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**APPENDIX A**

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

No. 23-2350

ESHED ALSTON; PAMELA ALSTON

v.

KENT COUNTY LEVY COURT AND  
DEPARTMENT OF PLANNING SERVICES,  
Division of Inspection & Enforcement;  
BROOKS BANTA; SARAH KEIFER, AICP;  
SCOTT TANNER, Chief Code Administrator;  
CEC ROBERT SILVAGNI

EShed Alston,  
Appellant

On Appeal from the United States District Court  
for the District of Delaware

(D.C. Civil Action No. 1 :20-cv-00994)  
District Judge: Honorable Gregory B. Williams

Submitted Pursuant to Third Circuit LAR 34.1(a)  
February 2, 2024  
Before: KRAUSE, MATEY, and CHUNG,  
Circuit Judges

**JUDGMENT**

This cause came to be considered on the record from the United States District Court for the District of Delaware and was submitted pursuant to Third Circuit LAR 34.1(a) on February 2, 2024. On consideration whereof, it is now hereby ORDERED and ADJUDGED by this Court that the judgment of the District Court entered July 17, 2023, be and the same is hereby affirmed. Costs taxed against the appellant. All of the above in accordance with the opinion of this Court.

ATTEST:

/

s/ Patricia S. Dodszuweit  
Clerk

Dated: February 9, 2024

[COURT SEAL]  
Certified as a true copy and issued  
in lieu of a formal mandate on  
March 28, 2024

Teste: /s/  
Clerk, U.S. Court of Appeals  
for the Third Circuit

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

No. 23-2350

ESHED ALSTON; PAMELA ALSTON

v.

KENT COUNTY LEVY COURT AND  
DEPARTMENT OF PLANNING SERVICES,  
Division of Inspection & Enforcement;  
BROOKS BANTA; SARAH KEIFER, AICP;  
SCOTT TANNER, Chief Code Administrator;  
CEC ROBERT SILVAGNI

EShed Alston,  
Appellant

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District Judge: Honorable Gregory B. Williams

Submitted Pursuant to Third Circuit LAR 34.1(a)  
February 2, 2024  
Before: KRAUSE, MATEY, and CHUNG,  
Circuit Judges

(Opinion filed: February 9, 2024)

## OPINION\*

PER CURIAM

In the United States District Court for the District of Delaware, EShed Alston filed a complaint seemingly related to a code enforcement officer's entry upon, and inspection of, his property, and the actions of the Kent County Levy Court and its members in response to the code enforcement officer's finding, among others, that Alston's rear porch appeared to be in imminent danger of collapse.<sup>1</sup> Alston made references to state and federal criminal statutes as well as well as federal constitutional provisions and federal civil rights statutes.

The defendants moved to dismiss the complaint for lack of subject-matter jurisdiction and failure to state a claim. The District Court (then-District Judge Stark presiding) agreed with the defendants that Alston could not impose criminal liability on them and dismissed his claims to the extent he sought to do so. The District Court further concluded that Alston's other claims were deficiently pleaded, noting that he cited 42 U.S.C. §§ 1981, 1983, 1985, 1986, and 1988 without explaining how those statutes were violated. The District Court accordingly granted the motion to

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\* This disposition is not an opinion of the full Court and pursuant to 1.O.P. 5.7 does not constitute binding precedent.

<sup>1</sup> The complaint was also filed on behalf of Alston's wife, but she is not a party on appeal, so we discuss the complaint as it relates to Alston only.

dismiss but also gave Alston leave to amend any claims under those federal civil rights statutes.

Alston filed an amended complaint in which he challenged the District Court's order dismissing his initial complaint and presented new and amended claims. He again cited the federal civil rights statutes. He labeled the code inspector's findings "racially motivated false charges." ECF No. 51 at 23. He also argued that "JP Court 7"<sup>2</sup> verified a plausible claim, explaining that a judge acted unlawfully there and also that he prevailed against defendants' counsel in JP Court 7 actions. *Id.* at 8. In addition, he cited federal criminal provisions and stated that he was presenting a RICO<sup>3</sup> complaint and naming Judge Stark as a defendant. He seemed to allege that he was a federal whistleblower being impeded by a biased Judge Stark engaging in some sort of purported fraud and RICO violations, which also involve the Chief Judge and Circuit Executive of this Court and the Attorney General of the United States.

