

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF CONNECTICUT**

GARY R. WALL,  
Plaintiff

**CASE NO: 3:09cv1066(DJS)**

v.

UNITED STATES DEPARTMENT OF JUSTICE  
U. S. ATTORNEYS OFFICE OF NEW HAVEN,  
DISTRICT JUDGE JANET C. HALL,  
UNKNOWN DISTRICT LAW CLERKS IN THE  
MEANING OF BIVENS,  
CIRCUIT JUDGE SONIA SOTOMAYOR,  
UNKNOWN LAW CLERKS IN THE MEANING  
OF BIVENS (3) 42 U.S.C. DEFENDANTS  
28 U.S.C. 1361 "ACTION IN THE NATURE OF MANDAMUS

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CONGRESSMAN JOHN LARSON (1)  
"FEDERAL QUESTION" 28 U.S.C. 1331 DEFENDANT  
Defendants

**PLAINTIFF'S OPPOSITON TO DEFENDANTS 12(b)(1) / 12(b)(6)**  
**MOTION CLAIMING "SOVEREIGN IMMUNITY"**

RESPECTFULLY SUBMITTED BY:

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**GARY R. WALL 5<sup>TH</sup> AMEND. PLAINTIFF**  
60 Carriage Hill Drive  
Wethersfield, CT. 06109  
860-529-2651

August 14, 2009

## **OPPOSITION TO MEMORANDUM**

Before responding to the U. S. Attorney's Office Motion, a clarification must be made; That being, no where in the complaint do I sight the United States as a Defendant. Because of the very serious circumstances involved in this Due Process violation and the difficulty of pleading against Separation of Power Corruption (following the Rules), this pleader used F.R.C.P. 8(a)(2) "a short and plain statement of the claim showing that the pleader is entitled to relief". This pleader takes this matter very seriously (all the pleadings show that) and the use of F.R.C.P. 8(a)(2) was and is part of the Bivens Complaint as cited on the face of the complaint and in the pages of the complaint.

The charges in the complaint are very serious against the two Federal judges and great care approximately five (5) years of (11(b)(3) Inquires) taken before bringing the Article II criminal charges were filed in this instant Due Process Complaint.

### **Rule 11(b)(3): MOORE'S FEDERAL RULES "RULE 11(b)(3) STATES:**

*"That by presenting a paper to the Court, counsel is certifying that the allegations and other factual contentions have evidentiary support or are likely to have evidentiary support after the opportunity for further investigation or discovery. Because counsel must ensure that the claims have a factual basis, an attorney must conduct a reasonable pre filing investigation into the factual basis for the claims"*<sup>1</sup>

Because of the very serious claims against the 42 USC 1985(3) defendants in their personal and official capacity all claims have documented and factual support.

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<sup>1</sup> Please see defendants footnote (6) on page 20 of their memorandum. Take special notice that the defendants portray to the court that this pro se pleader is bringing this 5<sup>th</sup> Amendment Due Process Complaint in part because the defendants did not conduct 11(b)(3) Inquiries, stating so in order to fraudulently portray a pro se pleader as reckless and stupid. This Judicial criminal matter would not be in its 12<sup>th</sup> year unless the pleader followed the Rules explicitly.

## RESPONSE AND OPPOSITION TO

Defendants "*Preliminary Statement*" concerning subject matter jurisdiction at page 2 of defendant's memorandum states, "*to the extent that the Court interprets plaintiffs allegations as claims pursuant to Bivens v. Six Unknown Named Agents of the Fed. Bureau of Narcotics 403 U. S. 388 (1971), the United States argues that the complaint should be dismissed for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6)*"

Plaintiff's Response: Please see plaintiff's complaint at page (4):

"...Bivens is being used in this instant complaint in its 5<sup>th</sup> Amendment form see Boyd v. United States 116 U. S. 616,663, "The Fourth and Fifth Amendment are in pari material and must be read and construed together"

This complaint is and can only be interpreted as a Bivens Complaint and this Civil Rights pleader respectfully request the Court to do so.

