NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

RUTH TORRES,

Petitioner, Pro Se,

v.

GREGORY WAYNE ABBOTT, ET AL.,
Respondents.

PETITION FOR A WRIT OF CERTIORARI

UNITED STATES COURT OF APPEALS, FIFTH CIRCUIT
Case No. 25-0671

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF TEXAS

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether a district court violates the First and Fourteenth Amendments by *sua sponte* order prohibiting leave to amend and prohibiting filing motion for appointment of counsel during 28 U.S.C. §1915(e)(2) screening, subsequently dismissing with prejudice—without specifying pleading deficiencies, without meaningful de novo review or responding to objections—is consistent with this Court's precedents requiring liberal amendment and construction of pro se pleadings.

2. Whether application of heightened pleading standards under *Iqbal /Twombly*—nullifies *Haines* and whether *sua sponte* dismissal of qui tam action during the 31 U.S.C. §3730(b) seal period—prior to meaningful participation by the United States—violates due process and right of access to courts. *Haines*, 404 U.S. 519; *Iqbal*, 556 U.S. 662; *Twombly*, 550 U.S. 544.

3. Whether the decision below expands immunity beyond constitutional limits to cover unconstitutional and *ultra vires* acts allowing orders issued absent jurisdiction and which are statutorily void under state law to stand—without addressing preserved claims of federal district court's judicial disqualification per 28 U.S.C. §§ 144, 455(a), (b)(1) and (3).

PARTIES

Petitioner:	Ruth Torres, Pro Se
Respondents:	

1. Gregory Wayne Abbott
2. Warren Kenneth Paxton, Jr.
3. Bonnie Lee Goldstein
4. Nathan L. Hecht
5. Jimmy Blacklock
6. Debra Lehrmann
7. John Phillip Devine
8. Paul Green
9. Jane Bland
10. Jeffrey S. Boyd
11. Brett Busby
12. Eva Guzman
13. Kristina Marie Williams
14. Staci Jan Williams
15. Dale B. Tillery
16. Raymond G. Wheless
17. Olen Grant Underwood
18. Sid L. Harle
19. Mary K.M. "Missy" Medary
20. Stephen B. Ables
21. Morton V. "Dean" Rucker
22. David Slayton
23. Robert D. Burns
24. Carolyn Fiske Wright
25. Amanda L Reichek
26. Ken Molberg
27. Dennise Garcia
28. Robbie Partida-Kipness
29. Ada Elene Brown
30. Lana Rolf Myers
31. Craig Stoddart
32. Erin A. Nowell
33. Robert M. Fillmore
34. Leslie Osborne
35. Elizabeth Lang-Miers
36. David Evans
37. Catherine N. Wylie
38. David C. Hall
39. Ruben G. Reyes
40. Janis Holt
41. David M. Patronella
42. Darrick L. Mcgill
43. Sujeeth B. Draksharam
44. Ronald E. Bunch
45. Valerie Ertz
46. Frederick Tate
47. M. Patrick Maguire
48. David Schenck
49. Clifton Roberson
50. Charles William Gameros, Jr.
51. Alec E. Pedigo
52. Christopher M. Boeck
53. Daniella Heringer
54. Dawn Fowler
55. Donald Miller
56. Eric Friedman
57. Eugene Alcala
58. George Solares
59. Hyattye O. Simmons
60. James Robertson
61. Jay M. Williams
62. Jeffrey Hellberg
63. Jonathan Pace
64. Kevin R. Davidson
65. Kristen James
66. Lucretia Milam
67. Martha Lawless
68. Michael Cohen
69. Roy T. Atwood
70. Shannon Cox
71. Thomas M. Misteli
72. William R. Deloney
73. Deborah K. Hartley
74. Chris Lowman
75. Leland C. De La Garza
76. Clinton W. Lewis
77. Lauri Baker
78. Mary Jo Hamill Cantu
79. James N. Rader
80. Ann Hennis
81. Walter L. Jones
82. Janet Diaz
83. Andres Alcantar
84. Ruth R. Hughs
85. Brittney Rachelle Johnston
86. Lisa Matz
87. Felicia Pitre
88. Jonathan Mckinnon
89. David Langford
90. Terri Etekochay
91. Todd Keith Sellars
92. Sean Donohue
93. Linda Valdez Thompson
94. Gregory Spoon
95. Elaine Flud Rodriguez
96. Henry S. Wehrmann
97. Michael Scott Rawlings
98. Barbara Elizabeth Cornelius "Betsy" Price
99. Lillie Biggins
100. Sam Coats
101. Francisco Hernandez
102. William Meadows
103. Regina Montoya
104. Curtis E. Ransom
105. Forrest Smith
106. William Tsao
107. Henry Borbolla
108. Eddie Reeves
109. Amir Rupani
110. Matrice Ellis-Kirk
111. Eric Johnson
112. Adam Bazaldua
113. Adam Mcgough
114. Adam Medrano
115. Cara Mendelsohn
116. Carolyn King Arnold
117. Casey Thomas

118. Chad West
119. David Blewitt
120. Jaime Resendez
121. Jennifer Gates
122. Lee Kleinman
123. Omar Narvaez
124. Paula Blackmon
125. Tennell Atkins
126. Mattie Parker
127. Ann Zadeh
128. Carlos Flores
129. Cary Moon
130. Dennis Shingleton
131. Gyna Bivens
132. Jungus Jordan
133. Kelly Allen Gray
134. William Brian Byrd
135. Heather Lavinia Howell
136. David Matalon
137. Kyle Achee Ferachi
138. Samuel G. Davison
139. Michael Chiusano
140. Chad Berry
141. Steven Don Goodspeed
142. Dustin Gaines
143. Harold "Harry" Dean Jones
144. Cathryn Copeland "Cc" Wood
145. C. John Scheef
146. Anna Solveig Brooks
147. Brandy Kearn Chambers
148. Heaven Marie Tull Diaz
149. Mark Galvan
150. Pursuit of Excellence, Inc.
151. Pursuit of Excellence Hr, Inc.,
152. Pursuit of Excellence – Northeast, Inc.
153. Pursuit of Excellence Holdings, LLC
154. Pursuit of Excellence – Texas, LLC
155. Pursuit of Excellence – Texas 2, LLC
156. Pursuit of Excellence – Texas 3, LLC
157. P4s Consulting, LLC
158. Cielo Creations, LLC
159. Cielo Preston Forest, LLC
160. The State of Texas
161. Texas Workforce Commission
162. Dallas Fort Worth International Airport Board
163. City Of Dallas, Texas
164. City Of Fort Worth, Texas
165. Texas Rangers
166. Dallas County District Attorney
167. Tarrant County District Attorney
168. Littler Mendelson P.C.
169. Scheef & Stone LLP
170. Chambers Legal, PLL
171. Farrow-Gillespie Heath Witter LLP
172. Middlebrook Group, PLLC
173. Cigna Healthcare of Texas, Inc.
174. JP Morgan Chase Bank
175. The CFO Suite, LLC
176. Frost Bank
177. Os33 Service Corp
178. Sara Martinez
179. Nicole Taylor
180. Oak Cliff Bible Fellowship
181. Dr. Anthony Evans

NOTICE OF RELATED CASES

1. *Torres v. Goldstein*, No. 24-11021 (5th Cir. 2025). *Writ of Certiorari filed April 2, 2026.
2. *United States v. Diaz*, 3:23-CR-00144-N (N.D. Tex. 2025).
3. *California v. Texas,* 593 U.S. 659 (2021).
4. *Texas v. United States,* 340 F.Supp. 3d 579 (N.D. Tex. 2018).
5. *Torres v. Diaz,* 141 S. Ct. 909 (2020) (cert. denied).
6. *Torres v. Dallas Fort Worth Int'l Airport Bd.,* No. 19-0940 (Tex. 2020), cert. denied, No. 20-5811 (U.S. 2020).
7. *Torres v. Court of Appeals of Tex., Fifth Dist.,* No. 19-0130 (Tex. 2019), cert. denied. No. 20-5808 (U.S. 2020).

REQUEST FOR JOINT CERTIFICATION

This case and the related case are intertwined, *Torres v. Goldstein*, No. 24-11021 (5th Cir. 2025). *Writ of Certiorari filed April 2, 2026. Therefore, Petitioner respectfully pleads this Honorable Court grant review of both.

OPINIONS BELOW & INDEX OF APPENDICES

The district court adopted (App. C, 9) the magistrate's findings, conclusions and recommendation (App. A, 3) dismissing the complaint with prejudice at the screening stage.

The United States Court of Appeals for the Fifth Circuit affirmed. (App. D, 10).

JURISDICTION

The judgment below issued January 13, 2026.

This Court's jurisdiction rests on 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- U.S. Const. amends. I, V, XIV, § I
- 42 U.S.C. §1983 (Constitutional violations "under color of law")
- 31 U.S.C. §3729 et seq. (False Claims Act)
- 28 U.S.C. §1915(e) (in forma pauperis dismissal)
- 28 U.S.C. §144, (Judicial Disqualification)
- 28 U.S.C. §455 (a), (b)(1) and (3), (Judicial Disqualification)

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CONFLICT CHART

Holding Below	Contrary Authority
5th Cir. DENIES opportunity to amend for ALL pro se in forma pauperis litigants under §1915(e)(2) screening order until *sua sponte* dismissal.	• Screening order prohibits amendment then dismissed with prejudice= NO procedural amendment opportunity & NO specifics on pleading deficiency = NO substantive opportunity to amend. • Denies meaningful access to courts protected by Const. Amend. V, XIV § I; *Bounds v. Smith*, 430 U.S. 817 (1977); *Boddie v. Connecticut*, 401 U.S. 371, 379 (1971).
Pro se complaint deficient. Dismissal proper under Fed. R. Civ. P. 8(a) & *Iqbar/Twombly*	• SCOTUS should resolve circuit split on FCA sufficiency level under Rule 9(b): Strict: 2,4,6,8,11 v. Flex: 1,7,9,*5 v Liberal: 3 • Strict application of *Iqbar/ Twombly* nullifies *Haines* and *Erickson*, 551 U.S. at 94. Courts must "construe liberally" before deeming incomprehensible. • Lengthy pleading does not justify dismissal with prejudice; amendment is the required remedy under *Foman*. • False Claims Act requires "written disclosure of substantially all material evidence and information" of full, detailed evidentiary disclosure to the government to initiate a case.
Sua sponte dismissal of FCA complaint under seal. (Aug 30, 2024) Gov't declines intervention but moves for dismissal. (Sept. 27, 2024)	• Circuits split on *sua sponte* FCA dismissals during seal: 5th vs. 2nd/3rd/9th Circuits • FCA §3730(b)(5) forbids ALL interference before government decision. 31 U.S.C. §3730 (b)(2). • Gov't must intervene to dismiss. *Polansky v. Exec. Health Res.*, 599 U.S. 419 (2023); *Northstar Wireless*, 68 F.4th 1 (D.C. Cir. 2022).
Pro se litigants cannot prosecute False Claims Act cases.	• *Polansky* and § 3730 (b), (c)(3) recognize relators' autonomous status; courts may appoint counsel or allow amendment—dismissal with prejudice violates *Foman v. Davis*.
Immunity bars §1983 claims as well as injunctive and declaratory relief.	• *Ex parte Young* forecloses immunity for ongoing constitutional violations. Immunity yields when actions occur in complete absence of jurisdiction and when due to crime/fraud exception. *Eastman v. Thompson*, 2022 WL 11030550 (C.D. Cal. Oct. 19, 2022).

Immunity bars §1983 claims, cont.	• Under *Ex parte Young*, 209 U.S. 123 (1908), sovereign immunity does not bar suits seeking to stop unconstitutional conduct. Immunity cannot be allowed to avoid constitutional accountability." *Alden v. Maine*, 527 U.S. 706, 814 (1999) (Scalia, J., dissenting).
Denied counsel as "moot"	• Equal protection violation when indigence prevents meaningful hearing.
Adoption & Affirmed without merits review (April 28, 2025)	De novo review required. The Constitution forbids silent procedural default where fundamental rights at stake. 28 U.S.C. § 636 (b)(1) & Fed. R. Civ. P. 72 (b)(3); *Boddie, 401 U.S. 371; Bounds, 430 U.S. 817*
Recusal Denied (April 28, 2025)	District Judge Starr's prior employment working for defendants as lead counsel in directly related case *Texas v. United States,* 340 F.Supp. 3d 579 (N.D. Tex. 2018), is structural due-process error: Judge Starr's disqualification is mandatory under 28 U.S.C. §§144, 455(a), (b)(1) and (3). *Williams v. Pennsylvania,* 579 U.S. 1 (2016); *Caperton,* 556 U.S. 868 (2009).

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SUMMARY OF THE PETITION (CERT POOL MEMORANDUM)

This petition presents a clean and recurring constitutional question: whether federal courts may terminate a pro se litigant's constitutional claims at the screening stage—with prejudice, without specifics on pleading deficiency, without addressing judicial bias, and without meaningful access to appellate review.

The decision below demonstrates a metastasizing practice that converts 28 U.S.C. § 1915(e)(2) preliminary screening into final merits adjudication. That practice conflicts with this Court's precedents requiring liberal construction of pro se pleadings (*Haines v. Kerner*, 404 U.S. 519 (1972)) and liberal opportunity to amend (*Foman v. Davis*, 371 U.S. 178 (1962)).

Here, the lower courts applied *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) rigidly while denying opportunity to amend—effectively nullifying *Haines*, 404 U.S. 519. At the same time, the courts failed to address preserved judicial disqualification claims required under *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), allowing adjudication by a tribunal whose disqualification is mandatory under 28 U.S.C. §§144 and 455(a), (b)(1) and (3).

Further, the complaint alleged ongoing unconstitutional and ultra vires conduct that falls squarely within *Ex parte Young*, 209 U.S. 123 (1908). Yet, claims were dismissed without analysis—expanding sovereign and judicial immunity beyond constitutional limits. Compounding these errors, Petitioner was denied

access to records necessary for appeal, undermining the First and Fourteenth Amendment rights to meaningful access of courts recognized in *Bounds v. Smith*, 430 U.S. 817 (1977). (Compl. 16-22, 32-37, 43-68, 69-130, 144-153; Petitioner/ Appellant Brief 44-51, 67-83). See related case: *Torres v. Goldstein*, No. 24-11021 (5th Cir. 2025) with Writ of Certiorari filed April 2, 2026.

These issues are preserved, outcome-determinative, and recurring nationwide. This case is an excellent vehicle to clarify:

(1) Limits on 28 U.S.C. §1915(e)(2) screening dismissals;

(2) The interaction between *Twombly/Iqbal* and pro se pleading standards, including resolving deep circuit splits on the courts:

  (a) ability to *sua sponte* dismiss during the False Claims Act seal period and,
  (b) sufficient pleading standard under Fed. R. Civ. P. 9(b); and

(3) Constitutional immunity limits, requirements of judicial recusal and disqualification; the right to unbiased, meaningful adjudication and de novo appellate review.

Review is warranted.

INTRODUCTION

Can local and state government officials violate federal law, defraud the United States, engage in RICO, potentially enabling national security risks at the world's sixth busiest international port then use the judicial system to retaliate against a whistleblower with impunity?

This is the case core issue: law fare retaliation against Whistleblower Torres by government officials acting under the color of law using the judiciary as a shield to avoid accountability continuing since 2016, which federal courts upheld and furthered. Whistleblower Torres's complaint includes dozens of §1983 claims, seeking injunctive and other relief against state and judicial officers for which immunity has been waived and exceptions apply—lack of jurisdiction and disqualification due to ultra vires acts and / or crime-fraud exception.

This case presents a recurring and outcome-determinative question at the gateway to federal courts: whether a pro se litigant's complaint may be permanently dismissed at the screening stage—without leave to amend, without specifying claim defects, and without meaningful review.

The decision below affirms a practice that converts the preliminary screening of 28 U.S.C. § 1915(e)(2) into final merits adjudication. This approach conflicts with this Court's longstanding directives that pro se pleadings be liberally construed, *Haines v. Kerner*, 404 U.S. 519 (1972), and that leave to amend be freely granted when defects may be cured, *Foman v. Davis*, 371 U.S. 178 (1962).

