Respond to:
[redacted]
Las Vegas, Nevada State
Near Clark County

ORIGINAL FILED
SEP 03 2024
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

IN THE UNITED STATES NORTHERN DISTRICT COURT OF CALIFORNIA, SAN FRANCISCO DIVISION

SITTING IN THE CAPACITY OF AN ARTICLE III COURT

Dale-Scott-Heineman. Real Party in Interest.
Original United States of America.
We-the-People.
Petitioner.

v.

William H. Alsup, Judge for the Northern District of California, San Francisco Division,
Merrick Garland, United States Attorney General,
Ismail Ramsey, United States Attorney,
James E. Keller, Assistant United States Attorney,
David Hall, Assistant United States Attorney,
Nikhil Bhagat, Assistant United States Attorney,
Case Number 05-cr-00611WHA,
Respondents.

WHO

No. CV 24-06207

COMPLAINT FOR SHOW CAUSE, AS AFFIDAVIT.

State of Nevada....._)
_)_ss, Complaint for Show Cause, as Affidavit.
County of Clark....._)

Comes now Dale-Scott-Heineman, originator/creator/executor/real party in interest, hereinafter Petitioner/Complainant, files this Complaint for Show Cause, as Affidavit as William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division, has violated Petitioner/Complainant's protected due process rights, violated the rules of court, substantive law, and administrative law when, on his own motion during the hearing of June 11, 2024,

refused to hear Petitioner/Complainant's Notice of Demand for Show Cause why case number 3:05-cr-00611WHA (DLJ) is not void ab initio nunc pro tunc by and through 28 U.S.C. sec. 2072, Federal Rules of Criminal Procedure Rule 6, as Affidavit, stating, *"Well, I'm denying that motion and you can take a writ of mandate to the Court of Appeals if you wish, but I'm not going to hold off on moving ahead"* (emphasis added), in violation of, but not limited by, Title 18 United States Code: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, with evidence in support as Attachment "1", June 11, 2024 transcript of hearing paragraph 20;

The United States Attorney and Assistant United States Attorney's named herein shall show cause for deliberately and intentionally withholding material evidence from the grand jury and petit jury, known to be in their possession at the time, that demonstrates and proves that no harm or loss, whatsoever, was caused or could be caused to any financial institution or lender named in the indictment 3:05-cr-00611DLJ a.k.a. 3:05-cr-00611WHA in conformance with the law, i.e., the Letter of Credit from a Swiss Trust company that provided the underlying assets that backed each and every private bond/instrument issued, in violation of, but not limited by, Title 18 United States Code; 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, with evidence in support as Attachment "2" Letter of Credit;

The United States Attorney and Assistant United States Attorney's named herein shall show cause for switching the victims presented to the grand jury for indictment with non-pled clients of Petitioner/Complainant and Johnson at trial as explained by AUSA David Hall during his closing argument before the petit jury, in violation of, but not limited by, F.R.Cr.P. Rule 7(c) and Title 18 United States Code; 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. §

2385, with evidence in support as Attachment "3" transcript paragraphs 10-14 for admission for the switching of victims;

The United States Attorney and Assistant United States Attorney's shall show cause why they did not produce a victim impact statement, form, or document, that demonstrates or proves any of the financial institutions or lenders named in the indictment 3:05-cr-00611DLJ a.k.a. 3:05-cr-00611WHA was harmed or suffered loss in any way whatsoever required by and through the Mandatory Victims' Rights Act ("MVRA"), 110 Stat. 1227; 18 U.S.C. sec. 3663A, in violation of, but not limited to, Title 18 United States Code; 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385,18 U.S.C. § 3663A, whereby evidence in support is the failure of the United States Attorney, Assistant United States Attorney's, or any other Agency of government, to produce a victim impact statement, form, or document that demonstrates or proves that any financial institution or lender named in the indictment 3:05-cr-00611DLJ a.k.a. 3:05-cr-00611WHA suffered harmed or loss;

Petitioner/Complainant moves this honorable Article III court by and through this Complaint for Show Cause, as Affidavit why William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division, Merrick Garland, United States Attorney General, Ismail Ramsey, United States Attorney, James E. Keller, Assistant United States Attorney, David Hall, Assistant United States Attorney, Nikhil Bhagat, Assistant United States Attorney, Case Number 05-cr-00611WHA, employees/fiduciaries, of, by and for the "We-the-People" as established by and for the "We-the-People", has not trespassed upon Petitioner/Complainant's protected due process rights in violation of the supreme Law of the Land[1] and not in violation of, but not limited by, Title 18 United States Code; 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

1. Article VI, Clause 2. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

These Respondent's acting as third-party interlopers, did violate and continue to violate Petitioner/Complainant's protected due process rights by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S. Code sec. 552 (3)(A), FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, in violation of, but not limited by, Title 18 United States Code; 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

These Respondent's violated and continue to violate Petitioner/Complainant's protected due process rights by and through settled law, stare decisis: Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803)[2], Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F.2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971), in violation of, but not limited by, Title 18 United States Code; 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

2.That the people have an original right to establish, for their future government, such principles as, in their opinion, shall most conduce to their own happiness, is the basis, on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it, nor ought it to be frequently repeated. The principles, therefore, so established, are deemed fundamental. And as the authority, from which they proceed, is supreme, and can seldom act, they are designed to be permanent.

This original and supreme will organizes the government, and assigns, to different departments, their respective powers. It may either stop here; or establish certain limits not to be transcended by those departments.
The government of the United States is of the latter description. (emphasis added)

It is also not entirely unworthy of observation, that in declaring what shall be the *Supreme* law of the land, the *constitution* itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in *pursuance* of the constitution, have that rank.

Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to beneficial to all written constitutions, that a law repugnant to the constitution is void; and that *courts,* as well as other departments, are bound by that instrument. Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803)

Standing

Petitioner/Complainant plainly and clearly invokes his Original standing in and on and for the record as Originator/Creator/Executor/Beneficiary/Employer, the true party in interest one of the We-the-People, is the United States of America by and through the Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S. Code sec. 552 (3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, as Affidavit and, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F.2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971), et al.;

Petitioner/Complainant, one of the "We-the-People" of the Original Estate *is* the Original Creator/Executor/Employer and *is* the United-States-of-America, and *is* the Original Creator/Settlor/Executor for this Constitution/Charter/Trust/Contract wherein "We-the-People" have privity of that Great Charter/Trust/Contract and does enjoy: *all* immunities from *all* acts of Congress, *all* Codes of Federal Regulations, and *all* administrative/executive orders, and *all* policies by and through the Articles of Confederation, 7 STAT-13, Northwest Territorial Ordinance #1 and the Constitutions, 1-STAT-50 by Res judicata; and that:

Any appearance of violating these doctrines by any/all administrators/agents/trustees/employees will be taken as an act of aggression and for the

overthrowing of the Constitution and the Original form of government and "We-the-People" of the Original United States of America; and "We-the-People" as the employer of the United States of America, thereupon "show cause", "removal from office" and "impeachment" will be "instituted instantly"; Broadrick et al. v. Oklahoma et al. 413 U.S. 601,620 (1973), Employees of the Department of Public Health and Welfare of Missouri et al., v. Department of Public Health and Welfare of Missouri et al., 411 U.S. 279,322,323 (1973), Colten v. Kentucky, 407 U.S. 104,122 (1972), 7 Howard 419, 1 S.Ct. 601 Cooley, Const. Lim. 503; Southerland, Notes on U.S. Const. p 649;

Petitioner/Complainant, the Original Creator/Executor/Employer of the Original Estate, one of the "We-the-People", the true-party-in-interest, a living man, an inhabitant, a people; *not* a "person" as defined by the Supreme Court of the United States 56 L.Ed. 2d 895, "public", "entity", "individual", "resident", "citizen of the United States", "citizen of the United States of America", "subject of the United States", "subject of the United States of America", "sovereign citizen", "transmitting utility", "accommodation party", "surety", "debtor", et al.; but the Original Creator/Executor/Employer, one of the "We-the-People" the creator/settlor of that Great charter/trust/contract document: the Constitution of the United States and employer of Respondents invokes his Original Standing and exercises his Constitutionally protected due process rights as set forth whereby:

"In the United States, Sovereignty resides in the people, who act through the organs established by the Constitution." Chisholm v. Georgia, 2 Dall 419, 471; Penhallow v. Doane's Administrators, 3 Dall 54, 93; McCullock v. Maryland, 4 Wheat 316,404,405; Yick Yo v. Hopkins, 118 U.S. 356, 370(1886); and

"Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts." Yick Wo v. Hopkins,118 U.S. 356 (1886);

""We the People" formed the governments of the several States. Under our constitutional system, therefore, a State is not the sovereign of its people. Rather, people are sovereign." Employees of the Department of Public Health and Welfare of Missouri et al., v. Department of Public Health and Welfare of Missouri et al., 411 U.S. 279, 322;

"Since when have we Americans been expected to bow submissively to authority and speak with awe and reverence to those who represent us? The constitutional theory is that we the people are the sovereigns, the state and federal officials only our agents." Colten v. Kentucky, 407 U.S. 104,122 (1972);

Jurisdiction

This honorable court has jurisdiction by and through Article III and Article IV of the Constitution of the United States of America;

Venue

This honorable court sitting in the capacity of an Article III guaranteed by and through Article IV of the Constitution of the United States. This court is the proper venue to hear constitutional violations of law upon the Originator/Executor/Settlor/Employer perpetrated by government administrators/agents/employees/trustees/fiduciaries acting under color of law and color of authority, and in violation of 18 U.S. Code sec. 242 and their oaths of office, trespassing upon by and through the Constitution of the United States America– Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50 and Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), United States v. Holzer, 816 F. 2d 304, 307 (1987)[3], United States v. Throckmorton, 98 U.S. 61,65, 25 L.Ed. 93 (1878)[4];

3. Fraud in its elementary common law sense of deceit — and this is one of the meanings that fraud bears in the statute, see United States v. Dial, 757 F.2d 163, 168 (7th Cir. 1985) — includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, including, in the case of a judge, the litigants who appear before him, and if he deliberately conceals material information from them he is guilty of fraud. U.S. v Holzer, 816 F. 2d 304, 307 (1987)

4. But there is an admitted exception to this general rule in cases where, by reason of something done by the successful party to a suit, there was in fact no adversary trial or decision of the issue in the case. Where the unsuccessful party has been prevented from exhibiting fully his case, by fraud or deception practised on him by his opponent, as by keeping him away from court, a false promise of a compromise; or where the defendant never had knowledge of the suit, being kept in ignorance by the acts of the plaintiff; United States v. Throckmorton, 98 U.S. 61, 25 L.Ed. 93 (1878)

Summary of the Case

1. On September 22, 2005, Petitioner/Complainant was a named defendant in a 46 count criminal indictment (case no. 3:05-cr-00611DLJ) alleging bank fraud (18 U.S.C. sec. 1344), wire fraud (18 U.S.C. sec. 1343), mail fraud (18 U.S.C. sec. 1341), and conspiracy to commit bank fraud, mail fraud, and wire fraud (18 U.S.C. sec. 1349). This arises from the NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION. At the time of presentment of the federal indictment was in the custody of the State of Utah on related charges and remained in Utah custody until December 20, 2005, wherein the State of Utah dismissed all charges and defendant was moved solely into federal custody and subsequently transferred to the Northern District of California;
2. On February 16, 2006, while in attendance at the initial hearing before a federal magistrate judge, Petitioner/Complainant was presented with a 68 count superseding indictment (case no. 3:05-cr-00611WHA) wherein four (4) additional defendants were named, all trust defendants were dropped, and two (2) counts of contempt of court (18 U.S.C. sec. 401(3)) were added to the existing alleged violations;
3. The bank fraud (18 U.S.C. sec. 1344), wire fraud (18 U.S.C. sec. 1343), and contempt (18 U.S.C. sec. 401(3)) charges were dismissed prior to trial. Trial occurred in October/November of 2008 for mail fraud and conspiracy to commit the same;
4. In October of 2007, Petitioner/Complainant went to trial and was convicted of 35 counts of mail fraud (18 U.S.C. sec. 1341) and 1 count of conspiracy (18 U.S.C. sec. 1349); Sentencing occurred on March 18, 2008. Petitioner/Complainant received a 240 month sentence with 5 years of supervised release;
5. Petitioner/Complainant represented the Defendant, at-all-times until William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division conspired with the United States Attorney and Assistant United States Attorney's forced counsel upon Petitioner/Complainant prior for appellate review;

The record and evidence in support shows that indictment case no. 3:05-cr-00611DLJ, A.K.A. case no. 3:05-cr-00611WHA, are void on its face by and through the duly constituted verified evidence ascertained and in, on, and for the record by and through by and through the Administrative Procedures Act Freedom of Information Act (FOIA), 5 U.S.C. sec's. 552, 552a– the Administrative Law process, as documented in the District of Nevada Court case number 2:23-cv-00448-JAD (see Second Amended Complaint as Attachment "4"), (see Plaintiffs Notice of Transcript for Related Case No. 3:05-cr-00611-WHA, as Affidavit as Attachment "5") and (see Notice of Demand for Show Cause why case number 3:05-cr-00611WHA (DLJ) is not void ab initio nunc pro tunc by and through 28 U.S.C. sec. 2072, Federal Rules of Criminal Procedure Rule 6, as Affidavit, with all attachments, filed in the Northern District Court of California case no. 3:05-cr-00611WHA as Attachment "6") wherein by and through the Administrative Law process the record shows that Respondents violated and continues to violate Petitioner/Complainants' unalienable protected due process rights and substantive law and the rules of procedure when they:

1. Did not produce verified evidence of the grand jury concurrence form delivered to the magistrate judge in open court in violation of by and through Federal Rules of Criminal Procedure Rule 6(f).
2. Did not produce verified evidence of the grand jury concurrence form filed with the clerk of the court in violation of by and through Federal Rules of Criminal Procedure Rule 6(c).
3. Did not produce verified evidence that or Petitioner/Complainant's counsel waived Petitioner/Complainant's right of notice to challenge the grand jury in violation of by and through Federal Rules of Criminal Procedure Rule 6(b)(1).
4. Did not produce verified evidence that demonstrates or proves that Petitioner/Complainant or Petitioner/Complainant's counsel was afforded a reasonable opportunity to appear and be heard to: (ii) the parties to the judicial proceeding, Petitioner/Complainant was not notified as required by and through FRCrP Rule 6(e)(F)(ii).

5. Did not produce a certified full and complete record for inspection by and through Federal Rules of Evidence 901, 29 CFR, Part 18 Subpart B; Title 5 sec. 552a, 5 CFR Ch. XVI, Subch. A, Pt. 2604;

"Though the rule in this Circuit is settled that a written transcript of grand jury proceedings is not constitutionally required, United States v. Harper, 432 F.2d 100 (5th Cir. 1970), this rule does not intend to foreclose inquiry into those proceedings, nor insulate them from attack under Rule 6" United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971);

Complaint Count 1.

The grand jury concurrence form was not delivered to the magistrate judge in open court with the indictment of September 22, 2005 (case no. 3:05-cr-00611DLJ, case no. 3:05-cr-00611WHA) as required by law and in violation of by and through Federal Rules of Criminal Procedure Rule 6(f)[5], in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments 4,5,6;

Complaint Count 2.

The grand jury concurrence form was not filed with the clerk of the court as required by law by and through Federal Rules of Criminal Procedure Rule 6(c)[6], in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments 4,5,6;

Respondents failed to comport with their own Rules and Procedures, from the beginning, constitutes a fraud upon the court for which has created harm and a disability and harm with injuries that has resulted in damages for the Petitioner/Complaint, in violation of,

5. FRCrmP Rule 6(f) Indictment and Return. A grand Jury may indict only if at least 12 Jurors concur. The grand jury-or its foreperson or deputy foreperson- must return the indictment to a magistrate judge in open court. If a complaint or information is pending against the defendant and 12 jurors do not concur in the indictment, the foreperson must promptly and in writing report the lack of concurrence to the magistrate judge

6. FRCrmP Rule 6(c). The foreperson may administer oaths and affirmations and will sign all indictments. The foreperson–or another juror designated by the foreperson–will record the number of jurors concurring in every indictment and will file the record with the clerk, but the record may not be made public unless the court so orders

but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments 4,5,6;

Complaint Count 3.

Respondents failed to produce verified evidence that demonstrates or proves that Petitioner/Complainant or Petitioner/Complainant's counsel waived Petitioner/Complainant's right of notice to challenge the grand jury as required by law by and through Federal Rules of Criminal Procedure Rule 6(b)(1)[7], Dennis v. United States, 384 U.S. 855; 86 S. Ct. 1840 **; 16 L. Ed. 2d 973; Curcio v. United States 354 U.S. 118 *; 77 S. Ct. 1145 **; 1 L. Ed. 2d 1225 ***, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments 4,5,6;

Respondents failed to comport with the law, their own Rules, Procedures, and holdings from the beginning, constitutes a fraud upon the court by Respondents for which has created harm and a disability for which has resulted in damages and injuries for Petitioner/Complainant;

Complaint Count 4.

Respondents failed to produce verified evidence that demonstrates or proves that Petitioner/Complainant or Petitioner/Complainant's counsel was afforded a reasonable opportunity to appear and be heard to: (ii) the parties to the judicial proceeding, Petitioner/Complainant was not notified as required by and through FRCrP Rule 6(e)(F)(ii)[8] Dennis v. United States, 384 U.S. 855; 86 S. Ct. 1840 **; 16 L. Ed. 2d 973; United States v.

7. FRCrmP Rule 6(b)(1) Challenges. Either the government or a defendant may challenge the grand jury on the ground that it was not lawfully drawn, summoned, or selected, and my challenge an individual juror on the ground that the juror is not legally qualified

8. FRCrmP Rule 6(e)(F)(ii). Under. Rule 6(e)(3)(E)(i) must be filed. in the district where the grand jury convened. Unless the hearing is ex parte–as it may be when the government is the petitioner-the petitioner must serve the petition on, and the court must afford a reasonable opportunity to appear and be heard to: (i) an attorney for the government; (ii) the parties to the judicial proceeding; and (iii) any other person whom the court may designate

Cramer, 447 F.2d 210; United States v. DeSisto, 329 F.2d 929, 934 (2d Cir.); and by and through Jury Selection and Service Act of 1968, 28 U.S.C. sec. 1867(e)[9],(f)[10], United States v. Arnett, 342 F. Supp. 1255, 1258 (D.Mass. 1970), United States v. Cooper (1984, CA10 Kan) 733 F.2d 1360, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments 4,5,6)

Respondents failed to comport with the law, their own Rules, Procedures, and holdings from the beginning, constitutes a fraud[11] upon the court by Respondents for which has created harm and a disability for which has resulted in damages and injuries for Petitioner/Complainant;

Complaint 5.

Respondents failed to produce a certified full and complete record for inspection by and through Federal Rules of Evidence 901, 29 CFR, Part 18 Subpart B; Title 5 sec. 552a, 5 CFR Ch. XVI, Subch. A, Pt. 2604; Potenz Corp. v. Petrozzini, 170 Ill. App. 3d 617, 525 N.E. 2d 173, 175 (1988) regarding case # cr-05-00611DLJ a.k.a. 3:05-cr-00611WHA, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments 4,5,6;

9. Jury Selection and Service Act of 1968, 82 Stat. 59, 28 U.S.C. sec. 1867(e) Provides exclusive means for party charged with federal crime to challenge jury. United States v Cooper (1984, CA10 Kan) 733 F.2d 1360, 15 Fed Rules Evidence Serv 415, cert den (1984), 467 US 1255, 82 L Ed 2d 847, 104 S Ct 3543; Compliance with the procedural provisions of the Act is the exclusive means of challenging the jury on the basis of a violation of the statute. 28 U.S.C. sec. 1867(e); United States v. Arnett, 342 F. Supp. 1255, 1258 (D.Mass. 1970)

10. 28 U.S.C. sec. 1867(f) The parties in a case shall be allowed to inspect, reproduce, and copy such records or papers at all reasonable times during the preparation and pendency of such a motion

11. Fraud. An intentional perversion of Truth, for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right, a false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations or by concealment of that which should have been disclosed which deceives and is intended to deceive another so that he shall act upon it to his legal injury. Brainerd Dispatch Newspaper Co. v Crow Wing County, 196 Minn. 194, 264 N.W. 779, 780. Any Kind of artifice employed by one person to deceive another. Goldstein v Equitable Life Assur. Soc. of US., 160 Misc. 364, 289 N.Y.S. 1064, 1067. A generic term, embracing all multifarious means which human ingenuity can devise, and which are resorted to by one individual to get advantage over another by false suggestions or by suppression of truth, and includes all surprise, trick. cunning. dissembling. and any unfair way by which another is cheated. Johnson v McDonald, 170 Okla. 117, 39 P.2d 150. "Bad Faith" and "Fraud" are synonymous and also synonymous of dishonesty, infidelity, faithlessness, perfidy, unfairness, etc. Joiner v Joiner, Tex.Civ.App., 87 S.W.2d 903, 914, 915. Black's Revised 4th Edition, (pgs. 788,789)

Respondents failed to comport with their own Rules, Procedures, and holdings from the beginning, constitutes a fraud upon the court by the Respondents by and through Brainerd Dispatch Newspaper Co. v. Crow Wing County, 196 Minn. 194, 264 N.W. 779, 780, Goldstein v. Equitable Life Assur. Soc. of US. 160 Misc. 364, 289N.Y.S. 1064, 1067, Johnson v. McDonald, 170 Okla. 117, 39 P.2d 150, Joiner v. Joiner Tex.Civ.App., 87 S.W.2d 903, 914, 915 for which has created harm and a disability that has resulted in damages and injuries for Petitioner/Complainant;

Whereupon:

The record shall include all sealed and docketed filings, transcripts, including all FD-302 interviews previously in the possession of Petitioner/Complainant, and later disposed of by the Bureau of Prisons (FBOP) staff when Plaintiff transferred from FCI Lompoc to FCI Victorville, by and through:

Rule 901. Authenticating or Identifying Evidence

(a) In General. To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is.

(b) Examples. The following are examples only — not a complete list — of evidence that satisfies the requirement…

(7) Evidence About Public Records. Evidence that:

(A) a document was recorded or filed in a public office as authorized by law; or

(B) a purported public record or statement is from the office where items of this kind are kept; (emphasis added)

Evidence of Violations of Law and Due Process Right within the Indictments and the Proceedings

Complaint Count 6.

No jurisdictional statement is discoverable anywhere, whatsoever, in original indictment case no. 3:05-cr-00611DLJ dated September 22, 2005 or the superseding indictment dated February 16, 2006 for which is required by law by and through "The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings." Hagans v. Lavine, 415 U.S. 533, 94 S. Ct. 1372 (1974), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments "7" and "8";

Respondents failed to comport with their own Rules, Procedures, and holdings from the beginning, constitutes a fraud upon the court by Respondents for which has created harm and a disability for which has resulted in damages and injuries for Petitioner/Complainant;

Complaint Count 7.

Petitioner/Complainant was convicted for mail fraud (18 U.S.C. sec. 1341) and conspiracy to commit mail fraud (18 USC sec. 1349). Title 18 U.S.C. sec. 1349 is not a stand-alone statute. It borrows its scienter and sentencing from other fraud statutes. In this case it is the mail fraud statute 18 U.S.C. 1341. Where 1341 fails to state an offense, 1349 would automatically suffer the same fate. The scheme and artifice to defraud financial institutions and lenders was dismissed prior to trial removing the essential elements required by law to be proven to a jury;
Proceeding to trial absent a provable victim with a property right whether tangible or intangible can never rise to activate the mail fraud statute. Defrauding financial institutions or lenders under the current mail fraud statute is a legal impossibility. Any conviction therefore violates all the canons of constitutional avoidance in violation of, but not limited by, Title 18 United States

Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments "7" and "8";

Complaint Count 8.

The Respondents failed to distinguish between financial institutions and lenders named in the indictments. Most of the financial institutions and lenders were not financial institutions *at the time of indictment* (original indictment of September 22, 2005, and superseding indictment of February 16, 2006) by and through 18 U.S.C. sec. 20, United States v. Bennett, 621 F.3d 1131,1137-1139 (9th Circuit) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments "7" and "8";

Respondents failed to comport with their own Rules, Procedures, and holdings from the beginning, constitutes a fraud upon the court by Respondents for which has created harm and a disability that has resulted in damages and injuries for Petitioner/Complainant;

Complaint Count 9.

No financial institution or lender, whatsoever, identified as victims in the indictment appeared at trial for testifying as to a loss or harm. (see Sentencing Transcripts page 19, paragraphs 8-13, and page 45 paragraphs 1-25 as Attachment "9") The plain reading of the indictment alleged Petitioner/Complainant devised a "scheme and artifice to defraud financial institutions and lenders…" this violation of Petitioner/Complainants protected due process right to confront his accuser failed for which has created harm and injury which has resulted in a disability for Petitioner/Complainant in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. §

1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments "7" and "8";

Complaint Count 10.

No financial institution or lender, whatsoever, identified as victims in these indictments submitted a victim impact statement alleging a loss or harm as required by law by and through the Mandatory Victims' Rights Act ("MVRA"), 110 Stat. 1227; 18 U.S.C. sec. 3663A, "requires that those convicted of certain federal crimes make payments to *victims* of their crimes as an *element* of their sentence." (emphasis added) The victims appearing in the Judgment and Commitment Order are former clients and an unknown, unidentified, and non-pled debt collector; not financial institutions or lenders as pled, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachment "10";

Respondents were permitted by the administrator of the court, Judge William H. Alsup, to legislate from their desk when at trial the financial institution and lender victims pled by Respondents were switched with non-pled clients of Petitioner/Complainant and then paraded in front of the petit jury to judge irrelevant and inflammatory testimony. Respondents departed from the fair construction and common sense reading of these indictments which was to give Petitioner/Complainant and codefendant Johnson notice of the statutory violations cited by Respondents, see United States v. Rodriques, 737 Fed Appx 178, 181 (9th Cir 2005). Respondents constructively amended the indictment before trial when they switched the pled financial institution and lender victim's with non-pled clients of Petitioner/Complainant for which has created harm and injury which has resulted in a disability for the Petitioner/Complainant;

Complaint Count 11.

Respondents failed for complying with by and through the Speedy Trial Act of 1974, 88 Stat. 2080, as amended August 2, 1979, 93 Stat. 328, 18 U.S.C. sec's. 3161–3174, and violated Petitioner/Complainants right to a speedy trial, which are not waivable without consent, Zedner v. United States, 547 US 489,502 (2006), there exists no verified evidence that Petitioner/Complainant expressed such consent:

The Speedy Trial Act clock began at the attachment of Petitioner/Complainants liberty interest United States v. Marion, 404 US 307 (1971), United States v. Loud Hawk, 474 US302, 312 (1986) which began on September 22, 2005, when the original indictment was filed, served and the Utah jailers, who had custody of Petitioner/Complainant at the time, raised Petitioner/Complainants security level reflecting the attachment of the Federal detainer;

On December 20, 2005, Utah dropped all charges leaving Petitioner/Complainant in the sole custody of the Federal government. On December 22, 2005, Petitioner/Complainant was arraigned by a magistrate in Utah on the original 46 count indictment;

Without any 3161(h) exclusions on the record or any motions filed for exclusions, or any waiver of time on the record, whatsoever, until March 3, 2006, this delay far exceeded the 70 day statutory limitation in violation of the Speedy Trial Act in two (2) distinct ways:

1. From arrest on September 22, 2005 until arraignment of December 22, 2005 is 91 days;
2. From arrest on September 22, 2005 until the first exclusion of time of March 3, 2006, is 165 days;

This Speedy Trial Act violation applies only to those charges carried forward from the original indictment, not the superseding indictment passed on February 16, 2006. The superseding indictment did not exempt the government from its obligation at law to bring Petitioner/Complainant and Johnson to trial. See United States v. Thomas, 788 F.2d 1250 (7th Cir), United States v. Rush, 738 F.2d 497 (1st Cir.) …";

Respondents and the administrator of the court violated the "Act" after they were noticed of the Speedy Trial Act violation, intentionally ignored the Speedy Trial Act of 1974, 88 Stat.

2080, as amended August 2, 1979, 93 Stat. 328, 18 U.S.C. sec's. 3161–3174, which has created harm and injury which has resulted in a disability for Petitioner/Complainant, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see docket entry 27 as evidence as Attachment "11";

Complaint Count 12.

On 11/7/2007, William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division and the United States Attorney and Assistant United States Attorney conspired to tamper with witness Dr. Larry Bates (former Tennessee House of Representatives member, former bank Chairman, Federal Witness, and consultant for Petitioner/Complainant and codefendant Johnson) who was prepared to offer first-hand testimony as to how promissory notes were processed by financial institutions and lenders.

Without the jury present and prior to trial, Dr. Bates was instructed by William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division and the United States Attorney and Assistant United States Attorney *not* to speak about the promissory note, banking, or any other banking mechanics. Judge William H. Alsup, undermined, interfered, and trespassed upon Petitioner/Complainant protected due process in violation of 18 U.S. Code sec. 1512 when he denied Petitioner/Complainant the opportunity to make a showing to the jury that no harm or injury had been caused, or could have been caused by Petitioner/Complainant, to any financial institution or lender, and in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence docket 516 for Dr. Bates appearance as Attachment "12";

Respondents have intentionally denied Petitioner/Complainant a certified copy of the full and complete record including transcripts which creates harm and injury for the Petitioner/Complainant for which has resulted in a disability for the Petitioner/Complainant;

Complaint Count 13.

On 11/01/2007, William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division and the United States Attorney and Assistant United States Attorney conspired to tamper with witness Todd-Ellis Swanson (accountant, enrolled agent, and service provider to Petitioner/Complainant) in violation of 18 U.S. Code sec. 1512 was prepared to offer first-hand testimony as to the standards, functions, accounting practices, i.e., GAAP accounting, for financial institutions and lenders. William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division and the United States Attorney and Assistant United States Attorney threated and intimidated Petitioner/Complainant's material witness stating that if Mr. Swanson testified on Defendants behalf, Judge William H. Alsup would recommend to the prosecution to enjoin Mr. Swanson as a co-conspirator to the instant action, thus undermined, interfered, and trespassed upon Petitioner/Complainant due process denied Petitioner/Complainant the opportunity to make a showing to the jury that no harm or injury had been caused, or could have been caused by Petitioner/Complainant, to any financial institution or lender, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence for Todd-Ellis Swanson appearance at docket 503 as Attachment "13");

Respondents have denied Petitioner/Complainant a certified copy of the full and complete record including transcripts which created harm and injury for Petitioner/Complainant which has resulted in a disability to Petitioner/Complainant;

Complaint Count 14.

On or about August 31, 2007, Petitioner/Complainant and codefendant Johnson motioned the court for a subpoena for the bond/instrument previously sent to each financial institution or lender prior to indictment– this being a necessary and substantive part of Petitioner/Complainant's presentment sent to each financial institution or lender and subject for Petitioner/Complainant and Johnsons' defense for presenting to the jury relevant material evidence that demonstrates and proves that no financial institution or lender was harmed or injured, or could be harmed or injured; (see docket entries 426, 427 as Attachment "14") Respondents have denied Petitioner/Complainant a certified copy of the full and complete record including transcripts;

The subpoenas were granted by Judge Alsup for these bond/instruments for each financial institution and lender named in the indictment. All subpoenas were timely and properly served for the bond/instrument. (see docket entry 428 as Attachment "15") (Respondents have denied Petitioner/Complainant a certified copy of the full and complete record including transcripts); Instead of conforming to our very specific request, these financial institutions and lenders sent their respective mortgage contracts;

On or about October 15, 2007, Petitioner/Complainant and codefendant Johnson motioned the court to compel production for these financial institutions and lenders to produce the bond/instrument; (see docket entries 466 and 467 as Attachment "16") (Respondents have denied Petitioner/Complainant a certified copy of the full and complete record including transcripts;

On October 18, 2007, Judge Alsup denied Petitioner/Complainant and codefendant Johnson motion to compel production of the bond/instrument, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence for docket entry 469 as Attachment "17";

Respondents have denied Petitioner/Complainant a certified copy of the full and complete record including transcripts;

William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division violated Petitioner/Complainants due process in violation of 18 U.S.C. sec. 1519 tampering with evidence when he denied Petitioner/Complainant and codefendant Johnson from presenting material evidence that demonstrates and proves that no financial institution or lender was harmed or injured, or could be harmed or injured (Refer to evidence Attachment "2") which created harm and injury for Petitioner/Complainant which has resulted in a disability for Petitioner/Complainant and in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

Complaint Count 15.

During the jury instruction phase, William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division polluted the jury when he drew upon the dismissed financial institutions and lenders pled in the indictments, "a scheme to defraud lenders", stated in his jury instruction: *"Turning to Count One, it alleges that from approximately February 2004 until approximately July 6, 2005, defendants knowingly conspired between themselves and with various brokers to devise a scheme to defraud lenders with loans secured by real property, to obtain money by means of materially false statements and promises, and to knowingly cause the United States mails to be used to further the alleged scheme in violation of the mail-fraud statute, which is Section 1341 of Title 18 of the United States Code. Count One alleges various attempts to eliminate mortgages pursuant to the alleged conspiracy."*; in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence of Jury Instruction transcript point 22 attached as Attachment "18";

Judge William H. Alsup concurs that "Financial institutions and lenders" was specifically identified in these indictments as the "target" of Petitioner/Complainant/defendants' scheme and artifice to defraud Tanner v. United States, 483 US 107, 129 (1987) that cannot be parsed out of the specific "intent" element of mail fraud which requires an identifiable victim, United States v. Milwitt, 475 F.3d 1150, 1155-56 (9th Cir., 2006). An after-trial recharacterization of a sentencing factor proffered by the prosecution, and permitted by the administrator of the court, is a trespass upon Petitioner/Complainants protected due process and a violation of the Federal Rules of Criminal Procedure Rule 7(c)(1)[12] which created harm and injury for Petitioner/Complainant which has resulted in a disability for Petitioner/Complainant and in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

Complaint Count 16.

William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division and the United States Attorney permitted the Respondents to legislate from their desk when they created a criminal statute out of thin air citing "debt elimination" as a violable offense against the United States– there exists no such statute. The "debt elimination" theory advanced by the prosecution and supported by the administrator of the court is a statutory impossibility that failed to state an offense for the conduct alleged in these indictments in addition to being a violation of procedural and substantive due process and contrary to the Acts of Congress and the supreme Law of the Land;

No pled victim was summoned to appear for the prosecution at trial and no pled victim offered testimony at trial to invoke the specific intent or any other essential elements for conviction. The prosecution has the burden to prove each and every element, to wit:

12. FRCrmP Rule 7(c) Nature and Contents. (1) ***In General.*** The indictment or information must be a plain, concise, and definite written statement of the essential facts constituting the offense charged and must be signed by an attorney for the government. It need not contain a formal introduction or conclusion. A count may incorporate by reference an allegation made in another count. A count may allege that the means by which the defendant committed the offense are unknown or that the defendant committed it by one or more specified means. For each count, the indictment or information must give the official or customary citation of the statute, rule, regulation, or other provision of law that the defendant is alleged to have violated. For purposes of an indictment referred to in section 3282 of title 18, United States Code, for which the identity of the defendant is unknown, it shall be sufficient for the indictment to describe the defendant as an individual whose name is unknown, but who has a particular DNA profile, as that term is defined in section 3282

In re Winship, 397 US 358, 364 (1970) and "Consequently, the court may consider only the elements contained within the statutory definition of the crime." United States v. Lipscomb, 619 F.3d 474, 493 (5th Cir., 2010) quoting James v. United States, 550 US 192 at 201, which has created harm and injury which has resulted in a disability for Petitioner/Complainant in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence of Sentencing Transcript pages 19 paragraphs 9-13 and 45 paragraphs 1-25 as Attachment "19";

Complaint Count 17.

The United States Attorney presented "evidence" to the grand jury that induced the grand jury to indict Petitioner/Complainant/Defendants based upon an estimated $50 Million dollar loss "theory" incurred by financial institutions and lenders by Petitioner/Complainants "debt elimination" scheme. This indictment gives notice of "Honest Services" as a property loss to financial institutions and lenders being affected and controlling, which AUSA Keller claimed was defined by statute. This is an irresponsible and unconscionable legislation-on-the-fly to create or amend a statute that in-turn prevented the Fourth Amendment and reasonable doubt standards from availing. Honest services *is* confined to bribes and kickbacks;

Petitioner/Complainant never had a duty to any of the alleged pled victims that could ever approach the conduct that reaches to bribes and kickbacks. Respondents utter failure to be faithful to the law in violation of their oaths of office has created harm and injury for Petitioner/Complainant which has resulted in a disability for Petitioner/Complainant in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

Complaint Count 18.

Respondents, as fiduciaries/employees of and for Petitioner/Complainant, whose acts and actions upon Petitioner/Complainant constitute a criminal violation of their oaths of office by and through 5 U.S.C. sec. 7311 constitutes a criminal violation by and through 18 U.S.C. sec. 1918 for a member of the government, which includes members of Congress, and thus did and does "advocate the overthrow of our constitutional form of government" by engaging in prosecutorial and judicial misconduct in violation of Respondents oath to execute faithfully [their] duties by and through 28 U.S. Code sec. 544 which has created harm and injury which has resulted in a disability for Petitioner/Complainant in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

Complaint Count 19.

Respondents failed to take notice that the courts of the United states are bound to take notice of the Constitution of the United states that established the Constitution is the "Supreme law of the land" Marbury v. Madison, 1 Cranch 137 (1803) in violation of 18 U.S.C. 371 which has created harm and injury which has resulted in a disability for Petitioner/Complainant in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

Complaint Count 20.

Respondents created a Constitutional crisis when Respondents prosecuted Petitioner/Complainant by and through ex post facto laws in violation of 18 U.S.C. Secs. 2381, 2382, 2383, 2384, 2385 and in violation of by and through the Constitution of the United States Article I, Section 9, Clause 3, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137,

2 L. Ed. 60 (1803) which has created harm and injury which has resulted in a disability for Petitioner/Complainant in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

Complaint Count 21.

Respondents did conspire to injure, oppress, threaten, or intimidate Petitioner/Complainant and did deprive Plaintiff of his free exercise or enjoyment for Petitioner/Complainant's rights protected by and through 18 U.S. Code sec. 241 for which has created harm and injury for Petitioner/Complainant which has resulted in a disability for Petitioner/Complainant in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

Complaint Count 22.

Respondents did and does conspire by and through 18 U.S. Code sec. 241 to kidnap or attempt to kidnap Petitioner/Complainant and did and does commit a criminal offense by and through 18 U.S. Code sec. 1201 for which has created harm and injury for which has resulted in a disability for Petitioner/Complainant in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

Complaint Count 23.

Respondents violated 18 U.S. Code sec. 1001 when they falsified, concealed, and covered up by trick, scheme, and device a material fact to induce the grand jury to indict by making false statements and representations that the financial institutions and lenders pled were statutorily recognized per 18 U.S. sec. 20 at the time of indictment for which has created

harm and injury for Petitioner/Complainant which has resulted in a disability for Petitioner/Complainant in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments "7" and "8";

Complaint Count 24.

William H. Alsup, Judge for the Northern District of California presently conspires with the United States Attorney and the United States Probation Office under the guise of a Form 12 hearing alleging a violation of the terms of supervised release practices law from the bench and advises the government, specifically advice to file a motion to quash Petitioner/Complainant's subpoena for records in violation of his oath and duties as an administrator for the court gives the appearance of overthrowing the Original form of government, treason, does know and should have known that the judgment obtained by the indictment was conceived in fraud, has refused to hear Petitioner/Complainants Show Cause why case number 3:05-cr-0061DLJ a.k.a. 3:05-cr-00611WHA is not void ab initio nunc pro tunc (see hearing of 6/11/2024 paragraphs 1-14 as Attachment "20") by and through 28 U.S.C. sec. 2072, Federal Rules of Criminal Procedure Rule 6, as Affidavit, and where such fraud is demonstrated here in part in this Complaint for Show Cause, as Affidavit, is void ab initio, nunc pro tunc does violate by his acts and actions 18 U.S. Code sec. 371 - Conspiracy to commit offense or to defraud United States which creates and continues to create harm and injury for Petitioner/Complainant which has resulted in a disability for Petitioner/Complainant in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, see evidence as Attachments 4,5,6;

Complaint Count 25.

Petitioner/Complainant further alleges that no evidence can be found that the United States Attorney General, United States Attorney, or United States AUSA Attorney' policies can supersede the Acts of Congress, or permit these Respondents to legislate from their desk, or where the United States Attorney General, United States Attorney, or United States AUSA Attorney' can give this Petitioner/Complainant a disability without giving Petitioner/Complainant an equitable remedy for relief when brought to Respondents attention. You Respondents, MUST remove the disability of your policy by and through the Americans with Disabilities Act, 104 Stat 328, he who creates the disability must remove the disability;

The US Department of Justice made it clear in a letter of April 16, 2010, regarding regulations further prohibit recipients from administering programs in a matter that has the effect of subjecting individuals for discrimination based on their national origin, see 28 CFR section 42.1(b)(2), and 28 CFR section 42.203(e), and by and through built-in-systems-headwind-systematized discrimination, Greg's v. Duke Power Company, 401 U.S. 424 (1971), and Connecticut v. Teal, 457 U.S. 440 (1982), may I remind you that by and through the implementing regulations for the ADA and the Federal Code of Regulations 28 CFR part 35 (Title II Department of Justice); a disability is a condition that substantially limits the ability of an individual to perform a major life activity compared to most people in general population and must be protected by and through 42 U.S.C. sec. 12203, and 28 C.F.R. sec. 36.206, retaliation, coercion have failed their in their fiduciary duties and obligations in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

Complaint Count 26.

Petitioner/Complainant further alleges the court errors when enforcing representation by foreign attorneys certificated by a foreign BAR and infringes on rights guaranteed for the Petitioner/Complainant by federal law, See Mille Lacs Band, 124 F.2d at 928, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 27.

Petitioner/Complainant further alleges the above court's, ORDER dated on, 03/18/2008 is not supported by the facts, nor the court's records, rules, points of law, statutes, rationale, and dicta in violation of the Due Process clause of the 4th, Amendment of the United States Constitution and impairs the Obligation of Contracts between the Petitioner/Complainant and the Defendants in violation of Article: 1, Section: 10 of the United States Constitution, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 28.

Petitioner/Complainant further alleges the record shows the above court's judge, William H. Alsup has an Oath contract with the Petitioner/Complainant for upholding the Constitution including the Due Process Clause of the 4th Amendment of the United States Constitution with a fiduciary obligation and duty not to exceed the restrictive limitation and protections of the United States Constitution, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 29.

Petitioner/Complainant further alleges the above courts, ORDER dated on, 03/18/2008 is a Breach of Contract and conspiracy with others under color of law, impairing Petitioner/Complainant's Due Process protection under the 4th Amendment of the United States Constitution, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 30.

Petitioner/Complainant further alleges the above courts, ORDER dated on, 03/18/2008 is impairing the Due Administration of Justice, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 31.

Petitioner/Complainant further alleges the above courts, ORDER , dated on, 03/18/2008 is a hostile presentment, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 32.

Petitioner/Complainant further alleges the above courts, ORDER , dated on, 03/18/2008 is the criminal act of barratry, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 33.

Petitioner/Complainant further alleges the above courts, ORDER, dated on, 03/18/2008 is impairing the Due Process of the law with a defective impromptu process and usurpation of the legislative and court powers, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 34.

Petitioner/Complainant further alleges the above courts, ORDER, dated on, 03/18/2008 is a malicious, invidious, and capricious fraud on the Petitioner/Complainant, void on the face of the roll for the lack of inherent power for entering the order procured by extrinsic fraud, See In re Adoption of E.L., 733 N.E.2d 846, (Ill. App. 1 Dist. 2000) and Rook v. Rook, 353 S.E. 2d 756, (Va. 1987), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 35.

Petitioner/Complainant further alleges the above courts, ORDER, dated on, 03/18/2008 is tampering with the evidence in order to influence the outcome of the case with no enforcement power in law; and

Complaint Count 36.

Petitioner/Complainant further alleges the above Court's order, dated on, 03/18/2008 is void because the order is unsupported by the laws, Statutes, Rules, established facts, allegations, and evidence on the record, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 37.

Petitioner/Complainant further alleges the above court's order, dated on, 03/18/2008 is void because the order is issued by fraud upon the court, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 38.

Petitioner/Complainant further alleges the above Court's order, dated on, 03/18/2008 is void because the order is contrary for the law, made false about the law, and in fact the order legalize a broad range of crimes, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 39.

Petitioner/Complainant further alleges the above Court's order, dated on, 03/18/2008 is void because the order is issued in clear absence of jurisdiction in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 40.

Petitioner/Complainant further alleges invalidity needs for appearing on the face of the above Court's order, dated on, 03/18/2008 and alone that order may be said for being either: (1) intrinsically void, (2) void on the order face, if lack of the jurisdiction appears from the record, See Crockett Oil Co. v. Effie, 374 S. W.2d 154 (Mo. App. 1964), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. §

1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 41.

Petitioner/Complainant further alleges decisions by the above court's order, dated on, 03/18/2008 is void on the face of the roll when from four corners of that roll a decision may be determined that at least one of the three elements of the jurisdiction is absent: (1) jurisdiction over parties, (2) jurisdiction over subject matter, (3) jurisdictional power for pronouncing particular order that was rendered, See B & C Investments, Inc. v. F & M Nat. Bank & Trust, 903 P.2d 339 (Ok civ. App. 106, 1995), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 42.

Petitioner/Complainant further alleges a void order may be attacked, either: (1) direct, (2) collateral, at any time, See In re Estate of Steinfield, 630 N.E.2d 801. certiorari denied; Steinfeld v. Hoddick, 513 U.S. 809, (Ill 1994), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 43.

Petitioner/Complainant further alleges a void order which is one entered by a court that lacks jurisdiction over either: (1) the parties, (2) the subject matter, (3) the inherent power for entering the order procured by fraud can be attacked at any time in any court either: (1) direct, (2) collateral providing that party is proper before the court, See People ex rel. Brzica v. Village of Lake Barrington, 644 N.E.2d 66 (111. App. 2 Dist. 1994), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001,

18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 44.

Petitioner/Complainant further alleges avoidable orders are appealable and must be attacked direct, a void order may be circumvented by either: (1) collateral attack, (2) remedied by mandamus, Senehez v. Hester, 911 S.W.2d 173, (Tex. App. - Corpus Christi 1995), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 45.

Petitioner/Complainant further alleges when rules provide for relief from void orders is applicable, relief is not discretionary matter, but is mandatory, See Orner v. Shalala, 30 F.3d 1307, (Colo. 1994), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 46.

Petitioner/Complainant further alleges the above Court's order, dated on, 03/18/2008 that is otherwise entered in violation of Due Process of the law must be set aside, See Jaffe and Asher v. Van Brunt, S.D.N.Y. 1994, 158 F.R.D. 278, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 47.

Petitioner/Complainant further alleges an order is void on the order's face and is subject for collateral attack unless the above court has jurisdiction of the subject matter of the persons

involved in the litigation for rendering the particular order given, See Hallford v. Industrial Commission, 63 Ariz. 40, 159 P.2d 305 (1945), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 48.

Petitioner/Complainant further alleges the above Court must have jurisdiction of the subject matter and if the above Court has no jurisdiction the court's order date on, 03/18/2008 may be collaterally attacked, See Vargus v. Greer, (1943) 60 Ariz. 110,131 P.2d 818, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 49.

Petitioner/Complainant further alleges lack of the jurisdiction over subject matter can be raised at any time, See Kelly v. Kelly, (1975) 24 Ariz. App. 582, 540 P.2d 201, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 50.

Petitioner/Complainant further alleges a void order is an order from inception that is a complete nullity and without legal effect, See Lubben v. Selective Service System Local Bd. No. 27, 453 F.2d 645, 14 A.L.R. Fed. 298 (C.A. 1 Mass. 1972), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 51.

Petitioner/Complainant further alleges a void order is an order from the beginning that is complete nullity and without any legal effect, See Hobbs v. U.S. Office of Personnel Management, 485 F.Supp. 456 (M.D. Fla. 1980), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 52.

Petitioner/Complainant further alleges a void order is an order from inception complete nullity and without legal effect, See Holstein v. City of Chicago, 803 F. Supp. 205, reconsideration denied 149 F.R.D. 147, affirmed 29 F.3d 1145 (N.D. Ill. 1992), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 53.

Petitioner/Complainant further alleges a void order is an order where the above Court lacks subject matter jurisdiction and entry of the order dated on, 03/18/2008 violates Due Process, See U.S.C.A. Const. Amendment: 4 and Tirad Energy Corp. v. McNell, 110 F.RD. 382 (S.D.N.Y. 1986), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 54.

Petitioner/Complainant further alleges the above Court's order dated on, 03/18/2008 is a void order if the court is acting in a manner inconsistent with Due Process, See Federal Rules Civ. Proc., Rule: 60(b)(4); 4th Amendment of the United States Constitution; and Klugh v. U.S., 620

F.Supp. 892 (D.S.C. 1985) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 55.

Petitioner/Complainant further alleges a void order is an order from inception that is and forever continues for being absolute null without legal efficacy, ineffectual for binding either: (1) the parties, (2) supporting a right of no legal force and effect whatsoever and (3) incapable of enforcement in any manner and for any degree, See Lloyd v. Director, Dept. of Public Safety, 480 So. 2d 577 (Ala. Civ. App. 1985) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 56.

Petitioner/Complainant further alleges an order shown by evidence for being invalid for want of the jurisdiction is either: (1) a void order, (2) at all events has all attributes of a void order, See City of Los Angeles v. Morgan, 234 P.2d 319 (Cal. App. 2 Dist. 1951), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 57.

Petitioner/Complainant further alleges a void order which is subject for collateral attack is simulated judgment devoid of any potency because of the jurisdictional defects, See Ward v. Terdere, 386 P .2d 352 (Colo. 1963), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016,

18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 58.

Petitioner/Complainant further alleges a void order is a simulated order devoid of any potency because of jurisdictional defects in the above court's rendering of the order and defects of the jurisdiction may relate for either: (1) a party, (2) parties, (3) the subject matter, (4) the cause of action, (5) the question being determined, (6) relief being granted, See Davidson Chevrolet, Inc. v. City and County of Denver, 330 P.2d 1116, certiorari denied 79 S.Ct. 609, 359 U.S. 926, 3 L.Ed. 2d 629 (Colo. 1958), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 59.

Petitioner/Complainant further alleges a void order is an order entered by the above court without jurisdiction of either: (1) the parties, (2) subject matter, (3) lacks inherent power for making, and entering particular order involved and such an order may be attacked at any time either: (1) direct, (2) collateral, See People v. Wade, 506 N.W.2d 954 (Ill. 1987), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 60.

Petitioner/Complainant further alleges a void order may be defined as one in which the rendering court lacks either: (1) subject matter jurisdiction, (2) personal jurisdiction, (3) acted in a manner inconsistent with Due Process of the law, See Eckel v. McNeal, 628 N.E.2d 741 (Ill. App. Dist. 1993), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C.

§ 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 61.

Petitioner/Complainant further alleges a void order is an order entered by the above court without jurisdiction of either: (1) parties, (2) subject matter, (3) lacks inherent power for making and entering a particular order involved, and such an order may be attacked at any time, either: (1) direct, (2) collateral, See People v. Sales, 551 N.E.2d 1359, 195 Ill. App. 3d. 160 (1990), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 62.

Petitioner/Complainant further alleges Res judicata consequences will not be applied for a void order which is an order from inception that is a complete nullity and without legal effect, See Allcock v. Allcock, 437 N.E.2d 392 (Ill. App. 3 Vist. 1982), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 63.

Petitioner/Complainant further alleges a void order is an order from inception is complete nullity and without legal affect, See In re Marriage of Parks, 630 N.E.2d 509 (Ill. App. Ct. 1994), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 64.

Petitioner/Complainant further alleges a void order is an order entered by the above court that lacks the inherent power for making and entering the particular order involved and the order may be attacked at any time either: (1) direct (2) collateral and such an order would be a nullity, See People v. Rolland, 581 N.E.2d 907, (Ill. App. 4 Dist. 1991), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 65.

Petitioner/Complainant further alleges a void order under federal law is one in which rendering court lacks either: (1) subject matter jurisdiction over dispute, (2) jurisdiction over parties, (3) acts in manner inconsistent with due process of the law, (4) otherwise acts unconstitutional in entering the order, See 4th, Amendment of the United States, Constitution; Hays v. Louisiana Dock Co., 452 n.e.2D 1383 (Ill. App. 5 Dist. 1983), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 66.

Petitioner/Complainant further alleges a void order is an order from inception that is a complete nullity and without legal effect, See Stidham v. Whelchel, 698 N.E.2d 1152 (Ind. 1998), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 67.

Petitioner/Complainant further alleges relief from void orders are available when the above court lacks either: (1) personal, (2) subject matter jurisdiction, See Dusenberry v. Dusenberry, 625 N.S. 2d 458 (Ind. App. 1 Dist. 1993), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 68.

Petitioner/Complainant further alleges a void order has no effect whatsoever and is incapable of either: (1) consummation, (2) ratification, See Lucas v. Estate of Stavos, 609 N .E. 2d 1114, rehearing denied, and transfer denied (Ind. App. I dist. 1993), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 69.

