

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

REYNALDO FLORES – PETITIONER

Vs.

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE; BRAD LIVINGSTON, LORIE
DAVIS, BEXAR COUNTY DISTRICT ATTORNEY; SUSAN D. REED, NICHOLAS
LAHOOD, SAN ANTONIO POLICE DEAPRTMENT; R. VARA #2046, DAVID
BIERMANN, J. PORTER, ET AL.- RESPONDENT(S)**

ON PETITION FOR A WRIT OF CERTIORARI TO
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 16-40409

C/W No. 15-41340

REYNALDO FLORES

620 LOGAN AVE., LAREDO TEXAS 78040

PHONE No. 01152 867 7409134

PHONE No. 01152 867 1411808

QUESTION (S) FOR REVIEW

QUESTION FOR REVIEW NUMBER ONE

THE RESPONDENTS VIOLATED PETITIONER'S FOURTH AMENDMENT RIGHT TO BE FREE OF UNREASONABLE SEARCH AND SEIZURE AND THE ISSUANCE OF WARRANT WITHOUT PROBABLE CAUSE, KNOWINGLY THAT PETITIONER AND HIS CHILDREN WERE VICTIMS OF AGGRAVATED ASSAULT, WHILE PROCEEDING TO VANDALIZE-EMBEZZLE PETITIONER'S PREMISES.

QUESTION FOR REVIEW NUMBER TWO

THE RESPONDENTS VIOLATED PETITIONER'S FIFTH AMENDMENT BY SUBJECTING HIM TO DOUBLE JEOPARDY (DESPITE THE ACQUITTAL BY JURY IN 2012 CR 1969) APPELLANT WAS DEPRIVED OF LIFE, LIBERTY, AND PROPERTY WITHOUT DUE PROCESS OF LAW, WHILE FALSE IMPRISONED FOR OVER 2000 DAYS.

QUESTION FOR REVIEW NUMBER THREE

THE RESPONDENTS VIOLATED PETITIONER'S SIXTH AMENDMENT BY SUBJECTING HIM TO JURY TRIAL WITHOUT DEFENSE COUNSEL, DENYING THE PETITIONER TO COMPULSORY PROCESS FOR OBTAINING FAVORABLE WITNESSES, DENIAL OF SPEEDY AND PUBLIC TRIAL. INTER ALIA.

QUESTION FOR REVIEW NUMBER FOUR

THE RESPONDENTS VIOLATED PETITIONER'S FIRST AMENDMENT THROUGH THE DENIAL OF FREEDOM TO SPEECH, THE SPOILIATION OF HIS PERSONAL AND LEGAL MAIL, DENIAL OF ACCESS TO THE MEDIA, ASSEMBLY AND PETITION WHILE ABDUCTED BY THE RESPONDENTS.

QUESTION FOR REVIEW NUMBER FIVE

THE RESPONDENTS VIOLATED PETITIONER'S EIGHTH AMENDMENT THOUGHT HE INFLICTION OF CRUEL AND UNUSUAL PUNISHMENT (FOR OVER 2000 DAYS) WITHOUT PENOLOGICAL INTEREST, FOR WHICH PETITIONER RESULTED PARTIALLY PARALYZED OF HIS FACE.

QUESTION FOR REVIEW NUMBER SIXTH

THE RESPONDENTS VIOLATED PETITIONER'S THIRTEENTH AMENDMENT BY SUBJECTING THE APPELLANT TO INVOLUNTARY SERVITUDE WITHOUT COMPENSATION, DESPITE THE ACQUITTALS ON FALSE ALLEGATIONS OF AGGRAVATED KIDNAPPING AND DOUBLE JEOPARDY CHARGE OF SEXUAL ASSAULT, PETITIONER WAS SENT TO PRISON DESPITE THE PROVISION OF THE 83TH TEXAS LEGISLATURE.

QUESTION FOR REVIEW NUMBER SEVEN

THE RESPONDENT VIOLATED PETITIONER CLEAR ESTABLISHED RIGHT TO DUE PROCESS AND EQUAL PROTECTION OF LAW UNDER THE FOURTEENTH AMENDMENT BY THE DISRUPTION OF PETITIONER FAMILIAL RELATIONSHIP AND INTIMACY BETWEEN PETITIONER AND HIS CHILDREN. SAID MINORS REMAIN ABDUCTED SINCE 2010 BY THE RESPONDENTS. ABRIDGING THE PRIVILEGES AND IMMUNITIES OF PETITIONER AND THE PROVISION OF CIVIL RIGHTS. APPELLANT WAS DENIED ACCESS TO COURT.

