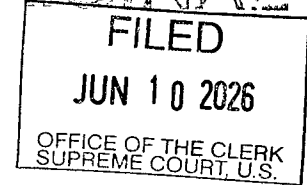


25-7655

ORIGINAL

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES



GABRIEL MONTELONGO,
Petitioner,

v.

HON. HEIDI L. KUTCHER, Judge of the District Court for the City and County of Denver;
HON. SARAH B. WALLACE, Judge of the District Court for the City and County of Denver;
GINA SIMONSON, Disciplinary Counsel, Colorado Office of Attorney Regulation Counsel;
THE COLORADO SUPREME COURT CLERK'S OFFICE; and
THE CITY AND COUNTY OF DENVER,
Respondents.

ON PETITION FOR AN EXTRAORDINARY WRIT OF MANDAMUS
~~PETITION FOR AN EXTRAORDINARY WRIT OF MANDAMUS~~


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PETITION FOR AN EXTRAORDINARY WRIT OF MANDAMUS

Petitioner, Gabriel Montelongo, appearing pro se, respectfully petitions this Court for an Extraordinary Writ of Mandamus pursuant to 28 U.S.C. § 1651(a) and Supreme Court Rules 20 and 33.1.

QUESTIONS PRESENTED

1. Whether a state judicial and regulatory apparatus violates a pro se litigant's Fourteenth Amendment right to Due Process and meaningful Access to the Courts when it systematically employs administrative closures, transcript suppression, caption-stripping, and unreviewed fee barriers to prevent review of clerk-level misconduct, missing transcripts, and structural irregularities.
2. Whether an extraordinary writ should issue to restrain state actors who insulate municipal, corporate, and private defendants through a uniform administrative script that converts constitutional challenges into automatic mootness without inquiry, hearing, or reviewable process.

LIST OF PARTIES

The following parties appear in this proceeding. None of the parties have a parent company or a publicly held company that owns 10% or more of its stock, nor do any of the parties have stock ticker symbols.

Petitioner:

Gabriel Montelongo, an individual appearing pro se.

Respondents:

Hon. Heidi L. Kutcher, Judge of the District Court for the City and County of Denver.

Hon. Sarah B. Wallace, Judge of the District Court for the City and County of Denver.

Gina Simonson, Disciplinary Counsel, Colorado Office of Attorney Regulation Counsel.

The Colorado Supreme Court Clerk's Office.

The City and County of Denver.

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Cases

Boddie v. Connecticut, 401 U.S. 371 (1971)
Cheney v. U.S. Dist. Court for D.D.C., 542 U.S. 367 (2004)
Ex parte Peru, 318 U.S. 578 (1943)
Mallard v. U.S. Dist. Court for S.D. Iowa, 490 U.S. 296 (1989)
Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803)

Statutes and Rules

U.S. Const. amend. XIV
28 U.S.C. § 1651(a)
C.A.R. 21
C.R.C.P. 12(a)(1)
C.R.C.P. 242.13(b)(3)
Supreme Court Rule 20
Supreme Court Rule 33.1

OPINIONS AND ORDERS BELOW

The Omnibus Dismissal Order of the Denver District Court (Respondent Judge Heidi L. Kutcher) in Case No. 2026CV233, dated May 14, 2026, together with the subsequent Order taking No Action and permanently barring further pleadings dated May 18, 2026, are unreported and attached collectively as Appendix A.

The Order Re: Emergency Motions of the Denver District Court (Respondent Judge Sarah B. Wallace) in Case No. 2026CV125, dated March 16, 2026, is unreported and attached as Appendix B.

The final administrative orders of the Colorado Supreme Court in Case No. 2026SA115, dated April 15, 2026, and April 21, 2026, are unreported and attached collectively as Appendix C.

The administrative caption-amending order of the Colorado Court of Appeals in Case No. 2025CA2299, dated January 30, 2026, and subsequent stay order dated April 15, 2026, are unreported and attached collectively as Appendix D.

The final closure determinations of the Office of Attorney Regulation Counsel (Respondent Counsel Gina Simonson) in Case Nos. 26-571 and 26-572, dated February 23, 2026, are unreported and attached collectively as Appendix E.

The final administrative closure order of the Colorado Commission on Judicial Discipline in Case No. 25-413, dated December 16, 2025, is unreported and attached as Appendix F.

