

**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: HOUSE COMMITTEE ON THE JUDICIARY  
TO: UNITED STATES DEPARTMENT OF JUSTICE  
TO: UNITED STATES ATTORNEY, DISTRICT OF NEW MEXICO  
TO: FARMINGTON OFFICE OF THE FEDERAL BUREAU OF INVESTIGATION**

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

Plaintiff State of New Mexico, hereinafter, "Plaintiff State", represented by Kenneth Gomez, expresses its gratitude for the gift presented in the order signed by James A. Parker as District Judge, although it shames the Plaintiff State to say so. Plaintiff State believed Judge Parker would fabricate evidence favoring their opponent as his past performance revealed in prior similar cases. Plaintiff State waited since June 2010 for such an order; now it has evidence of illicit fabrications; one attempts to support the federal embezzlement involving four assigned judges. See mid-page 5 of the order for the latter. FN 1 corrupts 28 U.S.C. § 1446(c)(5) in support of the illicit fabrication. Others support Doc. No 48's racketeering evidence.

Judge James A. Parker holds a federal commission and as such acts in the name of the United States and the Court only when he maintains their integrity; however, when he acts in any other manner undermining their integrity, he, of necessity, defrauds both the United States and the Court. Therefore, Judge Parker should not act on their behalf under such circumstances.

Plaintiff State now has incontrovertible evidence contained in the order opposed that, as a member of the Court, Judge James A. Parker joined, aided, and abetted the active insurrection therein against the Constitution of the United States of America; an insurrection engaged in by four persons holding federal commissions as judges under false pretenses. *See In re Charge to Grand Jury*, 62 F. 828. Each federal officer engaging in the insurrection against the Constitution of the United States, after taking an oath to support it, shall cease to hold their office at that specific instant in time as addressed in Section 3, Fourteenth Amendment, case law cited in Judge Parker's order to the contrary, notwithstanding.

(a) Four persons filling positions as district judges in the Court and named in Plaintiff State's *Exhibits* 6 and 7, Doc. No's. 19-1, 19-2, filed July 12, 2010 and attached, are currently holding federal commissions under false pretences in that they each filed, with the Ethics Committee of the Judicial Conference, Financial Disclosure Statements containing false information contrary to provisions of Public Law 95-521. The Statements were filed within thirty days of being nominated for federal commissions by the President of the United States of America, and the false information constituted a criminal act according to Portion 3 of P.L. 95-521.

(b) Each of them disclosed in their individual disclosure statement that the income received during the preceding 12 months was lawful when, in point of fact, they were actively embezzling state public appropriations while under oath with the public trust posing as lawful state public officers and not lawfully holding office, NMSA 1978 Section 10-2-9. They each did so while denying the powers of Clause 3, Article VI, Constitution of the United States of America to be bound by their oath; they denied the power of Section 19, Article XXII, Constitution of the State of New Mexico to take the oath and give an individual penal bond

binding them to the promises in the oath of office; and they defied the state statutes - NMSA 1978 Section 10-2-5, 6, 7, and 9 - giving effect to those powers which prohibited them from entering state public office until both the oath and individual penal bond had been filed among the Records maintained in the Office of the Secretary of State.

(c) Persons in positions of trust who unlawfully take possession, control, and ownership of publicly appropriated funds as salaries rightfully belonging to the People of New Mexico or the United States while posing unlawfully as state or federal public officers embezzle such funds.

(d) Still further, those persons assigned duties in positions as district judges in the Court lawfully holding federal commissions - James A. Parker, for example - who permit the named four persons to currently embezzle federal public appropriated funds on a monthly basis after having been formally notified on July 12, 2010 in said *Exhibit 7* of the embezzlement crime become common law participants of the embezzlement scheme for failure to act, 18 U.S.C. § 4.

Kenneth Gomez is a candidate in the November General Election for Governor of New Mexico whose two opponents are both embezzling state public appropriations and who each falsified their Declarations of Candidacy indicating they were qualified to hold the office sought, a fourth degree felony. Neither can lawfully hold a state public office now or in the future.

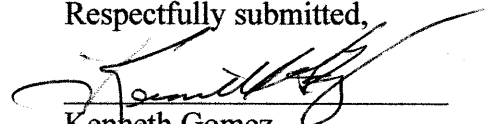
(a) Since no state court is currently or will be competent to decide a civil rights complaint concerning the November general election - the gravamen of their complaint, the matter should come to this Court when it becomes competent to act. How will it do so in November if the Court is incapable of administering justice in the instant case at this time?

(b) If the Court and Judge Parker cannot be trusted to administer justice without engaging in criminal activity to favor Plaintiff State's opponents and without undermining the integrity of both the United States and the Court, then it cannot now render judicial decisions

with any official credibility. Under such circumstances, an order by Judge Parker can only be null, void, and without legal effect at its inception; an order which is formal evidence of his joining, aiding, and abetting an active insurrection within the Court against the Constitution of the United States and simultaneously defrauding the United States while illicitly fabricating information for an order favoring Plaintiff State's opponents. *Marbury v. Madison*, 5 U.S. 137 (1803) and Section 3, Fourteenth Amendment. The Plaintiff State has at least one remedy for this dilemma, though muted, found in 42 U.S.C. § 1986, and for failing to take appropriate action. Unfortunately, upon formally reporting this information to the Court, the Court is not competent to act with lawful authority on the criminal information made available to it.

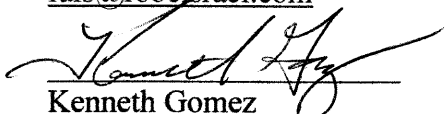
**WHEREFORE**, any order rendered in the Court, during times relevant, is null, void, and without legal effect at its inception especially where four assigned judicial officers therein directly engage in an insurrection against the United States Constitution.

Respectfully submitted,



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I certify that on the 23<sup>rd</sup> day of August, 2010,  
the foregoing was electronically served through  
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Kenneth Gomez