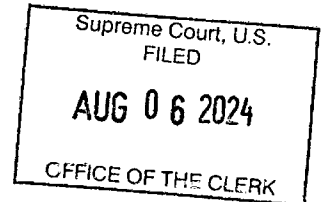


No. 24-5666

ORIGINAL

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_



\_\_\_\_\_  
Lidia M. Orrego — PETITIONER  
(Your Name)

vs.  
Pasternack Tilker Ziegler Walsh  
Stanton & Romano LLP et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

\_\_\_\_\_  
Lidia M. Orrego  
(Your Name)

\_\_\_\_\_  
95-08 Queens Blvd. 3E  
(Address)

\_\_\_\_\_  
Rego Park, NY 11374  
(City, State, Zip Code)

\_\_\_\_\_  
(347) 453-2234  
(Phone Number)

### **QUESTION(S) PRESENTED**

The Due Process Clause provides that no person may be deprived of life, liberty, or property without due process of law. Due process requires notice, an opportunity to be heard, and an unbiased decision-maker. A hearing that meets due process standards must ordinarily be held prior to the deprivation.

The questions presented are:

Whether the United States Court of Appeals for the Second Circuit, in the interest of justice, recognizes the mitigating effects of upholding the Constitutional Rights to Due Process and Equal Protection of the Law before the Constitutional Rights are deprived.

Whether the United States Court of Appeals for the Second Circuit is complicit in abetting and aiding gross violations of due process in the United States Eastern District of New York Court with orders that are repugnant to the Constitution.

Whether the United States Court of Appeals for the Second Circuit analyzes and recognizes the impact of judicial explicit bias in its decision-making to prevent a gross violation of Due Process and avoid a Miscarriage of Justice in the District Court.

Whether the U.S. Eastern District of New York Court abuses its power with explicit bias in violation of the Due Process and Equal Protection guaranteed by the U.S. Constitution and this Court to benefit the Respondents who committed fraud, facilitated the fabrication of false documents, among others.

## **LIST OF PARTIES**

**[ ] All parties appear in the Caption of the case on the cover page.**

**[X] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:**

**Petitioner-Plaintiff: Lidia M. Orrego**

**Respondents-Defendants: Pasternack Tilker Ziegler Walsh Stanton & Romano LLP, Pasternack Tilker Weitz & Luxenberg LLP, First Choice Evaluations LLC, Jason Hochfelder MD, John Doe, Jane Doe.**

### **DIRECTLY RELATED CASES**

**Orrego v. Pasternack Tilker Ziegler Walsh Stanton & Romano, LLP et al.,**  
No. 23-6507, U.S. District Court for the Eastern District of New York. Decision  
entered on Oct. 30, 2023; Nov. 14, 2023.

**Orrego v. Knipfing et al., No. 23-7941, U. S. Court of Appeals for the Second  
Circuit. Interlocutory Appeal on Motion, Petitioner's Brief filed on Mar. 18, 2024,  
from Order entered on Nov. 14, 2023. Pending Decision Motion to Dismiss and  
Petitioner Reply and Cross-Motion filed Jun. 24, 2024; Notice Motion Submission No  
Opposition to Reply filed Jul. 10, 2024: Respondents failure to file reply and opposite  
papers.**

**In RE: Lidia M. Orrego, No. 23-7643, U. S. Court of Appeals for the Second  
Circuit. Decision entered Mar. 14, 2024; Mar. 15, 2024; Apr. 16, 2024; May. 28, 2024,  
Aug. 1, 2024.**

**Lidia M. Orrego v. Kevin Knipfing AKA Kevin James et al., No. 23-7273,  
Supreme Court of United States. Decision entered on Jun. 24, 2024; Jul. 22, 2024.**

**Orrego v. Knifing et al., No. 20-cv-3361, U.S. District Court for the Eastern  
District of New York. Decision entered on Jul. 11, 2023; Jul. 20, 2023; Mar. 9, 2023;  
March 10, 2023; Aug 3, 2023.**

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IN THE  
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States Court of Appeals appears at Appendix A ; G 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 B ; C ; D ; E ; F to the petition and is

☐ Appendix reported at \_\_\_\_\_ ; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ Appendix "B ; C ; D ; E ; F" is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits 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 \_\_\_\_\_ 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.

## JURISDICTION

**[X] 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.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: March 28, 2024, and a copy of the order denying rehearing appears at Appendix "G".

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

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

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

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

[ ] A timely petition for rehearing was thereafter denied 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.    A       .

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

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

**The Fifth and Fourteenth Amendments to the United States Constitution contain a due process clause, which prohibits the deprivation of "life, liberty, or property" by the federal and state governments without due process of law.**

**The U.S. Supreme Court interprets these clauses to guarantee a variety of protections: procedural due process in civil proceedings, substantive due process (a guarantee of some fundamental rights), a prohibition against vague laws, and equal protection under the laws of the federal government.**

**The Equal Protection Clause is part of the first section of the Fourteenth Amendment to the United States Constitution. The clause, which took effect in 1868, provides "nor shall any State ... deny to any person within its jurisdiction the equal protection of the laws." It mandates that individuals in similar situations be treated equally by the law.**

**The Equal Protection Clause is located at the end of Section 1 of the Fourteenth Amendment: All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.**

## STATEMENT OF THE CASE<sup>1</sup>

### LEGAL BACKGROUND

Following the Civil War, Congress submitted three amendments to the states as part of its Reconstruction program to guarantee equal civil and legal rights to Black citizens. A major provision of the 14th Amendment was to grant citizenship to “All persons born or naturalized in the United States,” thereby granting citizenship to formerly enslaved people.

