

## APPENDIX G

### COMPLAINT FOR SHOW CAUSE

Dale-Scott-Heineman. Real Party in Interest.  
Original United States of America.  
We-the-People.

Petitioner.

v.

William H. Alsup, Judge for the Northern  
District of California,  
San Francisco Division, et al.

Respondents.

Northern District Case No. cv24-06207

Comes now Dale-Scott-Heineman, originator/  
creator/executor/real party in interest, hereinafter  
Petitioner/Complainant, files this Complaint for Show  
Cause, as Affidavit as William H. Alsup, Senior Judge  
of the Northern District Court, San Francisco  
Division, has violated Petitioner/Complainant's  
protected due process rights, violated the rules of  
court, substantive law, and administrative law when,  
on his own motion during the hearing of June 11, 2024,  
refused to hear Petitioner/Complainant's Notice of  
Demand for Show Cause why case number 3:05-cr-  
00611WHA (DLJ) is not void ab initio nunc pro tunc  
by and through 28 U.S.C. sec. 2072, Federal Rules of  
Criminal Procedure Rule 6, as Affidavit, stating:

*“Well, I’m denying that motion and you can take a writ of mandate to the Court of Appeals if you wish, but I’m not going to hold off on moving ahead”* (emphasis added), in violation of, but not limited by, Title 18 United States Code: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, with evidence in support as Attachment “1”, June 11, 2024 transcript of hearing paragraph 20;

The United States Attorney and Assistant United States Attorney’s named herein shall show cause for deliberately and intentionally withholding material evidence from the grand jury and petit jury, known to be in their possession at the time, that demonstrates and proves that no harm or loss, whatsoever, was caused or could be caused to any financial institution or lender named in the indictment 3:05-cr-00611DLJ a.k.a. 3:05-cr-00611WHA in conformance with the law, i.e., the Letter of Credit from a Swiss Trust company that provided the underlying assets that backed each and every private bond/instrument issued, in violation of, but not limited by, Title 18 United States Code: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, with evidence in support as Attachment “2” Letter of Credit;

The United States Attorney and Assistant United States Attorney's named herein shall show cause for switching the victims presented to the grand jury for indictment with non-pled clients of Petitioner/ Complainant and Johnson at trial as explained by AUSA David Hall during his closing argument before the petit jury, in violation of, but not limited by, F.R.Cr.P. Rule 7(c) and Title 18 United States Code; 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, with evidence in support as Attachment "3" transcript paragraphs 10-14 for admission for the switching of victims;

The United States Attorney and Assistant United States Attorney's shall show cause why they did not produce a victim impact statement, form, or document, that demonstrates or proves any of the financial institutions or lenders named in the indictment 3:05-cr-00611DLJ a.k.a. 3:05-cr-00611WHA was harmed or suffered loss in any way whatsoever required by and through the Mandatory Victims' Rights Act ("MVRA"), 110 Stat. 1227; 18 U.S.C. sec. 3663A, in violation of, but not limited to, Title 18 United States Code; 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, 18 U.S.C. § 3663A, whereby evidence in support is the failure of the

United States Attorney, Assistant United States Attorney's, or any other Agency of government, to produce a victim impact statement, form, or document that demonstrates or proves that any financial institution or lender named in the indictment 3:05-cr-00611DLJ a.k.a. 3:05-cr-00611WHA suffered harmed or loss;

Petitioner/Complainant moves this honorable Article III court by and through this Complaint for Show Cause, as Affidavit why William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division, Merrick Garland, United States Attorney General, Ismail Ramsey, United States Attorney, James E. Keller, Assistant United States Attorney, David Hall, Assistant United States Attorney, Nikhil Bhagat, Assistant United States Attorney, Case Number 05-cr-00611WHA, employees/fiduciaries, of, by and for the "We-the-People" as established by and for the "We-the-People", has not trespassed upon Petitioner/Complainant's protected due process rights in violation of the supreme Law of the Land<sup>1</sup> and not in violation of, but not limited by, Title 18 United States Code; 18 U.S.C.

**1. 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.

§ 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

These Respondent's acting as third-party interlopers, did violate and continue to violate Petitioner/Complainant's protected due process rights by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S. Code sec. 552 (3)(A), FRCP RULE 6; Americans with Disabilities Act 104 Stat 328, in violation of, but not limited by, Title 18 United States Code; 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

These Respondent's violated and continue to violate Petitioner/Complainant's protected due process rights by and through settled law, stare decisis:

Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803)<sup>2</sup>, Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Valley v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F.2d 304, 307 (1987),

2. That the people have an original right to establish, for their future government, such principles as, in their opinion, shall most conduce to their own happiness, is the basis, on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it, nor ought it to be frequently repeated. The principles, therefore, so established, are deemed fundamental. And as the authority, from which they proceed, is supreme, and can seldom act, they are designed to be permanent.

This original and supreme will organizes the government, and assigns, to different departments, their respective powers. It may either stop here; or establish certain limits not to be transcended by those departments.

The government of the United States is of the latter description. (emphasis added)

It is also not entirely unworthy of observation, that in declaring what shall be the *Supreme* law of the land, the *constitution* itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in *pursuance* of the constitution, have that rank.

Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be beneficial to all written constitutions, that a law repugnant to the constitution is void; and that *courts*, as well as other departments, are bound by that instrument. Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803)

Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971), in violation of, but not limited by, Title 18 United States Code; 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

### **Standing**

Petitioner/Complainant plainly and clearly invokes his Original standing in and on and for the record as Originator/Creator/Executor/Beneficiary/Employer, the true party in interest one of the We-the-People, is the United States of America by and through the Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S. Code sec. 552 (3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, as Affidavit and, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed.

1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F.2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971), et al.;

Petitioner/Complainant, one of the “We-the-People” of the Original Estate *is* the Original Creator/Executor/Employer and *is* the United-States-of-America, and *is* the Original Creator/Settlor/Executor for this Constitution/Charter/Trust/Contract wherein “We-the-People” have privity of that Great Charter/Trust/Contract and does enjoy: *all* immunities from *all* acts of Congress, *all* Codes of Federal Regulations, and *all* administrative/executive orders, and *all* policies by and through the Articles of Confederation, 7 STAT-13, Northwest Territorial Ordinance #1 and the Constitutions, 1-STAT-50 by Res judicata; and that:

*Any* appearance of violating these doctrines by any/all administrators/agents/trustees/employees will be taken as an act of aggression and for the overthrowing of the Constitution and the Original form of government and “We-the-People” of the Original United States of America; and “We-the-People” as the employer of the United States of America, thereupon “show cause”, “removal from office” and “impeachment” will be “instituted instantly”; Broadrick et al. v. Oklahoma et al. 413



U.S. 601,620 (1973), Employees of the Department of Public Health and Welfare of Missouri et al. v. Department of Public Health and Welfare of Missouri et al., 411 U.S. 279,322,323 (1973), Colten v. Kentucky, 407 U.S. 104,122 (1972), 7 Howard 419, 1 S.Ct. 601 Cooley, Const. Lim. 503; Southerland, Notes on U.S. Const. p 649;

Petitioner/Complainant, the Original Creator/Executor/Employer of the Original Estate, one of the “We-the-People”, the true-party-in-interest, a living man, an inhabitant, a people; *not* a “person” as defined by the Supreme Court of the United States 56 L.Ed. 2d 895, “public”, “entity”, “individual”, “resident”, “citizen of the United States”, “citizen of the United States of America”, “subject of the United States”, “subject of the United States of America”, “sovereign citizen”, “transmitting utility”, “accommodation party”, “surety”, “debtor”, et al.; but the Original Creator/Executor/Employer, one of the “We-the-People” the creator/settlor of that Great charter/trust/contract document: the Constitution of the United States and employer of Respondents invokes his Original Standing and exercises his Constitutionally protected due process rights as set forth whereby:

“In the United States, Sovereignty resides in the people, who act through the organs established by the Constitution.” Chisholm v. Georgia, 2 Dall 419, 471; Penhallow v. Doane's Administrators, 3 Dall 54, 93; McCullock v. Maryland, 4 Wheat

316,404,405; Yick Wo v. Hopkins, 118 U.S. 356, 370(1886); and

“Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts.” Yick Wo v. Hopkins, 118 U.S. 356 (1886);

““We the People” formed the governments of the several States. Under our constitutional system, therefore, a State is not the sovereign of its people. Rather, people are sovereign.” Employees of the Department of Public Health and Welfare of Missouri et al., v. Department of Public Health and Welfare of Missouri et al., 411 U.S. 279, 322;

