

Neldon P. Johnson
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Pro Se Plaintiff

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U.S. DISTRICT COURT
2019 JAN 28 A 11: 14
DISTRICT OF UTAH
BY: _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAPOWER-3, LLC, INTERNATIONAL
AUTOMATED SYSTEMS, INC., LTB1,
LLC, R. GREGORY SHEPARD,
NELDON JOHNSON, and ROGER
FREEBORN,

Defendants.

Civil No. 2:15-cv-00828-DN-EJF

AFFIDAVIT OF BIAS OF DAVID NUFFER

Judge David Nuffer
Magistrate Judge Evelyn J. Furse

Plaintiff, Neldon P. Johnson, appears Pro Se, and submits this Affidavit of bias by Judge David Nuffer as follows:

The US Code section 28 USC 445 states that "Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." Judge Nuffer's impartiality is in question in this matter because he has shown extreme bias against Plaintiff Neldon Johnson in many things he has done, including, but not limited to, the items below.

When sued, David Nuffer failed to recuse himself from handling the case, instead transferred it to Federal Court, assumed jurisdiction over the case, and entered a stay.

When sued, David Nuffer failed to recuse himself from handling the case, instead ordering that I could not serve process on him, thereby illegally evading service of process.

When asked to unfreeze assets belonging to non-parties Solco I and XSun Energy, David Nuffer reversed the burden of proof and instead of requiring the government to prove there was property belonging to a Defendant, he said that Solco I and XSun had to prove their independently earned assets were not the property of a named Defendant.

Allowing evidence to be introduced by unqualified witnesses who did not even understand the language used in their exhibits. They were just puppets for the government's attorneys and offered nothing of substance. Yet he used their statements as if they were reliable and accurate.

Preventing any discovery of witnesses employed by the Department of Justice, Tax Division because it was "privileged" by then allowing paralegals employed by the Department of Justice, Tax Division to testify in the case.

Not requiring the government to disclose evidence, that put Neldon Johnson at the disadvantage of not being able to hire an expert accountant and expert economist to testify against the evidence that the government hid during discovery.

Preventing Neldon Johnson from testifying about the details of the inventions he patented because he was not “qualified” to testify about the very things he invented and developed and secured patents for from the US Patent Office.

Slandering the name, motives, and intention of Neldon Johnson when he spent many years performing research and development on technology that is now producing power, falsely claiming his products would never work.

Appointing a receiver to destroy the economic ability of Neldon Johnson to protect himself against illegal acts because his assets are frozen, thereby interfering with Neldon Johnson’s ability to appeal.

Allowing the receiver to fire my attorneys, which requires me to appear Pro Se to file this and anything else in this matter.

Because the receiver fired my attorneys and taken over all my assets with David Nuffer’s permission and authorization, the only legal representation I am allowed to receive is for the appeal. I cannot otherwise hire a lawyer (and I don’t have any money to hire one anyway). This is so extreme and unfair it is biased and tyrannical.

The accompanying Opening Brief filed on behalf of the Appellants in the 10th Circuit Court of Appeals shows the numerous deliberately biased actions allowed by David Nuffer during a trial before David Nuffer, all of which are incorporated into this affidavit.

David Nuffer entered orders first in other cases and only later after entering orders did he recuse himself from the cases I brought against him, when he should have recused himself immediately and taken no step in the case. Only a biased judge would do what

he has done, and his later removal and replacement of himself is an admission that he should have done it immediately.

David Nuffer violated the Anti-Injunction Act by bringing state court cases into his federal court and enjoining/staying them, in violation of 28 U.S. Code Section 2283.

David Nuffer knows the government raided and took all accounting information in 2012 from all my companies. He knows the government has copies of all banking information from all my companies and used that information in exhibits during the trial of this case. He knows that the government has everything, and that the receiver can obtain all that information from the government. He knows that all my assets are frozen because he entered an order freezing my assets. Yet he is allowing the receiver to require me at great cost that I cannot afford or pay, to produce again what ought to be obtained from the government and without any cost to me.

I have been removed from all my companies by the order of David Nuffer, and yet he is allowing the receiver to demand I produce information from companies that I no longer own or control. This abuse requires me to incur costs I cannot pay.

David Nuffer should not be permitted to act as a judge in this case because he does not qualify under 28 USC Section 455.

Because there are ongoing issues to be resolved in this case, David Nuffer ought to be removed as judge to prevent his ongoing bias from denying me a fair and impartial treatment on each issue as it arises in this case.

Dated this 28 day of January, 2019


Neldon Johnson, Pro Se