

Supreme Court Case Number: _____
F.I.S.A. Court Case Number: _____
9th Circuit Court of Appeals number: 22-70006
District of Arizona case number: 4:19-cr-02946

SUPREME COURT OF THE UNITED STATES

In re: John Milton Lee, *DEO JUVANTE*
Petitioner,
v.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA,
Respondent,
and

UNITED STATES OF AMERICA,
Real Party in Interest.

USA v. Lee – John Milton Lee

On Petition for a Writ of Mandamus to
The Ninth Circuit Court of Appeals (Case Number 22-70006)

PETITION FOR WRIT OF MANDAMUS

(CORRECTED)
PAGE 30+32

John Milton Lee 6880 Tara Avenue Las Vegas, NV 89146
928-201-8178 DEO JUVANTE

NOTE!

*AS HIS SERVANT AND REPRESENTATIVE IT IS REQUIRED THAT I USE GOD'S
CALENDAR. IN PARENTHESIS NEXT TO OR BELOW GOD'S CALENDAR DATE IS THE
COMMON USAGE DATES (A.D. MONTH-DAY-YEAR) USING NUMBERS. THE NAMES
OF MANY COMMON MONTHS AND DAYS ARE FOREIGN GODS WHICH I MUST
AVOID (DEUT. 5:7, PS. 16:4). I THANK THIS COURT FOR ITS UNDERSTANDING
AND CONSIDERATION. (JOSH. 23:7)*

QUESTIONS PRESENTED

IS THE GOVERNMENT OF THE UNITED STATES ALLOWED TO WRITE A
STIPULATION, SIGN THAT STIPULATION, FILE WITH THE DISTRICT COURT THAT
STIPULATION AS IF TRUE, THE DOCUMENT BEING FALSE? (DOC. 19)

IS A MAGISTRATE JUDGE ALLOWED TO ENCOURAGE THE UNITED STATES
TO LIE IN A SIGNED STIPULATION BY NOT ENFORCING THAT STIPULATION,
THE AGREEMENT REQUIRING THE RETURN OF PROPERTY, SOME OF THAT
PROPERTY BEING EVIDENCE, IMPEACHING AND EXCULPATORY?

(DOC. 83, 102, 108)

IS A DISTRICT COURT JUDGE ALLOWED TO PERPETRATE THE JUDICIAL
ERROR AT A DE NOVO REVIEW ALLOWING AS IT DID, THE UNITED STATES TO
LIE BY NOT HONORING ITS SIGNED STIPULATION? (DOC. 111)

IS THE NINTH CIRCUIT COURT OF APPEALS ALLOWED TO PERPETRATE
THE JUDICIAL ERROR ALLOWING THE GOVERNMENT OF THE UNITED STATES
TO LIE IN A SIGNED STIPULATION AND PLACE A MAN ON TRIAL
WITHOUT REQUIRING THE GOVERNMENT TO RETURN PROPERTY PROMISED

BY THAT AGREEMENT, SOME OF THAT PROPERTY BEING EVIDENCE,
IMPEACHING AND EXCULPATORY? (DOC. 124)

IS AUDIO EVIDENCE CAPTURED UNDER F.I.S.A. (FOREIGN
INTELLIGENCE SURVEILLANCE ACT) WARRANT UNUSABLE IN DEFENSE
BECAUSE THAT EVIDENCE IS AGAINST THE GOVERNMENT? HOW MAY
THAT ERROR BE CORRECTED?

IS F.I.S.A. LEGAL? IS IT CONSTITUTIONAL?

HAVE THE ACTIONS OF THE F.I.S.C. (FOREIGN INTELLIGENCE
SURVEILLANCE COURT) AND THE PROSECUTION IN THIS CASE CAUSED A
NEED FOR RECONSIDERATION OF SECRET COURTS AND SECRET EVIDENCE?

WHEN WILL THE SUPREME COURT OF THE UNITED STATES REQUIRE
THE EXECUTIVE BRANCH OF GOVERNMENT TO ISSUE THE MARIJUANA TAX
STAMP REQUIRED BY LAW, ENDING THE WAR ON OUR GOOD CITIZENS

WHO USE A PLANT CREATED BY GOD? (DOC. 78, 93, 107)

WILL THE SUPREME COURT OF THE UNITED STATES END

JURY TAMPERING BY OATH, (DOC. 77, 92, 106) REVERSING THE
NINTH CIRCUIT COURT OF APPEALS WHO INSTRUCT DISTRICT COURT JUDGES
TO LIE TO AMERICAN JURIES?

HOW MAY PROCEEDINGS OF THE COURT OF THE UNITED STATES BE
PLACED INTO TRANSCRIPTS WITH ACCURACY AND TRUTH, VERIFIABLY
SO?

HOW MAY GOVERNMENT SECRETS BE PREVENTED FROM PREJUDICING
AGAINST A DEFENDANT IN A PUBLIC COURT?

IS THE F.I.S.C. ALLOWED TO ISSUE WARRANTS AGAINST INNOCENT
PARTIES SUCH AS MEDICAL DOCTORS, REQUIRING SUCH UNINVOLVED
PARTIES TO BREAK THEIR TRADITIONAL OBLIGATION TO PATIENTS?

IS THE F.I.S.C. ALLOWED TO ISSUE WARRANTS AGAINST NURSES,
REQUIRING THEM TO BREAK THEIR NIGHTINGALE PLEDGE AND LIE
TO PATIENTS?

HAVE THE ACTIONS OF THE F.I.S.C. CAUSED HARM TO THE

AMERICAN MEDICAL ASSOCIATION IN GENERAL AND ALL AMERICAN MEDICAL PROFESSIONALS AND PARTIES INVOLVED ONLY BY REASON OF F.I.S.A.

WARRANTS? BECAUSE OF THE SECRECY OF F.I.S.A. WARRANTS, WOULD THAT HARM AND ASSOCIATED DAMAGE EXTEND TO INNOCENT PARTIES WHO WOULD NOT HONOR SUCH UNCONSTITUTIONAL WARRANTS, AND THAT BY ASSOCIATION OF PRACTICE WITH THOSE WHO DID?

IS THE F.I.S.C. ALLOWED TO ISSUE WARRANTS AGAINST ATTORNEYS REQUIRING THAT THE ATTORNEY LIE TO OR PERPETRATE LIES, AGAINST THE INTEREST OF CLIENT?

DOES AN ATTORNEY ALWAYS HAVE A REQUIREMENT TO ADVISE IN THE BEST INTEREST OF A CLIENT?

HAVE THE ACTIONS OF THE F.I.S.C. CAUSED HARM TO AMERICAN ATTORNEYS IN GENERAL, THE BAR OF ALL STATES AND THE REPUTATION OF INNOCENT PARTIES INVOLVED IN THE PROFESSION OF JUSTICE AND LEGAL DEFENSE? ARE DAMAGES RELATED TO SUCH HARM?

IS THE F.I.S.C. ALLOWED TO ISSUE WARRANTS AGAINST INNOCENT
PRIESTS, RABBIS, PASTORS AND OTHERS SERVING GOD AS A PROFESSION,
GAINING INTELLIGENCE BY SUCH OBSERVATION? WOULD THIS OR HAS THIS
OBSERVATION OF CONFESSORIAL AND MINISTERIAL FUNCTION CAUSED HARM
AND DAMAGES TO INNOCENT PARTIES AND INSTITUTIONS?

IS THE F.I.S.C. ALLOWED TO, AS IT CLEARLY HAS, ISSUE WARRANTS
AGAINST NEWS AGENCIES, THE PRESS, REPORTERS, RESEARCH STAFF
AND OTHER INNOCENT PARTIES?

IS THE F.I.S.C. ALLOWED TO CHANGE, MODIFY OR ELIMINATE
BY ISSUANCE OF WARRANT, NEWS STORIES AND REPORTS? HAS
FINANCIAL AND REPUTATIONAL HARM BEEN CAUSED BY SUCH
MANIPULATION AND HAS THAT HARM WITH DAMAGES BEEN AGAINST
INNOCENT PARTIES?

LIST OF PARTIES

JOE BIDEN, PRESIDENT OF THE UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT (F.I.S.C.)

NINTH CIRCUIT COURT OF APPEALS (CASE NUMBER 22-70006)

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

(CASE NUMBER 4:19-cr-02946)

MERRICK GARLAND, ATTORNEY GENERAL OF THE UNITED STATES

ANGELA W. WOODRIDGE, ASSISTANT U.S. ATTORNEY

ATTORNEYS GENERAL OF ARIZONA AND THE OTHER 49 STATES

AMERICAN MEDICAL ASSOCIATION

MEDICAL ASSOCIATIONS OF ALL 50 STATES

NURSING ASSOCIATIONS OF ALL 50 STATES

CHURCHES, PRIESTS, RABBIS, PASTORS ASSOCIATIONS ALL 50 STATES

NEWS AND PRESS AGENCIES AND INDIVIDUALS, ALL 50 STATES

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BASIS FOR JURISDICTION

A BRAVE, OR PERHAPS UNWITTING MAN COULD WRITE "U.S.C. ...".
KNOWING AS I DO THAT U.S.C. MAY BE WRITTEN BY, MODIFIED BY, OR COULD
BE ELIMINATED BY THE SUPREME COURT, I ENDEAVOR TO TRUST THAT,
PETITION HAVING BEEN MADE FOR THE EXTRAORDINARY WRIT OF MANDAMUS,
SHOULD THE SUPREME COURT FIND CAUSE AS CAUSE EXISTS, THE SUPREME
COURT MAY ACCEPT JURISDICTION. MAY IT BE.

THE TRIAL IN THIS CASE IS SCHEDULED FOR THE 8TH DAY OF THE 2ND
BIBLICAL MONTH 6022 (A.D. 5-10-22). QUESTIONS OF LAW MUST
BE RESOLVED PRIOR TO JURY TRIAL AND THAT FOR THE BENEFIT OF ALL
PARTIES.

