

Case No. 19-5652

On Petition for Writ of Certiorari
in United States Supreme Court

MOTION FOR RECUSAL

Carlos Velasquez

v.

State of Utah by & through Ut. Leg.,

UDHS, incl. Utah DAAS/APS and other Agencies

STATEMENT ON THE MOTION

On observation the Federal case matter in *direct adversary* to several Federal judges who, according to the petition, have abused the IFP screening statute and developed a complex and over-extended *perjury*, several other reviewable direct Criminal Contempts (18 U.S.C. § 401(2)), the recusal question on Grant of *Writ of Certiorari* appears absolutely necessary.

This is the *second* case attempt. (First Case No. 19-6263)

Additional direct briefing under the question is unlikely; How does the court find and recognize, so enforce, *Fraud on the Court* citations, and how does the court find and recognize *criminal contempt* committed by federal judges in the course of read and review?

How does the court defend the fundamental originality of legal claims present *in forma pauperis*, those without greater numbers of copies, and those without covers defining the order of the petition?

This direct question defines and defends such a response for and of *originality* of the petition in terms of *decency, reasonability, and legality*; an independent citizen does make a direct legal claim when presented to a Federal judge for review, and so it may follow it is possible for a judge to improperly deny such a question.

If he confers with another judge, implicit, partially or passive aggressively, is such conference *conspiracy*?

If she recognizes and affirms the form or expression of a deliberative and false declaration/opinion, does she not commit *subornation*?

All of these questions are plainly validated within a strong review of the Petition which carries a *Motion to Set Aside for Fraud on the Court* in the District of Utah court wherein judges implicit and without reason *voided* the procedural review of the motion, and replaced the entire case reasoning without preserving the question.

The following judges are partially tried on Criminal Contempt in the cause of the petitioner's original action:

- Hon. Snr. Judge, Mr. Dee Benson (Deceased) (Case No. 2:20-cv-205-DB/DAK-PMW, D. Utah)
- Hon. Judge, Mr. David Nuffer (Frmr. Chief Judge, D. UT) Case No. 2:18-cv-728-DN-PMW, D. UT)
- Hon. Chf, Mag., Mr. Paul Warner (Retired) (Both Cases)
- Hon. Snr. Judge, Mr. Paul Kelly (Case No. 19-4041, CA10)
- Hon Judge, Ms. Nancy L. Moritz¹ (Both Cases)
- Hon. Judge, Ms. Carolyn B. McHugh (Case No. 19-4041, CA10)
- Hon. Snr. Judge, Mr. Robert Baldock (Case No. 20-4087, CA10)
- Hon. Judge, Ms. Allison Eid (Case No. 20-487, CA10)

¹ A typographic error appears at least three times in this petition, mislabeling the Hon. Nancy L. Moritz, 'Meghan.'

REASONS RECUSAL IS REQUESTED

The argument may require the recusal of Assoc. Justice, Mr. Neil Gorsuch for the following reason, and so any justice may also recuse;

- (1) 28 U.S.C. § 455 (b)(1), “He [shall] disqualify himself... [where] he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts.”

Where tenure in the U.S. Court of Appeals for the Tenth Circuit may have allowed generate close friendships, and significant working relationships with any relevant members of the Tenth Circuit, Assoc. Justice, Mr. Neil Gorsuch may recuse.

This is compelling wherein in *perjuries* operate expressly of any *personal judicial jurisdiction* to define a potential *conflict of interest*, a “personal bias or prejudice” reflects the plausible validation of *Fraud* and/or *Contempt* out of respect or familiarity for any judicial party and his/her *personal standing*; the *perjury* so standing with the judge.²

A prohibited act may be one as directly trying the integrity of a close friend, or long-time colleague, which this case does effectively claim to do rel. to five members of the U.S. Court of Appeals for the Tenth Circuit.

² Code of Judicial Conduct, Canon 2A, Commentary, “An appearance of impropriety occurs when reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, would conclude that the judge’s honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired... A judge must avoid all impropriety and appearance of impropriety.

(2) “28 U.S.C. § 455 (a), Any justice, judge or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.”

The subject of *Fraud on the Court*, and the relationship *Fraud* may share with *Direct Contempt* both in terms of limitations of *cause of action*, and available *precedence* is not much explored on the *law of the case* before the issue is made available under the United States Code, and the Federal Rules of Civil Procedure.

It is, therefore, a question of prejudice as to *why* the judges in the lower court *gamble* with the liberty, time, and life of their citizen-peers, as per the claims on Petition.

Any Justice with unexpressed reservations at trying a Federal judge to the measure of *partial judgment* on Petition for Writ of Certiorari in *Criminal Contempt* terms, or *Fraud on the Court* terms, or harboring excessive and unstated reservation from hearing *in forma pauperis* claims to such an effect, or otherwise potentially interested to reject such a complainant’s *collateral prejudice* may disqualify himself.

“A judge should Uphold the Integrity and Independence of the Judiciary,”³ this being a question of confidence in *Grant* versus *Declension* of the Petition now before

³ Code of Judicial Conduct, Canon 1, Commentary, “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.”

the court, and the independent discretion left to a party directly abused by judiciary trying real *collateral prejudice*.

This similarly will apply to one who would practice methodology of *read and review* which does not entertain the thorough and available record, but disqualifies the petition prematurely.

Any justice may so recuse.

CONCLUSION OF THE MOTION

I allow for the absolute *impartiality* of the Justice, however the motion is presented to prevent any kind of political ambivalence from rejecting a true Federal question.

In such an undesirable instance, I do not wish to compound the complexity of any injury which the Supreme Court should not validate without a strict statement of its affirmance, how and why the question inherent is precluded without a technical and procedural discussion, without sufficiency of process and positive subject-matter treatment.

An affidavit is also filed this week for distribution, and may be reviewed beside this *Motion for recusal*.

s/Carlos Velasquez  _____, Civil Bureaucratic Federalist

Date: