

**FORMAL REQUEST FOR REFERRAL TO
ALTERNATIVE DISPUTE RESOLUTION**

TO: U.S. Department of Justice
Attention: Hope L. Swann, Legal Assistant
Civil Division, Torts Branch
Washington 20530-0001
District of Columbia, USA

COPY: Attorney General Jeff Sessions

FROM: Paul Andrew Mitchell, B.A., M.S., Damaged Party;
Private Attorney General, Civil RICO: 18 U.S.C. 1964; and,
Agent of the United States as *Qui Tam* Relator (4X),
Federal Civil False Claims Act: 31 U.S.C. 3729 et seq.

DATE: March 9, 2017 A.D.

SUBJECT: USMS Administrative Tort Claim No. 50397

Greetings Ms. Swann and Attorney General Sessions:

Thank you very much for your brief letter dated February 22, 2017 (copy attached).

I am writing specifically to request formal referral of my pending USMS Administrative Tort Claim No. 50397 to the most appropriate alternative dispute resolution ("ADR") option, as fully authorized by Acts of Congress including but not limited to 28 U.S.C. section 2672 (*to settle any tort claim against the United States*).

I also write to make a record of facts which call for the conclusion that my Tort Claim No. 50397 has been and continues to be obstructed, resulting in further tortious damages to my good name and estate.

Very briefly, Mr. Gerald M. Auerbach erred by referring this Tort Claim to the IRS, and certain named personnel in the IRS Office of Chief Counsel have erred by refusing to return it to the U.S. Marshals Service. IRS never had any custody of me during my 325-day ordeal; and, USMS Policy Directives very clearly assign all inmate custody and all inmate transportation to the USMS, not to the IRS.

Moreover, many personnel in both offices have turned up with missing and/or defective APPOINTMENT AFFIDAVITS. That discovery motivated my office to expand our investigation to include also the names of IRS personnel who have been sued in connection with the IRS Targeting Scandal (also known as the *Lois Lerner Scandal*); those personnel did target individuals, and I am one of the individuals who was targeted.

That discovery also required my compliance with the Federal criminal statute at 18 U.S.C. 4, by lodging two (2) Mail Fraud Reports alleging evidence of mail fraud by personnel recently employed by USMS and IRS. See enclosed copies. You will kindly take careful note that certain named personnel have now resigned from the Office of Chief Counsel at the Internal Revenue Service e.g. William J. Wilkins (maybe others).

I should also make a record of the fact that, early on, our Trustee did request assistance of Congressman Peter DeFazio with referral to the proper ADR option e.g. arbitration.

After initially offering to help with our FOIA Requests for the APPOINTMENT AFFIDAVITS of personnel in the USMS Office of General Counsel, Mr. DeFazio stooped to defaming me in a letter written on House of Representatives letterhead, and transmitted via U.S. Mail.

Because of its defamatory content, I have followed with a formal VERIFIED CRIMINAL COMPLAINT charging Mr. DeFazio with mail fraud and conspiracy, in violation of 18 U.S.C. 1341 and 241 (both felonies).

Executive Recommendation

Given the painfully obvious delays and well documented obstructions which have now occurred with all five (5) of my pending Federal Tort Claims (U.S. DOJ Standard Forms 95), I now believe that arbitration, mediation or other alternative dispute resolution technique should be authorized for Tort Claim No. 50397, in a prompt delegation from the Attorney General to a fair and impartial "neutral" as presently defined by Act of Congress at 5 U.S.C. 573.

We also take this opportunity to object to any and all DOJ policy(s) which presently require formal litigation to be commenced BEFORE any ADR options can be invoked.

In our professional opinion, **such policies appear to defeat the stated intent of Congress to provide damaged parties with practical alternatives to expensive and time-consuming litigation.**

Thank you very much, Ms. Swann and Attorney General Sessions, for your prompt decision to refer this matter to the most appropriate ADR option, pursuant to the intent of Congress at 28 U.S.C. 2672 *supra*.

Sincerely yours,

/s/ Paul Andrew Mitchell

Paul Andrew Mitchell, B.A., M.S., Damaged Party;
Private Attorney General, Civil RICO: 18 U.S.C. 1964; and,
Agent of the United States as *Qui Tam* Relator (4X),
Federal Civil False Claims Act: 31 U.S.C. 3729 et seq.

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Cc: Trustee, Estate of Paul Andrew Mitchell, B.A., M.S.

Enclosures

<http://www.supremelaw.org/cc/hill/tort.claim/letter.2017-02-22/page01.gif>

<http://www.supremelaw.org/cc/hill/tort.claim/mail.fraud.report/letter.2017-02-08/transmittal.htm>

<http://www.supremelaw.org/cc/hill/tort.claim/mail.fraud.report/letter.2017-02-08/usps.sales.receipt.2017-02-08.gif>

<http://www.supremelaw.org/cc/hill/tort.claim/mail.fraud.report/transmittal.htm>

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<http://www.supremelaw.org/cc/hill/tort.claim/mail.fraud.report/transmittal.supp1.htm>

<http://www.supremelaw.org/cc/hill/tort.claim/mail.fraud.report/transmittal.supp2.htm>

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<http://www.supremelaw.org/cc/hill/tort.claim/SF-95.htm>

[\(Pages 1 thru 9 inclusive\)](http://www.supremelaw.org/cc/hill/tort.claim/usms/ethics.team/general.management.pdf)