IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

Enrique Vázquez-Quintana, MD
Plaintiff, Pro-Se Litigant
v
Hon. Liana Fiol Matta
Hon. Anabelle Rodríguez Rodríguez
Hon Maite D. Oronoz Rodríguez
Hon. Erick V. Kolthoff Caraballo
Hon. Roberto Feliberti Cintrón
Hon. José Alberto Morales Rodríguez
Hon. Gloria M. Soto Burgos
Defendants

COMPLAINT AGAINST SEVEN JUDGES OF THE JUDICIARY SYSTEM OF PUERTO RICO

I. Partiality in the application of the law, discrimination, violation of my civil rights under Section 1983 of the Civil Rights Act, (28 USC Section 1983) violation of Article 1802 and an unjustified and excessive punishment violating Article 8 of the US Constitution.

II. The defendants are:

Hon. Judge Liana Fiol Matta
Hon. Judge Anabelle Rodríguez Rodríguez
Hon. Judge Maite D. Oronoz Rodríguez
Hon. Judge Eerick V. Kolhtoff Caraballo
Hon. Judge Roberto Feliberti Cintrón
Hon. José Alberto Morales Rodríguez
Hon. Gloria M. Soto Burgos

The address of the ex-president of the Supreme Court Hon. Liana Fiol Matta is: Urb. San Ignacio, 10 San Roberto St., San Juan, P. R. 00927. The address of the remaining four judges of the Supreme Court is: 8 Ponce de León Ave., San Juan, Puerto Rico 00901.

The address of the sixth judge who presided the panel of three judges from the Appellate Court, Hon. José Alberto Morales Rodríguez is: Carr. 123, Km 15.7, Corral Viejo, Esq. Jesús T. Piñero, Ponce, PR 00730

The last address of the seventh judge, Hon. Gloria M. Soto Burgos is: at Tribunal de San Juan, Hato Rey, PR or PO Box 40440, Minillas Station, San Juan, PR 00940

III. The allegation against all the defendants is that in a malpractice suit case they sentenced that low calcium (hypocalcemia) that resulted from a thyroid and parathyroid operation was the cause of a dementia in a 53-year-old patient. Hypocalcemia is an inherent complication of this type of operation-- it happens in 3% to 5% of the cases. I never denied or discarded that hypocalcemia resulted from the operation that I performed on this patient. However, to conclude as the judges did that the hypocalcemia caused a dementia in the patient is a fantastic leap in the dark or a leap of faith. The Superior Court judge merely considered the opinion of a non-expert in Neurology, the American witness Dr. Stephen A. Falk. The witness based his testimony on the information he gathered at a meeting held in the lobby of a hotel with the patient and the plaintiff lawyer as interpreter, without any knowledge of the calcium levels in the blood and without having reviewed the medical records of the patient. He presented no scientific evidence to sustain his testimony, simply because there is no such evidence in the medical literature. He violated the Daubert requirement motion of the anglosaxon legal system and Rule 702 of our Napoleonic legal system. He also violated the Requirements for an Expert Surgical Witness of the American College of Surgeons of which he is a member.

In her sentence, the Hon. Judge Gloria M. Soto Burgos did not even mention the testimony of my expert medical witness, Dr. Carlos Isales. Judge Soto Burgos was biased and discriminated in the selection of the testimony of the American witness and discarding the testimony of my medical witness who testified about what is the scientific truth. This is evidence of intentional harm caused against me in this case.

The sentence reached by the Supreme Court is absurd, not verifiable by available scientific data. The Courts are not supposed to make absurd decisions that cannot be corroborated.

The Superior Court dismissed the expert testimony of my witness, Dr. Carlos Isales, an endocrinologist who trained in Yale University and is an expert in hypocalcemia and who stated that there is no causal relationship between hypocalcemia and any of the dementias that affect humans. He testified that an acute drop in calcium can produce disorientation or a "temporary loss of memory", and that after correcting the calcium levels with the administration of calcium and Vitamin D, none of the patients go on to develop dementia. In fact, the American Surgeon General recommends that all females over 50 years of age should receive calcium and vitamin D to prevent osteoporosis. The three courts - Superior, Appellate and Supreme - converted a scientific lie into a judicial truth via a crass judicial error. None of them behaved as prudent and reasonable human beings would.

