

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

VICENTE QUIROZ

Petitioner,

v.

John Thomas Moran Jr. et. al.

Respondant.

ON PETITION OF WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE DISTRICT OF COLUMBIA CIRCUIT

PETITION FOR WRIT OF CERTIORARI

VICENTE QUIROZ

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Phoenix AZ 85086.

QUESTIONS

This Court supervisory power needs to provide guidance to established responsibilities to those acting under Federal employment, in this case the negligence by John Thomas Moran Jr., et.al when he fail to use reasonable care to safeguard his client's defense as a reasonable prudent person would do.

1.- Was it proper for General Counsel to determine immunity under res judicata from a law suit brought under Federal Tort claims Act against a Federal employee.

2.- Was it proper for the United States Court of the District of Columbia to have denied a Bivens suit against Federal employees for conspiring in neglecting the petitioner defense in doing so John Thomas Moran Jr. breach his duties as a defense attorney causing irreparable damage to his clients due process.

3- Are supervisory officials through implied causes of action liable with their employee for conspiracy to deter petitioner's defense causing loss of liberty.

4. Is the United States proper venue for this claim.

When a person faces any type of criminal charges the United States Constitution guarantees that person Constitutional and Statutory protections.

Guarantees to avoid tyranny, when those who are appointed by Government officials fail in safeguard such rights then the fundamental guarantees are lost. In this case John Thomas Moran Jr. et.al. as a government employee intentionally neglected his client defense.

LIST OF PARTIES

All parties do not appear in the caption of the case cover page. A list of all parties to the proceeding in the Court whose judgment is subject of this petition is as follows:

United States of America
Attorney General Solicitor Room 5616
950 Pennsylvania Ave.
Washington Dc 20530.

John Thomas Moran Jr.
The Moran Law Group
309 West Washington Blvd.
Suite 900
Chicago IL 60606

Federal Defenders Office
Carol Brooks (director)
219 S. Dearborn St.
Chicago, IL 60604.

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- APPENDIX A: United States Court of Appeals case #17-5139, docket entries, brief and required appendix (reference to docket entries from case #13 CR 21 and 13 CE 968, entries relevant to the consequences of this case file and accepted under case #17-5139) copies of motion for hearing en banc and order denying the same.
- Appendix B: Federal Tort Claim for negligence; ruling for the tort by the Administrative Office of the United States Court; letter from the Administrative Office of the United States to deter the appeal to the District Court, letter to the United States Clerk for the District of Columbia to file the Bivens claim; Order denying the Claim with Memorandum of Opinion all docket entries for case #17-CV-00886-UNA
- Appendix C: Brief and Require Short Appendix-Defendant Appellant Vicente Quiroz case nos 13-21 13-968 (USOC) for the Northern District of Illinois; Reply Brief of Defendant-Appellant Vicente Quiroz case nos. 13-21 and 13-968; Petition for Rehearings and Suggestion for rehearing En Banc of Defendant Appellant Vicente Quiroz; Defendant Statement of the case, letters to several offices of the Department of Justice, letter to Senator John McCain, letter to Attorney Registration and Disciplinary Commission (Althea K. Welsh Senior Counsel), letters to Office of Inspector General (Investigation Division) and other relevant documents that proof my efforts to undue the Constitutional and Statutory violations committed by Government officials by their own individual actions against the petitioner.

TABLE OF AUTHORITIES

- 1- Joseph E. Sullivan v. David R. Freeman and James C. Delwarth
United States Court of Appeals of the Seventh Circuit.
944 F.2d 334; 1991 U.S. App. Lexis 21488 No. 89-2369
October 15, 1990, submitted September 13, 1991. Cases found in
Appendix A:
- 2- Michael Alexander v. United States of America
United States Court of Appeals of the Seventh Circuit
721 F.3d 418; 2013 U.S. App. Lexis 13060 No. 12-2190
January 15, 2013 Argue June 26, 2013 Brief and short
appendix by
petitioner.
- 3- Bivens v. Six Unknown Name Agents of the Federal Bureau of Narcotics,
403 U.S. 388, 396, 91 1999, 29 L. Ed. 2d 619 (1971).

STATUTES AND RULES

Federal Tort Claims Act, 28 U.S.C. §§ 1346(b) and 2674.
28 U.S.C. § 2679 - 28 U.S.C. § 2675. presented 28 U.S.C. § 2401(b)
Title 28 U.S.C. § 1331 and 1343 (a)(3), civil action authorized by
42 U.S.C. section 1983 to "redress" the deprivation of rights secured by
the Constitution of the United States.
Declaratory relief pursuant 28 U.S.C. sections 2201 and 2202.
Injunctive relief by 28 U.S.C. section 2283 and 2284 - 28 U.S.C. § 1346.

