

Paul Andrew Mitchell, B.A., M.S., Sui Juris
c/o USMCFP #44202-086
P.O. Box 4000
Springfield 65801-4000
Missouri, USA

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

NOV 10 PM 1 30

STEPHAN HARRIS, CLERK
CHEYENNE

In Propria Persona (initially)
In Forma Pauperis (USDC/DWY)

United States District Court
Western District of Missouri
Central Division / Springfield

UNITED STATES OF AMERICA,
Plaintiff,
v.
JOSEPH RUBEN HILL et al.,
Defendants.

Case No. 2:14-CR-00027-NDF-2
aka 14-CR-27-F (USDC/DWY)

United States
ex relatione
Paul Andrew Mitchell,
Civil Cross-Plaintiff,
v.

Case No. _____

INITIAL APPLICATION FOR WRITS
IN THE NATURE OF QUO WARRANTO
AND HABEAS CORPUS:

Nancy Dell Freudenthal,
Stephan Harris,
L. Robert Murray, and
Does 1 thru 100,
Civil Cross-Defendants.

28 U.S.C. 1345, 1651, 1654, 2241, 2242;
FRCP Rules 13(b), 13(d), 81(a)(4);
18 U.S.C. 4, 1964(c), (Civil RICO);
31 U.S.C. 3730(h) (False Claims Act);
42 U.S.C. 1985, 1986.

Comes now the United States ex rel. Federal prisoner Paul Andrew Mitchell, B.A., M.S., Sui Juris, a Citizen of Washington State and Agent of the United States as Qui Tam Relator (4X) under the False Claims Act, appearing In Forma Pauperis and initially In Propria Persona (i.e. "personally" under 28 U.S.C. 1654) -- hereinafter "Relator" -- to petition this honorable Court for:

(a) priority Writs (in the nature) of Quo Warranto, requiring Nancy Dell Freudenthal, Stephan Harris, and L. Robert Murray to demonstrate by what authority(s), if any, they currently claim to occupy the Federal offices of U.S. District Judge, Clerk of Court, and Assistant United States Attorney in the District of Wyoming, respectively; and,

(b) any and all other relief which this Court deems just and proper under the circumstances which have occasioned the instant Application e.g. Habeas Corpus relief, relief from retaliatory actions and from damages caused by a pattern of racketeering activities, etc.

INCORPORATION OF EVIDENCE

Relator respectfully requests this Court to take mandatory judicial notice of USDC/DWY Docket #2:14-CR-00027-NDF-2, as presently maintained at the Federal Courthouse in Cheyenne, Wyoming, and of the attached NOTICE OF DEFAULT dated 9/12/2014, pursuant to Rule 201(c)(2) of the Federal Rules of Evidence. The latter NOTICE is hereby incorporated by reference, as if set forth fully here. See also USDC/DWY Docket #14-CR-27-F, and the LIST OF ATTACHMENTS infra, all likewise incorporated by reference as if set forth fully here.

JURISDICTION

This United States District Court for the Western District of Missouri, Central Division, has original jurisdiction of the instant matters pursuant to 18 U.S.C. 1964(c) (Civil RICO); 28 U.S.C. 2241 and 2242 (Habeas Corpus); 31 U.S.C. 3730(h) (Relief from retaliatory actions); 42 U.S.C. 1985(2) and 1985(3) (Conspiracy to interfere with civil rights); 42 U.S.C. 1986 (Action for neglect to prevent conspiracy); and, ancillary jurisdiction pursuant to 28 U.S.C. 1651, to issue prerogative writs in the nature of quo warranto, in order to prevent the continued exercise of authority unlawfully asserted; see *Johnson v. Manhattan*, 289 U.S. 479 (1933), and *Ryder v. United States* infra. See also Rules 13(b), 13(d) and 81(a)(4) of the Federal Rules of Civil Procedure ("FRCP") re: quo warranto and habeas corpus.

STANDING

The United States has standing as Plaintiff pursuant to 28 U.S.C. 1345 and 1651 supra; 18 U.S.C. 1964(c) (Civil RICO); and, 31 U.S.C. 3729 et seq. (False Claims Act): see *United States ex rel. Madden v. General Dynamics Corp.*, 4 F.3d 827 (9th Cir. 1993) (qui tam relator is most properly classified as an agent of the United States, not an officer of the United States).

SUMMARY OF PROBABLE CAUSES

In addition to the latter NOTICE OF DEFAULT, said USDC/DWY Docket now contains verified factual evidence calling for the following conclusions of law, to wit:

- (1) L. Robert Murray lacks the second OATH OF OFFICE expressly required by 28 U.S.C. 544 and Article VI, Clause 3 in the U.S. Constitution ("6:3");
- (2) Mr. Murray lacks power of attorney legally to represent the "UNITED STATES OF AMERICA" as such before Federal courts: see 28 U.S.C. 530B, 547, 1345, 1346, 1746(1) in particular;
- (3) Mr. Murray is not an "authorized assistant" hence not a lawful "attorney for the government" as the latter terms occur at FRCrP Rules 1, 6 and 7 (definitions, who can be present, who can sign);
- (4) Stephan Harris has twice failed or refused to disclose valid U.S. Office of Personnel Management ("OPM") Standard Form 61 ("SF-61") APPOINTMENT AFFIDAVITS expressly required by 5 U.S.C. 2104, 2903, 2906, 3331, 3332, 3333, 5507, and 6:3; see also 18 U.S.C. 1519;
- (5) Mr. Harris has also failed or refused to disclose the second OATH OF OFFICE expressly required of Clerks and Deputy Clerks of Court by 28 U.S.C. 951, and 6:3;
- (6) Nancy Dell Freudenthal lacks the mandatory SENATE CONFIRMATION expressly required by 5 U.S.C. 2902(c), and by either the Appointments Clause ("2:2:2") or the Recess Appointments Clause ("2:2:3") in the U.S. Constitution (see details in the attached NOTICE OF DEFAULT and APPLICATION FOR DISQUALIFICATIONS);

- (7) Ms. Freudenthal's PRESIDENTIAL COMMISSION is incomplete, due at least to known defects in the SF-61 executed by one Eric Holder, Jr.;
- (8) Ms. Freudenthal's own SF-61 appears to be a counterfeit form because:
- (a) it lacks a valid OMB control number required by the Paperwork Reduction Act ("PRA"): 44 U.S.C. 3501 et seq.;
 - (b) it lacks the paragraph citing 5 U.S.C. 2903 (Authority to administer); and,
 - (c) as of January 1, 2014, OPM has failed to apply for periodic OMB review and approval of the electronic SF-61 published at www.opm.gov, as required by 5 CFR 1320.5, the Federal Regulation implementing the PRA: 44 U.S.C. 3501 et seq.

PARTIAL SUMMARY OF CONSEQUENTIAL DAMAGES

Relator has been maliciously prosecuted, wrongly incarcerated continuously since 1/28/2014, and damaged extensively by an organized conspiracy, perpetrated by at least a dozen named suspects now formally charged in several VERIFIED CRIMINAL COMPLAINTs, ON INFORMATION ("VCC").

The latter VCCs were duly filed -- to satisfy legal obligations imposed by 18 U.S.C. 4 -- in the USDC/DWY Docket records supra, formally charging multiple violations of Federal statutes including but not limited to 18 U.S.C. 241, 242, 1513, 1519, 1962(d), 42 U.S.C. 1985 (Conspiracy to interfere with civil rights) and 42 U.S.C. 1986 (Neglect to prevent conspiracy). See also 44 U.S.C. 3512 here (PRA's Public Protection Clause).

REMEDIES REQUESTED

- (1) Writs in the nature of Quo Warranto served without delay upon Nancy Dell Freudenthal, L. Robert Murray and Stephan Harris, care of the USDC in Cheyenne, Wyoming, USA:
- (2) Orders dismissing with prejudice the alleged "indictment" and "superseding indictment" as to Relator; see all MOTIONS TO DISMISS and all SUPPLEMENTS in the USDC/DWY Docket records;
- (3) Order releasing Relator to unfettered liberty without any further delays; see 28 U.S.C. 2242;
- (4) Order appointing a competent and qualified CJA lawyer to prosecute indigent Relator's several cross-complaints as previously filed in the USDC/DWY Docket records supra; see 18 U.S.C. 1964, 42 U.S.C. 1985 and 1986;
- (5) Referral of the entire USDC/DWY Docket records supra to a lawfully convened Federal Grand Jury within the Western District of Missouri, and supervised by this Court;
- (6) Partial payment of ten thousand U.S. Dollars (\$10,000 USD) to commence Relator's rehabilitation i.e. food, shelter, clothing, payable by the Office of the U.S. Attorney, District of Wyoming, to the client trust account of the CJA lawyer duly appointed by this honorable Court;
- (7) Order directing the U.S. Marshals Service to expedite Relator's safe passage to Seattle, Washington State, USA: and,
- (8) any and all other relief which this Court deems just and proper under the several circumstances which have occasioned the instant INITIAL APPLICATION e.g. Habeas Corpus relief, relief from retaliatory actions, triple damages etc.

PRELIMINARY APPLICATION FOR WRIT
IN THE NATURE OF HABEAS CORPUS: 28 U.S.C. 2242

Relator Paul Andrew Mitchell is the proper Person for whom the requested Writ of Habeas Corpus is intended.

He was unlawfully arrested on 1/28/2014 at his private apartment in Seattle, Washington State, under color of an "arrest warrant" issued by Cross-Defendant Stephan Harris in violation of 28 U.S.C. 1691 and 18 U.S.C. 1519, and signed without proper authority by Cross-Defendant Nancy Dell Freudenthal.

Relator was then transported some forty-nine (49) discrete times, and is currently in the custody of the U.S. Medical Center for Federal Prisoners ("USMCFP") in Springfield, Missouri.

The "order" allegedly authorizing "formal competency restoration procedures" [sic] at USMCFP was also signed without proper authority by Nancy Dell Freudenthal, under color of Freudenthal's claim to occupy the superior office of United States District Judge for the District of Wyoming.

Relator understands that this PRELIMINARY APPLICATION may be amended, or supplemented, as provided by the rules of procedure applicable to civil actions (cf. FRCP). See also 28 U.S.C. 2242 supra.

Relator therefore reserves his right to amend and/or supplement this APPLICATION timely.

FOUNDATION AUTHORITY

"We think that one who makes a timely challenge to the constitutional validity of the appointment of an officer who adjudicates his case is entitled to a decision on the merits of the question and whatever relief may be appropriate if a violation indeed occurred."

-- Ryder v. United States, 515 U.S. 177,
132 L.Ed.2d 136 (1995)

VERIFICATION

I, Paul Andrew Mitchell, B.A., M.S., Sui Juris, hereby verify under penalty of perjury, under the laws of the United States of America, without the "United States" (Federal government), that the above statement of facts and laws is true and correct, according to the best of my current information, knowledge and belief, so help me God, pursuant to 28 U.S.C. 1746(1). See the Supremacy Clause (the Constitution, Laws and Treaties of the United States are all the supreme Law of the Land).

Dated: 10/9/2014

Respectfully submitted,



Paul Andrew Mitchell, B.A., M.S. (chosen name) *
Relator In Forma Pauperis and initially In Propria Persona
(28 U.S.C. 1654: "personally");
Agent of the United States as Qui Tam Relator
(31 U.S.C. 3729 et seq.) (4X) **;
Qualified Federal Witness (18 U.S.C. 1513)
(see testimony on 7/10/2014 in USDC/DWY Docket)

* See Doe v. Dunning, 549 P.2d 1 (Washington State Supreme Court)
(fundamental principle and common-law right to change one's name)

** See U.S. ex rel. Madden v. General Dynamics Corp., 4 F.3d 827
(9th Cir. 1993)

RSVP / SHIP TO:

Modeleski, M.P. (given name)
USMCFP #44202-086
P.O. Box 4000
Springfield 65801-4000
Missouri, USA

Thank you very much!

Attachments: (see LIST OF ATTACHMENTS, next page)

LIST OF ATTACHMENTS

NOTICE OF DEFAULT (dated 9/12/2014)

Samples of documents bearing names and/or signatures of Nancy D. Freudenthal, L. Robert Murray and Stephan Harris, to wit (circled for emphasis):

WARRANT FOR ARREST (dated July 25, 2014)
see "Stephan Harris", "Name of Issuing Officer";
"Clerk of Court", "Title of Issuing Officer"

ORDER SEALING SUPERSEDING INDICTMENT (July 25, 2014)
see "NANCY D. FREUDENTHAL", "CHIEF UNITED STATES JUDGE";
"STEPHAN HARRIS", "CLERK", "CHEYENNE"

GOVERNMENT'S MOTION TO UNSEAL CASE (August 4, 2014)
see "L. ROBERT MURRAY", "Assistant United States Attorney"

ORDER UNSEALING SUPERSEDING INDICTMENT (August 5, 2014)
see "NANCY D. FREUDENTHAL", "CHIEF UNITED STATES JUDGE";
"STEPHAN HARRIS", "CLERK", "CHEYENNE"

EX PARTE ORDER AUTHORIZING EXPERT SERVICES AND EXPENSES
OF DR. BHUSHAN S. AGHARKAR, M.D. PSYCHIATRIST
see "NANCY D. FREUDENTHAL", "CHIEF UNITED STATES DISTRICT JUDGE";
"STEPHAN HARRIS", "CLERK", "CHEYENNE" (filed Sept. 2, 2014)

NOTICE TO COUNSELS, USA v. Hill et al. (9/20/2014)

Essay: "Clerks or Jerks? The Pivotal Duties of Federal Court Clerks"
(April 24, 2014 A.D.)

Essay: "Blowing Whistles at Hurricanes -- Marxism Meets the Big
Sky Country," by Michael Hafter (May 1, 2014 A.D.)
(2 Parts)

APPLICATION FOR DISQUALIFICATIONS: 28 USC 144 (dated 10/1/2014)

NOTICE OF DEFAULT

TO: Mr. Terry J. Harris
Harris & Harris, P.C.

DATE: 9/12/2014

CC: Unit Counselor, USMCFP/Springfield, Missouri
Docket #2:14-CR-00027-NDF-2 (USDC/DWT) aka #14-CR-27-F

Hello Mr. Harris:

As you already know, or should know by now, soon after the hearing on 6/3/2014 at USDC/Cheyenne, I submitted a proper Request under the Freedom of Information Act (5 USC 552), to U.S. DOJ's Office of Information Policy ("OIP") in Washington, D.C., for the following four (4) mandatory credentials required of one Nancy Dell Freudenthal before she could lawfully occupy the office of U.S. District Judge, to wit: (1) SENATE CONFIRMATION (5 USC 2902(c)); (2) PRESIDENTIAL COMMISSION (5 USC 2902(c)); (3) U.S. OPM Standard Form 61 ("SF-61") APPOINTMENT AFFIDAVITS (5 USC 2903, 2906, 3331, 3332, 3333, 5507; 44 USC 3501 et seq.); and, (4) OATH OF OFFICE (28 USC 453).

OIP timely replied to me in writing, while I was detained at the county jail in Gering, Nebraska. OIP's cover letter, on DOJ letterhead, confirmed that their appointment file did not contain any SENATE CONFIRMATION for Ms. Freudenthal.

Moreover, her PRESIDENTIAL COMMISSION was incomplete, due to known defects in the SF-61 executed by Mr. Eric Holder, Jr. dba U.S. Attorney General; also, her own SF-61 appeared to be a counterfeit form because it lacked a valid OMB control number at the upper right-hand corner (cf. "50-R0118"); and, there was no paragraph citing 5 USC 2903 (Authority to administer) on her SF-61. See 44 USC 3512!

I then promptly mailed OIP's cover letter and responsive documents to the P.O. Box for your law firm, Harris & Harris, P.C., in Cheyenne, Wyoming. I also timely mailed a proper FOIA Appeal to OIP, with directions for OIP to reply to that same P.O. Box.

After being moved to the Federal Transfer Center in Oklahoma City, I conducted further research into the Appointments Clause at Article II, Section 2, Clause 2, and into the Recess Appointments Clause at Article II, Section 2, Clause 3, in the U.S. Constitution.

As a result of that research, I also mailed to the same P.O. Box at least two (2) recent Circuit Court decisions on those Clauses e.g. Noel Canning v. NLRB (D.C. Cir. 2013) and U.S. v. Woodley (9th Cir.). All of the latter research confirmed the mandatory and essential nature of the SENATE CONFIRMATION requirement. Chiefly, the latter credential must follow or precede the other 3; and, the absence of a valid SENATE CONFIRMATION appears to render the other 3 invalid for having been executed withOUT the U.S. Senate's advice and consent. 5 USC 2902(c).

In my professional opinion, the holdings in Canning v. NLRB are correct.

Therefore, all of the above call for the conclusions that all acts of Nancy Dell Freudenthal in my case to date were null and void ab initio, including but not limited to the original "arrest warrant", all subsequent hearings on which she attempted to preside, and all subsequent "orders" and "rulings" signed by her, notably her attempt to appoint you legally to represent me contrary to 28 USC 1654: I have always appeared "personally" and not "by counsel". Cf. In Propria Persona.

Her missing and defective credentials have also necessarily rendered void her "orders" allegedly authorizing a second psychological evaluation at FDC/SeaTac, and a psychiatric evaluation at USMCFP/Springfield, Missouri.

Lastly, I should add that Dr. Cynthia Low, dba Forensic Psychologist at FDC/SeaTac, has now failed to answer my FOIA Request for her SF-61 APPOINTMENT AFFIDAVITS!

Copies of all the above mentioned FOIA Requests should also be in the Court's Docket records supra.

Thank you for your professional consideration.

Sincerely yours, *Paul Mitchell*

/s/ Paul Andrew Mitchell (chosen name)

Paul Andrew Mitchell, B.A., M.S., "Qui Tam" Relator
(31 USC 3729 et seq.) (4X)
BOP Reg. No. 44202-086

All Rights Reserved (cf. UCC 1-308)

United States District Court

For The District of Wyoming

UNITED STATES OF AMERICA,

WARRANT FOR ARREST

vs.

MITCHELL PAUL MODELESKI a/k/a
PAUL ANDREW MITCHELL.

CASE NUMBER: 14CR027-F

To:
The United States Marshal and any
Authorized United States Officer

- COPY - PAM

YOU ARE HEREBY COMMANDED to arrest MITCHELL PAUL MODELESKI
a/k/a PAUL ANDREW MITCHELL

and bring him or her forthwith to the nearest magistrate to answer **Indictment** charging
him or her with **Conspiracy to defraud the United States; Conspiracy to Obstruct**
Justice; Obstruction of justice and aiding and abetting in violation of **18 USC 371;**
18 USC 1512(k); 18 USC 1512(b)(2)(A) and (2).

Stephen Harris
Name of Issuing Officer

Clerk of Court
Title of Issuing Officer

Signature of Issuing Officer

July 25, 2014, Casper, WY
Date and Location

By Deputy Clerk

Bail fixed at \$25,000 OR

By: Scott W. Skavdahl

United States District Judge

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

"VSA"
PAM

PAM

not legible
PAM

PAM

PAM

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2014 JUL 25 PM 3 27
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH RUBEN HILL, MITCHELL
PAUL MODELESKI, aka Paul Andrew
Mitchell, LUCILLE KATHLEEN HILL,
LAWRENCE KEVIN PAILLE,
STEPHANIE LENORE MACIEL, and
GLORIA JEAN REEDER,

Defendants.

STEPHAN HARRIS, CLERK
CHEYENNE

Case No. 14-CR-27-F

- COPY - PAK

"USA"
PAK

PAK

ORDER SEALING SUPERSEDING INDICTMENT

Upon motion of the United States to seal the superseding indictment returned against the Defendants, Joseph Ruben Hill, Mitchell Paul Modeleski, aka Paul Andrew Mitchell, Lucille Kathleen Hill, Lawrence Kevin Paille, Stephanie Lenore Maciel, and Gloria Jean Reader;

IT IS HEREBY ORDERED, pursuant to Rule 6(e)(4), Fed. R. Crim. P., that the superseding indictment be sealed until such time as the Defendants named above have been arrested.

