

April 13, 2012

Judicial Conference Committee on Judicial Conduct and Disability
Attn: Office of General Counsel
Administrative Office of the United States Courts
One Columbus Circle, NE
Washington, D.C. 20544

Re: David Banks, Kendrick Barnes, Demetrius Harper, Clinton Stewart, Gary L. Walker,
& David Zirpolo v. District Judge Christine M. Arguello
Judicial Misconduct Complaint No. 10-11-90054

To Whom it May Concern,

I, (All defendants, mentioned above), hereby petition the review of a judicial-council decision for an Order dismissing the Judicial Misconduct Complaint No. 10-11-90054 aforementioned above.

Briefly, the complainants Fifth Amendment Constitutional rights were violated. Complainant's rights were taken advantage of because they were Pro Se Defendants. The Judge usurped authority depriving Complainants' rights under Color of the Law. Complainants were denied their rights to present a complete defense, some of the witnesses, particularly, critical expert witnesses were prevented from testifying. The complainants were treated in a demonstrably egregious and hostile manner. (See Statement of Facts and pertinent transcript excerpts attached.) Pertinent discovery was not released to defense and thus not admitted and defense witnesses were tampered with by the government. The judge refused to allow original transcripts to be released to the Defendants.

It is publicly noted that this Judge was in a case for Lewis et al v. Gleason et al (1:10-cv-01850) in the US District Court, Colorado – Opinion regarding PACER Docket and Court Records in a Civil Rights Matter. (Similar to circumstances in this case dealing with invalid records/transcript). December 31, 2010, "It is recommended that the Plaintiff report the conduct of US Judge Christine M. Arguello, US Magistrate Michael J. Watanabe, and Clerk of the US District Court Gregory C. Langham to the Public Integrity Section of the US Department of Justice and to the US Congress Committees on the Judiciary." See attachment

The Complainants request an investigation by the conference into the integrity of the matter.

The judge reprimanded the Defendants instead of assisting them in the enforcement of subpoenas to allow a fair defense. The court reprimands a defense witness and restricts testimony to a yes or no that does not allow witness to fully disclose information pertinent to the defense. Further, reprimands complainants regarding witnesses' unexpected response in testimony. Yet, allowed the government's witnesses to state anything even when it was speculation. Throughout the entire trial the judge showed

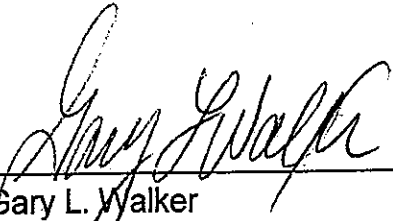
partiality toward the government. The judge also presided over a previous case that involved one of the defendant's sister, Lawanna Clark, case no. Criminal Action No. 09cr00151 and feels that some of the information in that trial biased the judge's decisions and actions in this case. "A Judge should avoid impropriety or even its appearance. Judges may not hear cases in which they have either personal knowledge of the disputed facts, a personal bias concerning a party to the case." (U.S. District Court Code of Ethics). A motion for recusal was entered as there was an inquiry as to whether the Judge knew Mr. Goldberg who was contributory to initiating charges in this case. The Judge denied the motion in claims that there was no relationship. However, the Judge previously worked at the same firm prior to being appointed to the bench. All of the motions presented by the Defendants while acting Pro Se have been denied with the exception of one continuance. Complainants request that the circumstances in this case as extraordinary and request a review.

The Complainants filed original complaint on October 25, 2012. The Complaint was dismissed via the Order December 01, 2011. Complainants have reviewed (1) the Tenth Circuit Rules of Misconduct, entitled *Rules for Judicial-Conduct and Judicial-Disability Proceedings* ("Misconduct Rules"); 2) the 28 U.S.C. § 351 *et seq.*, and 3) the "Breyer Report" entitled *Implementation of the Judicial Conduct and Disability Act of 1980* provided by the Judicial Conference of the United States and filed a Petition for Review by Judicial Council that was dismissed. A petition for review to the Judicial Council was submitted January 04, 2012. On February 16, 2012, the Judicial Council dismissed the complaint affirming the dismissal via Order issued on November 21, 2011 of Chief Circuit Judge Mary Beck Briscoe pursuant to Misconduct Rule 20(b)(1)(A)(ii). (A copy of the judicial council decision is attached).

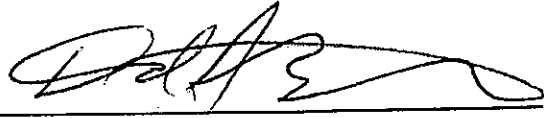
Complainant seeks a petition for review of the order issued February 16, 2012, docket # 10-11-90054 under 21(b)(1)(A) of a judicial-council order entered in accordance with 20(b)(1)(A)(ii). The reasons the petition should be granted is in accordance with the following, pursuant to misconduct rules 3(h)(1)(D) and 3(h)(2), misconduct includes but is not limited to, treating litigants or attorneys in a demonstrably egregious and hostile manner; and conduct outside the performance of official duties if the conduct might have a prejudicial effect on the administration of the business of the courts, including a substantial and widespread lowering of public confidence in the courts among reasonable people. The Complainants attach supporting documentation, to include transcripts that were not available at time of original complaint to reaffirm misconduct by the judge.

Complainants are aware that review is not a right. However, respectfully request review at the Judicial Conference's discretion for the reasons set forth above.

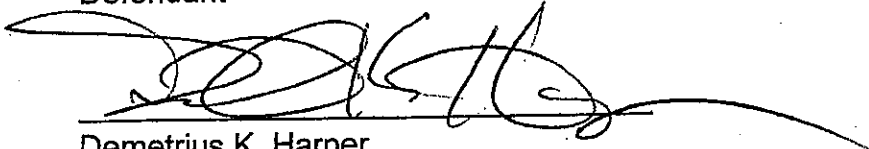
Respectfully submitted and dated this 13th day of April 2012.



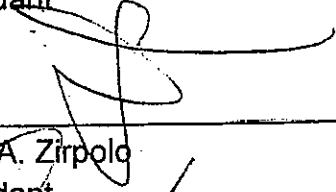
Gary L. Walker
Defendant



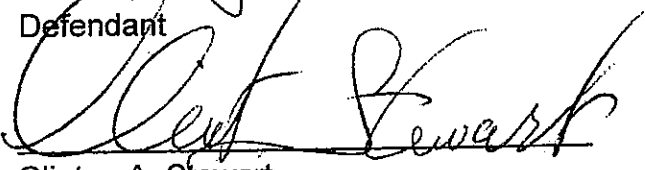
David A. Banks
Defendant




Demetrius K. Harper
Defendant



David A. Zirpola
Defendant



Clinton A. Stewart
Defendant



Ken Barnes
Defendant