

Supreme Court, U.S.
FILED
JAN 31 2022
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No. 21- 1381

In the
Supreme Court of the United States

ENRIQUE VAZQUEZ-QUINTANA, MD,
Petitioner,

v.

JUDGE LIANA FIAL MATTA ET AL.,
Respondents.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the First Circuit

PETITION FOR A WRIT OF CERTIORARI

DR. ENRIQUE VAZQUEZ-QUINTANA
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QUESTIONS PRESENTED

1. In a democratic system, can a court of any hierarchy issue a ruling regarding a consensual medical decision that dismisses, refutes, or ignores the scientific facts verified and supported by the scientific community and the medical literature?

2. Should scientists and academicians tolerate a court decision resulting from a false statement that ignores or invalidates their extensive education, research, and expertise in matters of accepted scientific evidence?

PARTIES TO THE PROCEEDINGS

Petitioner

- Doctor Enrique Vázquez-Quintana,
Pro Se litigant

Respondents

The Respondents are seven (7) judges from the Puerto Rico judiciary system:

Supreme Court of Puerto Rico

- Liana Fiol Matta
- Anabelle Rodríguez Rodríguez
- Mayte Oronoz Rodríguez
- Eric V. Kolthoff Caraballo
- Roberto Feliberty Cintrón

Puerto Rico Appellate Court

- José Alberto Morales Rodríguez

Trial Court Judge

- Gloria M. Soto Burgos

LIST OF PROCEEDINGS

United States Court of Appeals for the First Circuit

No. 20-1752

In Re: Vazquez-Quintana

Date of Final Judgment: November 16, 2021

Date of Rehearing Denial: December 13, 2021

United States District Court for the District of
Puerto Rico

Civil No. 19-1491 (JAG)

Enrique Vazquez-Quintana, *Plaintiff*, v. Liana Fiol-
Matta, et al. *Defendants*

Date of Final Judgment: August 14, 2020

Supreme Court of Puerto Rico

No. CC-2012-982

Isabel Montanez Ortiz and Hermenegildo Martinez
Remigio, Pro Se and on Behalf of the Legal Conjugal
Partnership, *Respondent*, v. Dr. Enrique Vazquez
Quintana Triple S Insurance, *Petitioners*

Date of Final Judgment: June 9, 2015

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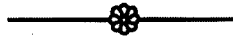
OPINIONS BELOW

The judgment of the Supreme Court of Puerto Rico was issued on December 18, 2015. (App.25a) On May 23, 2019, I submitted a complaint against seven judges of the judiciary system of Puerto Rico. (App. 60a)

The defendant judges are: Gloria M. Soto Burgos from the Lower Court, José Alberto Morales Rodríguez from the Appellate Court and Liana Fiol Matta, Anabelle Rodríguez Rodríguez, Mayte Oronoz Rodríguez, Eric V. Kolthoff Caraballo and Roberto Feliberty Cintrón from the Supreme Court.

The Hon. Judge Jay Garcia Gregory dismissed the case in favor of Judge José Alberto Morales Rodríguez on October 10, 2019, and in favor of the other six judges on August 14, 2020. (App.4a).

The Appeals Court of the 1st Circuit Affirmed on November 16, 2021. (App.1a).



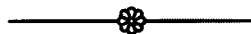
JURISDICTION

On November 16, 2021, the 1st Circuit of Appeals Affirmed the dismissals of Judge Jay García Gregory. Circuit judges are Howard, Chief Judge, Lynch, Kayatta and Barron. (App.1a).

The Motion for Rehearing en banc was denied on December 13, 2021. (App.58a).

On February 1, 2022, I submitted a Writ of Certiorari to the United States Supreme Court. That document was returned by the Legal Clerk in charge for failing to comply with the Rules of the Supreme Court. Sixty days were provided to correct the document.

This Court has jurisdiction under 28 U.S.C. § 1254 to review the final judgment of a United States Court of Appeals.



STATEMENT OF THE CASE

A fifty-three (53) year-old patient with hyperparathyroidism (elevated calcium levels) for 12–13 years, a nodule on the left lobule of the thyroid, and a 4cm nodule in the right adrenal. She also suffered depression (an early symptom of Alzheimer's disease) was undergoing psychiatric treatment and also suffered hypothyroidism and hypertension. Her Calcium was 10.8 mg/dl, phosphorous 1.7 mg/dl, and Parathyroid Hormone, PTH was 118 pg/ml.

1. The patient underwent thyroid and parathyroid surgery on June 26, 2000, resulting with low calcium levels (hypocalcemia). Hypocalcemia is an inherent risk of thyroid and parathyroid surgery. It occurs in 3 to 5% of cases, informed in signed written consent.