Petitioner/Complainant further alleges a void order is an order rendered in absence of jurisdiction over either: (1) subject matter, (2) parties Matson v. Matson, 310 N.W.2d 502, (Minn. 1981), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 70.

Petitioner/Complainant further alleges a void order is an order rendered in absence of the jurisdiction over either: (1) subject matter, (2) parties, See Lange v. Johnson, 204 N.W.2d 205 (Minn. 1973), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18

U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 71.

Petitioner/Complainant further alleges a void order has mere semblance without some essential element as when the above court purporting for rendering the order has no jurisdiction, See Mills v. Richardson, 81 S.E. 2d 409, (N.C. 1954), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 72.

Petitioner/Complainant further alleges a void order has a mere semblance, but is lacking in some of the essential elements which would authorize the above court for proceed for judgment, See Henderson v. Henderson, 59 S.E. 2d 227, (N.C. 1950), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 73.

Petitioner/Complainant further alleges a void order is an order entered by the above court without jurisdiction for entering such an order, See State v. Blankenship, 675 N.E. 2d 1303, (Ohio App. 9 Dist. 1996), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 74.

Petitioner/Complainant further alleges a void order such as the court's order dated on, 03/18/2008 may be vacated at any time is one whose invalidity appears on face of the judgment roll, See Graff v. Kelly, 814 P.2d 489 (Okla. 1991), in violation of, but not limited by, Title 18

United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 75.

Petitioner/Complainant further alleges a void order is an order that is void on the face of the judgment roll, See Capital Federal Savings Bank v. Bewley, 795 P.2d 1051 (Okla. 1990), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 76.

Petitioner/Complainant further alleges a void order is facial invalid because the above court lacks the authority for rendering the order, See State v. Richie, 20 S.W.3d 624 (Tenn. 2000), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 77.

Petitioner/Complainant further alleges a void order shows upon the face of the record want of the jurisdiction in the court assuming for rendering the order and want of the jurisdiction may be either: (1) of person, (2) subject matter, (3) particular question being decided, (4) relief assumed for being given, See State ex rel. Dawson v. Bomar, 354 S.W. 2d 763, certiorari denied, (Tenn. 1962), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 78.

Petitioner/Complainant further alleges a void order shows upon the face of the record a want of the jurisdiction in above court assuming for rendering the order, See Underwood v. Brown, 244 S.W. 2d 168 (Tenn. 1951), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 79.

Petitioner/Complainant further alleges a void order shows on the face of the record the want of the jurisdiction in the above court assuming for rendering the order, which want of the jurisdiction may be either: (1) of the person, (2) of the subject matter, (3) of the particular question attempted for being decided, and (4) relief assumed for being given, See Richardson v. Mitchell, 237 S.W. 2d 577, (Tenn. Ct. App. 1950), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 80.

Petitioner/Complainant further alleges a void order has no legal force and effect whatsoever, the order is an absolute nullity and the invalidity may be asserted by any person whose rights are affected at any time and at any place and the order needs not be attacked direct but may be attacked collateral whenever and wherever the order is interposed, See City of Lufkin v. McVicker, 510 S.W.2d 141 (Tex. Civ. App. - Beaumont 1973), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 81.

Petitioner/Complainant further alleges a void order insofar as the order purports for being pronouncement of the above court is an absolute nullity, See Thompson v. Thompson, 238 S.W.2d 218 (Tex. Civ. App.- Waco 1951), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 82.

Petitioner/Complainant further alleges a void order is an order that has been procured by either: (1) extrinsic, (2) collateral fraud, (3) entered by the above court that did not have jurisdiction over either: (1) subject matter, (2) the parties, See Rook v. Rook, 353 S.E. 2d 756, (Va. 1987), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 83.

Petitioner/Complainant further alleges a void order is an order entered by a court that lacks jurisdiction of either: (1) the parties, (2) the subject matter, (3) the inherent power for making and entering the particular order involved, See State ex rel. Turner v. Briggs, 971 P.2d 581 (Wash. App. Div. 1999), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 84.

Petitioner/Complainant further alleges a void order is one that is entered by a court lacking jurisdiction over either: (1) the parties, (2) the subject matter, (3) the inherent power for entering the particular order where the order was procured by fraud, See In re Adoption of E.L., 733

N.E.2d 846, (Ill. App. 1 Dist. 2000), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 85.

Petitioner/Complainant further alleges void orders are those rendered by the court that lacks jurisdiction either: (1) of subject matter, (2) parties, See Cockerham v. Zikratch, 619 P.2d 739 (Ariz. 1980), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 86.

Petitioner/Complainant further alleges void orders generally fall into two classifications, (A)orders where there is want of the jurisdiction of either: (1) person, (2) subject matter, and (B) orders procured through fraud and such orders may be attacked either: (1) direct, (2) collateral, See Irving v. Rodriquez, 169 N.E.2d 145, 27 Ill. App. 2d 75 (1960), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Complaint Count 87.

Petitioner/Complainant further alleges “The party invoking the jurisdiction of the court has the duty to establish that federal jurisdiction does exist, Wilshire Oil Co. of Texas v. Riffe, 409 F.2d 1277 (10th Cir. 1969), but, since the courts of the United States are courts of limited jurisdiction, there is a presumption against its existence.” City of Lawton, Okla. v. Chapman, 257 F.2d 601 (10th Cir. 1958). Thus, the party invoking the federal court's jurisdiction bears the burden of proof. Becker v. Angle, 165 F.2d 140 (10th Cir. 1947)” Basso v. Utah Power and Light Company,

495 F.2d 906, 909 (10th Cir. 1974), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Conclusion

The record reflects the judicial and prosecutorial misconduct and abuse of power by these Respondents, restated and fully incorporated herein as enumerated through Complaint Count 's 1-87 with all of the Title 18 criminal violations as duly documented with verified court evidence states:

The Petitioner/Complainant, one of the "We-the-People" of the Original Estate the "employer" for the United-States-of-America– the creator/settlor for this Great constitution/trust/contract wherein We-the-People have privity of the Constitution/trust/contract. As one of the "We-the-People": Petitioner/Complainant possesses all immunities from all acts of Congress, all Codes of Federal Regulations, all administrative/executive orders, and all policies by and through Articles of Confederations, Northwest Territorial Ordinance #1, 7 STAT 13 and the Constitutions, 1-STAT-50, by Res judicata. The United States District Court, Northern Division of California never possessed neither personum jurisdiction nor subject matter jurisdiction, ab initio, nunc pro tunc. "The United States Supreme Court has clearly, and repeatedly, withheld that any judge who acts without jurisdiction is engaged in an act of treason." U.S. v. Will, 449 U.S. 200, 216, 101, S. Ct. 471, 66 L.Ed. 2d 392, 406 (1980): Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821). Respondents war against Petitioner/Complainant and the Constitution/trust/contract created by and for the benefit of Petitioner/Complainant;

The DC Organic Act of 1871, 41 Stat 419 created THE UNITED STATES, Inc., a municipal corporation for the District of Columbia and its territories, possessions, enclaves, States, February 21, 1871, 28 U.S.C. 3002(15) "United States" means-

(A) a Federal corporation;

(B) an agency, department, commission, board, or other entity of the United States; or

(C) an instrumentality of the United States;

Petitioner/Complainant is not subject to the guidance of corporate policy, rules, regulations, et.al., as shown herein by well-settled law, *stare decisis*. Petitioner/Complainant of the Original Estate is the originator/creator of government and could never be subject of his creation without his consent. The created thing can never be greater than its creator unless voluntarily expressed or surrendered;

This honorable Court, sitting in the capacity of an Article III Court, has the obligation and duty to address the violations of law upon Dale-Scott-Heineman, one of the We-the-People in the exercise of his protected rights, shall and must execute this summons to Respondents to Show Cause why case number 3:05-cr-00611DLJ a.k.a. 3:05-cr-00611WHA is not void ab initio nunc pro tunc by and through 28 U.S.C. sec. 2072, Federal Rules of Criminal Procedure Rule 6 as expressed in United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971):

"Though the rule in this Circuit is settled that a written transcript of grand jury proceedings is not constitutionally required, United States v. Harper, 432 F.2d 100 (5th Cir. 1970), this rule does not intend to foreclose inquiry into those proceedings, nor insulate them from attack under Rule 6."

He who creates the disability must cure the disability. This Complaint for Show Cause, as Affidavit is ripe for hearing;

September 3, 2024;

Respectfully,

Dale-Scott-Heineman,
Originator/Creator/Settlor/Executor
for the Original Estate.

//

Using a notary for this Complaint for Show Cause, as Affidavit does not constitute any adhesion, nor does it alter my status in any manner. The purpose for notary is verification and identification only and not for entrance into a foreign jurisdiction.

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF NEVADA

COUNTY OF CLARK

On 8/31/2024 before me, Michele Williams, personally appeared Executor-Dale-Scott: Heineman, who proved to me on the basis of satisfactory evidence to be the living soul whose name is subscribed to the hereto-attached Complaint for Show Cause, as Affidavit and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the hereto-attached Instrument being the living soul who executed said Instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Michele Williams (Seal)

MICHELE WILLIAMS
Notary Public, State of Nevada
No. 05-99624-1
My Appt. Exp. Aug. 29, 2025

CERTIFICATE OF SERVICE

I, Dale Scott Heineman, hereby certify that on the 3rd day in the month of September in the year 2024, caused to be hand delivered, in court, to William H. Alsup, Judge for the Northern District of California, San Francisco Division and Nikhil Bhagat, Assistant United States Attorney the following document;

1. COMPLAINT FOR SHOW CAUSE, AS AFFIDAVIT.,

To:

William H. Alsup, Judge for the Northern District of California, San Francisco Division,
450 Golden Gate Avenue
San Francisco, CA 94102

Nikhil Bhagat,
Assistant United States Attorney
450 Golden Gate Avenue
San Francisco, CA 94102

And caused to be sent by U.S.P.S. Certified mail, placed in a first class, post-paid envelope to:

Merrick Garland, United States Attorney General,
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Ismail Ramsey
United States Attorney
450 Golden Gate Avenue
San Francisco, CA 94102

David Hall, Assistant United States Attorney,
450 Golden Gate Avenue
San Francisco, CA 94102

James E. Keller, Assistant United States Attorney,
In care of R. Thomas Colonna, Assistant United States Attorney on behalf of
Jason M. Frierson, United States Attorney
501 Las Vegas Blvd. So., Suite 1100
Las Vegas, Nevada 89101

Case Number 05-cr-00611WHA
In care of Ismail Ramsey
UNITED STATES ATTORNEY
450 Golden Gate Avenue
San Francisco, CA 94102

I, Dale-Scott: Heineman, do affirm, certify that I caused to be hand delivered to the Parties designated above, and for the remainder of the Parties sent by U.S.P.S. Certified mail the above-referenced document(s) to all Parties herein named and on the day indicated above, under the pains and penalties of perjury;

Done this 3rd day of September 2024

Dale-Scott-Heineman,
Real Party in Interest.

/

Attachment 1

When can I have the evidentiary hearing?

THE CLERK: Okay. Let's see.

MR. HEINEMAN: And if you don't mind, I'd like to see about calendaring a show cause motion or a show cause hearing.

THE COURT: No. We're not going to deal with that right now. We're dealing with a Form 12.

You've already gone to prison, there's no show cause.

THE CLERK: July 24th, Your Honor. At 1:00 p.m.

THE COURT: Are we sure that that date works?

THE CLERK: Yes.

THE COURT: July 24, 1:00 p.m.

And Mr. Heineman, you got to be here in person. And what's going to be on trial is the Form 12 charging you with nonpayment and whatever else is in the Form 12.

MR. HEINEMAN: So I wanted to comment on something that you said, that show cause is not necessary because I served time already. The problem with that is, it's a jurisdictional issue and jurisdiction can be raised at any time, even after a sentence.

THE COURT: Well, I'm denying that motion and you can take a writ of mandate to the Court of Appeals if you wish, but I'm not going to hold off on moving ahead.

So now, do you want a lawyer? You don't have a lawyer. At the trial you represented yourself. Is that still your wish?

Attachment 2

FIRST MUTUAL TRUST OF SWITZERLAND AG

Established 1918
Swiss Trust Company

15th August 2005

The President
Unibanka
UNICENTRS
Kekavas pag.
Rigas raj. LV 1076

cc: Ilmars Kreituss
Laura Salijuma
Maris Larionovs

Dear Sir,

Please find below a brief history of our business relationship with the Dorean Group but the only issue at hand is if any transactions in any of our accounts are suspicious.

The Dorean Group was established by its principles, Kurt Johnston and Dale Scott Heineman in April 2004 and our organisation issued 2 Irrevocable Letters of Credit to the Dorean Group, one for $20,000,000.00 (Twenty Million United States Dollars) and the other was for $100,000,000.00 (One Hundred Million United States Dollars). These Irrevocable LOC's were issued in accordance with the United States Uniform Commercial Code.

The Dorean Group has developed over 40 legal challenges to the United States Mortgage Industry and related fraudulent activities by its lenders. The Mortgage Challenge is based on over 800 Federal and State United States court cases. The Dorean Group does not run a Mortgage Elimination Scheme as it only challenges the actual legal validity of the original mortgage issued by each lender.

To date, the Dorean Group has $500,000,000.00 (Five Hundred Million United States Dollars) in Administrative Default Judgments against United States Banks, all registered with the Secretary of State in California under the United States Uniform Commercial Code. First Mutual currently holds Two Hundred & Fifty, $1,000,000.00 (One million United States Dollars) Judgments, all certified with Apostle from the Secretary of State in California. Copies of these can be viewed in our Riga office or the originals at our Lawyers office in Riga.

The registration of these Judgments with the Secretary of State in California is the result of each Lender's failure to produce the appropriate documentation to support a valid mortgage document in accordance with the United States Uniform Commercial Code.

With the client base of The Dorean Group growing to 3000 clients in February 2005 and with the possibility of Administrative Judgments increasing to $3,000,000,000.00 (Three Billion United States Dollars) against United States Mortgage issuers, the offices of The Dorean Group was raided by the FBI on the 1st of February, 2005 to seek information to support fraudulent activities. Non was found and to this date, the principles of The Dorean Group have not been charged with any Federal Crime of Bank Fraud, Wire Fraud, Mail Fraud or Money Laundering.

A restraining order was issued by Judge Alsop in July 2005 but no-one has been charged with the alleged crimes stated in the restraining orders.

The Attorney General in Utah, in his attempt to stop the Mortgage Challenge from taking place in the State of Utah, issued an arrest warrant for both of the principles of The Dorean Group but these charges have not been proven or even substantiated.

Due to the arrest warrants being issued on the 27th May, 2005, on the 31st of May 2005, First Mutual appointed Marcia Doerr as an official Receiver of the Dorean Group, who has been administrating their activities since.

First Mutual is now the official Receivers over all The Dorean Group assets and as the Receivers; we conduct all legal activities as a Receiver of any organisation. Any interruption by any banking or other institution of a Receiver is an interference of the Receiver's rights and will be dealt with under the appropriate laws.

Any interference that First Mutual receives from Unibanka to fulfill it's duties as the Receiver will be dealt with under United States Law and compensation sought through your United States coordinate bank, Bank of New York.

Please do not interfere with our duties of acting as the official Receiver of The Dorean Group.

Kind regards,



Douglas J. Cameron
Trust Officer

Branch Office: Tornu 4, IIIb-02, LV-1050 Riga, Latvia
Tel +371 (750) 9242
Fax +371 (750) 9243

Branch Office: Case Postal 83, 1276 Gingins, Switzerland
Tel +41 (0) 22 369 0789
Fax +41 (0) 22 369 0791

First Mutual Trust of Switzerland 1918 A.G.
Registered in: Baarerstr. 63 – 6300 Zug – Switzerland
Company Registration Number: CH-020.3.903.140-5

Attachment 3

from either Ms. Holtzer, Julian Panibratiouk, the defendants themselves or the homeowners that there were mailings in each case.

Now, I wanted to quote at this point about what I

believe the Court will tell you about the elements of the crime.

"If the foregoing elements are established then the Government is not required to prove that any particular statement was false. A false impression can be made even when all statements made were literally" -- "were not literally false. Nor is it necessary for the Government to prove that the alleged victim or victims of a scheme to defraud received any misleading statement or received any alleged mailing."

I wanted to bring that out here, because basically what we have is the primary people who are being fooled in the scheme are the homeowners. But the victims as we alleged in the indictment are the financial institutions and that is why that last statement is important. They don't have to be the ones who are fooled. The homeowners are fooled, certainly the lenders are put at risk because the actions taken between the homeowners and the Dorean process is that there is something on the public record now that said they don't have any interest on the property they lent hundreds of thousands of dollars for.

"A mailing is caused when one knows that the mails will be used in the ordinary course or when someone can reasonably foresee such use. It does not matter whether the material mailed was itself false or deceptive so long as the mail was used in part of the fraudulent scheme nor does it matter whether the scheme or plan was successful or that any

Attachment 4

FILED ____RECEIVED
____ENTERED ____SERVED ON
COUNSEL/PARTIES OF RECORD
JUL 08 2024
CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY: ____ DEPUTY

IN THE UNITED STATES DISTRICT COURT OF NEVADA

SITTING IN THE CAPACITY OF AN ARTICLE III COURT

Dale Scott Heineman, True Party in Interest,
Petitioner,

vs.

Merrick Garland dba MERRICK GARLAND, UNITED STATES ATTORNEY GENERAL, Agent/Employee,

Ismail Ramsey dba ISMAIL RAMSEY, UNITED STATES ATTORNEY, Agent/Employee,

James E. Keller dba JAMES E. KELLER, ASSISTANT UNITED STATES ATTORNEY, Agent/Employee,

Case Number 05-cr-00611(DLJ) WHA,

DOES 1-1,000

Civil Action No. 2:23-cv-00448-JAD

Second Amended Complaint; Notice of Standing by and through the Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCRP RULE 6; Americans with Disabilities Act 104 Stat 328, as Affidavit

State of Nevada.....)
)_ss,
County of Clark.....)

Second Amended Complaint; Notice of Standing by and through the Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCRP RULE 6; Americans with Disabilities Act 104 Stat 328, as Affidavit;

Comes Dale Scott Heineman, Creator/Executor/Employer, one of the "We-the-People", the true-party-in-interest, hereinafter Petitioner, brings this amended complaint IN THE UNITED STATES DISTRICT COURT OF NEVADA SITTING IN THE CAPACITY OF AN ARTICLE III COURT, against Respondents Merrick Garland dba MERRICK GARLAND UNITED STATES ATTORNEY GENERAL, Ismail Ramsey dba ISMAIL RAMSEY UNITED STATES ATTORNEY, James Keller, dba JAMES KELLER ASSISTANT UNITED STATES ATTORNEY: employees/agents/trustees/fiduciaries all, by and through this Second Amended Complaint; Notice of Standing by and through the Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCRP RULE 6; Americans with Disabilities Act 104 Stat 328, as Affidavit; whereby

Respondents/Employees/Fiduciaries for Petitioner have a fiduciary duty and obligation by and through McNally v. U.S., 483 U.S. 350, 371-372 (1987), Quoting U.S. v. Holzer, 816 F.2d. 304, 307: "Fraud in its elementary common law sense of deceit - and this is one of the meanings that fraud bears in the statute, see United States v. Dial, 757 F.2d 163, 168 (7th Cir. 1985) - includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, including, in the case of a judge, the litigants who appear before him, and if he deliberately conceals material information from them he is guilty of fraud.";

Notice of Standing

Petitioner plainly and clearly states his standing in and on and for the record, that by and through this Second Amended Complaint; Notice of Standing by and through the Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCRP RULE 6; Americans with Disabilities Act 104 Stat 328, as Affidavit and, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), U.S. v Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, et al.;

Petitioner, one of the "We-the-People" *is* the Creator/Executor/Employer and *is* the United-States-of-America, and *is* the creator/originator/settlor for this Constitution/Charter/Trust/Contract wherein "We-the-People" have privity of that Great Charter/Trust/Contract and enjoy *all* immunities from *all* acts of Congress, *all* Codes of Federal Regulations, and *all* administrative/executive orders, and *all* policies by and through the Articles of Confederation, 7 STAT-13, Northwest Territorial Ordinance #1 and the Constitutions, 1-STAT-50 by Res judicata; and that: *Any* appearance of violating these doctrines by any/all agents/trustees/employees will be taken as an act of aggression and for the overthrowing of the Constitution and the

"We-the-People" of the Original United States of America; and "We-the-People" as the employer of the United States of America, thereupon "show cause", "removal from office" and "impeachment" will be "instituted instantly"; Broadrick et al. v. Oklahoma et al. 413 U.S. 601,620 (1973), Employees of the Department of Public Health and Welfare of Missouri et al., v. Department of Public Health and Welfare of Missouri et al., 411 U.S. 279,322,323 (1973), Colten v. Kentucky, 407 U.S. 104,122 (1972), 7 Howard 419, 1 S.Ct. 601 Cooley, Const. Lim. 503; Southerland, Notes on U.S. Const. p 649;

Petitioner, the Creator/Executor/Employer, one of the "We-the-People", the true-party-in-interest, a living man, an inhabitant, a people; is *not* a "person" as defined by the Supreme Court of the United States 56 L.Ed. 2d 895, "public", "entity", "individual", "resident", "citizen of the United States", "citizen of the United States of America", "subject of the United States", "subject of the United States of America", "sovereign citizen", "transmitting utility", "accommodation party", "surety", "debtor", et al.; but the Creator/Executor/Employer, one of the "We-the-People" the creator/settlor of that Great charter/trust/contract document: the Constitution of the United States and employer of the government as set forth whereby:

"In the United States, Sovereignty resides in the people, who act through the organs established by the Constitution." Chisholm v. Georgia, 2 Dall 419, 471; Penhallow v. Doane's Administrators, 3 Dall 54, 93; McCullock v. Maryland, 4 Wheat 316,404,405; Yick Yo v. Hopkins, 118 U.S. 356, 370(1886); and

"Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts." Yick Wo v. Hopkins ,118 U.S. 356 (1886);

""We the People" formed the governments of the several States. Under our constitutional system, therefore, a State is not the sovereign of its people. Rather, people are sovereign." Employees of the Department of Public Health and Welfare of Missouri et al., v. Department of Public Health and Welfare of Missouri et al., 411U.S. 279;

"Since when have we Americans been expected to bow submissively to authority and speak with awe and reverence to those who represent us? The constitutional theory is that we the people are the sovereigns, the state and federal officials only our agents." Colten v. Kentucky, 407 U.S. 104,122 (1972);

Bill of Attainder, Ex Post Facto Laws

By and through Article 1, Section 9, Clause 3 for the Constitution of the United States provides that "No Bill of Attainder or ex post facto Law shall be passed." Marbury v. Madison further clarifies that fact:

"That the people have an original right to establish, for their future government, such principles as, in their opinion, shall most conduce to their own happiness, is the basis, on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it, nor ought it to be frequently repeated. The principles, therefore, so established, are deemed fundamental. And as the authority, from which they proceed, is supreme, and can seldom act, they are designed to be permanent." Pg.176,¶4;

"This original and supreme will organizes the government, and assigns, to different departments, their respective powers. It may either stop here; or establish certain limits not to be transcended by those departments." Pg.176,¶5;

"The government of the United States is of the latter description." Pg.176,¶6 (emphasis added);

""It is declared that "no tax or duty shall be laid on articles exported from any state.". Suppose a duty on the export of cotton, of tobacco, or of flour; and a suit instituted to

recover it. Ought judgment to be rendered in such a case? ought the judges to close their eyes on the constitution, and only see the law." Pg.179,¶5

"The Constitution declares that "No Bill of Attainder or ex post facto Law shall be passed." Pg.179,¶6

"It is also not entirely unworthy of observation, that in declaring what shall be the *Supreme* law of the land, the *constitution* itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in *pursuance* of the constitution, have that rank." Pg.180,¶6;

"Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to beneficial to all written constitutions, that a law repugnant to the constitution is void; and that *courts,* as well as other departments, are bound by that instrument." Pg. 180,¶7; Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803);

Petitioner "We-the-People" have privity of that Great Charter/Trust/Contract as Executor of the Estate, and enjoys *all* immunities from *all* acts of Congress, *all* Codes of Federal Regulations, and *all* administrative/executive orders, and *all* policies by and through the Articles of Confederation, 7 STAT-13, Northwest Territorial Ordinance #1 and the Constitutions, 1-STAT-50 by Res judicata;

Jurisdiction and Venue

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331;
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e);
3. Jurisdiction and venue is invoked in this District by and through Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803); Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907);

Williamson v Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), U.S. v Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997;

Parties

4. On September 22, 2005, Petitioner was a named defendant in a 46 count criminal indictment alleging bank fraud (1344), mail fraud (1341), and conspiracy to commit bank fraud, mail fraud, and wire fraud (1349). This arising out of the NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION case no. 3:05−cr−00611DLJ. Petitioner was in the custody of the State of Utah at the time of service of the indictment on related charges and remained in said custody until December 20, 2005, wherein the State of Utah dropped all charges and defendant was moved solely into federal custody and subsequently transferred to California;
5. On February 16, 2006, while in attendance at the initial hearing before a federal magistrate, Petitioner was presented with a 68 count superseding indictment where a new judge (William Haskel Alsup) and indictment number was assigned (3:05−cr−00611WHA), new Defendants were named, and some existing Defendants were dropped. Two (2) counts of contempt of court (18 U.S.C. § 401(3)) were added to the existing alleged violations;
6. The signature of Respondent AUSA James E. Keller appears on both the original and superseding indictments thereby making Respondents custodians of the record by and through Administrative Procedures Act (APA) 60 Stat. 237, 5 CFR Ch. XVI, Subch. A, Pt. 2604;
7. Respondents are agents/employees of the U.S. Department of Justice ("DOJ")- an agency of the United States Government;

8. Respondents have possession, custody, and control of the records of which Petitioner now seeks;
9. Petitioner seeks transparency, integrity, accountability, and fidelity from his agents/employees whom shall observe and follow the rule of law in this instant matter;
10. Petitioner, the real party in interest, has sought possession of his Grand Jury concurrence form, verified evidence that Respondents carried out the notice requirement of F.R.CR.P. Rule 6, and a full and complete certified record of case #'s 3:05–cr–00611DLJ and 3:05–cr–00611WHA. Petitioner has exhausted his administrative remedy as required by and through Title 5 sec. 552a;

Statement of Facts

11. On or about December 15, 2021, Petitioner caused to be sent a FOIA request addressed to Kevin Krebs, Assistant Director, EOUSA/DOJ/FOIA, 175 N Street, NE, Room 5400, 3CON Building Washington, DC 20530, seeking the Grand Jury concurrence form specifically related to the issuance of indictment number: CR-05-00611-001-WHA (UNITED STATES V. DALE SCOTT HEINEMAN, KURT F. JOHNSON, ET AL.), Petitioner's letter hereto attached as Exhibit A;
12. On or about February 4, 2022, Petitioner received a written response from Kevin Krebs, Assistant Director, indicating that Petitioner's request for the Grand Jury concurrence form is "rejected under FRCP Rule 6(e)", Kevin Krebs letter hereto attached as Exhibit B;
13. On or about February 12, 2022, Petitioner caused to be sent an appeal to Petitioner's FOIA request addressed to Director, Office of Information Policy, United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, DC 20530, Petitioner's letter hereto attached as Exhibit C;

14. On or about March 8, 2022, Petitioner received a written response from Pricilla Jones, Supervisory Administrative Specialist, Office of Information Policy, wherein it was shown that an appeal number was assigned, Pricilla Jones letter hereto attached as Exhibit D;
15. On or about April 11, 2022, Petitioner received a response from Daniel Castellano, Associate Chief for Matthew Hurd, Chief, Administrative Appeals Staff, concerning the FOIA appeal. Daniel Castellano denied Petitioner's appeal under 5 U.S.C. § 552a(j)(2) and C.F.R. § 16.81 (2021), Daniel Castellano letter hereto attached as Exhibit E;
16. On or about January 22, 2022, Petitioner caused to be sent a letter addressed to the Clerk of the U.S. District Court, Northern District of California San Francisco Division, 450 Golden Gate Avenue, making request for "…all docketed records, transcripts, correspondence, and the like, for case number CR05-00611-WHA, UNITED STATES OF AMERICA VS. DALE SCOTT HEINEMAN, ET AL." (Letter to Clerk of the Court docket no. 859) Petitioner's letter hereto attached as Exhibit F;
17. On January 26, 2022, at 6:18:58 PM, Petitioner received an email from the Clerk of the U.S. District Court, Northern District of California, San Francisco Division, containing an attachment that explained how Petitioner could purchase docketed records through Pacer whereas the court has failed for providing me with a complete copy of the case by and through Title 5 § 552a, 5 CFR Ch. XVI, Subch. A, Pt. 2604, 80 Stat 378, Three (3) page instructions hereto attached as Exhibit G;
18. On or about May 9, 2022, Petitioner caused to be sent a letter addressed Stephanie M. Hinds to the then United States Attorney Northern District of California Phillip Burton Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102, wherein Petitioner sought: the Grand Jury Concurrence Form for Case

Number CR-05-00611-001 WHA (UNITED STATES V. DALE SCOTT HEINEMAN), This Grand Jury Concurrence Form sought, where 12 grand jurors concurred out of 16 grand jurors for the indictment of DALE SCOTT HEINEMAN in September of 2005, This request for said concurrence form was sent via U.S.P.S. Certified, mail article no. 70211970000104629489, Petitioner's letter and certified mail and delivery receipt hereto attached as Exhibit H;

19. Petitioner did not receive a response to this request from Stephanie M. Hinds United States Attorney;
20. On or about March 8, 2023, Petitioner received an Order from the sentencing Judge William H. Alsup, titled "NOTICE RE MOTION FOR COURT RECORDS" wherein this Order issued from Judge Alsup confirms the completion of Petitioner's sentence, in addition to directing Petitioner to a specific website where "...copies of court records can be found...", Judge Alsup Order hereto attached as Exhibit I;

Counts

21. Petitioner realleges paragraphs 1 through 20 as if fully stated herein;
22. Petitioner has exhausted all of Petitioner's administrative remedies by and through Title 5 § 552a, 5 CFR Ch. XVI, Subch. A, Pt. 2604 and is ripe for adjudication as there is no statutory guidance or authority within Title 5 § 552a, 5 CFR Ch. XVI, Subch. A, Pt. 2604 for denying the Creator/Executor/Employer, true party-in-interest Dale-Scott-Heineman from the records he seeks:
23. Order Respondents to produce the grand jury concurrence form for inspection returned with the indictment of September 22, 2005, case # cr-05-00611-001-DLJ required by law where 12 grand jurors concurred out of 16 grand jurors and to have been presented to the magistrate judge in open court by and

through F.R.Cr.P. Rule 6(f) and United States v. Marshall, 526 F.2d 1349 (9th Cir. 1976), since it appears to Petitioner that the government by failing to comport with their own Rules and Procedures, from the beginning, giving the appearance of a fraud upon the court and creating an injury and disability to Petitioner;

24. Order Respondents to produce the grand jury concurrence form for inspection returned with the indictment of February 16, 2006, case # 3:05–cr–00611WHA required by law where 12 grand jurors concurred out of 16 grand jurors and to have been given to the magistrate judge in open court by and through to have been presented to the magistrate judge in open court by and through F.R.Cr.P. Rule 6(f) and United States v. Marshall, 526 F.2d 1349 (9th Cir. 1976), since it appears to Petitioner that the government by failing to comport with their own Rules and Procedures, from the beginning, giving the appearance of a fraud upon the court and creating an injury and disability to Petitioner;
25. Order Respondents to produce the grand jury concurrence form filed with the clerk of the court required by law where 12 grand jurors concurred out of 16 grand jurors by and through F.R.Cr.P. Rule 6(c) and United States v. Marshall, 526 F.2d 1349 (9th Cir. 1976), United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971), on or about September 22, 2005, concerning case # cr-05-00611-001DLJ since it appears to Petitioner that the government by failing to comport with their own Rules and Procedures, from the beginning, giving the appearance of a fraud upon the court and creating an injury and disability to Petitioner;
26. Order Respondents to produce the grand jury concurrence form filed with the clerk of the court required by law where 12 grand jurors concurred out of 16

grand jurors by and through F.R.Cr.P. Rule 6(c) and United States v. Marshall, 526 F.2d 1349 (9th Cir. 1976), United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971), on or about February 16, 2006, concerning case # 05-cr-00611WHA since it appears to Petitioner that the government by failing to comport with their own Rules and Procedures, from the beginning, giving the appearance of a fraud upon the court and creating an injury and disability to Petitioner;

27. Order Respondents to produce verified evidence that demonstrates or proves that Petitioner or Petitioners' counsel waived Petitioner's right of notice to challenge the grand jury as required by and through F.R.Cr.P. Rule 6(b)(1) Dennis v. United States, 384 U.S. 855; 86 S. Ct. 1840 **; 16 L. Ed. 2d 973; Curcio v. United States 354 U.S. 118 *; 77 S. Ct. 1145 **; 1 L. Ed. 2d 1225 ***; concerning case # cr-05-00611-001DLJ since it appears to Petitioner that the government by failing to comport with their own Rules and Procedures, from the beginning, giving the appearance of a fraud upon the court and creating an injury and disability to Petitioner;
28. Order Respondents to produce verified evidence that demonstrates or proves that Petitioner or Petitioners' counsel waived Petitioner's right of notice to challenge the grand jury as required by and through F.R.Cr.P. Rule 6(b)(1) Dennis v. United States, 384 U.S. 855; 86 S. Ct. 1840 **; 16 L. Ed. 2d 973; Curcio v. United States 354 U.S. 118 *; 77 S. Ct. 1145 **; 1 L. Ed. 2d 1225 ***; concerning case # 05-cr-00611WHA since it appears to Petitioner that the government by failing to comport with their own Rules and Procedures, from the beginning, giving the appearance of a fraud upon the court and creating an injury and disability to Petitioner;

29. Order Respondents to produce verified evidence that demonstrates or proves that Petitioner or Petitioners' counsel was afforded a reasonable opportunity to appear and be heard concerning case # cr-05-00611-001DLJ to: (ii) the parties to the judicial proceeding, by and through F.R.Cr.P. Rule 6(e)(3)(F)(ii) Dennis v. United States, 384 U.S. 855; 86 S. Ct. 1840 **; 16 L. Ed. 2d 973; United States v. Cramer, 447 F.2d 210; United States v. DeSisto, 329 F.2d 929, 934 (2d Cir.); and by and through Federal Rules of Evidence, since it appears to Petitioner that the government by failing to comport with their own Rules and Procedures, from the beginning, giving the appearance of a fraud upon the court and creating a disability to Petitioner;
30. Order Respondents to produce verified evidence that demonstrates or proves that Petitioner or Petitioners' counsel was afforded a reasonable opportunity to appear and be heard concerning case # cr-05-00611-001WHA to: (ii) the parties to the judicial proceeding, by and through F.R.Cr.P. Rule 6(e)(3)(F)(ii) Dennis v. United States, 384 U.S. 855; 86 S. Ct. 1840 **; 16 L. Ed. 2d 973; United States v. Cramer, 447 F.2d 210; United States v. DeSisto, 329 F.2d 929, 934 (2d Cir.); and by and through Federal Rules of Evidence, since it appears to Petitioner that the government by failing to comport with their own Rules and Procedures, from the beginning, giving the appearance of a fraud upon the court and creating a disability to Petitioner;
31. Order Respondents to produce a certified full and complete record for inspection by and through Federal Rules of Evidence 901, 29 CFR, Part 18 Subpart B; Title 5 § 552a 5 CFR Ch. XVI, Subch. A, Pt. 2604; Potenz Corp. v. Petrozzini, 170 Ill. App. 3d 617, 525 N.E. 2d 173, 175 (1988) concerning case #'s 05-cr-00611-001DLJ and 05-cr-00611WHA since it appears to Petitioner that the government by failing to comport with their own Rules and

Procedures, from the beginning, giving the appearance of a fraud upon the court and creating an injury and disability to Petitioner where such records shall include all sealed and docketed filings, transcripts, including all FD-302 interviews previously in the possession of Petitioner, and later disposed of by the Bureau of Prisons (FBOP) staff when Petitioner transferred from FCI Lompoc, where:

Rule 901. Authenticating or Identifying Evidence

(a) In General. To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is.

(b) Examples. The following are examples only — not a complete list — of evidence that satisfies the requirement…

(7) Evidence About Public Records. Evidence that:

(A) a document was recorded or filed in a public office as authorized by law; or

(B) a purported public record or statement is from the office where items of this kind are kept. (emphasis added)

29. Where can it be found that the United States Attorney General, United States Attorney, or United States AUSA Attorney' policy can supersede the Acts of Congress, or permit these Respondents to legislate from their desk, or where the United States Attorney General, United States Attorney, or United States AUSA Attorney' can give this Petitioner a disability without giving Petitioner an equitable remedy for relief when brought to Respondents attention. You Respondents, MUST remove the disability of your policy by and through the Americans with Disabilities Act, 104 Stat 328, that he who creates the disability must cure the disability, hereinafter referred to as the ADA;

The US Department of Justice made it clear in a letter of April 16, 2010, regarding regulations further prohibit recipients from administering programs in a matter that has the effect of subjecting individuals for discrimination based on

their national origin, see 28 CFR section 42.1(b)(2), and section 42.203(e), and by and through built-in-systems-headwind-systematized discrimination, Greg's v. Duke Power Company, 401 U.S. 424 (1971), and Connecticut v. Teal 457 U.S. 440 (1982), may I remind you that by and through the implementing regulations for the ADA and the Federal Code of Regulations 28 CFR part 35 (Title II Department of Justice); a disability is a condition that substantially limits the ability of an individual to perform a major life activity compared to most people in general population and must be protected by and through 42 U.S.C. section 12203, and C.F.R. sec 36.206, retaliation, coercion;

Representations

Respondents/Employees/Fiduciaries created the disability and now must cure this disability by and through the Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); F.R.CR.P. Rule 6; Americans with Disabilities Act 104 Stat 328 and, by and through Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), U.S. v Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, and the Americans with

Disabilities Act, 104 Stat 328, as if fully restated herein, that agents/employees of Dale-Scott-Heineman shall:

1. Immediately provide the verified evidence of a grand jury concurrence form presented to the Magistrate judge in open court concerning case # cr-05-00611-001DLJ, the original indictment dated September 22, 2005 by and through F.R.Cr.P. Rule 6(f); and
2. Immediately provide the verified evidence of a grand jury concurrence form presented to the Magistrate judge in open court concerning case # cr-05-00611-001WHA, the superseding indictment dated February 16, 2006 by and through F.R.Cr.P. Rule 6(f); and
3. Immediately provide the verified evidence of a grand jury concurrence form presented to the clerk of the court for filing concerning case # cr-05-00611-001DLJ, the original indictment dated September 22, 2005 by and through F.R.Cr.P. Rule 6(c); and
4. Immediately provide the verified evidence of a grand jury concurrence form presented to the to the clerk of the court for filing concerning case # cr-05-00611-001WHA, the superseding indictment dated February 16, 2006 by and through F.R.Cr.P. Rule 6(c); and
5. Immediately provide verified evidence that Petitioner or Petitioners' counsel waived Petitioner's right of notice to challenge the grand jury concerning case # cr-05-00611-001DLJ by and through F.R.Cr.P. Rule 6(b)(1); and
6. Immediately provide verified evidence that Petitioner or Petitioners' counsel waived Petitioner's right of notice to challenge the grand jury concerning case # cr-05-00611-001WHA by and through F.R.Cr.P. Rule 6(b)(1); and
7. Immediately provide verified evidence that Petitioner or Petitioners' counsel was afforded a reasonable opportunity to appear and be heard concerning case # cr-05-00611-001DLJ by and through F.R.Cr.P. Rule 6(e)(F)(ii); and
8. Immediately provide verified evidence that Petitioner or Petitioners' counsel was afforded a reasonable opportunity to appear and be heard concerning case # cr-05-00611-001WHA by and through F.R.Cr.P. Rule 6(e)(F)(ii);
9. Immediately provide A full and complete certified record concerning case # cr-05-00611-001DLJ by and through F.R.E. Rule 901;
10. Immediately provide A full and complete certified record concerning case # 05-cr-00611WHA by and through F.R.E. Rule 901;

Warranties

Failure to file this second amended complaint, or a dismissal of this second amended complaint without a hearing on the merits, shall be taken as an act of aggression and for the overthrowing of the Constitution and the "We-the-People" of the Original United States of America; and "We-the-People" as the employer of the United States of America, thereupon "show cause", "removal from office" and "impeachment" will be "instituted instantly"; Broadrick et al. v. Oklahoma et al. 413 U.S. 601,620 (1973), Employees of the Department of Public Health and Welfare of Missouri et al., v. Department of Public Health and Welfare of Missouri et al., 411 U.S. 279,322,323 (1973), Colten v. Kentucky, 407 U.S. 104,122.

Respondents/Employees/Fiduciaries continue to irreparably cause harm to Petitioner in violation of Petitioners protected due process creating an injury and a disability. He who created the disability *must* cure this disability by and through the Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I Sec. 9, Cl 3, Article VI, Amendments 1, 2, 4, 9, 10 – Bill of Rights, 1 STAT 1 through 1 STAT 50. Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), U.S. v Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982),

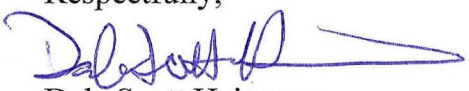
State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, the Americans with Disabilities Act, 104 Stat 328;

"In the United States the People are sovereign and the government cannot sever its relationship to the People by taking away their citizenship." Afroyim v. Rusk, 387 U.S. 253 (1967);

"The People of a State are entitled to all rights which formerly belonged to the King by his prerogative." Lansing v. Smith, 4 Wendell 9, 20 (1829);

Dated: July 8, 2024

Respectfully,



Dale Scott Heineman,
Creator/Executor/Employer,
one of the "We-the-People",
the true-party-in-interest,

C/o 2775 Fremont Street #2008
Las Vegas, Nevada-state
Near Clark County. [89104]
DScottH@protonmail.com

/
/
/

Using a notary on this Second Amended Complaint; Notice of Standing by and through the Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCRP RULE 6; Americans with Disabilities Act 104 Stat 328, as Affidavit does not constitute any adhesion, nor does it alter my status in any manner. The purpose for notary is verification and identification only and not for entrance into a foreign jurisdiction.

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF NEVADA

COUNTY OF CLARK

On July 2, 2024 before me, Maricel Autencio Palma, Notary Public, personally appeared Executor-Dale-Scott: Heineman, who proved to me on the basis of satisfactory evidence to be the living soul whose name is subscribed to the hereto-attached Second Amended Complaint; Notice of Standing by and through the Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCRP RULE 6; Americans with Disabilities Act 104 Stat 328, as Affidavit and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the hereto-attached Instrument being the living soul who executed said Instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

MARICEL AUTENCIO PALMA
Notary Public - State of Nevada
County of Clark
APPT. NO. 22-9401-01
My Appt. Expires: November 8, 2026

Exhibit A

FREEDOM OF INFORMATION ACT REQUEST
5 U.S.C. Part I, Chap 5, SubChap II, § 552

December 15, 2021

Kevin Krebs
EOUSA/DOJ/FOIA
175 N Street, NE
Room 5400, 3CON Building
Washington, DC 20530

Re: FOIA for Grand Jury Concurrence Forms

Mr. Krebs, Greetings.

Accompanying this request is the Certificate of Identity that you required to process my FOIA inquiry. Also corrected were those deficiencies that you identified. See your letter dated December 7, 2021, hereto attached for reference.

I am seeking the **Grand Jury concurrence form** specifically related to the issuance of indictment number:

1. **CR-05-00611-001 WHA** (UNITED STATES V. DALE SCOTT HEINEMAN, KURT F. JOHNSON, ET AL.)

   May also be identified as **CR-05-00611 WHA**

This case originated in the NORTHERN DISTRICT OF CALIFORNIA in the OAKLAND DIVISION in 2005, then transferred to the SAN FRANCISCO DIVISION in 2006.

I am not requesting Grand Jury transcripts or the identity of the Grand Jurors. Please inform me if there are any fees associated for the production of the document herein described. Thank you in advance for your speedy response.

Respectfully,

Dale Scott Heineman

Mail to:
Dale Scott Heineman
C/o 1524 Glenn Street
near Hayward, California
[94545]

Exhibit B

U.S. Department of Justice

Executive Office for United States Attorneys

Freedom of Information and Privacy Staff

Suite 5.400, 3CON Building
175N Street, NE
Washington, DC 20530

(202) 252-6020

February 04, 2022

VIA Mail

Dale Scott Heineman
1524 Glenn Street
Hayward, CA 94545

Re: Request Number EOUSA-2022-000989
Date of Receipt: January 12, 2022
Subject of Request: Grand Jury Concurrence

Dear Dale Heineman:

This letter acknowledges receipt of your Freedom of Information Act/Privacy Act (FOIA) request in the Executive Office for United States Attorneys (EOUSA). Your request has been assigned tracking number EOUSA-2022-000989. Please refer to this number in any future correspondence with this Office.

After carefully reviewing your request, this Office has also determined that any records responsive to your request for grand jury records are exempt pursuant to: 5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by statute (in this instance, Rule 6(e) of the Federal Rules of Criminal Procedure, which pertains to the secrecy of grand jury proceedings).

This is the final action on this above-numbered request. If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

You may contact our FOIA Public Liaison at the Executive Office for United States Attorneys (EOUSA) for any further assistance and to discuss any aspect of your request. The contact information for EOUSA is 175 N Street, NE, Suite 5.400, Washington, DC 20530; telephone at 202-252-6020. Additionally, you may contact the Office of Government Information Services

(OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Kevin Krebs
Assistant Director

Enclosure

Exhibit C

FREEDOM OF INFORMATION ACT REQUEST
5 U.S.C. Part I, Chap 5, SubChap II, § 552

February 12, 2022

Director
Office of Information Policy
United States Department of Justice
441 G Street, NW, 6th Floor
Washington, DC 20530

Re: **FREEDOM OF INFORMATION ACT APPEAL**
FOIA Request Number EOUSA-2022-000989

Attention Director:

Executor-Dale-Scott-Heineman is in receipt of a letter dated February 4, 2022, from Kevin Krebs regarding FOIA Request Number EOUSA-2022-000989, wherein Mr. Krebs determined that my specific FOIA request for the **Grand Jury Concurrence Form** falls within the exempted documents under title 5 USC sec 552(b)(3), and Rule 6(e) of the Federal Rules of Criminal Procedure;

The **Grand Jury Concurrence Form** sought is the Form where 12 grand jurors concurred for my indictment. This is the only record from the grand jury available to me that does not fall under the hereinabove-referenced Statute or Rule;

Thereinfor, "In order to ascertain compliance with Rule 6(f), defendant is entitled to inspect grand jury ballot in return indicating number of jurors concurring in indictment, but is not entitled to inspect grand jury transcript or interview grand jurors as to whether concurrences of individual jurors were genuine. United States v Marshall (1975, CA9 Cal) 526 F.2d 1349, cert den (1976) 426 US 923, 49 L Ed 2d 376, 96 S Ct 2631"; and

Whereas, you must produce the FOIA request of the **Grand Jury Concurrence form** by and through United States vs. Marshall (1975, CA9 Cal) 526 F.2d 1349, cert den (1976) 426 US 923, 49 L Ed 2d 376, 96 S Ct 2631; for

Case number: **CR-05-00611-001 WHA** (UNITED STATES V. DALE SCOTT HEINEMAN, ET AL.); also referred to as case number **CR-05-00611 WHA;**

Thank you in advance for your attention to this matter;

Respectfully;

February 12, 2022,



Executor-Dale-Scott-Heineman.

Mail to: Executor-Dale-Scott-Heineman C/o 1524 Glenn Street near Hayward, California [94545]

Exhibit D

U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

March 08, 2022

Dale Heineman
1524 Glenn Street
Hayward, CA 94545

Dear Dale Heineman:

This is to advise you that the Office of Information Policy (OIP) of the U.S. Department of Justice received your administrative appeal from the action of the EOUSA regarding Request No. EOUSA-2022-000989 on 03/03/2022.

In an attempt to afford each appellant equal and impartial treatment, OIP has adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number A-2022-00905 . Please refer to this number in any future communication with OIP regarding this matter. Please note that if you provided an email address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at (202) 514-3642. If you have submitted your appeal through FOIA STAR, you may also check the status of your appeal by logging into your account.

Sincerely,

Priscilla Jones

Priscilla Jones
Supervisory Administrative Specialist

Exhibit E

U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

April 11, 2022

Dale Heineman
1524 Glenn Street
Hayward, CA 94545

Re: Appeal No. A-2022-00905
Request No. EOUSA-2022-000989
DRC:JKD

VIA: U.S. Mail

Dear Dale Heineman:

You appealed from the action of the Executive Office for United States Attorneys (EOUSA) on your Freedom of Information Act request for access to the grand jury concurrence form concerning your criminal case. I note that your appeal concerns EOUSA's full denial of your request.

After carefully considering your appeal, I am affirming, on partly modified grounds, EOUSA's action on your request. In order to provide you with the greatest possible access to responsive records, your request was reviewed under both the Privacy Act of 1974 and the FOIA. I have determined that the records responsive to your request are exempt from the access provision of the Privacy Act. See 5 U.S.C. § 552a(j)(2); see also 28 C.F.R. § 16.81 (2021). For this reason, I have reviewed your appeal under the FOIA.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. To the extent that responsive grand jury records exist, any such records would be protected from disclosure pursuant to 5 U.S.C. § 552(b)(3). This provision concerns matters specifically exempted from release by a statute other than the FOIA (in this instance, Rule 6(e) of the Federal Rules of Criminal Procedure, which pertains to the secrecy of grand jury proceedings). Because any such records responsive to your request would be categorically exempt from disclosure, EOUSA was not required to conduct a search for the requested records.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and

analyzed your appeal, your underlying request, and the action of EOUSA in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

/s/ Daniel Castellano

X _____

Daniel Castellano
Associate Chief, for Matthew Hurd, Chief,
Administrative Appeals Staff

Exhibit F

January 22, 2022

RECEIVED

JAN 26 2022

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

Clerk of the U.S. District Court
Northern District of California
San Francisco Division
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Records Request for Case No. CR05-000611-WHA UNITED STATES OF AMERICA VS. DALE SCOTT HEINEMAN, ET AL.

Attention Clerk of the Court:
I am writing to request, by and through Title 5, all docketed records, sealed records, recordings, transcripts, correspondence, and the like, for case no. CR05-000611-WHA, UNITED STATES OF AMERICA VS. DALE SCOTT HEINEMAN, ET AL, as this court has not afforded me the full and complete record of this case. The record will reflect that I proceeded pro se, attorney of record, in this matter.

I will accept this full and complete record in paper or electronic form. Thank you for your assistance.

Respectfully,

Dale Scott Heineman

Mail:
Dale Scott Heineman
C/o 1524 Glenn Street
Hayward, California
[94545]

Electronic:
groupdorean@gmail.com

Dale Scott Heineman
c/o 1524 Glenn Street
Hayward, California
[94545]

OAKLAND CA 945
24 JAN 2022 PM 6 L



Clerk of the U.S. District Court
Northern District of California
San Francisco Division
450 Golden Gate Avenue
San Francisco, CA 94102

94102-343210

Exhibit G

Obtaining Copies of Court Documents

In order to view or retrieve documents in any format, you must have the case number. If you do not have the case number, you may access the PACER system on one of the public terminals at any Clerk's Office location, where you may search party names to obtain a case number. Most case files are now available entirely in electronic format through ECF.

Electronically-filed Documents

E-filed documents may be viewed and printed from the electronic filing system via PACER (pacer.uscourts.gov). Alternatively, Clerk's Office staff will print e-filed documents from the electronic filing system for a charge of $.10 per page.

Many of the orders issued by the judges of this court are available at no-charge online at GovInfo.gov. For more information, see Obtaining Free Court Orders from GovInfo.gov.

Hard Copy Documents

The small number of case files and dockets still in hard copy form may be obtained on a same day basis, unless they are being reviewed by someone at the time of the request or are in the Federal Records Center, where paper files in closed cases are housed after one year or more. Clerk's Office staff can tell you whether the file is in the courthouse or at the Federal Records Center.

A valid government-issued picture identification card is needed to view a paper case file or docket. Acceptable identification cards include a state driver's license, a California identification card, a United States passport, or a federal, state, county or city employee card. Credit cards, car keys, or student identification cards will not be accepted.

To make copies of the very few documents only available in hard copy, it is important first to determine the court division in which the documents are located by examining the docket sheet online or calling the Clerk's Office. There are several

options for obtaining copies.

1. Make copies in person at the Clerk's Office using the coin-operated copy machines available in the viewing rooms of each of the three divisional offices. The cost is $.25 per page (copy cards may be purchased at outside vendors).
2. In San Francisco and San Jose, copywork orders can be placed through the outside vendors listed below. This option is not available at the Oakland Division.
3. Arrangements can be made to bring in a personal copier if you call the Clerk's Office in advance.
4. Clerk's Office staff will copy documents on a time-available basis for a charge of $.50 per page.
5. Certified copies may be obtained from the Clerk's Office for a fee.

Archived files are located at the Federal Records Center. See How do I access an archived case? for more information.

