

**TO THE HONORABLE MEMBERS OF THE INTER-AMERICAN COMMISSION ON
HUMAN RIGHTS, ORGANIZATION OF AMERICAN STATES**

**NO. P-926-16, PETITION FOR VIOLATION OF THE OAS CHARTER AND THE
AMERICAN DECLARATION BY THE SYSTEMATIC DENIAL OF ACCESS TO AN
IMPARTIAL COURT AND CIVIL TRIAL BY JURY OF THE EVIDENCE OF
RETALITORY MALFEASANCE AND BUSINESS CONSPIRACY VIOLATING THE
HUMAN, CIVIL, PROPERTY, AND EMPLOYMENT RIGHTS OF**

ISIDORO RODRIGUEZ

BY

THE UNITED STATES OF AMERICA,

WITH A REQUEST FOR AN INVESTIGATION AND HEARING ON THE MERITS

By the undersigned petitioner

**UNDER THE PROVISIONS OF ARTICLES 23 AND 31(2)(b) OF THE RULES OF
PROCEDURE OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS**

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FACTUAL BACKGROUND

Mr. Isidoro Rodriguez (hereinafter “Mr. Rodriguez”), is a 70-year-old citizen of the United States of America (“United States”) born in New York City of Puerto Rican decent, a Viet Nam Veteran, and domiciled in the Commonwealth of Virginia (“Virginia”).¹ Mr. Rodriguez established in 1987 in Barranquilla, Republic of Colombian (“Colombia”),² a unique civil *pro hoc vice* litigation practice in the United States³ representing nonresident Hispanic United States/Colombian citizens and businesses before the United States Supreme Court, United States Courts of Appeals for the 2nd, 3rd, 4th, 11th, District of Colombia, and Federal Circuits, United States District Ct. for the E.D. of Virginia, the United States Tax Court, and Supreme Court of Virginia.

Mr. Rodriguez brings this petition on his own behalf against the United States for the systematic denial of access to an impartial court and civil trial by jury of the evidence of retaliatory malfeasance and business conspiracy to unlawfully disbar Mr. Rodriguez as a member of the above cited United States courts, and to injure Mr. Rodriguez’s business, reputation, profession, and property rights in violation of Article 2(1) of the Charter of the Organization of American States (Charter), and Article V, XIV XVII XVIII, XXIII, XXIV, and XXVI of the American Declaration on the Rights and Duties of Man (“American Declaration”).

In summary, the evidence confirm a pattern and practice of retaliation against Mr. Rodriguez for his *pro hoc vice* litigation on behalf of nonresident Hispanic U.S./Colombian

¹ Mr. Rodriguez lives with his US/Colombian wife and 13-year-old son, in a rented an apartment in Virginia, and maintain their main home on the coast near Santa Veronica, Colombia.

² After serving from 1977 to 1983 as a White House appointee in the Carter and Reagan Administration (SES Director of Office of Civil Rights, USDA), Mr. Rodriuez went to Colombia in 1983 as Contracts Administrator/Assistant General Counsel, Morrison Knudsen International, on the \$2 Billion EXXON Cerrejon Coal Mine Project, Guajira, Colombia.

³ In 1995 the Clerk of the U.S. Supreme Court confirmed to the media the uniqueness of Mr. Rodriguez’s practice upon his arguing and winning against the U.S. government, *Martinez v. Lamagno and DEA*, 515 U.S. 417 (1995), by stating it was “the only instance in recent memory that a lawyer with an address outside the United States has argued a case before the Court.” Tony Mauro, *Legal Times*, “*Testing the Limits of Sovereign Immunity*” (1995).

citizens,⁴ challenging policies by misuse of the Judicial Conference Act violating separation of power under the direction of the United States Attorney General of the United States Department of Justice and the Chief Justice the United States Supreme Court during the Clinton, Bush, and Obama Administrations (<http://www.liamsdad.org/others/isidoro.shtml>). The United States has unlawfully disbarred and deprived Mr. Rodriguez of his statutory choate Virginia Attorney's Lien on his clients Search Armada and Armada Company ("SSA") claim to 50% ownership of treasure trove aboard the Galleon *San Jose*, recently confirmed by the Government of Colombia ("GOC") [located and valued at \\$18 Billion USD](#) on December 2, 2015,⁵ his *pro hoc vice* civil litigation practice,⁶ his business, his good reputation, his legal profession, and statutory rights by the violation of the *Void* and *Void Ab Initio Order Doctrine* and abuse of the judicially created abstention doctrines, i.e. *stare decisis* and *res judicata*, see *Isidoro Rodriguez, Esq., v. Jane/John Does of the Virginia State Bar Disciplinary Board, et al.*, U.S. Dist. Ct. E.D. VA 12 cv 663; 4th Cir. USCA No. 13-1638 (2013); cert. denied U.S. S. Ct No. (2014) (JAB)(**Petitioner's Exhibits 8a, 8b, 8c, 13, 14a thru 14e**).

⁴ See *Katia Gutierrez de Martinez v. Lamagno and Drug Enforcement Administration ("DEA")*, *supra* (https://www.oyez.org/advocates/isidoro_rodriguez) (reversed USCA 4th Cir., to hold that a nonresident Hispanic had the right of access to an impartial jury evidentiary hearing of a DEA agent causing a car accident in Barranquilla, Colombia by acts outside "scope of employment," i.e. driving while under the influence and getting oral sex); *Organization JD Ltda. v. Assist U.S. Attorney Arthur P. Hui and DOJ*, 2nd Cir. No. 93-6019 and 96-6145 (DOJ's attorneys can be hold accountable for unauthorized interception of nonresident Hispanic U.S./Colombian citizens' fund transfers in violation of the Electronic Communications Act ("ECPA")); *Lopez v. First Union*, 129 F3rd. 1186 (11th Cir. 1997) (DOJ and the banks can be hold accountable for unlawful access to nonresident Hispanic U.S./Colombian citizens account information and interception of wire communications); *Cooperative Multiactive de Empeados de Distribuidores de Drogas Coopservir Ltda. v. Newcomb, et al.*, D.C. Cir. No 99-5190, S Ct. No 99-1893 (challenging President Clinton's issuance of a bill of attainder against nonresident Hispanic U.S./Colombian citizen).

⁵ U.S. Congressmen Benjamin A. Gilman, Dan Burton, and Phil M. Crane, described SSA's claim as the "largest private claim by citizens against a foreign state pending in the world," and in *Sea Search Armada vs. the Republic of Colombia*, 821 F. Supp. 2d at 275 (2013), the court held it valued between \$2 billion to \$8.5 billion USD.

⁶ This contrary to the controlling precedent in, *Supreme Court of New Hampshire v. Piper*, 470 U.S. 274 (1985) (Rehnquist dissenting) (holding that the practice of law is a "fundamental right" and emphasized the importance of *pro hoc vice* litigators, "bringing claims that would be too unpopular for resident lawyers to bring." (Emphasis added)

A. Summary Denial of Access to The Courts to Assume Away the Evidence of Jurisdiction over the Contract with SSA and Deprive Mr. Rodriguez of His Statutory Property Right in His Choate Virginia Attorney's Lien on Sea Search Armada's Claim to Treasure Trove.

In 1988 to have standing and jurisdiction in Colombia to enforce SSA's claim, the Board of Directors of SSA issued to Mr. Rodriguez an unlimited General Power of Attorney as SSA's Legal Representative and retained him under an hourly fee contract with the choice of law as Virginia. On January 19, 1989, Mr. Rodriguez as SSA's Legal Representative directed and authorized his Agent to file a contract suit against the Government of Colombia ("GOC"). But, after the filing, SSA refused to pay fees/cost owed to Mr. Rodriguez under the contract. Thus, Mr. Rodriguez sought and obtained from the Virginia State Bar, Legal Ethics Opinion #1325 ("LEO") on February 27,1990 (**Petitioner's Ex. 1**), which confirmed that Mr. Rodriguez's contract with SSA was governed by the laws of Virginia and that he had a right to sue SSA in Virginia for fees owed.

Upon SSA being given notice of Mr. Rodriguez's intent to sue in Virginia under VA Code 54.1-3932, to enforce his choate statutory Virginia Attorney's Lien, SSA modified the hourly fee contract with Mr. Rodriguez to a 10% contingency fee contract in consideration for Mr. Rodriguez waiving his claim for past fees owed and continue to provide services as SSA's Legal Representative, i.e. review pleadings, attend mandates ADR meetings with the GOC (**Petitioner's Ex. 2**), and, submit in 1999 SSA's offer of settlement to the GOC, after 10th Civil Court and Superior Court of Barranquilla, Colombia held that SSA had a valid 50% claim.

In 2002 based on the evidence that SSA's Managing Partner, Jack Harbeston and others ("Harbeston *et al.*"), had under took a business conspiracy in violation of VA Code § 18.2-499⁷ and

⁷ VA Code § 18.2-499. Combination to injure others in their reputation, trade, business or profession: (a) Any two or more persons who shall combine, associate, agree, mutually undertake or concert together for the purpose of wilfully and maliciously injuring another in his reputation, trade, business or profession by any means whatever, . . . , shall be jointly and severally guilty of a Class 3 misdemeanor. Such punishment shall be in addition to any civil relief recoverable under § 18.2 500.

500,⁸ to deprive Mr. Rodriguez of his choate Virginia Attorney's lien on SSA's claim by: (a) dissolving SSA on April 9, and June 28, 2002; (b) transferring title of SSA's claim to the treasure troves; and, (c) interfering with Mr. Rodriguez's Legal Representative powers and contract protected by VA Code 54.1-3932, Mr. Rodriguez filed suit various suits to affirm his statutory lien: *Rodriguez v. Davis and VA State Bar*, VA Sup Ct. No. 06052, cert. denied US Sup Ct. Nos. 06A619/06-875 (Closed, October 2006); *Rodriguez v. Pereira*, 163 F. Appx. 227 (4th Cir. 2006), cert. denied, 549 U.S. 954 (2006); *Rodriguez v. Guy Vander Jagt, et al.*, Sup. Ct. of Va. No. 040941/040942, cert. denied, No. 04-867 (Feb. 28, 2005); *Rodriguez v. HFP Inc., et al.*, 77 F. Appx. 663 (4th Cir. 2003), cert. denied 541 U.S. 903 (2004); and, *Isidoro Rodriguez v. HFP et al.*, E.D. Va. No. 1:02-cv-01523-GBL (2002).

However, all of these actions were summarily dismissed without prejudice for lack of jurisdiction in Virginia, by the abusive use of court rules to systematically deny Mr. Rodriguez access to an impartial court and trial by jury of the evidence on the merits that Harbeston *et al.*, had undertaken a business conspiracy,⁹ repeatedly entered Virginia to aid the business conspiracy, that SSA required Virginia as the choice of law, that the LEO determined that the contract was governed by Virginia law, and VA Code 54.1-3932 mandate protection to Mr. Rodriguez as a Virginia attorney, to be paid for services rendered.¹⁰

⁸ VA Code § 18.2 500. Same; civil relief; damages and counsel fees; injunctions. A. Any person who shall be injured in his reputation, trade, business or profession by reason of a violation of 18.2-499, may sue therefor and recover three-fold the damages by him sustained, and the costs of suit, including a reasonable fee to plaintiff's counsel, and without limiting the generality of the term, "damages" shall include loss of profits.

