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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**Edwin Rivera  
(a/k/a Edwin Rivera Hernández), et al.  
Plaintiff(s),**

**v.**

**United States Citizenship and  
Immigration Service,  
Barbara Owlett, Director  
Defendant(s)**

**COMPLAINT**

**Civil Action No. 19 CIV 3101 (S.D.N.Y.)**

**The Plaintiff, for his complaint against Defendant(s), states and alleges the following:**

**COMPLAINT FOR INJUNCTIVE RELIEF**

- 1. This is an action pursuant to Title VII of the Civil Rights Act of 1964 (Pub. L. 88-352, 78 Stat. 241, enacted on July 2, 1964); Section 701 of Title VII; Equal Employment Opportunity Commission (EEOC); and Freedom of Information ("FOIA"), for injunctive and other appropriate relief, seeking the approval of petitions sought by Edwin Rivera, the Plaintiff.**

**JURISDICTION AND VENUE**

- 2. This Court holds subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(B) (2010) and 5 U.S.C. § 552(a)(6)(C)(i) (2010). Furthermore, this Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 (2010). The venue is proper in this district under 5 U.S.C. 552(a)(4)(B) (2010); 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR, 1954-1958 Comp., p. 189.**

## I. PARTIES

### Plaintiff:

Edwin Rivera, et al.  
1428 Zerega Avenue  
Bronx, New York 10462-5410  
PH: 347-439-1421  
Email: [rivera10462@outlook.com](mailto:rivera10462@outlook.com)

### Defendant:

United States Citizenship and Immigration Service (USCIS),  
Barbara Owlett, Director  
26 Federal Plaza  
New York, New York 10278

1. **Plaintiff.** See **Exhibit—1**, pictures on our website. **We serve our community of clients whose families are unable to help them owed to personal reasons. These people welcome our prayers in their home and the monthly deliveries of household goods. Gradually, we develop a sense of friendship before preaching from the Bible and talking about the life of Jesus Christ, the son of God. Deacons and other elders of the Christian Church lead the way in prayers and in reading from the many sections of the Bible to have a better understanding of passages. Our purpose is to bring God into people’s hearts and help with their seclusion. For people unable to leave their home to attend religious services, we pray together to make these persons feel a part of our community that prays to the Lord for peace, hope, and love. See **Exhibit—2**, website.**
2. **The Plaintiff holds religious services at our place to worship, the same place where we raise funds by selling accounting services, 1428 Zerega Avenue, Bronx, New York 10462. Working without landline telephones, grants, and other assistance, we have been self-funded since 1996, and function under the laws of the Internal Revenue Service (IRS), 501(c)(3). See **Exhibit—3**, letter of determination from the IRS.**
3. **The Plaintiff maintains an office, without telephones, ready to serve children attending schools within the neighborhood as well as their parents. They reach out for a host of services, including writing letters and filling out forms for immigration and school.**
4. **The Defendant, United States Citizenship and Immigration Service, Barbara Owlett, Director (USCIS), is a public authority established under the provisions of the U.S. Department of Homeland Security that administers the country’s naturalization and immigration system and continues to do business and exist under the laws of the State of New York.**
5. **The Defendant maintains her offices at 26 Federal Plaza, New York, New York 10278 and at California Service Center, Laguna Niguel, CA 92607-0590.**

6. At all relevant times, The Defendant was and is the supplier of immigration services for people residing in New York City.
7. The Defendant was and still is the Director of certain facilities used for immigration benefits sought for religious workers (people who have been working to bring assistance to clients with special needs through prayer), including the adjustment of status, green cards, employment authorization cards, Provisional Unlawful Presence Waivers, and other services.
8. At all mentioned times, the Defendant provided approvals and denials of Form I-360, for Religious Workers. Furthermore, she owned, operated, managed, administered, controlled, supervised, and directed the processing of petitions, including but not limited to the adjustment of status, green cards, employment authorization cards, Provisional Unlawful Presence Waivers, and other services. Moreover, she owned, operated, managed, administered, controlled, supervised, and directed other service centers located at and near the California Service Center. The Defendant owns this service center and the distribution system serving Bronx, New York.
9. The Defendant is responsible for all petitions filed, distribution, and for the safe, competent, and reliable operation and maintenance of confidential information and distribution systems serving Bronx, New York.

