Paul Andrew Mitchell, B.A., M.S.
c/o USMCFP #44202-086
P.O. Box 4000
Springfield 65801-4000
Missouri, USA

In Propria Persona (initially)
In Forma Pauperis

United States District Court
Western District of Missouri
Southern Division / Springfield

United States ex relatione Paul Andrew Mitchell, Civil Cross-Plaintiff, v. Nancy Dell Freudenthal, Stephan Harris, L. Robert Murray, Linda Sanders, Scott W. Skavdahl, Kelly H. Rankin, Christopher Crofts, and Does 5 thru 100, Civil Cross-Defendants.	Case No. 14-3460-CV-S-MDH-P NOTICE OF MOTION AND MOTION FOR PROTECTIVE ORDER SUA SPONTE: 18 U.S.C. 1514(b)(1), 3771.

Comes now the United States ex rel. Paul Andrew Mitchell, B.A., M.S., Citizen of Washington State (expressly not a federal citizen), Private Attorney General under Civil RICO and Agent of the United States under the False Claims Act, to petition this Court for a protective order, as authorized by 18 U.S.C. 1514(b)(1) and 3771(a), (d)(1) and (d)(3), for a preponderance of reasons including but not limited to those considered in the following discussion, taken together with all other pleadings previously filed by Relator and incorporated by reference as if set forth fully here.

Relator now substitutes Scott W. Skavdahl, claiming to be a U.S. District Judge, for John Doe #2; Kelly H. Rankin, claiming to be a U.S. Magistrate, for John Doe #3; and, Christopher Crofts, claiming to be a U.S. Attorney, for John Doe #4.

The Federal statute at 18 U.S.C. 1514(b)(1) authorizes this Court, upon its own motion ("sua sponte") to issue a protective order prohibiting harassment of a victim or witness in a Federal criminal case or investigation, if the Court, after a hearing, finds by a preponderance of the evidence that:

(a) harassment of an identified victim or witness in a Federal criminal case or investigation exists; or,

(b) such an order is necessary to prevent and restrain offenses under [18 U.S.C.] section 1513 (Retaliating against a witness, victim, or an informant).

At 18 U.S.C. 1514(d)(1)(B), the word "harassment" is expressly defined by Act of Congress as follows:

> the term "harassment" means a serious act or course of conduct directed at a specific person that --
> (i) causes substantial emotional distress in such a person; and,
> (ii) serves no legitimate purpose ....

Similarly, "serious act" is also expressly defined by Congress at 1514(d)(1)(F):

> the term "serious act" means a single act of threatening, retaliatory, harassing, or violent conduct that is reasonably likely to influence the willingness of a victim or witness to testify or participate in a Federal criminal case or investigation ....

"Course of conduct" is also expressly defined by Congress at 1514(d)(1)(A):

> the term "course of conduct" means a series of acts over a period of time, however short, indicating a continuity of purpose ....

"Specific person" is also expressly defined by Congress at 1514(d)(1)(G):

> the term "specific person" means a victim or witness in a Federal criminal case or investigation, and includes an immediate family member of such a victim or witness.

And, the above terms combine to define "intimidation" at 1514(d)(1)(D):

> the term "intimidation" means a serious act or course of conduct directed at a specific person that --
> (i) causes fear or apprehension in such person; and,
> (ii) serves no legitimate purpose ....

Accordingly, the verified facts already found in this Court's official records, and in the DWY Docket as already incorporated by reference, call for the conclusions that:

(1) as a documented victim, qualified Federal witness and Civil RICO investigator, Relator has suffered serious acts of harassment (as defined above), including but not limited to a course of conduct with a continuity of purpose to cause substantial emotional distress, fear and apprehension, by means of a false search "warrant", false arrest, multiple periods of solitary confinement, continuous false imprisonment, "diesel therapy" torture, sleep deprivation, and overt acts of retaliation, all serving no legitimate purpose, in multiple violations of 18 U.S.C. 1513; and,

(2) as a documented victim, qualified Federal witness and Civil RICO investigator, Relator has also suffered serious acts of intimidation (as defined above), including but not limited to a course of conduct with a continuity of purpose to cause substantial emotional distress, fear and apprehension by means of malicious and selective prosecution, vicious defamations per se, elder abuse, written and spoken threats of forced and involuntary medication using mind-altering and potentially dangerous psychotropic drugs, threats of further solitary confinement, tortious interference with his livelihood, with his professional education and business plans, and with his utility patent pending and related computer storage research, all serving no legitimate purpose, in multiple violations of 18 U.S.C. 1513.

