

IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

UNITED STATES OF AMERICA,)
Plaintiff-Appellee,)
)
v.)
)
JOHN S. WILLIAMSON,) No. 07-2017
NANCY L. WILLIAMSON,)
JOHN G. WILLIAMSON,)
DAVID A. WILLIAMSON,)
GARRETT J. WILLIAMSON and)
DEBORAH KRUM,)
Defendants-Appellants.)

APPELLEE’S OPPOSITION TO PAUL ANDREW MITCHELL’S
“NOTICE OF INTERVENTION” AND VARIOUS RELATED
DOCUMENTS

In response to the Court’s order of February 13, 2007, the United States of America, appellee herein, opposes the “Notice of Intervention” (hereinafter Notice) and other related documents¹ filed by Paul Andrew Mitchell in the above-captioned appeal. As discussed below, Mitchell

¹ According to the Court’s order, those documents are “supplement to notice of intervention, motion demanding clerk to certify to the attorney general intervenor’s formal challenge to the constitutionality of certain acts of congress, first notice and demand for mandatory judicial notice, second notice and demand for mandatory judicial notice, and third notice and demand for certified proof of required credentials.”

has demonstrated no legal or factual basis on which he should be permitted to intervene, and he therefore should not be permitted to file documents in this litigation.

ARGUMENT

THE COURT SHOULD NOT PERMIT MITCHELL TO INTERVENE AND FILE DOCUMENTS IN THIS APPEAL

The above-captioned appeal arises from a collection action involving the federal income tax liabilities of John and Nancy Williamson. The Government filed suit to reduce to judgment several income tax assessments, from 1985 and later, against the Williamsons. In addition, the Government sought to enforce the judgment and federal tax liens by invalidating the transfer of certain real property, and by foreclosing the tax liens. Mitchell is not a party to that litigation.

Mitchell, a self-described “Private Attorney General” (Notice at 1), seeks to intervene in the Williamsons’ appeal to challenge the constitutionality of various federal statutes, including “the Jury Selection and Service Act at 28 U.S.C. § 1865(b)(1),” and “all income tax provisions in subtitle A of the Internal Revenue Code.” (Notice at 2.)

Supporting his notice are two attachments. Attachment A is a press release from 2001 stating that Mitchell, “the Private Attorney General at the Supreme Law Firm and Webmaster of the Supreme Law Library on the Internet . . . announced major developments in his ongoing project to decode Title 28” (Notice at 13.) He also has attached “informal interrogatories” directed to United States District Judge Bruce Black and United States Magistrate Judge W. Daniel Schneider, regarding “probable violations of 28 U.S.C. § 1691 and related federal felonies.” As an intervenor, the remedy Mitchell seeks is a certification to the Attorney General of the United States that the constitutionality of the various statutes he is attacking “has now been properly drawn into question,” and a certification of his intervention “for presentation of all evidence admissible in the above entitled case and for argument(s) on the question of the constitutionality of said Acts of Congress.” (Notice at 8.)

Mitchell relies on 28 U.S.C. § 2403(a), as the basis for intervention as of right. (Notice at 1.) Section 2403(a), however, permits the “United States” to intervene in a proceeding in which “the constitutionality of

any Act of Congress affecting the public interest is drawn in question.” Because Mitchell is a private citizen, and does not represent the United States, and because the instant appeal does not involve the constitutionality of any Act of Congress, he has no right to intervene. Moreover, even if the constitutionality of a statute were at issue, Mitchell does not explain why appellants could not adequately address the issue, and therefore, why he must be permitted to intervene.

In addition, Mitchell has otherwise demonstrated no connection to the above-captioned appeal. He does not allege that the income tax liabilities at issue, or the property subject to foreclosure sale, are his.²

CONCLUSION

For the foregoing reasons, the Court should not permit Mitchell to intervene in the above-captioned appeal. Because Mitchell has no right to intervene, the Court should decline to address his pending motions

² We are aware of another appeal in which Mitchell attempted to intervene on virtually the identical grounds he is herein asserting. In *Meredith v. Erath*, No. 02-55021 (9th Cir.), the Government was appealing the denial of qualified immunity to an IRS agent in a *Bivens* suit. The Ninth Circuit denied Mitchell’s motion to intervene, and consequently declined to address his other pending motions. *Id.* (PACER docket entry for 6-12-02).

and other related documents. In addition, because Mitchell has no right to intervene herein, the Court may wish to order that he can file no further materials in this matter without first obtaining the Court's permission to do so.

Respectfully submitted,

EILEEN J. O'CONNOR
Assistant Attorney General

/s/ GRETCHEN M. WOLFINGER

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DATED: February 2007

CERTIFICATE OF SERVICE

It is hereby certified that an original and three copies of the

foregoing opposition to Paul Andrew Mitchell's "Notice of Intervention" were sent to the Clerk on this 23rd day of February, 2007, via FedEx, and that service of the opposition has been made on appellants, appearing *pro se*, and on Mitchell, on this 23rd day of February, 2007, by sending a copy on CD and a paper copy of the document via FedEx, in an envelope properly addressed to:

John S. Williamson
Nancy L. Williamson
John G. Williamson
David A. Williamson
Garrett J. Williamson
Deborah Krum
1277 Historic Rte 66E
Tijeras, New Mexico 87059

Paul Andrew Mitchell
c/o Forwarding Agent
501 West Broadway
No. A-332
San Diego, California 92101

It is further certified that this opposition has been submitted in digital PDF format by e-mail to esubmission@ca10.uscourts.gov; that no privacy redactions were required; that the electronic submission is an exact copy of the written document filed with the Clerk; and that the digital submission has been scanned for viruses with the eTrust Antivirus program (copyright 2003) and, according to the program, the document is free of viruses.

/s/ GRETCHEN M. WOLFINGER

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