RELIEF SOUGHT

A WRIT OF MANDAMUS REVERSING THE RULING OF THE
DISTRICT COURT AND THE NINTH CIRCUIT COURT OF APPEALS
AND REQUIRING THE GOVERNMENT TO HONOR THE STIPULATION
AGREEMENT.

A WRIT OF MANDAMUS ORDERING THE GOVERNMENT TO TURN
OVER ALL EVIDENCE IN THIS CASE INCLUDING AUDIO AND VIDEO TO
THE DEFENDANT, OR IN THE ALTERNATE TO DROP ALL CHARGES.

A WRIT OF MANDAMUS ORDERING THE ATTORNEY GENERAL OF
THE UNITED STATES TO DIRECT THE F.B.I. TO INVESTIGATE A
POSSIBLE CONSPIRACY AMONG LAW ENFORCEMENT OFFICERS TO
DEPRIVE AN AMERICAN CITIZEN OF HIS CONSTITUTIONAL CIVIL
RIGHTS.

A WRIT OF MANDAMUS ORDERING THE GOVERNMENT TO TURN
OVER ALL EVIDENCE IN THIS CASE TO THE F.B.I. AND COOPERATE IN THAT
INVESTIGATION.

A WRIT OF MANDAMUS ORDERING THE PROSECUTING ATTORNEY
AND ALL OTHERS INVOLVED IN THIS CASE RELEASED FROM F.I.S.A.
WARRANTS SO THAT TRUTH MAY AGAIN BE SPOKEN.

A WRIT OF MANDAMUS ORDERING THE F.I.S.C. NOT TO ISSUE
WARRANTS WHICH COULD IN ANY WAY BLOCK TRUTH FROM BEING
PRESENTED IN THE COURT OF THE UNITED STATES, EVER.

HAVING ESTABLISHED THE DEGREE OF JUDICIAL ERROR AND
THE CIRCUMSTANCES OF THAT ERROR, THE SUPREME COURT IS
ASKED TO PROVIDE A DEMOVO HEARING ON THE MOTIONS PRESENTED
AND PROVIDE RELIEF AS DEEMED HONORABLE AND LAWFUL
INCLUDING :

A WRIT OF MANDAMUS ORDERING THE EXECUTIVE BRANCH

OF GOVERNMENT TO ISSUE THE MARIJUANA TAX STAMP
REQUIRED BY LAW.

A WRIT OF MANDAMUS ORDERING THE FEDERAL COURTS NOT
TO SWEAR JURIES TO AN OATH OF OBEDIENCE "AGREE OR NOT" TO
THE INSTRUCTIONS OF A JUDGE.

A WRIT OF MANDAMUS ORDERING THE F.I.S.C. NOT TO ISSUE
WARRANTS AGAINST INNOCENT PARTIES SUCH AS MEDICAL DOCTORS,
NURSES, ATTORNEYS, PRIESTS AND RELIGIOUS INSTITUTIONS, NEWS
REPORTERS AND AGENCIES OR THE PRESS.

WHY THE SUPREME COURT

THE LIST OF QUESTIONS AND PARTIES IS LONG. THE CASE
COULD HONESTLY HAVE HAD MORE. IN THIS CASE F.I.S.C. WARRANT WAS
PLACED ON A WIFE AGAINST HER HUSBAND, A CHILD AGAINST A PARENT,
SEVERAL MEDICAL DOCTORS AGAINST A PATIENT AND ON AN
ATTORNEY AGAINST A CLIENT. TRUTH, VERIFIABLE BUT NOT BY THE
NINTH CIRCUIT. ONLY THE SUPREME COURT COULD GET FROM
F.I.S.C. THE FULL STORY. THIS INTRUSION OF F.I.S.C. INTO A
DISTRICT COURT HAS CAUSED A NEED THAT ONLY THE SUPREME
COURT WITH ITS AUTHORITY OVER THE F.I.S.C. COULD RULE ON.
WITHOUT THE PROOF THAT I CARRY, WOULD THIS EVIDENCE GET TO
THE SUPREME COURT?

CONTRABAND AND CORRUPTION

ONE OF THE UNFORTUNATE DISCOVERIES 100 YEARS AGO, DURING PROHIBITION, WAS THAT MOST LAW ENFORCEMENT ORGANIZATIONS WERE FOR HIRE AT THE RIGHT PRICE. MOST HUMAN BEINGS ARE FLAWED.

DEFENSE EXHIBITS 1 & 2 ARE PRESENTED. THE PHOTOGRAPHS ARE OF A NOTE, STATED BY MYSELF WITH DICTATION HAVING BEEN WRITTEN BY STAFF (EXHIBIT 1) AND AN EVIDENCE TABLE, PRESENTED TO THE LOCAL SHERIFF'S DEPARTMENT, ALSO KNOWN AS LAS VEGAS METRO (EXHIBIT 2). THE NOTE WAS ON THE TABLE. THE TABLE CONTAINED PROBABLY \$50,000 - \$100,000 RETAIL VALUE OF MARIJUANA FROM THE GOLDEN TRIANGLE. HAVING SPENT SEVERAL HUNDRED DOLLARS ON LEGAL MARIJUANA THAT YEAR I WAS TEMPTED. REMEMBERING THE WORDS OF THE LATE DR. CHARLES KRAUTHAMMER "YOU COULD EASILY SMUGGLE A NUKE INTO THE U.S., JUST HIDE IT IN A BAIL OF MARIJUANA", SUCH CORRUPTION I COULD NOT BE PARTY TO.

THE EVIDENCE ON THE TABLE PRESENTED TO THE HIGHEST
LAW ENFORCEMENT OFFICER IN CLARK COUNTY, THE SHERIFF,
INCLUDED TWO BOXES. THE BOXES WERE SHIPPED TO MY
ADDRESS MONTHS APART AND CONTAINED TRACING DOCUMENTS.
DOCUMENTS INDICATED SHIPMENT BY AIR TO LAS VEGAS
INTERNATIONAL AIRPORT, FROM BANGKOK THAILAND. IF ONE
BOX OF CONTRABAND SHOWS UP AT SOMEBODY'S DOOR IT COULD BE
AN ANOMALY. IF TWO BOXES, WITH SHIPPING RECORDS, MONTHS
APART ARE DELIVERED, THIS IS A DEMONSTRATED SUPPLY CHAIN.
MARIJUANA IS LEGAL IN NEVADA. THE LOCALLY GROWN AND
HEAVILY TAXED PRODUCT WAS BEING UNDERCUT BY THIS TRUE
CONTRABAND. THE STATE MAKES GOOD USE OF TAX MONEY PROVIDED
BY THE LEGAL MARIJUANA WHICH IS LOCALLY GROWN.

TWO OPTIONS ARE AVAILABLE TO EXPLAIN THE MARIJUANA,

UNTAXED AS IT WAS, GETTING PAST C.B.P (CUSTOMS AND BORDER PROTECTION) AT THE AIRPORT. OPTION ONE IS THAT C.B.P. IS INCOMPETENT AND UNABLE TO STOP CONTRABAND FROM A KNOWN SOURCE, THE GOLDEN TRIANGLE, FROM ENTERING THE LOCAL ECONOMY AT THE AIRPORT THEY GUARD. OPTION TWO IS THAT C.B.P. IS INVOLVED. NO THIRD OPTION EXISTS.

THE FEDERAL GOVERNMENT CONSIDERS MARIJUANA ILLEGAL. MANY OF THE STATES HAVE DECLARED MARIJUANA LEGAL AND ARE PROVIDED WITH SUBSTANTIAL TAX REVENUE BY ITS CULTIVATION AND SALES. A COMMON STRATEGY BY LAW ENFORCEMENT IS TO UNDERCUT THE DRUG DEALERS, SELLING INTO THEIR MARKETS, ACQUIRING INTELLIGENCE, SNITCHES AND INFILTRATION. THE STATES AND CITIZENS OF SUCH STATES ARE TREATED AS DRUG DEALERS BY FEDERAL LAW ENFORCEMENT WHO CONSIDER MARIJUANA TO BE SCHEDULE I, NO ACCEPTABLE USE. IT IS IN THE CULTURE OF FEDERAL LAW ENFORCEMENT TO WORK AGAINST THE

STATES AND GOOD CITIZENS WHICH HAVE LEGALIZED MARIJUANA,

WHEN I PURCHASE MARIJUANA IN ARIZONA OR NEVADA TAXES ARE PAID,

SOME OF THAT TAX MONEY IS USED TO HIRE A MAN WITH A GUN TO PROTECT

US, AND THE PRODUCT PURCHASED, FROM THOSE WHO WOULD STEAL.

COOL HEADS MUST PREVAIL AT THIS POINT. ONLY THE SUPREME COURT
CAN RESOLVE THIS HIGHLY POLITICIZED ISSUE.

THE PROSECUTION, WHEN PRESENTED WITH OFFENSE EXHIBITS 1 AND 2
STATED SHE WOULD OBJECT AS "IRRELEVANT", IS IT? THE GOVERNMENT

WHO SIGNED A STIPULATION AND WILL NOT HONOR IT NOW SAY THAT

PHOTOGRAPHS ARE "IRRELEVANT". IN THE UNITED STATES IT WOULD BE

TRADITIONALLY A JURY RESPONSIBILITY TO DETERMINE THE RELEVANCE OF

EVIDENCE. SOMEONE, IT WOULD APPEAR, HAD MADE AN OFFER BY GIFT

AND WITH PLAUSIBLE DENIABILITY. BENEFITS OR BLACKMAIL, SILVER

OR LEAD. JOIN THE TEAM AND OBEY OR ELSE. FLATTERED I WAS BY

THE OFFER. I SERVE GOD.

FOREGROUND FRAME

THE SUPREME COURT HAS, OR SHOULD HAVE ACCESS TO F.I.S.A. COURT RECORDS, IF NOT THEN F.I.S.C. IS THE SUPREME COURT, ABLE TO ACT AUTONOMOUSLY AND WITHOUT REVIEW. BASED ON THIS REASONABLE UNDERSTANDING, SOME ADDITIONAL FACTS ARE PRESENTED FOR CONSIDERATION OF THIS HONORABLE COURT.

