

APPENDIX

A

1

# United States Court of Appeals For the First Circuit

---

No. 19-1903

IN RE: ADAM STREGE,

Petitioner.

---

Before

Torruella, Thompson and Barron,  
Circuit Judges.

---

## JUDGMENT

Entered: September 24, 2019

Petitioner Adam Strege asks this Court to issue a writ of mandamus directing the recusal of the district court judge(s) overseeing his case and the reversal of an order referring him to a pre-trial competency proceeding. The writ of mandamus is an exceptional remedy, one which the court should only grant in the exercise of its sound discretion and when the petitioner has shown "clear entitlement to the relief requested." In re Cargill, Inc., 66 F.3d 1256, 1260 (1st Cir. 1995) (mandamus standard). Having reviewed petitioner's filings and claims of error, we conclude that he has not demonstrated a clear entitlement to the relief he seeks. The petition is denied. See Loc. R. 27.0(c).

By the Court:

Maria R. Hamilton, Clerk

cc:

Hon. Silvia L. Carreno-Coll  
Maria Antongiorgi Jordan, Clerk, United States District Court for the District of Puerto Rico  
Victor J. Gonzalez-Bothwell  
Vivianne Marie Marrero-Torres  
Eric A. Vos  
Adam Strege  
Mariana E. Bauza Almonte  
Vanessa Bonano-Rodriguez

# United States Court of Appeals For the First Circuit

---

No. 19-1903

IN RE: ADAM STREGE,

Petitioner.

---

Before

Torruella, Thompson and Barron,  
Circuit Judges.

---

## ORDER OF COURT

Entered: January 10, 2020

Pro se petitioner Adam Strege seeks panel rehearing of this court's September 24, 2019, judgment denying his petition for writ of mandamus. Having reviewed petitioner's motion, the request for panel rehearing is denied. All other pending motions are denied as moot.

By the Court:

Maria R. Hamilton, Clerk

cc:

Victor J. Gonzalez-Bothwell  
Vivianne Marie Marrero-Torres  
Eric A. Vos  
Adam Strege  
Mariana E. Bauza Almonte  
Vanessa Bonano-Rodriguez

APPENDIX

B

# United States Court of Appeals For the First Circuit

---

No. 19-1892

UNITED STATES,

Appellee,

v.

ADAM STREGE,

Defendant - Appellant.

---

Before

Torruebla, Thompson and Barron,  
Circuit Judges.

---

## JUDGMENT

Entered: September 24, 2019

Pro se appellant Adam Strege appeals from a decision of the district court denying his request for the recusal of the presiding magistrate judge. "Ordinarily, a district judge's refusal to recuse is reviewable only on appeal of a final judgment; the collateral order doctrine does not apply. Nevertheless, in unusual situations, interim review of such a refusal is available through writ of mandamus." In re Martinez-Catala, 129 F.3d 213, 217 (1st Cir. 1997). Appellant indeed has filed a petition for a writ of mandamus in which he raises this claim (appeal 19-1903). That proceeding will be adjudicated separately. This appeal is dismissed for lack of jurisdiction. See Loc. R. 27.0(c).

By the Court:

Maria R. Hamilton, Clerk

cc:

Mariana E. Bauza Almonte, Vanessa Bonano-Rodriguez, Vivianne Marie Marrero-Torres

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA, \*  
Plaintiff, \*

\*  
\*  
\*  
vs. \*

CRIMINAL NO. 19-1000(SCC)

\*  
\*  
\*  
ADAM STREGE, \*

Defendant. \*

\*\*\*\*\*

**MOTION REQUESTING PSYCHIATRIC EVALUATION,  
REPORT AND TREATMENT**

**TO THE HONORABLE SYLVIA CARRENO COLL  
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE  
FOR THE DISTRICT OF PUERTO RICO**

**COMES NOW**, defendant Adam Strege, duly represented by the Federal Public Defender for this District and respectfully requests that he be submitted to a psychiatric evaluation pursuant to 18 U.S.C. §4241.

Defendant is incarcerated based on a violation(s) of 18 U.S.C. 844(e).

Counsel, after interviewing ADPD Jesus Hernandez, who met and interviewed defendant, is unsure that defendant is competent at present to stand trial.

It is further requested that defendant be referred to a mental health evaluation to determine competency to stand trial.

That if defendant is to be examined in government facilities, he should be transported forthwith, to start being evaluated and treated. Experience dictates that BOP or U.S. Marshall Service sometimes takes 2 month to move defendant to the proper facility, which results in unnecessary jail time for the defendant.

That the institution that performs the evaluation provide undersigned counsel with progress reports every 30 days as to the status of the evaluation and/or defendant.

MIME-Version:1.0  
From:prd\_docketing@prd.uscourts.gov  
To:prd\_docketing@prd.uscourts.gov  
Message-Id:<6522528@prd.uscourts.gov>  
Subject:Activity in Case 3:19-mj-01000-SCC USA v. Strege Order on Motion Requesting Order  
Content-Type: text/html

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.**

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

**United States District Court**

**District of Puerto Rico**

**Notice of Electronic Filing**

The following transaction was entered on 5/21/2019 at 10:57 AM AST and filed on 5/21/2019

**Case Name:** USA v. Strege

**Case Number:** 3:19-mj-01000-SCC

**Filer:**

**Document Number:** 9 (No document attached)

**Docket Text:**

**ORDER granting [3] Motion Requesting Order as to Adam Strege (1). The defendant shall be evaluated pursuant to 18 USC Section 4241 to determine if he is competent to stand trial. Signed by US Magistrate Judge Silvia Carreno-Coll on 5/21/2019. (mcv)**

**3:19-mj-01000-SCC-1 Notice has been electronically mailed to:**

Eric A. Vos eric\_vos@fd.org, carlos\_torres@fd.org, efrain\_aldea@fd.org, elizabeth\_molina@fd.org

Victor J. Gonzalez-Bothwell victor\_gonzalez@fd.org, Gladys\_Gonzalez@fd.org

Vanessa D. Bonano-Rodriguez vanessa.d.bonano@usdoj.gov, CaseView.ECF@usdoj.gov, arlene.rosado@usdoj.gov, vanessadanettebonanno@gmail.com

Alexander L. Alum alexander.l.alum@usdoj.gov, CaseView.ECF@usdoj.gov, diana.e.diaz@usdoj.gov

**3:19-mj-01000-SCC-1 Notice has been delivered by other means to:**

444

United States District Court

District of Puerto Rico

**Notice of Electronic Filing**

The following transaction was entered on 8/7/2019 at 3:49 PM AST and filed on 8/7/2019

**Case Name:** USA v. Strege

**Case Number:** 3:19-mj-01000-SCC

**Filer:**

**Document Number:** 41 (No document attached)

**Docket Text:**

ORDER denying [30] Motion for Recusal as to Adam Strege (1). Upon reviewing the Code of Conduct for United States Judges and having no conflict or even the appearance of conflict regarding defendant or his attorney, I find that there is no reason to recuse myself. Signed by US Magistrate Judge Silvia Carreno-Coll on 8/7/2019. (VCC)

nuclear reactors, and discusses kidnap and murder plots and various lawsuits against the United States.