On the Internet, for example, please see:

www.supremelaw.org/authors/mitchell/resume.htm

All of the above are serious acts of threatening, retaliatory and harassing conduct that was intentional, premeditated and likely to influence Relator's willingness to testify and to participate as a witness, and Civil RICO investigator, in a Federal criminal case, and in an ongoing investigation of missing and defective credentials required by Law of Federal officers and employees.

Furthermore, violations of 18 U.S.C. 1513 are also RICO "predicate acts" as defined by Congress at 18 U.S.C. 1961(1)(B). Only two (2) such RICO predicate acts during any given 10-year period constitute a "pattern of racketeering activity" as defined by Congress at 18 U.S.C. 1961(5).

The sheer number of RICO predicate acts Relator has now endured -- after volunteering to search for an estimated 2,500 children reportedly missing in Tucson, Arizona circa 1996 -- easily exceeds one hundred (100). For example, on the Internet please see:

www.supremelaw.org/cc/taylor/
www.supremelaw.org/cc/nlhc/
www.supremelaw.org/cc/aol/
www.supremelaw.org/cc/aol2/

Although it was never codified anywhere in the U.S. Code, Congress also expressly authorized a liberal construction rule for the RICO laws, as follows:

> The provisions of this title shall be liberally construed to effectuate its remedial purposes. P.L. 91-452, 84 Stat. 947, October 15, 1970 (cf. Notes under 18 U.S.C. 1961)

In conclusion, a prompt protective ORDER is justified and necessary to prevent and restrain any and all further violations of 18 U.S.C. 1513 directed at Relator, regardless of the source(s) or motive(s) of those felony violations.

The Court should not stop here, however. In point of well documented facts, the retaliations directed against Relator began in earnest when his classic book "The Federal Zone" was stolen, corruptly modified, and widely distributed via the Internet -- all without his knowledge or consent. After initial publication in early 1992, he first discovered some of those criminal copyright violations in December 1995, several months after the market for that book was effectively saturated by all those "free" electronic copies. Here, see 18 U.S.C. 2319 (Criminal infringement of a copyright).

In August 2001, he sued 129 recalcitrant suspects in the Federal District Court in Sacramento, California, but all 48 defense attorneys eventually turned up without proper licenses to practice law in the State of California. On the Internet, please see:

www.supremelaw.org/counsels.htm
www.supremelaw.org/cc/statebar/

That civil case was ultimately appealed to the U.S. Supreme Court, and all 48 of those attorneys either fell totally silent, or they formally waived their clients' right to answer this carefully written and thoroughly researched brief:

www.supremelaw.org/cc/aol/cert.htm#drama
(read no rebuttals from any opposing parties)

There are presently more than 110,000 discrete files maintained at the latter Internet website. Relator is fond of pointing out a simple numerical fact: if Users read just one file per day, then after 100 years they will have read 36,525 files, or only one-third of the files in that moderately large database! (Don't forget leap years.)

For purposes of justifying a protective order sua sponte, Relator's Civil RICO case, filed in the Superior Court of California with numerous Exhibits, does catalog many of the RICO "predicate acts" which had already occurred by that time:

www.supremelaw.org/cc/aol2/

Notably, the Act of July 2, 1996, added 18 U.S.C. 2319 -- criminal copyright infringement -- to the list of RICO predicate acts itemized at 18 U.S.C. 1961(1)(B).

As defined by Congress at 18 U.S.C. 1961(5), the pattern of racketeering activity did not stop with that Civil RICO complaint, however; on the contrary, more obstruction of justice occurred when many of the same UNlicensed ATTORNeys corruptly colluded with known Federal impostors to prevent <u>any</u> jury trial(s). Relator never got near a jury! The right of trial by jury is preserved to the parties inviolate by Rule 38(a) of the Federal Rules of Civil Procedure.

One major finding did emerge from that Civil RICO lawsuit: all Federal District Judges in California, about one-third on the Ninth Circuit, and three (3) Associate Justices on the U.S. Supreme Court turned up with<u>out</u> valid licenses to practice law when they were first admitted to The State Bar of California -- Kennedy, Breyer and O'Connor:

www.supremelaw.org/rsrc/commissions/
www.supremelaw.org/rsrc/oaths/

Relator therefore submits what should now be painfully obvious: his ongoing investigation of missing and defective credentials, required by Law of all Federal officers and employees, is the single most powerful hypothesis explaining the bulk of all the criminal retaliations he has suffered. To date, and to his knowledge, <u>not one single suspect has been prosecuted</u>, despite numerous verified

criminal complaints ("VCC") duly lodged, or filed, to satisfy legal obligations imposed by 18 U.S.C. 4 (Misprision of felony).