A crass judicial error is defined as "a decision based on total ignorance, a grave mistake that has no exculpation and at times would need monetary compensation for the damage done to the affected person." A crass judicial error is equivalent to prevarication utilized in the Judicial Code of Spain and other Latin American countries. It is a mistake punishable with fines, the separation of the position of judge and even incarceration.

The sentence made by the Supreme Court is biased and based on discrimination and partiality against me. Their decision is contrary to all scientific knowledge, since no one knows the causes of the dementias. The sentence emitted by the Supreme Court against me is another evidence of the intention to cause me damage. I am the surgeon who has performed the highest number of thyroid and parathyroid operations in Puerto Rico and none of my cases have resulted in a dementia. The courts have created an unnecessary judicial controversy with the academic world.

The world literature about hypocalcemia and dementias was reviewed by three professors--Dr. María Collazo, librarian at the Library of the Medical School of the University of Puerto Rico; Dr. Heriberto Acosta, neurologist, and Dr. William Méndez Latalladi, Program Director of the Surgical Residency Program at the Department of Surgery of the UPR School of Medicine. None of the three searches yielded a relationship between hypocalcemia and the dementias that affect humans.

The patient showed symptoms of Alzheimer's disease four years after the operation. Scientific studies confirm that Alzheimer's disease has been present in these patients from 5 to 30 years before the first symptoms are detected by the relatives. Accordingly, the patient in this case had Alzheimer's at the time of surgery. The American Alzheimer Research Foundation states that there is no causal relationship between hypocalcemia and the dementias that affect humans. The courts in Puerto Rico, particularly the Supreme Court, cannot pretend to know more than the scientists, physicians and the neurologists who are the true experts on this disease.

In Pueblo v Luciano Arroyo (83 D.P.R. 573 1961) former judge Raúl Serrano Geyls stated: "It is our reiterated norm to respect and accept the appreciation that the lower or instance judges make of the proof presented to them. We have only altered those judgments in cases of obvious error in fulfilling such function, when a thorough exam of all the proof convinces us that the judge unjustifiably discarded important probatory elements or based his criteria only on low value testimonies or inherently improbable or incredible. (Pueblo v Aponte. 77D.P.R., 917, 918, 1955) (Pueblo v Amadeo, 82 D.P.R. 102, 122, 122 1961). That is precisely what the Instance Judge Hon. Gloria M. Soto Burgos and subsequently the Apellate Court and the Supreme Court did when they ratified the testimony of Dr. Stephen A. Falk who testified falsely that low calcium causes loss of memory. The three courts discarded the testimony of my witness, the endocrinologist Dr. Carlos Isales, who truthfully testified that low calcium can cause a disorientation or "temporary loss of memory", but that those symptoms disappear by giving calcium and vitamin D and none of these patients go on to develop dementias, much less Alzheimer's disease. The three courts accepted a scientific lie and converted it into a judicial truth. The statement made by Former Judge Raúl Serrano Geyls can be perfectly applied to the present case: "Judges are not expected to innocently believe what a regular bystander citizen would not believe. It is as simple as that." Judges are educated professionals and should have at least some basic medical knowledge; if not, they are obligated to find it in order to reach the truth. This is the third instance of intentional damage toward me starting with the Lower Court.

The genetic factor is very important in Alzheimer's disease. The Supreme Court has nine judges. By simple statistical knowledge, one in five families has a relative with Alzheimer's and, therefore, statistically one or two of the judges has had or

presently has a relative with the disease. I know that this was the case in the Supreme Court. The judge with a relative affected by the disease would be more knowledgeable than the others and in a collegial forum it behooves her morally, ethically and legally to educate the other judges. I know that at least one of the judges had a relative who died from Alzheimer's disease. The Hon. Liana Fiol Matta, President of the Supreme Court, is married to Dr. Hamid Galib, National Poet and President of the Ateneo of Puerto Rico. She has a consultant at home. She could have asked him if low calcium causes dementias. His answer would have been that there is no such association. Those two votes against me are the most extreme evidence that their decision was made with the intent to harm me. Surprisingly, both judges and three others voted against me in a Sentence, not an Opinion. What could be the explanation for such bizarre behavior, other than to chastise and punish me because I prevailed in a lawsuit against a lawyer who presented a frivolous case against me? That lawyer hid exculpatory evidence in my favor and lied to the judge on three occasions. The Sentence of the Supreme Court in the patient with low calcium was tailored specifically for me-- I was framed in the case; again, intentional harm was done to me as defendant.

