

1. CR 59 (a)(4) cites that newly discovered evidence, material for the party making the application that could not have been reasonably discovered and produced earlier are grounds for granting the Petitioner's Motions. The newly discovered evidence, material for the Petitioner, who is being represented Pro Se and making the application, which could not have reasonably been discovered and produced earlier by the Petitioner is that,

I, Diana R. Williams, the Petitioner who is being represented Pro Se, hereby, requests that the Petitioner's 5<sup>th</sup> Motion For Disqualification For "Fraud Upon The Court" Under Federal Statute 28 U.S.C. & 455(a) And Under Maryland Rule 18-102.11 Against Judge Fletcher-Hill Who Was Recused In 2018 As The Presiding Judge, 2<sup>nd</sup> Motion For All Orders By Judge Fletcher-Hill, By The Panel Of In Banc Judges, By Judge Michel Pierson, and By Judge Karen Friedman Be Deemed Void As A Matter Of Law Under Federal Statute 28, U.S.C. & 455(a) And Under Maryland Rule 18-102.11, Motion For Reconsideration, And 4<sup>th</sup> Motion For A Hearing On The Motions based on the grounds and authorities cited below:

4<sup>TH</sup> MOTION FOR A HEARING ON THE MOTIONS

RULE 18-102.11 1, MOTION FOR RECONSIDERATION, AND

UNDER FEDERAL STATUE 28 U.S.C & 455(A) AND UNDER MARYLAND

AND BY JUDGE KAREN FRIEDMAN BE DEEMED VOID AS A MATTER OF LAW

FLETCHER-HILL, BY THE PANEL OF IN BANC JUDGES, BY JUDGE MICHEL PIERSON,

RECUSED IN 2018 AS THE PRESIDING JUDGE, 2ND MOTION FOR ALL ORDERS BY JUDGE

U.S.C & 455(a) AND MARYLAND RULE 18-102.11 AGAINST JUDGE FLETCHER-HILL WHO WAS

5<sup>TH</sup> MOTION FOR DISQUALIFICATION FOR "FRAUD UPON THE COURT" UNDER FEDERAL STATUE 28

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\* Case No. 24-C-17-004535

\* BALTIMORE CITY

\* FOR

\* CIRCUIT COURT

\* DIANA R. WILLIAMS

\* THE PETITION OF

\* IN THE

\* MATTER

**FOR BALTIMORE CITY**  
**CIRCUIT COURT**

JUN 24 2022

**RECEIVED**

Judge Michel Pierson presided over the Petitioner's initial Civil proceeding until filling his last Findings and Order on 1-2-20. The Petitioner filed a Petition for an In Banc Review and her Memorandum in Support of her In Banc Review on 1-14-20, and around 1-24-20, the panel of In Banc judges, namely, Judge Carrion, Judge Melissa Phinn, and Judge R. Rubin were designated as the presiding judges over the Petitioner's In Banc Review. In response to the panel of In Banc judges' 3-30-22 Findings and Order which responded to the Petitioner's 2-13-20 and 2-19-20 Motions, the Petitioner filed her 4-7-22 Motions, which included her 3<sup>rd</sup> Motions for disqualification of the panel of In Banc judges. The Petitioner pleaded to be granted another panel of In Banc judges to preside over her In Banc Review who were not appointed to the elite position as Administrative Judges by the former Governor of

Judges. Civil proceeding, the Civil proceeding in which Judge Fletcher-Hill was one of the previously presiding Petitioner's 4-7-22 Motions because these Motions are from an In Banc appeal of the Petitioner's initial and rendering his Findings and Order which have a filing date of 6-21-22 and which responds to the should have been disqualified and recused himself from presiding over the Petitioner's 4-7-22 Motions in which the judge previously presided as a judge over the matter in another court. Judge Fletcher-Hill 5 (C) Disqualification (Aba 2.11) states that a judge shall disqualify himself or herself in any proceeding Hill was one of the presiding judges in the Petitioner's initial Civil proceeding. Maryland Rule 18-102.11 Orders and the Petitioner's 3-9-18, 4-6-18, 4-27-18, and 8-6-18 Motions, respectively, Judge Fletcher-Hill litigation. As evidenced from Judge Fletcher-Hill's 3-30-18, 4-16-18, 7-23-18, and 9-4-18 Findings and material fact that Judge Fletcher-Hill was no longer the presiding judge over the Petitioner's Civil Michel Pierson responded and denied the Petitioner's 9-17-18 Motions, which is indicative of the cites the causes. Instead of Judge Fletcher-Hill responding to the Petitioner's 9-17-18 Motions, Judge 18, the Petitioner included a Motion for disqualification of Judge Fletcher-Hill as the presiding judge and 18, 4-27-18, and 8-6-18 Motions, respectively. In her Motions dated 3-30-18, 4-16-18, 8-6-18, and 9-17-18, Judge Fletcher-Hill substantiate that Judge Fletcher-Hill has presided over the Petitioner's 3-9-18, 4-6-2017. The evidence in the record of the 3-30-18, 4-16-18, 7-23-18, and 9-4-18 Findings and Orders by Friedman, the original presiding judge over the Petitioner's present Civil litigation which was filed in after the Petitioner had filed several Motions, including Motions for disqualification against Judge Karen In 2018, Judge Fletcher-Hill became the presiding judge over the Petitioner's Civil litigation, and only