In Response to Defendants footnote (1) on page 2, the defendants cite an alternative if the Court does not interpret the complaint as suit against the United States.

Defendant's Statement: "*---then this memorandum is submitted as a statement of interest pursuant to 28 U.S.C. 517, which authorizes the Attorney General to attend to the interest of the United States in any proceedings in which the United States is not a party.*"

Plaintiff's Response: This Civil Rights pleader would welcome the office of the Attorney General in this proceeding. This pleaders Due Process Rights were usurped in order to hide an 18 U.S.C. 371(a)(b) conspiracy against the Lawful Functions of the United States, which this pro se pleader has 5<sup>th</sup> Amendment proximate harm from.

In Response to Defendants “Procedural History and Factual Allegations”:

The defendant cite the Second Circuits opinion from 2000 in Wall, Cooksey v. Local 230 et al 224 Fed 3d 168(2000 2d Cir.). Relevant Part: “*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 for money*”.

Now see footnote No. (4) On page 7 of plaintiff’s complaint quoted for convenience:

Footnote 4: “*As a good example to show this Court that these acts are not discretionary or a mistake, two or three days before the membership trial Judge Hall asked this petitioner for a copy of the NLRB trial Findings so she could read it. This petitioner complied the next day and filed said copy. Judge Hall on the record acknowledged that she read it. Dominick Lopreato, who was a defendant in said membership trial testified that he fired Wall for shaking down laborers, when both the NLRB Trial and 224 Fed 3d 168 found the opposite, that Wall was fired for refusing to make shake down collections from the laborers. Luskin and Hayes testified that you only have 12 months to pay your back membership dues to be readmitted otherwise you can never be readmitted member of the union. Please read now Wall, Cooksey v. Local 230 224 Fed 3d 168 (2d Cir. 2000) and you will see that Judge Hall overturned her own remand by aiding and abetting a criminal collusion perjury committed in front of a Jury. These judicial actions are not discretionary. They were intentional Article II criminal actions violating basic, fundamental Civil and Statutory Rights.*”

Dominick Lopreato on November 3, 2005 testified before a jury being questioned by

Wall relevant part quoted:

“*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.”*”

Dominick Lopreato’s criminal record see U. S. v. Lopreato 95-1485 83 F3d 571 (2dCir. May 8, 1976); convicted of two counts 18 U.S.C. 1954 “rebated to unlawful welfare payments” - overt acts – one count 18 U.S.C. 371 two counts 18 U.S.C. 1621(1) Perjury – three counts 26 U.S.C. 7206(1). Mr. Lopreato served 51 months and paid a \$250,000 fine escaping RICO sentences guidelines for him and Coia’s Government Protected

RICO Enterprise. Just prior to Mr. Lopreato's testimony, Robert Luskin in his 18 U.S.C. 1961(7) capacity committed 402(o) material membership perjury with Vere O. Haynes 1<sup>st</sup> VP LIUNA and General Counsel Michael Bearse, who were both cited on the bought out Government 212 page RICO Complaint. Their perjury collusion also overturned 224 Fed 3d168 Supra finding concerning their fabricated fraudulent 12-month Rule. Said perjuries to the jury were facilitated and abetted by Judge Hall and that is just one example of Judge Hall's Article II criminal behavior. This complaint is not about attempting to re-litigate the LMRDA Complaint it is about the usurpation of Due Process Rights by and through the D.O.J.'s corrupt influence on the Judicial System of the United States. The United States is a victim here under 18 USC 371(a)(b) harmed by Federal Officers/employees in an individual capacity for acts and omissions in connection with official duties. This Civil Rights Pleader is a proximate harm victim of the same crimes usurping and obstructing 5<sup>th</sup> Amendment Due Process Rights harmed by Federal Officers/employees in their individual capacity for acts and omissions in connection with their official duties.