The question is exceptionally important. For indigent litigants, 28 U.S.C. §1915(e)(2) screening is often the only entry point into federal court. When dismissal with prejudice is imposed at that stage—without amendment opportunity—access to courts is effectively denied.

This case also presents the need to resolve important circuit split questions concerning the structure of the False Claims Act: (1) whether courts may terminate sealed qui tam actions before the statutorily required process has completed and (2) the sufficiency pleading level for pro se litigants in light of *Iqbal / Twombly*. *Iqbal*, 556 U.S. 662; *Twombly*, 550 U.S. 544.

As Justice Scalia warned, "procedural barriers cannot be allowed to shield substantive injustice." (*Padilla v. Kentucky*, 559 U.S. 356, 380 (2010) (Scalia, J., dissenting)). This petition seeks to reaffirm that principle.

STATEMENT OF THE CASE

1. **Background**

Petitioner, a human resource professional and whistleblower, filed pro se complaint asserting constitutional and statutory claims, including reverse qui tam under 31 U.S.C. 3729 seq. el., False Claims Act.

The complaint alleges a coordinated scheme among local and state government officials and private actors, led by Dallas–Fort Worth International Airport ("DFW"), to evade Affordable Care Act ("ACA") requirements and defraud the United States by awarding contracts to staffing vendors—without state statutorily required bidding process to issue illegal contracts for an illegal purpose—to engage a worker shell game to deny avoid ACA tax penalties while denying ACA required benefits to hundreds of workers for increased profits and executive bonuses.

Heaven Marie Diaz, one such vendor and owner of Pursuit of Excellence, Inc., was eventually convicted of multiple-felony tax fraud offenses stemming from these DFW contracts by withholding over $3 million in payroll taxes from DFW employees. She was sentenced to 97 months' imprisonment and ordered to pay restitution. *United States v. Diaz*, No. 3:23-CR-00144 (N.D. Tex. 2025).

Petitioner further alleges that DFW via their vendor, Pursuit of Excellence retaliated by initiating state court proceedings to chill Torres's whistleblowing,

using the judicial system and state resources to economically and professionally harm Petitioner enabled via state officials.

2. **District-Court Proceedings**

The court issued order prohibiting amendment during the 28 U.S.C. §1915(e)(2)(B) screening process. (App. A, 1, July 31, 2024). Screening was complete upon the magistrate's Findings, Conclusions and Recommendation ("F, C & R") of dismissal with prejudice—before the government's intervention deadline expired—concluding the complaint failed to satisfy Fed. R. Civ. P. 8 and *Iqbal/Twombly* requirements absent specific claim insufficiency details. *Haines*, 404 U.S. 519; *Iqbal*, 556 U.S. 662; *Twombly*, 550 U.S. 544. (App. A, 3, August 30, 2024).

Petitioner filed timely objection, for appointment of counsel, recusal (subsequently filing affidavit) and change of venue. (App. B, 5-6, Sept. 6, 2024 & Sept. 9, 2024 respectively).

The government declined intervention, requested dismissal and asserted Petitioner could not proceed pro se on FCA claim. (App. B, 7, Sept. 27, 2024). Petitioner objected. (App. B, 8, October 7, 2024).

The district court adopted the magistrate's recommendation for dismissal with prejudice asserting de novo review but without identifying specific pleading deficiencies, without addressing or responding to objections, and denied recusal, change of venue and appointment of counsel. (App. C, 9; Op. Apr. 28, 2025).

3. **Fifth Circuit Affirmed. (App. D, 10, January 13, 2026).**

The Fifth Circuit denied en banc review holding Petitioner failed to "present a non-frivolous appellate issue", had opportunity to amend but failed to do so and therefore abandoned her claims—ignoring the §1915(e)(2) screening order (App. A, 1) prohibited amendment procedurally and lack of specifics on pleading insufficiency prohibited substantive amendment—without analyzing the record or addressing the substantive constitutional, statutory, or recusal arguments raised.

REASONS FOR GRANTING THE WRIT

I. Circuit Split Warrants Review: Dismissal with Prejudice at Screening Conflicts with Supreme Court Precedent.

Courts of appeals are divided on whether dismissal with prejudice at 28 U.S.C. §1915(e)(2) screening stage—without leave to amend—is permissible.

Sua Sponte Dismissal Without Leave:

The Fifth, Sixth, Seventh and Eighth Circuits permit sua sponte dismissal with prejudice under §1915(e)(2) screening without leave to amend before any adversarial process, thereby benefitting defendants on wholesale basis. See, e.g., *Brewster v. Dretke*, 587 F.3d 764, 767–68 (5th Cir. 2009). As courts are seeing an increase in pro se pleadings, so too is an increased use of §1915(e)(2) as a dismissal vehicle to quickly dispose of pro se claims, especially those who file to proceed in forma pauperis.

Some courts, like Texas' Northern District, administratively defer motions prohibiting filing of amendment or moving for appointment of counsel until completion of screening. Completion of screening occurs with the issuance of the magistrate's F, C & R, which dismisses the action with prejudice. This practice directly conflicts with *Foman v. Davis*, 371 U.S. 178 (1962), where this Court made clear that leave to amend when justice so requires is a mandate to be heeded.

Constitutionally Protective Approach:

Many circuits have more explicitly emphasized that §1915(e)(2) does not abrogate Rule 15 protections. These courts typically require pro se litigants be afforded notice and at least one opportunity to amend, especially for constitutional claims, unless no cure possible or its obvious plaintiff cannot prevail and amendment would be futile. See, e.g., *Gomez v. USAA Fed. Sav. Bank*, 171 F.3d 794, 795–96 (2d Cir. 1999); *Grayson v. Mayview State Hosp.*, 293 F.3d 103, 108 (3d Cir. 2002); *Gee v. Pacheco*, 627 F.3d 1178 (10th Cir. 2010). See also *Lopez v. Smith,* 203 F.3d 1122 (9th Cir. 2000) (en banc) (Rejects argument that PLRA eliminated amendment rights).

This divergence produces materially different outcomes for similarly situated litigants based solely on geography. In some circuits, a pro se litigant receives an opportunity to cure defects; in others, like here, constitutional claims are terminated at the outset.

The question is exceptionally important because it governs the gateway to federal courts for pro se indigent litigants nationwide.

The Fifth Circuit's process conflicts with this Court's Precedents on Amendment and Pro Se Pleadings.

The Constitution "does not permit the arbitrary extinguishment of a person's cause of action without opportunity to be heard." *Boddie v. Connecticut*, 401 U.S. 371, 379 (1971).

This Court has held that even pro se pleadings must be liberally construed and that leave to amend should be freely given. *Erickson v. Pardus,* 551 U.S. 89 (2007); *Foman v. Davis,* 371 U.S. 178 (1962). Further, this Court has long held that pro se pleadings must be liberally construed. *Haines v. Kerner*, 404 U.S. 519 (1972).

This Court has recognized constitutional right of access to courts. *Bounds v. Smith*, 430 U.S. 817 (1977).

Judge Friendly cautioned that extreme rigidity in procedural rules produces the same arbitrary, unjust results the law is designed to prevent. He emphasized the need for balance between strict rules and necessary judicial discretion to attain consistent, fair treatment. (H. Friendly, *Indiscretion About Discretion*, 31 Emory L.J. 747 (1982)).

Access to courts is not a procedural luxury but a structural necessity. As Justice Thomas emphasized, "[t]he right to sue and defend in the courts is the alternative of force." *Tennessee v. Lane*, 541 U.S. 509, 533–34 (2004) (Thomas, J., dissenting) (quoting *Chambers v. Baltimore & Ohio Railroad Co.*, 207 U.S. 142, 148 (1907)).

It is a well-established constitutional principle that procedural rules cannot be used to deprive a litigant of meaningful access to courts or the ability to vindicate substantive rights. See *Boddie v. Connecticut*, 401 U.S. 371 (1971); *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982).

A. Rigid Application of Iqbal/ Twombly nullifies Haines violating Due Process and Equal Protection Rights; a nationwide issue warranting Court's intervention.

The decision below cannot be reconciled with precedents: it applies pleading standards strictly and denies any opportunity to amend. This combination nullifies *Haines* and converts *Iqbal/Twombly* into a barrier to court access. *Haines*, 404 U.S. 519; *Iqbal*, 556 U.S. 662; *Twombly*, 550 U.S. 544. A complaint should not be both strictly judged and denied any chance to be corrected. This issue affects a substantial portion of federal filings. (See Appellant Brief, p.19-20).

Here, as in most pro se pleadings before the Northern District of Texas, the district court preemptively issued order immediately upon filing—prohibiting amendment or filing for appointment of counsel until dismissal with prejudice, without hearing, specific pleading deficiencies, or chance to amend—terminating constitutional claims absent opportunity to be meaningfully heard.

The district court adopted the magistrate's F, C & R absent response to Torres's objections nor provided any de novo analysis, ignored Torres's objection to Government's Motion to Dismiss without first intervening contrary to *Polansky*, denied recusal of the magistrate based on rulings and his own recusal as prior association being inadequate grounds. *Polansky*, 599 U.S. 419. Motion for appointment of counsel was determined to be moot and change of venue declined.

The magistrate's F, C & R failed to detail any specific deficiency merely asserting the case is "frivolous and fails to state a claim" as cause to dismiss with

prejudice. The magistrate asserted the lengthy complaint was "rambling and largely difficult to decipher . . . without much substantive elaboration . . . runs headlong into judicial immunity . . . generally lacks lucidity . . . Torres' claims against the judges—whether for injunctive, declaratory, or monetary relief—are barred by judicial immunity."

However, the cases cited do not hold what the magistrate asserts; judicial immunity does not bar injunctive or declaratory relief. More importantly, Petitioner's claims are for non-judicial, ultra-vires actions lacking all jurisdiction. Judge Bonnie Goldstein's appointment of a private IT expert to search, seize and destroy Torres's private property is NOT a judicial act. Administrative Regional Judge Raymond Wheless suddenly appeared to preside over a motion for summary judgment in a case to which he was not assigned, and to which he was previously recused in a related matter. Judge Wheless issued a permanent state-wide injunction which prohibits Torres from working based on a fatally flawed petition and affidavit after directing the clerk to reject Torres's answer. Both Judge Goldstein and Judge Wheless actions were ultra-vires acts in furtherance of DFW's conspiracy absent jurisdiction.

Given Torres's reverse qui tam case contains 158 claims and 181 defendants, Rule 9 requirement and constitutional violations by state actors ongoing since 2016, Torres's FCA petition, consistent with other complex, extensive FCA petitions[1], is

[1] U.S. Dep't of Justice, *Fact Sheet: False Claims Act Settlements and Judgments* (Jan. 16, 2025), https://www.justice.gov/opa/media/1424126/dl.

lengthy. Length does not justify dismissal with prejudice and amendment can improve clarity. If Torres's pleading was insufficient, claim deficiency specifics should be detailed to enable amendment. While the F, C & R cites to *Twombly*, there is no specific deficiency mentioned as to lack of plausibility or other substantive or recognized procedural defect. *Twombly,* 550 U.S. 544.

This Court's guidance is needed to correct premature dismissal of constitutional claims and protect congressional intent of FCA.

II. This Case Implicates the Structure of the False Claims Act

Dismissal with prejudice during the statutory seal violates Congress's command under 31 U.S.C. 3730(b), destroys the right of access to courts and creates significantly divergent results for litigants based on geography.

This case presents an additional and independently certworthy question concerning the structure and enforcement of the False Claims Act ("FCA"), 31 U.S.C. §3730(b).

Petitioner's complaint included a reverse qui tam claim filed under seal. The district court dismissed the action at the screening stage, prior to notice from the United States. This raises substantial questions about whether courts may terminate qui tam actions before the statutory process has concluded contrary to Congress's intent.

Qui tam actions are not ordinary private disputes. They are enforcement actions brought on behalf of the United States, in which the relator functions as a partial assignee of the Government's claim. The statutory scheme requires:

- Comprehensive pleading of facts subject to the heightened pleading standard of Fed. R. Civ. P. 9(b) to include the "who, what, when, where, and how" of the fraud, including specific details of false claims submitted to the government, to avoid dismissal.
- Filing under seal;
- Notice to the United States;
- An opportunity for the Government to investigate and decide whether to intervene.

Under FCA, whistleblowers claims have allowed the United States to recover billions of dollars. It is widely recognized that FCA whistleblowers rarely have access to both sides of a fraud scheme as employee roles often provide a narrow view of misconduct. Some courts, recognizing this limitation, allow "strong insider detail" of the fraudulent scheme to create a reasonable inference that violations occurred with the direct and independent knowledge that makes FCA a successful tool to combat fraud.

Circuits are split on the sufficient level of detail a whistleblower must allege under Rule 9(b) to survive a Fed. R. Civ. P. 12(b)(6) motion requiring actual false claims versus well-pled fraud schemes with inferential support. The Third Circuit courts often emphasize substance over rigid formality to look for whether the complaint supplies a factual basis for a reasonable inference of falsity and claim

submission. *United States ex rel. Foglia v. Renal Ventures Mgmt., LLC,* 2014 WL 2535339 (3d Cir. June 6, 2014).

In contrast, the Fourth, Sixth, Eighth, Eleventh, and many Second Circuits apply a strict approach requiring claim-specific factual detail in FCA pleadings. *United States ex rel. Wilson v. Kellogg Brown & Root, Inc.*, 525 F.3d 370 (4th Cir. 2008); *United States ex rel. Bledsoe v. Community Health Systems, Inc.*, 501 F.3d 493 (6th Cir. 2007).

The First, Seventh, Ninth and many Fifth Circuit decisions (Torres is a clear exception being treated differently from similarly situated litigants) apply a more flexible Rule 9(b) standard emphasizing the pleading must give defendants fair notice and provide reasonable inference of falsity. *United States ex rel. Duxbury v. Ortho Biotech Prods.*, LP, No. 12-2141 (1st Cir. 2013); *United States ex rel. Grubbs v. Kanneganti*, 565 F.3d 180 (5th Cir. 2009).

The question presented is thus not merely procedural, but structural: Whether courts may extinguish federal fraud claims brought on behalf of the United States at the screening stage, during the seal period, directly contrary with FCA's congressional intent.

Here, and repeatedly in pro se in forma pauperis cases, the court acts sua sponte exclusively benefitting defendants to dismiss complaints with prejudice at the screening stage:

- During the seal period and without adversarial testing;
- Absent government investigation or notice;
- Without appointment of counsel despite the complexity and public interest nature of the claims.

This practice conflicts with decisions recognizing the Government's central role in FCA litigation and undermines Congress's design of qui tam enforcement as a critical tool for combating fraud against the United States.

Allowing *sua sponte* dismissal during sealed qui tam actions effectively transfers control of federal fraud enforcement from the Executive Branch to individual district courts—raising serious separation-of-powers concerns. Additionally, the courts suffer no injury to wait until the congressionally defined 60-day period expires prior to conducting screening and making adjudication decisions as no service on defendants or discovery is occurring.

Legislative design compels the Government first to "diligently investigate" and the Government has internal procedural policies before determining intervention or dismissal. Practice should not overcome clear statute: courts may not preempt the FCA process. *Unites States ex rel. Polansky v. Executive Health Resources Inc.*, 599 U.S. 419 (2023). (The Government's authority to dismiss ripens after it intervenes under Fed. R. Civ. P. 41(a) after it declines to intervene during the initial seal period); *Vt. Agency of Nat. Res. v. United States ex rel. Stevens*, 529 U.S. 765 (2000).

By dismissing before the Government's notice, the lower courts nullify Congress's dual-stage structure and deprive sovereigns the opportunity to decide enforcement. The fact the Government subsequently declined to intervene doesn't moot the courts structural and procedural interference.

As Chief Justice Roberts observed, "Judicial power … does not license the judiciary to alter the balance set by Congress." *Seila Law LLC v. CFPB*, 591 U.S. 197 (2020).

The decisions below deepen a circuit split on *sua sponte* dismissal of sealed *qui tam* actions under 31 U.S.C. § 3730(b).

