

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

UNITED STATES DISTRICT COURT 20 MAR 2 AM 0:35

FOR THE DISTRICT OF WYOMING GARRET BOYD, CLERK
CHEYENNE

IN RE:

GRAND JURY.

EX PARTE DELAY ORDER

After due consideration of the application of the United States for an order to delay notification of banking customers of records sought pursuant to 12 U.S.C. §§3409(a) and 3413(i), the Court finds:

1. That a criminal investigation is being conducted by the Wyoming Medicare Fraud Control Unit (MFCU) into possible violations of federal law and that such investigation is within the lawful jurisdiction of MFCU.

2. There is reason to believe that the records being sought are relevant to a legitimate law enforcement inquiry.

3. There is reason to believe that such notice will result in the destruction of or tampering with evidence, or otherwise seriously jeopardize the investigation.

Accordingly, the Court ORDERS that Great Western Bank shall not disclose to the customers the existence of the subpoena or information that has been furnished to the grand jury, pursuant to 12 U.S.C. §§ 3413(i) and 3420(b)(1), for a period of ninety (90) days from the date of this Order.

DATED this 27th day of February, 2020.


CHIEF JUDGE
UNITED STATES DISTRICT COURT

CERTIFIED TRUE COPY
Margaret Hopkins
Clerk



Risk Management
PO Box 1560
Aberdeen, SD 57402-1560

p: (605) 622-6915
f: (605) 725-4380

March 9, 2020

Via Electronic Transmittal

Kelli Valerio
US Attorney's Office
PO Box 668
2120 Capitol Avenue, Room 4002
Cheyenne, WY 82003

RE: Grand Jury Subpoena - Account #720033179

Dear Kelli:

We are in receipt of a subpoena dated February 26, 2020 requesting information related to the above referenced matter. Enclosed are documents requested on the subpoena.

Also, please find enclosed the Certificate of Authenticity of Business Records, Request for Financial Information, and Services Provided Record.

If you have questions or concerns related to this production, please feel free to contact us.

Sincerely,

Shirley Stein
Risk Specialist

Enclosures



BANKING • INSURANCE • MORTGAGE • TRUST
Member FDIC
Equal Housing Lender
NMLS ID 10932

20CR48F.May28.20-002470

15

(-AFCUSUBL-YSLD)

AMERICA FIRST FEDERAL CREDIT UNION

PAGE - 12926

SATURDAY DECEMBER 31, 2016

SEGMENT 311

TIME - 18:31:40

CREATED DATE - 05/30/17

LOAN)

PERIOD 01/01/16 THRU 12/31/16

(CONTINUED)

SUBLEDGER PAGE NUMBER - 4806,367

022216 LOAN TO SHARE
 022216 LOAN TO SHARE
 022216 LOAN TO SHARE
 022216 LOAN TO SHARE
 022416 LOAN TO SHARE
 022916 LOAN PAYMENT ATMW
 FROM SHARE ACCOUNT:
 040216 LOAN TO SHARE
 040516 INSURANCE PREMIUM
 040616 LOAN PAYMENT ATMW
 FROM SHARE ACCOUNT:
 040616 LOAN TO SHARE
 040716 LOAN TO SHARE
 040716 LOAN TO SHARE
 041216 LOAN PAYMENT ATMW
 FROM SHARE ACCOUNT:
 041216 LOAN TO SHARE
 042116 LOAN TO SHARE
 042716 LOAN TO SHARE
 043016 LOAN PAYMENT ATMW
 FROM SHARE ACCOUNT:
 071116 LOAN TO SHARE
 071116 LOAN PAYMENT ATMW
 FROM SHARE ACCOUNT:
 071316 LOAN TO SHARE
 072316 LOAN PAYMENT ATMW
 FROM SHARE ACCOUNT:
 072716 CASH ADVANCE
 072716 LOAN TO SHARE
 072716 LOAN TO SHARE
 073016 LOAN PAYMENT ATMW
 FROM SHARE ACCOUNT:
 101516 CASH ADVANCE
 102016 LOAN TO SHARE
 110116 LOAN PAYMENT ATMW
 FROM SHARE ACCOUNT:
 122916 LOAN TO SHARE
 123016 LOAN TO SHARE

