

21-5254
No. _____

ORIGINAL

Supreme Court, U.S.
FILED

JUL 26 2021

OFFICE OF THE CLERK

In The
Supreme Court of the United States

BABOUCAR TAAL

Petitioner,

v.

ST MARY'S BANK;

NIEDERMAN STANZEL & LINDSEY ET AL
Respondents

PETITION FOR WRIT OF CERTIORARI

Baboucar Taal
59 essex Road
Bedford, NH 03110
(603) 471 9192
taalbb39@gmail.com
Pro se Petitioner

July 26, 2021

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SUPREME COURT, U.S.

QUESTIONS PRESENTED

May a party who appears before a state judge who at the same time is donating to the political campaign of the defendant chairman be entitled to a new trial for wilful violations of his 5th, 13th & 14th amendment rights. For in all instances the state judges' "conflicts" is reflected in their rulings/orders

May a party who is denied Fair and Impartial adjudication of his (federal civil rights) claims, by state judge, deprived of his basic due process and equal protection rights, upon filing a Motion to Reopen case per NH statute be entitled to new-assigned judge to be also free, of all conflicts of interest: pecuniary-personal motives, the very basic for said motion to reopen. This new J Delker also had conflict of interest with defendant's Chairman, Lamontagne, who, per then NH AG McLaughlin, provided them information (in the catholic abuse cases).

May a party be entitled to seek redress from the [NH] state's highest court for Due Process and Equal Protection and upon that denial and deprivation for relief then seek and petition for a Writ of Certiorari from the United States Supreme Court for full vindication of his Constitutional Rights; guarantees, provision & protection afforded to all citizens without regards.

May the state of NH be required to protect substantive due process and equal protections rights and adhere to provisions of 28 U.S.C S 455(a). In *Allied Signal*, 891 F.2 970, US Supreme Court held "if the factual basis established by the moving party provides what and objective, knowledgeable member of the public would find to be a reasonable basis for doubting a judge's impartiality, then recusal under 28 U.S.C S 455(a) is required." Is not NH required to adhere to statute(s) and case law to satisfy an Equal Protection clause and Due Process of law, guaranteed, provided and protected to all.

May NH adhere to Circuits and US Supreme Court stare decisis in *US v. Snyder*, 235 F.3d 46 (1st Cir. 2000) the court stated that the “duty to sit does not exert equal weight with avoiding appearance of impropriety.” For undisclosed conflict of interest constitutes theft of honest services. Does Not Fraud [on court] violates due process of law, and terminates the “intangible right to honest services” promised to the People. 18 U.S.C. § 1346. “A conspiracy to Obstruct an individual's legitimate efforts to seek judicial redress for such a claim interferes with the individual's Due Process Right of access to the courts”. *Bell*, 746 F.2d 1261

May the US Constitution also protects “the right of individuals to pursue legal redress for claims which have a reasonable basis in Law and Fact is protected by the First and Fourteenth Amendments”. *Bill Johnson's Restaurants, Inc. v. NLRB*, 461 U.S. 731, 741, 103 S.Ct. 2161, 2169, 76 L.Ed.2d 277 (1983) *Bell v. City of Milwaukee*, 746 F.2d 1205, 1261 (7th Cir.1984).

May a plaintiff be able to vindicate his federal substantive rights as defendant, its executives, agents and (state actors)co-conspirators upon discovering the deep connections of said conspirators to violate his substantive rights in an artifice to defraud in a fraudulent foreclosure(while current on our mortgage) as illegal retaliation. The pattern of misconduct evidenced a series of mortgage/financial institution fraud and conspiracy to commit bank loans/financial institution fraud by said executives and their co-conspirators.

May not at all times, an impartial trier of facts free of all “conflicts of interest”; personal, pecuniary and familial be a constitutional guarantee - to a free, fair and impartial (free of biases and/or prejudices) tribunal to achieve the US constitutional rights guarantees! For at all cases/times St Mary's control-conspiracy in the state [NH] looms.

PARTIES TO THE PROCEEDING

The caption names all of the parties to the proceedings at the NH supreme court of the appeal below.

Petitioner Baboucarr Taal was the plaintiff in the NH superior court. Respondents St Mary's Bank and Neiderman Stanzel et al were defendants. In the court of appeals below, Baboucar Taal was the appellant and St Mary's Bank and Neiderman Stanzel et al were appellees.

Ovide Lamontagne, Donald St Germaine, Rita Emerson and Katherine Marquis were persons identified as witnesses with material discovery evidence per federal rules of civil procedures and whose depositions were sought and production of documents requested on served (federal) subpoenas, they flouted and ignored and who Uliasz claims to represent (all witnesses and fellow defendants) in an outright and continuous pattern to obstruct justice.

Jay Neiderman, John Stanzel et al are defendants-witnesses who also refuse to provide requested discovery and depositions which state (actor) judgement Abramson presided over the case for false fraudulent claims of debt collection while engaging in illegal access of credit file reports, barratry, and providing false misleading documentation to the court of law yet J Abramson also dismissed case for defendants at the time had financial issue but was soliciting loans from parties appearing before her.

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| Bounds v. Smith, 430 U.S. 817, 822, 97 S.Ct. 1491, ... (1977) | ----- |
| Boyce's Executors v. Grundy (1830) 28 U.S. 210 | ----- |
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| Bullock v. United States, 763 F.2d 115, ... (1985) the 10th Cir | ----- |
| Casa marie, Inc. v. Superior. Ct of Puerto Rico for Dist. of Arecibo, 988 F. 2d (1st Cir. 1993) | ----- |
| Coffey case LD-2003-011 (NH) | ----- |
| Cleburne v. Cleburne Living Centers, Inc 473 U.S. | ----- |
| Gray v. Evercore Restructuring, LLC, 544 F.3d 320 (1st Cir. 2008) | -- |
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| Liteky v. US,114 S.Ct 1147,1162(1994) | ----- |
| Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803) | ----- |
| McCloskey v. Mueller, 446 F.3d 262 266 (1st Cir 2006) | ----- |
| Norton v. Shelby County, 118 U.S. 425 p. 442 | ----- |
| Nudd v. Burrows (1875) 91 U.S. 416. | ----- |
| Rautenberg 107 NH 446, 447(1966) | ----- |
| Rozier v. Ford Motor Co., 573 F.2d 1332, 1338 (5th Cir. 1978) | ----- |
| Scheuer v. Rhodes, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974) | ----- |
| Sherar v. Cullen , 481 F. 2d 946 (1973) | ----- |
| Simmons v. United States , 390 U.S. 377 (1968) | ----- |
| Slotnick v. Garfinkle, 632 F.2d 163, 165 (1st Cir. 1980) | ----- |
| Stone v Powell, 428 US (1976) | ----- |
| Taal v. Uliasz No. 14-1255 (1st Cir 2014) | ----- |
| Taal v. St Mary's Bank (2011-CV-741) | ----- |
| Twombly, 127 S. Ct. at 1965 | ----- |

FEDERAL LAW FOUND IN:

1st Amendment Clause of the U.S. Constitution

5th Amendment Clause of the U.S. Constitution

6th Amendment Clause of the U.S. Constitution

13th Amendment Clause of the U.S. Constitution and

14th Amendment Clause of the U.S. Constitution,

Constitutional Right to Protest and to Seek Redress for wanton violations

Rights, in Fraudulent Illegal Retaliation to :

The Due Process Right to a Free, Fair Impartial Tribunal, in a Free and Fair Process of Adjudication by an Honest, Impartial Arbiter of Facts in Law.

