**CAUSE NUMBER: xxx-xxxxxx-xx**

**OAG Number: xxxxxxxxxx (may not have one of these)**

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| IN THE MATTER OFTHE MARRIAGE OFNAMEANDNAMEAND IN THE INTEREST OFA MINOR CHILD | §§§§§§§§§§§ | **IN THE DISTRICT COURT**  **233rd JUDICIAL DISTRICT**  **TARRANT COUNTY, TEXAS** |

**MOTION FOR RECUSAL/DISQUALIFICATION**

Comes now **[YOUR NAME]**, Pro Se, representing himself/herself, and files this Motion for Recusal/Disqualification and moves the **Honorable District Judge Kenneth Newell and Associate Judge Kate Stone** of the Tarrant County 233rd recuse or disqualify themselves and objects to the **Honorable District Judge Kenneth Newell and Associate Judge Kate Stone** hearing any contested matters between the parties to these actions.

Pursuant to the United States Constitution Amendment XIV, the Texas Constitution Article 1 Section 19, Texas Rules of Civil Procedure 18a and 18b, and Texas Code of Judicial Conduct, Canon 3.B. (1), (4), (5), (6), (8), and (11), **[YOUR NAME]** moves the **Honorable District Judge Kenneth Newell and Associate Judge Kate Stone** to be Disqualified based on the following grounds:

United States Constitution Amendment XIV (U.S. Const. XIV § 1) Grounds for Recusal/Disqualification for repeated violation of Due Process:

The 14th Amendment, Section 1 of the United States Constitution states:

*All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

Texas Constitution Article 1 Section 19 (Tx Const. 1 § 19) Grounds for Recusal/Disqualification for repeated violation of Due Process:

Article 1, Section 19 of the Texas Constitution states:

*DEPRIVATION OF LIFE, LIBERTY, PROPERTY, ETC. BY DUE COURSE OF LAW. No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.*

Texas Rules of Civil Procedure (TRCP) 18b (a) (b) Grounds for Disqualification due to refusal to Recuse:

(a) Grounds for Disqualification. A judge must disqualify in any proceeding in which:

(2) the judge knows that, individually or as a fiduciary, the judge has an interest in the subject matter in controversy; or

(b) Grounds for Recusal. A judge must recuse in any proceeding in which:

(1) the judge’s impartiality might reasonably be questioned;(2) the judge has a personal bias or prejudice concerning the subject matter or a party;

U. S. Supreme Court Grounds for Disqualification due to refusal to Recuse:

The U. S. Supreme Court delivered a definitive opinion in 1994 (Liteky v. U. S., 144 S. Ct. 1147), including:

(4) Judicial rulings, routine administration efforts, and ordinary admonishments are immune unless **(a) they are based on knowledge acquired outside judicial proceedings** or **(b) display a deep-seated and unequivocal antagonism that renders fair judgment impossible.** (p. 1158).

The essence of fair judging is an open mind. Justice Anthony Kennedy wrote:

If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge must be disqualified. Indeed, in such circumstances, I should think that any judge who understands the judicial office and oath would be the first to insist that another judge hear the case. Liteky v. United States, 114 S.C. 1147, 1162 (1994)(Kennedy, J., concurring).

The Preamble of the Texas Code of Judicial Conduct states the same principle:

Our legal system is based on the principle that an independent, fair and competent judiciary will interpret and apply the

laws that govern us. The role of the judiciary is central to American concepts of justice and the rule of law. Intrinsic to

all sections of this Code of Judicial Conduct are the precepts that judges, individually and collectively, must respect and

honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. The judge is

an arbiter of facts and law for the resolution of disputes and a highly visible symbol of government under the rule of law.

Texas Code of Judicial Conduct (TCJC), Canon 3.B. (1), (4), (5), (6), (8), and (11) states:

(1) A judge shall hear and decide matters assigned to the judge except those in which

disqualification is required or recusal is appropriate.

(4) A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers

and others with whom the judge deals in an official capacity, and should require similar

conduct of lawyers, and of staff, court officials and others subject to the judge's direction and

control.

(5) A judge shall perform judicial duties without bias or prejudice.

(6) A judge shall not, in the performance of judicial duties, by words or conduct manifest

bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion,

national origin, disability, age, sexual orientation or socioeconomic status, and shall not

knowingly permit staff, court officials and others subject to the judge's direction and control to do

so.

(8) A judge shall accord to every person who has a legal interest in a proceeding, or that

person's lawyer, the right to be heard according to law. A judge shall not initiate, permit, or

consider *ex parte* communications or other communications made to the judge outside the

presence of the parties between the judge and a party, an attorney, a guardian or attorney ad

litem, an alternative dispute resolution neutral, or any other court appointee concerning the

merits of a pending or impending judicial proceeding. A judge shall require compliance with

this subsection by court personnel subject to the judge's direction and control.

(11) A judge shall not disclose or use, for any purpose unrelated to judicial duties, nonpublic

information acquired in a judicial capacity. The discussions, votes, positions taken, and

writings of appellate judges and court personnel about causes are confidences of the court and

shall be revealed only through a court's judgment, a written opinion or in accordance with

Supreme Court guidelines for a court approved history project.

According to *Bulloch v. United States, 763 F.2d 1115, 1121:*

*In 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."*

I.

