

Case No. 22-5584

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

ORDER

DONALD LYNN MARTIN

Petitioner - Appellant

v.

UNITED STATES OF AMERICA

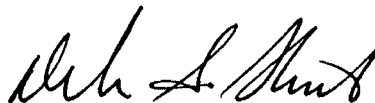
Respondent - Appellee

Appellant/Petitioner having previously been advised that failure to satisfy certain specified obligations would result in dismissal of the case for want of prosecution and it appearing that the appellant/petitioner has failed to satisfy the following obligation(s):

The proper fee was not paid by **October 14, 2022**,

It is therefore **ORDERED** that this cause be, and it hereby is, dismissed for want of prosecution.

**ENTERED PURSUANT TO RULE 45(a),
RULES OF THE SIXTH CIRCUIT**
Deborah S. Hunt, Clerk



Issued: November 16, 2022

EXHIBIT A

June 7, 2022

Clerk of the Court
United States District Court
for the Western District of Kentucky
601 West Broadway
Louisville, Kentucky 40202-2284

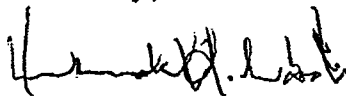
Re: Case No. 3:17-cr-00141-DJH-HBB
Case No. 3:19-cv-905-DJH

Dear Clerk,

I am requesting 2 (two) items from my Docket. (1) This is an exhibit which was part of Document # 91, it is exhibit 5E. (2) There are 2 (two) entries on my Docket that reference my arrest. The first, is between entry number 6 and 7, but has no number. It just simply states; "Arrest of Donald Lynn martin(JMB)(Entered:10/25/17)". The other entry is Docket number 12 Warrant Returned. I need a copy of my arrest warrant.

Please send these to me as soon as possible. Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald Martin", written over a horizontal line.

Donald Martin

AFFIDAVIT OF FINANCIAL STATEMENT
(Exercise of Constitutionally Secured Right)

July 18, 2022

Donald-Lynn:Martin, Authorized Representative,
Natural person, In Propriis Persona:
EX Relations DONALD LYNN MARTIN TRUST
ALL RIGHTS RESERVED U.C.C. 1-103, U.C.C. 1-308
Not a Corporate person or entity, misrepresented by
Fraudulent Construct of ALL CAPITAL LETTERS
Indiana Territory
C/O 3022 Fairway Drive
Floyds Knobs, Indiana Republic [47119]

To: UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
601 WEST BROADWAY
LOUISVILLE, KENTUCKY 40202-2284

NOTICE TO JUDGES AND OFFICIALS 'OATH-BOUND OBLICATIONS' AND FIDUCIARY DUTIES

Article VI

"All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation. This Constitution and the Laws of the United States which shall be made in pursuance thereof, and the treaties made under the authority of the United States, shall be Supreme Law of the Land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding. The Senators and Representatives before mentioned, and the members of several States Legislatures, and executive and judicial officers, both of the United States and of the Several States, shall be bound by Oath of a Affirmation to support this Constitution; but no religious test shall be required as a qualification to any office or public trust under the United States."

Article I, Section X

"All debts shall be payable in gold or silver coin"

Amendment V

"No person shall be deprived of due process of law."

I, Donald Lynn Martin, Affirm, for the Record, that I do not have or possess, any gold or silver coins, as prescribed by the United States Constitution Law, which is the lawful money to pay the restricting demands, conditionally commanded by Employees and Contractors of the Courts. The said restrictions(unconstitutional) are arbitrarily (hindering Due Process) and imposed for processing these Documents, as stipulated in the United States Constitution noted above. Therefore, I submit this Writ "In Forma Pauperis", being an enjoyment and exercise of the Unconstitutional and Constitutionally-Secured Rights (and not a Feudal-Fee-Burden privilage) to timely speedily enforce Due Process of Law, as noted above.

Your Demand for a "Financial Statement" is used as an Instrument to deny me due process of law and my right to free access to the courts. I introduce evidence in the form of an Affidavit of Fact and mark it as Evidence. Someone in the Courts tampered with that evidence, which is a Federal Violation, and misrepresented it as a motion which is discretionary and an assumption that permission must be requested to exercise my Constitutional Rights and exercise of a Right is a Constitutional Right, not a request and this Office knows that. This is a direct violation of my "Secured Constitutional/Treaty/Right which is the Supreme Law of the Land" and "Stare Desisis" and a violation of your "Oath of Office". Furthermore as there is no law as prescribed in the United States Constitution stating a "Financial Statement"/"Financial Fee(Fuadal Law)", or a "Motion" requesting permission must be submitted in order to exercise my Constitutional Rights, Your Demand is a violation of your Fiduciary Duties.

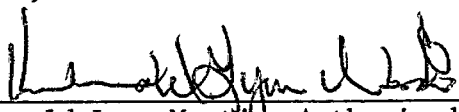
Amendment IX

"The enumeration in the Constitution, of the certain Rights, shall not be construed to deny or disparage others retained by the people...

Where rights secured by the Constitution are violated, there can be no Rule-Making or legislation, which would abrogate them. Miranda V. Arizona, 384 U.S. 436, 125;

As an Officer(s) of the Court, you and your assigns are bound (or have taken) a solemn Oath (see Article VI) to uphold and support the Constitution for the United States Republic, Refusal of this "Affidavit of Financial Statement" is construed to deny me timely 'Due Process' and will be a 'Colorable Act' to violate my Secured exercise of a right. Such an act and imposition is a violation of your Official Oath of Office. This can result in additional lawful remedy actions filed against those violating Officers of the Court, Under Title 18 and Title 42, in their official and private capacities. The Law always gives a remedy for the people against Color of Law actions committed by those who violate their Oath of Office colluding to abridge the Rights Secured for the National beings and the citizens.

I respectfully with 'Good Faith' and with 'Honor', by right to unhinder Due Process, submit this "Affidavit of Fianacial Statement" and evidence. Thank You,


Donald-Lynn:Martin, Authorized Representative,
Natureal Person, In Propriis Persona
EX Relation DONALD LYNN MARTIN (C)
All Rights Reserved U.C.C. 1-103; U.C.C. 1-308
C/O Indiana Territory
3022 Fairway Drive
Floyds Knobs, Indiana, Republic [47119]

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

EXHIBIT C

August 8, 2022

Clerk of the Court
United States District Court
for the Western District of Kentucky
601 West Broadway
Louisville, Kentucky 40202-2284

Re: Case No. 3:17-cr-00141-DJH-HBB
Case No. 3:19-cv-905-DJH

Dear Clerk,

On June 7, 2022 the defendant in the above two cases sent a letter to you requesting 2 (two) items from his docket. The first, was Exhibit 5E of docket number 91. The second, was a copy of his Arrest Warrant which was noted on his docket between docket No. 6 & 7 without any number, the other item was docket number 12.

The Defendant wishes to remind you, Clerks of all Federal Courts are under oath pursuant to 18 USC §1512 and requires that clerks are not to alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding, or intimidate, threaten, or corruptly persuades another person to withhold a record, document, or other object, from an official proceeding, or obstructs, influences, or impedes any official proceeding.

The defendant in the above cases needs the requested items pursuant to ongoing litigation.

Thank you for your assistance in this matter.

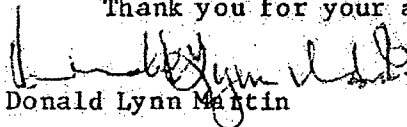

Donald Lynn Martin

EXHIBIT D

FILED

JAMES J. VILT, JR. - CLERK

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

AUG 24 2022

CASE NO. 22-5584

U.S. DISTRICT COURT
WEST'N. DIST. KENTUCKY
August 21, 2022

Ms. Deborah S. Hunt
Clerk of the Court
United States Court of Appeals
for the Sixth Circuit
Potter Stewart United States Courthouse
100 East Fifth Street, Suite 540
Cincinnati, Ohio 45202

Dear Ms. Hunt,

I am in receipt of a letter from my case manager Ms. Michelle R. Lambert, dated August 11, 2022. In her letter, she indicated I must file with the district Court a motion to proceed on appeal IFP (In Forma Pauperis). Be advised that my "Affidavit of Financial Statement" was docketed by the District court on July 22, 2022 as confirmed in Ms. Lambert's letter.

It appears the District Court, or some other officer of the court or the Court of Appeals is directing her to misconstrue my "Affidavit of Financial Statement" as a motion. As stated in said Affidavit "I submit this Writ 'In forma Pauperis'." In addition, as stated in the Affidavit, "your Demand for a "Financial Statement" is used as an instrument to deny me due process of law and my right to free access to the courts."

MAXIMS OF LAW

In judicial proceedings, nothing is believed unless proved upon oath[/affidavit].

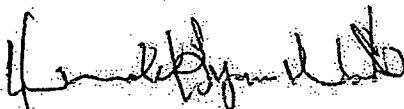
An un rebutted affidavit stands as judgement in commerce.

He who does not rebutt when he can, accepts or admits.

Truth is expressed in the form of an affidavit.

Since the District court in Louisville, Kentucky has not rebutted any issues raised in the Appellant's Affidavit of Financial Statement, the Affidavit stands as truth and judgement. Therefore, Appellant's status as a pauper stands, and no fees are required for free access to the Courts and Appellant's guaranteed right to "Due Process of Law."