Both the D.C. and Ninth Circuit prohibit *sua sponte* dismissal during the seal period absent government notice. See *United States ex rel. Vt. Nat'l Tel. Co. v. Northstar Wireless LLC*, 68 F.4th 1 (D.C. Cir. 2022); *Swift v. United States* 318 F.3d 250 (D.C. Cir. 2003); *United States ex rel. Lujan v. Hughes Aircraft Co.*, 67 F.3d 242 (9th Cir. 1995). *United States ex rel. Sequoia Orange Co. v. Baird-Neece Packing Corp.*, 151 F.3d 1139 (9th Cir. 1998) established "rational relation" test for government dismissal of FCA claims if it demonstrates a valid government purpose and a rational relationship between the dismissal and that purpose.

The Fifth Circuit's broad tolerance of premature FCA dismissal is contrary to Supreme Court precedent, likely to the detriment of the United States. Although many of the Fifth Circuit's decisions dismissing FCA and pro se complaints are unpublished, the court has consistently affirmed such dismissals, indicating a practice that emphasizes procedural screening and strict Rule 9(b) review. While unpublished opinions do not create binding precedent, they reveal a pattern in the court's handling of these cases.

III. The Decision Below Expands Immunity Beyond Constitutional Limits to Cover Unconstitutional and Ultra Vires Acts

"Under *Ex parte Young*, 209 U.S. 123 (1908), sovereign immunity does not bar suits seeking to stop unconstitutional conduct. Justice Antonin Scalia warned: "We should not transform doctrines of immunity into devices for avoiding constitutional accountability." *Alden v. Maine*, 527 U.S. 706, 814 (1999) (Scalia, J., dissenting).

Petitioner's complaint alleged ongoing unconstitutional and ultra vires conduct. The complaint explicitly alleged ultra vires actions and ongoing constitutional violations, including the issuance of orders absent any jurisdiction, orders for which the state judicial commission issuing private sanction to Judge Bonnie Goldstein for denying Torres due process and ordering retraining as a district court judge (during the investigation which took 18 months and because the sanction was private, Judge Goldstein was elected to Texas' appellate court for the 5th district).

Judge Goldstein and Judge Wheless's unlawful orders continue to stand harming Torres because state nor federal courts have provided Torres with opportunity for meaningful review before a neutral decision-maker due to the controversial subject (the Affordable Care Act, which Texas has repeatedly sought to repeal), and the defendants being high-ranking state officials. (Compl. 214-220, 228-234, 270-316, 458-468). (See Petitioner-Appellant Brief at 21-23, 76- 81 (5th Cir. Sept. 23, 2025.)

By dismissing at screening, the lower courts effectively insulated allegations of constitutional violations from review and perpetuate Torres's damages, already nearing two million to infinity unless Torres leaves the state of Texas, changes careers or attains a law degree and licensure.

Failure To Recuse in the Face of Structural Bias Violates Due Process per *Caperton*.

Torres's complaint and appellant brief alleged systemic judicial bias, conflicts of interest, and participation by judges whose authority and neutrality were directly challenged at the state and federal level.

Due process requires more than formal procedure; it guarantees a "fair trial in a fair tribunal." *In re Murchison*, 349 U.S. 133, 136 (1955). The Supreme Court has emphasized that due process is violated when judges with a personal stake in the outcome participate or when claims are dismissed without meaningful adjudication. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 889 (2009) (Alito, J., dissenting); *Williams v. Pennsylvania*, 579 U.S. 1, 20 (2016). These principles protect both individual rights and the legitimacy of judicial outcomes.

As this Court has recognized, judicial legitimacy depends on public confidence. *Baker v. Carr*, 369 U.S. 186, 267 (1962) (Stewart, J., concurring). Yet, there is declining trust in our judiciary. Empirical evidence demonstrates the stakes. A 2024 Gallup survey found that only **35 percent of Americans express**

confidence in the judicial system, a 24-point drop since 2020 and the largest gap with other wealthy (OECD) nations. Confidence fell below 50 percent among both supporters and opponents of U.S. leadership. Benedict Vigers & Lydia Saad, *Americans Pass Judgment on Their Courts*, Gallup (Dec. 17, 2024), https://news.gallup.com/poll/653897/americans-pass-judgment-courts.aspx. (See Petitioner-Appellant Brief at 19-25 (5th Cir. Sept. 23, 2025).

This decline demonstrates the real-world consequences of failing to safeguard fair adjudication: when the public perceives courts as biased or procedurally unfair, confidence erodes, and the legitimacy of judicial outcomes is called into question.

Petitioner moved for Judge Starr's and Magistrate Toliver recusals for clear cause with affidavit, learning additional indisputable facts which made clear Judge Starr was statutorily required to recuse himself. (See Petitioner-Appellant Brief at 67- 75, 82 (5th Cir. Sept. 23, 2025.)

Judge Starr served as Deputy First Assistant Attorney General under Defendants Abbot and Paxton and led Texas's constitutional challenge to the ACA, which is central to this case. *Texas v. United States*, 340 F. Supp. 3d 579 (N.D. Tex. 2018).

Magistrate Toliver showed clear bias in issuing dismissal during the statutory required stay and by revealing the sealed case during the stay and other actions as detailed in Motion for Recusal.

Failure to recuse is not harmless—it undermines the legitimacy of the entire proceeding. Failure to address recusal before adjudicating the merits is itself a constitutional error.

This Court's intervention is warranted to reaffirm that due process requires recusal where there is a serious risk of bias and that premature dismissals without adequate procedural safeguards threaten both constitutional rights and public trust.

This issue is independently certworthy because it implicates the integrity of the judicial process.

Additionally, Petitioner was denied access to discovery and records from the state court proceedings necessary for appeal in state courts and federal review:

- Judges directed clerks to reject Petitioner's pleadings and prohibit hearing scheduling absent trial judge approval in advance.
- The state district clerk refused to produce records for the appellate process at the direction of the state appellant clerk.
- State trial court reporters—whom were in attendance and transcribed during hearings—asserted no record or ignored production requests.
- UPLC refused to produce records. Rule 12 appeal gained order for judicial records which the Special Panel asserted no authority to enforce.
- State Commission on Judicial Conduct issued private admonition validating trial courts denial of due process but barred Petitioner / complainant from investigatory records.
- Government entities selectively responded to Public Information Requests and State Attorney' General's office refused to require production per statute.
- Parties and 3rd parties ignored discovery requests and properly served subpoenas. The trial courts refused to schedule hearings to enforce discovery.

  (Denial of Records: App. G, 13-18, Compl. p. 187-194, 247-251, 351, 392-94, 461-464).

This Court has long recognized a fundamental constitutional right of meaningful access to the courts. *Bounds v. Smith*, 430 U.S. 817 (1977). Due process further requires not only fairness, but the appearance of fairness: "justice must satisfy the appearance of justice." *Offutt v. United States*, 348 U.S. 11, 14 (1954). Without meaningful access to courts and the records necessary to vindicate claims, these guarantees are rendered hollow. This question is fundamental and independently warrants this Court's review.

CONCLUSION AND PRAYER

This case presents a consequential and recurring split concerning access to federal courts for pro se indigent litigants, the proper application of pleading standards, and the protection of constitutional claims from premature dismissal. The decision below departs from this Court's precedents permitting the dismissal of constitutional claims without meaningful review.

This Court has long recognized that judicial legitimacy depends on fair process and impartial adjudication. As Chief Justice Roberts has explained, the authority of the judiciary "ultimately rests upon the respect accorded to its judgments." *Whole Woman's Health v. Hellerstedt*, 579 U.S. 582, 607 (2016) (Roberts, C.J., dissenting). That respect cannot be maintained where litigants are denied a "fundamentally fair process." *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 889 (2009) (Alito, J., dissenting). Nor can access to courts be reduced to a formality, as "[t]he right to sue and defend in the courts is the alternative of force."

Tennessee v. Lane, 541 U.S. 509, 533–34 (2004) (Thomas, J., dissenting, quoting *Chambers v. Baltimore & Ohio R.R. Co.*). When courts dismiss constitutional claims at the threshold—without amendment, without neutral adjudication, and without meaningful review—they undermine both the appearance and reality of justice.

The legitimacy of judicial decisions depends on public confidence that courts apply the law impartially. As this Court has recognized, due process demands "a fair trial in a fair tribunal." *In re Murchison*, 349 U.S. 133, 136 (1955). Extending doctrines of judicial or sovereign immunity beyond their proper scope to shield unconstitutional conduct erodes that confidence and departs from the Constitution's fundamental commitment to the rule of law.

The purpose of sovereign and judicial immunity should rightfully protect officials acting in good faith or even unintentional negligence from litigation. However, extending such protection to intentional, knowing or purposeful, malicious, or illegal acts blatantly disrespects the source of government authority trampling the courts of justice,[2] fundamental purposes and guiding principles: "to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and securing the blessings of Liberty to ourselves and our Posterity". U.S. Const. pmbl.

[2] "The multitude of your sacrifices—what are they to me?" says the Lord. . . . I have no pleasure [in your sacrifices]. . . . When you come to appear before me, who has asked this of you, this trampling of my courts? Stop bringing meaningless offerings! Your [praise] is detestable to me. . . . [When you gather]—I cannot bear your worthless assemblies. . . .your appointed festivals I hate with all my being. They have become a burden to me; . . . .When you spread out your hands in prayer, I hide my eyes from you; even when you offer many prayers, I am not listening. Your hands are full of blood! Wash and make yourselves clean. Take your evil deeds out of my sight; stop doing wrong. Learn to do right; seek justice. Defend the oppressed. Take up the cause of the [hurting and vulnerable]." Isaiah 1:11-17 (NIV).

It is the ultimate betrayal for the courts to hold everyone else accountable while covering[3], approving and reinforcing their own unjust or illegal acts which metastasize under a transparent but impenetrable blanket of immunity with perceived impunity[4]. Thereby abrogating the court's duty to provide unbiased justice[5] undermining the purpose of our judiciary system and democracy. (See Appellant Brief, p. 21-25).

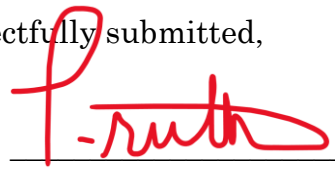
The Petition asks this Court to reform and restore the foundational cornerstone so that ***no one shall be condemned unheard***, and "***Equal Justice Under Law***" is not relegated to wall décor but demonstrably etched in the heart of every judicial officer by their judgments.

Accordingly, Petitioner Ruth Torres respectfully prays this Honorable Court:

1. Grant the **Petition for Writ of Certiorari <u>jointly with related case</u>,** *Torres v. Goldstein*, No. 24-11021 (5th Cir. 2025). *Writ of Certiorari filed April 2, 2026;
2. **Reverse** the judgment of the Fifth Circuit; and
3. **Remand** with **GRANT of appointment of counsel** and **GRANT of Change of Venue** for an impartial tribunal for proceedings consistent with this Court's precedent and constitutional requirements.

[3] Genesis 3:7 (King James).
[4] Matthew 7:1-2, 12:36-37 (King James).
[5] Leviticus 19:15;, Deuteronomy 1:16, 16:19 (King James).

Respectfully submitted,



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Date: April 13, 2026

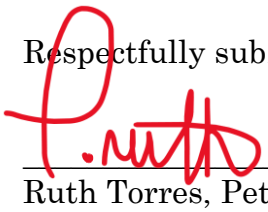
CERTIFICATE OF COMPLIANCE RULE 33.1

As required by Supreme Court Rule 33.1(g), I certify that this Petition for Writ of Certiorari:

1. Complies with the type-volume limitation because it contains approximately 4,988 words, excluding the parts exempted under Rule 33.1(d).

2. Complies with the typeface and style requirements because it has been prepared in Century Schoolbook, 12-point font, double-spaced.

Respectfully submitted,



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Date: April 13, 2026

NO. _____

In the Supreme Court of the United States

RUTH TORRES,

Petitioner

v.

Respondents.

PROOF OF SERVICE

I, Ruth Torres, do swear or declare that on this date April 13, 2026, as required by Supreme Court Rule 29, I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every person required to be served, by depositing an envelope containing documents in electronic format in the United States mail properly addressed to each of them with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served by first-class mail, postage prepaid, are the following:

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18	SID L. HARLE		100 Dolorosa, 4th Floor	San Antonio, Texas 78205
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20	STEPHEN B. ABLES		700 Main Street	Kerrville, Texas 78028
21	MORTON V. "DEAN" RUCKER	Midland County Courthouse	500 North Loraine Street, Suite 502	Midland, Texas 79701
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30	LANA ROLF MYERS	Fifth Court of Appeals, George L. Allen, Sr. Courts BLDG,	600 Commerce Street, Suite 200	Dallas, TX 75202

31	CRAIG STODDART	Fifth Court of Appeals, George L. Allen, Sr. Courts BLDG,	600 Commerce Street, Suite 200	Dallas, TX 75202
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33	ROBERT M. FILLMORE	Fifth Court of Appeals, George L. Allen, Sr. Courts BLDG,	600 Commerce Street, Suite 200	Dallas, TX 75202
34	LESLIE OSBORNE	Fifth Court of Appeals, George L. Allen, Sr. Courts BLDG,	600 Commerce Street, Suite 200	Dallas, TX 75202
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36	DAVID EVANS	Fifth Court of Appeals, George L. Allen, Sr. Courts BLDG,	600 Commerce Street, Suite 200	Dallas, TX 75202
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38	DAVID C. HALL	C/O Jacqueline Habersham, Executive Director, Texas Commission on Judicial Conduct	William R. Clements, Jr. State Office Building, 300 West 15 Street	Austin, TX 78701
39	RUBEN G. REYES	C/O Jacqueline Habersham, Executive Director, Texas Commission on Judicial Conduct	William R. Clements, Jr. State Office Building, 300 West 15 Street	Austin, TX 78701
40	JANIS HOLT	C/O Jacqueline Habersham, Executive Director, Texas Commission on Judicial Conduct	William R. Clements, Jr. State Office Building, 300 West 15 Street	Austin, TX 78701

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		on Judicial Conduct		
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149	MARK GALVAN		3469 Lincoln Drive	Frisco, TX 75034
150	PURSUIT OF EXCELLENCE, INC.		3225 Turtle Creek Boulevard, Apartment #1446	Dallas, TX 75219
151	PURSUIT OF EXCELLENCE HR, INC.,		3225 Turtle Creek Boulevard, Apartment #1446	Dallas, TX 75219
152	PURSUIT OF EXCELLENCE – NORTHEAST, INC.		3225 Turtle Creek Boulevard, Apartment #1446	Dallas, TX 75219
153	PURSUIT OF EXCELLENCE HOLDINGS, LLC		3225 Turtle Creek Boulevard, Apartment #1446	Dallas, TX 75219
154	PURSUIT OF EXCELLENCE – TEXAS, LLC		3225 Turtle Creek Boulevard, Apartment #1446	Dallas, TX 75219
155	PURSUIT OF EXCELLENCE – TEXAS 2, LLC		3225 Turtle Creek Boulevard, Apartment #1446	Dallas, TX 75219
156	PURSUIT OF EXCELLENCE – TEXAS 3, LLC		3225 Turtle Creek Boulevard, Apartment #1446	Dallas, TX 75219
157	P4S CONSULTING, LLC		3225 Turtle Creek Boulevard, Apartment #1446	Dallas, TX 75219
158	CIELO CREATIONS, LLC		3225 Turtle Creek Boulevard, Apartment #1446	Dallas, TX 75219

159	CIELO PRESTON FOREST, LLC		3225 Turtle Creek Boulevard, Apartment #1446	Dallas, TX 75219
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 13, 2026.

Ruth Torres, *Petitioner Pro Se*
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APPENDIX (RULE 33.2 COMPLIANT INDEX)

All appendix materials are reproduced verbatim from the record below.

Appendix A (App. 1–3): District Court Orders

1. Order re Screening, Prohibit Amendment & Motion for Appt. of Counsel, July 31, 2024
2. Grant Motion to Proceed in forma Pauperis, July 31, 2024
3. Magistrate Findings, Conclusions, & Recommendation dismissing complaint with prejudice, Aug. 30, 2024.

Appendix B: Government Notice, Sept. 27, 2024.

