No. 23-7137

IN THE HONORABLE

SUPREME COURT OF THE UNITED STATES

ON PETITION FOR A WRIT OF CERTIORARI TO

CASE 23-0486 HONORABLE TEXAS SUPREME COURT
CASE 14-23-00175-CV HONORABLE FOURTHEENTH COURT OF APPEALS
CASE 19-DCV-264-966 505TH DISTRICT COURT

Diana Reismann Sexton,
Petitioner
1795 N. Fry Rd., # 249
Katy, Texas, 77449

346-479-5453

Gilbert John Sexton,
Respondent
10110 Sandhill Pine Court
Katy Extraterritorial Jurisdiction,
of Houston, Texas
832-754-9345

II. QUESTIONS OF THE CASE

U.S. Fort Bend County District Court Judge Kali Morgan refused to be recused or disqualified for violation of due process clause, prejudgment and bias, lying during child custody proceedings, denied hear any motions filled by petitioner, failed to rule, and denied hear a Writ of Habeas Corpus for an Argentine child to be returned to his mother who was primary custodian of the child since birth until due process was obstructed by Judge Morgan's Bailiff Jose Falcon and some local law enforcement employees, who committed aggravated perjury to a judge injured and tortured petitioner, tampered evidence. Fort bend County employees also altered court records at district clerk level by changed the court index, adding statements in court dockets, added services and precepts never provided to petitioner, added notices of orders and capias orders never produced or stated by former Judge Cindy Aguirre, and filed false allegations cases against petitioner, all dismissed. These abusive government employee's actions happened and were committed by government employees under Judge KP George Administration during the past four years. All these are acts of public administrative fraud, against a housewife innocent citizen, all was reported to FBI agents in Houston and to the Argentine government.

Petitioner and her child are Argentinean citizens with dual citizens status whose their constitutional and international rights were injured by these U.S. naturals actions, reason for what petitioner is suing Fort Bend County and its employees involved. The Hague Convention established the resolution of a case within 180 days, Judge Morgan took four years of administrative silent and the case is still *pende lite*.

Judge Morgan ignored exceptions for pro se litigants during child custody cases, she denied heard any of petitioner filed motions and she failed to rule on motion requesting a writ of habeas corpus for the child and the return of petitioner's sole apportion of money to pay a lawyer. The Federal rights exists, and this case is also an issue of clarity of the United States on regard of children retained inland who hold international rights. The fourteenth court of appeals memorandum opinion on April 19th, 2023, stated: "*...There are no statutory provisions authorizing an interlocutory appeal from an order denying a motion to recuse a judge. See In re Hart, 460 S.W.3d 742, 743 (Tex. App.—Fort Worth 2015, no pet.)...*"

1) Can a state district judge be removed from a child custody case for violation of due process clause 14th Amendment, of petitioner after an interlocutory appeal for recusal was denied, when the judge omits exception 3- 28 U.S.C. § 1654 of pro se litigants, and commits a mistake of law?

2) Does this due process and other mentioned violations committed by a District Judge Kali Morgan which violated both dual citizens petitioner and her child Constitutional and international rights, is a *jus cogens?* (according to *United Nations, report of the international law commission on the work of its fifty-third session responsibility of states for internationally wrongful acts)*

III. LIST OF PARTIES

Diana Reismann Sexton, Petitioner PRO SE LITIGANT
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Mobile phone 346-479-5453 dianareismann@gmail.com

Gilbert John Sexton, Respondent PRO SE LITIGANT
10110 Sandhill Pine Court, Katy, TX 77494
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RELATED CASES

23-0486 filed in the Honorable Supreme Court of Texas

22-14-00175- CV filed in the Honorable Fourteenth Court of Appeals

19-DCV-264966 filed in the 505th Fort Bend County District Court of Texas

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V. TABLE OF AUTHORITIES CITED

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VIII. CONSTITUTIONAL AND STATUTORY PORVISIONS AND RULES INVOLVED

UNITED STATES CONSTITUTION:

1st Amendment, "*right to speech, rights to petition to the Government for redress of Grievances*".

4th Amendment, "*The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*"

5th Amendment, "*punishment without due process and right of property not seized without a just compensation*".

7th Amendment, "*the right to a jury trial*".

8th Amendment, "*cruel and unusual punishments*".

9th Amendment, "*about the right not enumerated in the Constitution is not exhaustive and the people retain all rights not enumerated in the Constitution*".

STATUE

28 U.S. Code § 455 – "Disqualification of justice, judge, or magistrate judge: **(a)** Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.**(b)** He shall also

disqualify himself in the following circumstances:**(1)** Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;..."

28 U.S. Code § 144 - Bias or prejudice of judge

U.S. Code § 453 - Oaths of justices and judges

Exception 3- 28 U.S.C. § 1654 of pro se litigants *"The right to appear pro se in a civil case in federal court is contained in a statute, 28 U.S.C. § 1654. Thus, anyone can appear pro se, and anyone who appears before the Court without an attorney is considered pro se. There are, however, certain limitations to self-representation, such as:1-Corporations and partnerships must be represented by an attorney. 2-A pro se litigant may not represent a class in a class action. 3-A non-attorney parent may not appear pro se on behalf of a child, except to appeal the denial of the child's social security benefits.*

*28 U.S. Code § 1738A - Full faith and credit given to child custody determinations (a)The appropriate authorities of every State shall enforce according to its terms, and shall not modify except as provided in subsections (f), (g), and (h) of this section, any custody determination or visitation determination made consistently with the provisions of this section by a court of another State. (b)As used in this section, the term—(1)"child" means a person under the age of eighteen.***28**

Sec. 51.014. APPEAL FROM INTERLOCUTORY ORDER refers to politically subdivided land or municipality, and the area is an extraterritorial jurisdiction of Houston, creating a constitutional gap.

Code of Conduct for United States Judges: Cannon 2A, 2B, 3A,

28 U.S. Code § 2101 - Supreme Court; time for appeal or certiorari; docketing; stay *(a)A direct appeal to the Supreme Court from any decision under section 1253 of this title, holding unconstitutional in whole or in part, any Act of Congress, shall be taken within thirty days after the entry of the interlocutory or final order, judgment or decree. The record shall be made up and the case docketed within sixty days from the time such appeal is taken under rules prescribed by the Supreme Court.**(b)**Any other direct appeal to the Supreme Court which is authorized by law, from a decision of a district court in any civil action, suit or proceeding, shall be taken within thirty days from the judgment, order or decree, appealed from, if interlocutory, and within sixty days if final.**(c)**Any other appeal or any writ of certiorari intended to bring any judgment or decree in a civil action, suit or proceeding before the Supreme Court for review shall be taken or applied for within ninety days after the entry of such judgment or decree. A justice of the Supreme Court, for good cause shown, may extend the time for applying for a writ of certiorari for a period not exceeding sixty days.**(d)**The time for appeal or application for a writ of certiorari to review the judgment of a State court in a criminal case shall be as prescribed by rules of the Supreme Court.**(e)**An application to the Supreme Court for a writ of certiorari to review a case before judgment has been rendered in the court of appeals may be made at any time before judgment.**(f)**In any case in which the final judgment or decree of any court is subject to review by the Supreme Court on writ of certiorari, the execution and enforcement of such judgment or decree may be stayed for a reasonable time to enable the party aggrieved to obtain a writ of certiorari from the*

Supreme Court. The stay may be granted by a judge of the court rendering the judgment or decree or by a justice of the Supreme Court, and may be conditioned on the giving of security, approved by such judge or justice, that if the aggrieved party fails to make application for such writ within the period allotted therefor, or fails to obtain an order granting his application, or fails to make his plea good in the Supreme Court, he shall answer for all damages and costs which the other party may sustain by reason of the stay. ***(g)****The time for application for a writ of certiorari to review a decision of the United States Court of Appeals for the Armed Forces shall be as prescribed by rules of the Supreme Court.(June 25, 1948, ch. 646, 62 Stat. 961; May 24, 1949, ch. 139, § 106, 63 Stat. 104; Pub. L. 98–209, § 10(b), Dec. 6, 1983, 97 Stat. 1406; Pub. L. 100–352, § 5(b), June 27, 1988, 102 Stat. 663; Pub. L. 103–337, div. A, title IX, § 924(d)(1)(C), Oct. 5, 1994, 108 Stat. 2832.)*

28 U.S. Code § 1253 - Direct appeals from decisions of three-judge courts *Except as otherwise provided by law, any party may appeal to the Supreme Court from an order granting or denying, after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges.(June 25, 1948, ch. 646, 62 Stat. 928.)*

OTHER

UNITED NATIONS, REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FIFTY-THIRD SESSION RESPONSIBILITY OF STATES FOR INTERNATIONALLY WRONGFUL ACTS
Article 8. Conduct directed or controlled by a State The conduct of a person or group of persons shall be considered an act of a State under international law if the person or group of persons is in fact acting on the instructions of, or under the direction or control of, that State in carrying out the conduct. Commentary (1) As a 28 1738 A general principle, the conduct of private persons or entities is not attributable to the State under international law. Circumstances may arise, however, where such conduct is nevertheless attributable to the State because there exists a specific factual relationship between the person or entity engaging in the conduct and the State. Article 8 deals with two such circumstances. The first involves private persons acting on the instructions of the State in carrying out wrongful conduct. The second deals with a more general situation where private persons act under the State's direction or control.153 Bearing in mind the important role played by the principle of effectiveness in international law, it is necessary to take into account in both cases the existence of a real link between the person or group performing the act and the State machinery.

University of Miami- Interamerican Law Review, "Dual Nationality, the Myth of Election, and a Kinder, Gentler State Department" H. Ansgar Kelly (1-1-1992)
"The Charming Betsy canon" International Customary Law: The International Court of Justice (ICJ) is the main judicial body of the United Nations, and it settles disagreements between member states of the United Nations. Under Chapter II, Article 38 of the Statute of the International Court of Justice, international customs and general practices of nations shall be one of the court's sources of customary international law is one of the sources of international law. Customary international law can be established by showing (1) state practice and(2) opinio juris.....**32**
(On application to United States naturalization processes for children born overseas)

IN THE

SUPREME COURT OF THE UNITED

STATES ON PETITION FOR WRIT OF

CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[ ] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

[ ] reported at _____; or,

[ ] has been designated for publication but is not yet reported; or, [ ] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,

[ ] has been designated for publication but is not yet reported; or, [ ] is unpublished.

[X] For cases from **state courts**:

The opinion of the highest state court Texas Supreme Court to review the merits appears at **Appendix C** to the petition and is

[ ] reported at _____**there was no opinion for its dismissal**_____; or,

[ ] has been designated for publication but is not yet reported; or, [ ] is unpublished.

The opinion of the Texas Fourteenth Court of Appeals appears at **Appendix. A** to the petition and is

[ ] reported at____Memorandum Opinion Appendix A_____; or,

[X] has been designated for publication but is not yet reported; or, [ ] is unpublished.

VII. JURISDICTION

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was ___.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____(date) on _____ (date) in Application No. _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[X] For cases from **state courts**:

The date on which the highest state court decided my case was **10/27/2023**.
A copy of that decision appears at **Appendix E**.

[X] A timely petition for rehearing was thereafter denied on the following date: **June 22nd 2023**, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including_____ (date) on _____ (date) in Application No. _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Note: Petitioner reserves her international right for her child and self to file in International Court of Justice in the Hag

VII. JURISDICTION

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a). The date on which the highest state court decided my case was **10/27/2023** attached at **Appendix E**

IX. STATEMENT OF THE CASE

This case explains the imminent need of creating a statue within an interlocutory appeals to recuse a judge in a child custody cases for those lower court judges who fails to equally comply with the due process clause, or is biased or have a prejudgment against one part on their courts, to avoid complete an unfair trial, an appeal, and a new trial and a new appeal, going back and forward from lower courts to higher courts because the judge does not behave equally and provides the time to speak and right to present their side to both parts, intentionally wasting this way time on a child life until the child reaches 18 years old, wasting money and administrative State resources paid by tax dollars, while depriving a child of one parent for years.

