

No. \_\_\_\_\_

25-6345

IN THE  
SUPREME COURT OF THE UNITED STATES

ORIGINAL

FILED

JUN 06 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Felix Verdejo-Sanchez — PETITIONER  
(Your Name)

VS.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the First Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Felix Verdejo-Sanchez

(Your Name)

USP Pollock, PO Box 2099

(Address)

Pollock, LA 71467

(City, State, Zip Code)

N/A

(Phone Number)

## QUESTION(S) PRESENTED

Can the Court of Appeals for the First Circuit deny the Petitioner his motion pro se requesting to invoke the supervisory power of the Court to verify subject-matter jurisdiction?

Can the federal government ignore the Commonwealth of Puerto Rico's status, since 1952, in order to take away every local crime which does not violate the federal law because it is not affecting interstate or foreign commerce?

Can the federal government make a local carjacking, by the fact that the vehicle is manufactured in another state or foreign country, a federal crime?

Can the federal government turn into a federal crime a local kidnapping without proving that it affected interstate or foreign commerce?

Can a Court of Appeals deny to an accused to act pro se when a counsel refuses to challenge what the accused wants to do challenging subject-matter jurisdiction?

## LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

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

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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

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

**OPINIONS BELOW**

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_A\_\_\_\_\_.  
The jurisdiction of this Court is invoked under 28 U. S. C. § 2101(e)

### Invoking Rule 11

For cases from **state courts**:

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

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_A\_\_\_\_\_.  
The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. Amend. V.

"... nor be deprived of life, liberty or property, without due process of law..."

U.S. Const. Amend. VI.

"... to have the assistance of Counsel for his defense."

U.S. Const. Amend. XIV.

"...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."

### Statutory Involved

18 U.S.C. §3231

"The district courts of the United States shall have original jurisdiction, exclusive of the States, of all offenses against the laws of the United States.

Nothing in this title shall be held to take away or impair the jurisdiction of the Courts of the several States under the laws thereof."

18 U.S.C. §2119(2) & (3)

"Whoever, with the intent to cause death or serious bodily harm[,] takes a motor vehicle that has been transported, shipped, or received in interstate or foreign commerce from the person or presence of another by force and violence or by intimidation, or

attempts to do so, shall-

- (1) be fined under this title or imprisoned not more than 15 years, or both,
- (2) if serious bodily injury (as defined in section 1365 of this title [18 USCS § 1365], including any conduct that, if the conduct occurred in special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242 of this title [18 USCS § 2241 or 2242]) results, be fined under this title or imprisoned not more than 25 years, or both, and
- (3) if death results, be fined under this title or imprisoned for any number of years up to life, or both, or sentenced to death."

18 U.S.C. §924(c)(1)(A)

"(c)(1)(A) Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime-

- (i) be sentenced to a term of imprisonment of not less than 5 years;"

18 U.S.C. §1201(a)(1) & (2)

"(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when-

- (1) the person is willfully transported in interstate or foreign commerce, regardless of whether the person was alive when transported across a State boundary, or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense;

- (2) any such act against the person is done with in the special maritime and territorial jurisdiction of the United States;"

18 U.S.C. §1841(a)(1) & (2)

"(a)(1) Whoever engages in conduct that violates any of

the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 [18 USCS § 1365]) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

(2)(A) Except as otherwise provided in this paragraph- the punishment for that separate offense is the same as the punishment provided under Federal law for that conduct had that injury or death occurred to the unborn child's mother."

18 U.S.C. §7(1)

"(1) The high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State."

## STATEMENT OF THE CASE

On May 2, 2021, the Petitioner was indicted by a federal grand jury charging him for violation of 18 U.S.C. §2119(2) & (3); Id. §1201(a)(1) & (2); Id. §924(c)(1)(A); Id. §1841 and 2.

On May 6, 2021, he was arrested.

On May 11, 2021, he had initial appearance.

On June 20, 2023, the trial commenced.

On July 28, 2023, the jury's verdict was (1) violation of 18 U.S.C. §2119 (2) & (3) Not Guilty; (2) violation of Id. §924(c)(1)(A) Not Guilty; (3) violation of Id. §1201(a)(1) & (2) Guilty; (4) violation of Id. §1841 and 2 Guilty.

