

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO ex rel KENNETH GOMEZ,

Plaintiffs,

vs.

1:10-cv-594 JAP/LFG

ELEVENTH JUDICIAL DISTRICT COURT,

Defendant.

**MOTION FOR JUDICIAL NOTICE UNDER RULE 201
OF DEFENDANT'S PART IN RACKETEERING ACTIVITY**

Organized criminal offenses, as separate predicate acts of a pattern of racketeering activities independent of a joint enterprise of organized efforts, are currently active and effective within the State and District of New Mexico; the offenses are best stated, characterized, and described as: There are persons within the State and District of New Mexico holding state or federal public office positions under false pretenses allied with others, in and out of public office, and organized in a joint enterprise to perpetuate the current constitutional and statutory illegalities.¹ State and federal persons/agencies, and some not state public employees, form joint enterprises as both agents and principals of each other who are engaged in separate patterns of racketeering activity independent of the organized community interest perpetuating the current illegalities of denying the power of both constitutions and the ancillary state statutes giving those powers effect. Each of these factors are briefed below. *U.S. v. Hutchinson*, 573 F. 3d 1011, at 1021 citing *Boyle v. U.S.*, 129 S.Ct. at 2244, (10th Cir. 2009), and at 1020 citing *U.S. v. Smith*, 413 F.3d 1253 (C.A. 10 2005); *U.S. Sanders*, 928 F.2d 940, 943, citing *U.S. v. Turkette*, 452 U.S. at 583, 101 S.Ct. 2524, 2528-2559 (1991), (C.A. 10 (Okl.), 1991; *U.S. v. Angulo-Lopez*, 9 F.3d 118 (C.A. 10 (Okl.), 1993).

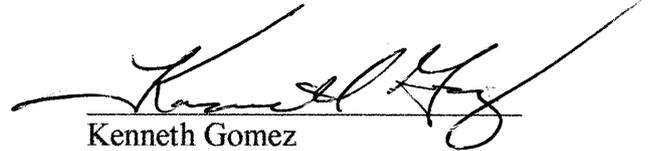
¹ Counsel for Defendant was consulted and will oppose this motion

(a) The Defendant District Court, as an independent corporate body, harbors an organized component of an overall joint enterprise. Furthermore, any public organization, state or federal, and any individual, whether private or member of government, both state and federal, who agree by their action, either actively or with passive consent, to aid and effectuate the joint enterprise have a common purpose in perpetuating its criminal effort thereby promoting the continuing illegality. Two or more participants engaging in a joint enterprise are agents of each other and are principals of each other so as to bring into force the precepts of the law of agency. See Gary v. Barnes, 244 S.C. 454, 137 S.E. 2nd 594, 599 (S.C. 1964), citing Funderburk v. Powell, 181 S.C. 412, 187 S.E. 742; Bolt v. Gibson, et al., 225 S.C. 538, 835 S.E. 2nd 191, further citing Padgett v. Southern Ry Co., 219 S.C. 353, 65 S.E. 2nd 297: a group of cases describing a joint enterprise as a common community purpose whose members participate, as needed, in guiding the effort for mutual benefits.

(b) The Defendant District Court together with said agents/principals demonstrate common community type interests for continuing unlawful purposes, for circumventing and undermining the power and authorities of both constitutions and attendant statutes, and for promoting and guiding the continuance of the criminal activities supported. See Rock v. Atlantic Coast Line R. Co., 222S.C. 362, 72 S.E. 2nd 900.

The Court is invited to consider the attached memorandum brief in support of the motion. **WHEREFORE**, Plaintiffs pray Court will take judicial notice under Rule 201 of Defendant's part in a pattern of racketeering activity within the State and District of New Mexico with an organized common community purpose for continuing dedicated illegalities.

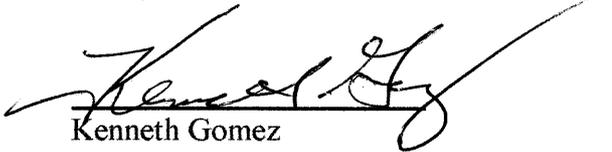
Respectfully submitted,



Kenneth Gomez
4 CR 5095
Bloomfield, New Mexico 87413
klpope2003@yahoo.com
(505)330-1239

I hereby certify that on this
7th day of August 2010, the
foregoing was electronically
served through the CM/ECF
system to the following:

Luis Robles
Attorney for the Defendant
500 Marquette Ave. NW, Suite 700
Albuquerque, New Mexico 87102
(505)242-2228
(505)242-1106 (facsimile)
Luis@roblesrael.com



Kenneth Gomez