⁹ Additional proof of the systematic denial to Mr. Rodriguez of access to an impartial court and jury trial on the merits of the evidence of the business conspiracy by Harbeston *et al.*, is the judge's order issued without any hearing, to the Clerk of the United States District of Court of the District of Colombia not to file Mr. Rodriguez's motion to intervene in, *Sea Search Armada v. Republic of Colombia, and Intervenor Isidoro Mr. Rodriguez v. Sea Search Armada, et al.*, D.C. Dist. Ct No. 10-cv-02083 (JEB); U.S. Ct. App. For D.C. Cir., No. 11-7144 (March 1, 2012); Cert. Denied, June 25, 2012, No. 11-1283 (<http://www.coinweek.com/coins/treasure-2/sea-search-armada-seeks-rights-to-1708-shipwreck/>) (Petitioner's Ex. 3a and 3b).

¹⁰ *Hughes v. Cole*, 251 Va. 3 at 27, 465 S.E.2d 820 (1996) (there is, "no interpretation limiting the benefits of the statute to Virginia lawyers....")

B. Retaliatory Denial of Access to The Courts and Right to a Trial by Jury of the Evidence of Malfeasance and Business Conspiracy to Injure Mr. Rodriguez’s Pro Hoc Vice Civil Litigation Practice, Business, Profession, Reputation, and Property Rights.

In retaliation for Mr. Rodriguez’s litigation to enforce his rights, Beltway Lobbyist/Attorney Eric Holder *et al.*,¹¹ and Harbeston *et al.*, conspired to enter Virginia to file complaints without a verified affidavit with the Virginia State Bar (**Petitioner’s Ex. 4a and 4b**). Despite these statutory defects, but based upon Rules of the Supreme Court of Virginia, the Virginia State Bar Disciplinary Board (“VSBDB”) issued an order as a “court” for investigation of Mr. Rodriguez and a hearing.

In response, Mr. Rodriguez objected to the VSBDB jurisdiction and authority based on the evidence that there has been violations: (i) of the Constitution of Virginia (“VA Const.”) Art. VI §§ 1,¹² and 7,¹³ which give to the General Assembly the exclusive power to establish a “court” and appoint “judges,” therefore, the Supreme Court of Virginia court rules created the VSBDB as an illegal “kangaroo court;” (ii) of the VA Const. Art. VI § 5,¹⁴ and VA Code § 54.1-3915,¹⁵ which prohibit disciplining Mr. Rodriguez for litigating pursuant to his statutory and Treaty rights; and, (iii) of VA Code § [54.1-3935\(A\)](#),¹⁶ that mandates a complaint and verified affidavit be filed with a court, and that the Virginia State Bar has only authority to investigate upon the request of a court.

¹¹ Beltway Lobbyist/Attorney Holder filed the complaint as defendant’s counsel in, *Isidoro Rodriguez and minor son Isidoro-Hazbun v. National Center for Missing & Exploited Children et al.*, D.C. No. 03-120(RWR); D.C. Cir. No. 03-5092, *cert. denied* USSC No. 03-301 (2006) (Suit for violation of the rights of a father under the VA Code and pursuant to the “zone of war” exception to The Hague Convention on the Civil Aspects of International Child Abduction Oct. 1980, T.I.A.A. No 11,670, 19 I.L.M. 1501 (“Treaty”).

¹² VA. Const., Art. VI, § 1. Judicial power; jurisdiction. — The judicial power of the Commonwealth shall be vested in a Supreme Court and in such other courts of original or appellate jurisdiction subordinate to the Supreme Court **as the General Assembly may from time to time establish.** (Emphasis added)

¹³ VA Const., Art. VI, § 7. Selection . . . of judges. **The judge of all other courts of record shall be chosen by the . . . General Assembly . . .** (Emphasis added).

¹⁴ VA Const., Art. VI, § 5. Rules of practice and procedure. The Supreme Court shall have the authority to make rules . . . , **but such rules shall not be in conflict with the general law as the same shall, from time to time, be established by the General Assembly.** (Emphasis added).

¹⁵ Va. Code § 54.1 3915. Restrictions as to rules and regulations. Notwithstanding the foregoing provisions of this article, **the Supreme Court shall not promulgate rules or regulations prescribing a code of ethics governing the professional conduct of attorneys which are inconsistent with any statute;** . . . (Emphasis added).

¹⁶ VA Code [54.1-3935. Procedure for revocation of license.](#) A. If the Supreme Court, the Court of Appeals, or any circuit court of this Commonwealth observes, or if a complaint, verified by affidavit is made by any person to

Also, based on the evidence that Beltway Lobbyist/Attorney Holder *et al.*, had entered into a business conspiracy with Harbeston *et al.*'s to injure Mr. Rodriguez's *pro hoc vice* practice, business, reputation, profession, and property right, as well as to obstruct Mr. Rodriguez's rights as a father under Treaty (**Petitioner's Ex. 4a**), and had used political influence in Virginia and Washington, D.C. to deny access to an impartial court, Mr. Rodriguez petitioned for an investigation by the U.S. Congress (**Petitioner's Ex. 5a**) and Federal Bureau of Investigation (**Petitioner's Ex. 5b**) (<http://www.liamsdad.org/others/isidoro.shtml>).¹⁷

But in response, rather than obtaining any hearing on the merits of the evidence of violation of the VA Const. and VA Code, Mr. Rodriguez was systematically denied access to an impartial court and civil jury trial of the evidence of malfeasance by the summary dismissal of the action by the District of Columbia District Court on June 7, 2006, holding that government attorneys and employees, including judges, were absolute immune from accountability, *Isidoro Mr. Rodriguez-Hazbun v. National Center for Missing & Exploited Children et al, supra*. Shortly thereafter, over Mr. Rodriguez objections and motions challenging their authority, on November 27, 2006, the VSBDB conducted a hearing and issued a *void* and *void ab initio* order disbaring Mr. Rodriguez for litigating to enforce/protect from a business conspiracy his statutory property rights in his choate Virginia Attorneys Lien on SSA's claim, and for litigating to secure his rights as a father under VA Code and Treaty (**Petitioner's Ex. 6**).

such court, that any attorney has . . . violated the Code of Virginia of Professional Responsibility, the court may assign the matter to the Virginia State Bar for investigation. Upon receipt of the report of the Virginia State Bar, the court may issue a rule against such attorney to show cause why his license to practice law shall not be revoked. If the complaint, verified by affidavit, is made by a district committee of the Virginia State Bar, the court shall issue a rule against the attorney to show cause why his license to practice law shall not be revoked.

¹⁷ It is alleged that Harbeston *et al.*'s business conspiracy was aided and abetted by Washington D.C. Lobbyist/Attorney Eric Holder, in retaliation for Mr. Rodriguez's *pro hoc vice* litigation prevailing in the above cited cases against the U.S. Department of Justice under Holder's stewardship, as well as based on political interests, cronyism and the conflicting financial interests of various Washington D.C. Lobbyist/Attorneys firms retained by Harbeston *et al.*, with Rodriguez's lien on SSA's claim.

Mr. Rodriguez appealed to the Supreme Court of Virginia the VSBDB *void* and *void ab initio* order based on the violations of VA Const. VI §§ 1, 5, & 7, and VA Code §§ 54-1-3915 & 3935, as well as the 5th and 14th Amend. U.S. Constitution.¹⁸ However, the Supreme Court of Virginia summarily affirmed Mr. Rodriguez’s disbarment without addressing the merits of the numerous challenges to the VSBDB’s authority, jurisdiction, and the *void* and *void ab initio* order, *Isidoro Mr. Rodriguez v. Hon. Leroy Rountree Hassell, Sr., et al.*, VA Sup Ct., No. 081146, Cir. Ct No. CL-2007-1539, cert. denied US Sup Ct., No 08-574 (2007).

Based on this evidence of malfeasance and business conspiracy to injure Mr. Rodriguez *pro hoc vice* practice, reputation, profession, rights as a father, and property rights in his choate Virginia Attorney’s Lien, Mr. Rodriguez collaterally attacked the VSBDB *void* and *void ab initio* order:

(a) by filing a petition with the Virginia General Assembly for an investigation of the Supreme Court of Virginia for promulgation of unlawful court rules to create the VSBDB as a “kangaroo court” (**Petitioner’s Ex. 7a**) (*see* Mr. Rodriguez presentation to NOVA members of the Virginia General Assembly on judicial corruption <https://t.co/sLv7pz3zD5>);

(b) by filing a petition with the U.S. Congress opposing the confirmation of Beltway Lobbyist/Attorney Eric Holder (**Petitioner’s Ex. 7b**);

(c) by filing a suit in the District of Columbia District Court for damages and the court’s protection pursuant to 18 U.S.C. § 3771, from malfeasance, *Isidoro Mr. Rodriguez, Esq. v. Editor-in-Chief, Legal Times, et al.*, DC Dist. Ct. No 07-cv-0975 (PF), DC Ct. App. N. 07-5334, injunction denied SC Ct. No. 07A601, cert. denied 08-411(2008); and,

¹⁸ 5th Amendment, states in relevant part, “**No person shall . . . be deprived of . . . property, without due process of law; . . .**” (Emphasis added). The 14th Amendment Due Process Clause states in relevant part, “**No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of . . . property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.**” (Emphasis added)

(d) by filing motions for show cause hearing and protection with the United States Supreme Court, the United States Court of Appeals for the Second, Third, Fourth, Eleventh, District of Columbia, and Federal Circuits, the United States Tax Court, the U.S. District Court for the E.D. of Virginia, U.S. District Court for the District of Columbia, and D.C. Committee on Admission.

In retaliation in 2007 based upon the VSBDB *void* and *void ab initio order*, Mr. Rodriguez was terminated from employment as a contract attorney in the District of Columbia and denied unemployment compensation under the Social Security Act (VEC Record No. 235, page 2), Isidoro Rodriguez v. Virginia Employment Commission, (VA Sup. Ct. No. 092494), *cert. denied*, No. 09-954 (March 22, 2010).

Also in retaliation in 2007 Mr. Rodriguez and his wife were assessed taxes greater than allowed by law under the Internal Revenue Code (“IRC”), by employees in the Internal Revenue Service (“IRS”) summarily declaring as “frivolous” 2006 litigation expenses against the VSBDB’s *void* and *void ab initio order*.¹⁹

Disregarding all of the acts in the District of Columbia, Mr. Rodriguez was again systematically denied access to an impartial court and trial by jury on the merits of the evidence of malfeasance and business conspiracy by the district court and the court of appeals summarily dismissing for lack of venue in the District of Columbia, Isidoro Mr. Rodriguez, Esq. v. Editor-in-Chief, Legal Times, et al., DC Dist. Ct. No 07-cv-0975 (PF), DC Ct. App. N. 07-5334, injunction denied SC Ct. No. 07A601, *cert. denied* 08-411(2008) (**Petitioner’s Ex. 8a, 8b, 9a, and 9b**).

¹⁹ On appeal, the same U.S. Tax Court that had just disbarred Mr. Rodriguez based on the VSBDB *void* and *void ab initio order* (**Petitioner’s Exhibits 10d**), denied all discovery of IRS employees, denied right to call the IRS employees as hostile witnesses, disregarded direct testimony on the business/litigation expenses, and obfuscated the unlawful assessing of taxes, by limiting the appeal to the non-issue of whether or not Mr. Rodriguez as contract attorney was an “employee” and could not file a Form Sch. C. The U.S. Tax Court affirmed, and assesses interest/ penalties. Isidoro Rodriguez et al. v. Commissioner of Internal Revenue, U.S. Tax Court Docket No. 11855-12.

