

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

April 11, 2023

**Christopher M. Wolpert
Clerk of Court**

COLBY JEROME HALE-EL,

Plaintiff - Appellant,

v.

REIGENBORN, Sheriff; MIKE EASON;
BRIAN S. MASON,

Defendants - Appellees.

No. 22-1437
(D.C. No. 1:22-CV-02624-LTB)
(D. Colo.)

ORDER AND JUDGMENT*

Before **BACHARACH, KELLY, and MORITZ**, Circuit Judges.**

Plaintiff-Appellant, Colby Jerome Hale-El, a detainee at the Adams County Detention Facility, seeks to appeal from the district court's order dismissing his action without prejudice for failure to comply with court orders to cure filing deficiencies. Fed. R. Civ. P. 41(b). These deficiencies include failing to submit an inmate account statement, clarifying his address of record, and indicating whether he is pursuing civil rights or habeas corpus claims. R. 106–07.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

** After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

We review a district court's order dismissing a complaint for failing to comply with a court order for an abuse of discretion. Nasious v. Two Unknown B.I.C.E. Agents, 492 F.3d 1158, 1161 (10th Cir. 2007). We construe pro se pleadings liberally, but pro se parties must still follow the rules of procedure that govern other litigants. Garrett v. Selby Connor Maddux & Janer, 425 F.3d 836, 840 (10th Cir. 2005). We "cannot take on the responsibility of serving as the litigant's attorney in constructing arguments and searching the record." Id. A pro se appellant is responsible for informing the court where a district court has erred and that requires addressing the grounds on which a challenged ruling depends. See id. at 840–41. On appeal, Mr. Hale-El relies upon the notice of removal (from local proceedings) and the pleadings which began this action claiming that he is protected by the Treaty of Peace and Friendship between Morocco and the United States. He also raises federal constitutional defenses and Colorado statutory defenses. He seeks dismissal of pending charges and compensatory and punitive damages for each person listed in his notice of removal.

We find no abuse of discretion in the district court's dismissal without prejudice and therefore affirm. We deny Mr. Hale-El's motion to proceed IFP, as he has not provided "a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal," DeBardleben v. Quinlan, 937 F.2d 502, 505 (10th Cir. 1991), and we direct him to pay any remaining unpaid balance of the appellate

filing fee. Finally, we deny all pending motions, including those for injunctive relief or a temporary restraining order.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT
Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157
Clerk@ca10.uscourts.gov

Christopher M. Wolpert
Clerk of Court

Jane K. Castro
Chief Deputy Clerk

April 11, 2023

Colby Jerome Hale-El
Adams County Detention Facility
P.O. Box 5001
Brighton, CO 80601
#202200011744

RE: 22-1437, Hale-El v. Reigenborn, et al
Dist/Ag docket: 1:22-CV-02624-LTB

Dear Appellant:

Enclosed is a copy of the order and judgment issued today in this matter. The court has entered judgment on the docket pursuant to Fed. R. App. P. Rule 36.

Please contact this office if you have questions.

Sincerely,



Christopher M. Wolpert
Clerk of Court

CMW/na

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

May 23, 2023

**Christopher M. Wolpert
Clerk of Court**

COLBY JEROME HALE-EL,

Plaintiff - Appellant,

v.

REIGENBORN, Sheriff, et al.,

Defendants - Appellees.

No. 22-1437

(D.C. No. 1:22-CV-02624-LTB)

(D. Colo.)

ORDER

Before **BACHARACH, KELLY, and MORITZ**, Circuit Judges.

Appellant's "Affidavit of Fact/Writ of Reconsideration" is construed as a petition
for rehearing and is denied.

Entered for the Court



CHRISTOPHER M. WOLPERT, Clerk



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
OFFICE OF THE CLERK

Jeffrey P. Colwell
Clerk

Alfred A. Arraj
United States Courthouse
901 19th Street
Denver, Colorado 80294

Phone: (303) 844-3433
E-mail: COD_ProSe_Filing@cod.uscourts.gov

Date: 01/24/2023

Document received: Letter Received 01/20/2023 Re: "Notice of Removal"

- ☐ No case number provided. This document is being returned to you.
- ☐ The Clerk's Office cannot provide advice on any legal matters or issues
- ☐ Our office does not forward mail. This pleading is being returned to you.
- ☒ Our court does not have the requested forms.
- ☐ Our court only provides one (1) set of forms.
- ☐ We do not provide the Federal Civil or Criminal Judicial Procedure and Rules. To order a copy, contact: West Publishing Corp., 610 Opperman Drive, Eagan, MN 55123. They are also available online on the court's website: www.cod.uscourts.gov. Go to "Related Court Links," then scroll down to the appropriate item.
- ☐ A search of the court's records does not find a case in our court for:
- ☐ To obtain the information requested you must contact the court/organization where this information is held.
- ☐ The enclosed documents are being returned to you unfiled. You must provide the case number you intend to file the documents in or submit them with the proper forms to initiate a new case.
- ☐ Plaintiff is directed to comply with D.C.COLO.LCivR 77.2 and D.C.COLO.LCrR 57.2 (copy attached) and refrain from sending letters or other ex parte communications directly to a judicial officer.
- ☐ To obtain copies of the transcripts you are requesting, please contact:
- ☐ Other:

Exhibit E

Very truly yours,
JEFFREY P. COLWELL, CLERK
By: /s/ B. Lawson
Deputy Clerk

Notices

1:22-cv-02624-LTB Hale-El v.
Eason et al **CASE CLOSED on**
12/06/2022

JD1,NP ProSe,PS4,TERMED

U.S. District Court - District of Colorado**District of Colorado****Notice of Electronic Filing**

The following transaction was entered on 8/24/2023 at 4:38 PM MDT and filed on 8/24/2023

Case Name: Hale-El v. Eason et al

Case Number: 1:22-cv-02624-LTB

Filer: Colby Jerome Hale-El

WARNING: CASE CLOSED on 12/06/2022

Document Number: 36

Docket Text:

NOTICE of Removal by Plaintiff Colby Jerome Hale-El (trvo,)

1:22-cv-02624-LTB Notice has been electronically mailed to:

1:22-cv-02624-LTB Notice has been mailed by the filer to:

Colby Jerome Hale-El
#931997
Denver County Jail (DCJ)
P.O. Box 1108
Denver, CO 80201-1108

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1071006659 [Date=8/24/2023] [FileNumber=9299357-0
] [41501e50e5b371c05ddb54f97674177aeb07e2c0c60262ae51d58979465bd897040
26631ca2097b3b5c29c72d21b77101349d761260cb3407fad5d49fba2eb0b]]

Exhibit F

2) In pursuance of Fed. R. App. P. 4 (a)(2) Filing Before Entry of Judgment. A not

A Notice of Appeal ~~to the Sup~~ to the Original Appellate Jurisdiction was electronically entered 7/12/2023 at 2:45 pm and filed the same day. ^{the} Document Number 35 for ^{the case was 35} Case No. 1:23-cv-00359-LTB-KLM ~~See~~. But an appeal was never filed to the Supreme Court of the United States. It was just labeled Notice.

4) ~~Appellant's~~ ^{and Legal Documents} were ~~temporarily~~ ^{temporarily} with at Adams County, ~~and~~ ^{and} Denver County and the U.S. District Court of Colorado. See Do.

6) ~~All~~ ^{See} This can be verified, ~~at~~ ^{See} paragraph 3, DECLARATION of Colby Jerome Hale E1, ~~Document~~ ^{Document} electronically entered August 11, 2023 at 11:14 AM ~~and~~ ^{and} MST and filed on August 11, 2023. Document Number 53 Case No. 1:23-cv-00008-RMR-SKC. ~~See~~ ^{See} Document Number 21 Case No. 1:23-cv-01039-LTB-KLM. Also see Document numbers 54 and 55 for Case No. 1:23-cv-03040-LTB-KLM.

Appellant will also be asking the Clerk Reporter to search ^{the filing} Documents Numbers ~~53~~ ^{along with corresponding case numbers} through 56. Affidavit ^{Because it is vital to the} and 'Affidavit of Fact' dated August 7, 2023 filed August 14, 2023 at paragraph ~~2~~ ² it explains ^{appeal} for the ~~that Appellant~~ ^{not only had NOT} ~~also~~ ^{First} received the ~~Second~~ ^{Second} Recommendation but also the Second Recommendation.

2) If Appellant files an appeal before the Judge makes his decision on the ^{negotiations} recommendations, that is an objection.

Supreme Court of the United States
Engelberg



Grievance / Appeal Response



Form Type

CAB Hearing Appeal No

☐

Grievance Yes

☐

Grievance - Not Processed

No

☐

Inmate Information

Today's Date:

Nov 22, 2023

First Name:

Colby

Last Name:

Hale

Inmate CD #:

931997

Facility

☒ COJL

☐ DDC

Housing unit-COJL

Building 21-M

Grievance Information

This Grievance response form is intended to guide responses to grievances.

Grievance Number

18 266262

Grievance
form
attached?

☐

Yes

Date grievance
submitted:

Nov 22, 2023 8:00 A

Grievance Response Due Date:

Jan 6, 2024 8:00 AM

Summary of grievance from grievance form:

Appeal Grievance 18 161949

Appendix G

Reviewer Response

Responding Party Rank:

Send to supervisor?

No

☐

Response Narrative:

A grievance determination is required. Please enter a determination in the section below.

Commander or Supervisor Response

Responding Party Rank:

Grievance Outcome Determination:

Response Narrative:

Mr. Hale, thank you for forwarding this to our attention. Your complaint was sustained and measures were put into place to correct this issue.

Thank you.

Ready to print?

☐

Yes

Appendix G
Reminder: grievances should be printed and given to the mailroom (DDC) or printed and hand delivered (DCJ)



Grievance / Appeal Response



Form Type

CAB Hearing Appeal No ☐ Grievance Yes ☒ Grievance - Not Processed No ☐

Inmate Information

Today's Date:

Nov 29, 2023

First Name:

Colby

Last Name:

Hale

Inmate CD #:

931997

Facility

☒ COJL

☐ DDC

Housing unit-COJL

Building 21-M

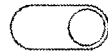
Grievance Information

This Grievance response form is intended to guide responses to grievances.

Grievance Number

18 266199

Grievance
form
attached?



Yes

Date grievance
submitted:

Nov 28, 2023 10:15

Grievance Response Due Date:

Jan 12, 2024 10:15 AM

Summary of grievance from grievance form:

Appeal grievance 18 266199

Appendix H

Interview

Remember to record the conversation with inmate. Ask the following information (try to gather specific details):

*If vague responses or descriptions are provided, probe further for additional detail**

As a quick reminder, it is critical that when conducting interviews of inmates, you maintain an interested and open attitude. Please refrain from making dismissive or judgmental comments when gathering information.

Body-worn camera/recording device used?

No ☐

Date and time of interview:

Dec 6, 2023 10:00 AM

Location of interview

Cell/Housing Unit ▼

When did the alleged incident(s) occur
(date/time)? *

Oct 8, 2023 11:19 PM

☐ Select if time / date of incident is an estimate

What happened / nature of complaint(s)?

An interview was completed on December 6, 2023, at approximately 1000 hours, to further investigate the date and nature of the complaint.

Were injuries sustained?

No ☐

Who was involved and/or witnessed the incident (names of deputies, inmates? if no names available, seek descriptions of people).

Captain Koch was present for the interview, BWC was activated and tagged.

Does any evidence exist?

No ☐

What would resolve the issue(s)?

The complaint was later investigated and sustained.

Appendix H

Reviewer Response

Responding Party Rank:

Send to supervisor?

No

☐

Response Narrative:

A grievance determination is required. Please enter a determination in the section below.

Commander or Supervisor Response

Responding Party Rank:

Grievance Outcome Determination:

Response Narrative:

Mr. Hale, thank you for forwarding this to our attention. I have reviewed your appeal, 18 266199 and 18 266233, and spoke to you on December 6, 2023, regarding your response. A video review was completed that there is a preponderance of the evidence that the mailbox was tampered with by an inmate housed in Building 21M. Your alleged allegation are Sustained. Video has been retained, OIC charges will be completed, and the Denver Police Department will be notified for possible criminal charges.