Another equally important provision was the statement that “nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” The right to due process of law and equal protection of the law now applies to both the federal and state governments. See App. A, p-1a and App. G, p-18a.

There are two types of due process: substantive and procedural. Substantive due process protects individual liberty and prevents the unreasonable loss of substantive rights, such as the right to speak freely and the right to privacy. It also prohibits government action that shocks our collective conscience or interferes with our basic concept of ordered liberty.

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<sup>1</sup> U.S. District Court for the Eastern District of New York in the form “(EDNY)” (“DC”); Citations to the Electronic Case Files system for the District Court are in the form “ECF doc. No. [###]”. Citations for the United States Court of Appeals for the Second Circuit in the form “Court of Appeals”.

Citations of Petitioner’s District Court Complaint in the form “ECF doc. [1]”. Citations of Exhibits in the form “Ex.###”. Citations of Paragraphs in the form “[¶].”

Citations to the “Appendix Pages” are in the form “App. Letter”; “p-##a”; “pp-##a”. Citations to the District Court are in the form “DC.”

Citations to the U.S. Court of Appeals Docket are in the form “Dkt.” Citations to the Interlocutory Appeal Case No. 23-1114 documents are in the form “Dkt [###]”.

U.S. Citations of Independent Medical Examiners in the form (“IME”).

Procedural due process guarantees a fair process in connection with any deprivation of life, liberty, or property at the hands of the government. Procedural due process also ensures that individuals have notice and an opportunity to be heard. See *Robinson v. De Niro* SDNY 19cv09156 (LJL)(KHP).

The constitutional right of due process, like all other rights, has its limitations. In circumstances where the government deems their actions necessary for maintaining an ordered society, they may interfere with an individual's liberty. The court applies a balancing test to determine whether such interference is warranted. This balancing test requires the court to assess the quality of the rights impacted and the importance of the government's conduct.

The U.S. Constitution is the nation's fundamental law. It codifies the core values of the people. See *Robinson v. De Niro* SDNY 19cv09156 (LJL)(KHP).

The Fifth Amendment due process clause prohibits the federal government from discrimination if it is so unjustifiable that it violates due process of law. See *Bolling v. Sharpe*, 347 U.S. 497, 498-99 (1954).

The Equal Protection Clause of the Fourteenth Amendment states in relevant part, "nor shall any State...deny to any person within its jurisdiction the equal protection of the laws." The equal protection clause prevents a state from enacting laws that discriminate unreasonably and unjustly.

The government is prohibited from engaging in any form of discrimination. Whether the government has engaged in impermissible discrimination against an individual depends on the category of persons who have been specifically

targeted for special treatment. The level of court scrutiny is generally increased when the subject of discrimination is based on an arbitrary classification. Arbitrary classifications are those that are random and often include characteristics that a person is born with, such as race or national origin. Statutes that contain non-arbitrary classifications must have a rational basis and be supported by a legitimate government interest.

The Denial of the Petitioner's rights to appeal based on shaky or inexistent grounds is a gross miscarriage of justice through "lawfare"- "the use of legal systems and institutions to damage or delegitimize an opponent or to deter an individual's usage of their legal rights.

#### **FACTUAL BACKGROUND**

The U.S. District Court for the Eastern District of New York had subject matter jurisdiction over this lawsuit because Petitioner-Plaintiff Lidia M. Orrego ("Orrego," "Petitioner") under the U.S. Federal Law Civil Racketeer Influenced and Corrupt Organizations Act ("Civil RICO") 18 U.S.C. § 1964 (§1964) against Pasternack Tilker Ziegler Walsh Stanton & Romano LLP and Pasternack Tilker Weitz & Luxenberg LLP ("Law Firm"), First Choice Evaluations, LLC, ("First Choice") and Jason Hochfelder MD ("Hochfelder"), John Doe, Jane Doe (collectively "Respondents", "Defendants").

On October 31, 2023, Orrego, proceeding *pro se*, filed her Complaint that alleges 66 Facts ECF doc. [1] in this matter under claim Civil Rico: 1) The Respondents committed a substantive RICO violation per 18 U.S.C. § 1962;

2) The Petitioner's business was injured (Workers Compensation Board Case ("WCB") case G2584330 and damages Complaint ECF doc. [1] ¶¶ 1-66 – Relief Section IV) ; 3) The injury occurred because of the Respondents' substantive RICO violation WCB's decision dated March 5, 2021- (see Complaint ECF doc. [1] ¶¶ 52-66, Exhibits 7-8). In terms of the RICO violation, Petitioner's Complaint ECF doc. [1] shows the Defendants participated in conduct/of an enterprise/via a pattern/of racketeering activity.

The origin of the case rely on that Petitioner retained the Law Firm on September 5, 2019, to represent her in the WCB case G2584330 filed on September 3, 2019, Document # 329026228, against her employers Kevin Knipfing, a/k/a Kevin James, Stephanieanna James-Knipfing, a/k/a Steffiana De La Cruz ("Knipfings") see related Docket EDNY 20cv3361 (JMA) (AYS) filed on July 23, 2020, proceeding pro se, allege the following relevant factual background: Orrego was subjected to pervasive and severe physical and emotional assaults, verbal abuse, harassment, retaliation, victimization, violence, etc., according to plenty documentary evidence such as text messages, emails, recordings, transcriptions, medical records, etc., during her employment between January and December 2018 with Respondents as evidence based on her race by Teresa A. Zantua ("Zantua"), Respondents Knipfings, and the Corporations Old Westbury EDDIE LLC, Old Westbury LLC (ghost-corporation unregistered in New York State, under the Knipfings) ("Corporations") and Steve Savitsky ("Savitsky"). See Docket EDNY 20cv3361 (JMA) (AYS), AC ECF doc. [8].