The above cases and statutes are located in both Appendix A-B. On
my (FTCA) complaint and Bivens and Brief supporting the same.

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 bellow.

OPINIONS BELOW

For cases from Federal Court:

- The Opinion of the United States court of Appeals appears at Appendix A.

- The Opinion of the United States district Court appears at Appendix B.

Relevant Information to the Subject in question appear at Appendix C.

JURISTITION

- For cases from Federal Courts:

The date on which the United States Court of Appeals decided my case was November 15, 2017.

A timely petition for rehearing was denied by the United States Courts of Appeals on the following date: January 23, 2018. A copy denying the rehearing appears at appendix A.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS

Government officials by and through their own actions conspire with John Thomas Moran Jr. while acting as a government employee conspire with government officials to willfully neglect, deter, damage petitioner Fifth, Sixth, and Fourteenth Amendments Constitutional and Statutory Protections.

STATEMENT OF THE CASE

At all times relevant petitioner is not challenging his sentence, nor his trials verdicts or the outcome of either.

Petitioner was charge in the northern district of Illinois under cases 13CR21 -13CR968. Case assigned to John Thomas Moran Jr. was 13CR21 with the Honorable Elaine E. Bucklo. On 04/24/2013 the Honorable Michael T. Mason appoints John Thomas Moran Jr. as counsel for the indigent petitioner. 05/17/2013 John Thomas Moran Jr. fail to appear in Court. 05/21/13, second Court before the Honorable Elaine E. Bucklo, by this time I had my brother relay messages by e-mail where John Thomas Moran Jr. and I agree to present a motion to reconsider for my bond.

Mr. Moran came in to the Court room and show me a document with lots of black marks and asked me if I knew what it was, I answer NO, after that Mr. Moran show me another document with my name on it, and I asked if it was my motion for bond, Mr. Moran respond yes. Mr. Moran turned to Judge Bucklo and said that I in fact made a post arrest statement and that I refused to read my indictment. Months later I found out what a post arrest statement was, in this case a false confession, I never made a post arrest statement. Petitioner is not challenging the post arrest statement in this suit, instead is affirming that the actions of John Thomas Moran Jr. created a conspiracy to deter his client Constitutional and Statutory Rights, through his negligence, due process, fundamental fairness, the adversarial process all gone to the trash.

Mr. Moran then proceed to visit his client at McHenry County, there Mr. Moran ~~tried~~ get a confession to a Global Conspiracy. I send a letter to Mr. Moran to withdraw from my defense.

The harm was done, Mr. Moran proceed to withdraw alleging that I blame him for my transfer to a County Jail. Not true, Mr. Moran was asked to withdraw for trying to get his client to admit to a "Global Conspiracy". Mr. Moran allege that I was getting a second charge, it so happens that Mr. Moran had admitted guilt against his client, had agree with others not to file pre trial motions, not to move for trial and not to produce discovery. Petitioner is submitting e-mails from the procedure relevant to the consequences cause by John Thomas Moran Jr., the case to which Mr. Moran was assigned ended as a Second trial because those who follow his lead never tried to undo the damage cause by John Thomas Moran Jr. neglect. Though by John Thomas Moran Jr. actions to acknowledge a post arrest statement stipulating in open court against his own client, then to pressure his client for an admission of unrelated charges prove that others known and unknown had agree with Mr. Moran and Government officials to deter the Petitioner Constitutional guarantees willfully conspiring to neglect the defense afforded by the Court causing irreparable damage to a defense of an indigent, illiterate U.S. citizen.

REASONS FOR GRANTING THE PETITION

This court should grant certiorari to establish the norms for the lower Courts in regard to the responsibilities and liabilities of a private attorney hire to represent the indigent. The most compelling issue is the negligence question, it seems that every circuit goes their own way as convenient when it comes to hold a defense attorney liable for negligence. 1) The Seventh Circuit Claims Immunity for a federal employee under 1983 suit for malpractice. Here the necessary elements for a malpractice suit exist only when a conviction is overturned. Because of my unfortunate experience through the Seventh Circuit I'll say this view is outrageous, the values behind this are very deplorable. Negligence should be recognized at any time and for any wrongful act done willfully to hurt the less fortunate. In this case a person that was hire for the specific job to defend the illiterate to advocate the Constitution should be find liable for his own acts of negligence during the course of employment.

Petitioner move for a tort claim, "the United States and its employees are immune from suit absent an express waiver of its sovereign immunity.

