FILED
United States Court of Appeals
Tenth Circuit

October 1, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

CARLOS VELASQUEZ,

Plaintiff - Appellant,

v.

AMAZON.COM SERVICES, INC.,

Defendant - Appellee.

No. 26-4000
(D.C. No. 2:25-CV-00674-DAK)
(D. Utah)

ORDER

Before **MATHESON** and **KELLY**, Circuit Judges.

Appellant Carlos Velasquez has filed an *Emergency Motion for Expedience and Transparency*. Appellee Amazon.com Services LLC has filed a response in opposition, and Mr. Velasquez has filed a reply.

Upon consideration, the motion is denied. The appeal is before the court, and the parties will be notified when a decision issues.

Entered for the Court

Per Curiam

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General Docket
Tenth Circuit Court of Appeals

Court of Appeals Docket #: 26-4000 **Docketed:** 01/05/2026
Nature of Suit: 3190 Other Contract Actions
Velasquez v. Amazon.com Services
Appeal From: United States District Court for the District of Utah - Salt Lake City
Fee Status: Fee Paid

Case Type Information:
1) civil
2) private
3) -

Originating Court Information:
District: 1088-2 : 2:25-CV-00674-DAK
Trial Judge: Dale A. Kimball, -, Senior U.S. District Judge
Date Filed: 08/12/2025
Date NOA Filed: 01/05/2026
Date Rec'd COA: 01/05/2026

Prior Cases:

19-4041	**Date Filed:** 03/22/2019	**Date Disposed:** 06/11/2019	**Disposition:** Affirmed
20-4087	**Date Filed:** 08/20/2020	**Date Disposed:** 04/26/2021	**Disposition:** Affirmed
22-4098	**Date Filed:** 10/19/2022	**Date Disposed:** 06/20/2023	**Disposition:** Affirmed
25-4145	**Date Filed:** 11/07/2025	**Date Disposed:** 11/19/2025	**Disposition:** Jurisdictional Defect

Current Cases:
None

Panel Assignment: Not available

CARLOS VELASQUEZ Plaintiff - Appellant	Carlos Velasquez Email: cfv1983@gmail.com [NTC Pro Se] P.O. Box 581365 Salt Lake City, UT 84158
V.	
AMAZON.COM SERVICES, INC. Defendant - Appellee	Ethan Thomas Direct: 702-862-8800 Email: edthomas@littler.com [COR NTC Retained] Littler Mendelson Firm: 702-862-8800 8474 Rozita Lee Avenue, Suite 200 Las Vegas, NV 89169 Brian D. Tuttle Direct: 801-401-8312 Email: btuttle@littler.com [COR NTC Retained] Littler Mendelson 2049 Century Park East, 5th Floor Los Angeles, CA 90067

S.C. APPENDIX 004

CARLOS VELASQUEZ,

Plaintiff - Appellant,

v.

AMAZON.COM SERVICES, INC.,

Defendant - Appellee.

01/05/2026	☐ 1 69 pg, 1.12 MB	[11244407] Civil case docketed. Preliminary record filed. DATE RECEIVED: 01/05/2026 Notice of appearance and disclosure statement due on 01/20/2026 for Amazon.com Services, Inc. Notice of appearance and fee or ifp forms due on 02/04/2026 for Carlos Velasquez. [26-4000] [Entered: 01/05/2026 12:49 PM]
01/16/2026	☐ 2	[11248127] Entry of appearance submitted by Ethan D. Thomas and Brian Tuttle for Appellee Amazon.com Services, Inc. for court review. Certificate of Interested Parties: Yes. Served on 01/16/2026. Manner of Service: US mail. [26-4000] --[Edited 01/16/2026 by AT to remove PDF as pleading was filed on 1/16/2026.] ET [Entered: 01/16/2026 08:35 AM]
01/16/2026	☐ 3 3 pg, 143.49 KB	[11248128] Rule 26 Disclosure Statement filed by Amazon.com Services, Inc.. More than 50 parties disclosed: no. Served on 01/16/2026. Manner of Service: US mail. [26-4000] ET [Entered: 01/16/2026 08:36 AM]
01/16/2026	☐ 4 3 pg, 146.21 KB	[11248155] Entry of appearance filed by Mr. Ethan Thomas and Mr. Brian D. Tuttle for Amazon.com Services, Inc.. CERT. OF INTERESTED PARTIES: y. Served on 01/16/2026. Manner of Service: US mail. [26-4000] [Entered: 01/16/2026 09:07 AM]
01/29/2026	☐ 5 1 pg, 253.5 KB	[11252047] Consent to electronic service filed by filed by Mr. Carlos Velasquez. Served on 01/29/2026. Manner of Service: email. [26-4000] [Entered: 01/29/2026 02:08 PM]
01/29/2026	☐ 6 7 pg, 689.2 KB	[11252048] Entry of appearance filed by Mr. Carlos Velasquez. CERT. OF INTERESTED PARTIES: y. Served on 01/29/2026. Manner of Service: email. [26-4000] [Entered: 01/29/2026 02:10 PM]
02/02/2026	☐ 7 101 pg, 17.49 MB	[11252972] Appellant's pretrial motion filed by Mr. Carlos Velasquez for restatement of the judicial oath for guarantee of good faith and disqualification, for electronic filing privileges, and for waiver of a filing fee. Served on 01/26/2026 by US mail and 02/03/2026 by email. [26-4000] [Entered: 02/03/2026 10:58 AM]
02/03/2026	☐ 8 3 pg, 136.4 KB	[11253021] Order filed by Clerk of the Court. This matter is before the court on Appellant's Pretrial Motion for Restatement of the Judicial Oath for Guarantee of Good Faith and Disqualification and for Electronic Filing Privilege, also for Waiver of a Filing Fee. The motion is denied without prejudice to renewal as set forth in the attached Order. Any other relief requested in the appellant's motion not expressly discussed in this order is also denied without prejudice to renewal if in compliance with this court's rules and this order. Please see Order for additional information. Served on 02/03/2026. [26-4000] [Entered: 02/03/2026 12:12 PM]
02/04/2026	☐ 9	[11253337] Fee paid. Date paid in District Court on 02/04/2026. Text only entry - no document attached. [26-4000] [Entered: 02/04/2026 10:15 AM]
02/04/2026	☐ 10 2 pg, 78.88 KB	[11253342] Jurisdictional review complete. Appellant's brief due on 03/16/2026 for Carlos Velasquez. Record on appeal 10th circuit due 02/25/2026. [26-4000] [Entered: 02/04/2026 10:16 AM]
02/05/2026	☐ 11 562 pg, 35.59 MB	[11253753] Record on appeal filed. No. of Volumes: 2, Comments: Volumes I & II - Pleadings. [26-4000] [Entered: 02/05/2026 09:34 AM]
02/11/2026	☐ 12 11 pg, 3.1 MB	[11255574] Appellant's motion filed by Mr. Carlos Velasquez re: The Clerks Role Institutionalizing Exceptionalist Constructions of Public Standing, Respectful and Serious Request for the Resignation of the Clerk of the Tenth Circuit, Mr. Christopher Wolpert. Served on 02/09/2026 by US mail and 02/11/2026 by email. [26-4000] [Entered: 02/11/2026 06:12 PM]
02/11/2026	☐ 13 1 pg, 121.84 KB	[11255575] Order filed by Clerk of the Court. This matter is before the court on a submission by plaintiff-appellant Carlos Velasquez captioned as "The Clerk's Role Institutionalizing Exceptionalist Constructions of Public Standing, Respectful and Serious Request for the Resignation of the Clerk of the Tenth Circuit, Mr. Christopher Wolpert. The [12] submission is referred to the panel of judges that will later be assigned to consider this appeal on its merits (no ruling will issue until briefing on the merits of the appeal is complete). Appellant's opening brief remains due 03/16/2026. Served on 02/11/2026. [26-4000] [Entered: 02/11/2026 06:16 PM]
03/13/2026	☐ 14 144 pg, 31.48 MB	[11264425] Appellant brief filed by Mr. Carlos Velasquez. Served on 03/17/2026 by email. Required 10th Cir. R. 28.2 Attachments Included? y. Appellee's brief due 04/16/2026 for Amazon.com Services, Inc. [26-4000] [Entered: 03/17/2026 09:02 AM]
03/31/2026	☐ 15 5 pg, 52.86 KB	[11268857] Motion filed by Appellee Amazon.com Services, Inc. to extend time to file appellee/respondent's brief until 05/15/2026. Served on: 03/31/2026. Manner of service: email. This pleading complies with all required privacy and virus certifications: Yes. [26-4000] ET [Entered: 03/31/2026 03:00 PM]
03/31/2026	☐ 16	[11268925] Order filed by Clerk of the Court granting Appellee's motion for 29-day extension of time to file response brief. Appellee's response brief now due 05/15/2026 for Amazon.com Services, Inc. Served on 03/31/2026. Text only entry - no attachment. [26-4000] [Entered: 03/31/2026 04:10 PM]
05/15/2026		This entry has been removed from the docket. Corrected brief submitted on 5/15/2026 and filed on 5/18/2026 [SSB] [11282466] Appellee/Respondent's brief filed by Amazon.com Services, Inc.. Served on: 05/15/2026. Manner of service: US mail, email. Oral argument requested? No. Word/page count: 7886.

