NO. 16 - ____

In The
Supreme Court of the United States

MARIO A. JIMENEZ,
Petitioner,

v.

KAREN WIZEL et. al,
Respondents.

Petition for a Writ of Certiorari the
11th Circuit Court of Appeals

PETITION FOR A WRIT OF CERTIORARI

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Florida Senate District 40 Candidate

QUESTIONS PRESENTED FOR REVIEW

Freedom of religion is one of the most fundamental constitutionally protected rights in America. Petitioner is a Christian, a class of citizen protected under the Free Exercise Clause of The United States Constitution, who lost custody of his children for merely praying for them, and who reserves the right of American citizens to accept any religious belief and engage in religious rituals. This Court held in *Cantwell v. State of Connecticut*, 310 U.S. 296 (1940) that the Fourteenth Amendment made this clause enforceable against state and local governments. Three circuits have recognized that the type of Constitutional violations sustained by Petitioner may serve as a protected class for purposes of the second element of a § 1985 (3) claim, but the 11th circuit has not. Such violations must be afforded the same standard of review as outlined in *Cantwell*, and should be uniform in all Federal courts.

1. Is invidiously discriminatory religiously-motivated animus behind a conspiracy odious to the Constitution, and actionable under section § 1985 (3)?

2. Can a Federal District Court refuse jurisdiction over a state court matter involving an invidiously discriminatory religiously-motivated conspiracy, when the state proceeding remains ongoing, but needs to be moved to a Federal District Court when it involves a parent contact with his children for exercising his religious freedom rights and to

expose his children to his religion so they can have the option to choose to follow his path when they reach the age of majority?

3. Did the Eleventh Circuit Court of Appeal improperly affirm the Order of Dismissal by the United States District Court, Southern District of Florida which enforced the violation of Petitioner's First Amendment religious freedom to pray with his minor children?

PARTIES TO THE PROCEEDING

KAREN WIZEL, Mother; DEPARTMENT OF CHILDREN AND FAMILIES (DCF), THEREZA HERNANDEZ, DCF Investigator; MELYSSA LOPEZ, DCF Case Coordinator; YVETTE B. REYES MILLER, Esq.; THE LEGAL DEFENSE FIRM OF SOUTH DADE, P.L.; ANA C. MORALES, Esq.; MARGARITA ARANGO MOORE, Esq.; REYES & ARANGO MOORE, P.L.; VANESSA L. ARCHER, ARCHER PSYCHOLOGICAL SERVICES, P.A.; ANASTACIA GARCIA, Guardian Ad Litem; LAW OFFICE OF ANASTASIA M GARCIA, P.A.; and SABRINA SALOMON, Former attorney for Plaintiff

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PETITION FOR A WRIT OF CERTIORARI

Dr. Mario Jimenez, *pro se*, respectfully petitions for writ of certiorari to review the Orders from both the Eleventh Circuit Court of Appeals and the United States District Court, Southern District of Florida.

OPINIONS BELOW

The February 17, 2016 Opinion of the United States Court of Appeals for the Eleventh Circuit, Case no. 15-11861 attached as Appendix, page 20 is unpublished per curiam opinion.

The March 12, 2015 United States District Court, Southern District of Florida Memorandum Opinion and Order, Case no. 1:15-cv-20821-UU dismissing Defendant's Complaint (Appendix, page 35).

JURISDICTION

The Eleventh Circuit Court of Appeals denied Dr. Jimenez' Petition for Panel Rehearing on April 26, 2016. Dr. Jimenez invokes this Court's jurisdiction under 28 U.S.C. § 1254 (1).

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS

The First Amendment provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or

abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

Title 28 U.S.C. § 1443 provides in relevant part: "Any of the following civil actions…, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof;

(2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law."

42 U.S. Code § 1985 - Conspiracy to interfere with civil rights:

(1) Preventing officer from performing duties...

(2) Obstructing justice; intimidating party, witness, or juror...

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or

class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; …in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

In *City of Greenwood, Miss. v. Peacock*, 384 U.S. 808 (1966) the court granted "the vindication of the defendant's federal rights is left to the state courts except in the rare situations where it can be clearly predicted by reason of the operation of a pervasive and explicit state or federal law that those rights will inevitably be denied by the very act of bringing the defendant to trial in the state [Domestic Relations] court."

STATEMENT OF THE CASE

This case is about love, the inalienable bond formed from birth to death among parents and

children, and about freedom of religion. The relationship at the heart in this case involves the mutual love and bond parents share with their children they jointly procreated, and the love that survives a divorce. This enduring love and bond have prompted this Court to hold that "[T]he child and his parents share a vital interest in preventing erroneous [abridgement] of their natural relationship. … [T]he whole community has an interest that children be both safeguarded from abuses and given opportunities for growth into free and independent well-developed citizens." *Santosky v. Kramer*, 455 US 745, 760-790; 102 S Ct 1388; 71 L Ed 2d 599 (1982). This court also held that "[T]he "old notion" that " generally it is the man's primary responsibility to provide a home and its essentials" can no longer justify a statute that discriminates on the basis of gender. No longer is the female destined solely for the home and the rearing of the family, and only the male for the marketplace and the world of ideas…" " *Stanton v. Stanton*, 421 US 7, 10; 95 S Ct 1373, 1376, (1975). Also, this court affirmed that "The Constitution protects individuals, men and women alike, from unjustified state interference. … [Spouses] do not lose their constitutionally protected liberty when they marry [or for that matter when they get divorced]." *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833, 896 - 98, 112 S.Ct. 2791, 120 L.Ed.2d 674 (1992).

Miami-Dade family courts and family courts all throughout this nation blatantly disregard this most

basic natural relationship, turning non-custodial parents into "legal strangers" *Obergefell v. Hodges*, 135 S. Ct. 2071 - Supreme Court 2015. By disrespecting the parent-child bond, and freedom of religion, the Miami-Dade family court has done more than deny Petitioner basic legal rights, it has treated Petitioner as second-class citizen whose most intimate bond and freedom have been denied the dignity and respect they deserve.

Petitioner asks this court to clarify parens patrie and the inherent duties that imposed on the trier of fact not only by tradition, but by the position of judge. In order words, the cafeteria nature of the domestic relations Court is a denial of fairness, equity, and the core values of America. The Family is the backbone of American society and when children are involved they are not chattels - they are fruits of the basic relationship in America. To treat them as you would in dividing up the assets is an abdication of fundamental humanity and a denial of the underlying philosophy of the Bill of Rights.