The defendants moved to dismiss Alston's amended complaint. The District Court (District Judge Williams presiding after the elevation of Judge Stark to the Court of Appeals for the Federal Circuit) granted the defendants' motion. The District Court dismissed the complaint, concluding that Alston had

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<sup>2</sup> A Delaware Justice of the Peace Court.

<sup>3</sup> He apparently was referring to the Racketeer Influenced Corrupt Organizations Act of 1970.

failed to remedy any of the deficiencies identified in the order dismissing the original complaint. Alston appeals.

In his brief, Alston focuses on why he believes that Judge Williams and Judge Stark are corrupt and why he thinks that their actions are fraudulent and racist and constitute unlawful witness tampering or intimidation. He styles himself a federal whistleblower who is being victimized by them as well as by the Chief Judge and Circuit Executive of this Court. He complains of bias and fraud in this Court, and the United States Attorney's failure to address either (or the alleged similar problems in the District Court). He further argues that Judge Williams deprived him of an opportunity to testify in his civil action, that he had evidence about wins in JP Court 7, and that he had a motion for summary judgment and a motion to compel discovery that should have been heard before his amended complaint was dismissed. Alston also submits many additional documents to support his appeal (and to object to what he perceives as wrongdoing in this Court and the District Court) and requests, among other things, summary judgment in his favor on appeal.

We have jurisdiction under 28 U.S.C. § 1291. Our review of an order dismissing a complaint is plenary. *See In re Schering Plough Corp. Intron/Temodar Consumer Class Action*, 678 F.3d 235, 243 (3d Cir. 2012). However, we agree with the defendants that we do not have much to review here because Alston forfeited most issues by failing to raise them in his brief. *See M.S. by & through Hall v.*

*Susquehanna Twp. Sch. Dist.*, 969 F.3d 120, 124 n.2 (3d Cir. 2020) (holding that the appellant forfeited claims by failing to raise them in the opening brief). In particular, Alston does not challenge the District Court's stated basis for the dismissal of his amended complaint.<sup>4</sup>

To the extent that Alston argues that procedural irregularities undermine the District Court's ruling, we disagree. The District Court did not deprive Alston of his right to testify by deciding this matter on the papers. The Federal Rules of Civil Procedure anticipate motion practice that may weed out claims before a plaintiff has an opportunity to testify. *See, e.g.* Fed. R. Civ. P. 12(b)(6). And motions to dismiss (and ;-- rulings on them) come at the outset of an action. *See id.* In this case, the District Court was not obligated to consider any motion for summary judgment or motion to compel discovery before assessing the sufficiency of Alston's amended pleading. And, with the opportunity to file that pleading, Alston had the opportunity to (and did) present allegations related to his wins in JP Court 7. His ability to provide evidence about them

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<sup>4</sup> It is hard to see how he could argue that he corrected the deficiencies in the original complaint where, to the extent that he circled back to the claims made in his original complaint, his allegations remained too conclusory to state a claim under the federal civil rights statutes that he cited (and he could not bring any type of criminal claim against another person). *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (explaining that a complaint must include "more than labels and conclusions"); *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973) (stating that a private citizen has no "judicially cognizable interest in the prosecution ... of another").



was curtailed only by the insufficiency of his pleading.

Finally, we roundly reject Alston's claims challenging the integrity of the District Judges. His claims of bias, racism, fraud, and corruption are baseless. We likewise reject his similar claims against this Court, its members, officials, and employees ( and others) as unfounded and scurrilous attacks.

We have considered, in addition to Alston's brief, all his many filings on appeal, and we have found no argument that warrants further discussion or relief.<sup>5</sup> We will affirm the District Court's judgment.

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<sup>5</sup> To the extent that Alston made requests in those filings, those requests are denied.

**APPENDIX B**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ESHED ALSTON and  
PAMELA ALSTON,  
Plaintiffs,

v.

KENT COUNTY LEVY COURT AND  
DEPARTMENT OF PLANNING SERVICES, et al.,  
Defendants.

