No. 25-486

In The Supreme Court of the United Sates

DAVID PEREZ,

Petitioner,

v.

CITY AND COUNTY OF DENVER,

Respondent.

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

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

On June 3, 2019, the Supreme Court ruled that the precondition in Title VII of the Civil Rights Act of 1964 requiring employees to file a charge with the Equal Employment Opportunity Commission (EEOC) before commencing an action in court is not jurisdictional. Rather, the charge-filing requirement is a "nonjurisdictional claim-processing rule," The Respondent however understands that this does not negate the requirement of filing a complaint with the EEOC or with a local employment agency to meet administrative requirements to bring suit.

However, Justice Ginsburg wrote in a unanimous opinion. "[A] rule may be mandatory without being jurisdictional, and Title VII's charge-filing requirement fits that bill," the Court ruled. Fort Bend County, Texas v. Davis, No. 18-525.

Also long ago, the Supreme Court also has made clear that deliberate deception of a court by the presentation of known false evidence is incompatible with "rudimentary demands of justice." Mooney v. Holohan, 294 U.S. 103 , 112 (1935).

As is relevant here, this case brings forth the matter as to what extremes does a litigant need to show due diligence in meeting administrative requirements and what degree of lawlessness is the court willing to allow for the submission of false evidence that has pursued the court to make judgment in one's favor.

The questions present are:

1. Does a Pro Se Title VII Plaintiff not show "Due Diligence" when attempts to exhaust administrative remedies are ignored and mis handled by the EEOC and/or a local employment agency in bringing forth a Title VII suit.

2. Should arguments raised for the first time in a response brief to an amended complaint that introduces false evidence through bad faith, deception and deflection which has pursued a court to rule in one's favor be considered fraud of the court.

3. Should Appellate Courts identify bias of a District Court when a Pro Se litigant ensuring Fairness and Impartiality.

4. Should attempts to address employment matters start and end with an employer in showing "Due Diligence" when discovering facts of a claim.

LIST OF PARTIES

The parties below are listed in the caption. There were no additional parties joined in the action.

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David Perez, *Pro Se* Petitioner, respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Federal Circuit in this case.

OPINIONS BELOW

If the lower Court applied past Supreme Court decisions and current applicable law, the Petitioner clearly has met his Administrative requirements in bringing forth a timely Title VII complaint against the Respondent. The U.S. District Court dismissed Respondent's complaint stating for failure to exhaust administrative remedies seen at Appendix ("App") 1-12. Respondent appealed and the judgment of the district court was affirmed. (App. at 15-24). Petitioner filed a Motion to Reopen his Case due to discovery of new evidence proving the Respondent, through their attorney, brought Fraud on the Court. This occurred when Respondent introduced false evidence in a formally filed Exhibit with their response brief in support of their motion to dismissed which the court ruled in favor of. (App. at 25-30). Respondent appealed (App. at 31) and was denied (App. at 32-36).

Respondent filed a Petition For Rehearing En Banc and was also denied on 26 March 2025. (App. at 37)

STATEMENT OF JURISDICTION

Judgment of the court of appeals for Petition For Rehearing En Banc was entered on March 26, 2025. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254.(1)

CONSTITUTION PROVISIONS INVOLVED

United States Constitution, Amendment XIV:

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

In 2015, this Court determined that equitable tolling was available when claimants: (1) demonstrated proper diligence in pursuing their rights, and (2) had some "extraordinary circumstance" preventing them from filing a claim in a timely manner. *Holland v. Florida.*

There are several highly visible cases that this Court has cautioned district courts of judicial bias of ensuring a fair and impartial judiciary, that such as *Dred Scott v. Sandford, Buck v. Bell, Korematsu v. United States, Plessy v. Ferguson*, and *Bowers v. Hardwick*, among others clarify this point.

A. Background

Petitioner is a high decorated veteran of the United States Marine Corps with over 15 years of combined military service. During his time of service, Petitioner had 3 deployments, two of which were in a combat zone and received numerous awards and citations which include: 1 Navy Marine Corps Commendation Medal, 3 Navy Marine Corps Achievement Medals (1 with a Combat "V"[1]), 1 Combat Action Ribbon, 1 Presidential Unit Citation, 2 Marine Corps Good Conduct Medals, 2 Iraqi Campaign Medals, 1 Global War

[1] The "V" device is worn on decorations to denote valor, an act or acts of heroism by an individual above what is normally expected while engaged in direct combat with an enemy of the United States, or an opposing foreign or armed force, with exposure to enemy hostilities and personal risk.