A. Instigating Events in the State Court

This Petition arises from the denial of Dr. Jimenez' shared custodial time with his children due to the rescinding of the Shared Custodial Order which gave him 50% shared time with his 2 children – M.S.J and K.N.J, ages 10 and 7 respectively at the time of these events.

On March 26, 2010, in Nicaragua where Mother had absconded with the minor children for almost 2 years, while Father was finishing medical school, a Final Order ("Final Order") was entered providing 50/50 shared Parenting Time.

On July 7, 2011, that Final Order was recorded in Miami-Dade when Father discovered Mother had returned to the USA; he sought and received help from the American Embassy, State Department, state police investigators, and Honorable Judge Robert Scola to reestablish shared custody of the minors.

Finally on Oct. 6, 2011, Honorable Judge Robert N. Scola recognized the filed Final Order and restored Father to 50/50 shared Parenting Time.

Despite the fact of what Mother did, she was still given shared custody instead of losing complete custody and/or being given supervised visitation. Father, being a Family Physician, decided not appeal that decision because he is aware of the great harm custodial interference inflicts on the children (up to nearly 350% increase[1] in suicidal ideation caused when a child is deprived of one of his/her parents).

With the Father back in the children's lives, they thrived not only academically, but mentally, physically, and spiritually.

As Father had always done and continued to

[1] Turner HA, et al., Recent Victimization Exposure and Suicidal Ideation in Adolescents. Arch Pediatr Adolesc Med. 2012;166(12):1149-1154.

do for the year he was back in his children's lives, on the days he did not visit with them, he telephoned them and prayed with them. It was no different on June 5, 2012, around 8:00 p.m. when he called the children who were at their Mother's house, but being cared for by a neighbor as the Mother was out. Father called the children to say good night, and to pray with them which is a regular routine for any Christian – the Protected Class afforded by the Constitution, to discuss the words from the Bible. The children responded to Father's prayers as usual and all was good.

On July 20, 2012, approximately 2:00 p.m. when Father was scheduled to pick up kids from school, Father received a call from Judge Mindy Glazer, advising Dr. Jimenez that he was in an emergency hearing with all parties attending by phone. The hearing was for an order to suspend Father's shared custody. Despite Father's objecting to the telephone hearing due to lack of proper notice, lack of counsel, and the fact that investigators had found Mother's alleged physical and mental abuse by Father unfounded in two prior investigations, Judge Glazer ordered suspension of Father's shared custody, that to the day of this filing has extended for four years, causing immeasurable harm to the parent-child relationship, the children's mental health and behavior, and in violation of "The Due Process Clause of the Fourteenth Amendment [which] requires that severance in the parent-child relationship caused by the state occur only with

rigorous protections for individual liberty interests at stake." *Bell v. City of Milwaukee*, 746 F 2d 1205; US Ct App 7th Cir WI, (1984).

During the Emergency Telephonic Hearing, which Father understands is the basis for the suspension of Father's shared custody, Father became aware that approximately at 2:00 a.m. on June 6, 2012, which was approximately six (6) hours after Father had spoken with the children, Mother had called Department of Children and Families (DCF), and the police to interview her 6 year old daughter who allegedly stated Father said, "the devil is going to kill everyone…." Father does not know what transpired, but wondered if Mother had suffered a Bipolar episode, which is why she called the police.

The denial of Father's shared custody was in violations of Rule 60 (b), as in *Orner v. Shalala*, 30 F. 3d 1307 - Court of Appeals, 10th Circuit 1994, p. 3, *Barreiro v. Barreiro*, 377 So. 2d 999 - Fla: Dist. Court of Appeals, 3rd Dist. 1979, *Cortina v. Cortina*, 98 So.2d 334 (Fla. 1957); *Matthews v. Matthews*, 376 So.2d 484 (Fla. 3d DCA 1979) and cases cited; *Koken v. Neubauer*, 374 So.2d 49 (Fla. 3d DCA 1979). "Without prior notice, without appropriate pleadings, and over the objection of the husband, the trial judge expanded the scope of an 'emergency hearing'...In so doing, the lower court was in palpable error. It was plainly improper, and clearly in violation of the appellant's Due Process rights..."

The telephonic "emergency" hearing was set within hours before the occurrence of the hearing; the Petitioner had no time to prepare, nor was any previous indication of concern given by any of the Respondents to the Petitioner of any concerns, nor any attempt to discuss concerns, nor proper notice given. Simply put, the Respondents ambushed the Petitioner depriving him of Due Process and his children and the children of their father. The hearing was contrived as an "emergency hearing" by the Respondents; where the ease of hijacking Due Process is greater as an "emergency hearing."

The contrived "emergency hearing" alleged the "minor children [had] reported severe mental and emotional abuse imposed by the Father …[who] threaten that they will be killed by "demonic" spirits," where the only mention of spirits came from the Father's practice of praying with minor children. However, any alleged danger to the children had already been found unfounded by DCF. However, Respondents had used an initial intake report provided by a DCF vendor, The University of Miami Child Protection Team (CPT), which had been obtained illegally, to deprive Petitioner of his Parental Rights.

Minor children were not only excelling in school, but were thriving in all aspect of life up until that time; afterwards, the children decompensated behaviorally and academically. The lack of Due Process violated Petitioner's 14th Amendment Parental Rights without "compelling interest" to

refuse accommodation of religiously motivated conduct as required in *Sherbert v. Verner* (1963). Further, neither guardian ad litem (who was part of the conspiracy), nor advocate was needed for the children. No danger to the children was reported or existed, nor basis of fact or law to justify infringing Petitioner's Parental Rights.

The family court issued sweeping orders that equated to the Termination of Parental Rights; however, absent of proper notice of hearing, proper evidentiary hearing, adequate legal counsel or Due Process. All this solely based on Petitioner's religious practice to pray with his children a prayer he had posted in his refrigerator, Ephesians 6: 10-18, The Armor of God.

