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Atty. In Fact

*Let this be filed
RM Collyer
7/21/09*

RECEIVED

JUN - 1 2009

Clerk, U.S. District and
Bankruptcy Courts

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	(CASE NO: 1:08-cv-01345
	(
Plaintiff	(P.M.G. INT AN INNOCENT OWNER
	(QUALIFIED UNDER 18 U.S.C. SEC. 983
Vs.	(TO FILE A MOTION TO DISQUALIFY
	(JUDGE ROSEMARY COLLYER FOR
Pacific Ministry Of Giving, Int.	(CAUSE OF EXTREME BIAS PER U.S.
Qualified Innocent Owner Defense	(SUPREME COURT CASES & OTHER
Under 18 U.S.C. Sec. 983 ASD #35113	(LEGAL CITATIONS
	(
Claimant	(Judge: Rosemary Collyer
	(

The Claimant P.M.G. INT. comes to this Court to present P.M.G. INT. An Innocent Owner Qualified Under 18 U.S. C. Sec. 983 To File A Motion To Disqualify Judge Rosemary Collyer For Cause Of Extreme Bias Per U.S. Supreme Court Cases & Other Legal Citations. This Court has a Duty & Obligation To Obey U.S. Supreme Court Cases, Fed. Statutes, & Appellate Court Cases plus the Constitutional Right Of Due Process All Being Part Of Article VI Supremacy Clause, The Supreme Law Of The Land. When a Judge Violates Article VI Supremacy Clause, he/she is Acting Without Jurisdiction, an Act of Treason and also is Violating a Judge's Judicial Oath To Support and Defend The U.S. Constitution. Under 18 U.S.C. 1918: "Whoever violates the provisions of Section 7311 of title 5 that an Individual may not accept or hold a position in the Government of the United States or the Government of the

Furthermore by refusing to Obey Article VI Supremacy Clause, they Knowingly, Willingly Violated the Claimant's Constitutional Right of Due Process showing Extreme Bias.

REVIEW OF LEGAL CITATIONS REGARDING DISQUALIFICATION OF JUDGES

Fed. Rule 63 (b) Disqualification. "Whenever a party to Any Action or proceeding, civil or criminal, or his attorney shall make and file An Affidavit that the Judge before whom such action or proceeding is to be tried or heard has a Bias or Prejudice, either against such party or his attorney or in favor of Any Opposite Party to the suit, such Judge Shall Proceed No Further therein, except to call in another Judge to hear and determine the matter." (See Exhibit Rule 63 (b))

This is a Fed. Statute and qualifies under Article VI Supremacy Clause. This Notarized Affidavit will review numerous Examples Of Extreme Bias Against The Claimant and ASD. Before the Claimant was made aware of the Civil Forfeiture Reform Act of 2000 that Demanded that the U.S. Govt. provide a "Preponderance of Evidence" that a Crime Had Been Committed and 18 U.S.C. Sec. 983 "Rules for Civil Forfeiture Procedures", Curtis Richmond Attempted To File ASD Member With a Third Party Financial Interest Filing An Amicus Curie Motion To Dismiss Case Because 19 Notarized Affidavits In Support Proving Plaintiff Failing To State A Claim & Is Guilty of Fraud Upon The Court. This Motion included 20 Notarized Affidavits with Irrefutable Legal Evidence that the U.S. Govt. had Knowingly Defaulted to having Any Legal Evidence Against ASD or Andy Bowdoin. Thus the Rule of Law Required the Case Be Dismissed. If Curtis Richmond, a Pro Se Litigant, made Any Procedural Errors, Judge Collyer was required by U.S. Supreme Court Rulings to advise him How To Correct Any Procedural Errors or his Constitutional Right of Due Process Would Be Violated because Pro Se Litigants MUST Be Held To a Lower Standard, so sayeth the U.S. Supreme Court. To show Extreme Bias and a Violation of 60 Felonies, Judge Collyer Ordered The Clerk of the Court To Mail Back the Motion To Dismiss Affidavit and the 19 Notarized Demand For Legal Evidence Affidavits violated 3 Felony Statutes Per Affidavit and Curtis Richmond's Constitutional Rights. Any

Officer of the Court who Fails To File An Affidavit or Removes An Affidavit From The Court Record Violates Title LXX – Crimes – Chapter 4 Crimes Against Justice Sec. 5403, 5407, & 5408. In the Process Judge Collyer Also Willfully Violated Her Judicial Oath and the Motion To Dismiss Contract to Support & Defend the U.S. Constitution, thus being Guilty of Perjury Of Oath, a Felony.