On Terrorism Expeditionary Medal, 1 Outstanding Volunteer Service Medal, 3 Sea Service Deployment Ribbons, 1 Certificate of Commendation, 2 Letters of Appreciation, and 2 Meritorious Mast.

His time serving his country in the U.S. Marine Corps and his community as a Firefighter came to an end when on 13 March 2019 Respondent suffered a Line of Duty (LOD) injury while performing his duties as a firefighter only to became permanent when Petitioner deliberately violated his work restrictions in a punishment causing Petitioner to sustain permanent nerve damage in his right dominate hand. This was a punishment which the Respondent does not deny nor has argued in any of their briefs. In continued discrimination and disparage treatment towards Respondent, Respondent would have to wait three months to allow Petitioner an opportunity to see a health provider and another month to begin physical therapy for the injuries Respondent caused.

17 October 2019, as the harassment and discrimination continued, Petitioner filed a complaint (Complaint Filing) with the CCRD which a dual filing was made with the EEOC.[2] This would only cause the Respondent to retaliate against the Petitioner's even further for his filed complaint when the Petitioner was assigned a daunting and humiliating duty of pulling staples from paper for over 6 hrs a day for two months.

Respondent would further retaliate against Petitioner when they denied his worker compensation benefits, stopped all treatment for his injured hand, only to place Petitioner on LWOP in stating he can no longer perform his duties due to the injures the Respondent caused. The Petitioner requested to be transferred to a new position which he could perform in his condition at the time but was denied only to be informed by the Respondent's Safety Human Resource Department (the City's HR) that the DFD requested to initiate the Interactive Process (IAP) afforded to the Petitioner under the ADA giving 90 days to look for other work positions within the City.

27 February 2022, the Petitioner emailed his supervisor informing them that he was awarded a medical disability benefit through the FPPA[3] due to the permanent nerve damage he suffered from the punishment and gross negligence of the Petitioner. Petitioner was later notified by City's HR informing him that his IAP process was going to be terminated before the 90 days he was afforded by law in finding other employment opportunities which violated his rights under ADA.

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[2] The Equal Employment Opportunity Commission (EEOC) and the Colorado Civil Rights Division (CCRD) have entered into a workshare agreement whereby each agency acts as the other's agent for the purpose of receiving and drafting employment discrimination charges. See Rodriguez v. Wet Ink LLC.

[3] Acceptance of a disability benefit from the FPPA only prevents one from holding a position as a first responder (Firefighter or Police officer) doesn't prevent them from holding other employment positions within the City.

As the Petitioner "**Diligently Pursed**" his right by asking to amend his complaint with the CCRD (5) times which were all ignored, this "**Extraordinary Circumstance**" prevented him from bring forth his claims within the argued statutory limits. These two acts satisfy the two elements this Court has laid out for Petitioner to prove Due Diligence was made to exhaust his Administrative requirements and met the requirements when seeking equitable tolling.

This court also needs to see how Petitioner had to rely on the actors of the CCRD and the EEOC to process his request. Their failure to respond to the Petitioner request to amend his complaint shows either their ignorance in their responsibilities of duties to lookout for the legal rights of the Petitioner or they were influenec by other outliers to simply ignore the Petitioner request for as long as they did to provoke an untimely filing. The failure of the CCRD and EEOC should not bring prejudice on the Petitioner in showing his efforts in trying to meet his administrative requirements to bring suit.

This Court held that there is a rebuttable presumption that equitable tolling can be invoked in certain circumstances to excuse an untimely filed lawsuit: such circumstances include situations wherein an appellant "has been induced or tricked by his adversary's misconduct into allowing the filing deadline to pass." *Irwin v. Department of Veterans Affairs.* As the CCRD took on the position of being the lead agency in communicating and investigating the Petitioner claims, their failure to respond to the Petitioners numerous request to amend his complaint, allowing him to amend only to tell him his new claims are time bared and out of their jurisdiction should be at the for-front of this review. This also includes the EEOC having the Petitioner file a second EEOC charge where the claims are related to a previous charge, have the same support facts and persons involved.

