

United States District Court
for the
Middle District of Florida
Western Division

Robert J. More, et al
V
Michael Schiavo, et al

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

Abbreviated Title: Preliminary Component Of 4/6/09 Of Verified Motion Of 4/6/09
Unabbreviated Title: Preliminary Component Of 4/6/09 Of Verified Motion Of 4/6/09 In Which RJM Moves This Court To Recuse The Entire USDC For The MDF, WD, And Then For Charles Wilson Or Someone Demonstrably Of Similar Priorities And Moral Fiber To Either Summarily Deny The REPORT AND RECOMMENDATION Of Magistrate Thomas G. Wilson (“TGW”) Dated 3/25/09 (“R&R”), Or Else Grant A 365 Day Extension Of Time Within Which RJM May Present Written Objections To The R&R, 2.) Require Someone To Provide The Entirety Of R&R’s Issued In Regard To The Complaints Filed By Pro Se Litigants, By TGW Over The Past Five Years Or As Many Years As He Has Been A Magistrate, If Such Period Would Be Less Than Five Years, 3.) Present The Documents Listed As Doc. #’S 4. (Code # 4/6...N-10) And 10 (Code #4/6...N-16) To TGW And Provide RJM A Confirmation That Such Act Would Have Been Executed, So That RJM Need Not Call His Office For Any Confirmation In Such Regard, 4.) Take Notice That RJM Is Alleging That Any Infirmities By Which The Complaint Filed In The Case This Document Concerns (“This Case”) On 3/18/09 Regarding The Assertion Of This Court’s Jurisdiction Over This Case Were Cured By The Amended Complaint Of 3/24/09 (“AC 3/24”) Which Should Have Been Long Since Filed By Now As Having Been Filed Within The 20 Day Window For Automatic Amendment, 5.) Take Notice That There Are No Factually Based Claims In The R&R For RJM To Contest, 6.) Confirm That This Court Has Been Informed That RJM Will Not Respond To The R&R More Extensively Than Would Be Indispensably Necessary To Prevent The Dismissal Of The Complaint Via This Court’s Adopting Such R&R, And Thus, If It Would Consider It Necessary For RJM To Respond Thereto, For This Court To Inform RJM That Such Position Would Be Its Position, 7.) Provide All Of The Relief Described In The Postulations Contained In The Accompanying Proposed Order Of 4-6-09 (“PO 4/6”), The Provision Of Which Would Not Be Incompatible With The Provision Of Any Other Form Of Relief Described Therein, 8.) Confirm That This Court Has Been Informed That God Willing, RJM Will Present A Memorandum Regarding The Third Party Standing Issue, If This Court Would Claim Such Would Be Necessary At This Juncture In The Adjudication Of This Case, By Ascension Thursday, Or Shortly Thereafter And Then Address The Issue Of The Consolidation Of This Case With 09-Cv-498 – Also Pending In The USDC For The MDF, WD, 9.) Confirm That This Court Has Been Informed That RJM Received The R&R On 3/31/09, Meaning That RJM Has Until 4/14/09 To Get Some Response Thereto Filed, And That This Is, In Part, Though It Is Much More, Such Response

Now comes the Plaintiff (“RJM”) to move this “Hon. Court” (if it is Judge Wilson or someone of similar priorities and moral fiber adjudicating this case), otherwise “Court” to grant the relief described in the title to this motion and in explanation and support whereof, RJM avers and explains as follows:

1. It is the understanding of RJM that the introduction to the PO of 4/6 articulates more than enough law to prevent any of the USDC for the MDF, WD judges from not recusing themselves from this case, as each received a petition for the issuance of a writ of habeas corpus on 3/28 or 3/29/05, each of which was dismissed, causing each such Judge to be named as a Defendant in this case, rendering each such Judge an interested party in the case who cannot be the judge of his or her own case (see PO of 4/6).

