

IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL T BROOKS
32713 Vintage Way
Coburg, Oregon 97408
541-556-6130

Petitioner
vs

US COURT OF APPEALS FOR THE NINTH CIRCUIT CSE #21-36016
which is an appeal of
US DISTRICT COURT FOR THE DISTRICT OF OREGON: 6:14-cv-01424-MC

Respondents

ON PETITION FOR WRIT OF CERTIORARI

Ref:
Michael T Brooks
v
Centene Corporation
dba Agate Resources
dba Trillium Community Health Plan
et al

Shoshone Statement of The Case

Shoshone Saying
I don't speak your language, and you don't speak mine. But I still understand you. I don't need to walk in your footsteps if I can see the footprints you left behind.

Biblical Statement of the Case

Exodus 22 “Do not mistreat the poor, the widow or the fatherless. If you do and they cry out to me, you can be sure I'll take them most seriously; I'll show my anger and come raging among you with the sword, and your wives will end up widows and your children orphans.”

Micha 7:2

*The godly person has perished from the land,
And there is no upright person among men.
All of them lie in wait for bloodshed;*

*Each of them hunts the other with a net.
Concerning evil, both hands do it well.
The prince and the judge ask for a bribe*

Isaiah 10:1-2

Woe to those who decree iniquitous decrees, and the writers who keep writing oppression, to turn aside the needy from justice and to rob the poor of my people of their right, that widows may be their spoil, and that they may make the fatherless their

QUESTIONS PRESENTED

1. Can a federal judge open a qui tam case that they dismissed three years ago, turning it into a criminal case against the relator? Order a disabled whistleblower into a hearing while engaging in a fishing expedition to see if the relator has further evidence or knowledge of wrong doing by Oregon and private contractors with the state of Oregon?
2. Are the Article 3 Courts subject to the Rehabilitation Act, ADA and ADAAA?

Note that Congress clearly intended those statutes to apply any agency receiving federal funds and those courts are creations of Congress and their existence depends upon the will of Congress. Congress, under Article 3, could disband those courts if it wished.

And merely granting access to the blind and providing wheelchair ramps DOES NOT fulfill the statutory requirements of the law and Congresses intent.

Brooks should not be dictating this over and over into his iPhone and trying to edit it on an iPad later, and should not have to re-write these appeals because Susan Frimpong objects to the format not being exactly correct. Brooks is both pro se and handicapped! Because of his disabilities and poverty, Brooks does not have access to a law library or attorney or other experts who can explain legal minutia to him. These filings are clear enough. If there is any question, Brooks will truthfully speak with the Justices about what he intended or meant. If that isn't good enough, appoint competent counsel to write this appeal but allow Brooks to proof read and mandate changes that inevitable creep in when lawyers are involved. Brooks is concerned with the unvarnished truth. Win or lose, Brooks and the other victims of these crimes deserve the truth.

By the same token, what earthly excuse permits a district court judge to order a petitioner to the US Supreme Court to destroy filings and restart his draft from scratch or face jail? To thwart Brooks' attempts to file this petition. For merely trying to tell the truth, this judge threatens to throw Brooks in jail.

3. With regards to #1, can a district court judge both excuse and hide homicides and bodily harm to children and foreign nationals by Oregon and its corrupt state contractors?
4. Can the federal Courts deny access to counsel in spite of petitioner being both impoverished and severely disabled?

Brooks was granted *informa pauperis* status at the District Court when he first filed this case in 2014. When the Court broke off the unlawful termination case from the qui tam case, Brooks has granted *informa pauperis* status in that case, too. When the District Court engaged in unlawful conduct and Brooks attempted to appeal, the courts ignored

FRAP 24 and denied informa pauperis status, When Brooks appeared to prevail, the district court attempted to deny informa pauperis, again, by claiming that Brooks' filing was frivolous.

5. Can Article 3 Courts capriciously ignore Congressional Mandated Protections pertaining to medical, prescription drug, laboratory, and psychiatric records?
6. Can district court judge ignore HIPAA and FTC breach notification statutes contained in 45 CFR 164.400 - 415 and 16 CFR 318? And, with regard to Petitioner, can the federal courts ignore the ADA and the ADAAA which Congress intended to apply to the courts? Remember the Article 3 Courts are creations of Congress and Both the Rehabilitation Act and the ADAAA require any agency receiving federal money to abide by those statutes.
7. Can a district court withhold from Congress and the Supreme Court records proving at least \$2.2 billion in tax fraud, violations of HIPAA, violations of treaties the United States is signatory to? 9 W. Hening, Statutes of Virginia 377-380, 1821 comes into play here.
8. May a judge invent and preside over a case in which their two sons beat up a Brooks, a whistleblower, while leading anti-Trump riots in Portland, Oregon?

Brooks drove to Portland on 03/08/2016, to pick up a hat for his wife's birthday.

Brooks was driving a clearly marked wheelchair equipped Toyota RAV4 two blocks south of the downtown Marriott Hotel on Broadway when it was blocked by a mob of roughly 30 demonstrators led by Jake and Zack Klonoski. They were ostensibly demonstrating against some rancher in Eastern Oregon, one of whom was resentenced to prison by their mother, Ann Aiken, because she felt the original sentence was too light. Member so of the mob pried open the tailgate to the RAV4 with a crowbar, scrambled over the seats and kicked Brooks out into the street.

Brooks was kicked and struck by them, threatened to be hit in the head with the crowbar. All of this was observed by Portland Police, on the other side of an asphalt plaza. They did not intervene.

After mob had their fun, Brooks dragged himself back into his RAV4 (Brooks was confined to a wheelchair) and drove himself home in Coburg, Oregon.

The story of this assault, along with photographs, was carried in newspapers in Europe. On 03/21/2016, Brooks' son was threatened if Brooks continued with his lawsuit. On 03/25/2016, Brooks son was severely beaten. Brooks can provide photographs of those injuries. The eye socket was broken and the face bruised. He was stabbed with a knife through the hand.

Between November 8 and 11, 2016, this mob and other hooligans rioted in downtown Portland over the election of Donald Trump. They assaulted people for having Trump bumper stickers, American flags, or on suspicion of being opposed to the politics of the mob. Those riots have continued ever since, nearly every night.

9. Can a District Judge impose cronies as Magistrate judges on a litigant over the litigants written and timely objections? Can a District judge appoint cronies with conflicts of interest to a case over the objections litigant?

District Judge Aiken of the Oregon District Court assigned Magistrate Judges in violation of FRCP 72. Two different Magistrate Judges with conflicts of interest were assigned by Judge Aiken ignored Roell et al. v. Withrow, No. 02-69 (2003). Judge Aiken retaliated against Brooks for opposing those appointments and dismissed his wrongful termination case. She withheld that dismissal for months, denying Brooks's ability to appeal her decision. The Ninth Circuit had to order her to surrender that.

Order from USCA for the 9th Circuit, USCA # 19-35547 re Notice of Appeal 216 . Proceedings in this court are held in abeyance pending the district courts resolution of the pending May 24, 2019, motion. [Order 7/1/19]

Brooks had cancer surgery on 07/23/2019. Aiken and the Ninth Circuit Judges knew about the pending cancer surgery and dates from filings Brooks had made. The Ninth Circuit denied any extension of time and denied the appointment of counsel. Clerks at the Supreme Court refused to accept any motion for relief to this Court. Note, this cancer discover back in 2012 that Agate blocked access to treatment for.

11/18/2019, Books hospitalized with a 105 degree fever. This was discovered to be a brain stem infection due to spinal injuries cutting the Myelin sheath. Brooks had written and sent a brief to the Ninth Circuit before being checked into the ER. The Ninth Circuit, threatened Brooks for filing a Brief because they defined his appeal to them as a Brief and threatened to fine Brooks, dismiss the case, and sanction Brooks for damaged from Stoel Rives. [Exhibit 6; judges usually don't look at exhibits, look at this one and Brooks' answer. Its one of the most callous, lawless acts you will ever witness]

Related Cases and Legal Citations

9 W. Hening, Statutes of Virginia 377-380, 1821 - a state violating a treaty the US is signatory to that were ratified by the US Congress.

Defendants and Oregon SOLD medical and counseling records of foreign students, especially students who were relatives of the leaders of those country's. This clearly covers the Fourth Geneva Convention, Section 3 - "outrages upon the personal dignity, [and] in particular were humiliating and degrading".

And the United Nations Treaties - **Treaties** - "International Covenant on Civil and Political Rights",

- "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment"
- "Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons"
- "Conventions on the Rights of Children"

United States Constitution, Article 2, Section 2

... Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority...to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State,—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects...those in which a State shall be Party, the supreme Court shall have original Jurisdiction

Cherokee Indian Cases Cherokee Nation V. Georgia 5 Peters 1 (1831)
Worcester V. Georgia 6 Peters 515 (1832)

25 U.S. Code Chapter 5

Brooks is Shoshone AND SikSika (Blackfoot Confederacy). He is a member of both tribes and is first and foremost a Native American and a Christian who was harmed and discriminated against because he is a Native American and a Christian and objected to the mistreatment of members of his own tribe.