QUESTION FOR REVIEW NUMBER EIGHTH

THE RESPONDENTS ARE NOT IMMUNES UNDER ELEVENTH AMENDMENT, SINCE PETITIONER ARE SUING THEM IN THEIR PERSONAL CAPACITIES AND FOR INJUNCTIVE RELIEF

QUESTION FOR REVIEW NUMBER NINTH

THE RESPONDENTS MAYRA RUBIO SANCHEZ AND ONE OF HER HUSBANDS EDWARD GARCIA ARE ACTORS UNDER COLOR OF STATE LAW BY ENTERING IN AGREEMENT WITH REST OF THE RESPONDENTS IN ORDER TO CONCEAL THE INJURIES INFLICTED TO PETITIONER AND HIS CHILDREN AND BEING THE REAL OFFENDERS FABRICATED THE FALSE CHARGES IN 2012 CR 1969. WHILE EMBEZZLING PETITIONER'S ASSETS.

LIST OF PARTIES

ALL PARTIES **DO NOT APPEAR** IN THE CAPTION OF THE CASE ON THE COVER PAGE. A LIST OF ALL THE PARTIES TO THE PROCEEDING IN THE COURT WHOSE JUDGMENT IS SUBJECT TO THIS PETITION IS AS FOLLOW:

REYNALDO FLORES – PETITIONER

VS.

TEXAS DEPARTMENT OF CRIMINAL JUSTICE; DRAD LIVINGSTON, LORIE DAVIS, BEXAR COUNTY DISTRICT ATTORNEY; SUSAN D. REED, NICHOLAS LAHOOD, CHRISTOPHER W. DeMARTINO, EDWARD GARCIA JR., KEVIN P. YEARY, MELISSA SKINER, KAREN POZZA, SAN ANTONIO POLICE DEPARTMENT; WILLIAM McMANNUS, R. VARA, VALADEZ R., FRANCIS OCHOA, CASTELLANOS, J. POTER, DAVID BIERMANN, W, McCOURT, B. MOEN, M. BLANQUIS, BEXAR COUNTY ADULT DETENTION CENTER-SHERIFF, AMADEO ORTIZ, SUSAN PAMERLEAU, TRIAL COUNSELS; REBECCA P. BUSTAMANTE, GEORGE ALBRITTON EASTLAND, BEXAR COUNTY CLERKS; DONNA K. MCKINNEY ALICE GONZALEZ, FOURTH COURT OF APPEALS JUSTICES; CATHERINE STONE, PATRICIA O. ALVAREZ, REBECA C. MARTINEZ, MARIALYN BARNARD, TEXAS COURT OF CRIMINAL APPEALS; TEXAS PAROLE BOARD FOURTH REGION' OFFICERS; JESUS SALINAS, JUANITA GONZALEZ, CHARLES SPEARS, ANTHONY RAMIREZ, FALSE WITNESSES AND SEX OFFENDERS; EDWARD GARCIA, MAYRA RUBIO SANCHEZ, DAVID GEYER, UNCORRECTIONAL OFFICERS; HARRIS, R. TREVINO, MITCHELL, M. BARBER, J. DIAZ, MARTINEZ, UNKNOWN NAME OFFICERS OF GARZA EAST-WEST AND COTULLA UNIT MAIL ROOM(S). ET AL.,

INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITIES - RESPONDENTS

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	3- ~~4~~
STATEMENT OF THE CASE.....	~~5~~ 12
REASON FOR GRANTING THE WRIT.....	~~13~~
CONCLUSION AND PRAYER.....	~~14~~

INDEX TO APPENDICES

APPENDIX A. DOCKET SHEET FOR APPEAL NO.16-40409.

APPENDIX B. SUPREME COURT ORDER FOR APPEAL (5TH CIRCUIT) IN REYNALDO FLORES
V. SAN ANTONIO POLICE DEPARTMENT, ET AL., NO. 14 -50061.

APPENDIX C. FIFTH CIRCUIT COURT OPINION FOR APPEAL NO. 16-40409 C/W
INTERLOCUTORY APPEAL NO. 15-41340.

APPENDIX D. APPELLANT'S BRIEF FOR APPEAL NO. 16-40409.

APPENDIX E. DOCKET SHEET FOR USDC CASE NO. 2:14-cv-00283

APPENDIX F. ORIGINAL OBJECTION TO DISTRICT COURT'S SUPPLEMENTAL
MEMORANDUM AND RECOMMENDATION.

APPENDIX G. UNITED STATES DISTRICT COURT OPINION AND ORDER ADOPTING
SUPPLEMENTAL MEMORANDUM AND RECOMMENDATION.

APPENDIX H. PROCEEDING ON PETITIONER' MOTION TO DISMISS THE CONSPIRATOR
APPELLATE COUNSEL **DENNIS CALLAHAN, BEFORE THE RESPONDENTS MELISA SKINNER
AND CHRISTOPHER W. DEMARTINO.** AND RELATED EVIDENCES.

APPENDIX I. STATEMENTS AND EVIDENCES OF THE MODUS OPERANDI OF THE
RESPONDENTS AND CRIMINAL PARTNERS.