Sincerely,



Donald Lynn Martin
All rights Reserved/ UCC 1-103
and UCC 1-308

CC: United States District Court
for the Western District of Kentucky
Louisville Division

EXHIBIT E

United States District Court
Western District of Kentucky



MEMORANDUM

To: Donald Lynn Martin, #19080-033
Ashland
Federal Correctional Institution
P.O. Box 6001
Ashland, KY 41105

From: Office of the Clerk

Date: August 29, 2022

Re: Recent letters in Criminal Action No. 3:17CR-141-DJH (DNs 243 and 245)

You recently sent two letters addressed to the Clerk of Court requesting a copy of several items in the docket sheet. You request a copy of Exhibit 5E to DN 91, which is enclosed.

You also request a copy of your "Arrest Warrant which was noted in [the] docket between docket No. 6 & 7 without any number, the other items was docket number 12." The docket entry you reference dated October 25, 2017, is a text entry and is not associated with a separate document. Docket number 12 is a sealed document. If you seek a copy of a sealed document, you must file a motion requesting and explaining your need for the document.

No further action will be taken on your letter.

Enclosure (copy of Exhibit 5E to DN 91)

.010

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

Donald Lynn Martin)	
Movant/Defendant)	Case No. 3:17-cr-00141-DJH-HBB
)	Case No. 3:19-cv-905-DJH
v)	
)	
United States of America)	
Plaintiff)	Motion to Compel
)	Clerk to Enter Pursuant
)	to FRCP 5(d)
)	

MOTION TO COMPEL

the Clerk of the Court to Provide
Documents Pursuant to Federal Rules
of Civil and Criminal Procedure

COMES NOW, Donald Lynn Martin, acting Sui Juris, and shall hereinafter be referred to as the Defendant, and Demands this Court to ORDER the Clerk of the Court to provide documents to the Defendant by Writ of Mandamus.

The Defendant requires the following list of documents sent directly to him within the next 21 days. These documents are needed pursuant to on-going litigation. 2 (two) of the documents have previously been requested. See (EXHIBIT A). Due to the failure of the Clerk of the Court to provide said documents, it has **'hightened the concern'** certain documents may not exist, therefore, the Defendant has increased the list of needed items.

Documents Required

- 1) Exhibit E5 of document # 91
- 2) Docket Number 12, Arrest Warrant [Form A0442]
- 3) Complaint and/or Affidavit Establishing Probable Cause.
- 4) Clerk to "Evidence" the "Bond" filed by the Prosecutor [A. Spencer McKiness] on the case.

VENUE

This Court is the correct venue pursuant to 28 USC §1391(b)(1) & (2).

JURISDICTION

28 USC §1361 - Action to Compel an Officer of the United States to Perform his duty.

District Court shall have original jurisdiction of any action in the nature of Mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff [Movant/Defendant].

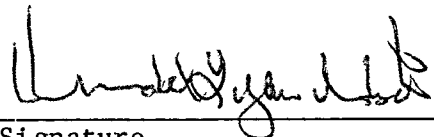
Rule 44. Proving an Official Record

The Defendant requests that each record submitted be "Proved" in accordance with FRCP 44(a) and the "lack of any record" be "proved" in accordance with FRCP 44(b).

VERIFICATION

The Defendant declares under penalty of perjury and under the laws of the United States of America the foregoing statement(s) are true and correct.

Executed on Sept. 1, 2022 (date), in accordance with Title 28 USC §1746.



Signature

Donald Lynn Martin

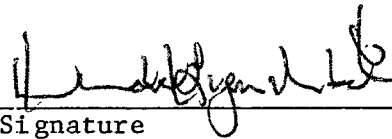
Defendant

All rights Reserved/ UCC 1-103
and UCC 1-308.

CERTIFICATE OF SERVICE

The Defendant certifies under penalty of perjury that the foregoing document(s) has been placed in the institution legal mail system of FCI Ashland in a manner of service by way of prepaid mail of the United States Postal Service addressed to the office of the Clerk of the United States District Court for the Western District of Kentucky, Louisville Division to be disseminated to all parties whom have registered to receive legal notice of filings on the docket.

Executed on September 1, 2022 (date)



Signature

Donald Lynn Martin

Defendant

All Rights Reserved/ UCC 1-103
and UCC 1-308.

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

PROPOSED ORDER

WRIT OF MANDAMUS

The United States district court for the Western district of Kentucky orders all State, county, City, town, and Villages Judges; Court Clerks; County Clerks; County Sheriffs to obey the Law of the Land;

Article VI, Clause 2. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The United States Constitution guarantees to every state in this union and the People thereof, a constitutional republican form of government that the judiciary and all oath takers must obey.

Therefore all State, County, City, Town and Villages Judges; Court Clerks, County Clerks; County Sheriffs and United States Marshals are so ordered as follows:

- i. All Federal , State, County, City, Town and Villages Judges and clerks are to obey under penalty of 18 USC §1512, Law of the Land, are not to alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity of availability for use in an official proceeding, or intimidate, threaten, or corruptly persuade another person to withhold a record, document, or other object, from an official proceeding; or obstructs, influences, or impedes any official proceeding.
- ii. All clerks under penalty of 18 USC §2076, Law of the Land, are to file and are not to refuse or neglect to make or forward any report, certificate,

statement, or document from the common law grand jury and all judges are to act upon them as required by law.

It is therefore the **ORDER** of this Court, the Clerk of the Court shall promptly reply to the Motion to Compel, filed by Donald Lynn Martin, Case No. 3:17-cr-00141-DJH-HBB and Case No. 3:19-cv-905-DJH.

SO ORDERED AND ADJUDGED.

DATED: _____

David J. Hale, Judge
United States District Court

September 1, 2022

Clerk of the Court
United States District Court
Western District of Kentucky
601 West Broadway
Louisville, Kentucky 40202-2284

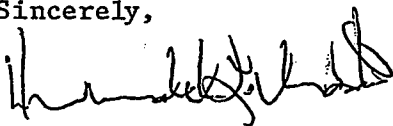
Re: Your letter of August 29, 2022
Case No. 3:17-cr-00141-DJH

Dear Clerk,

Today I received your above referenced letter. I am confused! When I viewed the copy of the Exhibit you sent, I realized it was not my vehicle. I checked the letters I had sent requesting the Exhibit, and found that I asked for Exhibit 5E, which is the exhibit you sent, however, this is not my vehicle. When I prepared the motion to compel, which I mailed today, I thought perhaps I had reversed the identifying information, so I requested exhibit E5 in the motion to compel, which is now incorrect. To ensure I had the correct information, I pulled the transcripts and exhibit list, filed with my case, which I have enclosed. My vehicle has gray leather interior. The photo you sent has tan cloth interior. My vehicle only had my cell phone and a can of red bull visible on the console. The photo you sent has a can, a water bottle, coins, papers, and maybe suncllasses. I certainly don't understand how the exhibit 5E you sent got attached to my case number. What has happened to the real exhibits for my case? I will leave that for you to figure out.

As far as the docket number 12, which is the Arrest Warrant, as I am certain there are items contained on said document, that I do not want on a public record, such as PACER.COM or otherwise. So, I do not want the record unsealed. I simply want a copy of the warrant, and see no reason that can't be sent, and leave the document sealed. Please explain if that isn't possible. As I mentioned earlier, I mailed the court a motion regarding these records along with 2 additional items.

Sincerely,



Donald Martin

AFFIDAVIT OF FACT

Writ of Error-Exhibit A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION
LOUISVILLE, KENTUCKY 40202-2284

Re: Case No: 3:17-cr-00141-DJH-HBB

Case No. 3:19-cv-905-DJH

As of the date of this filing I have not received a response to the "Affidavit of Financial Statement", filed on August 11, 2022. I followed up with another letter to both the Appellate Court and the District Court on August 24, 2022 and still I have not had any response.

For the Record, On the record, and let the Record Show, I am an Indigenous Natural Person and not a nam-de-guerre, Strawman or any other artificial corporate construct as written in ALL CAPITAL LETTERS, by the unclean hands of others. I am Sovereign to this Land and as such, this Administrative court does not have lawful Jurisdiction to hear, present or past judgment in any matter concerning my affairs under a quasi Criminal non-sanctioned tribunal of foreign Private law process.

Let the Record show, my Affidavit of Financial Statement was an exercise of right "In Forma Pauperis".

UNITED STATES CONSTITUTION ARTICLE VI:

"All debts contracted and engagements entered into, before the adoption of the Constitution, shall be as valid against the United States under the Constitution as under the Confederation. This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be Supreme Law of the Land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any such State to the contrary notwithstanding. The Senators and Representatives before mentioned, and the members of the Several State legislatures, and all executive and Judicial officer, both of the United States and of the several States, shall be bound by Oath of Affirmation to support this constitution; but no religious test shall be required as a qualification to any Public Trust under the United States."

UNITED STATES CONSTITUTION AMENDMENT V.

"In All Criminal prosecution, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

The "Affidavit of Financial Statement" says plaintiff does not have, possess, "any Gold or Silver Coins". Pursuant to the United States Constitution as follows:

CONSTITUTION ARTICLE I, SECTION X:

No state shall enter into any treaty, Alliance, or Confederation; grant letters of Margque and reprisal; coin money, emit bills of credit; make anything but gold and silver coin a tender in payment of debts;

I Affirm, for the Record, I do not have , nor do I possess, any Gold or Silver coins, as prescribed by United States Constitution, (Article I, Section 10) which is lawful money, to pay the restricting demands, Conditionally Commanded by Employees and Contractors of the Court. The restriction, that you are imposing, are unconstitutional, and arbitrarily hinders Due Process. Therefore, I submit this Writ "**In Forma Pauperis**", being and enjoyment and exercise of my unconstitutional and Constitutionally-Secured Rights, to timely and speedily enforce Due Process of Law [and] (not Federal Law-Fee-Burdened Privilege), as demanded by the Court Officers.