Civ. No. 20-994-GBW

**ORDER**

At Wilmington this 17th day of July, 2023, having considered the Court's March 28, 2022 Memorandum Opinion and Order granting Defendants' motion to dismiss the Complaint and giving plaintiff leave to amend the claims raised under 42 U.S.C. §§ 1981, 1983, 1985, 1986, and 1988 (D.I. 49, 50); Plaintiff's Amended Complaint (D.I. 51); Defendants' motion to dismiss (D.I. 53); and Plaintiff's response (D.I. 56);

IT IS HEREBY ORDERED that:

1. The Court concludes that Plaintiff has failed to remedy the deficiencies identified in the Court's

March 28, 2022 Memorandum Opinion. (D.I. 49).

2. Defendants' motion to dismiss (D.I. 53) is GRANTED.

3. The Amended Complaint (D.I. 51) is DISMISSED. Further amendment is futile.

4. The Clerk is directed to mark the case CLOSED.

/s/

HONORABLE GREGORY B. WILLIAMS  
UNITED STATES DISTRICT JUDGE

**APPENDIX C**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ESHED ALSTON and PAMELA ALSTON,  
Plaintiffs,

v.

KENT COUNTY LEVY COURT AND  
DEPARTMENT OF PLANNING  
SERVICES, et al.,  
Defendants.

Civ. No. 20-994-LPS

**ORDER**

At Wilmington this 28th day of March, 2022,  
consistent with the Memorandum Opinion issued this  
date, IT IS HEREBY ORDERED that:

1. Defendants' motion to dismiss is GRANTED.  
(D.I. 13)

2. Plaintiffs are given leave to amend the claims  
raised under 42 U.S.C. §§ 1981, 1983, 1985, 1986, and  
1988 on or before May 6, 2022. The case will be  
dismissed should Plaintiffs fail to timely amend the  
claims.

3. Plaintiffs' motion for immediate stay is

DENIED. (D.I. 31).

/s/

UNITED STATES DISTRICT JUDGE

**APPENDIX D**

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

No. 23-2350

ESHED ALSTON;  
PAMELA ALSTON

v.

KENT COUNTY LEVY COURT AND  
DEPARTMENT OF PLANNING SERVICES,  
Division of Inspection & Enforcement;  
BROOKS BANTA; SARAH KEIFER, AICP;  
SCOTT TANNER, Chief Code Administrator;  
CEC ROBERT SILVAGNI

EShed Alston,  
Appellant

(Del.-D.C. No. 1-20-cv-00994)

**SUR PETITION FOR REHEARING**

Present: CHAGARES, Chief Judge, JORDAN,  
HARDIMAN, SHWARTZ, KRAUSE, RESTREPO,  
BIBAS, PORTER, MATEY, PHIPPS, FREEMAN,  
MONTGOMERY-REEVES, and CHUNG, Circuit  
Judges

The petition for rehearing filed by Appellant

EShed Alston in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

s/ Cheryl Ann Krause  
Circuit Judge

Dated: March 20, 2024

Tmm/cc: EShed Alston

Scott G. Wilcox, Esq.

## APPENDIX E

[THIRD CIRCUIT CLERK'S OFFICE LETTERHEAD]

July 27, 2023

Mr. EShed Alston  
406 Arnold Court  
General's Green  
Dover, DE 19901

RE: EShed Alston, et al v. Kent County Levy Court &  
Department of Planning Se, et al

Case Number: 23-2350

District Court Case Number: 1-20-cv-00994

PACER account holders are required to promptly inform the PACER Service Center of any contact information changes. In order to not delay providing notice to attorneys or pro se public filers, your information, including address, phone number and/or email address, may have been updated in the Third Circuit database. Changes at the local level will not be reflected at PACER. Public filers are encouraged to review their information on file with PACER and update if necessary.

To All Parties:

Attorneys are required to file all documents electronically through the Court's Electronic Case



Filing System. See 3d Cir. L.A.R. 113 and the Court's website at [www.ca3.uscourts.gov/cmecf-case-managementelectronic-case-files](http://www.ca3.uscourts.gov/cmecf-case-managementelectronic-case-files).

Enclosed is case opening information regarding the above-captioned appeal filed by EShed Alston, docketed at No. 23-2350. All inquiries should be directed to your Case Manager in writing or by calling the Clerk's Office at 215-597-2995. This Court's rules, forms, and case information are available on our website at <http://www.ca3.uscourts.gov>.