APPENDIX J. EMERGENCY MEDICAL ASSISTANCE PROVIDED BY THE INTERNATIONAL RED
CROSS AND HUMANITARIAN ORGANIZATIONS TO PETITIONER DUE TO THE SEVERE
PHYSICAL INJURIES AND PARILYSIS SUFFERED WHILE ABDUCTED BY THE RESPONDENTS
AND DENIED OF MEDICAL ATTENTION.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
BURNS V. REED, 500 US 478, 496 (1991).....	12
CODY V. WEBER, 256 F.3D 754 (8 TH CIR. 2001)	7
DENNIS V. SPARKS, 449 US 24 Pp.919,920.....	8,12
EXPARTE YOUNG, 209 US 123 81908).....	10
FLORES V. SAPD, ETAL., 5 TH CIR. No. 14-50061.....	5,6,7
FLORES V. U.S.	6,13
FLORES V. LORIE DAVIS,.....	13
FORRESTER V. WHITE	7
HECK V. HAMPHRY, 512 US 477 (1994)	5
HESS V. PORT AUTHORITIES TRANS HUDSON CORP., 115 S.CT. 394 (1994).....	11
KIOBEL V. DUCTCH ROYAL PETROLIUM CO. 133 S,CT 1659, 1665 (2013).....	9
IN RE OF MICHAEL MORTON.....	10
LEWIS V. CASEY, 518 US 343 (1996)	7
MOOR V. CNTY OF ALAMEDA, 411 US 693 (1973).....	11
MONROE V. PAPE,.....	12
ODD V. MALONE, 538 F.3D 202, 214-16 (3 RD CIR. 2008).....	5
OSBORNE V. DISTRICT ATTNY'S OFFICE.....	9
RONALD WILSON V. TEXAS,.....	10
MANUEL RIVERA V. TEXAS.....	13
SCHEUER V. RHODES, 416 US 232 (1974).....	11
TOWER V. GLOVER, 467 US 914 (1984).....	8
US V. SAPD, JACK LEN O'NEAL,.....	13
US V. BCNTY DISTRICT JUDGE ANGUS McGUINTY.....	13
 OTHER	
ALIEN'S ACTION FOR TORT.....	9,10
TORTURE VICTIMS PROTECTION ACT.....	9,10
UNIVERSAL DECALTION OF HUMAN RIGHTS.....	9,10
CONVENTION AGAINST TORTURE.....	9,10

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

The opinion of the United States Court of Appeals for the Fifth Circuit appears at **Appendix C** to the petition and is unpublished.

The opinion of the United States District Court for the Southern District of Texas, Corpus Christi Division appears at **Appendix G** to the petition and has been designated for publication but is not yet reported.

JURISDICTION

The date on which the United States Court of Appeals for the Fifth Circuit decided my case was august 02 2017.

☒ No petition for rehearing was filed on my case.

☒ An extension of time to file a petition for a writ of certiorari was granted to and including January 2nd 2018 on September 11th 2017 in Application No. 17A267.

The jurisdiction of this Court is invoked under 28 U.S.C. Sections 1254(1) and 1350.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

UNITED STATES CONSTITUTIONAL AMENDMENTS

FIRST AMENDMENT USCA

FOURTH AMENDMENT USCA

FIFTH AMENDMENT USCA

SIXTH AMENDMENT USCA

EIGHTH AMENDMENT USCA

ELEVENTH AMENDMENT USCA

THIRTEENTH AMENDMENT USCA

FOURTEENTH AMENDMENT USCA

STATUTORY PROVISIONS

42 USC SECTION 1981

42 USC SECTION 1983

42 USC SECTION 1985 (2) (3)

42 USC SECTION 1986

42 USC SECTION 1988 (a)

28 USC SECTION 1350

28 USC SECTION 1746

28 USC SECTION 1254 (1)

28 USC SECTION 1915 (b) (4)

18 USC SECTION 2331

FEDERAL RULE OF CIVIL PROC. RULE 60 (c) (1)

FEDERAL RULE OF CRIMINAL PROC. RULE 41 (f)

STATEMENT OF THE CASE

REYNALDO FLORES V. SAN ANTONIO POLICE DEPARTMENT, TDCJ, ETAL., is a law suit brought against the TEXAS' GULAG and shareholders-Respondents, Supra. Originally filed before the USDC WDTX San Antonio Division, No. SA-13-CA-2FB on December 30th 2012, after Petitioner established the criminal operations of the Texas Judicial System, in an infested jury trial and *judicial circus* in 2012 CR 1969 in which the petitioner entrapped the Respondents in their own devise, resulting on false allegations and acquittal. **HECK V. HAMPHRY**, 512 US 477 (1994).

Despite the acquittal on said false allegations, Petitioner was not released from captivity, instead he was submitted to a barbarian harassment campaign by the Respondents and criminal partners, in Bexar County Jail, while his sponsors and family members were stalked and threatened to be murdered and maimed by the San Antonio Police Detectives and Respondents **R.VARA, VALADEZ R.**, inter alios. In clear abuse of discretion the District Court dismissed all claims allenging immunity on the clear established constitutional rights and treaties. **ODD V. MALONE**, 538 F.3D 202, 214-16 (3RD CIR. 2008)(Prosecutor no absolutely immune for failure to notify authorities that material witness detainee remained incarcerated despite dismissal of prosecution)

Petitioner timely appealed and furnished the appellate court a copy of three Notice of Appeals. Said Appeal was dismissed for lack of jurisdiction see. **R.FLORES V. SAPD ETAL.**, NO. 14-50061. Petitioner filed a timely Petition for writ of certiorari before the US Supreme Court, which the clerk acting by the Court instructed the Petitioner and Appellate Court that said case must be first reviewed by the United States Court of Appeals.

