

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

GARY R. WALL
Plaintiff

CASE NO: 3-09CV344(JCH)

v.

EXECUTIVE OFFICE FOR UNITED STATES
ATTORNEYS WASHINGTON, D.C.
U. S. ATTORNEYS OFFICE
NORTHERN DISTRICT OF ILLINOIS
Defendants

**PLAINTIFFS 28 U.S.C. 455(a)(b) MOTION FOR JUDGE HALL TO RECUSE
HERSELF IN WALL V. UNITED STATES 3:09 CV344 (JCH) UNDER 28 U.S.C.
455(a)(b) (F.O.I. \$4200. FEE WAIVER NORTHERN DISTRICT OF ILLINOIS)**

SUBMITTED BY:

GARY R. WALL, 5 USC 552(a) Petitioner
60 Carriage Hill Drive
Wethersfield, CT. 06109
860-529-2651

DATED: March 14, 2010

28 USC 455(a)(b) APPLICATION FOR DISQUALIFICATION

455(a) *“Any justice, judge or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned”*

455(b) *“He shall also disqualify himself in the following circumstances:”*

“(1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceedings.”

Your Honor clearly qualifies as a Federal Judge whose impartiality, bias and prejudice would be exposed if Your Honor does not recuse yourself under 28 U.S.C. 455. Your Honor has an obligation under 28 U.S.C. 455(a)(b) to self recuse¹ trying not to prolix plead. The following reasons are some examples why Your Honor should recuse yourself.

1. This plaintiff filed his first 28 U.S.C. 455(a) Application for Your Honor to recuse yourself on April 30, 2003. This plaintiff filed his first 28 U.S.C. 351 Complaint against Your Honor July 26, 2005. All the averments in the Affidavit and Complaint were either avoided or fraudulently obstructed.
2. Your Honor fraudulently post-dated an Amended Civil Right Act Complaint involving the D.O.J. protecting Coia associates 18 U.S.C. 1961(4) from prosecution of indisputable Title 18 crimes including 18 U.S.C. 1951 Hobbs Act and pension crimes 18 U.S.C. 664 and 29 U.S.C. 501(c).
3. Your Honor facilitated and abetted perjury by a former D.O.J. official (Robert D. Luskin) in collusion with convicted pension thief (Dominick Lopreato)

¹ In the last 28 U.S.C. 455 Application at oral argument (Second Circuit), I was told by District Judge (S.D.N.Y.) Denise Cote sitting on a D.O.J. set-up Circuit Panel when I tried to tell her only the judge himself can decide Recuse or not to Recuse; her answer back was “that’s it no dialog”) at oral argument, “No dialog” (on tape). Oral argument with “no dialog” is not only a criminal statement it stupid!

committed trial perjury that overturned Wall, Cooksey v. Local 230 et al 224 Fed. 3d 168 (2000 2d Cir.). Collusion trial perjury that overturned both Wall and Cooksey's own Second Circuit Court case authority 224 Fed 3d 168 (lived the harm that created 224 Fed 3d 168 (2nd Cir.); Your Honor facilitated the trial perjury. How can you be trusted to do justice when the information in the F.O.I.A. request exonerates me of crimes and proves you committed an intentional criminal bifurcation of 3:97CV00942(JCH) in order to silence discovery facts.

4. Your Honor facilitated multiple Hobbs Act violations 18 U.S.C. 1951 plus "retaliation against a witness" 18 U.S.C. 1513. Both affiants later left the union for fear of economic harm or physical harm or both, after being members for (20) and (30) years.
5. This petitioner over a 7 year period (when the high crimes occurred), filed (7) 28 U.S.C. 351 Complaints, (3) 28 U.S.C. 455 Application for self disqualification. This is number (4) 28 U.S.C. 455 (now see Second Circuit Rule 19(A)) substantive part quoted for convenience "*Rule 19(A). Abuse of the Complaint Procedure. If a complainant files vexations, harassing, or scurrilous complaints, or otherwise abuses the complaint procedure*"... - Power to impose restrictions and sanctions for those types of filings is readily available to the judges accused in the judicial complaints. They do not apply here because of the fact all averments in the complaints are documented truth, so Your Honor and Your Honor colleagues hide..

6. On March 3, 2009 this petitioner filed an F.O.I.A. 5 U.S.C. 552(c)(4)(B) Fee Waiver Complaint in the Hartford Division against the Northern District of Illinois U. S. Attorneys Office for a charge of \$4,200.00 to retrieve from (375 boxes) information it has on this citizen petitioner. Said information will expose Your Honor in facilitating an OCCA/RICO Enterprise criminally influenced by corrupt D.O.J. officials².
7. Also the information held by the Northern District of Illinois U. S. Attorneys Office will show that your (fact fraud) fraudulent bifurcation of 3:97-cv00942 Wall, Cooksey v. Local 230 was an intentional criminal act meant to stop facts exposed in 2 years of discovery after remand Wall Cooksey v. Local 230 224 Fed f3 168 (2000 2d Cir) including membership pension schemes before and after remand violating 18 U.S.C. 664. Also you protected violent Title 18 crimes Pension Crimes, Subpoena fraudulent usurped Due Process Rights and Statutory Rights through flagrant and bold acts of criminal statute fraud and fact fraud
8. In addition, citizen petitioner filed both a 28 U.S.C. 351 Complaint and a 28 U.S.C. 455 Application (7 and 5 years ago). Your Honor is aware that you are also a defendant as of July 6, 2009. Case Title (3:09CV1066(DJS)):

42 U.S.C. 1985(3) Civil Rights Act Complaint for Obstruction and Usurpation of Due Process 5th Amendment Rights Action in Equity.