STATEMENT OF FACTUAL BACKGROUND

for the 5<sup>th</sup> time Judge Fletcher-Hill has repetitiously and intentionally breached Federal Statute 28, U.S.C. & 455(a) and Maryland Rule 18-102.11, and who was recused in 2018 from presiding over the Petitioner's Civil litigation, and, thus, for the 5<sup>th</sup> time have committed "Fraud upon the Court." Also, the previously presiding judges over the Petitioner's Civil litigation, namely, the Panel Of In Banc Judges (Judge Carrion, Judge Melissa Phinn, and Judge R. Rubin) and the two other former presiding judges, namely, Judge Michel Pierson and Judge Karen Friedman have, too, repeatedly and deliberately violated Federal Statute 28, U.S.C. & 455(a) and Maryland Rule 18-102.11, therefore, have on several occasions, also, committed "Fraud upon the Court."

Maryland, Martin O'Malley (hereinafter "Martin O'Malley"), or appointed by Chief Judge Barbera of the Court of Appeals of Maryland (hereinafter "Court of Appeals"), both of whom are being alleged in the Petitioner's Civil Complaint, in her Official Complaints, and/or in her 4-7-22 Motions, to have committed misconduct in office and federal and state crimes. As stated in the Petitioner's Civil Complaint, in her 4-7-22 Motions, in her Official Complaint against Judge Fletcher-Hill, and/or in her Addendums to her Official Complaint against Judge Fletcher Hill, Martin O'Malley appointed Judge Fletcher-Hill to the prominent position as an Administrator to the Eighth Circuit for Baltimore City in 2009 and appointed Judge Barbera to the elite position as the new Chief Judge of the Court of Appeals in 2013. Still too, the other former presiding judges, namely, Judge Carrion, Judge Melissa Phinn, Judge R. Rubin, Judge Michel Pierson, and Judge Karen Friedman, were appointed to the privileged position as Administrative Judges by Martin O'Malley and/or Chief Judge Barbera as declared in the Petitioner's Motions, including her 4-7-22 Motions, as stated in her Official Complaint against the panel of In Banc judges, and/or as declared in the Petitioner's Addendums to her Official Complaint against the panel of In Banc judges. Moreover, in these documents, the Petitioner asserts that there is evidence of the public acknowledgment of the close relationship amongst Chief Judge Barbera, Judge Fletcher-Hill, the panel of In Banc judges, Judge Michel Pierson, and/or Judge Karen Friedman. Federal Statute 28, U.S.C. & 455(a) cites that any justice, judge, or magistrate judge of the United States shall disqualify himself/herself in any proceeding in which his/her impartiality might reasonably be questioned. The term "judge of the United States" includes judges of the courts of appeals, district courts, Court of International Trade and any court created by Act of Congress. In the Judiciary Act of 1789, the First Congress (1789-1791) established district and circuit courts, defined the federal courts' jurisdiction and appellate powers, and created the position of U.S. attorney general. Moreover, Federal Statute 28, U.S.C. & 455(a) Section 455(a) of the Judicial Code, which is applicable for all judges in all states, holds that, if there is even an appearance in impartiality, then the judges must recuse themselves voluntarily, and a party does not have to file a Motion for Disqualification because the judges are required by this federal law to recuse themselves in any proceeding in which their impartiality might reasonably be questioned. Judges do not have discretion not to disqualify themselves, and by law, judges are bound to follow the law. Still too, Maryland Rule 18-102.11- Disqualification (Aba 2.11) (a) cites that a judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned.

As proclaimed in her 4-7-22 Motions and the other documents cited above, amongst other material facts, the Petitioner motioned for disqualification of Judge Fletcher Hill and stated that she questioned the impartiality and/or bias of Judge Fletcher-Hill as the presiding judge not only because he was appointed by Martin O'Malley, who is alleged to have committed misconduct, potentially criminal activities, and maybe called as a witness, but, also, due to the material facts that the Petitioner believes that Judge Fletcher-Hill would be impartial and/or biased because she has alleged in her Civil Complaint, in her Motions, in her Official Complaint and/or Addendums to her Official Complaint against Judge Fletcher-Hill that, in 2014, he violated the Petitioner's 14<sup>th</sup> Amendment Right and breached Federal Law 42 U.S.C & 1983, Federal Law 42 U.S.C & 1985, and the Federal Supremacy Clause in order to unlawfully grant the Defendants' motions to dismiss her 2014 Civil Complaint, which would have revealed the relevant and material facts that Martin O'Malley is being alleged to have committed misconduct in office and possibly criminal activities. Also, as declared in the Petitioner's 4-7-22 Motions and as stated