S.C. APPENDIX 006

		This pleading complies with all required privacy and virus certifications:--[Edited 05/15/2026 by SSB cited as deficient on 5/15/2026] Yes. [26-4000] ET [Entered: 05/15/2026 10:21 AM]
05/15/2026	☐ 18 2 pg, 122.19 KB	[11282612] Notice of appellee's deficient brief received from Amazon.com Services, Inc.. See attached letter for specifics. Appellee corrected response brief now due 05/18/2026 for Amazon.com Services, Inc. [26-4000] [Entered: 05/15/2026 02:15 PM]
05/15/2026	☐ 19 42 pg, 210.14 KB	[11282698] Appellee/Respondent's brief filed by Amazon.com Services, Inc.. Served on: 05/15/2026. Manner of service: US mail, email. Oral argument requested? No. Word/page count: 7886. This pleading complies with all required privacy and virus certifications: Yes. [26-4000] ET [Entered: 05/15/2026 04:09 PM]
05/18/2026	☐ 20	[11282814] Minute order filed - the corrected brief submitted by appellee is accepted for filing. The parties will be notified via separate docket entry if paper copies are required. Appellant's optional reply brief now due 06/08/2026 for Carlos Velasquez. (Text Only - No Attachment) [26-4000] [Entered: 05/18/2026 09:05 AM]
06/05/2026	☐ 21 47 pg, 9.39 MB	[11288235] Appellant's reply brief filed by Mr. Carlos Velasquez. Served on 06/05/2026. Manner of Service: email. [26-4000] [Entered: 06/05/2026 04:50 PM]
06/05/2026	☐ 22 40 pg, 9.44 MB	[11288236] Attachments to reply brief received from Mr. Carlos Velasquez but not filed. Served on 06/05/2026. Manner of Service: email. [26-4000] [Entered: 06/05/2026 04:52 PM]
06/09/2026	☐ 23	[11288863] Minute order filed - Pursuant to 10th Cir. R. 31.5, paper copies of all merits briefs that have not already been submitted are now due. This directive extends to briefs not yet filed but does not extend to any appendix volumes filed. Paper copies of briefs not yet filed will be due 5 days after filing of the electronic versions. All copies must be exact replicas of the electronic filing(s), including all attachments. Number of copies due: 3. Paper copies of appellee brief due 06/15/2026 by Amazon.com Services, Inc. [26-4000] [Entered: 06/09/2026 12:56 PM]
06/12/2026	☐ 24	[11289899] Paper copies of appellee's brief received from Amazon.com Services, Inc.. [26-4000] [Entered: 06/12/2026 11:32 AM]
06/15/2026	☐ 25 38 pg, 7.86 MB	[11290553] Appellant's motion filed by Mr. Carlos Velasquez to amend the record. Served 06/09/2026 by US mail and 06/16/2026 by email. [26-4000] [Entered: 06/16/2026 08:10 AM]
06/16/2026	☐ 26 1 pg, 99.26 KB	[11290708] Order filed by Clerk of the Court referring Appellant's motion to supplement the amend the record [25] to the panel of judges that will later be assigned to consider this case on the merits (no ruling will issue at this time). Served on 06/16/2026. [26-4000] [Entered: 06/16/2026 11:06 AM]
06/24/2026	☐ 27 185 pg, 30.04 MB	[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]
07/06/2026	☐ 28 12 pg, 61.28 KB	[11295698] Response filed by Amazon.com Services, Inc. to Appellant's Extraordinary Motion to Compel His Honor, Senior Judge Dale Kimball To Respond To The Appellant's Brief. Served on 07/06/2026. Manner of Service: US mail. This pleading complies with all required privacy and virus certifications: Yes. [26-4000] BDT [Entered: 07/06/2026 12:15 PM]
07/13/2026	☐ 29 13 pg, 1.98 MB	[11298585] Reply filed by Mr. Carlos Velasquez to response [27] motion to compel. Served on 07/14/2026. Manner of Service: email. [26-4000] [Entered: 07/14/2026 02:46 PM]
08/10/2026	☐ 30 25 pg, 4.48 MB	[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]
08/20/2026	☐ 31 12 pg, 225.35 KB	[11309878] Appellee Amazon.com Services LLC's Response to Appellant's Emergency: Motion for Expedience and Transparency filed by Amazon.com Services, Inc.. Served on: 08/20/2026. Manner of service: email. --[Edited 08/20/2026 by SSB to edit docket text and event type] [26-4000] BDT [Entered: 08/20/2026 11:07 AM]
08/25/2026	☐ 32 13 pg, 2.39 MB	[11311359] Appellant's reply filed by Mr. Carlos Velasquez to [31], Appellee's response, [30], to Appellant's emergency motion for expedience and transparency. Served on 08/25/2026. Manner of Service: email. [26-4000] [Entered: 08/25/2026 04:13 PM]

S.C. APPENDIX 007

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Billable Pages:	3	**Cost:**	0.30

S.C. APPENDIX 008

IN THE TENTH CIRCUIT COURT OF APPEALS

In re Velasquez *v. Hon. Dale Kimball* *v. Amazon.com Services LLC*	Appellant's Pretrial Motion for Restatement of the Judicial Oath for Guarantee of Good Faith and Disqualification And for Electronic Filing Privileges, Also for Waiver of a Filing Fee, Case No. 26-4000 (2:25-cv-674, D. Utah)

Presented is a compound Pre-trial motion bearing three principal and evenly reasoned demands, the motion is not served to other parties and is not intended to bear any dispositive effect.

The second page of the document contains a **procedural certificate** with signature; this is the formal signature of the Complainant, and expects the Judiciary will not treat the form of argumentation informally.

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U.S. COURT OF APPEALS
10TH CIRCUIT
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Procedurals Certificate

The Motion is 5039 words excluding the frontis and this unsworn certificate. (Fed. R. App. P. 32g)

The Motion is not served on other parties, as these considerations for the Decency and Justiciability of the Court, questions of Judicial Malpractice and mandatory Disqualification belong to the Complainant, Plaintiff, Appellant, and Victim alone.

The court may request this motion be served if his or her honor believes it is in the interest of those parties. This motion is not intended to bear a whole dispositive effect, unless the Judiciary will critically confess such an observation as Fraud on the Court and direct procedures thereto.

The Motion is timely with deadline in view, 2/20/25 in which to pay the court's filing fee.

SIGNATURE OF PRO SE APPELLANT

I present this document and certificate in Good Faith to the People of the United States of America, and plead as directly from before the Constitution of the United States of America, demanding that its Supreme Law is the fair measure of the People's due without any formal exception from the term of *the people.*

s/Carlos Velasquez

Dated 1/25/2026

ITEM I

Respectful Demand for Restatement of the Judicial Oath for Guarantee of Good Faith Against Further Malpractices, and Guarantee of Disqualification for Past Allegations of Malpractice Left Unresolved

The nature of the Appeal at the outset demands the Circuit Court must exercise greater discretion, and not its least discretion.

We make several requests upon the Jurist's Oath, to prevent further harm from coming to the Party now before them.

1. The Notice of Appeal has already primed the Tenth Circuit to recognize several cases as "related" to this one, the Court's membership must not pre-empt confident terms of any sophisticated procedural review, because Justice depends upon it.

2. The cases are related in terms of a whole collateral of unresolved allegations of Fraud on the Court in the District of Utah, *and* Fraud at Determination in the Tenth Circuit, the Court must be allowed to observe the Collateral Order doctrine does substantively favor the people in circumstances of alleged Legal Malice and Judicial Malpractice, because the Jurisdiction of the Court is interpreted to reject Legal Malice, Judicial Malpractice, any Fraud on the Court.

3. The Circuit Court holds a record of conditional precedence that was pre-empted nul tiel record, the pleadings presented at the time were sufficient. This is Collateral Fraud at Determination which the Circuit Court is obligated above ordinary procedural terms.

4. We have constructed a practicable terminology for Fraud on the Court; conditions of Rule 56 Judgment, Statutory Determination, and even Statutory Certification can suffer Judicial Malpractice, wherever the sheer Criminal Code defines the disposition reasonably, Preponderance at and beyond any single or reasonable Error.

5. The Court already admits Fraud on the Court, and so the Justice and Judge may be obligated to impeach the past written testimonies of its membership because those permanent opinions misdirect the Constitutional standing and authority of the District Court, and the Circuit Court.