The Knipfings and their Corporations have been consistently represented by the law firm Gordon Rees Scully Mansukhani LLP (“GRSM”) since the EEOC complaint in January 2019 to the present.

Petitioner reported her complaint of discrimination, hostile work environment, and injuries to the Knipfings on November 2, 2018, and she was terminated in retaliation within 25 days on November 27, 2018.

The Law Firm is the Petitioner's Worker Compensation lawyer who represented her before the WCB case G2584330, according to the agreement signed on September 5, 2019, from her injuries during her employment with the Knipfings, Corporations, and Zantua between January 2018 to November 2018. See Complaint ECF doc. [1] ¶14 and Exhibit 1.

On September 5, 2019, The Firm made Plaintiff sign an “Amended Employee Claim C-3,” reporting only the last physical assault on October 23, 2018, in her employment with Knipfings from January to November 2018. See Complaint ECF doc. [1] ¶21 and Exhibit 1.

However, in the WCB case G2584330 Decision filed on November 5, 2019, Workers Compensation Law Judge (“WCLJ”) Barry Greenberg's decision stated: “I find *prima facie* medical evidence for the neck, back right wrist, both knees, and major depressive disorder. The Claimant is alleging an occupational disease claim, not an accident claim. The Claimant to produce C-3 reflecting current claim... “. See Complaint ECF doc. [1] ¶¶ 1-20 and Exhibit 7.

WCLJ Greenberg requests the second Amended change the nature of the injuries as an Occupational Disease Claim supported by medical evidence such



as "Magnetic resonance imaging" ("MRIs"), medical evaluations, employment history, etc., filed by the Plaintiff's WC providers. See Complaint ECF doc. [1] ¶¶ 1-20.

On October 21, 2020, the Law Firm conspired to commit Filing False Documents, Statements, and Writings by allowing First Choice and Hochfelder to commit perjury and racketeering activity by making a false 20-min. IME report regarding the Petitioner's examination dated October 14, 2020. See Complaint ECF doc. [1] ¶ 32.

The Petitioner recorded the "examination" in front of a witness, Ms. Celeste Bueno (interpreter from the Board), and the entire examination length was only 5 min. and 3 sec. Hochfelder (IME) did not measure or review the Plaintiff's medical or employment history to support his "opinion" that it was not independent. Instead, Hochfelder (IME) made a "Defense Medical Examination" report to deny the Plaintiff benefits with the Law Firm to help him file False Documents, Statements, and Writings and committed perjury. See Complaint ECF doc. [1] ¶ 33.

First Choice and Hochfelder's report was not based on the Plaintiff's complete medical record since 2018. The "fabricated false IME's report" begins with the medical report by Jeffrey S. Rosner MD, dated September 7, 2019, through September 30, 2020, of all Petitioner's providers but only for Workers Compensation, not her providers from private insurance in possession, control and custody of the Law Firm obtained in their course of Petitioner's representation and retainer. See Complaint ECF doc. [1] ¶ 34.

The Law Firm's help to First Choice and Hochfelder excluded the Plaintiff's medical records filed in the case from 2018 as part of the "agenda" to destroy the Plaintiff's *credibility and reputation*.

On October 25, 2020, the Petitioner sent a letter and recording to the Law Firm containing a fraud and perjury report from First Choice and Hochfelder. The IME report was fabricated. The Petitioner proved that Hochfelder only examined the Petitioner for 20 min., but the recording shows 5 min. 3sec. Hochfelder fabricated 15 min. of examination. See ECF doc. [1] ¶ 36.

From October 28, 2020, to March 5, 2021, Hearing at WCB, the Law Firm never mentioned or introduced the evidence to destroy the First Choice and Hochfelder's credibility with the Petitioner's recordings and transcription delivered on October 25, 2020. See Complaint ECF doc. [1] ¶¶ 37-51.

On March 5, 2021, WCLJ Barry Greenberg's decision: "DECISION: Claim is disallowed. The claimant's testimony that she was injured in the course of her employment was not credible. The Carrier's IME doctor's opinion that the Claimant did not seem to have had an injury resulting from work activity was more credible than the opinions of the Claimant's doctors. Her claim seems to have been an *afterthought related to other issues involving her employment*." See Complaint ECF doc. [1] ¶52.

The Law Firm and their members committed racketeering by recruiting and agreeing to protect the other Respondents, First Choice, and Hochfelder, including but not limited to October 22, 2019, January 4, 2021, and March 5, 2021, until the present. See Complaint ECF doc. [1].

Respondents and their associates worked together for the common purpose: “to ruin the Plaintiff’s WCB case G2584330, conspiracy to reach the deprivation of her benefits, rights, medical treatment for her occupational disease among others between September 2019 to July 2021 the predicate acts under Civil RICO Act violation per 18 U.S.C. § 1964, 18 U.S.C. § 1962.