The Equal Protection provision to all Citizens in all states as a Right

STATUTES

U.S. Code, Title 5 Section 706(2)(A), § 706(2)(E)

U.S. Code Title 18 Section 4

U.S. Code Title 18 Section 241

U.S. Code Title 18 Section 1001

U.S. Code Title 18 Section 1291

U.S. Code Title 18 Section 1346

U.S. Code Title 18 Section 1621

U.S. Code Title 18 Section 1962

U.S. Code Title 28 Section 453

U.S. Code Title 28 Section 455 (a)

U.S. Code Title 28 Section 1254(1)

RULES

Federal Rule of Civil Procedure 26 - 30, 35

OTHER AUTHORITIES

NH Constitution part 1 article 35 NH RSA 643:1 Official Oppression, NH Superior Court Rules

Black's Law Dictionary 6th Ed. , p. 660.

APPENDIX

Appendix: NH Supreme Court Opinions:

Order of the Court Petition for Rehearing - denied dated April 29, 2021

MANDATE dated April 29, 2021

ENDORSED ORDER denying Motion for Recon. Doc. Text 4/29/2021

JUDGMENT dated April 1, 2021

ORDER FOR TRIAL COURT DECISION - provided yet rejected by NH supr court?

Appendix: NH Superior Court Order/Judgement in Civil Case:

Order granting Motion to Dismiss Doc. Text and Order 2/15/2021

PETITION FOR A WRIT OF CERTIORARI

I, Baboucar Taal respectfully petitions for a writ of certiorari to review the judgment of the NH Supreme Court.

OPINIONS BELOW

The decision of the NH Supreme court and trial court is reproduced in the Appendix
The decision of the NH superior court of New Hampshire is reproduced in the Appendix

JURISDICTION

This Court's jurisdiction is invoked under 28 U.S.C. §1254(1).

STATUTORY PROVISIONS AND RULES INVOLVED

The statutes involved are: U.S. Code, Title 5 Section 706(2)(A), U.S. Code, Title 18 Section 4: Section 241: Section 1001: Section 1291: Section 1346, Section 1621: Section 1962 and 28 U.S.C. Section 455(a) Section 1254(1).

The rules involved are Federal Rules of Civil Procedure 26-28, 30, 35 45.
Federal RESPA Laws.

NH RSA 643:1 Official Oppression

* * *

REASON FOR GRANTING THE WRIT

I. Petitioner's asserted and documented facts with reference to both the conducts and failures in the case of the assigned NH superior court, who even as plaintiff filed motion for reassignment of the case to the Hillsborough superior- South court for the obvious conflicts identified, state judge Delker refused to rather sang the praises of St Mary's chairman the very subject of the motion to reopen.

And the NH Supreme court err or sidestep in its review of the case, not on the "issues presented" for review in 28 U.S.C S 455(a) to satisfy Due Process and Equal Protection clauses. The court calculatedly asked for the trial court's 'order' and upon being provided said order twice, claimed in its dismissal that they were referring to the order 10 years earlier without ever specifying it in its 'order'. The then trial J Abramson up till a few months prior sat by designation as the state's 5 justice quorum during the time had only 4 justice positions filled.

II. Here the states' highest court affirm and dismiss without ever stating why even as the chief justice abides to recused for his connection also to defendant St Mary's bank &/or chairman Lamontagne yet judges Abramson and Delker needn't It would thus seem inconsistent in the applications of statutes and the law of the lower courts. For all these persons and connection/position with less (1-2 degrees of separation) conflicts-connections with St Mary's and/or its chairman but are all allowed to make orders that benefit defendants to render biased orders partial and advantageous to defendants who those "suspect verdicts" as vindicatio at federal & state highest court to avoid any and all meaningful review/accountability in courts

The evidence again indicates that not only was plaintiff/appellant denied and deprived of his Constitutionally Guaranteed Rights, Provision and Protection [Due Process and Equal Protection] Rights at the state courts afforded to all citizens without regard. But that petitioner was deprived and denied Equal Protection in NH courts in a manner an objective lay person could see as vindictive. To use the cases to shield defendants for reasons and motives contrary to equal justice and rule of law. Federal laws and statutes define it as "fraud on the courts" and/or "obstruction of justice". As the acts not only are wilful violations of federal & state law but bring disrepute to the [US]

judiciary and is of the basic tenet of American justice; free and fair with regards within Rule of Law. The issues of conflicts are beyond the “appearance” but active obstruction of justice.

III. Circuits Courts are united on *28 U.S.C § 455(a)*, the US Supreme Court case law for all United States courts & tribunals, ABA and (state & federal) Canons of Judicial ethics governing [mis]conduct of judges. For The United States Supreme Court has stated “if the factual basis established by the moving party provides what and objective, knowledgeable member of the public would find to be a reasonable basis for doubting a judge’s impartiality, then recusal under *28 U.S.C § 455(a)* is Required.” *Allied Signal*, 891 F.2 970.

B. Code of Conduct for United States Judges:

i.-Canons 1: A Judge Should Uphold the Integrity and Independence of the Judiciary: An independent and honorable judiciary is indispensable to justice in our society. A judge should maintain and enforce high standards of conduct and should personally observe those standards, so that the integrity and independence of the judiciary be preserved.

ii.- Canon 2: A Judge Should Avoid Impropriety and the Appearance of Impropriety in all Activities:

(a) *Respect for Law.* A judge should Respect and Comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

SUMMARY

Introduction

1. This appeal follows from the denial rather, refusal by Judge Delker to apply existing law to appellant Motion to Reopen two cases adjudicated by state J Abramson while she was compromised with live conflicts of interest, who engaged in biased, fraud on the court. Appellant here incorporates the issues and facts presented in his Mandatory Appeal(s):

a) against St Mary's Bank for not only engaging in defrauding plaintiff and his family but that the bank and its management and their counsels engagement in scorched earth acts in a criminal enterprise to destroy appellant/plaintiff/victim and his family just because we said "No That is Not Right and Illegal." even in NH. St Mary's, its management and Uliasz et al would engage in illegal fraudulent foreclosure on our property even as we were not only current but had overpaid on our mortgage.