On or about March 13th 2014, in retaliation for petitioner legal actions, the free exercise of his constitutional rights and while appealing the alleged misdemeanor and double jeopardy conviction in 2012 CR 1969 which maximum sentence is one year in county jail, petitioner was sent to the Prison in order to cause him disappear and conceal the injuries inflicted to his orphan children and insane wife who were being traded as sexual slaves by the Respondents. The 83th Texas legislature which governs the alleged conviction forbids the transferring of prisoners to TDCJ while on direct appeal and sentenced to ten (10) or less. See. House Bill 904 of the 84th Texas Legislature by Lamar Smith. Citing the 83th Texas Legislature.

On April 15th 2014, Petitioner was notified by Respondent **JESUS SALINAS**, that he knew about the illegality of such transfer to prison but those actions are custom and police among the Respondents and taken against political prisoners and pro se litigants. Further SALINAS instructed FLORES to sign a motion to dismiss the appeal No. 14-50061 in **FLORES V. SAPD, BCDA, BCADC, ET AL.** otherwise Petitioner would never leave prison and would have a hard time in prison, as instructed by the Bexar County Respondents who operate the fourth Region of the Texas' Gulag TDCJ

Petitioner FLORES refused to sign said motion to dismiss appeal, and the very next day FLORES was transferred to GARZA EAST, just to witness the inhumane conditions in which our political prisoners are slavered without compensation, denied of meals on Saturdays and Sundays while housed in warehouses totally depreciated infested of vermin, roaches, rats, and deficient plumbing on shower area, full of feces that FLORES had to clean on daily basis, as assigned to him by the Respondents. Such deprivations amount a genuine issue of cruel and unusual punishment. As result of the continuous deprivation of basic human needs, FLORES suffered several seizures and was paralyzed of the right side of his face while denied of medical attention. **WILSON V. SEITER**, 501 US 294 (1991). Addressing the violation to the 8th and 14th amendments.

On August 30th 2016, IN **REYNALDO FLORES V. THE UNITED STATES OF AMERICA**, acting Pro Se, Petitioner confronted the United States District Judge, **ORLANDO L. GARCIA**, addressing such customary brutality, while showing him his paralyzed body and face, while FLORES admonished GARCIA, about the brutal punishment used by the Bexar County District Attorney, Sheriff, and US Marshalls in Texas and Federal facilities to coerce our political prisoner to plead out for crimes committed by police officers and other sex offenders. See, **APPENDIX I-J.**

Both Respondents Bexar County/Harris Counties District Attorneys stated before the media on several opportunities that **"one of the reasons people pled guilty for crime they have not committed they cannot bail and have to waiting jail while waiting for trial. If they are convicted (that surely will) they might get decades in prison. They plead guilty if they are offered a deal that is too good to resist."**

On may 2014, the University of Texas at Austin, published several material evidences of the inhumane conditions in which our political prisoners are being housed. To the extend that the swines on TDCJ farms live in better conditions that our political prisoners.FN.1.

After the exhaustion of legal remedies, Petitioner obtained several affidavits and 28 signatures of other victims of similar deprivations (USDC D.E. #1) for which respondent **HARRIS** and **WARDEN of GARZA EAST UNIT**; threatened Petitioner to send him to a sex offenders unit in order to be raped and tortured. While Respondent **MITCHELL, R. TREVINO AND UNKNOWN OFFICERS**, initiated a campaign of harassment, confiscating Petitioner transcripts, postage stamps, and legal supplies, necessities to litigate FLORES' Pro Se Appeals, in **FLORES V. TEXAS and FLORES V. SAPD, BCDA, ET AL, Supra.** Further the mail room officers acting as last decision makers refused to mail out several sealed legal correspondences to human rights organizations and International Court Of Justice, adducing that the Texas' Gulag and criminal partners donnot recognize any Court authority or human rights organization if they are not shareholders of TDCJ. As result of petitioner transfer to a sex offender unit (95% of inmates at Cotulla unit are convicted for sex crimes) and placement in segregation for over 30 days in a metal cage without ventilation and temperatures for over 100 degrees, while denied to access to his legal supplies and law library; Petitioner lost both Appeals, resulting in actual injury and violation to his clear established First and Fourteenth Amendments. **LEWIS V. CASEY**, 518 US 343 (1996). FN.2.