Outside Copy Vendors

San Francisco
Colour Drop
727 Van Ness Avenue
San Francisco, CA 94102
415-353-5720
Contract Ends 8/31/2023

Service	Price
Copy Work	$ .50 per page
Searches	$30.00 per Document/Pleading
Send Locally via Fax	$ 1.00
Send Long Distance via Fax	$ 1.00 per page
Rush Order	$75.00 per order

Note: Only the actual cost of postage or actual courier charges may be charged to the requestor.

Exhibit H

7021 1970 0001 0462 9489

Sent via: USPS Certified

Article no.: 70211970000104629489

May 9, 2022

Stephanie M. Hinds
United States Attorney
Northern District of California
Phillip Burton Federal Building
450 Golden Gate Avenue
San Francisco, CA 94102

Re: **Grand Jury Concurrence Form re Case Number CR-05-00611-001 WHA (UNITED STATES V. DALE SCOTT HEINEMAN, ET AL.)**

Greetings U.S. Attorney Hinds,

Executor-Dale-Scott: Heineman am seeking the Grand Jury Concurrence Form for Case Number CR-05-00611-001 WHA (UNITED STATES V. DALE SCOTT HEINEMAN). This Grand Jury Concurrence Form sought is the Form where 12 grand jurors concurred for the indictment of DALE SCOTT HEINEMAN in September of 2005;

This record is known to be the only record from the grand jury that can be made available for inspection that does not fall under the exempted documents identified by Statute or Rule;

As it states in United States v. Marshall (1975, CA9 Cal) 526 F.2d 1349, cert den (1976) 426 US 923, 49 L Ed 2d 376, 96 S Ct 2631:

> "In order to ascertain compliance with Rule 6(f), defendant is entitled to inspect grand jury ballot in return indicating number of jurors concurring in indictment, but is not entitled to inspect grand jury transcript or interview grand jurors as to whether concurrences of individual jurors were genuine."

Thank you in advance for your attention to this matter;

Respectfully,

February 12, 2022

Executor-Dale-Scott: Heineman.

Mail to:

Executor-Dale-Scott: Heineman
c/o 1524 Glenn Street
Hayward, California
near Alameda County

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FAQs >

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Delivered, Left with Individual

May 11, 2022 at 12:38 pm
SAN FRANCISCO, CA 94102

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- **Product Information** ⌄



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- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
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Sent To
Stephanie Hinds U.S. Attorney

Street and Apt. No., or PO Box No.
450 Golden Gate Avenue

City, State, ZIP+4®
San Francisco CA 94102

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

See Less ⌃

Exhibit I

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DALE SCOTT HEINEMAN,

Defendant.

No. CR 05-00611 WHA-1

NOTICE RE MOTIONS FOR COURT RECORDS

Mr. Heineman, having now served his sentence, has written letters to the Court requesting certified copies of everything in the file (Dkt. No. 859, 863). The procedures for obtaining copies of court records can be found here: https://cand.uscourts.gov/about/clerks-office/obtaining-copies-of-court-documents/.

IT IS SO ORDERED.

Dated: March 6, 2023.

WILLIAM ALSUP
UNITED STATES SENIOR DISTRICT JUDGE

Attachment 5

Dale-Scott-Heineman
C/o 2775 Fremont Street #2008
Las Vegas, Nevada-state
Near Clark County [89104]
dscotth@protonmail.com

FILED
ENTERED
RECEIVED
SERVED ON
COUNSEL/PARTIES OF RECORD
FEB 26 2024
CLERK U.S. DISTRICT COURT
DISTRICT OF NEVADA

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Dale Scott Heineman,
Real Party in Interest,

Plaintiff,

vs.

MERRICK GARLAND, UNITED STATES ATTORNEY GENERAL,

ISMAIL RAMSEY,
UNITED STATES ATTORNEY,

JAMES E. KELLER, ASSISTANT UNITED STATES ATTORNEY,

CASE NO. 3:05-CR-00611-WHA

DOES 1-1,000

Defendant(s).

Civil Action No.
2:23-CV-00448-JAD-VCF

PLAINTIFFS NOTICE OF TRANSCRIPT FOR RELATED CASE NO. 3:05-cr-00611-WHA, AS AFFIDAVIT

State of Nevada.....)
)ss,
County of Clark.....)

Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit

Comes now Dale Scott Heineman, Executor, real party in interest, hereinafter Plaintiff, files this Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit to memorialize the telephone conversation on February 21, 2024, with Officer Cecil McCarroll on behalf of the United States Probation Office, District of Nevada and Northern District of California, San Francisco Division;

Plaintiff states and affirms the following to be a true and correct summary of the February 21, 2024 telephone conversation with Officer Cecil McCarroll:

1. On February 21, 2024 Officer Cecil McCarroll (McCarroll) contacted Plaintiff to discuss the payment of assessment and restitution;

2. McCarroll informed Plaintiff, absent verifiable evidence, that the assessment and restitution was not settled by and through Federal Ordinance 1, 7 Stat 13, Constitution of the United States, HJR 192, June 5, 1933, Public Law 73-10; Uniform Commercial Code (UCC) 1-201(24), UCC 3-104, U.C.C. 3-402(b)(1), UCC 3-603(b), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3), Acts of Congress did not comport with well-established law;

3. McCarroll informed Plaintiff, absent verifiable evidence, that the negotiable Instrument tendered for settlement on or about September 22, 2022 by and through House Joint Resolution 192, Public Law 73-10, UCC 1-201(24), UCC 3-104, U.C.C. 3-402(b)(1), UCC 3-603(b), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3), Acts of Congress did not comport with well-established law;

4. McCarroll informed Plaintiff, absent verifiable evidence, that the entire taxing and monetary systems are not placed under the UCC by and through the Federal Tax Lien Act of 1966;

5. McCarroll informed Plaintiff, absent verifiable evidence, that the endorsement of Plaintiffs Instrument by the Clerk of the Northern District Court did not comport with the Uniform Commercial Code, the Negotiable Instruments Act, the Check 21 Act, the Acts of Congress;

6. McCarroll informed Plaintiff, absent verifiable evidence, that House Joint Resolution 192, Public Law 73-10, UCC 3-104, UCC 3-603(b), U.C.C. 3-402(b)(1), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3) is not applicable to Plaintiff;

7. McCarroll informed Plaintiff that McCarroll will file an incident report against Plaintiff for failure to pay restitution and cause Plaintiff to "appear" before the sentencing judge for sanction;

8. Plaintiff informed McCarroll that related case no 2:23-CV-00448-JAD-VCF shows that all defendants are in default for due process violations, and that criminal case number 3:05-cr-00611-WHA was conceived in fraud and void ab

initio and now, the District Court of Nevada refuses to calendar a hearing for fear of exposure to the public;

9. Plaintiff requested the Enacted Law, verified evidence, that McCarroll relies upon that excludes Plaintiff, as Executor, Beneficiary, real party in interest from exercising Plaintiff's protected rights for redress of grievance by and through Federal Ordinance 1, Constitution of the United States, 7 Stat 13, the Enabling Act;

10. Plaintiff informed McCarroll that "officers of the law, in the execution of process, are obliged to know the requirements of the law, and if they mistake them, whether through ignorance or design, and anyone is harmed by their error, they must respond in damages." v. Marshall (United States use of Rogers v. Conklin) 1 Wall. (US) 644, 17 L ed 714.

11. Plaintiff informed McCarroll that the Supreme Court of the United States of America has determined, "All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lacking due process..." Rodriques v. Ray Donavan, 769 F. 2d 1344, 1348 (1985);

12. Plaintiff informed McCarroll that "It is a general rule that an officer- executive, administrative, quasi-judicial, ministerial, or otherwise- who acts outside the scope of his jurisdiction and without authorization of law may thereby render himself amenable to personal liability." Cooper v. O'Connor, 69 App DC 100, 99 F 2d 135, 118 ALR 1440; Chamberlain v. Clayton, 56 Iowa 331, 9 237, 41 Am Rep 10;

13. McCarroll informed Plaintiff, absent verifiable evidence, that Civil Action No. 2:23-CV-00448-JAD-VCF lodged in the Nevada District Court has no bearing or relationship for or upon case no 3:05-cr-00611-WHA lodged in the Northern District Court, San Francisco Division;

14. Plaintiff fully incorporates and restates herein Civil Action No. 2:23-CV-00448-JAD-VCF which shows by and through the docket record that Defendants are in default and by and through the Doctrine of Acquiescence and have stipulated and agreed to all claims raised therein by Plaintiff, that:

    A. No grand jury concurrence form was returned with the indictment of September 22, 2005, case # cr-05-00611-001-DLJ a.k.a. 3:05–cr–00611–WHA required by law to have been given to the magistrate judge in open court in violation of by and through FRCrmP Rule 6(f) creating a disability to Plaintiff;

B. No grand jury concurrence form was returned with the indictment of September 22, 2005, case # cr-05-00611-001-DLJ a.k.a. 3:05−cr−00611−WHA as required by law to have been filed with the clerk of the court in violation of by and through FRCrmP Rule 6(c) creating a disability to Plaintiff;

C. No evidence that proves that Plaintiff or Plaintiffs' counsel waived Plaintiff's right of notice to challenge the grand jury as required by and through FRCrmP Rule 6(b)(1) creating a disability to Plaintiff;

D. No evidence that Plaintiff or Plaintiffs' counsel was afforded a reasonable opportunity to appear and be heard to: (ii) the parties to the judicial proceeding, Dale Scott Heineman was never notified as required by and through FRCrmP Rule 6(e)(3)(F)(ii) creating a disability to Plaintiff;

E. Plaintiff has not received a certified full and complete record for inspection by and through Federal Rules of Evidence 901, 29 CFR, Part 18 Subpart B; Title 5 § 552a 5 CFR Ch. XVI, Subch. A, Pt. 2604 since the duly constituted evidence verifies the fraud upon the court through case number cr-05-00611-001-DLJ a.k.a. 3:05−cr−00611−WHA creating a disability to Plaintiff;

F. All parties named, and those yet to be named, have violated the Americans with Disabilities Act, the Federal Code of Regulations 28 CFR part 35 disability that has substantially limited the ability of Plaintiff to perform a major life activity compared to most people in general population and has not been protected by and through 42 U.S.C. section 12203, and C.F.R. sec 36.206, retaliation, coercion;

15. McCarroll informed Plaintiff, absent verifiable evidence, that Probation Office rules, regulations, policies supersede Treaties, the Articles of Confederation, the Constitution of the United States, the Bill of Rights, and the Enrolled Acts of Congress;

16. McCarroll informed Plaintiff through threatening speech, coercion, extortion, fraud in fact, material misrepresentations that Plaintiff's liberty is at stake if Plaintiff does not pay restitution on a known void ab initio case 3:05-cr-00611-WHA with verified evidence of such in related case 2:23-CV-00448-JAD-VCF that is now in default;

17. McCarroll informed Plaintiff absent verifiable evidence that there exists no remedy or relief for Plaintiff by and through the Treaties, Articles of Confederation, the Constitution of the United States, the Bill of Rights, the

Enrolled Acts of Congress, House Joint Resolution 192, Public Law 73-10, UCC 3-104, UCC 3-603(b) U.C.C. 3-402(b)(1), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3) and can supersede the rules of court Grand Jury Rule 6;

18. McCarroll informed Plaintiff that the Constitution of the United States is not the supreme Law of the land, as declared in Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60, 1803 U.S.;

19. Plaintiff informed McCarroll that "Public officials are also "trustee[s] and servant[s] of the people" by and through U.S. v Holzer, 816 F. 2d 304, 307 (1987);

20. Plaintiff informed McCarroll that "A Public official is a fiduciary toward the public, including in the case of a judge, the litigants who appear before him and if he deliberately conceals material information from them he is guilty of fraud" by and through Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982);

21. Plaintiff informed McCarroll that "Public office' is a public trust or agency for the benefit of the people to be administered under legislative control in the interest of the people." by and through State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, Supreme Court of Montana (1935);

Representations and Warranties

The foregoing points 1-21 are stated as factual by Plaintiff and shall be relied upon by all as the duly constituted and verified evidence, the truth in the matter. Officer Cecil McCarroll has ten (10) days to rebut Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit point for point, under penalty of perjury and deliver such response via certified mail to Plaintiff and to file the same into the record of case number 3:05-cr-00611-WHA and 2:23-CV-00448-JAD-VCF.

Failure to timely rebut Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit shall be considered acceptance of points 1-21 by Probation Officer Cecil McCarroll/court officer. If Probation Officer Cecil McCarroll requires more time to rebut Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit, express such request in writing, but not to exceed 14 days;

00611-WHA, as Affidavit, express such request in writing, but not to exceed 14 days;

Done in the interest of truth and justice and with clean hands;

Dated: February 26, 2024

Respectfully submitted,

Dale-Scott-Heineman,
Executor, Real party in interest,
Beneficiary.

Using a notary on this Plaintiff's Notice of Transcript by and through the Federal Rules of Evidence for Related Case no. 3:05-cr-00611-WHA, as Affidavit does not constitute any adhesion, nor does it alter my status in any manner. The purpose for notary is verification and identification only and not for entrance into a foreign jurisdiction.

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF NEVADA

COUNTY OF CLARK

On 2-26-2024 before me, Danette Roybal, personally appeared Dale-Scott-Heineman, who proved to me on the basis of satisfactory evidence to be the living soul whose name is subscribed to the hereto-attached Plaintiff's Notice of Transcript by and through the Federal Rules of Evidence for Related Case no. 3:05-cr-00611-WHA, as Affidavit and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the hereto-attached Instrument being the living soul who executed said Instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

DANETTE ROYBAL
Notary Public - State of Nevada
County of Clark
APPT. NO. 20-9625-01
My App. Expires Oct. 19, 2024

CERTIFICATE OF SERVICE

I, Dale Scott Heineman, hereby certify that on the 22nd day in the month of February in the year 2024, I caused to be sent via United States Postal Mail delivery, Certified mail in a first class, post-paid envelope the following document:

Plaintiff's Notice of Transcript by and through the Federal Rules of Evidence for Related Case no. 3:05-cr-00611-WHA, as Affidavit:

Sent via Certified mail article number 70221670000160361936 to:

OFFICER CECIL MCCARROLL
Foley Federal Building
300 Las Vegas Blvd. South
Suite 1200
Las Vegas, NV 89101

Sent via First Class mail to:

JASON M. FRIERSON UNITED STATES ATTORNEY representing the individuals and/or entities herein below named:

MERRICK GARLAND,
UNITED STATES ATTORNEY GENERAL,
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

ISMAIL RAMSEY,
UNITED STATES ATTORNEY
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
CALIFORNIA DIVISION
450 Golden Gate Avenue
San Francisco, CA 94102

JAMES E. KELLER,
ASSISTANT UNITED STATES ATTORNEY
UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
400 S. Virginia St.
Reno, NV 89501

All Defendants served via Representative in care of:

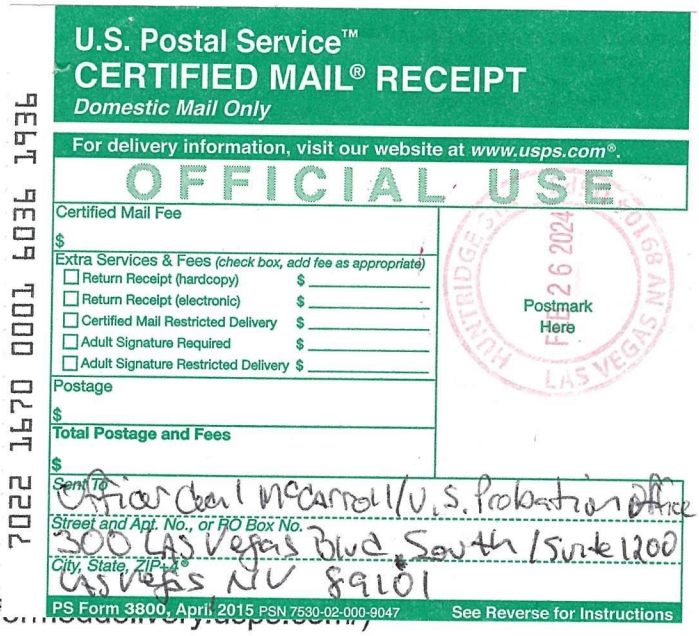
R. THOMAS COLONNA ASSISTANT UNITED STATES ATTORNEY
501 Las Vegas Blvd. So., Suite 1100
Las Vegas, Nevada 89101 on behalf of JASON M. FRIERSON
UNITED STATES ATTORNEY

I, Dale-Scott: Heineman, do affirm, certify that I caused to be sent the above-referenced document(s) to all Defendants herein named via their representative thereof, and on the day indicated above, under the pains and penalties of perjury.

Done this 26th day of February 2024

Dale-Scott-Heineman
Real Party in Interest

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- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

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Total Postage and Fees
$

Postmark Here
FEB 26 2024
HUNTRIDGE STATION LAS VEGAS NV 89101

Sent To
Officer Carl McCarroll/U.S. Probation Office
Street and Apt. No., or PO Box No.
300 Las Vegas Blvd South/Suite 1200
City, State, ZIP+4®
Las Vegas NV 89101

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 1670 0001 6036 1936

Tracking Number:

70221670000160361936

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Latest Update

Your item was delivered to the front desk, reception area, or mail room at 11:38 am on February 28, 2024 in LAS VEGAS, NV 89101.

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Notice of Fault with Opportunity to Cure

Dale-Scott-Heineman
C/o 2775 Fremont Street #2008
Las Vegas, Nevada-state
Near Clark County [89104]
dscotth@protonmail.com

✓ FILED ____ RECEIVED
____ ENTERED ____ SERVED ON
COUNSEL/PARTIES OF RECORD
MAR 11 2024
CLERK U.S. DISTRICT COURT
DISTRICT OF NEVADA
BY: ____ DEPUTY

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Dale Scott Heineman,
Real Party in Interest,

Plaintiff,

vs.

MERRICK GARLAND, UNITED STATES ATTORNEY GENERAL,

ISMAIL RAMSEY,
UNITED STATES ATTORNEY,

JAMES E. KELLER, ASSISTANT UNITED STATES ATTORNEY,

CASE NO. 3:05-CR-00611-WHA

DOES 1-1,000

Defendant(s).

Civil Action No.
2:23-CV-00448-JAD-VCF

NOTICE OF FAULT WITH OPPORTUNITY TO CURE BY AND THROUGH 5 U.S.C.S. SEC. 552, 552a REGARDING PLAINTIFFS NOTICE OF TRANSCRIPT FOR RELATED CASE NO. 3:05-cr-00611-WHA, AS AFFIDAVIT

State of Nevada.....)
)ss,
County of Clark.....)

Notice of Fault with Opportunity to Cure by and through 5 U.S.C.S. sec. 552, 552a regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit

Comes now Dale Scott Heineman, Executor, real party in interest, hereinafter Plaintiff, caused to be sent Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit to memorialize the telephone conversation on February 21, 2024, with Officer Cecil McCarroll on behalf of the United States Probation Office, District of Nevada and Northern District of California, San Francisco Division. Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit attached hereto as exhibit 1; and

Officer Cecil McCarroll, as fiduciary, has a duty to respond to Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit within ten (10) days or express an extension of time in writing, not to exceed fourteen (14) days. Officer Cecil McCarroll has failed to respond timely to Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit and is now in fault. USPS Certified mail receipt number 70221670000160361936 with proof of delivery attached hereto as exhibit 2; and

Plaintiff files this Notice of Fault with Opportunity to Cure by and through 5 U.S.C.S. sec. 552, 552a regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit, now providing Officer Cecil McCarroll with this opportunity to cure his fault for failure to timely respond to Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit;

Plaintiff restates and reaffirms the following to be a true and correct summary of the February 21, 2024 telephone conversation with Officer Cecil McCarroll:

1. On February 21, 2024 Officer Cecil McCarroll (McCarroll) contacted Plaintiff to discuss the payment of assessment and restitution;

2. McCarroll informed Plaintiff, absent verifiable evidence, that the assessment and restitution was not settled by and through Federal Ordinance 1, 7 Stat 13, Constitution of the United States, HJR 192, June 5, 1933, Public Law 73-10; Uniform Commercial Code (UCC) 1-201(24), UCC 3-104, U.C.C. 3-402(b)(1), UCC 3-603(b), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3), Acts of Congress did not comport with well-established law;

3. McCarroll informed Plaintiff, absent verifiable evidence, that the negotiable Instrument tendered for settlement on or about September 22, 2022 by and through House Joint Resolution 192, Public Law 73-10, UCC 1-201(24), UCC 3-104, U.C.C. 3-402(b)(1), UCC 3-603(b), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3), Acts of Congress did not comport with well-established law;

4. McCarroll informed Plaintiff, absent verifiable evidence, that the entire taxing and monetary systems are not placed under the UCC by and through the Federal Tax Lien Act of 1966;

5. McCarroll informed Plaintiff, absent verifiable evidence, that the endorsement of Plaintiffs Instrument by the Clerk of the Northern District Court did not comport with the Uniform Commercial Code, the Negotiable Instruments Act, the Check 21 Act, the Acts of Congress;

6. McCarroll informed Plaintiff, absent verifiable evidence, that House Joint Resolution 192, Public Law 73-10, UCC 3-104, UCC 3-603(b), U.C.C. 3-402(b)(1), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3) is not applicable to Plaintiff;

7. McCarroll informed Plaintiff that McCarroll will file an incident report against Plaintiff for failure to pay restitution and cause Plaintiff to "appear" before the sentencing judge for sanction;

8. Plaintiff informed McCarroll that related case no 2:23-CV-00448-JAD-VCF shows that all defendants are in default for due process violations, and that criminal case number 3:05-cr-00611-WHA was conceived in fraud and void ab initio and now, the District Court of Nevada refuses to calendar a hearing for fear of exposure to the public;

9. Plaintiff requested the Enacted Law, verified evidence, that McCarroll relies upon that excludes Plaintiff, as Executor, Beneficiary, real party in interest from exercising Plaintiff's protected rights for redress of grievance by and through Federal Ordinance 1, Constitution of the United States, 7 Stat 13, the Enabling Act;

10. Plaintiff informed McCarroll that "officers of the law, in the execution of process, are obliged to know the requirements of the law, and if they mistake them, whether through ignorance or design, and anyone is harmed by their error, they must respond in damages." v. Marshall (United States use of Rogers v. Conklin) 1 Wall. (US) 644, 17 L ed 714;

11. Plaintiff informed McCarroll that the Supreme Court of the United States of America has determined, "All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lacking due process…" Rodriques v. Ray Donavan, 769 F. 2d 1344, 1348 (1985);

12. Plaintiff informed McCarroll that "It is a general rule that an officer- executive, administrative, quasi-judicial, ministerial, or otherwise- who acts outside the

scope of his jurisdiction and without authorization of law may thereby render himself amenable to personal liability." Cooper v. O'Connor, 69 App DC 100, 99 F 2d 135, 118 ALR 1440; Chamberlain v. Clayton, 56 Iowa 331, 9 237, 41 Am Rep 10;

13. McCarroll informed Plaintiff, absent verifiable evidence, that Civil Action No. 2:23-CV-00448-JAD-VCF lodged in the Nevada District Court has no bearing or relationship for or upon case no 3:05-cr-00611-WHA lodged in the Northern District Court, San Francisco Division;

14. Plaintiff fully incorporates and restates herein Civil Action No. 2:23-CV-00448-JAD-VCF which shows by and through the docket record that Defendants are in default and by and through the Doctrine of Acquiescence and have stipulated and agreed to all claims raised therein by Plaintiff, that:

    A. No grand jury concurrence form was returned with the indictment of September 22, 2005, case # cr-05-00611-001-DLJ a.k.a. 3:05−cr−00611−WHA required by law to have been given to the magistrate judge in open court in violation of by and through FRCrmP Rule 6(f) creating a disability to Plaintiff;

    B. No grand jury concurrence form was returned with the indictment of September 22, 2005, case # cr-05-00611-001-DLJ a.k.a. 3:05−cr−00611−WHA as required by law to have been filed with the clerk of the court in violation of by and through FRCrmP Rule 6(c) creating a disability to Plaintiff;

    C. No evidence that proves that Plaintiff or Plaintiffs' counsel waived Plaintiff's right of notice to challenge the grand jury as required by and through FRCrmP Rule 6(b)(1) creating a disability to Plaintiff;

    D. No evidence that Plaintiff or Plaintiffs' counsel was afforded a reasonable opportunity to appear and be heard to: (ii) the parties to the judicial proceeding, Dale Scott Heineman was never notified as required by and through FRCrmP Rule 6(e)(3)(F)(ii) creating a disability to Plaintiff;

    E. Plaintiff has not received a certified full and complete record for inspection by and through Federal Rules of Evidence 901, 29 CFR, Part 18 Subpart B; Title 5 § 552a 5 CFR Ch. XVI, Subch. A, Pt. 2604 since the duly constituted evidence verifies the fraud upon the court through case number cr-05-00611-001-DLJ a.k.a. 3:05−cr−00611−WHA creating a disability to Plaintiff;

F. All parties named, and those yet to be named, have violated the Americans with Disabilities Act, the Federal Code of Regulations 28 CFR part 35 disability that has substantially limited the ability of Plaintiff to perform a major life activity compared to most people in general population and has not been protected by and through 42 U.S.C. section 12203, and C.F.R. sec 36.206, retaliation, coercion;

15. McCarroll informed Plaintiff, absent verifiable evidence, that Probation Office rules, regulations, policies supersede Treaties, the Articles of Confederation, the Constitution of the United States, the Bill of Rights, and the Enrolled Acts of Congress;

16. McCarroll informed Plaintiff through threatening speech, coercion, extortion, fraud in fact, material misrepresentations that Plaintiff's liberty is at stake if Plaintiff does not pay restitution on a known void ab initio case 3:05-cr-00611-WHA with verified evidence of such in related case 2:23-CV-00448-JAD-VCF that is now in default;

17. McCarroll informed Plaintiff absent verifiable evidence that there exists no remedy or relief for Plaintiff by and through the Treaties, Articles of Confederation, the Constitution of the United States, the Bill of Rights, the Enrolled Acts of Congress, House Joint Resolution 192, Public Law 73-10, UCC 3-104, UCC 3-603(b) U.C.C. 3-402(b)(1), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3) and can supersede the rules of court Grand Jury Rule 6;

18. McCarroll informed Plaintiff that the Constitution of the United States is not the supreme Law of the land, as declared in Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60, 1803 U.S.;

19. Plaintiff informed McCarroll that "Public officials are also "trustee[s] and servant[s] of the people" by and through U.S. v Holzer, 816 F. 2d 304, 307 (1987);

20. Plaintiff informed McCarroll that "A Public official is a fiduciary toward the public, including in the case of a judge, the litigants who appear before him and if he deliberately conceals material information from them he is guilty of fraud" by and through Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982);

21. Plaintiff informed McCarroll that "Public office' is a public trust or agency for the benefit of the people to be administered under legislative control in the interest of the people." by and through State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, Supreme Court of Montana (1935);

Representations and Warranties

The foregoing points 1-21 are stated as factual by Plaintiff and shall be relied upon by all as the duly constituted verified evidence, the truth in the matter. Officer Cecil McCarroll has seventy-two (72) hours to rebut Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit point for point, under penalty of perjury and deliver such response via certified mail to Plaintiff and to file the same into the record of case number 3:05-cr-00611-WHA and 2:23-CV-00448-JAD-VCF;

Failure to timely rebut Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit within seventy-two (72) hours shall be considered acceptance of points 1-21 by Probation/court Officer Cecil McCarroll that shall be relied upon as the duly constituted verified evidence in this case;

Warranties

FOR FAILURE OF Probation/court Officer Cecil McCarroll timely rebuttal of Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit within seventy-two (72) hours a default judgement will be issued in the form of an automatic writ of mandans for his procedural and substantive violations of due process; violation of his oath of office; in breach of his fiduciary duty; has vacated his office and shall be held accountable for treason against the Constitution of the United States by and through Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803);

FURTHERMORE, Probation/court Officer Cecil McCarroll shall forever be estopped, barred from any further contact with Executor-Dale-Scott-Heineman; shall forever be estopped, barred from attempting to enforce a void ab initio nunc pro tunc indictment and judgment; shall forever be estopped, barred from any filings, recordings, et al. with any court, body, tribunal; and shall forthwith surrender his bond;

ONCE DEFAULT OCCURS all documents will be submitted to the United States Navy, Judge Advocate General's Office, which will result in your removal from office and a full military hearing by and through Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803); 10 U.S.C. 906(a)(3);

Notice to Principal is Notice to Agent, Notice to Agent is Notice to Principal in their public and private capacity and applicable to all Successors, Assigns, and Agents.

Silence, when there is a moral or legal Duty to respond, constitutes Fraud and Fraud vitiates all contracts, i.e., case no. 3:05-cr-00611-WHA;

Done in the interest of truth and justice and with clean hands;

Govern yourself accordingly;

Dated: March 11, 2024

Respectfully submitted,

Dale-Scott-Heineman,
Executor, Real party in interest,
Beneficiary.

//

Using a notary on this Notice of Fault with Opportunity to Cure by and through 5 U.S.C.S. sec. 552, 552a regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit does not constitute any adhesion, nor does it alter my status in any manner. The purpose for notary is verification and identification only and not for entrance into a foreign jurisdiction.

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF NEVADA

COUNTY OF CLARK

On MARCH 11, 2024 before me, EDNA D. BUENCAMINO, personally appeared Dale-Scott-Heineman, who proved to me on the basis of satisfactory evidence to be the living soul whose name is subscribed to the hereto-attached Plaintiff's Notice of Fault with Opportunity to Cure by and through 5 U.S.C.S. sec. 552, 552a regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the hereto-attached Instrument being the living soul who executed said Instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

EDNA D BUENCAMINO
Notary Public - State of Nevada
County of Clark
APPT. NO. 22-9398-01
My Appt. Expires: November 8, 2026

CERTIFICATE OF SERVICE

I, Dale Scott Heineman, hereby certify that on the 11th day in the month of March in the year 2024, I caused to be sent via United States Postal Mail delivery, Certified mail in a first class, post-paid envelope the following document:

Notice of Fault with Opportunity to Cure by and through 5 U.S.C.S. sec. 552, 552a regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit:

Sent via Certified mail article number 70221670000160361943 to:

OFFICER CECIL MCCARROLL
UNITED STATES PROBATION OFFICE
Foley Federal Building
300 Las Vegas Blvd. South
Suite 1200
Las Vegas, NV 89101

Sent via First Class mail to:

Angie Meuleman- CLERK OF THE NORTHERN DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA for William H. Alsup, Judge
450 Golden Gate Avenue, San Francisco, CA 94102

JASON M. FRIERSON UNITED STATES ATTORNEY representing the individuals and/or entities herein below named:

MERRICK GARLAND,
UNITED STATES ATTORNEY GENERAL,
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

ISMAIL RAMSEY,
UNITED STATES ATTORNEY
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
CALIFORNIA DIVISION
450 Golden Gate Avenue
San Francisco, CA 94102

JAMES E. KELLER,
ASSISTANT UNITED STATES ATTORNEY
UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
400 S. Virginia St.
Reno, NV 89501

All Defendants served via Agent/Representative in care of:

R. THOMAS COLONNA ASSISTANT UNITED STATES ATTORNEY
501 Las Vegas Blvd. So., Suite 1100
Las Vegas, Nevada 89101 on behalf of JASON M. FRIERSON UNITED STATES ATTORNEY;

I, Dale-Scott: Heineman, do affirm, certify that I caused to be sent the above-referenced document(s) to all Defendants herein named via their representative thereof, and on the day indicated above, under the pains and penalties of perjury;

Done this 11th day of March 2024

Dale-Scott-Heineman,
Real Party in Interest.

Exhibit 1

Dale-Scott-Heineman
C/o 2775 Fremont Street #2008
Las Vegas, Nevada-state
Near Clark County [89104]
dscotth@protonmail.com

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Dale Scott Heineman,
Real Party in Interest,

Plaintiff,

vs.

MERRICK GARLAND, UNITED STATES ATTORNEY GENERAL,

ISMAIL RAMSEY,
UNITED STATES ATTORNEY,

JAMES E. KELLER, ASSISTANT UNITED STATES ATTORNEY,

CASE NO. 3:05-CR-00611-WHA

DOES 1-1,000

Defendant(s).

Civil Action No.
2:23-CV-00448-JAD-VCF

PLAINTIFFS NOTICE OF TRANSCRIPT FOR RELATED CASE NO. 3:05-cr-00611-WHA, AS AFFIDAVIT

FILED
ENTERED
RECEIVED
SERVED ON
COUNSEL/PARTIES OF RECORD
FEB 26 2024
CLERK US DISTRICT COURT
DISTRICT OF NEVADA

State of Nevada.....)
)ss, Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-
County of Clark.....) 00611-WHA, as Affidavit

Comes now Dale Scott Heineman, Executor, real party in interest, hereinafter Plaintiff, files this Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit to memorialize the telephone conversation on February 21, 2024, with Officer Cecil McCarroll on behalf of the United States Probation Office, District of Nevada and Northern District of California, San Francisco Division;

Plaintiff states and affirms the following to be a true and correct summary of the February 21, 2024 telephone conversation with Officer Cecil McCarroll:

1. On February 21, 2024 Officer Cecil McCarroll (McCarroll) contacted Plaintiff to discuss the payment of assessment and restitution;

2. McCarroll informed Plaintiff, absent verifiable evidence, that the assessment and restitution was not settled by and through Federal Ordinance 1, 7 Stat 13, Constitution of the United States, HJR 192, June 5, 1933, Public Law 73-10; Uniform Commercial Code (UCC) 1-201(24), UCC 3-104, U.C.C. 3-402(b)(1), UCC 3-603(b), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3), Acts of Congress did not comport with well-established law;

3. McCarroll informed Plaintiff, absent verifiable evidence, that the negotiable Instrument tendered for settlement on or about September 22, 2022 by and through House Joint Resolution 192, Public Law 73-10, UCC 1-201(24), UCC 3-104, U.C.C. 3-402(b)(1), UCC 3-603(b), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3), Acts of Congress did not comport with well-established law;

4. McCarroll informed Plaintiff, absent verifiable evidence, that the entire taxing and monetary systems are not placed under the UCC by and through the Federal Tax Lien Act of 1966;

5. McCarroll informed Plaintiff, absent verifiable evidence, that the endorsement of Plaintiffs Instrument by the Clerk of the Northern District Court did not comport with the Uniform Commercial Code, the Negotiable Instruments Act, the Check 21 Act, the Acts of Congress;

6. McCarroll informed Plaintiff, absent verifiable evidence, that House Joint Resolution 192, Public Law 73-10, UCC 3-104, UCC 3-603(b), U.C.C. 3-402(b)(1), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3) is not applicable to Plaintiff;

7. McCarroll informed Plaintiff that McCarroll will file an incident report against Plaintiff for failure to pay restitution and cause Plaintiff to "appear" before the sentencing judge for sanction;

8. Plaintiff informed McCarroll that related case no 2:23-CV-00448-JAD-VCF shows that all defendants are in default for due process violations, and that criminal case number 3:05-cr-00611-WHA was conceived in fraud and void ab

initio and now, the District Court of Nevada refuses to calendar a hearing for fear of exposure to the public;

9. Plaintiff requested the Enacted Law, verified evidence, that McCarroll relies upon that excludes Plaintiff, as Executor, Beneficiary, real party in interest from exercising Plaintiff's protected rights for redress of grievance by and through Federal Ordinance 1, Constitution of the United States, 7 Stat 13, the Enabling Act;

10. Plaintiff informed McCarroll that "officers of the law, in the execution of process, are obliged to know the requirements of the law, and if they mistake them, whether through ignorance or design, and anyone is harmed by their error, they must respond in damages." v. Marshall (United States use of Rogers v. Conklin) 1 Wall. (US) 644, 17 L ed 714.

11. Plaintiff informed McCarroll that the Supreme Court of the United States of America has determined, "All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lacking due process..." Rodriques v. Ray Donavan, 769 F. 2d 1344, 1348 (1985);

12. Plaintiff informed McCarroll that "It is a general rule that an officer- executive, administrative, quasi-judicial, ministerial, or otherwise- who acts outside the scope of his jurisdiction and without authorization of law may thereby render himself amenable to personal liability." Cooper v. O'Connor, 69 App DC 100, 99 F 2d 135, 118 ALR 1440; Chamberlain v. Clayton, 56 Iowa 331, 9 237, 41 Am Rep 10;

13. McCarroll informed Plaintiff, absent verifiable evidence, that Civil Action No. 2:23-CV-00448-JAD-VCF lodged in the Nevada District Court has no bearing or relationship for or upon case no 3:05-cr-00611-WHA lodged in the Northern District Court, San Francisco Division;

14. Plaintiff fully incorporates and restates herein Civil Action No. 2:23-CV-00448-JAD-VCF which shows by and through the docket record that Defendants are in default and by and through the Doctrine of Acquiescence and have stipulated and agreed to all claims raised therein by Plaintiff, that:

    A. No grand jury concurrence form was returned with the indictment of September 22, 2005, case # cr-05-00611-001-DLJ a.k.a. 3:05–cr–00611–WHA required by law to have been given to the magistrate judge in open court in violation of by and through FRCrmP Rule 6(f) creating a disability to Plaintiff;

B. No grand jury concurrence form was returned with the indictment of September 22, 2005, case # cr-05-00611-001-DLJ a.k.a. 3:05–cr–00611–WHA as required by law to have been filed with the clerk of the court in violation of by and through FRCrmP Rule 6(c) creating a disability to Plaintiff;

C. No evidence that proves that Plaintiff or Plaintiffs' counsel waived Plaintiff's right of notice to challenge the grand jury as required by and through FRCrmP Rule 6(b)(1) creating a disability to Plaintiff;

D. No evidence that Plaintiff or Plaintiffs' counsel was afforded a reasonable opportunity to appear and be heard to: (ii) the parties to the judicial proceeding, Dale Scott Heineman was never notified as required by and through FRCrmP Rule 6(e)(3)(F)(ii) creating a disability to Plaintiff;

E. Plaintiff has not received a certified full and complete record for inspection by and through Federal Rules of Evidence 901, 29 CFR, Part 18 Subpart B; Title 5 § 552a 5 CFR Ch. XVI, Subch. A, Pt. 2604 since the duly constituted evidence verifies the fraud upon the court through case number cr-05-00611-001-DLJ a.k.a. 3:05–cr–00611–WHA creating a disability to Plaintiff;

F. All parties named, and those yet to be named, have violated the Americans with Disabilities Act, the Federal Code of Regulations 28 CFR part 35 disability that has substantially limited the ability of Plaintiff to perform a major life activity compared to most people in general population and has not been protected by and through 42 U.S.C. section 12203, and C.F.R. sec 36.206, retaliation, coercion;

15. McCarroll informed Plaintiff, absent verifiable evidence, that Probation Office rules, regulations, policies supersede Treaties, the Articles of Confederation, the Constitution of the United States, the Bill of Rights, and the Enrolled Acts of Congress;

16. McCarroll informed Plaintiff through threatening speech, coercion, extortion, fraud in fact, material misrepresentations that Plaintiff's liberty is at stake if Plaintiff does not pay restitution on a known void ab initio case 3:05-cr-00611-WHA with verified evidence of such in related case 2:23-CV-00448-JAD-VCF that is now in default;

17. McCarroll informed Plaintiff absent verifiable evidence that there exists no remedy or relief for Plaintiff by and through the Treaties, Articles of Confederation, the Constitution of the United States, the Bill of Rights, the

Enrolled Acts of Congress, House Joint Resolution 192, Public Law 73-10, UCC 3-104, UCC 3-603(b) U.C.C. 3-402(b)(1), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3) and can supersede the rules of court Grand Jury Rule 6;

18. McCarroll informed Plaintiff that the Constitution of the United States is not the supreme Law of the land, as declared in Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60, 1803 U.S.;

19. Plaintiff informed McCarroll that "Public officials are also "trustee[s] and servant[s] of the people" by and through U.S. v Holzer, 816 F. 2d 304, 307 (1987);

20. Plaintiff informed McCarroll that "A Public official is a fiduciary toward the public, including in the case of a judge, the litigants who appear before him and if he deliberately conceals material information from them he is guilty of fraud" by and through Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982);

21. Plaintiff informed McCarroll that "Public office' is a public trust or agency for the benefit of the people to be administered under legislative control in the interest of the people." by and through State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, Supreme Court of Montana (1935);

Representations and Warranties

The foregoing points 1-21 are stated as factual by Plaintiff and shall be relied upon by all as the duly constituted and verified evidence, the truth in the matter. Officer Cecil McCarroll has ten (10) days to rebut Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit point for point, under penalty of perjury and deliver such response via certified mail to Plaintiff and to file the same into the record of case number 3:05-cr-00611-WHA and 2:23-CV-00448-JAD-VCF.

Failure to timely rebut Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit shall be considered acceptance of points 1-21 by Probation Officer Cecil McCarroll/court officer. If Probation Officer Cecil McCarroll requires more time to rebut Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit, express such request in writing, but not to exceed 14 days;

00611-WHA, as Affidavit, express such request in writing, but not to exceed 14 days;

Done in the interest of truth and justice and with clean hands;

Dated: February 26, 2024

Respectfully submitted,

Dale-Scott-Heineman,
Executor, Real party in interest,
Beneficiary.

Using a notary on this Plaintiff's Notice of Transcript by and through the Federal Rules of Evidence for Related Case no. 3:05-cr-00611-WHA, as Affidavit does not constitute any adhesion, nor does it alter my status in any manner. The purpose for notary is verification and identification only and not for entrance into a foreign jurisdiction.

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF NEVADA

COUNTY OF CLARK

On 2-26-2024 before me, Danette Roybal, personally appeared Dale-Scott-Heineman, who proved to me on the basis of satisfactory evidence to be the living soul whose name is subscribed to the hereto-attached Plaintiff's Notice of Transcript by and through the Federal Rules of Evidence for Related Case no. 3:05-cr-00611-WHA, as Affidavit and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the hereto-attached Instrument being the living soul who executed said Instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

DANETTE ROYBAL
Notary Public - State of Nevada
County of Clark
APPT. NO. 20-9625-01
My App. Expires Oct. 19, 2024

CERTIFICATE OF SERVICE

I, Dale Scott Heineman, hereby certify that on the 22nd day in the month of February in the year 2024, I caused to be sent via United States Postal Mail delivery, Certified mail in a first class, post-paid envelope the following document:

Plaintiff's Notice of Transcript by and through the Federal Rules of Evidence for Related Case no. 3:05-cr-00611-WHA, as Affidavit:

Sent via Certified mail article number 70221670000160361936 to:

OFFICER CECIL MCCARROLL
Foley Federal Building
300 Las Vegas Blvd. South
Suite 1200
Las Vegas, NV 89101

Sent via First Class mail to:

JASON M. FRIERSON UNITED STATES ATTORNEY representing the individuals and/or entities herein below named:

MERRICK GARLAND,
UNITED STATES ATTORNEY GENERAL,
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

ISMAIL RAMSEY,
UNITED STATES ATTORNEY
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
CALIFORNIA DIVISION
450 Golden Gate Avenue
San Francisco, CA 94102

JAMES E. KELLER,
ASSISTANT UNITED STATES ATTORNEY
UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
400 S. Virginia St.
Reno, NV 89501

All Defendants served via Representative in care of:

R. THOMAS COLONNA ASSISTANT UNITED STATES ATTORNEY
501 Las Vegas Blvd. So., Suite 1100
Las Vegas, Nevada 89101 on behalf of JASON M. FRIERSON
UNITED STATES ATTORNEY

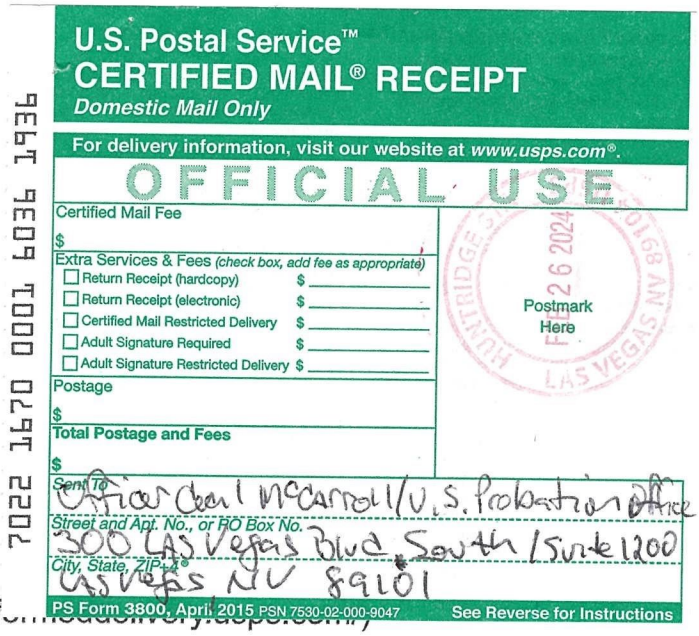
I, Dale-Scott: Heineman, do affirm, certify that I caused to be sent the above-referenced document(s) to all Defendants herein named via their representative thereof, and on the day indicated above, under the pains and penalties of perjury.

Done this 26th day of February 2024

Dale-Scott-Heineman
Real Party in Interest

Exhibit 2

USPS Tracking®


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- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
$

Postmark Here
FEB 26 2024
HUNTRIDGE STATION LAS VEGAS NV 89101

Sent To
Officer Carl McCarroll/U.S. Probation Office
Street and Apt. No., or PO Box No.
300 Las Vegas Blvd South/Suite 1200
City, State, ZIP+4®
Las Vegas NV 89101

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 1670 0001 6036 1936

Tracking Number:

70221670000160361936

Copy Add to Informed Delivery (https://inf...

Latest Update

Your item was delivered to the front desk, reception area, or mail room at 11:38 am on February 28, 2024 in LAS VEGAS, NV 89101.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Front Desk/Reception/Mail Room

LAS VEGAS, NV 89101
February 28, 2024, 11:38 am

See All Tracking History

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- ☐ Certified Mail Restricted Delivery $ $0.00
- ☐ Adult Signature Required $ $0.00
- ☐ Adult Signature Restricted Delivery $

Postage $7.25

Total Postage and Fees
$

Postmark Here
HUNTRIDGE STA
LAS VEGAS NV 89104 USPS
MAR 11 2024

Sent To
Officer Cecil McCarroll U.S. Probation

Street and Apt. No., or PO Box No.
300 Las Vegas Blvd. Ste 1200

City, State, ZIP+4®
Las Vegas NV 89101

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Back (DashboardAction_input.action)

Delivered, Left with Individual

7022 1670 0001 6036 1943Delivered

Notice of Fault- McCarroll

LAS VEGAS ,NV

First-Class Mail®-- Certified Mail™

Remove From Dashboard

Add Delivery Instructions

Note: DI not available for this package.

Scan History

TODAY **1:23 pm**
Delivered, Left with Individual
LAS VEGAS,NV 89101

Mar 13 **8:32 am**
Departed USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

Mar 12 **4:35 am**
Arrived at USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

Mar 11 **4:03 pm**
Departed Post Office
LAS VEGAS,NV 89104

Mar 11 **12:47 pm**
USPS in possession of item
LAS VEGAS,NV 89104

Notice of Default

Dale-Scott-Heineman
C/o 2775 Fremont Street #2008
Las Vegas, Nevada-state
Near Clark County [89104]
dscotth@protonmail.com

FILED
ENTERED
RECEIVED
SERVED ON
COUNSEL/PARTIES OF RECORD
MAR 18 2024
CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY: RTD DEPUTY

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Dale Scott Heineman,
Real Party in Interest,

Plaintiff,

vs.

MERRICK GARLAND, UNITED STATES ATTORNEY GENERAL,

ISMAIL RAMSEY,
UNITED STATES ATTORNEY,

JAMES E. KELLER, ASSISTANT UNITED STATES ATTORNEY,

CASE NO. 3:05-CR-00611-WHA

DOES 1-1,000

Defendant(s).

Civil Action No.
2:23-CV-00448-JAD-VCF

NOTICE OF DEFAULT BY AND THROUGH 5 U.S.C.S. SEC. 552, 552a AND THE DOCTRINE OF ACQUIESCENCE REGARDING PLAINTIFFS NOTICE OF TRANSCRIPT FOR RELATED CASE NO. 3:05-cr-00611-WHA, AS AFFIDAVIT

State of Nevada.....)
)_ss,
County of Clark.....)