Surreally shortly thereafter, in response to the motions for show cause hearings and protection, each of the United States courts refused to consider on the merits Mr. Rodriguez's challenges based on violation of the VA Const. and VA Code to the VSBDB *void* and *void ab initio order*, but rather abused the judicially created doctrine of *stare decisis* and/or *res judicata* to disbar Mr. Rodriguez, from the:

- (1) The U.S. DIST. CT. FOR THE E. D. VA, Hon. Dist. Judge LEONIE M. BRINKEMA, without notice or hearing summarily disbarred Mr. Rodriguez, *In re Isidoro Rodriguez*, Docket No. 1:08-mc-00022; USCA 4th Cir. *In re: Mr. Rodriguez*, No. 08 1444 (May 28, 2008);
- (2) The U.S. COURT OF APPEALS FO THE FOURTH CIRCUIT, surreally held that the VSBDB's order "**must be deemed valid in this proceeding**," *In the matter of Isidoro Rodriguez, Esq.*, (4th Cir. No. 06-9518, October 5, 2008), cert. denied No. 08-942 (March 20, 2009), injunction denied (Closed, March 24, 2009) (Emphasis added);
- (3) The U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT, *Isidoro Rodriguez v. Standing Committee on Attorney Discipline*, (3rd Cir. No 08-8037, (December 5, 2008), cert. denied No. 08-1121 (Closed, May 18, 2009);
- (4) The U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT, *Isidoro Rodriguez v. U.S. Court of Appeals for the 2nd Circuit*, (2nd Cir. No 08-90089); cert. denied No. 08-942 (Closed, July 31, 2009) (**Petitioner's Exhibits 10a**);
- (5) The U.S. COURT OF APPEALS FOR THE D.C. CIRCUIT, *Isidoro Rodriguez v. U.S. Court of Appeals for the District of Columbia*, (D.C. Cir. No. 08-7134) cert. denied No. 09-237 (Closed, November 2, 2009);
- (6) The U.S. SUPREME COURT, *In the matter of Isidoro Mr. Rodriguez*, US Sup. Ct Docket No. D-02466 (without either any hearing or notice, the Clerk of the United States Supreme Court summarily disbarred Mr. Rodriguez. Only after Mr. Rodriguez inquired into this, did Chief Justice JOHN G. ROBERTS directed Associate Justice William Suter to post on the Internet the "order" from the Clerk, US Sup. Ct. Docket No. D-02466 (May 24, 2010) (**Petitioner's Exhibits 10b and 10c**); and,
- (7) The U.S. TAX COURT, *Isidoro Mr. Rodriguez v. United States Tax Court*, USTC No.-ADM 3-09, D.C. Cir. No. 10-1016, Sup Ct. Docket No. 10-1066 (April 4, 2011) (**Petitioner's Exhibits 10d**).

Based on this evidence to systematically deny access to an impartial court and trial by jury on the merits of the evidence of malfeasance by violation of the VA Const., and VA Code and the

business conspiracy to use the VSBDB *void* and *void ab initio order* to injure Mr. Rodriguez in both the District of Colombia and the USCA for the 4th Circuit under the stewardship of the Chief Justice of the United States Supreme Court, Mr. Rodriguez filed a petition with the U.S. Congress opposing the confirmation of the Hon. John G. Roberts as Chief Justice of the U.S. Supreme Court **(Petitioner’s Exhibits 11)** (<http://www.liamsdad.org/others/isidoro.shtml>).

To seek redress for these acts of malfeasance in violation of VA Const. and VA Code, as well as for the business conspiracy to use of the VSBDB *void* and *void ab initio* order to disbar of Mr. Rodriguez from federal practice, terminate Mr. Rodriguez from employment, assess taxes greater than allowed by the IRC, and deny Mr. Rodriguez unemployment compensation, Mr. Rodriguez filed *Rodriguez et al v. Douglas Shulman et al.*, Dist. Ct. DC #11-cv-01183(JEB) **(Petitioner’s Ex. 12)**, based on the record of willful violation of 5th, 7th and 14th Amend. to the U.S. Constitution, the *Void* and *Void Ab Initio Order* Doctrine, VA Const. VI §§ 1, 5, & 7, and VA Code § 54-1-3915 & 3935, §1203(b) of the Internal Revenue Service Restructuring and Reform Act of 1998, (26 U.S.C. §7804, notes), 26 U.S.C. §§ 7214, 7431, and 7433 of the Internal Revenue Code of 1986, the Racketeering Influenced and Corruption Organization Act (“R.I.C.O.”) 18 U.S.C. §§ 1962 (c) & (d), and 1964(c), and *Bivens v. Six Unknown Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). But again, Mr. Rodriguez was systematically denied access to an impartial court and trial by jury by the summary dismissal for lack of venue in the District of Columbia.

In an effort to obtain access to an impartial court and trial by jury outside of the USCA for the D.C. and 4th Circuit, Mr. Rodriguez filed an action in the United States District Court for the Western District of Washington where Mr. Jack Harbeston resides, *Isidoro Rodriguez v. Jack Harbeston, et al.*, No. 11-cv-1601 (JCC); and, petitioned the U.S. Judicial Panel on Multidistrict Litigation of for consolidation of his various suits and appeals, *In re Isidoro Rodriguez*, MDL No.

2307. But, on December 14, 2011, the U.S. Judicial Panel on Multidistrict Litigation dismissed the petition holding it did not have jurisdiction, and on March 27, 2012, the district court summarily granted Harbeston *et al.*'s motion to dismiss without prejudice for lack of venue, because the complaint “**concern disbarment proceedings in other jurisdictions. The proper venue to review those decision is those jurisdictions.**” (Emphasis added)

Consequently, based on these decisions, in an effort to protect his *pro hoc* vice practice, business, profession, and reputation from the ongoing business conspiracy, Mr. Rodriguez filed on September 17, 2012, Isidoro Rodriguez, Esq., v. Jane/John Does of the Virginia State Bar Disciplinary Board, et al., U.S. Dist. Ct. E.D. VA 12 cv 663 (JAB) **(Petitioner’s Exhibits 13)**, seeking the courts protection and a jury trial pursuant to the 7th Amendments to the U.S. Constitution.

However, the Hon U.S. Dist. Judge (E.D. VA) John A. Gibney, Jr.: first, summarily dismissed the action against Harbeston *et al.* based on lack of jurisdiction, without addressing on the merits the evidence that Harbeston *et al.*, had entered Virginia to file the VSBDB complaint in 2003 and testify in 2006 **(Petitioner’s Exhibits 5)**;²⁰ second, summarily dismissed the action against all government attorneys and employees, including judges, by holding that they were absolutely immune from accountability for alleged malfeasance and misprision of the felony of treason without addressing on the merits the violations of VA Const./ VA Code **(Petitioner’s Exhibits 14a)**; third, summarily issued a prior restraint enjoining Mr. Rodriguez from filing any

²⁰ The Hon U.S. Dist. Judge (E.D. VA) John A. Gibney, Jr., refused to address on the merits the evidence of malfeasance and business conspiracy, by the willful: (1) violation of the limitations and prohibitions of VA Const. VI §§ 1, 5, & 7, and VA Code § 54-1-3915, to surreptitiously affirm the use of illegal court rules replacing the **decentralized** attorney disciplinary system created by the Virginia General Assembly under VA Code § 54-1-3935, with a **centralized** attorney disciplinary system under the Supreme Court of Virginia control by creating VSBDB as an illegal "kangaroo court," and appointing VSBDB members as "judges;" and, (2) the affirming the VSBDB *void ab initio* order disbarring Mr. Rodriguez: (i) for litigating to enforce his statutory property rights in his choate VA Attorney’s Lien for fees owed for legal services as Legal Representative of SSA; and, (ii) for litigating for damages and to enforce statutory rights as a father under joint custody agreement and Treaty.

future federal suit challenging malfeasance by violation of the VA Const./VA Code and use of VSBDB *void ab initio* order (**Petitioner's Exhibits 14b**); and, summarily denied Mr. Rodriguez's motion for trial by jury of the evidence of malfeasance (**Petitioner's Exhibits 14c**).

On appeal the 4th Circuit affirmed the Hon U.S. Dist. Judge (E.D. VA) John A. Gibney, Jr.'s systematic denial of access to an impartial court and trial by jury of the evidence of malfeasance and business conspiracy, by the fantastic holding that it, "**is not plausible that the individuals and courts who worked on these cases comprised an enterprise or conspiracy that sought to victimize Mr. Rodriguez and injure his profession.**" (Emphasis added) *Isidoro Rodriguez, Esq., v. Jane/John Does of the Virginia State Bar Disciplinary Board, et al.*, 4th Cir. No. 13-1638 (**Petitioner's Exhibits 14d and 14e**), *cert. denied.* (2014).²¹

After these decisions were issued, based on evidence of efforts in Colombia of Harbeston *et al.*, seeking to negotiate settlement with the GOC of SSA's claim to the treasure trove, Mr. Rodriguez refiled with the GOC notice of his statutory choate Virginia Attorney's Lien in February 2015 (**Petitioner's Exhibit 15**). Shortly thereafter, on December 12, 2015, the President of Colombia formally announcing finding of the Galleon *San Jose*.

Therefore, based on the record of being denied access to an impartial court and trial by jury to protect his business, profession, reputation, and property rights in his choate Virginia Attorney's Lien, Mr. Rodriguez in February 2016 filed petitions with Virginia's Members of the U.S. Senate and House of Representative (**Petitioner's Exhibit 16**), and each member of the Senate and House of Delegates of the General Assembly (**Petitioner's Exhibit 17**), for an investigation and possible impeachment of government attorneys and employee, including judges generally, and specifically

²¹ Obviously the Hon U.S. Dist. Judge (E.D. VA) John A. Gibney, Jr. and USCA denial of the right to a trial by jury was to prevent what Thomas Jefferson observed in a letter to Thomas Paine in 1789: "**I consider trial by jury as the only anchor ever yet imagined by men, by which the government can be held to the principles of its constitution.**" (Emphasis added)

the Hon U.S. Dist. Judge (E.D. VA) John A. Gibney, Jr. and the USCA for the 4th Circuit, for malfeasance by violation of the U.S. and VA Const./VA Code, and business conspiracy to by use of the VSBDB *void* and *void ab initio order*.

Consequently, this petition based on violation of the Charter, and Article V, XIV XVII XVIII, XXIII, XXIV, and XXVI of the American Declaration by the order enjoining Mr. Rodriguez's future litigation to obtain access to any impartial United States court and trial by jury challenging the malfeasance by violation of VA Const./VA Code and the business conspiracy to use the VSBDB *void* and *void ab initio order* (**Petitioner's Exhibits 14a thru 14e**), and no member of the U.S. Congress or member of the Virginia Assembly ever responded to Mr. Rodriguez's previous petitions filed pursuant to 1st Amend. U.S. Const., for the "redress of grievances."²²

LEGAL ARGUMENT

I. The Commission's Interpretative Mandate

In April 1948 at the Ninth International Conference of American States in Bogotá, Colombia, The Charter of the Organization of American States ("OAS") was signed by the United States to create the OAS, located in Washington, D.C., and confirmed the existence of the "fundamental rights" of citizens within the OAS.²³ At that meeting the member nations of the OAS, including the United States, adopted the American Declaration, as the world's first international human rights instrument of a general nature. Chapter One Article V, Article XIV, Article XVII,

²² On March 1, 2016, the Hon. U.S. Senator Mark R. Warner, assumed away his duty by surreally suggesting that Mr. Rodrigues seek the services of legal aid to deal with the denial of access to an impartial United States court and civil trial by jury of the evidence of malfeasance and business conspiracy (**Petitioner's Exhibit 18**).