6. The practicable standard used herein: (A) A False Testimony alleged against a Federal Officer who presides over any Summary Review is committed against the Constitution of the United States of America per se, any issue in that order may be defined as below.

7. The practicable standard used herein: (B) A Perjury may result where any Summary Review comes under Statutory or Procedural Authority that dictates the Constitutional or Congressional *intent* of the issue, so that the issue itself demonstrates a Perjury of *Intent,*

including False Testimonies under stare decisis, the case so dispositioned from its true Public face.

8. The practicable standard used herein: (C) A False Declaration may result where any Summary Review, final or partial, renders multiple component False Declarations of the Facts of the Case.

9. Additionally, the allegation of Fraud on the Court has corrupted the court's observation of the ordinary adversarial terms of Prosecution and Defendant, the District Court and Circuit Court's refusal to uphold questions for Disqualification and Discretionary Review after Fraud on the Court provided an opportunity for the Defendant to plead to the Jurist's Rational Temptation to Commit Perjury, and the Court must hear this element as well.

A Justice or Judge who feels he must refuse this standard in quorum may be Disqualified for Bias of the Judge (28 U.S. § 144), because the qualified immunity of the Judiciary is a *conditional* circumstance, he or she may not refuse or deny from any of the People the authentic civil construction of the case; the First Amendment demands clear refutation and even debate sheer persuasion. To fail to refute the argument, to improperly discredit a party at Constitutional Law, or to assume dispositive Authority over the rights of the petitioner, does commit a Fraud on the Court.

New Anti-Fraud Canon

We introduce a narrow canonical rule of Unlimited Adversity in this same term, the better to recognize the machinations of criminal ethics and hostility to the Constitution of the United States of America: in contemporary *judicial conservativism* an ethics for impartiality in Courts admits (a) how a party may not be aided by the judiciary; (b) how any Judge may not depart from the express pleadings from a party, may find the Judiciary unlasched from the Constitution, as on the basis of the Court's impartiality alone, or on more overwhelming malice (the cases herein), abuses the circumstance to generate irresolute conditions that turn the Court into an unlimited constitutional adversary.

Herein, the Defendant Counsel has pleaded directly to this canon, a new cause of action arises on review of the record alleged against the Law Firm contracted to represent the authentic Defendants. They show complex malpractice strategies under this analysis.

Unlimited Adversity makes enemies and opponents of the people, implicates broad and unresolvable questions of party competence, allows the austerity of political parties to invade legal systems, and allows definite malpractice to depart from the term of the people and to and distort forensic conditions on strictly conferential terms that effectively falsify case history, and the history of the subject matter within the terms of the case; it becomes an Unlimited Adversary System for an illiberal conferential government.

Canonically unlimited adversity is used to intimidate the people from U.S. Courts, to dispariage and dissolve their civil rights on semantic evasions, and otherwise to control the actual Political orientation of otherwise Constitutional courts.

This canon may be used to plead that the Judge will not use an "inferior" standard, but instead will not allow a party at law to be exploited on arbitrary differences of adversity.

A court system who proceeds on the quiet terms of Unlimited Adversity treats the people as a unilateral opponent to the government, and may be demonstrated to violate Due Process in Testimonial terms as out as outlined above.

A court system who does not know properly limited adversity will be unable to identify False Testimony of the Constitution of the United States of America, and as the people are concerned, we may not be governed by a crime. Misuse of this canon results in refusal to interpret the Constitution of the United States of America.

We recognize this approach is constitutionally instrumental to anti-Malpractice precedence of civil integrity.

The meaning of a canon is that it is broad enough to supercede recorded argumentation, to arrest undisciplined argumentation. It is one of the primary rational mechanisms by which Superior Courts disagree with opinions in lower courts.

Several Points that may be addressed in Response to **ITEM I**

A. Fraud on the Court is *versus United States*

Fraud on the Court allegation are relatively to definitely *versus* the United States; the Public Official who falsely testifies of the meaning and intent of the Constitution of the United States of America will find few properly conferential circumstances where that disposition does not corrupt

the Authority of the opinion; a Judge may not assume and invade upon the standing of any Person filing in the United States, may not defeat the petitioner without Trial, and so may not abuse Procedures or Authority per se to quash the forensic authority of the same case (cassation): the temptation to commit Fraud to preserve the appearance of Good Faith betrays the authority of the Constitution and separates the Federal Agency (U.S. Courts) from the COTUSA per se; United States is forever obligated to excoriate practices and individuals who betray Public Confidence while under oath.

B. The Fraud Standard to Protect Civil Cases is at a Preponderance

The argument here has been shown to this court before, and left unaddressed.

If the Circuit Court discovers the District Court Judiciary, or its own membership, have violated the Oath, violated the Constitution of the United States of America, violated the Public Law, the review addresses several general components to any case demonstration.

(1) Constitutional testimony found in the stare decisis;

(2) Constitutional testimony defining the conditions precedent for the procedural/statutory issue;

(3) Constitutional testimony defining the Facts of the Case.

In black-letter terms, any such incidence may be cause for a mistrial.

In critical terms, a collateral of such applications may be cause for the Malpractice application. The False Declaration has two principle points of review;

(a) The disposition of fact;

(b) The disposition of the standing of the case and party.

The competent pleader therefore shows Fraud on the Court successfully at any point a False Declaration prohibits Trial of genuine Facts of the Case, construes a Field Pre-emption in terms of the Form of the Case or Controversy, or unreasonably and criminally Discriminates against the Party.

C. Waiver of Presumption of Good Faith

The sensitivity of the case is already tangible, restating the intent and meaning of its oath: a Presumption of Good Faith that we apply when petitioning, when attempting to hear the government's testimony, may not compose the Standard of Review.

Restated, Good Faith presumption does not insulate Authority, and does deny from any of the People Collateral Review for questions of Legal Malice, Manifest Injustice, Criminal Malpractice, Violations of plainly restated Civil Rights, Violations of Equitable Protection Under the Public Law.

The Judiciary, and Federal Officers in general, may NOT violate the Public Law while claiming to carry out their duties; analytical simulacrum describes that circumstance, and admits that the complainant/victim does correctly recognize it to be a Criminal Malpractice as evenly describes the Fraud on the Court question and circumstance; the Federal Rules of Civil Procedure bind the Circuit Court and the Supreme Court to the question without other parliamentary or

congressional precedence, there is no good reason for the rule's exclusion, and the Judiciary cannot falsify Good Faith because they take a whole criminal exception from the alleged victim and appellant.

Restated, when reviewing from Criminal Misconduct in the course of the official testimony, any observable phase, the Judiciary must waive any presumption of Good Faith held within the government, any sophisticated presumption maintained by professionals who practice in the court, and must promise to *refute, limit,* or plainly *admit* the Authority of the successfully posited allegation.

In relation to Collateral Order, a Field Pre-emption by implication of "immunity" is unconstitutional; the rights of the Jurist cannot supercede the Right to Petition, nor can the Judiciary steer cases at the whim of an unreviewable political conference, nor can they strive to protect parties from lawsuit more zealously than the facts admit.

The Complainant herein in the same order of Good Faith, does practice so and raises all collateral allegations in manner nul tiel record. Restated, these are not FTCA claims, but are unified civil rights cases withstanding under any Jurisdiction of the Court.

D. Circuit Court Jurisdiction Over Past Appeals Is Essential to both Collateral Order Doctrine and Actual Maintenance Good Faith Presumption

The Circuit Court always has jurisdiction of its Record, as before or after, so upon Transfer of Jurisdiction to, or from, nul tiel record, the District Court; the Appellate Case therefore relies upon

the following documentation already included to the court's available record of its Jurisdiction, parts of initial complaints, Magistrate's motions, Complainant's remedial pleadings, Any and All Judicial Opinions and Orders, Opinions and Orders of the Circuit Court, Parts of Complainant Appellate Briefs:

Appellate Case Nos.

- 19-4041 (2:18-cv-728-DN) *Velasquez v. State of Utah* (Dismissed under Title VII Jurisdiction)

- 20-4087 (2:20-cv-00205-DB) *Velasquez v. State of Utah* (Dismissed under Federal and Civil Rights Act Jurisdiction)

- 22-4098 (2:22-cv-00133-HCN) *Velasquez v. Hon. Judiciary, ROBERT BALDOCK; DEE BENSON; ALLISON EID; PAUL KELLY; DALE KIMBALL; CAROLYN MCHUGH; NANCY MORITZ; DAVID NUFFER; PAUL WARNER*

The presumption of Good Faith in Testimonial order relies upon the soundness of the Court's records of proceedings.

Preemption of that terminology compares a *promise* not to conduct Constitutional review of those matters, as was the case in No. 22-4098 where the District Court Judiciary went unreviewed, and the Circuit Court is alleged to have eschewed (a) the Fraud on the Court demonstration; (b) violated U.S. Const. Amend. I, any of the people may have a sound right to petition.