“Since when have we Americans been expected to bow submissively to authority and speak with awe and reverence to those who represent us? The constitutional theory is that we the people are the sovereigns, the state and federal officials only our agents.” Colten v. Kentucky, 407 U.S. 104,122 (1972);

### **Jurisdiction**

This honorable court has jurisdiction by and through Article III and Article IV of the Constitution of the United States of America;

### **Venue**

This honorable court sitting in the capacity of an Article III guaranteed by and through Article IV of the Constitution of the United States. This court is the proper venue to hear constitutional violations of law upon the Originator/Executor/Settlor/Employer

perpetrated by government administrators/agents/ employees/trustees/fiduciaries acting under color of law and color of authority, and in violation of 18 U.S. Code sec. 242 and their oaths of office, trespassing upon by and through the Constitution of the United States America— Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50 and Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), United States v. Holzer, 816 F. 2d 304, 307 (1987)<sup>3</sup>, United States v. Throckmorton, 98 U.S. 61,65, 25 L.Ed. 93 (1878)<sup>4</sup>;

### **Summary of the Case**

1. On September 22, 2005, Petitioner/Complainant was a named defendant in a 46 count criminal

3. Fraud in its elementary common law sense of deceit — and this is one of the meanings that fraud bears in the statute, see United States v. Dial, 757 F.2d 163, 168 (7th Cir. 1985) — includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, including, in the case of a judge, the litigants who appear before him, and if he deliberately conceals material information from them he is guilty of fraud.  
U.S. v Holzer, 816 F. 2d 304, 307 (1987)

4. But there is an admitted exception to this general rule in cases where, by reason of something done by the successful party to a suit, there was in fact no adversary trial or decision of the issue in the case. Where the unsuccessful party has been prevented from exhibiting fully his case, by fraud or deception practised on him by his opponent, as by keeping him away from court, a false promise of a compromise; or where the defendant never had knowledge of the suit, being kept in ignorance by the acts of the plaintiff; United States v. Throckmorton, 98 U.S. 61, 25 L.Ed. 93 (1878)

indictment (case no. 3:05-cr-00611DLJ) alleging bank fraud (18 U.S.C. sec. 1344), wire fraud (18 U.S.C. sec. 1343), mail fraud (18 U.S.C. sec. 1341), and conspiracy to commit bank fraud, mail fraud, and wire fraud (18 U.S.C. sec. 1349). This arises from the NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION. At the time of presentment of the federal indictment was in the custody of the State of Utah on related charges and remained in Utah custody until December 20, 2005, wherein the State of Utah dismissed all charges and defendant was moved solely into federal custody and subsequently transferred to the Northern District of California;

2. On February 16, 2006, while in attendance at the initial hearing before a federal magistrate judge, Petitioner/Complainant was presented with a 68 count superseding indictment (case no. 3:05-cr-00611WHA) wherein four (4) additional defendants were named, all trust defendants were dropped, and two (2) counts of contempt of court (18 U.S.C. sec. 401(3)) were added to the existing alleged violations;
3. The bank fraud (18 U.S.C. sec. 1344), wire fraud (18 U.S.C. sec. 1343), and contempt (18 U.S.C. sec. 401(3)) charges were dismissed prior to trial. Trial occurred in October/November of 2008 for mail fraud and conspiracy to commit the same;
4. In October of 2007, Petitioner/Complainant went to trial and was convicted of 35 counts of mail

fraud (18 U.S.C. sec. 1341) and 1 count of conspiracy (18 U.S.C. sec. 1349);

Sentencing occurred on March 18, 2008.

Petitioner/Complainant received a 240 month sentence with 5 years of supervised release;

5. Petitioner/Complainant represented the Defendant, at all times until William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division conspired with the United States Attorney and Assistant United States Attorney's forced counsel upon Petitioner/Complainant prior for appellate review;

The record and evidence in support shows that indictment case no. 3:05-cr-00611DLJ, A.K.A. case no. 3:05-cr-00611WHA, are void on its face by and through the duly constituted verified evidence ascertained and in, on, and for the record by and through by and through the Administrative Procedures Act Freedom of Information Act (FOIA), 5 U.S.C. sec's. 552, 552a— the Administrative Law process, as documented in the District of Nevada Court case number 2:23-cv-00448-JAD (see Second Amended Complaint as Attachment "4"), (see Plaintiffs Notice of Transcript for Related Case No. 3:05-cr-00611-WHA, as Affidavit as Attachment "5") and (see Notice of Demand for Show Cause why case number 3:05-cr-00611WHA (DLJ) is not void ab initio nunc pro tunc by and through 28 U.S.C. sec. 2072, Federal Rules of Criminal Procedure Rule 6, as Affidavit, with all attachments, filed in the Northern District Court of California case no. 3:05-

cr-00611WHA as Attachment “6”) wherein by and through the Administrative Law process the record shows that Respondents violated and continues to violate Petitioner/Complainants’ unalienable protected due process rights and substantive law and the rules of procedure when they:

1. Did not produce verified evidence of the grand jury concurrence form delivered to the magistrate judge in open court in violation of by and through Federal Rules of Criminal Procedure Rule 6(f).
2. Did not produce verified evidence of the grand jury concurrence form filed with the clerk of the court in violation of by and through Federal Rules of Criminal Procedure Rule 6(c).
3. Did not produce verified evidence that or Petitioner/Complainant’s counsel waived Petitioner/Complainant’s right of notice to challenge the grand jury in violation of by and through Federal Rules of Criminal Procedure Rule 6(b)(1).
4. Did not produce verified evidence that demonstrates or proves that Petitioner/Complainant or Petitioner/Complainant’s counsel was afforded a reasonable opportunity to appear and be heard to: (ii) the parties to the judicial proceeding, Petitioner/Complainant was not notified as required by and through FRCrP Rule 6(e)(F)(ii).
5. Did not produce a certified full and complete record for inspection by and through Federal

Rules of Evidence 901, 29 CFR, Part 18 Subpart B; Title 5 sec. 552a, 5 CFR Ch. XVI, Subch. A, Pt. 2604;

“Though the rule in this Circuit is settled that a written transcript of grand jury proceedings is not constitutionally required, United States v. Harper, 432 F.2d 100 (5th Cir. 1970), this rule does not intend to foreclose inquiry into those proceedings, nor insulate them from attack under Rule 6” United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971);

### **Complaint Count 1.**

The grand jury concurrence form was not delivered to the magistrate judge in open court with the indictment of September 22, 2005 (case no. 3:05-cr-00611DLJ, case no. 3:05-cr-00611WHA) as required by law and in violation of by and through Federal Rules of Criminal Procedure Rule 6(f)<sup>5</sup>, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments 4,5,6;

**5. FRCrmp Rule 6(f)** Indictment and Return. A grand Jury may indict only if at least 12 Jurors concur. The grand jury-or its foreperson or deputy foreperson- must return the indictment to a magistrate judge in open court. If a complaint or information is pending against the defendant and 12 jurors do not concur in the indictment, the foreperson must promptly and in writing report the lack of concurrence to the magistrate judge

## **Complaint Count 2.**

The grand jury concurrence form was not filed with the clerk of the court as required by law by and through Federal Rules of Criminal Procedure Rule 6(c)<sup>6</sup>, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments 4,5,6;

Respondents failed to comport with their own Rules and Procedures, from the beginning, constitutes a fraud upon the court for which has created harm and a disability and harm with injuries that has resulted in damages for the Petitioner/Complaint, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments 4,5,6;

**6. FRCrmP Rule 6(c).** The foreperson may administer oaths and affirmations and will sign all indictments. The foreperson—or another juror designated by the foreperson—will record the number of jurors concurring in every indictment and will file the record with the clerk, but the record may not be made public unless the court so orders



### **Complaint Count 3.**

Respondents failed to produce verified evidence that demonstrates or proves that Petitioner/Complainant or Petitioner/Complainant's counsel waived Petitioner/Complainant's right of notice to challenge the grand jury as required by law by and through Federal Rules of Criminal Procedure Rule 6(b)(1)<sup>7</sup>, Dennis v. United States, 384 U.S. 855; 86 S. Ct. 1840 \*\*; 16 L. Ed. 2d 973; Curcio v. United States 354 U.S. 118 \*; 77 S. Ct. 1145 \*\*; 1 L. Ed. 2d 1225 \*\*\*, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments 4,5,6;

Respondents failed to comport with the law, their own Rules, Procedures, and holdings from the beginning, constitutes a fraud upon the court by Respondents for which has created harm and a disability for which has resulted in damages and injuries for Petitioner/Complainant;

**7. FRCrmp Rule 6(b)(1) Challenges.** Either the government or a defendant may challenge the grand jury on the ground that it was not lawfully drawn, summoned, or selected, and my challenge an individual juror on the ground that the juror is not legally qualified

#### **Complaint Count 4.**

Respondents failed to produce verified evidence that demonstrates or proves that Petitioner/Complainant or Petitioner/Complainant's counsel was afforded a reasonable opportunity to appear and be heard to: (ii) the parties to the judicial proceeding, Petitioner/Complainant was not notified as required by and through FRCrP Rule 6(e)(F)(ii)<sup>8</sup> Dennis v. United States, 384 U.S. 855; 86 S. Ct. 1840 \*\*; 16 L. Ed. 2d 973; United States v. Cramer, 447 F.2d 210; United States v. DeSisto, 329 F.2d 929, 934 (2d Cir.); and by and through Jury Selection and Service Act of 1968, 28 U.S.C. sec. 1867(e)<sup>9</sup>, (f)<sup>10</sup>, United States v. Arnett, 342 F. Supp.

**8. FRCrP Rule 6(e)(F)(ii).** Under. Rule 6(e)(3)(E)(i) must be filed. in the district where the grand jury convened. Unless the hearing is ex parte—as it may be when the government is the petitioner—the petitioner must serve the petition on, and the court must afford a reasonable opportunity to appear and be heard to: (i) an attorney for the government; (ii) the parties to the judicial proceeding; and (iii) any other person whom the court may designate

**9. Jury Selection and Service Act of 1968, 82 Stat. 59, 28 U.S.C. sec. 1867(e)** Provides exclusive means for party charged with federal crime to challenge jury. United States v Cooper (1984, CA10 Kan) 733 F.2d 1360, 15 Fed Rules Evidence Serv 415, cert den (1984), 467 US 1255, 82 L Ed 2d 847, 104 S Ct 3543; Compliance with the procedural provisions of the Act is the exclusive means of challenging the jury on the basis of a violation of the statute. 28 U.S.C. sec. 1867(e); United States v. Arnett, 342 F. Supp. 1255, 1258 (D.Mass. 1970)

**10. 28 U.S.C. sec. 1867(f)** The parties in a case shall be allowed to inspect, reproduce, and copy such records or papers at all reasonable times during the preparation and pendency of such a motion

1255, 1258 (D.Mass. 1970), United States v. Cooper (1984, CA10 Kan) 733 F.2d 1360, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments 4,5,6)

Respondents failed to comport with the law, their own Rules, Procedures, and holdings from the beginning, constitutes a fraud<sup>11</sup> upon the court by Respondents for which has created harm and a disability for which has resulted in damages and injuries for Petitioner/Complainant;

**11. Fraud.** An intentional perversion of Truth, for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right, a false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations or by concealment of that which should have been disclosed which deceives and is intended to deceive another so that he shall act upon it to his legal injury. Brainerd Dispatch Newspaper Co. v Crow Wing County, 196 Minn. 194, 264 N.W. 779, 780. Any Kind of artifice employed by one person to deceive another. Goldstein v Equitable Life Assur. Soc. of US., 160 Misc. 364, 289 N.Y.S. 1064, 1067. A generic term, embracing all multifarious means which human ingenuity can devise, and which are resorted to by one individual to get advantage over another by false suggestions or by suppression of truth, and includes all surprise, trick, cunning, dissembling, and any unfair way by which another is cheated. Johnson v McDonald, 170 Okla. 117, 39 P.2d 150. "Bad Faith" and "Fraud" are synonymous and also synonymous of dishonesty, infidelity, faithlessness, perfidy, unfairness, etc. Joiner v Joiner, Tex.Civ.App., 87 S.W.2d 903, 914, 915. Black's Revised 4<sup>th</sup> Edition, (pgs. 788,789)

### **Complaint 5.**

Respondents failed to produce a certified full and complete record for inspection by and through Federal Rules of Evidence 901, 29 CFR, Part 18 Subpart B; Title 5 sec. 552a, 5 CFR Ch. XVI, Subch. A, Pt. 2604; Potenz Corp. v. Petrozzini, 170 Ill. App. 3d 617, 525 N.E. 2d 173, 175 (1988) regarding case # cr-05-00611DLJ a.k.a. 3:05-cr-00611WHA, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments 4,5,6;

Respondents failed to comport with their own Rules, Procedures, and holdings from the beginning, constitutes a fraud upon the court by the Respondents by and through Brainerd Dispatch Newspaper Co. v. Crow Wing County, 196 Minn. 194, 264 N.W. 779, 780, Goldstein v. Equitable Life Assur. Soc. of US. 160 Misc. 364, 289 N.Y.S. 1064, 1067, Johnson v. McDonald, 170 Okla. 117, 39 P.2d 150, Joiner v. Joiner Tex.Civ.App., 87 S.W.2d 903, 914, 915 for which has created harm and a disability that has resulted in damages and injuries for Petitioner/Complainant;

Whereupon:

The record shall include all sealed and docketed filings, transcripts, including all FD-302 interviews

previously in the possession of Petitioner/ Complainant, and later disposed of by the Bureau of Prisons (FBOP) staff when Plaintiff transferred from FCI Lompoc to FCI Victorville, by and through:

Rule 901. Authenticating or Identifying Evidence

(a) In General. To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is.

(b) Examples. The following are examples only — not a complete list — of evidence that satisfies the requirement.

(7) Evidence About Public Records.  
Evidence that:

(A) a document was recorded or filed in a public office as authorized by law; or

(B) a purported public record or statement is from the office where items of this kind are kept; (emphasis added)

## **Evidence of Violations of Law and Due Process Right within the Indictments and the Proceedings**

### **Complaint Count 6.**

No jurisdictional statement is discoverable anywhere, whatsoever, in original indictment case no. 3:05-cr-00611DLJ dated September 22, 2005 or the superseding indictment dated February 16, 2006 for which is required by law by and through "The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings." Hagans v. Lavine, 415 U.S. 533, 94 S. Ct. 1372 (1974), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments "7" and "8";

Respondents failed to comport with their own Rules, Procedures, and holdings from the beginning, constitutes a fraud upon the court by Respondents for which has created harm and a disability for which has resulted in damages and injuries for Petitioner/Complainant;

### **Complaint Count 7.**

Petitioner/Complainant was convicted for mail fraud (18 U.S.C. sec. 1341) and conspiracy to commit mail fraud (18 USC sec. 1349). Title 18 U.S.C. sec. 1349 is not a stand-alone statute. It borrows its scienter and sentencing from other fraud statutes. In this case it is the mail fraud statute 18 U.S.C. 1341. Where 1341

fails to state an offense, 1349 would automatically suffer the same fate. The scheme and artifice to defraud financial institutions and lenders was dismissed prior to trial removing the essential elements required by law to be proven to a jury;

Proceeding to trial absent a provable victim with a property right whether tangible or intangible can never rise to activate the mail fraud statute. Defrauding financial institutions or lenders under the current mail fraud statute is a legal impossibility. Any conviction therefore violates all the canons of constitutional avoidance in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments “7” and “8”;

#### **Complaint Count 8.**

The Respondents failed to distinguish between financial institutions and lenders named in the indictments. Most of the financial institutions and lenders were not financial institutions *at the time of indictment* (original indictment of September 22, 2005, and superseding indictment of February 16, 2006) by and through 18 U.S.C. sec. 20, United States v. Bennett, 621 F.3d 1131,1137-1139 (9<sup>th</sup> Circuit) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. §

1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments “7” and “8”;

Respondents failed to comport with their own Rules, Procedures, and holdings from the beginning, constitutes a fraud upon the court by Respondents for which has created harm and a disability that has resulted in damages and injuries for Petitioner/Complainant;

#### **Complaint Count 9.**

No financial institution or lender, whatsoever, identified as victims in the indictment appeared at trial for testifying as to a loss or harm. (see Sentencing Transcripts page 19, paragraphs 8-13, and page 45 paragraphs 1-25 as Attachment “9”) The plain reading of the indictment alleged Petitioner/Complainant devised a “scheme and artifice to defraud financial institutions and lenders...” this violation of Petitioner/Complainants protected due process right to confront his accuser failed for which has created harm and injury which has resulted in a disability for Petitioner/Complainant in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments “7” and “8”;