Appendix H



**SHERIFF
DEPARTMENT**
DENVER PUBLIC SAFETY

To: HALE, COLBY 0000931997 21M 02

From: Sgt. Ford S10025

Date: 10/10/23

Grievance #: 18-161875

RETURN TO AGENCY

Inmate Hale

In response to your grievance #18-161875,

At this time it does not meet the defined criteria for submitting a grievance per agency guidelines. Your grievance has been declined due to the following:

☒ **Duplicate grievance # 18-205185 received on 09/11/23 has been forwarded to the appropriate department/unit. Please allow the allotted timeframe (30 business days) for a response prior to submitting another grievance regarding the same matter. 18-161852 was answered by Major Bruning due to your complaint about the captain. Grievance 18-161822 was never picked up by any uniform staff member. Therefore there is no record of it being submitted. Video shows on 09/08/2023 at 11:39.05 an inmate took your grievance out of your door and placed it in their cell.**

- ☐ Actions of the Governor or State Legislature are not grievable
- ☐ Decisions of the board of Parole or Probation are not grievable
- ☐ Judicial proceedings or decisions of the Court are not grievable
- ☐ Complaints against other Law Enforcement Jurisdictions DSD Grievances cannot be addressed in regard to DOC procedures
- ☐ Obscene language or sexual connotations, (other than direct quotes)
- ☐ Use of derogatory or disrespectful language due to an individual's race, age, disability, ethnicity, religion, gender, citizenship, or sexual orientation
- ☐ Group grievances (general grievances must be filed by individuals)
- ☐ Incomplete information (name, CD #, date/time and location must be filled in for general grievances)
- ☐ Filed outside of 10 calendar days of the event giving rise to the general grievance -
- ☐ Indistinguishable grievance. Please explain in detail what your grievance is about regarding the Denver Sheriff Department and the remedy it is you seek.
- ☐ General grievances submitted on the behalf of other inmates
- ☐ Grievances containing more than one issue (Inmates must file separate general grievances for separate issue.)
- ☐ Filing an administrative appeal related to a disciplinary decision () Appeals follow the discipline appeal process as outlined in the inmate handbook
- ☐ Biohazard Material
- ☐ Not Grievable -

Sincerely,
Sgt. Ford
Captain / Staff

Determining Finding: CAPT. MINTEN

Date: 10/16/23

DECLINED

Finding: _____

Appendix I



Appendix I

10/25/23, 8:43 AM

Nintex Form for SharePoint Lists
submitted.

18 161873

Nov 2, 2023 3:00 PM

form
attached?
☐
Yes

Sep 18, 2023 3:00 PM

Summary of grievance from grievance form:

Notice title 28 usc section 636 is not on the law kiosk

Grievance Assignment

Date Assigned:

Sep 19, 2023 2:58 PM

Was this case re-assigned to DSD/GIRT from AIU?

☐
No

Responding Party Information:

Will this case be re-assigned to
another employee to review?

☐
No

Will this case be re-assigned for
a second time?

☐
No

Will this case be re-assigned a
third time?

☐
No

Interview Determination

Was an Interview Conducted?

Appendix J



Grievance / Appeal Response



Form Type

CAB Hearing Appeal No ☐ Grievance Yes ☐ Grievance - Not Processed No ☐

Inmate Information

Today's Date:

Oct 3, 2023

First Name:

Colby

Last Name:

Hale

Inmate CD #:

931997

Facility

☒ COJL

☐ DDC

Housing unit-COJL

Building 21-M

Grievance Information

This Grievance response form is intended to guide responses to grievances.

Grievance Number

18 161949

Grievance
form
attached?



Yes

Date grievance
submitted:

Oct 3, 2023 1:22 PM

Grievance Response Due Date:

Nov 17, 2023 1:22 PM

Summary of grievance from grievance form:

Getting his mail late.

Appendix K

Reviewer Response

Responding Party Rank:

Sergeant ▼

Send to supervisor?

No

☐

Response Narrative:

Mr. Hale in grievance # 18 161949 you stated that basicly your outgoing mail is not being sent out in reasonable time.

You also stated that the mail sits in the mail box for days.

Myself and Sgt. Needham have since rectified this issue and will Ensure that the mail will be picked up daily. If you find that this is not the case please ask for a supervisor.

Your remedy sought is for two deputies to be fired. You also would like the body camera footage as well as the hallway footage for date mentioned in your grievance. I have spoken to the deputies in question and again ensure you that we are all on the same page in getting the mail picked up and sent out in a timely manner. As far as the camera footage, I am not authorized to do so. This is a question for your attorney and the denver sheriff AIU.

This concludes your role in the grievance proces. Please submit the form.

Commander or Supervisor Response

Responding Party Rank:

Captain ▼

Grievance Outcome Determination:

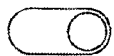
Sustained ▼

Response Narrative:

Actions have been taken to insure that the mail is picked up on a daily basis.

Ready to print?

Appendix K



Yes

*****Reminder: grievances should be printed and given to the mailroom (DDC) or printed and hand delivered (DCJ)*****

Appendix K

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 22-cv-02624-GPG

COLBY JEROME HALE-EL,

Plaintiff,

v.

MIKE EASON ET AL,

Defendant.

MINUTE ORDER

ENTERED BY U.S. MAGISTRATE JUDGE GORDON P. GALLAGHER

On October 6, 2022, when Plaintiff initiated this action *pro se* by filing a document titled "Legal Notice of Removal" (ECF No. 1), he indicated that his address of record was in Warner Robins, Georgia.

On October 11, 2022, the Court entered an Order Directing Plaintiff to Cure Deficiencies (ECF No. 3). The Court directed Plaintiff to obtain and use the court-approved Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) and Complaint form.

On October 21, 2022, Plaintiff submitted a Notice of Change of Mailing Location (ECF No. 4) indicating that he was detained at the Boulder County Jail in Boulder, Colorado.