## **II. THE PLAINTIFF'S PRESENTMENT OF PETITIONS**

10. The Plaintiff is the director of the damaged and destroyed reputation and personal property located at 1428 Zerega Avenue, Bronx, New York 10462. From five in the morning (5 am) to twelve noon (12 pm), the Plaintiff prepares for and works hard for our program seven days a week. Religious workers, employed to support their families, work with our program, for thirty-five (35) to forty (40) hours without the expectation of any income. The Plaintiff has never received a salary for the work done in the areas of Bronx, New York and Puerto Rico.
11. Before the commencement of this action on or about March 23, 2018, petitions for benefits sought were duly delivered, and after that, to the Defendant by the United States Postal System. Petitions were filed for the following members of our organization:

**HBP Religious Program, Christian Church, Inc. & Christian Ministry of Family Integration, Inc.**  
Religious Workers

#	Name	USCIS CASE #	Priority Date
C0001	Ramona Urena	WAC1890197304	Mar 23, 2018
C0002	Josefina Torres	WAC1890197303	Mar 23, 2018
C0003	Yeri Muniz	WAC1890197305	Mar 23, 2018
C0004	Jeny Muniz	WAC1890197306	Mar 23, 2018
C0005	Nayeli Vidals	WAC1890196430	Mar 23, 2018
C0006	Erika Leonor	WAC1890196183	Mar 23, 2018
C0007	Maximo Miranda	WAC1890196428	Mar 23, 2018
C0008	Ma Lara	WAC1890196429	Mar 23, 2018
C0009	Manuel Sanaguaray	WAC1890196184	Mar 23, 2018
C0010	Luis Yamba Ushca	WAC1890393145	Sep 17, 2018
C0011	Segundo Villa Paca	WAC1890393149	Sep 17, 2018
C0012	Jose Villa Paca	WAC1890393151	Sep 17, 2018
C0015	Segundo Lluilema Cajilema	WAC1890393150	Sep 17, 2018
C0016	Digna Quijosaca Cajilema	WAC1890393152	Sep 17, 2018
C0017	Luis Pinta Cajilema	WAC1890393158	Sep 17, 2018
C0021	Segundo Inga Naula	WAC1890393146	Sep 17, 2018
C0022	Vicente Prieto Fuentes	WAC1890393148	Sep 17, 2018

C00 23	Angel Namina Sinchi	WAC1890393147	Sep 17, 2018
C00 24	Segundo Ortega Lliguilema	WAC1890393153	Sep 17, 2018
C00 25	Juan Lemache Zhuilema	WAC1890393156	Sep 17, 2018
C00 26	Maria Upaya Sanaguaray	WAC1890393144	Sep 17, 2018
C00 27	Segundo Lluilema Paca	WAC1890393154	Sep 17, 2018
C00 28	Segundo Cayambe Aucanshala	WAC1890393155	Sep 17, 2018
C00 29	Segundo Paca	WAC1890393157	Sep 17, 2018
C00 30	Juan Collado Tejada	WAC1890402085	Sep 21, 2018
C00 31	Gladis Consuegra de Collado	WAC1890402086	Sep 21, 2018
C00 32	Ramon Mora	WAC1990009957	Oct 03, 2018
C00 34	Maria Lluilema Cajilema	WAC1990077947	Dec 05, 2018
C00 36	Manuel Munoz Chuqui	WAC1990077948	Dec 05, 2018
C00 37	Jose Villa	WAC1990077946	Dec 05, 2018
C00 38	Manuel Granda Guaman	WAC1990077944	Dec 05, 2018
C00 39	Segundo Lluilema	WAC1990077945	Dec 05, 2018

C00 40	Jaime Quinchi Lluilema	WAC1990077943	Dec 05, 2018
C00 99	Isabel Montero	WAC1990178551	Mar 14, 2019

12. Over 30 days have elapsed since we asked USCIS to approve these petitions, but they have been neglected or refused owed to an issue raised by the Assistant Attorney General, Roberto Lebron, who was audited by the Plaintiff in 2000. Over \$90,000 was missing from the Puerto Rican Bar Association, where Lebron failed to explain the missing funds. See [Exhibit—4](#), riveratheaccountant.com
13. The action is commenced within one year and 90 days after the date of the occurrence.