This did not stop them from expensing from St Mary's coffers almost \$420,000 to scheme to destroy us. This amount is about 10% of St Mary's total profits meant for the ordinary credit union members. The most puzzling aspect is that our total mortgage was less than \$286000. Where did the money go, though at the time J Abramson and her family had a 2+ years Bedford tax delinquency lien on their homestead about to be auctioned, they could not afford. Uliasz had a \$50,000 IRS tax lien on his home for tax fraud. Neiderman et al were also aware of the Abramson continuing money problems. Yet at the very time that she issued orders for defendant she managed to donate to the campaign of the defendant's chairman when she couldn't afford.

b) the second case in the Motion to Reopen was, against Jay Neiderman and John Stanzel and Neiderman et al who boldly claimed to be making \$5 million on debt collections and as it turns out by hook or by crook[barratry]. Jay Neiderman, John Stanzel et al falsely claim that they were authorized to file this collection claim against me, while knowing its falsity yet went first before Circuit J Kinghorn to obtain a verdict on a Discover credit card that my wife had paid off in a consolidation loan from Granite State Credit Union. Jay Neiderman and John Stanzel, fully aware of me not being part of the account, still proceeded in real time to present misleading fraudulent documents to bring their scheme to fruition. In his latest defense/excuse Jay Neiderman told the NH Prof. Conduct Committee that it was John Stanzel "who did it", throwing

him under the bus. They both showed up in court, engaged in wanton fraud, the truth, facts and the law be damned.

c) Jay Neiderman et al aware of that upon providing the requested discovery as provided in *NH Court Rules of Civil Procedure*, they expose their plan and thus refused to, and on the morning of the trial produce a stack of documents later showed to be doctored along with a life person as witness from Discover, who offered perjured testimony himself but also stated that he & Discover provided the requested 'discovery' to Neiderman et al at least 3 weeks earlier, and they refused to provide it that would have allowed us to present the vigorous defense and hopefully end the fraud then and there.

We complained/objection to J Kinghorn, he said we have 10 mins to look through the 80+ pages. Discovery provided in NH court rules would interfere with their scheme as they, Jay Neiderman, John Stanzel et al promptly sought from the court an attachment order on our homestead also. They reckon they can file suits and receive verdicts, courts beckon to their deceit and because of their connection, race..." They can and are allowed to defraud others especially minorities regardless of law or rights.

2. Article 72-a of the New Hampshire Constitution covers the jurisdiction of the court: "The judicial power of the state shall be vested in the supreme court, a trial court of general jurisdiction known as the superior court, and such lower courts as the legislature may establish under Article 4th of Part 2". As the NH Supreme court not only has jurisdiction including the obligation and supervisory role for the lower courts and discipline authority over these judges and to do this fundamental task without 'favoritism' or fear or any other motives. The NH supreme court here fails to judge the matter per this provision against Equal Protection

3. Appellant case before this court is the simple vindication of his rights as a minority in a majority state, for not only that the facts are Not in dispute;(see *FEC F&L analysis*, state Judge Abramson while presiding over two of plaintiff's cases, she was donating to the campaign of St Mary's Bank chairman, a Ovide Lamontange, who she granted an ex parte restraining order. Plaintiff further states that all her rulings in the underlying cases were legally unsustainable as facts and evidence contradicts said findings, clouded by racial animus, rife with pecuniary and personal "conflicts of interest." In essence "fraud on the court" and plaintiff's federal substantive

right to an impartial tribunal denied and deprived for ill and corrupt motive. Wilful violation of *18 U.S. Code § 1346*

4. A party is require to provided facts/evidence of the violations of Rule 38, to make a formal complaint to the NH Judicial Conduct Committee, "JCC" documenting and stating each Canons of Ethics violations and in my case in a complaint, I did twice to JCC and twice filing a Motion for her Recusal, which she deny and double-down by calling me a defendant her orders. In one of her denial orders paraphrasing her, she said a judge like her just has to be as honest as the rest of society, really. "Appearance of ..." let alone actual conflicts doesn't bother her. She is right on that point, the panel adjudicating complaints are her fellow state judges. Fact, truth and the law means little as her admitted "pecuniary and personal conflict of interest" was never addressed for she need not be impartial when it's defendants; financial institution for NH who's who. She refused to sanction defendant and its agent when they outright refuse to and deny my subpoenaed request for 'discovery' and this was after this very Supreme Court reversed her 1st Dismissal for def. St Mary's et al. The JCC in both times failed to even adjudicate the facts in the complaint.

5. J Abramson would follow that up with an \$1825 as sanction, well after she dismissed my case the 2nd time, (while making sure we never receive "discovery" we requested provided in NH court rules), for us demanding that St Mary's holder of our mortgage, provide us [a legal provision-RESPA] with our "..Payment History for Mortgage Acct..." this as St Mary's bank and Uliasz were scheming to defraud us in their follow up illegal foreclosure as retaliation for we dare to challenge their fraud. This sanction defendant was also the second time after case was close, but then defendant provide us with the payment history of our mortgage and true to form we and Atty Michaels) noticed that St Mary's and Uliasz have been taking our monthly payments and willfully misapplying to create a late nonpayment to our mortgage to then fraudulent say aha, we are going to take your house for you dare us, 'we own NH'.

6. When the Motion to Reopen was assigned to J Delker he also denied the request to transfer the case and the very testimony statutory provided in NH law as it proves he also could not render impartial justice as confirmed by his refusal to delve into issues of material importance to the overall NH judicial system; whether a judge is corrupt and using her position as a state judge to not only deny and deprive a minority litigant his federal substantive rights and equal protection but using that position to 'feather her & her family's nest'. J Delker could allow it on the record!

7. A judge is obligated to take the Facts as they are presented and apply the law(s) without regards[fear or favor, bias or prejudice], as prescribed by state and federal laws/statutes; a guarantee, provision and protection (to all without regards) in United States and New Hampshire Constitutions, and the latter obligated by federal law per [Equal Protection Clause] to afford equal justice to all black or whites; do impartial justice. Here J Delker ignores and usurps the very law he is sworn to uphold; *doing impartial justice* and very much obstructed justice.

8. Phil McLaughlin, ex NH Atty General, was quoted in the Boston Globe 12/28/2015: “nearly 14 years ago. Worried the sex abuse scandal enveloping the Boston Archdiocese wasn’t confined to our neighbor to the south, and armed with information from a top church official, McLaughlin called two of his young staffers, Jim Rosenberg and Will Delker” [now state judge Delker] “ into his office. With a copy of the Globe on his desk, its banner headline of “Church allowed abuse by priests for years” revealing a dark secret, McLaughlin said what was on his mind.

9. McLaughlin said in an interview. “The idea that the hierarchy could permit such evil here was emotionally incomprehensible to me.” McLaughlin began digging by meeting with Monsignor Edward Arsenault early in 2002. Arsenault assured the attorney general there were no issues in New Hampshire, no wrongdoing had occurred. McLaughlin relayed Arsenault’s comments to the Union Leader, but the newspaper’s next-day story set off a chain reaction, beginning with a call to McLaughlin by Ovide Lamontagne, whom McLaughlin trusted, despite sharp political differences. Lamontagne twice was the Republican nominee for governor and once the party’s nominee for the U.S. Senate. He’s now the general counsel of Americans United for Life, a pro-life public-interest law and policy organization.”

10. State judge Delker in his order for simply calling for testimonies of defendant and its agent in ‘motion to reopen’ case for wanton violation and deprivation of due process provided in federal law and rights; “The motion to quash the subpoena of Ovide Lmontagne is GRANTED.” He knew Lamontagne from when, per the Boston Globe provided them confidential information, the legal definition of conflict for he could not render impartial justice on all matters against the defendant and its chairman Lamontagne.

