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: FORMAL OBJECTIONS TO "PSYCHOLOGICAL EVALUATION" #2
DATE: 04/19/2014 01:22:11 PM

-COPY-

TO:
Dr. C. Low
dba Forensic Psychologist
FDC SeaTac

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

Dr. Low:

By now you should have received a Courtesy Copy of my NOTICE OF TERMINATION to attorney Mark Hardee. I am writing to expand upon the points of fact itemized in paragraphs numbered (6) thru (9) in that NOTICE.

The Federal statute at 28 U.S.C. 1691 is obviously very important in my case: if you have not reviewed it yet, that law requires the Clerk's authorized signature -AND- the Court's official seal on all Federal Court "process".

On the Internet, try:
http://www.law.cornell.edu/uscode/28/1691.html

The term "process" embraces everything a Federal Court issues, such as subpoenas, orders, writs, warrants, summonses, and so on. Sec. 1691 was enacted on June 25, 1948 (4 days after I was born), and it has never been amended by any Act(s) of Congress.

The case law at 28 USCA 1691 and 28 USCS 1691 all agree that failing to satisfy its two (2) simple requirements results in depriving a Federal Court of jurisdiction in personam (over Persons).

I am proceeding In Propria Persona (in my Proper Person). See also 28 U.S.C. 1654.

USCA = United States Code Annotated
USCS = United States Code Service

As I have already confirmed to you, in your private office this past week, the so-called "order", allegedly authorizing a [second] "psychological evaluation' of me, clearly violated Sec. 1691 because it was not signed by any Clerk of Court, and it did not exhibit any official Court seal.

The machine-generated date-and-time stamp is NOT the official seal of the United States District Court for the District of Wyoming.

Moreover, as summarized in paragraph (8) of my NOTICE OF TERMINATION, Mr. Stephan Harris cannot legally sign any such "order", even if he tried, because he has chosen to conceal the U.S. Office of Personnel Management Standard Form 61 ("SF-61")

APPOINTMENT AFFIDAVITS required of him by
Article VI, Clause 3 in the U.S. Constitution, and
by the Federal statutes at 5 U.S.C. 2104, 2903, 2906,
3331, 3332, 3333 and 5507.

Because Mr. Harris has failed to produce his own SF-61
for more than six (6) YEARS now, he has been formally
charged with violating 18 U.S.C. 1519 (a FELONY Federal
offense). He is IN DEFAULT and now legally ESTOPPED
by his silence for such a long period of time.

On the Internet, try:
http://www.law.cornell.edu/uscode/18/1519.html

Here, I should emphasize that 5 U.S.C. 2906 expressly
designates the "court" as the legal custodian of the SF-61
required of Mr. Harris and of ALL other Court officers:
that means he must have custody of his own SF-61.
See also 28 U.S.C. 951 (re: duties of Clerks).

Moreover, such a Court "officer" cannot even get paid until
and unless the second AFFIDAVIT required by 5 U.S.C. 3332
is timely executed by each such "officer". See 5 U.S.C. 5507.

Mr. Nandy D. Freudenthal is also implicated in all the above
violations. She is now personally liable to me chiefly because
the U.S. District Court in Cheyenne, Wyoming, was never
able to prove jurisdiction in personam: it CAN'T, as long as
Clerk's Office personnel neglect, or refuse, to produce their own
SF-61 APPOINTMENT AFFIDAVITS.

"Where rights secured by the Constitution are involved,
there can be no rule making or legislation which would
abrogate them." Miranda v. Arizona (re: Miranda warnings).
Article VI, Clause 3, guarantees such a "fundamental" Right!

Moreover, failure to ensure effective assistance of Counsel
has necessarily resulted in OUSTING her Court of jurisdiction.
See Johnson v. Zerbst. As you should already know by now,
Mr. Mark Hardee has totally abandoned me. Of course,
a Federal court cannot be "ousted of jurisdiction"
if it never had jurisdiction in the first place!

Two (2) other Federal Public Defenders were also terminated
in my case, for obvious incompetence and gross negligence.
See the Sixth Amendment here re: assistance of Counsel
(NOT representation by a licensed attorney). The Framers
knew the difference between Counsel and licensed attorney.

Now, I must address the legal risks to which you are being
exposed, insofar as you are, or may be, aiding and abetting
any of the violations mentioned above, or merely being an
accessory after the fact to those same violations. Here,
see 18 U.S.C. 2 and 3, respectively.

Because I have now proven to you that Freudenthal's "order"
is not valid, I am under no obligations to submit to a second
psychological evaluation allegedly authorized by that invalid "order".

In conclusion, therefore, I decline to answer any more of your questions unless I am accompanied by a capable and qualified stand-by counsel who can provide me with timely, and reliable, legal advice about possible attempts to induce me to be a witness against myself, in obvious violation of the Fifth Amendment. Here, see 18 U.S.C. 241, 242, and 1513 in particular.

Thank you for your professional consideration in this matter.