4. On May 6, 2019 the SSA office in Grand Rapids, Michigan received a bomb threat via a telephone call. An SSA employee stated that a person whom the employee was able to identify as Adam Strege called the office and stated "bomb the place, there is a bomb under the building and it was placed there by the builders." The SSA employee asked which building Strege was referring to, and Strege replied that it was "the building, your building" and instructed her to check the basements and tunnel. Strege also stated he had "put his semen on a rocket ship and launched into space" and his mother was involved with the 9/11 terrorist attacks and the "mother of all bombs is in Macalister, Oklahoma".
5. Strege's threats prompted a response from the Federal Protective Service and the Grand Rapids Police Department who conducted a check for explosive devices utilizing Explosive Detection Canine Units at multiple facilities.
6. On May 15, 2019 FBI special agents met with Strege in Carolina, Puerto Rico. Strege was read his Miranda Rights directly from an FBI-issued Miranda Card. Strege stated he fully understood his Miranda Rights and agreed to speak with the agents at that time without the presence of an attorney.
7. Strege was asked what his current telephone number was and he initially stated he did not know it. When Special Agent Cavis told Strege that he did not believe him and that he did know his telephone number, Strege replied his current number was "(787)-317-3120." Strege stated the number was that of his cellular telephone. Strege stated that it was his only telephone, that he was the only user of the telephone and has never let anyone else use it. Strege stated he got the telephone when he arrived in Puerto Rico on approximately February 28, 2019 and it has been in his control the entire time.
8. Strege was asked if he remembered making a telephone call to a government agency where he told them there was a bomb in their building. Strege stated he did make the phone call and he builds courthouses and government buildings with explosive experts. Strege was asked if he actually put a bomb in the basement of a building and he stated he did not. Strege was asked if he knew it scared people and caused fear when he told people there could be a bomb in their building and he replied it definitely should.

9. When Strege was asked why he made the threats he stated they took his driver's license and he just wanted a driver's license back in the United States.
10. Strege acknowledged that he made the phone call to the Grand Rapids, Michigan SSA office from Puerto Rico.

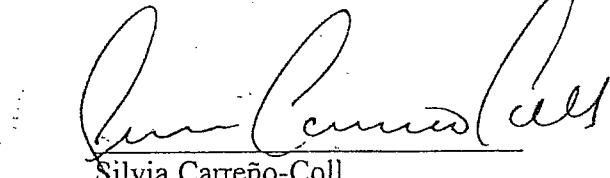
**CONCLUSION**

11. Based on the information above, your affiant submits that there is probable cause to charge Adam Strege with a violation of Title 18, United States Code, Section 844(e).

I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

  
Special Agent Gerald Cavis  
Federal Bureau of Investigation

Subscribed and sworn before me on the 15th day of May, 2019.

  
Silvia Carreño-Coll  
United States Magistrate Judge

# United States Court of Appeals For the First Circuit

No. 19-1628

UNITED STATES,

Appellee,

v.

ADAM STREGE,

Defendant - Appellant.

Before

Torruella, Thompson and Barron,  
Circuit Judges.

## ORDER OF COURT

Entered: September 24, 2019

Pro se appellant Adam Strege seeks "reconsideration" of this court's August 20, 2019, judgment affirming orders referring him to a custodial competency evaluation and denying bail. We construe appellant's filings as a request for panel rehearing. Having reviewed appellant's motions, as well as the arguments set forth in his proffered "Reply Brief," the request for panel rehearing is denied.

By the Court:

Maria R. Hamilton, Clerk

cc:

Victor J. Gonzalez-Bothwell, Vivianne Marie Marrero-Torres, Eric A. Vos, Adam Strege  
Mariana E. Bauza Almonte, Vanessa Bonano-Rodriguez, Alexander Louis Alum

05/15/2019	<u>2</u>	*RESTRICTED* Arrest Warrant Issued by US Magistrate Judge Silvia Carreno-Coll in case as to Adam Strege (1). (gmm) (Entered: 05/16/2019)
05/15/2019		Arrest of Adam Strege (1). (ram) (Entered: 05/16/2019)
05/15/2019	<u>5</u>	Minute Entry for proceedings held before US Magistrate Judge Silvia Carreno-Coll: Initial Appearance as to Adam Strege (1) held on 5/15/2019. Present in court on behalf of the defendant was AFPD Jesus Hernandez. The defendant was under custody, present in court and did not require the services of the Court Interpreter. The defendant was provided with a copy of the Complaint and advised as to the charges, the maximum penalties applicable, and his rights. The defendant was not competent to file the CJA-23 form, however after discussing the case with the US Probation Office the Court deemed it appropriate to appoint counsel. The Federal Public Defender is appointed to represent the defendant. The defendant shall remain under custody pending further proceedings. <b>Detention Hearing is set for 5/20/2019 at 3:00 PM in Courtroom 6 before US Magistrate Judge Silvia Carreno-Coll. Preliminary Examination set for 5/30/2019 is set at 2:30 PM in Courtroom 8 before US Magistrate Judge Silvia Carreno-Coll.</b> (Court Reporter DCR / Courtroom 8.) Hearing held at 06:41. Hearing ended at 06:42. (ram) (Entered: 05/16/2019)
05/15/2019	<u>6</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Adam Strege (1) Eric A. Vos for Adam Strege appointed. Signed by US Magistrate Judge Silvia Carreno-Coll on 5/15/2019. (ram) (Entered: 05/16/2019)
05/15/2019	<u>7</u>	ORDER scheduling detention hearing as to Adam Strege (1). Defendant is TEMPORARILY DETAINED pending hearing. Signed by US Magistrate Judge Silvia Carreno-Coll on 5/15/2019. (ram) (Entered: 05/16/2019)
05/16/2019	<u>3</u>	MOTION Requesting Order by Adam Strege. Responses due by 5/30/2019. NOTE: Pursuant to FRCP 6(a) an additional three days does not apply to service done electronically. (Gonzalez-Bothwell, Victor) (Entered: 05/16/2019)
05/16/2019	<u>4</u>	NOTICE OF ATTORNEY APPEARANCE: Victor J. Gonzalez-Bothwell appearing for Adam Strege (Gonzalez-Bothwell, Victor) (Entered: 05/16/2019)
05/17/2019	<u>8</u>	NOTICE OF ATTORNEY APPEARANCE: Vanessa D. Bonano-Rodriguez appearing for USA. (Bonano-Rodriguez, Vanessa) (Entered: 05/17/2019)
05/20/2019	<u>10</u>	Minute Entry for proceedings held before US Magistrate Judge Silvia Carreno-Coll: Case called for Detention Hearing but not held as to Adam Strege (1) on 5/20/2019. Present were AUSA Vanessa Bonano, AFPD Victor Gonzalez and USPO Alejandra Batlle. The defendant was under custody, present in court and did not require the services of the Court Interpreter. AFPD Gonzalez made reference to ECF No. <u>3</u> Motion. Defendant was heard. Defense counsel shall meet with client and discuss the case. AFPD Gonzalez shall file the appropriate motions. The Court will issue a separate order as to ECF No. <u>3</u> Motion. <b>Detention Hearing date will be entered by separate order.</b> (Court Reporter DCR / Courtroom 6.) Hearing set for 03:00. Hearing held at 03:29. Hearing ended at 03:46. Interpreter Olga Uribe. (ram) Modified on 5/23/2019 to edit courtroom (rom). (Entered: 05/21/2019)