Without the required evidentiary hearing, a psychologist's hearsay evidence, provided by Dr. Vanessa Archer, recommended by opposite counsel, was used to defame Petitioner as a "fanatic" and religious obsessive for just praying with and instilling in his children Petitioner's Christian values; while a Judge, Pedro Echarte threw out into a garbage can a final report from DCF provided by Dr. DiTomasso that cleared Dr. Jimenez, ignoring the fact that Petitioner is a highly regarded servant of the community, who graduated among the top of his class in both Electrical Engineering and as a Medical Doctor, and who had warned Archer that Mother had been diagnosed with Bipolar Disorder with possible psychotic symptoms, and that Mother's mood-congruent psychotic symptoms possibly

included the clear delusions, or hallucinations that prompted Mother to call police in the middle of the night claiming that Petitioner had told children that "the devil is going to kill everyone" http://saynotopas.com/archer/. To have a chance to debunk Archer's reports, Plaintiff required cross-examination of Archer, but instead had his Sixth Amendment right trampled upon, resulting in another violation of Due Process given in order dated December 7, 2012.

Despite Petitioner's strongest objection to change psychologist due to the clear bias against Dr. Jimenez by having reported Archer to the Florida Health Department, and requesting the opinion of a neutral psychologist, Petitioner was inexplicably forced, by a third Judge in the case, Scott Bernstein, to conduct a second evaluation with Archer, who, as is accustomed in schemes that could be characterized by those involving racketeering, took the opportunity to ensure continual patronage from Plaintiff, at $1,800 per session every six months.

Archer alleged that Plaintiff imagines conspiracies by stating in her report that Plaintiff "presents with schizotypal and/or schizoid features," that his "preserverative thought processes and dogmatic behavior patterns would also explain his religious obsession, and his repeated and continued attempts to convince others that he has been falsely accused." These defamatory, cut-and-paste psychiatric-want-to-be statements contradicted fact and evidence, and were in retaliation for Dr. Jimenez

reporting Archer to the Health Department, where he detailed the catastrophic results of her unprofessional practices in the instant case, and in the well-known murder of Nubia Barahona, and the torture of her three siblings described in the "The Nubia Barahona Report[2]," and which has cost the state of Florida at least 5 million dollars from state coffers.

Subsequent hearings based on the "emergency order," and Archer's hearsay evidence, violating Due Process were held infringing Petitioner's Fourth Amendment Seizure, and through conspiracy with Plaintiff's former attorney, Mrs. Salomon, Plaintiff was ordered to pay large sums of money for opposite counsel's fees; additional hearings to impose opposite counsel's attorney fees and costs were pending in state court, where the repeated violations of religious freedom, and Due Process for almost three years at the time, provided no hope of justice or a fair trial as attested by last order issued February 23, 2015 by family court Judge, Ariana Fajardo, who unconscionably ordered Petitioner to pay additional attorneys fees without base in law or facts, and who ignored all the evidence that clearly showed the great harm the fraud caused against Dr. Jimenez was causing to his minor children. Petitioner was even threatened with debtors prison by the Respondents if he did not pay, violating his Fourth Amendment

[2] https://www.dcf.state.fl.us/initiatives/barahona/docs/meetings/Nubias%20Story.pdf

Seizure Due Process Protections in the instant case, and prompting Petitioner to seek protection in Federal court, the only court, at this time, that could protect parent-children Constitutional rights.

This instant federal case, a removal tendered under 28 U.S.C. § 1443, was filed to prevent the lower state court from continuing to wantonly abuse both power and process, including, inter alia, both prior and present unconstitutional attempts and acts to falsely sanction this Petitioner, hence the gravamen of this removal are federal issues.

B. Federal Court Decisions

On July 20, 2016, contrary to the profound reverence for religion this Nation was founded upon, the state trial court used Religion-based animus to remove fundamental Parental Rights from Dr. Jimenez without the substantive Due Process required for such a removal.

The Federal Statutes that provide for removal from an unconstitutional state court are misconstrued because, in part, of stare decisis misinterpretation that assumes unconstitutional action against Dr. Jimenez to be a "rarity" when numerous other lower federal court litigants across the Nation fall victim to the same (or similar) unconstitutional actions by the United States Family Courts.

The connecting facts of this case clearly show

that Dr. Jimenez' fundamental Parental Rights were violated providing for necessary Federal court intervention due to those violations arising from the Constitutional laws of the United States as outlined by 42 U.S.C. § 1983, 42 U.S.C. § 1985, 18 U.S.C. § 1951 and others. And, even if certain of these laws call for racial-based animus in order to invoke, lower federal courts should have recognized § 848 or "Class of one" for the lack of reasoning used by the courts for bias and subsequent Due Process violation against Dr. Jimenez.

REASONS FOR GRANTING PETITION

1. The lower courts should not impute a purpose of action against religion without Due Process.

The record of the State Court action clearly shows that the Dr. Jimenez' religious beliefs and practice of praying with his children were used as pretext to remove his fundamental Parental Rights, depriving him of Liberty and Property, without Due Process, in abhorrence to the Constitution, and contrary to the laws, and history of the United States:

> "It being historically true that the American people are a religious people, as shown by the religious objects expressed by the original grants and charters of the colonies, and the recognition of religion in the most solemn acts of their history, as well as in the constitutions

> of the states and the nation, the courts, in construing statutes should not impute to any legislature a purpose of action against religion." *Holy Trinity Church v. U.S.*, 143 U.S. 457 (1892).

The three (3) most important constitutional rights of the average citizen, for self-evident and legally well-established reasons, are Life, Liberty and Property. State family court actions, as in this case, can routinely implicate and trigger Due Process rights of those latter two, Liberty and Property. In the instant state case, fundamental Liberty rights were violated in two (2) common ways, including (1) wrongly interfering with this Petitioner father's well established Liberty associational rights to fully enjoy his parent-child relationship, and (2) using fraud upon the court to enter multiple meritless orders.

Also within the instant case, fundamental Property rights were implicated regarding Due Process in two (2) common ways, since money is property, including (1) ordering any monies from Dr. Jimenez, whatsoever, in regards to an ostensible "child support" amount to be paid, and paid only by him, contrary to the fact that the state has never initiated any form of parental unfitness action against him, hence the state has never removed Dr. Jimenez' pre-existing custody rights over his children, hence the state has no validity in pretending to now act as the parent itself over the children in dictating any terms, and (2) in continuous extortion of attorney fees

to be paid by Dr. Jimenez to both sides' counsels, for simply yet more manifest injustice.

Abuse of power and process by state actors and their co-conspirators to falsely enjoin and wrongfully restrict persons are undeniably federal issues of Due Process and Liberty interests, as unquestionably raising directly cognizable claims under at least, but not limited to, Article I, Article VI, Amendment IV, Amendment V, and Amendment XIV of the Federal Constitution, or at the very least, given the invidiously discriminatory religiously-motivated class-based animus behind the conspiracy against Dr. Jimenez and his children, this case should be actionable under the second element of section § 1985 (3), as three other circuit courts have deemed appropriate in such cases. It is therefore, of exceptional importance to grant this writ of certiorari to maintain uniformity of District Court's decisions.