Even though on March 5, 2021, a Miscarriage of Justice was committed through impropriety, fraud, perjury, falsification of IME reports, and Obstruction of Justice among others, the Petitioner’s DC 20cv3361 (GRB) (AKT)<sup>2</sup>, proceeding as pro se, filed in July 2020, her case survived to the Motion to Dismiss according to the Memorandum & Order by DC Judge H. Gary R. Brown, see ECF doc. [30] entered on September 30, 2021, in Orrego’s favor: “Accordingly, plaintiff has pleaded plausible claims for hostile work environment under § 1981 and the NYSHRL against Zantua, the Knipfings, and the corporate defendants.” See Docket EDNY 20cv3361 (JMA) (AYS), AC ECF doc. [8] and DC Gary R. Brown ECF doc. [30].

This Decision ECF doc. [30] by DC Judge Brown is Irrefutable evidence that if the Petitioner had not retained the Law Firm, her case in WCB case G2584330 would never have been “disallowed” based on impropriety, fraud, perjury, falsification of IME reports, Obstruction of Justice, among others.

On October 2023, Petitioner discovered the “incestuous relationship” between her counsel, the Law Firm, and her employer’s counsel, GRSM, from 2012 to the present in State Court for legal malpractice cases.

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<sup>2</sup> Notice: DC 20CV3361 (GRB) (AKT) currently DC 20CV3361 (JMA)(AYS)

This gross and heinous conflict of interest was the cause of the Law Firm's failure to the Petitioner's jealous representation by losing her WCB case G2584330 by aiding and abetting their "real client," the Knipfings and their mutual counsel GRSM. The Law Firm worked with their "counsel, GRSM," to destroy the Petitioner's WCB case G2584330 like a "Trojan horse."

The Law Firm's clear conflict of interest led to the intentional and BAD FAITH mishandling of the Petitioner's WCB case G2584330, resulting in fraud and perjury and benefiting their "real client," actor Kevin James and their shared counsel GRSM. The Law Firm worked with their legal malpractice lawyer, GRSM, to undermine the Petitioner's WCB case G-2584330 like a "Trojan horse."

Members of the Law Firm engaged in various racketeering activities by recruiting and agreeing to protect other respondents, including First Choice, Hochfelder, from October 22, 2019, to the present.

The client-lawyer relationship between Petitioner's counsel, the Law Firm, and GRSM is publicly available through the NYSCEF in legal malpractice cases. Therefore, it is reasonable to conclude that the Law Firm was paying the attorney fees to GRSM by ruining Petitioner's WCB case G2584330 against the Knipfings, who are celebrities; Kevin Knipfing is the actor known as Kevin James.

Despite all the documentary evidence, it's incredible how actor Kevin James or his counsel at GRSM can manipulate the legal system to protect their associates, The Law Firm, First Choice, and Hochfelder, who are part of the crime organized.

## **PROCEEDINGS BELOW**

October 2, 2024, Petitioner filed the Affidavit of Service to Respondents.

October 10, 2023, and October 12, 2023, the Respondents' Counsel filed the Pre-Motion Conference Letter to request permission to file a Motion to Dismiss the Complaint based on fraudulent misrepresentations and perjured statements. See ECF doc. [13] [19].

Petitioner filed to void vexatious litigation in response to the Respondents' perjured statements filed the letters on October 12, 2023, ECF doc. [26] and October 16, 2023, ECF doc. [22] to DC Judge Joan M. Azrack the copy of the request for authentication to documentary evidence. All documents were served via email to the Respondents.

On October 16, 2023, and October 17, 2023, Petitioner, according to the rules, filed the Response and Opposition to Respondents' Pre-Conference Letter to file a Motion to Dismiss, see ECF doc. [24] [25].

On the other hand, the letter ECF doc. [22] was fully entered into the ECF, but the Petitioner's Letter ECF doc. [26] was unlawfully "cut" or "altered" to prevent Public Scrutiny, under New York Law, there is a presumption that the public is entitled to access to judicial proceedings and court records (*Mancheski v Gabelli Group Capital Partners*, 39 AD3d 499, 501 [2d Dept 2007]).

DC Court failed to serve and notify the Petitioner of the Application or Order to Seal the Document with the reason in violation of Due Process of Law and Equal Protection.

On October 26, 2023, Petitioner filed her Motion for leave to allow Pro Se to Electronically File ECF doc. [27] to prevent unlawful seals allowed by the EDNY Rules as *exhibits, supporting papers, and evidence*.

On October 28, 2023, at 7:17 am, the Petitioner filed the letter via "Pro Se Electronic Document Submission" or "Box.Com" with 13 pages.

The letter dated October 28, 2023, reference: "Plaintiff's Report NEWLY Discovery the Client-Lawyer Relationship between Pasternack Tilker Ziegler Walsh Stanton & Romano LLP, Pasternack Tilker Weitz & Luxenberg LLP and Kevin James' aka Knipfing's counsel GRSM since 2012, GROSS violation of Model Rules of Professional Conduct Rule 1.7: Conflict of Interest."

On October 30, 2023, Petitioner filed a letter to the Pro Se Office, reference "Plaintiff's Letter to Pro Se Office missing 356 pages ECF Id. [26]. Unseal FRCP Rule 5.2" that provided to the DC the following explanation include but not limited: "All the documents P. 3-357 belong to the NYSCEF Docket 535740 Appellate Division Third Department for that reason, the Confidential Personal Information (CPI) is redacted according to the Law. The last Page, 358, is the Plaintiff's Affirmation of Service." the letter was submitted on October 30, 2023, at 9:59 am via "Pro Se Electronic Document Submission" or "Box.Com."

The letters dated October 28, 2023, and October 26, 2023, must have been recorded in the docket. However, the DC seems to tamper with the documents by sealing or ignoring the filings. This action from DC is criminal and immoral and violates all of the Petitioner's civil rights. The DC's tampering with the filings is perverting the course of justice.

On October 30, 2023, the DC entered the order denying the Petitioner her Motion ECF doc. [27] based on the misrepresentations that the filings via Pro Se Office of *Box.com* are working when the DC is tampering or concealing the Petitioner's filings. See the annexed App. B, p-2a.

On October 30, 2023, the District Court issued an order in response to a letter titled "Plaintiff's Letter to Pro Se Office missing 356 pages ECF Id. [26]. Unseal FRCP Rule 5.2," which was never filed in the docket. The order contained misrepresentations regarding the rules for filing exhibits. The letter also threatened the Petitioner with the possibility of being deprived of her right to file documents via "*Box.com*" and forced to file via mail or in person. According to the rules, there is no difference between filing documents via mail or "*Box.com*."

All the documents the Petitioner files are allowed by the rules. The DC seems to be assisting the Respondents in vexatious litigation. See the annexed App. B, C, D, E, F, pp-3a-17a.

On October 30, 2023, the DC issued an order stating that the Petitioner failed to respond to the Respondents' Pre-Conference Letters ECF doc. [13] [19], but the record shows that the Petitioner filed the responses in a timely manner, see ECF doc. [24] [25].

On November 1, 2023, DC waived the Pre-Conference Motion and ordered the scheduling to file the Respondents' Motion to Dismiss on December 1, 2023.

The Petitioner filed four additional letters of motion to request to vacate the unfair orders, but none of these letters were ever filed in the docket.

The letters filed via Box.com by Petitioner are as follows:

November 7, 2023: "Re: Plaintiff's Letter Motion - Objection to Vacate Court's Order misrepresentation regarding her failure to file Defendants' Opposition Pre-Motion Letters ECF Id. [13] [19] - Total Pages filed 7.- Constitutional Right of Due Process and Freedom of Speech.

November 7, 2023: "Re: Plaintiff's Objection and Letter Motion to Vacate order due to Court's misrepresentation of the Local Rule 5.1 to justify spoliation of evidence - Total Pages filed 6."

November 8, 2023: "Re: Plaintiff's Objection and Letter Motion to Vacate the order due to the Court's misrepresentation in the order on Motion for Permission for Electronic Case Filing ECF Id. [27] - Total Pages filed 8.- unseal under FRCP Rule 5.2, Constitutional Right of Due Process and Freedom of Speech".

November 8, 2023: "Re: Plaintiff's Objection and Letter Motion to Vacate the order due to the Court's misrepresentation in the order on Motion for Permission for Electronic Case Filing ECF Id. [27] - Total Pages filed 8.- unseal under FRCP Rule 5.2, Constitutional Right of Due Process and Freedom of Speech".

Petitioner filed in the case directly related EDNY 20cv3361 (JMA) (AYS) via Box.com on November 13, 2023: "Motion to Disqualify Opposite Counsel GRSM a) Disqualify Opposite Counsel for Gross Ethical Violation, Conflict of Interest, Fraud, Perjury, Organized Crime; b) Preliminary Injunction; c) Protective or Restraining Order against GRSM; d) Strike ALL Fraudulent Pleadings and Motions filed by Defendants due Gross Ethical Violations. Constructed 13 Exhibits and 73 pages."



**This Motion to Disqualify GRSM was concealed and immediately triggered an unusual reaction that sparked fury in DC against the Petitioner.**

**The order entered on November 14, 2023 on Motion to Disqualify Opposite Counsel in the case EDNY 20cv3361 (JMA) (AYS) affected directly to this case by order to “Stay” the ongoing Motion to Dismiss scheduled December 2, 2023 and Petitioner was threatened that the DC would apply “unlawful” sanctions if Orrego continued filing motions or documents to prevent miscarriage of justice that support her Complaints in both cases under 28 U.S.C. § 1927. See the annexed App. E, p-6a.**

**DC ordered that the Pro Se Office returned all the letter motions on November 14, 2023, without docketing and consideration “unlawfully retained” filed by Petitioner via “Box. com” from November 7, 2023, and November 8, 2023, on November 14, 2023. See ECF doc. [28].**

**This lawfare and perverse threat issued by the DC must be reversed by the U.S. Court of Appeals for the Second Circuit that “DISALLOWS” 28 U.S.C. § 1927 sanctions to Pro Se Litigants because it only applies to Attorneys or Pro Se Attorneys. Therefore, the threat is a HOAX to oppress and illegally restrain the Petitioner from filing evidence or “Exhibits” that prove the intention to assist the Respondent’s fraud. See Kelsey Whitt, “Split on Sanctioning Pro Se Litigants under 28 U.S.C. § 1927 “applies only to attorneys.”**

**Petitioner filed letters to request clarification to the DC, and all the letters were returned on November 17, 2023, without docketing in violation of Due Process of Law. See ECF doc. [28].**

November 29, 2023: Petitioner paid the fee and timely filed her Notice of Interlocutory Appeal under 28 U.S.C. § 1292 automatic jurisdiction due to the *injunctive order against her from DC orders filed on October 30, 2023, and November 14, 2023*. See annexed App. F, p-6a.

Petitioner filed on November 29, 2023, under 28 U.S.C. 1292 (a) (1) this appeal from the order dated November 14, 2023, by following the Court of Appeals. See Court of Appeals case Docket No. 23-7928, Dkt [1].

Court of Appeals, the case number Dkt 23-7928 – Short Caption “Pasternack Tilker Ziegler Walsh Stanton & Romano LLP,” and the Petitioner filed all the forms, including the “Pro Se Scheduling Notification,” to file the Petitioner’s Brief on March 18, 2024. See App. B, C, D, pp-2a-5a; F p-6a.