Notice of Default by and through 5 U.S.C.S. SEC. 552, 552a and the Doctrine of Acquiescence regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit

Comes now Dale Scott Heineman, Executor, real party in interest, hereinafter Plaintiff, files this Notice of Default by and through 5 U.S.C.S. SEC. 552, 552a and the Doctrine of Acquiescence regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit; where

1. On February 26, 2024, Plaintiff caused to be sent, and filed the same in, on, and for the record of the District of Nevada (case no. 2:23-CV-00448-JAD-VCF) and

the Northern District court of California, San Francisco Division (case no. 3:05-cr-00611-WHA) Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit to memorialize the telephone conversation on February 21, 2024, with Probation/court Officer Cecil McCarroll acing on behalf of the United States Probation Office, District of Nevada and the Northern District court of California, San Francisco Division. Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit attached hereto with U.S.P.S. Certified Mail delivery receipt as exhibit 1; and

2. Probation/court Officer Cecil McCarroll was given ten (10) days to respond or express an extension of time in writing to respond, but not to exceed fourteen (14) days, to rebut Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit transcription point by point; Probation/court Officer Cecil McCarroll failed to timely respond, or respond at all, nor did Probation/court Officer Cecil McCarroll express an extension of time in writing; and
3. On March 11, 2024, Plaintiff caused to be sent, and filed the same in, on, and for the record of the District of Nevada (case no. 2:23-CV-00448-JAD-VCF) and the Northern District court of California, San Francisco Division (case no. 3:05-cr-00611-WHA) to Probation/court Officer Cecil McCarroll Plaintiffs Notice of Fault with Opportunity to Cure by and through 5 U.S.C.S. sec. 552, 552a regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit, wherein Probation/court Officer Cecil McCarroll was given seventy-two (72) hours for an opportunity to rebut point by point Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA. Plaintiffs Notice of Fault with Opportunity to Cure by and through 5 U.S.C.S. sec. 552, 552a regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit hereto attached with U.S.P.S. Certified Mail delivery receipt as exhibit 2; and

4. Probation/court Officer Cecil McCarroll did not respond timely, or at all, within seventy-two (72) hours to Plaintiffs Notice of Fault with Opportunity to Cure by and through 5 U.S.C.S. sec. 552, 552a regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit is now in default; and

Acceptance by and through Notice of Default, by and through 5 U.S.C.S. SEC. 552, 552a and the Doctrine of Acquiescence regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit

Probation/court Officer Cecil McCarroll has assented, consented, and agreed to all points raised in Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit by and through 5 U.S.C.S. SEC. 552, 552a by and through the Doctrine of Acquiescence assents, consents, and agrees to the following:

5. On February 21, 2024 Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution;

   Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

6. Probation/court McCarroll informed Plaintiff, absent verifiable evidence, that the assessment and restitution was not settled by and through Federal Ordinance 1, 7 Stat 13, Constitution of the United States, HJR 192, June 5, 1933, Public Law 73-10; Uniform Commercial Code (UCC) 1-201(24), UCC 3-104, U.C.C. 3-402(b)(1), UCC 3-603(b), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3), Acts of Congress did not comport with well-established law;

   Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

7. McCarroll informed Plaintiff, absent verifiable evidence, that the negotiable Instrument tendered for settlement on or about September 22, 2022 by and through House Joint Resolution 192, Public Law 73-10, UCC 1-201(24), UCC 3-104, U.C.C. 3-402(b)(1), UCC 3-603(b), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3), Acts of Congress did not comport with well-established law;

   Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

8. McCarroll informed Plaintiff, absent verifiable evidence, that the entire taxing and monetary systems are not placed under the UCC by and through the Federal Tax Lien Act of 1966;

   Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

9. McCarroll informed Plaintiff, absent verifiable evidence, that the endorsement of Plaintiffs Instrument by the Clerk of the Northern District Court did not comport with the Uniform Commercial Code, the Negotiable Instruments Act, the Check 21 Act, the Acts of Congress;

   Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

10. McCarroll informed Plaintiff, absent verifiable evidence, that House Joint Resolution 192, Public Law 73-10, UCC 3-104, UCC 3-603(b), U.C.C. 3-402(b)(1), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3) is not applicable to Plaintiff;

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

11. McCarroll informed Plaintiff that McCarroll will file an incident report against Plaintiff for failure to pay restitution and cause Plaintiff to "appear" before the sentencing judge for sanction;

    Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

12. Plaintiff informed McCarroll that related case no 2:23-CV-00448-JAD-VCF shows that all defendants are in default for due process violations, and that criminal case number 3:05-cr-00611-WHA was conceived in fraud and void ab initio and now, the District Court of Nevada refuses to calendar a hearing for fear of exposure to the public;

    Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

13. Plaintiff requested the Enacted Law, verified evidence, that McCarroll relies upon that excludes Plaintiff, as Executor, Beneficiary, real party in interest from exercising Plaintiff's protected rights for redress of grievance by and through Federal Ordinance 1, Constitution of the United States, 7 Stat 13, the Enabling Act;

    Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office,

and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

14. Plaintiff informed McCarroll that "officers of the law, in the execution of process, are obliged to know the requirements of the law, and if they mistake them, whether through ignorance or design, and anyone is harmed by their error, they must respond in damages." v. Marshall (United States use of Rogers v. Conklin) 1 Wall. (US) 644, 17 L ed 714;

    Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

15. Plaintiff informed McCarroll that the Supreme Court of the United States of America has determined, "All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lacking due process..." Rodriques v. Ray Donavan, 769 F. 2d 1344, 1348 (1985);

    Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

16. Plaintiff informed McCarroll that "It is a general rule that an officer- executive, administrative, quasi-judicial, ministerial, or otherwise- who acts outside the scope of his jurisdiction and without authorization of law may thereby render himself amenable to personal liability." Cooper v. O'Connor, 69 App DC 100, 99 F 2d 135, 118 ALR 1440; Chamberlain v. Clayton, 56 Iowa 331, 9 237, 41 Am Rep 10;

    Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court

Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

17. McCarroll informed Plaintiff, absent verifiable evidence, that Civil Action No. 2:23-CV-00448-JAD-VCF lodged in the Nevada District Court has no bearing or relationship for or upon case no 3:05-cr-00611-WHA lodged in the Northern District Court, San Francisco Division;

    Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

18. Probation/court Officer Cecil McCarroll assents, consents, and agrees that Civil Action No. 2:23-CV-00448-JAD-VCF shows by and through the docket record that Defendants are in default by and through the Doctrine of Acquiescence and have stipulated and agreed to all claims therein raised by Plaintiff, that:

    A. No grand jury concurrence form was returned with the indictment of September 22, 2005, case # cr-05-00611-001-DLJ a.k.a. 3:05−cr−00611−WHA required by law to have been given to the magistrate judge in open court in violation of by and through FRCrmP Rule 6(f) creating a disability to Plaintiff; that

    B. No grand jury concurrence form was returned with the indictment of September 22, 2005, case # cr-05-00611-001-DLJ a.k.a. 3:05−cr−00611−WHA as required by law to have been filed with the clerk of the court in violation of by and through FRCrmP Rule 6(c) creating a disability to Plaintiff; that

    C. No evidence that proves that Plaintiff or Plaintiffs' counsel waived Plaintiff's right of notice to challenge the grand jury as required by and through FRCrmP Rule 6(b)(1) creating a disability to Plaintiff; that

    D. No evidence that Plaintiff or Plaintiffs' counsel was afforded a reasonable opportunity to appear and be heard to: (ii) the parties to the judicial proceeding, Dale Scott Heineman was never notified as required by and through FRCrmP Rule 6(e)(3)(F)(ii) creating a disability to Plaintiff; that

E. Plaintiff has not received a certified full and complete record for inspection by and through Federal Rules of Evidence 901, 29 CFR, Part 18 Subpart B; Title 5 § 552a 5 CFR Ch. XVI, Subch. A, Pt. 2604 since the duly constituted evidence verifies the fraud upon the court through case number cr-05-00611-001-DLJ a.k.a. 3:05−cr−00611−WHA creating a disability to Plaintiff; that

F. All parties named, and those yet to be named, have violated the Americans with Disabilities Act, the Federal Code of Regulations 28 CFR part 35 disability that has substantially limited the ability of Plaintiff to perform a major life activity compared to most people in general population and has not been protected by and through 42 U.S.C. section 12203, and C.F.R. sec 36.206, retaliation, coercion; that

19. McCarroll informed Plaintiff, absent verifiable evidence, that Probation Office rules, regulations, policies supersede Treaties, the Articles of Confederation, the Constitution of the United States, the Bill of Rights, and the Enrolled Acts of Congress;

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United; that

20. McCarroll informed Plaintiff through threatening speech, coercion, extortion, fraud in fact, material misrepresentations that Plaintiff's liberty is at stake if Plaintiff does not pay restitution on a known void ab initio case 3:05-cr-00611-WHA with verified evidence of such in related case 2:23-CV-00448-JAD-VCF that is now in default;

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

21. McCarroll informed Plaintiff absent verifiable evidence that there exists no remedy or relief for Plaintiff by and through the Treaties, Articles of Confederation, the Constitution of the United States, the Bill of Rights, the

Enrolled Acts of Congress, House Joint Resolution 192, Public Law 73-10, UCC 3-104, UCC 3-603(b) U.C.C. 3-402(b)(1), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3) and can supersede the rules of court Grand Jury Rule 6;

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States; that

22. McCarroll informed Plaintiff that the Constitution of the United States is not the supreme Law of the land, as declared in Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60, 1803 U.S.;

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

23. Plaintiff informed McCarroll that "Public officials are also "trustee[s] and servant[s] of the people" by and through U.S. v Holzer, 816 F. 2d 304, 307 (1987);

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

24. Plaintiff informed McCarroll that "A Public official is a fiduciary toward the public, including in the case of a judge, the litigants who appear before him and if he deliberately conceals material information from them he is guilty of fraud" by and through Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982);

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court

Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

25. Plaintiff informed McCarroll that "Public office' is a public trust or agency for the benefit of the people to be administered under legislative control in the interest of the people." by and through State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, Supreme Court of Montana (1935);

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

Representations and Warranties

The foregoing points 1-25 are factual and shall be relied upon by all as the duly constituted verified evidence, the truth in the matter. Probation/court Officer Cecil McCarroll has breached his fiduciary duty to Executor-Dale-Scott-Heineman and violated Executor-Dale-Scott-Heineman due process rights, has admitted to conspiracy with defendants against Executor-Dale-Scott-Heineman rights and property under color of law and color of authority;

Warranties

FOR YOUR FAILURE Probation/court Officer Cecil McCarroll to timely rebut Executor-Dale-Scott-Heineman Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit within seventy-two (72) hours this default judgement now issues in the form of an automatic writ of mandans for your procedural and substantive violations of due process against Executor-Dale-Scott-Heineman; violation of your oath of office in breach of your fiduciary duty have vacated your office and you shall be held accountable for treason against the Constitution of the United States by and through Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803);

ALL documents will be submitted to the United States Navy, Judge Advocate General's Office, which will result in your removal from office and a full military hearing by and through Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803); 10 U.S.C. 906(a)(3);

Probation/court Officer Cecil McCarroll is forever barred and collaterally estopped by res judicata from any further contact with Executor-Dale-Scott-Heineman; shall forever be estopped, barred from attempting to enforce a void ab initio nunc pro tunc indictment and judgment case no. 3:05-cr-00611-WHA; shall forever be estopped, barred from any filings, recordings, et al. with any court, body, tribunal; and shall forthwith surrender his bond;

Notice to Principal is Notice to Agent, Notice to Agent is Notice to Principal in their public and private capacity and applicable to all Successors, Assigns, and Agents.

Silence, when there is a moral or legal Duty to respond, constitutes fraud and fraud vitiates all contracts, i.e., case no. 3:05-cr-00611-WHA;

Done in the interest of truth and justice and with clean hands;

Govern yourself accordingly;

Dated: March 18, 2024

Respectfully submitted,

Dale-Scott-Heineman,
Executor, Real party in interest,
Beneficiary.

//

Using a notary on this NOTICE OF DEFAULT BY AND THROUGH 5 U.S.C.S. SEC. 552, 552a AND THE DOCTRINE OF ACQUIESCENCE REGARDING PLAINTIFFS NOTICE OF TRANSCRIPT FOR RELATED CASE NO. 3:05-cr-00611-WHA, AS AFFIDAVIT does not constitute any adhesion, nor does it alter my status in any manner. The purpose for notary is verification and identification only and not for entrance into a foreign jurisdiction.

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF NEVADA

COUNTY OF CLARK

On March 18, 2024 before me, Maricel Palma,

personally appeared Executor-Dale-Scott-Heineman, who proved to me on the basis of satisfactory evidence to be the living soul whose name is subscribed to the hereto-attached Notice of Default by and through 5 U.S.C.S. SEC. 552, 552a and the Doctrine of Acquiescence regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit, as Affidavit and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the hereto-attached Instrument being the living soul who executed said Instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

MARICEL AUTENCIO PALMA
Notary Public - State of Nevada
County of Clark
APPT. NO. 22-9401-01
My Appt. Expires: November 8, 2026

CERTIFICATE OF SERVICE

I, Dale Scott Heineman, hereby certify that on the 18th day in the month of March in the year 2024, I caused to be sent via United States Postal Mail delivery, Certified mail in a first class, post-paid envelope the following document:

Notice of Default by and through 5 U.S.C.S. SEC. 552, 552a and the Doctrine of Acquiescence regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit

Sent via Certified mail article number 70221670000160361950 to:

OFFICER CECIL MCCARROLL
UNITED STATES PROBATION OFFICE
Foley Federal Building
300 Las Vegas Blvd. South
Suite 1200
Las Vegas, NV 89101

Sent via First Class mail to:

Angie Meuleman- CLERK OF THE NORTHERN DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA for William H. Alsup, Judge
450 Golden Gate Avenue, San Francisco, CA 94102

JASON M. FRIERSON UNITED STATES ATTORNEY representing the individuals and/or entities herein below named:

MERRICK GARLAND,
UNITED STATES ATTORNEY GENERAL,
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

ISMAIL RAMSEY,
UNITED STATES ATTORNEY
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
CALIFORNIA DIVISION
450 Golden Gate Avenue
San Francisco, CA 94102

JAMES E. KELLER,
ASSISTANT UNITED STATES ATTORNEY
UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
400 S. Virginia St.
Reno, NV 89501

All Defendants served via Agent/Representative in care of:

R. THOMAS COLONNA ASSISTANT UNITED STATES ATTORNEY
501 Las Vegas Blvd. So., Suite 1100
Las Vegas, Nevada 89101 on behalf of JASON M. FRIERSON UNITED STATES ATTORNEY;

I, Dale-Scott: Heineman, do affirm, certify that I caused to be sent the above-referenced document(s) to all Defendants herein named via their representative thereof, and on the day indicated above, under the pains and penalties of perjury;

Done this 18th day of March 2024

Dale-Scott-Heineman,
Real Party in Interest.

Attachment 6

Dale-Scott-Heineman
C/o 2775 Fremont Street #2008
Las Vegas, Nevada-state
Near Clark County [89104]
dscotth@protonmail.com

FILED
APR 23 2024
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Dale Scott Heineman, Real Party in Interest, et al.,

Defendants.

Case No. 3:05-cr-00611WHA

NOTICE OF DEMAND FOR SHOW CAUSE WHY CASE NUMBER 3:05-cr-00611WHA IS NOT VOID Ab INITIO NUNC PRO TUNC BY AND THROUGH 28 U.S.C. SEC. 2072, FEDERAL RULES OF CRIMINAL PROCEDURE RULE 6, AS AFFIDAVIT

State of Nevada.....)
)_ss,
County of Clark.....)

Notice of Demand for Show Cause why Case Number 3:05-cr-00611WHA is not void ab initio nunc pro tunc by and through 28 U.S.C. sec. 2072, Federal Rules of Criminal Procedure Rule 6, as Affidavit;

Comes now Dale Scott Heineman, Executor, real party in interest, hereinafter Defendant by and through special appearance files this Notice of Demand for Show Cause why case number 3:05-cr-00611WHA (DLJ) is not void ab initio nunc pro tunc by and through 28 U.S.C. sec. 2072, Federal Rules of Criminal Procedure Rule 6, as Affidavit, where it is ascertained by and through the duly constituted verified evidence in, on, and for the record for case number 2:23-CV-00448-JAD-VCF, District

of Nevada Court shall now show cause that case number 3:05-cr-00611WHA (DLJ) is not void ab initio nunc pro tunc; that

A. No grand jury concurrence form was returned with the indictment for September 22, 2005, case number 3:05-cr-00611WHA (DLJ) required by law to have been given to the magistrate judge in open court in violation of by and through FRCrmP Rule 6(f) creating a disability to Plaintiff; that

B. No grand jury concurrence form was returned with the indictment of September 22, 2005, case number 3:05-cr-00611WHA (DLJ) as required by law to have been filed with the clerk of the court in violation of by and through FRCrmP Rule 6(c) creating a disability to Plaintiff; that

C. No verified evidence that proves that Plaintiff or Plaintiffs' counsel waived Plaintiff's right of notice to challenge the grand jury case number 3:05-cr-00611WHA (DLJ) as required by law by and through FRCrmP Rule 6(b)(1) creating a disability to Plaintiff; that

D. No verified evidence that Plaintiff or Plaintiffs' counsel was afforded a reasonable opportunity to appear and be heard to: (ii) the parties to the judicial proceeding; Dale Scott Heineman was never notified as for case number 3:05-cr-00611WHA (DLJ) as required by law by and through FRCrmP Rule 6(e)(3)(F)(ii) creating a disability to Plaintiff; that

E. Dale Scott Heineman has not received a certified full and complete record for inspection for case number 3:05-cr-00611WHA (DLJ) by and through Federal Rules of Evidence 901, 29 CFR, Part 18 Subpart B; Title 5 § 552a 5 CFR Ch. XVI, Subch. A, Pt. 2604 where the duly constituted verified evidence ascertained by and through case number 2:23-CV-

00448-JAD-VCF, District of Nevada Court substantiates the fraud upon the Northern District Court of California perpetrated by the Department of Justice U.S. Attorneys and Assistant U.S. Attorneys creates a disability to Plaintiff; that

F. The District of Nevada by and through the Doctrine of Acquiescence has assented, consented, and agreed by and through the Doctrine of Acquiescence that case number 3:05-cr-00611WHA (DLJ) is void ab initio nunc pro tunc; that

G. Probation/court Officer Cecil McCarroll has assented, consented, and agreed by and through the Doctrine of Acquiescence that case number 3:05-cr-00611WHA (DLJ) is void ab initio nunc pro tunc. See Attachment 1;

The Supreme Court of the United States of America has determined, "All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lacking due process..." Rodriques v. Ray Donavan, 769 F. 2d 1344, 1348 (1985);

Representations and Warranties

The foregoing points A-G are duly constituted verified evidence and the truth in this instant action. William H. Alsup- Judge of the Northern District Court by his acts and actions does violate his fiduciary duty as administrator of the court and does wars with the Constitution of the United States, treason, and upon the substantive protected rights of Executor-Dale-Scott-Heineman, and whose acts of on-going and non-conforming to the law for which William H. Alsup- Judge of the Northern District Court took an oath to uphold does conspire with Merrick Garland, UNITED STATES ATTORNEY GENERAL, Ismail Ramsey, UNITED STATES

ATTORNEY, James E. Kellar, ASSISTANT UNITED STATES ATTORNEY, does violate Executor-Dale-Scott-Heineman' duly constituted substantive protected due process rights by and through his continued silence is in conflict with the law and his fiduciary duty;

Warranties

William H. Alsup- Judge of the Northern District Court shall forthwith show cause why case number 3:05-cr-00611WHA (DLJ) is not void ab initio nunc pro tunc and shall produce his bond/Oath of Office for violations of the law by and through 28 U.S.C. sec. 2072, Federal Rules of Criminal Procedure Rule 6; 5 U.S.C. 2906, 80 Stat. 412, shall immediately file his bond/Oath of Office into this record and send Executor-Dale-Scott-Heineman a certified copy of the same;

Failure of William H. Alsup- Judge of the Northern District Court to produce his bond/Oath of Office in accordance with law shall be duly constituted verified evidence of vacating the bench as an Article III administrator for the judiciary;

Furthermore, William H. Alsup- Judge of the Northern District Court in his administrative capacity and duty as fiduciary shall void case number 3:05-cr-00611WHA (DLJ) and transmit the same to all appropriate Agencies, Departments, NCIC, et al.;

Notice to Principal is Notice to Agent, Notice to Agent is Notice to Principal in their public and private capacity and applicable to all Successors, Assigns, and Agents.

Silence, when there is a moral or legal Duty to respond, constitutes fraud and fraud vitiates all contracts, i.e., case no. 3:05-cr-00611-WHA;

Done in the interest of truth and justice and with clean hands;

Govern yourself accordingly;

Dated: April 13, 2024;

Respectfully submitted,

Dale-Scott-Heineman,
Executor, Real party in interest,
Beneficiary.

Using a notary on this Notice of Demand for Show Cause why Case Number 3:05-cr-00611WHA is not void ab initio nunc pro tunc by and through 28 U.S.C. sec. 2072, Federal Rules of Criminal Procedure Rule 6, as Affidavit does not constitute any adhesion, nor does it alter my status in any manner. The purpose for notary is verification and identification only and not for entrance into a foreign jurisdiction.

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF NEVADA

COUNTY OF CLARK

On 04/13/2024 before me, Dennise Galindo,
personally appeared Executor-Dale-Scott-Heineman, who proved to me on the basis of satisfactory evidence to be the living soul whose name is subscribed to the hereto-attached Notice of Demand for Show Cause why Case Number 3:05-cr-00611WHA is not void ab initio nunc pro tunc by and through 28 U.S.C. sec. 2072, Federal Rules of Criminal Procedure Rule 6, as Affidavit and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the hereto-attached Instrument being the living soul who executed said Instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

DENNISE GALINDO
Notary Public, State of Nevada
No. 23-6214-01
My Appt. Exp. May 5, 2027

Signature _____ (Seal)

Attachment 1

CERTIFICATE OF SERVICE

I, Dale Scott Heineman, hereby certify that on the 18th day in the month of March in the year 2024, I caused to be sent via United States Postal Mail delivery, Certified mail in a first class, post-paid envelope the following document:

Notice of Default by and through 5 U.S.C.S. SEC. 552, 552a and the Doctrine of Acquiescence regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit

Sent via Certified mail article number 70221670000160361950 to:

OFFICER CECIL MCCARROLL
UNITED STATES PROBATION OFFICE
Foley Federal Building
300 Las Vegas Blvd. South
Suite 1200
Las Vegas, NV 89101;

I, Dale Scott Heineman, hereby certify that on the 26th day in the month of March in the year 2024, I caused to be sent a file-stamped copy via United States Postal Mail delivery, first class, post-paid envelope the following document:

Notice of Default by and through 5 U.S.C.S. SEC. 552, 552a and the Doctrine of Acquiescence regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit;

Done this 26th day of March 2024

Dale-Scott-Heineman,
Real Party in Interest.

FILED ENTERED RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD
MAR 18 2024
CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY: DEPUTY

Dale-Scott-Heineman
C/o 2775 Fremont Street #2008
Las Vegas, Nevada-state
Near Clark County [89104]
dscotth@protonmail.com

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Dale Scott Heineman,
Real Party in Interest,

Plaintiff,

vs.

MERRICK GARLAND, UNITED STATES ATTORNEY GENERAL,

ISMAIL RAMSEY,
UNITED STATES ATTORNEY,

JAMES E. KELLER, ASSISTANT UNITED STATES ATTORNEY,

CASE NO. 3:05-CR-00611-WHA

DOES 1-1,000

Defendant(s).

Civil Action No.
2:23-CV-00448-JAD-VCF

NOTICE OF DEFAULT BY AND THROUGH 5 U.S.C.S. SEC. 552, 552a AND THE DOCTRINE OF ACQUIESCENCE REGARDING PLAINTIFFS NOTICE OF TRANSCRIPT FOR RELATED CASE NO. 3:05-cr-00611-WHA, AS AFFIDAVIT

State of Nevada.....)
_)_ss,
County of Clark.....)

Notice of Default by and through 5 U.S.C.S. SEC. 552, 552a and the Doctrine of Acquiescence regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit

Comes now Dale Scott Heineman, Executor, real party in interest, hereinafter Plaintiff, files this Notice of Default by and through 5 U.S.C.S. SEC. 552, 552a and the Doctrine of Acquiescence regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit; where

1. On February 26, 2024, Plaintiff caused to be sent, and filed the same in, on, and for the record of the District of Nevada (case no. 2:23-CV-00448-JAD-VCF) and

the Northern District court of California, San Francisco Division (case no. 3:05-cr-00611-WHA) Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit to memorialize the telephone conversation on February 21, 2024, with Probation/court Officer Cecil McCarroll acing on behalf of the United States Probation Office, District of Nevada and the Northern District court of California, San Francisco Division. Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit attached hereto with U.S.P.S. Certified Mail delivery receipt as exhibit 1; and

2. Probation/court Officer Cecil McCarroll was given ten (10) days to respond or express an extension of time in writing to respond, but not to exceed fourteen (14) days, to rebut Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit transcription point by point; Probation/court Officer Cecil McCarroll failed to timely respond, or respond at all, nor did Probation/court Officer Cecil McCarroll express an extension of time in writing; and
3. On March 11, 2024, Plaintiff caused to be sent, and filed the same in, on, and for the record of the District of Nevada (case no. 2:23-CV-00448-JAD-VCF) and the Northern District court of California, San Francisco Division (case no. 3:05-cr-00611-WHA) to Probation/court Officer Cecil McCarroll Plaintiffs Notice of Fault with Opportunity to Cure by and through 5 U.S.C.S. sec. 552, 552a regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit, wherein Probation/court Officer Cecil McCarroll was given seventy-two (72) hours for an opportunity to rebut point by point Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA. Plaintiffs Notice of Fault with Opportunity to Cure by and through 5 U.S.C.S. sec. 552, 552a regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit hereto attached with U.S.P.S. Certified Mail delivery receipt as exhibit 2; and

4. Probation/court Officer Cecil McCarroll did not respond timely, or at all, within seventy-two (72) hours to Plaintiffs Notice of Fault with Opportunity to Cure by and through 5 U.S.C.S. sec. 552, 552a regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit is now in default; and

Acceptance by and through Notice of Default, by and through 5 U.S.C.S. SEC. 552, 552a and the Doctrine of Acquiescence regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit

Probation/court Officer Cecil McCarroll has assented, consented, and agreed to all points raised in Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit by and through 5 U.S.C.S. SEC. 552, 552a by and through the Doctrine of Acquiescence assents, consents, and agrees to the following:

5. On February 21, 2024 Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution;

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

6. Probation/court McCarroll informed Plaintiff, absent verifiable evidence, that the assessment and restitution was not settled by and through Federal Ordinance 1, 7 Stat 13, Constitution of the United States, HJR 192, June 5, 1933, Public Law 73-10; Uniform Commercial Code (UCC) 1-201(24), UCC 3-104, U.C.C. 3-402(b)(1), UCC 3-603(b), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3), Acts of Congress did not comport with well-established law;

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

7. McCarroll informed Plaintiff, absent verifiable evidence, that the negotiable Instrument tendered for settlement on or about September 22, 2022 by and through House Joint Resolution 192, Public Law 73-10, UCC 1-201(24), UCC 3-104, U.C.C. 3-402(b)(1), UCC 3-603(b), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3), Acts of Congress did not comport with well-established law;

   Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

8. McCarroll informed Plaintiff, absent verifiable evidence, that the entire taxing and monetary systems are not placed under the UCC by and through the Federal Tax Lien Act of 1966;

   Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

9. McCarroll informed Plaintiff, absent verifiable evidence, that the endorsement of Plaintiffs Instrument by the Clerk of the Northern District Court did not comport with the Uniform Commercial Code, the Negotiable Instruments Act, the Check 21 Act, the Acts of Congress;

   Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

10. McCarroll informed Plaintiff, absent verifiable evidence, that House Joint Resolution 192, Public Law 73-10, UCC 3-104, UCC 3-603(b), U.C.C. 3-402(b)(1), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3) is not applicable to Plaintiff;

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

11. McCarroll informed Plaintiff that McCarroll will file an incident report against Plaintiff for failure to pay restitution and cause Plaintiff to "appear" before the sentencing judge for sanction;

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

12. Plaintiff informed McCarroll that related case no 2:23-CV-00448-JAD-VCF shows that all defendants are in default for due process violations, and that criminal case number 3:05-cr-00611-WHA was conceived in fraud and void ab initio and now, the District Court of Nevada refuses to calendar a hearing for fear of exposure to the public;

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

13. Plaintiff requested the Enacted Law, verified evidence, that McCarroll relies upon that excludes Plaintiff, as Executor, Beneficiary, real party in interest from exercising Plaintiff's protected rights for redress of grievance by and through Federal Ordinance 1, Constitution of the United States, 7 Stat 13, the Enabling Act;

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office,

and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

14. Plaintiff informed McCarroll that "officers of the law, in the execution of process, are obliged to know the requirements of the law, and if they mistake them, whether through ignorance or design, and anyone is harmed by their error, they must respond in damages." v. Marshall (United States use of Rogers v. Conklin) 1 Wall. (US) 644, 17 L ed 714;

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

15. Plaintiff informed McCarroll that the Supreme Court of the United States of America has determined, "All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lacking due process..." Rodriques v. Ray Donavan, 769 F. 2d 1344, 1348 (1985);

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

16. Plaintiff informed McCarroll that "It is a general rule that an officer- executive, administrative, quasi-judicial, ministerial, or otherwise- who acts outside the scope of his jurisdiction and without authorization of law may thereby render himself amenable to personal liability." Cooper v. O'Connor, 69 App DC 100, 99 F 2d 135, 118 ALR 1440; Chamberlain v. Clayton, 56 Iowa 331, 9 237, 41 Am Rep 10;

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court

Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

17. McCarroll informed Plaintiff, absent verifiable evidence, that Civil Action No. 2:23-CV-00448-JAD-VCF lodged in the Nevada District Court has no bearing or relationship for or upon case no 3:05-cr-00611-WHA lodged in the Northern District Court, San Francisco Division;

    Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

18. Probation/court Officer Cecil McCarroll assents, consents, and agrees that Civil Action No. 2:23-CV-00448-JAD-VCF shows by and through the docket record that Defendants are in default by and through the Doctrine of Acquiescence and have stipulated and agreed to all claims therein raised by Plaintiff, that:

    A. No grand jury concurrence form was returned with the indictment of September 22, 2005, case # cr-05-00611-001-DLJ a.k.a. 3:05–cr–00611–WHA required by law to have been given to the magistrate judge in open court in violation of by and through FRCrmP Rule 6(f) creating a disability to Plaintiff; that

    B. No grand jury concurrence form was returned with the indictment of September 22, 2005, case # cr-05-00611-001-DLJ a.k.a. 3:05–cr–00611–WHA as required by law to have been filed with the clerk of the court in violation of by and through FRCrmP Rule 6(c) creating a disability to Plaintiff; that

    C. No evidence that proves that Plaintiff or Plaintiffs' counsel waived Plaintiff's right of notice to challenge the grand jury as required by and through FRCrmP Rule 6(b)(1) creating a disability to Plaintiff; that

    D. No evidence that Plaintiff or Plaintiffs' counsel was afforded a reasonable opportunity to appear and be heard to: (ii) the parties to the judicial proceeding, Dale Scott Heineman was never notified as required by and through FRCrmP Rule 6(e)(3)(F)(ii) creating a disability to Plaintiff; that

E. Plaintiff has not received a certified full and complete record for inspection by and through Federal Rules of Evidence 901, 29 CFR, Part 18 Subpart B; Title 5 § 552a 5 CFR Ch. XVI, Subch. A, Pt. 2604 since the duly constituted evidence verifies the fraud upon the court through case number cr-05-00611-001-DLJ a.k.a. 3:05−cr−00611−WHA creating a disability to Plaintiff; that

F. All parties named, and those yet to be named, have violated the Americans with Disabilities Act, the Federal Code of Regulations 28 CFR part 35 disability that has substantially limited the ability of Plaintiff to perform a major life activity compared to most people in general population and has not been protected by and through 42 U.S.C. section 12203, and C.F.R. sec 36.206, retaliation, coercion; that

19. McCarroll informed Plaintiff, absent verifiable evidence, that Probation Office rules, regulations, policies supersede Treaties, the Articles of Confederation, the Constitution of the United States, the Bill of Rights, and the Enrolled Acts of Congress;

    Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United; that

20. McCarroll informed Plaintiff through threatening speech, coercion, extortion, fraud in fact, material misrepresentations that Plaintiff's liberty is at stake if Plaintiff does not pay restitution on a known void ab initio case 3:05-cr-00611-WHA with verified evidence of such in related case 2:23-CV-00448-JAD-VCF that is now in default;

    Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

21. McCarroll informed Plaintiff absent verifiable evidence that there exists no remedy or relief for Plaintiff by and through the Treaties, Articles of Confederation, the Constitution of the United States, the Bill of Rights, the

Enrolled Acts of Congress, House Joint Resolution 192, Public Law 73-10, UCC 3-104, UCC 3-603(b) U.C.C. 3-402(b)(1), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3) and can supersede the rules of court Grand Jury Rule 6;

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States; that

22. McCarroll informed Plaintiff that the Constitution of the United States is not the supreme Law of the land, as declared in Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60, 1803 U.S.;

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

23. Plaintiff informed McCarroll that "Public officials are also "trustee[s] and servant[s] of the people" by and through U.S. v Holzer, 816 F. 2d 304, 307 (1987);

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

24. Plaintiff informed McCarroll that "A Public official is a fiduciary toward the public, including in the case of a judge, the litigants who appear before him and if he deliberately conceals material information from them he is guilty of fraud" by and through Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982);

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court

Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

25. Plaintiff informed McCarroll that "Public office' is a public trust or agency for the benefit of the people to be administered under legislative control in the interest of the people." by and through State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, Supreme Court of Montana (1935);

Probation/court Officer Cecil McCarroll assents, consents, and agrees that Probation/court Officer Cecil McCarroll conspired with defendants to steal Plaintiff's assets and violate Plaintiff's due process rights by issuing fraudulent representations to subvert well established law in violation of his oath of office, and treason against the Constitution of the United States when Probation/court Officer Cecil McCarroll contacted Plaintiff to discuss the payment of assessment and restitution; that

Representations and Warranties

The foregoing points 1-25 are factual and shall be relied upon by all as the duly constituted verified evidence, the truth in the matter. Probation/court Officer Cecil McCarroll has breached his fiduciary duty to Executor-Dale-Scott-Heineman and violated Executor-Dale-Scott-Heineman due process rights, has admitted to conspiracy with defendants against Executor-Dale-Scott-Heineman rights and property under color of law and color of authority;

Warranties

FOR YOUR FAILURE Probation/court Officer Cecil McCarroll to timely rebut Executor-Dale-Scott-Heineman Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit within seventy-two (72) hours this default judgement now issues in the form of an automatic writ of mandans for your procedural and substantive violations of due process against Executor-Dale-Scott-Heineman; violation of your oath of office in breach of your fiduciary duty have vacated your office and you shall be held accountable for treason against the Constitution of the United States by and through Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803);

ALL documents will be submitted to the United States Navy, Judge Advocate General's Office, which will result in your removal from office and a full military hearing by and through Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803); 10 U.S.C. 906(a)(3);

Probation/court Officer Cecil McCarroll is forever barred and collaterally estopped by res judicata from any further contact with Executor-Dale-Scott-Heineman; shall forever be estopped, barred from attempting to enforce a void ab initio nunc pro tunc indictment and judgment case no. 3:05-cr-00611-WHA; shall forever be estopped, barred from any filings, recordings, et al. with any court, body, tribunal; and shall forthwith surrender his bond;

Notice to Principal is Notice to Agent, Notice to Agent is Notice to Principal in their public and private capacity and applicable to all Successors, Assigns, and Agents.

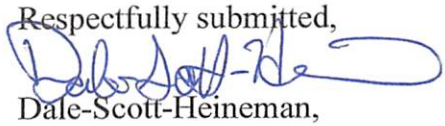
Silence, when there is a moral or legal Duty to respond, constitutes fraud and fraud vitiates all contracts, i.e., case no. 3:05-cr-00611-WHA;

Done in the interest of truth and justice and with clean hands;

Govern yourself accordingly;

Dated: March 18, 2024

Respectfully submitted,



Dale-Scott-Heineman,
Executor, Real party in interest,
Beneficiary.

//

Using a notary on this NOTICE OF DEFAULT BY AND THROUGH 5 U.S.C.S. SEC. 552, 552a AND THE DOCTRINE OF ACQUIESCENCE REGARDING PLAINTIFFS NOTICE OF TRANSCRIPT FOR RELATED CASE NO. 3:05-cr-00611-WHA, AS AFFIDAVIT does not constitute any adhesion, nor does it alter my status in any manner. The purpose for notary is verification and identification only and not for entrance into a foreign jurisdiction.

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF NEVADA

COUNTY OF CLARK

On March 18, 2024 before me, Maricel Palma,

personally appeared Executor-Dale-Scott-Heineman, who proved to me on the basis of satisfactory evidence to be the living soul whose name is subscribed to the hereto-attached Notice of Default by and through 5 U.S.C.S. SEC. 552, 552a and the Doctrine of Acquiescence regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit, as Affidavit and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the hereto-attached Instrument being the living soul who executed said Instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

MARICEL AUTENCIO PALMA
Notary Public - State of Nevada
County of Clark
APPT. NO. 22-9401-01
My Appt. Expires: November 8, 2026

CERTIFICATE OF SERVICE

I, Dale Scott Heineman, hereby certify that on the 18th day in the month of March in the year 2024, I caused to be sent via United States Postal Mail delivery, Certified mail in a first class, post-paid envelope the following document:

Notice of Default by and through 5 U.S.C.S. SEC. 552, 552a and the Doctrine of Acquiescence regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit

Sent via Certified mail article number 70221670000160361950 to:

OFFICER CECIL MCCARROLL
UNITED STATES PROBATION OFFICE
Foley Federal Building
300 Las Vegas Blvd. South
Suite 1200
Las Vegas, NV 89101

Sent via First Class mail to:

Angie Meuleman- CLERK OF THE NORTHERN DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA for William H. Alsup, Judge
450 Golden Gate Avenue, San Francisco, CA 94102

JASON M. FRIERSON UNITED STATES ATTORNEY representing the individuals and/or entities herein below named:

MERRICK GARLAND,
UNITED STATES ATTORNEY GENERAL,
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

ISMAIL RAMSEY,
UNITED STATES ATTORNEY
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
CALIFORNIA DIVISION
450 Golden Gate Avenue
San Francisco, CA 94102

JAMES E. KELLER,
ASSISTANT UNITED STATES ATTORNEY
UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
400 S. Virginia St.
Reno, NV 89501

All Defendants served via Agent/Representative in care of:

R. THOMAS COLONNA ASSISTANT UNITED STATES ATTORNEY
501 Las Vegas Blvd. So., Suite 1100
Las Vegas, Nevada 89101 on behalf of JASON M. FRIERSON UNITED STATES ATTORNEY;

I, Dale-Scott: Heineman, do affirm, certify that I caused to be sent the above-referenced document(s) to all Defendants herein named via their representative thereof, and on the day indicated above, under the pains and penalties of perjury;

Done this 18th day of March 2024

Dale-Scott-Heineman,
Real Party in Interest.

Exhibit 1

Dale-Scott-Heineman
C/o 2775 Fremont Street #2008
Las Vegas, Nevada-state
Near Clark County [89104]
dscotth@protonmail.com

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Dale Scott Heineman,
Real Party in Interest,

Plaintiff,

vs.

MERRICK GARLAND, UNITED STATES ATTORNEY GENERAL,

ISMAIL RAMSEY,
UNITED STATES ATTORNEY,

JAMES E. KELLER, ASSISTANT UNITED STATES ATTORNEY,

CASE NO. 3:05-CR-00611-WHA

DOES 1-1,000

Defendant(s).

Civil Action No.
2:23-CV-00448-JAD-VCF

PLAINTIFFS NOTICE OF TRANSCRIPT FOR RELATED CASE NO. 3:05-cr-00611-WHA, AS AFFIDAVIT

FILED
ENTERED
RECEIVED
SERVED ON
COUNSEL/PARTIES OF RECORD
FEB 26 2024
CLERK US DISTRICT COURT
DISTRICT OF NEVADA

State of Nevada.....)
)ss, Plaintiff's Notice of Transcript for ~~Related Case no. 3:05-cr-~~
County of Clark.....) 00611-WHA, as Affidavit

Comes now Dale Scott Heineman, Executor, real party in interest, hereinafter Plaintiff, files this Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit to memorialize the telephone conversation on February 21, 2024, with Officer Cecil McCarroll on behalf of the United States Probation Office, District of Nevada and Northern District of California, San Francisco Division;

Plaintiff states and affirms the following to be a true and correct summary of the February 21, 2024 telephone conversation with Officer Cecil McCarroll:

1. On February 21, 2024 Officer Cecil McCarroll (McCarroll) contacted Plaintiff to discuss the payment of assessment and restitution;

2. McCarroll informed Plaintiff, absent verifiable evidence, that the assessment and restitution was not settled by and through Federal Ordinance 1, 7 Stat 13, Constitution of the United States, HJR 192, June 5, 1933, Public Law 73-10; Uniform Commercial Code (UCC) 1-201(24), UCC 3-104, U.C.C. 3-402(b)(1), UCC 3-603(b), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3), Acts of Congress did not comport with well-established law;

3. McCarroll informed Plaintiff, absent verifiable evidence, that the negotiable Instrument tendered for settlement on or about September 22, 2022 by and through House Joint Resolution 192, Public Law 73-10, UCC 1-201(24), UCC 3-104, U.C.C. 3-402(b)(1), UCC 3-603(b), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3), Acts of Congress did not comport with well-established law;

4. McCarroll informed Plaintiff, absent verifiable evidence, that the entire taxing and monetary systems are not placed under the UCC by and through the Federal Tax Lien Act of 1966;

5. McCarroll informed Plaintiff, absent verifiable evidence, that the endorsement of Plaintiffs Instrument by the Clerk of the Northern District Court did not comport with the Uniform Commercial Code, the Negotiable Instruments Act, the Check 21 Act, the Acts of Congress;

6. McCarroll informed Plaintiff, absent verifiable evidence, that House Joint Resolution 192, Public Law 73-10, UCC 3-104, UCC 3-603(b), U.C.C. 3-402(b)(1), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3) is not applicable to Plaintiff;

7. McCarroll informed Plaintiff that McCarroll will file an incident report against Plaintiff for failure to pay restitution and cause Plaintiff to "appear" before the sentencing judge for sanction;

8. Plaintiff informed McCarroll that related case no 2:23-CV-00448-JAD-VCF shows that all defendants are in default for due process violations, and that criminal case number 3:05-cr-00611-WHA was conceived in fraud and void ab

initio and now, the District Court of Nevada refuses to calendar a hearing for fear of exposure to the public;

9. Plaintiff requested the Enacted Law, verified evidence, that McCarroll relies upon that excludes Plaintiff, as Executor, Beneficiary, real party in interest from exercising Plaintiff's protected rights for redress of grievance by and through Federal Ordinance 1, Constitution of the United States, 7 Stat 13, the Enabling Act;

10. Plaintiff informed McCarroll that "officers of the law, in the execution of process, are obliged to know the requirements of the law, and if they mistake them, whether through ignorance or design, and anyone is harmed by their error, they must respond in damages." v. Marshall (United States use of Rogers v. Conklin) 1 Wall. (US) 644, 17 L ed 714.

11. Plaintiff informed McCarroll that the Supreme Court of the United States of America has determined, "All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lacking due process..." Rodriques v. Ray Donavan, 769 F. 2d 1344, 1348 (1985);

12. Plaintiff informed McCarroll that "It is a general rule that an officer- executive, administrative, quasi-judicial, ministerial, or otherwise- who acts outside the scope of his jurisdiction and without authorization of law may thereby render himself amenable to personal liability." Cooper v. O'Connor, 69 App DC 100, 99 F 2d 135, 118 ALR 1440; Chamberlain v. Clayton, 56 Iowa 331, 9 237, 41 Am Rep 10;

13. McCarroll informed Plaintiff, absent verifiable evidence, that Civil Action No. 2:23-CV-00448-JAD-VCF lodged in the Nevada District Court has no bearing or relationship for or upon case no 3:05-cr-00611-WHA lodged in the Northern District Court, San Francisco Division;

14. Plaintiff fully incorporates and restates herein Civil Action No. 2:23-CV-00448-JAD-VCF which shows by and through the docket record that Defendants are in default and by and through the Doctrine of Acquiescence and have stipulated and agreed to all claims raised therein by Plaintiff, that:

    A. No grand jury concurrence form was returned with the indictment of September 22, 2005, case # cr-05-00611-001-DLJ a.k.a. 3:05–cr–00611–WHA required by law to have been given to the magistrate judge in open court in violation of by and through FRCrmP Rule 6(f) creating a disability to Plaintiff;

B. No grand jury concurrence form was returned with the indictment of September 22, 2005, case # cr-05-00611-001-DLJ a.k.a. 3:05–cr–00611–WHA as required by law to have been filed with the clerk of the court in violation of by and through FRCrmP Rule 6(c) creating a disability to Plaintiff;

C. No evidence that proves that Plaintiff or Plaintiffs' counsel waived Plaintiff's right of notice to challenge the grand jury as required by and through FRCrmP Rule 6(b)(1) creating a disability to Plaintiff;

D. No evidence that Plaintiff or Plaintiffs' counsel was afforded a reasonable opportunity to appear and be heard to: (ii) the parties to the judicial proceeding, Dale Scott Heineman was never notified as required by and through FRCrmP Rule 6(e)(3)(F)(ii) creating a disability to Plaintiff;

E. Plaintiff has not received a certified full and complete record for inspection by and through Federal Rules of Evidence 901, 29 CFR, Part 18 Subpart B; Title 5 § 552a 5 CFR Ch. XVI, Subch. A, Pt. 2604 since the duly constituted evidence verifies the fraud upon the court through case number cr-05-00611-001-DLJ a.k.a. 3:05–cr–00611–WHA creating a disability to Plaintiff;

F. All parties named, and those yet to be named, have violated the Americans with Disabilities Act, the Federal Code of Regulations 28 CFR part 35 disability that has substantially limited the ability of Plaintiff to perform a major life activity compared to most people in general population and has not been protected by and through 42 U.S.C. section 12203, and C.F.R. sec 36.206, retaliation, coercion;

15. McCarroll informed Plaintiff, absent verifiable evidence, that Probation Office rules, regulations, policies supersede Treaties, the Articles of Confederation, the Constitution of the United States, the Bill of Rights, and the Enrolled Acts of Congress;

16. McCarroll informed Plaintiff through threatening speech, coercion, extortion, fraud in fact, material misrepresentations that Plaintiff's liberty is at stake if Plaintiff does not pay restitution on a known void ab initio case 3:05-cr-00611-WHA with verified evidence of such in related case 2:23-CV-00448-JAD-VCF that is now in default;

17. McCarroll informed Plaintiff absent verifiable evidence that there exists no remedy or relief for Plaintiff by and through the Treaties, Articles of Confederation, the Constitution of the United States, the Bill of Rights, the

Enrolled Acts of Congress, House Joint Resolution 192, Public Law 73-10, UCC 3-104, UCC 3-603(b) U.C.C. 3-402(b)(1), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3) and can supersede the rules of court Grand Jury Rule 6;

18. McCarroll informed Plaintiff that the Constitution of the United States is not the supreme Law of the land, as declared in Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60, 1803 U.S.;

19. Plaintiff informed McCarroll that "Public officials are also "trustee[s] and servant[s] of the people" by and through U.S. v Holzer, 816 F. 2d 304, 307 (1987);

20. Plaintiff informed McCarroll that "A Public official is a fiduciary toward the public, including in the case of a judge, the litigants who appear before him and if he deliberately conceals material information from them he is guilty of fraud" by and through Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982);

21. Plaintiff informed McCarroll that "Public office' is a public trust or agency for the benefit of the people to be administered under legislative control in the interest of the people." by and through State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, Supreme Court of Montana (1935);

Representations and Warranties

The foregoing points 1-21 are stated as factual by Plaintiff and shall be relied upon by all as the duly constituted and verified evidence, the truth in the matter. Officer Cecil McCarroll has ten (10) days to rebut Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit point for point, under penalty of perjury and deliver such response via certified mail to Plaintiff and to file the same into the record of case number 3:05-cr-00611-WHA and 2:23-CV-00448-JAD-VCF.

Failure to timely rebut Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit shall be considered acceptance of points 1-21 by Probation Officer Cecil McCarroll/court officer. If Probation Officer Cecil McCarroll requires more time to rebut Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit, express such request in writing, but not to exceed 14 days;

00611-WHA, as Affidavit, express such request in writing, but not to exceed 14 days;

Done in the interest of truth and justice and with clean hands;

Dated: February 26, 2024

Respectfully submitted,

Dale-Scott-Heineman,
Executor, Real party in interest,
Beneficiary.

Using a notary on this Plaintiff's Notice of Transcript by and through the Federal Rules of Evidence for Related Case no. 3:05-cr-00611-WHA, as Affidavit does not constitute any adhesion, nor does it alter my status in any manner. The purpose for notary is verification and identification only and not for entrance into a foreign jurisdiction.

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF NEVADA

COUNTY OF CLARK

On 2-26-2024 before me, Danette Roybal, personally appeared Dale-Scott-Heineman, who proved to me on the basis of satisfactory evidence to be the living soul whose name is subscribed to the hereto-attached Plaintiff's Notice of Transcript by and through the Federal Rules of Evidence for Related Case no. 3:05-cr-00611-WHA, as Affidavit and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the hereto-attached Instrument being the living soul who executed said Instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

DANETTE ROYBAL
Notary Public - State of Nevada
County of Clark
APPT. NO. 20-9625-01
My App. Expires Oct. 19, 2024

CERTIFICATE OF SERVICE

I, Dale Scott Heineman, hereby certify that on the 22nd day in the month of February in the year 2024, I caused to be sent via United States Postal Mail delivery, Certified mail in a first class, post-paid envelope the following document:

Plaintiff's Notice of Transcript by and through the Federal Rules of Evidence for Related Case no. 3:05-cr-00611-WHA, as Affidavit:

Sent via Certified mail article number 70221670000160361936 to:

OFFICER CECIL MCCARROLL
Foley Federal Building
300 Las Vegas Blvd. South
Suite 1200
Las Vegas, NV 89101

Sent via First Class mail to:

JASON M. FRIERSON UNITED STATES ATTORNEY representing the individuals and/or entities herein below named:

MERRICK GARLAND,
UNITED STATES ATTORNEY GENERAL,
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

ISMAIL RAMSEY,
UNITED STATES ATTORNEY
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
CALIFORNIA DIVISION
450 Golden Gate Avenue
San Francisco, CA 94102

JAMES E. KELLER,
ASSISTANT UNITED STATES ATTORNEY
UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
400 S. Virginia St.
Reno, NV 89501

All Defendants served via Representative in care of:

R. THOMAS COLONNA ASSISTANT UNITED STATES ATTORNEY
501 Las Vegas Blvd. So., Suite 1100
Las Vegas, Nevada 89101 on behalf of JASON M. FRIERSON
UNITED STATES ATTORNEY

I, Dale-Scott: Heineman, do affirm, certify that I caused to be sent the above-referenced document(s) to all Defendants herein named via their representative thereof, and on the day indicated above, under the pains and penalties of perjury.

Done this 26th day of February 2024

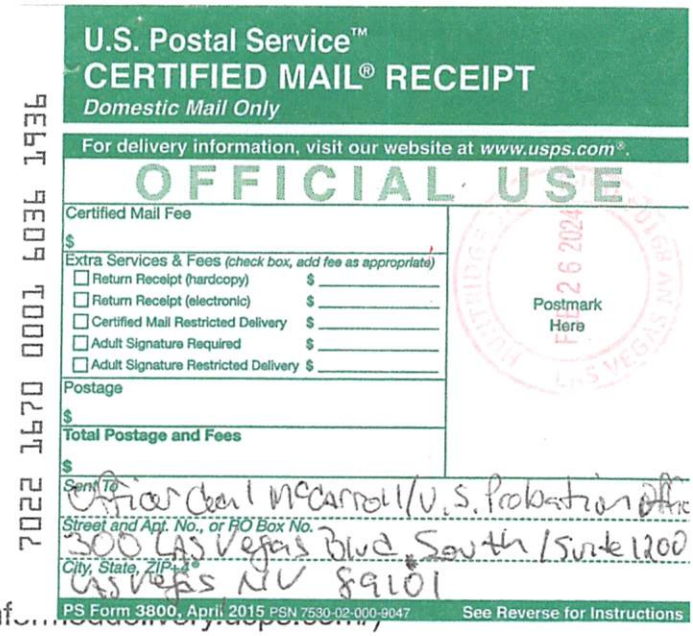
Dale-Scott-Heineman
Real Party in Interest

USPS Tracking®

Tracking Number:

70221670000160361936

Copy Add to Informed Delivery (https://inf...


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CERTIFIED MAIL® RECEIPT
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OFFICIAL USE

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Extra Services & Fees (check box, add fee as appropriate)
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
$

Postmark Here
FEB 26 2024

Sent To: Officer Carl McCarroll/U.S. Probation Office
Street and Apt. No., or PO Box No.: 300 Las Vegas Blvd. South / Suite 1200
City, State, ZIP+4®: Las Vegas NV 89101

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 1670 0001 6036 1936

Latest Update

Your item was delivered to the front desk, reception area, or mail room at 11:38 am on February 28, 2024 in LAS VEGAS, NV 89101.

Get More Out of USPS Tracking:

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Delivered, Front Desk/Reception/Mail Room

LAS VEGAS, NV 89101
February 28, 2024, 11:38 am

See All Tracking History

What Do USPS Tracking Statuses Mean? (https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates ⌄

USPS Tracking Plus® ⌄

Exhibit 2

FILED RECEIVED
ENTERED SERVED ON
COUNSEL/PARTIES OF RECORD
MAR 11 2024
CLERK U.S. DISTRICT COURT
DISTRICT OF NEVADA
BY: DEPUTY

Dale-Scott-Heineman
C/o 2775 Fremont Street #2008
Las Vegas, Nevada-state
Near Clark County [89104]
dscotth@protonmail.com

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Dale Scott Heineman,
Real Party in Interest,

Plaintiff,

vs.

MERRICK GARLAND, UNITED STATES ATTORNEY GENERAL,

ISMAIL RAMSEY,
UNITED STATES ATTORNEY,

JAMES E. KELLER, ASSISTANT UNITED STATES ATTORNEY,

CASE NO. 3:05-CR-00611-WHA

DOES 1-1,000

Defendant(s).