This plaintiff must also respond to the statement at page 12 of defendant's memorandum; that being, "In December 1997, Mercier moved to withdraw as appellants counsel."

Plaintiff's Response: By way of a teleconference, Attorney Mercier withdrew as counsel. He did so not because he thought the case had no merit but because he heard a tape of one of our affiants being beat up and being told "WE OWN YOU" on tape (the words the Hobbs Act was written for (18 U.S.C. 1951)). Thereafter when nothing happened Attorney Mercier then realized he was dealing with a government protected

RICO Enterprise. He told both William Cooksey and me that “he was not afraid to get beat up but it was a concern”. That statement was made known to Judge Hall in said teleconference<sup>2</sup>.

#### **NEXT CLARIFICATION/OPPOSITION**

On page 14 the defendants quote Judge Hall’s Court regarding “pension” (ERISA) and “unsafe work environment” (101-609 LMRDA). In addition to Judge Hall facilitating, and abetting perjury, Judge Hall dismissed those claims off a Sua Sponti fact fraud case authority i.e. Maddalone v. Local 17 United Brotherhood of Carpenters and Joiners of America, 152 F3d 178,185(2d Cir. 1998) where the plaintiff Maddalone stated his suit was a “personal vendetta”. The defendants did not raise that defense or cite that case. That was another fact fraud Ruling by Judge Hall (Sub Rosa protecting Separation of Power Corruption) at the insidious direction of Judge Nevas. Said fact fraud Ruling stopped two years of discovery from being presented to the Court and hiding from public visibility (inter alia) the documented fraudulent cram down of the plaintiffs’ pensions (18 U.S.C. 664) the protection of violations of other Federal Crimes including assaults, (29 U.S.C. 530) Hobbs Act violations, (18 U.S.C. 1951) and 28 U.S.C. 501 embezzlement scheme, fraudulent subpoenas’ for Mr. Cooksey’s medical records all known by Judge Janet C. Hall. In addition, it hid from public visibility a five million dollar fourth

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<sup>2</sup> Affiant Manos had a tape recording on his person in order to make sure his vote on a union expenditure was recorded correctly, never knowing he was going to be assaulted. The tape recording of the 29 U.S.C. 530 assault was entered in Judge Hall’s LMRDA case. The assault and tape recording were reported to the United States Attorneys Office Northern District of Illinois and to the United States Attorneys Office New Haven, Connecticut. The Northern District of Illinois told affiant Manos that they had jurisdiction and thereafter hid the crime from public visibility in order to hide the conspiracy against the Lawful functions of the United States 18 U.S.C. 371(a)(b). Attorney Mercier and both plaintiff Cooksey and myself left on good terms. I understood at the time that I did not hire him to do the job a United States Attorney jeopardizing his personal safety trying to secure our LMRDA (worker) Rights. Attorney Mercier is a good and qualified labor attorney that both plaintiffs’ in the LMRDA case respect.

mortgage position pension scheme. The appeal was denied in the Second Circuit by another D.O.J. SET UP PANEL, which defendant Sotomayor was part of.

### **DEFENDANT CONGRESSMAN LARSON**

On page 16 of Defendant's memorandum, they mention Defendant John Larson. The defendants are correct when they stated "requests that he be ordered to draft a letter to the Senate Oversight Committee". The reason must be clarified.

### **CLARIFICATION:**

This petitioner following the instruction of the Breyer Conduct Committee and the Second Circuit Judicial Council filed over a three year period (7) 28 U.S.C. 351 Complaints and (3) 28 U.S.C. 455(a) Application with 28 U.S.C. 144 Affidavits. All were obstructed by judicial fraud and then Press Shield silenced. All of the Federal Judges involved know their groups corrupt influence controls the self policing Congressional Rules and Standards of 28 U.S.C. 351 and 28 U.S.C. 455 add a Press Shield and Due Process Rights are usurped. The request to Congressman Larson is a very simple request, it is for him to perform his duty of Oversight of Congressional Laws especially Judicial Branch self-policing Laws as 351 and 455 are. I am a resident in his district and I have proximate constitutional harm from the criminal fraudulent judicial manipulations of 28 U.S.C. 351 and 28 U.S.C. 455.