During the trial, Judge Gloria M. Soto Burgos also practiced medicine on at least two occasions. After she reviewed her notes, she returned to the bench and certified for the record that the patient was oriented in time and space. This comment is impertinent, impudent in trying to favor the plaintiff in the case. This is another evidence of prejudice with the intention of causing me harm. Her final decision was that the hypocalcemia was responsible for the dementia in this patient. This reveals a severe mental confusion and contradiction in the thinking of this judge. During the trial, in another occasion, she interpreted a physician's note and concluded that the patient was not suffering from Alzheimer's disease. The note dated February 7, 2005, reads: "the patient has symptoms of dementia and the calcium and phosphorus levels were adequate." The medical knowledge of Judge Gloria M. Soto Burgos is impressive. Additionally, when I instructed my lawyer not to interrogate the patient, the patient's lawyer jumped from her seat and said: "Dr. Vázquez Quintana knows nothing about Alzheimer's disease, he is not a neurologist" and the other lawyer confirmed "nor a psychiatrist", and added: "I have known this patient for over ten years and she remains the same as when I met her". She conveniently accepted the testimony of an otolaryngologist who is not an expert in Alzheimer's disease but has dubious knowledge about the disease. In yet another instance, the plaintiff lawyer asked me if I was losing my

mind. This line of questioning is improper, offensive and violates several rules of the Code of Ethics of Lawyers on how to interrogate a defendant in court. Among all those present in the courtroom, I was the one with more knowledge about Alzheimer's. My wife suffered the disease for eleven (11) years and I wrote a book entitled **Who Are You?** about how the affected family should deal with the patient and her or his relatives. We have just finished filming a movie of the same title. It seems that in this case there were more judges and lawyers practicing medicine without license than judges searching for the truth to correctly adjudicate justice.

Judge Gloria M. Soto Burgos applied an excessive use of her power, reaching a mistaken decision and discriminating not only against me as defendant, but against all society that is affected by her decision. From there on, the Appellate Court, in a document plagued by errors, such that at least in three occasions confused hypocalcemia for hypercalcemia and changed the name of the patient (Isabel Montañez Ortiz for Isabel Montañez Quintana) - producing a hybrid or chimera between the last name of the patient and mine, and perpetuating the original mistake arising from the Lower Court. The panel of judges from the Appellate Court were careless and non-vigilant when they signed their decision. Their decision is not an error, but an aberrant oversight.

The judicial responsibility is to establish the truth in any dispute. A well-known Spanish author stated that "more interesting to the reader of newspapers than a crime is a judicial error. The rehabilitation of an innocent consumes all sensibilities."

In Puerto Rico, Rule 43.2, as well as Colón v Lotería de Puerto Rico (167D.P.R.625, 2006), clearly states that a mistake made at a lower court does not exclude the ministerial function of the Appellate Court to review the case and evaluate the expert evidence and documents presented in the lower court. The Appellate Court is free to adopt their own criteria to analyze the arguments so that it is comparable to the Lower Court evaluation. Both the Appellate and Supreme Court are empowered to conduct Oral Hearings to listen to arguments from both sides or citing experts to orient and educate them about matters they do not know. Very rarely these courts conduct such oral hearings.

A crass judicial error is equivalent to a failure of justice and leaves the affected part without an acceptable alternative.

The Supreme Court added several errors of their own, such as stating that the patient resulted with a dementia that is not Alzheimer's. How can the Supreme Court have such finesse in a diagnosis that is complex even for the medical experts? It implies that they are knowledgeable about all different types of dementias. Again, the five judges from the Supreme Court who determined the sentence were practicing medicine.

During my testimony, the plaintiff lawyer asked me if I had presented a lawsuit against a lawyer. My lawyer did not object so my answer was in the affirmative. I stated: Not only did I present a lawsuit against a lawyer, but I prevailed and submitted a Claim to the Ethics Committee of the Supreme Court. The lawyer was separated Per Curiam for an indefinite period. This question, totally unrelated to the trial, had the effect of antagonizing the judge against me, and in that respect the plaintiff lawyer was successful. From there on, the Honorable Judge Gloria M. Soto Burgos comments and decision were with the intention of harming me.