JURISDICTION

This Court's jurisdiction is invoked under 28 U.S.C. § 1651(a), Article III of the United States Constitution, and Supreme Court Rule 20. Petitioner seeks mandamus relief to review a continuous, statewide pattern of unconstitutional procedural maneuvers executed by judicial and regulatory offices of the State of Colorado.

The final unappealable state orders resulting in a complete structural breakdown of access occurred on December 16, 2025 (Appendix F), February 23, 2026 (Appendix E), March 16, 2026 (Appendix B), April 15 and 21, 2026 (Appendix C), and May 14 and May 18, 2026 (Appendix A). Petitioner has exhausted all available ordinary appellate channels in the state system, leaving no other adequate remedy at law.

CONSTITUTIONAL PROVISIONS INVOLVED

The Fourteenth Amendment to the United States Constitution provides, in relevant part:

"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 OF THE CASE

This petition presents a documented, multi-agency collapse of procedural due process within the state courts and regulatory bodies of Colorado. Petitioner has repeatedly attempted to utilize established legal mechanisms to address underlying corporate, workplace, civil, and religious wrongs. At every level, the institutions designed to administer neutral rules have operated in a closed loop—summarily denying motions without inquiry, suppressing transcripts, altering captions to insulate government entities, and penalizing Petitioner for attempting to compile a verifiable record.

The state apparatus has deployed a uniform administrative script to isolate defendants and freeze pro se actions before they can cross the threshold of initial disclosure or discovery.

I. Baseline Institutional and Workplace Harms Separated from Judicial Remedy

A. Federal Corporate Blockade (Case No. 25-cv-03103-PAB-STV)

Petitioner sought relief for workplace and corporate injuries in the U.S. District Court for the District of Colorado. Opposing counsel asserted that Petitioner had been properly served with defensive filings—an assertion contradicted by the docket and by Petitioner's regulatory complaints. State regulators later dismissed this as a mere "legal disagreement," ignoring that the misrepresentation was used to freeze the federal action before initial disclosures.

B. Civil and Labor Concealment (Denver District Court Case No. 25CV371)

Petitioner's action against IBEW Local 68, Guarantee Electrical Contracting LLC, and Sturgeon Electric Co., Inc. was immediately subjected to administrative fractures. Unrecorded proceedings on May 15, 2025 were never logged or certified. When Petitioner attempted to appeal, the state apparatus intervened to alter the identity of the suit, stripping government entities from the caption to insulate them from accountability.

C. Multi-Agency Shielding of Public Records (Case No. 2026CV233)

Petitioner sought public records under CORA to expose administrative interference. Agencies imposed artificial fee walls and withheld communication logs behind sweeping privilege assertions. Respondent Judge Kutcher dismissed the action with prejudice without in-camera review or metadata verification. When Petitioner filed a Notice introducing critical metadata and automated rejection logs, the court issued a "No Action Taken" order, refusing to read further pleadings and burying evidence of municipal non-compliance.

II. The Script Applied to Spiritual Exile and the Default Trap (Case No. 2026CV125)

Petitioner filed a verified complaint against the First Spiritual Science Church of Denver and its leadership for retaliation, defamation, and religious exile. Defendants were personally served on February 2, 2026. Under C.R.C.P. 12(a)(1), they had 21 days to respond. They did not.

Petitioner moved for entry of default on February 25, 2026, submitting verified proofs of service stamped by Counter Clerk "SO." The court intervened on behalf of the defaulting defendants, ignored the mandatory deadlines, and steered the action away from judicial scrutiny.

Respondent Judge Wallace denied all emergency motions on March 16, 2026, stating the court "knows little to nothing about these perceived issues," despite the verified proofs of service. The court ordered Petitioner into mandatory mediation with the exiling parties, leveraging its own record errors to trap Petitioner in a compromised loop while stripping him of default remedies.

III. Transcript Suppression and Caption-Stripping

A. Alteration of the Trial Record (Case No. 2025CV483)

Petitioner moved to correct the record due to missing hearings. FTR Clerk Cianna Fernandez (operating under the alias "Jessica") submitted an affidavit asserting that no hearings occurred on critical dates. This contradicted the court's own logistical environment. The clerk's office used these affidavits to deny Petitioner access to audio logs and transcripts, blocking preservation of claims for appellate review.

