

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

STATE OF NEW MEXICO ex rel KENNETH GOMEZ,

Plaintiff,

vs.

No. CIV 10-00594 WDS/LFG

ELEVENTH JUDICIAL DISTRICT COURT,

Defendant.

NOTICE OF FILING OF STATE COURT RECORD

Defendants, the Eleventh Judicial District Court, give notice of compliance with Rule 81.1(a) of the Local Rules of the United States District Court for the District of New Mexico by filing certified copies of the pleadings filed in the Eleventh Judicial District for the State of New Mexico, County of San Juan, entitled Gomez, Kenneth v. Eleventh Judicial District Court, CV 2010-00941, by Kenneth Gomez, *pro se*.

Respectfully submitted,

ROBLES, RAEL & ANAYA, P.C.

By: /s/ Luis Robles
Luis Robles
Attorneys for Defendants
500 Marquette Ave. NW, Suite 700
Albuquerque, New Mexico 87102
(505) 242-2228
(505) 242-1106 (facsimile)

I hereby certify that on this
25th day of June 2010, the
foregoing was electronically
served through the CM/ECF
system to the following:

Kenneth Gomez
4 CR 5095
Bloomfield, NM 87413

/s/ Luis Robles
Luis Robles

ELEVENTH JUDICIAL DISTRICT
COUNTY OF SAN JUAN
STATE OF NEW MEXICO

DISTRICT COURT
SAN JUAN COUNTY NM
FILED

2010 JUN 22 AM 9 50

Kenneth Gomez
Plaintiffs,

vs.
Eleventh Judicial District Court
Defendants.

D1116CV2010-941

CLERK'S CERTIFICATE

I, WELDON NEFF, Clerk of the District Court of San Juan county, New Mexico,
do hereby certify:

That attached are true and correct copies of CV2010-941 COMPLAINT TO VOID
JUDGMENTS AND FOR WRIT OF QUO WARRANTO, RECUSAL AND NOTICE OF
ALL ELEVENTH JUDICIAL DISTRICT JUDGES, NOTICE JUDGE ASSIGNMET,
NOTICE OF JUDGE REASSISNMENT, NOTICE OF JUDGE REASSIGNMENT,
NOTICE OF JUDGE REASSIGNMENT, NOTICE OF JUDGE REASSIGNMENT,
NOTICE OF JUDGE REASSIGNMENT, NOTICE OF JUDGE REASSIGNMENT,
NOTICE OF JUDGE REASSIGNMEN, FIRST AMENDED COMPLAINT TO VOID
JUDGMENTS, AND FOR WRIT OF QUO WARRANTO, RETURN OF SERVICE,
SECOND AMENDED COMPLAINT TO VOID JUDGMENTS, AND FOR WRIT OF QUO
WARRANTO, VERIFIED MOTION FOR WRIT OF QUO WARRANTO,
MEMORANDUM BRIEF IN SUPPORT OF MOTION FOR A WRIT OF QUO
WARRANTO, CLERKS CERTIFICATE OF EXCUSAL and/or RECUSALS

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said court
this 22 day of JUNE, 2010.

Weldon Neff

Clerk of the District Court

By: [Signature]

Deputy

(SEAL)

Copies of this Certificate were mailed
to Kenneth Gomez and Luis Robles 22
day of June, 2010

[Signature]
Deputy

Case Docket
11th District Court
103 S. Oliver, Aztec, NM 87410

Date: 06-22-2010
Page: 2

CASE HISTORY

Case Number:D-1116-CV-0201000941
Case Title:GOMEZ VS ELEVENTH JUDICIAL

COMPLAINT:

Complaint Date: 06/01/2010 Complaint Sequence: 1
Event: OPN: COMPLAINT Jury: No

Plaintiff

Party: P-1 GOMEZ KENNETH

Defendant:

Party: D-1 ELEVENTH JUDICIAL DISTRICT COURT

CAUSE OF ACTION:

Cause of Action: STATUTES/ORDINANCE VIOL MISC

Plaintiff P-1 GOMEZ KENNETH

Defendant D-1 ELEVENTH JUDICIAL DISTRICT COURT

EVENT SUMMARY

Party: P-1

Date: 06/01/2010 Seq: 1 Event: ASM: CIVIL FILING-DIST.
Action: Form: Judge: Deputy: 23
Result: Amount: 117

Party: -

Date: 06/01/2010 Seq: 2 Event: OPN: COMPLAINT
Action: Form: Judge: KAREN L TOWNSEND Deputy:
Result: Amount:
COMPLAINT TO VOID JUDGMENT FOR WRIT OF QUO WARRANTO
FILED BY KENNETH GOMEZ
(8 PGS)

Party: -

Date: 06/01/2010 Seq: 3 Event: SUMMONS ISSUED
Action: Form: Judge: KAREN L TOWNSEND Deputy: 106
Result: Amount:

Party: -

Date: 06/03/2010 Seq: 1 Event: JDG: JUDGE RECUSAL
Action: Form: Judge: JOHN DEAN JR Deputy: 59
Result: Amount:
RECUSAL AND NOTICE - FOR REASONS DEEMED SUFFICIENT, ALL
DISTRICT JUDGES OF THE ELEVENTH JUDICIAL DISTRICT RECUSE
FROM FURTHER PARTICIPATION IN THIS CAUSE - CHIEF DISTRICT
JUDGE DEAN (ONE PAGE)

Party: -

Date: 06/04/2010 Seq: 1 Event: JDG: JUDGE ASSIGN RECUSAL
Action: Form: Judge: THOMAS J HYNES Deputy:
Result: Amount:
REASSIGNED TO JUDGE HYNES DUE TO THE RECUSAL OF JUDGE
TOWNSEND

Party: -

Date: 06/04/2010 Seq: 2 Event: NTC: JUDGE ASSIGNMENT

Case Docket
 11th District Court
 103 S. Oliver, Aztec, NM 87410

Date: 06-22-2010
 Page: 3

CASE HISTORY

Case Number:D-1116-CV-0201000941

Case Title:GOMEZ VS ELEVENTH JUDICIAL

=====
 Action: Form: Judge: THOMAS J HYNES Deputy: 59
 Result: Amount:
 Ntc of Judge Assignment by Mara Fowler (6540) for
 06-4-2010 from KT0 to TH0 (TWO PAGES)

Party: -
 Date: 06/04/2010 Seq: 3 Event: JDG: JUDGE RECUSAL
 Action: Form: Judge: JOHN DEAN JR Deputy: 59
 Result: Amount:
 RECUSAL AND NOTICE - FOR REASONS DEEMED SUFFICIENT, ALL
 DISTRICT JUDGES OF THE ELEVENTH JUDICIAL DISTRICT RECUSE
 FROM FURTHER PARTICIPATION IN THIS CAUSE - CHIEF DISTRICT
 JUDGE DEAN (ONE PAGE)

Party: -
 Date: 06/04/2010 Seq: 4 Event: JDG: JUDGE ASSIGN RECUSAL
 Action: Form: Judge: SANDRA A PRICE Deputy:
 Result: Amount:
 REASSIGNED TO JUDGE PRICE DUE TO THE RECUSAL OF JUDGE HYNES

Party: -
 Date: 06/04/2010 Seq: 5 Event: NTC: JUDGE ASSIGNMENT
 Action: Form: Judge: SANDRA A PRICE Deputy: 59
 Result: Amount:
 Ntc of Judge Assignment by Mara Fowler (6540) for
 06-4-2010 from TH0 to SP2 (TWO PAGES)

Party: -
 Date: 06/04/2010 Seq: 6 Event: JDG: JUDGE RECUSAL
 Action: Form: Judge: JOHN DEAN JR Deputy: 59
 Result: Amount:
 RECUSAL AND NOTICE - FOR REASONS DEEMED SUFFICIENT, ALL
 DISTRICT JUDGES OF THE ELEVENTH JUDICIAL DISTRICT RECUSE
 FROM FURTHER PARTICIPATION IN THIS CAUSE - CHIEF DISTRICT
 JUDGE DEAN (ONE PAGE)

Party: -
 Date: 06/04/2010 Seq: 7 Event: JDG: JUDGE ASSIGN RECUSAL
 Action: Form: Judge: WILLIAM C BIRDSALL Deputy:
 Result: Amount:
 REASSIGNED TO JUDGE BIRDSALL DUE TO THE RECUSAL OF JUDGE
 PRICE

Party: -
 Date: 06/04/2010 Seq: 8 Event: NTC: JUDGE ASSIGNMENT
 Action: Form: Judge: WILLIAM C BIRDSALL Deputy: 59
 Result: Amount:
 Ntc of Judge Assignment by Mara Fowler (6540) for
 06-4-2010 from SP2 to WB2 (TWO PAGES)

Party: -
 Date: 06/04/2010 Seq: 9 Event: JDG: JUDGE RECUSAL
 Action: Form: Judge: JOHN DEAN JR Deputy: 59
 Result: Amount:

Case Docket
11th District Court
103 S. Oliver, Aztec, NM 87410

Date: 06-22-2010
Page: 4

CASE HISTORY

Case Number:D-1116-CV-0201000941
Case Title:GOMEZ VS ELEVENTH JUDICIAL

=====

RECUSAL AND NOTICE - FOR REASONS DEEMED SUFFICIENT, ALL DISTRICT JUDGES OF THE ELEVENTH JUDICIAL DISTRICT RECUSE FROM FURTHER PARTICIPATION IN THIS CAUSE - CHIEF DISTRICT JUDGE DEAN (ONE PAGE)

Party: -
Date: 06/04/2010 Seq: 10 Event: JDG: JUDGE ASSIGN RECUSAL
Action: Form: Judge: JOHN DEAN JR Deputy:
Result: Amount:
REASSIGNED TO JUDGE DEAN DUE TO THE RECUSAL OF JUDGE BIRDSALL

Party: -
Date: 06/04/2010 Seq: 11 Event: NTC: JUDGE ASSIGNMENT
Action: Form: Judge: JOHN DEAN JR Deputy: 59
Result: Amount:
Ntc of Judge Assignment by Mara Fowler (6540) for 06-4-2010 from WB2 to JD0 (TWO PAGES)

Party: -
Date: 06/04/2010 Seq: 12 Event: JDG: JUDGE RECUSAL
Action: Form: Judge: JOHN DEAN JR Deputy: 59
Result: Amount:
RECUSAL AND NOTICE - FOR REASONS DEEMED SUFFICIENT, ALL DISTRICT JUDGES OF THE ELEVENTH JUDICIAL DISTRICT RECUSE FROM FURTHER PARTICIPATION IN THIS CAUSE - CHIEF DISTRICT JUDGE DEAN (ONE PAGE)

Party: -
Date: 06/04/2010 Seq: 13 Event: JDG: JUDGE ASSIGN RECUSAL
Action: Form: Judge: ARAGON ROBERT Deputy:
Result: Amount:
REASSIGNED TO JUDGE ARAGON DUE TO THE RECUSAL OF JUDGE DEAN