2. In the immediate post-op period: August 30, 2000, the calcium was 7.6 mg/dl, phosphorous 4.5 mg/dl and PTH 109 pg/ml. On October 4, 2000, the calcium was 8.0 mg/dl and phosphorous 4.4 mg/dl. On her final visit on October 27, 2000, the calcium was 7.7 mg/dl and phosphorous 4.6 mg/dl.

3. She sued me in 2001 for the complication of hypocalcemia, never for dementia. She was taking calcium and Vitamin D. That was the only nuisance caused by the operation I did on her. According to the U.S. Surgeon General, women over fifty must take calcium and Vitamin D to avoid osteoporosis.

4. On March 3, 2005: the calcium was 8.7 mg/dl, phosphorous 4.9 mg/dl, and PTH 0.3 pg/ml. (N-07-5.6). All normal levels.

5. On October 8, 2000, the patient was referred to her Endocrinologist, Dr. Julio César López, (now deceased) for follow-up of the hypocalcemia and hypothyroidism she suffered before undergoing surgery.

6. In 2005, the patient developed Alzheimer's disease and was started on treatment with Aricept and Namenda (medications used exclusively on Alzheimer's patients) at the Community Medical Services Center in Levittown-a private center.

7. It is scientifically recognized that by the time the first symptoms of Alzheimer's are detected, the disease has been present anywhere from 5, 10, 15, 20, 25, or up to 30 years prior to diagnosis.

8. Based on this medical knowledge, it follows that when I performed surgery on the patient in 2000, she was already ill with Alzheimer's. Therefore, there is no way the operation could have caused the disease.

9. Ten years and seven judges later, the case was finally started in a court of the first instance (Superior Court of San Juan) on July 5, 2011. This is a measure of the inefficiency of our judicial system. On the very first day of the trial, Judge Gloria María

Soto Burgos allowed changing the cause of the lawsuit from low calcium to dementia.

10. San Juan Superior Court Judge Gloria María Soto Burgos sentenced that hypocalcemia had caused the patient's dementia.

The defendants started the presentation of their witnesses. The first witness was the patient's husband, Mr. Hermenegildo Martínez, a retired police officer. He testified that his wife was losing her memory—she mistreated their grandchildren when they visited her, she almost burned their home once, they could not go to church since she forgot the hymns, they could not go dancing, or to the casino, their sexual relations were less than once a month. He took her to the Community Medical Service Center of Levittown in 2005, and she was started on treatment for Alzheimer's disease.

11. The decision of the Superior Court Judge Gloria María Soto Burgos was based on the testimony of Dr. Stephen A. Falk, a retired Otolaryngologist from the state of Connecticut, who testified that the low calcium that resulted from the surgery caused dementia on the patient. This expert was brought in to testify about the indications for the surgery and the surgical technique applied. He admitted he had no scientific evidence to endorse his testimony. In fact, there is no evidence because he was lying. He was an expert witness working for a group of lawyers and physicians testifying for money. He charged \$5,000 per day in court. About 80% of his cases are against doctors. This testimony should have been excluded by Judge Gloria María Soto Burgos.

In Court-Appointed Experts: Defining the Role of Experts Appointed Under Federal Rule of Evidence 706, Federal Judiciary Center 1993, by Joe Cecil and Thomas Willging, the main issue was whether the parties' experts are "real" or simply "hired guns".

The Supreme Court in *General Electric v. Joiner*, 552 U.S. 136, December 1997 deals on how to exclude testimony and concludes: "If an expert's conclusion is not supported by valid reasoning, it should be excluded".

The court granted GE summary judgment, reasoning that there was no genuine issue as to whether Joiner had been exposed to furans and dioxins and that his experts' testimony had failed to show that there was a link between exposure to PCBs and small-cell lung cancer.

In an address to the 1998 Annual meeting of the American Association for the Advancement of Science, the Hon. Justice Stephen Breyer of the US Supreme Court observed that the law "increasingly requires access to sound science . . . because society is becoming more dependent for its well-being on scientifically complex technology". *The Role of Science in Making Good Decisions* by Mark S. Frankel of June 10, 1998)

In 1993, the Carnegie Foundation referred to the "widespread allegations that the judicial system is increasingly unable to manage and adjudicate science and technology issues". They went on to state that "if these claims go unanswered, or not dealt with, confidence in the judiciary will be undermined as the public becomes convinced that the courts as now constituted are incapable of correctly resolving some of the most pressing legal issues of our day".

12. The Supreme Court of the United States in *Daubert v. Merrell Pharmaceuticals* characterized as junk science those scientifically invalid court testimonies that are not accepted by the scientific community.