Appendix C: District Court Adopting F,C & R, Final Judgment, (Apr. 28, 2025)

Appendix D: Fifth Circuit Opinion and Judgment, Dismissal Affirmed, Deny Recusal, Change of Venue and Appointment of Counsel. (Jan. 13, 2026, 2026 WL 93133)

Appendix E: Sanction on State Trial Judge, Bonnie Goldstein

Appendix F: Relevant Constitutional and Statutory Provisions

Appendix G: Six Examples Demonstrating Denial of access to court records

Appendix H: Illegal State Court Orders

1) Temporary Injunction, Goldstein, Sept. 13, 2016
2) Order Relative to Appointment of the Agreed Upon Independent IT Expert, Goldstein, October 14, 2016
3) Order on Plaintiff's Motion for Contempt and Sanctions, Goldstein, June 4, 2018
4) Supplemental Order on Plaintiff's Motion for Contempt and Sanctions, Goldstein, June 5, 2018
5) Final Judgment and Permanent Injunction, Wheless, May 6, 2021

Appendix A (App. 1–3)

1. Screening Order: Prohibit Amendment, M4 Appt. of Counsel, Stay Service & Discovery (Magistrate Toliver, July 31, 2024)

Full docket text for document 6:
ELECTRONIC NOTICE OF JUDICIAL SCREENING AND STANDING ORDER. Judicial screening of this case is pending. *See* 28 U.S.C. § 1915(e)(2). It is therefore **ORDERED** that (1) service of process shall be withheld pending completion of judicial screening, (2) no motions for appointment of counsel shall be filed until the Court has completed the screening process, (3) all discovery in this case is stayed until the Court enters a scheduling order, (4) no amendments or supplements to the complaint shall be filed without prior Court approval, and (5) any motion to amend the complaint must be accompanied by a complete proposed amended complaint on the required form.

It is further **ORDERED** that Plaintiff must promptly notify the Court in writing of any change of address by filing a written *Notice of Change of Address* with the Clerk of the Court. *Failure to provide updated address information may result in the dismissal of the case for failure to prosecute or follow court order under Fed. R. Civ. 41(b).* (Ordered by Magistrate Judge Renee Harris Toliver on 7/31/2024) (chmb)

2. Order Granting to Proceed In forma Pauperis (Magistrate Toliver, July 31, 2024)

Full docket text for document 7:
ELECTRONIC ORDER granting [4] Motion for Leave to Proceed In Forma Pauperis. No process will issue pending completion of screening. (Ordered by Magistrate Judge Renee Harris Toliver on 7/31/2024) (chmb)

3. F, C & R dismissing with prejudice (Magistrate Toliver, Aug. 30, 2024)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA, EX REL. RUTH TORRES, ET AL., PLAINTIFFS,	§	
V.	§	**CIVIL CASE NO. 3:24-CV-1842-X-BK**
GREGORY WAYNE ABBOTT, TEXAS GOVERNOR, ET AL., DEFENDANTS.	§	

FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636(b) and *Special Order 3*, this *pro se* civil action was referred to the United States magistrate judge for judicial screening, including the entry of findings and a recommended disposition. The Court granted Plaintiff's motion to proceed *in forma pauperis* but did not issue process pending judicial screening. Doc. 9. Upon review of the relevant pleadings and applicable law, this action should be summarily **DISMISSED WITH PREJUDICE** for failure to state a claim.

I. BACKGROUND

On July 19, 2024, Plaintiff Ruth Torres initiated this suit by filing a huge pleading (496 pages with 20 pages of exhibits) against 181 defendants. Doc. 3. The complaint is disjointed, disorganized, and largely indecipherable. As best the Court can glean, Torres attempts to sue on behalf of the United States and the State of Texas "in defense of employee's rights" and "nationwide public interests in opposing government corruption." Doc. 3 at 9. Torres apparently intends to raise 150 claims for "reverse qui tam conspiracy action, numerous civil rights violations, interstate and tort claims, and Racketeer influenced and Corrupt Organizations

Act ('RICO'), against 181 "conspirators" who allegedly "operat[ed] under color of law using state agencies, the state judicial system, state and municipal government funds and resources, to further, conceal and retaliate against Relator [Torres] for their conspiracy." Doc. 3 at 9. Torres seeks wide-ranging relief, including (1) civil penalties, (2) damages, (3) the striking of all orders and rulings by the disqualified state judges, and (4) a permanent injunction against Defendants from any further defamation, discrimination, or blacklisting Torres and her business entities. Doc. 3-3 at 14-16.

In her *Civil Cover Sheet*, Torres checks the box for federal question jurisdiction and U.S. Government Plaintiff and Qui Tam for the nature of suit code Doc. 3-5 at 1. She identifies among the statutes under which she is filing, 42 U.S.C. § 1983 and the False Claims Act (FCA), 31 U.S.C. § 3729, and also lists five federal criminal statutes: 18 U.S.C. § 371; 18 U.S.C. § 1962(b), (c) and (d); and 18 U.S.C. §§ 241, 242. *Id.*

Included with her complaint, are copies of court orders in *Pursuit of Excellence, Inc., v. Ruthe Torres*, No. DC-16-08711 (44th Jud. Dist. Court of Dallas Cnty., Texas), Doc. 3-3 at 17-32; *Final Judgment and Permanent Injunction* in *Unauthorized Practice of Law Committee for the Supreme Court of Texas v. Torres*, No. DC-20-07071 (192nd Jud. Dist. Court, Dallas Cnty., Tex., May 6, 2021), permanently enjoining Torres from engaging in, or aiding and abetting, the unauthorized practice of law, Doc. 3-3 at 33-35; and a CD with other reporter records in her state cases, Doc. 3-3 at 36.

Upon review, the Court concludes that the complaint should be dismissed for failure to state a claim.

II. ANALYSIS

Because Torres is proceeding *in forma pauperis*, her complaint is subject to screening under 28 U.S.C. § 1915(e)(2)(B). That statute provides for the sua sponte dismissal of a complaint, if the Court finds that it (1) is frivolous or malicious, (2) fails to state a claim upon which relief may be granted, or (3) seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B). A complaint fails to state a claim upon which relief can be granted if it does not plead "enough facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citations omitted).

The analysis begins with the court's consideration of whether a party has complied with Rule 8 of the Federal Rules of Civil Procedure. *Twombly*, 550 U.S. at 557 (noting that Rule 12(b)(6)'s plausibility element derives from the threshold requirement of Rule 8(a) that the complaint "possess enough heft to show that the pleader is entitled to relief") (cleaned up). Although a complaint need not contain detailed factual allegations, the "showing" contemplated by Rule 8 requires the plaintiff to do more than just allege legal conclusions or recite the elements of a cause of action. *Twombly*, 550 U.S. at 555 & n.3. Specifically, Rule 8 requires that a complaint (1) set forth a "short and plain statement of the claim showing that the pleader is entitled to relief" and (2) be "simple, concise and direct." Fed. R. Civ. P. 8(a), (d). This serves two purposes. First, it "eliminate[s] prolixity in pleading and . . . achieve[s] brevity, simplicity, and clarity." *Gordon v. Green*, 602 F.2d 743, 746 (5th Cir. 1979) (citation omitted). Second, the requirements of Rule 8(a) compel litigants to file straightforward pleadings "so that judges and

adverse parties need not try to fish a gold coin from a bucket of mud." *Hall v. Civ. Air Patrol, Inc.*, 193 Fed. Appx. 298, 299-300 (5th Cir. 2006) (quoting *United States ex rel. Garst v. Lockheed-Martin Corp.*, 328 F.3d 374, 378 (7th Cir. 2003)). As aptly noted in *Garst*, "[f]ederal judges have better things to do, and the substantial subsidy of litigation . . . should be targeted on those litigants who take the preliminary steps to assemble a comprehensible claim." 328 F.3d at 378.

As demonstrated and described *supra*, Torres' complaint does not comply with Rule 8(a) because, in addition to being undecipherable, it is far longer than necessary to cogently state a legal claim. Moreover, Torres' assertions do not even amount to "threadbare recitals" of the elements of any cause of action. *See Iqbal*, 556 U.S. at 678 ("Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.").

The Court recognizes that *pro se* pleadings "must be held to less stringent standards than formal pleadings drafted by lawyers[.]" *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). However, "[e]ven a liberally construed *pro se* . . . complaint . . . must set forth facts giving rise to a claim on which relief may be granted." *Johnson v. Atkins*, 999 F.2d 99, 100 (5th Cir. 1993). Under the most liberal construction, the complaint fails to satisfy the standard imposed by Rule 8(a).

Simply stated, Torres' factual contentions are inadequate to support any cognizable claim. Neither Defendants nor the Court are expected to dig through her nearly 500-page complaint to discern any relevant facts and their connection to her possible causes of action. And because Torres has failed to present more than "naked assertion[s]" devoid of "further

factual enhancement," *Twombly*, 550 U.S. at 557, she has failed to plead a plausible claim. Therefore, her complaint should be dismissed for failure to state a claim.[1]

III. LEAVE TO AMEND

Ordinarily, a *pro se* plaintiff should be granted leave to amend her complaint before dismissal, but leave is not required when she has already pled her "best case." *Brewster v. Dretke,* 587 F.3d 764, 767-68 (5th Cir. 2009). As discussed here, Torres has failed to state or suggest a cognizable claim or plead any facts from which a cognizable claim can be inferred. Based on the most deferential review of her complaint, it is unlikely that, given the opportunity, she could allege cogent and viable legal claims. Thus, granting leave to amend would be futile and cause needless delay.[2]

---

[1] As a *pro se* litigant, Torres cannot proceed as a relator in a False Claims Act "*qui tam*" action on behalf of the United States. *See United States ex rel. Mergent Servs. v. Flaherty*, 540 F.3d 89, 93-94 (2d Cir. 2008) ("Because relators lack a personal interest in False Claims Act *qui tam* actions, we conclude that they are not entitled to proceed *pro se*."); *see also Nuttall v. Dallas Indep. Sch. Dist.*, No. 3:20-CV-3342-M-BK, 2022 WL 3582777, at *2 (N.D. Tex. June 3, 2022) (same).

Additionally, criminal statutes do not create a private right of action. For a private right of action to exist under a criminal statute, there must be "a statutory basis for inferring that a civil cause of action of some sort lay in favor of someone." *Cort v. Ash*, 422 U.S. 66, 79 (1975), *overruled in part by Touche Ross & Co. v. Redington*, 442 U.S. 560 (1979); *see Suter v. Artist M.*, 503 U.S. 347, 363 (1992) (concluding that the party seeking to imply a private right of action bears the burden to show that Congress intended to create one). However, Torres has pled nothing that would even come close to meeting that burden. Moreover, "decisions whether to prosecute or file criminal charges are generally within the prosecutor's discretion, and, as a private citizen, [the plaintiff] has no standing to institute a federal criminal prosecution and no power to enforce a criminal statute." *Gill v. Texas*, 153 F. App'x 261, 262-63 (5th Cir. 2005).

[2] The 14-day statutory objection period will permit Torres to proffer any plausible factual basis for her complaint in compliance with Rule 8(a).

IV. SANCTION WARNING

Torres also filed with this lawsuit a second action against several state judges that is similarly deficient. *Torres v. Judge Goldstein, et al.*, No. 3:24cv1843-B-BK (N.D. Tex. July 19, 2024). Online research confirms Torres has litigated extensively in state court and has been permanently enjoined from engaging in, or aiding and abetting, the unauthorized practice of law. *See Torres v. Unauthorized Practice of Law Comm. for the Supreme Court of Texas*, No. 05-21-00651-CV, 2022 WL 4115487, at *1 (Tex. App.—Dallas, Tex., Sep. 9, 2022).

Considering her filing history, Torres should be warned that if she persists in filing frivolous or baseless lawsuits, or actions over which the Court lacks jurisdiction, the Court may impose monetary sanctions, bar her from bringing any new action, or subject her to other sanctions the Court deems appropriate. *See* Fed. R. Civ. P. 11(b)(2) and (c)(1) (providing for sanctions against *pro se* litigants or attorneys). Sanctions may be appropriate when a *pro se* litigant has a history of submitting multiple frivolous claims. *Mendoza v. Lynaugh,* 989 F.2d 191, 195-97 (5th Cir. 1993); *see also Whitehead v. Food Max of Miss., Inc.*, 332 F.3d 796, 802-03 (5th Cir. 2003) (a violation of any provision of Rule 11(b) justifies sanctions). *Pro se* litigants have "no license to harass others, clog the judicial machinery with meritless litigation, and abuse already overloaded court dockets." *Farguson v. MBank Houston, N.A.*, 808 F.2d 358, 359 (5th Cir. 1986). Moreover, litigants who abuse the judicial process are "not entitled to sue and appeal without paying the normal filing fees -- indeed, are not entitled to sue and appeal, period." *Free v. United States*, 879 F.2d 1535, 1536 (7th Cir. 1989).

V. CONCLUSION

For all these reasons, Torres' action should be **DISMISSED WITH PREJUDICE** for failure to state a claim. 28 U.S.C. § 1915(e)(2)(B).

In addition, Torres should be **WARNED** that if she persists in filing frivolous or baseless lawsuits, or actions that fail to state a claim, monetary sanctions may be imposed, she may be barred from bringing any new action, or she may be subject to other sanctions the Court deems appropriate. Fed. R. Civ. P. 11(b)(2) and (c)(1).

SO RECOMMENDED on August 30, 2024.

RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE

INSTRUCTIONS FOR SERVICE AND NOTICE OF RIGHT TO APPEAL/OBJECT

A copy of this report and recommendation will be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). An objection must identify the finding or recommendation to which objection is made, the basis for the objection, and the place in the magistrate judge's report and recommendation the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996), *modified by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending the time to object to 14 days).

Appendix B: Government Decline Intervention, Sept. 27, 2024.

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FILED-USDC-NDTX-DA
'24 SEP 27 PM3:43
AGC

UNITED STATES OF AMERICA *ex rel.* RUTH TORRES, *et al.*,

Relator,

v.

GREGORY WAYNE ABBOTT, In Official Capacity, Texas Governor, *et al.*,

Defendants.

Civil Action No. 3:24-CV-1842-X

SEALED

NOTICE OF GOVERNMENT'S INTERVENTION DECISION AND REQUEST FOR DISMISSAL OF ALL FALSE CLAIMS ACT CLAIMS

Pro se relator Ruth Torres filed this lawsuit against Governor Greg Abbott and 180 other defendants, with at least some portion of the case purportedly brought on behalf of the government under the False Claims Act. Under that statute, the government has the option to intervene in the action in order to prosecute the claims presented by the relator. *See* 31 U.S.C. § 3730. Torres's 495-page complaint (plus an additional 20 pages of attachments, for 515 pages total) appears to allege some kind of wide-ranging conspiracy among and between Government Abbott, Texas Attorney General Ken Paxton, and various other officials, apparently relating to prior litigation of Torres's.

The government now provides notice that it does not intend to intervene for the purpose of prosecuting any False Claims Act claims asserted in Torres's complaint. Additionally, the government notes that when it declines to intervene in order to

prosecute False Claims Act claims asserted by a relator, the relator may not continue to prosecute the claims *pro se*, because in such a situation the relator is not merely representing herself but would also be conducting litigation for the benefit of the government, which remains the real-party-in-interest as to such claims. *See United States ex rel. Brooks v. Ormsby*, 869 F.3d 356 (5th Cir. 2017) (explaining in a False Claims Act case filed by a *pro se* relator that "regardless of the right of anyone to represent himself *pro se*, he is not representing himself when he brings an action solely as relator for another non-intervening party, including the United States, and therefore cannot do so *pro se*"). Accordingly, the government requests that all False Claims Act claims in this complaint be dismissed because Torres, as a *pro se* litigant, may not prosecute such claims on behalf of the government as the real-party-in-interest. *See id.* (affirming dismissal of a *pro se* relator's claims).

Additionally, even if Torres were to obtain counsel, the government would still request that any False Claims Act claims in the complaint be dismissed under the authority of 31 U.S.C. § 3730(c)(2)(A), which gives the government the right to dismiss such claims at its option. Given the apparently frivolous and abusive nature of Torres's suit, the government does not believe the False Claims Act is an appropriate vehicle for any claims by Torres in this action.

