

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

August 2, 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,

Again, with all due respect, do you as Chief Judge condone what is taking place in your Court?

As we stated in our previous correspondence there were numerous pleadings, and justifiable request for information that we, Petitioners, were entitled too. Instead of receiving a proper judicial response we are saddled with Judge Greenaway's illegal actions.

Once again, your Court is instigating unnecessary litigation by blatantly violating the *FRCP*, *FRAP*, *LAR* and Supreme Court precedence, in short proper judicial procedure.

Clearly, Judge Greenaway's actions violate 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 mandates under these circumstances required disqualification. Instead, Judge Greenaway arrogantly in defiance of the Judicial Conduct Rules and without explanation, which is an inadequate basis for a decision not to recuse himself abrogates the Judicial Conduct Rules. Also, his decision and Order on the other matters before the Court blatantly violates proper procedural "due process" and precedent held by the Supreme Court of the United States. Thus placing himself above the Rules becoming a law unto himself!

What is more disconcerting this malefactor ruled on every motion without any hearings, or the required explanation that explains the basis of his reasoning on each pleading contained in his illegal Order. Yes, illegal!

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 were found to be non-existent.

I remind Your Honor of Supreme Court Judge, Antonin Scalia, words concerning the Doctrine of Standing as an Essential Element of Separation of Power, 17, Suffolk U. L. Rev. 881, 894 (1983) held

“[W]hen an individual who is the very object of a law’s requirement or prohibition seeks to challenge it, he always has standing.”

Obviously, "H.R. 3590" directly and specifically affects each of us. Thus we have standing and by all existing precedence will prevail if proper judicial due process and the law is obeyed. We would also remind Your Honor of 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, that 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. If proper judicial procedure, due process and the law are followed we have already prevailed. This action in essence is over, that is again, if “due process” and the law is adhered to.

That being said, following the behavior thus far exhibited by those under your jurisdiction, one can rightly conclude impartiality is impossible. As we stated in our previously correspondence 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, which is now without question!

Unfortunately, the procedurally infirm behavioral patterns exist in this Court of Appeals are plainly evident by Judge Greenaway’s ruling. See, attached new Motion to Recall and Vacate, and Judicial Intervention.

The question “*We the People*” ask; does this Court intend to adhere to *Black Letter Law* and proper judicial procedures? Most importantly, the U.S. Constitution, or have they been replaced by the rule of man. Any man of honor and integrity would have followed the law even if it were distasteful or repugnant to him.

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.”

We know there are good and Honorable Judges on the bench in the Third Circuit, but like the Greek myth of Diogenes, Petitioners are carrying a lantern through the Court in search of an Honest Judge. The implication is that there is little hope of finding any especially in the dire political situation that appear to be governing this Court.

We would appreciate you assigning those Honorable jurist to this matter to this case, and immediately remove Mr. Obama's marionette from adjudicating this matter as required by the Judicial Conduct Rules!

So the question we respectfully asked on July 31, 2011 in our 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?" Sadly it appears the answer thus far is NO!

Is this Court going to adhere to the Rule of Law and United States Supreme Court decisions as written and meant?

We pray as a body (excluding Vanaskie and Greenaway) *En banc* put an end to the disgraceful behavior that has been taking place for the integrity of the Court, and judiciary as a whole.

Respectfully submitted,

Nicholas E, Purpura Donald R Laster Jr.

August 2, 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. Marjorie O. Rendell
Hon. Thomas L. Ambro
Hon. D. Brooks Smith
Hon. Michael A. Chagares
Hon. Thomas M. Hardiman
Thomas I. Vanaskie
Hon. Joseph F. Weis, Jr.
Hon. Walter K. Stapleton
Hon. Richard L. Nygaard
Hon. Franklin S. Van Antwerpen

Hon. Anthony J. Scirica
Hon. Maryanne Trump Barry
Hon. Julio M. Fuentes
Hon. D. Michael Fisher
Hon. Kent A. Jordan
Joseph A. Greenaway, Jr
Hon. Ruggero J. Aldisert
Hon. Leonard I. Garth
Hon. Robert E. Cowen
Hon. Jane R. Roth