FACT 1 : ELECTRONIC SPY DEVICES HAVE BEEN IMPLANTED WITHIN MY BODY. SHOULD F.I.S.C. BE UNWILLING TO CORROBORATE OR IF THESE DEVICES WERE INTRODUCED WITHOUT F.I.S.A. WARRANT, SUGGESTING A FISHING EXPEDITION BY OTHER AGENCIES, PROOF IS EASILY AND READILY AVAILABLE. AN E.N.T. (EAR NOSE AND THROAT) SCOPE WOULD QUICKLY AND IN REAL TIME ALLOW VIEWING OF THE DEVICE ATTACHED TO THE BACK NASAL CAVITY. A PORTABLE X-RAY WOULD PROVE THE EXISTENCE OF OTHER ELECTRONIC PACKAGES INCLUDING TORTURE DEVICES, YES THEY WERE DEPLOYED. THE PRESUMED PURPOSE OF THE TORTURE DEVICES WOULD BE TO GET THE TARGET, MYSELF, TO THE DOCTOR AND SCHEDULE A

SURGERY SO THAT HARDWARE AND SOFTWARE UPGRADES CAN BE INSTALLED, OR IN THE CASE OF POSSIBLE COMPROMISE OF THE OPERATION, THE BUGS COULD BE REMOVED UNDER CONDITIONS OF ANESTHESIA.

HAVING LOST TRUST IN AND CONTACT WITH FRIENDS AT THE AGENCY, ANESTHESIA IS BEING AVOIDED TO RETAIN PROOF, UNDENIABLE HARDWARE EVIDENCE OF THE SPY OPERATION AND MAKE AVAILABLE TRUTH, TO THIS HONORABLE COURT.

FACT 2: AUDIO AND VIDEO RECORDING DEVICES ARE OR WERE IN THE SUBURBAN, PRESUMABLY UNDER F.I.S.A. WARRANT. THE STIPULATION (DOC. 19) TO RETURN THE SUBURBAN WAS VIOLATED. THIS OBVIOUS VIOLATION OF A STIPULATION BY THE GOVERNMENT AND THE DISTRICT COURT ALLOWING THIS CLEAR VIOLATION OF LAW IS HIGHLY SUGGESTIVE THAT THE GOVERNMENT KNEW ABOUT THE AUDIO AND VIDEO EQUIPMENT WHICH WOULD PROVE THE LAW ENFORCEMENT OFFICERS LIED. IF A LAW ENFORCEMENT OFFICER TELLS A LIE ON A SWORN STATEMENT, THAT IS A SHAME. IF SEVERAL FEDERAL LAW ENFORCEMENT

OFFICERS LIE IN SWORN STATEMENTS, CONCERNING MATERIAL FACTS AND CONCERNING THE SAME EVENT, THAT IS A CONSPIRACY AND IN THIS CASE TO DEPRIVE AN AMERICAN CITIZEN OF HIS CONSTITUTIONAL, CIVIL RIGHTS. IF A PROSECUTING ATTORNEY OR A JUDGE COOPERATES AND PROMULGATES THE LIES, WITH LITTLE INTEREST IN TRUTH OR EVEN FAIRNESS, OPPOSING ESTABLISHED LAW SUCH AS ENFORCING A SIGNED STIPULATION, WHAT IS THAT? IT IS UNAMERICAN. IT IS WRONG. WOULD IT BE THE RESPONSIBILITY OF THE SUPREME COURT TO CORRECT THIS INJUSTICE WHILE IT MAY BE CORRECTED? WOULD IT STILL BE THE PRIVILEGE OF AN AMERICAN, A CAREER JUSTICE TO DEFEND THE RIGHTS OF OUR PEOPLE.

ADDITIONAL REQUEST

THIS MISSION REQUIRED AND WAS SUPPLIED THE FINEST OF N.S.A.
(NATIONAL SECURITY AGENCY) HARDWARE. THE N.S.A. MAY HAVE IT
BACK ONCE THE SUPREME COURT IS FINISHED GATHERING FACTS RELEASED
BY THE F.I.S.C., N.S.A. HARDWARE BEING THE FULCRUM, PROOF OF
THE EXISTENCE OF THESE RECORDS. ONCE THIS HONORABLE COURT IS
SATISFIED, THEN I PETITION THIS COURT FOR:

A WRIT OF MANDAMUS

DIRECTING THE F.I.S.C. TO ORDER THE REMOVAL OF ALL ELECTRONIC
DEVICES IMPLANTED BY THE GOVERNMENT INTO THIS TEMPLE OF GOD,
THE BODY ENTRUSTED TO ME. THIS MUST BE VERIFIABLE AND
CONDUCTED IN A KOSHER ENVIRONMENT.

FOCAL POINT

IS F.I.S.A. LEGAL? IS IT CONSTITUTIONAL? IS CONGRESS ALLOWED TO
CREATE A GOVERNMENT AGENCY WHICH VIOLATES OUR CONSTITUTIONAL
RIGHTS WITHOUT AMENDING THE CONSTITUTION. WOULD THIS F.I.S.A. SYSTEM
MORE APPROPRIATELY BE REPLACED BY CONSTITUTIONAL STANDARDS UNDER
THE DEPARTMENT OF THE NAVY AND USED AGAINST ACTUAL ENEMIES OF
THE UNITED STATES, RATHER THAN ANOTHER LAW ENFORCEMENT AGENCY
ACTING IN SECRET AGAINST AMERICAN CITIZENS AND IN VIOLATION OF
OUR CONSTITUTIONAL RIGHTS.

HAS F.I.S.A. MORPHED WITH THE FEDERAL DISTRICT COURT IN THIS CASE?
HAS IT PROVIDED SECRET EVIDENCE PREJUDICING THE DISTRICT COURT
AGAINST THIS DEFENDANT, AND THAT WITHOUT LEGAL CHALLENGE BECAUSE
IT IS SECRET EVIDENCE? AN AUDIO OF THE EVENT AT LUKEVILLE WAS
CAPTURED UNDER F.I.S.A. WARRANT. THIS AUDIO IS EXCULPATORY AND
IMPEACHING HOWEVER UNAVAILABLE IN MY DEFENSE. THE F.I.S.A. EVIDENCE
AGAINST THIS DEFENDANT IS HARMFUL TO MY DEFENSE AND UNCHALLENGEABLE,
WHILE HELPFUL EVIDENCE IS UNOBTAINABLE TO THIS DEFENDANT. IS THIS

WHY OUR FOUNDERS WERE AGAINST SECRET COURTS OR SECRET EVIDENCE?

WE HAVE IN THE UNITED STATES A STATUTE OF LIMITATIONS. IF MY F.I.S.A. DEFENSE ATTORNEY IS UNWILLING OR UNABLE TO MAKE THIS CLAIM BEFORE A F.I.S.A. COURT, PERHAPS THIS IS WHY THE CONSTITUTION, THE LAW WHICH OVERRIDES AND IS SUPERIOR TO THE "PATRIOT ACT" INCORPORATED THE BILL OF RIGHTS. WITH 30,000 PLUS HOURS OF AUDIO AND AN UNKNOWN AMOUNT OF VIDEO COLLECTED IN THIS CASE, A F.I.S.A. PROSECUTOR COULD SELECT THE DESIRED EVIDENCE AND PRESENT IT TO THE COURT. A F.I.S.A. DEFENSE ATTORNEY, IF SUCH A THING EXISTS, WOULD BE UNABLE TO LOCATE THE EXCULPATORY AND IMPEACHING EVIDENCE WITHOUT AT LEAST DISCUSSING IT WITH THE DEFENDANT. THE DEFENDANT IN A F.I.S.A. CASE GENERALLY HAS NO IDEA WHAT IS BEING PRESENTED AND DOES NOT KNOW THE EVIDENCE AGAINST HIM. WHAT "VIGOROUS DEFENSE" CAN BE MOUNTED IF ONE DOES NOT EVEN KNOW WHAT IS BEING PRESENTED AGAINST HIM?

THE GREATER THREAT
THE THREAT TO OUR CONSTITUTION

IF PLACED ON A SCALE, WHAT WOULD THE THREAT TO OUR CONSTITUTION BE, THE RELATIVE THREAT OF:

1. A MAN WITH FIREARMS IN HIS VEHICLE AND MARIJUANA, ALL LEGAL WITHIN THE STATE IT WAS DISCOVERED AND CONFISCATED IN.
2. A GROUP OF A HALF DOZEN LAW ENFORCEMENT OFFICERS CONSPIRING TO AND THEN EXECUTING THE PLAN TO DEPRIVE A CITIZEN OF HIS CONSTITUTIONAL RIGHTS BY LYING IN SWORN STATEMENTS AND CONCEALING EVIDENCE AND A JUDICIAL SYSTEM COOPERATING IN THAT DECEPTION.

IF OUR JUDICIAL SYSTEM ALLOWS OR ENCOURAGES LAW ENFORCEMENT OFFICERS TO LIE, DOES ANYONE KNOW THE TRUTH? CAN EVEN THE SUPREME COURT DISCOVER THE TRUTH, WHAT IS ACTUALLY HAPPENING OR HAS HAPPENED, IF OFFICERS ARE ALLOWED TO LIE WITHOUT PUNISHMENT?

ON THE 15TH DAY OF THE 12TH BIBLICAL MONTH 6021 (A.D. 2-17-22), WITH ADVISORY COUNSEL AND HOMELAND SECURITY PRESENT, ANGELA MARTINEZ,

A.U.S.A. SHOWED THE VIDEO PURPORTEDLY OF THE LUKEVILLE INCIDENT. I SAW THE VIDEO. IT HAD BEEN MODIFIED AND FAKED. THE VIDEO WAS ALSO INCOMPLETE AND NO AUDIO WAS OFFERED. I CARRY WITH ME PROOF OF THE EXISTENCE OF THE AUDIO. F.I.S.C. HAS IT. NOT TO MENTION THE OTHER AUDIO CAPTURED BY C.B.P. AT THE LUKEVILLE PORT OF ENTRY.

