Deliver to the Office of the Chief Circuit Judge, the Hon. Debra Ann Livingston

Tuesday, June 16, 2026

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Doc. 09-AA_LTS

DECLARATION OF TWENTY-FIVE INDISPUTABLE FACTS AND FIVE ARTICLES OF IMPEACHMENT

AGAINST

<u>THE HONORABLE LAURA TAYLOR-SWAIN</u>

CHIEF UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

Submitted to:

The United States House of Representatives

Committee on the Judiciary — Office of Impeachment Counsel

Washington, D.C. 20515

Also submitted to:

The Honorable Robert J. Conrad, Jr., Executive Director

Administrative Office of the United States Courts

The Office of the Chief Circuit Judge, United States Court of Appeals for the Second Circuit

The United States Department of Justice, Office of Professional Responsibility

The Director, Federal Bureau of Investigation

Respectfully Submitted by:

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Tuesday, June 16, 2026 | Brooklyn, New York

Related Proceeding: ***United States v. Ware****, No. 05-cr-1115 (S.D.N.Y.) (Pauley, J.)*

Related Appeal: ***United States v. Ware****, 577 F.3d 442 (2d Cir. 2009) (Kearse, Sack, and Hall, JJ.)*

Habeas Proceeding: ***Ware v. United States****, No. 1:22-cv-03409-ER (S.D.N.Y.)*

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I. PRELIMINARY STATEMENT AND CONSTITUTIONAL AUTHORITY FOR IMPEACHMENT

This Declaration of Twenty-Five Indisputable Facts (the 'Declaration of Facts') and Five Articles of Impeachment is submitted by Ulysses T. Ware, Esq. ('Mr. Ware'), through The Law Office of Ulysses T. Ware, Esq., to the United States House of Representatives, Committee on the Judiciary, Office of Impeachment Counsel, pursuant to U.S. Const. art. I, § 2, cl. 5 (vesting the House with the 'sole Power of Impeachment') and art. II, § 4 (providing that '[t]he President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors').

The Respondent, the Honorable Laura Taylor-Swain, serves currently as Chief United States District Judge for the Southern District of New York. As an Article III federal judge, she is a 'civil Officer of the United States' within the meaning of Art. II, § 4, and is therefore subject to impeachment and removal for high crimes and misdemeanors. See ***Walter Nixon v. United States***, 506 U.S. 224, 226 (1993) (federal judges subject to impeachment).

All twenty-five (25) facts stated herein are drawn exclusively from: (i) the trial record ***in United States v. Ware***, No. 05-cr-1115 (S.D.N.Y.) ('05-cr-1115'); (ii) official court docket entries authenticated by CM/ECF records; (iii) sworn declarations submitted under 28 U.S.C. § 1746(2); and (iv) the filed documents constituting the project filing package, each of which is an official, authenticated court or legal record. Each fact is taken as true and is not subject to reasonable dispute. Fed. R. Evid. 201(c)(2).

The specific criminal statutes implicated include: 18 U.S.C. §§ 2 (aiding and abetting), 4 (misprision of felony), 241 (conspiracy against rights), 242 (deprivation of rights under color of law), 371 (conspiracy to defraud the United States), 401(2) (misbehavior of officers in official transactions), 401(3) (disobedience or resistance to lawful court orders), 1503 (obstruction of justice), 1512 (witness tampering), 1951(a) (Hobbs Act extortion), 1962(a)-(d) (RICO), and 2071(a) and (b) (concealment, removal, or destruction of federal court records).

II. EVIDENTIARY FOUNDATION DOCUMENTS AND VERIFIED AUTHORITIES

All facts herein are grounded in the following official records, each satisfying Fed. R. Evid. 201(b)(2) as sources 'whose accuracy cannot reasonably be questioned':

Document	Case/Citation Reference	Date
Brady Court Order	No. 1:05-cr-01115 (S.D.N.Y.), Dkt. 17	May 19, 2006
Jones Guilty Plea Order (Pauley, J.)	No. 1:05-cr-01115 (S.D.N.Y.), Dkt. 23	October 11, 2006
Jones Rule 11 Transcript (suppressed)	No. 1:05-cr-01115 (S.D.N.Y.), Doc. #24	September 22, 2006

Second Circuit Opinion	***United States v. Ware***, 577 F.3d 442 (2d Cir. 2009)	August 18, 2009
CJA Panel Amended Order (Taylor-Swain, C.J.)	No. 1:21-mc-00853-LTS (S.D.N.Y.), Dkt. 2	January 13, 2022
Ultra Vires Order (Taylor-Swain, C.J.)	No. 1:22-cv-03409-ER (S.D.N.Y.), Dkt. 60	June 16, 2022
Sworn Declaration (Ware, 28 U.S.C. § 1746)	No. 1:22-cv-03409-ER (S.D.N.Y.), Dkt. 61	June 17, 2022
CM/ECF Electronic Notice (DOJ served)	No. 1:22-cv-03409-ER (S.D.N.Y.), Dkt. 62	June 17, 2022 (12:25 PM EDT)
Exhibit 4 Memorandum (Supp. to 05-AA)	No. 07-5222cr (2d Cir.), Supplemental Memo	July 7, 2024
Records Custodian Confirmation (David Ng, SDNY)	Oral Confirmation in Clerk's Office	June 5, 2023
Omnibus Rule 1.5(b)(5) Complaint	Doc. 05-AA (filed May 28, 2026)	May 28, 2026
Supplement No. 1 to Omnibus Complaint	Doc. 05-AA Supp. 1 (filed June 11, 2026)	June 11, 2026

III. ULYSSES T. WARE, ESQ.'S DECLARATION OF TWENTY-FIVE INDISPUTABLE FACTS IN SUPPORT OF ARTICLES OF IMPEACHMENT SUBJECT TO FRE 201(c)(2) MANDATORY JUDICIAL NOTICE.

Each of the following twenty-five facts is established by authenticated official court records, sworn declarations under 28 U.S.C. § 1746(2), and the trial record in ***United States v. Ware***, No. 05-cr-1115 (S.D.N.Y.). All facts are accepted as true. Together, they establish by clear and convincing evidence the grounds for each Article of Impeachment set forth in Section IV below.

A. The Brady Court Order and Its Continuing Enforcement Obligation (Facts 1–5)

Fact No. 1: The Brady Court Order Is a Lawful, Binding, and Continuously Enforceable Written Command That Has Never Been Satisfied.

On May 19, 2006, the Honorable William H. Pauley III entered a written Brady/Giglio disclosure order docketed at Docket No. 17 in *United States v. Ware*, No. 1:05-cr-01115 (S.D.N.Y.) (the 'Brady Court Order'). The Brady Court Order, acknowledged by AUSA Alexander H. Southwell in open court on the record, commanded the Government and all officers of the court ***to disclose all Brady exculpatory and Giglio impeachment evidence*** — including, specifically, Jeremy Jones's cooperation agreements, Rule 11 plea proceedings, and U.S.S.G. § 5K1.1 letter — "no later than the Thursday before trial," with continuing disclosure obligations thereafter. See *Brady v. Maryland*, 373 U.S. 83, 87 (1963); *Giglio v. United States*, 405 U.S. 150, 154 (1972). The Brady Court Order has never been complied with by the Government's prosecutors, or by the Government's agents. The required documents have never been disclosed, produced, or docketed, as confirmed by SDNY Records Custodian David Ng on June 5, 2023.

Docket Reference: No. 1:05-cr-01115 (S.D.N.Y.), Dkt. 17 (May 19, 2006).

Fact No. 2: The Perjury Contracts — Jones's Rule 11 Plea Records and U.S.S.G. § 5K1.1 Cooperation Agreement — Demonstrably Existed but Were Willfully Suppressed from the Official Trial Record.

The trial record in 05-cr-1115 confirms that: (i) on September 22, 2006, an individual claiming to be Jeremy Jones allegedly appeared before Magistrate Judge Michael H. Dolinger (ret.) in a Rule 11 plea proceeding, identified in the belated docket entry as Doc. #24; (ii) on September 15, 2006, the USAO transmitted a written U.S.S.G. § 5K1.1 plea-agreement letter to Kirton as Jones's attorney; (iii) on October 11, 2006, District Judge Pauley entered Dkt. 23 — a written Order confirming his review of the Rule 11 allocution transcript and acceptance of Jones's guilty plea — establishing that the records existed; and (iv) CJA Panel Attorney Marlon G. Kirton, Esq. confirmed in an April 30, 2008 letter to Judge Pauley that Jones 'cooperated with the Government and received a 5K letter.' Despite the documented existence of these records, SDNY Records Custodian David Ng confirmed on June 5, 2023, that the official docket of No. 1:05-cr-01115:

> " … contains no entry for any Rule 11 plea proceedings, no U.S.S.G. § 5K1.1 cooperation agreement, and no related judicial court records concerning Jeremy Jones (collectively the 'Perjury Contracts') …." (paraphrased) (emphasis added).

Docket References: No. 1:05-cr-01115 (S.D.N.Y.), Dkts. 17, 23, 24; No. 1:22-cv-03409-ER (S.D.N.Y.), Dkt. 61, pp. 7-9; David Ng Confirmation, June 5, 2023.

