

1 Manuel P. Asensio  
2 641 Lexington Avenue, Suite 1533  
3 New York, NY 10022  
4 (212) 702-8801 Cell (917) 515-5200  
5 mpa@asensio.com  
6

7 VIA JCD\_PetitionforReview@ao.uscourts.gov & Federal Express

8  
9 March 5, 2019

10  
11 John G. Roberts, Jr.  
12 Chief Justice of the United States and  
13 Presiding Justice of the Judicial Conference of the United States  
14 1 First Street, NE  
15 Washington, DC 20543  
16

17 28 U.S.C. §§ 351–364 Complaint against the Chief Judge of the United States Court  
18 of Appeals for the Second Circuit Hon. Robert A. Katzmann’s<sup>1</sup> misconduct  
19 pertaining to his use of the Judicial Conference’s domestic relations exception to  
20 federal subject matter jurisdiction (the “DRE”) and Judge Katzmann’s  
21 unauthorized disposal of the undersigned’s complaints against him and US District  
22 Court for the Southern District of New York Hon. Ronnie Abrams; and against  
23 Judge Katzmann’s collusion with the Chief Judge of New York State; and Petition  
24 to assume jurisdiction over the Judicial Council for the Second Circuit’s  
25 amenability to resolve the undersigned’s complaints and a civil rights action against  
26 the Second Circuit’s use the DRE, and Emergency Motion for interim relief.  
27

28 Dear Hon. Chief Justice Roberts:

29  
30 1. This matter concerns the Hon. Justice’s failure to give notice to US citizens, the President  
31 and Congress of his advocacy, approval, consent, and authorization for the use, in the US Courts,  
32 of a domestic relations exception to federal subject matter jurisdiction (the “DRE”). The Hon.  
33 Chief Justice has not given notice to US citizens, the President or Congress of the DRE or the  
34 Judicial Conference’s rule making under the DRE. Thus, the DRE and its rulemaking are  
35 unauthorized acts taken without notice to avoid the US Constitution’s legislation, regulation and  
36 oversight requirements. The DRE’s existence demonstrates that the federal judges are deliberately  
37 and maliciously abusing their exclusive control of the administration of 28 U.S.C. §§ 351–364.  
38 The evidence showing New York federal judges using their political power with the New York  
39 *Daily News* to defend themselves against the undersigned’s civil rights action and then

---

<sup>1</sup> Judge Katzmann is a member of the US Judicial Conference. The Hon. Chief Justice appointed Justice Katzmann to the US Judicial Conference Committee on the judicial branch, where he serves as chair. Justice Katzmann is also a member of the Executive Committee of the US Judicial Conference and chair of the Supreme Court Fellows Commission.

RECEIVED  
2019 APR 12 PM 12:21  
CLERK'S OFFICE  
U.S. COURT OF APPEALS  
COUNTY 1

John G. Roberts, Jr.  
Chief Justice of the United States and  
Presiding Justice of the Judicial Conference of the United States

1 mismanaging two 28 U.S.C. §§ 351–364 complaints should alarm the Hon. Chief Judge. [See  
2 Paragraph 50 through 59.]  
3

4 2. As demonstrated herein, the DRE is not an exception to jurisdiction at all. The DRE is a  
5 flimflam. It is a scheme by the federal judges to allow states to invade Americans’ privacy for the  
6 deliberate evil purpose of disturbing, disrupting, agitating and aggravating their peaceful, civil co-  
7 existence as equal Americans under the US Constitution. There is nothing in the US Constitution  
8 or law that gives the Hon. Justice, the Judicial Conference or the federal judges the authority to  
9 have fabricated the DRE. Nor do the federal judges have the right to fabricate understandings with  
10 state judges and lawyers to use the DRE as if it were authentic or legitimate. Nor to the federal  
11 judges have authority to cause conflicts and confrontations among Americans by placing any  
12 American above another American in US Courts, or above the law, because of their sex, creed,  
13 race, color, sexual orientation or politics. Judge Katzmann and Abrams’ scheme with the *Daily*  
14 *News*’ reveals their irreversible political prejudices against the undersigned’s federal civil rights  
15 case titled *Asensio et al. v. DiFiore et al.*<sup>2</sup> (hereinafter “*Asensio v. DiFiore*”).  
16

17 3. The DRE is a policy that is diametrically opposed to the most basic and widely held beliefs  
18 Americans hold about freedom and liberty. In fact, as demonstrated below, the DRE violates the  
19 Judicial Conference’s published definitions of US justice and just administration of law. [See  
20 paragraphs 39 through 44 and 10 subparagraph v.] The DRE is a grotesque violation of justice  
21 and Americans’ most precious and essential US civil rights.  
22