FN.1 _____

PETITIONER BROUGHT THIS ACTION UNDER 42 USCA SECTION 1981, 1983, 1985(2)(3), 1986, 1988 OF THE CIVIL RIGHTS ACT; 28 USCA 1350 ALIEN'S ACTION FOR TORT WHICH PROVIDES JURISDICTION ON ALL CLAIMS AGAINST THE RESPONDENTS, AND TEN (10) YEARS STATUTE OF LIMITATIONS, EVEN ON THOSE CLAIMING ABSOLUTE IMMUNITY. SEE, **FORRESTER V. WHITE**, HOLDING THAT HIGHEST EXECUTIVE OFFICIALS IN STATES ARE NOT PROTECTED BY ABSOLUTE IMMUNITY FROM DAMAGES LIABILITY ARISING FROM THEIR OFFICIAL ACTS UNDER FEDERAL LAW. FURTHER WHILE JUDGES ENJOY ABSOLUTE IMMUNITY FROM LIABILITY IN DAMAGES FOR THIER JUDICIAL OR ADJUDICATORY ACTS, JUDESARE NOT ABSOLUTELY IMMUNE FROM LIABILITY AND DAMAGES FOR ADMINISTRATIVE, LEGISLATIVE AND EXECUTIVE FUNCTIONS THAST JUDGES MAY OCCASIONALLY BE ASSIGNED BY LAW TO PERFORM; IT IS NATURE OF FUNCTION PERFORMED IT RATHER THAN IDENTITY OF ACTOR WHO PERFORMED IT-JUDGE- THAT DETERMINES WHETHER JUDGE-THAT DETERMINES WHETHER ABSOLUTE IMMUNITY ATTACHES TO ACT.

FN.2 _____

IN **CODY V. WEBER**, 256F.3D 754 (8TH CIR. 2001) THE COURT FOUND ACTUAL INJURY BASED ON THE ADVANTAGE DEFENDANTS GAINED BY READING A PLAINTIFF'S CONFIDENTIAL LEGAL MATERIAL.

On January the 7th 2015, the Respondent in their customary misconduct intercepted and opened one of several legal correspondences of Petitioner. See APPENDIX I-5.

While Petitioner was being transferred from GARZA EAST TO COTULLA UNIT and punished in segregation in retaliation for the exercise of his constitutional rights and treaties, AND Sixth Amendment right to self representation the Respondents; **SKINNER, KEVIN P. YEARY, DEMARTINO, PATRICIA O. ALVAREZ, REBECCA MARTINES, CATHERINE STONE, MARIALYN BARNARD**; acting out their role as judges and advocates, conspired to injure FLORES, by concealing the original Appellant's Brief and Reply to State' Brief and ordering said punishments, while rendering a malicious MANDATE OPINION, dated June 25th 2014, never served on FLORES address, until September 30th 2014. For which Petitioner was barred to timely file a Petition for Discretionary Review before the TEXAS COURT OF CRIMINAL APPEALS. **FN.3.**

Petitioner argues as he did before both Circuit and District Courts that all the Respondents acted with deliberate indifference for the rights of FLORES by their intentional misconduct and conspiracy to kidnap Petitioner and his three children, falsely charging him by Aggravated Kidnapping and multifarious charges, supra. While vandalizing Petitioner's commercial properties, dividing their plunder. See APPENDIX I-6-10. Despite the warning of the manager of the facilities that Respondents would need FLORES' signature to access said facilities. Taking for granted that Petitioner would be murdered in prison. The record reveals that the appointed counsel tried any mean of deception and conspiracy with the Bexar County D.A. to convict FLORES. See APPENDIX H-2. See, TOWER V. GLOVER, 467 US 914 (1984) Holding adequately alleges conduct under color of state law for purpose of section 1983 in view of the conspiracy allegations. A private person acted under color of state law when engaged in a conspiracy with state officials to deprive another of federal rights. DENNIS V. SPARKS, 449 US 24 Pp. 919-920.

N.3 _____

Petitioner invoked the federal statute of Collateral Estoppel and federal rule of civil procedure 60 (c) (1) on his PDR and timely Motion To Extend Time to file PDR, but the Respondent Texas Court of Criminal Appeals refused to discharge their constitutional obligations to administrate justice. Despite the material arguments, evidences and jurisdictional defects presented for review.

STATUTE OF LIMITATIONS

Both Circuit and District Court, in clear abuse of discretion, misconstrued Petitioner complaints. **FIRST**, Petitioner is claiming damages for the expired conspiratorial two (2) years conviction in 2011 CR 1002, on a fabricated misdemeanor in which Respondent **REBECCA P. BUSTAMANTE**, conspired with the Bexar County D.A. **SUSAN D. REED** to injure FLORES, despite the trial Judge repeatedly insisted on the filed motion to reduce the alleged offense, for which Petitioner was sent to prison. See, **APPENDIX H4.**

