

Cease and Desist

Folks – this is a court of law – this is ridiculous!

Details in the herewith included court record

November 7, 2014

To: Judge Teresa Drum, 294th Judicial District, Van Zandt County
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Judge Mary Murphy, Presiding Judge, First Administrative Judicial Region
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FRAUD - of the
JUDGE himself hiding
the underlying fraud
from the JURY!

1. There is this outlandish PUNISHMENT of \$125,770 for “*relief which **the court** seeks*”, “*filing lawsuits*”, “*to stop Birnbaum and others like him*”, “*from **committing** further etc*”, “*a delusional belief held only inside the mind of Birnbaum*”.

Filing a lawsuit is of course a First Amendment Right. A public servant taking any adverse action for exercising a Right is official oppression per se. Civil process cannot unconditionally punish for a completed act – can only coerce into compliance – has to provide “keys to own release”, to be able to purge the contempt by compliance with an Order. US Supreme Court, various, no less.

2. Then this other PUNISHMENT of \$62,885 for “*relief which etc*” – same stuff – same outright UNLAWFUL. Judge Paul Banner – in a jury cause – himself weighing the evidence and upon his own weighing of the evidence – PUNISHING me for having made a claim in a court of law - a First Amendment Right:

*“In assessing the **sanctions**, the Court has taken into consideration that although Mr. Birnbaum may be **well-intentioned** and may believe that he had some kind of real claim as far as RICO there **was** nothing presented to the court in any of the proceedings since I’ve been involved that suggest he had any basis in law or in fact to support his **suits** against the individuals, and I think – can find that such **sanctions** as I’ve determined are appropriate.*”

3. Then this \$85,000 Judgment – a jury case – where Judge Paul Banner had a jury sitting there – but completely bypassed the jury – by de facto **instructing** the jury that Mr. Birnbaum was guilty of “failing to abide” – and refusing to submit that element – and all the other elements of the case – to the jury.

Question 1: How much does Mr. Birnbaum owe “*for failure to abide*”? (my paraphrase). Outright intentional violation of constitutional Right to Due Process.

4. Then this excruciatingly detailed Review of File and Order of Voluntary Recusal – and passing the buck - into a black hole.

5. Then this outrageous assignment of Judge Paul Banner – by First Administrative Judicial Region Presiding Judge Mary Murphy - reassigning the very same fox to guarding the very same henhouse.

6. Then the fraud upon the court, right out of the chute, in bringing a suit on a “sworn account”. There NEVER even existed any account at all! Followed by fraud upon the Court – by the Court itself – in aiding and abetting the underlying fraud – and Judge Paul Banner turning Pro Se Defendant Mr. Udo Birnbaum into a scapegoat - to hide his very own sins.

So, here are the official court documents – in somewhat chronological order. Conclusion and detailed DEMAND at conclusion of this document exhibit.

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NOTE: TEXT ONLY.
The FULL version of this document has LOTS and LOTS of MARKED documents next following this page.

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Retaliation, Official Oppression, plus Abuse of Official Capacity

In the interest of brevity – not much left to say – except to say that this document, and lots more stuff – is freely accessible on my web site www.OpenJustice.US . (CourthouseAwarenessNews.com)

I am now 78 years old, but in good health. My mother made it to 96, my father to 93. This matter will not stand.

This stuff has been ongoing upon me in the 294th ever since 1994, when I was sued for violating Section 11.086 of the Texas Water Code over a dam built by BEAVERS on a natural creek – without my permission, of course. Same stuff – fraud from start to finish. Same issue of fraudulent submission, fraudulent instruction to the jury, etc.

Anyhow, at my most recent trip to the Tyler FBI – regarding the matters in THIS cause – it seems like I go there every couple of years – one of the agents recognized me from my complaints in the BEAVER matters in 1995. Arranged our visit to the downtown Tyler office of the Justice Department.

Their comment was that the \$125,000 sanction seemed a little high. He never heard of anything that high. But that there wasn't really anything I could do about it. Then, unbelievably, he suggested to “just shoot them”.

As a side note – the “legal fees” sued for in this cause – were for G. David Westfall - to help me in fighting that BEAVER dam mess!

So, as for my demand at this time:

GET THESE DAMN COURTHOUSE CRIMINALS OFF MY BACK!

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