THE JUDICIAL COUNCIL OF THE SECOND CIRCUIT
JUDICIAL MISCONDUCT COMPLAINT UNDER 28 U.S.C. §§ 351-364

RECEIVED
2019 MAY -6 P 3:51
U.S. COURT OF APPEALS
SECOND CIRCUIT

May 9, 2019

1. **Name and Address of Claimant:** Manuel P. Asensio 400 East 54th Street, Apt. 29B, New York, NY 10022 (212) 702-8801; Cell: (917) 515-5200; Email: mpa@asensio.com

2. **Place of Filing:** Catherine O'Hagan Wolfe, Clerk of Court, Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007

3. **Name of Subject Judges:** The Hon. **Katherine Parker Failla**, United States District Judge for the Southern District of New York.

4. **Identification of Particular Case Where Ongoing Behavior Is Occurring:** *Asensio et al v. Roberts et al,* SDNY 19 CV 03384 (KPF) to affect matters in Asensio et al. v. DiFiore et al. 18-CV-10933

The Hon. Robert A. Katzmann, Chief Judge of the United States Court of Appeals of the Second Circuit ("Judge Katzmann") is acting dishonestly with corrupt motives to conceal the complaints against Judge Abrams. These complaints must be adjudicated before Judge Abrams can remain as the presiding judge in *Asensio v. DiFiore*. Chief Judge Katzmann's corrupt motive for concealing the complaints against Judge Abrams is to protect political corrupt in New York State. Specifically, the State's use of judicial, executive and prosecutorial corruption in its post-divorce judgement child custody adjudication process. This is a betrayal of justice and a constitutional crime by Chief Judge Katzmann. Without Chief Judge Katzmann's moral corruption, New York State would be unable to meld moral and financial corruption in its post-divorce judgement child custody adjudication processes. The Complainant as Plaintiff in Asensio v. DiFiore estimates the financial cost to New York State's citizens of Chief Judge Katzmann's moral corruption to be at least $350,000,000 a year. However, the real cost of Chief Judge Katzmann's moral corruption, which is led by his personal immorality, is unmeasurable. Thus, Chief Judge Katzmann's dishonesty and moral corruption is the root cause of the Plaintiff's damages and cause of action in *Asensio v. DiFiore*.

Because Chief Judge Katzmann is concealing the Abrams complaints, and because US Chief Justice John G. Roberts, Jr. as the Presiding Judge and Chief Executive Officer of the Judicial Conference had not acted on the Complainant's March 5, 2019 complaint against Chief Judge Katzmann and Judge Abrams to the Judicial Conference, Complainant was obligated to commence a new action. On April 16, 2019 the Complainant filed *Asensio et al v. Roberts et al,* SDNY 19 CV 03384 (KPF) ("Asensio II") against Judge Abrams, Judge Katzmann and by extension Chief Justice Roberts, Jr.

The Hon. Katherine Parker Failla, United States District Judge for the Southern District of New York ("Judge Failla") immediately used dishonest conduct to dismiss Asensio II based on the same corrupt motives that moved Chief Judge Katzmann to conceal the Abrams complaints.

.

Chief Judge Katzmann's use of the domestic relations exception to federal subject matter jurisdiction ("DRE") in New York State is unconstitutional on its face as an abrogation of a US citizens' right under Article III to seeking redress from state corruption that he himself allowed.

Chief Judge Katzmann is fully aware of the nature and subject matter of Claimant's civil rights suit titled *Asensio et al. v. DiFiore et al.* 18-CV-10933 (henceforth "Asensio I") and his 28 U.S.C. §§ 351-364 judicial complaints against him and the Hon. Ronnie Abrams, a judge of the US District Court for the Southern District of New York (henceforth "Judge Abrams"). The conduct complaints arise from Judge Abrams' corrupt *Sua Sponte* acts that she used to dispose of the Complainant's Motion 1, Judge Abrams' fabrication of a one-sided stay, and her collusion with the New York State Defendants in Asensio I.

As Judge Katzmann knows, this case comes before the federal courts after a five-year investigation of New York's design and operation of its corrupt process for post-divorce judgment enforcement petitions by non-custodial parents. The undersigned commenced the investigation on May 15, 2014. On November 21, 2018, the undersigned filed Asensio I, a civil rights[1] action based on the evidence discovered in the investigation.

Asensio I demonstrates blatant and egregious judicial corruption in the New York State's processing of post-divorce judgement custody petitions. On May 15, 2014 as Judge Katzmann knows, the Complainant withdrew from New York State's domestic relations process and dedicated himself to the investigation. Since that date, the State Defendants have engaged in a deliberate and concerted efforts to fabricate jurisdiction for the sole purpose of depriving the undersigned of his constitutional rights by, inter alia, publicly promoting false criminal charges[2] against him in connection with an incident that occurred on December 29, 2015. They did this to justify a retaliatory and illegal suspension of the Complainants' parental rights to his daughter, Eva Asensio, for the sole purpose of silencing his denunciation of their corrupt domestic relations racket in New York. This judicial racket has allowed the New York State Defendants to fabricate an income stream of over $350,000,000 annually. The New York State Defendants have done so with impunity based on the DRE, knowing full well that they were safe from federal review or scrutiny. The undersigned has sought to expose corruption and, accordingly, demonstrate how the DRE perpetuates and protects it, by filing Asensio I.

