

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

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2014 DEC 5 PM 2 03
STEPHAN HARRIS, CLERK
CHEYENNE

In Propria Persona
In forma Pauperis

- COPY -

United States Court of Appeals

Tenth Circuit

United States of America [sic],
Plaintiff-Appellee,
v.
Paul Andrew Mitchell,
Defendant-Appellant.

Appeal No. 14-8081 PM
Case No. 2:14-CR-00027-NDF-2
aka 14-CR-27-F (USDC/DWY)
APPLICATION FOR WRIT IN THE
NATURE OF A PROHIBITION:
28 U.S.C. 144, 292(b).

Comes now Paul Andrew Mitchell, B.A., M.S., Citizen of Washington State (expressly not a federal citizen), Private Attorney General under 18 U.S.C. 1964, Qualified Federal Witness under 18 U.S.C. 1512 and 1513, and Agent of the United States as Qui Tam Relator under 31 U.S.C. 3729 et seq., to petition this honorable Tenth Circuit for a Writ in the nature of a Prohibition barring Nancy D. Freudenthal, Alan B. Johnson, and Scott W. Skavdahl from presiding any further at any time in the future upon "criminal" case #2:14-CR-00027-NDF-2 (hereinafter "DWY Docket") in the District of Wyoming at Cheyenne.

On or about 10/9/2014, Appellant mailed his proper APPLICATION FOR DISQUALIFICATIONS: 28 U.S.C. 144 to the Clerk of Court, United States District Court, 2120 Capitol Avenue, 2nd Floor, Cheyenne 82001, Wyoming, USA.

On good information, Appellant is thereby informed that said APPLICATION was filed on or about 10/15/2014 (see DWY Docket supra).

- 1 of 4 -

However, from subsequent Docket entries, it now appears that Nancy D. Freudenthal continues to preside and issue further rulings in the instant case, in direct violation of 28 U.S.C. 144.

NOTICE OF RELATED CASE

Appellant also respectfully requests this Tenth Circuit to take discretionary judicial notice, pursuant to FREV Rule 201(c)(1), of Civil Case Number 14-3460-CV-S-MDH-P now commenced at the Western District of Missouri, Southern Division, properly entitled as U.S. ex rel. Mitchell v. Freudenthal et al. Some filings may still be in transit, due to delays imposed by the schedule and policies of the Mail Room at the USMCFP in Springfield, Missouri.

REMEDIES REQUESTED

Appellant therefore respectfully requests from this honorable Tenth Circuit an ORDER barring Nancy D. Freudenthal, Alan B. Johnson and Scott W. Skavdahl from presiding any further on this case, and a separate ORDER from the Chief Judge of the Tenth Circuit in the public interest designating and assigning a district judge from a different judicial district in the Tenth Circuit to hold a district court in the judicial district of Wyoming in this case.

Also, in respect for his desperately indigent status, Appellant respectfully requests a routine ORDER requiring the Clerk of this Tenth Circuit to serve an electronic copy of this APPLICATION upon Nancy D. Freudenthal, Alan B. Johnson and Scott W. Skavdahl, care of Clerk of Court, 2120 Capitol Ave., 2nd Fl., Cheyenne 82001, Wyoming.

Dated: 11/12/2014

Respectfully submitted, 

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

Appellant In Propria Persona and In Forma Pauperis

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

FROM: Schoch, Juan
TO: 44202086
SUBJECT: RE: orders
DATE: 11/01/2014 01:51:11 PM

Exhibit A-1.1

PAH

Sure:

- 09/24/2014 217 ORDER by the Honorable Nancy D. Freudenthal granting 215 Motion to Continue as to Lucille Kathleen Hill (3), granting 216 Motion to Extend as to Lucille Kathleen Hill (3) and granting 214 Motion to Continue as to Gloria Jean Reeder (6). Jury Trial RESET FOR ALL DEFENDANTS IN THIS MATTER for 1/20/2015 08:30 AM in Cheyenne Courtroom No. 1 (Room No. 2132) before Honorable Nancy D Freudenthal. All defendants shall have until November 21, 2014 to file pretrial motions in this case.(Court Staff, sal) (Entered: 09/24/2014)
- 09/25/2014 Set/Reset Deadlines/Hearings as to Joseph Ruben Hill, Mitchell Paul Modeleski, Lucille Kathleen Hill, Lawrence Kevin Paille, Stephanie Lenore Maciel, Gloria Jean Reeder: Jury Trial set for 1/20/2015 08:30 AM in Cheyenne Courtroom No. 1 (Room No. 2132) before Honorable Nancy D Freudenthal. (Court Staff, sal) (Entered: 09/25/2014)
- 09/29/2014 219 Order on Competency Hearing Returned Executed as to Mitchell Paul Modeleski on September 11, 2014. (Court Staff, szf) (Main Document 219 replaced on 9/30/2014) (Court Staff, sal). (Entered: 09/29/2014)
- 09/30/2014 220 CJA 20 Payment made to Mark Hardee regarding Defendant Mitchell Paul Modeleski in the amount of \$1,475..70 from voucher number 140916000242 signed by the Honorable Nancy D Freudenthal.(Court Staff, jl) (Entered: 09/30/2014)
- 10/01/2014 221 EX-PARTE DOCUMENT, NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access - Letter to the Honorable Nancy D. Freudenthal from the BOP. (Court Staff, sal) (Entered: 10/01/2014)
- 10/07/2014 223 CJA 20 Interim Payment made to Terry Harris regarding Defendant Mitchell Paul Modeleski in the amount of \$16,515.30 from voucher number 140922000039 signed by the Honorable Nancy D Freudenthal.(Court Staff, jl) (Entered: 10/07/2014)
- 10/08/2014 224 Notice Vacating Hearing as to Mitchell Paul Modeleski: Status Conference set for 11/10/14 at 1:30 p.m. is vacated. (Court Staff, sal) (Entered: 10/08/2014)
- 10/08/2014 225 EX-PARTE DOCUMENT - MOTION for Transcripts by USA, Mitchell Paul Modeleski as to Defendant (s) Mitchell Paul Modeleski. (Attachments: # 1 Proposed Order)(Harris, Terry) (Entered: 10/08/2014)
- 10/10/2014 226 "Notice of default" by defendant Mitchell Paul Modeleski. (Court Staff, sal) (Entered: 10/10/2014)
- 10/14/2014 227 Letter Re: "Application for Disqualification: 28 USC 144" from Mitchell Paul Modeleski (Court Staff, sjlg) (Entered: 10/14/2014)
- 10/14/2014 228 Certificate "Proof" of Service by Mitchell Paul Modeleski re 227 Letter e: "Application for Disqualification: 28 USC 144" (Court Staff, sjlg) (Entered: 10/14/2014) PAH
- 10/15/2014 229 NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access/EX-PARTE DOCUMENT - ORDER granting 225 Motion for Transcripts as to Mitchell Paul Modeleski (2) by the Honorable Nancy D Freudenthal. Copy to jbd on this date via email.(Court Staff, sal) (Entered: 10/15/2014)
- 10/21/2014 230 NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access - EX-PARTE DOCUMENT - MOTION for Hearing by USA, Mitchell Paul Modeleski as to Defendant(s) Mitchell Paul Modeleski. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Proposed Order)(Harris, Terry) (Entered: 10/21/2014)
- 10/21/2014 231 NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access - EX-PARTE DOCUMENT - MOTION for Order to Produce Treatment Records, by USA, Mitchell Paul Modeleski as to Defendant (s) Mitchell Paul Modeleski. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Proposed Order)(Harris, Terry) (Entered: 10/21/2014)
- 10/31/2014 236 ORDER denying 230 Motion for Hearing as to Mitchell Paul Modeleski (2) denying 231 Motion for Order as to Mitchell Paul Modeleski (2) by the Honorable Nancy D Freudenthal.(Court Staff, sal) (Entered: 10/31/2014)

MITCHELL PAUL MODELESKI on 11/1/2014 12:19:16 PM wrote
Freudenthal was AUTOMATICALLY disqualified
by my APPLICATION FOR DISQUALIFICATIONS: 28 USC 144.

If that APPLICATION was NOT filed, THEN
another FELONY has occurred in that case..

Can you check that Docket starting on or about
September 19, 2014? It took me about a week
to 10 days to research, write and mail that
APPLICATION FOR DISQUALIFICATIONS: 28 USC 144.

- 3 of 4 -

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

BTW: that APPLICATION FOR DISQUALIFICATIONS is now filed in my Civil case now docketed at the USDC/WDMO/Kansas City, and it will be served as soon as my Legal Assistant can mail copies of the entire INITIAL APPLICATION to all named Civil Cross-Defendants.

