

Kansas Family Court & Its Children Are In Crisis By The Federal Courts Failure To Discipline Defendant Judge Burmaster

An Ethics Meltdown and Failure to Hold Judicial and Officer Accountability from the Johnson County District Court up to the Kansas Federal Judiciary is Apparent

IN THE UNITED STATES DISTRICT COURT
IN THE DISTRICT OF KANSASMATTHEW ESCALANTE,
S.J.E, a minor child &
S.G.E, a minor child
Plaintiffs

Case No. 2:23-CV02491

vs.

JANELLE ESCALANTE
CHRISTOPHER WILSON
LEWANNA BELL LLOYD
DefendantsAFFIDAVIT OF FACT PURSUANT
28 U.S.CODE § 144 - BIAS/PREJUDICE OF A JUDGE
AFFECTING CIVIL AND HUMAN RIGHTS

Plaintiff submits by filing, under federal directives, an affidavit showing facts of bias/prejudice of Presiding Judge Broomes in this proceeding. The plaintiff needs to also submit an objection to Dismissal Doc #50, but any reasonable person after review of the factual affidavit could deduce that an Objection given to Broomes would not be handled fair and just. This Affidavit pursuant 28 U.S.CODE § 144. Bias or Prejudice of a judge. Federal law states under this code *Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the Judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed NO FURTHER therein, but another judge shall be assigned to hear such proceeding. The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.* (June 25, 1948, ch. 646, 62 Stat. 898; May 24, 1949, ch. 139, § 65, 63 Stat. 99.) A Certificate of Counsel of Record also included. Plaintiff needs to give a legal response to Document #50, but he must not as Hon. Judge Broomes, respectfully is w/ affirmative of prejudice against the pro se plaintiff, and any if the Plaintiff can display the facts of prejudice in examples than any reasonable person can deduce that an Objection Response to Doc #50, that is handled by Hon. Broomes would receive the same unfair and barred prejudice. This is Federal Court of Law, a Prejudice cannot exist against anyone. A Preservation of Error is needed right here also at Doc #50 in 2:23-CV02491. Plaintiff also bringing Magistrates attention, of the FILING RESTRICTION that Hon. John Broomes, himself, has exclusively applied Only to the Pro Se plaintiff. And this restriction was brought by Broomes attachment to a defendants statements in another case of 2:23-CV02471, Paul Burmaster. This restriction placed on plaintiff while the Plaintiff has over \$21 Million dollars in pending open lawsuits in this federal judiciary in still open cases including and outside of this case. If plaintiff can firmly establish that Hon Broomes is exhibiting clear and present prejudice, than a filing restriction of plaintiff should be reviewed since the same judge issued that. Further stating that Administrative Office of the United States Courts has established Code of Conduct - Canon 2A. Hon Broomes, respectfully, under Canon 2A should Avoid Impropriety, or 'observe a Standard'. The Standard under Canon 2A, is not show Partiality, Bias or Prejudice from the Bench towards Plaintiff. A fair and just Court, should see this beckons the Magistrates full review please.