DATED this 25th day of July, 2014.

BY THE COURT:

Nancy D. Freudenthal
NANCY D. FREUDENTHAL
CHIEF UNITED STATES JUDGE [sic]
UNITED STATES DISTRICT COURT

PAK

PAH

L. Robert Murray
Assistant United States Attorney
District of Wyoming

P.O. Box 668
Cheyenne, WY 82001
(307) 772-2124
robert.murray@usdoj.gov
Wyoming State Bar No. 5-2874

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

'USA'
PAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 14-CR-27-F

JOSEPH RUBEN HILL,
MITCHELL PAUL MODELESKI, aka
Paul Andrew Mitchell, LUCILLE
KATHLEEN HILL, LAWRENCE KEVIN
PAILLE, STEPHANIE LENORE
MACIEL, and GLORIA JEAN REEDER,

Defendants.

- COPY - PAH

GOVERNMENT'S MOTION TO UNSEAL CASE

The United States informs the court the defendants have been arrested or provided notice of their initial appearance in the captioned case and therefore respectfully moves for an order unsealing the superseding indictment.

DATED this 4th day of August, 2014.

Respectfully submitted,

CHRISTOPHER A. CROFTS
United States Attorney

By: /s/ L. Robert Murray
L. ROBERT MURRAY
Assistant United States Attorney

PAH

IN THE UNITED STATES DISTRICT COURT FILED
U.S. DISTRICT COURT
FOR THE DISTRICT OF WYOMING DISTRICT OF WYOMING

2014 AUG 5 AM 11 55

"USA"
PAH

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

JOSEPH RUBEN HILL,)

MITCHELL PAUL MODELESKI, aka)

Paul Andrew Mitchell, LUCILLE)

KATHLEEN HILL, LAWRENCE KEVIN)

PAILLE, STEPHANIE LENORE)

MACIEL, and GLORIA JEAN REEDER,)

Defendants.)

STEPHAN HARRIS, CLERK
CHEYENNE

PAH

Criminal No. 14-CR-27-F


- COPY - PAH

ORDER UNSEALING SUPERSEDING INDICTMENT

This matter is before the Court on the Government's motion to unseal the Superseding Indictment. The Court has reviewed the motion and is fully informed in the premises.

IT IS ORDERED that the Government's motion is GRANTED. The Superseding Indictment shall be unsealed.

DATED this 5 day of August, 2014.


NANCY D. FREUDENTHAL
CHIEF UNITED STATES JUDGE [sic]

PAH

IN THE UNITED STATES DISTRICT COURT
U.S. DISTRICT COURT
DISTRICT OF WYOMING
FOR THE DISTRICT OF WYOMING

014 SEP 2 PM 2 04

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MITCHELL PAUL MODELESKI, aka
Paul Andrew Mitchell,

Defendant.

STEPHAN HARRIS, CLERK
CHEYENNE

Case No: 14-CR-027-F


- COPY - PAK

**EX PARTE ORDER AUTHORIZING EXPERT SERVICES AND EXPENSES OF
DR. BHUSHAN S. AGHARKAR, M.D. PSYCHIATRIST**

This matter is before the Court on Defendant's Motion to Authorize Expert Services and Expenses of Dr. Bhushan S. Agharkar, M.D. Psychiatrist. The Court has reviewed the motion and is fully informed in the premises.

IT IS ORDERED that Defendant's Motion is GRANTED. Defendant may employ Dr. Agharkar's services at a rate of \$300.00 per hour for a total of 30 hours, plus reasonable travel expenses, to review documents and evaluate Defendant. Defendant may not exceed this amount without prior authorization from the Court.

Dated this 3 day of September, 2014.


NANCY D. FREUDENTHAL
CHIEF UNITED STATES DISTRICT JUDGE

TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SPG-G-P

FROM: 44202086
TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry
SUBJECT: Notice to Counsels: USA v. Hill et al.
DATE: 09/20/2014 12:08:56 PM

- COPY -

Greetings Ladies and Gentlemen:

I am writing to you for the primary purpose of making each of you aware of certain laws and facts which may not, and probably won't, come to your attention by any other means.

As you may already know, I have continued to reserve all Rights (cf. UCC 1-308), with emphasis on all of my Fundamental Rights, and to appear In Propria Persona i.e. "personally" under 28 USC 1654. Cf. "In Propria Persona" in Black's Law Dictionary, Sixth Edition, particularly where that definition addresses the issue of Court jurisdiction.

I have now survived two (2) Faretta hearings -- one in Seattle and one in Cheyenne. The hearing on 3/21/2014 in Cheyenne was noteworthy for repeated attempts by one Nancy Dell Freudenthal ("NDF") to change my mind about formal legal representation: I reserved my right to change my mind, and I continued to proceed In Propria Persona.

The other noteworthy event at that 3/21/2014 hearing was NDF's obvious attempt to characterize the credential investigation as some kind of "pathological obsession". A transcript should show that I opposed her vain attempt, and I actually succeeded in eliciting a spoken apology from NDF.

For reasons like the latter, I have properly demanded her immediate recusal, but she stubbornly refuses to do so.

The case law I have studied requires recusal even if there is the mere appearance of bias. I believe that your several clients are, therefore, now at serious risk of continuing bias and prejudice by NDF, and by her several accomplices, in our case(s) -- chiefly Stephan Harris and L. Robert Murray.

More to the merits of our Fundamental Rights, DOJ's Office of Information Policy ("OIP") promptly replied to my proper FOIA Request while I was being detained unlawfully in Gering, Nebraska. OIP's timely reply contained a cover letter, and responsive documents, calling for the following logical conclusions of law:

(1) no SENATE CONFIRMATION required of NDF by 5 USC 2902(c), and by either 2:2:2 or 2:2:3 in the

- 1 of 4 -

TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SPG-G-P

U.S. Constitution (Article:Section:Clause);

(2) incomplete PRESIDENTIAL COMMISSION also required of NDF by 5 USC 2902(c), and by either 2:2:2 or 2:2:3, due in part to defective U.S. OPM Standard Form 61 ("SF-61") APPOINTMENT AFFIDAVITS for one Eric Holder, Jr.; see also 44 USC 3512 here;

(3) NDF's SF-61 is also a counterfeit form because:

(a) it lacks a valid OMB control number at the upper right-hand corner, as required by 44 USC 3501 et seq.; (cf. OMB control number 50-R0118 i.e. five zero dash R zero one one eight);

(b) it lacks the paragraph citing 5 USC 2903 (Authority to administer); and,

(c) the electronic SF-61 published at www.opm.gov was not reviewed or approved by OMB as required by 5 CFR 1320.5, the Federal Regulation implementing the Paperwork Reduction Act ("PRA"): again, see 44 USC 3512;

Under the Appointments Clause at 2:2:2, a SENATE CONFIRMATION must precede the other 3 credentials required of all U.S. District Judges.

Under the Recess Appointments Clause at 2:2:3, a SENATE CONFIRMATION must issue during the next ensuing Senate session i.e. after those other 3 credentials.

Accordingly, I have recently requested the law firm of Harris & Harris, P.C., to confirm the exact dates of NDF's alleged appointment, and of the vacancy she claimed to fill. To date, Harris & Harris, P.C., have not disclosed those exact dates to me.

Nevertheless, it is not likely that she was initially appointed as "Chief Judge"; and, enough time has now elapsed to compel a conclusion that NDF surely needed a SENATE CONFIRMATION under one or the other option: 2:2:2 or 2:2:3. See also the definition of "officer" at 5 USC 2104, 3332 and 5507.

FK

The legal (and moral) consequences of NDF's missing and defective credentials are quite far-reaching e.g. by necessarily rendering null and void:

(a) all her "orders" and "rulings" to date;

(b) all hearings on which she attempted to preside; and,

(c) the original "arrest warrant" executed upon my Person on 1/28/2014.

As such, the USDC/DWY lacked jurisdiction in personam (over my proper Person) ab initio (at least beginning 1/28/2014).

TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SPG-G-P

Moreover, NDF's attempt to appoint Mr. Terry J. Harris as my formal legal representative was also void ab initio, for the very same reasons.

At another hearing on 7/10/2014, I again appeared under protest and In Propria Persona; and, I gave at least 2 hours of testimony under direct examination by Terry J. Harris -- chiefly because no one else was qualified, or prepared, to conduct such a direct examination of me.

You should also be informed, via filed Docket records, that several other Federal personnel have also failed or refused to disclose their mandatory credentials e.g. see RELATOR'S FIFTH VERIFIED CRIMINAL COMPLAINT, ON INFORMATION ("VCC"), and all other VCCs previously filed in the Docket records, in timely compliance with 18 USC 4 (misprision of felony).

Notably, Dr. Cynthia A. Low has now failed or refused to answer my proper FOIA Request for her own SF-61. My first attempt to address that Request to the "Disclosure Officer" at FDC/SeaTac was returned by the U.S. Postal Service with the annotation "no such addressee" (or words to that effect).

For that reason, I promptly re-mailed that FOIA Request directly to Dr. Low, but no reply has been forthcoming from her, nor from any of her superiors nor anyone else at FDC/SeaTac.

I also wish to take this opportunity to make you aware that I have now authored approximately 30 CONFIDENTIAL Journal entries consisting of 50+ pages; and, I mailed all of those Journal entries to Harris & Harris, P.C.

Please accept this communication as my formal authorization for all defense counsel to obtain photocopies of all such handwritten Journal entries.

I wrote those Journal entries also to focus the attention of each defense Counsel on the key issues (e.g. the heart of the matter), and to prevent invasions of my privacy Rights that would otherwise result from what are often described as "fishing expeditions" -- assembling enormous quantities of questionable and irrelevant data, at great and unnecessary expense to government treasuries (e.g. 20,000 pages and still counting).

Kindly allow me briefly to demonstrate to you why it is not appropriate or necessary to label my case as "complex": Stephan Harris has refused to produce any valid credentials, in blatant violation of 18 USC 1519 (a felony). Therefore, he could not have signed or sealed any subpoena(s) issued by any Federal grand jury(s); he could not have selected or summoned any Federal grand jury(s); and,

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he could not have delegated any authority(s) to any subordinate deputy clerk(s) whatsoever.


See my essay "Clerks or Jerks? The Pivotal Duties of Federal Court Clerks" for further pertinent details.

In my professional opinion, any and all efforts to expand the scope of my case beyond those simple issues is a direct and blatant violation of FRCrP Rule 2; and, those efforts also constitute probable cause that barratry has already occurred, and continues to occur even as I write this.

(Barratry is an offense similar to "churning" by a stock broker i.e. for purposes of maximizing fee generation; "Esquire" is an office under the Crown of England. Cf. Bouvier's Law Dictionary (1856).)

If any of you need further clarification of any points made above, please consult the relevant Docket entries first, then reply via email to my trusted legal assistant <lsaccato@gmail.com> who will forward your terse reply(s) to me at his earliest convenience (no email attachments, please).

Thank you for your professional consideration.

Sincerely yours, 
/s/ Paul Andrew Mitchell, B.A., M.S. (chosen name)
Private Attorney General, Civil RICO: 18 USC 1964,
Rotella v. Wood, 528 U.S. 549 (2000)
(objectives of Civil RICO);
Agent of the United States as Qui Tam Relator,
False Claims Act: 31 USC 3729 et seq. (4X)

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TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SPG-G-P

FROM: 44202086
TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry
SUBJECT: new essay: "Clerks or Jerks?"
DATE: 04/25/2014 11:33:01 AM

"Clerks or Jerks? The Pivotal Duties of Federal Court Clerks"

by

Paul Andrew Mitchell, B.A., M.S.
Private Attorney General, 18 U.S.C. 1964, Rotella v. Wood

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April 24, 2014 A.D.

The credential investigation, as we call it, became an ongoing effort in late August 2001. At that time, this writer filed a complex copyright lawsuit in Sacramento, California, USA. Although Clerk's Office personnel were definitely on our radar, we did not take that opportunity to delve too deeply into the various legal duties that are imposed by law upon Clerks and Deputy Clerks of Federal Courts. Our plates were quite full with subpoenas to defense attorneys for their (missing) licenses, and FOIA requests for the credentials required of Federal Judges and Magistrates.

As the credential investigation expanded and matured during a period spanning more than a decade after 2001, our focus slowly but surely shifted to the pivotal role of Federal Court Clerks in almost every activity and function performed by those Courts. This shift was driven chiefly by the Federal statute at 28 U.S.C. 1691, which requires a Clerk's authorized signature -and- the Court's official seal on ALL "process" issued by the Court.

That term -- "process" -- covers just about anything and everything a Federal Court might contemplate doing, such as subpoenas, orders, writs, warrants, summonses, judgments, injunctions, and so on. Section 1691 was first enacted on June 25, 1948, and it has never been amended, to this day.

On closer examination of relevant case law which has accumulated under Section 1691 during the 65 years it has been law, we were encouraged to find standing decisions which held that its 2 simple requirements are also jurisdictional in nature: a Federal Court is deprived of jurisdiction in personam if it attempts to issue any summons, subpoena, writ or warrant that does not clearly satisfy those 2 requirements.

It was not too long before we were compelled to consider the legal implications that arise whenever Clerk's Office personnel neglect or refuse to produce evidence of their own credentials. For Clerks and Deputy Clerks of Court, those credentials include the U.S. Office of Personnel Management Standard Form 61 ("SF-61"), and the second OATH required of all Clerks and Deputy Clerks by 28 U.S.C. 951 (duties).

The latter term -- "duties" -- was then our immediate motivation to consider the broader range of tasks which are necessarily tainted, and thereby rendered void, whenever Clerks and Deputy Clerks of Court

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fail to maintain legal custody of their own valid SF-61 credentials. That motivation was boosted by the statute at 5 U.S.C. 2906, which expressly designates the "court" -- NOT the Administrative Office of the U.S. Courts in Washington, D.C. -- as the legal custodian of all SF-61s required of all Court officers, no exceptions.

This line of reasoning ended up leading us to two primary and unavoidable conclusions:

- (1) Clerks and Deputy Clerks must have legal custody of their own SF-61 credentials, because maintaining all such records is one of their stated duties; and,
- (2) a Federal Court is effectively rendered totally impotent, insofar as there are no personnel in the Clerk's Office who are duly authorized to satisfy the 2 clear requirements of Section 1691.

Lacking required credentials that are also maintained in their legal custody, all of the latter interlopers -- i.e. impostors -- are not only barred from signing any Court process; they are also barred from ever handling the Court's official embossing seal, and from affixing that official seal to any Court process whatsoever.

Those are not the only duties imposed by law upon Clerks and Deputy Clerks of Court. A deeper search then revealed a much larger range of their official duties. For example, Federal Clerks of Court also:

- (a) select and summon juries;
- (b) maintain custody of all Court records;
- (c) execute and preserve their own SF-61 credentials;
- (d) execute and preserve the second OATH required by 28 U.S.C. 951;
- (e) hire and delegate authority to Deputies;
- (f) transmit and archive electronic documents via email and the Internet;
- (g) handle all monies deposited with the Court;
- (h) supervise all "back office" administrative operations; and so on.

(L) →

administering oaths (28 USC 953)

If some Deputy Clerks lack valid credentials, it is very likely that SOME of those duties are being performed without any lawful authority. In contrast, if the person claiming to be the Clerk of Court lacks valid credentials, then ALL of those duties are being performed without any lawful authority.

PM

The latter conclusion necessarily follows from the fact that no superior Clerk authority(s) can be delegated to any subordinate Deputy Clerk(s), if the person claiming to be the Clerk of Court also lacks valid credentials: delegation of authority is rendered legally impossible whenever the latter condition is true.

As long as the Office of Clerk of Court is legally vacant, there is no authority and no responsibility to delegate, period!

The absence of valid credentials also implicates the suspects in acts and omissions that warrant criminal penalties. The most obvious offenses are concealing records in violation of 18 U.S.C. 1519, and impersonating officers of the United States in violation of 18 U.S.C. 912.

Other offenses necessarily follow as direct consequences of

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impersonation and concealing records. For example, a myriad of RICO "predicate acts" are also probable, in violation of 18 U.S.C. 1962, as are deprivations of the Oath of Office Clause in the U.S. Constitution, in violation of 18 U.S.C. 242 (a misdemeanor), and conspiracy to do so in violation of 18 U.S.C. 241 (a felony Federal offense). *PM*

A simple example will serve to illustrate how quickly the "rap sheet" expands. A Clerk of Court may announce a job opening by publishing a portable document on the Internet. That announcement uses standard letterhead which displays the name and title of the person claiming to be "Clerk of Court," but s/he lacks valid credentials as a matter of fact.

Whenever someone views that computer file, its transmission or "download" via the Internet implicates the impostor/clerk in felony wire fraud, in violation of 18 U.S.C. 1343. Transmission of that document via U.S. Mail also implicates the impostor/clerk in felony mail fraud, in violation of 18 U.S.C. 1341. And so it goes, further implicating a seemingly endless series of other RICO predicate acts itemized at 18 U.S.C. 1961 e.g. jury tampering, obstruction of justice etc.

When their negligence to prevent and failure to remedy these crimes also touch other key officers, like Federal Judges and U.S. Attorneys, it is no exaggeration to allege and report the existence of an ongoing conspiracy to engage in a pattern of racketeering activities, in violation of 18 U.S.C. 1962(d). Only two (2) RICO predicate acts during any given 10-year period qualify as a pattern of racketeering activities. See 18 U.S.C. 1961(5). Here, see also 18 U.S.C. 4 (misprision of felony). *PM*

In plain English, such a Federal courthouse is thus harboring an organized crime racket that is expressly prohibited by the Federal RICO laws.

In conclusion, the rapid "domino effect" of so many RICO predicate acts should alarm even casual observers of this ongoing pattern of racketeering activities. All the more so are active litigants in great jeopardy of being victimized, and substantially damaged, by the manifold frauds those activities cause.

One of the most disturbing aspects of this entire crisis is the widespread failures by licensed defense Counsels to investigate diligently the pertinent laws and relevant facts, and to take all steps necessary and appropriate to protect their legal clients from the obvious actual and consequential damages.

After all, licensed attorneys are also "officers of the Court," and they are likewise bound to support and defend the Oath of Office Clause at Article VI, Clause 3, in the U.S. Constitution to the same extent as all other Federal officers and employees. Here see 4 U.S.C. 101 (re: judicial officers of a State):

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would

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abrogate them." -- Miranda v. Arizona

With all sincerity, we look forward anxiously to the day when this entire mess is thoroughly addressed and finally fixed. At a minimum, all confirmed impostors need to be removed and replaced with personnel who will honor and obey all laws which specifically apply to the Offices of Clerk and Deputy Clerk of Court.

#

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FROM: 44202086
TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry
SUBJECT: "Blowing Whistles at Hurricanes" (1 of 2)
DATE: 05/02/2014 07:51:56 PM

"Blowing Whistles at Hurricanes --
Marxism Meets the Big Sky Country"

by

Michael Hafter
Freelance Journalist

May 1, 2014 A.D.

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"Strong winds either propel your ship
or break your mast -- choose one."
-- Anonymous

Category One: The Gathering Storm

Some federal court cases are quickly forgotten, because they start small and stay small. Some start big and wither. A few start small and gather steam, like hurricanes over warm deep waters and lightning over humid plains.

An easily forgotten criminal case was filed in Cheyenne, Wyoming, last January, which portends more than a few legal storms before the rain stops and calm seas return.

A pair of IRS agents have been on a steady rampage covering several western States, apparently on orders from headquarters to enforce the deliberate targeting of conservative groups across the land. This scandal has been reported widely, both on and off the Internet for months. Google "Lois Lerner"

A Congressional committee has lately recommended DOJ to commence a criminal investigation of IRS official Lois Lerner for lying about the scandal during her testimony to that committee.

