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Respectfully submitted,  By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Attorney in Fact  **STATEMENT OF THE CASE AND FACTS**  **\*\*THIS SECTION IS NOT A TEMPLATE.\*\***  **\*\*DO YOUR DUE DILIGENCE TO TELL THE EVENTS.\*\***  1.  On Date You Got a Ticket / Got Arrested / Got Notice of Foreclosure / etc., Defendant FIRST MIDDLE LAST was charged with violating Sections § 40-5-121 and 16-13-72 **(if you were charged with a statutory offense)** of the  Official Code of Georgia Annotated (“O.C.G.A.”).  2.  Defendant was booked and incarcerated at the NAME OF JAIL / CORRECTIONS FACILITY from Date of Arrest until Date of Release at which time  Defendant posted an appearance bond in the amount of $1500.  3.  The above-signed Attorney in Fact filed a Motion to Dismiss on behalf of  Defendant on Date You Filed Anything which was denied by the presiding judge.  4.  On Court Date, 2024, the Defendant was deemed to be absent, and a failure to appear was filed along with a bench warrant for the arrest of FIRST MIDDLE LAST signed by the order of Judge Judge Name Here, hereinafter “Judge”.  5.  The appearance bond for the bailment of Defendant was revoked and sold.  A plea of NOT GUILTY was entered on behalf of Defendant by Judge.  6.  The Attorney in Fact for Defendant was detained and arrested as a surety for the  debt of Defendant at or near the intersection of Airport Road and Industrial Boulevard **(place you were detained)** and incarcerated at NAME OF JAIL / CORRECTIONS FACILITY from Date of Arrest until Date of Release.  7.  Defendant posted a new appearance bond in the amount of $2500 and was assigned  a court date for a non-jury trial on Trial Date, 2024.  8.  Certified copies of the oath of office and the official bond for the presiding judge  were requested by the Attorney in Fact for Defendant.  Only a certified copy of the oath of office was produced.  **(Always request the oath / bond beforehand.)**  9.  Defendant was found guilty of the associated charges in the matter at trial  and sentenced to 15 days in jail and $2200 in fines **(if this is applicable)**.  10.  The Attorney in Fact for Defendant filed G.S.A. bonds and associated tax forms in regards to the above-titled matter which were ignored by Judge.  **\*\*THIS SECTION MAY BE LONGER. TELL THE TRUTH.\*\***  **MEMORANDUM OF POINTS AND AUTHORITIES**     1. Federal Rules of Civil Procedure,   Rule 2 – One Form of Action:  “There is one form of action – the civil action.”   1. Federal Rules of Civil Procedure,   Rule 17(a) – Real Parties in Interest:  “(1) Designation in General – An action must be prosecuted in the name of the real party in interest. The following may sue in their own names without joining the person for whose benefit the action is brought: An (a) executor, (b) an administrator, (c) a guardian, (d) a bailee, (e) a trustee of an express trust, (f) a party with whom or in whose name a contract has been made for the benefit of another, or (g) a party authorized by stature.  (2) Action in the Name of the United States for Another’s Use or Benefit –When a federal statute so provides, an action for another’s use or benefit must be brought in the name of the United States.  (3) Joinder of the Real Party in Interest - The court may not dismiss an action for failure to prosecute in the name of the real party in interest until, after an objection, a reasonable time has been allowed for the real party in interest to ratify, join, or be substituted into the action. After ratification, joinder, or substitution, the action proceeds as if it had been originally commenced by the real party in interest.”   1. Federal Rules of Criminal Procedure,   Rule 3 – The Complaint:  “The complaint is a written statement of the essential facts constituting the offense charged. Except as provided in Rule 4.1, it must be made under oath before a magistrate judge or, if none is reasonably available, before a state or local judicial officer.”   