THE COURT TRANSCRIPT OF "8-17-2020" 19-CR-2946 HAS BEEN COPIED TO ME. IT IS NOT ACCURATE. THIS AUDIO WAS ALSO CAPTURED UNDER F.I.S.A. WARRANT. I CARRY WITH ME PROOF OF THE EXISTENCE OF THIS AUDIO ALSO. THE SUPREME COURT IS NOW INFORMED, WITH THESE PRESENTS AND WITH UNDENIABLE PROOF AVAILABLE, THAT TRANSCRIPTS OF FEDERAL COURT PROCEEDINGS ARE UNRELIABLE. THE COURT OF THE UNITED STATES IS, AND BY PROOF AVAILABLE TO THIS HONORABLE BODY, CORRUPT. IF COURT TRANSCRIPTS CAN NOT BE TRUSTED THEN THE SUPREME COURT ITSELF MAY BECOME A PUPPET, ACTING ON LIES PRESENTED BY LOWER, INFERIOR COURTS. THIS SHALL NOT STAND.

DEPTH OF FIELD

IF NOT FOR THE ACCIDENTAL AND SECRET LISTENING DEVICE, AND RECORDINGS FROM THAT DEVICE, THE SUPREME COURT WOULD BE VICTIM TO LIES GENERATED BY BOTH THE EXECUTIVE BRANCH OF GOVERNMENT AND THE JUDICIAL BRANCH, IN AN ATTEMPT TO PROSECUTE AND THAT WITHOUT TRUTH, FAIRNESS OR HONOR.

THE NAME OF GOD IS YHWH (YE-HO-VAH). HE CREATED THE HEAVENS AND THE EARTH. AS GODS SERVANT I OFFER THE GOSPEL, THE GOOD NEWS. THE WORK BEFORE THIS HONORABLE COURT IS DAUNTING, ITS NEED IS ABSOLUTE. WITHIN THIS BODY, THE SUPREME COURT, IS THE MATURITY, THE WISDOM AND THE RESOLVE TO SET RIGHT THIS SYSTEM WHICH HAS BADLY ERRED. MANY WHO HAVE COMMITTED THESE CRIMES DESIRE TO DO GOOD. PAUL STATED "FOR WE WRESTLE NOT AGAINST FLESH AND BLOOD, BUT AGAINST PRINCIPALITIES, AGAINST POWERS.." (EPH. 6:12). SYSTEMIC REFORM IS NEEDED. THIS REFORM SHALL BE ACCOMPLISHED BY THIS COURT, OR IF LEFT UNRESOLVED, THE ACTIONS OF THE ANGELS SHALL DESOLVE ALL GOVERNMENTS ON THE EARTH WHICH DO NOT TREAT THEIR CITIZENS, THE CHILDREN OF GOD, WITH JUSTICE (REV. 6:5)

PLACED NOW BEFORE THIS COURT IS THE TRUTH, WITH UNDENIABLE

ACCURACY AND PROOF.

MAY GOD SAVE THE SUPREME COURT OF THE UNITED STATES.

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TRANSCRIPT

WITNESS LIST

DEFENSE EXHIBITS 1 AND 2

RESPECTFULLY SUBMITTED : THIS
 (18TH) DAY OF THE 1ST BIBLICAL MONTH 6022 (A.D. (4-21)-2022)

John Milton Lee

JOHN MILTON LEE,

SERVANT OF THE LIVING GOD,

DEFENDED BY GOD

(ORIGINAL AND

10 COPIES HEREOF MAILED THIS 18TH DAY OF THE 1ST BIBLICAL MONTH 6022
 (A.D. (4-21)-2022)

TO: OFFICE OF THE CLERK

SUPREME COURT OF THE UNITED STATES

1 FIRST STREET, N.E.

WASHINGTON, D.C. 20543

ONE COPY MAILED TO: U. S. COURT OF APPEALS

CLERK OF THE COURT

95 7TH STREET

SAN FRANCISCO, CA, 94103

ONE COPY MAILED TO: ANGELA W. WOOLRIDGE, A.U.S.A.

405 W. CONGRESS ST.

SUITE 4800

TUCSON, ARIZONA 85701-5040

ONE COPY MAILED TO: CLERK OF THE COURT

U. S. FOREIGN INTELLIGENCE SURVEILLANCE COURT

333 CONSTITUTION AVE, N.W.

WASHINGTON, D.C. 20001

ONE COPY MAILED TO: CLERK OF THE COURT

U.S. DISTRICT COURT, DISTRICT OF ARIZONA
405 W. CONGRESS ST., SUITE 1500
TUCSON, ARIZONA 85701-5010

ONE COPY MAILED TO: HON DISTRICT COURT JUDGE

405 W. CONGRESS ST., SUITE 1500
TUCSON, ARIZONA 85701-5010

ONE COPY MAILED TO: PRESIDENT JOE BIDEN

THE WHITE HOUSE
1600 PENNSYLVANIA AVE, N.W.
WASHINGTON, D.C. 20500

ONE COPY MAILED TO: MERRICK GARLAND, ATTORNEY GENERAL OF THE U.S.

950 PENNSYLVANIA AVE, N.W.
WASHINGTON, D.C. 20530-0001

ONE COPY MAILED TO: SOLICITOR GENERAL OF THE U.S., ROOM 5616,

DEPARTMENT OF JUSTICE,
950 PENNSYLVANIA AVE., N.W.
WASHINGTON, D.C. 20530-0001

ONE COPY MAILED TO: ATTORNEY GENERAL OF ARIZONA

2005 N CENTRAL AVE.
PHOENIX, AZ 85004-2926

ONE COPY MAILED TO: ATTORNEY GENERAL OF NEVADA
GRANT SAWYER BUILDING
555 E. WASHINGTON AVE., SUITE 3900
LAS VEGAS, NV 89101

ALL MAILED THIS 18TH DAY OF THE 1ST BIBLICAL MONTH 6022
(A.D. 4-21-2022)

C.C. T. S. HARTZELL, ADVISORY COUNSEL

ANGELA, PRE-TRIAL SERVICES
PUBLIC RECORD / INTERESTED PARTIES

APPENDIX A

PETITION FOR WRIT OF MANDAMUS TO THE UNITED STATES

DISTRICT COURT FOR THE DISTRICT OF ARIZONA (CASE # 22-70006)

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

ORDER

(DOC. 124)

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT

OF ARIZONA . ORDER (DE NOVO REVIEW)

(DOC. 111)

District of Arizona case number: 4:19-cr-02946

Court of Appeals number: 22-70006

FILED

JAN 10 2021

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

Molly C. Dwyer, Clerk U.S. Court Of Appeals

In re: John Milton Lee *DEO JUVANTE*

Petitioner,

v.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA,

Respondent,

and

UNITED STATES OF AMERICA,

Real Party in Interest.

USA v. Lee – John Milton Lee

On Petition for a Writ of Mandamus to the United States District Court for the
District of Arizona (No. 4:19-cr-02946-JAS-LAB)

PETITION FOR WRIT OF MANDAMUS

John Milton Lee 6880 Tara Avenue Las Vegas, NV 89146

928-201-8178

DEO JUVANTE

NOTE:

*AS HIS SERVANT AND REPRESENTATIVE IT IS REQUIRED THAT I
USE GOD'S CALENDAR. IN PARENTHESIS NEXT TO OR BELOW GOD'S
CALENDAR DATE IS THE COMMON USAGE DATES (A.D. MONTH-DAY-YEAR)
USING NUMBERS. THE NAMES OF MANY COMMON MONTHS AND DAYS
ARE FOREIGN GODS WHICH I MUST AVOID (DEUT. 5:7, PS. 16:4).
I THANK THIS COURT FOR ITS UNDERSTANDING AND
CONSIDERATION. (JOSH. 23:7)*

“PETITION FOR WRIT OF MANDAMUS PURSUANT TO 18 U.S.C. §
3771(d)(3).” (Advisory Counsel)

RELIEF REQUESTED

JOHN MILTON LEE, THE DEFENDANT IN CASE 4:14-cv-02946-
JAS-LAB

PETITIONS THIS COURT FOR:

A WRIT OF MANDAMUS ORDERING THE GOVERNMENT TO TURN OVER
ALL EVIDENCE IN THIS CASE INCLUDING AUDIO AND VIDEO TO THE
DEFENDANT, OR IN THE ALTERNATE TO DROP ALL CHARGES.

A WRIT OF MANDAMUS ORDERING THE F.B.I. TO INVESTIGATE
POSSIBLE CONSPIRACY AMONG LAW ENFORCEMENT OFFICERS TO DEPRIVE
AN AMERICAN CITIZEN OF HIS CONSTITUTIONAL, CIVIL RIGHTS.

A WRIT OF MANDAMUS ORDERING THE GOVERNMENT TO TURN OVER
ALL EVIDENCE IN THIS CASE TO THE F.B.I. AND COOPERATE IN THAT
INVESTIGATION.

A WRIT OF MANDAMUS ORDERING THE PROSECUTION ATTORNEY
AND ALL OTHERS INVOLVED IN THIS CASE RELEASED FROM F.I.S.A. WARRANTS
SO THAT TRUTH MAY AGAIN BE SPOKEN.

A WRIT OF MANDAMUS ORDERING F.I.S.A. NOT TO ISSUE WARRANTS WHICH COULD IN ANY WAY BLOCK TRUTH FROM BEING PRESENTED IN THE COURT OF THE UNITED STATES, EVER.

HAVING ESTABLISHED THE DEGREE OF JUDICIAL ERROR AND THE CIRCUMSTANCES OF THAT ERROR, THIS COURT IS ASKED TO PROVIDE A DE NOVO HEARING ON THE MOTIONS PRESENTED AND PROVIDE RELIEF AS DEEMED HONORABLE AND LAWFUL INCLUDING:

A WRIT OF MANDAMUS ORDERING THE EXECUTIVE BRANCH OF GOVERNMENT TO ISSUE THE MARIJUANA TAX STAMP REQUIRED BY LAW.