The U.S. Supreme Court has always maintained "the virtually unflagging obligation of the federal courts to exercise the jurisdiction given them" by Congress. See, *Colorado River Water Conservation District v. United States*, 424 U.S. 800, 813 (1976), and, indeed, the Supreme Court has "often acknowledged that federal courts have a strict duty to exercise the jurisdiction that is conferred upon them by Congress." *Quackenbush v. Allstate Insurance Company*, 517 U.S. 706, 716 (1996) (emphasis added). This constitutional Due Process Liberty interest case, a removal filed under express statutory authority,

that is precisely on point for the congressional target of the enacted statute, with its own statutorily-provided jurisdiction, is a prime example of that very "unflagging obligation" in duty. Indeed, there could hardly be another case so directly on point, and of so much Public Importance, given that it involves Freedom of religion, one of the most fundamental constitutionally protected rights in America, and Parental Rights, probably one the most important human rights, and absolutely essential to enjoy the God-given inalienable right, the Pursuit of Happiness.

2. Constitutions of the States and that of the United States recognize a profound reverence for religion's influence in all human affairs essential to the well-being of the community.

The state Family Court has violated, and continues to violate, Dr. Jimenez' fundamental rights under the First Amendment of the United States Constitution and the Florida State Constitution:

> "If we examine the constitutions of the various states, we find in them a constant recognition of religious obligations. Every constitution of every one of the [50] states contains language which, either directly or by clear implication, recognizes a profound reverence for religion, and an assumption that its influence in all human affairs is essential to the well-being of the community. This recognition may be in the

> preamble, such as is found in the constitution of [Florida]: 'We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty, in order to secure its benefits, perfect our government, insure domestic tranquility, maintain public order, and guarantee equal civil and political rights to all, do ordain and establish this constitution.' etc."..."Even the constitution of the United States, which is supposed to have little touch upon the private life of the individual, contains in the first amendment a declaration common to the constitutions of all the states, as follows: 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' etc.,..."(quoting *Holy Trinity Church v. U.S.*, 143 U.S. 457 (1892) and the Constitution of the State of Florida AS REVISED IN 1968 AND SUBSEQUENTLY AMENDED, http://www.leg.state.fl.us/statutes/index.cfm?submenu=3)

3. Nationally[3], Federal Courts are abstaining from U.S. Family Court Constitutional violation review therefore providing license to State Domestic

[3]See Petitions for Writ of Certiorari by John J. Bautista, Jr (Virginia 15-9348), Laura A. Bouma (Maryland 15-8012), and Michael Bent (15-1258 and 15-1304) – cited with permission of these named litigants.

Relations Courts to violate the fundamental rights of Parents.

Point One: Federal Court abstention due to the "Domestic Relations" exception

Regarding the Eleventh Circuit's Per Curiam opinion that characterizes Dr. Jimenez' actions as:

> "Jimenez filed this suit...requesting removal of a state court child custody dispute between him and his ex-wife, Karen Wizel" and that "[t]he district court determined it lacked jurisdiction over the state court proceedings because child custody disputes are not within the federal court original jurisdiction..."

However, the Eleventh Circuit misunderstood Father's request. Father does not seek the Federal Courts intervention to modify the custodial arrangement, but instead Father is solely pursuing a federal suit against the defendants for their actions that intentionally violated Father's rights. Per *Ankenbrandt*, this federal suit is clearly not within the narrow domestic relations exception:

> "By concluding, as we do, that the domestic relations exception encompasses only cases involving the issuance of a divorce, alimony, or child custody decree, we necessarily find that the Court of Appeals erred by affirming the District Court's invocation of this exception. This lawsuit in no way seeks such a decree;

> rather, it alleges that respondents Richards and Kesler committed torts against L. R. and S. R., Ankenbrandt's children by Richards. Federal subject matter jurisdiction pursuant to § 1332 thus is proper in this case." *Ankenbrandt v. Richards*, 504 U.S. 689, 703 (1992) [at 704].

Dr. Jimenez did not, in any way, request and/or seek a Federal Court to alter, amend, or change, whatsoever, any aspect(s) of divorce, child custody, or any other type of familial and/or domestic matters that are properly reserved for within the state court system, yet however, all the torts and civil wrongdoings are fully actionable, and that is what Dr. Jimenez intended to do with his federal removal.

Although Dr. Jimenez is a recently licensed Medical Doctor, he has been forced to defend himself and his children *Pro Se* as a consequence of the financial attacks from Defendants. In reviewing whether a complaint meets the pleading requirements, "[p]ro se pleadings are held to a less stringent standard than pleadings drafted by attorneys and will, therefore, be liberally construed." *Tannenbaum v. United States*, 148 F.3d 1262, 1263 (11th Cir. 1998) (per curiam). Dr. Jimenez' lack of legal representation should not preclude him and his children from obtaining substance of justice. *Pro se* pleadings are always to be construed liberally and expansively, affording them all opportunity in obtaining substance of justice, over technicality of

form. *Maty v. Grasselli Chemical Co.*, 303 U.S. 197 (1938); *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1959); *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S.Ct. 594, 596, 30 L.Ed.2d 652 (1972); *Cruz v. Beto*, 405 U.S. 319, 322, 92 S.Ct. 1079, 1081, 31 L.Ed.2d 263 (1972). If the court can reasonably read the submissions, it should do so despite failure to cite proper legal authority, confusion of legal theories, poor syntax or sentence construction, or a litigant's unfamiliarity with particular rule requirements. *Boag v. MacDougall*, 454 U.S. 364, 102 S.Ct. 700, 70 L.Ed.2d 551 (1982); *Estelle v. Gamble*, 429 U.S. 97, 106, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976) (quoting *Conley v. Gibson*, 355 U.S. 41, 45-46, 78 S.Ct. 99, 2 L.Ed.2d 80 (1957)); *Haines v. Kerner*, 404 U.S. 519, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972).