Please note: *If any party has filed one of the motions listed in Fed.R.App.P 4(a)(4) after the notice of appeal has been filed, that party must immediately inform the Clerk of the Court of Appeals in writing of the date and type of motion that was filed.* The case in the court of appeals will not be stayed absent such notification.

### **Appellant**

Docketing fees in the amount of \$505.00 must be paid to the District Court upon filing of a Notice of Appeal. If you cannot afford to pay the docketing fees, you must file a copy of a Motion for Leave to Proceed In Forma Pauperis, together with an affidavit of poverty (form enclosed) and a certificate of service.

You must pay the docketing fees or file the Motion for Leave to Proceed In Forma Pauperis within fourteen (14) days from the date of this letter. If you do not pay the docketing fees or file the Motion for Leave to Proceed In Forma Pauperis within fourteen (14) days, your case may be dismissed without further notice: 3rd

Cir. LAR Misc. 107.

**Counsel for Appellee**

As counsel for Appellee(s), you must file:

1. Application for Admission (if applicable);
2. Appearance Form
3. Disclosure Statement (except governmental entities)

These forms must be filed within fourteen (14) days from the date of this letter.

Attached is a copy of the full caption as it is titled in the District Court. Please review the caption carefully and promptly advise this office in writing of any discrepancies.

Enclosures:

Affidavit of Poverty.  
Information for Pro Se Litigants

Very truly yours,  
Patricia S. Dodszeit, Clerk

By: s/Timothy, Case Manager  
267-299-4953

cc: Scott G. Wilcox

ESHED ALSTON;  
PAMELA ALSTON

v.

KENT COUNTY LEVY COURT AND  
DEPARTMENT OF PLANNING SERVICES,  
Division of Inspection & Enforcement;  
BROOKS BANTA; SARAH KEIFER, AICP;  
SCOTT TANNER, Chief Code Administrator;  
CEC ROBERT SILVAGNI

EShed Alston,  
Appellant

## **APPENDIX F**

### **UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

**Alston v. Kent County Levy Court and Department  
of Planning Services**

**To: Clerk**

- 1) Document by Appellant EShed Alston titled Documentation in Third Written Notice Given 9/12/2023 to Both Clerk and Case Manager In Memorandum of Record of 9/5/2023 of Service of Process of Brief and Appendix and Formally Contesting Authenticity of Attorney Scott Wilcox's Vexatious Documents 8/25/2023 Received as Reply Brief Dated 8/17/2023 Objected To As Materially Inconsistent With Appellate Court Rules and of Conformity Requirements

In the above document, Appellant indicates that he filed his brief and appendix on September 5, 2023. To date, the Court has not received the brief and appendix for this appeal. Within fourteen (14) days of the date of this order, Appellant must file one copy of the brief and appendix.

It is noted that Attorney Scott Wilcox filed an entry of appearance form on August 17, 2023. The certificate of service attached to the form, however, indicated that he was filing a reply brief. Within seven

(7) days of the date of this order, counsel must file and serve a corrected certificate of service reflecting the correct document that was filed on August 17, 2023.

For the Court,

s/ Patricia S. Dodszuweit  
Clerk

Dated: October 6, 2023

## APPENDIX G

### Documentation of Exhibits

A. Clerk order of Court 7/27/2023

3 pgs. Note 14 day expiration

For Appellees Counsel

B. Clerk order of Court 10/6/23

Documentation of *Mail Fraud*

C. Clerk order of Court 11/28/2023

received in mail 12/14/2023

D. U.S. Postal Service 9/16/2023

Tracking receipt documenting

Delivery to 21400 U.S. Courthouse

601 Market Street Philadelphia PA.19106

of Three parcels on 9/9/2023

UNITED STATES  
POSTAL SERVICE

DOVER  
445 BANK LN  
DOVER, DE 19904-9997  
(800) 275-8777

09/06/2023

Product

Qty

Unit  
Price

01:05 PM

Price

Media Mail (r) 1 \$4.67  
Wilmington, DE 19801  
Weight: 1 lb 9.60 oz  
Estimated Delivery Date  
Fri 09/08/2023  
Tracking #:  
9549 0154 0820 3249 7725 64