Then in Jan. 2009, the Claimant became aware of the Civil Forfeiture Reform Act of 2000 and 18 U.S.C. Sec. 983 Civil Forfeiture Procedures that gave Specific Marching Orders To Judge Collyer and to the Claimant. To start with, Judge Collyer was required By These Statutes to Require the 2 U.S. Attorneys to present “A Preponderance Of Evidence of Guilt of Operating a Ponzi Scheme & Money Laundering or the Case had to be Dismissed. To this very day, the U.S. Govt. has not presented any Preponderance Of Evidence to prove that ASD and/or Andy Bowdoin were Guilty Of Operating A Ponzi Scheme showing Evidence Of Extreme Bias by Judge Collyer. Also the U.S. Govt. was required to Notify Anyone With An Ownership Interest within 60 Days a Copy Of The Civil Forfeiture or the U.S. Govt. Is Guilty By Default. No Notice Has Yet To Be Given To ASD Members all of which have An Ownership Interest and have a Legal Right To Their Ownership Interest. According To 18 U.S.C. Sec. 983, it gives Specific Instructions to both those with an Ownership Interest and to Judge Collyer. Those with an Ownership Interest like the Claimant are instructed to File a Motion To Set Aside Forfeiture to receive P.M.G. Int. Ownership Interest because of the Knowing Default of the Demand For Legal Evidence. Judge Collyer is well aware of the Claimant’s Motion To Set Aside Forfeiture that was Filed on Feb. 3, 2009. 18 U.S.C. Sec. 83 specifically gives Judge Collyer only 30 Days To Rule. This 30 day Deadline Expired On Mar. 3, 2009 with No Response or Court Order. On Mar. 20, 2009, the Claimant mailed a Notice And Demand For Final Ruling On Claimant’s Filed

Motion To Set Aside Forfeiture As Required Under 18 U.S.C. Sec. 983. To this very day, Judge Collyer has arrogantly refused to Rule According To This Fed. Statute Deadline, thus Violating Her Judicial Oath To Support and Defend The U.S. Constitution and also Violated the Same Contractual Affidavit Contract showing Extreme Bias Against The Claimant and Defendant Andy Bowdoin. (See Exhibit Page 10 & 11 From Motion To Set Aside Forfeiture)

Under (A) (i) Government is required to send Written Notice To Interested Parties within 60 Days. This Legal Requirement has not been done proving the U.S. Govt. Is In Default.

Under (A) (F) (A) if the Govt. does not Send Notice Within 60 Days, they Must Return The Seized Property. They have not done so, clearly Violating This Statute that has been Willfully Ignored By Judge Collyer.

On Page 11 under Sec. 983 (c) the Govt. MUST Present A Preponderance Of Evidence which was never presented. Under 4 (d) (1) An Innocent Owner's Interest In Property SHALL NOT Be Forfeited Under Any Civil Forfeiture Statute. Under (5) "This Court Shall Render On A Petition Filed Under Par. (3) not later than 30 days after date of the filing." The Claimant Filed a Motion To Set Aside Forfeiture As Authorized Under (e) Motion To Set Aside Forfeiture – (1) Any person entitled to Written Notice in any Non Judicial Civil Forfeiture Proceeding under a Civil Forfeiture Statute who does not receive Such Notice may file a Motion To Set Aside a Declaration Of Forfeiture With Respect To That Person's Interest In The Property. **Judge Collyer Willfully Violated this Fed. Statute Providing Irrefutable Evidence Of Extreme Bias.**