Clearly your unlawful demand for a "Financial Statement" is used as an Instrument to deny 'Due Process' of Law and to hinder my right to free access to the courts. I introduced an Affidavit of Fact, marked as Evidence. A Motion is discretionary and an assumption that permission must be requested to exercise a Constitutionally-Secured right. As exercise of a Right is not a Request, and your office know this to be the Law of the Land an "stare Desisis". Tampering with Evidence is a severe Federal Violation, and a clear act of "Corruption" and an abandonment of the fiduciary duties of All court Officers. Futhermore, there is no Law prescribed in the United States Constitution stating, or requiring a "**Financial Statement**" or "**financial Fee**" (**Feudal Law**); nor does it REQUIRE a "MOTION" to exercise a Contitutionally-secured Right. Your demand is a violation of Amendment IX of the United States Constitution and a violation of my Secured Right to Due Process.

UNITED STATES CONSTITUTION, AMENDMENT IX:

"the enumeration in the Constitution. of certain rights, shall NOT BE construed to deny or disparage others retained by the people "

Where Rights Secured by the Constitution are involved, there can be NO Rule Making or legislation, which would abrogate them MIRANDA V ARIZONA, 384 US 436, 125:

It is the position of the United States District Court, for the Western District of Kentucky, Louisville Division and/or Current Judges and Officers. that access to the Court, which is a Constitutional Right, is FOR SALE.

In Addition, it appears that your position expresses that there is a Law to support that "Access to the Court. and to Due Process of Law IS FOR SALE. Produce the Law to support this position. refer to the United States Constitution Article VI. *Cannon v. Commission of Judicial Qualifications(1975)14 Cal. 3d 678, 694 acts in excess of Judicial authority Constitutes Misconduct, Particularly where a Judge deliberately disregards the requirements of fairness and due process.

This is not only a violation of the United States Constitution., and of your Oath, it is also a violation of the constitution of INDIANA, KENTUCKY and 48 States.

As Officers of the Court, you and your assigns are bound, and have taken a Solemn Oath to uphold and support the Constitution of the United States Republic (See Article VI). refusal of the "Affidavit of Financial Statement" is construed to deny me "Due Process" and is a "Colorable Act". This Act Constitutes "Perjury of Oath";

These violations result in additional lawful remedies or actions filed against those violating officer of the Court. Under United States code Law, Title 18 and 42. Offenders may be sued in their Official and Private capacities. The Law always gives a remedy.

I Respectfully, with "Good Faith" and with "Honor, Demand free access unhindered. By rightful Due Process, I submit this "Affidavit of Financial Statement" and "Evidence" and Demand that it be processed as it was originally intended and without Tampering, Alteration and futher delay by any unauthorized person.

NOTICE TO AGENT IS NOTICE TO PRINCIPAL
NOTICE TO PRINCIPAL IS NOTICE TO AGENT

Thank You,

By. 

Donald-Lynn Martin, Authorized Representative
Natural person, in propria persona
EX relations: DONALD LYNN MARTIN
ALL RIGHTS RESERVED U.S.C. 1-103, U.C.C. 1-308
Intiana Territory
c/o 3022 Fairway Drive
Floyds Knobs, Indiana Republic [47119]
Non-Domestic

CC:

United States Attorney General
950 Pennsylvania Ave.
Washington, D.C. 20530

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

Donald Lynn Martin
Movant/Defendant

v

United States of America
Plaintiff/Respondent

)
)
) Case No. 3:17-cr-00141-DJH

) Case No. 3:19-cv-905-DJH
)
)

)
)
) Motion for the Court to
) Show Cause; Clerk to Enter
) Prusuant to FRCP 5(d)
)

COMES NOW, Donald Lynn Martin, acting Sui Juris, and shall hereinafter be referred to as the Movant.

On July 18, 2022, the Movant filed with this Court an 'Affidavit In Forma Pauperis'. Having no response from this Court, Movant then filed a Writ of Error on September 8, 2022. Again, there has been no response from this Court, and the Movant continues to wait for a response to his 'Affidavit In Forma Pauperis' so he may file his brief with the Sixth Circuit Court of Appeals which has been docketed as 22-5584.

The Movant is requesting this Court to "Show Cause" as to why Movant's Affidavit has not been ruled upon.

Continued delay in a ruling on this issue is harming the Movant and continuing to prejudice the Movant with continued unlawful incarceration at FCI Ashland. The Movant believes the issues which are being appealed in his 28 USC §2255, will result in his charges being overturned and result in his immediate release.

POINTS OF LAW

Federal Rules of Civil Procedure

Rule 1. Scope and Purpose:

These rules govern the procedure in all civil actions and proceedings in the United States district courts, except as stated in Rule 81. They should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.

Rule 2. One Form of Action:

There is one form of action--the civil action.

Case Law

"Indeed, nothing more than an affidavit is necessary to establish a prima facia case" (United States v Kis, 653 F. 2d 526, 533 (CA7 1981).

"To be sure, any amount of time in prison constitutes prejudice." (Glover v. United States, 531 U.S. 198, L. Ed. 2d 604, (2001).

"The Courts are bound to take notice of the Constitution."

(Marbury v Madison, 5 US 137, 2 L. Ed. 60; (headnotes)(1803)

"An act of congress repugnant to the Constitution cannot become law." Id.

Maxims of Law

No action can be brought to enforce a fraud. A plaintiff must have clean hands.

Maxim in commerce [and Law]: failure to rebutt is to accept.

Maxim in commerce. [and Law]: An un rebutted affidavit stands as judgement.

Where the Law requires anyone to show cause, the cause must be just and legal.

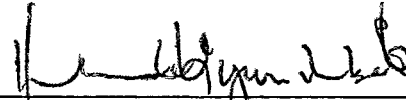
CONCLUSION

The Movant believes the Court's delay in ruling on the Affidavit submitted is a violation of the above referenced "Points of Law". Therefore having no response from the court the Movant accepts as truth [h]is Affidavits as submitted which constitute a judgement in favor of the Movant. The "Proposed Order" attached should be signed and transmitted to the Sixth Circuit Court of Appeals.

VERIFICATION

The Movant declares under penalty of perjury and under the Laws of the United states of America the foregoing statement(s) are true and correct.

Executed on Sept. 28, 2022 (date), in accordance with Title 28 USC §1746.

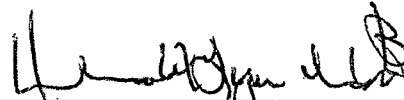


Donald Lynn Martin
Movant/Defendant
All rights Reserved/ UCC 1-103
and UCC 1-308.

CERTIFICATE OF SERVICE

The Movant certifies under penalty of perjury that the foregoing document(s) has been placed in the institution legal mail system of FCI Ashland in a manner of service by way of first class mail of the United States Postal Service addressed to the office of the Clerk of the United States District Court for the Western District of Kentucky, Louisville Division to be disseminated to all parties whom have registered to receive legal notice of filings on the docket.

Executed on September 28, 2022 (date).



Donald Lynn Martin
Movant/Defendant
All Right Reserved/ UCC 1-103
UCC 1-308.

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

Donald Lynn Martin
Movant/Defendant

V

United States of America
Plaintiff

Case No. 3:17-cr-00141-DJH

Case No. 3:19-cv-905-DJH

[PROPOSED] ORDER

This court being sufficiently advised and for the reasons contained therein and for good cause it is hereby,

ORDERED that the Defendants' Affidavit in Forma Pauperis is GRANTED.

Dated: _____

David J. Hale
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

Donald Lynn Martin
Movant/Defendant

v

United States of America
Plaintiff

Case No. 3:17-cr-00141-DJH-HBB

Motion to Unseal Document
Clerk to Enter Pursuant to
FRCP 5(d)

COMES NOW, Donald Lynn Martin, acting Sui Juris, and shall hereinafter be referred to as the Movant.

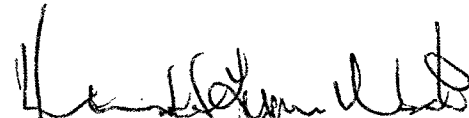
The Movant is requesting the Court to "UNSEAL" the Movant's "Arrest Warrant", (DN 12) on October 25, 2017. Once unsealed, the Movant is requesting the Court to order the Clerk of the Court to mail a certified copy to the Movant at the following address:

Donald Maartin # 19080-033
Federal Correctional Institution
P.O. Box 6001
Ashland, Kentucky 41105

VERIFICATION

The Movant declares under penalty of perjury and under the Laws of the United States of America the foregoing statement is true and correct.

Executed on Oct. 18, 2022 (date), in accordance with Title 28 USC §1746.



Donald Lynn Martin
Movant/Defendant
All Rights Reserved/ UCC 1-103
and UCC 1-308.

