

**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.

**TO: PRESIDENT OF THE UNITED STATES OF AMERICA PER 18 U.S.C. § 2382
TO: CHIEF JUDGE, DISTRICT OF NEW MEXICO
TO: UNITED STATES ATTORNEY, DISTRICT OF NEW MEXICO
TO: FARMINGTON OFFICE OF THE FEDERAL BUREAU OF INVESTIGATION**

**OBJECTION TO THE PREJUDICIAL ORDER ENTERED, THE
UNTRUSTWORTHINESS OF ASSIGNED JUDGES,
AND THE ERRONEOUS CAPTION OF CASE**

Plaintiffs question the authority of the assigned magistrate judge to propose disposing of the case as captioned above without a written court order from the assigned district judge, an authority which appears to circumvents the provisions of 28 U.S.C. § 636(a)(5)(A), and which denies Plaintiffs discovery practice of a criminal enterprise; a practice essential to the instant case to prevent a cover-up of said criminal enterprise, when and if the Court becomes competent to act with jurisdiction to summarily remand the case to the state court where it can only be resolved.

I. OBJECTION TO THE PREJUDICIAL ORDER ISSUED

(a) Plaintiffs served summons issued on June 1, 2010 on Defendant District Court June 1, 2010. See Docket sheet, Eleventh Judicial District Court. They filed their Answer June 28, 2010, 9 days late without Court action.

(b) Defendant District Court filed a Notice of Removal June 21, 2010 in violation of Rule 11, as was their Answer to Complaint June 28, 2010; it was also in violation of the State Court Summons without Court comment, and their Answer violated Rule 8(b) throughout, a fact provided the Court in pleadings also without Court comment.

(c) The Court issued an order, Doc. No. 17, recognizing Defendant District Court's pleadings, Docs. No. 11 and 14 and purposefully ignoring Plaintiffs' verified pleadings opposing removal, Doc. No. 10, and Motion/Memorandum to Strike Defendant District Court's Answer, for violations of Court Rules. Accordingly, the Court proposes to deny discovery practice so as to cover-up Plaintiffs' reported active criminal insurgency engaged in by State citizens posing as state public officers illegally drawing publicly appropriated funds from the State Treasury joined by persons holding federal commissions under false pretenses in the District of New Mexico, *Exhibit 4*.

(d) Defendant District Court filed a motion for partial summary judgment again violating the purpose and intent of Rule 56(c) which was brought to the attention of the Court in Plaintiffs' pleadings without comment.

(e) Court had duty under provisions of 28 U.S.C. § 1446(c)(4) to examine the Notice of Removal and make a determination whether removal should be permitted. The Second Amended Complaint was not provided the Court, perhaps for a purpose, with the Notice of Removal. Plaintiffs' Complaint removed clearly required the Defendant District Court to void all its decisions and judgments rendered on cases listed in Exhibit 1 which, by the **Rooker-Felman Doctrine**, *Exhibit 5*, made resolution beyond the Court's power and authority to resolve.

(f) Court had a duty under provisions of 28 U.S.C. § 1446(c)(5), when it did not order summary remand immediately, to order an evidentiary hearing to be held promptly when it

becomes competent with jurisdiction. Instead, the Court proposed placing the case on an administrative track to avoid discovery practice. One essential item of interest is the source of the payment of the filing fee for removal in furtherance of the criminal insurgency active within the State and District of New Mexico and defrauding the United States.

II. UNTRUSTWORTHINESS OF ASSIGNED JUDGES AND THE ERRONEOUS CAPTION

(a) The Court has a pattern of conduct for treating pro se litigants not entitled to the due process of law and the equal protection of the laws; the *erroneous caption* on the Order Assigning Administrative Tract signed by Magistrate Judge Lorenzo F. Garcia on July 7, 2010 is but an example of the methods used. Judge Garcia had an opportunity in May 10, 2004, See Exhibit 1, Second Doc. No. 8-1, to act in a manner sufficient to prevent cases such as the instant case from being filed and chose, first to join in the insurgency, and then to deny Plaintiff Gutierrez, in the *Exhibit 1* case, the due process of law and the equal protection of the law which was affirmed by the Chief Judge at the time. Trust just has not been earned.

(b) The Court cannot demonstrate during the period 1995 to the present that it has provided pro se litigants a fair and objective judicial forum in which to seek remedies against the criminal insurgency active within the State and District of New Mexico.

(c) Plaintiffs verified pleadings have no recognition in this Court, even when used as exhibits by the Defendant District Court.

(d) Past performance of the judges assigned the instant case are not worthy of pro se litigant's trust; since, neither is covered by a penal bond binding them to the oath of office they took under the mandate of Article VI, Clause 3, Constitution of the United States of America which should be on file with the Court Clerk under provisions of 28 U.S.C. § 1737. Attempts by

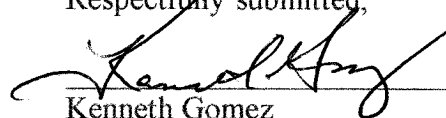
other pro se litigants, See Edwards Flynn, to acquire copies of their Appointment Affidavits and bond coverage from the Office of the Court Clerk have been futile.

III. TO ADDRESSEES

(a) Plaintiff Gomez represents the State of New Mexico pursuant to Section 44-3-4 NMSA 1978 and is not pro se as decided by Magistrate Judge in the Order opposed; he has a civic duty to refuse to participate in the active criminal insurgent enterprise as addressed in Section 3 and 4, Fourteenth Amendment and as engaged in by persons assigned to state and federal public office positions, Doc. No. 8-1 and *Exhibit* 4, within the State and District of New Mexico. Attempts to deny discovery practice to Plaintiffs would be in furtherance of the active criminal enterprise to defraud the United States.

WHEREFORE, Plaintiffs object to the order pending authenticity issued by Magistrate Judge Garcia as violating 28 U.S.C. §636(a)(5)(A) which excepts judgment on the pleadings, involuntarily dismissal of criminal information made by Plaintiffs in pleadings to the Court, and on summary judgments; all of which would occur without benefit of a jury trial, if and when the Court is no longer contaminated or upon summary remand. It is standard practice of the assigned district judge to grant a blanket affirmation to the magistrate judge's recommendation as it did in the case referred to in *Exhibit* 1 to Doc. No. 8-1.

Respectfully submitted,



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I hereby certify that on this
8th day of July 2010, the
foregoing was electronically
served through the CM/ECF
system to the following:

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