2. On 3/31/09, RJM procured from his post office box a copy of the document contained herein infra in brackets “[]”, the caption of which has not been included herein since it is present supra:

[REPORT AND RECOMMENDATION

THIS CAUSE came on for consideration upon the plaintiff’s Application to Proceed In Forma Pauperis pursuant to 28 USC 1915 (Doc. 2). The complaint is a rambling and incoherent narrative from which an actionable claim is not discerned. It also fails to comply with the Federal Rules of Civil Procedure and this court’s local rules. *McNeil v United States*, 508 U.S. 106 (1993)(pro se litigants must comply with procedural rules that govern pleadings). For example, it does not contain “a short and plain statement of the grounds for the court’s jurisdiction.” Rule 8(a)(1). F.R.Civ.P.

I therefore recommend that the complaint (Doc. 1) be dismissed. See 28 USC 1915(e)(2)(B)(1), (ii) even if the affiant proves indigency, the case shall be dismissed if the action is frivolous or malicious, or fails to state a cause a claim upon which relief may be granted).

Respectfully submitted,

Thomas G. Wilson

Dated March 25, 2009 US Mag Judge

NOTICE TO PARTIES

Failure to file written objections to the proposed findings and recommendations contained in this report within ten days from the date of it service shall bar an aggrieved party from attacking the factual findings on the appeal. 28 UWC 636(b)(1).

3. The author of this complaint (“RJM”) is not at all convinced that TGW did not incur felony liability under the provisions of 18 USC 242, 1346, 1503 and possibly other provisions of Title 18 USC for the conduct described as:

the issuing of the R&R on 3/25/09.

4. For the record, since every Court to which is presented any document is “presumed to know the law”, the fact that numerous government actors are named as Defendants (“D”s) in the case this document concerns (“TSS case”), and that it is alleged therein that private actors conspired therewith in the torture and murder of Teresa Schiavo and that there are two paragraphs which address the issue of the jurisdiction of the Court to which the TSS case was assigned (“TGW”), in RJM’s understanding of the compliance-accomplishment formula according to which such complaint had to be filed, the paragraphs in which the jurisdiction of TGW was alleged were more than sufficient to provide notice to TGW or any other Federal Judge in the USDC for the MDF WD, that such Court would possess jurisdiction over the TSS case pursuant to the provisions of 28 USC 1331, and 1343 as several of the claims addressed therein are 42 USC 1983 et seq claims.

5. Since RJM is not a resident of any state in which any of the 350 + D’s named in the case reside and since he filed the TSS case on a *jus tertii* basis on behalf of Teresa Schiavo and since the amount sought in damages as declared in the complaint filed in such case on 3/18/09 was more than \$75,000.00, TGW also possessed jurisdiction over the case pursuant to the provisions of 28 USC 1332.

6. Pursuant to the provisions of 28 USC 1367, TGW also possesses jurisdiction over the pendant state law claims included in the complaint filed in the TSS case.

7. RJM recently mailed a “First Superceding Complaint of 3/24/09” in which the jurisdictional statutes cited supra were cited explicitly in such complaint.

8. In one conclusory allegation - “rambling...discerned” - TGW without citing a single clause contained in the complaint filed on 3/18/09, which is in fact incoherent alleges that the complaint is “incoherent”.

9. TGW did not provide an analysis of even a single count of the several counts enumerated in the complaint as to what element of any of such causes had allegedly not been alleged sufficiently to satisfy the liberal *notice pleading* pleading standard operative in federal courts.

10. In fact there is not a shred of evidence that the complaint was ever read at all and that what was issued was not simply a “pro se” template recommendation of dismissal.

11. RJM complains that as happens all day long in the horrendously corrupt and predatory federal court system presently operative in the Edomite Supremacist Movement Genocide Agenda of the former u.S. of A. that constitutes the country in which this document has been composed, the crime of the theft of the intangible right

to the honest services of a government official was committed, the fruits of which were transmitted via the mail (18 USC 1346), along with an attempt to obstruct justice (18 USC 1503) and the perpetration of a deprivation of a number of constitutionally protected liberty and property interests under the color of law (18 USC 242).

