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26-6008

# IN THE UNITED STATES SUPREME COURT

CASE NO. _____

*Carlos Velasquez,* Petitioner

*v.*

*Amazon.com Services LLC*

D. Utah Case No. 2:25-cv-674-DAK

CA10 Case No. 26-4000

**APPELLANT'S PETITION**

**FOR A WRIT OF CERTIORARI before Judgment**

**To The Tenth Circuit Court of Appeals**

**cit. 28 U.S. § 2101(e)**

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## I. QUESTION

1. Does the Collateral Order doctrine operate under critical equitability terms where a Court of Appeals procedures are at risk to preempt review for *fraud on the court* after one or more trial instances related to comparable and collateral questions on *ministerial fraud, judicial malpractice,* as defined on conditions of Recusal/Disqualification after a providential demonstration?

2. Do restatements of the Law as *Brocato v. U.S.,* 4 F.4th 296 (2021) admit the judicial source question does permit review of *collateral fraud,* just as Fed. R. Civ. P. 60(d) defines? The same for *recusal/disqualification* if a jurist in a related or unrelated case violated the Public Law, and the violation was not arrested on appeal, Does the court recognize *Geo Group, Inc. v. Menocal et al.,* Sup. Ct. No. 24-758 (Feb. 25, 2026), because *risk of malpractice* bears the same procedural precedence as *likelihood of success* questions?

3. On an Emergency for Fraud on the Court, as alleged committed in the District Court, and now presently alleged threatened in the Tenth Circuit Court of Appeals, of such a circumstance, will the Supreme Court therefore command a Court of Appeals to observe procedures that may guarantee Appellate Review against an allegation of *fraud on the court?*

## II. PARTIES

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**JUDICIAL**

Senior Judge Dale Kimball

Orrin G. Hatch United States Courthouse

351 South West Temple, Rm. 10.400 (Chambers)

Salt Lake City, Utah 84101

801 -524-6100

## III. RELATED CASES

*1*

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*Velasquez v. State of Utah, et al.*

United States Supreme Court Case **No. 19-6263, 140 S. Ct. 615, 205 L. Ed. 2d 398**

United States Court of Appeals Case **No. 19-4041 (CA10)**

United States District Court Case **No. 2:18-cv-00728-DN (D. Utah)**

*2*

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*Velasquez v. State of Utah, by & Through Utah Legislature incl. the Utah OLRGC, The Utah Department of Human Services, Utah Division of Aging and Adult Services/APS and the Utah Office of Administrative Hearings*

United States Supreme Court **Case No. 21-5652**

United States Court of Appeals **Case No. 20-4087 (CA10)**

United States District Court Case **No. 2:20-cv-00205-DB/DK (D. Utah)**

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*Velasquez v. Hon. Baldock, et al.*

United States Supreme Court **Case No. 23-6288**

United States Court of Appeals **Case No. 22-4098 (CA10)**

United States District Court **Case No. 2:22-cv-1133**

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g. Order and Judgment, *Velasquez v. Utah,* 2:20-cv-205/CA10 No. 20-4087 .....241 (089)

h. Order and Judgment, *Velasquez v. Hon. Baldock et al.,* 2:22-cv-0133/CA10 No. 22-4098.....255 (103)

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## V. CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rule 33.1(h), I certify that the petition for a writ of certiorari contains less than 6594 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d). I declare under penalty of perjury that the foregoing is true and correct.

Executed by Carlos Velasquez, Pro Se Petitioner on , 10/4/2026.

Sig. _____

## VI. CORPORATE DISCLOSURE

Appellant has no affiliation or ownership of shares in any party of interest.

Initial, Date: CV 10-4-26

## VII. AUTHORITIES

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## OPINIONS BELOW

The Tenth Circuit Court of Appeals has not made any final Determination. On 10/1/26, the Circuit court declined to honor a Motion to for Expediency and Transparency.

1. Per Curiam Order *Denying* an *Emergency Motion for Expedience and Transparency.* No. 26-4000 (D.C. No. 2:25-cv-00674-DAK)(D. Utah), Doc. No. 33 (10/1/2026).....Appendix, Page 001, 312

## VIII. JURISDICTION AND GROUNDS

The Pro Se Petitioner, Carlos Velasquez, respectfully and urgently demands the Supreme Court will enjoin the Tenth Circuit Court of Appeals to several procedures which it presently appears to have jeopardized.

A Motion for Stay is filed beside this paper.

The Collateral Order doctrine provides for review of decisions as off-merits from the instance of Appeal, although not expressly off-merits; we read the doctrine exclusively to mean the merits of the instance on review so that when we read of past *judicial malpractice* and discover we have to argue that it affects the present case and risks equitable trial precedence, and is itself at risk of becoming unreviewable for extended and collateral implication of the past *fraud on the court,* we find a natural argument to prove that a Judge or a Quorum have abused their express their authority in a manner we can only reasonably describe is criminal.

Our presentation includes relevant constructions of Extra Judicial Source doctrine where Recusal/Disqualification standards were originally relevant.

Our presentation demands a procedural injunction upon the Appellate Court to command them to utilize procedures that will not permit further abuses. We believe these procedures should be standardized.

