FIRST NOTICE AND DEMAND TO CEASE AND DESIST

#2:14-CR-00027-NDF-2 (USDC / DWY) [sic]

("SEALED" [sic])

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2014 JUN 16 PM 2 44
STEPHAN HARRIS, CLERK
CHEYENNE

Margin Notes:

TO: Ms. Nancy D. Freudenthal
c/o U.S. District Court ("USDC")
2120 Capitol Ave., 2nd Floor
Cheyenne 82001
Wyoming, USA

DATE: June 6, 2014 A.D.

18 USC 1519 RE: malicious prosecution, fraudulent concealment etc.

Formal DEMAND is hereby made of you to immediately recuse yourself from the instant case, retroactive to the hearing on 3/21/2014, and to cease and desist from any further attempts to preside upon such case at any time in the future, for reasons including but not limited to the following:

"DWY" (1) the USDC for the District of Wyoming lacks jurisdiction in personam, due chiefly to

28 USC 1691 multiple violations of 28 U.S.C. 1691 by Clerk's

fraudulent concealment Office personnel; absent the requisite credentials, Stephan Harris cannot perform any duties conferred upon that Office: see "Clerks or Jerks? The Pivotal Duties of Federal Court Clerks,"

author by the Undersigned, which is incorporated by reference, as if set forth fully here;

28 USC 1654 (2) you have violated 28 U.S.C. 1654 by knowingly,

-1 of 6- and fraudulently, maintaining false and

Margin Notes:

18 USC 1001

misleading docket entries showing the Undersigned as "legally represented by Mark C Bardue" [sic], when the 2-hour hearing on 3/21/2014 should have made it entirely obvious to you that the Undersigned has always proceeded In Propria Persona - by opting to appear "personally" under

28 USC 1654

28 U.S.C. 1654 and NOT "by counsel" [sic]; cf. arraignment

cf. "plain error"

(3) you have stubbornly replated plain errors by fostering the fallacious notion that a litigant who opts to appear personally has effectively "waived" counsel, and is therefore not entitled to adequate technical assistance of counsel; that fallacy is flatly contradicted by standing case law under 28 U.S.C.S. 1654 (cf. also cases re: "Pro Se" litigants), and under the Sixth Amendment, in which the correct meaning of "assistance of Counsel" has been well established for more than a century (cf. "stare decisis" as explained in U.S. v. Mason);

28 USCS 1654

28 USCA 1654

6th Amend.

S. Ct.

(4) you have also manifested evidence that you have failed to read statutes such as 28 U.S.C. 1654 before hearings; your gross negligence in this manner was painfully obvious on 3/21/2014, when you paused for some time to access and read 18 U.S.C. 1504, giving all present reason to conclude that you had not

28 USC 1654

18 USC 1504

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Margin Notes:

18 USC 1504

malicious prosecution

malicious prosecution

Mark C. Hardee

Johnson v. Zerbst, S. Ct.

28 USC 1746(2)

FRCrP Rule 2

reviewed that statute prior to that hearing: the last paragraph is one element essential to this litigant's defense against all of the false charges enumerated in the charging document aka "indictment"; cf. 18 USCS 1504 (LexisNexis); (5) you have allowed the Court to proceed out of order by neglecting to adjudicate the two (2) MOTIONS TO DISMISS filed by this litigant to date, and by failing to ensure that any pleading(s) in opposition to said MOTIONS were duly served on this litigant; even if Mr. "Hardee" did receive electronic copies of all such opposition pleadings, he failed to forward copies of same to this litigant: those failures constitute positive proof of ineffective assistance of Counsel, which has resulted in OUSTING the Court of jurisdiction; see Johnson v. Zerbst here; (6) the Court was provided with an itemized AFFIDAVIT of 28 MOVES this litigant has endured, in violation of the Eighth Amendment; but, on 6/3/2014 you acted as if those 28 MOVES were "news" to you; your ignorance of those 28 MOVES calls for the conclusion that you are NOT reading this litigant's pleadings, necessarily causing multiple violations of the Petition Clause are also FRCrP Rule 2 re: fairness, and justice; (fair and just)

Margin Notes:

42 USC 1985-86

18 USC 2, 3, 912, 1513, 1519, 1962

fraudulent concealment

cf. Fraud, Black's Law Dictionary

Art. II, cl. 3

fraudulent concealment

18 USC 1964

(7) your ignorance and negligence regarding credentials has rendered you civilly liable to this litigant under 42 U.S.C. 1985-86, if not also criminally liable under 18 U.S.C. 2, 3, 912, 1513, 1519, and 1962, for starters; mandatory OATHs OF OFFICE did necessarily impose a clear legal duty upon you to confirm that all Clerk's Office personnel at the USDC/DWY were at all times in full compliance with all laws previously cited in this litigant's several pleadings, as a matter of fact; that duty of yours began when you were first admitted to the Wyoming State Bar, and has continued without interruption right up to the present: there is no statute of limitations for fraud; see Art. II, cl. 3 (OATHs);

(8) the Chief Judge of a Federal Court has supervisory responsibility for all subordinates, such as Clerk's Office personnel, particularly when key authorities must be delegated to those subordinates by the same Federal Court on which the Chief Judge presides, or claims to preside: here cf. "respondeat superior" aka vicarious liability in pari materia with 18 U.S.C. 1964 (Civil RICO);

(9) absent all requisite credentials, Mr. Harris cannot be delegated any authorities by the Court,

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Margin Notes:

nor can Mr. Harris delegate any authority(s) to any subordinate Deputies; likewise, Mr. Harris cannot select or summon jurors: the Federal Jury Selection and Service Act defines who may select and summon Federal juries, be they grand or petit (trial) juries, be they civil or criminal juries; as such, vicarious liability touches both Mrs. Freedenthal and Mr. Harris insofar as 28 U.S.C. 951 and 5 U.S.C. 2906 are flagrantly and routinely being violated in the instant case, and other cases; (10) the issue of your liabilities to me is directly addressed in Stump v. Sparkman and in the International Covenant on Civil and Political Rights ("ICCPR"): in the former, the U.S. Supreme Court has already held that a Federal Judge is liable to all Proper Parties when the Court clearly lacks jurisdiction; in the latter United States Treaty, judicial officers are made liable for violating the Fundamental Rights of Parties, notwithstanding that such violations were committed by Court personnel acting in their "official" capacities; also, the "not self-executing" clause in Congress' Reservations, Understandings and Declarations ("RUD") clearly violates the Petition Clause, First Amendment: -5 of 6- read: no private right of action.

28 USC 1861 et seq.

28 USC 951; 5 USC 2906 (The "COURT")

Stump v. Sparkman

ICCPR

cf. Supremacy Clause

fraudulent concealment 18 USC 1519

"RUD"

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Margin Notes: First, Fourth, Fifth, Sixth, Seventh, Eighth, Tenth Amends; Art. VI, Cl. 2, 3

(11) the official record in the instant case now documents numerous violations of this litigant's Fundamental Rights, as guaranteed by the ICCPR supra and by the First, Fourth, Fifth, Sixth, Seventh, Eighth and Tenth Amendments, and Article VI, clause 2 (Supremacy clause) and clause 3 (Oath of Office) in the U.S. Constitution.

- INCORPORATION -

The Undersigned now incorporates his prior DEMAND FOR RECUSAL as already filed and served in the instant case, as if the same were set forth fully here.

Respectfully submitted June 6, 2014 A.D.
Paul Andrew Mitchell (chosen name*)
Paul Andrew Mitchell, B.A., M.S.
28 USC 1654 Relator & Propria Persona, 28 U.S.C. 1654;
18 USC 1964 Private Attorney General, 18 U.S.C. 1964,
Rotella v. Wood, 528 U.S. 549 (2000)
(objectives of Civil RICO)
UCC 1-308 All Rights Reserved (cf. UCC 1-308)

*See Doe v. Dunning Washington State Supreme Court (re: fundamental law, common-law right, to change one's name)

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INMATE NAME: MODELESKI, M.P. (given name)
SCOTTS BLUFF COUNTY DETENTION CENTER #45396
PO BOX 130
GERING, NE 69341-0130

NORTH PLATTE NE 691
13 JUN 2014 PM 1 L

SBCDC Disclaims Any Responsibility For
The Nature of the Content of this Correspondence

TO: Office of Clerk of Court
U.S. District Court
2120 Capitol Ave., 2nd Floor
~~Cheyenne 82001~~
Wyoming, USA
82001

Re:
#2:14-CR-00027-NDF-2

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