**[YOUR NAME]** (the Parent of the minor child) alleges these grounds for Recusal/Disqualification based on personal knowledge that is supported by admissible evidence or based on the specifically stated grounds for belief of the allegations, said grounds being:

**Honorable Associate Judge Kate Stone Grounds for Recusal/Disqualification**

1. On or about May 2, 2019 …HERE YOU LIST YOUR ETHICS AND/OR LEGAL VIOLATIONS:
   1. Repeatedly yelled at the Father in open court, called the Father a “disgrace to your profession”, disgusting, stated that the Father would no longer be praying or teaching the Bible to the minor child, and threatened the Father with Termination of Parental Rights “so fast it will make your head spin”. (U.S. Const. XIV § 1) (Tx Const. 1 § 19) (TRCP, 18b (b)) (TCJC, 3.B. (4), (5), (6))
   2. Openly expressed her “disgust” with the Father and made numerous threats to take away all of Father’s Parental Rights, denigrating and insulting the Father repeatedly while threatening the Father for actions that were not illegal, immoral, or unethical, but had been presented by opposing counsel as “harmful to the child” in closed chambers. (TRCP, 18b (b)) (TCJC, 3.B. (4), (5), (6))
2. LIST ONLY WHAT YOU KNOW TO BE TRUE AND WHAT YOU BELIEVE TO BE TRUE. MAKE NO FALSE STATEMENTS. TIMELINE FORMAT SEEMS TO WORK BEST IN MOST CASES.
   1. Sometimes it helps to break it down by person when there are many incidents
   2. And then details as needed.
   3. BUT DO NOT ADD ANYTHING OTHER THAN SIMPLE STATEMENTS. DO NOT TELL YOUR EMOTIONAL STORY!!!
3. If needed for clarity, add a few clarifying summary statements below.

According to *Bulloch v. United States, 763 F.2d 1115, 1121:*

*In 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."*

EVERYTHING IN RED BELOW IS TO HAMMER HOME THE CRIMES COMMITTED, NOT NECESSARY BUT SOMETIMES CLARIFICATION IS NEEDED.

Both Judges Newell and Stone have “*not performed [their] judicial function[s]”* and *“the impartial functions of the court have been directly corrupted”* by their actions. Both Judges Newell and Stone, seemingly in collusion with the by Mother via her counsel, other unnamed actors, and the Texas Child Protection Services, have committed Fraud Upon the Court.

Both Judges and Newell have been reported to the State Commission on Judicial Conduct (SCJC) by the Father, with current active case numbers and investigation(s), as verified on or about July 16, 2021 by mail and a phone call from an SCJC investigator.

CJC No. 20-1043 Associate Judge Kate Stone

CJC No. 21-1191 District Judge Kenneth Newell

Pursuant to the United States Constitution Amendment XIV, the Texas Constitution Article 1 Section 19, the U. S Supreme Court, Texas Rules of Civil Procedure 18a and 18b, and Texas Code of Judicial Conduct, Canon 3.B. (1), (4), (5), (6), (8), and (11), it is requested that **Honorable District Judge Kenneth Newell and Associate Judge Kate Stone** be Recused/Disqualified, and all rulings within the 233rd be immediately set aside/overturned due to gross abuse of power and discretion, and violations of State and Federal law.

It is also requested that **Honorable District Judge Kenneth Newell and Associate Judge Kate Stone** be referred to the State Commission on Judicial Conduct for investigation and/or sanctions, and be referred to all oversight and law enforcement organizations that address violations of State and Federal law by sitting Judges.

II.

This motion is filed at least 10 days before the date of the scheduled hearing or trial, or at the earliest practicable time before the beginning of the trial or other hearing as the judge was assigned to this case 10 or fewer days before the scheduled hearing or trial.

III.

Wherefore, premises considered, YOUR NAME prays that this Honorable Court grant said motion and that another judge be assigned to preside over this cause.

I declare that to the best of my knowledge and belief, the information herein is true, correct, and complete AND THAT I HAVE PERSONAL KNOWLEDGE OF THE EVENTS REPORTED HEREIN.

Executed this 19th day of MONTH, 2024.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NAME

ADDRESS

CONTACT INFO

**VERIFICATION**

My name is [YOUR NAME], my date of birth is [Date], and my address is ADDRESS, I declare under penalty of perjury that the forgoing is true and correct. I have read this entire Affidavit/Complaint. The facts and circumstances contained in this petition are true to the best of my knowledge and belief. I have PERSONAL KNOWLEDGE of the facts contained herein.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NAME

Individual/Parent of Minor Child; Pro Se

Executed in YOUR COUNTY County , State of Texas, on the DAY day of MONTH, 2024.

**NOTARY ACKNOWLEDGEMENT**

**State of Texas**

**County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**[YOUR NAME]**, personally appeared before me, and being first duly sworn declared that he signed this application in the capacity designated, if any, and further states that he has read the above application and the statements therein contained are true.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Personalized Seal) Notary Public's Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

CERTIFICATE OF SERVICE

I certify that a true copy of this document was served in accordance with rule 21a of the Texas Rules of Civil Procedure on DATE.

\_\_\_\_\_\_\_SIGNATURE\_\_\_

PRINTED NAME

CERTIFICATE OF CONFERENCE

I have attempted to confer with OPPOSING PARTIES, as required by TRCP.

\_\_\_\_\_\_\_SIGNATURE\_\_\_

PRINTED NAME