The District Court has denied to review an allegation of *Fraud on the Court,* and the Tenth Circuit Court appears to hesitate to review it and presently two procedural motions based in observation of said *Fraud on the Court* are delayed or

declined; (1) A Motion to Summon the Trial Judge to Reply on the Appeal; and (2) A Motion defining a circumstance of Emergency for Expediency and Transparency after *Fraud on the Court.* Demonstrated Below.

In sum, the Circuit Court has not admitted how a *Judicial Malpractice* is a persistent political and dignitary emergency. They permit the Judiciary to have invaded upon the privileges and immunities of the victim party, and treat the question of one on privilege, than *as of right.*

The Tenth Circuit Court appears threatening future Perjury, *fraud in its determination* because it has not reassured this party against the malpractice.

The Circuit Court lacks explicit procedures for treating demands for Relief from a Judgment on the basis of *Fraud on the Court.* The Petitioner has presented two technical applications, one was recently dismissed on 10/1/26, and the other remains pending.

**S. Ct. R. 11** states, "A petition for a writ of certiorari to review a case pending in a United States court of appeals, before judgment is entered in that court, will be granted only upon a showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court." **28 U.S. Code § 2101 (e),** "An application to the Supreme Court for a writ of certiorari to review a case before judgment has been rendered in the court of appeals may be made at any time before judgment."

We respectfully petition the Supreme Court will review and GRANT both motions, and remand to the Tenth Circuit Court of Appeals for ordinary Appellate Review. The Supreme Court can prevent every possibility of a *ministerial fraud.*

## IX. STATEMENT OF THE CASE

The format of our Appellate Petition is described to be a *collateral appeal,* and takes a totality of the procedural circumstance of the Appeal to admit for the reviewing court the whole context of the appeal, we say it is defined under a series of cases laid out in the argument section.

It is observable how a persistent government malpractice will fail to conduct any kind of discretionary review for *fraud on the court,* and leaves off-merits decision unreviewable in criminal guarantee. Specifically, the court improperly implicated *collateral order* doctrine to mistreat the question on an Interlocutory Appeal, CA10 Case No. 25-4145. **Appendix, Docket Sheet, "Prior Cases," 004.**

The Collateral Order doctrine shall admit how cases under dispositions of a *fraud on the court* have not resolved on the real merits of the case, and may further admit that in the due course of attempting to have protected and repaired petitioner's rights in that order, the unreviewable decision may also constitute review against collateral fraud in circumstances of real sua sponte judicial malice; meaning the court is at risk to completely destroy the legal and constitutional opportunity to discover real incidents of *ministerial fraud,* and to permit a *judicial malpractice* under a form

of criminal syndication in terms of U.S. Courts natural authority to publish real opinions.

The Petitioner asks the court to recognize a circumstance of a high risk or high likelihood of persistent criminal disaffection, to proceed as having suspended or waived a presumption of good faith in the judicial disposition.

To that end, the court may take any course of action it deems reasonable and necessary and proper.

## X. FACTUAL BACKGROUND (Including Relevant Dates)

1. The Petitioner filed a civil suit against Amazon.com Services LLC for ultra vires breach of contract under terms of Wrongful Coerced Resignation, for conditions of a Hostile Work Environment after multiple defamations in workplace disciplinary reporting, and failure in Amazon Human Resources to address complaint. (Filed 8/12/25)(Not demonstrated)

2. An interlocutory notice of appeal was filed on 11/6/2025, and is alleged to have been delayed by the Clerk on 11/19/25 whereupon it was stated, "Interlocutory orders denying a motion to recuse and/or disqualify are not immediately appealable. [Cit.] *Kellogg v. Watts Guerra LLP,* 41 F.4th 1246, 1259 (10th Cir. 2022)." See Appellant's Pretrial Motion, CA10 Docket No. 26-4000 (CA10 No. 25-4145, Doc. No. 13). Appendix, 050.

3. The Clerk intervened challenging Jurisdiction of Interlocutory Appeal on 11/7/2025. Appendix, Page 350.

4. A fee was paid on 11/10/25. Appendix, CA10 No. 25-4145, Doc. No. 5, Page 342, 344.

5. The case brought on Appeal, now presented under *Collateral Order* doctrine, was dismissed with Prejudice on 11/14/2025. Id, Page 054.

6. The District Court refused to address the allegation of a *Fraud on the Court,* overstating its positions without demonstration on 12/16/2025. Id, 046.

7. The District Court's opinions apparently avoided the allegation and treated the question under Fed. R. Civ. P. 60(b). Id.

8. The Clerk did not recognize the Appeal was Interlocutory, "Given the apparent lack of finality, it does not appear that appellate jurisdiction exists." Appendix, Page 352.

9. An Appellant's response to the Clerk was filed in response on 11/17/25, "The Docketing Statement filed with the Circuit Court clerk admits Jurisdiction may be due under 28 U.S. § 1292 (a); this was an appeal after we allege the jurist the Jurist improperly and wrongfully refused to recuse, to appeal those decisions prior to further proceedings in the District Court." Appendix, Appellant's Reply to Clerk's Nov. 7 Order, 357, 358.

