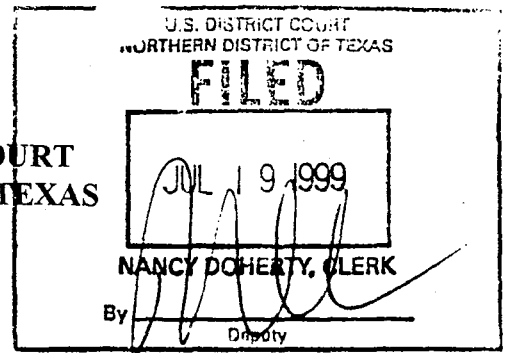


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ORIGINAL

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



Jerry Michael Collins

§
§
§
§
§

vs.

Richard Lawrence, et al.

Civil Action Number:

399CVO641-P

SUPPLEMENTAL MOTION TO DISMISS
AND FOR SANCTIONS UNDER RULE 11(b)

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Judge Louis B. Gohmert, Jr., Defendant sued for his actions completely within his role as a trial judge and files this his Supplemental Motion to Dismiss and for Sanctions and would respectfully show the Court the following:

1. This Defendant trial judge has received the Plaintiff's motion requesting leave to file an amended complaint. The undersigned was actually surprised to see that the new attorney for the Plaintiff had the unmitigated gall to continue to list the undersigned as a defendant when he alleges absolutely no basis for doing so. It does not matter to this defendant judge whether this honorable court allows the amended pleading by the Plaintiff or not. **THERE IS STILL NO BASIS FOR A CLAIM AGAINST THIS STATE DISTRICT JUDGE**, nor any reason for this federal district judge herein to continue to indulge this outrageous action despite the application of absolute immunity. Even if there were no such thing as judicial immunity, there is nothing alleged to justify suing a trial judge because he granted a summary judgement after proper notice and hearing and the plaintiff never bothered to appeal the ruling which is now final and is res judicata on issues therein. **Apparently, feeling an appeal of the trial court's ruling would be futile, the Plaintiff considered the next best thing would be to abuse the trial judge and put a cloud over his name and anything he owns.**

2. The only surprise now is that a licensed attorney would place his signature on a pleading that includes this state district judge as a defendant when he sees that his own proposed amended pleading still has **nothing** that is a basis for any cause of action against this judge. **THERE IS NOTHING. I IMPLORE THIS HONORABLE COURT: PLEASE READ THE PLAINTIFF'S PLEADINGS SPECIFICALLY REGARDING THIS STATE DISTRICT JUDGE.** The plaintiff's "Factual Basis For Claims" includes **nothing** that is a basis for any claim against this defendant trial judge.

3. There has been **NO EXTENSION** agreed to by this defendant. There has been no order that this defendant has received granting an extension to respond to **this** Defendant's Motion to Dismiss unless the Plaintiff's attorney has successfully deceived this federal court by sending in agreed motions to

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extend by certain parties and providing *proposed orders* that merely indicate that the motion to extend is agreed and granted **without designating which party agreed and the specific defendant's pleading to which the response deadline is being extended.**

4. Every day this court leaves the undersigned in this suit is one more day added to the already dangerous precedent of this court by allowing a district trial judge to be sued for doing his job, asking questions of the parties at a summary judgement hearing, and ruling in accordance with what he understood the law to be, despite this defendant's personal sympathy, *at that time*, for the Plaintiff. If the Plaintiff then had a problem with the state district judge's ruling, he could appeal. He said he would. However, a funny thing happened on the way to the forum of the appellate court: plaintiff sued the judge in federal district court stating that he was suing for fraud and RICO, **but not raising an iota, a scintilla, or any single allegation of wrongdoing that would give rise to this claim.**