Party: -
Date: 06/04/2010 Seq: 14 Event: NTC: JUDGE ASSIGNMENT
Action: Form: Judge: ARAGON ROBERT Deputy: 59
Result: Amount:
Ntc of Judge Assignment by Mara Fowler (6540) for 06-4-2010 from JD0 to RA4 (TWO PAGES)

Party: -
Date: 06/04/2010 Seq: 15 Event: JDG: JUDGE RECUSAL
Action: Form: Judge: JOHN DEAN JR Deputy: 59
Result: Amount:
RECUSAL AND NOTICE - FOR REASONS DEEMED SUFFICIENT, ALL DISTRICT JUDGES OF THE ELEVENTH JUDICIAL DISTRICT RECUSE FROM FURTHER PARTICIPATION IN THIS CAUSE - CHIEF DISTRICT JUDGE DEAN (ONE PAGE)

Party: -
Date: 06/04/2010 Seq: 16 Event: JDG: JUDGE ASSIGN RECUSAL
Action: Form: Judge: LOUIS DEPAULI Deputy:
Result: Amount:

Case Docket
11th District Court
103 S. Oliver, Aztec, NM 87410

Date: 06-22-2010
Page: 5

CASE HISTORY

Case Number:D-1116-CV-0201000941
Case Title:GOMEZ VS ELEVENTH JUDICIAL

=====

REASSIGNED TO JUDGE DEPAULI DUE TO THE RECUSAL OF JUDGE ARAGON

Party: -
Date: 06/04/2010 Seq: 17 Event: NTC: JUDGE ASSIGNMENT
Action: Form: Judge: LOUIS DEPAULI Deputy: 59
Result: Amount:
Ntc of Judge Assignment by Mara Fowler (6540) for 06-4-2010 from RA4 to LD3 (TWO PAGES)

Party: -
Date: 06/04/2010 Seq: 18 Event: JDG: JUDGE RECUSAL
Action: Form: Judge: JOHN DEAN JR Deputy: 59
Result: Amount:
RECUSAL AND NOTICE - FOR REASONS DEEMED SUFFICIENT, ALL DISTRICT JUDGES OF THE ELEVENTH JUDICIAL DISTRICT RECUSE FROM FURTHER PARTICIPATION IN THIS CAUSE - CHIEF DISTRICT JUDGE DEAN (ONE PAGE)

Party: -
Date: 06/04/2010 Seq: 19 Event: JDG: JUDGE ASSIGN RECUSAL
Action: Form: Judge: FOUTZ GRANT L Deputy:
Result: Amount:
REASSIGNED TO JUDGE FOUTZ DUE TO THE RECUSAL OF JUDGE DEPAULI

Party: -
Date: 06/04/2010 Seq: 20 Event: NTC: JUDGE ASSIGNMENT
Action: Form: Judge: FOUTZ GRANT L Deputy: 59
Result: Amount:
Ntc of Judge Assignment by Mara Fowler (6540) for 06-4-2010 from LD3 to GF0 (TWO PAGES)

Party: -
Date: 06/04/2010 Seq: 21 Event: JDG: JUDGE RECUSAL
Action: Form: Judge: JOHN DEAN JR Deputy: 59
Result: Amount:
RECUSAL AND NOTICE - FOR REASONS DEEMED SUFFICIENT, ALL DISTRICT JUDGES OF THE ELEVENTH JUDICIAL DISTRICT RECUSE FROM FURTHER PARTICIPATION IN THIS CAUSE - CHIEF DISTRICT JUDGE DEAN (ONE PAGE)

Party: -
Date: 06/07/2010 Seq: 1 Event: AMENDED COMPLAINT
Action: Form: Judge: FOUTZ GRANT L Deputy: 133
Result: Amount:
FIRST AMENDED COMPLAINT TO VOID JUDGMENTS, AND FOR WRIT OF QUO WARRANTO
SUBMITTED BY KENNETH GOMEZ, PRO SE (8 PGS)

Party: -
Date: 06/08/2010 Seq: 1 Event: RETURN OF SERVICE
Action: Form: Judge: FOUTZ GRANT L Deputy: 59
Result: Amount:

Case Docket
11th District Court
103 S. Oliver, Aztec, NM 87410

Date: 06-22-2010
Page: 6

CASE HISTORY

Case Number:D-1116-CV-0201000941
Case Title:GOMEZ VS ELEVENTH JUDICIAL

=====

COMPLAINT AND SUMMONS WERE SERVED TO PAUL JAEGER, COURT CLERK, FOR DEFENDANT ELEVENTH JUDICIAL DISTRICT COURT, ON 06/02/2010 (TWO PAGES)

Party: -
Date: 06/16/2010 Seq: 1 Event: AMENDED COMPLAINT
Action: Form: Judge: FOUTZ GRANT L Deputy: 59
Result: Amount:
SECOND AMENDED COMPLAINT TO VOID JUDGMENTS, AND FOR WRIT OF QUO WARRANTO - KENNETH GOMEZ (NINE PAGES)

Party: -
Date: 06/16/2010 Seq: 2 Event: MTN: MOTION
Action: Form: Judge: FOUTZ GRANT L Deputy: 59
Result: Amount:
VERIFIED MOTION FOR A WRIT OF QUO WARRANTO - KENNETH GOMEZ (TWO PAGES)

Party: -
Date: 06/16/2010 Seq: 3 Event: MEMORANDUM BRIEF
Action: Form: Judge: FOUTZ GRANT L Deputy: 59
Result: Amount:
MEMORANDUM BRIEF IN SUPPORT OF MOTION FOR A WRIT OF QUO WARRANTO - KENNETH GOMEZ (FOUR PAGES)

Party: -
Date: 06/18/2010 Seq: 1 Event: CERTIFICATE
Action: Form: Judge: FOUTZ GRANT L Deputy: 59
Result: Amount:
CLERK'S CERTIFICATE - COPIES OF THE BLANKET RECUSAL, THE COMPLAINT, AND THIS CLERK'S CERTIFICATE, WERE MAILED TO THE SUPREME COURT ON 06/18/2010 (ONE PAGE)

PAYMENT SUMMARY

A85047 06-01-2010 151 PMT: CIVIL FILING - DIST \$117 P 001

Case Docket
11th District Court
103 S. Oliver, Aztec, NM 87410

Date: 06-22-2010
Page: 1

CASE HISTORY
Case Number:D-1116-CV-0201000941
Case Title:GOMEZ VS ELEVENTH JUDICIAL

=====
CASE MASTER

Case Number: D-1116-CV-0201000941 Case Title: GOMEZ VS ELEVENTH JUDICIAL

Filing Type: NEW FILING Filing Date: 06/01/2010
Case Status: PN PENDING Status Date: 06/16/2010

Case Type: CIVIL VIOL, STATUTES, ORDS Will Date:

--- JUDGES ---

JDG: JUDGE ASSIGN RECUSAL 06-04-2010 FOUTZ GRANT L
JDG: JUDGE ASSIGN RECUSAL 06-04-2010 LOUIS DEPAULI
JDG: JUDGE ASSIGN RECUSAL 06-04-2010 ARAGON ROBERT
JDG: JUDGE ASSIGN RECUSAL 06-04-2010 JOHN DEAN JR
JDG: JUDGE ASSIGN RECUSAL 06-04-2010 WILLIAM C BIRDSALL
JDG: JUDGE ASSIGN RECUSAL 06-04-2010 SANDRA A PRICE
JDG: JUDGE ASSIGN RECUSAL 06-04-2010 THOMAS J HYNES
INITIAL ASSIGNMENT 06-01-2010 KAREN L TOWNSEND

Prosecutor:
Jurisdiction Area:

Transferred Case: No Previous Case Number: ---
Refiled: No Original Court:
Consolidated: No Sealed/Expunged: No Child Support: No Victim: No

ALTERNATE CASE REFERENCE

NONE

CAUSE OF ACTION

06-01-2010 1 1 STATUTES/ORDINANCE VIOL MISC

PARTY DETAIL

D-1 ELEVENTH JUDICIAL DISTRICT COURT
Status: ACTIVE Status Date: 06/01/2010

PARTY DETAIL

P-1 GOMEZ KENNETH
Status: ACTIVE Status Date: 06/01/2010

CIVIL COMPLAINT

SAN JUAN COUNTY
FILED MF
2010 JUN 4 PM 1 33

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
JUDICIAL DISTRICT COURT

KENNETH GOMEZ, Plaintiff

vs.

ELEVENTH JUDICIAL DISTRICT COURT, Defendant

Case Number: D-1116-CV-201000941

Dated: June 4, 2010

NOTICE OF JUDGE ASSIGNMENT

The above referenced cause has been reassigned to the Honorable SANDRA A PRICE, District Judge, effective June 4, 2010, due to the RECUSAL of the Honorable THOMAS J HYNES, District Judge.

Weldon Neff
CLERK OF THE DISTRICT COURT

By: _____

Mara Fowler

Certificate Of Mailing

I hereby certify that a true and correct copy of the foregoing was mailed to counsel on this day, June 4, 2010.

Weldon Neff
CLERK OF THE DISTRICT COURT

By: _____

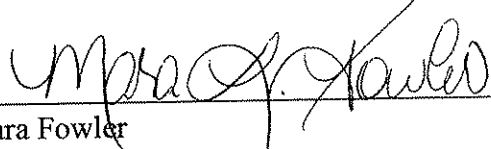
Mara Fowler

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NOTICE OF JUDGE ASSIGNMENT - MAILING CERTIFICATE

I hereby certify that a true and correct copy of the foregoing was mailed to
this day, June 4, 2010.

Weldon Neff
CLERK OF THE DISTRICT COURT

By: 
Mara Fowler

KENNETH GOMEZ, 4 CR 5095 BLOOMFIELD, NM 87413
ELEVENTH JUDICIAL DISTRICT COURT, 103 S. OLIVER AZTEC, NM 87410
***** FILE COPY *****

FILED MUF
2010 JUN 4 PM 3 37

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
JUDICIAL DISTRICT COURT

KENNETH GOMEZ, Plaintiff

vs.

ELEVENTH JUDICIAL DISTRICT COURT, Defendant


Case Number: D-1116-CV-201000941

Dated: June 4, 2010

NOTICE OF JUDGE ASSIGNMENT

The above referenced cause has been reassigned to the Honorable WILLIAM C BIRDSALL, District Judge, effective June 4, 2010, due to the RECUSAL of the Honorable SANDRA A PRICE, District Judge.

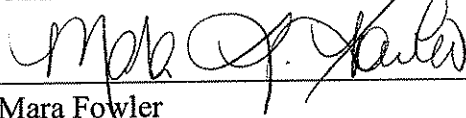
Weldon Neff
CLERK OF THE DISTRICT COURT

By: 
Mara Fowler

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Weldon Neff
CLERK OF THE DISTRICT COURT

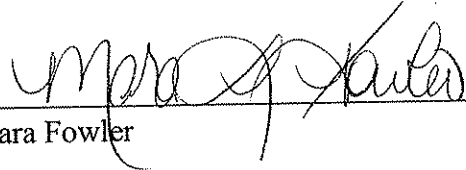
By: 
Mara Fowler

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NOTICE OF JUDGE ASSIGNMENT - MAILING CERTIFICATE

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Weldon Neff
CLERK OF THE DISTRICT COURT

By: 
Mara Fowler

KENNETH GOMEZ, 4 CR 5095 BLOOMFIELD, NM 87413
ELEVENTH JUDICIAL DISTRICT COURT, 103 S. OLIVER AZTEC, NM 87410
***** FILE COPY *****

SAN JUAN COUNTY
FILED MF
2010 JUN 4 PM 3 39

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
JUDICIAL DISTRICT COURT

KENNETH GOMEZ, Plaintiff

vs.