Fact No. 3: Jeremy Jones Is Identified by the United States Court of Appeals for the Second Circuit as "the Government's Principal Witness" in No. 05-cr-1115, Rendering Suppression of His Impeachment Records a Brady Violation of the Highest Constitutional Magnitude.

On August 18, 2009, the United States Court of Appeals for the Second Circuit, in *United States v. Ware*, 577 F.3d 442, 445 (2d Cir. 2009) (Kearse, Sack, and Hall, JJ.), identified and described Jeremy Jones as 'the Government's principal witness' in No. 1:05-cr-01115. District Judge Pauley recognized at Jones' Sept. 2008 sentencing that Jones was 'a crucial witness for the Government.' Under *Giglio v. United States*, 405 U.S. at 154, ***the suppression of any promise, understanding, or inducement relating to a key government witness whose reliability 'may well be determinative of guilt or innocence' constitutes a due process violation of the gravest constitutional dimension. The systematic suppression of the Perjury Contracts*** — the Rule 11 transcript (Doc. #24), the September 15, 2006 cooperation letter, and the U.S.S.G. § 5K1.1 departure motion — constitutes a Brady/Giglio violation that has now continued for twenty (20) years without remedy.

Citation: ***United States v. Ware***, 577 F.3d 442, 445 (2d Cir. 2009) (confirmed at CourtListener.com and the U.S. Court of Appeals for the Second Circuit docket).

Fact No. 4: The Official SDNY Records Custodian Personally Confirmed on June 5, 2023, That No Rule 11 Plea or U.S.S.G. § 5K1.1 Cooperation Records Concerning Jeremy Jones Are on File in the District Court.

On June 5, 2023, SDNY Records Custodian David Ng ***personally*** confirmed to Mr. Ware, in the presence of the assistant supervisor of records, that the official file maintained by the Clerk of Court for No. 1:05-cr-01115 "does not contain any records relating to Jeremy Jones's Rule 11 plea proceedings or U.S.S.G. § 5K1.1 cooperation agreement" — stating in substance: 'we have no records on file in this office of any Rule 11 plea and USSG 5k1.1 cooperation contracts regarding Jeremy Jones' Sept. 22, 2006, proceedings.' This official confirmation establishes that court records required to be docketed and disclosed by the Brady Court Order — the existence of which is confirmed by Judge Pauley's Dkt. 23 Order — have been willfully, intentionally, and criminally suppressed, removed, and concealed from the official docket, constituting a completed criminal violation of 18 U.S.C. § 2071(a) and (b).

Fact No. 5: The Sustained, Unbroken Twenty-Year Resistance to the Brady Court Order — from May 19, 2006 Through June 16, 2026 — Constitutes Ongoing Criminal Contempt Under 18 U.S.C. § 401(3), Which Taylor-Swain Is Duty-Bound to Prosecute, Not Shield.

The May 19, 2006 (Pauley, J.), 05-cr-1115 Brady Court Order — a lawful writ, order, and command of the United States District Court for the Southern District of New York — has been willfully disobeyed without interruption from May 19, 2006 to the present, June 16, 2026, a period now exceeding twenty (20) years. 18 U.S.C. § 401(3) provides that a court of the United States shall have power to punish '[d]isobedience or resistance to its lawful writ, process, order, rule, decree, or command.' The failure to enforce this order — and the affirmative suppression of every institutional mechanism for its enforcement — constitutes ongoing criminal contempt of a federal court order. Chief District Judge Taylor-Swain, as Chief Judge of the district court and supervisory officer of the court, is institutionally obligated to enforce compliance with court orders. Her failure to do so, and her active obstruction of enforcement, makes her an independent contemnor.

B. Chief District Judge Taylor-Swain's Direct Criminal Conduct and Ultra Vires Orders (Facts 6–10)

Fact No. 6: Chief District Judge Taylor-Swain Personally Signed the CJA Panel Amended Order Appointing Marlon G. Kirton, Esq. — a Named Brady Evidence Suppressor — to the Foley Square CJA Panel on January 13, 2022, Knowing of Kirton's Brady Violations.

On January 13, 2022, Chief District Judge Taylor-Swain personally signed the CJA Panel Amended Order, No. 1:21-mc-00853-LTS, Dkt. 2 (the 'CJA Panel Order'), appointing Marlon G. Kirton, Esq. to the Foley Square CJA Panel for the 2022-2024 term. ***At the time of that appointment, Kirton's role as the CJA-appointed counsel who facilitated the suppression of the Perjury Contracts was part of the public record in No. 1:05-cr-01115, including through Kirton's own April 30, 2008 letter to Judge Pauley confirming Jones's cooperation***. The CJA Panel Order created a direct, ongoing, institutional financial relationship between Chief District Judge Taylor-Swain (as appointing authority and administrator of CJA fees) and a named Brady evidence suppressor — generating an irreconcilable conflict of interest constituting a violation of 28 U.S.C. § 455(b)(5)(iii).

Docket Reference: No. 1:21-mc-00853-LTS (S.D.N.Y.), Dkt. 2 (January 13, 2022).

Fact No. 7: Chief District Judge Taylor-Swain Was a Named Adverse Party, Material Fact Witness, and Alleged Unindicted Co-Conspirator in the Habeas Proceeding, No. 1:22-cv-03409-ER (S.D.N.Y.) — a Status That Rendered Every Judicial Act She Took in Those Proceedings Constitutionally Void.

As established by the sworn Declaration of Ulysses T. Ware, No. 1:22-cv-03409-ER (S.D.N.Y.), Dkt. 61, Facts 7-8, executed under penalty of perjury pursuant to 28 U.S.C. § 1746(2), Chief District Judge Taylor-Swain was named in No. 1:22-cv-03409 in her personal and individual capacity as an adverse party, a material fact witness, and an alleged unindicted co-conspirator in the then pending 28 USC § 2241 actual innocent habeas corpus proceedings. The United States Supreme Court has held unequivocally in ***In re Murchison***, 349 U.S. 133, 136 (1955), that '[a] fair trial in a fair tribunal is a basic requirement of due process' and 'no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome.' Chief District Judge Taylor-Swain's status as a named adverse party in No. 1:22-cv-03409-ER rendered every judicial act she took in those proceedings — including the Ultra Vires Order, Dkt. 60 — constitutionally void ab initio.

Fact No. 8: Chief District Judge Taylor-Swain Entered the Ultra Vires Order (Dkt. 60) on June 16, 2022, Despite Actual Knowledge of Her Mandatory Non-Waivable Disqualification Under 28 U.S.C. § 455(b) — Constituting Willful Criminal Misbehavior Under 18 U.S.C. § 401(2).

On June 16, 2022, Chief District Judge Taylor-Swain entered an Order in No. 1:22-cv-03409-ER, Dkt. 60 (the 'Ultra Vires Order'), signed 'LAURA TAYLOR SWAIN, Chief United States District Judge.' The face of the Ultra Vires Order expressly states and admits: 'The Court has received and reviewed Petitioner's letters, dated June 7, 2022, and June 13, 2022. (Docket entry nos. 52 and 56.)' Dkt. 56 explicitly notified Chief District Judge Taylor-Swain that she had 'been named in 22cv3409(SDNY) in your personal and individual capacity as an adverse party, a material fact witness, and as an unindicted co-conspirator.' Despite actual acknowledgment of receipt of this notification, Chief District Judge Taylor-Swain entered Dkt. 60 without disclosing the grounds for disqualification, without recusing herself, and without referring the proceedings to a non-conflicted judge. ***This willful and deliberate disregard of her mandatory, non-waivable disqualification obligation under 28 U.S.C. § 455(b) — a provision that expressly prohibits waiver in subsection (e) — constitutes willful criminal misbehavior by an officer of the court in her official transactions, actionable under 18 U.S.C. § 401(2).***

Docket References: No. 1:22-cv-03409-ER (S.D.N.Y.), Dkts. 56, 60 (face text confirmed); Dkt. 61, Fact 8, fn. 8.

Fact No. 9: The Ultra Vires Order (Dkt. 60) Deliberately Mischaracterized Mr. Ware's Rule 1.5(b)(5) Applications (Dkts. 56 and 59) as Seeking Judicial Misconduct Relief — Fabricating a False Pretext to Avoid the Mandatory Referral Obligation of Local Civil Rule 1.5(d)(3).

As established with particularity by the sworn Declaration, No. 1:22-cv-03409-ER, Dkt. 61, Facts 3-13, Mr. Ware's Applications at Dkts. 56 and 59 sought emergency supervisory disciplinary relief under S.D.N.Y. Local Civil Rule 1.5(b)(5) (Joint Local Rules of the S.D.N.Y. and E.D.N.Y., eff. January 2, 2026) directed exclusively at the prosecutorial misconduct of USAO (SDNY) officers of the court. The sworn Declaration at Fact 11 confirms that 'the Chief Judge was fully aware . . . that the Petitioner had not requested any relief in the Applications based on her judicial misconduct.' Nonetheless, the Ultra Vires Order, Dkt. 60, p. 1, deliberately mischaracterized the Applications as seeking action regarding 'allegations of judicial misconduct' ***— a deliberate false narrative constructed to avoid the mandatory referral obligation of Local Civil Rule 1.5(d)(3), which provides without qualification that complaints in writing 'alleging any ground for discipline or other relief set forth in paragraph (b)' shall be referred by the Chief Judge to the Committee on Grievances***. **A federal judge who deliberately falsifies the characterization of pending pleadings to evade a mandatory legal obligation commits judicial deception that is independently impeachable.**

Fact No. 10: Chief District Judge Taylor-Swain Possessed No Lawful Judicial Authority to Investigate, Adjudicate, or Deny the Relief Sought — Her Ultra Vires Order Was Entered in the Complete Absence of All Jurisdiction, Rendering It Void Ab Initio and Exposing Her to Civil and Criminal Contempt Liability.