Civil Action No.
2:23-CV-00448-JAD-VCF

NOTICE OF FAULT WITH OPPORTUNITY TO CURE BY AND THROUGH 5 U.S.C.S. SEC. 552, 552a REGARDING PLAINTIFFS NOTICE OF TRANSCRIPT FOR RELATED CASE NO. 3:05-cr-00611-WHA, AS AFFIDAVIT

State of Nevada.....)
)_ss, Notice of Fault with Opportunity to Cure by and through 5
County of Clark.....) U.S.C.S. sec. 552, 552a regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit

Comes now Dale Scott Heineman, Executor, real party in interest, hereinafter Plaintiff, caused to be sent Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit to memorialize the telephone conversation on February 21, 2024, with Officer Cecil McCarroll on behalf of the United States Probation Office, District of Nevada and Northern District of California, San Francisco Division. Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit attached hereto as exhibit 1; and

Officer Cecil McCarroll, as fiduciary, has a duty to respond to Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit within ten (10) days or express an extension of time in writing, not to exceed fourteen (14) days. Officer Cecil McCarroll has failed to respond timely to Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit and is now in fault. USPS Certified mail receipt number 70221670000160361936 with proof of delivery attached hereto as exhibit 2; and

Plaintiff files this Notice of Fault with Opportunity to Cure by and through 5 U.S.C.S. sec. 552, 552a regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit, now providing Officer Cecil McCarroll with this opportunity to cure his fault for failure to timely respond to Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit;

Plaintiff restates and reaffirms the following to be a true and correct summary of the February 21, 2024 telephone conversation with Officer Cecil McCarroll:

1. On February 21, 2024 Officer Cecil McCarroll (McCarroll) contacted Plaintiff to discuss the payment of assessment and restitution;

2. McCarroll informed Plaintiff, absent verifiable evidence, that the assessment and restitution was not settled by and through Federal Ordinance 1, 7 Stat 13, Constitution of the United States, HJR 192, June 5, 1933, Public Law 73-10; Uniform Commercial Code (UCC) 1-201(24), UCC 3-104, U.C.C. 3-402(b)(1), UCC 3-603(b), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3), Acts of Congress did not comport with well-established law;

3. McCarroll informed Plaintiff, absent verifiable evidence, that the negotiable Instrument tendered for settlement on or about September 22, 2022 by and through House Joint Resolution 192, Public Law 73-10, UCC 1-201(24), UCC 3-104, U.C.C. 3-402(b)(1), UCC 3-603(b), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3), Acts of Congress did not comport with well-established law;

4. McCarroll informed Plaintiff, absent verifiable evidence, that the entire taxing and monetary systems are not placed under the UCC by and through the Federal Tax Lien Act of 1966;

5. McCarroll informed Plaintiff, absent verifiable evidence, that the endorsement of Plaintiffs Instrument by the Clerk of the Northern District Court did not comport with the Uniform Commercial Code, the Negotiable Instruments Act, the Check 21 Act, the Acts of Congress;

6. McCarroll informed Plaintiff, absent verifiable evidence, that House Joint Resolution 192, Public Law 73-10, UCC 3-104, UCC 3-603(b), U.C.C. 3-402(b)(1), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3) is not applicable to Plaintiff;

7. McCarroll informed Plaintiff that McCarroll will file an incident report against Plaintiff for failure to pay restitution and cause Plaintiff to "appear" before the sentencing judge for sanction;

8. Plaintiff informed McCarroll that related case no 2:23-CV-00448-JAD-VCF shows that all defendants are in default for due process violations, and that criminal case number 3:05-cr-00611-WHA was conceived in fraud and void ab initio and now, the District Court of Nevada refuses to calendar a hearing for fear of exposure to the public;

9. Plaintiff requested the Enacted Law, verified evidence, that McCarroll relies upon that excludes Plaintiff, as Executor, Beneficiary, real party in interest from exercising Plaintiff's protected rights for redress of grievance by and through Federal Ordinance 1, Constitution of the United States, 7 Stat 13, the Enabling Act;

10. Plaintiff informed McCarroll that "officers of the law, in the execution of process, are obliged to know the requirements of the law, and if they mistake them, whether through ignorance or design, and anyone is harmed by their error, they must respond in damages." v. Marshall (United States use of Rogers v. Conklin) 1 Wall. (US) 644, 17 L ed 714;

11. Plaintiff informed McCarroll that the Supreme Court of the United States of America has determined, "All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lacking due process..." Rodriques v. Ray Donavan, 769 F. 2d 1344, 1348 (1985);

12. Plaintiff informed McCarroll that "It is a general rule that an officer- executive, administrative, quasi-judicial, ministerial, or otherwise- who acts outside the

scope of his jurisdiction and without authorization of law may thereby render himself amenable to personal liability." Cooper v. O'Connor, 69 App DC 100, 99 F 2d 135, 118 ALR 1440; Chamberlain v. Clayton, 56 Iowa 331, 9 237, 41 Am Rep 10;

13. McCarroll informed Plaintiff, absent verifiable evidence, that Civil Action No. 2:23-CV-00448-JAD-VCF lodged in the Nevada District Court has no bearing or relationship for or upon case no 3:05-cr-00611-WHA lodged in the Northern District Court, San Francisco Division;

14. Plaintiff fully incorporates and restates herein Civil Action No. 2:23-CV-00448-JAD-VCF which shows by and through the docket record that Defendants are in default and by and through the Doctrine of Acquiescence and have stipulated and agreed to all claims raised therein by Plaintiff, that:

    A. No grand jury concurrence form was returned with the indictment of September 22, 2005, case # cr-05-00611-001-DLJ a.k.a. 3:05–cr–00611–WHA required by law to have been given to the magistrate judge in open court in violation of by and through FRCrmP Rule 6(f) creating a disability to Plaintiff;

    B. No grand jury concurrence form was returned with the indictment of September 22, 2005, case # cr-05-00611-001-DLJ a.k.a. 3:05–cr–00611–WHA as required by law to have been filed with the clerk of the court in violation of by and through FRCrmP Rule 6(c) creating a disability to Plaintiff;

    C. No evidence that proves that Plaintiff or Plaintiffs' counsel waived Plaintiff's right of notice to challenge the grand jury as required by and through FRCrmP Rule 6(b)(1) creating a disability to Plaintiff;

    D. No evidence that Plaintiff or Plaintiffs' counsel was afforded a reasonable opportunity to appear and be heard to: (ii) the parties to the judicial proceeding, Dale Scott Heineman was never notified as required by and through FRCrmP Rule 6(e)(3)(F)(ii) creating a disability to Plaintiff;

    E. Plaintiff has not received a certified full and complete record for inspection by and through Federal Rules of Evidence 901, 29 CFR, Part 18 Subpart B; Title 5 § 552a 5 CFR Ch. XVI, Subch. A, Pt. 2604 since the duly constituted evidence verifies the fraud upon the court through case number cr-05-00611-001-DLJ a.k.a. 3:05–cr–00611–WHA creating a disability to Plaintiff;

F. All parties named, and those yet to be named, have violated the Americans with Disabilities Act, the Federal Code of Regulations 28 CFR part 35 disability that has substantially limited the ability of Plaintiff to perform a major life activity compared to most people in general population and has not been protected by and through 42 U.S.C. section 12203, and C.F.R. sec 36.206, retaliation, coercion;

15. McCarroll informed Plaintiff, absent verifiable evidence, that Probation Office rules, regulations, policies supersede Treaties, the Articles of Confederation, the Constitution of the United States, the Bill of Rights, and the Enrolled Acts of Congress;

16. McCarroll informed Plaintiff through threatening speech, coercion, extortion, fraud in fact, material misrepresentations that Plaintiff's liberty is at stake if Plaintiff does not pay restitution on a known void ab initio case 3:05-cr-00611-WHA with verified evidence of such in related case 2:23-CV-00448-JAD-VCF that is now in default;

17. McCarroll informed Plaintiff absent verifiable evidence that there exists no remedy or relief for Plaintiff by and through the Treaties, Articles of Confederation, the Constitution of the United States, the Bill of Rights, the Enrolled Acts of Congress, House Joint Resolution 192, Public Law 73-10, UCC 3-104, UCC 3-603(b) U.C.C. 3-402(b)(1), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3) and can supersede the rules of court Grand Jury Rule 6;

18. McCarroll informed Plaintiff that the Constitution of the United States is not the supreme Law of the land, as declared in Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60, 1803 U.S.;

19. Plaintiff informed McCarroll that "Public officials are also "trustee[s] and servant[s] of the people" by and through U.S. v Holzer, 816 F. 2d 304, 307 (1987);

20. Plaintiff informed McCarroll that "A Public official is a fiduciary toward the public, including in the case of a judge, the litigants who appear before him and if he deliberately conceals material information from them he is guilty of fraud" by and through Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982);

21. Plaintiff informed McCarroll that "Public office' is a public trust or agency for the benefit of the people to be administered under legislative control in the interest of the people." by and through State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, Supreme Court of Montana (1935);

Representations and Warranties

The foregoing points 1-21 are stated as factual by Plaintiff and shall be relied upon by all as the duly constituted verified evidence, the truth in the matter. Officer Cecil McCarroll has seventy-two (72) hours to rebut Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit point for point, under penalty of perjury and deliver such response via certified mail to Plaintiff and to file the same into the record of case number 3:05-cr-00611-WHA and 2:23-CV-00448-JAD-VCF;

Failure to timely rebut Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit within seventy-two (72) hours shall be considered acceptance of points 1-21 by Probation/court Officer Cecil McCarroll that shall be relied upon as the duly constituted verified evidence in this case;

Warranties

FOR FAILURE OF Probation/court Officer Cecil McCarroll timely rebuttal of Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit within seventy-two (72) hours a default judgement will be issued in the form of an automatic writ of mandans for his procedural and substantive violations of due process; violation of his oath of office; in breach of his fiduciary duty; has vacated his office and shall be held accountable for treason against the Constitution of the United States by and through Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803);

FURTHERMORE, Probation/court Officer Cecil McCarroll shall forever be estopped, barred from any further contact with Executor-Dale-Scott-Heineman; shall forever be estopped, barred from attempting to enforce a void ab initio nunc pro tunc indictment and judgment; shall forever be estopped, barred from any filings, recordings, et al. with any court, body, tribunal; and shall forthwith surrender his bond;

ONCE DEFAULT OCCURS all documents will be submitted to the United States Navy, Judge Advocate General's Office, which will result in your removal from office and a full military hearing by and through Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803); 10 U.S.C. 906(a)(3);

Notice to Principal is Notice to Agent, Notice to Agent is Notice to Principal in their public and private capacity and applicable to all Successors, Assigns, and Agents.

Silence, when there is a moral or legal Duty to respond, constitutes Fraud and Fraud vitiates all contracts, i.e., case no. 3:05-cr-00611-WHA;

Done in the interest of truth and justice and with clean hands;

Govern yourself accordingly;

Dated: March 11, 2024

Respectfully submitted,

Dale-Scott-Heineman,
Executor, Real party in interest,
Beneficiary.

//

Using a notary on this Notice of Fault with Opportunity to Cure by and through 5 U.S.C.S. sec. 552, 552a regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit does not constitute any adhesion, nor does it alter my status in any manner. The purpose for notary is verification and identification only and not for entrance into a foreign jurisdiction.

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF NEVADA

COUNTY OF CLARK

On MARCH 11, 2024 before me, EDNA D. BUENCAMINO, personally appeared Dale-Scott-Heineman, who proved to me on the basis of satisfactory evidence to be the living soul whose name is subscribed to the hereto-attached Plaintiff's Notice of Fault with Opportunity to Cure by and through 5 U.S.C.S. sec. 552, 552a regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the hereto-attached Instrument being the living soul who executed said Instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

EDNA D BUENCAMINO
Notary Public - State of Nevada
County of Clark
APPT. NO. 22-9398-01
My Appt. Expires: November 8, 2026

CERTIFICATE OF SERVICE

I, Dale Scott Heineman, hereby certify that on the 11th day in the month of March in the year 2024, I caused to be sent via United States Postal Mail delivery, Certified mail in a first class, post-paid envelope the following document:

Notice of Fault with Opportunity to Cure by and through 5 U.S.C.S. sec. 552, 552a regarding Plaintiffs Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit:

Sent via Certified mail article number 70221670000160361943 to:

OFFICER CECIL MCCARROLL
UNITED STATES PROBATION OFFICE
Foley Federal Building
300 Las Vegas Blvd. South
Suite 1200
Las Vegas, NV 89101

Sent via First Class mail to:

Angie Meuleman- CLERK OF THE NORTHERN DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA for William H. Alsup, Judge
450 Golden Gate Avenue, San Francisco, CA 94102

JASON M. FRIERSON UNITED STATES ATTORNEY representing the individuals and/or entities herein below named:

MERRICK GARLAND,
UNITED STATES ATTORNEY GENERAL,
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

ISMAIL RAMSEY,
UNITED STATES ATTORNEY
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
CALIFORNIA DIVISION
450 Golden Gate Avenue
San Francisco, CA 94102

JAMES E. KELLER,
ASSISTANT UNITED STATES ATTORNEY
UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
400 S. Virginia St.
Reno, NV 89501

All Defendants served via Agent/Representative in care of:

R. THOMAS COLONNA ASSISTANT UNITED STATES ATTORNEY
501 Las Vegas Blvd. So., Suite 1100
Las Vegas, Nevada 89101 on behalf of JASON M. FRIERSON UNITED STATES ATTORNEY;

I, Dale-Scott: Heineman, do affirm, certify that I caused to be sent the above-referenced document(s) to all Defendants herein named via their representative thereof, and on the day indicated above, under the pains and penalties of perjury;

Done this 11th day of March 2024

Dale-Scott-Heineman,
Real Party in Interest.

Exhibit 1

Dale-Scott-Heineman
C/o 2775 Fremont Street #2008
Las Vegas, Nevada-state
Near Clark County [89104]
dscotth@protonmail.com

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Dale Scott Heineman,
Real Party in Interest,

Plaintiff,

vs.

MERRICK GARLAND, UNITED STATES ATTORNEY GENERAL,

ISMAIL RAMSEY,
UNITED STATES ATTORNEY,

JAMES E. KELLER, ASSISTANT UNITED STATES ATTORNEY,

CASE NO. 3:05-CR-00611-WHA

DOES 1-1,000

Defendant(s).

Civil Action No.
2:23-CV-00448-JAD-VCF

PLAINTIFFS NOTICE OF TRANSCRIPT FOR RELATED CASE NO. 3:05-cr-00611-WHA, AS AFFIDAVIT

FILED
ENTERED
RECEIVED
SERVED ON
COUNSEL/PARTIES OF RECORD
FEB 26 2024
CLERK US DISTRICT COURT
DISTRICT OF NEVADA

State of Nevada.....)
)ss, Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-
County of Clark.....) 00611-WHA, as Affidavit

Comes now Dale Scott Heineman, Executor, real party in interest, hereinafter Plaintiff, files this Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit to memorialize the telephone conversation on February 21, 2024, with Officer Cecil McCarroll on behalf of the United States Probation Office, District of Nevada and Northern District of California, San Francisco Division;

Plaintiff states and affirms the following to be a true and correct summary of the February 21, 2024 telephone conversation with Officer Cecil McCarroll:

1. On February 21, 2024 Officer Cecil McCarroll (McCarroll) contacted Plaintiff to discuss the payment of assessment and restitution;

2. McCarroll informed Plaintiff, absent verifiable evidence, that the assessment and restitution was not settled by and through Federal Ordinance 1, 7 Stat 13, Constitution of the United States, HJR 192, June 5, 1933, Public Law 73-10; Uniform Commercial Code (UCC) 1-201(24), UCC 3-104, U.C.C. 3-402(b)(1), UCC 3-603(b), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3), Acts of Congress did not comport with well-established law;

3. McCarroll informed Plaintiff, absent verifiable evidence, that the negotiable Instrument tendered for settlement on or about September 22, 2022 by and through House Joint Resolution 192, Public Law 73-10, UCC 1-201(24), UCC 3-104, U.C.C. 3-402(b)(1), UCC 3-603(b), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3), Acts of Congress did not comport with well-established law;

4. McCarroll informed Plaintiff, absent verifiable evidence, that the entire taxing and monetary systems are not placed under the UCC by and through the Federal Tax Lien Act of 1966;

5. McCarroll informed Plaintiff, absent verifiable evidence, that the endorsement of Plaintiffs Instrument by the Clerk of the Northern District Court did not comport with the Uniform Commercial Code, the Negotiable Instruments Act, the Check 21 Act, the Acts of Congress;

6. McCarroll informed Plaintiff, absent verifiable evidence, that House Joint Resolution 192, Public Law 73-10, UCC 3-104, UCC 3-603(b), U.C.C. 3-402(b)(1), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3) is not applicable to Plaintiff;

7. McCarroll informed Plaintiff that McCarroll will file an incident report against Plaintiff for failure to pay restitution and cause Plaintiff to "appear" before the sentencing judge for sanction;

8. Plaintiff informed McCarroll that related case no 2:23-CV-00448-JAD-VCF shows that all defendants are in default for due process violations, and that criminal case number 3:05-cr-00611-WHA was conceived in fraud and void ab

initio and now, the District Court of Nevada refuses to calendar a hearing for fear of exposure to the public;

9. Plaintiff requested the Enacted Law, verified evidence, that McCarroll relies upon that excludes Plaintiff, as Executor, Beneficiary, real party in interest from exercising Plaintiff's protected rights for redress of grievance by and through Federal Ordinance 1, Constitution of the United States, 7 Stat 13, the Enabling Act;

10. Plaintiff informed McCarroll that "officers of the law, in the execution of process, are obliged to know the requirements of the law, and if they mistake them, whether through ignorance or design, and anyone is harmed by their error, they must respond in damages." v. Marshall (United States use of Rogers v. Conklin) 1 Wall. (US) 644, 17 L ed 714.

11. Plaintiff informed McCarroll that the Supreme Court of the United States of America has determined, "All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lacking due process..." Rodriques v. Ray Donavan, 769 F. 2d 1344, 1348 (1985);

12. Plaintiff informed McCarroll that "It is a general rule that an officer- executive, administrative, quasi-judicial, ministerial, or otherwise- who acts outside the scope of his jurisdiction and without authorization of law may thereby render himself amenable to personal liability." Cooper v. O'Connor, 69 App DC 100, 99 F 2d 135, 118 ALR 1440; Chamberlain v. Clayton, 56 Iowa 331, 9 237, 41 Am Rep 10;

13. McCarroll informed Plaintiff, absent verifiable evidence, that Civil Action No. 2:23-CV-00448-JAD-VCF lodged in the Nevada District Court has no bearing or relationship for or upon case no 3:05-cr-00611-WHA lodged in the Northern District Court, San Francisco Division;

14. Plaintiff fully incorporates and restates herein Civil Action No. 2:23-CV-00448-JAD-VCF which shows by and through the docket record that Defendants are in default and by and through the Doctrine of Acquiescence and have stipulated and agreed to all claims raised therein by Plaintiff, that:

    A. No grand jury concurrence form was returned with the indictment of September 22, 2005, case # cr-05-00611-001-DLJ a.k.a. 3:05–cr–00611–WHA required by law to have been given to the magistrate judge in open court in violation of by and through FRCrmP Rule 6(f) creating a disability to Plaintiff;

B. No grand jury concurrence form was returned with the indictment of September 22, 2005, case # cr-05-00611-001-DLJ a.k.a. 3:05–cr–00611–WHA as required by law to have been filed with the clerk of the court in violation of by and through FRCrmP Rule 6(c) creating a disability to Plaintiff;

C. No evidence that proves that Plaintiff or Plaintiffs' counsel waived Plaintiff's right of notice to challenge the grand jury as required by and through FRCrmP Rule 6(b)(1) creating a disability to Plaintiff;

D. No evidence that Plaintiff or Plaintiffs' counsel was afforded a reasonable opportunity to appear and be heard to: (ii) the parties to the judicial proceeding, Dale Scott Heineman was never notified as required by and through FRCrmP Rule 6(e)(3)(F)(ii) creating a disability to Plaintiff;

E. Plaintiff has not received a certified full and complete record for inspection by and through Federal Rules of Evidence 901, 29 CFR, Part 18 Subpart B; Title 5 § 552a 5 CFR Ch. XVI, Subch. A, Pt. 2604 since the duly constituted evidence verifies the fraud upon the court through case number cr-05-00611-001-DLJ a.k.a. 3:05–cr–00611–WHA creating a disability to Plaintiff;

F. All parties named, and those yet to be named, have violated the Americans with Disabilities Act, the Federal Code of Regulations 28 CFR part 35 disability that has substantially limited the ability of Plaintiff to perform a major life activity compared to most people in general population and has not been protected by and through 42 U.S.C. section 12203, and C.F.R. sec 36.206, retaliation, coercion;

15. McCarroll informed Plaintiff, absent verifiable evidence, that Probation Office rules, regulations, policies supersede Treaties, the Articles of Confederation, the Constitution of the United States, the Bill of Rights, and the Enrolled Acts of Congress;

16. McCarroll informed Plaintiff through threatening speech, coercion, extortion, fraud in fact, material misrepresentations that Plaintiff's liberty is at stake if Plaintiff does not pay restitution on a known void ab initio case 3:05-cr-00611-WHA with verified evidence of such in related case 2:23-CV-00448-JAD-VCF that is now in default;

17. McCarroll informed Plaintiff absent verifiable evidence that there exists no remedy or relief for Plaintiff by and through the Treaties, Articles of Confederation, the Constitution of the United States, the Bill of Rights, the

Enrolled Acts of Congress, House Joint Resolution 192, Public Law 73-10, UCC 3-104, UCC 3-603(b) U.C.C. 3-402(b)(1), Spencer v. Sterling Bank, 63 Cal Ap. 4th 1055 (1998), Guaranty Trust Co. of NY v. Henwood et al, 307 U.S. 247 (FN3) and can supersede the rules of court Grand Jury Rule 6;

18. McCarroll informed Plaintiff that the Constitution of the United States is not the supreme Law of the land, as declared in Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60, 1803 U.S.;

19. Plaintiff informed McCarroll that "Public officials are also "trustee[s] and servant[s] of the people" by and through U.S. v Holzer, 816 F. 2d 304, 307 (1987);

20. Plaintiff informed McCarroll that "A Public official is a fiduciary toward the public, including in the case of a judge, the litigants who appear before him and if he deliberately conceals material information from them he is guilty of fraud" by and through Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982);

21. Plaintiff informed McCarroll that "Public office' is a public trust or agency for the benefit of the people to be administered under legislative control in the interest of the people." by and through State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, Supreme Court of Montana (1935);

Representations and Warranties

The foregoing points 1-21 are stated as factual by Plaintiff and shall be relied upon by all as the duly constituted and verified evidence, the truth in the matter. Officer Cecil McCarroll has ten (10) days to rebut Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit point for point, under penalty of perjury and deliver such response via certified mail to Plaintiff and to file the same into the record of case number 3:05-cr-00611-WHA and 2:23-CV-00448-JAD-VCF.

Failure to timely rebut Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit shall be considered acceptance of points 1-21 by Probation Officer Cecil McCarroll/court officer. If Probation Officer Cecil McCarroll requires more time to rebut Plaintiff's Notice of Transcript for Related Case no. 3:05-cr-00611-WHA, as Affidavit, express such request in writing, but not to exceed 14 days;

00611-WHA, as Affidavit, express such request in writing, but not to exceed 14 days;

Done in the interest of truth and justice and with clean hands;

Dated: February 26, 2024

Respectfully submitted,

Dale-Scott-Heineman,
Executor, Real party in interest,
Beneficiary.

Using a notary on this Plaintiff's Notice of Transcript by and through the Federal Rules of Evidence for Related Case no. 3:05-cr-00611-WHA, as Affidavit does not constitute any adhesion, nor does it alter my status in any manner. The purpose for notary is verification and identification only and not for entrance into a foreign jurisdiction.

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF NEVADA

COUNTY OF CLARK

On 2-26-2024 before me, Danette Roybal, personally appeared Dale-Scott-Heineman, who proved to me on the basis of satisfactory evidence to be the living soul whose name is subscribed to the hereto-attached Plaintiff's Notice of Transcript by and through the Federal Rules of Evidence for Related Case no. 3:05-cr-00611-WHA, as Affidavit and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the hereto-attached Instrument being the living soul who executed said Instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

DANETTE ROYBAL
Notary Public - State of Nevada
County of Clark
APPT. NO. 20-9625-01
My App. Expires Oct. 19, 2024

CERTIFICATE OF SERVICE

I, Dale Scott Heineman, hereby certify that on the 22nd day in the month of February in the year 2024, I caused to be sent via United States Postal Mail delivery, Certified mail in a first class, post-paid envelope the following document:

Plaintiff's Notice of Transcript by and through the Federal Rules of Evidence for Related Case no. 3:05-cr-00611-WHA, as Affidavit:

Sent via Certified mail article number 70221670000160361936 to:

OFFICER CECIL MCCARROLL
Foley Federal Building
300 Las Vegas Blvd. South
Suite 1200
Las Vegas, NV 89101

Sent via First Class mail to:

JASON M. FRIERSON UNITED STATES ATTORNEY representing the individuals and/or entities herein below named:

MERRICK GARLAND,
UNITED STATES ATTORNEY GENERAL,
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

ISMAIL RAMSEY,
UNITED STATES ATTORNEY
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
CALIFORNIA DIVISION
450 Golden Gate Avenue
San Francisco, CA 94102

JAMES E. KELLER,
ASSISTANT UNITED STATES ATTORNEY
UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
400 S. Virginia St.
Reno, NV 89501

All Defendants served via Representative in care of:

R. THOMAS COLONNA ASSISTANT UNITED STATES ATTORNEY
501 Las Vegas Blvd. So., Suite 1100
Las Vegas, Nevada 89101 on behalf of JASON M. FRIERSON
UNITED STATES ATTORNEY

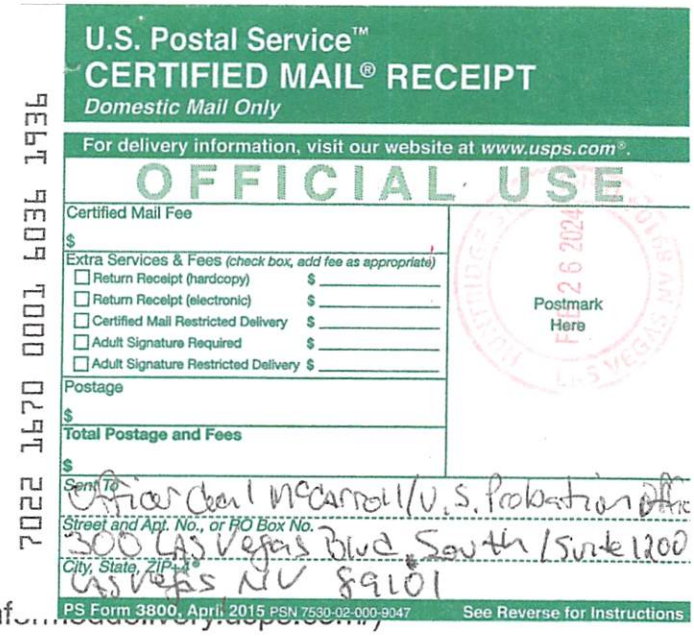
I, Dale-Scott: Heineman, do affirm, certify that I caused to be sent the above-referenced document(s) to all Defendants herein named via their representative thereof, and on the day indicated above, under the pains and penalties of perjury.

Done this 26th day of February 2024

Dale-Scott-Heineman
Real Party in Interest

Exhibit 2

USPS Tracking®


U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only
For delivery information, visit our website at www.usps.com®.
OFFICIAL USE
Certified Mail Fee
$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) $
☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $
Postage
$
Total Postage and Fees
$
Postmark Here
FEB 26 2024
LAS VEGAS, NV
Sent To
Officer Carl McCarroll/U.S. Probation Office
Street and Apt. No., or PO Box No.
300 Las Vegas Blvd South/Suite 1200
City, State, ZIP+4®
Las Vegas NV 89101
PS Form 3800, April 2015 PSN 7530-02-000-9047
See Reverse for Instructions
9590 9402 7670 0001 6036 1936
7022

Tracking Number:

7022167000016036 1936

Copy Add to Informed Delivery (https://inf...)

Latest Update

Your item was delivered to the front desk, reception area, or mail room at 11:38 am on February 28, 2024 in LAS VEGAS, NV 89101.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Front Desk/Reception/Mail Room

LAS VEGAS, NV 89101
February 28, 2024, 11:38 am

See All Tracking History

What Do USPS Tracking Statuses Mean? (https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates ⌄

USPS Tracking Plus® ⌄



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OFFICIAL USE

Certified Mail Fee
$ $0.00

Extra Services & Fees (check box, add fee as appropriate)
- ☐ Return Receipt (hardcopy) $ $0.00
- ☐ Return Receipt (electronic) $ $0.00
- ☐ Certified Mail Restricted Delivery $ $0.00
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage $7.25

Total Postage and Fees
$

Postmark Here
HUNTRIDGE STA
MAR 11 2024
LAS VEGAS NV 89104 USPS

Sent To
Officer Cecil McCarroll U.S. Probation

Street and Apt. No., or PO Box No.
300 Las Vegas Blvd. Ste 1200

City, State, ZIP+4®
Las Vegas, NV 89101

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 1670 0001 6036 1943

Back (DashboardAction_input.action)

Delivered, Left with Individual

7022 1670 0001 6036 1943Delivered

Notice of Fault- McCarroll

LAS VEGAS ,NV

First-Class Mail®-- Certified Mail™

Remove From Dashboard

Add Delivery Instructions

Note: DI not available for this package.

Scan History

TODAY 1:23 pm
Delivered, Left with Individual
LAS VEGAS,NV 89101

Mar 13 8:32 am
Departed USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

Mar 12 4:35 am
Arrived at USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

Mar 11 4:03 pm
Departed Post Office
LAS VEGAS,NV 89104

Mar 11 12:47 pm
USPS in possession of item
LAS VEGAS,NV 89104



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Las Vegas, NV 89101

OFFICIAL USE

7022 1670 0001 6036 1950

Certified Mail Fee	$4.40	0012 05
$	$0.00	
Extra Services & Fees (check box, add fee as appropriate)	$0.00	
☐ Return Receipt (hardcopy)	$ $0.00	
☐ Return Receipt (electronic)	$ $0.00	
☐ Certified Mail Restricted Delivery	$	Postmark Here
☐ Adult Signature Required	$ $0.00	
☐ Adult Signature Restricted Delivery	$	
Postage	$3.55	03/18/2024
$		
Total Postage and Fees	$7.95	
$		

Sent To: Officer Cecil McCarroll/U.S. Probation
Street and Apt. No., or PO Box No. 300 Las Vegas Blvd. South; Room 1200
City, State, ZIP+4® Las Vegas, NV 89101

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

CERTIFICATE OF SERVICE

I, Dale Scott Heineman, hereby certify that on the 13th day in the month of April in the year 2024, caused to be filed in the Northern District Court of California, in a first class, post-paid envelope the following document:

Notice of Demand for Show Cause why Case Number 3:05-cr-00611WHA is not void ab initio nunc pro tunc by and through 28 U.S.C. sec. 2072, Federal Rules of Criminal Procedure Rule 6, as Affidavit, to:

William H. Alsup, Judge of the NORTHERN DISTRICT COURT DISTRICT OF CALIFORNIA C/o Clerk of the U.S. Northern District Court
450 Golden Gate Avenue,
San Francisco, CA 94102

JASON M. FRIERSON UNITED STATES ATTORNEY representing the individuals and/or entities herein below named:

MERRICK GARLAND,
UNITED STATES ATTORNEY GENERAL,
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

ISMAIL RAMSEY,
UNITED STATES ATTORNEY
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
CALIFORNIA DIVISION
450 Golden Gate Avenue
San Francisco, CA 94102

JAMES E. KELLER,
ASSISTANT UNITED STATES ATTORNEY
UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
400 S. Virginia St.
Reno, NV 89501

All Defendants served via Agent/Representative in care of:
R. THOMAS COLONNA ASSISTANT UNITED STATES ATTORNEY
501 Las Vegas Blvd. So., Suite 1100
Las Vegas, Nevada 89101 on behalf of JASON M. FRIERSON UNITED STATES ATTORNEY;

OFFICER CECIL MCCARROLL
UNITED STATES PROBATION OFFICE
Foley Federal Building
300 Las Vegas Blvd. South
Suite 1200
Las Vegas, NV 89101

I, Dale-Scott: Heineman, do affirm, certify that I caused to be sent the above-referenced document(s) to all Defendants herein named via their representative thereof, and on the day indicated above, under the pains and penalties of perjury;

Done this 13th day of April 2024

Dale-Scott-Heineman,
Real Party in Interest.

Attachment 7

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT ☐ SUPERSEDING

E-filing

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

FILED
SEP 22 2005
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

OFFENSE CHARGED

18 U.S.C. Section 1349 - Conspiracy to commit mail fraud, wire fraud and bank fraud;
18 U.S.C. Section 1341 - Mail fraud (26 counts)
18 U.S.C. Section 1344 - Bank Fraud (19 counts)

☐ Petty
☐ Minor
☐ Misde-meanor
☒ Felony

PENALTY:
Please see Attachment.

DEFENDANT - U.S.

DALE SCOTT HEINEMAN

DISTRICT COURT NUMBER

CR05-00611DLJ

PROCEEDING

Name of Complaintant Agency, or Person (&Title, if any)
Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of: ☐ U.S. Att'y ☐ Defense — SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under — MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM: KEVIN V. RYAN
☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned): JAMES E. KELLER

DEFENDANT

IS *NOT* IN CUSTODY

1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive
3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge
5) ☐ On another conviction
6) ☒ Awaiting trial on other charges } ☐ Fed'l ☒ State

If answer to (6) is "Yes", show name of institution
Salt Lake County Metro Jail

Has detainer been filed? ☐ Yes ☒ No } If "Yes" give date filed ____ Month/Day/Year

DATE OF ARREST ____ Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ____ Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT Bail Amount: No bail

If Summons, complete following:
☐ Arraignment ☐ Initial Appearance

Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time:

Before Judge:

Comments:

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.
ATTEST: MARK B. BUSBY
Clerk, U.S. District Court
Northern District of California
By: ____ Deputy Clerk
Date: 9/22/2005

ATTACHMENT

Maximum penalties:

As to Count One, 18 U.S.C. § 1349: 20 years imprisonment, $1,000,000 fine, not more than 3 years supervised release, and $100 special assessment. However, if violation affects a financial institution, then maximum penalties are 30 years imprisonment, $1,000,000 fine, not more than 5 years supervised release, and $100 special assessment.

As to each of Counts Two through Twenty-Seven, 18 U.S.C. § 1341: 20 years imprisonment, $1,000,000 fine, not more than 3 years supervised release, and $100 special assessment. However, if violation affects a financial institution, then maximum penalties are 30 years imprisonment, $1,000,000 fine, not more than 5 years supervised release, and $100 special assessment.

As to each of Counts Twenty-Eight and Forty-Six, 18 U.S.C. § 1344: 30 years imprisonment, $1,000,000 fine, not more than 5 years supervised release, and $100 special assessment.

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT ☐ SUPERSEDING

E-filing

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

FILED

SEP 22 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

OFFENSE CHARGED

18 U.S.C. Section 1349 - Conspiracy to commit mail fraud, wire fraud and bank fraud;
18 U.S.C. Section 1341 - Mail fraud (26 counts)
18 U.S.C. Section 1344 - Bank Fraud (19 counts)

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

Please see Attachment.

DEFENDANT - U.S.

KURT F. JOHNSON

DISTRICT COURT NUMBER

CR05-00611 DLJ

PROCEEDING

Name of Complaintant Agency, or Person (&Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:
☐ U.S. Att'y ☐ Defense
SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under
MAGISTRATE CASE NO.

DEFENDANT

IS *NOT* IN CUSTODY

1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction

6) ☒ Awaiting trial on other charges } ☐ Fed'l ☒ State

If answer to (6) is "Yes", show name of institution

Salt Lake County Metro Jail

Has detainer been filed? ☐ Yes ☒ No } If "Yes" give date filed

DATE OF ARREST ▶ Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶ Month/Day/Year

Name and Office of Person Furnishing Information on THIS FORM: KEVIN V. RYAN
☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned): JAMES E. KELLER

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT Bail Amount: No bail

If Summons, complete following:
☐ Arraignment ☐ Initial Appearance

Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time:

Before Judge:

Comments:

ATTACHMENT

Maximum penalties:

As to Count One, 18 U.S.C. § 1349: 20 years imprisonment, $1,000,000 fine, not more than 3 years supervised release, and $100 special assessment. However, if violation affects a financial institution, then maximum penalties are 30 years imprisonment, $1,000,000 fine, not more than 5 years supervised release, and $100 special assessment.

As to each of Counts Two through Twenty-Seven, 18 U.S.C. § 1341: 20 years imprisonment, $1,000,000 fine, not more than 3 years supervised release, and $100 special assessment. However, if violation affects a financial institution, then maximum penalties are 30 years imprisonment, $1,000,000 fine, not more than 5 years supervised release, and $100 special assessment.

As to each of Counts Twenty-Eight and Forty-Six, 18 U.S.C. § 1344: 30 years imprisonment, $1,000,000 fine, not more than 5 years supervised release, and $100 special assessment.

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA
CRIMINAL DIVISION
VENUE: OAKLAND

E-filing

UNITED STATES OF AMERICA,

V.

DALE SCOTT HEINEMAN, KURT F. JOHNSON, THE DOREAN GROUP, THE OXFORD TRUST, BAYLOR TRUST, AND UNIVERSAL TRUST SERVICES,

CR05-00611 DLJ

DEFENDANT.

FILED
2005 SEP 22 PM 12:35
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DIST. RICT OF CALIFORNIA

INDICTMENT

VIOLATIONS: 18 U.S.C. Section 1349 - Conspiracy to Commit Mail Fraud, Wire Fraud, and Bank Fraud; 18 U.S.C. Section 1341 - Mail Fraud (26 counts); 18 U.S.C. Section 1344 - Bank Fraud (19 Counts)

A true bill.

Foreman

Filed in open court this _____ day of

_____.

Clerk

Bail: $ No bail arrest warrants for Heineman & Johnson

Wayne D. Brazil

KEVIN V. RYAN (CASBN 118321)
United States Attorney

E-filing

FILED
2005 SEP 22 PM 12:35
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

CR05-00611 DL

UNITED STATES OF AMERICA,

Plaintiff,

v.

DALE SCOTT HEINEMAN,
KURT F. JOHNSON,
THE DOREAN GROUP,
THE OXFORD TRUST,
BAYLOR TRUST, and
UNIVERSAL TRUST SERVICES,

Defendants.

No.

VIOLATIONS: 18 U.S.C. § 1349 – Conspiracy to Commit Mail Fraud, Wire Fraud, and Bank Fraud; 18 U.S.C. § 1341 – Mail Fraud (26 counts); 18 U.S.C. § 1344 – Bank Fraud (19 counts)

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

INTRODUCTION

At all times relevant to this Indictment:

1. The Dorean Group is an unincorporated, fictitious entity which operates a purported debt elimination program that is unlicensed to do business in the State of California. The Dorean Group was created at time unknown to the Grand Jury, but not later than January 2004. Dale Scott Heineman ("Heineman") and Kurt F. Johnson ("Johnson") are founders and principals of the Dorean Group. The Oxford Trust, Baylor Trust and Universal Trust Services are fictitious entities unlicensed to do business in the State of California and established and used by Heineman and

Johnson to further the Dorean Group's debt elimination program. (The Dorean Group hereinafter collectively refers to the Dorean Group, the Oxford Trust, Baylor Trust, and Universal Trust Services.)

2. From approximately March 2004 to April 2005, the Dorean Group was operating primarily out of its offices at 29460 Union City Boulevard, Union City, California. Since then, the Dorean Group has operated primarily out of its offices at 8371 Central Avenue, Newark, California. The Dorean Group also uses a commercial mailbox address of 32108 Alvarado Boulevard #381, Union City, California.

METHODS AND MEANS OF THE SCHEME TO DEFRAUD

3. Defendants Heineman, Johnson, and the Dorean Group caused to be advertised on Internet world-wide websites that it has "a PROVEN, legal and moral way of eliminating your mortgage while adding $32K to your pocket (*based on a $200,000 mortgage)." These websites provide instructions for prospective clients to apply to the Dorean Group's debt elimination program.

4. Defendants Heineman, Johnson and the Dorean Group charge a fee (collectively, the "Dorean Group Fee") to each client of the Dorean Group's debt elimination program. The Dorean Group Fee consists of: (1) approximately $1000 to $3000 for each loan the Dorean Group client wishes to eliminate, and (2) a "free-will offering of 50% of the REDEEMED mortgage," which, as provided in the Dorean Group's standard service agreement with its clients, means that 50% of a subsequent loan issued by a separate lender (referred to as a refinance loan in websites promoting this scheme) (hereinafter, "refinance loan") goes to the Dorean Group. Because defendants Heineman, Johnson and the Dorean Group cause recordations to be recorded on its client's property, falsely alleging that the mortgage loan(s) have been fully repaid, lenders have issued refinance loans based upon this the Dorean Group's client's title appearing free and clear of any encumbrances.

5. The Dorean Group has a number of brokers located throughout the United States, who (1) solicit borrowers to become clients of the Dorean Group, and (2) are authorized to charge its solicited clients a fee in addition to the Dorean Group Fee.

6. Client applications are sent to the Dorean Group over the wires via Internet and electronic mail. Applications have been delivered to the Dorean Group by mailing through private

commercial interstate carriers or by mailing through the United States Postal Service (hereinafter referred to as "Mail Delivery"). Dorean Group Fees have been provided to the Dorean Group in the form of banking wire transfers, and in the form of checks and money orders sent by Mail Delivery to the Dorean Group's office and commercial mailbox.

7. As part of the Dorean Group's debt elimination program, defendants Heineman, Johnson, and the Dorean Group establish trusts ("Trusts"). The trustees of the Trusts are Heineman and Johnson, and the beneficiaries are the Dorean Group's clients. In furtherance of the program, defendants Heineman, Johnson, and the Dorean Group also cause Dorean Group clients to record quitclaim deeds with the recorder's office (or clerk of the court's office or register of deeds' office) in the jurisdiction in which Dorean Group's clients' properties are located, whereby clients purport to transfer their respective interests in mortgaged properties to the corresponding Trusts.

8. Defendants Heineman, Johnson, and the Dorean Group then cause to be sent by Mail Delivery a "self-executing presentment packet" (hereinafter, "Presentment Packet") containing various documents to the lenders of the Dorean Group's clients' loans. In the Presentment Packet, defendants Heineman, Johnson, and the Dorean Group claim to be authorized to act on behalf of the borrower and demand the lender prove the validity of its loan to the borrower within 10 days "to the unilateral satisfaction of the Dorean Group." Defendants Heineman, Johnson and the Dorean Group purport to offer the lender the opportunity to cash a bond that is purportedly issued by an entity overseas but backed individually by Johnson alone, whose signature appears on this alleged bond, although he holds no substantial assets in his name. A lender may cash this alleged bond if the lender proves "to the unilateral satisfaction of the Dorean Group" that the lender's loan to the borrower is valid. If a lender attempts to cash the bond but fails to meet this burden, the lender is, according to the documents in the Presentment Packet, liable to the Dorean Group for damages "ten times" the amount of the bond. Documents in the Presentment Packet further allege in substance that if the lender fails to prove the validity of the loan to this burden, the Dorean Group, by lender's "tacit assent" and "default," will act as the lender's agent and attorney-in-fact to correct title on the property secured by lender's loan. In accordance with mortgage agreements between borrower and lender, defendants Heineman, Johnson and the Dorean Group neither have been granted permission

to act on behalf of the borrower nor been authorized to act on behalf of the lender as its agent and/or attorney-in-fact to correct title on the property secured by the lender's loan.

9. After a Presentment Packet is sent by Mail Delivery to the lender of a Dorean Group client's loan, and at least 10 days has elapsed, defendants Heineman, Johnson, and the Dorean Group cause a "Substitution of Trustee" (and, depending on jurisdiction, a "Specific Power of Attorney" and "Power of Attorney") to be sent, typically by Mail Delivery, to the recorder's office in the jurisdiction in which each client's property is located to be recorded on the client's property title. In this recordation, on which Heineman's signature typically appears, it is claimed that Heineman and/or Johnson is acting as agent and/or attorney-in-fact on behalf of the lender.

10. Acting purportedly on behalf of the lender as its agent and/or attorney-in-fact, defendants Heineman, Johnson, and the Dorean Group cause a "Full Reconveyance" (and, depending on jurisdiction, "Discharge of Mortgage" and "Satisfaction of Mortgage") to be sent, typically by Mail Delivery, to the recorder's office in the jurisdiction in which the Dorean Group client's property is located to be recorded as part of that property's title. In this recordation, on which Heineman's signature typically appears, it falsely states, in substance, that the loan secured by the property has been fully paid, when such loan has not been fully paid. This recordation, signed and recorded fraudulently on behalf of the lender, causes the Dorean Group client's property title to falsely appear free and clear of any encumbrances at a time when the lender's secured loan had not been fully paid.

11. With title now appearing free and clear of any encumbrances, defendants Heineman, Johnson, and the Dorean Group in approximately five instances caused Dorean Group clients to successfully obtain a refinance loan from a separate lender. When a refinance loan is obtained, the Dorean Group, pursuant to its standard service agreement with its clients, receives 50% of the refinance loan's proceeds, and the Dorean Group client/borrower keeps approximately 25-40% of the proceeds. The remainder of the proceeds are, consistent with the service agreement, distributed to the Dorean Group broker who solicited the client, if any. Pursuant to the service agreement, the refinance loan is expected to be subject to the Dorean Group's debt elimination program consistent with the process set forth above, and the refinance loan is not fully repaid.

COUNT ONE: (18 U.S.C. § 1349 – Conspiracy to Commit Mail Fraud, Wire Fraud, and Bank Fraud)

12. Beginning at a time unknown to the Grand Jury, but not later than February 2003 to the present, in the Northern District of California and elsewhere, defendants,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON
THE DOREAN GROUP,
THE OXFORD TRUST,
BAYLOR TRUST, and
UNIVERSAL TRUST SERVICES,

did knowingly conspire to:

(a) devise and intend to devise a scheme and artifice to defraud and to obtain money by means of materially false and fraudulent pretenses, representations and promises, well knowing at the time that the pretenses, representations, and promises were false and fraudulent when made, by placing in any post office or authorized depository for mail matter any matter or thing whatever to be sent and delivered by the Postal Service, and deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, in violation of Title 18, United States Code, Section 1341;

(b) devise and intend to devise a scheme and artifice to defraud and to obtain money by means of materially false and fraudulent pretenses, representations and promises, well knowing at the time that the pretenses, representations, and promises were false and fraudulent when made, by transmitting and causing to transmit by means of wire, radio or television communication in interstate or foreign commerce, any writings, signs, signals, pictures or sounds for the purpose of executing such scheme or artifice, in violation of Title 18, United States Code, Section 1343; and

(c) execute and attempt to execute a scheme and artifice to defraud and to obtain to obtain any of the moneys, funds, credits assets, securities, and other property owned by, or under the custody and control of, a financial institution, the deposits of each of which were at that time insured by the Federal Deposit Insurance Corporation, by means of materially false and fraudulent pretenses, representations

and promises, well knowing at the time that the pretenses, representations, and promises were false and fraudulent when made, in violation of Title 18, United States Code, Section 1344.

OVERT ACTS

13. As part of the conspiracy and to further the objectives thereof, defendants Heineman, Johnson, and the Dorean Group committed the following overt acts on or about and between approximately February 2003 and the present in the Northern District of California and elsewhere:

(a) On or about May 12, 2004, defendant Dorean Group mailed a Presentment Packet to GreenPoint Mortgage Funding, Inc. ("GreenPoint").

(b) On or about and between February 2003 and May 12, 2004, in relation to a GreenPoint loan secured by the property at 13738 Hidden Valley Road, Grass Valley, California, Johnson signed a document titled The Dorean Group Subrogation & Security Bond.

(c) On or about and between February 2003 and July 8, 2004, in relation to a GreenPoint loan, defendant Heineman signed a document titled Full Reconveyance that was recorded on or about July 8, 2004 with the Nevada County Recorder's Office as part of the title of 13738 Hidden Valley Road, Grass Valley, California.

(d) On or about September 10, 2004, defendant Dorean Group mailed a Presentment Packet to Wells Fargo Bank ("Wells Fargo").

(e) On or about and between February 2003 and September 10, 2004, in relation to a Wells Fargo loan secured by the property at 4312 East Viking Road, Las Vegas, Nevada, defendant Johnson signed a document titled The Dorean Group Subrogation & Security Bond.

(f) On or about and between February 2003 and September 23, 2004, in relation to a Wells Fargo loan, defendant Heineman signed a document titled Full Reconveyance that was recorded on or about September 23, 2004 with the Clark County Recorder's Office as part of the title of 4312 East Viking Road, Las Vegas, Nevada.

(g) On or about September 14, 2004, defendant Dorean Group mailed a Presentment Packet to Wells Fargo Bank ("Wells Fargo").

(h) On or about and between February 2003 and September 14, 2004, in relation

to a Wells Fargo loan secured by the property at 6890 Judson Avenue, Las Vegas, Nevada, defendant Johnson signed a document titled The Dorean Group Subrogation & Security Bond.

(i) On or about and between February 2003 and September 29, 2004, in relation to a Wells Fargo loan, Heineman signed a document titled Full Reconveyance that was recorded on or about September 29, 2004 with the Clark County Recorder's Office as part of the title of 6890 Judson Avenue, Las Vegas, Nevada.

(j) On or about August 18, 2004, defendant Dorean Group mailed a Presentment Packet to Bank of America relating to a $320,000 loan.

(k) On or about August 18, 2004, defendant Dorean Group mailed a Presentment Packet to Bank of America relating to a $98,000 loan.

(l) On or about and between February 2003 and August 18, 2004, in relation to a Bank of America $320,000 loan secured by the property at 11275 Cascada Way, San Diego, California, Johnson signed a document titled The Dorean Group Subrogation & Security Bond.

(m) On or about and between February 2003 and August 18, 2004, in relation to a Bank of America $98,000 loan secured by the property at 11275 Cascada Way, San Diego, California, Johnson signed a document titled The Dorean Group Subrogation & Security Bond.

(n) On or about and between February 2003 and October 21, 2004, in relation to a Bank of America $320,000 loan, defendant Heineman signed a document titled Full Reconveyance that was recorded on or about October 21, 2004 with the San Diego County Recorder's Office as part of the title of 11275 Cascada Way, San Diego, California.

(o) On or about and between February 2003 and October 21, 2004, in relation to a Bank of America $98,000 loan, defendant Heineman signed a document titled Full Reconveyance that was recorded on or about October 21, 2004 with the San Diego County Recorder's Office as part of the title of 11275 Cascada Way, San Diego, California.

(p) On or about December 28, 2004, defendant Dorean Group mailed a Presentment Packet to Chase Manhattan Mortgage Corporation ("Chase Manhattan").

(q) On or about and between February 2003 and December 28, 2004, in relation to a Chase Manhattan loan secured by the property at 4245 Jenny Lake Trail, Keller, Texas, Johnson

signed a document titled The Dorean Group Subrogation & Security Bond.

(r) On or about and between February 2003 and February 18, 2005, in relation to a Chase Manhattan loan, defendant Heineman signed a document titled Full Reconveyance that was recorded on or about February 18, 2005 with the Tarrant County Clerk's Office as part of the title of 4245 Jenny Lake Trail, Keller, Texas.

All in violation of Title 18, United States Code, Section 1349.

COUNTS TWO THROUGH TWENTY-TWO: (18 U.S.C. § 1341– Mail Fraud)

14. The Grand Jury realleges paragraphs 1 through 11 as if fully set forth herein.

15. On or about and between approximately February 2003 and the present, in the Northern District of California and elsewhere, defendants,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON,
THE DOREAN GROUP,
THE OXFORD TRUST,
BAYLOR TRUST, and
UNIVERSAL TRUST SERVICES,

having knowingly devised and intended to devise a scheme and artifice to defraud as to a material matter and to obtain money by means of materially false and fraudulent pretenses, representations and promises, well knowing at the time that the pretenses, representations, and promises were false and fraudulent when made, did place in any post office and authorized depository for mail matter, any matter and thing whatever to be sent and delivered by the Postal Service, and deposits and causes to be deposited any matter and thing whatever to be sent and delivered by any private and commercial interstate carrier, and takes and received therefrom, any such matter and thing, and knowingly causes to be delivered by mail and such carrier according to the direction thereon, and at a place at which it is directed to be delivered by the person to whom it is addressed, any such matter and thing.

16. It was part of the scheme to defraud that on or about and between February 2003 and the present:

(a) Defendants Heineman, Johnson and the Dorean Group caused a quitclaim deed to be recorded at the county recorder's office (and, depending on jurisdiction, the county clerk's office and

the county register of deeds' office) in the county where the mortgaged property of the Dorean Group's client is located. In this quitclaim deed, the Dorean Group client purportedly transferred her interest in this property to a trust, of which Heineman and Johnson were trustees and the borrower was the beneficiary.

(b) Defendants Heineman, Johnson, and the Dorean Group caused a Presentment Packet to be sent by Mail Delivery to the corresponding lender of the loan(s) issued to the Dorean Group client.

(c) After a Presentment Packet had been sent by Mail Delivery to the lender, defendants Heineman, Johnson and the Dorean Group caused a Substitution of Trustee (and, depending on jurisdiction, a Specific Power of Attorney and Power of Attorney) to be sent to the county recorder's office to be recorded as part of the title of the Dorean Group's client's mortgaged property. In the Substitution of Trustee, on which Heineman's signature appears, Heineman and/or Johnson purports to act on behalf of the respective lender, to substitute himself as trustee for that lender. In the Specific Power of Attorney or Power of Attorney, on which Heineman's signature appears, Heineman and/or Johnson purports to act on behalf of the respective lender, as "Attorney-in-Fact/Agent" for that lender.

(d) Defendants Heineman, Johnson, and the Dorean Group caused a Full Reconveyance (and, depending on jurisdiction, Discharge of Mortgage and Satisfaction of Mortgage) to be sent to the county recorder's office to be recorded as part of the title of the borrower's mortgaged property. The Full Reconveyance (and Discharge of Mortgage and Satisfaction of Mortgage) on which Heineman's signature appears, fraudulently reconveyed the lender's secured interests in the property to the trust established through the Dorean Group, of which Heineman and Johnson are trustees and the client is the beneficiary. Language in the Full Reconveyance (and Discharge of Mortgage and Satisfaction of Mortgage) falsely provided, in substance, that the loan secured by the mortgage property has been fully paid, when said loan had not been fully paid.

17. Defendants Heineman, Johnson, and the Dorean Group committed acts in furtherance of the scheme and artifice to defraud as set forth in the following table.

Count	*Property Securing Loan*	*Loan Amount*	*Lender*	*Mailing Date of Presentment Packet (Approximate)*	*Recording of Substitution of Trustee & Full Reconveyance (Approximate Date)*
2	6890 Judson Avenue, Las Vegas, Nevada	$69,917	Wells Fargo Bank	09/14/04	09/29/04, Clark County Recorder's Office
3	11275 Cascada Way, San Diego, California	$320,000	Bank of America	08/18/04	10/21/04, San Diego County Recorder's Office
4	11275 Cascada Way, San Diego, California	$98,000	Bank of America	08/18/04	10/21/04, San Diego County Recorder's Office
5	4312 East Viking Road, Las Vegas, Nevada	$143,000	Wells Fargo Bank	09/10/04	09/23/04, Clark County Recorder's Office
6	4245 Jenny Lake Trail, Keller, Texas	$100,800	Chase Manhattan Mortgage Corporation	12/28/04	02/18/05, Tarrant County Clerk's Office
7	13738 Hidden Valley Road, Grass Valley, California	$350,000	Millennium Funding Group	05/12/04	07/08/04, Nevada County Recorder's Office
8	13738 Hidden Valley Road, Grass Valley, California	$63,600	GreenPoint Mortgage Funding, Inc.	05/12/04	07/08/04, Nevada County Recorder's Office
9	12935 Ruth Haren Drive, Charlotte, North Carolina	$150,300	Countrywide Home Loans, Inc.	05/12/04	07/19/04, Mecklenberg County Register of Deeds' Office
10	5848 Pine Grove Run, Ovideo, Florida	$140,000	Ameriquest Mortgage Loan, Inc.	09/10/04	10/13/04, Seminole County Clerk of the Circuit Court's Office*
11	1211 North 19th Street, Colorado Springs, Colorado	$320,000	Fremont Investment & Loan	08/24/04	10/08/04, El Paso County Recorder's Office

Count	*Property Securing Loan*	*Loan Amount*	*Lender*	*Mailing Date of Presentment Packet (Approximate)*	*Recording of Substitution of Trustee & Full Reconveyance (Approximate Date)*
12	9976 Recreation Avenue, Fresno, California	$199,500	Countrywide Home Loans, Inc.	09/28/04	11/08/04, Fresno County Recorder's Office
13	23628 S.E. 242nd Court, Maple Valley, Washington	$276,852	Wells Fargo Bank	10/15/04	12/29/04, King County Recorder's Office
14	3700 Orchard Lane, Sacramento, California	$270,000	Fremont Investment & Loan	08/20/04	09/24/04, Sacramento County Recorder's Office
15	3079 Bright-water Court, Kissimmee, Florida	$213,766	Wells Fargo Bank	08/20/04	09/23/04, Osceola County Clerk of the Circuit Court's Office*
16	1817 North Eaglet Court, Nampa, Idaho	$100,000	Washington Mutual Bank	08/20/04	11/16/04, Canyon County Recorder's Office
17	3030 North Beachwood Drive, Los Angeles, California	$500,000	America's Servicing Company	08/20/04	09/29/04, Los Angeles County Recorder's Office
18	3030 North Beachwood Drive, Los Angeles, California	$200,000	Wilshire Credit Corporation	08/20/04	09/29/04, Los Angeles County Recorder's Office
19	12614 Tiara Street, Valley Village, California	$200,000	World Savings and Loan Bank	04/23/04	07/16/04, Los Angeles County Recorder's Office
20	111 Mountain-side Way, Greenville County, South Carolina	$84,350	Fleet Mortgage Corporation	02/13/04	04/07/2004, Greenville County Recorder's Office**

Count	*Property Securing Loan*	*Loan Amount*	*Lender*	*Mailing Date of Presentment Packet (Approximate)*	*Recording of Substitution of Trustee & Full Reconveyance (Approximate Date)*
21	2447 Corum Court, Union City, California	$332,500	World Savings Bank	03/31/03	04/28/03, Alameda County Recorder's Office
22	2447 Corum Court, Union City, California	$95,000	World Savings Bank	02/10/03	04/28/03, Alameda County Recorder's Office

* Means Discharge of Mortgage, with a Specific Power of Attorney attached thereto, was recorded.
** Means a Satisfaction of Mortgage, with a Power of Attorney, was recorded.