²³ Charter, Article 2, states, "in order to put into practice the principles on which it is founded and to fulfill its regional obligations under the Charter of the United Nations, proclaims the following essential purposes: (1) **The American States proclaim the fundamental rights of the individual** . . . The *Supreme Court of New Hampshire v. Piper*, 470 U.S. 274 (1985) (Rehnquist dissenting) (holding that the practice of law is a "fundamental right" and the importance of *pro hoc vice* litigators "**bringing claims that would be too unpopular for resident lawyers to bring**" (Emphasis added)

Article XVIII, Article XXIII, Article XXIV, and, Article XXVI of the American Declaration,²⁴ sets forth the specific rights that have been violated by the United States to injure Mr. Rodriguez.

Although strictly speaking a declaration is not a legally binding treaty, the jurisprudence of both the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights holds it to be a source of binding international obligations for the OAS's member states. While largely superseded in the current practice of the inter-American human rights system by the more elaborate provisions of the American Convention on Human Rights (in force since 18 July 1978), International tribunals, including the Inter-American Court (Court) and the Inter-American Commission (Commission) have long recognized that the terms of the American Declaration are still enforced with respect to those states that have not ratified the Convention, such as Cuba, United States, and Canada. *See* Multilateral Treaties Department of International Law OAS". www.oas.org. Retrieved 2016-03-30. This is based on the Commission interpreting the protections afforded by the Charter, and the American Declaration, in the light of these evolving human rights laws and standards. For example, in its Advisory Opinion on South West Africa, the International Court of Justice (ICJ) noted that, "an international instrument has to be interpreted and applied within the framework of the entire legal system prevailing at the time of the interpretation."²⁵

²⁴ Chapter One, **Article V**. Every person has the right to the protection of the law against abusive attacks upon his honor, his reputation, and his private and family life; **Article XIV**. Every person has the right to work, under proper conditions, and to follow his vocation freely, insofar as existing conditions of employment permit. Every person who works has the right to receive such remuneration as will, in proportion to his capacity and skill, assure him a standard of living suitable for himself and for his family; **Article XVII**. Every person has the right to be recognized everywhere as a person having rights and obligations, and to enjoy the basic civil rights; **Article XVIII**. Every person may resort to the courts to ensure respect for his legal rights. There should likewise be available to him a simple, brief procedure whereby the courts will protect him from acts of authority that, to his prejudice, violate any fundamental constitutional rights; **Article XXIII**. Every person has a right to own such private property as meets the essential needs of decent living and helps to maintain the dignity of the individual and of the home; **Article XXIV**. Every person has the right to submit respectful petitions to any competent authority, for reasons of either general or private interest, and the right to obtain a prompt decision thereon; and, **Article XXVI**. . . . Every person accused of an offense has the right to be given an impartial and public hearing, and to be tried by courts previously established in accordance with pre-existing laws, and not to receive cruel, infamous or unusual punishment.

²⁵ Legal Consequences for States of the Continued Presence of South Africa in Namibia (South-West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, 1971 I.C.J. Reports 16, 31.

The Inter-American Court has applied this same principle in relation to the proper interpretation of the American Declaration to determine its legal status in light of the evolution it has undergone since the adoption of the Declaration, rather than to examine the normative value and significance which that instrument was believed to have had in 1948.²⁶ The Commission too has consistently adopted this principle in relation to its interpretation of the American Declaration.

Consistent with this approach, the Commission has looked to numerous international and regional human rights treaties and instruments as well as decisions of international courts and other bodies to interpret rights protected under the American Declaration. This must be done here given the evidence in court records of the ongoing violation of the United States of the Charter, and Article V, Article XIV, Article XVII, Article XVIII, Article XXIII, Article XXIV, and, Article XXVI of the American Declaration, as well as domestic law by the pattern and practice of the United States systematically denying Mr. Rodriguez of access to an impartial court and civil trial by jury of the evidence of malfeasance by the willful violation of the 5th, 7th, and 14th Amend. U.S. Constitution, VA Const. VI §§ 1, 5, & 7, and VA Code § 54-1-3915 & 3935, and the *Void* and *Void Ab Initio* Doctrine, and business conspiracy to injure Mr. Rodriguez business, profession, reputation, employment, and statutory property rights.

II. The Violation of the Article 2(1) of the Charter and Articles V, XIV, XVIII, XXIII, XXIV, and XXVI of the American Declaration by the United States.

In summary, the evidence is that the United States has retaliated and punished Mr. Rodriguez for his successful for his *pro hoc vice* litigation on behalf of the rights of nonresident U.S. and Colombian citizens against U.S. government policy and practice to not hold its employees

²⁶ This interpretation of the American Declaration consistent with the general rules of treaty interpretation established by the 1969 Vienna Convention. The Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law, Advisory Opinion OC-16/99, Inter-Am. Ct. H.R. (ser. A) No. 16, paras. 114-115 (Oct. 1, 1999) (citing European Court of Human Rights decisions in *Tryer v. United Kingdom* (1978), *Marckx v. Belgium* (1979), and *Louizdou v. Turkey* (1995)).

accountable for malfeasance (https://www.oyez.org/advocates/isidoro_rodriguez), by disbaring him by use of the VSBDB *void* and *void ab initio* order. This is not only contrary to and in noncompliance with the American Declaration, but too the controlling precedent in Supreme Court of New Hampshire v. Piper, 470 U.S. 274 (1985) (Rehnquist dissenting) (holding that the practice of law is a “**fundamental right**” and emphasizing the importance of *pro hoc vice* litigators “**bringing claims that would be too unpopular for resident lawyers to bring.**” (Emphasis added)

The evidence confirms that the United States has concealed and allowed an unlawful attorney disciplinary system to operate in Virginia to deprive Mr. Rodriguez as an independent *pro hoc vice* advocate. The United States used of illegal court rules and the order of VSBDB as a “kangaroo court,” and with unlawful appointing VSBDB members as “judges,” to punish Mr. Rodriguez for tenaciously and aggressively litigating to enforce statutory rights. In this context, the evidence in indisputable he was unlawfully disbarred from membership in federal courts based on the VSBDB *void* and *void ab initio* order (**Petitioner’s Exhibits 8a, 8b, 8c, and 8d**), and systematically denied access to an impartial court and trial by jury of the evidence of malfeasance and business conspiracy (**Petitioner’s Exhibits 12a, 12b, 13, and 14a thru 14e**).²⁷

For this reason, the Charter and American Declaration mandate investigation, a hearing, and the issuance of recommendations on the merits of the evidence of the United States’ use of unconstitutional court rules and misuse of *stare decisis* to not address on the merits in any meaningful manner the ongoing violations of Art. VI §§ 1, 5, and 7 of the VA Const., and VA Code

²⁷ The evidence confirms that during the same period from 2002 to the present while Mr. Rodriguez was being denied of his *pro hoc vice* litigation practice by malfeasance and business conspiracy, the late Hon. Chief Justice William Rehnquist, and now the Hon. John Roberts used the Judicial Conference to issue court rules effectively overturning Piper, by now requiring that a *pro hoc vice* attorney maintain an office address in any Federal jurisdiction he seeks to litigate, and that a local counsel sign all pleadings, as well as appear at all hearings (i.e. Rules for the U.S. Court for the E.D. of Virginia). This not only deprives a nonresident cost effective litigation, but limits the ability to bring “unpopular” claims against United States policies and practices, as Mr. Rodriguez had done from 1987 to 2002.

§§ 54.1 3909, and 54.1 3915, and *Void* and *Void Ab Initio Order Doctrine*. Thus, this petition must be granted to protect the “fundamental rights” of all citizens of the OAS, not just Mr. Rodriguez, given the United States systematical denying of access to an impartial court and trial by jury of the willful violation of United States Constitution, domestic law, and the oath/duty of the United States Judicial Branch.²⁸

A. The United States Violated Article XVIII, and XXVI of the American Declaration by Defying VA Code § 54-1-3915(A) and (B), establishing a Decentralize Attorney Disciplinary System in Virginia.

VA Const. VI §§ 1, and 7, gave only to the General Assembly the power to create “courts” and to appoint “judges” in Virginia. To underscore this VA Const. VI § 5, and VA Code § 54-1-3915, mandated that the Judicial Branch comply with the VA Const. and VA Code by clearly prohibiting the Judicial Branch from the promulgating court rules in conflict with both substantive rights and statutory rights (in short the courts cannot enact legislation). Consistent with these restrictions, the Supreme Court of Virginia held in *Legal Club of Lynchburg v. A.H. Light*, 13249, 430, 119 S.E. 55 (1923), citing *Fisher’s Case*, 6 Leigh (33 Va.) 619 (1835), that pursuant to the limitations and prohibitions on the Judicial Branch under Art. VI §§ 1, and 7, although in a proper case a court does have inherent power to suspend or annul the license of an attorney, practicing **only** in that particular court, for a court to have, **[t]he power [and jurisdiction] to go further and make suspension or revocation of license effective in all other court of the Commonwealth [this] must be conferred by statute.**” (Emphases added). *See When Has the Supreme Court of*

²⁸ The dangers to the OAS, as well as to the United States Republic and its citizens, by the unchecked collusion of USDOJ and the U.S. Federal Courts to do away with independent *pro hoc vice* litigators are real, for as Dennis DeConcini, U.S. Senator (Ret), wrote in *The Fraternity: Lawyers and Judges in Collusion*, by John Fitzgerald Molloy. St. Paul, Minn.: Paragon House, “. . . the Courts in [the U.S.] judicial system has, in fact, become the lawmakers, when it is very clear . . . that our Constitution delegated that responsibility to the Congress of the United States and the State Legislatures . . . the legal profession has truly changed from being one of the premier professions in our society to a business where the number one objective or bottom line is financial profit . . . ”

Appeals Original Jurisdiction of Disbarment Proceedings? R.H.C. Virginia Law Review, Vol. 10, No. 3 (Jan. 1924), pp. 246-248; see also David Oscar Williams, Jr., *The Disciplining of Attorneys in Virginia* 2 Wm. & Mary Rev. Va. L. 3 (1954) <http://scholarship.law.wm.edu/wmrval/vol2/iss1/2>.

In response to this opinion, the General Assembly enacted the Acts of Assembly 1932. p. 139, to establish a **decentralize** attorney disciplinary system giving statewide effect to a courts discipline of an attorney before a particular court. Pursuant to VA Code § 54.1-3935 (A), the **decentralize** attorney disciplinary system only gave power and jurisdiction to discipline an attorney to county's Court of Appeals, and circuit court The General Assembly specifically rejected creating a **centralized** system under the direct control of the Supreme Court of Virginia, when VA Code 54.1-3935 (B), by denying that court any power or jurisdiction to directly discipline attorney by mandating the use of an impartial three-judge panel formed in the City of Richmond.²⁹ The constitutionality of this **decentralized** attorney disciplinary system was upheld in *Campbell v. Third District Committee of Virginia State Bar*, 179 Va. 244, 18 S.B.2d 883 (1942).

B. The United States Violated Articles XXIII, and XXVI of the American Declaration by use of the Supreme Court of Virginia's illegal Centralized Attorney Disciplinary System to disbar Mr. Rodriguez from United States courts.