10. The document referred to a docket slip that Clerk left "not filed," and the information therein would have prevented the Clerk from challenging the Jurisdiction of an Interlocutory Appeal, respectively, "Is the order or judgment final? See 28 U.S.C. § 1292." Response: "No." Id. Appendix, Appellant's Docketing Statement, 365, 366.

11. See Item 5b on the same document, "If the judgment or order is not a final disposition, is it appealable under 28 U.S.C. § 1292(a)?" Response, "Yes." Id.

12. The Circuit Judge dismissed the Interlocutory Appeal under the Clerk's misprision on 11/19/2025, "We entered an order directing [the Petitioner] to explain the basis for this court's jurisdiction over this appeal...Interlocutory orders denying a motion to recuse and/or disqualify are not immediately appealable." Appendix, Appellant's Pretrial Motion, CA10 Case No. 25-4145 (D.C. No. 2:25-cv-0674-DAK-CMR)(D. Utah) Page 050, 051.

13. A paper implicating the Clerk's coercive mishandling of the circumstance was filed, after the Clerk objected to a Pre-Trial Motion. Appendix, CA10 Docket No. 26-4000, Doc. Nos. 7, and 8, Page 003 (Not Demonstrated); Also, Appellant's Pretrial Motion, Page 013-113.

14. The Clerk denied a three-part procedural motion on apparently false and specious terms, responding without submitting the paper, we compare personal initiative and not the courts *own initiative*, "This matter is before the court on Appellant's Pretrial Motion for Guarantee of Good Faith and Disqualification and for Electronic Filing Privilege, also for Waiver of a Filing Fee...The Appellant's motion appears to contain argument that is not suited for disposition via procedural motion but only in a merits brief and additionally asks for multiple forms of relief." Appendix, Appellant's Pretrial Motin, (CA10 Case No. 26-4000, Doc. No. 8), Page 070-072.

15. The Tenth Circuit Court has no rule prohibiting such a Motion, and the Clerk made no citation.

16. The Clerk reported, "Argument about the merits of appeal is not appropriate for inclusion in a procedural motion." Id.

17. Also reported, "This court revoked the appellant's electronic filing privileges in a prior case. To the extent the appellant wants to ask the court to reinstate his electronic filing privileges, the appellant must submit a separate motion requesting only that relief providing both ample reasons supporting good cause for doing so and sincere reassurance that the conduct that caused the court to revoke his privileges previously will not arise again." Appendix, Clerk's Order on Motion, Page 118, 119.

18. Also Reported, "As a reminder, all new or renewed motions filed by the appellant must request only a single form of relief." Id., 120.

19. An Appellate Brief was served and filed on 3/13/2026 Appendix, CA10 Case No. 26-4000, Docket No. 14, Page 006.

20. Response, and Replies completed after 5/15/2026 and 6/5/2026, Nos. 19 and 21. Id, 007.

21. A Motion to Amend the Record was filed on 6/15/2026, No. 25. Id. (Pending)

22. A Motion to Summon the Jurist was filed on 6/24/2026, No. 27. Id. (Pending)

23. A Motion demanding the court respect the *fraud on the court* allegation *as of right,* in Emergency terms was filed on 8/10/2026, demanding *transparency,* and *expeditiousness;* No. 30. Id; Also, Per Curiam Order, Page 312; Appellant's Emergency Motion, Page 315-337. (Denied, 10/1/26)

24. Replies were completed after 8/25/2026. Appendix, Page 007.

25. The Victim here reports over the weekend of 8/25/26 a complex feeling of dread and intimidation was personally identified then as being related to the persistent threat of perjury.

26. As of the week of 10/1/2026 the totality of case circumstance has not been addressed.

## XI. ARGUMENT

The Supreme Court must plainly order the Circuit Court to respond to the Motions as defined from this brief, OR may expedite that review in due order.

"Initially, this Court applied the 'effectively unreviewable' requirement to capture orders that would become moot by the time of final judgment. See *Cohen v. Beneficial Loan Corp.*, 337 U.S. 541, at 546 (1949). For those orders, a strict application of the final-judgment rule 'would practically defeat the right of review at all.' *Cobbledick v. United States,* 209 U.S. 323, 324-325 (1940)..." *Geo Group, Inc. v. Menocal et al.*, Sup. Ct. No. 24-758 (Feb. 25, 2026).

Having bypassed the *recusal* question in an interlocutory appeal **(See Fact 2),** and subsequently having refused a Motion demonstrating how there was such a *Fraud on the Court* in District of Utah Case No. 2:20-cv-205, the District Court made it impossible to review a past *Fraud on the Court,* for questions on Recusal/Disqualification, and the Court of Appeals has now presented high-risk disposition that it may or may not review the *Fraud on the Court* allegation, as upon a term of dark *judicial consent.* **See Fact 22.**

Technically and Practically, risk of judicial malpractice is a question enlarging the most non-volatile parameters of the collateral order doctrine, as we observe it; it is a question in direct parity with the *likelihood of a successful* petition, so courts naturally attempt to observe the circumstance as upon the merits of the Appeal.

The categorical problem is however deeper, primarily the apprehension of *risk* also involves *threat;* it is not a simple question of *likelihood* for that reason.

