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5 Plaintiff in proper person

6 **IN THE UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

9 RAJA MITTAL,
10 Plaintiff,

11 v

12 KRISTEN BROWN
13 Defendant.

Case No. D-09-416294-D

**MOTION BY PLAINTIFF FOR
DISQUALIFICATION AND
RECUSAL OF JUDGE RENA G.
HUGHES; MEMORANDUM AND
AFFIDAVIT OF BIAS IN SUPPORT
OF THE MOTION**

14 **MOTION BY PLAINTIFF FOR DISQUALIFICATION AND RECUSAL OF**
15 **JUDGE RENA G. HUGHES; MEMORANDUM AND AFFIDAVIT OF**
16 **BIAS IN SUPPORT OF THE MOTION**

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18 Plaintiff hereby, presents to this Court the ‘Motion For Disqualification
19 And Recusal Of Judge Rena G. Hughes’ pursuant to NRS 1.235. This Motion is
20 further based upon the papers and pleadings on file herein, the attached
21 Memorandum of Points and Authorities and Affidavit of Bias.
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INTRODUCTION

Central to our system is the principle that a party can receive a fair and impartial determination of its rights and resolution of controversies by going to the courts. However when the court does not act objectively and allows bias and prejudice to pervade the proceedings, it undercuts the party's right to due process of law, and further casts doubt on ability of the system to resolve controversies fairly and impartially. Over the past few years the district court has made orders and taken actions which directly contravene the law.

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STATEMENT OF FACTS RELEVANT TO THE MOTION

This case has a lengthy and tragic history, the plaintiff will try and lay it out concisely. The parties to this action Raja Mittal and Kristen Brown were divorced on January 20, 2010. The parties have one child, a son born on October 4, 2005. Raja brought the matter of sex abuse of his minor child by his maternal grandfather 'Richard Brown' to the family court in Sept 2011 when the minor child disclosed sex abuse by maternal grandfather. There were series of court hearings. Kristen always made vigorous efforts to block the child to see a doctor for the injuries resulting from sex abuse and only insisted on counseling because she is too confident that she can get The child to say anything she wants using severe punishments and physical abuse. These facts are supported by records. There have been reports from professionals with concerns of sexual abuse. Child's medical and psychological history supports the concerns. The records also allege coaching on part of the mother to cover up sex abuse happening in her home with her consent and involvement and the child physically abused to keep his silence. The child repeatedly disclosed to professionals, to his father and his family

1 – sex abuse by maternal grandfather and mother beating the child for disclosing
2 sex abuse and pressuring him to keep his silence. In addition to that Plaintiff was
3 able to obtain additional records in the dependency case, that corroborate abuse in
4 mother’s home. There are serious concerns of sex abuse of the child and physical ,
5 mental and emotional abuse associated with it.

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8 **A) Trial In Family Court In May/ June 2013**

9 Raja requested for the trial which was held in family court on
10 May 21, 2013 and June 4, 2013. This was after years of Raja alleging abuse and
11 Kristen denying any abuse. Judge Pollock sent subpoenas to CPS to come and
12 testify at the trial. The trial dates had to be rescheduled twice as CPS was reluctant
13 to testify. Eventually judge Pollock had to send court Marshalls to CPS office
14 urging them to come and testify. At the trial 4 (four) CPS supervisors who
15 responded to the persons most knowledgeable subpoenas testified. Raja prevailed
16 at the evidentiary hearing. Raja’s attorney requested the court to move the case to
17 abuse and neglect court so that the child can be protected and Kristen’s attorney
18 repeatedly requested not to move it to abuse and neglect court. Judge Pollock
19 moved the case to dependency court issuing a finding - “The court further FINDS
20 that there is reasonable cause to believe that the child is a victim of sexual abuse.
21 (Video Citation: 16:57:57 – 16:58:01)” Everyone was clear as to whom Judge
22 Pollock was referring to when he stated that. The only testimony regarding
23 insertion of anything into the child’s anus involved his maternal grandfather
24 “Richard Brown’.

1 **B) Cps Misconduct And Dependency Court Proceedings**

2
3 CPS unlawfully removed the child from Mittal's custody
4 in violation of state and Federal laws. The dependency case was premised on CPS
5 fraud on the court and on violation of plaintiff's due process rights. As per Raja's
6 understanding, his attorney's understanding and everybody present at the trial were
7 clear on it - according to the outcome of the case, they were to remove the child
8 from Kristen's home. CPS unlawfully seized the child from the Plaintiff's custody
9 on June 7, 2013 when no factual basis existed for believing that the child was in
10 imminent danger of sustaining serious bodily injury or death in the care of the
11 plaintiff . CPS placed the child in the exclusive custody of the alleged abusers and
12 in the home where he is at a risk of sexual, physical, mental and emotional abuse
13 every day. The date for the hearing was set for June 12, 2017 in the dependency
14 court.