On November 2, 2022, Plaintiff submitted a letter (ECF No. 7) stating that his mailing address was in Loveland, Colorado. He also filed a Prisoner Complaint (ECF No. 9) and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action (ECF No. 8).

It is unclear whether Plaintiff is currently detained at the Boulder County Jail (or another facility) or whether he is a nonprisoner. It is also unclear as to what type of cause of action Plaintiff intends to pursue.

First, Plaintiff must clarify whether he is currently detained and provide the Court with his most recent address. Plaintiff is advised that pursuant to this Court's local rules, he is required to file a notice of change of address within five days of any change of

address, see D.C.COLO.LCivR 5.1(c), and pursuant to Fed. R. Civ. P. 41(b) this action may be dismissed for failure to comply with the Court's local rules.

Second, Plaintiff must clarify his intentions by informing the Court whether he wishes to pursue a civil rights action pursuant to 42 U.S.C. § 1983, or whether he wishes to pursue a habeas corpus action pursuant to 28 U.S.C. § 2241 or § 2254.

- If Plaintiff is incarcerated, and he wishes to pursue civil rights claims, he must submit a **Prisoner Complaint** and a **Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915** (or pay the \$402.00 filing fee in advance).
- If Plaintiff is incarcerated, and he wishes to pursue habeas corpus claims, he must submit an **Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241** or an **Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254** and a **Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action** (or pay the \$5.00 filing fee in advance).
- If Plaintiff is **not** incarcerated, he must file his claims on the **Complaint** form used by nonprisoners, and he must submit an **Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)** (or pay the \$402.00 filing fee in advance).

Plaintiff has **thirty days from the date of this Minute Order** to clarify his address and the nature of this action by using the proper forms at set forth above. No other filings should be submitted at this time. If Plaintiff fails to comply within thirty days from the date of this Minute Order, the Court will dismiss this action without further notice.

The Clerk of the Court is directed to send Plaintiff a copy of each of these forms, along with the applicable instructions to his address in Georgia, Loveland, Colorado, and the Boulder County Jail.

DATED: November 4, 2022

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

April 11, 2023

Christopher M. Wolpert
Clerk of Court

COLBY JEROME HALE-EL,

Plaintiff - Appellant,

v.

REIGENBORN, Sheriff; MIKE EASON;
BRIAN S. MASON,

Defendants - Appellees.

No. 22-1437

(D.C. No. 1:22-CV-02624-LTB)

(D. Colo.)

ORDER AND JUDGMENT*

Before BACHARACH, KELLY, and MORITZ, Circuit Judges.**

Plaintiff-Appellant, Colby Jerome Hale-El, a detainee at the Adams County Detention Facility, seeks to appeal from the district court's order dismissing his action without prejudice for failure to comply with court orders to cure filing deficiencies. Fed. R. Civ. P. 41(b). These deficiencies include failing to submit an inmate account statement, clarifying his address of record, and indicating whether he is pursuing civil rights or habeas corpus claims. R. 106-07.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

** After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

May 23, 2023
petition for rehearing

Appendix M

We review a district court's order dismissing a complaint for failing to comply with a court order for an abuse of discretion. Nasious v. Two Unknown B.I.C.E. Agents, 492 F.3d 1158, 1161 (10th Cir. 2007). We construe pro se pleadings liberally, but pro se parties must still follow the rules of procedure that govern other litigants. Garrett v. Selby Connor Maddux & Janer, 425 F.3d 836, 840 (10th Cir. 2005). We "cannot take on the responsibility of serving as the litigant's attorney in constructing arguments and searching the record." Id. A pro se appellant is responsible for informing the court where a district court has erred and that requires addressing the grounds on which a challenged ruling depends. See id. at 840-41. On appeal, Mr. Hale-El relies upon the notice of removal (from local proceedings) and the pleadings which began this action claiming that he is protected by the Treaty of Peace and Friendship between Morocco and the United States. He also raises federal constitutional defenses and Colorado statutory defenses. He seeks dismissal of pending charges and compensatory and punitive damages for each person listed in his notice of removal.

We find no abuse of discretion in the district court's dismissal without prejudice and therefore affirm. We deny Mr. Hale-El's motion to proceed IFP, as he has not provided "a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal," DeBardeleben v. Quinlan, 937 F.2d 502, 505 (10th Cir. 1991), and we direct him to pay any remaining unpaid balance of the appellate

2022-12-01 (11/11/2022)

File 43(2)

filing fee. Finally, we deny all pending motions, including those for injunctive relief or a temporary restraining order.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

FILED
United States Court of Appeals
Tenth Circuit

May 23, 2023

Christopher M. Wolpert
Clerk of Court

COLBY JEROME HALE-EL,

Plaintiff - Appellant,

v.

REIGENBORN, Sheriff, et al.,

Defendants - Appellees.

No. 22-1437
(D.C. No. 1:22-CV-02624-LTB)
(D. Colo.)

ORDER

Before **BACHARACH**, **KELLY**, and **MORITZ**, Circuit Judges.

Appellant's "Affidavit of Fact/Writ of Reconsideration" is construed as a petition
for rehearing and is denied.

Entered for the Court



CHRISTOPHER M. WOLPERT, Clerk

Appendix A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 22-cv-02624-LTB

COLBY JEROME HALE-EL,

Plaintiff/Applicant,

v.

SHERIFF REIGNBORN,
MIKE EASON, and
BRIAN S. MASON,

Defendants/Respondents.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE GORDON P. GALLAGHER

Plaintiff's Motion for Temporary Restraining Order (ECF No. 23) filed December 5, 2022 (and entered on the docket December 7, 2022), is **denied as moot**. On December 6, 2022, the Court dismissed this case for failure to comply with a Court order and failure to cure filing deficiencies. (See ECF No. 21). Judgment entered the same day. (See ECF No. 22). Therefore, this action is closed.

DATED: December 15, 2022

Appendix B

Affidavit or Declaration

IN SUPPORT OF A PETITION FOR AN ORIGINAL WRIT OF ERROR AND CERTIORARI

I, Colby Jerome Hale El, am the petitioner in the above-entitled case. I declare the foregoing to be true, correct, certain, absolute and not intended to mislead.

