

From: Mark Burke

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To:

Rebecca Brite, Exec. Asst, Eleventh Administrative Judicial Region of Texas

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Cc:

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Serpe Andrews, PLLC: Nicole Andrews, Madison Addicks (via email)

Shannon North, Clerk for Court 234

shannon.north@hcdistrictclerk.com

Date: April 11, 2023

By email only and filed on docket

**Re: "ORDER ON RECUSAL (OBJECTION) TO PRESIDING JUDGE"
signed by Hon. Susan Brown - 2022-68307 - Mark Burke Vs. KPH
Consolidated, Inc., Et Al**

Dear Ms. Brite,

I acknowledge receipt of your email with enclosed Order, signed by Judge Brown. It is **void** for lack of jurisdiction and/or erroneous in law for the following reasons:-

At 2.48 pm this afternoon, and in response to my morning email notice advising the court that Judge Trapp's Order was void, I received the above "Order", wherein it incorrectly states I filed a motion.

FACTS

First, I never filed a motion.

Second, I never filed a Motion to Recuse. See; "Plaintiff's **Motion to Disqualify** Judge Lauren Reeder and Verified Declaration, Image No. 107121410, and Plaintiff's Verified Declaration in Support of **Motion to Disqualify** Judge Lauren Reeder Image No. 107121411.

Third, Judge Reeder's Order is labeled "ORDER SIGNED DENYING **RECUSAL OF JUDGE**, Image No. 07147127.

Fourth, the "Order" alleges; "All parties were notified of the hearing on **March 24, 2023**. The motion to "recuse" or object was filed with the clerk on **April 3, 2023, eleven days** after the notice of hearing making the objection untimely."

This is patently false. I sent a timely email notice of objection on Thursday **March 30, 2023** in strict compliance with the rules and within **seven days**, see; Tex. Gov't Code § 74.053 ("(f) For purposes of this section,

notice of an assignment may be given and **an objection to an assignment may be filed by electronic mail.**”).” Nowhere does it say filed “on the docket”, “with the court” or via “a motion”. Despite this, the void Order makes reference to an imaginary “Motion to Object”. Indeed, no “Order” was filed onto the docket by the Eleventh Administrative Judicial Region of Texas or as Presiding Judge of Harris County District Court No. 234, announcing the hearing before Judge Brown. No, on the contrary, it was sent via email as a word document, *e.g.*, electronic mail.

Furthermore, Judge Susan Brown and the Court were on notice about these facts via email correspondence I had with the officers of the court prior to either Judge Brown’s “referral” to the Supreme Court Chief Justice Hecht or Judge Trapp becoming involved.

In summary, the hasty change of course in this latest void Order is unavailing, insincere, and very alarming. I find the Court’s unyielding stance, when they are clearly misapplying the law, very disconcerting. As such, I have no doubt, it will become necessary to return to this chapter of acts unbecoming of the judiciary again in the near future.

JURISDICTION

For the reasons stated above and as provided in earlier correspondence on this matter, Judge Susan Brown is disqualified and remains so. Today’s Order by a disqualified judge is void for lack of jurisdiction and void in law.

See; *Anderson v. Port Arthur*, No. 14-09-00029-CV, at *1 (Tex. App. Sep. 21, 2010).

CONCLUSION

Less than a week ago, on April 5, Chief Justice Nathan Hecht concluded his [State of the Judiciary Speech](#) with the following words;

"The Texas Judiciary is committed to upholding the rule of law. It is committed to a court system that is fair, efficient, and just, interpreting and applying the law guided by fixed principles. And it is committed to a justice system that is accessible to all, regardless of means."

I, along with many Citizens in the State contend his statement belies the truth. However, my hope is one day, when money is removed from judicial campaigns and politics, it may come true. Until then, this is my latest response.

Sincerely,

A handwritten signature in black ink that reads "Mark Burke". The signature is written in a cursive style with a large initial "M" and a long horizontal stroke at the end.

Mark Burke
Plaintiff (Pro Se)