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APR 19 2010

U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO

ST. LOUIS

GREGORY MCKENNA,

Plaintiff

Vs.

THE ST. LOUIS COUNTY POLICE DEPARTMENT,  
OFFICERS CHARLES BOSCHERT, KENNETH  
WILLIAMS, 8 UNKNOWN AGENTS OF THE  
FEDERAL BUREAU OF INVESTIGATION,  
MARK KAPPELHOFF, APPLE INC., A-1  
PRIVATE INVESTIGATIONS, TIMOTHY  
BONINE, D'ANGELO AUTOMOTIVE,

Defendants

**United States District Court  
EASTERN DISTRICT OF MISSOURI**

Case No. 4:09cv1113CDP

**JURY DEMANDED**

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**PLAINTIFF'S MOTION FOR AN AMENDED JUDGMENT**

Pursuant to Federal Rules of Civil Procedure Rule 59 (e), pro se Plaintiff Gregory McKenna moves this Court to amend its January 4, 2010 sua sponte Judgment that dismissed Plaintiff's sixteen count Complaint against the Defendants. On April 7, 2010, Judge Catherine Perry refused to grant Plaintiff's Motion to Disqualify on the grounds that, "Adverse judicial rulings... 'almost never' constitute a valid basis for recusal." (See *Dossett*, 399 F.3d at 953) (quoting *Liteky v. United States*, 510 U.S. 540, 555 (1994)). In lieu of her belief that she should not be recused, Judge Perry wrongfully overlooked the known Mafia stalking, extortion and torture conspiracy continuing against Plaintiff. As a direct result of Judge Perry's failure to address Plaintiff's need for relief, Plaintiff seeks relief under Rule 59 (e) and requests that this Court grant his Motion for an Amended Judgment.

In the first place, Judge Perry's belief that "adverse judicial rulings... 'almost never'

constitute a valid basis for recusal” is based on spurious grounds. The specific issue before the *Liteky* Court was whether the “extrajudicial source” doctrine applied to litigants seeking recusal for a judge’s impartiality under § 455(a). The “extrajudicial source” doctrine, the court explained, was merely one application of the pejorativeness requirement of the terms “impartiality” and “bias or prejudice” as they are used in §§ 455(a) and 455(b)(1). *Id.* at 114 S. Ct. at 1155, 1156. This pejorativeness requirement mandates that a judge be recused under § 455(b)(1) when his “judicial predispositions go beyond what is normal and acceptable,” *id.* at 114 S. Ct. at 1155, and under § 455(a) when his predisposition is “wrongful or inappropriate.” *Id.* at 114 S. Ct. at 1156. Although the Court held the extrajudicial nature of a judge’s opinion is not determinative when considering recusal, *id.* at 114 S.Ct. at 1156, opinions constitute a basis for a bias or partiality motion “when they display a deep-seated favoritism or antagonism that would make fair judgment impossible.” *Id.* at 114 S.Ct at 1157. Concurrently, a judgment is grounds for recusal when it violates criminal statutes and displays deep-seated antagonism toward a Plaintiff. Accordingly, Judge Perry should have granted Plaintiff’s Motion to Disqualify and transferred the case to another judge.

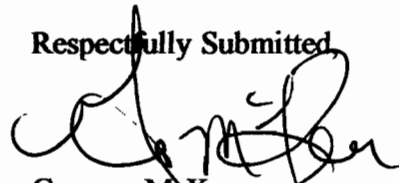
Despite Judge Perry’s denial of Plaintiff’s Motion to Disqualify, Plaintiff is entitled to an Amended Judgment for the reasons stated in his Motion. Particularly, a failure to grant Plaintiff an injunction would violate myriad criminal statutes, such as: 18 USC 3, 18 USC 4, 18 USC 241, 18 USC 2382, and others. Further, the “deliberate deprivation rule,” “discovery rule” and “continuing wrong doctrine” entitle Plaintiff to relief for the continuing Mafia crimes. A failure to grant Plaintiff relief despite knowledge of the crimes would only abet the criminal conspiracy. *U.S. v. Lee*, 743 F.2d 1240 (1984). Even if Plaintiff were not entitled to recusal under Section § 455, the Court’s knowledge of his current perilous situation warrants an Amended Judgment.

Indeed, Judge Perry's denial of Plaintiff's Motion to Disqualify does not entail that Plaintiff is precluded from seeking relief for the wrongs committed by the Defendants.

WHEREFORE, for the aforesaid reasons Plaintiff requests that this Court Amend its Judgment filed on January 4, 2010. Because Plaintiff continues to be incessantly stalked, harassed, and tortured by the Mafia, Plaintiff also requests that this Court perform its mandatory duty to grant an injunction and end the known Mafia crimes.

Date: April 16, 2010.

Respectfully Submitted



Gregory McKenna  
Pro Se Plaintiff  
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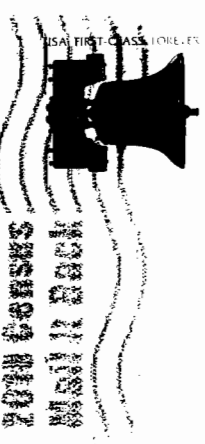
#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 16 day of April, 2010 a true and accurate copy of Plaintiff's Emergency Motion for Preliminary Injunction will be forwarded to the Defendants, via first-class mail, postage prepaid, to:

- 1) Defendants the St. Louis County Police Department, Officers Charles Boschert, & Kenneth Williams, 7900 Forsyth Boulevard, Clayton, Missouri 63105;
- 2) Defendant Unknown FBI Agents and Mark Kappelhoff, US Attorney's Office, 111 South 10<sup>th</sup> Street, #20.333, St. Louis, MO 63102;
- 3) Defendant Apple Inc. represented by Thompson Coburn LLP, Kathy A. Wisniewski & John W. Rogers, One Bank Plaza, St. Louis, MO 63101;
- 4) Defendant D'Angelo Automotive represented by Childress Ahlheim Cary, Thomas Lewis, 1010 Market Street, Suite 500, St. Louis, MO 63101.

Gregory Mc-Kenna  
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