might promptly and efficiently adjudicate the matters currently before it, the district court is directed to adjudicate Strege's bail motion(s) within seven days of entry of this order. [19-1628, 19-1721] (GRC) [Entered: 07/31/2019 11:19 AM]

08/07/2019  3 pg, 45.99 KB MOTION to extend time to file *the docketing statement and transcript report/order form* filed by Appellant Adam Strege. Certificate of service dated 08/07/2019. [19-1628] (VMM) [Entered: 08/07/2019 11:54 AM]

08/08/2019  1 pg, 9.72 KB ORDER granting motion to extend time to file opening forms filed by Appellant Adam Strege. Docketing Statement and Transcript report/order form due 09/06/2019. [19-1628] (GRC) [Entered: 08/08/2019 10:35 AM]

08/12/2019  11 pg, 182.75 KB SUPPLEMENTAL record filed. Docket entry: 40 (order). [19-1628] (GRC) [Entered: 08/12/2019 05:11 PM]

08/14/2019  2 pg, 715.92 KB MOTION for leave to file oversized brief and to extend time to file reply brief filed pro se by Appellant Adam Strege. [19-1628] (GRC) [Entered: 08/15/2019 11:56 AM]

08/14/2019  4 pg, 1.34 MB MOTION to stay the May 21, 2019 District Court order filed pro se by Appellant Adam Strege. [19-1628]. CLERK'S NOTE: Docket entry was edited to modify the docket text. (GRC) [Entered: 08/15/2019 11:59 AM]

08/15/2019  CASE submitted. Panel: Juan R. Torruella, Appellate Judge; Rogeriee Thompson, Appellate Judge; David J. Barron, Appellate Judge. [19-1628] (KC) [Entered: 09/03/2019 04:44 PM]

08/20/2019 I mail my Reply Brief  
08/20/2019  1 pg, 13.18 KB JUDGMENT entered by Juan R. Torruella, Appellate Judge; Rogeriee Thompson, Appellate Judge and David J. Barron, Appellate Judge: The challenged district court orders are affirmed. See Loc. R. 27.0(c). The motion for a stay of the district court's May 21, 2019 order is denied. The petition for writ of mandamus will be addressed via separate judgment. [19-1628] (GRC) [Entered: 08/20/2019 04:26 PM]

08/21/2019  1 pg, 9.8 KB ORDER entered: Appellant's motions for leave to file an oversized reply brief and to extend time to file brief are denied as moot in light of the Judgment issued on August 20, 2019. [19-1628] (GRC) [Entered: 08/21/2019 01:24 PM]

08/21/2019  10 pg, 183.3 KB LETTER sent to Appellant Adam Strege regarding brief. [19-1628] (GRC) [Entered: 08/21/2019 01:31 PM]

08/21/2019  DOCKET sheet sent to appellant. [19-1628] (GRC) [Entered: 08/21/2019 05:05 PM]

08/26/2019  52 pg, 3.79 MB PLEADING tendered: Reply brief filed by Appellant Adam Strege in 19-1628, Petitioner Adam Strege in 19-1721. Number of Copies: 1. [19-1628, 19-1721] (AMM) [Entered: 09/04/2019 02:55 PM]

08/29/2019  4 pg, 354.98 KB LETTER filed pro se by Appellant Adam Strege regarding reply brief. Certificate of service was not included. [19-1628, 19-1721] (GRC) [Entered: 09/03/2019 05:21 PM]

08/30/2019 MOTION to reconsider judgment case terminated [6276303-2] filed pro se

07/08/2019  MOTION to Compel the District Court to Transmit Entire Appellate Record and Transcripts to First Circuit filed by pro se Appellant Adam Strege. [19-1628] (TS) [Entered: 07/10/2019 11:07 AM]  
2 pg, 644.37 KB

07/08/2019  "TRANSMITTAL OF RECORD" and requesting the First Circuit to send appellant letter that the record has been filed. filed by pro se Appellant Adam Strege. [19-1628]. CLERK'S NOTE: Docket entry was edited to modify the docket text. (TS) [Entered: 07/10/2019 11:14 AM]  
12 pg, 4.51 MB

07/09/2019  ORDER granting motion to extend time to file opening forms filed by Appellant Adam Strege. Docketing Statement and Transcript report/order form due 08/07/2019. [19-1628] (TS) [Entered: 07/09/2019 12:08 PM]  
1 pg, 7.87 KB

07/09/2019  LETTER sent to Appellant Adam Strege addressing his letter dated July 5, 2019, enclosing a copy of the district court docket sheet, and transcript order forms. [19-1628] (TS) [Entered: 07/09/2019 12:24 PM]  
8 pg, 70.43 KB

07/11/2019  ORDER to Show Cause entered: Defendant-appellant is ordered either to move for voluntary dismissal of the appeal pursuant to Fed. R. App. P. 42 (b), or to show cause, in writing filed by **July 25, 2019**, why this appeal should not be dismissed for lack of jurisdiction. The failure to take either action will lead to dismissal of the appeal for lack of diligent prosecution. Loc. R. 3.0(b). [19-1628] (ALW) [Entered: 07/11/2019 09:35 AM]  
1 pg, 11.07 KB

07/16/2019  PLEADING tendered: "Opening Brief" filed by Appellant Adam Strege. Certificate of service was not included. [19-1628] (TS) [Entered: 07/19/2019 09:38 AM]  
27 pg, 6.55 MB

07/22/2019  MOTION for appointment of counsel filed by pro se Appellant Adam Strege. Certificate of service was not included. [19-1628] (TS) [Entered: 07/23/2019 11:41 AM]  
2 pg, 641.1 KB