For Paul Andrew Mitchell, a popular court activist and Private Attorney General since 1992, the storm clouds appeared suddenly one day last June 2013 when these same 2 IRS agents presented him with what they thought was a valid "warrant" to search his private Seattle apartment, and seize his papers and computers.

Mitchell promptly pointed out the reasons why that "warrant" was not valid: the visible names identified 2 personnel of the U.S. District Court in Seattle who have consciously failed to produce any credentials. One claims to be the Clerk of that Court, and the other claims to be a Magistrate seated on that Court.

Mitchell first encountered the former as a "deputy clerk" circa 1996, when Mitchell volunteered to search for 2,500 missing children who had allegedly disappeared into Child Protective Services in Tucson, Arizona. During that search, Mitchell received several warnings and

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a few threats of serious bodily injury to himself and to his family; and, in 1997 his mother died of unexplained causes. Her remains were promptly cremated without an autopsy. He was told when she died and where she died, but no one has been able to tell him how she died.

Mitchell walked briskly to the USDC downtown, where he was met by the Deputy U.S. Marshal assigned to Mitchell, in his capacity as an eyewitness to literally hundreds of missing and defective credentials for personnel employed by the Federal Judiciary.

For private clients and for himself, Mitchell has been engaged in this "credential investigation" at least since late August 2001, when his complex copyright lawsuit was launched in Sacramento, California, against 129 named defendants. One of those defendants was Mitchell's graduate school alma mater, U.C. Irvine, where he earned his M.S. degree in public administration in 1973.

He and the Deputy U.S. Marshal went directly to the Clerk's public counter of the USDC in Seattle. There a counter clerk flatly admitted, "We are not going to cooperate with you, Mr. Mitchell!" Meanwhile, the search "warrant" was being executed on the basis of lies told to his landlord, to his neighbors, and to two officers of the Seattle Police Department.

In July 2013, two men parked illegally in the parking lot of Mitchell's apartment building and confronted him as he approached the lobby. One would not identify himself in any manner, and proceeded to intimidate Mitchell harshly for reporting to the Director of the U.S. Marshals Service in Washington, D.C., the counterfeit credentials now confirmed for the U.S. Attorney General. They would not leave even after Mitchell pointed out they needed an appointment and had none. They were trespassing. A neighbor witnessed the entire confrontation.

Later that summer, Mitchell lodged two criminal complaints against the IRS agents in their home towns -- Cheyenne, Wyoming, and Ft. Collins, Colorado -- charging both with a variety of felony federal offenses, such as witness intimidation, retaliation and racketeering across State lines.

IRS is a known extortion racket, in case you didn't already know this: their legal domicile is San Juan, Puerto RICO. (More on this PR Connection is explained below.)

Things got much worse for Mitchell last January 2014 when a fraudulent arrest "warrant" landed him in solitary confinement, where he went into temporary shock. On intake, he was falsely accused of fraud, being a "Sovereign Citizen" member (also not true), and tortured for objecting to BOP's intake forms because they lacked the OMB control numbers required by the Paperwork Reduction Act ("PRA"). (Here, see 44 USC 3512 in particular.)

The underlying "indictment" had not charged fraud, but obstruction of an "official proceeding" at the USDC in Cheyenne. That proceeding had reportedly produced 10 "subpoenas" issued to as many clients of Mitchell's Co-Defendant, Joseph Ruben Hill, by a panel of federal citizens impersonating a lawfully convened federal grand jury.

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To date, however, no grand jury transcripts have yet been produced, raising serious suspicions that no such grand jury was ever convened in the first place, certainly not a lawful one that allows State Citizens to serve too. There are two classes of citizenship in America, not one.

As implied by the false charges, the "official proceeding" was instigated by the same 2 IRS agents already named in Mitchell's verified criminal complaints. This sequence of events strongly suggested the existence of probable cause that felony retaliation by those same 2 IRS agents had occurred, with criminal intent also probable.

As further events unfolded since then, Mitchell has now been moved a total of 28 times as of January 28, 2014, all over the western States, making it nearly impossible for this defendant to research and prepare his own defense.

He has been defending himself In Propria Persona, and his "stand-by counsel" has effectively abandoned him. This left Mitchell stranded for weeks in a remote county detention center in Nebraska, with no email, no stamps, and no adequate law library resources: no U.S. Code, no Code of Federal Regulations, no law dictionaries either.

Nevertheless, and against all odds, a rather pivotal finding has now emerged from his 15+ handwritten pleadings, which a volunteer legal assistant scanned and uploaded to the Internet: the Clerk's Office personnel in Cheyenne, Wyoming, have neglected and refused to produce any credentials required of them by the Oath of Office Clause in the U.S. Constitution and by several Acts of Congress which have implemented that Clause, elevating both to the status of supreme Law of the Land throughout the USA, Wyoming included.

As revealed in Mitchell's detailed pleadings, Clerks of Federal Courts are centrally situated to render an entire Federal Court totally impotent. This conclusion is justified and even compelled by a Federal law which requires a Clerk's authorized signature -and- the Court's official seal on all "process" a Federal Court might issue -- 28 USC 1691. Even Court ORDERS!

Another Federal law designates the "court" as the legal custodian of the same Oath of Office required of all Federal personnel: the U.S. Office of Personnel Management Standard Form 61 APPOINTMENT AFFIDAVITS (abbreviated "SF-61").

It requires no rocket science to infer correctly that Clerk's Office personnel cannot sign ANY Court process, insofar as no such personnel do maintain proper legal custody of their own requisite credentials. Here, see 5 USC 2906 and 28 USC 951 (duties).

Therefore, it came as no surprise to Mitchell's Co-Defendant when the 10 so-called "subpoenas" -- bearing the name of one STEPHAN HARRIS dba Clerk of Court in Cheyenne -- miserably failed both tests: no authorized signatures or official seals -and- no SF-61 credentials were ever produced for Harris or for his subordinates Zachary Fisher and Tammy Hilliker. Their second OATH required by 28 USC 951 was also

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never produced either.

These were not isolated discoveries confined to the State of Wyoming, however. The very same defects were later confirmed in the search "warrant" issued by those 2 USDC personnel in Seattle: the "clerk" and the "magistrate".

At his fourth such meeting with Deputy U.S. Marshals assigned to that Court's judicial security department, all present agreed that Mitchell needed to update a specific factual matter: did the U.S. Office of Personnel Management ever formally apply to the Office of Management and Budget for periodic review and approval of OPM's SF-61, now published in electronic form at OPM's Internet website? YES or NO?

Mitchell promptly received official letters from OPM and OMB, both admitting, on government letterhead, that this electronic version of Standard Form 61 is a counterfeit -- it violates the PRA and that violation activates the PRA's Public Protection Clause at 44 USC 3512. Their answers were emphatically NO!

The persistence of a counterfeit Oath of Office and two other affidavits on the same electronic form at OPM's Internet website has necessarily implicated OPM's management in gross negligence and felony wire fraud.

As things stand today, nobody knows for sure just how many copies of that counterfeit form have been downloaded from OPM's website, nor how many copies have been executed by newly hired Federal government officers and employees: one thousand? ten thousand? one hundred thousand? one million? Nobody knows.

According to another Federal law at 5 USC 5507, a Federal officer cannot even get paid unless the second of three affidavits on each SF-61 is timely executed.

Moreover, a counterfeit credential means that superiors cannot delegate any authorities or responsibilities to any subordinates: the latter cannot be "authorized assistants" without lawful delegation.

Faulty delegation now hits government attorneys right between the eyes. Such DOJ personnel are fond of claiming that their second OATH, required by 28 USC 544, is not legally necessary when its language is subsumed by the first affidavit on SF-61. By signing a counterfeit SF-61, however, a reasonable inference can be made that those DOJ attorneys have turned up without ANY valid credentials whatsoever.

Making matters much worse, according to Rule 7 of the Federal Rules of Criminal Procedure, "attorneys for the government" must sign all grand jury indictments. Without signatures of DOJ attorneys who have executed valid versions of both credentials, a grand jury indictment violates Rules 6 and 7, and must be dismissed as to all defendants.

Such missing and defective credentials also mean that these same attorneys cannot even step foot into a grand jury room, with or without jurors present. In the mid-1980s, a Federal Judge in Colorado dismissed such an indictment after an SEC lawyer attempted to conduct

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a grand jury hearing without executing the second OATH for 3 weeks. In his decision, Judge Matsch wisely ruled that the SEC lawyer was NOT an assistant authorized to be present during those grand jury hearings. Bail was released and case dismissed!

The very same counterfeit credential also means that several Cabinet members cannot delegate any authorities or responsibilities either. To date, the credential investigation has confirmed fatal defects in the SF-61s executed by the Attorney General, two Treasury Secretaries, the Secretary of Labor, and the Secretary of Health and Human Services. And so it goes.

It is utterly astonishing to realize these high-level executives have been unable to devise or implement a permanent solution to minimize or prevent any further injuries from several approaching storms being stirred up by all missing and defective credentials.

The consequential damages resulting from false arrests and unlawful incarcerations alone are creating enormous financial liabilities for the United States and all of its responsible officials. As if the Federal government did not already have enough fiscal problems. Now this!

Before we forget, the 2 erstwhile IRS agents rampaging the western States also turned up with 2 more counterfeit SF-61s. Those forms are a special instance of fraud, because IRS personnel are not required by law to execute that credential in the first place.

IRS is now what was left over of "The Untouchables" like Eliot Ness, after alcohol Prohibition was finally repealed by the Twenty-First Amendment. At that time, a compromise was reached allowing the former Federal Alcohol Administration to retreat to San Juan, Puerto Rico.

[continued at (2 of 2)]

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FROM: 44202086
TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry
SUBJECT: "Blowing Whistles at Hurricanes" (2 of 2)
DATE: 05/02/2014 07:52:09 PM

[continued from (1 of 2)]

The governments of all such Federal Territories are expressly EXcluded from the definition of Federal "agency" at 5 USC 551. See also the office definitions at 27 CFR 26.11, where the Commonwealth of Puerto Rico is mentioned at least 3 times!

The U.S. Supreme Court has already admitted that IRS was never created by any known Act of Congress, but the high Court put it in a footnote, perhaps hoping that nobody would notice. We did notice.

Hurricane watchers may remember what Katrina did to Florida before it reached the Gulf of Mexico. As our story now stands, Katrina is still approaching Miami, but gusting winds are already drowning out the whistle blowers. Please stand by for further weather updates. Film at 11.

#

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FROM: 44202086
TO: Brown, Thomas; Saccato, Larry
SUBJECT: APPLICATION FOR DISQUALIFICATIONS [1 of 2]
DATE: 10/03/2014 10:20:28 AM

Docket No. 2:14-CR-00027-NDF

TO:
U.S. District Court
2120 Capitol Avenue, 2nd Floor
Cheyenne 82001
Wyoming, USA

Subject: APPLICATION FOR DISQUALIFICATIONS: 28 USC 144

Greetings Your Honor:

Comes now Paul Andrew Mitchell, B.A., M.S. ("Mitchell"), to apply for mandatory disqualifications of Nancy D. Freudenthal and possibly also Scott W. Skavdahl and Alan B. Johnson from the instant criminal case, pursuant to 28 USC 144, for good causes showing as follows:

AFFIDAVIT OF BIAS AND PREJUDICE

Notably, at the hearing on 3/21/2014, Ms. Freudenthal clearly attempted to characterize Mitchell's ongoing credential investigation as some sort of pathological obsession (or similar words to that same effect).

Mitchell promptly objected by emphasizing that the credential investigation was being performed on behalf of private clients who paid fair professional fees for that service.

The credential investigation has also been actively assisted by Federal officers in DOJ's Office of Information Policy ("OIP") and the Executive Office for U.S. Attorneys ("EOUSA") in Washington, D.C., with actual knowledge of Deputy U.S. Marshals in San Diego, Spokane and Seattle.

Such official assistance consisted mainly of timely and untimely replies and production of partial documents responsive to Mitchell's numerous Requests, properly submitted under the Freedom of Information Act ("FOIA"), 5 USC 552, in addition to in-person meetings with Deputy U.S. Marshals in San Diego and Seattle.

To date, Mitchell has had five (5) in-person meetings with one or more Deputy U.S. Marshals stationed in Seattle, and two (2) in-person meetings with Deputy U.S. Marshals stationed in San Diego.

Near the conclusion of the 3/21/2014 hearing, Freudenthal actually apologized to Mitchell for her attempt to characterize the credential investigation, and its cumulative results to date, as the obsession of someone suffering from a mental illness of some kind.

Mitchell continues to regard that attempt as defamatory, and defamation violates two (2) Human Rights Treaties -- the Universal Declaration of Human Rights and the International

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Covenant on Civil and Political Rights. (See VCC5 infra.)

Then, without Mitchell's actual knowledge, Mr. L. Robert Murray dba Assistant U.S. Attorney, commenced to file a "secret motion" -- ex parte -- for a second psychological evaluation of Mitchell at FDC/SeaTac. That ex parte motion was never timely served upon Mitchell; no notice of any hearing on that ex parte motion was ever served upon Mitchell; and, no hearing on that ex parte motion was ever conducted at which Mitchell was allowed to appear. (See Code of Conduct, Canon 3(A)(4) infra.)

Mitchell has always proceeded In Propria Persona i.e. "personally" under 28 USC 1654, notwithstanding any and all appearances to the contrary.

In point of fact, Mr. Mark Hardee as initial "standby counsel" failed completely to forward or even to mention said ex parte motion to Mitchell; and, Docket records were erroneously modified -- by person(s) unknown -- so as to list Mr. Hardee as Mitchell's formal legal "representative", directly contradicting Mitchell's decision to proceed always In Propria Persona.

Freudenthal summarily "granted" said ex parte motion, but Mitchell was not allowed to see any "order" granting that ex parte motion until after he arrived at FDC/SeaTac for a second period of detention and more solitary confinement.

In point of fact, Hardee also failed completely to forward or even to mention to Mitchell said "order" granting that ex parte motion.

Mitchell has also confirmed a Federal law which prohibits Federal Judges from engaging in the practice of law, and defines that violation as a high misdemeanor. (See 28 USC 454.)

All psychological interviews of Mitchell by one Cynthia A. Low, dba Forensic Psychologist, were conducted at FDC/SeaTac at all times withOUT the assistance of Counsel present during those interviews, and over Mitchell's multiple written objections to the total absence of Counsel, and to all missing credentials for one Stephan Harris whose name appeared in the conforming stamp displayed on Freudenthal's "order".

Relying upon information provided by the U.S. Supreme Court in Johnson v. Zerbst, 304 U.S. 458, 468 (1938), Mitchell believes the complete absence of counsel during all of Low's interviews resulted in ousting this Court of jurisdiction (cf. "jurisdictional bar", "court no longer has jurisdiction to proceed").

Mitchell has never competently and never intelligently waived his Fundamental right to meaningful technical assistance of "standby" counsel. Here, Mitchell relies upon U.S. v. Coupez, 603 F.2d 1347 (9th Cir. 1979) (re: "meaningful technical assistance"), and upon similar case law under 28 USC 1654. Near the end of the 3/21/2014 hearing, Mitchell expressly reserved his Right to change his mind about formal legal representation, and Freudenthal acknowledged same on the record.

Mitchell has previously filed a DEMAND FOR RECUSAL which expanded substantially upon the several reasons why he believes Freudenthal's bias and prejudice do warrant her immediate disqualification.

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Said DEMAND FOR RECUSAL is hereby incorporated by reference, as if set forth fully here.

(See Docket records for the particulars of that DEMAND FOR RECUSAL.)

Chiefly, while being detained unlawfully in Gering, Nebraska, Mitchell submitted a proper FOIA Request to OIP for the four (4) credentials required of Freudenthal, Skavdahl and Johnson. All three (3) of said Court personnel turned up with missing and/or defective credentials: OIP produced no SENATE CONFIRMATIONS for any of those 3 personnel, and also no APPOINTMENT AFFIDAVITS or OATH OF OFFICE for Johnson. (See 28 U.S.C. 453 and 5 USC 2104, 2902, 2903, 3331, 3332, 3333, 5507.)

Also, on information Mitchell concluded the APPOINTMENT AFFIDAVITS for Freudenthal and Skavdahl were visibly counterfeit forms; and, the PRESIDENTIAL COMMISSIONS for Freudenthal and Skavdahl were incomplete because of the visibly counterfeit APPOINTMENT AFFIDAVITS executed by one Eric Holder, Jr., formerly dba U.S. Attorney General. (See 44 USC 3512.)

Mitchell has confirmed that the Federal statute at 5 USC 2902(c) requires the U.S. Attorney General to countersign all PRESIDENTIAL COMMISSIONS of judicial officers e.g. district judges, also U.S. attorneys and U.S. marshals.

Mitchell has also diligently studied the Appointments Clause and the Recess Appointments Clause in the U.S. Constitution. He concluded therefrom that a SENATE CONFIRMATION is absolutely required of Freudenthal, Skavdahl and Johnson: the absence of that key mandatory credential also invalidates any and all other credentials, such as the PRESIDENTIAL COMMISSION, APPOINTMENT AFFIDAVITS and OATH OFFICE, chiefly because the SENATE CONFIRMATION cannot be bypassed or circumvented indefinitely.

Even for recess appointments under Article II, Section 2, Clause 3 in the U.S. Constitution ("2:2:3"), Mitchell found case law holding that the U.S. Senate's formal advice and consent must follow during the next ensuing Senate session. Here, Mitchell relies upon the decision in Noel Canning v. NLRB, 705 F.3d 490 (D.C. Cir. 2013).

Prior to his FOIA Request for her four (4) credentials, Mitchell did mail to Freudenthal a proper DEMAND for disclosing a copy of her APPOINTMENT AFFIDAVITS. A copy of that DEMAND should be filed in this Court's Docket records. Freudenthal never answered that DEMAND (see further discussion of "demand" infra).

Mitchell also believes Freudenthal suffers from a severe conflict of interest that results from her failure to exercise adequate administrative supervision of Court subordinates such as Stephan Harris, Zachary Fisher and Tammy Hilliker dba Clerk and Deputy Clerks of Court, respectively (to name a few). (See Code of Conduct, Canon 3(B) infra.) Here, Mitchell believes probable cause exists for application of the theory of vicarious liability aka "respondeat superior" in Latin (let superiors answer for the misconduct of their subordinates).

All three of the latter personnel of this Court have either failed or refused to produce their APPOINTMENT AFFIDAVITS required by 5 USC 3331 et seq., and their OATH OF OFFICE required by 28 USC 951 (duties), after receiving Mitchell's proper DEMANDs for disclosure of same.

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TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SPG-G-P

In this context, after finding it Mitchell has been relying upon a statement in 63C AmJur 2d, to wit: "The public have a right to demand that public officials perform all of their duties faithfully."

Also, by studying the FOIA, Mitchell confirmed the Federal law at 5 USC 551(1)(B) presently exempts the entire Judicial Branch from the Freedom of Information Act, thus necessitating a DEMAND instead of a proper FOIA Request for disclosure of credentials required of this Court's inferior officers i.e. magistrates, clerks and deputy clerks.

Mitchell has now formally charged Stephan Harris with concealing Court records in violation of 18 USC 1519 (a Federal felony). (See the Court Docket for that "VCC" infra, and in pari materia compare 18 USC 2071 where it mentions "custody" of court records.)

The Court is the legal custodian of all APPOINTMENT AFFIDAVITS of all Court officers, designated as such by the Federal law at 5 USC 2906 ("the court to which the office pertains"), NOT the Administrative Office of the U.S. Courts in Washington, D.C.

Mitchell sincerely believes the instant case can and should be correctly and promptly dismissed as a direct consequence of the well documented failure by Stephan Harris to produce 2 required credentials; without both credentials, neither he nor any of his subordinates can lawfully sign, or seal, any "subpoenas" issued by the Court. See 28 USCS 1691 and 28 USCA 1691 for extensive case law upon which Mitchell has often relied during the period in question.