See page 12 of Civil Rights Act Complaint quoted for convenience:

*" This complaint's jurisdiction is also under 28 U.S.C. 1361. Said jurisdictional grant is an "ACTION IN THE NATURE OF MANDAMUS" which authorizes a suit to compel a federal officer to perform the officer's duty see Simmat v. United States Bureau of Prisons 413 Fed 3d 1225, 1234, 1236 (10<sup>th</sup> Cir. 2005) See Also: In re Cheney 406 Fed 723, 728-719 (D.C. Cir. 2005) (Jurisdiction over action in nature of mandamus is strictly confined and is available only in extra ordinary situations in which a plaintiff has clear indisputable right to relief and no other adequate remedy).*

This is an “*Extra Ordinary situation in which a plaintiff has clear, indisputable right to relief and no other adequate remedy*”. No other adequate remedy in this matter means (3) filed and docketed writs to the United States Supreme Court (12) year LMRDA Complaint multiple transfers, appeals, and injunctions, (2) RICO Standing Orders, (7) 28 U.S.C. 351 Complaints and (3) 28 U.S.C. 455(a) Applications for Disqualification all Judicial/D.O.J. obstructed - giving birth to this instant Civil Rights Act Bivens Supra Complaint. The (7) 28 U.S.C. 351 Complaints and the 28 U.S.C. 455 Application plus a summary of important background filings can be read on [www.unitedstatesproselaw.com](http://www.unitedstatesproselaw.com) (public visibility web site).

See resolving a Rule 12 Motion Chambers v. Time Warner Inc. 282 F3d 147, 152-155 (2d Cir. 2002) “*contracts that were integral to complaint were properly considered in resolving motion, because complaint referenced and sought interpretation of them*”.

In this matter of Separation of Power Judicial Corruption, the 351 and 455 complaints are “integral” to the complaint. They are fact based and affidavit sworn. They show clearly a group of Federal Judges who were corruptly influenced to hide and protect the “Operating Agreement” a conspiracy against the Lawful Functions of the United States. The 351 and 455 complaints were also used by this Civil Rights Act plaintiff as 11(b)(3) Inquiries in order to prove the Separation of Power Corruption by documenting the crimes of judicial usurpation and obstruction of Due Process Rights.

This plaintiff respectfully requests this Court under the jurisdictions of 28 U.S.C. 1361 “Compel a Federal Officer (Congressman Larson) to perform the “officer’s duty,” in this case, Congressional Oversight of its Laws when a documented showing of the corrupt use of said Law (28 U.S.C. 351 / 28 U.S.C. 455) was presented to him.

Especially when the corrupt use of said Laws is a part of a Conspiracy Against the Lawful Functions of the United States 18 U.S.C. 371(a)(b).

In Response to Defendant Standard of Review:

The defendants use of F.R.C.P. 12(b)(1) (subject matter jurisdiction) is not applicable in this matter as stated prior. This is a Due Process Bivens Complaint jurisdiction 42 U.S.C. 1985(3).

The defendants use of F.R.C.P. 12(b)(6) is also not applicable in this matter quote relevant part:

*“Consequently, the motion cannot be granted unless it appears beyond doubt that the plaintiffs can prove no set of facts in support of his claim which would entitle him to relief”*

The claims in the complaint are all documented, indisputable judicial acts of usurpation of Due Process Rights in the meaning of 42 U.S.C. 1985(3) *“Consequently the motion cannot be granted”*. This action is neither frivolous nor malicious; it is based on factual and circumstantial truths.