(See Exhibit Any Court Must Proceed According To Law Or Statute.) "In a Court of Limited Jurisdiction, the Court MUST Proceed Exactly according to the Law or Statute Under Which It Operates. *Flake v. Pretzel*, 381 Ill. 498, 46 N.E.2d 375 (1943) ("the actions, being Statutory Proceedings, ... Were Void For Want Of Power To Make Them." **This Appellate Court Case Is A Marching Order To Judge Collyer or she is Guilty Of Fraud Upon The Court and Perjury Of Oath besides showing Evidence of Extreme Bias.**

PRIMA FACIE EVIDENCE: The U.S. Supreme Court and 5 Appellate Court Cases have ruled that Non Rebutted Affidavits Are Prima Facie Evidence In A Case. The Claimant and over 20 other ASD Members have filed Defaulted Notarized Demand For Legal Evidence Affidavits that were mailed by Return Receipt qualifying under Fed. Rule 4 as a Contract as does having them Filed in the Instant Case. These Demands For Legal Evidence Demanded Legal Evidence for there Being Any Legal Evidence of a Ponzi Scheme Violation or a Wire Fraud Violation as well as the Other Unsubstantiated Claims in the Civil Forfeiture Action. By Failing

To Provide Any Legal Evidence To Support Their Unsubstantiated Claims, this Court Is Required By Law to accept these Defaulted Demands For Legal Evidence Affidavits as “Prima Facie Evidence in the Case” or the Judge Is Guilty Of Extreme Bias In Favor Of The U.S. Govt. Disqualifying Her To Be A Judge In The Case. (See Exhibit Page 7 Claimant’s Motion To Set Aside Forfeiture) **The 20 plus Filed Defaulted Demands For Legal Evidence Affidavits are clear Marching Orders To Judge Collyer To Dismiss The Case or the Judge Is Guilty Of Extreme Bias as well as being Guilty of Perjury Of Oath.**

Federal Rules Of Evidence Rule 301 Presumption of Evidence In Civil Actions

In ALL Civil Actions and proceedings not otherwise provided for by Act of Congress or by These Rules, a Presumption Imposes on the Party against whom it is directed the Burden of Going Forward With Evidence to Rebut or Meet The Presumption. There are actually two forms of the Burden of Proof, commonly referred to as the “Burden Of Going Forward and the Burden of Persuasion. **Burden of Going Forward:** “At any given time, one party is obligated to Produce Evidence regarding a claim of Defense. This is the Burden Of Going Forward.

Burden of Persuasion: Beyond a reasonable doubt is one example of a Burden of Persuasion. In Civil Cases, the usual Burden of Persuasion is either Preponderance of the Evidence or Clear and Convincing Evidence. (See Exhibit Rule 301) The Govt. has not met its Burden Of Going Forward or Burden of Persuasion, so the Case Must Be Dismissed or Judge Collyer is violating her Judicial Oath to Support and Defend the U.S. Constitution as well as providing Legal Evidence of Extreme Bias.

(See Exhibit Disqualification of Judges by U.S. Supreme Court & Crimes Against U.S. Government) All of the Legal Citations in this Exhibit are a powerful reminder that even a Hint Of Bias Disqualifies a Judge even if a Motion Is Not Filed.

In 1994, the U.S. Supreme Court held that **“Disqualification Is Required** if an objective observer would entertain reasonable questions about the Judge’s Impartiality. If a Judge’s

attitude or state of mind leads a detached observer to conclude that a Fair and Impartial Hearing Is Unlikely, the Judge **Must Be Disqualified.**” [Emphasis added] . **Likeky v. U.S.**, 114 S.Ct. 1147, 1162 (1994).

Courts have repeatedly held that positive proof of the Partiality of a Judge is not a Requirement, only the Appearance of Partiality. **Liljeberg v. Health Services Acquisition Corp.**, 486 U.S. 847, 108 S.Ct. 2194 (1988) (What matters is not the reality of bias or prejudice but its appearance.

The Court also stated that Section 455(a) “Requires a Judge to Recuse Himself in any Proceeding in which her Impartiality might reasonably be Questioned.” **Taylor v. O’Grady**, 888 F.2d 1189 (7th Cir. 1989).

Further, the Judge has a Legal Duty to disqualify himself even if there is No Motion asking for his Disqualification. **Balistrieri**, at 1202.