It is widely known that Congress and President Obama assigned millions of dollars in the year 2010 to study the cause of Alzheimer's disease and produce effective medication for its treatment; the year 2025 is the target date for this accomplishment. In 2013 Congress again assigned additional millions to design a brain map to study Parkinson's disease, Alzheimer's disease, amyotrophic lateral sclerosis (Lou Gehrig disease), multiple sclerosis, autism and epilepsy. The cause of all these six diseases of the brain is yet unknown and, consequently, existing treatments are ineffective. It appears that the judges are again practicing medicine without a license as they did in the 1980s when they decided that all patients undergoing surgery must be treated with antibiotics. This decision was eventually revoked by the Hon. Judge Antonio Negrón García in a later case where the judge concluded that the previous dictum is revoked since physicians are the only ones who must determine when to use antibiotics.

But the present case will never replicate itself. It will not happen again since the Supreme Court Sentence is biased and against all scientific knowledge and made specifically to affect me.

In Supreme Court case CC-2012-0982, the Supreme Court of Puerto Rico violated my civil rights by denying me equal protection under the law by discriminating and refusing to evaluate my expert medical witness testimony. The Supreme Court decision was a sentence, not an opinion. Why they made a sentence and not an opinion? Sentences are not published in Lex Juris, and they do not establish jurisprudence. The courts opt for sentences when they are uncertain of their knowledge in the matter being questioned or, it can be inferred, when they decide to punish the defendant in the previous lawsuit. Lawyers do not easily accept that they are fallible and can be subjected to lawsuits in cases of legal malpractice. No one is above the law, not even judges. By making a sentence leaving me without the opportunity for appeal is another evidence of their intent to harm me.

The operation on this patient was performed on June 26, 2000; she developed hypocalcemia. She and her husband filed a lawsuit against me in 2001 because of the hypocalcemia; curiously, six siblings were not included in the lawsuit. Did they perhaps know better and understood that the operation had nothing to do with the dementia affecting their mother? Ten years passed for the case to reach the Superior Court in 2011; six judges intervened in the case without taking a definite action. This is an obvious evidence of our island's inefficient judicial system.

During the trial, we were surprised by the testimony of her husband that the patient was suffering Alzheimer's disease. The lawsuit was not amended but Judge Gloria M. Soto Burgos accepted to hear the case without amending the suit, from hypocalcemia to dementia, again a giant step against me, evidence of prejudice and of use of excessive power. The discovery of evidence was at fault. The defendant lawyers hid evidence that demonstrated that the patient was suffering from Alzheimer's disease and stated that she was being treated at the CDT of Levittown (Diagnostic and Treatment Center). This was incorrect; she was treated at the Centro de Servicios Médicos de Levittown, a private center and was receiving Aricept and Namenda, medications prescribed exclusively for Alzheimer's disease. We did not know she was suffering from Alzheimer's disease. That was why we did not include a neurologist as part of our defense. The case ended on December 18, 2015, a total of 15 years since it was filed.

Following the suggestion of a prestigious lawyer, I asked Dr. Heriberto Acosta, prominent neurologist and the maximum authority in Puerto Rico on Alzheimer's disease, to evaluate the Supreme Court decision pointing out the medical mistakes. The resulting document titled: "In the Aid of the Supreme Court", was delivered to each of the Supreme Court judges with eleven medical references and letters from two (2) neurologists, two (2) psychiatrists, two (2) surgeons and one (1) endocrinologist, all of whom stated that there was no causal association between low calcium and the dementias. The Supreme Court judges ignored the document and proceeded to dictate their sentence.

Judges have absolute autonomy and independence when dealing with and making decisions that affect the executive and legislative branches, since judges are not elected by direct vote. Judges are nominated by the executive with the consent of the Senate. This prevents the executive and legislative branches from meddling with judicial decisions when a suit is filed against the government or any of its agencies. The three branches of government serve to block the president or the governor from becoming a dictator. Judicial autonomy is vital to guarantee the liberty of a state. However, if judges are allowed total immunity in dealing with the common citizen who appears before their courts expecting justice, potentially we might end up with a judicial dictatorship as detrimental as any other form of dictatorship.

Most recently, with the decision by the Supreme Court of the United States in Sánchez Valle v People of Puerto Rico and the Puerto Rico Oversight, Management and Economic Stability Act (PROMESA) imposed by Congress and President Obama, it is evident that Puerto Rico is a colony and therefore the Federal Government has absolute control over the island. In addition, it is the federal government that is fighting against corruption in local government, including in the judicial system.