ELEVENTH JUDICIAL DISTRICT COURT, Defendant

Case Number: D-1116-CV-201000941

Dated: June 4, 2010

NOTICE OF JUDGE ASSIGNMENT

The above referenced cause has been reassigned to the Honorable JOHN DEAN JR, District Judge, effective June 4, 2010, due to the RECUSAL of the Honorable WILLIAM C BIRDSALL, District Judge.

Weldon Neff
CLERK OF THE DISTRICT COURT

By: Mara G. Fowler
Mara Fowler

Certificate Of Mailing

I hereby certify that a true and correct copy of the foregoing was mailed to counsel on this day, June 4, 2010.

Weldon Neff
CLERK OF THE DISTRICT COURT

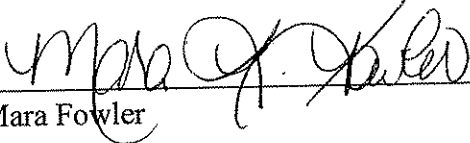
By: Mara G. Fowler
Mara Fowler

***** FILE COPY *****

NOTICE OF JUDGE ASSIGNMENT - MAILING CERTIFICATE

I hereby certify that a true and correct copy of the foregoing was mailed to
this day, June 4, 2010.

Weldon Neff
CLERK OF THE DISTRICT COURT

By: 
Mara Fowler

KENNETH GOMEZ, 4 CR 5095 BLOOMFIELD, NM 87413
ELEVENTH JUDICIAL DISTRICT COURT, 103 S. OLIVER AZTEC, NM 87410
***** FILE COPY *****

STATE OF NEW MEXICO
SAN JUAN COUNTY
FILED MF
2010 JUN 4 PM 1 43

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
JUDICIAL DISTRICT COURT

KENNETH GOMEZ, Plaintiff

vs.

ELEVENTH JUDICIAL DISTRICT COURT, Defendant

Case Number: D-1116-CV-201000941

Dated: June 4, 2010

NOTICE OF JUDGE ASSIGNMENT

The above referenced cause has been reassigned to the Honorable ARAGON ROBERT, District Judge, effective June 4, 2010, due to the RECUSAL of the Honorable JOHN DEAN JR, District Judge.

Weldon Neff
CLERK OF THE DISTRICT COURT

By: Mara Fowler
Mara Fowler

Certificate Of Mailing

I hereby certify that a true and correct copy of the foregoing was mailed to counsel on this day, June 4, 2010.

Weldon Neff
CLERK OF THE DISTRICT COURT

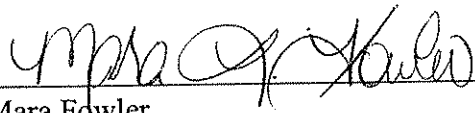
By: Mara Fowler
Mara Fowler

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NOTICE OF JUDGE ASSIGNMENT - MAILING CERTIFICATE

I hereby certify that a true and correct copy of the foregoing was mailed to this day, June 4, 2010.

Weldon Neff
CLERK OF THE DISTRICT COURT

By: 
Mara Fowler

KENNETH GOMEZ, 4 CR 5095 BLOOMFIELD, NM 87413
ELEVENTH JUDICIAL DISTRICT COURT, 103 S. OLIVER AZTEC, NM 87410
***** FILE COPY *****

SAN JUAN COUNTY
FILED MF
2010 JUN 4 PM 1 46

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
JUDICIAL DISTRICT COURT

KENNETH GOMEZ, Plaintiff

vs.

ELEVENTH JUDICIAL DISTRICT COURT, Defendant

Case Number: D-1116-CV-201000941

Dated: June 4, 2010

NOTICE OF JUDGE ASSIGNMENT

The above referenced cause has been reassigned to the Honorable LOUIS DEPAULI, District Judge, effective June 4, 2010, due to the RECUSAL of the Honorable ARAGON ROBERT, District Judge.

Weldon Neff
CLERK OF THE DISTRICT COURT

By: Mara Fowler
Mara Fowler

Certificate Of Mailing

I hereby certify that a true and correct copy of the foregoing was mailed to counsel on this day, June 4, 2010.

Weldon Neff
CLERK OF THE DISTRICT COURT

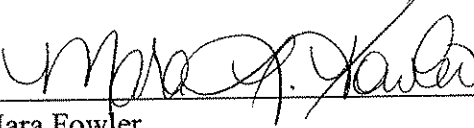
By: Mara Fowler
Mara Fowler

***** FILE COPY *****

NOTICE OF JUDGE ASSIGNMENT - MAILING CERTIFICATE

I hereby certify that a true and correct copy of the foregoing was mailed to this day, June 4, 2010.

Weldon Neff
CLERK OF THE DISTRICT COURT

By: 
Mara Fowler

KENNETH GOMEZ, 4 CR 5095 BLOOMFIELD, NM 87413
ELEVENTH JUDICIAL DISTRICT COURT, 103 S. OLIVER AZTEC, NM 87410
***** FILE COPY *****

SAN JUAN COUNTY
FILED *MJF*
2010 JUN 4 PM 3 49

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
JUDICIAL DISTRICT COURT

KENNETH GOMEZ, Plaintiff

vs.

ELEVENTH JUDICIAL DISTRICT COURT, Defendant

Case Number: D-1116-CV-201000941

Dated: June 4, 2010

NOTICE OF JUDGE ASSIGNMENT

The above referenced cause has been reassigned to the Honorable FOUTZ GRANT L, District Judge, effective June 4, 2010, due to the RECUSAL of the Honorable LOUIS DEPAULI, District Judge.

Weldon Neff
CLERK OF THE DISTRICT COURT

By: *Mara Fowler*
Mara Fowler

Certificate Of Mailing

I hereby certify that a true and correct copy of the foregoing was mailed to counsel on this day, June 4, 2010.

Weldon Neff
CLERK OF THE DISTRICT COURT

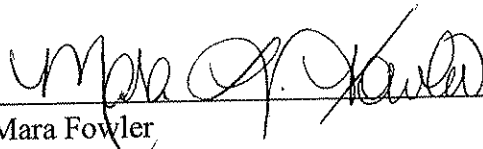
By: *Mara Fowler*
Mara Fowler

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NOTICE OF JUDGE ASSIGNMENT - MAILING CERTIFICATE

I hereby certify that a true and correct copy of the foregoing was mailed to
this day, June 4, 2010.

Weldon Neff
CLERK OF THE DISTRICT COURT

By: 
Mara Fowler

KENNETH GOMEZ, 4 CR 5095 BLOOMFIELD, NM 87413
ELEVENTH JUDICIAL DISTRICT COURT, 103 S. OLIVER AZTEC, NM 87410
***** FILE COPY *****

DISTRICT COURT
STATE OF NEW MEXICO) SAN JUAN COUNTY NM
) ss FILED
COUNTY OF San Juan 2010 JUN 8 AM 9 27

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in San Juan county on the 2nd day of June, 2010, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

to the defendant _____ (used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint).

to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (used when the defendant is not presently at place of abode) and by mailing by first class mail to the defendant at _____ (insert defendant's last known mailing address) a copy of the summons and complaint.

to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (insert defendant's business address) and by mailing the summons and complaint by first class mail to the defendant at _____ (insert defendant's last known mailing address).

to _____, an agent authorized to receive service of process for defendant _____.

to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (used when defendant is a minor or an incompetent person).

to Paul Jaeger (name of person), Assistant Court Clerk (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: N/A

[Signature]
Signature of person making service

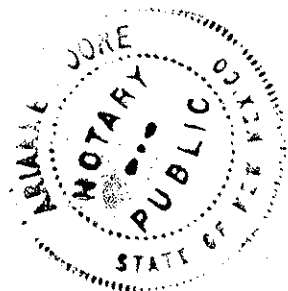
None
Title (if any)

Subscribed and sworn to before me this 3rd day of June, 2010

[Signature]
Judge, notary or other officer
authorized to administer oaths

Notary Public
Official title

my Commission exp. 6-12-2011



STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT

No. CV 2010 - 941 - 8

State of New Mexico ex rel Kenneth Gomez, Plaintiff

v.

Eleventh Judicial District Court, Defendant

SUMMONS

THE STATE OF NEW MEXICO

TO: Eleventh Judicial District Court, Defendant

ADDRESS: ~~851 Andrea Drive~~ 103 S. Oliver
~~Farmington, New Mexico 87402~~
Aztec 87410

You are required to serve upon Kenneth Gomez (name of plaintiff or plaintiff's attorney) an answer or motion in response to the complaint which is attached to this summons within thirty (30) days after service of this summons upon you, exclusive of the day of service, and file your answer or motion with the court as provided in Rule 1-005 NMRA. If you fail to file a timely answer or motion, default judgment may be entered against you for the relief demanded in the complaint.

Kenneth Gomez
4 CR 5095
Bloomfield, New Mexico 87413
(505)320-1239

WITNESS the Honorable Karen L. Townsend, district judge of the 11th judicial district court of the State of New Mexico, and the seal of the district court of San Juan County, this 19 day of June, 2010.

WELDON J NEFF

Clerk of court

By Shelley Cah

Deputy

Dated: _____

ELEVENTH JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF SAN JUAN
COUNTY OF MCKINLEY

FILED
2010 JUN 7 PM 3 32

STATE OF NEW MEXICO ex rel KENNETH GOMEZ,

Plaintiff,

vs.

Case Number: CV 2010-00941

ELEVENTH JUDICIAL DISTRICT COURT,

Defendant.

**FIRST AMENDED COMPLAINT TO VOID JUDGMENTS,
AND FOR WRIT OF QUO WARRANTO**

COMES NOW Plaintiff Kenneth Gomez under authority of Section 44-3-4 NMSA 1978 since there are no public officers required by said law who would or could grant permission to Gomez; under provisions of Rule 1-060B(4) claiming the judgments and decisions involving him, during times relevant, from the year 1963 to the present issued by any and all the Courts within the jurisdiction of the Defendant Eleventh Judicial District Court, " hereinafter, Defendant District Court"; and have severely injured him by denying him constitutional rights under Sections 1, and 3, Fourteenth Amendment and all civil rights laws giving the said constitutional power effect, and, in addition, have damaged his personal character without recourse, since there are no persons who have acquired title to positions as judges in any New Mexico court of law; there are no courts of law to which he could appeal judgments rendered and not competent to be issued, see Orosco v. Cox, 75 N.M. 431, 405 P.2d 668 (1965) for definition of competent court. Said judgments and decisions have all been null, void, and without legal effect at their inception as repugnant to both constitutions. Marbury v. Madison, 5 U.S. 137, 178, 180; to wit, respectively:

So if the law be in opposition to the constitution; if both the law and the constitution apply to a particular case, so that the court must decide that the case conformably to the law, disregarding the constitution; or conformably to the constitution disregarding the law; the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty. [At 178.]

and,

Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law, repugnant to the constitution is void; and that courts, as well as other departments, are bound by that instrument. [At 180.]