### **Complaint Count 10.**

No financial institution or lender, whatsoever, identified as victims in these indictments submitted a victim impact statement alleging a loss or harm as required by law by and through the Mandatory Victims' Rights Act ("MVRA"), 110 Stat. 1227; 18 U.S.C. sec. 3663A, "requires that those convicted of certain federal crimes make payments to *victims* of their crimes as an *element* of their sentence." (emphasis added) The victims appearing in the Judgment and Commitment Order are former clients and an unknown, unidentified, and non-pled debt collector; not financial institutions or lenders as pled, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachment "10";

Respondents were permitted by the administrator of the court, Judge William H. Alsup, to legislate from their desk when at trial the financial institution and lender victims pled by Respondents were switched with non-pled clients of Petitioner/Complainant and then paraded in front of the petit jury to judge irrelevant and inflammatory testimony. Respondents departed from the fair construction and common sense reading of these indictments which was to give Petitioner/Complainant and codefendant Johnson notice of the statutory violations cited by Respondents,

see United States v. Rodriques, 737 Fed Appx 178, 181 (9<sup>th</sup> Cir 2005). Respondents constructively amended the indictment before trial when they switched the pled financial institution and lender victim's with non-pled clients of Petitioner/Complainant for which has created harm and injury which has resulted in a disability for the Petitioner/Complainant;

#### **Complaint Count 11.**

Respondents failed for complying with by and through the Speedy Trial Act of 1974, 88 Stat. 2080, as amended August 2, 1979, 93 Stat. 328, 18 U.S.C. sec's. 3161–3174, and violated Petitioner/Complainants right to a speedy trial, which are not waivable without consent, Zedner v. United States, 547 US 489,502 (2006), there exists no verified evidence that Petitioner/Complainant expressed such consent:

The Speedy Trial Act clock began at the attachment of Petitioner/Complainants liberty interest United States v. Marion, 404 US 307 (1971), United States v. Loud Hawk, 474 US302, 312 (1986) which began on September 22, 2005, when the original indictment was filed, served and the Utah jailers, who had custody of Petitioner/Complainant at the time, raised Petitioner/Complainants security level reflecting the attachment of the Federal detainer;

On December 20, 2005, Utah dropped all charges leaving Petitioner/Complainant in the sole custody of the Federal government. On December 22, 2005, Petitioner/Complainant was arraigned by a magistrate in Utah on the original 46 count indictment;

Without any 3161(h) exclusions on the record or any motions filed for exclusions, or any waiver of time on the record, whatsoever, until March 3, 2006, this delay far exceeded the 70 day statutory limitation in violation of the Speedy Trial Act in two (2) distinct ways:

1. From arrest on September 22, 2005 until arraignment of December 22, 2005 is 91 days;
2. From arrest on September 22, 2005 until the first exclusion of time of March 3, 2006, is 165 days;

This Speedy Trial Act violation applies only to those charges carried forward from the original indictment, not the superseding indictment passed on February 16, 2006. The superseding indictment did not exempt the government from its obligation at law to bring Petitioner/Complainant and Johnson to trial. See United States v. Thomas, 788 F.2d 1250 (7<sup>th</sup> Cir), United States v. Rush, 738 F.2d 497 (1<sup>st</sup> Cir.) ...”;

Respondents and the administrator of the court violated the “Act” after they were noticed of the Speedy Trial Act violation, intentionally ignored the Speedy Trial Act of 1974, 88 Stat. 2080, as amended August 2, 1979, 93 Stat. 328, 18 U.S.C. sec’s. 3161–3174, which has created harm and injury which has resulted in a disability for Petitioner/Complainant, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18

U.S.C. § 2382, 18 U.S.C. § 2385, see docket entry 27 as evidence as Attachment “11”;

**Complaint Count 12.**

On 11/7/2007, William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division and the United States Attorney and Assistant United States Attorney conspired to tamper with witness Dr. Larry Bates (former Tennessee House of Representatives member, former bank Chairman, Federal Witness, and consultant for Petitioner/Complainant and codefendant Johnson) who was prepared to offer first-hand testimony as to how promissory notes were processed by financial institutions and lenders.

Without the jury present and prior to trial, Dr. Bates was instructed by William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division and the United States Attorney and Assistant United States Attorney *not* to speak about the promissory note, banking, or any other banking mechanics. Judge William H. Alsup, undermined, interfered, and trespassed upon Petitioner/ Complainant protected due process in violation of 18 U.S. Code sec. 1512 when he denied Petitioner/ Complainant the opportunity to make a showing to the jury that no harm or injury had been caused, or could have been caused by Petitioner/Complainant, to any financial institution or lender, and in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18

U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence docket 516 for Dr. Bates appearance as Attachment "12";

Respondents have intentionally denied Petitioner/Complainant a certified copy of the full and complete record including transcripts which creates harm and injury for the Petitioner/Complainant for which has resulted in a disability for the Petitioner/Complainant;

### **Complaint Count 13.**

On 11/01/2007, William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division and the United States Attorney and Assistant United States Attorney conspired to tamper with witness Todd-Ellis Swanson (accountant, enrolled agent, and service provider to Petitioner/Complainant) in violation of 18 U.S. Code sec. 1512 was prepared to offer first-hand testimony as to the standards, functions, accounting practices, i.e., GAAP accounting, for financial institutions and lenders. William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division and the United States Attorney and Assistant United States Attorney threatened and intimidated Petitioner/Complainant's material witness stating that if Mr. Swanson testified on Defendants behalf, Judge William H. Alsup would recommend to the prosecution to enjoin Mr. Swanson as a co-conspirator to the instant action, thus undermined, interfered, and trespassed upon Petitioner/Complainant due process denied

Petitioner/Complainant the opportunity to make a showing to the jury that no harm or injury had been caused, or could have been caused by Petitioner/Complainant, to any financial institution or lender, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence for Todd-Ellis Swanson appearance at docket 503 as Attachment “13”);

Respondents have denied Petitioner/Complainant a certified copy of the full and complete record including transcripts which created harm and injury for Petitioner/Complainant which has resulted in a disability to Petitioner/Complainant;

**Complaint Count 14.**

On or about August 31, 2007, Petitioner/Complainant and codefendant Johnson motioned the court for a subpoena for the bond/instrument previously sent to each financial institution or lender prior to indictment— this being a necessary and substantive part of Petitioner/Complainant’s presentment sent to each financial institution or lender and subject for Petitioner/Complainant and Johnsons’ defense for presenting to the jury relevant material evidence that demonstrates and proves that no financial institution or lender was harmed or injured, or could be harmed or injured; (see docket entries 426, 427 as Attachment “14”)

Respondents have denied Petitioner/Complainant a certified copy of the full and complete record including transcripts;

The subpoenas were granted by Judge Alsup for these bond/instruments for each financial institution and lender named in the indictment. All subpoenas were timely and properly served for the bond/instrument. (see docket entry 428 as Attachment "15") (Respondents have denied Petitioner/Complainant a certified copy of the full and complete record including transcripts);

Instead of conforming to our very specific request, these financial institutions and lenders sent their respective mortgage contracts;

On or about October 15, 2007, Petitioner/Complainant and codefendant Johnson motioned the court to compel production for these financial institutions and lenders to produce the bond/instrument; (see docket entries 466 and 467 as Attachment "16") (Respondents have denied Petitioner/Complainant a certified copy of the full and complete record including transcripts);

On October 18, 2007, Judge Alsup denied Petitioner/Complainant and codefendant Johnson motion to compel production of the bond/instrument, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18

U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence for docket entry 469 as Attachment “17”;

Respondents have denied Petitioner/ Complainant a certified copy of the full and complete record including transcripts;

William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division violated Petitioner/Complainants due process in violation of 18 U.S.C. sec. 1519 tampering with evidence when he denied Petitioner/Complainant and codefendant Johnson from presenting material evidence that demonstrates and proves that no financial institution or lender was harmed or injured, or could be harmed or injured (Refer to evidence Attachment “2”) which created harm and injury for Petitioner/Complainant which has resulted in a disability for Petitioner/Complainant and in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

#### **Complaint Count 15.**

During the jury instruction phase, William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division polluted the jury when he drew upon the dismissed financial institutions and lenders pled in the indictments, “a scheme to defraud lenders”, stated in his jury instruction:



*“Turning to Count One, it alleges that from approximately February 2004 until approximately July 6, 2005, defendants knowingly conspired between themselves and with various brokers to devise a scheme to defraud lenders with loans secured by real property, to obtain money by means of materially false statements and promises, and to knowingly cause the United States mails to be used to further the alleged scheme in violation of the mail-fraud statute, which is Section 1341 of Title 18 of the United States Code. Count One alleges various attempts to eliminate mortgages pursuant to the alleged conspiracy.”* in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence of Jury Instruction transcript point 22 attached as Attachment “18”;

Judge William H. Alsup concurs that “Financial institutions and lenders” was specifically identified in these indictments as the “target” of Petitioner/Complainant/defendants’ scheme and artifice to defraud Tanner v. United States, 483 US 107, 129 (1987) that cannot be parsed out of the specific “intent” element of mail fraud which requires an identifiable victim, United States v. Milwitt, 475 F.3d 1150, 1155-56 (9<sup>th</sup> Cir., 2006). An after-trial recharacterization of a sentencing factor proffered by the prosecution, and permitted by the administrator of the court, is a

trespass upon Petitioner/Complainants protected due process and a violation of the Federal Rules of Criminal Procedure Rule 7(c)(1)<sup>12</sup> which created harm and injury for Petitioner/Complainant which has resulted in a disability for Petitioner/Complainant and in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

**12. FRCrmp Rule 7(c) Nature and Contents. (1) *In General.***

The indictment or information must be a plain, concise, and definite written statement of the essential facts constituting the offense charged and must be signed by an attorney for the government. It need not contain a formal introduction or conclusion. A count may incorporate by reference an allegation made in another count. A count may allege that the means by which the defendant committed the offense are unknown or that the defendant committed it by one or more specified means. For each count, the indictment or information must give the official or customary citation of the statute, rule, regulation, or other provision of law that the defendant is alleged to have violated. For purposes of an indictment referred to in section 3282 of title 18, United States Code, for which the identity of the defendant is unknown, it shall be sufficient for the indictment to describe the defendant as an individual whose name is unknown, but who has a particular DNA profile, as that term is defined in section 3282

### **Complaint Count 16.**

William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division and the United States Attorney permitted the Respondents to legislate from their desk when they created a criminal statute out of thin air citing “debt elimination” as a violable offense against the United States– there exists no such statute. The “debt elimination” theory advanced by the prosecution and supported by the administrator of the court is a statutory impossibility that failed to state an offense for the conduct alleged in these indictments in addition to being a violation of procedural and substantive due process and contrary to the Acts of Congress and the supreme Law of the Land;

No pled victim was summoned to appear for the prosecution at trial and no pled victim offered testimony at trial to invoke the specific intent or any other essential elements for conviction. The prosecution has the burden to prove each and every element, to wit:

In re Winship, 397 US 358, 364 (1970) and “Consequently, the court may consider only the elements contained within the statutory definition of the crime.” United States v. Lipscomb, 619 F.3d 474, 493 (5<sup>th</sup> Cir., 2010) quoting James v. United States, 550 US 192 at 201, which has created harm and injury which has resulted in a disability for Petitioner/Complainant in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18

U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence of Sentencing Transcript pages 19 paragraphs 9-13 and 45 paragraphs 1-25 as Attachment "19";

#### **Complaint Count 17.**

The United States Attorney presented "evidence" to the grand jury that induced the grand jury to indict Petitioner/Complainant/Defendants based upon an estimated \$50 Million dollar loss "theory" incurred by financial institutions and lenders by Petitioner/Complainants "debt elimination" scheme. This indictment gives notice of "Honest Services" as a property loss to financial institutions and lenders being affected and controlling, which AUSA Keller claimed was defined by statute. This is an irresponsible and unconscionable legislation-on-the-fly to create or amend a statute that in-turn prevented the 4<sup>th</sup> Amendment and reasonable doubt standards from availing. Honest services *is* confined to bribes and kickbacks;

Petitioner/Complainant never had a duty to any of the alleged pled victims that could ever approach the conduct that reaches to bribes and kickbacks. Respondents utter failure to be faithful to the law in violation of their oaths of office has created harm and injury for Petitioner/Complainant which has resulted in a disability for Petitioner/Complainant in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18

U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

**Complaint Count 18.**

Respondents, as fiduciaries/employees of and for Petitioner/Complainant, whose acts and actions upon Petitioner/Complainant constitute a criminal violation of their oaths of office by and through 5 U.S.C. sec. 7311 constitutes a criminal violation by and through 18 U.S.C. sec. 1918 for a member of the government, which includes members of Congress, and thus did and does “advocate the overthrow of our constitutional form of government” by engaging in prosecutorial and judicial misconduct in violation of Respondents oath to execute faithfully [their] duties by and through 28 U.S. Code sec. 544 which has created harm and injury which has resulted in a disability for Petitioner/Complainant in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

**Complaint Count 19.**

Respondents failed to take notice that the courts of the United states are bound to take notice of the Constitution of the United states that established the Constitution is the “Supreme law of the land” Marbury v. Madison, 5 U.S. 137, 1 Cranch 137

(1803) in violation of 18 U.S.C. 371 which has created harm and injury which has resulted in a disability for Petitioner/Complainant in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

**Complaint Count 20.**

Respondents created a Constitutional crisis when Respondents prosecuted Petitioner/Complainant by and through ex post facto laws in violation of 18 U.S.C. Secs. 2381, 2382, 2383, 2384, 2385 and in violation of by and through the Constitution of the United States Article I, Section 9, Clause 3, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803) which has created harm and injury which has resulted in a disability for Petitioner/Complainant in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

**Complaint Count 21.**

Respondents did conspire to injure, oppress, threaten, or intimidate Petitioner/Complainant and did deprive Plaintiff of his free exercise or enjoyment for Petitioner/Complainant's rights

protected by and through 18 U.S. Code sec. 241 for which has created harm and injury for Petitioner/Complainant which has resulted in a disability for Petitioner/Complainant in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

**Complaint Count 22.**

Respondents did and does conspire by and through 18 U.S. Code sec. 241 to kidnap or attempt to kidnap Petitioner/Complainant and did and does commit a criminal offense by and through 18 U.S. Code sec. 1201 for which has created harm and injury for which has resulted in a disability for Petitioner/Complainant in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

**Complaint Count 23.**

Respondents violated 18 U.S. Code sec. 1001 when they falsified, concealed, and covered up by trick, scheme, and device a material fact to induce the grand jury to indict by making false statements and representations that the financial institutions and lenders pled were statutorily recognized per 18

U.S. sec. 20 at the time of indictment for which has created harm and injury for Petitioner/Complainant which has resulted in a disability for Petitioner/Complainant in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments “7” and “8”;

**Complaint Count 24.**

William H. Alsup, Judge for the Northern District of California presently conspires with the United States Attorney and the United States Probation Office under the guise of a Form 12 hearing alleging a violation of the terms of supervised release practices law from the bench and advises the government, specifically advice to file a motion to quash Petitioner/Complainant's subpoena for records in violation of his oath and duties as an administrator for the court gives the appearance of overthrowing the Original form of government, treason, does know and should have known that the judgment obtained by the indictment was conceived in fraud, has refused to hear Petitioner/Complainants Show Cause why case number 3:05-cr-0061DLJ a.k.a. 3:05-cr-00611WHA is not void ab initio nunc pro tunc (see hearing of 6/11/2024 paragraphs 1-14 as Attachment “20”) by and through 28 U.S.C. sec. 2072, Federal Rules of



Criminal Procedure Rule 6, as Affidavit, and where such fraud is demonstrated here in part in this Complaint for Show Cause, as Affidavit, is void ab initio, nunc pro tunc does violate by his acts and actions 18 U.S. Code sec. 371 - Conspiracy to commit offense or to defraud United States which creates and continues to create harm and injury for Petitioner/Complainant which has resulted in a disability for Petitioner/Complainant in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments 4,5,6;

**Complaint Count 25.**

Petitioner/Complainant further alleges that no evidence can be found that the United States Attorney General, United States Attorney, or United States AUSA Attorney' policies can supersede the Acts of Congress, or permit these Respondents to legislate from their desk, or where the United States Attorney General, United States Attorney, or United States AUSA Attorney' can give this Petitioner/Complainant a disability without giving Petitioner/Complainant an equitable remedy for relief when brought to Respondents attention. You Respondents, MUST remove the disability of your policy by and through the Americans with

Disabilities Act, 104 Stat 328, he who creates the disability must remove the disability;

The US Department of Justice made it clear in a letter of April 16, 2010, regarding regulations further prohibit recipients from administering programs in a matter that has the effect of subjecting individuals for discrimination based on their national origin, see 28 CFR section 42.1(b)(2), and 28 CFR section 42.203(e), and by and through built-in-systems-headwind-systematized discrimination, Greg's v. Duke Power Company, 401 U.S. 424 (1971), and Connecticut v. Teal, 457 U.S. 440 (1982), may I remind you that by and through the implementing regulations for the ADA and the Federal Code of Regulations 28 CFR part 35 (Title II Department of Justice); a disability is a condition that substantially limits the ability of an individual to perform a major life activity compared to most people in general population and must be protected by and through 42 U.S.C. sec. 12203, and 28 C.F.R. sec. 36.206, retaliation, coercion have failed their in their fiduciary duties and obligations in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

**Complaint Count 26.**

Petitioner/Complainant further alleges the court errors when enforcing representation by foreign

attorneys certificated by a foreign BAR and infringes on rights guaranteed for the Petitioner/Complainant by federal law, See Mille Lacs Band, 124 F.2d at 928, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 27.**

Petitioner/Complainant further alleges the above court's, ORDER dated on, 03/18/2008 is not supported by the facts, nor the court's records, rules, points of law, statutes, rationale, and dicta in violation of the Due Process clause of the 4<sup>th</sup> Amendment of the United States Constitution and impairs the Obligation of Contracts between the Petitioner/Complainant and the Defendants in violation of Article: 1, Section: 10 of the United States Constitution, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 28.**

Petitioner/Complainant further alleges the record shows the above court's judge, William H. Alsup has an Oath contract with the Petitioner/Complainant for upholding the Constitution including the Due Process Clause of the 4<sup>th</sup> Amendment of the United States

Constitution with a fiduciary obligation and duty not to exceed the restrictive limitation and protections of the United States Constitution, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 29.**

Petitioner/Complainant further alleges the above courts, ORDER dated on, 03/18/2008 is a Breach of Contract and conspiracy with others under color of law, impairing Petitioner/Complainant's Due Process protection under the 4<sup>th</sup> Amendment of the United States Constitution, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 30.**

Petitioner/Complainant further alleges the above courts, ORDER dated on, 03/18/2008 is impairing the Due Administration of Justice, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623,

18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 31.**

Petitioner/Complainant further alleges the above courts, ORDER , dated on, 03/18/2008 is a hostile presentment, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 32.**

Petitioner/Complainant further alleges the above courts, ORDER , dated on, 03/18/2008 is the criminal act of barratry, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 33.**

Petitioner/Complainant further alleges the above courts, ORDER, dated on, 03/18/2008 is impairing the Due Process of the law with a defective impromptu process and usurpation of the legislative and court powers, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18

U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 34.**

Petitioner/Complainant further alleges the above courts, ORDER, dated on, 03/18/2008 is a malicious, invidious, and capricious fraud on the Petitioner/Complainant, void on the face of the roll for the lack of inherent power for entering the order procured by extrinsic fraud, See In re Adoption of E.L., 733 N.E.2d 846, (Ill. App. 1 Dist. 2000) and Rook v. Rook, 353 S.E. 2d 756, (Va. 1987), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 35.**

Petitioner/Complainant further alleges the above courts, ORDER, dated on, 03/18/2008 is tampering with the evidence in order to influence the outcome of the case with no enforcement power in law; and

**Complaint Count 36.**

Petitioner/Complainant further alleges the above Court's order, dated on, 03/18/2008 is void because the order is unsupported by the laws, Statutes, Rules, established facts, allegations, and evidence on the record, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18

U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 37.**

Petitioner/Complainant further alleges the above court's order, dated on, 03/18/2008 is void because the order is issued by fraud upon the court, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 38.**

Petitioner/Complainant further alleges the above Court's order, dated on, 03/18/2008 is void because the order is contrary for the law, made false about the law, and in fact the order legalize a broad range of crimes, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 39.**

Petitioner/Complainant further alleges the above Court's order, dated on, 03/18/2008 is void because the order is issued in clear absence of jurisdiction in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. §

1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 40.**

Petitioner/Complainant further alleges invalidity needs for appearing on the face of the above Court's order, dated on, 03/18/2008 and alone that order may be said for being either: (1) intrinsically void, (2) void on the order face, if lack of the jurisdiction appears from the record, See Crockett Oil Co. v. Effie, 374 S. W.2d 154 (Mo. App. 1964), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 41.**

Petitioner/Complainant further alleges decisions by the above court's order, dated on, 03/18/2008 is void on the face of the roll when from four corners of that roll a decision may be determined that at least one of the three elements of the jurisdiction is absent: (1) jurisdiction over parties, (2) jurisdiction over subject matter, (3) jurisdictional power for pronouncing particular order that was rendered, See B & C Investments, Inc. v. F & M Nat. Bank & Trust, 903 P.2d 339 (Ok civ. App. 106, 1995), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. §



1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 42.**

Petitioner/Complainant further alleges a void order may be attacked, either: (1) direct, (2) collateral, at any time, See In re Estate of Steinfield, 630 N.E.2d 801. certiorari denied; Steinfeld v. Hoddick, 513 U.S. 809, (Ill 1994), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 43.**

Petitioner/Complainant further alleges a void order which is one entered by a court that lacks jurisdiction over either: (1) the parties, (2) the subject matter, (3) the inherent power for entering the order procured by fraud can be attacked at any time in any court either: (1) direct, (2) collateral providing that party is proper before the court, See People ex rel. Brzica v. Village of Lake Barrington, 644 N.E.2d 66 (111. App. 2 Dist. 1994), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 44.**

Petitioner/Complainant further alleges avoidable orders are appealable and must be attacked direct, a

void order may be circumvented by either: (1) collateral attack, (2) remedied by mandamus, Senehez v. Hester, 911 S.W.2d 173, (Tex. App. - Corpus Christi 1995), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 45.**

Petitioner/Complainant further alleges when rules provide for relief from void orders is applicable, relief is not discretionary matter, but is mandatory, See Orner v. Shalala, 30 F.3d 1307, (Colo. 1994), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 46.**

Petitioner/Complainant further alleges the above Court's order, dated on, 03/18/2008 that is otherwise entered in violation of Due Process of the law must be set aside, See Jaffe and Asher v. Van Brunt, S.D.N.Y. 1994, 158 F.R.D. 278, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18

U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 47.**

Petitioner/Complainant further alleges an order is void on the order's face and is subject for collateral attack unless the above court has jurisdiction of the subject matter of the persons involved in the litigation for rendering the particular order given, See Hallford v. Industrial Commission, 63 Ariz. 40, 159 P.2d 305 (1945), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 48.**

Petitioner/Complainant further alleges the above Court must have jurisdiction of the subject matter and if the above Court has no jurisdiction the court's order date on, 03/18/2008 may be collaterally attacked, See Vargus v. Greer, (1943) 60 Ariz. 110, 131 P.2d 818, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 49.**

Petitioner/Complainant further alleges lack of the jurisdiction over subject matter can be raised at any time, See Kelly v. Kelly, (1975) 24 Ariz. App. 582, 540

P.2d 201, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 50.**

Petitioner/Complainant further alleges a void order is an order from inception that is a complete nullity and without legal effect, See Lubben v. Selective Service System Local Bd. No. 27, 453 F.2d 645, 14 A.L.R. Fed. 298 (C.A. 1 Mass. 1972), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 51.**

Petitioner/Complainant further alleges a void order is an order from the beginning that is complete nullity and without any legal effect, See Hobbs v. U.S. Office of Personnel Management, 485 F.Supp. 456 (M.D. Fla. 1980), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

### **Complaint Count 52.**

Petitioner/Complainant further alleges a void order is an order from inception complete nullity and without legal effect, See Holstein v. City of Chicago, 803 F. Supp. 205, reconsideration denied 149 F.R.D. 147, affirmed 29 F.3d 1145 (N.D. Ill. 1992), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

### **Complaint Count 53.**

Petitioner/Complainant further alleges a void order is an order where the above Court lacks subject matter jurisdiction and entry of the order dated on, 03/18/2008 violates Due Process, See U.S.C.A. Const. Amendment: 4 and Tirad Energy Corp. v. McNell, 110 F.R.D. 382 (S.D.N.Y. 1986), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

