

*

TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SET-D-C

* given name *PM*

FILED

FROM: 44202086
TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry
SUBJECT: FIRST SUPPLEMENT TO MOTIONS TO DISMISS
DATE: 05/09/2014 09:21:12 PM

U.S. DISTRICT COURT
DISTRICT OF WYOMING

2014 MAY 16 AM 11 31

STEPHAN HARRIS, CLERK
CHEYENNE

FIRST SUPPLEMENT TO MOTIONS TO DISMISS, BY AFFIDAVIT

TO:
Presiding Judge (duly credentialed)
District Court of the United States ("DCUS")
2120 Capitol Avenue
Cheyenne 82001
Wyoming, USA

DATE: May 10, 2014 A.D.

RE:
#2:14-CR-00027-NDF-2 (USDC/Cheyenne) ✓
#MJ-14-00030-JPD (USDC/Seattle)

Greetings Your Honor:

The following serious errors have also arisen in the instant cases:

(1) no litigation of Defendant's Cross-Complaints has occurred
e.g. Habeas Corpus Relief, FOIA Enforcement, Civil RICO remedies
at both USDCs (Seattle and Cheyenne), and litigation records have
been concealed from the Defendant, all in violation of the Petition
Clause in the First Amendment and 18 U.S.C. 241, 242, 1513, 1519
(for starters): "The Petition Clause is the Right conservative of
ALL other rights" (see U.S. Supreme Court cases on this point);

(2) willful manipulation and violation of the Speedy Trial guarantee:
from 1/28/2014 to 5/10/2014 = 103 days (not 70);
from 1/15/2014 to 5/10/2014 = 116 days (not 70);
adding 10 full days for "transport" is ludicrous;
Seattle-to-Cheyenne takes 1 day by plane, maybe 2 days;
total number of moves to date = 28 TIMES
(see Defendant's AFFIDAVIT); adding a full 30 days
for a second psychological evaluation was without basis
and without justification:

Defendant was provided no motion, no notice of any motion,
no notice of any hearing, and no hearing on any motion
for a second psychological evaluation; said "order"
as signed by Ms. Freudenthal violated 28 U.S.C. 1691 (again);

(3) venue was always proper in Seattle; Defendant last stepped
foot in Wyoming during a college ski trip in December 1968;
wrong venue violates FRCrP Rule 18;

(4) all Court "process" to date violated 28 U.S.C. 1691;
no credentials were produced for Clerks and Deputy Clerks
of Court at USDC/Cheyenne and USDC/Seattle i.e.
Messrs. McCool, Harris, Fisher, and Ms. Hilliker;

(5) Ms. Freudenthal must be recused nunc pro tunc for
obvious bias demonstrated during the hearing on 3/21/2014:
the credential investigation is NOT some kind of deranged

"pathological obsession"; Freudenthal even apologized to Defendant in open court i.e. on the record, and either knew or should have known better than to insult Defendant;

(6) docket updates were apparently served on "stand-by counsel" Mark Hardee, but Hardee has never legally represented Defendant and Hardee does not now legally represent Defendant, who has always appeared under protest In Propria Persona, 28 U.S.C. 1654: cf. "In Propria Persona" in Black's Law Dictionary, 6th Edition;

Hardee also failed to forward docket updates to Defendant, or do any of the simple tasks requested by Defendant e.g. obtain blank subpoenas, obtain Defendant's USMS file to support Defendant's NOTICE OF PUBLIC-AUTHORITY DEFENSE under FRCrP Rule 12.3; Hardee also lacks client focus;

Hardee's gross negligence violates the Sixth Amendment guarantee of effective assistance of Counsel for a Party appearing personally under 28 U.S.C. 1654 (NOT by counsel); no REPLY(s) to Defendant's two (2) MOTIONS TO DISMISS were ever forwarded to Defendant by Hardee or by anyone else; see Johnson v. Zerbst (Court is thus OUSTED of jurisdiction);

(7) all "diesel/jet fuel therapy" (28 moves to date) violated the Eighth Amendment prohibiting cruel and unusual punishment, as did ~15 days in solitary confinement and several incidents of sleep deprivation, one lasting 72+ hours;

lack of OMB control numbers on BOP's intake forms did NOT justify any solitary confinement; see Public Protection Clause in the Paperwork Reduction Act at 44 U.S.C. 3512 in chief i.e. complete defense, bar or otherwise at any time during judicial or administrative proceedings;

(8) during all hearings, administration of oaths to the Defendant, and to one IRS "witness," was not lawful under 28 U.S.C. 953, because courtroom "clerks" have also failed to produce credentials i.e. SF-61 and second OATH required by 28 U.S.C. 951; all such oaths have now been rescinded by Defendant formally in writing; see Defendant's NOTICE OF RESCISSION BY AFFIDAVIT (April 28, 2014);