23 4. The DRE constitutes a conflict of interest between the federal judiciary and. This conflict  
24 can only be resolved by the Hon. Chief Justice. However, the Hon. Chief Justice has a conflict.  
25 The basic fact is that the DRE is being used in New York State to sanction corruption by the state  
26 chief judge, the state attorney and the state governor. The Hon. Chief Justice is faced with a  
27 complaint against the federal judges that are protecting this corruption. The Hon. Chief Judge’s  
28 conflict is that he authorized the DRE and did so without notice to the President or Congress.  
29

### 30 *Introduction*

31  
32 5. This 28 U.S.C. §§ 351–364 complaint concerns the Hon. Chief Justice’s sanctioning of  
33 Judges Katzmann and Abrams to engage in deliberate and malicious conduct while operating under  
34 the DRE’s authority. The complaint concerns Judges Katzmann and Abrams’ deliberate  
35 misconduct against the undersigned and his daughter. It concerns their use of the DRE to avoid

---

<sup>2</sup> Exhibits 1 and 2 are a press release announcing the filing of the federal complaint titled *Asensio v. DiFiore* and a copy of its cover page. The Defendants in *Asensio v. DiFiore* are Janet Marie DiFiore, chief judge of New York State; Barbara Underwood, former attorney general of New York State; Andrew M. Cuomo, governor of New York State; Adetokunbo O. Fasanya, New York County Family Court magistrate; and Emilie Marie Bosak, the undersigned’s former spouse and custodial parent. US Judge Ronnie Abrams presently presides over this matter.

John G. Roberts, Jr.  
Chief Justice of the United States and  
Presiding Justice of the Judicial Conference of the United States

1 hearing motions and to collude with New York State Chief Judge Janet Marie DiFiore to plant a  
2 story in the New York *Daily News* that portrayed *Asensio v. DiFiore* in a negative light. It concerns  
3 Judge Katzmman and Abrams' misconduct aimed at dismissing the *Asensio v. DiFiore* complaint  
4 and to protect Defendant DiFiore and the DRE.  
5

6 6. The basic fact in this complaint is that the DRE is not a legal doctrine, not a law, and not a  
7 basis to exclude any parental, including paternal, civil rights federal action from the United States'  
8 courts. It concerns the collusion of federal and state judges to conceal the DRE from US citizens,  
9 the President and Congress, and to prevent Americans from confronting the judges involved with  
10 the DRE before a federal jury.

11 *Summary*

12  
13 7. The *Asensio v. DiFiore* complaint raises first impression issues pertaining to the Hon.  
14 Chief Justice's administration of the 28 U.S.C. §§ 351–364 statute and in the federal courts. These  
15 matters are of the utmost importance to the nation and the federal judiciary.  
16

17 8. The Hon. Chief Justice gives the Judicial Conference its jurisdiction and the legal basis for  
18 its existence. This does not mean that the Hon. Chief Justice can conceal his unauthorized actions  
19 under the cover of the Judicial Conference in order to usurp the authority of the President and  
20 Congress. It does mean that the Hon. Chief Judge is individually responsible for the existence of  
21 the DRE and the deliberate and malicious federal and state judicial misconduct it has fomented in  
22 the nation. The DRE violates all the Judicial Conference's the rules for providing justice in federal  
23 courts and the definition of justice. [See paragraphs 39 through 44.]  
24

25 9. The organized judicial misconduct at the level of the Hon. Chief Judge and Judicial  
26 Conference to interfere without authority or notice with individual freedoms of religious, speech  
27 and political expression presents a grave national crisis. *Asensio v. DiFiore*<sup>3</sup> is supported by an  
28 exhaustive five-year private investigation that produced irrebuttable evidence of New York's state  
29 judicial corruption. This corruption has been created under the protection of the DRE policy. The  
30 most fundamental part of the Judicial Conference's DRE policy is the sanctioning of deliberate  
31 federal and state judicial misconduct  
32

33 10. The Hon. Chief Judge has failed to notify the President and Congress and acted without  
34 authority. As a matter of necessity, the Hon. Chief Justice must act in his individual capacity to  
35 determine how to handle the crisis he created in the administration of US citizen's most private  
36 rights. The following are the administration of justice issues that require the Hon. Chief Judge's  
37 disclosure to the President and Congress and his decision making:  
38

---

<sup>3</sup> See paragraphs 48 and 49 for a disclosure of the origins of this complaint and the underlying federal civil rights action.