A proposed order is being submitted in connection with this notice.

Respectfully submitted,

LEIGHA SIMONTON
UNITED STATES ATTORNEY

Brian W. Stoltz
Assistant United States Attorney
Texas Bar No. 24060668
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699
Telephone: 214-659-8626
Facsimile: 214-659-8807
brian.stoltz@usdoj.gov

Attorneys for the United States

Certificate of Service

On September 27, 2024, a copy of this document has been served on relator by first-class mail to Ruth Torres, 3330 N Galloway Ave., STE 304, Mesquite, TX 75150.

Brian W. Stoltz
Assistant United States Attorney

Appendix C:

Order Adopting F, C & R, Deny Recusal, COV & Appt. of Counsel. (April 28, 2025)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA, ex rel. RUTH TORRES, et al.,	§	
Plaintiffs,	§	
	§	Civil Action No. 3:24-CV-1842-X-BK
v.	§	
GREGORY WAYNE ABBOTT, TEXAS GOVERNOR, et al.,	§	
Defendants.	§	

ORDER

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. (Doc. 16). Plaintiff Ruth Torres filed an objection. (Doc. 17); a motion for recusal and change of venue (Doc. 18); and a motion to appoint counsel (Doc. 19). The Government subsequently filed a notice of its decision of non-intervention in this case. (Doc. 21). Torres then filed a motion to unseal the case (Doc. 22), and an amended motion to unseal (Doc. 23). The Court first resolves the motion for recusal and change of venue, then turns to the remaining motions.

A. Motion for Recusal and Change of Venue

Section 455 states that "[a]ny justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."[1] "[T]he alleged bias must be personal, as distinguished

[1] 28 U.S.C. § 455.

from judicial, in nature."[2] Torres argues that (1) Magistrate Judge Renee H. Toliver should recuse for an alleged bias against *pro se* litigants; and (2) the undersigned should recuse due to "past professional and personal relationships."[3]

Magistrate Judge Toliver entered a recommendation to dismiss this case for failure to state a claim. Adverse rulings are not a sufficient ground to necessitate recusal.[4] "Adverse judicial rulings will support a claim for bias only if they reveal an opinion based on an extrajudicial source or if they demonstrate such a high degree of antagonism as to make fair judgment impossible."[5] The Court sees no justification of recusal of Magistrate Judge Toliver and **DENIES** the motion to recuse Judge Toliver.

Section 455 specifically provides that a judge should disqualify where he has participated in some capacity "concerning the proceeding" at hand.[6] That is not the case here. Prior association, without more, is not sufficient to necessitate disqualification.[7] The Court **DENIES** the motion to recuse the undersigned.

Torres also asks this Court to transfer this case to the United States District Court for the District of Columbia or the United States Court of Federal Claims. Section 1404 provides that "[f]or the convenience of parties and witnesses, in the

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2 *U.S. v. Scroggins*, 485 F.3d 824, 830 (5th Cir. 2007).

3 Doc. 18 at 3.

4 *Calhoun v. Villa*, 761 Fed. App'x 297, 301 (5th Cir. 2019).

5 *U.S. v. Scroggins*, 485 F.3d at 830.

6 28 U.S. § 455(b)(2)-(3).

7 *See Chitimacha Tribe of Louisiana v. Harry L. Laws Co., Inc.*, 690 F.2d 1157, 1167 (5th Cir. 1982).

interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented."[8] As this case will be dismissed for failure to state a claim, as explained in the Magistrate Judge's findings, it would not be in the interest of justice to transfer this case to any other district. The Court **DENIES** the motion to transfer venue.

B. Findings, Conclusions, and a Recommendation

The Magistrate Judge made findings, conclusions, and a recommendation in this case. (Doc. 16). Torres filed objections (Doc. 17), objecting to the finding that she did not comply with Rule 8; failed to state a legal claim; the finding that she lacks personal interest under the False Claims Act; the determination that she is entitled to a private right of action under a criminal statute; the determination that any amendment would be futile; the sanction warning; and the recommendation to dismiss the case. The District Court reviewed *de novo* those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge. By separate order, the Court will enter a final judgment dismissing all claims in this case with prejudice.

As the case will be dismissed, the motion to appoint counsel (Doc. 19) is

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8 28 U.S.C. § 1404(a).

FOUND TO BE MOOT. Since the Government has filed its notice of decision, the Court **GRANTS** Torres's amended motion to unseal the case (Doc. 23), and the original motion (Doc. 22) is **FOUND TO BE MOOT.** The case should now be unsealed and placed on the public docket, and any future filings should be filed on the public docket, unless filed as a part of a motion to seal in the manner provided for by the local rules.

IT IS SO ORDERED this 28th day of April, 2025.

BRANTLEY STARR
UNITED STATES DISTRICT JUDGE

Appendix D:

Fifth Circuit, Dismissal Affirmed, (Jan. 13, 2026, 2026 WL 93133)

2026 WL 93133
Only the Westlaw citation is currently available.
United States Court of Appeals, Fifth Circuit.

UNITED STATES of America, EX REL.; State of TEXAS, ex rel.; Ruth Torres, Plaintiff—Appellant,

v.

Gregory Wayne ABBOTT, in Official Capacity, Texas Governor; Warren Kenneth Paxton, Jr., in Official Capacity Texas Attorney General; Bonnie Lee Goldstein, in Official Capacity 44th District Court Judge Dallas; Nathan L. Hecht, in Official Capacity Chief Justice Texas Supreme Court; Jimmy Blacklock, in Official Capacity Place 2 Texas Supreme Court Justice; et al., Defendants—Appellees.

No. 25-10671
|
Summary Calendar
|
FILED January 13, 2026

Appeal from the United States District Court for the Northern District of Texas, USDC No. 3:24-CV-1842

Attorneys and Law Firms

Ruth Torres, Mesquite, TX, Pro Se.
Before Richman, Duncan, and Douglas, Circuit Judges.

Opinion

Per Curiam:*

*1 Ruth Torres, a Texas resident proceeding pro se, filed a civil action alleging that the defendants used state agencies, Texas's judicial system, and state and municipal government funds and resources to conceal a conspiracy and to retaliate against her. After finding that Torres failed to provide a short and plain statement of her claims showing that she was entitled to relief as required by Federal Rule of Civil Procedure 8(a), the district court dismissed the complaint for failure to state a claim upon which relief could be granted.

On appeal, Torres argues that the district court's determination that her complaint failed to comply with Rule 8(a) was erroneous. Torres also requests the appointment of counsel. Although pro se filings are afforded liberal construction, even pro se litigants must brief arguments in order to preserve them. *Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993). By failing to address or identify any error in the district court's determination that she failed to provide a short and plain statement of her claims, Torres has abandoned any possible challenge to the determination that she failed to comply with Rule 8(a). *See Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Because the report of the magistrate judge provided notice of the defects in the complaint, and Torres had an opportunity to respond and cure the defects within the time for objecting to the report, there was no error in dismissing the complaint with prejudice without providing an opportunity to amend. *See Brown v. Taylor*, 829 F.3d 365, 370 (5th Cir. 2016); *Lozano v. Ocwen Fed. Bank, FSB*, 489 F.3d 636, 642-43 (5th Cir. 2007).

In light of the foregoing, the judgment of the district court is AFFIRMED. Torres's motions for hearing en banc, recusal, change of venue, and appointment of counsel are DENIED.

All Citations

Not Reported in Fed. Rptr., 2026 WL 93133

Footnotes

* This opinion is not designated for publication. See 5th Cir. R. 47.5.

End of Document

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Appendix E: Sanction on State Trial Judge, Bonnie Goldstein

Office of
State Commission on Judicial Conduct

Priv Adm & OAE of DI Judge (8/12/20)

PRIVATE ADMONITION AND ORDER OF ADDITIONAL EDUCATION OF A DISTRICT COURT JUDGE (8/12/20)

08/12/2020

The judge failed to comply with the law and maintain competence in the law when she made an oral ruling finding a litigant in contempt rather than entering a specific, written order of contempt. Further, the judge failed to comply with the law and maintain competence in the law, and failed to accord a litigant the right to be heard according to the law, when she issued contempt orders against the litigant for matters about which the litigant did not have the required notice. [Violations of Canons 2A, 3B(2) and 3B(8) of the Texas Code of Judicial Conduct.] *Private Admonition and Order of Additional Education of a District Court Judge*. 8/12/20.

OLDER

Appendix F, Relevant Constitutional and Statutory Provisions

- U.S. Const. amend. I:
  "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

- U.S. Const. amend. V:

  "No person shall . . . deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

- U.S. Const. amend. XIV § I:

  "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

- 42 U.S.C. § 1983:
  "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable."

- 31 U.S.C. § 3729 et seq. (False Claims Act) Relevant sections:

  "(a) LIABILITY FOR CERTAIN ACTS.—

  (1)IN GENERAL.—Subject to paragraph (2), any person who— …

  (G) knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the Government, or knowingly conceals or knowingly and improperly avoids or

decreases an obligation to pay or transmit money or property to the Government."

- 31 U.S. Code § 3730

(a) RESPONSIBILITIES OF THE ATTORNEY GENERAL.—

The Attorney General diligently shall investigate a violation under section 3729. If the Attorney General finds that a person has violated or is violating section 3729, the Attorney General may bring a civil action under this section against the person.

(b) ACTIONS BY PRIVATE PERSONS.—

(1) A person may bring a civil action for a violation of section 3729 for the person and for the United States Government. The action shall be brought in the name of the Government. The action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.

(2) A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the Government pursuant to Rule 4(d)(4) [1] of the Federal Rules of Civil Procedure. The complaint shall be filed in camera, shall remain under seal for at least 60 days, and shall not be served on the defendant until the court so orders. The Government may elect to intervene and proceed with the action within 60 days after it receives both the complaint and the material evidence and information.

(3) The Government may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal under paragraph (2). Any such motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed under this section until 20 days after the complaint is unsealed and served upon the defendant pursuant to Rule 4 of the Federal Rules of Civil Procedure.

(4) Before the expiration of the 60-day period or any extensions obtained under paragraph (3), the Government shall—

(A) proceed with the action, in which case the action shall be conducted by the Government; or

(B) notify the court that it declines to take over the action, in which case the person bringing the action shall have the right to conduct the action.

(5) When a person brings an action under this subsection, no person other than the Government may intervene or bring a related action based on the facts underlying the pending action.

(c)RIGHTS OF THE PARTIES TO QUI TAM ACTIONS.—

(3) If the Government elects not to proceed with the action, the person who initiated the action shall have the right to conduct the action. If the Government so requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts (at the Government's expense). When a person proceeds with the action, the court, without limiting the status and rights of the person initiating the action, may nevertheless permit the Government to intervene at a later date upon a showing of good cause.

- 28 U.S.C. § 1915(e) (in forma pauperis dismissal)

(1) The court may request an attorney to represent any person unable to afford counsel.

(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that—

(A)the allegation of poverty is untrue; or

(B)the action or appeal—

(i)is frivolous or malicious;

(ii)fails to state a claim on which relief may be granted; or

(iii)seeks monetary relief against a defendant who is immune from such relief.

- 28 U.S.C. § 455 (Judicial Disqualification) Relevant sections:

(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b) He shall also disqualify himself in the following circumstances:

(1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(3) Where he has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;

- 28 U.S.C. §144 (Bias or prejudice of judge):

Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

- Fed. R. Civ. P. 8(a)

(a) CLAIM FOR RELIEF. A pleading that states a claim for relief must contain:

(1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;

(2) a short and plain statement of the claim showing that the pleader is entitled to relief; and

(3) a demand for the relief sought, which may include relief in the alternative or different types of relief.

- Fed. R. Civ. P.9

(b) FRAUD OR MISTAKE; CONDITIONS OF MIND. In alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake. Malice, intent, knowledge, and other conditions of a person's mind may be alleged generally.

- Fed. R. Civ. P. 12(b)(6)

(b) How to Present Defenses. Every defense to a claim for relief in any pleading must be asserted in the responsive pleading if one is required. But a party may assert the following defenses by motion:

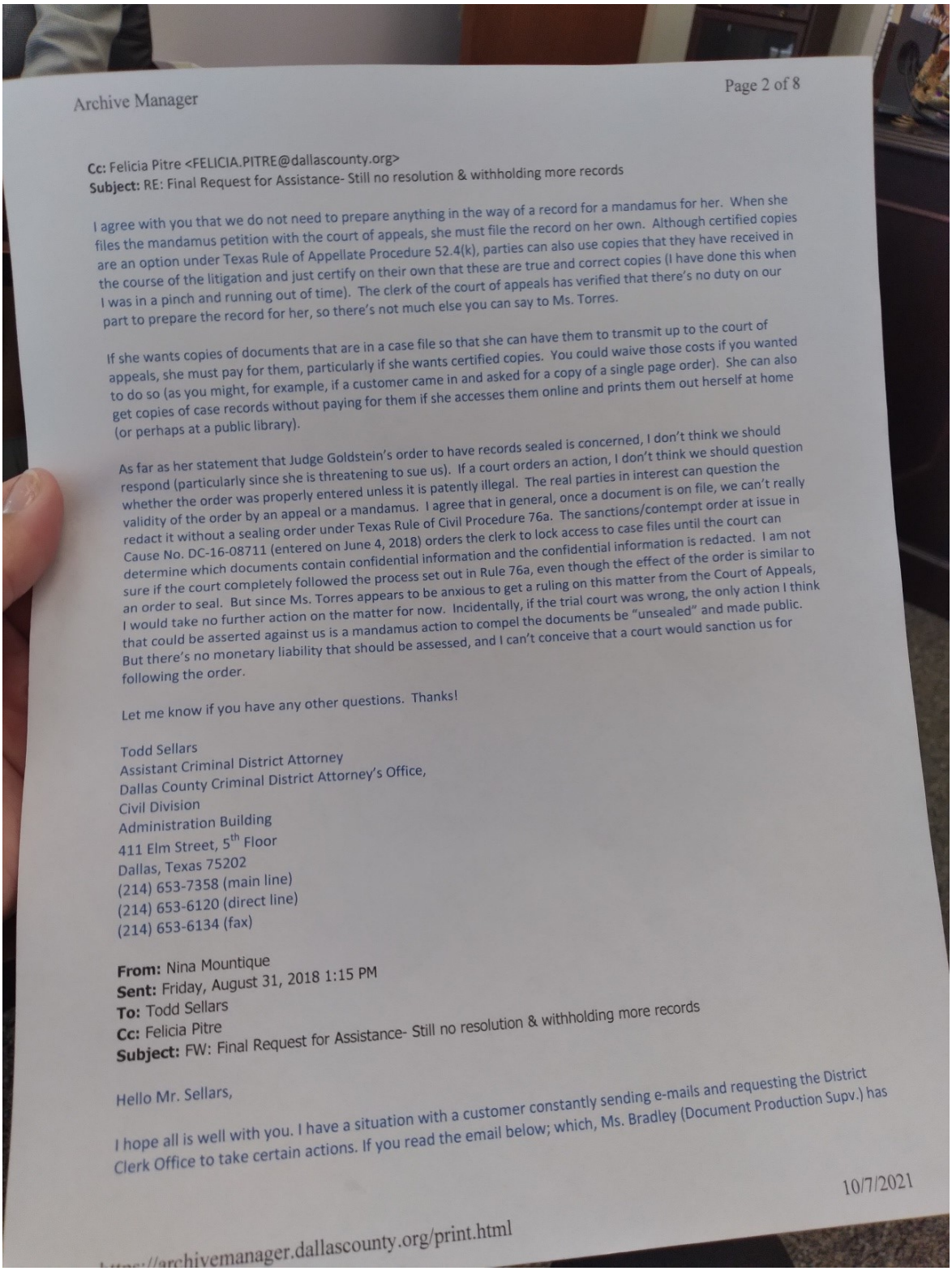
(6) failure to state a claim upon which relief can be granted;

Fed. R. Civ. P. 72(b)(3), Magistrate Judges: Pretrial Order

(b) DISPOSITIVE MOTIONS AND PRISONER PETITIONS.