I. COMPLAINT

a. Whereas, not one of the persons holding positions as judges within the jurisdiction of the courts of law in the Defendant District Court, during times relevant, have personally given, filed, and recorded a prerequisite penal bond to lawfully acquire title to the public office being entered, (Section 10-2-9 NMSA 1978), since 1963 binding them to the promises of the oath of office contained in Article XX, Section 1, Constitution of the State of New Mexico as mandated by Article XXII, Section 19, Constitution of the State of New Mexico and the provisions of Article VI, Clauses 2 and 3, Constitution for the United States of America; to wit, respectively:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. [Clause 2, Article VI, Constitution for the United States of America.]

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States. [Clause 3, Article VI, Constitution for the United States of America.]

b. Whereas, the New Mexico Legislature has no power or authority to unilaterally and without constitutional processes enact laws amending either the Constitution for the United

States of America or the Constitution of the State of New Mexico as it did when, contrary to Marbury, it enacted Section 34-6-22 (Personnel; oaths and bonds, (1968)) NMSA 1978 altering, revising, or amending Article XXII Section 19 Constitution of the State of New Mexico and Article VI, Clauses 2 and 3, Constitution for the United States of America; to wit said § 34-6-22:

Before entering upon their duties, all district court personnel who receive or disburse money or have custody of property shall take the oath prescribed by the constitution for state officers and file with the secretary of state a corporate surety bond in an amount fixed by the director of the administrative office of the courts. Each bond shall be approved in writing on its face by the director of the administrative office of the courts and conditions upon faithful performance of duties and payment of all money received to the person entitled to receive it. In lieu of individual bond coverage, the director of the administrative office of the courts may prescribe schedule or blanket bond coverage in any judicial district. Bond premiums shall be paid from funds appropriated to the district courts.

History: 1953 Comp., § 16-3-9, enacted by Laws 1968, ch. 69, § 23.

c. Whereas, the several constitutional powers cited in the preceding paragraph are given effect in Sections 10-2-5, 6, 7, and 9 NMSA 1978.

d. Whereas, those persons, during times relevant, who previously held and those who currently hold positions as judges within the Defendant District Court from Year 1963 and thereafter either did so, or now do so under false pretenses as indicated below:

(1) Whereas, any signed and notarized Declaration of Candidacy submitted for the record and filed among the Records in the Office of the New Mexico Secretary of State or the Clerks, San Juan and McKinley Counties, by any of those persons referenced above as lawfully holding positions as judges from Year 1963 to the present filed a falsified Declaration of Candidacy for retention or election in that while holding a position as a judge they, each and every one of them, did so unlawfully and thereby perjured the oath taken while only posing as an active judge by failing to support the above cited provisions of both constitutions which became a fourth degree felony when filed. See Section 1-8-40 NMSA 1978. Had there been a penal bond for those

unlawfully holding public office, it could have been called by any citizen and the office immediately vacated; a constitutional power reserved to the New Mexico citizen. Section 23, Article 2, Constitution of the State of New Mexico.

(2) Whereas, no judicial action to hear and determine this matter is authorized for the instant complaint until at least one district judge acquires a penal bond from a State authorized penal bonding agency for an amount equal to an amount approved by the authorizing authority which is thereafter approved by a judge of a superior court competent to act, Orosco v. Cox, 75 N.M. 431, 435; Lopez v. LeMaster, 133 N.M. 59, 66; Johnson v. Cox, 72 N.M. 55, cert. denied, 375 U.S. 855 (1963)), and which is filed for the record, prior to entry to office and acquiring title to the office sought, and recorded among the Records in the New Mexico Office of the Secretary of State in accord with 10-2-9 NMSA 1978.

e. Now Therefore, neither the Defendant District Court nor a surrogate acting therefor possesses jurisdiction and thus competence to act for hearing and determining the instant case.

II. JURISDICTION

a. Constitutional claims. – Without question, the district court has the authority to consider constitutional claims in the first instance. Maso v. State Taxation & Revenue Dept', 2004-NMCA-025, 135 N.M. 152, 85 P.3d 276, aff'd 2004-NMSC-028, 136 N.M. 161, 96 P.3d 286.

b. Jurisdiction is acquired in criminal case by filing of information. State v. Vaughn, 74 N.M. 365, 393 P.2d 711 (1964).

c. Jurisdiction over state officers, boards and commissions. — Under this section and N.M. Const., art. VI, § 3, supreme and district courts each have original jurisdiction in quo warranto and mandamus against all state officers, boards and commissions in all cases, whether

the proceeding was instituted by the attorney general ex officio, in behalf of the state for some prerogative purpose, or brought by some private person for the assertion of some private right; the supreme court will decline jurisdiction in absence of some controlling necessity therefor, and will do so in all cases brought at instance of a private suitor. State ex rel. Owen v. Van Stone, 17 N.M. 41, 121 P. 611 (1912).

d. Section 44-3-4 NMSA 978, to wit:

44-3-4. [Who may bring action; private relators; when action lies.] (1919)

An action may be brought by the attorney general or district attorney in the name of the state, upon his information or upon the complaint of any private person, against the parties offending in the following cases:

A. when any person shall usurp, intrude into or unlawfully hold or exercise any public office, civil or military, or any franchise within this state, or any office or offices in a corporation created by authority of this state; or,

B. when any public officer, civil or military, shall have done or suffered an act which, by the provisions of law, shall work a forfeiture of his office; or,

C. when any association or number of persons shall act, within this state, as a corporation without being duly incorporated, or in case of a foreign corporation, without being duly authorized, to do business within this state.

The district attorneys in their respective judicial districts shall exercise the same power and right given by this section to the attorney general in cases which may be limited in their operation to the said district.

When the attorney general or district attorney refuses to act, or when the office usurped pertains to a county, incorporated village, town or city, or school district, such action may be brought in the name of the state by a private person on his own complaint.

History: Laws 1919, ch. 28, § 4; C.S. 1929, § 115-104; 1941 Comp., § 26-204; 1953 Comp., § 22-15-4.

e. Those persons holding public office as judges within the Defendant District Court have engaged in a course of *liable* and *unfaithful* conduct, at all times relevant, in the clear absence of competent jurisdiction, Sections, (10-2-5, 6, 7, and 9, and said Art. XXII, Sec. 19), without judicial immunity, absolute or otherwise. Bradley v. Fisher, 13 Wall. 335, 351, cited in Stump v. Sparkman, 435 U.S. 349 which is cited in Ysais v NM Judicial Standards Com'n, 516 F.

Supp 2d 1176 (D.N.M. 2009); and see *State ex rel Evans v. Field, Com'r of Public Lands, et al.*, 27 N.M. 384, 390 for class of Plaintiff's complaint; to wit:

The other class is where a suit is brought against defendants who, claiming to act as officers of the state, and under the color of an unconstitutional statute, commit acts of wrong and injury to the rights and property of the plaintiff acquired under a contract with the state. Such suit, whether brought to recover money or property in the hands of such defendants, unlawfully taken by them in behalf of the state, or for compensation in damages, or, in a proper case where the remedy at law is inadequate, for an injunction to prevent such wrong and injury, or for a mandamus, in a like case, to enforce upon the defendant the performance of a plain, legal duty, purely ministerial -- is not, within the meaning of the Eleventh Amendment, an action against the state. [Citing cases.]

III. PARTIES

- a. Plaintiff Kenneth Gomez is a free citizen resident of San Juan County, New Mexico.
- b. Defendant is the Eleventh Judicial District Court, in and for the Counties of San Juan and McKinley.

IV. RELIEF DEMANDED UNDER 42 U.S.C. §§ 1983, 1985, 1980, AND 1994

1. All Defendant Court judgments and decisions rendered since 1963 are to be voided:
 - a. Against Kenneth Gomez by the Defendant District Court and all subordinate courts of law within its jurisdiction. See attached list of cases.
 - b. In favor of F. Douglas Moeller from 1986 onward on grounds he became an accessory after-the-fact in murder when he sat as a juror while an attorney authorized to practice law in Defendant Court by the New Mexico Supreme Court in violation of Article IV, Section 26, Constitution of the State of New Mexico, and in violation of Section 38-1-1 NMSA 1978; and while an agent of the New Mexico Supreme Court by acquitting a recent and known former client, a defendant on trial for murder.
 - c. Against pro se litigants who are forbidden to practice law under state law while opposed by a party who is authorized to practice law; a practice denied the pro se litigant a

COURT CASES INVOLVING KENNETH A. GOMEZ

D-1116-CV-200400569 GOMEZ KENNETH A 06/17/2047 DEFENDANT 1 HOUSEHOLD BANK V GOMEZ KEN

THOMAS J HYNES AZTEC/FARMINGTON DISTRICT 05/21/2004

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
|----------------|-----------------|---------------------|-----------------------|-------------|------------------|
| 05/21/2004 | 1 | OPN: COMPLAINT CVB: | DISMISS JUDGE/NOT LOP | | 09/15/2004 |

D-1116-CV-200600779 GOMEZ KENNETH A 06/17/2047 COUNTER PL 1 MOELLER V GOMEZ LOUIS E DEPAULI AZTEC/FARMINGTON DISTRICT 06/23/2006

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
|----------------|-----------------|-------------------|------------------------|-------------|------------------|
| 04/17/2007 | 1 | COUNTERCLAIM CVN: | DECISION FOR PLAINTIFF | | 05/23/2008 |

D-1116-CV-9900067 GOMEZ KENNETH ALAN DEFENDANT 1 GOMEZ ET AL V GOMEZ BYRON CATON AZTEC/FARMINGTON DISTRICT 01/25/1999

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
|----------------|-----------------|----------------|----------------|-------------|------------------|
| 01/25/1999 | 1 | OPN: COMPLAINT | NON-JURY TRIAL | | 05/02/2000 |

M-147-CV-885 GOMEZ KENNETH DEFENDANT 1 KAREN L MARTINEZ VS. KENNETH G CARLA E VESCOVI AZTEC MAGISTRATE 02/26/1997

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
|----------------|-----------------|-------------------------|----------------|-------------|------------------|
| 02/26/1997 | 1 | OPN: GC COMPLAINT FILED | NON-JURY TRIAL | | 06/09/1997 |

D-101-CV-200802027 GOMEZ KENNETH PLAINTIFF 1 GOMEZ VS ALL PERSONS UNLAWFULL

RAYMOND Z ORTIZ SANTA FE DISTRICT 07/24/2008

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
|----------------|-----------------|----------------|-------------|-------------|------------------|
| 07/24/2008 | 1 | OPN: COMPLAINT | Pending | | |