### **Complaint Count 54.**

Petitioner/Complainant further alleges the above Court's order dated on, 03/18/2008 is a void order if the court is acting in a manner inconsistent with Due Process, See Federal Rules Civ. Proc., Rule: 60(b)(4); 4<sup>th</sup> Amendment of the United States Constitution; and

Klugh v. U.S., 620 F.Supp. 892 (D.S.C. 1985) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 55.**

Petitioner/Complainant further alleges a void order is an order from inception that is and forever continues for being absolute null without legal efficacy, ineffectual for binding either: (1) the parties, (2) supporting a right of no legal force and effect whatsoever and (3) incapable of enforcement in any manner and for any degree, See Lloyd v. Director, Dept. of Public Safety, 480 So. 2d 577 (Ala. Civ. App. 1985) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 56.**

Petitioner/Complainant further alleges an order shown by evidence for being invalid for want of the jurisdiction is either: (1) a void order, (2) at all events has all attributes of a void order, See City of Los Angeles v. Morgan, 234 P.2d 319 (Cal. App. 2 Dist. 1951), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18

U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 57.**

Petitioner/Complainant further alleges a void order which is subject for collateral attack is simulated judgment devoid of any potency because of the jurisdictional defects, See Ward v. Terdere, 386 P .2d 352 (Colo. 1963), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 58.**

Petitioner/Complainant further alleges a void order is a simulated order devoid of any potency because of jurisdictional defects in the above court's rendering of the order and defects of the jurisdiction may relate for either: (1) a party, (2) parties, (3) the subject matter, (4) the cause of action, (5) the question being determined, (6) relief being granted, See Davidson Chevrolet, Inc. v. City and County of Denver, 330 P.2d 1116, certiorari denied 79 S.Ct. 609, 359 U.S. 926, 3 L.Ed. 2d 629 (Colo. 1958), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623,

18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 59.**

Petitioner/Complainant further alleges a void order is an order entered by the above court without jurisdiction of either: (1) the parties, (2) subject matter, (3) lacks inherent power for making, and entering particular order involved and such an order may be attacked at any time either: (1) direct, (2) collateral, See People v. Wade, 506 N.W.2d 954 (Ill. 1987), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 60.**

Petitioner/Complainant further alleges a void order may be defined as one in which the rendering court lacks either: (1) subject matter jurisdiction, (2) personal jurisdiction, (3) acted in a manner inconsistent with Due Process of the law, See Eckel v. McNeal, 628 N.E.2d 741 (Ill. App. Dist. 1993), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and



### **Complaint Count 61.**

Petitioner/Complainant further alleges a void order is an order entered by the above court without jurisdiction of either: (1) parties, (2) subject matter, (3) lacks inherent power for making and entering a particular order involved, and such an order may be attacked at any time, either: (1) direct, (2) collateral, See People v. Sales, 551 N.E.2d 1359, 195 Ill. App. 3d. 160 (1990), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

### **Complaint Count 62.**

Petitioner/Complainant further alleges Res judicata consequences will not be applied for a void order which is an order from inception that is a complete nullity and without legal effect, See Allcock v. Allcock, 437 N.E.2d 392 (Ill. App. 3 Vist. 1982), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

### **Complaint Count 63.**

Petitioner/Complainant further alleges a void order is an order from inception is complete nullity and without legal affect, See In re Marriage of Parks, 630 N.E.2d 509 (Ill. App. Ct. 1994), in violation of, but not

limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 64.**

Petitioner/Complainant further alleges a void order is an order entered by the above court that lacks the inherent power for making and entering the particular order involved and the order may be attacked at any time either: (1) direct (2) collateral and such an order would be a nullity, See People v. Rolland, 581 N.E.2d 907, (Ill. App. 4 Dist. 1991), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 65.**

Petitioner/Complainant further alleges a void order under federal law is one in which rendering court lacks either: (1) subject matter jurisdiction over dispute, (2) jurisdiction over parties, (3) acts in manner inconsistent with due process of the law, (4) otherwise acts unconstitutional in entering the order, See 4<sup>th</sup>, Amendment of the United States, Constitution; Hays v. Louisiana Dock Co., 452 n.e.2D 1383 (Ill. App. 5 Dist. 1983), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242,

18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 66.**

Petitioner/Complainant further alleges a void order is an order from inception that is a complete nullity and without legal effect, See Stidham v. Whelchel, 698 N.E.2d 1152 (Ind. 1998), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 67.**

Petitioner/Complainant further alleges relief from void orders are available when the above court lacks either: (1) personal, (2) subject matter jurisdiction, See Dusenberry v. Dusenberry, 625 N.S. 2d 458 (Ind. App. 1 Dist. 1993), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 68.**

Petitioner/Complainant further alleges a void order has no effect whatsoever and is incapable of either: (1) consummation, (2) ratification, See Lucas v. Estate of

Stavos, 609 N .E. 2d 1114, rehearing denied, and transfer denied (Ind. App. I dist. 1993), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 69.**

Petitioner/Complainant further alleges a void order is an order rendered in absence of jurisdiction over either: (1) subject matter, (2) parties Matson v. Matson, 310 N.W.2d 502, (Minn. 1981), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 70.**

Petitioner/Complainant further alleges a void order is an order rendered in absence of the jurisdiction over either: (1) subject matter, (2) parties, See Lange v. Johnson, 204 N.W.2d 205 (Minn. 1973), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

### **Complaint Count 71.**

Petitioner/Complainant further alleges a void order has mere semblance without some essential element as when the above court purporting for rendering the order has no jurisdiction, See Mills v. Richardson, 81 S.E. 2d 409, (N.C. 1954), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

### **Complaint Count 72.**

Petitioner/Complainant further alleges a void order has a mere semblance, but is lacking in some of the essential elements which would authorize the above court for proceed for judgment, See Henderson v. Henderson, 59 S.E. 2d 227, (N.C. 1950), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

### **Complaint Count 73.**

Petitioner/Complainant further alleges a void order is an order entered by the above court without jurisdiction for entering such an order, See State v. Blankenship, 675 N.E. 2d 1303, (Ohio App. 9 Dist. 1996), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242,

18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 74.**

Petitioner/Complainant further alleges a void order such as the court's order dated on, 03/18/2008 may be vacated at any time is one whose invalidity appears on face of the judgment roll, See Graff v. Kelly, 814 P.2d 489 (Okla. 1991), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 75.**

Petitioner/Complainant further alleges a void order is an order that is void on the face of the judgment roll, See Capital Federal Savings Bank v. Bewley, 795 P.2d 1051 (Okla. 1990), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 76.**

Petitioner/Complainant further alleges a void order is facial invalid because the above court lacks the authority for rendering the order, See State v. Richie,

20 S.W.3d 624 (Tenn. 2000), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 77.**

Petitioner/Complainant further alleges a void order shows upon the face of the record want of the jurisdiction in the court assuming for rendering the order and want of the jurisdiction may be either: (1) of person, (2) subject matter, (3) particular question being decided, (4) relief assumed for being given, See State ex rel. Dawson v. Bomar, 354 S.W. 2d 763, certiorari denied, (Tenn. 1962), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 78.**

Petitioner/Complainant further alleges a void order shows upon the face of the record a want of the jurisdiction in above court assuming for rendering the order, See Underwood v. Brown, 244 S.W. 2d 168 (Tenn. 1951), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. §

1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 79.**

Petitioner/Complainant further alleges a void order shows on the face of the record the want of the jurisdiction in the above court assuming for rendering the order, which want of the jurisdiction may be either: (1) of the person, (2) of the subject matter, (3) of the particular question attempted for being decided, and (4) relief assumed for being given, See Richardson v. Mitchell, 237 S.W. 2d 577, (Tenn. Ct. App. 1950), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 80.**

Petitioner/Complainant further alleges a void order has no legal force and effect whatsoever, the order is an absolute nullity and the invalidity may be asserted by any person whose rights are affected at any time and at any place and the order needs not be attacked direct but may be attacked collateral whenever and wherever the order is interposed, See City of Lufkin v. McVicker, 510 S.W.2d 141 (Tex. Civ. App. - Beaumont 1973), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18



U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 81.**

Petitioner/Complainant further alleges a void order insofar as the order purports for being pronouncement of the above court is an absolute nullity, See Thompson v. Thompson, 238 S.W.2d 218 (Tex. Civ. App.- Waco 1951), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 82.**