15 CPS attorney said in the open court that this case did not belong in
16 dependency court but still insisted on keeping the case in dependency court and
17 falsely prosecuted Raja filing a fraudulent petition alleging that the allegations
18 brought by Raja were not true when there is overwhelming evidence of sex abuse
19 of the child by his maternal grandfather and CPS tried to suppress that evidence
20 every way possible. Wherein as per the outcome of the trial, they should have
21 taken action against Kristen and protected the child but instead they chose to
22 retaliate against Judge Pollock for sending Marshalls to their office to get them to
23 testify and questioning their investigation. The dependency case was nothing short
24 of thinly veiled attack on Judge Pollock for questioning their investigation but
25 sadly at the expense of Raja and his child.
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1 **C) Nolo Plea**

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3 In July of 2013, Raja retained attorney Robert Draskovich to
4 represent him in the dependency court. Upon reading the petition, attorney
5 Draskovich told him that it was the silliest petition he ever read and the allegations
6 do not even meet the statues. Attorney requested for continuance for the trial.
7 Judge Teuton stated that he could only grant continuance for one week and the new
8 date for trial was set for October 1 2013. Attorney Draskovich asked Raja to come
9 to his office for trial prep on Sept 30, 2013. On September 30, 2013 evening, less
10 than 18 hours before the scheduled trial, Raja was coerced by attorney Draskovich
11 to settle the case when Raja was not ready for it. Raja had denied all the allegations
12 at the plea hearing on June 26, 2013. Raja wanted his attorney to put all the facts in
13 front of the judge to get justice for his son and him. Robert told Raja if he doesn't
14 go in for the settlement, he will never see his son ever again.

15
16 Robert said he will be entering into nolo contendere to point (ee)
17 – “Raja neglected subject minor's educational needs by failing to have the subject
18 minor attend school during the time period of May 5, 2013 to May 21, 2013”.
19 Plaintiff had explained this over and over again – The stated period had 6 school
20 holidays including weekends. Every time the child came sexually and physically
21 abused, no steps were ever taken by authorities to protect him. The child was
22 bleeding regularly. When he had profuse rectal bleeding on May 5, 2013, Raja did
23 not return the child to Kristen . He knew if he sent the child to school, Kristen will
24 come and take him forcibly. Being a father Raja felt helpless that his son is being
25 sexually and physically abused and authorities are not helping in any way to
26 protect him. Rather he was made to be abused more and more every time and is
27 being silenced by all kinds of threats, force and physical abuse. Raja contacted
28

1 CCSD school superintendent's office on May 13, 2013 and explained to them why
2 he was not sending his child to school. They said - there is nothing more important
3 than a child's safety and if he is not able to attend the school and his homework
4 and assignments are being submitted and he is reading at the grade level, there is
5 no reason the child will suffer his academic year in school and school should be
6 able to help the child. For the 11 days he missed school all his school assignments
7 and homework was submitted to school in time and Raja taught the child at home.
8 The child scored 100% and above average (for the first time) when he was tested
9 after staying with dad so there was no educational neglect in the real sense.

10
11 Attorney Draskovich told him as per the terms of nolo plea, he
12 will have to enroll in boundaries classes and as soon as he enrolls in Boundaries
13 classes, his custodial rights to his child will be restored. Upon inquiring, attorney
14 Draskovich confirmed these were parenting classes. At the settlement hearing
15 Raja asked Attorney Draskovich to clarify with CPS if boundaries classes are the
16 same as ABC parenting classes. CPS workers and their attorney using trickery and
17 mincing words affirmed it.

18
19 None of them - The CPS attorney, CPS social workers or Raja's
20 attorney (Robert Draskovich) mentioned clearly what boundaries classes were
21 despite of being asked to clarify over and over again. The CPS worker mentioned
22 this later in the email that she sent on Oct 30, 2013 afternoon (post- settlement)
23 that these are sexual boundaries classes, when Raja asked her to send him
24 information on enrollment in these classes. After Raja entered into nolo plea,
25 everybody involved started to mention 'Sexual Boundaries Classes' in all
26 communication and in court. If their intentions were clear, they would have used
27 the same term right from the start. This can be verified from the video transcripts
28 and the minutes – which only said 'Boundaries Classes' in all the hearings prior to

1 settlement and post settlement all documents, email communication and the court
2 hearing stating ‘Sexual boundaries’. It was deception and fraud in the open court
3 and all on record. The entire dependency case was built around lies, perjury,
4 falsification of records, withholding exculpatory evidences, coercion , violation of
5 state and federal laws.

6 At the disposition hearing on Nov 20, 2013, there was a
7 discussion - about the termination of client attorney relationship between attorney
8 Robert Draskovich and Raja. Robert stated that he received a certified letter from
9 the client that he wants to terminate the legal relationship. Robert Draskovich
10 mentioned that Raja blames him for misleading him about boundaries classes. The
11 judge asked Robert Draskovich that if there’s been a break down of relationship,
12 evidence why his client wanted to terminate him. Robert Draskovich was released
13 after Judge asked Raja who he would like to represent him. Raja said he wanted
14 attorney Carol Barnes to represent him.

15 The Judge asked Ms. Barnes if she has any comments to the
16 documents (disposition report and the case plan). Attorney Barnes who also
17 represented Raja at the trial in the family court in May/June 2013, told the judge
18 that there are inaccuracies in more than 80% of the document. The history is not
19 factually accurate, of course that would have been the subject of the trial. Not
20 only what’s been stated but also what is not stated.

21 Ms. Barnes mentioned about the last court hearing on Oct
22 30, 2013, where Raja asked for CPS to confirm if the boundaries classes are the
23 same as ABC parenting classes. Carol further stated that their understanding was
24 that he was going in a parenting class and now Raja was being told these are sexual
25 boundaries classes, after he entered into the settlement.