We have already made a preliminary showing rel. to all three of these cases that a Senior Judge Falsely Testified the whole case

E. Political Discrimination is Reviewed

"Discrimination" may hold that wrongful termination violates the Public Law in the plain testimonial terms outlined above, this is "Political" discrimination because it is a Federal Officer on whatever terms misstating the intent and meaning of the Constitution of the United States of America to avoid a difficult disposition for himself, peers, and political party.

The Plaintiff has applied use of the terminology of "Stalking" at a high-level in a Workplace Discrimination suit, this implicates not "stalking" taking place outside the physical perimeter of the worksite, but actions repeated to stalk the person, character, and opportunity, of the worker made complainant.

"Stalking" after the power of the people; indeed, it may be that some of these Jurists resent being unable to file to suits in Law and Equity, or may improperly conflate that conferential term of the constitution *without* summary Preamble review; they may find a literalist vacuum of hostility for properly Liberal pleaders who are unaffiliated with the parliamentary legacy of Democratic-Republicanism.

Such is not an appropriate Spirit with which to disposition questions of Constitutional Law, and plainly impeaches the official testimony of the case itself. Unless they will attempt to argue

with the Complainant how a Judicial Opinion is not a testimony of the Supreme Law, it seems extraordinarily whimsical and malicious.

The same kind of action consistent with "Discrimination" may be described to be consistent with politicized "Stalking," because the action fits the statutory description of State and Federal stalking.

Why the court has made criminal and illiberal elections in some set of decisions may define Political Discrimination in a Common Law term; the *e converso* condition of the Constitution of the United States of America patently means the people cannot be governed under any kind of False Testimony of the Constitution, including violations of the Public Law; the State at large has no such sophisticated right.

In this way we have restated Manifest Injustice and Legal Malice standards in a black-letter construction, on review for Fraud on the Court at any level of Appellate Review.

It will Merit the Court to make this admission, and the People will love the Judiciary for it; otherwise, the judiciary may appear intimidated by a strict political conference who refuses public testimony and criticism in formal constitutional conference!

ITEM II

Waiver of the Filing Fee After Errant Disposition of CA10 25-4145

The Complainant hereby requests the waiver of a filing fee as a courtesy on the prior defection of an interlocutory appeal, the following reasons:

(1) The court exercised no Due Process, and wasted the Plaintiff's expense and energy frivolously.

(2) The Court's ordinary procedures imposed a discipline that prevents Discretionary Review on failure of Disqualification rel. to Judicial Malpractice questions.

(3) The Cause of Appeal was pre-empted on a successful application for Stay of District Court proceedings.

(4) The Court held an error on the Jurisdiction of the Appeal, and misstated the limits of Interlocutory Jurisdiction for Mandamus relief; the Court has pre-empted the opportunity of an Interlocutory Appeal on the basis of a Dispositive Appeal, *timing after final judgment*. See Addenda, Pages 005-006.

(5) both the Notice of Appeal and a Paper apprising the court its statutory jurisdiction provided opportunity. See Appeal No. 25-4145.

(6) The Circuit Court should have stayed proceedings in the District Court, an Emergency Motion showing cause for Stay on an unresolved Disqualification question was impeded by the same Jurisdiction question and it was not reviewed, nor did the Jurist demand a greater showing, he disfavored the Appeal improperly.

(7) The Court's standards of review, *Kellogg v. Watts Guerra LLP,* 41 F.4th 1246, 1259 (10th Cir. 2022); *Lopez v. Behles (In re Am. Ready Mix, Inc.),* 14 F.3d1497, 1499 (10th Cir. 1994) for the question are substantive, and cannot be applied where a substantive question remains unresolved, or the court's procedures were imposed an unconstitutional defection.

(8) Collateral Interlocutory Jurisdiction was withstanding: The ordinary Jurisdiction of the Court may have been required to conduct Collateral Review for Fraud on the Court, and Fraud at Determination in the same Circuit Court.

The cause of Appeal, Disqualification and Fraud on the Court, are not whimsical or frivolous applications.

The Appeal record shows the substantive question was left unresolved, both past allegations of Fraud on the Court, and the subsequent failure of the Disqualification procedure in the District Court.

The court's sole objection could have demanded a more robust showing before Staying proceedings, however that was not the statement that rejected the Jurisdiction of the Appeal.

The argument available to the Plaintiff suggests the court has denied him standing under Collateral Order doctrine, and overzealously favored the standing and indefinite confidence of the Judiciary to merit False Testimony, Perjury, and False Declarations in the Judicial Issue.

Facts Supporting the Presentation and Demand

1. The Disqualification crisis is ongoing since August 2025. See Addenda, 030-064.

2. The District Court Jurist took 40 days of the case time to reply to the Pro Se Affidavit/Motion. See District Court Docket from the Preliminary Record.

3. The Jurist ran his decisional precedence on Disqualification directly into the trial's decisional phase, the timing was back to back. Id.

4. The basis of this appeal goes beyond Disqualification, is a Fraud on the Court allegation.

5. The Circuit Court staying District Court proceedings on an extraordinary Disqualification question would have been pre-empted with the Circuit Court's action.

On a Question for Rehearing

The Issue Ordering the Clerk to deny the rehearing process fails to substantively resolve the objections rendered against the Court's summary opinion in the previous order. See Appeal No. 25-4145.

The Circuit Court is not *without* the Authority to hear a question of when a Judge Perjures testimony under a Disqualification standard, one that raises the question of improper personal evasions for liability of Fraud on the Court.

The court's standard of review considers insufficiency of the claim, but the court's holding does not prove insufficiency.

Jurisdiction in those rulings is cannot be pre-empted, but was actually resolved on the Court's proper arraignment.

Denial of Rehearing, Denial of Jurisdiction was conferential, and abused this applicant's Ninth Amendment Rights rel. to the Disqualification Statute.

Restated, the Court literally refused to confer any preliminary standing, and did not uphold a right to Disqualify a Jurist in a Collateral term, as properly oriented for the People.

Without repair it bears the plain appearance of Malpractice in Collusion; Fraud at Determination, it requires perfect demonstration, they Circuit Judge may not demur from a proceeding.

<u>The Circuit Court has Already Committed Tortious Harm Prejudicial to the Authority of a Question on Disqualification related to Fraud on the Court</u>

These same questions overlap with the substantive appeal; the court's opinions in CA10 No. 25-4145 are facially insolvent.

This is Fraud at Determination; the court cannot have unlimited interpretive independence because they prejudicially defect the entire case into the already overburdened Supreme Court.

The Court cannot imply disfavor without Due Process, it is out of order. Judicial Conservativism cannot have fairly stated its position to refuse to prevent an alleged criminal malpractice from taking place.

It does amount to an improper and unacceptable Field Pre-emption.

The Circuit Court's two opinions entirely allow criminal malpractice in the District Court when committed by a Federal Judge; a civil complainant has any right to reject such a disposition, the criminal code is not out of reach when pre-empting government malpractice.

Circuit Judges Holmes, Phillips, and Federico did extreme harm to the Case and to the Complainant, the Pros Se Party who is altogether Attorney, Appellate Attorney, Represented Party, and original Victim Party.

Any fear of frivolousness in a public and Constitutional Court has become an overbearing means of threatening plain Constitutionalism, U.S. Judges are under to be far more willing to interpret the Constitution of the United States of America, and discard strict and illiberal conferential interpretations.

The Court must waive the Filing Fee, the abuse and even misstatement of the Court's Jurisdiction left unresolved, overruled without cause, appears as an attrition strategy, a repeated attempt to exhaust the Appellant's resources by Abuse of Procedures.

ITEM III

Grant/Restoration of Electronic Filing Privilege for Cause

A Mandamus Petition Addressed to the Court, all genuine parties, will be voluminous.

The Appellant hereby requests Grant/Restoration of Electronic Filing Privileges.

(1) The Complainant here intends this is a Collateral Appeal, and may present background to related cases in a preliminary posture that admits the Circuit Court may review its own records for Fraud on the Court in the District Court, and Fraud at Determination in the Circuit Court.

(2) Voluminous presentations sent by mail for SCANNING in the Clerk's Office are vulnerable to becoming damaged, or otherwise overburden the clerk with many sufficient pages than is customary or consistent with Court's ordinary treatment of Pro Se Appeals.

(3) FRAP 21 provides the papers to be reviewed must be appended to the document, but the court referring to its rule for whole transfer of the District Court Record will omit documentation substantive to the Fraud on Court/Determination allegations; and that is NOT the Court's prerogative, it belongs to the People and does require paper waste.

(4) The Electronic Filing Privilege was previously revoked after an unresolved Fraud on the Court allegation, the Supreme Court failed to intervene or clarify the cause, and so the court conducted the several related cases on reviewable conditions of Fraud at Determination.

The EFP was revoked in bad faith, and misled the Clerk.