13. Although in Puerto Rico the *Daubert* motion is not accepted, it is up to the judge to accept or not the expert testimony based on Rule 702 of our civil court rules. Rule 702 is equivalent or better to the *Daubert* motion when applied correctly by the judge. Our Rule 702 covers six factors:

- A. The testimony is based on facts and sufficient information.
- B. If the testimony is the product of principles and trusty methods.
- C. If the witness applied the principle and methods in a trusty manner to the case in question.
- D. If the principles as applied to the testimony are generally accepted by the scientific community.
- E. The qualifications and credentials of the witness.
- F. The partiality or prejudice of the witness.

The judge must evaluate the testimony of the witness based on the six factors enumerated above. The court will not only validate the scientific evidence but will also consider the totality of the contributing factors. Nevertheless, it is the judge who will give credit or not to the witness testimony. If his/her evaluation of the evidence and witness testimony is erroneous, in all probability that mistake will not be corrected by

the Appellate and Supreme Courts, resulting in an act of injustice to the defendant. That is precisely what happened in this case.

14. The medical expert's opinion was based on an interview with the patient at the lobby of the Marriot Hotel in Isla Verde, with the plaintiff attorney Antonio L. Iguina González as interpreter. The next day he testified in court that the low calcium level had caused the patient's dementia, although he had no knowledge of the patient's calcium levels and did not examine her medical records from neither the Puerto Rico Medical Center, a hospital in the U.S., nor those from the Levittown Community Center.

15. During the trial, Judge Gloria María Soto Burgos certified that the patient was oriented in time and space. (By so doing, she practiced medicine without a license since only a licensed medical professional is qualified to make such an assessment.) These assertions are incorrect and improper. Judges are not permitted to offer testimonies in court. That is, in effect, an act of partiality.

The judge Gloria María Soto Burgos was designated as a judge by Governor Pedro Rosselló González in 1993 the same year he designated me as Secretary of Health. In February 1993, I refused to sign a contract with the Harvard Policy and Management, a false and non-existent company, not registered in the State Department of Puerto Rico to do business locally. For that reason, I was removed as Secretary of Health; the proponent ended up in jail, together with another forty government officials.

16. During the trial, the attorney for the plaintiff, Mary Cele Rivera, stated that I knew nothing about

Alzheimer's disease since I was not a neurologist and the second attorney Antonio Iguina reaffirmed that I was not a psychiatrist. Attorney Rivera certified that she had dealt with the patient professionally for the last ten years and that her mental state had remained unchanged. (Again, practicing medicine without a license.)

Furthermore, the plaintiff lawyers are not supposed to testify during the trial. At the end of the testimony of the patient Isabel Montañez Ortiz, her lawyer wound up crying. Whether he was trying to impress the judge, I do not know. But judges must be accustomed to seeing people crying in court for multiple reasons.

The truth is that during that trial, I was the most knowledgeable person in court since my former wife died from Alzheimer's disease after eleven years of suffering the devastating disease. I authored a book entitled, WHO ARE YOU? about Alzheimer's disease in February 2009 and was in the process of doing a movie of the same title.

Since I had already testified, the rigidity of the court rules prevented me and my lawyer to correct those false testimonies. The irony is that I am the most experienced general surgeon in operations of the thyroid and parathyroid glands. By the time of the trial, I had done over 10,000 operations of the thyroid and over 750 operations of the parathyroids. In another irony, the courts sentenced that I caused dementia after a thyroid and parathyroids glands surgery. Life is unfair but the courts are worse.

17. Despite Attorney Rivera's medical testimony, Judge Soto Burgos sentenced that the surgery was

the cause of the patient's dementia. This is a serious contradiction that suggests confusion in the judge's comments and her final sentence.

18. My expert witness, endocrinologist Dr. Carlos Isales Forsythe, Yale University alum, multiple NIH grantee and author of multiple articles on the topic, testified that an acute lowering of calcium levels can cause disorientation or temporary loss of memory. The symptoms are reversed on administering calcium and Vitamin D, and those patients do not develop dementia or Alzheimer's.

That testimony is not mentioned at all by the Hon. Judge Gloria M. Soto Burgos in her decision. That denotes prejudice and discrimination against me.

She imposed a penalty of \$284,000 for temerity because the case took ten years to reach the Lower Court. The inefficiencies of the system were transferred erroneously to me with the added economic penance.

She also imposed me a penalty of \$280,000 to pay for medications of preexisting conditions and the dementia that I could not have caused.

I did surgery on my patient and received no compensation; her health insurance company went bankrupt a few months later. What I received in return was a lawsuit. I lost the case in court before judges who decided to punish me for reasons unrelated to justice and during my final years, I am 84 years old. It still pains me to recall a judge ruling that I am the only surgeon on earth capable of causing dementia on one of my patients after an operation of the thyroid and parathyroid glands. Definitely, life is unfair, and this unfairness seems far from ending.