1. Doc 50 begins by stating about the Federal Complaint Document #4 in 2:23-CV0249 as 'hard to follow', by Hon. John Broomes. Doc #4 is linear in time format. 20 Numbered points. The follow facts of Doc #50 Ordered by Honorable Judge John Broomes on January 31, 2024 in case 2:23-CV02491, verify his bias and prejudice handling of this case, and 28 USC 144 states that Broomes must be removed before Plaintiff files his Objection and Response to Doc #50.
2. The High Court, Hon Broomes is Choosing to apply Lack of Subject Matter Jurisdiction under Rooker to the case of Escalante vs Escalante 2:23-CV02491. Every statement that the Plaintiff is about to make is fact and given in the most respect possible.
3. Merriam-Websters definition of prejudice is a PreConceived judgement or opinion.
 - A. On Page 7 of Doc 50, entered by Judge Broomes, three lines down is one of many prejudice statements that show the the presiding judge of 2:23-CV02491 has brought a preconceived judgement and opinion into this case about Plaintiff that is inappropriate, unfair, tipping the scale of justice and the statement should be barred from this Case. **Plaintiff establishing Broomes doc #50 statement, is not what is in Doc #1.**
 1. Broomes incorrectly states of the father, who is plaintiff, "Insofar he(plaintiff) has complained that he was unfairly required to pay child support."
 2. This is not what Plaintiff said at Any Time during the Course of this proceeding. Broomes should point to where he perceives that to be the case, that Plaintiff states he was REQUIRED or Ordered to pay anything of any child support matter, because that wasn't said in this case. Broomes changes it.
 - a. Plaintiff made a reference to a pending re-imbursement all that way back in Doc #1. Pending re-imbursement means Plaintiff hasn't been required to pay a thing yet. Fact. Furthermore, that mention in doc #1 is of a motion submitted by Defendant Janelle Escalante and Defendant Christopher T. Wilson that is now 195 days sitting docketed unheard/unruled by once presiding judge Paul Burmaster. Burmaster was removed from Plaintiffs case. Fact. That 195 day stale docketed motion is now a Violation of Kansas Supreme Court Rule 166 from July 21, 2023. That Johnson County motion needs to be reported to the Judicial Administration per section (c) of Rule 166. But Rather Judge Broomes turn those above facts into an incorrect prejudice statement against the Plaintiff as he dismissed this case stating, "Insofar he has complained he was unfairly required to pay child support". Magistrate review is asked on this matter please.

Kansas City, Kansas Feb 2, 2024 ([Issuewire.com](https://www.issuewire.com)) - The family court in Johnson County, Kansas appears to be facing significant crisis and ethics issues according to available information acquired from the federal judiciary and the Johnson County judiciary. The Chief Judge of Johnson County is currently a defendant in a federal civil rights lawsuit brought by a pro se father (Case No. 2:23-CV02536). Additionally, Judge Paul W. Burmaster of the family court is now a defendant in a protection order case that alleges Burmaster was online stalking that same pro se father most of 2023 and improperly using his administrative assistant to also lurk and spy on the father on Facebook. Burmaster was just also defendant in two prior federal civil rights lawsuits in the last three months. While the higher court dismissed these two federal cases against Judge Burmaster, most recently just last week, the same pro se plaintiff was granted the beforementioned protective order hearing and case directly against Defendant Judge Burmaster (Jo Co Protection Order Case No. 24-CV00369). It was on the same day that the high court released Burmaster that the sheriff shows serving Burmaster in his own courtroom. This new protection order case is scheduled for an initial hearing on February 7th, 2024. A new federal filing has appeared that is directly related to the Court of Judge Burmaster, that raises a large alarm to the overall seemingly failure of Kansas to discipline the family court judge and his court supporters.

Judge Burmaster is meant to preside over family court cases, yet he continues to be involved in matters before both higher and lower courts regarding claims of factual issues that do not appear to have been disputed formally as any non-fact by any court. Further concern regarding significant amounts of prolonged Johnson County unaddressed judicial misconduct is raised by the fact that Judge Burmaster will be undergoing his fourth inquiry panel review by the Kansas Commission on Judicial Conduct on February 2nd, 2024 regarding multiple ethics filings that have been submitted of recent by the Pro Se dad. It must also be mentioned that the dad, shows over four dozen ethics dockets were formed by the Commission against Burmaster between March 20, 2023 and Dec 31, 2023, and they have all disappeared.

This is the Ethics Docket #3130 is seen in the photos, being heard amongst other complaint numbers by the Kansas Commission of Judicial Conduct, of alleged actions that also landed Burmaster behind a protection order case 24-CV00369.

Separate from Burmaster's questionable ethics as a family court judge, is another federal Case (2:23-CV02491) It was against a Guardian ad Litem, attorney, and the mother of the Escalante children regarding alleged conspiracy to interfere with the father and his children's civil rights. While this case was dismissed on January 31st, 2024, it was not dismissed based on the facts presented, but rather over subject matter jurisdiction issues. The plaintiff was instructed to pursue these matters in state court, which would presumably involve Judge Burmaster's court again.

