**CAUSE NUMBER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**OAG Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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| IN THE MATTER OFTHE MARRIAGE OF\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_AND\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_AND IN THE INTEREST OFA MINOR CHILD | §§§§§§§§§ | **IN THE DISTRICT COURT**  **\_\_\_\_\_\_JUDICIAL DISTRICT**  **\_\_\_\_\_\_\_\_\_\_\_\_\_COUNTY, TEXAS** |

**STANDING RECUSAL/DISQUALIFICATION**

Associate Judges and Judges for Title IV-D cases are appointed and serve according to Chapter 201 of the Texas Family Code. In all situations where a case has been referred to an associate judge, a party may submit a written objection to the appointed associate judge hearing a trial on the merits. Therefore, this *Pro Se* is requesting that this court acknowledge that this Motion, regardless of Title, shall be intended as an Objection to the Associate Judge hearing anything ever in any matter related to the underlying cause, in perpetuity.

Therefore, this Motion serves as a Standing Objection of any and all Associate and/or non-Elected and/or unelectable judges, in perpetuity. Movant will not accept any judge who is not elected and electable (*See* TFC Section 20l.005 (b) & (c)). Respondent shall Recuse/Disqualify any attempt to assign any judge who lacks accountability to the voters, accepting ONLY (a) elected and (b) accountable judges.

Movant requests that the court take official Notice on the following:

1. That this Movant is a *Pro Se* litigant and;
2. the Constitutions of Texas and the United States supersedes any other law or statute, making them void and to have never existed (*void ab initio*) and;
3. that any orders arising from any statute, policy, or other that is in violation of aforementioned constitutions are likewise to have never existed (*void ab initio*) and;
4. that any Oath-holder who knowingly and willingly violates that Oath shall not have the jurisdiction, authorities, nor immunities granted by that Oath and;
5. that no Oath-holder is immune from criminal prosecution at any time and that civil immunity is stripped when an Oath is violated and;
6. that the United States Supreme Court has repeatedly held courts to a standard with regard to *Pro Se* litigants and that these ensured Rights are honored by this court, as follows:

*Pro Se* pleadings are always to be construed liberally and expansively, affording them all opportunity in obtaining substance of justice, over technicality of form. *Maty v. Grasselli Chemical Co.*, 303 U.S. 197 (1938); *Picking v. Pennsylvania Railroad Co.*, 151 F.2d 240 (3rd Cir. 1945); *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1959); *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S.Ct. 594, 596, 30 L.Ed.2d 652 (1972); *Cruz v. Beto*, 405 U.S. 319, 322, 92 S.Ct. 1079, 1081, 31 L.Ed.2d 263 (1972); *Puckett v. Cox*, 456 F. 2d 233 (6th Cir. 1972); and, etc., etc., etc., practically *ad infinitum*.

If the court can reasonably read the submissions, it should do so despite failure to cite proper legal authority, confusion of legal theories, poor syntax or sentence construction, or a litigant’s unfamiliarity with particular rule requirements. *Boag v. MacDougall*, 454 U.S. 364, 102 S.Ct. 700, 70 L.Ed.2d 551 (1982); *Estelle v. Gamble*, 429 U.S. 97, 106, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976) (quoting *Conley v. Gibson*, 355 U.S. 41, 45-46, 78 S.Ct. 99, 2 L.Ed.2d 80 (1957)); *Haines v. Kerner*, 404 U.S. 519, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972); *McDowell v. Delaware State Police*, 88 F.3d 188, 189 (3rd Cir. 1996); *United States v. Day*, 969 F.2d 39, 42 (3rd Cir. 1992); *Then v. I.N.S.*, 58 F.Supp.2d 422, 429 (D.N.J. 1999); and, etc., along with numerous similar rulings.

When interpreting *Pro Se* papers, this Court is required to use its own common sense to determine what relief that party either desires, or is otherwise entitled to. *S.E.C. v. Elliott*, 953 F.2d 1560, 1582 (11th Cir. 1992). *See* also, *United States v. Miller*, 197 F.3d 644, 648 (3rd Cir. 1999) (court has a special obligation to construe *Pro Se* litigants’ pleadings liberally); *Poling v. K. Hovnanian Enterprises*, 99 F.Supp.2d 502, 506-07 (D.N.J. 2000); and, etc.

