

Burmaster Immunity Will Be Denied with a KSA 21-5907 Affirmation

Judicial immunity at the second founding will never be extended to protect by immunity, a judicial member who intentionally commits a misdemeanor crime



07916697724

Done

Case 2:23-cv-02471-JWB-TJJ Document 40 Filed 12/09/23 Page 1 of 6

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MATTHEW ESCALANTE
Plaintiff

Case No. 2:23-CV02471

vs
PAUL WILL BURMASTER
Defendant

UNITED STATES OF AMERICA
Interested Party

PLAINTIFF'S FATHERS MEMORANDUM OF LAW IN OPPOSITION TO
DEFENDANT JUDGE'S MOTION TO DISMISS BECAUSE A CRIME IS SHOWING

Plaintiff, MATTHEW ESCALANTE, by and through his own counsel hereby respectfully submit this Memorandum of Law, as the Defendant has filed a dispositive motion. Doc 37 allows the Plaintiff to give proper response. Plaintiff submits this Memorandum of Law together with the accompanying affidavits and the exhibits thereto, in opposition to Defendants' motion to dismiss Plaintiffs' Complaints, for the Defendant's failure to state claim Pursuant Rule 12 (b)(6) Defendant Burmaster has failed to state a claim upon which relief can be granted in his request for dismissal. Plaintiff asks opportunity to exercise Doc 37, instruction of submission for Motion to Leave to Amend Complaint as directed by Hon. Broomes in forthcoming. As Defendant Hon. Paul Burmaster has a few facts showing, that have removed his merit and judicial immunity. Plaintiff shows unto the Court:

1. The Defendants Motion to Dismiss (Doc 38) and Memorandum in Support of Motion (Doc 39) are meritless. Defendant states many things but he has not listed one critical fact of Immunity.
2. The Defendant's Questions on Page 3 are misguided on the documents answer. The answer is No, the Plaintiff's case of Escalante v Burmaster should not be dismissed. Reason being lies in the fact that is not displayed by the Defendant when he speaks of judicial immunity. Though true of, Judges have immunity from civil suits for actions taken in their judicial capacity.
3. Except what Defendant Burmasters is steering away from in Doc 38 and Doc 39 is it fails to mention that district judges do NOT have immunity for crimes committed in their judicial capacity because by no stretch can a crime be considered in their judicial capacity.
4. In the Defendant's offered exhibit A, B and C in Doc 39, and combined with the Plaintiff's attached Exhibit D, a misdemeanor crime of KSA 21-5907 SIMULATING LEGAL PROCESS can be seen in affirmative as having been committed by the Defendant Paul William Burmaster against the Plaintiff which is also categorized as a crime affecting government functions.
5. Exhibit D, is the case record also shown in Defendant's Exhibit B. TRANSCRIPT OF HEARING Case 18CV03813. The Oct 18 2023 transcript, EXHIBIT D attached, has Page 10, Lines 6-20 show Defendant 'simulating the legal process' of pretending to be adhering to KSA 60-312 Proof of Service and KSA 60-31a07 Notice of Protection Order. See, Judge is doing this faux action of 're-serving' an Extended Order of Protection of case 22-CV03391, in bad faith in the WRONG case of 18-CV03813, which is custody case not a PFS case. KSA 21-5907 states, *Simulating Legal Process (a) Simulating*

Case 2:23-cv-02471-JWB-TJJ Document 40 Filed 12/09/23 Page 2 of 6

legal process is: 1) Distributing to another any document which simulates or purports to be, or is designed to cause others to believe it to be, a summons, petition, complaint or other legal process, with the intent to mislead the recipient and cause the recipient to take action in reliance thereon; or (b) Simulating legal process is a class A nonperson misdemeanor crime.

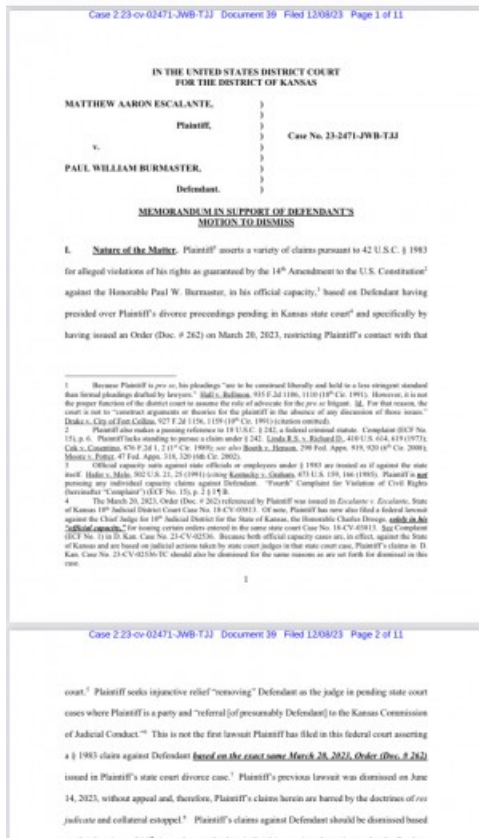
6. Defendant Paul Will Burmaster in his judicial capacity on October 18, 2023, Pages 6-20, is committing a misdemeanor crime from the Division 14 bench in that he is:

- 1) With absolute knowledge that he needs to 'fix' a deficient Extended Order of Protection from

Stalking 22CV03391 that he issued incomplete and served improperly on August 10, 2023. That

Kansas City, Kansas Dec 11, 2023 ([IssueWire.com](http://www.IssueWire.com)) - The plaintiff pro se Kansas dad, Matthew Escalante, is in the Kansas High Courts undermining a claimed lower state court conspiracy to interfere with his children and his civil rights. The latest development in the federal case of Escalante vs Burmaster is seen in cases documents #38, #39, and #40. The Kansas father is opposing the defendant Judge Paul Burmaster's motion to dismiss the case. Plaintiff Escalante has entered doc #40 with a descriptive event that transpired in the civil custody case 18-CV0381, which Burmaster presides over as district judge. Doc #40 states Judge Burmaster does not have judicial immunity protections in this high-profile federal case because it's said that the defendant judge has committed a misdemeanor crime. Matthew alleges that Judge Burmaster knowingly issued and served a deficient extended order of protection against Matthew on August 10, 2023. Matthew argues that Judge Burmaster was simulating the legal process of a protection order on October 18, 2023, while in the wrong numbered case, the wrong type of case, and without any jurisdiction as this Oct 18, would constitute no legal effect. Escalante references two state statutes KSA 60-312 proof of service and KSA 60-31a07 as intentionally duped by the judge to fool the court into thinking and believing that a deficient protective order was just fixed. The judge shows in the marked exhibit D transcript, of trying to re-serve a protective order in a different numbered civil custody case hearing instead of properly serving it in the protection from stalking case. Matthew asserts that Judge Burmaster's actions constitute the crime of 'simulating legal process' under Kansas law. KSA 21-5709 is a real thing, the law states any person cannot act with court records, or documents in an attempt to make a party believe that a legal condition or order is being executed to cause an effect on someone. Judicial immunity doctrines have become more tightly wound in the last 100 years. Ur one thing that has never changed is if a judge commits a crime, no judicial scope ever extends to protect a judge who commits a crime. Judge Burmaster shows on October 18, 2023 committed a crime when he faked a PFS re-ordering, in the wrong case and to no legal effect just to suppress, and oppress to plaintiff's father who is Whistleblowing in the courts. The case should not be dismissed. Matthew requests the opportunity to amend his complaint to include a specific claim under the Federal Civil Rights Act against Judge Burmaster.

McGarity's and Palettas of Kansas are special friends to the minor children affected by judge misconduct. And our editors, speaking on behalf of the father, extend much gratitude to those families for their generosity.



1:20

All Inboxes Activity in C...

U.S. District Court
DISTRICT OF KANSAS

Notice of Electronic Filing

The following transaction was entered by Goheen, Gregory on 12/8/2023 at 7:10 PM CST and filed on 12/8/2023

Case Name: Escalante v. Burmaster
Case Number: [2:23-cv-02471-JWB-TJJ](#)
Filer: Paul William Burmaster
Document Number: [39](#)

Docket Text:
MEMORANDUM IN SUPPORT OF [38] MOTION to Dismiss by Defendant Paul William Burmaster (Attachments: # (1) Exhibit A, # (2) Exhibit B, # (3) Exhibit C)(Goheen, Gregory)

2:23-cv-02471-JWB-TJJ Notice has been electronically mailed to:

Christopher Allman
Chris.Allman@usdoj.gov,
CaseView.ECF@usdoj.gov,
rita.reilly@usdoj.gov,
timothy.m.evans@usdoj.gov,
USAKS.ECFKCCIV@USDOJ.GOV

1:21

All Inboxes Activity in C...

U.S. District Court
DISTRICT OF KANSAS

Notice of Electronic Filing

The following transaction was entered on 12/9/2023 at 5:01 AM CST and filed on 12/9/2023

Case Name: Escalante v. Burmaster
Case Number: [2:23-cv-02471-JWB-TJJ](#)
Filer: Matthew Aaron Escalante
Document Number: [40](#)

Docket Text:
MEMORANDUM IN OPPOSITION by Plaintiff Matthew Aaron Escalante re [38] MOTION to Dismiss PLAINTIFF FATHERS MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANT JUDGE'S MOTION TO DISMISS BECAUSE A CRIME IS SHOWING (Attachments: # (1) Defendants Exhibit B, # (2) Defendants Exhibit C, # (3) Plaintiffs Exhibit D 10-18-23 Case Record Transcript 18CV03813, # (4) Plaintiff's Exhibit E 08-10-23 Insufficient Order)(Escalante, Matthew)

2:23-cv-02471-JWB-TJJ Notice has been electronically mailed to:

Christopher Allman

Media Contact

JudicialWatch Inc.

riversidemediamongols@gmail.com

Source : JudicialWatch Inc.

[See on IssueWire](#)