On November 3, 2023, Petitioner was sentenced to two life sentences.

During the prosecution and all the way through sentencing, the Petitioner did not have knowledge that his case should have been judged by a Commonwealth of Puerto Rico's Court and that his Constitutional Right to Due Process had been violated. Now that he has the knowledge, he is claiming his Constitutional Right to Due Process. Therefore, he prays this Honorable Court to judge pursuant to the U.S. Constitution.

Once the Petitioner knew that his case has a lack of subject-matter jurisdiction he moved to ask his counsel to claim this a lack of subject-matter jurisdiction but his counsel refused to do it, in violation of U.S. Const. Amend. VI. That guarantees to an accused to have effective assistance of counsel for his defense. So, the Petitioner moved pro se on 01/27/2025, filing a Motion to Stay the Brief Schedule in order for the Court to review the issue of lack of subject-matter jurisdiction. But, on 02/24/2025 the Court denied both motions without prejudice and ordered that such motions should be done through his counsel but he once more refused to do it, affirming:

"The Federal Government can take jurisdiction in all local crime based on Supreme Court's decision in Puerto Rico v. Sanchez-Valle, 579 U.S. 59, 71 (2016)."

The Petitioner rejected that argument due to the fact that the case was decided by this Court for double jeopardy and not for lack of subject-matter jurisdiction. Because of that on 03/24/2025, the Petitioner moved a second time filing again the first two motions and filed a Motion for Removal of Defense Counsel and Motion to Invoke Court's Supervisory Power. But the First Circuit Court of Appeals denied everything including this responsibility.

## REASONS FOR GRANTING THE PETITION

There is a compelling reason for granting the Petition which is to keep the Constitution inviolate. In this case it is this Court, the one and only, that can do that because before it is a Petitioner's claim for lack of subject-matter jurisdiction. The Court of Appeals for the First Circuit has not tried to determine whether the subject-matter jurisdiction exists, this being challenged by the Petitioner. So, this case is of great imperative public importance given the Court of Appeals refusal to determine whether subject-matter jurisdiction exists. Which is its obligation even in the absence of a challenge from any party, as this Court held under *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574. See Appendix C, D, and E.

For the foregoing reason the Petitioner is obligated to invoke Rule 11 of this Court.

On 03/25/2025, the defense counsel filed a Motion to Withdraw Counsel. On the same day U.S. Attorneys filed Motion to Notice of Appearance. On 04/03/2025, U.S. Attorneys filed Motion to stay response schedule and to extend time to file a response filed by Appellee U.S.A. See Appendix F.

On 04/09/2025 the Court ordered the Government to respond. On 04/10/2025 the Government filed a Motion to strike pleading. See Appendix F. Weeks after the Petitioner, while waiting response to his claim of lack of subject-matter jurisdiction, on 04/22/2025, received a Court's order where it denies all motions without prejudice including Government's motions which were declared moot. See Appendix A

The Petitioner was accused pursuant to 18 U.S.C. §2119(3) and (2); Id. 18 U.S.C. §924(c)(1)(A)(i); Id. 18 U.S.C. §1201(a)(1) and (2); Id. 18 U.S.C. §1841 and 2, which, in this case, are inapplicable because they fail to state facts that constitute an offense under United States' laws and there is no interstate or foreign commerce nexus, neither did it occur in the special maritime and territorial jurisdiction of the United States as defined in 18 U.S.C. §7(1).

The Petitioner as a public and well known person that has represented Puerto Rico in world boxing, every proceeding in this case immediately went public in the media. From the very moment that the Petitioner challenged lack of subject-matter jurisdiction, the public is very interested to know if the Petitioner has been judged correctly and if there has been a theft of Puerto Rico's jurisdiction which would constitute a disregard of the Commonwealth of Puerto Rico's Constitution and its people. See *United States v. Figueroa Rios*, 140 F. Supp. 376; 1956.

"The Commonwealth legislature and governor reign supreme over all matters of local concern."