Pursuant to Art. VI § 5, the General Assembly enacted VA Code § 54.1-3915, to delegate to the Supreme Court of Virginia limited authority to prescribe, adopt, promulgate and amend rules and regulations of unprofessional conduct, not inconsistent with rights under either VA Const. and/or VA Code. Pursuant to this limited delegation the Supreme Court of Virginia formed the

²⁹ VA Code 54.1-3935 (B). If the rule is issued by the Supreme Court or the Court of Appeals, the rule shall be returnable to the Circuit Court of the City of Richmond. At the time the rule is issued by the Supreme Court, the Chief Justice shall designate three circuit court judges to hear and decide the case. If the rule is issued by the Court of Appeals or a circuit court, the issuing court shall certify the fact of such issuance and the time and place of the hearing there on, to the Chief Justice of the Supreme Court, who shall designate three circuit court judges of circuits other than the circuit in which the case is pending to hear and decide the case. In proceedings under this section, the court shall adopt the Rules and Procedures described in Part Six, Section IV, Paragraph 13 of the Rules of Court.

Virginia State Bar (“VSB”), who consistent with the decentralize attorney disciplinary system gave the VSB only restricted its investigative authority of complaints against attorneys to those referred by a court, which was to be exercised by a Council and Investigating Committee in each county. The function of the VSB was comparable to that of a grand jury, as a fact-finding board. It had no power to suspend, reprimand, or disbar an attorney. Only after the issuance of a rule against an attorney, filed with the county clerk's office of the county court having jurisdiction was the court to hold a show cause hearing.

However, later in flagrant disregard of the decentralized attorney disciplinary system established under VA Code § 54.1-3935, and in violation of the limitation and prohibitions under VA Const. Article VI, § 1, 5, and 7, and VA Code § 54.1-3915, the Supreme Court of Virginia abused the trust given it by the General Assembly to promulgate court rules to establish a centralized attorney disciplinary system under its control by creating the VSBDB as “court” and appointing its members as “judges,” with jurisdiction to discipline attorneys. Thus, the VSBDB was established as a “kangaroo court.” Consequently, the above record confirms that United States violated the American Declaration.

C. The United States Violated Article 2(1) of the Charter and Articles V, XIV, XVIII, XXIII, XXIV, and XXVI of the American Declaration by misuse of *stare decisis* by Disobedience to *Void* and *Void Ab Initio* Order Doctrine to Disbar Mr. Rodriguez as a member of the United States courts.

The *Void* and *Void Ab Initio* Order Doctrine mandates in every jurisdiction in the United States, as well as generally in both common law and civil law countries, that when an entity did not have the legal power, authority, or jurisdiction to render any order, said order is both *void* and *void ab initio*--as a complete nullity that may be impeached directly or collaterally by all persons, at any time, or in any manner--and is not subject to either *stare decisis* or *res judicata*.

As first explained in Marbury v. Madison, 1 Crunch 137, 140 (1803), a judicial order which is, "repugnant to the constitution is *void*." Therefore, any judicial action contrary to the constitution is *void* in its entirety and inoperative as if it had no existence from the time of its issuance and can be attacked in any proceeding where they come into issue. Thus, no Federal court can use a *void* and *void ab initio* order because as the United States Supreme Court held in Pennoyer v. Neff, 95 US 714, 733 (1877),

“Since the adoption of the Fourteenth Amendment to the Federal Constitution, the validity of such [*void* and *void ab initio*] judgments may be directly questioned, and their enforcement in the State resisted, on the ground that proceedings in a court of justice to determine the personal rights and obligations of parties over whom that court has no jurisdiction do not constitute due process of law. . . . **To give such proceedings any validity, there must be a tribunal competent by its constitution that is, by the law of its creation to pass upon the subject matter of the suit.** (Emphasis added).”

Therefore, pursuant to the *Void Ab Initio Order Doctrine* a judgment or order of a court or tribunal issued in violation of the constitution without jurisdiction, is *void ab initio* as neither valid nor ever can be made valid for any reason, therefore is not subject to *res judicata* or *stare decisis*, because there was no legal authority or power to enter said order in the first place. Thus, in all of the disbarment proceedings held by the federal courts they were required to give meaningful on the merits review of the VSBDB *void ab initio order*, and reject it based on the violations of the 5th and 14th Amendments to the U.S. Constitution, as well as violation of VA Const. and Va Code. Collins v. Shepherd, 274 Va. 390, 402 (2007); Singh v. Mooney, 261 Va. 48, 51 52(2001); Barnes v. Am. Fertilizer Co., 144 Va. 692, 705 (1925), and may be attacked in any court at any time, “directly or collaterally.” Rook v. Rook, 233 Va. 92, 95(1987). Daniels v. Thomas, 225 F.2d 795, 797 (10th Cir. 1955), cert. denied, 350 U.S. 932 (1956); See also Rooker v. Fidelity Trust Co., 263 U.S. 413, 415 16 (1923) (“*Rooker*”); District of Columbia Court of Appeals v. Feldman, 460 U. S.

462, 486 487 (1983) (“Feldman”); and, Skinner v. Switzer, USSC No. 09-9000, ___ U.S. ____ (March 7, 2011) (“Skinner”).

But the evidence confirms that this was not done, providing the main evidence of malfeasance and business conspiracy. In clear violation of Rooker, Feldman, and, Skinner, mandate that Federal courts not only had subject matter jurisdiction, but more importantly the duty pursuant to its oath under Article IV §4 of the U.S. Const., to provide meaningful access to impartial Article III court to conduct judicial review of the evidence of the ongoing use of unconstitutional court rules and the giving by government attorneys of Executive Branch and judges of the Judicial Branch “preclusive” legal effect to the VSBDB *void* and *void ab initio* order. This is because Art. VI §§ 1 and 7 of the VA Const., as well as the controlling decision in Legal Club of Lynchburg v. A.H. Light, 13249, 430, 119 S.E. 55 (1923), denies to the Supreme Court of Virginia any authority to establish the VSBDB as a “kangaroo court” and to appoint VSBDB members as “judges” The Virginia Supreme Court, “cannot act beyond the power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities. They are not *voidable*, but simply *void [ab initio]*, and this even prior to reversal.” Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 353 (1920). Therefore, the VSBDB order disbaring Mr. Rodriguez is both *void* and *void ab initio*.

For the above reasons all of the Federal court orders use of *stare decisis* to give legal effect to the VSBDB *void* and *void ab initio* order issued in violation of Art. VI, §§ 1, 5, and 7 of the VA Const., are *ultra virus* order and too *void ab initio*, from the beginning without validity, See Khaliq Joshua Burrell V. Commonwealth of Virginia, Fairfax Ct. Cir. Ct. No. 111297 (March 2, 2012); 2000 Op. Va. Att’y Gen. 204, 205 (defining “ab initio”); see also Op. Va. Att’y Gen.: 1986 1987 at 315, 316; 1982 1983 at 66, 67. In summary, the VSBDB *void ab initio* order cannot be given

reciprocal effect and enforced by any other tribunal—state or federal-- because it would be a violation of the constitutional protections of due process. See Restatements, Judgments § 4(b); See also, *Earle v. McVeigh*, 91US 503, 23 L Ed 398 (1999).

Thus, pursuant to the Charter and American Declaration the issue of the United States malfeasance in violation of the *Void Ab Initio Order* Doctrine must be investigated, with a hearing, so to recommend that the United States provide Mr. Rodriguez access to an impartial court and trial by jury of the alleged malfeasance and business conspiracy.

D. The United States violated Article 2(1) of the Charter and Articles V, XIV, XVIII, XXIII, XXIV, and XXVI of the American Declaration by the Systematic Denial of Access to an Impartial Court of the Evidence of Malfeasance and Business Conspiracy to injure Mr. Rodriguez business, reputation, profession and property rights.

In *Christopher v. Harbury* (01 394) 536 U.S. 403 (2002) 233 F.3d 596, the U.S. Supreme Court affirmed that there exists a right of access to an impartial Article III court pursuant to: (1) the 5th and 14th Amendments' Due Process Clause, see, e.g., *Murray v. Giarratano*, 492 U.S. 1, 11 n.6 (1989) (plurality opinion); *Walters v. National Ass'n of Radiation Survivors*, 473 U.S. 305, 335 (1985); and (2) the 14th Amendment Equal Protection Clause, see, e.g., *Pennsylvania v. Finley*, 481 U.S. 551, 557 (1987). In *Harbury supra*, pp 413-415, the Court found two categories of denial of access to the court emerge. The first is present here, which has been the “systemic official action to frustrate” Mr. Rodriguez’s access to an impartial court and trial by jury to prevent vindication for violation of the *Void Ab Initio Order Doctrine*.

However, in clear violation of Article XVIII, XXIV, and XXVI under the American Declaration, as well as domestic law, Mr. Rodriguez has been systematically denied access to an impartial federal court and trial by jury of the malfeasance and business conspiracy in violation of the Article VI §§ 1, 5, 7, of the VA Const., by the Federal courts’ disregarding the holding in

Feldman, supra, that the courts have the duty and jurisdiction to review the Supreme Court of Virginia’s unconstitutional court rules. Finally, this holding in *Feldman* was reconfirmed in *Skinner, supra.*, that the courts have the jurisdiction and duty to review unconstitutional court rules. Therefore, *Rooker, Feldman*, and *Skinner*, imposed an affirmative a duty on the courts to enjoin the Supreme Court of Virginia’s unconstitutional court rules and violation of the *Void Ab Initio Orders Doctrine*. Furthermore, VA Code § 18.2 500(B), specifically provides that both the Virginia and Federal courts have jurisdiction to hear and determine the issues involved in the allegation of a business conspiracy in violation of VA Code § 18.2 499. But, the United States refused to comply with the limitation and prohibition under the Virginia Constitution and Va. Code, as well as *Void Ab Initio Order Doctrine*, so to use of *stare decisis* and *re judicata* in violation of the 5th and 14th Amendments to the U.S. Constitution.

But, as explained in *Morrison v. Bestler*, 239 Va. 166, 167-170, 387 S.E.2d 753 (1990), “the term jurisdiction embraces. . . subject matter jurisdiction, which is the authority granted by the constitution or statute to adjudicate a class of cases or controversies. . . which cannot be waived or conferred on the court by agreement of the parties.” Also, *Lucas v. Biller*, 204 Va. 309, 313, 130 S.E.2d 582, 585 (1963) holds that, “[a] defect in jurisdiction cannot be cured . . . While a court always has jurisdiction to determine whether it has subject matter jurisdiction, a judgment on the merits made without subject matter jurisdiction is null and *void*.” Furthermore, under *Barnes v. American Feet. Co.*, 144 Va. 692, 705, 130 S.E. 902, 906 (1925), “any subsequent proceeding based on such a defective judgment is *void* or a nullity.” Finally, *Ferry Co. v. Commonwealth*, 196 Va. 428, 432, 83 S.E.2d 782, 784 (1954), hold that they holding be struck. The language of Chief Justice John Marshall in *Cohens v. Virginia*, 6 Wheat, 264, 404 (1816), is most apposite:

It is most true that this court will not take jurisdiction if it should not; but it is equally true that it must take jurisdiction if it should. The judiciary cannot, as the legislature may, avoid

a measure because it approaches the confines of the Constitution. We cannot pass it by because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it, if it be brought before us. **We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution.** Questions may occur which we would gladly avoid, but we cannot avoid them. All we can do is to exercise our best judgement, and conscientiously perform our duty. (Emphasis added).

Thus, the United States, as well as its Federal and Virginia government attorneys and employees, including judges, have, “[resisted] the execution of [Art. VI, § 1, § 5, and § 7 of the Virginia Constitution and Va. Code § 54.1-3935] under color of [their] authority.”³⁰

E. The United States violated XVIII, and XXIV of the American Declaration by declaring government attorneys and employees, including judges, absolute immune from accountability for unlawfully acts.