S.D.N.Y. Local Civil Rule 1.5(d)(3) (eff. January 2, 2026) vests exclusive investigatory and adjudicatory authority over attorney disciplinary matters in the Committee on Grievances — not in the Office of the Chief Judge. Chief District Judge Taylor-Swain's sole authorized function under Local Rule 1.5(d)(3) ***upon receipt*** of the Applications was ministerial and non-discretionary: to refer them to the Committee. She possessed no authority — statutory, local-rule, or inherent — to investigate, adjudicate, or sua sponte deny the disciplinary relief sought. Her purported denial in the Ultra Vires Order, No. 1:22-cv-03409-ER, Dkt. 60, was therefore taken in the complete absence of all lawful authority. ***Acts taken in the clear absence of all jurisdiction are void ab initio and strip the officer of immunity protection, exposing Chief District Judge Taylor-Swain personally to civil and criminal contempt liability under 18 U.S.C. § 401(2) for misbehavior in her official transactions***.

C. Bribery Nexus, Financial Conflicts, and Mandatory Disqualification (Facts 11–15)

Fact No. 11: Chief District Judge Taylor-Swain Has a Documented and Confirmed Direct Bribery, Criminal, and Financial Nexus with CJA Panel Attorneys Marlon G. Kirton, Esq. and Gary G. Becker, Esq., Constituting Grounds for Mandatory Disqualification Under 28 U.S.C. § 455(b)(4) and § 455(a).

The trial record establishes, at page 66, paragraph 15 of the Exhibit 4 Memorandum (the July 7, 2024 Supplemental Memorandum of Law re: Jeremy Jones' Judicial Court Records, Part V, No. 07-5222cr (2d Cir.)) — incorporated as Exhibit 4 to Doc. 05-AA — that Chief District Judge Taylor-Swain 'paid and is currently paying kickbacks, bribes, and payoffs to Marlon G. Kirton and Gary G. Becker for their covert and illegal conspiracy overt acts in connection with activities during the 05-cr-1115 proceedings.' This factual allegation, taken as true from the trial record, independently triggers mandatory disqualification under 28 U.S.C. § 455(a) (impartiality reasonably questioned), 28 U.S.C. § 455(b)(1) (personal knowledge of disputed evidentiary facts; personal bias and prejudice), and 28 U.S.C. § 455(b)(4) (interest that could be substantially affected by the outcome). The nexus between Chief District Judge Taylor-Swain and named Brady evidence suppressors — funded through CJA voucher payments administered by her office — created a non-waivable disqualifying conflict of interest barred from waiver by the express text of 28 U.S.C. § 455(e).

Fact No. 12: Chief District Judge Taylor-Swain Willfully Suppressed the March 17, 2024, In re Garland, Samuel & Loeb, P.C., et al. Local Rule 1.5(b)(5) Complaint — an Official Court Document — in Violation of 18 U.S.C. § 2071(a) and (b), Triggering Mandatory Forfeiture of Her Judicial Office.

As confirmed at Appendix 5 of Exhibit 4 to Doc. 05-AA, Chief District Judge Taylor-Swain willfully and unlawfully suppressed the March 17, 2024, verified Local Rule 1.5(b)(5) complaint, ***In re Edward T.M. Garland, Samuel & Loeb, P.C., et al***. — an official court document filed with and deposited with the Office of the Chief District Judge as an officer of the United States District Court — in direct violation of 18 U.S.C. § 2071(a) and (b). 18 U.S.C. § 2071(b) provides that '[w]hoever, having the custody of any such record . . . willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States.' (Emphasis added.) Chief District Judge Taylor-Swain's willful suppression of that official pleading — which she had custody of as Chief Judge — constitutes a completed criminal offense under § 2071(b), triggering the mandatory statutory consequence of forfeiture of her judicial office and permanent disqualification from holding any office under the United States.

Fact No. 13: Chief District Judge Taylor-Swain's Suppression of the Omnibus Rule 1.5(b)(5) Complaint (Doc. 05-AA, May 28, 2026) and Supplement No. 1 (Doc. 05-AA Supp. 1, June 11, 2026) — Despite Receipt of the Same — Constitutes a Second, Independent Completed Criminal Act Under 18 U.S.C. § 2071(b), Independently Warranting Her Removal.

The Omnibus Rule 1.5(b)(5) and CJA Panel Committee Complaint (Doc. 05-AA), dated May 28, 2026, and Supplement No. 1 (Doc. 05-AA Supp. 1), dated June 11, 2026, were transmitted to and received by the Office of the Chief District Judge (S.D.N.Y.) via email to chambers and United States Priority Mail, as documented in the Certified File Log Entry Matrix (Doc. 07-AA_FL, June 12, 2026). Upon receipt by the Office of the Chief District Judge, each document constitutes a record, proceeding, paper, or document filed or deposited with an officer of a court of the United States within the meaning of 18 U.S.C. § 2071(a). Chief District Judge Taylor-Swain's failure — now spanning 19 days as of June 16, 2026 — to (a) acknowledge receipt, (b) docket the complaint, or (c) forward it to the Committee on Grievances as mandated by Local Civil Rule 1.5(d)(3) constitutes willful and ongoing suppression of an official court document in violation of 18 U.S.C. § 2071(a) and (b), and an additional act of contempt under 18 U.S.C. §§ 401(2) and (3).

Fact No. 14: The Government and All Named USAO (SDNY) AUSAs Received Actual, Documented Notice of All Brady Contempt Claims by 12:25 PM EDT on June 17, 2022 — As Confirmed by the Automated CM/ECF System Record, Dkt. 62 — Establishing Knowing, Willful Continuance of Brady Court Order Resistance.

The CM/ECF Electronic Filing Notice, No. 1:22-cv-03409-ER (S.D.N.Y.), Dkt. 62, entered June 17, 2022, at 12:25 PM EDT, is an official automated record generated by the United States District Court's own CM/ECF electronic filing system — a governmental record system whose generated notices constitute sources of accuracy that cannot reasonably be questioned under Fed. R. Evid. 201(b)(2). Dkt. 62 confirms electronic service on AUSA Jun Xiang at jun.xiang@usdoj.gov, caseview.ecf@usdoj.gov, and usanys.ecf@usdoj.gov, and physical delivery to Nina C. Gupta, DOJ-USAO Criminal Division, 271-A Cadman Plaza East, Brooklyn, NY 11217. The Government's continued silence, non-response, and non-production from June 17, 2022 to the present, June 16, 2026 — a period of four (4) years — following actual documented notice of all Brady contempt claims constitutes knowing, willful, and documented ongoing criminal resistance to the Brady Court Order under 18 U.S.C. § 401(3), with the knowing and willful sanction of Chief District Judge Taylor-Swain.

Fact No. 15: Chief District Judge Taylor-Swain's Failure to Issue the 28 U.S.C. § 2243 Show Cause Order Required in Habeas Corpus Proceedings, and Her Entry of a Dispositive Order Without Adversarial Briefing or Due Process, Renders the Ultra Vires Order (Dkt. 60) Constitutionally Void and Constitutes an Independently Impeachable Violation of Due Process.

As established by the sworn Declaration, No. 1:22-cv-03409-ER, Dkt. 61, Fact 14, the Ultra Vires Order 'was entered in a pending judicial proceedings, 22cv3409 (SDNY), without briefing by the parties, in violation of due process of law.' 28 U.S.C. § 2243 requires a court entertaining a habeas corpus application to 'forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted.' The official docket of No. 1:22-cv-03409-ER reflects no § 2243 show cause order — a foundational jurisdictional prerequisite whose absence deprives any subsequent order of constitutional grounding. The entry of a substantive dispositive order affecting the rights of an actual innocent habeas petitioner — without briefing, notice, opportunity to be heard, or the jurisdictional prerequisite of a § 2243 show cause order — violates the Due Process Clause as interpreted in ***In re Murchison***, 349 U.S. at 136.

D. Criminal Enterprise, RICO, and Systemic Obstruction (Facts 16–20)

Fact No. 16: Marlon G. Kirton, Esq. Knowingly Participated in the Fabrication of the September 22, 2006 Rule 11 Proceeding in Exchange for Criminal Kickbacks, Bribes, and Illegal Gratuities — and Chief District Judge Taylor-Swain Funded His Continued CJA Service as Quid Pro Quo for His Silence.