This appeal finds the Judiciary in the District Court to be a direct adversary, who will be demonstrated to have insulated themselves in the Circuit Court *and* in the Corporate Human Resources Agency against the substantive Disqualification for Malpractice question.

Corrupted authority within the terms and conditions of the Constitution of the United States of America compares and compounds the alleged corrupted authority of Amazon.com Services LLC' employment contract, to prejudicially dismiss this efficient civil case under the authority of EEOO and ADA types of statutory discrimination claims fundamentally misstates the authority of the Jurisdiction of the United States Courts, and destroys the obligations of United States Judges to hear original claims and controversies under Article III for Workers who plainly suffered criminal discrimination and/or stalking episodes at work, incidents that took place and were aggravated by District Court and Circuit Court malpractices in those related cases, issues Review of disciplinary statements within the timely parameters available to those corporate agents were defected in the same way.

The appeal alleges the District Court Judge perjured his own opinion under a self-conflicted narrative of 'prejudicial confusion.' The Judge invaded the victim's First Amendment protected right to Due Process at the request of Defendant Counsel, who repeatedly recognized the opportunity for frivolous pleadings after the exposure of past malpractice when his honor refused to recuse after a plain query for Disqualification was shown.

As already demonstrated, the Circuit Court's position does not actually define the circumstance as it pretends to.

These agents are in collusion here that stalks after the life and opportunity of Complainant, where inviolable in U.S. Courts, and held inviolable under Good Faith and Fair Dealing constructions of an At-Will Employment Contract that is reviewed by a specific Code of Conduct.

In the District Court, it was pleaded by the Defendant Counsel how the Code of Conduct tolerated intentional negligence on Human Resources review of so many incidents because it could appear to be in the company's interest to remain immune from efficient lawsuits, this is in reference to time in which false and unverified disciplinary statements were used to usurp the power and opportunity of the Plaintiff's consistency and success, to generate a hostile work environment and destroy the personal to collective virtue of work.

These are questions that are plainly under a disposition in the work site, and require some extensive pre-trial discovery of documentation, and interrogatory of some Persons of Interest, Persons who could later be named Defendants in subsequent action.

Failure to admit such a forensic potential in Collateral terms in any Appeal violates U.S. Const. Amend. I by denying Due Process; it is a promissory harm, a threat of further and unrestrained judicial perjuries. The case reads presently as falsely colored excoriation of a pre-trial complaint, one that may be amended after Discovery.

Moreover, it creates an extensive and utterly invasive stalking culture within U.S. Courts; the judiciary herein are now watchful for dispositions of Judicial Malpractice that implicate their personal liability and the liability of United States into ordinary Due Process, and when they find the case that exposes their corruption they radically excoriate their victim.

The Record to be Appended

May include the following:

(1) Exhibits of Evidence;

(2) Document 11, "Motion and Affidavit for Recusal;"

(3) Document 15, Defendant's "Motion to Dismiss;"

(4) Document 18, Judicial Order denying Disqualification and Recusal;

(5) Document 19, "Motion to Show Cause;"

(6) Document 21, "Motion for Extension of Time;"

(7) Document 23, "Notice of Filing Proof of Publication on a Notice to Cease and Desist;"

(8) Document 24, "Notice of Filing, Notice to Cease and Desist;"

(9) Document 25, Defendant's "Response to Motion for Extension of Time;"

(10) Document 26, "Response to Motion to Dismiss;"

(11) Document 27, "Order denying to Show Cause, Denying Motion for Extension of Time;"

(12) Document 28, "REPLY to Response to Motion to Dismiss;"

(13) Document 29, "Notice of Interlocutory Appeal;"

(14) Document 30, "Preliminary record;"

(15) Document 35, "ORDER" after Appellate Jurisdiction challenged;

(16) Document 36, "Memorandum Decision and Order Dismissing case;"

(17) Document 37, "Judgment;"

(18) Document 38, "Objections/Request for Discretionary Review;"

(19) Document 39, "MANDATE USCA;"

(20) Document 40, Defendants, "Response to Objections;"

(21) Document 42, "Surreply;"

(22) Document 43, "Motion for Discretionary Review;"

(23) Document 44, "Order overruling;"

HEARING

The Circuit Court is not expected to hold a hearing on any of these pre-trial questions, because these are pre-trial questions which prime the court for Justiciable outcomes.

There is no substantive precedence in the lower court to have pre-empted or overruled these positions, the Presumption of Good Faith must be suspended in light of the Pleadings to come; moreover, the Collateral Order doctrine does also favor Federal Officers with errant opinions imposed against them and will not be without an avenue for review in the Supreme Court.

The Circuit Court's discovery and plain showing of a false pleader herein may compel its membership to revoke any issue in Bad Faith.

Therefore, in reviewing these several pre-trial queries the Circuit Court may exercise its discretion according with the First Amendment, and act so as to promote the authoritative filings of the Circuit Court's records, and its command over its past records.

The security of the Plaintiff's Papers, his filings which are also the property of United States Courts, may be safeguarded under U.S. Const. Amend. IV, how unreasonable judicial

proceedings do constitute such an unreasonable "search" as upon any judicial summary of investigation of case forensics, the formal opinion implicated at any stage or phase of trial.

The court must not act in the manner of a "cassation" that quashes all or part of any important part of the Truth; the procedures of United States Courts are in place to guarantee true study of volatile civil cases, to protect Rights where somehow unsecured or subjected to an improper exception, these questions of Collateral Appeal transcend and are not limited on questions of Appeal by Permission.

Criminal Malpractice by Federal Judiciary in written documentation that is permanent finds the party authentically and originally aggrieved with perpetual standing to Petition and Appeal as of Right when the Horizontal stare decisis is corrupted, may show an abuse of procedures, remains non-substantive or adversarial to the party presenting the Appeal.

RELIEF DUE

We respectfully request the Circuit Court will accommodate the Petition under U.S. Const. Amend. I, in reasonable light after past events, and will grant the following:

ITEM I

Admit the Nature of the Appeal at this pre-trial phase is Extraordinary, and will burden themselves under oath to discover any form of Criminal Judicial Malpractice, including Collateral Review to authenticate conditions of Disqualification on the Disposition of the Matter General.

ITEM II

Waive the Filing Fee for the current appeal, because the procedures utilized to reject Interlocutory Jurisdiction were directly misstated, not substantiated, and invited the malpracticant dispose the matter without Trial; these conditions were pre-empted with timely Stay and proper Disqualification, and Collateral review for Fraud on the Court.

ITEM III

Grant, as have restored for the efficiency of the Appeal, the Circuit Court's ordinary allowance for Pro Se Electronic Filing Privileges.

CONCLUSION

A Judge or Justice is a master witness for the United States over any case or controversy and cannot have totalitarian standing.

The Constitution of the United States of America was dedicated to the people without any formal exception, when properly interpreted this logical construction solves problems of ministerial difference, including unpopular dichotomies in Democratic-Republicanism.

The people without exception: the Circuit Court has in its possession a complex case standard capable to aid U.S. Courts resolve any and all dispositions of False Testimony, false dedication to the people. We observe that Republicanism has become increasingly radicalized in United States due to a False Testimony of the Constitution of the United States of America who believes the Congress must provide all Judicial discretion, the errant construction supposes that Judicial Independence is not fundamentally defined by Conservativism; instead they covet a false statement of Judicial Conservativism intended as a complex political tort which can only be resolved in a United States Court.

We recognize the Judiciary must be "weak" as to the People because Judges must hear the people first hand, and place only reasonable demands upon the government up to and including conditions of Contempt of Court. A Congress listens only generally to the People, and must be corrected by the Judiciary, or occasionally the Executive.

There is no other ordinary, orderly, and centralized pathos in limited government.

The Appeal herein will seek a New Trial after Disqualification of the Jurist; the Court is asked to abandon any strict conferential prejudice by which they have taken exception from Justice, and instead they must embrace Constitutionalism and drive out the spirit of seditious resolution.

s/Carlos Velasquez

Dated 1/26/2026

ADDENDA

TABLE OF CONTENTS

1. Dispositive Order, UTD No. 2:25-cv-674 (12/16/2025).....001
2. Dispositive Order, CA10 No. 25-4145 (11/19/2025).....005
3. Dispositive Order, UTD No. 2:25-cv-674 (11/14/2025).....009
4. Dispositive Order, CA10 No. 25-4145 (11/13/2025).....025
5. Affidavit showing Bias of the Judge, UTD No. 2:25-cv-674 (8/25/25).....030

THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

CARLOS VELASQUEZ, **Plaintiff,** **vs.** **AMAZON.COM SERVICES INC.,** **Defendant.**	**ORDER** **Case No. 2:25CV00674 DAK** **Judge Dale A. Kimball**

This court dismissed this action and entered judgment on November 14, 2025.[1] Yet, Mr. Velasquez has since filed "Objections"[2] and a "Motion for Discretionary Review for Fraud on the Court."[3] Neither filing is recognized under the Federal Rules of Civil Procedure, but the court has construed both filings as motions for reconsideration under Rule 60(b) of the Federal Rules of Civil Procedure. Plaintiff, however, has not provided any meritorious argument to justify reconsideration under Rule 60(b), and therefore the court declines to reconsider its previous rulings.