2455512-0 *** YTD TAX SUMMARY ***
 SHARE SUFFIX 1
 SHARE SUFFIX 9
 LOAN SUFFIX 6
 LOAN SUFFIX 9
 ACCOUNT TOTAL



(-AFCUSUBL-YSLD)

AMERICA FIRST FEDERAL CREDIT UNION

PAGE - 1077

SUNDAY DECEMBER 31, 2017

SEGMENT 313

TIME - 11:07:47

CREATED DATE - 04/18/18

PERIOD 01/01/17 THRU 12/31/17

(CONTINUED)

SUBLEDGER PAGE NUMBER -4825,041

022717 LOAN

030317030417LOAN

030617 INSU

030817 LOAN

031017 LOAN

031717031817LOAN

032217 LOAN

040317040417LOAN

040517 INSU

040517 LOAN

040517 LOAN

041017 LOAN

043017 LOAN

050117 LOAN

050217050317LOAN

050317050417LOAN

050517 INSU

050817 LOAN

051017051117LOAN

052317 LOAN

060117 LOAN

060417060517LOAN

060517 INSU

060517060617LOAN

060817 LOAN

062917 LOAN

070317070517LOAN

070517 INSU

070617070717LOAN

071017 LOAN

072117 LOAN

073117 LOAN

080217080317LOAN

080317080417LOAN

080517 INSU

080817 LOAN

081017081117LOAN

081217 LOAN

090117090217LOAN

090517 INSU

090517 LOAN

090817 LOAN

092717 LOAN

100417 LOAN

100517 INSU

101017 LOAN

103117 LOAN

110617 INSU

110717 LOAN

110817 LOAN

120117 LOAN

2455512-0 ***

SHARE

LOAN

LOAN

ACCO

(-AFCUSUBL-YSLD)

AMERICA FIRST FEDERAL CREDIT UNION

PAGE - 12801

TIME - 13:00:23

CREATED DATE - 04/06/19

MONDAY DECEMBER 31, 2018

SEGMENT 319

[REDACTED] (LOAN)

PERIOD 01/01/18 THRU 12/31/18

(CONTINUED)

SUBLEDGER PAGE NUMBER - 4929,844

12/29 USPS PO 57581
 123018123118PURCHASE ADJUSTMENT
 12/28 PAYPAL *YUNDO
 122818123118ADJUSTMENT
 123118 PURCHASE FINANCE CHG.

2455512-0.9 (LOAN)
 TYPE - K RATE - F 14.49
 BEGINNING BALANCE
 010218 LOAN TO SHARE
 010218 LOAN TO SHARE
 010418 LOAN TO SHARE
 010518 INSURANCE PREMIUM
 011018 LOAN PAYMENT ATM
 FROM SHARE ACCOUNT:
 061818 LOAN TO SHARE
 062618 LOAN TO SHARE
 063018 LOAN PAYMENT ATM
 FROM SHARE ACCOUNT:
 091718 LOAN TO SHARE
 092218 LOAN TO SHARE
 092618092718LOAN TO SHARE
 092818 LOAN PAYMENT ATM
 FROM SHARE ACCOUNT:
 100418 LOAN TO SHARE
 101018 LOAN TO SHARE
 101718 LOAN PAYMENT ATM
 FROM SHARE ACCOUNT:
 103118 LOAN PAYMENT ATM
 FROM SHARE ACCOUNT:
 112818 LOAN TO SHARE
 112918 LOAN PAYMENT ATM
 FROM SHARE ACCOUNT:
 113018 CASH ADVANCE
 TO SHARE ACCOUNT:
 113018 LOAN PAYMENT ATM
 FROM SHARE ACCOUNT:
 121518 LOAN PAYMENT ATM
 FROM SHARE ACCOUNT:
 122018 LOAN PAYMENT ATM
 FROM SHARE ACCOUNT:
 122018 LOAN TO SHARE
 122118 LOAN TO SHARE
 122718 CASH ADVANCE
 TO SHARE ACCOUNT:
 122818 LOAN PAYMENT ATM
 FROM SHARE ACCOUNT:

2455512-0 *** YTD TAX SUMMARY ***
 SHARE SUFFIX 9
 LOAN SUFFIX 6
 LOAN SUFFIX 9
 ACCOUNT TOTAL

16

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

GRAND JURY PROCEEDINGS

SWORN TESTIMONY OF TERRENCE BELL
10:06 A.M., WEDNESDAY, MARCH 18, 2020

APPEARANCES

A QUORUM OF THE FEDERAL GRAND JURY

14 For the United TRAVIS KIRCHHEFER
States of America: Assistant United States Attorney
15 2320 Capitol Avenue
Cheyenne, WY 82002

MARK A. KLAASSEN
First Assistant United States Attorney
2120 Capitol Avenue, Fourth Floor
Cheyenne, WY 82001

CHRISTYNE M. MARTENS
Assistant United States Attorney
100 East "B" Street, Suite 2211
Casper, WY 82601

25 | REPORTED BY: ROGER MEYERS

1 A. That belongs to Holli Lundahl.

2 Q. Okay. How about -- so Grand Jury Exhibit Number 3
3 being records from Dakota Bank. When was that returned?

4 A. That was returned March 9th of 2020.

5 Q. And in whose name were those records held?

6 A. That's Holli Lundahl.

7 Q. Holli Lundahl alone? Grand Jury Exhibit Number 4
8 being bank records from Great Western Bank. When were those
9 records returned?

10 A. March 9th of 2020.

11 Q. And in whose name were those records held?

12 A. Those are Holli Lundahl's.

13 Q. And then in Grand Jury Exhibit Number 5 being
14 records from Trona Valley Federal Credit Union, when did you
15 receive those records?

16 A. Those were returned March 12, 2020.

17 Q. And in whose name were those accounts held?

18 A. So that bank is different. On that bank account
19 is Holli Lundahl, Marti Lundahl, Shyanne Lundahl, and
20 Sara Brown.

21 Q. Did you ask Shyanne Lundahl about whether or not
22 she had access to that account or knew about that account?

23 A. Yes. I asked her if she knew about the account,
24 and she did not know about the account and she had no access
25 to that account.

1 life to make sure you brush your teeth or go make your bed
2 or other stuff like that. It could be making meals. It's
3 different stuff like that to make the person's life whole in
4 their setting.

5 GRAND JUROR. Any more questions?

6 MR. KIRCHHEFER. Can we dismiss the witness?

7 FOREPERSON. You may.

8 (Whereupon, at 11:16 a.m., the witness was excused
9 and was subsequently recalled at 11:23 a.m.)

10 BY MR. KIRCHHEFER:

11 Q. There was a question as to the contents of the
12 bank documents, and you mentioned that you have reviewed the
13 bank documents that were returned to the grand jury today?

14 A. Yes, briefly.

15 Q. Did you note where the Wyoming Medicaid payments
16 or ACCESS payments were made for the services that we talked
17 about today?

18 A. So the Medicaid services that were provided
19 allegedly by Shyanne Lundahl and Sara Brown were all direct
20 deposited to Trona Valley Federal Credit Union. A large
21 portion of the stuff -- well for Holli Lundahl it went to
22 several different banks. I haven't ascertained all of it,
23 but it seemed like it was Great Western and then
24 Dakota Bank, but I don't know the extent of all of them.