19. In a document rife with errors, the Appellate Court ratified the Lower Court and imposed a \$6,000 fine for presenting a frivolous appeal. On at least five occasions where it should say hypocalcemia, (low calcium) it states the opposite, hypercalcemia (high calcium). This mistake in the final decision totally distorts the meaning of the sentences. In one instance they state the name of the patient as Isabel Montañez Quintana, (my last name), instead of Isabel Montañez Ortiz. They made a hybrid or a chimera between the patient and her surgeon.

20. The Appellate Court's three-judge panel was composed by Hon. Judge José Alberto Morales Rodríguez (presiding) and judges Félix R. Figueroa Cabán and Felipe Rivera Colón. These judges were not careful and diligent enough in reviewing a document that bears their signatures.

21. The Supreme Court then ratified the Appellate Court sentence in a 5 to 4 vote on December 18, 2015. (App.23a)

22. The five Supreme Court judges concluding that the surgery caused a non-Alzheimer dementia, they showed a finesse not possessed by the best neurologist in the world. The affirmative voting-judges were: Chief Justice Hon. Liana Fiol Matta, Anabel Rodríguez Rodríguez, Maité Oronoz Rodríguez, Erick V. Kolthoff Caraballo and Roberto Feliberty Cintrón.

23. Dissenting without a written opinion were Supreme Court judges Luis Estrella Martínez, Edgardo Rivera García, Mildred Pabón Charneco and Rafael Martínez Torres.

Appeals Court and Supreme Court decisions are reviewable under the abuse of discretion standard.

24. We submitted two appeals for reconsideration by the Supreme Court and both were answered with a "there are no grounds". One reconsideration asked for the designation of a neurologist as an expert witness to illustrate the judges about the dementias, but our petition was rejected. An oral hearing was also denied. The final decision after the second reconsideration is dated December 18, 2015.

25. It is apparent that all three courts decided contrary to scientific knowledge and that they have opened the door to a rift between the judiciary and academia. The Supreme Court in this case has chosen to disregard truth and fairness. In fact, they found the cause of the dementias, and the San Juan Federal Court Judge Jay García Gregory and the Honorable Court of Appeals agreed when the latter **AFFIRMED**.

26. There is no known causal relationship between hypocalcemia (low calcium) and dementias.

27. The American Alzheimer Research Foundation affirms that there is no causal relationship between hypocalcemia and Alzheimer's. (App.83a)

28. The Surgeon General of the United States has stated that all women above 50 years of age should take calcium and Vitamin D to prevent osteoporosis.

29. The Supreme Court of Puerto Rico is not infallible. It is evident that the decision in this case, is a gross judicial mistake: a mistaken decision that cannot be corroborated under any other circumstances. However, the court has chosen to declare that its knowledge of medicine and neurology is above that of recognized academicians in the field.

30. The Supreme Court decision concludes that hypocalcemia was the cause of dementia different from Alzheimer's. Such a detailed conclusion requires a degree of diagnostic finesse that no neurologist in Puerto Rico or anywhere else in the world possesses. Further, there was never a mention of other dementias that were not Alzheimer's during the trial.

31. The Supreme Court judges transformed a scientific lie into a judicial truth! They made a crass judicial mistake. A crass judicial mistake is equivalent to prevarication in the judicial system of Spain and other Latin American countries.

32. Based on this case, we must conclude that throughout the world there are but nine judges, all in Puerto Rico—one in the Superior Court, three in the Appellate Court, and five in the Supreme Court—who know the cause of dementias. Surprisingly, the Hon. Judge Jay García Gregory joined the group and, even more astonishing, three judges from the First Circuit Court of Appeals are presently intending to enlist this select group.

33. This defendant filed three separate actions of appeal on his own right. The third requested that the trial be annulled, and the case be sent to the Superior Court for a new trial. The Supreme Court denied these petitions.

34. As part of the second action appeal, I made it clear that a country plagued by severe problems on all fronts—economy, safety, health, education, government corruption—did not deserve a court whose prestige might be brought into question. The judgment, in this case is easy fodder for anyone who would doubt the quality of our Supreme Court. Even in the difficult

junction that I have been placed personally and professionally because of an unfair sentence, it has never been my desire to stain the dignity of the Court; I have always demonstrated my deference and respect toward this Honorable court, the highest in the country.

35. Additionally, I referenced a quote by Supreme Court Judge Raúl Serrano Geyls in his description of a prudent and reasonable judge: "Judges are not expected to innocently believe what a regular bystander citizen would not believe. It is as simple as that." This quote was made in the case *Pueblo v. Luciano Arroyo* (83 DPR 573 1961) "El Bolitero" or the number runner for an underground lottery.