Dating back to *The Case of the Marshalsea*, 77 Eng. Rep. 1027 (K.B. 1613),³¹ under common law there is no absolute judicial and ministerial immunity for acts outside of jurisdiction, and an action for damages will lie for the conspiracy to issue and enforce a *void* order as part of an illegal enterprise. In England and the colonies, it was in ordinary courts-before a jury trial-which determined whether government officers, including judges, with good behavior tenure were to be held accountable in either civil or criminal trials for misbehavior. Prakash and Smith, *How to Remove a Federal Judge*, 116 Yale L. J. 72 at 74 (2006). Blackstone discussed various English statutes that provided for the making accountable and removal of judges for misbehavior in

³⁰ VA Code §§ 18.2-481 and 482, specifically makes it a Class 2 felony for a government attorney and employee, including a judge to take actions, “[r]esisting the execution of the laws under color of authority,” thereby confirming consistent with the common law that there was to be no judicial immunity for acts outside of authority or jurisdiction. Finally, there was to be an absolute right to civil jury trial for malfeasance. See Ames E. Pfander, *Federal Courts, Jurisdiction-Stripping and the Supreme Court’s Power to Supervise Inferior Tribunals*, 78 Tex. L. Rev. 1433 (2000).

³¹ Sir Edward Coke found that Article 39 of the Magna Carta restricted the power of judges to act outside of their jurisdiction such proceedings would be *void*, and actionable,

[W]hen a Court has (a) jurisdiction of the cause, and proceeds *inverso ordine* or erroneously, there the party who sues, or the officer or minister of the Court who executes the precept or process of the Court, no action lies against them. But (b) when the Court has no jurisdiction of the cause, there the whole proceeding is [before a person who is not a judge], and actions will lie against them without any regard of the precept or process *Id.* 77 Eng. Rep. at 1038-41.

proceeding. 4 William Blackstone, Commentaries 140 at 141. These were not statutory exception to grants of good-behavior tenure, but consistent with the concept that a judge could be tried in court. *See, e.g. R. V. Gaskin*, (1799) 1001 Eng. Rep. 1349 (K.B.) (reinstating a parish-clerk upon his demand that his employer show cause for firing him); *James Bragg's Case* (1616) 77 Eng. Rep. 1271, 1278-81 (K.B.)(reinstating a burgess for lack of cause to remove him).

Virginia enacted the English Rule in Va. Code §8.01-195.3(3), to hold that a judge or government attorney had no immunity from suit for acts outside of his judicial capacity or jurisdiction. *See* Robert Craig Waters, “Liability of Judicial Officers under Section 1983” 79 *Yale L. J.* (December 1969), pp. 326-27 and nn. 29-30). Under common law and the 7th Amendment to the U.S. Constitution, it was a jury trial-not a judge-which determined whether government officers, including judges, were to be held accountable in either civil or criminal jury trials for misbehavior. Thus, neither historically nor under the United States and Virginia Constitutions, as well as VA Code there is no absolute judicial and ministerial immunity for acts outside of jurisdiction, and an action will lie for the business conspiracy to issue and enforce the VSBDB *void* order as part of an illegal enterprise.

This is confirmed in *Stump v. Sparkman*, 435 U.S. 349 at 360 (1978), where the U.S. Supreme Court held that pursuant to common law when a state court judge knows that he lacks jurisdiction, or acts in violation of Constitutional or statutory prohibitions expressly depriving him of jurisdiction or judicial capacity, judicial immunity is lost, this is because the court held that a State judge would be immune from suit **only** if he did not act outside of his judicial capacity and/or was not performing any act expressly prohibited by statute. *See* Block, *Stump v Sparkman* and the History of Judicial Immunity, 4980 Duke L.J. 879 (1980).³² Furthermore, *Rankin v. Howard*, 633

³² Regarding federal courts, they are courts of limited jurisdiction, and neither the U.S. Constitution nor federal legislation provides for them to have any judicial immunity for acts of malfeasance in violation of their jurisdiction.

F.2d 844 (1980), and, Den Zeller v. Rankin, 101 S. Ct. 2020 (1981), holds that whenever a judge acts where he does not have jurisdiction, the judge is engaged in an act or acts of treason. U.S. v. Will, 449 U.S. 200, 216 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L. Ed 257 (1821).

As explained by Thomas Jefferson, to permit the violation of the limitation and prohibitions defining separation of power, would create a “**despotic government.**” Notes on the State of Virginia 196 (1787). As James Madison explained, “[t]he accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether one, a few, or many, whether hereditary, self-appointed, or elective, may justly be pronounced as the **very definition of tyranny.**” Federalist No. 47, Washington Square Press, page 103 (Emphasis added). Thus more than 229 year-ago these Founding Fathers’ understood that the clear lessons from history which show that,

Once certain checks and balances are destroyed, and once certain institutions have been intimidated, the pressure that can turn an open society into a closed one-turn into direct assaults; at that point events tend to occur very rapidly, and a point comes at which there is no easy turning back to the way it used to be. Naomi Wolf, The End of America: Letter of Warning to A Young Patriot, p. 14, Chelsea Green Publishing, Vermont, 2007.

These constitutional draftsmen openly advocated a deep distrust of the motive of individuals in government generally and the Judicial Branch specifically. They mandated that separation of power to serve as “distribution grids, apportioning authority. . .” D. Arthur Kelsey, The Architecture of Judicial Power: Appellate review & Stare Decisis, Virginia State Bar, Virginia Lawyer October 2004.³³ In short, separation of power between and among entities in government fractures power in innumerable ways to assure independent review of any violation of either the constitution.

³³Fed. 47 p 109, states that, “[the VA Const.], declares, . . . ‘that the legislative, executive, and judicial departments shall be separate and distinct; so that neither exercise powers properly belonging to the other. . .’”

Therefore, both the Virginia and United States Constitutions, confirmed that all government power was derived from the consent of the govern— **“We the People.”** Specifically regarding the need for the checks on the Judicial Branch, Patrick Henry, wrote,

Power is the great evil with which we are contending. We have divided power between three branches of government and erected checks and balances to prevent abuse of power. However, where is the check on the power of the judiciary? If we fail to check the power of the judiciary, I predict that we will eventually live under judicial tyranny.

As explained above, members of the Supreme Court of Virginia, are constitutional officers established under Va. Const. Art. VI, with specific limitations and prohibitions on their powers as set out in Art. VI, §§ 1, 5, and 7 of the VA Const., as well "shall be prescribed by general law or special act" of the General Assembly. Therefore, since certain power exclusively lies only with the General Assembly under Art. VI, §§ 1 and 7 of the VA Const., the Supreme Court of Virginia is prohibited from using court rules to establish any “court” and appoint “judges.” Also. Pursuant to Art. VI, § 5 of the VA Const., and VA Code § 54.1 3915, these employees are prohibited from using court disciplinary rules which conflict with an attorney’s statutory rights under the VA Code, i.e. Mr. Rodriguez’s property interest in his choate Virginia Attorney’s Lien on the treasure trove claimed by SSA.

Therefore, the evidence in the record establish the United States violating the American Declaration, by permitting its government attorneys and employees, including judges, to act outside the “scope of employment,” authority, jurisdiction, and not in the interest of the United States by their willful violation of the *Void* and *Void Ab Initio* Order Doctrines, to cover-up malfeasance and the business conspiracy to injure Mr. Rodriguez statutory property interest, reputation, business, profession, and right to employment as a *pro hoc vice* federal litigator.

In sum, there has been a record of obstruction justice by the systematic denying of access to an impartial federal court and trial by jury of the evidence of the misprision of the felony of

treason in violation of Article VI §§ 1, 5, and 7, and Va. Code §§ 54.1 –3915 and 3935, so to conceal the Virginia Supreme Court’s unconstitutional court rule, and the denying to Mr. Rodriuez his business, profession, reputation, employment, right to unemployment compensation benefits under the Social Security Act, right from the assessment of taxes greater then allowed by the Internal Revenue Code, by use of the VSBDB’s *void ab initio order* disbaring Mr. Rodriguez for litigating to enforce his statutory rights to property and rights as a father.

While every breach of the public trust is a matter for concern, few can be more grievous than those committed by our judiciary. As famed 19th-century orator Daniel Webster rightly noted:

There can be no office in which the sense of responsibility is more necessary than in that of a judge; especially of those judges who pass, in the last resort, on the lives, liberty, and property of every man. The judiciary power, on the other hand, acts directly on individuals. The injured may suffer without sympathy or the hope of redress. **The last hope of the innocent, under accusation and in distress, is in the integrity of his judges.** If this fail, all fails; and there is no remedy on this side the bar of Heaven.³⁴

Neither the United States nor all the other members of the OAS can long survive the unbridled tyranny of a judiciary in collusion with government attorneys that they place themselves above and beyond the law. A judge and government attorney are bound by honor and oath to uphold and defend their respective Constitutions. The basic tenet is that government is not to be used for personal enrichment and the extending of benefits to the corrupt. Government and the Judicial Branch are to work to ensure that public officials are using their office to further the public interest and not to enrich themselves or others. A United States Court is a public institution, and it has a duty to promote respect for the law. If the vaunted rule of law can be disregarded by the tyranny of irritated ministers and judges with Mr. Rodriguez *pro hoc vice* litigation on behalf of

³⁴Daniel Webster, *The Writings and Speeches of Daniel Webster*, (Boston: Little, Brown, & Co., 1851), Vol. III, pp. 6-7.

Hispanic Nonresident United States and Colombian citizens, and then the United States be permitted to have a policy and practice of denying accountability for the unlawfully disbaring Mr. Rodriguez by declaring them absolutely immune from suit for malfeasance, it is apparent that the American Declaration has been violated.

As the United States Supreme Court has observed in *United States v. Miss. Valley Generating Co.*, 364 U.S. 520, 562 (1961):

“[A] democracy is effective only if the people have faith in those who govern, and that faith is bound to be shattered when high officials and their appointees engage in activities which arouse suspicions of malfeasance and corruption.”

F. The United States violated XVIII, and XXIV of the American Declaration by Denying Access to a Civil Trial by Jury of the evidence of malfeasance and business conspiracy.

The evidence confirms that the United States violated Mr. Rodriguez’s right to his business, profession, reputation, employment, and property without due process of law, by systematically denying access to an impartial court and to a civil trial by jury of the allegations of malfeasance and business conspiracy. This failure to afford such meaningful review is a clear violation of Art. VXIII of the American Declaration.³⁵

It is a fundamental doctrine of due process and the common law that a party to be affected by a *void* personal judgment must have his day in court, and an opportunity to be heard. *Renaud v. Abbott*, 116 US 277, 29 L Ed 629, 6 S Ct 1194. Every person is entitled to an opportunity to be heard in an impartial court of law upon every question involving his rights or interests, before he is affected by any judicial decision on the question. *Earle v McVeigh*, 91 US 503, 23 L Ed 398.

³⁵ Article XVIII. Every person may resort to the courts to ensure respect for his legal rights. There should likewise be available to him a simple, brief procedure whereby the courts will protect him from acts of authority that, to his prejudice, violate any fundamental constitutional rights.

However, the evidence confirms that the VSBDB issued a *void ab initio* order by it being “kangaroo court” established by unlawful court rules and that the VSBDB disbarred Mr. Rodriguez for litigating to enforce his statutory rights **(Petitioner’s Ex. 6)**. The evidence confirms that on appeal, the Supreme Court of Virginia “[resisted] the execution of the laws under color of authority,”³⁶ by affirming the VSBDB’s *void ab initio order*. Finally, the evidence confirms a criminal conspiracy by United States courts to disbar Mr. Rodriguez so to conceal illegal acts **(Petitioner’s Ex. 14a thru 14e)**.