As another fellow litigant points out, there are fundamental flaws in the notion that:

> "the vindication of the defendant's federal rights is left to the state courts except in the rare situations where it can be clearly predicted by reason of the operation of a pervasive and explicit state or federal law that those rights will inevitably be denied by the very act of bringing the defendant to trial in the state [Domestic Relations] court." (quoting *City of Greenwood, Miss. v. Peacock*, 384 U.S. 808 (1966)):

As submitted by John J. Bautista, Jr., Dr. Jimenez requests for this court to decide:

> "Whether or not a Federal District Court can refuse to exercise jurisdiction under 28 USC § 1443 regardless of natural parent racial class where claims relating to violations of either class-of-one (§ 848)[4] Civil Rights (42 USC §§ 1983 and 1985) or Civil Liberties arise under Federal Law and are clearly and facially shown to allow child abduction and financial destruction under the color of law."[5]

Mr. Bautista goes on to assert that:

> "In establishing a requirement to remand to state court if 'at any time before final judgment it appears that the removal was [negligent or thoughtless]', Congress intended section 1447(c) to require remand to state court if…the defect in removal procedure…[implied] that remand is unavailable after disposition of all federal questions…" (quoting House Report 100-889 of JUDICIAL IMPROVEMENTS AND ACCESS TO JUSTICE ACT - October 14, 1988), and;
>
> "While this Court has opined that the Constitution delegated no authority to the Government of the United States on the

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[4] § 848.Class of one, 16B Am. Jur. 2d Constitutional Law § 848

[5] See *John J. Bautista, Jr. v Teresa Y. Lee-Bautista, et. al.* - Petition for writ of certiorari No. 15-9348 docketed May 17, 2016.

subject of marriage and divorce (quoting *Haddock v. Haddock*, 201 U.S. 562, 575 (1906)) and that 'The whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of the States and not to the laws of the United States,' according to *Ankenbrandt v. Richards*, 504 U.S. 689, 703 (1992) (quoting In re *Burrus*, 136 U.S. 586, 593-94 (1890)) in order to explain why federal courts avoid adjudicating domestic relations matters, Federal Court doctrines of abstention fall short when attempting to explain the use of such or similar means that effectively allow State Courts to disregard the 14th Amendment‘s Due Process and Equal Protection clauses in the realm of Domestic Relations.", and;

"As discussed [in Mr. Bautista's] Petition for Writ of Certiorari to the United States Supreme Court [Mr. Bautista's Petition] is in response to the unconstitutional diseases adversely affecting the fundamental equal protection rights of parents that find themselves having to litigate in the Family Courts....'This [United States Supreme] Court has recognized that such prophylactic protections of equality of opportunity are not only consistent with, but necessary to, achieving the Constitution‘s Equal Protection guarantee.' (quoting *Douglas T. Kendall,*

> *Elizabeth B. Wydra, David H. Gans, & Brianne J. Gorod* (2014). On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit Brief of Constitutional Accountability Center as Amicus Curiae in Support of Respondent. *TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, et al., Petitioners v. THE INCLUSIVE COMMUNITIES PROJECT, INC., Respondent.*, 394 U.S. 576, 583 (2014)) "

Therefore, the "disease" of the acts of U.S. Family Court ignoring the fundamental rights of litigants when deciding "Domestic Relations" matters will continue unless this court provides remedy– including such that allows for Federal Removal from the offending State Family Court when outrageous constitutional violations such as the ones experienced by Dr. Jimenez and his children occur.

Point Two: Failure to State a Claim

With regard to the Eleventh Circuit's Per Curiam opinion of:

> "To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.' *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570, 127 S. Ct. 1955, 1974 (2007) " and "'[N]aked assertions devoid

> of further factual enhancement' or '[t]hread bare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.' *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S. Ct. 1937, 1949 (2009)" and "[the District Court] dismissed the remainder of Jimenez's amended complaint for failure to state a claim":

Whereas, in relevant part the Eleventh Circuit also opined that:

> "In his amended complaint, Jimenez more specifically raised claims under 42 U.S.C. [Sections] 1983 and 1985, alleging that various parties to the state custody action, as well as Wizel, conspired to violate these same constitutional rights." and;

Whereas, in relevant part, Rule 12(b)(6) states:

> "…a party may assert the following defenses by motion:…failure to state a claim upon which relief can be granted" and;

Whereas Due Process requires, in relevant part:

> "…Due Process [under the Fourteenth Amendment] generally requires consideration of three distinct factors:…First, the private interest that will be affected by the official action;…second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural

safeguards;…and finally, the government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail."[6] and;

Whereas, the general criteria for violation under 42 U.S.C. § 1985 are:

1) "Existence of conspiracy…presents fact question."[7] 2) 42 USCS § 1985 (3) [Depriving persons of rights or privileges] requires that conspiracy must be entered into by "persons."[8] 3) "Conspiracy in context of 42 USCS § 1985 (3) means that co-conspirators must have agreed, at least tacitly, to commit acts which will deprive plaintiff of equal protection of law."[9] 4) "[The] second most important element of cause of action under 42 USCS § 1985 (3), after intent, is proof of conspiracy; if party has potential to stop illegal activity but fails to act to do so, then that party may be said to have impliedly conspired in such illegalities."[10] 5) "In actions under 42 USCS § 1985 (3) plaintiff must plead and prove existence of conspiracy

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[6] LexisNexis headnote #6 of *MATHEWS, SECRETARY OF HEALTH, EDUCATION, AND WELFARE v. ELDRIDGE*, 424 U.S. 319 (1976).

[7] *Crawford v Houston* (1974, SD Tex) 386 F Supp 187.

[8] *Boling v National Zinc Co.* (1976, ND Okla) 435 F Supp 18.

[9] *Santiago v Philadelphia* (1977, ED Pa) 435 F Supp 136.

[10] *Dickerson v United States Steel Corp.* (1977, ED Pa) 439 F Supp 55, 15 BNA FEP Cas 752, 15 CCH EPD P 7823, 23 FR Serv 2d 1429.

which injures or deprives plaintiff of equal protection, and furthermore, courts generally require allegation and proof of overt act in furtherance of conspiracy."[11] 6) "Recovery under 42 USCS § 1985 (3) can be had only if plaintiff suffered injury as result of act taken in furtherance of conspiracy; nevertheless, proof of agreement itself, as distinct from compensable injury, can derive from evidence of act done by conspirators, whether or not act caused injury that would be actionable under § 1985 (3)."[12] and;

"[In summary] there are 4 elements that must be established in order to prove conspiracy: (1) that defendant(s) had agreement with at least one other person and participated or caused something to be done in furtherance of agreement; (2) that agreement was to deprive plaintiff of protected right; (3) that defendant(s) were motivated by dislike or hateful attitude towards specific class of people

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[11] *Hernandez Del Valle v Santa Aponte* (1977, DC Puerto Rico) 440 F Supp 254, revd on other grounds (1978, CA1 Puerto Rico) 575 F2d 321.