REASONS FOR GRANTING THE PETITION

The judges of the three court systems of Puerto Rico are not ignorant, they accepted a lie as a truth for the only intent of punishing and humiliating me for having won a frivolous lawsuit presented by a female lawyer. She never paid the \$184,000 penalty imposed by the local courts for my economic and mental harm. She was suspended from practice and reinstated six weeks prior to the final Sentence of the Supreme Court of PR of December 18, 2015. She was reinstated to practice by lying to the Supreme Court. The process of reinstallation is a charade; I revised her expedient in the Supreme Court. I questioned that irregularity to the Hon. Mayte Oronoz Rodríguez, President of the Supreme Court; but since a normal citizen cannot write to the judges, an assis-

tant answered my letter stating that that decision was final. I question myself if this is the type of lawyer that the Court of President Maite Oronoz wants to practice in Puerto Rico; we as a society are doomed to fail, there is no hope. President Oronoz Rodríguez will be president of the Supreme Court for 30 years, from 2016 to 2046. Is this a judicial dictatorship?

36. The document that my insurance company, Triple-S, sent to the National Physician Data Base stated that I did not incur a malpractice, it does not mention the low calcium nor the development of Alzheimer's disease by the patient. This statement exonerates me of any wrongdoing.

By a single word, AFFIRMED on November 16, 2021, the Boston Court of Appeals dismissed my case. They are not emotionally involved in the final decision. A single cold word brought the case to an end. This is a unique case; it will never repeat itself. How many times has the power of the Puerto Rico courts been challenged? Apparently, Justice is not the main object of the Hon. Court of Appeals of the First Circuit of Boston in this case. Has the brotherhood of Puerto Rican judges extended to Boston?

I will come back to their decision once I have narrated the events in the Federal Court of San Juan, PR.

On December 13, 2016, I presented a complaint to the Federal Court against seven judges of the local judiciary system and against the expert witness of the plaintiff in the original case Dr. Stephen A. Falk from Connecticut.

After the case of Dr. Stephen A. Falk finished with a settlement, I resubmitted the complaint against

the seven judges on May 23, 2019 (App.60a). Please be aware that in this lawsuit I pre-empted the concepts of Comity and the *Rooker-Feldman* Doctrine. Comity cannot be applied to this case since the local judiciary judges are the defendants.

The *Rooker-Feldman* Doctrine cannot be applied since I, as the plaintiff, am not asking the Federal Court to revoke the judgment of the Supreme Court of PR. I am asking the Supreme Court itself to enter a Judiciary Review process of its decision (for violating my civil rights, failing to provide equal protection under the law and due process), and revoke itself of that absurd, unscientific, and irrational sentence; that affects the honor, prestige, and credibility of the highest court of our non-incorporated territory. This is a generous and kind petition on my part. But humanity is not part of the court system. The *Rooker-Feldman* Doctrine is clearly without any doubt inapplicable to dismiss my appeal. Even the Hon. Judge Jay García Gregory stated in his motion of dismissal of Dr. Stephen A. Falk that the *Rooker-Feldman* Doctrine is not applicable to this case. But now this Honorable Court of Appeals, AFFIRMED. (App.1a) The First Circuit of Appeals Affirmed without any discussion or explanation whatsoever. This can be interpreted as abuse of power against a citizen without legal representation.

The case in the Federal Court was assigned to the Hon. Judge Gustavo Gelpí. One week later he sent me a voluminous letter explaining how his court is run. First-you cannot talk to the judge, everything must be through motions, you can use a Magistrate, in which case everything could be faster". Excellent. Two weeks later he sent me another letter stating: "I

recuse myself from this case, I would prefer the case be assigned randomly to another judge”. At the time I did not know the reason for that decision. But a few months later in a meeting of the College of Lawyers, Judge Gelpí said in public that he did not accept Pro Se litigants in his courtroom. This decision is discriminatory since it will limit the access to Pro Se when they cannot find a lawyer for a particular case. On this point, my experience is that lawyers are fearful of judges. Pro Se litigants are permitted in the San Juan Federal Court, the Appeals Court, and the Supreme Court.

The case was then randomly assigned to the Hon. Judge Jay García Gregory. He dismissed the case in favor of the expert witness Dr. Stephen A. Falk on September 13, 2018. In footnote # 5, the Hon. García Gregory states that the *Rooker Feldman* Doctrine does not apply to my case since I am not asking the Federal Court to revoke the Supreme Court of Puerto Rico. (App.9a) I appealed to Boston and this court ordered us to reach an agreement. We went before the Hon. Judge Charles A. Cordero on February 19, 2019, and we reached an agreement in which Dr. Falk had to pay me a confidential amount to be released from the case.