D-1116-CV-200400386 GOMEZ KENNETH DEFENDANT 1 TOTAH CREDIT UNION V GOMEZ K SANDRA A PRICE AZTEC/FARMINGTON DISTRICT 04/07/2004

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
|----------------|-----------------|---------------------|---------------------------|-------------|------------------|
| 04/07/2004 | 1 | OPN: COMPLAINT CVB: | DISPOSITIVE MTN PLAINTIFF | | 11/29/2004 |

D-1116-CV-200600779 GOMEZ KENNETH DEFENDANT 1 MOELLER V GOMEZ LOUIS E DEPAULI AZTEC/FARMINGTON DISTRICT 06/23/2006

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
|----------------|-----------------|-------------------|------------------------|-------------|------------------|
| 04/17/2007 | 1 | COUNTERCLAIM CVN: | DECISION FOR PLAINTIFF | | 05/23/2008 |

D-1116-CV-200801805 GOMEZ KENNETH DEFENDANT 1 MOELLER V GOMEZ ROBERT A ARAGON AZTEC/FARMINGTON DISTRICT 11/21/2008

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
|----------------|-----------------|---------------------|------------------------|-------------|------------------|
| 11/21/2008 | 1 | OPN: COMPLAINT CVN: | DECISION FOR PLAINTIFF | | 05/24/2010 |

Exhibit
"1"

DISTRICT COURT
SAN JUAN COUNTY NM
ELEVETH JUDICIAL DISTRICT COURT FILED *pm*
STATE OF NEW MEXICO
COUNTY OF SAN JUAN 2010 JUN 16 PM 4 24
COUNTY OF MCKINLEY

STATE OF NEW MEXICO ex rel KENNETH GOMEZ,

Plaintiff,

vs.

Case Number: CV 2010-00941

ELEVETH JUDICIAL DISTRICT COURT,

Defendant.

**SECOND AMENDED COMPLAINT TO VOID JUDGMENTS,
AND FOR WRIT OF QUO WARRANTO**

COMES NOW Plaintiff Kenneth Gomez for the State of New Mexico under authority of Section 44-3-4 NMSA 1978 since there are no public officers required by said law who would or could grant permission to Gomez, and under authority of Rule 1-060B(4) claiming the judgments and decisions involving him, during times relevant, from the year 1963 to the present issued by any and all the Courts within the jurisdiction of the Defendant Eleventh Judicial District Court, "hereinafter, Defendant District Court" have severely injured him by denying him constitutional rights under Sections 1, and 3, Fourteenth Amendment and all civil rights laws giving the said constitutional powers effect. In addition, said decisions and judgments have damaged his personal character *without recourse*, since there are no persons who have acquired title to positions as judges in any State of New Mexico courts of law, and since there are no courts of law to which he could appeal the non-competent judgments rendered. See Orosco v. Cox, 75 N.M. 431, 405 P.2d 668 (1965) for definition of competent court. Said judgments and decisions have all been null, void, and without legal effect at their inception as repugnant to both constitutions. Marbury v. Madison, 5 U.S. 137, 178, 180; to wit, respectively:

So if the law be in opposition to the constitution; if both the law and the constitution apply to a particular case, so that the court must decide that the case conformably to the law, disregarding the constitution; or conformably to the constitution disregarding the law; the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty. [At 178.]

and,

Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law, repugnant to the constitution is void; and that courts, as well as other departments, are bound by that instrument. [At 180.]

I. COMPLAINT

a. Whereas, not one of the persons holding positions as judges within the jurisdiction of the courts of law within the Defendant District Court, during times relevant, have personally given, filed, and recorded a prerequisite penal bond or recognizance to lawfully acquire title to the public offices held, (Section 10-2-9 NMSA 1978), since 1963, and which bound them to the promises in the oath of office contained in Article XX, Section 1, Constitution of the State of New Mexico and as mandated by Article XXII, Section 19, Constitution of the State of New Mexico as confirmed under provisions of Article VI, Clauses 2 and 3, Constitution for the United States of America; to wit, respectively:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. [Clause 2, Article VI, Constitution for the United States of America.]

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States. [Clause 3, Article VI, Constitution for the United States of America.]

b. Whereas, the New Mexico Legislature has no power or authority to unilaterally and without constitutional processes enact laws amending either the Constitution for the United States of America or the Constitution of the State of New Mexico without a referendum vote of the electorate for state amendments as it did when, contrary to Marbury, it enacted Section 34-6-22 (Personnel; oaths and bonds, (1968)) NMSA 1978 altering, revising, or amending Article XXII Section 19 Constitution of the State of New Mexico and Article VI, Clauses 2 and 3, Constitution for the United States of America; to wit said § 34-6-22:

Before entering upon their duties, all district court personnel who receive or disburse money or have custody of property shall take the oath prescribed by the constitution for state officers and file with the secretary of state a corporate surety bond in an amount fixed by the director of the administrative office of the courts. Each bond shall be approved in writing on its face by the director of the administrative office of the courts and conditions upon faithful performance of duties and payment of all money received to the person entitled to receive it. In lieu of individual bond coverage, the director of the administrative office of the courts may prescribe schedule or blanket bond coverage in any judicial district. Bond premiums shall be paid from funds appropriated to the district courts.

History: 1953 Comp., § 16-3-9, enacted by Laws 1968, ch. 69, § 23.

c. Whereas, the several constitutional powers, each and every one of them, cited in the preceding paragraph are given effect in Sections 10-2-5, 6, 7, and 9 NMSA 1978.

d. Whereas, those persons, during times relevant, who previously held and those who currently hold positions as judges within the jurisdiction of the Defendant District Court from Year 1963 and thereafter either did so, or now do so under false pretenses as indicated below:

(1) Whereas, any signed and notarized Declaration of Candidacy submitted for the record and filed among the Records in the Office of the New Mexico Secretary of State or the Clerks, San Juan and McKinley Counties, by any of those persons referenced above as lawfully holding positions as judges from Year 1963 to the present filed a falsified Declaration of Candidacy for retention or election in that while holding a position as a judge they, each and every one of them,

did so unlawfully and thereby perjured the oath taken while only posing as an active judge by failing to support the above cited provisions of both constitutions which became a fourth degree felony at its inception and intentional when thereafter filed. See Section 1-8-40 NMSA 1978. Had there been a penal bond for those unlawfully holding public office, it could have been called by any citizen and the office immediately vacated; a constitutional power reserved to the New Mexico citizen. Section 23, Article 2, Constitution of the State of New Mexico.

(2) Whereas, no judicial action to hear and determine this matter is authorized for the instant complaint until at least one district judge acquires a valid penal bond from a State authorized bonding agency or recognizance for an amount equal to an amount approved by the proper authority which is thereafter approved by a judge of a superior court competent to act, Orosco v. Cox, 75 N.M. 431, 435; Lopez v. LeMaster, 133 N.M. 59, 66; Johnson v. Cox, 72 N.M. 55, cert. denied, 375 U.S. 855 (1963)), and which is filed for the record, prior to entry to office and acquiring title to the office sought, and recorded among the Records in the New Mexico Office of the Secretary of State in accord with 10-2-9 NMSA 1978.

e. Now Therefore, neither the Defendant District Court nor a surrogate acting therefor possesses jurisdiction and thus competence to act for hearing and determining the instant case.

II. JURISDICTION

a. Constitutional claims. – Without question, the district court has the authority to consider constitutional claims in the first instance. Maso v. State Taxation & Revenue Dep't, 2004-NMCA-025, 135 N.M. 152, 85 P.3d 276, aff'd 2004-NMSC-028, 136 N.M. 161, 96 P.3d 286.

b. Jurisdiction is acquired in criminal case by filing of information. State v. Vaughn, 74 N.M. 365, 393 P.2d 711 (1964).

c. Jurisdiction over state officers, boards and commissions. — Under this section and N.M. Const., art. VI, § 3, supreme and district courts each have original jurisdiction in quo warranto and mandamus against all state officers, boards and commissions in all cases, whether the proceeding was instituted by the attorney general ex officio, in behalf of the state for some prerogative purpose, or brought by some private person for the assertion of some private right; the supreme court will decline jurisdiction in absence of some controlling necessity therefor, and will do so in all cases brought at instance of a private suitor. State ex rel. Owen v. Van Stone, 17 N.M. 41, 121 P. 611 (1912).

d. Section 44-3-4 NMSA 978, to wit:

44-3-4. [Who may bring action; private relators; when action lies.] (1919)

An action may be brought by the attorney general or district attorney in the name of the state, upon his information or upon the complaint of any private person, against the parties offending in the following cases:

A. when any person shall usurp, intrude into or unlawfully hold or exercise any public office, civil or military, or any franchise within this state, or any office or offices in a corporation created by authority of this state; or,

B. when any public officer, civil or military, shall have done or suffered an act which, by the provisions of law, shall work a forfeiture of his office; or,

C. when any association or number of persons shall act, within this state, as a corporation without being duly incorporated, or in case of a foreign corporation, without being duly authorized, to do business within this state.

The district attorneys in their respective judicial districts shall exercise the same power and right given by this section to the attorney general in cases which may be limited in their operation to the said district.

When the attorney general or district attorney refuses to act, or when the office usurped pertains to a county, incorporated village, town or city, or school district, such action may be brought in the name of the state by a private person on his own complaint.

History: Laws 1919, ch. 28, § 4; C.S. 1929, § 115-104; 1941 Comp., § 26-204; 1953 Comp., § 22-15-4.

e. Those persons holding public office as judges within the Defendant District Court have engaged in a course of *liable* and *unfaithful* conduct, at all times relevant, in the clear absence of competent jurisdiction, Sections, (10-2-5, 6, 7, and 9, and said Art. XXII, Sec. 19),

without judicial immunity, absolute or otherwise. Bradley v. Fisher, 13 Wall. 335, 351, cited in Stump v. Sparkman, 435 U.S. 349 which is cited in Ysais v NM Judicial Standards Com'n, 516 F. Supp 2d 1176 (D.N.M. 2009); and see State ex rel Evans v. Field, Com'r of Public Lands, et al., 27 N.M. 384, 390 for class of Plaintiff's complaint; to wit:

The other class is where a suit is brought against defendants who, claiming to act as officers of the state, and under the color of an unconstitutional statute, commit acts of wrong and injury to the rights and property of the plaintiff acquired under a contract with the state. Such suit, whether brought to recover money or property in the hands of such defendants, unlawfully taken by them in behalf of the state, or for compensation in damages, or, in a proper case where the remedy at law is inadequate, for an injunction to prevent such wrong and injury, or for a mandamus, In a like case, to enforce upon the defendant the performance of a plain, legal duty, purely ministerial -- is not, within the meaning of the Eleventh Amendment, an action against the state. [Citing cases.]

f. Exercising jurisdiction where it is not given is a very serious matter. Chief Justice

Marshall wrote in Cohens v. Virginia, 6 Wheat. 264, 5 L. Ed. 257 (1821), that a court:

"must take jurisdiction if it should. The judiciary cannot, as a legislature may, avoid a measure because it approaches the confines of the constitution. We cannot pass it by, because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it, if it be brought before us. *We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given.* The one or the other would be treason to the constitution. Questions may occur which we would gladly avoid; but we cannot avoid them." At 404 (emphasis added).

