

**NOTICE AND DEMAND FOR  
EXHIBITION OF MISSING CREDENTIALS**

TO: M. Christina Armijo  
c/o U.S. District Court  
333 Lomas Boulevard N.W.  
Albuquerque 87102  
NEW MEXICO, USA

Cert US Mail #  
7006 0810 0003 0933 6567

FR: Robert Carman  
Qualified Federal Witness  
HCR 64, Box 12-15  
Santa Cruz, 87567  
New Mexico, USA

EXHIBIT "A-1"  
TO REPLY TO  
RESPONSE TO  
MOTION TO STRIKE  
*pel*

DATE: December 4, 2006 A.D.

SUBJECT: missing credentials

Greetings M. Christina Armijo:

Please be advised that a proper request submitted on August 15, 2006, under the Freedom of Information Act ("FOIA") has resulted in a determination that the following requisite credentials for you cannot be found or exhibited by the legal custodians of those records:

- (1) Senate Confirmation
- (2) Presidential Commission
- (3) Oath of Office
- (4) Appointment Affidavit

For your convenience, we have attached a copy of that FOIA request.

Formal demand is hereby made of you to produce all missing credentials as itemized above no later than 5:00 p.m. on Friday, December 8, 2006 A.D. Beyond that reasonable deadline, your silence will activate estoppel pursuant to Carmine v. Bowen, and it will also constitute fraud pursuant to U.S. v. Tweel.

Thank you for your timely and professional consideration.

Sincerely yours,

  
Robert Carman





U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

NOV 16 2006

Mr. Paul A. Mitchell  
Suite A-332  
501 W. Broadway  
San Diego, CA 92101

Re: Appeal No. 06-3066  
Request No. OLP/06-R0897  
JTR:SJV

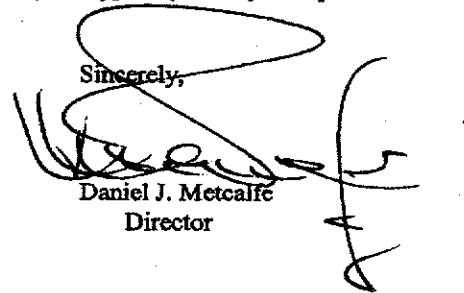
Dear Mr. Mitchell:

You appealed from the action of the Initial Request Staff of the Office of Information and Privacy, acting on behalf of the Office of Legal Policy (OLP) on your request for access to copies of the Presidential Commissions, form OPM 61 Appointment Affidavits, Oaths of Office, and Senate confirmations of ten federal judges currently serving on the United States District Court for the District of New Mexico. I have construed your appeal as limited to the adequacy of the Initial Request Staff's search.

After carefully considering your appeal, I am affirming the Initial Request Staff's action on your request. The Initial Request Staff informed you that it could not locate any records responsive to certain portions of your request. I have determined that this response was correct, and that the Initial Request Staff conducted a reasonable and adequate search for responsive records. As the Initial Request Staff informed you in its letter of August 30, 2006, the Administrative Office for the United States Courts (AOUSC) maintains the records that you seek, and these records are not always forwarded to OLP.

If you are dissatisfied with my action on your appeal, you may seek judicial review in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,



Daniel J. Metcalfe  
Director

## FREEDOM OF INFORMATION ACT REQUEST

August 15, 2006 A.D.

Richard L. Huff, Co-Director

Certified US Mail #

Office of Information and Privacy

17004 0750 0002 1048 8219

U.S. Department of Justice

10<sup>th</sup> & Constitution, N.W.