Cochise Consultancy Inc. v. United States, ex rel. Hunt - Sarbanes Oxley
Oregon pretends this case never happened

Roell et al. v. Withrow, No. 02-69 (2003) - Rule 73

Turner v. Rogers, No. 10-10 (2011) - due process

Matthews v. Eldridge, 424 U.S. 319, 335, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976) - due process

Ingraham v. Wright; Wisconsin v. Constantineau -due process

EEOC, Retaliation

Murchison 349 U.S. 133 (1955)

Marshall v. Jerrico, 446 U.S. 238, 242 (1980)

Schweiker v. McClure, 456 U.S. 188, 195 (1982)

Rendell- Baker v. Kohn (1982)

Mathews v. Eldridge 424 U.S. 319 (1976)

Lawson v. FMR LLC 571 U.S. ____ (2014)

Public Corruption, State Actors

BOLI allowing Stoel Rives to install their own investigators and attorneys in this case, passing them off to Brooks as state workers. Whenever the Court is ready for them, Brooks has recordings of telephone calls and meetings with state employees demanding records, threatening Brooks, and lying about having done dual filings. Those are so criminal that Oregon's contracts with the federal government should be voided and employee prosecuted for felonies.

Lane v Franks; 13-483, April 28, 2014

Julia Davis v. Department of Homeland Security - demand for I-9 for Stoel Rives

Fabula v. American Medical Response, Inc

United States of America vs. Lindberg, Gray, Palermo, Hayes; 5:19-cr-22-FDW

Lincoln v. BNSF Ry. Co. (10th Cir. 2018); failure of agency to file EEOC complaint, exactly what Oregon and Brooks has recordings of a state lawyer saying the filed those and Brooks found out a year later they had not

Sewell v Freedom Health, et al; 8:2009cv01625 (2017)

Thompson v. North American Stainless, LP, 562 U.S. 170 (2011)

Leary v Centene Corporation; 14-CV-2547

M.D. et al v Centene Corporation et al; 1:18-cv-22372

Dual Diagnosis Treatment Center, Inc. et al v. Centene Corporation et al; 2:2020cv04112

<https://www.contractormisconduct.org/contractors/67/health-net-inc>

20 lawsuits against HealthNet (This is actually Centene dba Trillium Community Health Plan in Oregon and North California)

“Centene sued over lack of medical coverage” in 15 states; New York Times

<https://www.nytimes.com/2018/01/11/health/centene-health-insurance-lawsuit.html>

“5 Ways Insurance Companies Meddle in Your Health Care”, US News and World Report, July 13, 2017

STATUTES AND RULES

FY 2012 EEOC/FEPA Model Work Sharing Agreement

Oregon wholesale violated this contract

Note: Oregon never even considered the on the job injuries Brooks incurred

Civil Rights Act

No person shall discriminate on the basis of race, color, or national origin - sex; disability or age - in programs receiving federal assistance or funding. This would include the federal courts, also. Brooks is a disabled Native American dealing with pervasive Oregon racism. Brooks was subjected to deliberate name called and harassment by Centene-Agate to create a toxic work environment. For example, Agate created narrow hallways in cubical row where Brooks could not take a wheelchair. They forced Brooks into wheeled a secretary chair and he had to pole himself around. Then, the wrote him up for “blocking doorways”!

Civil Rights Restoration Act of 1987 (P.L. 100-259) Clarifies the intent of Congress against Article 3 court encroachment as it relates to the scope of the Civil Rights Act of 1964

Section 504 of the Rehabilitation Act of 1973, as amended (29 USC § 794), prohibits discrimination against otherwise qualified individuals on the basis of disability in programs and activities receiving federal financial assistance. There is no provision to exclude the federal Article 3 courts from this requirement. Agate lied to about not knowing that Brooks was disabled and had health problems. They destroyed evidence of Brooks’ asking for accommodation on the advise of Stoel Rives (and there are witnesses to that phone call to Human Resources). That is a felony.

re:Weekly Status Report

I was at two different doctor appointments; an Otolaryngologist and a Urologist, both checking for cancer. The information about this was in a Status Report sent to Korjenek on November 9. There are records of lab tests, radiological imaging, and doctor appointments from 9:00 AM until 4:30 PM

I still had a lot of tests going on with my lung, another Cat-scan. Add to that a detached retina and a broken foot.

[purported statement by Brooks, but unsigned, in personnel file, dated 9/16/2013]

Nanette - Weekly Status Report [Woods, Agate VP if Human Resources and Director of HR]

Monday, September 23, 2:00 p.m. **Doctor's appointment with Dr. Brian Mehlhaff. He's a urologist, but was the doctor who found the growth in my right lung.** Thursday, 12:00, Doctor's appointment with Dr. Katherine Beckstrand to follow up on that. **Because of the injuries to my feet...followup appointment with Dr. Edwards about my eye [detached retina]** before the end of the month. [status report 09/18/2013]

Patrice Korjenek, COO of Trillium-Agate Resources, forgot a statement containing a reference from a letter from my primary doctor, Katherine Beckstrand, in my Personnel File:

...He was undergoing tests for spots on his lung. We agreed he had a lot to manage emotionally. He said he felt better than he had over the weekend and told me he was under a doctor's care. I shared this information with HR ...**HR has a doctor's note from that visit.**

[statement in Brooks' personnel file by Patrice Korjenek, written 09/18/2013]

That doctors letter concerned Brooks' adverse reaction to medication and a medical demand to give Brooks time off to recover. Korjenek not only did not give Brooks time off, she withheld that letter. Brooks found out about it after he looked at the Personnel Files in 2014. In fact, Agate's created contrived emails on the date when Brooks was undergoing tests for those "spots on his lung". Brooks was not even in the office! Note on cancer: a mass in the lower lob of the right lung, a growth on his back, and another growth on his voice box. Surgery for the squamous cell carcinoma on 7/23/2019... The Ninth Circuit scheduled a hearing that week in response to Brooks' filing a motion to stay until he recovered.

Refusal by the federal courts to grant required accommodations. Refusals to grant stays during and while convalescing from surgery all violate **29 UCS 794**, and especially with regards to Brooks opposing this discrimination for patients of Agate, Centene, OHA, and OHP and by the Oregon District Court. In fact, in 19-35547 the courts were issuing Orders and Stoel Rives filed more than 700 pages of motions while Brooks was confined to a bed after a 7.5 hour long heart surgery!

Section 1557 of the Patient Protection and Affordable Care Act (42 USC § 18116 - PDF), which provides that an individual shall not be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the grounds prohibited under Title VI of the Civil Rights Act of 1964, **42 USC § 2000d et seq. - PDF** (race, color, national origin), Title IX of the Education Amendments of 1972, **20 USC § 1681 et seq. - PDF** (sex), the Age Discrimination Act of 1975, **42 USC § 6101 et seq.** (age), or Section 504 of the Rehabilitation Act of 1973, **29**

USC § 794 - PDF (disability), under any program or activity, any part of which is receiving Federal financial assistance, or under any program or activity...Congressional intent was to include federal court proceedings!

Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority. Furthermore, those officials "shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section". The fines and imprisonment increase to ten years in cases involving bodily injury. This applies to both McShane and his cronies on the 9th Circuit.

Americans with Disabilities Act of 1990 (ADA) (42 USC § 12101 et seq., Title II at 28 CFR 35) . Books notes that when the federal courts tried to narrow the scope of this, the Congress broadened this in 2008 with Pub. L. 110-325 effective Jan. 1, 2009. In Pub. L. 110-325, §2, Sept. 25, 2008, 122 Stat. 3553, explicitly broadened the scope of the ADA. Congresses intent was to apply that law to states and all federal agencies, including the federal courts. Brooks notes, even though the federal courts seem to forget this fact, that Congress created the federal courts under Article 3 of the Constitution Congress. Those courts should be disbanded, the judges fired, for denial of due process to the disabled.

Americans with Disabilities Act Amendment Act of 2008 (ADAAA) (P.L. 110-325, 42 USC § 12101 et seq. at 28 CFR 35)

45 CFR 92.101 - Discrimination prohibited - "...shall not, on the basis of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any health program or activity to which this part applies

45 CFR 611.3 - "...may not directly or through contractual or other arrangements, on the ground of race, color, or national origin

45 CFR 125 - Prohibition On Discrimination - may not discriminate based on an individuals age, expected length of life, present or predicted disability, degree of medical dependency, quality of life, or other health conditions.