Mitchell concluded that delegation of authority by Stephan Harris is legally impossible, as long as he cannot or will not produce proof of all credentials required of all Clerks of Court and all Deputy Clerks of Court by applicable Federal statutes and Constitutional provisions. (See 6:3, U.S. Const.)

Mitchell has also concluded that the Paperwork Reduction Act effectively created a "right to inspect" all U.S. Office of Personnel Management Standard Form 61 APPOINTMENT AFFIDAVITS for the required display of a valid OMB control number at the upper right-hand corner of page one.

Mitchell therefore believes the net effects of all these missing and defective credentials is a clear and painfully obvious violation of FRCrP Rule 2, at a minimum, in addition to many far-reaching violations of criminal statutes dutifully cited in Mitchell's several VERIFIED CRIMINAL COMPLAINTs, ON INFORMATION ("VCC"), as now filed in the Court's official Docket records in the instant case.

For the record, Rule 2 currently reads: "Interpretation. These rules are to be interpreted to provide for the just determination of every criminal proceeding, to secure simplicity in procedure and fairness in administration, and to eliminate unjustifiable expense and delay. (As amended April 29, 2002, eff. Dec. 1, 2002.)"

On information found in the Federal court decision in U.S. v. Gregory, 508 F.Supp. 1218 (USDC/SDAL 1980), Mitchell also relies now upon the following abstract of that decision, to wit: "Pursuant to Rule 2, party who objects to Court's ruling on motion to recuse should be able to obtain review of that ruling before being put to burden and expense of lengthy trial."

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To date, Mitchell has also lodged four (4) separate "Qui Tam" Complaints under the False Claims Act ("FCA") at 31 USC 3729 et seq. Each contained a PROOF OF SERVICE identifying recipients of hard copy originals transmitted by Mitchell via U.S. Mail.

Mitchell has also studied case law under the FCA which properly classifies qui tam relators as "agents of the United States" (see United States ex rel. Madden v. General Dynamics Corp., 4 F.3d 827 (9th Cir. 1993)).

As such, Mitchell believes that he is thereby entitled to all authorized awards and all protections afforded to all FCA "whistleblowers" (see 31 USC 3730(h), expressly authorizing relief from retaliation against "agents" for efforts to stop false claims against the Treasury of the United States.)

Mitchell also relies consistently upon the statute at 5 USC 5507 (a Federal officer cannot get paid before executing a valid 5 USC 3332 affidavit).

[continue at 2 of 2]

TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SPG-G-P


FROM: 44202086
TO: Brown, Thomas; Saccato, Larry
SUBJECT: APPLICATION FOR DISQUALIFICATIONS [2 of 2]
DATE: 10/03/2014 10:20:51 AM

[continued from 1 of 2]

On further information and belief, Mitchell has studied the Code of Conduct for United States Judges, and thereby inferred probable and demonstrable violations of Canons 2(A), 3(A)(4), 3(B)(1) and 3(B)(2) from all facts, laws and court decisions mentioned heretofore.

On information found in the decision of the U.S. Supreme Court in the case of U.S. v. Mason, 412 U.S. 391 (1973), Mitchell also relies upon the following text in that decision, to wit: "If the doctrine of stare decisis has any meaning at all, it requires that people in their everyday affairs be able to rely upon our [U.S. Supreme Court] decisions and not be needlessly penalized for such reliance."

On information found in the decision of the U.S. Supreme Court in the case of Miranda v. Arizona, 384 U.S. 436 (1966), Mitchell also relies upon the following principle established in that historic decision, to wit: "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."

On all information discussed heretofore, Mitchell sincerely believes that sufficient probable cause already exists to justify the conclusion that Freudenthal lacks even minimal authority to determine the legal sufficiency of this AFFIDAVIT under 28 USC 144. 

This concludes Mitchell's AFFIDAVIT OF BIAS AND PREJUDICE.

INCORPORATION OF ATTACHMENTS

Mitchell hereby incorporates by reference two Attachments: "NOTICE TO COUNSELS: USA v. Hill et al. (dated 9/20/2014)" and "NOTICE OF ERRORS by Harris & Harris, P.C. (dated 10/1/2014)" as if both were set forth fully here.

VERIFICATION / CERTIFICATE OF GOOD FAITH

I, Paul Andrew Mitchell, B.A., M.S., Sui Juris, hereby verify under penalty of perjury, under the laws of the United States of America, without the "United States" (Federal government), that the instant APPLICATION is made in good faith, and the above statement of facts and laws is true and correct, according to the best of my current information, knowledge and belief, so help me God, pursuant to 28 USC 1746(1). See Supremacy Clause (Constitution, Laws and Treaties of the United States are all the supreme Law of the Land).

Dated: 10/1/2014

Respectfully submitted,

/s/ Paul Andrew Mitchell



Paul Andrew Mitchell, B.A., M.S. (chosen name)*

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TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SPG-G-P

Private Attorney General, Civil RICO: 18 USC 1964,
Rotella v. Wood, 528 U.S. 549 (2000)
(objectives of Civil RICO);
Agent of the United States as Qui Tam Relator,
False Claims Act: 31 USC 3729 et seq. (4X)

* See Doe v. Dunning, 549 P.2d 1
(Washington State Supreme Court)

All Rights Reserved (cf. UCC 1-308)

Attachments: NOTICE TO COUNSELS: USA v. Hill et al. (dated 9/20/2014)
NOTICE OF ERRORS by Harris & Harris, P.C. (dated 10/1/2014)

Larry Saccato

From: MODELESKI MITCHELL PAUL (44202086)
Sent Date: Saturday, September 20, 2014 1:34 PM
To: lsaccato@gmail.com
Subject: Notice to Counsels: USA v. Hill et al.

Greetings Ladies and Gentlemen:

I am writing to you for the primary purpose of making each of you aware of certain laws and facts which may not, and probably won't, come to your attention by any other means.

As you may already know, I have continued to reserve all Rights (cf. UCC 1-308), with emphasis on all of my Fundamental Rights, and to appear In Propria Persona i.e. "personally" under 28 USC 1654. Cf. "In Propria Persona" in Black's Law Dictionary, Sixth Edition, particularly where that definition addresses the issue of Court jurisdiction.

I have now survived two (2) Faretta hearings -- one in Seattle and one in Cheyenne. The hearing on 3/21/2014 in Cheyenne was noteworthy for repeated attempts by one Nancy Dell Freudenthal ("NDF") to change my mind about formal legal representation: I reserved my right to change my mind, and I continued to proceed In Propria Persona.

The other noteworthy event at that 3/21/2014 hearing was NDF's obvious attempt to characterize the credential investigation as some kind of "pathological obsession". A transcript should show that I opposed her vain attempt, and I actually succeeded in eliciting a spoken apology from NDF.

For reasons like the latter, I have properly demanded her immediate recusal, but she stubbornly refuses to do so.

The case law I have studied requires recusal even if there is the mere appearance of bias. I believe that your several clients are, therefore, now at serious risk of continuing bias and prejudice by NDF, and by her several accomplices, in our case(s) -- chiefly Stephan Harris and L. Robert Murray.

More to the merits of our Fundamental Rights, DOJ's Office of Information Policy ("OIP") promptly replied to my proper FOIA Request while I was being detained unlawfully in Gering, Nebraska. OIP's timely reply contained a cover letter, and responsive documents, calling for the following logical conclusions of law:

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Larry Saccato

(1) no SENATE CONFIRMATION required of NDF by 5 USC 2902(c), and by either 2:2:2 or 2:2:3 in the U.S. Constitution (Article:Section:Clause);

(2) incomplete PRESIDENTIAL COMMISSION also required of NDF by 5 USC 2902(c), and by either 2:2:2 or 2:2:3, due in part to defective U.S. OPM Standard Form 61 ("SF-61") APPOINTMENT AFFIDAVITS for one Eric Holder, Jr.; see also 44 USC 3512 here;

(3) NDF's SF-61 is also a counterfeit form because:

(a) it lacks a valid OMB control number at the upper right-hand corner, as required by 44 USC 3501 et seq.; (cf. OMB control number 50-R0118 i.e. five zero dash R zero one one eight);

(b) it lacks the paragraph citing 5 USC 2903 (Authority to administer); and,

(c) the electronic SF-61 published at www.opm.gov was not reviewed or approved by OMB as required by 5 CFR 1320.5, the Federal Regulation implementing the Paperwork Reduction Act ("PRA"): again, see 44 USC 3512;

Under the Appointments Clause at 2:2:2, a SENATE CONFIRMATION must precede the other 3 credentials required of all U.S. District Judges.

Under the Recess Appointments Clause at 2:2:3, a SENATE CONFIRMATION must issue during the next ensuing Senate session i.e. after those other 3 credentials.

Accordingly, I have recently requested the law firm of Harris & Harris, P.C., to confirm the exact dates of NDF's alleged appointment, and of the vacancy she claimed to fill. To date, Harris & Harris, P.C., have not disclosed those exact dates to me.

Nevertheless, it is not likely that she was initially appointed at "Chief Judge"; and, enough time has now elapsed to compel a conclusion that NDF surely needed a SENATE CONFIRMATION under one or the other option: 2:2:2 or 2:2:3. See also the definition of "officer" at 5 USC 2104, 3332 and 5507.

The legal (and moral) consequences of NDF's missing and defective credentials are quite far-reaching e.g. by necessarily rendering null and void:

(a) all her "orders" and "rulings" to date;

(b) all hearings on which she attempted to preside; and,

(c) the original "arrest warrant" executed upon my Person on 1/28/2014.

As such, the USDC/DWY lacked jurisdiction in personam

- 9-09 13 -

Larry Saccato

(over my proper Person) ab initio (at least beginning 1/28/2014).

Moreover, NDF's attempt to appoint Mr. Terry J. Harris as my formal legal representative was also void ab initio, for the very same reasons.

At another hearing on 7/10/2014, I again appeared under protest and In Propria Persona; and, I gave at least 2 hours of testimony under direct examination by Terry J. Harris -- chiefly because no one else was qualified, or prepared, to conduct such a direct examination of me.

You should also be informed, via filed Docket records, that several other Federal personnel have also failed or refused to disclose their mandatory credentials e.g. see RELATOR'S FIFTH VERIFIED CRIMINAL COMPLAINT, ON INFORMATION ("VCC"), and all other VCCs previously filed in the Docket records, in timely compliance with 18 USC 4 (misprision of felony).

Notably, Dr. Cynthia A. Low has now failed or refused to answer my proper FOIA Request for her own SF-61. My first attempt to address that Request to the "Disclosure Officer" at FDC/SeaTac was returned by the U.S. Postal Service with the annotation "no such addressee" (or words to that effect).

For that reason, I promptly re-mailed that FOIA Request directly to Dr. Low, but no reply has been forthcoming from her, nor from any of her superiors nor anyone else at FDC/SeaTac.

I also wish to take this opportunity to make you aware that I have now authored approximately 30 CONFIDENTIAL Journal entries consisting of 50+ pages; and, I mailed all of those Journal entries to Harris & Harris, P.C.

Please accept this communication as my formal authorization for all defense counsel to obtain photocopies of all such handwritten Journal entries.

I wrote those Journal entries also to focus the attention of each defense Counsel on the key issues (e.g. the heart of the matter), and to prevent invasions of my privacy Rights that would otherwise result from what are often described as "fishing expeditions" -- assembling enormous quantities of questionable and irrelevant data, at great and unnecessary expense to government treasuries (e.g. 20,000 pages and still counting).

Kindly allow me briefly to demonstrate to you why it is not appropriate or necessary to label my case as "complex": Stephan Harris has refused to produce any valid credentials, in blatant violation of 18 USC 1519 (a felony). Therefore, he could not have signed or sealed any subpoena(s) issued by any Federal grand jury(s); he could not have

— 10-06-13

Larry Saccato

selected or summoned any Federal grand jury(s); and, he could not have delegated any authority(s) to any subordinate deputy clerk(s) whatsoever.

See my essay "Clerks or Jerks? The Pivotal Duties of Federal Court Clerks" for further pertinent details.

In my professional opinion, any and all efforts to expand the scope of my case beyond those simple issues is a direct and blatant violation of FRCrP Rule 2; and, those efforts also constitute probable cause that barratry has already occurred, and continues to occur even as I write this.

(Barratry is an offense similar to "churning" by a stock broker i.e. for purposes of maximizing fee generation; "Esquire" is an office under the Crown of England. Cf. Bouvier's Law Dictionary (1856).)

If any of you need further clarification of any points made above, please consult the relevant Docket entries first, then reply via email to my trusted legal assistant <lsaccato@gmail.com> who will forward your terse reply(s) to me at his earliest convenience (no email attachments, please).

Thank you for your professional consideration.

Sincerely yours,
/s/ Paul Andrew Mitchell, B.A., M.S. (chosen name)
Private Attorney General, Civil RICO: 18 USC 1964,
Rotella v. Wood, 528 U.S. 549 (2000)
(objectives of Civil RICO);
Agent of the United States as Qui Tam Relator,
False Claims Act: 31 USC 3729 et seq. (4X)

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Wyoming, USA

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TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SPG-G-P

FROM: 44202086
TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry
SUBJECT: NOTICE OF ERRORS by Harris & Harris, P.C.
DATE: 10/01/2014 04:54:51 PM

TO:
Hon. Warden
USMCFP
P.O. Box 4000
Springfield 65801-4000
Missouri, USA

RE: August 6, 2014 letter from Terry J. Harris

Greetings Hon. Warden:

Please allow me to explain to you, and to all your subordinates who may have a need to know, several serious errors that are evident in the written correspondence you recently received from Harris & Harris, P.C., Cheyenne, Wyoming.

On the first page of his cover letter to you dated August 6, 2014, Mr. Terry J. Harris makes the following serious errors in the first paragraph:

- * "I represent Paul Mitchell" [NOT correct]
- * "Nancy Freudenthal's Order appointing me" [NOT correct]
- * "her more recent Order declaring Paul Mitchell incompetent" [NOT correct]

As admitted in their written reply to my proper Request under the Freedom of Information Act ("FOIA"), DOJ's Office of Information Policy ("OIP") did not find any SENATE CONFIRMATION in their appointment file for Nancy Dell Freudenthal.

Moreover, her U.S. Office of Personnel Management ("OPM") Standard Form 61 APPOINTMENT AFFIDAVITS ("SF-61") are a counterfeit form because:

- (a) no OMB control number is displayed at the upper right-hand corner;
- (b) there is no paragraph citing 5 USC 2903 (Authority to administer); and,
- (c) the electronic form at www.opm.gov was never reviewed or approved by the Office of Management and Budget ("OMB").

Also, Freudenthal's PRESIDENTIAL COMMISSION is incomplete because of the counterfeit SF-61 executed by one Eric Holder, Jr. Here, see 5 USC 2902(c), which mandates the Attorney General's signature on all such PRESIDENTIAL COMMISSIONS.

OIP's cover letter and responsive documents were mailed by me to the P.O. Box of Harris & Harris, P.C. in Cheyenne, Wyoming, while I was unlawfully detained at a county jail in Gering, Nebraska.

I also requested OIP to forward to that P.O. Box OIP's timely reply to my proper FOIA Appeal.

Paul Andrew Mitchell, B.A., M.S., Sui Juris
c/o USMCFP #44202-086
P.O. Box 4000
Springfield 65801-4000
Missouri, USA

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

2014 NOV 10 PM 1 30

STEPHAN HARRIS, CLERK
WYOMING

In Propria Persona (initially)
In Forma Pauperis (USDC/DWY)

United States District Court
Western District of Missouri
Central Division / Springfield

UNITED STATES OF AMERICA,
Plaintiff,
v.
JOSEPH RUBEN HILL et al.,
Defendants.

Case No. 2:14-CR-00027-NDF-2
aka 14-CR-27-F (USDC/DWY)

United States
ex relatione
Paul Andrew Mitchell,
Civil Cross-Plaintiff,
v.
Nancy Dell Freudenthal,
Stephan Harris,
L. Robert Murray, and
Does 1 thru 100,
Civil Cross-Defendants.

Case No. _____

INITIAL APPLICATION FOR WRITS
IN THE NATURE OF QUO WARRANTO
AND HABEAS CORPUS:

28 U.S.C. 1345, 1651, 1654, 2241, 2242;
FRCP Rules 13(b), 13(d), 81(a)(4);
18 U.S.C. 4, 1964(c), (Civil RICO);
31 U.S.C. 3730(h) (False Claims Act);
42 U.S.C. 1985, 1986.

Comes now the United States ex rel. Federal prisoner Paul Andrew Mitchell, B.A., M.S., Sui Juris, a Citizen of Washington State and Agent of the United States as Qui Tam Relator (4X) under the False Claims Act, appearing In Forma Pauperis and initially In Propria Persona (i.e. "personally" under 28 U.S.C. 1654) -- hereinafter "Relator" -- to petition this honorable Court for:

(a) priority Writs (in the nature) of Quo Warranto, requiring Nancy Dell Freudenthal, Stephan Harris, and L. Robert Murray to demonstrate by what authority(s), if any, they currently claim to occupy the Federal offices of U.S. District Judge, Clerk of Court, and Assistant United States Attorney in the District of Wyoming, respectively; and,

(b) any and all other relief which this Court deems just and proper under the circumstances which have occasioned the instant Application e.g. Habeas Corpus relief, relief from retaliatory actions and from damages caused by a pattern of racketeering activities, etc.

INCORPORATION OF EVIDENCE

Relator respectfully requests this Court to take mandatory judicial notice of USDC/DWY Docket #2:14-CR-00027-NDF-2, as presently maintained at the Federal Courthouse in Cheyenne, Wyoming, and of the attached NOTICE OF DEFAULT dated 9/12/2014, pursuant to Rule 201(c)(2) of the Federal Rules of Evidence. The latter NOTICE is hereby incorporated by reference, as if set forth fully here. See also USDC/DWY Docket #14-CR-27-F, and the LIST OF ATTACHMENTS infra, all likewise incorporated by reference as if set forth fully here.

JURISDICTION

This United States District Court for the Western District of Missouri, Central Division, has original jurisdiction of the instant matters pursuant to 18 U.S.C. 1964(c) (Civil RICO); 28 U.S.C. 2241 and 2242 (Habeas Corpus); 31 U.S.C. 3730(h) (Relief from retaliatory actions); 42 U.S.C. 1985(2) and 1985(3) (Conspiracy to interfere with civil rights); 42 U.S.C. 1986 (Action for neglect to prevent conspiracy); and, ancillary jurisdiction pursuant to 28 U.S.C. 1651, to issue prerogative writs in the nature of quo warranto, in order to prevent the continued exercise of authority unlawfully asserted; see *Johnson v. Manhattan*, 289 U.S. 479 (1933), and *Ryder v. United States* *infra*. See also Rules 13(b), 13(d) and 81(a)(4) of the Federal Rules of Civil Procedure ("FRCP") re: quo warranto and habeas corpus.

STANDING

The United States has standing as Plaintiff pursuant to 28 U.S.C. 1345 and 1651 *supra*; 18 U.S.C. 1964(c) (Civil RICO); and, 31 U.S.C. 3729 *et seq.* (False Claims Act): see *United States ex rel. Madden v. General Dynamics Corp.*, 4 F.3d 827 (9th Cir. 1993) (*qui tam* relator is most properly classified as an agent of the United States, not an officer of the United States).