26 CPS attorney insisted that Raja complies with the nolo
27 contendere negotiation. Attorney Barnes argued – had this case gone to the trial, it
28

1 would have been beneficial to Raja. The court would have seen the evidence and
2 realized the unbelievable amount of inaccuracies contained within the petition. It
3 was downright shocking and easily verifiable stuff. Judge Teuton mentioned that
4 the issue here before the court was that Raja had not enrolled in boundaries classes.
5 Attorney Barnes explained that Raja will not agree to attend sexual boundaries. He
6 was told that he was going into parenting classes. Boundaries did not signal to
7 sexual boundaries classes. He did not know that and he was never informed until
8 he entered into Nolo plea. Judge stated that” the issue before the court today is to
9 proceed with the disposition hearing. ‘For the time being we are here for the
10 disposition hearing and the end of the case plan’.

11
12 The circumstances in the J court matter resulted in the case
13 concluding without a trial. The petition was amended to point ee and remaining all
14 the allegation were dismissed. The temporary custody order was given to Kristen
15 with supervised visitation to Raja. Judge Teuton stated at the disposition hearing
16 that as per the terms of nolo plea, after Raja has enrolled in the boundaries classed
17 he can petition for modification of custody with a court of competent jurisdiction.
18 The court provided for unsupervised visitation to immediately resume when he
19 enrolled himself in boundaries class.

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21
22 The 550 order/temporary custody order was not done for any
23 reason except that Raja had to enroll in the Boundaries classed. If Raja had
24 completed the class, he would have continued to exercise unsupervised contact
25 with The child. CPS and Raja’s own attorney lied, used trickery and manipulated
26 Raja into agreeing to do boundaries classes telling him these were parenting
27 classes.

1 After he agreed to do boundaries classes, it was then disclosed
2 that these were sexual boundaries classes. This was of concern because Raja was
3 the one who repeatedly raised concerns of sexual abuse of his minor child by his
4 maternal grandfather, to the family court and to Judge Pollock. As a result of the
5 trial, Judge Pollock issued a finding that “The court further FINDS that there is
6 reasonable cause to believe that the child is a victim of sexual abuse. (Video
7 Citation: 16:57:57 – 16:58:01)” The only testimony regarding insertion of anything
8 into child’s anus involved his maternal grandfather.
9

10 If it wasn’t for the CPS misconduct, Raja would still have the
11 custody of his child. And the child would have been protected from sexual,
12 physical, emotional and mental abuse if CPS would have acted in accordance with
13 the outcome of the Trial in May/June 2013 in the family court.
14

15 The temporary custody was given to Kristen and Judge Teuton
16 mentioned that after Raja has enrolled into the boundaries classes, he can petition
17 with a court of competent jurisdiction for restoration of his custody rights.
18

21 **D) After The dependency Case Closed**

22
23 All that Raja is alleging can be easily verified with
24 documents, recordings, videos etc that support these facts. After the dependency
25 case closed, Raja filed NRCP-60 for CPS fraud on the dependency court. Raja
26 requested for a trial to present evidence of CPS fraud. This also was a case of
27 duress and undue influence. Senior Judge Charles Thompson, had set up the date
28 for the trial. Raja retained attorney for the trial. The attorney filed motion to

1 continue the trial. At the April 7, 2015 hearing Judge Rena Hughes denied that
2 vacated the trial .This was again in violation of Raja's due process rights. Plaintiff
3 had the right to be heard as matter of justice and as a matter of fairness. The
4 attorney also requested to set aside the order for Boundaries class for restoration of
5 Raja's custody rights as the allegations do not match the case plan (or punishment).
6 Judge Rena Hughes ordered that Raja had to enroll in boundaries classes as per
7 nolo plea agreement.
8
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10 **E) Plaintiff Completed Boundaries Classes To Be Reunited With His Child**

11

12 Raja was made to jump through the hoops to be reunified with his
13 child. His due process rights and constitutional rights were violated over and over
14 again. Regardless of the injustice and unfairness, Raja completed the boundaries
15 class to be reunited with his child and before filing for custody modification in the
16 court, pursuant to EDCR 5.11, Raja sent a letter through his attorney proposing
17 step up visitation plan to move supervised visitations to unsupervised. Kristen
18 denied Raja his right to have a meaningful relationship with his child. The
19 dependency court gave her temporary custody because Raja had not enrolled in the
20 boundaries classes. Raja had to file the motion in Family court for reinstatement of
21 his custody rights.
22

23 Since the time Raja's counsel commenced filing the
24 motion for restoration of plaintiff's custodial rights to his child after Raja
25 completed the boundaries classes, Kristen has been engaged in coaching and
26 behaviors to manipulate the relationship between Raja and His son. Plaintiff was
27 denied even supervised visitations by mother cancelling the visitations at random
28 and the child coached to leave every visit in a few minutes into the visitation. Not

1 once had this happened before the communication started regarding restoration of
2 Raja's parental rights after completion of boundaries classes.