CERTIFICATE OF SERVICE

The Movant certifies under penalty of perjury that the foregoing document has been placed in the institution legal mail system of FCI Ashland in a manner of service by way of First Class mail of the United States Postal Service addressed to the Office of the Clerk of the United States District Court for the Western District of Kentucky, Louisville Division to be disseminated to all parties whom have registered to receive legal notice of filings on the docket.

Executed on October 18, 2012 (date).

A handwritten signature in black ink, appearing to read "Donald Lynn Martin", written over a horizontal line.

Donald Lynn Martin
Movant/Defendant
All Rights Reserved/ UCC 1-103
and UCC 1-308.

EXHIBIT K-1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

DONALD LYNN MARTIN,

Movant/Defendant,

v.

Criminal Action No. 3:17-cr-141-DJH

UNITED STATES OF AMERICA,

Respondent/Plaintiff.

* * * * *

ORDER

This matter is before the Court upon several filings by *pro se* Movant/Defendant Donald Lynn Martin. The Court denied Martin's 28 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence by Memorandum Opinion and Order and Judgment entered on May 20, 2022 (Docket Nos. 239 and 240). Martin filed an appeal (DN 241), which is pending. "As a general rule the filing of a notice of appeal divests the district court of jurisdiction and transfers jurisdiction to the court of appeals." *Cochran v. Birkel*, 651 F.2d 1219, 1221 (6th Cir. 1981). However, the Sixth Circuit "has consistently held that a district court retains jurisdiction to proceed with matters that are in aid of the appeal." *Id.* The Court will broadly construe the pending motions concerning Martin's requests for documents as being brought in aid of the appeal and will address the motions.

Motion to compel

Martin filed a motion "to compel the Clerk of the Court to provide documents" (DN 249). He requests that the following documents be provided to him: "1) Exhibit E5 of document #91[;] 2) Docket Number 12, Arrest Warrant (Form AO442)[;] 3) Complaint and/or Affidavit Establishing Probable Cause[; and] 4) Clerk to 'Evidence' the 'Bond' filed by the Prosecutor (A. Spencer McKiness) on the case[.]"

EXHIBIT K-2

By Memorandum (DN 247) sent to Martin from the Clerk of Court's Office in response to his prior request for documents, the Clerk's Office provided him with a copy of Exhibit 5E to DN 91. Thus, the motion to compel the Clerk to produce this document must be denied as moot.¹

Martin also requests the Court to compel the Clerk to provide him a copy of his arrest warrant (DN 12), which is filed under seal. Because the arrest warrant is filed under seal, the motion to compel the production of this document must be denied. Martin later filed a motion to unseal the arrest warrant (DN 253). The Court will direct the United States to respond to the motion below.

With regard to Martin's requests for the "Complaint and/or Affidavit Establishing Probable Cause[,]" it is unclear what document in the docket Martin is requesting. However, the **Court DIRECTS the Clerk of Court to send Martin a copy of the Indictment (DN 1).**

As to Martin's request for the "Clerk to 'Evidence' the 'Bond' filed by the Prosecutor (A. Spencer McKiness) on the case[,]" the Court is unable to discern what Martin is requesting, and the motion will be denied as to this request.

For these reasons, it is hereby

ORDERED that the motion "to compel the Clerk to provide documents" (DN 249) is **DENIED** with the exception of the Clerk providing a copy of the Indictment as stated above.

¹ After receiving the exhibit, Martin filed a letter (DN 250), stating that the exhibit sent to him, a photo of the interior of a vehicle, was not in fact his vehicle. To the extent that Martin seeks to dispute the exhibit at this point, as final judgment has been entered in this case, this Court has no jurisdiction to hear any argument concerning the exhibit at this stage. See *United States v. Martin*, 913 F.2d 1172, 1174 (6th Cir. 1990).

3

EXHIBIT L-1

RECEIVED

NOV 14 2022

DEBORAH S. HUNT, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Donald Lynn Martin

Case No. 3:17-cr-00141-DJH-HBB

PETITION FOR WRIT OF MANDAMUS

**To The United States District Court
For The Western District of Kentucky**

Judge David J. Hale

EXHIBIT L-2

BACKGROUND

The action in which this petition arises is captioned as United States v Donald Lynn Martin, and is proceeding the United States District Court for the Western District of Kentucky, Louisville Division, Case Number 3:17-cr-00141-DJH-HBB, the Honorable David J. Hale, presiding.

The Petitioner is the defendant in that action.

Donald Lynn Martin was represented by David Mejia, Attorney and is now proceeding, Pro Se, Sui Juris, in these matters. The United States is the plaintiff in the action. The United States is represented by A. Spencer McKiness, Assistant United States Attorney.

1. The Petitioner filed his 28 USC §2255 timely and said Motion to Vacate, Set Aside, or Correct a Sentence is still pending in the District Court.
2. The Petitioner has filed his notice of Appeal to the Sixth Circuit on July 11, 2022 (DN 241) and the Circuit Case Number is 22-5584.
3. On June 7, 2022 Petitioner requested 2 (two) items listed on the Courts docket be sent to the Petitioner. See (EXHIBIT A)
4. On July 18, 2022 the Petitioner filed an "Affidavit of Financial Statement" for In Forma Pauperis to proceed with filing Petitioner's Appeal with the Sixth Circuit Court of Appeals.
5. On August 8, 2022 the Petitioner followed up with the Clerk, not having a reply from the June 7, 2022 letter. See (EXHIBIT B)
6. On September 1, 2022 the Petitioner mailed a "Motion to Compel" requesting the previous 2 (two) items from the docket and expanded the request for 2 (two) additional items. This motion also included a "Writ of Mandamus" demanding the District Court to Order the Clerk to Comply with the Plaintiff's request, for the

EXHIBIT L-3

now, 4 (four) items he requested.

7. Later that same day, September 1, 2022 the Petitioner received a letter from the Clerk of the Court with the "Trial Exhibit" Petitioner had requested. However, the photographic evidence was NOT the Petitioner's vehicle. Additionally, the Clerk explained that the "Arrest Warrant" Petitioner had requested was "Sealed" and that is why it wasn't available. As this Court will see from Petitioners letter of September 1, 2022, I explained that I did not want the warrant unsealed, just a copy. See (EXHIBIT C)
8. According to the docket sheet (DN 248) NOTICE to Counsel. was entered. This stated exhibits are destroyed after 2 (two) weeks. Petitioner avers he never received such a notice. Additionally, the photographic evidence requested was part of Document No. 91 of the Official Trial Transcripts. Plaintiff is not familiar with LCRR 55.2(c). See (EXHIBITS D-1 & D-2)
9. On September 12, 2022 the Petitioner's "Affidavit of Fact", a Writ of Error regarding the District Court's failure to rule on the petitioner's In Forma Pauperis Affidavit.
10. On September 28, 2022 the Petitioner filed a "Motion to show cause" with the District Court as to the fact the Petitioner has not had a ruling on his In Forma Pauperis.
11. Lastly, on October 18, the Petitioner filed a "Mption to Unseal" the Arrest Warrant in hopes this would allow the Clerk to forward a copy to the Petitioner.

STATEMENT OF FACTS

I. The Petitioner has diligently followed up with both the District Court and the Clerk of the Appeals Court, Ms. Hunt in attempting to comply

EXHIBIT L-4

with Constitutional provisions, and also obtain material information in pursuit of Petitioner's, Fundamental Right of Self-Defense. The information the Petitioner is requesting is time sensitive in relation with on-going litigation, namely 28 USC §2255 as delays in being able to pursue timely and efficiently with court rules.

II. It is increasingly disturbing that the Court and it's officers have not been able to produce a certified copy of Petitioners "Arrest Warrant". It is also concerning the court is unable to provide a copy of photographic evidence used at trial, which seems to not be available.

RELIEF SOUGHT

1. Ruling on Petitioners Affidavit of In Forma Pauperis
2. "Certified" copies of photographic EXHIBIT 5E of Document 91.
3. Evidence of the "Bond" filed by the Prosecutor in case no. 3:17-cr-00141-DJH-HBB including the CUSIP No. of the bond.
4. "Certified" copy of the Complaint/Affidavit establishing probable cause in case No. 3:17-cr-00141-DJH-HBB
5. "Certified" copy of docket entry No. 12, Arrest Warrant, and evidence of the bond for the arrest warrant with Cusip No.
6. Failure to provide any items in 3, 4 or 5 will then stand as conclusive proof said items do not exist, Which will result in all charges against the Petitioner be "DISMISSED WITH PREJUDICE".

REASON WHY THE WRIT SHOULD ISSUE

The Petitioner has diligently, to the best of his ability, worked within the rules of civil and criminal procedure in his self-defense of his case. The Court has continually attempted to delay the Petitioner's efforts and harm Petitioner in their deprivation of Petitioner's Constitutional Rights

EXHIBIT L-5

to Due Process in accordance with Amendment Five of the Constitution of the United States. Petitioner realizes [h]e is not a trained attorney, however, he is a Certified Public Accountant, and college graduate. The Petitioner has relied on Supreme Court rulings that Pro Se litigants are to be given latitude as opposed to trained attorneys, however, it seems the latitude given is a very narrow path. When looking at the judicial system, it was always where "justice" was suppose to lie, and the Constitution is the "Law of the Land" and the "Supreme Court". During my time in custody, I have witnessed courts totally ignore Supreme Court rulings, Federal Statutes, and Rules of Procedure. How can "justice" be served when there is such disregard?