Exhibit A-1.2

PA

/s/ paul
—Schoch, Juan on 11/1/2014 10:51 AM wrote:

>
I guess you have already seen this?

- 10/21/2014 230 NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access - EX-PARTE DOCUMENT - MOTION for Hearing by USA, Mitchell Paul Modeleski as to Defendant(s) Mitchell Paul Modeleski. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Proposed Order)(Harris, Terry) (Entered: 10/21/2014)
- 10/21/2014 231 NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access - EX-PARTE DOCUMENT - MOTION for Order to Produce Treatment Records, by USA, Mitchell Paul Modeleski as to Defendant (s) Mitchell Paul Modeleski. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Proposed Order)(Harris, Terry) (Entered: 10/21/2014)
- 10/31/2014 236 ORDER denying 230 Motion for Hearing as to Mitchell Paul Modeleski (2) denying 231 Motion for Order as to Mitchell Paul Modeleski (2) by the Honorable Nancy D Freudenthal.(Court Staff, sal) (Entered: 10/31/2014)

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

In Propria Persona
In Forma Pauperis

- COPY -

United States District Court
District of Wyoming / Cheyenne

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

) Case No. 2:14-CR-00027-NDF-2
) NOTICE OF APPLICATION FOR WRIT
) IN THE NATURE OF A PROHIBITION:
)
) 28 U.S.C. 144, 292(b).

TO WHOM IT MAY CONCERN:

Formal NOTICE is hereby given to all interested Party(s) that Paul Andrew Mitchell, B.A., M.S., has now applied to the U.S. Court of Appeals for the Tenth Circuit in Denver, Colorado, for a Writ in the nature of a Prohibition, in connection with His "APPLICATION FOR DISQUALIFICATIONS: 28 U.S.C. 144" as duly filed with this United States District Court for the District of Wyoming at Cheyenne ("USDC/DWY") on or about 10/14/2014.

Said APPLICATION FOR WRIT was mailed on 11/13/2014 from the Mail Room at the U.S. Medical Center for Federal Prisoners ("USMCFP") located in Springfield, Missouri, via first-class "LEGAL MAIL" with sufficient postage affixed.

Please be advised that the USMCFP Mail Room was CLOSED for business from 11/8/2014 to 11/12/2014 inclusive.

Thank you for your consideration.

Dated: 11/14/2014

Respectfully submitted, 
/s/ Paul Andrew Mitchell, B.A., M.S.

Defendant-Appellant In Propria Persona
i.e. "personally" under 28 U.S.C. 1654,
and In Forma Pauperis

Dated:

Co-Signed by:

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

All Rights Reserved (cf. UCC 1-308)

NOTICE OF INTERLOCUTORY APPEAL

TO: Office of Clerk of Court
United States District Court
2120 Capitol Avenue, 2nd Floor
Cheyenne 82001
Wyoming, USA

- COPY -

PM

DATE: 11/13/2014

SUBJECT: #2:14-CR-00027-NDF-2 aka 14-CR-27-F (USDC/DWY)

TO WHOM IT MAY CONCERN:

Formal Notice is hereby given of Relator's APPLICATION FOR WRIT IN THE NATURE OF A PROHIBITION, signed on 11/12/2014, as timely submitted to the U.S. Court of Appeals for the Tenth Circuit at 1823 Stout Street, 1st Floor, Denver 80257-1823, Colorado, USA.

Delivery via U.S. Mail may be delayed several days, due to the schedule and policies of the Mail Room at the USMCFP in Springfield.

In particular, see APPLICATION FOR DISQUALIFICATIONS: 28 U.S.C. 144, as filed in the above entitled Docket on or about 10/14/2014. See also the PROOF OF SERVICE of same, also filed on or about 10/14/2014.

Thank you for your professional consideration.

Sincerely yours, *Paul Mitchell PM*

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

Relator In Propria Persona and In Forma Pauperis;
Private Attorney General: 18 U.S.C. 1964;
Agent of the United States as Qui Tam Relator: 31 U.S.C. 3729 et seq.;;
Qualified Federal Witness: 18 U.S.C. 1512, 1513;
Instructor, Inventor and Systems Development Consultant;
utility patent pending, U.S. Patent and Trademark Office,
Washington, D.C.

SHIP TO:

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

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