The recusal and disqualification of Judge Kali Morgan from 505th Court District is greatly justified because she elapsed with her associate judge Clayton for four years the age of the child denying heard petitioner's side, she avoided take testimony to petitioner material witness and avoided to rule in urgent motions; preventing this way petitioner to file under the Hague Convention for retention of the minor in United States by economic manipulation and abuse of respondent, and manipulating the child education, his answers and wellbeing without consulting petitioner, which result in an unfair administration of the law, making a parent wait for years the never ruled decision of a lower court judge over her child custody, violating the due process clause and retaining both the mother and the child for 16 years without visiting their family in other nation.

On July 29 of 2019, Respondent filed for divorce five days after petitioner naturalized American and on 08/13/2019 respondent lawyers committed aggravated perjury to visitor Federal Judge Terence Kern who ruled custody 50/50 the house to respondent and $1,000 one-time to petitioner and asked petitioner *"Can you get a job?"* [sic] petitioner was a housewife, he also placed a fine of $200 to petitioner for ask him twice if he will provide an appointed lawyer to petitioner. Petitioner was not familiar with the process in United States.

Prior elections of 2019, petitioner consulted with Judge Christian Becerra on August of 2019 during electoral campaign, and he requested from petitioner $5000.- to be her lawyer, petitioner did not have any money. During that consultation, Becerra defamed in front of the petitioner, his former partner in business, judge David Perwin who was the judge on petitioner's divorce case. Petitioner did not know anyone in Richmond and was a housewife for twelve years.

Petitioner went with her child to the Houston FBI and reposted irregular situations in that court, the child testified to an agent *"I want to live with her" [sic].* At the hearing of September 18th of 2019, petitioner was stopped by the court bailiff Jose Falcon who illegally separated the child from petitioner who placed the child in a mediation room, Judge Becerra entered in the courtroom, greeted petitioner, talked to the court bailiff Jose Falcon and left. The court bailiff without any judge's orders battered petitioner after she stated to judge Aguirre *"I went to the FBI"*. Judge Becerra was deleted from the tampered surveillance video evidence released by Sheriff Fagan office, captured by 505th court surveillance cameras.

The child wanted to tell the judge his wish to live with his mother, so the petitioner had a motion to confer in chambers prepared for free by Judge Janet Heppard the former director of the University of Houston law school. Judge Becerra ran a political campaign with Judge Morgan, who won Judge Pewin's bench in doubted elections because the area is an extraterritorial jurisdiction of Houston, and constitutional "gap" on regard of what residents can vote for, depending on which side of the road they, this is an unresolved land of Houston, claimed by Katy, TX under statue 42021Texas local government body.

Petitioner and her child are Argentinean citizens, naturalized Americans and dual citizen of both nations, who were injured by these U.S. naturals actions, as well in their constitutional and international rights, reason for what petitioner is also suing Fort Bend County and its employees involved.

Judge Morgan ignored the exceptions for pro se litigants during child custody cases, she denied heard any of the motion's petitioner filed and she failed to rule on motion requesting a writ of habeas corpus for the child to be returned to his mother and the return of petitioner sole apportion of money to pay a lawyer.

The Federal rights exists, and this case is also an issue of clarity of the United States credibility on regard of custody process for children retained inland who hold international rights and duties of both nations, and visitation right to their family in Argentina.

Judge Morgan denies heard petitioner's part of the case, who is a pro se litigant because her money is retained by respondent, and she denied rule on such release to pay a lawyer. She forces the petitioner to self-disclose all divorce information for her failure to rule and administrative silence, which is unconstitutional, because respondent had five lawyers and petitioner is a pro se litigant. Judge Morgan actions are unethical and unprofessional because she forces petitioner to disclose in writing private family issues with her negligence. There is a clear prejudgment and a bias, because both parties must be heard on their arguments and have a legal representation of the case and complete a trial. Respondent lawyers had filed false allegations to influence the ruling to their side.

Petitioner will not sign anything without a lawyer, in the meantime the child has been subject of ransom-like negotiations by a judge's hand who place conditions to return the Argentine child to his Argentine mother.

If any motion filed by petitioner is heard, including a Writ of Habeas Corpus to return the Argentine child to petitioner, his mother, because the child was illegally separated by the public fraud committed by Judge Morgan court's bailiff and other local sheriff deputies involved, and by local layers who committed aggravated perjury to a visitor Federal Judge Terence Kern. This contested case becomes only one party favored by the judge Morgan's hand who only talks to respondent lawyers resulting in a violation of due process clause for petitioner, favoring one part over the other part because they have a lawyer and at the same time, she is favoring a natural citizen over a dual citizen.

Therefore, a parent must not wait until the end of the trial and its subsequent ruling to appeal, because the process as in this case is taking four years of a child growth, who is close to adulthood, without concluding the purpose of the litigation which is the child custody and division of property in control of the respondent, whose manipulative behavior, along with his lawyers, school educators, are depriving petitioner any input over the decisions for the child, while the district court judge fails to comply with their duties equally, and recognize petitioner's constitutionally parental rights grossly ignored by Judge Morgan.

Judge Morgan is part of a group of politicians who rule by political interest instead of applying the law, and whose corrupted employees obstructed judicial proceedings and due process into her district court in United States, during child custody proceedings for a child born in Argentina, brought to United States under false promises, and retained into United States by economic manipulation, deprived visit his family in Argentina for sixteen years.

The case derived on fraudulent claims of local Fort Bend County Sheriff government employees, including judge Morgan's bailiff and sheriff deputies who violated the Vienna convention Article 36th recording consular communications and confiscated consular mail, illegally confiscated the child's foreign identifications, violated due process, intruded petitioner property without any order or warrant, violated parental rights and Constitutional rights of petitioner, favored aid a natural citizen over a dual citizen, and intentionally elapsed the time of the child age to prevent file under Hague Convention for such brutal retention and violation of rights.

When a person is deprived or sole and joint resources, there is no freedom, no happiness and no equal access to law and justice in a nation which is money driven, where the law forbids lawyers to act on contingency in child custody cases, and there is any federal and state lawyer's network appointed by courts in cases of inability to pay legal fees, who can provide legal assistance for the disproportionate economic difference to access to law, justice, and for the retention of joint economic assets during divorce cases which limits the legal representation of the child from other parent's side, especially when the judge only hears opposite part lawyers.

This case explains the consideration of the necessity in the judicial system of implementing an agile and fair due process to hear child custody cases in lower courts, and to allow recusal of those judges who do not comply with the law.

X. ARGUMENT OF THE CASE

District Judge Kali Morgan committed administrative silent for four years, failed heard petitioner and her witness and rule to return a jus soli child of Argentina illegally taken by a court bailiff Jose Falcon false allegations and other county employees in a plot to destabilize former U.S. Judge David Perwin of bench, using petitioner's case for it, apparently organized by his former partner Judge Christian Becerra during his political judicial campaign in 2019.

During Judge Morgan campaign one of the most important donors was another lawyer S. consulted by petitioner who charged $500 consultation fee, requested all financial evidence folder to petitioner and then declined representation. In any part of the statue 455 (a) and (b) nothing is specified about political bias and/or commercial relationship by donors to a judge who may be consulted on their services by a party of a case under their bench, because a normal citizen who is not a lawyer does not know if the consulted lawyer will provide such information to his beneficiary judge to who has donated $2500.- during campaign to weight the ruling in certain way, to aid on information for a case or other reason to favor or disfavor a ruling in which the judge sits on, as an ex-parte communication.

During Judge Morgan campaign according to her web post of Ballotpedia which was deleted from the web page, Title 15 of the Election Code. (chs. 251-259 only allows $1,000. - per district judge). Judge Morgan received $8,000. - in donations not disclosed, However the previous post deleted stated Attorney S.

consulted by petitioner donated $2,500. - to judge Morgan campaign, the same attorney who requested from the petitioner $500.- on his consultation fee and all financial marital statements, and then he refused to represent petitioner. This information was shown to the court librarian. *(DAVID THOMPSON, ET AL., v. HEATHER HEBDON, Executive Director of the Alaska Public Offices Commission, ET AL. No. 19–122. Certiorari granted Decided November 25, 2019 on petition for writ of certiorari to the united states court of ap).*

The child born in Argentina, had his life organized into a safe environment, and family, and respondent refused to stay in petitioner's own house with the baby and returned to Houston, Texas to set the forum. The baby was under the petitioner's care he lived with the petitioner. Respondent visited intermittently the baby, respondent naturalized the baby American citizen at 10 days of life at the U.S. embassy in Buenos Aires, Argentina. Petitioner was not allowed by U.S. authorities to observe the naturalization ceremony for her baby- Betsy cannon question of international law may apply over following the Nation's transparent naturalization process for children in front of both parents.

There is a diversity jurisdiction, recognized by U.S. consul Anthony Wayne in full capacities, sending child's CRBA Certificate of birth Abroad and U.S. Passport to petitioner's house in Buenos Aires, Argentina. Respondent initiated the migratory process for a K-3 visa, and on 06/24/2008 at entering to US Bush airport attempted to leave with the baby, and he was escorted back by airport officers. The marriage became insupportable since then. Petitioner sole apportion of money is retained by respondent along with joint community property. Petitioner lived in United States for twelve previous years under a permanent residency, green car holder, and naturalized American on July 24th of 2019; five days after respondent files for divorce and petitioner is served with petition for divorce in front of her witness on 08/02/2019. Respondent left the marital house for two months until respondent's lawyer committed aggravated perjury to a U.S. judge to obtain a quick temporary court order filed under rule 190-2 to benefit respondent with all joint assets and the child custody.

Former Judge David Perwin's court rule 3.a. and 3.b. stated there was a mandatory mediation before a hearing and any prior mediation was completed at that time not even having an independent mediator, thus the perjurious application of the rule 190-2 to a speedy partition and dissolution of the marriage and the child custody were fraudulent because the joint assets were valued more than $250,000. – permitted by rule 190-2. Petitioner made a wire transfer from Argentina to respondent of $65,000. – from selling her sole house in February of 2008. The petitioner's sole apportion of money is retained by respondent who did not share his exact income amount with petitioner since marriage and disbursed joint marital assets which petitioner has not access to it. Respondent's lawyers committed aggravated perjury to a visitor Federal Judge Terence Kern to obtain a temporary court order, favoring respondent. Judge Kern ordered 50/50 Joint management conservatorship, the house to respondent and not remove the child from the State of Texas and pay onetime $1,000. - to petitioner and a fine of respondent for $200.-

dollar (for asking Judge Kern twice is he will appoint a lawyer for petitioner, because petitioner did not know the U.S. court system).

The posterior order of Judge Kern on his docket is modified of his original verbal say. The current order holds false statements about petitioner having issues with the school, but the truth is the child was bullied at the school and neither the school district nor the school district did anything to resolve the issue. Petitioner had to hire a lawyer to argue the issue up to the Texas Education Agency including the fact, Katy ISD was not in compliance with statute §89.3 of Texas Education Code for Gifted and Talented Children services for K to 12 grades, petitioner was liaison mother for Gifted and Talented with the Katy ISD district.

Among the tampered court documents, it was added in the court docket the child support, which is not what judge Kern ordered, because petitioner immigration status was a "housewife" and judge Kern only asked, *"Can you get a job?" [sic]* knowing petitioner had no access to money and nowhere to go.

In addition, petitioner showed Judge Kern on his hand, petitioner psychiatric clearance signed by Argentine Ministry of Defense and petitioner's professional diver license signed by Argentine Coast Guard. Of this, comes to the evidence how court documents can be easily altered by anyone who works in the judicial system. The subsequent narrative provided on petitioner filings with the 505th court provided the narrative needed to tamper at clerk level the court index and posterior court order was altered and edited, making a public fraud of the use of a Judge signature from what differs of what the judge verbal order. Such a docket also holds untruthful statements, Judge Kern never stated.