CONCLUSION

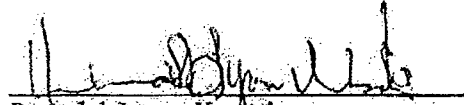
Petitioner is requesting this Court to issue the Writ of Mandamus so that Petitioner can pursue his Due Process.

EXHIBIT L-6

VERIFICATION

The Petitioner declares under penalty of perjury and under the laws of the United States of America the foregoing statement(s) are true and correct.

Executed on November 3, 2022 (date), in accordance with Title 28 USC §1746.



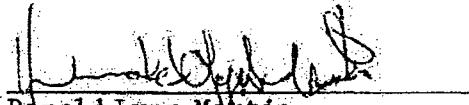
Donald Lynn Martin
Petitioner

All Rights Reserved/ UCC 1-103
and UCC 1-308
Andersons Uniform Commercial
Code

CERTIFICATE OF SERVICE

The Petitioner certifies under penalty of perjury that the foregoing document(s) have been placed in the institution legal mail service of FCI Ashland in a manner of service by way of prepaid mail of the United States Postal Service addressed to the Office of the Clerk of the United State Court of Appeals for the Sixth Circuit, in Cincinnati, Ohio to be disseminated to all parties whom have registered to receive legal notice of filings on the docket.

Executed on November 3, 2022 (date)



Donald Lynn Martin
Petitioner

All Rights Reserved/ UCC 1-103
and UCC 1-308
Andersons Uniform Commercial
Code

CC: United States District Court
for the Western District of Kentucky
601 West Broadway
Louisville, Kentucky 40202-2284

EXHIBIT M

Case No. 22-5584

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

ORDER

DONALD LYNN MARTIN

Petitioner - Appellant

v.

UNITED STATES OF AMERICA

Respondent - Appellee

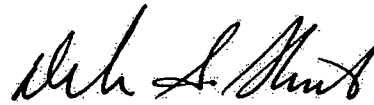
Appellant/Petitioner having previously been advised that failure to satisfy certain specified obligations would result in dismissal of the case for want of prosecution and it appearing that the appellant/petitioner has failed to satisfy the following obligation(s):

The proper fee was not paid by **October 14, 2022**,

It is therefore **ORDERED** that this cause be, and it hereby is, dismissed for want of prosecution.

**ENTERED PURSUANT TO RULE 45(a),
RULES OF THE SIXTH CIRCUIT**

Deborah S. Hunt, Clerk



Issued: November 16, 2022

EXHIBIT N

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

UNITED STATES OF AMERICA

PLAINTIFF

v.

CRIMINAL ACTION NO. 3:17-CR-141-DJH

DONALD LYNN MARTIN

DEFENDANT

RESPONSE TO MOTION TO UNSEAL

The United States of America has no objection to Martin's motion to unseal the arrest warrant (DN 12) in this case.

Respectfully submitted,

MICHAEL A. BENNETT
United States Attorney

/s/ A. Spencer McKiness

A. Spencer McKiness
Assistant U.S. Attorney
717 West Broadway
Louisville, Kentucky 40202
(502) 582-5911
spencer.mckiness@usdoj.gov

EXHIBIT 0

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 3:17-cr-141-DJH

DONALD LYNN MARTIN,

Defendant.

* * * * *

ORDER

Defendant Donald Lynn Martin moves to unseal his arrest warrant (Docket No. 253), and the United States does not object. (D.N. 257) Accordingly, and the Court being otherwise sufficiently advised, it is hereby

ORDERED that Martin's motion to unseal (D.N. 253) is **GRANTED**. The Clerk of Court is **DIRECTED** to unseal the arrest warrant (D.N. 12) in the record.

November 29, 2022



David J. Hale, Judge
United States District Court

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Ms. Deborah S. Hunt
Clerk of the Court
100 East Fifth Street, Room 540
Potter Stewart U.S. Courthouse
Cincinnati, Ohio 45202-3988

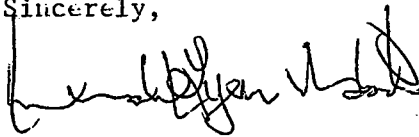
July 17, 2022

Re: Notice of Docketing
Case No. 22-5584

Dear Ms. Hunt,

The Appellant, Mr. Donald Lynn Martin received your notice of July 13, 2022 on July 15, 2022. Please be advised, the Appellant has not yet filed a motion for pauper status with the District Court in Louisville, Kentucky, so I am uncertain how you would be aware that such a filing has been "denied or denied in part". In addition, Appellant has not received any such denial from the District Court as of the date of this letter. Also, it is the Appellant's understanding that 29 USC §2255, Habeas Corpus actions are "exempt" from the filing fee provisions of the Prison Litigation Reform Act (*Kincade v Sparkman*, 117 F. 3d 949, 951-52 (6th Cir. 1997)). Appellant has not received copies of his Trust Fund account statements due to the staff member in-charge being on vacation. Appellant will follow up with the District Court regarding these issues. Please advise if the Appellant needs to take further action.

Sincerely,



Donald Lynn Martin
19080-033

RECEIVED

AUG 11 2022

EXHIBIT R

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

DEBORAH S. HUNT, Clerk

Ms. Deborah S. Hunt
Clerk of the Court
100 East Fifth Street, Room 540
Potter Stewart U. S. Courthouse
Cincinnati, Ohio 45202-3988

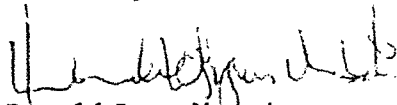
August 8, 2022

Re: Notice of Docketing
Case No. 22-5584

Dear Ms. Hunt,

The Appellant, Mr. Donald Lynn Martin, received your notice of July 13, 2022 regarding the docketing of the above captioned case. In that notice you indicated that the case may be dismissed without notice if the filing fee was not paid by August 14, 2022. Please be advised, that the Appellant filed "**In Forma Pauperis**" with the United States District Court for the Western District of Kentucky, Louisville Division on July 18, 2022. As of the date of this letter, Appellant has not received a determination regarding his Financial Statement and filing status. The Appellant is requesting his Appeal not be dismissed. Appellant also requests this Court to inquire about the status of his request with the District Court in Louisville.

Sincerely,



Donald Lynn Martin
19080-033

EXHIBIT S

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: August 11, 2022

Mr. Donald Lynn Martin
F.C.I. Ashland
P.O. Box 6001
Ashland, KY 41105

Re: Case No. 22-5584, *Donald Martin v. USA*
Originating Case No. 3:19-cv-00905 : 3:17-cr-00141-1

Dear Mr. Martin,

You are responsible for either paying **\$505.00 to the district court** or filing a motion for pauper status in the district court. You have until **September 12, 2022** to do one or the other.

Please note that if you do nothing, the appeal will be dismissed for want of prosecution without further notice.

Sincerely yours,

s/Michelle R. Lambert
Case Manager
Direct Dial No. 513-564-7035

cc: Mr. Adrien Spencer McKiness
Ms. Monica Wheatley

EXHIBIT T

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: August 11, 2022

Mr. Donald Lynn Martin
F.C.I. Ashland
P.O. Box 6001
Ashland, KY 41105

Re: Case No. 22-5584, *Donald Martin v. USA*
Originating Case No. 3:19-cv-00905 : 3:17-cr-00141-1

Dear Mr. Martin,

The court is in receipt of your correspondence dated August 8, 2022. On July 22nd the district court docketed an affidavit that reflects the affidavit you sent on July 18, 2022. You must fill out the district court In forma pauperis forms and file the motion to proceed on appeal IFP with the district court. Failure to do so will result in this appeal being dismissed for want of prosecution.

I have enclosed a courtesy copy of the district court in forma pauperis forms.

Sincerely yours,

s/Michelle R. Lambert
Case Manager
Direct Dial No. 513-564-7035

cc: Mr. Adrien Spencer McKiness
Ms. Monica Wheatley

RECEIVED

EXHIBIT U

AUG 24 2022

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

CASE NO. 22-5584

DEBORAH S. HUNT, Clerk

August 21, 2022

Ms. Deborah S. Hunt
Clerk of the Court
United States Court of Appeals
for the Sixth Circuit
Potter Stewart United States Courthouse
100 East Fifth Street, Suite 540
Cincinnati, Ohio 45202

Dear Ms. Hunt,

I am in receipt of a letter from my case manager Ms. Michelle R. Lambert, dated August 11, 2022. In her letter, she indicated I must file with the district Court a motion to proceed on appeal IFP (In Forma Pauperis). Be advised that my "Affidavit of Financial Statement" was docketed by the District court on July 22, 2022 as confirmed in Ms. Lambert's letter.

It appears the District Court, or some other officer of the court or the Court of Appeals is directing her to misconstrue my "Affidavit of Financial Statement" as a motion. As stated in said Affidavit " I submit this Writ 'In forma Pauperis'." In addition, as stated in the Affidavit, "your Demand for a "Financial Statement" is used as an instrument to deny me due process of law and my right to free access to the courts."

MAXIMS OF LAW

In judicial proceedings, nothing is believed unless proved upon oath[/affidavit].

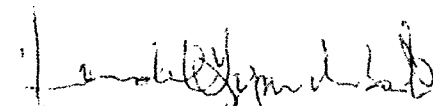
An un rebutted affidavit stands as judgement in commerce.

He who does not rebutt when he can, accepts or admits.

Truth is expressed in the form of an affidavit.