5. This trial judge from Tyler cannot provide any evidence regarding anything that occurred in the Plaintiff's suit in Van Zandt County. The allegations in the pleading go on at length about Van Zandt County activity. Neither the original complaint nor the proposed amended complaint allege any basis for a cause of action against the undersigned. The complaint does refer to an included chronology. **PLEASE READ IT!** Look at the actual substance of the allegations about the undersigned. ***Though blatantly skewed or wrong***, still, the chronology (which was used in the case in Smith County before the Plaintiff added to it) does not mention this judge until page 10. A summary of the Plaintiff's actual allegations about this defendant judge are as follows:

a. January 17, 1998, the court's coordinator (not actually the judge as Plaintiff said) mailed the Plaintiff a pauper's oath after he failed to pay a filing fee and alleged that he could not pay. A copy of said letter is attached hereto as Exhibit "A". The pauper's oath form was provided as a favor to the Plaintiff rather than simply sending everything back to the Plaintiff for failing to properly comply with the law. There was an affidavit originally filed, but it did not provide factual information regarding the plaintiff's actual assets. It simply embellished for two pages regarding the Plaintiff's chronology and stated some legal conclusions. Factual statements about various potential assets or their non-existence were required from which the court could make its own legal conclusions.

b. February 18, 1998, the plaintiff says at page 10 of the Plaintiff's own "Chronology" that he filled out and signed the pauper's oath (he actually did not return the form that was sent but generated his own) and then the Plaintiff *actually says* he "... **swore it was the truth when it was not and returned it (to) Gohmert, even though he knew doing so was committing perjury.**" (Plaintiff's Chronology, at page 10) Obviously, the Plaintiff believes it is proper to perjure ones' self if he believes it will keep his lawsuit from being dismissed. This also begs the question as to how long this federal court will condone and protect this type of outrageous behavior as it is used against a state district judge to the absolute abuse of the judicial system. This admitted "perjury" to prevent dismissal in state court should also be an indication to this honorable federal court as to what it can expect from Plaintiff to avoid dismissal in federal court.

c. At the summary judgement hearing on December 4, 1998, (at page 13 of the Plaintiff's

Chronology) the undersigned had the judicial nerve to interrupt the Plaintiff a number of times to attempt to get him back on track and actually answer its questions. Beside the fact that this judge often does so at summary judgement hearings in an effort to get to the heart of the issues and save everyone's time, the same judge interrupted and even cajoled the defendant's attorney. There was nothing prejudicial against this Plaintiff. In the hearing on the Plaintiff's baseless motion to recuse held by the presiding regional judge of Dallas, Judge Pat McDowell stated that he found that **Judge Gohmert "...dueled with Mr. Winslett [the defendant's attorney in that case from Strasburger&Price] over some issues, to even chastising him a couple of times on some things. Judge Gohmert, I know from personal experience, is a pretty firm judge in the courtroom. He does come down on lawyers and parties, who he feels are not doing what they should be doing in court. I just don't read anything that makes me think that he's biased toward you, personally or your lawsuit, outside the parameters of the law."** (At page 23, transcript of Judge McDowell's hearing on the Plaintiff's Motion to Recuse Judge Gohmert attached to this Defendant's Motion for Sanctions herein) Judge McDowell went on to say to the Plaintiff directly at the hearing, **"Candidly, he (Judge Gohmert) appeared to be trying to help you a little bit along the way to bring some tough stuff out, that I would have - - if I'd been a lawyer on the other side, I would have been bothered by some, except that's Judge Gohmert. I think he wants to make sure - - or try to make sure that both sides do get a fair hearing. That's my take. You would not agree, I know. I'm going to deny your motion (to recuse)." (id, at page 24)**