Indeed, the courts will even go to particular pains to **protect** *Pro Se* litigants against consequences of technical errors if injustice would otherwise result. *U.S. v. Sanchez*, 88 F.3d 1243 (D.C.Cir. 1996). Moreover, “*the court is under a duty to examine the complaint to determine if the allegations provide for relief on \*****any****\* possible theory*.” (emphasis added) *See*, e.g., *Bonner v. Circuit Court of St. Louis*, 526 F.2d 1331, 1334 (8th Cir. 1975) (quoting *Bramlet v. Wilson*, 495 F.2d 714, 716 (8th Cir. 1974)), and etc.

Therefore, this Motion for a STANDING RECUSAL/DISQUALIFICATION is being submitted to this court and its Oath-holders with the intent of having every current and future hearing before an ELECTED District Judge or similar ELECTED judge, as clearly defined in TFC 201.005. This Motion is being submitted to ensure that my Due Process Rights are recognized and upheld by this court, with regard to both my guaranteed *Pro Se* Rights and my guaranteed right to have any and all current and future hearings before an elected judge who has accountability. This *Pro Se* Movant will not participate in any hearing that violates my Constitutional Rights, especially Due Process, and/or State statutes. Any Oath-holder will easily understand the substantive intent of this Motion, and each Oath-holder will be fully aware and possess the “common sense” that any attempt to employ procedural hurdles to my guaranteed Rights and Protections will have been done knowingly and willingly, creating Unclean Hands for every Oath-holder.

There is neither authority nor discretion by any Oath-holder to ignore or supersede the Constitution with unconstitutional law, statute, policy, or other. In fact there is an absolute requirement to uphold that Oath and report any and all violations by any Oath-holder to law enforcement. Additionally, there any such violation by an Oath-holder removes all jurisdiction, authorities, and protections granted by an intact Oath of Office. These principles are abundantly well established at both the State and Federal and are enforceable.

This *Pro Se* Motion certainly meets line with TRCP 18a(b) as follows:

**Rule 18a - Recusal and Disqualification of Judges**

(b)Time for Filing Motion.

(1) Motion to Recuse. A motion to recuse:

(A) must be filed as soon as practicable after the movant knows of the ground stated in the motion; and

(B) must not be filed after the tenth day before the date set for trial or other hearing unless, before that day, the movant neither knew nor reasonably should have known:

(i) that the judge whose recusal is sought would preside at the trial or hearing; or

(ii) that the ground stated in the motion existed.

As a *Pro Se* litigant, I meet the above requirements as:

1. Per Rule 18a(b)(A) this *Pro Se* has just become aware of the grounds; and
2. this Movant was absolutely unaware that these stated grounds existed until this Motion was filed.

***Note.*** As such, this *Pro Se* is unable to get the required Verification (notarization) of this Motion due to immediate nature of my newly acquired knowledge that this remedy even existed. Therefore, this *Pro Se* has included an Unsworn Declaration as validation that I believe everything in this Motion to be true and correct, as this is my only option to address my Due Process guarantees due to the imminence of my hearing.

This *Pro Se* submits this Motion and the enclosed Emergency Sworn Declaration, and requests any and all relief requested herein and available relief that may be unknown to this Movant.

Movant also requests that if this court is unsure of its duties in matter that any and all hearings and proceeding be immediately suspended until this court can verify their obligations to the Constitution and the repercussions of violating those obligations.

Ebulliently submitted,

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

Signature

Name Printed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Emergency Unsworn Declaration per Sec. 132.001

"My name is \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_, my

(First) (Middle) (Last)

date of birth is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and my address is

\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_,

(Street) (City) (State) (Zip Code)

and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I declare under penalty of

(Country)

perjury that the foregoing is true and correct.

Executed in \_\_\_\_\_\_\_ County, State of \_\_\_\_\_\_\_\_, on the \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_.

(Day) (Month) (Year)

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

Signature

Name Printed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_