SUMMARY OF PROBABLE CAUSES

In addition to the latter NOTICE OF DEFAULT, said USDC/DWY Docket now contains verified factual evidence calling for the following conclusions of law, to wit:

- (1) L. Robert Murray lacks the second OATH OF OFFICE expressly required by 28 U.S.C. 544 and Article VI, Clause 3 in the U.S. Constitution ("6:3");
- (2) Mr. Murray lacks power of attorney legally to represent the "UNITED STATES OF AMERICA" as such before Federal courts: see 28 U.S.C. 530B, 547, 1345, 1346, 1746(1) in particular;
- (3) Mr. Murray is not an "authorized assistant" hence not a lawful "attorney for the government" as the latter terms occur at FRCrP Rules 1, 6 and 7 (definitions, who can be present, who can sign);
- (4) Stephan Harris has twice failed or refused to disclose valid U.S. Office of Personnel Management ("OPM") Standard Form 61 ("SF-61") APPOINTMENT AFFIDAVITS expressly required by 5 U.S.C. 2104, 2903, 2906, 3331, 3332, 3333, 5507, and 6:3; see also 18 U.S.C. 1519;
- (5) Mr. Harris has also failed or refused to disclose the second OATH OF OFFICE expressly required of Clerks and Deputy Clerks of Court by 28 U.S.C. 951, and 6:3;
- (6) Nancy Dell Freudenthal lacks the mandatory SENATE CONFIRMATION expressly required by 5 U.S.C. 2902(c), and by either the Appointments Clause ("2:2:2") or the Recess Appointments Clause ("2:2:3") in the U.S. Constitution (see details in the attached NOTICE OF DEFAULT and APPLICATION FOR DISQUALIFICATIONS);

- (7) Ms. Freudenthal's PRESIDENTIAL COMMISSION is incomplete, due at least to known defects in the SF-61 executed by one Eric Holder, Jr.;
- (8) Ms. Freudenthal's own SF-61 appears to be a counterfeit form because:
- (a) it lacks a valid OMB control number required by the Paperwork Reduction Act ("PRA"): 44 U.S.C. 3501 et seq.;
 - (b) it lacks the paragraph citing 5 U.S.C. 2903 (Authority to administer); and,
 - (c) as of January 1, 2014, OPM has failed to apply for periodic OMB review and approval of the electronic SF-61 published at www.opm.gov, as required by 5 CFR 1320.5, the Federal Regulation implementing the PRA: 44 U.S.C. 3501 et seq.

PARTIAL SUMMARY OF CONSEQUENTIAL DAMAGES

Relator has been maliciously prosecuted, wrongly incarcerated continuously since 1/28/2014, and damaged extensively by an organized conspiracy, perpetrated by at least a dozen named suspects now formally charged in several VERIFIED CRIMINAL COMPLAINTs, ON INFORMATION ("VCC").

The latter VCCs were duly filed -- to satisfy legal obligations imposed by 18 U.S.C. 4 -- in the USDC/DWY Docket records supra, formally charging multiple violations of Federal statutes including but not limited to 18 U.S.C. 241, 242, 1513, 1519, 1962(d), 42 U.S.C. 1985 (Conspiracy to interfere with civil rights) and 42 U.S.C. 1986 (Neglect to prevent conspiracy). See also 44 U.S.C. 3512 here (PRA's Public Protection Clause).

REMEDIES REQUESTED

- (1) Writs in the nature of Quo Warranto served without delay upon Nancy Dell Freudenthal, L. Robert Murray and Stephan Harris, care of the USDC in Cheyenne, Wyoming, USA:
- (2) Orders dismissing with prejudice the alleged "indictment" and "superseding indictment" as to Relator; see all MOTIONS TO DISMISS and all SUPPLEMENTS in the USDC/DWY Docket records;
- (3) Order releasing Relator to unfettered liberty without any further delays; see 28 U.S.C. 2242;
- (4) Order appointing a competent and qualified CJA lawyer to prosecute indigent Relator's several cross-complaints as previously filed in the USDC/DWY Docket records supra; see 18 U.S.C. 1964, 42 U.S.C. 1985 and 1986;
- (5) Referral of the entire USDC/DWY Docket records supra to a lawfully convened Federal Grand Jury within the Western District of Missouri, and supervised by this Court;
- (6) Partial payment of ten thousand U.S. Dollars (\$10,000 USD) to commence Relator's rehabilitation i.e. food, shelter, clothing, payable by the Office of the U.S. Attorney, District of Wyoming, to the client trust account of the CJA lawyer duly appointed by this honorable Court;
- (7) Order directing the U.S. Marshals Service to expedite Relator's safe passage to Seattle, Washington State, USA: and,
- (8) any and all other relief which this Court deems just and proper under the several circumstances which have occasioned the instant INITIAL APPLICATION e.g. Habeas Corpus relief, relief from retaliatory actions, triple damages etc.

PRELIMINARY APPLICATION FOR WRIT
IN THE NATURE OF HABEAS CORPUS: 28 U.S.C. 2242

Relator Paul Andrew Mitchell is the proper Person for whom the requested Writ of Habeas Corpus is intended.

He was unlawfully arrested on 1/28/2014 at his private apartment in Seattle, Washington State, under color of an "arrest warrant" issued by Cross-Defendant Stephan Harris in violation of 28 U.S.C. 1691 and 18 U.S.C. 1519, and signed without proper authority by Cross-Defendant Nancy Dell Freudenthal.

Relator was then transported some forty-nine (49) discrete times, and is currently in the custody of the U.S. Medical Center for Federal Prisoners ("USMCFP") in Springfield, Missouri.

The "order" allegedly authorizing "formal competency restoration procedures" [sic] at USMCFP was also signed without proper authority by Nancy Dell Freudenthal, under color of Freudenthal's claim to occupy the superior office of United States District Judge for the District of Wyoming.

Relator understands that this PRELIMINARY APPLICATION may be amended, or supplemented, as provided by the rules of procedure applicable to civil actions (cf. FRCP). See also 28 U.S.C. 2242 supra.

Relator therefore reserves his right to amend and/or supplement this APPLICATION timely.

FOUNDATION AUTHORITY

"We think that one who makes a timely challenge to the constitutional validity of the appointment of an officer who adjudicates his case is entitled to a decision on the merits of the question and whatever relief may be appropriate if a violation indeed occurred."

-- *Ryder v. United States*, 515 U.S. 177,
132 L.Ed.2d 136 (1995)

VERIFICATION

I, Paul Andrew Mitchell, B.A., M.S., Sui Juris, hereby verify under penalty of perjury, under the laws of the United States of America, without the "United States" (Federal government), that the above statement of facts and laws is true and correct, according to the best of my current information, knowledge and belief, so help me God, pursuant to 28 U.S.C. 1746(1). See the Supremacy Clause (the Constitution, Laws and Treaties of the United States are all the supreme Law of the Land).

Dated: 10/9/2014

Respectfully submitted,



Paul Andrew Mitchell, B.A., M.S. (chosen name) *
Relator In Forma Pauperis and initially In Propria Persona
(28 U.S.C. 1654: "personally");
Agent of the United States as Qui Tam Relator
(31 U.S.C. 3729 et seq.) (4X) **;
Qualified Federal Witness (18 U.S.C. 1513)
(see testimony on 7/10/2014 in USDC/DWY Docket)

* See Doe v. Dunning, 549 P.2d 1 (Washington State Supreme Court)
(fundamental principle and common-law right to change one's name)

** See U.S. ex rel. Madden v. General Dynamics Corp., 4 F.3d 827
(9th Cir. 1993)

RSVP / SHIP TO:

Modeleski, M.P. (given name)
USMCFP #44202-086
P.O. Box 4000
Springfield 65801-4000
Missouri, USA

Thank you very much!

Attachments: (see LIST OF ATTACHMENTS, next page)

LIST OF ATTACHMENTS

NOTICE OF DEFAULT (dated 9/12/2014)

Samples of documents bearing names and/or signatures of Nancy D. Freudenthal, L. Robert Murray and Stephan Harris, to wit (circled for emphasis):

WARRANT FOR ARREST (dated July 25, 2014)
see "Stephan Harris", "Name of Issuing Officer";
"Clerk of Court", "Title of Issuing Officer"

ORDER SEALING SUPERSEDING INDICTMENT (July 25, 2014)
see "NANCY D. FREUDENTHAL", "CHIEF UNITED STATES JUDGE";
"STEPHAN HARRIS", "CLERK", "CHEYENNE"

GOVERNMENT'S MOTION TO UNSEAL CASE (August 4, 2014)
see "L. ROBERT MURRAY", "Assistant United States Attorney"

ORDER UNSEALING SUPERSEDING INDICTMENT (August 5, 2014)
see "NANCY D. FREUDENTHAL", "CHIEF UNITED STATES JUDGE";
"STEPHAN HARRIS", "CLERK", "CHEYENNE"

EX PARTE ORDER AUTHORIZING EXPERT SERVICES AND EXPENSES
OF DR. BHUSHAN S. AGHARKAR, M.D. PSYCHIATRIST
see "NANCY D. FREUDENTHAL", "CHIEF UNITED STATES DISTRICT JUDGE";
"STEPHAN HARRIS", "CLERK", "CHEYENNE" (filed Sept. 2, 2014)

NOTICE TO COUNSELS, USA v. Hill et al. (9/20/2014)

Essay: "Clerks or Jerks? The Pivotal Duties of Federal Court Clerks"
(April 24, 2014 A.D.)

Essay: "Blowing Whistles at Hurricanes -- Marxism Meets the Big
Sky Country," by Michael Hafter (May 1, 2014 A.D.)
(2 Parts)

APPLICATION FOR DISQUALIFICATIONS: 28 USC 144 (dated 10/1/2014)

NOTICE OF DEFAULT

TO: Mr. Terry J. Harris
Harris & Harris, P.C.

DATE: 9/12/2014

CC: Unit Counselor, USMCFP/Springfield, Missouri
Docket #2:14-CR-00027-NDF-2 (USDC/DWT) aka #14-CR-27-F

Hello Mr. Harris:

As you already know, or should know by now, soon after the hearing on 6/3/2014 at USDC/Cheyenne, I submitted a proper Request under the Freedom of Information Act (5 USC 552), to U.S. DOJ's Office of Information Policy ("OIP") in Washington, D.C., for the following four (4) mandatory credentials required of one Nancy Dell Freudenthal before she could lawfully occupy the office of U.S. District Judge, to wit: (1) SENATE CONFIRMATION (5 USC 2902(c)); (2) PRESIDENTIAL COMMISSION (5 USC 2902(c)); (3) U.S. OPM Standard Form 61 ("SF-61") APPOINTMENT AFFIDAVITS (5 USC 2903, 2906, 3331, 3332, 3333, 5507; 44 USC 3501 et seq.); and, (4) OATH OF OFFICE (28 USC 453).

OIP timely replied to me in writing, while I was detained at the county jail in Gering, Nebraska. OIP's cover letter, on DOJ letterhead, confirmed that their appointment file did not contain any SENATE CONFIRMATION for Ms. Freudenthal.

Moreover, her PRESIDENTIAL COMMISSION was incomplete, due to known defects in the SF-61 executed by Mr. Eric Holder, Jr. dba U.S. Attorney General; also, her own SF-61 appeared to be a counterfeit form because it lacked a valid OMB control number at the upper right-hand corner (cf. "50-R0118"); and, there was no paragraph citing 5 USC 2903 (Authority to administer) on her SF-61. See 44 USC 3512!

I then promptly mailed OIP's cover letter and responsive documents to the P.O. Box for your law firm, Harris & Harris, P.C., in Cheyenne, Wyoming. I also timely mailed a proper FOIA Appeal to OIP, with directions for OIP to reply to that same P.O. Box.

After being moved to the Federal Transfer Center in Oklahoma City, I conducted further research into the Appointments Clause at Article II, Section 2, Clause 2, and into the Recess Appointments Clause at Article II, Section 2, Clause 3, in the U.S. Constitution.

As a result of that research, I also mailed to the same P.O. Box at least two (2) recent Circuit Court decisions on those Clauses e.g. Noel Canning v. NLRB (D.C. Cir. 2013) and U.S. v. Woodley (9th Cir.). All of the latter research confirmed the mandatory and essential nature of the SENATE CONFIRMATION requirement. Chiefly, the latter credential must follow or precede the other 3; and, the absence of a valid SENATE CONFIRMATION appears to render the other 3 invalid for having been executed withOUT the U.S. Senate's advice and consent. 5 USC 2902(c).

In my professional opinion, the holdings in Canning v. NLRB are correct.

Therefore, all of the above call for the conclusions that all acts of Nancy Dell Freudenthal in my case to date were null and void ab initio, including but not limited to the original "arrest warrant", all subsequent hearings on which she attempted to preside, and all subsequent "orders" and "rulings" signed by her, notably her attempt to appoint you legally to represent me contrary to 28 USC 1654: I have always appeared "personally" and not "by counsel". Cf. In Propria Persona.

Her missing and defective credentials have also necessarily rendered void her "orders" allegedly authorizing a second psychological evaluation at FDC/SeaTac, and a psychiatric evaluation at USMCFP/Springfield, Missouri.

Lastly, I should add that Dr. Cynthia Low, dba Forensic Psychologist at FDC/SeaTac, has now failed to answer my FOIA Request for her SF-61 APPOINTMENT AFFIDAVITS!

Copies of all the above mentioned FOIA Requests should also be in the Court's Docket records supra.

Thank you for your professional consideration.

Sincerely yours, *Paul Mitchell*

/s/ Paul Andrew Mitchell (chosen name)

Paul Andrew Mitchell, B.A., M.S., "Qui Tam" Relator
(31 USC 3729 et seq.) (4X)
BOP Reg. No. 44202-086

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United States District Court

For The District of Wyoming

UNITED STATES OF AMERICA,

WARRANT FOR ARREST

vs.

MITCHELL PAUL MODELESKI a/k/a
PAUL ANDREW MITCHELL.

CASE NUMBER: 14CR027-F

To:
The United States Marshal and any
Authorized United States Officer

- COPY - PAM

YOU ARE HEREBY COMMANDED to arrest MITCHELL PAUL MODELESKI
a/k/a PAUL ANDREW MITCHELL

and bring him or her forthwith to the nearest magistrate to answer **Indictment** charging
him or her with **Conspiracy to defraud the United States; Conspiracy to Obstruct**
Justice; Obstruction of justice and aiding and abetting in violation of **18 USC 371;**
18 USC 1512(k); 18 USC 1512(b)(2)(A) and (2).

Stephen Harris
Name of Issuing Officer

Clerk of Court
Title of Issuing Officer

Signature of Issuing Officer

July 25, 2014, Casper, WY
Date and Location

By Deputy Clerk

Bail fixed at \$25,000 OR

By: Scott W. Skavdahl

United States District Judge

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2014 JUL 25 PM 3 27

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

"USA"
PAM

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH RUBEN HILL, MITCHELL
PAUL MODELESKI, aka Paul Andrew
Mitchell, LUCILLE KATHLEEN HILL,
LAWRENCE KEVIN PAILLE,
STEPHANIE LENORE MACIEL, and
GLORIA JEAN REEDER,

Defendants.

STEPHAN HARRIS, CLERK
CHEYENNE

PAM

Case No. 14-CR-27-F

- COPY - PAM

ORDER SEALING SUPERSEDING INDICTMENT

Upon motion of the United States to seal the superseding indictment returned against the Defendants, Joseph Ruben Hill, Mitchell Paul Modeleski, aka Paul Andrew Mitchell, Lucille Kathleen Hill, Lawrence Kevin Paille, Stephanie Lenore Maciel, and Gloria Jean Reader;

IT IS HEREBY ORDERED, pursuant to Rule 6(e)(4), Fed. R. Crim. P., that the superseding indictment be sealed until such time as the Defendants named above have been arrested.

DATED this 25th day of July, 2014.

BY THE COURT:

Nancy D. Freudenthal

NANCY D. FREUDENTHAL
CHIEF UNITED STATES JUDGE [sic]
UNITED STATES DISTRICT COURT

PAM

PA

L. Robert Murray
Assistant United States Attorney
District of Wyoming

P.O. Box 668
Cheyenne, WY 82001
(307) 772-2124
robert.murray@usdoj.gov
Wyoming State Bar No. 5-2874

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

'USA'
PA

UNITED STATES OF AMERICA,)
)
Plaintiff,)

v.)

Criminal No. 14-CR-27-F

JOSEPH RUBEN HILL,)
MITCHELL PAUL MODELESKI, aka)
Paul Andrew Mitchell, LUCILLE)
KATHLEEN HILL, LAWRENCE KEVIN)
PAILLE, STEPHANIE LENORE)
MACIEL, and GLORIA JEAN REEDER,)

Defendants.)

- COPY - PA

GOVERNMENT'S MOTION TO UNSEAL CASE

The United States informs the court the defendants have been arrested or provided notice of their initial appearance in the captioned case and therefore respectfully moves for an order unsealing the superseding indictment.

DATED this 4th day of August, 2014.

Respectfully submitted,

CHRISTOPHER A. CROFTS
United States Attorney

By: /s/ L. Robert Murray
L. ROBERT MURRAY
Assistant United States Attorney

PA

IN THE UNITED STATES DISTRICT COURT FILED
U.S. DISTRICT COURT
FOR THE DISTRICT OF WYOMING DISTRICT OF WYOMING

2014 AUG 5 AM 11 55

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

JOSEPH RUBEN HILL,)
MITCHELL PAUL MODELESKI, aka)
Paul Andrew Mitchell, LUCILLE)
KATHLEEN HILL, LAWRENCE KEVIN)
PAILLE, STEPHANIE LENORE)
MACIEL, and GLORIA JEAN REEDER,)

Defendants.)

STEPHAN HARRIS, CLERK
CHEYENNE

Criminal No. 14-CR-27-F

"USA"
PAH

PAH


- COPY - PAH

ORDER UNSEALING SUPERSEDING INDICTMENT

This matter is before the Court on the Government's motion to unseal the Superseding Indictment. The Court has reviewed the motion and is fully informed in the premises.

IT IS ORDERED that the Government's motion is GRANTED. The Superseding Indictment shall be unsealed.

DATED this 5 day of August, 2014.


NANCY D. FREUDENTHAL
CHIEF UNITED STATES JUDGE [sic]

PAH

IN THE UNITED STATES DISTRICT COURT
U.S. DISTRICT COURT
DISTRICT OF WYOMING
FOR THE DISTRICT OF WYOMING

014 SEP 2 PM 2 04

"USA"
PAK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MITCHELL PAUL MODELESKI, aka
Paul Andrew Mitchell,

Defendant.

STEPHAN HARRIS, CLERK
CHEYENNE

PAK

Case No: 14-CR-027-F


- COPY - PAK

**EX PARTE ORDER AUTHORIZING EXPERT SERVICES AND EXPENSES OF
DR. BHUSHAN S. AGHARKAR, M.D. PSYCHIATRIST**

This matter is before the Court on Defendant's Motion to Authorize Expert Services and Expenses of Dr. Bhushan S. Agharkar, M.D. Psychiatrist. The Court has reviewed the motion and is fully informed in the premises.

IT IS ORDERED that Defendant's Motion is GRANTED. Defendant may employ Dr. Agharkar's services at a rate of \$300.00 per hour for a total of 30 hours, plus reasonable travel expenses, to review documents and evaluate Defendant. Defendant may not exceed this amount without prior authorization from the Court.

Dated this 2 day of September, 2014.


NANCY D. FREUDENTHAL
CHIEF UNITED STATES DISTRICT JUDGE

PAK

TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SPG-G-P

FROM: 44202086

TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry

SUBJECT: Notice to Counsels: USA v. Hill et al.

DATE: 09/20/2014 12:08:56 PM

- COPY -

Greetings Ladies and Gentlemen:

I am writing to you for the primary purpose of making each of you aware of certain laws and facts which may not, and probably won't, come to your attention by any other means.

As you may already know, I have continued to reserve all Rights (cf. UCC 1-308), with emphasis on all of my Fundamental Rights, and to appear In Propria Persona i.e. "personally" under 28 USC 1654. Cf. "In Propria Persona" in Black's Law Dictionary, Sixth Edition, particularly where that definition addresses the issue of Court jurisdiction.

I have now survived two (2) Faretta hearings -- one in Seattle and one in Cheyenne. The hearing on 3/21/2014 in Cheyenne was noteworthy for repeated attempts by one Nancy Dell Freudenthal ("NDF") to change my mind about formal legal representation: I reserved my right to change my mind, and I continued to proceed In Propria Persona.