Since the District Court in Louisville, Kentucky has not rebutted any issues raised in the Appellant's Affidavit of Financial Statement, the Affidavit stands as truth and judgement. Therefore, Appellant's status as a pauper stands, and no fees are required for free access to the Courts and Appellant's guaranteed right to "Due Process of Law."

Sincerely,



Donald Lynn Martin
All rights Reserved/ UCC 1-103
and UCC 1-308

CC: United States District Court
for the Western District of Kentucky
Louisville Division

RECEIVED

SEP 14 2022

EXHIBIT V

DEBORAH S. HUNT, Clerk

Clerk of the Court
United States Court of Appeals
for the Sixth Circuit
100 East fifth Street, room 540
Potter Stewart United States Courthouse
Cincinnati, Ohio 45202-3988

September 9, 2022

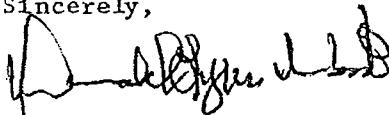
Re: Case no 22-5584
Originating Case No. 3:17-cr-00141-DJH; 3:19-cv-905-DJH

Dear Ms. Hunt,

I am in receipt of your letter of August 11, 2022. In that letter you indicated I had until September 12, 2022 to either pay the filing fee to the District Court or file a motion for Pauper status. Be advised I have filed what I believe to be the necessary information in the form of an Affidavit, which I have already advised you about. I have still not had any response from the District Court regarding my status. On September 8, 2022 I filed a Writ of Error with the District Court in Louisville. Hopefully, this will finally clear this matter up, so we can move forward with the appeal in this case.

Therefore, I am requesting you do not dismiss this case for want of prosecution.

Sincerely,



Donald Lynn Martin
Appellant
All Rights Reserved/ UCC 1-103
and UCC 1-308

EXHIBIT W-1

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: November 16, 2022

Mr. Donald Lynn Martin
F.C.I. Ashland
P.O. Box 6001
Ashland, KY 41105

Mr. Adrien Spencer McKiness
Office of the U.S. Attorney
Western District of Kentucky
717 W. Broadway
Louisville, KY 40202

Ms. Monica Wheatley
Office of the U.S. Attorney
Western District of Kentucky
717 W. Broadway
Louisville, KY 40202

Re: Case No. 22-5584, *Donald Martin v. USA*
Originating Case No. 3:19-cv-00905 : 3:17-cr-00141-1

Dear Mr. Martin and Counsel,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Michelle R. Lambert
Case Manager
Direct Dial No. 513-564-7035

EXHIBIT W-2

Case No. 22-5584

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

ORDER

DONALD LYNN MARTIN

Petitioner - Appellant

v.

UNITED STATES OF AMERICA

Respondent - Appellee

Appellant/Petitioner having previously been advised that failure to satisfy certain specified obligations would result in dismissal of the case for want of prosecution and it appearing that the appellant/petitioner has failed to satisfy the following obligation(s):

The proper fee was not paid by **October 14, 2022**,

It is therefore **ORDERED** that this cause be, and it hereby is, dismissed for want of prosecution.

**ENTERED PURSUANT TO RULE 45(a),
RULES OF THE SIXTH CIRCUIT**

Deborah S. Hunt, Clerk



Issued: November 16, 2022

NOV 28 2022

NOV 2

DEBORAH S. HUNT, Clerk

EXHIBIT X-1

V

Motion to Reconsider
This Court's Order Dated
11/16/2022 to Dismiss
Appellant's 28 USC §2255

1. First, the Appellant has followed all Federal Rules of Civil Procedure and Federal Rules of Appellate Procedure in an effort to pursue Due Process on his case before this Court.
2. Timely "Notice of Appeal was filed on July 11, 2022, and the District Court did not issue a certificate of appealability. See; (DN 241 & 240)(EXHIBIT D-1)
3. On July 15, 2022 Appellant received this Court's letter of July 13, 2022 and immediately replied. See; (EXHIBIT E)
4. Following procedure, Appellant filed his Affidavit "In Forma Pauperis, (DN 244) on July 22, 2022. See; (EXHIBIT D-1). As of the date of this filing, the District Court has not ruled on Appellant's "In forma Pauperis" motion.
5. On August 24, 2022 the Court of Appeals was sent a letter acknowledging receipt of this Court's letter of August 11, 2022. Appellant replied stating the issues as understood by the Appellant. See; (EXHIBIT F)-Copy to District Court

EXHIBIT X-2

6. On September 12, 2022 Appellant's Affidavit of Fact (Writ of Error) was entered on the District Court's docket. (DN 251) See; (EXHIBIT D-2). Asserting Appellant's Rights in regards to the previously filed Affidavit In Forma Pauperis. See; (EXHIBIT I) NO response from the District Court has been received.
7. The Appellant received a letter from the Court of Appeals dated September 14, 2022 on or around September 19, 2022, again directing the Appellant to pay the filing fee of \$505.00 to the District Court by October 14, 2022. The Appellant replied (copy of letter not available), indicating Appellant had not received any answer from the District Court, and if no answer was received the Appellant would file a "Writ of Mandamus" with the Appeals Court in further attempt for a ruling so Appellant can proceed.
8. Before filing the "Writ of Mandamus", Appellant filed a "Show Cause Motion" with the District Court. See (EXHIBIT F) and (DN 252).
9. The District Court at (DN 254) (EXHIBIT H) Denied as moot Appellant's "Motion to Show Cause" based on having provided certain documents Appellant had requested, but "never responded to the reason why the court had not ruled on the 'In forma Pauperis'"

As this Court can see, the Appellant has diligently attempted to get the District Court to rule on his Affidavit In Forma Pauperis with no avail. The Appellant avers his unalienable Rights as protected by the Constitution of the United States are being trespassed upon. Not only those as stated in Appellant's Affidavit pursuant to Art. I, §X and Amend. V. of the Constitution, but also Art. VI, as stated in Appellant's "Writ of Error". The Appellant further avers his unalienable Rights pursuant to the First Amendment are being violated as [h]is right of "grievance and redress" [to the government] is being ignored. There is "No Fee" mentioned in the First Amendment, nor a "fee for access to the courts" in the First Amendment, nor is there any such language in the Fifth Amendment relative to "Due Process of Law". In fact, the first words contained in the First Amendment, are clear, "Congress shall make no law", in regards to the "Rights" identified in the First Amendment.

As stated in the "Declaration of Independence, "...We hold these truths to be self-evident, that all men are created equal, that they are

EXHIBIT X-3

endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these Rights governments are instituted among men deriving their just power from the consent of the governed...". The Supreme court made the following summary of the Rights of the people: "As in our interaction with our fellow-men certain principles of morality are assumed to exist, without which society would be impossible. So certain inherent rights lie at the foundation of all action, and upon a recognition of them alone can free institutions be maintained. These inherent rights have never been more happily expressed than in the Declaration of Independence, the evangel of liberty to the people. "We hold these truths to be "self-evident" - words so plain that their truth is recognized upon their mere statement - that all men are endowed" - NOT by the edicts of Emperors or decrees of Parliament, or acts of Congress, but by their Creator with certain unalienable rights" - that is, rights which cannot be bartered away, or given away, or taken away...and that among these are life, liberty and the pursuit of happiness, and to secure these - not grant them but secure them - "governments are instituted among men, deriving their just powers from the consent of the governed." (Butchers' Union Co. v. Crescent City Co., 111 US 746, at 756-757.

Needless to say, the Appellant does not, has not, and will not surrender his rights [property] given by my Creator.

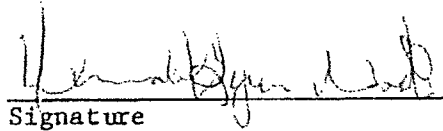
RELIEF

1. Appellant wishes for this Court to direct the District Court to approve his In Forma Pauperis Affidavit.
2. Appellant wishes for this Court to issues a briefing Schedule for the case at bar.
3. Appellant wishes to proceed with his Due Process of Law regarding his 28 USC §2255.

EXHIBIT X-4

VERIFICATION

The Appellant declares under penalty of perjury and under the laws of the United States of America the foregoing statement(s) are true and correct. Executed on November 22, 2022 (date), in accordance with Title 28 USC §1746.

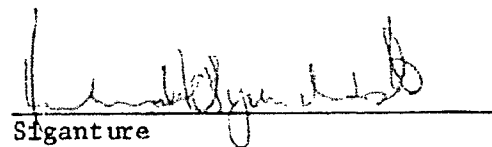


Signature
Donald Lynn Martin
Appellant
All Rights Reserved/ UCC 1-103
and UCC 1-308

CERTIFICATE OF SERVICE

The Appellant certifies under penalty of perjury that the foregoing document(s) has been placed in the institution legal mail system of FCI Ashland in a manner of service by way of first class mail of the United States Postal Service addressed to the office of the Clerk of the United States Court of Appeals in Cincinnati, Ohio to be disseminated to all parties whom have registered to receive legal notice of filings on the docket.