B. Administrative Caption-Stripping (Case No. 2025CA2299)

The Colorado Court of Appeals altered the caption to remove the City and County of Denver and other governmental defendants. Petitioner was forced to file a "blind" Opening Brief because the clerk's office sealed the record. Although the caption was later corrected, the initial stripping demonstrated the systemic insulation of government actors.

Petitioner sought emergency relief under C.A.R. 21. The Colorado Supreme Court denied the petition without inquiry and declared further filings prohibited, completing the closed loop.

IV. Total Failure of Regulatory Accountability

A. Judicial Discipline Shield (CCJD No. 25-413)

Petitioner filed a detailed Request for Evaluation with the Colorado Commission on Judicial Discipline regarding unrecorded proceedings, missing audio, and arbitrary denials. On December 16, 2025, the Commission dismissed the matter, stating that such issues were "common frustrations" outside its jurisdiction, thereby insulating judicial officers from structural oversight.

B. Bar Regulation Wall (OARC Case Nos. 26-571 & 26-572)

Petitioner filed professional misconduct complaints with the Office of Attorney Regulation Counsel concerning misrepresentations by opposing counsel and anonymity practices within the federal pro se clinic. On February 23, 2026, Assistant Deputy Regulation Counsel Lisa E. Pearce issued summary closures in both matters. The dismissals were stamped final under C.R.C.P. 242.13(b)(3), severing all internal accountability.

REASONS FOR GRANTING THE WRIT

I. Absolute Denial of Constitutional Access

The right of access to the courts is a fundamental component of the Fourteenth Amendment's guarantee of Due Process. *Boddie v. Connecticut*, 401 U.S. 371, 377 (1971). That right becomes illusory when a state permits its courts to suppress transcripts, alter captions, ignore verified filings, and deploy administrative silence to bar review.

Petitioner has met every jurisdictional deadline, submitted verified evidence of record omissions, and attempted to utilize every available mechanism. In return, state actors have insulated defaulting parties, enforced unreviewed fee walls, and declared administrative misconduct "moot" without inquiry.

The presumption of regularity has been extinguished. Mandamus is required to restore constitutional integrity.

Additionally, Petitioner's inability to receive court mail—caused by external interference documented in the underlying cases—has compounded the denial of access. Where mail obstruction forms part of the constitutional injury, this Court has authority under the All Writs Act to order corrective measures ensuring a reliable channel of notice.

II. No Other Adequate Remedy at Law

Mandamus is appropriate where ordinary appellate channels are futile. *Mallard v. U.S. Dist. Court*, 490 U.S. 296, 309 (1989); *Cheney v. U.S. Dist. Court*, 542 U.S. 367 (2004).

Here:

- The trial courts altered or withheld the very records needed for appeal.
- The Colorado Supreme Court barred further filings under C.A.R. 21.
- Regulatory bodies issued final, unappealable closures.

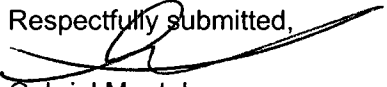
Every internal avenue has been exhausted. Only this Court can break the self-protecting administrative loop.

CONCLUSION AND RELIEF SOUGHT

Petitioner respectfully requests that this Court issue an Extraordinary Writ of Mandamus directing:

1. Respondent Judge Heidi L. Kutcher to vacate the May 14, 2026 Omnibus Dismissal and the May 18, 2026 "No Action" Order in Case No. 2026CV233; overrule the artificial \$372.33 fee wall; and conduct a full, reviewable in-camera inspection of all withheld public records and metadata logs.
2. Respondent Judge Sarah B. Wallace to vacate the March 16, 2026 Order in Case No. 2026CV125; acknowledge the verified February 25, 2026 counter-stamped Proofs of Service; enter the mandatory default against the non-responsive church defendants; and halt all forced mediation pending a full status conference on the record.
3. Respondent Gina Simonson and the Office of Attorney Regulation Counsel to vacate the February 23, 2026 summary closures; reopen the structural investigations in Case Nos. 26-571 and 26-572; and provide an evidentiary hearing on the record.
4. The Colorado State Court Administrators and the Colorado Supreme Court Clerk's Office to correct, supplement, and release all missing electronic audio logs, clerk affidavits, and uncertified transcripts required to preserve Petitioner's right to an auditable appellate process.
5. That the Court order remedial measures ensuring Petitioner's ability to receive court communications, including relief addressing documented mail obstruction where such interference forms part of the constitutional injury and denial of access.

Respectfully submitted,


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Dated: June 10, 2026