In the past, when I was President of the Civil Action Party, we took the State Electoral Commission to the local courts requesting to eliminate the requirement of an affidavit signed by a notary-lawyer for the endorsements to register a new political party. The local courts up to the Supreme Court denied the petition. We later presented our petition to the U.S. District Court in San Juan and it was granted; the Commission appealed. The case went to Boston and eventually to the Supreme Court—both decided in our favor. Clearly, this case set a precedent

where the U.S. District Court overruled a decision of the local state courts. Therefore, the Federal Court can intervene in matters solved by the local courts, particularly if courts are utilizing unscientific data and, by way of a wrong decision, are punishing a citizen/physician who has committed no injury on his patient. The only adverse effect, if any, was that the patient in this case must take calcium and vitamin D daily, like any other female over 50 years of age. And, again, hypocalcemia is an inherent complication of the type of surgery done on this patient.

By submitting a SENTENCE, the Supreme Court is punishing me for having the courage to file a lawsuit against a lawyer and, worst of all, for winning the case. Judges should respond for their actions outside of their jurisdiction, most particularly when they make decisions based on animosity, hostility, bitterness and violating civil rights. The sentence of the Supreme Court of Puerto Rico is absurd and excessive, in violation of Article 8 of the United States Constitution.

The Supreme Court also violates Article 1802 of the judiciary system of Puerto Rico that states that whoever causes harm is responsible to restitute the damage done and that decision was precisely taken by our Supreme Court in the case Bonilla v Chardón, 18 P.R. Offic. Trans. 696, 709, 118 P.R. Dec. 599 (1987) and Ríos v Municipality of Guaynabo, 938 F. Supp. 2 235, 260 D.P.R. 2013, where it is stated
"that the Supreme Court has held time and again that the scope of negligence under Article 1802 of the Puerto Rico Civil Code is broad—as broad as the behavior of human beings…including any fault that causes harm or injury".

On June 11, 2015, when I received the Sentence from the Supreme Court of Puerto Rico, I wept for the first time since the death of my parents and wife. I went to see a psychiatrist who diagnosed me with depression, started me on anti-depressants and sleep medications. Together with my wife and kids, they disarmed me of a pistol I kept at home. We then entered two Motions of Reconsideration and the process ended on December 18, 2015. On January 19, 2016, I wrote a pathetic letter to Judge Liana Fiol Matta implying that I might commit suicide soon, before her retirement on January 31, 2016. They took no preventive action. That day, I again broke down and I was swiftly admitted to First Hospital Panamericano in Cidra, Puerto Rico, from January 19 to January 26, 2016. The diagnosis upon discharge was Severe Major Depression, Legal

Problems as well as my pre-existing conditions: Diabetes mellitus, hypertension, Benign Prostatic Hypertrophy, Hypothyroidism, Sleep Apnea, Pancytopenia and Myelodysplasia. Two antidepressants and sleep medications were prescribed. Close family supervision and a strict control of the medications was recommended. To this date, I am still under psychiatric treatment.

The Supreme Court decision has also caused me severe economic and mental problems.

In January 12, 2016, I wrote to Sq. Margarita Mercado Echegaray, Attorney General of Puerto Rico, complaining about the behavior of the judges in this case. She did not answer my letter. On the same date, I also wrote to Judge Isabel Llompart Zeno, Director of OAT (Oficina de Administración de los Tribunales) again complaining about the conduct of the judges. Although I knew that her office responds to the Supreme Court, nevertheless I made a try. Her answer was that her office cannot evaluate or judge the Supreme Court judges. I responded that she can take action against Lower Court and Appellate Court judges and even refer them to the Special Judiciary Committee of three judges designated by the Hon. President of the Supreme Court, Liana Fiol Matta. To that last letter, I received no answer.

About the Immunity of the judges:
The U.S. Supreme Court in Randall v Brigham & Wall 523, 1869 offered its initial allegation in favor of an absolute judicial immunity doctrine. In the US the judicial immunity also rests upon Bradley v Fisher, 80 U.S. Wall, 335.35,20 L. Ed. 646, 1872 and Pierson v Ray 386 U.S. 547, 554, 1967. In both Bradley and Pierson any errors committed by the judges involved were open to correction on appeal. (435 U.S. 349,371). In Stump v Sparkman (1978), the Supreme Court startingly expanded the doctrine of judicial immunity. It is curious and unjustifiable for Stump v Sparkman to be used as a pivotal case to defend the allegation of judicial immunity for judges.
The Supreme Court vote for Judge Stump was 5 to 3. The case and its controversial ruling have been the subject of legal scrutiny and debates in many forums, including the arts. The Supreme Court operates on the belief that when mistakes are committed the adequate remedy is appeal. If appeal is the method for challenging a mistaken decision, the court cannot extend immunity to a judge whose ruling is unappealable. The immunity doctrine, instead of guaranteeing

that judges confer justice impartially and without fear, is responsible for malice, corruption and the capricious administration of justice. Judges cannot enjoy a privilege that places them above those citizens who are unfortunate enough to enter a prejudiced, corrupt and irresponsible court.