AND

DECLARE MARIJUANA LEGAL UNTIL SUCH TIME AS THE TAX STAMP IS ISSUED OR THE LAW REQUIRING IT IS REPEALED BY CONGRESS.

A WRIT OF MANDAMUS ORDERING THE FEDERAL COURTS NOT TO SWEAR JURIES TO AN OATH OF OBEDIENCE "AGREE OR NOT" TO THE

INSTRUCTIONS OF A JUDGE, THUS ENDING JURY TAMPERING BY OATH
AND RETURNING THE CONFIDENCE OF THE GOOD CITIZENS OF THE
UNITED STATES TO OUR GOVERNMENT INSTITUTIONS.

AND

LET FREEDOM RING.

ISSUES PRESENTED

THE DISTRICT COURT ERRED BY PROHIBITING THE DEFENDANT FROM HAVING ALL EXCULPATORY EVIDENCE.

THE DISTRICT COURT ERRED BY NOT REQUIRING THE GOVERNMENT TO TURN OVER, PRESENT TO, GRANT FULL ACCESS TO THE DEFENDANT, ALL EVIDENCE WHICH THE GOVERNMENT HAS, EXCULPATORY AND HELPFUL TO THE DEFENSE.

THE DISTRICT COURT ERRED BY NOT ALLOWING REFERENCE MATERIAL, EXHIBITS INTO ORAL ARGUMENT AT THE MOTION HEARING. THIS EXHIBIT LIST AND EXHIBITS HAD BEEN SENT ELECTRONICALLY TO THE JUDGES CHAMBERS EXACTLY AS ORDERED BY THE MAGISTRATE JUDGE.

THE DISTRICT COURT ERRED AT THE DEMOVO REVIEW BY NOT RECOGNIZING THE NEED TO ALLOW REFERENCES, EXHIBITS, TO THE MOTIONS TO BE CONSIDERED.

THE DISTRICT COURT ERRED BY NOT REQUIRING THE GOVERNMENT TO KEEP ITS WORD (DOC. 19). THE DISTRICT COURT DID NOT REQUIRE THE GOVERNMENT WHICH HAD SIGNED A STIPULATION AGREEMENT TO RETURN PROPERTY PROMISED BY THAT AGREEMENT, SOME OF THAT PROPERTY BEING EXCULPATORY EVIDENCE.

THE DISTRICT COURT WOULD ERR GREATLY BY PROCEEDING TO TRIAL
WITHOUT ALLOWING THE DEFENDANT THE HARD EVIDENCE AVAILABLE
INCLUDING AUDIO AND VIDEO OF THE EVENT FOR WHICH HE IS BEING TRIED.

FOR MORE THAN 2 YEARS I HAVE BEEN WITHOUT THIS EVIDENCE, HARD
EVIDENCE, THE EXISTENCE OF WHICH IS NOT QUESTIONABLE. THE PROSECUTION
HAS ADMITTED THE EXISTENCE OF THE AUDIO RECORDING. BY COURT
ADMONITION I AM NOT ALLOWED TO HAVE THE VIDEO. MY DEFENSE TEAM
WAS NOT ALLOWED TO ASK THE COURT FOR THE AUDIO AT THE EVIDENTIARY
HEARING THE 27TH DAY OF THE 5TH BIBLICAL MONTH 6020 (AD 8-17-20).
MOTIONS ATTEMPTING TO ACQUIRE THIS PRECIOUS EVIDENCE OR EVEN
EXCERPTS OF THE EVIDENCE WERE DENIED BY THE DISTRICT COURT.

PREAMBLE

OUR PREFERENCE WOULD BE TO HAVE NO TRIALS, BECAUSE THERE WAS NO CRIME. A NATION, A PEOPLE WHICH LOVED GOD AND ONE ANOTHER (MATT. 22:37-40), A LAND WHERE PEOPLE ASSISTED ONE ANOTHER, NOT BY FORCE RATHER BY AFFECTION AND UNDERSTANDING (MATT. 19:21), SHORT OF THIS GOAL (MATT. 19:22), WE HAVE ALL ERRED, SOME OF US COMMIT GREATER ERROR THAN OTHERS, SOME NEED BE PROSECUTED, FOR WHAT PURPOSE IS THIS PROSECUTION AND HOW MUST IT BE DONE?

THE SYSTEM OUR ANCESTORS PROVIDED TO THOSE OF US LEFT BEHIND INCLUDED A JURY OF OUR PEERS. A PUBLIC TRIAL. TRUTH, NAKED FOR ALL TO SEE (15.20:2-3). EVIDENCE MADE PUBLIC AND TRIED, WITNESSES PUNISHED FOR INTENTIONAL LIES (DEUT. 19:16-20). FAIRNESS AND HONESTY, THE RULE.

A WISE JUDGE DISPENSING KNOWLEDGE OF THE LAW TO AN HONEST JURY WHO APPLIED THAT LAW AGAINST FACTS TRIED AND

PROVEN. A PROSECUTOR WHO SPOKE AND PRESENTED TRUTH, SUPPLYING EXCULPATORY EVIDENCE TO THE DEFENDANT, EVEN EVIDENCE THAT THE DEFENDANT DID NOT KNOW EXISTED. WHY? TO KEEP HONEST PEOPLE HONEST. TO ENSURE THAT THOSE IN POWER DID NOT ABUSE THE AUTHORITY WHICH OUR GOOD CITIZENS ENTRUSTED TO THEM.

IF FOR SOME REASON THIS AMAZING SYSTEM OF JUSTICE, BUILT FOR TRUTH AND FAIRNESS BROKE DOWN OR FAULT WAS DETECTED, THE COURT OF APPEALS WAS PROVIDED. FAIR JUSTICES TO DIRECT THE SYSTEM BACK TO TRUTH, HONESTY AND RIGHTEOUSNESS (JER. 22:3), TO PROTECT THE RIGHTS OF THE ACCUSED, NO MATTER THE ACCUSATION. TO PROTECT THE RIGHTS OF PEOPLE FACING THE TREMENDOUS FORCE OF GOVERNMENT. TO PROTECT THE CONSTITUTION AGAINST THOSE IN GOVERNMENT WHO ERR IN DESIRING POWER AND USE THAT POWER AGAINST OUR PEOPLE. SOME OF US COMMIT GREATER ERROR THAN OTHERS. SOME HAVE GREATER POWER IN THOSE ERRORS. "POWER TENDS TO CORRUPT AND ABSOLUTE POWER CORRUPTS ABSOLUTELY" (LORD ACTON)

" CHARGES:

" ON THE 3RD DAY OF THE 9TH BIBLICAL MONTH 6019. (AD 11-1-2019) AND JOHN MILTON LEE, A PRIEST, WHILE IN UNIFORM (NUM. 15:37-41) AND IN THE SERVICE OF GOD ATTEMPTED TO CROSS INTO MEXICO AT THE LUKESVILLE PORT OF ENTRY... ENTRY INTO MEXICO WAS DENIED (NUM. 20:17-21), DIPLOMATIC STATUS REQUESTED." (DOC. 76 PAGE 2 PAR. 1) "AMERICAN OFFICERS... OFFICER CHURCH OPENED THE DRIVERS DOOR WHILE MAJ. SMITH REACHED INTO THE TRUCK WITH BOTH HANDS AND GRABBED MR. LEE BY THE SHOULDERS ATTEMPTING TO EXTRICATE MR. LEE FROM THE VEHICLE BY USE OF VIOLENCE" (DOC. 76 PAGE 2 PAR. 2 AND PAGE 3 PAR. 1 LINE 1) "A RIVER OF BLOOD, A RIVER OF SOULS HAS SLOWLY INUNDATED AND SATURATED THE LANDS WHOSE OFFICERS CHALLENGED DIRECTLY, GOD, BY ATTACKING AND IMPRISONING ONE OF HIS SERVANTS, BY LYING (EX. 20:16) CONFIRMING THE EVENT, BY CONCEALING EVIDENCE (PS. 52:2-5), GOD SHALL NOT BE MOCKED." (DOC. 76 PAGE 3 PAR. 2 LINE 13-17)

FACTUAL BACKGROUND

THE DEFENDANT IS CHARGED IN COUNT 1 OF THE INDICTMENT WITH SMUGGLING GOODS FROM THE UNITED STATES, IN VIOLATION OF 18 U.S.C. § 2778 AND 22 C.F.R. §§ 121.1, 123.1 AND 127.1. HE IS CHARGED IN COUNT 2 WITH IMPEDING AND THREATENING A FEDERAL OFFICER, IN VIOLATION OF 18 U.S.C. §§ 115 (a)(1)(B) AND (b)(1)(B)(iv). HE IS CHARGED IN COUNT 3 WITH POSSESSION OF MARIJUANA, IN VIOLATION OF 18 U.S.C. § 844. THE INDICTMENT ALSO INCLUDED A FORFEITURE ALLEGATION, PURSUANT TO 18 U.S.C. § 924(d) AND 28 U.S.C. § 2461(c), " (DOC 101 PAGE 2 LINE 1-6)

THE WHOLE AND UNALTERED AUDIO AND VIDEO WOULD ESTABLISH:

1. USE OF ILLEGAL FORCE BY LAW OFFICERS.
2. TESTIMONY OF LAW OFFICERS IN SWORN STATEMENTS IS FALSE.

"THE VIOLENCE AND UNWARRANTED, ILLEGAL FORCE USED AGAINST A CITIZEN OF THE STATE OF ARIZONA, A CITIZEN OF THE KINGDOM OF MTM (YE-HO-VAH), IF PRESENTED TO A JURY THIS COURT WOULD DESIRE THE PRESENTATION OF THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH. WHEN THIS COURT FINDS THE TRUTH CONCERNING THE ENCOUNTER