John G. Roberts, Jr.  
Chief Justice of the United States and  
Presiding Justice of the Judicial Conference of the United States

1 I.The DRE is a federal judiciary policy created by the Judicial Conference. It  
2 is not a subject matter exclusion; the DRE works backwards, it works as a  
3 reverse scheme to fabricate jurisdiction over undefined subject matters that  
4 no US or state judge has the authority to regulate  
5

6 II.The Chief Justice and Judicial Conference’s authority to administer justice  
7 in a 28 U.S.C. §§ 351–364 complaint when the issue is the Hon. Chief Judge  
8 and Judicial Conference’s deliberate misconduct<sup>4</sup> in order to fabricate the  
9 DRE  
10

11 III.The Chief Justice and Judicial Conference’s authority to administer justice  
12 in a 28 U.S.C. §§ 351–364 complaint against a Judicial Council of a circuit,  
13 the chief judge of a circuit, and a district court judge for the purpose of  
14 harassing a plaintiff for challenging the DRE and to collude with a state  
15 judge to dismiss the complaint against the DRE in order to avoid allowing  
16 a federal jury to hear the complaint against the DRE  
17

18 IV.Federal review of a 5-year investigation into a state judiciary’s domestic  
19 relation process that was designed and is being operated with the federal  
20 judiciaries’ knowledge and consent under the DRE  
21

22 V.The processing of a federal application for emergency interim relief by a  
23 parent and child that has suffered retaliation from the chief judge of a federal  
24 court of appeals, a federal trial judge, and a state chief judge that has been  
25 retaliating against them acting since January 2016 in order to protect the  
26 DRE  
27

28 11. The primary issue, with all due respect to the Hon. Chief Justice, is that the DRE exists in  
29 the federal courts only as a result of deliberate and malicious judicial misconduct by the Judicial  
30 Conference. The Hon. Chief Justice is the exclusive source of authority that created the DRE.  
31 Thus, the Hon. Chief Justice must be aware of the DRE and the national crisis it has created. When  
32 a state governor and a state attorney general allow a state chief judge to collude with federal judges,  
33 as is the case with the DRE’s design and its operation, they are acting jointly to circumvent the US  
34 constitution, the President and Congress.  
35

36 i. The DRE is designed and operated by federal judges to allow state judges  
37 to act maliciously and in clear absence of subject matter jurisdiction, namely

---

<sup>4</sup> This is especially important when the misconduct is alleged in order to allow joint deliberate and malicious misconduct by federal and state judges in domestic relations, particularly in run-of-the-mill post-divorce judgment custody cases

John G. Roberts, Jr.  
Chief Justice of the United States and  
Presiding Justice of the Judicial Conference of the United States

- 1 religion, private speech in families, morals and political expression and to  
2 creates one-sided judicial jurisdiction in run-of-the-mill custody cases  
3
- 4 ii. The DRE conceals prejudices against essential liberties under the undefined  
5 “domestic relations” label as a scheme to allow state judges to convert run-of-  
6 the-mill child custody cases into revenues streams for the state  
7
- 8 iii. The DRE is not an “exception to subject matter jurisdiction” at all. It is the  
9 opposite. It is a concealed and illegitimate granting of jurisdiction by federal  
10 judges to state judges over subject matter that neither of them has any authority  
11 to regulate  
12
- 13 iv. The Judicial Conference fabricated the DRE through an undisclosed and  
14 unauthorized concerted and collaborative effort between the federal and state  
15 judiciaries  
16
- 17 v. The DRE is the antithesis of every element contained in the Judicial  
18 Conference’s definition of fair administration of US courts and justice, and the  
19 Conference’s published goals for effective delivery of justice by the US federal  
20 courts<sup>5</sup>  
21
- 22 vi. The DRE is an unauthorized disclaimer of Article III federal jurisdiction  
23
- 24 vii. The Judicial Conference took it upon themselves to fabricate the DRE  
25 without notice to US citizens, the President or Congress. Article III federal  
26 jurisdiction is a basic citizenship right that provides US citizens with their only  
27 protection against state judicial corruption and state interference with civil  
28 rights. Without it, states are free to run amok  
29
- 30 viii. The DRE is a backwards scheme to fabricate unauthorized regulation of  
31 essential individual freedoms that neither the federal nor state judiciary have  
32 any authority to assume  
33
- 34 ix. The DRE is designed to be backwards work in reverse to fabricate  
35 unauthorized subject matter jurisdiction and is not an exception  
36
- 37 x. The DRE is the product of a concerted and collaborative effort by the federal  
38 and state judiciaries to violate the constitution’s separation of powers

---

<sup>5</sup> See the section titled “*The DRE Policy Violates the Judicial Conference’s Definition of Justice and is an Extreme Violation of the Constitution’s Separation of Powers*” below.

John G. Roberts, Jr.  
Chief Justice of the United States and  
Presiding Justice of the Judicial Conference of the United States

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

xi. The DRE itself is an act of deliberate judicial misconduct executed by judges acting in clear absence of legitimate jurisdiction to fabricate a policy that does not and cannot exist in any US or state law, or other legal text. This includes the US constitution

xii. By fabricating the DRE, the federal and state judiciary have taken subject matter jurisdiction over liberties that neither the federal nor state government can regulate. On the contrary, it is the federal judiciaries' legal obligation to limit state involvement in US citizens' private lives not to do the opposite by protecting the states from acting against liberty<sup>6</sup>

xiii. The protected rights that the DRE violates are described in *Barber v. Barber*, which is claimed as an authority supporting the DRE, this case actually protects “the habitations ... the chambers and nurseries of private families” from state government that seek to “inquire into and pronounce upon the morals and habits and affections or antipathies of the members of every household.” [See paragraphs 45 through 47.]