(3) *Resolving Objections.* The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

Appendix G: Six Examples Demonstrating Denial of access to court records



Archive Manager

Cc: Felicia Pitre <FELICIA.PITRE@dallascounty.org>
Subject: RE: Final Request for Assistance- Still no resolution & withholding more records

I agree with you that we do not need to prepare anything in the way of a record for a mandamus for her. When she files the mandamus petition with the court of appeals, she must file the record on her own. Although certified copies are an option under Texas Rule of Appellate Procedure 52.4(k), parties can also use copies that they have received in the course of the litigation and just certify on their own that these are true and correct copies (I have done this when I was in a pinch and running out of time). The clerk of the court of appeals has verified that there's no duty on our part to prepare the record for her, so there's not much else you can say to Ms. Torres.

If she wants copies of documents that are in a case file so that she can have them to transmit up to the court of appeals, she must pay for them, particularly if she wants certified copies. You could waive those costs if you wanted to do so (as you might, for example, if a customer came in and asked for a copy of a single page order). She can also get copies of case records without paying for them if she accesses them online and prints them out herself at home (or perhaps at a public library).

As far as her statement that Judge Goldstein's order to have records sealed is concerned, I don't think we should respond (particularly since she is threatening to sue us). If a court orders an action, I don't think we should question whether the order was properly entered unless it is patently illegal. The real parties in interest can question the validity of the order by an appeal or a mandamus. I agree that in general, once a document is on file, we can't really redact it without a sealing order under Texas Rule of Civil Procedure 76a. The sanctions/contempt order at issue in Cause No. DC-16-08711 (entered on June 4, 2018) orders the clerk to lock access to case files until the court can determine which documents contain confidential information and the confidential information is redacted. I am not sure if the court completely followed the process set out in Rule 76a, even though the effect of the order is similar to an order to seal. But since Ms. Torres appears to be anxious to get a ruling on this matter from the Court of Appeals, I would take no further action on the matter for now. Incidentally, if the trial court was wrong, the only action I think that could be asserted against us is a mandamus action to compel the documents be "unsealed" and made public. But there's no monetary liability that should be assessed, and I can't conceive that a court would sanction us for following the order.

Let me know if you have any other questions. Thanks!

Todd Sellars
Assistant Criminal District Attorney
Dallas County Criminal District Attorney's Office,
Civil Division
Administration Building
411 Elm Street, 5th Floor
Dallas, Texas 75202
(214) 653-7358 (main line)
(214) 653-6120 (direct line)
(214) 653-6134 (fax)

From: Nina Mountique
Sent: Friday, August 31, 2018 1:15 PM
To: Todd Sellars
Cc: Felicia Pitre
Subject: FW: Final Request for Assistance- Still no resolution & withholding more records

Hello Mr. Sellars,

I hope all is well with you. I have a situation with a customer constantly sending e-mails and requesting the District Clerk Office to take certain actions. If you read the email below; which, Ms. Bradley (Document Production Supv.) has

From: No-Reply@eFileTexas.gov
Date: August 07, 2018 7:21:01 AM
To: t.ruth828@icloud.com
Subject: Notification of Returned Service for Case: DC-17-08581, RUTH TORRES vs. TEXAS WORKFORCE COMMISSION et al for filing Request

Filing Returned

Case Number: DC-17-08581
Case Style: RUTH TORRES vs. TEXAS WORKFORCE COMMISSION et al

The filing below, previously served to you, has been returned to the filer for further action.

Return Reason(s) from Clerk's Office	
Returned Reason	Filer's Request
Return Comments	Based on my telephone conversation with Claudia 5th Court of Appeals and my conversation with you concerning the preparation of a Clerks Record for a Mandamus case, I am returning this request for submission at a later time once you decide if you want this prepared at your cost as the AIP does not qualify. Thank you S. Bradley 214-653-7049

Document Details	
Court	Dallas County - District Clerk - Civil
Case Number	DC-17-08581
Case Style	RUTH TORRES vs. TEXAS WORKFORCE COMMISSION et al
Date/Time Submitted	7/30/2018 12:58 PM CST
Activity Requested	Request
Filed By	Ruth Torres

Please do not reply to this email. It was automatically generated.

From: No-Reply@eFileTexas.gov
Date: August 01, 2018 9:20:44 AM
To: t.ruth828@icloud.com
Subject: Notification of Returned Service for Case: DC-16-08711, PURSUIT OF EXCELLENCE INC et al vs. RUTH TORRES et al for filing Request Clerk Prepare Record

Filing Returned

Case Number: DC-16-08711
Case Style: PURSUIT OF EXCELLENCE INC et al vs. RUTH TORRES et al

The filing below, previously served to you, has been returned to the filer for further action.

Return Reason(s) from Clerk's Office	
Returned Reason	Filer's Request
Return Comments	I am returning this filing based on our conversation this morning 8/1/18. I spoke with Claudia 5th COA. She stated she did not tell you the Clerks Office had to prepare your record and that I am correct in the District Clerk's Office does not prepare Records for Writ of Mandamus cases. She stated we can at the cost of the requestor and that an affidavit of indigency does not apply here. You may refile this request once you determine your course of action. Thank you S. Bradley 214-653-7049

Document Details	
Court	Dallas County - District Clerk - Civil
Case Number	DC-16-08711
Case Style	PURSUIT OF EXCELLENCE INC et al vs. RUTH TORRES et al
Date/Time Submitted	7/30/2018 1:08 PM CST
Activity Requested	Request Clerk Prepare Record

Order entered June 22, 2018

In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-18-00675-CV

RUTH TORRES, Appellant

V.

DALLAS/FT WORTH INTERNATIONAL AIRPORT, MARIE DIAZ, MARK GALVAN, AND PURSUIT OF EXCELLENCE, INC., Appellees

On Appeal from the 44th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-16-08711

ORDER

Before the Court is appellant's "notice" alleging non-compliance by the trial court with our June 13, 2018 order staying all trial court proceedings pending resolution of the appeal. Appellant contends certain documents have been "removed from the public record" and asks they be "returned to public access." The "notice" is also addressed to the trial court.

To the extent appellant seeks any relief from this Court, we **DENY** the request.

/s/ DAVID EVANS
JUSTICE

Rejection of Torres' Answer to UPLC's Motion for Summary Judgment

From: No-Reply@eFileTexas.gov
Date: 5/6/2021
To: t.ruth828@icloud.com
Subject: **Notification of Returned Service for Case: DC-20-07071, UNAUTHORIZED PRACTICE OF LAW COMMITTEE FOR THE SUPREME COURT OF TEXAS vs. RUTH TORRES for filing Answer/Response**

Filing Returned

Case Number: DC-20-07071
Case Style: UNAUTHORIZED PRACTICE OF LAW COMMITTEE FOR THE SUPREME COURT OF TEXAS vs. RUTH TORRES

The filing below, previously served to you, has been returned to the filer for further action.

Return Reason(s) from Clerk's Office	
Returned Reason	Filer's Request
Return Comments	Per Judge's request, no Motion or Brief filed with the Cout may exceed 25 on-sided pages in length. Only one appendix, also limited to 25 one-sided pagers in length may be filed supporting any Motion or Brief. Permission to file a brief in excess of these page limitations may be granted by the Presiding Judge of that Court upon a showing of compeliing reasons. Terri Kilgore, lead clerk of the 192nd District Court 214/653-7748

Document Details	
Court	Dallas County - District Clerk - Civil
Case Number	DC-20-07071
Case Style	UNAUTHORIZED PRACTICE OF LAW COMMITTEE FOR THE SUPREME COURT OF TEXAS vs. RUTH TORRES
Date/Time Submitted	5/6/2021 4:12 AM CST
Activity Requested	Answer/Response

UPLC Failure to show authority to bring suit & Refusal to provide documents. Special Panel refuses to enforce their order.

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.:	21-001
RESPONDENT:	Unauthorized Practice of Law Committee (UPLC)
DATE:	March 4, 2021
SPECIAL COMMITTEE:	Judge Stephen B. Ables, Chairman; Judge Olen Underwood, Judge Sid Harle, Judge Missy Medary, Judge Dean Rucker

Petitioner requested the following records from Respondent:

1. "Names and contact information for all members of the Texas UPLC."
2. "Names and contact information for all members of the Texas UPL District 6 Subcommittee as is stood in January 2020 and May 2020."
3. "The records for all in attendance at and minutes of the January 2020 UPL District 6 Subcommittee meeting."
4. "The records for all in attendance at and minutes of the May 2020 UPL District 6 Subcommittee meeting."

Petitioner later amended the request and asked for the following additional records (in summary):

5. The original complaint filed with the UPLC regarding Petitioner and any communications regarding the suit instituted by the UPLC concerning Petitioner.
6. All records related to investigative actions, meetings, calls, reports, findings, meetings, notes, and legal research obtained by or relied upon the UPLC and the UPLC's District 6 Subcommittee (Subcommittee) in investigating the complaint filed against Petitioner.
7. Disclosure of monetary compensation or value of any kind received or provided to members of the UPLC or the Subcommittee and the names of any members of the UPLC or the Subcommittee who may have met

with any individual at a restaurant, food service establishment, event or fundraiser where Petitioner was discussed, and the dates and locations of such meals and who paid for them.

Respondent did not provide Petitioner records responsive to items 1 and 2 of Petitioner's request (names and contact information for UPLC and Subcommittee members) but did provide a link to a page on Respondent's website that contained contact information for the UPLC and Subcommittee chair and a listing of the Subcommittee members. In response to item 5 of Petitioner's request (the complaint and communications regarding the suit instituted by Respondent), Respondent provided Petitioner a copy of the complaint with the name of the complaining party redacted. Respondent denied the remainder of Petitioner's requests. Petitioner then filed this appeal requesting expedited review[1] and raising issues regarding Respondent's authority and procedures. This special committee is without authority to address issues outside the scope of Rule 12 of the Rules of Judicial Administration; therefore, this decision addresses only those matters related to the Respondent's denial of Petitioner's request for records.[2]

We first address Respondent's response to items 1 and 2 of Petitioner's request. Respondent denied this request asserting the information was exempt under Rule 12.5(k) (Investigations of Character or Conduct) but also directed Petitioner to the Respondent's website for contact information for the members of the UPLC and the chair of the Subcommittee. Rule 12.5(k) exempts from disclosure "any record relating to an investigation of any person's character or conduct, unless: (1) the record is requested by the person being investigated; and (2) release of the record, in the judgment of the records custodian, would not impair the investigation." Respondent has instituted suit against Petitioner but maintains that its investigation is not complete and that the release of this information would impair Respondent's investigation. Respondent also asserts that the Petitioner seeks this information to harass and possibly name the Subcommittee members in a lawsuit. From the information available to this special committee, we are unable to conclude that releasing the names and contact information of the members of the UPLC and the Subcommittee would impair the Respondent's investigation. Thus, this information is not exempt under Rule 12.5(k).[3] Additionally, we acknowledge that directing records requestors to an agency's website for the information they seek is an efficient manner of handling requests. However, the form or manner in which a request is fulfilled is ultimately within the discretion of the requestor. If a requestor informs the agency that they prefer to be provided copies or allowed to inspect the records after an agency has already informed the requestor that the requested information can be accessed from its website, the agency should comply.

We next address Petitioner's request for records showing those in attendance at the Subcommittee's January 2020 and May 2020 meetings and the minutes of those meetings.

---

[1] Petitioner's request for expedited review was not granted.

[2] Petitioner also raised provisions of the Public Information Act (PIA) (Tex. Gov't Code, Chap. 552) in this appeal. Respondent, as a judicial agency, is subject to Rule 12, not the PIA. *See* Rule 12 Decision No. 99-001.

[3] We note that some contact information may be exempt under Rule 12.5(d) (Home Address and Family Information) and this decision does not remove this protection.

Respondent asserts that this information is exempt under Rule 12.5(a) (Judicial Work Product and Drafts) and 12.5(f) (Internal Deliberations on Court or Judicial Administration Matters). Rule 12.5(a) exempts records related to a judicial officer's adjudicative decision-making process prepared by a judicial officer, staff, or persons acting on behalf of or at the direction a judicial officer. A prior Rule 12 special committee concluded that Respondent does not have adjudicative powers. *See* Rule 12 Decision No. 99-001. Thus, Rule 12.5(a) does not apply to these records. Though information maintained in a judicial agency's meeting minutes may contain information relating to the internal deliberations of a judicial agency's members, we do not believe a list of the names of those in attendance at a meeting or the "roll call" constitute or are related to the internal deliberations of a judicial agency. We have reviewed the responsive documents provided for our *in camera* review and conclude that the entries in the minutes reflect final votes and factual statements not matters related to the internal deliberations of the Subcommittee's members. Thus, we conclude that the minutes are not exempt from disclosure under Rule 12.5(f).

We next address items 5 and 6 of Petitioner's request. Respondent asserts these items are exempt under Rule 12.5(k) and Rule 12.5(j) (Litigation or Settlement Negotiations). Rule 12.5(j) exempts any record related to civil or criminal litigation or settlement negotiations. It is undisputed that Respondent has instituted a lawsuit that stems from its investigation of the complaint filed against Petitioner. Thus, the records responsive to both items 5 and 6 are related to the lawsuit and are exempt from disclosure under Rule 12.5(j).

Lastly, we address item 7 of Petitioner's request. Respondent states that there are no items responsive to this request, but notes that if there were any, they would be exempt under Rule 12.5(k)(2). There being no responsive records, we need not address this issue and no further action is required by Respondent regarding this item.

In summary, Petitioner should be granted access to the information responsive to items 1, 2, 3, and 4 of Petitioner's request. The records responsive to items 5 and 6 of Petitioner's request are exempt from disclosure under Rule 12.5(j). No items exist in response to item 7 of Petitioner's request and no further action is required regarding this item.

From: Shelly Ortiz Shelly.Ortiz@txcourts.gov
Subject: RE: Rule 12 Appeal No. 21-001- 3rd Motion for Contempt
Date: May 26, 2021 at 3:12:07 PM
To: Ruth Torres t.ruth828@icloud.com
Cc: Zara Stanfield Zara.Stanfield@TEXASBAR.COM

Dear Ms. Torres,

Rule 12 authorizes special committees to review the denial of access to judicial records and issue decisions regarding these matters. The special committee has no authority beyond that provided by Rule 12. Therefore, the special committee in your appeal (Rule 12 Appeal No. 21-001) is without authority to further consider your appeal, any issues regarding the request at issue in your appeal, or the litigation involving you and the UPLC. No further action can or will be taken by the special committee in this matter.

Sincerely,
Shelly Ortiz

From: Ruth Torres <t.ruth828@icloud.com>
Sent: Monday, May 3, 2021 3:58 PM
To: Zara Stanfield <Zara.Stanfield@texasbar.com>
Cc: Shelly Ortiz <Shelly.Ortiz@txcourts.gov>
Subject: Re: Rule 12 Appeal No. 21-001- 3rd Motion for Contempt

CAUTION: This email originated from outside of the Texas Judicial Branch email system. DO NOT click links or open attachments unless you expect them from the sender and know the content is safe.

Please see the attached. I request an expedited ruling.

Have a blessed day!

Ruth Torres
Profile: https://www.linkedin.com/in/hrdoctor/

The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy. Dr. Martin Luther King Jr.

On May 3, 2021 at 1:31 PM, Ruth Torres <t.ruth828@icloud.com> wrote:

To the Administrative Panel:

The UPLC asserts in its petition to the court in DC-20-07071 that the May 2020 vote authorized UPLC to bring suit against Torres. The minutes UPLC have provided fail to reflect this vote nor to explain their authorization to bring suit. Are the minutes provided defective and missing the vote authorizing suit against me? Were these minutes approved or were they amended at a later date? What panel, with what members voted to authorize UPLC to bring the suit?

The UPLC's failure to comply should be viewed as gamesmanship and attempt to undermine the order of the Administrative panel. As such UPLC should be found in contempt and required to provide this information immediately.

Have a blessed day!

Ruth Torres
Profile: https://www.linkedin.com/in/hrdoctor/

The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy. Dr. Martin Luther King Jr.