Also, *United States v. Mercado-Flores*, 312 F. Supp. 3d 249, states as follows:

"The court flatly disagrees with the Government's contention that it is not well-settled law that Puerto Rico is no longer a mere unincorporated territory of the United States for purposes of statutory interpretation. Without repeating the thorough discussion in its Opinion and Order, the court reiterates that following 1952, the Supreme Court and the First Circuit have consistently recognized the significant change in the degree of autonomy exercised by Puerto Rico in light of the many Congressional actions that transformed the island from a mere territory to that of the unique status of a commonwealth. (See Docket No. 46 at 4-11.) In response to this legislative history and in line with the established principle that the question of '[w]hether and how a federal statute applies to Puerto Rico is a question of Congressional intent,' *Antilles Cement Corp. v. Fortuno*, 670 F. 3d 310, 320 (1st Cir. 2012), the Supreme Court and courts within [2015 U.S. Dist. LEXIS 6] the First Circuit have repeatedly held that Puerto Rico constitutes a State for purposes of statutory interpretation and that statutes governing actions wholly within any territory of the United States do not apply to Puerto Rico."

Moreover, the Judge Cancio, D.J. in the case, Liquilux Gas Services of Ponce, Inc., v. Tropical Gas Co., Inc., 303 F. Supp. 414; 1969., agrees with Judge Ruiz-Nazario as follows:

"In United States v. Figueroa Rios, 140 F. Supp. 376 (D.P.R. 1956), Judge Ruiz-Nazario handed down a landmark decision relating to the [1969 U.S. Dist. LEXIS 13] interpretation of Section 9 of the Federal Relations Act and applicability of pre-Commonwealth statutes in Puerto Rico. He held that Section 9 has acquired such a vitality after the establishment of the Commonwealth that it may be safely accorded, as regards the applicability to the Commonwealth of the statutory laws of the United States, a function which is substantially similar to the Interstate Commerce Clause of the Constitution, as regards the relations between the Federal Government and the governments of the different states of the Union. 140 F. Supp. 376 at 381.

Although the Figueroa Rios case dealt with the Federal Firearms Act, it has direct applicability to the present case. The Firearms Act made it a federal crime for a convict or a fugitive to transport a firearm 'in interstate or foreign commerce,' which was defined to include commerce 'within any Territory or possession' under the Robinson-Patman Act. In Cases v. United States, 131 F. 2d 916 (1st Cir. 1942), it had been held that the Firearms Act applied to the transportation of firearms solely within [1969 U.S. Dist. LEXIS 14] Puerto Rico. In Figueroa Rios, however, the question was raised whether the Act continued to apply to transportation wholly within Puerto Rico after Commonwealth status.

After an exhaustive and careful consideration of Puerto Rico's status, the Court held the Firearms Act inapplicable to commerce within Puerto Rico. It stated that if Congress had foreseen the Commonwealth of Puerto Rico, it would have so varied the [Firearms Act definition of 'interstate and foreign commerce'] as to exclude it from the intra-territorial operation of the Firearms Act.... If only to be consistent, Congress would not have applied a section for the policing of areas with a classical territorial form of government, directly under Congressional government, to an area with its own constitution, subject to no supervision, in local matters, by the Federal government. Thus, I must conclude that so much of [the Firearms Act] as defines 'interstate or foreign commerce' as commerce 'within any Territory or possession' is now locally inapplicable in Puerto Rico. 140 F. Supp. at 381.

This Court had several recent occasions in antitrust cases to make clear that activity solely within [1969 U.S. Dist. LEXIS 15] Puerto Rico does not ipso facto satisfy the 'commerce' requirements of the Sherman Act. In David Cabrera v. Union de Choferes y Duenos, 256 F. Supp. 839 (D.P.R. 1966), this Court pointed out that the Sherman Act applied in Puerto Rico with the same force and effect as in United States, noting that the Act applied to any restrictive activities having a substantial effect upon interstate commerce. However, because the plaintiff in that case failed to show that the defendant's activity substantially affected interstate commerce, the Court dismissed the case for lack of jurisdiction. Implicit in this disposition was a holding that commerce solely within Puerto Rico is not automatically 'commerce' within the meaning of the Sherman Act, for if it were there would have been no need to consider whether the defendant's activities affected commerce."