### III. CAUSE OF ACTION #1 VIOLATIONS OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

14. The Plaintiff repeats, reiterates, and realleges each and every allegation of this complaint contained in each of the following paragraphs with the same force and effect as if more fully set forth herein.
15. On or before March 23, 2018, the Defendant had actual notice that the geographic location of the Plaintiff’s real property was 1428 Zerega Avenue, Bronx, New York 10462 and had threatened him with false allegations and false arrests made by the New York State Attorney General since 2004. See [Exhibit—5](#), Court of Claims lawsuit.
16. The Defendant had actual notice that the neighborhood of 1428 Zerega Avenue, Bronx, New York 10462 was designated as being encompassed by the New York City Department of Consumer Affairs, Immigration Assistance Provider program by the City of New York. N.Y. Gen. Bus. Law §§ 460-a through 460-j and by Local Law 31, §20-770 et seq. See [Exhibit—6](#), contract with customers, as required by law. See [Exhibit—7](#), bond required by law.
17. According to the City of New York, any neighborhood in Bronx, New York had a “high likelihood of immigrants expecting immigration services.”
18. On February 10, 2015, the Immigration Assistance Provider program became the law and the Bronx and all residents of New York assisting customers with the preparation of immigration forms, were ordered by the City of New York Department of Consumer Affairs to post a \$50,000 bond and prepare an employment agreement for the immigrants to read in both Spanish and English, among other documents to be read before any services were provided after 72 hours had passed. Prior to this law, we never had any restrictions for offices providing secretarial services.
19. On February 10, 2015, the New York State Governor and New York City Department of Consumer Affairs (DCA) publicly advised in an urgent announcement that any person looking for immigration services must become familiar with this new law.

20. At no time before or during the wait period for the Governor to sign the law did the Defendant take appropriate and reasonable measures to “de-energize” the services provided by our office (translation of documents, typing letters, and assisting clients with immigration forms which provide green cards through a process called the “adjustment of status” or “consular processing”).
21. At no time before or during the ten (10)-year period, waiting for the signing of the new law, did the Defendant take appropriate and reasonable measures to “de-energize” the New York City law that permitted the Plaintiff to provide secretarial services (translation of documents, typing letters, and assisting clients with immigration forms which provide green cards through a process called the “adjustment of status” or “consular processing”).
22. “De-energizing” the New York law would have afforded the Plaintiff protection from the abuse suffered in the hands of the Defendant. The application to permit the Plaintiff to assist immigrants was denied owed to the poor interest in reading the case involving allegations made by the Assistant Attorney General (AAG). Had this Defendant read the matter before the Court of Claims, the petitions filed might have never been denied.
23. Notwithstanding, the Defendant’s actual notice of false allegations were made by Roberto Lebron, AAG, against the Plaintiff during the same period mentioned herein.
24. The Defendant(s) is aware that ex parte communications with the court are prohibited by the Code of Professional Responsibility; Matter of Edwin Rivera v. NYS Attorney General (NY Court of Claims).  
(See *Rose v. Himely* (1808) 4 Cranch 241, 2 Led 608; *Pennoyer v. Neff* (1877) 95 US 714, 24 Led 565; *Thompson v. Whitman* (1873) 18 Wall 457, 21 L ED 897; *Windsor v. McVeigh* (1876) 93 US 274, 23 Led 914; *McDonald v. Mabee* (1917) 243 US 90, 37 Sct 343, 61 L ed 608. *U.S. v. Holtzman*, 762 F.2d 720 (9th Cir. 1985))
25. The Plaintiff demands that the Defendant(s) reverse all denials of the petitions and applications filed with the USCIS. Moreover, the Plaintiff denies that all allegations in violation of The Code of Professional Responsibility prohibit ex parte communications with the court; N.Y. Code of Professional Responsibility DR 7–110(B)(2).
26. On March 23, 2018, and thereafter, petitions were filed by the Plaintiff seeking immigration benefits for some employees and members of religious organizations affiliated with our organization, HBP Religious Program, a division of the Homeward Bound Program, a non-profit organization, 501(c)(3), servicing clients with special needs. These petitions were denied due to false allegations made by the AAG. Every conceivable excuse was used to deny each petition, even with tens of documents as evidence for each beneficiary. See Exhibit—8, Juan Collado denial.

On or about February 15, 2019, the Petitioner received denials for each filed petition. The result of the denials is too costly for our program: the appeals cost an additional \$675 for each denial received. This is an additional fee to the \$435 already paid, when the fee for the same form is exempt for other applicants. The following individuals are exempt from paying the fees:

Amerasians;

- Self-petitioning abused spouses or children of U.S. citizens or permanent residents (Box 1.I. or Box 1.J. on the form);
- Self-petitioning abused parents of U.S. citizens (Box 1.K. on the form);
- Special Immigrant Juveniles (Box 1.C. on the form);
- Iraqi nationals who worked for or on behalf of the U.S. government in Iraq (Box 1.L. or Box 1.M. on the form); or
- Afghan nationals who worked for or on behalf of the U.S. government in Afghanistan (Box 1.L. or Box 1.N. on the form).

27. The USCIS used the excuse that they had read the Bronx Supreme Court decision made on October 19, 2005, almost fourteen (14) years ago. The Defendant, together with the AAG, orchestrated to deny the Plaintiff his civil rights.

*“Mr. Rivera has been identified by the Executive Office for Immigration Review’s Fraud and Abuse Prevention Program as a person of concern due to his history of prosecution for fraud and theft. Records show that as recently as October 2016, Mr. Rivera was arrested and ordered to serve jail time for violating a court order to pay restitution to the victims of his fraudulent practices and for continuing to provide immigration legal services despite a court order banning him from providing such services.”* See **Exhibit—9**, OLAP denial letter. See **Exhibit—9A**, request for reconsideration.

The allegations were false, and those that supposedly filed the complaint were not found in the RJJ; it was a fabrication to revenge. Meanwhile, the applications for employment, Form EOIR-31, OMB#1125-0012, Executive Office for Immigration Review Request for New Recognition and EOIR-31A, OMB#1125-0013, Request by Organization for Accreditation or Office of Legal Access were denied due to the false allegations and void court orders.

The Defendant had other personal reasons too. See **Exhibit—4**, 1993 Arrest.

28. The Plaintiff was never notified to attend [any] court hearings; as a result, the Marshall arrested Edwin Rivera without probable cause, several times, in New York. Furthermore, they had the Police in the Dominican Republic, while the Plaintiff was working for the United States Department of Labor as a Farm Labor Contractor, under orders from the AAG, arrest Rivera and detain him there from February 9, 2007 to February 22, 2007 under the most horrible jail conditions.

Moreover, they had the newspapers in Puerto Rico publish the Plaintiff’s medical record to prevent the assistance offered to the farmers in Puerto Rico. As a Farm

**Labor Contractor, hundreds of farmworkers were contracted to work in the farms in Puerto Rico; labor was desperately required.**