(9) the second psychological evaluation was compelled under duress after moving Defendant a total of 28 times, but without assistance of Counsel, without Miranda warnings re: self-incrimination, without Defendant's consent to waive Counsel, and without tape-recording of any interviews;

as such, the Fifth and Sixth Amendments were violated; see case law already provided to Dr. C. Low dba Forensic Psychologist at FDC SeaTac; Defendant's age also implies elder abuse: Defendant will be 66 years old on 6/21/2014;

(10) missing Clerks' credentials mean that Defendant cannot obtain ANY lawful blank subpoenas under FRCrP Rule 17: such blank subpoenas would also violate 28 U.S.C. 1691 per force in any case due to all the missing credentials for Clerk's Office personnel;

(11) Freudenthal practiced law from the bench, e.g. by attempting to rule on a "motion" from the government but without notice to Defendant of any such motion and without notice to Defendant of any hearing on any such motion either:

Hardee has aided and abetted this fraudulent practice by not forwarding any such motions or notices to the Defendant, even if they did exist; no PROOFS OF SERVICE upon Defendant exist, nor any MINUTE ORDER(s) either;

no government motions to dismiss Defendant's Cross-Petitions were ever served on Defendant e.g. for Habeas Corpus Relief, FOIA Enforcement and Civil RICO remedies; and, all of Defendant's MOTIONS seeking relief in said Petitions were unopposed but then were summarily "denied" by Freudenthal on 3/21/2014; practicing law from the bench is a high misdemeanor Federal offense;

(12) Freudenthal has developed irreparable conflicts of interest, partially detailed in Defendant's DEMAND TO RECUSE Freudenthal: the arrest "warrant" violated 28 U.S.C. 1691, and was properly refused; Freudenthal's gross negligence failed to maintain proper supervision of Clerk's Office personnel who evidently all lack valid SF-61s -and- the second OATH required by 28 U.S.C. 951;

such negligence affects all prior cases on which Freudenthal has presided since being appointed on "day one," and implicates Freudenthal in multiple ongoing violations of 18 U.S.C. 2 and 3 (aiding and abetting, and accessory after the fact, respectively); see all of Defendant's VERIFIED CRIMINAL COMPLAINTs, in chief;

Freudenthal evidently did NOT read Defendant's pleadings which cited 18 U.S.C. 1504 and specifically requested timely INTERLOCUTORY JUDGMENT on the last paragraph re: proper "request to appear"; the clarification in the LexisNexis version of the U.S.C.S. controls: the last paragraph was added to eliminate the possibility that a proper request to appear [in writing] might be a technical violation of 18 U.S.C. 1504;

(13) full credentials for Clerk's Office personnel and all "government attorneys" were never produced and now assume facts not in evidence: see FRCP Rules 1, 6, 7; 5 U.S.C. 2104, 2903, 2906, 3331, 3332, 3333, 5507; and, FREV Rule 201(c)(2): mandatory judicial notice (NOT discretionary judicial notice under 201(c)(1));

(14) many of Defendant's 28 moves left Defendant totally and deliberately stranded and without any adequate law library resources e.g. at the Scotts Bluff County Detention Center in Gering, Nebraska;

(15) Defendant's right of judicial review under 5 U.S.C. 702 was deliberately infringed, chiefly concerning the official written admissions -- by OPM -and- OMB -- that no OPM Application exists for periodic review and approval of the electronic SF-61 published at OPM's Internet website; 5 U.S.C. 702 expressly waives sovereign immunity, to wit:

"The United States may be named as a defendant in such an action, and a judgment or decree may be entered against the United States"

(16) further serious errors were already well documented in Defendant's two (2) MOTIONS TO DISMISS.

VERIFICATION

I, Paul Andrew Mitchell, Citizen of Washington State, qualified Federal Witness, and Private Attorney General, 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 Supremacy Clause (Constitution, Laws and Treaties of the United States are the supreme Law of the Land).

Dated: May 10, 2014 A.D.

Signed: Paul Mitchell (chosen name)

Printed: Paul Andrew Mitchell, B.A., M.S., Relator In Propria Persona (NOT "Pro Se")
(expressly NOT a "citizen of the United States" aka federal citizen: Pannill v. Roanoke), and
Private Attorney General, 18 U.S.C. 1964, Rotella v. Wood (objectives of Civil RICO)
All Rights Reserved (cf. UCC 1-308)

FEDERAL DETENTION CENTER

NAME: MODELESKI, M.P. (given name) 1 of 2

REG: 44202-086 UNIT: DC

P.O. BOX 13900

SEATTLE, WA. 98198-1090

SEATTLE WA 981

12 MAY 2014 PM 5 L



LEGAL MAIL

Re:

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

(USDC/DWY)

All Rights Reserved

(c.f. VCC 1-308)

TO: Presiding Judge
District Court of the United States

2120 Capital Avenue

Cheyenne 82001

Wyoming, USA