Next, Judge García Gregory dismissed the case in favor of the defendant Judge José Alberto Morales Rodríguez. (App.21a) In the middle of a single sheet of paper Judge García Gregory cited the case of *Goldstein v. Galvin*. I appealed that decision to the First Circuit of Boston. He then dismissed the case in favor of the other seven defendant judges of the local judiciary system including again Judge José Alberto Morales Rodríguez. (App.4a) I appealed that decision

to the First Circuit of Boston. The Hon. Judge Jay García Gregory is obsessed with the concept of judicial immunity, impunity and infallibility of the judges. He never emitted other opinion regarding the other aspects of the case.

Since there was no action since October 2019, I presented a Mandamus to the Boston Court on July 23, 2020. I took a copy of the Mandamus to the Clerk Office in San Juan on Friday, August 7, 2020. The following Monday, August 10, 2020, the San Juan Federal Court was closed due to the Covid19 pandemic. Nevertheless, on Friday, August 14, 2020, Judge García Gregory dismissed all the pending motions, all against me, a boaster action, abuse of power. He cites the *Rooker-Feldman* doctrine to justify the dismissal of the six remaining defendant judges. This shows a manifest confusion in the mind of Judge García Gregory.

Judge García Gregory, by dismissing the case in favor of all seven defendant judges is abiding and confirming the crass judicial mistake of the judges, supposedly ascribing judicial immunity and impunity no matter what damage the judges inflict upon the accused. Judicial immunity and impunity is statutory, judgments made by the judges for their own benefit, it is not in the constitution of the states, the United States, much less in the colony of Puerto Rico. The only countries where it is stated that judges have immunity, impunity, and infallibility are England, the United States (adopted from their colonizer), and Puerto Rico (imposed after the invasion of the island on July 25, 1898).

In Puerto Rico, the case *Feliciano Rosado v. Matos Jr.* (110 DPR 550, 1981) refused to incorporate in our judicial system the doctrine of absolute immunity,

but recognized, as a norm of the exception under Article 1802 of the Civil Code, the civil responsibility of judges for their malicious or corrupt actions while delivering their judicial function. In that case the Hon. Judge Antonio Negrón García stated his well-known quotation among lawyers: "In our society nobody, much less the judges, are above the empire of the law".

Judge García Gregory is accepting and acting according to the brotherhood of judges since he knows the judges of our local judiciary system. Evidently, he is prejudiced against me. He is accepting the false testimony of Dr. Stephen A. Falk whom he dismissed from the case and later had to enter a settlement with me. That same false testimony was used by the seven defendant judges to punish me. It is not a simple mistake but an otherwise on-purpose error to castigate me. When the judges act in common accord to punish a citizen who is looking for justice, they violate Articles 241 and 242 of the Penal Code of the US and Article 291 of the Puerto Rico Penal Code and that violation carries a penalty.

There is no scientific documentation in the medical literature to sustain that low calcium (hypocalcemia) is associated with loss of memory. I am enclosing as (App.113a, 115a) two communications written by Dr. José Carlo, a recognized neurologist, ex-chancellor of the Medical Sciences Campus of the University of Puerto Rico where he clearly states that the causes of the dementias are unknown and that there is no causal relationship between low calcium and the dementias.

U.S. Supreme Court justices and all judges who are mindful and intelligent people must know that

President Barack Obama and Congress assigned millions of dollars in 2010 to investigate the cause of Alzheimer's disease and come up with an effective medication and set the year 2025 for such accomplishment—so far, the mission has seen little progress.

In 2013 Obama and Congress assigned additional research funds to create a brain map to investigate Alzheimer's, Parkinson's, Amyotrophic Lateral Sclerosis, Multiple Sclerosis, Autism, and Epilepsy; all six diseases of the brain which causes are unknown, and their treatments are ineffective.

But my seven defendant judges know better. Their knowledge is impressive and amazing and Judge Jay García Gregory of the San Juan Federal Court as well as the Boston Court of Appeals judges are also abiding by that discovery—disguised as judicial immunity, impunity, and infallibility.

The judges of the First Circuit of Appeals **AFFIRMED** all the muddle done by the seven defendant judges of Puerto Rico and by Judge Jay García Gregory, and the punishment placed on me.

The more inhuman, merciless and remorseless vote of the judges of the Supreme Court of Puerto Rico is that of Judge Anabelle Rodríguez whose mother died from Alzheimer's disease on June 2, 2012, at age 84 in Guaynabo, PR. A reasonable and educated human as herself was legally, morally and ethically obliged to transmit her knowledge about Alzheimer's disease to a collegial group. Instead, she voted against me stating that I caused dementia after an operation of the thyroid and parathyroid glands that resulted in low calcium.

The First Circuit Court is protecting the Puerto Rican judges. The AFFIRMED decision of the First Circuit Court is preventing justice from happening. I am hoping to hear from this Hon. Supreme Court one indisputable reason for why I must accept the mistaken decision made by all the precedents courts. Does the Constitution not say that all people are equal under the law? Or does it say that judges are superior to us simple mortals?

