

## Blue\_French\_Qtr

The root of all evil is not money it's a lie.

FEBRUARY 4, 2016 BY CBJULIAN DE MALA CARE

## The Nations Conscience Has Taken Leave of Court !

Given the current political environment I liked having my last post on the front page. However, many nuance complexities in my legal battle with the U.S. Government have occurred which I want to share. In other words I have no shortage of topics to write about. In some ways there all related to this journey.

Yesterday I mailed my response to the U.S. governments 12(b) motions to dismiss my case. There several pages of history and commentary in that filing relevant, not only to my case but, the state of the Nation, Judiciary, Government, my last blog post, and actually so many relevancies I simply can't list them all. I intend to blog the history, and commentary in relative short order once, I have confirmation its in the hands of the clerk of the Federal Court of Claims.

I wrote in an earlier blog about my expectations of the Federal Courts response to filing of that case in **Any Doesn't Mean Any Anymore** (<https://blueridgesprings.wordpress.com/2015/06/07/any-doesnt-mean-any-anymore/>). Waiting on confirmation; because, the only motions I filed in this case subsequent, to filing of the complaint have not been docketed. In fact several documents you would expect docketed in this case have not shown on the docket. Examples of which include the Department of Justice attorney notice of appearance, a ruling from the judge on a request to proceed in forma pauperis and since i'm a pro se litigant, i'm under the impression a Roseboro notice should have been issued although, perhaps the rules in this court are not the same as the federal district courts?

The last two motions I presented to the court, mailed January 12, 2016, were a motion for presiding judge Edward J. Damich and the Alternative Dispute Resolution (ADR) Judge Eric G. Bruggink to provide affirmations and attest they had taken the U.S. Constitutions Oath of Office and regarding case 15-1344c they intended to abide by their oaths and the judicial cannons of office. To date neither of these motions or a response has been docketed. I made these motions for a number of reasons, its easy to see though, how a Senior judge might find the request offensive.

All this is interesting and bears significance and relation to other events. See, I began to suspect very early on after filing my first complaint, events occurring with the court were not kosher. In fact, I started this blog when I felt it had gone past just being my imagination. See the first blogpost from November 19, 2013 **Capitalism, Democracy, Justice, and Civil Rights** (<https://blueridgesprings.wordpress.com/2013/11/19/capitalism-democracy-justice-and-civil-rights/>) written just 2 months after filing the first complaint. That post talks about filing a complaint against judge Jackson L. Kiser and how the Federal Judicial system is not open to complaints or criticism. Prior to this, I had blogged a little on the journey through the Administrative appeals process with the USDA on my web site [Blueridgesprings.com/blog](http://blueridgesprings.com/blog) (<http://blueridgesprings.com/blog.php>) I needed a better blogging platform, and if I could afford it today I'd pay the \$99.00 to upgrade this one.

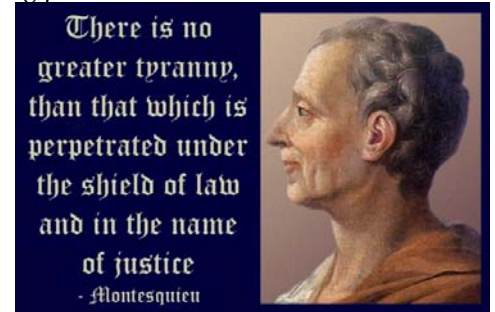
I posted a my discourse a number of times on the blog after that about my contentions the Federal District Court of Virginia Western Division was corruptly handling my case. I have on multiple occasions referred in motions to the court of Judge Jackson L. Kisers Memorandum Opinion issued March 24, 2014 as filled with deceit, deception, intentional misrepresentations, and dabbled with lies. Furthermore, I told the appellate court it reads entirely as though its written by attorneys for the defense. When you sue a branch of the U.S. Government for racketeering and get this response from a Federal Court Judge, you can only believe their part of the racket which, my research had already suggested.

Knowing the court had denied any opportunity to amend the complaint. Feeling literally raped by the Government, Judicially abused, and simply astounded by a federal court judge justifying opinions with outright lies, mis representation, and even crafting an alibi for criminal acts of Government employees, knowing, I would not have a chance at justice in this court. I was free to motion for sanctions and no longer concerned with jeopardizing the case. I filed a motion with the court to sanction the attorney for the Virginia Department of Justice who early on failed to follow the Federal Rules of Civil Procedure. I had blogged about this in **Legal Conundrum by Federal Rules of Civil Procedure 5(b)(2)(e)** (<https://blueridgesprings.wordpress.com/2013/12/29/judicial-anticipation/>)

When I responded to the attorneys reply brief, I was working on filing a brief for an **interlocutory appeal** (<https://drive.google.com/drive/u/0/folders/0B30xwgYbDw5lOFZzYUdBelhxeUU>) see [Exhibit 5] with the 4th circuit court of appeals, and hoped this case was going to take a very different course, I also expected the motion for sanctions to get the very same prejudicial treatment, every other filing had received. Consequently, I concluded my reply brief with a statement of fact not unlike that expressed numerous times throughout history. See the blog post **Response to Reply for Sanctions** (<https://blueridgesprings.wordpress.com/2014/06/07/240/>) [ECF N.o. 60] and connect this with the quotes of Thomas Jefferson in my next blog post. (<https://blueridgesprings.files.wordpress.com/2016/02/tyranny-montesquieu.jpg>)