3
4 Plaintiff is being kept away from his child on some pretext
5 or the other and Judge Rena Hughes has been denying plaintiff's constitutional
6 rights violating clearly established laws and plaintiff's due process rights. At the
7 January 18, 2017 hearing Judge Rena Hughes made a false statement in the open
8 court that Raja was found untruthful and thus ordered psychological evaluation on
9 the plaintiff. Raja Filed motion to reconsider based on NRCP 59 and NRCP 60
10 requesting the court to correct the record and amend/vacate the order regarding
11 psychological evaluation on plaintiff as Raja was never found untruthful and the
12 statement made by judge Rena Hughes did not have a factual basis. Judge Rena
13 Hughes refused to strike it from the record, denied the motion and ordered Raja to
14 pay the opposition's attorney fee.
15

16 After Raja filed a motion to hold Defendant in
17 contempt of court for interference with plaintiff's visitations and the brief in
18 support of his constitutional parental rights which had a hearing on October
19 11, 2017 - now Judge Rena Hughes has put the father son relationship on
20 scrutiny making another false assertion that the child's relationship with his
21 father is 'not improving'. There never was an issue with father son
22 relationship in the first place. They have always shared a strong bonding and a
23 beautiful relationship. CPS records throughout state that father and his family
24 love the child tremendously and treat him like a prince. The dependency case
25 interviews clearly have the child's statements that he wanted to see his dad
26 and that he was sad about not seeing his dad. There are several other records
27 and statements of the child that plaintiff can put together as an evidence that
28

1 there never were any issues with father son relationship. If the child now
2 behaves or says anything different, it's under the control and undue pressure
3 from Kristen and to avoid punishment by the Kristen. The concept of parental
4 alienation is not new to the family court in which one parent influences the
5 behavior of the child to avoid sharing custody. Judge Rena Hughes Biased
6 bent towards Kristen makes her shift all negatives on the side of plaintiff and
7 all positives on the side of Defendant. Judge Rena Hughes Sua sponte has
8 made false statements and false assertions. Additionally, Judge Rena Hughes
9 suppressed exculpatory evidence.

10 One parent is unjustly put on scrutiny one after the other
11 while what the other parent is doing to the child unsupervised is completely
12 being ignored. Unlike drug test, in psychological evidence certainty is absent.
13 Psychological evidence does not meet clear and convincing evidence standard.
14 And the rights protected by constitution such as to interfere with parental rights
15 there needs to be 'Clear and convincing evidence' on record at the time of the
16 deprivation of the right. In this case, plaintiff is wrongfully being kept away
17 from his child while the strategy to manufacture the evidence is being worked
18 on.

19 Judge Rena Hughes withheld the report from Donna's house
20 stating that when father tried to offer the child clothing items for his birthday, the
21 child refused to take them and said that if he takes those clothes with him, his mom
22 will cut the clothes with scissors. Judge Rena Hughes has been picking and
23 choosing and based her decisions solely on what could be used against the plaintiff
24 and completely ignoring the transgressions on the part of defendant.
25

26
27 Instead of following the mandatory duty of the court to keep
28 the promise made at the time of nolo plea, Judge Rena Hughes has made it an

1 uphill battle for the plaintiff, with Bias, prejudice and disregard of well
2 established laws tainting her rulings.

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5 **ARGUMENT**

6
7 **CANON 1**

8 A judge shall uphold and promote the independence, integrity, and impartiality
9 of the judiciary and shall avoid impropriety and the appearance of impropriety.
10

11 **Rule 1.1. Compliance With the Law.** A judge shall comply with the law,
12 including the Code of Judicial Conduct.

13 **Rule 1.2. Promoting Confidence in the Judiciary.** A judge shall act at all
14 times in a manner that promotes public confidence in the independence, integrity,
15 and impartiality of the judiciary and shall avoid impropriety and the appearance of
16 impropriety.

17 **CANON 2**

18 A judge shall perform the duties of judicial office impartially, competently, and
19 diligently.

20 **Rule 2.2. Impartiality and Fairness.** A judge shall uphold and apply the
21 law, and shall perform all duties of judicial office fairly and impartially.

22 **Rule 2.3. Bias, Prejudice, and Harassment.**

23
24 **Rule 2.6. Ensuring the Right to Be Heard.**

25
26 **FAILING TO UPHOLD AND APPLY THE LAW**

1 **1) JUDGE RENA HUGHES REFUSED TO FOLLOW THE BLACK**
2 **LETTER LAW THAT IS THE MANDATORY DUTY OF THE**
3 **COURT TO FULFILL A PROMISE THAT IS PART OF THE**
4 **INDUCEMENT AND THE PLAINTIFF SHOULD BE ENTITLED TO**
5 **NO LESS**

6 Federal and State Law imposes mandatory duty on the courts that
7 when a plea rests in any significant degree on a promise or agreement of the
8 prosecutor, so that it can be said to be part of the inducement or consideration, such
9 promise must be fulfilled. It's the mandatory duty of the court to fulfill a promise
10 that is part of the inducement and the defendant should be entitled to no less. The
11 court cannot put additional conditions/punishment afterwards. A court has an
12 obligation not to tamper with a defendant's reasonable expectations. In the instant
13 case the district court reneged it's promise that was made to plaintiff that after he
14 enrolls in boundaries classes, his custody rights will be reinstated.

15
16 The law regarding pleas is straight forward - *If a promise is*
17 *part of the "inducement or consideration" that leads to a plea bargain, "must be*
18 *fulfilled" Santabello V. New York , 404 U.S. 257, 262 (1971). Fulfillment of such a*
19 *promise is required by due process because it is part and parcel of defendant's*
20 *right to basic "fairness in securing agreement."*

21
22 Judge Rena Hughes disregarded the court's mandatory duty to
23 honor the promise made to Raja to reinstate the custody rights of his child after he
24 enrolled in Boundaries classes. When the State fails to honor a plea agreement,
25 whether it involves a negotiated plea for a specified sentence or a promise to make
26 a nonbinding recommendation, the violation of the agreement is akin to a breach of
27 contract for which the defendant is entitled to seek a remedy. See Mehl v. State,
28

1 958 So.2d 465, 468 (Fla. 4th DCA 2007) (“The mere appearance of a breach by the
2 state is itself grounds for relief regardless of whether the breach affected the
3 sentence.”); A.D.W. v. State, 777 So.2d 1101, 1104 (Fla. 2d DCA 2001)
4 (observing that the rules of contract law apply to plea agreements).