In Regard to Defendants Position Statement (regarding United States as defendant) At page 19 of their Memorandum. As stated prior, the defendants in this matter are being sued in their individual capacity for acts in connection with official duties. Not only is the United States not a defendant, it is a victim, by and through a conspiracy to defraud the Lawful Functions (Executive Branch and Judicial Branch) including the Constitution of the United States.

UNITED STATES ATTORNEYS OFFICE KEVIN O’CONNOR / NORA DANNEHY  
In Response to Defendants claim that the U. S. Attorneys’ Office should be dismissed and United States is the defendant at Page 21 of their memorandum. This pleader is not

sure at this time whether Kevin O'Connor or the current acting United States Attorney Nora Dannehy is the individual in charge concerning the protection of the "Operating Agreement". Interrogatories will answer that question. The defendants are interpreting my careful pleading as being pleadings making the United States a defendant. As stated prior, the United States is a victim.

Also in response to defendants C.1.(a) Statement "Plaintiff has no Constitutional Right to appear before the Grand Jury."

Defendant U. S. Attorneys Office Kevin O'Connor / Nora Dannehy cite as case authority Ciambrone 601 F.2d at 622-623; In re New Haven Grand Jury, 604 F. Supp. 453, 456 (D.Conn. 1985). Ciambrone was a "prospective defendant" a target of the Grand Jury ("a target of a grand jury investigation has no right to appear as a witness before the Grand Jury". This Civil Rights petitioner is neither a "Prospective Defendant" nor a target of the Grand Jury. This Civil Rights petitioner reasons he has a constitutional Right to access of a Grand Jury under the case authority of Marbury v. Madison 1 Cranch 137, 163:

*"The very essence of civil Liberty consists in the right of every individual to claim the protection of the Laws whenever he receives an injury"*

#### EXPLANATION

In late 1994 a Boston Grand Jury drafted a 212-page RICO Complaint against Arthur A. Coia and his OCCA/RICO Enterprise. Arthur Coia then hired Robert Luskin as his defense attorney who introduced him to staffers of President Clinton and the President himself. Time and due diligence investigations show that is were the conspiracy to defraud the Lawful functions of the United States began with a documented

payout of 3.1 million to the D.N.C. after the bribe the 18 U.S.C. 371 crime evolved into a bi-partisan corruption by reason of the D.O.J.'s involvement.

#### CAUSE OF JUDICIAL CORRUPTION

The first 3.1 million dollars bribe allowed the findings of the Boston Grand Jury to be transferred to Chicago United States Attorneys Office where Luskin by way of his former credentials has corrupt influence. Thereafter in his 18 U.S.C. 1961(7) quasi government position obstructed Justice by obstructing the findings of the Boston Grand Jury. Boston is where the top echelon government informant program started. The U.S. Attorney who was Coia's handler is now a Senior Judge and was involved in the obstruction of Justice transfer from Boston to Chicago. All of the federal judges involved in this matter were former colleagues. Boston, Connecticut and New York and they all worked with 18 U.S.C. 1961(7) government appointed Luskin, all have knowledge that who can control LIUNA controls LIUNA's (30 Billions) in pension assets.

The judicial criminal transfer of the 212-page OCCA/RICO complaint in violation of 18 U.S.C. 371(a)(b) caused this Civil Rights petitioner not to have ---"The protection of the Laws whenever he receives and injury" in the meaning of Marbury Supra. This Civil Rights petitioner has proximate harm from Executive Branch obstruction which caused proximate harm of usurpation of Due Process Rights and Statutory Rights by the Judicial Branch. The 18 U.S.C. 371(a)(b) corrupt protection of Top Echelon Informant (COIA) protected his "associates-in-fact" of said 1961(4) Enterprise, who then under the self-policing agreement "Operating Agreement" violated this petitioner's Statutory Rights, and because of the corrupt influence of the D.O.J. caused federal judges to usurp Due Process Rights. Pursuant to 28 U.S.C. 1361 jurisdiction and case authority Simmat

v. U. S. Supra and the “Extra Ordinary Situation” that being the fraudulent corrupt transfer of the findings of a New England Grand Jury to Chicago where it was whitewashed that included multi million dollar pension embezzlement occurring in Connecticut and New York pensions. This Court has the authority and obligation to protect The Lawful Functions of The United States. See Kefauver Warning:

See: Third Interim Report of the Special Committee to Investigate “Organized Crime and Interstate Commerce,” Senate Report No. 307, 82<sup>nd</sup> Congress, 1<sup>st</sup> 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”.***

Quote relevant excerpt from “Summary of LIUNA Agreement”

*“This agreement is the first of its kind in the history of union government partnering.”*

*“It is completely different from the International Brotherhood of Teamsters situation which was an example of government take-over and control of a union”* (“Operating Agreement February 13, 1995).

Time, facts and occurrences have documented and exposed the “Operating Agreement” to be a conspiracy against the Lawful Functions of the United States, see 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”*

See also Joyce v. United States 153 Fed. Rep. 364 (18 U.S.C. 88 predecessor 18 U.S.C. 371) Finding #4 quote:

*“The crime of conspiracy to defraud the United States by corruptly administrating or procuring the corrupt administration of the Frazier Lemke Act was complete when the Lawful Agreement was made C.R.Code 37 18 U.S.C.”*

Now see excerpt from Washington Monthly May 1996 by John Mullagan and Deane

Starkman 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.”*

UNITED STATES ATTORNEYS OFFICE PRESS SHIELD:

The following is an excerpt from a letter dated (July 24, 2007 to Chief U. S.

Attorney Kevin O’Connor, Esq.:

*“In ending, I am aware that the D.O.J. and Judge Nevas stop newspaper reporters from making this matter visible to the public. Doing so, by making it known to the reporters if they print they will be at the end of the line for any information that comes out of the U. S. Attorneys Office. The source of all their federal news and court matters.”*

This is an “Extra Ordinary Situation” *“in which a plaintiff has a clear indisputable right to relief and no other adequate remedy;”* Therefore, this Civil Rights pleader respectfully request this Court to *“compel a federal officer to perform the officer’s duty”* in the meaning of Simmate Supra and Cheney Supra.

DEFENDANT DISTRICT JUDGE JANET C. HALL

Excerpts from Court minutes in order to show corrupt atmosphere and corrupt control of the Court Room. Judge Hall being aware of corrupt control of 28 U.S.C. 351 and 28 U.S.C. 455 plus Set-Up Panel in the Second Circuit with a Press Shield caused her to commit such flagrant and bold acts of obstruction and usurpation of Civil and Statutory Rights.

JULY 28, 2005 STATUS CONFERENCE PAGE 10

*“Mr. Wall: “There’s a lot of information in those five complaints that anybody would know that we’re being obstructed here and to go forward with a*

*membership issue only is definitely a harm against us because there's no personal Maddalone personal vendetta in the case you cited, he admitted it was a personal vendetta. The defendant never pleaded personal vendetta. United States Attorneys and Robert Luskin control this whole division here through Judge Nevas – the problem that we're having here is these are too many former U. S. Attorneys that are federal judges now including Mukasey, Walker that are obstructing the pleadings. Those are in the 351 complaints”*

ALSO JULY 28, 2005:

*“Mr. Wall: “The membership issue without discipline is zero meaningless.”*

*“The Court: “But it's still a cause of action.”*

*“Mr. Wall: “It is not a cause of action. The discipline is the whole thing. The discipline is the protection of the Ethics and Disciplinary Procedure for the Northern District of Illinois and the Justice Department that: what it is Your Honor. That's why everyone is blocking it.”*

The Court's response to plaintiff Wall accusing Judge Nevas of corrupt influence on her Courtroom was always the same a blank stare and change the subject.