11. Equally state J Abramson, she had contacts with and granted Lamontagne and ex parte restraining order willfully depriving plaintiff his right to a fair impartial tribunal by an ‘uninterested honest arbiter’, issued all and all ban on discovery and deposition testimony at the very time she was donating to his campaign for public office. Encourage legally baseless false and misleading filings from defendant and counsel and when brought to the attention of the court she failed to make the requisite statutory findings and/or sanctions, thus made unlawful finding. Chucked the two distinct cases as her discretion to dismiss when facts and the law demand, supported the legal correct finding for plaintiff, while carrying clear animus and personal pecuniary “conflicts of interest”.

12. The Due Process Clause entitles a person to an **Impartial and Disinterested Tribunal in both civil and criminal cases.**” *Marshall v. Jericho*, 446 U.S. 238, 242, 100 S. Ct. 1610, 64 L. Ed. 2d 182 (1980). Indeed, “it is axiomatic that ‘[a] fair trial in a fair tribunal is a basic requirement of due process.’” *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 129 S. Ct. 2252, 173 L. Ed. 2d 1208 (2009) (quoting *In re Murchison*, 349 U.S. 133, 136, 75 S. Ct. 623, 99 L. Ed. 2d 942 (1955)). 28 U.S.C. § 455(a) states; a judge **MUST** recuse himself “in any proceeding in which his[her] Impartiality might reasonably be questioned.”

13. This out and out violation of NH and federal statutes “fraud on the courts”. She also issued orders that she knew were unsupported and false, aware of the actual violations by defendants and counsel for money and position, *18 U.S. Code §§ 4, 371*. NH Discovery [Rules] was not meant to be subjective, for if a sitting judge thinks they can deny a party discovery to deprive them the right to garner evidence to present to a jury as the trier of facts, our court system is now left to the deceit and duplicity of “the lot of society”. The acts as here, identical to the criminal conducts of Judges Porteous, Mark Ciriavella, David Daugherty, who saw and used their personal pecuniary “conflicts of interest” but also denying and depriving (minority) litigants as substantive rights to due process, equal protection in a majority state.

14. State J Abramson hoped the defendant’s chairman can and will prime her family’s fortune should he succeed in the political offices he sought. Say to the state’s highest court or put her name for federal judgeship, and in turn protect their interest at whichever court she lands. It is all about selling judicial orders period. Why else would you risk or better yet engage in misconduct

with impunity that could land you in federal prison as the infamous names above, even if NH justice does nothing?

15. These persons continued to interfere to deny plaintiff taking deposition testimony and defendant St Mary's to provide requested subpoenaed documentation and when plaintiff sought Interlocutory appeal with this NH Supreme Court which rested jurisdiction and all further ruling on the case with the NH Supreme court, Abramson call defendant into court ex parte and dismiss plaintiff's case. J Abramson stated in her dismissal order false claim that she did so because plaintiff "did not" file a Pretrial statement, leaving the false misleading impression that defendant and its lawyer did file their Pretrial Statement. None was received or docketed by the clerk's office on the record. And defendant and atty Uliasz wantonly repeated this misleading fraudulent statement to this very court with utter disregard to facts and truth.

16. When plaintiff subpoena defendant for documents and witnesses for deposition testimonies, atty Unliasz and defendant, flouted said requested discovery and he file with the court that No document will be turn over or testimony given as the court gave them the right & privilege to disobey the subpoenas and or provide 'discovery'. In a reasonable person's mind, J Abramson action is part of "bribery extortion, quid pro quo scheme" for what other reason is there, they are saying we "paid for these orders and judgment and it's over. They would then employ these tactics until the dismissal they got with a motion in between where St Mary's and management paid and approve for Rita Emerson to opportunely disappear to FL, be unavailable to avoid giving [subpoenaed] deposition which she already disobey by Uliasz' say so but for in court testimonies.

17. Court records show there was no filing of the defendant's Pretrial statement as even they accepted that case jurisdiction was with or at the Supreme Court, especially upon the filing of an [interlocutory] appeal . Plaintiff was summoned twice on the false outright harassment and coercion by defendant, atty Uliasz and state actor Abramson as the very time they were pressing ahead to defraud us with the illegal retaliation in a foreclosure of our property, this while we were not only current but overpaid on our mortgage, and while for the past 24 months refusing to provide us with "monthly statements, Escrow disbursements and Projections."

18. The bankruptcy judge would order the defendant to **recalculate and correctly apply all our payments and provide us with said documentation**. At the time, they had refused to provide the legal requirement of Monthly Mortgage Statement for 2+ years, continued to just take our monthly mortgage payment misapplying it to all false accounts, and upon contacting the NH Banking Department, Uliasz with the beckoning of J Abramson filed a to claim I violated an ex parte restraining order for requesting that St Mary that hold our mortgage provide us with mortgage and payment accounting. J Abramson would conduct a kangaroo court even as I protest that the accused has the right to confront his accuser who signed the complaint; a Ron Covey. J Abramson levied an \$1825 sanction at the very time the defendant was forced by NH Banking Department to provide us the "payment history" as it's the law per RESPA, our right, though RESPA is a federal law and in NH?

19. The second time literally months later was when Uliasz was being investigated by the Bedford PD for going camping with 14 year olds and taking pictures of them enabled by his wife who worked for the Bedford High School. He Uliasz to blunt their investigation paid the Bedford PD almost \$12000 for what he said was security details for day of a foreclosure that was not happening for the bankruptcy protection we (forced to) sought to protect our property [as St Mary's top management vow to take our house to teach us] and he Uliasz and defendant knew of this months back.

20. Also Uliasz started to donate to Bedford High School, sponsor events just like that Epstein guy during the investigation and like the Abramsons, he Uliasz had a \$50000 IRS lien of his home for tax fraud, while being generous as it turns out it was not just part of a "bill churning" but Covey and Lamontagne had approved it as Uliasz his firm (with redacted portions of the bill is that one of his lady lawyers Kath Marquis, everybody submit something St Mary's is paying) then turn around and submits it as expenses in the fraudulent foreclosure. What is a grown man having obsessions with teenagers to do with St Mary's bank failure to dispose off a RV collateral, yet Covey & Lamontagne pay and for sanction against the plaintiff to include as they put it jailing me as they proceed with their illegal foreclosure. Really

21. Where it end is supposed to be at this state's highest court **Obligated to Protect all its citizens black or white**, for the arrogance and contempt of the justice system with impunity is what defendant and its counsel Uliasz engaged, and this court must not ignore or fail to

adjudicate because Abramson is a colleague who they 'broke bread with, socialized and allow to seat' in 5th chair. That equal protection, I and similarly situated are routinely denied said rights.