5
6 The US Supreme Court in Santobello v. New York, 404 U.S. 257
7 (1971) held that The interests of justice and proper recognition of the prosecution's
8 duties in relation to promises made in connection with "plea bargaining" require
9 that the judgment be vacated. The court also held that (citation omitted) If
10 responsibility could be evaded that way, the prosecution would have designed
11 another deceptive "contrivance," Citation omitted.

12
13 It is black letter law that when a party is found to have
14 breached an agreement, the court should seek either specific performance or
15 another remedy to make the party whole.

16
17
18 **2) RENA HUGHES FAILED TO APPLY NRS 125C.002 & 125C.0025**

19 Since the time (June 2016) Raja’s counsel commenced filing
20 the motion for restoration of Plaintiff’s custodial rights to his child after Raja
21 completed the boundaries classes, Kristen has been engaged in coaching and
22 behaviors to manipulate the relationship between Raja and his son. Plaintiff was
23 denied even supervised visitations by Kristen cancelling the visitations at random
24 and the child coached to leave every visit in a few minutes into the visitation. Not
25 once had this happened before the communication started regarding restoration of
26 Raja’s parental rights after completion of boundaries classes. Kristen is engaged in
27 tireless attempts to sever the child’s relationship with his father.
28

1 Raja has repeatedly and consistently made efforts to maintain a
2 meaningful relationship with his child and Kristen frustrating all efforts of dad to
3 maintain a meaningful relationship with his child using all kinds of tactics and
4 manipulation.

5
6 Raja was made to jump through the hoops to be reunified with
7 his child. His due process rights and constitutional rights were violated over and
8 over again. Regardless of the injustice and unfairness, Raja completed the
9 boundaries classes to be reunited with his child and before filing for reinstatement
10 of his custody rights in the court, pursuant to EDCR 5.11, Raja sent a letter through
11 his attorney proposing step up visitation plan to move supervised visitations to
12 unsupervised. Kristen denied Raja his right to have a meaningful relationship with
13 his child. Judge Teuton, in dependency court said that after Raja enrolled in
14 boundaries classes, he can file for the reinstatement of his custody rights in a court
15 of competent jurisdiction. But Judge Rena Hughes has closed her mind to
16 anything that doesn't favor Kristen.
17

18
19 *NRS 125C.002 & 125C.0025) provides that there is Presumption of Joint Physical*
20 *Custody to a parent who "has demonstrated, or has attempted to demonstrate but*
21 *has had his or her efforts frustrated by the other parent, an intent to establish a*
22 *meaningful relationship with the minor child."*

23 The instant case precisely fits.
24
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1 apparent on the record. *Alvestad v. Monsanto Co.*, 671 F.2d 908, 912-13 (5th
2 *Cir.*) (relief under Rule 60(b)(1) limited to "perfunctory correction" of obvious
3 errors of law), In this case, Plaintiffs' motion for reconsideration alleged facially
4 obvious errors of law and errors of fact.

5 For a motion to vacate and enter a different judgment, the
6 moving party must show the court that the judgment conflicts with the statement of
7 decision. Judge Rena Hughes stated that Raja was found untruthful whereas
8 contrary to the court's statement, Raja was never found untruthful and the
9 statement made by Judge Rena Hughes did not have a factual basis. Judge Rena
10 Hughes declined to strike it from the record and did not vacate it's order regarding
11 psychological evaluation and denied Raja's 'Motion to reconsider'. In the order,
12 Judge Rena Hughes did not state the law/ statute / citation that allows an officer of
13 the court to knowingly make a false or misleading material statement.
14

15 **2) JUDGE RENA HUGHES SUPRESSED EVIDENCE THAT DO NOT**
16 **BENEFIT THE FAVORED PARTY/ THE DEFENDANT IN THE**
17 **CASE**

18 18 U.S. Code § 1001 makes it unlawful for an officer of the court of United
19 States to knowingly and willfully falsify, conceal, or cover up by any trick,
20 scheme, or device a material fact;
21

22 Judge Rena Hughes suppressed evidence that brings to light
23 the wrong doing of the favored party/defendant. At the October 11, 2017 hearing,
24 Judge Rena Hughes withheld the report from Donna's house stating that when
25 father tried to offer the child clothing items for his birthday, the child refused to
26 take them and said that if he takes those clothes with him, his mom will cut the
27 clothes with scissors. Judge Rena Hughes withheld that evidence and based her
28 decision picking and choosing what could be used against the plaintiff and

1 suppressed what did not favor the defendant. The decisions in the case were
2 based on Judge Rena Hughes own bias and prejudice.

