

#5

Case Nos.: MJ 14-00030 JPD

USDC/DWY: 14-CR-27-F

MEMORANDUM OF LAW RE:
CLERK OF COURT IS AN OFFICER

TO: Office of Chief Judge
U.S. District Court
700 Stewart Street
Seattle 98101
Washington State, USA

FROM: Paul Andrew Mitchell, B.A., M.S.
FDC Seatac Reg. No. 44202-086, Unit "EA"

SUBJECT: laws requiring Clerk's authorized
signature on a valid subpoena

1. Judges and Justices are "officers".
proof: see 5 U.S.C. 2104(a)
2. Clerk of Court is appointed by the District Court. proof: see 28 U.S.C. 751, TO WIT:
"each district court may appoint a clerk"
3. Clerk of Court is therefore an "officer" too.
proof: see 5 U.S.C. 2104(a)(1)(B), TO WIT:
"appointed by a Court of the United States"
4. An "officer" must file a second affidavit
with the oath of office required by 5 U.S.C. 3331.
proof: see 5 U.S.C. 3332: officer affidavit
"no consideration paid for appointment"
5. An "officer" may not be paid until the
affidavit required by 3332 has been filed.
proof: 5 U.S.C. 5507

Incorporated by reference in #14-CR-27-F (usdc/dwy)

6. The Court is the legal custodian of all SF-61 APPOINTMENT AFFIDAVITS for Court personnel, proof: 5 U.S.C. 21906, to wit: "court to which the office pertains"
7. Office of Clerk must have legal custody of all SF-61s for all Court officers.
proof: 28 U.S.C. 951 (duties of Clerk)
8. If Clerk's Office does not have custody of the SF-61 for the person in the Clerk's position, then 28 U.S.C. 1691 cannot be satisfied: Clerk's authorized signature and the Court's official seal are both required.

Relevant Authorities: In re Simon, 297 F. 942 (2nd Cir. 1924); 28 U.S.C. A. 1691, 28 U.S.C. S. 1691 (all case law thereunder).

VERIFICATION: 28 U.S.C. 1691

I, Paul Andrew Mitchell, B.A., M.S., hereby verify under penalty of perjury, under the laws of the United States of America, without the United States (federal government) that the above statement of laws is true and correct, according to the best of my current information, knowledge and belief, So help me God.

Dated: 2/10/2014 A.D.

Signed: Paul Andrew Mitchell, B.A., M.S.

Printed: Paul Andrew Mitchell, Sui Juris
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