All in violation of Title 18, United States Code, Section 1341.

COUNTS TWENTY-THREE THROUGH TWENTY-SEVEN: (18 U.S.C. § 1341– Mail Fraud)

18. The Grand Jury realleges paragraphs 1 through 11 and 14 through 16 as if fully set forth herein.

19. On or about and between approximately February 2003 and the present, in the Northern District of California and elsewhere, defendants,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON,
THE DOREAN GROUP,
THE OXFORD TRUST,
BAYLOR TRUST, and
UNIVERSAL TRUST SERVICES,

having knowingly devised and intended to devise a scheme and artifice to defraud as to a material matter and to obtain money by means of materially false and fraudulent pretenses, representations and promises, well knowing at the time that the pretenses, representations, and promises were false and fraudulent when made, did place in any post office and authorized depository for mail matter, any matter and thing whatever to be sent and delivered by the Postal Service, and deposits and causes to be deposited any matter and thing whatever to be sent and delivered by any private and commercial interstate carrier, and takes and received therefrom, any such matter and thing, and knowingly causes to be delivered by mail and such carrier according to the direction thereon, and at a place at which it is directed to be delivered by the person to whom it is addressed, any such

matter and thing.

20. It was part of the scheme to defraud that:

(a) On or about and between February 10, 2003 and the present, after defendants Heineman, Johnson, and the Dorean Group caused a Full Reconveyance (and, depending on jurisdiction, a Discharge of Mortgage and a Satisfaction of Mortgage) to be sent to the county recorder's office (and, depending on jurisdiction, the county clerk's office and the county register of deeds' office) to be recorded as part of the title of the Dorean Group's mortgaged property, causing said title to falsely appear free and clear of any encumbrances, a refinance loan was obtained by the Dorean Group client in the amount set forth in the foregoing table from a separate lender ("second lender") based upon the apparent free and clear title of the property.

(b) The refinance loan issued was secured by the falsely-appearing free and clear title of the Dorean Group client's property based upon the fraudulent Substitution of Trustee and Full Reconveyance recorded with the county recorder's office caused by defendants Heineman, Johnson, and the Dorean Group.

(c) Loan disbursements were made by the second lender under this refinance loan, and payments due and owing to the second lender have not been fully paid to date.

(d) Defendants Heineman, Johnson, and the Dorean Group committed acts in furtherance of the scheme and artifice to defraud as set forth in the following table.

Count	*Property Securing Loan*	*Refinance Loan Amount*	*Lender*	*Refinance Loan Date (Approximate)*
23	13738 Hidden Valley Road, Grass Valley, California	$200,000	Olympic Mortgage & Investment Company	09/03/04
24	11275 Cascada Way, San Diego, California	$459,000	Acoustic Home Loans	11/24/04
25	6890 Judson Avenue, Las Vegas, Nevada	$168,000	American Fidelity Mortgage Bankers, Inc.	12/23/04
26	4312 East Viking Road, Las Vegas, Nevada	$165,000	American Fidelity Mortgage Bankers, Inc.	01/17/05
27	4245 Jenny Lake Trail, Keller, Texas	$100,000	Federal Loan Home Mortgage Corporation	03/23/05

All in violation of Title 18, United States Code, Section 1341.

COUNTS TWENTY-EIGHT THROUGH FORTY-SIX: (18 U.S.C. § 1344 – Bank Fraud)

21. The Grand Jury realleges paragraphs 1 through 11 as if fully set forth herein.

22. On or and about and between approximately February 2003 and the present, in the Northern District of California and elsewhere, defendants,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON,
THE DOREAN GROUP,
THE OXFORD TRUST,
BAYLOR TRUST, and
UNIVERSAL TRUST SERVICES,

by means of materially false and fraudulent pretenses, representations, and promises, knowingly executed and attempted to execute a scheme and artifice to obtain any of the moneys, funds, credits, assets, securities or other property owned by, or under the custody and control of the financial institutions, the deposits of which were at that time insured by the Federal Deposit Insurance Corporation.

23. The purpose of the scheme and artifice was to obtain any of the moneys, funds, credits, assets, securities and other property owned by, or under the custody and control of financial institutions named in the table below, by recording false and fraudulent recordations at the county recorder's office (and, depending on jurisdiction, the county clerk's office and county register of deeds' office) purportedly on behalf of lender to reconvey the lender's secured interest in the borrower's property pursuant to a Deed of Trust (or an equivalent document) without authority and permission to do so.

24. In the execution of the scheme to obtain any of the moneys, funds, credits, assets, securities or other property owned by, or under the custody and control of these financial institutions, on or about and between February 10, 2003 and the present, defendants Heineman, Johnson, and the Dorean Group caused to be recorded with the county recorder's office (and, depending on jurisdiction, the county clerk's office and county register of deeds' office) as part of the title of the borrower's mortgaged property: (1) a Substitution of Trustee (and, depending on jurisdiction, a Specific Power of Attorney and Power of Attorney), which fraudulently conveyed that Heineman

and/or Johnson was acting as agent and attorney-in-fact of the lender; and (2) a Full Reconveyance (and, depending on jurisdiction, a Discharge of Mortgage and a Satisfaction of Mortgage), which contained a false statement that, in substance, the sums secured by the corresponding Deed of Trust (or equivalent document) had been fully paid to the lender, when such sums had not been fully paid.

25. Defendants Heineman, Johnson, and the Dorean Group committed acts in furtherance of the scheme and artifice to defraud as set forth in the following table.

Count	*Property Securing Loan*	*Loan Amount*	*Financial Institution (FDIC insured)*	*Date Presentment Packet Sent (Approximate)*	*Recording of Substitution of Trustee & Full Reconveyance (Approximate Date)*
28	6890 Judson Avenue, Las Vegas, Nevada	$69,917	Wells Fargo Bank	09/14/04	09/29/04, Clark County Recorder's Office
29	11275 Cascada Way, San Diego, California	$320,000	Bank of America	08/18/04	10/21/04, San Diego County Recorder's Office
30	11275 Cascada Way, San Diego, California	$98,000	Bank of America	08/18/04	10/21/04, San Diego County Recorder's Office
31	4312 East Viking Road, Las Vegas, Nevada	$143,000	Wells Fargo Bank	09/10/04	09/23/04, Clark County Recorder's Office
32	4245 Jenny Lake Trail, Keller, Texas	$100,800	Chase Manhattan Mortgage Corporation	12/28/04	02/18/05,Tarrant County Clerk's Office
33	13738 Hidden Valley Road, Grass Valley, California	$63,600	GreenPoint Mortgage Funding, Inc.	05/12/04	07/08/04, Nevada County Recorder's Office
34	12935 Ruth Haren Drive, Charlotte, North Carolina	$150,300	Countrywide Home Loans, Inc.	05/12/04	07/19/04, Mecklenberg County Register of Deeds' Office

Count	*Property Securing Loan*	*Loan Amount*	*Financial Institution (FDIC insured)*	*Date Presentment Packet Sent (Approximate)*	*Recording of Substitution of Trustee & Full Reconveyance (Approximate Date)*
35	5848 Pine Grove Run, Ovideo, Florida	$140,000	Ameriquest Mortgage Loan, Inc.	09/10/04	10/13/04, Seminole County Clerk of the Circuit Court's Office*
36	1211 North 19th Street, Colorado Springs, Colorado	$320,000	Fremont Investment & Loan	08/24/04	10/08/04, El Paso County Recorder's Office
37	9976 Recreation Avenue, Fresno, California	$199,500	Countrywide Home Loans, Inc.	By mail on 09/28/04	11/08/04, Fresno County Recorder's Office
38	23628 S.E. 242nd Court, Maple Valley, Washington	$276,852	Wells Fargo Bank	By mail on 10/15/04	12/29/04, King County Recorder's Office
39	3700 Orchard Lane, Sacramento, California	$270,000	Fremont Investment & Loan	By mail on 08/20/04	09/24/04, Sacramento County Recorder's Office
40	3079 Brightwater Court, Kissimmee, Florida	$213,766	Wells Fargo Bank	By mail on 08/20/04	09/23/04, Osceola County Clerk of the Circuit Court's Office*
41	1817 North Eaglet Court, Nampa, Idaho	$100,000	Washington Mutual Bank	By mail on 08/20/04	11/16/04, Canyon County Recorder's Office
42	3030 North Beachwood Drive, Los Angeles, California	$500,000	America's Servicing Company	By mail on 08/20/04	09/29/04, Los Angeles County Recorder's Office
43	12614 Tiara Street, Valley Village, California	$200,000	World Savings and Loan Bank	By mail on 04/23/04	07/16/04, Los Angeles County Recorder's Office

Count	*Property Securing Loan*	*Loan Amount*	*Financial Institution (FDIC insured)*	*Date Presentment Packet Sent (Approximate)*	*Recording of Substitution of Trustee & Full Reconveyance (Approximate Date)*
44	111 Mountain-side Way, . Greenville County, South Carolina	$84,350	Fleet Mortgage Corporation	02/13/04	04/07/2004, Greenville County Recorder's Office**
45	2447 Corum Court, Union City, California	$332,500	World Savings Bank	03/31/03	04/28/03, Alameda County Recorder's Office
46	2447 Corum Court, Union City, California	$95,000	World Savings Bank	02/10/03	04/28/03, Alameda County Recorder's Office

* Means Discharge of Mortgage, with a Specific Power of Attorney attached thereto, was recorded.
** Means a Satisfaction of Mortgage, with a Power of Attorney, was recorded.

All in violation of Title 18, United States Code, Section 1344.

DATED: September 22, 2005

A TRUE BILL.

FOREPERSON

KEVIN V. RYAN
United States Attorney

EUMI L. CHOI
Chief, Criminal Division

(Approved as to form: AUSA James Keller)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT ☒ SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

FILED
2006 FEB 16 PM 6:02
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OFFENSE CHARGED

18 U.S.C. Section 1341 - Mail Fraud (36 Counts)
18 U.S.C. Section 1344 - Bank Fraud (26 Counts)
18 U.S.C. Section 401(3) - Contempt of Court (2 counts)
18 U.S.C. Section 981(a)(1)C) and 28 U.S.C. Section 2451(c) - Forfeiture (3 Counts)

☐ Petty ☐ Minor ☐ Misde-meanor ☒ Felony

PENALTY:
SEE ATTACHED

DEFENDANT - U.S.

DALE SCOTT HEINEMAN

DISTRICT COURT NUMBER
CR-05-00611 DLJ

PROCEEDING

Name of Complaintant Agency, or Person (&Title, if any)
FBI

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of: ☐ U.S. Att'y ☐ Defense — SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under — MAGISTRATE CASE NO.

DEFENDANT

IS *NOT* IN CUSTODY

1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges ➧
2) ☐ Is a Fugitive
3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge
5) ☐ On another conviction
6) ☒ Awaiting trial on other charges
☐ Fed'l ☒ State

If answer to (6) is "Yes", show name of institution
Salt Lake County Metro Jail

Has detainer been filed? ☐ Yes ☐ No — If "Yes" give date filed ____ Month/Day/Year

DATE OF ARREST ➧ ____ Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ➧ ____

Name and Office of Person Furnishing Information on THIS FORM: KEVIN V. RYAN
☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned): AUSA JAMES E. KELLER

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT Bail Amount: NO BAIL

If Summons, complete following:
☐ Arraignment ☐ Initial Appearance

Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time:

Before Judge:

Comments:

Attachment 8

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA
CRIMINAL DIVISION
VENUE: OAKLAND

FILED
2006 FEB 16 PM 6:01
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

V.

DALE SCOTT HEINEMAN,
KURT F. JOHNSON,
THE DOREAN GROUP,
WILLIAM JULIAN,
FARREL J. LECOMPTE, JR.,
SARA J. MAGOON
a/k/a Credence, and
CHARLES DEWEY TOBIAS,

DEFENDANT.

CR 05-00611 DLJ

SUPERSEDING **INDICTMENT**

VIOLATIONS: 18 U.S.C. § 1349 -- Conspiracy to Commit Mail Fraud, Wire Fraud, and Bank Fraud; 18 U.S.C. § 1341 -- Mail Fraud (36 counts); 18 U.S.C. § 1344 -- Bank Fraud (26 counts); 18 U.S.C. § 401(3) -- Contempt of Court (2 counts); and 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c) -- Forfeiture (3 counts)

A true bill.

Foreman

Filed in open court this _____ day of

_____.

Clerk

Bail, $ No bail arrest warrants for Julian, LeCompte, Magoon & Tobias

Wayne D. Brazil

FILED
2006 FEB 16 PM 6:02
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEVIN V. RYAN (CASBN 118321)
United States Attorney

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. DALE SCOTT HEINEMAN, KURT F. JOHNSON, THE DOREAN GROUP, WILIAM JULIAN, FARREL J. LECOMPTE, JR., SARA J. MAGOON a/k/a Credence, and CHARLES DEWEY TOBIAS, Defendants.	No. CR 05-00611 DLJ VIOLATIONS: 18 U.S.C. § 1349 – Conspiracy to Commit Mail Fraud, Wire Fraud, and Bank Fraud; 18 U.S.C. § 1341 – Mail Fraud (36 counts); 18 U.S.C. § 1344 – Bank Fraud (26 counts); 18 U.S.C. § 401(3) – Contempt of Court (2 counts); and 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c) – Forfeiture (3 counts) OAKLAND VENUE

SUPERSEDING INDICTMENT

The Grand Jury charges:

INTRODUCTION

At all times relevant to this Superseding Indictment:

1. The Dorean Group was an unincorporated, fictitious entity not licensed to do business in the State of California that operated a purported debt elimination program. The Dorean Group was created at a time unknown to the Grand Jury, but not later than January 2004. Dale Scott

Heineman ("Heineman") and Kurt F. Johnson ("Johnson") were founders and principals of the Dorean Group. The Oxford Trust, Baylor Trust, and Universal Trust Services were fictitious entities not licensed to do business in the State of California established and used by Heineman and Johnson to further the Dorean Group's debt elimination program. "The Dorean Group" hereinafter collectively refers to the Dorean Group, the Oxford Trust, Baylor Trust, and Universal Trust Services.

2. From approximately March 2004 to April 2005, the Dorean Group was operating primarily out of its offices at 29460 Union City Boulevard, Union City, California. Subsequently, the Dorean Group operated out of its offices at 8371 Central Avenue, Newark, California. The Dorean Group also used a commercial mailbox address of 32108 Alvarado Boulevard #381, Union City, California.

3. William Julian ("Julian"), Farrel LeCompte Jr. ("LeCompte"), Sara Magoon ("Magoon"), and Dewey Tobias ("Tobias") were "brokers" of the Dorean Group. As Dorean Group brokers, each of them agreed to promote the Dorean Group's debt elimination program and not any other program. Julian, based in South Carolina, conducted his business as a Dorean Group broker under the entity known as Julian Professional Services; LeCompte, based in Texas, conducted his business as a Dorean Group broker under the entity known as D.T.E. Financial Group L.L.C.; Magoon, based in Montana, conducted her business as a Dorean Group broker under the name Credence; and Tobias, based in Florida, conducted his business as a Dorean Group broker under the entity known as Aquila Holdings, L.L.C. As a prerequisite to serving as Dorean Group brokers, Julian, LeCompte, Magoon, and Tobias subjected each of their loan(s) to the Dorean Group's debt elimination program.

4. Defendants were engaged in a scheme to defraud financial institutions, lenders, and others through a mortgage elimination program. Heineman, Johnson, and the Dorean Group used brokers and the Internet to advertise to borrowers the ability to eliminate the debt on their homes and make money in the process. After recruiting borrowers as clients and collecting fees from them with the assistance of the Dorean Group "brokers," Heineman, Johnson, and the Dorean Group transferred

property interests of clients into corresponding "family trusts." Heineman and Johnson were trustees of these trusts. As such, and purportedly on behalf of the clients, Heineman, Johnson, and the Dorean Group caused mailings to be sent to lenders demanding the lenders prove the validity of their loans to the unilateral satisfaction of the Dorean Group within 10 days. When this demand was not met, Heineman, Johnson, and the Dorean Group caused false recordations to be recorded, allegedly on behalf of the lenders, as part of the title of the mortgaged properties. In these recordations, Heineman, Johnson, and the Dorean Group purported to act on behalf of the lenders as their agent and attorney-in fact and, as such, transferred the lenders' secured property interests to the corresponding trusts established for each Dorean Group client. Heineman, Johnson, and the Dorean Group then caused the borrower to seek a new loan from a separate lender, to be secured by the seemingly free-and-clear title, keeping a majority of the loan proceeds obtained from the subsequent loan for themselves. The remaining proceeds of the subsequent loan were divided between the borrower and the Dorean Group broker who recruited the borrower.

METHODS AND MEANS OF THE SCHEME TO DEFRAUD

5. Heineman, Johnson, and the Dorean Group caused to be advertised on world-wide Internet websites that it has "a PROVEN, legal and moral way of eliminating your mortgage while adding $32K to your pocket (*based on a $200,000 mortgage)." These websites provided instructions for prospective clients to apply to the Dorean Group's debt elimination program.

6. Heineman, Johnson, and the Dorean Group charged a fee (the "Dorean Group Fee") to each client of the Dorean Group's debt elimination program. The Dorean Group Fee consisted of: (1) approximately $1000 to $3000 for each loan the Dorean Group client wished to eliminate, and (2) according to the Dorean Group's standard client service agreement, a "free-will offering of 50% of the REDEEMED mortgage," *i.e.* 50% of a subsequent loan issued by a separate lender. Because a subsequent loan was referred to as a "refinance loan" in the aforementioned websites, a subsequent loan is hereinafter referred to as a refinance loan. Heineman, Johnson, and the Dorean Group caused recordations to be recorded on its clients' property titles, falsely alleging that loans had been fully repaid. As a result, the Dorean Group's clients' titles appeared free and clear of any liens and

encumbrances, and lenders issued refinance loans based upon these appearances.

7. The Dorean Group had several brokers, including Julian, LeCompte, Magoon, and Tobias, located throughout the United States who: (1) solicited borrowers to become clients of the Dorean Group; (2) sometimes charged clients a fee, in addition to the Dorean Group Fee, for the broker services; (3) received a percentage, typically between 10-25%, of any refinance loan obtained; and (4) often hired agents to serve under them to promote the Dorean Group's debt elimination program.

8. Dorean Group Fees were provided to the Dorean Group via money wire transfer, and by checks and money orders payable to the Dorean Group mailed by private commercial interstate carriers and the United States Postal Service (hereinafter referred to as "Mail Delivery") to the Dorean Group's offices and commercial mailbox address. Dorean Group brokers, either by themselves or through their agent(s), typically collected the Dorean Group Fee and any broker fee from their respective clients. In these cases, the brokers, either themselves or through their agent(s), sent Dorean Group Fees by Mail Delivery to the Dorean Group in the Northern District of California and by wire transfers to a Dorean Group bank account opened and maintained in the Northern District of California.

9. Client applications were sent to the Dorean Group over the wires, via Internet and electronic mail, and by Mail Delivery. After a client paid the Dorean Group Fee and any applicable broker fee, Dorean Group brokers, either themselves or through their agents, typically: (1) provided clients with a password to access Dorean Group applications on the aforementioned world-wide Internet websites; (2) sent prepared client applications to the Dorean Group's offices and commercial mailbox address by Mail Delivery and by electronic mail; and (3) communicated with the Dorean Group by Mail Delivery and electronic mail regarding their respective clients and application of the debt elimination program.

10. As part of the Dorean Group's debt elimination program, Heineman, Johnson, and the Dorean Group established trusts ("Trusts"). The trustees of the Trusts were Heineman and Johnson, and the beneficiaries were the Dorean Group's clients. In furtherance of the program,

Heineman, Johnson, and the Dorean Group caused Dorean Group clients to record quitclaim deeds with the recorder's office, clerk of the court's office, and register of deeds' office in the jurisdiction in which Dorean Group's clients' properties were located, whereby clients purportedly transferred their respective interests in mortgaged properties to the corresponding Trusts.

11. Heineman, Johnson, and the Dorean Group then caused to be sent by Mail Delivery a "self-executing presentment packet" (hereinafter, "Presentment Packet") consisting of various documents to the lenders of the Dorean Group's clients' loans. In the Presentment Packet, Heineman, Johnson, and the Dorean Group claimed to be authorized to act on behalf of the borrower and demanded the lender prove the validity of its loan to the borrower within 10 days "to the unilateral satisfaction of the Dorean Group." Heineman, Johnson, and the Dorean Group purported to offer the lender the opportunity to cash a bond that purportedly was issued by an entity overseas, but was backed by Johnson alone, whose signature appears on this alleged bond and who held no substantial assets in his name. A lender could allegedly cash this alleged bond if the lender proved "to the unilateral satisfaction of the Dorean Group" that the lender's loan to the borrower is valid. If a lender attempted to cash the bond but failed to meet this burden, the lender was, according to language in the Presentment Packet, liable to the Dorean Group for damages "ten times" the amount of the bond. Wording in the Presentment Packet further alleged that if the lender failed to prove the validity of the loan, the Dorean Group would deem this to be the lender's "tacit assent" and "default,"and would act as the lender's agent and attorney-in-fact to "correct title" on the property secured by lender's loan. Heineman, Johnson, and the Dorean Group neither had been granted permission to act on behalf of the borrower, nor had been authorized to act on behalf of the lender as its agent and/or attorney-in-fact to correct title on the property secured by the lender's loan.

12. After a Presentment Packet was sent by Mail Delivery to the lender of a Dorean Group client's loan, and at least 10 days had elapsed, Heineman, Johnson, and the Dorean Group caused a "Substitution of Trustee" (and, depending on jurisdiction, a "Specific Power of Attorney" and "Power of Attorney") to be sent, typically by Mail Delivery, to the recorder's office, clerk of the court's office, and register of deeds' office in the jurisdiction in which each client's property was

located to be recorded on the client's property title. In this recordation, on which Heineman's signature typically appeared, Heineman, and if he was not able, Johnson, was purportedly acting as agent and attorney-in-fact on behalf of the lender.

13. Acting allegedly on behalf of the lender as its agent and/or attorney-in-fact, Heineman, Johnson, and the Dorean Group caused a "Full Reconveyance" (and, depending on jurisdiction, "Discharge of Mortgage" and "Satisfaction of Mortgage") to be sent, typically by Mail Delivery, to the recorder's office, clerk of the court's office, and register of deeds' office in the jurisdiction in which the Dorean Group client's property was located to be recorded as part of that property's title. In this recordation, on which Heineman's signature typically appeared and on which Heineman and Johnson represented to be acting as agent and/or attorney-in-fact of the lender, it was falsely claimed that the loan secured by the property had been fully paid, when such loan had not been fully repaid. This recordation caused the Dorean Group client's property title to falsely appear free and clear of any encumbrances, when the lender's secured loan had not been fully paid.

14. With title appearing free and clear of any encumbrances, Heineman, Johnson, and the Dorean Group caused at least five of its clients to successfully obtain a refinance loan from a separate lender. When a refinance loan was obtained, the Dorean Group, pursuant to its standard client service agreement, received 50% of the refinance loan's proceeds, the Dorean Group client retained approximately 25-40% of the proceeds, and the corresponding Dorean Group broker, if any, received 10-25% of the proceeds. Pursuant to the client service agreement, the refinance loan would be subjected to the Dorean Group's debt elimination program, consistent with the process set forth above, with the refinance loan not fully repaid.

COUNT ONE: (18 U.S.C. § 1349 – Conspiracy to Commit Mail Fraud, Wire Fraud and Bank Fraud)

15. The Grand Jury repeats and realleges paragraphs 1 through 14 as if fully set forth herein.

16. Beginning at a time unknown to the Grand Jury, but not later than February 2004,

and continuing until on or about July 6, 2005, in the Northern District of California and elsewhere, defendants,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON
THE DOREAN GROUP,
WILLIAM JULIAN,
FARREL J. LECOMPTE JR.,
SARA MAGOON (a/k/a Credence), and
CHARLES DEWEY TOBIAS,

knowingly conspired to:

(a) devise and intend to devise a scheme and artifice to defraud financial institutions and lenders that issued loans secured by real property as to a material matter and to obtain money by means of materially false and fraudulent pretenses, representations, and promises, knowing at the time that the pretenses, representations, and promises were false and fraudulent when made, and, in doing so, knowingly caused the United States mails and private and commercial interstate carriers to be used for the purpose of executing this scheme, in violation of Title 18, United States Code, Section 1341;

(b) devise and intend to devise a scheme and artifice to defraud financial institutions and lenders that issued loans secured by real property as to a material matter and to obtain money by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, and did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343; and

(c) execute and attempt to execute a scheme and artifice to defraud financial institutions that issued loans secured by real property and to obtain any of the money, funds, credits, assets, securities, and other property owned by, and under the custody and control of a financial institution, the deposits of each of which were at that time

insured by the Federal Deposit Insurance Corporation, by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, in violation of Title 18, United States Code, Section 1344.

OVERT ACTS

17. As part of the conspiracy and to further the objectives thereof, Heineman, Johnson, the Dorean Group, Julian, LeCompte, Magoon, and Tobias committed the following overt acts in the Northern District of California and elsewhere:

A. Properties For Which Refinance Loans Were Obtained

1. 13738 Hidden Valley Road, Grass Valley, California

(a) On or about May 12, 2004, the Dorean Group caused to be mailed a Presentment Packet to GreenPoint Mortgage Funding, Inc. ("GreenPoint") relating to a $63,600 loan secured by the property at 13738 Hidden Valley Road, Grass Valley, California.

(b) Between about May 7, 2004 and May 12, 2004, Johnson caused to be signed a document titled The Dorean Group Subrogation & Security Bond, a part of the Presentment Packet mailed to GreenPoint relating to a $63,600 loan.

(c) Between about June 11, 2004 and July 8, 2004, Heineman caused to be signed a document titled Full Reconveyance relating to the $63,600 loan that was recorded with the Nevada County Recorder's Office as part of the title to 13738 Hidden Valley Road, Grass Valley, California.

(d) On or about May 12, 2004, the Dorean Group caused to be mailed a Presentment Packet to Millennium Funding Group ("Millennium") relating to a $350,000 loan secured by the property at 13738 Hidden Valley Road, Grass Valley, California.

(e) Between about May 7, 2004 and May 12, 2004, Johnson caused to be signed a document titled The Dorean Group Subrogation & Security Bond, a part of the Presentment Packet mailed to Millennium relating to a $350,000 loan.

(f) Between about June 11, 2004 and July 8, 2004, Heineman caused to be

signed a document titled Full Reconveyance relating to the $350,000 loan that was recorded with the Nevada County Recorder's Office as part of the title to 13738 Hidden Valley Road, Grass Valley, California.

2. 4312 East Viking Road, Las Vegas, Nevada

(a) On or about September 10, 2004, the Dorean Group caused to be mailed a Presentment Packet to Wells Fargo Home Mortgage Incorporated ("Wells Fargo") relating to a $143,000 loan secured by the property at 4312 East Viking Road, Las Vegas, Nevada.

(b) On or about September 9, 2004, Johnson caused to be signed a document titled The Dorean Group Subrogation & Security Bond, a part of the Presentment Packet mailed to Wells Fargo relating to a $143,000 loan.

(c) On or about September 24, 2004, Heineman caused to be signed a document titled Full Reconveyance relating to the $143,000 loan that was recorded with the Clark County Recorder's Office as part of the title to 4312 East Viking Road, Las Vegas, Nevada.

3. 6890 Judson Avenue, Las Vegas, Nevada

(a) On or about September 8, 2004, the Dorean Group caused to be mailed a Presentment Packet to Wells Fargo relating to a $69,917 loan secured by the property at 6890 Judson Avenue, Las Vegas, Nevada.

(b) Between about September 2, 2004 and September 8, 2004, Johnson caused to be signed a document titled The Dorean Group Subrogation & Security Bond, a part of the Presentment Packet mailed to Wells Fargo relating to a $69,917 loan.

(c) Between about September 20, 2004 and September 29, 2004, Heineman caused to be signed a document titled Full Reconveyance relating to the $69,917 loan that was recorded with the Clark County Recorder's Office as part of the title to 6890 Judson Avenue, Las Vegas, Nevada.

4. 11275 Cascada Way, San Diego, California

(a) On or about August 20, 2004, the Dorean Group caused to be mailed a Presentment Packet to Bank of America relating to a $320,000 loan secured by the property at 11275

Cascada Way, San Diego, California.

(b) Between about August 18, 2004 and August 20, 2004, the Dorean Group caused to be mailed a Presentment Packet to Bank of America relating to a $98,000 loan secured by the property at 11275 Cascada Way, San Diego, California.

(c) Between about August 18, 2004 and August 20, 2004, Johnson caused to be signed a document titled The Dorean Group Subrogation & Security Bond, a part of the Presentment Packet mailed to Bank of America relating to a $320,000 loan.

(d) Between about August 18, 2004 and August 20, 2004, Johnson caused to be signed a document titled The Dorean Group Subrogation & Security Bond, a part of the Presentment Packet mailed to Bank of America relating to a $98,000 loan.

(e) Between about September 3, 2004 and October 21, 2004, Heineman caused to be signed a document titled Full Reconveyance relating to the $320,000 loan that was recorded with the San Diego County Recorder's Office as part of the title to 11275 Cascada Way, San Diego, California.

(f) Between about October 20, 2004 and November 2, 2004, Heineman caused to be signed a document titled Full Reconveyance relating to the $98,000 loan that was recorded with the San Diego County Recorder's Office as part of the title to 11275 Cascada Way, San Diego, California.

5. 4245 Jenny Lake Trail, Keller, Texas

(a) On or about December 28, 2004, the Dorean Group caused to be mailed a Presentment Packet to Chase Manhattan Mortgage Corporation ("Chase Manhattan") relating to a $100,800 loan secured by the property at 4245 Jenny Lake Trail, Keller, Texas.

(b) Between about December 16, 2004 and December 28, 2004, Johnson caused to be signed a document titled The Dorean Group Subrogation & Security Bond, a part of the Presentment Packet mailed to Chase Manhattan relating to a $100,800 loan.

(c) On or about February 18, 2005, Heineman caused to be signed a document titled Full Reconveyance relating to the $100,800 loan that was recorded with the Tarrant County

Clerk's Office as part of the title to 4245 Jenny Lake Trail, Keller, Texas.

B. Dorean Group Broker's Properties

1. Magoon - 317 Grantsdale Road, Hamilton, Montana

(a) On or about February 9, 2004, the Dorean Group caused to be mailed a Presentment Packet to GreenPoint in relation to a $202,400 loan secured by the property at 317 Grantsdale Road, Hamilton, Montana.

(b) Between about February 2, 2004 and February 9, 2004, Johnson caused to be signed a document titled The Dorean Group Subrogation & Security Bond, a part of the Presentment Packet mailed to GreenPoint relating to a $202,400 loan.

(c) Between about March 10, 2004 and March 15, 2004, Heineman caused to be signed a document titled Full Reconveyance relating to the $202,400 loan that was recorded with the Ravalli County Clerk and Recorder's Office as part of the title to 317 Grantsdale Road, Hamilton, Montana.

(d) On or about February 9, 2004, the Dorean Group caused to be mailed a Presentment Packet to GreenPoint in relation to a $45,313.73 loan secured by the property at 317 Grantsdale Road, Hamilton, Montana.

(e) Between about February 2, 2004 and February 9, 2004, Johnson caused to be signed a document titled The Dorean Group Subrogation & Security Bond, a part of the Presentment Packet relating to a $45,313.73 loan mailed to Farmers' State Bank.

(f) Between about March 9, 2004 and March 15, 2004, Heineman caused to be signed a document titled Full Reconveyance relating to the $45,313.73 loan that was recorded with the Ravalli County Clerk and Recorder's Office as part of the title to 317 Grantsdale Road, Hamilton, Montana.

(g) On or about July 23, 2004, Magoon caused to be signed a Broker Agreement with Heineman and Johnson, whereby Magoon agreed to be a broker of the Dorean Group.

2. Julian - 522 M Avenue, Cayce, South Carolina

(a) On or about March 30, 2004, the Dorean Group caused to be mailed a

Presentment Packet to The National Bank of South Carolina in relation to a $134,016 loan secured by the property at 522 M Avenue, Cayce, South Carolina.

(b) On or about March 29, 2004, Johnson caused to be signed a document titled The Dorean Group Subrogation & Security Bond, part of the Presentment Packet mailed to The National Bank of South Carolina relating to a $134,016 loan.

(c) Between about May 5, 2004 and May 11, 2004, Heineman caused to be signed a document titled Satisfaction relating to the $134,016 loan that was recorded with the Lexington County Register of Deeds' Office as part of the title to 522 M Avenue, Cayce, South Carolina.

(d) On or about July 23, 2004, Julian caused to be signed a Broker Agreement with Heineman and Johnson, whereby Julian, under the entity known as Julian Professional Services, agreed to be a broker of the Dorean Group.

3. LeCompte - 7007 Mira Blossom Lane, Humble, Texas - Property #1

(a) On or about May 27, 2004, the Dorean Group caused to be mailed a Presentment Packet to New Century Mortgage Corporation in relation to a $147,000 loan secured by the property at 7007 Mira Blossom Lane, Humble, Texas.

(b) Between about May 25, 2004 and May 27, 2004, Johnson caused to be signed a document titled The Dorean Group Subrogation & Security Bond, part of the Presentment Packet mailed to New Century Mortgage Corporation relating to a $147,000 loan.

(c) Between about June 24, 2004 and June 30, 2004, Heineman caused to be signed a document titled Full Reconveyance relating to the $147,000 loan that was recorded with the Harris County Clerk's Office as part of the title to 7007 Mira Blossom Lane, Humble, Texas.

(d) On or about July 23, 2004, LeCompte caused to be signed a Broker Agreement with defendants Heineman and Johnson, whereby LeCompte agreed to be a broker of the Dorean Group.

4. LeCompte - 2915 Cotswold Manor Drive, Kingwood, Texas Property #2

(a) On or about November 9, 2004, the Dorean Group caused to be mailed a

Presentment Packet to Fremont Investment and Loan in relation to a $306,800 loan, secured by the property at 2915 Cotswold Manor Drive, Kingwood, Texas.

(b) On or about November 9, 2004, Johnson caused to be signed a document titled The Dorean Group Subrogation & Security Bond, part of the Presentment Packet mailed to Fremont Investment and Loan relating to a $306,800 loan.

(c) Between about April 8, 2005 and June 28, 2005, Heineman caused to be signed a document titled Full Reconveyance/Satisfaction of Mortgage relating to the $306,800 loan that was recorded with the Harris County Clerk's Office as part of the title to 2915 Cotswold Manor Drive, Kingwood, Texas.

(d) On or about November 9, 2004, the Dorean Group caused to be mailed a Presentment Packet to Fremont Investment and Loan in relation to a $76,700 loan, secured by the property at 2915 Cotswold Manor Drive, Kingwood, Texas.

(e) On or about November 9, 2004, Johnson caused to be signed a document titled The Dorean Group Subrogation & Security Bond, part of the Presentment Packet mailed to Fremont Investment and Loan relating to a $76,700 loan.

(f) Between about April 8, 2005 and June 28, 2005, Heineman caused to be signed a document titled Full Reconveyance/Satisfaction of Mortgage relating to the $76,700 loan that was recorded with the Harris County Clerk's Office as part of the title to 2915 Cotswold Manor Drive, Kingwood, Texas.

5. Tobias - 1745 Markham Woods Road, Longwood, Florida

(a) On or about April 2, 2004, Tobias signed a Dorean Group service agreement, whereby he agreed to subject a $209,950 loan to the Dorean Group's debt elimination program.

(b) On or about June 8, 2004, the Dorean Group caused to be mailed a Presentment Packet to Option One Mortgage Corporation in relation to a $209,950 loan secured by the property at 1745 Markham Woods Road, Longwood, Florida.

(c) On or about June 8, 2004, Johnson caused to be signed a document titled

The Dorean Group Subrogation & Security Bond, part of the Presentment Packet mailed to Option One Mortgage Corporation relating to a $209,950 loan.

(d) Between about July 1, 2004 and July 14, 2004, Heineman caused to be signed a document titled Discharge of Mortgage relating to the $209,950 loan that was recorded with the Seminole County Clerk of Circuit Court's Office as part of the title to 1745 Markham Woods Road, Longwood, Florida.

All in violation of Title 18, United States Code, Section 1349.

COUNTS TWO THROUGH FIVE: (18 U.S.C. § 1341 – Mail Fraud)

18. The Grand Jury repeats and realleges paragraphs 1 through 14 as if fully set forth herein.

19. Beginning at a time unknown to the Grand Jury, but not later than March 30, 2004, and continuing until on or about July 6, 2005, in the Northern District of California and elsewhere, defendants,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON,
THE DOREAN GROUP, and
WILLIAM JULIAN,

knowingly devised and intended to devise a scheme and artifice to defraud financial institutions and lenders that issued loans secured by real property as to a material matter and to obtain money by means of false and fraudulent pretenses, representations, and promises, knowing at the time that the pretenses, representations, and promises were false and fraudulent when made, and, in doing so, knowingly caused the United States mails and private and commercial interstate carriers to be used for the purpose of executing this scheme.

20. It was part of the scheme to defraud that:

(a) Julian, acting as broker of the Dorean Group under the entity known as Julian Professional Services, recruited borrowers of the loans identified in the following table to subject each of the loans to the Dorean Group's debt elimination program.

(b) Heineman, Johnson, and the Dorean Group caused a quitclaim deed to be recorded at the county recorder's office, county clerk's office and, register of deeds' office in the

county where the property of the Dorean Group client recruited by Julian (or his agents) was located. In this quitclaim deed, the Dorean Group client purportedly transfered her interest in the property to a trust, of which Heineman and Johnson were trustees and the borrower was the beneficiary.

(c) Heineman, Johnson, and the Dorean Group caused a Presentment Packet to be sent by Mail Delivery to the corresponding lender of the loan issued to the Dorean Group client and identified in the following table.

(d) After a Presentment Packet had been sent by Mail Delivery to the lender, Heineman, Johnson, and the Dorean Group caused a Substitution of Trustee (and, if applicable, a Specific Power of Attorney) to be recorded at the county recorder's office, the county clerk's office, and the register of deeds' office as part of the title of the Dorean Group's client's property. In this document, on which Heineman's signature appears, Heineman – and if Heineman was unable, Johnson – purported to act on behalf of the respective lender to substitute himself as trustee for that lender.

(e) Heineman, Johnson, and the Dorean Group caused a Full Reconveyance (a/k/a Discharge of Mortgage and Satisfaction of Mortgage), on which the signed name of Heineman appears, to be recorded at the county recorder's office as part of the title of the borrower's property. This recordation allegedly reconveyed the lender's secured interests in the property to the trust established through the Dorean Group, of which Heineman and Johnson were trustees and the client was the beneficiary, by falsely providing that the loan secured by the property had been fully paid, when the loan had not been fully paid.

21. Heineman, Johnson, the Dorean Group, and Julian (under the entity known as Julian Professional Services) committed acts in furtherance of this scheme and caused mailings as set forth in the following table:

Count	*Property Securing Loan*	*Loan Amount*	*Lender / Successor-in-Interest Lender*	*Mailing of Presentment Packet (Approximate)*	*Date, Place, and Type of Recordation on Title (Date Approximate)*
2	522 M Avenue, Cayce, South Carolina	$134,016	The National Bank of South Carolina	03/30/04	05/11/04, Lexington County Register of Deeds' Office, Satisfaction
3	12935 Ruth Haren Drive, Charlotte, North Carolina	$150,300	Countrywide Home Loans, Inc.	05/12/04	07/19/04, Mecklenberg County Register of Deeds' Office, Full Reconveyance
4	1745 Markham Woods Road, Longwood, Florida	$209,950	Option One Mortgage Corporation	06/16/04	07/14/04, Seminole County Clerk of Circuit Court's Office, Discharge of Mortgage
5	3700 Orchard Lane, Sacramento, California	$270,000	Fremont Investment & Loan	08/20/04	09/24/04, Sacramento County Recorder's Office, Full Reconveyance

Each in violation of Title 18, United States Code, Section 1341.

COUNTS SIX THROUGH EIGHT: (18 U.S.C. § 1344 – Bank Fraud)

22. The Grand Jury repeats and realleges paragraphs 1 through 14 and 20 as if fully set forth herein.

23. Beginning at a time unknown to the Grand Jury, but not later than March 30, 2004, and continuing until on or about July 6, 2005, in the Northern District of California and elsewhere, defendants,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON,
THE DOREAN GROUP, and
WILLIAM JULIAN,

knowingly executed and attempted to execute a scheme and artifice to defraud financial institutions that issued loans secured by real property and to obtain money, funds, credits, assets, securities and other property owned by, and under the custody and control of, the lenders identified in the following table, each of which was a financial institution as defined in 18 U.S.C. § 20, the deposits of each of which were at the time insured by the Federal Deposit Insurance Corporation, by means of false and fraudulent pretenses, representations, and promises, knowing

that the pretenses, representations, and promises were false and fraudulent when made.

24. The purpose of the scheme and artifice was to obtain money, funds, credits, assets, securities and other property owned by, and under the custody and control of, financial institutions identified in the following table by filing false and fraudulent recordations at county recorder's offices, county clerk's offices, and register of deeds' offices allegedly on behalf of lenders, thereby reconveying a lender's secured interest in the corresponding property listed in the following table, without authority and permission to do so.

25. Heineman, Johnson, the Dorean Group, and Julian (under the entity known as Julian Professional Services) committed acts in furtherance of this scheme and caused mailings and recordations as set forth in the following table:

Count	*Property Securing Loan*	*Loan Amount*	*Financial Institution (FDIC insured)*	*Mailing of Presentment Packet (Approximate)*	*Date, Place, and Type of Recordation on Title (Date Approximate)*
6	522 M Avenue, Cayce, South Carolina	$134,016	The National Bank of South Carolina	03/30/04	05/11/04, Lexington County Register of Deeds' Office, Satisfaction
7	12935 Ruth Haren Drive, Charlotte, North Carolina	$150,300	Countrywide Home Loans, Incorporated	05/12/04	07/19/04, Mecklenberg County Register of Deeds' Office, Full Reconveyance
8	3700 Orchard Lane, Sacramento, California	$270,000	Fremont Investment & Loan	08/20/04	09/24/04, Sacramento County Recorder's Office, Full Reconveyance

Each in violation of Title 18, United States Code, Section 1344.

COUNTS NINE THROUGH THIRTEEN: (18 U.S.C. § 1341– Mail Fraud)

26. The Grand Jury repeats and realleges paragraphs 1 through 14 as if fully set forth herein.

27. Beginning at a time unknown to the Grand Jury, but not later than May 27, 2004, and continuing until on or about July 6, 2005, in the Northern District of California and

elsewhere, defendants,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON,
THE DOREAN GROUP, and
FARREL J. LECOMPTE, JR.,

knowingly devised and intended to devise a scheme and artifice to defraud financial institutions and lenders that issued loans secured by real property as to a material matter and to obtain money by means of materially false and fraudulent pretenses, representations, and promises, knowing at the time that the pretenses, representations, and promises were false and fraudulent when made, and, in doing so, knowingly caused the United States mails and private and commercial interstate carriers to be used for the purpose of executing this scheme.

28. It was part of the scheme to defraud that:

(a) LeCompte, acting as a broker of the Dorean Group under the entity known as D.T.E. Financial Group L.L.C., recruited borrowers of the loans identified in the following table to subject each of the loans to the Dorean Group's debt elimination program.

(b) Heineman, Johnson, and the Dorean Group caused a quitclaim deed to be recorded at county recorder's office, county clerk's office, and register of deeds' office in the county where the property of the Dorean Group client recruited by LeCompte (or his agents) was located. In this quitclaim deed, the Dorean Group client purportedly transfered her interest in the property to a trust, of which Heineman and Johnson were trustees and the borrower was the beneficiary.

(c) Heineman, Johnson, and the Dorean Group caused a Presentment Packet to be sent by Mail Delivery to the corresponding lender of the loan issued to the Dorean Group client and identified in the following table.

(d) After a Presentment Packet had been sent by Mail Delivery to the lender, Heineman, Johnson, and the Dorean Group caused a Substitution of Trustee (and, if applicable, a Specific Power of Attorney) to recorded at the county recorder's office, the county clerk's office, and the register of deeds' office as part of the title of the Dorean Group's client's property. In this document, on which Heineman's signature appears, Heineman – and if Heineman was

unable, Johnson – purported to act on behalf of the respective lender to substitute himself as trustee for that lender.

(e) Heineman, Johnson, and the Dorean Group caused a Full Reconveyance (a/k/a Discharge of Mortgage and Satisfaction of Mortgage), on which the signed name of Heineman appears, to be recorded at the county recorder's office as part of the title of the borrower's property. This recordation allegedly reconveyed the lender's secured interests in the property to the trust established through the Dorean Group, of which Heineman and Johnson were trustees and the client was the beneficiary, by falsely providing that the loan secured by the property had been fully paid, when the loan had not been fully paid.

29. Heineman, Johnson, the Dorean Group, and LeCompte (under the entity known as D.T.E. Financial Group L.L.C.) committed acts in furtherance of this scheme and caused mailings as set forth in the following table:

Count	*Property Securing Loan*	*Loan Amount*	*Lender / Successor-in-Interest Lender*	*Mailing of Presentment Packet (Approximate)*	*Date, Place, and Type of Recordation on Title (Date Approximate)*
9	7007 Mira Blossom Lane, Humble, Texas	$147,000	New Century Mortgage Corporation	05/27/04	06/30/04, Harris County Clerk's Office, Full Reconveyance
10	23628 Southeast 242nd Court, Maple Valley, Washington	$276,852	Wells Fargo Home Mortgage, Incorporated	10/15/04	10/25/04, King County Recorder's Office, Full Reconveyance
11	2915 Cotswold Manor Drive, Kingwood, Texas	$306,800	Fremont Investment & Loan	11/09/04	06/28/05, Harris County Clerk's Office, Full Reconveyance/Satisfaction of Mortgage
12	2915 Cotswold Manor Drive, Kingwood, Texas	$76,700	Fremont Investment & Loan	11/09/04	06/28/05, Harris County Clerk's Office, Full Reconveyance/Satisfaction of Mortgage
13	4245 Jenny Lake Trail, Keller, Texas	$100,800	Chase Manhattan Mortgage Corporation	12/28/04	02/18/05, Tarrant County Clerk's Office, Full Reconveyance

Each in violation of Title 18, United States Code, Section 1341.

COUNT FOURTEEN: (18 U.S.C. § 1341 – Mail Fraud)

30. The Grand Jury repeats and realleges paragraphs 1 through 14 and 28 as if fully set forth herein.

31. Beginning at a time unknown to the Grand Jury, but not later than February 9, 2005 and continuing until on or about July 6, 2005, in the Northern District of California and elsewhere, defendants,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON,
THE DOREAN GROUP, and
FARREL J. LECOMPTE, JR.,

knowingly devised and intended to devise a scheme and artifice to defraud financial institutions and lenders that issued loans secured by real property as to a material matter and to obtain money by means of materially false and fraudulent pretenses, representations, and promises, knowing at the time that the pretenses, representations, and promises were false and fraudulent when made, and, in doing so, knowingly caused the United States mails and private and commercial interstate carriers to be used for the purpose of executing this scheme.

32. It was part of the scheme to defraud that:

(a) Heineman, Johnson, the Dorean Group, and LeCompte (under the entity known as D.T.E. Financial Group, L.L.C.) caused a Full Reconveyance (a/k/a Discharge of Mortgage and a Satisfaction of Mortgage) to be sent by Mail Delivery to the county recorder's office, the county clerk's office, and the county register of deeds' office and recorded as part of the title for the property identified in the following table. After its recording, with the title falsely appearing unencumbered, Heineman, Johnson, the Dorean Group, and LeCompte (under the entity known as D.T.E. Financial Group, L.L.C.), consistent with the Dorean Group's standard client service agreement, caused a refinance loan to be issued to their client by a lender in the amount set forth in the following table.

(b) This refinance loan was secured by the falsely-claimed free and clear title

of the Dorean Group client's property based upon the recordations caused to be recorded by Heineman, Johnson, the Dorean Group, and LeCompte (under the entity known as D.T.E. Financial Group, L.L.C.).

(c) A loan disbursement was made by the corresponding lender of this refinance loan.

(d) Heineman, Johnson, the Dorean Group, and LeCompte (under the entity known as D.T.E. Financial Group, L.L.C.) committed acts in furtherance of this scheme and caused the mailing as set forth in the following table:

Count	*Property Securing Loan*	*Mailing of Recordation (Approximate Date)*	*Mailing Recipient*	*Refinance Loan Amount*	*Refinance Loan Lender*	*Refinance Loan Date (Approximate)*
14	4245 Jenny Lake Trail, Keller, Texas	02/09/05, Full Reconveyance	Tarrant County Clerk's Office	$100,000	Federal Home Loan Mortgage Corporation	03/23/05

All in violation of Title 18, United States Code, Section 1341.

COUNTS FIFTEEN TO EIGHTEEN: (18 U.S.C. § 1344 – Bank Fraud)

33. The Grand Jury repeats and realleges paragraphs 1 through 14 and 28 as if fully set forth herein.

34. Beginning at a time unknown to the Grand Jury, but not later than October 15, 2004, and continuing until on or about July 6, 2005, in the Northern District of California and elsewhere, defendants,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON,
THE DOREAN GROUP, and
FARREL J. LECOMPTE JR.,

knowingly executed and attempted to execute a scheme and artifice to defraud financial institutions that issued loans secured by real property and to obtain money, funds, credits, assets, securities and other property owned by, and under the custody and control of, the lenders listed in the following table, each of which was a financial institution as defined 18 U.S.C. § 20, the deposits of each of which were at the time insured by the Federal Deposit Insurance Corporation,

by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made.

35. The purpose of the scheme and artifice was to obtain money, funds, credits, assets, securities and other property owned by, and under the custody and control of, financial institutions identified in the following table, by filing false and fraudulent recordations at county recorder's offices, county clerk's offices, and register of deeds' offices allegedly on behalf of lenders, thereby reconveying a lender's secured interests in the corresponding property listed in the following table, without authority and permission to do so.

36. Heineman, Johnson, the Dorean Group, and LeCompte (under an entity known as D.T.E. Financial Group, L.L.C.) committed acts in furtherance of this scheme and caused mailings and recordations as set forth in the following table:

Count	*Property Securing Loan*	*Loan Amount*	*Financial institution (FDIC insured)*	*Mailing of Presentment Packet (Approximate)*	*Date, Place, and Type of Recordation on Title (Date Approximate)*
15	23628 Southeast 242nd Court, Maple Valley, Washington	$276,852	Wells Fargo Home Mortgage, Incorporated	10/15/04	10/25/04, King County Recorder's Office, Full Reconveyance
16	2915 Cotswold Manor Drive, Kingwood, Texas	$306,800	Fremont Investment & Loan	11/09/04	06/28/05, Harris County Clerk's Office, Full Reconveyance / Satisfaction of Mortgage
17	2915 Cotswold Manor Drive, Kingwood, Texas	$76,700	Fremont Investment & Loan	11/09/04	06/28/05, Harris County Clerk's Office, Full Reconveyance / Satisfaction of Mortgage
18	4245 Jenny Lake Trail, Keller, Texas	$100,800	Chase Manhattan Mortgage Corporation	12/28/04	02/18/05, Tarrant County Clerk's Office, Full Reconveyance

Each in violation of Title 18, United States Code, Section 1344.