The other noteworthy event at that 3/21/2014 hearing was NDF's obvious attempt to characterize the credential investigation as some kind of "pathological obsession". A transcript should show that I opposed her vain attempt, and I actually succeeded in eliciting a spoken apology from NDF.

For reasons like the latter, I have properly demanded her immediate recusal, but she stubbornly refuses to do so.

The case law I have studied requires recusal even if there is the mere appearance of bias. I believe that your several clients are, therefore, now at serious risk of continuing bias and prejudice by NDF, and by her several accomplices, in our case(s) -- chiefly Stephan Harris and L. Robert Murray.

More to the merits of our Fundamental Rights, DOJ's Office of Information Policy ("OIP") promptly replied to my proper FOIA Request while I was being detained unlawfully in Gering, Nebraska. OIP's timely reply contained a cover letter, and responsive documents, calling for the following logical conclusions of law:

(1) no SENATE CONFIRMATION required of NDF by 5 USC 2902(c), and by either 2:2:2 or 2:2:3 in the

- 1 of 4 -

TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SPG-G-P

U.S. Constitution (Article:Section:Clause);

(2) incomplete PRESIDENTIAL COMMISSION also required of NDF by 5 USC 2902(c), and by either 2:2:2 or 2:2:3, due in part to defective U.S. OPM Standard Form 61 ("SF-61") APPOINTMENT AFFIDAVITS for one Eric Holder, Jr.; see also 44 USC 3512 here;

(3) NDF's SF-61 is also a counterfeit form because:

(a) it lacks a valid OMB control number at the upper right-hand corner, as required by 44 USC 3501 et seq.; (cf. OMB control number 50-R0118 i.e. five zero dash R zero one one eight);

(b) it lacks the paragraph citing 5 USC 2903 (Authority to administer); and,

(c) the electronic SF-61 published at www.opm.gov was not reviewed or approved by OMB as required by 5 CFR 1320.5, the Federal Regulation implementing the Paperwork Reduction Act ("PRA"): again, see 44 USC 3512;

Under the Appointments Clause at 2:2:2, a SENATE CONFIRMATION must precede the other 3 credentials required of all U.S. District Judges.

Under the Recess Appointments Clause at 2:2:3, a SENATE CONFIRMATION must issue during the next ensuing Senate session i.e. after those other 3 credentials.

Accordingly, I have recently requested the law firm of Harris & Harris, P.C., to confirm the exact dates of NDF's alleged appointment, and of the vacancy she claimed to fill. To date, Harris & Harris, P.C., have not disclosed those exact dates to me.

Nevertheless, it is not likely that she was initially appointed at "Chief Judge"; and, enough time has now elapsed to compel a conclusion that NDF surely needed a SENATE CONFIRMATION under one or the other option: 2:2:2 or 2:2:3. See also the definition of "officer" at 5 USC 2104, 3332 and 5507.

PK

The legal (and moral) consequences of NDF's missing and defective credentials are quite far-reaching e.g. by necessarily rendering null and void:

(a) all her "orders" and "rulings" to date;

(b) all hearings on which she attempted to preside; and,

(c) the original "arrest warrant" executed upon my Person on 1/28/2014.

As such, the USDC/DWY lacked jurisdiction in personam (over my proper Person) ab initio (at least beginning 1/28/2014).

TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SPG-G-P

Moreover, NDF's attempt to appoint Mr. Terry J. Harris as my formal legal representative was also void ab initio, for the very same reasons.

At another hearing on 7/10/2014, I again appeared under protest and In Propria Persona; and, I gave at least 2 hours of testimony under direct examination by Terry J. Harris -- chiefly because no one else was qualified, or prepared, to conduct such a direct examination of me.

You should also be informed, via filed Docket records, that several other Federal personnel have also failed or refused to disclose their mandatory credentials e.g. see RELATOR'S FIFTH VERIFIED CRIMINAL COMPLAINT, ON INFORMATION ("VCC"), and all other VCCs previously filed in the Docket records, in timely compliance with 18 USC 4 (misprision of felony).

Notably, Dr. Cynthia A. Low has now failed or refused to answer my proper FOIA Request for her own SF-61. My first attempt to address that Request to the "Disclosure Officer" at FDC/SeaTac was returned by the U.S. Postal Service with the annotation "no such addressee" (or words to that effect).

For that reason, I promptly re-mailed that FOIA Request directly to Dr. Low, but no reply has been forthcoming from her, nor from any of her superiors nor anyone else at FDC/SeaTac.

I also wish to take this opportunity to make you aware that I have now authored approximately 30 CONFIDENTIAL Journal entries consisting of 50+ pages; and, I mailed all of those Journal entries to Harris & Harris, P.C.

Please accept this communication as my formal authorization for all defense counsel to obtain photocopies of all such handwritten Journal entries.

I wrote those Journal entries also to focus the attention of each defense Counsel on the key issues (e.g. the heart of the matter), and to prevent invasions of my privacy Rights that would otherwise result from what are often described as "fishing expeditions" -- assembling enormous quantities of questionable and irrelevant data, at great and unnecessary expense to government treasuries (e.g. 20,000 pages and still counting).

Kindly allow me briefly to demonstrate to you why it is not appropriate or necessary to label my case as "complex": Stephan Harris has refused to produce any valid credentials, in blatant violation of 18 USC 1519 (a felony). Therefore, he could not have signed or sealed any subpoena(s) issued by any Federal grand jury(s); he could not have selected or summoned any Federal grand jury(s); and,

TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SPG-G-P

he could not have delegated any authority(s) to any subordinate deputy clerk(s) whatsoever.

See my essay "Clerks or Jerks? The Pivotal Duties of Federal Court Clerks" for further pertinent details.

In my professional opinion, any and all efforts to expand the scope of my case beyond those simple issues is a direct and blatant violation of FRCrP Rule 2; and, those efforts also constitute probable cause that barratry has already occurred, and continues to occur even as I write this.

(Barratry is an offense similar to "churning" by a stock broker i.e. for purposes of maximizing fee generation; "Esquire" is an office under the Crown of England. Cf. Bouvier's Law Dictionary (1856).)

If any of you need further clarification of any points made above, please consult the relevant Docket entries first, then reply via email to my trusted legal assistant <lsaccato@gmail.com> who will forward your terse reply(s) to me at his earliest convenience (no email attachments, please).

Thank you for your professional consideration.

Sincerely yours, *Paul Mitchell*
/s/ Paul Andrew Mitchell, B.A., M.S. (chosen name)
Private Attorney General, Civil RICO: 18 USC 1964,
Rotella v. Wood, 528 U.S. 549 (2000)
(objectives of Civil RICO);
Agent of the United States as Qui Tam Relator,
False Claims Act: 31 USC 3729 et seq. (4X)

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Laramie 82073
Wyoming, USA

TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SPG-G-P

FROM: 44202086
TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry
SUBJECT: new essay: "Clerks or Jerks?"
DATE: 04/25/2014 11:33:01 AM

"Clerks or Jerks? The Pivotal Duties of Federal Court Clerks"

by

Paul Andrew Mitchell, B.A., M.S.
Private Attorney General, 18 U.S.C. 1964, Rotella v. Wood

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April 24, 2014 A.D.

The credential investigation, as we call it, became an ongoing effort in late August 2001. At that time, this writer filed a complex copyright lawsuit in Sacramento, California, USA. Although Clerk's Office personnel were definitely on our radar, we did not take that opportunity to delve too deeply into the various legal duties that are imposed by law upon Clerks and Deputy Clerks of Federal Courts. Our plates were quite full with subpoenas to defense attorneys for their (missing) licenses, and FOIA requests for the credentials required of Federal Judges and Magistrates.

As the credential investigation expanded and matured during a period spanning more than a decade after 2001, our focus slowly but surely shifted to the pivotal role of Federal Court Clerks in almost every activity and function performed by those Courts. This shift was driven chiefly by the Federal statute at 28 U.S.C. 1691, which requires a Clerk's authorized signature -and- the Court's official seal on ALL "process" issued by the Court.

That term -- "process" -- covers just about anything and everything a Federal Court might contemplate doing, such as subpoenas, orders, writs, warrants, summonses, judgments, injunctions, and so on. Section 1691 was first enacted on June 25, 1948, and it has never been amended, to this day.

On closer examination of relevant case law which has accumulated under Section 1691 during the 65 years it has been law, we were encouraged to find standing decisions which held that its 2 simple requirements are also jurisdictional in nature: a Federal Court is deprived of jurisdiction in personam if it attempts to issue any summons, subpoena, writ or warrant that does not clearly satisfy those 2 requirements.

It was not too long before we were compelled to consider the legal implications that arise whenever Clerk's Office personnel neglect or refuse to produce evidence of their own credentials. For Clerks and Deputy Clerks of Court, those credentials include the U.S. Office of Personnel Management Standard Form 61 ("SF-61"), and the second OATH required of all Clerks and Deputy Clerks by 28 U.S.C. 951 (duties).

The latter term -- "duties" -- was then our immediate motivation to consider the broader range of tasks which are necessarily tainted, and thereby rendered void, whenever Clerks and Deputy Clerks of Court

- 1 of 4 -

TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SPG-G-P

fail to maintain legal custody of their own valid SF-61 credentials. That motivation was boosted by the statute at 5 U.S.C. 2906, which expressly designates the "court" -- NOT the Administrative Office of the U.S. Courts in Washington, D.C. -- as the legal custodian of all SF-61s required of all Court officers, no exceptions.

This line of reasoning ended up leading us to two primary and unavoidable conclusions:

- (1) Clerks and Deputy Clerks must have legal custody of their own SF-61 credentials, because maintaining all such records is one of their stated duties; and,
- (2) a Federal Court is effectively rendered totally impotent, insofar as there are no personnel in the Clerk's Office who are duly authorized to satisfy the 2 clear requirements of Section 1691.

Lacking required credentials that are also maintained in their legal custody, all of the latter interlopers -- i.e. impostors -- are not only barred from signing any Court process; they are also barred from ever handling the Court's official embossing seal, and from affixing that official seal to any Court process whatsoever.

Those are not the only duties imposed by law upon Clerks and Deputy Clerks of Court. A deeper search then revealed a much larger range of their official duties. For example, Federal Clerks of Court also:

- (a) select and summon juries;
- (b) maintain custody of all Court records;
- (c) execute and preserve their own SF-61 credentials;
- (d) execute and preserve the second OATH required by 28 U.S.C. 951;
- (e) hire and delegate authority to Deputies;
- (f) transmit and archive electronic documents via email and the Internet;
- (g) handle all monies deposited with the Court;
- (h) supervise all "back office" administrative operations; and so on.

(h) →
If some Deputy Clerks lack valid credentials, it is very likely that SOME of those duties are being performed without any lawful authority. In contrast, if the person claiming to be the Clerk of Court lacks valid credentials, then ALL of those duties are being performed without any lawful authority.

administering oaths (28 USC 953)

PA

The latter conclusion necessarily follows from the fact that no superior Clerk authority(s) can be delegated to any subordinate Deputy Clerk(s), if the person claiming to be the Clerk of Court also lacks valid credentials: delegation of authority is rendered legally impossible whenever the latter condition is true.

As long as the Office of Clerk of Court is legally vacant, there is no authority and no responsibility to delegate, period!

The absence of valid credentials also implicates the suspects in acts and omissions that warrant criminal penalties. The most obvious offenses are concealing records in violation of 18 U.S.C. 1519, and impersonating officers of the United States in violation of 18 U.S.C. 912.

Other offenses necessarily follow as direct consequences of

TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SPG-G-P

impersonation and concealing records. For example, a myriad of RICO "predicate acts" are also probable, in violation of 18 U.S.C. 1962, as are deprivations of the Oath of Office Clause in the U.S. Constitution, in violation of 18 U.S.C. 242 (a misdemeanor), and conspiracy to do so in violation of 18 U.S.C. 241 (a felony Federal offense). *PM*

A simple example will serve to illustrate how quickly the "rap sheet" expands. A Clerk of Court may announce a job opening by publishing a portable document on the Internet. That announcement uses standard letterhead which displays the name and title of the person claiming to be "Clerk of Court," but s/he lacks valid credentials as a matter of fact.

Whenever someone views that computer file, its transmission or "download" via the Internet implicates the impostor/clerk in felony wire fraud, in violation of 18 U.S.C. 1343. Transmission of that document via U.S. Mail also implicates the impostor/clerk in felony mail fraud, in violation of 18 U.S.C. 1341. And so it goes, further implicating a seemingly endless series of other RICO predicate acts itemized at 18 U.S.C. 1961 e.g. jury tampering, obstruction of justice etc.

When their negligence to prevent and failure to remedy these crimes also touch other key officers, like Federal Judges and U.S. Attorneys, it is no exaggeration to allege and report the existence of an ongoing conspiracy to engage in a pattern of racketeering activities, in violation of 18 U.S.C. 1962(d). Only two (2) RICO predicate acts during any given 10-year period qualify as a pattern of racketeering activities. See 18 U.S.C. 1961(5). Here, see also 18 U.S.C. 4 (misprision of felony). *PM*

In plain English, such a Federal courthouse is thus harboring an organized crime racket that is expressly prohibited by the Federal RICO laws.

In conclusion, the rapid "domino effect" of so many RICO predicate acts should alarm even casual observers of this ongoing pattern of racketeering activities. All the more so are active litigants in great jeopardy of being victimized, and substantially damaged, by the manifold frauds those activities cause.

One of the most disturbing aspects of this entire crisis is the widespread failures by licensed defense Counsels to investigate diligently the pertinent laws and relevant facts, and to take all steps necessary and appropriate to protect their legal clients from the obvious actual and consequential damages.

After all, licensed attorneys are also "officers of the Court," and they are likewise bound to support and defend the Oath of Office Clause at Article VI, Clause 3, in the U.S. Constitution to the same extent as all other Federal officers and employees. Here see 4 U.S.C. 101 (re: judicial officers of a State):

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would

TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SPG-G-P

abrogate them." -- Miranda v. Arizona

With all sincerity, we look forward anxiously to the day when this entire mess is thoroughly addressed and finally fixed. At a minimum, all confirmed impostors need to be removed and replaced with personnel who will honor and obey all laws which specifically apply to the Offices of Clerk and Deputy Clerk of Court.

#

TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SPG-G-P

FROM: 44202086
TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry
SUBJECT: "Blowing Whistles at Hurricanes" (1 of 2)
DATE: 05/02/2014 07:51:56 PM

"Blowing Whistles at Hurricanes --
Marxism Meets the Big Sky Country"

by

Michael Hafter
Freelance Journalist

May 1, 2014 A.D.

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"Strong winds either propel your ship
or break your mast -- choose one."

-- Anonymous

Category One: The Gathering Storm

Some federal court cases are quickly forgotten, because they start small and stay small. Some start big and wither. A few start small and gather steam, like hurricanes over warm deep waters and lightning over humid plains.

An easily forgotten criminal case was filed in Cheyenne, Wyoming, last January, which portends more than a few legal storms before the rain stops and calm seas return.

A pair of IRS agents have been on a steady rampage covering several western States, apparently on orders from headquarters to enforce the deliberate targeting of conservative groups across the land. This scandal has been reported widely, both on and off the Internet for months. Google "Lois Lerner"

A Congressional committee has lately recommended DOJ to commence a criminal investigation of IRS official Lois Lerner for lying about the scandal during her testimony to that committee.

For Paul Andrew Mitchell, a popular court activist and Private Attorney General since 1992, the storm clouds appeared suddenly one day last June 2013 when these same 2 IRS agents presented him with what they thought was a valid "warrant" to search his private Seattle apartment, and seize his papers and computers.

Mitchell promptly pointed out the reasons why that "warrant" was not valid: the visible names identified 2 personnel of the U.S. District Court in Seattle who have consciously failed to produce any credentials. One claims to be the Clerk of that Court, and the other claims to be a Magistrate seated on that Court.

Mitchell first encountered the former as a "deputy clerk" circa 1996, when Mitchell volunteered to search for 2,500 missing children who had allegedly disappeared into Child Protective Services in Tucson, Arizona. During that search, Mitchell received several warnings and

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a few threats of serious bodily injury to himself and to his family; and, in 1997 his mother died of unexplained causes. Her remains were promptly cremated without an autopsy. He was told when she died and where she died, but no one has been able to tell him how she died.

Mitchell walked briskly to the USDC downtown, where he was met by the Deputy U.S. Marshal assigned to Mitchell, in his capacity as an eyewitness to literally hundreds of missing and defective credentials for personnel employed by the Federal Judiciary.

For private clients and for himself, Mitchell has been engaged in this "credential investigation" at least since late August 2001, when his complex copyright lawsuit was launched in Sacramento, California, against 129 named defendants. One of those defendants was Mitchell's graduate school alma mater, U.C. Irvine, where he earned his M.S. degree in public administration in 1973.

He and the Deputy U.S. Marshal went directly to the Clerk's public counter of the USDC in Seattle. There a counter clerk flatly admitted, "We are not going to cooperate with you, Mr. Mitchell!" Meanwhile, the search "warrant" was being executed on the basis of lies told to his landlord, to his neighbors, and to two officers of the Seattle Police Department.

In July 2013, two men parked illegally in the parking lot of Mitchell's apartment building and confronted him as he approached the lobby. One would not identify himself in any manner, and proceeded to intimidate Mitchell harshly for reporting to the Director of the U.S. Marshals Service in Washington, D.C., the counterfeit credentials now confirmed for the U.S. Attorney General. They would not leave even after Mitchell pointed out they needed an appointment and had none. They were trespassing. A neighbor witnessed the entire confrontation.

Later that summer, Mitchell lodged two criminal complaints against the IRS agents in their home towns -- Cheyenne, Wyoming, and Ft. Collins, Colorado -- charging both with a variety of felony federal offenses, such as witness intimidation, retaliation and racketeering across State lines.

IRS is a known extortion racket, in case you didn't already know this: their legal domicile is San Juan, Puerto RICO. (More on this PR Connection is explained below.)

Things got much worse for Mitchell last January 2014 when a fraudulent arrest "warrant" landed him in solitary confinement, where he went into temporary shock. On intake, he was falsely accused of fraud, being a "Sovereign Citizen" member (also not true), and tortured for objecting to BOP's intake forms because they lacked the OMB control numbers required by the Paperwork Reduction Act ("PRA"). (Here, see 44 USC 3512 in particular.)

The underlying "indictment" had not charged fraud, but obstruction of an "official proceeding" at the USDC in Cheyenne. That proceeding had reportedly produced 10 "subpoenas" issued to as many clients of Mitchell's Co-Defendant, Joseph Ruben Hill, by a panel of federal citizens impersonating a lawfully convened federal grand jury.

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To date, however, no grand jury transcripts have yet been produced, raising serious suspicions that no such grand jury was ever convened in the first place, certainly not a lawful one that allows State Citizens to serve too. There are two classes of citizenship in America, not one.

As implied by the false charges, the "official proceeding" was instigated by the same 2 IRS agents already named in Mitchell's verified criminal complaints. This sequence of events strongly suggested the existence of probable cause that felony retaliation by those same 2 IRS agents had occurred, with criminal intent also probable.

As further events unfolded since then, Mitchell has now been moved a total of 28 times as of January 28, 2014, all over the western States, making it nearly impossible for this defendant to research and prepare his own defense.

He has been defending himself In Propria Persona, and his "stand-by counsel" has effectively abandoned him. This left Mitchell stranded for weeks in a remote county detention center in Nebraska, with no email, no stamps, and no adequate law library resources: no U.S. Code, no Code of Federal Regulations, no law dictionaries either.

Nevertheless, and against all odds, a rather pivotal finding has now emerged from his 15+ handwritten pleadings, which a volunteer legal assistant scanned and uploaded to the Internet: the Clerk's Office personnel in Cheyenne, Wyoming, have neglected and refused to produce any credentials required of them by the Oath of Office Clause in the U.S. Constitution and by several Acts of Congress which have implemented that Clause, elevating both to the status of supreme Law of the Land throughout the USA, Wyoming included.