3
4 The Donna's house log in and log out time report for dad's
5 visitation itself will prove that the issues with dad's visitations started only after
6 plaintiff's counsel commenced communication with Kristen for reinstatement of
7 his unsupervised visitations which was a promise made by the district court at the
8 plea hearing, if Raja enrolled in Boundaries classes. Now instead of keeping that
9 promise, Judge Rena Hughes is showing bias towards Kristen and will disregard
10 anything that does not favor Kristen.
11

12
13 McNally v. U.S., 483 U.S. 350, 371-372 (1987), Quoting U.S.
14 v. Holzer, 816 F.2d. 304, 307: "Fraud in its elementary common law sense of
15 deceit - and this is one of the meanings that fraud bears in the statute, see United
16 States v. Dial, 757 F.2d 163, 168 (7th Cir. 1985) - includes the deliberate
17 concealment of material information in a setting of fiduciary obligation. A public
18 official is a fiduciary toward the public, including, in the case of a judge, the
19 litigants who appear before him, and if he deliberately conceals material
20 information from them he is guilty of fraud.
21

22
23 **3) JUDGE RENA HUGHES FAILED TO ORDER THE MOTHER TO**
24 **SHARE THE DETAILS OF CHILD'S EDUCATIONAL RECORDS**
25 **AND TO DISCLOSE THE NAME OF HIS SCHOOL.**

26 Raja has the right to know about his child's schooling. Raja
27 sent a message to Kristen asking for details about His son's school. Kristen would
28 not respond. After Raja filed the motion with the district court Kristen filed

1 opposition to the motion asking the court to suspend dad's FERPA rights and to
2 block him from filing any further motions in the court to exercise his rights.

3
4 Dad gets 2 hours a week that means appx 72 hours/ 3 days in
5 a year and plaintiff doesn't even get that time with the egregious conduct of the
6 mother cutting off father's time. If the child is not doing well physically or
7 emotionally or in school, the parent that has sole custody of the child is not held
8 responsible in any way but the District Court chooses to shift the blame to the
9 parent that doesn't even get to see his child 3 days in a year which is just a fraction
10 of time (362 days) that the other parent has.

11
12 Kristen has attempted to cut off father child relationship since
13 the time dad found out about the sex abuse and physical abuse in Kristen's home.
14 When the case initially came to the family court and was with Judge Guilliani in
15 2011, Kristen asked to reduce father's visitation time making excuses like – she
16 has church on Sunday or just anything and everything. Judge Guilliani had to
17 admonish her from attempting to cut off father's time, rather Judge Guilliani
18 increased dad's parenting time. Prior to that Kristen would not let dad visit his
19 son's school. Judge Guilliani admonished the mother to not violate dad's right to
20 visit his child's school and be involved in his child's education. Dad found out
21 when he went to school that the child was attending special needs classes. It came
22 as a surprise to dad. Kristen had kept this hidden from him. The very year that dad
23 got involved in his son's school and his education, the child exited special ed
24 classes and his grades went up. The same tactics Kristen applied in Judge Pollock's
25 court and they did not work. Now the same behavior continues in Judge Rena
26 Hughes court and Kristen gets away with all of it.
27
28

1 In May – June 2013, when the child stayed with his dad for
2 continuous three (3) weeks there was tremendous change in his health as well as
3 his performance in school. He scored 100% and with exceptional grades when he
4 took his test after staying with dad for just 21 days. His constantly injured anus
5 healed and when he saw Dr. Baron on June 5, 2013 after staying with dad for 21
6 days his anus was free of any injuries. Just a few days with dad had brought a
7 positive change in the child’s mental and physical health.

8
9 **4) EVERY HEARING JUDGE RENA HUGHES ORDERED PLAINTIFF**
10 **TO PAY THE OPPOSITION’S ATTORNEY FEE AS A**
11 **PUNISHMENT TO DAD FOR WANTING TO BE IN CHILD’S LIFE.**

12 Judge Rena Hughes bias also manifested in the sanctions
13 Judge Rena Hughes puts on the plaintiff for simply wanting to have a relationship
14 with his child. Every time Raja filed a motion in the court to exercise his
15 constitutional rights to the custody of his child, Judge Rena Hughes refused him
16 his rights and punished him by ordering him to pay Kristne’s attorney fee.
17 Since the very first hearing in front of Judge Rena Hughes, she ordered Raja to pay
18 Kristen’s attorney fee every single time he tried to exercise his constitutional rights
19 and the rights to the custody of his child. At the last hearing on October 11, 2017.
20 The district court again ordered Raja to pay the attorney fee to Kristen. The
21 plaintiff had legal and factual basis for filing the motion and to exercise the right to
22 the custody of his child.

23
24
25 The most persuasive argument is grounded in the belief that an
26 award of attorneys' fees is necessarily punitive in that it requires payment of fees
27 for assertion of a right - the right to litigate: "No litigant ought to be punished
28 under the guise of an award of counsel fees (or in any other manner) from taking a

1 position in court in which he honestly believes. The person that believes he had
2 been wronged, is punished not only in the wrongful deprivation of his rights but is
3 also punished if he tries to litigate the wrongful deprivation of his rights.

4
5 **5) EVERY HEARING JUDGE RENA HIGHER BRINGS UP AN ISSUE**
6 **SUA SPONTE, TO KEEP DENYING PLAINTIFF THE CUSTODY**
7 **OF HIS CHILD**

8 No bond is more precious and nor should be more
9 zealously protected by the law as the bond between parent and child. Carson
10 v. Elrod, 411 F Supp 645, 649; DC E.D. VA (1976).