On May 3, 2021 at 11:50 AM, Ruth Torres <t.ruth828@icloud.com> wrote:

> This is my THIRD Request for UPLC to be held in contempt for failing to provide the records ordered by the panel. The minutes for the May 2020 meeting are still outstanding.
>
> Have a blessed day!
>
> Ruth Torres
> Profile: https://www.linkedin.com/in/hrdoctor/
>
> The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy. Dr. Martin Luther King Jr.
>
> On April 15, 2021 at 5:05 PM, Ruth Torres <t.ruth828@icloud.com> wrote:
>
> > Thank you for the late and partial response. I do appreciate it.

The district court case petition states the UPLC approved the case to be filed in court based on the May 2020 meeting. My PIR included the minutes for this meeting. The panel order granted my request. Your response does not include the attendance and minutes from the meeting which authorized the filing of suit in May 2020. Please provide it.

Ruth Torres
214-680-9119

The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy. Dr. Martin Luther King Jr.

Sent from mobile device

> On Apr 15, 2021, at 1:05 PM, Zara Stanfield <Zara.Stanfield@texasbar.com> wrote:
>
> > Please see the responsive documentation to decision issued in the above-referenced appeal.
> >
> > Sincerely,
> >
> > *Zara Stanfield*
> > Unauthorized Practice of Law Committee
> > P.O. Box 12487
> > Austin, TX 78711-2487
> > Dir. Tel: (512) 427-1341
> > Dir. Fax: (512) 427-4447
> > zara.stanfield@texasbar.com
> > Please visit the State Bar of Texas' coronavirus information page at texasbar.com/coronavirus for timely resources and updates on bar-related events.
> >
> > <04152021 OCA Repsonsive Documents- Ruth Torres.pdf>

From: **Ruth Torres** t.ruth828@icloud.com

Subject: **Re: Request for Records, UPLC & Special Panel**

Date: **June 28, 2024 at 3:23:10 PM**

To: **Bill Gameros** bgameros@legaltexas.com

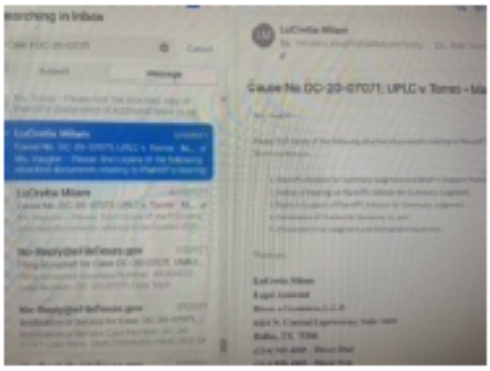
Cc: **zara.stanfield@texasbar.org, beckyh@co.kerr.tx.us, shelly.ortiz@txcourts.gov, idelagarza@hallettperrin.com, info@txuplc.org, deborah@rosshartley.com, coronavirus@txcourts.gov, lbochniak@bexar.org, fifth.region@yahoo.com, kristina.williams@nortonrosefulbright.com, LuCretia Milam** lmilam@legaltexas.com

Bcc: **Ruth Torres** t.ruth828@icloud.com

I have no record of ever having received that email or those documents. I have an email of a file accepted 1/4/21 re Bankruptcy conclusion.
The next email is dated 4/9/21 from LuCretia Milan with documents re my motion to dismiss hearing.
Then the 5/4/21 email with the initial notice of the MSJ on 5/6/21.

Please resend me that file.

Please check the system if it says I ever opened the file and send it to me.



Truth In Service,

Ruth Torres
Fighting for Democracy.

Mobile: 214-680-9119

WwwTruthInCongress.com

"The true measure of a man (and woman) is not found during times of comfort and convenience but moments of controversy and challenge".
Dr. Martin Luther King, Jr.

> On Jun 28, 2024, at 3:10 PM, Ruth Torres <t.ruth828@icloud.com> wrote:
>
> Who is the custodian of records?
>
> You conducted the alleged investigation, litigated the case, and received the complaints, please help me understand how / why you do not have these records.
>
> Who, other than you, will have the related emails, calendar, correspondence ?
>
> Truth In Service,
> Ruth Torres
> Fighting for Democracy.
>
> Mobile: 214-680-9119
>
> WwwTruthInCongress.com
>
> "The true measure of a man (and woman) is not found during times of comfort and convenience but moments of controversy and challenge".
> Dr. Martin Luther King, Jr.
>
> > On Jun 28, 2024, at 2:39 PM, Bill Gameros <bgameros@legaltexas.com> wrote:

Ms. Torres,

Responding by number,

1. Please see the attached and check your email.
2. Even if I agreed with you and I do not, I am not the custodian of records.
3. Even if I agreed with you and I do not, I am not the custodian of records.
4. The Court of Appeals rejected these claims.
5. I do not believe that you are entitled to those records, but in any event, I am not the custodian of records.

Thank you,

Charles W. Gameros, Jr., P.C.

Charles W. Gameros, Jr., P.C.
Hoge & Gameros, L.L.P.
6116 North Central Expressway, Suite 1400
Dallas, Texas 75206
Telephone: (214) 765-6002
Facsimile: (214) 559-4905

From: Ruth Torres <t.ruth828@icloud.com>
Sent: Friday, June 28, 2024 2:08 PM
To: Bill Gameros <bgameros@legaltexas.com>
Cc: zara.stanfield@texasbar.org; beckyh@co.kerr.tx.us; shelly.ortiz@txcourts.gov; idelagarza@hallettperrin.com; info@bouplc.org; deborah@rosshartley.com; coronavirus@txcourts.gov; lbochnicki@bexar.org; fifth.region@yahoo.com; kristine.williams@nortonrosefulbright.com; LuCretia Milam <dmilam@legaltexas.como>; Bill Gameros <bgameros@legaltexas.como>
Subject: Re: Request for Records, UPLC & Special Panel

Mr. Gameros,

1. I do not have any records of you producing the unredacted UPLC complaint. Please provide it.

2. UPLC withheld records alleging the investigation was ongoing after UPLC had already filed suit. UPLC failed to produce all the records the Special Panel ordered released and then the Special Panel alleged it lacked the authority to hold UPLC in contempt for not producing.
3. UPLC has never demonstrated it satisfied the statutory requirement prior to bringing suit nor did it timely investigate and bring suit. UPLC has never produced the agenda, minutes with vote record of UPLC members in regards to my case at the subcommitee or regional.
4. UPLC & Judge Wheless & SCOA treated me differently than all other similarly situated litigants. UPLC's application & MSJ failed to meet statutory requirement and lacked statutorily required NOTICE of MSJ, the judge directed the clerk to reject my pleading affecting the record, for UPLC to improperly gain Summary Judgement & Permanent Injunction via a recused judge that lacked jurisdiction and an injunction that is beyond the scope of UPLC to infringe on my constitutional rights.
5. UPLC needs to show what investigation and injunction it gained on Heaven Marie Diaz & Mark Galvban for UPL.

Team Truth In Service, Fighting for Democracy, Ruth "Truth" Torres, Candidate for US Congressional District 5, Texas Mobile: 214-680-9119 Website: www.TruthInCongress.com
The ultimate measure of a man/woman is not where he/she stands in moments of comfort and convenience, but where he/she stands at times of challenge and controversy. Dr. Martin Luther King Jr.

On Jun 28, 2024, at 12:38 PM, Bill Gameros <bgameros@legaltexas.com> wrote:

Ms. Torres,

I attach for your convenience a copy of the (i) March 4, 2021 Rule 12 decision that describes your entitlement to some of the documents you seek; and (ii) the September 9, 2022 Court of Appeals Opinion affirming the final judgment against you; and (iii) a copy of my e-mail to you from March 10, 2022.

The State Committee already furnished responsive documents to you pursuant to your prior Rule 12 Request.

Please review the discovery responses, including the document production provided to you on March 12, 2021 (UPLC 1 – 58) that included, inter alia, the unredacted complaint in *The Unauthorized Practice of Law Committee v. Ruth Torres*; Cause No. DC-20-07071;

in the 192nd Judicial District Court, Dallas County, Texas. Therein, you have been produced what you are entitled to.

Neither Ms. Milam nor I are custodians of records for any other documents you seek.

Thank you,

Charles W. Gameros, Jr., P.C.

Charles W. Gameros, Jr., P.C.
Hoge & Gameros, L.L.P.
6116 North Central Expressway, Suite 1400
Dallas, Texas 75206
Telephone: (214) 765-6002
Facsimile: (214) 559-4905

From: Ruth Torres <t.ruth828@icloud.com>
Sent: Thursday, June 27, 2024 7:40 PM
To: zara.stanfield@texasbar.org; beckyh@co.kerr.tx.us; Bill Gameros <bgameros@legaltexas.com>; shelly.ortiz@txcourts.gov; idelagarza@hallettperrin.com; info@txuplc.org; LuCretia Milam <lmilam@legaltexas.com>; deborah@rosshartley.com; coronavirus@txcourts.gov; lbochniak@bexar.org; fifth.region@yahoo.com; kristina.williams@nortonrosefulbright.com
Subject: Request for Records, UPLC & Special Panel

I, Ruth Torres, hereby request, other than all records already available via the public case system, all UPLC & "Special Panel" on my original Rule 12 request for UPLC records in UNREDACTED form in regards to, or references my name or my case in the trial court (before Judge Kristine Williams, MSJ granted by Regional Administrative Judge Ray Wheless) and related appellant case, including but not limited to: the original complaint, all agenda's, meeting notes, emails, letters, other documents and communications between UPLC committee and subcommittees, complainant, and state and municipal officers or their staff, any judges or their staff, special panel regional administrative judges or their staff, witnesses, attorneys for any party.

> > > If you claim you are not the custodian of record, please forward this request to the custodian and include me in that correspondence. A response with production is requested from each party included in this email as to this request.
>
> Team Truth In Service,
> Fighting for Democracy.
> Ruth "Truth" Torres, Candidate for US Congressional District 5, Texas
> Mobile: 214-680-9119
> Website: www.TruthInCongress.com
>
> The ultimate measure of a man/woman is not where he/she stands in moments of comfort and convenience, but where he/she stands at times of challenge and controversy. Dr. Martin Luther King Jr.
>
> «2021-3-4 Decision 21-001 FinalLpdf»«05-21-00651-CV_210651opinion.pdf»«2022-3-10 RE_ 4th Request for Records.pdf»

See also:

Witness Tampering (Compl.234-243);

Abuse of Discovery & Denial of PIR (Compl. 246 -52);

Denial of Records to show UPLC had authority to bring suit:

(Compl. 161-63, 189-90, 271)

Appendix H: Illegal State Court Orders

1) Temporary Injunction, Goldstein, Sept. 13, 2016

2) Order Relative to Appointment of the Agreed Upon Independent IT Expert, Goldstein, October 14, 2016

3) Order on Plaintiff's Motion for Contempt and Sanctions, Goldstein, June 4, 2018

4) Supplemental Order on Plaintiff's Motion for Contempt and Sanctions, Goldstein, June 5, 2018

5) Final Judgment and Permanent Injunction, Wheless, May 6, 2021

NO. DC-16-08711

PURSUIT OF EXCELLENCE, INC.	§	**IN THE DISTRICT COURT OF**
	§	
PLAINTIFF	§	
	§	
vs.	§	**DALLAS COUNTY, TEXAS**
	§	
RUTH TORRES,	§	
	§	
DEFENDANT	§	**44TH JUDICIAL DISTRICT**

TEMPORARY INJUNCTION

ON THIS DAY the Court considered Plaintiff's Original Petition and Application for Injunctive Relief filed by Pursuit of Excellence, Inc. ("Plaintiff") against Defendant Ruth Torres ("Defendant"). The Court has read the verified pleadings and has considered the argument of counsel and applicable law.

It appears from the papers on file, the evidence presented at hearing, and the documents produced and entered into evidence, that Plaintiff can show a probable injury and a probable recovery for a cause of action based on that injury, specifically that Defendant probably misappropriated, converted, and/or wrongfully retained certain of Plaintiff's Confidential Information (as defined below), remains in possession thereof, and is in all probability utilizing the Confidential Information in violation of common law obligations as well as contractual language or course of conduct, to Plaintiff's irreparable detriment and probable benefit to Defendant.

It appears from the papers on file, the evidence presented at hearing, and the documents produced and entered into evidence that if Defendant is allowed to continue in this course of

behavior, Plaintiff will probably lose or suffer harm to its customer relationships, workplace, good will, and operations.

It also appears from the papers on file, the evidence presented at hearing, and the documents produced and entered into evidence that Plaintiff has suffered and will continue to suffer irreparable harm for which it has or will have no adequate remedy at law because the relationships damaged by continued use or disclosure of Confidential Information will in all likelihood cause irreparable damage to Plaintiff's business model and existence, and there is an immediate and real threat of irreparable harm in that Plaintiff has been and will continue to be damaged and injured by Defendant's conduct, including, but not limited to the loss of customers, the loss of profits, the loss of Confidential Information and the loss of business good will.

The Court finds that Plaintiff is likely to succeed on the merits of this case and that these threats are imminent. Therefore, Plaintiff is entitled to injunctive relief.

It is therefore ORDERED, ADJUDGED AND DECREED that Defendant:

1. Desist and refrain from directly or indirectly utilizing or disclosing any of Plaintiff's "Confidential Information" (any and all technical information of Company, including, without limitation, copyrights, patents, techniques, sketches, drawings, models, inventions, know-how, processes, apparatus, equipment, algorithms, systems information, software programs, software source documents, formulae related to Company's current, future, and proposed products and services, and information concerning research, experimental work, development, design details and specifications, and engineering; non-technical information regarding the business and affairs of Company, including, without limitation, commercial, operational, and financial information, business forecasts and developmental leads, marketing strategies, plans, and related information, procurement requirements, purchasing and manufacturing information, rates and pricing information, sales and merchandising information, customer lists, customer contract terms, supplier/vendor contract terms, earner contract terms, schedules of inventory and accounts receivable, and facility blue prints; and notes, analyses, schedules, compilations, studies or other material prepared by Company, whether in written form or recorded electronically or otherwise, containing or based in whole or in part on those items described above);

2. Desist and refrain from directly or indirectly disposing of any of Plaintiff's Confidential Information;

3. Within ten (10) days of the entry of this Injunction, return all of the originals and copies, including electronic copies or artifacts, of Plaintiff's Confidential Information and other property of Plaintiff in Defendant's possession, including producing all electronic storage devices ("ESD") to an IT expert to be mutually agreed upon within five (5) days of this Order, upon which Plaintiff's Confidential Information was ever stored, to make a mirror image to be preserved by the IT expert, subject to an agreed upon protocol for the destruction of any surviving Confidential Information on Defendant's ESD; but Plaintiff will replace such ESD with new hardware comparable to the existing specifications, with each ESD to be "migrated" one at a time, in the order Defendant chooses, within the most efficient commercial timetable;

4. Desist and refrain from directly or indirectly soliciting Plaintiff's customers or clients, licensees, vendors, licensors, or any other third parties by use or disclosure of Plaintiff's Confidential Information;

5. Desist and refrain from contacting Plaintiff's customers or clients, licensees, vendors, licensors, or any other third parties by use or disclosure of Plaintiff's Confidential Information; and

6. Desist and refrain from directly or indirectly utilizing or disclosing any privileged information learned by Defendant by virtue of any privileged conversations involving Plaintiff's legal counsel.

It is further ORDERED, ADJUDGED, AND DECREED that the Clerk of the Court shall forthwith, issue a temporary injunction in conformity with the law and with the terms of this Order.

It is further ORDERED, ADJUDGED, AND DECREED that this temporary injunction shall not require a bond.

Trial of this case is SET for December 11, 2017. RU

SIGNED on this the 13th day of September, 2016.

