

**IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF _____**

_____	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. _____
	:	Judge _____
_____	:	
	:	
Defendant.	:	

**MOTION *IN LIMINE* TO HAVE PROSPECTIVE JURORS BEING PAID
BY THE FEDERAL GOVERNMENT EXCUSED FOR CAUSE**

_____ asks the Court to excuse for cause prospective jurors with financial ties to the federal government. Such persons suffer from an inherent conflict of interest that renders them incapable of being reliably impartial.

If this case involved a debt-related action between _____ and Sears there would be no question that Sears workers or investors would be excused from the jury for cause. This situation is precisely analogous, with the United States in the position of Sears.

Here, the underlying issue is a United States effort to assert a claim to _____'s money (or that _____ owes money to the United States, if you prefer). Prospective jurors with a financial tie to the United States are inherently conflicted and cannot be reliably expected to be impartial.

In light of the foregoing, and the further points and authorities in the brief below, _____ respectfully asks that the Court question each prospective juror to ascertain any financial connection whatsoever to the federal government, whether directly or through grants to states or other intervening entities, and pre-emptively excuses for cause any prospective jurors so connected.

Concurrence was sought from the attorneys for the United States and was refused.

Respectfully submitted this __th day of _____, 201__

**IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF _____**

_____	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. _____
	:	Judge _____
_____	:	
	:	
Defendant.	:	

**BRIEF IN SUPPORT OF MOTION *IN LIMINE* TO HAVE PROSPECTIVE
JURORS BEING PAID BY THE FEDERAL GOVERNMENT EXCUSED
FOR CAUSE**

1. A financial relationship with the federal government is an inherent conflict of interest making impartiality manifestly and irremediably unreliable

Prospective jurors with financial ties to the federal government suffer from an inherent conflict of interest in this case. This conflict of interests renders persons so situated incapable of being reliably impartial jurors.

Prospective jurors who worked for or held investments in Sears would be recognized as incapable of impartiality and removed for cause if this case involved a debt-related action between _____ and Sears. The Court's view of the issues in the case would be irrelevant; it would be recognized that the action involves the financial interests of Sears and the prospective juror as well, thus rendering inherently unreliable the prospect of true impartiality by that person. So, too, should prospective jurors with financial ties to the federal government be

recognized as incapable of impartiality in this case, and removed for cause.

Here, the underlying issue is a United States effort to assert a claim to _____'s money (or that _____ owes money to the United States, if you prefer). Prospective jurors with a financial tie to the United States are inherently conflicted and cannot be reliably expected to be impartial.

2. It is proper for the Court to dismiss prospective jurors for cause, either sua sponte or upon motion, based on merely a personal relationship with a party.

The Sixth Amendment to the United States Constitution mandates that _____ only be tried by an impartial jury. Thus:

"[I]n each case a broad discretion and duty reside in the court to see that the jury as finally selected is subject to no solid basis of objection on the score of impartiality...." *Frazier v. United States*, 335 U.S. 497, 511, 69 S.Ct. 201, 209, 93 L.Ed. 187 (1948). Accordingly, the presiding trial judge has the authority and responsibility, either sua sponte or upon counsel's motion, to dismiss prospective jurors for cause.

United States v. Torres, 128 F.3d 38 (2nd Cir., 1997)

Prospective jurors should be removed for cause on the basis of partiality, even for so simple a matter as,

[A] personal relationship with a party, witness, or attorney in the litigation, or a biased state of mind concerning a party or issue in the case. The number of prospective jurors who may be excused for cause is unlimited. 28 U.S.C. § 1870.

U.S. v. Annigoni, 96 F.3d 1132 (9th Cir., 1995) (emphasis added)

It is beyond rational dispute that a personal relationship involving a shared financial interest makes removal for cause all the more imperative.

In light of the foregoing, _____ respectfully asks that the Court question each prospective juror to ascertain any financial connection whatsoever to the federal government, whether directly or through grants to states or other intervening entities, and pre-emptively excuses for cause any prospective jurors so connected.

Respectfully submitted this ___th day of _____, 201_
