

Index of Appendixes and Exhibits

To save mailing costs and keep the page count down, Brooks is only sending the exhibits not struck through. If the Court desires, Brooks has those ready to mail and can send them.

Appendix 1 Ninth Circuit Court Dismissal
Appendix 2 Declarations. Motion and Statement of In Forma Pauper
Appendix 3 Orders from district court and McShane showing case closed
Appendix 4 ~~Original filing with the US Court of Appeals for the Ninth Circuit, 01/03/22~~

~~Ex 1 Original Filing of this case by Brooks before he has access blocked by the court~~
Ex 2 Brooks Medical Records showing disabilities
1. Spinal MRI
2. Heart tomographic image showing triple ablation & damaged valve
3. Atrial flutter - 416 BPM
4. Atrial flutter with block (heart attack)
5. Atrial fibrillation
6. Bradycardia
7. Barium Swallow showing diminished swallow reflex
8. Photo of damage to feet, left foot swollen to 50%+ normal size
Ex 3 Oregon Employment Department Record, Native American listing
Ex 4 Supreme Court Clerk returns of petitions
~~Ex 5 MODA denials of medical service~~
Ex 6 Threat from Ninth Circuit for filing a Brief
Ex 7 Complaint of fraud by all attorney's and the court; blackmail of Dugan

APPENDIX 1

NINTH CIRCUIT COURT DISMISSAL

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 14 2022

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

MICHAEL T. BROOKS, ex rel. United
States of America; Relator,

Plaintiff-Appellant.

v.

AGATE RESOURCES, INC.; et al.,

Defendants-Appellees.

No. 21-36016

D.C. No. 6:14-cv-01424-MC
District of Oregon,
Eugene

ORDER

Before: OWENS, LEE, and BUMATAY, Circuit Judges.

The district court has certified that this appeal is not taken in good faith and has revoked appellant's in forma pauperis status. *See* 28 U.S.C. § 1915(a). On January 14, 2022, this court ordered appellant to explain in writing why this appeal should not be dismissed as frivolous. *See* 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

Upon a review of the record and the responses to the court's January 14, 2022 order, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 6) and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2).

Appellees' motion (Docket Entry No. 20) to maintain appellant's unredacted statement that this appeal should go forward under seal is granted. The Clerk will

publicly file the motion to seal and the redacted version of appellant's statement that this appeal should go forward (Docket Entry No. 20). The Clerk will maintain under seal appellant's unredacted statement that this appeal should go forward (Docket Entry No. 18).

Appellant's unopposed motion (Docket Entry No. 21) to file medical records under seal is granted. The Clerk will file publicly the reply (Docket Entry No. 22-1) and will maintain under seal the exhibits filed in support of appellant's reply to appellees' response to the court's January 14, 2022 order (Docket Entry No. 22-2).

All other pending motions are denied as moot.

No further filings will be entertained in this closed case.

DISMISSED.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

DEC 13 2021

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U.S. COURT OF APPEALS

MICHAEL T. BROOKS, ex rel. United
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Plaintiff - Appellant,

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AGATE RESOURCES, INC.; et al.,

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D.C. No. 6:14-cv-01424-MC
U.S. District Court for Oregon,
Eugene

ORDER

A review of this court's docket reflects that the filing and docketing fees for this appeal remain due. Within 21 days after the date of this order, appellant shall pay to the district court the \$505.00 filing and docketing fees for this appeal and file in this court proof of such payment or file in this court a motion to proceed in forma pauperis.

The filing of a motion to proceed in forma pauperis will automatically stay the briefing schedule under Ninth Circuit Rule 27-11.

The Clerk shall serve a Form 4 financial affidavit on appellant.

If appellant fails to comply with this order, this appeal may be dismissed by the Clerk for failure to prosecute. See 9th Cir. R. 42-1.

FOR THE COURT:

**MOLLY C. DWYER
CLERK OF COURT**

**By: Cyntharee K. Powells
Deputy Clerk
Ninth Circuit Rule 27-7**

**Additional material
from this filing is
available in the
Clerk's Office.**