Media Mail (r) 1 \$4.67  
Philadelphia, PA 19106  
Weight: 1 lb 4.80 oz  
Estimated Delivery Date  
Sat 09/09/2023  
Tracking #:  
9549 0154 0820 3249 7725 88

Media Mail (r) 1 \$4.67  
Wilmington, DE 19801  
Weight: 1 lb 9.80 oz  
Estimated Delivery Date  
Fri 09/08/2023  
Tracking #:  
9549 0154 0820 3249 7726 01

Media Mail (r) 1 \$8.42  
Philadelphia, PA 19106  
Weight: 6 lb 4.60 oz  
Estimated Delivery Date  
Sat 09/09/2023  
Tracking #:  
9549 0154 0820 3249 7726 25

Media Mail (r) 1 \$4.67  
Philadelphia, PA 19106  
Weight: 1 lb 10.40 oz

Estimated Delivery Date

Sat 09/09/2023

Tracking #:

9549 0154 0820 3249 7726 49

Grand Total: \$27.10

Cash \$27.25

Change -\$0.15

Text your tracking number to 28777 (2USPS)  
to get the latest status. Standard Message  
and Data rates may apply. You may also  
visit [www.usps.com](http://www.usps.com) USPS Tracking or call  
1-800-222-1811.

Preview your Mail  
Track your Packages  
Sign up for FREE (r)  
<https://informedelivery.usps.com>

All sales final on stamps and postage  
Refunds for guaranteed services only.  
Thank you for your business.

Tell us about your experience.  
Go to: <https://postalexperience.com/Pos>  
or scan this code with your mobile device,



## **APPENDIX H**

### **UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

No. 23-2350

Alston v. Kent County Levy Court and Department  
of Planning Services

To: Clerk

1) Notice by Appellant of Summary Judgment Motion  
and Filing of Memorandum

2) Memorandum of EShed Alston's 10/16/2023 18  
U.S.C. Sec 1512/1513 18 U.S.C. Sec 242/241  
Whistleblower Victimized Informant and Witness  
Record of US Court of Appeals Third Circuit Mail  
Fraud Deception and In Continuing Deliberated  
Premeditated Racist 18 U.S.C. Sec 1001 Official  
Misconduct Exposing Chief Judge Chagares  
Fraudulent Schemes Intent Inherent In His  
Purposeful Corrupt Order of 10/6/2023 Unlawfully  
Obstructing Pending Motion for Summary Judgment  
and or Documentation of Appellees Lawyer Scott  
Wilcox's Multiple Unaddressed Default(s)

3) Appellant EShed Alston's Memorandum of Record  
of Motion filed for Summary Judgment and or In  
Appellees Default 10/8/2023 Unheard as of 10/20/2023  
Considerate of Court of Appeal Third Circuit Exposed  
Racial Bias Concealment In Mail Fraud Scheme and of

Other Color of Laws Violations of These Noted Invoked Provisions of 18 USA Sec 1512/1513/241/242/1001/and 1341 By The Fraudulent Order of Chief Justices In Written Notice of Intent to the Court and Parties of Proposed Settlement Due to Age and to Health Concerns Factors

4) Appellant EShed Alston's 3rd Documentation of 10/23/2023 of Mail Fraud Violations Notices and Provisions of 18 USC Sec 1001 and 1341 In Record of 10th Memorandum Given of Contemporaneous Notices Regarding Filings For Summary Judgment and of Written Notifications Filed In Objections to Lack of Any Consequences for Multiple Appellee Lawyer Scott Wilcox Defaults

5) Appellant EShed Alston's 10th Memorandum of Record Exposing Unlawful Double Standard Notice Of 10/25/2023 In References To The Guilty Pleas of 3 Trump Lawyers Accused of Aiding and Abetting And Were Charged as Associates With Donald Trump's Georgia Prosecutions For His Allegedly Making False Statements In Violation Of The Provisions of 18 USC Sec 1001

6) EShed Alston Memorandum of Record # 12 of Appellees Lawyer Malpracticing Defaults 10/27/2023 Regarding US Court of Appeal Third Circuit Continuing Continual Wrong Doings Incorporating Violations of Antecedent Legal Standards Requirements of Provisions of Federal Rule of Civil Procedure 12(b)(6) Obstructed Antecedently By Both US District Court Judges Stark and Williams and By This Court of Appeals Abuses of Authority and Official