12. It is for the above reasons that any jury will see the DRE as a flimflam. It is for this reason that the Judicial Council for the Second Circuit and the Chief Judge of the United States Court of Appeals for the Second Circuit, the Hon. Robert A. Katzmann, are allowing the presiding judge, the Hon. Ronnie Abrams of the US District Court for the Southern District of New York, to collude with the Chief Judge of New York State, Janet Marie DiFiore, and to act deliberately and maliciously against the undersigned, his case, and his 28 U.S.C. §§ 351–364 Complaints. This is the reason that these three federal judges are deliberately making it impossible for the undersigned to present his evidence against the federal judiciary to a federal jury.

---

<sup>6</sup> See the section titled “*The DRE Policy Allows States to fabricate jurisdiction where it is the Federal Judiciary’s legal obligation to strictly limit state jurisdiction*”



John G. Roberts, Jr.  
Chief Justice of the United States and  
Presiding Justice of the Judicial Conference of the United States

1 are acting to allow Judge Abrams to obstruct justice in *Asensio v. DiFiore*. Therefore, the only  
2 authority in the US Courts that have clean hands are the Hon. Chief Justice or his deputy. Only  
3 they can to act in the interest of justice, only the Hon. Chief Justice can correct the Judicial Council  
4 and Judge Katzmänn's conduct that is allowing Judge Abrams' misconduct.

5 18. The Hon. Chief Justice must act to administer the complaints and protect *Asensio v.*  
6 *DiFiore* from collusion between Judge Abrams and Defendant DiFiore. This misconduct is being  
7 protected by the Judicial Council and Judge Katzmänn.

8 19. As the Hon. Chief Justice will read below the level of state and federal judicial corruption  
9 that the DRE has fomented has reached such an extreme that Judge Abrams has involved herself  
10 in the fabrication of a slanderous article published in the *Daily News* centered on the most material  
11 fact in *Asensio v. DiFiore*. [See section titled, "*Ex Parte Judicial Communications and*  
12 *Fabrication of Jurisdiction.*"] This is clear and undeniable evidence that Judge Katzmänn, who  
13 openly violates 28 U.S.C. §§ 351–364 and US laws by advocating illegal immigration, have use  
14 their power politically within the *Daily News*. The undersigned must convey his personal  
15 knowledge and information to the Hon. Chief Justice on a time is of the essence basis.  
16

17 20. The Hon. Chief Judge is individually responsible for the DRE's design and operation. The  
18 Hon. Chief Judge or his representative must allow the undersigned to convey his personal  
19 knowledge and information to him or a jury, but he cannot sit and allow Judge Katzmänn to  
20 deliberately mismanage 28 U.S.C. §§ 351–364 in order to allow Judge Abrams to dismiss *Asensio*  
21 *v. DiFiore* and then claim innocence.  
22

23 21. The Hon. Chief Judge is responsible for reviewing the undersigned's 28 U.S.C. §§ 351–  
24 364 complaints against the Judicial Council and Judge Katzmänn and Judge Abrams in *Asensio v.*  
25 *DiFiore's* DRE matter. The Hon. Chief Justice must take corrective action in the complaint against  
26 Judge Katzmänn before any further legal proceedings can occur in the federal courts in *Asensio v.*  
27 *DiFiore*. This is true irrespective of the adjudication of the complaints against Judge Abrams'  
28 conduct including her collusion with Defendant DiFiore to plant the story in the *Daily News*. With  
29 all due respect, the Hon. Chief Justice individually possesses the necessary legal authority and  
30 must do so.  
31

### ***Background***

32

33 22. The DRE is designed and operated to abrogate US citizens' constitutional rights under  
34 Article III and their protection under the Due Process Clause. The DRE is a flimflam so the federal  
35 judiciary make allow the states to act maliciously against US citizens' most cherished liberties.<sup>9</sup>

---

<sup>9</sup> By contrast, the Hon. Robert A. Katzmänn, chief judge of the United States Court of Appeals for the Second Circuit, is a vocal activist for the rights of illegal immigrants, which can be reasonably viewed as violation of judicial conduct law.

John G. Roberts, Jr.  
Chief Justice of the United States and  
Presiding Justice of the Judicial Conference of the United States

1 23. The undersigned’s 5-year investigation began on May 15, 2014. It began as a simple  
2 complaint against a low-level magistrate operating in an inferior, limited jurisdiction New York  
3 County family court. The investigation reached Judge Katzmann on February 27, 2019.

4 24. Observing and identifying fraudulent conduct by state judges presiding over domestic  
5 relations matters and federal judges presiding over civil rights issues in domestic relations matters  
6 is not a complicated or complex matter. Judge Katzmann’s misconduct is simply his execution of  
7 the Judicial Conference’s “*See No Evil. Hear No Evil. Say No Evil.*” policy towards malicious  
8 federal judicial misconduct in domestic relations.

