

U.S. DISTRICT COURT OF NEW JERSEY  
District Court Docket No. 15: 3534

NICHOLAS E. PURPURA, a sovereign citizen, and for people  
similarly situated in New Jersey that hold citizenship in  
United States

Petitioner

NOTICE of APPEAL  
and  
MOTION TO EXPEDITE

Before an En Banc Court  
Oral argument requested

v

Gov. CHRIS CHRISTIE et al.,  
Defendants`

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APPEAL TO ORDER[s] ISSUED BY MICHAEL A. SHIPP  
DISMISSING PETITIONER'S CLAIM BEFORE AN EN BANC JUDICIARY REQUESTING  
ORAL ARGUMENT

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*“No Court can make an illegal act legal; the judiciary has no authority or power to condone or create law, regardless of who institutes such laws, whether it be the President or a State; if said law violates the United States Constitution. The only purpose and/or power the District Court has is to declare the law[s] are either Constitutional or unconstitutional. The District Court took it upon itself based upon a political ideology to condoned unconstitutional “de facto” laws! To justify the Order[s] and Memorandum[s] the District Court in concert with Defendants; denied “due process:” the Fed. Rule of Civ. Procedure; evidence: as well as Supreme Court precedent.”*

Chaplain Nicholas E. Purpura,

TO THE HONORABLE COURT, DEFENDANTS AND THEIR ATTORNEYS OF RECORD,  
AND ALL INTERESTED PARTIES:

COMES NOW, Nicholas E. Purpura, Petitioner to file this timely *Notice of Appeal* before an *en banc* Court to address this matter “*in the interest of substantial justice*” with “*oral argument*.”

This notice concerns the Order[s] of Michael A. Shipp, dated July 5, 2016 (A – 1) & Memorandum (A-2-4) in conjunction with the Order Dated March 31, 2016 (A-5-6) & Memorandum (A-7-15) and the dismissing of Petitioner’s Petition based upon “*invented*” technicalities as well as the total distortion of the Federal Rules of Civil Procedure 12(b)(1); (hereafter *FRCP*).

Observers as well as legal experts warn of potentially devastating consequences which will threaten every American’s constitutionally protected rights, if the rule of law, “*due process*”, and judicial integrity are compromised. If Judge Shipp’s *Decision[s] and order[s]* are allowed to stand they will render Constitutional civil rights, as well as the rules governing “*federalism*” in the State of New Jersey meaningless, thereby establishing American Jurisprudence, here and possibly across this country, as little more than a mockery.

More importantly, at stake here, is not a Republican, Democrat, Liberal or Conservative issue. The entirety of the Petition is far more than just the violation of a *Second Amendment* fundamental right. The Petition was/is based upon the need to halt the dangerous trespass upon “*federalism*” which has become the standard operating procedure of out of control, left leaning legislators, jurists and officials. This includes the actions of the current President of the United States and those individuals he has appointed to our Federal Court system who unabashedly and heretofore sans consequence, continue to issue rulings based upon a political ideology, rather than established law.

The *Court of Appeals* would have to be blind or else totally indifferent to the United States Constitution, a document each Justice on that Court has sworn to uphold, if it fails to recognize and correct the actions of the lower Court in Trenton for its blatant refusal to comply with the *FRCP* and depriving this Petitioner a “*full and fair*” hearing. If let stand, these actions will strip the Petitioner, as well as all citizens of the State of New Jersey, of a Constitutional right and would be tantamount to acquiescing to the deterioration of **Federalism** in the State of New Jersey.

Judge Michael A. Shipp, brazenly and with ‘*deliberate indifference*’ has disregarded statutes, prior policy, procedural due process, Circuit and U.S. Supreme Court precedent as well as “*equal protection and treatment*,” as guaranteed by the 14<sup>th</sup> Amendment. Public confidence in the integrity of the judiciary continues to diminish as a result of judges who owe allegiance to the ideology of those who have appointed them, while ignoring the Constitution.

These facts were the impetus for the Petitioner’s filing of a request that Judge Shipp recuse himself from this lawsuit. A filing which, consistent with his many non replies of various issues presented to him, has gone unanswered. A review of the many avoidances as well as the various efforts by this judge to create unfounded positions inspired by his desire to never actually answer a Constitutional challenge is standalone proof that he is unable and unlikely to free himself of his ideological blinders.

### JURISDICTION

This Honorable *Court of Appeals* has original jurisdiction to hear all matters involving constitutional deprivations. No doctrine in law, or moral reason exists that would bar this Federal Court of Appeals from addressing the merits of Petitioner’s complaint *en banc*, due to the serious violation of the Petitioner’s rights and those similarly situated. It also stands as the guarantor of the people to oversee and admonish those who would default on their obligations to the Constitution.

This matter and the rulings of Judge Shipp, so seriously jeopardize Federalism, that to deny the Petitioner’s request for an *en banc* hearing could very well be perceived by those who in the future will study and review this case, as a dereliction of duty. This Court will be unable to ignore that the District Court is culpable and collaborative in a judicial *con-game*. Judge Shipp has delayed rulings, failed to respond in legal terms to the several claims and motions filed by this Petitioner and has clearly and quite intentionally endeavored to create opportunities to halt this case solely in an effort to avoid adjudicating the many and blatant violations of constitutional law presented therein. Undoubtedly a prescription fashioned by the need to protect the powerful elite and those who have chosen **to** become *law unto themselves*.

