DESIGNATION OF ORDERS BELOW (Rule 20.3)

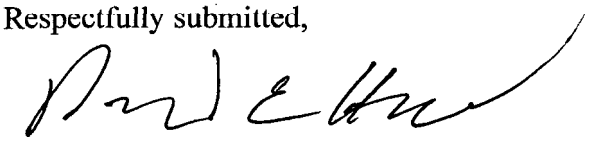
Pursuant to Supreme Court Rule 20.3, Petitioner hereby designates the following correspondence of the Judicial Council of the First Circuit as the operative "orders in respect of which the writ is sought." Although issued in letter form, these communications constitute final decisions within the meaning of 28 U.S.C. §§ 351–364, as they denied docketing, severed related complaints, refused reassignment under Rule 25(f), or otherwise foreclosed all further relief within the statutory process.

- **April 17, 2025** — Judicial Council correspondence (Appendix B, Exhibit B-2)
- **May 15, 2025** — Judicial Council correspondence (Appendix B, Exhibit B-4; Appendix C, Exhibit C-5)
- **June 6, 2025** — Judicial Council correspondence (Appendix B, Exhibit B-6; Appendix C, Exhibit C-7)
- **July 3, 2025** — Judicial Council correspondence (Appendix B, Exhibit B-8; Appendix C, Exhibit C-9)
- **July 23, 2025** — Judicial Council correspondence (Appendix B, Exhibit B-10)
- **April 22, 2025** — Judicial Council correspondence (Appendix C, Exhibit C-2)

The Judicial Council's letters dated April 17, May 15, June 6, July 3, July 7, and July 23, 2025 (Appendix B, Exhibits B-2, B-4, B-6, B-8, B-10; Appendix C, Exhibits C-2, C-5, C-7, C-9) each determined Petitioner's misconduct complaints by refusing docketing, severing related allegations, declining reassignment under Rule 25(f), or otherwise foreclosing statutory relief. In effect, these letters constituted operative rulings that left no further remedy available within the First Circuit.

Although the Judicial Council has not entered a formal order under Rule 11(b), its correspondence reflects the Council's final position and effectively terminated Petitioner's complaints. Under §§ 351–364, no further appeal exists from such actions except referral to the Judicial Conference, which has not occurred. Accordingly, these letters constitute the "orders below" within the meaning of Supreme Court Rule 20.3 and are appended in full.

Respectfully submitted,



Daniel E. Hall
Pro Se Petitioner

September 12, 2025

10. APPENDIX

Appendix Part A – Constitutional, Statutory, and Rule Provisions

Appendix Part B – Complaint Nos. 01-25-90016 through 01-25-90027

- **Exhibit B-1** – April 7, 2025: Request for Investigation
- **Exhibit B-2** – April 17, 2025: Judicial Council correspondence
- **Exhibit B-3** – May 3, 2025: Formal Complaint and Addendum
- **Exhibit B-4** – May 15, 2025: Judicial Council correspondence
- **Exhibit B-5** – May 21, 2025: Follow-up Regarding Conflict of Interest, Procedural Irregularities, and Disregarded Warnings
- **Exhibit B-6** – June 6, 2025: Judicial Council correspondence
- **Exhibit B-7** – June 17, 2025: Submission on Improper Severance and Rule 25(f) Violations
- **Exhibit B-8** – July 3, 2025: Judicial Council correspondence
- **Exhibit B-9** – July 7, 2025: Formal Request for Disclosure under Judicial Conduct and Disability Act and Rule 25
- **Exhibit B-10** – July 23, 2025: Judicial Council correspondence

Appendix Part C – Complaint Nos. 01-25-90033 through 01-25-90038

- **Exhibit C-1** – April 7, 2025: Inquiry Regarding Potential Conflict of Interest in the Merit Selection Process for Magistrate Judge – District of New Hampshire
- **Exhibit C-2** – April 22, 2025: Judicial Council correspondence
- **Exhibit C-3** – May 3, 2025: Rebuttal and Request for Reconsideration — Misrepresentation of Merit Selection Panel Participation (Magistrate Judge Selection / Saint-Marc)
- **Exhibit C-4** – May 3, 2025: Formal Complaint
- **Exhibit C-5** – May 15, 2025: Judicial Council correspondence
- **Exhibit C-6** – May 21, 2025: Supplemental Identification of Subject Judges and Request for Recusal of Circuit Executive Susan Goldberg
- **Exhibit C-7** – June 6, 2025: Judicial Council correspondence
- **Exhibit C-8** – June 17, 2025: Rule 25(f) Violations and Procedural Obstruction
- **Exhibit C-9** – July 3, 2025: Judicial Council correspondence

APPENDIX – PART A

Constitutional, Statutory, and Rule Provisions Involved

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1. U.S. Constitution, Article III, Sections 1–2 (excerpt)

Section 1.
The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good behavior, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

Section 2.
The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; — to all Cases affecting Ambassadors, other public Ministers and Consuls; — to all Cases of admiralty and maritime Jurisdiction; — to Controversies to which the United States shall be a Party; — to Controversies between two or more States; — between a State and Citizens of another State; — between Citizens of different States; — between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

---

2. 28 U.S.C. § 1651(a) – All Writs Act
(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

---

3. 28 U.S.C. §§ 351–364 – Judicial Conduct and Disability Act of 1980
(*Excerpts relevant to this petition*)

§ 351(a) – Any person alleging that a judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts… may file with the clerk of the court of appeals for the circuit a written complaint containing a brief statement of the facts.

§ 352–354 – Provide the procedures for review of complaints, including referral to the chief judge, review by the judicial council, and provisions for further review or certification to the Judicial Conference.

---

4. 28 U.S.C. § 631(b)(5) – Appointment of Magistrate Judges; Merit Selection Panels
No individual may be appointed to serve as a magistrate judge if that individual has served, within the two-year period preceding the date of appointment, as a member of a merit selection panel established to recommend candidates for magistrate judge positions in that district.

---

5. Rules for Judicial-Conduct and Judicial-Disability Proceedings (*Selected Provisions*)

Rule 6(b) – A single complaint may contain allegations against multiple judges, and such allegations should be processed together unless severance is required by Rule 11(b).

Rule 6(c) – A complainant may amend a complaint to add claims or name additional judges at any time before the chief judge issues a decision under Rule 11.

Rule 8(a) – Complaints naming different judges shall be assigned separate docket numbers.

Rule 11(b) – A complaint may be dismissed in whole or in part if it is directly related to the merits of a decision or is otherwise not cognizable under the Act; reasons for dismissal must be stated.

Rule 25(f) – If all circuit judges of the circuit are disqualified, the Chief Justice of the United States shall designate another circuit judge to perform the duties of the chief judge.

---

6. Supreme Court Rules (Selected)

Rule 14 – Contents of a Petition for a Writ of Certiorari (incorporated by Rule 20.2 for petitions for extraordinary writs), including the requirement for Questions Presented to appear on the first page after the cover and for jurisdictional, factual, and legal sections to follow a specified sequence.

Rule 20 – Governs petitions for extraordinary writs, requiring a showing of exceptional circumstances and compliance with Rule 14 form.

Rule 22 – Governs applications to an individual Justice, including transmission of certain applications to the appropriate Circuit Justice.

Rule 39 – Governs motions to proceed in forma pauperis, including required affidavits.

Appendix Part B – Complaint Nos. 01-25-90016 through 01-25-90027

- **Exhibit B-1** – April 7, 2025: Request for Investigation
- **Exhibit B-2** – April 17, 2025: Judicial Council correspondence
- **Exhibit B-3** – May 3, 2025: Formal Complaint and Addendum
- **Exhibit B-4** – May 15, 2025: Judicial Council correspondence
- **Exhibit B-5** – May 21, 2025: Follow-up Regarding Conflict of Interest, Procedural Irregularities, and Disregarded Warnings
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- **Exhibit B-9** – July 7, 2025: Formal Request for Disclosure under Judicial Conduct and Disability Act and Rule 25
- **Exhibit B-10** – July 23, 2025: Judicial Council correspondence

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April 7, 2025

Judicial Council of the First Circuit
Circuit Executive's Office
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 3700
Boston, MA 02210

Subject: Urgent Request for Investigation into Judicial Misconduct and Criminal Activities by;

Magistrate Judge Andrea K. Johnstone
District Judge Steven J. McAuliffe
District Judge Samantha D. Elliott
Chief Judge Landya B. McCafferty
Senior Circuit Judge William J. Kayatta Jr.
Senior Circuit Judge Sandra Lynch
Chief Circuit Judge David J. Barron
Circuit Judge Gustavo Gelpi
Circuit Judge Lara Montecalvo
Senior Circuit Judge Jeffrey R. Howard
Senior Circuit Judge Rogeriee Thompson
Circuit Judge Julie Rikelman

Dear Members of the Judicial Council,

I am writing to urgently request an immediate investigation by the Judicial Council into significant allegations of judicial corruption, misconduct, and systemic criminal activities involving **Magistrate Judge Andrea K. Johnstone, District Judge Steven J. McAuliffe, District Judge Samantha D. Elliott, and Chief Judge Landya B. McCafferty** of the **United States District Court for the District of New Hampshire**, as well as **Senior Circuit Judge William J. Kayatta Jr., Senior Circuit Judge Sandra Lynch, Chief Circuit Judge David J. Barron, Circuit Judge Gustavo Gelpí, Circuit Judge Lara Montecalvo, Senior Circuit Judge Jeffrey R. Howard, Senior Circuit Judge Rogeriee Thompson, and Circuit Judge Julie Rikelman** of the **First Circuit Court of Appeals** (collectively referred to herein as the "First District Judges").

I respectfully submit the attached Complaint and evidentiary appendix titled **"The Unauthorized Practice of Law in Federal Court: A Pattern of Judicial Concealment and Corporate Privilege" and evidentiary appendix** for your immediate review and action under the **Judicial Conduct and Disability Act, 28 U.S.C. §§ 351–364**. This submission documents

extensive and publicly verifiable misconduct by these federal judges—who have collectively facilitated, concealed, and ratified the unauthorized practice of law in civil proceedings, thereby violating mandatory judicial conduct standards, federal statutes, and constitutional protections.

The attached Complaint outlines a six-year pattern of coordinated judicial misconduct, including:

- Over **100 unauthorized filings** by non-bar-member attorneys from Perkins Coie LLP—knowingly accepted and ruled upon by federal judges;
- A **concealed and unlawful pro hac vice policy** developed and enforced by court officers, violating Local Rule 83.2, Federal Rule 11, and state law (N.H. RSA 311:7);
- Deliberate violations of **recusal statutes** (28 U.S.C. §§ 144 and 455), due process norms, and Federal Rule of Evidence 201;
- And a sustained effort by First Circuit judges—including Judge Kayatta—to affirm and protect the underlying fraud, without once addressing the merits or legality of the unauthorized filings.

All claims are substantiated by public court records and archived evidence, and given the extensive documentation substantiating these allegations and for purposes of transparency and convenience, the complete supporting evidence has been made available electronically. This comprehensive documentation can be accessed online at the following link:

https://www.scribd.com/document/846224052

The allegations, supported by substantial evidence, demonstrate the **First District Judges** active involvement in coordinated judicial misconduct, including:

- Conspiracy with other federal judges to intentionally violate federal criminal statutes such as 18 U.S.C. § 371 (conspiracy), 18 U.S.C. § 1503 (obstruction of justice), and 18 U.S.C. § 1346 (honest services fraud).
- Participation in systemic fraud upon the court through enabling unauthorized practice of law, severely compromising judicial integrity and procedural fairness, contrary to the precedent set by Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944).
- Persistent violations of mandatory judicial recusal statutes (28 U.S.C. §§ 455, 144) and denial of constitutional due process rights, particularly impacting pro se litigants, contrary to the protections set forth in Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009) and Mathews v. Eldridge, 424 U.S. 319 (1976).
- Deliberate disregard for jurisdictional mandates, rewriting established precedents and violating fundamental principles recognized in Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803), and Griggs v. Provident Consumer Discount Co., 459 U.S. 56 (1982).

Due to the systemic nature and severity of these allegations involving coordinated misconduct across multiple judges, traditional judicial complaint processes are inadequate. Immediate intervention and comprehensive investigation by your Council are critical to maintaining the integrity of the judiciary and public confidence in our justice system.

Recent executive policy statements, including Executive Orders 14147 ('Ending the Weaponization of the Federal Government'), 14149 ('Restoring Freedom of Speech and Ending Federal Censorship'), and 14215 ('Ensuring Accountability for All Agencies'), reflect a clear and heightened federal priority to identify and address abuses of governmental power. While these orders primarily pertain to executive branch operations, their core principles—transparency, accountability, and protection of constitutional rights—are equally essential within the judicial branch.

Accordingly, as the Judicial Council of the First Circuit, you possess both the authority and the duty under the Judicial Conduct and Disability Act (28 U.S.C. §§ 351-364) to vigorously investigate and act upon allegations of judicial misconduct, abuses of judicial power, or weaponization of judicial proceedings. Proactively addressing such misconduct safeguards public confidence, ensures adherence to constitutional standards, and aligns judicial oversight with broader governmental efforts toward accountability and transparency.

This misconduct goes beyond legal error. It reflects a **systemic failure of judicial integrity**—enabled through silence, reinforced by procedure, and insulated from accountability. Given the Council's statutory responsibility to uphold the integrity of judicial proceedings, I respectfully request that:

1. A formal investigation be initiated against **all of these First District Judges** and all implicated judicial officers;
2. The matter be referred to the **Judicial Conference of the United States** for further disciplinary review;
3. Appropriate corrective action be taken under **§ 354**, including public censure or temporary disqualification if warranted by the findings.

I am available to provide further documentation, sworn testimony, or clarification as needed. This complaint is submitted not merely for personal redress, but on behalf of all litigants—especially the unrepresented—who rely on the integrity of our courts.

Respectfully,

Daniel E. Hall
April 7, 2025

OPENING STATEMENT

Petitioner **Daniel E. Hall** brings this Complaint to expose a coordinated pattern of misconduct within the federal judiciary—misconduct encountered firsthand in two related civil rights cases, and sustained across multiple levels of review. What began as a straightforward discrimination claim against a private tech company evolved into a disturbing collision with a judicial system more committed to **concealing institutional fraud** than upholding laws or the Constitution.

In *Hall v. Twitter*, Case No. 1:20-cv-536-SE, filed in the U.S. District Court for the District of New Hampshire, Hall brought claims under **42 U.S.C. § 1981** and **42 U.S.C. § 2000a**, asserting that Twitter, acting as a **state actor**, engaged in racially discriminatory conduct after being **coerced by certain Members of Congress** and incentivized through its **Section 230 immunity to remove White Supremists and White Nationalists**. Twitter developed and deployed algorithms designed to remove white users from its platform, including Hall—effectively denying him access to public accommodations and equal rights in contract on the basis of race.

What followed was not justice—it was nearly five years of obstruction:

- *Three separate appeals* to the First Circuit,
- *Three petitions for rehearing en banc*,
- And *two denied petitions for certiorari* to the United States Supreme Court.

Throughout this prolonged litigation, Hall uncovered the existence of a **concealed and unlawful pro hac vice policy**, implemented by court officers and selectively applied to benefit Twitter's attorneys from **Perkins Coie LLP**. Despite lacking admission to the court, these attorneys were allowed to file over 100 unauthorized pleadings across five separate federal cases. Hall's formal objections were ignored, dismissed, or procedurally blocked at every level—never once addressed on the merits.

In a separate civil action—*Verogna (Hall) v. Johnstone, et al.*, Case No. 1:21-cv-01047-LM—Hall directly challenged two of the judges responsible: *Magistrate Judge Andrea K. Johnstone* and *District Judge Steven J. McAuliffe*, for implementing and enforcing the concealed policy. That case, too, was rapidly dismissed sua sponte in the district court, followed by an appeal and an en banc petition—each met with silence.

At every turn, Hall encountered a judiciary more interested in **protecting itself** than enforcing the law. The same judges who ruled on the merits of his case had, behind closed doors, participated in the **reappointment of Judge Johnstone**, discussing misconduct allegations in private while ruling to dismiss those same allegations in court. This conflict of interest was never disclosed.

And because Hall refused to back down—because he insisted that the illegal pro hac vice policy be addressed and struck down—**both of his cases were dismissed for unlawful and demonstrably improper reasons**. In *Hall v. Twitter*, *Judge Samantha D. Elliott* misapplied controlling precedent to avoid reaching the merits of Hall's civil rights claims. While *Doe v. Brown Univ.*, 43 F.4th 195 (1st Cir. 2022), affirms that intent is an element of a § 1981 claim, it does not

modify the pleading standard at the motion to dismiss stage. Judge Elliott treated the requirement of discriminatory intent as if it had to be **proven**, rather than **plausibly alleged**. This directly contradicts *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506 (2002), which holds that plaintiffs are not required to plead all elements of a prima facie case. That principle remains good law even after *Twombly* and *Iqbal*, as reaffirmed in *Rodriguez-Reyes v. Molina-Rodriguez*, 711 F.3d 49 (1st Cir. 2013), where the First Circuit held that civil rights plaintiffs need only allege facts supporting a **reasonable inference of intent**—not establish it conclusively.

In *Verogna (Hall) v. Johnstone, et al., Chief Judge Landya B. McCafferty's* dual role underscores the systemic failure. She dismissed Hall's case so swiftly she never had to name or directly review the misconduct of either judge involved. She misstated key facts, invented her own, and flatly ignored binding precedent—most notably *Kush v. Rutledge*, 460 U.S. 719 (1983), which confirms that class-based animus is not required under **42 U.S.C. § 1985(2), Clause (i)**. That wasn't adjudication. **That was a cover-up—and an obvious one.**

To pull it off, McCafferty had to **rewrite both the facts and the law.** She falsely claimed that Clause (i) of § 1985 required class-based animus, despite Supreme Court precedent and national consensus to the contrary. Courts across the country recognize Clause (i) applies to **retaliation for participation in federal proceedings—regardless of class status**. McCafferty ignored that standard, creating a new one to avoid ruling on the actual constitutional violations alleged.

Worse still, **none of the judges involved followed any recusal rules, evidentiary safeguards, judicial notice procedures, or even basic ethical constraints.** Hall's uncontested requests under **Federal Rule of Evidence 201** were ignored in both courts. Material facts were buried. Conflicts of interest were concealed. Judicial conduct standards were abandoned. And the constitutional violations were not just tolerated—they were **facilitated**.

This wasn't civil procedure. **This was criminal conduct, dressed in robes.** The acts described herein—**concealment, false rulings, suppression of evidence, and denial of due process**—go beyond judicial error. They constitute **fraud, obstruction of justice, and abuse of office** at the highest levels of the judiciary. And they cannot, under any reading of the Constitution or the law, be overlooked.

This brief lays bare the result: a justice system compromised from within, where **elite law firms operate without accountability**, where **judicial conflicts are concealed instead of cured**, and where **appellate panels become the final backstop of institutional corruption**. What follows is not conjecture—it is **evidence**. This is the story of **what happens when the rule of law becomes optional—depending on who you are, and who you know in the courthouse.**

And now, in 2025, the very same judges and courts described in this record have expanded their reach—not just into matters of speech and civil rights, but into the **private lives of families**. These **liberal, progressive judges** have begun to act as **modern-day prohibitionists**, putting their **ideological activism above the Constitution**, and beyond the reach of law. They have abandoned even the appearance of neutrality, showing themselves to be **unaccountable agents of coercive power**, aligned with political movements, special interests, and cultural enforcement mechanisms that serve the elite—not the people.

In the case of *Foote v. Ludlow*, No. 22-1952 (1st Cir. 2024), the First Circuit affirmed that schools can **socially transition minor children behind their parents' backs**, framing secrecy and deception as "inclusive policy." These are the **same judges**—*Kayatta, Barron, Lynch, Montecalvo, Rikelman*—whose names appear throughout this brief. The same judges who buried the truth about judicial misconduct here are now **coming for parental rights**, effectively stripping families of authority over their own children.

Any reasonable person—lawyer or layman—can verify the unlawful policy for themselves. The 106 unauthorized filings by Attorneys **Ryan Mrazik** and **Julie Schwartz** are publicly archived and indexed. With one click, even a casual reader can confirm what the courts refused to acknowledge: these attorneys were **not admitted to the bar** at the time of filing. They said so themselves. Their unauthorized pleadings are a matter of public record. [1]

This is **irrefutable and indisputable** evidence that the court acted with **institutional bias in favor of Twitter and its elite counsel**. No pro se litigant would have been granted such an administrative privilege. The court didn't merely tolerate the misconduct—it facilitated it.

This was not a one-time lapse or isolated oversight. It was a **pattern of abuse—order after order, judge after judge, court after court**—all bending the rules in one direction while silencing the litigant who dared to object. What began as judicial error became judicial protectionism. And what followed was not law—it was **a coordinated institutional failure** that undermined the very idea of a fair tribunal. When the rules are only enforced against one side, that is not justice. That is **bias weaponized through procedure**.

In this environment, **Plaintiff Hall**, who still resides in this judicial district, has essentially **lost all constitutional protections**. The court has become **an ideological weapon**, unrestrained by fact, law, or duty. And the **Chief Justice of the United States, John Roberts**, under whose watch this has occurred, has **failed to impose any institutional accountability**. In fact, **Roberts and the current Supreme Court recently denied Hall's petition for a writ of mandamus and motion for reconsideration in Case No. 24-5964**—filings that would have compelled the First Circuit to follow the rules, laws, and precedents as written. Meanwhile, **Hall's petition for a writ of certiorari remains pending in Case No. 24-6779**, and has been **distributed for the Supreme Court's Conference on April 17, 2025.**[2] This is not just a personal injustice—it is a **warning to the nation**. The judiciary is off the rails, and **the people are no longer safe in their courts.**

Footnotes

[1] See Docket No. 24-6779, U.S. Supreme Court, "Daniel E. Hall v. X-Corp (Twitter)" distributed for Conference of April 17, 2025, available at https://www.supremecourt.gov (last accessed April 4, 2025).

[2] See Appendices I–V, publicly available at https://www.scribd.com/document/846224052 (last accessed April 4, 2025).

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I. The Fraud of Court-Sanctioned Unauthorized Practice of Law and Systemic Backdoor Access for Twitter Attorneys of Perkins Coie, LLP

The two examples below capture the **essence of the fraud**. In each, **attorneys Ryan Mrazik and Julie Schwartz** are listed as counsel for Twitter, yet both include the notation *"motion for pro hac vice admission to be filed,"* confirming that **neither was a member of the court's bar at the time of filing**. By writing this, they openly admitted:

- They were **not admitted to practice** before the court;
- They had **not even filed** a motion to appear pro hac vice; and
- They were **not legally authorized** to act as counsel under any rule or statute.

Respectfully submitted,
Counsel for Twitter, Inc.,

/s/ Timothy J. McLaughlin
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Respectfully submitted.

Twitter, Inc.

By its attorneys,

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This is not a technicality. It is an **express admission of unauthorized legal practice**—a violation that would disqualify any other filing in any legitimate court. While each filing was formally signed by local counsel, that **does not excuse the violation**, nor does it **relieve the court of its duty to enforce the law**.

Under **Local Rule 83.2(b)**, attorneys must either be admitted to the bar or have a **granted** pro hac vice motion **before filing any document**. Under **Federal Rule of Civil Procedure 11(a)**, all pleadings must be signed by someone legally authorized to practice before the court. Under **N.H. RSA 311:7**, it is a **crime** to practice law in New Hampshire without bar admission.

📌 **A pending motion is not a license—and these filings were made without any legal authority whatsoever.**

This wasn't a one-time oversight. It was a **systemic and sustained pattern of court-sanctioned fraud**.

- In at least **five federal cases** from 2018 through 2024, **attorney Ryan Mrazik** submitted **81 filings** without ever being admitted to the bar or filing a pro hac vice motion, and
- In *Hall v. Twitter*, **attorney Julie Schwartz** filed her **initial Motion to Dismiss and Memorandum of Law** without admission, then filed **23 more unauthorized pleadings** *after* submitting a pro hac vice motion—but *before* it was granted.

These violations are fully corroborated by:

- The **original signature pages**, where the disclaimer *"motion for pro hac vice to be filed"* appears in plain text;
- **Individual dockets** from each case, which reflect no admission status at the time of filing; and
- The **Hall v. Twitter** docket, which shows that **Schwartz was not admitted to the bar until well after these filings were made.**

Despite this overwhelming paper trail, **not a single judge disqualified the filings, held a hearing**, or **enforced the rules**. The court saw the fraud, acknowledged it silently—and allowed it to continue.

Case/Name	Docket	Judge(s)	Unauthorized Pro Hac Vice Policy	Exhibits [1]
Case 1 (Pre-Hall)	1:17-cv-733	Johnstone, Barbadoro	Permitted Twitter Attorney Mrazik to file motions without proper admission 28 times	Appendix I Exhibit A
Case 2 (Pre-Hall)	1:17-cv-749	Johnstone, DiClerico	Permitted Twitter Attorney Mrazik to file motions without proper admission 4 times	Appendix II Exhibit B
Case 3 (Pre-Hall)	1:18-cv-203	Johnstone, Barbadoro	Permitted Twitter Attorney Mrazik to file motions without proper admission 31 times	Appendix III Exhibit C
Case 4 (Mid-Hall)	1:19-cv-978	Johnstone, Laplante	Permitted Twitter Attorney Mrazik to ghost write without proper admission 18 times	Appendix IV Exhibit D
Case 5 (Hall v. Twitter)	1:20-cv-536	Johnstone, McAuliffe, Elliott	Permitted Twitter Attorney Schwartz to file motions without proper admission 25 times	Appendix V Exhibit E

Footnotes

1. *See Appendices I, II, III, IV, V for filings submitted under the illegal policy.) https://www.scribd.com/document/846224052/Appendices-I-II-III-IV-V-Filings-Submitted-Under-the-Illegal-Policy*

📌 **This wasn't neglect. It was endorsement.**

📌 **And it wasn't hidden. It was in plain view—for anyone who bothered to look.**

There is **no other explanation** for continuing to condone, conceal, and enforce these filings **other than fraud**. No judge acting in good faith could review these facts and reach any conclusion other than disqualification and correction. Instead, **the court covered it up.**

📌 **This evidence also cements what is now undeniable: the court was not neutral. It was biased—openly and institutionally—in favor of Twitter and its attorneys at Perkins Coie LLP.** This wasn't judicial error. It was a judicial alliance. And it irreparably compromised the tribunal from the start.

II. Magistrate Judge Andrea K. Johnstone's Unlawful Pro Hac Vice Policy

Magistrate Judge **Andrea K. Johnstone** wasn't just a bystander to judicial misconduct—she was the **architect** of a covert legal racket that let **Perkins Coie LLP** and Twitter's attorneys operate like insiders in a rigged system. She ran point on a **secret pro hac vice policy**, an underground pipeline of procedural privilege that allowed Twitter's lawyers to file over **100 unauthorized pleadings** across **at least five federal cases**. In Mr. Hall's case alone, ***Hall v. Twitter*, No. 20-cv-536 (Case 5)**, they slipped in **25 unauthorized filings**, including Twitter's Motion to Dismiss—**without ever being admitted to practice.**

These weren't technical oversights. These were **intentional rule suspensions**, violations of **federal law, state law, and local court rules**, carried out behind closed doors, without notice, without disclosure, and without a shred of legitimacy. While pro se litigants like Hall were forced to follow every rule to the letter, Johnstone's chosen attorneys operated above the law—**because she made sure they could.**

📌 **"The court abandoned its obligation to impartiality, instead operating a hidden, preferential system… empowering a politically connected law firm."**

It was Johnstone's official duty to enforce the rules. Instead, she threw out the playbook and handed a loaded deck to one side—**Twitter and their high-dollar legal enforcers at Perkins Coie**. That's not negligence. That's orchestration.

In case after case, she ran this operation like a boss and allowing Mrazik to file 81 and Schwartz to file another 25, Non-Bar Member Submittals.

📌 *[See Chart in Section I: "Pattern of Unauthorized Filings Across Federal Cases."]*

This wasn't just unfair—it was a **complete operational breakdown** of due process. Johnstone created a tribunal that **functioned like a rigged casino**, where one side played by secret rules and the other got played.

📌 **"This wasn't just a breach of due process—it rendered the entire tribunal unconstitutional and fatally compromised from the start."**

Even worse, her concealment of this illegal arrangement **put the judiciary itself on the hook.** After she granted over 60 illegal filings to Twitter's legal team, the court became exposed. Any unfavorable ruling could have triggered a disclosure of the backroom deal—**and Johnstone knew it.** That's leverage. That's **judicial blackmail material.** And it's exactly the kind of coercive dynamic that turns a courthouse into a crime scene.

📌 **"No one defended the unlawful policy—because no one could."**

📌 **"They simply relied on judicial protectionism to bury the truth."**

This wasn't a lapse. It was a **judicial protection racket**, orchestrated by Judge Johnstone, executed through Perkins Coie LLP, and shielded from public view by the very people entrusted to uphold the rule of law.

III: The Reappointment of Magistrate Judge Johnstone and Judicial Taint

The 2022 reappointment of **Magistrate Judge Andrea K. Johnstone** was supposed to be an administrative formality. Instead, it became the final act in a courtroom cover-up. Under **28 U.S.C. § 631** and Judicial Conference regulations, the process required a **Merit Selection Panel**, public comment, and a vote by **every Article III judge** in the District of New Hampshire—including **McAuliffe, Elliott, Laplante, Barbadoro**, and **Chief Judge McCafferty**.

They didn't just vote—they **sat around a table, discussed Johnstone's conduct, read the objections, and talked with her directly.** And those objections weren't trivial. **Daniel Hall submitted documented proof** that Johnstone had implemented an unlawful **pro hac vice** policy and handed procedural privileges to **Perkins Coie LLP** while suppressing the rights of pro se litigants.

These judges were legally bound to investigate. They reviewed Hall's filings Hall submitted **two rounds of comments** (January and February 2022) to the panel, which included **material facts** about allegedly **illegal policies** Johnstone promulgated—facts that were also central to Hall's pending litigation. They spoke to Johnstone. They heard her story behind closed doors. And then they voted—**not to correct the record, but to protect one of their own.** That's not judicial review. That's **a backroom pact.**

📌 **"No one defended the unlawful policy—because no one could."**

📌 **"They simply relied on judicial protectionism to bury the truth."**

This reappointment process turned the judges into **investigators, witnesses, and gatekeepers**. By law, that made them all **ineligible to later adjudicate Hall's claims**, which directly

implicated the very misconduct they had reviewed and dismissed in private. But that didn't stop them. Instead of recusing themselves, they **inserted themselves deeper into the scheme.**

- **Judge McCafferty**—while serving as Chief Judge and participating in the reappointment—**dismissed Hall's valid claims without addressing the illegal policy**, pretending the facts never existed.
- **Judge McAuliffe**, after helping reappoint Johnstone, **recused himself on fabricated grounds**, but not before attempting to dismiss Hall's case during appeal.
- **Judge Samantha Elliott**, another reappointment insider, was then inserted into Hall's case. She refused to recuse, ignored the pro hac vice fraud, and went on to dismiss Hall's claims, sealing the cover-up.

This wasn't a neutral judiciary—it was a bench behaving like a **RICO enterprise**, where everyone knew the deal and no one broke ranks. Every judge had skin in the game, and none of them wanted to be the one to flip the table.

📌 **"At the core of this misconduct is a larger crisis: a corporate seizure of the federal bench, carried out by elite law firms like Perkins Coie, LLP and protected by judges who have no functional guardrails against corruption or coercion."**

This wasn't just judicial bias—it was **structural contamination**. The reappointment process didn't merely taint the court. It **pre-committed** the entire bench to a result that had already been discussed, digested, and decided outside the courtroom. They didn't recuse because they couldn't—**to step aside would have meant admitting they were in on it.**

They weren't protecting justice. **They were protecting each other.**

IV: Judge Steven J. McAuliffe's Complicity and Concealment

- **His failure to act**
- **His knowledge of objections and refusal to strike invalid filings**
- **His role in preserving the fraud**

District Judge **Steven J. McAuliffe** played the role of fixer in ***Hall v. Twitter*, No. 20-cv-536 (Case 5)** —not for the law, but for a corrupt legal syndicate fronted by **Perkins Coie LLP**. He knowingly enforced and concealed an illegal, unauthorized **pro hac vice** scheme—engineered by Magistrate Judge **Andrea K. Johnstone**—that let Perkins Coie's attorneys operate like made men in a courtroom rigged against the rules. In just one case, they filed at least **25 unauthorized pleadings**, including **Twitter's Motion to Dismiss**, while **attorney Julie Schwartz**—not even admitted to the bar—acted like she owned the bench.

These weren't minor violations. They were direct hits against **Local Rule 83.2(b)**, **Federal Rule 11(a)**, and **N.H. RSA 311:7**—laws that any legitimate judge would enforce without hesitation. But McAuliffe wasn't playing by the book. He **denied Hall's Motion to Strike**, looked the other way on the unauthorized practice of law, and deliberately upheld a sham legal operation under the guise of procedure.

McAuliffe **never disclosed the truth**—that Twitter's high-powered lawyers were filing at will under a backroom deal masked as policy. He reviewed Hall's objections, then tossed them aside with silence, ensuring the court record stood on fraudulent filings. He kept the whole thing quiet, acting like a consigliere cleaning up a mess before anyone noticed.

And when the heat got too close—when he was finally forced to **recuse himself**—McAuliffe tried to pull the plug on Hall's case **twice**, doing it while the matter was on **interlocutory appeal**. That's a violation so brazen it spits in the face of binding precedent. In **Griggs v. Provident**, the Supreme Court made it crystal clear: **once an appeal is filed, the district court loses jurisdiction**. The First Circuit echoed the rule in **Brooks**, but McAuliffe didn't care. He wanted Hall out of the picture—and he didn't mind breaking the law to do it.

This wasn't judicial discretion—it was a judicial hit job. A coordinated effort to protect the family: the court, the firm, and the facade. McAuliffe wasn't an umpire—he was in the dugout, calling plays for the house team.

📌 **"Judge McAuliffe helped cement an unconstitutional tribunal and actively participated in a conspiracy to obstruct justice."**

📌 **"At the core of this misconduct is a larger crisis: a corporate seizure of the federal bench, carried out by elite law firms like Perkins Coie, LLP and protected by judges who have no functional guardrails against corruption or coercion."**

This all happened in a **federal courtroom**—supposedly the last place in America where rules still mattered. But under McAuliffe, justice wasn't blind—it was bought. The court became a front operation, and the gavel a rubber stamp for power.

📌 **"No one defended the unlawful policy—because no one could."**

📌 **"They simply relied on judicial protectionism to bury the truth."**

The system didn't fail. It functioned exactly as its protectors intended—**to shield the corrupt and crush the whistleblower.**

V: Judge Samantha D. Elliott's Perpetuation of the Scheme

- **How she inherited and protected the fraud**
- **Her refusal to address Hall's motions**
- **Her institutional cover-up**

When **Judge Samantha D. Elliott** stepped into Hall's case, ***Hall v. Twitter*, No. 20-cv-536 (Case 5)**— she didn't just inherit a mess—**she drove the getaway car.** Appointed and confirmed as a new **Article III judge "in crime,"** in late 2021, Elliott came in with full knowledge of the scheme. She was no outsider. She had already been in the room during **Magistrate Judge Johnstone's reappointment proceedings**, reading Hall's formal complaints, sitting with fellow judges, and reviewing the exact misconduct now sitting on her docket.

📌 **"No one defended the unlawful policy—because no one could."**

📌 **"They simply relied on judicial protectionism to bury the truth."**

Elliott—alongside McAuliffe, McCafferty, Barbadoro, Laplante, and others—**knew what Johnstone had done.** They sat around a table, reviewed Hall's evidence, likely questioned Johnstone in private, and ultimately **voted to reappoint her anyway**, despite formal allegations that she had enabled a secret pro hac vice racket to benefit Twitter and Perkins Coie. That process turned Elliott into a **material fact witness**, constitutionally disqualified from hearing Hall's case under **28 U.S.C. §§ 144 and 455**, and **Caperton v. A.T. Massey**, 556 U.S. 868 (2009).

But Elliott didn't recuse. **She doubled down.**

When Judge McAuliffe finally recused himself—after two unlawful attempts to dismiss the case during appeal—Elliott swooped in to **finish the job**. She refused to address Hall's Motion to Strike Twitter's Motion to Dismiss, despite knowing that it was filed by **Julie Schwartz**, a Perkins Coie attorney who had never been admitted to the court. Elliott knew this. She knew the motion was void under **N.H. RSA 311:7**, **Local Rule 83.2(b)**, and **Federal Rule 11(a)**. She knew the filings were illegal—and she **let them stand anyway.**

Elliott didn't just carry the scheme forward. **She upgraded it.** Like McAuliffe before her, she denied every motion Hall filed: motions to strike, for default, for judicial notice, under Rule 59, Rule 60—**all denied without a hearing**. She ignored Hall's Rule 201 requests. She refused to acknowledge or correct over **100 unauthorized filings**, including **25 in Hall's case alone**, all made under a judicially concealed policy that was never disclosed to the pro se litigant forced to fight blind.

She knew it was a fraud. She **chose to protect it.**

Judge Elliott imposed pleading burdens that flatly contradicted **Swierkiewicz**, **Iqbal**, and **Twombly**. She ignored **Hazel-Atlas**, **Throckmorton**, and **Tumey**, each demanding relief in cases of judicial fraud and bias. She treated Hall's well-pleaded facts as speculation, while giving full weight to illegally submitted arguments from unauthorized attorneys.

This wasn't a courtroom. It was a **fixer's table.** A place where elite firms operated off the books, and the judge **cleaned up the paperwork.**

📌 **"This was not judicial error. It was judicial participation."**

By the time Elliott finished, every part of the record had been sanitized—cleared of anything that might expose the scam, reinforced with rulings designed to crush Hall's claims without ever letting the public see what happened.

She didn't just rule. **She protected the syndicate.**

📌 **"Judge Elliott helped cement an unconstitutional tribunal and actively participated in a conspiracy to obstruct justice."**

📌 **"At the core of this misconduct is a larger crisis: a corporate seizure of the federal bench, carried out by elite law firms like Perkins Coie, LLP and protected by judges who have no functional guardrails against corruption or coercion."**

Judge Samantha D. Elliott wasn't some neutral newcomer. **She was the next batter up**—a judge installed to carry out the final act of concealment, preserve the fix, and bury the record. And that's exactly what she did.

VI: Chief Judge Landya B. McCafferty's Conflict and Administrative Cover

- **Her role in Johnstone's reappointment**
- **Dual role as administrator and presiding judge in related case**
- **Biased reappointment process and suppression of plaintiff's evidence**

Chief Judge Landya B. McCafferty wasn't just complicit—she was the **boss in the room.** The final gatekeeper. The closer. While she presided over ***Hall v. Johnstone*** **(1:22-cv-143)(Case 6)** —a federal civil rights case targeting Johnstone's and McAuliffe's unconstitutional conduct—she also **oversaw and participated in Johnstone's reappointment** as a magistrate judge. That's not a conflict of interest. That's a **judicial cartel** protecting its own.