25 Q. But it was going into the bank accounts that were

1 MR. KIRCHHEFER. Thank you very much.

2 (Whereupon, the witness was excused at 11:27 a.m.

3 on March 18, 2020.)

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March 9, 2020

U.S. Attorney's Office
Attn: Kelli Valerio
2120 Capitol Avenue #4002
Cheyenne, WY 82003

Re: Subpoena

M [REDACTED] L [REDACTED] VI
S [REDACTED] VI [REDACTED] L [REDACTED] VI
S [REDACTED] VI B [REDACTED] VI

Dear Ms. Valerio,

Great Western Bank does not have information or records for the above named individual(s). If you have any questions regarding this information, please feel free to contact me at 605-413-1217 or halie.brown@greatwesternbank.com

Sincerely,

A handwritten signature in black ink, appearing to read 'Halie Brown'.

Halie Brown
Legal Research Specialist
Great Western Bank
Enclosures

DACOTAH BANK

Here for you™

DACOTAH BANK RAPID CITY DOWNTOWN
125 MAIN STREET
RAPID CITY SD
(605) 394-9000

BANKING • INSURANCE • MORTGAGE • TRUST

57701

Page 1
6-23-19

3432 0.6020 EX 0.000 12 2 472
HOLLIE
PO BOX 9262
RAPID CITY SD 57709-9262

072

E

Free Checking		Account Number	720033179
Previous Balance	5-30-19	.00	
+Deposits/Credits	4	1,536.54	
-Checks/Debits	1	550.00	
-Service Charge		.00	
+Interest Paid		.00	
Current Balance	6-23-19	986.54	
Days in Statement Period	25		
-----DESCRIPTIVE TRANSACTIONS-----*			
Date	Tracer	Description	Amount
5-30	1	CUSTOMER DEPOSIT	310.30
6-10	1	CUSTOMER DEPOSIT	517.00
6-12	2163	AMERICA FIRST CU ACH PYMT	550.00-
		HOLLI TELFORD	
6-14	5163	NE PA CENTER FOR PAYROLL	
		HOLLI T. LUNDAHL	
6-19	1	CUSTOMER DEPOSIT	709.24
-----SUMMARY OF OVERDRAFT AND RETURNED ITEM FEES-----*			
		This Period	Year-to-Date
Total returned item fees		.00	.00
Total overdraft fees		.00	.00
Total fees charged		.00	.00

-----DAILY BALANCE SUMMARY-----*						
Date	Balance	Date	Balance	Date	Balance	
5-30	310.30	6-10	827.30	6-12	277.30	
6-19	986.54					

PRIVACY NOTICE: Federal Law requires us to tell you how we collect, share, and protect your personal information. Our privacy policy has not changed and you may review our policy and practices with respect to your personal information at dacotahbank.com or we will mail you a free copy upon request if you call us at (800) 881-5611.

(*) Indicates a gap in check number sequence
End of Statement

18

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 15, 2020

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HOLLI TELFORD LUNDAHL,

Defendant - Appellant.

No. 20-8047
(D.C. No. 1:20-CR-00048-NDF-1)
(D. Wyo.)

ORDER

Before BRISCOE, McHUGH, and CARSON, Circuit Judges.

This matter is before the court on the government's motion to dismiss this interlocutory criminal appeal for lack of jurisdiction and Appellant Holli Lundahl's response thereto. Ms. Lundahl, who is proceeding *pro se* in her criminal case with appointed standby counsel,¹ seeks to appeal the district court's order denying her motion to dismiss the indictment. Trial is set to commence on September 23, 2020.

Generally, “[t]he final judgment rule prohibits appellate review in a criminal case until conviction and imposition of a sentence.” *United States v. Walker*, 915 F.2d 1463,

¹ Ms. Lundahl's standby counsel, Gay Woodhouse, filed the preliminary documents in this appeal before filing a motion to withdraw as counsel. Ms. Lundahl was permitted to file a *pro se* response to the government's motion to dismiss. Counsel's motion to withdraw is granted. Ms. Woodhouse is appointed pursuant to 18 U.S.C. § 3006A *nunc pro tunc* to the date this appeal was opened, but that appointment ends with the entry of this order.

