

**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-594WDS/LFG

**ELEVENTH JUDICIAL DISTRICT COURT,**

Defendant.

**VERIFIED RESPONSE OPPOSING REMOVAL AND FOR SUMMARY REMAND**

**COMES NOW** the State of New Mexico ex rel Kenneth Gomez, hereinafter Plaintiffs, and for their response opposing the Notice of Removal, dated June, 21, 2010 for lack of standing, and actions taken consequent thereto does not void the operative Second Amended Complaint dated June 16, 2010 and the motions accompanying that Amended Complaint. The Court lacks jurisdiction and cannot adjudicate the instant cause due to the **Rooker-Felman Doctrine**, and due to the remedies demanded by Plaintiffs, ¶ B1 below, and Cohens 6, Jurisdiction, ¶ f, page 37. As grounds therefor and in support thereof, Plaintiffs state the following:

**I. FACTS, POINTS OF LAW AND AUTHORITIES**

A. Plaintiffs' view the removal pleading of Defendant Eleventh Judicial District Court hereinafter Defendant District Court, as one insurgent criminal conspiracy group employing another such group on its behalf, **ROBLES, RAEL & ANAYA, P.C.**, hereinafter **ROBLES**, and then interloped by yet a third such group, the New Mexico Supreme Court, see Order Designating Judge, D-1116-CV-2010-941, dated June 22, 2010 - since no justice therein lawfully holds state public office; each joining with yet another such group, this Court - see for example what this Court did with *Exhibit "I"*, (USA ex rel Gutierrez v. Persons Holding License, 03-cv-1320 MV/LFG), to continue the damages and injuries being imposed on Plaintiff Gomez as he

represents the State of New Mexico. The Defendant District Court, by and through **ROBLES**, disobeyed Rule 11, 28 U.S.C. § 1446(a), in seeking removal prematurely without first considering the **Rooker-Felman Doctrine** and the remedies demanded by Plaintiffs which deny this Court jurisdiction to act.

B. This Court is not and cannot be competent, Orosco, and thereby act with jurisdiction to hear and determine Plaintiffs' cause of action in that:

1. The **Rooker-Felman Doctrine** denies jurisdiction to the Court, and thereby prevents the Court from overturning state district court decisions and judgments which are included as remedies under law demanded by the Plaintiffs in their Complaint; only the United States Supreme Court has such jurisdiction to alter state court decisions and judgments. See Walters v. Cox, 342 F. Supp. 2d 670, 675-677 (E.D. Mich. 2004), citing Rooker at 675, *Exhibit "3"*, for the **Rooker-Felman Doctrine**. Therefore, the Notice of Removal dated June 21, 2010 is null, void and without legal effect at its inception as repugnant to the Constitution for the United States of America since it ignored a constitutional rule of law, Rooker. Marbury.

2. Those submitting falsified Financial Disclosure Statements *while* unlawfully holding state public offices failed to reveal the state publicly appropriated funds they acquired and received illegally as income during the Statement's prior year period for unlawfully holding state public office positions by denying the power of Section 19, Article XXII, Constitution of the State of New Mexico, Clause 3, Article VI, Constitution for the United States of America, and Sections 10-2-5, 6, 7, and 9 NMSA 1978, the applicable state laws giving those constitutional powers effect. See Exhibit "4."

3. Said persons, Exhibit "4", currently holding federal commissions under false pretenses in this Court did the foregoing after being authorized to practice of law within the State of New

Mexico when they were required to know the said Section 19 and Clause 3 provisions of both constitutions which they, under oath, swore or affirmed to support, (NMRA 15-304, their oath), in order to be authorized to practice law, and be otherwise initially qualified to be considered for the state public office acquired but not lawfully held. Said persons had a duty to know the personal bonding requirement, and the mandate to record the bond before being qualified to obtain title for entering state public office and exercising the public trust.

4. Portion 3 of said Public Law 95-521, *Exhibit "2"*, provides for criminal penalties for *knowing and willful* falsification of any information in the Financial Disclosure Statement or omission of information from the statement. 18 U.S.C. Section 371 makes it a crime to defraud the United States by falsifying either or both their Appointment Affidavit or their Financial Disclosure Statements.

