

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

JORGE ANIBAL TORRES PUELLO :

Petitioner, :

-vs- :

MICHAEL RICHARD POMPEO, in his official :
capacity as the U.S. Secretary of State. :

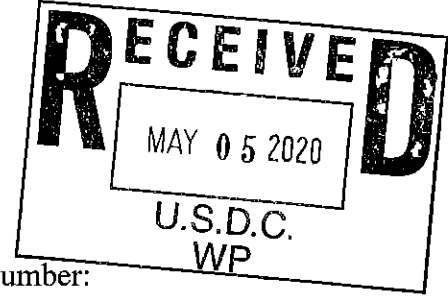
U.S. DEPARTMENT OF STATE :

Respondents :

GOVERNMENT OF THE DOMINICAN REP :

JUNTA CENTRAL ELECTORAL :

Third party :



Docket Number:

20-cv-3525

**EMERGENCY
PETITION FOR A WRIT OF MANDAMUS**

COMES NOW, Jorge Anibal Torres Puello, “the petitioner” a natural born United States Citizen and a Citizen of the Dominican Republic, in *propia persona* and *forma pauperis* and files this his emergency petition for a writ of mandamus pursuant to 28 U.S.C. 1361 and in support state the following:

1. On March 26, 2020, The United States Department of State issued Diplomatic note number 20-534, directing all foreign embassies and missions to conduct their absentee voting process with due respect for the sovereignty and public order of the United States. The United States Department of State issued this unclear order in plain disregard of

plaintiff's U.S. Constitutional rights and in violation of International and United States Laws and **gave the current Government of the Dominican Republic the excuse and opportunity to rig the next presidential and legislative elections**, knowing that the next election will be decided by the more than 500,000 United States Citizens and Permanent Residents who also hold citizenship of the Dominican Republic.

2. The Respondents Secretary of State Michael Richard Pompeo, the United States Department of State is directly violating Petitioner's Constitutional right to freedom of speech, association, expression, access to his diplomatic mission to cast the before mentioned rights amongst other violations of law.
3. The petition at hand is *novel* due to the current COVID-19 pandemic but it is the belief of the petitioner that his rights to vote on U.S. Soil for foreign elections is an essential and protected activity under the First Amendment to the United States Constitution and **the U.S. Secretary of State is under the obligation and duty not to interfere with the Constitutional Rights of United States Citizens and Permanent Resident who desires to exercise their freedom of expression, association, assembly protected by the United States Constitution**. The Supreme Court has written that this freedom is "the matrix, the indispensable condition of nearly every other form of freedom." Without it, other fundamental rights, like the right to vote, would wither and die.
4. It is the Petitioner's belief that the U.S. Secretary of State has no lawful authority to suspend, interfere or prevent the expression by voting of United States Citizens and

Permanent Residents and is prevented from sending the wrong signal against democracy specially to countries like the Dominican Republic who has a bad reputation in the international arena when it comes to voting rights and fraud.

5. Due to the interfere of the United States Department of State, On March 30, 2020, the Minister of Foreign Affairs Miguel Vargas and the President of the Junta Central Electoral Julio César Castanos Guzman used United States Diplomatic Note 20-534 as an opportunity to rig the election in favor of the current official party “PLD” Dominican Liberation Party who is currently being dislike by the Dominican People due to their corruption involvement in the ODEBRECHT, INAPII, INAPA, JCE, CEA, CDEEE, THE SUPER TUCANO PURCHASE AND SUNLAND scandals in that country.
6. The current elections are particularly important for the Dominican people and the region as it will remove from power corrupt government officials tied to rough States such as Cuba, Venezuela, Vietnam and North Korea and will put in jail corrupt politicians involved in money laundry, drug trafficking, murder and other crimes. Please don't let this mockery of democracy happen.
7. The current Dominican President Danilo Medina and its puppet candidate Gonzalo Castillo used the United States State Department interference as an advantage to retain power against the will of the people as they know that the absentee votes in the United States will shift the election in their favor. Petitioner would like to warn this Honorable Court that the current party in government the “PLD” was founded by a Marxist-Leninist

by the name Juan Bosch and it is an active member of the Sao Paolo Forum with the ultimate goal of turning the Dominican Republic into another Venezuela and with the help of the People's Republic of China shift the United States balance of Power in the Caribbean region. The current Dominican Government has obtained over 6 billion dollars in debts with China and it knows that if it losses power all its government top officials such as the current Dominican President Danilo Medina and member of congress such as the Current Congress President Radhame Camacho, current president of the Senate Reinaldo Pared Perez and others will be indicted and accused of Corruption for their overnight increase in wealth in the 100's of millions of dollars for people who 10 years ago were poor Dominican peasants.