SECOND, Petitioner acquittals in 2012 CR 1969, for the alleged charges of Aggravated kidnapping and Sexual Assault to the same false victim MAYRA RUBIO SANCHEZ and the undeniable breach of the Fifth and Fourteenth Amendments' due process clause and equal protection of law, for the destruction of evidence at the hands of the Bexar County Respondents, (on December 29th 2011) and concealment of the original police report which describes that Petitioner and his children are victim of Aggravated Assault with Deadly Weapon at the hands of the Respondents **MAYRA RUBIO SANCHEZ**, for which Petitioner was convicted for an alleged double jeopardy misdemeanor and duplicity charge to the first and second counts to the indictment. Those claims are within the ten (10) years statute of limitations provided by the Alien's Action for Tort Act, of title 28 USCA Section 1350. **FN.4. See, OSBORNE V. DISTRICT'S ATTORNEY'S OFFICE**, 521 F.3D 1118, 1126-31 (9TH CIR. 2008) (cognizable section 1983 claim for post conviction access for biological evidence for purpose to DNA testing because access would not necessarily invalidate conviction, and a separate action to invalidate conviction would be required)

THIRD, Alien's Tort statute, provides jurisdiction on all claims and against all defendants in this suit. See, **APPENDIX D.** page #5. Citing **KIOBEL V. ROYAL DUTCH PETOLIUM CO.,**

"The District Court shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States. See Convention Against Torture, Universal Declaration of Human Rights. Torture Victim Protection Act of 1991."

FN.4

ON OCTOBER 16TH 2015 THE USDC MAGISTRATE **JASSON B. LIBBY**, HELD AN EVIDENTIARY HEARING IN WHICH PETITIONER INVOKED THE TEN (10) YEARS STATUTE OF LIMITATIONS AND JURISDICTION ON ALL THE RESPONDENTS. SEE, **APPENDIX G-4.** PETITIONER WAS DENIED ACCESS TO THOSE RECORDS, NECESSARY TO FILE BRIEF ON THE INTERLOCUTORY APPEAL NO. 15-41340, WHICH OPINION WAS RENDERED ALMOST TWO (2) YEARS LATER, TOTALLY INCONSISTENT WITH THE ARGUMENTS. THE APPELLATE COURT ALSO DENIED EVERY MOTION ON THE PROCEEDING.

TORTURE.-for purposes of the Act.-

- (1) The term torture means any act directed against any individual in the offenders custody or physical control, by which severe pain and suffering, whether physical or mental, is intentionally inflicted on that individual for such purpose as obtaining from that individual or a third person information or a confession, punishing that individual for an act that individual or a third person has committed or is suspected of having committed, intimidating or coercing that individual or a third person or for any reason based on discrimination of any kind; and
- (2) Mental pain or suffering refers to a prolonged mental harm.

Petitioner spent over 2000 days abducted by the Respondents while inflicting him physical and sexual assault in order to obtain an involuntary plea, and subsequent of Appeal No.14-50061 while raping his children and insane wife and coercing the insane alleged victim to testify against petitioner, otherwise she would spend life in prison for the injuries inflicted to Petitioner's children. As result of such false allegations Petitioner had to defend himself of the multiple assaults received from several gang members "LOS OREJONES" at Bexar County Jail, as instructed by the Respondents SUSAN D: REED, DEMARTINO, MELISSA SKINNER, YEARY, SUSAN PAMERLEAU, inter alios.

Petitioner suffered a head stroke and epilepsy seizures and part of his face remains paralyzed as result of the brutal actions of the Respondents taken as a custom and policy against immigrants, mental ill, colored people, addicts and individuals classified as class B and C citizens. All in an effort to keep operating the Texas' Gulag to the maximum capacity. RONALD WILSON V. TEXAS, see also IN RE OF MICHAEL MORTON.

EXCEPTION TO ELEVENTH AMENDMENT IMMUNITY

Both Circuit and District Courts held that the Respondents enjoy of absolute immunity suggesting that said Respondents possess license to kidnap, torture, rape their victims and their children, murder them and or convict their victims without legal consequences, See, APPENDIX I1-8. Because they are State officials and are protected by the Eleventh Amendment.

However, there are three main exceptions to the sovereign immunity of a state. FIRST, the Eleventh Amendment does not stop a federal court from issuing an injunction against a state official who is violating federal law. Although the state official may be abiding by state law, he is not permitted to violate federal law, and federal court can order him to stop the action with an injunction. See APPENDIX D page 27. See, EX PARTE YOUNG 209 U.S. 123 (1908). Money damages are possible against state officer, as long as

the damages are attributable to the officer himself, and are not paid from the state treasury. SCHEUER V. RHODES, 416, U.S. 232 (1974).

The Eleventh Amendment does not automatically protect political subdivisions of the state from liability. MOOR V. COUNTY OF ALAMEDA, 411 U.S. 693 (1973). The main factor is whether the damages would come out of the state treasury. HESS V. PORT AUTHORITYTRANS-HUDSON CORP., 115 S.Ct. 394 (1994). If the state would have to pay for damages from the state treasury, then the Eleventh Amendment will serve as a shield from liability. Other factors may include the amount of state control and how state law defines the subdivision, although the Supreme Court has never issued a comprehensive guideline. Eleventh Amendment immunity does not protect municipal corporations or other governmental entities that are not political subdivisions of the state, such as cities, counties, or school boards.