1465 (10th Cir. 1990). Although the collateral order doctrine permits appellate review of certain interlocutory decisions, “because of the compelling interest in prompt criminal trials, [the doctrine is applied] with the utmost strictness in criminal cases.” *Flanagan*, 465 U.S. at 265.

To fall within this doctrine, the district court’s order must: (1) conclusively determine, (2) an important issue separate from the merits of the case, that (3) will be effectively unreviewable once final judgment is entered. *United States v. Tucker*, 745 F.3d 1054, 1063 (10th Cir. 2014). The doctrine is so limited in the criminal context that the Supreme Court has applied it to only three categories of interlocutory criminal appeals: those involving motions to reduce bail, motions to dismiss based on double jeopardy grounds, and motions to assert immunity under the Speech or Debate Clause. *See id.* (discussing limited application of collateral order doctrine in the criminal context). Outside these precise categories, this court has found the requirements of the collateral order doctrine satisfied only when the asserted right cannot be vindicated after trial. *Id.* at 1064.

In the underlying criminal matter, Ms. Lundahl filed a motion to dismiss the indictment on the following grounds: violation of the ex post facto clause, violation of the contracts and supremacy clauses of the United States constitution, failure to state a criminal offense, government misconduct regarding a policy manual it produced in discovery, vindictive prosecution, a “rule of lenity,” and “estoppel by acquiescence.

Here, the district court’s order denying the motion to dismiss is not a collateral order because it does not address an important issue separate from the case, and the rights

asserted in the motion to dismiss can be vindicated on appeal following final judgment.

Tucker, 745 F.3d at 1064 (dismissing for lack of jurisdiction appeal from denial of motion to dismiss indictment and noting that very few motions to dismiss, even if founded on a valid constitutional right, will give rise to interlocutory appellate jurisdiction).

Accordingly, the government's motion to dismiss this appeal for lack of jurisdiction is granted. All other pending motions are denied as moot.

APPEAL DISMISSED.

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk



By: Olenka M. George
Counsel to the Clerk

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
OFFICE OF THE CLERK**

Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157

Christopher M. Wolpert
Clerk of Court

September 15, 2020

Jane K. Castro
Chief Deputy Clerk

Ms. Holli Lundahl
P.O. Box 9262
Rapid City, SD 57709-9262

Ms. Gay Woodhouse
Woodhouse Roden LLC
1912 Capitol Avenue, Suite 500
P.O. Box 1888
Cheyenne, WY 82001

RE: 20-8047, United States v. Lundahl
Dist/Ag docket: 1:20-CR-00048-NDF-1

Dear Counsel and Appellant:

Enclosed please find an order issued today by the court.

Please contact this office if you have questions.

Sincerely,



Christopher M. Wolpert
Clerk of the Court

cc: Eric J. Heimann
Travis J. Kirchhefer
David A. Kubichek

CMW/na

19

HOLLI LUNDAHL
P.O. BOX 9262
RAPID CITY, SD 57709
Attorney Pro Se
hollilundahl@gmail.com
contact by email only

**IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

UNITED STATES OF AMERICA, :

Plaintiff/Appellee, : **CASE No. 20-8047**

v. :

HOLLI LUNDAHL : **NOTICE OF FILING ORIGINAL
PRE-TRIAL APPLICATION FOR
WRIT OF HABEAS CORPUS
WITH THE UNITED STATES
SUPREME COURT ON 9/10/
2020 - A COPY OF WHICH IS
ATTACHED HERETO AS
ATTACHMENT “1”**