Accordingly, Plaintiff's Objection [ECF No. 38] is OVERRULED, and his Motion for Discretionary Review [ECF No. 43] is DENIED. Because this action has been dismissed and judgment has been entered against Plaintiff, this case is closed. Any document emailed or otherwise sent to the court by Plaintiff will be lodged in the docket as correspondence. The

[1] ECF Nos 36 & 37, respectively.
[2] ECF No. 38.
[3] ECF No. 43.

court will not respond to any future filings by Plaintiff in this case, and Defendant need not respond to any filing by Plaintiff unless specifically directed to do so by the court.

DATED this 16th day of December 2025.

BY THE COURT:

Dale A. Kimball

DALE A. KIMBALL
United States District Judge

FILED
United States Court of Appeals
Tenth Circuit

November 19, 2025

Christopher M. Wolpert
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

CARLOS VELASQUEZ,

Plaintiff - Appellant,

v.

AMAZON.COM SERVICES, INC.,

Defendant - Appellee.

No. 25-4145
(D.C. No. 2:25-CV-00674-DAK-CMR)
(D. Utah)

ORDER

Before **HOLMES**, Chief Judge, **PHILLIPS**, and **FEDERICO**, Circuit Judges.

This matter is before us sua sponte to consider the court's jurisdiction over this appeal. *See Hill v. Vanderbilt Cap. Advisors, LLC*, 702 F.3d 1220, 1223 (10th Cir. 2012) (this court has "an independent duty to examine [its] own jurisdiction").

Appellant Carlos Velasquez filed two motions seeking to have the district court judge disqualified and/or recused. [ECF Nos. 11, 19]. Those motions were denied, and Mr. Velasquez appealed. [ECF Nos. 18 (denying ECF No. 11); 27 (denying ECF No. 19); 29 (notice of appeal)].

We entered an order directing Mr. Velasquez to explain the basis for this court's jurisdiction over this appeal. We have before us his response to that order. Upon consideration of that response, the district court docket, and the applicable law, we conclude that we lack jurisdiction over this appeal for the following reasons.

Interlocutory orders denying a motion to recuse and/or disqualify are not immediately appealable. *See, e.g., Kellogg v. Watts Guerra LLP*, 41 F.4th 1246, 1259 (10th Cir. 2022); *Lopez v. Behles (In re Am. Ready Mix, Inc.)*, 14 F.3d 1497, 1499 (10th Cir. 1994).

Mr. Velasquez contends that 28 U.S.C. § 1292 provides us jurisdiction in this appeal. Not so. Section 1292 provides jurisdiction over orders related to injunctions, receiverships, and admiralty matters. Neither of the appealed-from orders dealt with an injunction, a receivership, or an admiralty matter. And, as noted above, we have specifically held that interlocutory orders denying a motion to recuse and/or disqualify are not immediately appealable. We are without jurisdiction to consider this appeal.

Finally, we deny Mr. Velasquez's *Motion to Stay Proceedings Pending Interlocutory Appeal on Justiciable Recusal* as moot.

APPEAL DISMISSED.

Entered for the Court

Per Curiam

THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

CARLOS VELASQUEZ, **Plaintiff,** **vs.** **AMAZON.COM SERVICES INC.,** **Defendant.**	**MEMORANDUM DECISION AND ORDER GRANTING DEFENDANT'S MOTION TO DISMISS** **Case No. 2:25CV00674 DAK** **Judge Dale A. Kimball**

This matter is before the court on Defendant Amazon.com Services LLC's ("Amazon" or "Defendant")[1] Motion to Dismiss under Rule 12(b)(6) of the Federal Rules of Civil Procedure (the "Motion"). The court has carefully considered the Complaint, the memoranda filed by the parties, and the applicable case law and has determined that oral argument would not materially assist the court in deciding this motion. Now being fully advised, the court issues the following Memorandum Decision and Order granting Amazon's Motion to Dismiss.

While Plaintiff argues that Defendant's Motion is "premature," "improper and frivolous" "violates Rule 11(b)(2)," and violates "Rule 11(b)(1),[2] Plaintiff is simply wrong. He appears to misunderstand the basis and purpose of the Motion, as well as the legal standard that applies. Rule 12(b)(6) of the Federal Rules of Civil Procedure specifically provide for such a motion, which assumes that Plaintiff's factual allegations are true and tests whether a plaintiff has stated a viable cause of action.

[1] Defendant has pointed out that Plaintiff's employer, and the correct defendant in this action, is Amazon.com Services LLC—not Amazon.com Services Inc.

[2] ECF No. 26, Pl.'s Response ¶¶ 5, 6, 49, 53.

BACKGROUND

Plaintiff Carlos Velasquez is proceeding pro se. His Complaint is difficult to decipher, and the factual bases of his various legal claims are not clear, but the court has tried its best to liberally construe his Complaint. In a nutshell, Plaintiff appears to assert that after working at Amazon for over four years, he resigned from his position in July 2023 because he disagreed with and complained about his disciplinary warnings and performance reviews, and he takes issue with not having been selected for a technical training program.

Plaintiff appears to pursue causes of action for (1) breach of contract; (2) harassment, discrimination, retaliation and/or hostile work environment, premised on criminal stalking statutes; (3) tortious interference; (4) fraudulent misrepresentation; (5) intentional infliction of emotional distress ("IIED"); and perhaps (6) negligence.

Despite the legal jargon and the lack of coherence in the Complaint, Defendant, in its motion, has done a commendable job of parsing through the relevant factual allegations and the causes of action that Plaintiff appears to assert. Accordingly, the court has relied heavily on Defendant's statement of facts that appear to be relevant to the causes of action that Plaintiff is likely attempting to pursue.

RELEVANT FACTS DISCERNED FROM COMPLAINT

Plaintiff began his employment with Amazon as a temporary Part-Time Associate at a

"DUT1" in Salt Lake City, Utah.[3] He was onboarded on April 21, 2019, and promoted to Level 3 Yard Marshall and Process Assistant after June 25, 2021.[4] Plaintiff alleges that in late 2021, several managers "engaged in a conspiracy to issue *false statement* [sic] respecting the Plaintiff" and "refused to hear facts" regarding unidentified "inciden[t]s."[5] Amazon then purportedly issued disciplinary coachings to Plaintiff in November or December 2021 (for gross insubordination) and false[ly] report[ed] four separate disciplinary instances on dates 5/29, 5/31, 6/8, and 6/9."[6] Amazon then allegedly issued another coaching in June 2022 for "[f]ailure to adhere to stand

work guidelines" on June 13, 22 and 27, 2022.[7]

Plaintiff applied for the Amazon Technical Academy ("ATA") on or around July 6, 2022.[8] He was "made aware during the interim period," however, "that if he was not in good standing, [he] would not be considered eligible for this training program."[9] Plaintiff was allegedly denied admission to the ATA.[10] In September or October 2022, Plaintiff's manager Adrian Caldera supposedly "demanded from the Plaintiff that he admit his own behavior was bad, and even fatally unpopular, and to present that admission to subordinates as a self-improvement

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[3] ECF No. 1, Compl. ¶ 12.

[4] *Id.*

[5] *Id.* ¶¶ 15, 16 (emphasis in original).

[6] *Id.* ¶¶ 36, 49, 51.

[7] *Id.* ¶ 53.

[8] *Id.* ¶¶ 176, 178.

[9] *Id.*

[10] *Id.* ¶ 181.

interrogatory."[11] Caldera "repeatedly sought to divest the Plaintiff of the merit of his *experience*."[12] On December 10, 2022, Plaintiff claims to have filed an "'Ethics Point'" disciplinary complaint "citing harassment, disciplinary fraud, and character assassination . . . as part of a greater movement."[13] This complaint did not base any of the allegations on being in a protected classification.[14] On December 18, 2022, Plaintiff claims that Amazon issued Plaintiff a First Written warning based on "off-color statements" Plaintiff allegedly made on November 23, 2022.[15] The warning also noted Plaintiff's performance failures (coding errors) on November 28, 29, and 30, 2022.[16] Plaintiff acknowledged these errors, and Amazon issued a Final Written warning.[17]

In January and/or February 2023, Plaintiff claims to have filed another Ethics Point complaint(s) after his managers "executed a hostile takeover of the Plaintiff's assigned duties, while simultaneously discriminating against other associates."[18] Again, Plaintiff did not state that any of the allegations were based on being in a protected classification.[19] On March 10, 2023, Plaintiff alleges that he appealed his Final Written warning.[20] In the course of his appeal,

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[11] *Id.* ¶ 18.