In addition to that court order or docket, Judge Kern, clearly stated the child cannot be removed from the State of Texas, and Judge Morgan did absolutely nothing about when respondent fled the child to visit his U.S. family in Michigan, or vacationing in Florida, while violating a Federal Judge Terence Kern order of the court. With the same criteria, of access to law, United States cannot deprive the child for sixteen years to visit his family in Argentina by the official inactions of Judge Morgan and allow the child visit his family in Michigan in opposition to a previous judge's docket, making inconsistent the previous rulings in the case and extending a geographic benefit inland for the child, to induce about which family is for the best benefit for the child to visit until adulthood, because there is not statue about retention of a foreign child in United States and prohibited to leave to other nation to visit his family as well.

The child only grandmother and witness is 92 years old, lucid but handicap and she cannot fly 11 hours by herself in a wheelchair and at arrival not having a place to stay under petitioner care, just because respondent does not want to return petitioner sole and joint assets and the judge does not care about the child well-being

Respondent was the immigration sponsor of petitioner, and he signed a federal affidavit of support, stating that petitioner money was his, petitioner's sole apportion of money is retained by respondent and petitioner immigration status was a 'housewife'.

The respondent's lawyers filed false allegations to obtain the child custody, and deprived petitioner of her sole and joint property with the aid of local law enforcement employees who committed public fraud, aggravated perjury to a U.S. Judge and injured petitioner. Respondent considers that petitioner must wait until the end of the divorce to have her sole apportion of money and share, and petitioner disagrees because she worked on her nation for more than 20 years and she believes on her parental rights, her right of property and her right of legal representation for

her child and self. Petitioner consulted about 200 lawyers who declined representation for not having money up front, and for the international issue, only one lawyer accepted under interim fees but were paid by respondent established this way a commercial relationship with the other part, petitioner was not invited to that hearing for what she did not trust that lawyer, the lawyer answered the divorce petition and for brief time and withdrew.

Judge Morgan is ignoring petitioner motions to order respondent return sole property to pay a lawyer, to have equal access to law and justice, and have a place to live, while the cruel judge grossly ignores the 5th and 8th Amendment, forcing petitioner to be a pro se litigant exposing a private issue publicly, in addition forcing petitioner to sleep on her car and or in a hotel intermittently, depriving petitioner her right to property.

In the meantime, Judge Morgan requests public donations by Facebook post for her AKA sorority African American girls, while deprived petitioner a White Hispanic woman her own money retained by respondent, and violates the due process clause for petitioner; Judge Morgan solicits help for one kind of woman, but deprives another kind of woman, she denies heard the mother's side, using the child as a subject of negotiation as a pre-punishment demonstration of her biased and prejudgment behavior.

On August of 2019 Petitioner went to the Houston FBI office with her child and the child told an FBI agent *"I wanted to live with her" [sic].* The child wanted to express his wish to former Judge Cindy Aguirre, and petitioner had a motion to confer in chambers, kindly prepared by Judge Jannet Heppard when she was Director of the University of Houston Law school.

Within a fair legal system a district court judge who wants to sit in a case must not have more rights than, a pro se foreign mother filling in forma pauperis for the custody of her natural child taken away by U.S. natural's fraud; who recused such judge for failing to hear, falling to rule and failing to take any actions for four years: just because Judge Morgan is an American lawyer who grossly ignored and violated petitioner and her child constitutional and international rights by her neglected actions and her administrative silent, for what she must not be above the law over a citizen and her immunity is obviously highly questionable.

During set hearings, Judge Morgan repeated what respondent lawyer said, showing she has no independent decision, when was petitioner's turn to speak, Judge Morgan used argumentative techniques to state what is allowed on "her court" and falsely accusing petitioner of *"not behaving on her court and been argumentative" [sic],* which is a lie. Judge Morgan showed no respect for the petitioner or her job, passing several times the hearings under such excuses and requesting petitioner take more days of her job intentionally.

The petitioner's witness was deprived to testify by Judge Morgan's linguistic discrimination forcing petitioner to speak only in Spanish, while since 2019 to 2022 petitioner had to speak in English during court proceedings for lack of translators. The Department of Justice had signed a forced agreement with Fort Bend County, so the county provide translators to their middle eastern employees. If tax dollars pay translators for Fort Bend County employees, the same translators should be used for constituents on their courts. Judge Morgan must not force petitioner to speak one language over the other if the translator speaks another dialect different of petitioner Castilian Spanish and does not translate accurately, thus Judge Morgan creates another argument which has no sustain in law for forcing a person to speak in certain way it is just idiotic because will imply all spectrum of disabled on speech

from electronic transducers of voice to FAS (foreign Accent Syndrome after a traumatic brain injury, which according ADA would be discriminatory beside a linguistic discrimination.

In a marriage where only one spouse holds the money and assets and the other nothing, in English or Spanish is called abusive relationship, if a judge does not comprehend that concept, she needs to vacate her sit for a fair and a better trained judge, especially when there was a federal affidavit of support signed by respondent lying petitioner money was his money. The U.S. government cannot usufruct a legal migrant money for 12 years and then deprive her of all, and throwing that person to the streets, to welcome illegal immigrants on their open borders, pay all their needs and not those legal migrants and citizens, because is called a selective spending or waste of federal budget which does not benefit to "*We all*".

In 2001 report of Honorable Senate over *TREATIES AND OTHER INTERNATIONAL AGREEMENTS: THE ROLE OF THE UNITED STATES SENATE* Colello v. U.S. Securities and Exchange Commission, *however, a case challenging a freeze of plaintiffs' assets in Switzerland, a Federal District Court held that the failure of the U.S.-Switzerland Treaty on Mutual Assistance in Criminal Matters to require U.S. officials to notify U.S. citizens of a governmental request for assistance from Switzerland and to provide a prompt post-deprivation hearing violated their fifth amendment right to due process and to this extent the treaty was unconstitutional.\36\ It further held that the treaty's ``reasonable suspicion'' standard for freezing U.S. citizens' assets in Switzerland violated the fourth amendment, stating that ``[t]he executive cannot eliminate plaintiffs' fourth amendment right to be free of unreasonable searches by treaty.''* The same principle applies here but vice-versa, if the assets came from Argentina and were declared to the IRS, and are retained by respondent, while he invests his apportion and joint money in stocks, which were transferred to his mother's name to avoid pay petitioner joint dividends, and release her sole apportion of assets to also avoid paying the taxes for it "*...to provide a prompt post-deprivation hearing violated their fifth amendment right to due process*" If Judge Morgan does not comprehend this point, then she needs to be immediately replaced.

Dual citizenship is not prohibited by the US Constitution, and exists the right to claim internationally for retention in U.S. by the inconsistency of their lower courts judges who grossly ignore the constitutional rights while focusing on little minor rules, and with the illegal local law enforcement practices such retaining the child's foreign identifications and recoding consular communications, violating that way the Vienna Convention, during a request of help to the Argentine Government and informing irregular situations affecting the child and mother international rights, all informed to the Argentine Chancellor and Federal Argentine Prosecutor.

Local county sheriff Fagan who is friend with Judge Morgan, must not send his deputies to aid to steal and confiscate the child's foreign identifications to aid retaining the minor inland, simply because United States has any jurisdiction over foreign identification issued by Federal Government of Argentina for their children. Argentine children and teenagers are protected by Argentine Federal laws and international children right to identity; Argentine consuls have the duty to see for the safety of their children. Fort Sherif Fagan's deputies were not trained on deal with dual citizens; petitioner was threatened with an ICE deportation order, and later the evidence released by sheriff Fagan's office states for communication to Argentine

Consul petitioner requested the language selected was "English", this fact is evidence of the fraud committed in Fort Bend County because petitioner lived 43 years in Argentina and will communicate with her consul in Castilian, not English. Fort Bend County should be immediately intervened for the level of fraud committed.

Petitioner recused both judges for their lies and inactions in the case and several other irregular situations. Under First Amendment to record officials in full capacity, she recorded both judges lies and sent the recording it in an audio format to the appellate court the audio was attached into her brief expecting the Justices understand a judge who lies in child custody proceedings must be immediately removed, because who suffers is the child, and the judge must not use the law against a foreign mother who exposed her corrupted actions. Petitioner offers the Honorable Supreme Court of United States such videos, which were sent to the Argentine president to be attached to the legal case filed as evidence of the fraud committed in United States on its lower courts.

Unfortunately, the priority of the 14th court of appeals was to mandate the judge to follow all rules while committed a public fraud, and their clerk priority was to petitioner sign between two forward slashes, while original scanned signature of petitioner was stamped on her brief. Petitioner also expected that from the lack of statue over an interlocutory appeal, in this case recusal a judge who lies in child custody procedures, will weight in the scale of justice more the factual wrongdoing over the lack of rule, after all what ever is not prohibited, must not be denied, as a result they could have granted the recusal, but they may have preferred this court to decide it.

If United States allows and invites illegal migrants through their open border, entering with children, with or without their identifications, United States employees must not confiscate a child foreign identifications by force without a court order, who is also a U.S. Citizen and legally entered to this Nation, because this child is a dual citizen, and carries by his nation of birth international rights granted by United Nations, as the right of identity, and live with his family. Respondent which at childbirth registrations and under Argentine laws had fully observed and accepted by respondent the issue of the baby Federal identification at Federal Police facilities under the Argentine flag. These identifications belong to the minor and its custodian was his petitioner, who carries the same nationality. This fact is inconsistent with the current immigration issues broadcasted in many news channels live, showing also during such invasion, those people foreign passports were thrown to the floor into U.S. land, leaving a clear gap for human trafficking by using foreign stolen identifications to traffic other children under false names. Fort Bend County sheriff cooperated with such international crime by taking the child Argentine identifications on 03/08/2020 to avoid petitioner leave with the child with their Argentine passports and petitioner filed an Interpol report under the Argentine law. United States has no right to deprive a child of their foreign identifications, nor to retain two foreign naturals under their government employee's fraud.

Judge Morgan refused to hear a dual citizen child custody proceeding with a previous diversity jurisdiction in Argentina, and a previous *"order of the court"* or *"docket"* signed by Federal Judge Kern, not recognized that order by Judge Morgan as a valid order to hear a "*Writ of Habeas Corpus* for the child" to be returned to his mother who was the primary custodian of the minor since birth.

Neither the court employees cannot alter or tamper court documents to justify their fraud committed during this case, in which the child's education is

decided by his father and the school employees, without petitioner consent. Fort Bend County does not have the custody of the child and must not abuse their authority as they did, to decide what is for the child best benefit, without consulting with petitioner, because the child is learning about racism and anti-racism, drugs, alcohol, sex and learning to kill in literature offered by the school as the only option for critical thinking, in violation of *§110.60 - §110.C. - §110.61 already approved by Texas State Board of Education, which states "the student is expected to select a topic" [any].*All this is not authorized by petitioner, instead of learning about the geography and history of the Nation where he born Argentina, and he was extracted from under false promises: the school opts for indoctrinating the child against petitioner and the judge opts for draining family assets to have lawyers only for one side, not providing the relief for petitioner, to as retaliation intentionally deprive of basic needs and equal access to law and justice with a lawyer.

In such circumstances, petitioner believes she should not give Judge Kali Morgan an opportunity to fix her errors or her abuse of discretion or her administrative silent, because Judge Morgan had four years to act, and she did not give an opportunity to petitioner to speak and present her side of the case while wasting four years of her child life intentionally with her and her associate's Judge Clayton false procedural excuses, nor has to agree in nothing to respondent lawyers who lied in child custody proceedings to benefit their client.

The petitioner also believes her case must be heard in a federal court for dual citizenship under customary law and because this case it holds a *jus cogens produced by American citizens* toward both Argentine naturals which also fits for Alien Tort.

In addition, Judge Morgan made false statements about petitioner, exposing her prejudgment, specifically stated *"you did not file your motions right" [sic]* which is not true, because it was an error of spelling the name of each motion by the district clerk employee, and judge Morgan previously read each name of the motion to be heard and few minutes later she stated *"she did not even know which motions are to be heard by her"*[sic]; all this was videorecorded as well is other example Judge Morgan untruthfulness.