- 1) Appendix C, Grievance No. 18 205361 and Appendix D, Grievance No. 18 205189 are in support of this 'Writ of Error and Certiorari' being timely filed by the August 21, 2023 deadline. Pursuant to the mailbox rule.
- 2) Appendix F, showing when this 'Writ of Error and Certiorari' was originally called a 'Notice of Removal' was mailed out at the same time to the U.S. District Court of Colorado because of petitioner's suspicion that other articles of mail were untimely filed.
- 3) Appendix G, Grievance No. 18 161949 is actual body-camera proof that petitioner's mail was intentionally left in the mailbox for over a week. And the Denver Sheriff Department had to admit it. Petitioner's administrative Due Process to Exhaust Grievance No. 18 205361 Appendix C, and Grievance No. 18 205189 Appendix D were denied. Because I was not given the grievance response until November / December months past due for an appeal response.
- 4) Appendix H, Grievance No. 18 266199 this so-called inmate not only damaged my mail by pouring chemicals on it. He also took grievances out of the door. When he damaged the mail the officers intentionally looked at the footage on the wrong date. I had to write another grievance and refuse to lock-down a couple of times. Just to create an incident report in order to be heard before the camera footage had gotten erased. Petitioner did this to hold the officers accountable on body-camera since petitioner's grievances were intentionally given out to me weeks past the appeal time. Petitioner wants to press Federal Charges on inmate FINCH.
- 5) Appendix E, is a ~~letter~~ Letter Received January 20, 2023 Re: "Notice of Removal" and how the United States District Court of Colorado does NOT have these forms for a Notice of Removal.
- 6) For the record, April 18, 2023 and April 19, 2023, in the Adams County Jail. Sheryl Lynn Simmons, admitted over the phone: (404) 403-4430, that she had Two 'power of attorney's' without petitioner's consent. One power of attorney is enough, two is too many. I'm going to assume one was for Case No. 1:23-cv-00359-LTB-KLM. Either way it goes petitioner had no knowledge of both 'Power of Attorney's' and he DID NOT CONSENT to any power of attorney's. For his Trust and Estate COLBY JEROME HALE, Petitioner, wants to point this out just in case any one of them were used for the State Appeal. I'm a Moorish American National, my affairs are international I want to pursue federal charges.

Affidavit or Declaration

IN SUPPORT OF A PETITION FOR AN ORIGINAL WRIT OF ERROR AND CERTIORARI

- 7) On page 56, of a transcript dated December 28, 2022, for a deposition for the Adams County Case 22-CR-339. Deputy District Attorney Arturo Hernandez, eluded to the fact that petitioner had bonded out to a P.O. Box in Loveland, Colorado. Petitioner also believes this to be note worthy.
- 8) In Adams County Jail, petitioner had a cellmate who had made a jailhouse knife and the only way that he could have gotten it was from a Deputy. Needless to say one night he wanted to stab me with it. I used verbal judo and calmed him down. The next chance petitioner got I tried to get out of the room. The officer she would not let me officer Blanton, petitioner was handcuffed and dragged back to the room. This can be verified through the year 2022 grievance system, between May and June. The problem kept escalating until I had enough and asked officer Sloan to move me. He stated: "I can't move you without a reason, you can say that you a suicidal to get out of the pod." I said no I shouldn't have to do that and it would make my case look bad. He said that he needed a reason, I told him, then he said that I need to write a statement. And petitioner did see Adams County Jail grievance system, between June and July of 2022. Verifying that I wrote a statement. Needless to say Adams County filed a fraudulent failure to appear warrant, the day before the Denver Trial petitioner was taken to Adams County. In order to cure the Denver Discovery deficiency. While at Adams County, petitioner refused the intake questions. Questions like, are you homosexual, transgender, etc. That's none of their business I am in the Private Sector. Needless to say my clothes were cut off and I was placed on suicide watch. On April 6, 2023, Adams County put petitioner in the same Pod, in the cell right next to Eugene S. Russell, petitioner's cell-mate ~~who wanted to stab me~~ who not only wanted to stab me but I also wrote a police statement on Russell. Needless to say when we came out for free-time Russell got the whole pod to want to fight me, I tried to get out of the Pod, the officer's laughed and said that I would be okay. And refused to answer the button. Petitioner was forced to say he was suicidal in order to get out of the Pod. Officer Sloan knew of this because ~~he~~ he told me that, they never found his knife, he and other officers knew I was not supposed to be housed with him. And he is in a gang and I AM NOT. On May 30, 2023, Michelle Martinez-Thomas, sentenced petitioner to 365 days County Time. To be served consecutive after petitioner's 5 year D.O.C. sentence. Check the electronic records for this. Needless to say Four days later the Department of Corrections came to get petitioner and brought him to the Denver Diagnostic Center. After being there

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- 1) Article VI (6), Section 2, of the United States Constitution (Republic), "all treaties made, or which shall be made ... shall be the supreme law of the land: and All judges, in every State, shall be bound thereby,"
- 2) Article III (3), Section 2, of the United States Republic Constitution, "and Treaties made, or which shall be made, under their Authority; - to all Cases of affecting Ambassadors, other public Ministers and Consuls;"
- 3) See FOREIGN RELATIONS AND INTERCOURSE, Title 22 USC, Chapter 2, CONSULAR COURTS SUBSECTION 141 to 143.
- 4) Diversity of Citizenship, Title 28 USC § 1332 (a)(2), "the district courts shall not have original jurisdiction."
- 5) Title 28 U.S.C. § 1251 (b)(1), "All actions or proceedings to which ambassador, other public ministers, consuls, or vice consuls of foreign states are parties"
- 6) Title 28 U.S.C. § 2254
- 7) Title 28 U.S.C. § 1983
- 8) Title 28 U.S.C. § 1985
- 9) Title 28 U.S.C. § 1987
- 10) Universal Declaration of Human Rights, Article 15: (1) Everyone has a right to a nationality. (2) No one shall be arbitrarily deprived of his nationality.
- 11) Universal Declaration of Human Rights, Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by laws.
- 12) Fed. R. Civ. P. 60 (b)(3), "fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party"
- 13) Supreme Court Rules, Rule 17
- 14) 11th Amendment of the United States Republic Constitution
- 15) 13th Amendment of the United States Republic Constitution
- 16) Title 28 U.S.C. § 1631, "Whenever a civil action is filed in a court ... or an appeal ... is notice for or filed with such a court and that court finds that there is want of jurisdiction,"
- 17) Title 28 U.S.C. § 1651
- 18) Title 28 U.S.C. § 1653