5. At least four of the persons holding positions as federal district judge in this Court, *Exhibit "4"*, falsified their Financial Disclosure Statements required by Portions 1, and 2, Section C, Title III, Public Law 95-521, (*Exhibit "2"*), within thirty days of their being nominated for federal commissions by the President of the United States and for later use in confirmation hearings by the United States Senate; and they falsified their individual Appointment Affidavits thereafter which is currently on file with the Court Clerk, (28 U.S.C. § 1737, a source for their penal bonds under provisions of 31 U.S.C. §§ 9304 and 9305 and their Affidavits), on grounds they swore or affirmed that had not previously opposed the United States and that they would not do so in the future. *Plaintiffs, therefore, do not trust Court personnel will adjudicate this cause with or without jurisdiction, and do so with any semblance of credibility.* They, each one of them, have demonstrated they are not worthy of the public trust.

6. In view of the foregoing, the Court, for its lack of jurisdiction since June 21, 2010, must forward the instant case to the United States Supreme Court for action, **Rooker-Felman Doctrine** (Exhibit "3"), or return the Second Amended Complaint to the Defendant District Court from which it came without benefit of law.

7. Summary remand is demanded pursuant to 28 U.S.C. § 1446(c)(4), absent § 1446(c)(5) consideration, as the matter is a State of New Mexico judicial problem which can and must be satisfied by it without federal assistance, an assistance not otherwise available from this Court since, perhaps, the Duran Consent Decree in the early eighties.

C. Said **ROBLES** knew of the said criminality because it represented "State Defendants" in Gomez. v. Aragon, Civil Action 1:09-cv-02010 RWR,(DCDC), hereinafter Aragon, and was informed via pleadings to which they responded under the rules of civil procedure. **ROBLES** thereby became a co-conspirator in the insurgent criminal conspiracy reported in Aragon in the District of Columbia District Court. 1-2, ¶ e, Section II, Jurisdiction, and Page 12-13, b(1) - (6), 36, Memorandum Brief, Aragon, see Federal Rules of Evidence 501, and NMRA 11-503D.

D. Defendant State District Court, by and through their attorney of record, know of the state of criminality being alleged that Plaintiff Gomez could not seek remedies in this Court because four of those holding federal commissions therein held their commissions under false pretenses defrauding the United States, and that those holding federal commissions lawfully thereby permitted those persons holding federal commissions as district judges under false pretenses to continue defrauding the United States and to hear and determine both civil and criminal cases with abandon. Therefore, none of them have demonstrated they are worthy of the public trust.

E. This Court is therefore contaminated; those holding positions as judicial officers therein have demonstrated their untrustworthiness. The Court has not been, during times relevant, and it is not now competent with jurisdiction to adjudicate any cause, civil, criminal, or create petit and grand juries, and specifically not for the instant case. 6, pages 32 - 40, Exhibit "2" attached hereto, and Orosco v. Cox.

1. The question arises as to whether a New Mexico sovereign principal, the Defendant District Court or a surrogate, can criminally employ with filing fee the corporate body **ROBLES** to continue defrauding the United States by seeking the criminal support of this Court to oppose the Plaintiff Gomez who represents the State of New Mexico, a circumstance where one state sovereign defrauding the United States engages a criminal cohort, **ROBLES**, to oppose the Plaintiff Gomez as he represents the sovereign State of New Mexico in a federal court whose competence to act without jurisdiction is otiose.

2. The foregoing is not a stretch of the imagination in that the electoral system is so corrupt that currently two candidates for the Office of Governor in the upcoming general election falsified their individual Declaration of Candidacy, a formal notarized document which states that any false information contained thereon constitutes a fourth degree felony.

a. Both claimed in their declarations that they were eligible to hold the office sought even though they both were receiving public appropriated funds while simultaneously holding a state public office unlawfully by denying the power of said Article XXII, Section 19 and Article VI, Clause 3 and defying the authority of Sections 10-2-5, 6, 7, and 9 NMSA 1978.

b. This Court had an opportunity to review the electoral corruption at a local level in Edwards Flynn v. Yara et al., 08-cv-2007 JB/ACT under a similar removal action and ruled in favor of the corruption.

c. Recently, the City of Farmington had occasion to redistrict District 2 and 3 for demographic motives in future elections. After the redistricting, it was determined that a current member of the City Council who formally resided in District 2, now resided in the new District 3 with a different voting base. Accordingly, a geographic strip was created from District 3 and included in District 2 to return the council member's residence to the former District 2 where a supporting body of votes exists. A straight line now divides District 2 from District 3 except for the strip created to protect the current city council member benefiting from the strip. Those members of the city voting electorate who wanted to run for office from District 3 who are now in District 2 have been robbed of their right to seek election from District 3 and may not be able to seek office from District 2. A civil rights complaint to this Court would be disappointing. Edwards-Flynn.