The Stump v Sparkman was decided by a 5 to 3 vote in favor of Judge Stump. The dissident judges including Justice Stewart stated that for a court--or a judge--to have immunity, three conditions must be met: notification, the right to be heard and a method of appeal. Of the three, the opportunity to appeal is foremost among them. The chance to appeal is the most important because it provides a mean of curing defects in any due process violation. If a judge intentionally or intuitively considers that the accused might appeal and acts to obstruct this right, that judge or court will not be protected by immunity. By making a sentence in my case the judges obstructed my right to appeal. They left me impotent and incapacitated to appeal to a higher court to redress the damage produced by the court. For that reason the judicial defendants in my case cannot claim judicial immunity.

On the other hand, the judges of the judiciary system of Puerto Rico do not have absolute immunity, the immnunity is conditioned or partial. In the United States supposedly the judges claim to have absolute immunity. But after Pulliam v Allen (466 US 522, 1984) total immunity came into question. Belén A. Barbosa, Esq. in an interpretation of this case in a lecture before the Judicial Conference delivered in December 20, 1985 stated that the judicial immunity received a terrible blow and the Civil Rights Act, Section 1983 provides for actions against state judges in the federal court.

Following the Pulliam v Allen case, (466 US 522 (1984) where judicial immunity received a strong blow, total immunity of the judges has come into question. Civil Rights Act section 1983 provides for actions against state judges in the federal courts. Following Pulliam v Allen in 1984, the US Supreme Court took up Forrester v White (44 U.S. 219, 108 S. Ct. 538 1988). Judicial immunity was not given to Judge White, the court refused to apply even quasi-judicial immunity. Forrester like Pulliam make it clear that absolute judicial immunity is dead in American jurisprudence. Similarly, in Puerto Rico Feliciano Rosado v Matos Jr. refused to accept absolute judicial immunity. If errors are committed, the proper remedy is appeal (Pulliam v Allen) If appeal indeed is the proper method to

challenge, the judiciary cannot justify granting immunity to judges who have prevented an appeal from occurring.

In Puerto Rico judges have no absolute immunity-- their immunity is conditioned or partial. In Feliciano Rosado v Matos Jr. (110 DPR 550, 1981) it was decided that the Supreme Court of Puerto Rico refused to incorporate in our judicial system the doctrine of absolute judicial immunity, but recognized, as a norm of exception under Article 1802 of the Civil Code, the civil responsibility of judges for their malicious or corrupt actions while delivering their judicial function. In that case the Hon. Judge Antonio Negrón García stated his well known quotation among lawyers: "In our society nobody, much less the judges, are above the empire of the law".

Comity:
Comity is defined as the practice among political entities (as nations, states, or courts of different jurisdictions), involving especially mutual recognition of legislative, executive and judicial acts. (Black's Law Dictionary 687 (9th ed. 2009) Comity between local and federal courts is not a frivolous or inconsequent concept. Comity is neither a matter of absolute obligation, on the one hand, nor a mere courtesy and good will, upon the other. The mutual respect between state and federal courts affords the participants a timely resolution of matters and a sense of finality. Comity cannot be applied to the present case since the local judiciary judges are the defendants.

The Rooker-Feldman doctrine cannot be applied to this case since the plaintiff is not asking the Federal Court to reverse the judgment of the Puerto Rico Supreme Court; although they can revoke the Supreme Court of Puerto Rico. The plaintiff is asking that the Supreme Court itself enters into a judiciary review process of its decision and revokes itself of that absurd, unscientific and irrational sentence; that affects the honor, prestige and credibility of the highest court of our territory.