Executed on November 22, 2022 (date)



Signature
Donald Lynn Martin
Appellant
All Right Reserved/ UCC 1-103
and UCC 1-308

EXHIBIT X-5

EXHIBITS D-1 & D-2

04/13/2022	<u>232</u>	MOTION to Hold in Abeyance, MOTION for Extension of Time to File Reply by Donald Lynn Martin. (DLW) (Entered: 04/18/2022)
04/20/2022	<u>233</u>	MOTION to Strike the Government's Response (DN 226) by Donald Lynn Martin. (DLW) (Entered: 04/21/2022)
04/20/2022	<u>234</u>	REPLY TO RESPONSE to Motion by Donald Lynn Martin re <u>229</u> MOTION for Default Judgment Pursuant to FRCP 55(a) and (d) Also FRCP 77(c)(2)(C) Directs the Clerk to Enter Pursuant to FRCP 5(d)(4). (DLW) (Entered: 04/21/2022)
04/22/2022	<u>235</u>	MOTION for Discovery Pursuant to FRCP 26(b)(1) and Directs the Clerk to Enter Pursuant to FRCP 5(d)(4) by Donald Lynn Martin. (DLW) (Entered: 04/25/2022)
05/05/2022	<u>236</u>	RESPONSE to Motion by USA as to Donald Lynn Martin re <u>233</u> MOTION to Strike the Government's Response (DN 226) (McKiness, A.) (Entered: 05/05/2022)
05/16/2022	<u>237</u>	ORDER Signed by Judge David J. Hale on 5/16/2022: Martin's <u>215</u> motion for compassionate release is DENIED after a complete review of the motion on the merits. Martin's motions <u>182</u> for leave to appeal in forma pauperis, <u>184</u> to seal, <u>229</u> for default judgment, <u>232</u> for an extension of time, and <u>233</u> to strike are DENIED as moot. cc: Defendant (pro se), Counsel (DLW) (Entered: 05/16/2022)
05/16/2022	<u>238</u>	REPLY TO RESPONSE to Motion by Donald Lynn Martin re <u>233</u> MOTION to Strike the Government's Response DN <u>226</u> . (SRH) (Entered: 05/17/2022)
05/20/2022	<u>239</u>	MEMORANDUM OPINION AND ORDER Signed by Judge David J. Hale on 5/20/2022 as to Donald Lynn Martin (1): The <u>202</u> Findings of Fact, Conclusions of Law, and Recommendation of Magistrate Judge H. Brent Brennenstuhl are ADOPTED in full and INCORPORATED herein. Martin's <u>206</u> objection to the magistrate judge's recommendation is OVERRULED. Martin's <u>235</u> motion for discovery is DENIED as moot. Martin's <u>213</u> motion to withdraw his objection to the Court's Order denying his motion for reconsideration is GRANTED. Martin's <u>209</u> objection to the Court's Order denying his motion for reconsideration is OVERRULED as moot. Martin's <u>211</u> motion for a status report regarding his objection to the Court's Order denying his motion for reconsideration is DENIED as moot. Martin's <u>220</u> objection to the magistrate judge's order denying his motion to preserve is OVERRULED. A separate judgment will be entered this date. cc: Defendant (pro se), Counsel (DLW) Civil Case 3:19-cv-00905-DJH closed. (Entered: 05/20/2022)
05/20/2022	<u>240</u>	JUDGMENT by Judge David J. Hale on 5/20/2022 as to Donald Lynn Martin: Movant/Defendant Donald Lynn Martin's <u>133</u> motion to vacate, set aside, or correct his sentence is DENIED. This matter is DISMISSED and STRICKEN from the Court's active docket. No certificate of appealability shall issue with respect to any issue or claim raised in this proceeding. cc: Defendant (pro se), Counsel (DLW) (Entered: 05/20/2022)
07/11/2022	<u>241</u>	NOTICE OF APPEAL by Donald Lynn Martin re <u>240</u> Judgment (JM) (Entered: 07/12/2022)
07/13/2022	<u>242</u>	USCA Case Number as to Donald Lynn Martin 22-5584 for <u>241</u> Notice of Appeal filed by Donald Lynn Martin. (Case Manager: Michelle R. Lambert) (JM) (Entered: 07/14/2022)
07/13/2022	<u>243</u>	Letter from Defendant Donald Lynn Martin. (DLW) (Entered: 07/14/2022)
07/22/2022	<u>244</u>	AFFIDAVIT of Financial Statement by Donald Lynn Martin. (DLW) (Entered: 08/02/2022)
08/11/2022	<u>245</u>	Letter from Defendant Donald Lynn Martin. (SRH) (Entered: 08/12/2022)

08/24/2022	<u>246</u>	Letter from Defendant Donald Lynn Martin to 6th Circuit Court of Appeals. (DLW) (Entered: 08/26/2022)
08/29/2022	<u>247</u>	MEMORANDUM to Defendant Donald Lynn Martin re <u>243</u> Letter, <u>245</u> Letter. (DLW) (Entered: 08/30/2022)
09/06/2022	<u>249</u>	MOTION to Compel the Clerk of the Court to Provide Documents Pursuant to Federal Rules of Civil and Criminal Procedure by Donald Lynn Martin (Attachments: # <u>1</u> Exhibit A) (DLW) (Entered: 09/09/2022)
09/07/2022	<u>248</u>	NOTICE To Counsel. If the exhibits filed by the U.S. Government are not claimed within two (2) weeks from the date of the letter, the exhibits will be destroyed pursuant to LCRR 55.2(c). (D'Agostino, Drew) (Entered: 09/07/2022)
09/09/2022	<u>250</u>	Letter from Defendant Donald Lynn Martin (Attachments: # <u>1</u> Attachment) (DLW) (Entered: 09/13/2022)
09/12/2022	<u>251</u>	AFFIDAVIT of Fact by Donald Lynn Martin. (DLW) (Entered: 09/14/2022)
10/03/2022	<u>252</u>	MOTION for the Court to Show Cause by Donald Lynn Martin (Attachments: # <u>1</u> Proposed Order) (DLW) (Entered: 10/05/2022)

PACER Service Center			
Transaction Receipt			
10/23/2022 12:31:53			
PACER Login:	martinDL.70	Client Code:	
Description:	Docket Report	Search Criteria:	3:17-cr-00141-DJH-HBB Starting with document: 230
Billable Pages:	4	Cost:	0.40

EXHIBIT X-8

EXHIBIT E

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Ms. Deborah S. Hunt
Clerk of the Court
100 East Fifth Street, Room 540
Potter Stewart U.S. Courthouse
Cincinnati, Ohio 45202-3988

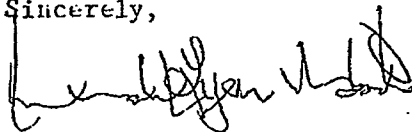
July 17, 2022

Re: Notice of Docketing
Case No. 22-5584

Dear Ms. Hunt,

The Appellant, Mr. Donald Lynn Martin received your notice of July 13, 2022 on July 15, 2022. Please be advised, the Appellant has not yet filed a motion for pauper status with the District Court in Louisville, Kentucky, so I am uncertain how you would be aware that such a filing has been "denied or denied in part". In addition, Appellant has not received any such denial from the District Court as of the date of this letter. Also, it is the Appellant's understanding that 29 USC §2255, Habeas Corpus actions are "exempt" from the filing fee provisions of the Prison Litigation Reform Act (*Kincade v Sparkman*, 117 F. 3d 949, 951-52 (6th Cir. 1997)). Appellant has not received copies of his Trust Fund account statements due to the staff member in-charge being on vacation. Appellant will follow up with the District Court regarding these issues. Please advise if the Appellant needs to take further action.

Sincerely,



Donald Lynn Martin
19080-033

EXHIBIT X-10

EXHIBIT F

FILED

JAMES J. VILT, JR. - CLERK

AUG 24 2022

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUITCASE NO. 22-5584U.S. DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
August 21, 2022

Ms. Deborah S. Hunt
Clerk of the Court
United States Court of Appeals
for the Sixth Circuit
Potter Stewart United States Courthouse
100 East Fifth Street, Suite 540
Cincinnati, Ohio 45202

Dear Ms. Hunt,

I am in receipt of a letter from my case manager Ms. Michelle R. Lambert, dated August 11, 2022. In her letter, she indicated I must file with the district court a motion to proceed on appeal IEP (In Forma Pauperis). Be advised that my "Affidavit of Financial Statement" was docketed by the District court on July 22, 2022 as confirmed in Ms. Lambert's letter.

It appears the District Court, or some other officer of the court or the Court of Appeals is directing her to misconstrue my "Affidavit of Financial Statement" as a motion. As stated in said Affidavit "I submit this Writ 'In forma Pauperis'." In addition, as stated in the Affidavit, "your Demand for a 'Financial Statement' is used as an instrument to deny me due process of law and my right to free access to the courts."

MAXIMS OF LAW

In judicial proceedings, nothing is believed unless proved upon oath[/affidavit].

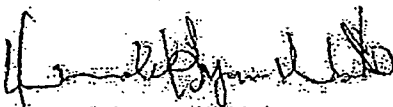
An un rebutted affidavit stands as judgement in commerce.

He who does not rebut when he can, accepts or admits.

Truth is expressed in the form of an affidavit.

Since the District court in Louisville, Kentucky has not rebutted any issues raised in the Appellant's Affidavit of Financial Statement, the Affidavit stands as truth and judgement. Therefore, Appellant's status as a pauper stands, and no fees are required for free access to the Courts and Appellant's guaranteed right to "Due Process of Law."