September 4, 2003 Hearing regarding F.R.C.P. 15 Authorized Amended Civil Rights Act

Complaint relevant part:

*“Mr. Wall: “Because when this happened to me Your Honor, I don't trust you anymore. I don't have any trust in anything in this Courtroom that goes on here anymore and when we go to a point where we don't trust anything anymore. We are supposed to trust this having to say, well we just lost it that's it? It is a Civil Rights Act Complaint. It is the most serious thing that can be filed in United States District Court in my opinion.”*

*“The Court: “It isn't a Civil Rights Act Complaint.”*

*“Mr. Wall: “What?”*

*“The Court: “First of all you are misquoting. I did not say it was not serious that it cannot be found. Number one you are misdescribing it. Until it's docketed and it's accepted and the motion to amend is granted, it's merely a piece of paper that you have put a title on called Civil Right Complaint.”*

When defendant Judge Hall realized Wall had a timely time stamped copy (August 11, 2003). The court copy was then lost [found later by a clerk] with two different stamp dates. The timely stamped copy and the fraudulently 11 day late August

22, 2009 copy. On appeal Circuit Judge Sotomayor affirmed through a corrupt Set-Up Panel that the Civil Rights Act Claim was untimely (03-6091CV).

#### DEFENDANT CIRCUIT JUDGE SOTOMAYOR

Defendant Sonia Sotomayor has been used by Chief Judge Walker (former D.O.J. official, Nevas, Luskin colleagues) and his predecessor Chief Jacobs to draft fact fraud opinions from disguised Set-Up Panels since 2003. See now the instant Civil Rights Act Complaint dated July 6, 2009 at pages 8, 9, 10 showing a pattern of Sotomayor Set-Up panels. Now take notice in defendant memorandum that no where do they mention or address the set-up panel issue, which is the most serious claim. Notice was given to Circuit Judges that their names were being used in fraudulent manner in Set-Up Panels. See again web site [www.unitedstatesproselaw.com](http://www.unitedstatesproselaw.com) see Notice Inquiries dated June 4, 2009 to Circuit Panel Judges. Also in order to show the Court that all means of relief have been exhausted is the following excerpt from a letter to Chief Justice John Roberts in his capacity as Chief of the Judicial Conference and to the 28 U.S.C. 351 Conduct Committee Judges. Letter dated January 7, 2008:

*“Multiple complaints and pleadings in the Second Circuit obstructed by judicial fraud have exposed at an 11(b)(3) Level the corrupt use of Law Clerks, who insidiously through other judges on a panel, falsely brief unknowing federal judges on this panel experienced teaches the most likely corruption scenario is Circuit Judge Sotomayor, who is interchangeably used in an insidious manner by Judge Jacobs and Walker is most likely using shared law clerks or a shared law clerk to obstruct pro se filings that expose the D.O.J. LIUNA “Operating Agreement” as an 18 U.S.C. 371(a)(b) conspiracy to defraud the Lawful Functions of the United States. The other two judges are most likely being falsely briefed by the shared law clerks (supported by evidence in related filings.”*

Take Special Notice that Circuit Judge Sotomayor never responded to the serious charge of corrupt Set-Up Panels. Logic would dictate the reason being where there is no Honor

to defend, there is no way to respond and Judge Sotomayor has no Honor and no integrity by her actions. So, she employs her usurp and hide tactics.

## CONCLUSION

This corruption matter is very serious. It was started by one man, Senior Judge Nevas, 12 years ago when he transferred the LMRDA case from New Haven Division to the Bridgeport Division, which he corruptly influences. The corruption problem escalated when after he was caught obstructing and usurping Rights; other judges protected his Article II High Crimes causing Separation of Power Corruption where we are today. I say we instead of I because Separation of Power Corruption sooner or later affects every citizen.