Sincerely yours,
/s/ Paul Andrew Mitchell, B.A., M.S. (my chosen name)
Private Attorney General
See 18 U.S.C. 1964; Rotella v. Wood, 528 U.S. 549 (2000)

Paul Mitchell

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TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SET-D-C * given name (also "Thomas de Guerre")

FROM: 44202086
TO: Brown, Thomas; Saccato, Larry
SUBJECT: case law: Fifth and Sixth Amendments
DATE: 04/26/2014 03:10:35 PM

-COPY-

TO:
Dr. C. Low
dba Forensic Psychologist
FDC SeaTac

Dr. Low:

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

I have located the following court decisions in order to demonstrate the sincere good faith of my position concerning the second "psychological examination" which you are endeavoring to conduct allegedly on the basis of an invalid Federal Court "order":

"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 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)

For the record, you have NOT informed me that your "examination" has been and is being conducted on behalf of the prosecution, and that its results will be available for use against me without the confidentiality of a doctor-patient relationship.

Your apparent ignorance of the Law in this matter has also resulted in your having given me what amounted to "bad legal advice" i.e. you did NOT at any time ask me if I understood that counsel is entitled to be present and if I consented to be examined in the absence of counsel.

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

On the contrary, I do specifcally remember saying to you that
I am being detained here at FDC SeaTac UNDER DURESS
of a fraudulent "search warrant" -and- a fraudulent
"arrest warrant" (chiefly: no compliance with 28 U.S.C. 1691;
missing credentials confirmed for several Clerks' Office personnel;
COUNTERFEIT OPM Standard Form 61 published at www.opm.gov;
no OPM Application for OMB review and approval of that SF-61).

See further elaborations in my NOTICE OF TERMINATION [to Mr. Mark Hardee]
and FORMAL OBJECTIONS TO "PSYCHOLOGICAL EVALUATION" #2,
copies of which I have already transmitted to your attention, and
which are hereby incorporated by reference as if set forth fully here.

NOTICE OF SPECIFIC RESERVATION

I do NOT consent to be examined ~~in~~ the absence
of competent and qualified assistance of Counsel:
see Fifth and Sixth Amendments, U.S. Constitution;
18 U.S.C. 241, 242, 912, 1513, 1519, 1962(d), 1964;
Miranda v. Arizona (re: Rights secured by the Constitution);
44 U.S.C. 3512; 5 CFR 1320.5, and Rotella v. Wood infra
(re: objectives of Civil RICO).

Thank you for honoring all of my Fundamental Rights
e.g. Rights secured by the Fourth, Fifth, Sixth and
Eighth Amendment, for starters.

Sincerely yours,
Paul Andrew Mitchell, B.A., M.S. (chosen name)
Private Attorney General, 18 U.S.C. 1964, Rotella v. Wood, 528 U.S. 549 (2000)

Paul Mitchell

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

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(also "Sadisham de Guerre")

FROM: 44202086
TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry
SUBJECT: Objections and Possible Settlement(s)
DATE: 05/06/2014 09:21:26 AM

-COPY-

TO: Dr. C. Low
dba Forensic Psychologist
FDC SeaTac

DATE: 5/5/2014 A.D.

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

RE: Objections and Possible Settlement(s)

Hello Dr. Low:

I hereby acknowledge all your time again this morning.

I was pleased we had an opportunity to discuss all the efforts I have made to pursue graduate work in computer science at the University of Washington, and the serious obstacles which were deliberately and repeatedly placed in my way by several UW faculty and administrators.

As far as I know, my utility patent application is still pending for the very high-speed solid-state data storage device of which I am the sole inventor. However, since 1/28/2014, I have been unable to receive, nor respond to, any written correspondence mailed to me by the U.S. Patent and Trademark Office in Washington, D.C.

I am also writing to make you aware that a box of my court papers and legal research was recently mailed to me by my legal assistant, and delivery was confirmed last week. However, that box has NOT yet been delivered to me, as of today.

My assistant addressed it to my chosen name, because that is how I was registered the last time I was detained at FDC SeaTac. Concerning the basic common law regarding one's chosen name, please see the enclosed "AGO 1985 No. 10," which quotes the Washington State Supreme Court as follows:

> "... a person is free to adopt and use ... any name he or she sees fit, as long as it is not done for any fraudulent purposes and does not infringe upon the rights of others ...."
> Doe v. Dunning, 87 Wn.2d 50, 549 P.2d 1 (1976)

As a Citizen of Washington State, I assert a right to stand upon that State Supreme Court decision with total impunity.

If my incoming U.S. Mail is being, or has been returned to the sender -- because it was addressed to my chosen name -- and if I am moved yet again, FDC's "policy" will require that I surrender all contents of that mailed box, and witness it being shipped back to the sender once again, a third time!

I should also take this opportunity to point out what I consider to be a harsh inconsistency and double standard in your statements about the Speedy Trial guarantee. You argued that the Speedy Trial clock

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is tolled during the 30-day period reserved for psychological evaluations. However, at our prior meeting, I demonstrated to you how and why Ms. Freudenthal's "order" violated 28 U.S.C. 1691.

