

Robert J. More, et al

V

Michael Schiavo, et al

Case No. 8:09-CV-496-T-30TGW

Proposed Order of 4/24/09

This cause having come before this Court on the “Preliminary Component ... Motion of 4/6/09..., (“Motion”) no party having yet been served, Plaintiff (“RJM”) having notified the court that he would be available to participate in an audience before this Court via telephone and having demanded such opportunity, should this Court not have granted the relief sought in the Motion without need for any audience in such regard, this Court having been notified that RJM does not consent to have any federal judge adjudicate this case in the trial court other than 11th C.C.A. Judge Charles Wilson (“JCW”) , or a judge whose performance in office would indicate it would be not less likely that such judge would succeed in “keeping the balance, clear, nice and true” (In re. Murchison (_U.S._)) between the parties involved in the case this document concerns (“this case”) than the judicial performance of JCW would indicate he could accomplish in such case and in consideration that a petition to amend the complaint presently pending in this case as of 4/6/09 has been made to transform Judge Moody from a “John Doe” Defendant (“D”) to a named defendant therein and in consideration of the definition of the problem of bias as such has been defined by the SCOTUS in among other cases, that of *U.S. v Abel* (469 U.S. 45) (“bias ...may be induced by fear of ...a party”) and that no man can be the judge of his own case (Dr. Bonham’s case (Lord Coke’s Institutes of the Laws of England))” and that RJM only had a limited number of hours to dedicate to the motion and accompanying documents filed alongtherewith to which this document is an accompanying document, and that the only reason that this complaint was filed in the first place was in order to enable RJM to retain a legitimate claim to participate in whatever vigilante measures might have to implemented in order to accomplish the punishment of the predators who are responsible for the torture and murder of T. Schiavo (“TSSM”) and to accomplish a combination of the confiscation and/or destruction of property sufficient along with the punishment referenced supra to efface the crime of such TSSM from RJM’s record of activity, and that RJM continues to proceed in this case according to a *Fiat justicia, ruat caelum* approach thereto, and intends, the circumstances of providence permitting, to supplement this document within 14 days of 4/6/09, IT IS HEREBY ORDERED:

1. This Court recuses itself as it is named as a Defendant in this case and transfers the case to the Executive Committee so that it can inquire of 11th C.C. A. Judge Charles Wilson (“JCW”) regarding whether he would be willing to adjudicate this case in the trial court in the first instance in the manner in which 7th C.C.A. Chief Judge F. Easterbrook has so frequently done (and otherwise stays all proceedings, including the running of the clock on the 120 day process service window – unless this could not be accomplished without the Court’s having executed some act which would cause the relinquishment of RJM’s claim to have this Court recused) or a briefing schedule is herein established on the issue of RJM’s attempted recusal of the entirety of the USDCMDF Western Division Judges as follows _____, _____, _____ or this Court refuses to recuse itself and refuses to provide RJM any opportunity to brief such issue, according to the following authority(ies)

_____,
Should this Court proceed to adjudicate this case notwithstanding the motion to recuse it which has been filed via mailing on 4/6/09 (“...adjudicate...”)

2. nothing need be accomplished by RJM at this juncture other than the submission of a memorandum of points and authorities in support of his claimed right to recuse the entire USDC for the MDF WD _____ or RJM must accomplish the following in order to prevent the dismissal of this case: _____,

_____,
3. This Court has been informed that in any scenario in which this Court would not provide RJM and everyone entitled to consideration of whatever sort from RJM (“RJM et al”) the consideration to which RJM et al would have been entitled in a given instance, that in such instance a document similar in form to that listed as Doc. #4 (Code 4/06...n. 10) in the Doc. List to which this document is an accompaniment would be presented to a SGJ by RJM in order for RJM to ensure that the moral liability of RJM in regard to the matters this case concerns would not be left “not adequately covered” and that in any scenario in which this Court would have such type evidence

presented to a SGJ in regard to its activity, that it would have 30 days within which to petition ISMA to have the submission of such evidence retracted, just as Magistrate TGW has been provided in regard to the issuance of the R&R he issued on 3/25/09 re this case.

Should this Court recuse itself and the entire USDCMDF WD (“...recuse...”) and a judge of the priorities and moral fiber of JCW assume the role of adjudicator of this case:

1. The Report and Recommendation of the Magistrate dated 3/25/09 (“R&R”) is rejected for the reasons set forth in Document listed as Doc. “#4”, Code: 4/6/09, b.1, c. RJM-MS09-cv-496 m. n.10, without RJM’s having to consume any more time and resources responding thereto _____, or RJM has until _____ to present objections to the R&R.
2. The Clerk shall permit RJM to file via electronic filing in this case, notwithstanding any rules or protocols incompatible with this command. _____
3. RJM is permitted to prosecute this case by simply posting documents onto a website and providing the URL thereof to this Court and all parties willing to participate in the adjudication of this case via such means, provided RJM would adequately provide notice of any and all filings ever accomplished via such means _____.
4. The relief contained in the postulation contained in para. #3 supra, has been granted, for among other purposes, that of greatly reducing the expenditures of resources and time which modern technology has rendered eliminable in civil litigation _____
5. PACER/RACER shall permit RJM to access the electronic docket maintained in this case without the incurrment of any fee in regard thereto.
6. RJM has informed this Court that it is RJM’s understanding that at least three documents contained in what RJM expressed-mailed this Court on 3/17/09 have not been entered into the electronic docket maintained in this case {two of which - Doc. #'s 5 & 6 in Doc List of 4/6/09, (Code #'s “4/6...n.12” & “4/6...13”)} RJM retransmitted to this Court along with the documents of which this order is a component, and the Clerk is now herein ordered to enter a copy of any and every document which RJM would ever endeavor to file in this case into such docket.
7. This Court confirms that it has been informed by RJM that RJM had intended to include a comparatively enormous number of petitions for relief in the “Preliminary...Motion...4/6/09...” but that RJM had to truncate his presentation thereof, due to pressing exigencies and that as it would appear to be necessary for RJM to do so, that RJM is committed to a program including a commitment to continue to “superimpose whatever structure into the prosecution of this case that it would appear to RJM that RJM would have to superimpose therein in order to ensure that Lucifer would not get away with anything in the adjudication thereof that RJM could have prevented him from getting away with to the extent such commitment is not a humanly impossible one to honor”
_____.

Whatever would become of the motion to which this document is an accompaniment;

This Court will herein transmit a signed copy of the document listed in the Doc. List of 4/6/09 as #7 therein (Code # 4/6...13”) “Declaration ...Unconst...RJM” by _____, and the reception of such document by RJM will render further proceedings in this case entirely optional and not strictly necessary _____

- this Court herein provides RJM notice that a clerk of this Court has transmitted to Magistrate TGW a copy of the “Preliminary Presentation Of 4/6/09...” (Code # “4/6...10”) and that RJM can call his office in order to ensure that he has received a copy of such document _____

- this Court would appreciate it if RJM would email it a copy of this document at: _____, and all matters this document concerns will be maintained in the condition in which they were found to be at the time of the issuance of this order _____.

_____, _____,
Judge Date