Defendant/Appellant : **TO BE CONSIDERED WITH
APPELLANT’S MOTION FOR
EMERGENCY STAY FILED
UNDER SEPARATE COVER**

COMES NOW Defendant to notice this Court that she has submitted for filing the attached ORIGINAL PROCEEDING “PRE-TRIAL APPLICATION FOR

20



holli lundahl <hollilundahl@gmail.com>

Activity in Case 1:20-cr-00048-NDF USA v Holli Telford Lundahl Order

1 message

wyodcclerks@wyd.uscourts.gov <wyodcclerks@wyd.uscourts.gov>
To: wyd_cmecl@wyd.uscourts.gov

Tue, Sep 15, 2020 at 10:55 AM

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.

U.S. District Court**District of Wyoming****Notice of Electronic Filing**

The following transaction was entered on 9/15/2020 at 10:55 AM MDT and filed on 9/15/2020

Case Name: USA v Holli Telford Lundahl**Case Number:** 1:20-cr-00048-NDF**Filer:****Document Number:** 98 (No document attached)**Docket Text:**

(TEXT-ONLY) ORDER as to Holli Telford Lundahl re [96] MOTION for Order 2nd Emergency Demand for Stay filed by Holli Telford Lundahl by the Honorable Nancy D Freudenthal. The Government shall file its Response to said Motion on or before 9/18/2020.(Court Staff, sal)

1:20-cr-00048-NDF-1 Notice has been electronically mailed to:

Gay Vanderpoel Woodhouse gay@wmnlawfirm.com, Nichole@wmnlawfirm.com, kathy@wmnlawfirm.com, michelle@wmnlawfirm.com, taylor@wmnlawfirm.com

Travis J Kirchhefer travis.kirchhefer@wyo.gov, britney.wells@wyo.gov, eric.heimann@usdoj.gov, kelli.valerio@usdoj.gov, kimberly.vassar@usdoj.gov

Eric J Heimann eric.heimann@usdoj.gov, CaseView.ECF@usdoj.gov, brandon.johnson3@usdoj.gov, kimberly.vassar@usdoj.gov, lisa.walt@usdoj.gov, vicki.powell@usdoj.gov

Holli Telford Lundahl hollilundahl@gmail.com

1:20-cr-00048-NDF-1 This document has NOT been electronically delivered - you must serve it manually to the following people:

26



September 14, 2020

Dear hollie lundahl:

The following is in response to your request for proof of delivery on your item with the tracking number: **EE50 3239 819U S.**

Item Details

Status: Delivered
Status Date / Time: September 11, 2020, 11:19 am
Location: WASHINGTON, DC 20543
Postal Product: Priority Mail Express 1-Day®
Extra Services: Insured
PO to Addressee
Up to \$100 insurance included

Actual Recipient Name: L JOHNSON

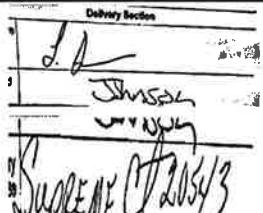
Note: Actual Recipient Name may vary if the intended recipient is not available at the time of delivery.

Shipment Details

Weight: 3lb, 1.0oz

Recipient Signature

Signature of Recipient:



Address of Recipient:

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

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Washington, D.C. 20260-0004

**UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING**

UNITED STATES OF :
AMERICA

Case No. **20-CR-48--J**

Plaintiff

: **NOTICE OF FILING ORIGINAL
PRE-TRIAL APPLICATION FOR
WRIT OF HABEAS CORPUS
WITH THE UNITED STATES**

HOLLI LUNDAHL : **SUPREME COURT ON 9/10/2020 -
A COPY OF WHICH IS ATTACHED
HERETO AS ATTACHMENT “1”**

Defendant

: **SECOND EMERGENCY DEMAND FOR
STAY**

COMES NOW Defendant to notice this Court that she has submitted for filing the attached ORIGINAL PROCEEDING “PRE-TRIAL APPLICATION FOR WRIT OF HABEAS CORPUS” with the United States Supreme Court on 9/10/2020, a copy of which is attached hereto as attachment “1”.