## CONCLUSION

*A Corrupt Federal Agency aided and abetted by a Corrupt Federal Court is a travesty of justice for American Democracy an Insult to the U.S. Judicial system, to the constitution of the United States of America, and to Life, Liberty, and Justice for all. It results in tyranny, oppression, and absolute despotism of the people, justifying completely and succinctly the second amendment to the constitution of the United States. There is no greater criminal than the criminal that sits on the bench robbing America of its foundations.*



Its important for reasons never disclosed, you note the filing date of this reply is important. This reply brief was docketed on June 6, 2014. The Interlocutory appeal brief to the 4th Circuit court of appeals was mailed on June 11, 2014 and not docketed by the court of appeals until June 16, 2014. However, the U.S. Department of Justice in Roanoke VA. received a copy of the interlocutory appeal brief on June 12, 2014. On June 13, 2014 Judge Jackson L. Kiser docketed his **Show Cause Order** (<https://blueridgesprings.files.wordpress.com/2014/06/28/judge-jackson-l-kiser-sends-u-s-marshall-with-comments-on-my-blog/>)

Why are the dates so important? Well, if you read the show cause order, Judge Kiser states:

*"[ECF No. 60]In that filing, they made several scurrilous and wholly unsubstantiated allegations about this Court, including accusing the Court of intentionally waiting to set Defendants' Motions to Dismiss for hearing,<sup>1</sup> and asserting that there is evidence of "ex parte communications." Moreover, Plaintiffs accuse me of being a criminal, and accuse this Court of corruption:"*

*"<sup>1</sup> In the Pretrial Order filed in this case on January 15, 2014, the parties were instructed that it is their responsibility to set motions for a hearing. (See Pretrial Order ¶ 5, Jan. 15, 2014 [ECF No. 32] ("It shall be the obligation of the moving party to bring the motion on for hearing by notice.")) Absent extenuating circumstances, the Court does not set hearings for the parties sua sponte."*

Lets discuss the first Paragraph in order of statement.

1. "intentionally waiting to set Defendants Motions to Dismiss for hearing." the foot note 1 is accurate however, as was stated in the show cause hearing, The Attorney general for the state of Virginia was the movant and unless someone has done something shady the docket should reflect that the Attorney never submitted a motion for a hearing. In fact the clerk of court at the judges direction scheduled one hearing for everything after the time to motion had already lapsed.
2. "asserting that there is evidence of "ex parte communications"" I have yet to disclose the evidence of this to anyone and no one has asked me to either but, I believe I can prove that statement and I want you to consider this. The [ECF N.o 60 was docketed June 6, 2014. The DOJ of Roanoke got a copy of the Appellate appeal brief on June 12, 2014 **USPS mail tracking** (<https://blueridgesprings.files.wordpress.com/2016/02/usps-com-kartic-gets-appeal-doc.jpg>) and then judge Kiser posted his show cause order on June 13, 2014 which was mysteriously followed by the appellate court not receiving the appeal brief until June 16 2014. **USPS mail tracking** (<https://blueridgesprings.files.wordpress.com/2016/02/usps-comc2ae-decoaster-receives-appeal.jpg>) coincidentally, the same time as the Virginia Attorney Generals office **USPS mail tracking** (<https://blueridgesprings.files.wordpress.com/2016/02/usps-comc2ae-decoaster-receives-appeal.jpg>) Its important to note here too, the appellate brief details many of these **scurrilous and criminal** acts as well as providing a more in depth look at the RICO allegations. see [Exhibit 5] from above.
3. I told you when I posted the blog **Judge Jackson L. Kiser sends U.S. Marshall with comments on my Blog** (<https://blueridgesprings.wordpress.com/2014/06/28/judge-jackson-l-kiser-sends-u-s-marshall-with-comments-on-my-blog/>) to take a very close look at what the reply brief actually said. I have not discussed this before now except in the show cause hearing which the transcripts should reflect. I asked Judge Jackson L Kiser if he could show me where in that statement he found his name? Do you see it? Me either because it's not there. I asked Judge Jackson L. Kiser if he saw any mention of the Federal District Court of Virginia Western District in the statement. Do you see it? Me either because it's not there. The statement was written at that very time, not to specify any particular judge or court. Just a statement of fact! So Judge Kiser you assumed the statement was about you and your court. I asked him in the hearing if thats how he ran his court based on his personal assumptions. I said I thought Federal Courts worked off of facts to determine the truth.

