

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO, SANTA FE

FILED
at Santa Fe, NM

MAY 16 2007

William H. Payne
Arthur R. Morales
Plaintiffs

MATTHEW J. DYKMAN
CLERK

v

CIV NO 97 0266 SC/DJS

Lieutenant General Kenneth A. Minihan, USAF
Director, National Security Agency
National Security Agency
Defendant

MOTION TO VOID JUDGMENT
FOR LACK OF JURISDICTION
TO DISMISS PAID-FOR JURY
TRIAL LAWSUIT

Federal Rule of Civ. P. 60(b)(4)

MOTION TO VOID JUDGMENT FOR LACK OF JURISDICTION DIRECTED TO
DISTRICT OF NEW MEXICO, SANTA FE CHIEF JUDGE MARTHA VAZQUEZ

I. INTRODUCTION

Plaintiffs Morales and Payne sued the National Security Agency under the FOIA on
March 4, 1997.

Subject of the lawsuit is:

What information was provided to Saddam Hussein exactly? Answers to
this question are currently being sought in a lawsuit against NSA in New
Mexico, which has asked to see "all Iranian messages and translations
between January 1, 1980 and June 10, 1996". [7]

II. BASIS OF MOTION

1 Docket entry - , just above docket entry 1, shows that plaintiffs paid filing fee of \$150
on 2/28/97.

2 Docket entry 2 shows DEMAND for jury trial filed on March 18, 1997.

3 Docket entry 73 shows late Senior Judge Santiago E Campos granting motion for
summary judgment dismissing case.

4 Campos lacked jurisdiction to dismiss DEMANDED jury trial lawsuit guaranteed
inviolate by US Constitution.

III. ISSUES

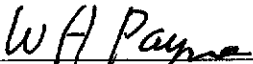
5 Right of jury trial is guaranteed inviolate by 7th Amendment to US Constitution and 28 USC Rule 38. Therefore Campos lacked jurisdiction to dismiss paid for jury trial lawsuit.

IV RELIEF SOUGHT


6 Return filed stamped copy of this Motion with 10 working days.

7 Sign attached ORDER rescinding Campos 10/27/99 [docket entry 72] which orders settlement or trial by jury within 90 days of entry.

Respectfully submitted,



William H. Payne
13015 Calle de Sandias NE
Albuquerque, NM 87111




Arthur R. Morales
465 Washington St SE
Albuquerque, NM 87108

Date: 5/11/07

Pro se litigants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing MOTION TO VOID JUDGMENT FOR LACK OF JURISDICTION was mailed to LTG Keith B. Alexander, Director, National Security Agency, 9800, Savage Road, Fort George G. Meade, MD 20755-6000, Jan Elizabeth Mitchell, Assistant US Attorney, 201 3rd ST NW, ABQ, NM 87102 and foialo@nsa.gov by email this Friday May 11, 2007.


5/11/07