As Doc. 87 in the record, Defendant filed a motion for stay of these criminal proceedings upon filing her Notice of Interlocutory appeal of this Court's refusal to dismiss the entirety of the underlying criminal action primarily based on Article III defect grounds. Defendant's motion had been pending from sometime before

Defendant called this court's clerk "on a recorded line" to inquire into when this court would be disposing of her motion. **During this recorded phone conversation (emphasis added),** there was absolutely no mention of the merits of the motion; hence the contact was not an ex parte communication made with the court. . .as falsely asserted by this court in it's order ULTIMATELY denying the motion for stay as Doc. 93 in this case. Hence this court's contempt admonishment pertaining to this contact is yet another example of why Defendant cannot get a fair trial in the Wyoming District Courts.

Furthermore, this Court yet again allowed the government to abort the process by converting Defendant's motion for stay into an incompetent motion to continue this prosecution when Defendant was very direct in her requested relief, to wit: she demanded a motion for stay, not a motion for continuance. The basis of the Government's obstruction was that Defendant used a civil procedural rule to stay this action as opposed to a criminal rule. . .which was not available. As provided by in Doc. 94, exhibit "1" thereto, Defendant immediately provided the Local Criminal Rules for the Wyoming Federal courts, to wit:

RULE 1.2 APPLICABILITY OF CIVIL RULES
When appropriate in a criminal context, the Local Rules of Civil Procedure may also apply to criminal cases.

Since FRCrP rule 38 only provided for stays when the Defendant was convicted, then this rule did not apply because Defendant has never been convicted of a crime outside of the traffic courts at the age of 64. Accordingly, Defendant had the right to invoke the civil stay rule and leading Supreme Court authority which held that a stay would be warranted if a trial on the matter would be an attempt to moot the matter; the very thing this court is attempting to do when rushing this case to trial KNOWING THAT THERE IS NO SUBJECT MATTER JURISDICTION OVER THIS CASE AS FILED BY THE UNITED STATES.

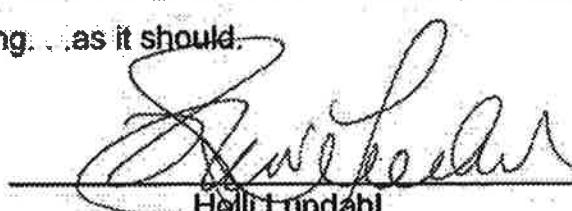
Therefore, Defendant demands once again that all matters in this case be stayed until the United States Supreme Court has had the opportunity to dispose of Defendant's ORIGINAL PROCEEDING "PRE-TRIAL APPLICATION FOR WRIT OF HABEAS

CORPUS".

Additionally this Court alluded that there was no authority standing for the proposition that Defendant could seek appointment of a retired Supreme Court Justice to sit on her cases. To this Defendant responds. . .check out 28 USC § 294(a).

Defendant is presently preparing an emergency motion for stay and a motion for assignment to a retired Supreme Court justice. . .as we speak in contemplation of the Writ of Habeas Corpus issuing. . .as it should.

Dated: 9/10/2020


Helli Lundahl
Defendant Pro Se
PO Box 9262
Rapid City, SD 57709

Certificate of Service

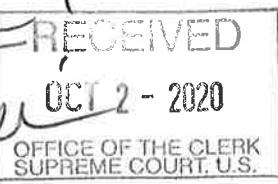
Defendant directs the clerk of the court file the foregoing REPLY into the district court record through the court's ECF filing system.

1 First ST NE

WA DC

20543

I am sending this
to you a restricted
mail. MAKE SURE
this is delivered directly
to Justice Sotomayor.
I am sending you the supplement
to this motion plus the
pre-trial Habeas Corpus
petition under Appeal
over. Hello



FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 15, 2020

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HOLLI TELFORD LUNDAHL,

Defendant - Appellant.

