NOTICE OF MOTION AND
MOTION TO STRIKE: 28 U.S.C. 1654; and,
International Covenant on Civil and Political Rights
("SEALED") Case No. #2:14-CR-00027-NDF-2 [sic] ("ICCPR")

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

Margin Notes:

TO: Chief Judge (duly credentialed)
U.S. District Court (cf. 18 U.S.C. 1964(c))
2120 Capitol Ave., 2nd Floor
Cheyenne 82001 RE: false arrest,
Wyoming, USA false imprisonment,
DATE: June 5, 2014 A.D. fraudulent concealment

NOT "by counsel" (i.e. NOT represented)

The Undersigned appears personally under 28 USC 1654.
The Court is hereby moved to strike the following items from the record:
(1) government MOTION requesting ORDER authorizing a "psychological evaluation";
28 USC 1691 (2) "ORDER" allegedly authorizing a [second] "psychological evaluation"; and,
(3) report by Dr. C. Zaw dba forensic psychologist at FDC SeaTac (Seattle/Tacoma)

Justification:

cf. Black's Law Dictionary, 6th Edition

Item (1) above was never served upon the Undersigned, who has always appeared In Propria Persona, and was never legally "represented" by any licensed attorney(s). No notice of any such MOTION, and no notice of any hearing(s) on any such MOTION, were ever served upon him. And, no hearing on any such MOTION was ever conducted in the presence of the Undersigned.

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Margin Notes:

Item (2) above suffers from the same deficiencies as Item (1) above i.e. no MOTION, no notice of MOTION, and no notice of hearing were ever served on the Undersigned; and, no hearing was ever conducted with the Undersigned being present. Moreover, Item (2) bore a stamp exhibiting the name "STEPHAN HARRIS". The latter has refused to produce any credentials for at least six (6) YEARS, and has now been charged with violating 18 U.S.C. 1519 (concealing Court records). As such, Item (2) was fraudulent ab initio for violating due process of law.

ICCPR; 28 USC 1691 (signature and seal)

18 USC 1519; 5 USC 2904 ("court") 5th Amend.

Item (3) was written without a lawful ORDER authorizing any "psychological evaluation" of the Undersigned. Moreover, he provided Dr. Zaw with three (3) court cases which held, as a group, that: (a) the Undersigned had a Right to assistance of counsel during all interviews; (b) Dr. Zaw was required to inform him of that Right before interviews began; (c) Dr. Zaw was required to inform him that his statements during interviews

6th Amend.

5th Amend.

5th Amend.

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Margin Notes:

were not protected by physician-patient confidentiality, nor by attorney-client confidentiality or attorney-client privilege;

5th Amend. (d) Dr. Zaw was required to inform him that her "report" would be conveyed to the prosecution; and,

(e) all interviews needed to be tape-recorded, but none were tape-recorded!

In all respects (a) thru (e) above, the so-called "psychological evaluation" and related "report" both failed all requirements imposed by the guarantees in the Fifth and Sixth Amendments, read: the Undersigned's Fundamental Rights, none of which he has ever waived.

Fifth Amend.; Sixth Amend.

If Mr. Mark C. Harder was considered the Undersigned's "stand-by counsel" (or his "legal representative") when Dr. Zaw's interviews were conducted, Mr. Harder was NOT present during ANY of those interviews!!

Neither Dr. Zaw, nor the staff Psychiatrist at FDC SeaTac, ever asked the Undersigned if he wished to waive the assistance of counsel during those interviews.

As such, items (1), (2), and (3) all violated the long-standing requirement for Miranda Warnings! See Miranda v. Arizona: -3 of 4- re: rights secured.

Margin Notes:

Statements made by the Undersigned to Dr. Zaw were made under duress of unlawful arrest and unlawful incarceration; as such, his statements under duress did NOT constitute competent waivers of any fundamental Rights. See Brady v. U.S. (re: high standard established for waivers of fundamental Rights, such as those guaranteed by the Fifth and Sixth Amendments).

5th Amend.; 6th Amend.; ICCPR

— REMEDY —

This Court should strike from its official records the MOTION requesting, and the "ORDER" allegedly authorizing, a "psychological evaluation", and the report prepared by Dr. C. Zaw in connection with interviews conducted at FDC SeaTac without proper Miranda Warnings, and without adequate technical assistance of counsel, to the Undersigned -- who consistently reserves all Rights without prejudice.

"psych eval"

cf. ICCPR; 28 USC 1654; UCC 1-308

Respectfully submitted June 5, 2014 A.D.

Signed: Paul Andrew Mitchell

Printed: Paul Andrew Mitchell, B.A., M.S. (chosen name*)
Relator In Propria Persona, 28 U.S.C. 1654

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All Rights Reserved (cf. UCC 1-308, ICCPR)

* See Doe v. Dunning, Wash. State Supreme Court

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 T

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

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

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(cf. UCC 1-308)

TO: Office of Clerk of Court
U.S. District Court
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Cheyenne 82001
Wyoming USA

82001

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