Support by this Appeals Court for this *Motion for Appeal* has historical and legal precedents as affirmed by the Supreme Court of these United States. Long-established and unanimous findings, by both liberal and conservative justices regarding the Constitution based upon the analytical understanding of the beliefs and concerns of the founders, also validates this Motion.

## QUESTIONS PRESENTED

Will noncompliance with the Constitution, statues, FRCP, Federalism and Supreme Court precedents be ignored simply because the violators dwell in a particular political ideology and/or in political positions of power?

Procedural “*due process*” pertains to the rights to be heard and not limited to:

- The right to an unbiased trial.
- The right to be given notice of the proposed trial and or the reason for it or against in compliance with the FRCP.
- The right of the individual to present evidence and/or challenge before a court of law the facts and/or false arguments presented under the “color of law” which denied or ignored my request for a hearing or oral arguments. (Eighteen times this Petitioner was denied, without explanation, his right to present oral arguments and also, without a legal explanation, was refused an evidentiary hearing.)

Can a Judge in a Court of law award upon himself the ability to ignore the mandated *FRCP* which governs a *RICO Complaint*? This Circuit Court must decide whether to protect the Constitution or turn a blind eye to it, in support a “Black Wall” of silence.

Plaintiff will prove:

- I. The District Court suspended the Constitution and decided to interpret law and authorities to suit a political agenda believing it has the power and imperial right to adjourn the rights of this Petitioner, as well as those of all citizens of the State of New Jersey:
  - Ruled upon a prejudicial and distorted interpretation of what the law declares, redefining established longstanding S. Ct. authorities, statutes, and the *FRCP*;
  - Intentionally failed and refused its fiduciary duty by ignoring the explicit facts and evidence presented;
  - By judicial fiat, created a “*counterfeit argument*” unsupported by law, fact, logic, and reason, by falsely claiming “*lack of jurisdiction*” to challenge a state’s 3-branches of government to institute *de facto* laws. This is a clear unconstitutional exercise of power;
  - Refused to weigh arguments as written as to intent and connotation of the text and laws and too the text’s and laws purpose and customary practices associated with the U.S. Constitution, statutory regulations, and denotations as set forth in the *FRCP* thus intentionally depriving Petitioner of his Constitutional rights;
  - With “*deliberate indifference*,” and intentionally “*obstructing justice*” and acting in connivance with Defendant’s attorneys to aid and abet in the unconstitutional activities and *de facto* laws;

- By judicial fiat ruled to suit a personal ideology or benefit, violated its fiduciary duty essential to controlling protected rights set forth in the Constitution in defiance of the “rule of law;”
- II. Whether the District Court intentionally refused to adhere to proper judicial procedure that resulted in the deprivation of Petitioner’s Constitutional civil rights as a citizen of these United States by failing and refusing to conduct a straight-forward inquiry into the ongoing violation of Federal Law. By failing to do so placed Petitioner and all citizens of the State of New Jersey in jeopardy of political persecution by allowing the three branches of state government to unconstitutionally force citizens to obey unconstitutional “*de facto*” laws through the wrongful use of threatening ... or fear of economic harm , and/or incarceration ... to surrender a federally protected right under the “color of law”;
  - III. Whether the District Court violated proper procedural “*due process*” and “*equal protection*” by denying Petitioner the required “*oral argument*” or an *evidentiary hearing*” after being informed of attorney misconduct in their submissions that required they be addressed;
  - IV. Whether the District Court without proper jurisdiction ruled on issues and submissions that were not properly before the Court; that they were not contradicted thereby blatantly usurping the *FRCP* by granting procedurally infirm extensions of time, void any proper “*Motions for an Enlargement*” of time for good purposes pertaining to a Motion or Order [A practice that repeatedly took place throughout the legal proceedings];
  - V. Whether Petitioner should have been granted an automatic judgment in favor of Petitioner, by law, **AS SET FORTH IN THE *FRCP*, SEE Rule 8(d)** and were intertwined with Rule 9 for failure to put forth an “*affirmative defense*” as mandated in a RICO action, thereby admitting that all *7-Claims for Relief* and the assertions therein, were correct and factual.

## IN CONCLUSION

It is inarguable that this Petitioner suffered under abusive and improper judicial procedures perpetrated by the District Court in Trenton and that the Court and the jurist, Judge Michael Shipp, have repeatedly refused to address the merits of the allegations, which are thoroughly and substantially supported by a preponderance law. Petitioner realizes the law sometimes tends to sleep, but prays it is not dead!

Petitioner is also cognizant that judges, not unlike people in most other professions and occupations have a tendency to protect their own. This Appeals Court must decide if the shedding of civil rights, the dilution of the Constitution and the end of Federalism can or should be accepted in support of cronyism and leftist ideology. Also, consideration must be given by this court, as to whether the concealment of possible embarrassment of one jurist who may well have failed to honor his oath, is requisite to the expense of all the nation's people.

Judge Michael A. Shipp, in concert with the Defendants and their legal counsel[s] have attempted to shred the *FRCP* by allowing unconstitutional *de facto* law to continue to violate the civil rights of this Petitioner as well as all citizens of the State of New Jersey. This includes those who have chosen to exercise their Constitutional Second Amendment Rights as well as many others who have been intimidated into not employing them. That being said, more importantly, the actions of defendants as well as the District Court has suspended "federalism." May God grant this Court of Appeals the wisdom and courage to do what justice demands and our Constitution requires.

Respectfully submitted,

Chaplain Nicholas E. Purpura,