in her Official Complaint against the panel of In Banc judges, the Petitioner questions the impartiality of Judge Fletcher-Hill, the panel of In Banc judges, Judge Michel Pierson, or Judge Karen Friedman disclosing, considering, and resolving other relevant material facts and legal arguments that are vital material facts in her present Civil litigation, which, also, include the allegations that, due to the alleged 2015 prejudicial error of perjury by Chief Judge Barbera, the issues raised in the Petitioner's 2015 Writ to the Court of Appeals have yet to be disclosed, considered, and resolved, namely, that, in 2014, the In Banc judges from Baltimore City Circuit Court committed perjury, breached the Petitioner's 14<sup>th</sup> Amendment Right and infringed upon Federal Law 42 U.S.C. & 1983, Federal Law 42 U.S.C. & 1985, and the Federal Supremacy Clause to cover up the material fact that Judge Fletcher-Hill, one of the judges which, also, presided over the Petitioner's present Civil litigation, violated the Petitioner's 14<sup>th</sup> Amendment Right and breached Federal Law 42 U.S.C. & 1983, Federal Law 42 U.S.C. & 1985, and the Federal Supremacy Clause in order to unlawfully grant the Defendants' motions to dismiss the Petitioner's 2014 Civil Complaint, which would have revealed the relevant and material facts that Martin O'Malley is being alleged to have committed misconduct in office and possibly criminal activities. Further, as stated in the Petitioner's Civil Complaint, in her 4-7-22 Motions, in her Official Complaints and/or Addendums to her Official Complaints against Judge Fletcher-Hill, against Chief Judge Barbera, against Judge Michel Pierson, against Judge Karen Friedman, and/or against the panel of In Banc judges, the first 5 Exhibits on her website will substantiate, unequivocally and in less than 5 minutes of reading, the allegation that Chief Judge Barbera committed, deliberately, in 2015 the prejudicial error of perjury. Still too, as cited in the Petitioner's 4-7-22 Motions, her 2-18-20 Official Complaint, in her Addendums to her 2-18-20 Official Complaints, the Petitioner's questions the impartiality of Judge Fletcher-Hill, the panel of In Banc judges, Judge Michel Pierson, or Judge Karen Friedman in disclosing, considering, and resolving all of the other the material facts and legal arguments which are very material facts in her present Civil litigation, which include the allegations that: 1.) our children who attended Baltimore City Public Schools have been exposed, for decades, to lead-tainted drinking water and/or lead-based hazards by the owners of these public schools, namely, Mayors of Baltimore City since at least 1993, namely, Kurt Schmoke, Martin O'Malley, Sheila Dixon, Stephanie Rawlings, Catherine Pugh, Jack Young, and the present Mayor of Baltimore City, Brandon Scott; also, the evidence support the material fact that the other owners of the public schools have intentionally and repetitiously exposed our children to lead hazards, namely, every member of the City Council who was a member of the City Council between 1993 until the present. 2.) Kurt Schmoke was the Mayor of Baltimore City and Martin O'Malley was a member of the City Council when the Petitioner initially started whistleblowing about the lead hazards in the schools in 1996. 3.) during the Petitioner's continued whistleblowing, Martin O'Malley became Mayor of Baltimore City in 1999 and held this office for 8 years, and he became Governor of Maryland in 2007 and held this position, also, for 8 years. 4.) Kurt Schmoke, Martin O'Malley Sheila Dixon, Stephanie Rawlings, Catherine Pugh, Jack Young, and the present Mayor of Baltimore City, Brandon Scott, as well as all of the members of the City Council who were members between 1993 until the present, and/or other government officials, are being alleged to have: a.) deliberately and repetitiously exposed our children to lead poisoning in Maryland schools since at least 1993 as evidenced in the records of the lower and appellate courts, in the record of the Supreme Court, and/or as evidenced in the Petitioner's highly footnoted Documentary. b.) have yet to fulfill their duty and obligation to test all of our children that may have been exposed to lead poisoning using the special X-Ray machine to

determine the cumulative amount of lead in the bones because the blood lead testing will not reveal the lead in the blood after about 45 days. Lead stays in the bones for nearly 30 years. Lead is a poison, and when it becomes hazardous, it can possibly kill you. c.) failed in their duty and obligation to evaluate and compensate all of the children that were exposed to such potentially deadly poison.