- 29. News of Edwin Rivera's arrests spread throughout the Bronx, New York, causing destruction to the Plaintiff's office and personal property beyond repair. The arrests were the tool used by the Defendant to discourage the beneficiaries of the petitions filed for religious workers. This made it almost impossible for our program to operate without employment authorization cards.**
- 30. The Defendant was grossly negligent, careless, and reckless with regard to the ownership, operation, management, administration, control, supervision, and direction of petitions and systems, including but not limited to the adjustment of status, employment authorization cards, permission to travel for members to see their families after many years, and the right to hold employment at and near the location of the occurrence, as described herein, in that it failed to but should have suspended the provisions of the New York City Department of Consumer Affairs (DCA), or otherwise "de-energized" the law applicable to immigration form preparers, so as to avoid the contact of immigration forms and/or other services resulting in assisting the immigrants with a livelihood system and preventing the resultant damages we are experiencing. See Exhibit—10, contract of employment.**
- 31. Moreover, the Defendant was separately grossly negligent, careless, and reckless in the ownership, operation, management, administration, control, supervision, and direction of processing petitions and systems, including but not limited to services, in that it failed to suspend the provision of the DCA to Bronx, New York and the Plaintiff's office in an effort to mitigate the risk of denials or the spread of damages, given that the Defendant did not suspend the provision of the new law providing instructions to form preparers within the community.**
- 32. The aforementioned acts and omissions were substantial factors in bringing about the damages and destruction detailed in this complaint. The Defendant's actions constituted unjust discrimination against the Plaintiff's civil rights in relation to his religion, race, and color; additionally, such acts were in violations of the express provisions of N.Y. Civ. Rights Law § 40-c.**

**If there were any communications between the AAG without notice to the Plaintiff, we would require a copy of such communications. See, generally, Practice Commentaries 2211:6, 2211:7 under N.Y. C.P.L.R. 2211 in McKinney's Consolidated Laws of New York, Book 7B.**

## **CAUSE OF ACTION #2 VIOLATION OF SECTION 701 OF TITLE VII**

- 33. The Plaintiff repeats, reiterates, and realleges each and every allegation of this complaint contained in each of the following paragraphs with the same force and effect as if more fully set forth herein.**

The Defendant is unmannerly. Unless the plaintiff is allowed to pray to a deity of his choosing, and in a method of his choosing, the Defendant should not force methods used in other religions upon the Plaintiff. Violation of Section 701 of Title VII. § 1605.2 Reasonable accommodation without undue hardship as required by section 701(j) of title VII of the Civil Rights Act of 1964. (a) Purpose of this section. This section clarifies the obligation imposed by title VII of the Civil Rights Act of 1964, as amended, (sections 701(j), 703, and 717) to accommodate the religious practices of employees, both current and prospective.

The beneficiaries of the petitions filed were denied the approval of these petitions that were desperately needed. Even with the evidence for the two years immediately preceding the time of application submitted, the Defendant continued to ask for details, with the knowledge that this was beyond the Plaintiff's control or that of the beneficiaries. Asking for methods and evidence possibly used in a more affluent society is akin to discriminating our religion. See Section 701 of Title VII.

**34. The Plaintiff specifically attested to all the following:**

a. The title of the position offered to the alien. See Exhibit—2, evidence of employment and details found on our website, for the whole world to see.

b. That the alien would not be engaged in secular employment and provided explanations of salary or any form of “non-salaried compensation;”

*“If the religious worker received no salary but supported him or herself, and any dependents, provide verifiable documents to show how support was maintained. This may include, but is not limited to, audited financial statements, financial institution records, brokerage account statements, trust documents signed by an attorney, or other verifiable evidence.” USCIS.*

c. That the alien filed tax returns, under the provisions of the Internal Revenue Service; copies were provided to USCIS.

d. That the alien would not and had not become a public charge, ie., they worked for 35 hours or more,

1. To initiate outreach programs to serve the needy and the community.
2. To visit hospitals, nursing homes, prison, shelters, and other institutions.
3. To help with christenings, marriages, baptisms, and funerals.
4. To initiate centers for the elderly or the youths/adults, or to provide food, clothing, and other outreach activities for the community.
5. To solicit and receive contributions from all sources, including its resident members or other ministries, and to receive and hold, in trust or otherwise, funds received by gifts or bequest.