Washington 20530

DISTRICT OF COLUMBIA, USA

Subject: Freedom of Information Act ("FOIA") Request

Dear Mr. Huff:

This is a request under the Freedom of Information Act. I request that a copy of the following documents be provided to Me, without delay:

1. proper Presidential Commissions signed by the President of the United States of America and countersigned by the U.S. Attorney General for ten (10) federal employees currently seated on the U.S. District Court for the District of New Mexico, as required by 5 U.S.C. sections 2104 and 2902;
2. proper OPM Form 61 Appointment Affidavits signed by ten (10) federal employees currently seated on the U.S. District Court for the District of New Mexico, as required by 5 U.S.C. sections 3331 and 2906;
3. proper Oaths of Office for United States Judges signed by ten (10) federal employees currently seated on the U.S. District Court for the District of New Mexico, as required by 28 U.S.C. section 453; and,

4. proper Senate Confirmations of ten (10) federal employees currently seated on the U.S. District Court for the District of New Mexico, as required by the Appointments Clause in the Constitution for the United States of America, as lawfully amended.

Below please find an alphabetical list of the proper names of all ten (10) federal employees whose credentials above I am hereby requesting, and as listed at 422 F.Supp.2d, Page XXIV *et seq.*, and at the Internet Website of the U.S. District Court for the District of New Mexico.

I request a waiver of all fees for this request.

Disclosure of the requested information to Me is in the public interest, because it is likely to contribute *significantly* to public understanding of the operations and activities of the federal government, and is not *primarily* in My commercial interest.

See also 5 U.S.C. 552(a)(4)(B). Statutes conferring original jurisdiction on federal district courts must be *strictly* construed.

If you are not the correct person to whom this FOIA request should be directed, please forward it without delay to the correct person(s).

Thank you for your timely consideration of this FOIA request.

Sincerely yours,



Robert E. Carman.

Qualified Federal Witness

**All Rights Reserved without Prejudice**

U.S. Mail care of:

Robert E. Carman

HCR 64, Box 12-15

Santa Cruz 87567

NEW MEXICO, USA

List of 10 federal personnel presently seated on the U.S. District Court for the District of New Mexico:

1. M. Christina Armijo
2. Bruce D. Black
3. Robert C. Brack
4. James O. Browning
5. John Edwards Conway
6. C. LeRoy Hansen
7. Judith C. Herrera
8. William P. Johnson
9. James A. Parker
10. Martha Vázquez

Source: 422 F.Supp.2d, Page XXIV *et seq.*, and Internet Website of the

U.S. District Court for the District of New Mexico



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

SEP 20 2006

Mr. Robert Carman  
HCR 64, Box 12-15  
Santa Cruz, NM 87567

Re: OLP/06-R0985  
MAP:TSW:SBT

Dear Mr. Carman:

This responds to your Freedom of Information Act (FOIA) request dated August 15, 2006, which was received in this Office on August 22, 2006, in which you requested copies of the presidential commissions, appointment affidavits, oaths of office and Senate confirmation documents pertaining to the ten judges currently seated on the U.S. District Court for the District of New Mexico. This response is being made on behalf of the Office of Legal Policy (OLP).

In response to an earlier FOIA request for the same documents you seek, a search was conducted in OLP and thirty-two documents, totaling thirty-two pages, were located that are responsive to your request. I have determined that eight documents, totaling eight pages, are appropriate for release without excision and copies are enclosed. Also enclosed are twenty-four documents, totaling twenty-four pages, with excisions made pursuant to Exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6), which pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of a third party.

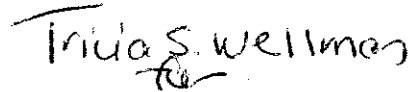
For your information, the fact that we have not been able to locate some of the documents you have requested does not mean that the documents do not exist, nor does it mean that those judges are not duly authorized. The Department of Justice is not the official repository of this type of record; therefore, some documents are not always forwarded to OLP for inclusion in its files. The Administrative Office of the U.S. Courts (AOUSC) maintains the personnel files of all federal judges, which include certain appointment documents. For your information, the FOIA pertains only to agencies within the executive branch of the federal government. As the AOUSC is an entity within the judicial branch, it is not subject to the FOIA. Although the policy of the AOUSC is not to release appointment documents to the public, should you wish to contact that entity, the address follows:

Judges Compensation and Retirement Services Office  
Administrative Office of the U.S. Courts  
One Columbus Circle, NE  
Washington, D.C. 20544

If you are not satisfied with my action on your request, you may administratively appeal from this partial denial by writing to the Director, Office of Information and Privacy, United States Department of Justice, Suite 11050, 1425 New York Avenue, N.W., Washington, D.C.

