

November 9, 2018

Chief Judge Timothy M. Tymkovich
U.S. Court of Appeals for the 10th Circuit
1823 Stout Street, Room 102G
Denver, CO 80257-1823

Dear Chief Judge Tymkovich [REDACTED]

1. I and the people assembled with me, exercising our 1st Amendment “freedom of speech, of the press, and the right of the people peaceably to assemble, and to petition the Government for a redress of grievances” [REDACTED] which no statute or self-interested required ‘confidentiality’ can abrogate, file publicly this complaint under the Judicial Conduct and Disability Act of 1980 (the Act), 28 U.S.C. §§351-364 [REDACTED] about Judge Brett Kavanaugh, [REDACTED] [REDACTED] in the U.S. District of Columbia Circuit (the complained-about judges or the judges; DCC) for dismissing 100% of the 478 complaints about them filed under the Act in DCC, and denying 100% of petitions for review of such dismissals during at least the 1oct 06-30sep17 11-year period. This is a fact established by the statistics [REDACTED] that they were required under 28 U.S.C. §604(h)(2) [REDACTED] to submit and did submit to Congress and the public.
2. The Act is to be construed broadly: It does not require complainants to show standing to file a complaint about a judge, whether by having suffered injury in fact as a result of the judge’s misconduct or disability complained about; meeting any residence requirement relative to the judge’s workplace or residence; or otherwise. Rather, it provides under §351(a) that “Any person alleging that a judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or alleging that such judge is unable to discharge all the duties of office by reason of mental or physical disability, may file with the clerk of the court of appeals for the circuit a written complaint containing a brief statement of the facts constituting such conduct”.
3. The 15 complaints filed with DCC about Judge Kavanaugh in the wake of his confirmation hearings in September 2018 were transferred under Rules 25 and 26 of the Rules for Judicial Conduct and Disability Proceedings [REDACTED] by Chief Judge Garland, who disqualified himself, to DCC Judge Karen Henderson, who in turn transferred them to Chief Justice John Roberts, Jr., who assigned them to you on October 10. We respectfully petition you and all other officers to process this complaint together with the other 15 so that their processing may be informed by each other; all be used to detect judges’ patterns and trends of misconduct, and the Federal Judiciary’s institutionalized policy of misconduct as modus operandi; and their processing may lead to the independent investigation of judges’ interception of their critics’ communications.

A. The facts of the complained-about judges’ prejudicial conduct

4. Through their 100% dismissal of the 478 complaints about them and 100% denial of the petitions for review, the judges have “engaged in §351(a) prejudicial conduct”. Indeed, they have:

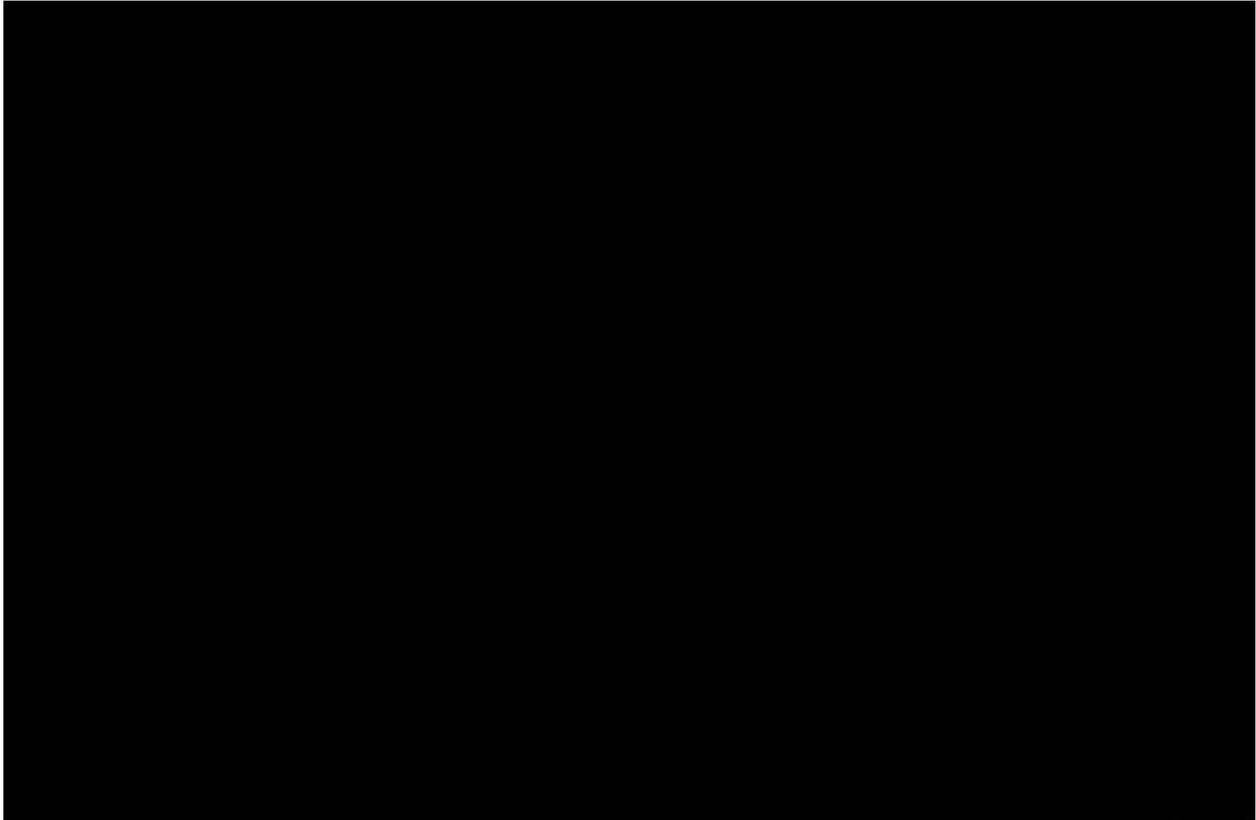
[REDACTED]

- a. arrogated to themselves the power to abrogate in effect that Act of Congress, which it is “the business of the courts” and its judges ██████████ to enforce together with its other acts;
- b. abused the self-disciplining power entrusted to them under the Act by exonerating themselves from all complaints so as to evade any disciplinary action, thereby resolving in their favor the conflict of interests arising from being the target and the judges of the complaints;
- c. breached their oath of office under 28 U.S.C. §453 whereby they “solemnly swear (or affirm) that [we] will administer justice without respect to persons [like our peers, colleagues, and friends as opposed to other parties to complaints], and do equal right to the poor [in connections to us] and to the rich [in IOUs on us that we gave the peers, colleagues, and friends who dismissed complaints about us], and that [we] will faithfully and impartially discharge and perform all the duties incumbent upon [us] as judges under the Constitution and laws of the United States”. Instead, they administered ‘unequal protection *from* the law’ with respect to relationship to them by being 100% partial toward their peers, colleagues, and friends when they became the target of complaints, all of which they dismissed;
- d. disregarded their duty under the Code of Conduct, Canon 1, which requires them to “uphold the independence and integrity of the judiciary”. They have shown that how they “discharge and perform all the duties incumbent upon [them] as judges under the... laws [such as the Act]” depends upon whether the person whose conduct they are judging is their peer, colleague, or friend, on whom they dependent for cover-up of their misconduct and disability;
- e. prejudiced through reciprocal partiality “the integrity of the judiciary”, of whose essential character for the “effective... administration of the business of the courts” they have imputed knowledge because the Commentary to Canon 1 provides that “Deference to the judgments and rulings of courts depends on public confidence in the integrity and independence of judges. The integrity and independence of judges depend in turn on their acting without fear or favor. Although judges should be independent, they must comply with the law and should comply with this Code. Adherence to this responsibility helps to maintain public confidence in the impartiality of the judiciary. Conversely, violation of this Code diminishes public confidence in the judiciary and injures our system of government under law”;
- f. failed to maintain the “good Behaviour” required of them under Article III, Section 1, of the Constitution “to hold their Offices”; defined by what their oath singles out, i.e., their pledge to “faithfully and impartially discharge and perform all the duties [under the] laws”, such as the Act; and reiterated by Canon 1 in its Commentary “they must comply with the law”;
- g. committed “impropriety and the appearance of impropriety” prohibited by Canon 2, for under Canon 2A “reasonable minds with knowledge of the relevant circumstances after reasonable inquiry would conclude” that it is ‘beyond reasonable doubt’ impossible for all the judges to independently deem that 100% of the 478 complaints about them filed over 11 years were properly dismissible but for a complicit reciprocal complaint dismissal agreement;
- h. denied complainants the benefit intended for them under the Act of redress for the prejudice that they had suffered or witnessed relating to the judges’ misconduct or disability;
- i. deprived complainants and the rest of the public of the working mechanism for complaining that the Act had provided for their protection from misconducting and disable judges;
- j. showed reckless disregard for 100% of the nature, extent, frequency, and gravity of the misconduct and disability complained about in the 478 complaints filed about, and dismissed by, them, whose recklessness was aggravated by their systematic failure to investigate the complaints through the appointment of special committees, provided for under §353;