9. Second Circuit's Rule 19(A) was written to impose restrictions or sanctions on a complaint if he or she "files vexation harassing, or scurrilous complaints" or

² Judge Nevas did not become a defendant because he retired. This complaint is for Equitable Relief which Judge Nevas in retired status no longer has the authority to Grant. Judge Nevas and Robert D. Luskin are two primary actors in this conspiracy to defraud the Lawful functions of the United States known as the "Operating Agreement." A multi million dollar OCCA/RICO 18 U.S.C. 1961(4), 18 U.S.C. 1962(d) Scheme that has used your judicial position since the day you became a Federal Judge. So you can not be trusted.

otherwise abuses the complaint procedure”. This will be the 11 complaint filed in a 7 year period. All of the complaints were filed by constant investigation caused by a pattern of judicial abuse. All averments in the complaints are supported by indisputable documentation including notice to District Chief Chatigny supported by (7) years of F.R.C.P. 11(b)(3) Inquiries. This petitioner has too much documented evidence that shows Your Honor is too deeply involved in the Separation of Power corruption to stop. It is all cover up now of the usurpation of Due Process Rights and Statutory Rights. The Right thing to do is to take yourself out. In this instant 5 U.S.C. 552(a)(4)(B) Fee Waiver Complaint when it was filed March 3, 2009 on page 5 under Title Filing the following statement was made: (Your Honor is was holding this F.O.I.A. in its final stages for (14) months over a year)

“FILING” “This instant 5 USC 552(a) action in the interest of Justice and Canon Law should not be filed in the Bridgeport division or with any Judge that Senior Judge Alan Nevas has Sub Rosa corrupt influence on by way of corrupt[ed] law clerks. Senior Judge Alan Nevas is one of the primary criminal usurpers of Civil and Statutory Rights obstructing pleadings that exposed the “Operating Agreement” as a criminal scheme (18 U.S.C. 371) doing so through law clerks when he is not even assigned to the case (documented).”

Your Honor has already previously fraudulently bifurcated the LMRDA case in order to hide the facts exposing Separation of Power corruption in the form of corrupt use of the Lawful functions of the United States i.e. “Operating Agreement” / Organized Crime Control Act

10. This petitioner is in very bad physical condition so much so that it is much more of a struggle to go to the Bridgeport than it is to Hartford³. The information

³ In companion case 3:09CV1066(DJS) where Your Honor is a defendant that case was transferred (4) times in the first three weeks after filing.

within in this Fee Waiver complaint exonerates me from crimes. Crimes that the government protected OCCA/RICO Enterprise associates accuse me of. These crimes have been protected, facilitated and abetted by Your Honor. So you can not be trusted. You stated in your own Court Room (on the record) to this plaintiff in 3:97CV00942(JCH) hearing ...”you can understand that you don’t trust me”... It is now cover-up time and Your Honor has only two options; Option One, keep judicial frauds going by committing more judicial frauds or Option Two recuse yourself by the authority of 28 U.S.C. 455(a)(b). If Your Honor is not going to recuse yourself, this petitioner request Your Honor do so by Opinion. If Your Honor decides to recuse yourself no opinion or reason is needed.

For the foregoing (10) reasons, this Civil Rights Petitioner requests Your Honor do what is Right and Just and recuse yourself. For the last (13) years, I have navigated my way through the corrupt Bridgeport Division (Nevas, D.O.J. Sub Rosa). For the last (7) years, I have conducted multiple F.R.C.P. 11(b)(3) Inquires. For the last five years (5), I began to Rule 11 Notice plaintiff’s petitioner’s intention to sue the defendants including you. Since the beginning of the 11(b)(3) F.R.C.P. Inquiries and Notices, I have noticed District Chief Chatigny in his capacity as Chief of Connecticut District, overseer of Civil Rights, Commerce Corruption and Canon Law. District Chief Chatigny was also noticed of the Due Process Complaint some of the letters to Chief Chatigny can be read on the web site www.unitedstateslaw.com. I have a Constitutional Right to retrieve my Civil Rights (Due Process 5th Amendment) even after they were usurped. Separation of Power corruption caused a culture of corruption, which Your Honor is, a top echelon player in,

so you can't be trusted with discovery. In ending, one of the primary reasons your integrity can not be trusted is facts in discovery that show and expose Your Honor committed intentional criminal fact fraud when bifurcating the LMRDA Membership Trial 3:97CV00942(JCH) doing so also to hide discovery facts, when this petitioner is trying to expose discovery facts. Your Honor can not be trusted to waive the \$4,200.00 F.O.I.A. Fee charge against United States when evidence shows and exposes that Your Honor committed the fact fraud bifurcation in order to harm and extinguish 5th Amendment and Due Process Rights in order to protect D.O.J.'s "Operating Agreement" (Sub Rosa Nevas). The evidence in the F.O.I.A. subpoena also shows Your Honor facilitated and or was part of the corrupt use of a Lawful Function of the United States i.e. The Organized Crime Control Act of 1970. It will be ridiculous if you do not recuse yourself, and should be embarrassing.

SUBMITTED BY:

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 “Plaintiffs 28 USC 455(a) for Judge Hall to Recuse herself in Wall v. United States 3:09CV344(JCH) Under 28 USC 455(a)(b) (FOI \$4200.00 Fee Waiver Northern District of Illinois) has been sent first class postage pre-paid on this 12th day of May 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

BY: _____
GARY R. WALL