20530-0001, within sixty days from the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Handwritten signature of Tricia S. Wellman in black ink.

Melanie Ann Pustay  
Deputy Director

Enclosures

# OATH OF OFFICE FOR UNITED STATES JUDGES

(Title 28, Sec. 453 and Title 5, Sec. 3331, United States Code)

I, BRUCE DOUGLAS BLACK, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as United States District Judge under the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.

So Help me God.

*Bruce Douglas Black*  
.....

Subscribed and sworn to (or affirmed) before me this 18th day of January, 1996.

*James A. Parker*  
.....  
U.S. DISTRICT JUDGE  
.....

FOIA EXEMPTION (b)(6)

Actual Abode: [REDACTED]

Official station\*: Albuquerque, New Mexico

Date of birth: July 27, 1947

Date of entry on duty: January 18, 1996

CERTIFIED a True Copy of the  
original filed in my office  
Robert M. March, Clerk

by *[Signature]*  
Deputy

\*Title 28, sec. 456 United States Code, as amended.

# OATH OF OFFICE FOR UNITED STATES JUDGES

(Title 28, Sec. 453 and Title 5, Sec. 3331, United States Code)

I, ... Robert G. Brack ....., do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a United States District Judge ..... under the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.

SO HELP ME GOD.

*Robert G. Brack*

Subscribed and sworn to (or affirmed) before me this ... 25th ..... day of ... July ..... 19 2003

FOIA EXEMPTION (b)(6)

*James A. Baker*

Actual abode: [REDACTED] Chief Judge, United States District Court

Official station\* Las Cruces, New Mexico

Date of birth 05/02/1953

Date of entry on duty July 25, 2003.

CERTIFIED a True Copy of the original filed in my office.  
Robert M. March, Clerk

by *Robert M. March*  
Deputy

\*Title 28, sec. 456 United States Code, as amended.

# OATH OF OFFICE FOR UNITED STATES JUDGES

(Title 28, Sec. 453 and Title 5, Sec. 3331, United States Code)

I, James O. Browning, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as United States District Judge under the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.  
So HELP ME GOD.

James O. Browning

Subscribed and sworn to (or affirmed) before me this 6th day of August, 2003.

FOIA Exemption b 6

James A. Parker

Actual abode [REDACTED] Chief Judge, United States District Court

Official station Albuquerque, New Mexico

Date of birth April 6, 1956

Date of entry on duty August 6, 2003

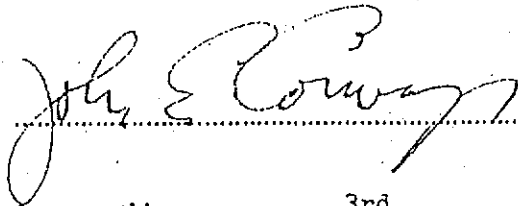
CERTIFIED a True Copy of the original filed in my office.  
Robert M. March, Clerk  
by [Signature]  
Deputy

\*Title 28, sec. 456 United States Code, as amended.

# OATH OF OFFICE FOR UNITED STATES JUDGES

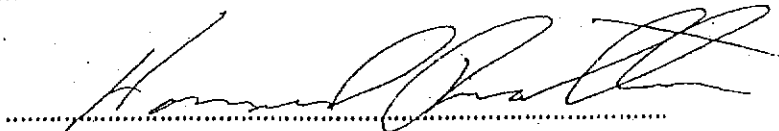
(Title 28, Sec. 458 and Title 5, Sec. 3331, United States Code)

I, John E. Conway, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as United States District Judge, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. SO HELP ME GOD.