AT LUKEVILLE, JUSTICE WILL REQUIRE THE DISMISSAL OF ALL CHARGES BY THE COURT BECAUSE THE TRUTH IS IN OPPOSITION TO THE TESTIMONY OF THE LAW OFFICERS INVOLVED (PROV. 6:16-19). TESTIMONY BY OFFICERS IN SWORN STATEMENTS THAT ARE NOT TRUE VOIDS THE TESTIMONY OF THESE OFFICERS AT TRIAL." (DOC 41 PAGE 3 PAR 2)

TO ASK FOR THE AUDIO IS A SUPERFLUOUS OR REDUNDANT REQUEST, KNOWING THAT THE AUDIO AND VIDEO WOULD PROVE THAT ALL THE LAW ENFORCEMENT OFFICERS LIED. THE COURT WOULD NOT ALLOW SUCH A GROSS AND OBVIOUS CONTRADICTION TO GO IN FRONT OF A JURY. THE AUDIO AND VIDEO WOULD SHOW THE REAL AND TRUE EVENTS, WHILE OFFICER STATEMENTS, SWORN, WOULD INDICATE OTHER. A REASONABLE COURT WOULD RATHER DROP THE CHARGES TO SAVE THE COST OF A TRIAL WITHOUT CHANCE TO PREVAIL. "NOR WOULD IT BE REQUIRED TO PUBLICLY, AT TRIAL, CAUSE SHAME TO GOOD LAW OFFICERS WHO WOULD BE TAINTED BY THE ACTIONS OF SOME WHO ERRED." (DOC 76 PAGE 5 PAR. 2 LINE 6-8)

THE PROSECUTION STATES "THE ENCOUNTER BETWEEN THE DEFENDANT AND THE OFFICERS WAS CAPTURED ON AN AUDIO RECORDING" (DOC 84

PAGE 3 LINE 19) "IN ACCORDANCE WITH THE WORD OF THE COURT I DO NOT HAVE AND HAVE NOT SEEN THE VIDEO OF THE 1 HOUR ENCOUNTER, NOR DO I HAVE THE AUDIO RECORDING WHICH MY LEGAL TEAM WAS NOT EVEN ALLOWED TO ASK ABOUT" (DOC 9) PAGE 4 LINE 2)

I HAVE A RIGHT TO THE AUDIO EVIDENCE. I HAVE A RIGHT TO THE VIDEO EVIDENCE. I ASK THIS COURT FOR THAT EVIDENCE.

THE ERRORS OF THE DISTRICT COURT INCLUDE:

1. A CLEAR ADMONITION NOT TO PROVIDE THE DEFENDANT WITH THE VIDEO, STATED AT THE MOTION HEARING, EVIDENTIARY HEARING OF THE 27 TH DAY OF THE 5 TH BIBLICAL MONTH 6020 (A.D. 8-17-20).
2. DENIAL OF A REQUEST TO RESCIND THAT ADMONITION AND ALLOW THE DEFENDANT TO HAVE THE VIDEO.
3. THE DISTRICT COURT ADMONITION AND REJECTION OF MOTIONS TO ACQUIRE THE HARD EVIDENCE, AUDIO AND VIDEO, OR EXCERPTS OF THE AUDIO OR DISMISS CHARGES BASED ON THE AUDIO AND VIDEO REINFORCES THE PROHIBITION TO THE PROSECUTION FROM

PROVIDING THIS EXCULPATORY EVIDENCE TO THE DEFENSE.

"MR. LEE OBJECTS TO THE REPORT AND RECOMMENDATION AND SUGGESTS

THE MAGISTRATE JUDGE MAY HAVE MISAPPREHENDED THE ARGUMENT AND THE

RELIEF SOUGHT. MR. LEE SEEKS FULL DISCLOSURE OF THE EVIDENCE IN THIS

CASE DIRECTLY FROM THE GOVERNMENT TO HIM AND PERMISSION TO ACCESS

AND VIEW THAT DISCLOSURE.

EARLIER IN THE CASE WHEN JAMIEL ALLEN REPRESENTED MR. LEE, THE

COURT ADMONISHED MR. LEE THAT HE, INDIVIDUALLY, WAS NOT TO HAVE THE VIDEO.

RATHER, IT WAS PROVIDED TO HIS LAWYER WHO COULD DISCUSS THE CONTENTS.

BUT NOT ALLOW MR. LEE TO PHYSICALLY TAKE POSSESSION OF THE VIDEO.

NOW THAT HE HAS NO LAWYER REPRESENTING HIM, MR. LEE SEEKS TO

HAVE THE COURT REScind THAT ADMONISHMENT AND GIVE HIM CLEAR AND

UNEQUIVOCAL PERMISSION TO POSSESS AND ACCESS ALL THE DISCLOSURE IN

THIS CASE." (DOC. 105 PAGE 4 LINES 1-14)

THIS WAS THE "OBJECTION TO REPORT AND RECOMMENDATION (DOC 99)

(DOC. 105). THE JUDGE THEN DENIED ALL OF MY MOTIONS AND "MAGISTRATE

JUDGE,, REPORT AND RECOMMENDATIONS (DOC [98],[99],[100],[101],[102] ARE
ACCEPTED AND ADOPTED IN THEIR ENTIRETY. DEFENDANT'S OBJECTIONS
ARE REJECTED." (DOC III DOCKET TEXT)

" I STATE THAT "I DO NOT HAVE AND HAVE NOT SEEN THE VIDEO OF THE
1 HOUR ENCOUNTER, NOR DO I HAVE THE AUDIO RECORDING" (DOC 91 PAGE 4
PAR. 1 LINE 3 4), THIS IS A TRUE STATEMENT TODAY. WHAT "VIGOROUS DEFENSE"
CAN BE MOUNTED WITHOUT EVIDENCE? EVIDENCE DENIED. IT MUST NOT BE
STATED HOWEVER THAT JUSTICE WAS DENIED. NO, THIS IS NOT OVER. IN THE
UNITED STATES OF AMERICA, JUSTICE IS AVAILABLE. IN THE KINGDOM OF
YE-HO-VAH (YHWH), THE KINGDOM I AM A CITIZEN OF AND REPRESENTATIVE
OF, JUSTICE IS ALWAYS AVAILABLE." (DOC. 105 PAGE 3 PAR. 2)

THE NAME OF GOD IS YHWH (YE-HO-VAH). HE CREATED THE HEAVENS AND THE EARTH. WE ARE HIS CHILDREN AND HE LOVES US. AN OFFER WAS PRESENTED TO THE DISTRICT COURT WHICH INCLUDED A BLESSING UPON THIS LAND ELIMINATING THE PLAGUE FROM OUR SHORES. A SIMPLE THING FOR GOD WHOM I REPRESENT, THIS OFFER OF BLESSING WAS NOT REJECTED, BUT IGNORED. GOD IS ANGRY AND A GREAT (15.9:13) SEISMIC EVENT IS SCHEDULED. THIS COURT MAY DETERMINE THE LOCATION AND SEVERITY OF THE EVENT.

THE HAND OF GOD IS STILL OUT AND THE BLESSING OFFERED MAY YET BE OBTAINED. WHAT KIND OF LEADERSHIP WOULD TEST GOD WITH DESTRUCTION IGNORING AN OFFER OF BLESSING? THE PEOPLE OF THIS GREAT LAND SHALL SOON FIND THE TRUTH WITH REGARD TO THIS MATTER (15. 8: 21)

MAY GOD SAVE THE COURT OF THE UNITED STATES OF AMERICA.

AT THE "EVIDENTIARY HEARING ON DEFENDANTS MOTIONS" (DOC. 82 PAGE 1 LINE 13) I WAS ORDERED TO "PROVIDE THEIR EXHIBIT LIST, EXHIBITS, AND WITNESS LIST, IN PDF FORMAT" (DOC. 82 PAGE 1 LINE 19) TO JUDGE CHAMBERS. I DO NOT HAVE A COMPUTER, IT HAS BEEN STATED IN OPEN COURT THAT I WOULD PROVIDE HAND WRITTEN DOCUMENTS AND SERVICE BY MAIL. TO ACCOMMODATE THE MAGISTRATE JUDGE MY SON WAS ABLE TO AMAZINGLY TURN THESE PAGES INTO AN ELECTRONIC PACKAGE AND FOLLOW THE ORDER OF THE JUDGE EXACTLY.

AT THE HEARING BETWEEN SHMINI ATZERET AND THE LAST SABBATH OF THE 7TH BIBLICAL MONTH 6021 (A.D. 10-1-21) I COULD NOT USE THE EXHIBIT LIST BECAUSE THE PROSECUTION HAD NOT BEEN COPIED. I HAD FOLLOWED THE ORDER TO THE LETTER, THREE ATTORNEYS WERE PRESENT INCLUDING ADVISORY COUNSEL. NO SOLUTION WAS AVAILABLE. THE MAGISTRATE JUDGE WOULD NOT ALLOW THE DOCUMENTS "JUST BETWEEN US". AT THE HEARING THE MAGISTRATE JUDGE SPOKE OF A PHONE CALL BETWEEN THE JUDGE AND THE PROSECUTION, I WONDER IF THIS CALL WAS JUST BETWEEN THEM. PHONE CALL ASIDE, MY UNDERSTANDING IS THAT HEARINGS ARE TO FIND FACTS AND TRUTH. A DEFENDANT WHO DID ALL THAT HE COULD TO PROVIDE THE EXHIBITS

AS THE JUDGE ORDERED WAS DENIED USE OF THIS INFORMATION ON A MISUNDERSTANDING, A TECHNICALITY NOT KNOWN TO A NON-LAWYER.

THE DE NOVO REVIEW "ANY NEW EVIDENCE, ARGUMENTS, AND ISSUES THAT WERE NOT TIMELY AND PROPERLY RAISED BEFORE UNITED STATES MAGISTRATE., THE COURT EXERCISES ITS DISCRETION TO NOT CONSIDER" (DOC. 111 PAGE 1 LINE 20-22) QUESTION: HOW MANY WAYS DOES A MAN NEED TO STATE, THE GOVERNMENT IS WITHHOLDING EVIDENCE. I HAVE A RIGHT TO THE EVIDENCE IN THIS CASE. WHAT THE GOVERNMENT HAS DONE IS ILLEGAL, IT IS IMMORAL, IT IS WRONG. I ASK THIS COURT FOR THE AUDIO AND VIDEO TO DEFEND AGAINST OFFICER STATEMENTS WHICH ARE NOT TRUE.