It is not hard to prove that Civil Cross-Defendant Stephan Harris has also conspired corruptly to retaliate against Relator for merely requesting the U.S. Office of Personnel Management Standard Form 61 APPOINTMENT AFFIDAVITS and second OATH OF OFFICE required of Mr. Harris by Article VI, Clause 3, by 5 U.S.C. 2104, 2903, 2906, 3331, 3332, 3333, and by 28 U.S.C. 951.

Rule 2 of the Federal Rules of Criminal Procedure was obviously and painfully violated by DWY personnel when Relator's two (2) MOTIONs TO DISMISS were never ruled on, nor was Relator ever allowed to see any pleadings in opposition to those 2 MOTIONs.

Since when is it illegal to "request" oaths of office?

Is not such a "request" protected by the First Amendment?

And, is it not a felony violation of 18 U.S.C. 241 to conspire with specific intent to infringe the free exercise and full enjoyment of such a Fundamental Right?

As if the above were not already more than sufficient to justify a prompt protective ORDER, this Court is also encouraged to review, and possibly also to study, the several documents assembled in support of Relator's Mail Fraud Report (PS Form 8165), as lodged against one William M. McCool:

Google site:supremelaw.org "The Case Against William M. McCool"

A man meeting his description showed up in the private parking lot of Relator's Seattle apartment building in July 2013, and proceeded to harass and intimidate Relator without providing any forms of identification, even when asked to do so.

Relator pointed out that he needed an appointment, and had none; but, the suspect and his companion refused to leave (read "trespass"). The suspect did admit his "reason" for being there was a recent first-class letter which Relator had mailed to the Director of the U.S. Marshals Service in Washington, D.C., concerning probable cause of malfeasance in the Office of the U.S. Attorney General. Relator promptly reported the latter incident to three (3) Federal District Judges seated on the USDC in downtown Seattle (USDC/WDWA).

REMEDIES REQUESTED

Relator now submits that more than sufficient justification exists for a prompt protective ORDER detailing, at a minimum, each of the following elements for his benefit:

(1) Relator's immediate release from any and all forms of detention to unfettered Liberty, which is his Fundamental Right;

(2) a guarantee expediting Relator's safe passage back to Seattle, Washington State e.g. U.S. Marshal escort from the USMCFP in Springfield, Missouri thru airport security;

(3) an emergency stipend of $10,000 USD cash to commence Relator's immediate rehabilitation e.g. food, shelter, clothing, computer and telecommunications equipment, and Internet access;

(4) appointment of a capable, qualified, experienced and zealous civil rights lawyer legally to represent Relator with all further adjudication of the instant case, pursuant to 28 U.S.C. section 1915(e);

(5) a preliminary injunction enjoining and restraining all Federal and all IRS personnel from any further harassment or intimidation of Relator, as those terms are defined at 18 U.S.C. 1514 supra;

(6) a preliminary injunction enjoining and restraining all past and present "members" of The State Bar of California from any further harassment or intimidation of Relator, as those terms are defined at 18 U.S.C. 1514 supra;

(7) a preliminary injunction enjoining and restraining all Federal and all IRS personnel from any and all forms of interference with Internet domain supremelaw.org, or with any of Relator's several email accounts;

(8) dismissal with prejudice of all charges alleged in the "superseding indictment" still pending against Relator at the USDC/DWY, Docket #2:14-CR-00027-NDF-2 aka 14-CR-27-F; and,

(9) any and all other appropriate relief which this honorable Court deems just and proper for purposes of issuing a completely satisfactory protective ORDER sua sponte in this case.

The above elements are really not too much to ask, given 18 YEARS of frequent suffering Relator was forced to endure -- for research, writing, teaching, counsel and court activism -- none of which ever injured anyone or damaged any property.

Thank you very much for your professional consideration.

Dated: 11/25/2014

Sincerely yours, Paul Mitchell PAM

/s/ Paul Andrew Mitchell, B.A., M.S. (chosen name)

Relator In Propria Persona (initially)
and In Forma Pauperis

FORMAL NOTICE OF FIFTH AND SIXTH AMENDMENT VIOLATIONS

TO: Psychologists and Psychiatrists
USMCFP / Springfield

DATE: November 10, 2014 A.D. -COPY- PAM

RE: 18 U.S.C. 241, 242

TO WHOM IT NOW CONCERNS:

The following court case abstracts were provided to Cynthia Low dba Forensic Psychologist at FDC/SeaTac on 4/26/2014, and to you and your subordinates as Exhibit B-1.1 attached to my written refusal of your BP-A0959 properly annotated to identify major errors:

> "If defense counsel is not present at [a] psychiatric examination, defendant should be asked by examiner whether he understands that counsel is entitled to be present and if he consents to be examined in the absence of counsel; defendant should further be informed that examination is conducted on behalf of prosecution and its results will be available for use against defendant without confidentiality of doctor-patient relationship."
> -- State v. Mains, 295 Or 640, 669 P.2d 1112 (1983)