As Chief Judge of the District of New Hampshire, McCafferty held **administrative authority over every judicial policy**—including the secret **pro hac vice racket** Hall challenged in his filings. And yet, while sitting in judgment, she never mentioned the illegal policy, never addressed it, and never recused. Instead, she did what a syndicate boss does when the operation is threatened—**she shut it down.**

📌 **"No one defended the unlawful policy—because no one could."**

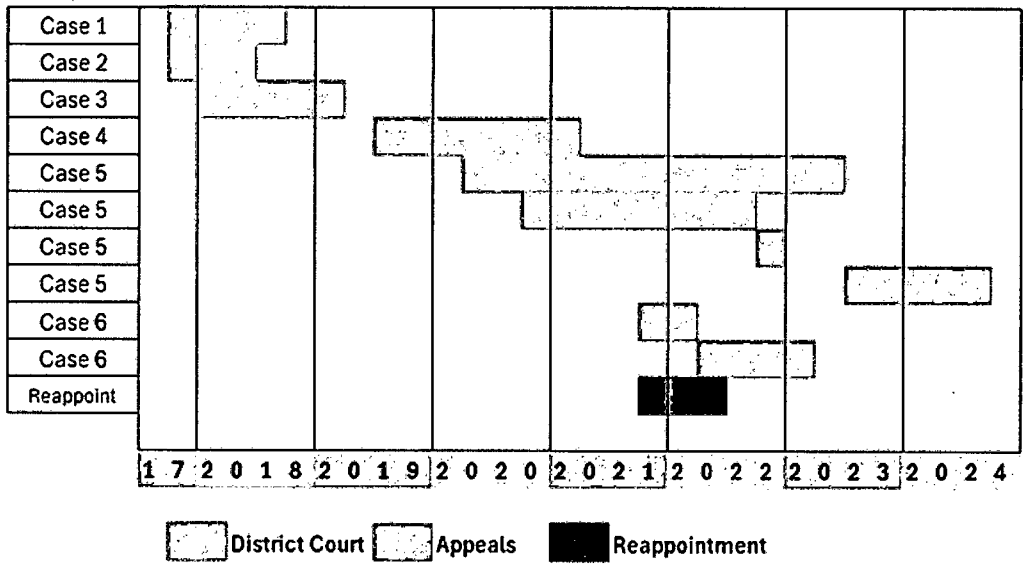
📌 **"They simply relied on judicial protectionism to bury the truth."**

At the same time Johnstone and McAuliffe continued applying this hidden policy, Chief Judge McCafferty was overseeing Judge Johnstone's reappointment—while simultaneously presiding over Mr. Hall's case (**Case 6**) against Judge Johnstone and Judge McAuliffe. In her administrative role, **McCafferty was exposed *only* to Johnstone's version of events,** while Hall's objections to the very same conduct were being litigated in public court. This one-sided review—hearing only the accused judge's defense while ignoring the litigant's claim—**stripped the process of all legitimacy.**

Though the emphasis of this brief remains on Judge Johnstone's misconduct, **Chief Judge McCafferty's dual role underscores the systemic failure.** She dismissed Hall's case so quickly she never had to name or directly review the conduct of either judge. In doing so, she **misstated key facts, inserted her own false factual conclusions, and outright ignored binding**

precedent, such as **Kush v. Rutledge**, which confirms that **class-based animus is not required under 42 U.S.C. § 1985(2), clause (i)**.

This timeline illustrates Judge McCafferty's dual role in Case 6 and Reappointment:



McCafferty heard only one side—Johnstone's. While Hall submitted formal objections to the reappointment panel, he was never invited to testify, never questioned, never heard. The panel—and McCafferty—deliberated behind closed doors, then reappointed Johnstone while **dismissing the very lawsuit that exposed her misconduct.**

That's not adjudication. That's a **cover-up.**

And to pull it off, McCafferty had to **rewrite the facts and the law.** In her ruling, she misstated Hall's claims under **42 U.S.C. § 1985(2), Clause (i)**, falsely asserting it required proof of class-based animus—**a direct contradiction of the Supreme Court's ruling in Kush v. Rutledge, 460 U.S. 719 (1983)**. Courts across the country recognize Clause (i) doesn't contain that requirement. McCafferty just **ignored it**, inventing a false standard to dodge the constitutional issues and protect her court.

Meanwhile, she **refused to exercise jurisdiction over Judges Johnstone or McAuliffe**, dismissing Hall's claims **before service, before discovery, and before the facts could reach sunlight.** She sidestepped the truth with technicalities, all while pretending to be neutral. But make no mistake: **she was presiding over a case that implicated her own administrative failures.**

📌 **"This was not judicial error. It was judicial participation."**

She didn't just allow the misconduct—**she preserved it**, institutionalized it, and **weaponized judicial power** to eliminate the threat Hall posed to the court's credibility. She misapplied precedent, buried allegations of fraud, and turned her courtroom into a fortress shielding **elite lawyers** and **insider judges** from accountability.

📌 **"Judge Elliott's helped cement an unconstitutional tribunal and actively participated in a conspiracy to obstruct justice."**

📌 **"At the core of this misconduct is a larger crisis: a corporate seizure of the federal bench, carried out by elite law firms like Perkins Coie, LLP and protected by judges who have no functional guardrails against corruption or coercion."**

Her **dual roles** made her both **administrator and adjudicator**, and that alone rendered her rulings **constitutionally void**. She sat in judgment of her own court's corruption. She had the power to clean it up. She chose instead to **silence the whistleblower, protect the machine, and maintain the illusion.**

This isn't just bias. **It's institutional collapse.** And McCafferty was standing at the center, wearing the robe—and calling the shots.

VII: First Circuit Appellate Judges' Deliberate Concealment

SECTION VII: First Circuit Appellate Judges' Deliberate Concealment

- **Judges Kayatta, Lynch, Barron, Gelpi, Montecalvo, Howard, Thompson, and Rikelman**
- **Procedural denials of Rule 201 judicial notice**
- **Silent affirmation of lower court fraud across multiple appeals**
- **Role as final backstop failing in institutional duty**

When the lower court couldn't bury the body, the **First Circuit Appellate Judges stepped in like the Boss of All Bosses—**the **Capo di tutti i capi**—to make sure the truth stayed dead and buried.

These weren't one-off rulings. This was a coordinated, sustained **judicial protection operation** executed over the course of **four separate appeals** and **eight total orders**—including denials of **en banc** review. Across the board, Judges **Kayatta, Lynch, Barron, Montecalvo, Gelpí, Howard, Thompson, and Rikelman** were all given notice of the illegal **pro hac vice** policy and the fraudulent filings submitted by **Perkins Coie LLP** on behalf of Twitter. They didn't refute it. They didn't address it. They **erased it.**

📌 **"No one defended the unlawful policy—because no one could."**

📌 **"They simply relied on judicial protectionism to bury the truth."**

In each case— ***Hall v. Twitter*, No. 20-cv-536, (Case 5)** — and ***Verogna v. Johnstone* (1:22-cv-143)(Case 6)** — the appellate Panels were given uncontested proof that attorneys had filed motions without court admission, that local and state law had been violated, and that federal judges had actively concealed the policy that allowed it. **Rule 201(c)(2)** required judicial notice of these facts. **Rule 201(e)** demanded a hearing. **Rule 201(f)** mandated findings. **Not one judge complied.**

They didn't miss it—they ignored it. **Deliberately.**

Neither Twitter nor any of the four federal judges involved ever disputed the existence or illegality of Judge Johnstone's hidden pro hac vice policy. This silence continued across dozens of lower court and appellate filings, resulting in the **procedural admission** of all material facts—facts the First Circuit panel members were **duty-bound** to address, but **chose to ignore.**

This wasn't passive review. It was **active concealment**. These judges **used silence as a sword**, enabling judicial fraud while performing the ritual of appellate review. They had the evidence. They had the tools. They had the legal authority. **And they used it to protect their own.**

📌 **"Judge McAuliffe helped cement an unconstitutional tribunal and actively participated in a conspiracy to obstruct justice."**

📌 **"At the core of this misconduct is a larger crisis: a corporate seizure of the federal bench, carried out by elite law firms like Perkins Coie, LLP and protected by judges who have no functional guardrails against corruption or coercion."**

The First Circuit judges upheld rulings based on **void pleadings filed by unauthorized attorneys**, ignored controlling precedent like **Hazel-Atlas** and **Throckmorton**, and declined to intervene despite being presented with overwhelming and uncontested proof of fraud upon the court. **That's not legal error—it's coordinated judicial racketeering.**

They were the last firewall. The final layer of judicial oversight. The one place where the Constitution was supposed to mean something. But instead of enforcing the law, the First Circuit Judges became its enforcers—in the mob sense.

Their silence wasn't neutrality—it was strategy. Their rulings weren't review—they were **reinforcement.** And their collective action wasn't oversight—it was **collusion.**

📌 **"This was not a mistake in judgment. It was an open defiance of the rules that govern every federal court in the country."**

The illegal policy was never debated, never defended, never justified—**just concealed.** And when the First Circuit had the chance—on **eight separate occasions**—to address the fraud, it chose to **validate it instead.**

At its core, this case exposes **two justice systems** operating under one roof: one public, governed by rules; the other private, ruled by protectionism. In the latter, fairness is a façade, justice is a performance, and truth is whatever the bosses say it is.

The First Circuit didn't just let it happen. **They made sure it stayed that way.**

VIII: Perkins Coie LLP and the Corporate Capture of the Judiciary

At the center of this judicial collapse stands **Perkins Coie LLP**, the politically connected law firm that secretly benefited from a concealed judicial policy allowing its attorneys to bypass federal and state laws with impunity. Over the course of five federal cases—including **Hall v. Twitter**—Perkins Coie attorneys were allowed to file more than 100 unauthorized pleadings, in direct violation of:

- **Local Rule 83.2(b)** (admission requirement),
- **Federal Rule of Civil Procedure 11(a)** (signature and authorization),
- and **N.H. RSA 311:7** (unauthorized practice of law, a criminal offense).

📌 *"A pending motion is not a license—and these filings were made without any legal authority whatsoever."*

This was not a one-time lapse or clerical error. These were **systematic acts of unauthorized representation**—including the filing of Twitter's Motion to Dismiss—by attorneys who **openly acknowledged their lack of admission** in their signature blocks. And yet, the court not only accepted those filings—it concealed their illegality from the pro se plaintiff and relied on them to dismiss claims.

📌 *"The court abandoned its obligation to impartiality, instead operating a hidden, preferential system... empowering a politically connected law firm."*

The concealment was not passive—it was coordinated. Magistrate Judge Andrea Johnstone orchestrated and concealed the unlawful policy. Judges McAuliffe, Elliott, and McCafferty **preserved and enforced and further concealed it,** despite clear objections and uncontested evidence. The First Circuit judges—presented with proper Rule 201 motions—**refused to acknowledge the fraud**, let alone correct it.

📌 **"No one defended the unlawful policy—because no one could."**

The silence from the courts mirrored the silence from Perkins Coie. Despite repeated filings alleging criminal misconduct, **Perkins Coie LLP never once disputed the material facts**. They did not deny the unauthorized practice of law. They did not defend their conduct. They simply relied on judicial protectionism to bury the truth.

📌 **"This is not a theory—it is a matter of record."**

And it is not isolated. On **March 6, 2025**, President Donald Trump issued **Executive Order 14230,** citing Perkins Coie for posing a "national security risk," suspending their security clearances, terminating government contracts, and restricting federal engagement with the firm. Among the reasons cited was the firm's history of **dishonest and dangerous activity**, its influence over politically sensitive matters, and its manipulation of legal processes for partisan purposes.

That order validates what this case reveals: **Perkins Coie LLP operates above the law—because the judiciary allows it to.**

📌 "At the core of this misconduct is a larger crisis: a **corporate seizure of the federal bench,** carried out by elite law firms like Perkins Coie, LLP and protected by judges who have no functional guardrails against corruption or coercion."

📌 "Judge McAuliffe helped cement an unconstitutional tribunal and actively participated in a conspiracy to obstruct justice."

The courts expected a pro se litigant to follow every rule. Yet they **permitted Perkins Coie to ignore them all,** in secret, without penalty, and with devastating legal effect. What followed was not litigation—**it was a predetermined outcome, orchestrated to shield the court and its favored attorneys from scrutiny.**

This was not a court of law. It was a **machine of concealment, and Perkins Coie was at its center**.

In light of the uncontested record and systemic concealment described herein, Congress has both the authority and the duty to investigate, expose, and remedy this breakdown of judicial accountability.

Grounds for Impeachment

- Direct and implied bias
- Concealment of judicial fraud
- Institutional corruption and abuse of Article III authority
- Use of procedural denial to avoid adjudication of uncontested facts
- Refusal to recuse despite extrajudicial knowledge of disputed facts

IX. Legal Grounds for Congressional Investigation and Impeachment of: Magistrate Judge Andrea K. Johnstone

Systemic and Deliberate Conduct by Magistrate Judge Johnstone

1. **Created, and implemented an unwritten policy** while presiding over *Hall v. Twitter*, No. 20-cv-536— that was neither formally adopted nor compliant with federal requirements, violating rule-making laws 28 U.S.C. §§ 2071(a) and 2072, as her illegal policy abridged and modified Hall's substantive rights and were not formally adopted and consistent with federal statutes.

2. **Permitted ineligible attorneys to file motions without proper admission** violating Local Rules 83.1(a) and 83.2, as she failed to mandate attorney admission requirements that attorneys must be admitted to the court's bar or granted pro hac vice status to represent parties.

3. Permitted attorneys for Twitter to file motions without proper admission and **then subsequently admitted her improperly to the bar** violating Local Rules 83.1(a) and 83.2, as she failed to mandate that Twitter attorneys be admitted to the court's bar or granted pro hac vice status.

4. **Allowed unauthorized attorneys to practice law** despite clear objections, undermining state legal safeguards and disadvantaging Hall and violating N.H. RSA 311:7, as she allowed unauthorized practice of law without proper bar admission.

5. **Implemented unauthorized policies,** demonstrated favoritism, and refused recusal despite conflicts, undermining public confidence in the judiciary and violating Canons 2A and 3C(1), which require judges to avoid even the appearance of bias and to actively promote public confidence in the judiciary.

6. Undermined judicial fairness and public trust by **allowing unauthorized legal practices**, violating *Williams v. Pennsylvania*, 136 S. Ct. 1899 (2016), which holds that due process is violated when judicial decisions are influenced by bias or undisclosed conflicts.

7. **Demonstrated judicial favoritism toward corporate litigants**, violating *Liteky v. United States*, 510 U.S. 540 (1994), which mandates recusal when a judge exhibits actual bias or creates the perception of impropriety, to ensure fairness and maintain public confidence.

8. **Allowed unauthorized attorneys to influence judicial outcomes and concealed the policy,** compromising judicial integrity violating 18 U.S.C. § 1503, as she obstructed justice in allowing unauthorized influence to compromise judicial integrity, corruptly influencing or impeding judicial proceedings.

9. **Allowed corporate defendants to bypass court rules** while enforcing stricter standards on pro se litigants, demonstrating favoritism and disadvantaging pro se parties in violation of the Fourteenth Amendment Equal Protection Clause, which mandates equal treatment under the law.

10. **Demonstrated unconstitutional judicial favoritism toward Twitter**, violating equal protection principles under *Burton v. Wilmington Parking Authority*, 365 U.S. 715 (1961), by exhibiting preferential treatment intertwined with government action.

11. **Created a conflict of interest by demonstrating favoritism** toward Twitter's attorneys over a pro se litigant, violating *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), which held that even the appearance of judicial bias compromises due process.

12. **Concealed the existence of the unauthorized policy**, undermining transparency and obstructing justice violating 18 U.S.C. § 1001, as she knowingly concealed the unauthorized policy knowingly concealed material facts obstructing justice in official proceedings.

13. **Concealed the unauthorized policy**, fraudulently depriving Hall of the opportunity to challenge unauthorized practice of law by concealing material facts, constituting extrinsic fraud as defined in *John Sanderson & Co. v. Ludlow Jute Co.*, 569 F.2d 696 (1st Cir. 1978).

14. **Concealed the unauthorized policy**, thereby eroding judicial integrity and violating Canon 1, which requires judges to uphold the integrity and independence of the judiciary.

15. **Concealed the unauthorized policy**, creating an appearance of impropriety and eroding judicial integrity, in violation of Canon 2A, which requires judges to avoid impropriety or even the appearance of impropriety in all activities.

16. **Concealed the unauthorized policy and favored Twitter**, depriving Hall of fair and impartial judicial proceedings in violation of the Fifth Amendment Due Process Clause, which guarantees procedural fairness and an impartial tribunal.

17. **Participated in a conspiracy to implement and conceal the unauthorized policy,** depriving Hall of substantive rights and corrupting judicial proceedings in violation of 18 U.S.C. § 371, as she conspired to implement and conceal her unauthorized policy.

18. Engaged in extrinsic fraud by **suppressing material facts** regarding unauthorized attorneys violating *American Express Co. v. Mullins*, 212 U.S. 311 (1909), as her intentional fraud outside the record undermined the integrity and fairness of the judicial proceedings.

19. **Gained personal knowledge of disputed evidentiary facts** through participation in the reappointment of herself, mandating recusal under *El Fenix de Puerto Rico v. The M/Y Johanny,* 36 F.3d 136 (1st Cir. 1994) and 28 U.S.C. § 455(b)(1), due to her personal knowledge of disputed evidentiary facts.

20. **Continued presiding over a case impacted by her own unlawful policy**, violating Canon 3C(1), which requires judges to disqualify themselves whenever their impartiality might reasonably be questioned.

21. **Refused to recuse herself despite clear conflicts of interest** and an appearance of bias, violating 28 U.S.C. § 455(a), as her impartiality might reasonably be questioned due to her implementation of an unauthorized policy and presiding over cases directly impacted by this policy, contrary to *In re United States*, 158 F.3d 26 (1st Cir. 1998). Her continued involvement also violated *United States v. Kelley*, 712 F.2d 884 (1st Cir. 1983), as a reasonable observer would doubt her impartiality given her bias was personal, extrajudicial, and directly connected to her unofficial policy.

22. **Refused to recuse herself despite clear conflicts of interest arising from her personal involvement in administrative matters** related to her unauthorized policy, directly violating 28 U.S.C. § 455(b)(1) and established impartiality standards. Her refusal obstructed due process, as recusal was mandatory due to prior involvement (*United States v. Alabama*, 362 U.S. 602 (1960)), *In re United States,* 158 F.3d 26, 36 (1st Cir. 1998)), and because there existed a reasonable factual basis questioning her impartiality (*United States v. Cowden*, 545 F.2d 257 (1st Cir. 1976)).

23. **Violated *In re Bulger,* 710 F.3d 42 (1st Cir. 2013),** as an informed outsider could reasonably question her impartiality, raising doubts about her ability to remain impartial.

24. **Violated *In re Boston's Children First*, 244 F.3d 164 (1st Cir. 2011),** by refusing to recuse herself despite clear conflicts of interest arising from her creation and concealment of an unauthorized legal policy, contrary to standards requiring recusal when impartiality is reasonably questioned.

25. Compromised judicial impartiality by **presiding over cases impacted by her unauthorized policy**, creating an appearance of bias that mandates recusal under *Liljeberg v. Health Services Acquisition Corp.,* 486 U.S. 847 (1988), which requires recusal to maintain public confidence in the judiciary.

26. Corrupted fairness and eroded public trust by **presiding despite reasonable doubts about impartiality,** violating *United States v. Cowden*, 545 F.2d 257 (1st Cir. 1976), which mandates recusal when a judge's conduct raises reasonable doubts regarding their impartiality.

27. **Failed to provide a reasoned explanation** when denying Hall's objections to unauthorized attorney filings, violating *Goldberg v. Kelly*, 397 U.S. 254 (1970), which

requires that judicial decisions affecting rights include a reasoned explanation under due process.

28. **Violated the law of the circuit** (too many times to count)under *United States v. Santiago-Colon*, 917 F.3d 43, 57 (1st Cir. 2019), by disregarding established First Circuit precedents.

Argument for Investigation Impeachment and Criminal Referral of Magistrate Judge Andrea K. Johnstone

What occurred in this courtroom was not merely an error in judgment, nor a lapse in protocol. **It was a systemic betrayal of justice, orchestrated by a sitting federal magistrate judge and concealed behind the veil of judicial authority.** The facts laid out in this brief are not speculative—they are evidenced, repeated, and devastating. **Judge Andrea Johnstone implemented an unlawful policy, gave secret favors to powerful attorneys, concealed that policy from the public, and created a procedural environment so biased it no longer resembled a court of law.**

This is happening in a federal court. A court that is supposed to be the gold standard for fairness, neutrality, and respect for the law in every fashion. Instead, **we are witnessing the collapse of those principles under the weight of institutional corruption and unchecked power.**

The judiciary—our last line of defense—has become susceptible to corporate capture. By granting over 100 improper legal privileges to attorneys from Perkins Coie, LLP, and Twitter, **the court turned itself into a tool of the very corporate actors it was supposed to regulate.** These were not isolated incidents or harmless deviations—they were systemic, deliberate, and unlawful. **Judge Johnstone's courtroom became a stage for backdoor deals, double standards, and selective enforcement of the law.**

The risk is no longer theoretical. By repeatedly favoring one side, the court compromised its own impartiality and opened the door to coercion. **Twitter's attorneys, beneficiaries of dozens of undisclosed procedural favors, held the ultimate leverage: the ability to expose the court's misconduct if it dared rule against them.** That is not justice—it is extortion in a black robe.

There are no guardrails left when judges themselves break the law. There is no higher court to which the public can appeal when a judge becomes the architect of bias and fraud. **This is not just misconduct—it is a criminal breach of the public trust, enabled by a culture of silence and impunity.**

Congress must act.

This is not a mere personnel matter. It is a constitutional crisis inside the federal judiciary. If unchecked, it will erode the legitimacy of every ruling that emerges from a courtroom compromised by backroom power, selective enforcement, and silent complicity.

The law was not followed. The truth was concealed. **And the people were betrayed.**

Legal Grounds for Congressional Investigation and Impeachment of District Judge Steven J. McAuliffe

Systemic and Deliberate Conduct by Judge McAuliffe

Denial of Default and Strike

1. Judge McAuliffe while presiding over *Hall v. Twitter*, No. 20-cv-536— **enforced Magistrate Judge Johnstone's unauthorized, unwritten policy**—never formally adopted or compliant with federal law—when denying Hall's default motion. This violated 28 U.S.C. §§ 2071(a), 2072, as the policy improperly modified Hall's substantive rights without following formal rule-making procedures.

2. Judge McAuliffe **continued** applying unauthorized policies, favoring attorneys and refusing to recuse despite clear conflicts, thereby undermining public confidence in the judiciary and violating Canons 2A and 3C(1), which require judges to avoid even the appearance of bias and uphold impartiality.

3. Instead of applying valid procedural rules, Judge McAuliffe **relied on informal practices**, again violating 28 U.S.C. § 2071(a)-(b), which mandates that court rules must be properly adopted and consistent with federal statutes when denying default against *Twitter*.

4. Judge McAuliffe also **failed to enforce** Local Rules 83.1(a) and 83.2, **permitting** Attorney *Julie Schwartz* to file 25 motions on *Twitter's* behalf before proper bar admission. By **allowing** unqualified legal representation despite Hall's objections, the court violated N.H. RSA 311:7 and *Goldberg v. Kelly*, 397 U.S. 254 (1970), which guarantees due process and qualified representation.

5. Judge McAuliffe **refused to enter default** under Federal Rule 55(a) despite *Twitter's* failure to defend, violating Fifth Amendment due process and N.H. RSA 311:7. This contradicted the rules under *Erie Railroad Co. v. Tompkins*, 304 U.S. 64 (1938) and *Byrd v. Blue Ridge Rural Electric Coop.*, 356 U.S. 525 (1958), which require application of state law under the Rules of Decision Act.

6. Unauthorized attorney filings were **never struck** despite Hall's objections, violating Federal Rule 12(f) and prejudicing Hall's position. The court's **judicial policymaking** in this regard violated *Miller v. French*, 530 U.S. 327 (2000) and *Sinclair Refining Co. v. Atkinson*, 370 U.S. 195 (1962), which prohibit courts from creating legal rules absent statutory authority.

7. Judge McAuliffe **departed from** legal standards and facts, violating *Jacobson v. Massachusetts*, 197 U.S. 11 (1905) and *Bolling v. Sharpe*, 347 U.S. 497 (1954), which require consistent legal application. He **denied** Hall a reasoned explanation for the unauthorized filings, again violating *Goldberg v. Kelly*.

8. Judge McAuliffe **failed to inform Hall that informal policies were in use**, depriving him of the opportunity to challenge them, violating procedural fairness under *Goldberg*. These policies were applied inconsistently to benefit corporate litigants over Hall, undermining fairness and violating *Berger v. United States*, 255 U.S. 22, 28 (1921).

9. By **allowing** Attorney *Schwartz* to influence outcomes through unauthorized practice, the court violated 18 U.S.C. § 1503, **obstructing justice by permitting unauthorized influence** on judicial proceedings. **Concealing** the illegal policy further violated 18 U.S.C. § 1001, which prohibits knowingly concealing material facts in official proceedings.

10. This **concealment** amounted to extrinsic fraud, **depriving** Hall of the chance to challenge unlawful legal practices—violating *John Sanderson & Co. v. Ludlow Jute Co.*, 569 F.2d 696 (1st Cir. 1978) and *American Express Co. v. Mullins*, 212 U.S. 311 (1909). It also violated Fifth Amendment due process by denying Hall a fair and impartial tribunal.

11. Judicial integrity was further **undermined**, violating Canon 1, while favoritism and lack of transparency **breached** Canon 2A, which demands judges avoid impropriety or its appearance.

12. By **suppressing facts and permitting unqualified representation**, the court committed extrinsic fraud under *American Express Co. v. Mullins* and arbitrarily infringed on Hall's substantive rights, violating *Truax v. Corrigan*, 257 U.S. 312 (1921) and *Hurtado v. California*, 110 U.S. 516 (1884).

13. Judge McAuliffe's actions **constituted** a conspiracy to implement and conceal the unauthorized policy, violating 18 U.S.C. § 371, corrupting the proceedings. **Corporate litigants were allowed to bypass rules** while Hall faced stricter standards, violating the Fourteenth Amendment's Equal Protection Clause, which requires equal treatment.

14. **Consistent rulings in favor of** *Twitter* and **dismissal** of Hall's motions without explanation violated Fifth and Fourteenth Amendments, and *Pulliam v. Allen*, 466 U.S. 522 (1984), which requires impartial judicial conduct.

15. Judicial **favoritism toward *Twitter*** also violated equal protection under *Burton v. Wilmington Parking Authority*, 365 U.S. 715 (1961) and created a conflict of interest in violation of *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), which holds that even the appearance of bias compromises due process.

16. By **enabling unauthorized legal practices**, the court undermined public trust and violated *Williams v. Pennsylvania*, 136 S. Ct. 1899 (2016), which prohibits decisions influenced by bias or hidden conflicts. Favoritism toward corporate litigants violated *Liteky v. United States*, 510 U.S. 540 (1994), requiring recusal where bias appears.

17. Finally, the court **ignored controlling precedent** in violation of *United States v. Santiago-Colon*, 917 F.3d 43, 57 (1st Cir. 2019) by disregarding binding First Circuit law.

Compulsion Without Jurisdiction

18. Judge McAuliffe exceeded his judicial authority by issuing two orders after Hall filed an interlocutory appeal, **violating the jurisdictional divestiture rule** under *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982), which bars district courts from ruling on matters under appellate review. Despite lacking jurisdiction, the court improperly ruled on the plaintiff's identity—an issue pending appeal.

19. The court's decision **lacked any legitimate governmental objective**, contravening *Chicago, Burlington & Quincy Railroad Co. v. City of Chicago*, 166 U.S. 226 (1897) and *Bi-Metallic Investment Co. v. State Board of Equalization,* 239 U.S. 441 (1915), which require that judicial actions serve a valid legal purpose.

20. By **issuing an unauthorized stay and preemptively determining the case's outcome**, the court violated Federal Practice & Procedure, § 3949.1 (5th ed. 2020), which prohibits district courts from taking action on issues under appellate jurisdiction.

21. These rulings **created procedural prejudice**, violating *Hurtado v. California,* 110 U.S. 516 (1884), as the court disregarded appellate procedures and jurisdictional boundaries. The lack of jurisdiction also denied Hall his Seventh Amendment right to a proper civil forum in a case exceeding twenty dollars.

22. Finally, the court **violated binding First Circuit precedent** under *United States v. Santiago-Colon,* 917 F.3d 43, 57 (1st Cir. 2019) by ignoring established appellate limitations.

Rule 60 Dismissal

23. Judge McAuliffe **summarily denied Hall's Rule 60(b) motion within 24 hours, without justification** or a reasoned explanation, violating Federal Rule of Civil Procedure 60(b) and due process under *Mullane v. Central Hanover Bank*, 339 U.S. 306 (1950), which requires meaningful judicial consideration of such claims. This lack of explanation also violated *Goldberg v. Kelly*, 397 U.S. 254 (1970), which mandates reasoned decisions in matters affecting rights.

24. Judge McAuliffe's **failure to explain its denial** obstructed Hall's due process rights per *Mullane*, and prejudiced the appellate process with statements forecasting inevitable dismissal—contrary to *Truax v. Corrigan*, 257 U.S. 312 (1921), which prohibits judicial conduct that undermines procedural fairness.

25. Judge McAuliffe **failed to ensure an impartial tribunal**, fair notice, or an opportunity to be heard, violating due process principles outlined in Scheuer v. Rhodes, 416 U.S. 232 (1974), *Elliot v. Piersol,* 26 U.S. (1 Pet.) 328 (1828), and *United States v. Lee*, 106 U.S. 196 (1882).

26. He denied Hall equal protection by **favoring attorneys over a pro se litigant,** violating judicial impartiality under *Pulliam v. Allen*, 466 U.S. 522 (1984), *In Re Sawyer*, 124 U.S. 200 (1888), and United States v. Will, 449 U.S. 200 (1980). Bias was further shown in favor of Twitter's counsel, violating *Graham v. National Collegiate Athletic Ass'n*, 804 F.2d 953 (6th Cir. 1986), which upholds equal treatment under law.

27. The court **refused to recognize void judgments** arising from jurisdictional defects, violating Federal Practice and Procedure: Civil, § 2862, which mandates voiding such rulings. Hall's claims were mischaracterized as mere dissatisfaction rather than challenges to concealed unlawful policies, ignoring 28 U.S.C. § 144 and *Liteky v. United States*, 510 U.S. 540, 548 (1994), which require serious consideration of bias allegations.

28. Judge McAuliffe **failed to rectify reliance on an undisclosed, unauthorized policy**, violating judicial responsibility under *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 860 (1988). He also **engaged in improper ex parte communications** by directing Twitter's attorneys to submit a reply to the Appeals Court, violating *United States v. Sineneng-Smith*, 140 S. Ct. 1575, 1579 (2020).

29. His ongoing bias and favoritism toward Twitter's attorneys **undermined judicial neutrality,** violating ethical standards and *Liteky*, while failure to address these concerns eroded public trust in the judiciary, contrary to *Berger v. United States*, 255 U.S. 22, 28 (1921).

30. **Inconsistently applied court rules**—favoring Twitter's attorneys while restricting Hall's participation—violated 28 U.S.C. § 455(b) and *United States v. Tucker*, 78 F.3d 1313, 1324 (8th Cir. 1996), which prohibit unequal enforcement of procedure. Finally, the court **violated binding precedent** under *United States v. Santiago-Colon*, 917 F.3d 43, 57 (1st Cir. 2019) by disregarding established First Circuit law.

Failing to Recuse

31. **Gained personal knowledge of disputed evidentiary facts** through participation in the reappointment of Judge Johnstone, mandating recusal under *El Fenix de Puerto Rico v. The M/Y Johanny*, 36 F.3d 136 (1st Cir. 1994) and 28 U.S.C. § 455(b)(1), due to his personal knowledge of disputed evidentiary facts.

32. **Refused to recuse himself** despite clear conflicts of interest and an appearance of bias, violating 28 U.S.C. § 455(a), as his impartiality might reasonably be questioned due to his implementation of an unauthorized policy contrary to *In re United States*, 158 F.3d 26 (1st Cir. 1998).

33. **Refused to recuse himself despite** clear conflicts and an appearance of bias, later recusing without addressing the actual issues, directly violating 28 U.S.C. § 455(b)(1).

34. **Violated *In re Boston's Children First*,** 244 F.3d 164 (1st Cir. 2011), by **refusing to recuse himself** despite clear conflicts of interest arising from her creation and concealment of an 35. unauthorized legal policy, contrary to standards requiring recusal when impartiality is reasonably questioned.

35. **Violated In re *Bulger***, 710 F.3d 42 (1st Cir. 2013), as an informed outsider could reasonably question his impartiality, raising doubts about his ability to remain impartial.

36. **Refused to acknowledge allegations of bias and concealed misconduct** in handling a recusal motion, violating 28 U.S.C. § 144 and 28 U.S.C. § 455, which mandate judicial recusal when impartiality is questioned, and conflicting with *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988), which stresses the importance of judicial transparency.

37. **Corrupted fairness and eroded public trust** by presiding despite reasonable doubts about impartiality, violating *United States v. Cowden,* 545 F.2d 257 (1st Cir. 1976), which mandates recusal when a judge's conduct raises reasonable doubts regarding their impartiality.

38. **Violated the law of the circuit** under *United States v. Santiago-Colon*, 917 F.3d 43, 57 (1st Cir. 2019), by disregarding established First Circuit precedents.

Argument for Investigation Impeachment and Criminal Referral of District Judge Steven J. McAuliffe

A Judicial Crisis That Demands Accountability

What happened in this courtroom is not just misconduct—it is a constitutional crisis. **This is happening in a federal court**, an institution charged with **upholding the law in every capacity**, and yet those entrusted with that power have instead **acted like criminals**, without transparency, without accountability, and **with absolutely no guardrails**.

Judge McAuliffe not only enforced a **concealed, illegal pro hac vice policy**, but actively used it to empower **unauthorized attorneys** from Perkins Coie, LLP—attorneys who were **not members of the bar**, who filed **at least 25 pleadings** in Mr. Hall's case without ever being properly admitted. These actions weren't accidental. **They were systematic, deliberate, and protected at every level of the judiciary.**

Even after Mr. Hall raised legitimate concerns, **Judge McAuliffe dismissed the facts, suppressed the policy, and chose instead to protect the court's internal corruption.** And when he did finally recuse himself, he went out of his way to issue dismissals intended to **whitewash the record** and shield his own misconduct from appellate scrutiny.

But the most damning truth of all is this: **Judge McAuliffe conspired with Judge Johnstone and Twitter's attorneys**—even after Hall's formal objection to Twitter's unauthorized filings. **All parties involved remained silent**, allowing Twitter's non-barred counsel to continue filing motions. In doing so, the court created **an unconstitutional tribunal**, one designed to **favor a powerful corporate party while disadvantaging a pro se litigant**, and one whose repeated favors left it **vulnerable to coercion, blackmail, and private influence.**

This is a corporate seizure of our federal courts, executed not in backrooms but from the bench—through procedural fraud, unauthorized legal practice, and a willful concealment of unlawful judicial policies. Powerful law firms like **Perkins Coie, LLP** were given special access, shielded from rules, and rewarded with decisions made outside the law.

What began as a single procedural violation became **a full-scale assault on the Constitution**. The court became **an instrument of corporate power**, abandoning neutrality, integrity, and due process.

Such conduct is not merely grounds for impeachment—it is a call to action. If the judiciary is to remain a co-equal branch of government, **its judges cannot be allowed to operate above the law they swear to uphold**. When **federal judges conceal policies, fabricate jurisdiction, and protect corporate litigants through illegal means**, they have not only forfeited their robes—they have **broken the social contract that makes democracy possible**.

Let this record be clear: **The rule of law cannot survive in a courtroom ruled by secrecy, favoritism, and unchecked power.**

Legal Grounds for Congressional Investigation and Impeachment of District Judge Samantha D. Elliott

Systemic and Deliberate Conduct by Judge Elliott

Abuse of Judicial Power & Failure to Recuse

1. While presiding over *Hall v. Twitter*, No. 20-cv-536— Judge Elliott **failed to recuse herself** despite prior personal knowledge of disputed evidentiary facts, violating 28 U.S.C. § 455(b)(1), which mandates disqualification when a judge has extrajudicial knowledge relevant to the case, as affirmed in *United States v. Chantal*, 902 F.2d 1018, 1023 (1st Cir. 1990). She presided over the case while having participated in the reappointment process of Magistrate Judge Johnstone, whose unauthorized policies were central to the case, creating an appearance of bias in violation of 28 U.S.C. § 455(a), as upheld in *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988).

2. She **denied Hall's motion for recusal despite a sworn affidavit alleging bias,** violating 28 U.S.C. § 144 and the standard set in *Berger v. United States*, 255 U.S. 22 (1921), which requires recusal when a litigant submits a legally sufficient affidavit. Her failure to treat the affidavit as presumptively true unless legally insufficient further violated *In re Martínez-Catalá*, 129 F.3d 213, 218 (1st Cir. 1997).

3. Judge Elliott **acted as both investigator and adjudicator** by reviewing Hall's misconduct allegations against Johnstone prior to presiding over the case, violating due process under *In re Murchison*, 349 U.S. 133 (1955), which prohibits such dual roles. Her failure to disclose that involvement also violated Canon 3, which requires transparency and disqualification when impartiality might reasonably be questioned.

4. She **disregarded the requirement under 28 U.S.C. § 144** that bias must originate from extrajudicial sources, contrary to *United States v. Mirkin*, 649 F.2d 78, 81 (1st Cir. 1981), and failed to acknowledge that doubts about impartiality should be resolved in favor of recusal, as clarified in *In re Boston's Children First*, 244 F.3d 164, 167 (1st Cir. 2011).

5. Judge Elliott compromised judicial integrity by **presiding over a case involving policies she previously reviewed in an administrative capacity**, violating *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), which mandates recusal where prior involvement creates a risk of actual or perceived bias. She also ignored misconduct evidence Hall submitted about Johnstone's reappointment, violating *United States v. Alabama*, 362 U.S. 602 (1960), which requires recusal where prior administrative involvement exists.

6. Her **refusal to recuse, despite knowledge of the unlawful pro hac vice policy at issue**, further violated *El Fenix de Puerto Rico v. The M/Y Johanny*, 36 F.3d 136, 141 n.4 (1st Cir. 1994), which mandates recusal when a judge has prior personal knowledge of contested facts. She failed to recognize that her administrative involvement in reviewing Johnstone's policies created a conflict of interest, in violation of *United States v. Cowden*, 545 F.2d 257, 265 (1st Cir. 1976) and *United States v. González-González*, Criminal No. 93-318 (D.P.R. Feb. 27, 2019).

Failure to Transfer

7. Despite every remaining Article III judge in the District of New Hampshire participating in the reappointment process of Judge Johnstone or relying on her disputed policies, Judge Elliott **failed to transfer Hall's case,** violating Local Rule 77.5, which mandates transfer when no impartial judge remains.

8. Her **denial of Hall's transfer motion, without addressing the district-wide conflict**, violated the Due Process Clause of the Fifth Amendment and the impartial tribunal requirement of *In re Murchison*, 349 U.S. 133 (1955). She failed to acknowledge that prior participation in Johnstone's reappointment created a reasonable basis for questioning impartiality, again violating 28 U.S.C. § 455(a) and *Liljeberg*.

9. Judge Elliott also **disregarded the appearance of institutional bias**, violating *United States v. Cowden*, 545 F.2d 257, 265 (1st Cir. 1976), and the principle from *In re Boston's Children First*, 244 F.3d 164, 167 (1st Cir. 2011), which states that doubts about impartiality must be resolved in favor of transfer. Her failure to act when the district's entire judiciary was compromised further violated *United States v. Alabama*, 362 U.S. 602 (1960) and *El Fenix de Puerto Rico*, 36 F.3d 136, 141 n.4 (1st Cir. 1994).

10. She rejected Hall's transfer request **without considering the need for a conflict-free tribunal,** violating Canon 3's disqualification requirement. No factual inquiry was made into whether any judges in the district could remain impartial, violating *United States v. Mirkin*, 649 F.2d 78, 81 (1st Cir. 1981).

11. Finally, her blanket denial **ignored the necessity of transfer** in cases involving systemic bias, violating *United States v. González-González* and *In re Bulger*, 710 F.3d 42, 45–46 (1st Cir. 2013), which hold that transfer is required when all available judges are reasonably perceived to be partial.