III. PARTIES

a. Plaintiff Kenneth Gomez is a free citizen resident of San Juan County, New Mexico exercising power provided him by Article II, Section 23, Constitution of the State of New Mexico in conjunction with Section 44-3-4 NMSA 1978.

b. Defendant is the Eleventh Judicial District Court, in and for the Counties of San Juan and McKinley.

IV. RELIEF DEMANDED UNDER 42 U.S.C. §§ 1983, 1985, 1980, AND 1994

1. All Defendant Court judgments and decisions rendered since 1963 are to be voided:

a. Against Kenneth Gomez by the Defendant District Court and all subordinate courts of law within its jurisdiction. See attached list of cases.

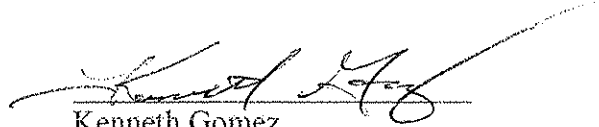
b. In favor of F. Douglas Moeller from 1986 onward on grounds he became an accessory after-the-fact in murder when he sat as a juror while an attorney authorized to practice law in Defendant Court by the New Mexico Supreme Court in violation of Article IV, Section 26, Constitution of the State of New Mexico, and in violation of Section 38-1-1 NMSA 1978; on grounds he was an agent of the New Mexico Supreme Court while a juror and voted to acquit a recent and known former client, a defendant on trial for murder in Defendant Court where the person sitting as judge was not under oath, was not bound by an oath of office, and the court was not competent to proceed thereby.

c. Against pro se litigants who are forbidden to practice law under state law while opposed by a party who is authorized to practice law; a practice with special privileges which denies and deprives a pro se litigant a substantive right to acquire legal prowess; such judgments could not guarantee a fair and objective determination of the matter before the Defendant District Court because the practicing attorney gains legal prowess through practice under special privileges contrary to Article IV, Section 26, Constitution of the State of New Mexico and Section 38-1-1 NMSA 1978, a special and substantive privilege unavailable to pro se litigants.

2. The Court award the sum of one hundred thousand dollars in cash money in and at time of a final judgment for each judgment and decision rendered against Kenneth Gomez in attached cases since year 1997.

3. That persons holding office as judge in courts of law within the jurisdiction of the Defendant District Court who have not acquired lawful title to the office held show what cause, if any, they may have, under what authority they qualify, hold, and possess title to the office,

(§10-2-9), without previously and personally giving, filing, and recording a penal bond binding them to the promises contained in their contract oath of office as mandated by Article VI, Clauses 2 and 3, Constitution for the United States of America and Article XXII, Section 19, Constitution of the State of New Mexico.



Kenneth Gomez
4 CR 5095
Bloomfield, New Mexico 87413

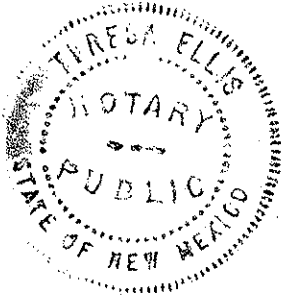
VERIFICATION

STATE OF NEW MEXICO)
) ss.
COUNTY OF SAN JUAN)

SUBSCRIBED AND SWORN TO before me by Kenneth Gomez, 4 CR 5095, Bloomfield, New Mexico under penalty of perjury this 16 day of June, 2010.

My Commission expires: 3-31-13
 DATE



NOTARY PUBLIC

COURT CASES INVOLVING KENNETH A. GOMEZ

D-1116-CV-200400569 GOMEZ KENNETH A 06/17/2047 DEFENDANT I HOUSEHOLD BANK V GOMEZ KEN

THOMAS J HYNES AZTEC/FARMINGTON DISTRICT 05/21/2004

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
|----------------|-----------------|---------------------|-----------------------|-------------|------------------|
| 05/21/2004 | 1 | OPN: COMPLAINT CVB: | DISMISS JUDGE/NOT LOP | | 09/15/2004 |

D-1116-CV-200600779 GOMEZ KENNETH A 06/17/2047 COUNTER PL 1 MOELLER V GOMEZ LOUIS E DEPAULI AZTEC/FARMINGTON DISTRICT 06/23/2006

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
|----------------|-----------------|-------------------|------------------------|-------------|------------------|
| 04/17/2007 | 1 | COUNTERCLAIM CVN: | DECISION FOR PLAINTIFF | | 05/23/2008 |

D-1116-CV-9900067 GOMEZ KENNETH ALAN DEFENDANT I GOMEZ ET AL V GOMEZ BYRON CATON AZTEC/FARMINGTON DISTRICT 01/25/1999

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
|----------------|-----------------|----------------|----------------|-------------|------------------|
| 01/25/1999 | 1 | OPN: COMPLAINT | NON-JURY TRIAL | | 05/02/2000 |

M-147-CV-885 GOMEZ KENNETH DEFENDANT I KAREN L MARTINEZ VS. KENNETH G CARLA E VESCOVI AZTEC MAGISTRATE 02/26/1997

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
|----------------|-----------------|------------------------|----------------|-------------|------------------|
| 02/26/1997 | 1 | OPN:GC COMPLAINT FILED | NON-JURY TRIAL | | 06/09/1997 |

D-101-CV-200802027 GOMEZ KENNETH PLAINTIFF I GOMEZ VS ALL PERSONS UNLAWFULL

RAYMOND Z ORTIZ SANTA FE DISTRICT 07/24/2008

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
|----------------|-----------------|----------------|-------------|-------------|------------------|
| 07/24/2008 | 1 | OPN: COMPLAINT | Pending | | |

D-1116-CV-200400386 GOMEZ KENNETH DEFENDANT I TOTAH CREDIT UNION V GOMEZ K SANDRA A PRICE AZTEC/FARMINGTON DISTRICT 04/07/2004

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
|----------------|-----------------|---------------------|---------------------------|-------------|------------------|
| 04/07/2004 | 1 | OPN: COMPLAINT CVB: | DISPOSITIVE MTN PLAINTIFF | | 11/29/2004 |

D-1116-CV-200600779 GOMEZ KENNETH DEFENDANT I MOELLER V GOMEZ LOUIS E DEPAULI AZTEC/FARMINGTON DISTRICT 06/23/2006

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| 04/17/2007 | 1 | COUNTERCLAIM CVN: | DECISION FOR PLAINTIFF | | 05/23/2008 |

D-1116-CV-200801805 GOMEZ KENNETH DEFENDANT I MOELLER V GOMEZ ROBERT A ARAGON AZTEC/FARMINGTON DISTRICT 11/21/2008

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
|----------------|-----------------|---------------------|------------------------|-------------|------------------|
| 11/21/2008 | 1 | OPN: COMPLAINT CVN: | DECISION FOR PLAINTIFF | | 05/24/2010 |

Exhibit
"1"

DISTRICT COURT
SAN JUAN COUNTY NM
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2010 JUN 16 PM 4 24

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**ELEVENTH JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF SAN JUAN
COUNTY OF MCKINLEY**

STATE OF NEW MEXICO ex rel KENNETH GOMEZ,

Plaintiff,

vs.

Case Number: CV 2010-00941

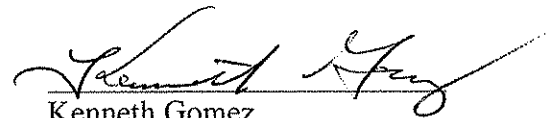
ELEVENTH JUDICIAL DISTRICT COURT,

Defendant.

VERIFIED MOTION FOR A WRIT OF QUO WARRANTO

Plaintiff Gomez claims in his complaint that persons holding office as judges within the Defendant District Court's jurisdiction do so under false pretenses for filing Declarations of Candidacy or Appointment Affidavits containing information as being eligible to serve in the public office sought when they, each and every one of them, did not give a personal penal bond or personal recognizance since 1963 binding them to the oath of office required by Article XX, Section 1, Constitution of the State of New Mexico, and they did not file or record the requisite personal penal bond or recognizance among the Records in the Office of the New Mexico Secretary of State or the applicable city or county clerk in accord with applicable laws.

WHEREFORE, Plaintiff Gomez prays the Court will grant his motion for writs of quo warranto for each one of them to show what authority they may have, if any, to hold public office.



Kenneth Gomez
4 CR 5095
Bloomfield, New Mexico 87413

VERIFICATION

STATE OF NEW MEXICO)
) ss.
COUNTY OF SAN JUAN)

SUBSCRIBED AND SWORN TO before me by Kenneth Gomez, 4 CR 5095,
Bloomfield, New Mexico under penalty of perjury this 16 day of June, 2010.

My Commission expires: 3-31-13
 DATE

Teresa Ellis
NOTARY PUBLIC



DISTRICT COURT
SAN JUAN COUNTY NM
FILED

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2010 JUN 16 PM 4 24

ELEVENTH JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF SAN JUAN
COUNTY OF MCKINLEY

STATE OF NEW MEXICO ex rel KENNETH GOMEZ,

Plaintiff,

vs.

Case Number: CV 2010-00941

ELEVENTH JUDICIAL DISTRICT COURT,

Defendant.

**MEMORANDUM BRIEF IN SUPPORT OF
MOTION FOR A WRIT OF QUO WARRANTO**

I. GENERAL BACKGROUND

1. Plaintiff Gomez, on best belief, alleges that there are no persons lawfully holding public office within the State of New Mexico. Those currently and who formally held public office since 1963 within the jurisdiction of the Defendant District Court are members of that group. Moreover, among that group are those who have exercised the power of the judicial office under false pretenses to injure him. Accordingly, under provisions of Section 44-3-6, (as modified by State ex rel. Anaya v. McBride, 88 N.M. 244, 539 P.2d 1006 (1975)) Plaintiff is authorized to require each of those currently holding public office as judges within the jurisdiction of the Defendant District Court to show in writing on what authority they hold the office and give bond as required by said Section 44-3-6.

II. FACTS, POINTS OF LAW, AND AUTHORITIES

2. 44-3-6. [Usurpation of office; allegations in complaint; compensation of defendant; bond; injunction.] (1919)

Whenever such action shall be brought against a person for usurping an office, the attorney general, district attorney or person complaining, in addition to the statement of the cause of action, shall also set forth in the complaint the name of the person rightfully

entitled to the office with a statement of his right thereto, and in such cases, upon proof by affidavit that the defendant has received or is about to receive the fees and emoluments of the office by virtue of his usurpation thereof, the judge of the district court wherein such proceeding is pending, or a justice of the supreme court, if the proceeding be therein pending, may by order require the defendant to furnish a good and sufficient bond, within a designated time not exceeding fifteen days, executed and acknowledged as required by law in the case of supersedeas bonds on appeal, to be approved by said judge, conditioned that in case the person alleged to be entitled to the office should prevail, the defendant will repay to him all fees and emoluments of the office received by him and by means of his usurpation thereof, and in addition to said bond, or in case of a failure to give said bond, the said judge or justice shall upon good cause shown, issue a writ of injunction directed to the proper disbursing officer enjoining and restraining him from issuing to the defendant or his assigns any warrant, check, certificate or certificates of indebtedness representing fees or emoluments of said office, until the final adjudication of said cause.