07/22/2019  NOTICE of change of address filed by pro se Appellant Adam Strege. [19-1628] (TS) [Entered: 07/23/2019 11:46 AM]

07/30/2019  MOTION for appointment of counsel, request to compel discovery, writ of assistance, and RESPONSE to order for lack of jurisdiction [6266826-2] filed pro se by Appellant Adam Strege in 19-1628 and in 19-1721. Certificate of service was not included. [19-1628, 19-1721]. CLERK'S NOTE: Docket entry was edited to modify the docket text. (GRC) [Entered: 08/06/2019 12:22 PM]

07/30/2019  LETTER filed by Appellant Adam Strege regarding brief. [19-1628] (GRC) [Entered: 08/06/2019 12:31 PM]  
2 pg, 613.03 KB

07/31/2019  ORDER entered by Juan R. Torruella, Appellate Judge; Rogeriee Thompson, Appellate Judge and David J. Barron, Appellate Judge: Defendant-Petitioner-Appellant Adam Strege has launched both an interlocutory appeal and a mandamus proceeding in this court. He challenges his referral for a custodial competency evaluation and also what he views as the district court's effective denial of his motion(s) for bail pending trial. Strege's pro se motion(s) seeking bail remains pending in the district court. The issues of the custodial competency evaluation and bail are inextricably linked and should be addressed together. So that this court



APPENDIX

C

Social Security Request

UNITED STATES OF AMERICA FEDERAL COURT HOUSE  
ALFRED FEDERAL DENVER COURT

Court Case # 13-cv-01947

Adam Paul Strege

vs.

McDonald's, Wells Fargo Dale Strege Jan Deutchman, Trivis.inc

(566) In Propria Persona "Without Prejudice UCC 1-308,"

Signed by Adam Paul Strege 9/11/2013

9/18/2013 Adam Strege goes to the Eureka SSI office with sign saying big letters Social Security Adjunction next to a Open door Adam walked into the Security Guard pushed me and tried to shut the Door Adam was informed social security was the next door upon the Right. The next office Building to the Left of Social Security Adjunction A1 Check Cashing. " Do they mean Social Security cooking disabled people with A1 Steak sauce.

The Social Security Adjunction Gard pushed me and I hit my Head hard falling Backwards than Adam went to the Eureka Federal Court house and talked to Federal officers and reported the Social Security gard Pushed me and i fell And the Feds gave me a pamphlet fore Legal Aid I Lost.

Adam then Went to the Marina and Parked next to the Bathroom then the Doors were locked and said bathroom at the Boat ramp Marina Office Adam went there and a Violent Deminstration at the Eureka Marina Center a Man Calling the homeless KKK and yelling many KKK slang Words Adam went to the side entrance and asked to use the bathroom they wouldnt let me so I mesed myself The Last time i was in Eureka I parked by the closed Library and couldent find a bathroom one has to buy somthing in eureka to use

ADRMOP,CLOSED,ProSe

**U.S. District Court**  
**California Northern District (San Francisco)**  
**CIVIL DOCKET FOR CASE #: 3:14-cv-04381-JST**  
**Internal Use Only**

Strege v. Social Security et al  
Assigned to: Judge Jon S. Tigar  
Demand: \$20,000,000  
Cause: 42:12101 Americans w/ Disabilities Act (ADA)

Date Filed: 09/29/2014  
Date Terminated: 01/08/2015  
Jury Demand: Plaintiff  
Nature of Suit: 446 American with  
Disabilities - Other  
Jurisdiction: U.S. Government  
Defendant

**Plaintiff****Adam Paul Strege**

represented by **Adam Paul Strege**  
Reg. No. 52566-069  
MDC - Guaynabo  
Metropolitan Detention Center  
P.O. Box 2005  
Catano, PR 00963  
PRO SE

V.

**Defendant****Social Security****Defendant****Department of Motor Vehicles****Defendant****MSDI Doctors****Defendant****Humboldt State University**

Date Filed	#	Docket Text
09/29/2014	<u>1</u>	COMPLAINT against Department of Motor Vehicles, Humboldt State University, MSDI Doctors, Social Security. Filed by Adam Paul Strege. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet, # <u>3</u> Envelope)(msr, COURT STAFF) (Filed on 9/29/2014) (Entered: 09/30/2014)
09/29/2014	<u>2</u>	Proposed Summons (msr, COURT STAFF) (Filed on 9/29/2014) (Entered: <u>50</u> )

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Adam Paul Strege,

Civil No. 09-1350 (DWF/RLE)

Plaintiff,

v.

**MEMORANDUM  
OPINION AND ORDER**

Deutsche Hypotheken Bank, *et al.*,

Defendants.

---

Adam Paul Strege, *Pro Se*, Plaintiff.

Amber N. Bowman, Esq., and William F. Stute, Esq., Faegre & Benson LLP, counsel for Defendants Deutsche Hypotheken Bank and Landesbank Baden Wuerttemberg.

Charles F. Webber, Esq., Faegre & Benson LLP, counsel for Defendant U.S. Bancorp.; Amy C. Taber, Esq., and Charles F. Webber, Esq., Faegre & Benson LLP, counsel for Defendant U.S. Bank.

Matthew R. Robbins, Esq., Previant, Goldberg, Uelmen, Gratz, Miller & Brueggeman, S.C.; and Burt A. Johnson, Esq., for Defendant North Central States Regional Council of Carpenters.

---

**INTRODUCTION**

This matter is before the Court on the motions to dismiss of Defendants North Central States Regional Council of Carpenters (“Carpenters’ Council”) (Doc. No. 7), U.S. Bank N.A. (Doc. No. 15), and Deutsche Hypotheken Bank and Landesbank Baden Wuerttemberg (Doc. No. 19). For the reasons stated below, this Court grants those

motions, but dismisses with prejudice based on claim preclusion rather than for failure to state a claim, and dismisses the rest of this action on the merits (but without prejudice).

### **FACTUAL AND PROCEDURAL BACKGROUND**

Proceeding *pro se*, Plaintiff Adam Paul Strege filed his Complaint against numerous Defendants on June 8, 2009. (Doc. No. 1.) Although the lengthy Complaint is difficult to follow (much less understand), it appears that Strege's primary claim concerns the alleged murders of Representative Bob Nakasone and Senator Paul Wellstone and the ensuing conspiracy to cover up those purported crimes. (*Id.*) Additional grievances—purportedly connected to the deaths of those federal officials—include the Holocaust, the September 11, 2001 terrorist attacks, the impending rise of the Fourth Reich, the embezzlement of funds from the wars in Iraq and Afghanistan, violations of law regarding construction in Hawaii, violations of the Americans with Disabilities Act, assaults on and attempted assassinations of Strege, the theft of Americans' retirement funds, and violations of Strege's right to interstate travel, and his rights under the First Amendment and the Due Process and Equal Protection Clauses. (*Id.*)

These purported claims were directed—very broadly, indeed even indiscriminately—at more than two dozen corporate and individual defendants, including several banks and public officials. Defendants Carpenters' Council, U.S. Bank, Deutsche Hypotheken Bank, and Landesbank Baden Wuerttemberg (“the moving Defendants”) promptly moved to dismiss the Complaint for failure to state a claim on which relief could be granted. (Doc. Nos. 7, 15 & 19.)

