

10-2943-CV

IN THE
UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

GARY R. WALL

Plaintiff-Appellant

v.

EXECUTIVE OFFICES U. S. ATTORNEYS
DEPARTMENT OF JUSTICE

Defendant-Appellees

ON APPEAL FROM THE UNITED STATES DISTRICT COURT BRIDGEPORT
CONNECTICUT

F.R.A.P. 35(c) PETITION FOR AN INITIAL HEARING EN BANC

GARY R. WALL, PRO SE
60 Carriage Hill Drive
Wethersfield, CT. 06109
860-529-2651

DATED: AUGUST 20, 2010

F.R.A.P. 35(2)(b)(c)

This case needs and meets the standards of F.R.A.P. 35(2)(b)(c) by reason of the fact that it involves a Conspiracy Against the Lawful Functions of the United States by and through the corrupt use of the Organized Crime Control Act (1970 RICO). Said corrupt use of a Lawful Functions of the United States has corrupted district Judges below and Circuit Judges. 35(b) "*A party may petition for a hearing or rehearing En Banc*" 35(c) "*A petition that an appeal be heard initially En Banc must be filed by the date when the appellant brief is due (brief due August 30 U. S. defendant)*". See Now Hammerschmidt v. United States 265 U. S. 182 188 conspiracy element quote: "*to interfere with or obstruct one of its (United States) Lawful Government Functions by deceit, craft or trickery or at least by means that are dishonest.*"

Even though this petition involves a minor matter to the Court of a 5 U.S.C. 522(a)(4)(B) \$4200.00 F.O.I.A. Fee Waiver the subject matter of the F.O.I.A. request reveals Judge Hall committed multiple usurpation of Civil and Statutory Rights through the Sub-Rosa direction of now (retired) district Judge Nevas, who was a former U. S. Attorney and a colleague of Robert D. Luskin (master-mind of the "Operating Agreement" between the D.O.J. and LIUNA), Luskin was General Counsel to the D.O.J. when Alan Nevas was U. S. Attorney for Connecticut.

This case also involves Department of Justice, D.O.J. Set-Up Panels in the Second Circuit making it more important and appropriate for an En Banc Hearing Corruption of the powerful Second Circuit puts not only this petitioner's Rights in harms way but every

citizen Rights in the United States Rights in harms way the cause and effect an 18 U.S.C. OCCA/RICO influence self-policing itself¹.

After multiple appearances in the Second Circuit on multiple cases, I began to see how the D.O.J. had corrupt influence on Second Circuit Panels. In looking at the logistics of a Circuit handling pro se filings, it would make sense that only one judge reads the case and the other two are there only by law and Rule and do not read the case because of the amount of frivolous pro se filings but are briefed by the one judge.

I am not in disagreement with that Circuit function at all. What I am in disagreement with is Circuit Judges who sit on a (3) Panel Case one Judge committing fact fraud in the Opinion and falsely briefing the other two judges on the panel, and in so doing, corruptly influencing the Second Circuit in order that the corrupt use of a Congressional Crime Fighting Act is not exposed. For that reason alone and En Banc Hearing is a necessity for the Judicial Branch; in order that it protects itself from Separation of Power Corruption.

RELEVANT BACKGROUND

In or about 1994, a Grand Jury in Boston drafted a 212-page RICO Complaint against Arthur Coia Jr. and his 18 U.S.C. 1961(4) RICO Enterprise.² In or about 1995,

¹ (“Operating Agreement”) and a (“Consent Decree”) – “Operating Agreement” have no Court Oversight; the entity polices itself. If the entity involved in the “Agreement” violates it by violating LMRDA Law and or Title 18 – then the “Operating Agreement” becomes a decree with Court Oversight eliminating self-policing.