The nature of a Motion defining an Emergency that so threatens the merits of the case that it requests of the Circuit Court to:

(a) Disclose who among its membership is handling the matter, where a question of recusal/disqualification may be relevant on *other* such cases;

(b) Disclose whether the court will recognize the complaint of malpractice in the District Court, wherein we may reassure the victim party making the substantive allegation to save the civil case;

(c) Disclose a general timeframe wherein we may reassure the victim party making the substantive allegation to save the civil case.

The Petitioner's emergency motion pending before the Tenth Circuit Court of Appeals makes such a request as a matter of *right.* **See Facts 20-22, 25.** The Court's Per Curiam Order on 10/1/26 does not resolve the question, so we infer the lower court has improperly treated the question as a matter of categorical *privilege;* the *practicality* of the Motion has become technically *necessary* because the Court of Appeals misstated Interlocutory form, and has interfered with the Preliminary Motion.

It is plainly a high-level pre-trial question consistent with the federally protected *right to petition,* the implication of public standing of Recusal/Disqualification standards. The district court Judge cannot fail to resolve the procedural allegation of *fraud on the court* for its substantive claim. **See Facts 1-5, 6.**

Affirmatively, this will satisfy a question of "the entire category of orders," *Geo Group.*, cit. *Digital Equipment Corp. v. Desktop Direct,* 511 U.S. 863, 868 (1994). As a prefatory rule consistent with *Geo Group,* a case dispositioned of a *Fraud on the Court* may not have actually reached authentic case merits, meaning the judicial opinion is effectually *aside* and cannot be honored by a conscionable and reasonable party.

Restated, a *Fraud on the Court* falls off-merits even while having abused procedures, so that the Judicial Opinion in question appears completely inauthentic to the Constitution of the United States of America, the Public Law, and the ordinary procedures involved in Pre-trial and Trial practices. **See Fact 5, 6.**

Therefore, issue is due in the Supreme Court, just as it was due in the Appellate Court, "For orders to be appealed before final judgment, they must (1) be conclusive; (2) resolve important questions separate from the merits; (3) be effectively unreviewable on appeal from final judgment." *Mohawk Indus. Inc. v. Carpenter,* 558 U.S. 100, 106 (2009).

We find the affirmative conditions just described from *Cohen* out of *Mohawk,* and admit there is a conferential exception due, "The exceptions specifically include the words 'to protect' or 'effectuate its judgments,' for lack of which the Supreme Court held that the Federal courts are without power to enjoin relitigation of cases and controversies fully adjudicated by such courts." *Toucey v. New York Life Insurance Co.*, S.Ct 139, 314 U.S. 118, 86 L.Ed. 100. Restated, the authority of a *prejudicial dismissal* on *finality of judgment* is threatened by avoision or omission of questions that are reviewed in *collateral order,* even if the disposition reviewed comes off-merits in a past case relating a question *criminal motive.*

Thereby, the two major pre-trial motions can be reviewed in the Supreme Court to posture the District Court and Circuit Court to review the allegation of *Fraud on the Court* directly, before sua sponte review of *Error.* **See Facts 5, 21, 22.**

In terms of the query for Judicial Recusal which the Circuit Court now holds as *aside* from the merits of the case, while its Clerk interfered with and has impaired the authority of a Pre-trial motion that does affect the Appeal, "Review should entail careful consideration of context, that is, [the] entire course of judicial proceedings, rather than isolated incidents." *U.S. v. Brocato,* 4 F.4th 296 (2021); CA5 Case No. 20-40624, Doc. 515932750 (7/9/2021), Pgs. 11-13, cit. *Sao Paulo State of Fed. Rep. of Brazil v. Am. Tobacco Co.,* 535 U.S. 229, 232-33 (2002). "Rather, the concept of bias 'connotes a favorable or unfavorable disposition or opinion that is somehow wrongful or inappropriate, either because it is undeserved, or because it rests upon knowledge

that the subject ought not to possess...or because it is excessive in degree." Id. cit. *Liteky v. United States,* 510 U.S. 540, 550. **See Fact 21, Page 291-305.**

We recognize and admit for United States Supreme Court how Circuit Judge Ho has found restated our test of *bias against law, disrespect for the Public Law,* the question of a malice beyond a single or remediable error. **Id.**

*Brocato* emphasized the question of the *extrajudicial fact,* and that fact posed against a Judge in a *Fraud on the Court* question on Appeal, or mandating Recusal/Disqualification, requires the Judge to exercise his discretion as protected under *Liteky* more absolutely, demonstrating the precedence from the court's record of his relevant opinion that squares it contextually and refutes the published allegation in its demand for Relief from the Judgment, or for Recusal, since both questions are relevant to the Party who makes the genuine showing.

