

Leo Dobrovolny, District Judge
TWELFTH JUDICIAL DISTRICT

Court Reporter
Pamela Cook
Bailiff
Agnes Robinson

Scotts Bluff County Courthouse
Gering, NE 69341
Phone (308)436-6660 Fax (308) 436-6759
email: ldobrovolny@scottsbuffcounty.org



April 4, 2014

Paul Andrew Mitchell
P.O. Box 130
Gering, Nebraska 69341

Re: Motion to proceed in forma pauperis

Dear Mr. Mitchell:

Your motion to proceed in forma pauperis is denied, as it is not verified before an officer qualified to administer oaths.

Sincerely,


Leo Dobrovolny
District Judge

*

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

* given name

PM

FROM: 44202086

TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry

SUBJECT: forward to: <ldobrovolny@scottsbuffcounty.org>

DATE: 05/13/2014 05:46:29 PM

MOTION FOR RECONSIDERATION

TO:

Hon. Leo Dobrovolny, District Judge

Twelfth Judicial District

Scotts Bluff County Courthouse

1725 - 10th Street

Gering 69341

Nebraska, USA

email: <ldobrovolny@scottsbuffcounty.org>

RE: *People ex rel. Mitchell v. Stephan Harris et al.*

PM

Greetings Your Honor:

Because of the twenty-eight (28) moves I have had to endure since 1/28/2014, I did finally receive TODAY (5/13/2014) your ruling dated April 4, 2014.

In that ruling, you denied my motion to proceed in forma pauperis ("IFP") "as it is not verified before an officer qualified to administer oaths."

Please accept this MOTION respectfully to request your timely reconsideration, for the following good causes:

(1) I remain indigent and, as such, I cannot either afford or earn any filing fees while I remain detained;

(2) My motion to proceed IFP was properly verified pursuant to 28 U.S.C. 1746(1) i.e. without (outside) the "United States" (federal government) and inside (within) the United States of America i.e. 50 States of the Union; Nebraska is one of those 50 States, in good standing;

(3) 28 U.S.C. 1746 is rendered supreme Law of the Land throughout Nebraska by virtue of the Supremacy Clause in the Constitution for the United States of America, as lawfully amended;

(4) 28 U.S.C. 1746 was enacted with the legislative intent to eliminate the need for any Notary Public, or similar qualified officer, to administer an oath or affirmation;

(5) For example, 28 U.S.C. 1746 governs the perjury jurat on Internal Revenue Service Forms 1040, which are thereby rendered admissible evidence without the need for a Notary Public, or other qualified officer, to administer or otherwise witness that Form;

(6) Under the common law, I also enjoy the fundamental Right to choose any name I see fit; here, see Doe v. Dunning, 87 Wn.2d 50, 549 P.2d 1 (1976) (re: the fundamental law and basic common-law principle), and Washington State AGO 1985 No. 10 (copy attached via second email message

sent by my "next friend" and legal assistant, Larry Saccato);

and,

PM

(7) Accordingly, my chosen name since 1996 has remained Paul Andrew Mitchell, B.A., M.S.

REMEDY REQUESTED

All premises having been duly considered, Petitioners now respectfully request this honorable Court to reconsider its April 4, 2014, ruling denying Relator's motion for leave to proceed In Forma Pauperis.

In the alternative, Petitioners request a routine continuance of sixty (60) calendar days during which Relator will be permitted to make all necessary arrangements to pay the required filing fees.

Thank you for your professional consideration.

Dated: May 13, 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, and Rotella v. Wood, 528 U.S. 549 (2000)
(stated objectives of Civil RICO actions)
All Rights Reserved (cf. UCC 1-308)

supreme Law of the Land).

Dated: April 27, 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)
All Rights Reserved without Prejudice (cf. UCC 1-308)

*

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

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

FROM: 44202086

TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry

SUBJECT: NOTICE OF RESCISSION, BY AFFIDAVIT

DATE: 04/28/2014 06:30:24 PM

-COPY-

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

Please file in:
People ex rel. Mitchell
v. Harris et al.

PM

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.

(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

29 APR 2014 PM 11 L

Re:

People v. Harris et al.

Postmaster/Supervisor:

Please supply correct

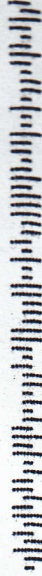
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TO: Office of Presiding Judge
District Court of Scotts Bluff County

P.O. Box 47 (?)

Bering, Nebraska

USA 69341



Re: People ex rel. Watcher v. Sparrow et al.
(docket number not known, due to
extraordinary circumstances)

Authority: 18 U.S.C. 1964, Taffin v. Levitt
(additional cites enclosed)