The Petitioner acknowledging that in his case the Federal Court lacks subject-matter jurisdiction proceeded to study this Court's decisions in respect of this subject and found that there is an opinion by this Court which agrees with him. See *Bond v. United States*, 572 U.S. 844.

"For nearly two centuries it has been clear that, lacking a police power, Congress cannot punish felonies generally. A criminal act committed wholly within a state cannot be made an offense against the United States, unless it have some relation to the execution of a power of Congress, or to some matter within the jurisdiction of the United States. (Roberts, Ch. J., joined by Kennedy, Ginsburg, Breyer, Sotomayor, and Kagan, JJ.)"

See *Bond v. United States*, 572 U.S. 844 June 1, 2014. Moreover, in this case, *U.S.A. v. Cotton*, the Supreme Court holds as follows:

"3. Because the current concept of a Federal District Court's subject-matter jurisdiction involves the Court's power to hear a case, such jurisdiction can never be forfeited or waived. Consequently, defects in subject-matter jurisdiction requires correction, regardless of whether the error was raised in the District Court." See *U.S.A v. Cotton*, 535 U.S. 625.

Thus, it is proven that the federal court lacks jurisdiction and support for this. The Petitioner states the following reasons:

1. The Commonwealth of Puerto Rico must be considered a sovereign state, therefore the federal law is, in this case, inapplicable being Puerto Rico's law is the only one to apply.

"The Commonwealth legislature and governor reign supreme over all matters of local concern." *United States v. Figueroa Rios*, 140 F. Supp. 376; 1956.

2. The U.S. attorneys failed to prove that the charges against the Petitioner were in violation of federal law because they never found an interstate or foreign commerce nexus. Nor did it occur in the special maritime and territorial jurisdiction of the United States, which is essential to establish federal jurisdiction, therefore, the jurisdiction is of the Commonwealth of Puerto Rico. Moreover, the federal government violated 18 U.S.C.S. §3231 when it took away and

impaired the Commonwealth of Puerto Rico's jurisdiction being such jurisdiction was the only one that was applicable in this case. Also, the federal government violated the due process clause contained in the Fourteenth Constitutional Amendment showing disregard for the Constitution when it knowingly and intentionally prosecuted the accused, being all facts direct evidence of a local activity in the Commonwealth of Puerto Rico. Because of this, Congress clearly enacted 18 U.S.C.S. §3231 as follows:

"Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the law thereof."

3. The facts prove that the accused was under the Commonwealth of Puerto Rico's jurisdiction. The accusation was purely local without affecting interstate or foreign commerce. Neither occurred in the special maritime. Therefore, the crime charged must be judged by a State Court not a Federal Court. The federal statute proves federal lack of jurisdiction in this case.

Finally, the Petitioner has viewed it a necessity to proceed pro se because neither of his counsels want to challenge the lack of subject-matter jurisdiction which is the first issue that all courts must do as this Court held under Ruhrgas AG. v. Marathon Oil Co., 526 U.S. 574. See Arbaugh v. Y&H Corp., 546 U.S. 500, (2006).

"Courts, including the United States Supreme Court, have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party."

Also, the Supreme Court held under United States v. Cotton, 535 U.S. 625, as follows:

"Consequently, defects in subject-matter jurisdiction require correction regardless whether the error was raised in the district court."

See, Louisville & Nashville R. Co. v. Mottley; 211 U.S. 149, (1908).

As the Petitioner has understood, any Court is unable to make any proceedings if it has not determined its jurisdiction. Because, if such a Court does not have jurisdiction, every decision taken is void and without judicial effects. Here, the Court of Appeals for the First Circuit has taken decisions without determining jurisdiction which constitutes a fatal error, depriving the Petitioner of fundamental constitutional rights.

Moreover, the Petitioner, under penalty of perjury, affirms both the district court and U.S. attorney (Respondent) maintain bad faith and misconduct with the accused in Puerto Rico because knowing that the cases are local, not affecting interstate or foreign commerce, the jurisdiction is being taken away by the federal jurisdiction. The federal government (Respondent) continuously violates 18 U.S.C. §3231 that states:

"Nothing in this title shall be held to take away or impair the jurisdiction of the Courts of the several States under the laws thereof."