On June 3, 2009, Strege had filed a very similar, if not essentially identical, complaint in the District of Hawaii. (No. 09-CV-249 JMS/BMK, Doc. No. 1.) On June 8, 2009—the same day he filed the present Complaint at issue here—he filed an amended complaint in Hawaii. On July 9, 2009, the Hawaiian federal court *sua sponte* dismissed his amended complaint but granted him leave to file, by August 10, 2009, a second amended complaint as long as it would satisfy six enumerated requirements, noting that failure to do so would result in automatic dismissal of that action. (No. 09-CV-249, Doc. No. 14.)

Strege’s second amended complaint failed to remedy the problems identified by the Hawaiian court. On August 31, 2009, that court dismissed that complaint, concluding that it, like the one it had previously dismissed, was “rambling, garbled, and extremely difficult to decipher.” (No. 09-CV-249, Doc. No. 31 at 4.) “Because the Second Amended Complaint is muddled, incoherent, and utterly incomprehensible, Plaintiff cannot possibly win relief as drafted.” (*Id.* at 6.) Thus the court not only dismissed, but did so without leave to amend, finding that “further amendment would be futile.” (*Id.* at 10.) Moreover, the court did so without notice, “specifically find[ing] that Plaintiff’s Second Amended Complaint could not possibly provide him with any relief.” (*Id.* at 6 n.7.) Strege has appealed the final judgment of dismissal to the Ninth Circuit. (No. 09-CV-249, Doc. No. 34.)

## DISCUSSION

The moving Defendants request dismissal under Rule 12(b) for various defects in Strege's Complaint. Carpenters' Council seeks dismissal because the Complaint fails to state a claim on which relief may be granted and because this Court lacks subject matter jurisdiction. (Doc. No. 7.) U.S. Bank likewise moves to dismiss under Rule 12(b) for failure to state a claim. (Doc. No. 15.) Deutsche Hypotheken Bank and Landesbank Baden Wuerttemberg (the "German banks") also move for dismissal under Rule 12(b), arguing that Strege's Complaint fails to articulate a redressable claim. (Doc. No. 19.) The moving Defendants essentially argue that besides certain fatal flaws with respect to Strege's particular claims,<sup>1</sup> Strege's Complaint generally is "incomprehensible" and that the "allegations are 'unrealistic and nonsensical.'" (Doc. Nos. 9, 17, & 21.) The moving Defendants further contend that Strege's Complaint violates the requirement of Rule 8 that a complaint contain "a short and plain statement" of both the grounds for the court's jurisdiction as well as the grounds of the claim showing that the pleader is entitled to relief. (Doc. Nos. 17 & 21.)

Although this Court does not disagree with the particular grounds on which the moving Defendants seek dismissal, it notes that in light of the existing judgment of dismissal entered in the District of Hawaii, there is now an issue of *res judicata* (claim

---

<sup>1</sup> Carpenters' Council asserts that apart from the lack of intelligibility, all of Plaintiff's claims suffer from fatal substantive and procedural defects. (Doc. No. 9.) The other moving Defendants join in Carpenters' Council's motion. (Doc. Nos. 17 & 21.)

preclusion) that takes precedence here.<sup>2</sup> Under the doctrine of claim preclusion, a “[f]inal judgment on the merits precludes the relitigation of a claim on any grounds raised before or on any grounds which could have been raised in the prior action.” *Poe v. John Deere Co.*, 695 F.2d 1103, 1105 (8<sup>th</sup> Cir. 1982). The federal court in the District of Hawaii has entered a final judgment following its order of dismissal without leave to amend. “It is well settled that denial of leave to amend constitutes *res judicata* on the merits of the claims which were the subject of the proposed amended pleading.” *King v. Hoover Group, Inc.*, 958 F.2d 219, 222-23 (8<sup>th</sup> Cir. 1992).

Because there is a final judgment on the merits, only two essential questions

---

<sup>2</sup> The Court recognizes that *res judicata* is an affirmative defense under Rule 8(c) and that the moving Defendants have not expressly premised their current motions on claim preclusion. But Defendants have not waived any such defense by failing to include it in an Answer, as no such responsive pleadings have been filed yet. And at the time the motions to dismiss for failure to state a claim were filed in July 2009, the District of Hawaii had not yet entered judgment. Nevertheless, the moving Defendants did note the fact that the Hawaiian court already had dismissed Strege’s earlier amended complaint (although with leave to amend). (Doc. Nos. 17, 21.) Now that judgment has been entered in the District of Hawaii—on August 31, 2009, following that court’s dismissal *with prejudice* of Strege’s second amended complaint for failure to follow the court’s specified instructions for clarifying his earlier complaints—the fundamental prerequisite for claim preclusion is satisfied. Moreover, this Court may raise the issue of claim preclusion *sua sponte*. *Independent School District No. 283 v. S.D.*, 88 F.3d 556, 562 n.5 (8<sup>th</sup> Cir. 1996). *Accord* 18 Charles Alan Wright *et al.*, *Federal Practice and Procedure* § 4405, at 85-86 (2d ed. 2002). Although doing so might often depend on provision of notice, *Hanig v. City of Winner*, 527 F.3d 674, 678 (8<sup>th</sup> Cir. 2008), here the moving Defendants—when arguing for dismissal—noted the first dismissal of his parallel complaint in Hawaii. Strege filed no response. This Court finds that, based on the particular facts of this case, particularly Strege’s own disclosure of disabilities that severely inhibit his cognitive functions with respect to reading and writing, providing Strege with an opportunity to file written briefs on the issue of preclusion would not clarify the issue or advance its resolution.

remain for consideration: (1) whether Strege's present action raises claims that were raised, or could have been raised, in his prior action in Hawaii, and (2) whether the moving Defendants here were also defendants in his Hawaiian action or in privity with the Hawaiian defendants. *Micklus v. Greer*, 705 F.2d 314, 316 (8<sup>th</sup> Cir. 1983).<sup>3</sup>

The Eighth Circuit has noted that “[t]he parameters of a ‘claim’ cannot be stated with mathematical precision.” *Poe v. John Deere Co.*, 695 F.2d 1103, 1106 (8<sup>th</sup> Cir. 1982) (adopting position of Restatement (Second) of Judgments). In dismissing Strege's first amended complaint, the Hawaiian court noted that Strege apparently claimed that the defendants in that action were

jointly responsible for: (1) a conspiracy to conceal the murders of Representative Bob Nakasone and Congressman Paul Wellstone, . . .; (2) an ongoing conspiracy to kill Plaintiff, . . .; (3) various assaults on Plaintiff, . . .; (4) a conspiracy to give Group Builders all of the construction work on Maui, . . .; (5) a conspiracy to block Plaintiff's “Interstate Commerce,” . . .; (6) firing him and/or denying him employment due to his religion, disability, and/or his knowledge of the various conspiracies named in the Amended Complaint, . . .; (7) robbing him of his pension, . . .; (8) the Holocaust, . . .; (9) the Afghanistan and Iraq wars, . . .; (10) the September 11 attacks, . . .; and (11) the “next Holocaust” that Plaintiff asserts will take place in Hawaii.

