

I reserve the right to change, alter, and remove this document at any time.  
Without the leave of this or any other court.  
Richard-Enrique; Ulloa, Sui Juris, unrepresented  
Nation "New York".  
general post-office.  
Hurley-town.  
United States Minor, Outlying Islands. Near. [12443-9998]

U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED  
DEC 28 2010  
LAWRENCE K. BAELMAN, CLERK  
ALBANY

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

	)	CASE # 1:10-CR-0321 (TJM/DRH),
UNITED STATES OF AMERICA,[sic]	)	
	)	
Plaintiff,	)	
	)	MOTION FOR
	)	RECUSAL
	)	OF JUDGE MCAVOY
v.	)	
	)	28 USC 455
	)	
RICHARD ENRIQUE ULLOA,[sic]	)	
	)	
	)	
Defendant.	)	
	)	
	)	

**MOTION FOR Recusal**

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state of New York	}	
	}	§
county of Ulster	}	

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COMES NOW, Petitioner, Richard-Enrique: Ulloa, unrepresented, **motions by way of giving testimony**, and requesting that Judge Thomas J. McAvoy recues himself from all proceedings of this case for the following;

- 1. Judge has shown bias and prejudice and is being questioned as per 28 USC 455.
- 2. Judge is not allowed to listen to this case based on the 11<sup>th</sup> amendment which removed this court from hearing cases in equity, law and controversy.
- 3. Due process violation, when presented the fact that the Grand Jury was lied to and overruled the motion to dismiss the complaint.
- 4. Judge has overruled all evidence I have presented, the 11<sup>th</sup> amendment states that judges were stripped of their judicial power to hear cases in law or equity against a citizen of a state or foreign state. By taking an oath of office for the UNITED STATES Judge McAvoy is a foreign principal as per 8 USC 1481 [http://www.law.cornell.edu/uscode/html/uscode08/usc\\_sec\\_08\\_00001481----000-.html](http://www.law.cornell.edu/uscode/html/uscode08/usc_sec_08_00001481----000-.html), and that an oath of office is required for him to hold position as judge in USDC 22 CFR 92.11-31 [.http://www.access.gpo.gov/nara/cfr/waisidx\\_06/22cfr92\\_06.html](http://www.access.gpo.gov/nara/cfr/waisidx_06/22cfr92_06.html),.....
- 5.
- 6. Judge refused to accept Internal Revenue form 56 as assigned Fiduciary to this case.
- 7. Judge is already the Fiduciary and has not acted as such.
- 8. Judge as a Fiduciary has damaged the beneficiary.

1 9. Judge has refused to follow Congressional acts, and acts of congress.

2 10. Judge has ignored and tried to overrule, two Common law jury  
3 determinations.

4  
5 For the previously defined causes Judge McAvoy must recues himself from  
6 any further proceedings, and per 28 USC § 455.

7  
8 ALL RIGHTS RESERVED TO AMEND WITHOUT LEAVE OF COURT  
9 WITH MY CHOICE OF LAW AND MY CHOICE OF COURT

10  
11 Submitted this 27 day of December, 2010.

12  
13 I am not an expert in the law however I do know right from wrong. If there is any  
14 human being damaged by any statements herein, if he will inform me by facts I will  
15 sincerely make every effort to amend my ways. I hereby and herein reserve the right to  
16 amend and make amendment to this document as necessary in order that the truth may be  
17 ascertained and proceedings justly determined. If the parties given notice by means of  
18 this document have information that would controvert and overcome this Affidavit,  
19 please advise me IN WRITTEN AFFIDAVIT FORM within thirty (30) days from receipt  
20 hereof providing me with your counter affidavit, proving with particularly by stating all  
21 requisite actual evidentiary fact and all requisite actual law, and not merely the ultimate  
22 facts or conclusions of law, that this Affidavit Statement is substantially and materially  
23 false sufficiently to change materially my status and factual declarations. Your silence  
24 stands as consent to, and tacit approval of, the factual declarations herein being  
25 established as fact as a matter of law. May the will of our Heavenly Father Yahvah,  
26 through the power and authority of the blood of His Son Yahshua be done on Earth as it  
27 is in Heaven.

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I pray to our Heavenly Father and not this court that justice be done.

**Reserving ALL Natural God-Given Unalienable Birthrights,  
Waiving None, Ever,**

**28 USC §1746**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true, complete and correct. 28 USC §1746

Signed on this the twenty seventh day of the twelfth month in the year of our Lord and Savior two thousand ten.

*Richard Enrique*

Richard-Enrique; Ulloa, unrepresented

Address: Phone 845-687-7855  
Nation "New York".  
general post-office.  
Hurley-town.  
United States Minor, Outlying Islands. Near. [12443-9998]

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**Proof and Evidence of Service**

I, Richard-Enrique; Ulloa: declare that I served by filing one copy of the "MOTION FOR RECUSAL" by "hand-delivered by private carrier-service on "USDC of Northern NY" sent by post-office-first class-mail AND OR CERTIFIED MAIL to the following:

THOMAS A. CAPEZZA	USDC OF NORTHERN NY
Assistant U.S. Attorney Bar #503159	COURT CLERK
445 Broadway, Room 509	445 Broadway, Room 509
ALBANY, NEW YORK 12207	ALBANY, NEW YORK 12207
First class mail	First class mail

*Richard-Enrique*

Richard-Enrique; Ulloa

December 27, 2010

**NOTICE TO THE AGENT IS NOTICE TO THE PRINCIPAL NOTICE TO  
THE PRINCIPAL IS NOTICE TO THE AGENT**