No. 20-8047
(D.C. No. 1:20-CR-00048-NDF-1)
(D. Wyo.)

ORDER

Before BRISCOE, McHUGH, and CARSON, Circuit Judges.

This matter is before the court on the government's motion to dismiss this interlocutory criminal appeal for lack of jurisdiction and Appellant Holli Lundahl's response thereto. Ms. Lundahl, who is proceeding *pro se* in her criminal case with appointed standby counsel,¹ seeks to appeal the district court's order denying her motion to dismiss the indictment. Trial is set to commence on September 23, 2020.

Generally, “[t]he final judgment rule prohibits appellate review in a criminal case until conviction and imposition of a sentence.” *United States v. Walker*, 915 F.2d 1463,

¹ Ms. Lundahl's standby counsel, Gay Woodhouse, filed the preliminary documents in this appeal before filing a motion to withdraw as counsel. Ms. Lundahl was permitted to file a *pro se* response to the government's motion to dismiss. Counsel's motion to withdraw is granted. Ms. Woodhouse is appointed pursuant to 18 U.S.C. § 3006A *nunc pro tunc* to the date this appeal was opened, but that appointment ends with the entry of this order.

1465 (10th Cir. 1990). Although the collateral order doctrine permits appellate review of certain interlocutory decisions, “because of the compelling interest in prompt criminal trials, [the doctrine is applied] with the utmost strictness in criminal cases.” *Flanagan*, 465 U.S. at 265.

To fall within this doctrine, the district court’s order must: (1) conclusively determine, (2) an important issue separate from the merits of the case, that (3) will be effectively unreviewable once final judgment is entered. *United States v. Tucker*, 745 F.3d 1054, 1063 (10th Cir. 2014). The doctrine is so limited in the criminal context that the Supreme Court has applied it to only three categories of interlocutory criminal appeals: those involving motions to reduce bail, motions to dismiss based on double jeopardy grounds, and motions to assert immunity under the Speech or Debate Clause. *See id.* (discussing limited application of collateral order doctrine in the criminal context). Outside these precise categories, this court has found the requirements of the collateral order doctrine satisfied only when the asserted right cannot be vindicated after trial. *Id.* at 1064.

In the underlying criminal matter, Ms. Lundahl filed a motion to dismiss the indictment on the following grounds: violation of the ex post facto clause, violation of the contracts and supremacy clauses of the United States constitution, failure to state a criminal offense, government misconduct regarding a policy manual it produced in discovery, vindictive prosecution, a “rule of lenity,” and “estoppel by acquiescence.

Here, the district court’s order denying the motion to dismiss is not a collateral order because it does not address an important issue separate from the case, and the rights

asserted in the motion to dismiss can be vindicated on appeal following final judgment.

Tucker, 745 F.3d at 1064 (dismissing for lack of jurisdiction appeal from denial of motion to dismiss indictment and noting that very few motions to dismiss, even if founded on a valid constitutional right, will give rise to interlocutory appellate jurisdiction).

Accordingly, the government's motion to dismiss this appeal for lack of jurisdiction is granted. All other pending motions are denied as moot.

APPEAL DISMISSED.

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk



By: Olenka M. George
Counsel to the Clerk

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
OFFICE OF THE CLERK**

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Christopher M. Wolpert
Clerk of Court

September 15, 2020

Jane K. Castro
Chief Deputy Clerk

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RE: 20-8047, United States v. Lundahl
Dist/Ag docket: 1:20-CR-00048-NDF-1

Dear Counsel and Appellant:

Enclosed please find an order issued today by the court.

Please contact this office if you have questions.

Sincerely,



Christopher M. Wolpert
Clerk of the Court

cc: Eric J. Heimann
Travis J. Kirchhefer
David A. Kubichek

CMW/na