(No. 09-CV-249, Doc. No. 14 at 3-4.) In granting him leave to amend, the court expressly conditioned the filing of any second amended complaint on the following requirements:

Plaintiff must write *short, plain statements* telling the court: (1) the treaty, constitutional right, or statutory right Plaintiff believes was violated; (2) the

---

<sup>3</sup>

Strege is the sole plaintiff here as well as in the Hawaiian action.

name of the defendant who violated that right; (3) exactly what that defendant did or failed to do; (4) how the action or inaction of that defendant is connected to the violation of Plaintiff's rights; (5) what specific injury Plaintiff suffered because of that defendant's conduct; and (6) whether the basis for this court's jurisdiction is either federal question or diversity.

(*Id.* at 7 (emphasis in original).)<sup>4</sup>

In dismissing Strege's second amended complaint for failing to comply with those requirements, the Hawaiian court understood Strege to have alleged that the defendants were jointly responsible for

(1) a conspiracy to conceal the murders of Representative Bob Nakasone and Congressman Paul Wellstone, . . .; (2) the September 11th terrorist attacks, . . .; (3) embezzlement and/or illegal profiting from the September 11th attacks and/or the Iraq or Afghanistan wars, . . .; (4) a "conspiracy to commit Genocide on the American people" by robbing them of their pensions, retirement funds, and life insurance, . . .; (5) causing Plaintiff's brain injury, . . .; (6) a conspiracy to murder Plaintiff, . . .; (7) firing Plaintiff and/or denying him employment and/or benefits due to his religion, disability, and/or his knowledge of the various conspiracies outlined in the Second Amended Complaint, . . .; (8) a conspiracy to give Group Builders all of the business on Maui, . . .; and (9) the Afghanistan and Iraq wars.

(No. 09-CV-249, Doc. No. 31 at 4-5.)

Here, Strege's Complaint likewise asserts the following "claims": (1) a conspiracy to conceal the murders of Rep. Nakasone and Sen. Wellstone; (2) the Holocaust and other wrongful actions of the Nazis; (3) the September 11, 2001 terrorist attacks; (4) the impending rise of the Fourth Reich; (5) the embezzlement of funds from the wars in Iraq

---

<sup>4</sup> The court also imposed additional requirements for any amended pleadings. (*Id.* at 8.)

and Afghanistan; (6) certain violations of law regarding construction in Hawaii; (7) violations of the Americans with Disabilities Act; (8) various assaults on and attempted assassinations of Strege; (9) violations of his right to interstate travel; (10) violations of his rights under the First Amendment; (11) violations of the Due Process and Equal Protection Clauses; and (12) the theft of Americans' retirement funds. (Doc. No. 1.)<sup>5</sup>

Granted, his purported claims are far from clearly drafted. But the fact “[t]hat a complaint cannot be read to make sense does not mean that the ‘wrong for which redress is sought’ cannot be gleaned.” *Micklus v. Greer*, 705 F.2d 314, 316 (8<sup>th</sup> Cir. 1983). Accordingly, once a court dismisses with prejudice an action premised on a complaint that was a “‘confused rambling narrative of charges and conclusions,’” the final judgment of dismissal precludes subsequent actions by the same plaintiff on those claims. *Id.* at 317 & n.3 (holding that conspiracy claims were precluded by earlier actions that were “dismissed as ‘unintelligible’ and ‘incoherent’”).

After a thorough review of the present Complaint, the Court concludes that it asserts the same “claims” dismissed by the Hawaiian court. Granted, the sprawling allegations of the various complaints repeatedly fail to coalesce into discretely framed claims of cognizable wrongs perpetrated by particular defendants. Nevertheless, the

---

<sup>5</sup> Although the Court refers to Strege’s grievances as “claims,” it is far from clear that the conduct of which he complains is wrongful, that Plaintiff has been injured by such conduct so as to have standing, or that such claims are otherwise legally cognizable.

respective complaints in each action purport to connect the same events in Strege's life in both Minnesota (where he lives and works) and Hawaii (where he also has worked) with the alleged wrongs identified in the complaints—the same wide-ranging web of conspiracy both grand (alleged murders of public officials by banks with Nazi connections) and mundane (improprieties in construction projects in both Hawaii and Minnesota).

Nor is there any genuine issue of whether the relevant parties here are the same as those in Hawaii or in privity with them. As Strege summarized the alleged conspiratorial connections that he discerns, “[i]t is the same People In Minnesota, Hawaii and New York.” (No. 09-CV-249, Doc. No. 23 at 29.) For purposes of the present motions, there is no question that the moving Defendants were also some of the alleged wrongdoers in the Hawaiian action. In the Hawaiian action, Plaintiff named, among many others, Deutsche Hypotheken Bank, Landesbank Baden Wuertemberg, U.S. Bancorp, and U.S. Bank as Defendants. Those parties, plus the Carpenters' Council, are the moving Defendants here.

Although Plaintiff did not formally name the Carpenters' Council as a defendant in the caption of his Hawaiian action, the complaint dismissed by the Hawaiian court repeatedly weaves the Carpenters' Council into Strege's web of allegations. (No. 09-CV-249, Doc. No. 23 ¶¶ 11-13, 33, 48-49.)<sup>6</sup> Despite the variation in the parties

---

<sup>6</sup> Conversely, Plaintiff formally named Hawaii Carpenters Union as a defendant in the caption of the Hawaiian action (but not here). (*Id.*) Likewise, the Minnesota construction projects are addressed in the Hawaiian complaints. (E.g., *id.* ¶¶ (continued...))

formally named as defendants in the captions of the two actions, the common allegations of each action are generally directed at the same entities in the various complaints, including the Carpenters' Council. The Carpenters Council arguably features more prominently in the

Hawaiian complaints than it does in the Complaint here. Construing the complaints through the lens of substance rather than of form, the Court concludes that Strega's present claims against the Carpenters' Council were brought, or could have been brought, in the Hawaiian action and thus are now barred by claim preclusion. *Poe v. John Deere Co.*, 695 F.2d 1103, 1105 (8<sup>th</sup> Cir. 1982) (stating that "[f]inal judgment on the merits precludes the relitigation of a claim on any grounds raised before or on any grounds which could have been raised in the prior action."). On these facts, the District of Hawaii's judgment of dismissal is entitled to preclusive effect here.

