

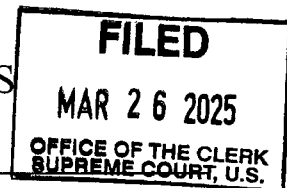
25<sup>No.</sup>-5256

ORIGINAL

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SUPREME COURT OF THE UNITED STATES

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Leroy A Garrett,  
Petitioner,  
vs.

PDV Holding  
Respondent.

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On Petition for a Writ of Certiorari to  
the United States Court of Appeals  
for the Third Circuit

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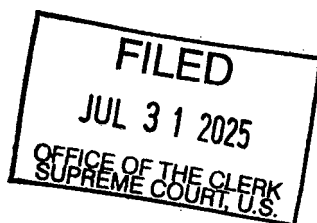
PETITION FOR A WRIT OF CERTIORARI

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Friend of the Court

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## **I. Question Presented**

Where United States Court of Appeals for the Third Circuit way to manage the proceedings filed by Petitioner, according to Conley v. Gibson; omitted the construction of substantial justice deserved by the parties under equal standpoint, favoring technicalities, therefore de facto preventing fair outcomes.

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### III. Table of Authorities

#### Cases

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- United States Constitution, Amendment V.....ii
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#### IV. Petition of Writ of Certiorari

Leroy Garrett, Pro Se Petitioner, under the case 0:24-cv-02791, named Leroy Garrett v. Petroleos de Venezuela, et al, currently being litigated before Third Circuit U.S. Court of Appeals, respectfully petitions this highest court for a writ of certiorari to review the order made by the above referenced tribunal January 14, 2025, concluding this appeal.

#### V. Opinions Below

The order by the Third Circuit U.S. Court of Appeals closing Mr. Garrett's appeal docketed on January 14, 2025, during the described order the Third Circuit U.S. Court of Appeals denied Mr. Garrett's petition for reopen the appeal. Petitioner could demonstrate that a previous order requesting a fully compliant brief and appendix, was not mailed on time nor also properly docketed, but de facto, the third court of appeals allowed petitioner to submit required documents on or before 01/06/2025. The appellant complied with such requirement, therefore is assume the appeal to be normalized, surprisingly on January 14, 2025, Court reject the opening of the appeal, order which we consider based on essential due process prerogatives must be ordered to by superseded by this highest court.

#### Jurisdiction

Pursuant Supreme Court Rule 14.1(e), which outlines the basis for jurisdiction, this petition intends to seek review of the order dated January 14, 2025 from the Third Court of Appeals in Case No. 24-2791.

#### United States Constitution, Amendment V:

No person shall be..... deprived of life, liberty, or property, without due process of law.

(Excerpt selected by Petitioner from the above-described Amendment V)

#### United States Constitution, Amendment XIV (Section 1):

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.

## VI. Statement of the Case

About 53 years ago, this Court held in Haines v. Kerner in a principle still relevant today in cases involving pro se litigants, ensuring that individuals without legal representation are not unfairly disadvantaged in court. 404 U.S. 519 (1972).

Petitioner followed the standard set forth in Conley v. Gibson, which states that a complaint need only state facts which make it “conceivable” that it could prove its legal claims. 355 U.S. 41 (1957).

Ex parte Milligan (1866). In this U.S. Supreme Court decision, the court emphasized the importance of adhering to procedural rules, including docket dates, to ensure fairness and due process. (71 U.S. 2 (1866)). Recently, Tarver v. Davis, filed on March 21, 2025, in the U.S. District Court for the Southern District of Alabama. This case pertains to a bankruptcy appeal under 28 U.S.C. § 0158. The docket date in such cases is crucial as it establishes the timeline for legal proceedings and appeals. (1:24-cv-00119).

The order pronounced by the third court of appeals on January 14, 2015 contravenes the precedents above invoked, as far of the protection of Pro Se litigants as well as the properly sequence, pertaining the stages and assurance of a fair court proceedings.

1. The Context. The Alter Ego relation existing between the PDVSA's

On March 26, 2024, before the District Court of Delaware, and based on the considered human transgressions legally typified in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, treaty which, the United States is signatory, and the Petitioner condition of being part along with an estimate of 23,000, all victims, former workers or employees of Petroleos de Venezuela, all subject of the derogatory treatment typified on the named convention, all fired as a consequence of the protest against the Chavez regime during the years 2002 and 2003, events nationally and internationally known as the Venezuelan Petroleum Holocaust, workers which since then have been deprived of the essential constitutional rights deserved by any average Venezuelan citizen, including but not limited to the right to access justice, and knowing that during the proceedings being also held within the Delaware Jurisdiction, specifically for the case of selling or auction of the Venezuelan petroleum assets located with the United States, under the proceedings known as Crystallex International Corporation v. Bolivarian Republic of Venezuela, the presiding judge Leonard P. Stark, in a decision, which open the gate to a series of international creditors unable to assert court claims, or get paid into the territory of Venezuela, the latter judge concluded that PDVSA is essentially an extension of the Venezuelan government, allowing such creditors to target, and seek payment by liquidating PDVSA's assets, including its U.S. subsidiary PDV Holding Inc. (which owns Citgo).

Based on such decision, being the result of our injuries, and being demonstrated by preponderance of evidence in the realm of international organizations like the International Labor organization, OAS, Inter-American Conference on Human Rights, among other supranational institutions belonging to the international system, we consider whether myself as well as the victims true creditors at the same level and capacity to those corporations are currently seeking the payment of their debts incurred by Petroleos de Venezuela.

The Alter Ego relationship existing between the Venezuelan government and the national oil and gas entities (PDVSA- PDV Holding) enable the service of the U.S. registered entity, alter ego of the Venezuelan State and its National Oil Company; PDV Holding.