However, Judge Burmaster's involvement in the plaintiff's county cases has been noted as Burmaster being removed since October 16, 2023, by Order of the Chief Judge Charles Droege, indicated in bench notes of Escalante cases that an 'out-of-county' judge would be assigned. Yet no replacement judge is currently shown, to date and the Chief Judge remains a defendant in the higher court by the father in the ongoing federal lawsuit, Escalante vs. Droege. The Plaintiff is seen in Doc #51, stating that Droege is retaliating on him and his children by now holding the county custody case and stating that a company called Livingston Counseling LLC is needed for parent re-integration and that Livingston LLC informed the Court that they would not participate in Burmaster's order and to Amend the Order that contains them. The father states the Chief Judge is refusing to do that and keeping the children from him.

The plaintiff has now filed a sworn misconduct affidavit pursuant 28 U.S.C. § 144 - Judiciary and

Judicial Procedure § 144. Bias or prejudice of judge (Document 51) into the Guardian/Attorney/Mother federal case 2:23-CV02491 right after it was dismissed on Thursday the 31st. This is against the federal judge, John Broomes who had been presiding over all of the Escalante high court cases. The sworn declaration is under federal oath asserting a visible prejudice and the doc 51 contains over 60 pages of county court case record evidence indicating potential fraud in the Johnson County civil cases of Escalante vs. Escalante. The plaintiff argues the grounds used for the federal dismissal of 02491 by Broomes was very improper, prejudicial to the administration and under federal law Doc 51 just asked the Magistrate to review the federal case records. The document states that Hon. Broomes was ignoring all of the case record evidence from the lower courts facts and frauds that could warrant resuming the federal case of 2:23-CV02491 in the high court and potential consequences for Hon. Broomes. There is evidence, in doc. 51, that was also included and dismissed in the Burmaster lawsuits, and they strongly show a probable cause that Burmaster has not only engaged in misconduct against Kansas judicial codes but also that he has been engaged in breaking federal laws. It further suggests that Judge Broomes aided in letting Defendant Burmaster escape the federal proceedings by precluding evidence and then barring them under doctrines that can't apply to the cases. The plaintiff states of Fraud Exceptions to the Rooker-Feldman Doctrine should be applied and/or FRCP Rule 21(a)(2) should have also freely granted Leave to Amend, as Justice So Required as the Rule states. Which would have given Plaintiff the opportunity to Amend/Remove the questionable supplement claim that Broomes threw them all out for the one. This misconduct report will be reviewed in the coming days. And the father is demanding to the federal judiciary to explain Hon. John Broomes questionable candor and dismissals of case record evidence that implicates a family court judge of crimes.

Document 51 references direct knowledge by Judge Burmaster is held of alleged court officer(Chris Wilson attorney) and guardian(Lewanna Bell Lloyd) fraud in the plaintiff's cases in Johnson County, which involve the civil rights and custody matters pertaining to his two minor daughters.

Any court of law in the United States must serve solely in the interest of justice. In the Johnson County, Kansas family court, there is compelling evidence that Judge Paul Burmaster has not served in the interest of justice nor in the best interest of children. However, now there is a federal affidavit filed in the Escalante federal matters that alleges the high court judiciary chamber of Hon. John Broomes attempted to conceal case record evidence that was revealing a prolonged and extensive misconduct hierarchy has developed and has now been discovered stemming from the Johnson County judiciary and originating in the family court of Judge Burmaster. If a large misconduct discovery continues to unfold in the direction it has been headed, this Country will be shocked at how many judges and court officers are showing potentially linked to the Defendant family court judge Paul W. Burmaster.

Doc #51, can be found on Academia, stamped by the court.

https://www.academia.edu/114360601/28_U_S_Code_144_Bias_or_prejudice_Affirmative_of_Hon_Judge_Broomes_in_Escalante_cases

In the Photos:

The Petition for the Protection Order Case 24-CV00369, with Family Court Judge Burmaster as Defendant for Online Stalking of a Pro Se Father. Page 3 image of evidence that Burmaster improperly used his administrative assistant to lurk and spy on the Pro Se plaintiff.

And seen in the image is also Exhibit H, in Doc 51 of case 2:23-CV02491. Page 60 is a court transcript. This court transcript is also seen in the case records of 2:23-CV0471, which is the Burmaster dismissed lawsuit, & transcripts show a Protection Order being served again indicating the first was flawed. The

<https://www.youtube.com/watch?v=rJN4drfpTlw>

[illegible]

[See on IssueWire](#)