[12] *Id.* ¶ 19 (emphasis in original).

[13] *Id.* ¶ 61.

[14] *Id.*

[15] *Id.* ¶ 92.

[16] *Id.* ¶ 99.

[17] *Id.* ¶¶ 101, 103.

[18] *Id.* ¶¶ 104, 138.

[19] *Id.*

[20] *Id.* ¶¶ 130-131.

Plaintiff described his "unrelated independent civil litigation ACTIVE during this time, which does require an enormous level of effort," resulting in "holding back to back 80 to 100 work weeks."[21]

Following a teleconference, Amazon purportedly "rescinded the 'Final Written Warning.'"[22] On March 15, 2023, Plaintiff's managers "initiated a process to attempt to terminate the Plaintiff" by issuing another "First Written" warning.[23] In response to this discipline, Plaintiff admitted that he had previously "use[d] some sensitive language" but had been "under some more high-level stress which may have contributed to the oversight."[24]

On May 6 and/or 10, 2023, Plaintiff claims that he "complain[ed] for the last time," this time regarding a positive recommendation given to a manager leaving Amazon who Plaintiff felt had engaged in "'Intentional Mismanagement'. . . sufficient to constitute 'Stalking' under Utah law."[25] Amazon allegedly investigated the complaint and did not find any violation of policy or standards of conduct.[26] On July 11, 2023, Plaintiff "dispatched a 'Notice of Legal Intent,'" presumably regarding his intent to file the instant lawsuit.[27] Plaintiff's security token was then

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[21] *Id.* ¶¶ 140-142.

[22] *Id.* ¶ 146.

[23] *Id.* ¶ 148.

[24] *Id.* ¶ 150.

[25] *Id.* ¶¶ 156-157, 168.

[26] *Id.* ¶ 168.

[27] *Id.* ¶ 171.

allegedly revoked sometime thereafter.[28] Plaintiff resigned from his employment at Amazon on July 24, 2023.[29]

LEGAL STANDARD

Because Plaintiff appears pro se, the court has "liberally construe[d] his filings" but it "will not act as his advocate."[30] To survive a motion to dismiss under Rule 12(b)(6), a complaint must contain facts sufficient to make the claim "plausible on its face."[31] A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendants are liable for the misconduct alleged.[32] In reviewing a motion to dismiss, the court assumes the truth of "all well-pleaded facts in the complaint, and draw[s] all reasonable inferences therefrom in the light most favorable to the plaintiffs."[33] "[C]onclusory allegations without supporting factual averments are insufficient to state a claim on which relief can be based."[34] Courts therefore disregard legal conclusions masquerading as factual allegations.[35]

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[28] *Id.* ¶ 172.

[29] *Id.* ¶ 12.

[30] *James v. Wadas*, 724 F.3d 1312, 1315 (10th Cir. 2013).

[31] *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007).

[32] *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

[33] *Dias v. City & Cty. of Denver*, 567 F.3d 1169, 1178 (10th Cir. 2009).

[34] *Hall v. Bellman*, 935 F.2d 1106, 1110 (10th Cir. 1991).

[35] *Twombly*, 550 U.S. at 555 (citing *Papasan v. Allain*, 478 U.S. 265, 286 (1986)); *Kan. Penn Gaming, LLC v. Collins*, 656 F.3d 1210, 1214 (10th Cir. 2011) ("[I]n ruling on a motion to dismiss, a court should disregard all conclusory statements of law and consider whether the remaining specific factual allegations, if assumed to be true, plausibly suggest the defendant is liable.").

DISCUSSION

The court will discuss Plaintiff's causes of action ((1) breach of contract; (2) harassment, discrimination, retaliation and/or hostile work environment, which appears to be premised on criminal stalking statutes; (3) tortious interference; (4) fraudulent misrepresentation; (5) intentional infliction of emotional distress ("IIED"); and (6) negligence) in turn.

I. Breach of Contract

"Under Utah law, '[t]he elements of a prima facie case for breach of contract are (1) a contract, (2) performance by the party seeking recovery, (3) breach of the contract by the other party, and (4) damages.'"[36] To properly state a claim, the party must allege sufficient facts to support each of the foregoing elements.[37] Plaintiff, however, has not done so.

Plaintiff claims that because Amazon employees "sign a code of conduct," they "are bound to an 'At-Will' contract."[38] But he then goes on to quote "Amazon's At Will Employment" policy, which expressly rejects any finding of a contract between Amazon and its associates:

> Employment at Amazon is not for any specified length of time, *and both the associate and the company have the right to end the employment relationship at any time, with or without cause and with or without prior notice or warning*. Only Amazon's general counsel and chief financial officer have authority to bind the company to policies or agreements that conflict with this policy of at-will

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[36] *Premier Sleep Solutions, LLC v. Sound Sleep Med., LLC*, No. 2:20-cv-00062-JNP-JCB, 2021 WL 1192579, at *3 (D. Utah March 30, 2021) (quoting *Am. W. Bank Members, L.C. v. State*, 342 P.3d 224, 230-31 (Utah 2014)).

[37] *Id.*

[38] ECF No. 1, Compl. ¶ 192.

> employment. Any such exception must be in a written agreement signed by Amazon's general counsel or chief financial officer.[39]

Regardless of whether Plaintiff believes that Amazon failed to follow its own internal policies,[40] he has not alleged any facts that would show a binding contract existed between the parties, much less that Plaintiff performed his obligations and Amazon breached the contract instead.[41] Thus, Plaintiff has not sufficiently alleged that there was an actual contract between Plaintiff and Amazon, no breach could have occurred, and this claim must be dismissed.[42]

II. Hostile Work Environment, Discrimination, or Retaliation

Plaintiff repeatedly alleges that his supervisors harassed, discriminated, and retaliated against him. Plaintiff, however, does not state any such claim as a matter of law because he premises his claim(s) on "criminal stalking" allegations, not on any protected status.[43] Criminal statutes do not provide for a private cause of action and also cannot be used to state a claim for

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[39] *Id.* ¶ 193 (emphasis added) (quoting Exhibit 30 thereto at 8 ("At Will Employment")); *Abbott v. BNSF Ry. Co.*, 383 F. App'x 703, 709 (10th Cir. 2010) (determining that "at will" language in the Code of Conduct indicates the employer's intent to not bind itself to a contract).

[40] ECF No. 1, Compl. ¶¶ 209-210.

[41] *See Gardner v. Deseret Mut. Benefit Admins.*, No. 2:14-CV-00602, 2016 WL 2588165, at *6 (D. Utah May 4, 2016) (no contract where employee manual clearly disclaimed contractual liability) (citing *Tomlinson v. NCR Corp.*, 345 P.3d 523, 529 (Utah 2014)).

[42] *Lee v. Univ. of New Mexico*, 449 F. Supp. 3d 1071, 1145 (D.N.M. 2020) (dismissing the breach of contract claim because no contract existed between the plaintiff and defendant – the defendant's policies and procedures were just guidelines and lacked the necessary promissory language to create contractual obligations)

[43] ECF No. 1, Compl. ¶ 223. Plaintiff confirms in his Response to the Motion that stalking is the cause of the "coerced resignation consistent with breach of contract." ECF No. 26, Resp. to Motion at ¶¶ 15, 23, 34, 39, 41, 45, 48.

hostile work environment, discrimination or retaliation.[44] If Plaintiff intended to plead a claim for hostile work environment, discrimination, or retaliation, then he would need to allege membership in a protected classification under Title VII of the Civil Rights Act of 1964 ("Title VII"),[45] the Americans with Disabilities Act ("ADA"),[46] or the Age Discrimination in Employment Act ("ADEA").[47] But Plaintiff has made no such allegations: he does not identify his race or age, any disability, or any other protected classification, nor does he make any complaint about discrimination or harassment. Plaintiff has therefore failed to support a claim for hostile work environment, discrimination, or retaliation.

To the extent Plaintiff attempts to plead a separate claim for constructive discharge, it cannot stand as a freestanding cause of action. Constructive discharge constitutes an adverse employment action—an element of an employment discrimination or retaliation claim, not an independent claim in and of itself.[48]

Moreover, even if Plaintiff had made the requisite allegations for hostile work environment, discrimination, or retaliation, he has failed to allege that he exhausted the

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[44] *See Semper v. Bessent*, 2025 WL 2046427, at *3 (10th Cir. July 22, 2005) ("criminal statutes do not provide a private cause of action" (citing *Henry v. Albuquerque Police Dep't*, 49 F. App'x 272, 273 (10th Cir. 2002)).)

[45] 42 U.S.C. § 2000e et seq.; *see* 42 U.S.C. § 2000e-2(a)(1) (prohibiting employer from "discriminat[ing] against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin," including sexual harassment based on gender (emphasis added)).

[46] 42 U.S.C. § 12101 et seq. (prohibiting discrimination on the basis of disability).