Based on the formalities required Rule 4, belonging to the Federal Rules of Civil Procedure, we served PDV Holding to initiate our claim proceedings. PDV Holding opposed to consider itself part of this claim, arguing that the real employer and also the Chavista regime artifact of retaliation of the victims of the Venezuelan Petroleum Holocaust is the main entity located in Venezuela, and based on such location service must comply with the requirements set forth in Foreign Sovereign Immunities Act, 28 U.S.C. § 1602. We disagreed because the alter ego condition, under a registered American entity (PDV Holding – Respondent) deemed as the same person, as the Bolivarian Republic of Venezuela, and Petroleos de Venezuela (PDVSA) is de facto waived of such requirement, in other words PDV Holding is a fully legal American corporation able to be served, and fulfill the rules of civil procedure requirement.



Along to our petition, we filed a motion for a preliminary injunction to stop the ongoing auction of the petroleum Venezuelan assets, intent was to preserve the assets good standing benefiting the materialization of our claim, The district court denied such motion.

At the district court level, both actions were dismissed, but in order to keep the record straight, the motion of preliminary injunction was denied, the alter ego condition was not considered in any instance from the scope of decision, neither at the District of by the Court of Appeals, being our petition avoided in considering its legality, without any opportunity to whether ensure, or have the right to engage in a just and equitable normal proceeding.

## 2. The Appeal

On September 27, 2024, we moved the action from the Delaware District Court before the Third Circuit U.S. Court of Appeals, in which we found that a century of rulings made by this high court were by the latter court of appeals openly omitted, securing the preservation of rights of the common citizen in his aspiration to receive justice and have the prerogative to participate in the judicial system.

Court requested a BRIEFING AND SCHEDULING ORDER aside from the Appendix Form 4, original filed and requested by the same court in its published instructions, such request was due for November 25, 2024. Petitioner could demonstrate that such request neither was sent via email, not properly received in due course by mail, nor properly docketed. Therefore, Petitioner couldn't comply with Court Mandate, so the court moved to dismiss the case.

Petitioner, once knew the outcome proceeded and filed a MOTION TO CORRECT CLERICAL ERROR (Appendix-2 ).

On December 23, 2024, the court concurs to reopen the case, extending the brief requested submission period until January 6, 2025. (Appendix -1)

Petitioner made the court expected submission on January 2, 2025, and considering insufficient to frame in a brief the scope of the case, also moved and request the court the dispensation to schedule time for the next day to present an oral argument, as evidence in the docket containing the case.

Unexpectedly, the Third Circuit U.S. Court of Appeals, on January 14, 2025, order subject of this petition for Writ of Certiorari, before the Supreme Court of the United States , concluded the appeal is closed, contradicting its first order to open the proceedings to collect our brief and appendix requested, as the Petitioner did file properly obstructing the entire appeal and letting the petitioner left without any reasonable expectation of justice.

## VII. Reasons for Granting the Writ

A. **omissions, and wrongful application of technicalities, made by the appellate court avoiding to decide cases on behalf of average citizens (under pro se condition) materially creating by the outcome, against the latter type of litigators substantial injustice, if such court practices are maintained, they are putting in peril the common citizenry constitutional rights to seek justice under the reasonable expectation of fairness and equality under the law.** In other words, the Order published in Docket by the third court of appeals, on case 24-2791, pertaining this case and dated on January 14, 2025, as a contradiction of another allowing the petitioner to submit what the court then required, create a tangible and irreparable harm to the petitioner totally obliterating his rights to pursue justice. When bringing Haines v. Kerner 404 U.S. 519 (1972) decision, this Court adopted a set of protections intended to secure the Pro Se litigants integrity and rights to try a case before any court in America. The core protection established centers the Supreme Court attention requiring that courts must apply a “liberal construction” to pro se pleadings. This is not an invitation to courts to obviate or omit the scaffold of adjective rules whether local or federal which serve as support of the judicial process, instead, is an enforceable invitation to the courts to deal with tolerance and guiding to the pro se pleaders by constitutional means the justice is a prerogative in protection of the individual, the citizen. In our case, we made no intend to derail the process, nor we did ask for any dispensation out of the rules established, the wall we have faced from the court contradicting technicalities in which the practical outcome was in fact the denial of justice and a flagrant omission of the rights set up in our national constitution, specifically in the Amendment V, concerning to the due

B. process. Whether a Pro Se litigant, or an average practitioner subject to contradicting orders coming from a court of law at any level is indeed an omission of his integrity and rights to try a case.

Petitioner actions were construed with strict adherence to the precedent established in Conley v. Gibson, 355 U.S. 41 (1957) the appeal was framed into the Supreme Court Standard, our claim was clear and concise, so the appellate court couldn't, as materially it did dismiss the petition for failure to state a claim, on the contrary, it is clear that the petitioner could prove any set of facts that would entitle them to relief, and evidence of such assertions are clearly stated by recognized official sources in the public domain.

In lieu with Conley, the defendant received also proper notice of our actions, in other words was served by simultaneously allowed by the court to act rejecting the validity of defendant service, an incomprehensible contradiction, which this high court must correct.

The order pronounced by the third court of appeals on January 14, 2025 curtailed any possibility of an outcome perfectioned by proper and orderly court proceedings.

### VIII. Conclusions

For the foregoing reasons, the Petitioner respectfully requests that this High Court issue a writ of certiorari to review the order emanated from the United States Court of Appeals for the Third Circuit, on January 14, 2025, in the case number 24-279, remanding the proceeding to be properly corrected as above-stated.

DATED this 30<sup>th</sup> of May, 2025.

Writ of Certiorari revised by instruction of the Supreme court Clerk by communication dated on April 21, 2025.

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