It so happens that the (FTCA) is such a waiver, authorizing claims for damages against the United States in response to certain tortious actions of Government employees. Petitioner Claims under Federal Torts Claim Act have merit, John Thomas Moran Jr. acting as a "government employee" neglect and conspire for the same against the Petitioner his indigent client.

A government employee is "negligent" when he or she "fails to use reasonable care", since courts have different ideas about what is reasonable, Courts ask what a "reasonable prudent person would do" in a similar situation. There are four things require to prove negligence under (FTCA) duty, breach, causation of damages.

In Petitioner case, John Thomas Moran Jr. was negligent during the course of employment, while acting under government employment as a federal defense attorney where He breach (fail in) his duty to Keep Petitioner safe, and by the same actions cause loss of liberty and life. For the reasons stated this Court should grant relief under (FTCA) against a government employee.

The injuries which I'm suffering are not mere emotional but rather a prolonged "agony", I have suffer beyond explanation John Thomas Moran Jr. involved not only intentional harm, but also the willful disregard of a United States citizen life and liberty, Petitioner pleads to punished the behavior under taken by Government officials with the main instigator (defense attorney for the Indigent) John Thomas Moran Jr. who denied the Petitioner full and fair opportunity to safeguard one's rights.

Petitioner filed his tort claim in a timely manner, though for the lack of acknowledgment Petitioner then filed to Office of General Counsel, Administrative Office of the United States Courts suite 7-290. One Columbus Circle, NE Washington, DC 20544, my family send this information from tort Claims @ go.uscourts.gov since I did not have access to internet the mailing address was the above address. This office alleges several issues denying the tort for negligence and conspiracy from the same. First alleges no members of the Federal judiciary, the tort claim mentions Carol Brooks (Director) of the Federal defenders office and John Thomas Moran Jr. employee at that time of that office, then the tort mentions Known and unknown individuals enough for the Courts inquiry. Then General Counsel alleges that John Thomas Moran Jr. was never my defense counsel because Mr. Moran was just a civilian a private citizen, I disagree the government (2)

hire this individual to advocate the constitution the fact that I'm writing about it is proof that in fact this individual acted as a federal employee to claim otherwise to deter the neglect conduct of this individual is outrageous. After it alleges that this individual is excluded from any tort, well I disagree, then the United States is the proper actor in behalf his subordinate.

Then alleges no proof of negligence "surely general counsel fail in his inquiry". The United States District Court for the District of Columbia you're able to bring a tort claim (FTCA) for legal malpractice when attorney and client relationship existed Accordingly under 28 U.S.C. § 2680 (h).

This Court recognizes the common law theory of negligence per se, which allows a plaintiff certain circumstances to rely on a statute or regulation as proof of the applicable standard of care.

The petitioner claim for negligence contains more than sufficient proof of violations of the standard which renders the government employee liable for neglect against petitioner as a matter of law, the same violations which proximate the causes of the injuries.

The Court of appeals claims (res judicata) for the record I have not suit the United States twice or once for that matter.

To assume any waiver of a claim is with no merits is just a waist of time, res judicata has nothing to do in my claims.

The Courts malpractice requirements are different from a tort for negligence, so, theres nothing waive. The Court of Appeals err in claiming the public defenders office out from any liability, the office is the government subcontractor and acts under federal law hiring these that should act under the government scope.

There's plenty in record for the Appeals Court to allege some superior Imaginary Friend neglected the superior's defense.

Furthermore the Appeals Courts Claims that defense attorneys and public defenders do not act under color of state law or federal law, that is exactly what my claim is asking to find this individuals liabilities.

Petitioner is asking for the liability of John Thomas Moran Jr. the appeals court claims that some record can not be review, made I remind: that the disposition was not published to be consider as well by the petitioner. All claims are for the supervisory powers of the Supreme Court.

The United States Courts of Appeals belittle the record presented to the District Court and disregards petitioner brief, all issues in petitioner brief were mention in the Federal Tort Claim submitted to General Counsel then reallege in petitioner Bivens claim, then reaffirm in the Court of Appeals so the remedy provided by Federal Tort Claims Act 18 U.S.C.S. § 2671 et. seq. as amended by the Westfall Act to a plaintiff for injury arising from acts of a Federal employee who is acting within the scope of his employment, is exclusive of any other civil action or proceeding, for money damages by reason of the same subject matter against the employee whose act or omission gave rise to the claim. 28 U.S.C.S. § 2679

(d)(1). The Supreme Court needs to establish guidance, the fact that is only the petitioner coming forward does not mean I'm all there is, the prisons are "full" of victims of defense attorneys negligence that don't hesitate to sell their clients for a piece of stake else where, an indigent shall have his rights secure by the advocate working to do just that as a defense attorney, like it or not. (4)

CONCLUSION

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