

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

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U.S. DISTRICT COURT
DISTRICT OF WYOMING
2014 NOV 24 PM 12 57
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FROM: 44202086
TO: Brown, Thomas; Saccato, Larry; Schoch, Juan
SUBJECT: Please FAX to Clerk & U.S. Attorney, Cheyenne
DATE: 11/20/2014 10:17:06 AM

NOTICE OF PENDING TRO

TO:
Nancy Freudenthal, USDC/DWY/Cheyenne
Scott Skavdahl, USDC/DWY/Cheyenne
Kelly Rankin, USDC/DWY/Cheyenne
Stephan Harris, USDC/DWY/Cheyenne
L. Robert Murray, OUSA/DWY/Cheyenne
Christopher Crofts, OUSA/DWY/Cheyenne

DATE: 11/20/2014

SUBJECT:
EMERGENCY APPLICATION FOR TRO
Case No. 14-3460-CV-S-MDH-P (USDC/WDMO)

Pursuant to FRCP Rule 65(d)(2)(A) thru (C) ("Persons bound") you are hereby notified of the EMERGENCY APPLICATION FOR TEMPORARY RESTRAINING ORDER ("TRO") now pending before the USDC/WDMO/Southern Division, Springfield, Missouri, Docket #14-3460-CV-S-MDH-P.

Venue for the latter case is proper in the WDMO pursuant to multiple authorities correctly cited in two (2) MOTIONS FOR RECONSIDERATION now filed in said Docket.

For the record, all six (6) of you have turned up with missing and/or defective credentials: see 5 U.S.C. 2104, 2902(c), 2903, 2906, 3331, 3332, 3333, 5507; 28 U.S.C. 453, 544; Article II, Section 2, Clauses 2 and 3; Article VI, Clause 3 in the U.S. Constitution.

See also all relevant documentation now filed in related Docket #2:14-CR-00027-NDF-2 aka 14-CR-27-F ("DWY Docket"), in particular all VERIFIED CRIMINAL COMPLAINTS, ON INFORMATION ("VCC") i.e. VCC1, VCC2, VCC3, VCC4, and VCC5 as filed in the DWY Docket, and VCC6 as now filed in the WDMO Docket.

Sincerely yours, *Paul Mitchell*
/s/ Paul Andrew Mitchell, B.A., M.S.

Relator In Propria Persona (initially)
and in Forma Pauperis

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

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⁵ As we have stated: "[T]he individual's right to the protection of his own good name 'reflects no more than our basic concept of the essential dignity and worth of every human being, a concept at the root of any decent system of ordered liberty.'" *Gertz v Robert Welch, Inc.*, 418 US 323, 341, 41 L Ed 2d 789, 94 S Ct 2997 (1974) (quoting *Rosenblatt v Baer*, 383 US 75, 92, 15 L Ed 2d 597, 86 S Ct 669 (1966) (Stewart, J., concurring)); see also *Milkovich v Lorain Journal Co.*, 497 US 1, 12, 111 L Ed 2d 1, 110 S Ct 2695 (1990) ("[H]e that filches from me my good name / Robs me of that which not enriches him, And makes me poor indeed" (quoting Shakespeare's *Othello*, Act III, scene 3)); *Paul*, 424 US, at 706, 47 L Ed 2d 405, 96 S Ct 1155 ("The Court has recognized the serious damage that could be inflicted by branding a government employee as 'disloyal,' and thereby stigmatizing his good name"); *Wisconsin v Constantineau*, 400 US 433, 437, 27 L Ed 2d 515, 91 S Ct 507 (1971) (emphasizing the importance of "a person's good name, reputation, honor, [and] integrity"; holding that respondent was entitled to due process before notices were posted stating that he was prohibited from buying or receiving alcohol); *In re Winship*, 397 US 358, 363-364, 25 L Ed 2d 368, 90 S Ct 1068 (1970) ("[B]ecause of the certainty that [one found guilty of criminal behavior] would be stigmatized by the conviction . . . , a society that values the good name and freedom of every individual should not condemn a man for commission of a crime when there is a reasonable doubt about his guilt"); *Wieman v Updegraff*, 344 US 183, 190-191, 97 L Ed 216, 73 S Ct 215 (1952) ("There can be no dispute about the consequences visited upon a person excluded from public employment on disloyalty grounds. In the view of the community, the stain is a deep one; indeed, it has become a badge of infamy").

Indeed, vindicating one's reputation is the main interest at stake in a **defamation** case, and that that interest has always been held to constitute a sufficient "personal stake." See, e.g., *Paul*, 424 US, at 697, 47 L Ed 2d 405, 96 S Ct 1155 ("[R]espondent's complaint would appear to state a classical claim for **defamation** actionable in the courts of virtually every State. Imputing criminal behavior to an individual is generally considered defamatory per se, and actionable without proof of special damages"); *Gertz*, 418 US, at 349-350, 41 L Ed 2d 789, 94 S Ct 2997 ("We need not define 'actual injury' . . . Suffice it to say that actual injury is not limited to out-of-pocket loss. Indeed, the more customary types of actual harm inflicted by defamatory falsehood include impairment of reputation and standing in the community, personal humiliation, and mental anguish and suffering"); L. Eldridge, *Law of Defamation* § 53, pp. 293-294 (1978) ("There is no doubt about the historical fact that the interest in one's good name was considered an important interest requiring legal protection more than a thousand years ago; and that so far as Anglo-Saxon history is concerned this interest became a legally protected interest comparatively soon after the interest in bodily integrity was given legal protection").

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2:14-CR-00027-NDF-2

PAH
44202086

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NOV 20 14 PM 3 L



"Special Mail"

Re: Pending TRD

2:14-cr-00027-NDF-2

LEGAL MAIL

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