² Even though the 212-page OCCA/RICO Complaint was brought in Boston by a Boston Grand Jury as a first step in the scheme, said Grand Jury finding was transferred to Chicago where the findings could be obstructed and the corrupt use of a Congressional Act could begin. See the Exhibit A Affidavits that were filed in this petitioner RICO Complaint and are now being used to show the abandonment of a Federal Affiant by the F.B. I. and U. S. Attorneys Office Chicago per the Sub Rosa direction of Robert D. Luskin, after he was beaten and told “WE OWN YOU”. This is Kefauver’s warning coming true see: Third Interim Report of Special Committee to investigate “Organized Crime and Interstate Commerce” Senate Report No. 307 82nd Congressional 1st Session (1951) **Page 3** “*The Kefauver Crime Investigating Committee warned Americans not to rely upon the central government to control Organized Crime but to use their Local Grand Juries to attack the problem in their own communities.*”

the Laborers' International Union of North America signed a "Operating Agreement" (self-policing) with the Department of Justice [D.O.J.] through Robert D. Luskin plus 3.1 million was the first bribe to the D.N.C. also directed by Luskin, doing so in order to buy the 212-page Complaint and start the scheme to corruptly use the Organized Crime Control Act 1970. Printed for convenience is an article printed May 1996 from Washington Monthly by John Mullagan and Deane Stackman relevant part:

"Coia's story is one of great failure of Law enforcement; set in a rarified atmosphere of multi-million dollar campaign contributions and White House dinners. Federal Law Enforcement officials involved in the case who wanted Coia removed were overruled, grumbled about a link between the toothless settlement and Coia's political friendship with the president."

At the first hearing LMRDA Case 3:97-00942(JCH) John Mullagan attended it with Mr. Eugene Methvin. Mr. Methvin was a sitting Chairperson for President Reagan's Crime Commission overseeing interstate commerce and labor unions. At the perjury induced membership trial, Judge Hall would not let Mr. Methvin testify to the extortion membership issue. I can't trust someone like that. Common sense would have her recuse herself but criminals have no common sense.

NO TRUST FOR JUDGE HALL AND THE D.O.J. SET-UP PANELS IN THE CIRCUIT. SUMMARY EXAMPLES

In Judge Hall's Ruling [District Docket #30], she cleverly makes it look like this petition named her as a defendant along time ago quote Judge Hall at page 1:

"Wall moved this Court to recuse itself Pursuant to 28 U.S.C. 455 alleging inter alios that the case should not be heard by this Court because Wall had previously brought an action in which he names among others, the undersigned as a defendant."

See Now Exhibit B Face of Pending Civil Rights Act Complaint. Also see web site www.unitedstatesproselaw.com at page 7 in order to read other filed complaints

against Hall the following 28 U.S.C. 351 complaints were filed against Hall 03-8535, 05-8540; 28 U.S.C. Application against Hall dated April 30, 2003, plus, this instant 28 U.S.C. 455 Application for Disqualification.

Judge Hall has facilitated assaults on Federal witnesses; multiple Hobbs Act violations; the stealing of co-plaintiff Cooksey's psychiatric Records; fraudulent after the fact subpoena and multiple RICO predicates toping off her criminal obstruction scheme with the facilitation of trial perjury overturning by trial perjury Wall v. Local 230 224 Fed. 3d 158 (2000 2d Cir.). Attached as part of Exhibit C is a Letter to Honorable Ralph Winters, author of the opinion in Wall Supra. In the interest of Justice, a Circuit Judge's Opinion being overturned by a RICO Enterprise (18 U.S.C. 1961(4)) committing trial perjury is a criminal act. A Circuit Judge should be made aware of to protect his Honorable Opinion and the Judicial System itself.

COLLUSION PERJURY FACILITATED BY JUDGE HALL

Even though the collusion involves 3 people, I am just going to use Mr. Lopreato as to the fact of facilitated perjury by Judge Hall. The Standard here is to show the correctness of no trust.

See first Wall Supra 224 Fed 3d 168 Id 171

"The NLRB found that the union removed Wall as shop steward in November 1985 in retaliation for refusing to follow directions involving the "shake-down of laborers' money"

Now see Lopreato Perjury:

Lopreato: *"when you were a steward on the job State Street in Hartford. I appointed you as a steward and you went on your own to hire people that were in favor to you to pick up numbers for some people and that's when I let you go as a steward"*

By reason of the perjury, the jury thinks I was removed from steward for shaking down laborers the opposite of the NLRB Findings and Wall Supra and now trial perjury takes my LMRDA Rights and ERISA Rights [background Lopreato] see U. S. Lopreato 83 F3d 571 (2d Cir. May 9, 1996) convicted two 18 U.S.C. 1954 “rebate of unlawful welfare fund payments” –overt acts – one count 18 U.S.C. 371, two counts 18 U.S.C. 1621(1) Federal perjury – three counts 26 U.S.C. 7206(1).