9 25. The undersigned has invested 5 years<sup>10</sup> conducting discovery on the design and operation  
10 of New York Chief Judge Janet Marie DiFiore’s domestic relations processes. Specifically, her  
11 deliberate mismanagement of the State’s “run-of-the-mill” post-divorce judgment domestic  
12 custody process and her conversion of this routine applications into a \$350,000,000 a year pay-to-  
13 play scheme to help fund her public cases.<sup>11</sup> He documented the functions of over 120 senior state  
14 officials that operate the scheme on day-to-day basis.<sup>12</sup> New York State paid no attention to his  
15 discovery or constitutional, plenary and administrative complaints.<sup>13</sup> He then discovered that the  
16 federal judiciary’s DRE policy was responsible for proving New York State’s corruption with  
17 protection. This led the undersigned to discover the federal judges were using a policy, the DRE,  
18 to deliberately deny citizens their right under Article III of the US Constitution to access federal  
19 justice; to deny citizens the ability to defend their most basic liberties against judicial corruption.  
20 The undersigned made these discoveries before filing the *Asensio v. DiFiore* case in federal court.  
21 *Asensio v. DiFiore* is based on these discoveries.

---

<sup>10</sup> The undersigned became aware of New York’s fraudulent post-divorce custody process on May 15, 2014 and immediately filed a formal complaint.

<sup>11</sup> This includes cost of unregulated, unappealable so called “interim” suspension that do not and cannot exist in any New York State legal text and can exist under the cover of the DRE. The unauthorized and unnecessary appointments, without parental consent and over parental objections, and fabrication of fees, in favor of 18-b lawyers without authority or administration that provide low cost and free services to the state, and collection of those fees through fabricated contempt orders is central to the *Asensio v. DiFiore* matter. This sum also includes fees order to attorneys without authority, discovery, budgeting, administration or review as part of a case management system to pressure settlement.

<sup>12</sup> *Asensio v. DiFiore* contains affirmations from 2 lawyers and 4 affidavits testifying as to the deliberate and malicious conduct by they witnessed by judges acting not as judges, but as judges acting in clear absence of jurisdiction including one affidavit naming the 120 state individuals and another 26 judges involved.

<sup>13</sup> Attached as Exhibit 4 is a list of the New York Supreme and Appellate Courts cases against the DRE. The State paid no attention to the facts, factors and circumstances or legal argument presented in any of these cases. The State dismissed these with misrepresentation of the record and other fabrications. None of the order have any precedential value.



John G. Roberts, Jr.  
Chief Justice of the United States and  
Presiding Justice of the Judicial Conference of the United States

1 Judicial Conference’s tacit policies Judge Katzmman is allowing Judge Abrams to act deceitfully  
2 and outside of her jurisdiction to protect Defendant DiFiore.  
3

4 ***Religious and US Constitutional Beliefs***  
5

6 31. *Asensio v. DiFiore* involves the conflict between the undersigned’s religious, ethical, moral  
7 and political policies and those of the New York’s federal and state judiciary. For instance, the  
8 undersigned raised his daughter under traditional Judeo-Christian beliefs, to attend church  
9 services, and discuss religion and morality in the home and apply her faith in God to daily life.  
10 New York interfered and removed her from her religious confirmation classes and is ignoring the  
11 undersigned’s petitions for relief. Religious and political expression freedoms are central to the  
12 undersigned’s case against the design and operation of Defendant DiFiore’s domestic relations  
13 process and the DRE. The undersigned belief is that federal judges violating the US Constitution,  
14 as they are doing with the DRE, is directly responsible for a great deal of the social unrest in  
15 America. The undersigned believes that the federal judges cannot have the power to administer  
16 28 U.S.C. §§ 351–364 that federal judges like Judge Katzmman privately use in the Judicial  
17 Conference to fabricate scheme to undermine Americans’ beliefs in their liberty and freedom and  
18 the US Constitution.  
19

20 32. Neither Judge Katzmman nor Defendant DiFiore have the right to question or overrule the  
21 undersigned’s policies in his private domestic relations matters. The only way that Defendant  
22 DiFiore can do so is by acting deceitfully and by violating laws. The only way that Defendant  
23 DiFiore can act deceitfully is under the protection she is being provided by Judge Katzmman and  
24 the DRE.  
25

26 ***Ex Parte Judicial Communications, the Daily News***  
27 ***and Fabrication of Jurisdiction***  
28

29 33. The February 13, 2019 28 U.S.C. §§ 351–364 complaint deals with the collusion between  
30 Judge Abrams and Defendant DiFiore to plant a news story about the undersigned and his case in  
31 the New York *Daily News*, and Judge Katzmman’s interference to quash the 28 U.S.C. §§ 351–364  
32 complaint against Judge Abrams addressing this incident.  
33

