We the People

Judge Freda L. Wolfson
United States District Court
District of New Jersey
402 East State Street Room 2020
Trenton, NJ 08608

October 30, 2010

To be made part of the official record
Case No. 3:10-cv-04814 (D.N.J.)

Dear Judge Wolfson,

It was with great tribulation "*We the people*" forward this correspondence, but it has become necessary in the interest of justice and for the general welfare of the American people. "*We the people"* are left with no other alternative since it has become blatantly evident that this District Court and her Honor are/have been acting in connivance with Defendants in the obstruction of justice. This is oblivious since Defendants have been unable to present a valid argument to justify dismissal of the peoples' TRO following proper judicial procedure.

On Friday morning, October 29, within hours after returning to Your Honor's duty after being away for the week, supposedly read, denied the Plaintiff's second TRO and without even an argument being submitted by Defendants, summarily denied Plaintiff's TRO, faxing a copy of your Denial to *pro se.* Without basing said Denial on any evidence, legal precedence, proper judicial procedure or based upon any argument for dismissal submitted by Defendants.

Not only concerning proper judicial procedure that has been repeatedly violated, this same Court has gone so far as to issue Orders that ignore evidence, facts, and established precedent that defies logic, reason, and law. Notwithstanding its failure to adhere to Supreme Court precedent; see Goldberg v Kelly, 397 U.S. 245, 271, 299 that unambiguously held:

> "*that for a full and fair hearing to have occurred, the courts must demonstrate compliance with elementary legal rules of evidence, and must state reasons for their determination and the courts must indicate what evidence was relied on*."

Also, the Court has gone so far as to twist and misrepresent facts stated in the body of its Order to justify its findings. Therefore, it has become necessary for "*We the people*" respectfully request; (1) her Honor immediately recuse herself from adjudicating this action, (2) "recall and vacate" her Order of October 29, 2010 and thereafter transfer said Order to Show Cause Order to a Judge that will adhere to judicial procedure; (3) sign said Show Cause Order and rule upon said TRO following a proper response by Defendants as mandated by *FRCP*; and, (4) allow plaintiffs to submit a proper reply.

So there be no ambiguity as to the allegation of the judicial misbehavior "*We the* people" plaintiffs will chronologically address the Order issued on October 29, 2010, Judge Wolfson says:

> *"…the Court having ruled on Plaintiffs' First Order to Show Cause on October 20, 2010: the Court not having ruled on the merits of Plaintiffs' Complaint, but finding only that Plaintiffs had not demonstrated a need for relief on an emergent basis;"*

1. Her Honor, docketed a procedurally infirm Order October 19, 2010 following the Defendants reply and did so mail said Order that parroted Defendants 2-page vacuous argument on the same day, Defendants also mailed Plaintiffs a copy of their argument to dismiss at the same time. What's more disconcerting, the Court ruled upon a Show Cause Order that was never signed. Nor did the Court allow Plaintiffs time to reply or appear for argument. [All stamped envelopes available on request]

2. Her Honor mistakenly claimed Plaintiffs had not demonstrated a need for relief when clearly Plaintiffs made note of the fact that the alleged unconstitutional Act had already begun to be implemented and was causing harm.

Her Honor went on to say:

> "*and Plaintiffs are once more seeking that same relief sought in their First Order to Show Cause: and the Court again finding that Plaintiffs have not demonstrated a need for relief on an emergent basis;"*

1. It is oblivious the Court failed to read "*We the people*" Plaintiffs' second TRO since Plaintiffs listed in detail the urgency for a Stay based upon no less than 15-counts summarized in Plaintiffs thirteen (13) pages Show Cause Order.

Her Honor went on to misstate the following :

> *"and, the Court noting that Plaintiffs' reliance on Lurn v. U.S. Dept. of Health and Human Service. 3:10-cv-91, 2010, WL 4010109 (N.D. Fla. Oct 14, 2010) is inapposite because Judge Vinson's Opinion was decided in connection with a Motion to Dismiss and not an Order to Show Cause;*"

1. Plaintiffs at no time relied upon the Honorable Judge Vinson ruling other than to reference case law cited by the learned jurist concerning the issue of harm, and its reference to standing and other actions taken by Courts; citing Supreme Court and Circuit Court precedent that address harm and the need for relief on an *emergent basis* and that harm does not have to be imminent, but just has to show it will occur.

2. More relevant, "*We the people*" Plaintiffs fully demonstrated that imminent harm was taking place in just one paragraph alone, prior to citing precedent but not limited too.

3. Even more importantly a blatant violation of the Constitution (Article 1, Section 7, Paragraph 1) related to the lack of authority of the Senate to originate *revenue raising* bill, that was noted by the Honorable Judge Vinson when discussing the history and origins of the "Act", is outline in detail in Plaintiff's brief, Count 1, and reiterated in Plaintiffs Show Cause Order for the TRO.

4. Defendants ridiculed Plaintiffs allegation that the legislation in one section unconstitutionally rendered "*the judiciary irrelevant*". Yet, Defendants in no way demonstrated how Plaintiffs are incorrect. Please refer to paragraph 20 of the Show Cause Order.

We the people could elaborate further on each point, but instead ask the Court to refer to the second Show Cause Order which justifies not only the TRO but the current request stated above.

Plaintiffs have been previously told that if we disagreed with the decision and order to take it up on appeal. "*We the people*" Plaintiffs (and it's not just the two (2) *pro se* representatives alone) will not be a party to a further judicial con-game that will result in unnecessary expenses, motion practices, delays and any further disregard for the rule of law.

Plaintiffs would also note that every District Court in the nation uses a lottery system for the assignment of cases. This customary practice clearly did not take place in the matter at bar. Plaintiffs are fully aware of why this action was transferred to Judge Wolfson which is not necessary to elaborate; at this time. Other than to say for the integrity of the Court lets adjudicate this issue according to proper judicial procedure and avert further embarrassment to the Court.

We anxiously await your reply.

Respectfully submitted.

Plaintiffs: Nicholas E. Purpura,	Donald R. Laster, pro-se (s)
1802 Rue De La Port.	25 Heidl Ave
Wall, NJ 07719	West Long Branch, NJ 07764
732-449-0856	732-263-9235

cc: Chief Judge Garrett E. Brown, Jr.
Ethan P. Davis, et el