Now look at the print out of activity on [Blueridgesprings.com \(https://blueridgesprings.files.wordpress.com/2016/02/stats-on-brs-website.jpg\)](https://blueridgesprings.files.wordpress.com/2016/02/stats-on-brs-website.jpg) and [WordPress.blueridgesprings.com \(https://blueridgesprings.files.wordpress.com/2016/02/wordpress-stats-june.jpg\)](https://blueridgesprings.files.wordpress.com/2016/02/wordpress-stats-june.jpg) from June 10 – June 16. Yes, this may be circumstantial evidence but, someone knows the truth and with a little discovery its possible to know a lot more about the truth.

I tell you this. When I first filed the action I kept a lot of known factual information and evidence to myself. A lot of that came out in fits and spurts as the opportunity for discovery was continually moved out of reach. To this day I'm still holding evidence of my RICO allegations I have not exposed. I'm not sure whether I provided to much information to start or not enough. I just figured in the beginning it would be a little like poker. Never let them know more than they need to know about the hand you're holding. I have explained my belief about what you know for sure in my blog [Do you know the one thing, The one thing you always know? \(https://blueridgesprings.wordpress.com/2014/08/29/do-you-know-the-one-thing-the-one-thing-you-always-know/\)](https://blueridgesprings.wordpress.com/2014/08/29/do-you-know-the-one-thing-the-one-thing-you-always-know/)

Unless I have some kind of substantial evidence in hand, I don't like to make accusations about it. I believe the transcripts of the first hearing in my case were not accurate. Why, well certain statements and actions by people are sometimes very telling and stick with you especially if there highly important to you. There were 3 things, I believe were said in that hearing which are simply not in the transcript. I can't prove it unless it was recorded but, the court reporters told me Judge Jackson L. Kiser would have to approve any changes and I would have to take it up with him. Go figure!

After the show cause order, I remember very well being threatened by Judge Kiser he would no longer allow my motions to be docketed. Interestingly enough, thats how the Federal District Court of Claims is operating. Discussed supra as they say. See paragraph 4.

I told Judge Kiser in the last hearing I had before him. He was a public official just like the rest of the defendants. The entire case was about accountability, responsibility and as a public official he was no different. Lawyers, Prosecutors, District Attorneys, Attorney Generals, The Department of Justice, they all have real conflicts of interest calling out a Federal Judge. Even congress looks bad when someone appointed to office, and confirmed by congress is guilty of criminal acts. I understood when I filed this suit that was precisely why RICO provided private attorney general status. But, if the courts wish to ignore the law were a lawless nation. I laud Judge Kiser for implying my 1st amendment rights do not apply to filings on a government owned system. The Judiciary simply wants no one holding them accountable and wants everyone to simply accept what they say is – is. Like Bill Clinton said depends on what the meaning of is – is.

On Several occasions beginning January 27 th I emailed Congressman Morgan F. Griffith a letter stating that two Federal Judges in the Federal District court of Claims were not docketing motions related to this RICO case. A case I had discussed with him previously. I sent this letter through his congressional website on January 31, 2016 and informing him I had asked for these judges to confirm their oaths of office and stated. If a Federal Judge is not willing to affirm his oath, and his intent to abide by that oath, he is no longer fit for duty, and I expected congress to fulfill its duty and accept my petition for a congressional hearing. As of this writing I have not received any response from Congressman Moran F. Griffith. I did copy the DOJ attorney in this case with that communication. A copy of that letter can be seen here: [Congressional Representative Morgan Griffith \(https://blueridgesprings.files.wordpress.com/2016/02/petition-to-moran-griffith-docx.jpg\)](https://blueridgesprings.files.wordpress.com/2016/02/petition-to-moran-griffith-docx.jpg)

Update 2-12-2016 The Office of Congressman Moron Griffith called on 2-11-2016. A young woman on the line. I can't help but wonder if it was the Attorney for the DOJ. You can not underestimate the willingness of everyone I have encountered in government to just straight out lie. Note that it took approximately 2 weeks for a response when every other previous time I was contacted within days. The local sheriffs office has started calling and i suspect at the congressman request. In the bigger picture its important to note Moron has a Washington and Lee JD, There seems to be quite the contingent of such grads in the circles of VA judicial and legislative corruption.

Update 2-4-2016 – Judge Edward Damich has issued his response to the motion requesting he make a written affirmation of his oath of office. **He declined to do so.** Stating:

*“There is no provision in the Rules of the United States Court of Federal claims that calls for such acknowledgement.”*

My response : I consider his statement as reserving the right to proceed in violation of his oath. I find that unacceptable, If you want to be called your Honor you must first earn the title. Given my experience with Judge Jackson L. Kiser and members of the 4th CA I will no longer accept as true a judge has honor he will have to demonstrate it. It would be a waste my time to proceed on such an endeavor. It's a violation of Rule 1. It's unjust to expect a plaintiff to proceed an action in which the judge reserves the right to disparage his oath of office. By declining, the judge is declining to extend to plaintiffs the constitutional promise of due process. **By Order of Judge Edward J. Damich (https://i0.wp.com/blueridgesprings.files.wordpress.com/2016/02/8-motion-for-affirmation-denied.jpg?ssl=1&w=450)**

Furthermore, my understanding was you could motion a judge for anything related to a case. There was no reason with such a motion to state grounds for its blatantly understood from the relief sought.

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