When every time it is taking away cases from states' courts because according to the facts there was not an effect on interstate or foreign commerce which shows a truly jurisdictional problem as it is affirmed by the 11th Circuit holding:

"(noting that if the government prosecuted state crimes, this would be '[a] true jurisdictional problem')" See United States v. McIntosh, 04 F. 3d 894, 902-03 (11th Cir. 2013). Also,: "Our decisions, however, have 'refused to find that Cotton altered our established precedent recognizing that the failure to allege a crime in violation of the laws of the United States is a jurisdictional defect.' United States v. Izurieta, 710 F. 3d 1176, 1179 (11th Cir. 2013)(citing post-Cotton Eleventh Circuit cases)."

However, the district court and the Court of Appeals for the First Circuit, knowing their obligation to examine sua sponte to determine subject-matter jurisdiction before addressing the merits in each case in order to avoid that the litigants are being prejudiced with such proceedings. See Royal Siam Corp. v.

Chertoff, 484 F. 3d 139, 143 (1st Cir. 2007), which held:

"A Federal Appellate Court normally must satisfy itself both of its own subject-matter jurisdiction of the trial court before proceeding further".

Also, see Henderson v. Shinseki, 562 U.S. 428 (2011), which held:

"Federal courts have an independent obligation to ensure that they do not exceed the scope of their subject-matter jurisdiction and thus must raise and decide jurisdictional questions that the parties either overlook or elect not to press. Jurisdictional rules may also cause a waste of judicial resources and may unfairly prejudice litigants, since objections may be raised at any time, even after trial."

Finally, the Petitioner wants to show some cases that are in the same situation without knowing the jurisdictional defect which their cases have. All of these cases are under Commonwealth of Puerto Rico's authority and can only be judged by Puerto Rico's courts. Furthermore, the Respondent/U.S. attorney violates Congress' order when they take away jurisdiction, in violation of Const. Amend. V & XIV which protects the due law process. Those actions frustrate Puerto Rico's Constitution and laws, being a Sovereign State with its own Constitution and laws since Congress granted total autonomy in local affairs in 1952. The Court may verify in each case that the facts and testimonies show that there is no evidence at all that connects with the federal law.

Respectfully, the Petitioner asks this Court to investigate the situation that is subverting the constitutional order. This Court is the only one that is able to correct what no other court has been able to do. Both defense counsels and U.S. attorneys have concealed such jurisdictional defects to the accused during many years in their judicial process. Here, the national public interest is being gravely affected due to the misconduct of the U.S. attorneys (Respondent).

This Court analyzing all the facts, shows clear and convincing evidence of the government's continuing misconduct of taking away cases that are exclusively under the Commonwealth of Puerto Rico's jurisdiction due to the fact that there is no evidence of interstate or foreign commerce. But to the contrary, the testimonies, affidavits and declarations demonstrate that such cases are local. Although the responsibility and obligation that this misconduct does not occur is over federal courts, they have the obligation to verify if they have subject-matter jurisdiction before they address the merits of each case. Such actions have seriously affected the due process of law. There are no words to describe such misconduct of the courts with omitting something of vital importance. See below the pertinent cases:

- (1) USA v. Arnaldo M. Broges Melendez  
Criminal No. 23-177(PAD)
- (2) USA v. Edwin Vasquez-Quiones  
Criminal No. 18-162(PG)
- (3) USA v. Castro-Perez  
Case No. 3:19-cr-00761-01(ADC)
- (4) USA v. Alexis Rodriguez-Rodriguez  
Criminal No. 07-290-8(FAB)
- (5) USA v. Richardson Cordero-Gallardo  
Criminal No. 22-409(SCC)

See, especially, in Appendix B, cases (1), (2), and (3), which shows to this Court the Records and Discoveries of Facts that these cases are within local jurisdiction of the Commonwealth of Puerto Rico.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted.

Felix Verdugo Sanchez

Date: 09/16/25