

Paul Andrew Mitchell, B.A., M.S., Sui Juris
c/o USMCFP #44202-086
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In Propria Persona
In Forma Pauperis

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

Paul Andrew Mitchell,	}	Case No. _____
Plaintiff,		APPLICATION FOR DECLARATORY
v.		AND INJUNCTIVE RELIEF:
Linda Sanders, and		5 U.S.C. 552(a)(4)(B), and 702;
Does 1 thru 20,	}	44 U.S.C. 3512; 5 CFR 1320.5.
Defendants.		

Comes now Paul Andrew Mitchell, B.A., M.S., Citizen of Washington State (expressly not a federal citizen), to petition this honorable Court for judicial review and enforcement of his proper Request submitted to the Disclosure Officer at the Central Office of the Federal Bureau of Prisons in Washington, D.C.

On or about 10/1/2014, Plaintiff mailed a proper FOIA Request for a true and correct copy of valid U.S. Office of Personnel Management Standard Form 61 ("SF-61") APPOINTMENT AFFIDAVITS for the following Federal personnel now employed at USMCFP/Springfield, Missouri:

- (1) Michael McIntyre as Case Manager;
- (2) Christina A. Pietz as Psychologist;
- (3) Jon Roberts as Mental Health Unit Manager;
- (4) Robert Sarrazin as Chief of Psychiatry; and,
- (5) Elizabeth Tyner as Psychologist.

On or about 10/18/2014, Plaintiff received a letter from Mr. Richard Schott, BOP Regional Counsel in Kansas City, Kansas. In that letter, Mr. Schott stated: "We have examined your request and have determined that the documents responsive to your request must be searched for and collected from a field office."

Plaintiff relies upon the Federal statute at 5 U.S.C. 2906, and concludes from it that BOP (in general) and USMCFP (in particular) must be the "agency" responsible for maintaining custody of all such SF-61s for all officers and employees presently on staff at USMCFP. See also 5 U.S.C. 3331, 3332, 3333, 5507.

Moreover, the Paperwork Reduction Act ("PRA") effectively created a "right to inspect" all such SF-61s for the required display of a valid OMB control number, duly issued in compliance with the PRA's implementing Regulation at 5 CFR 1320.5.

Plaintiff then mailed a proper FOIA Appeal dated 11/10/2014. That FOIA Appeal has thereby exhausted all of Plaintiff's administrative remedies in this matter.

Venue for this action is proper in the WDMO/Southern Division, where USMCFP is located.

INCORPORATION OF RELATED DOCKET

Plaintiff also requests mandatory judicial notice of related Docket #14-3460-CV-S-MDH-P (USDC/WDMO) pursuant to FREV Rule 201(c)(2).

REMEDIES REQUESTED

Plaintiff respectfully requests this Court to issue ORDER(s) to all Defendants, enjoining them from withholding the properly requested documents, and requiring them to disclose the requested documents without any further delays, in light of their constitutional significance under Article VI, Clause 3, in the Constitution for the

United States of America, as lawfully amended, and in light of Plaintiff's right to inspect the requested documents for compliance with the Paperwork Reduction Act and the Federal statutes at 5 U.S.C. sections 2104, 2903, 2906, 3331, 3332, 3333, and 5507.

Key Federal personnel in the DWY at Cheyenne have also turned up with missing and defective credentials after Plaintiff properly requested same, using the Freedom of Information Act.

In light of all such exigent circumstances now documented in related Civil Case #14-3460-CV-S-MDH-P, Plaintiff also respectfully requests this Court to issue a separate ORDER, pursuant to 5 U.S.C. 702, enjoining named Defendant Linda Sanders from moving Plaintiff to any other facility(s) during the duration of this case i.e. at least until final determinations have been made by this Court as to the existence or absence of valid SF-61 APPOINTMENT AFFIDAVITS for the USMCFP personnel named above.

Dated: 11/10/2014

Respectfully submitted,



Paul Andrew Mitchell, B.A., M.S.
Plaintiff In Propria Persona and In Forma Pauperis,
Citizen of Washington State (expressly not a federal citizen)

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