Failure to Judicially Notice Facts Related to Johnstone's Unlawful *Pro Hac Vice* Policies

12. Judge Elliott failed to fully acknowledge the factual content contained within judicially noticeable documents, violating Federal Rule of Evidence 201(b), which requires courts to take judicial notice of facts that are generally known or readily verifiable. As established in *Kowalski v. Gagne*, 914 F.2d 299, 305–06 (1st Cir. 1990), courts are

permitted to judicially notice the substance of court records, not merely their existence. Her refusal to recognize the actual content within these documents also violated *Kassel v. Gannett Co., Inc.*, 875 F.2d 935, 951 n.16 (1st Cir. 1989), which holds that judicial notice may include facts not directly related to the case's merits but nonetheless verifiable.

13. By **taking notice only of the existence of the records, while ignoring their substance,** Judge Elliott failed to recognize that the facts within them were not subject to reasonable dispute. This again contravened Federal Rule of Evidence 201(b), which mandates judicial notice when facts are "readily and accurately determined from reliable sources." Her selective acknowledgement prevented a full and fair consideration of the documents' content, compromising judicial integrity and undermining the core function of Hall's motion.

14. Judge Elliott also **neglected to acknowledge evidence of procedural and ethical violations** contained in those documents, violating Hall's constitutional right to a fair and unbiased tribunal under the Due Process Clause of the Fifth Amendment. Courts have a duty to consider all relevant, undisputed facts when adjudicating claims, as emphasized in *In re Murchison*, 349 U.S. 133 (1955), which requires judicial impartiality and fairness in reviewing evidence.

15. Despite documented evidence, Judge Elliott **refused to recognize violations** of N.H. RSA 311:7, Professional Conduct Rule 5.5, and Local Rules 83.1 and 83.2. This failure violated judicial obligations to uphold applicable legal and ethical standards for attorney conduct, especially in light of the unauthorized legal representation carried out under Johnstone's disputed policies.

16. Her **refusal to judicially notice the factual misrepresentations and procedural misconduct** by *Twitter's* attorneys further violated fundamental principles of fairness. As emphasized in the *Key Bank* and *Sun Bank* rulings, courts must address procedural misconduct and misrepresentations to preserve the integrity of the judicial process. By failing to do so, Judge Elliott weakened the enforcement of professional standards and denied Hall a meaningful opportunity to contest the unlawful policies affecting his case.

17. These **omissions also undermined Hall's motions for default**, as the full extent of the documented misconduct went unacknowledged. This violated legal standards requiring courts to consider evidence of fraud and misrepresentation in default proceedings, leading to an incomplete and potentially unjust adjudication of Hall's claims.

18. Ultimately, Judge Elliott **denied Hall a full and fair opportunity to challenge Johnstone's unlawful *pro hac vice* policy**. Her refusal to consider the content of judicially noticeable records violated procedural fairness by preventing Hall from substantiating his claims with undisputed evidence, and by failing to uphold the court's responsibility to safeguard judicial integrity and apply federal judicial standards fairly.

Failure to Provide a Hearing Under Rule 201

19. Judge Elliott **failed to provide Hall a hearing on judicial notice** despite a valid request, violating Federal Rule of Evidence 201(e), which entitles a party to be heard upon request when judicial notice is taken. Her decision to deny Hall's motion for a hearing as moot, without explanation, undermined procedural fairness and violated *Goldberg v. Kelly*, 397 U.S. 254 (1970), which requires courts to give litigants an opportunity to be heard when procedural rights are at stake.

20. She ignored Hall's argument that the **facts he sought to have judicially noticed met the criteria under Federal Rule of Evidence 201(b),** which mandates judicial notice of facts not subject to reasonable dispute and capable of accurate determination. This failure denied Hall a fair opportunity to present indisputable evidence related to systemic misconduct, including the unauthorized appearance of *Twitter's* attorneys from Perkins Coie, LLP.

21. Judge Elliott's **refusal to hold a hearing** favored *Twitter* by denying Hall the chance to challenge those facts in open court, violating principles of judicial neutrality under the Due Process Clause of the Fifth Amendment, which guarantees impartial adjudication. By concealing Judge Johnstone's unlawful *pro hac vice* policy through the denial of a hearing, the court obstructed Hall's right to confront procedural and ethical violations relevant to his case.

22. Her **dismissal of Hall's request without analysis** further violated due process protections, which require courts to provide reasoning for the denial of procedural rights, as articulated in *Mathews v. Eldridge*, 424 U.S. 319 (1976). That decision undermined transparency, as no justification was offered for disregarding Hall's Rule 201(e) motion—violating judicial accountability standards that demand clear explanations for procedural rulings.

23. In **failing to adhere to Rule 201(e),** Judge Elliott compromised the integrity of judicial notice proceedings, **obstructed Hall's ability to present evidence and arguments**, and weakened his efforts to expose misconduct. The denial deprived Hall of the adversarial process guaranteed under federal law, violating foundational principles of fairness and due process in judicial proceedings.

24. By **treating the motion as moot without evaluation**, Judge Elliott undermined the core purpose of Federal Rule of Evidence 201(e), which explicitly requires that courts allow litigants to be heard when judicial notice is taken—particularly when those facts bear directly on the legitimacy of the proceedings themselves.

Judge Elliott's Failure to Declare Twitter in Default

25. Judge Elliott **failed to enforce Federal Rule of Civil Procedure 55(a)** by not declaring Twitter in default despite its failure to properly defend. Rule 55(a) mandates that the clerk enter default when a party fails to plead or otherwise defend. Twitter's filings were submitted by Julie Schwartz, an attorney not properly admitted to practice before the court, in violation of Local Rule 83.2(b), which governs pro hac vice admission. Despite

this, Judge Elliott accepted the filings, allowing Twitter to evade default in direct violation of Local Rule 5.2 and Local Rule 77.2, which require the clerk to strike non-conforming submissions.

26. Judge Elliott further **failed to strike Twitter's Motion to Dismiss**, which was submitted by an unauthorized attorney, violating Federal Rule of Civil Procedure 12(f), which permits courts to strike improper filings. These actions ignored jurisdictional defects that rendered Twitter's filings invalid under *Capron v. Van Noorden*, 6 U.S. 126 (1804), and N.H. RSA 311:7, which prohibits the unauthorized practice of law and voids such filings. By accepting jurisdictionally defective documents, Judge Elliott exceeded her judicial authority, again violating *Capron.*

27. Her **refusal to enter default in the face of clear procedural violations** also violated Hall's due process rights under the Fifth Amendment. As established in *Mullane v. Central Hanover Bank*, 339 U.S. 306 (1950), courts are required to apply procedural rules fairly to ensure due process. Judge Elliott failed to apply precedent governing default judgments, violating *Hovey v. Elliott*, 167 U.S. 409 (1897), which recognizes default as a legitimate remedy for failure to defend.

28. She also **neglected to investigate allegations of fraud upon the court** related to Twitter's filings, violating *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944), which holds that fraud invalidates affected proceedings. In accepting filings submitted under an unwritten *pro hac vice* policy, the court permitted procedural misconduct, violating *United States v. Throckmorton*, 98 U.S. 61 (1878), which requires courts to guard against fraud influencing outcomes.

29. Judge Elliott **demonstrated judicial favoritism** by accepting Twitter's unauthorized filings while denying Hall's valid motion for default, violating *Pulliam v. Allen*, 466 U.S. 522 (1984), which mandates impartial application of procedural rules. Her unequal treatment created the appearance of bias in violation of *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), which holds that even the appearance of judicial bias undermines public confidence.

30. These actions also violated Canon 3(A)(3), which requires judges to ensure impartial and fair treatment in all proceedings. Judge Elliott further **failed to correct Twitter's misrepresentation** of the *Key Bank* case, allowing the company to avoid accountability based on a false legal premise. By denying Hall's motion for default while considering non-compliant filings, she obstructed Hall's right to fair litigation and undermined both procedural fairness and judicial integrity.

Failure to Strike Twitter's Motion to Dismiss

31. Judge Elliott **failed to strike Twitter's Motion to Dismiss**, even though it was filed by Julie Schwartz, an attorney not admitted pro hac vice, in violation of N.H. RSA 311:7, which prohibits the unauthorized practice of law in New Hampshire. This also violated Local Rule 83.1, which requires proper attorney admission in the District of New

Hampshire, and ABA Model Rule 5.5(c)(2), which bars lawyers from practicing in jurisdictions where they are not authorized. By permitting Schwartz to file pleadings on behalf of Twitter, the court accepted filings made without legal standing.

32. Her **refusal to strike these unauthorized filings** under Federal Rule of Civil Procedure 12(f)—which allows courts to remove improper, immaterial, or scandalous documents from the record—enabled Twitter to proceed with legally defective pleadings. This prejudiced Hall and undermined due process by allowing void ab initio documents to remain part of the case record, contrary to the principle that legally invalid filings must not influence judicial outcomes.

33. The court **failed to recognize that pleadings submitted by unlicensed attorneys are null** and may be subject to dismissal, as acknowledged in *Wolford v. Budd Co.*, 149 F.R.D. 127, 130 (W.D. Va. 1993). Judge Elliott also overlooked the legal significance of unauthorized legal filings under both New Hampshire law and federal standards of fraud upon the court, in violation of the principles applied in *Pavlak.*

34. In dismissing Hall's fraud allegations without addressing their substance, the court **failed to fulfill its duty under *Hazel-Atlas Glass Co. v. Hartford-Empire Co.***, 322 U.S. 238 (1944), which requires courts to investigate and remedy fraud that affects the integrity of judicial proceedings.

35. Judge Elliott denied Hall's motion to strike **without providing an explanation,** violating transparency and procedural fairness requirements that compel courts to justify decisions affecting litigants' rights. This denial reinforced the appearance of favoritism toward Twitter and eroded public confidence in judicial neutrality, in violation of *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009).

36. By allowing non-compliant filings to remain on the docket and **concealing the broader impact of Judge Johnstone's unlawful pro hac vice policy**, the court failed to protect its own authority from procedural abuse. This undermined the dignity and integrity of the judiciary, weakened its impartiality, and denied Hall fair application of legal rules essential to due process.

Failure in Granting Twitter's Motion to Renew Its Motion to Dismiss

37. Judge Elliott **failed to strike Twitter's original Motion to Dismiss** (Docs. 3 and 3.1), despite it being filed by an attorney not admitted to the bar, violating N.H. RSA 311:7, which prohibits unauthorized practice of law in New Hampshire. This also violated Local Rule 83.1, which requires attorneys to be admitted before practicing in the District of New Hampshire. Allowing Twitter to renew its motion despite these non-compliant, ineligible filings undermined procedural requirements and permitted documents submitted without legal authority to remain in the record.

38. Hall raised substantial objections to the renewal, including allegations of fraud upon the court, which Judge Elliott disregarded in violation of *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944), which requires judicial intervention where fraud compromises judicial proceedings. Judge Elliott **failed to recognize that Twitter's filings were void ab initio** due to unauthorized legal representation, violating due process principles that prohibit reliance on legally defective pleadings.

39. Judge Elliott **refused to strike the fraudulent and non-compliant filings**, despite Hall's request under Federal Rule of Civil Procedure 12(f), which allows courts to remove immaterial or improper filings from the record. The court denied Hall's motion without explanation, violating *Washington Post Co. v. Chaloner*, 250 U.S. 290 (1919), which requires courts to articulate clear reasoning when ruling on substantive matters.

40. In granting renewal, the court **failed to determine which facts were material under governing law,** contrary to *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986), which holds that courts must identify relevant facts before making procedural determinations. The court also neglected its duty to enforce both local and federal procedural rules, reinforcing misconduct and undermining the integrity of the judicial process.

41. By granting Twitter's motion to renew while denying Hall's motions for default and to strike, the court **displayed unequal treatment**, violating *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), which affirms that judicial bias or the appearance of bias erodes public confidence in the judiciary. The court further failed to address the fraud and unauthorized legal practice issues raised by Hall, allowing procedural violations to persist and obstructing fair and impartial litigation.

42. In denying Hall's motion, Judge Elliott failed to consider *Wolford v. Budd Co.*, 149 F.R.D. 127, 130 (W.D. Va. 1993), which holds that filings by unauthorized attorneys may be dismissed. By **refusing to consider Hall's evidence of fraud and improper representation**, the court prevented a just adjudication of the case and allowed procedurally defective filings to remain unchallenged, reinforcing a pattern of judicial favoritism toward Twitter at the expense of procedural fairness.

Failure in Granting Motion to Dismiss

43. Judge Elliott granted Twitter's Motion to Dismiss **without addressing critical issues of unauthorized legal practice**. She failed to apply N.H. RSA 311:7, which prohibits the unauthorized practice of law, despite Hall's allegations that Twitter's motion was submitted by an unadmitted attorney. By disregarding this state substantive law, she **violated the Erie Doctrine** and *Erie R.R. Co. v. Tompkins*, 304 U.S. 64 (1938), as well as 28 U.S.C. § 1652, which mandates the application of state substantive law in diversity cases. This also conflicted with *Hoyos v. Telecorp Communications, Inc.*, 488 F.3d 1, 5 (1st Cir. 2007) and *Gasperini v. Ctr. for Humanities, Inc.*, 518 U.S. 415 (1996), which reaffirm the requirement to apply state law under *Erie*.

44. Her ruling also failed to enforce state substantive law, **improperly relying solely on federal procedural rules in a diversity case**. This violated the Erie Doctrine and *Erie R.R. Co. v. Tompkins*, 304 U.S. 64 (1938), and 28 U.S.C. § 1652, which require federal courts to apply state substantive law.

45. **Judge Elliott failed to recognize that while *Doe v. Brown Univ.*, 43 F.4th 195 (1st Cir. 2022), affirms that intent is an element of a § 1981 claim, it does not modify the applicable pleading standard at the motion to dismiss stage.** She improperly treated the requirement of discriminatory intent as if it had to be proven, rather than plausibly alleged. This overlooks the controlling authority of *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506 (2002), which held that plaintiffs are not required to plead all elements of a prima facie case. That principle remains good law post-*Twombly* and *Iqbal*, as reaffirmed by *Rodriguez-Reyes v. Molina-Rodriguez*, 711 F.3d 49 (1st Cir. 2013), where the First Circuit emphasized that civil rights plaintiffs need only plead facts sufficient to support a reasonable inference of intent—not establish it conclusively.

46. Judge Elliott dismissed Hall's claims **without addressing his allegations of fraud upon the court** tied to Twitter's unauthorized representation, in violation of *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944), which obligates courts to intervene where fraud affects the judicial process. She also failed to enforce procedural safeguards by allowing legally defective filings to be considered, despite their void status under applicable rules and due process principles.

47. In adjudicating the motion, Judge Elliott **made factual determinations against Hall** and failed to accept well-pleaded allegations as true, violating Federal Rule of Civil Procedure 12(b)(6) and precedents such as *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986), which requires courts to identify material facts under substantive law before making procedural rulings. She compounded this error by resolving factual disputes in Twitter's favor, contrary to *Elsensohn v. St. Tammany Parish Sheriff's Office*, 530 F.3d 368, 371–72, and by not drawing reasonable inferences in Hall's favor as required under *Garrett v. Tandy Corp.*, 295 F.3d 98 (1st Cir. 2002).

48. Hall's pro se **complaint was not liberally construed**, in violation of *Lyons v. Powell*, 838 F.2d 28 (1st Cir. 1988), and broader due process principles protecting self-represented litigants. Judge Elliott also failed to apply the plausibility standard correctly under *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), by prematurely requiring conclusive proof of discriminatory intent rather than evaluating whether Hall presented plausible claims.

49. Hall's **claims under 42 U.S.C. § 1981 and 42 U.S.C. § 2000a were dismissed without addressing his factual allegations**. The court reframed his racial discrimination claim as one based on political belief, ignoring his claim of intentional racial discrimination. It dismissed his Title II claim by categorically stating that Twitter is not a public accommodation, despite Hall's argument that Twitter operates physical spaces and engages in commercial activity—facts that deserved procedural consideration.

50. Judge Elliott **failed to consider Hall's assertion that Twitter acted as a state actor under** government encouragement or coercion, an issue relevant to state action doctrine. Additionally, she ignored direct evidence and statistical support that Hall alleged demonstrated discriminatory intent, violating the requirement that all relevant allegations be evaluated when adjudicating discrimination claims.

51. By **refusing to acknowledge Hall's claims of systemic bias and judicial favoritism**, she also failed to comply with 28 U.S.C. §§ 144 and 455, which mandate recusal when impartiality is reasonably questioned. The procedural unfairness of the dismissal further violated due process rights as set forth in *Mullane v. Central Hanover Bank*, 339 U.S. 306 (1950).

52. Finally, Judge Elliott **failed to identify which facts were material before ruling on procedural matters**, again violating *Anderson*, and failed to provide any explanation that would satisfy the requirement in *Washington Post Co. v. Chaloner*, 250 U.S. 290 (1919) that courts explain substantive rulings. In doing so, she imposed an improperly high evidentiary standard, failed to apply Rule 12(b)(6) correctly, and dismissed the case prematurely—undermining procedural fairness and eroding public confidence in the judicial process.

Failure in Denying Hall's Rule 59 Motion

53. Judge Elliott denied Hall's Rule 59 motion **without addressing her obligation to recuse**, despite clear conflicts of interest. Her **failure to disqualify herself** violated 28 U.S.C. § 455(a), which mandates recusal when a judge's impartiality might reasonably be questioned, and 28 U.S.C. § 455(b)(1), which prohibits judges from presiding over cases where they have personal knowledge of disputed evidentiary facts. She did not acknowledge her prior administrative role in reviewing misconduct allegations against Magistrate Judge Johnstone, whose conduct and policies were central to Hall's claims.

54. Her **refusal to recuse compromised Hall's due process rights** under the Fifth Amendment, which guarantees a fair hearing before an impartial tribunal, as established in *Tumey v. Ohio*, 273 U.S. 510 (1927). This also conflicted with *United States v. Alabama*, 362 U.S. 602 (1960), which requires recusal where prior administrative involvement relates to the case, and *In re Murchison*, 349 U.S. 133 (1955), which holds that courts must avoid even the appearance of unfairness to preserve public confidence.

55. Judge Elliott **failed to consider the cumulative effect of her involvement** and consistently favorable rulings toward Twitter, which created a reasonable perception of bias. This violated *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), which establishes that even the appearance of judicial bias threatens the legitimacy of court proceedings. Her failure to recuse also ignored the guidance in *United States v. Cowden*, 545 F.2d 257, 265 (1st Cir. 1976), which requires recusal when a reasonable factual basis exists for questioning a judge's impartiality.

56. She further **disregarded the standard set in *In re Bulger*,** 710 F.3d 42, 45–46 (1st Cir. 2013), which emphasizes that actual bias is not necessary for recusal—only the appearance of bias. Her continued participation in the case conflicted with *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988), which mandates vacatur of a judgment when a judge fails to recuse under § 455, to protect the integrity of the judiciary.

57. Judge Elliott also **failed to uphold her duty under *Berger v. United States***, 255 U.S. 22 (1921), which requires recusal when there is a reasonable perception of bias, and she did not vacate rulings that may have been tainted by that perception. Her denial of Hall's Rule 59 motion without addressing these concerns violated Canon 3 of the Code of Conduct for United States Judges, which requires disqualification when impartiality is compromised.

58. By denying the motion without addressing these conflicts, Judge Elliott **disregarded Hall's right to an impartial tribunal** and failed to preserve judicial integrity. Her actions necessitated vacatur of the rulings affected by bias to restore fairness and public trust in the proceedings, consistent with the principles set forth in *Caperton* and *Liljeberg*.

Failure in Denying Hall's Rule 60 Motion- Recusal

59. Judge Elliott **denied Hall's Rule 60 motion for recusal without addressing the clear appearance of bias,** violating 28 U.S.C. § 455(a), which mandates disqualification whenever a judge's impartiality might reasonably be questioned. Her failure to recuse also violated *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988), which holds that even inadvertent conflicts must be remedied to preserve judicial integrity.

60. She **failed to consider that her prior administrative role in the reappointment** of Magistrate Judge Johnstone gave her personal knowledge of facts central to Hall's claims, requiring disqualification under 28 U.S.C. § 455(b). This violated *United States v. Alabama*, 362 U.S. 602 (1960), which mandates recusal where a judge has prior involvement in related administrative matters. Similarly, her failure to acknowledge this extrajudicial knowledge violated *United States v. Chantal*, 902 F.2d 1018, 1023 (1st Cir. 1990), which prohibits judges from presiding when they possess personal knowledge obtained outside of judicial proceedings.

61. Judge Elliott's **refusal to step aside** despite her administrative involvement undermined public trust in the judiciary, violating *In re Murchison*, 349 U.S. 133 (1955), which requires courts to avoid even the appearance of unfairness. Her continued participation also violated Hall's Fifth Amendment right to due process, which guarantees a fair and unbiased tribunal, as affirmed in *Tumey v. Ohio*, 273 U.S. 510 (1927).

62. She **disregarded Hall's affidavit submitted under 28 U.S.C. § 144** by failing to presume its truth unless legally insufficient, contrary to *In re Martínez-Catalá*, 129 F.3d 213, 218 (1st Cir. 1997). In doing so, she also misapplied the principle in *United States v.*

Kelley, 712 F.2d 884, 889 (1st Cir. 1983), which clarifies that judicial disqualification under § 144 requires extrajudicial bias.

63. Her summary denial of the Rule 60 motion **failed to address how her continued involvement** tainted prior rulings, violating *United States v. Mirkin*, 649 F.2d 78, 81 (1st Cir. 1981), which affirms that recusal is required when impartiality is reasonably in doubt. Moreover, her refusal to vacate those rulings contravened Rule 60(b), which authorizes relief from a judgment when judicial bias renders it void.

64. Judge Elliott also neglected the requirement set forth in *United States v. González-González*, Criminal No. 93-318 (D.P.R. Feb. 27, 2019), which holds that recusal is necessary when a judge **has prior extrajudicial knowledge of contested facts**. Her decision to remain on the case despite these conflicts further violated Canon 3, which mandates disqualification when impartiality is compromised.

65. By denying Hall's motion and refusing to recuse, Judge Elliott **undermined the legitimacy of her prior rulings,** necessitating vacatur to restore confidence in the integrity and fairness of the judiciary.

Failure in Denying Rule 60 Motion for Void and Fraudulent Proceedings

66. Judge Elliott **failed to address the existence and legality of Magistrate Judge Johnstone's unwritten *pro hac vice* policies**, violating Hall's right to challenge unofficial judicial practices that materially impacted his case. This violated *El Fenix de Puerto Rico v. The M/Y Johanny*, 36 F.3d 136, 141 n.4 (1st Cir. 1994), which requires courts to confront disputed evidentiary facts known to the court. She also disregarded allegations that Twitter's Motion to Dismiss was filed by an unadmitted attorney, violating N.H. RSA 311:7, which prohibits unauthorized legal practice.

67. In **failing to vacate proceedings tainted by fraud**, Judge Elliott ignored her obligation under *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944), which requires judicial intervention where fraud compromises the integrity of the court. Similarly, she neglected to apply *United States v. Throckmorton*, 98 U.S. 61 (1878), which holds that courts must act when fraud taints judicial outcomes. She **failed to address Hall's specific claims of fraud** upon the court, despite Rule 60(d)(3) and *Federal Practice and Procedure* § 2862, which provide for relief when fraud undermines the judicial process.

68. Her ruling also **failed to enforce state substantive law**, improperly relying solely on federal procedural rules in a diversity case. This violated the Erie Doctrine and *Erie R.R. Co. v. Tompkins*, 304 U.S. 64 (1938), and 28 U.S.C. § 1652, which require federal courts to apply state substantive law.

69. Judge Elliott further **refused to recognize the void status of judicial actions affected by unauthorized practice and misconduct**, violating *Bass v. Hoagland*, 172 F.2d 205 (5th Cir. 1949), which affirms that judgments rendered without due process are void. Her failure to submit Hall's claims to a jury also violated the Seventh Amendment, which guarantees the right to a jury trial where the amount in controversy exceeds twenty dollars.

70. Beyond procedural errors, Judge Elliott **failed to recuse herself despite prior involvement** in the reappointment of Judge Johnstone and other administrative matters central to Hall's claims. This violated 28 U.S.C. § 455(a), which requires disqualification when impartiality may reasonably be questioned, and *United States v. Cowden*, 545 F.2d 257, 265 (1st Cir. 1976). She also failed to recognize that her administrative involvement gave her extrajudicial knowledge of disputed facts, as prohibited by *United States v. Alabama*, 362 U.S. 602 (1960).

71. These failures undermined Hall's right to a neutral tribunal, violating due process under the Fifth Amendment and *In re Murchison*, 349 U.S. 133 (1955), which mandates fairness in all judicial proceedings. Her **unwillingness to investigate claims of systemic judicial bias** and preferential treatment of Twitter contravened *In re Boston's Children First*, 244 F.3d 164, 167 (1st Cir. 2011), which requires courts to resolve doubts about judicial impartiality in favor of recusal.

72. Judge Elliott's denial also **disregarded the public's interest in judicial integrity**. Her refusal to vacate rulings tainted by potential fraud and misconduct eroded confidence in the judiciary, violating principles outlined in *In re Bulger*, 710 F.3d 42, 45–46 (1st Cir. 2013), which affirms that recusal is warranted whenever a judge's impartiality can reasonably be questioned.

73. By ignoring procedural violations, judicial conflicts, and credible allegations of fraud, Judge Elliott **denied Hall a fair proceeding**. Vacatur of all affected rulings is required to restore the integrity of the judicial process.

Criminal Violations by Judge Elliott

74. Judge Elliott knowingly concealed material facts related to her administration of an unlawful *pro hac vice* policy, violating 18 U.S.C. § 1001, which criminalizes concealment of material facts in matters within federal jurisdiction. By suppressing information about unauthorized filings and misrepresenting the record, she enabled Twitter's attorneys to unlawfully practice before the court and obstructed the fair administration of justice.

75. Her acceptance of filings from attorneys not admitted under court rules, and her failure to strike or invalidate them, violated 18 U.S.C. § 1503, which prohibits any act that impedes or obstructs the due administration of justice. She refused to address Hall's motions for default and to strike, despite their direct relevance to these procedural violations, further violating the statute by interfering with the fair adjudication of the case.

76. Judge Elliott's continued concealment of the unlawful policy, her failure to disclose conflicts of interest, and her pattern of rulings that favored Twitter's counsel constituted acts intended to corruptly influence case outcomes, again violating 18 U.S.C. § 1503. Her dismissal of Hall's claims while allowing non-compliant filings to stand facilitated judicial outcomes that advantaged Twitter, obstructing justice through partiality and procedural manipulation.

77. She also knowingly conspired with other judges and attorneys to defraud the United States by suppressing evidence and obstructing Hall's ability to challenge unauthorized legal practices. This conduct violated 18 U.S.C. § 371, which makes it a crime to conspire to defraud the government by impeding, impairing, or defeating the lawful functions of its agencies through deceit or dishonest means.

78. By orchestrating a pattern of procedural advantage for Twitter—permitting unauthorized filings while dismissing Hall's motions—Judge Elliott furthered an unlawful objective through overt acts, satisfying the elements of conspiracy under *United States v. Dennis*, 384 U.S. 855 (1966). Her manipulation of judicial outcomes to favor specific parties, while suppressing procedural irregularities, directly compromised due process and violated the transparency required in federal judicial proceedings.

79. These actions, individually and collectively, undermined the integrity of the judicial process and raise serious concerns under federal obstruction and conspiracy statutes. Her conduct necessitates investigation and potential prosecution for violations of 18 U.S.C. §§ 1001, 1503, and 371, to protect the administration of justice and restore public confidence in the courts.

Argument for Investigation Impeachment and Criminal Referral of Judge Samantha D. Elliott

A Judicial Crisis That Demands Accountability

This is not merely misconduct—it is systemic, calculated, and coordinated **judicial corruption**. **Judge Samantha D. Elliott** did not inherit an illegal policy unknowingly. She **embraced it**, **enforced it**, and then **used it to suppress challenges to its very existence**.
After Judge McAuliffe recused himself under the weight of similar accusations, **Judge Elliott picked up exactly where he left off**—continuing to enforce **Judge Johnstone's unlawful pro hac vice policy**, allowing **Attorney Schwartz of Perkins Coie, LLP** to submit **more than two dozen unauthorized filings** while **refusing to adjudicate Hall's pending Motion to Strike**, Motion for Default, or his numerous constitutional objections. Instead of halting the fraud, **she cemented it into law by dismissing Hall's claims entirely—without addressing the misconduct she knew had occurred**.

She denied Hall the opportunity for a Rule 201(e) hearing, refused to notice facts properly under Rule 201(b), **required Hall to plead "intent" under Rule 8 where none was required**,

and dismissed fraud claims that were substantiated by publicly filed court records. Every ruling was designed to **shield the court and its corporate partners**, not uphold the Constitution or protect a litigant's rights.

This case reveals a disturbing truth: **THERE ARE NO GUARDRAILS** in the federal judiciary when judges act in concert. **When all the judges are compromised, who enforces the law?**

Judge Elliott's decisions were not just unlawful—they were **calculated acts that protected an illegal system**, one that gave **preferential treatment to Twitter and its high-powered attorneys at Perkins Coie, LLP**, while **denying pro se litigants even the most basic procedural rights**.

And this is happening **in a federal court**, the very institution charged with interpreting and defending the rule of law.

Instead of impartiality, we are witnessing a **corporate seizure of the judiciary**—a hostile takeover where **rules are bent, justice is denied, and misconduct is concealed** to protect powerful law firms and the institutions that benefit from them. **This is a tribunal that was built to favor Twitter from the outset, where the judges—every last one of them—knew about the fraud and chose to protect each other instead of the Constitution.**

If Congress does not act now—if it does not **investigate, impeach, and refer Judge Elliott for criminal prosecution**—then it sends a clear message: that **federal judges can commit fraud, conspire in secret, and obstruct justice with complete immunity.**

Such inaction would not just condone corruption. **It would institutionalize it.**

Legal Grounds for Congressional Investigation and Impeachment of: Chief Judge Landya McCafferty

Systemic and Deliberate Conduct by Judge McCafferty

Abuse of Judicial Power & Failure to Recuse

1. Judge McCafferty, in presiding over *Hall v. Johnstone et. al.* (1:22-cv-143)—failed to **recuse herself despite multiple grounds requiring disqualification.** Her refusal violated 28 U.S.C. § 455(a), which mandates recusal when a judge's impartiality might reasonably be questioned, and 28 U.S.C. § 455(b)(1), which requires disqualification when a judge has personal knowledge of disputed evidentiary facts. Through her prior administrative role in the reappointment of Magistrate Judge Johnstone—whose conduct was central to Hall's claims— **possessed extrajudicial knowledge** relevant to the case.

2. Her **dual role as both an adjudicator and prior reviewer of complaints** against Judge Johnstone created an impermissible conflict. This violated *In re Murchison*, 349 U.S. 133 (1955), which prohibits judges from acting as both investigator and judge in the same matter. Her failure to recognize the appearance of bias also contravened *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988), which emphasizes the importance of preserving public trust by avoiding situations that appear biased, regardless of the judge's subjective intent.

3. In evaluating Hall's recusal motion, Judge McCafferty **improperly relied on her personal belief** in her own impartiality, rather than applying the objective standard required under 28 U.S.C. § 455(a). This misapplication contradicted *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), which holds that recusal is required when a reasonable observer might perceive a significant risk of bias. Her denial of recusal failed to consider her prior administrative involvement in evaluating allegations against Judge Johnstone, violating *United States v. Chantal*, 902 F.2d 1018 (1st Cir. 1990).

4. Her **administrative role rendered her a fact witness in a matter she was later tasked with adjudicating**, violating *Williams v. Pennsylvania*, 579 U.S. ___ (2016), which requires recusal when a judge's prior involvement creates an intolerable risk of actual or perceived bias. By continuing to preside over the case despite that involvement, she also violated *United States v. Alabama*, 362 U.S. 602 (1960), which mandates recusal when a judge has participated in related administrative matters.

5. Judge McCafferty's **refusal to recuse** further violated Hall's due process rights under the Fifth Amendment, which guarantees an impartial tribunal, as affirmed in *Tumey v. Ohio*, 273 U.S. 510 (1927). Her continued participation prevented meaningful review of allegations against Judge

Johnstone and allowed systemic bias to persist, undermining the appearance of fairness in the judicial process.

6. Her **actions also conflicted with *In re Boston's Children First*,** 244 F.3d 164, 167 (1st Cir. 2011), which holds that courts must resolve doubts about a judge's impartiality in favor of recusal. By remaining on the case, she eroded public confidence in the judiciary, contrary to the principle reaffirmed in *Liljeberg*, that recusal is essential to preserving trust in judicial integrity.

7. Her **refusal to acknowledge these conflicts** also violated Canon 3 of the Code of Conduct for United States Judges, which mandates disqualification whenever impartiality might reasonably be questioned. In failing to do so, Judge McCafferty undermined the rule of law and enabled judicial misconduct to persist, necessitating vacatur of rulings affected by her bias and potential appellate intervention to safeguard the legitimacy of the proceedings.

Improper Sua Sponte Dismissal: Violations of Procedural Due Process, Federal Rules, and Judicial Ethics

8. Judge McCafferty **sua sponte dismissed Hall's case prematurely**, violating multiple procedural and constitutional safeguards. The dismissal occurred before the expiration of the 90-day period allotted under Rule 4(m), which grants plaintiffs time to serve defendants prior to dismissal. Hall had also submitted a request for alternative service under Rule 4(c)(3), which allows courts to order service by U.S. Marshal when necessary—a motion the court failed to adjudicate before dismissal, denying Hall his procedural rights.

9. By **dismissing the case before either judge was served or responded**, Judge McCafferty violated Rule 12(b), which generally requires that dismissal for procedural insufficiency occur only after service and an opportunity to respond. This action deprived Hall of notice and a chance to cure, violating *Ruiz v. Snohomish County Public Utility Dist. No. 1*, 824 F.3d 1161 (9th Cir. 2016), which holds that dismissal before service is improper unless preceded by notice and opportunity to be heard.

10. The **dismissal also contravened *Graves v. United States Coast Guard*,** 692 F.2d 71 (9th Cir. 1982), which requires that plaintiffs be given a reasonable chance to complete service. Moreover, *Neitzke v. Williams*, 490 U.S. 319 (1989), permits sua sponte dismissal only where a complaint is legally frivolous under any conceivable set of facts—**a standard not met here.** Similarly, *Catz v. Chalker*, 142 F.3d 279 (6th Cir. 1998), cautions against premature sua sponte dismissal absent clear legal justification.

11. These procedural failures also **infringed Hall's Fifth Amendment right to due process,** as articulated in *Mullane v. Central Hanover Bank*, 339 U.S. 306 (1950), by denying him the opportunity to litigate or address deficiencies. Furthermore, the dismissal impaired Hall's First Amendment right to petition the government, as it effectively blocked his access to the courts before the case could proceed.

12. Judge McCafferty's decision was further **tainted by her failure to recuse** despite significant conflicts of interest. She **had personal knowledge of disputed facts through her prior administrative role** in the reappointment of Magistrate Judge Johnstone and oversight of the court's unwritten *pro hac vice* policies. This violated 28 U.S.C. § 455(b)(1), which requires recusal when a judge has personal knowledge of relevant facts, and 28 U.S.C. § 455(a), which mandates recusal whenever impartiality might reasonably be questioned.

13. Her **involvement in judicial administration and dismissal of a case involving judicial colleagues** created an appearance of bias, violating Canon 3 of the Code of Conduct for United States Judges, which demands impartiality and disqualification under such circumstances. The decision to dismiss Hall's case before any factual development, particularly while other motions were pending, further reinforces the perception of favoritism and procedural misconduct.

14. Judge McCafferty's **failure to consider Hall's motion for alternative service** and her dismissal of the case without adjudicating properly filed pleadings violated due process and undermined judicial neutrality. Her use of sua sponte dismissal as a tool to preempt litigation against her colleagues created the appearance of judicial bias and eroded public confidence in the integrity of the judiciary.

15. By **preventing Hall from serving defendants or litigating his claims**, Judge McCafferty obstructed the judicial process and abused her authority. This conduct may rise to the level of obstruction of justice and constitutes an abuse of judicial power potentially warranting impeachment under constitutional standards for judicial misconduct.

Misapplication of 42 U.S.C. § 1985(2), Clause (i)

16. Judge McCafferty improperly dismissed Hall's claims under 42 U.S.C. § 1985(2), Clause (i), by **imposing a requirement of class-based discriminatory animus** that the statute does not contain. This directly contradicts *Kush v. Rutledge*, 460 U.S. 719 (1983), which held that Clause (i)—addressing retaliation for participation in federal proceedings—does not require proof of class-based animus. Her ruling also violated *Powell v. City of Pittsfield*, 143 F. Supp. 2d 94 (D. Mass. 2001), and *Wright v. No Skiter Inc.*, 774 F.2d 422 (10th Cir. 1985), both of which affirm that Clause (i) protects litigants from retaliation regardless of group-based discrimination.

17. She **further disregarded *Irizarry v. Quiros*,** 722 F.2d 869 (1st Cir. 1983), which establishes that plaintiffs are protected under § 1985(2) when targeted for initiating or participating in federal litigation. Instead, she misapplied *Hahn v. Sargent*, 523 F.2d 461 (1st Cir. 1975), a case involving § 1985(3), not Clause (i), thereby **relying on inapplicable precedent to justify dismissal.**

18. In dismissing Hall's claims **without addressing the specific acts of retaliation alleged**, Judge McCafferty violated the pleading standard under *Neitzke v. Williams*, 490 U.S. 319 (1989), which holds that sua sponte dismissals are appropriate only when no claim can be stated under any conceivable set of facts. She also failed to assume the truth of well-pleaded allegations, denying Hall the protections afforded at the motion-to-dismiss stage.

19. These errors **deprived Hall of his Fifth Amendment right to procedural due process** by applying the wrong legal standard and refusing to allow correction of perceived deficiencies before dismissal. The decision further violated his First Amendment right to petition the government for redress, as it blocked access to the courts without fair opportunity to present material facts in support of his claims.

20. Judge McCafferty's ruling also **reflected a conflict of interest**, as she presided over a case involving policies she had previously overseen in her administrative role. Her failure to recuse violated 28 U.S.C. § 455(a), which requires disqualification when a judge's impartiality might reasonably be questioned, and 28 U.S.C. § 455(b)(1), which prohibits judges from adjudicating matters in which they have personal knowledge of disputed facts. Her continued involvement created an appearance of bias, particularly where other judges and court policies were implicated in the underlying allegations.

21. By dismissing Hall's claims while **concealing the existence and impact of unlawful judicial practices favoring certain litigants**, she obstructed justice and violated due process obligations requiring transparency and impartiality in judicial proceedings. Her decision to ignore material evidence and deny Hall a meaningful hearing necessitates appellate intervention under *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), which affirms that judicial bias and misapplication of legal standards require reversal to preserve due process.

22. Finally, the **wrongful dismissal imposed economic harm on Hall**, compelling him to incur additional legal costs and reinforcing systemic unfairness. Judge McCafferty's misinterpretation of binding precedent, disregard for procedural rights, and failure to apply the correct legal standard under § 1985(2) collectively denied Hall a full and fair judicial process, requiring vacatur and reversal on appeal.

Improper Use of Judicial Immunity to Shield Misconduct

23. Judge McCafferty **improperly applied judicial immunity to shield unlawful administrative and non-judicial conduct** by Judges Johnstone and McAuliffe. She misclassified Judge Johnstone's unwritten *pro hac vice* policy as a judicial act, despite its administrative nature, in direct violation of *Forrester v. White*, 484 U.S. 219 (1988), which holds that judicial immunity does not extend to administrative decisions.

24. She **further extended immunity to alleged conspiratorial conduct involving private actors,** disregarding *Dennis v. Sparks*, 449 U.S. 24 (1980), which makes clear that judicial immunity does not shield judges from liability for participating in private conspiracies. The court also failed to distinguish non-judicial functions such as ex parte communications and providing legal advice to one party—conduct explicitly excluded from immunity under *Gallas v. Supreme Court of Pennsylvania*, 211 F.3d 760 (3d Cir. 2000).