C. Respondent Brought Fraud Upon The Court

Fraud Upon the Court occurs when the judicial machinery itself has been tainted, such as when a party involved in a suit makes false statements or presents misleading claims in any papers excepted by the court to include official statements or affidavit signed by a public official. More specifically, Fraud of the Court is any false statements to the claims by an attorney, who is an officer of the court, and is involved in the perpetration of a fraud or makes material misrepresentations to the court. *Ausherman v. Bank of America Corp.* The discovery of any fraudulent act upon the court makes void the orders and judgments of which that court has made in its error when false statement have been used to make judgement.

Making false statements or even perjury is a "process offense" since they interfere with the administration of justice and undermine the integrity of the process. When the Petitioner submitted his Affidavit to the lower Court on 08 June 2021, this was done so with the witness hand and seal of a notary public.

A notary public is an appointed state government official who serves as a witness to the signing of important documents and administers oaths and affirmations. The Respondent is a local government agency and has a City Attorney who is appointed, who intern is also a public official.

The City Attorney and their office, to include those that are Assistant City Attorneys, are one whom represents the best interest of the municipality and should not be in a position to protect its employees who violate the rules, regulations and laws that govern it. Any Assistant City Attorney who works under the City Attorney's Office is to be considered the same, a "public official", as they are a direct representative of their respective office and the municipality they work for. Any signed document by public official outside a complaint, or pleadings that contain fabricated, or misleading claims is considered a "process offense".

As to the Petitioner, if his affidavit contains false statements that one knows are false when he made them, it would be considered perjury in an official proceeding because the Affidavit is an official document filed with the court. The Respondent and their counsel should be held to the same standards when the Respondent through counsel, one who is acting on behalf of the appointed City Attorney and a public official, drafted and presented their false claims and arguments to the lower Court.

In their memo "Conferral Conference" (*Exhibit A)* submitted to the court on 23 September 2022, through counsel, the Respondent made false statements, specifically when they stated that "*Plaintiff provided written notice of his disability retirement to his DFD supervisors and HR personnel*" which is a complete fabrication of the truth. The Respondent and Counsel claimed that the Petitioner submitted a formal resignation when he received his medical disability benefit through the FPPA yet there are no official signed papers, nor any evidence presented by the Respondent that shows the Petitioner gave any actual notice of resignations as they have so reference in the case of *Green v Brennan.*

The lower court addressed its position of "definite notice" of resignation. in *Green v. Brennan* that involved the timing of a constructive discharge claim (when an employee is forced to quit due to discrimination). The lower Court determined that the time limit for filing such a claim begins when the employee gives "definite notice" of resignation. This court can see that there was no "definite notice" of resignation or retirement by the Petitioner in any of the exhibits present by the Respondent, only those that are fabrication of the truth.

A party asserting an affirmative defense has the burden of proving it. That is, an affirmative defense is not assumed to be valid thereby requiring a plaintiff to disprove it; instead, the burden of proof rests with the defendant. There are three levels of the burden of proof that determine the amount of evidence required for a claim to be successful in trial court. These include "*preponderance of the evidence*", "*clear and convincing evidence*", and "*beyond a reasonable doubt*" none of which the Respondent has made in their

arguments. The only arguments the Respondent could present where the fabrication and false statements that the Petitioner gave an official resignation letter which was fabricated and made without merit.

These lies and false claims continued in an email sent from the Respondent's Human Resources that "*Per the FPPA rules your separation of employment begins immediately even with the temporary medical disability. FPPA has asked for your last day of work so that they can begin your benefits. We have told FPPA the date of 3/2 so your benefit can begin*" (*Exhibit 9*). This clearly shows the Respondent was in complete control of the Petitioner's employment and had full access to information pertaining to the Petitioner's medical condition. The Petitioner's employment ended at midnight of 3 March 2020 which makes all of Petitioner's claims timely in which he exhausted his administrative requirements, all of which was argued in the Petitioner's past complaints and pleadings.

This court also need to review and question, if the Petitioner did in fact submit a formal resignation, why didn't the Respondent raise these arguments in their initial responses and reply briefs. It wasn't until, 29 September 2022, nearly 16 months after Petitioner filed his claim that the Respondent made this argument. If there was clear and convincing evidence of this, the Respondent would have made these arguments in their initial Motion to Dismiss filed on 7 September 2021.

D. District Court Has Shown Bias Towards The Petitioner In His Arguments And His Appeals Should Have Been Prevalent.

Even as judges and courts serve as important safeguards and guardians against state and federal enforcement of unjust, harmful, and unconstitutional laws and discriminatory policies, they too may be fallible, weak in judgement and character, personally and professionally indifferent to systemic injustice, or corruptible. As history demonstrates, judges may be complicit in perpetuating harms or furthering discrimination against vulnerable people, including racial minorities, women, and individuals with disabilities. In other words, judges may possess cognitive awareness of a past or present harm against a vulnerable group and yet refuse to intervene to avert the continuance of harm or discrimination. This case has shown this all too much.

The lower court stated in its order:

> *"A constructive discharge claim under Title VII accrues 'when the employee gives notice of his resignation, not on the effective date of that resignation.' (Green v. Brennan)... 'Therefore, Mr. Perez's ADA claims accrued on February 27, 2020, when he gave notice of his intent to retire, which means that his charge of discrimination filed with the EEOC on December 28, 2020, was untimely as to his constructive discharge claim or any claims involving acts that pre-dated the constructive discharge." App at 22, 23*

In the District Court's Final Judgment, the Court again cited *Green v. Brennan* supporting the argument that the Petitioner gave notice of resignation in an email in which in that email the Petitioner was only informing his supervisor of his last day as a firefighter. Referencing the case of *Green v. Brennan*, on 16 December 2009, Green and the Postal Service signed an official agreement. This agreement stated that the Postal Service promised not to pursue criminal charges in exchange for Green's promise to leave his post in Englewood Colorado. The agreement also gave Green a choice to either retire or report for duty in another city and state. Green chose to retire and submitted a resignation letter to the Postal Service. The date that he made the decision to retire was the date his time to file a complaint began.

In this case, Petitioner and Respondent never discuss any agreement for retirement nor was there any formal written agreement signed and/or submitted by the Petitioner that has been reference in *Green v Brennan.* An acceptance for disability benefits from an outside third party does not deprive an employee of their rights for accommodation for a work-related injury, and not to preclude accommodations if that injury was a direct a result of the gross negligence of an employer handing down a punishment. Nor does that disability benefit give weight to any argument that the Petitioner gave any notice of retirement.

The Respondent only makes broad allegations that the Petitioner chose to end his employment as an employee of the City and County of Denver and has not provided any proof of any letter of resignation, any accepted end of employment agreement, nor provide any other communication written or verbal or any other evidence of the claim that can give solid evidence the Plaintiff voluntary ended his employment as referenced by the Court and the Respondent in *Green v. Brennan.* Respondent had only cited an email that the Petitioner used to inform his supervisor of the end of employment date that the Respondent had single handedly determined for the Petitioner.

When the Petitioner raised the argument with indisputable facts that the Respondent filed false and misleading fact to perused in making its judgment, instead of dismissing the Courts previous order, they maintained their position. This court needs to review on comment to the fact as to if a lower Court or appeals Court is to reference a past litigated case to support their order and final judgment, the facts of that case should co-ensign with the case currently be reviewed and argued.

REASONS FOR GRANTING THE PETITION

Reason for granting this petition is quite clear. This case presents a very specific pattern of bias towards Petitioner, i.e. a party who proceeds pro se for virtually the entire length of this litigation. This pro se litigant has proceeded relatively unsuccessfully up to this point and has conducted himself honestly and professionally despite his status as a pro se litigant. He nonetheless incurs the ire of the District Court whose bias against this pro se

litigant is clearly expressed at numerous stages of this litigation. And as a Disabled Veteran of the U.S. Armed Services, his oath to this country and dedicated service should bare weight to granting this petition.

The U.S. Supreme Court recognizing that Congress intended to supply aggrieved employees with independent but related avenues of relief under Title VII of the Civil Rights Act of 1964 and § 16 of the Civil Rights Act of 1870, 42 U.S.C.1981, the Court emphasizes the importance of a full arsenal of weapons to combat unlawful employment discrimination in the private as well as the public sector. *Johnson v. Railway Express Agency, Inc.*

This Court needs to review that when a litigant requesting to amend a complaint is denied such request, this constitutes due diligence in ones pursuit of satisfying the requirements to meet their judicial remedies.