## **II. ARGUMENT**

Plaintiffs sought to inform any lawful state authority by its public filing of the Second Amended Complaint within Defendant District Court knowing that any action taken by a state actor or representative thereof in opposition would compromise the integrity of that entity. Plaintiffs were not disappointed.

Removal action was contemplated which justified the remedies to overturn state court decisions from 1963 onward. This Court would dismiss the case with prejudice on recommendation of the assigned magistrate, a standard practice, and the wrongs being done would be prolonged in perpetuity.

Two murder trials heard by Defendant District Court occurred during times relevant acquitting the murderers and would be overturned. Another murder case was considered and

supported by this Court concerning Randolph - Randy - Sills and his untimely death in the San Juan Detention Center. Randy's mother has the details about the federal case.

Plaintiffs admit that the Defendant District Court has not been competent to hear any cause, civil or criminal, since 1963, 6, pages 32-40. Under such circumstances and if the Court were competent to hear and determine the Second Amended Complaint, and if it were trustworthy, the Court could overturn Defendant District Court cases heard since 1963 without being restrained by the **Rooker-Felman Doctrine**. However, this constitutes an untenable dilemma for the Plaintiffs in that a decision by the Court in support of both constitutional powers and the attendant authorities which give those powers effect is not likely to occur at anytime within the foreseeable future in light of Section I, paragraph B5 above.

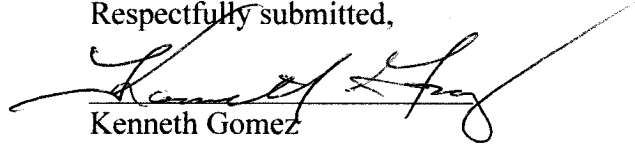
Accordingly, Plaintiffs shall not be served with due process of law and the equal protection of the laws by this contaminated Court no matter what action it takes. Plaintiffs only alternative is to forward the foregoing pleading to the Farmington Office of the Federal Bureau of Investigation for action which was recommended by letter from the Department of Justice.

### **III. CONCLUSION**

Plaintiffs are facing an untenable dilemma. Either this contaminated Court hears and determines the case or the case is remanded to Defendant District Court to be heard by a person only posing as a lawful district judge from an adjacent judicial district chosen by the New Mexico Supreme Court, a court which consists of persons denying the powers of both constitutions and the attendant laws giving those powers effect, none of whom hold public office lawfully. Plaintiffs believe it is appropriate to report the insurgent criminal conspiracy active in the State and District of New Mexico currently defrauding the United States to the Farmington

Office of the Federal Bureau of Investigation for its and a subsequent grand jury investigation in front of a jury from some unknown source.

Respectfully submitted,



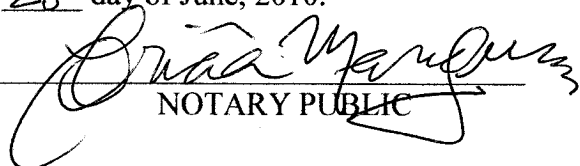
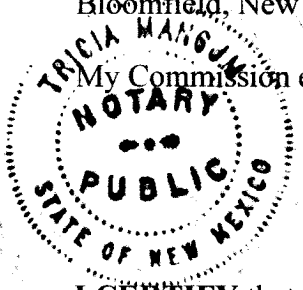
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**VERIFICATION**

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

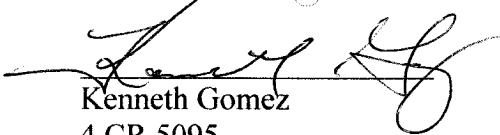
SUBSCRIBED AND SWORN TO before me by Kenneth Gomez, 4 CR 5095, Bloomfield, New Mexico under penalty of perjury this 28 day of June, 2010.

My Commission expires: 11-26-013  
DATE

  
NOTARY PUBLIC

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing was sent by U.S. Mail to the LAW OFFICE OF LUIS ROBLES, ROBLES, RAEL & ANAYA, P.C., 500 Marquette, N.W., Suite 700, Albuquerque, N.M. 87102 luis@roblesrael.com this 28 day of June, 2010.



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