45 CFR 200 - Health Plan Standards

Federal Rules of Appellate Procedure

In accordance with 18, U.S.C., §3372, and Title 28, U.S.C., §§2072 and 2075, the Chief Justice of the US Supreme Court is authorized to transmit these to Congress for its consent or veto.

FRAP 24 - Proceeding in Forma Pauperis

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an

adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

- (A) the district court—before or after the notice of appeal is filed—**certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding;** or
- (B) **a statute provides otherwise.**

28 USC §1915 - Proceedings in forma pauperis

Brooks was granted in forma pauperis status in 6:15-cv-00983-TC on June 8, 2015, by Judge Thomas Coffin (docket #5). The Ninth Circuit Court has tried to ignore that and even dismissed 19-71240 because Brooks had no money to pay a court filing fee. They ignore FRAP 24 in doing that.

Federal Rules Of Civil Procedure

The Rules of Civil Procedure for the District Courts were adopted by order of the Supreme Court on Dec. 20, 1937, transmitted to Congress by the Attorney General on Jan. 3, 1938, and became effective on Sept. 16, 1938. United States Congress reserves for itself the right to veto any rule or change to the rules promulgated or they become part of the FRCP. Brooks notes that the Oregon District Court altered FRCP 73 without telling the US Supreme Court or Congress. Everything done by Magistrate Judges inflicted on litigants, denied a right to not consent, is unlawful and overturned.

FRCP 73 - Magistrate Judges: Trial by Consent; Appeal

28 USC §636c - Jurisdiction, powers, and temporary assignment, consent requirement

Whistleblower Statutes:

45 CFR §160.316 - Refraining from intimidation or retaliation for opposing HIPAA violations

29 USC Section 1558, PL 111-148 - Affordable Care Act, Protection for whistleblowers

29 USC §218C, Affordable Care Act, Protection for employees opposing discrimination in health care

12 USCA. 5567 - Dodd Frank, employee protection

(4) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any law, rule, order, standard, or prohibition, subject to the jurisdiction of, or enforceable by, the Bureau.

18 USC §1514A - Sarbanes Oxley, Civil action to protect against retaliation in fraud cases

Criminal Statutes Applicable To Whistleblowers

Section 1107 Sarbanes Oxley (18 USC 1513e) -

Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the

commission or possible commission of any Federal offense, shall be fined under this title or imprisoned not more than 10 years, or both.

18 USC §1001- Crimes and Criminal Procedure

whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—
(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
(2) makes any materially false, fictitious, or fraudulent statement or representation; or
(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

18 USC §1513e - Retaliating against a witness, victim, or an informant

Privacy Act - 5 U.S. Code § 552a - Records maintained on individuals, Criminal and civil sanctions applicable to

*(1) Agate's sale of HIV, STD, counseling and other health records
(2) the state of Oregon's sale of Oregon State (Mental) Hospital Records,
(3) to the State of Oregon demanding federal I-9 forms from Brooks on behalf of Stoel Rives; banking records by Oregon Employment on behalf of Stoel Rives; Gates from the Audit Division demanding info for Stoel Rives and OR DOJ*

BRIEF STATEMENT OF THE MATTER

Petitioner Michael Brooks is an injured whistleblower who has been denied medical care and threatened with imprisonment and death if he violates a District Court imposed gag order. Brooks would refer this court to Article 3, Section 2 of the United States Constitution.

Brooks is both Northern Shoshone and Siksika Blackfoot. He was recognized as Native American by the State of Oregon [Exhibit 3] and that fact was unlawfully removed from the record by the district court (and Brooks has the motion by Reilley Keating to exclude that from the record in a recording).

Furthermore, note, Brooks filed a motion to include Oregon as a defendant in this case on September 11, 2014, with Chief Judge Ann Aiken (this was before Magistrate Judge Coffin was assigned by Aiken to 6:14-cv-01412, the original filing of 6:15-cv-00983), which she never answered and did not act on. This is in spite of repeated attempts by Petitioner to include Oregon as a defendant:

The Plaintiff requests an order, compelling the EEOC to include the state of Oregon in its "Notice of Suit Rights" and any extensions necessary for that, so that the state of Oregon can be served by the Plaintiff in his civil suit. The case record, and that

in the accompanying action 6:14-vc-01424-AA, make it clear that officials of the state of Oregon took part in the unlawful activities, retaliation, and defamation of the Plaintiff.

...

- (1) *The Plaintiff can show the Employment Department, cooperating with a state official, Anthony Corcoran, engaged in legal discovery on behalf of Agate.*
- (2) *The Plaintiff can show other state agencies involved in unlawful "discovery", invasion of privacy, and retaliation, in what amounts to a coverup of widespread wrong doing by Oregon officials and contractors. (This included installing a Stoel Rives investigator in Oregon's Bureau of Labor and Industries (BOLI and passing her off to Brooks as a state employee- BOLI contracts with the federal government to take OSHA whistleblower, EEOC, Civil rights, ADA, and other employment and discrimination cases and file them with the federal government.*
- (3) *The Plaintiff can show attempts to receive protection as a whistleblower from the DOJ, the Secretary of State, the Oregon Health Authority, that was rebuffed or ignored, in violation of state law.*
- (4) *The Plaintiff can demonstrate that a Department of Administrative Services program paying for legal assistance for state employees or persons acting as agents of the state is nothing more than publicly financed "hush money" fund.*
- (5) *The Plaintiff can show the involvement of BOLI and the preventing of state officials and refusal of BOLI to release this case to the EEOC, which resulted in the state's failure to be included in this matter.*

As a member of the Shoshone tribe, Brooks asserts his rights to federal protection against state predation. The federal government's power over Indian affairs is extensive and preemptive of state power. (See Cherokee Indian Cases Cherokee Nation V. Georgia 5 Peters 1 (1831) and Worcester V. Georgia 6 Peters 515 (1832))

In the nineteenth century the courts called the federal power "plenary". This federal authority is a general police power, comparable to Congress's power over Washington D.C and the territories of Puerto Rico, Guam, the Marshall Islands, etc.. In *Delaware Tribal Business Committee v. Weeks* (1977), the Court held that ordinary constitutional strictures apply to federal Indian legislation, and that, under the Fifth Amendment's due process clause in particular, such legislation must be reviewed to determine whether it is "tied rationally to the fulfillment of Congress's unique obligation toward the Indians." This applies to state actions, also. Brooks has been systematically denied due process and subjected to discrimination because of his race and his objections to mistreatment of his fellow Native Americans.

Brooks was harmed and discriminated against because he is Native American AND because Brooks objected to the mistreatment of his own tribal members by Defendant and Oregon: The Article 3 courts lack original jurisdiction in this case under Article 3, Section 2 of the US Constitution.

Brooks, denied counsel, severely disabled, his left side paralyzed, was forced into an illegal hearing on 11/10/2021, contrived by Oregon District Court Judge Michael McShane as a criminal hearing of Brooks as a fishing expedition looking for medical and psychiatric records

sold by Oregon and other cronies of McShane to foreign governments and the FBI, employers, other insurance companies and credit agencies.

Brooks petitioned the Supreme Court to intervene because 6:14-cv-01424 had been closed by McShane on 06/28/2017. Your clerks wrote that the case was closed and they could do nothing. I called, repeatedly, and finally spoke with Jeffrey Atkin's. He told me there was nothing the Court could do because the case was closed as of 06/28/17 and it was long past any time that would permit it being reopened. The case, however, was being used by McShane, Oregon and Stoel Rives to destroy evidence and as a fishing expedition to see if Brooks had further evidence of homicides and other crimes by the state.

Brooks was not permitted to participate in 6:14-cv-01424 and was not permitted to appeal McShane's decision dismissing it on the grounds that his appointed attorney's had falsified declarations that McShane used to dismiss the case!

If you read the reason for the dismissal, McShane refers to there being no evidence later than 2007 and he refers to ECR 55, a declaration that Brooks did not even know the existence of. It was a fraud where the signature is an obvious paste using Adobe Acrobat where "someone" overwrite the signature with a pen. Brooks received five versions of that with the cache of other emails and frauds by the district court; another thing McShane tried to get and destroy. Brooks has emails from attorney's Michael McShane where he discovers ECR 55 when the court tried to foist this case off on him.

Just as bad, revisit McShane's claim in his dismissal that there is no evidence after 2007 of wrong doing.(McShane tried to claim the evidence was stale, even though it could possible have been known until January 2012.) That 2007 date was from the court's appointed lawyers and Stoel Rives, invented in their ECR 55 statement. Fast forward to the hearing on 11/10/2021 where McShane and Stoel Rives attorney Stephen Galloway both refer to a spreadsheet of HIV records sold by Agate that they date as being from 02/04/2010! Right there, you have a judge proving evidence of perjury by his court's lawyers and defense counsel.

