

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

<b>IN RE:</b>	)	<b>IN BANKRUPTCY</b>
	)	
<b>AMY KINSELLA</b>	)	<b>CASE NO. 01-71054</b>
	)	
<b>DEBTOR</b>	)	<b>CHAPTER 7</b>
	)	

**MOTION TO VACATE VOID ORDER  
ISSUED IN VIOLATION OF THE CONSTITUTION**

NOW COMES the Debtor, Amy Kinsella, and incorporating her “**MEMORANDUM OF LAW ON THE COURT'S DUTY TOWARDS NON-REPRESENTED LITIGANTS**”, filed separately, moves this Court to vacate the void order issued on April 8, 2003, an order which violates the U.S. Constitution.

The Supreme Law of the Land holds that:

"Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities. They are not voidable, but simply **VOID, AND THIS EVEN PRIOR TO REVERSAL.**" [Emphasis added]. **Valley v. Northern Fire & Marine Ins. Co.**, 254 U.S. 348, 41 S.Ct. 116 (1920).

The U.S. Supreme Court has repeatedly held that no judge has authority to violate the Supreme Law of the Land.

The Supreme Law of the Land applies to all judges, Federal and state. **Kalb v. Feuerstein**, 308 U.S. 433, 60 S.Ct. 343, 346 (1940) ("the supreme law of the land which all courts - State and Federal - must observe.")

On April 8, 2003, Judge Manuel Barbosa issued an order [Exhibit A] which is repugnant to the U.S. Constitution. On issuance of that order, Judge Manuel Barbosa violated Article VI, clause 3, of the Constitution and the First Amendment of the Constitution, depriving him of any lawful authority to act as a judge.

Where a judge has a duty, he has no discretion, **Osborn v. Bank of the United States, et al.**, 9 Wheat. (22 U.S.) 738, 866, 6 L.Ed. 204 (1824), **Littleton v. Berbling**, 468 F.2d 389, 412 (7th Cir.

1972), to support the U.S. Constitution. [Article VI, clause 3, U.S. Constitution]. The First Amendment of the U.S. Constitution guarantees me the Right to Petition the Court for Redress, also known as access to the courts. The April 8, 2003 order violated my First Amendment Right to access the courts for Redress.

Courts have held that, to pass Constitutional muster, access to the courts must include the following elements: an adequate, complete, effective, fair, full, impartial, meaningful, and timely access to the court. [Memorandum of Law on the Court's Duty Towards Non-represented Litigants]. By issuing the April 8, 2003 order, Judge Barbosa violated his duty to support the Constitution, ousted himself from any lawful authority to act further in this case, acted not in a judicial capacity but acted in his person.

Further, by issuing such an order, Judge Barbosa has also violated the element of impartiality, that is a First Amendment Constitutional requirement of all judges.

A Bankruptcy Court is a court of limited jurisdiction. Its jurisdiction does not extend to overrule the Supreme Law of the Land.

Since this court issued the April 8, 2003 void order sua sponte, it can sua sponte vacate the same void order.

The April 8, 2003 order is **void ab initio**.

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Amy L. Kinsella

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