25. Judge McCafferty **ignored the jurisdictional limits of judicial immunity** established in *Mireles v. Waco*, 502 U.S. 9 (1991), which states that a judge is not immune when acting in the clear absence of all jurisdiction. Similarly, she misapplied *Bradley v. Fisher*, 80 U.S. 335 (1871), by failing to recognize that judicial immunity is forfeited when a judge knowingly acts without

authority. Judges McAuliffe and Johnstone relied on an unauthorized *pro hac vice* policy that lacked any foundation in Article III authority or formal court rules, further violating these jurisdictional constraints.

26. Her ruling **failed to analyze whether the conduct fell outside the scope of judicial duties**, in violation of *Scheuer v. Rhodes*, 416 U.S. 232 (1974), and *Mulero-Carrillo v. Roman-Hernandez*, 790 F.3d 99 (1st Cir. 2015), which affirm that only acts normally performed by a judge are protected by immunity. By shielding procedural misconduct, Judge McCafferty denied Hall his Fifth Amendment right to due process and allowed judicial actors to manipulate court proceedings without accountability.

27. This **misapplication of immunity insulated judicial bias and procedural manipulation from review**, in violation of *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), which holds that judicial bias affecting outcomes violates due process and warrants corrective intervention. By allowing judges to exceed their lawful authority without consequence, she obstructed justice and contradicted the guiding principles of *Bradley* and *Mireles*, both of which emphasize that jurisdictional overreach strips judges of immunity.

28. Her **decision undermined public confidence** in the judiciary by legitimizing misconduct and preventing legal challenges to unconstitutional court policies. This weakened legal safeguards against judicial overreach, allowed judges to manipulate procedural rules to benefit favored parties, and reinforced systemic bias. Judge McCafferty's failure to distinguish judicial from non-judicial acts created a dangerous precedent that permitted unauthorized conduct to evade scrutiny.

29. Ultimately, her ruling **denied Hall the opportunity to challenge unlawful policies and actions that extended beyond judicial authority**. By misapplying the doctrine of judicial immunity, Judge McCafferty violated Supreme Court precedent and eroded the integrity of the federal judiciary—necessitating appellate review and reversal to restore legal accountability and the rule of law.

Misuse of Collateral Estoppel & Rooker-Feldman Doctrine

30. Judge McCafferty wrongfully **dismissed Hall's claims without satisfying the four required elements of collateral estoppel**, violating *Grella v. Salem Five Cent Savings Bank*, 42 F.3d 26 (1st Cir. 1994), which requires that the issue be identical, actually litigated, essential to the prior judgment, and subject to a final decision. Hall's current claims involved distinct legal and factual issues not resolved in his prior case, as confirmed by *NLRB v. Donna-Lee Sportswear Co., Inc.*, 836 F.2d 31 (1st Cir. 1987), and *In re Schriver*, 218 B.R. 797 (E.D. Va. 1998), which bar preclusion where the issues were not fully and explicitly decided.

31. Judge McCafferty **disregarded the fact that Hall's prior case was still pending on appeal** (Case No. 20-536), meaning no final judgment existed, in violation of *In re Sestito*, 136 B.R. 602 (Bankr. D. Mass. 1992). She also failed to recognize the extrinsic fraud exception to preclusion despite Hall's allegations of concealed misconduct and unauthorized judicial policies, violating *John Sanderson & Co. v. Ludlow Jute Co.*, 569 F.2d 696, 698 (1st Cir. 1978).

32. By **refusing to consider allegations of unlawful *pro hac vice* practices**, judicial bias, and other procedural misconduct, she denied Hall due process and shielded conduct that undermined the fairness of prior proceedings.

33. Judge McCafferty **improperly invoked the Rooker-Feldman doctrine to bar Hall's claims,** despite the fact that his federal action involved independent causes unrelated to the review of a state court judgment. This misapplication violated *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280 (2005), which narrowly limits Rooker-Feldman to cases seeking appellate review of state court decisions, and *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923), which excludes federal claims grounded in constitutional violations.

34. Hall's claims under 42 U.S.C. § 1985(2), and his **allegations of fraud and judicial misconduct, were not adjudicated in prior proceedings and could not be barred as collateral attacks**. By treating independent federal claims as impermissible challenges to earlier judgments, Judge McCafferty violated *Celotex Corp. v. Edwards*, 514 U.S. 300 (1995), and *Pratt v. Ventas, Inc.*, 365 F.3d 514 (6th Cir. 2004), which limit Rooker-Feldman to state court decisions and preserve access to federal relief for separate constitutional harms.

35. Her **dismissal obstructed Hall's ability to litigate constitutional claims,** violating his Fifth Amendment right to due process and his First Amendment right to petition the government. By refusing to consider serious allegations of judicial bias and unauthorized legal practices, she denied Hall a neutral tribunal and created the appearance of bias, contrary to 28 U.S.C. § 455(a), which mandates recusal when impartiality is in doubt.

36. She also **failed to apply *Haddle v. Garrison***, 525 U.S. 121 (1998), which protects access to federal forums in retaliation cases, and ignored *Adickes v. S.H. Kress & Co.*, 398 U.S. 144 (1970), which allows claims against private parties conspiring with government officials to violate constitutional rights.

37. Judge McCafferty **prematurely dismissed claims** that were not actually litigated in prior proceedings, violating *In re Dubian*, 77 B.R. 332 (Bankr. D. Mass. 1987). Her refusal to consider extrinsic fraud and her use of preclusion doctrines to shield prior misconduct prevented Hall from obtaining a fair hearing and reinforced systemic judicial bias.

38. By **conflating distinct claims with previously adjudicated issues and overextending preclusion doctrines to protect judicial colleagues and prior rulings**, Judge McCafferty restricted access to federal courts and denied Hall a meaningful opportunity to be heard. Her actions created an improper precedent that permits the misuse of collateral estoppel and Rooker-Feldman to insulate unconstitutional conduct from review, undermining public trust in the judiciary and necessitating appellate correction.

Judge McCafferty's Misrepresentation of the Facts

39. Judge McCafferty **inserted false factual premises into the record and distorted the nature of Hall's claims to justify dismissal**, violating *Rockwell v. Cape Cod Hosp.*, 26 F.3d 254 (1st Cir.

1994), which holds that dismissal is improper unless no set of facts could support the claim. She misrepresented substantive allegations of fraud and misconduct as mere dissatisfaction with prior rulings, in violation of *Beddall v. State St. Bank Trust Co.*, 137 F.3d 12 (1st Cir. 1998), which requires accurate de novo review of dismissals.

40. She **mischaracterized the claims as frivolous or vexatious,** violating *Arthur v. King*, 500 F.3d 1335 (11th Cir. 2007), which affirms that Rule 59(e) relief is warranted in the presence of manifest error. Her failure to acknowledge substantial allegations of ex parte communications, judicial favoritism, and misconduct contradicted *Mullane v. Central Hanover Bank*, 339 U.S. 306 (1950), which guarantees a fair opportunity to be heard before an impartial tribunal.

41. Judge McCafferty also **disregarded and omitted material evidence**—such as Twitter's improper influence over judicial outcomes—violating *United States v. Pelullo*, 964 F.2d 193 (3d Cir. 1992), which affirms that acts in excess of authority constitute judicial misconduct. Her refusal to analyze conspiracy allegations and evidence of ex parte communications violated *United States v. Rahm*, 993 F.2d 1405 (9th Cir. 1993), and *In re Murchison*, 349 U.S. 133 (1955), which both demand impartiality in judicial proceedings.

42. By **ignoring specific evidence of collusion,** unlawful *pro hac vice* policy implementation, and the suppression of procedural fairness, she committed a manifest legal error, violating *Oto v. Metro. Life Ins. Co.*, 224 F.3d 601 (7th Cir. 2000), and *Venegas-Hernandez v. Sonolux Records*, 370 F.3d 183 (1st Cir. 2004), which define manifest error as a wholesale disregard for facts and law.

43. She **improperly invoked judicial immunity** to shield non-judicial conduct, including administrative policymaking and procedural manipulation, violating *LeBlanc v. B.G.T. Corp.*, 992 F.2d 394 (1st Cir. 1993), and *Reed v. Baxter*, 134 F.3d 351 (6th Cir. 1998), which hold that acts beyond judicial capacity or in deliberate disregard of fairness constitute misconduct.

44. Her **failure to acknowledge that unauthorized policies** disproportionately benefited Twitter's attorneys, and her reappointment of Judge Johnstone despite credible allegations of misconduct, reinforced conflicts of interest and further eroded procedural fairness. These actions violated 28 U.S.C. § 455(a), which mandates recusal when impartiality might reasonably be questioned.

45. By **misapplying legal doctrines such as collateral estoppel and judicial immunity**, Judge McCafferty deprived Hall of the opportunity to litigate his claims based on a fair and impartial evaluation of the facts. This violated constitutional due process and obstructed justice by concealing evidence that could have exposed judicial misconduct, contradicting *State v. Shirley*, 6 S.W.3d 243 (Tenn. 1999), which finds misapplication of law to be a clear error of judgment.

46. Judge McCafferty's **systemic factual misrepresentations and disregard for material allegations** contributed to a judicial process that concealed, rather than corrected, misconduct. Her actions undermined public trust in the judiciary, reinforced systemic unfairness, and necessitate appellate intervention to restore procedural integrity and constitutional accountability.

Misapplication of 42 U.S.C. § 1986 & Systemic Bias

47. Judge McCafferty improperly dismissed Hall's § 1986 claims by first **misapplying the standard** for 42 U.S.C. § 1985(2), Clause (i), requiring class-based discriminatory animus where none was required. This directly contradicted *Kush v. Rutledge*, 460 U.S. 719 (1983), which held that Clause (i) does not require class-based animus, and *Powell v. City of Pittsfield*, 143 F. Supp. 2d 94 (D. Mass. 2001), which reaffirmed this interpretation.

48. She improperly foreclosed Hall's § 1986 claims solely because she **dismissed the § 1985 claim under the wrong standard**, disregarding the principle that § 1986 liability is derivative and must be assessed if a § 1985 claim is adequately pleaded. Hall's allegations of conspiracies to deter and retaliate against him for asserting rights in federal court fell squarely within *Irizarry v. Quiros*, 722 F.2d 869 (1st Cir. 1983), which recognizes that § 1985(2) is triggered by conspiracies motivated by participation in federal litigation.

49. By **failing to evaluate Hall's detailed factual allegations**—such as the implementation of an unlawful *pro hac vice* policy and judicial bias favoring Twitter's attorneys—Judge McCafferty disregarded *Wright v. No Skiter Inc.*, 774 F.2d 422 (10th Cir. 1985), which confirms § 1985 protection against retaliatory conspiracies involving litigation. She dismissed the § 1986 claims without determining whether the named officials knew of the conspiracy and failed to act, contrary to the statute's plain requirement of knowledge and neglect.

50. Her **failure to adjudicate Hall's claims of conspiracy** involving Judge Johnstone and herself violated Fifth Amendment due process and denied him a fair forum for redress. She ignored Hall's evidence that judicial policies were designed to benefit "Twitter Attorneys," undermining procedural fairness and constitutional neutrality.

51. Judge McCafferty also **failed to address the appearance of bias** stemming from her role in Judge Johnstone's reappointment while adjudicating related misconduct claims. This violated 28 U.S.C. § 455(a), which requires recusal when impartiality might reasonably be questioned. Her decision to treat Hall's claims as mere efforts to relitigate prior rulings ignored allegations of judicial misconduct and systemic bias that required impartial review.

52. By denying Hall the opportunity to hold accountable those who knowingly permitted a conspiracy to obstruct justice, she **obstructed access to legal remedies guaranteed under federal law**. This dismissal forced Hall to bear unnecessary litigation costs and financial harm due to her failure to properly apply relevant legal standards.

53. Judge McCafferty's **refusal to address the substance of the claims** further eroded public confidence in the impartiality of the judiciary and weakened due process protections. Her conduct insulated misconduct from review, allowing judicial actors to escape accountability and reinforcing the perception of systemic favoritism.

54. By summarily dismissing well-pleaded claims of conspiracy, retaliation, and bias, she **obstructed justice** and created a dangerous precedent that undermines protections under both § 1985 and § 1986. Her actions denied Hall access to the courts, violating his First Amendment right to petition the government for redress, and necessitate appellate intervention to correct legal errors and restore confidence in the fair administration of justice.

Failure in Dismissing 42 U.S.C. § 1988 Claims

55. Judge McCafferty wrongfully dismissed Hall's claims under 42 U.S.C. § 1988 by **mischaracterizing punitive damages** as requiring an independent cause of action, contradicting *Smith v. Wade*, 461 U.S. 30 (1983), which holds that punitive damages are a remedy tied to valid claims under statutes like § 1983 or § 1985, not standalone causes of action.

56. She failed to recognize that § 1988 functions as a remedial statute designed to ensure full enforcement of civil rights protections, including remedies such as attorney's fees and punitive damages. By dismissing the claim without evaluating whether Hall's allegations met the threshold for punitive damages—namely, conduct motivated by "evil motive or intent" or "reckless or callous indifference" to federally protected rights—she **undermined the established purpose of federal civil rights law,** again violating the framework affirmed in *Smith v. Wade*.

57. Judge McCafferty also **improperly limited the scope of available remedies** under § 1983 and § 1985 by refusing to consider § 1988's role in supplementing those claims. Her decision obstructed Hall's statutory right to pursue appropriate relief and denied him the opportunity to seek punitive damages against government actors or conspirators who allegedly violated his constitutional rights.

58. By **prematurely dismissing the § 1988 claim without a case-specific evaluation, she imposed an artificial procedural barrier unsupported by law**. This misapplication weakened the enforcement of federal civil rights and contradicted longstanding legal precedent recognizing the importance of § 1988 in enabling full compensation and deterrence in civil rights litigation.

59. Her ruling failed to account for § 1988's broader remedial function, including the award of attorney's fees, and **improperly treated the statute as if it required independent factual allegations** beyond those already asserted under § 1983 and § 1985. This erroneous legal standard deprived Hall of a fair opportunity to pursue complete relief for the violations alleged and reinforced systemic obstacles faced by civil rights plaintiffs.

60. By **narrowing the scope of § 1988 remedies**, Judge McCafferty effectively nullified its intended function and created a dangerous precedent limiting access to justice. Her decision eroded public trust in judicial impartiality, obstructed federal remedies, and contradicted the statutory and constitutional principles underlying federal civil rights enforcement.

61. These legal errors necessitate appellate review to correct the dismissal, restore Hall's access to punitive damages as a valid remedy, and ensure adherence to established precedent governing the application of § 1988 in civil rights cases.

Failure to Properly Apply Rule 59

62. Judge McCafferty improperly denied Hall's Rule 59(e) motion by **failing to consider newly discovered evidence of judicial bias,** unlawful policy implementation, and conflicts of interest.

This violated *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988), which requires vacating judgments when new evidence casts doubt on judicial integrity.

63. She ignored evidence that her own administrative role in Judge Johnstone's reappointment process **gave her personal knowledge of disputed facts**, triggering disqualification under 28 U.S.C. § 455(a) and (b)(1). Her dual role as both administrative reviewer and adjudicator created an appearance of bias and violated *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), which holds that even the appearance of impropriety compromises due process.

64. Despite this, **she refused to recuse herself or revisit the ruling**, ignoring *In re Murchison*, 349 U.S. 133 (1955), which prohibits judges from adjudicating cases where they also act as investigators or fact witnesses. She also failed to consider the improper judicial benefit extended to Twitter's attorneys, including Attorneys Mrazik and Schwartz, who filed pleadings under an unlawful *pro hac vice* policy.

65. Her application of judicial immunity to administrative actions contradicted *Dennis v. Sparks*, 449 U.S. 24 (1980), and *Forrester v. White*, 484 U.S. 219 (1988), both of which hold that judicial immunity does not shield non-judicial or administrative conduct. By **allowing immunity to protect procedural manipulation**, she enabled misconduct and denied Hall a meaningful review.

66. Judge McCafferty also failed to apply the proper standard under Rule 12(b)(6), **dismissing Hall's claims without accepting well-pleaded allegations as true**, contrary to *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). Her ruling ignored Hall's documented evidence of 68 improper attorney appearances under an unauthorized policy, violating due process as defined in *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950).

67. Despite Hall's presentation of new evidence and requests for correction, she **failed to revisit the factual record**, in violation of *Arthur v. Thomas*, 739 F.3d 611 (11th Cir. 2014), which requires courts to correct errors that materially affect the outcome. Her refusal to vacate the judgment also conflicted with *Liteky v. United States*, 510 U.S. 540 (1994), which mandates disqualification when impartiality is reasonably questioned.

68. Judge McCafferty further **ignored direct evidence of ex parte communications** and procedural favoritism, violating *Marshall v. Jerrico, Inc.*, 446 U.S. 238 (1980), which guarantees impartial adjudication. She failed to correct factual and legal errors that affected the case's outcome, violating *United States v. Rahm*, 993 F.2d 1405 (9th Cir. 1993), and *United States v. Pelullo*, 964 F.2d 193 (3d Cir. 1992), which require courts to address bias and inaccuracies that undermine fairness.

69. Her decision **disregarded controlling precedent and obstructed justice by ignoring manifest errors of law and fact**, contrary to *Venegas-Hernandez v. Sonolux Records*, 370 F.3d 183 (1st Cir. 2004), which defines manifest error as a complete disregard of governing legal standards. She also violated *Rockwell v. Cape Cod Hosp.*, 26 F.3d 254 (1st Cir. 1994), which cautions against dismissal unless no set of facts could support the plaintiff's claim.

70. By summarily rejecting Hall's Rule 59(e) motion, Judge McCafferty **imposed an unjust procedural barrier, failed to evaluate its merits, and reinforced systemic bias**—requiring appellate intervention to correct these legal failures and restore integrity to the proceedings.

Allowing Procedurally and Substantively Defective Defenses Post-Judgment

71. Judge McCafferty **improperly allowed Attorneys Schwartz and Eck to raise new and untimely affirmative defenses post-judgment** in response to Hall's Rule 59 motion, violating Rule 8(c), which requires such defenses to be raised in a responsive pleading or be waived, as held in *Castro v. Chicago Housing Authority*, 360 F.3d 721, 735 (7th Cir. 2004). She also allowed Attorney Eck to challenge Hall's claims without having previously filed an Answer or motion to dismiss, violating Rule 12(b) and due process protections affirmed in *Boddie v. Connecticut*, 401 U.S. 371 (1971).

72. The court **failed to strike these defective defenses** under Rule 12(f), even though they lacked factual support and plausibility, violating pleading standards established in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), and *Davignon v. Clemmey*, 322 F.3d 1, 15 (1st Cir. 2003). These defenses provided no fair notice and were legally deficient under *Conley v. Gibson*, 355 U.S. 41 (1957).

73. Judge McCafferty **allowed Schwartz and Eck to exploit procedural loopholes** by introducing defenses not previously raised, violating *Venters v. City of Delphi*, 123 F.3d 956, 969 (7th Cir. 1997), which prohibits reliance on waived defenses and mandates courts to assess prejudice caused by late-stage assertions. She ignored Local Rule 7.2(b) and Rule 7(b), permitting new arguments to be introduced in post-judgment objections—despite procedural bars—and then treated those objections as de facto motions to dismiss.

74. Her decisions **unfairly shifted the burden onto Hall to rebut vague, speculative claims and allowed Defendants to bypass procedural rules**, violating due process under the Fifth Amendment and the fairness principles set forth in *Goldberg v. Kelly*, 397 U.S. 254 (1970) and *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950).

75. These actions also undermined impartiality. Judge McCafferty **enabled Schwartz to circumvent rules** while holding Hall to strict procedural standards, **creating an uneven playing field** that contradicted *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), *Marshall v. Jerrico, Inc.*, 446 U.S. 238 (1980), and *Tumey v. Ohio*, 273 U.S. 510 (1927), all of which affirm the need for impartial adjudication.

76. Her **failure to enforce the waiver doctrine and correct the resulting procedural errors** denied Hall fair process and allowed litigation gamesmanship to persist, in violation of *United States v. Rahm*, 993 F.2d 1405 (9th Cir. 1993) and *United States v. Pelullo*, 964 F.2d 193 (3d Cir. 1992), which require courts to correct errors that materially affect the fairness of proceedings.

77. Ultimately, by **accepting defective defenses post-judgment** without factual or legal sufficiency, and by refusing to correct these errors under Rule 59(e), Judge McCafferty obstructed justice, prolonged litigation unnecessarily, and created a procedural imbalance that requires appellate review to restore fairness and integrity to the judicial process.

Rule 60: Finality of Judgment and Procedural Violations

78. Judge McCafferty **failed to uphold the principle of finality** by permitting Schwartz and Eck to revisit resolved matters outside the scope of Rule 60(b), violating *Ackermann v. United States*, 340 U.S. 193, 198 (1950) and *Gonzalez v. Crosby*, 545 U.S. 524, 535 (2005), which affirm that final judgments must remain binding unless exceptional grounds under Rule 60(b) are clearly met.

79. Despite these standards, she **accepted post-judgment objections** from Schwartz and Eck that failed to satisfy any legitimate grounds under Rule 60(b), such as newly discovered evidence, fraud, void judgment, or extraordinary circumstances. This directly violated *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 270 (2010), which prohibits reopening judgments outside the narrow framework established by Rule 60(b).

80. Judge McCafferty failed to apply subsections (1), (3), (4), and (6) of Rule 60(b) correctly. Hall's motion identified specific procedural errors, due process violations, and allegations of fraud that warranted relief. These **claims were not meaningfully addressed,** and she dismissed the motion while relying on procedurally improper arguments from the opposing parties.

81. She **permitted Schwartz and Eck to use their objections to Hall's Rule 59 motion as a vehicle to introduce new defenses post-judgment**, violating Rule 12(f), which requires courts to strike improper filings. This encouraged procedural manipulation and circumvented the requirement that defendants make timely motions under Rule 60(b) with clear, evidentiary support.

82. Judge McCafferty **ignored established precedent that courts must not allow final judgments** to be reopened unless the moving party meets a strict burden. For example, under *Anderson v. Cryovac, Inc.*, 862 F.2d 910, 923 (1st Cir. 1988), fraud must be shown by clear and convincing evidence before relief under Rule 60(b)(3) is appropriate. She similarly failed to apply the correct standard under Rule 60(b)(4), which requires a finding that the judgment is void due to lack of jurisdiction or a due process violation (*Espinosa*, 559 U.S. at 271).

83. While enforcing procedural rigidity against Hall, Judge McCafferty **allowed Schwartz and Eck to bypass Rule 60(b) altogether**, creating an uneven application of the rules and undermining fairness. She overlooked *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988), which mandates vacatur when judicial integrity is threatened.

84. Additionally, she **failed to liberally construe Hall's filings**, as required for pro se litigants under *Haines v. Kerner*, 404 U.S. 519 (1972), instead imposing strict procedural expectations on Hall while relaxing them for represented defendants.

85. By **accepting procedurally improper defenses and rejecting Hall's well-supported motion,** Judge McCafferty denied him a fair opportunity to litigate, violated his due process rights, and misapplied Rule 60(b). Her ruling undermined the rule's function as a safeguard for extraordinary circumstances, failed to preserve finality where required, and enabled procedural gamesmanship to the detriment of judicial integrity.

Acts Constituting Federal Criminal Offenses

86. Judge McCafferty **knowingly concealed material facts about the unauthorized pro hac vice policy** that disadvantaged Hall, violating 18 U.S.C. § 1001, which criminalizes the concealment of facts in matters within federal jurisdiction. This concealment denied Hall the opportunity to challenge the policy and obstructed his access to a fair tribunal.

87. She **enabled Twitter's attorneys to unlawfully practice before the court** by suppressing disclosure of procedural violations and allowing filings from ineligible attorneys, in violation of 18 U.S.C. § 1001 and 18 U.S.C. § 371. These actions tainted judicial proceedings and deprived Hall of due process.

88. Judge McCafferty intentionally **obstructed justice by accepting pleadings from unqualified attorneys and refusing to consider Hall's motions exposing these improprieties**. Her actions violated 18 U.S.C. § 1503, which prohibits interference with the due administration of justice. She manipulated procedures to protect specific litigants and disregarded Hall's claims of procedural fraud, effectively ensuring they were never addressed.

89. She **acted with corrupt intent by facilitating outcomes that favored Twitter's attorneys while suppressing evidence of an illegal judicial policy**. These actions constituted further violations of 18 U.S.C. § 1503, especially by refusing to address allegations of ex parte communications, unauthorized practice, and judicial bias.

90. Judge McCafferty **conspired with other judges and attorneys to maintain a covert system of judicial discretion that unlawfully benefited select parties**, violating 18 U.S.C. § 371. She misrepresented court records and allowed court rules to be selectively applied, further concealing the unauthorized policy while denying Hall a fair adjudication process.

91. She **suppressed evidence critical to Hall's motions for default and to strike**, ensuring they were decided based on hidden policies. This active concealment and manipulation of court procedure served to obstruct justice and maintain systemic bias, in violation of 18 U.S.C. §§ 1001, 1503, and 371.

92. By knowingly accepting filings from unadmitted attorneys and **allowing procedural safeguards to be bypassed**, Judge McCafferty engaged in acts that directly undermined the legal process. Her **failure to correct known violations** and her refusal to acknowledge the unlawfulness of judicial practices further established a pattern of obstructive conduct and unlawful conspiracy.

93. Her overt actions—**protecting covert practices, enabling systemic procedural manipulation, and blocking legitimate legal challenges**—demonstrate active participation in a conspiracy to

defraud the United States and obstruct the fair administration of justice, as prohibited under 18 U.S.C. § 371 and 18 U.S.C. § 1503.

Code of Conduct Violations by Judge McCafferty

Failure to Recuse and Disclose Conflicts of Interest

1. Judge McCafferty failed to recuse herself despite **her administrative involvement in the reappointment of Magistrate Judge Andrea Johnstone**, whose conduct was central to Hall's claims, violating Canon 3(C)(1), which mandates disqualification when impartiality might reasonably be questioned. She presided over matters she previously reviewed administratively, had personal knowledge of disputed evidentiary facts, and failed to disclose her conflict of interest.

Concealment and Suppression of Unauthorized Policies

2. She knowingly **concealed the existence of an unlawful, unwritten pro hac vice policy** that permitted unlicensed attorneys to appear before the court, violating Canon 2(A), which requires judges to act with integrity and fairness. This concealment deprived Hall and other litigants of the opportunity to challenge its legality, in violation of Canon 2(B), which prohibits misleading conduct and compels transparency in judicial processes.

3. Judge McCafferty **failed to acknowledge unauthorized judicial practices** challenged by Hall and allowed the court to rely on informal policies not disclosed to litigants, perpetuating an opaque and biased judicial system (Canon 2(B)).

Improper Favoritism and Selective Application of Law

4. By selectively applying procedural rules that favored Twitter's attorneys while disadvantaging Hall, Judge McCafferty **created an appearance of impropriety and partiality** in violation of Canon 2(A). She enabled procedural inconsistencies that compromised fairness and impartiality, repeatedly reinforcing systemic bias through decisions that disproportionately favored one party over another (Canon 3(A)(4)).

5. She **allowed unauthorized attorneys to file motions and participate in proceedings despite lacking formal admission**, further eroding fairness and judicial integrity (Canon 3(A)(4)).

Denial of Due Process and Fair Adjudication

6. McCafferty **dismissed Hall's motions sua sponte before the expiration of procedural deadlines and without allowing full briefing or service of process,** violating Canon 3(A)(4), which requires that litigants be heard and given fair procedural opportunities. Her refusal to provide reasoned explanations for these dismissals further obstructed Hall's right to meaningful judicial review.

7. By systematically ignoring motions that challenged the legitimacy of undisclosed policies and procedural misconduct, she **prevented the courts from addressing issues central to judicial accountability and fairness** (Canon 3(A)(4)).

Erosion of Public Confidence and Judicial Integrity

8. Judge McCafferty's **refusal to rectify or even acknowledge procedural misconduct and favoritism** violated Canon 1, which demands that judges uphold the integrity and independence of the judiciary. Her actions created an environment of unchecked judicial discretion and favoritism, eroding public trust in the court's fairness.

9. By **ignoring evidence of improper conduct and consistently favoring Twitter's attorneys in both procedural rulings and access to the court**, she further undermined confidence in the impartial administration of justice (Canon 2(A)).

Argument for Investigation Impeachment and Criminal Referral of Chief Judge Landya McCafferty

The facts laid bare in this matter reveal not merely isolated errors or questionable rulings, but a **systemic collapse of judicial accountability** within the very institution tasked with upholding the law. **This is not a state court error or a local ethical lapse. This is happening in a federal court**—an Article III tribunal entrusted with enforcing the Constitution and the rule of law in every possible dimension.

And yet, **the judges of this court have acted not as neutral arbiters, but as rogue actors operating without guardrails**—shielded by their titles, insulated by institutional deference, and emboldened by the absence of oversight.

Chief Judge Landya McCafferty, through her **deliberate concealment of an unlawful pro hac vice policy**, her **obstruction of Hall's due process rights**, and her **willful misstatements of fact and law**, presided over a judicial farce in which **the rules changed behind the scenes and justice was denied by design. At the very same moment she was adjudicating Hall's claims in court, Judge McCafferty was sitting in a private administrative capacity, hearing only the side of the very judge Hall was suing. The facts central to Hall's case—the same facts she was quietly investigating—were distorted, omitted, and silenced from the public record.**

This is **not just bias**. This is **not just misconduct**. It is a **federal judge—Chief Judge of the District—using the authority of her office to suppress constitutional claims, shield fellow judges from accountability**, and **protect the unlawful actions of a court under her own leadership**.

And she did not act alone. The **systemic pattern of favoritism toward corporate counsel**—particularly from **elite law firms like Perkins Coie, LLP**—exposes a darker reality: a **corporate seizure of our federal courts**. When **rules are rewritten in secret to accommodate powerful actors**, and when **opposing litigants are silenced before they can speak**, the courtroom ceases

to be a forum for justice. **It becomes a fortress for entrenched interests, impenetrable to those without institutional or financial power.**

This is **not a theoretical concern. This is not hyperbole**. It is **documented, evidenced**, and **real**. And **if the judiciary cannot police itself—and it has proven that it cannot—then Congress must act.**

Impeachment is not a punishment. It is a **constitutional remedy for a branch of government that has turned against its own founding principles. If Congress allows this conduct to stand, it legitimizes corruption in the very courts sworn to defend the rule of law.**

This court is not above the law. Its judges are not immune from accountability. And the Constitution does not bend to serve those who distort it.

This case demands more than review. It demands action.

X. Legal Grounds for Congressional Investigation and Impeachment of:

Senior Circuit Judge William J. Kayatta Jr.
Senior Circuit Judge Sandra Lynch
Chief Circuit Judge David J. Barron
Circuit Judge Gustavo Gelpi
Circuit Judge Lara Montecalvo
Senior Circuit Judge Jeffrey R. Howard
Senior Circuit Judge Rogeriee Thompson
Circuit Judge Julie Rikelman

Appellate Judges Participation in Concealing the Illegal Policy While Silencing Hall's Valid Claims Against Twitter

Case Reference Summary

Case	Judges on Appeal/En Banc Orders
20-1933	Lynch, Thompson, Kayatta (Appeal) Barron, Gelpí, Kayatta (En Banc)
22-1987	Lynch, Kayatta, Montecalvo (Appeal) Barron, Gelpí (En Banc)
23-1555	Kayatta, Gelpí, Montecalvo (Appeal) Barron, Rikelman (En Banc)
22-1364	Barron, Lynch, Howard (Appeal) Kayatta, Gelpí, Montecalvo (En Banc Decision)

Judge(s)	# Orders	Cases Involved
Senior Circuit Judge William J. Kayatta Jr.	7	20-1933, 22-1987, 23-1555, 22-1364 (Appeal &En Banc)
Senior Circuit Judge Sandra Lynch	6	20-1933, 22-1987, 22-1364 (Appeal &En Banc)
Chief Circuit Judge David J. Barron	5	20-1933, 22-1987, 23-1555, 22-1364 (Appeal &En Banc)
Circuit Judge Gustavo Gelpi	5	20-1933, 22-1987, 23-1555, 22-1364 (Appeal &En Banc)
Circuit Judge Lara Montecalvo	5	22-1987, 23-1555, 22-1364 (Appeal &En Banc)
Senior Circuit Judge Jeffrey R. Howard	2	22-1364 (Appeal &En Banc)
Senior Circuit Judge Rogeriee Thompson	2	20-1933 (Appeal &En Banc)
Circuit Judge Julie Rikelman	1	23-1555 (En Banc)

Interlocutory Appeal – No. 20-1933

Circuit Court Judges, Lynch, Thompson, Kayatta (Appeal) (En Banc) Barron, Gelpí, (En Banc), together and separately as members of the interlocutory "Panel" or "both Panels."

1. In denying Hall's interlocutory appeal and subsequent petitions for en banc review in ***Hall v. Twitter,* Case 20-1933**, specifically challenging District Judge Steven McAuliffe's appellate authority and fraud upon the court, **both Panels failed in their constitutional, statutory, and ethical duty** to correct egregious violations of federal and local law, judicial ethics, and procedural due process. Rather than upholding the rule of law, **both Panel's affirmed legally defective orders issued by biased judges, enabled the unauthorized practice of law, disregarded binding precedent, and concealed the existence of an unwritten illegal policy** that systematically deprived Hall of a fair process.

2. In so doing, both Panel's rulings **did not merely uphold error—they institutionalized it.** They allowed unauthorized attorneys to litigate without meeting bar admission requirements, affirmed orders issued without jurisdiction, ignored credible allegations of bias supported by affidavit, and refused to address claims of fraud upon the court. **Both Panels decisions reinterpreted clear statutory commands, local rules, and controlling case law, effectively rewriting them in a way that undermines foundational legal principles.**

3. By **concealing the existence of a covert and unlawful pro hac vice policy**—one which enabled ineligible attorneys to participate in federal litigation while bypassing formal admission—Both

Panels **shielded systemic misconduct from scrutiny**, with each Panel Member violating 18 U.S.C. §§ 1001, 1503, and 371. They each allowed material facts to remain hidden, enabled obstruction of justice, and furthered a conspiracy to defraud the United States by protecting an internal judicial scheme incompatible with constitutional due process and statutory obligations.

4. Both of the Panel's denials of Hall's **Interlocutory Appeal** perpetuated the concealment of an illegal pro hac vice policy by allowing Judge McAuliffe's actions to stand despite clear violations of jurisdictional rules, local attorney admission requirements, and due process protections. Rather than addressing McAuliffe's improper reliance on unauthorized attorneys who had not been admitted under Local Rules 83.1 and 83.2 or pro hac vice procedures, both Panels **ignored violations of New Hampshire state law** (RSA 311:7) and the unauthorized practice of law. This directly contradicted federal precedents requiring courts to void procedural actions tainted by unauthorized filings. Furthermore, they **failed to correct McAuliffe's blatant jurisdictional overreach,** where the district court continued issuing substantive orders despite losing jurisdiction upon Hall's filing of a Notice of Appeal, violating *Griggs v. Provident Consumer Discount Co.* and *Steel Co. v. Citizens for a Better Environment*. Their refusal to intervene also disregarded binding precedent under *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, which mandates vacating judgments tainted by fraud upon the court, as Hall had presented evidence of concealed policies that unfairly advantaged Twitter's attorneys. Additionally, both Panels **ignored constitutional due process violations** under the Fifth Amendment, permitting McAuliffe to arbitrarily deny Hall's valid claims while favoring well-connected corporate litigants. By upholding McAuliffe's rulings, both Panels not only shielded judicial misconduct but also **enabled courts to selectively apply procedural rules**, allowing powerful litigants to manipulate the judicial process while denying pro se litigants fair access to justice. Their decision institutionalized judicial bias, eroded public confidence in the courts, and reinforced a precedent where courts can rewrite laws, rules, and jurisdictional constraints to serve entrenched interests rather than the rule of law.

5. Both Panels **failed to enforce Local Rules 83.1(a) and 83.2**, which prohibit attorneys from practicing before the court unless they are properly admitted or granted pro hac vice status. They affirmed proceedings in which unauthorized attorneys—neither admitted nor properly approved—filed motions and participated in litigation. This enabled the unauthorized practice of law in violation of both local procedural safeguards and RSA 311:7 (New Hampshire state law prohibiting unauthorized practice).

6. By upholding filings from unqualified attorneys, **both Panels failed to enforce Rule 11(a),** which requires all pleadings be signed by attorneys admitted to the court's bar. These violations should have resulted in such filings being stricken under *Bank of Nova Scotia v. United States*, 487 U.S. 250 (1988) which mandates that courts void proceedings tainted by procedural misconduct—something both Panels and its members failed to do.

7. Both Panels **failed to reverse the district court's refusal to enter default** against Twitter, despite procedural noncompliance, in violation of Rule 55(a). They also failed to correct Judge McAuliffe's denial of default judgment, which was required under Rule 55(a) once the defendant failed to respond or defend properly within the rules.

8. Both Panels further **refused to grant relief under Rule 60(b)(3) despite evidence of fraud,** misrepresentation, and concealment in the proceedings. These actions ran contrary to the remedial purpose of the rule and to *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944), which empowers courts to invalidate judgments obtained through fraud upon the court.

9. Both Panels **ignored multiple well-supported allegations of judicial bias** and conflicts of interest involving Judge McAuliffe and Magistrate Judge Johnstone. They failed to act on affidavits filed pursuant to 28 U.S.C. § 144, which mandates investigation or reassignment where bias is credibly alleged. They also failed to enforce 28 U.S.C. § 455(a), which requires disqualification where impartiality might reasonably be questioned.

10. Moreover, *In re Murchison*, 349 U.S. 133 (1955) prohibits a judge from acting as both investigator and adjudicator in the same matter—a principle directly violated when Judge McAuliffe **ruled on matters involving his own administrative participation and decisions**. Both Panel's refusal to reverse these rulings enabled a dual-role conflict, undermining judicial neutrality.

11. Both Panels also **failed to enforce *United States v. Chantal*,** 902 F.2d 1018 (1st Cir. 1990) and *In re Boston's Children First*, 244 F.3d 164 (1st Cir. 2001), which require courts to resolve all doubts about impartiality in favor of recusal. Ignoring *Liteky v. United States*, 510 U.S. 540 (1994), they also failed to recognize that even the appearance of bias is sufficient for disqualification.

12. By affirming orders entered after Hall filed his Notice of Appeal, both Panels **failed to enforce 28 U.S.C. § 1291** and the jurisdictional bar established in *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982). *Griggs* makes clear that an appeal divests the district court of authority over matters being appealed. These actions also contravened foundational precedents such as: *Marbury v. Madison*, 5 U.S. 137 (1803) (jurisdiction is a prerequisite for valid judicial action), and *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83 (1998) (courts cannot act without jurisdiction—actions taken without it are void).

13. Both Panels **failure to reverse judgments based on improper filings and bias** violated Hall's Fifth Amendment right to due process and a fair hearing. The judge's deference to Judge McAuliffe—despite his procedural violations and bias—denied Hall an impartial tribunal, violating:

    - *Tumey v. Ohio*, 273 U.S. 510 (1927) (requires a fair and impartial judge),
    - *Mathews v. Eldridge*, 424 U.S. 319 (1976) (due process requires fair procedures), and
    - *Baldwin v. Hale*, 68 U.S. 223 (1863) (equal treatment of litigants, including pro se parties).

14. Both Panels **ignored substantial allegations** that an unwritten pro hac vice policy allowed ineligible attorneys to influence proceedings—allegations amounting to fraud upon the court. This concealment violated:
    - 18 U.S.C. § 1001 (concealing material facts),
    - 18 U.S.C. § 1503 (obstruction of justice), and
    - 18 U.S.C. § 371 (conspiracy to defraud the United States).