The facts in the Complaint show that individuals who were prior U. S. Attorneys and now federal judges usurped and obstructed Civil and Statutory Rights in order to protect the Corrupt Procurement and Administration of the Organized Crime Control Act (1970) by their former and present day colleague [LIUNA 30 Billion Pension Assets]. Defendant Sotomayor and Defendant Hall were used the most by the corrupt influence to a point of a pattern.

Regarding representation: This Civil Rights petitioner never cites the United States as a defendant. The U. S. Attorney's Office filed an appearance for the U. S. Attorneys Office stating United States as defendant never filing an appearance for defendants Sotomayor, Hall and Larson. The U. S. Attorneys Office certified service in their 12(b)(1) 12(b)(6) Motion to defendants Sotomayor, Hall and Larson as co-defendants. Therefore, the representation matter should be cleared up.

Also regarding position status of this judicial matter concerning a complaint pending and assigned to Defendant Hall is a directly related 5 U.S.C. 552(a)(4)(B) FEE WAIVER COMPLAINT Case No. 3:09-CV344(JCH), which is the result of exhaustion of F.O.I.A. Request. In the Interest of Justice the 4,200.00 dollars Fee Waiver should not be assigned to Defendant Hall by reason of her participation in the Nevas directed Sub Rosa Bridgeport usurpation of Rights. The 5 U.S.C. 552 Complaint can also be read on [www.unitedstatesproselaw.com](http://www.unitedstatesproselaw.com).

Every complaint is assigned to Bridgeport Division so assignments can not be random. This instant Due Process Complaint in a three week period went from Chief Chatigny to Bridgeport to Honorable Stephan Underhill and then to Judge Eginton Bridgeport and now to Your Honor, in a three week period Your Honor was the fourth judge this complaint was assigned too.

#### CIVIL LIBERTIES

This petitioner has learned that Civil Liberties are something you don't think about until they are gone. It is shameful and disgusting what regular everyday Liberties of a normal life have to be sacrificed in order to protect fundamental Rights. I do this strictly out of necessity. In between drafting an answer to the defendants 12(b)(1) 12(b)(6) Motion, I was hospitalized last week. As stated it is disgusting that federal judges can be such arrogant criminals and then hide like children.

Defendant Sotomayor: The press shield and the corrupt judicial influence and control of 28 U.S.C. 351 and 28 U.S.C. 455 has allowed defendants Sotomayor a seat on the Supreme Court. Service will be made there concerning her circuit crimes.

#### RELIEF

This Civil Rights Act Petitioner respectfully requests Your Honor follow the directives of Canon 3(A). *“Adjudicate responsibility: (A) “Judge should be faithful to and maintain professional competence in the Law and should not be swayed by partisan intent, public clamor or fear of criticism.”*

And in so doing, find that this instant Civil Rights Act Complaint is a very serious Bivens Complaint and by reason and facts in the Complaint find the petitioner has been denied *“equal access to the Laws of the United States”* from a conspiracy to defraud the Lawful Functions of the United States that evolved into Separation of Power Corruption causing usurpation of Due Process Rights. Without Due Process Rights, there are no Rights. The silence has to end here; someone has to be held accountable.

Respectfully Submitted:

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

**CERTIFICATION**

This is to certify that a copy of Response to Defendants Rule 12 Motions has been sent first class postage pre-paid on August 14, 2009 to:

Department of Justice  
New Haven U. S. Attorneys Office  
District of Connecticut  
157 Church Street  
New Haven, CT. 06510

CHAMBERS  
Honorable Judge Janet C. Hall  
U. S. Courthouse  
915 Lafayette Boulevard  
Bridgeport, Connecticut 06604

CHAMBERS  
Honorable Sonia Sotomayor  
United States Supreme Court  
First Street N. E.  
Washington, D. C. 20548

Congressman John Larson  
221 Main Street  
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