34 34. The above is a complex scheme created through a series of *ex parte* conversations between  
35 Judge Abrams and Defendant DiFiore. The *ex parte* conversations were executed to plan the  
36 fabrication of a deceitful order, to include *de hors* false statements in the fabricated order and use  
37 the *de hors* false statements to pitch their story to the *Daily News*. The story they planted in the  
38 *Daily News* creates the impression that the undersigned is an empowered wealthy male who is  
39 volatile, reactionary and acts precipitously. The sub-text is that “toxic masculinity” needs to be  
40 controlled. The fabrication by New York state officials of false allegations under the protection of  
41 the DRE is central to the cause of action in *Asensio v. DiFiore*.  
42

John G. Roberts, Jr.  
Chief Justice of the United States and  
Presiding Justice of the Judicial Conference of the United States

1 35. Judge Abrams and Defendant DiFiore use of an event that occurred on December 29, 2015  
2 reveals their malice. The events are meaningless against the undersigned in the custody case,  
3 However, they meaningful in the custody case against Defendant Bosak. Most importantly, they  
4 are central to the civil rights and Due Process claims in *Asensio v. DiFiore*.  
5

6 36. If Judge Abrams would have conducted any due diligence after having her *ex parte*  
7 conversation with Defendant DiFiore, Judge Abrams would have realized that it was Defendant  
8 DiFiore that was responsible for creating the December 29, 2015 story and that it was Defendant  
9 DiFiore that made the false story a central part of her retaliation against the undersigned. Now  
10 Judge Abrams has made herself a material witness in a fundamental and central fact issue in the  
11 *Asensio v. DiFiore* case.  
12

13 37. Judges Katzmann and Abrams' blatant misconduct with the *Daily News* is the result of  
14 knowing they must defend the DRE at all cost. The fabricated DRE policy should never refer to  
15 an entire subject matter, it should be narrowly defined and limited if the federal courts use it at all.  
16 Judge Abrams acted without apprehensions. Her *ex parte* communications and scheme are in  
17 accord with the DRE's policy that sanctions judicial malice in domestic relations.  
18

19 38. Judges Katzmann and Abrams' conduct is the product of the DRE's "backwards" design  
20 and "reverse" operation. It is the product of the unauthorized concerted and collaborative effort by  
21 the federal and state judiciary. It is how the DRE works to allow the federal and state judiciaries  
22 to make concerted and collaborative efforts to take over strictly private manners without authority  
23 or notice to the President or Congress.  
24

25 ***The DRE Policy Violates the Judicial Conference's Definition of***  
26 ***Justice and is an Extreme Violation of the Constitution's Separation of Powers***  
27

28 39. The Judicial Conference defines the Rule of Law as "legal predictability, continuity, and  
29 coherence; reasoned decisions made through publicly visible processes and based faithfully on the  
30 law." The Conference adds to this definition "adherence to the highest jurisprudential and  
31 administrative standards...based faithfully on the law."  
32

33 40. The Judicial Conference's policy, goals and plan statement shown in Exhibit 3  
34 acknowledges that undue delays in processing cases are unwarranted and that delays, and costs  
35 can skew the mix of cases that come before the federal courts. It defines Equal Justice as "fairness  
36 and impartiality in the administration of justice; accessibility of court processes; treatment of all  
37 with dignity and respect." As a matter of policy, the Judicial Commission finds that delays and  
38 expenses "may unduly pressure parties towards settlement." Rule 1 of the Federal Rules of Civil  
39 Procedure calls for the "just, speedy, and inexpensive determination of every action and  
40 proceeding." Its approved plan includes a goal to reduce unnecessary costs as well as delay.

John G. Roberts, Jr.  
Chief Justice of the United States and  
Presiding Justice of the Judicial Conference of the United States

1  
2 41. Thus, by the Judicial Commission’s own definition and goal its domestic relations  
3 exception to federal subject matter jurisdiction is an unfair denial of Article III jurisdiction against  
4 an entire class of civil rights cases. These are cases involving the nation’s most important freedoms  
5 and liberties. This is occurring in an area of law where government has no jurisdiction to begin  
6 with, much less any authority to fabricate delays and costs that are used to pressure settlement.  
7 The Judicial Conference policy statement and strategic plan call for “a concerted and collaborative  
8 effort among courts, Judicial Conference committees, and circuit judicial councils” to reduce  
9 delays in providing justice.

10  
11 42. The Judicial Conference’s Strategy 5.2 is to ensure that the federal judiciary is open and  
12 accessible to those who participate in the judicial process. Its Goal 5.2d to execute this strategy is  
13 to develop best practices for handling claims of pro se litigants in civil and bankruptcy cases.

14  
15 43. The *Asensio v. DiFiore* is purely a citizen action based on an investigation whose motive  
16 is to expose the DRE in the interest of justice. No law firm would conduct such as investigation  
17 against in what is a federal judiciary policy, which is designed to lead “a concerted and  
18 collaborative effort among courts, Judicial Conference committees, and circuit judicial councils.”

