

No. 00-619

The Law Offices of G. David Westfall, P.C
v. Udo Birnbaum
v. The Three Westfalls

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FILED FOR RECORD
In the 294th District Court.
Of Van Zandt County AM 7:56
03 SEP 30

Motion for Recusal of Judge Banner

This motion is by reason of Judge Banner **communicating ex-parte** with opposing counsel to plot a **vituperative finding** against Birnbaum's **conduct**, such finding diametrically opposite his prior finding of Birnbaum being **WELL-INTENTIONED**, such prior finding made **extemporaneously** and **in the heat of battle** and caught by the court reporter at the close of the Sanction Hearing on July 30, 2002.

Also by reason of Judge Banner having **previously retaliated** with a \$62,000 sanction against Birnbaum for having exercised his statutory and Constitutional Right to make a **civil RICO** pleading, i.e. protected activity. Judge Banner's words that he imposed such sanction because Birnbaum had made a civil RICO pleading were also caught by the court reporter at the same hearing.

Also by having demonstrated that he **cannot or will not** abide by statutory law, the Rules of Procedure, or the mandates of the Supreme Court of the United States. Details are in my prior Motion for Recusal (denied) and in my prior petition for writ of mandamus (denied) to make him go by the law.

Also for now trying to "undo" his finding of my [Birnbaum] being **well-intentioned**, and with opposing counsel paint me as some sort of monster to the judicial system, all while the cause is **on appeal** in the Dallas Fifth, and **while he has NO JURISDICTION**.

Details to follow shortly.

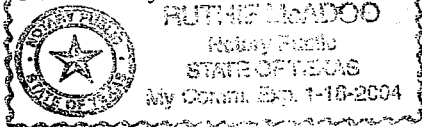
Udo Birnbaum
UDO BIRNBAUM, Pro Se
540 VZ CR 2916
Eustace, TX 75124
(903) 479-3929

STATE OF TEXAS
COUNTY OF VAN ZANDT

Before me, a notary public, on this day personally appeared Udo Birnbaum, known to me to be the person whose name is subscribed to above, and being by me first duly sworn, declared that the matters in his Motion for Recusal of Hon. Paul Banner are true and correct.

Udo Birnbaum
Udo Birnbaum

Given under my hand and seal of office this 30 day of September, 2003



Ruthe McAdoo
Notary in and for The State of Texas

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this document has been served via Reg. Mail on this the 30 day of September, 2003 upon Frank C. Fleming, 6611 Hillcrest, Suite 305, Dallas, Texas 75205-1301.

Udo Birnbaum
UDO BIRNBAUM

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