

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

U.S. DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
FILED

2018 DEC 20 A 11:06

Steven Alan Magritz,
Petitioner

STEPHEN C. DRIES
CLERK

v.

Case No. 18-C-0455

JON E. LITSCHER,
Respondent

MOTION FOR RELIEF, Fed. R. Civ. P., Rule 60

Comes now Petitioner, Steven Alan Magritz, the living man, in want of counsel, and as and for relief pursuant to Fed. R. Civ. P. Rule 60 from the Decision and Order signed by district judge Lynn Adelman on November 28, 2018, and the Judgment of the Court signed by clerk Stephen C. Dries on November 28, 2018, shows the Court as follows. I, me, my, myself herein refers to Steven Alan Magritz, the living man.

I am entitled to relief and so move the Court pursuant to Rule 60(b)(3), fraud, and fraud upon the court by officers of the court named Brad D. Schimel and Daniel J. O'Brien. On May 29, 2018, Schimel and O'Brien filed with the Court a Brief in Support of Motion to Dismiss, Dkt. 7, whereby they engaged in *misleading conduct* as that term is defined in Title 18 U.S.C. § 1515(a)(3). Schimel and O'Brien's motion was replete with numerous false, fictitious, or fraudulent statements *to the Court* in violation of Fed. R. Civ. P. Rule 11(b), Representations to the Court; Title 18 § 1001(a), Statements or entries generally; Title 18 U.S.C. § 1512(c)(2) regarding obstruction of justice; and, Title 18 U.S.C. § 402, contempts constituting crimes, all

in an attempt to deprive this Court of jurisdiction. The false representations were made *to the Court*, an entity created by the people by and through the Constitution or Congress, as opposed to being made to a judge or magistrate, one of *mankind*. The false representations were made via mail or wire, in apparent violation of Title 18 § 1341 and/or § 1343 to defraud me of the intangible right of honest services, Title 18 § 1346. On July 12, 2018 I noticed the Court of the false representations by way of a verified Mandatory Judicial Notice, Dkt. 10. *After being noticed* of the false representations, *Adelman subsequently used* at least one of the most egregious false representations in his Decision and Order to *justify* dismissal of my application for habeas corpus.

I am entitled to relief and so move the Court pursuant to Rule 60(b)(6) for bias or prejudice, Title 28 § 455(b)(1) of the presiding officer, Lynn Adelman. In his Decision and Order, Adelman evidenced bias or prejudice by *fabricating* his own false “facts” or “findings”, utilizing *known* false statements made in respondent’s aforesaid motion to the Court, disregarding or intentionally misapplying *clearly stated* Wisconsin statute and cases, and postulating an incredulous scenario, with which no honest person or jurist could agree, in order to “justify” his “decision” and order.

I am entitled to relief and so move the Court pursuant to Rule 60(b)(4), the judgment is void. The fraud upon the Court rendered the Order and the Judgment void. I was not afforded a fair and impartial consideration of my habeas corpus

petition by Lynn Adelman, to which I am entitled under the Due Process Clause of the Fourteenth Amendment.

I hereby disqualify Lynn Adelman for bias or prejudice.

I incorporate herein by reference: Dkt. 8, Brief; Dkt. 9, Affidavit with attachments Dkt. 9-1 through 9-7; and Dkt. 10, Mandatory Judicial Notice, with attachments Dkt. 10-1 through 10-10.

I move the Court for relief as follows: 1) to appoint a judge other than Lynn Adelman to rule upon this motion; 2) to vacate the November 28, 2018 ORDERS of Adelman granting respondent's motion to dismiss and denying my motion for summary judgment, 3) to vacate the November 28, 2018 Judgment signed by Clerk Stephen C. Dries, and, 4) to restrain the Respondent from taking any benefit whatever from the November 28 Order and Judgment and to grant my motion for summary judgment, or, in the alternative, to assign a judge other than Lynn Adelman to consider and rule upon both my motion for summary judgment and Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 filed on March 22, 2018, case no. 18-C-0455.

Dated this December 20, 2018 A.D.

/S/

Steven Alan Magritz