

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

GARY R. WALL
Plaintiff

CASE NO. 3:09CV1066(DJS)

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 District 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

PLAINTIFF'S REPLY TO DEFENDANTS OBJECTION TO PLAINTIFF'S

F.R.C.P. 65(a)(2) RED FLAG BIVENS INJUNCTION

SUBMITTED BY:

GARY R. WALL, Civil Rights Petitioner
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(860) 529-2651

DATED: 3/1/2010

REPLY

In reply to the Department of Justice objection, the plaintiff will keep it simple and clear and just address the important points.

To start with, the D.O.J. is saying the equitable relief requested is not clear. The fact alone that the plaintiffs in the NLRB Trial were never made whole as Honorable Judge Nations Ruled; The carrying out of the ORDER and will of a Federal Labor Judge is an extremely important Equitable Right. Relief from D.O.J. frauds and judicial frauds over a 13-year period is also an important Right.

Another point clarified is the terminology I used (under the Rules Enabling Act) citing the Injunction as a “Red Flag” “Bivens” Injunction. The D.O.J. stated they were unsure what a “Red Flag F.R.C.P. 65(a)(2) Bivens Injunction is.” Forty (40 years ago, every Federal Judge, Federal Defendants and Federal Plaintiffs saw Bivens as a “Red Flag” warning sign of the beginning of Police State Tactics. This plaintiff used the terminology Red Flag but did not create it; the first time this plaintiffs heard the terminology (Red Flag Bivens) was from listening to the Honorable Judge Skinner, First Circuit (40 years ago. The Honorable Skinner knew to equate a “Red Flag” warning to Bivens.

In this case at bar, the D.O.J. argument is that Bivens does not apply stating that “Bivens created a cause of action against federal agents in their individual capacities for money damages as a result of violations of the Fourth Amendment.” Re-clarifying the Bivens identity of this case at bar; First, this Bivens action is in front of this Court for violation of the 5th Amendment (Due Process). See Amos v. United States 225 U. S. 313, 317 finding “the 4th and 5th Amendments are in pari material.” Now see Bivens key

quote “officers of the government professing to act in its name.” It does not single out police officers. This instant complaint is not against “federal officials acting in their official capacities.” It is also not filed against “a federal agency or the United States so the cases cited on page 15 of defendants objection are inapplicable to this matter. This 5th Amendment Bivens Complaint is being filed against “officers of the government professing to act in its name” and in committing the fraud obstructing Statutory Rights and usurping fundamental Due Process Rights by tactics of fraud and facilitating of fraud in order to keep and protect the criminal money steams off 30 billion in union pension assets.

Before ending, please take notice the Department of Justice gives no answer to the “press shield” Hobbs Act tactics they are accused of in the complaint. Also take notice that there is no mention of the D.O.J. criminally protected pension thief Ronald LeConche/AKA Ronald Welch; therefore, I am going to re-clarify the D.O.J. crime and its purpose.

Honorable Judge Daly was intentionally given false information about the criminal involvement of Ronald Welch in the five (5) million dollar pension scheme, see U.S. v. Lopreato 95-1485 83 F3d 571(2d Circuit); not to protect him but to protect Arthur Coia from a RICO violation. If Ronald Welch (Coia's associate-in-fact source FBI b2 form) was not intentionally kept out of U. S. v. Lopreato Supra by the U. S. Attorneys Office Sub Rosa Alan Nevas insidiously directing them to do so defendant Dominick Lopreato would have violated 18 U.S.C. 1962(d). Unless there is a violation of Section 18 U.S.C. 1962 violations of 18 U.S.C. 1961 (all Title 18 crimes) do not qualify as RICO predicates where there is no violation of a conspiracy to violate 18 U.S.C. 1962 there is

no racketeering conspiracy keeping Coia safe from RICO charges and RICO sentencing guidelines.¹

NEXT: The majority of the D.O.J. objection quotes (pages 3-14), quotes the Second Circuit in parts in 224 Fed 168. Please keep in mind that the plaintiffs in 224 Fed 168 lived the harm of that case. Also keep in mind that Robert D. Luskin capacity 18 U.S.C. 1961(7), Dominick Lopreato convicted pension thief and Vere O. Haynes a target of the 212 page RICO indictment, overturn 224 Supra by collusion trial perjury in order to extort 29 U.S.C. 402(o) Membership Rights and embezzle Plaintiff's entire pension (18 U.S.C. 664) as a punishment for stopping one of the Enterprises Racketeering Money Streams, stating that Mr. Lopreato fired Wall for shake down collections; the opposite of the truth and finding of an 11 day NLRB trial and 224 Supra Finding. Defendant Hall was aware of said 18 U.S.C. 664 perjury induced embezzlement and did nothing but facilitate it and abet it. Those just cited facts alone should be enough for Injunction Relief and in thinking this matter out it is more dangerous for a free society to have federal judges who "as officers of the government professing to act in its name" than federal police professing to act in its name another key quote BIVENS: "In such cases there is no safety for the citizen except in the protection of the judicial tribunals."

This Court has a Canon and moral obligation to the citizens of the United States to not allow such flagrant third world fascist police state tactics to occur to "any person." In ending as a special request of Your Honor in Your Honor's opinion regarding the complaint and injunction, would Your Honor please explain to this plaintiff why the D.O.J. uses the terminology intervene rather represent quote D.O.J.'s first page of their

¹ As stated in previous filings, Judge Nevas is now retired and can not give this plaintiffs his equitable rights, therefore he was not cited as a defendant but he and Robert D. Luskin capacity 18 U.S.C. 1961(7) are the beginning and cause of the judicial contamination to this extent.

objection “On July 28, 2009 the United States moved to intervene on behalf of Judge Hall, Justice Sotomayor”----. This plaintiff suspects the word intervene is used rather than represent in order to marginalize the complaint. In addition, this plaintiff should have the right to know if this intervention is with the permission of defendant Hall and defendant Sotomayor or without their permission. This last sentence will serve as the Notice that I will continually make service into Defendant Sotomayor’s Chambers and Defendant Hall’s Chambers until the word Represent is used.

Respectfully submitted by:

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CERTIFICATION

This is to certify that a copy of Plaintiff's Reply to Defendants' Objection has been sent first class postage pre-paid on this 1st day of March 2010 to:

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