

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

JUN 21 2007

William H. Payne
Arthur R. Morales
Plaintiffs

v

CIV NO 97 0266 SC/DJS

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

Defendant

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

MOTION TO VOID JUDGMENT FOR LACK OF JURISDICTION

I. INTRODUCTION

1 Docket entry 87 in 97 cv 0266 shows

06/14/2007 87 ORDER of Reference by Judge Martha Vazquez
(jmg) (Entered: 06/14/2007)

II. BASIS OF MOTION

2 Judge Judge M. Christina Armijo is presiding judge as of 06/12/2007.
See docket entry 86

06/12/2007 86 MINUTE ORDER, Judge M. Christina Armijo
added. Judge Santiago E. Campos no longer assigned to case.
(ln) (Entered: 06/12/2007)

3 Judge Martha Vazquez is no standing in 97 cv 0266 and thus lack
jurisdiction to issue ORDER seen in docket entry 87.

III. ISSUES

4 Judge Martha Vazquez has long history of harassing plaintiffs along
with judges Garcia and Downes in Court.

Vazquez's harassment caused her to be named as defendant in New Mexico
01:CV:3118 12 person jury trial lawsuits

which was fraudlently removed to federal court and labeled 01 CV 0634.

5 Docket entry 15 of 01 CV 0634 shows

06/11/2001 15 DEMAND for jury trial by plaintiffs (sl)
(Entered: 06/12/2001)

6 Docket entry 57 reads

05/28/2004 57 ORDER by District Judge William F. Downes denying as moot motions [55-1] [49-1] [44-1] [45-1] [39-1] granting motion to dismiss [21-1] denying as moot motions [20-1] [19-1] granting federal defts motion to dismiss pltf's complaint [17-1] denying as moot motions [14-1] [12-1] and granting federal defts motion [7-1] [5-1] dismissing case (cc: all counsel) (sl) (Entered: 05/28/2004)

Plaintiffs have been denied right of jury trial is guaranteed inviolate by 7th Amendment to US Constitution and 28 USC Rule 38.

Moreover, Downes rulings are void for reason of lack of subject matter jurisdiction. Harassment, replevin, and defamation [libel] are not federal questions and no affidavit that these are federal question was even submitted to courts.

9 Downes repeatedly ruled in 00 cv 1574 and 00 cv 1677. for which he also lacked subject matter jurisdiction and jurisdiction to render verdict since both are jury trial DEMAND federal lawsuits and fraudulently removed New Mexico 12 person paid-for jury trial lawsuits.

These harassing activities earned Downes a criminal complaint in Bernalillo Metropolitan Court which is still subject to action.

10 Lorenzo Garcia in 99 cv 270 issued

11/30/1999 105 JUDGMENT: by Magistrate Judge Lorenzo F. Garcia entered in favor of deft DOE on all of pltf's federal claims which are hereby dismissed with prejudice [95-1] (cc: all counsel*) (rd) (Entered: 11/30/1999)

11/30/1999 106 JUDGMENT: by Magistrate Judge Lorenzo F. Garcia entered in favor of individually named DOE and EEOC defts on all of pltf's federal claims, which are dismissed with prejudice [96-1], [96-2] (cc: all counsel*) (rd) (Entered: 11/30/1999)

11/30/1999 107 JUDGMENT: by Magistrate Judge Lorenzo F. Garcia entered in favor of EEOC on all of pltf's federal claims, which are dismissed with prejudice; all other common law claims against EEOC are dismissed with prejudice [97-1] dismissing case (cc: all counsel*) (rd) (Entered: 11/30/1999)

11 99 cv 270 is

03/24/1999 3 DEMAND for jury trial by pltf (rd) (Entered: 03/25/1999)

Thus Payne was denied right of jury trial is guaranteed inviolate by 7th Amendment to US Constitution and 28 USC Rule 38. which is voidable.

12 Vazquez writes in her ORDER wrote

Further, the Chief Magistrate Judge shall determine whether the Plaintiffs' filing of pleadings in this case constitutes a violation of the federal injunction previously entered prohibiting William H. Payne and Arthur R. Morales from filing new lawsuits or re-asserting claims which have previously been dismissed (Arthur R. Morales and William H. Payne v. Theodore C. Baca et al., CIV 01-634, Doc. 61).2

and

Plaintiffs could file pleadings as long as they complied with the requirements outlined in the attachment, Appendix A, to the Honorable William F. Downes' injunctive order. [Id.] See also, Tripathi v. Beaman, 878 F.2d 351, 354 (10th Cir. 1989).

Downes, in fact, wrote

08/18/2004 61 ORDER by District Judge William F. Downes granting injunctive relief and prohibiting pltfs William Payne and Arthur Morales from initiating a civil action in the U.S. District Court (cc: all counsel) (sl) (Entered: 08/18/2004)

Motion to vacate judgment in CIV NO 97 0266 SC/DJS is well within allowable legal activities since "initiating a civil action in the U.S. District Court" was not done. We merely filed to void in existing case before the court.

IV RELIEF SOUGHT

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

7 Sign attached ORDER VACATING Judge Martha Vazquez' s 06/14/2007 87
ORDER of Reference by Judge Martha Vazquez (jmg) (Entered: 06/14/2007)

Respectfully submitted,

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

Arthur R. Morales by WHP Telephone and email approval
Arthur R. Morales
465 Washington St SE
Albuquerque, NM 87108

Date: 6/14/07

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, emailed Jan Elizabeth Mitchell, Assistant US Attorney, 201 3rd ST NW, ABQ, NM 87102 at jan.mitchell@usdoj.gov, and foialo@nsa.gov by email this Friday June 15, 2007.

W H Payne
Signed

6/14/07
Date

Bozeman, MT