12. RJM is in the process of posting each and every document listed in the Master Document List.... (Doc. List #5 (Code 4/06...n.7) on the URL cited in such document.

13. Once that is accomplished, and RJM can either efile or litigate this case off his own internet docket, RJM's burden regarding the prosecution of this case will be enormously reduced.

14. Should such relief not be granted, RJM would move the SCOTUS to stay this case pending the resolution of a Supreme Court of the U.S. of A. Rule 20 Petition in which RJM would seek such relief as well as other relief.

15. RJM hererin supplements his motion for appointment of counsel by informing this Court that copies of the complaint filed on 3/18/09 in this case was emailed with a proposal regarding representation to at least the following three email addresses: info@lldf.org - (Peter Breen), srmpjr@sbc.global.net - Peter Roskam, cantwell+cantwell@attglobal.net, Peter Cantwell.

16. RJM intends to prosecute this case at the lowest possible expense to all parties and entities concerned and compatible with such agenda, intends to have process served by someone other than a U.S. Deputy Marshal.

17. Given the magnitude of alignment and accountability problems by which this Court (if it is not in the category in which Judge Wilson is classified) must be afflicted, RJM probably needs 365 days and not a day less to begin the prosecution of this case.

18. Actually, the preferred course would seem to be to have this Court simply sign a copy of the "Declaration of Unconstitutionality ...RJM" and RJM is understandably concerned to do nothing which would cause it to not simply sign such document, the signing of which would eliminate the problems which vigilante rectification of the injustices still prevailing in regard to this case concern.

19. RJM continues to prosecute this case according to the method described in Doc. #6 in the Doc. List of 4/6/09 ("Roman Catholic Litigation Chart") so as to not jeopardize RJM's prospects of procuring a *nihil obstat* if necessary and a *nihil dificiens*, once all loose ends are tied in regard thereto.

20. Document #8 (Code # 4/06...14) will have been mailed to the Supreme Court of the U.S. of A. ("SCOTUS") and the Solicitor General of the U.S. of A. by 4/14/09, and the procurement of the closing of the federal courts responsible for the torture and murder of Teresa Schiavo is obviously one of the highest priorities in the prosecution of this case.

21. RJM would welcome any reader thereof to transmit his own response thereto to the SCOTUS so that the most thoroughly balanced decision obtainable can be made in regard thereto.

22. RJM needs to have this Court transmit or delegate the transmission of Doc. #4 "Presentation of Evidence ... 1332(a)" and Doc. #10, "A Petition for a Retraction..." to TGW and provide a confirmation that he has received such so that RJM would not have to contact his chambers in this regard.

23. RJM intends to challenge the constitutionality as applied of whatever source of law has prevented RJM from filing this document via efilng, so RJM needs to have this Court identify such.

24. RJM will challenge the constitutionality as applied of 28 USC 1915(e)(2)(B)(1), (ii), should this Court do anything other than summarily reject the R&R and herein claims a constitutionally protected right to proceed in such regard, according to a formula according to which it would not be possible for this Court to deprive RJM et al of the consideration it would be obliged to provide in such scenario.

25. For now, RJM has consumed so much time in the preparation of all of the documents listed in the "Document List" which accompanies this motion, that truncating it here, would appear to be the only appropriate course of action at this time in the prosecution of this case.

Wherefore, RJM herein moves this Court to grant the relief described in the title to this motion and such further and other relief as it might be necessary for this Court to now grant in order to ensure that its moral liability regarding the matters concerned would not remain not adequately covered.

Remorsefully and indignantly submitted in consideration of the atrocity this case concerns,
Robert J. More – Jn. 2:15, Magna Charta Clause 61, Christmas Message of Pope Pius XII of 1956