22. In NH it's the judge's discretion to be denied and deprive due process rights by a corrupt judge with clear racial animus who is having financial issues. Just these facts are reasons to have recused herself, for it's not a right but privilege to sit as a judge but it's an absolute right as **Due Process Clause** entitles a man to an Impartial and Disinterested Tribunal. And the right to honest unconflicted arbiter who renders a truth laced fact base legally sustainable uncompromised verdict: 5th, 6th & 14th Amend., 'must' in § 455(a)

23. J Abramsons' and ex J Coffey don't see anything wrong with their actions, well it is Illegal for starters. As with state J Abramson it is Illegal to sit and make judgments in cases you not only have a "personal and pecuniary conflict of interest" and even after being ask to 'recuse', I ask for her recusal twice, she failed to abide, and this facts make this Motion to Reopen squarely for a denovo review of all facts/cases/appeal before this court. As any Honest and Impartial review of the facts and her orders is shows that for the Motions to Recusal and Complaints to JCC she resorted to punish litigant for protecting his guaranteed due process rights. A citizen in any United States tribunal has the absolute right to have his case tried before a disinterested honest arbiter, for anything less is wanton "violation a constitutional right": a guarantee, provision and protection - in an impartial tribunal Guaranteed by the Fifth, Sixth and Fourteenth Amendment to the United States Constitution"

24. All these lawyers and defendant(s) knew of state J Abramson was broke and carry ill motives and her orders were not only rife with racial animus but that they are made by someone with existing financial and personal conflict of interest, as the Abramsons could not afford their real estate taxes and other basic expenses, with a lien on their property about to be auction, yet saw both the illegal orders that benefited Messrs Neiderman, Stanzel et al, Lamontange, Covey and St Mary's and the Abramson in turn giving campaign donation they couldn't afford. The misconduct here leaves the court system "compromised" vulnerable to all forms of blackmail implicit or explicit. Compromised court officers are the worst that could happen to a society for when it is absolutely vital for a court of law's impartial machinery to function, the machinations of lawyers had the system compromised and every decision rendered; "fraud on the court".

25. The turning around and donates to the political campaign without any qualms, tells you everything. The other person who blackmailed the justice system was Epstein for what he did and knows of others. How did it end? The two summons order issued by state J Abramson, all to coerce, harass and intimidate plaintiff was all after the case was closed with the 2nd dismissal of plaintiff's case for defendants; St Mary, Lamontagne, Covey and counsels.

26. As St Mary's continue to in essence embark on "fraud on the court" with constant repeated on going ex parte contacts with J Abramson [as statutory def. as ongoing conspiracy to violate law(fed & state)] St Mary, it's management and it's counsel Uliasz and his firm created an ongoing criminal enterprise. Uliasz & would proceed to devise and scheme to defraud us the very act of collecting the fraudulent \$1825 sanction is. When we sought the accounting history of our mortgage when we believe we are being defrauded and a state actor sees fit to sanction us for exercising a right to demand mortgage payment made and the simple accounting/disbursement documentation. Her focus was "feathering her family nest" even when she had dismissed/closed the case for defendant and those she has a conflict of interest and in NH that is all alright for the Abramsons are of the elite race and ethnicity, yet defendant not wanting to jeopardize its banking license.

27. Time and time a sitting judge engages in wanton preclusion and or willfully denying the existence of evidence that not only supports a party's [plaintiff here]s case, only because of the color of his/her skin, yet if the law was follows and the jury as the trier of facts, allowed to hear/see the facts and evidence, with all probability lead to a jury verdict in favor of appellant. A court doing this calculation and denying [always minority] plaintiffs is willful violation of basic due process but wanton obstruction of justice by these "court officers" for greed and judicial arrogance. One can only conclude that racial prejudices we continue to suffer are much more prevalent in NH at the judge's level who use minority cases to feather their nest, quid pro quo up the ying yang, and fellow judges ignore and disregard complaints blatantly. The judges boldly collect later to these, to "compromise" the judicial system. A 'compromised' NH court infects far and wide(Hawaii, Maine, DC, Alabama) courts to erode what integrity or confidence is left.

28. Jay Nediderman, John Stanzel and their law firm illegally accessed my Credit file and unauthorized and then filed a collection lawsuit on a Discover account that even in court with suborned perjury testimony of a Kyle Simpson supposedly an agent sent by Discover to come

testify contradicted their thesis claiming he is “not sugar coating”. But that is contradicted in no uncertain terms by the very company they purport to represent, but pointedly, Discover said in its letter(attach) disavowing any of the [fraudulent]acts Jay Neider and John Stanzel and their law firm engaged in falsely, on behalf of Discover. When we sought “discovery” they again failed to provide the documents for it would disprove and undermine their case, but that did not stop them from executing their scheme followed by a brazen attachment of our property of a fraudulent verdict.

29. As the evidence showed that Neiderman et al is part of a group of law firms trafficking in fraudulent claims and always picking their forum courts, unsuspecting and or part and parcel of the scheme and like St Mary’s when one pushes back their fraud it surprises them yet they would choose to double-down, to engage in “ongoing conspiracy” to violate law and in effect defrauding the United States (federal & state) institutions that guaranteed, provide and protect the citizens of the country. Yet the state highest court routinely ignores, for who the victims are.

30. Repeated lack of veracity or evidence and the boldness and brazenness all in outright fraud and artifice to defraud indicate this is not new. The ease at which they literally employ the very “court system and officers” that are supposed to be the impartial honest arbiter of the provisions of law to the facts and evidence or lack of is the same Modus operandi, every time.

31. Plaintiff filed his suit to seek relief in a judicial process, free and fair for the outright fraud against him and his family, state actor J Abramson again used not the provisions of law to render impartial justice but rather racial animus and her connection to, the race and ethnicity of the defendants to grant them favored justice, legally unsustainable verdict to dismiss my case twice not base on law, facts or evidence, but her evident “conflict of interest” against “Rule of Law.”

32. The Discover letter dated Aug 11, 2012 disavows witness Simpson who they did not sent to NH (for if they did, they would have seen his expense report for airflight to NH, renting a car, staying a hotel, food expense etc) as stated also, that I appellant did not in court challenge Discover as I “... were served with a lawsuit. You did not respond to the lawsuit and judgment obtained on March 2, 2010” The facts deduced from the transcript indicate that Neiderman et al solicited and produced a ghost witness Kyle Simpson, to brazenly provide and commit perjury,

and perpetrate “fraud on the court” directly interfering with impartial functions of the “judicial machinery” just so they could complete willful defrauding of plaintiff.

33. We vigorously defended the case objected throughout to no avail and facts truth and our laws be damn, for they own the NH Justice system, public corruption and the district court before J Kinghorn but now J Ryan ruled against that verdict as fraudulent yet didn’t or couldn’t allow for relief thus the suit Hillsborough Superior Court before state J Abramson. The conduct in the complaint is basic fraud and violation of *FCRA*, a criminal violation. Acts by attorney fraudsters

MEMORANDUM OF LAW

34. NH Supreme Court very own *Rule 38* Judicial Code of Ethics governing a judge’s conduct states in relevant part the need [need] for honesty, fairness and impartiality to Maintain Integrity and Confidence of our judiciary. *Art 1., part 14 Legal Remedies to be Free, Complete, and Prompt. Every subject of this state is entitled to a certain remedy, by having recourse to the laws, for All injuries he may receive in his person, property, or character; to obtain right and justice freely*, without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

35. 28 U.S.C. § 455(a), a judge **MUST** [Must] recuse him[her]self “in any proceeding in which his[her] Impartiality might reasonably be questioned.” “The judge does not have to be subjectively biased or prejudiced, so long as s/he appears to be so.” *Liteky v. United States*, 510 U.S. 540, 553 n.2 (1994) Here state J Abramson who is financially and personally conflicted, biased prejudiced against plaintiff evidenced by her refusal to recuse herself, in case to reach a certain outcome for defendant(s). J Delker also failed to recuse for witness Lamontagne chairman of St Mary’s who was a ‘valued information person’ as stated by ex AG, Delker’s boss. Neutral Impartial Arbiter of Facts in Law are invaluable yet antithetical to functionsNH judge. The US Constitution guarantees all its citizens, right to “*Due process and Equal protection*”

NH Supreme Court own *Rule 38. Code of Judicial Conduct*:

[1] An Independent, Fair and Impartial Judiciary is Indispensable to our system of Justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the

principles of justice and the rule of law. Inherent in all the Rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

[2] Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.