Precedent for reconsideration and revocation of a sentence:

At the peak of the Vietnam War in 1969, a group of UPR students refused to register for compulsory selective service and vehemently objected the presence of the ROTC inside the state university campus. A student by the name of Edwin

Feliciano Grafals was accused of refusing to register in his hometown. He was taken before Federal Judge Hiram R. Cancio Vilella (deceased) and was handed a one-year jail sentence. When the hearing was over, Judge Cancio called for the student to approach the bench with one of his lawyers and the prosecutor and directly addressed Feliciano in Spanish (hence off the record) with words to this effect: "Judges frequently are saddened for sentencing a human being, even when the accused is a hardened criminal. Your case is more painful than any other that has appeared before me because I believe that you are not a criminal, but rather a person who, based on his ideas or ideals, has chosen to violate a law which he believes is unfair, invalid and unconstitutional. I know that you love Puerto Rico. I love Puerto Rico as much as you. Our only difference is that we disagree on what is best for our country. I would have liked for you to allow me the opportunity to avoid this sentence by accepting probation. I think I understand why you did not voluntarily accept any condition, and I am sorry for not having spared you from the sentence I have given you. Good luck."

Feliciano's lawyers proceeded to file a Motion to Appeal at The United States **Court of Appeals** for the **First Circuit** in Boston. Judge Cancio requested authorization for him to reconsider motu proprio his sentence in the case. On April 15, 1970, federal prosecutor Blas C. Herrero petitioned the Boston court to return Feliciano Grafal's case file of appeal to the U.S. District Court for Puerto Rico. Judge Cancio then annulled the sentence and closed the case. The final sentence would be an hour in jail.

If a federal district court judge was courageous enough to revoke himself for a decision handed down through no fault of his own, in this case now before you a similar action from the Puerto Rico Supreme Court would be more than honorable. This court erroneously placed the blame for a patient's non-surgically related prospective illness on the shoulders of a physician who followed exactly what the best practice of medicine required of him. The court's sentence was neither mandated by law nor informed by scientific evidence. In the eyes of the country, a revocation of this sentence would serve to boost the respect and esteem traditionally held for our highest court.

On the humanistic aspect:

I am a veteran of the US Armed Forces. I served for two years with dignity, honor and valor in the US Army from 1968 to 1970. I was stationed in Fort Polk, Louisiana and the Republic of Vietnam. Presently, I am being treated at the VA Hospital in San Juan for four diseases acquired as the result of Agent Orange exposure while I was defending the Constitution and democracy of the US in the Republic of Vietnam.
I am 81 years old; I retired from practice at age 75. As the result of the absurd sentence of the Supreme Court, I am still carrying four lawsuits as collaterals to the wrong sentence of the highest court of Puerto Rico. The sentence of the Supreme Court is wrong, scientifically incorrect since nobody knows the causes of the dementias that affect us humans.

I had a coronary bypass surgery on March 2, 2018. I would not like to die with the unbearable burden over my conscience that I caused a dementia to one of my patients-- insolite!! I deserve my day in court. I have been unable to find a lawyer to represent me for they are afraid of reprisals from the local judges in future cases.
At the end, when everything is said and the entire history is concluded, I might have to say as Cool Hand Luke said in a movie to the warden in the last minutes before execution: "What we have got here is a failure of communication". This, because what the Supreme Court of Puerto Rico did to me was an execution, not physically but morally, emotionally and economically.

As Socrates, the Greek philosopher, said: "When you are the object of a perverse, contentious or vile action, your reaction has to be more aggressive, energetic, forceful, competitive and convincing, if you are to prevail over your opponent". Precisely, that is what I have been forced to do.

The sentence of the Supreme Court of Puerto Rico against me belongs in some legal hall of shame. When the law fails, we all lose.

The Federal Court has jurisdiction over the colonial government including the courts and as such they have the power to intervene by accepting the present claim.

IV. The relief I am seeking is: 1. Compensation from each defendant in the amount of $100,000.00 for economic loss, mental anguish, suffering and

depression that led to my admission at a psychiatric hospital. 2. Restoration of my prestige and credibility among my colleagues and patients, and 3. That the Supreme Court enter into a judicial review of their decision and rescind that absurd decision that constitutes a terrible stain in the jurisprudence of Puerto Rico that induces the loss of credibility and prestige of the highest court of the territory of Puerto Rico.

V. Jury Trial

Note:
The original complaint was submitted on December 13, 2016. In view of the fact that I could not find a lawyer to represent me a Motion of Dismissal without prejudice was presented on January 30, 2017. This was followed by two yearly letters to interrupt the prescription date. Copy of those letters were delivered to this court.

Respectfully submitted,

Enrique Vázquez Quintana MD, FACS
[redacted]

May 23, 2019