BEING A MAN WHO DOES NOT STUDY LAW BOOKS NOT ONE THOUSAND NINE HUNDRED YEARS OR OLDER, THE PINNACLE OF LAW HAVING BEEN SEEN (JOHN 1:14) EARLIER, IGNORANCE OF MODERN PROCESS IS CLAIMED. BEING HOWEVER A CITIZEN AND SWORN OFFICER OF THE UNITED STATES OF AMERICA I TRUST THAT OUR LAW IS JUST, HONEST AND FAIR. A PROCESS FAILURE, A TECHNICAL INABILITY TO ADMIT EVIDENCE, THE "EXHIBIT LIST, EXHIBITS, AND WITNESS LIST" (DOC. 82

PAGE 1 LINE 19-20, WHICH HAD BEEN SENT TO "CHAMBERS" (DOC. 82 PAGE 1 LINE 20) WAS NOT SOME HOW RECORDED OTHER THAN PAGE 1. THE MAGISTRATE JUDGE HAD THIS EXHIBIT LIST AND EXHIBITS, PROVEN BY THE FACT THAT SHE QUOTED FROM IT BY PARAPHRASE "IN THE DEFENDANT'S EXHIBITS, PAGES 29 AND 30 ARE LETTERS BETWEEN MR. LEE AND HIS THEN COUNSEL, IN THE LETTERS MR. LEE ASKS COUNSEL TO..." (DOC. 102 PAGE 2 LINES 20-21). THE MAGISTRATE JUDGE USED MY EXHIBITS AGAINST ME IN HER REPORT AND RECOMMENDATION STATEMENT "DENY THE MOTION" (DOC. 102 PAGE 3 LINE 13) WHILE I WAS NOT ALLOWED TO USE IT. NOR WAS IT ALLOWED AT THE DE NOVO REVIEW. "AS A THRESHOLD MATTER, AS TO ANY NEW EVIDENCE, ALIBIS, AND ISSUES THAT WERE NOT TIMELY AND PROPERLY RAISED BEFORE UNITED STATES MAGISTRATE, THE COURT EXERCISES ITS DISCRETION TO NOT CONSIDER..." (DOC. 111 PAGE 1 LINES 20-22). THE EXHIBIT LIST WAS DIVIDED APPROPRIATELY AMONG THE MOTIONS AND HAD BEEN SUBMITTED TO THE COURT AND NUMBERED DOC. 104, 105, 106, 107, 108. THESE WERE OBJECTIONS TO REPORT AND RECOMMENDATIONS DOC. 98, 99, 100, 101, 102.

WITH OR WITHOUT THE EXHIBITS I HAVE A RIGHT TO AND HAVE
CLEARLY STATED THAT RIGHT, "WHAT COURT WOULD DENY EXCULPATORY
EVIDENCE AND WHY? (PROV. 24:11-12)" (DOC 91 PAGE 3 PAR. 4 LINES 5-6)
IT IS OUR RIGHT TO "FULL DISCLOSURE OF THE EVIDENCE... AND
PERMISSION TO ACCESS AND VIEW THAT DISCLOSURE" (DOC. 105 PAGE 4
LINES 3-5)

"EXCULPATORY ITEMS MAY STILL BE IN THE SUBURBAN" (DOC 83
PAGE 3 PAR. LINE 9-10), "A CRIME HAS BEEN COMMITTED AND
EVIDENCE IS OR WAS IN THE TRUCK, SOME OF THIS EVIDENCE IS
EXCULPATORY" (DOC 83 PAGE 3 *1 LINE 2-3).

"ALL OF DEFENDANTS MOTIONS (DOCS. 76, 77, 78, 79, 83) ARE
DENIED" (DOC 111 PAGE 5 LINE 6)

THIS ISSUE IS PROPERLY REVIEWED BY MANDAMUS
"PURSUANT TO 28 U.S.C. § 1651 AND 18 U.S.C. § 3771(d)(3), THE
DISTRICT COURT'S ORDER IS REVIEWABLE PURSUANT TO A WRIT OF
MANDAMUS." (ADVISORY COUNSEL)

4. THE GOVERNMENT MANIFESTS A DISREGARD OF FEDERAL RULES AND LAW, THE DISTRICT COURT HAS COOPERATED IN THIS UNLAWFUL PROSECUTION. IN MORE THAN 2 YEARS I HAVE BEEN UNABLE TO GET THE EVIDENCE, EXCUSATORY FOR

3. THE DISTRICT COURT ORDER IS ERRONEOUS AS A MATTER OF LAW. I HAVE A RIGHT TO THE EVIDENCE. THIS EVIDENCE MUST BE PROVIDED BEFORE TRIAL, IF HARM BY LACK OF EXCUSATORY EVIDENCE OCCURRED DURING TRIAL AN APPEAL WOULD NOT CORRECT THE ERROR IN TIME TO PREVENT HARM.

2. WITHOUT EXCUSATORY EVIDENCE IN THE HANDS OF THE DEFENDANT A JURY TRIAL WOULD BE IN APPROPRIATE AND UNLAWFUL, APPEAL WOULD BE PREJUDICIAL AND IF SUCCESSFUL ONLY PARTIAL RELIEF COULD BE PROVIDED.

1. DIRECT APPEAL HAS BEEN EXHAUSTED, RELIEF, OR EVEN A COMPROMISE OF RELIEF BY EXCEPES OF EXCUSATORY EVIDENCE HAS BEEN DENIED.

ASSISTANCE IN MY DEFENSE.

SOME HAVE BEEN TRAINED, KNOWLEDGE, THAT IT IS ACCEPTABLE TO LIE AS LONG AS THAT LIE IS NOT PLACED AGAINST ONE OF YOUR OWN RELIGIOUS DEMONSTRATION, OR A FRIEND IN THE SAME OFFICE. THE SUPREME COURT HOWEVER, HAS RECOGNIZED AS FACT OF LAW THAT OFFICERS WHO REPRESENT THE UNITED STATES MUST KEEP THEIR WORD IN THAT REPRESENTATION, A STIPULATION, SIGNED, IS CONSIDERED UNQUESTIONABLE. IT IS A FACT, WHY? BECAUSE IT CONTAINS SIGNATURE OF THOSE OFFICERS OF THE COURT, REPRESENTING THE COURT, REPRESENTING THE UNITED STATES. THE GOVERNMENT IN THIS CASE HAS NOT ONLY ACTED IN BAD FAITH, IT HAS BROKEN ITS WORD (DOC. 19), IT HAS LIED. THE DISTRICT COURT HAS CLEARLY AND GROSSLY ERRED IN A MATTER OF LAW BY ALLOWING AND ENCOURAGING THE GOVERNMENT TO BREAK ITS WORD. BY NOT REQUIRING ENFORCEMENT OF A STIPULATION AGREEMENT SIGNED BY 2 OFFICERS OF THE COURT, REPRESENTING AS THEY DO BOTH THE EXECUTIVE AND JUDICIAL

BRANCHES OF GOVERNMENT.

A WRIT OF HABEAS CORPUS MUST BE ISSUED BY THIS COURT
REVERSING THE RULING OF THE DISTRICT COURT AND REQUIRING
THE GOVERNMENT TO HONOR THE STIPULATION AGREEMENT

AND

BY SO DOING AS BY APPLICATION OF GOOD SOAP, ALLOW
THOSE OF US WHO REPRESENT THE UNITED STATES OF AMERICA
TO DO SO WITH PRIDE, RECOGNIZING THE GOVERNMENT OF THIS
GREAT LAND STANDS WITH US HONORABLY. MAY THOSE WHO WEAR
THE UNIFORM OF THIS NATION, MY NATION, DO SO WITH TRUTH AND
HONOR, FOR WITHOUT TRUTH WHERE WOULD HONOR BE.

NOW, HAVING STATED AND RECOGNIZING IGNORANCE OF MODERN
LEGAL PROCESS, AND HAVING ASKED FOR RELIEF AS DEEMED
HONORABLE AND LAWFUL, THE COURT IS ASKED FOR ACTION.

THIS INSTRUMENT WITH SIGNATURE AUTHORIZES THIS HONORABLE
COURT TO DIRECT OR RE-DIRECT THE REQUESTED WRITS OF
MANDAMUS TO PROVIDE RELIEF AND JUSTICE. IF FOR EXAMPLE,
THE WRIT ORDERING THE F.B.I. TO INVESTIGATE NEED BE DIRECTED
TO THE ATTORNEY GENERAL, I WOULD NOT UNDERSTAND THE PROCESS.

THIS COURT IS AUTHORIZED TO DIRECT AS NEEDED THE WRITS AND
FILL THE NEED FOR JUSTICE. (PS. 107: 42-43)

I THANK THIS HONORABLE COURT.

RESPECTFULLY SUBMITTED: THIS

1ST DAY OF THE 11TH BIBLICAL MONTH 6021 (A.D. 1-5-22)

John Milton Lee

JOHN MILTON LEE

SERVANT OF THE LIVING GOD,

DEFENDED BY GOD

C.C. T. S. HARTZELL, ADVISORY COUNSEL

ALICIA, PRE-TRIAL SERVICES

PUBLIC RECORD / INTERESTED PARTIES

4 COPIES HEREOF MAILED THIS 1ST DAY OF THE 11TH BIBLICAL MONTH 6021

(A.D. 1-5-22)

TO: U.S. COURT OF APPEALS

CLERK OF THE COURT

95 7TH STREET

SAN FRANCISCO, CA 94103

ONE COPY FOR EACH OF THE FOLLOWING:

ANGELA W. WOOLRIDGE, U.S. ATTORNEYS OFFICE

CLERK OF THE COURT, DISTRICT COURT, TUCSON AZ

HON. DISTRICT COURT JUDGE, TUCSON AZ

TO BE DELIVERED BY COURIER

ON THE 3RD DAY OF THE 11TH BIBLICAL MONTH 6021

(A.D. 1-7-22)

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 20 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: JOHN MILTON LEE.

