

97CV266 MCA/KFG

Tuesday February 19, 2008 10:30

Certified return receipt requested, email and posted at

<http://www.prosefights.org/nmlegal/lucero/lucero.htm#fouratt2>

Gregory J Fouratt  
United States Attorney  
U.S. Department of Justice  
United States Attorney  
District of New Mexico  
Post Office Box 607  
Albuquerque, New Mexico 87103  
505/346-7274  
505/346-7224  
[larry.gomez@usdoj.gov](mailto:larry.gomez@usdoj.gov)

Dear Mr Fouratt:

I received an envelope which appeared to be an attempt to correct service and an acknowledgment that the court had received a copy of my Monday February 9, 2008 letter to you on Thursday February 14, 2008.

Zavitz's second attempt at service appears also to be deficient for the following reasons:

**AFFIDAVIT**

1 Service was made on Thursday February 14, 2008, not on January 28, 2008 as claimed by Zavitz in his unsigned CERTIFICATION OF SERVICE OF DOCUMENTS.

2 Signature of clerk Matthew J Dykman must be timely with correct date of proper service.

3 INSTRUCTIONS TO THE GARNISHEE SLFCU must be made timely with proper service so that SLFCU can respond within the required 10 days.

4 WRIT OF GARNISHMENT must be made timely with proper service so that SLFCU can respond within the required 10 days.

SUBSCRIBED, SWORN TO and ACKNOWLEDGED before me this day of

3/19/08

W H Payne  
William H Payne

**Verification**

Under penalty of perjury as provided by law, the undersigned certifies pursuant to 28 USC § 1746 that material factual statements set forth in above affidavit are true and correct, except as to any matters therein

stated to be information and belief of such matters the undersigned certifies as aforesaid that the undersigned verily believes the same to be true. Notary Public

Sharon E. Gonzales



OFFICIAL SEAL  
SHARON E. GONZALES  
NOTARY PUBLIC-STATE OF NEW MEXICO

My commission expires: Dec 3, 2011

State of New Mexico  
County of Bernalillo

Signed and affirmed before me on this  
19<sup>th</sup> day of February, 2008  
by William H. Payne

Sharon E. Gonzales  
Notary Public's Signature  
My Commission Expires: Dec 3, 2011

Zavitz instructions for INSTRUCTIONS TO DEFENDANT DEBTOR ON HOW TO CLAIM EXEMPTIONS appears to be incorrect.

Our Friday February 15, 2008 15:26 letter to SLFCU president Mr Chris Jillson shows proof of the correct method to claim exemptions.

Zavitz statements

If you claim an exemption from garnishment, you should do the following promptly: 1. Fill out the attached Claim for Exemption Form.

2. Deliver or mail the form to the Clerk, United States District Court for the District of New Mexico at 333 Lomas Boulevard NW, Suite 270, Albuquerque, New Mexico 87103-2272.

3. Deliver or mail the forms to the Counsel of the United States, John Zavitz, Assistant United States Attorney at P.O. Box 607, Albuquerque, New Mexico 87103-0607.

appear to be a deliberate attempt to harass us since these are not the instructions send to us or SLFCU by the court.

Zavitz writes

If you elect, you have the right to a hearing within 10 days after the date the request is received by the court, or as soon thereafter as is practicable, from the date you file the completed Claim for Exemption Form with the Clerk, United States District Court, and give notice of the hearing date to all the parties. In order to obtain this hearing, you must check the box provided on the attached Claim for Exemption Form. You will be notified as soon as possible of the date, time, and place of hearing.

There will be no hearing until we have been properly served.

Zavitz writes

On the day of the hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

There can be no fair hearing in New Mexico since then federal chief magistrate judge William Deaton told Payne and Assistant US Attorney Phyllis Dow at a meeting on 3/22/01 that it would be impossible to have fair hearings in New Mexico.

INITIAL SCHEDULING ORDER by Chief Magistrate William Deaton; Rule 16 scheduling conference set for 3/22/01 at 11:00 am in Albuquerque, NM; provisional discovery plan and IPTR due 3/12/01 (cc: counsel\*) [12k] [3 pages]

Therefore then federal chief judge James A Parker ordered in all five fraudulently removed New Mexico 12 person jury trial lawsuits.

1 03/27/2001 03/28/2001 42 ORDER by Chief Judge James A. Parker that this case has been reassigned to Judge William F. Downes (cc: all counsel by dm) [21k] [1 page]

2 06/12/2001 06/12/2001 16 ORDER by Chief Judge James A. Parker recusing all judicial officers of the District of New Mexico; and reassigning this case to the Hon. William F. Downes, Chief U.S. District Judge District of Wyoming (cc: all counsel\*) [7k] [1 page]

3 10/25/2001 10/26/2001 6 ORDER OF RECUSAL by Chief Judge James A. Parker reassigning case to Chief Judge Dee V. Benson for the District of Utah (cc: all counsel\*) [8k] [1 page]

4 03/27/2001 03/29/2001 69 ORDER by Chief Judge James A. Parker recusing all judicial officers of the District of NM and reassigning case to Chief U.S. District Judge William F. Downes of District of Wyoming (cc: all counsel) [23k] [1 page]

5 10/24/2001 10/26/2001 13 ORDER by Chief Judge James A. Parker that all judicial officers of the District of New Mexico recuse in this action, and this case is reassigned to the Honorable Dee V Benson, Chief United States District Judge for the District of Utah (cc: all counsel\*) [8k] [1 page]

Conclusion is clear that "all judicial officers of the District of New

Mexico" are recused for the reason stated by former chief magistrate judge William Deaton that Morales and Payne cannot get a impartial hearing in New Mexico..

We ask that Fouratt/Zavitz discontinue extortion and harassment attempts which are in violation of New Mexico criminal laws 30-16-9. Extortion and 30-3A-2. Harassment.

Sincerely,



William H. Payne  
13015 Calle de Sandias NE  
Albuquerque, NM 87111  
505-292-7037  
bpayne37@comcast.net

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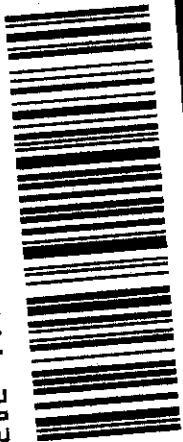
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✓ Matthew J Dykman, Clerk  
United States District Court  
333 Lomas Blvd. N.W.  
Albuquerque New Mexico 87102

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William H Payne  
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**CERTIFIED MAIL**



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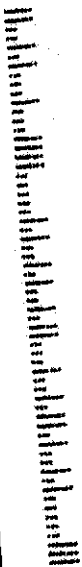
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Albuquerque NM

FEB 20 2008

MATTHEW J. DYKMAN  
CLERK

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