15. In so doing, both Panels and each members' actions **aided and abetted a systemic judicial scheme**—one that permitted ineligible attorneys to file briefs, influence rulings, and affect outcomes while evading the formal requirements of bar admission or pro hac vice status. It's failure to expose or invalidate this policy not only **obstructed justice, but also allowed material misconduct to remain hidden**, thereby depriving Hall of his right to a fair and transparent process.

16. Further, his inaction undermined the transparency requirements articulated in *United States v. Bagley*, 473 U.S. 667 (1985), and **violated the principles reaffirmed in *Liljeberg v. Health Services Acquisition Corp.*,** 486 U.S. 847 (1988)—namely, that public confidence in the judiciary requires courts to remedy circumstances that create even the appearance of impropriety or concealed influence.

17. Both Panel's inaction violated Canon 3 of the Code of Conduct for United States Judges, which mandates disqualification whenever a judge's impartiality might reasonably be questioned. They also ignored Canon 3(A)(4) by refusing to investigate ex parte communications and off-the-record influence by unauthorized attorneys.

Mandamus Appeal- No. 22-1987

Circuit Court Judges, Lynch, Kayatta, Montecalvo (Appeal) (En Banc) Barron, Gelpí (En Banc), together and separately as members of the mandamus "Panel" or "both Panels."

18. In denying Hall's petition for mandamus and request for en banc review in ***Hall v. Twitter,* Case 22-1987**, (Petition for Certiorari, denied Case No. 22-7601), for denying Hall's motion for Mandamus commanding Judge Elliott's recusal, **both Panels failed to carry out their constitutional, statutory, and ethical obligations** to ensure impartial adjudication and protect the integrity of the judicial process. It's refusal to intervene **enabled structural judicial bias, weakened ethical safeguards, and contradicted binding precedent**, thereby allowing the erosion of due process and equal protection guarantees under the law.

19. Both Panel's refusal to require Judge Elliott's recusal in Hall's Mandamus Appeal **perpetuated the concealment of an illegal pro hac vice policy and allowed judicial misconduct to go unchecked.** Despite clear mandates under 28 U.S.C. § 455(a) and (b)(1), which require disqualification when a judge's impartiality might reasonably be questioned or when they have prior personal knowledge of disputed facts, both Panels ignored the fact that Elliott had participated in the reappointment process of Magistrate Judge Johnstone, whose policies were central to Hall's claims. This created an undeniable conflict of interest, yet they failed to apply binding precedents such as *Liljeberg v. Health Services Acquisition Corp.*, which held that even the appearance of bias requires recusal to maintain public trust in the judiciary. Their decision also nullified Hall's right to a fair hearing under the Fifth Amendment, contradicting *Caperton v. A.T. Massey Coal Co.*, which established that due process demands recusal when bias threatens fairness. Furthermore, both Panels disregarded Hall's legally sufficient affidavit under 28 U.S.C. § 144, which provided reasonable grounds for disqualification, effectively rendering this statute meaningless. Their failure to act not only permitted Elliott's continued involvement in the case but also ensured that systemic bias remained unchallenged, allowing compromised judges to retain

control over proceedings despite clear conflicts of interest. By rejecting Hall's petition for mandamus, both Panels legitimized judicial favoritism, weakened the mandatory nature of recusal laws, and reinforced a system where courts can manipulate procedural safeguards to protect insiders, eroding public confidence in judicial impartiality and the rule of law. See United States v. Alabama, 828 FF.2d 1532 (11th Cir. 1987), Recusal mandatory where a judge is involved in disputed evidentiary facts.

20. Both Panels **failed to enforce Local Rule 77.5**, which provides for reassignment when impartiality or the appearance thereof is compromised. Despite evidence that all judges in the District of New Hampshire had participated in the reappointment of Magistrate Judge Johnstone—whose conduct was central to Hall's claims—it failed to enforce Hall's request to transfer the case, thereby preserving a judicial structure riddled with **institutional bias**. This decision undermined the function of Local Rule 77.5 as a procedural safeguard against systemic unfairness.

21. Both Panels **disregarded and failed to enforce 28 U.S.C. § 144**, which mandates recusal when a party files a legally sufficient affidavit showing personal bias or prejudice. Hall's affidavit alleged such bias on the part of Judge Elliott, based on her prior involvement in investigating and reviewing complaints against Magistrate Judge Johnstone in the administrative reappointment proceedings. Rather than requiring her recusal, both Panels **ignored both the facial sufficiency and factual basis of the affidavit**, thereby invalidating the protections offered by § 144.

22. Both Panels **violated 28 U.S.C. § 455(a) by failing to enforce disqualification for the appearance of bias**. Judge Elliott's prior administrative role created an objectively reasonable basis to question her impartiality—grounds which required mandatory recusal under the statute. **28 U.S.C. § 455(b)(1)** also compelled disqualification due to **Judge Elliott's personal knowledge of disputed evidentiary facts** acquired during the administrative review of Hall's submissions to the merit panel in the Johnstone reappointment process. Both Panel's inaction thus allowed a conflicted judge to continue preside over a matter in which she had **extrajudicial exposure** to material facts. These failures by both Panels collectively **rendered 28 U.S.C. § 455 ineffective**, undermining its role in preserving public trust in the judiciary and ensuring an impartial tribunal.

23. Both Panels also **failed to enforce Canon 3(A)(6) of the Code of Conduct for United States Judges**, which prohibits judges from participating in matters where their impartiality might reasonably be questioned. By allowing Judge Elliott to remain on the case despite her **conflicted administrative history**, both Panels weakened the enforceability of the Canon, **turning a mandatory ethical duty into a discretionary option**.

24. Each member of both Panels similarly **failed to uphold the broader provisions of Canon 3**, which require judges to maintain the integrity and independence of the judiciary. Both Panel rulings permitted **ongoing ethical violations and eroded confidence in judicial oversight**, effectively treating the Code of Conduct as **nonbinding** in cases involving structural bias.

25. In declining to enforce recusal, both Panels **contradicted controlling precedent** that reinforces the non-negotiable nature of judicial impartiality. In *Berger v. United States*, 255 U.S. 22 (1921), the Supreme Court held that when a legally sufficient affidavit alleges judicial bias, **recusal is mandatory—not discretionary**. Both Panel's ignored this foundational rule.

26. Both Panels further **violated and failed to enforce *Caperton v. A.T. Massey Coal Co.***, 556 U.S. 868 (2009), which held that due process requires recusal when actual bias or its appearance creates a **significant risk of unfairness**. By **allowing Judge Elliott to remain despite her dual role as both evaluator and adjudicator**, both Panel's negated this constitutional safeguard.

27. Finally, both Panels **contravened the reasoning in *Liljeberg v. Health Services Acquisition Corp.***, 486 U.S. 847 (1988), which emphasized that even the **appearance of impropriety necessitates recusal** to preserve public confidence in judicial fairness. By disregarding this principle, both Panels allowed a **compromised judge to continue ruling on matters in which neutrality was publicly and reasonably in doubt.**

28. Both Panels refusal to enforce statutory, ethical, and constitutional requirements surrounding judicial impartiality **left Hall with no meaningful protection against structural bias**, and **enabled a judicial process infected by prior extrajudicial involvement and undisclosed conflicts of interest**. These decisions does not merely reflect judicial deference—it institutionalizes **a two-tiered system of accountability** that denies due process to litigants confronting internal judicial misconduct. These failures warrant immediate corrective action to restore the credibility and legitimacy of the judicial process.

Final Appeal- No. 23-1555

Circuit Court Judges, Kayatta, Gelpí, Montecalvo (Appeal) (En Banc) Barron, Rikelman (En Banc), together and separately as members of the mandamus "Panel" or "both Panels."

29. In denying Hall's petition for a Final Appeal and request for en banc review in ***Hall v. Twitter,* Case 23-1555**, (Petition for Mandamus, denied Case No. 24-5964), (Petition for Certiorari, *Pending*, Case No. 24-6779), specifically challenging District Judge Samantha D. Elliott's dismissal of the case, **Both Final Appeal Panels failed to carry out their constitutional, statutory, and ethical obligations** to ensure impartial adjudication and protect the integrity of the judicial process. It's refusal to intervene **enabled structural judicial bias, weakened ethical safeguards, and contradicted binding precedent**, thereby allowing the erosion of due process and equal protection guarantees under the law.

30. Both Panel's denial of Hall's **final appeal in Verogna v. Twitter, Inc.** perpetuated the concealment of an illegal pro hac vice policy, effectively shielding judicial misconduct and procedural violations from scrutiny. By failing to enforce mandatory recusal under 28 U.S.C. § 455 despite Judge Elliott's clear conflict of interest in overseeing a case linked to her administrative role in Judge Johnstone's reappointment, both Panels legitimized systemic judicial bias and due process violations. Their **refusal to correct the district court's selective application of judicial notice under Rule 201 and failure to enforce Hall's right to a hearing under Rule 201(e)** allowed key adjudicative facts to be ignored, thereby suppressing evidence of procedural corruption.

31. Both Panels failed to enforce Fed. R. Evid. 201(c)(2), which requires courts to take judicial notice when a party supplies undisputed facts from reliable sources. Hall did so repeatedly, yet both Panels ignored his requests entirely. Neither Twitter nor any of the four federal judges involved ever disputed the existence or illegality of Judge Johnstone's hidden pro hac vice policy. 32. Their collective silence across dozens of filings, motions, and rulings resulted in the procedural admission of material facts that now stand entirely uncontested.

33. Both Panels failed to enforce Fed. R. Evid. 201(e), which guarantees a party the right to be heard on judicial notice. Hall explicitly requested a hearing, but both Panels failed to granted it.

34. Both Panels failed to enforce Fed. R. Evid. 201(f), which allows judicial notice at any stage, including on appeal. Despite this, they refused to engage with the appellate motions or the uncontested facts presented and failed to uphold *United States v. Simon*, which requires courts to take judicial notice when Rule 201 is satisfied. Hall met that standard.

35. Both Panels failed to apply *Boateng v. Interamerican Univ.*, which allows judicial notice of public court records. You submitted multiple such records, but the court ignored them without explanation.

36. Both Panels failed to follow *Khoja v. Orexigen Therapeutics*, which says courts can't ignore adjudicative facts just because they're inconvenient. Hall's facts were verified and relevant, but still disregarded.

37. Both Panels failed to uphold 28 U.S.C. § 2106, which requires full appellate review when justice demands it. They refused to review key facts central to Hall's constitutional claims.

39. Both Panels failed to preserve your due process rights under the Fifth Amendment. They rejected Hall's uncontested facts while crediting unsupported claims from Twitter, denying Hall a fair review.

40. Additionally, both Panels improperly denied Hall's valid legal claims under Rule 8 and Rule 12, dismissing them despite their sufficiency under federal pleading standards and disregarding binding precedents on intent. Courts are required to accept well-pleaded allegations as true at the motion-to-dismiss stage, yet both Panels ignored Rule 12(b)(6) standards set forth in *Ashcroft v. Iqbal* and *Bell Atl. Corp. v. Twombly*, instead imposing an unlawful heightened burden of proof. Furthermore, both Panels misapplied the legal standard for "intent," a critical element in Hall's claims under 42 U.S.C. § 1985 and § 1986, contradicting Supreme Court precedent that requires courts to assess intent based on reasonable inferences from the pleaded facts rather than demanding direct evidence at the pleading stage. Their failure to properly adjudicate these claims allowed the judiciary to **rewrite substantive law to protect judicial and corporate interests**. By also refusing to address Rule 60(b) motions seeking relief from judgments tainted by fraud and judicial bias, **both Panels signaled that courts can engage in procedural misconduct without accountability**. By permitting the concealment of the unwritten pro hac vice policy that advantaged Twitter's attorneys and disregarding allegations of judicial criminality under 18 U.S.C. §§ 1001, 1503, and 371, both Panel's rulings normalized judicial favoritism and procedural

manipulation, eroding public confidence in the judiciary and transforming legal safeguards into mere discretionary tools used to protect powerful litigants.

41. Both Panels **failed to enforce the recusal standards mandated by 28 U.S.C. §§ 144 and 455**(a) and (b)(1). Despite Hall submitting a legally sufficient affidavit alleging bias by Judge Elliott—including her prior administrative role reviewing complaints against Magistrate Judge Johnstone—**both Panels failed to mandate Judge Elliotts recusal**. This violated the Supreme Court's directive in *Berger v. United States*, 255 U.S. 22 (1921), which requires disqualification upon a proper showing of bias.

42. Judge Elliott's **prior knowledge of disputed evidentiary facts and participation in the reappointment of a central defendant**, Johnstone, required mandatory recusal under § 455(b)(1). Both Panel's failure to act also contravened *Williams v. Pennsylvania*, 136 S. Ct. 1899 (2016), where the Court held that a judge's prior administrative involvement in a matter later adjudicated violates due process. These failures directly ignored precedent such as *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988), and *Liteky v. United States*, 510 U.S. 540 (1994), each of which emphasizes that both actual bias and the appearance of partiality warrant recusal to preserve the fairness and integrity of judicial proceedings.

43. Both Panels also **failed to enforce Local Rule 77.5** by not upholding and granting Hall's request to transfer the case to another district, despite credible allegations of systemic bias involving every judge in the District of New Hampshire who participated in Magistrate Judge Johnstone's reappointment and oversight.

44. Both Panels **failed to enforce Local Rules 83.1(a), 83.2, and Rule 11(a),** which prohibit filings by attorneys not admitted to the court's bar or granted pro hac vice status. Both Panels upheld orders issued on the basis of motions filed by unauthorized attorneys, violating both federal and state law, including RSA 311:7.

45. These unauthorized filings, which **should have been stricken under Rule 12(f)** and **declared void under *Bank of Nova Scotia v. United States***, 487 U.S. 250 (1988), were instead allowed to stand. They're **failure to void such actions** violated *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83 (1998), which affirms that acts taken without jurisdiction must be treated as void.

46. In failing to correct the district court's use of an unwritten, informal admission policy, both Panels also **failed to enforce 28 U.S.C. §§ 2071 and 2072,** which require courts to adopt and publish procedural rules through formal channels. The use of secret policy circumvented both Congress's rulemaking authority and litigants' due process rights.

47. Both Panels further **violated the Erie Doctrine** by failing to correct the lower courts' refusal to apply substantive New Hampshire law governing the unauthorized practice of law in this diversity case, in violation of *Erie Railroad Co. v. Tompkins*, 304 U.S. 64 (1938) and 28 U.S.C. § 1652.

48. Both Panels **failed to apply 28 U.S.C. § 1291** and enforce appellate jurisdiction following Hall's notice of appeal. They affirmed post-appeal rulings issued by Judge McAuliffe, despite *Griggs v.*

Provident Consumer Discount Co., 459 U.S. 56 (1982), which holds that a district court is divested of jurisdiction once an appeal is filed. These actions also violated the foundational constitutional principle set forth in *Marbury v. Madison*, 5 U.S. 137 (1803), that jurisdiction is a prerequisite for judicial authority. Both Panel's failure to void unauthorized post-appeal rulings further violated *Steel Co.* and ignored the judiciary's obligation to police its own jurisdiction.

49. Both Panels **refusal to correct rulings issued without authority,** by Judges McAuliffe and Elliott, further violated the Supreme Court's ruling in *Sinclair Refining Co. v. Atkinson*, 370 U.S. 195 (1962), which prohibits courts from enforcing procedural rules that conflict with controlling federal statutes or jurisdictional limits.

50. Both Panels rulings **violated Hall's constitutional rights** under the Fifth, Seventh, and Fourteenth Amendments. By affirming the dismissal of Hall's claims and failing to address default procedures under Rule 55(a), they denied Hall his right to a jury trial and an impartial tribunal.

51. Both Panels **failed to correct Judge Elliott's use of an improper Rule 12(b)(6) standard**, where she dismissed Hall's claims without accepting the factual allegations as true or viewing them in the light most favorable to Hall—as required under *Ashcroft v. Iqbal*, *Swierkiewicz v. Sorema*, and the Federal Rules of Civil Procedure.

52. Both Panels also **ignored Hall's right to challenge the sufficiency of unsupported defenses** filed by unauthorized attorneys under Rule 12(f), and failed to reverse the sua sponte cancellation of Hall's pretrial conference by Judge Johnstone—an act that violated Rule 16 and deprived Hall of meaningful procedural safeguards.

53. The lower courts' actions, and both Panel's refusal to intervene, **violated procedural fairness protections** set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976), *Goldberg v. Kelly*, 397 U.S. 254 (1970), *Mullane v. Central Hanover Bank*, 339 U.S. 306 (1950), *Truax v. Corrigan*, 257 U.S. 312 (1921), *Hurtado v. California*, 110 U.S. 516 (1884), and *Tumey v. Ohio*, 273 U.S. 510 (1927).

54. These decisions also violated the Seventh Amendment and the holding in *American Express Co. v. Mullins*, 212 U.S. 311 (1909), by **denying Hall the right to a jury trial** in a civil matter and upholding dismissals tainted by procedural fraud.

55. Both Panels **failed to remedy the selective enforcement of procedural rules** that benefited Twitter as a corporate defendant and disadvantaged Hall as a pro se litigant, violating equal protection guarantees under the Fourteenth Amendment, as well as *Baldwin v. Hale*, 68 U.S. 223 (1863), and *Pulliam v. Allen*, 466 U.S. 522 (1984).

56. Both Panel's **failure to correct rulings tainted by the concealed pro hac vice policy** violated 28 U.S.C. § 2106, which empowers appellate courts to vacate unlawful or procedurally defective judgments. They **knowingly allowed judgments procured through fraud and concealed misconduct to stand.**

57. Both Panels **failed to enforce Federal Rule of Evidence 201(e),** which requires a hearing when judicial notice is disputed. Judge Elliott's refusal to permit a hearing on the unwritten pro hac vice

policy deprived Hall of due process, and with both Panel's affirmation of that decision **allowed unconstitutional judicial procedures to continue unchecked.**

58. The Panel members of **both Panels' concealment of material facts about unauthorized legal practices and unwritten judicial policies violated 18 U.S.C. §§ 1001** (false statements and concealment), 1503 (obstruction of justice), and 371 (conspiracy to defraud the United States). These violations directly contravened *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944), *United States v. Throckmorton*, 98 U.S. 61 (1878), and *United States v. Bagley*, 473 U.S. 667 (1985), which **require courts to correct fraud upon the court** and ensure transparency in judicial proceedings.

59. Both of the Panel's **refusals to act** also contradicted *United States v. Lee*, 106 U.S. 196 (1882), and *United States v. Tucker*, 78 F.3d 1313 (8th Cir. 1996), which emphasize the importance of fairness and the necessity of avoiding even the appearance of bias in judicial conduct.

60. **Each Panel member violated their oaths under 28 U.S.C. § 453** to "administer justice without respect to persons" and to uphold the Constitution and laws of the United States. By affirming orders tainted by misconduct, fraud, and bias, he violated multiple provisions of the Code of Conduct for United States Judges, including Canons 2(A), 3, 3(A)(4), and 3(A)(6).

61. Both Panels **refusal to hold Judge Elliott accountable** for failing to recuse herself—despite clear personal involvement and an appearance of bias—rendered recusal standards meaningless. By allowing improper ex parte communications and shielding judicial misconduct, both Panels weakened judicial ethics, ignored mandatory ethical rules, and allowed systemic bias to persist.

62. These actions **contravene Supreme Court precedent** requiring judicial accountability, including *Caperton*, *Liteky*, and *Tumey*, and warrant serious review.

Johnstone Appeal- No. 22-1364

Circuit Court Judges, Barron, Lynch, Howard (Appeal) (En Banc) Kayatta, Gelpí, Montecalvo (En Banc), together and separately as members of the mandamus "Panel" or "both Panels."

63. In denying Hall's petition for a Final Appeal and request for en banc review in ***Verogna v. Johnstone, et, al.,* Case 22-1364**, (Petition for Certiorari, denied Case No. 22-7607), for dismissing the case, **both Panels failed to carry out their constitutional, statutory, and ethical obligations** to ensure impartial adjudication and protect the integrity of the judicial process. It's refusal to intervene **enabled structural judicial bias, weakened ethical safeguards, and contradicted binding precedent**, thereby allowing the erosion of due process and equal protection guarantees under the law.

64. Both Panel's denial of Hall's appeal **perpetuated the concealment of the illegal policy** by insulating judicial misconduct and procedural violations from scrutiny. By refusing to address Judge McCafferty's failure to recuse despite clear conflicts of interest under 28 U.S.C. § 455, both Panels legitimized an unchecked abuse of judicial authority, disregarding constitutional due

process protections. Their inaction effectively nullified Supreme Court precedent mandating impartial tribunals and **allowed an undisclosed pro hac vice policy to advantage corporate litigants** while systematically disadvantaging Hall. Moreover, by upholding McCafferty's sua sponte dismissal before service and misapplication of 42 U.S.C. § 1985(2), both Panels ignored binding precedent, thereby **facilitating judicial obstruction and shielding misconduct.** Their refusal to reverse the improper extension of judicial immunity further ensured that judges could evade accountability even when acting outside their jurisdiction. Through these actions, both Panels not only reinforced systemic bias but also **signaled that the judiciary can manipulate procedural rules with impunity**, eroding public confidence in the courts and transforming legal safeguards into discretionary privileges rather than enforceable rights.

65. Both Panels **failed to enforce essential statutory, constitutional, and ethical safeguards** governing judicial disqualification and due process. Under **28 U.S.C. § 455(a)**, a judge must recuse herself when her impartiality might reasonably be questioned. **28 U.S.C. § 455(b)(1)** further mandates disqualification where a judge has personal knowledge of disputed evidentiary facts. Despite these clear standards, Judge McCafferty declined to recuse herself from Hall's case, even though she had previously served in an administrative capacity overseeing the reappointment of Magistrate Judge Johnstone, whose conduct and courtroom policies were central to Hall's claims. Critically, **those so-called "Johnstone policies" were not merely her subordinate's—**they were **McCafferty's own policies** as well, as she served as Chief Judge at the time they were implemented, enforced, and institutionalized throughout the District. Her administrative involvement in adopting and overseeing those policies gave her extrajudicial knowledge of contested facts and created a direct and disqualifying conflict under § 455. Both Panels **failed to correct this statutory violation**, instead allowing Judge McCafferty to rely solely on her personal belief in her impartiality, contrary to the objective standard required by law.

66. This refusal also violated *In re Murchison*, 349 U.S. 133 (1955), which held that due process is violated **when a judge serves as both investigator and adjudicator in the same matter,** creating an inherent structural conflict. Likewise, in *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988), the Supreme Court emphasized that recusal is necessary not only to avoid actual bias but to preserve public confidence in the judiciary. The Court in *Liljeberg* found that even an unintentional failure to recuse can justify vacatur when the appearance of impartiality is compromised. In *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), the Court ruled that due process requires recusal when a reasonable observer might perceive a significant risk of bias, even if no actual bias is proven. Judge McCafferty's continued involvement—despite her prior oversight of complaints against Judge Johnstone and her own responsibility for implementing the challenged policies—meets this threshold.

67. Further, in *United States v. Chantal*, 902 F.2d 1018 (1st Cir. 1990), the First Circuit held that recusal under § 455(a) must be assessed from the standpoint of a reasonable observer and not the judge's subjective belief. By **failing to apply this standard**, Both Panels **upheld a ruling grounded in personal belief rather than objective analysis**. Additionally, *Williams v. Pennsylvania*, 579 U.S. ___ (2016), held that due process is violated when a judge presides over a case in which they previously had significant personal involvement as a prosecutor or administrator. The Court found that even minimal prior involvement created an "intolerable risk

of bias." Judge McCafferty's role in developing and enforcing the very policies at issue falls squarely within this precedent.

68. Similarly, *United States v. Alabama*, 362 U.S. 602 (1960), affirmed that judicial disqualification is required when a judge has participated in related administrative matters that intersect with the case at hand. Judge McCafferty's **administrative background with court policy and personnel created just such a connection.** Moreover, her actions infringed upon Hall's due process rights under the Fifth Amendment, which guarantees a fair and impartial tribunal, as reaffirmed in *Tumey v. Ohio*, 273 U.S. 510 (1927). In *Tumey*, the Court ruled that a judge's personal interest or structural entanglement in a case invalidates the fairness of proceedings regardless of actual bias.

69. Finally, in *In re Boston's Children First*, 244 F.3d 164, 167 (1st Cir. 2001), the First Circuit recognized that when any substantial doubt exists about a judge's impartiality, it must be resolved in favor of recusal. **Judge McCafferty's refusal to acknowledge the appearance of bias—despite multiple overlapping roles, administrative responsibilities, and direct involvement in disputed policies**—directly contravened this binding precedent. Her actions also violated Canon 3(C) of the Code of Conduct for United States Judges, which mandates disqualification whenever impartiality might reasonably be questioned. Both Panels' failure to enforce these statutes, precedents, and ethical standards enabled a clear abuse of judicial power and undermined the constitutional right to a neutral decisionmaker, warranting vacatur of the rulings and potential appellate intervention to restore public trust in the judiciary.

70. Both Panels **failed to enforce critical procedural and constitutional protections** when they upheld Judge McCafferty's **sua sponte dismissal** of Hall's case. This dismissal occurred prematurely—before the expiration of the 90-day service window guaranteed under **Federal Rule of Civil Procedure 4(m)**—and before ruling on Hall's motion for alternative service under **Rule 4(c)(3)**, which allows courts to authorize U.S. Marshal service when appropriate. By failing to adjudicate that motion and dismissing the case without service, the court denied Hall a meaningful opportunity to effectuate service or be heard, in direct violation of procedural due process.

71. Additionally, Judge McCafferty's dismissal occurred prior to any defendant being served or filing a response, in contravention of **Rule 12(b)**, which contemplates dismissal only after service of process and an opportunity for the opposing party to respond. This **procedural shortcut deprived Hall of notice** and a chance to cure any perceived deficiencies. Such action was explicitly condemned in *Ruiz v. Snohomish County Public Utility Dist. No. 1*, 824 F.3d 1161 (9th Cir. 2016), where the court held that dismissal prior to service—without prior notice and an opportunity to respond—is improper. Likewise, *Graves v. United States Coast Guard*, 692 F.2d 71 (9th Cir. 1982), confirmed that plaintiffs must be afforded a reasonable opportunity to complete service before a case may be dismissed.

72. Furthermore, the court's use of sua sponte **dismissal did not meet the narrow standard set forth in *Neitzke v. Williams***, 490 U.S. 319 (1989), which permits sua sponte dismissal only when a complaint is legally frivolous under any conceivable set of facts. Hall's claims, which involved serious allegations of judicial misconduct and constitutional violations, plainly did not meet this high bar. Similarly, *Catz v. Chalker*, 142 F.3d 279 (6th Cir. 1998), warned that courts

must refrain from dismissing cases sua sponte without clear legal justification or development of the factual record.

73. Both Panels ignored Judge McCafferty's actions which violated Hall's constitutional rights. By denying him the opportunity to be heard and failing to address his pending motion, they allowed Judge McCafferty to infringe upon Hall's Fifth Amendment right to due process, as articulated in *Mullane v. Central Hanover Bank*, 339 U.S. 306 (1950), which requires that litigants be given notice and a meaningful opportunity to be heard. Her dismissal of the case prior to factual development also violated Hall's First Amendment right to petition the government for redress of grievances, effectively blocking his access to the courts before the litigation could proceed.

74. The use of sua sponte dismissal under these circumstances—especially when the **facts implicate the judge's own administrative decisions**—amounts to an abuse of judicial power. It obstructed the judicial process, foreclosed the plaintiff's right to a fair hearing, and constitutes obstruction of justice. Such conduct not only erodes public trust in the judiciary but satisfies the constitutional threshold for judicial misconduct warranting impeachment.

75. Both Panels failed to enforce binding statutory protections and clearly established precedent when they upheld Judge McCafferty's dismissal of Hall's claims under **42 U.S.C. § 1985(2), Clause (i)**. Judge McCafferty **improperly imposed a requirement of class-based discriminatory animus that Clause (i) does not contain**, directly contradicting *Kush v. Rutledge*, 460 U.S. 719 (1983), which held that Clause (i)—addressing retaliation for participation in federal proceedings—**does not require proof of class-based animus**. Both Panels also ignored the holdings in *Powell v. City of Pittsfield*, 143 F. Supp. 2d 94 (D. Mass. 2001), and *Wright v. No Skiter Inc.*, 774 F.2d 422 (10th Cir. 1985), both of which affirm that Clause (i) **protects litigants from retaliation regardless of class-based discrimination.** They further disregarded *Irizarry v. Quiros*, 722 F.2d 869 (1st Cir. 1983), which establishes that § 1985(2) protects individuals targeted for initiating or participating in federal litigation. Instead of correcting Judge McCafferty's reliance on *Hahn v. Sargent*, 523 F.2d 461 (1st Cir. 1975)—a case interpreting § 1985(3), not Clause (i)—**both Panels allowed her to justify dismissal based on inapplicable precedent.**

76. Both Panels also **failed to enforce the pleading standards** established in *Neitzke v. Williams*, 490 U.S. 319 (1989), which restricts sua sponte dismissals to complaints that are legally frivolous under any conceivable set of facts. Judge McCafferty dismissed Hall's claims without addressing the specific acts of retaliation alleged and without accepting well-pleaded facts as true. Both Panel's upheld this error, denying Hall the protections afforded at the motion-to-dismiss stage. In doing so, they failed to safeguard Hall's Fifth Amendment right to procedural due process, which was violated by the application of the wrong legal standard and the refusal to permit correction of perceived deficiencies. They also failed to protect his First Amendment right to petition the government, which was **blocked by the court's premature dismissal**.

77. By affirming dismissal despite these clear legal violations, both Panels **permitted Judge McCafferty to conceal the existence and impact of unlawful judicial practices that favored certain litigants**, obstructing the judicial process and violating the due process requirement of impartial proceedings. Their refusal to enforce the standard articulated in *Caperton v. A.T.*

Massey Coal Co., 556 U.S. 868 (2009)—which affirms that judicial bias and legal misapplication require reversal to preserve due process—allowed constitutional violations to stand uncorrected. This failure by both Panels not only upheld a wrongful dismissal that caused economic harm to Hall, but also reinforced systemic unfairness, denying him a full and fair judicial process.

78. Both Panels **failed to enforce controlling precedent and constitutional protections** when they affirmed Judge McCafferty's improper application of judicial immunity to shield unlawful administrative and non-judicial conduct by Judges *Johnstone* and *McAuliffe*. They ignored *Forrester v. White*, 484 U.S. 219 (1988), which held that judicial immunity does not apply to administrative decisions, even though McCafferty misclassified *Johnstone*'s unwritten *pro hac vice* policy—lacking any formal basis—as a judicial act. The panels also failed to apply *Dennis v. Sparks*, 449 U.S. 24 (1980), which establishes that judges are not immune when participating in conspiracies with private parties. They disregarded *Gallas v. Supreme Court of Pennsylvania*, 211 F.3d 760 (3d Cir. 2000), which excludes ex parte communications and legal advice to one side from the scope of protected judicial functions. Her ruling also contradicted *Mireles v. Waco*, 502 U.S. 9 (1991), which states that immunity is lost when a judge acts in the clear absence of all jurisdiction, and *Bradley v. Fisher*, 80 U.S. 335 (1871), which bars immunity when a judge knowingly acts without legal authority. The panels ignored that the *pro hac vice* policy enforced by *Johnstone* and *McAuliffe* had no basis in Article III or valid court rules, placing their actions far outside the jurisdictional limits defined by *Mireles* and *Bradley*.

79. Both Panels also **failed to enforce the proper functional test articulated in *Scheuer v. Rhodes***, 416 U.S. 232 (1974), and reaffirmed by the First Circuit in *Mulero-Carrillo v. Roman-Hernandez*, 790 F.3d 99 (1st Cir. 2015), which states that only acts normally performed by a judge are protected by judicial immunity. McCafferty's ruling **improperly insulated procedural misconduct and** denied Hall his Fifth Amendment right to due process, allowing judicial actors to manipulate court procedures without accountability. This directly violated *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), which held that judicial bias affecting case outcomes violates due process and requires corrective action.

80. By affirming McCafferty's use of judicial immunity to shield administrative misconduct and conceal an illegal policy, both of the Panel members are now committing the very same acts. **They too are suppressing evidence of unauthorized court practices, legitimizing bias, and enabling procedural manipulation**—thereby obstructing justice and perpetuating systemic misconduct. Their refusal to apply *Bradley*, *Mireles*, *Forrester*, and *Caperton* not only denies Hall a forum to challenge unlawful conduct but also erodes public confidence in the impartial administration of justice. In continuing to conceal these illegal policies and shield their effects from scrutiny, both Panels abandoned their role as neutral arbiters and now share responsibility for the due process violations and constitutional harm they refused to correct.

81. Both Panels **failed to enforce multiple binding precedents and legal standards** in affirming Judge McCafferty's dismissal of Hall's claims based on collateral estoppel and the Rooker-Feldman doctrine. They **did not apply the test set forth in *Grella v. Salem Five Cent Savings Bank***, 42 F.3d 26 (1st Cir. 1994), which requires that the issue be identical, actually litigated, essential to the prior judgment, and subject to a final decision. Hall's claims involved distinct

legal and factual issues, not resolved in his prior case, as recognized in *NLRB v. Donna-Lee Sportswear Co., Inc.*, 836 F.2d 31 (1st Cir. 1987), and *In re Schriver*, 218 B.R. 797 (E.D. Va. 1998), both of which prohibit preclusion where issues were not explicitly decided. Both Panels also ignored *In re Sestito*, 136 B.R. 602 (Bankr. D. Mass. 1992), which bars estoppel where no final judgment exists—as Hall's earlier case remained on appeal. In refusing to address Hall's allegations of concealed misconduct and unauthorized judicial policies, the panels failed to enforce *John Sanderson & Co. v. Ludlow Jute Co.*, 569 F.2d 696, 698 (1st Cir. 1978), which recognizes an exception to preclusion in cases of extrinsic fraud.

82. Both Panels further **misapplied the Rooker-Feldman doctrine**, failing to follow *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280 (2005), which confines the doctrine to cases seeking appellate review of state court decisions, and *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923), which confirms that federal constitutional claims are not barred by prior state proceedings. Hall's federal claims under 42 U.S.C. § 1985(2), and his **allegations of fraud and judicial misconduct, were not previously adjudicated** and did not seek review of a state judgment. By **treating them as impermissible collateral attacks**, the panels disregarded *Celotex Corp. v. Edwards*, 514 U.S. 300 (1995), and *Pratt v. Ventas, Inc.*, 365 F.3d 514 (6th Cir. 2004), both of which limit Rooker-Feldman and preserve access to federal courts for independent constitutional claims.

83. In upholding dismissal, both Panels also **failed to protect Hall's Fifth Amendment right to due process and his First Amendment right to petition the government**. They ignored 28 U.S.C. § 455(a), which mandates recusal when a judge's impartiality might reasonably be questioned, despite Hall's allegations of judicial bias and unauthorized court practices. Both Panels failed to enforce *Haddle v. Garrison*, 525 U.S. 121 (1998), which protects access to federal forums in retaliation cases, and *Adickes v. S.H. Kress & Co.*, 398 U.S. 144 (1970), which permits claims against private actors who conspire with state officials to violate constitutional rights. They also overlooked *In re Dubian*, 77 B.R. 332 (Bankr. D. Mass. 1987), which prohibits preclusion where claims were not actually litigated.

84. By failing to enforce these authorities, both Panels **allowed the misuse of collateral estoppel and Rooker-Feldman to insulate unconstitutional conduct**, restrict access to federal courts, and deny Hall a meaningful opportunity to be heard. Their decision created a precedent that enables judicial actors to avoid accountability for misconduct, undermining public confidence in the judiciary and requiring appellate correction to restore due process and the rule of law.

85. Both Panels **failed to enforce controlling precedent and statutory safeguards** when they upheld Judge McCafferty's dismissal of Hall's claims based on misrepresented facts and distorted legal characterizations. They ignored *Rockwell v. Cape Cod Hosp.*, 26 F.3d 254 (1st Cir. 1994), which prohibits dismissal unless no set of facts could support the claim, despite Judge McCafferty's reliance on false factual premises to justify dismissal. Her **distortion of substantive allegations**—fraud, misconduct, and bias—as mere dissatisfaction with prior rulings violated *Beddall v. State St. Bank Trust Co.*, 137 F.3d 12 (1st Cir. 1998), which requires accurate de novo review of dismissals. Both Panels also failed to apply *Arthur v. King*, 500 F.3d 1335 (11th Cir. 2007), which affirms that relief under Rule 59(e) is appropriate where a court commits

manifest error, as occurred when Judge McCafferty mischaracterized serious claims as frivolous or vexatious.

86. Her disregard for allegations of ex parte communications and judicial favoritism contradicted *Mullane v. Central Hanover Bank*, 339 U.S. 306 (1950), which guarantees a fair opportunity to be heard before an impartial tribunal. Both Panels failed to correct her omission of material evidence—such as Twitter's improper influence on judicial outcomes—in violation of *United States v. Pelullo*, 964 F.2d 193 (3d Cir. 1992), which holds that actions taken in excess of authority may constitute judicial misconduct. Her refusal to evaluate conspiracy claims and ex parte evidence also violated *United States v. Rahm*, 993 F.2d 1405 (9th Cir. 1993), and *In re Murchison*, 349 U.S. 133 (1955), both of which emphasize the constitutional requirement of judicial impartiality.

87. By disregarding clear evidence of collusion, unlawful *pro hac vice* practices, and denial of procedural fairness, the court committed manifest legal error, which both Panels failed to address in violation of *Oto v. Metro. Life Ins. Co.*, 224 F.3d 601 (7th Cir. 2000), and *Venegas-Hernandez v. Sonolux Records*, 370 F.3d 183 (1st Cir. 2004), both of which define manifest error as a disregard for established facts and legal standards. Judge McCafferty's improper use of judicial immunity to shield administrative conduct violated *LeBlanc v. B.G.T. Corp.*, 992 F.2d 394 (1st Cir. 1993), and *Reed v. Baxter*, 134 F.3d 351 (6th Cir. 1998), which hold that acts beyond the judicial function or taken in disregard of fairness are not protected. Both Panels failed to apply 28 U.S.C. § 455(a), despite her reappointment of Judge Johnstone while credible allegations of misconduct were pending and her protection of unauthorized policies that disproportionately benefited Twitter's attorneys—factors that raised legitimate concerns about impartiality and required recusal.

88. By **affirming dismissal based on false factual premises and failure to evaluate key allegations**, both Panels ignored *State v. Shirley*, 6 S.W.3d 243 (Tenn. 1999), which recognizes the misapplication of law as a clear error of judgment. Their refusal to enforce these standards enabled a judicial process in which misconduct was concealed rather than corrected, depriving Hall of due process and obstructing his access to justice. Both Panels' inaction reinforced systemic unfairness, undermined public confidence in judicial integrity, and necessitates appellate correction to restore constitutional accountability and procedural fairness.

89. Both Panels failed to enforce controlling precedent and statutory standards when they affirmed the dismissal of Hall's claims under 42 U.S.C. § 1986. They did not correct Judge McCafferty's misapplication of 42 U.S.C. § 1985(2), Clause (i), where she **improperly required class-based discriminatory animus**. This directly violated *Kush v. Rutledge*, 460 U.S. 719 (1983), which holds that Clause (i)—concerning retaliation for participating in federal court proceedings—**does not require class-based animus,** and *Powell v. City of Pittsfield*, 143 F. Supp. 2d 94 (D. Mass. 2001), which reaffirmed that interpretation. The panels failed to enforce the principle that § 1986 liability is derivative but dependent on the proper adjudication of § 1985 claims, and that dismissal under an incorrect legal standard invalidates the basis for rejecting § 1986 relief.