- e. That some aliens hold more than one job, to support their family here and in their country of origin.
- 35. The Defendant is so abusive that it poses demands beyond the duties of a religious worker in our organization. Our missions are religious and not secular in nature. See Exhibit—1.
- 36. The Defendant makes statements that are unclear for us to either admit or deny. Thirty-five (35) hours, as we see it, for some or most Americans, is a standard work-week. During the said number of hours, we assist the church and the churchgoers.
- 37. The Defendant is aware that most beneficiaries lack legal documents. Thus, their reasons to ask for “audited financial statements, financial institutions records, brokerage account statements, trust documents signed by an attorney, or other verifiable evidence acceptable to USCIS” is confusing. The Defendant has asked for audited financial statements, financial institutions records, brokerage accounts, and trust documents; such acts are to be viewed as malicious and in abuse of due process.
- 38. The Plaintiff, Edwin Rivera, is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. The Plaintiff is in the business of providing religious services to clients, such as prayers within their residence.

**ACCORDING TO SHALOM PENTECOSTAL CHURCH v. ACTING SECRETARY DHS,  
783 F.3d 156 (3d Cir. 2015), PETITIONS WERE FILED.**

- 39. Beneficiary Ramona Urena is a religious worker organized under the laws of the State of New York, with her principal place of business in the County of the Bronx, State of New York. She is in the business of providing religious services to clients, such as prayers within their residence.
- 40. Beneficiary Josefina Torres is a religious worker organized under the laws of the State of New York, with her principal place of business in the County of the Bronx, State of New York. She is in the business of providing religious services to clients, such as prayers within their residence.
- 41. Beneficiary Yeri Muniz is a religious worker organized under the laws of the State of New York, with her principal place of business in the County of the Bronx, State of New York. She is in the business of providing religious services to clients, such as prayers within their residence.
- 42. Beneficiary Jeny Muniz is a religious worker organized under the laws of the State of New York, with her principal place of business in the County of the Bronx, State of New York. She is in the business of providing religious services to clients, such as prayers within their residence.
- 43. Beneficiary Nayeli Vidals is a religious worker organized under the laws of the State of New York, with her principal place of business in the County of the Bronx, State of New York. She is in the business of providing religious services to clients, such as prayers within their residence.

44. **Beneficiary Erika Leonor is a religious worker organized under the laws of the State of New York, with her principal place of business in the County of the Bronx, State of New York. She is in the business of providing religious services to clients, such as prayers within their residence.**
45. **Beneficiary Maximo Miranda is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.**
46. **Beneficiary Ma Lara is a religious worker organized under the laws of the State of New York, with her principal place of business in the County of the Bronx, State of New York. She is in the business of providing religious services to clients, such as prayers within their residence.**
47. **Beneficiary Manuel Sanaguaray is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.**
48. **Beneficiary Luis Yamba Ushca is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.**
49. **Beneficiary Segundo Villa Paca is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.**
50. **Beneficiary Jose Villa Paca is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.**
51. **Beneficiary Jose Villa Paca is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.**
52. **Beneficiary Segundo Llulema Cajilema is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.**
53. **Beneficiary Digna Quijosaca Cajilema is a religious worker organized under the laws of the State of New York, with her principal place of business in the County of the Bronx, State of New York. She is in the business of providing religious services to clients, such as prayers within their residence.**
54. **Beneficiary Luis Pinta Cajilema is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.**

55. **Beneficiary Segundo Inga Naula is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.**
56. **Beneficiary Vicente Prieto Fuentes is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.**
57. **Beneficiary Angel Namina Sinchi is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.**
58. **Beneficiary Segundo Ortega Lliguilema is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.**
59. **Beneficiary Juan Lemache Zhuilema is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.**
60. **Beneficiary Maria Upaya Sanaguaray is a religious worker organized under the laws of the State of New York, with her principal place of business in the County of the Bronx, State of New York. She is in the business of providing religious services to clients, such as prayers within their residence.**
61. **Beneficiary Segundo Lluilema Paca is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.**
62. **Beneficiary Segundo Cayambe Aucanshala is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.**
63. **Beneficiary Segundo Paca Paca is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.**
64. **Beneficiary Juan Collado Tejada is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.**
65. **Beneficiary Gladis Consuegra de Collado is a religious worker organized under the laws of the State of New York, with her principal place of business in the County of the Bronx, State of New York. She is in the business of providing religious services to clients, such as prayers within their residence.**

