NOTICE OF DEFAULT

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

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2014 OCT 10 PM 1 17
STEPHAN HARRIS, CLERK
CHEYENNE

DATE: 9/12/2014

CC: Unit Counselor, USMCFP/Springfield, Missouri
✓CC: Docket #2:14-CR-00027-NDF-2 (USDC/DWY), 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 U.S.C. 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 U.S.C. 2902(c)); (2) PRESIDENTIAL COMMISSION (5 U.S.C. 2902(c)); (3) U.S. OPM Standard Form 61 ("SF-61") APPOINTMENT AFFIDAVITS (5 U.S.C. 2903, 2906, 3331, 3332, 3333, 5507; 44 U.S.C. 3501 et seq.); and, (4) OATH OF OFFICE (28 U.S.C. 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 U.S.C. 2903 (Authority to administer) on Her SF-61. See 44 U.S.C. 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 U.S.C. 1902(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 U.S.C. 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 Andrew Mitchell (chosen name)
Paul Andrew Mitchell, B.A., M.S., "Qui Tam" Relator 4x
BOP Reg. No. #44202-086 (31 U.S.C. 3729 et seq.)
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LEGAL MAIL

"Special Mail"

Re: 31 U.S.C. 3729 et seq.;
#2:14-CR-00027-NDF-2

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

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