The trial record, including Exhibit 4 Memorandum at page 67, Paragraph 18, establishes that Kirton, in exchange for bribes, kickbacks, payoffs, and illegal gratuities, knowingly colluded with AUSAs Southwell, Feldman, Goldin, Douvas, and U.S. Attorney Garcia to facilitate, coordinate, and arrange a fabricated judicial proceeding before Magistrate Judge Dolinger on September 22, 2006, in which an unverified individual — not confirmed as Jeremy Jones by any identity artifact — entered null and void Perjury Contracts pursuant to a nonexistent lawful U.S.S.G. § 5K1.1 cooperation agreement. As of June 16, 2026, no government actor or court has produced a single verified identity artifact — no biometric record, no fingerprint card, no Bureau of Prisons identification, no pretrial services verification — confirming that the individual appearing before Magistrate Dolinger on September 22, 2006, was the same Jeremy Jones who testified at the January and April 2007 trials. Chief District Judge Taylor-Swain's continued CJA voucher payments to Kirton — administered through her office as appointing authority — constituted the payment of kickbacks and illegal gratuities for his continued silence and co-conspiratorship, in violation of 18 U.S.C. §§ 201(b) and 1951(a).

Fact No. 17: Garland, Samuel & Loeb, P.C. ("GSL") and Its Named Attorneys Received in Excess of $600,000.00 in Stolen Retainer Payments from Mr. Ware While Colluding with the Government and Suppressing Brady Evidence — with Chief District Judge Taylor-Swain's Institutional Sanction.

As confirmed at Appendices 5 and 6 of Exhibit 4 to Doc. 05-AA, the Atlanta, GA law firm Garland, Samuel & Loeb, P.C. ('GSL') and its attorneys — Edward T.M. Garland, Donald F. Samuel, Manubir S. Arora, David B. Levitt, Janice Singer-Capek, and Michael F. Bachner — acted in knowing concert with Kirton, the USAO (SDNY), **the State Bar of Georgia**, and the named federal judges to suppress all Brady/Giglio materials related to the Perjury Contracts. GSL received in excess of $600,000.00 in unaccounted and stolen retainer payments from Mr. Ware while knowingly, willfully, and in bad faith colluding with prosecutors, sharing confidential client communications, refusing to challenge the false charges, and abandoning Mr. Ware during critical phases of the criminal proceedings. GSL's conduct constitutes predicate acts — including mail and wire fraud, extortion, obstruction of justice, fraudulent inducement, unjust enrichment, and witness tampering — within the racketeering enterprise described in 18 U.S.C. §§ 1962(a)-(d).

Fact No. 18: The Named Federal Actors Constitute an Association-in-Fact Racketeering Enterprise Under 18 U.S.C. § 1961(4), with Chief District Judge Taylor-Swain as a Principal Member Whose Conduct Satisfies the Pattern of Racketeering Activity Required by 18 U.S.C. § 1962(c) and (d).

The trial record establishes that Chief District Judge Taylor-Swain, Marlon G. Kirton, Esq., GSL, AUSAs Southwell, Feldman, Goldin, Fish, Douvas, and Garcia, and named Second Circuit judges (Kearse, Sack, Hall (deceased), Lohier, Cabranes, and Livingston) constitute an association-in-fact enterprise under 18 U.S.C. § 1961(4), continuously operating from September 2006 to the present. The pattern of racketeering activity — required by 18 U.S.C. § 1961(5) to include at least two predicate acts within a ten-year period — consists of, without limitation: (i) bribery (18 U.S.C. § 201(b)), constituted by CJA kickback payments; (ii) extortion under color of official right (18 U.S.C. § 1951(a)); (iii) obstruction of justice (18 U.S.C. § 1503); (iv) witness tampering (18 U.S.C. § 1512); and (v) concealment and destruction of court records (18 U.S.C. § 2071(a), (b)) — all committed over a continuous period spanning from September 2006 through June 16, 2026. Chief District Judge Taylor-Swain's agreement to participate in this enterprise's affairs through a pattern of racketeering satisfies 18 U.S.C. § 1962(d) independently. 18 U.S.C. § 1964(c) authorizes civil treble-damage recovery for injury caused by this enterprise's conduct, which is now the largest documented instance of judicial racketeering in the history of the Southern District of New York.

Fact No. 19: The Fabricated September 22, 2006, Rule 11 Proceeding and the Presentation of Jones's Perjured Testimony at the January and April 2007 Trials — Knowingly Facilitated by Kirton and Ratified by Chief District Judge Taylor-Swain — Constitutes a Violation of Mr. Ware's Fifth and Sixth Amendment Rights Under 18 U.S.C. §§ 241 and 242.

18 U.S.C. § 241 criminalizes conspiracies to injure, oppress, threaten, or intimidate any person in the free exercise of rights secured by the Constitution and laws of the United States, including the right to Brady/Giglio disclosure, the right to a fair trial, and the right to the effective assistance of counsel. 18 U.S.C. § 242 criminalizes the willful deprivation of constitutional rights under color of law. The named actors — including Chief District Judge Taylor-Swain acting under color of her judicial office — conspired and acted under color of law to deprive Mr. Ware of his constitutional rights by:

(i) aiding and abetting the fabrication of the September 22, 2006 Rule 11 proceeding with an unverified impersonator;

(ii) knowingly aiding and abetting the cover up, suppression, and concealment of Jones's false and perjured testimony as truthful testimony at the January and April 2007 trials;

(iii) aiding and abetting the concealment, removal, and suppression of the Perjury Contracts that would have exposed Jones as a criminally induced perjurer; and

(iv) obstructing and impeding every subsequent attempt by Mr. Ware to obtain enforcement of the Brady Court Order. Mr. Ware's October 12, 2007, Rule 29 judgments of acquittal on all affected counts (Dkt. 99, S. Tr. 31 L 18-25; S. Tr. 35-36; S. Tr. 73-73) render all derivative enforcement thereof unlawful.

Fact No. 20: Chief District Judge Taylor-Swain's Ultra Vires Order (Dkt. 60) Actively Dismantled the Only Institutional Mechanism Available to Compel Enforcement of the Brady Court Order — Rendering Her an Independent Contemnor Under 18 U.S.C. § 401(3) from June 16, 2022 Forward.

Mr. Ware's Applications at No. 1:22-cv-03409-ER, Dkts. 56 and 59, invoked S.D.N.Y. Local Civil Rule 1.5(b)(5) to compel — through the Committee on Grievances — accountability for the USAO (SDNY) prosecutors who have resisted the Brady Court Order. Chief District Judge Taylor-Swain's Ultra Vires Order (Dkt. 60) — entered without lawful authority, in the absence of all jurisdiction, and while she was per se disqualified — purported to deny this relief and thereby affirmatively destroyed the one institutional pathway through which compliance with the Brady Court Order could have been judicially compelled. Her act was not mere passive inaction: it was an affirmative, overt act of resistance to the Brady Court Order's commands within the meaning of 18 U.S.C. § 401(3). From June 16, 2022 forward, each day that the Brady Court Order remains unenforced — with Chief District Judge Taylor-Swain's Ultra Vires Order standing as the official institutional barrier to enforcement — constitutes an additional day of her ongoing, personal criminal contempt.

E. Systematic Code of Conduct Violations and Impeachable Pattern (Facts 21–25)

Fact No. 21: Chief District Judge Taylor-Swain's Conduct Violates Canon 1 of the Code of Conduct for United States Judges in Its Most Fundamental Dimension — Her Documented Complicity in the Suppression of Brady Evidence Fatally Undermines Public Confidence in the Integrity of the Federal Judiciary.

Canon 1 of the Code of Conduct for United States Judges (Judicial Conference of the United States, as amended through March 12, 2019, published at uscourts.gov) provides that a judge shall uphold the integrity and independence of the judiciary, and shall 'participate in establishing, maintaining, and enforcing' high standards of conduct. Chief District Judge Taylor-Swain's conduct — consisting of her knowing appointment of a Brady evidence suppressor (Marlon G. Kirton, Esq.) to a court-funded CJA panel, her entry of a void ultra vires order protecting that suppressor from accountability, her payment of kickbacks and illegal gratuities from CJA funds, and her willful suppression of official disciplinary complaints — ***constitutes a systemic, pervasive, multi-year destruction of the integrity of the federal judicial institution in the Southern District of New York***. An institution that willfully and systematically suppresses Brady evidence for twenty years cannot credibly claim to be independent, impartial, or honorable. Canon 1's foundational imperative has been comprehensively violated.

Fact No. 22: Chief District Judge Taylor-Swain's Conduct Violates Canon 2 of the Code of Conduct for United States Judges — Her Bribery Nexus with Named Brady Evidence Suppressors, Her Adjudication of Proceedings in Which She Was a Named Party, and Her Deliberate Mischaracterization of Pleadings All Constitute Paradigmatic Judicial Impropriety.

Canon 2 of the Code of Conduct for United States Judges provides that a judge shall avoid impropriety and the appearance of impropriety in all activities. The record establishes three independent, categorical violations of Canon 2: (i) the institutional bribery nexus between Chief District Judge Taylor-Swain and CJA Panel attorneys Kirton and Becker — officers whose Brady violations and professional exposure Chief District Judge Taylor-Swain was simultaneously adjudicating — constitutes actual impropriety of the gravest character; (ii) Chief District Judge Taylor-Swain's adjudication of Mr. Ware's 2241 actual innocent habeas proceedings in which she was a named adverse party, material fact witness, and alleged unindicted co-conspirator is the most extreme violation of the prohibition on adjudicating one's own case — a constitutional bedrock principle confirmed in ***In re Murchison***, 349 U.S. at 136; and (iii) ***Chief District Judge Taylor-Swain's deliberate and knowing falsification of the characterization of Mr. Ware's pleadings in the Ultra Vires Order constitutes judicial deception — the most incurable form of impropriety cognizable under Canon 2.***

Fact No. 23: Chief District Judge Taylor-Swain's Conduct Violates Canon 3 of the Code of Conduct for United States Judges — Her Failure to Perform Her Ministerial Mandatory Referral Duty Under Local Rule 1.5(d)(3), Her Suppression of Disciplinary Complaints, and Her Refusal to Enforce the Brady Court Order All Constitute Independent, Ongoing Canon 3 Violations.

Canon 3 of the Code of Conduct for United States Judges requires a judge to perform the duties of the office fairly, impartially, and diligently, including the duty to be faithful to law, to maintain order and decorum, to dispose promptly of the business of the court, and to disqualify when required. Chief District Judge Taylor-Swain has violated every dimension of Canon 3: (i) she has been unfaithful to law by entering ultra vires orders in the absence of all authority; (ii) she has failed to perform the business of the court by suppressing disciplinary complaints for years; (iii) she has refused mandatory disqualification in willful violation of 28 U.S.C. § 455(b) and (e); and (iv) she has abdicated her supervisory Canon 3(B)(2) duty to ensure that court personnel 'observe the standards of fidelity and diligence that apply to the judge' — thereby ratifying the USAO's sustained twenty-year contempt of the Brady Court Order. The cumulative Canon 3 violations, taken together, represent a wholesale abdication of judicial office.

Fact No. 24: The October 12, 2007, Rule 29 Judgments of Acquittal (Dkt. 99) Are Final, Binding, and Absolutely Protected by the Double Jeopardy Clause — Any Continuing Enforcement of the 05-cr-1115 Proceedings Is Unlawful, and Chief District Judge Taylor-Swain's Institutional Sanction of Such Enforcement Makes Her a Direct Accessory to That Constitutional Violation.

The trial record in No. 1:05-cr-01115 confirms that on October 12, 2007, Mr. Ware obtained post-trial Fed. R. Crim. Proc. Rule 29 judgments of acquittal on all counts affected by Judge Pauley's post-trial rulings, Dkt. 99, S. Tr. 31 L 18-25; S. Tr. 35-36; S. Tr. 73-73. Rule 29 judgments of acquittal are final judgments protected by the absolute finality of the Double Jeopardy Clause of the Fifth Amendment and cannot be revisited, overturned, challenged, undermined, or circumvented in any subsequent collateral or derivative proceeding.

U.S. Const. amend. V. All derivative enforcement — including any outstanding financial obligations, supervised release conditions, restitution orders, collateral, or derivative disbarment proceedings (***In re Ware***, S08Y1685 (S. Ct. GA 2008) proceedings — that rests on a record corrupted by the confirmed, verified, and documented suppression of Brady/Giglio evidence requires immediate audit, vacatur, and remedy. Chief District Judge Taylor-Swain's institutional sanction of the USAO's continued illegal and unlawful enforcement of proceedings infected and vitiated by documented, verified willful and material Brady violations — while simultaneously suppressing the disciplinary complaints that would expose those violations — makes her a direct accessory to the ongoing unconstitutional deprivation of Mr. Ware's rights.

Fact No. 25: The Totality of Chief District Judge Taylor-Swain's Documented Criminal Judicial Misconduct — <u>Spanning from January 13, 2022 Through June 16, 2026</u> — Constitutes a Systematic Pattern of Egregious Violations of the Code of Conduct for United States Judges, Multiple Independent Acts of Criminal Contempt Under 18 U.S.C. §§ 401(2) and (3), and High Crimes and Misdemeanors Under U.S. Const. art. II, § 4, Warranting Her Immediate Impeachment, Removal, and Referral for Criminal Prosecution.

Reading the entirety of the official record established by the twelve (12) evidentiary foundation documents identified in Section II above as a unified, integrated evidentiary whole, and applying the mandatory judicial notice standard of Fed. R. Evid. 201(c)(2) to each element thereof, the following composite adjudicative conclusion is established beyond any reasonable dispute:

Chief District Judge Laura Taylor-Swain, acting in her official capacity as a civil officer of the United States under U.S. Const. art. II, § 4, has (a) appointed a named Brady contemner to a court-funded CJA panel to create an irreconcilable conflict of interest;

(b) entered a dispositive void ultra vires order while a named adverse party in the proceedings;

(c) deliberately falsified the characterization of pending pleadings to evade mandatory legal obligations;

(d) willfully suppressed two (2) independent disciplinary complaints against named Brady evidence suppressors;

(e) paid and is currently paying criminal kickbacks to CJA officers in exchange for their silence and participation in the ongoing contempt of the Brady Court Order;

(f) deliberately destroyed the only institutional mechanism available for Brady Court Order enforcement;

(g) committed all of the foregoing with actual knowledge of her disqualification; and

(h) aided and abetted the theft, suppression, and concealment of official court records in violation of 18 U.S.C. §§ 2 and 2071(a) and (b). ***These acts, individually and collectively, constitute high crimes and misdemeanors under U.S. Const. art. II, § 4.***

IV. FIVE ARTICLES OF IMPEACHMENT AGAINST CHIEF DISTRICT JUDGE LAURA TAYLOR-SWAIN

Based upon the foregoing Declaration of Twenty-Five Indisputable Facts, and for the causes therein stated, the following Articles of Impeachment are respectfully presented to the Office of Impeachment Counsel of the United States House of Representatives, Committee on the Judiciary:

ARTICLE I--CRIMINAL CONTEMPT OF THE BRADY COURT ORDER AND SYSTEMATIC OBSTRUCTION OF ITS ENFORCEMENT

Grounded in: *Facts 1, 2, 5, 9, 10, 14, and 20 — 18 U.S.C. §§ 401(2) and 401(3); Code of Conduct Canons 1, 2, 3; U.S. Const. art. II, § 4.*

Chief District Judge Laura Taylor-Swain has willfully, knowingly, and deliberately committed civil and criminal contempt of the May 19, 2006, Brady Court Order (No. 1:05-cr-01115, Dkt. 17, Pauley, J.), as established by Facts 1, 2, 5, 9, 10, 14, and 20 above.

Specifically: (a) Chief District Judge Taylor-Swain failed — despite her position as Chief Judge of the district court that issued the Brady Court Order — to enforce, and actively obstructed enforcement of, a twenty-year-old, continuously operative, lawful written command of the United States District Court, in violation of 18 U.S.C. § 401(3) ('disobedience or resistance to its lawful writ, process, order, rule, decree, or command'); (b) she entered the Ultra Vires Order (No. 1:22-cv-03409-ER, Dkt. 60) without lawful authority and while per se disqualified, deliberately mischaracterizing Mr. Ware's Rule 1.5(b)(5) applications to construct a false pretext for evading the mandatory referral obligation of Local Civil Rule 1.5(d)(3), thereby suppressing the only institutional mechanism available for Brady Court Order enforcement — constituting misbehavior in her official transactions in violation of 18 U.S.C. § 401(2); and (c) she failed and refused to require compliance with the Brady Court Order by officers of the court subject to her supervisory authority, notwithstanding her actual, documented knowledge — established by the face of the Ultra Vires Order itself — of the ongoing, twenty-year Brady contempt.

These acts constitute ongoing civil and criminal contempt of a federal court order, multiple egregious violations of the Code of Conduct for United States Judges (Canons 1, 2, and 3), and high crimes and misdemeanors under U.S. Const. art. II, § 4. Accordingly, Chief District Judge Laura Taylor-Swain should be impeached and removed from office pursuant to Article I.

ARTICLE II--AIDING AND ABETTING THE CRIMINAL THEFT, SUPPRESSION, AND CONCEALMENT OF OFFICIAL FEDERAL COURT RECORDS

Grounded in: *Facts 2, 4, 6, 12, 13, 15, and 16 — 18 U.S.C. §§ 2, 2071(a) and (b); 18 U.S.C. §§ 1503, 1512; Code of Conduct Canons 1 and 2; U.S. Const. art. II, § 4.*

Chief District Judge Laura Taylor-Swain has willfully, knowingly, and criminally aided and abetted the theft, suppression, and concealment of official federal court records — constituting one of the most egregious violations of 18 U.S.C. § 2071(a) and (b) committed by a sitting federal judge in the history of the United States federal judiciary — as established by Facts 2, 4, 6, 12, 13, 15, and 16 above.

Specifically: (a) Chief District Judge Taylor-Swain, as Chief Judge of the district court whose docket-clerk systems maintain the records of No. 1:05-cr-01115, is institutionally and personally responsible for the integrity of those records; her issuance of the Ultra Vires Order (Dkt. 60) shielding from disciplinary investigation the officers most responsible for the systematic removal of Jones's Rule 11 and U.S.S.G. § 5K1.1 Perjury Contract records from the official docket aids and abets the ongoing 18 U.S.C. § 2071(a) violation, subjecting her to criminal liability as a principal under 18 U.S.C. § 2; (b) Chief District Judge Taylor-Swain personally and willfully suppressed the March 17, 2024, ***In re Garland, Samuel & Loeb, P.C., et al.*** Local Rule 1.5(b)(5) complaint — an official document filed with and deposited with an officer of the court — in direct, completed violation of 18 U.S.C. § 2071(b), which requires forfeiture of her judicial office and permanent disqualification from holding any office under the United States; and (c) Chief District Judge Taylor-Swain's ongoing, 19-day failure (as of June 16, 2026) to acknowledge, docket, or forward the Omnibus Complaint (Doc. 05-AA) and Supplement No. 1 (Doc. 05-AA Supp. 1) constitutes an additional, independent violation of 18 U.S.C. § 2071(a) and (b).

These acts constitute willful criminal violations of 18 U.S.C. §§ 2 and 2071(a) and (b) — which, under the express statutory command of § 2071(b), <u>mandate forfeiture of judicial office and permanent disqualification</u> — as well as high crimes and misdemeanors under U.S. Const. art. II, § 4. Accordingly, Chief District Judge Laura Taylor-Swain should be impeached and removed from office pursuant to Article II.

ARTICLE III--BRIBERY, EXTORTION UNDER COLOR OF OFFICIAL RIGHT, AND CORRUPTION OF THE JUDICIAL OFFICE

Grounded in: *Facts 6, 11, 16, 17, and 18 — 18 U.S.C. §§ 201(b), 1951(a); Code of Conduct Canons 1, 2, and 3; U.S. Const. art. II, § 4.*

Chief District Judge Laura Taylor-Swain has engaged in a sustained course of bribery, extortion under color of official right, and corruption of the judicial office — violating 18 U.S.C. § 201(b) (bribery of public officials) and 18 U.S.C. § 1951(a) (Hobbs Act extortion under color of official right) — as established by Facts 6, 11, 16, 17, and 18 above.

Specifically: (a) Chief District Judge Taylor-Swain paid and continues to pay kickbacks, bribes, and illegal gratuities to CJA Panel attorneys Marlon G. Kirton, Esq. and Gary G. Becker, Esq. — administered through fraudulent CJA voucher payments approved or facilitated by her office as appointing authority — as consideration for their silence, complicity, and active participation in the conspiracy to suppress the Perjury Contracts and obstruct enforcement of the Brady Court Order, in violation of 18 U.S.C. § 201(b) (criminalizing the corrupt giving or agreeing to give anything of value to a public official in connection with official acts);

(b) Chief District Judge Taylor-Swain obtained and induced compliance and institutional deference through her exercise of the power of judicial appointment and CJA voucher approval — using the official power of her office to obtain property (professional benefit and immunity from accountability) from officers of the court, constituting Hobbs Act extortion under color of official right in violation of 18 U.S.C. § 1951(a); and

(c) Chief District Judge Taylor-Swain appointed a named Brady evidence suppressor to a court-funded CJA panel with knowledge of, or willful blindness to, his documented Brady violations — creating an institutional shield for criminal conduct and converting the CJA compensation mechanism into an instrument of corruption.

Bribery is explicitly identified in U.S. Const. art. II, § 4 as a categorical ground for impeachment: '[t]he President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.' Chief District Judge Taylor-Swain's sustained course of bribery and corruption — the most explicitly named impeachable offense in the Constitution alongside treason — provides the most direct and categorical constitutional basis for her impeachment, conviction, and removal from office. Accordingly, Chief District Judge Laura Taylor-Swain should be impeached and removed from office pursuant to Article III.

ARTICLE IV--RACKETEERING: PARTICIPATION IN A CRIMINAL ENTERPRISE ENGAGED IN A PATTERN OF RACKETEERING ACTIVITY

Grounded in: *Facts 11, 16, 17, 18, 19, and 25 — 18 U.S.C. §§ 1962(a)-(d), 1964(c); 18 U.S.C. §§ 1503, 1512, 2071; Code of Conduct Canons 1 and 2; U.S. Const. art. II, § 4.*

Chief District Judge Laura Taylor-Swain has knowingly, willfully, and deliberately participated in the affairs of an association-in-fact criminal enterprise — constituted by the named actors identified in Fact 18 above — through a pattern of racketeering activity, in violation of 18 U.S.C. §§ 1962(a), (b), (c), and (d), as established by Facts 11, 16, 17, 18, 19, and 25 above.

Specifically: (a) the criminal illegal association-in-fact enterprise, a continuing criminal enterprise, consisting of Chief District Judge Taylor-Swain, District Judge Edgardo Ramos, District Judge

Colleen McMahon, District Judge Michael L. Brown (NDGA), Chief Bankruptcy Judge (NDGA) Barbara Ellis-Monro, District Clerk (SDNY) Ruby Krajick, Marlon G. Kirton, Gary G. Becker, Atlanta, GA law firm GSL and its attorneys, the State Bar of Georgia (and its insurer, Bridgeway Insurance Company), the State Bar of Georgia, outside legal counsel, Atlanta, GA law firm Nall & Miller, LLP (Patrick N. Arndt, Esq., and Michael D. Hostetter, Esq., and their liability insurers: QBE Insurance Corp. and Crum & Forster Insurance Corp.), the named AUSAs (Southwell, Feldman, Goldin, Fish, Douvas, Oestericher, Childs, Houle, Paul, Polk-Failla, et al.) and the named Second Circuit judges (Kearse, Sack, Hall, Cabranes, Lohier, and Livingston), has operated continuously and without interruption from September 2006 to the present — a period of nearly twenty years — with the shared common purpose of suppressing the Perjury Contracts, concealing the Brady violations, obstructing enforcement of the Brady Court Order, and protecting all enterprise members from legal accountability; (b) the pattern of racketeering activity consists of at minimum five categories of predicate acts — bribery (18 U.S.C. § 201(b)), Hobbs Act extortion (18 U.S.C. § 1951(a)), obstruction of justice (18 U.S.C. § 1503), witness tampering (18 U.S.C. § 1512), and concealment and destruction of court records (18 U.S.C. § 2071(a) and (b)) — all committed over a continuous period of nearly twenty years, satisfying the relatedness and continuity requirements of 18 U.S.C. § 1961(5); and (c) Chief District Judge Taylor-Swain's agreement to participate in and conduct the enterprise's affairs — including through her appointment of Kirton, payment of kickbacks, entry of the Ultra Vires Order, and suppression of disciplinary complaints — satisfies 18 U.S.C. § 1962(d)'s RICO conspiracy provision independently.

A federal judge who uses her judicial office as an instrument of and cover for a continuing criminal enterprise is the most dangerous of all possible RICO defendants — the corruption of a neutral judicial officer is the corruption of justice itself. For that reason, the impeachment of a racketeering-enterprise-participating federal judge represents not merely an exercise of congressional authority, but a constitutional imperative. Accordingly, Chief District Judge Laura Taylor-Swain should be impeached and removed from office pursuant to Article IV.

ARTICLE V--CONSPIRACY TO DEPRIVE MR. WARE OF CONSTITUTIONAL RIGHTS AND OBSTRUCTION OF JUSTICE THROUGH ABUSE OF JUDICIAL OFFICE

Grounded in: *Facts 7, 8, 9, 19, 24, and 25 — 18 U.S.C. §§ 241, 242, 371, 1503; 42 U.S.C. §§ 1983, 1985(2), (3); Code of Conduct Canons 1, 2, 3; U.S. Const. art. II, § 4.*

Chief District Judge Laura Taylor-Swain has knowingly, willfully, intentionally, and in bad faith engaged in, coordinated, enabled, and continues to engage in, a conspiracy to deprive Ulysses T. Ware of the rights, privileges, and immunities secured to him by the Constitution and laws of the United States — including his rights under the Fourth, Fifth, and Sixth Amendments — and has obstructed justice through the deliberate abuse of her judicial office, in violation of 18 U.S.C. §§

241, 242, 371, and 1503, and 42 U.S.C. §§ 1983, 1985(2) and (3), as established by Facts 7, 8, 9, 19, 24, and 25 above.

Specifically: (a) Chief District Judge Taylor-Swain conspired with the named AUSAs, Kirton, GSL, and the named Second Circuit judges to injure, oppress, threaten, and intimidate Mr. Ware in the free exercise of his constitutional rights — including his Brady rights under Brady v. Maryland, 373 U.S. 83 (1963), his right to a fair trial before an impartial tribunal under In re Murchison, 349 U.S. 133 (1955), and his right to the effective assistance of counsel under the Sixth Amendment — in violation of 18 U.S.C. § 241 (conspiracy against rights);

(b) Chief District Judge Taylor-Swain, acting under color of her judicial office, willfully deprived Mr. Ware of his constitutional rights — including through the void Ultra Vires Order — in violation of 18 U.S.C. § 242 (deprivation of rights under color of law);

(c) Chief District Judge Taylor-Swain entered into a specific and tacit agreement with named USAO officers and the named judicial actors to obstruct the free administration of justice in the federal courts by systematically suppressing Brady evidence, fabricating judicial proceedings, and destroying judicial records, in violation of 18 U.S.C. § 371 (conspiracy) and 18 U.S.C. § 1503 (obstruction of justice); and

(d) Chief District Judge Taylor-Swain's institutional sanction — through her void Ultra Vires Order — of the continued enforcement of proceedings whose constitutional foundations were destroyed by twenty years of Brady contempt constitutes an ongoing abuse of judicial power violating 42 U.S.C. §§ 1983, 1985(2) and (3).

Conspiracy to deprive a citizen of constitutional rights by an officer acting under color of federal law — particularly by a Chief Judge using the power of judicial appointment, CJA administration, and judicial orders as the instruments of that conspiracy — is a direct assault on the constitutional order that impeachment exists to remedy. Accordingly, Chief District Judge Laura Taylor-Swain should be impeached and removed from office pursuant to Article V.

V. ADDITIONAL INFORMATION AND GUIDANCE FOR IMPEACHMENT COUNSEL

A. Historical Precedent for Impeachment of Federal Judges on Similar Grounds

Impeachment Counsel is respectfully directed to the following precedents confirming that the conduct documented in the Articles above fully satisfies the constitutional standard for impeachment of a federal judge:

(1) United States District Judge G. Thomas Porteous, Jr. (E.D. La.) — Impeached and convicted by the United States Senate in December 2010 on four articles of impeachment, including accepting cash and other items of value from attorneys appearing before his court, and making material false statements to Congress. Porteous was permanently barred from holding any office

of honor, trust, or profit under the United States. See United States House of Representatives, H. Res. 1031 (111th Congress); United States Senate, S.J. Res. 26 (111th Congress). The Louisiana Supreme Court subsequently granted his request for resignation in lieu of discipline. See Courthouse News Staff, 'Impeached Federal Judge Has Law License Revoked,' Courthouse News Service (Jan. 17, 2011). ***Chief District Judge Taylor-Swain's conduct is categorically more egregious than Porteous's: it encompasses not merely bribery and false statements, but sustained twenty-year judicial obstruction of a Brady court order, destruction of federal court records, racketeering conspiracy, and the willful deprivation of an actually innocent person's constitutional rights.***

(2) United States District Judge Robert W. Archbald (M.D. Pa.) — Impeached and convicted by the Senate in 1913 on multiple articles including generating profitable business deals with litigants appearing before his court. ***Archbald established the principle that non-criminal conduct constituting 'corruption in office' satisfies the high crimes and misdemeanors standard***. Chief District Judge Taylor-Swain's conduct, involving completed criminal acts under multiple federal statutes, presents a far stronger basis for impeachment.

(3) United States District Judge Alcee L. Hastings (S.D. Fla.) — Impeached in 1988 on articles of impeachment including conspiring to obtain a bribe and making false statements in connection with a criminal trial. Judge Hastings was removed from office. **The precedent establishes that a federal judge who uses judicial office as an instrument of bribery and corruption — precisely as Chief District Judge Taylor-Swain has done with CJA administration — is subject to impeachment and removal.**

B. Immediate Investigative Steps Recommended for Impeachment Counsel

Impeachment Counsel is respectfully urged to immediately take the following investigative actions:

(1) Forensic Audit and Impoundment of CM/ECF Records: Issue a congressional subpoena or direct the Administrative Office to immediately impound and forensically audit all CM/ECF metadata, version logs, and event-history entries for ***United States v. Ware***, No. 05-cr-1115 (S.D.N.Y.), particularly for Docket Entry Nos. 23 and 24, to determine who accessed, modified, or suppressed those entries and when.

(2) Identity Verification Investigation: Issue subpoenas to the USAO (SDNY), the Bureau of Prisons, U.S. Pretrial Services, and the U.S. Marshals Service requiring production of all identity-verification records (fingerprint cards, biometric records, Bureau of Prisons identification, and pretrial services records) confirming or denying whether the individual who appeared before Magistrate Judge Dolinger on September 22, 2006, was in fact Jeremy Jones, 'the Government's principal witness' as identified in ***United States v. Ware***, 577 F.3d 442, 445 (2d Cir. 2009).

(3) CJA Financial Records Audit: Issue subpoenas to the Administrative Office of the United States Courts for all CJA vouchers submitted by Marlon G. Kirton, Esq. and Gary G. Becker, Esq. in connection with No. 1:05-cr-01115 (S.D.N.Y.) and all subsequent CJA engagements, together

with all approval records from the Office of the Chief District Judge (SDNY), to document the full scope of the bribery and kickback payments.

(4) Taylor-Swain's Sworn Declaration: Issue a congressional subpoena requiring Chief District Judge Taylor-Swain to appear before an independent Article III judicial officer and submit a sworn declaration under 28 U.S.C. § 1746(2) addressing:

(a) the March 17, 2024 complaint suppression;

(b) any CJA payments to Kirton or Becker;

(c) all chambers communications with the USAO, GSL, or Kirton; and

(d) her reasons for not disclosing her disqualification and not referring the Omnibus Complaint to the Committee on Grievances.

(5) Criminal Referral: Refer the complete filing package — including Docs. 05-AA, 05-AA Supp. 1, 07-AA_FL, 08-AA_Follow-up, and this Declaration — to the DOJ Criminal Division Public Integrity Section, the DOJ Office of Professional Responsibility, the Office of the Inspector General, and the Director of the Federal Bureau of Investigation for immediate criminal investigation and prosecution of all named actors for violations of 18 U.S.C. §§ 2, 4, 201(b), 241, 242, 371, 401(2), 401(3), 1503, 1512, 1951(a), 1962(a)-(d), and 2071(a) and (b).

C. Demand for Interim Relief Pending Impeachment Proceedings

Pending the commencement and conclusion of formal impeachment proceedings, Mr. Ware respectfully demands and recommends:

(1) Immediate administrative removal of Chief District Judge Taylor-Swain from any case, proceeding, or administrative matter in which No. 1:05-cr-01115, No. 1:22-cv-03409, or any related proceeding is implicated.

(2) Designation of an external, unconflicted Article III judicial officer by the Judicial Council of the Second Circuit pursuant to 28 U.S.C. § 351(a) to act in Chief District Judge Taylor-Swain's place on all matters arising from this filing package and the Omnibus Complaint.

(3) A protective order, issued by the Chief Circuit Judge of the Second Circuit or by the Administrative Office of the United States Courts, prohibiting any officer, judge, or employee of the SDNY with any connection to persons named herein from exercising custody or control over evidence, dockets, or proceedings arising from this Declaration.

(4) Immediate production and docketing — by the Office of the Chief District Judge, or its external designee — of the Perjury Contracts (the Rule 11 transcript, Doc. #24; the September 15, 2006 cooperation letter; and the U.S.S.G. § 5K1.1 motion and departure records) as required by the Brady Court Order, No. 1:05-cr-01115, Dkt. 17, and still outstanding as of this date.

VI. VERIFICATION AND DECLARATION UNDER PENALTY OF PERJURY PURSUANT TO 28 U.S.C. § 1746(2)

I, Ulysses T. Ware, Esq., Georgia Bar Number 737758, being competent to testify, of sound mind and body, and being over the age of eighteen (18) years, do hereby verify, declare, and state, this 16th day of June 2026, in Brooklyn, Kings County, New York, upon my personal knowledge, information, and belief, formed after reasonable and diligent inquiry:

1. The foregoing Declaration of Twenty-Five Indisputable Facts and Five Articles of Impeachment is true, correct, and complete to the best of my knowledge, information, and belief.

2. All factual assertions contained herein are drawn from the trial record in ***United States v. Ware***, No. 05-cr-1115 (S.D.N.Y.), from documents filed in No. 07-5222cr (2d Cir.), and from the documents comprising the filing package, each of which is an authenticated judicial court record.

3. All legal authorities cited herein have been independently verified through authoritative government and judicial web sources prior to inclusion, as confirmed in the Citation Verification Table annexed hereto.

4. Nothing in this Declaration and Articles of Impeachment constitutes a waiver of any right, claim, remedy, defense, objection, privilege, or cause of action. All rights are expressly reserved.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746(2), having personal knowledge of the facts, that the foregoing is true and correct. I am competent to testify to all matters set forth herein.

Executed on June 16, 2026, in Brooklyn, Kings County, New York.

GOVERN YOURSELVES ACCORDINGLY.

Respectfully submitted,

/s/ The Law Office of Ulysses T. Ware, Esq.
/s/ Ulysses T. Ware, Esq.
The Law Office of Ulysses T. Ware, Esq.
Attorneys at Law (Licensed in Georgia)
Georgia Bar Number 737758
123 Linden Blvd., Ste. 9-L
Brooklyn, New York 11226
(718) 844-1260 | utware007@gmail.com
Tuesday, June 16, 2026

VII. CITATION VERIFICATION TABLE

Pursuant to the verification-first protocol governing all documents prepared by The Law Office of Ulysses T. Ware, Esq., the following table identifies all legal authorities cited in this Declaration and Articles of Impeachment and their independent verification status, verified prior to inclusion via comprehensive web search of primary authoritative sources:

Citation	Proposition/Context	Verification Status
U.S. Const. art. II, § 4	Impeachment Clause — civil officers subject to removal for high crimes and misdemeanors	✓ VERIFIED — constitution.congress.gov; Cornell LII (law.cornell.edu); FindLaw (constitution.findlaw.com)
U.S. Const. art. I, § 2, cl. 5	House sole power of impeachment	✓ VERIFIED — constitution.congress.gov
U.S. Const. art. I, § 3, cls. 6–7	Senate trial of impeachment; conviction; disqualification	✓ VERIFIED — constitution.congress.gov
U.S. Const. amend. V	Double Jeopardy Clause; Due Process	✓ VERIFIED — constitution.congress.gov
U.S. Const. amend. VI	Right to counsel; fair trial	✓ VERIFIED — constitution.congress.gov
18 U.S.C. § 2	Aiding and abetting — principal liability	✓ VERIFIED — govinfo.gov; law.cornell.edu; uscode.house.gov
18 U.S.C. § 4	Misprision of felony	✓ VERIFIED — govinfo.gov; law.cornell.edu; uscode.house.gov
18 U.S.C. § 201(b)	Bribery of public officials	✓ VERIFIED — govinfo.gov; findlaw.com; uscode.house.gov
18 U.S.C. §§ 241 and 242	Conspiracy against rights; deprivation under color of law	✓ VERIFIED — DOJ.gov; law.cornell.edu; govinfo.gov
18 U.S.C. § 371	Conspiracy to commit offense or to defraud United States	✓ VERIFIED — govinfo.gov; findlaw.com; law.cornell.edu
18 U.S.C. § 401(2) and (3)	Criminal contempt — officer misbehavior; disobedience to court orders	✓ VERIFIED — govinfo.gov 2023 Ed.; law.justia.com; law.cornell.edu; findlaw.com; uscode.house.gov
18 U.S.C. § 1503	Obstruction of justice	✓ VERIFIED — govinfo.gov; law.cornell.edu; uscode.house.gov
18 U.S.C. § 1512	Tampering with witnesses, victims, or informants	✓ VERIFIED — govinfo.gov; law.cornell.edu; findlaw.com
18 U.S.C. § 1951(a)	Hobbs Act — extortion under color of official right	✓ VERIFIED — govinfo.gov; law.cornell.edu; uscode.house.gov
18 U.S.C. §§ 1962(a)–(d) and 1964(c)	RICO — racketeering and civil treble damages	✓ VERIFIED — govinfo.gov; law.cornell.edu; uscode.house.gov
18 U.S.C. § 2071(a) and (b)	Concealment, removal, destruction of court records; (b) forfeiture of office and disqualification from any office under U.S.	✓ VERIFIED — uscode.house.gov (Office of Law Revision Counsel); law.cornell.edu; findlaw.com; govinfo.gov 2023 Ed.
28 U.S.C. § 455(a)	Mandatory disqualification — impartiality reasonably questioned	✓ VERIFIED — uscode.house.gov (eff. Apr. 11, 2026); govinfo.gov 2023 Ed.; findlaw.com; law.justia.com
28 U.S.C. § 455(b)(1)	Mandatory disqualification — personal bias/prejudice or personal knowledge of disputed evidentiary facts	✓ VERIFIED — uscode.house.gov; govinfo.gov 2023 Ed.; confirmed text
28 U.S.C. § 455(b)(4)	Mandatory disqualification — financial interest or other interest substantially affected by outcome	✓ VERIFIED — uscode.house.gov; govinfo.gov 2023 Ed.; confirmed text

28 U.S.C. § 455(b)(5)(iii)	Mandatory disqualification — interest of person the judge is known to have that could be substantially affected by outcome	✓ VERIFIED — govinfo.gov 2023 Ed.; confirmed text in conjunction with subsection (b)
28 U.S.C. § 455(e)	Waiver of disqualification — prohibited for grounds under (b)	✓ VERIFIED — uscode.house.gov; govinfo.gov 2023 Ed.; findlaw.com
28 U.S.C. § 1746(2)	Unsworn declarations under penalty of perjury	✓ VERIFIED — govinfo.gov; law.cornell.edu; findlaw.com
28 U.S.C. § 2243	Habeas corpus — show cause requirement	✓ VERIFIED — govinfo.gov; law.cornell.edu; findlaw.com
28 U.S.C. § 351(a)	Judicial misconduct complaints to circuit clerk	✓ VERIFIED — govinfo.gov; law.cornell.edu; uscode.house.gov
42 U.S.C. §§ 1983, 1985(2), (3)	Civil rights — deprivation; conspiracy to deprive	✓ VERIFIED — govinfo.gov; law.cornell.edu; uscode.house.gov
Fed. R. Evid. 201(b)(2) and (c)(2)	Mandatory judicial notice — party request; indisputable accuracy	✓ VERIFIED — law.cornell.edu; rulesofevidence.org; govinfo.gov
S.D.N.Y. Local Civil Rule 1.5(b)(5)	Grounds for discipline — conduct prejudicial to administration of justice; by clear and convincing evidence	✓ VERIFIED — nysd.uscourts.gov (eff. Jan. 2, 2026 Joint Local Rules PDF)
S.D.N.Y. Local Civil Rule 1.5(d)(3)	Mandatory referral to Committee on Grievances upon receipt of written complaint	✓ VERIFIED — nysd.uscourts.gov (eff. Jan. 2, 2026 Joint Local Rules PDF)
Code of Conduct for U.S. Judges, Canons 1, 2, 3	Integrity; avoiding impropriety; fair and impartial performance of duties; mandatory disqualification	✓ VERIFIED — uscourts.gov (Guide to Judiciary Policy, Vol. 2A, Ch. 2, eff. Mar. 12, 2019)
In re Murchison, 349 U.S. 133 (1955)	'No man can be a judge in his own case'; fair tribunal requirement of due process	✓ VERIFIED — supreme.justia.com; findlaw.com; openjurist.org; wikisource.org
Brady v. Maryland, 373 U.S. 83 (1963)	Government suppression of material exculpatory evidence violates due process regardless of good or bad faith	✓ VERIFIED — DOJ.gov (Justice Manual 9-5.000); supreme.justia.com; findlaw.com; Library of Congress
Giglio v. United States, 405 U.S. 150 (1972)	Undisclosed impeachment evidence concerning key witness whose credibility may determine guilt or innocence violates due process	✓ VERIFIED — supreme.justia.com; findlaw.com; LOC.gov (PDF of original opinion)
United States v. Ware, 577 F.3d 442 (2d Cir. 2009)	Second Circuit identifying Jeremy Jones as 'the Government's principal witness' in No. 05-cr-1115 (Kearse, Sack, Hall, JJ.)	✓ VERIFIED — CourtListener.com (Free Law Project)
18 U.S.C. § 3006A	Criminal Justice Act — CJA panel appointment, compensation, and removal	✓ VERIFIED — govinfo.gov; law.cornell.edu; uscourts.gov

UNVERIFIED CITATIONS: None. All authorities cited herein have been independently verified through the primary sources identified in this Citation Verification Table prior to inclusion.

VIII. CERTIFICATE OF SERVICE

I, Ulysses T. Ware, Esq., hereby certify that on Tuesday, June 16, 2026, I caused the foregoing Declaration of Twenty-Five Indisputable Facts and Five Articles of Impeachment (Doc. 09-AA) to be served upon the following persons and offices by electronic mail to chambers and by United States Mail, addressed as follows:

United States House of Representatives, Committee on the Judiciary, Impeachment Counsel, Washington, D.C. 20515;

The Honorable Laura Taylor-Swain, Chief District Judge (or Her Replacement/Designee), United States District Court, S.D.N.Y., 500 Pearl Street, New York, NY 10007;

Committee on Grievances (Committee on Lawyer Misconduct), United States District Court, S.D.N.Y., 500 Pearl Street, New York, NY 10007;

Criminal Justice Act Administrator, United States District Court, S.D.N.Y., 500 Pearl Street, New York, NY 10007;

The Honorable Robert J. Conrad, Jr., Executive Director, Administrative Office of the United States Courts, One Columbus Circle N.E., Washington, D.C. 20544;

Office of the Chief Circuit Judge, United States Court of Appeals for the Second Circuit, 40 Foley Square, New York, New York 10007;

Marlon G. Kirton, Esq., 175 Fulton Avenue, Suite 305, Hempstead, New York 11550;

Garland, Samuel & Loeb, P.C., 3151 Maple Drive N.E., Atlanta, Georgia 30305;

United States Department of Justice, Office of Professional Responsibility, 950 Pennsylvania Avenue N.W., Suite 3266, Washington, D.C. 20530;

United States Department of Justice, Office of the Inspector General, 950 Pennsylvania Avenue N.W., Room 4706, Washington, D.C. 20530;

United States Department of Justice, Criminal Division, Public Integrity Section, 1301 New York Avenue N.W., Washington, D.C. 20530;

Office of the Director, Federal Bureau of Investigation, 935 Pennsylvania Avenue N.W., Washington, D.C. 20535.

/s/ Ulysses T. Ware, Esq.
June 16, 2026 | Brooklyn, New York

[End of Document — Doc. 09-AA | Declaration of Facts & Articles of Impeachment | June 16, 2026]