William T. Walsh Clerk of Court

United States District Court of New Jersey

Mitchell H. Cohen Building & U.S. Courthouse

4th & Cooper Streets, Room 1050

Camden, New Jersey 08101

RECEIVED

JAN 18 2012

AT 8:30 M

WILLIAM T. WALSH

CLERK

January 18, 2012

Earl D. Hickson

719 B Kentucky Avenue

Atlantic City, New Jersey, 08401

Plaintiff, Pro-Se

AND

Markland K. Grant

1920 Union Street Apt. 4D

Brooklyn, NY 11233

Plaintiff, Pro-Se

Re: Filing of Motion for Recusal of Judges within the United States District Court for the District of New Jersey, Camden.

Dear Clerk of the Court:

Enclosed please find the need documents for Earl Hickson's and Markland Grant's Motion for Recusal of the Judges in civil action 1:11-cv-06304. The enclosures include the following:

I. One (1) original of the 10 page, "Declaration of Bias and Prejudice & Motion for Recusal" marked as "ORIGINAL."

II. One (1) copy of 24 page Brief in Support of Recusal Motion marked "ORIGINAL."

III. One (1) copy for the Judge, of the10 page, "Declaration of Bias and Prejudice & Motion for Recusal."

IV. One (1) copy for the Judge, of the Brief in Support of Recusal Motion, marked "Judge Copy."

The plaintiffs also respectfully request that the clerk stamp as filed the copies of the same presented by the plaintiffs for their records. And the plaintiffs further request that the clerk provide plaintiffs with twelve (12) U.S. Marshal 285 forms, so that they may request service upon the defendants that have failed to WAIVE SERVICE OF SUMMONS, pursuant to FRCVP 4 (d) (2).

For reasons these plaintiffs cannot determine said U.S. Marshal 285 forms were not forwarded with the approval of the plaintiffs IFP status confirmation. Hence in accordance with Franklin v. State of Or., State Welfare Division, 662 F. 2d 1337, 1341, which holds: "*A district court may dismiss an action on its own motion for failure to state a claim, but only after the court takes the proper procedural steps. Dodd v. Spokane County, 393 F.2d 330, 334 (9th Cir. 1968). The court must permit issuance and service of process as required by Fed.R.Civ.P. 4(a) and the court must notify the plaintiff of the proposed action and afford him an opportunity to submit written argument in opposition. Id. at 334. In addition, the court must give a statement of the reasons for dismissal, and an opportunity to amend unless the complaint is clearly deficient. Potter v. McCall, 433 F.2d 1087, 1088 (9th Cir. 1970); Worley v. California Dept. of Corrections, 432 F.2d 769 (9th Cir. 1970). In this case, the court followed all the procedural steps except issuance and service of process under Fed.R.Civ.P. 4(a). A literal reading of Fed.R.Civ.P. 4(a) supports the proposition that a summons must be issued before a dismissal for failure to state a claim: Upon the filing of the complaint the clerk shall forthwith issue a summons and deliver it for service to the marshal or to a person specially appointed to serve it.*"

We respectfully make the above request, and pray that further resistance to deny us equal access to this court does not continue.

Respectfully Submitted,

Dated: _____

/S/Earl D. Hickson and /S/Markland K. Grant, Pro se
Earl D. Hickson, and Markland K. Grant, Pro-Se