""Someone", London, Leiman and/or Johnson filed an appeal with the Ninth Circuit after the dismissal and just quit. The court, or those lawyer, tried to assign it to Vergamini, who declined. The court literally contrived to leave Brooks unrepresented as of 09/20/2017, and refused to permit Brooks to represent himself.

Given this, Brooks is including his original filing because he has no access to the alterations done by the court's lawyers and does not trust them. Also, the judges in these trials have somehow altered PACER records. I thought that was impossible, but they have provably done so. I obtained the full docket from the court clerk in Portland in case this court wishes to

criminally prosecute these judges or the press and Congress wish to see how far the federal courts have fallen away from justice and the law.

When Brooks objected to the dismissal, the court said he lacking standing and pro se litigants could not file anything in Qui Tam cases. This is all o the reason anyone needs to mandate that relators and named litigants be included in court proceedings and that they be permitted to speak for themselves when “their” or opposing counsel or the court tries to claim a filing, motion, declaration, or verbal remark was made by them. **Lawyers LIE.** Ordinary people, at least Native American people, do not lie.

The District Court appointed the lawyers involved and they all quit when one of them, Marianne Dugan, stole the documents and evidence, plus Brooks' MacBook Air computer, tax records, and biographical information (where he had lived, wife's maiden name, bank records). Court appointed attorney's Leiman and Johnson picked those records up on 01/19/2017, on orders from the court, ostensibly for safe storage in a locked evidence closet at Leiman and Johnson's law office.

Least anyone try to refer to this as “production” . Brooks has emails showing he made arrangements with Leiman to pick those documents up from their office on Monday, 09/11/2017. Furthermore Brooks fired Dugan on 09/07/17. Emails prove that. Judge Russo, the same judge that aided Stoel Rives, helped them abrogate an agreement to postpone discovery while hiding that from Brooks and everyone else, a judge that gave them information about a court order more than a week before it was filed, knew about that! Brooks had tried to file with the shabby, corrupt court and his filings were denied because he “was represented by counsel”. Really?

Brooks has emails proving all of this, too. Either the Court, Congress, newspaper or some foreign government needs to look at this because it shows a completely broken legal system in the US. The current mess with Twitter is nothing compared to what you will see with this.

The emails Brooks received a year later show Stoel Rives attorney Stephen Galloway texting and talking with Dugan on the telephone in the morning of Sunday 09/10/2017 while Leiman and Johnson are “out of town”. So, how did Dugan get keys to their office? What is she doing sneaking around on a Sunday morning? And, what happened to the three banker boxes, the paper box, my computers, 40+ thumb drives, 20+ DVD snapshot of Agates database (to preclude their altering records), my wife and my tax and banking records, our home owners insurance information, etc. Dugan took ALL of that.

Brooks got back half a cardboard book of magazine clippings and one thumb drive made by Dugan. On 10/20/2017, Brooks was sent another thumb drive from Stoel Rives in response to a court order to return copies of ALL of the records they received. They sent two other thumb drives - random scans of county board meeting minutes and newspaper clippings that had

nothing to do with Brooks or his case. IN other words, Stoel Rives did not comply with a court order and nothing was ever done about it.

The district court set those up for theft to give to Stoel Rives. THAT, by the way is provable. Brooks received a trove of more than 700 emails between the lawyer assigned by the Court to the case, Marianne Dugan, and Stoel Rives. Those emails that not only shows them engaged in the theft, it shows the judge assisting Stoel Rives in a Motion to Compel where the attorney was out of state on a three month vacation which she started immediately after being assigned the case by the court! Dugan was assigned on 03/17/2017, has a single telephone call with Stoel Rives attorney Reilly Keating on 04/24/2017 where they agree to Dugan's leaving for vacation and agreeing to put off discovery until October.

- *We concurred no discovery has been done.*
- *We concur the complaint needs to be amended because only the pro se complaint (and reply to complaint) are on file and they don't meet pleading standards.*
- *They agree to a two-month extension of discovery (bringing it to some time in October) because of the above two issues and the fact that I am just coming on board.*

[from an email Dugan sent to Leiman, Johnson and London on 4/24/2017 1:27]

The next we hear of Dugan, is May 23 from South Dakota, but there is an April 19 email from Dugan to Keating that seems to be from Minnesota given the time zone differences in ending and receipt.

The magistrate judge, Jolie Russo, appears to have known all about this, because the parties refer to a motion for extension of time. Russo was another magistrate judge imposed by Ann Aiken that Brooks objected to in writing. The court ignored FRCP 77 and threatened Brooks while giving the judges all of the objections Brooks filed.

Russo was Aiken's staff attorney from 1988 through 2016. Russo was cronies of the Assistant Attorney Generals that fought Brooks when he provided evidence to US Attorney Amanda Marshall that led to the resignation of John Kitzhaber. As I wrote in my objection:

The new judge this is assigned too, Jolie Russo, scares me. She is long time friends with Kaylie Klein, an Assistant Attorney General at Oregon DOJ, and James Strong, another newly appointed Assistant AG at ODOJ. Oregon has played a lot of games with me and this case...

During that time, as Brooks found out later, Dugan was working on an environmental case in Standing Rock, South Dakota! Stoel Rives and the Court abrogate the extension agreement and sent demands, motions, an RFP, etc., to a shut down law office. They avoided calling her cell phone! This was Kabuki Theater by Stoel Rives and the judge. Signature required letters were returned to Stoel Rives! No one told Brooks or London or Leiman or Johnson about any of this..

To make matters worse, the Magistrate judge told Stoel Rives what her Order would be on August 31....except the email Brooks has is dated August 23! So, more than a week for issuing an order, before the court received Dugan's response, Stoel Rives was told by Russo what her order would be! I demand the right to present that case. The judges Aiken, McShane, and Kasubhai and every attorney in this case needs to be disbarred and prohibited from being officers of the court permanently. These people are the perfect example for Congress's disbanding the Article 3 Courts, firing the judges, and starting over from scratch.

This is a lawless mess and everyone appears to have played a part in this. Your clerks, the District Court Judges, the state of Oregon, and Stoel Rives all are criminally involved. I have zero faith that justice will be done and that any of them will be sanctioned or tried or even lose their job. This country has gone too far over the cliff to ever recover from the disaster created by the Civil War sparked by Clinton and Trump and the social justice warriors. I am pursuing justice because it is God's will that I do it. I am 75 years old, crippled and sick. I can do nothing more than God's will. When you were born, you cried and the world rejoiced. I want to live my life so that when I die, the world cries and I rejoice.

Brooks tried to file a Rule 22 appeal with this court. Your clerks returned the appeal and sent the evidence to Stoel Rives! I find that unforgivable. Look at the various technical commands, mostly by clerk Susan Frimpong, that are attached to dozens of returned filings to this court [**Exhibit 4**]. Then, start cleaning house at your court.

Congress and the international courts, if not this court, needs to understand that Brooks is a disabled pro se petitioner. Brooks was deliberately injured on the job, when (a) a metal lathe crushed his right foot and (b) a 500 pound metal cart fell on him, injuring both feet and damaging Brooks spine. (The right foot was already in a cast, but this "accident" permanently crippled Brooks.)

Brooks includes medical records, but since judges rarely look at exhibits, he will quote from the spinal MRI's. Brooks has spent 11 years with damaged vertebra in the lower spine, with spinal fluid and disk materials causing retroperitoneum fibrosis, now untreatable. The MRI says it all:

- *there is an extension of disk material seen anteriorly at the level of L2/L3 and posteriorly at L5/S1*
- *L2/L3 anterior extension of disk material which extends into the retroperitoneum at the level of the aorta and cava...*
- *L4/L5 broad based disk bulge*
- *L5/S1 broad based disk bulge*

The upper spine is worse:

The collapsed Myelin Sheath lead to a brainstem infection and MS like symptoms. The injuries to the upper spine at C2-3, C3-4, C4-5, C5-6, C6-7 and damaged vertebra at

C4 required two different surgeries, one attempting to unsuccessfully repair the paralysis of Brooks' left side and the other, a 7.5 hour long heart surgery [see the tomography of Brooks heart] to repair a torn valve, followed by a tripe ablation.

An ECG of a typical atrial fibrillation attack is included, also. Any of those A fib attacks would have killed Brooks unless he was rushed to the hospital. Your heat cannot beat 416 BPM with blockage (a clot) without some serious consequences. Brooks has had two heat attack and his heart stopped on the operating table during a spinal surgery. The record showed 416 BPM, but Brooks, having experienced it, can tell you the heart isn't beating. Its spasming and it hurts like nothing you have ever experienced.

The district court, Stoel Rives, the state, everyone knows these were deliberately inflicted on the job injuries. There are records on all of this in spite of Agate's frantic efforts to destroy records. The district court and judges knew this, too! These are violations of **Section 242 of Title 18, 42 USC § 12101 et seq., Title II at 28 CFR 35, Section 1107 Sarbanes Oxley (18 USC 1513e)**, 18 USC §1001 (Crimes and Criminal Procedure that would be applicable to Judge McShane and this Court's clerks).