As revealed in Mitchell's detailed pleadings, Clerks of Federal Courts are centrally situated to render an entire Federal Court totally impotent. This conclusion is justified and even compelled by a Federal law which requires a Clerk's authorized signature -and- the Court's official seal on all "process" a Federal Court might issue -- 28 USC 1691. Even Court ORDERS!

Another Federal law designates the "court" as the legal custodian of the same Oath of Office required of all Federal personnel: the U.S. Office of Personnel Management Standard Form 61 APPOINTMENT AFFIDAVITS (abbreviated "SF-61").

It requires no rocket science to infer correctly that Clerk's Office personnel cannot sign ANY Court process, insofar as no such personnel do maintain proper legal custody of their own requisite credentials. Here, see 5 USC 2906 and 28 USC 951 (duties).

Therefore, it came as no surprise to Mitchell's Co-Defendant when the 10 so-called "subpoenas" -- bearing the name of one STEPHAN HARRIS dba Clerk of Court in Cheyenne -- miserably failed both tests: no authorized signatures or official seals -and- no SF-61 credentials were ever produced for Harris or for his subordinates Zachary Fisher and Tammy Hilliker. Their second OATH required by 28 USC 951 was also

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never produced either.

These were not isolated discoveries confined to the State of Wyoming, however. The very same defects were later confirmed in the search "warrant" issued by those 2 USDC personnel in Seattle: the "clerk" and the "magistrate".

At his fourth such meeting with Deputy U.S. Marshals assigned to that Court's judicial security department, all present agreed that Mitchell needed to update a specific factual matter: did the U.S. Office of Personnel Management ever formally apply to the Office of Management and Budget for periodic review and approval of OPM's SF-61, now published in electronic form at OPM's Internet website? YES or NO?

Mitchell promptly received official letters from OPM and OMB, both admitting, on government letterhead, that this electronic version of Standard Form 61 is a counterfeit -- it violates the PRA and that violation activates the PRA's Public Protection Clause at 44 USC 3512. Their answers were emphatically NO!

The persistence of a counterfeit Oath of Office and two other affidavits on the same electronic form at OPM's Internet website has necessarily implicated OPM's management in gross negligence and felony wire fraud.

As things stand today, nobody knows for sure just how many copies of that counterfeit form have been downloaded from OPM's website, nor how many copies have been executed by newly hired Federal government officers and employees: one thousand? ten thousand? one hundred thousand? one million? Nobody knows.

According to another Federal law at 5 USC 5507, a Federal officer cannot even get paid unless the second of three affidavits on each SF-61 is timely executed.

Moreover, a counterfeit credential means that superiors cannot delegate any authorities or responsibilities to any subordinates: the latter cannot be "authorized assistants" without lawful delegation.

Faulty delegation now hits government attorneys right between the eyes. Such DOJ personnel are fond of claiming that their second OATH, required by 28 USC 544, is not legally necessary when its language is subsumed by the first affidavit on SF-61. By signing a counterfeit SF-61, however, a reasonable inference can be made that those DOJ attorneys have turned up without ANY valid credentials whatsoever.

Making matters much worse, according to Rule 7 of the Federal Rules of Criminal Procedure, "attorneys for the government" must sign all grand jury indictments. Without signatures of DOJ attorneys who have executed valid versions of both credentials, a grand jury indictment violates Rules 6 and 7, and must be dismissed as to all defendants.

Such missing and defective credentials also mean that these same attorneys cannot even step foot into a grand jury room, with or without jurors present. In the mid-1980s, a Federal Judge in Colorado dismissed such an indictment after an SEC lawyer attempted to conduct

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a grand jury hearing without executing the second OATH for 3 weeks.
In his decision, Judge Matsch wisely ruled that the SEC lawyer was NOT
an assistant authorized to be present during those grand jury hearings.
Bail was released and case dismissed!

The very same counterfeit credential also means that several Cabinet
members cannot delegate any authorities or responsibilities either.
To date, the credential investigation has confirmed fatal defects
in the SF-61s executed by the Attorney General, two Treasury Secretaries,
the Secretary of Labor, and the Secretary of Health and Human Services.
And so it goes.

It is utterly astonishing to realize these high-level executives have
been unable to devise or implement a permanent solution to minimize
or prevent any further injuries from several approaching storms being
stirred up by all missing and defective credentials.

The consequential damages resulting from false arrests and unlawful
incarcerations alone are creating enormous financial liabilities for the
United States and all of its responsible officials. As if the Federal
government did not already have enough fiscal problems. Now this!

Before we forget, the 2 erstwhile IRS agents rampaging the western
States also turned up with 2 more counterfeit SF-61s. Those forms
are a special instance of fraud, because IRS personnel are not required
by law to execute that credential in the first place.

IRS is now what was left over of "The Untouchables" like Eliot Ness,
after alcohol Prohibition was finally repealed by the Twenty-First Amendment.
At that time, a compromise was reached allowing the former Federal
Alcohol Administration to retreat to San Juan, Puerto Rico.

[continued at (2 of 2)]

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FROM: 44202086
TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry
SUBJECT: "Blowing Whistles at Hurricanes" (2 of 2)
DATE: 05/02/2014 07:52:09 PM

[continued from (1 of 2)]

The governments of all such Federal Territories are expressly EXcluded from the definition of Federal "agency" at 5 USC 551. See also the office definitions at 27 CFR 26.11, where the Commonwealth of Puerto Rico is mentioned at least 3 times!

The U.S. Supreme Court has already admitted that IRS was never created by any known Act of Congress, but the high Court put it in a footnote, perhaps hoping that nobody would notice. We did notice.

Hurricane watchers may remember what Katrina did to Florida before it reached the Gulf of Mexico. As our story now stands, Katrina is still approaching Miami, but gusting winds are already drowning out the whistle blowers. Please stand by for further weather updates. Film at 11.

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FROM: 44202086
TO: Brown, Thomas; Saccato, Larry
SUBJECT: APPLICATION FOR DISQUALIFICATIONS [1 of 2]
DATE: 10/03/2014 10:20:28 AM

Docket No. 2:14-CR-00027-NDF

TO:
U.S. District Court
2120 Capitol Avenue, 2nd Floor
Cheyenne 82001
Wyoming, USA

Subject: APPLICATION FOR DISQUALIFICATIONS: 28 USC 144

Greetings Your Honor:

Comes now Paul Andrew Mitchell, B.A., M.S. ("Mitchell"), to apply for mandatory disqualifications of Nancy D. Freudenthal and possibly also Scott W. Skavdahl and Alan B. Johnson from the instant criminal case, pursuant to 28 USC 144, for good causes showing as follows:

AFFIDAVIT OF BIAS AND PREJUDICE

Notably, at the hearing on 3/21/2014, Ms. Freudenthal clearly attempted to characterize Mitchell's ongoing credential investigation as some sort of pathological obsession (or similar words to that same effect).

Mitchell promptly objected by emphasizing that the credential investigation was being performed on behalf of private clients who paid fair professional fees for that service.

The credential investigation has also been actively assisted by Federal officers in DOJ's Office of Information Policy ("OIP") and the Executive Office for U.S. Attorneys ("EOUSA") in Washington, D.C., with actual knowledge of Deputy U.S. Marshals in San Diego, Spokane and Seattle.

Such official assistance consisted mainly of timely and untimely replies and production of partial documents responsive to Mitchell's numerous Requests, properly submitted under the Freedom of Information Act ("FOIA"), 5 USC 552, in addition to in-person meetings with Deputy U.S. Marshals in San Diego and Seattle.

To date, Mitchell has had five (5) in-person meetings with one or more Deputy U.S. Marshals stationed in Seattle, and two (2) in-person meetings with Deputy U.S. Marshals stationed in San Diego.

Near the conclusion of the 3/21/2014 hearing, Freudenthal actually apologized to Mitchell for her attempt to characterize the credential investigation, and its cumulative results to date, as the obsession of someone suffering from a mental illness of some kind.

Mitchell continues to regard that attempt as defamatory, and defamation violates two (2) Human Rights Treaties -- the Universal Declaration of Human Rights and the International

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Covenant on Civil and Political Rights. (See VCC5 infra.)

Then, without Mitchell's actual knowledge, Mr. L. Robert Murray dba Assistant U.S. Attorney, commenced to file a "secret motion" -- ex parte -- for a second psychological evaluation of Mitchell at FDC/SeaTac. That ex parte motion was never timely served upon Mitchell; no notice of any hearing on that ex parte motion was ever served upon Mitchell; and, no hearing on that ex parte motion was ever conducted at which Mitchell was allowed to appear. (See Code of Conduct, Canon 3(A)(4) infra.)

Mitchell has always proceeded In Propria Persona i.e. "personally" under 28 USC 1654, notwithstanding any and all appearances to the contrary.

In point of fact, Mr. Mark Hardee as initial "standby counsel" failed completely to forward or even to mention said ex parte motion to Mitchell; and, Docket records were erroneously modified -- by person(s) unknown -- so as to list Mr. Hardee as Mitchell's formal legal "representative", directly contradicting Mitchell's decision to proceed always In Propria Persona.

Freudenthal summarily "granted" said ex parte motion, but Mitchell was not allowed to see any "order" granting that ex parte motion until after he arrived at FDC/SeaTac for a second period of detention and more solitary confinement.

In point of fact, Hardee also failed completely to forward or even to mention to Mitchell said "order" granting that ex parte motion.

Mitchell has also confirmed a Federal law which prohibits Federal Judges from engaging in the practice of law, and defines that violation as a high misdemeanor. (See 28 USC 454.)

All psychological interviews of Mitchell by one Cynthia A. Low, dba Forensic Psychologist, were conducted at FDC/SeaTac at all times withOUT the assistance of Counsel present during those interviews, and over Mitchell's multiple written objections to the total absence of Counsel, and to all missing credentials for one Stephan Harris whose name appeared in the conforming stamp displayed on Freudenthal's "order".

Relying upon information provided by the U.S. Supreme Court in Johnson v. Zerbst, 304 U.S. 458, 468 (1938), Mitchell believes the complete absence of counsel during all of Low's interviews resulted in ousting this Court of jurisdiction (cf. "jurisdictional bar", "court no longer has jurisdiction to proceed").

Mitchell has never competently and never intelligently waived his Fundamental right to meaningful technical assistance of "standby" counsel. Here, Mitchell relies upon U.S. v. Coupez, 603 F.2d 1347 (9th Cir. 1979) (re: "meaningful technical assistance"), and upon similar case law under 28 USC 1654. Near the end of the 3/21/2014 hearing, Mitchell expressly reserved his Right to change his mind about formal legal representation, and Freudenthal acknowledged same on the record.

Mitchell has previously filed a DEMAND FOR RECUSAL which expanded substantially upon the several reasons why he believes Freudenthal's bias and prejudice do warrant her immediate disqualification.

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Said DEMAND FOR RECUSAL is hereby incorporated by reference, as if set forth fully here.

(See Docket records for the particulars of that DEMAND FOR RECUSAL.)

Chiefly, while being detained unlawfully in Gering, Nebraska, Mitchell submitted a proper FOIA Request to OIP for the four (4) credentials required of Freudenthal, Skavdahl and Johnson. All three (3) of said Court personnel turned up with missing and/or defective credentials: OIP produced no SENATE CONFIRMATIONS for any of those 3 personnel, and also no APPOINTMENT AFFIDAVITS or OATH OF OFFICE for Johnson. (See 28 U.S.C. 453 and 5 USC 2104, 2902, 2903, 3331, 3332, 3333, 5507.)

Also, on information Mitchell concluded the APPOINTMENT AFFIDAVITS for Freudenthal and Skavdahl were visibly counterfeit forms; and, the PRESIDENTIAL COMMISSIONS for Freudenthal and Skavdahl were incomplete because of the visibly counterfeit APPOINTMENT AFFIDAVITS executed by one Eric Holder, Jr., formerly dba U.S. Attorney General. (See 44 USC 3512.)

Mitchell has confirmed that the Federal statute at 5 USC 2902(c) requires the U.S. Attorney General to countersign all PRESIDENTIAL COMMISSIONS of judicial officers e.g. district judges, also U.S. attorneys and U.S. marshals.

Mitchell has also diligently studied the Appointments Clause and the Recess Appointments Clause in the U.S. Constitution. He concluded therefrom that a SENATE CONFIRMATION is absolutely required of Freudenthal, Skavdahl and Johnson: the absence of that key mandatory credential also invalidates any and all other credentials, such as the PRESIDENTIAL COMMISSION, APPOINTMENT AFFIDAVITS and OATH OFFICE, chiefly because the SENATE CONFIRMATION cannot be bypassed or circumvented indefinitely.

Even for recess appointments under Article II, Section 2, Clause 3 in the U.S. Constitution ("2:2:3"), Mitchell found case law holding that the U.S. Senate's formal advice and consent must follow during the next ensuing Senate session. Here, Mitchell relies upon the decision in Noel Canning v. NLRB, 705 F.3d 490 (D.C. Cir. 2013).

Prior to his FOIA Request for her four (4) credentials, Mitchell did mail to Freudenthal a proper DEMAND for disclosing a copy of her APPOINTMENT AFFIDAVITS. A copy of that DEMAND should be filed in this Court's Docket records. Freudenthal never answered that DEMAND (see further discussion of "demand" infra).

Mitchell also believes Freudenthal suffers from a severe conflict of interest that results from her failure to exercise adequate administrative supervision of Court subordinates such as Stephan Harris, Zachary Fisher and Tammy Hilliker dba Clerk and Deputy Clerks of Court, respectively (to name a few). (See Code of Conduct, Canon 3(B) infra.) Here, Mitchell believes probable cause exists for application of the theory of vicarious liability aka "respondeat superior" in Latin (let superiors answer for the misconduct of their subordinates).

All three of the latter personnel of this Court have either failed or refused to produce their APPOINTMENT AFFIDAVITS required by 5 USC 3331 et seq., and their OATH OF OFFICE required by 28 USC 951 (duties), after receiving Mitchell's proper DEMANDs for disclosure of same.

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In this context, after finding it Mitchell has been relying upon a statement in 63C AmJur 2d, to wit: "The public have a right to demand that public officials perform all of their duties faithfully."

Also, by studying the FOIA, Mitchell confirmed the Federal law at 5 USC 551(1)(B) presently exempts the entire Judicial Branch from the Freedom of Information Act, thus necessitating a DEMAND instead of a proper FOIA Request for disclosure of credentials required of this Court's inferior officers i.e. magistrates, clerks and deputy clerks.

Mitchell has now formally charged Stephan Harris with concealing Court records in violation of 18 USC 1519 (a Federal felony). (See the Court Docket for that "VCC" infra, and in pari materia compare 18 USC 2071 where it mentions "custody" of court records.)

The Court is the legal custodian of all APPOINTMENT AFFIDAVITS of all Court officers, designated as such by the Federal law at 5 USC 2906 ("the court to which the office pertains"), NOT the Administrative Office of the U.S. Courts in Washington, D.C.

Mitchell sincerely believes the instant case can and should be correctly and promptly dismissed as a direct consequence of the well documented failure by Stephan Harris to produce 2 required credentials; without both credentials, neither he nor any of his subordinates can lawfully sign, or seal, any "subpoenas" issued by the Court. See 28 USCS 1691 and 28 USCA 1691 for extensive case law upon which Mitchell has often relied during the period in question.

Mitchell concluded that delegation of authority by Stephan Harris is legally impossible, as long as he cannot or will not produce proof of all credentials required of all Clerks of Court and all Deputy Clerks of Court by applicable Federal statutes and Constitutional provisions. (See 6:3, U.S. Const.)

Mitchell has also concluded that the Paperwork Reduction Act effectively created a "right to inspect" all U.S. Office of Personnel Management Standard Form 61 APPOINTMENT AFFIDAVITS for the required display of a valid OMB control number at the upper right-hand corner of page one.

Mitchell therefore believes the net effects of all these missing and defective credentials is a clear and painfully obvious violation of FRCrP Rule 2, at a minimum, in addition to many far-reaching violations of criminal statutes dutifully cited in Mitchell's several VERIFIED CRIMINAL COMPLAINTs, ON INFORMATION ("VCC"), as now filed in the Court's official Docket records in the instant case.

For the record, Rule 2 currently reads: "Interpretation. These rules are to be interpreted to provide for the just determination of every criminal proceeding, to secure simplicity in procedure and fairness in administration, and to eliminate unjustifiable expense and delay. (As amended April 29, 2002, eff. Dec. 1, 2002.)"

On information found in the Federal court decision in U.S. v. Gregory, 508 F.Supp. 1218 (USDC/SDAL 1980), Mitchell also relies now upon the following abstract of that decision, to wit: "Pursuant to Rule 2, party who objects to Court's ruling on motion to recuse should be able to obtain review of that ruling before being put to burden and expense of lengthy trial."

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To date, Mitchell has also lodged four (4) separate "Qui Tam" Complaints under the False Claims Act ("FCA") at 31 USC 3729 et seq. Each contained a PROOF OF SERVICE identifying recipients of hard copy originals transmitted by Mitchell via U.S. Mail.

Mitchell has also studied case law under the FCA which properly classifies qui tam relators as "agents of the United States" (see United States ex rel. Madden v. General Dynamics Corp., 4 F.3d 827 (9th Cir. 1993)).

As such, Mitchell believes that he is thereby entitled to all authorized awards and all protections afforded to all FCA "whistleblowers" (see 31 USC 3730(h), expressly authorizing relief from retaliation against "agents" for efforts to stop false claims against the Treasury of the United States.)

Mitchell also relies consistently upon the statute at 5 USC 5507 (a Federal officer cannot get paid before executing a valid 5 USC 3332 affidavit).

[continue at 2 of 2]

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FROM: 44202086
TO: Brown, Thomas; Saccato, Larry
SUBJECT: APPLICATION FOR DISQUALIFICATIONS [2 of 2]
DATE: 10/03/2014 10:20:51 AM

[continued from 1 of 2]

On further information and belief, Mitchell has studied the Code of Conduct for United States Judges, and thereby inferred probable and demonstrable violations of Canons 2(A), 3(A)(4), 3(B)(1) and 3(B)(2) from all facts, laws and court decisions mentioned heretofore.

On information found in the decision of the U.S. Supreme Court in the case of U.S. v. Mason, 412 U.S. 391 (1973), Mitchell also relies upon the following text in that decision, to wit: "If the doctrine of stare decisis has any meaning at all, it requires that people in their everyday affairs be able to rely upon our [U.S. Supreme Court] decisions and not be needlessly penalized for such reliance."

On information found in the decision of the U.S. Supreme Court in the case of Miranda v. Arizona, 384 U.S. 436 (1966), Mitchell also relies upon the following principle established in that historic decision, to wit: "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."

On all information discussed heretofore, Mitchell sincerely believes that sufficient probable cause already exists to justify the conclusion that Freudenthal lacks even minimal authority to determine the legal sufficiency of this AFFIDAVIT under 28 USC 144.

This concludes Mitchell's AFFIDAVIT OF BIAS AND PREJUDICE.

INCORPORATION OF ATTACHMENTS

Mitchell hereby incorporates by reference two Attachments: "NOTICE TO COUNSELS: USA v. Hill et al. (dated 9/20/2014)" and "NOTICE OF ERRORS by Harris & Harris, P.C. (dated 10/1/2014)" as if both were set forth fully here.

VERIFICATION / CERTIFICATE OF GOOD FAITH

I, Paul Andrew Mitchell, B.A., M.S., Sui Juris, hereby verify under penalty of perjury, under the laws of the United States of America, without the "United States" (Federal government), that the instant APPLICATION is made in good faith, and the above statement of facts and laws is true and correct, according to the best of my current information, knowledge and belief, so help me God, pursuant to 28 USC 1746(1). See Supremacy Clause (Constitution, Laws and Treaties of the United States are all the supreme Law of the Land).