Finally, with respect to the other Defendants here, the Court concludes that on these particular facts, the Complaint should be dismissed on the merits but without prejudice. As the Hawaiian court recognized with respect to the complaint it dismissed

---

<sup>6</sup>(...continued)

2-14, 20-24, 42.) And, conversely, the Hawaiian construction projects are addressed in the Complaint here. (E.g., Doc. No. 1 ¶¶ 2, 9, 11, 19, 38-42, 47, 60-61, 86-87, 89, 91, 93.) Within each action, not all of the individuals and entities accused of wrongful conduct in the body of the complaints are listed as Defendants in the captions and some of those identified in the captions play relatively minor (even *de minimus*) roles in the conspiracy alleged in the body of the complaints. The various complaints lack the usual party-identification sections delineating the individuals and entities alleged to have caused the wrongs of which Plaintiff complains. Moreover, those individuals and entities formally named in the caption are often imprecisely identified.

without leave to amend, the Complaint here in its present form could not support relief against any of the Defendants. Moreover, as the parallel action in Hawaii has demonstrated, Strege is unable to clarify his pleadings. Thus, no discernible purpose would be served by granting leave to amend. Nevertheless, the dismissal is without prejudice to Strege's presentation in a new action of any intelligible, valid claims, should he be able to salvage any.

### **CONCLUSION**

The moving Defendants—which were also either formally named as defendants or otherwise accused of wrongdoing in Strege's parallel Hawaiian action that raised, or could have raised, all of Strege's present claims—are entitled to the benefit of claim preclusion now that the Hawaiian action has proceeded to a final judgment of dismissal without leave to amend. With respect to the remaining Defendants, the numerous, pervasive, and demonstrably-incurable problems with Strege's Complaint warrant dismissal of the rest of the action on the merits (but without prejudice).

Based on the foregoing, and all the files, records and proceedings herein, **IT IS  
HEREBY ORDERED** that:

1. Defendant North Central States Regional Council of Carpenters' motion to dismiss (Doc. No. 7) is **GRANTED** (based on claim preclusion) and all claims against it are **DISMISSED WITH PREJUDICE**;

2. Defendant U.S. Bank's motion to dismiss (Doc. No. 15) is **GRANTED** (based on claim preclusion) and all claims against it are **DISMISSED WITH PREJUDICE**;
3. Defendants Deutsche Hypotheken Bank and Landesbank Baden Wuerttemberg's motion to dismiss (Doc. No. 19) is **GRANTED** (based on claim preclusion) and all claims against them are **DISMISSED WITH PREJUDICE**; and
4. The rest of this action is **DISMISSED** on the merits (but without prejudice).

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: November 6, 2009

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge

U.S. DEPARTMENT OF JUSTICE "Sen iive" REQUEST FOR ADMISTRATIVE REMEDY  
 Federal Bureau of Prisons The Inmates that like to Fight prepair food in my Cell and say  
 Tyson Can Keep Light on all Knight. Tyson goes Crazy and threatin 2 Kill

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.  
 My Cellmate Tyson Was in the SHOE 120 Days and Extremely violent  
 Just  
 From: Strege Adam P LAST NAME, FIRST, MIDDLE INITIAL      52566-069 REG. NO.      2 C UNIT      MDC Puerto Rico INSTITUTION

Part A- INMATE REQUEST By Airplaine i arive at MDC Prison 12/12/2019 My 3 Bunk Bed Cellmates Hermes-Torres valasques and Right Arm and Leg Tatoe Inmate Violent Gang Members where 8 times dailey selling the exstecey Drug sliped under the Door they Cooked food with Cut Electric Cord in are B1 Unit 60 Day Lock Down I just came from FDC 1 month Lockdowns from 10 Fights buy Law Library ~~Hermas~~ Stole all My Christmas food and Stuff and would only let me leave the Top Bunk to Pee they touch eachother Penis on Exstecy and hit me with Padle Lock so the Prison Guards say the Next time i ask to move Cells I go to SHOU 15 Days. My 2nd Celmate CIA Federal Agent Son 50895-069 Brad Collins slept all day and was mostly only awake 2:00 AM till 9:00 AM becuse his Medication wear off then he pace-walk back and forth hitting the walls turling His arms talking about suicide he wants people to beat him up so he dosent have to Register as Sex Afender they SENT Collins to State PR Jaill. My 3rd Celmate Brazil Coffe Farm owner Grandson 50944069 Simoes ~~Fernandez~~ Ramos was Previousley in the SHOE 3 times fore Fighting and Ramos 80 times said he would beat People up or kill them was the Music He Sang. =MO MO MOAB im Beside Prisoner Ramos Cell and my Public Defender Supervisor Ramos = RA SUN God My 1st Public defender Jesus Hernadez told me not to sign all the Probation officers forms was the Only evidence of Incompetence failer to Sign CJA-23

Jan 20 2020

DATE

Tyson 08081-094

SIGNATURE OF REQUESTER Adam Strege

Part B- RESPONSE Only 1 Public Defender ever visit me & Prsion Guard Jesus did I want all my BOP Psychology Records exponged because I told all BOP Psychologist my Fifth Amendment Constititional Right to remain Silent and FDC Psychologist G. ~~Fernandez~~ talk to my 4th Celmate Tyson said he sees Dead People. I wrote the Washington DC Military Apelate Court that Military Soldiers have Herased me my Hole life and about a week later I filed a Civil Lawsuit Summons and complaint the Same time i get 4th Celmate ~~01/21/2020~~ Ex Army Solder Shawn Bernard Tyson 6 Foot 6 inch tall 235 Pound no Fat the Toughest Best fighter in the Unit Tyson just got out of the SHOE for smuggling 15 Cellphones into MDC Prison, Tyson said a Inmate stabbed him in B1 then Tyson Stabed the Inmate 7 times and the Guards thought someone Jumped them years ago. Tyson often talk about killing People and fighting TYSON sold 2000 machine Gun Pistols? Many many People owe Tyson Money from 100 Days ago before tyson went to the SHOE. Someone Gave TYSON 250 Dollers worth of Comicery Food they Could Put the K2 Drug in it to get Tyson to bother me. 1 Imate cooked Commicery Food fore maybey almost all 20 inmates in the 10 Fights buy the FDC Law Library everyone fighting did K2 Drug. Adam Strege has no Felony Convictions no Arignment never been in the SHOE can you please give me Non Violent week Celmates. During my Psychological Exsam was in the 9E FDC Transfer Unit Cells closest to the Guard ROOM Cells got 2 new Celmates every week and the Upstairs or West End cells rairley got new Celmates. Im arrested fore making a phone call and they Wont Give me the Phone Call transcripts so the BOP give me Violent Celmates BOP create all Evidence ~~against~~ me