Brooks was the lead database administrator and programmer for Agate Resources. On paper you will see a lot of "doing business as" abbreviations. All of those companies were and are paper constructs. In public filings, the organization structure is described in OREGON DCBS Case No. 15-04-022.

Agate provides administrative services and leases employees and buildings for Trillium and LIPA. Agate owns 40% of Trillium's issued and outstanding shares of common stock and 100% of LIPA's. LIPA is a wholly owned subsidiary of Agate Resources.

And, least you think Brooks could not recognize what he was looking at, Brooks was an APPC graduate, and multiple patient holder. Brooks is an expert at pattern recognition and analysis and computer and network security. Brooks' patents include US5311000, US5440110, US4879456, US4963719, US5198649, US6618162. An expansion of this was US 6618162B1. That covered updates over the internet for your phone, computer, iPad, smart tv or refrigerator over the internet (<https://patents.google.com/patent/US6618162B1/en>). An international patent of this was granted on July 27, 2000 - WO 00/43863 (WO2000043863A1).

Brooks also invented the OTDR for Tektronix. That is used to detect and avoid detection of intrusions into optical fiber networks and things like the overseas cable off the coast of Denmark that the CIA was caught tapping into. If you place the tap within one wavelength of a splice, it is theoretically invisible. Brooks designed an algorithm that overcomes that. Brooks can send you the white paper he wrote for the OTDR that overcomes that limitation. In fact, Brooks still has the C++ code implementing that.

Brooks also wrote an algorithm and code that makes stealth technology obsolete. Brooks can find a stealth drone, aircraft or submarine (and stealth ships and submarines exist) and map

its exposed surface. Brooks program that surface mapping code into a missile or torpedo. Invisibility is not possible and fraud cannot be made invisible from Brooks. If I have the records, I can find the fraud and identify how it is done.

All of the employees of Agate's various subsidiaries were employees of Agate. As of some unknown date, pretty clearly before 2012, Agate was managed and owned by the Centene Corporation. They hired Patrice Korjenek to skim Medicaid and other money from a loophole they created with state actors to steal at least \$2.2 billion.

Technically, Joseph Biden and his buddies in the Senate created the loophole permitting this in 2010 as part of the Affordable Care Act. Ostensibly to save money, Biden had the government fund public health programs with a flat rate per patient. In Oregon that was \$650 a month, per individual. In Oregon, and likely in other states, the private pseudo insurance companies and contractors appointed (e.g. for profit businesses bought contracts) to manage programs. They got to **keep the unspent money**.

In a series of national newspaper articles, doctors expressed concerns about this incentive not to provide care for the poorest of patients:

For-profit Centene added \$23.2 million to Trillium's reserves, increasing them from \$41.28 million in 2015 to \$64.48 million in 2016, according to Trillium's latest financial filings with state insurance regulators. Trillium's financial situation raises two questions: Why did Centene bulk up Trillium's reserves? And why didn't Trillium instead spend more of that money on health care services for Oregon Health Plan patients? Under current law, if a for-profit CCO leaves the Oregon market, it can take that money with it.

In fact, an insurer does not even have to leave the market in Oregon. A for profit company owns the money and just spends the money any way they wish. The most popular were "campaign contributions", "gifts", and executive and bonuses. One might expect "shareholder" dividends, but Agate executives cheated their shareholders. They engaged in insider trading, knowing shares were worth \$2500, but were buying them for as little as \$300 from doctor-shareholders kept ignorant.

No one checks, least of all the sleazy Oregon federal attorney's, but state officials get a 25% or larger cut of the scammed money. Agate, reported \$64.48 million in 2016. This was a gross understatement. Brooks had records that the Oregon District Court refused to allow him to use, showing ten Agate executives with over \$252,243,900 that they did not pay one dime of income or capital gains taxes on. Agate and Centene executives even cheated their state co-conspirators. The state thought there was \$80 million and 5,000 shares. There was four times that amount.

In fact, as a group, Agate executives paid taxes on a paltry \$28.44 million while hauling in \$280.68 million. Agate **added** another \$131 million to its reserve funds in 2015 that was completely off books.

And those reserves were NOT handled by Trillium. Look at the 2019 Umpqua Investments Audit (Brooks has it, if you can't find it.) . Centene was laundering money through Agate Resources, which conducted no other business at all. The Audit refers to this as "Surplus funds as regards policyholders, Dec. 31": 2017 - \$64,476,343; 2016 - \$41,280,300; 2015 - \$43,454,700.... These were the amounts scammed that year!

In 2017, Centene made \$156.8 million from Trillium's ~90,000 patients; or roughly \$1,742 per patient in profit. So, they ostensibly spent 77.67% of Medicaid money received from the government on patient care. The other 22.33% was profit. That 22.33%, of course, does not take into consideration the reserve amount and outright fraud, including Agate executives defrauding shareholder by insider trading and other schemes that can be described later. Agate-Centene typically spends a mere 50% of the government money given them on patient care; the rest disappears. Take a look at those newspaper articles out of the UK.

Look at funds for primary care providers (PCP) that "disappeared". They were, by law, required expenditures. Agate was required to provide a PCP for every Medicaid, CHIP, ACA, and Medicare patient. Agate reported spending that money on doctors, faked the physicians, and lied to CMS that they had spent the money on PCP's. The patients did not have PCP's. Brooks has a tape recording of that fraud being discussed by Agate DBA's and executives..and an Oregon Official from OHA.... Furthermore, you can look at Agate's sponsorship and payments to political hacks for Oregon House bill 3300. "Trillium Pushes Bill to Force Lane County Doctors To Take Medicaid" is a good article about this by the Lund Report on May 13, 2015. Agate tried to force doctors to accept patients because of the damage done by their Hot Spotter Reports.

Agate SOLD a special Hot Spotter report to its shareholder doctor about the high risk, high cost patients. Since Oregon was paying a flat rate, these were money losers. Agate's shareholder were the type that dumped profit loses (costly patients). That is where the 23,000 patients came from. Brooks reported the lack of coverage to Seattle's HHS Civil Rights offices. Instead of doing anything, Linda Yuu Connor, Regional Manager, just told Centene and Agate about the complaint. And, you got this dumpster fire where Agate paid off dirty politicians to try and force doctors to take some of those (at one time 28,000 patients without doctors. I had the documents from inside of Agate giving the names and amounts paid to those politicians in the form of outright bribes and "campaign contributions". They, again, were in the document stash

sent to this court, your clerks sent them to Stoel Rives and the Ninth Circuit Court. Brooks has the recording of the meeting where Agate discussed that fraud, too!

Be aware of the fact that “someone” has copies of all of those records, stoel from Leiman and Johnson’s offices, and was trying to get them to me. I told them I could not touch them unless I seek asylum in a foreign country. I honestly do not know who they are.

I suspect that, the names of the foreign officials involve makes those dangerous. I am certain that [REDACTED] would be more than a little “miffed” if they found out [REDACTED] were a victim of this. The US would become an international pariah overnight, especially in light of the fact that all of this is provably still going on.

On 10/03/2012, there were over 23,000 patients who had not had a primary care doctor (PCP) assigned to them for at least three years. Oregon’s contract with CMS is that no patient go for more than 30 days in a calendar year without a PCP. However, 23,000 times \$150 is \$3.45 million a month, on the low end, and explains why Agate and Oregon cheated. Brooks SAW, had records proving, \$55.2 million in 2012 in unaccounted for federal money that was supposed to go for patient doctors and, instead, went to sleazy state officials and Agate executives. And, again, Oregon’s district court judges knew all about this. In fact, Stoel Rives participated and profited off some of these schemes. They are part owners of IPS that sold phony medical credentials. Get your license suspended in Tennessee? Come to Oregon and buy a new one! I saw that happening. Agate hired people with the expectation that they were crooks. In Lilly white Oregon, they are usually right.

Worse, and primarily because Brooks is Shoshone [**Exhibit 3**], Agate denied care and doctors to Native Americans and other racial minority and poor patients. They even had tables and internal profiles on patients in Hot Spotter reports that they used to determine which patients to safely deny care to because they were unable to complain.

White Medicaid, Medicare, ACA patients were granted medical referrals for specialist care 85% of the time...which is low by national standards. It was much worse for foreign nationals, the poor and foster children. White foster children receive a referral for specialist care a lousy 29% of the time. Black foster children’s approved referral rate was 13%. For Native American children it was less than 10%. Hispanic children only had a 6% approval rate. Imagine, over 90% of the time foster children being denied critical care by a corporate monster that cared more about money than children. These kids were denied x-rays for injuries, infections, braces for broken bones, even vaccinations.