Subscribed and sworn to (or affirmed) before me this 3rd day of July, 1986

FOIA EXEMPTION (b)(6)



Actual abode [REDACTED] Chief Judge, U.S. District Court

Official station \* Albuquerque, New Mexico

Date of birth September 1, 1939

Date of entry on duty July 3, 1986

CERTIFIED a True Copy of the original filed in my office.  
Jesse Casaus, Clerk

by Jessie Mandell  
Deputy

Note—The Act of May 1, 1876 (Title 48, sec. 1466, United States Code), provides that the oaths of Territorial Officers shall be administered in the Territory in which the office is held.

\*Title 28, sec. 456 United States Code, as amended.

# OATH OF OFFICE FOR UNITED STATES JUDGES

(Title 28, Sec. 453 and Title 5, Sec. 3331, United States Code)

I, C. LEROY HANSON, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as UNITED STATES DISTRICT JUDGE, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. SO HELP ME GOD.

C. Leroy Hanson

Subscribed and sworn to (or affirmed) before me this 5<sup>TH</sup> day of OCTOBER, 1992

James A. Parker  
U.S. DISTRICT JUDGE

FOIA EXEMPTION (b)(6)

Actual abode [REDACTED]  
Official station \* Albuquerque, New Mexico  
Date of birth 4/18/33  
Date of entry on duty 10/5/92

CERTIFIED a True Copy of the original filed in my office.  
Robert M. March, Clerk

by James A. Parker  
Deputy

Note—The Act of May 1, 1876 (Title 48, sec. 1466, United States Code), provides that the oaths of Territorial Officers shall be administered in the Territory in which the office is held.

\* Title 28, sec. 456 United States Code, as amended.

# OATH OF OFFICE FOR UNITED STATES JUDGES

(Title 28, Sec. 453 and Title 5, Sec. 3331, United States Code)

I, Judith C. Herrera, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as United States District Judge under the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.

SO HELP ME GOD.

*Judith C. Herrera*

Subscribed and sworn to (or affirmed) before me this 17th day of June, 2004.

FOIA EXEMPTION (b)(6)

*[Signature]*

U.S. District Court Judge

Actual abode

[REDACTED]

Official station\* Santa Fe, New Mexico

Date of birth April 28, 1954

Date of entry on duty June 17, 2004

CERTIFIED a True Copy of the original filed in the office of the Clerk

by *[Signature]*  
Deputy

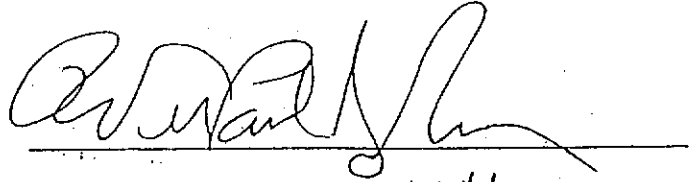
\*Title 28, sec. 456 United States Code, as amended.

# OATH OF OFFICE FOR UNITED STATES JUDGES

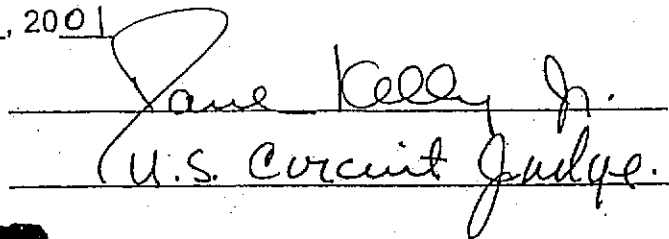
(Title 28, Sec. 453 and Title 5, Sec. 3331, United States Code)

I, William Paul Johnson, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as United States District Judge under the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; and that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.

So Help Me God.



Subscribed and sworn to (or affirmed) before me this 28<sup>th</sup> day  
of December, 2001

  
Jane Kelly Jr.  
U.S. Circuit Judge.