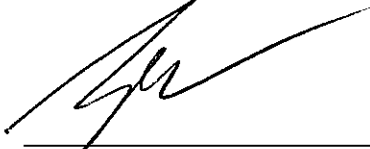
8. **The Dominican Board of Elections or Junta Central Electoral scheduled the Dominican Election to be held on July 5th, 2020 which is why plaintiff requested the above captioned Emergency Petition as the government has 60 days to respond and time is of an essence.**

9. The United States or Dominican government cannot use the COVID-19 pandemic as an excuse to violate the United States Constitution and furthermore, all supermarket, supply stores, Walmart and other businesses are open across the United States with 100's of people visiting them every day and if there is no concern for them, there should be no concern for voting at the poll inside a diplomatic delegation with precaution.

WHEREFORE, the petitioner humbly pray that pursuant to 28 U.S. Code § 1361, the United States Secretary of State Michael Richard Pompeo, the United States Department of State

be compelled as required by law and directed to clarify their Diplomatic Note 20-534 of March 26th, 2020 and further be compelled to perform their duty to protect the plaintiff's right to vote in the United States without any interference from the United States Government and compel the Honorable Michael Richard Pompeo to notify the Government of the Dominican Republic that Constitutional rights of United States Citizens and Permanent Resident to vote are guaranteed by the United States Constitution and that the next absentee election of the Dominican Republic can be held with due safeguards and further compel the Honorable Michael Richard Pompeo to transmit via diplomatic channel the decisions of this Honorable Court and any other relief that the petitioner may be entitled to.

Respectfully submitted,



Jorge Anibal Torres Puello
34 Highland Ave
Yonkers, NY 10701
352-229-0275
elzetard@gmail.com

20-534

The Secretary presents his compliments to Their Excellencies and Messieurs and Mesdames the Chiefs of Mission and wishes to refer their attentions to the topic of foreign government elections and absentee voting via polling stations in the United States during the COVID-19 pandemic.

The Department requests each respective Embassy conducting an absentee voting process provide its assurance that the process will be conducted with due respect for the sovereignty and public order of the United States, including respect for national and local policies and guidelines concerning COVID-19. The Department notes that respect for such policies and guidelines is critical during this time of national public health emergency. In view of the increasing number of states and localities that have or may soon enact local movement restrictions (such as “stay at home” orders), the Department strongly recommends that the Embassy consider establishing procedures by which its citizens residing in the United States may vote by mail or other method that does not require physical presence at a polling place, in order to ensure maximum participation in the election process.

DIPLOMATIC NOTE





MINISTERIO DE RELACIONES EXTERIORES
REPÚBLICA DOMINICANA

"AÑO DE LA CONSOLIDACIÓN DE LA SEGURIDAD ALIMENTARIA"

Santo Domingo, D. N.
30 de Marzo de 2020

Al: **Dr. Julio César Castañón Guzmán**
Presidente de la Junta Central Electoral.

Asunto: **Nota Diplomática de la Oficina de Misiones Extranjeras del Departamento de Estado de EEUU.**

Honorable Presidente:

Cortésmente, nos dirigimos a usted para remitirle la Nota Diplomática No. 20-534 de la Oficina de Misiones Extranjeras del Departamento de Estado de los Estados Unidos, de fecha 26 de marzo de 2020, la cual versa sobre el tema de la celebración de elecciones de gobiernos extranjeros en territorio norteamericano, y el voto de nacionales ausentes por medio de colegios electorales ubicados en territorio estadounidense. Anexo la versión en Inglés del Documento Citado.

Sin otro particular,

Atentamente,

A handwritten signature in black ink, appearing to read "Miguel Vargas".

MIGUEL VARGAS
Ministro de Relaciones Exteriores



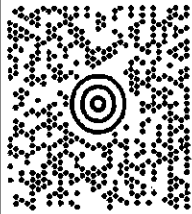
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JORGE ANIBAL TORRES PUELO
34 HIGHLAND AVE #1B
YONKERS NY 10705

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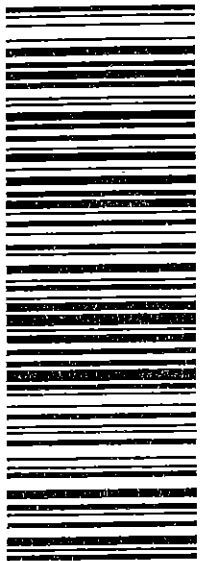


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