At today's meeting, I emphasized further how:

(a) I was never served with any MOTION or any NOTICE of any MOTION requesting such a Court ORDER;

(b) I was never served with any NOTICE of any hearing on any such MOTION;

(c) I was never allowed to file any timely opposition to any such MOTION; and,

(d) I was never allowed to attend any hearings on any such MOTION.

If any DOJ personnel with whom you work do consider such blatant omissions to qualify in any way as "due process of law," THEY are the ones who need psychological evaluation, not me! Notice and hearing are the bare minimum essentials of due process of law, as I am quite sure you can confirm for yourself by reading any published treatises on that Fifth Amendment guarantee.

More to the merits, why are you trying to enforce one Speedy Trial exception, while ignoring all of the other laws that have been violated, and continue to be violated, in my case? Where I come from, we call that "Cherry Picking" (read "not good methodology in any field of research").

Another even more blatant due process violation is evident in the fact that you now possess an updated docket listing, and I do not. And, you seem to find nothing wrong, and nothing out of place, with such fraudulent concealment. Allow me to recommend that you telephone Stephan Harris, Zachary Fisher and Tammy Hilliker at the USDC/Cheyenne, and ask them yourself to produce evidence of their 2 Oaths of Office. For example, see 28 U.S.C. 951 (duties).

The American Indians have a saying:

"Do not criticize a man, until you have walked a mile in his moccasins."

The charges are false, Dr. Low, and you are hereby invited to experience the proof yourself. Maybe then you will believe me. As of this moment, I am having great difficulty understanding how you could earn a Ph.D., work at DOJ for 17 years, and STILL know so little about due process of law. This I find shocking, quite shocking, to be perfectly honest with you.

I think you will at least understand the prudence of my position, even if you do not agree with me, whenever I insist upon:

(1) effective assistance of competent Counsel during any settlement negotiations; and,

(2) full disclosure of all required credentials of all "attorneys for the government" who may participate in any such settlement negotiations and/or sign any related settlement agreements.

In this context, please see the applicable definitions of key terms, as used in Rules 1, 6 and 7 of the Federal Rules of Criminal Procedure; and, the published decision in U.S. v. Pignatiello, USDC/DCO (~1985), Judge Matsch presiding (indictment was dismissed because an SEC lawyer conducted grand jury hearings for 3 weeks

withOUT the OATH required by 28 U.S.C. 544).

The actual and consequential damages to me continue to mount as a result of criminal defamations, tortious interference e.g. with business plans and patent research, and multiple violations of my Fundamental Rights and of applicable Sections of the Federal Criminal Code e.g. 18 U.S.C. 241, 242, 912, 1513, 1519 and 1962(d) -- for starters.

Rehabilitating me, and "making me whole" again, will require MAJOR concessions and SUBSTANTIAL compensations to me by the United States (federal government) and ALL of its responsible officers, employees and ALL non-credentialed "agents," of whatever description and irrespective of whatever de facto positions they claim to occupy.

For your information, last February I did transmit a Bona Fide Offer in Compromise to the Office of the U.S. Attorney in Cheyenne, Wyoming; but, I now suspect it was mostly MISunderstood by personnel in that Office. For example, the U.S. Marshal for that District did not know what a UCC FINANCING STATEMENT is (!); and, Mr. L. Robert Murray openly attempted to disparage the one I have already registered against a major defendant in my complex copyright lawsuit, commenced in Sacramento, California in late August 2001. See U.S. v. High Country Broadcasting (re: when default judgment is proper).

SECOND BONA FIDE OFFER IN COMPROMISE

As fair compensation for all cumulative damages I have suffered to date, I will now accept $100 Million USD, tax-free, a public written apology, dismissal of the "indictment" with prejudice retroactive ab initio, and a return of all my personal properties and belongings seized during the illegal raid on my apartment on June 11, 2013. The $100 Million will be paid in U.S. Dollars to the client trust account maintained by the law firm(s) of my own choosing.

And, a Settlement will not prejudice any other rights which I have acquired as a result of four (4) "Qui Tam" complaints duly lodged with DOJ under the Federal Civil False Claims Act, two (2) INVOICEs payable to the Treasury of the United States (for $6.9T and $1.8T respectively), additional UCC FINANCING STATEMENTS against 128 other named copyright defendants, and any IRS Whistleblower awards I have earned from any of the foregoing.

You have my permission to forward true and correct copies of this memo to other persons whom it may concern.

Thank you very much for your consideration.

Sincerely yours,
/s/ Paul Andrew Mitchell, B.A., M.S. (chosen name)
Private Attorney General, 18 U.S.C. 1964, Rotella v. Wood
 In Propria Persona,
28 U.S.C. 1654 (personally or by counsel)

Paul Mitchell

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
13 MAY 2014 PM 1 T

2 of 2

LEGAL MAIL

Re:
#2:14-CR-00027-NDF-2
(USDC/DWY)

All Rights Reserved
(cf. UCC 1-308)

TO: Presiding Judge
District Court of the United States
2120 Capitol Avenue
Cheyenne 82001
Wyoming, USA