This court needs to review that a second discrimination charge filed with the EEOC, for retaliator acts involving the same defendant is unwarranted and causes duplication and judicial inefficiency. Unless additional claims are "separate," "distinct," and "independent" from initial State or Title VII claims, statute of limitations on any new claims are tolled during the period that the Appellant pursued [a] State discrimination and Title VII administrative remedies with the [CCRD]. *Johnson v. Railway Express Agency, Inc.*

This court needs to review when discovery of fabrication of material facts used in a response brief and filed exhibit by any party, this does show fraud of the court if ones. This court has said that a defendant's with knowledge of and has subjective beliefs about the meaning of legal requirements is what matters when determining whether a defendant "knowingly" submitted false claims. *United States ex rel. Schutte v. SuperValu, Inc.* and *United States ex rel. Proctor v. Safeway, Inc.*

With the Order of the lower Court, this Court needs to review the Fraud-Based Discovery Rule and its own opinion as it relates to this case. *Rotkiske v. Klemm.* This Court found that "the rule governs if either the conduct giving rise to the claim is fraudulent, or if fraud infects the manner in which the claim is presented". Id. This Court needs to see that the Petitioner was diligent in discovery and see that the Respondent knowingly submitted with intent to deceive the court with their false claims in their briefs and exhibits which the lower court used to deny the Petitioners filing to reopen his case.

This court needs to review how the lower court failed to disprove that the Respondent brought Fraud Upon the Court. According to this Court precedent, intentionally presenting false evidence in an exhibit is considered "fraud upon the court,". This is exactly what happened when the Respondent introduced (*Exhibit A*) and falsely stated that the Petitioner "...gave notice of retirement" only to continue its campaign of bad faith, deception, and deflection when the Respondent stated: "FPPA policy determines the last day of employment if a member is awarded a medical disability benefit". Not only

were these lies, and false statement presented in their exhibit, the Respondent's additional lies, and fabrications of the true merits of this case lead the lower court to rule in their favor allowing this type of ligation to corrupt the justice system and its legal procedures.

This court needs to review that an employer does not have to discuss employment issues to an employee after they are terminated or no longer employed with said employer. In the second order from Judge Rodriguez, she stated that:

> *"Plaintiff has not shown he was diligent in discovering this new evidence. Plaintiff could have emailed his questions to Patti Seno/the FPPA at any point after his employment separation in March 2020, but failed to do so until September 2023"* App. at 28

This statement clearly is saying that, "yes the Respondent lied in their statement and exhibits and incited Fraud of the Court" but "their acts have been permissible because the Petitioner did not do his so called 'diligence of discovery"',

Employment of the Petitioner was terminated at Midnight on 3 February 2020, so the Respondent does not and did not discuss employment matters with the Petitioner after that date. Employment policies and procedures starts and end with the employer unless there are other 3rd party contractual agreements stating such. There is no contractual agreement with the Respondent and the FPPA to discuss employment matters or policies about an employee while employed with the Respondent at any time.

The Petitioner reach out to the Respondent's HR, the Petitioner Firefighter Union, and had a phone conversation with the FPPA about his employment condition before he was terminated. Everyone the Petitioner spoke to did repeat the false statements made by the Respondent or did not speak against them. The lower courts statement in stating that the Appellant didn't not show diligence in the discovery of the new evidence presented has no weight to their decision and should not be a tool in preventing the Petitioner to argue his case.

The FPPA is an independent agency that has no direct influence on one's employment status nor has an authority or obligation to speak on behalf of the Respondent to the employment rules, regulations, policy or procedures at it pertains to the Respondent. This court cannot associate the Defendant and the FPPA together regarding any employment matter or decision. All employment matters were addressed by the Respondent with the Petitioner during and up to his termination date of 3 March 2020. All direct employment matters to include termination decisions should start with and end with an employer. If an employer choses to lie about ones employment and later submit that evidence if argued in front of a court, any Petitioner would not know and should not be held to the standards of discussing employment matters with anyone outside of the direct employer. If this court

allows this argument to stand, how far can a civil conspiracy in ones pursuit of the truth.