The evidence of the facts stated in and/or the lack thereof of facts cited in the Findings and Order by Judge Fletcher-Hill which was filed on 6-21-22 substantiate that Judge Fletcher-Hill failed to disclose, consider, and resolve in his Findings and Order all of the material facts and legal arguments in the Petitioner's 4-7-22 Motions, but chose to simply state in his Findings and Order that the Petitioner Motions are "frivolous and lacking merit" without declaring a single material fact to support his Findings. Along with omitting to disclose, consider, and resolve in his Findings and Orders the material facts proclaimed above, which are asserted in the Petitioner's 4-7-22 Motions, Judge Fletcher-Hill, also, fail to disclose, consider, and resolve in his Findings other material facts in the Petitioner's 4-7-22 Motions, which responds to the 3-30-22 Findings and Orders of the panel of In Banc judges. The Petitioner alleges in her 4-7-22 Motions, also, that the panel of In Banc judges denied her Petition for an In Banc Review before allowing the Petitioner her right to an oral hearing as stipulated in the Maryland Constitution. The Petitioner declares in her 4-7-22 Motions that, in her 2-13-20 Motions (one of the Motions from which the panel of In Banc judges rendered one of their 3-30-22 Findings and Order,) she asserts that "The Maryland Constitution cites that, upon the decision or determination of any point, or question, by the Court, it shall be competent to the party, against whom the ruling or decision is made, upon motion, to have the point, or question reserved for the consideration of the three Judges of the Circuit, who shall constitute a court in banc for such purpose. Moreover, when review by a court in banc is permitted by the Maryland Constitution, the Petitioner may have a judgment or determination of any point or question reviewed by a court in banc by filing a notice for in banc review. Issues are reserved for in banc review by making an objection in the manner set forth in Rules 2-517 and 2-520. Again, the Court of Appeals set out the details of in banc practice in rule 2-551 of the Maryland Rules of Civil Procedure. A "hearing," as opposed to an argument, is automatically scheduled, but may be waived by consent of all parties. Since the Petitioner did not waive her right to a hearing, the consent by all parties to waive the hearing was not given. Thus, according Article IV, §22 of the Maryland Constitution, the Petitioner had a right to a hearing before the In Banc panel once she was granted her Petition for Review on 1-24-20 before the panel of judges and then the panel of judges may decide at the hearing to dismiss the Petitioner's Petition for In Banc Review and Memorandum in Support of an In Banc Review. The Petitioner has yet to have a hearing before the panel of In Banc judges as required by Article IV, §22 of the Maryland Constitution, instead of the panel of In Banc judges deciding on 2-6-20 to unlawfully dismiss the Petitioner's Petition for an In Banc Review. Furthermore, Article IV, §22 of the Maryland Constitution requires the banc panel to file a brief statement of the reasons for the decision or shall dictate the reasons into the record. The evidence of the facts and/or lack thereof in their 2-6-20 Findings and Decision and Order of the panel of In Banc judges which are response to the Petitioner's Questions presented for Review in her Memorandum in Support of an In Banc Review reveal that Judge Carrion, Judge Melissa Phinn, Judge Julie R. Rubin were deliberately negligent in their responsibility as Officers of the Court, to uphold the requirements of citing a statement of the reasons for their decision and, therefore: a.) failed in their

obligation as Officers of the Court and as asserted in the procedures for an In Banc Review to cite a single material fact in the Petitioner's 27-page Memorandum in Support of an In Banc Review dated 1-14-20, which has very relevant and material facts to support her legal arguments for granting her 1-14-20 Petition for an In Banc Review. b.) failed in their obligation as Officers of the Court and as asserted in the procedures for an In Banc Review cite a single legal argument from the Petitioner's 7-page Memorandum in Support of an In Banc Review dated 1-14-20 or a single material fact as supported by the evidence, statute, or law which even refute the material facts cited in the Petitioner's Motions to support her legal arguments for granting her Memorandum in Support of an In Banc Review. c.) in their Findings and Decisions and Orders suppress, alter, tamper with and/or conceal the material facts, laws, and statutes as supported by the evidence that substantiate the Petitioner's legal arguments in her Memorandum in Support of an In Banc Review to grant her Petition for an In Banc Review and refute the panel of In Banc Judges 2-6-20 Findings and Decision and Order and Judge Michel Pierson's 1-2-20 Findings and Decision and Order that the legal arguments in the Petitioner's 1-14-20 Memorandum in Support of an In Banc Review and as asserted in the procedures for an In Banc Review to disclose, consider, and resolve a single Question Presented for Review in the Petitioner's Memorandum in Support of an In Banc s that would substantiate the Petitioner's legal arguments for granting her Petition for an In Banc Review. e.) failed in their obligation as Officers of the Court and as asserted in the procedures for an In Banc Review to cite any law/s, statutes, or material facts as supported by the evidence in the record that justify Judge Michel Pierson lawfully "DENYING" the Petitioner's 8-22-19 Motions or cite any material fact as supported by the evidence and laws to substantiate their initially granting the Petitioner's Petition for an In Banc Review to dismissing the Petitioner's Petition for an In Banc Review, but simply justified their dismissal of the Petitioner's Petition for an In Banc Review by stating, verbatim, all of the unsubstantiated facts as cited in Judge Michel Pierson's 1-2-20 Finding and Decision and Order, namely, that the "Plaintiff has filed a motioned entitled "Motions for 'Substitution'...." (Paper No. 31). Plaintiff continues to file repetitive and/or frivolous pleadings because prior rulings are not to her liking. According, it is this 2<sup>nd</sup> day of January, 2020. ORDERED that the motion be and it hereby is DENIED, and further ORDERED that the Clerk shall not accept any further filings in this action other than an Order of Appeal accompanied by the filing fee, and further ORDERED the Clerk shall close this case. f.) without any explanation, refuse to recuse themselves as the presiding panel of In Banc Judges, although the Petitioner in her 1-29-20 Motions, which includes a Motion for Disqualification and Substitution of the panel of In Banc Judges as the presiding judges over the Petitioner's In Banc hearing provided just causes for their being disqualified from presiding over her In Banc hearing. g.) committing the prejudicial error of perjury in insinuating in their 2-6-20 Findings and Decisions and Orders that the Petitioner has no merit to her 1-14-20 Memorandum in Support of an In Banc Review which they without any evidence or law to support their claim that the Petitioner's Memorandum in Support of an In Banc Review is frivolous and that the Petitioner filed her Petition for an In Banc Review because she resented the "liking" of the 1-2-20 Findings and Decision and Order by Judge Michel Pierson or the Findings and Decisions and Orders of Judge Fletcher-Hill, and Judge Karen Friedman." ...