> "Statements made during course of [a] court ordered psychiatric examination are 'testimonial' in nature; thus, compelled utterances during course of examination must be viewed as implicating [the] privilege against self-incrimination; statements obtained under compulsion of court ordered examination are not available to prosecution even for limited impeachment purposes."
> -- Blaisdell v. Commonwealth, 372 Mass 753, 364 NE.2d 191 (1977)

> "Protection of defendant's constitutional privilege against self-incrimination and right to assistance of counsel at [a] pre-trial court-ordered psychiatric examination requires that [a] tape-recording of entire interview be given to his and government's lawyer, and [an] in camera suppression hearing be held to guarantee that court-ordered psychiatrist's testimony will not contain any incriminating statements."
> -- State v. Jackson, 171 W Va 329, 298 SE.2d 866 (1982)

At no time on 11/6/2014 or 11/7/2014 did you or any of your subordinates observe or comply with the clear requirements of the Fifth and Sixth Amendments as stated above, even after you were provided with printed hard-copy NOTICE of same no later than 10/1/2014.

Please also be informed hereby that a Counselor at USMCFP has now threatened me, to my face, with destruction of evidence I authored in my case. Destruction of material records may be a violation of 18 USC 1001 and/or 1519 and/or 2071. If "shredding" documents is a standard "practice" at USMCFP, that may fully or partially explain why some of you may have not received the case abstracts repeated above.

Respectfully submitted,
/s/ Paul Andrew Mitchell, B.A., M.S. Paul Mitchell PAM
BOP Reg. No. 44202-086

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5 As we have stated: "[T]he individual's right to the protection of his own good name 'reflects no more than our basic concept of the essential dignity and worth of every human being-a concept at the root of any decent system of ordered liberty.' " Gertz v Robert Welch, Inc., 418 US 323, 341, 41 L Ed 2d 789, 94 S Ct 2997 (1974) (quoting Rosenblatt v Baer, 383 US 75, 92, 15 L Ed 2d 597, 86 S Ct 669 (1966) (Stewart, J., concurring)); see also Milkovich v Lorain Journal Co., 497 US 1, 12, 111 L Ed 2d 1, 110 S Ct 2695 (1990) (" '[H]e that filches from me my good name / Robs me of that which not enriches him, And makes me poor indeed' " (quoting Shakespeare's Othello, Act III, scene 3)); Paul, 424 US, at 706, 47 L Ed 2d 405, 96 S Ct 1155 ("The Court has recognized the serious damage that could be inflicted by branding a government employee as 'disloyal,' and thereby stigmatizing his good name"); Wisconsin v Constantineau, 400 US 433, 437, 27 L Ed 2d 515, 91 S Ct 507 (1971) (emphasizing the importance of "a person's good name, reputation, honor, [and] integrity"; holding that respondent was entitled to due process before notices were posted stating that he was prohibited from buying or receiving alcohol); In re Winship, 397 US 358, 363-364, 25 L Ed 2d 368, 90 S Ct 1068 (1970) ("[B]ecause of the certainty that [one found guilty of criminal behavior] would be stigmatized by the conviction . . ., a society that values the good name and freedom of every individual should not condemn a man for commission of a crime when there is a reasonable doubt about his guilt"); Wieman v Updegraff, 344 US 183, 190-191, 97 L Ed 216, 73 S Ct 215 (1952) ("There can be no dispute about the consequences visited upon a person excluded from public employment on disloyalty grounds. In the view of the community, the stain is a deep one; indeed, it has become a badge of infamy").

Indeed, vindicating one's reputation is the main interest at stak in a **defamation** case, and that that interest has always been held to constitute a sufficient "personal stake." See, e.g., Paul, 424 US, at 697, 47 L Ed 2d 405, 96 S Ct 1155 ("[R]espondent's complaint would appear to state a classical claim for **defamation** actionable in the courts of virtually every State. Imputing criminal behavior to an individual is generally considered defamatory per se, and actionable without proof of special damages"); Gertz, 418 US, at 349-350, 41 L Ed 2d 789, 94 S Ct 2997 ("We need not define 'actual injury' . . . . Suffice it to say that actual injury is not limited to out-of-pocket loss. Indeed, the more customary types of actual harm inflicted by defamatory falsehood include impairment of reputation and standing in the community, personal humiliation, and mental anguish and suffering"); L. Eldridge, Law of **Defamation** § 53, pp. 293-294 (1978) ("There is no doubt about the historical fact that the interest in one's good name was considered an important interest requiring legal protection more than a thousand years ago; and that so far as Anglo-Saxon history is concerned this interest became a legally protected interest comparatively soon after the interest in bodily integrity was given legal protection").

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