She also took one year to understand one English sentence from petitioner in a motion Filed in February of 2022 written *"I demand a jury trial" [sic] and* showed and admitted as evidence by Honorable District Judge Susan Brown recusal hearing who was a wonderful Judge and was always ethically correct, even though she denied petitioner recusal. Petitioner does not believe to give an opportunity to correct Judge Morgan error of abuse of her discretion and her administrative silent.

On 09/18/2019 the petitioner Argentine child was illegally separated from her mother by the court bailiff Jose Falcon.

Judge Morgan favored the opposite party lawyers to lead the case with false arguments (*SUSAN B. ANTHONY LIST v. DRIEHAUS 525 Fed. Appx. 415, reversed and remanded) and* refused to hear a Writ of Habeas Corpus for the child and curtailed petitioner right to speak and denied petitioner 92 years old material witness to testify. Judge Morgan threatened petitioner with *"I will not give you the child unless you have a place to live"* [sic] and simultaneously deprived petitioner of her sole apportion of money retained by respondent.

The petitioner was tortured and injured by Sheriff Eric Fagan's deputies involved in the case. Sheriff Fagan is best friends with Judge Becerra, Judge Morgan, and DA Brian Middleton. Fagan deputies' perjurious allegations threatened petitioner with an ICE deportation order and her child to be arrested. Petitioner is

suing Fort Bend County and its deputies involved.

Judge Kali Morgan has a clear friendship, with the deputies involved in the case, petitioner is suing, she had publicly posted pictures of herself, and such deputies and Judge Becerra requested donations for her AKA sorority to help *black young woman*, while depriving petitioner a *white Hispanic woman* her sole apportion of money transferred from Argentina, which is retained by her spouse. Judge Morgan denies ruling within a period of time of four years, which violates Constitutional right of property of petitioner and elapse either the statute of limitation or the ability of petitioner to hire a lawyer to complete both legal proceedings. Petitioner was a housewife and did not know anyone in Fort Bend County courts, she is not a lawyer or a law student.

The petitioner believes the sequence of events against the petitioner and the child was a pre-punishment because petitioner was a witness of defamation against sitting Judge David Perwin and self which was reported to FBI agents in Houston building. Why would a judge candidate lie about a sitting judge to his potential client, or it was personal revenge using petitioner's case for it?

The 505th Court Judge Morgan, has a first impression pre-judgement for aggravated perjury committed by her court bailiff Jose Falcon. Judge Morgan openly made antagonistic prejudgment statements harassing petitioner, while not commenting anything over respondent. Petitioner recused Associate Judge Clayton and Judge Morgan, for the same reason, both judges targets petitioner with false comments about petitioner behavior and the way to speak to sustain the sheriff deputies false claims and leave false records in her court, however petitioner recorded the judge and her biased and unfounded comments, thus, she did not intentionally allowed petitioner of her witness to testify on the motion for a writ of Habeas Corpus for the Argentine child, taken away from petitioner by U.S. naturals fraud. In recent case question for Federal Arbitration Act (FAA), 9 U.S.C. §16(a). 599 U.S. ----, slip op. at 1-2 in *Coinbase, Inc. v. Bielski*, (June 23, 2023) (This court granted and interlocutory appeal for stay)

Honorable Judge Susan Baetz Brown denied Judge Morgan recusal and petitioner appealed in the Honorable Fourteen Court of Appeals, where the interlocutory appeal was also denied with court merits and recommendation for observance. The court clerk had not provided any court reporter records to the petitioner and requested petitioner's brief to fix and refile under Trap rule 9.1. (c)(1) signature between two forward slashes, when petitioner brief had an original signature scanned according to the Trap rule 9.1. (c)(2). "***(1) a "/s/" and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or(2) an electronic image or scanned image of the signature***". Also, the court clerks were sending letters to petitioner requesting payments several times for court reporter records never provided to petitioner and with an affidavit of inability to pay court costs, for what petitioner has any written court reporter records, which petitioner believes were clearly altered according to petitioner narrative, which is a violation of due process, by having the right to inspect all proceedings, records and evidence still while been a pro se litigant.

Further is to mention that 505th court reporter Mr. Bowers to make a copy to Judge Brown she had unstapled an apostilled deed certified by the Argentine Notary college and Apostilled by the Foreign Affairs Ministry produced as evidence of the house petitioner sold to transfer respondent the cash, he stated he did not have money to buy a house. Mrs. Bowers with her actions invalidated and international document which is evidence of such money transaction, and it is clear that 505th

lower court does not know deal with international documents and dual citizens, and their employees are more than stupid and intentionally harass normal citizens. International documents cannot be taken apart it must remain originally, they wrongfully think they can do whatever they want because they work in a court room and they assumed that the naturalization as American citizen will forfeit citizenship granted of origin, thus a person must not receive such harassment from government employees or its contractors who may think a person be forced to choose between one citizenship over another to resolve custody issues, because the false promises of migratory process existed.

Petitioner has twenty years of experience working in the Argentine government and never saw before such harassment and tampering of court documents as happen in Fort Bend County Court, where orders are printed differently of judge's verbal words, including Judge Morgan lying during hearings, recorded by petitioner for inspection of her untruthful statements and her oppression to petitioner, audios which were attached to appellant brief under first Amendment right of record officials in official capacities, also reported to the FBI. All court orders were modified, including the deputies fillings, because Judge Aguirre did not stated any "capias order" or notice of Capias or nothing to petitioner after petitioner stated *"I went to the FBI"[sic].*In addition the order was not found for three years according paralegal of petitioner defense lawyer for such fraudulent claims.

Petitioner filed with the Honorable Texas Supreme Court a petition for review for the level of public fraud committed during this child custody proceedings by public government employees, which was denied without explanations, for what petitioner respectfully files a writ of Certiorari.

The marriage is also registered in Argentina, and the inactions of the U.S. government towards petitioner set the retention frame for the child, by either local lawyer and sheriff deputies aided retain the minor.

The unfortunate case in the Argentine Supreme court G. 280. XXXIV. RECURSO DE HECHO Gay, Camilo y otros c/ Shaban, Imad Mahmoud Mohammad y otro. Over the Argentine Gabriela Arias Uriburu, whose Jordan husband stole her children from Guatemala, during divorce proceedings and never left Jordan again, the Argentine government had intervened 1999 and produce an opinion the Jurisdiction was Guatemala. Mrs. Uriburu, never recover her children because a human rights advocate and this case is exactly its reversed, the child and petitioner are retained in United States for sixteen years for financial abuse and free servitude.

The fact that the Hague Cort gives only one year lapse should be reviewed and request to be modify, because children does not belong to a Nation in which have to be kept regardless, the retention claim should be investigated and modified. Another reverse example would be the case CR-13-57419 State of Ohio Vs Ariel Castro (July 26, 2013, convicted 1000 years in prison) who kept three young woman kidnapped in his house in United States, the children of those woman could have been claimed by grandparents or close family in other nations if in the eventual case of those woman would have not survived to their rescue, but luckily they did and by God hand are in well recovery.

The Hague Court studies each case brought to their court, if they take their time to study each case, why would United States lower district court will not do the same under the rule of law, which is supposed to prevail.

Petitioner believes the Judicial System in Fort Bend County, Texas has been use as a tool of control against innocent citizens in the area who openly explain

about the extraterritorial jurisdiction, and the educational deficiency of the Katy School which operates on the questioned area, which is indoctrinating our children about age inappropriate topics, because petitioner was a "housewife" for the previous 12 years and according to Sheriff Fagan's involved officers fantasy which are not concordance with their own statistics of little crime in the area, placing a hold for $20,000.- and releasing for the price of a large pizza, making their own declarations not credible, but just as a way to silent their corruption with the harassment of citizens.

In the case Pugin v. Garland, Honorable Justices delivered this opinion: *"Individuals can obstruct the process of justice even when an investigation or proceeding is not pending. Indeed, obstruction of justice is often "most effective" when it prevents "an investigation or proceeding from commencing in the first place." Brief for Attorney General 15. The Court declines to adopt an interpretation of the statute that would exclude many common obstruction offenses from the definition of aggravated felony under §1101(a)(43)(S). ... "relating to" resolves any doubt about the scope of §1101(a)(43)(S), because it ensures that the statute covers offenses having a connection with obstruction of justice—which surely covers common obstruction offenses that can occur when an investigation or proceeding is not pending Third, reading §1101(a)(43)(S) to cover offenses that do not require a pending investigation or proceeding may create some redundancy... because the traditional tools of statutory interpretation show that an offense "relating to obstruction of justice" does not require that an investigation or proceeding be pending. Pp. 3–10. No. 22–23, 19 F. 4th 437, affirmed; No. 22–331, 44 F. 4th 1181,* ***reversed and remanded. KAVANAUGH, J., delivered the opinion of the Court, in which ROBERTS, C. J., and THOMAS, ALITO, BARRETT, and JACKSON, JJ., joined. JACKSON, J., filed a concurring opinion.*** *SOTOMAYOR, J., filed a dissenting opinion, in which GORSUCH, J., joined, and in which KAGAN, J., joined."*

In this civil child custody case, the obstruction of due process causes a tremendous injury to the child and petitioner, the part who was never heard, and the statue mentioned is questionable "*...which surely covers common obstruction offenses that can occur when an investigation or proceeding is not pending..."[sic]* because, petitioner went before to the FBI with her child and reported *"irregular situations in the court" [sic]*, the child testified to an FBI agent *"I want to live with her"* [sic] referring to petitioner, as the child did since he born in Argentina.

The obstruction in this case was during child custody proceedings, initiated by the respondent who intentionally waited five days after petitioner was naturalized as an American citizen, after twelve years of living in United States as a permanent resident; for respondent concluded the use the shopping forum which favored him for years and by having a lawyer, the money, and the retention of the child inland and the use of petitioner as his personal maid, under economic abuse for years.

During thirteen-times petitioner reported the incidents to FBI agents at FBI building in Houston explaining violations of Constitutional rights, tortures and violation of civil rights and international rights of the child and petitioner. According to FBI agents they stated, *"they do not provide information" [sic].*

Petitioner also reported the incidents to the Argentine Consul in Houston, Argentine Ambassador, Argentine Federal Prosecutor, Argentine Chancelor, Argentine President. The Argentine Federal Prosecutor stated, *"petitioner is in a violent situation with the county sheriff and her economic situation by her spouse, and that the jurisdiction is United States"*. Petitioner signed a notarized power of

Attorney to the Argentine government to report this issue to pertinent international authority and petitioner had sent recently the issue to the new President Javier Milei.

Unfortunately, the United Stated has done anything so far to protect the child and petitioner, both naturalized American citizens. The only help received by the government was some months of unemployment benefits, not even tax refunds except one time of $60 dollars for 2021 and $393.- for 2023 - because every tax refund was cashed by respondent.

The main point of this case is the Argentine child has been separated from petitioner during fraudulent divorce court proceedings in which opposite part layer committed aggravated perjury to a U.S. judge, and Fort Bend County government public employees committed a public fraud in engaging on injuring petitioner following the flaw of fraud and scam, by government employees taking actions by their hands without any due process or court order.

Judges Clayton and Morgan were video recorded (under 1st Amendment right to record public officials in full capacity) lying during court proceedings, reported to State Commission of Judicial Conduct, which dismissed without investigating, as they stated, *"they do not have an investigator."* which is shameful, because it violates cannon 3rd, 4th and 5th of judicial duty in Texas. We the people have some faith and hope in the judicial system, if the judges lie is it a wrong action of justice.

The misconduct should not only rely on the vicious which a judge may have, but also on the ethical conduct and untruthful statements produced by a judge and the unfairness of the proceedings, because this case is a contested child custody case in which Judge Morgan ignored the fact that petitioner was entitled to a lawyer to defend her own Argentine child for four years.

If a court order was obtained by aggravated perjury to a judge and violating a court's rule of mandatory mediation, all the actions in the case must be voided, because the child results stolen by fraud on U.S. lower courts and is retained by U.S. naturals government employees aid.