Misconduct Which Requires Subsequent Granting of Summary Judgment Awarding of Contemporaneous Damages Sought Herein of \$84,000,000.00 US Court of Appeals Third Circuit Chief Justice Chagares

7) EShed Alston's memorandum of whistleblower record of 10/30/2023 exposing mail fraud dynamics and of Appellant's 13th documentation of notices given of fraud on the court and notably corrupt court order of 10/6/2023 manifestly material evidence of a racist scheme in continual continuing color of law violations willfully of the invoked federal law provisions of 18 USC Sec 1512/1513/241/242/1341/1001 and F.R. Civ. Pro. 12(b)(6)

8) Appellant EShed Alston's written Notice of Appellees Uncontested Default by Scott Wilcox and or Appellees Moore and Rutt Law Firm preserved in memorandum of record #14 11/2/2023 in documentation of continuing continuation of continued wrong done and evidence of purposeful mail fraud preserved on US Court of Appeal Third Circuit Record of \$84,000,000.00 pending proceedings exposing court order of 10/6/2023 schemes of Chief Justice Chagares acting as the Court and as Moore and Rutt and as Attorney Wilcox's Racist advocate on the bench

9) EShed Alston victimized abused Christian Elder Appellant senior citizen paralegal professional pro se self-represented litigant and whistleblower Notice 11/6/2023 of ancestry and of racist profiled witnessing informant of federal rico complaint of documentation in 30 page brief and 12 evidentiary exhibits and 15 memorandums in preservations of record of

racketeering events and circumstances

10) EShed Alston's 16th Filing of 11/16/23 in Notice Given in Memorandum of Record of Mailfraud Documentation and Also of Contemporaneous Uncontested \$84,000,000,00 Suit Valuation of Noted Legal Liabilities of Unresponsive Unreasonable Defaulting and Vexatious Work Product of Malpracticing Attorney of Record and also Regarding Summary Judgment on the Kent County Appellees

11) Victimized 18 USC Sec 1512/1513 241/242 11/20/2023 Unlawfully Obstructed fact Witness an Appellant EShed Alston Notice In Memorandum of Record # 18 of Objections and of Informant's Documentation of Written Complaint of Refused Receipt of GDWG LLC Continuing Felony Mail Fraud Dynamics Noted as Vexatious Interference of Federal Proceedings a Second Time Without Consequences in AntiChristian Racist Deliberately Fraudulent Mailing From an Law Firm GDWG Referenced at Appendix Exhibit# 12 That I or My Wife Have Had No Previous Contacts With To Date Are In Commission of a Mail Fraud

12) Notices of Appellant EShed Alston 11/22/2023 Memorandum of Record #19 Incorporating 18 USC Sec 241/242 Applied Provisions and of The Contents of 1-18 As Associated References Filings and of Mail Fraud Documentations Exposing Racist Schemed and Repeated Vexatious Unlawful and Malicious Chief Justice Chagares Court Aiding and Abetting Interference With Federal Proceedings as Scott Wilcox and Appellees Advocate On The Bench a Actor In

Intentional -willful Violations of Invoked Applications  
of 18 USC Sec 1512/1513 Provisions

13) Notice of Appellant EShed Alston 11/24/2023  
Memorandum of Record #20 Documentation of the  
Motive for Both the 10/6/2023 Chief Justice Chagares  
Criminally Aiding and Abetting Fraudulent Court  
Order and Herein Identifies the Motivation Behind the  
Courts Reasoning for the Noted Mail Fraud  
Circumstances Witnessed and Victimized By

The foregoing submissions are referred to the merits  
panel. The parties are advised, however, that the case  
will not be assigned to a merits panel until briefing is  
complete. Appellant's reply brief, if any, is due to be  
filed and served on or before December 4, 2023. As the  
rules of this Court do not contemplate serial filings,  
any arguments that Appellant may wish to present in  
response to Appellee 's brief should be included in the  
reply brief.

