

Purpura / Laster
1802 Rue De La Port Dr.
Wall, New Jersey 07719
(732) 449-0856

Chief Judge Theodore A. McKee
U.S. Court of Appeals Third Circuit
20614 United States Courthouse
601 Market Street
Philadelphia, Pa. 19106-1790

July 31, 2011

Re; PURPURA et al v Sebelius Case No. 11-2303
TO BE MADE PART OF THE OFFICIAL RECORD

The Honorable Chief Judge Theodore A. McKee,

With all due respect, we ask your Honor: “Who is administering and supervising the operations of the Third Circuit Court of Appeals?” Pursuant to Article III, Section 11 Petitioners submit this letter as a formal complaint.

Currently, before this Court are the following motions and requests, all of which have been properly submitted, yet have failed to be properly addressed by the Court:

- Show Cause Order for a TRO which has still not been adjudicated; (Ignored)
- Motion to Vacate a procedurally infirm Extension of Time; (Ignored)
- Motion for Default of Appeal and Order for Declaratory Relief (Ignored)
- Motion to Recuse; (July 15, 2011) Order Denied (July 28, 2001)
- Motion for a Summary Judgment since the Extension of Time is illicit; (Ignored)
- Request for the names of those Judges that recused themselves; (Ignored)
- A request to be informed of which Judges are on the panel. (Denied)
- Motion for a Summary Judgment; (Ignored)
- Motion for an Entry of Default. (Ignored)
- Nor has a single letter forwarded to the Court been answered. (Ignored).

Thus we are forced to pose the questions that demand answers:

- Who is administering and in charge of this Court?
- Is the Court administered and run by the Rule of Law or by the whim and dictates of individuals as they chose, regardless of the law?
- Is our Judiciary taking us back to the 1770s when Royal Judges trampled on the Rights of the People?

In violation of Rules for Judicial-Conduct that state “Any judge is disqualified from participating in any proceeding under these Rules if said Judge has a financial interest in the outcome. The Rules mandate under those circumstances warrant disqualification.

Circuit Court Thomas I. Vanaskie in defiance of the Judicial Conduct Rules was justifiably asked by Motion as instructed by the Court to recuse himself, By Order signed on July 28, 2011, by Judge Vanaskie, without explanation, saying: “*The forging motion is denied.*” which is inadequate basis for his decision that abrogates the Judicial Conduct Rule placing himself above the Rules becoming a law unto himself!

It is inarguable Judge Vanaskie has a significant financial and personal interest in the outcome of this case that mandates his recusal.

What is even more distressing the core issue in this case before this [questionable] Honorable Court is a simple – did we, the original Petitioners (Plaintiffs – 600 plus Petitioners and citizen groups), have standing to challenge the Constitutionality of “H.R. 3590”.

Incontrovertible evidence abounds that the District Court and Department of Justice, acted in connivance, chose to manufacturer a fraudulent ‘standing’ argument by twisting existing Supreme Court precedent on ‘standing’ instead of following the law and/or proper judicial procedure throughout those proceedings. Not a single ruling was based upon the law, facts, or proper judicial procedure; all where found to be non-existent.

In short, the Supreme Court’s unanimous (9-0) ruling in “*Bond v United States*” 09-1127, as well as the recent ruling from the Sixth Circuit, “*Thomas More Law Center v Obama*” 10-2388, reinforces that Petitioners “*We the People*” have always had standing to challenge “H.R. 3590” and all of the issues related to this unconstitutional bill/law. This action in essence is over, that is if “due process” is adhered too.

Sadly this Court of Appeals for the Third Circuit appears to be emulating the illegal behavior of the District Court by engaging in stalling tactics and other questionable if not illegal procedural due process behaviors.

Simply put; the Department of Justice failed to answer or challenge any of the fifteen (15) Counts that identify nineteen (19) specific violations of the U.S. Constitution and conflicts with four (4) existing U.S. Laws. Thus admitting each Count is true and factual, see, *Fed. R. Civ. P. 8(d)*. And this was after months of protracting this Petition and judicial chicanery Petitioners are experiencing this same shameful and disgusting behavior in this Court.

Unfortunately, the procedurally infirm behavioral patterns exist in this Court of Appeals are outline above. Unsigned Show Cause Orders, the ignoring of Motions, and rightful legal requests go unanswered. A Clerk without judicial authority grants a motion that clearly violates of the rules. [In this case an extension of time for 30 days when the rules clearly limit any extension of time to 14 days that is only for good cause – the FRCP, FRAP and the LAR. were totally ignored].

Since when is "Being too busy" good cause for an extension of time. Does anyone read and follow the Rules in the Third Circuit? The rule specifically states that is not a valid reason for an extension of time.

Defendants submit a half a page of dribble to obscure the truth - we do not have an argument nor can we dispute the facts. By law, Defendants have defaulted at least five (5) times between the District Court and this Circuit Court. Can we expect the same treatment when we appear before the Court? By law, this Court is obligated to issue an Order rendering "H.R.3590" "*null and void*" based upon each of the 15-Counts submitted in Petitioners' Petition!

The issue is a simple – the Supreme Court has already stated "*We the People*" Petitioners have 'standing' as held in numerous Supreme Court rulings.

Indisputable the Department of Justice defaulted and a ruling in our favor is/was warranted. That is if the Court[s] adhered to the U.S. Constitution, *Black Letter Law* and proper judicial procedures.

Instead, the *FRCP* have not been replaced by the rule man by jurists who have sold out to a renegade Justice Department and Administration that is out of control.

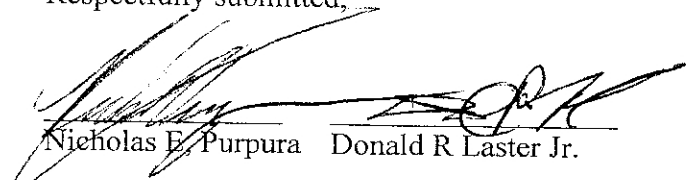
Thomas Aquinas quoted Augustine who stated:

"A good judge does nothing according to his private opinion, but pronounces sentence according to the law and the right."

So the question we respectfully ask in this Complaint: "Is this Court going to adhere to the Oath each jurist swore to uphold; the U.S. Constitution and Laws of this nation, and, follow proper Judicial Procedure to protect the Republic the founders of this Country gave us or continue us on the path to tyranny?"

We pray the honest Constitutional jurist in the Third Circuit who take their oath before God seriously as a body *En banc* demand an end to the disgraceful behavior that has been taking place by individuals on this Court for theirs, as well as the integrity of the Court, and judiciary as a whole.

Respectfully submitted,


Nicholas E. Purpura Donald R. Laster Jr.

July 31, 2011

Attachment: Motion to Recall and Vacate and Immediate Judicial Intervention by an *En banc* Court

CC: Clerk of the Court

Dana Kaersvang
Hon. Dolores K. Sloviter
Hon. Anthony J. Scirica
Hon. Marjorie O. Rendell
Hon. Maryanne Trump Barry
Hon. Thomas L. Ambro
Hon. Julio M. Fuentes
Hon. D. Brooks Smith
Hon. D. Michael Fisher
Hon. Michael A. Chagares
Hon. Kent A. Jordan
Hon. Thomas M. Hardiman
Hon. Joseph A. Greenaway, Jr
 Thomas I. Vanaskie
Hon. Ruggero J. Aldisert
Hon. Joseph F. Weis, Jr.
Hon. Leonard I. Garth
Hon. Walter K. Stapleton
Hon. Robert E. Cowen
Hon. Richard L. Nygaard
Hon. Jane R. Roth
Hon. Franklin S. Van Antwerpen