

TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SET-D-C

*

* given name
(also a "nom de guerre")
PJA

FROM: 44202086
TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry
SUBJECT: NOTICE OF RESCISSION, BY AFFIDAVIT
DATE: 04/28/2014 06:00:48 PM

NOTICE OF RESCISSION, BY AFFIDAVIT

TO:
Presiding Judge (duly credentialed)
District Court of the United States ("DCUS")
2120 Capitol Avenue
Cheyenne 82001
Wyoming, USA

DATE: April 28, 2014 A.D.

RE: #2:14-CR-00027-NDF-2

Greetings Your Honor:

Further legal research into the duties, responsibilities and authorities of Federal Clerks of Court and Deputy Clerks of Court now justifies, and necessitates, this timely NOTICE OF RESCISSION, for reasons including but not limited to the following:

(1) The record in the instant cases to date proves that Clerks and Deputy Clerks are both "officers of the court". A relevant decision in this context is U.S. v. Bertrand, 596 F.2d 150 (6th Cir. 1979), which clearly held as follows:

Testimony by Clerk of Court identifying himself and Deputy Clerk is sufficient proof that Clerk and Deputy Clerk are "officers of court" pursuant to 28 USCS 751, 951, so as to support conviction for forging or counterfeiting signatures of officers of court under 18 USCS 505.

In the latter Section 505, the term "officer" does correctly describe both Clerks of Court and Deputy Clerks of Court.

(2) Similarly, another relevant decision in this same context is Ex parte Burdell, 32 F. 681 (DCUS/DSC 1887), which also clearly held that a Deputy Clerk is an officer of the court. The Burdell decision has already been cited in the prior record of the instant cases.

(3) The laws identifying Clerks and Deputy Clerks as Court "officers" also implicate specific authorities conferred by 28 U.S.C. 953 (Administration of oaths and acknowledgments), to wit:

Each clerk of court and his deputies may administer oaths and affirmations and take acknowledgments.

Thus, the Second Circuit has held that a proper oath administered pursuant to Section 953 is subject to the prohibition against perjury in 18 U.S.C. 1621. See U.S. v. Lester, 248 F.2d 329 (2nd Cir. 1957).

(4) Furthermore, the record in the instant cases has already established that all Clerks and Deputy Clerks must have timely executed two (2) credentials:
(a) the three (3) affidavits required by 5 U.S.C. 3331, 3332, 3333 respectively, and
(b) the second oath of office of clerks and deputies required by 28 U.S.C. 951.

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U.S. DISTRICT COURT
DISTRICT OF WYOMING
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STEPHAN HARRIS, CLERK
CHEYENNE

(5) It necessarily follows, therefore, that all oaths and affirmations allegedly administered to the Undersigned, by any Clerk's Office personnel at all hearings held to date at the USDC/Seattle and at the USDC/Cheyenne, were null and void ab initio. All such personnel have failed to produce any evidence of either credential i.e. OPM STANDARD FORM 61 ("SF-61") APPOINTMENT AFFIDAVITS and OATH OF OFFICE.

As such, those two (2) credentials now assume facts not in evidence.

FORMAL RESCISSION

The Undersigned hereby rescinds all such oaths and affirmations nunc pro tunc and ab initio, for good causes itemized above.

VERIFICATION

I, Paul Andrew Mitchell, Citizen of Washington State, qualified Federal Witness, and Private Attorney General, 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 facts and laws is true AND correct, according to the best of my current information, knowledge and belief, so help me God, pursuant to 28 U.S.C. 1746(1). See the Supremacy Clause (Constitution, Laws and Treaties of the United States are all the supreme Law of the Land).

Dated: April 28, 2014 A.D.

Signed: Paul Mitchell (chosen name)

Printed: Paul Andrew Mitchell, B.A., M.S., Relator In Propria Persona (NOT "Pro Se") (expressly NOT a "citizen of the United States" aka federal citizen: Pannill v. Roanoke), and Private Attorney General, 18 U.S.C. 1964, Rotella v. Wood (objectives of Civil RICO)
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FEDERAL DETENTION CENTER
NAME: MODELESKI, M.P. (given name)
REG: 44202-086 UNIT: DC
P.O. BOX 13900
SEATTLE, WA. 98198-1090

SEATTLE WA 981

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Re:

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To: Presiding Judge
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2120 Capital Avenue
Cheyenne 82001
Wyoming, USA 82001

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"Statutes conferring original jurisdiction
on Federal District Courts must be
strictly construed" e.g. 5 U.S.C. 552(a)(4)(B),
18 U.S.C. 1964(a), 3231 [other cites omitted]