90. Both Panels also **ignored *Irizarry v. Quiros***, 722 F.2d 869 (1st Cir. 1983), which confirms that § 1985(2) is triggered when conspiracies aim to deter or retaliate against parties for participating in

federal litigation—precisely the conduct Hall alleged. They failed to apply *Wright v. No Skiter Inc.*, 774 F.2d 422 (10th Cir. 1985), which recognizes protection under § 1985 for litigants facing retaliation in court-related activity, including collusion between officials and favored private attorneys. Both Panels failed to address the § 1986 requirement that individuals who know of a conspiracy and fail to act may be held liable, despite Hall's claims that officials, including judges, knowingly permitted and upheld unlawful conduct.

91. By **allowing the dismissal to stand without review of these facts**, both Panels failed to enforce Hall's constitutional right to due process under the Fifth Amendment. They overlooked Hall's evidence showing that judicial policies were structured to favor attorneys representing Twitter, undermining fair and neutral proceedings. Both Panels also failed to apply 28 U.S.C. § 455(a), despite Judge McCafferty's adjudication of misconduct claims while previously involved in Judge Johnstone's reappointment, creating an appearance of bias that required mandatory recusal. Instead, the panels accepted the erroneous conclusion that Hall's claims merely sought to relitigate prior rulings, ignoring allegations of judicial misconduct and systemic bias that demanded impartial evaluation.

92. Both Panels further failed to safeguard Hall's First Amendment right to petition the government, as their decision **denied him access to a fair forum** to seek redress for constitutional violations and retaliatory conspiracies. By not enforcing the legal standards governing § 1985 and § 1986, and by refusing to address the substance of well-pleaded claims, both Panels enabled judicial actors to avoid accountability, reinforced systemic bias, and allowed a misuse of preclusion doctrines to obstruct justice. Their inaction perpetuated the harm caused by the district court, imposed unwarranted litigation costs on Hall, and undermined public confidence in judicial impartiality—errors requiring appellate correction to restore due process and the rule of law.

93. Both Panels failed to enforce established precedent and statutory protections when they upheld the dismissal of Hall's claims under 42 U.S.C. § 1988. They **failed to correct Judge McCafferty's mischaracterization of punitive damages** as requiring an independent cause of action, contrary to *Smith v. Wade*, 461 U.S. 30 (1983), which held that punitive damages are a remedy available under statutes such as § 1983 and § 1985, not standalone claims. Both Panels also failed to recognize § 1988 as a remedial statute intended to supplement civil rights claims by enabling the full enforcement of constitutional protections—including recovery of attorney's fees and punitive damages. By affirming dismissal without evaluating whether Hall's allegations supported punitive damages based on "evil motive or intent" or "reckless or callous indifference" to federally protected rights, both Panels ignored the remedial purpose affirmed in *Smith v. Wade*.

94. Both Panels allowed Judge McCafferty's erroneous interpretation to stand, effectively **narrowing the scope of available remedies under § 1983 and § 1985** by refusing to consider § 1988's role in supplementing those claims. This deprived Hall of his statutory right to pursue appropriate relief against government actors and alleged conspirators and prevented the case-specific analysis required under federal civil rights law. By affirming dismissal without addressing the legal function of § 1988, both Panels allowed an unsupported procedural barrier to block Hall's access to punitive damages, contrary to the statute's intended purpose.

95. Their **failure to enforce § 1988's broader remedial function**—including its role in awarding attorney's fees—enabled an incorrect legal standard that treated the statute as requiring separate factual allegations beyond those in the underlying claims. As a result, Hall was denied a fair opportunity to pursue full and appropriate relief, and systemic barriers to civil rights enforcement were reinforced. By upholding the wrongful dismissal, both Panels **undermined access to justice**, eroded confidence in judicial neutrality, and failed to correct legal errors that contradicted both the statutory language and constitutional principles underlying § 1988. These failures necessitate appellate correction to restore Hall's right to seek punitive damages and ensure proper application of the law in federal civil rights cases.

96. Both Panels failed to enforce controlling legal standards in affirming Judge McCafferty's denial of Hall's Rule 59(e) motion, **which presented newly discovered evidence of judicial bias, improper conduct, and conflicts of interest**. They ignored *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988), which requires vacating judgments when new evidence undermines judicial integrity. Hall presented evidence that Judge McCafferty's administrative role in Judge Johnstone's reappointment process gave her personal knowledge of disputed facts, triggering mandatory disqualification under 28 U.S.C. § 455(a) and (b)(1). Both Panels failed to apply *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), which holds that even the appearance of bias violates due process, and *In re Murchison*, 349 U.S. 133 (1955), which prohibits judges from serving both investigative and adjudicative roles.

97. Both Panels also failed to correct Judge McCafferty's **extension of judicial immunity to administrative acts**, contrary to *Dennis v. Sparks*, 449 U.S. 24 (1980), and *Forrester v. White*, 484 U.S. 219 (1988), both of which hold that judicial immunity does not apply to non-judicial or administrative conduct. Her application of immunity allowed procedural manipulation, including the **benefit conferred to Twitter's attorneys, to escape review**. Both Panels further ignored *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), which requires courts to accept well-pleaded allegations as true under Rule 12(b)(6), even though Hall provided documented evidence of 68 improper attorney appearances under an unauthorized *pro hac vice* policy.

98. In failing to address Hall's request for factual correction, both Panels failed to enforce *Arthur v. Thomas*, 739 F.3d 611 (11th Cir. 2014), which requires courts to correct outcome-altering errors, or *Liteky v. United States*, 510 U.S. 540 (1994), which mandates recusal when impartiality is reasonably questioned. Both Panels also **disregarded evidence of ex parte communications** and **judicial favoritism** in violation of *Marshall v. Jerrico, Inc.*, 446 U.S. 238 (1980), which affirms the right to an impartial adjudicator. By refusing to address judicial bias and factual inaccuracies, both Panels ignored *United States v. Rahm*, 993 F.2d 1405 (9th Cir. 1993), and *United States v. Pelullo*, 964 F.2d 193 (3d Cir. 1992), both of which require courts to address conduct that undermines fairness.

99. Finally, both Panels **failed to enforce *Venegas-Hernandez v. Sonolux Records***, 370 F.3d 183 (1st Cir. 2004), which defines manifest error as a complete **disregard of controlling legal standards**, and *Rockwell v. Cape Cod Hosp.*, 26 F.3d 254 (1st Cir. 1994), which prohibits dismissal unless no set of facts could support the plaintiff's claim. By affirming the summary rejection of Hall's Rule 59(e) motion without evaluating its legal merit, both Panels allowed an

unjust procedural barrier to stand, reinforced systemic bias, and denied Hall meaningful judicial review—necessitating reversal to restore due process and uphold the rule of law.

100. Both Panels failed to enforce clear procedural rules and precedent when they affirmed Judge McCafferty's **acceptance of procedurally and substantively defective defenses raised post-judgment** by Attorneys Schwartz and Eck. They ignored *Castro v. Chicago Housing Authority*, 360 F.3d 721, 735 (7th Cir. 2004), which holds that under Rule 8(c), affirmative defenses must be raised in a responsive pleading or are waived. They also failed to enforce Rule 12(b) and the due process protections affirmed in *Boddie v. Connecticut*, 401 U.S. 371 (1971), even though Attorney Eck challenged Hall's claims without ever filing an answer or motion to dismiss. Both Panels allowed defective defenses to stand despite lacking factual support or plausibility, violating the pleading standards set forth in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), and *Davignon v. Clemmey*, 322 F.3d 1, 15 (1st Cir. 2003), and contrary to the notice standard in *Conley v. Gibson*, 355 U.S. 41 (1957). They disregarded *Venters v. City of Delphi*, 123 F.3d 956, 969 (7th Cir. 1997), which prohibits reliance on waived defenses and requires courts to evaluate prejudice from untimely assertions. Both Panels ignored procedural bars under Rule 7(b) and Local Rule 7.2(b), allowing new arguments to be introduced in post-judgment objections and treated as de facto motions to dismiss.

101. This enabled the burden to unfairly shift onto Hall to rebut vague, speculative arguments, violating his Fifth Amendment right to due process and the fairness principles set forth in *Goldberg v. Kelly*, 397 U.S. 254 (1970), and *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950). Both Panels failed to correct Judge McCafferty's **selective enforcement of procedural rules,** which favored Attorneys Schwartz and Eck while strictly applying them against Hall—undermining impartiality in violation of *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), *Marshall v. Jerrico, Inc.*, 446 U.S. 238 (1980), and *Tumey v. Ohio*, 273 U.S. 510 (1927). By refusing to apply the waiver doctrine and failing to address the resulting procedural imbalance, both Panels ignored *United States v. Rahm*, 993 F.2d 1405 (9th Cir. 1993), and *United States v. Pelullo*, 964 F.2d 193 (3d Cir. 1992), which require correction of errors that materially affect the fairness of proceedings.

102. Now, by concealing the procedural violations and knowingly allowing these defective defenses and waived arguments to stand unchallenged, both the **appellate panel members themselves are committing the same acts as Judge McCafferty**—perpetuating unfairness, denying due process, and legitimizing unequal treatment under the law. This failure is **compounded by the fact that in its very first panel order, both Panels explicitly relied on these same procedurally defective and waived defenses as justification for denying the appeal,** and then further with the En Banc denial, thereby directly incorporating and legitimizing misconduct that violates established procedural rules and constitutional protections. Their inaction enables litigation gamesmanship, obstructs justice, and continues the systemic bias they were duty-bound to correct. Their failure to intervene or apply controlling authority demands reversal to restore fairness and integrity to the judicial process.

103. Both Panels failed to enforce established procedural rules and precedent when they affirmed Judge McCafferty's acceptance of procedurally and substantively defective defenses raised post-

judgment by Attorneys Schwartz and Eck, and **utilized these very same defenses in denying the appeal.** Both Panels disregarded *Castro v. Chicago Housing Authority*, 360 F.3d 721, 735 (7th Cir. 2004), which affirms that under Rule 8(c), affirmative defenses must be raised in a timely responsive pleading or are waived. They also failed to enforce Rule 12(b), allowing Attorney Eck to challenge Hall's claims despite never filing an Answer or motion to dismiss, violating the due process protections affirmed in *Boddie v. Connecticut*, 401 U.S. 371 (1971). Both Panels permitted these defective defenses to remain unstruck, contrary to Rule 12(f) and the pleading standards set forth in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), and *Davignon v. Clemmey*, 322 F.3d 1, 15 (1st Cir. 2003), all of which require factual plausibility and fair notice. The defenses also failed the minimal standard from *Conley v. Gibson*, 355 U.S. 41 (1957), which bars legal claims lacking a basis in law or fact.

104. By **permitting new arguments to be introduced through post-judgment objections—despite being procedurally barred under Rule 7(b) and Local Rule 7.2(b)**—Judge McCafferty treated them as de facto motions to dismiss. Both Panels failed to enforce *Venters v. City of Delphi*, 123 F.3d 956, 969 (7th Cir. 1997), which prohibits reliance on waived defenses and requires courts to assess prejudice caused by such late-stage tactics. The result unfairly shifted the burden to Hall to rebut vague and speculative objections, violating Fifth Amendment due process and the fairness requirements articulated in *Goldberg v. Kelly*, 397 U.S. 254 (1970), and *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950).

105. Both Panels also failed to correct the appearance of partiality created by Judge McCafferty's allowance of procedural shortcuts for Schwartz and Eck while holding Hall to strict compliance, in direct conflict with *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), *Marshall v. Jerrico, Inc.*, 446 U.S. 238 (1980), and *Tumey v. Ohio*, 273 U.S. 510 (1927), which collectively affirm the constitutional requirement of judicial impartiality. By **refusing to enforce the waiver doctrine** and ignoring the imbalance it caused, both Panels violated the principles in *United States v. Rahm*, 993 F.2d 1405 (9th Cir. 1993), and *United States v. Pelullo*, 964 F.2d 193 (3d Cir. 1992), which require courts to correct legal errors that materially affect the fairness of proceedings.

106. Ultimately, **both Panels upheld a process that permitted litigation gamesmanship, obstructed justice,** and denied Hall fair adjudication. Their failure to correct these procedural violations under Rule 59(e) and governing precedent requires appellate intervention to restore integrity, balance, and due process to the proceedings.

107. Both Panels failed to enforce multiple federal criminal statutes when they affirmed Judge McCafferty's actions despite clear evidence of unlawful conduct involving the concealment and enforcement of an unauthorized *pro hac vice* policy. Judge McCafferty **knowingly concealed material facts about the policy's illegality,** violating **18 U.S.C. § 1001**, which criminalizes the concealment of facts in matters within federal jurisdiction. This concealment obstructed Hall's ability to challenge the policy and denied him access to a fair tribunal. She further violated **18 U.S.C. § 371** by **enabling Twitter's attorneys to unlawfully practice before the court through a coordinated effort to suppress disclosure of procedural violations and to protect ineligible attorneys**, depriving Hall of due process. Her refusal to consider Hall's motions that

exposed these improprieties, while knowingly accepting pleadings from unqualified attorneys, constituted obstruction of justice under **18 U.S.C. § 1503**.

108. Both Panels failed to enforce these statutes or even acknowledge the judicial misconduct that underpinned Hall's appeal. They refused to address Judge McCafferty's corrupt manipulation of procedures to favor Twitter's attorneys and her **suppression of evidence concerning ex parte communications, unauthorized legal practice, and institutional bias**—all in further violation of **18 U.S.C. § 1503**. They also ignored her participation in a broader conspiracy with other judges and attorneys to uphold a hidden, unlawful court policy benefiting select litigants, a violation of **18 U.S.C. § 371**. By misrepresenting court records and allowing court rules to be selectively applied, she actively concealed misconduct and denied Hall a fair adjudication process, again violating **18 U.S.C. §§ 1001, 1503, and 371**.

109. Crucially, by affirming Judge McCafferty's decisions while **concealing the existence of the same illegal policies**, both of the **appellate panel members themselves are now committing the same acts of concealment, obstruction, and conspiracy**. Their refusal to disclose or address the unauthorized policy, the use of unqualified attorneys, and the judicial favoritism built into these procedures directly implicates them in the continued violation of **18 U.S.C. §§ 1001, 1503, and 371**. Just as McCafferty suppressed evidence and misused court authority to protect favored parties, the appellate Panel member judges are now complicit by validating her misconduct and shielding it from correction. This not only undermines the integrity of the federal judiciary but also demonstrates a knowing and willful effort to obstruct justice and perpetuate systemic bias—actions that demand criminal accountability, not appellate deference. Their complicity warrants immediate intervention to halt ongoing constitutional and statutory violations and to restore public confidence in the fair administration of justice.

110. Both Panels **failed to enforce binding ethical standards and Code of Conduct provisions** when they affirmed Judge McCafferty's rulings despite clear and repeated violations of judicial ethics. They ignored Canon 3(C)(1), which mandates recusal when a judge's impartiality might reasonably be questioned, even though Judge McCafferty had direct administrative involvement in the reappointment of Magistrate Judge Andrea Johnstone—whose conduct was central to Hall's claims. She presided over matters she had previously reviewed administratively, failed to disclose her conflict of interest, and had personal knowledge of disputed evidentiary facts. Both Panels also failed to enforce Canon 2(A) and Canon 2(B), despite Judge McCafferty knowingly concealing the existence of an unauthorized, unwritten *pro hac vice* policy that allowed unlicensed attorneys to appear before the court. This concealment deprived Hall of a fair opportunity to challenge its legality and denied transparency required by the judiciary's ethical obligations.

111. Both Panels further failed to hold Judge McCafferty accountable for **selectively applying procedural rules** in favor of Twitter's attorneys, in violation of Canon 3(A)(4), which requires fairness and equal treatment in all judicial proceedings. Her decisions repeatedly enabled unauthorized attorneys to participate in litigation without formal admission while denying Hall equivalent access and protections—constituting improper favoritism and a breach of Canon 2(A). Her sua sponte dismissal of Hall's motions before deadlines expired and without full briefing

violated his right to be heard under Canon 3(A)(4), while her refusal to offer reasoned explanations further obstructed due process.

112. Both Panels also **disregarded Canon 1**, which demands that judges uphold the integrity and independence of the judiciary. Judge McCafferty's refusal to acknowledge or correct judicial misconduct, favoritism, and procedural abuse eroded public confidence in the courts. Her consistent rulings favoring Twitter's attorneys, and her suppression of challenges to unlawful internal court policies, reinforced systemic bias in direct violation of Canon 2(A).

113. By upholding her rulings without addressing these ethical violations, each of the **appellate panel members are now actively concealing the same illegal and unethical policies**—making them complicit in the very misconduct Judge McCafferty committed. Their silence and refusal to enforce the judicial Code of Conduct amount to a continuation of the same bias, favoritism, and concealment of material facts that have undermined Hall's access to justice at every level. In doing so, each of the panel members themselves have violated the principles of judicial integrity, transparency, and fairness that the Code exists to protect—necessitating appellate intervention and external oversight to restore the rule of law and public trust in the judiciary.

Conclusion and Congressional Referral Request

A Judiciary in Rebellion Against the Rule of Law

The integrity of the American judiciary is under grave threat. The actions—and inactions—of the First Circuit appellate panels in Cases **20-1933, 22-1364, 22-1987, and 23-1555** demonstrate a disturbing pattern: judicial officers at the highest levels **knowingly permitted, concealed, and institutionalized misconduct** originating in the District of New Hampshire.

Judges **Johnstone, McAuliffe, Elliott**, and **McCafferty** were allowed to act **without jurisdiction**, to favor select litigants, and to enforce **unwritten, unlawful policies** with no basis in statute or rule. The appellate judges—**Kayatta, Lynch, Barron, Gelpi, Montecalvo, Howard, Thompson, Rikelman**—not only failed to correct these violations but became **active participants in their concealment**, legitimizing fraud upon the court, systemic bias, and constitutional violations under the color of law.

These are not honest judicial mistakes. They are **acts of dereliction and complicity**. These judges enabled unauthorized attorneys to litigate in federal court, disregarded federal and local rules, concealed conflicts of interest, dismissed legitimate constitutional claims without jurisdiction, and rewrote controlling precedent to **shield judicial misconduct from review**.

These judges didn't just make mistakes. They knowingly **concealed an illegal judicial policy**, violated statutory disqualification laws, misrepresented controlling precedent, and **permitted unauthorized attorneys to flood the docket with void filings**. When Hall objected, they didn't hold a hearing or correct course—they **retaliated, dismissed, and buried the record.**

📌 **This is not judicial discretion—it is judicial racketeering.**

This misconduct implicates multiple violations of federal criminal statutes, including **18 U.S.C. §§ 1001, 1503, 371**, and others. It betrays judicial oaths under **28 U.S.C. § 453**, and violates mandatory disqualification laws under **28 U.S.C. §§ 144 and 455**. The courts involved have become a closed circuit—**protecting their own**, rather than the law.

The facts presented in this report are not allegations—they are evidence. What began as a simple civil rights dispute in federal court evolved into a multi-year confrontation with a judicial apparatus willing to bend, ignore, and break the law in service of elite interests.

And at every stage—trial court, appellate court, even the U.S. Supreme Court—the misconduct was waved through, sanitized, or left unreviewed. The **judiciary has abandoned its role as a check on abuse** and instead has become an active participant in it. **Not one judge—not one—followed the rules.**

📌 **This is not a broken system. This is a hijacked one.**

This Complaint must be treated as more than just a legal filing—it is a **formal referral** and **urgent call to duty**. The following immediate steps must be taken:

Congress Must Intervene:

1. **Initiate an immediate investigation** into the actions of the judges named herein, including both trial and appellate officers.
2. **Hold public hearings** on the unlawful pro hac vice policy, its concealment, and the systematic refusal to enforce disqualification and judicial notice statutes.
3. **Refer this matter to the Department of Justice and the Attorney General** for possible criminal prosecution under 18 U.S.C. §§ 241, 242, 1001, and 1505 (obstruction).
4. **Request the Judicial Conference of the United States** initiate ethics reviews, disciplinary actions, and removal recommendations under 28 U.S.C. § 351 et seq.

This is not a legal disagreement. This is a constitutional breakdown.

The Warning from History

What we are witnessing is not new. In the 1930s, **Adolf Hitler's first target was the judiciary**. He suppressed dissenting lawyers, purged judges, rewrote rules, and ultimately forced the courts into blind obedience to his regime. **Judicial independence was the first casualty of tyranny**, and the courts quickly became an instrument of oppression, not justice.

From loyalty oaths to secret courts, from legal cover for state violence to the silencing of whistleblowers, the Nazi judicial model shows what happens when **judges trade law for loyalty**. Hitler understood what every authoritarian knows: **control the courts, and you control the country.**

We are not yet there—but we are on that road. The fraud revealed here, if allowed to stand, sets a precedent more dangerous than any single ruling. It declares that law is optional when the right people break it. That due process is a formality. That truth doesn't matter if the court chooses not to see it.

The Constitution Is Not Self-Enforcing

This case is not about one man. It is about whether the rule of law still binds the judiciary—or whether federal judges now exist above it. This is about **whether the judiciary still belongs to the public—or has been captured by political and corporate actors immune from consequence**. If Congress refuses to act, it will signal to the American people that **there is no longer any check on judicial abuse.**

If this Judicial Council fails to act, it sends a message to every judge that corruption will go unpunished. That law can be bent around power. And that when the people seek redress, they will be met not with justice—but with silence.

Hall is still a citizen of this judicial district. And as of today, he has no rights left within it. He has been stripped of legal standing, procedural protection, and constitutional remedy—not by law, but by collusion and cowardice.

📌 **If this Judicial Council will not act now—when the misconduct is proven, the records are public, and the warning signs are clear—then there is no bottom to what will come next**

🚨 **Judicial Council, the time to act is now.**

If not, the next case may not come with a warning— and the next victim may not be able to speak.

Respectfully,

Daniel E. Hall
April 7, 2025

UNITED STATES COURTS FOR THE FIRST CIRCUIT
OFFICE OF THE CIRCUIT EXECUTIVE
JOHN JOSEPH MOAKLEY UNITED STATES COURTHOUSE
1 COURTHOUSE WAY - SUITE 3700
BOSTON, MA 02210

SUSAN J. GOLDBERG
CIRCUIT EXECUTIVE
617-748-9614

FLORENCE PAGANO
DEPUTY CIRCUIT EXECUTIVE
617-748-9376

April 17, 2025

Daniel E. Hall
393 Merrimack Street
Manchester, NH 03103

Judicial Council Order (Rule 20.3)

Re: Judicial Misconduct Submission

Dear Mr. Hall:

I have received the enclosed submission, dated April 7, 2025. A judicial misconduct complaint must be filed in accordance with the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct) (enclosed). The Rules of Judicial-Conduct provide that, among other requirements, a judicial misconduct complaint "contain a **concise** statement that details the specific facts on which the claim of misconduct or disability is based" and include a verification that the statements therein are made under penalty of perjury. See Rules of Judicial-Conduct, Rule 6(b) and (d) (emphasis added). Your submission has been reviewed in accordance with Rule 5(b). However, no further action will be taken on the matter unless and until a complaint is filed that complies with the requirements of Rule 6 of the Rules of Judicial-Conduct. See id. Rules 5 and 6.

Best regards,

Susan Goldberg
Circuit Executive

Enclosures

Daniel E. Hall
393 Merrimack Street
Manchester, NH 03103
Hallvtwitter@gmail.com
(603) 948-8706

May 3, 2025

Judicial Council of the First Circuit
Circuit Executive's Office
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 3700
Boston, MA 02210

Subject: Reply to Request for Investigation into Judicial Misconduct and Criminal Activities.

Dear Judicial Council,

In response to your April 17, 2025, regarding my April 7, 2025 Judicial Misconduct Submission, please find attached a formal complaint submitted under **Rule 6(b)** of the Rules for Judicial-Conduct and Judicial-Disability Proceedings and **28 U.S.C. § 351**.

This complaint identifies twelve federal judges by name and describes, in detail, a coordinated pattern of misconduct involving:

- **Unauthorized legal filings by unadmitted attorneys;**
- **Fraud upon the court and systemic concealment of violations;**
- **Conflicts of interest, non-recusal, and denial of due process.**

The attached summary satisfies the procedural and substantive requirements of the Judicial Conduct and Disability Act, and is supported by **documentary exhibits and verified court filings**. I respectfully request that the matter be **formally docketed** and reviewed pursuant to **Rule 11(c)**, with further proceedings as appropriate under **Rules 4, 20, and 23**.

Please confirm receipt of this filing and advise whether any further action or clarification is needed at this stage.

Respectfully,

Daniel E. Hall

May 3, 2025
Manchester, NH 03103
(603) 948-8706
Hallvtwitter@gmail.com

Enclosed with this submission are an **Addendum concerning Rule 25(f)** and a **Verification under Penalty of Perjury**, which are incorporated by reference as part of this formal complaint under Rule 6 of the Judicial Conduct Rules.

Additionally, the **Original Complaint is enclosed.**

RULE 6(b) SUMMARY OF JUDICIAL MISCONDUCT COMPLAINT

Filed Under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351–364
Submitted by: Daniel E. Hall
Date: May 3, 2025

Complainant respectfully notes at the outset that the original submission clearly satisfied the substantive requirements of **28 U.S.C. § 351(a).** It:

- Identified federal judicial officers by name;
- Alleged specific acts of misconduct, including fraud upon the court, concealment of unauthorized legal practices, and constitutional violations;
- Cited explicit statutory violations under **18 U.S.C. §§ 1503, 1346, 371, 1962(d), and 42 U.S.C. §§ 1985(2) and 1986;**
- Attached documentary evidence and verified court filings substantiating the allegations;
- Requested corrective action under the Judicial Conduct and Disability Act.

The spirit—and substantial compliance requirements—of **§ 351(a)** were satisfied. To now suggest that "no complaint yet exists" based on procedural formalities, rather than substantive merit, constitutes a weaponization of ministerial rules to delay or deny oversight. Procedural technicalities must not be used to shield credible allegations of judicial misconduct from the investigatory obligations mandated by law.

Accordingly, Complainant addresses below the procedural mischaracterizations contained in the Council's April 17, 2025 letter, and reiterates that the allegations warrant formal docketing, investigation, and corrective action under the Judicial Conduct and Disability Act.

This complaint arises from a series of civil actions—***Hall v. Twitter*, No. 20-cv-536 (D.N.H.); *Hall v. Johnstone*, No. 22-1364 (1st Cir.);** and related appeals—where Plaintiff Daniel E. Hall, a pro se litigant, uncovered and challenged an illegal pro hac vice policy enabling unadmitted attorneys to file pleadings on behalf of Twitter without court authorization. The judicial responses to these allegations—across district and circuit levels—reveal a coordinated refusal to enforce basic procedural rules and constitutional protections, amounting to a pattern of enterprise concealment and obstruction.

The following section summarizes the specific misconduct attributed to each subject judge individually, highlighting the systemic and coordinated nature of the violations alleged.

Subject Judges:

- **Magistrate Judge Andrea K. Johnstone**
- **District Judge Steven J. McAuliffe**
- **District Judge Samantha D. Elliott**
- **Chief District Judge Landya B. McCafferty**

- **Senior Circuit Judge William J. Kayatta Jr.**
- **Senior Circuit Judge Sandra Lynch**
- **Chief Circuit Judge David J. Barron**
- **Circuit Judge Gustavo Gelpí**
- **Circuit Judge Lara Montecalvo**
- **Senior Circuit Judge Jeffrey R. Howard**
- **Senior Circuit Judge Rogeriee Thompson**
- **Circuit Judge Julie Rikelman**

Nature of Complaint:

This complaint concerns a **coordinated pattern of judicial misconduct and systemic concealment** of criminal and ethical violations involving unauthorized legal practice by attorneys from Perkins Coie LLP, who represented Twitter in multiple civil actions filed by the complainant, Daniel E. Hall.

The misconduct spans **district and appellate courts** in the District of New Hampshire and the First Circuit, involving:

- **Deliberate acceptance of over 100 legal filings** by attorneys not admitted to practice in the court (in violation of Local Rule 83.2, Fed. R. Civ. P. 11, and N.H. RSA 311:7),
- **Failure to recuse despite personal involvement in administrative proceedings and fact-specific matters** (in violation of 28 U.S.C. §§ 144, 455),
- **Suppression of judicial notice motions** and other uncontested facts, constituting obstruction and concealment of known violations,
- **Affirmation of procedurally void rulings** on appeal, despite being notified of the fraud, thereby ratifying misconduct and violating due process and ethical obligations.

Summary of Misconduct by Judge(s):

1. Magistrate Judge Andrea K. Johnstone (District of New Hampshire)

Magistrate Judge Andrea K. Johnstone engaged in a sustained pattern of judicial misconduct by **creating and enforcing a secret, unauthorized pro hac vice policy** that enabled out-of-state attorneys representing Twitter to submit over 100 legal filings in violation of **Local Rules 83.1(a), 83.2**, **Federal Rule 11(a)**, and **N.H. RSA 311:7**. This unwritten policy was neither publicly adopted nor compliant with **28 U.S.C. §§ 2071–2072**, which govern rulemaking authority. It abridged substantive legal safeguards without public notice or legal authority—granting secret procedural advantages to Perkins Coie LLP attorneys while holding pro se litigants to strict formal standards.

Judge Johnstone's misconduct included:

- **Knowingly accepting and ratifying unauthorized filings**, including Twitter's Motion to Dismiss, before any attorney admission or pro hac vice order existed;

- **Permitting legal representation in violation of state bar licensing laws** and failing to strike filings submitted in violation of governing rules;
- **Failing to recuse herself** from a case directly impacted by her own concealed policy—while also participating in her own reappointment process;
- **Issuing retaliatory and obstructive orders**, suppressing Plaintiff's ability to respond, object, or correct the record;
- **Denying Plaintiff's request to file by email** in contradiction of a standing COVID-era order she herself had signed, adding procedural barriers to pro se participation;
- **Concealing material facts and conflicts of interest** throughout the proceeding, despite well-established precedent requiring disclosure and recusal.

These actions were not isolated oversights but constituted **deliberate refusals to follow binding laws and court policies**. Judge Johnstone knowingly allowed Twitter's counsel, Julie Schwartz, to submit more than 25 legal filings without court admission, in violation of **Fed. R. Civ. P. 11(a)** and **Local Rule 83.2**, and then later granted a pro hac vice motion without requiring curative action or re-filing. She refused to strike or address these unauthorized filings despite having full authority under **28 U.S.C. § 636(b)** and **Local Rule 72.2**, and instead failed to act on Plaintiff's Motion to Strike—thereby concealing a known violation of federal and state law (**RSA 311:7**). She also denied Plaintiff's request to file by email, contradicting her own COVID-era standing order (**Administrative Order 20-11**) which authorized email submissions for pro se litigants. These omissions and denials reflect **not error, but intentional disregard for law and policy**, carried out in a manner that furthered the concealment of an illegal judicial practice.

Her conduct violated numerous constitutional and judicial standards:

- **Canon 1 and Canon 2A** (failure to maintain integrity and avoid appearance of impropriety),
- **Canon 3C(1)** (failure to disqualify herself where impartiality might reasonably be questioned),
- **28 U.S.C. § 455(a), (b)(1)** (mandatory recusal due to personal knowledge and administrative entanglement),
- And **due process guarantees** under *Williams v. Pennsylvania*, *Caperton v. A.T. Massey*, *Liljeberg v. Health Services Acquisition Corp.*, and *Goldberg v. Kelly*.

Judge Johnstone's rulings were **not merely legal errors**, but components of a systemic concealment scheme that protected powerful actors from accountability while obstructing judicial integrity. Her conduct deprived Plaintiff of a fair and impartial tribunal, in violation of *Mathews v. Eldridge* and the Fifth Amendment. The concealment of this policy also constituted **extrinsic fraud**, as defined by the First Circuit in ***John Sanderson & Co. v. Ludlow Jute Co.*, 569 F.2d 696 (1st Cir. 1978).**

Her deliberate noncompliance with binding rules and established precedent materially advanced the interests of one party while denying due process to another—compromising the legitimacy of all resulting rulings. These acts support formal investigation and disciplinary consequences under 28 U.S.C. §§ 351–364.

As with other subject judges, Judge Johnstone's conduct in concealing material facts, obstructing uncontested procedural rights, and selectively enforcing the rules implicates broader concerns under **18 U.S.C. § 1503** (obstruction), **§ 1346** (honest services fraud), **§ 371** (conspiracy), and **42 U.S.C. §§ 1985–**1986 (civil rights obstruction), contributing to a coordinated pattern consistent with **18 U.S.C. § 1962(d)** (RICO conspiracy).

2. Judge Steven J. McAuliffe (District of New Hampshire)

District Judge Steven J. McAuliffe engaged in a sustained pattern of judicial misconduct while presiding over *Hall v. Twitter*, No. 20-cv-536. His rulings and omissions enabled and concealed unauthorized legal practice, obstructed Plaintiff's access to fair proceedings, and reflected systemic bias in favor of corporate defendants. Rather than apply binding procedural rules, Judge McAuliffe enforced **an unwritten policy created by Magistrate Judge Johnstone** — never formally adopted as required under **28 U.S.C. §§ 2071–2072** — thereby depriving Plaintiff of procedural protections and denying default or other relief based on a false appearance of valid representation.

Judge McAuliffe's misconduct included:

- Knowingly accepting more than 25 legal filings by unadmitted counsel for Twitter, in violation of **Fed. R. Civ. P. 11(a)**, **Local Rules 83.1(a) and 83.2**, and **RSA 311:7**, while denying Plaintiff's motion to strike those filings;
- Denying Plaintiff's motions for default, reconsideration, and declaratory relief **without explanation**, and selectively applying rules to shield Twitter from consequences;
- Refusing to rule on motions explicitly citing violations of procedural law and unauthorized practice — even after personally granting the later pro hac vice motion without requiring corrective filings;
- Issuing rulings after appellate review had commenced — including a prejudicial identity order — in direct violation of the **jurisdictional divestiture rule** under *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982);
- Failing to disclose or recuse despite prior involvement in the **administrative reappointment of Judge Johnstone**, and despite possessing **personal knowledge of the disputed evidentiary facts**.

These actions violated multiple judicial canons and legal standards:

- **Canon 2A and Canon 3C(1)** (appearance of impropriety and mandatory disqualification),
- **28 U.S.C. § 455(a), (b)(1)** (recusal where impartiality might reasonably be questioned),
- **Goldberg v. Kelly**, *Pulliam v. Allen*, *Caperton*, *Liljeberg*, and *Williams v. Pennsylvania* (due process, bias, and failure to disclose conflicts).

His post-recusal rulings, issued with full knowledge of an active appeal, denied Plaintiff the protections of **28 U.S.C. § 1292(b)** and violated clear procedural boundaries. His **summary denial of a Rule 60(b) motion within 24 hours**—without legal reasoning—demonstrates a lack of impartial review and violated Plaintiff's right to a reasoned decision under **Mullane v.**

Central Hanover Bank and **Goldberg**. The court's conduct as a whole constitutes **extrinsic fraud**, as defined in ***John Sanderson & Co. v. Ludlow Jute Co.*** **and** ***American Express Co. v. Mullins***, through repeated concealment of unauthorized judicial policies and misrepresentation of judicial authority.

These systemic acts materially advanced a concealed enterprise within the District of New Hampshire judiciary—protecting unauthorized conduct, enabling structural bias, and denying pro se litigants meaningful access to justice. His rulings supported one party's illegitimate advantage while eroding public confidence in the judiciary.

As with other subject judges, Judge McAuliffe's conduct in concealing material facts, obstructing uncontested procedural rights, and selectively enforcing the rules implicates broader concerns under **18 U.S.C. § 1503** (obstruction), **§ 1346** (honest services fraud), **§ 371** (conspiracy), and **42 U.S.C. §§ 1985–1986** (civil rights obstruction), contributing to a coordinated pattern consistent with **18 U.S.C. § 1962(d)** (RICO conspiracy).

3. Judge Samantha D. Elliott (District of New Hampshire)

Judge Samantha D. Elliott assumed control of ***Hall v. Twitter*** following Judge McAuliffe's recusal and engaged in a **systematic pattern of concealment, procedural obstruction, and institutional complicity**, despite her prior administrative involvement in the reappointment of Magistrate Judge Johnstone—a process central to Plaintiff's allegations. Elliott **denied every form of relief without explanation or analysis**, including motions challenging unauthorized legal practice, judicial conflicts, and facial violations of Local Rule 83.2 and N.H. RSA 311:7. She refused to strike void filings submitted by unadmitted attorneys, dismissed judicial notice motions without ruling on substance, and repeatedly ignored binding precedent **(*Hazel-Atlas*, *Caperton*, *Liljeberg*, *Mathews*, *Goldberg*).**

Despite being put on formal notice of these violations and possessing full authority to recuse, transfer, or investigate, Elliott instead **preserved rulings obtained through fraud**, upheld decisions grounded in jurisdictional defects, and validated a procedural regime that excluded Plaintiff from equal access to justice. Her repeated inaction spanned over 30 distinct post-interlocutory filings and operated not as judicial economy, but as **a deliberate strategy to protect prior fraud and obstruct review**.

Her misconduct included:

- **Refusing to recuse** despite administrative entanglement and prior knowledge of disputed facts—violating **28 U.S.C. § 455(b)(1)**;
- **Dismissing Rule 60(b) and 60(d) motions** without addressing the fraud or constitutional conflicts they identified;
- **Suppressing Plaintiff's ability to correct the record**, including denial of default under Rule 55(a) while accepting void pleadings;
- **Rejecting judicial notice of public facts** under Rule 201 without justification, and denying hearings required by Rule 201(e);

- **Misapplying Rule 8 and Title II pleading standards**, placing unlawful burdens of intent or public accommodation proof on a civil rights plaintiff—violating *Swierkiewicz v. Sorema* and procedural due process under *Goldberg v. Kelly*;
- **Failing to acknowledge or vacate tainted rulings**, despite having statutory and ethical grounds to do so under *Liljeberg* and *In re Murchison.*

Judge Elliott's conduct further violated:

- **Canon 3(B)(6)** – for failing to take appropriate action upon receiving credible evidence of misconduct;
- **Canon 2A and 3C(1)** – for failing to preserve public confidence and avoid even the appearance of impropriety;
- **28 U.S.C. §§ 144, 455(a), and (b)(1)** – for failing to recuse in light of administrative bias and personal knowledge of disputed facts.

These were not isolated oversights. They formed a pattern of knowing ratification and procedural suppression that **materially advanced the goals of an unlawful judicial enterprise**. Her inaction functioned as **affirmative concealment**, reinforcing prior misconduct by Judges Johnstone and McAuliffe and ensuring it would remain uncorrected. Elliott's role in sustaining these outcomes satisfies the elements of obstruction, civil rights interference, and institutional fraud.

As with other subject judges, Judge Elliott's conduct in concealing material facts, obstructing uncontested procedural rights, and selectively enforcing the rules implicates broader concerns under **18 U.S.C. § 1503** (obstruction), **§ 1346** (honest services fraud), **§ 371** (conspiracy), and **42 U.S.C. §§ 1985**–1986 (civil rights obstruction), contributing to a coordinated pattern consistent with **18 U.S.C. § 1962(d)** (RICO conspiracy).

Her silence was not judicial restraint—it was a coordinated mechanism of **institutional concealment**.