In both of these instances, the demonstration of *Fraud on the Court* remained published to the court's original trial docket and was left unaddressed by U.S. Courts. There are two such Motions which the Circuit Court must be impartial to review, See "Affidavit for Recusal" against the trial Judge (Filed 8/25/25), Appendix **172;** the other is referenced in the Appellate Brief and not demonstrated prior to Judgment; For reference see Petitioner's Motion to Summon the Jurist generally, Appendix **125-149.**

A Motion under Fed. R. Civ. P. 60(d) is NOT time limited, and such a motion was timely to the Appeal; so it was natural to raise the allegation against both the

District and Circuit Court, the Emergency motion to define *transparency* to prevent the same malpractice, and encourage the Appellate Court to review against an allegation of ministerial fraud. **Id.**

The Motion to summon the Jurist demonstrates a *fraud at determination* committed by the Tenth Circuit Court of Appeals on the question of Perjury against the timing for the appeal, on Obstruction of Jurisdiction of Appeal. The same motion that was demonstrated for Hon. Dale Kimball's *recusal/disqualification* for his being *biased against law* when it came to the Petitioner. **See Fact 21, Appendix, to the Motion, "Motion to Set Aside for Fraud on the Court," Page 125-305, 187.**

Restating the same categorical query out of *Digital Equipment Corp.,* we presented how the District Court Judge was *biased against law* when it came to the Petitioner, yet the District Court jurist demured from that motion to review the case summarily, reached false conclusions of fact which the Circuit Court can review, but now hesitates to evaluate the question of *collateral fraud* as in the same order where delayed on the Emergency question, "Under this test, adverse rulings cannot in themselves form the appropriate grounds for disqualification." CA10 Doc. 27-2, cit. *U.S. v. Nickl,* 427 F.3d 1286, 1298 (10th Cir. 2005). **Appendix, 157-160.** The Fifth Circuit interpreted *Liteky* and rebuked the jurist, "It is true that a number of Courts of Appeals have relied upon the word *personal* in restricting § 144 to extrajudicial sources...It seems to us, however, that mistakes the basis for *extrajudicial source* doctrine [because] First and foremost, that explanation is simply not the semantic success it pretends to be[.]" *Brocato,* cit. *Liteky.* **See Fact 21; Appendix, 131-138.**

We describe critique of *Brocato* in *Liteky* to be one against *Judicial Overstatement,* a plain strategy in formal and informal rhetoric: An insolvent Judicial Opinion is by definition not *absolute.* So any opinion bearing a *false declaration* for *bias of the jurist* (28 U.S. § 144) may precedent his recusal, and Disqualify him for knowing *bias against law,* and cannot tolerate any reasonable *overstatement.*

Questions of False Declarations, Perjury, Deprivation of Right, and Obstruction are completely relevant to the victim party who argued how *bias against law* is a *personal* bias because it recognizes a *personal harm* was inflicted. **Id.**

Our presentation in the Tenth Circuit proves no part the Judicial Opinion was solvent, it was a technical derision to intentionally harm the victim of workplace stalking.

Preemptive action is primarily due because the practical notion of *risk* against *judicial malpractice,* any *ministerial fraud,* compares the same authority of the *finality of judgment* in res judicata terms; literally, the doctrine must merit the People before it considers the relative security of Federal Office, to prevent the judgment from becoming *unreviewable.*

Restated as in order of *Mohawk*, because the facts on demonstration prove the demerit of a *collateral fraud* is substantive and plausible, the likelihood the judiciary will be *inconclusive* to the material case is high; thereby, the matter does not proceed *on merits,* but instead proceeds on a series of cassations that are unnaturally binding, and may *abuse of procedures;* the whole appeal may be "unreviewable" and rendered

moot out of conferential *syndication* of an improper collateral of *fraud* since the Judicial Opinion is not at all absolute.

A party on this order has a high likelihood of success because the principal question in this instance was a Pre-Trial survival question; if any part of that remains *unanswered* while precedented on the record then we can have a high likelihood of success, as we demonstrate in the Trial and Circuit Court.

In this way we protect the time and resources of independent petitioners, just as we would otherwise observe the same for the Judiciary.

The Supreme Court must plainly order the Circuit Court to respond to the Motions as defined from this brief, or may expedite that review in due order because the measure of *technical practicality* is valid if the Circuit Court lacks procedures, or has been demonstrated to have allowed a *Fraud on the Court* to pass in any of the litigation made relevant.

Restated after *Kellogg*, if the court may decline an Interlocutory Appeal for Recusal, it does so at the peril of rendering the same decisional condition unreviewable. If it is a question of a *Fraud on the Court,* such a Circuit Court commits a Perjury in the Declaratory Judgment since the Collateral Order doctrine shall have interpreted that decision to be off-merits.

A Motion to STAY proceedings was directed to Associate Justice Neil M. Gorsuch over the Tenth Circuit Court of Appeals.

## XII. EQUITABLE FACTORS COMPELLING REVIEW

Equitable factors to the discussion of *Collateral Order* doctrine consider that these questions which are equitable to Appeal from a Final Judgment are also observably prerequisite to the Appeal, do merit preemptive action that is coercive to the prejudicial administration of Justice.

### 1. Extensive Collateral Malpractice is Observable

Here we face the question of whether Judiciary may report anything in their official opinions, whether they break pre-trial precedence and violate the Federal Rules of Procedure, or issue False Declarations and Perjure the Judgment/Determination standards of a Declaratory Decree.

The past *fraud* was demonstrated in CA10 No. 25-4145, and the Circuit Court reached a false conclusion by lending the Jurisdictional advantage of the Court to the Trial Judge without any cause.

Considerably, the same question of *collateral fraud* is relevant because the cause for the *Fraud on the Court* allegation bears continuity with the past observation of a *ministerial fraud;* the jurist bears the appearance of intentional deprivation of right after a perjury: Hon. Dale Kimball wishes to prevent the Petitioner's success, because that success may aid the petitioner in exposing *ministerial fraud.*

Moreover, the subject of malpractice in the government-at-law is widespread and can be clarified reviewing Judicial Malpractice.

The People will greatly benefit to know the government may not commit crimes against us, nor in our name and honor.

2. Preliminary Decisions are Reviewable under 28 U.S. § 2101(e)

The Circuit Court Has Ruled Against an Important Preliminary Motion.

On 10/1/26, the Tenth Circuit Court of Appeals denied an extraordinary motion to demand the trial judge to respond to the Appellate against a direct allegation of *Fraud on the court.*

The court may now imply the allegation is not valid, a component argument telegraphing and threatening a future Perjury.

Under *collateral order* an unreviewable decision, such as a *Fraud on the Court* question, becomes invalidated once a Court of Appeals refuses to recognize the cause for relief from the Judgment.

This paper demonstrates how the court in the past has refused to recognize the cause for relief from a judgment, and refused to recognize how it has done criminal harm.

3. Recusal/Disqualification Questions are Outstanding

The Court's membership has not recused itself where it is Disqualified under law.

Senior Judge Kelly has authored such a position beside Senior Judge Matheson, Judge Kelly is alleged to have authored an Appellate Level *Fraud on the Court* on **Related Case No. 19-6263, 140 S. Ct. 615, 205 L. Ed. 2d 398 (Cert. Denied 12/9/2019),** and his name is listed on the Motion discussed under **Facts 22; Appendix 312, 316.**

The plain demonstration is excessive for this petition, but the Circuit Court was notified on the Notice of Appeal and the Petitioner's brief on Appeal to the Tenth Circuit Court.

4. Extraordinary Motion is Pending

The Judiciary have not ruled on a Motion to Summon Senior Judge Dale Kimball to respond to the Appellate Brief. This may imply a favorable contemplation, but it also may not.

The Circuit Court leaves the victim of Judicial malpractice in suspense after criminal malpractice has been alleged since 2018, and show themselves to be deeply unserious in their commitment to the People.

The victim in this circumstance may have no reasonable basis for political confidence in the judiciary without injunction.

It is possible the court will make that issue while this petition is pending; the document is lengthy because it calls four years of collateral precedence to define how

Sen. Judge Dale Kimball was obligated to Recuse himself, and was Disqualified for the appearance of Prejudice.

5. Corruption is Plausible

The Supreme Court must consider that corruption against Pro Se petitioners is pervasive, and to prevent that persistent appearance and outcome.

On 9/18/26, the Petitioner contacted the Supreme Court to find if the Clerk had received the document for filing. The Clerk declared the document had not been seen, and was in holding off-site for as long as two weeks to guarantee safety.

Another Clerk clarified, saying it would only be one to three days.

The document in fact had been returned to the Petitioner on that same day, and the following week phone calls were not returned by the Clerk. It was not until 10/1/26 the Petitioner learned the document had been returned to him.

The brief has partially demonstrated a similar misconduct in the Tenth Circuit Court of Appeals, the Clerk refused to admit he had misread a paper and provoked errant termination of an interlocutory appeal. **See Facts 1-5.**

The experience of the victim party is that the Clerkship of several courts will readily apprehend the Collateral Appeal opportunity and direct it under a form of cassation that renders the *fraud* allegation to be *unreviewable.*

In short, the Clerk lacks Constitutional agency and has repeatedly imperiled the Circuit Court's ability to recognize the allegation of *Fraud on the Court.*

6. Deterrent Force Mandates Review

The Pro Se petitioner demonstrates original canon of *Concrete Originalism* without which the People are at the mercy of the two-party system within what amounts to a *conferential government* in defiance of our intentional *constitutional government.*

The *conferential* from *constitutional government* is natural terminology of original authority capable perfectly characterize and interpret the framers' intent on *Limited Government,* we prove how upholding the Constitution of the United States of America in this manner will always show a good decision.

Clarification of a Pro Se canon that is discretely anti-fraud is such a fundamental right, because Law Schools are primarily designed on the Strict Construction of Contracts they in fact do less work on Constitutional Formalism and we believe it is for that demerit we have suffered excessive delays after ministerial fraud.

The public officers we begin to indict are effectively NOT PROHIBITED from *malice* of any genuine kind, including violations of Civil Rights and criminal abuses of judicial expression, such as Perjury, Deprivation of Right, Obstruction; they have failed to admit how a *strictly conferential government* is *criminal.*

These are civil cases wherein the judiciary have falsely testified the authority of the court's Jurisdiction to coercively dismiss.

The District Court and Circuit Court lack a strong intuition for constitutional form, and require reminding; we believe that in their insularity they are actively deliberating in persistent *judicial malpractice,* they have now delayed more than two months on papers demonstrating the Emergency after *fraud on the court,* also demonstrating how it may be *unreviewable,* said *fraud,* if the court elects to ignore the direct pleadings of the Pro se victim.

We petition to improve the Natural and Superintendent popularity of the Judiciary, this opinion will aid the People at large, and improve the short to mid-term confidence in the Union.