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Affidavit or Declaration

IN SUPPORT OF A PETITION FOR AN ORIGINAL WRIT OF ERROR AND CERTIORARI

for Four days, petitioner was brought to the Denver Sheriff Department. Were all of petitioner's lawsuits were systematically dismissed by the U.S. District Court. Needless to say, petitioner was not supposed to be at the Denver Sheriff Department on a Writ that he never put in for, petitioner was illegally taken to three trials in Colorado and I presented myself at each one. So no one can file an appeal for petitioner. It was already suspicious when petitioner and Marco Jarmillio (petitioner's cellmate) went to the Denver Diagnostic Center at the same time. Then six months later December 13, 2023, petitioner went back to the Diagnostic Center. About 4 to 6 days later here is Eugene S. Russell, pointing and telling people I'm telling, this can get petitioner killed. Statistically speaking, the probability of not one but two cellmates at the Diagnostic Facility is Astronomical numbers involved. These were not random occurrences.

- 9) Grievance No. 18 161875 Appendix I, has a still frame of Durrell Montay Finch taking a grievance. The same person who tampered with my mail. See also grievance no. 18 266199.
- 10) This grievance, grievance no. 18 161873 shows how far the Denver Sheriff Department will go to help the U.S. District Court violate constitutional rights. Petitioner has constantly tried to get the U.S. Magistrate off of several lawsuits. There are more responses than Appendix J but petitioner does not want to lose sight of his Writ of Error. He just wants to point out all the courts, counties, personnel against one person that has no one else except the Supreme Court of the United States.
- 11) Appendix K, is the response from Sgt. Needham, who's body-camera footage caught all the mail that I had labeled with dates and written 28 USC § 1746(1) on the envelopes.
- 12) Appendix L, is a Notice of Change of Mailing Location and Affidavit of Informa Pauperis because petitioner filed Notice of Removal's and Notice Appeals to the Supreme Court of the United States under Rule's 17 and 18. Before he left Adams County. And was doing his best to keep all courts notified.

This document is executed under the penalty of perjury, [in the nature of 28 USC § 1746(1)]

I AM

Colly Jerome Dale El

Natural Person - In Propria Persona, Sui Juris and Sui Heredes -
In Solo Proprio; Authorized Representative; All Rights Reserved

Date: December 25, 2023

Appendix O

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- (11) Title 28 U.S.C. § 1455 (b)(4), "The United States District Court in which such notice is filed shall examine the notice promptly. If it clearly appears on the face of the notice and any exhibits attached thereto that removal should not be permitted, the court shall make an order for summary remand."
- (12) Title 28 U.S.C. § 1455 (b)(5), "If the United States district court does not order the summary remand of such prosecution, it shall order an evidentiary hearing to be held promptly and, after such hearing, shall make such disposition of the prosecution as justice shall require. If the United States district court determines that removal shall be permitted, it shall so notify the State court which prosecution is pending, which shall proceed no further."
- (13) State v. El, 23-cv-2362, *3, (EP)(CLW)(D. N.J. October 17, 2023), "removal statutes are to be strictly construed against removal and all doubts should be resolved in favor of remand" Steel Valley Auth. v. Union Switch and Signal Div., 809 F.2d 1006, 1010 (3rd Cir. 1987)"
- (14) State v. El, 23-cv-2362, *4, (EP)(CLW)(D. N.J. October 17, 2023), "§ 1455 outlines the proper procedure for successful removal of a criminal case. Brooks, 2021 WL 9553011 at *2"
- (15) Fed. R. Civ. P. 60 (b)(3), "fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party"
- (16) Fed. R. Civ. P. 60 (d)(3), "set aside a judgment for fraud on the court"
- (17) Colo. R. Crim. P. Rule 44 (2)(B), "permit the foreign official record to be evidenced by an attested summary with or without a final certification. The final certification is unnecessary if the record and the attestation are certified as provided in a treaty or convention to which the official record is located are parties."
- (18) Colorado Rules of Evidence Rule 902 (3), "If reasonable opportunity has been given to all parties to investigate the authority and accuracy of official documents, the court may, for good cause shown, order that they be treated presumptively authentic without final certification or permit them to be evidenced by an attested summary with or without final certification."
- (19) Fed. R. Civ. P. Rule 44 (a)(2)(A), "In General. Each of the following is a foreign official record or an entry in it—that is otherwise admissible."
- (20) Fed. R. Civ. P. Rule 44 (a)(2)(A)(i), "an official publication of the record"
- (21) Supreme Court of the United States Rule 14.1 (e)(v), "the initial document filed shall recite that 2403 (b) may apply and shall be served on the Attorney General of that State. In such a proceeding from any court of the United States, as defined by 28 U.S.C. § 451, the initial document also shall state whether that court, pursuant to 28 U.S.C. § 2403 (b) certified to the State"

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Colby Jerome Hale-El

#197208

Denver Reception & Diagnostic Center (DRDC)

P.O. Box 392004

10900 Smith Road

Denver, CO 80239

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Attorney General the fact that the constitutionality of a statute of that State was drawn into question."