66. Beneficiary Ramon Mora Mora is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.
67. Beneficiary Maria Lluilema Cajilema is a religious worker organized under the laws of the State of New York, with her principal place of business in the County of the Bronx, State of New York. She is in the business of providing religious services to clients, such as prayers within their residence.
68. Beneficiary Manuel Munoz Chuqui is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.
69. Beneficiary Jose Villa Villa is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.
70. Beneficiary Manuel Granda Guaman is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.
71. Beneficiary Segundo Lluilema Lluilema is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.
72. Beneficiary Jaime Quinchi Lluilema is a religious worker organized under the laws of the State of New York, with his principal place of business in the County of the Bronx, State of New York. He is in the business of providing religious services to clients, such as prayers within their residence.
73. Beneficiary Isabel Montero is a religious worker organized under the laws of the State of New York, with her principal place of business in the County of the Bronx, State of New York. She is in the business of providing religious services to clients, such as prayers within their residence.
74. The burden of proof to establish eligibility for sought benefits is an abuse of discretion. Supporting documentation satisfy the burden of proof in these proceedings. See Exhibit—11, from part 2 of our mailing to USCIS.
75. The bar was raised due to the false allegations mentioned herein.

**As is aforementioned, the Plaintiff is a victim of Due Process Violations. Ex parte communications with the court are prohibited. N.Y. Code of Professional Responsibility DR 7-110(B)(2).**

**(See Earle v. McVeigh, 91 US 503, 23 L Ed 398. See also Restatements, Judgments 4(b). Prather v. Loyd, 86 Idaho 45, 382 P2d 910. Hanson v. Denckla, 357 US 235, 2 L Ed 2d 1283, 78 S Ct 1228. 30A Am Jur Judgments 44, 45.**

**Renaud v. Abbott, 116 US 277, 29 L Ed 629, 6 S Ct 1194. Earle v. McVeigh, 91 US 503, 23 L Ed 398.)**

**Sabariego v. Maverick, 124 US 261, 31 L Ed 430, 8 S Ct 461, is not entitled to respect in any other tribunal.**

**Meanwhile, the Defendant denied all petitions and applications. Since the Plaintiff's character and fitness was evaluated by "an examination of factors such as: criminal background; prior acts involving dishonesty, fraud, deceit, or misrepresentation; past history of neglecting professional, financial, or legal obligations," the court orders were not entitled to respect in any tribunal.**

**MOREOVER, "Mr. Rivera has been identified by the Executive Office for Immigration Review's Fraud and Abuse Prevention Program as a person of concern due to his history of prosecution for fraud and theft. Records show that as recently as October 2016, Mr. Rivera was arrested and ordered to serve jail time for violating a court order to pay restitution to the victims of his fraudulent practices and for continuing to provide immigration legal services despite a court order banning him from providing such service."**

## **VIOLATION OF CIVIL RIGHTS**

### **DISHONESTY, FRAUD, AND MISREPRESENTATION**

**The matter of 1576/2004 (Bronx Supreme Court) is based on fraudulent prosecution; furthermore, the allegations were false and a result of revenge due to an audit, conducted by the Plaintiff, of the books and records of the Puerto Rican Bar Association, where the AAG, Lebron, was the person responsible. The Bar was looking for an accountant and hired the Plaintiff, Edwin Rivera, to conduct the audit.**