Prior to Lopreato’s testimony, Luskin introduced himself to the jury telling them about his D.O.J. background and he has been appointed as General Counsel for LIUNA to remove Organized Crime. He does so while Coia’s 18 U.S.C. 1961(4) Enterprise is paying him millions. Also in this one trial perjury scheme, Vere O. Haynes testifies as First Vice President LIUNA that if you don’t work for 12 months you lose your membership and can’t work anymore. The Jury had no idea Mr. Haynes was a cited defendant on the face of the 212-page RICO Complaint. Not only were my LMRDA Rights obstructed my ERISA RIGHTS were also obstructed and facilitated by Judge Hall. All of Judge Hall’s criminal actions were protected in the Second Circuit; as for a good example see [www.unitedstatesproselaw dot com](http://www.unitedstatesproselaw.com), see 28 U.S.C. 351 Complaint against Chester Straub 03-8534 and the Hall Complaint 03-8535. Take notice, not only does Chester Straub protect Judge Hall from the intentional fraudulent post dating of an Amended Complaint (docket fraud), he adds on that “*the plaintiff filed a motion for a new trial when there was no trial.*” In a special response, I say to myself what type of person would commit such a flagrant and cruel crime against a pro se litigate. I am an extremely careful Rule following plaintiff. I could not have lasted for 13 years if I was not. That degrading lie was meant to make this petitioner look delusional so no one reads

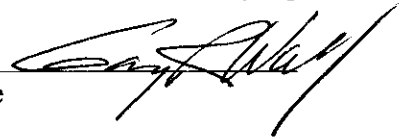
the content. By his actions, Chester Straub is pathologically corrupt. Also, just for the standard of mistrust in the last oral argument in the Second Circuit District Judge Cote S.D.N.Y. sat by court designation on panel 06-2810CV. When this plaintiff informed Judge Cote it was contrary to law for her to dismiss the 28 U.S.C. 455 Application against Judge Jacobs, she stated "that's it no dialog." Think about that -- oral argument no dialogue. Judge Cote was a former D.O.J. Official before becoming a judge (pattern). It is evident to this petitioner by her Ruling and demeanor that Judge Cote is on the panel Sub-Rosa the D.O.J. Influence.

IN ENDING:

The information costing \$4,200.00 shows my innocence concerning the fabricated crimes sent to the D.O.J. by the Governance Structure of Local 230. It will also show the 18 U.S.C. 664 personal embezzlement of Wall's entire pension, and the cramming down of a co-plaintiff Cooksey's pension by a computer scheme. In addition, it will expose a massive embezzlement of the membership's money violating 29 U.S.C. 501(c). Judge Hall knows this and that is the reason for her fact fraud opinion bifurcating the case below. In no way can Judge Hall be trusted. All the judicial crimes were committed by the judges knowing U.S. Attorney Sub-Rosa Press Shield exist which is why some of the crimes are so flagrant and bold.

RELIEF

Send back the 28 U.S.C. 455 Application disqualifying Hall and give it to another Judge out of the Bridgeport Division. I do have a right for the material without buying it.

Respectfully Submitted: 

GARY R. WALL, Pro se

60 Carriage Hill Drive

Wethersfield, CT. 06109 - 860-529-2651

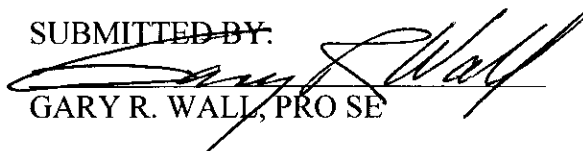
CERTIFICATION

This is to certify that a copy of FRAP 35(c) Petition for an Initial Hearing En Banc has been sent first class postage pre-paid this 20th day of August 2010 to:

United States Attorneys' Office
c/o Lauren Nash, Assistant Attorney
District of Connecticut
157 Church Street
New Haven, CT. 06510

Department of Justice Office of the Solicitor General
c/o Acting Solicitor General Elena Kagan
950 Pennsylvania Avenue
Washington, D. C. 20530

SUBMITTED BY:



GARY R. WALL, PRO SE

EXHIBIT A

Judith Dobrich

And

Stephen Manos

Affidavits

EXHIBIT "A"

The following illustration is the exact wording of two affidavits entered in 3:97-

CV-02502(JCH) Dkt. #100 affidavit of Judith Dobrich dated August 30, 1999.