- (22) (Fr. v. U.S.), 1952 I.C.J. 176 (Judgment of Aug. 27)
- (23) (Fr. v. U.S.), 1952 I.C.J. 180-181 (Judgment of Aug. 27)
- (24) Fed. R. Civ. P. Rule 5.1 (b), "in any action, suit, or proceeding in a court of the United States to which a State or an agency, officer, or employee thereof is not a party, wherein the constitutionality of any statute of that state affecting the public interest is drawn in question, the court shall certify such fact to the attorney general of the State, and shall permit the state to intervene for presentation of evidence"
- (25) Fed. R. Civ. P. Rule 5.1 (a)(2), "by sending it to an electronic address designated by the attorney general."
- (26) Fed. R. Civ. P. Rule 5.1 (b), "The court must, under 28 U.S.C. § 2403, certify to the appropriate attorney general that a statute has been questioned."
- (27) 28 U.S.C. § 2403 (b), "the court shall certify such fact to the attorney General of the State, and shall permit the State to intervene for presentation of Evidence."
- (28) Colorado Revised Statute 18-3-201 (2), "Peace officer, firefighter, or emergency medical service provider engaged in the performance of his or her duties means a peace officer, as described in section 16-2.5-101, C.R.S., a firefighter or an emergency medical service provider, who is engaged or acting in, or who is present for the purpose of engaging or acting in, the performance of any duty, service, or function imposed, authorized, required, or permitted by law to be performed by a peace officer, firefighter, or emergency medical service provider."
- (29) Colorado Revised Statute 16-2.5-101 (1), "A person who is included within the provisions of this article and who meets all standards imposed by law on a peace officer is a peace officer, and notwithstanding any other provision of law, no person other than a person designated in this article is a peace officer. A peace officer may be certified by the peace officers standards and training board pursuant to part 3 of article 31 of title 24, C.R.S., and, at a minimum, has the authority to enforce all laws of the state of Colorado while acting within the scope of his or her authority in the performance of his or her duties, unless otherwise limited within this part 1."
- (30) Colorado Revised Statute 16-2.5-109, Fire Arson Investigator. "A fire arson investigator authorized by a unit of local government is peace officer while engaged in the performance of his or her duties whose authority shall be LIMITED to the enforcement of ARSON and related laws and who may be certified by the P.O.S.T. board."
- (31) Keyishian v. Board of Regents of U. of St. of N.Y., 385 U.S. 603, 604, "Vagueness of wording is aggravated by prolixity and profusion of statutes, regulations, and administrative machinery, and by ~~many~~ manifold cross-references to interrelated enactments and rules"

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- (32) Johnson v. Enlow, 132 Colo. 101, 286 P.2d 630 (1955), "Unlawful arrest is not official act. If an arrest is not a lawful one, if it is made under a void warrant or without a warrant in a case where a warrant is required, or if it is not made in such circumstances as justify the arrest without a warrant, the officer is not acting in his official capacity, either by virtue of, or under color of, office; and they are merely his private or personal acts for which his sureties are not liable."
- (33) See Foreign Relations and Intercourse, 22 U.S.C., Chapter 2, Consular Courts Subsection 141 to 143.
- (34) Universal Declaration of Human Rights at Article 8: "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."
- (35) Universal Declaration of Human Rights at Article 9: "No one shall be subject to arbitrary arrest, detention or exile."
- (36) Universal Declaration of Human Rights at Article 10: "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."
- (37) Universal Declaration of Human Rights at Article 11: "(1) Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all guarantees necessary for his defense. (2) No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than one that was applicable at the time the penal offense was committed."
- (38) Title 28 U.S.C. § 2102, "Criminal cases on review from State courts shall have priority, on the docket of the Supreme Court, over all cases except cases to which the United States is a party and such other cases as the court may decide to be of public importance."
- (39) Wiggins v. Philip Morris, Inc., 853 F. Supp at 481, FN 29 "The exact language of Halberstam states the elements of a civil conspiracy as: (1) an agreement between two or more persons; (2) to participate in an unlawful act, or a lawful act in an unlawful manner; (3) an injury caused by an unlawful overt act performed by one of the parties to the agreement; (4) which overt act was done pursuant to and in furtherance of the common scheme." Halberstam, 705 F.2d at 477.
- (40) Wiggins v. Philip Morris, Inc., 853 F. Supp at 481, FN 30 "Halberstam, 705 F.2d at 477 'The element of agreement is a key distinguishing factor for a civil conspiracy action.'"
- (41) Willingham v. Morgan, 395 U.S. at 404 (1969), "The District Court was reversed and the case remanded for further proceedings. Upon the Solicitor General's petition,

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we granted certiorari to consider whether the Court of Appeals decided the removal question erroneously. 393 U.S. 976, 89 S.Ct. 441, 21 L.Ed.2d 437 (1968) We reverse"

- (42) Wiggins v. Philip Morris, Inc., 853 F. Supp. at 481, FN 30 "Halberstam, 705 F.2d at 477, Proof of a tacit understanding is sufficient to show agreement. As one court stated: 'In most cases the court will have to infer a conspiracy from indirect evidence, it must initially look to see if the alleged tortfeasors are pursuing the same goal functions - and are in contact with one another. The circumstances of each case dictate what other specific evidence may be useful in inferring agreement.'"
- (43) Ward v. Village of Monroeville, 409 U.S. 61-62, "Respondent also argues that any unfairness at the trial level can be corrected on appeal and trial de novo in the County Court of Common Pleas. 'We disagree'. This 'procedural safeguard' does not guarantee a fair trial in the mayor's court; there is nothing to suggest that the incentive to convict would be diminished by the possibility of ~~reversal~~ reversal on appeal. Nor, in any event, may the State's trial court procedure be deemed constitutionally acceptable simply because the State eventually offers a defendant an impartial adjudication. Petitioner is en-titled to a neutral and detached judge in the first instance."
- (44) 28 U.S.C. § 1455 (b)(2), "a second notice may be filed only on grounds not existing at the time of the original notice."
- (45) Kolender v. Lawson, 461 U.S. at 370, "The upshot of our cases, therefore, is that whether or not a statute purports to regulate constitutionally protected conduct, it should not be held unconstitutionally vague on its face unless it is vague in all of its possible applications."

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Attorney General the fact that the constitutionality of a statute of that State was drawn into question."

(22) (Fr. v. U.S.), 1952 I.C.J. 176 (Judgment of Aug. 27)

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(24) Fed. R. Civ. P. Rule 5.1 (b), "in any action, suit, or proceeding in a court of the United States to which a State or an agency, officer, or employee thereof is not a party, wherein the constitutionality of any statute of that state affecting the public interest is drawn in question, the court shall certify such fact to the attorney general of the State, and shall permit the state to intervene for presentation of evidence"

(25) Fed. R. Civ. P. Rule 5.1 (a)(2), "by sending it to an electronic address designated by the attorney general."