For the Court,

s/ Patricia S. Dodszuweit  
Clerk

Dated: November 28, 2023

## APPENDIX I

ESHED ALSTON'S MEMORANDUM OF RECORD #28 DOCUMENTATION 12/19/2023 OF APPELLANT'S MATERIAL EVIDENCE THAT UNLAWFULLY REFUSED RECEIPT DOCUMENTS WITH APPELLANT'S LEGAL NAME MISSPELLED ORIGINATING WITH GDWG, LLC 5315 LIMESTONE ROAD WILMINGTON DE 19808 APPENDIX EXHIBIT #12 IS DOCUMENTATION OF REAL EVIDENCE OF MAIL FRAUD CONSPIRACY AND OF FRAUDULENT DOCUMENTS COLLUSION SECRETLY ILLEGALLY USED BY BOTH CHIEF JUSTICE CHAGARES AND CLERK DODSZUWEIT CONSPIRACY TO DEFRAUD IN REFERENCED MEMORANDUM OF RECORD #26 AND 27 MERIT PANEL JUSTICES

There is One Supreme Omnipotent Omnipresent Omniscient Almighty Unchanging Father GOD

1. MERIT PANEL Justices. This documentation of US Court of Appeal Third Circuit both MAIL FRAUD and criminal RICO. Collusion complaints as were Memorandum of record #26 and 27. Document criminal wrong doing in significant violations. Of application of provisions of federal laws by Clerk Dodszuweit and. Is presented herein directly to the attention of MERIT PANEL Justices directly as material evidence. That has been exposed as fraud on the court since 9/5/2023 noted in Appellants evidentiary exhibit #12. What is documented is illegal interference deliberately being perpetrated by both

Clerk and Chief Justice Chagares. Obstructing Appellants otherwise successful pending Appeal with aiding and abetting collusion. Of both the Clerk and Chief Justice who are unlawfully. Acting as Scott Wilcoz's advocates illegally placing otherwise.

2. Defaulted as of 8/10/2023 materially improper and nonconforming disrespectful to 2010 court order documents. That were concealed from Appellant illegally MERIT PANEL Justices and are now. Being used by Clerk Dodszuweit and chief justice Chagares secretly. In violations of federal laws provisions at 18 USC Sec 1512/1512/241/242/1001/and1341. Whereas they MERIT PANEL Justices continue to so do unlawfully and continually to this very day7 days before Christmas. All Three significant evidentiary exhibits presented herein. *Are unopened originals.*

3. By Appellant *that are in the sole and exclusive possession of Clerk Dodszuweit.* Whereas a copy of all of the written notices to the noted Clerk in preservation of the record were also evidence -documentation that was also timely received by 23-2350 case manager Timothy. MERIT PANEL Justices written Brady Rule discovery demands were made. In Memorandum of record #,26,27,and herein additionally herein#28. Appellant does not know what is in any of these 3 legally improper documents. It is noted that court of Appeal third circuit spells EShed Appellants Christian legal name properly on all documents received from Clerk Dodszuweit. Documenting her knowledge of proper acceptable spelling. It was and is a criminal act both in violations of 2010 court order crime. As well as required rules of

practice before this court. Clerk Dodszuwait had no legal right to file any documents as described as fraudulent in their purposes.

EShed ALSTON

/s/

These facts are true so help me GOD

[SEAL]

Notary

/s/

Sworn and subscribed before notary 12/18/2023



VICTIMS MEMORANDUM OF RECORD # 37  
2/15/2024 TO THE ATTENTION OF 23-2350. CASE  
MANAGER TIMOTHY IN WRITTEN NOTICE GIVEN  
AGAIN TO MERIT PANEL JUSTICES CHUNG  
MATEY AND KRAUSE OF ANTECEDENT  
DOCUMENTATION OF WRITTEN LEGAL  
EXCULPATORY EVIDENCE DEMANDS MADE TO  
THE PANEL FOR POSSESSION OF ANY AND ALL  
SCOTT WILCOX DOCUMENTS FILED  
UNLAWFULLY FRAUDULENTLY BY CLERK  
DODSZUWEIT'S IN MOORE AND RUTT  
COLLUSION There is One. Supreme Omnipotent  
Omnipresent Omniscient Almighty Unchanging  
Father GOD

1. EShed Alston's written follow up documentation  
2/15/2024 MERIT PANEL Justice Chung for leaving.  
Two important 2/14/2024 recorded phone messages to  
case manager TIMOTHY. Regarding exculpatory  
evidence preservation legal demand made. Of Clerk  
Dodszuweit fraud on the proceeding MERIT PANEL  
Justice Matey. Noted in terms of refusal to provide  
Appellant as a matter of RIGHT. A copy of Appellees  
Wilcox's nonconforming documents of Appellant's.