COUNTS NINETEEN THROUGH TWENTY-THREE: (18 U.S.C. § 1341– Mail Fraud)

37. The Grand Jury repeats and realleges paragraphs 1 through 14 as if fully set forth herein.

38. Beginning at a time unknown to the Grand Jury, but not later than February 9, 2004, and continuing until on or about July 6, 2005, in the Northern District of California and elsewhere, defendants,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON,
THE DOREAN GROUP, and
SARA J. MAGOON (a/k/a Credence),

knowingly devised and intended to devise a scheme and artifice to defraud financial institutions and lenders that issued loans secured by real property as to a material matter and to obtain money by means of materially false and fraudulent pretenses, representations, and promises, knowing at the time that the pretenses, representations, and promises were false and fraudulent when made and, in doing so, knowingly caused the United States mails and private and commercial interstate carriers to be used for the purpose of executing this scheme.

39. It was part of the scheme to defraud that:

(a) Magoon, acting as broker of the Dorean Group under the name Credence, recruited borrowers of the loans identified in the following table to subject each of the loans to the Dorean Group's debt elimination program.

(b) Heineman, Johnson, and the Dorean Group caused a quitclaim deed to be recorded at the county recorder's office, county clerk's office, and register of deeds' office in the county where the property of the Dorean Group client recruited by Magoon (or her agents) was located. In this quitclaim deed, the Dorean Group client purportedly transfered her interest in the property to a trust, of which Heineman and Johnson were trustees and the borrower was the beneficiary.

(c) Heineman, Johnson, and the Dorean Group caused a Presentment Packet to be sent by Mail Delivery to the corresponding lender of the loan issued to the Dorean Group client and identified in the following table.

(d) After a Presentment Packet had been sent by Mail Delivery to the lender, Heineman, Johnson, and the Dorean Group caused a Substitution of Trustee (and, if applicable, a Specific Power of Attorney) to be recorded at the county recorder's office, the county clerk's office and the register of deeds' office as part of the title of the Dorean Group's client's property. In this document, on which Heineman's signature appears, Heineman – and if Heineman was unable, Johnson – purported to act on behalf of the respective lender to substitute himself as trustee for that lender.

(e) Heineman, Johnson, and the Dorean Group caused a Full Reconveyance (a/k/a Discharge of Mortgage and Satisfaction of Mortgage), on which the signed name of Heineman appears, to be recorded at the county recorder's office as part of the title of the borrower's property. This recordation allegedly reconveyed the lender's secured interests in the property to the trust established through the Dorean Group, of which Heineman and Johnson were trustees and the client was the beneficiary, by falsely providing that the loan secured by the property had been fully paid, when the loan had not been fully paid.

40. Heineman, Johnson, the Dorean Group, and Magoon (under the name Credence) committed acts in furtherance of this scheme and caused mailings as set forth in the following table:

Count	*Property Securing Loan*	*Loan Amount*	*Lender / Successor-in-Interest Lender*	*Mailing of Presentment Packet (Approximate)*	*Date, Place, and Type of Recordation on Title (Date Approximate)*
19	317 Grantsdale Road, Hamilton, Montana	$202,400	GreenPoint Mortgage Funding, Inc.	02/09/04	03/15/04, Ravalli County Recorder's Office, Full Reconveyance
20	317 Grantsdale Road, Hamilton, Montana	$45,313.73	Farmers State Bank	02/09/04	03/15/04, Ravalli County Clerk and Recorder's Office, Full Reconveyance
21	1211 North 19th Street, Colorado Springs, Colorado	$320,000	Fremont Investment & Loan	08/24/04	10/08/04, El Paso County Recorder's Office, Full Reconveyance
22	4312 East Viking Road, Las Vegas, Nevada	$143,000	Wells Fargo Home Mortgage, Incorporated	09/10/04	10/22/04, Clark County Recorder's Office, Full Reconveyance
23	6890 Judson Avenue, Las Vegas, Nevada	$69,917	Wells Fargo Home Mortgage, Incorporated	09/14/04	09/29/04, Clark County Recorder's Office, Full Reconveyance

Each in violation of Title 18, United States Code, Section 1341.

COUNTS TWENTY-FOUR AND TWENTY-FIVE: (18 U.S.C. § 1341 – Mail Fraud)

41. The Grand Jury realleges paragraphs 1 through 14 and 39 as if fully set forth herein.

42. Beginning at a time unknown to the Grand Jury, but not later than September 21, 2004, and continuing until on or about July 6, 2005, in the Northern District of California and elsewhere, defendants,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON,
THE DOREAN GROUP, and
SARA J. MAGOON (a/k/a Credence),

knowingly devised and intended to devise a scheme and artifice to defraud financial institutions and lenders that issued loans secured by real property as to a material matter and to obtain money

by means of materially false and fraudulent pretenses, representations, and promises, knowing at the time that the pretenses, representations, and promises were false and fraudulent when made, and, in doing so, knowingly caused the United States mails and private and commercial interstate carriers to be used for the purpose of executing this scheme.

43. It was part of the scheme to defraud that:

(a) Heineman, Johnson, the Dorean Group, and Magoon (under the name Credence) caused Full Reconveyances (a/k/a Discharges of Mortgage and Satisfactions of Mortgage) to be sent by Mail Delivery to county recorder's offices, county clerk's offices, and county register of deeds' offices and recorded as part of the titles for the properties identified in the following table. After the recordings, with titles falsely appearing unencumbered, Heineman, Johnson, the Dorean Group, and Magoon (under the name Credence), consistent with the Dorean Group's standard client service agreement, caused refinance loans to be issued to their clients by corresponding lenders in the amounts set forth in the following table.

(b) Each of the refinance loans was secured by the falsely-claimed free and clear title of the Dorean Group client's property based upon the recordations caused to be recorded by Heineman, Johnson, the Dorean Group, and Magoon (under the name Credence).

(c) Loan disbursements were made by the corresponding lenders of these refinance loans.

(d) Heineman, Johnson, the Dorean Group, and Magoon (under the name Credence) committed acts in furtherance of this scheme and caused the mailings as set forth in the following table:

Count	*Property Securing Loan*	*Mailing of Recordation (Approximate Date)*	*Mailing Recipient*	*Refinance Loan Amount*	*Refinance Loan Lender*	*Refinance Loan Date (Approximate)*
24	4312 East Viking Road, Las Vegas, Nevada	09/21/04, Full Reconveyance	Clark County Recorder's Office	$165,000	American Fidelity Mortgage Bankers, Incorporated	01/14/05
25	6890 Judson Avenue, Las Vegas, Nevada	09/24/04, Full Reconveyance	Clark County Recorder's Office	$168,000	American Fidelity Mortgage Bankers, Incorporated	12/23/04

Each in violation of Title 18, United States Code, Section 1341.

COUNTS TWENTY-SIX THROUGH THIRTY: (18 U.S.C. § 1344 – Bank Fraud)

44. The Grand Jury repeats and realleges paragraphs 1 through 14 and 39 as if fully set forth herein.

45. Beginning at a time unknown to the Grand Jury, but not later than February 9, 2004, and continuing until on or about July 6, 2005, in the Northern District of California and elsewhere, defendants,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON,
THE DOREAN GROUP, and
SARA J. MAGOON (a/k/a Credence),

knowingly executed and attempted to execute a scheme and artifice to defraud financial institutions that issued loans secured by real property and to obtain money, funds, credits, assets, securities and other property owned by, and under the custody and control of, the lenders listed in the following table, each of which was a financial institution as defined 18 U.S.C. § 20, the deposits of each of which were at the time insured by the Federal Deposit Insurance Corporation, by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made.

46. The purpose of the scheme and artifice was to obtain money, funds, credits, assets,

securities and other property owned by, or under the custody and control of, financial institutions identified in the following table, by filing false and fraudulent recordations at county recorder's offices, county clerk's offices and register of deeds' offices allegedly on behalf of lenders, thereby reconveying a lender's secured interests in the corresponding property listed in the following table, without authority and permission to do so.

47. Heineman, Johnson, the Dorean Group, and Magoon (under the name Credence) committed acts in furtherance of this scheme and caused mailings and recordations as set forth in the following table:

Count	*Property Securing Loan*	*Loan Amount*	*Financial institution (FDIC insured)*	*Mailing of Presentment Packet (Approximate)*	*Date, Place, and Type of Recordation on Title (Date Approximate)*
26	317 Grantsdale Road, Hamilton, Montana	$202,400	GreenPoint Mortgage Funding, Incorporated	02/09/04	3/15/04, Ravalli County Clerk and Recorder's Office, Full Reconveyance
27	317 Grantsdale Road, Hamilton, Montana	$45,313.73	Farmers State Bank	02/09/04	03/15/04, Ravalli County Clerk and Recorder's Office, Full Reconveyance
28	1211 North 19th Street, Colorado Springs, Colorado	$320,000	Fremont Investment & Loan	08/24/04	10/08/04, El Paso County Recorder's Office, Full Reconveyance
29	4312 East Viking Road, Las Vegas, Nevada	$143,000	Wells Fargo Home Mortgage, Incorporated	09/10/04	10/22/04, Clark County Recorder's Office, Full Reconveyance
30	6890 Judson Avenue, Las Vegas, Nevada	$69,917	Wells Fargo Home Mortgage, Incorporated	09/14/04	09/28/04, Clark County Recorder's Office, Full Reconveyance

Each in violation of Title 18, United States Code, Section 1344.

COUNTS THIRTY-ONE THROUGH THIRTY-FOUR: (18 U.S.C. § 1341– Mail Fraud)

48. The Grand Jury repeats and realleges paragraphs 1 through 14 as if fully set forth herein.

49. Beginning at a time unknown to the Grand Jury, but not later than June 16, 2004, and continuing until on or about July 6, 2005, in the Northern District of California and elsewhere, defendants,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON,
THE DOREAN GROUP, and
CHARLES DEWEY TOBIAS,

knowingly devised and intended to devise a scheme and artifice to defraud financial institutions and lenders that issued loans secured by real property as to a material matter and to obtain money by means of materially false and fraudulent pretenses, representations, and promises, knowing at the time that the pretenses, representations, and promises were false and fraudulent when made, and, in doing so, knowingly caused the United States mails and private and commercial interstate carriers to be used for the purpose of executing this scheme.

50. It was part of the scheme to defraud that:

(a) Tobias, acting as broker of the Dorean Group under the entity known as Aquila Holdings L.L.C., recruited borrowers of the loans identified in the following table to subject each of the listed loans to the Dorean Group's debt elimination program.

(b) Heineman, Johnson, and the Dorean Group caused a quitclaim deed to be recorded at the county recorder's office, county clerk's office and register of deeds' office in the county where the property of the Dorean Group client recruited by Tobias (or his agents) was located. In this quitclaim deed, the Dorean Group client purportedly transfered her interest in the property to a trust, of which Heineman and Johnson were trustees and the borrower was the beneficiary.

(c) Heineman, Johnson, and the Dorean Group caused a Presentment Packet to be sent by Mail Delivery to the corresponding lender of the loan issued to the Dorean Group client and identified in the following table.

(d) After a Presentment Packet had been sent by Mail Delivery to the lender, Heineman, Johnson, and the Dorean Group caused a Substitution of Trustee (and, if applicable, a Specific Power of Attorney) to be recorded at the county recorder's office, the county clerk's office and the register of deeds' office as part of the title of the Dorean Group's client's property.

In this document, on which Heineman's signature appears, Heineman – and if Heineman was unable, Johnson – purported to act on behalf of the respective lender to substitute himself as trustee for that lender.

(e) Heineman, Johnson, and the Dorean Group caused a Full Reconveyance (a/k/a Discharge of Mortgage and Satisfaction of Mortgage), on which the signed name of Heineman appears, to be recorded at the county recorder's office as part of the title of the borrower's property. This recordation allegedly reconveyed the lender's secured interests in the property to the trust established through the Dorean Group, of which Heineman and Johnson were trustees and the client was the beneficiary, by falsely providing that the loan secured by the property had been fully paid, when the loan had not been fully paid.

51. Heineman, Johnson, the Dorean Group, and Tobias (under the entity known as Aquila Holdings L.L.C.) committed acts in furtherance of this scheme and caused mailings as set forth in the following table:

Count	*Property Securing Loan*	*Loan Amount*	*Lender / Successor-in-Interest Lender*	*Mailing of Presentment Packet (Approximate)*	*Date, Place, and Type of Recordation on Title (Date Approximate)*
31	1745 Markham Woods Road, Longwood, Florida	$209,950	Option One Mortgage Corporation	06/16/04	07/14/04, Seminole County Clerk of Circuit Court's Office, Discharge of Mortgage
32	3079 Brightwater Court, Kissimmee, Florida	$213,766	Wells Fargo Home Mortgage, Incorporated	08/20/04	09/23/04, Osceola County Clerk of the Circuit Court's Office, Discharge of Mortgage
33	1817 North Eaglet Court, Nampa, Idaho	$100,000	Washington Mutual Home Loans Corporation	08/20/04	11/16/04, Canyon County Recorder's Office, Full Reconveyance
34	5848 Pine Grove Run, Oviedo, Florida	$140,000	Ameriquest Mortgage Company	09/10/04	10/13/04, Seminole County Clerk of the Circuit Court's Office, Discharge of Mortgage

Each in violation of Title 18, United States Code, Section 1341.

COUNTS THIRTY-FIVE THROUGH THIRTY-SEVEN: (18 U.S.C. § 1344 – Bank Fraud)

52. The Grand Jury repeats and realleges paragraphs 1 through 14 and 50 as if

fully set forth herein.

53. Beginning at a time unknown to the Grand Jury, but not later than August 20, 2004 and continuing until on or about July 6, 2005, in the Northern District of California, and elsewhere, defendants,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON,
THE DOREAN GROUP, and
CHARLES DEWEY TOBIAS,

knowingly executed and attempted to execute a scheme and artifice to defraud financial institutions that issued loans secured by real property and to obtain money, funds, credits, assets, securities and other property owned by, and under the custody and control of, the lenders listed in the following table, each of which was a financial institution as defined 18 U.S.C. § 20, the deposits of each of which were at the time insured by the Federal Deposit Insurance Corporation, by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made.

54. The purpose of the scheme and artifice was to obtain money, funds, credits, assets, securities and other property owned by, or under the custody and control of, financial institutions, identified in the following table, by filing false and fraudulent recordations at county recorder's offices, county clerk's offices and register of deeds' offices allegedly on behalf of lenders, thereby reconveying a lender's secured interests in the corresponding property listed in the following table, without authority and permission to do so.

55. Heineman, Johnson, the Dorean Group, and Tobias (under the entity known as Aquila Holdings, L.L.C.) committed acts in furtherance of this scheme and caused mailings and recordations as set forth in the following table:

Count	*Property Securing Loan*	*Loan Amount*	*Financial institution (FDIC insured)*	*Mailing of Presentment Packet (Approximate)*	*Date, Place and Type of Recordation on Title (Date Approximate)*
35	3079 Brightwater Court, Kissimmee, Florida	$213,766	Wells Fargo Home Mortgage, Incorporated	08/20/04	09/23/04, Osceola County Clerk of the Circuit Court's Office, Discharge of Mortgage
36	1817 North Eaglet Court, Nampa, Idaho	$100,000	Washington Mutual Home Loans Corporation	08/20/04	11/16/04, Canyon County Recorder's Office, Full Reconveyance
37	5848 Pine Grove Run, Oviedo, Florida	$140,000	Ameriquest Mortgage Company	09/10/04	10/13/04, Seminole County Clerk of the Circuit Court's Office, Discharge of Mortgage

Each in violation of Title 18, United States Code, Section 1344.

COUNTS THIRTY-EIGHT THROUGH FIFTY: (18 U.S.C. § 1341– Mail Fraud)

56. The Grand Jury repeats and realleges paragraphs 1 through 14 as if fully set forth herein.

57. Beginning at a time unknown to the Grand Jury, but not later than November 11, 2002, and continuing until on or about July 6, 2005, in the Northern District of California, and elsewhere, defendants,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON, and
THE DOREAN GROUP,

knowingly devised and intended to devise a scheme and artifice to defraud financial institutions and lenders that issued loans secured by real property as to a material matter and to obtain money by means of materially false and fraudulent pretenses, representations, and promises, knowing at the time that the pretenses, representations, and promises were false and fraudulent when made, and, in doing so, knowingly caused the United States mails and private and commercial interstate carriers to be used for the purpose of executing this scheme.

58. It was part of the scheme to defraud that:

(a) Heineman, Johnson, and the Dorean Group caused a quitclaim deed to be recorded at the county recorder's office, county clerk's office and register of deeds' office in the

county where the property of the Dorean Group client is located. In this quitclaim deed, the Dorean Group client purportedly transfered her interest in the property to a trust, of which Heineman and Johnson were trustees and the borrower was the beneficiary.

(b) Heineman, Johnson, and the Dorean Group caused a Presentment Packet to be sent by Mail Delivery to the corresponding lender of the loan issued to the Dorean Group client and identified in the following table.

(c) After a Presentment Packet had been sent by Mail Delivery to the lender, Heineman, Johnson, and the Dorean Group caused a Substitution of Trustee (and, if applicable, a Specific Power of Attorney) to be recorded at the county recorder's office, the county clerk's office and the register of deeds' office as part of the title of the Dorean Group's client's property. In this document, on which Heineman's signature appears, Heineman – and if Heineman was unable, Johnson – purported to act on behalf of the respective lender to substitute himself as trustee for that lender.

(d) Heineman, Johnson, and the Dorean Group caused a Full Reconveyance (a/k/a Discharge of Mortgage and Satisfaction of Mortgage), on which the signed name of Heineman appears, to be recorded at the county recorder's office as part of the title of the borrower's property. This recordation allegedly reconveyed the lender's secured interests in the property to the trust established through the Dorean Group, of which Heineman and Johnson were trustees and the client was the beneficiary, by falsely providing that the loan secured by the property had been fully paid, when the loan had not been fully paid.

59. Heineman, Johnson, and the Dorean Group committed acts in furtherance of this scheme and caused mailings as set forth in the following table:

Count	*Property Securing Loan*	*Loan Amount*	*Lender / Successor-in-Interest Lender*	*Mailing of Presentment Packet (Approximate)*	*Date, Place and Type of Recordation on Title (Date Approximate)*
38	2447 Corum Court, Union City, California	$332,500	World Savings Bank	11/12/02	04/28/03, Alameda County Recorder's Office, Full Reconveyance

Count	*Property Securing Loan*	*Loan Amount*	*Lender / Successor-in-Interest Lender*	*Mailing of Presentment Packet (Approximate)*	*Date, Place and Type of /Recordation on Title (Date Approximate)*
39	2447 Corum Court, Union City, California	$95,000	World Savings Bank	04/10/03	04/28/03, Alameda County Recorder's Office, Full Reconveyance
40	111 Mountainside Way, Greenville, South Carolina	$84,350	Fleet Mortgage Corporation	02/13/04	04/07/04, Greenville County Register of Deeds' Office, Satisfaction
41	12614 Tiara Street, Valley Village, California	$200,000	World Savings and Loan	04/28/04	07/16/04, Los Angeles County Recorder's Office, Full Reconveyance
42	13738 Hidden Valley Road, Grass Valley, California	$350,000	Millennium Funding Group	05/12/04	07/08/04, Nevada County Recorder's Office, Full Reconveyance
43	13738 Hidden Valley Road, Grass Valley, California	$63,600	GreenPoint Mortgage Funding, Inc.	05/12/04	07/08/04, Nevada County Recorder's Office, Full Reconveyance
44	3030 North Beachwood Drive, Los Angeles, California	$500,000	America's Servicing Company	06/25/04	09/29/04, Los Angeles County Recorder's Office, Full Reconveyance
45	3030 North Beachwood Drive, Los Angeles, California	$200,000	Wilshire Credit Corporation	06/25/04	09/29/04, Los Angeles County Recorder's Office, Full Reconveyance
46	11275 Cascada Way, San Diego, California	$320,000	Bank of America	08/20/04	10/21/04, San Diego County Recorder's Office, Full Reconveyance
47	11275 Cascada Way, San Diego, California	$98,000	Bank of America	08/20/04	11/02/04, San Diego County Recorder's Office, Full Reconveyance
48	9976 North Recreation Avenue, Fresno, California	$199,500	Countrywide Home Loans, Incorporated	09/28/04	11/08/04, Fresno County Recorder's Office, Full Reconveyance

Count	*Property Securing Loan*	*Loan Amount*	*Lender / Successor-in-Interest Lender*	*Mailing of Presentment Packet (Approximate)*	*Date, Place and Type of Recordation on Title (Date Approximate)*
49	1137 South 200 West, Orem, Utah	$162,701	Countrywide Home Loans, Incorporated	08/02/04	09/30/04, Utah County Recorders Office, Full Reconveyance
50	1137 South 200 West, Orem, Utah	$6,600	Countrywide Home Loans, Incorporated	08/02/04	09/30/04, Utah County Recorder's Office, Full Reconveyance

Each in violation of Title 18, United States Code, Section 1341.

COUNTS FIFTY-ONE AND FIFTY-TWO: (18 U.S.C. § 1341 – Mail Fraud)

60. The Grand Jury realleges paragraphs 1 through 14 and 58 as if fully set forth herein.

61. Beginning at a time unknown to the Grand Jury, but not later than June 11, 2004, and continuing until on or about July 6, 2005, in the Northern District of California and elsewhere, defendants,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON, and
THE DOREAN GROUP,

knowingly devised and intended to devise a scheme and artifice to defraud financial institutions and lenders that issued loans secured by real property as to a material matter and to obtain money by means of materially false and fraudulent pretenses, representations, and promises, knowing at the time that the pretenses, representations, and promises were false and fraudulent when made, and, in doing so, knowingly caused the United States mails and private and commercial interstate carriers to be used for the purpose of executing this scheme.

62. It was part of the scheme to defraud that:

(a) Heineman, Johnson, and the Dorean Group caused Full Reconveyances (a/k/a Discharges of Mortgage and a Satisfactions of Mortgage) to be sent by Mail Delivery to county recorder's offices, county clerk's offices, and county register of deeds' offices and recorded as part of the titles for the properties identified in the following table. After the recordings, with

titles falsely appearing unencumbered, Heineman, Johnson and the Dorean Group, consistent with the Dorean Group's standard client service agreement, caused refinance loans to be issued to their clients by corresponding lenders in the amounts set forth in the following table.

(b) Each of the refinance loans was secured by the falsely-claimed free and clear title of the Dorean Group client's property based upon the recordations caused to be recorded by Heineman, Johnson, and the Dorean Group.

(c) Loan disbursements were made by the corresponding lenders of these refinance loans.

(d) Heineman, Johnson, and the Dorean Group committed acts in futherance of this scheme and caused the mailings as set forth in the following table:

Count	*Property Securing Loan*	*Mailing of Recordation (Approximate Date)*	*Mailing Recipient*	*Refinance Loan Amount*	*Refinance Loan Lender*	*Refinance Loan Date (Approximate)*
51	13738 Hidden Valley Road, Grass Valley, California	06/11/04, Full Reconveyance	Nevada County Recorder's Office	$200,000	Olympic Mortgage & Investment Company, Incorporated	08/25/04
52	11275 Cascada Way, San Diego, California	10/18/04, Full Reconveyance	San Diego County Recorder's Office	$459,000	Acoustic Home Loans	11/24/04

Each in violation of Title 18, United States Code, Section 1341.

COUNTS FIFTY-THREE THROUGH SIXTY-THREE: (18 U.S.C. § 1344– Bank Fraud)

63. The Grand Jury repeats and realleges paragraphs 1 through 14 and 58 as if fully set forth herein.

64. Beginning at a time unknown to the Grand Jury, but not later than November 11, 2002 and continuing until on or about July 6, 2005, in the Northern District of California and

elsewhere, defendants,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON, and
THE DOREAN GROUP,

knowingly executed and attempted to execute a scheme and artifice to defraud financial institutions that issued loans secured by real property and to obtain money, funds, credits, assets, securities and other property owned by, and under the custody and control of, the lenders listed in the following table, each of which was a financial institution as defined 18 U.S.C. § 20, the deposits of each of which were at the time insured by the Federal Deposit Insurance Corporation, by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made.

65. The purpose of the scheme and artifice was to obtain any the money, funds, credits, assets, securities and other property owned by, or under the custody and control of, financial institutions, identified in the following table, by filing false and fraudulent recordations at county recorder's offices, county clerk's offices and register of deeds' offices allegedly on behalf of lenders, thereby reconveying a lender's secured interests in the corresponding property listed in the following table, without authority and permission to do so.

66. Heineman, Johnson, and the Dorean Group committed acts in furtherance of this scheme and caused mailings and recordations as set forth in the following table:

Count	*Property Securing Loan*	*Loan Amount*	*Financial institution (FDIC insured)*	*Mailing of Presentment Packet (Approximate)*	*Date, Place, and Type of Recordation on Title (Date Approximate)*
53	2447 Corum Court, Union City, California	$332,500	World Savings Bank	11/12/02	04/28/03, Alameda County Recorder's Office, Full Reconveyance
54	2447 Corum Court, Union City, California	$95,000	World Savings Bank	04/10/03	04/28/03, Alameda County Recorder's Office, Full Reconveyance
55	111 Mountainside Way, Greenville, South Carolina	$84,350	Fleet Mortgage Corporation	02/13/04	04/07/04, Greenville County Register of Deeds' Office, Satisfaction
56	12614 Tiara Street, Valley Village, California	$200,000	World Savings and Loan	04/23/04	07/16/04, Los Angeles County Recorder's Office, Full Reconveyance
57	13738 Hidden Valley Road, Grass Valley, California	$63,600	GreenPoint Mortgage Funding, Inc.	05/12/04	07/08/04, Nevada County Recorder's Office, Full Reconveyance
58	3030 North Beachwood Drive, Los Angeles, California	$500,000	America's Servicing Company	06/25/04	09/29/04, Los Angeles County Recorder's Office, Full Reconveyance
59	11275 Cascada Way, San Diego, California	$320,000	Bank of America	08/20/04	10/21/04, San Diego County Recorder's Office, Full Reconveyance
60	11275 Cascada Way, San Diego, California	$98,000	Bank of America	08/20/04	11/02/04, San Diego County Recorder's Office, Full Reconveyance
61	9976 Recreation Avenue, Fresno, California	$199,550	Countrywide Home Loans, Incorporated	09/28/04	11/08/04, Fresno County Recorder's Office, Full Reconveyance
62	1137 South 200 West, Orem, Utah	$162,701	Countrywide Home Loans, Incorporated	08/02/04	09/30/04, Utah County Recorders Office, Full Reconveyance
63	1137 South 200 West, Orem, Utah	$6,600	Countrywide Home Loans, Incorporated	08/02/04	09/30/04, Utah County Recorders Office, Full Reconveyance

Each in violation of Title 18, United States Code, Section 1344.

COUNT SIXTY-FOUR: (18 U.S.C. § 401(3) – Contempt of Court)

67. The Grand Jury repeats and realleges paragraphs 1 through 14 as if fully set forth herein.

68. On or about July 20, 2005, in the Northern District of California and elsewhere, defendants,

DALE SCOTT HEINEMAN
and
THE DOREAN GROUP,

knowingly and willfully disobeyed the lawful writ, process, order, rule, decree, and command of a district court of the United States, namely the Temporary Restraining Order of July 6, 2005 issued by the Hon. William H. Alsup, United States District Court Judge, Northern District of California, by signing a document titled Appointment of Successor Trustee to purportedly confer successor-trustee interests to Marcia Doerr, under the Dorean Group's clients' trusts after Heineman had been served with a copy of the Temporary Restraining Order.

COUNT SIXTY-FIVE: (18 U.S.C. § 401(3) – Contempt of Court)

69. The Grand Jury repeats and realleges paragraphs 1 through 14 as if fully set forth herein.

70. On or about September 29, 2005, in the Northern District of California and elsewhere, defendants,

KURT F. JOHNSON
and
THE DOREAN GROUP,

knowingly and willfully disobeyed the lawful writ, process, order, rule, decree, and command of a district court of the United States, namely the Preliminary Injunction Order of August 1, 2005 issued by the Hon. William H. Alsup, United States District Court Judge, Northern District of California Johnson, by signing a document titled Appointment of Succesor Trustee to purportedly confer successor-trustee interests to Marcia Doerr under the Dorean Group's clients' trusts after Johnson had been served with a copy of the Preliminary Injunction Order.

COUNT SIXTY-SIX: (18 U.S.C. § 981(a)(1)(C); 28 U.S.C. § 2461(c) – Forfeiture)

71. The allegations of Count One of this Indictment are realleged and incorporated as if fully set forth herein.

72. Upon a conviction of the offense alleged in Count One above,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON
THE DOREAN GROUP,
WILLIAM JULIAN,
FARREL J. LECOMPTE JR.,
SARA MAGOON (a/k/a Credence), and
CHARLES DEWEY TOBIAS,

defendants, shall forfeit to the United States all property (real and personal) which constitutes proceeds and is derived from proceeds traceable to said offense, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

73. If, as a result of any act or omission of the defendants, any of said property

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which, without difficulty, cannot be subdivided;

any and all interest defendant(s) has/have in any other property (not to exceed the value of the above forfeitable property) shall be forfeited to the United States, pursuant to Title 21, United States Code, Sections 853(a)(1) and (p), as incorporated by Title 28, United States Code, Section 2461(c).

COUNT SIXTY-SEVEN: (18 U.S.C. § 981(a)(1)(C); 28 U.S.C. § 2461(c) – Forfeiture)

74. The allegations of Counts Two through Five, Nine through Fourteen, Nineteen through Twenty-Five, Thirty-One through Thirty-Four and Thirty-Eight through Fifty-Two of this Indictment are realleged and incorporated as if fully set forth herein.

75. Upon a conviction of the offense alleged in Counts Counts Two through Five,

Nine through Fourteen, Nineteen through Twenty-Five, Thirty-One through Thirty-Four, and Thirty-Eight through Fifty-Two above,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON
THE DOREAN GROUP,
WILLIAM JULIAN,
FARREL J. LECOMPTE JR.,
SARA MAGOON (a/k/a Credence), and
CHARLES DEWEY TOBIAS,

defendants, shall forfeit to the United States all property (real and personal) which constitutes proceeds and is derived from proceeds traceable to said offense, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

76. If, as a result of any act or omission of the defendants, any of said property

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which, without difficulty, cannot be subdivided;

any and all interest defendant(s) has/have in any other property (not to exceed the value of the above forfeitable property) shall be forfeited to the United States, pursuant to Title 21 United States Code, Sections 853(a)(1) and (p), as incorporated by Title 28, United States Code, Section 2461(c).

COUNT SIXTY-EIGHT: (18 U.S.C. § 981(a)(1)(C); 28 U.S.C. § 2461(c) – Forfeiture)

77. The allegations of Counts Six through Eight, Fifteen through Eighteen, Twenty-Six through Thirty, Thirty-Five through Thirty-Seven, and Fifty-Three through Sixty-Three of this Indictment are realleged and incorporated as if fully set forth herein.

78. Upon a conviction of the offense alleged in Counts Six through Eight, Fifteen through Nineteen, Twenty-Seven through Thirty-One, Thirty-Six through Thirty-Eight, and

Fifty-Four through Sixty-Four above,

DALE SCOTT HEINEMAN,
KURT F. JOHNSON
THE DOREAN GROUP,
WILLIAM JULIAN,
FARREL J. LECOMPTE JR.,
SARA MAGOON (a/k/a Credence), and
CHARLES DEWEY TOBIAS,

defendants; shall forfeit to the United States all property (real and personal) which constitutes proceeds and is derived from proceeds traceable to said offense, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

79. If, as a result of any act or omission of the defendants, any of said property

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which, without difficulty, cannot be subdivided;

any and all interest defendant(s) has/have in any other property (not to exceed the value of the above forfeitable property) shall be forfeited to the United States, pursuant to Title 21, United States Code, Sections 853(a)(1) and (p), as incorporated by Title 28, United States Code, Section 2461(c).

DATED: February 16, 2006

A TRUE BILL.

FOREPERSON

KEVIN V. RYAN
United States Attorney

W. DOUGLAS SPRAGUE
Chief, Oakland Branch

(Approved as to form: AUSA James Keller)

Attachment 9

Let's start with Mr. Heineman, since at least he's present, for the time being.

MS. MARTIN: Yes, your Honor.

First, with regard to Mr. Heineman's final presentence report, I did notice even after the government made its initial objections that there was one additional important error regarding the sentencing guideline calculations or the statutory maximum, actually, in this case. The statutory maximum for 18 U.S.C. Section 1349, conspiracy, and 18 U.S.C. Section 1341, mail fraud, in this case is only 20 years each, not 30 years each, because we did not allege and have the jury make a finding on whether or not a financial institution was defrauded here. So I just wanted to make a note of that.

THE COURT: All right. So that's 20 years per count.

MS. MARTIN: Correct, yes.

THE COURT: How many counts were there on which there was a conviction?

MS. MARTIN: Thirty-five counts each, your Honor. Thirty-four counts of Section 1341, mail fraud, and one count of conspiracy in violation of Section 1349.

THE COURT: All right.

MS. MARTIN: The government, with respect to Mr. Heineman, is seeking a sentence of 262 months' imprisonment. That is lower than what Probation recommended, which was 360 months, but the government feels that because

and -- like I say, divine a financial institution by a preponderance of the evidence, when it's a requirement to be proved factually.

It was not proved. And so here's the problem you have, is that if you're going to say that financial institutions are showing up in my sentencing, and then you -- then you've got -- the problem in -- in Rule 8 is that all the financial institutions that were mentioned were not proven at all in the evidentiary situation. So --

THE COURT: Mr. Johnson, I'm going to take into account the fact that it was not. The jury was not asked to make a finding on the financial institutions. So the 30-year part does not apply. It's the 20 years that applies.

DEFENDANT JOHNSON: Okay. Well --

THE COURT: If that's the point you're making, I agree with you.

DEFENDANT JOHNSON: Fantastic.

THE COURT: We've got 35 counts down to 20 -- is 700 years. What can you say by way of mitigation of sentence?

DEFENDANT JOHNSON: Well, yeah. Sure. No problem.

And now that the Court has made its finding, now the additional problem that you have is that Count One specifically states that we defrauded financial institutions. So if you just dismiss the financial institution as not an evidentiary effect, you have just dismissed Count One.

Attachment 10

DEFENDANT: DALE SCOTT HEINEMAN
CASE NUMBER: CR-05-00611-001 WHA

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
1. Bank of America c/o Glenn Wechsler, Esq. 1655 N Main St, Suite 230, Walnut Creek, CA 94596	$125,623.83	$125,623.83	
2. Peggy McKay	$192,427.06	$192,427.06	
3. David Massar	$2,909.40	$2,909.40	
4. Peggy Ryan	$1,500.00	$1,500.00	
5. Lewis Stubblefield	$1,500.00	$1,500.00	
6. Eddie Izatt	$1,000.00	$1,000.00	
7. Karen Ray	$11,676,25	$11,676,25	
8. Elaine Platovsky	$4,098.75	$4,098.75	
9. Stephanie Mays	$3,926.00	$3,926.00	
10. Tamia Nieffenegger	$1,500.00	$1,500.00	
11. Larry Alvarez	$1,000.00	$1,000.00	
12. Abelicio Herrera	$139,050.34	$139,050.34	
13. Si Dong Park	$6,500.00	$6,500.00	
14. Gailes Berry	$2,500.00	$2,500.00	
15. William Van Beek,	$1,500.00	$1,500.00	
16. Alan & Michele Sweet	$1,500.00	$1,500.00	
17. Mary Gates	$4,200.00	$4,200.00	
18. Jeffrey Arbeit	$1,500.00	$1,500.00	
19. Marion Cooper	$3,500.00	$3,500.00	
20. Estate of William Hales	$5,500.00	$5,500.00	

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

Attachment 11

		2/22/2006) (Entered: 02/22/2006)
02/22/2006		Case as to William Julian, Farrel J. Lecompte, Jr, Sara J. Magoon, Charles Dewey Tobias, Dale Scott Heineman, Kurt F. Johnson, The Dorean Group, The Oxford Trust, Baylor Trust, Universal Trust Services Reassigned to Judge William H. Alsup. Judge D. Lowell Jensen no longer assigned to the case. (Entered: 02/22/2006)
02/28/2006	20	Proposed Order by USA as to Dale Scott Heineman, Kurt F. Johnson, The Dorean Group *Providing Heineman and Johnson with Access to Device for Review of Discovery Produced on Compact Discs/Digital Video Disks* (Keller, James) (Filed on 2/28/2006) (Entered: 02/28/2006)
02/28/2006	21	PRETRIAL MEMORANDUM *Concerning Faretta/Hayes Advisement* by USA as to Dale Scott Heineman, Kurt F. Johnson, The Dorean Group (Keller, James) (Filed on 2/28/2006) (Entered: 02/28/2006)
02/28/2006	24	Minute Entry for proceedings held before Judge William H. Alsup :Status Conference as to Dale Scott Heineman, Kurt F. Johnson held on 2/28/2006. Faretta Hearing set for 3/1/2006 09:00 AM in Courtroom 9, 19th Floor, San Francisco. Status Conference set for 3/21/2006 02:00 PM in Courtroom 9, 19th Floor, San Francisco. Government reported on the status of the co-defendants. Court will hold a Faretta hearing before before confirming the defendants waive their right to counsel. Government shall prepare an order to allow the defendants to have compact disc and listening device.(Court Reporter Jim Yeomans.) (dt, COURT STAFF) (Filed on 2/28/2006) (Entered: 03/01/2006)
03/01/2006	23	Proposed Order by USA as to Dale Scott Heineman, Kurt F. Johnson, The Dorean Group *to Provide Defendants Heineman and Johnson with Access to Devices to Review Discovery Produced on Compact Discs/Digital Video Disks (Revised)* (Keller, James) (Filed on 3/1/2006) (Entered: 03/01/2006)
03/01/2006	25	Minute Entry for proceedings held before Judge William H. Alsup :Faretta Hearing as to Dale Scott Heineman, Kurt F. Johnson held on 3/1/2006. Further Faretta Hearing set for 3/3/2006 02:00 PM in Courtroom 9, 19th Floor, San Francisco. Status Conference set for 3/21/2006 02:00 PM in Courtroom 9, 19th Floor, San Francisco. US Marshal Service will arrange for both defendants to be transferred from the Glen Dyer facility to the Dublin facility. (Court Reporter Sylvia Russo.) (dt, COURT STAFF) (Filed on 3/1/2006) (Entered: 03/01/2006)
03/01/2006	26	ORDER as to Dale Scott Heineman, Kurt F. Johnson re 23 Proposed Order, filed by USA, . Signed by Judge William H. Alsup on 3/1/06. (whalc2, COURT STAFF) (Filed on 3/1/2006) (Entered: 03/01/2006)
03/03/2006	27	Proposed Order by USA as to Dale Scott Heineman, Kurt F. Johnson, The Dorean Group *Excluding Time Under the Speedy Trial Act Pursuant to 18 U.S.C. 3161(h)(7), (h)(8)(A), and (h)(8)(B)(iv)* (Keller, James) (Filed on 3/3/2006) (Entered: 03/03/2006)
03/03/2006	28	Minute Entry for proceedings held before Judge William H. Alsup : Faretta Hearing NOT held.Status Conference as to Dale Scott Heineman, Kurt F. Johnson held on 3/3/2006. Status Conference/Faretta Hearing set for 3/14/2006 02:00 PM in Courtroom 9, 19th Floor, San Francisco. Defendants have been moved to Dublin facility. Court found the defendants to be indigent and approved CJA funds. Time is excluded from today until 3/14/06.(Court

Attachment 12

		Johnson (Hall, C.) (Filed on 11/5/2007) (Entered: 11/05/2007)
11/05/2007	509	Minute Entry for proceedings held before Judge William H. Alsup: Jury Trial as to Dale Scott Heineman, Kurt F. Johnson held on 11/5/2007. Dfts witnesses: F. LeCompte; R. Iyengar; D. Heineman. Charging Conference held. Further Jury Trial set for 11/6/2007 07:30 AM. (Court Reporter Sahar McVickar.) (dt, COURT STAFF) (Filed on 11/5/2007) (Entered: 11/06/2007)
11/06/2007	510	Minute Entry for proceedings held before Judge William H. Alsup: Jury Trial as to Dale Scott Heineman held on 11/6/2007. Dfts witnesses: D. Heineman and K. Johnson. Further Jury Trial set for 11/7/2007 07:30 AM. (Court Reporter Sahar McVickar.) (dt, COURT STAFF) (Filed on 11/6/2007) (Entered: 11/06/2007)
11/06/2007	511	RESPONSE to Motion by USA as to Dale Scott Heineman, Kurt F. Johnson, The Dorean Group, The Oxford Trust, Baylor Trust, Universal Trust Services, William Julian, Farrel J. Lecompte, Jr, Sara J. Magoon, Charles Dewey Tobias (Martin, Brigid) (Filed on 11/6/2007) (Entered: 11/06/2007)
11/06/2007	514	MOTION for Judgment of Acquittal by Dale Scott Heineman, Kurt F. Johnson. Motion Hearing set for 11/5/2007 08:00 AM. (vlk, COURT STAFF) (Filed on 11/6/2007) (Entered: 11/08/2007)
11/07/2007	512	PROPOSED CHARGE TO THE JURY AND DRAFT SPECIAL VERDICT FORM as to Dale Scott Heineman, Kurt F. Johnson, The Dorean Group, The Oxford Trust, Baylor Trust, Universal Trust Services, William Julian, Farrel J. Lecompte, Jr, Sara J. Magoon, Charles Dewey Tobias (Attachments: # 1) (whalc2, COURT STAFF) (Filed on 11/7/2007) (Entered: 11/07/2007)
11/07/2007	515	Proposed Jury Instructions by Dale Scott Heineman, Kurt F. Johnson (vlk, COURT STAFF) (Filed on 11/7/2007) (Entered: 11/08/2007)
11/07/2007	516	Minute Entry for proceedings held before Judge William H. Alsup: Jury Trial as to Dale Scott Heineman, Kurt F. Johnson held on 11/7/2007. Dfts witnesses: K. Johnson and Dr. Bates. Dfts REST. No rebuttal case. Dfts' Motion for Judgment of Acquittal Denied. Second Charging Conference held. Further Jury Trial set for 11/13/2007 07:30 AM. (Court Reporter Sahar McVickar.) (dt, COURT STAFF) (Filed on 11/7/2007) (Entered: 11/08/2007)
11/08/2007	513	MOTION to Dismiss *with Prejudice Counts 64 and 65* by USA as to Dale Scott Heineman, Kurt F. Johnson, The Dorean Group, The Oxford Trust, Baylor Trust, Universal Trust Services, William Julian, Farrel J. Lecompte, Jr, Sara J. Magoon, Charles Dewey Tobias. (Martin, Brigid) (Filed on 11/8/2007) (Entered: 11/08/2007)
11/09/2007	518	CJA 20: Appointment of counsel Jeffrey Glenn for trial witness Todd Swanson. Signed by Judge William H. Alsup on 11/1/7. (vlk, COURT STAFF) (Filed on 11/9/2007) (Entered: 11/13/2007)
11/13/2007	517	ORDER DISMISSING WITH PREJUDICE COUNTS 64 AND 65 IN THE SUPERSEDING INDICTMENTgranting 513 Motion to Dismiss as to Dale Scott Heineman (1), Kurt F. Johnson (2). Signed by Judge William H. Alsup on November 13, 2007. (whalc2, COURT STAFF) (Entered: 11/13/2007)
11/13/2007	519	FINAL CHARGE TO THE JURY AND SPECIAL VERDICT FORM as to Dale Scott Heineman, Kurt F. Johnson, The Dorean Group, The Oxford Trust, Baylor Trust, Universal Trust Services, William Julian, Farrel J. Lecompte, Jr, Sara J. Magoon, Charles Dewey Tobias. Signed by Judge William H. Alsup on

Attachment 13

10/29/2007	498	No Bail Warrant Returned Unexecuted as to Todd Ellis Sanson as to Dale Scott Heineman, Kurt F. Johnson. (rhw, COURT STAFF) (Filed on 10/29/2007) (Entered: 10/29/2007)
10/29/2007		Arrest Warrant Issued for Todd Ellis Swanson as to Dale Scott Heineman, Kurt F. Johnson. (rhw, COURT STAFF) (Filed on 10/29/2007) (Entered: 10/29/2007)
10/29/2007	499	Minute Entry for proceedings held before Judge William H. Alsup: Jury Trial as to Dale Scott Heineman, Kurt F. Johnson held on 10/29/2007. Govt' witnesses: M. Randall; A.W hitecross; M. Abad; and B. Johnson. Defts continue to waive atty/client privilege. Warrant to be issued for Todd Ellis Swanson. Further Jury Trial set for 10/30/2007 07:30 AM. (Court Reporter Sahar McVickar.) (dt, COURT STAFF) (Filed on 10/29/2007) (Entered: 10/29/2007)
10/29/2007		(Court only) ***Motions terminated as to Dale Scott Heineman, Kurt F. Johnson, The Dorean Group, The Oxford Trust, Baylor Trust, Universal Trust Services, William Julian, Farrel J. Lecompte, Jr, Sara J. Magoon, Charles Dewey Tobias: 496 (rhw, COURT STAFF) (Filed on 10/29/2007) (Entered: 09/13/2010)
10/30/2007	500	Minute Entry for proceedings held before Judge William H. Alsup: Jury Trial as to Dale Scott Heineman, Kurt F. Johnson held on 10/30/2007. Govt called witnesses: W. Todd and J. Panibratiouk. Further Jury Trial set for 10/31/2007 07:30 AM. (Court Reporter Sahar McVickar.) (dt, COURT STAFF) (Filed on 10/30/2007) (Entered: 10/31/2007)
10/30/2007	504	MANDATE of USCA (certified copy) as to Dale Scott Heineman, Kurt F. Johnson re 416 Notice of Appeal - Interlocutory, 439 Notice of Appeal - Interlocutory (rhw, COURT STAFF) (Filed on 10/30/2007) (Entered: 11/05/2007)
10/31/2007	501	Minute Entry for proceedings held before Judge William H. Alsup: Jury Trial as to Dale Scott Heineman, Kurt F. Johnson held on 10/31/2007. Govt called witnesses: G. Christianson; T. Spielbauer; L. Heineman; M. Ernst. Further Jury Trial set for 11/1/2007 07:30 AM. (Court Reporter Sahar McVickar.) (dt, COURT STAFF) (Filed on 10/31/2007) (Entered: 10/31/2007)
11/01/2007	502	PROPOSED CHARGE TO THE JURY AND DRAFT SPECIAL VERDICT FORM as to Dale Scott Heineman, Kurt F. Johnson, The Dorean Group, The Oxford Trust, Baylor Trust, Universal Trust Services, William Julian, Farrel J. Lecompte, Jr, Sara J. Magoon, Charles Dewey Tobias (Attachments: # 1) (whalc2, COURT STAFF) (Filed on 11/1/2007) (Entered: 11/01/2007)
11/01/2007	503	Minute Entry for proceedings held before Judge William H. Alsup: Jury Trial as to Dale Scott Heineman, Kurt F. Johnson held on 11/1/2007. Govt's witness Agent M. Ernst continued. Govt REST. Dfts called witness F. LeCompte. Todd Swanson took the 5th Amendment. Subpoena and bench warrant for T. Swanson are discharged.Further Jury Trial set for 11/5/2007 07:30 AM. (Court Reporter Sahar McVickar.) (dt, COURT STAFF) (Filed on 11/1/2007) (Entered: 11/01/2007)
11/05/2007	505	CLERKS Letter Spreading Mandate to Counsel (rhw, COURT STAFF) (Filed on 11/5/2007) (Entered: 11/05/2007)
11/05/2007	506	TRIAL MEMORANDUM by USA as to Dale Scott Heineman, Kurt F.

Attachment 14

		Interlocutory (vlk, COURT STAFF) (Filed on 8/30/2007) (Entered: 08/30/2007)
08/31/2007	420	STIPULATION *TO PERMIT LECOMPTE, JR. TO TRAVEL FROM AUGUST 31 TO SEPTEMBER 3, 2007 AND SEPTEMBER 20 TO SEPTEMBER 23, 2007* by Farrel J. Lecompte, Jr as to Dale Scott Heineman, Kurt F. Johnson, The Dorean Group, The Oxford Trust, Baylor Trust, Universal Trust Services, William Julian, Farrel J. Lecompte, Jr, Sara J. Magoon, Charles Dewey Tobias (Kim, Katherine) (Filed on 8/31/2007) (Entered: 08/31/2007)
08/31/2007	426	MOTION to issue order for service of subpoenas with order by Dale Scott Heineman, Kurt F. Johnson. Motion Hearing set for 8/28/2007 02:00 PM. (rhw, COURT STAFF) (Filed on 8/31/2007) (Entered: 09/05/2007)
08/31/2007	427	ORDER to serve subpoenas upon respondents as to Dale Scott Heineman, Kurt F. Johnson re 426 MOTION filed by Dale Scott Heineman, Kurt F. Johnson. Signed by Judge William H. Alsup on 8/30/07. (rhw, COURT STAFF) (Filed on 8/31/2007) (Entered: 09/05/2007)
08/31/2007	428	ORDER to serve subpoenas upon respondents as to Dale Scott Heineman, Kurt F. Johnson re 426 MOTION filed by Dale Scott Heineman, Kurt F. Johnson. Signed by Judge William H. Alsup on 8/30/07. (rhw, COURT STAFF) (Filed on 8/31/2007) (Entered: 09/05/2007)
09/04/2007	423	MOTION in Limine *to allow prior conviction impeachment of defendant Johnson* by USA as to Dale Scott Heineman, Kurt F. Johnson. (Hall, C.) (Filed on 9/4/2007) (Entered: 09/04/2007)
09/05/2007	424	MOTION to Dismiss *MOTION TO DISMISS WITHOUT PREJUDICE CERTAIN BANK FRAUD COUNTS IN THE SUPERSEDING INDICTMENT* by USA as to Dale Scott Heineman, Kurt F. Johnson. (Martin, Brigid) (Filed on 9/5/2007) (Entered: 09/05/2007)
09/05/2007	425	Proposed Order re 424 MOTION to Dismiss by USA as to Dale Scott Heineman, Kurt F. Johnson *[PROPOSED] ORDER DISMISSING WITHOUT PREJUDICE CERTAIN BANK FRAUD COUNTS IN THE SUPERSEDING INDICTMENT* (Martin, Brigid) (Filed on 9/5/2007) (Entered: 09/05/2007)
09/05/2007	429	TRIAL MEMORANDUM by USA as to Dale Scott Heineman, Kurt F. Johnson, The Dorean Group (Hall, C.) (Filed on 9/5/2007) (Entered: 09/05/2007)
09/05/2007	430	WITNESS LIST by USA as to Dale Scott Heineman, Kurt F. Johnson, The Dorean Group (Hall, C.) (Filed on 9/5/2007) (Entered: 09/05/2007)
09/06/2007	431	EXHIBIT LIST by USA as to Dale Scott Heineman, Kurt F. Johnson, The Dorean Group (Attachments: # 1)(Hall, C.) (Filed on 9/6/2007) (Entered: 09/06/2007)
09/06/2007	432	ORDER DISMISSING WITHOUT PREJUDICE CERTAIN BANK FRAUD COUNTS IN THE SUPERSEDING INDICTMENTdismissing 424 Motion to Dismiss as to Dale Scott Heineman (1), Kurt F. Johnson (2). Signed by Judge William H. Alsup on September 6, 2007. (whalc2, COURT STAFF) (Entered: 09/06/2007)
09/06/2007		DISMISSAL OF COUNTS: Dale Scott Heineman (1) Count(s) 16s-17s, 27s-28s, 53s-54s, 56s, 59s-60s, 6s, 8s, dismissed on Government's motion; Kurt F.