Prenatal care for Native American woman is so lousy that over 55% of deliveries are in emergency rooms; e.g. no ob/gyn assigned to them. Most c-section deliveries took place in ER’s

when Brooks was collecting records of this disgrace. 26.7% of those women subjected to the ruthless money mill operated by Centene were sent home within four hours of caesarean section surgery to save money. Over half of those women returned within 24 hours hemorrhaging and/or with distressed or dead babies. Among white women, records show a mere 24 women over a five year period, 0.053%, that did not stay in a hospital room after a c-section....and Oregon District Court Judge's hide this with a gag order!

Agate spent \$1509.39 on the average prenatal contact for pregnant white women, but only \$324.69 for black women, \$354.16 on Hispanic women and \$291.84 for Native American women. Want to know why three times as many Native American infants die in child birth than any other race? In fact, In Oregon, twice as many Black and Hispanic kids die as white kids and its all because Oregon treats Native Americans like garbage. Oregon even still operates Indian Boarding Schools. Look up the one at Chemawa just outside Salem. 270 children died in custody at that "school", being punished for speaking their language, wearing Indian clothes, being too sick to work in the field or to make trinkets for white tourists.

Brooks stood up in a staff meeting and complained about patient profiling and racism. He was demoted and threatened with professional destruction. Brooks' job was changed to "exempt" and he was made to work as a custodian from 5 AM until 8 or 8:30 AM. Then, after 6 or 7 PM, whenever Agate COO Patrice Korjenek decided to go home, Brooks had to do custodial work for another two hours. That was at the 10/03/2012 staff meeting!

If this bothers you, you need to wonder why your clerks, Susan Frimpong and Scott Harris, sent Stoel Rives those records. You need to wonder why they spoke with Biden's Solicitor General, Elizabeth B. Prelogar. Brooks is inclosing a sampling of the many rejections and commands for rewrites he received from your clerks [**Exhibit 4**]. Bear in mind, Brooks is disabled and without counsel. He is paralyzed on the left side. He "writes" by dictating into an iPad and uses Apple's voice to text conversion software. Then he edits this on an iPad while propped up in a recliner. Its agonizingly slow and painful. This reversion took two months to write. Brooks filing this and sending it with a rule 22 and Brooks assumes you wont see it unless the Congressmen getting it raise hell.

Brooks had all of these documents anonymously dumped on his front porch. Brooks wrote a Rule 22 motion to this court and explained the situation and ask that the Supreme Court accept and preserve these documents in case the US ever has government agin that is concerned about its citizens and right and wrong.

Instead of giving them to the justices, your clerks sent them to Stoel Rives. Susan Frimpong rejected the Rule 22 motions because she said it had to include another motion. Frimpong, according to Lee, spoke with them on the phone about it, and evidently brought in the

newly appointed US Solicitor General Elizabeth B. Prelogar in June 2021 (it was corrupt Joe Biden who created this mess to begin with in 2010). As Stoel Rive's attorney Rachel Lee wrote:

Because the Supreme Court does not deem Agate to be a party to [this case], Agate is unable to move to seal that petition for writ of certiorari. However, I have been in communication with the U.S. Solicitor General's Office about whether the U.S. Department of Labor is willing to do so."

Your clerks leak! You think you just have a problem with the draft of Roe v Wade. Where do you think Politico got that story? Defendants leaked documents harmful to witnesses. Where do you think those women's medical and counseling records came from after they complained about sexual harassment and sexual assault by Biden and Cuomo? Brooks knows who had those records before they went to Politico. Wouldn't that be something to read on Twitter? Defendants sell medical, perspiration drug, laboratory, x-ray, and counseling records. With Centene operating in every state, you have millions of workers who will be furious if they understand what has been done to them. The scandals with Trump, Hunter's laptop and Joe's Ukrainian bribes, FTX, the graft and theft of the billions of dollars sent to the Ukraine don't really touch them personally. This does and they will be angry. This entire story needs to come out, with names.

If nothing else alarms you, get ready for the fully story Agate's selling records of foreign students. This actually covers universities across the country because Agate had records from other states. Oregon provides student insurance for all foreign exchange (high school) and foreign college students. They get free counseling. Professors at their colleges and universities provide counseling. They keep detailed notes and even record the sessions. And, the students are completely at ease in this protected setting where they are assured that everything is completely private.

All of those records go to the state health authorities and Agate buys them or pays people to steal them. Did you ever consider how much a foreign government will pay for abortion records for a young woman from an Islamic country? How about a British MP with a son that contracted AIDS at an Oregon university? [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Again, I would refer you to the 11/10/2021 McShane hearing recording:

Galloway: He [Brooks] has a February 4, 2010 HIV lab report spreadsheet that belongs to Agate"....AND, furthermore, he claims to have been sent anonymously, documents related to Agate or Centene, including HIV lab reports, marriage counseling records, abortion records, pharmacy claims and diagnostic information from Oregon State (psychiatric) Hospital, employee claims from the Monaco Coach Corporation, and he

also makes reference to a DVD of evidence and electronic data that he gave to US Marshall...

To begin with, Agate cannot own health records and they certainly can't sell them in spite of the fact that they do. In the January 2016 decision in INS 15-12-003, Agate was fined \$10,000 because the hearing found that "Agate has never been issued a certificate of authority evidencing the authority to transact insurance in Oregon". Agate STILL **does not** have a license to conduct any kind of medical business in Oregon. Neither does Centene. They operate under the names of their paper shells and the state looks the other way when the employees of those shells are actually full time employees of Centene.

So, under what pretext does a district court judge confer ownership of millions of records to a corrupt outfit like Agate Resources or the Centene Corporation? McShane simply invented "laws" and covered it up by threatening Brooks:

Mr. Brooks, if I learn that you have filed anything from this case, any documentation received from this case, any personal health information of the client of the defendants in this case, I will hold you in contempt and send you to jail. [Judge Michael McShane, in a recording made on 11/10/2021]

And, note, these are unlawfully obtained and retained records transported across state lines from Oregon and Washington and California and Arizona and...HIPAA Hitech violations! The US and foreign tax records involve the IRS and SEC and US State Department.

The spreadsheet referred by McShane and Galloway are of 235 positive HIV laboratory test results assembled by Agate. This was but one of thousands of these spreadsheets, covering patients across the US. They sent them out every month to a credit agency and insurers.

Individual reports were sold to foreign governments. The spreadsheet mentioned was for 11/4/2010 (not 2/4) and has the lab test results for 11 foreign residents (mainly H1-B workers), 24 foreign students, and 200 US citizens. Agate SOLD those records. Brooks has no idea of what Stoel Rives or Marianne Dugan or the court and its tame lawyers did with the thousands of other records. Brooks does assume that Stoel Rives and Oregon convinced McShane that Brooks might have records they were not able to steal and they wanted them, hence that unbelievably illegal fishing expedition "hearing" on 11/10/2021. However, Brooks is certain that Stoel Rives has those HIV records because he was TOLD they have them by someone there.

The biggest customers for US records are employers. The biggest customer for foreign students were foreign governments other than their home governments. Brooks saw those records and made careful note of that. Dugan stole that and turned it over to Stoel Rives. What have they been doing with those?

I know for a fact that Centene knew about this, too. Those spreadsheets contained the patient name, address, Social Security number, Medical records ID, and Foreign Student or

Worker Visa number, nationality, date of birth... Again, this is espionage! By a state government and its private contractors. Oregon landed the United States in the middle of an international mess.

Oregon sold those records to Agate. I sent this court zipped reports (on a thumb drive) from the state containing those records and your clerks sent them to Stoel Rives. I can't wait for Congress, never mind China, Russia, Sweden, Saudi Arabia, etc. to hear about this. After McShane, I would not be the least surprised, would recommend in fact, that Congress disbanded the Article 3 Courts, fire the judges, and start over from scratch with some obligatory ethical guidelines in place, criminal liability for aiding sates and lawyers, prohibiting federal judges serving in states that appoint them, prohibitions on judges creating laws, and with so called Case Law tossed in the ash bin.

I want this court to understand how outraged I am. You would thinks that after 200 years of his people being lied to, cheated, murdered, their land stolen, their children kidnapped, that Brooks could not be outraged any further, but wrongs the United States and these courts and judges and their pet lawyers have done is beyond anything I ever imagined.

This was on the recording the representative of the Shoshone Nation made of the hearing. I had walked outside after the hearing, so upset I just sat on the front steps and was shaking.

I was greeted out front by a woman representing the Shoshone Nation. She had attended the hearing on behalf of the tribal counsel.