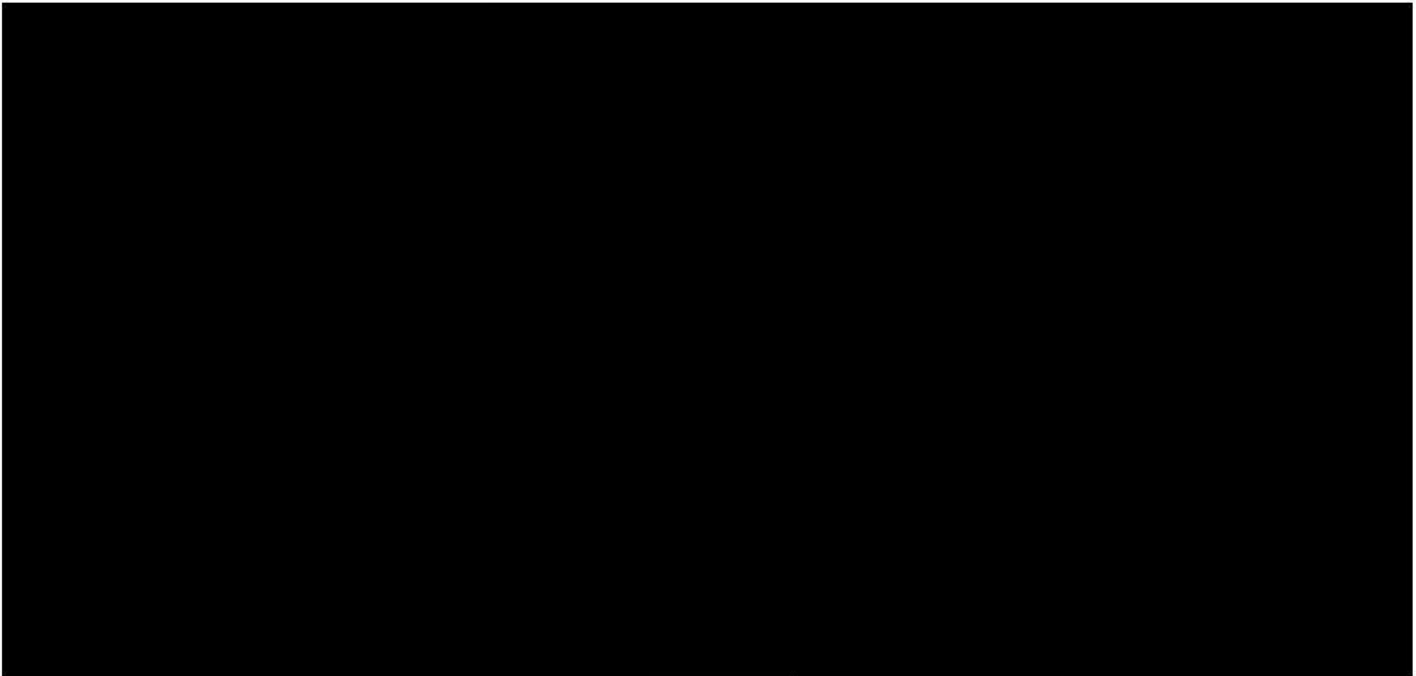
- k. showed reckless indifference to the rights and well-being of complainants and the rest of the public by leaving them exposed to 100% of the prejudice caused by the misconduct and disability complained about, and any additional prejudice at the hands of the exonerated judges, who were left free of any deterrent to further committing misconduct and indulging in disability; and at the hands of other judges who, realizing that misconduct and disability had no adverse consequences for judges, committed misconduct and indulged in disability;
- l. disregarded Canon 3 providing that “The duties of judicial office take precedence over all other activities”, for the number of extra-judicial activities highlighted on their individual page on the DCC website allows ‘the math of perfunctoriness’ [REDACTED] to demonstrate how lack of time accounts for 93% [REDACTED] of appeals being disposed of through the clerk-filled out, reasonless, arbitrary, fiat-like dumping forms of summary orders [REDACTED]
- m. intentionally “prejudic[ed] the effective and expeditious administration of the business of the courts” and the persons to whom they swore to administer justice, *We the People*, for it is a torts tenet that “people are deemed to intend the foreseeable consequences of their acts”. By dismissing 100% of the complaints and denying 100% of review petitions, the judges rendered their misconduct and disability riskless, which enabled their further prejudicial misconduct and disability. Worse yet, they emboldened themselves and others to commit misconduct and indulge in disability of ever more diverse nature, to a greater extent, more frequently, and of higher gravity. While dismissing and denying for over a decade, they saw their foreseeable prejudice become a fact, whose continued occurrence they intended;
- n. run the Act’s complaint mechanism as a sham [REDACTED] that works fraud on *We the People*.