**An inspection of the Election Board records of Judge Gerald Esposito conducted by the Plaintiff found trace of election fraud. The Judge was biased in action before him by this Plaintiff of real estate and bank fraud. The very same people being sued had paid unknown sums of money to finance the judge's six-month campaign before the elections. At the end of the campaign, the judge did not file a report with the election board, claiming that the expenses were less than one thousand (\$1000) dollars. Meanwhile, the printer said that he had received over seven thousand (\$7000) and that the judge's campaign employees had received their full salary. See Exhibit—12, In Tiny Courts of N.Y., Abuses of Law and Power, by William Glaberson, Sept. 25, 2006.**

Again, the Plaintiff's attorney was never notified to appear for any hearings before 2016. There was much abuse, so much so, that after the court decision of August 2016, a notice of appeal was filed five (5) days later; additionally, the AAG got a different Judge to sign an order to arrest the Plaintiff, ex parte, while the Plaintiff was perfecting the appeal.

The Judge who had decided in August 2016, and after the notice of appeal was timely served to the AAG, probably never saw the demand for the arrest of the Plaintiff, while the Plaintiff was perfecting the appeal.

*"A void judgment does not create any binding obligation."* Federal decisions addressing the void state court judgments include *Kalb v. Feuerstein* (1940) 308 US 433, 60 S Ct 343, 84 L ed 370; *Ex parte Rowland* (1882) 104 U.S. 604, 26 L.Ed. 861

i. Void Orders Can Be Attacked at Any Time

ii. An order that exceeds the jurisdiction of the court is void, or voidable, and can be attacked in any proceeding in any court where the validity of the judgment comes into issue.

(See *Rose v. Himely* (1808) 4 Cranch 241, 2 L ed 608; *Pennoyer v. Neff* (1877) 95 US 714, 24 L ed 565; *Thompson v. Whitman* (1873) 18 Wall 457, 21 L ed 897; *Windsor v. McVeigh* (1876) 93 US 274, 23 L ed 914; *McDonald v. Mabee* (1917) 243 US 90, 37 S Ct 343, 61 L ed 608. U.S. v. Holtzman, 762 F.2d 720 (9th Cir. 1985))

*"Portion of judgment directing a defendant not to import vehicles without first obtaining approval ... was not appropriately limited in duration and, thus, the district court abused its discretion by not vacating it as being prospectively inequitable."* Id at 722

MOREOVER, even where statute authorizes ex parte relief, due process may well require an early return date on the underlying motion. Indeed, depending on the circumstances, the judge may require at least a telephone notice to the other side or an immediate hearing at some place other than the courthouse. (See *Fosmire v. Nicoleau*, 144 A.D.2d 8, 536 N.Y.S.2d 492 (2d Dep't 1989), order aff'd, 75 N.Y.2d 218, N.Y.S.2d 876, 551 N.E.2d 77 (1990))

See, generally, Practice Commentary. Attorneys should notify the opposing counsel of an attempt to seek an ex parte order where appropriate. Failure to do so is, at the very least, unprofessional and may, in some courts, result in sanctions.

(See Frank M. v. Siobahn N, 268 A.D.2d 808, 702 N.Y.S.2d 409 (3d Dep't 2000))

By reason of the above, the Plaintiff has suffered property damage, to both real and personal property; loss of income; monetary loss; emotional injury; damage to the value of his property; anxiety; mental anguish; and has been otherwise damaged in an amount to be determined by the Court. See Albermarle Paper Co. v. Moody.

**WHEREFORE**, the Plaintiff demands a refund of all fees paid for the appeals and the reversal of the decisions made on all petitions and applications, including the applications EOIR-31 and EOIR-31A. See Exhibit—9, denial of EOIR applications.

The Plaintiff demands judgment against the Defendant in a sum in excess of the jurisdictional limits of all lower courts in which this action could otherwise have been brought, and in amounts to be determined upon the trial of this action, together with the costs and disbursements of this action.

MOREOVER, the Plaintiff moves this court to vacate the motions and orders in the Matter of NYS v. RIVERA, 1576/2004. NY. C.P.L.R. 2221(a); Truax v. Corrigan (1921).

Dated: April 4, 2019  
Bronx, New York

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