[12] *Hobson v Wilson* (1982, DC Dist Col) 556 F Supp 1157, affd in part and revd in part on other grounds (1984, App DC) 237 US App DC 219, 737 F2d 1, reh den (1984, App DC) 237 US App DC 219, 737 F2d 1 and cert den (1985) 470 US 1084, 105 S Ct 1843, 85 L Ed 2d 142 and (criticized in Atchinson v District of Columbia (1996, App DC) 315 US App DC 318, 73 F3d 418, 33 FR Serv 3d 1033) and (ovrld on other grounds as stated in *Brady v Livingood* (2004, DC Dist Col) 360 F Supp 2d 94).

> and that plaintiff was member of that class; and (4) that conspiracy caused deprivation or injury to plaintiff."[13] and;

Whereas, Dr. Jimenez stated, in relevant but only partial part that:

> "Mother falsely accused Father of Domestic Violence against her and children by accusing Father of trying to scare the children when praying (emphasis added) with them"[14] and also that "Mrs. Lopez, working as a DCF Case Coordinator for UM Child Protection Team, in conjunction with Mrs. Hernandez, DCF Investigator, and Mrs. Wizel, conspired to violate Plaintiff's civil rights by conducting a secret UM CPT interview of the minor children without Plaintiff's consent or providing any notice, and then proceeded to give a copy of such report to Mother's attorneys depriving Plaintiff of the opportunity to question and clarify the erroneous conclusions...to interfere with Plaintiff's civil rights and acted in concert with government officials..."..."Mother decided

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[13] *Chambers v Omaha Girls Club* (1986, DC Neb) 629 F Supp 925, 40 BNA FEP Cas 362, 40 CCH EPD P 36126, affd (1987, CA8 Neb) 834 F2d 697, 45 BNA FEP Cas 698, 45 CCH EPD P 37566, reh den, en banc (1988, CA8 Neb) 840 F2d 583, 46 BNA FEP Cas 117, 46 CCH EPD P 37856 and reh den (1988, CA8 Neb) 1988 US App LEXIS 18913.

[14] Page 8 of Dr. Jimenez' *Amended Notice of Petition and Verified Petition For Warrant Of Removal.*

> to abscond with them in Nicaragua in disobedience of a divorce decree given in that country..."…ad nausiam, and;

Whereas, Archer's own Psychological report[15] specifically states:

> "Mr. Jimenez reportedly brings the same game case to every visit [with his children]…such perseverative thought processes and dogmatic behavior patterns would also explain his religious obsessions…", thereby showing Ms. Archer's disdain for Dr. Jimenez' religion, and;

Whereas, Dr. Jimenez further stated that:

> "Respondents contrived an "emergency" by conspiring with Mother who called police and DCF in the middle of the night on June 6, 2012, Doc. 8, p. 157, falsely accusing Father of scaring children when praying with them, in violation of Petitioner's First and Fourteenth Amendment Rights to provide Parental instruction to his children pertaining to scripture, Ephesians 6: 10-18, Doc 8, p. 156-157." and that, "The Respondents contrived baseless, libelous, slander of Petitioner claiming he was a "fanatic" for merely praying with his children, as is his First and

[15] Report by Vanessa L. Archer of ARCHER PSYCHOLOGICAL SERVICES, P.A.

> Fourteenth Amendment Right in *Troxel v. Granville*, 530 US 57 - Supreme Court through conspiracy to obtain the court order."[16]

Therefore; and in no small way but for Dr. Jimenez' religious prayers with and teachings to his children; 1) Dr. Jimenez presented facts pertaining to his 42 U.S.C. § 1985 claim, 2) Dr. Jimenez established that the acts of conspiracy were entered into by "persons", 3) Dr. Jimenez established that said acts were committed at least tacitly to deprive his rights to equal protection of the law, 4) Dr. Jimenez has been and is now suffering from continued illegal activity by said persons, 5) Dr. Jimenez has submitted numerous pleadings to prove the existence of, and indeed the furtherance of, conspiracy to the Federal Courts, 6) Dr. Jimenez and his children have endured psychological as well as monetary injuries, and 7) The attitudes of the State Court concerning both Dr. Jimenez' religious class, class of father, and also his class-of-one[17] status caused said deprivation and injury.

As it is reasonable to believe by the facts stated above, this case should have never been dismissed for failure to state a claim because it is

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[16]UNITED STATES COURT, THE 11TH CIRCUIT COURT OF APPEALS, OPENDING BRIEF ON APPEAL (Case 15-11861-CC)

[17]Class of one, 16B Am. Jur. 2d Constitutional Law § 848

well affirmed by this court that "[A] complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claims which would entitle him to relief." *Conley v. Gibson*, 355 U.S. 41, 45-46, 78 S.Ct. 99, 101-102, 2 L.Ed.2d 80 (1957) (footnote omitted); *McKinnis v. Mosely*, 693 F.2d 1054, 1058 (11th Cir.1982); *Bank v. Pitt*, 928 F. 2d 1108 (11th Cir. 1991).

Point Three: Race-Based Amicus Removal Requirement

With regard to the Eleventh Circuit's Per Curiam opinion of:

> "…The Supreme Court has interpreted § 1443 to apply 'only to rights that are granted in terms of [racial] equality and not to the whole gamut of constitutional rights.' *Georgia v. Rachel*, 384 U.S. 780, 792, 86 S. Ct. 1783, 1790 (1966); accord *Alabama v. Conley*, 245 F.3d 1292, 1295 (11th Cir. 2001) (per curiam).":

On the subject of stare decisis:

> Whereas: "The [*Georgia v. Rachel*] case arises from a [28 U.S.C.A. § 1443] removal petition filed by…defendants seeking to transfer to the United States District Court for the Northern District of Georgia criminal

trespass prosecutions pending against them in the Superior Court of Fulton County, Georgia."[18], and;

Whereas: "Property owner was not entitled to remove state's eminent domain action to federal court under 28 USC § 1443, since state's eminent domain provisions were facially neutral and act of bringing proceeding under them did not directly conflict with proper owner's rights under §§ 1981 and 1985."[19], and;

Whereas: "…the liberty interest of parents in the care, custody, and control of their children is perhaps the oldest of the fundamental liberty interest recognized by this Court."[20],

The subject matters of alleged criminal trespass by defendants or property eminent domain verses that of criminal (emphasis added) trespass upon the fundamental liberty interest right of parent defendants by United States Family State Courts are not comparable to each other.