Petitioner never received the confirmation schedule to file her brief on March 18, 2024. See App. A, p-1a.

Instead, on March 14, 2024, the Court of Appeals entered an unreasonable and unintelligible order under “28 U.S.C. § 1291, Appeal from final orders” to Dismiss for lack of jurisdiction not related to the DC and the Notice of Interlocutory Appeal because the Petitioner has legal rights to appeal from an Interlocutory Order under 28 U.S.C. § 1292. See annexed App. G, p-18a.

March 28, 2024: Petitioner filed her Motion for Panel Reconsideration or Reconsideration En Banc (“Motion for Panel Reconsideration”) highlighting her Constitutional right to interlocutory appeal under 28 U.S.C. § 1292 from an interlocutory order dated October 30, 2023, and November 14, 2023.

Petitioner, in her Motion for Panel Reconsideration, asserts the Court of Appeals' Jurisdiction under 28 U.S.C. § 1292 (a)(1) over Interlocutory Appeals on the orders October 30, 2023, and November 14, 2023, as follows:

This Court's website has published the procedure to file the Notice of Appeal from "NON-Final orders from the District Court," follows: "Notice of Appeal: A party who wishes to appeal a district court's final decision or an interlocutory order specified in 28 U.S.C. § 1292(a) can obtain a Notice of Appeal form from the district court and must file the Notice of Appeal in the district court within 30 days after the entry of the judgment or order being appealed."

[https://www.ca2.uscourts.gov/clerk/case\\_filing/appealing\\_a\\_case/civil\\_case/notice\\_of\\_appeal.html](https://www.ca2.uscourts.gov/clerk/case_filing/appealing_a_case/civil_case/notice_of_appeal.html)

It is unintelligible how the Court of Appeals can "Grant" the Interlocutory Appeal in other cases by affirming their jurisdiction under 28 U.S.C. 1292 but dismiss the Petitioner's case by denying their jurisdiction; this means lawfare and abuse of legal process because this Government clearly and protect the powerful and celebrities as actor Kevin James but oppresses and abuses a Hispanic woman, a worker with an invisible disability.

In violation of Due Process of Law and Equal Protection of the law, the Petitioner was deprived again of the relief that she is entitled according to "28 U.S.C. § 1292 - Interlocutory decisions (a) the courts of appeals shall have jurisdiction of appeals from "INJUNCTIONS""; therefore, the denial from Court of Appeal is unacceptable and unconstitutional. See App. A p-1a.

The orders dated October 30, 2023, and November 14, are automatically appealable under 28 U.S.C. § 1292(a)(1) “Interlocutory orders of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, or the judges thereof, granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions, except where a direct review may be had in the Supreme Court.”

“Because § 1292(a)(1) was intended to carve out only a limited exception to the final judgment rule, we have construed the statute narrowly to ensure that appeal as of right under § 1292(a)(1) will be available only in circumstances where an appeal will further the statutory purpose of permitting litigants to effectually challenge interlocutory orders of serious, perhaps irreparable, consequence.” *Carson v. Am. Brands Inc.*, 450 U.S. 79, 84, 101 S.Ct. 993, 67 L.Ed.2d 59 (1981). Therefore, an interlocutory appeal is “a rare exception’ where, in the discretion of the district judge, it ‘may avoid protracted litigation.’” *In re World Trade Ctr. Disaster Site Litig.*, 469 F.Supp.2d 134, 144 (S.D.N.Y. 2007) (quoting *Koehler*, 101 F.3d at 865-66 (2d Cir. 1996)).

Petitioner and the Court of Appeals assert the Jurisdiction over Interlocutory Appeals under 28 U.S.C. § 1292(a)(1) (Injunction is a court order requiring an individual to do or omit doing a specific action).

Nevertheless, the Court of Appeals filed the Denial of Petitioner’s Motion without grounds, which is a gross miscarriage of justice. See App. G, p-18a.

Petitioner based her Motion for Reconsideration on cases that the Court of Appeals “Granted Jurisdiction” over “Interlocutory Appeals” under 28 U.S.C. § 1292 and even reversed the orders of the District Court:

a) Dkt 20-1994-cv; 20-2002-cv United Food & Com. Workers Local 1776; Meijer, Inc. v. Takeda Pharm. Co., and

b) Dkt 22-2061 Kasotis v. N.Y. Black Car Operators’ Inj. Comp. Fund, Inc.

Surprisingly, Court of Appeals “Granted Jurisdiction” over “Interlocutory Appeals” under 28 U.S.C. § 1292; this evident inequality under the Law and the arbitrary orders are incompatible with U.S. Democracy. See App. A, p-1a.

Court of Appeals’ orders dated March 14, 2024, and May 8, 2024, lack specificity or construction, and the Denial based on shaky or inexistent grounds under “different U.S. Code” misapplied to this interlocutory appeal shows “inequity” between litigants, therefore, violation constitutional rights to Equal Protection under the Law. See App. A, p-1a; App. G, p-18a.

Orrego alleges gross violations in the DC court system have led to biased treatment and a lack of fair consideration for her constitutional rights.

The Petitioner filed motions to protect her Constitutional Right to Due Process and Equal Protection of the Law. Still, the DC constantly embarrassed her by issuing oppressive and improper orders with threats and punishments. See App. B, C, D, E, F, pp-2a-17a.

The DC avoids arguing about the Respondents’ crimes, including fraud, perjury, obstruction of justice, fabrication of evidence, and witnesses, to protect them, even if it means exposing the Court’s abuse of discretion and power.