Finally, the states surrendered a portion of the sovereign immunity that have been preserved for them by the Constitution when the Fourteenth Amendment was adopted. Therefore, congress may authorize private suit against non-consenting states to enforce the constitutional guarantees of the Fourteenth Amendment. The Eleventh Amendment is a constitutional limit on federal subject matter jurisdiction, and congress can override it by statute only by section 5 enforcement power of the Fourteenth Amendment.

The record reveals that Petitioner is suing the Respondents in their official capacities for injunctive relief and for money damages in their personal capacities. See Caption of APPENDIX D.

In addition Petitioner FLORES, argues as he did in both Appellate and District Courts that the state of Texas is one of those states who repeatedly refuses to enforce the constitutionally guarantees of the Fourteenth Amendment, by depriving our immigrant families such as the petitioner of the due process of law and equal protection under the Fourteenth Amendment, as demonstrated in 2012 CR 1969, in which Petitioner allowed the Respondents their customary judicial circus and infamous conduct for over 2000 days of false imprisonment.

In conclusion the state should be liable for the actions of the offenders who refuse to abandon their outrageous conduct. In addition to the damages and restitution of assets embezzled by the Respondents and criminal partner from November 21st 2010 until January 2012, date in which Petitioner was deprived of his entire assets, as confessed the Respondent MAYRA RUBIO SANCHEZ and the Sex Offender San Antonio police Officer, R. VARA , in disregard for Federal Rule of Criminal procedure 41 (f).

**MAYRA RUBIO SANCHEZ, EDWARD GARCIA, REBECCA P. BUSTAMANTE
AND GEORGE A. EASTLAND ACTED UNDER COLOR OF STATE LAW**

SANCHEZ and **GARCIA**, are the offenders who after incarcerate FLORES on false allegations of family violence in 2011 CR 1002, immediately took possession of his wood

Shop collecting over \$100, 000.00 dollars from Petitioner's clients, after three months fired FLORES' employees and started to sell Petitioner equipment on yard sales and pawn shops. See APPENDIX I-8 and Exhibits on IFP Motion. Which includes the private investigator' report of the transactions made by SANCHEZ on one several Pawn Shops.

On December the 20th 2011, once petitioner was released from captivity-slavery from the Texas' Gulag, both Respondents SANCHEZ and GARCIA, and assisted by the sex offender R. VARA, tried to conceal the reckless wasting of Petitioner's assets, and started to extort FLORES, in order to allow him to see his children, once FLORES refused to pay the excessive amount of money demanded and discover the inhumane conditions in which his children were being raped and assaulted, with visible severe hematomas all over their bodies and corroborated by testimony of the minor NEIL FLORES,(8 years old at that time) the Sex Offender R: VARA, fabricated the false allegations of Aggravated Kidnapping, supra. And proceeded to vandalized FLORES' commercial properties, industrial equipment, vehicles and priceless legal papers, while coercing FLORES' roommate to sign an involuntary search consent at FLORES' dwelling, failing to report the assets embezzled. Both REED and DEMARTINO gave legal advise to R. VARA to tamper the original police report and fabricate a reckless false affidavit in order to secure an indictment. BURNS V. REED, 500 U.S. 478, 496 (1991)(prosecutor not absolutely immunity for give legal advise to police during criminal investigation)See also MONROE V. PAPE. See APPENDIX D page 16-19.

Both Appellate and District Court held that both Respondents SANCHEZ – GARCIA are simply embezzlers and complainants on the false charges, in 2012 CR 1969 when in fact they are the real offenders who entered in agreement with state officials to injure FLORES and his children who remain disappeared until this date. See DENISS V. SPARKS, Supra. Holding that a private person acted under color of state law when engaged in a conspiracy with state officials to deprive another of federal rights.

The record also reveals the undeniable conspiracy of the trial counsels **REBECCA P.BUSTAMANTE**, who was appointed over 50 days after Petitioner illegal arrest just to coerce FLORES to enter in an involuntary plea of a class A misdemeanor. Once in court said offender refused to honor the Motion to Reduce the fabricated offense, despite the trial court MR. DAVID BECHLEMANN, insisted on ruling on such **Motion to Reduce**, which BUSTAMANTE, refused to introduce in trial, despite the involuntaryplea agreement. Furthermore in 2012 CR 1969, once Petitioner disclosed the footage the very last day of trial Respondent EASTLAND, filed several lesser and greater offenses in order to convict FLORES to all counts to the indictment. See APPENDIX H.

Finally the lower Courts held that rape an immigrant and his family, arrest him and take him to trial without evidence and depriving him of property, family, papers and despite the acquittals on said false allegations, FLORES transfer to prison to be submitted

to involuntary servitude without compensation, while housed in inhumane conditions and denied of medical attention, with severe physical and psychological injuries while Petitioner' children are being traded as sexual slaves are **DIMIMIMUS CLAIMS.**

REASON FOR GRANTING THE PETITION

The former U.N. High Commissioner for Human Rights think that Petitioner FLORES and his children are entitled to compensation for the heinous crimes committed by the Respondents against him and over 100,000 political prisoners in Texas, defining such infamous conduct as Human Trafficking, further as an illegal movement of people for the purposes of forced labor or commercial sexual exploitation. Trafficking victims are often forced to live in horrible conditions, without pay for years at a time. Most victims are unable to see their families or friends. The person or group who is trafficking them controls every move they make. Child traffickers do not value life, and will see a child without a single thought for their welfare.