- "1. I am over the age of 18 and understand and believe in the obligation of an oath."
- "2. My name is Judith Dobrich and I reside at 77 Hale Road in Glastonbury, CT."
- "3. I am a member of the International union of North America"
- "4. I have been a member of Local 230 since 1994."
- "5. I was present during a meeting of Stephen Manos and assistant U.S. Attorney Craig Oswald and F.B.I. Special Agent Ernest Luera" (Chicago U. S. Attorney's Office)"
- "6. This Spring of 1997 meeting was held at the F.B.I. offices located in Meriden, CT." (Before the 29 U.S.C. 530 assault).
- "7. I expressed concern for the safety of Mr. Manos. Regarding his association with union bosses of Local 230"
- "8. I specifically stated: "I am afraid that they are going to kill Steve and nobody will know why, because they're all going to lie"
- "9. U. S. Attorney Oswald stated: "If anyone so much as musses a hair on his [Manos's] head, we will swoop down"
- "10. After Mr. Manos was brutally assaulted on July 30, 1997 and while he was still in the hospital, I immediately contacted the Chicago Office of the Department of Justice"
- "11. Soon thereafter, that same office cut off all communication with me with no explanation."

Second Affidavit Stephen Manos dated also August 30, 1999 exact wording:

- "1. I am over the age of 18 and understand and believe in the obligation of an oath."
- "2. My name is Stephen Manos and I reside at 77 Hale Road in Glastonbury, CT."
- "3. I am a retired member of Laborers' International Union of North America" (retired because of fear Hobbs Act)
- "4. I was Vice-President of Hartford Local 230 from June 1995 to June 1998."
- "5. In March of 1997, I personally met with Assistant U. S. Attorney General Oswald and F.B.I. Agent Ernest Luera in the F.B.I. offices in Meriden, Connecticut." (Before the 29 U.S.C. 530 assault).
- "6. Oswald and Luera work out of the Department of Justice in Chicago, Illinois."
- "7. The purpose of this meeting was to discuss racketeering activity occurring inside of Local 230."
- "8. I personally told Oswald and Luera that I was concerned about my physical safety because of my providing information to them."
- "9. Assistant U. S. Attorney Oswald responded with the following statement: "If anyone musses a hair on your head, we will swoop down."
- "10. I was physically assaulted by union officials at a Local 230 Executive Board Meeting held on July 30, 1997."
- "11. I reported this assault to Oswald and Luera and was subsequently abandoned by their department with all communication cut off and never an explanation."

EXHIBIT B

Face of

Civil Rights Act Complaint

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

2009 JUL -6 A 11: 54

GARY R. WALL
Plaintiff

CASE NO:

3:09cv1066 (ENC)

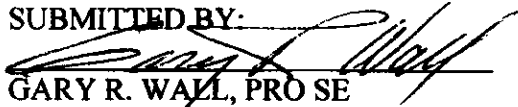
Judge Chatigny

v.

DEPARTMENT OF JUSTICE U. S. ATTORNEYS
OFFICE NEW HAVEN, CONNECTICUT
DISTRICT JUDGE JANET C. HALL,
Unknown District Law Clerks in the Meaning of Bivens
CIRCUIT JUDGE SONIA SOTOMAYOR
Unknown Circuit Law Clerks in the Meaning of Bivens
42 U.S.C. 1985(3) Defendants 28 U.S.C. 1361 "Action in the Nature of Mandamus"
CONGRESSMAN JOHN LARSON
"FEDERAL QUESTION" 28 U.S.C. 1331 Defendant

**42 U.S.C. 1985(3) CIVIL RIGHTS ACT COMPLAINT FOR OBSTRUCTION AND
USURPATION OF DUE PROCESS (5TH AMENDMENT) RIGHTS (ACTION IN
EQUITY)**

SUBMITTED BY:


GARY R. WALL, PRO SE
60 Carriage Hill Drive
Wethersfield, CT. 06109
(860) 529-2651

DATED: JULY 6, 2009

EXHIBIT C

Letter to

Hon. Ralph K. Winter

And

Hon. Robert Chatigny

August 20, 2010

CHAMBERS

Honorable District Chief Judge Chatigny
United States Courthouse
450 Main Street
Hartford, CT. 06103

RE: D.O.J. SET-UP PANELS

Dear District Chief Chatigny:

I have made Your Honor aware of the flagrant corruption in the Bridgeport Division [by documented facts]. Your Honor has chosen to do nothing. I am now in the Second Circuit again with a 28 U.S.C. 455 Application for Judge Hall to recuse herself from Ruling on a \$4,200.00 F.O.I.A. Fee Wavier regarding the Northern District of Illinois.