(26) Fed. R. Civ. P. Rule 5.1 (b), "The court must, under 28 U.S.C. § 2403, certify to the appropriate attorney general that a statute has been questioned."

(27) 28 U.S.C. § 2403 (b), "the court shall certify such fact to the attorney General of the State, and shall permit the State to intervene for presentation of Evidence."

(28) Colorado Revised Statute 18-3-201 (2), "Peace officer, firefighter, or emergency medical service provider engaged in the performance of his or her duties means a peace officer, as described in section 16-2.5-101, C.R.S., a firefighter or an emergency medical service provider, who is engaged or acting in, or who is present for the purpose of engaging or acting in, the performance of any duty, service, or function imposed, authorized, required, or permitted by law to be performed by a peace officer, firefighter, or emergency medical service provider."

(29) Colorado Revised Statute 16-2.5-101 (1), "A person who is included within the provisions of this article and who meets all standards imposed by law on a peace officer is a peace officer, and notwithstanding any other provision of law, no person other than a person designated in this article is a peace officer. A peace officer may be certified by the peace officers standards and training board pursuant to part 3 of article 31 of title 24, C.R.S., and, at a minimum, has the authority to enforce all laws of the state of Colorado while acting within the scope of his or her authority in the performance of his or her duties, unless otherwise limited within this part 1."

(30) Colorado Revised Statute 16-2.5-109, Fire Arson Investigator. "A fire arson investigator authorized by a unit of local government is peace officer while engaged in the performance of his or her duties whose authority shall be LIMITED to the enforcement of ARSON and related laws and who may be certified by the P.O.S.T. board."

(31) Keyishian v. Board of Regents of U. of St. of N.Y., 385 U.S. 603, 604, "Vagueness of wording is aggravated by prolixity and profusion of statutes, regulations, and administrative machinery, and by manifold cross-references to interrelated enactments and rules"

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Offender Grievance

Offender Must Complete		Exhibit 01b	Human Trafficking
Name: <u>Appellation: Colby Jerome Hale El</u>		DOC #: <u>197208</u>	
Grievance number (complete for Steps 2 and 3, only):			
Instructions:			
1. Fill out identifying data in space provided. (Must be legible.)		This space must remain blank	
2. Clearly state basis for grievance or grievance appeal.		This space must remain blank	
3. State specifically what remedy you are requesting.		This space must remain blank	
4. Remedy must remain consistent.		This space must remain blank	
Subject of Grievance and Requested Meaningful Remedy:			
On or about February 29, 2024, Sgt. Ramirez Jr. Campaign of Harrassment continues. I asked officers, McDaniel, Unipigco, Walker and Sgt. Ramirez can they come to collect my LEGAL mail, they said they would have to ask the Sgt. Needless to say no one came to collect my legal mail to the Supreme Court of the United States that has a deadline. This same thing happened last week. Now, I feel the need to keep an account of officers not doing there job, discrimination, harassment, and tampering with evidence to a federal lawsuit and tampering with federal mail.			
REMEDY: I want a apology written in essay form on the difference between criminals and law enforcement. And why you shouldn't do drugs on the job. From each officer listed.			
Today is March 1, 2024, the officers are refusing to feed me. For the whole day.			
And no one has came to flush my toilet in over 12 hours			
Offender Signature: <u>Colby Jerome Hale El</u>		Date: <u>March 1, 2024</u>	
*By signing this form the offender recognizes and waives confidentiality on records necessary to address this grievance			
Case Manager/CPO Must Complete	Facility/Unit/Pod/Parole Office/Community Corrections Center:	Step (Circle one) 1 2 3	
Signature:			
Print Name and DOC Employee ID #:		Date received:	

Attachment B

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Appendix Q

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Moorish American Consular Court, Competent Jurisdiction
Pursuant to P.L. 8 Stat. 484

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FEB 20 2024

JEFFREY P. COLWELL
CLERK

Colby Jerome Hale El,
Plaintiff,

v.

PARCHEM, et al.
Defendants.

Civil Action No. 24-cv-00189-SBP

~~WITHDRAWAL~~ COMPLAINT Pursuant to
28 U.S.C. § 455 (a) 'Affidavit of Fact'

I am, Colby Jerome Hale El, a Moorish American National, In Propria Persona, Sui Juris, In Proprio Solo, In Proprio Heredes at all times and all points in time.

- (1) Two, Subpoena Duces Tecum were filed with Case No. 23-cv-00008-RMR-SKE. The first one was mailed out January 3, 2024, it was Twenty-Four (24) paragraphs long and it was asking for Discovery from the Denver Sheriff Department. The second was mailed out January 21, 2024. It was asking for X-rays from SCL Health.
- (2) I am in Fear of My Life, here at Centennial State Prison, I have only been in prison for two months. The Denver D.R.D.C. and Centennial State Prison refused to ^{approve} ~~approve~~ my phone list. So no one knows that I am Here at Centennial State Prison. No one from my family knows that I am here my legal mail has been tampered with, the United States District Court of Colorado has violated all of my Due Process Rights. I am in Fear of my Life, the State of Colorado and its agents placed me in a prison program without my consent. And filed an appeal on my behalf without my consent. For Adams County Case number 22CR339.
- (3) I ~~do~~ demand to withdrawl this complaint so it can be heard again in my proper status and in it's proper forum Washington D.C. My proper status is Moorish American National.
- (4) I'm ~~am~~ writing this for my records since I can not reach out to my loved ones and confirm all of these responses that I am getting from the Supreme Court of the United States are authentic and not counterfeit documents. It makes ZERO logic for D.O.C. and Centennial State Prison to not approve my phone list unless they are in on the CONSPIRACY.

This document is executed under the penalty of perjury, [in the nature of 28 U.S.C. § 1746 (1) J

I AM

Colby Jerome Hale El

Date: February 13, 2023

Natural Person - In Propria Persona, Sui Juris and Sui Heredes -
In Solo Proprio; Authorized Representative; All Rights Reserved

Appendix R

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