B. Action requested

5. Therefore, we respectfully petition the judicial officers processing this complaint to:
 - a. deem and treat this complaint as the public document that it already is; and make it available to the public easily and widely as it progresses through the stages of its processing;
 - b. communicate to us and the public any answer of the judges; and afford the opportunity to reply, for it would constitute partiality toward them to take their answers at face value;
 - c. in the interest of justice for the complainants and public confidence in judges, make the 478 complaints and their dismissal orders, review petitions, and denials public, and transfer them under Rules 25 and 26 to be processed impartially by DCC-unrelated §353 special committees, whose members need not be judges or lawyers [REDACTED] and which can replace the failed mechanism of judges –priests, police officers- judging their peers, colleagues, and friends;
 - d. hold fact-finding public hearings on this and all other complaints to ascertain the causes for complaint, which hearings Judge Anthony Scirica, Chair of the Judicial Conduct and Disability Committee, stated at the Oct. 30 hearing on Code and Rules proposed changes are conceivable as part of the Committee’s work; and let independent fact-finders, i.e., news anchors and editors, investigative reporters, and journalism professors [REDACTED] conduct them to find whether dismissing complaints regardless of the nature, extent, frequency, and gravity of the misconduct and disability turned into judges’ pattern of action that became the Judiciary’s institutionalized policy of misconduct as *modus operandi* [REDACTED]
 - e. have independent Information Technology and letter carrier experts investigate judges’ interception of their critics’ communications [REDACTED] such as mine by email, my website, *PayPal* and *GoFundMe* accounts, and mail; and make their findings public;
-



C. Links to official court statistics on complaints about judges and their analysis



Dare trigger history! [redacted] and you may enter it.

Sincerely,