36. This Supreme Court states “We also review the trial court’s statutory interpretation de novo. *State v. Beauchemin*, 161 N.H. 654, 658 (2011). The Equal Protection Clause of the Fourteenth Amendment to the Federal Constitution states that “no state shall deny any person within its jurisdiction the equal protection of the laws” *Cleburne v. Cleburne Living Centers, Inc.*, 473 U.S 432, 439 10 S. Ct 3246 ... (1985) This Supreme Court in *State v. Burke* 153 N.H. 361... 897 A.2d 996(2006), stated “we have never held that a party’s failure to include a citation to a specific provision of the Federal Constitution precludes appellate review”. NH claims to offer Equal protection as well, Part I, Articles 2, 12 or 14 I therefore seek said protection as a right available to all citizens.

37. As was in the *Snow’s Case*, 140 N.H. at 621, “the judiciary in particular ‘must maintain’ the strictest integrity” *Snow’s Case*, 140 N.H. at 622. “Our responsibility as supervisor of the courts “includes the authority to determine how best to regulate [judicial] conduct, and therefore encompasses the discretion to determine when, whether and to what extent discipline should be imposed.” *Petition of Jud. Conduct Comm.*, 151 N.H. 123,126 (2004) There the NH supreme step in but here where appellant/victim is minority, the court changed its adjudication to deprive/deny me protection in the Equal Protection clause of the United state Constitution for Abramson & Delker are colleagues.

38. As “there can be no sanction or penalty imposed upon one [albeit a black man] because of his exercise of Constitutional Rights.” *Schware v. Board of Examiners*, U.S. 353 238, 239 (1957) Yet in NH that is what state actor Abramson and Delker has done & is doing with impunity. We demanded that St Mary’s show us the accounting and application of our mortgage payment as they falsely continue to claim we are in default and sanction us with \$1825. NH law

“recognized aiding and abetting in the context of civil actions. The fraudulent sanction for requesting that St Mary’s provide the documentation that proved they were lying with the delinquency claim on our mortgage as they tried to collect on the sanction as recently as 2019. *Plante v. Engel*, 124 N.H. 213, 217 (1983) thus (a person may be liable for damages on a conspiracy theory for combining with another to commit a civil wrong). *NH RSA 564-B:10-1012 NH HB 590FN* foresees the continuing ebbing of “fraud on …” courts, the state and in this case, absolute need in strengthening Ethics laws and for real Accountability of public officials.

39. The wholesale dismissal of asserted factual allegation without the basic minimum, the free fair and meaningful adjudication in an already scheduled hearing (reschedule then cancel by J Delker’s who is required to do impartial justice) by the NH [RSA] a statutory adjudication is simply another “white washing” of criminal misconduct and outright obstruction of justice. “We will not disturb the findings of the trial court unless they lack evidentiary support or are erroneous as a matter of law”. *Sherryland v. Struffer*, 150 N.H. 262, 265 (2003). “Legal conclusions and application of law to fact, are reviewed independently for plain error. Accordingly, our inquiry is to determine whether the evidence presented to the trial court reasonably supports its findings, and then whether the court’s decision is consonant with applicable law. *Id.* Finally, we review questions of law de novo.” We review the trial court’s application of the law to the facts de novo.

40. Under the New Hampshire Constitution, it is a privilege, not a right, to hold judicial office. In order to ensure that the “rights of the people” are secure, our constitution permits judges to “hold their offices so long as they behave well.” *N.H. CONST. pt. I, art. 35*. Our constitutional and inherent authority, see N.H. CONST. pt. II, art. 73-a; *Smith v. State*, 118 N.H. 764, 770 (1978). “Judges personify the justice system upon which the public relies to resolve all manner of controversy, civil and criminal.” *Matter of Mazzei*, 618 N.E.2d 123, 125 (N.Y. 1993). “It is a great public trust. Indeed, judges are the most visible symbol of the rule of law in our society.”

41. NH Supreme Court Rule 38

Our legal system is based on the principle that an independent, fair and competent *judiciary will interpret and apply the laws that govern us*. The role of the judiciary is central to American concepts of justice and the Rule of Law. Intrinsic to all sections of this Code are the precepts

that judges, individually and collectively, **must respect and honor the judicial office as a system. The judge is an arbiter of FACTS and Law for the resolution of disputes and a highly visible symbol of government under the rule of law. The Code of Judicial Conduct is intended to establish standards for ethical conduct of judges.** ...

42. There is “**the duty and responsibility of courts to . . . protect the judicial processes from being brought into disrepute and to act vigorously when confronted with acts or conduct which tend to obstruct or interfere with the due and orderly administration of justice.”** *State v. Moquin*, 105 N.H. 9, 11 (1963).

ANALYSIS, OBSERVATION AND REQUISITE QUOTATIONS

43. Simply put, when the plaintiff appeared before state J Abramson, she was not focused on upholding the rule of law, rather I was denied and deprived of a Constitutional Right to a free fair and impartial justice in the adjudication of matters before the Hillsborough Superior Court. Likewise, when the plaintiff appeared before state J Delker, he was not focused on upholding the rule of law, rather he was looking and found a way to not have the ex chairman of defendant (St Mary’s Bank) testify or give testimony. Why? In essence state J Delker could Not render impartial justice the very reason to recuse, yet his refusal meant I was denied and deprived of a Constitutional Right to a free fair and impartial justice in the adjudication of matters before the Hillsborough Superior Court. In so doing, both obstructed justice as defined by this very court.

44. The sequence of events, the facts and the law was clear, yet state J Abramson despite having conflicts of interest with multiple parties still stayed on the cases to make sure the right verdicts was arrived and achieved for these persons not only can they immediately solve her and family’s financial problems but that her fortunes can be enhance and these fraudulent verdicts results in political success of Lamontagne. The verdicts that J Abramson granted to both St Mary’s Bank, Lamontagne, Uliasz et al and Jay Neiderman and John Stanzel et al not only made mockery of our justice system and both cases she didn’t care that the orders were legally unsustainable that she knew that the NH Supreme Court will find ways and reason to uphold them simply because the victims are minorities.

45. If as the state of NH has an independent Supreme Court; for honest impartial disinterested judiciary then they would have found in the undertaking of the requisite *de novo* review to see

what we have first hand experience, said all along, the complete record of events, facts and case law supports for a factual finding consistent with what we seek. Rather it failed equal protection

46. The state AG and others were monitoring each aspect of the cases and or discovery requested and denied for case(s) they are literally putting obstacles in the spoke wheels of justice. What then does NH provide and guarantee in its constitution when the basic due process is deprived and deny minority litigants. Equal Protection Federal laws, guarantees rights and even the basic protection the [NH]state is required to provide is flouted at the highest level of NH judiciary.

