

207 East 85th Street  
New York, N.Y. 10028  
July , 2000

Honorable Chief Judge Ralph K. Winter  
U.S. Court of Appeals  
for Second Circuit  
U.S. Courthouse  
40 Foleys Square  
New York, N.Y. 10007

Re: Hon Colleen McMahan

Dear Honorable Sirs:

**FACTS**

I am a Pro Se plaintiff who had a case that was heard by federal judge McMahan which is under Lau v. Meddaugh et al., #99 Civ 4045 (CM) the fact is that I received a order to come for itial pretrial conference to discuss discovery that was schedule by her for September 24, 1999 at 3:30pm but instead I been verbally assault by judge McMachon by calling the plaintiff's case frivolous when it is not, threaten the plaintiff in open court on the record by saying that if he continue to process these action I can fines, pay costs or go to jail of contempt but has dose wrong. The federal judge McHahon said I do not have right to sued a state judge but not true because the plaintiff in cited a U.S. Supreme Court case called **Stump v. Sparkman, 435 U.S. 349; 98 S. Ct. 1099 (1978)** that says clearly that when a state judge or any other type of judge acts clear absent to all jurisdiction liability can be impose on them and judge McMahan clear the plaintiff argument because the facts she use to be a

acting state judge before she was federal judge and that the truths **See exhibit 1**. I filed a law against was one acting state and two lawyers from Sullivan County for Civil Rights violation in the United States District Court for the Southern District of New York.

The action was commenced because a former Acting State Supreme Court trial judge went **Absent to all jurisdiction** by interfere with a case that he **(Meddaugh)** is not sitting in and it was at another lever of the justice system as well for communicating illegal ex parte communicating with the other co-defendants attorney to obtain sanction a unlawful State sanction against the plaintiff for a conduct that the plaintiff has not done.

I sued the defendants and my case against the defendants was heard before judge McMahon for 42 U.S.C. 1983 of Civil Rights, 1985 and 1986 Conspiracy and Complicity. As well for the claim of the 14 Amendment of the U.S. Constitution due process and equal protection.

On or around August 3, 1999 I received an order from Judge McMahon dated: July 30, 1999 for a initial pretrial conference which I went to on September 24, 1999 at 3:30pm.

At the hearing of September 24, 1999 that was presided by Judge McHahon, a federal judge of the Southern District of New York in White Planes U.S. Courthouse. At the hearing when she called my case, she made wrong pronation of the defendant Meddaugh and that she give threading look to me and I feel very uncomfeble

She inform that I was give a frivolous and vexation litigation in which I argue that in fact there is merit to my lawsuit.

I argued that the defendant Meddaugh, a former Acting Supreme Court Justice of a state trial court who preside over a case in Sullivan County was acting outside of his jurisdiction for issuing an sanction or threaning to issue sanction for an offense committed in another type of state court which was state appellate court of the Appellate Division: Third Department in Albany County. In another case Lau v. Lungen of another county that he was not presiding in of that case in that county (**Albany County**) and I allege that in my Amended Complaint but U.S. District Court Judge Colleen McHahon of the Southern District of New York ignored those factor.

I cited a case to show the defendant Meddaugh can be sued when he acts in clear absence of jurisdiction but as I cited this case Judge give me cock smith or smirking around but not hearing me out.

Judge McHahon gave me "legal advice" telling that get on my life and give up. I inform her that the defendants in the case that she presided over, had cause extreme harm and injury to me and I have been treated unjustly but Judge still treated me with a negative condescension in the hearing where I receive a miscarriage of justice.

Also I ordered the transcript proceeding of the hearing of September 24, 1999. I ordered the transcript proceeding on September 28, 1999. Then on or around October 5, 1999 which to the Southern District Court Reporters Office in New York City to find out is the transcript ready and a Jane Doe told me the court reporter was not in her office and that she **(Jane Doe)** will call the court reporter Christen A. Decks who was the reporter over this proceeding. Her name is not certified in back of the transcript but I sworn that under oath she was the reporter in this proceeding.

Then October 8, 1999 I receive a call from the court reporter about the transcript and a Jane Doe from the office of the court reporters in the U.S. District Court for the Southern District of New York inform me that Judge McHahon is looking at my transcript for some kind of approval but I do not believe it is the case. Upon information and belief the transcript maybe contempt.

On October 14, 1999 I filed a motion of reconsideration on

one of the grounds which is, newly discoverable evidence alleging that Judge Colleen McHahon was bias to the plaintiff because of the fact she was a Acting Supreme Court Justice in Manhattan. The defendant Meddaugh was Acting Supreme Court Justice that I sued for conducts that was commit that is clear absent of all jurisdiction.

Under motion exhibit A in support for reconsideration show the back ground of U.S. District Court Judge Colleen McHahon, having the same prior position Acting Supreme Court Justice as the defendant Meddaugh. This exhibit A is a newly discoverable that was presented before Judge McHahon and was known to me on the hearing until after the hearing of the oral judgment. I, the plaintiff receive a final judgment that was not base on upon the merits of my case.

Judge McHahon ignored every argument that has good merit by also denying my motions for reconsideration under rule 59 (e) and 60 (b) without at least looking the at the motions papers by denied the before the return date before the motion was ever heard.

Furthermore, I was not notified in advance about the injunction against me. Judge McHahon said at the in initial-trial conference that since you **(Lau)** are here, I do not have to give you notice. I have right for notice in advance so that I may

defend my self of any charges on me.

Also, judge McHahon give legal advice to another pro se litigant in case proceeded before my case was called.

The legal advice she provide was this pro se litigant you should find a attorney you did know what are doing regarding issue of the federal constitution. This judge by making legal advice shows that she is bias to pro se litigant who seek justice in the system.

The case that proceeded before my case are Poje v. P.O. John Hopkins the case started at the 3:15pm and my 3:45pm at the same day. I bare witness in that proceeding.

This judge not only bias to me but others that is similarly situated.

The federal Court of Appeals should investigate judge Colleen McHahon's conduct and not to me only, but in that other case called Poje case as well too.

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Gilbert Lau