2. 12/19/2023 refused receipt. In Clerk Dodszuweits  
exclusive sole possession MERIT PANEL Justice  
Krause. Used subsequent to Wilcox 8/10/2023 default  
and or law firm of record Rutt and Moore and or  
GDWG,LLC 5315 Limestone Road Wilmington DE  
19808 default MERIT PANEL Justice Matey. The  
Wilcox documents herein sought were noted in Memo  
of record #28 provide material Appellant demanded  
real evidence. Memorandum of record #34 of 1/20/2024

is incorporated herein. Appellant's singular purpose intent and reasons motivates. Creation of this filing to acquire important information of any court documents originating from Scott Wilcox.

3. Of whatsoever was placed on the record by the Clerk on Wilcox's behalf. At any time to be preserved for further future potential appellate purposes. These referenced documents are noted in Memorandums of Record #28 MERIT PANEL Justice Chung. And have been unlawfully hidden illegally concealed from Appellant to date. In aiding abetting conspiracy by case manager TIMOTHY collusion with Clerk Dodszuweit. Unlawfully beneficiary to Scott Wilcox Moore and Rutt and others involved intent. And attempts to illegally void and neutralize \$252,000,000.00 legal liabilities before a jury. In terms of collusion of the Chief Justice Clerk and Case Manager.

4. TIMOTHY regarding 3 noted court confederates refusal. To make timely sought 12/19/2023 exculpatory evidence documentation available to Appellant timely. Additionally the intent of this NOTICE is exposing concealment in criminal fraud corruption. Brought to the attentions of MERIT PANEL Justices Krause Matey and Chung 12/19/2023. Seeking this tribunals needed assistance of acquiring whatever was filed not currently in Appellant's possession on Scott Wilcox behalf. Preserved Tribunal as issues of future potential appellate purpose and importance.

EShed ALSTON

/s/

These facts are true so help me GOD

[SEAL]

Notary

/s/

Sworn and subscribe before notary 12/15/2024

[MAILING ENVELOPE]

[RETURN ADDRESS]  
GDWG,LLC  
5315 LIMESTONE ROAD  
WILMINGTON, DE 19808

[MAILING ADDRESS]  
Eshed & Pamela Alston  
406 Arnold Court  
Dover, DE 19901

Exhibit #1

[MAILING ENVELOPE]

[BLANK OR ILLEGIBLE LABELS]

Exhibit #2

[MAILING ENVELOPE]

[RETURN ADDRESS]  
GDWG,LLC  
5315 LIMESTONE ROAD  
WILMINGTON, DE 19808

[MAILING ADDRESS]  
Eshed & Pamela Alston  
406 Arnold Court  
Dover, DE 19901

Exhibit #3

[MAILING ADDRESS]

Mr. Eshed Alston  
406 Arnold Court  
General's Green  
Dover, DE 19901

Enclosed are copies of 3 document sent to Clerk Dodszuweit that are currently in her possession Note Criminal misspelling of EShed Alston *Known* Christian name. Discovery demands were made in writing in memorandum of record 25, 26, 27, and in 28 under Brady Rule requirements,

*Attention MERIT PANEL Justices 12/19/2023*

Exhibit #1 documents mail fraud removal of the green certificate see memorandums 25, 26, 27. noting criminal misspelling of court order named change by court order. Believe to be From Scott Wilcox in collusion with GDWG, LLC see Appellants exhibit # 12 this is unlawful if it was secretly Filed by Clerk Dodszuweit.

Exhibit #2 documentation with the identity covered up believe to be From GDWG. LLC Exhibit #12 in concealed disguise, also unopened in possession of Clerk Dodszuweit exclusively. See Memorandum # 24, 25, 26, 27, and 28

Exhibit #3 with Confidential in red believe to originate with Circuit executive [illegible] who has consistently filed documents in criminal disrespect to the 2010 Religious name change Court order. Also was *not* opened sent the attention of clerk Dodszuweit *Merit Panel oF Justices* Thank you. EShed Alston