FOIA EXEMPTION (b)(6)

Actual abode: 

Official station\*: Albuquerque, New Mexico

Date of birth: 10-16-1959

Date of entry on duty: 12-28-2001

\*Title 28, Sec. 456 United States Code, as amended

# OATH OF OFFICE FOR UNITED STATES JUDGES

(Title 28, Sec. 453 and Title 5, Sec. 3331, United States Code)

I, ..... Martha Vazquez ....., do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ... United States District Judge ..... under the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.  
So HELP ME GOD.

*Martha Vazquez*

Subscribed and sworn to (or affirmed) before me this ..... 6th ..... day  
of ..... October ..... , 19 93..

FOIA EXEMPTION (b)(6)

Actual abode [REDACTED]

Official station\* Santa Fe, New Mexico

Date of birth .. 2/21/53 .....

Date of entry on duty ... 10/6/93 .....

*Juan G. Benavides*

Chief Judge, United States District Court

CERTIFIED a True Copy of the original filed in my office.  
Robert M. March, Clerk

by *Robert M. March*  
Deputy

\*Title 28, sec. 456 United States Code, as amended.

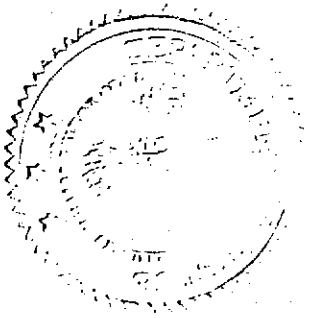
William Jefferson Clinton

President of the United States of America,

He will who shall see these Honors, Seeking:

Know Mr. That regarding special trust and confidence in the Wisdom, Honesty, and Sincerity of *Bruce D. Black, of New Mexico*. I have nominated, and by and with the advice and consent of the Senate do appoint him *United States District Judge for the District of New Mexico* and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to have and to hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto him, the said *Bruce D. Black* during his good behavior.

In testimony whereof, I have caused these Letters to be made public and the seal of the Department of Justice to be hereunto affixed  
Given at the City of Washington this twenty-sixth day of December, in the year of our Lord one thousand nine hundred and ninety-five and of the Independence of the United States of America the two hundred and twentieth.



By the President:

*Paul T. Geary*  
Attorney General

William S. Vinton

by [Signature]  
Deputy

# APPOINTMENT AFFIDAVITS

United States District Judge  
(Position to which appointed)

January 18, 1996  
(Date of appointment)

United States District Court District of New Mexico Albuquerque, New Mexico  
(Department or agency) (Bureau or Division) (Place of employment)

I, Bruce Douglas Black, do solemnly swear (or affirm) that—

### A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

### B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

### C. AFFIDAVIT AS TO PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

[Signature]  
(Signature of appointee)

Subscribed and sworn (or affirmed) before me this 18th day of January, 19 96,

at Albuquerque  
(City)

New Mexico  
(State)

[SEAL]

[Signature]  
(Signature of officer)  
U.S. DISTRICT JUDGE  
(Title)

Commission expires N/A  
(If by a Notary Public, the date of expiration of his/her Commission should be shown)

NOTE.—The oath of office must be administered by a person specified in 5 U.S.C. 2903. The words "So help me God" in the oath and the word "swear" wherever it appears above should be stricken out when the appointee elects to affirm rather than swear to the affidavits; only these words may be stricken and only when the appointee elects to affirm the affidavits.

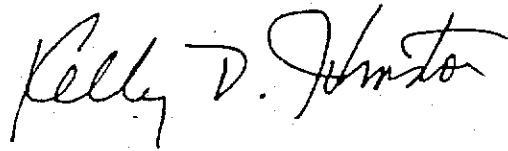
Senate of the United States  
IN EXECUTIVE SESSION

December 22, 1995

**Resolved,** That the Senate advise and consent to the following  
nomination:

Bruce D. Black, of New Mexico, to be United States District Judge for  
the District of New Mexico.

Attest:



Secretary