47. The state highest court fails to hold J Abramson &/or Delker accountable as we insist that the provisions of Rule of Law, due process and equal protection be observed. And if public officials are using their positions flout the laws and/or to enrich themselves at the expense of public confidence and trust and integrity, accountability is warranted. The NH supreme court says not here for who the victims are and culprit(s). The schemes and brazenness varies with modern twist. The NH Supreme court is legally obligated as supervisor of courts yet here ignored wanton flouting of rules and law, violation rights by J Abramson and Delker. **"A judge is not the court"**, here are allow to bring disrepute to the whole judiciary in these United States?

48. One can be forgiven to conclude with reasonable certainty that they all do, engage in "conflicts of interest", "quid pro quo" and feather their nest with orders they give to highest bidders. St Mary's implosion as a financial entity rests squarely on and in the jurisdiction of the state's highest court, this quorum of justices.

49. St Mary's and by its attorney Uliasz expensed an amount that is more than what is our mortgage, and spent the last 10 years coming after us because they; St Mary's failed to dispose of an RV collateral in a 'commercially reasonable manner' per UCC. Defendant and its executives have written off commercial loans to their friends and families and co- conspirators and for share buys of equity into the bank.

50. In simple business terms how is a bank with a billion \$ in assets claim to only make only \$4.2 million in profits. The \$52,000 Uliasz billed and Covey Lamontagne paid in St Mary's name 'bill churning' no doubt recycled back to the taxes they owed and illegal political campaigns of their chosen candidates.

51. Where else really is the rest of the money going and to whom for what, this money meant for ordinary share members the right owner of this IRS tax exempt institution. To the 'lay' observer they would conclude that our justice system especially in NH is where the rich and connected get away with racket(s) perpetrated on the law abiding, with protection from "court officers" legally obligated to defend the guarantees, provisions and protection of the U S Constitution against all enemies foreign and domestic, here they are the very ones undermining the justice system to get ahead. §346, §371

52. This N.H. supreme court failed to adopt the presumption of irreparable harm for violations of constitutional rights espoused by appellant for if not, as it happens confirms what I and my family have personally observed, that the state judiciary system is favors defendants for their connections against those like us. As the United States Constitution is the overarching authority in claims of provision, protection and guarantee of rights to all citizens without regards; fact is NH denies and deprives Equal Protection to minorities.

53. For in NH where the state chartered credit union; St Mary bank and law firms like Neiderman et al have a hold on the judiciary with impunity. What good is Art 1, part 14 if as it is arbitrarily only for NH whites, hell with the rest. I am still waiting to adjudicate my claims against these persons before a jury of peers, yes [NH] peers and accept their Honest verdict. Yes I still believe in the very systems thes court officers and fiduciaries are wantonly undermining with impunity.

54. Plaintiff filed a complaint with the NH doj and was ignored as it turn out at the very times, the FEC and as reported by an article in the Newspaper that the current Attorney General was a fervent supporter of St Mary's Chairman political (federal & state) office aspirations with serious political contribution among the highest from a private citizen. So the NH doj investigating Abramson from contribution at the very time she was judging a case against St Mary was never 'gonna happen'. What happened next was a drama one could not come up with. Upon the election of a new Hillsborough County Attorney, "HCA" I forwarded a copy of the complaint to his attention, at a time when he would have taken (sworn-in) office. Six months later, I contacted him to inquire, and he told me he never received that letter, but curiously at that time, the NH Attorney General had taken over all the 'prosecutory powers' for reasons equally curious, for 'ineptness and chaos' in the office as reported in the papers. The County Attorney did not get

back the “prosecutor’s discretions” until June of 2020, >5 months before the election the county attorney would go on to lose. Coincidence? Again what is behind St Mary’s...

55. The wholesale dismissal of the asserted factual allegation in a complaint with further discovery to evidence and support filed claims is treated as I am seeking privilege (pepsi or coke) formulas. Discovery is provided not only in statute but due process rights allows for parties to seek and exchange what guarantees evidence and facts based free and fair of adjudication. Access to courts must be complete and meaningful for the basic minimum, as in our [US] system Rule of Law and Equal Justice in a free and fair adjudication of claims before an impartial arbiter is a guarantee yet here state judges Delker and Abramson put there thumb on the scales of justice for defendants even as the are ethically, financially and personally conflicted and substantive rights be damn, Rule of Law wantonly flouted with impunity and NH highest court ignores it all.

56. The filed motions asking her to recused twice was denied as she refuse to, reported her to this court established authority to review judicial misconduct, twice, she provided false information to that agency with no repercussion thus flouted the canons of ethics and thus knowing-wilfully violated of federal rights.

57. Appellant asks the NH Supreme court with **Responsibility and Obligation** to review and render the impartial justice consistent with law and federal rights as provided, protected and guaranteed in United States and NH Constitutions. That also was denied.

STATUTES and CASE LAW SUPPORT FOR GRANTING THE WRIT

58. The Circuits Courts are **united** on not only what **28 U.S.C § 455(a)** dictates, the **US Supreme Court *Stare Decisis*** [caselaw] for [ALL] federal courts, but the provision of **federal Canons of Judicial ethics** governing [mis]conducts of [federal] judges in all United State tribunal.

a. Circuits courts have further gone to juxtapose said conduct that interfere with due process of law and as obstruction of justice and called it “fraud on the court”, as it directly undermines and renders ineffectual and void, the judicial machinery’s impartial functions and brings disrepute to our judiciary system.

b. Here the outright “conflicts of interest” and for “court officers” to refuse to adhere to statute, case law and ethical conduct, for their prior knowledge of facts and relationships with defendants: St Mary’s Bank, its management, Gillian Abramson and Lamontagne, issues in plaintiff/ appellant case, as All 4 persons worked for a former state Governor. To interfere and impede due justice simply because they can.

c. Defendant’s chairman Lamontagne receiving campaign contribution from state judge Abramson, receded by an ex parte restraining order, simply because I sought discovery as he was running for political office in a series of state and federal offices he sought.

59. The United States Supreme Court has stated:

a. “if the factual basis established by the moving party provides what and objective, knowledgeable member of the public would find to be a reasonable basis for doubting a judge’s impartiality, then recusal under 28 U.S.C § 455(a) is required.” Allied Signal, 891 F.2d 970. Here they repeatedly Refused to Recuse, Why?

b. “Disqualification is required if an Objective Observer would entertain reasonable questions about the judge’s impartiality...to conclude that a Fair and Impartial hearing is unlikely, the judge must be disqualified. Liteky v US, 114 S.Ct 1147,...(1994) The U.S. Constitution Guarantees an unbiased Judge who will always provide litigants with full protection of ALL RIGHTS LET A JURY DECIDE.

c. “The Equal Protection Clause of the Fourteenth Amendment of the Federal Constitution commands that no State shall “deny to any person within its jurisdiction the Equal Protection of the laws.” Cleburne v. Cleburne Living. Ctrs. Inc 473 U.S. 432 ... U.S. Supr. 3249 L.E.2d..(1985)

d. The right of individuals to pursue legal redress for claims which have a reasonable basis in law and fact is protected by the First and Fourteenth Amendments. Bill Johnson's Restaurants, Inc. v. NLRB, 461 U.S. 731, 741, 103 S.Ct. 2161, 2169, 76 L.Ed.2d 277 (1983) Bell v. City of Milwaukee, 746 F.2d 1205, 1261 (7th Cir.1984). It is said “Fraud vitiates everything it touches.” (common law maxim) Nudd v. Burrows (1875) 91 U.S. 416.