We are otherwise at risk of a shadow quorum who may have syndicated malice.

7. Civil Rights Violations

A. Violations of U.S. Const. Amend. I

The Circuit Court showing the appearance of hesitation to construct orderly procedures that do not keep the victim in suspense under an alleged criminal disposition shows the capacity for, and appearance of, criminal deliberation over perjury and related crimes; plain deprivation of right in judicial conference; they lack a natural procedure and intuition to care for the People who petition.

The Circuit Court waited since 8/10/2026, or after those replies on 8/25/2026. **See Appendix, Docket No. 30-32, 007.** Ignoring the petition, delaying it

improperly, allowed the victim to suffer criminal intimidation, a disposition of criminal stalking.

Leaving matters under such criminal disposition the Judiciary appear to stalk the right and standing of the People. We have successfully petitioned repeatedly and found numerous violators of our person.

B. Violation of U.S. Const. Amend. V

Failure to Define Procedures to review an allegation of *Fraud on the Court* bears the appearance of an exception having been rendered between the terms of the Federal Rules of Civil Procedure, and the Federal Rules of Appellate Procedure: Appellate Rules do not define extraordinary procedures, which are *required* to review any collateral *judicial malrpactice* in context, rest. *Liteky.*

In light of Collateral Order doctrine, the *Geo Group, Brocato-Liteky,* and *Mohawk* standards, the court must establish some rule to maintain its generalized posture of Appeal as of Right, the Emergency Motion, just as the Interlocutory Appeal, and reject the temptation to commit perjury with false cassations.

C. Violation of U.S. Const. Amend. VIII

Persistence in criminal deliberation is cruel; it is abuse of trial suspense bearing the threat of further abuse of precedence; personal harn of ordinary trial suspense ethics.

Taken in all, the Clerk erred in a manner to disfavor the authority of a Collateral Appeal by isolating each instance and prevented Circuit Judges from excercising discretion, to prevent the Circuit Court from showing "careful consideration of context [of the] entire course of judicial proceedings," *Brocato v. U.S.*, CA5 No. 20-40624 (U.S.D.C. No. 1:19-CR-133)(E.D. TX), Page 9 (See Appendix, 291, 302). We sought to prove how the Judge had committed a *Fraud on the Court* and had precipitated a petition demonstrating his recusal/disqualification, and the Clerk saw the demonstration as a limitation against his discretion. **See Fact 13; Appendix, Page 013, 118.**

The Circuit Judge assigned could have answered the whole motion and prepared the Court for the Collateral Appeal, we have a canon of disinterest which is apparently unlawful.

We demonstrated the Clerk's error for him, and he ignored it and provided for the Circuit Judge the opportunity to impound the Collateral Appeal in criminal discrimination, which he did by arguing ex converso from a collateral appeal, "Interlocutory orders denying a motion to recuse and/or disqualify are not immediately appealable." **Appendix, 050-051.**

Here, we have proven that such Interlocutory Orders are reviewable if they permanently jeopardize the reviewability of a *Fraud on the Court* allegation in an otherwise unrelated case; it is a cruelty to inflict a criminal exception under color of procedural norms.

D. Violation of U.S. Const. Amend. IX.

The crime of *Political Stalking* is evenly interpreted after persistent incidents of *Perjury, Subornation, Deprivation, Obstruction,* and *Conspiracy;* any ministerial action bearing criminal intent, a malice beyond error, immediately subjectifies public standing as of right and may be in use to conduct *intimidation,* or even to control what cases are treated as valid.

Wherever a crime is committed it arises therefrom a cause of action, and when in sight of the court, it arises directly from the docket where the jurist responsible can no longer have a Justiciable part in making any adjudication; *bias against law* can define a definitive Personal Exception, we mean a *crime,* it does Personal Harm on the Political Exception, and the plain demonstration precedents Disqualification.

A Judge or Justice cannot be his or her own Witness to a forensic record that may risk to remain effectively unreviewed.

Reference to the amendment demands that all unenumerated rights must merit the People, this in its restatement is the *e converso* rule of construction which we say must apply to all federal and state issues if our Federal Officers are to remain under oath.

The court has not made a promise to arrest any *Judicial malpractice,* and proceeds as NOT prohibited from direct and vicarious violation of the Public Law at

the victim's personal expense; the harm that follows abuse of trial suspense is a criminal harm consistent with *stalking* and *intimidation.*

It is alleged in trial documentation, a Victim's Affidavit filed prior to the controversy on Appeal, the Judicial Dispositions related to the original Wrongful Termination/Coerced Resignation question were in part provoked by Judicial Stalking after incidents of *Fraud on the Court* rendered the victim more vulnerable to a *hostile work environment.*

## E. Judicial Immunity

The object of *Judicial Immunity* from a *Fraud on the Court* allegation, where concerns violations of civil rights or bills of costs, should not concern the Supreme Court at this time. The matter is interested entirely in the civil integrity of the cases held hereby to be under a criminally syndicated judicial impound; an *intrinsic fraud* is the plain intent Fed. R. Civ. P. 60(d).

On genuine findings, such allegations are raised by this party as aside in the District or Circuit Court.