But, “[c]rime is contagious. If the Government becomes a law breaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy,” *Olmstad v. United States*, 277 U.S. 438, 451 (1928).

It is because of these violations of the American Declaration that the Committee must urgently act to investigate, report on, and make recommendations to stop the violation of Mr. Rodriguez’s right to obtain accountability for malfeasance and business conspiracy by the systematic denying of access to an impartial court and trial by jury of the evidence against the United States. See *Gutierrez de Martinez v. Lamagno*, 515 U.S. 417, 115 S. Ct. 2227, 132 L.Ed.2d 375 (1995).

The Federalist No. 10, a benchmark of the adoption of the United States Constitution, states:

"No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay with greater reason, a body of men are unfit to be both judges and parties at the same time . . ." p. 79 (Rossiter ed. 1961) (J. Madison).

Thus, the U.S. Const., and VA Const., mandate that, “[t]he Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases.” *Marshal v. Jern*

³⁶ Misprision of treason is defined pursuant to VA Code §§ 18.2-481 and 482.

Co., 446 U.S. 238,242 (1980).³⁷ The Fourteenth Amendment due process clause includes, “the duty of every State to provide, in the administration of justice, for the redress of private wrongs.” Missouri Pacific Ry. Co. v. Humes, 115 U.S. 512, 521 (1885), thus given that the evidence of malfeasance by violation of VA Cont./VA Code, and the business conspiracy to use of VSBDB *void ab initio order* to injure Mr. Rodriguez business, profession, reputation, employment, and right to protect his statutory property rights in his perfected Virginia Attorney’s Lien on SSA’s claim, he has a right to access to an impartial court and to have determination by a jury on the merits of the evidence of the United States wrong. As explained in Commercial Business Systems v. BellSouth, 249 Va. 239 at 267-68 (1995), statutory conspiracy claim is a matter for determination by a jury whether a conspiracy caused the alleged damaged is a question for a jury.

Thus, the Hon U.S. Dist. Judge (E.D. VA) John A. Gibney, Jr., order in Isidoro Rodriguez, Esq., v. Jane/John Does of the Virginia State Bar Disciplinary Board, et al., supra., violates both the American Declaration and the 5th, 7th, and 14th Amendments to the U.S. Constitution, Article VI §§ 1, 5, 7, of the VA Const., VA Code and the *Void Ab Initio Order Doctrine*. See Collins v. Shepherd, 274 Va. 390, 402 (2007); Singh v. Mooney, 261 Va. 48, 51-52(2001); Barnes v. Am. Fertilizer Co., 144 Va. 692, 705 (1925); Rook v. Rook, 233 Va. 92, 95(1987), the *Void Ab Initio Order Doctrine*. As explained above, the common law mandated that there was right to fair trial on the issue of scope of employment, as well as VA Const., and VA Code, is to be resolved by an evidentiary hearing before an impartial jury under 5th, 7th, and 14th Amendments to the U.S.

³⁷ See In re Murchison, 349 U.S. 133, 136 (1955) (Black, J.) (“[the United States] system of law has always endeavored to prevent even the probability of unfairness. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome.”); Spencer v. Lapsley, 20 How. 264, 266 (1858) (recognizing statute accords with this maxim); see also Publius Syrus, Moral Sayings 51 (D. Lyman transl. 1856) (“No one should be judge in his own cause.”); B. Pascal, Thoughts, Letters and Pustules 182 (O. Wight transl. 1859) (“It is not permitted to the most equitable of men to be a judge in his own cause.”); 1 W. Blackstone, Commentaries *91 (“[I]t is unreasonable that any man should determine his own quarrel.”).

Constitution. This is because as pointed out by Jefferson, the jury trial is the most important safeguards against arbitrary and oppressive governmental policies. As explained in *Gutierrez de Martinez v. Lamagno and Drug Enforcement Administration*, 515 U.S. 417 (1995), an impartial evidentiary hearing before a jury is the mainstay of the United States system of government, citing Madison's *The Federalist* No. 10, p. 79 (C. Rossiter ed. 1961).

The United States has systematically barred Mr. Rodriguez from obtaining any remedy for the extensive evidence of malfeasance and business conspiracy so to avoid review on the merits, and by the unwarranted dismissals of the gravamen of all Mr. Rodriguez's complaints.

Under the American Declaration, every person has a right to turn to the courts to remedy abuses perpetrated against them, and States have an obligation to provide remedies for those abuses. The Commission has interpreted Article XVIII of the American Declaration in the light of the more specific protections of Articles 8 and 25 of the American Convention.³⁸ Article 8 provides for "the right to a hearing with due guarantees ... for the determination of . . . rights ..." and Article 25 provides for the "protection against acts that violate . . . fundamental rights recognized by the constitution or laws of the state or by the Convention."

The Commission has also determined that together with Articles 1(1) and 2 of the Convention, Article 25 comprises three elements:³⁹ first, "the right of every individual to go to a tribunal when any of his rights have been violated"; second, the right "to obtain a judicial investigation conducted by a competent, impartial and independent tribunal that will establish

³⁸ *Maria da Penha v. Brazil*, *supra*

³⁹ Article 1(1) of the American Convention requires States to "to respect the rights and freedoms recognized herein and to ensure to all person's subject to their jurisdiction the free and full exercise of those rights and freedoms." Article 2 requires States to "adopt . . . such legislative or other measures as may be necessary to give effect to those rights or freedoms."

whether or not the violation has taken place”; and third, the right to have remedies enforced when granted.⁴⁰

The legal and practical ability to turn to a United States court, satisfying the first element of Article 25, is not enough. To satisfy the second element, the United States courts must actually be impartial and decide on the merits Mr. Rodriguez’s above arguments and permit a trial by jury to consider the evidence-not by looking the other way of their colleagues malfeasance, so to issue summary dismissals ignoring the evidence of violation of the 5th, 7th, and 14th Amendments to the U.S. Constitution, Article VI §§ 1, 5, 7, of the VA Const., and *Void* and *Void Ab Initio Order* Doctrines to injure Mr. Rodrigues as an independent *pro hoc vice* federal litigator.⁴¹

In this context, relevant is the case when an Argentine court refused to adjudicate a lower court judge’s claim of wrongful termination because it deemed the claims “non-justiciable” and a “political question,” the Commission held that refusing to hear the case on the merits violated the Articles 8 and 25 of the Convention because “the logic of every judicial remedy indicates that the deciding body must specifically establish the truth or error of the claimant’s allegation.”⁴²

Finally, both the Commission and the Court have found that the tribunal must be able to grant a remedy that adequately addresses the violation.⁴³ The Court held in the Five Pensioners that:

⁴⁰ *Raquel Martí de Mejía v. Perú*, *supra* note 198.

⁴¹ In perhaps the high-water mark of American jurisprudence, while confronting the scourge of McCarthyism in early 1950, Associate Justice William O. Douglas wrote, “[i]t is not without significance that most of the provisions of the Bill of Rights are procedural. It is procedure that spells much of the difference between rule by law and rule by whim or caprice. Steadfast adherence to strict procedural safeguards is our main assurance that there will be equal justice under law.” *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123, 179 (1951) (Douglas, J., concurring). This axiom is an indispensable feature of Anglo-American jurisprudence, as Lord Chief Justice Goddard adds: “**Time and again this court has said that justice must not only be done but must manifestly be seen to be done.** . . .” *Rex v. Justices of Bodmin*, 1 K. B. 321, 325 (1947) (Emphasis added).

⁴² *Gustavo Carranza v. Argentina*, Case 10.087, Inter-Am. Comm’n H.R., Report No. 30/97, OEA/Ser.L/V/II.9, doc. 7 rev., para. 73, 83 (1997).

⁴³ See *Velásquez-Rodríguez v. Honduras*, *supra* note 219, para. 64. See also Report on Terrorism and Human Rights, *supra* note 128, para. 334.

The inexistence of an effective recourse against the violation . . . constitutes a transgression of the Convention. . . [F]or such a recourse to exist, it is not enough that it is established in the Constitution or in the law or that it should be formally admissible, but it must be truly appropriate to establish whether there has been a violation of human rights and to provide everything necessary to remedy it. Those recourses that are illusory, owing to the general conditions in the country or to the particular circumstances of a specific case, shall not be considered effective.⁴⁴

The record confirms that Mr. Rodriguez has been repeatedly been denied access to an impartial court and civil jury trial, and that the Hon U.S. Dist. Judge (E.D. VA) John A. Gibney, Jr., compounded these acts of malfeasance by issuing a prior restraint enjoining the filing in Federal court of any future federal suit seeking a remedy to the ongoing malfeasance and business conspiracy, *Isidoro Rodriguez, Esq., v. Jane/John Does of the Virginia State Bar Disciplinary Board, et al. supra.*, (**Petitioner's Exhibit 14a**). This intentional use of unlawful court rules to systematically deny access to an impartial court and civil trial by jury of the evidence of malfeasance and business conspiracy (<http://judicialaccountabilityformalfeasance.blogspot.com/>), confirms that Mr. Rodriguez's right to file this petition to seek to hold the United States accountable and to protect his property rights. The evidence is that in retaliation and to punish Mr. Rodriguez for his *pro hoc vice* litigation the United States has implemented a policy and practice to not hold its employees accountable (see https://www.oyez.org/advocates/isidoro_rodriguez). This is contrary to and in noncompliance with not only the American Declaration, and *Supreme Court of New Hampshire v. Piper*, 470 U.S. 274 (1985) (Rehnquist dissenting).

This record of the United States to permit the failure to comply with the oaths of attorney and judges under both the United States and Virginia Constitutions, underscore that the Committee

⁴⁴ “*Five Pensioners v. Perú*, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 98, para. 136 (Feb. 28, 2003). See also *Durand and Ugarte v. Perú*, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 68, para. 62 (Aug. 16, 2000); *Cantoral-Benavides v. Perú*, Reparations and Costs, Inter-Am. Ct. H.R. (ser. C) No. 88, para. 164 (Dec. 3, 2001).

must accept, hold hearings, and must take necessary steps to stop the United States from continuing to violate Mr. Rodriguez rights in violation of the American Declaration, so to prevent prediction of Thomas Jefferson becoming a reality, that,

"[t]he germ of destruction of [the United States] is in the power of the judiciary, an irresponsible body working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief over the field of jurisdiction, until all shall render powerless the checks of one branch over the other and will become as venal and oppressive as the government from which we separated."

Therefore, because the United States court have misused *stare decisis* and *res judicata* to refuse to hear on the merits the challenges to malfeasance by violation of VA Const./VA Code, and business conspiracy to use the VSBDB *void* and *void ab initio* order, the record confirms that that there has never been determined the "truth or error" of Mr. Rodriguez allegations, much less providing him with any remedy. All three of the elements are required by the Commission to satisfy an Article XVIII right to a remedy, but here: (1) Mr. Rodriguez was systematically denied access to any impartial court or tribunal and civil trial by jury of the evidence of malfeasance and business conspiracy: (2) no court or tribunal has granting the consideration of the case on the merits, and 3) no adequate remedy has been given.⁴⁵

ADMISSIBILITY

I. This Petition is Admissible under the Rules of Procedure of the Inter-American Commission on Human Rights

A. The Commission Has the Jurisdiction and Competence to Consider this Case.

As a member of the Organization of American States (OAS), the United States is bound by the American Declaration and is subject to the jurisdiction of the Commission.⁴⁶ The OAS General

⁴⁵ See *Raquel Martí de Mejía v. Perú*, *supra* note 198.