Moreover, the facts stated in and/or the lack thereof of facts cited in the Findings and Order by Judge Fletcher-Hill filed on 6-21-22 substantiate that, contrary to Judge Fletcher-Hill concluding in his Findings that the Petitioner's 4-7-22 Motions were "frivolous and lacking in merit", Judge Fletcher-Hill, also, failed to disclose, consider, and resolve in his Findings the material facts in the Petitioner's 4-7-22 Motions that, although the Defendant and the Petitioner filed their 2-13-20 Motions on this same day, the panel of In Banc judges decided the Defendant's 2-13-20 Motions on this same day, but rendered their Findings and Order of the Petitioner's 2-13-20 Motions over two years later, namely, on 3-30-22. Further, the Petitioner stated in her 4-7-22 Motions the material fact that, although the Petitioner filed her Notice for an In Banc Petition and her Memorandum in Support for An In Banc Review on the same day, namely, on 1-14-20, as evidenced by the stamped date on these documents from the clerk's office which Exhibits on the Petitioner's website, there is no evidence of a "filed date" or "entry date" of the Petitioner's 1-14-20 Memorandum in the record on the Circuit Court's website or in the facts cited in any of the Findings and Orders by the panel of In Banc judges. In fact, the Petitioner asserts in her 4-7-22 Motions that, in her 2-19-20 Motions, amongst other material facts, the Petitioner declares that the evidence of all the Findings and Orders by the panel of In Banc judges (Exhibits 73, 75, and 93 on the Petitioner's website) substantiate that these Officers of the Court failed to disclose the material fact that the Petitioner filed her Memorandum along with her Notice for an In Banc Review on 1-14-20.