[47] 29 U.S.C. § 621 et seq. ("ADEA").

[48] *See, e.g., Rivero v. Bd. of Regents of Univ. of New Mexico*, 950 F.3d 754, 761 (10th Cir. 2020) (constructive discharge is an "adverse employment action" sufficient to support an employment discrimination claim under ADA).

administrative remedies that are a prerequisite for bringing any protected status claim. Claims for discrimination, harassment, and retaliation under Title VII, the ADA, and the ADEA require that a plaintiff exhaust administrative remedies before filing suit.[49] Accordingly, his claim(s) for hostile work environment, discrimination, or retaliation must be dismissed.

III. Tortious Interference

To state a claim for tortious interference with a contract, Plaintiff must show (1) that the defendant intentionally interfered with the plaintiff's existing or potential economic relations; (2) for an improper purpose or by improper means; and (3) causing injury to the plaintiff.[50] Inherently, a party must have sufficiently alleged a breach of a contractual obligation.[51] There is, however, a presumption that all employment relationships entered into for an indefinite period of time are at-will.[52]

As an at-will employee, and as discussed above, Plaintiff did not have an employment contract with Amazon that could be subject to a tortious interference claim.[53] In addition,

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[49] *See, e.g., Almond v. Unified Sch. Dist. No. 501*, 665 F.3d 1174, 1176 (10th Cir. 2011) (citing 29 U.S.C. § 626(d)(1)(B)) (The law provides that no civil action may be commenced unless "the would be plaintiff first files a grievance with the appropriate administrative agency – and does so 'within 300 days after the alleged unlawful practice occurred.'").

[50] *Superior Water and Air, Inc. v. Puronics, Inc.*, No. 2:07CV838 DAK, 2008 WL 2627467, at *3 (D. Utah June 30, 2008).

[51] *1600 Barberry Lane 8 LLC v. Cottonwood Residential OP LP*, 2019 UT App 146, ¶ 21, 449 P.3d 949, 957.

[52] *Ray v. Wal-Mart Stores, Inc.*, 359 P.3d 614, 620 (Utah 2015); *Berube v. Fashion Centre, Ltd.*, 771 P.2d 1033, 1044 (Utah 1989).

[53] *Zoumadakis v. Uintah Basin Med. Ctr., Inc.*, 2005 UT App 325, ¶ 9, 122 P.3d 891, 895 (trial court properly dismissed cause of action for tortious interference with employment contract because plaintiff was an at-will employee, without an employment contract.).

Plaintiff's claim suggests that Amazon could somehow tortiously interfere with its own contract, which is not possible.[54]

Indeed, Plaintiff seems instead to base his tortious interference claim on Amazon's denial of his admission to the ATA training program, akin to a failure-to-promote claim that would arguably and more properly fall under Title VII, the ADA, or the ADEA, which Plaintiff has failed to plausibly plead or exhaust, as discussed above.[55] As such, Plaintiff has failed to properly plead a tortious interference claim.

IV. Fraudulent Misrepresentation

To state a claim for fraudulent misrepresentation under Utah law, Plaintiff must allege (1) that a representation was made; (2) concerning a presently existing material fact; (3) which was false; (4) which the representor either (a) knew to be false; or (b) made recklessly, knowing that there was insufficient knowledge upon which to base such a representation; (5) for the purpose of inducing the other party to act upon it; and (6) that the other party, acting reasonably and in ignorance of its falsity; (7) did in fact rely upon it; (8) and was thereby induced to act; and (9) to that party's injury and damage.[56]

Here, Plaintiff fails to allege what false representation was made and what action he took in detrimental reliance thereupon. At most, it appears Plaintiff objects to Amazon's

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[54] *See SCO Grp., Inc. v. Int'l Bus. Machines Corp.*, 879 F.3d 1062, 1082 (10th Cir. 2018) (tortious interference claim requires interference of third party).

[55] *See Ford v. Jackson Nat'l Life Ins. Co.*, 45 F.4th 1202, 1216 (10th Cir. 2022) (dismissing failure to promote claim under Title VII).

[56] *Chappell v. SkyWest Airlines, Inc.*, No. 4:21-cv-00083-DN-PK, 2021 WL 5882256, at *1 (D. Utah Dec. 13, 2021) (quoting *Cardon v. Jean Brown Research*, 327 P.3d 22, 24 (Utah Ct. App. 2014).

reviews of his performance and discipline arising from Plaintiff's conduct at work. Amazon's assessment of Plaintiff's performance and conduct are inherently opinions, not facts, and Plaintiff does not describe any detrimental action that he took because he relied on those reviews or disciplinary actions. Plaintiff's claim thereby fails as the pleadings do not properly allege the essential elements for a fraudulent misrepresentation claim.

V. Intentional Infliction of Emotional Distress

Finally, Plaintiff suggests a claim for "vicarious infliction of emotional distress."[57] As "vicarious infliction" does not exist as a claim for damages, the court has construed this claim as one for intentional infliction of emotional distress ("IIED"). An IIED claim under Utah law requires that a plaintiff show that (1) the defendant's conduct is outrageous and intolerable; (2) the defendant intends to cause emotional distress; (3) the plaintiff suffers severe emotional distress; and 4) the defendant's conduct proximately causes plaintiff's emotional distress.[58]

As an initial matter, none of the alleged conduct by Plaintiff is sufficiently "outrageous" as a matter of law to state an IIED claim. Outrageous conduct "is conduct that evokes outrage or revulsion; it must be more than unreasonable, unkind or unfair."[59] Additionally, conduct is not outrageous simply because it constitutes an "insult," "indignity," or act that is "definitely inconsiderate and unkind."[60] Conduct is also not outrageous because it is "unreasonable,

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[57] ECF No. 1, Compl. ¶ 10.

[58] *Odunze v. Lake Effect*, No. 2:24-cv-00341-DBB-CMR, 2025 WL 756924, at *2 n.2 (D. Utah Jan. 17, 2025).

[59] *Prince v. Bear River Mut. Ins. Co.*, 56 P.3d 524, 536 (Utah 2002).

[60] *Ankers v. Rodman*, 995 F. Supp. 1329, 1336 (D. Utah 1997).

unkind, or unfair."[61] At most, Plaintiff alleges that Amazon disciplined him for problematic behavior—at least some of which he admitted—and criticized his performance. These allegations do not rise to the level of "outrageous" and "intolerable" for purposes of an IIED claim.[62] Nor has Plaintiff alleged any facts that would show Amazon intended to harm him.[63] Plaintiff therefore cannot prevail on his IIED claim.

VI. Negligence

To the extent Plaintiff was attempting to state a claim of negligence against Defendant, that claim also fails. Under Utah law,"[t]he essential elements of a negligence action are: (1) a duty of reasonable care owed by the defendant to plaintiff; (2) a breach of that duty; (3) the causation, both actually and proximately, of injury; and (4) the suffering of damages by the plaintiff."[64] The existence of a duty is a matter of law,[65] and "[i]f the district court determines that the defendant owed no duty to the plaintiff, 'there can be no negligence as a matter of law.' "[66] Plaintiff has not set forth any facts in his Complaint or cited any case law in his Response Memorandum that could possibly be construed to give rise to a duty that Defendant

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[61] *Crowe v. SRR Partners, LLC*, 632 F. Supp. 3d 1233, 1242 (D. Utah 2022).

[62] *Id.* (allegation that former employer terminated the plaintiff while she was fighting cancer was not outrageous conduct, as required to state an IIED claim, although such conduct may have been unreasonable, unkind, or unfair.)

[63] *See Odunze*, 2025 WL 756924 at *2 n.2.

[64] *Williams v. Melby*, 699 P.2d 723, 726 (Utah 1985).

[65] *Torrie v. Weber Cnty.*, 309 P.3d 216, 220 (Utah 2013)

[66] *Crossgrove v. Stan Checketts Properties, LLC*, 344 P.3d 1163 (Utah 2015) (quoting *Tallman v. City of Hurricane*, 985 P.2d 892 (Utah 1999)).

owed to Plaintiff in this situation. Accordingly, any possible claim for negligence must be dismissed.

VII. Dismissal with Prejudice

Plaintiff has not sought leave to amend his complaint to allege facts that would support his purported causes of action or to allege facts that would support other causes of action. Because he has not sought to amend his complaint, the court need not address whether permitting the filing of an amended complaint would be futile, and the court dismisses the action with prejudice.

CONCLUSION

For the foregoing reasons, Defendant's Motion to Dismiss [ECF No. 15] is GRANTED. Plaintiff's action is dismissed with prejudice for failure to state a claim under Rule 12(b)(6) of the Federal Rules of Civil Procedure. Judgment will be entered accordingly.

DATED this 14th day of November 2025.

BY THE COURT:

DALE A. KIMBALL
United States District Judge

Additional material from this filing is available in the Clerk's Office.