1. Rule 5.1 of the Federal Rules of Civil Procedure entitles a litigant to challenge a statute on the basis of its constitutionality by way of a pleading, written motion, or other paper. Upon notice raising the constitutional question under this rule issued to the state attorney general or to the federal attorney general, the court must certify to the appropriate attorney that a statute has been challenged pursuant to 28 U.S.C. § 2403. The attorney general may intervene within sixty (60) days regarding the challenge, but the court may not issue a final judgment on the challenge. (paraphrased for brevity) 2. Rule 16 of the Federal Rules of Criminal Procedure entitles the Defendant to all incriminating evidence in the government’s possession including but not limited to statements, testimony, reports, examinations, tests, prior criminal records, tangible objects, photographs, and other data (or copies or portions of any of these items) as an operation of discovery. The United States Supreme Court has ruled that the withholding of exculpatory and/or impeaching evidence is against due process of law in the case of *Brady v. Maryland*. Another relevant case concerning the disclosure of evidence is *Giglio v. United* States, 405 U.S. 150 (1972). Failure to comply with the process of discovery may result in the suppression of undisclosed evidence as per Fed R. Crim. P. 16(d)(2)(C).   O.C.G.A. § 17-16-6, § 17-16-21, § 17-16-22 subsections (c) and (d), and § 17-16-23(c) clearly state that the prosecution cannot introduce any undisclosed evidence if they fail to comply with the defendant’s request for discovery.  **(your state’s statute(s) on failure to comply with the discovery process)**   1. A judge should diligently discharge the judge’s administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials as part of the Judicial Canon.   **Find some cases for your state and add / substitute to what is below. (optional)**   1. Even if a court / judge has or appears to have subject matter jurisdiction to adjudicate a case, subject matter jurisdiction can be lost. The following are major reasons why subject matter jurisdiction is lost: (1) no petition in the record of the case – *Brown v. Van Keuren* [340 Ill. 118, 122 (1930)], *Benton v. Maddox* [52 Ga. App. 813 (1936)]; (2) defective petition filed – *Murphy v. Murphy* [263 Ga. 280 (1993)]; (3) fraud committed in the procurement of jurisdiction – *Fredman Brothers Furniture v. Dept. of Revenue* [109 Ill.2d 202, 486 N.E.2d 893 (1985)], *Tucker v. Tucker* [221 Ga. 128 (1965)];   (4) fraud upon the court – *In re Village of Willowbrook* [37 Ill. App. 3d 393 (1962)], *Hogg v. Hogg* [206 Ga. 691, 694 (1950)]; (5) if a judge does not follow statutory procedure – *Armstrong v. Obucino* [300 Ill. 140, 143 (1921)]; (6) unlawful activity of a judge or conduct against judicial canon – *Post v. State* [298 Ga. 241, 779 S.E.2d 624 (2015)]; (7) violation of due process – *Johnson v. Zerbst* [304 U.S. 458, 58 S. Ct. 1019**]**, *Hood v. Carsten* [267 Ga. 579, 481 S.E.2d 525 (1997)], *Pure Oil Co. v. City of Northlake* [10 Ill.2d 241, 245, 140 N.E.2d 289 (1956)], *Hallberg v. Goldblatt* *Bros.* [363 Ill. 25 (1936)]; (8) if the court exceeded its statutory authority – *Rosenstiel v. Rosenstiel* [278 F. Supp. 794 (S.D.N.Y., 1967)], *In re A.M.* [829 S.E.2d 422, 350 Ga. App. 333 (2019)]; (9) any acts in violation of 11 U.S.C. 362(a) – *In re Garcia* [109 B.R. 335 (N.D. Ill., 1989)]; (10) where no justiciable issue is presented to the court through proper pleadings – *Ligon v. Williams* [264 Ill. App. 3d 701, 637 N.E.2d 633 (1st Dist. 1994)], *Baker v. City of Marietta* [271 Ga. 210, 518 S.E.2d 879 (1999)]; (11) where a complaint states no cognizable cause of action against another party – *Charles v. Gore* [248 Ill. App. 3d 441, 618 N.E.2d 554 (1st. Dist. 1993)], *Martin v. Crawford* [199 Ga. 497 (1945)]; (12) where any litigant was represented before a court by a person or attorney that is prohibited to practice law in that jurisdiction, *Brown v. State* [242 Ga. 536 (1978)]; (13) when the judge is involved in a scheme of bribery – *United States v. Circuit Court of Cook County* [967 F. Supp. 1022 (N.D. Ill. 1997) - the Aleman cases], *Bracy v. Gramley, Warden* [520 U.S. 899 (1997)]; (14) where a summons was not properly issued – *Citizens Bank v. Alexander-Smith Academy, Inc.