I will be waiting for a sensible explanation, not based on self-imposed judicial superiority. We stated very clearly in our complaint that under Section 1983 there is no judicial immunity for a declaratory decree to void the judgments made by the three local courts of Puerto Rico. We believe that this Honorable Court has the legal and moral obligation to explain in a detailed way why a declaratory relief could not be obtained under Section 1983. We can demand an explanation when the principles of law are clearly in our favor.

In fact, I have stated in previous documents sent to the Boston Appeals Court that my case can be solved without having to enter the immunity, impunity, and infallibility of judges. The Supreme Court of Puerto Rico made a Sentence on December 18, 2015, a Sentence without scientific or judicial precedent, a Sentence that does not accumulate jurisprudence, so it is a fantasy or an illusion that must be annulled from the jurisprudence of Puerto Rico since it affects the most the prestige, honor, and credibility of the Puerto Rican judges, which are incidentally discredited. In fact, the decisions of the Supreme Court or any other court are not written in stone. In fact, the Supreme Court of the United States has reversed 241

decisions since 1837 to 2018. The last one is *Ramos v. Louisiana* that annulled *Apodaca v. Oklahoma*.

All Puerto Rico hospitals, four medical schools, universities, and medical and surgical residency programs are accredited by their respective agencies of the United States. Our students, residents, and medical professionals interchange freely with the continental United States. Thousands of professionals from Puerto Rico work in the Mainland US. The quality of our academic institutions is without a doubt excellent.

The courts of the territory of Puerto Rico are integrated into the United States courts since 1898. I am an academician with 42 years as an educator in our medical school, I was Chairman of Surgery from 1983 to 1989, I was Secretary of Health in 1993. I served in the US Army, one year in the Republic of Vietnam where I acquired various diseases as the result of Agent Orange exposure. By the time of the trial in 2011, I had performed over 10,000 thyroid operations and over 750 parathyroid operations and had published multiple articles about endocrine surgery.

My first wife and mother of six children died from Alzheimer's disease after eleven years of illness. My second wife of 13 years is suffering from the initial symptoms of Alzheimer's disease. Nobody survives this disease, the cause is unknown, treatment is ineffective, and it is not transmitted sexually. The Supreme Court of Puerto Rico sentenced that I caused dementia to one of my patients. Of these events, the only amenable to intervention and the application of justice are the erroneous judgements of the Supreme Court of Puerto Rico, the San Juan Federal Court, and the First Circuit of Appeals. Thus, it is evident

that I have had an overdose of dementias. Without being preposterous, my story seems to be like that of the Biblical character Job who had to tolerate multiple calamities.

The Sentence of the judiciary system created a dreadful controversy and contradiction with the surgeons and the academia. It creates confusion as to who has the truth in matters of science—the justices or the scientists. In an excessively litigious society as ours, two surgeons in Puerto Rico now include in the operative permit that a thyroid operation might cause a dementia. !Amazing! This ridiculousness is the result of the judgement of the Supreme Court of Puerto Rico in my case.

The first trial took 15 years to be solved. I retired on June 12, 2013, and six years after the sentence of December 13, 2015, I am still trying to straighten this crass judicial mistake of the Supreme Court of PR. I did not suspect it would be this grueling. I am 84 years old, had a coronary bypass on March 2, 2018. I do not want to die with the dubious reputation of being the only surgeon on earth that can cause dementia following an operation of the thyroid and parathyroid.

As stated by Miguel Cervantes Saavedra in Don Quixote de la Mancha—“Freedom Sancho, is one of the most precious gifts that the heavens gave men; the treasures that the land and sea hold cannot be equated with it. For freedom and justice as well as for honor, one can and must risk life.”

These thoughts inspired me to seek true justice in the highest court of the United States of America. If I had refrained from this endeavor, for the remain-

der of my life I would regret that I did not fulfill a worthy pursuit inspired by my fundamental belief in myself and in justice.

Without being branded as too proud or regal, I want to compare the AFFIRMED decision of the Boston Court of Appeals with the similarity of the character Joseph K in the novel *The Process* by Franz Kafka. Joseph K, on the morning of his 30th birthday was arrested but he was never told the cause or violation of law for his arrest. After confronting problems with some lawyers, he acted as his own lawyer, Pro Se.

He was assigned a date for his first hearing where before a large audience he lambasted the legal system. He was warned that his behavior could affect the decision in his case. He was never informed of his wrongdoing and a year after his arrest he was taken by few police officers who stabbed him to death. Joseph K never knew his law violation. It is interesting how often fiction mimics reality.