## F. Defendant Positions

Defendants are repeatedly characterized as Overzealous and Insincere on these matters; we are concerned they have observed multiple actions which are consistent with Judicial Malpractice, and have been incorrigible. As professionals, Amazon.com

and Littler Mendelson appear as (a) wrongfully biased to prohibit Discovery; (b) NOT prohibited from encouraging a Judicial Officer to pursue *Fraud on the Court.*

Declension from the standard that would demand demonstration of the elements of the trial brief is not necessary for the successful Collateral Appeal when it favors the People, rather than a Federal Officer.

We have proven it is likely the jurist committed a *Fraud* against the District Court, and we have proven the Circuit Court affirmed it with *False Testimony* of Appellate Standards.

A Defendant party should not take confidence in a Judico-criminal derision, such judicial opinion does not resolve the case and is not absolute.

## XIII. FURTHER MERITORIOUS DEFENSE TO GRANT OF THE PETITION

The allegation of Ministerial Fraud involves a U.S. Judge being competent to anticipate how he or she on abuse of the decisional privilege projects an intentional threat of Perjury prior to actually committing the *Fraud on the Court.*

The allegation of *Fraud on the Court* under Appellate Review, including equitable measures preventing further such ministerial fraud within the Appellate Circumstance, requires hisher competence in apprehending how the victim has filed an emergency application because the threat of *ministerial fraud* is tangible.

Two critical papers were filed in this instance presenting one such an allegation *in part,* in order to demand the Jurist be summoned to Respond during the Appeal for several *false* and baseless declarations of prejudice over the case, *Fraud on the Court.*

The Second paper, an Emergency paper demanding *transparency* and *expeditiousness* in the review process demanding to know primarily *who* among the Tenth Circuit Court's membership was presiding over the case, what quorum, *because* the Notice of Appeal and the Appellate Brief both bother to list jurists against whom there is an outstanding collateral allegation of *ministerial fraud* in past cases where the judiciary's *prejudice* reflected neither the facts of the cases, nor the jurisdictional authority of U.S. Courts.

*Transparency* would allow a paper to be filed that would demonstrate a past *fraud on the court* as having transcended appellate authority; the Supreme Court can effectively enforce a collateral estoppel against malpractice in the government-at-law.

The temptation for a corrupted Federal Judiciary to commit Perjury to evade discovery is plain.

The harm committed therefore was *intimidation,* by hesitating upon a Motion for *transparency* and *expeditiousness,* failing to reassure the party victimized and aggrieved, the Tenth Circuit lost touch with reality and flexed an *absolute immunity* where they have no justiciable resolution as based in the record of the filings, and the independent holdings of the court on the cases that are relevant.

The risk to impair Justice of the declaratory authority of U.S. Courts is part of the act of *Perjury,* and we are resolved the U.S. Judiciary are *under oath* to recant their positions whether in *error* or *malice.*

## XIV. RELIEF DEMANDED

1. To prevent the Circuit Court from repeated trespass, we have brought the Pre-Judgment, Emergency Oriented, Petition for Writ of Certiorari; the Supreme Court may take any sua sponte action to review this matter before termination of the Appeal.

2. We omit greater litigation on personal harms at this point in these proceedings.

3. REVIEW on Grant of Writ of Certiorari the several motions the Tenth Circuit Court has withholds from review, including:

    - Docket No. 30 Aug 10, 2026 [11306657] Appellant's emergency motion for expedience and transparency filed by Mr. Carlos Velasquez. Served on 08/10/2026. Manner of Service: email. [26-4000] [Entered: 08/10/2026 02:40 PM] **See Appendix 315.**

    - Docket No. 27, Jun 24, 2026 [11293313] Appellant's extraordinary motion filed by Mr. Carlos Velasquez to compel his Honor, Senior Judge

Dale Kimball to Respond to the Appellant's Brief. Served on 06/25/2026. Manner of Service: email. [26-4000] [Entered: 06/25/2026 01:55 PM] **See Appendix 125.**

4. We expect ALL OTHER pending motion will come into order on those conditions observing a collateral of Judicial Malpractice, where the court has been granted repeated sufficient opportunities to promise to uphold Constitutional Law.

## XV. CONCLUSION

The District Court Judge was obligated to recuse himself once it was plain to him the court's records could not vindicate his opinions; the trial judge obstructed Justice by refusing to pass the Recusal/Disqualification question to another Jurist on the prior *Fraud on the Court* question.

Petition Restáted, the conscionable party knows *judicial malpractice* and cannot resolve perpetuity of the disposition; it is a heinous crime to abuse the authority of a court because the court disaffects the victim totally, and actions that spurn Due Process also spurn personal expectations, reason, material fact, formal interpretation, original precedence.

A collateral call on an off-merits question may trigger *relief from a judgment* in an otherwise unrelated case that was criminally andor improperly impounded.

The Appellant here has both published to the court and on the internet a monograph defending a manner of interpretation, *Concrete Originalism* naturally defends the Federalist Papers and argues there is a latent and unresolved Philosophy of our Constitution of the United States of America fundamentally clarifying heretofore all such questions burdened by political ambiguity. The Pro Se Appellant demonstrates original and convincing authority.

Web Address: https://cbf-confession.netlify.app/

## XVI. SIGNATURE

s/Carlos Velasquez, Pro Se Petitioner