JUDGE PRESIDING

AGREED:

Harold D. Jones
Counsel for Plaintiff

Ruth Torres
Defendant

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CAUSE NO. DC-16-08711

PURSUIT OF EXCELLENCE, INC.,	§	**IN THE DISTRICT COURT FOR**
Plaintiff	§	
	§	
v.	§	**THE 44TH JUDICIAL DISTRICT**
	§	
RUTH TORRES	§	
Defendant	§	**IN DALLAS COUNTY, TEXAS**

ORDER RELATIVE TO

APPOINTMENT OF THE AGREED UPON INDEPENDENT IT EXPERT

On this date, the Court having reviewed the pleadings on file, noted that it is a suit involving confidential information, including information deemed confidential by law. In order to ensure judicial efficiency, and in the interest of protecting and preserving the confidential nature of the information that may be stored on Defendant's ESBs, consistent with the agreed upon Temporary Injunction issued September 13, 2016, the Court appoints Trident Response Group ("Trident") as the agreed upon IT Expert as set forth in the Temporary Injunction. Trident shall remain neutral and independent in performing services under the Temporary Injunction, shall ensure compliance with the Temporary Injunction and shall protect the confidentiality of the Defendant's personal and professional information unrelated to Pursuit of Excellence, Inc.'s confidential information as well as Plaintiff's confidential information. Such confidentiality shall include non-disclosure of any such information to the opposing party. Any disputes relative to the identification of confidential information, protocol or protective orders shall be submitted to the court for *in camera* review and resolution.

The parties shall arrange for payment of the services to be rendered by the IT Expert.

SIGNED on October 14, 2016.

Judge Bonnie Lee Goldstein

CAUSE NO. DC-16-08711

PURSUIT OF EXCELLENCE, INC.,	§	**IN THE DISTRICT COURT**
	§	**OF**
	§	
Plaintiff,	§	
v.	§	**DALLAS COUNTY, TEXAS**
	§	
RUTH TORRES, THE HR DOCTOR, LLC, AND HR STRATEGIC CONSULTING, INC.,	§	
	§	
	§	
Defendants.	§	**44TH JUDICIAL DISTRICT**

ORDER ON PLAINTIFF'S MOTION FOR CONTEMPT AND SANCTIONS

On May 9, 2018, the Court, having heard Plaintiff Pursuit of Excellence, Inc.'s Motion for Contempt and Sanctions and its Supplement thereto, the Response of Defendant Ruth Torres, the pleadings,[1] evidence, and arguments of counsel and parties, finds the Motion is well-taken and should be GRANTED as follows, based upon the following findings:

1. On September 13, 2016, the parties entered into an Agreed Temporary Injunction ("Agreed Temporary Injunction") that was approved by this Court, has never been dissolved and survived the original Trial Date.
2. On October 14, 2016, the Court order the appointment of an Agreed-Upon IT Expert as set forth in the Agreed Temporary Injunction, and to perform

[1] The Court takes judicial notice that Plaintiff has filed several Motions for Contempt and for Sanctions, filed September 26, 2016, March 22, 2018 and Supplement to the Motion for Contempt filed April 24, 2018. The Court is further aware that the Agreed Temporary Injunction has been discussed and referenced repeatedly since September 2016.

CAUSE NO. DC-16-08711

PURSUIT OF EXCELLENCE, INC.,	§	**IN THE DISTRICT COURT**
	§	**OF**
	§	
Plaintiff,	§	
v.	§	**DALLAS COUNTY, TEXAS**
	§	
RUTH TORRES, THE HR DOCTOR, LLC, AND HR STRATEGIC CONSULTING, INC.,	§	
	§	
	§	
Defendants.	§	**44TH JUDICIAL DISTRICT**

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the services outlined in the Agreed Temporary Injunction and specifically mandated that "[a] disputes relative to the identification of confidential information, protocol or protective orders shall be submitted to the court for *in camera* review and resolution."

3. The Motion for Contempt and for Sanctions was set for hearing on April 4, 2018 under the Court's Order Setting Show Cause hearing. The Show Cause hearing was held on May 9, 2018.
4. Based upon the arguments presented, although the IT complied with the services to be performed under the Agreed Temporary Injunction relative to the electronic storage devices ("ESD"), Confidential Information subject of the Agreed Temporary Injunction remained in the possession of the Defendant Ms. Torres in her ICloud email account and was thereafter downloaded onto the ESDs and used contrary the express prohibitions outlined in the Agreed Temporary Injunction.
5. At no time prior to the May 9th show cause hearing, did Defendant Ms. Torres advise the Court of her retention of the Confidential Information, nor did Defendant Torres present the same to the Court for *in camera* review to resolve the dispute prior to attaching same to pleadings on file with this Court.
6. Defendant Torres currently has Plaintiff's Confidential Information on her electronic storage devices (ESD) in violation of the Agreed Temporary Injunction.

7. Defendant Torres has knowingly accessed and downloaded Plaintiff's Confidential Information on her ESD via her personal email account in violation of the Agreed Temporary Injunction.

8. Defendant Torres has utilized and/or disclosed Plaintiff's Confidential Information by filing the following materials in court records:

   a. 2/19/2018 Motion for Summary Judgment, Special Exceptions, Verified Denials, Original Answer, and Affirmative Defenses to Plaintiff's 1st Amended Original Petition

   b. 3/14/2018 2nd Amended Counter-Claim

   c. 4/2/2018 Certificate of Verified Response to Discovery

   d. 4/9/2018 Torres's Original Answer, Motion to Dismiss, Motion for Summary Judgment, Special Exceptions, Verified Denials and Affirmative Defenses to Plaintiff's 2nd Amended Original Petition and 1st Set of Discovery to Defendant

   e. 4/9/2018 Entity Defendants' Original Answer, Motion to Dismiss, Motion for Summary Judgment, Special Exceptions, Verified Denials and Affirmative Defenses to Plaintiff's 2nd Amended Original Petition and 1st Set of Discovery to Defendant

   f. 4/11/2018 Verified Application for Emergency TRO, Temporary Injunction, and Permanent Injunction

   g. 4/11/2018 Verified Application for Emergency TRO, Temporary Injunction, and Permanent Injunction (filed in related case Cause No. DC-17-08581 in the 101st District Court of Dallas County)

   h. 4/13/2018 Answer to Plaintiff's Motion to Dismiss

   i. 4/16/2018 Motion to Strike or Reconsider Temporary Injunction

   j. 4/16/2018 Motion for Contempt, Motion for Spoliation, Motion to Compel Discovery, Motion for Protective Order and Sanctions

k. 4/16/2018 Motion to Compel Discovery, Motion for Protective Order and Sanctions (filed in related case Cause No. DC-17-08581 in the 101st District Court of Dallas County)

l. 4/16/2018 Response to Motion for Protective Order (filed in related case Cause No. DC-17-08581 in the 101st District Court of Dallas County)

m. 5/7/2018 Answer to Plaintiffs' Motion for Contempt & Sanctions, Verified Motion to Strike or Reconsider Temporary Injunction

n. 5/7/2018 Notice of Non-Party Subpoenas

(collectively, the "Court Records"); and further

9. Defendant Torres has had substantial and continuous contacts with DFW and other POE clients, including adding DFW as a party to this lawsuit and issuing subpoenas to workers and clients.

10. Defendant Torres acknowledges that she is in possession of everything the Agreed Temporary Injunction was intended to take away.

11. At the Show Cause hearing on May 9th, the Court made clear and ordered that Defendant Torres, consistent with the Agreed Temporary Injunction, was:

a. not to use or disclose the Confidential Information for any purpose, without leave of court upon good cause shown.

b. not to use any of the files that Defendant Torres had access to under her Google email account without leave of court.

c. not to use in any court proceeding or attaching any documents to pleadings without leave of court and were required to be submitted in a sealed envelope for *in camera* review and determination.

12. The Court was not inclined to enter death penalty sanctions at the time of the Show Cause hearing but was considering lesser sanctions, including imposition of monetary sanctions and attorneys' fees, notwithstanding the fact that it was unlikely Defendant Torres would be able to pay due to declared indigency.

13. Notwithstanding the clear, unequivocal and express language utilized by the Court in its order as outlined in subparagraph 11, relative to the requirements of the Agreed Temporary Injunction and acknowledged by Defendant Torres, Defendant Torres continued to file among the papers of the Court, the very documents at issue and previously identified in prior pleadings.

14. Based upon Defendant Torres' subsequent violations, Plaintiffs filed another Motion for Contempt and for Sanctions and set the matter for hearing on June 1, 2018.

15. On June 1, 2018, it was brought to this Court's attention that Defendant Torres filed the following pleadings attaching the documents at issue:

a. May 15, 2018, Motion to Dismiss Under Texas Citizens Participation Act.

b. May 29, 2018, 3rd Amended Counterclaim.

16. The Court finds that notwithstanding the clear language of the Agreed Temporary Injunction, the historic admonishments and verbal order on May 9, 2018, from the Court and express acknowledgement by Defendant Torres of the requirements, Defendant Torres continues to violate the terms of the Agreed Temporary Injunction and that such continuous contemptuous conduct merits appropriate sanctions.

IT IS THEREFORE

ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion for Contempt and Sanctions is GRANTED in part;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Ruth Torres is hereby held in contempt for utilizing, disclosing, and retaining Plaintiff's Confidential Information in violation of the Agreed Temporary Injunction by specifically retaining Plaintiff's Confidential Information in all forms, including on electronic storage devices, by purposefully downloading them from Defendant Torres' email account.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court Records shall be immediately locked to restrict public access to the Court Records until the Court determines which portions contain Plaintiff's Confidential Information. The Court Records containing Plaintiff's Confidential Information shall be unfiled, removed from the records of this case and refiled without the Confidential Information;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Ruth Torres is also held in contempt for knowingly contacting Plaintiff's client Dallas Fort Worth International Airport in violation of the Agreed Temporary Injunction;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Ruth Torres is hereby sanctioned for her violations of the Temporary Agreed Injunction and hereby ORDERS that:

1. Defendant Torres shall not file any pleading or document without leave of Court;

2. Defendant Torres shall not engage in any discovery, including but not limited to non-party subpoenas, without leave of Court;

3. Defendant Torres shall not access, use, or disclose any of Plaintiff's Confidential Information, including but not limited to, all emails and documents she sent from her Pursuit of Excellence email account to her personal email account on or about June 27 and June 28, 2016, without leave of Court;

4. Defendant Torres shall not contact Plaintiff's customers, clients, licensees, vendors, licensors, employees, contractors, or any other third parties by use or disclosure of Plaintiff's Confidential Information, including but not limited to, all emails and documents she sent from her Pursuit of Excellence email account to her personal email account on or about June 27 and June 28, 2016, without leave of Court;

5. Defendant Torres shall copy onto a thumb drive or similar ESD all POE documents in her personal email account that she transferred from her Pursuit of Excellence email account on or about June 27 and June 28, 2016, including subsequent emails or copies thereof, however maintained or stored, whether electronically or in hard copy which shall be delivered in a sealed envelope and tender the same to David Langford, Official Court Reporter of the 44th Judicial District Court within 7 days of the date of this Order. Defendant Torres after copying all POE documents to the thumb drive, shall delete all email records and files obtained or copied from Pursuit of Excellence from her personal ESDs and google email account, including any ICloud or virtual storage account.

6. Defendant Torres shall execute a verified Affidavit attesting to full and complete compliance with the removal of the Pursuit of Excellence documents as stated in subparagraph 5 above, and deletion of all identified POE records within 7 days of this Order.

7. Defendant Torres shall immediately notify the parties and Court if she comes into possession of any of Plaintiff's Confidential Information.

IT IS FURTHER ORDERED, ADJDUGED AND DECREED that Defendant Torres shall pay Plaintiff Pursuit of Excellence, Inc. the sum of $2500.00 within 7 days of this Order by delivering said payment to the offices of Scheef & Stone, LLP.

CONTINUED VIOLATIONS SANCTIONS

The Court further finds that based upon the continued violations after the Show Cause hearing on the Motion for Contempt and for Sanctions held on May 9, 2018, that the lesser sanctions contemplated by this Court, and as ordered herein, will not deter Defendant Torres from continued contempt of Court or violation of the Agreed Temporary Injunction and therefore, the Court hereby advises that violation of any one provision of this Order of Contempt, and sanctions imposed other than the monetary sanction of $2500 shall constitute immediate direct contempt of this Court's Order. If Defendant Torres commits a further violation under the listed sanctions imposed, numbers 1-7 at pages 7-8 of this Order, this Court will supplement this contempt order to strike Defendant Torres' Causes of Action for

Quantum Meruit and Unjust Enrichment. Any further violations of the Agreed Temporary Injunction may result in additional death penalty sanctions.

SIGNED: June 4, 2018.

JUDGE PRESIDING

CAUSE NO. DC-20-07071

UNAUTHORIZED PRACTICE OF LAW COMMITTEE FOR THE SUPREME COURT OF TEXAS,	§	**IN THE DISTRICT COURT**
Plaintiff,	§	**DALLAS COUNTY, TEXAS**
vs.	§	
RUTH TORRES,	§	
Defendant.	§	**192nd JUDICIAL DISTRICT**

FINAL JUDGMENT AND PERMANENT INJUNCTION

Plaintiff's Motion for Summary Judgment (the "Motion") came on for hearing. Defendant Ruth Torres ("Defendant") was properly served with the Motion and notice of the hearing. The Court, upon consideration of (i) the Motion and any response thereto; (ii) the evidence in the record; and (iii) the arguments of counsel and/or the parties; and (iv) the file in this case, and it appearing that no further issues exist in this action, is of the opinion that Motion should be and therefore hereby is GRANTED in its entirety. It is therefore

ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion be and hereby is GRANTED in its entirety; it is further

ORDERED, ADJUDGED, and DECREED that that the UPLC shall have a permanent injunction against Defendant, along with her agents, servants, and employees, and those persons in active concert or participation with her, such that they are **PERMANENTLY ENJOINED** from engaging in, or aiding and abetting, the unauthorized practice of law in the State of Texas, including without limitation the following:

a. Representing person(s) other than herself or representing any entity(ies) in any state court in the State of Texas;

b. Representing person(s) other than herself or representing any entity(ies) any in any federal court in the State of Texas;

c. Representing person(s) other than herself or representing any entity(ies) any in any state or federal administrative agency in the State of Texas unless the rules of such agency allow such non-lawyer representation;

d. Preparing and filing for (i) any person(s) other than herself or (ii) any entity(ies) pleadings in any state or federal court or administrative agency in the State of Texas (unless the rules of such agency allow such non-lawyer representation);

e. Giving of advice or the rendering of any service to any person(s) or entity(ies) requiring the use of legal skill or knowledge;

f. Charging and/or accepting fees for legal services or representation of any kind in the State of Texas;

g. Holding herself out in the State of Texas as an attorney or that she is licensed or otherwise permitted to practice law in the State of Texas, including in any letterhead, business cards, state bar number, or federal bar number, etc. which indicate, directly or indirectly, that she is licensed to practice law in any courts of law in the State of Texas unless it is true;

h. Preparing legal instruments and documents which purport to create or settle rights between third parties, and drafting correspondence regarding legal disputes and rights for their parties;

i. Negotiating or attempting to negotiate the rights of third parties to disputes involving civil claims, including those against employers;

j. Interpreting for members of the public the effect and meaning of written contracts;

k. Soliciting person(s) or entity(ies) to be her "clients" and to allow Defendant to represent them in their legal matters;

l. Advising person(s) or entity(ies) as to the value of their claims and whether to accept an offer or sum of money in the settlement of personal injury, property, tort, or other claims;

m. Conducting negotiations with third parties which affected the legal rights of her "clients";

n. Advising person(s) or entity(ies) of their rights, duties, and privileges under the law;

o. Advising person(s) or entity(ies) as to their rights, duties and privileges, and taking action on their behalf as to matters concerning the law;

p. Drafting legal document, and rendering legal opinions and advice to laymen in connection with the documents;

q. Assisting laymen in preparing and/or filing pleadings or other documents without the direct supervisory control of an attorney licenses by, and in good standing with, the Supreme Court of Texas; and

r. Collecting fees for acts constituting the practice of law for which Defendant is not licensed to practice.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Permanent Injunction is binding and enforceable by citation of contempt of court and Plaintiff shall have all writs and processes to enforce same; it is further

ORDERED, ADJUDGED AND DECREED that costs of Court in the amount of $308.00 shall be taxed against Defendant. This is a final and appealable judgment which disposes of all claims and all parties.

SIGNED on this 6 day of MAY, 2021.

Kay Wheeless

JUDGE PRESIDING

SENIOR JUDGE