The judicial system must not require a pro se litigant to follow all the court rules and proceedings, while at the same time those rules and proceedings are grossly ignored and violated by U.S. lawyers and lower court judges along with violations of due process, because reflects the political favoritism they act upon to, making the lower courts of United Sates judicial system the first line of a non-credible and non-fair system, in which a person is forced to agree or forfeit rights by the pressure of their local politicians in courts, instead of simply follow a fair judicial process in which both parts are heard on their truth and a subsequent ruling is issued.

Petitioner respectfully request to the Honorable Supreme Court of United States to Grant a Writ of Certiorari to recuse or disqualify Judge Morgan for consistent violation of Constitutional right of due process for petitioner and her child during three years, and move the case under an impartial judge who will listen both parts of the case, not just the opposite part because it has a counsel, and it is a natural of United States, which is the basics of a fair system.

When a government does not equally protect substantive rights and weights more *substantive rights and procedural duties*, over *substantive rights and due process* over children proceedings, is violating what is Constitutionally protected, and also violates parental rights to decide "what is for the best benefit of a child during their own children growth time", especially when petitioner receives administrative silent from a judge during four years; the court then abuse its

discretion, because it has the duty to hear both parts and rule according because the case is contested. An example of this is the clerk, is more concerned whether a pro se litigant signed between two forward slashes over what it actually is petitioned.

An antagonistic example of this point is petitioner wrote a request for help in a white toilet paper cover to the Argentine Consul and received immediate help. Petitioner called the local sheriff for help when respondent broke petitioner finger and received from Fort Bend County Sheriff a pamphlet with instruction for domestic violence victims, while taking her child to an undisclosed place in violation of the Judge Aguirre Court order, making clear the non-guaranteed services in an extraterritorial jurisdiction will aid those they want, not all.

If the acting judge explains during her electoral campaign *"she is the most qualified candidate" [sic]* and, then takes one year to understand one single sentence in English *"I demand a jury trial"* filed by petitioner, admitted evidence by Judge Susan Brown, she is violating petitioner due process and her international right of file under the Hague Convention, for intentional elapse of the time to resolve the issue brought to her court: a child custody.

Thus, associate Judge Latoya Clayton took another previous year to hear false arguments of the opposite part lawyer Yanine Krohn and Mia Buratowski arguing about *"a $30.- trial fee no longer required"[sic]* and with an affidavit of inability to pay court fees and requesting Judge Morgan, *"petitioner to surrender her Argentine Passports to a county judge"[sic]*, for renewing mandatory Argentine identifications for the child in Argentine Consulate in Houston, which were stolen by Fort Bend County sheriff, making a *jus cogens* because local county sheriff does not have jurisdiction over foreign identifications, and United States cannot force petitioner child to be delinquent with the law to renew his identifications, just because the lawyer is an idiot.

As a result, the petitioner does not believe Judge Morgan and her associate Judge Clayton are fair or the most qualified to hear this child custody case; any of them followed an equal due process for both sides. Both judges ignored exception 3. of 28 U.S.C. § 1654 pro se litigation in which a parent needs to represent the best benefits for the child with a lawyer. If a lawyer is hired for petitioner by respondent is paid by the respondent, according consulted lawyer Judge Mike Schneider of Houston *"it creates and economic relation, which is not independent to act in that case"[sic]*, and reaffirms economic limitation for years, making the case not urgent, making an intentional delay to elapse the child age until adulthood without petitioner; in other words Judge Morgan intentionally delayed to resolve the case.

United States only focus on the abduction of a child from United States and has no specific statue and procedures for retention of children in United States, and under which circumstances specially under economic manipulation of the natural who request the sponsorship. This child was happy in his mother's own home, with his direct family, and had plenty of support provided by his mother through her two simultaneous jobs. The child is now 16 years old, and petitioner would still send this case to the Hague Court under extraordinary requesting an exemption of case study, for financial abuse, deprivation of foreign child and property, for the intentional elapse of time, violation of due process, failed to protect a US citizen grossly omission of exception 3) of 28 U.S.C. § 1654 along with failure to produce requested records and evidence by the legal system the U.S. government has to provide legal protection in such situations for pro se litigants representation for their children, for the fraud committed by government employees and local lawyers and the failure of the U.S. Government to protect both naturalized citizens, the child and his mother;

because the local U.S. Fort Bend County administration and its courts made it clear: United States does not return foreign children to their foreign parents and use any illegal means for it.

What is seen on the borders is many children entering with whomever to possibly supply a child commence demand inland, where a fee for an adoption in United States is approximately $40,000.- and local government employees accuse innocent parents to take their children away to possibly feed their corrupt administration under Judge KP George whose employees ignores International rights and treaties as the Vienna and Hague Conventions, and dual citizenships; all is authorized by his administration.

Petitioner agrees with Honorable Justice Alito Statement: *of JUSTICE ALITO. In a letter to THE CHIEF JUSTICE dated August 3, 2023, Senator Richard Durbin, the Chair of the Senate Judiciary Committee, "urge[d]" THE CHIEF JUSTICE "to take appropriate steps to ensure" that I recuse in this case.1 Recusal is a personal decision for each Justice, and when there is no sound reason for a Justice to recuse, the Justice has a duty to sit.2 Because this case is scheduled to be heard soon, and because of the attention my planned participation in this case has already received, I respond to these concerns now.*

A Justice is a maximum exponent in law and has the right and duty to be to sit on his/her court. However, a lower court Judge as Judge Morgan can be removed from a case, disqualified and recused because she omits a due process, and exemptions of pro se litigation for children custody, from the front line of the judicial system she ignores a dual citizen has rights as "*children rights to grow in a safe environment, have his identity and grow with his family*" and others.

The weight of decision then, should be use under international customary law of *jus soli* of petitioner because petitioner lived 43 years in Argentina, had a full life, jobs family and friend with her son and was brought to united states as respondent servitude and the child to obtain IRS refunds all cashed by him, over *jus sanguini* and the same with the child, because the lifetime of the child was spent under financial manipulation circumstances which limitation the return to Argentina, as a result it is not a stay with freedom, live and happiness.

The former Argentine President Mauricio Macri was petitioner former boss and signed a decree keeping petitioner's job for one more year without payment in case petitioner wanted to return, but respondent refuse to return or travel back to Argentina, then petitioner and her child were stuck with no money in United States.

On November 20th of 1959 United States was signatory of Universal 1386 (XIV) Assembly on UN resolution 44/25 of children rights, but United States did not ratify its vote in posterior Assemblies, which does not mean that a foreign child can be retained in U.S. and deprived of their rights internationally protected by that UN Assembly, and Constitutionally protected by a due process, for his own benefit, to live with his mother as he wished, but Fort Bend County government forced the child to live with his father by their employees and local lawyers fraud.

If those rights are deprived by a Judge's hand without a due process, the system is not fair, not equal and has tiers of justice that are not consistent of what is promoted internationally, thus these type of cases are not reported to United Nations delegates to resolve international issues, because inland the system has gaps and judges as in this case does not apply either Constitutional and International rights, just to silence the issue and manipulate the outcome of a case according to their political preferences as judge Morgan did instead of the applying the law neutrally.

In Argentina children and teenagers are protected by Federal laws.

If the child and the mother are retained in United States for economic circumstances, a county judge cannot just simply refer both the child and the mother only as naturalized Americans and ignore to rule for four years. The Hague Court hears each case, United States cannot only assume their judges' decisions are the best for the child, if one part in a case is not heard and the local government cooperate to retain the child inland under fraud, administrative excuses, clearly violating the Hague Convention by Judge Morgan and by the fraud committed by Sheriff Fagan deputies in Fort Bend County on illegal searches without warrants and false claims. Petitioner offers recorded communications of Argentine Consul in which tortures are clearly described; it becomes a fraud committed by U.S. government employees as a *jus cogens* extended to this child custody case in which Judge Morgan has a prejudgment for the hearsay of local lawyers and employees one of them her bailiff, then her administrative silent and her inactions violates an international right both petitioner and her child making this case also a *jus cogens.*

In such circumstances, petitioner had the right to request international help to her origin Nation Argentina, for both the child and the mother under such violations of a lower court in United States, also petitioner has the right to request such violations be reported to United Nations, and to the Hague Court, because United States failed to protect and provide equal access to law and justice, by local lower government authority in less than twenty days after petitioner naturalization ceremony picturing herself and her child with Federal Judge Gray Miller, and a welcoming letter signed by President Donald Trump, which is a problem to have in Fort Bend County, Texas under current government of democrat Judge KP George, who grossly ignores international rights of its citizens in the area, having his sheriff violated the Vienna Convention on recording consular communications.

President Biden on 06/26/2323 on the international day against torture stated: "*Torture is prohibited everywhere and at all times. It is illegal, immoral, and a stain on our collective conscience. Today, on the International Day in Support of Victims of Torture, I reaffirm the United States' opposition to all forms of inhumane treatment and our commitment to eliminating torture and assisting torture survivors as they heal and in their quests for justice.*" [sic] from the White House page, for what he may need to come down to reality from his bubble and noticed in this case since 2019 to 2021 tortures to petitioner were applied and not reported to UN on his reports, whether inland or overseas it is a prohibited act which he is responsible for been the head of the Nation.

Judge Morgan refused to be recused and recused herself of the case.

The interlocutory appeal of her recusal meets the test for:

28 U.S. Code § 455 - Disqualification of justice, judge, or magistrate judge. *Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.* ***(b)*** *He shall also disqualify himself in the following circumstances:* ***(1)*** *Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.*

Financial abuse is a limitation of own money, which differs from joint common financial funds, whether the promise was joint and resulted individual for one part, while depriving the exit of United States and visits to family in Argentina, as a result it is a retention, because United States has stages to build credit which cannot simply be reachable in a couple of days and weeks, without knowing the system and if the help is been limited, if there is any. When a judge fails to understand this part is intentionally diminishing a person, and she expect to request

"certain conditions to return a child who born in Argentina", who had no issues on his nation of origin, *this request becomes an extortive use of the law against a foreign natural*, which fits under alien tort, because a Judge cannot set "conditions" of what her neglected actions deprives: the child, the sole and joint assets to provide a place to live and the right of a lawyer; then a Judge under this spectrum of behavior must not be immune of her abuse of discretion and her violation of due process for the injury she committed by her administrative silent of four years.

The previous 505th court Judge David Perwin had a rule 3.a and 3.b which required mandatory mediation prior a hearing; respondent's lawyer did not comply with that rule prior the first hearing, and assigning the child to respondent who was not primary custodian and all assets assigned to the respondent the current court order should be voided for not comply with court rules.

Then, judge Morgan is guilty of cruel and unhuman treatment of a dual citizen, for keeping petitioner in misery during four years by failing to rule and is at the same time incapable of deciding either for one part or for the child's best benefit.

United States does not have a network of lawyers paid by the government in such circumstances, also the wrongful concept of *"pro se"* litigation, in which a person is expected to follow all rules and act as lawyers because there is not legal help for child custody cases without money up front, as a result many parents are forced to forfeit their children in front of judges as Judge Morgan who only hears lawyers paid with petitioner's retained money by her spouse.

The taxes paid in U.S. for 17 years were paid prior legally entering to United States, and during the staying into United States, for a good purpose. It is great that United States can help financially other nations, but it lacks the urgent help for their own citizens who does not have nothing to eat or live in or defend their children in courts with a lawyer. How many of our tax dollars are wasted in Judges as Kali Morgan who ignores constitutional rights of the people on her courts.

Our tax dollars are not wisely spent: if a judge fails to hear one part and does not rule in those urgent topics. Judge Morgan cannot request donations for her same race woman, while allowing drain other race woman's joint community property in expensive lawyer's hour fees who argue frivolous topics during hearings held in front of Judge Morgan while she is depriving petitioner to speak; then, Judge Morgan sarcastically states during a hearing *"Mrs. S., let's give an opportunity to Mr. Moffett" [sic]* Why should petitioner has to give an opportunity to respondent's fifth lawyer if no judge had given petitioner an opportunity to defend and protect her own foreign child whitin United States courts?