History: Laws 1919, ch. 28, § 6; C.S. 1929, § 115-106; 1941 Comp., § 26-206; 1953 Comp., § 22-15-6.

3. Supreme court would not give approval to portion of this section which requires the name of the person rightfully entitled to the office involved in a quo warranto proceeding to be set forth in the complaint, at least not if it is meant to affect the subject matter jurisdiction of the court, especially since the statute is inconsistent with Rule 12(a), N.M.R. App. P. (Civ.) (now see Rule 1-012A NMRA), since in any situation where a vacancy was filled by appointment under such reasoning the court would be shorn of its constitutional powers vis-a-vis quo warranto, and presumably, with additional bits of legislative ingenuity, of its powers to issue other extraordinary writs as well; such could not have been the intention of the people when N.M. Const., art. III, § 1 and art. VI, § 3 were adopted. State ex rel. Anaya v. McBride, 88 N.M. 244, 539 P.2d 1006 (1975).

4. Plaintiff Gomez, joined with several other persons, personally searched the Archives of Records maintained by the New Mexico Secretary of State for evidence that persons holding public office within the State of New Mexico gave personal penal bonds or recognizance as a

prerequisite to qualifying with title to the public office held and determined that no such bonds were given by any person holding state public office from 1963 to the present day.

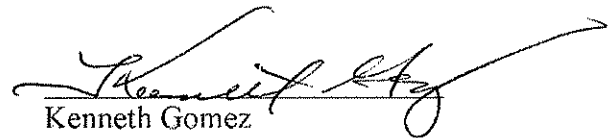
III. ARGUMENT

It shall be no difficulty for one holding public office lawfully to produce certified evidence of their qualification to hold title to their particular public office; however, the challenge would be immediately settled should anyone holding public office unlawfully not have evidence of giving and posting a personal penal bond or sufficient recognizance in lieu thereof on file and recorded for public viewing among the Records on file within the Office of the New Mexico Secretary of State. A liability bond under supervision by the Risk Management Division covering abuses of office is not sufficient to be considered as coverage for personal penal bonds or Section 44-3-4 and 6 NMSA 1978 provides citizens the means to satisfy such a challenge.

The archival records maintained by the New Mexico Secretary of State reveals there were no penal bonds or personal recognizance given for any state public officer on file after 1963. Therefore, sufficient justification exist to require all those persons holding positions as judges within the Defendant District Court to show what authority they may have to possess title to the office held within a reasonable time allotted for that purpose.

IV. CONCLUSION

Good cause exists for all those holding positions as judges within the jurisdiction of the Defendant District Court to provide formal certified evidence of their possessing lawful title to the office held.

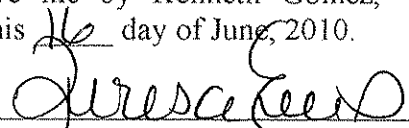

Kenneth Gomez
4 CR 5095
Bloomfield, New Mexico 87413

VERIFICATION

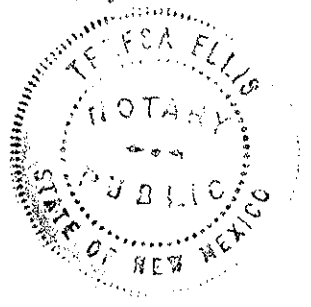
STATE OF NEW MEXICO)
) ss.
COUNTY OF SAN JUAN)

SUBSCRIBED AND SWORN TO before me by Kenneth Gomez, 4 CR 5095,
Bloomfield, New Mexico under penalty of perjury this 16 day of June, 2010.

My Commission expires: 3-31-13
DATE



NOTARY PUBLIC



SAN JUAN COUNTY, N.M.
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2010 JUN 18 AM 11 20

ELEVENTH JUDICIAL DISTRICT
COUNTY OF SAN JUAN
STATE OF NEW MEXICO

KENNETH GOMEZ,
Plaintiff/Petitioner

vs.

Case # D-1116-CV-2010-941

ELEVENTH JUDICIAL DISTRICT COURT,
Defendant/Respondent

CLERK'S CERTIFICATE

I, WELDON J. NEFF, Clerk of the District Court of San Juan County, New Mexico, do hereby certify:

That attached are true and correct copies of Excusals and/or Recusals, as well as a copy of the Complaint filed in the above-entitled non-jury case;

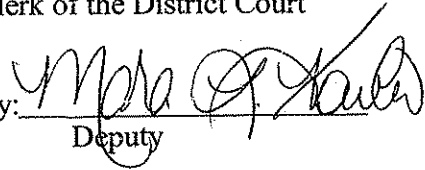
That more than ten (10) have elapsed and the parties have not stipulated on a Judge to preside in the case;

That the attorneys/parties in the case are:

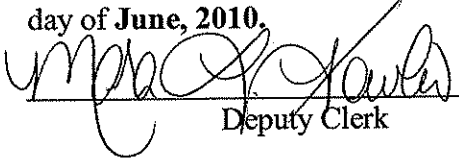
KENNETH GOMEZ, PLAINTIFF
ELEVENTH JUDICIAL DISTRICT COURT, DEFENDANT

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said court this 18th day of June, 2010.

Weldon J. Neff
Clerk of the District Court

By: 
Deputy

Copies of this Certificate were mailed to the above-named counsel this 18th day of **June, 2010.**


Deputy Clerk

DISTRICT COURT
SAN JUAN COUNTY NM
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4
**STATE OF NEW MEXICO
ELEVENTH JUDICIAL DISTRICT
COUNTY OF SAN JUAN
IN THE DISTRICT COURT**

STATE OF NEW MEXICO ex rel KENNETH GOMEZ,

Plaintiff,

vs.

Case Number: CV 2010-941-8

ELEVENTH JUDICIAL DISTRICT COURT,

Defendant.

COMPLAINT TO VOID JUDGMENTS AND FOR WRIT OF QUO WARRANTO

COMES NOW Plaintiff Kenneth Gomez under authority of Section 44-3-4 NMSA 1978 since there are no public officers required by said law to grant permission to Gomez; under provisions of Rule 1-060B(4) claiming the judgments and decisions involving him, during times relevant, from the year 1963 to the present issued by any and all the Courts within the jurisdiction of the Defendant Eleventh Judicial District Court, "hereinafter, Defendant District Court", have severely injured him by denying him constitutional rights under Sections 1, and 3, Fourteenth Amendment and laws giving the constitutional power effect, and, in addition, have damaged his personal character without recourse; there are no courts of law to which he could appeal judgments rendered and not competent to issue. Said judgments and decisions have all been null, void, and without legal effect at their inception as repugnant to both constitutions.

Marbury v. Madison, 5 U.S. 137, 178, 180; to wit, respectively:

So if the law be in opposition to the constitution; if both the law and the constitution apply to a particular case, so that the court must decide that the case conformably to the law, disregarding the constitution; or conformably to the constitution disregarding the law; the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty. [At 178.]

and,

Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law, repugnant to the constitution is void; and that courts, as well as other departments, are bound by that instrument. [At 180.]

I. COMPLAINT

a. Whereas, not one of the persons holding positions as judges within the jurisdiction of the courts of law in the Defendant District Court, during times relevant, have personally given, filed and recorded a prerequisite penal bond to lawfully acquire title to the public office being entered, (Section 10-2-9 NMSA 1978), since 1963 binding them to the promises of the oath of office contained in Article XX, Section 1, Constitution of the State of New Mexico as mandated by Article XXII, Section 19, Constitution of the State of New Mexico and the provisions of Article VI, Clauses 2 and 3, Constitution for the United States of America; to wit, respectively:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. [Clause 2, Article VI, Constitution for the United States of America.]

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States. [Clause 3, Article VI, Constitution for the United States of America.]

b. Whereas, the New Mexico Legislature has no power or authority to unilaterally and without constitutional processes enact laws amending either the Constitution for the United States of America or the Constitution of the State of New Mexico as it did when, contrary to Marbury, it enacted Section 34-6-22 (Personnel; oaths and bonds, (1968)) NMSA 1978 altering, revising, or amending Article XXII Section 19 Constitution of the State of New Mexico and Article VI, Clauses 2 and 3, Constitution for the United States of America; to wit said § 34-6-22:

Before entering upon their duties, all district court personnel who receive or disburse money or have custody of property shall take the oath prescribed by the constitution for state officers and file with the secretary of state a corporate surety bond in an amount fixed by the director of the administrative office of the courts. Each bond shall be approved in writing on its face by the director of the administrative office of the courts and conditions upon faithful performance of duties and payment of all money received to the person entitled to receive it. In lieu of individual bond coverage, the director of the administrative office of the courts may prescribe schedule or blanket bond coverage in any judicial district. Bond premiums shall be paid from funds appropriated to the district courts.

History: 1953 Comp., § 16-3-9, enacted by Laws 1968, ch. 69, § 23.

c. Whereas, the several constitutional powers cited in the preceding paragraph are given effect in Sections 10-2-5, 6, 7, and 9 NMSA 1978.

d. Whereas, those persons, during times relevant, who previously held and those who currently hold positions as judges within the Defendant District Court from Year 1963 and thereafter either did so or now do so under false pretenses as indicated below.

e. Whereas, any signed and notarized Declaration of Candidacy submitted for the record and filed among the Records in the Office of the New Mexico Secretary of State or the Clerks, San Juan and McKinley Counties, by any of those persons referenced above as lawfully holding positions as judges from Year 1963 to the present filed a falsified Declaration of Candidacy for retention or election in that while holding a position as a judge they, each and every one of them, did so unlawfully and thereby perjured the oath taken while only posing as an active judge by failing to support the above cited provisions of both constitutions which became a fourth degree felony when filed. See Section 1-8-40 NMSA 1978. Had there been a penal bond for those unlawfully holding public office, it could have been called by any citizen and the office immediately vacated; a constitutional power reserved to the New Mexico citizen. Section 23, Article 2, Constitution of the State of New Mexico.

f. Now Therefore, no judicial action to hear and determine this matter is authorized for the instant complaint until at least one district judge acquires a penal bond from a State authorized penal bonding agency for an amount equal to an amount approved by the authorizing authority which is thereafter approved by a judge of a superior court competent to act, Orosco v. Cox, 75 N.M. 431, 435; Lopez v. LeMaster, 133 N.M. 59, 66; Johnson v. Cox, 72 N.M. 55, cert. denied, 375 U.S. 855 (1963)), and which is filed and recorded for the record among the Records in the New Mexico Office of the Secretary of State in accord with 10-2-9 NMSA 1978 prior to one entering the office to be held.