Still too, the evidence of the facts declared in and/or the lack thereof of facts cited in the Findings and Order by Judge Fletcher-Hill filed on 6-21-22 substantiate that he failed to disclose, consider, and resolve in his Findings another material fact, namely, that, in the Petitioner's 4-7-22 Motions, she asserts that that the evidence of her "Headings" in her 2-19-20 Motions from which the panel of In Banc judges rendered their other 3-30-22 Findings and Order substantiate that the facts stated in and/or the lack thereof of facts declared in the 3-30-22 Findings and Order of the panel of In Banc judges prove that these Officers of the Court failed to disclose, consider, and resolve in their 3-30-22 Findings and Order all of the material facts and legal arguments in the Petitioner's Motions dated 2-19-20. As evidenced by Exhibit 80 on her website and asserted in her 4-7-22 Motions, the Petitioner's 2-19-20 Motions, are entitled "MOTION FOR A HEARING ON THE PANEL OF IN BANC JUDGES' 2-6-20 ORDER TO DENY THE PETITIONER'S MOTION FOR AN IMMEDIATE "SUBSTITUTION" AND DISQUALIFICATION OF THE PANEL OF IN BANC JUDGES, MOTION FOR "SUBSTITUTION" IN BANC PANEL OF JUDGES TO PRESIDE OVER THE HEARING BECAUSE THE PRESIDING IN BANC PANEL OF JUDGES ARE ONE OF THE JUDGES IN THE PETITIONER'S 2-17-20 OFFICIAL COMPLAINT TO THE FBI, HON. PRESIDENT TRUMP, HON. GOV. HOGAN, CONGRESS, AND OTHER GOVERNMENT AGENCIES WHO ARE BEING ALLEGED TO HAVE INTENTIONALLY AND REPEATEDLY COMMITTED THE FEDERAL CRIMES OF MISFEASANCE, MALFEASANCE, AND NONFEASANCE UNDER US CODE, TITLE 18, PART 1, CHAPTER 73 & 1505, TO HAVE DELIBERATELY AND REPEATEDLY COMMITTED THE FEDERAL CRIMES OF BREACHING THE PETITIONER'S 6<sup>TH</sup>, 7<sup>TH</sup>, AND 14<sup>TH</sup> AMENDMENTS RIGHTS AND OTHER FEDERAL STATUTES, LAWS, AND CANONS UNDER 18 USC 242, TO HAVE DELIBERATELY AND REPEATEDLY TAMPERED WITH EVIDENCE UNDER U.S. CODE TITLE 18 PART 1 CHAPTER 73 & 1512, HAVE CONCEALED, REMOVED, AND/OR MUTILATED EVIDENCE UNDER 18 U.S. CODE § 2071, AND, IN DECIDING THE PETITIONER'S 1-14-20 PETITION FOR AN IN BANC REVIEW, HER 1-14-20 MEMORANDUM IN SUPPORT OF AN IN BANC REVIEW, AND IN HER 1-29-20 MOTIONS, WHICH INCLUDES THE PETITIONER'S MOTION FOR SUBSTITUTION AND

As cited in her 4-7-22 Motions, the Petitioner's Motions, which include Motions for Disqualifications and/or Substitutions against Judge Fletcher-Hill, her Official Complaint against Judge Fletcher-Hill, and/or other Official Complaints and other Addendums which include allegations against Judge Fletcher-Hill, as Exhibits 16, 36, 41, 42, 43, 44, 45, 46, 47, 50, 51, 52, 54, 55, 56, 57, 58, 71, 72, 77, and/or Exhibit 81. The Petitioner's Motions, which include Motions for Disqualification and/or Substitution against Judge Karen Friedman, her Official Complaint, and/or the Petitioner's Addendums to her Official Complaint against Judge Karen Friedman can be viewed from the numbered exhibits on the Petitioner's website, namely, Exhibits 16, 33, 34, 35, 37, 38, 41, 42, 43, 44, 45, 49, 54, 55, 56, 71, 72, 77, and/or Exhibit 81. The Petitioner's Motions, which include Motions for Disqualifications and/or Substitutions against Judge Michel Pierson, her Official Complaint, and/or Addendums to the Petitioner's Official Complaint against Judge Michel Pierson can be viewed from Exhibits 16, 59, 61, 62, 64, 65, 67, 68, 69, 71, 72, 77, 81 and/or Exhibit 96 on her website. Still too, on the Petitioner's website, her Motions for Disqualifications and/or Substitutions and the Petitioner's Official Complaint against the panel of In Banc Judges and/or other Official Complaints and other Addendums which include allegations against the panel of In Banc Judges can be viewed from Exhibits 16, 71, 72, 73, 74, 75, 77, 78, 80, 81, and/or Exhibit 94. The Petitioner's Official Complaint against Chief Judge Barbera, her Addendums to her Official Complaint against Chief Judge Barbera, and/or other Official Complaints and/or Addendums to other Official Complaints which include allegations against Chief Judge Barbera can be viewed from Exhibits 6, 16, 43, 45, 54, 56, 77, and/or Exhibit 81 on the Petitioner's website. Moreover, the Findings and Orders by Judge Fletcher-Hill can be viewed on the Petitioner's website as Exhibits 50, 51, 52, 67, and 95. The Findings and Orders by In Banc Judges can be viewed on the Petitioner's website as Exhibits, 73, 75, and 93. The Findings and Orders by Judge Michel Pierson can be viewed on the Petitioner's website as Exhibits 59, 63, 66, and 70. The

Findings are erroneous and unsubstantiated. Although Judge Fletcher-Hill stated in his Finding and Order filed on 6-21-22 that the Petitioner's 4-7-22 Motions are "frivolous and lacking merit" and this clause is echoed in the Findings and Orders by the panel of In Banc Judges and by Judge Michel Pierson, the material facts and legal arguments cited above which are, also, stated in the Petitioner's 4-7-22 Motions substantiate that Judge Fletcher-Hill's