I have sent Your Honor many letters and 11(b)(3) Inquires over the years concerning this matter. For the sake of convenience, I am going to quote part of one that is appropriate at this time [letter dated July 22, 2009]:

“ According to the Second Circuit’s Red Book, Judge Eginton is 86 years old. Two (2) years of litigation, Judge Eginton who was presumably the residing Judge (signature was corruptly used). The plaintiff in the 18 U.S.C. 1964(c) Complaint case no. 3:04cv91 never once saw Judge Eginton.

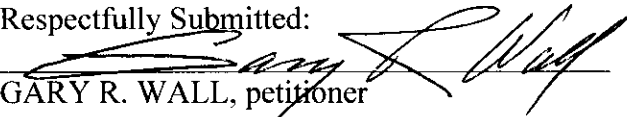
A six year 11(b)(3) investigation has exposed that Judge Nevas was Sub Rosa presiding over the case through his corrupt insidious use of law clerks. Judge Nevas has committed flagrant violation of his oath and has degraded the Bridgeport Division and beyond. Any person that would commit such degrading judicial criminal acts is not going to stop because he is now a citizen. If Your Honor keeps the Due Process Complaint in Bridgeport, Judge Eginton will not be seen again and a fact fraud opinion will be written by corrupt law clerks at the direction of Alan Nevas knowing a D.O.J. Set Up Panel in the Second Circuit will abet the judicial criminal actions of the Bridgeport Division as did defendant Circuit Judge Sotomayor (inter oltios).

It is in Nevas corrupt interest, the law clerks in Bridgeport corrupt interest, and Judge Eginton and Hall’s corrupt interest to obstruct this Civil Right Complaint to cover up their documented, past fact frauds and docket frauds. Every case has been transferred to the Bridgeport Division even when there were 28 U.S.C. 351 Complaint and 28 U.S.C. 455 Application to Disqualify were filed.”

I filed the Civil Right Due Process Complaint (3:09-CV1066(DJS)) over a year ago July 6, 2009. Rather than the Judge Eginton signature fraud obstructing tactics, it looks like the tactic of hold, hide and hope he dies is being used. It has a good chance of working by reason of the fact; I am in very poor physical health.

Your Honor should do the Honorable thing here and forget your former colleagues in the Washington law firm and their involvement in the "Operating Agreement" and forget your Honor's colleagues in the Judicial System and in so doing protect the Constitution of the United States and its Lawful functions.

Respectfully Submitted:


GARY R. WALL, petitioner
60 Carriage Hill Drive
Wethersfield, CT. 06109
860-529-2651

August 20, 2010

CHAMBERS

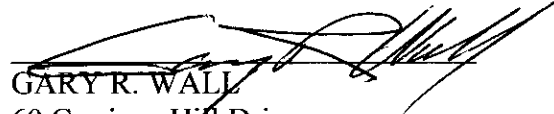
The Honorable Ralph K. Winter
55 Whitney Avenue
New Haven, CT. 06510-1300

Dear Honorable Circuit Judge Winter:

I am writing this letter to Your Honor for one reason only; that being to make Your Honor aware of your Opinion in Wall v. Local 230 224 Fed 3d 168 (2000 2d Cir.) has been overturned by collusion trial perjury see Page 4 of attached petition.

Your Honor by reason of the trial perjury has become an unknowing victim of the Corrupt Use of a Congressional Act ["Operating Agreement"] and therefore, I assume Your Honor would want to know that fact. Because I have unnamed Law Clerks as part of Civil Rights Act Complaint, I am not even sure Your Honor will get this letter.

Respectfully Submitted,



GARY R. WALL
60 Carriage Hill Drive
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860-529-2651