II. JURISDICTION

a. Constitutional claims. – Without question, the district court has the authority to consider constitutional claims in the first instance. Maso v. State Taxation & Revenue Dep't, 2004-NMCA-025, 135 N.M. 152, 85 P.3d 276, aff'd 2004-NMSC-028, 136 N.M. 161, 96 P.3d 286.

b. Jurisdiction is acquired in criminal case by filing of information. State v. Vaughn, 74 N.M. 365, 393 P.2d 711 (1964).

c. Jurisdiction over state officers, boards and commissions. — Under this section and N.M. Const., art. VI, § 3, supreme and district courts each have original jurisdiction in quo warranto and mandamus against all state officers, boards and commissions in all cases, whether the proceeding was instituted by the attorney general ex officio, in behalf of the state for some prerogative purpose, or brought by some private person for the assertion of some private right; the supreme court will decline jurisdiction in absence of some controlling necessity therefor, and will do so in all cases brought at instance of a private suitor. State ex rel. Owen v. Van Stone, 17 N.M. 41, 121 P. 611 (1912).

d. Section 44-3-4 NMSA 978, to wit:

44-3-4. [Who may bring action; private relators; when action lies.] (1919)

An action may be brought by the attorney general or district attorney in the name of the state, upon his information or upon the complaint of any private person, against the parties offending in the following cases:

A. when any person shall usurp, intrude into or unlawfully hold or exercise any public office, civil or military, or any franchise within this state, or any office or offices in a corporation created by authority of this state; or,

B. when any public officer, civil or military, shall have done or suffered an act which, by the provisions of law, shall work a forfeiture of his office; or,

C. when any association or number of persons shall act, within this state, as a corporation without being duly incorporated, or in case of a foreign corporation, without being duly authorized, to do business within this state.

The district attorneys in their respective judicial districts shall exercise the same power and right given by this section to the attorney general in cases which may be limited in their operation to the said district.

When the attorney general or district attorney refuses to act, or when the office usurped pertains to a county, incorporated village, town or city, or school district, such action may be brought in the name of the state by a private person on his own complaint.

History: Laws 1919, ch. 28, § 4; C.S. 1929, § 115-104; 1941 Comp., § 26-204; 1953 Comp., § 22-15-4.

e. Those persons holding public office as judges within the Defendant District Court have engaged in a course of *liable* and *unfaithful* conduct, at all times relevant, in the clear absence of competent jurisdiction, Sections, (10-2-5, 6, 7, and 9, and said Art. XXII, Sec. 19), without judicial immunity, absolute or otherwise. Bradley v. Fisher, 13 Wall. 335, 351, cited in Stump v. Sparkman, 435 U.S. 349 which is cited in Ysais v NM Judicial Standards Com'n, 516 F. Supp 2d 1176 (D.N.M. 2009).

III. PARTIES

a. Plaintiff Kenneth Gomez is a free citizen resident of San Juan County, New Mexico.

b. Defendant is the Eleventh Judicial District Court, in and for the Counties of San Juan and McKinley.

IV. RELIEF DEMANDED

1. Judgments and decisions rendered are to be voided:

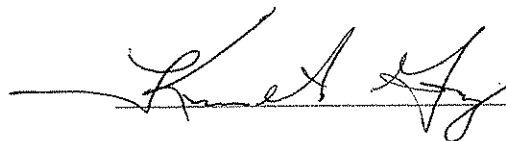
a. Against Kenneth Gomez by the Defendant District Court and all subordinate courts of law within its jurisdiction. See attached list of cases.

b. In favor of F. Douglas Moeller from 1986 onward on grounds he became an accessory after-the-fact in murder when he sat as a juror while an agent of the New Mexico Supreme Court acquitting a recent and known former client, a defendant on trial for murder.

c. Against pro se litigants who are forbidden to practice law under state law while opposed by a party who is a practicing attorney; such judgments cannot guarantee a fair and objective determination of the matter before the Defendant District Court because the practicing attorney gains legal prowess through practice under special privileges contrary to Article IV, Section 26, Constitution of the State of New Mexico, a privilege unavailable to pro se litigants.

2. The Court award the sum of one hundred thousand dollars in cash money for each judgment and decision rendered against Kenneth Gomez in attached cases since year 1997.

3. That persons holding office as judge in courts of law within the jurisdiction of the Defendant District Court who have not acquired lawful title to the office held show what cause, if any they may have, under what authority they hold and possess title to the office, (§10-2-9), without previously personally giving, filing, and recording a personal penal bond binding them to the promises contained in their oath of office as mandated by Article VI, Clauses 2 and 3, Constitution for the United States of America and Article XXII, Section 19, Constitution of the State of New Mexico.



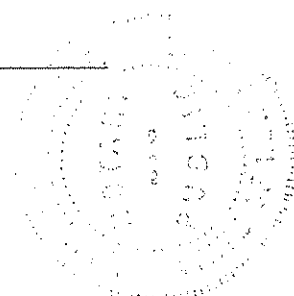
Kenneth Gomez
4 CR 5095
Bloomfield, New Mexico 87413

STATE OF NEW MEXICO)
) ss.
COUNTY OF SAN JUAN)

SUBSCRIBED AND SWORN TO before me by Kenneth Gomez, 4 CR 5095,
Bloomfield, New Mexico under penalty of perjury this 1 day of June, 2010.

My Commission expires: Feb 24, 2013
DATE

Laurie Anniff
NOTARY PUBLIC



COURT CASES INVOLVING KENNETH A. GOMEZ

D-1116-CV-200400569 GOMEZ KENNETH A 06/17/2047 DEFENDANT 1 HOUSEHOLD BANK V GOMEZ KEN

THOMAS J HYNES AZTEC/FARMINGTON DISTRICT 05/21/2004

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
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| 05/21/2004 | 1 | OPN: COMPLAINT CVB: | DISMISS | JUDGE/NOT LOP | 09/15/2004 |

D-1116-CV-200600779 GOMEZ KENNETH A 06/17/2047 COUNTER PL 1 MOELLER V GOMEZ LOUIS E DEPAULI AZTEC/FARMINGTON DISTRICT 06/23/2006

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
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| 04/17/2007 | 1 | COUNTERCLAIM CVN: | DECISION FOR PLAINTIFF | | 05/23/2008 |

D-1116-CV-9900067 GOMEZ KENNETH ALAN DEFENDANT 1 GOMEZ ET AL V GOMEZ BYRON CATON AZTEC/FARMINGTON DISTRICT 01/25/1999

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
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| 01/25/1999 | 1 | OPN: COMPLAINT | NON-JURY TRIAL | | 05/02/2000 |

M-147-CV-885 GOMEZ KENNETH DEFENDANT 1 KAREN L MARTINEZ VS. KENNETH G CARLA E VESCOVI AZTEC MAGISTRATE 02/26/1997

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
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| 02/26/1997 | 1 | OPN:GC COMPLAINT FILED | NON-JURY TRIAL | | 06/09/1997 |

D-101-CV-200802027 GOMEZ KENNETH PLAINTIFF 1 GOMEZ VS ALL PERSONS UNLAWFULL

RAYMOND Z ORTIZ SANTA FE DISTRICT 07/24/2008

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
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| 07/24/2008 | 1 | OPN: COMPLAINT | Pending | | |

D-1116-CV-200400386 GOMEZ KENNETH DEFENDANT 1 TOTAH CREDIT UNION V GOMEZ K SANDRA A PRICE AZTEC/FARMINGTON DISTRICT 04/07/2004

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
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| 04/07/2004 | 1 | OPN: COMPLAINT CVB: | DISPOSITIVE MTN PLAINTIFF | | 11/29/2004 |

D-1116-CV-200600779 GOMEZ KENNETH DEFENDANT 1 MOELLER V GOMEZ LOUIS E DEPAULI AZTEC/FARMINGTON DISTRICT 06/23/2006

| Complaint Date | Complaint Seq # | Complaint | Description | Disposition | Disposition Date |
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D-1116-CV-200801805 GOMEZ KENNETH DEFENDANT 1 MOELLER V GOMEZ ROBERT A ARAGON AZTEC/FARMINGTON DISTRICT 11/21/2008

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| 11/21/2008 | 1 | OPN: COMPLAINT CVN: | DECISION FOR PLAINTIFF | | 05/24/2010 |

DISTRICT COURT
SAN JUAN COUNTY NM
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2010 JUN 3 PM 2 37

ELEVENTH JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF SAN JUAN
COUNTY OF MCKINLEY

KENNETH GOMEZ,
Plaintiff,

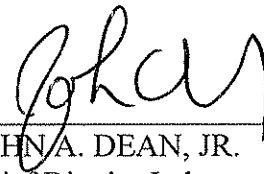
vs.

NO. CV 2010-00941

ELEVENTH JUDICIAL DISTRICT COURT,
Defendant.

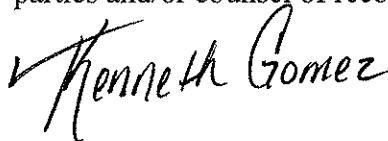
RECUSAL AND NOTICE

For reasons deemed sufficient, all District Judges of the Eleventh Judicial District recuse from further participation in this cause. This cause to will be assigned to another Court pursuant to the Rules of Civil Procedure.



JOHN A. DEAN, JR.
Chief District Judge, on behalf of all
Eleventh Judicial District Judges

ccs:
parties and/or counsel of record



FILED
2010 JUN 4 PM 1 29
MF

**STATE OF NEW MEXICO
COUNTY OF SAN JUAN
JUDICIAL DISTRICT COURT**

KENNETH GOMEZ, Plaintiff

vs.

ELEVENTH JUDICIAL DISTRICT COURT, Defendant

Case Number: D-1116-CV-201000941

Dated: June 4, 2010

NOTICE OF JUDGE ASSIGNMENT

The above referenced cause has been reassigned to the Honorable THOMAS J HYNES, District Judge, effective June 4, 2010, due to the RECUSAL of the Honorable KAREN L TOWNSEND, District Judge.

Weldon Neff
CLERK OF THE DISTRICT COURT

By: Mara Fowler
Mara Fowler

Certificate Of Mailing

I hereby certify that a true and correct copy of the foregoing was mailed to counsel on this day, June 4, 2010.

Weldon Neff
CLERK OF THE DISTRICT COURT

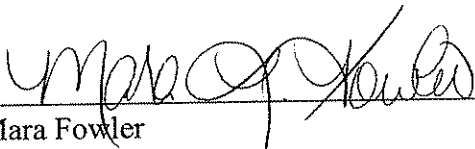
By: Mara Fowler
Mara Fowler

***** FILE COPY *****

NOTICE OF JUDGE ASSIGNMENT - MAILING CERTIFICATE

I hereby certify that a true and correct copy of the foregoing was mailed to
this day, June 4, 2010.

Weldon Neff
CLERK OF THE DISTRICT COURT

By: 
Mara Fowler

KENNETH GOMEZ, 4 CR 5095 BLOOMFIELD, NM 87413
ELEVENTH JUDICIAL DISTRICT COURT, 103 S. OLIVER AZTEC, NM 87410
***** FILE COPY *****