Many migrant women have this problem for not having access to community property or are placed in vicious circles of asking money for everything, placed in debt to their spouses manipulate their credit to resolve their situation which violates the Constitutional right to property, and the freedom. If Judge Morgan does not understand this concept and rule according to a timely filed motion, the disparity of criteria among judges marks the inconsistency of the system, as result se does not comply with her own oath by deliver rulings: *28 U.S. Code § 453 – "...do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ___ under the Constitution and laws of the United States. So help me God." (June 25, 1948, ch. 646, 62 Stat. 907; Pub. L. 101–650, title IV, § 404, Dec. 1, 1990, 104 Stat. 5124.)*

Therefore, violates immigration promises of *equal protection under the law* of the receiving nation, for the purpose of which the immigration was declared to USCIS status as a "housewife".

Therefore, a statement from Judge Morgan *"I will not give you your child unless you have a place to live" [sic],* results extortive, and out of order, for using the child as a subject of negotiation favoring respondent who has all marriage money by his lawyers fraud, over the original wish of the child *"to live with his mother"[sic]* stated to an FBI agent. Further, Judge Morgan's statement can be understood *"to negotiate with a human being, a child"* as a subject of negotiation on possession of the respondent to force petitioner to sign papers or reach and economic and custody agreements under duress and oppression by her hand, which is illegal, it turns in a pre-punishment before a due process is completed. If fraudulent filings and untruthful statements are allowed in lower courts, the oath of requiring the truth has no purpose. Whether are lawyers or judges, no one is above the law, and petitioner believe any fraudulent proceedings, must be reviewed and disposed and start a *de novo trial.*

As stated, before there was a diversity jurisdiction in Argentina recognized by American consul Anthony Wayne who sent the baby naturalization CRBA to petitioner's house, in Argentina. At that moment, the baby was 10 days old, and petitioner had to ask an employee of the American Embassy in Buenos Aires to return the baby to petitioner during the "baby's secret naturalization ceremony" petitioner could not see such naturalization ceremony of her son. The baby did not pledged allegiance to the U.S. and at that time the baby did not have any emergencies to leave Argentina, because petitioner had two jobs, one of them was a 20-year job in the Ministry of Health, the baby had a family, his own house and friends. At that time, the baby was issued all his mandatory Argentine federal identifications, which were taken away by or with the help of Fort Bend County sheriff deputies on 03/08/2020 into a private parking lot after petitioner had dinner in McDonald's with her child. The deputies did not have any judge's order, or any warrant and the place was a private parking lot in an extraterritorial jurisdiction of Houston with "no guaranteed services" for lack of municipality, making these actions a *jus cogens* for the violation the child right identity given by his Argentine identifications.

Argentina has Federal laws which protects any type of abuse over children, teenagers and woman. The marriage in this case is also registered in Argentina as well.

Recently, the Federal Argentine prosecutor have informed by an opinion letter that petitioner is in a situation of violence with the County authorities, and with her spouse. The Argentine Federal prosecutor has sent the case to the Argentine Chancellor for her response.

Fort Bend County assumed the child was a U.S. citizen only, not knowing the child born in Argentina, and his U.S. citizenship was *sanguis paternus.* Judge Morgan refused heard a Writ of Habeas corpus for the child, to return him to his mother, on the merits that there was a current temporary order (acquired by aggravated perjury to Judge Cindy Aguirre), and omitting the previous order of Federal Judge Terence Kern granting 50/50 joint management conservatorship nor recognized as valid by Judge Morgan, not even recognizing diversity jurisdiction, which provide petitioner the right of primary care in Argentina and United States while respondent dedicated to his work, petitioner was a housewife and care for her child.

When there is a previous diversity jurisdiction of the minor in Argentina where he born making him an Argentine *jus soli,* for what Fort Bend County sheriff has no jurisdiction over foreign federally issued identifications of the minor and

cannot request surrender the child foreign identifications, thus the tampered temporary in the case court states on the point of *Passport Provisions "it is ordered that respondent will have exclusive right to maintain possession of any of the child passports A.R.S."* which is a fallacy, because the respondent does not hold the Argentine citizenship as petitioner and the child, and respondent has been neglecting the issue of child mandatory Argentine identifications renewal for the child not to be delinquent with the Argentine Government laws at age of 8 years old and at age of 14 years old, when petitioner renewed the child mandatory Argentine Identifications, respondent lawyers accused petitioner of "risk flight and request petitioner to surrender her Argentine passports and the court to place a bond"

Therefore, Judge Morgan and Calyton committed a mistake of international law for not understanding the topic: According the Interamerican Law Review for Dual Nationality Vol 23:2 of University of Miami Law School *"Australian consulate said about Australian officials in the past insisting that dual citizens of Australia and the U.S. must surrender their U.S. passports. If so, however, they would have been acting contrary to the law, or, as one of the judges cited above put it, "under a mistake of law" Rueff v. Brownell, 116 F. Supp. 298, 306 (1953)(Judge Smith)... "the State Department is overreading the law in saying that all U.S. entries and exits are to be on U.S. passports. But it would be senseless to seek confrontation when there is no need. One should therefore always have both (or all) of one's passports available for inspection, but one should vehemently object to any attempt to confiscate a passport. All dual citizens should firmly insist on their rights, and, if these rights are threatened in some diplomatic out178. Rueff v. Brownell, 116 F. Supp. 298, 306 (1953) (Judge Smith); see supra note 49. 179. Infra. App. I. 456 post, they should immediately telephone the State Department".*

This is exactly what petitioner did, and the Secretary of State informed to petitioner that foreign passports are to be surrender to a Federal Judge under the presumption of terrorism only.

In addition, the law applicable in the area is questionable because the domicile of the house, is set into an extraterritorial jurisdiction buffer area of Houston, claimed by the city of Katy, without its resolution by the Texas Capitol, and it is a Constitutional gap, because deprives citizens of having full right to vote their government authorities. There is no municipality and about 17,600 residents cannot vote for some elections and can for others, resulting in an inconsistent electoral system which provides "*quasi* rights to vote" to their citizens, and where services are not guaranteed, nor obviously their Constitutional rights.

The petitioner is not sure if such government employees were rightfully elected for such Constitutional gap, not even "*called to a referendum*" by the faulty actions of County Judge KP George. A few 17,000 people in the area can weigh into a local election results and government decisions, overriding their citizens electoral will violates the 15th, 19th and 26th Amendments, just for an unresolved buffer land which hold most of oil and gas employees with succulent incomes to be taxed for.

Judge Morgan recusal was denied by Administrative District Honorable Judge Susan Brown, who kindly listened petitioner for one hour and told petitioner *"You have the right to appeal my decision" [sic].* Justices in the Fourteenth court of appeals denied interlocutory appeal over Judge Morgan recusal and found its own dismissal meritorious with a recommendation for observance, and finally Texas Supreme Court dismissed the petition for review.

The interlocutory appeal to recuse Judge Morgan meets:

(1) *"...the order to be appealed involves a controlling question of law as to which there is a substantial ground for difference of opinion."*

In this case the substantial ground difference is the a- Diversity Jurisdiction, b-the immigration purpose and its false promises, c-the particular situation of the child and the mother under financial manipulation, d-the intromission of the local Fort Bend County government on the actual retention of the child and e-the obstruction of due process clause during family proceedings, f-the neglected administrative silent Judge, g- the tampering of evidence by government employees, and h-injuries to petitioner for retaliation with the intention to elapse the child age and i- the lack of statue for an interlocutory appeal over a child custody case: whatever is not prohibited it must not be denied.

Who speaks, who argues in the case: Judge Morgan's statements were prejudicial, discriminatory, curtailing witness testimony for forcing petitioner to speak whether in Spanish over English, and arguing with petitioner about incomplete translations, the translator did not translate or answer to the witness, specifically denying heard an *"a writ of habeas corpus for the child"* based on the child was cared by his mother since birth as primary custodian, and Federal Judge Terence Kern, signed a temporary court order, providing Joint management conservatorship on 50/50% custody; however, Judge Morgan did not consider Judge Terence Kern *"order of the court or docket"* a legal valid order to hear a *"Writ of Habeas Corpus"* for the child to be returned to his mother, taken away by Fort Bend County employee's public fraud.

Petitioner explains the Honorable Supreme Court of United States that all proceedings were completed by opposite part lawyers, who lied about the facts to Judges to obtain a quick temporary court order for their client.

According to Sec. 51.014.

(2)*an immediate appeal from the order may materially advance the ultimate termination of the litigation.*

Hearing a *"Writ of Habeas Corpus filed by petitioner for the child"* provides petitioner the opportunity to legally recover the child who was separated from her by the public fraud committed by Fort Bend County government employees and respondent lawyers.

The fact that the Argentine minor was naturalized at 10 days of life for his father in U.S. American embassy in Buenos Aires, and petitioner did not observe such ceremony, later the Certificate of Registration Birth Abroad (CRBA) was sent to her mother's domicile in Buenos Aires, Argentina, recognizing United States diversity jurisdiction. Later, respondent convinced the petitioner to sell her house and transfer the money to him by reverse manipulation "I do not have any money, but do not sell your house". The petitioner lived with the baby in her mother's house in Buenos Aires. The petitioner was under financial manipulation of respondent because she had to request money every time for any purchase.

There is a precedent in the case in June 24 of 2008 at entering the Bush airport in which respondent attempted to leave with the baby and was escorted back by security officers. Also, there were recorded 911 communications in the same year petitioner called local sheriff, and respondent retaliate by making false accusations to flip any conflict against him, including with his lawyers filed in court and with Fort Bend County sheriff calls. Most of respondent lawyers were acquitted of local Sheriff and local Judges, raising another question if public law enforcement is private aid of local lawyers. In a small town where everyone knows each other the court will rule over first impression, political, friendship or other social motivations

instead of the law per se, it is a cruel reality in United States that cannot be ignored because lawyers, know judges and "will favor" their case, with time to expose, resets, ruling, depriving to speak to the other part or any other legal tricks can use, which are unknown to petitioner and any other migrant in same situation.

Judge Morgan cannot ignore Diversity jurisdiction and the way the minor entered United States, and have his naturalization completed. The child is a jus soli Argentine citizen extracted of his own nation, under false promises.

> According to the Bulletin of 2001 *of DOJ Patricia Hoff explains: "The Hague Convention and the ICARA. The Hague Convention and the Federal statute that implements it (the ICARA)22 deal with international wrongful removal and retention of children. The Hague Convention establishes administrative and judicial mechanisms to expedite the return of children (usually to their country of habitual residence) who have been abducted or wrongfully retained and to facilitate the exercise of visitation across international borders. Under the Hague Convention, children who are wrongfully removed from or retained in a contracting State (i.e., a country that is party to the Convention) are subject to prompt return. The UCCJEA specifically provides for the enforcement of Hague Convention return orders and authorizes public officials to locate and secure the return of children in Hague Convention cases. The UCCJEA contains other provisions that clarify when foreign custody determinations (from Hague and non-Hague countries) are entitled to enforcement and when courts in the United States must defer to the custody jurisdiction of a foreign court".*
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> The case No. 13–P–1035. 09-09-2015 Karina SCHECHTER v. Yan SCHECHTER (and a companion case) explains reversal situation on this case in which Petitioner was support of the family in Argentina and had a 20-year job and had her house. Thus, the former Argentine President signed a decree to keep petitioner job for one more year in case to return after family reunion, because respondent did not want to stay or return to Argentina, petitioner's money was in control of respondent and petitioner was stuck with the baby into a difficult marriage. Respondent use the baby as a shield for marital arguments which increased during the divorce proceedings which are still *pende lite*.
>
> In addition, on "*No. 21-908 US Writ of Certiorari 11 U.S.C. § 523(a)(2)(A). "There is no doubt that fraud requires intent. The question in this case is whose intent counts". a "willful and malicious injury by the debtor to another entity or to the property of another entity," id. § 523(a)(6); and Section 523(a)(2)(A) carves out from the rule of discharge debt "for money, property, services, or an extension, renewal, or refinancing of credit, to the extent obtained by" fraud." 11 U.S.C. § 523(a)(2)(A). The question, of course, is whose fraud counts. If the rest of section 523 is any indication, it must be that of the "individual debtor" herself.*

The term "fraud" is not only used on the economic deception, in this petition the term "fraud" is also used for deceptive and perjurious actions by Fort Bend County government employees, local lawyers and judges in a child custody case. The petitioner believes Judge Morgan violated the petitioner's due process and abused her discretion, as a result cannot trust Judge Morgan for a future fair trial.