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[18] *State of Ga. v. Rachel*, 384 U.S. 780 (1966)

[19] Quoting *UNITED STATES CODE SERVICE,* Copyright © 2015 Matthew Bender & Company, Inc., on *Alabama v Conley* (2001, CA11 Ala) 245 F3d 1292, 14 FLW Fed C 554.

[20] *Troxel v. Granville*, 527 U.S. 1069 (1999).

Furthermore, "The Due Process Clause has its origin in Magna Carta,…the Great Charter provided that 'no freeman shall be…disseised of his freehold, or liberties, or free customs, or be outlawed, or exiled, or any otherwise destroyed; nor will we not pass upon him, nor condemn him, but by lawful judgment of his peers, or by the law of the land.' *Magna Carta*, ch. 29, in 1E. Coke, The Second Part of the Institutes of the Laws of England 45 (1797) (emphasis added). The Court has recognized that at the time of the Fifth Amendment's ratification, the words 'Due Process of law' were understood 'to convey the same meaning as the words 'by the law of the land" in Magna Carta." (quoting the U.S. Supreme Court in *Kerry v. Din*, 576 U.S.__(2015) by Jason W. Hoyt).

In addition, "[t]he purpose of the equal protection clause of the Fourteenth Amendment is to secure every person within the State's jurisdiction against intentional and arbitrary discrimination, whether occasioned by express terms of a statute or by its improper execution through duly constituted agents."…"Plaintiffs can establish an equal protection claim by showing that they were 'intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment.'" (quoting § 848. Class of one, 16B Am. Jur. 2d

Constitutional Law § 848)

Therefore, even if properly construed, racially-based animus requirements to induce Federal Removal jurisdiction and similar Federal Court acts of abstention are in cases like this one an unconstitutional abomination—regularly depriving *millions* of United States parent citizens the *fundamental* right of remedy for Constitutional injury of state family court wrongdoing.

"For state action purposes it makes no difference of course whether the … discriminatory act by the private party is compelled by a statutory provision or by a custom having the force of law—in either case it is the State that has commanded the result by its law." *Adickes v. S. H. Kress & Co.*, 398 U. S. 144, 171 (1970).

4. Writ of Certiorari Is Necessary to Maintain Uniformity of District Court's Decisions and Because It Involves a Question of Exceptional Importance.

As stated in Appeal Court's opinion, "other [three, *Colombrito v. Kelly*, 764 F.2d 122, 130–31 (2d Cir. 1985); *Taylor v. Gilmartin*, 686 F.2d 1346, 1357–58 (10th Cir. 1982); *Ward v. Connor*, 657 F.2d 45, 48 (4th Cir. 1981)] circuits have recognized that a religious group may serve as a

protected class for purposes of the second element of a § 1985(3) claim," but the fact that this circuit [11th circuit] has not done so, should not preclude Plaintiff and minor children from their equal protection under the law and the Constitution, and thus deprive them of substantial justice in violation of the former and the rules of civil procedure, which require that all pleadings shall be construed as to do substantial justice, *Burt v. City of New York*, 156 F.2d 791 (2 Cir. 1946).

There are similarities among the instant case and those three other circuit precedents and that is precisely why the 11th circuit court should have maintained that uniformity, and why this court should grant this writ of certiorari.

In *Colombrito*, "The complaint alleged that the defendants had (1) conspired, motivated by animus against his religion, to deprive him of his civil rights in violation of 42 U.S.C. § 1985(3), (2) deprived him of his constitutional rights under color of state law, in violation of 42 U.S.C. § 1983, and (3) discriminated against him in violation of New York State Civil Rights Law." *Colombrito v. Kelly*, 764 F.2d 122, 130–31 (2d Cir. 1985).

In the instant case, Plaintiff has overwhelming evidence that he and his minor children were injured by a private conspiracy amongst Defendants to "deprogram" and defame him for his practice of praying with his minor children, degrading and ridiculing his Christian

faith, with a class-based invidiously discriminatory animus behind the conspiracy, and thus interfering with his Constitutional protected rights: "The Supreme Court made clear in *Griffin v. Breckenridge*, 403 U.S. 88, 102, 91 S.Ct. 1790, 1798, 29 L.Ed.2d 338 (1971), that an action will lie under § 1985(3) when a plaintiff is injured by a private conspiracy to interfere with his constitutional rights, so long as there is "some racial, or perhaps otherwise class-based, invidiously discriminatory animus behind the conspirators' action." Id. (footnote omitted). Several courts have since held that religiously-motivated animus is actionable under the section. See, e.g., *Ward v. Connor*, 657 F.2d 45, 48 (4th Cir. 1981, cert. denied, 455 U.S. 907, 102 S.Ct. 1253, 71 L.Ed.2d 445 (1982); *Weiss v. Willow Tree Civic Association*, 467 F.Supp. 803, 812 n. 25 (S.D.N.Y. 1979).

Those who sought to deprive Plaintiff of his children just for praying for them showed that:

"[C]ertainly their conduct is odious and has the effect of depriving the victim of important rights — his liberty, his freedom, his right to practice his religion, among other rights." *Taylor v. Gilmartin*, supra, 686 F.2d at 1357.

Although Plaintiff believes that private parties corruptly conspired with at least one Judge in the state court, Plaintiff decided not to file charges against any Judge(s) after repeated

warnings from Honorable District Judge Ungaro that: "Judges are entitled to absolute immunity for all actions taken in their judicial capacity, except where they act in the 'clear absence of all jurisdiction.'" *Bolin v. Story*, 225 F.3d 1234, 1239 (11th Cir. 2000) (quoting *Stump v. Sparkman*, 435 U.S. 349, 356–57 (1978))."