It is evident that the protection provided by the lower courts to Kevin Knipfing, also known as Kevin James, is due to his celebrity status. Notably, this protection was not extended to actor Robert De Niro, another celebrity found guilty of Gender Discrimination just four years after filing the complaint.

The difference between these two cases is that the Plaintiff in the Robert De Niro case is white and has lawyers who have vigorously represented her. See *Robinson v. De Niro* SDNY 19cv09156 (LJL)(KHP).

However, in this case, The Petitioner, a Hispanic woman, was unfortunately misled by her lawyers, the Law Firm, for almost two years. In response, she decided to take matters into her own hands and filed her case Pro Se as a non-attorney in pursuit of justice.

The Petitioner believed that the U.S. courts were obligated to apply the Due Process of Law and Equal Protection clause and make decisions based on facts, law, and evidence. However, this case has demonstrated that "privileged" individuals are exempt from the law and that the court can be manipulated. See DC case *Orrego v. Knipfing et al.* 20cv3361 (JMA) (AYS).

Respondent's fraud, perjury, and obstruction of justice, among others, limited in this forum or Federal Action, the same strategy was applied in the Petitioner's related case Workers Compensation Board ("WCB") G2584330 and the appeal NYSCEF Docket 535740 "Matter of Orrego v Knipfing" Appellate Division Third Department where the Petitioner's counsel lost the case allowing all the kind of fraud because they never disclose the gross conflict of interest their client-lawyer relationship with the Respondents' counsel GRSM since 2012.

The counsel representing the Respondents, “GRSM,” appears to have the ability to manipulate the Justice from the relationship with the Petitioner’s counsel, and the WCB case was planned to be lost from the beginning between the lawyers and the Respondents.

The lower courts support the Respondents’ fraud rather than protect the Petitioner from a new miscarriage of justice.

### **REASONS FOR GRANTING THE PETITION**

#### **I. Failure to apply the Due Process Clause and Equal Protection of the Law is unconstitutional and unacceptable.**

This case presents a straightforward intentional deprivation from the lower Courts of the Due Process and Equal Protection of Law Clause that strikes at the heart of our legal system—unfair treatment based on race and social status.

Gross violation of the Due Process and Equal Protection of Law Clause under 18 U.S.C. § 241 “Conspiracy against rights” and 18 U.S.C. § 242 “Deprivation of rights under color of law by the lower Courts’ biased proceedings.

We must acknowledge the Due Process Clause’s and Equal Protection’s essential significance in our legal system. Any attempt to deliberately deprive an individual of their right to Due Process is misguided and a clear violation of their rights. The lower courts of the United States must comprehend the seriousness of their actions and uphold the fundamental principles of justice and fairness enshrined in the Constitution. See App. A p-1a; App. G p-18a.

The orders and decisions from the DC and Court of Appeals are evidence of a legal strategy to undermine “lawfare,” the Petitioner’s Constitutional Rights to

Due Process, and Equal Protection of the Law. They prevent her from filing motions or submitting documentary evidence (exhibits) without restrictions and tampering with her supporting papers. The petitioner is also threatened with unconstitutional sanctions when she has the right to protect her case. See App. B, C, D, E, F, pp-2a-17a.

Due Process of Law is a fundamental principle that ensures justice is served based on facts and law rather than an individual's social status. This principle guarantees equal rights to a fair trial and a just verdict. Therefore, upholding the Due Process of Law principle is vital to ensure everyone is treated impartially and fairly, regardless of their position in society.

This “lawfare” is the same “system” that lawyer Alina Habba, Esq., who represented former President Donald Trump, described on national television. During her public statement, Ms. Habba mentioned the impropriety and violation of due process of law and equal protection by a Supreme Court Judge in New York County. She stated that the judge made decisions disregarding the laws, rules, and evidence, which outsiders manipulated for political purposes.

It is a concern that, shortly, all American citizens may be at risk of being subjected to an authoritarian judicial government that disregards values and principles and violates the U.S. Constitution by issuing unreasonable orders without following due process of law.

The Court and cases law have determined that due process requires, at a minimum, (1) notice, (2) an opportunity to be heard, and (3) an impartial tribunal. See *Mullane v. Central Hanover Bank* (1950).



The Fourteenth Amendment was added to the U.S. Constitution soon after the Civil War to fight against discrimination and safeguard due process. The Equal Protection Clause states that the government must have a legitimate reason to justify any law or official action that treats people or groups of people differently who are in a similar situation. For certain unchangeable classifications and essential rights such as race, religion, national origin, and voting, the government's reasoning must be compelling, and the law or action must be narrowly directed towards it. The government must have a rational basis for other distinctions, such as occupation, and the law or action must be reasonably directed towards it.

Other States uphold that “[n]o person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin, sex or physical or mental disability.”

In the case of *Goldberg v. Kelly*, the Court established that the state is obligated to provide a fair hearing presided over by an impartial judicial officer. The individual must be afforded the right to have an attorney present to assist them during the hearing, the opportunity to present evidence and argument verbally, and the ability to examine all materials that will be relied upon or to cross-examine adverse witnesses. The decision must be based solely on the record presented and explained in a written opinion. This complex ruling appears to have its origins in the incorporation doctrine. See App. A, p-1a; App. G, p-18a.

In *Mathews v. Eldridge*, the Court established a preferred approach for resolving due process questions. This approach requires judges to analyze three factors when determining constitutionally required procedures.

First, the private interest that will be affected by the official action.