The evidence and arguments on this petition just confirm that the administration of justice in Texas; is on criminal hands, the social convulsion we are experience in the United States simply reflects a divided society, demanding order, justice and peace. Since the Respondents refuse to discharge their constitutional obligations for which they were appointed/elected, its necessary to set a precedent and GRANT this petition for writ of certiorari, in order to punish the offenders and compel them to serve the society as mandate the Texas Government Code and title 28 of the United States code. We have seen judges, prosecutors, attorneys, police officers and government officials in general; raping children, and women, while charging our immigrants and other political prisoners for crimes committed by themselves. See **APPENDIX I.** See, **UNITED STATES V. JACK LEN O'NEAL; U.S. V. ANGUS McGUINITY**, Parole Officers taking bribes and releasing dangerous criminals while our political prisoners are being punished for crimes that never happened. See, **MANUEL RIVERA V. TEXAS, FN.5.** Judges and Prosecutors fighting in open courts for the best part of their plunder. Inter alia. Petitioner respectfully believes that both Circuit and District Courts are acting in collusion with the Respondents as noted on every litigation and prima facie showing on Petitioner petitions. See. **RÉYNALDO FLORES V. U.S.; REYNALDO V. LORIE DAVIS.**

FN.5

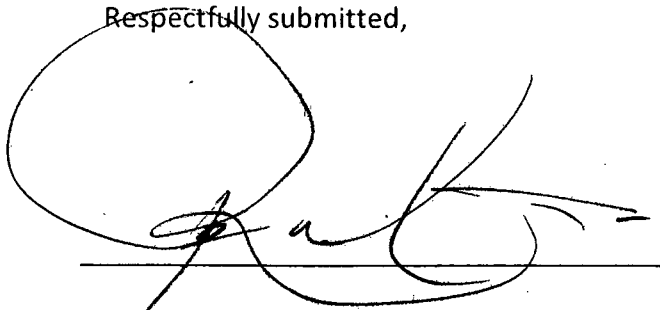
MR. RIVERA, WAS KIDNAPPED AND BRUTALLY ASSAULTED BY THE SEX OFFENDER SAN ANTONIO POLICE OFFICER, **AARON KLOPP**, ONCE SAID OFFENDER APPEARED TO THE SCENE IN WHICH RIVERA WAS BEING VICTIM OF A CRIME INSTEAD TO ARREST THE OFFENDER, HUND CUFFED RIVERA AND PROCCEED TO ASSAULT RIVERA LEAVING HIM WITH SEVERAL BROKEN RIBS AND NERVE DAMAGES AND IMMEDIATELY TRANSFERRED TO COUNTY JAIL IN ORDER TO BE POISONED AND COERCED TO PLEAD GUILTY FOR AN ALLEGED OFFENSE OF ATTEMPT TO WEAPON TO POLICE OFFICER. ON MAY 2014, PETITIONER FLORES, MET RIVERA IN PRISON JUST TO DISCOVER THAT THE WELL KNOWN RACKETEER BEXAR COUNTY JUDGE, **MARYROMAN**, FALSELY ENTERED TO THE OFFICIAL RECORD THAT RIVERA WAS CONVICTED FOR AN ALLEGED OFFENSE OF AGGRAVATED ASSAULT TO HIS WIFE **DEBRA MARTINEZ**.

CONCLUSION

For the aforementioned compelling reasons and on behalf of our political prisoners and society in general; Petitioner respectfully prays to the Honorable Magistrates of the Supreme Court of the United States to exercise discretion GRANTING this petition for a writ of certiorari, ordering the offenders and Respondents in this Petition:

1. the immediate restitution of Petitioner' assets in the amount of ten \$10 million
2. a permanent injunction ordering the Respondent to deliver Petitioner' children or their murdered bodies at Nuevo Laredo or Monterrey (Mexico) or Tegucigalpa (Honduras) International port. And stop the continuous persecution and prosecution against Petitioner and family.
3. Order the arrest and prosecution on charges for International and Domestic Terrorism pursuant to 18 USC Section 2331. Pending prosecution before the International Court of Justice.
4. Compensatory damages in the amount of \$4.5 million dollar against each Respondent jointly and severally.
5. Punitive damages in the amount of one million dollar against each Respondent, jointly and severally.
6. Pursuant to 42 USC Section 1988(a) Petitioner prays the Court to reimburse him the costs in this litigation taxable to the Respondents

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Reynaldo Flores', is written over a horizontal line.

REYNALDO FLORES, PETITIONER

PRO SE

Dated: December 30th 2017