PERSONAL STATEMENT FROM THE PETITIONER

As the Petitioner learned in the U.S. Marine Corps and continues to give that same respect of asking permission to speak freely in a formal, professional setting, the Petitioner would asked the same to make the following personal statement as he address this Court:

> *It has been over 5 years that my employment as a firefighter with the Denver Fire Department was terminated by the City and County of Denver. The City ended my employment due to the permanent nerve damage I sustained from a punishment handed down by the Denver Fire Departments' administration. As if this injury ending my career as a firefighter was not bad enough, it was when I learned this injury disqualified me from continuing my service in the Marine Corps that pushed me to file a claim against the City.*
>
> *Serving in the Marine Corps is something I took pride in, but something I don't talk about much these days. As I still try and carry on the traditions and live my life following the Leadership Traits and Principles I learned during my service, I honestly don't take pride in that service much these days. I don't have stickers on my car, veteran license plates on my vehicle, or take part in veteran events like Veterans' day. I even stopped flying a flag on the side of my house.*
>
> *I learned after I was dismissed by the Denver Fire Department and the City and County of Denver, me being a Veteran of this country didn't have much meaning, especial from many that say they support us Veterans. I don't have much pride in the service I gave to this country nor take pride in much that I did during my two combat tours in Iraq because of the situation I find myself in bringing forth my claims in this case. Everyone's says "Thank You" for what I did, "Thank You" for my service to this country to the point where some even have a profound desire to call me a hero to make me feel good about myself.*
>
> *But to be honest, in all of that, it only makes me feel more alone and distant from them. Because those that say "Thank You" don't know what it was like to be in combat fighting what seemed to be a fruitless war. They don't know what it's like serving in combat, fighting for your life so you can protect your fellow Marine and servicemen, thinking what you are fighting for was for a greater cause... a greater purpose in making one think what we were doing was honorable. They don't know what it's like watching your fellow Marine looking up at you, as they struggle in taking their last breath only to see him succumb to his injuries. You see, I'm no hero. I was only trying to do my duty of ensuring my fellow Marines came home*

but sadly I can say I failed in that task. This is something I struggle with every day.

Afterwards in returning home, I would ask myself why bother anymore. I can easily end my war of struggle and guilt I found when I returned home from combat and leave this place behind hoping to find peace in my next life, if that were to happen. I would question that very thing every day. Then I realized, I shouldn't be asking myself that question, I should ask them; those that gave the ultimate sacrifice if they would want to come back somehow, someway, to get a little more life in what I was willing to leave behind... would they? Would they trade where they are with the life I am living; life of constant guilt, constant pain, constant struggle just to have another day with their family and friends... would they? I am sure their answer would be yes.

It was at that point I realized my loss is not the end and I don't plan on making it one. My campaign now is to push the courts to give me my day to argue my case, to be heard and to fight to get what was taken for me and preserve what was taken from them through this war I have found here at home. This war against those that have caused me a permanent disability that has prevented me continuing my service to my community and more importantly, my continued service to this country. The Denver Fire Department and the City and County of Denver colluded to destroy my life. It has taken me nearly 5 years to finally get back on my feet and provide for my family like I had before I was wrongfully terminated by the City and County of Denver.

Ironically, last year the City and County of Denver pushed a campaign to keep our Veterans off the streets of Denver and provide a place to sleep for any Veteran who needed one. I could have easily been one of those Veterans force by the very hands of those that are still employed within the City. I could have been one of those homeless Veterans had it not been for the family support I received when I was put on Leave Without Pay while still employed with the Denver Fire Department only to be left without gainful employment for 2 ½ years after I was let go by the City and County of Denver. And because of the Denver Fire Department, I came close to being a statistic of one of those forgotten Veterans who take their life on a daily. I came close to being one of those conversation left to quite corners or hidden in that late-night news run. When I left Iraq, I thought my war was over. Never would I have thought I would find myself in another ware here at home, especially by those who say they support us Veterans.

I took an oath when I enlisted in the United States Marine Corps to uphold and defend the constitution of the United States from all enemies, foreign and domestic. That is something I will continue doing until the day "I" take my last breath. In my claims. I am only asking for what was taken from me. Nothing more, nothing less.

CONCLUSION

The late justice Hugo Black, undoubtedly incensed by the manipulation of the judicial process, gave this now often-quoted explanation:

> *"[T]ampering with the administration of justice in the manner indisputably shown here involves far more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the pub- lic, institutions in which fraud cannot complacently be tolerated consistently with the good order of society."*

The court needs to take into consideration the numerous baseless affirmative defenses the Respondent has taken in their core campaign of bad faith, deception and deflection from the true facts of this case and see that the Petitioner did everything in his ability to exhausting the administrative requirements required by the Court to bring forth his suit.

As disabled combat Veteran of the United States Marine Corps, one how service his country honorably, Petitioner, Mr. David Perez, respectfully asks this Court to review this petition.

For this, the petition for a writ of certiorari should be granted.

Respectfully submitted,*

/s/ David Perez

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