When Judge Morgan states *"I will not give you your child until you have a place to live"* [sic] she is overriding what duties the US Congress must explain according *11 U.S.C. § 523(a)(5). "Congress scarcely needed to say whose*

obligation"; it is obviously the individual debtor's accounting ability to support or have a place to live, it is not an isolated topic in which the individual must reach or meet. That ability accounts for all the circumstances that individual is exposed to whether is a naturalized US citizen or a US natural, or a permanent resident because taxes were paid in good faith, to support a fair system while the same system deprives 1) petitioner of sole and joint apportion of money, 2) limits the petitioner ability to build a credit history in United States for been a housewife, 3) files a Pro Se litigation which requires time and research and it is also against exception 3 of pro se litigants, 4) petitioner has to found the ability to have a place to live with no money, 5) have the ability to work with a sufficient income to support all those situations, 6) while any federal protection provided by United States 7) received any legal help provided by United States 8) has to sort the fraudulent accusations and injuries of local U.S. government employees.

If a spouse invests in stocks while depriving the other spouse of own and joint property, which is not fair and just under the U.S. laws, a judge must not ignore these facts for almost four years and keep neglecting the child needs and wishes. If Judge Morgan does not understand this concept, she has a clear prejudgment to return an Argentine child to his mother and heard and rule in the case.

If ignoring what is established as international priorities in the Hague Convention for retention in this case into United States, petitioner finds no clear statue associated to child retention in United States, for each case and the mechanism to return it. United States is not an exemption of the Hague Convention for retaining a child, and all the circumstances in this case should have been heard, even though the limit is one year under certain circumstances that time should be overridden, and the fact that respondent lawyers lied as well Fort Bend County law enforcement threaten to arrest and injury the child, petitioner believes it is not a safe place for the child who is been also raised by local school district authorities, without petitioner consent, teaching him age inappropriate "critical thinking literature".

If the Hague convention set a one-year time frame to resolve the case initially 180 days, judge Morgan must not take four years to not ever hear any petitioner motions for her child.

Judge Morgan grossly ignored those facts and claimed herself for a judge candidate to be *"the most qualified for the job"* and place a plaque into a public building for been the first black of her family to obtain a college degree. How many other races Judges have a plaque into government buildings to record the first of their family in obtain a college degree; are we all equal under the law or not According to American Bar Association *"First-generation college students from the class of 2020 had an overall employment rate of 88% after law school and were employed in bar-passage-required or anticipated jobs at a rate of 73.2%, according to an Oct. 20 press release from the NALP"* In other words, this means that it should have been an increase of the 88% of first generation graduates names plaques on Federal buildings, are all these employed graduates names recorded on a plaque in a public building too or not. What is more important, the Facebook picture or a child's well-being?

The subject of this petition is to grant certiorari over an interlocutory appeal to recuse or disqualify Judge Morgan and transfer the case to other impartial Judge for the fraud committed on her court and for the deprivation of due process for four years, administrative silent and denial of petitioner part to be heard, which benefited the natural citizen respondent to elapse the time to timely file Internationally for retention of the Argentine child in United States by their natural's citizens actions.

Petitioner believes when United States judge deprives a foreign person from her foreign own child and property resulting in a constitutional and international rights violation under customary law results the action implies a basic unclear conflicts which are not ruled, but are supposed to be part of the law of the nations related to the protection of its citizens resulted on not guaranteed rights over a matter without a legal statue not prohibited by either nation which fits in a *jus cogens*.

The judge is recused for actions and inactions of violating constitutional and international guaranteed rights to petitioner and her child, and the action of the recusal prior a final order has no legal frame to be granted, or denied, then is denied. To petitioner understanding should be vice versa. If is not prohibited within the law does not mean it reached a dismissed status; in turns, in this particular case the child and assets case still pending took four years and the trial has not even started, the continuance of the litigation with an unresolved issue, with an unfair judge, will elapse the time frame of subject of the child custody litigation for his own growth to adulthood, growing without his primary custodian which was his wish and therefor, the change and accustom of forming his personality without that influence and without his primary family in other nation, eliminates the subject of litigation for the custody of the child and causes an irreparable injury on the child and petitioner which will be very difficult to reverse per the natural course of life. Once the child reaches 18 years old the injury will still prevail because of the faulty action of the judge of not allowing the same opportunities for both parties on their case under the law.

XI. REASONS FOR GRANTING THE PETITION

The first consideration for granting this petition is the subject of equal assistance and equal observation of rights under the law and the lack of investigation of the facts exposed in the case, which were disproportionate between a natural and a newly naturalized citizen, what marks a clear difference of the access of rights among the U.S. courts. The court erred in procedures such ignoring by opposite part lawyer mandatory mediation rule 3.a. of 505th court prior the first hearing.

The virtue of ruling over motions and providing argument time to both parts, whether having a lawyer or not remarks the fairness of the judge. United States requires their naturalized citizens a basic English language to answer 10 of 100 question in English. Also, there is any requirement to know in less than a week all the laws and represent a child and self as a lawyer, because there are exemptions, as a result the concept of Pro Se litigation is inconsistent to the access of law and justice, and the problem shift towards the government over its lacks of policies, rules and laws over the issue because after all is who supposed to protect equally their citizens. In dual citizens children's cases, there are no lawyers involved into international claims who may help file and international claim for deficit of provide something which is not contend in its own government on the legal frame for such violations inland into United States.

The fact of both judges of the 505th district court were recused in this case, for violating petitioner due process, allowing false claims and unilateral time assigned to respondent lawyers, who committed aggravated perjury to a judge by presenting fraudulent information, petitioner believes whether their actions were corrupted or by not comprehending the issue, because after all they are American lawyers.

Failing to observe 28 U.S. Code § 1738A - *Full faith and credit given to child custody determinations*, because there was a previous *diversity jurisdiction* in Argentina, and because the child lived with his mother since the child born, when respondent left the marital house in 08/02/2019, until Attorney Kalen Malone committed aggravated perjury to visitor Federal Judge Terence Kern to obtain the child custody and marital house and assets to her respondent client, and until the child was fraudulently separated from petitioner by court bailiff Jose Falcon actions who battered petitioner, while petitioner had a motion to confer in chambers and followed directions of FBI agent.

Both judges Morgan and her associate Clayton refused to hear this part, and the eye witness wanted to testify and but was curtailed on her testimony by Judge Morgan, who had given plenty of time as her associate Clayton to respondent's lawyers as Yanine Krohn to argue over irrelevant facts as a jury trial fee of $30.- dollars no longer required, information that can easily be provided by a district clerk employee. by asking: *"Do I have to pay any fee for a jury trial request?"* (Petitioner) and such employee will answer: *" no, it is no longer required, before we charged $30.-, but if you do not have it you can file an affidavit of inability to pay cost courts and will be free"* (Mr. Eusebio Garcia Fort Bend County District clerk) from that simple standing point the court proceedings over the topic are frivolous, fraudulent, and with the intention to cash money from a family, the judge time, the court reporter time, to argue for a fact that can be easily answered in 10 minutes. Wasting not only the child time with his mother for four years. From such argument, Attorney Yanine Krohn charged certain amount of money from respondent, while in the meantime, that money was denied by Judge Morgan and Clayton by their administrative silent to petitioner, not having money to eat or a place to sleep, while petitioner must remain silent listening such ridiculous arguments, Judge Clayton ignored the fee is no longer required. These situations are not a good use of judicial resources or a fair application of attorney's fees, under United States laws, it is a fraudulent practice sustained by its courts Judges to scam a family during child custody proceedings, not knowing or ignoring those the facts brought to their courts by local lawyers.

Second, Judge Morgan in a discriminatory way argued about the language used by petitioner, she stated *"in her court petitioner language must to be Spanish"*, because there was a translator who spoke another dialect of Spanish, petitioner speaks Castilian Spanish and the translator did not translate all the answers and petitioner had to ask the translator to translate, then petitioner use her English to answer to Judge Morgan, and petitioner was deprived to speak as well her witness to testify to Judge Morgan motion for a Writ of Habeas Corpus for her child, this facts marks a pre-punishment.

The 1st amendment grants petitioner the right of freedom of speech, if the translator speaks other Spanish dialect, or does not translate all the words, petitioner can speak English to communicate with the judge and Castilian to communicate with the witness who was in Argentina and translate to the judge, because if the translator does not translate and skip words and if petitioner has to help the translator with English words the procedure is not accurately understood and fair. Judge Morgan also stated petitioner *"accused the court of not having a translator"*[sic] The point of this facts is the Department of Justice signed an agreement with Fort Bend County to force the County to provide for its middle eastern employees a translator for their spoken languages; as a result Judge Morgan accusation is unfounded, because petitioner used her English to communicate with

the court and at certain point requested a Castilian translator, because if County employees can have a translator for their work duties, which generates double spending to the county, constituents can have the same right in courts, because after all they paid taxes. There are 68 million of second language speakers in United States, and 2.95 million of Federal government employees, the math results in 70.95 million of translators which may or may not be forced to speak one language over another in court following Judge Morgan's criteria, which is ridiculous.

The first Amendment grants freedom of speech which is an ability to think and express an idea in any language, a judge cannot force a person to express in one language over the other if is able to speak at any level to testify respectfully, again the issue shifts towards the government in provide the accurate dialect or been patient. Judge Morgan making an argument over the language spoken in her court, which fits in origin linguistics discrimination, was clearly explained under President Bush Administration in Fair Housing Act advertisements played on all television channels. Therefore, will be also a discriminatory practice under ADA for those aphasic patients who rely on computer translators by either electric brain waves or vocal cords transductor, or ALS speakers who also want to testify in front to any Judge in U.S.

Third, the wasted time on such frivolous arguments brought by respondent counsel Jedediah Moffett, repeated by Judge Morgan, demonstrating she has no independent decision, which weighs on the detriment for the child best benefit, because the hearing was set by petitioner to hear a Writ of Habeas Corpus for the child, to be returned to his mother, who was primary custodian of the minor since the child birth in Argentina, and in United States, while his father was dedicated to his Chevron career. In simple words, return petitioner's Argentine child back to her mother for the fraud committed in Fort Bend County Courts.

In this point, the diversity Jurisdiction existed and was ignored by Judge Morgan, as well the sequence of events dealing to the divorce, although the opposite part lawyers committed aggravated perjury to a judge on their pleads to obtain a quick child custody order, fact which is an injury to petitioner, overseed by Judge Morgan. Federal Judge Kern assigned 50/50 joint management conservatorship in a *"temporary order of the court or docket"* not recognized by Judge Morgan as a valid order produced by visitor Federal Judge Kern. Judge Morgan then followed the opposite part lawyer Jedediah Moffet babbling statements about Judge Kern's "docket" exposing that way Judge Morgan lacks an independent opinion. Once again the issue shifts to the government on why a judge will refuse a hierarchically superior judge order as valid for a foreign dual child when uniform child custody statue should have been applied and the rule was in the state of Texas from a visitor judge, Judge Morgan cannot omit a Federal judge ruled in her court because the venue was the same, if any of the U.S. Supreme court would visit a lower court and rule in a case, their ruling would be valid: yes! A part has an expert in front of them, why would a lower judge ignore their rulings.