No. 22-70006

JOHN MILTON LEE,

D.C. No.
4:19-cr-02946-JAS-LAB-1
District of Arizona,
Tucson

Petitioner,

v.

ORDER

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF ARIZONA, TUCSON,

Respondent,

UNITED STATES OF AMERICA,

Real Party in Interest.

Before: TALLMAN, CHRISTEN, and NGUYEN, Circuit Judges.

Petitioner has not demonstrated that this case warrants the intervention of this court by means of the extraordinary remedy of mandamus. *See Bauman v. U.S. Dist. Court*, 557 F.2d 650 (9th Cir. 1977). Accordingly, the petition is denied.

No further filings will be entertained in this closed case.

DENIED.

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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 United States of America,
10 Plaintiff,

No. CR 19-2946-TUC-JAS (LAB)
ORDER

11 v.

12 John Milton Lee,
13 Defendant.
14

15 **DISCUSSION**

16 Pending before the Court are Reports and Recommendations issued by United States
17 Magistrate Judge Bowman. The Reports and Recommendations recommend denying
18 several motions filed by Defendant. Defendant filed objections to the Reports and
19 Recommendations.¹

20 As a threshold matter, as to any new evidence, arguments, and issues that were not
21 timely and properly raised before United States Magistrate Bowman, the Court exercises
22 its discretion to not consider those matters and considers them waived. *United States v.*
23 *Howell*, 231 F.3d 615, 621-623 (9th Cir. 2000) (“[A] district court has discretion, but is not
24 required, to consider evidence presented for the first time in a party's objection to a
25 magistrate judge's recommendation . . . [I]n making a decision on whether to consider
26 newly offered evidence, the district court must . . . exercise its discretion . . . [I]n providing
27 for a *de novo* determination rather than *de novo* hearing, Congress intended to permit

28 ¹ Unless otherwise noted by the Court, internal quotes and citations have been omitted
when citing authority throughout this Order.

1 whatever reliance a district judge, in the exercise of sound judicial discretion, chose to
2 place on a magistrate judge's proposed findings and recommendations . . . The magistrate
3 judge system was designed to alleviate the workload of district courts . . . To require a
4 district court to consider evidence not previously presented to the magistrate judge would
5 effectively nullify the magistrate judge's consideration of the matter and would not help to
6 relieve the workload of the district court. Systemic efficiencies would be frustrated and the
7 magistrate judge's role reduced to that of a mere dress rehearsal if a party were allowed to
8 feint and weave at the initial hearing, and save its knockout punch for the second round . .
9 . Equally important, requiring the district court to hear evidence not previously presented
10 to the magistrate judge might encourage sandbagging. [I]t would be fundamentally unfair
11 to permit a litigant to set its case in motion before the magistrate, wait to see which way
12 the wind was blowing, and—having received an unfavorable recommendation—shift gears
13 before the district judge.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1122 (9th Cir.
14 2003) (“Finally, it merits re-emphasis that the underlying purpose of the Federal
15 Magistrates Act is to improve the effective administration of justice.”).

16 Assuming that there has been no waiver, the Court has conducted a *de novo* review
17 as to Defendant’s objections. See 28 U.S.C. § 636(b)(1)(C) (“Within fourteen days after
18 being served with [the Report and Recommendation], any party may serve and file written
19 objections to such proposed findings and recommendations as provided by rules of court.
20 A judge of the court shall make a *de novo* determination of those portions of the report or
21 specified proposed findings or recommendations to which objection is made. A judge of
22 the court may accept, reject, or modify, in whole or in part, the findings or
23 recommendations made by the magistrate judge. The judge may also receive further
24 evidence or recommit the matter to the magistrate judge with instructions.”).

25 In addition to reviewing the Reports and Recommendations and any objections and
26 responsive briefing thereto, the Court’s *de novo* review of the record includes review of the
27 record and authority before United States Magistrate Judge Bowman which led to the
28 Reports and Recommendations in this case.

1 Upon *de novo* review of the record and authority herein, the Court finds Defendant's
2 objections to be without merit, rejects those objections, and adopts United States
3 Magistrate Judge Bowman's Reports and Recommendations. *See, e.g., United States v.*
4 *Rodriguez*, 888 F.2d 519, 522 (7th Cir. 1989) ("Rodriguez is entitled by statute to *de novo*
5 review of the subject. Under *Raddatz* [447 U.S. 667 (1980)] the court may provide this on
6 the record compiled by the magistrate. Rodriguez treats adoption of the magistrate's report
7 as a sign that he has not received his due. Yet we see no reason to infer abdication from
8 adoption. On occasion this court affirms a judgment on the basis of the district court's
9 opinion. Affirming by adoption does not imply that we have neglected our duties; it means,
10 rather, that after independent review we came to the same conclusions as the district judge
11 for the reasons that judge gave, rendering further explanation otiose. When the district
12 judge, after reviewing the record in the light of the objections to the report, reaches the
13 magistrate's conclusions for the magistrate's reasons, it makes sense to adopt the report,
14 sparing everyone another round of paper."); *Bratcher v. Bray-Doyle Independent School*
15 *Dist. No. 42 of Stephens County, Okl.*, 8 F.3d 722, 724 (10th Cir. 1993) ("*De novo* review
16 is statutorily and constitutionally required when written objections to a magistrate's report
17 are timely filed with the district court . . . The district court's duty in this regard is satisfied
18 only by considering the actual testimony [or other relevant evidence in the record], and not
19 by merely reviewing the magistrate's report and recommendations . . . On the other hand,
20 we presume the district court knew of these requirements, so the express references to *de*
21 *novo* review in its order must be taken to mean it properly considered the pertinent portions
22 of the record, absent some clear indication otherwise . . . Plaintiff contends . . . the district
23 court's [terse] order indicates the exercise of less than *de novo* review . . . [However,]
24 brevity does not warrant look[ing] behind a district court's express statement that it engaged
25 in a *de novo* review of the record."); *Murphy v. International Business Machines Corp.*, 23
26 F.3d 719, 722 (2nd Cir. 1994) ("We . . . reject Murphy's procedural challenges to the
27 granting of summary judgment . . . Murphy's contention that the district judge did not
28 properly consider her objections to the magistrate judge's report . . . lacks merit. The judge's

1 brief order mentioned that objections had been made and overruled. We do not construe
 2 the brevity of the order as an indication that the objections were not given due
 3 consideration, especially in light of the correctness of that report and the evident lack of
 4 merit in Murphy's objections."); *Gonzales-Perez v. Harper*, 241 F.3d 633 (8th Cir. 2001)
 5 ("When a party timely objects to a magistrate judge's report and recommendation, the
 6 district court is required to make a *de novo* review of the record related to the objections,
 7 which requires more than merely reviewing the report and recommendation . . . This court
 8 presumes that the district court properly performs its review and will affirm the district
 9 court's approval of the magistrate's recommendation absent evidence to the contrary . . .
 10 The burden is on the challenger to make a *prima facie* case that *de novo* review was not
 11 had."); *Brunig v. Clark*, 560 F.3d 292, 295 (5th Cir. 2009) ("Brunig also claims that the
 12 district court judge did not review the magistrate's report *de novo* . . . There is no evidence
 13 that the district court did not conduct a *de novo* review. Without any evidence to the
 14 contrary . . . we will not assume that the district court did not conduct the proper review.").²

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 16 ² See also *Pinkston v. Madry*, 440 F.3d 879, 893-894 (7th Cir. 2006) (the district court's
 17 assurance, in a written order, that the court has complied with the *de novo* review
 18 requirements of the statute in reviewing the magistrate judge's proposed findings and
 19 recommendation is sufficient, in all but the most extraordinary of cases, to resist assault on
 20 appeal; emphasizing that "[i]t is clear that Pinkston's argument in this regard is nothing
 21 more than a collateral attack on the magistrate's reasoning, masquerading as an assault on
 22 the district court's entirely acceptable decision to adopt the magistrate's opinion . . .");
 23 *Garcia v. City of Albuquerque*, 232 F.3d 760 (10th Cir. 2000) ("The district court's order
 24 is terse . . . However, neither 28 U.S.C. § 636(b)(1) nor Fed.R.Civ.P. 72(b) requires the
 25 district court to make any specific findings; the district court must merely conduct a *de*
 26 *novo* review of the record . . . It is common practice among district judges . . . to [issue a
 27 terse order stating that it conducted a *de novo* review as to objections] . . . and adopt the
 28 magistrate judges' recommended dispositions when they find that magistrate judges have
 dealt with the issues fully and accurately and that they could add little of value to that
 analysis. We cannot interpret the district court's [terse] statement as establishing that it
 failed to perform the required *de novo* review . . . We hold that although the district court's
 decision is terse, this is insufficient to demonstrate that the court failed to review the
 magistrate's recommendation *de novo*"); *Goffman v. Gross*, 59 F.3d 668, 671 (7th Cir.
 1995) ("The district court is required to conduct a *de novo* determination of those portions
 of the magistrate judge's report and recommendations to which objections have been filed.
 But this *de novo* determination is not the same as a *de novo* hearing . . . [I]f following a
 review of the record the district court is satisfied with the magistrate judge's findings and
 recommendations it may in its discretion treat those findings and recommendations as its
 own.").

1 **CONCLUSION**

2 Accordingly, IT IS HEREBY ORDERED as follows:

- 3 (1) United States Magistrate Judge Bowman's Reports and Recommendations (Docs.
4 98, 99, 100, 101, 102) are accepted and adopted in their entirety.
5 (2) Defendant's objections are rejected.
6 (3) All of Defendant's motions (Docs. 76, 77, 78, 79, 83) are denied.

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8 Dated this 3rd day of December, 2021.

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12 Honorable James A. Soto
13 United States District Judge
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**Additional material
from this filing is
available in the
Clerk's Office.**