Sincerely,



Donald Lynn Martin
All rights Reserved/ UCC 1-103
and UCC 1-308

CC: United States District Court
for the Western District of Kentucky
Louisville Division

EXHIBIT X-12

AFFIDAVIT OF FACT

Writ of Error-Exhibit A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION
LOUISVILLE, KENTUCKY 40202-2284

Re: Case No:3:17-cr-00141-DJH-HBB

Case No. 3:19-cv-905-DJH

As of the date of this filing I have not received a response to the "Affidavit of Financial Statement", filed on August 11, 2022. I followed up with another letter to both the Appellate Court and the District Court on August 24, 2022 and still I have not had any response.

For the Record, On the record, and let the Record Show, I am an Indigenous Natural Person and not a nam-de-guerre, Strawman or any other artificial corporate construct as written in ALL CAPITAL LETTERS, by the unclean hands of others. I am Sovereign to this Land and as such, this Administrative court does not have lawful Jurisdiction to hear, present or past judgment in any matter concerning my affairs under a quasi Criminal non-sanctioned tribunal of foreign Private law process.

Let the Record show, my Affidavit of Financial Statement was an exercise of right "In Forma Pauperis".

UNITED STATES CONSTITUTION ARTICLE VI:

"All debts contracted and engagements entered into, before the adoption of the Constitution, shall be as valid against the United States under the Constitution as under the Confederation. This Constitution, and the Laws of the United States which shall be made in pursuance thereof,; and all treaties made, or which shall be made, under the authority of the United States, shall be Supreme Law of the Land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any such State to the contrary notwithstanding. The Senators and Representatives before mentioned, and the members of the Several State legislatures, and all executive and Judicial officer, both of the United States and of the several States, shall be bound by Oath of Affirmation to support this constitution; but no religious test shall be required as a qualification to any Public Trust under the United States."

UNITED STATES CONSTITUTION AMEDEMMENT V.

"In All Criminal prosecution, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

The "Affidavit of Financial Statement" says plaintiff does not have, possess, "any Gold or Silver Coins". Pursuant to the United States Constitution as follows:

CONSTITUTION ARTICLE I, SECTION X:

No state shall enter into any treaty, Alliance, or Confederation; grant letters of Margque and reprisal; coin money, emit bills of credit; make anything but gold and silver coin a tender in payment of debts;

I Affirm, for the Record, I do not have , nor do I possess, any Gold or Silver coins, as prescribed by United States Constitution, (Article I, Section 10) which is lawful money, to pay the restricting demands, Conditionally Commanded by Employees and Contractors of the Court. The restriction, that you are imposing, are unconstitutional, and arbitrarily hinders Due Process. Therefore, I submit this Writ "~~In Forma Pauperis~~", being and enjoyment and exercise of my unconstitutional and Constitutionally-Secured Rights, to timely and speedily enforce Due Process of Law [and] (not Federal Law-Fee-Burdened Privilage), as demanded by the Court Officers.

Clearly your unlawful demand for a "Financial Statement" is used as an Instrument to deny 'Due Process' of Law and to hinder my right to free access to the courts. I introduced an Affidavit of Fact, marked as Evidence. A Motion is discretionary and an assumption that permission must be requested to exercise a Constitutionally-Secured right. As exercise of a Right is not a Request, and your office know this to be the Law of the Land an "stare Desisis". Tampering with Evidence is a severe Federal Violation, and a clear act of "Corruption" and an abandonment of the fiduciary duties of All court Officers. Futhermore, there is no Law prescribed in the United States Constitution stating, or requiring a "Financial Statement" or "financial Fee" (Feudal Law); nor does it REQUIRE a "MOTION" to exercise a Contitutionally-secured Right. Your demand is a violation of Amendment IX of the United States Constitution and a violation of my Secured Right to Due Process.

UNITED STATES CONSTITUTION. AMENDMENT IX:

"the enumeration in the Constitution. of certain rights. shall NOT BE construed to deny or disparage others retained by the people "

Where Rights Secured by the Constitution are involved, there can be NO Rule Making or legislation, which would abrogate them MIRANDA V ARIZONA, 384 US 436, 125:

It is the position of the United States District Court, for the Western District of Kentucky, Louisville Division and/or Current Judges and Officers. that access to the Court, which is a Constitutional Right, is FOR SALE.

In Addition, it appears that your position expresses that there is a Law to support that "Access to the Court. and to Due Process of Law IS FOR SALE. Produce the Law to support this position. refer to the United States Constitution Article VI. *Cannon v. Commission of Judicial Qualifications(1975)14 Cal. 3d 678, 694 acts in excess of Judicial authority Constitutes Misconduct, Particularly where a Judge deliberately disregards the requirements of fairness and due process.

This is not only a violation of the United States Constitution., and of your Oath, it is also a violation of the constitution of INDIANA, KENTUCKY and 48 States.

As Officers of the Court, you and your assigns are bound, and have taken a Solemn Oath to uphold and support the Constitution of the United States Republic (See Article VI). refusal of the "Affidavit of Financial Statement" is construed to deny me "Due Process" and is a "Colorable Act". This Act Constitutes "Perjury of Oath";

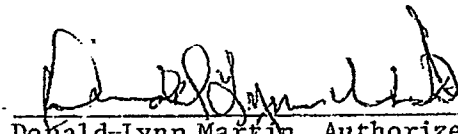
These violations result in additional lawful remedies or actions filed against those violating officer of the Court. Under United States code Law, Title 18 and 42. Offenders may be sued in their Official and Private capacities. The Law always gives a remedy.

I Respectfully, with "Good Faith" and with "Honor. Demand free access unhindered. By rightful Due Process, I submit this "Affidavit of Financial Statement" and "Evidence" and Demand that it be processed as it was originally intended and without Tampering, Alteration and futher delay by any unauthorized person.

NOTICE TO AGENT IS NOTICE TO PRINCIPAL
NOTICE TO PRINCIPAL IS NOTICE TO AGENT

Thank You,

By.



Donald-Lynn Martin. Authorized Representative
Natural person. in propria persona
EX relations: DONALD LYNN MARTIN
ALL RIGHTS RESERVED U.S.C. 1-103, U.C.C. 1-308
Intiana Territory
c/o 3022 Fairway Drive
Floyds Knobs, Indiana Republic [47119]
Non-Domestic

CC:

United States Attorney General
950 Pennsylvania Ave.
Washington, D.C. 20530

EXHIBIT X-16

Motion to show cause

Martin also filed a motion "for the Court to Show Cause; Clerk to Enter P[ur]suant to FRCP 5(d)" (DN 252). Martin complains that he had not received a response from the Court to his requests for documents. The Court having now addressed his motion to compel, it is hereby

ORDERED that the motion "for the Court to Show Cause" (DN 252) is **DENIED** as moot.

Motion to unseal

As stated above, Martin also filed a motion to unseal the arrest warrant (DN 253). Upon consideration, it is hereby

ORDERED that the United States shall file a response to the motion within 21 days of the entry of this Order.

Martin may file a reply within 21 days from service of the United States' response.

Date: October 27, 2022

A handwritten signature in black ink, appearing to read "D. J. Hale", is written over a circular official seal of the United States District Court.

David J. Hale, Judge
United States District Court

cc: Movant/Defendant Martin, *pro se*
United States Attorney

4415.010

EXHIBIT X-18

Continued delay in a ruling on this issue is harming the Movant and continuing to prejudice the Movant with continued unlawful incarceration at FCI Ashland. The Movant believes the issues which are being appealed in his 28 USC §2255, will result in his charges being overturned and result in his immediate release.



DONALD MARSH # 19080-033
FEDERAL CORRECTIONAL INSTITUTION
P.O. BOX 6001
ASHLAND, KENTUCKY 41105

EXHIBIT X-20

RECEIVED
NOV 28 2022
U.S. District Court, Clerk

CLERK OF THE COURT
UNITED STATES COURT OF
APPEALS
100 E. FIFTH STREET
ROOM 540
CINCINNATI, OHIO 45202-

MP

4

EXHIBIT Y-1

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: November 15, 2022

Mr. Donald Lynn Martin
F.C.I. Ashland
P.O. Box 6001
Ashland, KY 41105

Re: Case No. 22-6007, *In re: Donald Martin*
Originating Case No. 3:17-cr-00141-1 : 3:19-cv-00905

Dear Mr. Martin,

The petition for writ of mandamus has been docketed as case number **22-6007** with the caption listed above. If you have not already done so, you must mail a copy of the petition to the lower court judge and counsel for all the other parties.

The filing fee for the petition is **\$500**, which is payable to the Clerk, Sixth Circuit Court of Appeals. If you wish to seek a waiver of the filing fee, a motion for pauper status with a completed financial affidavit is due by **December 15, 2022**. The financial affidavit is available at www.ca6.uscourts.gov.

The district court judge to whom this petition refers has been served with this letter.

Sincerely yours,

s/Michelle R. Lambert
Case Manager
Direct Dial No. 513-564-7035

cc: Mr. James J. Vilt Jr.

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: November 28, 2022

Mr. Donald Lynn Martin
F.C.I. Ashland
P.O. Box 6001
Ashland, KY 41105

Re: Case No. 22-6007, *In re: Donald Martin*
Originating Case No. 3:17-cr-00141-1 : 3:19-cv-00905

Dear Mr. Martin,

The financial affidavit received by the courts on November 23, 2022, will not be entertained. The courts require that the financial affidavit and in forma pauperis forms that were sent to you be filled out and returned.

Sincerely yours,

s/Michelle R. Lambert
Case Manager
Direct Dial No. 513-564-7035