However, "[p]rivate parties who corruptly conspire with a judge . . . are . . . acting under color of state law within the meaning of § 1983," regardless of the judge's own immunity to suit. *Dennis v. Sparks*, 449 U.S. 24, 29, 101 S.Ct. 183, 66 L.Ed.2d 185 (1980). See also 1 C. *Antieau, Federal Civil Rights Acts* § 60, at 111 (2d ed. 1980) ("Private persons acting in a conspiracy with public servants to deprive others of their federal rights are acting under `color of law' and subject to § 1983 actions."). A defendant's actions are under color of state law if he "reache[s] an understanding" with a judge to violate an individual's rights. *Rankin v. Howard*, 633 F.2d 844, 850 (9th Cir. 1980) (quoting *Adickes v. S.H. Kress Co.*, 398 U.S. 144, 152, 90 S.Ct. 1598, 1605, 26 L.Ed.2d 142 (1970)), cert. denied, 451 U.S. 939,101 S.Ct. 2020, 68 L.Ed.2d 326 (1981). Thus courts have refused to dismiss claims alleging state action based on a party's having "induced a judge to abandon his impartiality." *Rankin v. Howard*, supra, 633 F.2d at 850; accord *Brucar v. Rubin*, 638 F.2d 987, 993-94 (7th Cir. 1980).

In *Taylor v. Gilmartin*, 686 F.2d 1346, 1357–58 (10th Cir. 1982), the essence of the case was also an attempted religious deprogramming effort together with the means which were employed to accomplish the objective. In the instant case, as in *Silkwood v. Kerr-McGee*, 637 F.2d 743, 748 (10th Cir. 1980), the court noted that the legislative history of the 1971 Civil Rights Act, the source of § 1985(3), contains an explanation by Senator Edmunds of the type of conspiracies to be remedied by the Act: "We do not undertake in this bill to interfere with what might be called a private conspiracy growing out of a neighborhood feud of one man or set of men against another to prevent one getting an indictment in the State courts against men for burning down his barn; but, if in a case like this, it should appear that this conspiracy was formed against this man because he was a Democrat, if you please or because he was a Catholic, or because he was a Methodist, or because he was a Vermonter, . . . then this section could reach it." Cong. Globe, 42d Congress, 1st. Sess. 567 (1871) (emphasis added).

Such language clearly encompasses, as in the instant case, an "irrational and odious class discrimination based on national origin or religion." *Arnold v. Tiffany*, 359 F. Supp. 1034, 1036 (D.C.Cal.), aff'd on other grounds, 487 F.2d 216, 218 (9th Cir. 1973), cert. denied, 415 U.S.

984, 94 S.Ct. 1578, 39 L.Ed.2d 881(1974). "The inference to be drawn is that the six Justices in *United States v. Guest*, [383 U.S. 745, 86 S.Ct. 1170,16 L.Ed.2d 239 (1966)], adopted the position that a private conspiracy which interferes with fourteenth amendment rights [such as is clear in the instant case] by preventing the state from granting equal treatment or by causing the state to deprive a citizen of his constitutional rights is sufficient state action within the power of Congress to remedy under § 5 of the Fourteenth Amendment, notwithstanding the state is not actually one of the conspirators." Id. (emphasis added).

In *Ward v. Connor*, 657 F.2d 45, 48 (4th Cir. 1981), Mr. Ward's "parents and others acting in concert with them during an attempt to 'deprogram' him of his religious beliefs," and the same could be said of Wizel and other Defendants who conspired under the color of law to try to "deprogram" Plaintiff from praying and transmitting his Judeo-Christian faith to minor children.

Plaintiff has been even warned not to pray with his minor children during the four years that he has been unconstitutionally forced to see his children under supervised visitations, whenever the Mother so allows it, by the state court. Dr. Jimenez was never found to be an unfit parent, or charged with endangering his children (other than

somehow praying with them was harmful), but to the contrary, an independent psychological report conducted by a DCF expert, Dr. DiTomasso, completely cleared Dr. Jimenez from the false allegations, but were thrown out, inexplicably, by Judge Pedro Echarte early in the case.

Dr. Jimenez strongly believes that what transpired in this case goes against the very essence of America's Judeo-Christian values, and its Constitution. Unfortunately, these unconstitutional abominations are not longer an exception to the rule, but have become exceedingly common in our domestic courts today. As a family court reform advocate, Dr. Jimenez is aware of at least 3,300 of such cases[21].

As John Adams warned us: "Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."

CONCLUSION AND PRAYER FOR RELIEF

Dr. Jimenez continues to be denied his Due Process rights as well as his children are denied their rights of communication, without Father ever been found an unfit parent. This type of custody interference via family courts is causing great harm to the American family, violating even our most basic Constitutional principle, the Free Exercise Clause,

[21] http://www.jotform.com/grid/60717016674052.

leading to a mental health crisis of pandemic proportions. According to CDC statistics, one child attempts suicide every 3 minutes, with one succeeding every 2 hours[22], and 63% of these suicides are related to a child not being with one of the parents[23], while suicide has become the main killer among veterans. Family courts contribute in great part to these suicides by engaging in custodial interference for profit, via Title IV-D of the social security[24]. For the sake of national health, security, and the preservation of the Rule of Law, it is therefore incumbent upon this court to grant writ of certiorari to halt once and for all the Constitutional abuses taking place in family courts all over this nation; not only to protect the Rule of Law, but to protect our most vulnerable citizens, our children, and those we should he holding in highest honor, our veterans.

As one of the organizations Dr. Jimenez closely collaborates with puts it: "Second Class Citizen[25] combed through three years of active duty military suicide records from DOD and discovered that one third of active duty military suicides are due to family/custody matters. SM and Veterans are literally killing themselves in despair…This is a

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[22]http://www.cdc.gov/violenceprevention/suicide/youth_suicide.html

[23] https://www.gpo.gov/fdsys/pkg/CHRG-106hhrg71291/html/CHRG-106hhrg71291.htm

[24] http://www.divorcecorp.com/

[25] http://www.secondclasscitizen.org/one-third-far-too-many/

battle to save lives…Second Class Citizen recently became aware of another suicide demographic – the children of these custody battles. Now it is not just SM and Veterans taking their lives – it is their children as well. This is far beyond unacceptable. This is utterly unconscionable."

Petitioner has and will most likely continue to have his rights inevitably denied in the state courts, thus should be heard in a federal court and now, to be heard in the Supreme Court as his case is one of Great Importance to the Public.

Therefore, by reason of the foregoing, Dr. Jimenez respectfully asks to grant his petition for writ of certiorari to put a stop, once a for all, to the outrageous Constitutional abuses taking place in family courts, and grant any such other relief as may be just.

Respectfully submitted July 20, 2016.

Mario A. Jimenez, M.D.
Appellant, pro se
Florida Senate District 40 Candidate