d. Also on December 4, the undersigned trial judge did take issue with the Plaintiff's written statement before the court that "I know the outcome of my litigation against lawyers. I finally understand that the judges in my litigation will never allow me to present the truth about these lawyers to a jury." (The undersigned's only non-jury trial in memory between a lawyer and a layman resulted in a verdict for the layman. The Plaintiff's statement, as a slap at the judiciary, was inappropriate, although that same judge now sees how easy it is for a losing party to abuse the presiding trial judge in federal court). The Plaintiff makes a somewhat disrespectful statement that *"Then Gohmert went off on accusing Collins of attempting to get his sympathy because of his 10 year old daughter's death..."* Were a party to make such statements about a judge presiding over his litigation, he might be held in contempt. This Plaintiff has found a way around that possibility: go sue the judge alleging fraud or RICO with no basis in federal court in a district 100 miles away. There he feels, apparently that he can be as contemptuous as he wishes and lie about or mischaracterize the judge and his actions. Actually the undersigned's statement that *"went off accusing"* Plaintiff was as follows:

(Judge Gohmert): "I've read about - - in your response, about your ten year-old daughter being found dead in a hospital room. I've got a ten year old daughter. I can't imagine anything worse than that. I can't imagine the just absolute agony of a father experiencing that kind of horrifying nightmare- - but this isn't about that. (The referenced incident regarding Plaintiff's child purportedly occurred decades earlier and had nothing to do with the Plaintiff's suit.)

Personally, having been through that, you have my greatest sympathy. But from the bench, justice can't be obtained if a judge acts under sympathy. That's why I don't allow myself to be guided by sympathy in any ruling. I simply look at what the law is - - whether I agree with it or not. Is there evidence to support a lawsuit, a contention. If there is, the law provides for it,

it goes to the jury, period.

If there's not, then under the law I'm obligated to make a ruling that it doesn't go to a jury. So that's really what I'm honestly trying to get to the bottom of. I don't know- -" (at which time the plaintiff attempted to interrupt the judge)[at page 36-37 of the transcript]

e. The undersigned admits that, yes, he did grant the defendant's motion for summary judgement in that case because he believed it was required under the law and no appellate court has ruled to the contrary. **I am still shocked that I am having to spend all this time responding over a state court ruling on a summary judgement in this federal RICO action.**

f. Plaintiff alleges that he was not mailed a copy of the judgement on or about January 12th, 1999 when it was signed, although the court's clerk assures that she did (and, unlike the plaintiff, she is not an admitted perjurer; I trust her implicitly. She is one of the most honest people I have ever known... and, no, I do not normally personally mail the court's correspondence in the thousand's of cases I have handled in the last 6 ½ years.) Regardless, the Plaintiff's right to file an appeal was not abrogated or denied. He said he would appeal, but chose instead the new method of filing an abusive federal lawsuit alleging fraud and RICO violations.

6. THERE IS NO COLLUSION, NO FRAUD, NO RICO VIOLATIONS ALLEGED AGAINST THIS DEFENDANT AND CERTAINLY NONE EXHIST!!! THERE IS ONLY A PLAINTIFF WHO DID NOT APPRECIATE THE TRIAL JUDGE'S ATTEMPTS TO GET THE PLAINTIFF TO PROVIDE THE COURT WITH ANY FACTS OR LAW THAT WOULD SUPPORT A CAUSE OF ACTION IN THAT CASE and, thereby, prevent a summary judgement.

7. Plaintiff's *attorney*, surprisingly, has now invoked and provoked the sanctions that originally should have only been reserved for the *pro se* plaintiff. Both know better. Both should be hammered with all available force to discourage both them and others similarly tempted to abuse a judge, whether state or federal, for an adverse ruling. **To fail to punish this type of dangerous, egregious conduct would condone and encourage a litigant to sue any trial judge** who had the audacity to interrupt a litigant's failure to address an important issue, who rules adversely to a litigious litigant, and who does not personally carry mail to insure its immediate delivery to a litigant. That would put every hardworking, conscientious judge in imminent jeopardy of unending lawsuits. **Even when the undersigned is dismissed, if there are no sanctions, then there is nothing to discourage losing litigants from suing trial judges merely to abuse them. To many litigants, a filing fee (especially when none is paid by a purported pauper) would be well worth it to punish a judge he simply does not like.**

