

From:

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Judicial Misconduct Complaints №01-16-90036-01-16-90041

To:¹

Florence Pagano
Asst. Cir. Exec. for Legal Affairs
Circuit Executive Office
Moakley Court House, Suite 3700
1 Courthouse Way
Boston, MA 02110
(617)748-9376
Florence_Pagano@ca1.uscourts.gov

Cc:

Judicial Conference Committee on Judicial Conduct and Disability
Attn: Office of the General Counsel
Administrative Office of the United States Courts
One Columbus Circle, NE
Washington, D.C. 20544
JCD_PetitionforReview@ao.uscourts.gov

March 6, 2017

**EMERGENCY OBJECTION AND
RELATED MOTION (WITH PROPOSAL)**

Dear Ms. Pagano:

OBJECTION

I hereby **OBJECT**, in the strongest possible terms, to *any* further participation, at *any* level, by (*any* member of) the First Circuit Judicial Council — or, indeed, by *any* judge of the First Circuit² — in reviewing: (i) my Complaints of Judicial Misconduct (two “old” ones filed on Sep. 12, 2016, and one *new* one, filed today); (ii) my Petition for Review (filed today). As **REA-**

1 • Delivered by both email and U.S. mail.

2 • **All six** Appellate judges have now been directly accused of judicial misconduct by me; and, all remaining judges (District, Magistrate, senior status) are thereby suspect as well (by reason of their relationships, dependencies and duties, both real and imagined (“presumption/appearance/suspicion” of misconduct), both by personal ties and by professional obedience, to the accused Appellate judges, and to one another) — *in toto*, amounting to disqualifying suspicion and/or reality of *conspiracy*.

SON, I state that there exists now (since the issuance of the Judicial Council's Opinion(/Order) on Jan. 27, 2017) a state of **complete lack of confidence** (both subjectively by me, and objectively by any rational third-party observer) that any justice will be afforded me within the purview of the First Circuit on these matters.

MOTION (WITH PROPOSAL)

As an emergency measure, and pursuant to the Objection, *supra*, I hereby **MOVE** that any further review of my Complaints and Petition be **removed** *entirely* from the purview or influence of the First Circuit; and, I **propose** it be *reassigned directly*³ to the Committee on Judicial Conduct and Disability (Cc'd hereto) (with *absolutely no participation* of the First Circuit therein, in any way/shape/form). As **REASON**, I refer to the Objection, *supra*, esp. its footnote f2. Under the prevailing circumstances, continued review of my Complaints/Petition with *any involvement* of First Circuit judges would be non-viable (irretrievably tainted by the appearance/suspicion/reality of improper bias/animus/retaliatory motives). Proceeding in denial of this reality would be irrevocably deleterious to the reputation of the First Circuit, and would indeed tend to destroy public faith/trust in the Federal Judiciary as an American institution — constituting a clear and present danger to the efficacy of governance in the United States of America as a whole.

In further support of the instant motion/proposal, we note that the current posture of our Judicial Misconduct Complaints is contemplated by the JCDR⁴ 25(a-c,f).

Too, **ethical considerations** *require* self-disqualification (applied to each and every individual judge involved in this Judicial Misconduct proceeding). Code of Conduct for United States (Federal) Judges, Canon 3(C) (1), emphasis added: "A judge **shall** disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned ..."

Finally, at the highest level, **large-scale (Federal government) policy considerations** *require* the Federal Judiciary to come up with an effective, innovative solution to this unique situation (widespread judicial corruption).

3 • Our proposal, while non-standard, is uniquely: (i) in conformity to the **emergency** nature of this motion; (ii) consistent with the intent of all rules/laws/codes of judicial conduct and ethics; (iii) practical; (iv) (potentially) effective; (v) the only choice (no viable alternative).

4 • Judicial Conduct & Disability Rules (including 1st Cir. Local Rules).

Sincerely yours,

A handwritten signature in blue ink that reads "WETuvell". The letters are cursive and connected, with a stylized "W" and "E" at the beginning.

Walter E. Tuvell