19  
20 44. There is stark difference between the Judicial Conference’s stated policy and the delays  
21 and cost and obstructions to justice, and pressure to settle, caused by the domestic relations  
22 exception to federal subject matter jurisdiction. This wide negative variance can reasonably be  
23 argued as clear evidence showing the DRE is much more sinister than merely an illegitimate case  
24 management practice. This would be in and of itself is a very serious violation of Judicial  
25 Conference’s strategy and goals, and federal judicial conduct laws. But the basic fact is that the  
26 DRE is collusion by federal and state judiciaries to take jurisdiction unto themselves that no part  
27 of US government can assume. [See paragraph 2 and paragraphs 24 through 29 above.

28  
29 ***The DRE Policy Allows States to Fabricate Jurisdiction***  
30 ***Where it is the Federal Judiciary’s Central Legal Obligation to***  
31 ***Strictly Limit State Jurisdiction***

32  
33 45. *Barber v. Barber* the 1858 US Supreme Court case claimed to be the origins of the domestic  
34 relations exception to federal subject matter jurisdiction, contains a clear and stern warning to  
35 federal judges against the disclaiming of jurisdiction over the design and operation of a state’s  
36 custody process:

37  
38 It is not in accordance with the design and operation of a [state] Government  
39 . . . [to] assume to regulate the domestic relations of society . . . [to take an]  
40 inquisitorial authority, [in order to] enter the habitations and even into the  
41 chambers and nurseries of private families, and inquire into and pronounce

John G. Roberts, Jr.  
Chief Justice of the United States and  
Presiding Justice of the Judicial Conference of the United States

1 upon the morals and habits and affections or antipathies of the members of  
2 every household . . . [this is the case] whether [a state statute] expressly  
3 conferred upon the State courts, or tacitly assumed by them, their example  
4 and practice cannot be recognized as sources of authority by the courts of  
5 the United States. The origin and the extent of their jurisdiction must be  
6 sought in the laws of the United States. *Barber v. Barber*, 62 US 582 (1858)  
7

8 46. The DRE is diametrically opposed to Americans' widely held beliefs of the government's  
9 role in domestic relations and the federal court's role in protecting their liberty and constitutional  
10 rights from state government interference.

11  
12 47. The concepts espoused by *Barber v. Barber* are clear and explicit. The basic rule is that  
13 any domestic relations state process, whether it exists under a state statute or whether it has been  
14 tacitly assumed by the state, cannot be recognized by the courts of the United States if it does not  
15 comply with US law. Yet the DRE policy creates the reverse. *It creates a free for all for state*  
16 *judges and lawyers.*<sup>15</sup>  
17

### 18 ***The Complainant's Background and Origins of Asensio v. DiFiore***

19  
20 48. The undersigned is the recognized pioneer of informational arbitrage. This involves the  
21 investigation of institutional securities fraud. He is a Cuban political refugee from the Bay of Pigs  
22 era and a product of New York City's Catholic parochial school system. He graduated St. Frances  
23 de Chantal and Bishop Ford High School in Brooklyn, where his family settled in an Italian  
24 Catholic community. He is a graduate of Wharton and Harvard. A disclosure on how the  
25 undersigned became involved in this matter is available in an article posted on the Institute of  
26 Judicial Conduct's website.<sup>16</sup> It was written a year ago, before the investigation of the DRE led  
27 the undersigned to research the Office of Chief Justice's responsibility for the federal judiciary  
28 policy making functions of the Judicial Conference. This article begins with the following  
29 statement:  
30

31 I am a private citizen and not a lawyer or politician. I have personal  
32 experience with totalitarian governments and the investigation of  
33 fraud. My family fled communism and struggled not to leave any  
34 members behind. My childhood memories of the evils of exalted  
35 governments make it utterly intolerable for me to allow my own  
36 child to come under the control of an exalted judicial system, much

---

<sup>15</sup> Exhibit 5 contains a list of the US Supreme Court DRE decisions, published academic articles on the DRE and US and New York law protecting the rights that the DRE allows judges to violate.

<sup>16</sup> <http://judicialconduct.org/wp-content/uploads/2018/09/ORIGINS-OF-TOPSY-TURVY-CHIEF-JUDGES.pdf>.



John G. Roberts, Jr.  
Chief Justice of the United States and  
Presiding Justice of the Judicial Conference of the United States

1  
2 52. Judge Katzmann has demonstrated that he has no interest in regulating judicial corruption  
3 in New York State's domestic relations processes. He is only interested in protecting the DRE. He  
4 could hardly be more openly hostile against the undersigned, and *Asensio v. DiFiore*. Judge  
5 Katzmann is using his office to show hostility against the undersigned, to obstruct the  
6 undersigned's 28 U.S.C. §§ 351–364 complaint against Judge Abrams and to protect violations of  
7 constitutional rights in post-divorce judgment child custody cases in New York. Judge Katzmann  
8 and the Judicial Council are not and will not act against the DRE. They are deliberately and  
9 maliciously obstructing the undersigned's 28 U.S.C. §§ 351–364 actions. The only federal  
10 authority under 28 U.S.C. §§ 351–364 that can regulate Judge Katzmann and his Judicial Council  
11 is the Hon. Chief Justice himself.