Woman: *You take care, our prayers are with you. You are a holy one with the weight of the world on your shoulders.*

Brooks: *I can't believe what that guy is doing. It's like...they hurt people and all they care about is money. One of things about Agate... You should read this. Im going to give it to you. [This was another Motion - the Court ignored the first two - to uphold and implement the Breach Notification Statutes of HIPAA. One of things you should know is that Agate did not have a license to sell insurance products in the state of Oregon. This Court is giving cover to an illegal operation. They do not have the legal right to possess those documents.*

Woman: *And they are after you...*

Brooks: *It's illegal and they are actually selling them. The Court is trying to cover up the fact that they are doing this*

Woman: *[I give her a writeup I tried to file with the Court but was refused.] You can release this me this?*

Brooks: *Yes. These don't have any evidence. He said I can tell people about it for the record [In private, I have been told to not even think about talking about this with anyone. It a gag order.] What he doesn't realize is that I have a photographic memory. I have all of this crap in my head.*

Woman: *Good. You are talking to the People and getting it out. This will solve this.*

Brooks *No, it's going to get ten times worse than they possibly imagine*

Woman *Done. Good.*

Beyond not covering the job injuries, Agate abused its position as the states benefits coordinator to block Brooks access to medical care. Again, though, note that Oregon not only knew of this, the state participated and aided in it. The district court judges knew about this and refused to comply with the law in mandating medical treatment. Imagine that, Oregon judges not upholding the law.

For example, as paralysis was getting worse, doctors want to get a simple MRI of the spine. Agate blocks that. Brooks has the more than 20 letter they sent out. The doctor knew this was Agate because his nurses knew Agate nurses and asked them about the reason for the denials.

On 6/21.2018, MODA denied the MRI because “based on eviCore Sone Imagining guidelines Section SP1.1 General Considerations...your records show you have neck pain”. The chart notes from 4/06/18 they received from Dr. Robert Arnsdorf, however, state “he continues to complain of numbness in the entire left hand..weakness...leg cramps...sensation to pin pricks is diminished in the left L5 and L6 regions...reflexes are diminished...complaints of decreased ability to grasp with the left hand. Recommendation: Imaging: we will proceed with an MRI to rule out nerve root compression causing his reflex changes and impaired sensations...”. So...not “neck pain”!

MODA, or rather the Centene Corporation wearing their eviCore hats, turned down more than 20 appeals of that. All of those appeals were answered by Reilly Keating and Stoel Rives, except Brooks did not find that out until much later. Brooks finally got a new private MRI business to run an MRI for \$300 in August.

“C2-3: .. broad-based posterior disc bulging, C3-4: Broad-based posterior disc protrusion. Severe canal stenosis. C4-5: solid bony fusion between the endplates. C5-6: indentation of the spinal cord (AP canal dimension proximal to 5 mm). C6-7: broad-based posterior disc bulging”. Then look at the OSHU doctor note “...the sheath covering nerve fibers in the brain and spinal cord become damaged, slowing or blocking electrical signals from reaching the eyes, muscles and other parts of the body. The sheath is called the myelin...although several treatment and medications alleviate the symptoms of MS, there is no cure...”

In other words, the United States government, Oregon, the Oregon District Court judges, Agate Resources, Centene, MODA Health (or at least their compliance officer David Nessler Cass) withheld testing for Brooks for a period of four years while he developed multiple sclerosis due to damage being done to his upper spine.

That is a pretty steep price to pay for whistleblowing.

In his appeal of all of this to the Supreme Court, Frimpong keep sending filings back with silly and frivolous demands to fix them and resubmit the appeal. Brooks explained to Frimpong

that he was not an attorney, that he was paralyzed on the left side due to never treated on the job injuries to both feet, and lower and upper spine [Exhibit 2]. Brooks' "writing" consists of dictating to an iPad and iPhone and running the recording through voice to text software and editing it on an iPad. Since he cannot sit up for more than ten to 20 minutes without passing out (as the records indicate, he has atrial flutter, atrial fibrillation and Bradycardia. Brooks has had several heart attacks from those on the job injuries and he is so impoverished he cannot afford a hospital bed to sleep in. Brooks sleeps in a recliner because the swallow reflex is completely gone. Agate, and I have records of this, destroyed medical records. Agate's President, the owner of Slocum Orthopedic, altered my medical records. See 6:15-cv-00983 ECR.

On 6/11/2018, Brooks was told by an employee at Slocum Orthopedic that his records were being altered and needed to get them immediately. Brooks made a formal request the next day and, went to Slocum in person and demanded his records on 6/14/2018.

Brooks went through those records and found multiple alterations. So, Brooks went to his insurance companies claims administrator and got the unaltered-original claims. With that, he filed subpoenas for records showing that Stoel Rives' attorney's in this matter were behind those alterations. The Court refused that. Stoel Rives attorney Reilly Keating filed a declaration claiming that Agate had no part in the continuing refusal to provide medical care. The Court refused that, too in an order ECR 143

...the Court lacks inherent authority or jurisdiction to order a non-party entity to approve plaintiff's insurance claims and therefore that request is denied; plaintiff's request for a "subpoena or court order to determine the relationship between" party and non-party entities, and "subpoena or court order" for non-parties to release certain documents are denied

Keating committed perjury in a declaration filed on 6/25/2018 (ECR 147) where she swore that Agate had no part in denying that care because it had no part dealing with Brooks' insurer, MODA. However, in Trillium and Agate Board minutes, you can see where Agate executives crow about getting contract with the state of Oregon and MODA to handle referrals for MODA and for all public employees, which Brooks' wife was. Agate was dba as eviCore and lied about that, too. Note, "PEBB" means "Public Employee Benefit Board". Trillium-Agate had the contract for approved or deny physician requested authorization and referrals for services. The Chief Medical Officer was Dr. Thomas Wuest, the owner and President of Slocum Orthopedic

[Trillium Board minutes for 04/04/2014]

Trillium received notification of final award of the PEBB contract on March 27. PEBB has provided its metrics. Contract negotiations are underway. These must be completed by June 1, and a contract signed by July 1. Trillium applied as a self-funded plan, but PEBB is now requesting a fully-funded plan.

PEBB Update [from Trillium Board minutes of 07/14/2014

Trillium has received a contract addendum regarding working with MODA, the pharmacy benefits provider. An informational brochure will go to PEBB members.

Brooks finally developed a brain stem infection in early November. By 12/1/2018 Brooks' temperature was 105 and he was admitted to the ER at Sacred Heart Hospital. Agate fought that admittance! Brooks spent the next six weeks in the hospital. Brooks had emergency spinal surgery on 01/17/2019. He has a heart attack on the operating table. Those are included in the medical records. All of those tests Agate had denied over the last five years were run by the ER.

Exhibit 5 are a few denials that led to this. Brooks and his doctors wrote appeals of those denials to MODA and got back denials. After Brooks called and told MODA that we knew the denials were from Trillium nurses because the vendors told us, MODA started issuing denials under eviCore.

It took a while, but we discovered that MODA's Compliance Officer, David Nessler-Cass, was giving all of our appeals to Stoel Rives attorney Reilly Keating. We found that out when she filed a motion with the court claiming that our appeals for services were moot because MODA had granted a repeats for a CT scan. That was mentioned in an appeal for an MRI and she fell for it and included it in her filing with the court. That, in and of itself, is a HIPAA violation by Stoel Rives and MODA.

While this was going on, Magistrate Judge Jolie Russo was removed from the case on 02/01/2019 (?) and Judge Aiken intervened. Now, Aiken's two sons had beaten the cr*p out of Brooks on a Portland Street on 03/08/2016, when Brooks was picking up his wife's birthday present. Brooks had a Trump bumper sticker and they blocked his RAV4, pried open the back door with a crowbar, kicked wheelchair confined Brooks out onto the street and kicked, punched, and hit him. These same things beat the h*ll out Brooks' son on 03/25/16, after warning him about his father's suing the state on 03/21/16. Unbeknownst to Aiken, the neighbors she walked with were friends of Brooks' and Brooks got full reports of her raving about him and his lawsuits against the Oregon-MODA-Centene-Agate-LIPA-Trillium crime syndicate.

All this resulted in was Centene adding another team of attorneys filing dozens of motions. Judge Russo was removed from the case and another Ann Aiken crony, Magistrate Judge Mustafa T. Kasubhai, was assigned over Brooks written objections.

The problem with that is that Agate, via its Trillium subsidiary, had spent the last 5 years, from 11/23/2012 through 06/25/2018(and after) refusing doctor requests for surgery, physical therapy, MRI's.

Brooks has attempted to get this mess before this court since 2016, but this court's clerks have gone out of their way to thwart that. The District Court tried to block Brooks telling this court about this case with a gag order:

All documents and information in Relator's (including his attorney's or agent's) possession, custody or control that were obtained in connection with Relator's employment with and/or originating from Trillium, Agate or any of Trillium's or Agate's employees, officers, directors, corporate parents, subsidiaries, divisions, successors, predecessors or affiliates shall be deemed Confidential unless a different designation is mutually agreed to by the Parties....EXPRESSLY PROHIBITED from using or disclosing...