On Page 2 of Disqualification of Judges, “The Supreme Court has also held that if a Judge Wars Against The Constitution, or if he Acts Without Jurisdiction, he has engaged in Treason To The Constitution. If a Judge Acts after he has been Automatically Disqualified By Law, then he is Acting Without Jurisdiction, and we suggest that he is then engaging in Criminal Acts Of Treason, and May Be Engaged In Extortion and Interference With Interstate Commerce.” Interference With Commerce would be a Violation of 18 U.S.C. Sec. 1951 that falls under Anti-Trust Violations as do Civil Rights Violations.

“The United States Supreme Court has clearly, and repeatedly, held that Any Judge who Acts Without Jurisdiction Is Engaged in an Act Of Treason. **U.S. v. Will**, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); **Cohens v. Virginia**, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).


The U.S. Supreme Court, in Scheuer v. Rhodes, 416 U.S. 232, 94 S.Ct. 1683, 1687 (1974) stated that “when a State Officer Acts under a state law in a manner Violative of the Federal Constitution, he comes into conflict with the Superior Authority of that Constitution, and he is in that case Stripped of his Official or Representative Character and is subjected In His Person to the consequences of his Individual Conduct.” This is Legal Evidence that Judge Collyer has been Acting In Her Personal Capacity Instead Of Her Judicial Capacity.

CONCLUSION: The Claimant has provided Irrefutable Legal Evidence that Judge Rosemary Collyer has showed Extreme Bias against the Ownership Interest Claimant and the Defendants ASD & Andy Bowdoin in the Instant Case. The two U.S. Attorneys Silence Speaks Volumes and gave clear Marching Orders To Judge Collyer to Dismiss The Case. The Judge has only two Legal Choices. She either immediately Dismisses the Case or she Disqualifies Herself

because of the Evidence of Bias. If Judge Collyer continues to Stonewall Justice, she will be held accountable. After Curtis Richmond filed a Second Criminal Complaint to the U.S. Atty. General, he received a letter dated April 30, 2009. (See Exhibit Letter From DOJ) It clearly gives Marching Orders of Where & How To File a Criminal Complaint. In preparing such a Criminal Complaint, a sizable number of ASD Members will be happy to send in their own Notarized Criminal Complaint. A Copy of all important Legal Documents will also be sent to Key Members of Congress and to the U.S. Supreme Court in a Writ of Mandamus. Curtis Richmond is not interested in being Vindictive, but he is Determined To Obtain Justice until All Of His Administrative Remedies Are Exhausted. **Justice is going to be Rendered Either The Easy Way or the Hard Way. The choice is in the hands of Judge Rosemary Collyer who is not Above the Law. Under 18 U.S.C. Sec. 4 MISPRISION Anyone who becomes aware of a Crime MUST Report It or he is Guilty of a Felony. Curtis Richmond is only Obeying This and other Federal Statutes. It is time for Judge Collyer to start Obeying Federal Statutes and her Judicial Oath To Support and Defend The U.S. Constitution. Article VI Supremacy Clause is still the Supreme Law of the Land.**

May 29, 2009

Respectfully submitted


Curtis Richmond, Atty. In Fact
P. M. G. Int.

ACKNOWLEDGMENT

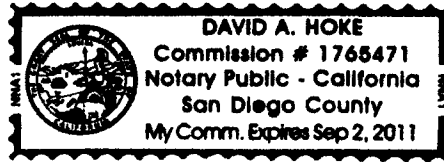
State of California
County of San Diego)

On May 29th, 2009 before me, David A. Hoke - Notary Public
(insert name and title of the officer)

personally appeared Curtis R. Richmond,
who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~
subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in
his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the
person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]

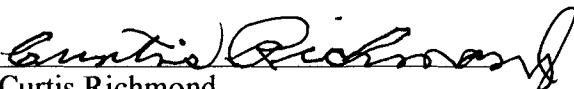
(Seal)

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the enclosed Motion To Disqualify Judge Rosemary Collier For Cause Of Bias was mailed on May 29, 2009 upon the following:

William Cowden, Assist. U. S. Atty. DC Bar No. 426301
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Curtis Richmond