In addition, Judge Kern order was brief, and district clerk or opposite part lawyer added that petitioner has to pay child support, which was not stated by Judge Kern, because petitioner was a "housewife" and Judge Kern asked petitioner only *"can you find a job?"[sic]*, after petitioner showed Judge Kern petitioner's psychiatric clearance signed by the Argentine Ministry of Defense for petitioner research in Antarctica and her license as a professional diver certified by the Argentine Coast Guard, to cast doubts Attorney Kalen Malone false statements.

The addition or tampering of several words, sentences and pages of court order and dockets it is an act of public fraud, with the intention of punish petitioner, and hide their corrupted network of local power, this was done and organized by a legal mind, because petitioner did not know the US legal system and had never been before in Richmond city.

Fourth, According to child custody statistics from the U.S. Census Bureau report published in May 2020 and gathered in 2018 show that there were 12.9 million custodial parents in the US, living with 21.9 million children under the age of 21 years old. These number implies and approximately time spent of 10 hours of preparation for a hearing and having approximately 3 hearings per case with a lawyer result in a significative number of fees that varies from by each attorney but are applicable to certain significative number of 1,000,000. - or more children according to the DOJ, resulting in battles of 30 days to several years fees, without counting the more than 10,000,000 of illegal migrants welcomed in this land by president Biden whose carried children would have to be identified and put in court for their custody proceedings following the stupid custody criteria Judge Morgan told petitioner *"I would not give you your child unless you have a place to live"[sic]*

In the meantime, the wrongfully assigned and the wrongfully retained child suffers, while superfluous and unnecessary arguments are allowed by Judge Morgan's to their political friends acting lawyers eager to for succeed based on lies in her court to feed a corrupt local court system in Fort Bend County, which punish their residents by the judge's friend sheriff Fagan's deputies as happened in re Sizemone*14-21-00542-CV* and other cases, which fits on *qui tam cases* committed at Fort Bend County courts.

The time in this case was elapsed for four years and Judge Morgan refused to hear a *"Writ of Habeas Corpus"* to return the foreign child to his foreign mother, because Judge Morgan has a prejudgment and a bias towards petitioner and other white woman as she advertised on her previous practice she worked for *"father's rights"* while in U.S. national average, men receive about 54% of the custody time that women are granted. How many women are migrants who does not know the U.S. court system, has no money as petitioner, and how many children are taken away from their mothers for such corrupt system in lower courts not even assigning an appointed of counsel under 28 U.S.C. § 1915(d) If this leave to proceed in forma pauperis is granted, or just simply applying exception 3) of 28 U.S.C. § 1654 *"A non-attorney parent may not appear pro se on behalf of a child, except to appeal the denial of the child's social security benefits"*

Fifth, as a matter of international clarity of United States courts proceedings which hears child custody should clarify whether the system is credible or not, and why the system by Judge Morgan favors a natural citizen over a newly naturalized citizen and dual citizen. Why if a District Court had a rule for mandatory mediation previous a hearing, that requirement was not fulfilled by respondent lawyer Kalen Malone, and then Judge Kern verbal order is different of what is states on his docket the hole process is tampered, ignored by judge Morgan who should have been voided and start de novo litigation.

Sixth, The respondent observed every single governmental registration process of the baby in Argentina, into Argentine federal government facilities and into the Argentine Consulate in Houston, with a very clear and transparent process; from footprints and the issue of mandatory federal identifications including passports and baby's tax ID, all such identifications taking away in United States

by the help of local Fort Bend County law enforcement who has no jurisdiction over. The mentioned fact that respondent naturalized the baby at 10 days of life into the American embassy in Buenos Aires, without the petitioner seen such process, and petitioner had to request the baby to be returned, sets an matter of clarity on regard of children born in other neutral nations where they live happily and their migratory process is sustained in false promises of the sponsor.

With this reasoning, the Charming Betsy canon may apply in this part as a fact of preventive authority to aide steal foreign children and dispose their foreign mothers violating substantive rights for both the child and the mother which are federally protected as in this case in Argentina, and which not federally protected in United States, when naturalization process in other nation it is a private issue for just only the American citizen part, because the baby cannot produce an oath of allegiance to the United States and the foreign mother cannot see what happen during such procedures and if the answers of respondent were truthful or not.

United States lower courts see the US parent with most money as the better benefit for the custody of the child but is not always true, in this case the child was under care of petitioner since birth, and Judge Morgan ignores every fraudulent proceedings committed on her court by respondent lawyers and employees, ignoring also for past almost four years respondent and the school district have decided whatever they wanted for the child education and wellbeing without consulting with petitioner, violating her constitutional parental rights.

6 U.S. 64 (U.S. 1864) "The Charming Betsy canon exists in a radically changed world-a world in which the doctrine unquestionably has more coverage and arguably is under more stress. It may be an exaggeration to say that "globalization makes everything international," but "well known developments have radically increased the number of cases that directly implicate foreign relations" and everyone agrees that international legal norms increasingly "address substantive matters of our political and economic life traditionally reserved to exclusive domestic jurisdiction." In 2016, Justice Stephen Breyer published a book dedicated to exploring the issues and challenges of a world in which our Supreme Court "must increasingly consider foreign and domestic law together, as if they constituted parts of a broadly interconnected legal web."

Simply put, in an era in which there are international legal norms on everything from children's education to chlorofluorocarbons, a doctrine that says that federal statutes "ought never to be construed to violate the law of nations if any other possible construction remains" is more and more likely to conflict with other interpretative canons, including the 468 U.S. 837 (1984) Chevron doctrine's deference to agency determinations... Upon boarding the Charming Betsy, Captain Murray learned that Shattuck had been born in Connecticut and reasonably concluded that the ship was actually American. Murray seized the Charming Betsy, disposed of its perishable cargo, and sent the ship to Philadelphia for adjudication under the Non-Intercourse Act. But in Philadelphia, the Danish consul sought recovery of the ship as the property of a Danish subject. ... contrary to customary international law.... First, Charming Betsy has been considered the source of a canon limiting the extraterritorial application of domestic US laws... as an interpretative canon to align the substantive content of American law with the United States' commitments in international law... case, Lauritzen v. Larsen and McCulloch v. Sociedad Nacional de Marineros de Honduras, reinforced Charming Betsy as a tool to limit the reach of American law.... On "the well-established rule of international law that the law of the flag state ordinarily governs the internal

affairs of a ship" [or nation] . *In other words, the Charming Betsy doctrine in McCulloch applied both to customary international law and to treaty obligations".*

Bringing this concept to a child custody for retention: The child is an Argentine citizen by birth, during naturalization proceedings of a baby if the mother cannot see such naturalization proceedings in an embassy under other's nation flag are those proceedings validated for both parents or not. The respondent attempted to leave with the baby and was escorted back by Intercontinental Bush Airport officers on 06/24/2008 at arrival from Buenos Aires, Argentina. In addition of the confiscation of the child Argentine identifications by local Fort Bend County sheriff, is Judge Morgan intends to dispose as Captain Murray did, of the child's mother like in the in the Charming Betsy with the transported goods.

Judge Kali Morgan failed to be impartial and hear both sides, she violated petitioner due process and for that reason and all other explained reasons judge Morgan must to be recused or disqualify and assign another impartial judge in the case who understand customary law observed by the International Court of Justice (ICJ) which settles disagreements between member states of the United Nations. Under Chapter II, Article 38 of the Statute of the International Court of Justice, international customs and general practices of nations shall be one of the court's sources of customary international law is one of the sources of international law. Customary international law can be established by showing (1) state practice and (2) opinio juris. Article 38) on its point c) the existence of any fact which, if established, would constitute a breach of an international obligation 5) Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms. Judge Morgan and her associate Judge wasted four years of time of an Argentine child's life, without hear his mother; with the purpose of keep the child with his natural US citizen father, for political favoritism to respondent lawyers to drain with administrative silent hours of frivolous and false claims paid for attorney fees, with petitioner money.

Judge Morgan with her authoritarian attitude, destroyed the child education, health and wellbeing just for her refusal to hear petitioner part of this case for her political democratic motives which favored same ideas lawyers time applied during child custody proceedings failing to rule in four years.

There is any reason to continue a trial with an unfair judge who believes she has more rights, than an indigent citizen; she failed to hear and rule what any other correct judge would do, to fairly apply the law to both parts, to end the dispute, split the assets move on.

XII. CONCLUSION

This petition for a writ of certiorari should be granted because Judge Morgan and her associate, violated petitioner's due process for the past four years, she had already made antagonistic statements against petitioner and is ignoring the child well-being and his rights on violation of due process clause for petitioner and the child rights of a fair trial, in violation of the child and petitioner constitutional rights.

She refused to hear petitioner's material witness; even though it is an interlocutory appeal which meets the test, the continuance of the divorce and child custody of this case with Judge Morgan would be impossible for her bias, her

prejudgment and the violation of constitutional and international rights.

Judge Morgan caused an injury to the child and petitioner by violation of exception 3) of 28 U.S.C. § 1654 exemption for prose litigants, petitioner equal access to law and justice, and equal protection under the law in United States during child custody proceedings for dual citizens.

There is a matter of clarity under customary international law which was overseed by Judge Morgan and her Associate Judge Clayton by allowing during hearing time to only U.S. lawyers to expose and argue the issue, and grossly omitting petitioner rights, then she overlaps U.S. Congress and Secretary of State jurisdiction. If there is no statue for granting or denying an interlocutory appeal for recusal a lower court judge, it does not mean it is prohibited, it must be granted.

There is also important to remark that dual citizens owe allegiance to both nations, especially when acting in good faith, the problem exist when one nation does not recognize international rights of those dual citizens children and adults, ignoring international rights Some dual citizens are limited to vote their officials because one Nation as U.S. may threat with lost the second citizenship for voting in the birth nation, which holds a mandatory suffrage system for its citizens as Argentina has, but United States forbids Perez v. Brownell, 356 U.S. 44 (1958), which losing US citizenship to vote in foreign elections was constitutional in and then unconstitutional: *"voting in a foreign election (also repealed in 1978). The last-named provision, on voting, was upheld as constitutional by a five-to-four vote in 1958 in Perez v. Brownell, and then declared unconstitutional by a five-to-four vote in 1967 in Afroyim v. Rusk"* because of this conflict with dual citizens, petitioner child of 16 years old will fulfill mandatory duties to vote in the Argentine consulate of his nation of birth, unless Fort Bend County sheriff may again obstruct the child mandatory duties with Argentina.

Judge Morgan had the option to hear petitioner and her witness but she declined by following respondent lawyer lead, however, there was a diversity jurisdiction and a previous order or docket to set the argument over the Habeas Corpus which under customary law must be heard as a protection of rights for a child to be returned, following the principles of the Hague Court, the child lived with his mother since birth and both are retained for economic means in United States which its laws does not help either petitioner or the child. The petitioner believed the judge avoided heard about the complexity of the case and recused Judge Morgan expecting an appointment of another judge or transfer the venue to a federal court as requested in writing in the case. The judge refused to be recused and set for petitioner an interlocutory appeal denied and dismissed up to this court creating a matter of clarity: because Judge Morgan declines resumes in a no independent opinion for her part, and the denial of the recusal appeal sets an affirmative action, just for the existence of the denial over an absent statue.

It is also urgently needed to allow recording of all judicial proceedings to evidence the transparency, ethical standards, knowledge and the abusive actions of lower court judges or lawyers who do not proceed according the law, as in this case Judge Morgan lied in front of an eye witness, making an argument about administrative proceedings and discriminatory argument requesting of the use of first over second language of petitioner to communicate with her in "her court" paid by constituents tax dollars, distorting that way the concept of public servant to administer justice under the law, because "her rules" may not be aligned of Constitutional principles.

Finally, it is urgent to safeguard by an electronic traceable print, the

electronic use of a Judge signature, to avoid its misuse and fraud of altering court records by government employees as happened in this case, writing in dockets what was never stated by a judge, which is called administrative fraud.

For all argument exposed above petitioner respectfully request to grant this petition of a writ of certiorari and request the Honorable Justices dispense any English mistake. All explained is true. Respectfully submitted,

Date: ~~03~~/26/2024