My case is the inverse of that of Joseph K, I know I lost my case and the judges decided that I cause a dementia to one of my patients-absurd. I also know that the local judges act in accord to punish me for having won a lawsuit to a lawyer who presented a frivolous suit against me. In a separate document that I am including under the title, "For the First Court of Appeals of Boston" where I enumerate all the mistakes made by the three courts of justice of Puerto Rico. This document provides indirect or circumstantial evidence to prove that the three court judges acted in common accord to punish me for having dared to win a lawsuit against a lawyer or for political reasons.



CONCLUSION

On December 18, 2015, the Supreme Court of Puerto Rico emitted their judgement that I caused a dementia to a 53-year-old patient after an operation of the thyroid and parathyroid glands that resulted with low calcium (Hypocalcemia). This erroneous decision is based on a false testimony by a retired ENT surgeon who had to reach a settlement to be removed from the case. I was unable to get a lawyer since they are fearful of judges; for that reason, I was obliged to act as Pro Se litigant. The reason to place the suit against the seven judges and the expert witness in the San Juan Federal Court is that I cannot accept and live having the heavy weight upon my conscience that I am the only surgeon on Earth who can cause dementia to his patients. The Lower Court accepted a false testimony as a truth, that wrong interpretation was carried to the Appeals Court and to the Supreme Court of Puerto Rico.

The First Circuit of Appeals revoked the dismissal of Dr. Stephen A. Falk by the Hon Judge Jay García Gregory, he had to enter a settlement. Then Judge García Gregory dismissed the case in favor of Judge José Alberto Morales Rodríguez; I appealed to The Boston Court. Since the case was idle, I presented a motion of Mandamus on July 23, 2020. On August 14, 2020, the Hon. Judge Jay García Gregory closed all pending motions, all against me, and closed the case on that same date. He dismissed the case in favor of the seven judges alleging that they have immunity, and impunity. The cases he cites are contradictory; he even contradicts himself. I appealed

to the Boston Court and after communications between myself, briefing on August 18, 2021, (App.119a) and the defendant lawyers, on November 16, 2021, the Boston Court of Appeals with a single word, AFFIRMED (App.1a) ended and closed the case. I submitted a Motion for Rehearing en banc on November 24, 2021. (App.165a)

On December 13, 2021, the court denied the Petition of Rehearing en banc, apparently by a divided vote, the Hon. Gustavo Gelpí was recused. (App.58a) No explanation is given.

On that same date the First Circuit Court sent me a letter stating, "This matter now has been fully adjudicated, and further motions seeking reconsideration, under any heading, will not be availing, and are strongly discouraged". Those are strong, powerful and menacing words, from a judiciary that had trampled me; truly an abuse of power for preventing to reach a just decision and instead protecting the involved judges. Nevertheless, I submitted a Motion for Avoidance of Ruling and Judgments on January 4, 2022. (App.187a) On January 25, 2022, this motion was simply Denied without an explanation. This is a lack of courtesy to a professional, who should be considered as equal to them. Therefore, I have no option but to present this Writ of Certiorari.

The judgment of the Supreme Court of Puerto Rico is a crass judicial mistake, equivalent to prevarication in Spain and other Latin countries. It is unscientific, without legal or scientific precedent. This judgment should be annulled. This mistaken judgment has caused me a lot of anxiety and suffering as well as economic loss for having to pay \$170,000 for the excess of my policy.

I appeal to this Honorable Court to clarify the reasons for my culpability. What all the courts have done so far is a medical-moral execution. Justices are supposed to adjudicate justice, not to use their power to apply vengeance to punish for discriminatory or political reasons.

Mine is the most novel suffering and it should be corrected. My journey throughout the judicial system is a tale of suffering that merits a dignified ending with a correction granted by the highest court of the land.

The latest news is that the US Congress assigned \$289 millions of dollars to the National Institute of Health for fiscal year 2022 to investigate Alzheimer's disease. But the Supreme Court of Puerto Rico emitted a judgment that low calcium causes loss of memory. That erroneous judgment was accepted by the San Juan Federal Court and Affirmed by the First Circuit of Appeals. That contradiction needs to be reconciled and the truth informed to the public. That is what we are asking and expect of the Hon. Supreme Court of the United States of America to solve.

PLEA

As Petitioner I urge this Honorable Supreme Court of the United States to grant my Writ of Certiorari and answer the question posed at the beginning of this document. The judgment of the Supreme Court of Puerto Rico is totally unscientific, it is against all the knowledge held by the scientific and medical community. The courts cannot dictate a new paradigm in science or medicine without the requisite expertise in these disciplines; areas of knowledge they do not dominate. I respectfully solicit that the judgment of the First Circuit of Appeals be revoked as well as the judgment of the Federal Court of San Juan and eventually after a plenary briefing and argument on the important question presented the judgment of the Supreme Court of Puerto Rico be annulled.

Respectfully submitted,

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