12  
13 *Conclusion*  
14

15 53. Exhibits 6 through 10 are copies of the 28 U.S.C. §§ 351–364 complaints and samples of  
16 the documents demonstrating the evidence of the corruption that exist in New York State, which  
17 the federal judges are ignoring.  
18

19 54. The record demonstrating New York's administrative judges up to the Chief Judge, and  
20 then the Governor and the State Attorney, ignoring the corruption is undeniable and readily  
21 comprehensible. The judges leading the Nation's Conference of Chief Justices also ignored the  
22 corruption. These state government officials know that they can conceal their corruption in the  
23 federal courts under the DRE.  
24

25 55. Judges Katzmann and Abrams are protecting Defendant DiFiore who authorized the  
26 December 29, 2015 scheme. Judge Abrams colluded with Defendant DiFiore to use the same old  
27 and discredited scheme to plant a story in the *Daily News* on January 21, 2019. Judges Katzmann  
28 and Abrams are continuing to collude with Defendant DiFiore.

29 56. Again, the DRE is a federal judiciary policy created by the Judicial Conference. It is not a  
30 subject matter exclusion; the DRE works backwards, it works as a reverse scheme to fabricate  
31 jurisdiction over undefined subject matters that no US or state judge has the authority to regulate.  
32

33 57. The DRE should not, cannot and must not exist in any shape, color or form on US soil.  
34 Not only does the domestic relations exception to federal subject matter jurisdiction deny justice  
35 but it undeniably foments higher, and higher state and then federal judicial misconduct as the only  
36 way to enforce the policy.  
37

38 58. Due to Judges Katzmann and Abrams' misconduct this 28 U.S.C. §§ 351–364 complaint  
39 is before the Hon Chief Justice out of necessity  
40

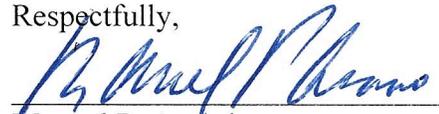
John G. Roberts, Jr.  
Chief Justice of the United States and  
Presiding Justice of the Judicial Conference of the United States

1 59. This 28 U.S.C. §§ 351–364 complaint is before the Hon. Chief Justice despite the Hon.  
2 Chief Justice undeniable conflict with the subject matter and the facts. As stated in the opening  
3 paragraph:  
4

5 This matter concerns the Hon. Justice’s failure to give notice to US citizens, the  
6 President and Congress of his advocacy, approval, consent, and authorization for  
7 the use, in the US Courts, of a domestic relations exception to federal subject matter  
8 jurisdiction (the “DRE”). The Hon. Chief Justice has not given notice to US  
9 citizens, the President or Congress of the DRE or the Judicial Conference’s rule  
10 making under the DRE. Thus, the DRE and its rulemaking are unauthorized acts  
11 taken without notice to avoid the US Constitution’s legislation, regulation and  
12 oversight requirements. The DRE’s existence demonstrates that the federal judges  
13 cannot have the exclusive control of the administration of 28 U.S.C. §§ 351–364.  
14 The evidence showing New York federal judges using their political power with  
15 the New York *Daily News* to defend themselves against the undersigned’s civil  
16 rights action and then deliberately mismanage two 28 U.S.C. §§ 351–364  
17 complaints should alarm the Hon. Chief Judge. [See Paragraph 50 through 52.]  
18

19 60. The undersigned respectfully requests that the Hon. Chief Justice investigate his complaint  
20 against Judge Katzmann’s misconduct pertaining to his use of the Judicial Conference’s domestic  
21 relations exception to federal subject matter jurisdiction (the “DRE”) and Judge Katzmann’s  
22 unauthorized disposal of the undersigned’s complaints against him and US District Court for the  
23 Southern District of New York Hon. Ronnie Abrams; and against Judge Katzmann’s collusion  
24 with the Chief Judge of New York State; and grant his Petition to assume jurisdiction over the  
25 Judicial Council for the Second Circuit’s amenability to resolve the undersigned’s complaints and  
26 a civil rights action against the Second Circuit’s use the DRE, and Emergency Motion for interim  
27 relief.  
28

29 Respectfully,



30  
31  
32 Manuel P. Asehsio  
33 Complainant  
34

35 cc: Anthony J. Sciria, Chair of Committee on Judicial Conduct and Disability  
36 Hon. Robert A. Katzmann, Chief Judge, US Court of Appeals for the Second Circuit  
37 Hon. Ronnie Abrams, US District Court for the Southern District of New York