

OCT 07 2015

U.S. DISTRICT COURT
W. DIST. OF N.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
WESTERN DISTRICT – ASHEVILLE

Bardes v. Auld (1:15-cv-214-MR-DLH)

David A. BARDES, individually, as a taxpayer,)
)
Plaintiff,)
)
v.)
)
L. Patrick AULD, Magistrate Judge,)
Catherine C. EAGLES, District Judge,)
Patrick Michael DUFFY, Senior U.S. District Judge,)
Robert CARR, Ex-Magistrate Judge, in their individual)
and official capacities, The US Courts, The United States)
of America, The US Department of Justice,)
John and Jane Does,)
)
Defendants.)
)
)
)

MOTION
AND DEMAND
TO
REINSTATE;
NAMED
DEFENDANTS

**Motion to Reconsider and Reverse; Demand to Reinstate;
Named Defendants**

1. Before District Judge Martin Reidinger affixed his signature and published his criminal dismissal, he wrote words which automatically named him a defendant as a matter of law and of my duty as a citizen, as I stated in my complaint. My complaint, paid fee, and Constitution preceded judicial assignment; see items 23, 24, 26, 27, 28, 31, 32, 33, 34, and 36. The same applies to Magistrate Judge Dennis Howell, as to what he did and did not do too.

2. I advise both of you you're right to counsel and immediately assume your position with the other defendants. Your gross civil and criminal violations of the Constitution, other state and federal laws, brings upon you the full weight of my uncompensated injuries and damages. I will supplement more in time.

3. Your published dismissal is criminal on its face being a signed confession becoming accomplices in the cover up of culpable homicides and tortures by your coconspirators. It is clear you have assumed the role of common thug at the door, protecting the other criminals inside. You chose the wrong side of the door, as the good people of our great nation will eventually put you on trial before your jury of people like me, and imprisoned. I demand Martin Reidinger and Dennis Howell, defendants, be prosecuted for crimes and imprisoned.

4. Further I put both of you on legal notice in all capacities of instant guilt for anyone's current and further suffering or succumbing to hypothermic torture or hypothermic murder, as well as any other tortures. Your civic duties as citizens first, are whitewashed in words authorizing the continuation of brutal torture and for those killed, murder, then affixed signatures to your executioner's orders. You are criminals by your own words, not mine.

5. I demand you issue an order outlawing hypothermic torture and any other torture by anyone anywhere.

6. No civil servant, no elected official, and no citizen, has immunity from serious felonies and other high crimes in any capacity; no one is above the law in the United States. Not even you. Ask your cellmate.

7. As to your baseless argument of legal frivolity your words deny hypothermic torture exists as a violation of law, so you are concluding the right to stay alive has no merit in the law. Not in

your courtroom. Any jury of any twelve people like me will send you to prison based on what you have done, and not one will deem it legally frivolous. I demand you prove it to your jury, as are my rights and duty as a citizen. My actions are supported by the truth; your denial of the truth becomes more crimes.

8. Both of you are a disgrace to our great nation, deserving legal financial destitution and imprisonment for the rest of your lives. And no spouses released from state marriage contract laws defining two as one financially. You can write spouses letters weekly from your hypothermic cold cell in the federal supermax in Florence, Colorado.

9. As to another error in your criminal dismissal regards claims against the DOJ, and their to be named later guilty bad actors, the full burden and weight of all my uncompensated injuries and damages fall upon them, which compounds each day, and the interest far exceeds the principal after almost ten years. This is clear to any human in my complaint.

10. You referenced my three previous failed lawsuits, which are now evidence of crimes, as being judicial actions already decided, settled as fact, when you did not verify the facts which caused injury, you denied the truth with no facts. During discovery I will obtain your forensic trail and knowledge of your complete efforts to verify the facts, before you denied the truth without them.

11. Your criminal dismissal with “prejudice” is further proof of your crimes approving the crimes of your fellow criminal civil servants. It is all void. Just ask any jury.

12. I demand the court reverse, set aside, the dismissal, reinstate my complaint to proceed at law, and assign non-crime committing judges whom will obey the law. I demand you obey the law.

13. I reiterate and demand my right to petition the government for redress of grievances.

14. I reiterate and demand my right for a jury of twelve.

15. I demand no further delay in either, as are my rights.

Respectively submitted,

This day 7 of October, 2015, by

x _____
David A. Bardes, *Pro Se*

213 Rainbow Lake Drive
Brevard, North Carolina 28712
828-393-4599(h)
davidbardes@davidbardes.com

CERTIFICATE OF SERVICE

I hereby certify a true copy of the above motion and demand was served by United States Postal

Mail, postage prepaid upon:

- ___ L. Patrick AULD, Magistrate Judge
US District Court
324 W. Market Street
Greensboro, NC 27401

- ___ Catherine C. EAGLES, District Judge
US District Court
324 W. Market Street
Greensboro, NC 27401

- ___ Patrick Michael DUFFY, Senior U.S. District Judge
US District Court
85 Broad Street
Charleston, South Carolina 29401

- ___ Robert CARR, Ex-Magistrate Judge
US District Court
85 Broad Street
Charleston, South Carolina 29401

- ___ James C. DUFF, Director
Administrative Office of the United States Courts
One Columbus Circle, NE
Washington, D.C. 20544

- ___ Office of the Attorney General
Department of Justice
10th & Pennsylvania Avenue
N.W. Washington, D.C. 20530

- ___ U.S. Attorney's Office
227 West Trade St., Suite 1650
Charlotte, NC 28202

I declare under penalty of perjury this information is true.

Attested this day 7 of October, 2015, by

x _____
David A. Bardes, *Pro Se*

213 Rainbow Lake Drive
Brevard, North Carolina 28712
828-393-4599(h)
davidbardes@davidbardes.com