* [226 Ga. 871 (1970)]; (15) where service of process was not made pursuant to statute and court procedure – *Janove v. Bacon* [6 Ill.2d 245, 249, 218 N.E.2d 706, 708 (1953)], *Farahi v. Jordan* [238 Ga. App. 63, 517 S.E.2d 803 (1999)]; (16) when the rules of the court are not complied with, *Beresh v. Messmore* [261 Ga. 812, 411 S.E.2d 493 (1992)]; (17) when the judge does not act impartially – *State v. Wakefield* [324 Ga. App. 587, 751 S.E.2d 199 (2013)]; (18) where the statute is vague – *People v. Williams* [638 N.E.2d 207 (1st Dist. 1994)], *State v. Fielden* [280 Ga. 444, 629 S.E.2d 252 (2006)]; (19) when proper notice is not given to all parties by the movant – *Wilson v. Moore* [13 Ill. App. 3d 632, 301 N.E.2d 39 (1st Dist. 1973)], *U.S. Bank Nat’l Assn. v. Gordon* [289 Ga. 12, 709 S.E.2d 258 (2011)]; (20) where an order or judgment is based on a void order or judgment – *Austin v. Smith* [312 F.2d 337, 343 (1962)], *Nazario v. Georgia* [293 Ga. 480, 746 S.E.2d 109 (2013)]; or (21) where the public policy of Your State is violated, *Woody v. Georgia Farm Bureau Mutual Interest* [250 Ga. App. 454, 551 S.E.2d 836 (2001)].  First-Middle: Last asserts the right to challenge jurisdiction pursuant to the following case law:   |  | | --- | | 1.  “A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that  a void order can be challenged in any court.”  *Old Wayne Mut. Life Assoc. v. McDonough*,  204 U. S. 8, 27 S. Ct. 236 (1907)  2.  “There is no discretion to ignore lack of jurisdiction.”  *Joyce v. U.S.*, 474 F.2d 215 (3rd Cir. 1973)  3.  “Court must prove on the record, all jurisdiction facts  related to the jurisdiction asserted.”  *Lantana v. Hopper*, 102 F. 2d 118 (5th Cir. 1939);  *Chicago v. New York*, 37 F. Supp. 150  4.  “The law provides that once State and Federal Jurisdiction  has been challenged, it must be proven.”  *Main v. Thiboutot*, 100 S. Ct. 2502 (1980)  5.  “Jurisdiction can be challenged at any time.”  “Jurisdiction, once challenged, cannot be  assumed and must be decided.”  *Basso v. Utah Power & Light Co.*, 495 F.2d 906, 910 (1974)  6.  “Defense of lack of jurisdiction over the subject matter  may be raised at any time, even on appeal.”  *Hill Top Developers v. Holiday Pines Service Corp.*,  478 So. 2d. 368 (Fla. 2nd D.C.A. 1985)  7.  “Once challenged, jurisdiction cannot be assumed,  it must be proved to exist.”  *Stuck v. Medical Examiners*, 94 Cal. App. 2d 751, 211 P.2d 389 (1949)  8.  “The burden shifts to the court to prove jurisdiction.”  *Rosemound v. Lambert*, 469 F.2d 416 (1972)  9.  “The question of subject matter jurisdiction may be raised by the parties or the court, *sua sponte*, at any stage of the litigation.”  *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 506 (2006)  10.  “A universal principle as old as the law is that a proceeding of a court without jurisdiction are a nullity and its judgment therein  without effect either on person or property.”  *Norwood v. Renfield*, 34 C. 329; *Ex parte Giambonini*, 49 P. 732  11.  “Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void *ab initio*.”  *In re Wyatt*, 300 P. 132 (1931); In *re Cavitt*, 118 P.2d 846 (1941)  12.  “Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely  void in the fullest sense of the term.”  *Dillon v. Dillon*, 187 P. 27 (Cal. App. 1919)  13.  “A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance.”  *Rescue Army v. Municipal Court of Los Angeles*,  171 P.2d 8; 331 U.S. 549, 91 L. Ed. 1666, 67 S. Ct. 1409 (1947)  14.  “A departure by a court from those recognized and established requirements of law, however close apparent adherence to mere form in method of procedure, which has the effect of depriving one of a constitutional right, is an excess of jurisdiction.”  *Wuest v. Wuest*, 127 P.2d 934, 937 (1945)  15.  “Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris.”  *Merritt v. Hunter*, C.A. Kansas 170 F.2d 739 (10th Cir. 1948)  16.  “The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings.”  *Hagans v. Lavine*, 415 U.S. 533 (1974)  17.  “When it clearly appears that the court lacks jurisdiction, the court has no authority to reach the merits. In such a situation the  action should be dismissed for want of jurisdiction.”  *Melo v. U.S.*, 505 F.2d 1026 (8th Cir. 1974) |  1. Those holding federal, state, county, or municipal public office within the legislative, executive, or judicial branch including court officials, judges, prosecutors, law enforcement officers, and any and all others are required by the Constitution for the United States of America and statutory law to comply with Title 5 U.S.C. § 3331 (“oath of office”) before entering into public office. State officials are also required to meet the same or similar obligations according to State constitutions and state statutes. 2. First-Middle: Last now makes known before this Court that the taking of the oath of office makes public officials foreign to Your State. All oaths of office are specific notarial acts pursuant to 22 C.F.R. Sections § 92.12 - 92.30, and all whom hold public office change their nationality pursuant to Title 8 U.S.C. Section §1481(a)(2) – “Loss of nationality by native-born or naturalized citizen; voluntary action; burden of proof; presumptions”.   Under Title 22 U.S.C., Foreign Relations and Intercourse, Section § 611(c)(1), a public official is considered to be a foreign agent. In order to hold public office, the candidate must file a true and complete registration statement as an “agent of a foreign principal” with the Attorney General of that State as per 22 U.S.C. § 611(k) and 612(a). The oath of office requires the public official in his/her foreign capacity to uphold the constitutional form of government or face consequences.  Title 10 U.S.C. Section § 253, “Interference with State and Federal Law”, states:  “The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it— (1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or  (2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.  In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.”  Such willful action while serving in official capacity violates Title 18 U.S.C. Section §1918. Title 18 U.S.C. Section §1918, “Disloyalty and asserting the right to strike against the government”, states: “Whoever violates the provision of 7311 of title 5 that an individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he— (1) advocates the overthrow of our constitutional form of government; (2) is a member of an organization that he knows advocates the overthrow of our constitutional form of government;  (3) participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or  (4) is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia;  shall be fined under this title or imprisoned not more than one year and a day, or both.”  Actions of this dishonorable nature also deprive claimants of honest services.  Under Title 18 U.S.C. Section § 1346, the term “scheme or artifice to defraud” is defined as follows: “For the purposes of this chapter, the term ‘scheme or artifice to defraud’ includes a scheme or artifice to deprive another of the intangible right of honest services.”  The following treaties placed public offices of the United States in a foreign state under international law and under the United Nations jurisdiction: 49 Stat. 3097; Treaty Series 881 (U.S.T. 881) –  CONVENTION ON RIGHTS AND DUTIES OF STATES  In the 1945 I.O.I.A., the International Organizations Act of December 29, 1945 (59 Stat. 669; Title 22, Sections 288 to 2886 U.S.C.), the U.S. relinquished every office.  TITLE 8 > CHAPTER 12 > SUBCHAPTER I > § 1101 The term ‘foreign state’ includes outlying possessions of a foreign state, but self-governing dominions or territories under mandate or trusteeship shall be regarded as separate foreign states.  19 Corpus Juris Secundum § 883: ‘[T]he United States government is a FOREIGN CORPORATION with respect to a state.’  All ‘public servants’, officials, Congressmen, politicians, judges, attorneys, law enforcement officers, States and their various agencies, etc., are the expressed agents of these foreign principals.”   