Second, the risk of an erroneous deprivation of such interest through the procedures used and the probable value, if any, of additional or substitute procedural safeguards.

Finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

Although there is no definitive list of the "required procedures" that due process requires, Judge Henry Friendly created a highly influential list that outlines both the content and relative priority of these procedures:

- An unbiased tribunal.
- Notice of the proposed action and the grounds asserted for it.
- Opportunity to present reasons why the proposed action should not be taken.
- The right to present evidence, including the right to call witnesses.
- The right to know opposing evidence.
- The right to cross-examine adverse witnesses.
- A decision based exclusively on the evidence presented.
- Opportunity to be represented by counsel.
- Requirement that the tribunal prepare a record of the evidence presented.

- Requirement that the tribunal prepare written findings of fact and reasons for its decision.

This list of procedures may be claimed in a "due process" argument in order of their perceived importance.

In the present case, the Court of Appeals denied the Petitioner's right to file her interlocutory Appeal under 28 U.S.C. 1292, well-supported by documentary evidence to prevent a miscarriage of justice.

The Petitioner has filed motions and letters to Chief Judge Debra Ann Livingston to address a conflict and a violation of the Due Process and Equal Protection Clause. The Petitioner has requested that the Court of Appeals provide a valid reason for dismissing interlocutory appeals for lack of jurisdiction when the Court regularly issues decisions on other cases under the same statute to review a non-final order. The treatment against Petitioner is an unlawfully discriminatory, gross violation of Code Conduct U.S. Judges Canons 1, 2, and 3.

**II. In the U.S. Courts below, the absence of the application of the Due Process Clause and Equal Protection of the Law is clearly unconstitutional.**

The Court of Appeals and the DC failed their duties to the Plaintiff to administrate the Court Business free of judicial bias, diligence, and transparency.

Under the U.S. Constitution, "Class legislation, discriminating against some and favoring others, is prohibited; but legislation which, in carrying out a public purpose, is limited in its application, if within the sphere of its operation, it affects alike all persons similarly situated, is not within the amendment." Or, more

succinctly, “statutes create many classifications which do not deny equal protection; it is only ‘invidious discrimination’ which offends the Constitution.”

*In F. S. Royster Guano Co. v. Virginia*, the court put forward the following test: “[T]he classification must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation so that all persons similarly circumstanced shall be treated alike.” Use of the latter standard did, in fact, result in some invalidations.

The Court of Appeals and the DC issued unintelligible orders that lacked specificity and construction despite all the evidence against the Petitioner; it will result in sustainable harm and a miscarriage of justice because not allowing the Petitioner to file “Exhibits” or documents, Electronically Stored Information (“ESI”), tangible things, or other papers with her pleadings, letters, or motions, including her Summary Judgment Motion, will cause a miscarriage of natural justice that sustain the basic fundamental principles of fair treatment.

The further teaching of the Supreme Court has limited that section to appeals from interlocutory orders that the appealing parties can show “might cause them irreparable consequences if not immediately reviewed.” See *Carson v. American Brands, Inc.*, 450 U.S. at 85, 101 S.Ct. at 997.

The commitment to due process is directly linked to the promise of “justice for all.” It establishes a level playing field in the court system, ensuring that no one is unduly favored or unfairly disadvantaged. This adherence to process and fairness guarantees that every citizen, irrespective of their social, economic, or political standing, has an equal opportunity to present their case and seek justice.

Due process safeguards against the misuse of government power. It ensures that individuals are not wrongly accused or penalized without sufficient evidence and a just trial. *In doing so, it upholds the principle of "fairness for all," guaranteeing that no one is unfairly stripped of their rights or liberties.*

Although the phrase "justice for all" is not explicitly mentioned in the Constitution, the preamble does contain a directive that the Federal Government must "establish justice."

Throughout history, the U.S. Supreme Court has been responsible for interpreting the meaning of this directive and how it should be implemented in various situations. Scholars generally point to four landmark cases in which the Supreme Court interpreted and applied this mandate: *Marbury v. Madison*, *Wesberry v. Sanders*, *Plessy v. Ferguson*, and *Brown v. Board of Education*.

In 1803, a significant case called *Marbury v. Madison* took place. Chief Justice John Marshall led the Supreme Court and confirmed its power of judicial review. This power allows the court to declare laws unconstitutional. The case revolved around the interpretation of "establish Justice." The court believed that it was crucial to ensure that the government acts within the limits of the law. *If it doesn't, there needs to be a mechanism to correct it.* Judicial review was seen as an essential instrument of justice, making sure that laws and government actions align with the Constitution and are just and fair.

The phrase "justice for all" is central to the Constitution, beginning with the preamble's declaration that "We the people" will use the Constitution to "establish justice" and continuing through the principles embodied in it.

The Due Process clauses in the Fifth and Fourteenth Amendments are responsible for much of this charge, and the Supreme Court has been tasked throughout U.S. history to ensure that the Founders' mandate to guarantee "justice for all" is carried out.

The lower courts are abetting and aiding the Respondents' fraudulent actions, which block the Petitioner's quest for justice. This results in a miscarriage of justice that needs to be rectified immediately.


The U.S. Constitution is the supreme law of the land and any statute, to be valid, must be in agreement. This is succinctly stated as follows: "All laws which are repugnant to the Constitution are null and void." Marbury vs. Madison, 5 US (2 Cranch) 137, 174, 176, (1803).

**"Justitia nemini neganda est – Justice is to be denied to nobody."**

### **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,



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Date: July 31, 2024

## **APPENDICES**