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

SECOND COPY: RETURN TO INMATE

CASE NUMBER: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

Part C- RECEIPT

Return to: LAST NAME, FIRST, MIDDLE INITIAL      REG. NO.      UNIT      INSTITUTION  
 SUBJECT: \_\_\_\_\_

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

**SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001**

March 4, 2020

Adam Strege  
#52566-O69  
MDC Guaynabo  
POB 2005  
Catino, PR 00963

RE: Strege v. United States  
USCA1 Nos. 19-1892, 19-1903

Dear Mr. Strege:

The above-entitled petition for writ of certiorari was postmarked February 12, 2020 and received February 19, 2020. The papers are returned for the following reason(s):

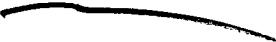
No motion for leave to proceed in forma pauperis, signed by the petitioner or by counsel, is attached. Rules 33.2 and 39. The motion must be signed.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

A copy of the corrected petition must be served on opposing counsel.

When making the required corrections to a petition, no change to the substance of the petition may be made.

Sincerely,  
Scott S. Harris, Clerk  
By:

  
Michael Duggan  
(202) 479-3025

Enclosures

**SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001**

July 29, 2019

Adam Strege  
#52566-D69  
Federal Detention Center Miami  
33 NE 4th Street  
Miami, FL 55007

RE: Adam Strege

Dear Mr. Strege:

Incarcerated pro se petitioners filing in an in forma pauperis capacity are require to file a single copy of their submission (IFP motion and affidavit, petition, and appendix) on 8 1/2 by 11 inch (letter size) paper.

Enclosed is an IFP filign guide and a copy of the Rules of this Court.

Your papers are herewith returned.

Sincerely,  
Scott S. Harris, Clerk  
By:

  
Michael Duggan  
(202) 479-3025

Enclosures

# United States Court of Appeals For the First Circuit

---

No. 19-1628

UNITED STATES,

Appellee,

v.

ADAM STREGE,

Defendant, Appellant.

---

No. 19-1721

IN RE: ADAM STREGE,

Petitioner.

---

Before

Torruella, Thompson and Barron,  
Circuit Judges.

---

## ORDER OF COURT

Entered: July 31, 2019

Defendant-Petitioner-Appellant Adam Strege has launched both an interlocutory appeal and a mandamus proceeding in this court. He challenges his referral for a custodial competency evaluation and also what he views as the district court's effective denial of his motion(s) for bail pending trial. Strege's pro se motion(s) seeking bail remains pending in the district court. The issues of the custodial competency evaluation and bail are inextricably linked and should be addressed together.

So that this court might promptly and efficiently adjudicate the matters currently before it, the district court is directed to adjudicate Strege's bail motion(s) within seven days of entry of this order. The ruling should be supported by findings sufficient to allow for review by this court, and bail proceedings and the district court's final bail ruling should comply fully with the requirements set out at 18 U.S.C. § 3142 and any other applicable provisions of law. Any party wishing to

challenge the bail ruling should file a new notice of appeal in the district court consistent with Fed. R. App. P. 4(b).

Additionally, to aid this court's review, the district court should enter a separate statement of reasons for referring Strege for a *custodial* competency evaluation. To the extent the district court's ruling on bail compels entry of a modified or new order regarding the competency evaluation, the district court should address the statement of reasons to that ruling. This statement should be entered on the district court docket within seven days of entry of this order.

The clerk is directed to serve a copy of this order on the district court. Finally, Strege has requested that this court mail to him a copy of the "opening brief" he recently filed in appeal 19-1628. While it is not the policy of this court to grant such requests for copies without payment of a fee, the clerk is directed to mail a copy of the filing to Strege as a one-time courtesy.

By the Court:

Maria R. Hamilton, Clerk

cc:

Hon. Silvia L. Carreno-Coil  
Frances Rios de Moran, Clerk, United States District Court for the District of Puerto Rico  
Victor J. Gonzalez-Bothwell  
Vivianne Marie Marrero-Torres  
Eric A. Vos  
Mariana E. Bauza Almonte  
Vanessa Bonano-Rodriguez  
Alexander Louis Alum  
Adam Strege

# United States Court of Appeals For the First Circuit

No. 19-1628

UNITED STATES,

Appellee,

v.

ADAM STREGE,

Defendant, Appellant.

Before

Torruella, Thompson and Barron,  
Circuit Judges.

## JUDGMENT

Entered: August 20, 2019

Defendant-Petitioner-Appellant Adam Strege has launched both an interlocutory appeal (No. 19-1628) and a mandamus proceeding (No. 19-1721) in this court. He signaled an intent to challenge both his referral for a custodial competency evaluation and the implicit denial of his request for bail pending trial. By order dated July 31, 2019, in order to aid our review in both cases, we asked the District Court to issue a ruling on Strege's then-pending bail motion and to supply a statement of reasons for its referral to a custodial competency evaluation. The district court now has done so.

With respect to the district court's order denying bail, after careful review of the record, the district court's decision, and Strege's filings, we conclude that we would not reach "a different result" and that affirmance is therefore appropriate. United States v. O'Brien, 895 F.2d 810, 814 (1st Cir. 1990); see also United States v. Tortora, 922 F.2d 880, 882 (1st Cir. 1990) (this court's review of detention decisions is independent, but "tempered by a degree of deference to the determinations made below").

We further find no error or abuse of discretion in the district court's decision finding "reasonable cause" to refer Strege for a custodial competency evaluation, which we review with deference to the referring court's superior position to observe and "adjudge the presence of indicia of incompetency." See United States v. Banks, 482 F.3d 733, 743 (4th Cir. 2007).

The challenged district court orders are affirmed. See Loc. R. 27.0(c). The motion for a stay of the district court's May 21, 2019 order is denied. The petition for writ of mandamus will be addressed via separate judgment.

By the Court:

Maria R. Hamilton, Clerk

cc:

Hon. Silvia L. Carreno-Coll  
Frances Rios de Moran, Clerk, United States District Court for the District of Puerto Rico  
Victor J. Gonzalez-Bothwell  
Vivianne Marie Marrero-Torres  
Eric A. Vos  
Adam Strege  
Mariana E. Bauza Almonte  
Vanessa Bonano-Rodriguez  
Alexander Louis Alum