And this INCLUDES records showing Agate engaged in illegally denying Brooks medical assistance for on the job injuries! It included emails and evidence showing felonies by judges, attorney's, clerks, paralegals.

To give the court and idea of how broad that is, even the so called "protective order" was held secret from Brooks and the judges have refused to tell Brooks what that even means beyond "it isn't just medical records. Its tax records, emails and anything else used to this case".

An attorney appointed by the judge evidently signed that for Brooks. Brooks has never seen a signed copy. The first time he saw it was in 2018 when Stoel Rives sent him a copy.

London, and Leiman and Johnson also created and signed declarations and other documents without the knowledge of relator Brooks. As Brooks stated, when he was dragged into court on 11/10/2021 for a criminal "hearing". That was recorded by an officer of the Shoshone Trial Counsel, because Brooks was denied an attorney and his tribe sent her to record the hearing and witness the proceedings:

Please tell me, because I am not an attorney, I was denied an attorney, I don't know what you're talking about....I am objecting to this whole procedure is that, to begin with, I am not a plaintiff in this trial. I was not allowed to participate in this trial. The first thing that happened was that this court hired an attorney who hired a law firm who then hired another attorney named Marianne Dugan. On September..On January 19 of 2017 Leiman and Johnson wanted all of the evidence that I had. And I have the email and I produced that for you.

They took it [all of the evidence]. On September 10, 2017, Marianne Dugan took three bankers boxes of documents out of a locked room at Leiman and Johnson's..I have nothing. Everything I owned was sitting in [Leiman's] office. This MacBook Air computer was sitting in their office. It was stolen. And it was turned over to them [points to Steven Galloway, Stoel Rives attorney].

I have none of their documents and I don't care. I have a untreated spinal damage from an on the job injury that happened just before I was fired. Agate harassed me by changing my position as Data WareHouse Administrator from hourly to "Exempt" and, then, assigned me work as a custodian from 5:30 AM until 8:30 AM and, then, work as a DBA until 7:00 to 8:00 PM at night. I had a broken foot and usually could not drive and

had no ride home to Coburg, a suburb of Eugene. It was about 20 miles away and I either took a taxi home or I slept on my cubical floor.

What the court is referring to as a violation of the Protective Order was my sending the records that appeared on my doorstep to the US Supreme under Rule 22. I did not have a lawyer and thought this court was the logic place to send those records with an explanation. Instead of giving them to the justices, you clerks, Scott Harris and Susan Frimpong, sent them to Stoel Rives. Spoke with them on the phone about it, and evidently brought in the newly appointed US Solicitor General Elizabeth B. Prelogar in June 2021 (it was corrupt Joe Biden who created this mess to begin with in 2010). As Stoel Rive's attorney Rachel Lee wrote:

Because the Supreme Court does not deem Agate to be a party to [this case] Agate is unable to move to seal that petition for writ of certiorari. However, I have been in communication with the U.S. Solicitor General's Office about whether the U.S. Department of Labor is willing to do so."

Getting back to my opening statement at the 11/10/17 hearing. McShane was charging me with criminally violating HIPPA by discussing the crimes committed by Oregon in selling the records

What I did was describe the fact that, to the US Supreme Court that of the records Agate had, they had sold records of a Russian student who wet the bed. His counseling records. I did not name the student. I did not even name the class, which college he attended.

By the same token, a foreign student from an Oregon University from China was raped, had a nervous breakdown because of that, was committed to the Oregon State (psychiatric) Hospital. Oregon got all of their records and they were selling them. It wasn't me. I didn't name the students. I didn't turn over the records. I merely mentioned the case. I said these are the kinds of things these people are doing.

I did not turn over HIPAA information. I described illegal, unlawful activities by Agate Resources and by them [points to Stoel Rives]. All of this [everything I did is covered by and legal under] is described under the whistleblower cutout which is 45 CFR 164.502(j). This court rewrote federal law and invented law. CMS/HHS, the SEC and the Federal Trade Commission also have carve outs for whistleblowers. I am allowed to possess that information and I was allowed to describe breaches and criminal acts.

McShane, then asks, "Do you have any information belonging to Agate? ", to which I respond, "I don't have it and Agate doesn't have a license to have it". Note in the January 2016 decision in INS 15-12-003, Agate was fined \$10,000 and the state wrote "Agate has never been issued a certificate of authority evidencing the authority to transact insurance in Oregon." Agate STILL does not have a license to conduct any kind of medical business in Oregon, but they sell medical credentials, insurance policies (under the name EHA, Employers Health Alliance, the Alliance, Evergreen Healthcare, SelectCare, and 900 other names in all 50 states and a dozen foreign countries. Their real business, though, is selling information, including political opposition

research (and guess where Politico got your draft of Roe v Wade, the personal information on women testifying of being sexual assaulted by Governor Cuomo). It is the state of Oregons primary business, too. It has paid them billions.

If this seems a bit hard to believe, remember Brooks is an expert at pattern recognition and hacking.

McShane appears to be concerned that this might cause problems for Oregon and his corporate friends. All of those records had been stolen by the District Court and the law firm Stoel Rives on 9/10/2017 from a locked law office. The original complaint about this is attached because the district court sealed it and might have deleted it [Exhibit 7].

Least someone try to call this “discovery”, it was done on a Sunday morning when Leiman and Johnson were reportedly out of town. Brooks knew nothing of this. In fact, Brooks had arrangements to pick collect this evidence of 09/11/2017. What you “see”, however, is Dugan sneaking around a locked law office, breaking into a locked evidence room while on the phone, describing it to Stoel Rives attorney Stephen Galloway. This was theft, done without the approval or knowledge Brooks.

It needs noting that Brooks fired Dugan on 09/07. There are emails referring to this and earlier attempt to get Leiman to fire her and prevent her meddling in this case. Note, however, Russo’s date of 9/13/17. That was done to excuse Stoel Rives’ theft and the court’s involvement in this. Exhibit 7 shows just part of what can easily be a case of criminal theft by the court and lawyers. I’ve never seen anything like it mentioned in the law. This country has fallen so far, however, that I do not doubt that this and worse will become commonplace in the future. Head Micah 7:2.

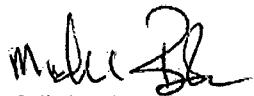
And, even then, that theft was under the guise of a different case, 6:15-cv-00983, because McShane apparently closed 6:14-cv-01424, down on June 24, 2017. Brooks writes “apparently” because he was not allowed to participate nor see records in case. The court’s lawyers handled everything without communicating with Brooks because everyone was concerned that Brooks was going to blow the whistle on a dozen homicides committed by Oregon and a multinational contractor that handled Medicaid, Medicare, CHIP, ACA, and private insurance products for Oregon and the United States.

Student Health Services, which operated health services to (mainly) foreign college students and peddled their records to other foreign governments, the US intelligence agencies, banks, credit agencies, etc. You would be surprised at how much abortion records for a young girl from an Islamic country are worth, the value of a positive HIV test for a British MP is worth. You would be amazed at the value of records for a relative of Xi Jinping or Eleonora Mitrofanova are valued at.

Prayer for relief

- (1) Brooks asks for a new trial in a venue free from Oregon and the influence of corrupt Oregon and US government officials. Brooks knows its a lot to ask for from a busy court, but Brooks would appreciate this court handling that trial
- (2) Brooks asks for an immediate order providing for medical care due him for on the job injuries and for denial of treatment of injuries and cancer that defendants intervened and denied treatment for
- (3) Brooks asks that Stoel Rives and all of its expert witnesses be disqualified.
- (4) Brooks asks for criminal indictments of Dr. Thomas Wuest and other Agate-Centene and Oregon and US government officials, past and present, who altered Brooks medical records and filings and for failing to file medical, Civil Rights, and whistleblower claims on Brooks behalf as they promised.
- (5) Brooks asks that Stoel Rives, Oregon District Court judges, Leiman, Johnson, London and Marianne Dugan be required to return to Brooks all of the records stored at Leiman and Johnsons law offices on 1/19/2017. If any are missing, Brooks requests that the court require an accounting of those records and fines and sanctions the parties until and unless they return those records, retaining no copies themselves.
- (6) Brooks wants his private records and keepsakes returned.
- (7) Brooks asks for an opportunity to tell his entire story, with evidence, to this court, and then...
- (8) Brooks asks that this court or an order by this court to disbar Stoel Rives lawyers Carolyn Walker, Reilley Keating, Stephen Galloway, Ryan Gibson, Rachel Lee, District Court lawyers Marianne Dugan, Alan Leiman, Drew Johnson, Jesse London, and Oregon District Court judges Ann Aiken, Michael McShane, Jolie Russo, and Mustafa Kasubhai.

Respectfully submitted, December 16, 2022



Michael Brooks
Pro Se Petitioner