e. “A corollary of this Right is that efforts by “state actors” [state j Abramson] to impede an individual's access to courts or administrative agencies may provide the basis for a

Constitutional claim under 42 U.S.C. § 1983. Judicial access must be "adequate, effective, and meaningful," Bounds v. Smith, 430 U.S. 817, ..., 97 S.Ct. 1491, 52 L.Ed.2d 72 (1977)

f. In the evidence of 'Fraud on the Court' "an inquiring court [must] set aside ... decisions... if those decisions are 'arbitrary capricious, abuse of discretion, or otherwise not in accordance with law,' 5 U.S.C. §706(2)(A), or "unsupported by substantial evidence in the record" id. §706(2)(E).

g. The 10th Cir. Court of Appeals describes "Fraud on the court" In Bulloch v. United States, 763 F.2d 1115, 1121 as "...fraud which is directed to the JUDICIAL MACHINERY itself, and is not fraud between the parties or fraudulent documents false statements or perjury... It is where the Court or Member is Corrupted or Influenced thus where the IMPARTIAL FUNCTIONS of the court have been directly Corrupted."

h. "The Equal Protection Clause of the Fourteenth Amendment of the Federal Constitution commands that no State shall "deny to any person within its jurisdiction the Equal Protection of the laws." Cleburne v. Cleburne Livg. Ctrs. Inc 473 U.S. 432 ... U.S. Supr. 3249 L.E.2d..(1985)

i. "When a party relies upon the United States Constitution in order to challenge or sustain the validity of some act of government affecting his legal rights, the court's exercise of the power of judicial review is arguably an inevitable consequence of the fact that a court must deal with all issues which are necessary to a resolution of the case before it." US Supr. Ct Chief Justice Marshall in articulating the **federal doctrine of judicial review** in Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803).

60. Code of Conduct for United States Judges:

A. Canons 1: A Judge Should Uphold the Integrity and Independence of the Judiciary: An independent and honorable judiciary is indispensable to justice in our society. A judge should maintain and enforce high standards of conduct and should personally observe those standards, so that the **integrity and independence of the judiciary be preserved**.

B. Canon 2: A Judge Should Avoid Impropriety and the Appearance of Impropriety in all Activities:

(a) **Respect for Law.** A judge should **Respect and Comply with the law** and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

- (b) **Outside Influence.** A judge should not allow family, social, political, financial, or other relationships to influence judicial conduct/ judgment.
- (c) **Nondiscriminatory Membership.** A judge should not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion, or national origin.

C. Canon 3: A Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently. The duties of judicial office take Precedence over all other activities. In performing the duties prescribed by law, the judge should adhere to the following standards:

(A) Adjudicative Responsibilities.

- (1) A judge should be faithful to, and maintain professional competence in, the law and should not be swayed by partisan interests, public clamor, or fear of criticism.
- (2) A judge should hear and decide matters assigned, unless **disqualified**, and should maintain order and decorum in all judicial proceedings.
- (3) A judge should be patient, dignified, respectful, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity. A judge should require similar conduct of those subject to the judge's control, including lawyers to the extent consistent with their role in the adversary process.
- (4) A judge should accord to every person who has a legal interest in a proceeding, and that person's lawyer, the full right to be heard according to law. Except as set out below, **a judge should not initiate, permit, or consider ex parte communications or consider other communications concerning a pending or impending matter that are made outside the presence of the parties or their lawyers.**

61. 28 U.S.C. § 453 Oath of Justices and Judges:

"Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: "I, _____, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will Faithfully and Impartially discharge and perform all the duties incumbent upon me as _____ under the Constitution and laws of the United States. So help me God."

62. There exist here **IMPORTANT FEDERAL QUESTION/ISSUES; as the federal Laws, Statutes and Rules of procedures plaintiff/appellant Relied upon and continue to have neither been nullified by the United States Congress or reinterpreted to give a by the United States Supreme Court, the supreme law of the land.**

1. Why then was I Denied and Deprived repeatedly of a Free and Fair adjudication by an Impartial but for (pecuniary personal conflicts of interest), the very persons, facts and evidence indicate they have known and/or participated in misconduct plaintiff asserted in his original complaint and be wantonly and deliberately denied basic due process right; to present facts and

evidence before a jury of peers as arbiter of facts to weigh and judge by the standard of proof; mere preponderance of the evidence.

2. Is it because the very people sworn to uphold our laws are the very people obstructing and usurping federal guarantees, protections and provisions that the United States Constitution affords to all its citizens without regards to race, ethnicity, religion, national origin...

63. As USC 28 §455(a), the 5th and 14th Amendment of the US Constitution guarantees all citizens their right to due process and the equal protection clause further protects minority citizens in majority states equal rights afforded to all but in state of NH fail to provide federal guarantees. The state highest looks at the flouting of rules and law as per for the course when done to minority victims for the greater good for state bank's like St Mary's et al. The legal definition of "conflict of interest" is clear. Reasons for Recusal is also clear. Basic Due Process requirement is also clear yet in NH time and time again re-define to serve the connected.

vii. The Impartial disinterested functions of the judicial machinery must be allowed to perform with credibility and integrity, rather for the obvious machination, usurped to deny and deprive petitioner his substantive rights for defendants. Described as Black Letter Law.

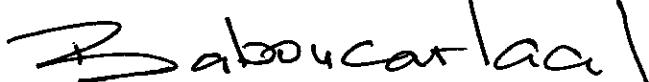
viii. Fraud, by definition, is an intentional perversion of truth. Fraud may be by direct falsehood, or innuendo, or suppression of truth, ..., by speech or by silence, etc. Black's Law Dict. 6th Ed. , p. 660. Fraud violates due process of law, and terminates the "intangible right to honest services" promised to the People. 18 U.S.C. § 1346. Here repeatedly employed by these

CONCLUSION

For these Reasons; provisions, protection and Guarantees of Substantive Rights Rule of Law, the petition by Baboucarr Taal for a writ of certiorari should be Granted, in the interest of justice.

Respectfully submitted,

Dated: July 26, 2021

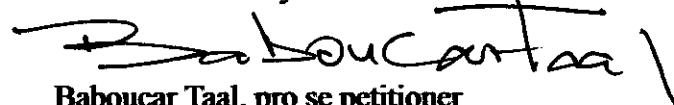


Baboucarr Taal, Pro Se petitioner and all similarly situated
59 Essex Road,
Bedford, NH 03110
(603) 471 9192
taalbb39@gmail.com

CERTIFICATE OF SERVICE

I, Baboucarr Taal, here certify that copy of the writ certiorari was by USPS mail to respondents:

-St Mary's Bank by their counsel Fenniger & Uliasz 45 Bay Street, Manchester, NH 03104
-Discover Bank by their counsel Bussiere & Bussiere 15 North St., Manchester, NH 03104



Baboucarr Taal, pro se petitioner

Dated: July 26, 2021