4. Chief Judge Landya B. McCafferty (District of New Hampshire)

Chief Judge Landya B. McCafferty presided over *Verogna (Hall) v. Johnstone*, a civil rights action that directly challenged the judicial conduct of Magistrate Judge Andrea K. Johnstone, while simultaneously participating in Judge Johnstone's reappointment process and administrative oversight—creating an **unresolved conflict of interest that mandated recusal** under **28 U.S.C. § 455(a) and (b)(1)**. Despite her personal and extrajudicial knowledge of disputed evidentiary facts and administrative involvement in prior evaluations of Johnstone's conduct, Judge McCafferty **refused to recuse** and dismissed the case in its earliest stages—**before service had been completed, before motions were ruled on, and without factual findings.**

She improperly relied on her own judgment of impartiality instead of applying the objective standard mandated by *Caperton v. A.T. Massey*, *Liljeberg v. Health Services Acquisition Corp.*, and *Williams v. Pennsylvania*. Her failure to disclose or recuse violated **Canon 3(C)(1)** and

undermined Plaintiff's constitutional right to a neutral tribunal under *Tumey v. Ohio* and *In re Murchison.*

Judge McCafferty's misconduct included:

- **Premature sua sponte dismissal** of the action prior to expiration of the Rule 4(m) service period, in violation of procedural due process, *Ruiz v. Snohomish*, and *Graves v. U.S. Coast Guard*;
- **Failure to rule on Plaintiff's motion for alternative service** under Rule 4(c)(3), depriving Plaintiff of a remedy before adjudicating procedural default;
- **Ignoring judicial notice motions and structural bias claims**, including evidence of unauthorized legal filings under an unwritten pro hac vice policy;
- **Misapplication of 42 U.S.C. § 1985(2)** by imposing a class-based animus requirement that the Supreme Court explicitly rejected in *Kush v. Rutledge*;
- **Improper invocation of judicial immunity** to shield non-judicial, administrative conduct—including an illegal internal policy—contrary to *Forrester v. White* and *Dennis v. Sparks*;
- **Misuse of collateral estoppel and the Rooker-Feldman doctrine**, despite the presence of new constitutional claims and pending appeals—violating *Exxon Mobil v. Saudi Basic*, *John Sanderson & Co. v. Ludlow Jute*, and *Celotex v. Edwards*;
- **Reinforcement of procedural double standards**, permitting Schwartz and Eck to raise untimely defenses while strictly applying deadlines and procedural rules against Plaintiff;
- **Refusal to reconsider or vacate flawed rulings**, despite newly discovered evidence of structural bias and improper judicial conduct—violating *Liljeberg*, *Arthur v. Thomas*, and *Venegas-Hernandez v. Sonolux*.

These actions were not incidental to case management. They reflect a deliberate effort to **insulate judicial misconduct from review**, and to suppress the Plaintiff's ability to litigate constitutional violations tied to judicial bias and unauthorized legal representation.

Her rulings violated multiple judicial canons:

- **Canon 1** – Failing to uphold judicial integrity and public confidence;
- **Canon 2(A) and (B)** – Creating an appearance of bias and failing to act with transparency;
- **Canon 3(A)(4)** – Denying the Plaintiff full opportunity to be heard;
- **Canon 3(C)(1)** – Failing to recuse when impartiality was in doubt.

Judge McCafferty's rulings also materially advanced the concealment of a covert judicial policy that allowed Twitter's attorneys to bypass admission requirements, violating **Rule 11(a)** and **Local Rule 83.2**, and benefitted specific parties (notably Perkins Coie LLP) at the expense of fair process. These acts contributed to **a broader enterprise of concealment and retaliation against a civil rights litigant**, aligning with the misconduct of Judges Johnstone, McAuliffe, and Elliott.

Her conduct supports findings under:

- **18 U.S.C. § 1503** (obstruction of justice),
- **18 U.S.C. § 1346** (honest services fraud),
- **18 U.S.C. § 371** (conspiracy),
- **42 U.S.C. §§ 1985(2), 1986** (civil rights suppression and failure to prevent),
- **18 U.S.C. §§ 1962(c), (d)** (RICO enterprise and conspiracy).

Her role as both administrative supervisor and adjudicator in the same matter constituted a fundamental breach of judicial neutrality. Judge McCafferty did not merely err—she acted in a manner that entrenched institutional corruption, suppressed due process, and disqualified her from the impartial adjudication of the case. Formal investigation and disciplinary consequences are warranted under the Judicial Conduct and Disability Act.

Judge McCafferty's dual role as both supervisor and adjudicator, coupled with her concealment of material facts, implicates these same statutory violations and further entrenches the unlawful enterprise described herein.

5. First Circuit Judges (Kayatta, Lynch, Barron, Gelpí, Montecalvo, Howard, Thompson, Rikelman)

Across four separate appeals—*Hall v. Twitter* and *Verogna v. Johnstone*—Judges Kayatta, Lynch, Barron, Gelpí, Montecalvo, Howard, Thompson, and Rikelman engaged in a coordinated failure to act on well-supported and verified allegations of judicial misconduct, unauthorized legal practice, structural bias, and jurisdictional violations. Despite being formally notified through appellate briefs, judicial notice motions, and affidavits filed under 28 U.S.C. § 144, **none of the judges disqualified themselves, reassigned the cases, initiated en banc review, or addressed uncontested facts establishing fraud upon the court.** Their collective silence and procedural denials transformed the appellate process from a forum for correction into a mechanism of concealment and institutional protection.

Their misconduct included:

- Affirming judgments entered after the district court was divested of jurisdiction, violating *Griggs v. Provident Consumer Discount Co.*, *Steel Co. v. Citizens for a Better Env't*, and *Marbury v. Madison*;
- Ignoring Rule 201 motions and verified facts showing that Judge Johnstone operated an illegal, unwritten pro hac vice policy in violation of **Local Rules 83.1(a), 83.2**, and **Fed. R. Civ. P. 11(a)**;
- Refusing to enforce mandatory recusal under **28 U.S.C. §§ 144 and 455(a), (b)(1)** for Judges McAuliffe, Elliott, and McCafferty, despite their administrative entanglement in the misconduct under review;
- Upholding denials of Rule 60(b)(3) motions despite **unrebutted evidence of fraud**, contrary to ***Hazel-Atlas*, *United States v. Throckmorton*, and *Liljeberg v. Health Services Acquisition Corp.***;
- Allowing procedural defenses and objections filed by **unauthorized attorneys** to stand as the basis for affirming lower court rulings, despite those defenses being legally void or waived under **Rules 8(c), 12(b), and 12(f)**;

- Failing to enforce **Fed. R. Evid. 201(e)**, which guarantees litigants the right to be heard on judicial notice—despite Plaintiff's repeated requests;
- Ignoring constitutional violations of the Fifth and Fourteenth Amendments, including the denial of default judgment rights, hearing requests, and the right to a neutral forum;
- And misapplying judicial immunity to shield **non-judicial administrative misconduct** by Judges Johnstone and McCafferty—contrary to *Forrester v. White*, *Dennis v. Sparks*, and *Mireles v. Waco*.

These actions violate:

- **Canon 1** (failure to uphold judicial integrity),
- **Canon 2(A) and 3(C)(1)** (appearance of impropriety, failure to disqualify),
- **Canon 3(A)(6)** (failing to act on knowledge of misconduct),
- And **28 U.S.C. §§ 144, 455, 2106**, and **Fed. R. App. P. 21**, which collectively mandate corrective intervention in cases involving constitutional or structural judicial error.

Each appellate panel—whether reviewing interlocutory appeals, mandamus petitions, or final judgments—affirmed procedurally defective rulings without evaluating the record. They refused to apply foundational Supreme Court precedent requiring recusal (*Caperton*, *Tumey*, *Williams v. Pennsylvania*), invalidation of judgments procured by fraud (*Hazel-Atlas*), and reversal when jurisdiction or bias taints the process (*Murchison*, *Mathews v. Eldridge*, *Liljeberg*).

Their silence in the face of documented procedural fraud and judicial bias was not neutral—it was a **deliberate act of concealment that enabled the operation of a judicial enterprise** grounded in selective enforcement and favoritism toward Perkins Coie LLP and its client, Twitter. By ratifying unauthorized legal practice and insulating conflicted judges, these appellate judges materially furthered that enterprise's concealment objectives and undermined appellate accountability mechanisms.

The appellate judges' collective silence and procedural denials similarly implicate 18 U.S.C. §§ 1503, 1346, 371, 1962(d), and 42 U.S.C. §§ 1985–1986, solidifying the systemic enterprise to suppress verified judicial misconduct.

These were not simple judicial errors. They were **deliberate institutional decisions to reject transparency, accountability, and due process—entrenching a two-tier system of justice.** Their refusal to intervene has denied Plaintiff any meaningful remedy and signaled that even well-supported allegations of fraud, misconduct, and judicial bias will be procedurally silenced when politically or institutionally inconvenient.

Requested Action:

Pursuant to 28 U.S.C. § 352(a) and Rule 11 of the Judicial Conduct Rules, the complainant respectfully requests:

1. That these allegations be **docketed and formally investigated** under Rule 11(c),

2. That a **Special Committee** be appointed to examine whether any judge committed misconduct under Rule 4,
3. That the matter be referred to the **Judicial Conference of the United States** if appropriate, and
4. That any necessary **corrective or disciplinary action** be recommended under Rule 20.

This filing is supported by extensive documentary exhibits, including court filings, docket records, and evidence of procedural concealment, submitted in both physical and electronic form.

This filing complies with Rule 6(b) and (d) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings and is respectfully submitted for formal docketing and review under 28 U.S.C. § 351. While comprehensive in length, it constitutes a concise and rule-compliant summary of specific misconduct allegations involving twelve federal judges and is appropriate in scope given the systemic nature of the violations described.

The Judicial Council is respectfully but firmly advised that willful failure to investigate verified evidence of judicial fraud, obstruction, and civil rights violations—as fully detailed herein—will not merely reflect administrative neglect, but active perpetuation of an unlawful enterprise. Under 28 U.S.C. §§ 351–364, Rule 6 of the Judicial Conduct Rules, and applicable federal law including 18 U.S.C. §§ 1503, 1512, and 1962(d), knowing inaction in the face of credible, verified misconduct may itself constitute obstruction of justice, conspiracy to conceal fraud upon the court, and a deprivation of constitutional rights. Inaction under these circumstances would not merely constitute administrative negligence but could expose the Council itself to allegations of conspiracy, obstruction, and violation of complainant's civil rights under color of law. Complainant preserves all rights to assert appropriate claims should this body fail to act impartially and in accordance with its legal obligations.

Addendum and Verification:
Complainant respectfully submits the attached **Rule 25(f) Addendum** and a sworn **Verification under 28 U.S.C. § 1746**, both of which form part of this filing and are submitted in support of the allegations and requested relief herein.

Respectfully,

Daniel E. Hall

May 3, 2025
Manchester, NH 03103
(603) 948-8706
Hallvtwitter@gmail.com

ADDENDUM – APPLICATION OF RULE 25(f)

RE: Automatic Disqualification of All First Circuit Judges Under Rule 25(f)
Submitted by: Daniel E. Hall
May 3, 2025

To Whom It May Concern:

This is to notify the Judicial Council of the First Circuit and the Circuit Executive's Office that **every Article III appellate judge currently sitting in the First Circuit is named as a subject of misconduct** in the complaint I am submitting pursuant to 28 U.S.C. §§ 351–364 and the *Rules for Judicial-Conduct and Judicial-Disability Proceedings*.

Specifically, the following appellate judges are named in the complaint:

- **Chief Judge David J. Barron**
- **Senior Judge William J. Kayatta Jr.**
- **Senior Judge Sandra Lynch**
- **Circuit Judge Gustavo Gelpí**
- **Circuit Judge Lara Montecalvo**
- **Senior Judge Jeffrey R. Howard**
- **Senior Judge Rogeriee Thompson**
- **Circuit Judge Julie Rikelman**

In accordance with **Rule 25(f)** of the Judicial-Conduct Rules:

"If a complaint is filed against the chief judge, or if the chief judge is otherwise disqualified, the next most senior active circuit judge who is not disqualified must perform the duties of the chief judge under these Rules."

Because **all current and senior judges of the First Circuit are named, none are eligible to perform the chief judge's duties** under these rules. Accordingly, the complaint **must be reassigned** to:

- An unconflicted **Article III judge from another circuit**, or
- A **Special Committee** appointed under Rule 11(f), or
- The **Committee on Judicial Conduct and Disability** of the Judicial Conference pursuant to Rule 26.

Any attempt to process, review, dismiss, or resolve this complaint by **any judge currently serving on the First Circuit** would constitute a **procedural violation and conflict of interest** under the Judicial Conduct Rules and the Constitution's due process guarantees.

I respectfully demand strict adherence to Rule 25(f), and I am prepared to escalate any failure to disqualify conflicted parties as further evidence of systemic concealment and obstruction.

Respectfully,

Daniel E. Hall

May 3, 2025
Manchester, NH 03103
(603) 948-8706
Hallvtwitter@gmail.com

VERIFICATION UNDER PENALTY OF PERJURY

DECLARATION

I, Daniel E. Hall, declare under penalty of perjury under the laws of the United States that the information contained in this complaint and attached documents is true and correct to the best of my knowledge and belief.

Executed this 3rd day of May, 2025.

Respectfully,

_____

Daniel E. Hall
May 3, 2025
Manchester, NH 03103
(603) 948-8706
Hallvtwitter@gmail.com

UNITED STATES COURTS FOR THE FIRST CIRCUIT
OFFICE OF THE CIRCUIT EXECUTIVE
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May 15, 2025

Daniel E. Hall
393 Merrimack Street
Manchester, NH 03103

Judicial Council Order (Rule 20.3)

Re: Complaint Nos. 01-25-90016 - 01-25-90027

Dear Mr. Hall:

Your complaint of judicial misconduct against Chief Judge Barron, Judge Lynch, Judge Howard, Judge Thompson, Judge Kayatta, Judge Gelpí, Judge Montecalvo, Judge Rikelman, Chief Judge McCafferty, Judge McAuliffe, Judge Elliott, and Magistrate Judge Johnstone has been received and shall be processed in accordance with the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Sincerely,

Susan Goldberg
Circuit Executive

Daniel E. Hall
393 Merrimack Street
Manchester, NH 03103
Hallvtwitter@gmail.com
(603) 948-8706

May 21, 2025

Judicial Council of the First Circuit
Circuit Executive's Office
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 3700
Boston, MA 02210

Re: Complaint Nos. 01-25-90016 through 01-25-90027
Follow-up Regarding Conflict of Interest, Procedural Irregularities, and Disregarded Warnings

Dear Members of the Judicial Council,

I write in response to your May 15, 2025 letter confirming receipt of my judicial misconduct complaint against twelve federal judges pursuant to 28 U.S.C. § 351 and the Rules for Judicial-Conduct and Judicial-Disability Proceedings. While I appreciate the acknowledgment of receipt, the substance and form of your response raise serious concerns regarding impartiality, disqualification, and structural integrity of the process now unfolding within the First Circuit.

In parallel, I have submitted a separate verified Rule 6(b) complaint concerning the unlawful appointment of Magistrate Judge Talesha L. Saint-Marc, which involves related administrative misconduct by Circuit Executive Susan Goldberg and a separate panel of Article III judges from the District of New Hampshire. That matter—like this one—raises unresolved issues of docketing, fragmentation, and internal conflicts of interest. I now respectfully request that both complaints be evaluated under **Rule 25(f)** reassignment procedures and that all processing and adjudication be transferred to a neutral chief judge from another circuit, as no judge within the First Circuit remains unconflicted.

I. Conflict of Interest Involving Circuit Executive Susan Goldberg

As stated in my verified submissions, certain actions taken or overseen by **Susan Goldberg, Circuit Executive**, are among the matters complained of. Ms. Goldberg has now signed two letters—dated April 17 and May 15, 2025—acknowledging and processing the same complaint in which she is named, at least in part, for her administrative role in concealing misconduct or improperly handling related complaints.

This dual role presents a **clear conflict of interest** under both the letter and spirit of judicial misconduct proceedings. A named or implicated official **should not participate in the intake, routing, or preliminary review of complaints involving themselves**, even administratively.

Her continued involvement—however limited—undermines public confidence in the impartiality of these proceedings and risks creating the appearance of **self-investigation and procedural bias.**

Accordingly, I respectfully request that:

- Ms. Goldberg be **recused** from further handling, communicating, or overseeing any aspect of this complaint;
- A **neutral officer or alternate staff** member be assigned to any future correspondence or processing; and
- The Judicial Council confirm, in writing, that no conflict-implicated personnel will participate in any aspect of this review.

II. Mandatory Disqualification of All First Circuit Judges

My verified complaint dated May 3, 2025 names **every active and senior judge on the U.S. Court of Appeals for the First Circuit**, including:

- Chief Judge David J. Barron
- Senior Judges Sandra Lynch, William Kayatta, Rogeriee Thompson, Jeffrey Howard
- Circuit Judges Gustavo Gelpí, Lara Montecalvo, Julie Rikelman

As such, **no judge within the First Circuit is legally permitted to review this complaint.** Rule 25(a) requires disqualification of any judge who is a subject of the complaint. Rule 25(f) further mandates:

"If all circuit judges of the circuit are disqualified, the Chief Justice of the United States must designate another circuit's chief judge to perform the duties."

To date, I have received:

- **No confirmation that Chief Judge Barron has recused himself**;
- **No identification of a substitute chief judge** from another circuit;
- **No indication** that the Chief Justice of the United States has made the required reassignment.

Despite these disqualifications, your May 15 letter references **Complaint Nos. 01-25-90016 through 01-25-90027**, suggesting that **a disqualified judge has already acted** to fragment my complaint into twelve parts without notice, transparency, or lawful authority.

I hereby request:

- Immediate confirmation that **Chief Judge Barron and all other First Circuit judges have recused** themselves in full;
- Disclosure of **which outside chief judge** has been designated under Rule 25(f);

- Clarification as to **whether any prior administrative or judicial action** (including docketing, screening, or severance) was taken by disqualified officials and, if so, whether those actions will be vacated.

Any failure to recuse and reassign this matter is a direct violation of Rule 25, 28 U.S.C. § 455, and the due process rights of the complainant.

This unexplained fragmentation appears to serve no legitimate purpose other than to circumvent Rule 25 disqualification. By splitting the unified complaint into multiple matters, Chief Judge Barron may be positioning himself to rule on the complaints against the other judges while avoiding formal involvement in the one naming himself. Additionally, fragmentation burdens me, the pro se complainant, by multiplying procedural steps, complicating recordkeeping, and preventing the clear presentation of a coordinated misconduct pattern. It also dilutes the systemic nature of the complaint, shields implicated administrative staff, and disrupts any effective review of overlapping issues and actors. In totality, the decision to divide this complaint raises the appearance of procedural manipulation and strategic obstruction.

In totality, the decision to divide this complaint raises the appearance of procedural manipulation and suggesting strategic obstruction by Chief Judge Barron or another First Circuit appellate judge — as such severance could only have been authorized by a judge, and not administrative staff.

III. Prior Warnings Were Explicit and Have Been Ignored

In my May 3, 2025 verified submission and accompanying Rule 6(b) summary, I explicitly identified:

- Chief Judge Barron as a subject of the complaint;
- Susan Goldberg's administrative entanglement and inappropriate gatekeeping;
- The legal consequences under 28 U.S.C. § 455 and Rule 25 for any involvement by disqualified personnel.

Despite these warnings:

- **No confirmation of disqualification** has been provided;
- **No alternate reviewing authority** has been identified;
- **No explanation has been given for the division of my complaint into twelve separate case numbers—an act that appears to have occurred without lawful authority and without informing the complainant, as required by Rule 6 and Rule 11.**.

This silence raises the alarming possibility that **conflicted parties have continued to exercise control over the processing and framing of the complaint**, even after receiving formal notice of disqualification. That not only violates procedural law but constitutes additional misconduct under Rule 4 and Rule 8.

Given that only a Chief Judge has authority under Rule 11(b) to sever a judicial misconduct complaint, and that Circuit Executive Susan Goldberg has no such authority under the Rules, it necessarily follows that **a judge participated in the decision to fragment this complaint** into twelve separate docket numbers. Since all eligible judges of the First Circuit are named subjects, **no judge within the Circuit could lawfully authorize such a severance**. The most likely inference is that **Chief Judge David J. Barron**—despite being disqualified under Rule 25(a)—either directly ordered or approved the fragmentation, or was consulted and allowed it to proceed. If so, that would represent a **procedural conflict and Rule 25(a) violation**, as well as an **unauthorized administrative action tainting the integrity of the process**. If someone else issued the severance, then **the Council must identify who, on what basis, and under what authority**. Otherwise, Goldberg's implementation of a multi-case docketing structure strongly suggests she **acted at the direction of a judge with a disqualifying interest in the outcome.**

As the Judicial Council is required to refer this matter to the Chief Justice under Rule 25(f), I respectfully request that he designate a chief judge from a circuit with no geographic or ideological proximity to the First Circuit, and preferably one with **no prior entanglements or political alignment with the subject judges or administrative staff**. Given the systemic nature of the allegations, only a truly independent and disinterested reviewing authority can restore public confidence in this process.

IV. Request for Procedural Clarification and Status under Rules 8, 11, 12, and 25

Pursuant to the Rules for Judicial-Conduct and Judicial-Disability Proceedings, I respectfully request a formal update and explanation regarding the current handling of my misconduct complaint:

1. Whether Complaint Nos. 01-25-90016 through 01-25-90027 were lawfully assigned as separate matters, and if so:
    - Who authorized this severance;
    - What Rule 11(b) basis or procedural order was issued to justify the fragmentation of a unified Rule 6(b) complaint;
    - Whether this fragmentation may result in prejudice, delay, or inconsistent treatment of related allegations.
2. Whether the complaint(s) have been:
    - Docketed in full under Rule 8;
    - Assigned to a reviewing Chief Judge under Rule 11(a);
    - Subject to any initial action under Rule 11(c), such as dismissal, limited inquiry, or referral to a special committee.
3. Whether any judges or administrative staff have been disqualified or recused under Rule 25(a), particularly:
    - Chief Judge David J. Barron, who is a named subject in related complaint Nos. 01-25-90016–90027;
    - Circuit Executive Susan Goldberg, whose prior misstatements directly impact the legitimacy of the process.
4. Whether my **May 3, 2025 verified complaint**—submitted under penalty of perjury and containing detailed factual allegations and statutory citations—has been **formally**

incorporated into the record as the operative Rule 6(b) complaint for purposes of Rule 11 review.

These are threshold issues that go to the integrity of the judicial misconduct process itself. I request that the Judicial Council promptly clarify each of these items in writing and ensure that the complaint is administered consistent with the plain text and intent of the Rules.

V. Requested Action

Accordingly, I respectfully demand that the Judicial Council:

1. Confirm in writing that **no judge of the First Circuit is participating** in the review of this complaint, as all are disqualified under Rule 25(a);
2. Disclose the identity of the **outside chief judge** designated by the Chief Justice under Rule 25(f) to conduct Rule 11 review;
3. Provide the **procedural and legal justification** for dividing my unified Rule 6(b) complaint into twelve separate docket numbers (Nos. 01-25-90016 through 01-25-90027), including who ordered the severance and on what basis;
4. Disclose whether **Chief Justice Roberts has been notified** as required by Rule 25(f), and whether any reassignment order has been issued;
5. Confirm that my **May 3, 2025 verified complaint and exhibits** are the operative Rule 6(b) filing for purposes of Rule 11 review;
6. **Remove Circuit Executive Susan Goldberg** from all further handling of this matter, as her direct participation in this case and in my separately filed judicial misconduct complaint involving the unlawful appointment of Magistrate Judge Talesha L. Saint-Marc creates a **structural and ongoing conflict of interest**;
7. Confirm that **Goldberg's administrative role across multiple related complaints** has been evaluated and that appropriate **neutral staff oversight** is now in place for both matters.

Conclusion

I respectfully request that the above information and procedural clarifications be provided within **10 days** of receipt of this letter. Should the Council fail to respond or continue processing this matter under the direction of disqualified judges or conflicted staff, I will treat such inaction as **further evidence of obstruction, structural misconduct, and administrative concealment**—warranting formal escalation to additional oversight bodies.

Given the seriousness of the allegations and the systemic implications of judicial misconduct and administrative conflicts, I urge the Council to take all necessary steps to ensure that these proceedings are conducted with full transparency and in **strict compliance with Rule 6(b), Rule 25(f), and 28 U.S.C. § 455.**

Please confirm receipt of this letter and provide a written response to the specific procedural requests outlined above. I remain available to furnish any further documentation, sworn statements, or legal support necessary to assist in the Council's independent review.

Respectfully,
Daniel E. Hall
Complainant

UNITED STATES COURTS FOR THE FIRST CIRCUIT
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June 6, 2025

Daniel E. Hall
393 Merrimack Street
Manchester, NH 03103

Judicial Council Order (Rule 20.3)

Re: Complaint Nos. 01-25-90016 - 01-25-90027

Dear Mr. Hall:

The enclosed correspondence, dated May 21, 2025, has been referred to me and shall be considered in conjunction with the above-referenced misconduct complaint. Your complaint of judicial misconduct against Chief Judge Barron, Judge Lynch, Judge Howard, Judge Thompson, Judge Kayatta, Judge Gelpí, Judge Montecalvo, Judge Rikelman, Chief Judge McCafferty, Judge McAuliffe, Judge Elliott, and Magistrate Judge Johnstone, dated May 3, 2025, and accepted on May 15, 2025, is under review, pursuant to Rule 11 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), and in accordance with the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364, and the Rules of Judicial-Conduct. Please note that the Rules of Judicial-Conduct provide for the assignment of separate docket numbers when one complaint names multiple subject judges. See Rules of Judicial-Conduct, Rule 8(a) and Commentary on Rule 8.

Best regards,

Gina D. Riccio

Gina Riccio
Assistant Circuit Executive for Legal Affairs

Enclosure

Daniel E. Hall
393 Merrimack Street
Manchester, NH 03103
Hallvtwitter@gmail.com
(603) 948-8706

June 17, 2025

Judicial Council of the First Circuit
c/o Circuit Executive's Office
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 3700
Boston, MA 02210

RE: Complaint Nos. 01-25-90016 through 01-25-90027 – Improper Severance and Rule 25(f) Violations

Dear Members of the Judicial Council:

This is a formal reply to the June 6, 2025 letter signed by Ms. Riccio under the authority of Circuit Executive Susan J. Goldberg. Once again, a conflict-implicated official has issued correspondence concerning a complaint in which she herself is named—a violation of the basic neutrality principles codified in the Judicial Conduct and Disability Act and its implementing rules.

Your latest communication acknowledges that my May 21, 2025 submission "shall be considered in conjunction with" the misconduct complaints numbered 01-25-90016 through 01-25-90027. However, you have still failed to:

- Identify who authorized the severance of what was submitted as a unified Rule 6(b) complaint;
- Disclose whether the Chief Justice of the United States has reassigned the matter, as required under Rule 25(f);
- Confirm that all First Circuit judges—including Chief Judge Barron—have recused, consistent with Rule 25(a);
- Explain why a conflicted Circuit Executive remains in a handling role, despite prior formal requests for her disqualification.

While the June 6, 2025 response was signed by Assistant Circuit Executive Gina Riccio, this does not resolve the ongoing conflict of interest. Ms. Riccio operates directly under the authority of Circuit Executive Susan Goldberg, who is a named party in my complaint and whose prior misstatements materially impact the legitimacy of the proceedings. Delegating communications to her subordinate does not cleanse the conflict—it reinforces it. By allowing Ms. Riccio to correspond on a matter where her direct superior is a subject of misconduct allegations, the Council has allowed a structurally tainted chain of administration to persist. This arrangement

violates both the letter and spirit of Rule 25(a) and 28 U.S.C. § 455, and further undermines public confidence in the integrity of the review process.

Once again, I respectfully demand:

- Written confirmation that **no First Circuit judge is participating** in this review;
- **Identification of the substitute chief judge** designated by the Chief Justice under Rule 25(f);
- A clear explanation as to **who authorized the division** of this complaint and on what basis;
- Formal notice that **Susan Goldberg has been removed** from all further handling of this matter;
- Assurance that **my May 3, 2025 verified complaint and exhibits remain the operative Rule 6(b) submission**.

Unless these disclosures are made immediately, I will regard the Council's ongoing silence or vague deferrals as further evidence of internal bias, procedural manipulation, and unlawful concealment. This matter will then be escalated to appropriate oversight authorities, including the Judicial Conference, the Department of Justice, and Congress.

Please respond within 7 days.

Respectfully,
Daniel E. Hall
Complainant

UNITED STATES COURTS FOR THE FIRST CIRCUIT
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KELLY D. MCQUILLAN
DEPUTY CIRCUIT EXECUTIVE
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July 3, 2025

Judicial Council Order (Rule 20.3)

Daniel E. Hall
393 Merrimack Street
Manchester, NH 03103

Re: Complaint Nos. 01-25-90016 - 01-25-90027 and 01-25-90033 - 01-25-90038

Dear Mr. Hall:

The enclosed correspondences, dated June 17, 2025, have been referred to me. You currently have **two** pending complaints of judicial misconduct: (1) Complaint Nos. 01-25-90016 - 01-25-90027 against Chief Judge Barron, Judge Lynch, Judge Howard, Judge Thompson, Judge Kayatta, Judge Gelpí, Judge Montecalvo, Judge Rikelman, Chief Judge McCafferty, Judge McAuliffe, Judge Elliott, and Magistrate Judge Johnstone (dated May 3, 2025 and accepted on May 15, 2025); and (2) Complaint Nos. 01-25-90033 - 01-25-90038 against Chief Judge McCafferty, Judge Laplante, Judge Elliott, Judge McAuliffe, Judge Barbadoro, and Magistrate Judge Saint-Marc (dated May 3, 2025, supplemented on May 21, 2025, and accepted on June 6, 2025). Each of the two complaints is under review, pursuant to Rule 11 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), and in accordance with the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364, and the Rules of Judicial-Conduct. Please note that Rule 25 of the Rules of Judicial-Conduct addresses a judge's disqualification from participating in the consideration of a judicial misconduct complaint and the Rules of Judicial-Conduct do not provide a mechanism for adding judges to an existing judicial misconduct complaint. If you would like to initiate a complaint against a judge, you may do so in accordance with the Rules of Judicial-Conduct. Please also note that there is no judge on the U.S. Court of Appeals for the First Circuit named David J. Lynch.

Best regards,

Gina Riccio
Assistant Circuit Executive for Legal Affairs

Enclosure

Daniel E. Hall
393 Merrimack Street
Manchester, NH 03103
Hallvtwitter@gmail.com
(603) 948-8706

July 7, 2025

Judicial Council of the First Circuit
c/o Circuit Executive's Office
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 3700
Boston, MA 02210

Re: Complaint Nos. 01-25-90016 through 01-25-90027 – Formal Request for Disclosure under Judicial Conduct and Disability Act and Rule 25

Dear Members of the Judicial Council:

This correspondence serves as a **follow-up to my letters of May 21 and June 17, 2025**, and is directed **solely** to the handling of **Complaint Nos. 01-25-90016 through 01-25-90027**, which I submitted as a verified Rule 6(b) misconduct complaint on May 3, 2025.

I do not consent to the administrative **combination, grouping, or reassignment** of this complaint with other unrelated matters—particularly Complaint Nos. 01-25-90033 through 01-25-90038—which involve different parties, facts, and allegations. The improper consolidation of complaints appears designed to obscure misconduct patterns and increase administrative burden on the complainant, in violation of fair process principles.

Despite your July 3, 2025 correspondence, you have failed to respond to the core procedural questions that remain outstanding and materially impact the integrity of this proceeding:

1. Have All First Circuit Judges Recused Under Rule 25(a) and 28 U.S.C. § 455?

Rule 25(a) and 28 U.S.C. § 455 require disqualification of all judges named in the complaint—or whose impartiality might reasonably be questioned. I have yet to receive **any confirmation** that Chief Judge Barron and all other named judges are no longer participating in any capacity. This refusal to confirm disqualification is not only inconsistent with Rule 25, it undermines the fundamental neutrality required by the Judicial Conduct and Disability Act.

Please provide written confirmation that **no current judge of the First Circuit Court of Appeals** is involved in this review.

2. Has the Chief Justice Reassigned the Complaint Under Rule 25(f)?

If Chief Judge Barron is disqualified—as he must be—the rules **require reassignment by the Chief Justice of the United States.** Rule 25(f) is not optional. You have refused to identify the current judge acting in place of Chief Judge Barron.

I therefore renew my request for a **written disclosure** identifying:

- Whether reassignment occurred,
- The name of the designated substitute chief judge, and
- The date and legal authority of such reassignment.

This information is central to validating the procedural legitimacy of the misconduct process.

3. Who Authorized the Improper Severance of My Unified Rule 6(b) Submission, and Why?

My original submission was filed as a **single, unified complaint** with supporting exhibits, consistent with Rule 6(b). It was improperly severed into separate complaint numbers **without notice or legal justification**. You have refused to identify:

- Who authorized the division,
- Under what authority it was done, and
- How it complies with the text of Rule 6(b) and Rule 11.

This artificial fragmentation of my complaint frustrates its structure and scope and risks concealing systemic misconduct patterns. Please provide a written explanation, including the name of the official(s) responsible for the severance decision and the legal basis relied upon.

4. Is Circuit Executive Susan J. Goldberg Removed from All Handling of This Matter?

Susan Goldberg is named in the complaint and thus must be **recused from any administrative role**. Yet her subordinate, Gina Riccio, continues to issue correspondence on her behalf, and all materials appear to flow through the Circuit Executive's Office.

This violates the **Code of Conduct for Judicial Employees**, specifically Canons 1–3, and creates an impermissible appearance of impropriety under Rule 25(a). Delegation to a subordinate does not remove the conflict—it compounds it.

I request **formal written notice** that Ms. Goldberg has been fully and permanently removed from any direct or indirect handling, access, or administrative participation related to this complaint.

5. Is My May 3, 2025 Submission Still Deemed the Operative Complaint?

I seek confirmation that my **May 3, 2025 verified complaint and supporting exhibits** remain the operative Rule 6(b) submission for Complaint Nos. 01-25-90016 through 01-25-90027. Your

July 3 letter confusingly references my May 21 submission but fails to affirm whether the original complaint remains intact and unmodified.

Please confirm that the May 3 complaint remains the controlling document for this proceeding.

Final Notice

The continued refusal to answer these **basic, procedural, and legally required disclosures** will be construed as further evidence of:

- Internal bias;
- Concealment of conflicts;
- Procedural manipulation;
- Violation of Rule 25, § 455, and the Judicial Employees' Code of Conduct.

I request that your office respond in writing within **7 days**. If this letter is again diverted to conflicted officials or if your response again avoids these five direct inquiries, I will escalate this matter to the **Judicial Conference of the United States**, the **Department of Justice**, the **House Judiciary Committee**, and the **Judicial Integrity Program of the Administrative Office**.

Respectfully,
Daniel E. Hall
Complainant

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July 23, 2025

Daniel E. Hall
393 Merrimack Street
Manchester, NH 03103

Judicial Council Order (Rule 20.3)

Re: Complaint Nos. 01-25-90016 - 01-25-90027 and Complaint Nos. 01-25-90033 - 01-25-90038

Dear Mr. Hall:

The enclosed correspondences, dated July 7, 2025, have been referred to me. Your two complaints of judicial misconduct (Complaint Nos. 01-25-90016 - 01-25-90027 and Complaint Nos. 01-25-90033 - 01-25-90038) are currently under review, pursuant to Rule 11 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. I am enclosing the July 3, 2025 letter that addresses the inquiries made within your July 7, 2025 correspondences.

Best regards,

Gina Riccio
Assistant Circuit Executive for Legal Affairs

Enclosure

Appendix Part C – Complaint Nos. 01-25-90033 through 01-25-90038

- **Exhibit C-1** – April 7, 2025: Inquiry Regarding Potential Conflict of Interest in the Merit Selection Process for Magistrate Judge – District of New Hampshire
- **Exhibit C-2** – April 22, 2025: Judicial Council correspondence
- **Exhibit C-3** – May 3, 2025: Rebuttal and Request for Reconsideration — Misrepresentation of Merit Selection Panel Participation (Magistrate Judge Selection / Saint-Marc)
- **Exhibit C-4** – May 3, 2025: Formal Complaint
- **Exhibit C-5** – May 15, 2025: Judicial Council correspondence
- **Exhibit C-6** – May 21, 2025: Supplemental Identification of Subject Judges and Request for Recusal of Circuit Executive Susan Goldberg
- **Exhibit C-7** – June 6, 2025: Judicial Council correspondence
- **Exhibit C-8** – June 17, 2025: Rule 25(f) Violations and Procedural Obstruction
- **Exhibit C-9** – July 3, 2025: Judicial Council correspondence

Daniel E. Hall
393 Merrimack Street
Manchester, NH 03103
Hallvtwitter@gmail.com
(603) 948-8706

April 7, 2025

Judicial Council of the First Circuit
Circuit Executive's Office
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 3700
Boston, MA 02210

Re: Inquiry Regarding Potential Conflict of Interest in the Merit Selection Process for Magistrate Judge – District of New Hampshire

Dear Judicial Council Members:

I am writing to raise a matter of serious concern regarding the recent selection process for a United States Magistrate Judge position in the District of New Hampshire.

According to **Administrative Order 22-15**, issued by Chief Judge Landya B. McCafferty on September 6, 2022, a **Merit Selection Panel** was formed to evaluate and recommend candidates to fill an additional full-time magistrate judge position authorized by the Judicial Conference. The order names **Talesha L. Saint-Marc, Esq.** as one of the members of that panel (see attached copy of the order).

It has come to my attention that **Ms. Saint-Marc was later appointed to the magistrate judge position**, which raises significant concerns about a potential **conflict of interest** and a **violation of 28 U.S.C. § 631(b)(5)**. That statute expressly prohibits any person being considered for a magistrate judge position from serving on the Merit Selection Panel:

"No person being considered for the position may serve on the panel." — 28 U.S.C. § 631(b)(5)

If Ms. Saint-Marc was either under consideration or later allowed to become a candidate after serving on the panel, this would undermine the fairness and integrity of the selection process, as well as public confidence in judicial appointments. The appearance of self-dealing or a predetermined outcome may also implicate Judicial Conference ethics standards and judicial misconduct rules.

Accordingly, I respectfully request that the Judicial Council review this matter and determine:

1. Whether Ms. Saint-Marc's participation on the Merit Selection Panel was consistent with § 631 and Judicial Conference rules;
2. Whether appropriate disclosures were made regarding her eligibility or candidacy;

3. Whether any corrective or investigative action is warranted.

Please let me know if you require any further information or documentation. I appreciate your attention to this matter and your ongoing efforts to uphold the integrity of the federal judiciary.

Respectfully,

Daniel E. Hall
April 7, 2025

Attachment:

- Administrative Order 22-15 (U.S. District Court for the District of New Hampshire)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

ADMINISTRATIVE ORDER 22-_15_

ORDER

At its September 28, 2021, session, the Judicial Conference of the United States Courts authorized an additional full-time magistrate judge position for the United States District Court for the District of New Hampshire. Pursuant to 28 U.S.C. § 631 and standards and procedures promulgated by the Judicial Conference of the United States, the court shall assemble a Merit Selection Panel for the purpose of identifying and recommending persons best qualified to fill the open magistrate judge position. More specifically, the Merit Selection Panel is charged with the responsibility of recommending to the court "individuals whose character, experience, ability, and commitment to equal justice under the law fully qualify them to serve as a United State Magistrate Judge." The following individuals are appointed to serve as members of the Merit Selection Panel:

Cathy Green, Esq., Chairperson
Laura Kiernan Beeson
Talesha L. Saint-Marc, Esq.
Mary Jane King
Richard Guerriero, Esq.
Sam Garland, Esq.
Lauren Irwin, Esq.
Nick Abramson, Esq.
Mark Zuckerman, Esq.

The Merit Selection Panel shall undertake its responsibilities in compliance with 28 U.S.C. § 631(b)(5) and the rules established by the Judicial Conference of the United States. By December 16th, 2022, the panel shall submit its recommendations to the court and attach all written information the panel has received or prepared concerning the appointment process. Six members of the panel shall constitute a quorum.

SO ORDERED.

