged . so why they didn’t call police to get petitioner back to hospital ? and why doctor Filardo called petitioner and told him com to hospital and doctor Filardo isn’t petitioner doctor ?,

another part said plaintiff called doctor Filardo and doctor Filardo never know petitioner and its psychic and its better for him to be in hospital , another part said plaintiff lives with partner , another part said plaintiff lives with girlfriend and her brother ,

another part said plaintiff worrying about email and phone hacked , another part said petitioner referred to hospital by his doctor , another part said plaintiff had Botox surgery as result sexually assaulted on December 19,2019, another part said petitioner had hemorrhoids and referred to surgery , another part said petitioner had disease chat ,

plaintiff filed a complaint with NYS heath commission and went and get second record and found they deleted and added statement and doctor Filardo said plaintiff called me on January 22,2024 at 1:29 and his phone number is 6465755858 (**see exhibit 5**)and they moved statement when the said plaintiff live partner ,and added plaintiff lives with family .petitioner never called Maimonides hospital , never called doctor Filardo and petitioner had provided T-Mobile record and there is no outgoing



call from phone 6465755858 on Monday January 22,2024 at 1:29 pm (**see exhibit6**)

on march 23,2024 they conspired and arrested plaintiff again as retaliation and revenge for filing notice of claim with new York state court of claim against kings county district attorney NY and his assistant and judge Caroline Cohen for conspiracy to false arrest plaintiff on December 27,2022 and the case for that false arrests had dismissed on July 21 2023 ,Thompson V Clark 596U.S(2022) and reed v Goertz supreme court April 19,2023 for statute of limitation

on march 25,2024 the legal representative of CITYMD filed brief in opposition to petitioner certiorari and failed to serve petitioner with brief and their legal representative attached certification of service and served petitioner to wrong address , petitioner address is 716 ocean parkway apt 6d Brooklyn ,NY 11230 not 1909 Quentin Brooklyn NY 11229 ,and asking this honorable court to deny petitioner certiorari and indicating that portioner claim are time barred and indicate that plaintiff filed to provide any basis of later accrual date or equitable tolling ,

fraud and deceive and misrepresentation and duress of defendant is one of equitable tolling which defendant CITYMD and its doctor Rohani committed and conspired to aid and abet crimes ,

and CITYMND and its doctor defendant Rohani called police on December 19,2019 after examined plaintiff for sexual assault , and refuse to provide discharge paper and record to plaintiff till February 2021 , (**see exhibit 1**)

defendant CITYMD and it doctor Rohani faked reason for visiting CITYMD and said plaintiff had Dysuria and abdominal problem (**see exhibit 1**) .so why doctor

Rohani called police ?and petitioner never had urging problem or abdominal problem ?and fraud and deceive conduct by CITYMD is part on conspiracy to conceal cause of action

defendant CITYMD and its doctor Rohani and its nurses conspired under color of law to fake discharge paper and destroy evidences and refuse to provide plaintiff with discharge paper intentionally and deliberately and wonton to deceive sexual assault and knocking out and drugging and help other escape liability and its was the cause of continuation of crime against plaintiff and his girlfriend .

plaintiff filed police report and when plaintiff request police report the city agent who handed plaintiff police report was covering identification and information and she said private information (**see exhibit 7**)because they know other defendant are knocking out plaintiff and are get access to his digital item and deleting evidences ,

**1: defendant CITYMD failed to serve petitioner with its brief :**

defendant citymd and its legal representative have failed to serve plaintiff with opposition brief , petitioner address is 716 ocean parkway apt 6 Brooklyn , new york 11230 not 1909 Quentin rd. Brooklyn NY 11229 , and its legal representative lied about proper service and attached certification of service indicating that plaintiff have served properly .

**II: defendant CITYMD conspired under color of law to fraud and crime fraud and aid and abet crime and destroy evidence of sexual assault :**

defendant CITYMD and its doctor conspired under color of law to fake medical record to help other conspirators to escape liability of sexual assault and knocking out and drugging and its was cause the continuation of crimes against plaintiff for 5 years of war zone crime , and fake medical record is a crime in new jersey law title 2C section 2C:21-4.1 and federal law 18USC1347 and 31USC 3729,and this fraud conducted by CITYMD was intentionally to help other conspirators to escape liability and hurt plaintiff ,

the third circuit application of the two years statute of limitation and was improper , and NJ sexual assault is 7 years and plaintiff had pleading element of discovery rule and late accurate and one of them if fraud and duress of defendant and misrepresentation of facts and deceive witch defendant CITYMD committed in this case and using covid 19 to interfere with plaintiff rights to access the court ,intimidate , stalking ,attempt to kill ,spaying , fake medical records , accident crush on petitioner and his girlfriend , intimidation of witness ,trauma ,thinking on revenge , lawless violence of orders , fake DNA test involved LabCorp ,extortion , knocking out and drugging , interfere with plaintiff to fair hearing and all this crime conduct under color of law , and defendant through their legal representative lied again because they use to lie and again attempt to deceive this great honorable court and said on title II paragraph 2 “ *respondent respectfully submit as threshold matter and, perhaps as point of clarification , the statute of limitation upon which respondent relies is N.J.S.A 2A:14-2 subsection (a) which encompasses personal injury claims arising from wrongful conduct, a separate and distinct statute from N.J.S.A 2A:14-2 which*

*is the statute of limitation for actions resulting from certain sexual crimes against minors”*

this honorable court well established to deny defendant brief, because defendant is wrong , the new jersey law 2A:14-2a -**b.(1)** Every action at law for an injury resulting from the commission of sexual assault or any other crime of a sexual nature against a person 18 years of age or older that occurred prior to, on or after the effective date of P.L. 2019, c. 120(C.2A:14-2a et al.) shall be commenced within seven years from the date of reasonable discovery of the injury and its causal relationship to the act.

**(2)** To the extent applicable, any action for an injury that occurred prior to the effective date of P.L. 2019, c. 120(C.2A:14-2a et al.) shall be subject to the provisions of subsection c. of section 1 of P.L. 1959, c.90 (C.2A:53A-7), as amended by P.L. 2019, c. 120(C.2A:14-2a et al.).

Nothing in this section is intended to preclude the court from finding that the statute of limitations was tolled in an action because of the plaintiff's mental state, physical or mental disability, duress by the defendant, or any other equitable grounds. Such a finding shall be made after a plenary hearing. The court may order an independent psychiatric evaluation of the plaintiff in order to assist in the determination as to whether the statute of limitations was tolled.”

The supreme Court long ago recognized that something different was needed in

the case where a defendant's deceptive conduct may prevent a plaintiff from even *knowing* that he or she has been defrauded." *Merck & Co.*, 559 U.S. at 644.

When the state tolling rules contradict federal law or policy, in certain limited circumstances we can turn to federal tolling doctrine. See *Heck v. Humphrey*, 997 F.2d 355, 358 (7th Cir.1993) (recognizing equitable tolling applicable to § 1983 actions where state limitations provision conflicts with federal policy); *Boos v. Runyon*, 201 F.3d 178, 184 (2d Cir.1999) ; *Grant v. McDonnell Douglas Corp.*, 163 F.3d 1136, 1138 (9th Cir.1998) (permitting federal equitable tolling of a state limitations period for federal claims in exceptional circumstances); *Nunnally v. MacCausland*, 996 F.2d 1, 4-5 (1st Cir.1993) ). Federal courts may toll statutes of limitations for federal laws where the plaintiff "in some extraordinary way has been prevented from asserting his or her rights." *Robinson v. Dalton*, 107 F.3d 1018, 1022 (3d Cir.1997) (citing *Oshiver v. Levin, Fishbein, Sedran & Berman*, 38 F.3d 1380, 1387 (3d Cir.1994)); see also *Bowen v. City of New York*, 476 U.S. 467, 480, 106 S.Ct. 2022, 90 L.Ed.2d 462 (1986) (authorizing equitable tolling where consistent with congressional intent). The doctrine prevents a party from profiting from its own wrong doing. See *Oshiver*, 38 F.3d at 1388.

### CONCLUSION

for the reason above petitioner respectfully request that this court issue a writ of certiorari to end this war zone crime under color of law,

bouazza ouaziz