Dated: 10/1/2014

Respectfully submitted,

/s/ Paul Andrew Mitchell

Paul Andrew Mitchell, B.A., M.S. (chosen name)*

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Private Attorney General, Civil RICO: 18 USC 1964,
Rotella v. Wood, 528 U.S. 549 (2000)
(objectives of Civil RICO);
Agent of the United States as Qui Tam Relator,
False Claims Act: 31 USC 3729 et seq. (4X)

* See Doe v. Dunning, 549 P.2d 1
(Washington State Supreme Court)

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Attachments: NOTICE TO COUNSELS: USA v. Hill et al. (dated 9/20/2014)
NOTICE OF ERRORS by Harris & Harris, P.C. (dated 10/1/2014)

Larry Saccato

From: MODELESKI MITCHELL PAUL (44202086)
Sent Date: Saturday, September 20, 2014 1:34 PM
To: lsaccato@gmail.com
Subject: Notice to Counsels: USA v. Hill et al.

Greetings Ladies and Gentlemen:

I am writing to you for the primary purpose of making each of you aware of certain laws and facts which may not, and probably won't, come to your attention by any other means.

As you may already know, I have continued to reserve all Rights (cf. UCC 1-308), with emphasis on all of my Fundamental Rights, and to appear In Propria Persona i.e. "personally" under 28 USC 1654. Cf. "In Propria Persona" in Black's Law Dictionary, Sixth Edition, particularly where that definition addresses the issue of Court jurisdiction.

I have now survived two (2) Faretta hearings -- one in Seattle and one in Cheyenne. The hearing on 3/21/2014 in Cheyenne was noteworthy for repeated attempts by one Nancy Dell Freudenthal ("NDF") to change my mind about formal legal representation: I reserved my right to change my mind, and I continued to proceed In Propria Persona.

The other noteworthy event at that 3/21/2014 hearing was NDF's obvious attempt to characterize the credential investigation as some kind of "pathological obsession". A transcript should show that I opposed her vain attempt, and I actually succeeded in eliciting a spoken apology from NDF.

For reasons like the latter, I have properly demanded her immediate recusal, but she stubbornly refuses to do so.

The case law I have studied requires recusal even if there is the mere appearance of bias. I believe that your several clients are, therefore, now at serious risk of continuing bias and prejudice by NDF, and by her several accomplices, in our case(s) -- chiefly Stephan Harris and L. Robert Murray.

More to the merits of our Fundamental Rights, DOJ's Office of Information Policy ("OIP") promptly replied to my proper FOIA Request while I was being detained unlawfully in Gering, Nebraska. OIP's timely reply contained a cover letter, and responsive documents, calling for the following logical conclusions of law:

- 80913-

Larry Saccato

(1) no SENATE CONFIRMATION required of NDF by 5 USC 2902(c), and by either 2:2:2 or 2:2:3 in the U.S. Constitution (Article:Section:Clause);

(2) incomplete PRESIDENTIAL COMMISSION also required of NDF by 5 USC 2902(c), and by either 2:2:2 or 2:2:3, due in part to defective U.S. OPM Standard Form 61 ("SF-61") APPOINTMENT AFFIDAVITS for one Eric Holder, Jr.; see also 44 USC 3512 here;

(3) NDF's SF-61 is also a counterfeit form because:

(a) it lacks a valid OMB control number at the upper right-hand corner, as required by 44 USC 3501 et seq.; (cf. OMB control number 50-R0118 i.e. five zero dash R zero one one eight);

(b) it lacks the paragraph citing 5 USC 2903 (Authority to administer); and,

(c) the electronic SF-61 published at www.opm.gov was not reviewed or approved by OMB as required by 5 CFR 1320.5, the Federal Regulation implementing the Paperwork Reduction Act ("PRA"): again, see 44 USC 3512;

Under the Appointments Clause at 2:2:2, a SENATE CONFIRMATION must precede the other 3 credentials required of all U.S. District Judges.

Under the Recess Appointments Clause at 2:2:3, a SENATE CONFIRMATION must issue during the next ensuing Senate session i.e. after those other 3 credentials.

Accordingly, I have recently requested the law firm of Harris & Harris, P.C., to confirm the exact dates of NDF's alleged appointment, and of the vacancy she claimed to fill. To date, Harris & Harris, P.C., have not disclosed those exact dates to me.

Nevertheless, it is not likely that she was initially appointed at "Chief Judge"; and, enough time has now elapsed to compel a conclusion that NDF surely needed a SENATE CONFIRMATION under one or the other option: 2:2:2 or 2:2:3. See also the definition of "officer" at 5 USC 2104, 3332 and 5507.

The legal (and moral) consequences of NDF's missing and defective credentials are quite far-reaching e.g. by necessarily rendering null and void:

(a) all her "orders" and "rulings" to date;

(b) all hearings on which she attempted to preside; and,

(c) the original "arrest warrant" executed upon my Person on 1/28/2014.

As such, the USDC/DWY lacked jurisdiction in personam

- 9 - CE 13 -

Larry Saccato

(over my proper Person) ab initio (at least beginning 1/28/2014).

Moreover, NDF's attempt to appoint Mr. Terry J. Harris as my formal legal representative was also void ab initio, for the very same reasons.

At another hearing on 7/10/2014, I again appeared under protest and In Propria Persona; and, I gave at least 2 hours of testimony under direct examination by Terry J. Harris -- chiefly because no one else was qualified, or prepared, to conduct such a direct examination of me.

You should also be informed, via filed Docket records, that several other Federal personnel have also failed or refused to disclose their mandatory credentials e.g. see RELATOR'S FIFTH VERIFIED CRIMINAL COMPLAINT, ON INFORMATION ("VCC"), and all other VCCs previously filed in the Docket records, in timely compliance with 18 USC 4 (misprision of felony).

Notably, Dr. Cynthia A. Low has now failed or refused to answer my proper FOIA Request for her own SF-61. My first attempt to address that Request to the "Disclosure Officer" at FDC/SeaTac was returned by the U.S. Postal Service with the annotation "no such addressee" (or words to that effect).

For that reason, I promptly re-mailed that FOIA Request directly to Dr. Low, but no reply has been forthcoming from her, nor from any of her superiors nor anyone else at FDC/SeaTac.

I also wish to take this opportunity to make you aware that I have now authored approximately 30 CONFIDENTIAL Journal entries consisting of 50+ pages; and, I mailed all of those Journal entries to Harris & Harris, P.C.

Please accept this communication as my formal authorization for all defense counsel to obtain photocopies of all such handwritten Journal entries.

I wrote those Journal entries also to focus the attention of each defense Counsel on the key issues (e.g. the heart of the matter), and to prevent invasions of my privacy Rights that would otherwise result from what are often described as "fishing expeditions" -- assembling enormous quantities of questionable and irrelevant data, at great and unnecessary expense to government treasuries (e.g. 20,000 pages and still counting).

Kindly allow me briefly to demonstrate to you why it is not appropriate or necessary to label my case as "complex": Stephan Harris has refused to produce any valid credentials, in blatant violation of 18 USC 1519 (a felony). Therefore, he could not have signed or sealed any subpoena(s) issued by any Federal grand jury(s); he could not have

— 10-06-13

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selected or summoned any Federal grand jury(s); and, he could not have delegated any authority(s) to any subordinate deputy clerk(s) whatsoever.

See my essay "Clerks or Jerks? The Pivotal Duties of Federal Court Clerks" for further pertinent details.

In my professional opinion, any and all efforts to expand the scope of my case beyond those simple issues is a direct and blatant violation of FRCrP Rule 2; and, those efforts also constitute probable cause that barratry has already occurred, and continues to occur even as I write this.

(Barratry is an offense similar to "churning" by a stock broker i.e. for purposes of maximizing fee generation; "Esquire" is an office under the Crown of England. Cf. Bouvier's Law Dictionary (1856).)

If any of you need further clarification of any points made above, please consult the relevant Docket entries first, then reply via email to my trusted legal assistant <lsaccato@gmail.com> who will forward your terse reply(s) to me at his earliest convenience (no email attachments, please).

Thank you for your professional consideration.

Sincerely yours,
/s/ Paul Andrew Mitchell, B.A., M.S. (chosen name)
Private Attorney General, Civil RICO: 18 USC 1964,
Rotella v. Wood, 528 U.S. 549 (2000)
(objectives of Civil RICO);
Agent of the United States as Qui Tam Relator,
False Claims Act: 31 USC 3729 et seq. (4X)

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Copies forwarded to:

<agharkarmd@gmail.com>
<tom@jubinzerga.com>
<mike@mhrwylaw.com>
<tjharrispc@gmail.com>
<emily.marie.harris@gmail.com>

Gay Woodhouse
1912 Capitol Avenue, Suite 500
Cheyenne 82001
Wyoming, USA

Thomas A. Fleener
Fleener & Vang, LCC
P.O. Box 1186
Laramie 82073
Wyoming, USA

-110013-

TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SPG-G-P

FROM: 44202086
TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry
SUBJECT: NOTICE OF ERRORS by Harris & Harris, P.C.
DATE: 10/01/2014 04:54:51 PM

TO:
Hon. Warden
USMCFP
P.O. Box 4000
Springfield 65801-4000
Missouri, USA

RE: August 6, 2014 letter from Terry J. Harris

Greetings Hon. Warden:

Please allow me to explain to you, and to all your subordinates who may have a need to know, several serious errors that are evident in the written correspondence you recently received from Harris & Harris, P.C., Cheyenne, Wyoming.

On the first page of his cover letter to you dated August 6, 2014, Mr. Terry J. Harris makes the following serious errors in the first paragraph:

- * "I represent Paul Mitchell" [NOT correct]
- * "Nancy Freudenthal's Order appointing me" [NOT correct]
- * "her more recent Order declaring Paul Mitchell incompetent" [NOT correct]

As admitted in their written reply to my proper Request under the Freedom of Information Act ("FOIA"), DOJ's Office of Information Policy ("OIP") did not find any SENATE CONFIRMATION in their appointment file for Nancy Dell Freudenthal.

Moreover, her U.S. Office of Personnel Management ("OPM") Standard Form 61 APPOINTMENT AFFIDAVITS ("SF-61") are a counterfeit form because:

- (a) no OMB control number is displayed at the upper right-hand corner;
- (b) there is no paragraph citing 5 USC 2903 (Authority to administer); and,
- (c) the electronic form at www.opm.gov was never reviewed or approved by the Office of Management and Budget ("OMB").

Also, Freudenthal's PRESIDENTIAL COMMISSION is incomplete because of the counterfeit SF-61 executed by one Eric Holder, Jr. Here, see 5 USC 2902(c), which mandates the Attorney General's signature on all such PRESIDENTIAL COMMISSIONS.

OIP's cover letter and responsive documents were mailed by me to the P.O. Box of Harris & Harris, P.C. in Cheyenne, Wyoming, while I was unlawfully detained at a county jail in Gering, Nebraska.

I also requested OIP to forward to that P.O. Box OIP's timely reply to my proper FOIA Appeal.

TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SPG-G-P

Freudenthal's missing -and- defective credentials do violate at least two Clauses in the U.S. Constitution (cf. 6:3, and either 2:2:2 or 2:2:3), and a distinct group of other Federal laws which implement those Clauses.

As such, Ms. Freudenthal lacked the required authority to appoint Mr. Harris legally to represent me; and, she lacked the required authority to issue any order(s) whatsoever, least of all one that blatantly defames me for being "incompetent" [sic]. Defamation is criminal.

Contrary to appearances (and pretenses) fostered by Mr. Harris et al., he does not and cannot legally "represent" me as long as I continue to proceed In Propria Persona. I have always appeared In Propria Persona i.e. "personally", which is my right under 28 USC 1654.

I have now survived two (2) Faretta hearings, which can be confirmed by consulting the Court records in Docket #2:14-CR-00027-NDF-2 (USDC/Cheyenne).

If you still harbor any reasons why you may doubt or question what I have written above, please feel free to "go to the source" and contact OIP directly. That Office is also part of the same Department ("DOJ") of which you are presently an officer.

See 5 USC 3331, 3332, 3333, and 5507.

The real reason why I am presently incarcerated at USMCFP/Springfield is our credential investigation.

If you wish to receive more information about that investigation, I will be happy to answer your questions as promptly as humanly possible, given the limited resources and severe restrictions which I am now compelled to endure in violation of the Constitution, laws and treaties of the United States.

Here, see the Supremacy Clause in the U.S. Constitution and also the Act of Congress at 28 USC 2241(c)(3) in chief.

Thank you, Warden, for your continuing professional consideration.

Sincerely yours, *Paul Mitchell*
/s/ Paul Andrew Mitchell, B.A., M.S. (chosen name)*
Private Attorney General, Civil RICO: 18 USC 1964,
Rotella v. Wood, 528 U.S. 549 (2000)
(objectives of Civil RICO);
Agent of the United States as Qui Tam Relator,
False Claims Act: 31 USC 3729 et seq. (4X)

* See Doe v. Dunning, 549 P.2d 1 (Washington State Supreme Court)
(fundamental principle and common-law right to change one's name)

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PROOF OF SERVICE


I, Paul Andrew Mitchell, B.A., M.S., hereby verify under penalty of perjury, under the laws of the United States of America, that I did cause one copy of the following document(s), signed in original black ink, to be posted via first class U.S. Mail at the Mail Room of the U.S. Medical Center for Federal Prisoners in Springfield, Missouri:

APPLICATION FOR DISQUALIFICATIONS: 28 USC 144
+ two (2) Attachments

to the following addressee(s):

Office of Clerk of Court
U.S. District Court
2120 Capitol Avenue, 2nd Floor
Cheyenne 82001
Wyoming, USA

Dated: October 7, 2014 A.D.

Signed: 

Printed: Paul Andrew Mitchell, B.A., M.S.
Agent of the United States as Qui Tam Relator (4X)
(31 USC 3729 et seq.)

All Rights Reserved (cf. UCC 1-308: Federal municipal law
enacted expressly for the District of Columbia)

Re: Docket #2:14-CR-00027-NDF-2 (USDC/DWY)

PROOF OF SERVICE

I, Larry Saccato., hereby verify under penalty of perjury, under the laws of the United States of America pursuant to 28 USC 1746(1), that I caused the following document(s) to be mailed, with sufficient postage affixed, from the United States Post Office:

INITIAL APPLICATION FOR WRITS IN THE NATURE OF QUO WARRANTO AND HABEAS CORPUS with ATTACHMENTS; and, Cover Letters with Instructions

to the following addressees:

Office of Clerk of Court
U.S. District Court
222 N. John Q. Hammons Parkway
Room 1400
Springfield 65806-2515
Missouri, USA

)
L Robert Murray
C/o Office of US Attorney
P.O. Box 668
Cheyenne, 82003-0668
Wyoming USA

Stephan Harris
C/o Clerk of the Court
US District Court
2120 Capitol Avenue, 2nd Floor
Cheyenne 82001
Wyoming, USA

Nancy D. Freudenthal
C/o Clerk of the Court
US District Court
2120 Capitol Avenue, 2nd Floor
Cheyenne 82001
Wyoming, USA

Dated 11/7/2014

/
/
/

Signed:

LARRY SACCATO

Printed: Larry Saccato as Next Friend, Legal Assistant and
Interim Trustee, Estate of Paul Andrew Mitchell, B.A., M.S.

PROOF OF SERVICE

I, Paul Andrew Mitchell, B.A., M.S., hereby verify under penalty of perjury, under the laws of the United States of America pursuant to 28 USC 1746(1), that I caused the following document(s) to be mailed, with sufficient postage affixed, from the Mail Room at the U.S. Medical Center for Federal Prisoners in Springfield, Missouri, USA:

INITIAL APPLICATION FOR WRITS IN THE NATURE OF QUO WARRANTO AND HABEAS CORPUS with ATTACHMENTS; and, Cover Letters with Instructions

to the following addressees:

Office of Clerk of Court annotated "LEGAL MAIL", "Special Mail" and
U.S. District Court "All Rights Reserved (cf. UCC 1-308)"
222 N. John Q. Hammons Parkway
Room 1400
Springfield 65806-2515
Missouri, USA

Mr. Larry Saccato annotated "All Rights Reserved (cf. UCC 1-308)"
1224 N.E. Walnut #257
Roseburg 97470
Oregon, USA

Dated 10/9/2014

/

Signed: /s/ Paul Andrew Mitchell

Printed: Paul Andrew Mitchell, B.A., M.S.

/

Co-Signed:

LARRY SACCATO

Printed: Larry Saccato as Next Friend, Legal Assistant and
Interim Trustee, Estate of Paul Andrew Mitchell, B.A., M.S.

TO:
Hon. Warden
USMCFP/Springfield

COPY

SUBJECT:
INITIAL APPLICATION FOR WRITS IN THE NATURE OF QUO WARRANTO AND
HABEAS CORPUS (USDC/WDMO/Southern Division)

Greetings Warden:

I am writing again to inform you that the above INITIAL APPLICATION was served last week via LEGAL MAIL to the Clerk of Court at the U.S. District Court (WDMO/Southern Division) here in Springfield, Missouri. See 28 U.S.C. 105(b)(5).

At least one of your subordinates now appears to be implicated in the multitude of damages inflicted upon my Person by certain named Federal personnel in Seattle, Washington, and in Cheyenne, Wyoming, due chiefly to continuous false imprisonment, and repeated solitary confinement, after my false arrest on 1/28/2014.

See my APPLICATION FOR DISQUALIFICATIONS: 28 USC 144, for more details.

At this juncture, I believe it is most timely, courteous, and appropriate to invite your office to participate in the litigation now commenced by reason of the INITIAL APPLICATION supra.

Although I cannot give you legal advice, please accept my suggestion that you consult with competent counsel within DOJ, e.g. Office of Information Policy in Washington, D.C., and consider applying for leave to intervene as a Real Party of Interest.

Under the legal theory of "respondeat superior", it is my understanding that your office could also be held vicariously liable for each day of false imprisonment after my arrival at USMCFP on 9/11/2014, in addition to another week of unnecessary and unjustified solitary confinement.

See Eighth Amendment here, and also DOJ Standard Form 95 (Federal tort claim).

The INITIAL APPLICATION and required SUMMONS are scheduled for service of process, as soon as my Legal Assistant and Next Friend can mail the required photocopies, and timely file PROOFs OF SERVICE.

That APPLICATION has presently allocated room for Does 1 thru 20, as unnamed civil cross-defendants.

Please appreciate my willingness, and any legal requirement(s), to substitute the proper names of USMCFP staff who deliberately persist in violating 18 USC 1513, and/or any other pertinent U.S. law, treaty or constitutional provision. See e.g. 18 USC 241, 242, 1341, 1702 (Obstruction of correspondence), and 1961 et seq. (RICO).

Because 18 USC 241 and 1513 are both FELONY Federal offenses, I am legally obligated by Act of Congress at 18 USC 4 to report all such felonies to an officer in the civil or military authority of the United States (Federal government). I presume your office will suffice for purposes of satisfying that legal obligation: if not, please advise immediately.

Thank you again, Warden, for your continuing professional consideration.

Notice to principals is notice to agents.
Notice to agents is notice to principals.

Sincerely yours,

/s/ Paul Andrew Mitchell

Paul Andrew Mitchell, B.A., M.S. (chosen name)
Private Attorney General, Civil RICO: 18 USC 1964,
Rotella v. Wood, 528 U.S. 549 (2000)
(objectives of Civil RICO);
Agent of the United States as Qui Tam Relator,
False Claims Act: 31 USC 3729 et seq. (4X);
Qualified Federal Witness: 18 USC 1512, 1513

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Larry Saccato

From: MODELESKI MITCHELL PAUL (44202086)

Sent Date: Monday, October 13, 2014 9:39 PM

To: lsaccato@gmail.com

Subject: 2 typos in NOTICE OF INTENT

2441 should be 2241 (2 places near the end):

28 U.S.C. 2441(c)(3)
should be
28 U.S.C. 2241(c)(3)

28 U.S.C. 2441
should be
28 U.S.C. 2241

sorry for the typos

PLEASE FIX BEFORE FORWARDING. THANKS!

/s/ Paul