1. Whereas, a duly sworn judge must be able to produce a certified copy of both of his/her oath of office and official bond at any time as a matter of public records. The laws covering judges and other public officials (and their bonds) are found at 5 U.S.C. § 3331, 28 U.S.C. § 543, the Uniform Bonding Code, 29 U.S.C. § 1112, and O.C.G.A. Title 45 Chapter 4 (change to your state’s statutes chapter or code section on bonding of public officials), and if the judge has not complied with all of those provisions, he/she is not a judge but a trespasser upon the court. If he/she is proven a trespasser upon the court and/or upon the law, not one of his/her judgments, pronouncements, or orders is valid. All are null and void and *coram non judice*.   O.C.G.A. § 45-3-8 explicitly states:  Effect of Failure to Take and File Oath Generally.  “No officer or deputy required by law to take and file the oaths prescribed in Code Section 45-3-1 shall enter upon the duties of his office without first taking and filing the same in the proper office.”  O.C.G.A. § 45-3-9 states:  Entry Into Duties of Office Without Oath.  “Any officer or deputy required by law to take and file an official oath who shall enter upon the duties of his office without first taking and filing the same in the proper office shall be guilty of a misdemeanor.”  O.C.G.A. § 45-3-14 further states:  Effect of Failure to Sign Loyalty Oath.  “If any person required by Code Sections 45-3-11 through 45-3-13, this Code section, and Code Section 45-3-15 to execute a loyalty oath fails to sign said oath, then the governing authority under whom such person is employed shall cause such person's name to be taken from the payroll and such person shall not be permitted to receive any payment from the state.”  On official bonds, O.C.G.A. § 45-4-10 states:  Effect of Officer Failing to Comply with New Bond and Surety.  “If any officer shall fail to comply with the requisition of the Governor to furnish a new bond and surety within ten days from the date such officer is served personally with a copy of the executive order containing such requisition, he shall on account of such failure be removed from office and a vacancy declared.”  O.C.G.A. § 45-4-22 further states:  Effect of Official Act Before Bond Approved and Filed.  “a. No public officer required by law to give bond shall perform any official act before his bond is approved and filed as required.  b. Any such public officer who shall perform any official act before his bond is approved and filed shall be guilty of a misdemeanor.”  A public official that is required to file an official bond (and fails to do so) is liable to criminal penalties under similar state statutes.   1. *Coram non judice*, a legal maxim, is defined as:   “In presence of a person not a judge. When a suit is brought and determined in a court which has no jurisdiction in the matter, then it is said to be coram non judice, and the judgment is void. *Manufacturing Co. v. Holt*, 51 W. Va. 352, 41 S. E. 351” (source, Black’s Law Dict., 2nd Edition)  **ARGUMENT**   1. Plaintiff has not sufficiently proven subject matter jurisdiction which determines whether or not a court has the ability to adjudicate the matter, to wit First-Middle: Last has been prepared to show by court record and litigation before the Example County Presiding Judge. 2. Judge has not been able to produce certified copies for both of his/her oath of office and an official bond. Due to this fact, Judge is a trespasser upon the court and is guilty of a misdemeanor under O.C.G.A. § 45-3-9. 3. The prosecuting attorney for Plaintiff has not complied with Defendant’s motion for discovery; therefore, all undisclosed evidence in the possession of Plaintiff shall be suppressed. **(remove if not applicable)** 4. Meritorious defense. Plaintiff cannot or will not provide or submit proper proof that a claim or debt exists in order for a judgment to be valid. There is no complaint filed pursuant to Fed. R. Crim. P., Rule 3. 5. Objection for Lack of Ratification of Commencement. There is no claim stated upon which relief can be granted. The undersigned believes no proof of claim exists to be heard or to be presented as evidence on and for the record. 