⁴⁶ Charter of the Organization of American States, Apr. 30, 1948, 2 U.S.T. 2394, 119 U.N.T.S. 48, entered into force Dec. 13, 1951. See also *James Terry Roach and Jay Pinkerton v. United States*, Case 9647, Inter-Am. Comm'n H. R., Report No. 147, OEA/Ser.L/V/II.71, doc. 9, para. 46 (1987).

Assembly and the Commission considers that the American Declaration encompasses human rights referenced in the Charter of the OAS. The Inter-American Commission has repeatedly asserted its competence to receive petitions alleging violation of rights under the American Declaration by OAS member states, including the United States.⁴⁷

Further, Article 20 of the Commission's Statute expressly empowers the Commission to consider allegations of human rights violations by non-parties to the American Convention and to make recommendations to bring about more effective human rights observance.⁴⁸

Article 23 of the Rules of Procedure for the Inter-American Commission on Human Rights (Rules of Procedure) permits persons or groups from OAS states to submit petitions to this Commission alleging violations of human rights enshrined in the American Declaration.⁴⁹ Thus, the Commission possesses competence *ratione personae* to receive this petition by virtue of the United States' membership in OAS.

The Commission also has competence *ratione loci* and *ratione temporis* to consider this petition. This petition alleges that violations of Mr. Rodriguez human rights, civil rights, parental rights property rights, and employment rights within United States from 2002 to the present—well after the United States' ratification of the OAS Charter in 1951. Finally, the Commission has

⁴⁷ See, e.g., *Virgilio Maldonado Mr. Rodriguez v. United States*, Petition 1762-11, Inter-Am. Comm'n H.R., Report No. 63/12, para. 45 (2012); *Djamel Americana v. United States*, Petition P-900-08, Inter-Am. Comm'n H.R., Report No. 17/12, para. 27 (2012); *Coard et al. v. United States*, Case 10.951, Inter-Am. Comm'n H.R., Report No. 109/99, para. 7 (1999); *James Terry Roach and Jay Pinkerton v. United States*, Case 9647, Inter-Am. Comm'n H. R., Report No. 147, OEA/Ser.L/V/II.71, doc. 9, para. 29 (1987).

⁴⁸ Statute of the Inter-American Commission on Human Rights art. 20 (providing that, in respect to those OAS members states that are not parties to the American Convention on Human Rights, the Commission may examine communications submitted to it and any other available information, to address the government of such states for information deemed pertinent, and to make recommendations to such states in order to bring about more effective observances of fundamental human rights). See also Interpretation of the American Declaration of the Rights and Duties of Man Within the Framework of Article 64 of the American Convention on Human Rights, Advisory Opinion OC-10/89, Inter-Am. Ct. H.R. (ser. A) No. 10, para. 34-45 (July 14, 1989).

⁴⁹ Inter-American Commission on Human Rights, Rules of Procedure, approved by the Commission at the 137th session held from Oct. 28 to Nov. 13, 2009, and amended on September 2nd, 2011, art. 23.

competence *ratione materiae* since the petition alleged violations of human, civil, and property rights that are protected by the above cited provisions of the American Declaration.⁵⁰

B. Mr. Rodriguez Has Exhausted All Available, Appropriate, and Effective Domestic Remedies

Article 31(a) of the Rules of Procedure provides that petitions are admissible only if the petitioner has first pursued and exhausted remedies available for the alleged violations of their rights at the domestic level-this the record confirms Mr. Rodriguez has done.⁵¹ But too, Article 31(b), however, provides an explicit exception to this exhaustion requirement where domestic law lacks due process, petitioner's access to remedies has been denied, or unwarranted delays prevent the timely provision of remedies-the record confirms that Mr. Rodriguez also satisfies this requirement.⁵² But, too the Commission has long recognized that to satisfy these requirements a petitioner need not pursue every theoretical possibility for relief at the domestic level but only those "that are available, appropriate and effective for solving the presumed violations of [their] rights."⁵³

⁵⁰ In this context, to protect the human and civil rights of citizens of OAS member states, the Committee has a duty to recall history, that it was the German judges and lawyers from 1933 to 1945 who permitted legal sophistry to assume away the rights of citizens under the Constitution of the Weimar Republic, thereby permitting the legal barbarism and the many forms of legal injustice perpetuated by the Nazi. As written by Professor Michael Bazylar, The Legacy of the Holocaust and Lessons for Today: Research for a New Textbook Holocaust, Genocide, and the Law, 2004, "By the time the gas vans came and the human slaughter factories were built in Auschwitz and the other death camps, the murder of the six million Jews and other persecuted minorities was done completely within the framework of German law."

⁵¹ Inter-American Commission on Human Rights, Rules of Procedure, art. 31(1).

⁵² *Id.* art. 31(b).

⁵³ Elias Gattass Sahih v. Ecuador, Case No. 1/03, Inter-Am. Comm'n H.R., Report No. 9/05, OEA/Ser.L/V/II.124, doc. 5, para. 30 (2005). *See also* Cayara v. Perú, Preliminary Objections, Judgment, Inter-Am. Ct.H.R. (ser. C) No.14, para. 42 (Feb. 3, 1993) (insisting that "[i]t is generally accepted that the procedural system is a means of attaining justice and that the latter cannot be sacrificed for the sake of mere formalities"); Fairén Garbi and Solís-Corrales v. Honduras, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C), No. 6, para. 93 (Mar. 15, 1989). Arley José Escher et al. v. Brazil, Case 12.353, Inter-Am. Comm'n H.R., Report No. 18/06, OEA/Ser.L/V/II.124, doc. 5, para. 28 (2006), (citing Valdés Díaz v. Chile, Case 12.337, Inter-Am. Comm'n H.R., Report No. 57/03, OEA/Ser.L/V/II.118, doc. 70 rev. 2, para. 40 (2003); Naranjo et al. v. Venezuela, Case 667/01, Inter-Am. Comm'n H.R., Report No. 70/04, OEA/Ser.L/V/II.122, doc. 5 rev. 1 at 569, para. 52 (2004).

Thus domestic remedies that do not have a reasonable prospect of success or are incapable of providing redress for the violations alleged need not be exhausted for claims to be admissible.

In particular, “extraordinary remedies” such as a writ of certiorari before the U.S. Supreme Court need not be pursued to satisfy the exhaustion rule.⁵⁴ This is particularly true in this case given that Mr. Rodriguez repeatedly filed *cert.* petitions, but was not only repeatedly denied access to an impartial court but too was unlawfully disbarred by the U.S. Supreme Court, by it participating in acts of malfeasance and business conspiracy in violation of the 5th, 7th, and 14th Amendments to the U.S. Constitution, Article VI §§ 1, 5, 7, of the VA Const., and *Void Ab Initio Order Doctrine*.

In short, given that the rationale of the exhaustion rule is to give the state adequate notice of the violations and an opportunity to provide redress to the victims and survivors in appropriate cases. This has been repeatedly done by Mr. Rodriuez in the United States courts, as well as by the petitions filed with both the General Assembly of Virginia and the United States Congress. Thus, “if the alleged victim endeavored to resolve the matter by making use of a valid, adequate alternative available in the domestic legal system and the State had an opportunity to remedy the issue within its jurisdiction, the purpose of the [exhaustion of domestic remedies rule] is fulfilled.”⁵⁵ Thus, all claims advanced by Mr. Rodriguez in this petition meet these requirements.

C. Mr. Rodriguez has Submitted This Petition within Six Months from the Exhaustion of Available and Effective Domestic Remedies.

Further suits in the courts of the United States would be illusionary, meaningless and futile given the extensive record that from 2002 to 2014, of the United States systematically deny access

⁵⁴ *Christian Domenichetti v. Argentina*, Case 11.819, Inter-Am. Comm’n H.R., Report No. 51/03, OEA/Ser.L/V/II.118, doc. 70 rev. 2 at 117, para. 45 (2003) (“[A]s a general rule the only remedies that need be exhausted are those whose function within the domestic legal system is appropriate for providing protection to remedy an infringement of a given legal right. In principle, these are ordinary rather than extraordinary remedies.”).

⁵⁵ *Naranjo v. Venezuela*, *supra* note 295, para. 52.

to an impartial United States court to consider on the merits Mr. Rodriguez's challenge to the ongoing acts of malfeasance in violations of the 5th, 7th, and 14th Amendments to the U.S. Const., Article VI §§ 1, 5, 7, of the VA Const., and *Void Ab Initio Order Doctrine*, i.e. the order issued by Hon U.S. Dist. Judge (E.D. VA) John A. Gibney, Jr., and the USCA for the 4th Circuit (**Petitioner's Exhibit 13 thru 14e**), enjoined of filing any future suit seeking accountability. Finally, there has been no response to Mr. Rodriguez petitions filed in January and February 2016 (**Petitioner's Exhibit 16, 17a, and 14b**), therefore this petition is filed within six-month limit required by the Commission's rules.⁵⁶

D. No Duplicate Proceedings Are Pending in Other International Tribunals

Mr. Rodriguez confirms that the subject matter of this petition is not pending before another international tribunal, nor has it been previously examined and settled by the Commission or any other tribunal.

CONCLUSION AND PETITION

The petition is filed seeking an investigation, hold a hearing, and issue a report on the merits that will include recommendations to the United States to stop the violation of the Charter and the American Declaration by government attorneys and employees, including judges, acting outside of their authority and jurisdiction in violation of 5th, 7th and 14th Amendments to the United States Constitution and Article VI of VA Const., VA Code, and the *Void Ad Initio Order Doctrine*. The evidence confirms willful violations of the American Declaration by misuse of *stare decisis/res judicata* to affirm and use the VSBDB *void* and *void ab initio order* to disbar Mr. Rodriguez and damage his *pro hoc vice* practice, business, reputation, profession, and employment rights in

⁵⁶ Inter-American Commission on Human Rights, Rules of Procedure art. 32(1).

retaliation for his litigation against United States policies and practices in violation of the limitation and prohibitions of the domestic laws of the United States.

Therefore, Committee must urgently take action to protect Mr. Rodriguez, and bring a halt to the above acts that are in violation of human rights, because “there is no other adequate remedy for obtaining it at law,” due to the systematic denial to of access to an impartial court and trial by jury of the evidence of malfeasance and business conspiracy. The facts stated herein establish that the United States violated Mr. Rodriguez’s rights under above cited provisions of the American Declaration. Thus, Petitioner Mr. Rodriguez respectfully requests that the Inter-American Commission on Human Rights:

1. Declare this Petition admissible;
2. Investigate and conduct a hearing, with witnesses as necessary, of the facts evidence and alleged in this Petition establishing violation of human rights;
3. Issue a report on the merits that will include recommendations to address the United States responsible for violating Mr. Rodriguez rights under the OAS Charter and American Declaration of the Rights and Duties of Man, including, inter alia, Article 2 of the Charter confirming the “fundamental rights of the individual; and the American Declaration: Article V; Article XIV; Article XVII; Article XVIII; Article XXIII; Article XXIV; and, Article XXVI.
4. Make recommendations to bring immediately observance by the United States of Mr. Rodriguez’s right to access to an impartial court and civil trial by jury of the evidence of malfeasance and business conspiracy in violation of the 5th, 7th, and 14th Amendments to the U.S. Const., Article VI §§ 1, 5, 7, of the VA Const., and *Void Ab Initio Order Doctrine*.

5. Make recommendation that Mr. Rodriguez be immediately reinstated as a member of the various United States courts he was disbarred from based on VSBDB *void* and *void ab initio order* and make reparation for the harm caused.

Dated: May 15, 2016

Respectfully Submitted,



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