DISQUALIFICATION OF THE PANEL OF IN BANC JUDGES, TO HAVE REPEATEDLY, DELIBERATELY, EXCESSIVELY, AND EGRESSIVELY: 1.) ABUSED THEIR POWER. 2.) DISPLAYED TOTAL CONTEMPT FOR THE RULE OF LAW. 3.) COMMITTED THE FEDERAL CRIMES OF MISFEASANCE, MALFEASANCE, AND NONFEASANCE IN THE CONDUCT OF THE OFFICE UNDER US CODE, TITLE 18, PART 1, CHAPTER 73 & 1505. 4.) COMMITTED THE FEDERAL CRIMES OF DEPRIVING THE PETITIONER OF HER 6<sup>TH</sup>, 7<sup>TH</sup>, AND 14<sup>TH</sup> AMENDMENTS RIGHTS, AND BY VIOLATING OTHER FEDERAL STATUTES, LAWS, AND CANONS UNDER 18 USC 242. 5.) TAMPHERED WITH EVIDENCE UNDER U.S. CODE TITLE 18 PART 1 CHAPTER 73 & 1512. 6.) CONCEALED, REMOVED, AND/OR MUTILATED EVIDENCE UNDER 18 U.S. CODE § 2071. MOTION TO HAVE THE "SUBSTITUTION" PANEL OF IN BANC JUDGES APPOINTED BY HON. GOV. HOGAN TO PRESIDE OVER THE PETITIONER'S MOTIONS, AND MOTION TO HAVE THE "SUBSTITUTION" PANEL OF IN BANC JUDGES TO RECONSIDER THE PETITIONER'S PETITION FOR AN IN BANC REVIEW AND ALL OF THE PETITIONER'S MOTIONS."



Findings and Orders of Judge Karen Friedman can be viewed on the Petitioner's website as Exhibits 47, 48, and 49.

Judges do not have discretion not to disqualify themselves, and by law, judges are bound to follow the law. "Taylor v. O'Grady, 888 F.2d 1189 (7th Cir. 1989. Recusal is based on the MAXIM that judges are charged with a duty of impartiality in administering justice. Again, Section 455(a) of the Judicial Code, 28 U.S.C. §455(a) and Maryland Rule 18-102.11.11) (a) declare a judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned. And, Maryland Rule 18-102.11 5(C) asserts that judge shall disqualify himself or herself in any proceeding in which the judge previously presided as a judge over the matter in another court.

Courts have repeatedly held that positive proof of the partiality of a judge is not a requirement, only the appearance of partiality as in the case of *Liljeborg v. Health Services Acquisition Corp.*, 486 U.S. 847, 108 S.Ct. 2194 (1988). In such a case, the Court has decided that "what matters is not the reality of bias or prejudice but its appearance"; *United States v. Ballistreri*, 779 F.2d 1191 (7th Cir. 1985)." Furthermore, the Courts have affirmed that Section 455(a) of the Judicial Code, 28 U.S.C. "is directed against the appearance of partiality, whether or not the judge is actually biased," and that "Section 455(a) of the Judicial Code, 28 U.S.C. §455(a), is not intended to protect litigants from actual bias in their judge but rather to promote public confidence in the impartiality of the judicial process." The Supreme Court has ruled and reaffirmed the principle that "justice must satisfy the appearance of justice", *Levine v. United States*, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing *Offutt v. United States*, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954). In 1994, the U.S. Supreme Court held that disqualification of a judge is mandatory if an objective observer would entertain reasonable questions about the judge's impartiality ( *Liteky v. U.S.*, 114 S.Ct. 1147, 1162 (1994). The Court has, also, affirmed that, should a judge not disqualify himself/herself as required by law, then the judge has given another example of his/her "appearance of partiality" which could potentially further disqualify the judge. Further, the Courts have determined that, should another judge not accept the disqualification of the judge, then the second judge has evidenced an "appearance of partiality" and has possibly disqualified himself/herself. Moreover, the Courts have affirmed that, if a judge issue any Order after he/she has been disqualified by law, then that judge has acted in the judge's personal capacity and not in the judge's judicial capacity and has, further, violated his/her oath of office.

Also, the 7<sup>th</sup> Circuit Court of Appeals has determined that, if a judge is disqualified according to Section 455(a) of the Judicial Code, 28 U.S.C. §455(a) but fail to recuse himself/herself, then that judge is acting in the judge's "personal capacity" and not in the judge's "judicial capacity" and has, thus, committed "Fraud upon the Court". In the case of *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "Fraud upon the Court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function --- thus where the impartial functions of the court have been directly corrupted." Still too, this Court has determined that, when a judge acts in his/her personal capacity and not in his/her judicial capacity, it causes the court to be directly corrupted and further "embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud

As a believer in JESUS CHRIST as her LORD and personal SAVIOR, the Petitioner believes that our great Country is founded on Judean-Christian principles, which means that our laws are patterned after the Commandments and Laws in the WORD OF GOD. Thus, in terms of judges being impartial in their ruling, the WORD OF GOD states in Exodus 32:11, "And the LORD spake into Moses face to face as a man speaketh unto his friend" and Moses informed the judges of Israel of GOD'S law and employed the judges over the various tribes in Israel in Judges 6:16-17, saying, "And, I charged your judges at that time, saying, Hear the causes between your brethren, and judge righteously between every man and his brother, and the stranger that is with him. Ye shall not respect persons in judgment: but ye shall hear the small as well as the great: ye shall not be afraid of the face of man: for the judgement is GOD'S: and,

engage in such acts. There is no statute of limitations on fraud. treason and the interference with interstate commerce are criminal acts, no judge has immunity to by law, then he is acting without jurisdiction, and that suggest that he is then engaging in criminal acts of engaged in treason to the Constitution. And, if a judge acts after he has been automatically disqualified the Due Process Clause of the U.S Constitution or if he/she acts without jurisdiction, then that judge has Moreover, the Supreme Court has, also, held that, if a judge wars against the Constitution in breaching of the federal government, and the 14th protects them from actions by state and local government. life, liberty, or property, without due process of law. The 5th Amendment protects people from actions of both the Fifth and Fourteenth Amendments to the United States Constitution. The Constitution uses judge's decision will be biased. In the United States constitutional law, a Due Process Clause is found in has a financial interest in the case's outcome and where there is otherwise a strong possibility that the Constitution require judges to recuse themselves from cases in two situations, namely, where the judge States v. Scuito, 521 F.2d 842, 845 (7th Cir. 1996). The Due Process clauses of the United States himself/herself, then the judge is in violation of the Due Process Clause of the U.S. Constitution (United Still too, the Courts have ruled that, should a judge who has been disqualified by law fail to recuse

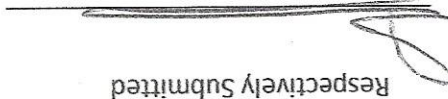
immunity for their criminal acts. against the judge for not recusing himself/herself. Courts have repeatedly ruled that judges have no is aware of the grounds but still refuse to recuse himself/herself, then there may be penalties levied Further, Federal Statute 28 U.S.C. & 455(a) asserts that, if proper grounds for recusal exist and the judge acting in the judge's personal capacity due to being disqualified and not in the judge's judicial capacity. engaging in the federal crime of "interference with interstate commerce" because the judge is, again, disqualified by law, and if the party has been denied of any of his / her property, then the judge could be Moreover, the Supreme Court has decided that, should a judge issue any Order after he/she has been Court as well as vitates (makes ineffective - invalidates) every decision or Order from that point on. the 7<sup>th</sup> Circuit has determined that "Fraud upon the Court" immediately removes jurisdiction from that produced by fraud upon the court is not in essence a decision at all, and never becomes final." Further, (1968); 7 Moore's Federal Practice, 2d ed., p. 512, 60.23. The 7th Circuit, also, stated that "a decision its impartial task of adjudging cases that are presented for adjudication." Kenner v. C.I.R., 387 F.3d 689 perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner

the cause that is too hard for you, bring it unto me, and I will hear it." Moreover, also, in the WORD OF GOD, namely, Jeremiah 9:23-25, it states "Thus, saith the LORD, Let not the wise man glory in his wisdom, neither let the mighty man glory in his might, let not the rich man glory in his riches.: But, let him that glorieth, glory in this. That he understandeth and knoweth ME, that I am the LORD which exercises loving-kindness, judgement, and righteousness in the earth: for in these things I delight, saith the LORD. Behold the days come saith the LORD that I will punish all them which are circumsised with the uncircumsised."

### CONCLUSION

Thus, in conclusion, the Petitioner is requesting that Judge Fletcher-Hill grant the Petitioner's Motions. CC: Hon. President Trump, Hon. Military tribunal, Public

Respectively Submitted



Diana R. Williams, Pro Se

131 Calvin Hill Court

Baltimore, Maryland 21222

410-868-6013

Certificate of Service

I HEREBY CERTIFY that on this 24<sup>th</sup> day of June 2022, a copy of the foregoing Petitioner's 5<sup>th</sup> Motion For Disqualification For "Fraud Upon The Court" Under Federal Statute 28 U.S.C. & 455(a) And Under Maryland Rule 18-102.11 Against Judge Fletcher-Hill who was Recused in 2018 As The Presiding Judge, 2<sup>nd</sup> Motion For All Orders By Judge Fletcher-Hill, By The Panel Of In Banc Judges, By Judge Michel Pierson, and By Judge Karen Friedman Be Deemed Void As A Matter Of Law Under Federal Statute 28, U.S.C. & 455(a) And, Under Maryland Rule 18-102.11, Motion For Reconsideration, And 4<sup>th</sup> Motion For A Hearing On The Motions was mailed, postage paid to: Larry H. Kirsch, Esquire, 1803 Research Blvd., Suite 125, Rockville, Maryland 20850.



Diana R. Williams, Pro Se

REQUEST FOR A HEARING

Petitioner is requesting a hearing on her Motions.