6. There is neither proof of an injured party nor trespass in the above-mentioned matter, and unless verifiable evidence to the contrary can be presented by the prosecution within the time frame allotted, none such exists; therefore, the matter must be vacated as all crimes are commercial per 27 C.F.R. § 72.11, and every alleged crime has to have “nature” and “cause” and must be prosecuted in the name of the People of the State. 7. A judge should be faithful to the law and maintain professional competence in it. Judge knowingly and intentionally violated O.C.G.A. § 17-5-21 when he/she did not place First-Middle: Last upon the stand and examine him/her under oath after First-Middle: Last filed a verified complaint before this court. 8. A judge shall accord to every person or that person’s lawyer who has a legal interest in a proceeding the right to be heard according to law. A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the ability of self-represented litigants to be fairly heard. Judge has not allowed First-Middle: Last to be fairly heard and has threatened First-Middle: Last that if he/she continued with the arguing of his/her Motion, he/she would be imprisoned indefinitely. Judge denied First-Middle: Last the Constitutional right to call a witness and the right to be heard according to law. Judge was made aware that First-Middle: Last had suffered injuries due to judicial misconduct of other judges and had been threatened by the bailiff and told in open court on Court Date Here, and Judge failed to report or afford FIRST MIDDLE LAST the right to equal protection of the law. 9. First-Middle: Last now makes known before the Court that Judge Judge Name Here has no respect for the law, does not comply with the law, does not install public confidence in the integrity and the impartiality of the judiciary, is not faithful to the law, and does not maintain professional competence in the law. Further, he/she conscientiously, arbitrarily, capriciously, deliberately, intentionally, and knowingly engaged in conduct in violation of his/her duty as a judge and of the Code of Judicial Conduct, engaged in actions in violation of the supreme law of the land and the law of Your State, engaged in acts of judicial treason, committed fraud upon the court, engaged in acts as a trespasser of the law, exceeded his/her lawful authority, engaged in acts to interfere with the undersigned litigant's legal duty imposed on the Defendant by this Court, aided and abetted criminal activity, committed barratry on the court and upon the Defendant, engaged in actions to conceal material from the court record, and colluded with the clerk of the court in covering up the disappearance of court records. (remove if not applicable) 10. Further, Plaintiff lacks subject matter jurisdiction in this case and has not responded with evidence proving said jurisdiction as required by established case law.   **CONCLUSION**  **THEREFORE**, this Petition shall be lawfully granted due to the facts made known in the supporting Memorandum of Law and Argument from First-Middle-Last. I, the undersigned Attorney in Fact for Defendant, request that a full and complete investigation into the willful violations of the Code of Judicial Conduct by Judge be made by the Judicial Inquiry Board and that the Chief Magistrate of NAME OF COURT HERE shall exercise supervisory jurisdiction in this case before this Court.  First-Middle: Last now moves this court to grant this petition by rescinding the judgment and/or any active warrant and by recusing Judge Judge Name Here or prepare a written order denying this Petition under oath pursuant to rule 603 of the Federal Rules of Evidence and compile the complete record for an interlocutory appeal in the appropriate venue.  Respectfully Submitted,  By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  First-Middle: Last, Attorney in Fact  for FIRST MIDDLE LAST, Defendant  ---------------------------------------- LAST PAGE ---------------------------------------- |  |