Petitioner/Complainant further alleges a void order is an order that has been procured by either: (1) extrinsic, (2) collateral fraud, (3) entered by the above court that did not have jurisdiction over either: (1) subject matter, (2) the parties, See Rook v. Rook, 353 S.E. 2d 756, (Va. 1987), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 83.**

Petitioner/Complainant further alleges a void order is an order entered by a court that lacks jurisdiction of either: (1) the parties, (2) the subject matter, (3) the inherent power for making and entering the particular

order involved, See State ex rel. Turner v. Briggs, 971 P.2d 581 (Wash. App. Div. 1999), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 84.**

Petitioner/Complainant further alleges a void order is one that is entered by a court lacking jurisdiction over either: (1) the parties, (2) the subject matter, (3) the inherent power for entering the particular order where the order was procured by fraud, See In re Adoption of E.L., 733 N.E.2d 846, (Ill. App. 1 Dist. 2000), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 85.**

Petitioner/Complainant further alleges void orders are those rendered by the court that lacks jurisdiction either: (1) of subject matter, (2) parties, See Cockerham v. Zikratch, 619 P.2d 739 (Ariz. 1980), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. §

1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 86.**

Petitioner/Complainant further alleges void orders generally fall into two classifications, (A) orders where there is want of the jurisdiction of either: (1) person, (2) subject matter, and (B) orders procured through fraud and such orders may be attacked either: (1) direct, (2) collateral, See Irving v. Rodriguez, 169 N.E.2d 145, 27 Ill. App. 2d 75 (1960), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

**Complaint Count 87.**

Petitioner/Complainant further alleges “The party invoking the jurisdiction of the court has the duty to establish that federal jurisdiction does exist, Wilshire Oil Co. of Texas v. Riffe, 409 F.2d 1277 (10th Cir. 1969), but, since the courts of the United States are courts of limited jurisdiction, there is a presumption against its existence.” City of Lawton, Okla. v. Chapman, 257 F.2d 601 (10th Cir. 1958). Thus, the party invoking the federal court's jurisdiction bears the burden of proof. Becker v. Angle, 165 F.2d 140 (10th Cir. 1947)” Basso v. Utah Power and Light Company, 495 F.2d 906, 909 (10th Cir. 1974), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. §

371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

### **Conclusion**

The record reflects the judicial and prosecutorial misconduct and abuse of power by these Respondents, restated and fully incorporated herein as enumerated through Complaint Count 's 1-87 with all of the Title 18 criminal violations as duly documented with verified court evidence states:

The Petitioner/Complainant, one of the "We-the-People" of the Original Estate the "employer" for the United-States-of-America– the creator/settlor for this Great constitution/trust/contract wherein We-the-People have privity of the Constitution/trust/contract. As one of the "We-the-People": Petitioner/Complainant possesses all immunities from all acts of Congress, all Codes of Federal Regulations, all administrative/executive orders, and all policies by and through Articles of Confederations, Northwest Territorial Ordinance #1, 7 STAT 13 and the Constitutions, 1-STAT-50, by Res judicata. The United States District Court, Northern Division of California never possessed neither personum jurisdiction nor subject matter jurisdiction, ab initio, nunc pro tunc. "The United States Supreme Court has clearly, and repeatedly, withheld that any judge who acts without jurisdiction is engaged in an act of treason." U.S. v. Will, 449 U.S. 200, 216, 101, S. Ct. 471, 66 L.Ed. 2d

392, 406 (1980): Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821). Respondents war against Petitioner/Complainant and the Constitution/trust/contract created by and for the benefit of Petitioner/Complainant;

The DC Organic Act of 1871, 41 Stat 419 created THE UNITED STATES, Inc., a municipal corporation for the District of Columbia and its territories, possessions, enclaves, States, February 21, 1871, 28 U.S.C. 3002(15) "United States" means-

- (A) a Federal corporation;
- (B) an agency, department, commission, board, or other entity of the United States; or
- (C) an instrumentality of the United States;

Petitioner/Complainant is not subject to the guidance of corporate policy, rules, regulations, et.al., as shown herein by well-settled law, *stare decisis*. Petitioner/Complainant of the Original Estate is the originator/creator of government and could never be subject of his creation without his consent. The created thing can never be greater than its creator unless voluntarily expressed or surrendered;

This honorable Court, sitting in the capacity of an Article III Court, has the obligation and duty to address the violations of law upon Dale-Scott-Heineman, one of the We-the-People in the exercise of his protected rights, shall and must execute this summons to Respondents to Show Cause why case number 3:05-cr-00611DLJ a.k.a. 3:05-cr-00611WHA is not void ab initio nunc pro tunc by

and through 28 U.S.C. sec. 2072, Federal Rules of Criminal Procedure Rule 6 as expressed in United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971):

“Though the rule in this Circuit is settled that a written transcript of grand jury proceedings is not constitutionally required, United States v. Harper, 432 F.2d 100 (5th Cir. 1970), this rule does not intend to foreclose inquiry into those proceedings, nor insulate them from attack under Rule 6.”

He who creates the disability must cure the disability. This Complaint for Show Cause, as Affidavit is ripe for hearing;  
September 3, 2024;

Respectfully,

Dale-Scott-Heineman,  
Originator/Creator/Settlor/Executor  
for the Original Estate.

//

**Using a notary for this Complaint for Show Cause, as Affidavit does not constitute any adhesion, nor does it alter my status in any manner. The purpose for notary is verification and identification only and not for entrance into a foreign jurisdiction.**

**CERTIFICATE OF ACKNOWLEDGMENT OF  
NOTARY PUBLIC**

STATE OF NEVADA  
COUNTY OF CLARK

On \_\_\_\_\_ before me, \_\_\_\_\_,  
personally appeared Executor Dale Scott Heineman,  
who proved to me on the basis of satisfactory evidence  
to be the living soul whose name is subscribed to the  
hereto-attached Complaint for Show Cause, as  
Affidavit and acknowledged to me that he executed the  
same in his authorized capacity, and that by his  
signature on the hereto-attached Instrument being  
the living soul who executed said Instrument.

I certify under PENALTY OF PERJURY under the  
laws of the State of Nevada that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

**Note:** the above notary Certificate with signature and  
seal by the notary could not be reproduced for this  
booklet. The original can be found in APPENDIX G  
Attachments App pg. 119a of this Cert or in the 8-  
1/2" x 11" loose-leaf Writ of Cert. that accompanies  
this booklet.

## **CERTIFICATE OF SERVICE**

I, Dale Scott Heineman, hereby certify that on the 3<sup>rd</sup> day in the month of September in the year 2024, caused to be hand delivered, in court, to William H. Alsup, Judge for the Northern District of California, San Francisco Division and Nikhil Bhagat, Assistant United States Attorney the following document:

3. COMPLAINT FOR SHOW CAUSE, AS  
AFFIDAVIT.,

To:

William H. Alsup, Judge for the Northern District of  
California, San Francisco Division,  
450 Golden Gate Avenue  
San Francisco, CA 94102

Nikhil Bhagat,  
Assistant United States Attorney  
450 Golden Gate Avenue  
San Francisco, CA 94102

And caused to be sent by U.S.P.S. Certified mail,  
placed in a first class, post-paid envelope to:

Merrick Garland, United States Attorney General,  
United States Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

Ismail Ramsey  
United States Attorney  
450 Golden Gate Avenue  
San Francisco, CA 94102



David Hall, Assistant United States Attorney,  
450 Golden Gate Avenue  
San Francisco, CA 94102

James E. Keller, Assistant United States Attorney,  
In care of R. Thomas Colonna, Assistant United  
States Attorney on behalf of  
Jason M. Frierson, United States Attorney  
501 Las Vegas Blvd. So., Suite 1100  
Las Vegas, Nevada 89101

Case Number 05-cr-00611WHA  
In care of Ismail Ramsey  
UNITED STATES ATTORNEY  
450 Golden Gate Avenue  
San Francisco, CA 94102

I, Dale-Scott: Heineman, do affirm, certify that I  
caused to be hand delivered to the Parties designated  
above, and for the remainder of the Parties sent by  
U.S.P.S. Certified mail the above-referenced  
document(s) to all Parties herein named and on the  
day indicated above, under the pains and penalties of  
perjury;

Done this 3<sup>rd</sup> day of September 2024

Dale-Scott-Heineman,  
Real Party in Interest.