Judge Abrams has been as disrespectful of Complainant's civil rights as were the New York State Defendants named in Asensio I. Judge Abrams added insult to injury in the purest sense of the phrase when she colluded with Asensio I's lead defendant, Janet Marie DiFiore, New York's Chief

---

[1] These are US citizens' most unilateral and comprehensive rights to be protected from manufactured charges, and freedoms of religion, speech and political expression and affiliation.

[2] These false charges were dismissed by the criminal court and all testimony related thereto was stricken from the family court record. The state has denied the undersigned access to the grand jury testimony to prove that the chief judge, a family court judge, a county prosecutor colluded with Asensio I's Defendant Bosak to fabricate the false testimony and present it to the grand jury.

Judge, to plant a story in the New York Daily News on January 21, 2019 that resurrected falsehoods[3] about the undersigned's conduct on December 29, 2015. This makes Judge Abrams a witness in the most central allegation in Asensio I. Complainant filed a complaint against Judge Katzmann with this Judicial Council to address Judge Katzmann's concealment the complaints against Judge Abrams.

Judge Failla improperly and maliciously entered an "Order of Dismissal" in Asensio II on April 26, 2019, a mere ten days after it was initially filed on April 16, 2019. Judge Failla dismissed Asensio II *Sua Sponte* on the false premise that the complaint was frivolous and that the Court lacked subject matter jurisdiction. Judge Failla created these false premises as a cover to protect the Asensio II defendants, which included Judge Abrams and Judge Katzmann, who both engaged in a concerted effort to protect the New York State Defendants in Asensio I. This action constitutes a blatant abuse and is the gravamen of the present complaint.

The filing of Asensio II naming Judge Abrams as a defendant mandated that Judge Abrams recuse herself as the presiding judge in Asensio I under 28 U.S.C. Section 455(b)(iii), Canon 3(C)(1)(d)(i) and (iii) of the Code of Conduct for United States Judges and the Advisory Opinion 103 of the Committee on Codes of Conduct of the Judicial Conference. The Complainant requested that Judge Abrams do so in a letter motion dated April 17, 2019. Judge Failla, by dismissing Asensio II, eliminated Judge Abrams' prima facie violation of the above referenced federal statute, canon and advisory opinion, thereby providing cover to Judge Abrams to continue to preside over Asensio I notwithstanding her status as a material witness to the federal court's collusion with Defendant DiFiore and other egregious demonstrations of prejudice in favor of the State Defendants and blatant hostility to plaintiffs in Asensio I.

We are now at the point where Judge Failla is protecting Judge Abrams. Judge Failla did so by fabricating the claim that she "adjudged" the dismissal of Asensio II based on the self-serving "ordered and decreed" fabrication that Asensio II is barred by immunity and is frivolous.

Judge Failla did so through a Sua Sponte dismissal that denied the possibility of filing a motion for leave to amend by decreeing that Asensio II's defects "cannot be cured." She directed the Clerk to docket her order as a "written opinion." She also declined to take jurisdiction over the state law claims and decreed that "any" appeal would be in "bad faith." Thus, she protected the New York State Defendants and Judge Abrams' from being exposed to the US attorney, the US Chief Justice, Judicial Conference, Congress, the President and ultimately US citizens. Judge Failla's misconduct demonstrates that the New York federal judiciary is engaging in corrupt acts to dismiss Asensio I. This situation cannot be allowed to continue.

Judge Failla's actions shows the extent of corruption and dishonesty that has resulted from the DRE. It is indicative of the monumental corruption that exist in New York's processes for post-divorce judgment enforcement petitions by non-custodial parents, which is fully documented in Asensio I.

---

[3] See foot note. Judges Katzmann and Abrams are fully aware that Asensio I's central charge is that the December 29, 2105 fabrications are the product of the State Defendants' collusion with Defendant Bosak.

Judge Failla cannot be allowed to openly engage in misconduct with corrupt motives to defend Judge Abrams. And Judge Abrams cannot be allowed to hide behind Judge Failla's fabrications, in order to protect the New York State Defendants and allow them to trample on the constitutional rights of citizens for the purpose of generating income for the court system, which is the essence of the DRE.

This is a situation of federal significance. It is essential that the Judicial Council initiate an immediate review of Judge Failla's actions in improperly and illegally dismissing Asensio II and initiate a similar review of Judge Abrams' actions in Asensio I.

I, Manuel P. Asensio, swear that I am fully familiar with the facts contained in this complaint and that statements I make herein are complete and true to the best of my knowledge, including any matters stated upon personal information and belief. I do so swear.

Manuel P. Asensio