11
12 Raja is being kept away from his child on some pretext
13 or the other and the district court has been dragging it's feet for years, on
14 plaintiff's constitutional rights. At the hearing on January 18, 2017 Judge
15 Rena Hughes made false statement that Raja was found untruthful so she
16 ordered psychological evaluation on Raja. After Raja filed the brief in support
17 of his constitutional parental rights which had a hearing on October 11, 2017 -
18 now the district court has put the father son relationship on scrutiny making
19 another false assertion sua sponte that the child's relationship with his father
20 is not improving. There never was an issue with father son relationship in the
21 first place. They have always shared a strong bonding and a beautiful
22 relationship. CPS records throughout state that father and his family love the
23 child tremendously and treat him like a prince. The dependency case
24 interviews clearly have the child's statements that he wanted to see his dad
25 and that he was sad about not seeing his dad. There are several other records
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1 and statements of the child that plaintiff can put together as an evidence that
2 there never were any issues with father son relationship. If the child now
3 behaves or says anything different, it's under the control and undue pressure
4 from Kristen and to avoid punishment by Kristen. The concept of parental
5 alienation is not new to the family court in which one parent influences the
6 behavior of the child to avoid sharing custody.
7

8
9 Because of Judge Rena Hughes bias, one parent is unjustly
10 put on scrutiny one after the other while what the other parent is doing to the
11 child unsupervised is completely being ignored. The rights protected by
12 constitution such as to interfere with parental rights there needs to be 'Clear
13 and convincing evidence' on record at the time of the deprivation of the right.
14 In this case, the parent is wrongfully being kept away from his child while the
15 strategy to manufacture the evidence is being worked on. Instead of following
16 the mandatory duty of the court to keep the promise made at the time of nolo
17 plea, Judge Rena Hughes has made it an uphill battle for the parent.
18
19
20

21 BIAS AND PREJUDICE

22
23 The Fourteenth Amendment guarantees Due Process and
24 Equal Protection to all "no state shall deprive any person of life, liberty or
25 property, without due process of law; nor deny to any person within its jurisdiction
26 the equal protection of the laws" U.S. Const. Amend. XIV, "The Equal Protection
27 Clause of that amendment (the fourteenth amendment) does, however, deny to
28 States the power to legislate that different treatment be accorded to persons placed

1 by a statute into different classes on the basis of criteria wholly unrelated to the
2 objective of that statute. A classification `must be reasonable, not arbitrary, and
3 must rest upon some ground of difference having a fair and substantial relation to
4 the object of the legislation, so that all persons similarly circumstanced shall be
5 treated alike.’ Royster Guano Co. v. Virginia, 253 U. S. 412, 415 (1920).””
6 (Parentheses added). From Eisenstadt v. Baird, 405 US 438 – Supreme Court 1972
7 which took this reasoning out of Reed v. Reed, 404 U. S. 71, 75-76 (1971)“
8

9 **THE DECISIONS IN THIS CASE ARE TAINTED BY JUDGE RENA**
10 **HUGHE’S BIAS AND PREJUDICE**
11

12 Judge Rena Hughes has shown extreme bias and a lack of
13 impartiality in this case. The right to be tried by an impartial judge is deeply
14 embedded in American jurisprudence; in fact, this right has often been considered
15 to be the “cornerstone” of the American legal system. The United States legal
16 system is based upon the principle that an independent, impartial, and competent
17 judiciary, composed of men and women of integrity, will interpret and apply the
18 law that governs our society. In Pfizer Inc. v. Lord, 456 F.2d 532 (8th Cir. 1972),
19 the Court stated that "It is important that the litigant not only actually receive
20 justice, but that he believes that he has received justice."
21

22
23 What is most troubling in this case is that Judge Rena
24 Hughes has violated plaintiff’s due process rights and equal protection rights by
25 not only showing bias and prejudice but also interjected herself into the
26 proceedings and taken on the role of an adversary. In re Murchison, the Supreme
27 Court held that due process requires recusal where a judge is also part of "the
28 accusatory process." 349 U.S. 133, 137 (1955).

1 In this case, the finding of facts is tainted with judge's bias and
2 prejudice so much so that the judge has closed her mind to see anything positive on
3 the side of the plaintiff and anything negative against the favored party/Defendant.

4
5 Judge Rena Hughes violated plaintiff's due process rights and equal protection
6 rights:

- 7 1) Judge Rena Hughes vacated the trial that was set by Judge Charles
8 Thompson, in violation of plaintiff's right to be heard and in violation of his
9 due process rights.
- 10 2) Judge Rena Hughes refused to follow the black letter law which is the
11 mandatory duty of the court to keep the promise made to the plaintiff as part
12 of nolo plea.
- 13 3) Judge Rena Hughes made false statement sua sponte in the open court
14 against the plaintiff that he was found untruthful and based on that false
15 statement ordered psychological evaluation on the plaintiff. And despite of
16 the plaintiff filing motion to strike that false statement from the record and
17 vacate the order based on that, Judge Rena Hughes denied that request.
- 18 4) Judge Rena Hughes Sua Sponte brings up issues that even the real party in
19 interest never argued as they were never present. Even CPS records support
20 that plaintiff and his son share a strong bonding. But Judge Rena Hughes
21 every time comes up with something new which she can use to keep
22 depriving Raja of his fundamental constitutional rights to the custody of his
23 child. At October 11, 2017 hearing, she brought up an issue of Raja's
24 relationship with his son "not improving". There never was an issue with
25 dad-son relationship. Now Kristen will use this to full extent in the child's
26 interview to coach the child to bring up false allegations against dad because
27 it's encouraged by the Judge herself. It doesn't take an expert to know the
28

1 obvious outcome of the child interview will be – Kristen will get the child to
2 say, he doesn't want a relationship with his dad saying -----whatever he will
3 be coached to say in accordance with Kristen's wish list.