Date: _09/06/2022_

Landya B. McCafferty, Chief Judge

UNITED STATES COURTS FOR THE FIRST CIRCUIT
OFFICE OF THE CIRCUIT EXECUTIVE
JOHN JOSEPH MOAKLEY UNITED STATES COURTHOUSE
1 COURTHOUSE WAY - SUITE 3700
BOSTON, MA 02210

SUSAN J. GOLDBERG
CIRCUIT EXECUTIVE
617-748-9614

FLORENCE PAGANO
DEPUTY CIRCUIT EXECUTIVE
617-748-9376

April 22, 2025

Judicial Council Order (Rule 20.3)

Daniel E. Hall
393 Merrimack Street
Manchester, NH 03103

Re: Inquiry Regarding Potential Conflict of Interest in the Merit Selection Process for Magistrate Judge – District of New Hampshire

Dear Mr. Hall:

I have received the enclosed letter, dated April 7, 2025, and attachment. The United States District Court for the District of New Hampshire's Administrative Order 22-15 (enclosed), which appointed Talesha L. Saint-Marc, Esq., as well as eight others, to serve on the Merit Selection Panel, was entered on September 6, 2022. Subsequently, Attorney Saint-Marc withdrew from the Merit Selection Panel, and, on October 20, 2022, Megan Carrier, Esq., was appointed to serve as a member of the Merit Selection Panel. See District of New Hampshire Administrative Order 22-18 (enclosed). As such, Attorney Saint-Marc did not serve on the Merit Selection Panel appointed to "identify[ ] and recommend[ ] persons who are best qualified" for the United States District Court for the District of New Hampshire magistrate judge position authorized on September 28, 2021. See 28 U.S.C. § 631(b)(5).

Best regards,

Susan Goldberg
Circuit Executive

Enclosures

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

ADMINISTRATIVE ORDER 22-_18_

ORDER

At its September 28, 2021, session, the Judicial Conference of the United States Courts authorized an additional full-time magistrate judge position for the United States District Court for the District of New Hampshire. Pursuant to 28 U.S.C. § 631 and standards and procedures promulgated by the Judicial Conference of the United States, the court shall assemble a Merit Selection Panel for the purpose of identifying and recommending persons best qualified to fill the open magistrate judge position. More specifically, the Merit Selection Panel is charged with the responsibility of recommending to the court "individuals whose character, experience, ability, and commitment to equal justice under the law fully qualify them to serve as a United State Magistrate Judge." The following individuals are appointed to serve as members of the Merit Selection Panel:

Cathy Green, Esq., Chairperson
Laura Kiernan Beeson
Mary Jane King
Richard Guerriero, Esq.
Sam Garland, Esq.
Lauren Irwin, Esq.
Nick Abramson, Esq.
Mark Zuckerman, Esq.
Megan Carrier, Esq.

The Merit Selection Panel shall undertake its responsibilities in compliance with 28 U.S.C. § 631(b)(5) and the rules established by the Judicial Conference of the United States. By December 16th, 2022, the panel shall submit its recommendations to the court and attach all written information the panel has received or prepared concerning the appointment process. Six members of the panel shall constitute a quorum.

SO ORDERED.

Date: _10/20/2022_

Landya B. McCafferty, Chief Judge

Daniel E. Hall
393 Merrimack Street
Manchester, NH 03103
Hallvtwitter@gmail.com
(603) 948-8706

May 3, 2025

Judicial Council of the First Circuit
Circuit Executive's Office
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 3700
Boston, MA 02210

Re: Rebuttal and Request for Reconsideration — Misrepresentation of Merit Selection Panel Participation (Magistrate Judge Selection / Saint-Marc)

Dear Judicial Council Members:

I submit this rebuttal and formal request for reconsideration of the April 22, 2025 response issued by Circuit Executive Susan Goldberg in connection with my April 7, 2025 complaint regarding the participation of Talesha L. Saint-Marc, Esq., in the Merit Selection Panel formed under Administrative Order 22-15 (September 6, 2022).

The April 22 response asserts that "Attorney Saint-Marc did not serve on the Merit Selection Panel" due to her subsequent withdrawal and replacement by Attorney Megan Carrier in Administrative Order 22-18 (October 20, 2022). However, this is both factually and legally inaccurate.

I. Factual Error: Saint-Marc Did Serve on the Panel

Saint-Marc was **formally appointed on September 6, 2022** and was not replaced until **October 20, 2022**—a period of **44 days** during which she was, by all official records, an active member of the Panel. Administrative Order 22-15 clearly states that she was charged, along with others, with evaluating candidates and making recommendations to the Court under 28 U.S.C. § 631(b)(5). At no point does either Order reflect a suspension or stay of her appointment prior to her replacement.

Therefore, the claim that she "did not serve" is demonstrably false and undermines the integrity of the Council's response.

Furthermore, the April 22 letter signed by Circuit Executive Susan Goldberg contained a materially false statement—claiming that "Attorney Saint-Marc did not serve on the Merit Selection Panel." This assertion is contradicted by Administrative Order 22-15, which explicitly named her as a panelist and was attached to both my original complaint and Goldberg's response. The fact that Ms. Goldberg would knowingly—or recklessly—make a misstatement

that neutralizes the statutory basis of my complaint raises independent concerns of administrative misconduct and improper interference with the judicial complaint process under Rule 4(a)(6).

As Circuit Executive, Ms. Goldberg holds an administrative position of trust that includes a duty to faithfully apply the rules governing judicial conduct, complaint review, and selection procedures. Under **Rule 4(a)(6)** of the *Rules for Judicial-Conduct and Judicial-Disability Proceedings*, administrative officers "must not engage in conduct prejudicial to the effective and expeditious administration of the business of the courts." By misrepresenting facts that were plainly contradicted by the very documents attached to her own response, Ms. Goldberg not only impeded a valid complaint, but failed in her obligation to ensure procedural integrity and transparency in a matter affecting the lawful selection of a judicial officer.

Whether this misstatement was the result of willful misrepresentation or reckless indifference, it undermines the credibility of the Judicial Council's response and must be corrected to preserve confidence in this body's role as a lawful oversight mechanism.

It is equally troubling that Chief Judge Landya B. McCafferty, who signed both Administrative Orders 22-15 and 22-18, knowingly allowed Attorney Saint-Marc to serve on the panel for over a month before subsequently appointing her to the magistrate judge position. Given that 28 U.S.C. § 631(b)(5) explicitly bars such conduct, and given Judge McCafferty's dual role in initiating and overseeing the selection process, this sequence of actions cannot be credibly dismissed as inadvertent. It suggests a **willful circumvention of federal law**, and the use of official authority to **facilitate an unlawful and ethically compromised judicial appointment**.

II. Legal Violation: 28 U.S.C. § 631(b)(5)

Federal law explicitly states:

"**No person being considered for the position may serve on the panel.**"

Saint-Marc's later appointment as magistrate judge confirms that she was under consideration for the position at some point. Even if her candidacy was not active on September 6, her eligibility or availability for appointment while serving on the panel presents **an unmistakable conflict of interest** and a **violation of federal law**. The substitution with Attorney Carrier **does not retroactively negate** her prior service.

III. Appearance of Impropriety and Misconduct

The notion that an individual can serve on a selection panel for weeks and then be appointed to the very position the panel exists to evaluate raises serious questions of:

- Apparent bias;
- Procedural unfairness;
- Institutional self-dealing;
- Potential violations of judicial conduct codes and appointment protocols.

IV. Systemic Compromise of the Panel Process

There is an additional, deeper concern: if Attorney Saint-Marc served on the Merit Selection Panel during any portion of its review or discussion process, **all other panel members would have collaborated with her** in the evaluation of applicants. Then, shortly after her withdrawal, **those same individuals — or a largely unchanged panel — recommended her for the very position.**

This sequence creates a clear appearance that her appointment was not based on independent, impartial evaluation, but rather on **a pre-coordinated or insider process** that violates the **purpose and protections** of 28 U.S.C. § 631(b)(5). Even if Saint-Marc did not cast a vote for herself, her mere involvement in internal deliberations would have:

- **Shaped selection criteria**,
- **Influenced others through early input**, and
- **Afforded her access to the confidential process** that no other applicant enjoyed.

That creates **structural unfairness** and taints the recommendation process. It raises serious questions about whether **any panelist disclosed this conflict** to the court, or whether the **entire panel knowingly participated in a process that violated federal law.**

At a minimum, this warrants further investigation and corrective action. A sanitized substitution of one panelist after six weeks of participation does not cure the underlying misconduct.

V. Relief Requested

I respectfully request that:

1. The Council **correct the factual misstatement** in the April 22, 2025 letter.
2. A formal determination be issued as to whether Saint-Marc's service violated § 631(b)(5).
3. The Council assess whether her appointment should be voided or investigated further under judicial misconduct rules or administrative procedures.
4. This matter be **formally docketed as a judicial conduct complaint** under Rule 6(b), if not already treated as such.

I have attached a sworn verification and supplemental addendum in support of this request and am prepared to provide additional evidence or records upon request. Given the implications for public confidence in the judicial selection process, I urge prompt and transparent review.

Respectfully,
Daniel E. Hall
May 3, 2025

Addendum to Judicial Misconduct Complaint

Filed Pursuant to Rule 25(f)

Re: Unlawful Appointment of Talesha L. Saint-Marc and Administrative Misconduct by Circuit Executive Susan Goldberg

Daniel E. Hall

May 3, 2025

Supplemental Factual and Procedural Addendum

This Addendum is submitted pursuant to Rule 25(f) to clarify and expand upon the factual and procedural inconsistencies identified in the handling of my April 7, 2025 judicial misconduct complaints.

1. Complaint #1 – Rejected for Lack of Verification:
On April 17, 2025, Circuit Executive Susan Goldberg rejected my complaint against multiple Article III judges for lack of verification.

2. Complaint #2 – Docketed and Dismissed Without Verification:
On April 22, 2025, Ms. Goldberg dismissed my separate complaint regarding the unlawful appointment of Talesha L. Saint-Marc without raising any verification issue, even though that complaint was submitted in the same format.

3. False Statements by Goldberg:
Ms. Goldberg stated that 'Attorney Saint-Marc did not serve on the Merit Selection Panel.' This is directly contradicted by Administrative Order 22-15, which appointed her to the panel on September 6, 2022, and by Order 22-18, which removed her on October 20, 2022.

4. Structural Panel Compromise:
Saint-Marc's involvement in the panel process likely influenced criteria, access, and deliberations that created structural unfairness in violation of 28 U.S.C. § 631(b)(5).

5. Appearance of Administrative Misconduct:
The inconsistent enforcement of Rule 6(b)/(d) and factually incorrect dismissal responses suggest administrative misconduct and potential suppression of valid complaints.

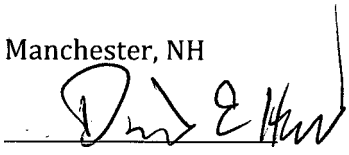
This Addendum, together with the accompanying verification, is respectfully submitted to ensure a full and fair review.

Verification Pursuant to 28 U.S.C. § 1746

I, Daniel E. Hall, declare under penalty of perjury under the laws of the United States of America that the foregoing Addendum and all related statements submitted to the Judicial Council of the First Circuit are true and correct to the best of my knowledge and belief.

Executed this 3rd day of May, 2025.

Manchester, NH



Daniel E. Hall

Daniel E. Hall
393 Merrimack Street
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May 3, 2025

Judicial Council of the First Circuit
Circuit Executive's Office
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 3700
Boston, MA 02210

Re: Rule 6 Judicial Misconduct Complaint – Unlawful Appointment of Talesha L. Saint-Marc / Misconduct by Goldberg, McCafferty, Panel Members, and Participating Judges

---

I. SUBJECTS OF THE COMPLAINT

This complaint is brought under Rule 6 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings and is directed against:

1. **Susan J. Goldberg**, Circuit Executive, First Circuit;
2. **Hon. Landya B. McCafferty**, U.S. District Judge, District of New Hampshire;
3. All nine **members of the Merit Selection Panel** named in Administrative Order 22-15:
    - Cathy Green, Esq. (Chair)
    - Laura Kiernan Beeson
    - Talesha L. Saint-Marc, Esq.
    - Mary Jane King
    - Richard Guerriero, Esq.
    - Sam Garland, Esq.
    - Lauren Irwin, Esq.
    - Nick Abramson, Esq.
    - Mark Zuckerman, Esq.
4. **All Article III judges of the District of New Hampshire and the First Circuit** who participated in or voted to approve the appointment of Talesha L. Saint-Marc as magistrate judge. (**McCafferty, Laplante, Elliott, Barbadoro, McAuliffe** in D.N.H.)
5. In addition, this complaint includes **any Article III judges of the U.S. Court of Appeals for the First Circuit** who:

- Participated in or ratified the April 22, 2025 dismissal of my prior complaint,
- Reviewed or voted to suppress the misconduct allegations involving Talesha L. Saint-Marc's panel participation and appointment,
- Or failed to report or correct the known statutory violation under 28 U.S.C. § 631(b)(5), as required under the Judicial Conduct rules and the Judicial Council's own supervisory obligations under 28 U.S.C. § 332(d).

Because the conduct described involves administrative functions—panel appointments, administrative orders, internal misrepresentations, and failures to apply mandatory statutory exclusions—this complaint concerns non-judicial acts within the jurisdiction of the Judicial Council.

II. STATEMENT OF FACTS AND MISCONDUCT

Summary of Misconduct
This complaint arises from the unlawful appointment of Talesha L. Saint-Marc to the position of U.S. Magistrate Judge for the District of New Hampshire in violation of 28 U.S.C. § 631(b)(5), which prohibits any person being considered for appointment from serving on the Merit Selection Panel. The appointment was further enabled and concealed by false administrative statements and a failure of judicial oversight. This complaint seeks formal review and accountability for each official who facilitated or failed to correct this statutory violation.

Saint-Marc was formally appointed on September 6, 2022 and was not replaced until October 20, 2022—a period of 44 days during which she was, by all official records, an active member of the Panel. Administrative Order 22-15 clearly states that she was charged, along with others, with evaluating candidates and making recommendations to the Court under 28 U.S.C. § 631(b)(5). At no point does either Order reflect a suspension or stay of her appointment prior to her replacement.

Therefore, the claim that she "did not serve" is demonstrably false and undermines the integrity of the Council's response.

Furthermore, the April 22 letter signed by Circuit Executive Susan Goldberg contained a materially false statement—claiming that "Attorney Saint-Marc did not serve on the Merit Selection Panel." This assertion is contradicted by Administrative Order 22-15, which explicitly named her as a panelist and was attached to both my original complaint and Goldberg's response. The fact that Ms. Goldberg would knowingly—or recklessly—make a misstatement that neutralizes the statutory basis of my complaint raises independent concerns of administrative misconduct and improper interference with the judicial complaint process under Rule 4(a)(6).

As Circuit Executive, Ms. Goldberg holds an administrative position of trust that includes a duty to faithfully apply the rules governing judicial conduct, complaint review, and selection procedures. Under Rule 4(a)(6) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, administrative officers "must not engage in conduct prejudicial to the effective and expeditious administration of the business of the courts." By misrepresenting facts that were plainly contradicted by the very documents attached to her own response, Ms. Goldberg not only

impeded a valid complaint, but failed in her obligation to ensure procedural integrity and transparency in a matter affecting the lawful selection of a judicial officer.

Whether this misstatement was the result of willful misrepresentation or reckless indifference, it undermines the credibility of the Judicial Council's response and must be corrected to preserve confidence in this body's role as a lawful oversight mechanism.

It is equally troubling that Chief Judge Landya B. McCafferty, who signed both Administrative Orders 22-15 and 22-18, knowingly allowed Attorney Saint-Marc to serve on the panel for over a month before subsequently appointing her to the magistrate judge position. Given that 28 U.S.C. § 631(b)(5) explicitly bars such conduct, and given Judge McCafferty's dual role in initiating and overseeing the selection process, this sequence of actions cannot be credibly dismissed as inadvertent. It suggests a willful circumvention of federal law, and the use of official authority to facilitate an unlawful and ethically compromised judicial appointment.

On April 17, 2023, Saint-Marc formally took the oath of office as Magistrate Judge. Her appointment occurred months after her service on the panel—meaning every judge involved in her final selection had ample opportunity to review the administrative record, which included her disqualifying role. This confirms that multiple Article III judges knowingly ratified an unlawful appointment in violation of 28 U.S.C. § 631(b)(5).

There is an additional, deeper concern: if Attorney Saint-Marc served on the Merit Selection Panel during any portion of its review or discussion process, all other panel members would have collaborated with her in the evaluation of applicants. Then, shortly after her withdrawal, those same individuals—or a largely unchanged panel—recommended her for the very position.

This sequence creates a clear appearance that her appointment was not based on independent, impartial evaluation, but rather on a pre-coordinated or insider process that violates the purpose and protections of 28 U.S.C. § 631(b)(5). Even if Saint-Marc did not cast a vote for herself, her mere involvement in internal deliberations would have:

- Shaped selection criteria,
- Influenced others through early input, and
- Afforded her access to the confidential process that no other applicant enjoyed.

That creates structural unfairness and taints the recommendation process. It raises serious questions about whether any panelist disclosed this conflict to the court, or whether the entire panel knowingly participated in a process that violated federal law.

At a minimum, this warrants further investigation and corrective action. A sanitized substitution of one panelist after six weeks of participation does not cure the underlying misconduct.

III. RULE VIOLATIONS AND GOVERNING STANDARDS

This conduct violates the following:

- **28 U.S.C. § 631(b)(5)** – Prohibits conflicted individuals from serving on selection panels.
- **Rule 4(a)(1)** – Conduct prejudicial to the administration of justice.
- **Rule 4(a)(3)** – Failure to uphold statutory obligations.
- **Rule 4(a)(6)** – Administrative misconduct (Goldberg).
- **Rule 4(d)** – Participation in concealment or failure to disclose known misconduct.

IV. RELIEF REQUESTED

I respectfully request:

1. That this complaint be formally docketed and reviewed under Rule 6.
2. That the Judicial Council determine whether the appointment of Saint-Marc violated § 631(b)(5).
3. That appropriate disciplinary action be considered against:
    - Susan Goldberg, for knowingly issuing false statements;
    - Judge McCafferty, for knowingly violating federal appointment law;
    - Panel members, for participating in or concealing misconduct;
    - District judges, for ratifying an illegal appointment;
    - First Circuit judges, for failing to take corrective action.
4. That this matter be referred to the Judicial Conference if misconduct is substantiated.
5. Under Rule 6(d), a complaint must be accepted for review if it "states facts that, if true, would constitute misconduct." This complaint plainly meets that threshold.

V. ATTACHMENTS (included)

- Administrative Order 22-15 (appointing panel)
- Administrative Order 22-18 (replacing Saint-Marc)
- April 7, 2025 complaint
- April 22, 2025 response by Susan Goldberg
- May 2, 2025 rebuttal letter
- Publicly available nomination vote records
- Declaration of Daniel E. Hall

VI. DECLARATION

I, Daniel E. Hall, declare under penalty of perjury under the laws of the United States that the information contained in this complaint and attached documents is true and correct to the best of my knowledge and belief.

Executed this 3rd day of May, 2025.
Manchester, NH

Daniel E. Hall

Respectfully,

Daniel E. Hall

May 3, 2025
Manchester, NH 03103
(603) 948-8706
Hallvtwitter@gmail.com

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

ADMINISTRATIVE ORDER 22-_15_

ORDER

At its September 28, 2021, session, the Judicial Conference of the United States Courts authorized an additional full-time magistrate judge position for the United States District Court for the District of New Hampshire. Pursuant to 28 U.S.C. § 631 and standards and procedures promulgated by the Judicial Conference of the United States, the court shall assemble a Merit Selection Panel for the purpose of identifying and recommending persons best qualified to fill the open magistrate judge position. More specifically, the Merit Selection Panel is charged with the responsibility of recommending to the court "individuals whose character, experience, ability, and commitment to equal justice under the law fully qualify them to serve as a United State Magistrate Judge." The following individuals are appointed to serve as members of the Merit Selection Panel:

Cathy Green, Esq., Chairperson
Laura Kiernan Beeson
Talesha L. Saint-Marc, Esq.
Mary Jane King
Richard Guerriero, Esq.
Sam Garland, Esq.
Lauren Irwin, Esq.
Nick Abramson, Esq.
Mark Zuckerman, Esq.

The Merit Selection Panel shall undertake its responsibilities in compliance with 28 U.S.C. § 631(b)(5) and the rules established by the Judicial Conference of the United States. By December 16th, 2022, the panel shall submit its recommendations to the court and attach all written information the panel has received or prepared concerning the appointment process. Six members of the panel shall constitute a quorum.

SO ORDERED.

Date: _09/06/2022_

Landya B. McCafferty, Chief Judge

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

ADMINISTRATIVE ORDER 22-_18_

ORDER

At its September 28, 2021, session, the Judicial Conference of the United States Courts authorized an additional full-time magistrate judge position for the United States District Court for the District of New Hampshire. Pursuant to 28 U.S.C. § 631 and standards and procedures promulgated by the Judicial Conference of the United States, the court shall assemble a Merit Selection Panel for the purpose of identifying and recommending persons best qualified to fill the open magistrate judge position. More specifically, the Merit Selection Panel is charged with the responsibility of recommending to the court "individuals whose character, experience, ability, and commitment to equal justice under the law fully qualify them to serve as a United State Magistrate Judge." The following individuals are appointed to serve as members of the Merit Selection Panel:

Cathy Green, Esq., Chairperson
Laura Kiernan Beeson
Mary Jane King
Richard Guerriero, Esq.
Sam Garland, Esq.
Lauren Irwin, Esq.
Nick Abramson, Esq.
Mark Zuckerman, Esq.
Megan Carrier, Esq.

The Merit Selection Panel shall undertake its responsibilities in compliance with 28 U.S.C. § 631(b)(5) and the rules established by the Judicial Conference of the United States. By December 16th, 2022, the panel shall submit its recommendations to the court and attach all written information the panel has received or prepared concerning the appointment process. Six members of the panel shall constitute a quorum.

SO ORDERED.

Date: _10/20/2022_

Landya B. McCafferty, Chief Judge

UNITED STATES COURTS FOR THE FIRST CIRCUIT
OFFICE OF THE CIRCUIT EXECUTIVE
JOHN JOSEPH MOAKLEY UNITED STATES COURTHOUSE
1 COURTHOUSE WAY - SUITE 3700
BOSTON, MA 02210

SUSAN J. GOLDBERG
CIRCUIT EXECUTIVE
617-748-9614

FLORENCE PAGANO
DEPUTY CIRCUIT EXECUTIVE
617-748-9376

May 15, 2025

Judicial Council Order (Rule 20.3)

Daniel E. Hall
393 Merrimack Street
Manchester, NH 03103

Re: Rebuttal and Request for Reconsideration – Misrepresentation of Merit Selection Panel Participation (Magistrate Judge Selection / Saint-Marc)

Dear Mr. Hall:

I have received the enclosed submission, dated May 3, 2025. A judicial misconduct complaint must be filed in accordance with the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct). Your submission, dated May 3, 2025, which has been reviewed in accordance with Rule 5(b) of the Rules of Judicial-Conduct, does not clearly identify the subject judge(s) as required by the Rules of Judicial-Conduct. See Rules of Judicial-Conduct, Rule 1(b) (providing that the governing statute and the Rules of Judicial-Conduct apply only "to judges of United States courts of appeals, judges of United States district courts, judges of United States bankruptcy courts, United States magistrate judges, and judges of the courts specified in 28 U.S.C. § 363"). No further action will be taken on the matter unless and until a complaint is filed that clearly identifies the subject judge(s) and otherwise complies with the Rules of Judicial-Conduct. See Rules of Judicial-Conduct, Rules 1(b), 3(h), 5, and 6.

Best regards,

Susan Goldberg
Circuit Executive

Enclosure

Daniel E. Hall
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(603) 948-8706

May 21, 2025

Judicial Council of the First Circuit
Circuit Executive's Office
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 3700
Boston, MA 02210

Re: Supplemental Identification of Subject Judges and Request for Recusal of Circuit Executive Susan Goldberg

To the Judicial Council:

This letter supplements my previous filings dated April 7, 2025, and May 3, 2025, concerning the **unlawful participation of Talesha L. Saint-Marc** in the Merit Selection Panel under Administrative Order 22-15, her subsequent **appointment as magistrate judge**, and the associated **administrative misconduct** of **Circuit Executive Susan Goldberg**.

Additionally, I respectfully request that this submission be **formally merged with or appended to my prior verified complaint and addendum** filed on May 3, 2025, (enclosed EXHIBIT A) concerning the same subject matter. That complaint was submitted with a sworn verification under penalty of perjury and asserted violations of 28 U.S.C. § 631(b)(5), Rule 4(a)(6), and Rule 25(f). It contains further factual detail regarding structural fraud, false statements by Circuit Executive Goldberg, and the compromised nature of the Merit Selection process.

To avoid procedural confusion or artificial fragmentation, this letter must be treated as a supplement to that already-verified filing and formally docketed as part of the same consolidated judicial misconduct complaint.

In response to Ms. Goldberg's May 15, 2025 correspondence asserting that I must "identify the judge(s) against whom your complaint is directed," I now provide the following clarification and assert my rights under **Rule 6(b)** of the *Rules for Judicial-Conduct and Judicial-Disability Proceedings*.

I. Identification of Subject Judges and Merit Panel

Pursuant to Rule 6(b), the following federal judges are reasonably identified as subjects of this complaint:

1. **Magistrate Judge Talesha L. Saint-Marc**, who:

- Was officially appointed to the Merit Selection Panel by Administrative Order 22-15 (dated September 6, 2022), thereby assuming a formal role in evaluating applicants for the magistrate judge position in the District of New Hampshire;
- Remained on the panel for **44 days** before her replacement was announced in Administrative Order 22-18 (dated October 20, 2022), during which time she held access to confidential evaluation materials and participated in internal deliberative functions;
- Later accepted appointment to the very magistrate judgeship she helped screen — a sequence of events that **violates 28 U.S.C. § 631(b)(5)**, which plainly states: *"No person being considered for the position may serve on the panel"*;
- Was therefore **ineligible to be nominated or appointed under the law**, and her installation to the bench occurred through a structurally invalid and statutorily barred process.

Judge Saint-Marc's participation in the selection panel and her subsequent acceptance of appointment constitute an **inherent legal conflict** and **render her judicial appointment void under federal statute**. Her actions further implicate violations of **Canon 2A** (appearance of impropriety) and **Canon 3C(1)** (mandatory disqualification due to prior involvement in the matter). Her acceptance of the position, while knowing or having reason to know of her earlier panel service, constitutes judicial misconduct and supports her inclusion as a named subject in this complaint.

2. Chief Judge Landya B. McCafferty, who:

- Signed **Administrative Order 22-15** (Sept. 6, 2022), which appointed Talesha L. Saint-Marc to the Merit Selection Panel in direct violation of **28 U.S.C. § 631(b)(5)**;
- Later signed **Administrative Order 22-18** (Oct. 20, 2022), belatedly replacing Saint-Marc after 44 days of presumed service;
- Oversaw and authorized the final appointment of Saint-Marc to the very position she helped evaluate.

3. The Article III judges serving on the U.S. District Court for the District of New Hampshire at the time of Saint-Marc's nomination—specifically Judges **Steven J. McAuliffe, Samantha D. Elliott, Joseph N. Laplante**, and **Senior Judge Paul J. Barbadoro**—are likewise subject to this complaint. Each had a legal duty to ensure that no ineligible candidate—particularly one who had served on the Merit Selection Panel—could be nominated or confirmed in violation of 28 U.S.C. § 631(b)(5). Their approval of Saint-Marc's appointment despite this statutory bar demonstrates either a knowing circumvention of the law or reckless indifference to its requirements. Her installation was not a lawful judicial appointment, but a structurally void act, implicating all judges who participated in or failed to correct it.

1. All nine **members of the Merit Selection Panel** named in Administrative Order 22-15:
   - Cathy Green, Esq. (Chair)
   - Laura Kiernan Beeson
   - Talesha L. Saint-Marc, Esq.

- Mary Jane King
- Richard Guerriero, Esq.
- Sam Garland, Esq.
- Lauren Irwin, Esq.
- Nick Abramson, Esq.
- Mark Zuckerman, Esq.

II. Assertion of Rule 6(b) Rights

Under Rule 6(b), if a complaint **reasonably identifies a subject judge** and **alleges misconduct**, it must be **docketed** regardless of formatting or preferred phrasing. This rule applies even if the complaint does not follow Rule 6(a) requirements.

"If a complaint is received that is not in the form required by Rule 6(a), the circuit clerk must docket the complaint if it contains information reasonably identifying a subject judge and alleging misconduct."

This standard is **clearly met**. My April 7 and May 3 filings not only identify relevant judges and administrative orders, but also allege:

- Violations of 28 U.S.C. § 631(b)(5),
- Judicial self-dealing and circumvention of appointment rules,
- Conduct prejudicial to the integrity of judicial administration.

Therefore, any refusal to docket or evaluate this complaint is improper and constitutes a **violation of Rule 6(b)**.

III. Request for Immediate Recusal of Susan Goldberg

Circuit Executive Susan Goldberg is a **named actor** in this matter. Her April 22 letter included a **materially false claim**—that Attorney Saint-Marc "did not serve on the Merit Selection Panel"—a statement directly contradicted by Administrative Order 22-15.

Goldberg's continued involvement constitutes:

- A **conflict of interest**;
- A potential violation of **Rule 4(a)(6)**, which bars administrative officers from conduct prejudicial to the administration of justice;
- A chilling effect on the integrity of the judicial misconduct complaint process.

I hereby request that Ms. Goldberg be **recused** from any further handling of this matter and that oversight of this complaint be transferred to a **neutral judicial officer or designated reviewer**.

IV. Relief Requested

1. That this complaint be **docketed** under Rule 6(b);
2. That the **factual misstatements** in Goldberg's April 22 and May 15 letters be corrected;
3. That Ms. Goldberg be **recused** from further involvement;
4. That the Judicial Council **formally determine** whether the appointment of Ms. Saint-Marc violated 28 U.S.C. § 631(b)(5) and whether judicial misconduct occurred;
5. That all correspondence and procedural responses henceforth be issued by a **neutral officer** not implicated in the events at issue.

V. Request for Consolidated Oversight and Rule 25(f) Reassignment

I respectfully request that the Judicial Council ensure this complaint is treated as a **single, unified matter**, rather than fragmented across multiple case numbers. The conduct at issue arises from a single, continuous course of events involving the unlawful installation of Magistrate Judge Talesha L. Saint-Marc and the enabling actions or omissions by multiple judges in the District of New Hampshire. The attempt to divide this complaint into separate proceedings would undermine proper review under Rule 11 and obscure the systemic nature of the misconduct.

Moreover, because I have also submitted a separate judicial misconduct complaint involving multiple First Circuit appellate judges, including Chief Judge David J. Barron, Complaint Nos. 01-25-90016- 01-25-90027, and because **Circuit Executive Susan Goldberg** has participated in both matters, **Rule 25(a) disqualifications apply** to the entire Council. Under **Rule 25(f)**, only the **Chief Justice of the United States** may now designate a neutral chief judge from another circuit to perform the duties required by Rule 11.

I therefore additionally request that:

1. **That this matter be treated as one consolidated complaint, not multiple fragmented proceedings;**
2. **That no severance or dismissal occur except by order of a neutral chief judge designated pursuant to Rule 25(f);**
3. The First Circuit confirm whether **referral to the Chief Justice has occurred**, and if so, disclose the identity of the **designated reviewing authority**.

Respectfully,
Daniel E. Hall
May 21, 2025

Enclosures: Prior filings (April 7, May 3), Administrative Orders 22-15 and 22-18

UNITED STATES COURTS FOR THE FIRST CIRCUIT
OFFICE OF THE CIRCUIT EXECUTIVE
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1 COURTHOUSE WAY - SUITE 3700
BOSTON, MA 02210

SUSAN J. GOLDBERG
CIRCUIT EXECUTIVE
617-748-9614

KELLY D. MCQUILLAN
DEPUTY CIRCUIT EXECUTIVE
617-748-9327

June 6, 2025

Daniel E. Hall
393 Merrimack Street
Manchester, NH 03103

Judicial Council Order (Rule 20.3)

Re: Complaint Nos. 01-25-90033 - 01-25-90038

Dear Mr. Hall:

Your complaint of judicial misconduct against Chief Judge McCafferty, Judge Laplante, Judge Elliott, Judge McAuliffe, Judge Barbadoro, and Magistrate Judge Saint-Marc has been received and shall be processed in accordance with the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct). See Rules of Judicial-Conduct, Rule 8 and Commentary on Rule 8 (permitting the assignment of separate docket numbers for each subject judge named in a single complaint).

Please note that the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364, and the Rules of Judicial-Conduct only provide for the filing of complaints against current federal judges. See 28 U.S.C. § 351(d)(1) and Rules of Judicial-Conduct, Rule 1(b) (providing that the governing statute and the Rules of Judicial-Conduct apply only "to judges of United States courts of appeals, judges of United States district courts, judges of United States bankruptcy courts, United States magistrate judges, and judges of the courts specified in 28 U.S.C. § 363").

Best regards,

Gina Riccio
Assistant Circuit Executive for Legal Affairs

Daniel E. Hall
393 Merrimack Street
Manchester, NH 03103

June 17, 2025

Office of the Circuit Executive
United States Courts for the First Circuit
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 3700
Boston, MA 02210

Attn: Gina Riccio, Assistant Circuit Executive

Re: Misconduct Complaint Nos. 01-25-90033 through 01-25-90038
Rule 25(f) Violations and Procedural Obstruction

Dear Ms. Riccio,

Your June 6, 2025 letter acknowledges receipt of my May 21 follow-up regarding my judicial misconduct complaints. However, your response failed to address any of the procedural concerns I raised, including multiple disqualification conflicts, improper fragmentation, and the statutory requirement for reassignment under **Rule 25(f)** of the *Rules for Judicial-Conduct and Judicial-Disability Proceedings*.

As made clear in my prior correspondence:

1. **Circuit Executive Susan Goldberg is a named subject** of the complaint and therefore cannot be involved in its administration.
2. **Chief Judge Barron is also disqualified**, and any action taken by him—including fragmentation of the complaint—is legally invalid.
3. Under **Rule 25(f)**, when all circuit judges are disqualified, the **Chief Justice of the United States must designate a chief judge from another circuit** to perform all Rule-based duties.
4. **You have provided no documentation or confirmation** that such a designation has occurred.

Your continued administrative involvement in these matters—despite unresolved conflicts of interest involving your office and Ms. Goldberg—raises serious concerns regarding procedural integrity and potential obstruction.

Moreover, your reliance on **Rule 8(a)** to justify procedural fragmentation is not only misleading—it is potentially unlawful under the Rules:

What Is Misleading (and Potentially Unlawful in This Case):

1. Separate dockets ≠ separate proceedings.
While Rule 8(a) allows for assigning multiple docket numbers when a complaint names multiple judges, the Commentary makes clear that such complaints *must be treated as a single matter for investigation and disposition*, absent "special circumstances." The unilateral splitting of my complaint into 12 procedurally distinct matters—each subject to separate rulings—is not supported by Rule 8.

2. Only a Chief Judge may authorize severance under Rule 11(b).
Fragmentation beyond mere docketing (e.g., for investigation or disposition purposes) must be explicitly justified in writing under Rule 11(b), which allows a chief judge to sever a complaint into multiple proceedings only when appropriate. I have received no such explanation, and the authority for this severance remains unverified.

3. In this case, every First Circuit judge is disqualified.
Because all circuit judges—including Chief Judge Barron—are named and disqualified, none of them may lawfully sever or process the complaint. Any such actions would be void unless and until reassigned to a neutral Chief Judge under Rule 25(f).

4. Procedural fragmentation in this context is not merely clerical—it constitutes manipulation.
If this fragmentation has led or will lead to separate reviews, dismissals, or delays, it amounts to more than a docketing issue. It is **procedural manipulation** under Rule 11, and a likely **due process violation** given the tainted authority under which it was executed.

Accordingly, I now formally demand:

- Immediate confirmation as to whether **Chief Judge Barron or any other disqualified judge** authorized the fragmentation or administrative processing of these complaints;
- A written declaration of whether the **Chief Justice of the United States has reassigned the matter** to an external Chief Judge pursuant to Rule 25(f); and
- A clear statement identifying who currently holds lawful authority over this complaint's processing, investigation, and adjudication.

If no reassignment has occurred, then **no further procedural actions may lawfully proceed**, and any decisions, dismissals, or administrative activity stemming from disqualified personnel must be deemed null and void.

Until these threshold matters are resolved transparently and in accordance with the governing Rules, this office remains under a cloud of administrative impropriety. If necessary, further responses will be directed to the Chief Justice, the Judicial Conference, and the relevant congressional oversight committees.

Respectfully,

/s/ Daniel E. Hall
Pro Se Complainant

Declaration of Daniel E. Hall

Pursuant to 28 U.S.C. § 1746, I, Daniel E. Hall, declare under penalty of perjury that the following is true and correct:

1. **On May 21, 2025**, I submitted a letter to the First Circuit Judicial Council formally objecting to the continued involvement of Susan Goldberg, Circuit Executive, and Chief Judge David J. Barron in the handling of judicial misconduct complaints in which they are named subjects.
2. **On June 6, 2025**, I received a response signed by Gina Riccio, Assistant Circuit Executive, which failed to address my requests for confirmation of disqualification, reassignment under Rule 25(f), or authority behind complaint fragmentation.
3. As of the date of this declaration, I have received **no confirmation or documentation** indicating that Chief Judge Barron has recused or that the Chief Justice of the United States has reassigned this matter to a neutral chief judge from another circuit as required under Rule 25(f).
4. I have also received **no written explanation under Rule 11(b)** justifying the severance of my unified complaint into twelve separate proceedings.
5. Based on the June 6 letter and continued silence from the Council, I believe that all procedural actions taken so far—especially the fragmentation and administrative handling—have been executed by **conflicted or disqualified parties**, rendering them improper and void.
6. I submit this declaration in support of my attached response letter and reserve the right to supplement this declaration as further facts become known.

I make this declaration for the purpose of preserving a clear record and reserving all legal rights under applicable judicial and constitutional provisions.

Executed on this 17th day of June, 2025.

/s/ Daniel E. Hall
Manchester, NH

UNITED STATES COURTS FOR THE FIRST CIRCUIT
OFFICE OF THE CIRCUIT EXECUTIVE
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DEPUTY CIRCUIT EXECUTIVE
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July 3, 2025

Daniel E. Hall
393 Merrimack Street
Manchester, NH 03103

Judicial Council Order (Rule 20.3)

Re: Complaint Nos. 01-25-90016 - 01-25-90027 and 01-25-90033 - 01-25-90038

Dear Mr. Hall:

The enclosed correspondences, dated June 17, 2025, have been referred to me. You currently have **two** pending complaints of judicial misconduct: (1) Complaint Nos. 01-25-90016 - 01-25-90027 against Chief Judge Barron, Judge Lynch, Judge Howard, Judge Thompson, Judge Kayatta, Judge Gelpí, Judge Montecalvo, Judge Rikelman, Chief Judge McCafferty, Judge McAuliffe, Judge Elliott, and Magistrate Judge Johnstone (dated May 3, 2025 and accepted on May 15, 2025); and (2) Complaint Nos. 01-25-90033 - 01-25-90038 against Chief Judge McCafferty, Judge Laplante, Judge Elliott, Judge McAuliffe, Judge Barbadoro, and Magistrate Judge Saint-Marc (dated May 3, 2025, supplemented on May 21, 2025, and accepted on June 6, 2025). Each of the two complaints is under review, pursuant to Rule 11 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), and in accordance with the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364, and the Rules of Judicial-Conduct. Please note that Rule 25 of the Rules of Judicial-Conduct addresses a judge's disqualification from participating in the consideration of a judicial misconduct complaint and the Rules of Judicial-Conduct do not provide a mechanism for adding judges to an existing judicial misconduct complaint. If you would like to initiate a complaint against a judge, you may do so in accordance with the Rules of Judicial-Conduct. Please also note that there is no judge on the U.S. Court of Appeals for the First Circuit named David J. Lynch.

Best regards,

Gina Riccio
Assistant Circuit Executive for Legal Affairs

Enclosure