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Pro Se Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TIMOTHY ROTE,

Plaintiff,

vs.

COMMITTEE ON JUDICIAL CONDUCT
AND DISABILITY OF THE JUDICIAL
CONFERENCE OF THE UNITED STATES,
UNITED STATES DEPARTMENT OF
JUSTICE, OREGON JUDICIAL
DEPARTMENT, OREGON STATE BAR and
PROFESSIONAL LIABILITY FUND,
COLORADO JUDICIAL DEPARTMENT,
THE HON. ROBERT KUGLER, THE HON.
MICHAEL MOSMAN, THE HON. PAUL
PAPAK, THE HON. ELIZABETH
WEISHAUPL, THE HON. ROBERT
HERNDON, THE HON. JAMES EGAN, THE
HON. BILLY WILLIAMS (in his official
capacity as U.S. Attorney and chief law official
in Oregon), THE HON. MARCO
HERNANDEZ, THE HON. KATHIE STEELE,
CAROL BERNICK (in her official capacity as
CEO of the OSBPLF), NANCY WALKER and
JOHN DOES (1-5), *et al.*,

Defendants.

Case No.: 3:19-CV-01988

MOTION FOR LEAVE TO FILE THIRD
AMENDED COMPLAINT

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiff respectfully moves the Court for leave to file the attached Third Amended Complaint.

Rule 15 provides that “a party may amend its pleading [with] the court’s leave” and that “[t]he court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2).

Plaintiff moves to file the Amended Complaint within the time permitted by the Court in the scheduling order (Doc. 82). Allowing Plaintiffs to file the Amended Complaint would serve justice and promote judicial efficiency. Further, there would be no substantial or undue prejudice, bad faith, undue delay, or futility.

Plaintiff seeks to remove the Defendants he has agreed to dismiss heretofore and has reflected that in the caption and parties section of the complaint.

Through the third amended complaint, Plaintiff has added addition violations by other members of the judicial community, in particular Deschutes County Judge Alison Emerson who was caught taking a bribe to assist Zweizig and his legal team in taking property before alleging and prosecuting a fraudulent transfer action.

Moreover, Plaintiff seeks to remove the original Fourth Claim (IV) for USC 2201 and 2202 Declaratory and Equitable relief and other references in the original Complaint pertaining to civil penalties in order to clarify further that Plaintiff do not seek such relief. Indeed, Plaintiff remains focused on obtaining equitable monetary relief in this matter, including restitution of property taken unlawfully.

Through this amended complaint Plaintiff seeks to replace the now former Fourth Claim for Relief with a Bivens Action, consistent with the findings of this Court in prior rulings. Within

the Fourth Claim, Plaintiff confirms that Nancy Walker modified the official transcript of the 3:15-cv-2401 trial consistent with the ongoing requests for bias by Zweizig and added the identified criminal conduct which aided and abetted in the distribution of child pornography, cybercrime and credit card laundering—all the current illegal activities of Zweizig.

For all these reasons Plaintiff respectfully request that the Court grant Plaintiff's leave to file the attached Third Amended Complaint, provided herein as Attachment 1. A comparison of the Second and Third Amended Complaints are provided herein as Attachment 2, showing in redline the revisions made to the Third Amended Complaint.

Dated: February 28, 2022

s/ Timothy C. Rote _____

Timothy C. Rote

Pro Se Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2022, I filed the foregoing with the Clerk of the Court which will send notification of such filing to the following:

ALL COUNSEL REGISTERED

and I hereby certify that I have also emailed the document to the following participants while my motion for ECF is pending:

Joseph.arellano@foster.com
nathaniel.aggrey@doj.state.or.us
jared.hager@usdoj.gov

and sent by first class mail to:

COLORADO JUDICIAL BRANCH
THE HON. ELIZABETH WEISHAUP
STATE COURT ADMINISTRATORS OFFICE
1300 BROADWAY N., SUITE 1200
DENVER, COLORADO 80203

s/ Timothy C. Rote
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