4 5) Judge Rena Hughes suppressed evidence that brings to light wrongdoings on
5 part of the favored party/ defendant. In her order dated October 17, 2017,
6 Judge Rena Hughes did not include the report from Donna's house that said
7 that the child did not take the clothes offered by dad for the child's birthday,
8 saying that if he took those clothes, mother will cut them with scissors.
9 Judge Rena Hughes picks and chooses what can be used against dad and
10 suppresses what doesn't go in the favor of defendant.

11 6) Judge Rena Hughes doesn't see anything wrong with Kristen cutting off
12 dad's time which put together for a year totals to approx 3 days, and not
13 making up for it. Neither does Judge Rena Hughes wants to review the
14 Donna's house log in – log out days and timings for plaintiff's visitation
15 which will reflect that the issues with visitations started only after plaintiff's
16 counsel started communication with Kristen for resuming unsupervised
17 visitations after plaintiff completed boundaries classes. The Donna's house
18 record was intentionally reviewed starting from April 2017 and not from the
19 time dad is repeatedly alleging his supervised visitations were denied and the
20 child's behavior suddenly changed.

21 7) Judge Rena Hughes's bias and favoritism towards Kristen persuades her to
22 shift all blame on dad. Dad gets 2 hours a week that means appx 72 hours/ 3
23 days in a year and plaintiff doesn't even get that time with the egregious
24 conduct of the mother cutting off dad's time. If the child is not doing well
25 physically, emotionally and in school, the parent that has sole custody of the
26 child is not held responsible in any way but all blame is shifted to the parent
27
28

1 that doesn't even get to see his child 3 days in a year which is just a fraction
2 of time (362 days) that the other parent has.

3 8) It is clear from the arbitrary decisions of Judge Rena Hughes are what she
4 wants happen in the case and all is being strategized towards it by Judge
5 Rena Hughes Sua sponte.

6 9) Judge Rena Hughes punished/ sanctioned plaintiff for filing for
7 reinstatement of his rights by ordering plaintiff to pay opposition's attorney
8 fee for every motion plaintiff filed.

9 If a person making false statement to a court or
10 suppressing exculpatory evidences is termed as 'perjury' in the legal
11 language. When a person suppresses exculpatory evidence and makes
12 misrepresentations to a court, it amounts to 'fraud on the court'. When it is
13 done from the bench of a public official who we look up to for justice and
14 someone vested with authority to take important decisions of our lives, every
15 ethical lapse breaks the trust of public in the legal system. Judicial officers
16 should be held to a higher standard.
17

18
19 Whenever any officer of the court commits fraud during a
20 proceeding in the court, he/she is engaged in "fraud upon the court". In *Bulloch v.*
21 *United States*, 763 F.2d 1115, 1121 (10th Cir. 1985). There are clearly established
22 laws against knowingly making a false or misleading material statement and that
23 applies to all including persons acting under 'color of law'. Under State and
24 Federal law, when any officer of the court has committed "fraud upon the court",
25 the orders and judgment of that court are void, of no legal force or effect. *Thomas*
26 *Stasel v. The American Home security Corporation*.
27
28

1 Supreme Court Justice Brandeis spoke, in the case of
2 Olmstead v. United States when he said: "Decency, security and liberty alike
3 demand that government officials shall be subjected to the same rules of conduct
4 that are commands to the citizen. In a government of laws, existence of the
5 government will be imperiled if it fails to observe the laws scrupulously. Our
6 government is the potent omnipresent teacher. For good or ill, it teaches the whole
7 people by it's example. Crime is contagious. If the government becomes a law
8 breaker, it breeds contempt for the law; it invites every man to become a law unto
9 himself; it invites anarchy.

10
11 The Supreme Court has recognized that due process grants the right to
12 an unbiased judge. See Tumey v. Ohio, 273 U.S. 510, 523 (1927).
13 quoting Withrow v. Larkin, 421 U.S. 35(1975)). To warrant recusal, a claimant
14 need only show the appearance of a potential for bias, not actual bias itself. Id.
15 Courts have repeatedly held that positive proof of the partiality of a judge is not a
16 requirement, only the appearance of partiality. Liljeberg v. Health Services
17 Acquisition Corp., 486 U.S. 847, 108 S.Ct. 2194 (1988)
18 "Litigants are entitled to a judge who is detached, fair, and impartial." Shad v.
19 Dean Witter Reynolds, Inc., 799 F.2d 525, 531 (9th Cir.1986).

20
21
22 After experiencing bias, prejudice, favoritism, injustice after
23 injustice, violation of his constitutionally protected rights, violation of his due
24 process and equal protection rights in Judge Rena Hughes court, plaintiff has no
25 hope that a fair and impartial judgement is possible on this case in Judge Rena
26 Hughes court. Plaintiff respectfully requests recusal of Judge Rena G. Hughes.
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CONCLUSION

For the foregoing reasons, the case must be transferred to a different judge.

Respectfully submitted,

DATED this 27 day of November, 2017

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