8. PLEASE, IF THE COURT STILL CANNOT SEE THE TRAVESTY AND DAMAGE TO THE JUDICIAL SYSTEM OCCURRING HERE, SET AN IMMEDIATE HEARING, DEMAND ANSWERS FROM THE PLAINTIFF AS TO ANYTHING THAT SUPPORTS A CLAIM AS MADE AGAINST THIS TRIAL JUDGE, THEN HAMMER PLAINTIFF FOR THE OUTRAGEOUS ABUSE THAT SHOULD THEN BE CLEARLY APPARENT, THOUGH IT SHOULD BE SELF-EVIDENT RIGHT NOW.

9. A continuation of this case against this judge is WRONG; IT IS OUTRAGEOUS; IT IS OUTRAGEOUS; AND IT IS OUTRAGEOUS. Discovery is now commencing and this wrongly sued judge is still being left as a party.

10. The undersigned judge knows what it is to have an overwhelming docket with so many files and motions to review and decide, but the implications of this suit against this defendant for each and every day nothing is done and no sanctions are issued puts our entire state and federal judiciary at risk, and that is no overstatement. It is at risk, and it is in this federal court's hands. Please act soon.

WHEREFORE, PREMISES CONSIDERED, this defendant trial judge, sued because of an adverse ruling, respectfully pleads, urges, and beseeches this honorable court to act now, dismiss the Plaintiff's non-existent cause of action against him, and sanction both the Plaintiff and the Plaintiff's attorney with all the power it can legally muster, and thereby end this horribly dangerous and abusive precedent against the judiciary itself.

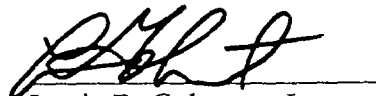
Respectfully submitted,



Louis B. Gohmert, Jr.
pro se

Certificate of Service

A copy of the above pleading is being sent by U.S. Mail to Plaintiff's attorney and attorney for the other Defendants as well as pro se Defendants at the addresses indicated on Exhibit "B" hereto on this the 15th day of July, 1999.



Louis B. Gohmert, Jr.



Chelle Morrow
Court Coordinator

Amie Gonzalez
Assistant Court Coordinator

Louis B. Gohmert, Jr.
JUDGE, SEVENTH JUDICIAL DISTRICT COURT
100 N. BROADWAY AVENUE, ROOM 203
SMITH COUNTY COURTHOUSE
TYLER, TEXAS 75702

Ginger Compton, CS
Court Reporter
903/535-0628

Facsimile
903/535-0457
Office Phone
903/535-0625

January 17, 1998

Jerry Michael Collins
3406 Tower Road
Santa Fe, Texas 77517

RE: Cause Number 97-2850-A; Collins v. Conner, Gillen, Yarbrough & Anderson

Dear Mr. Collins:

Enclosed is a Pauper's Oath Affidavit (to determine your indigence) that the court has provided if you wish to fill it out. If you wish to do so, please fill the form out completely and return it to the court immediately.

If you have questions, please contact the court.

Sincerely,

A handwritten signature in cursive script that reads "Sharita Morrow".

Sharita Morrow
Court Coordinator

/srm

Enclosure

EXHIBIT "A"

00302

cc: G. David Westfall
714 Jackson Street
700 Renaissance Place
Dallas, TX 75202

Certified Mail Return
Receipt Requested
P 844 843 321

Leslie B. Vance
Dan Maeso
P.O. Box 12548
Capitol Station
Austin, TX 78711

Doris Sipes
Malcolm McGregor
Harry Tom Peterson
1011 North Mesa
El Paso, TX 79902

Charles Van Cleef
Robert S. Davis
815 Rice Road
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Roxie Cluck
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200 Crescent Court
11th Floor
Dallas, TX 75201-1840

Rowland Foster
901 Main Street
Suite 4300
Dallas, TX 75202

Richard N. Currin
580 N. 4th
Wills Point, TX 75169

00302

EXHIBIT "R"