Attachment 15

		Interlocutory (vlk, COURT STAFF) (Filed on 8/30/2007) (Entered: 08/30/2007)
08/31/2007	420	STIPULATION *TO PERMIT LECOMPTE, JR. TO TRAVEL FROM AUGUST 31 TO SEPTEMBER 3, 2007 AND SEPTEMBER 20 TO SEPTEMBER 23, 2007* by Farrel J. Lecompte, Jr as to Dale Scott Heineman, Kurt F. Johnson, The Dorean Group, The Oxford Trust, Baylor Trust, Universal Trust Services, William Julian, Farrel J. Lecompte, Jr, Sara J. Magoon, Charles Dewey Tobias (Kim, Katherine) (Filed on 8/31/2007) (Entered: 08/31/2007)
08/31/2007	426	MOTION to issue order for service of subpoenas with order by Dale Scott Heineman, Kurt F. Johnson. Motion Hearing set for 8/28/2007 02:00 PM. (rhw, COURT STAFF) (Filed on 8/31/2007) (Entered: 09/05/2007)
08/31/2007	427	ORDER to serve subpoenas upon respondents as to Dale Scott Heineman, Kurt F. Johnson re 426 MOTION filed by Dale Scott Heineman, Kurt F. Johnson. Signed by Judge William H. Alsup on 8/30/07. (rhw, COURT STAFF) (Filed on 8/31/2007) (Entered: 09/05/2007)
08/31/2007	428	ORDER to serve subpoenas upon respondents as to Dale Scott Heineman, Kurt F. Johnson re 426 MOTION filed by Dale Scott Heineman, Kurt F. Johnson. Signed by Judge William H. Alsup on 8/30/07. (rhw, COURT STAFF) (Filed on 8/31/2007) (Entered: 09/05/2007)
09/04/2007	423	MOTION in Limine *to allow prior conviction impeachment of defendant Johnson* by USA as to Dale Scott Heineman, Kurt F. Johnson. (Hall, C.) (Filed on 9/4/2007) (Entered: 09/04/2007)
09/05/2007	424	MOTION to Dismiss *MOTION TO DISMISS WITHOUT PREJUDICE CERTAIN BANK FRAUD COUNTS IN THE SUPERSEDING INDICTMENT* by USA as to Dale Scott Heineman, Kurt F. Johnson. (Martin, Brigid) (Filed on 9/5/2007) (Entered: 09/05/2007)
09/05/2007	425	Proposed Order re 424 MOTION to Dismiss by USA as to Dale Scott Heineman, Kurt F. Johnson *[PROPOSED] ORDER DISMISSING WITHOUT PREJUDICE CERTAIN BANK FRAUD COUNTS IN THE SUPERSEDING INDICTMENT* (Martin, Brigid) (Filed on 9/5/2007) (Entered: 09/05/2007)
09/05/2007	429	TRIAL MEMORANDUM by USA as to Dale Scott Heineman, Kurt F. Johnson, The Dorean Group (Hall, C.) (Filed on 9/5/2007) (Entered: 09/05/2007)
09/05/2007	430	WITNESS LIST by USA as to Dale Scott Heineman, Kurt F. Johnson, The Dorean Group (Hall, C.) (Filed on 9/5/2007) (Entered: 09/05/2007)
09/06/2007	431	EXHIBIT LIST by USA as to Dale Scott Heineman, Kurt F. Johnson, The Dorean Group (Attachments: # 1)(Hall, C.) (Filed on 9/6/2007) (Entered: 09/06/2007)
09/06/2007	432	ORDER DISMISSING WITHOUT PREJUDICE CERTAIN BANK FRAUD COUNTS IN THE SUPERSEDING INDICTMENTdismissing 424 Motion to Dismiss as to Dale Scott Heineman (1), Kurt F. Johnson (2). Signed by Judge William H. Alsup on September 6, 2007. (whalc2, COURT STAFF) (Entered: 09/06/2007)
09/06/2007		DISMISSAL OF COUNTS: Dale Scott Heineman (1) Count(s) 16s-17s, 27s-28s, 53s-54s, 56s, 59s-60s, 6s, 8s, dismissed on Government's motion; Kurt F.

Attachment 16

10/12/2007	457	ORDER TO JURY COMMISSIONER to produce refreshments for jury as to Dale Scott Heineman, Kurt F. Johnson. Signed by Judge William H. Alsup on 10/12/07. (dt, COURT STAFF) (Filed on 10/12/2007) (Entered: 10/12/2007)
10/12/2007	458	MEMORANDUM *regarding defendants' decision to wear prison clothing* by USA as to Dale Scott Heineman, Kurt F. Johnson (Hall, C.) (Filed on 10/12/2007) (Entered: 10/12/2007)
10/12/2007	465	MOTION to issue order for service of subpoenas with order by Dale Scott Heineman, Kurt F. Johnson. Motion Hearing set for 10/22/2007 08:00 AM. (rhw, COURT STAFF) (Filed on 10/12/2007) (Entered: 10/17/2007)
10/13/2007	459	Proposed Form of Verdict by USA as to Dale Scott Heineman, Kurt F. Johnson (Attachments: # 1)(Hall, C.) (Filed on 10/13/2007) (Entered: 10/13/2007)
10/15/2007	460	WITNESS LIST by USA as to Dale Scott Heineman, Kurt F. Johnson, The Dorean Group (Martin, Brigid) (Filed on 10/15/2007) (Entered: 10/15/2007)
10/15/2007	461	EXHIBIT LIST by USA as to Dale Scott Heineman, Kurt F. Johnson, The Dorean Group (Attachments: # 1)(Martin, Brigid) (Filed on 10/15/2007) (Entered: 10/15/2007)
10/15/2007	466	NOTICE OF MOTION AND MOTION to compel respondents to supply documents requested by subpoena by Dale Scott Heineman, Kurt F. Johnson. Motion Hearing set for 10/15/2007 08:00 AM. (rhw, COURT STAFF) (Filed on 10/15/2007) (Entered: 10/17/2007)
10/15/2007	467	NOTICE OF MOTION AND MOTION to compel respondents to supply documents requested by subpoena by Dale Scott Heineman, Kurt F. Johnson. Motion Hearing set for 10/15/2007 08:00 AM. (rhw, COURT STAFF) (Filed on 10/15/2007) (Entered: 10/17/2007)
10/15/2007	468	MOTION to issue order for service of subpoenas with order by Dale Scott Heineman, Kurt F. Johnson. Motion Hearing set for 10/15/2007 08:00 AM. (rhw, COURT STAFF) (Filed on 10/15/2007) (Entered: 10/17/2007)
10/15/2007	484	Minute Entry for proceedings held before Judge William H. Alsup: Jury Selection as to Dale Scott Heineman, Kurt F. Johnson held on 10/15/2007. Government's motion to dismiss Count 31 and the Dorean Group granted. Dfts confirmed they do not want appointed counsel. Further Jury Trial set for 10/16/2007 07:30 AM. (Court Reporter Sahar McVickar.) (dt, COURT STAFF) (Filed on 10/15/2007) (Entered: 10/25/2007)
10/15/2007	491	AMENDED Minute Entry for proceedings held before Judge William H. Alsup: Jury Selection as to Dale Scott Heineman, Kurt F. Johnson held on 10/15/2007. Further Jury Trial set for 10/16/2007 07:30 AM. (Court Reporter Sahar McVickar.) (dt, COURT STAFF) (Filed on 10/15/2007) (Entered: 10/25/2007)
10/15/2007		Voir Dire begun on 10/15/2007 Dale Scott Heineman (1) on Count 1,1s,2-27,2s-5s,6s-8s,6s,7s,8s,9s-14s,15s-18s,15s,16s-17s,18s,19s-25s,26s-30s,26s, 27s-30s,27s-28s,28-46,29s-30s,31s-34s,35s-37s,38s-52s,53s-63s,53s-54s,55s,56s-63s, 56s,57s-58s,59s-63s,59s-60s,61s-63s,64s,66s-68s and Kurt F. Johnson (2) on Count 1,1s,2-27,2s-5s,6s-8s,6s,7s,8s,9s-14s,15s-18s,15s,16s-17s,18s,19s-25s,26s-30s,26s, 27s-30s,27s-28s,28-46,29s-30s,31s-34s,35s-37s,38s-52s,53s-63s,53s-54s,55s,56s-63s, 56s,57s-58s,59s-63s,59s-60s,61s-63s,65s,66s-68s (rhw, COURT STAFF) (Filed on 10/15/2007) (Entered: 10/29/2007)

Attachment 17

10/16/2007	463	Memorandum in Opposition by USA as to Dale Scott Heineman, Kurt F. Johnson *motion to compel* (Hall, C.) (Filed on 10/16/2007) (Entered: 10/16/2007)
10/16/2007	475	Notice of Appeal Designation of the Record by Dale Scott Heineman, Kurt F. Johnson (rhw, COURT STAFF) (Filed on 10/16/2007) Additional attachment(s) added on 10/25/2007 (rhw, COURT STAFF). (Entered: 10/24/2007)
10/16/2007	476	BRIEF on dress-out clothing by Dale Scott Heineman, Kurt F. Johnson (rhw, COURT STAFF) (Filed on 10/16/2007) (Entered: 10/24/2007)
10/16/2007	477	In Re denial of access to the court without due process of law as to Dale Scott Heineman, Kurt F. Johnson (rhw, COURT STAFF) (Filed on 10/16/2007) (Entered: 10/24/2007)
10/16/2007	475	NOTICE OF APPEAL (Interlocutory) by Dale Scott Heineman, Kurt F. Johnson 475 . Filing fee $ 455; not paid, pro se. (rhw, COURT STAFF) (Filed on 10/16/2007) Additional attachment(s) added on 10/25/2007 (rhw, COURT STAFF). Additional attachment(s) added on 10/25/2007 (rhw, COURT STAFF). Additional attachment(s) added on 10/25/2007 (rhw, COURT STAFF). (Entered: 10/25/2007)
10/16/2007	485	Minute Entry for proceedings held before Judge William H. Alsup: Jury Trial as to Dale Scott Heineman, Kurt F. Johnson held on 10/16/2007. Opening statements made. Gvt witnesses: P. McKay; T. McKay; F. LeCompte. Further Jury Trial set for 10/17/2007 07:30 AM. (Court Reporter Sahar McVickar.) (dt, COURT STAFF) (Filed on 10/16/2007) (Entered: 10/25/2007)
10/16/2007		USCA Case Number as to Dale Scott Heineman, Kurt F. Johnson 07-10519 for 475 Notice of Appeal - Interlocutory filed by Dale Scott Heineman, Kurt F. Johnson. (rhw, COURT STAFF) (Filed on 10/16/2007) (Entered: 02/04/2008)
10/17/2007	478	NOTICE of the underlying laws relevant to settlement and closure of this case by Dale Scott Heineman, Kurt F. Johnson (rhw, COURT STAFF) (Filed on 10/17/2007) (Entered: 10/24/2007)
10/17/2007	486	Minute Entry for proceedings held before Judge William H. Alsup: Jury Trial as to Dale Scott Heineman, Kurt F. Johnson held on 10/17/2007. Gvt witnesses: F LeCompte continued; S. Gyman; M. Johnson. Further Jury Trial set for 10/18/2007 07:30 AM. (Court Reporter Sahar McVickar.) (dt, COURT STAFF) (Filed on 10/17/2007) (Entered: 10/25/2007)
10/18/2007	469	ORDER denying 466 Motion to Compel as to Dale Scott Heineman (1), Kurt F. Johnson (2); denying 467 Motion to Compel as to Dale Scott Heineman (1), Kurt F. Johnson (2). Signed by Judge William H. Alsup on October 18, 2007. (whalc2, COURT STAFF) (Entered: 10/18/2007)
10/18/2007	470	ORDER denying 465 Motion as to Dale Scott Heineman (1), Kurt F. Johnson (2). Signed by Judge William H. Alsup on October 18, 2007. (whalc2, COURT STAFF) (Entered: 10/18/2007)
10/18/2007	471	ORDER denying 468 Motion as to Dale Scott Heineman (1), Kurt F. Johnson (2). Signed by Judge William H. Alsup on October 18, 2007. (whalc2, COURT STAFF) (Entered: 10/18/2007)
10/18/2007	487	Minute Entry for proceedings held before Judge William H. Alsup: Jury Trial as to Dale Scott Heineman, Kurt F. Johnson held on 10/18/2007. Gvt

Attachment 18

Title 18 of the United States Code.

21.

You will have in the jury room a copy of the indictment. The copy will be redacted to block out various counts and matters no longer in this case, leaving only the counts and matters you must consider and decide. That is why you will see blank spaces and gaps in the paragraph numbers, skipping, for example, from paragraph 21 to paragraph 26. Again, the indictment is not evidence in any way. It must be used by you only to keep straight the various counts and what is alleged as to each count.

22.

Turning to Count One, it alleges that from approximately February 2004 until approximately July 6, 2005, defendants knowingly conspired between themselves and with various brokers to devise a scheme to defraud lenders with loans secured by real property, to obtain money by means of materially false statements and promises, and to knowingly cause the United States mails to be used to further the alleged scheme in violation of the mail-fraud statute, which is Section 1341 of Title 18 of the United States Code. Count One alleges various attempts to eliminate mortgages pursuant to the alleged conspiracy.

23.

Under Section 1341, the mail fraud statute, it is a federal offense to use the United States mails to further a fraud scheme. I will explain the details and requirements of Section 1341 in a moment in connection with the individual transactions at issue in this case. Count One, however, alleges an offense that is separate and apart from mail fraud, namely a conspiracy to violate the mail-fraud statute. Section 1349 of Title 18 of the United States Code makes it a separate stand-alone offense to conspire to violate the mail-fraud statute. In other words, the indictment covers two different but related alleged offenses — allegations of mail fraud each pertaining to various individual loans and, separately, an allegation of an overarching conspiracy to commit mail fraud. Count One is the conspiracy count.

United States District Court
For the Northern District of California

Attachment 19

Let's start with Mr. Heineman, since at least he's present, for the time being.

MS. MARTIN: Yes, your Honor.

First, with regard to Mr. Heineman's final presentence report, I did notice even after the government made its initial objections that there was one additional important error regarding the sentencing guideline calculations or the statutory maximum, actually, in this case. The statutory maximum for 18 U.S.C. Section 1349, conspiracy, and 18 U.S.C. Section 1341, mail fraud, in this case is only 20 years each, not 30 years each, because we did not allege and have the jury make a finding on whether or not a financial institution was defrauded here. So I just wanted to make a note of that.

THE COURT: All right. So that's 20 years per count.

MS. MARTIN: Correct, yes.

THE COURT: How many counts were there on which there was a conviction?

MS. MARTIN: Thirty-five counts each, your Honor. Thirty-four counts of Section 1341, mail fraud, and one count of conspiracy in violation of Section 1349.

THE COURT: All right.

MS. MARTIN: The government, with respect to Mr. Heineman, is seeking a sentence of 262 months' imprisonment. That is lower than what Probation recommended, which was 360 months, but the government feels that because

and -- like I say, divine a financial institution by a preponderance of the evidence, when it's a requirement to be proved factually.

It was not proved. And so here's the problem you have, is that if you're going to say that financial institutions are showing up in my sentencing, and then you -- then you've got -- the problem in -- in Rule 8 is that all the financial institutions that were mentioned were not proven at all in the evidentiary situation. So --

THE COURT: Mr. Johnson, I'm going to take into account the fact that it was not. The jury was not asked to make a finding on the financial institutions. So the 30-year part does not apply. It's the 20 years that applies.

DEFENDANT JOHNSON: Okay. Well --

THE COURT: If that's the point you're making, I agree with you.

DEFENDANT JOHNSON: Fantastic.

THE COURT: We've got 35 counts down to 20 -- is 700 years. What can you say by way of mitigation of sentence?

DEFENDANT JOHNSON: Well, yeah. Sure. No problem.

And now that the Court has made its finding, now the additional problem that you have is that Count One specifically states that we defrauded financial institutions. So if you just dismiss the financial institution as not an evidentiary effect, you have just dismissed Count One.

Attachment 20

Nice to see you again, by the way.

And one of them is a show cause that we have some issues, some problems with this case starting at the Grand Jury, which would obliterate the whole need for the idea of a restitution hearing. And that was filed back on the 16th of April and it was not docketed, so I refiled it again on the 23rd when I showed up to Magistrate Tse's hearing along with several other documents that I had filed. I also, for whatever -- wherever the law leads us in this instance, put in a tender of -- a tender of concealed material evidence which dealt with the -- how Mr. Johnson and I could never have committed any harm to any bank, financial institution, lender or others.

My issue is that due process has been abridged and we are seeking or I am seeking relief from this entire case.

THE COURT: All right. Well, we're here on a Form 12 in which the probation officer says that you have refused to make your Court-ordered restitution payments.

So let me ask the Government to summarize in two to three minutes or less what the relief is that you're seeking, and then I'll turn and also spend a moment or two on the point that Mr. Heineman just made.

Go ahead, please.

MR. BHAGAT: Yes, Your Honor.

Your Honor, this Court imposed judgment in this case back in 2008. It looks like there -- the original judgment was

Respond to:
C/o Dale-Scott-Heineman
2775 Fremont Street, Unit 2008
Las Vegas, Nevada State
Near Clark County

ORIGINAL FILED
SEP 03 2024
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

IN THE UNITED STATES NORTHERN DISTRICT COURT OF CALIFORNIA, SAN FRANCISCO DIVISION

SITTING IN THE CAPACITY OF AN ARTICLE III COURT

Dale Scott Heineman, True Party in Interest,
Original United States of America,
We-the-People,
Petitioner,

v.

William H. Alsup, Judge for the Northern District of California, San Francisco Division,
Merrick Garland, United States Attorney General,
Ismail Ramsey, United States Attorney,
James E. Keller, Assistant United States Attorney,
David Hall, Assistant United States Attorney,
Nikhil Bhagat, Assistant United States Attorney,
Case Number 05-cr-00611WHA,
Respondents.

No. CV24-06207 WHO

MEMORANDUM OF POINTS AND AUTHORITIES, CONCLUSIONS OF LAW IN SUPPORT OF COMPLAINT FOR SHOW CAUSE, AS AFFIDAVIT

State of Nevada....._)
_)_ss,
County of Clark....._)

Memorandum of Points and Authorities and Conclusion of Law in Support of Complaint for Show Cause, as Affidavit

JURISDICTION

This honorable court has jurisdiction by and through Article III and Article IV of the Constitution of the United States of America;

VENUE

This honorable court sitting in the capacity of an Article III court is the proper venue to hear constitutional violations of law upon the Originator/Executor/Settlor perpetrated by government agents/employees/trustees acting under color of law and color of authority in violation of in violation of 18 U.S. Code § 242 and their oaths of office, trespassing upon by and through the Constitution of the United States America– Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50 and Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), United States v. Holzer, 816 F. 2d 304, 307 (1987), United States v. Throckmorton, 98 U.S. 61,65, 25 L.Ed. 93 (1878);

MEMORANDUM OF STANDING

Petitioner/Complainant plainly and clearly invokes his standing in and on and for the record as Originator/Creator/Executor/Beneficiary/Employer, the true party in interest one of the We-the-People is the United States of America by and through the Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, as Affidavit and, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971), et al.; and

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT

OF CRIMINAL COMPLAINT FOR SHOW CAUSE

1. Comes now Dale Scott Heineman, the Originator/Creator/Executor/Beneficiary/Employer, true party in interest (hereinafter Petitioner/Complainant) a Sovereign of the Original Estate, a living man on-the-land, one of the We-the-People, comes in peace, within time, with firsthand knowledge, in good faith and with clean hands and in honor; and
2. Petitioner/Complainant alleges as the Originator/Creator/Executor/Beneficiary/Employer whereby "We-the-People" have privity of that Great Charter/Trust/Contract and enjoy all immunities from all Acts of Congress, all Codes of Federal Regulations, and all administrative/executive orders, and all policies by and through the Articles of Confederation, 7 STAT-13, Northwest Territorial Ordinance #1 and the Constitutions, 1-STAT-50 by Res judicata, ""We the People" formed the governments of the several States. Under our constitutional system, therefore, a State is not the sovereign of its people. Rather, people are sovereign." Employees of the Department of Public Health and Welfare of Missouri et al., v. Department of Public Health and Welfare of Missouri et al., 411 U.S. 279, "In the United States, Sovereignty resides in the people, who act through the organs established by the Constitution." Chisholm v. Georgia, 2 Dall 419, 471; Penhallow v. Doane's Administrators, 3 Dall 54, 93; McCullock v. Maryland, 4 Wheat 316,404,405; Yick Yo v. Hopkins, 118 U.S. 356, 370(1886); and "Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts." Yick Wo v. Hopkins,118 U.S. 356 (1886); and
3. Petitioner/Complainant alleges as the Originator/Creator/Executor/Beneficiary/Employer, true party in interest relies on the Treaties, the Constitution of the United States of America/Charter/Trust/Contract, the Acts of Congress, and the controlling/settled holdings, res judicata, from the Supreme Court and Nation States for the guaranteed/secured and inherent

protections of life, liberty, and property owed to Petitioner/Complainant as Originator/Creator/Executor/Beneficiary/Employer; and

4. Petitioner/Complainant alleges that Petitioner/Complainant as Originator/Creator/Executor/Beneficiary/Employer, true party in interest, one of the "We-the-People", a living man, an inhabitant, a people; is NOT a "person" as defined by the Supreme Court of the United States 56 L.Ed. 2d 895 and Blacks Dictionary 5th Ed., page 1028, is not a 14th Amendment Person, not a "public", not an "entity", not an "individual", not a "resident", not a "citizen of the United States", not a "citizen of the United States of America", not a "subject of the United States", not a "subject of the United States of America", not a "sovereign citizen", not a "transmitting utility", not an "accommodation party", not a "surety", not a "debtor", not an "ens legis", not "a being or creation of law", et al.; and
5. Petitioner/Complainant alleges as Originator/Creator/Executor/Beneficiary/Employer one of the "We-the-People" for that Great charter/trust/contract document: the Constitution of the United States, the employer for these Respondents; alleges as follows:
6. Petitioner/Complainant alleges that William H. Alsup, Senior Alsup, Senior Judge of the Northern District Court, San Francisco Division, has violated Petitioner/Complainant's protected due process rights and violated the rules of court, substantive law, and administrative law when, on his own motion during the hearing of June 11, 2024, refused to hear Petitioner/Complainant's Notice of Demand for Show Cause why case number 3:05-cr-00611WHA (DLJ) is not void ab initio nunc pro tunc by and through 28 U.S.C. sec. 2072, Federal Rules of Criminal Procedure Rule 6, as Affidavit when Judge Alsup stated, "Well, I'm denying that motion and you can take a writ of mandate to the Court of Appeals if you wish, but I'm not going to hold off on moving ahead", in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385 (see Complaint for Show Cause (CCSC), as Affidavit,

fully restated and incorporated herein, June 11, 2024 transcript of hearing paragraph 20 as Attachment "1"); and

7. Petitioner/Complainant further alleges that Respondents have failed to produce verified evidence of the grand jury concurrence form delivered to the magistrate judge in open court in violation of by and through Federal Rules of Criminal Procedure Rule 6(f) for case number 05-cr-00611DLJ a.k.a. 05-cr-00611WHA, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385 (See CCSC for District Court of Nevada case number 2:23-cv-00448-JAD as Attachment 4); and
8. Petitioner/Complainant further alleges that Respondents failed to produce verified evidence of the grand jury concurrence form filed with the clerk of the court in violation of by and through Federal Rules of Criminal Procedure Rule 6(c) for case number 05-cr-00611DLJ a.k.a. 05-cr-00611WHA, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385 (See CCSC for District Court of Nevada case number 2:23-cv-00448-JAD as Attachment 4); and
9. Petitioner/Complainant further alleges that Respondents failed to produce verified evidence that Petitioner/Complainant or Petitioner/Complainant's counsel waived Petitioner/Complainant's right of notice to challenge the grand jury in violation of by and through Federal Rules of Criminal Procedure Rule 6(b)(1) for case number 05-cr-00611DLJ a.k.a. 05-cr-00611WHA, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

10. Petitioner/Complainant further alleges that Respondents failed to produce verified evidence that demonstrates or proves that Petitioner/Complainant or Petitioner/Complainant's counsel was afforded a reasonable opportunity to appear and be heard to: (ii) the parties to the judicial proceeding, Petitioner/Complainant was not notified as required by and through FRCrmP Rule 6(e)(F)(ii) for case number 05-cr-00611DLJ a.k.a. 05-cr-00611WHA and in violation of by and through the Jury Selection and Service Act of 1968, 28 U.S.C. § 1867(e) and (f), United States v. Arnett, 342 F. Supp. 1255, 1258 (D.Mass. 1970), United States v. Cooper (1984, CA10 Kan), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
11. Petitioner/Complainant further alleges that "Though the rule in this Circuit is settled that a written transcript of grand jury proceedings is not constitutionally required, United States v. Harper, 432 F.2d 100 (5th Cir. 1970), this rule does not intend to foreclose inquiry into those proceedings, nor insulate them from attack under Rule 6" United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
12. Petitioner/Complainant further alleges that Respondents failed to produce a certified full and complete record for inspection for case number 05-cr-00611DLJ a.k.a. 05-cr-00611WHA by and through Federal Rules of Evidence 901, 29 CFR, Part 18 Subpart B; Title 5 § 552a, 5 CFR Ch. XVI, Subch. A, Pt. 2604; Potenz Corp. v. Petrozzini, 170 Ill. App. 3d 617, 525 N.E. 2d 173, 175 (1988). Respondents failed to comport with their own Rules, Procedures, and holdings from the beginning, constitutes a fraud upon the court by the Respondents by and through Brainerd Dispatch Newspaper Co. v. Crow Wing County, 196 Minn. 194, 264 N.W. 779, 780, Goldstein v. Equitable Life Assur. Soc. of US. 160 Misc. 364, 289 N.Y.S. 1064, 1067, Johnson v. McDonald,

170 Okla. 117, 39 P.2d 150, Joiner v. Joiner Tex.Civ.App., 87 S.W.2d 903, 914, 915, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

13. Petitioner/Complainant further alleges that the United States Attorney and Assistant United States Attorney's deliberately and intentionally withheld material evidence from the grand jury and petit jury that demonstrates and proves that no harm or loss, whatsoever, was caused or could be caused to any financial institution or lender named in the indictment 3:05-cr-00611DLJ a.k.a. 3:05-cr-00611WHA in conformance with the law, i.e., the Letter of Credit from the Swiss Trust company that provided the underlying assets that backed each and every private bond/instrument issued in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385, (see CCSC, as Affidavit, fully restated and incorporated herein, Letter of Credit as Attachment "2"); and
14. Petitioner/Complainant further alleges that the United States Attorney and Assistant United States Attorney's deliberately and intentionally acted upon void indictments, ab initio, for their failure to meet the requirements of FRCrP Rule 6 evidenced by the docket record of case numbers 3:05-cr-00611DLJ a.k.a. 3:05-cr-00611WHA, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
15. Petitioner/Complainant further alleges that the United States Attorney and Assistant United States Attorney's deliberately and intentionally switched the pled financial institution and lender victims with non-pled clients of Petitioner/Complainant, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001,

18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385 (see CCSC, as Affidavit, fully restated and incorporated herein, Closing Argument transcript paragraphs 10-14 for open admission to the switching of victims by David Hall AUSA, as Attachment "3"); and

16. Petitioner/Complainant further alleges that indictments (case no. 3:05-cr-00611DLJ, case no. 3:05-cr-00611WHA) are void on its face by and through the duly constituted verified evidence ascertained and in, on, and for the record by and through by and through the Administrative Procedures Act, Freedom of Information Act (FOIA), 5 U.S.C. sec's. 552, 552a Administrative Law as documented in the District of Nevada Court case number 2:23-cv-00448-JAD (see CCSC, as Affidavit for Second Amended Complaint as Attachment "4"), (see CCSC, as Affidavit for Notice of Transcript for Related Case No. 3:05-cr-00611-WHA, as Affidavit fully restated and incorporated herein as Attachment "5") and (see CCSC, as Affidavit for Notice of Demand for Show Cause why case number 3:05-cr-00611WHA (DLJ) is not void ab initio nunc pro tunc by and through 28 U.S.C. sec. 2072, Federal Rules of Criminal Procedure Rule 6, as Affidavit, with all attachments, fully restated and incorporated herein and filed in the Northern District Court of California case no. 3:05-cr-00611WHA as Attachment "6") wherein by and through the Administrative Law the record shows that Respondents violated and continue to violate the law and procedure by and through the Uniform Commercial Code and the Administrative Law process, the Acts of Congress, and these Respondents are estopped from any further action, judgments, orders, et al. arising from case numbers 05-cr-00611DLJ a.k.a. 05-cr-00611WHA by and through the Doctrine of ladders and laches of law, the Doctrine of Acquiescence by tacit procuration estoppel by acquiescence by their silence as memorialized in the record of related case number 2:23-cv-00448-JAD; and
17. Petitioner/Complainant further alleges that no jurisdictional statement is discoverable anywhere, whatsoever, in indictment numbers 3:05-cr-00611DLJ or case no. 3:05-cr-00611WHA as required by law by and through "The law requires proof of jurisdiction to appear on the record of

the administrative agency and all administrative proceedings." Hagans v. Lavine, 415 U.S. 533, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385 (see CCSC, as Affidavit, fully restated and incorporated herein, indictments as Attachments 7 and 8 respectively); and

18. Petitioner/Complainant further alleges that Respondents by failing to comport with their own Rules, Procedures, and holdings, from the beginning, constitutes a fraud[1] upon the court by for which has created harm and a disability for Petitioner/Complainant for which has resulted in damages and injuries for Petitioner/Complainant by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971), in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

19. Petitioner/Complainant further alleges that Petitioner/Complainant was convicted for mail fraud (18 USC sec. 1341) and conspiracy to commit mail fraud (18 USC sec. 1349). that 18 U.S.C. sec. 1349 is not a stand-alone statute. It borrows its scienter and sentencing from other fraud statutes. In this case it is the mail fraud statute 18 U.S.C. 1341. Where 1341 fails to state an offense, 1349 would automatically suffer the same fate. The scheme and artifice to defraud financial institutions and lenders was dismissed prior to trial removing the essential elements required by law to be proven to the jury in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
20. Petitioner/Complainant further alleges that proceeding to trial absent a provable victim with a property right whether tangible or intangible can never rise to activate the mail fraud statute. Defrauding financial institutions or lenders under the current mail fraud statute is a legal impossibility. Any conviction therefore violates all the canons of constitutional avoidance that is a violation of by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971) in violation of, but not limited by, Title 18

United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

21. Petitioner/Complainant further alleges that Respondents failed to distinguish between financial institutions and lenders named in the indictments as the law provided at that time by and through 18 U.S.C. sec. 20, and the record shows that some lenders pled were not categorized under "financial institutions" *at the time of indictment* (original indictment of September 22, 2005, and superseding indictment of February 16, 2006) by and through 18 U.S.C. sec. 20, United States v. Bennett, 621 F.3d 1131,1137-1139 (9th Circuit). Which financial institution or lender victim did or could the grand jury or petit jury make a finding on, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
22. Petitioner/Complainant further alleges that Respondents failed to comport with their own Rules, Procedures, and holdings from the beginning, constitutes a fraud upon the court in violation of Respondents oath of office and a violation of Petitioner/Complainants protected due process right for which has created harm and a disability that has resulted in damages and injuries for Petitioner/Complainant by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52

N.E.2d 255 (1943), United States v. Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

23. Petitioner/Complainant further alleges that no financial institution or lender, whatsoever, identified as victims in the indictment appeared at trial for testifying as to a loss or harm, in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385 (see Complaint for Show Cause, as Affidavit, fully restated and incorporated herein, sentencing transcripts page 19, paragraphs 8-13, and page 45 paragraphs 1-25 as Attachment 9); and
24. Petitioner/Complainant further alleges that no financial institution or lender, whatsoever, identified as victims in these indictments submitted a victim impact statement alleging a loss or harm as required by law by and through the Mandatory Victims' Rights Act ("MVRA"), 110 Stat. 1227; 18 U.S.C. § 3663A, "requires that those convicted of certain federal crimes make payments to *victims* of their crimes as an *element* of their sentence." (emphasis added) The victims appearing in the Judgment and Commitment Order are former clients and an unknown and unidentified debt collector, not financial institutions or lenders as pled in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385 (see CCSC, as Affidavit, fully restated and incorporated herein, Judgment and Commitment Order page 7 of 10 hereto attached as Attachment "10");

25. Petitioner/Complainant further alleges that Respondents were permitted by the administrator of the court, Judge William H. Alsup, to legislate from their desk when Respondents expanded upon the charged conduct to include "debt elimination" as a violable offense absent any statutory guidance. At trial the financial institution and lender victims pled by Respondents were switched with non-pled clients of Petitioner/Complainant and then paraded in front of the petit jury to judge irrelevant and inflammatory testimony. Respondents departed from the fair construction and common sense reading of these indictments which was to give Petitioner/Complainant and codefendant Johnson notice of the statutory violations cited by Respondents, see United States v. Rodriques, 737 Fed Appx 178, 181 (9th Cir 2005) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
26. Petitioner/Complainant further alleges that Respondents constructively amended the indictment before trial when they switched the financial institution and lender victim's pled with non-pled clients of Petitioner/Complainant in violation of FRCrmP Rule 7(c) for which has created harm and injury which has resulted in a disability for the Petitioner/Complainant by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel

Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

27. Petitioner/Complainant further alleges that Respondents failed for complying with by and through the Speedy Trial Act of 1974, 88 Stat. 2080, as amended August 2, 1979, 93 Stat. 328, 18 U.S.C. §§ 3161–3174, and violated Petitioner/Complainants right to a speedy trial, which are not waivable without consent, Zedner v. United States, 547 US 489,502 (2006), there exists no verified evidence that Petitioner/Complainant expressed such consent, to wit:
    The Speedy Trial Act clock began at the attachment of Petitioner/Complainants liberty interest United States v. Marion, 404 US 307 (1971), United States v. Loud Hawk, 474 US302, 312 (1986) which began on September 22, 2005, when the original indictment was filed, served and the Utah jailers, who had custody of Petitioner/Complainant at the time, raised Petitioner/Complainants security level reflecting the attachment of the Federal detainer;
    On December 20, 2005, Utah dropped all charges leaving Petitioner/Complainant in the sole custody of the Federal government. On December 22, 2005, Petitioner/Complainant was arraigned by a magistrate in Utah on the original 46 count indictment;
    Without any 3161(h) exclusions on the record or any motions filed for exclusions, or any waiver of time on the record, whatsoever, until March 3, 2006, this delay far exceeded the 70 day statutory limitation in violation of the Speedy Trial Act in two (2) distinct ways:
    1. From arrest on September 22, 2005 until arraignment of December 22, 2005 is 91 days;
    2. From arrest on September 22, 2005 until the first exclusion of time of March 3, 2006, is 165 days (see CCSC, as Affidavit, fully restated and incorporated herein, docket entry 27 as Attachment 11);

This Speedy Trial Act violation applies only to those charges carried forward from the original indictment, not the superseding indictment passed on February 16, 2006. The superseding

indictment did not exempt the government from its obligation at law to bring Petitioner/Complainant and Johnson to trial. See United States v. Thomas, 788 F.2d 1250 (7th Cir), United States v. Rush, 738 F.2d 497 (1st Cir.) …" in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

28. Petitioner/Complainant further alleges that Respondents and the administrator of the court deliberately and intentionally violated the law after they were noticed of the Speedy Trial Act violation and ignored the Speedy Trial Act of 1974, 88 Stat. 2080, as amended August 2, 1979, 93 Stat. 328, 18 U.S.C. §§ 3161–3174, which has created harm and injury which has resulted in a disability for Petitioner/Complainant by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

29. Petitioner/Complainant further alleges that on 11/7/2007, William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division and the United States Attorney and Assistant United States Attorney conspired to tamper with witness Dr. Larry Bates (former Tennessee House of Representatives member, former bank Chairman, Federal Witness, and consultant for Petitioner/Complainant and codefendant Johnson) who was at that time prepared to offer first-hand testimony as to how promissory notes were processed by financial institutions and lenders. Without the jury present and prior to trial, Dr. Bates was instructed by William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division and the United States Attorney and Assistant United States Attorney *not* to speak about the promissory note, banking, or any other banking mechanics. Judge William H. Alsup, undermined, interfered, and trespassed upon Petitioner/Complainant' due process in violation of 18 U.S. Code § 1512 when he denied Petitioner/Complainant the opportunity to make a showing to the jury that no harm or injury had been caused, or could have been caused by Petitioner/Complainant, to any financial institution or lender. (see CCSC, as Affidavit, fully restated and incorporated herein, docket 516 for Dr. Bates appearance as Attachment 12). Respondents have intentionally denied Petitioner/Complainant a certified copy of the full and complete record including transcripts which creates harm and injury for the Petitioner/Complainant for which has resulted in a disability for the Petitioner/Complainant by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52

N.E.2d 255 (1943), United States v. Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

30. Petitioner/Complainant further alleges that on 11/01/2007, William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division and the United States Attorney and Assistant United States Attorney conspired to tamper with witness Todd-Ellis Swanson (accountant, enrolled agent, and service provider to Petitioner/Complainant) in violation of 18 U.S. Code § 1512 who was at that time prepared to offer first-hand testimony as to the standards, functions, accounting practices, i.e., GAAP accounting, for financial institutions and lenders. William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division and the United States Attorney and Assistant United States Attorney threated and intimidated Petitioner/Complainant's material witness stating that if Mr. Swanson testified on Defendants behalf, Judge William H. Alsup would recommend to the prosecution to enjoin Mr. Swanson as a co-conspirator to the instant action, thus undermined, interfered, and trespassed upon Petitioner/Complainant' due process denied Petitioner/Complainant the opportunity to make a showing to the jury that no harm or injury had been caused, or could have been caused by Petitioner/Complainant, to any financial institution or lender; (see CCSC, as Affidavit, fully restated and incorporated herein, Todd-Ellis Swanson appearance at docket 503 as Attachment 13). Respondents have denied Petitioner/Complainant a certified copy of the full and complete record including transcripts which created harm and injury for Petitioner/Complainant which has resulted in a disability to Petitioner/Complainant by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A);

FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

31. Petitioner/Complainant further alleges that:
    a. On or about August 31, 2007, Petitioner/Complainant and codefendant Johnson motioned the court for a subpoena for the bond/instrument previously sent to each financial institution or lender prior to indictment– this being a necessary and substantive part of Petitioner/Complainant's presentment sent to each financial institution or lender and subject to Petitioner/Complainant and Johnsons' defense for presenting to the jury relevant material evidence that demonstrates and proves that no financial institution or lender was harmed or injured, or could be harmed or injured; (see CCSC, as Affidavit, fully restated and incorporated herein, docket entries 426, 427 as Attachment 14);
    b. The subpoenas were granted by Judge Alsup for these bond/instruments for each financial institution and lender named in the indictment. All subpoenas were timely and properly served for the bond/instrument. (see CCSC, as Affidavit, fully restated and incorporated herein, docket entry 428 as Attachment 15). Instead of conforming to our very specific request, these financial institutions and lenders sent their respective mortgage contracts;

c. On or about October 15, 2007, Petitioner/Complainant and codefendant Johnson motioned the court to compel production for these financial institutions and lenders to produce the bond/instrument; (see CCSC, as Affidavit, fully restated and incorporated herein, docket entries 466 and 467 as Attachment 16)

d. On October 18, 2007, Judge Alsup denied Petitioner/Complainant and codefendant Johnson motion to compel production of the bond/instrument. (see CCSC, as Affidavit, fully restated and incorporated herein, docket entry 469 as Attachment 17)

e. William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division violated Petitioner/Complainants protected due process in violation of 18 U.S.C. § 1519 tampering with evidence when he denied Petitioner/Complainant and codefendant Johnson from presenting material evidence that demonstrates and proves that no financial institution or lender was harmed or injured, or could be harmed or injured (see CCSC, as Affidavit for Attachment "2") which created harm and injury for Petitioner/Complainant which has resulted in a disability for Petitioner/Complainant by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971) in

violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

32. Petitioner/Complainant further alleges that during the jury instruction phase, William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division polluted the jury when he drew upon the dismissed financial institutions and lenders pled in the indictments, "a scheme to defraud lenders", stated in his jury instruction:

"Turning to Count One, it alleges that from approximately February 2004 until approximately July 6, 2005, defendants knowingly conspired between themselves and with various brokers to devise a scheme to defraud lenders with loans secured by real property, to obtain money by means of materially false statements and promises, and to knowingly cause the United States mails to be used to further the alleged scheme in violation of the mail-fraud statute, which is Section 1341 of Title 18 of the United States Code. Count One alleges various attempts to eliminate mortgages pursuant to the alleged conspiracy." in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385 (see CCSC, as Affidavit, fully restated and incorporated herein, Jury Instruction transcript point 22 attached as Attachment "18"); and

33. Petitioner/Complainant further alleges that Judge William H. Alsup concurs that "Financial institutions and lenders" was specifically identified in these indictments as the "target" of Petitioner/Complainant' "scheme to defraud lenders with loans secured by real property" Tanner v. United States, 483 US 107, 129 (1987) that cannot be parsed out of the specific "intent" element of mail fraud which requires an identifiable victim, United States v. Milwitt, 475 F.3d 1150, 1155-56 (9th Cir., 2006). An after-trial recharacterization of a sentencing factor proffered by the prosecution, and permitted by the administrator of the court, is a trespass upon

Petitioner/Complainants protected due process and a violation of the Federal Rules of Criminal Procedure Rule 7(c)(1) which created harm and injury for Petitioner/Complainant which has resulted in a disability for Petitioner/Complainant by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552(3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

34. Petitioner/Complainant further alleges that the “debt elimination” theory advanced by the prosecution and supported by the administrator of the court is a statutory impossibility that failed to state an offense for the conduct alleged in the indictments being in violation of– procedural and substantive due process is contrary to the Acts of Congress and the Supreme Law of the Land. No pled victim, whatsoever, was summoned to appear for the prosecution at trial, no pled victim, whatsoever, offered testimony at trial to invoke the specific intent or any other essential elements for conviction in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C.

§ 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385 (see CCSC, as Affidavit, fully restated and incorporated herein, Sentencing Transcript pages 19 paragraphs 9-13 and 45 paragraphs 1-25 as Attachment "19") The prosecution has the burden to prove each and every element, to wit:

In re Winship, 397 US 358, 364 (1970) and "Consequently, the court may consider only the elements contained within the statutory definition of the crime." United States v. Lipscomb, 619 F.3d 474, 493 (5th Cir., 2010) quoting James v. United States, 550 US 192 at 201.

These violations of Petitioner/Complainants protected due process right and violations of law has created harm and injury for which has resulted in a disability for Petitioner/Complainant by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

35. Petitioner/Complainant further alleges the United States Attorney and Assistant United States Attorney presented "evidence" to the grand jury that induced the grand jury to indict Petitioner/Complainant based upon an estimated $50 Million dollar loss "theory" incurred by financial institutions and lenders by Petitioner/Complainants "debt elimination" scheme. This indictment gives notice of "Honest Services" as a property loss to financial institutions and lenders being affected and controlling, which AUSA Keller claimed was defined by statute. This is an irresponsible and unconscionable legislation-on-the-fly to create or amend a statute that in-turn prevented the Fourth Amendment and reasonable doubt standards from availing. Honest services *is* confined to bribes and kickbacks. Petitioner/Complainants never had a duty to any of the alleged victims that could never approach the conduct that reaches to bribes and kickbacks, for which created harm and injury for Petitioner/Complainant which has resulted in a disability for Petitioner/Complainant by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

36. Petitioner/Complainant further alleges that Respondents, as fiduciaries/employees of and for Petitioner/Complainant, whose acts and actions upon Petitioner/Complainant constitute a criminal violation of their oaths of office by and through 5 U.S.C. sec. 7311 constitutes a criminal violation by and through 18 U.S.C. sec. 1918 for a member of the government, which includes members of Congress, and thus did and does "advocate the overthrow of our constitutional form of government" by engaging in prosecutorial and judicial misconduct in violation of Respondents oath to execute faithfully [their] duties by and through 28 U.S. Code sec. 544 for which has created harm and injury which has resulted in a disability for Petitioner/Complainant by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
37. Petitioner/Complainant further alleges Respondents failed to take notice that the courts of the United states are bound to take notice of the Constitution of the United states that established the Constitution is the "Supreme law of the land" Marbury v. Madison, 1 Cranch 137 (1803) in

violation of 18 U.S.C. 371 for which has created harm and injury which has resulted in a disability for Petitioner/Complainant by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

38. Petitioner/Complainant further alleges that Respondents created a Constitutional crisis when Respondents prosecuted Petitioner/Complainant by and through ex post facto laws in violation of 18 U.S.C. Secs. 2381, 2382, 2383, 2384, 2385 and in violation of by and through the Constitution of the United States Article I, Section 9, Clause 3, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803) Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCrP

RULE 6; Americans with Disabilities Act 104 Stat 328, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

39. Petitioner/Complainant further alleges that Respondents did conspire to injure, oppress, threaten, or intimidate Petitioner/Complainant and did deprive Petitioner/Complainant of his free exercise or enjoyment for Petitioner/Complainant's rights protected by and through 18 U.S. Code sec. 241 for which has created harm and injury for Petitioner/Complainant for which has resulted in a disability for Petitioner/Complainant by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F. 2d 304, 307 (1987), Georgia

Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

40. Petitioner/Complainant further alleges that Respondents did and does conspire by and through 18 U.S. Code sec. 241 to kidnap or attempt to kidnap Petitioner/Complainant and did and does commit a criminal offense by and through 18 U.S. Code sec. 1201 for which has created harm and injury for which has resulted in a disability for Petitioner/Complainant by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

41. Petitioner/Complainant further alleges Respondents violated 18 U.S. Code § 1001 when they falsified, concealed, and covered up by trick, scheme, and device a material fact to induce the grand jury to indict by making false statements and representations that the financial institutions and lenders pled were statutorily recognized per 18 U.S. sec. 20 at the time of indictment for which has created harm and injury for Petitioner/Complainant which has resulted in a disability for Petitioner/Complainant by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
42. Petitioner/Complainant further alleges William H. Alsup, Judge for the Northern District of California presently conspires with the United States Attorney, Assistant United States Attorney, and the United States Probation Office to incarcerate Petitioner/Complainant for a violation of the terms of supervised release when all know and should have known that the judgment obtained by the indictment was conceived in fraud, has refused to hear Petitioner/Complainants Show Cause why case number 3:05-cr-0061DLJ a.k.a. 3:05-cr-00611WHA is not void ab initio

nunc pro tunc (see CCSC for hearing of 6/11/2024 paragraphs 1-14 as attachment 20) by and through 28 U.S.C. sec. 2072, Federal Rules of Criminal Procedure Rule 6, as Affidavit, and where such fraud is demonstrated here in part in this Complaint for Show Cause, as Affidavit, is void ab initio, nunc pro tunc does violate by his acts and actions 18 U.S. Code § 371 - Conspiracy to commit offense or to defraud United States which creates and continues to create harm and injury for Petitioner/Complainant which has resulted in a disability for Petitioner/Complainant by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

43. Petitioner/Complainant further alleges that William H. Alsup, Senior Judge of the Northern District Court, San Francisco Division, Merrick Garland, United States Attorney General, Ismail Ramsey, United States Attorney, James E. Keller, Assistant United States Attorney, David Hall, Assistant United States Attorney, employees/fiduciaries all, of, by and for the “We-the-People” and established by and for the “We-the-People”, has trespassed upon Petitioner/Complainant’s

protected due process rights in violation of the supreme Law of the Land are acting as third-party interlopers, did violate and continues to violate Petitioner/Complainant's protected due process rights by and through the: Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328, and violation of Petitioner/Complainants protected due process rights by and through settled law, stare decisis: Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803), Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), United States v. Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, United States v. Bullock, 448 F.2d 728, 729 (5th Cir. 1971) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

44. Petitioner/Complainant further alleges that no evidence can be found that the United States Attorney General, United States Attorney, or United States AUSA Attorney' policies can supersede the Acts of Congress, or permit these Respondents to legislate from their desk, or where the United States Attorney General, United States Attorney, or United States AUSA Attorney' can give this Petitioner/Complainant a disability without giving Petitioner/Complainant an equitable remedy for relief when brought to Respondents attention. You Respondents, MUST remove the disability of your policy by and through the

Americans with Disabilities Act, 104 Stat 328, he who creates the disability must remove the disability in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385;

The US Department of Justice made it clear in a letter of April 16, 2010, regarding regulations further prohibit recipients from administering programs in a matter that has the effect of subjecting individuals for discrimination based on their national origin, see 28 CFR section 42.1(b)(2), and section 42.203(e), and by and through built-in-systems-headwind-systematized discrimination, Greg's v. Duke Power Company, 401 U.S. 424 (1971), and Connecticut v. Teal 457 U.S. 440 (1982), may I remind you that by and through the implementing regulations for the ADA and the Federal Code of Regulations 28 CFR part 35 (Title II Department of Justice); a disability is a condition that substantially limits the ability of an individual to perform a major life activity compared to most people in general population and must be protected by and through 42 U.S.C. section 12203, and 28 C.F.R. sec 36.206, retaliation, coercion;

45. Petitioner/Complainant further alleges the court errors when enforcing representation by foreign attorneys certificated by a foreign BAR and infringes on rights guaranteed for the Petitioner/Complainant by federal law, See Mille Lacs Band, 124 F.2d at 928 in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
46. Petitioner/Complainant further alleges the above court's, ORDER dated on, 03/18/2008 is not supported by the facts, nor the court's records, rules, points of law, statutes, rationale, and dicta in violation of the Due Process clause of the 4th, Amendment of the United States Constitution and impairs the Obligation of Contracts between the Petitioner/Complainant and the Defendants

in violation of Article: 1, Section: 10 of the United States Constitution in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

47. Petitioner/Complainant further alleges the record shows the above court's judge, William H. Alsup has an Oath contract with the Petitioner/Complainant for upholding the Constitution including the Due Process Clause of the 4th Amendment of the United States Constitution with a fiduciary obligation and duty not to exceed the restrictive limitation and protections of the United States Constitution in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
48. Petitioner/Complainant further alleges the above courts, ORDER dated on, 03/18/2008 is a Breach of Contract and conspiracy with others under color of law, impairing Petitioner/Complainant's Due Process protection under the 4th Amendment of the United States Constitution in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
49. Petitioner/Complainant further alleges the above courts, ORDER dated on, 03/18/2008 is impairing the Due Administration of Justice in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
50. Petitioner/Complainant further alleges the above courts, ORDER , dated on, 03/18/2008 is a hostile presentment in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. §

241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

51. Petitioner/Complainant further alleges the above courts, ORDER , dated on, 03/18/2008 is the criminal acts of barratry in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
52. Petitioner/Complainant further alleges the above courts, ORDER, dated on, 03/18/2008 is impairing the Due Process of the law with a defective impromptu process and usurpation of the legislative and court powers in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
53. Petitioner/Complainant further alleges the above courts, ORDER, dated on, 03/18/2008 is a malicious, invidious, and capricious fraud on the Petitioner/Complainant, void on the face of the roll for the lack of inherent power for entering the order procured by extrinsic fraud, See In re Adoption of E.L., 733 N.E.2d 846, (Ill. App. 1 Dist. 2000) and Rook v. Rook, 353 S.E.2d 756, (Va. 1987) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
54. Petitioner/Complainant further alleges the above courts, ORDER, dated on, 03/18/2008 is tampering with the evidence in order to influence the outcome of the case with no enforcement power in law in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18

U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

55. Petitioner/Complainant further alleges the above Court's order, dated on, 03/18/2008 is void because the order is unsupported by the laws, Statutes, Rules, established facts, allegations, and evidence on the record in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
56. Petitioner/Complainant further alleges an order is void on the order's face and is subject for collateral attack unless the above court has jurisdiction of the subject matter of the persons involved in the litigation for rendering the particular order given, See Hallford v. Industrial Commission, (1945) 63 Ariz. 40, 159 P.2d 305 in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
57. Petitioner/Complainant further alleges the above court's order, dated on, 03/18/2008 is void because the order is issued by fraud upon the court in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
58. Petitioner/Complainant further alleges the above Court's order, dated on, 03/18/2008 is void because the order is contrary for the law, made false about the law, and in fact the order legalize a broad range of crimes in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

59. Petitioner/Complainant further alleges the above Court's order, dated on, 03/18/2008 is void because the order is issued in clear absence of jurisdiction in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
60. Petitioner/Complainant further alleges invalidity needs for appearing on the face of the above Court's order, dated on, 03/18/2008 and alone that order may be said for being either: (1) intrinsically void, (2) void on the order face, if lack of the jurisdiction appears from the record, See Crockett Oil Co. v. Effie, 374 S. W.2d 154 (Mo. App. 1964) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
61. Petitioner/Complainant further alleges decisions by the above court's order, dated on, 03/18/2008 is void on the face of the roll when from four corners of that roll a decision may be determined that at least one of the three elements of the jurisdiction is absent: (1) jurisdiction over parties, (2) jurisdiction over subject matter, (3) jurisdictional power for pronouncing particular order that was rendered, See B & C Investments, Inc. v. F & M Nat. Bank & Trust, 903 P.2d 339 (Ok. App. 106, 1995) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
62. Petitioner/Complainant further alleges a void order may be attacked, either: (1) direct, (2) collateral, at any time, See In re Estate of Steinfield, 630 N.E.2d 801. certiorari denied; Steinfeld v. Hoddick, 513 U.S. 809, (IL 1994) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016,

18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

63. Petitioner/Complainant further alleges a void order which is one entered by a court that lacks jurisdiction over either: (1) the parties, (2) the subject matter, (3) the inherent power for entering the order procured by fraud can be attacked at any time in any court either: (1) direct, (2) collateral providing that party is proper before the court, See People ex rel. Brzica v. Village of Lake Barrington, 644 N.E.2d 66 (111. App. 2 Dist. 1994) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
64. Petitioner/Complainant further alleges avoidable orders are appealable and must be attacked direct, a void order may be circumvented by either: (1) collateral attack, (2) remedied by mandamus, Senehez v. Hester, 911 S.W.2d 173, (Tex. App. - Corpus Christi 1995) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
65. Petitioner/Complainant further alleges when rules provide for relief from void orders is applicable, relief is not discretionary matter, but is mandatory, See Orner v. Shalala, 30 F.3d 1307, (Colo. 1994) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
66. Petitioner/Complainant further alleges the above Court's order, dated on, 03/18/2008 that is otherwise entered in violation of Due Process of the law must be set aside, See Jaffe and Asher v. Van Brunt, S.D.N.Y. 1994, 158 F.R.D. 278 in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. §

1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

67. Petitioner/Complainant further alleges an order is void on the order's face and is subject for collateral attack unless the above court has jurisdiction of the subject matter of the persons involved in the litigation for rendering the particular order given, See Hallford v. Industrial Commission (1945) 63 Ariz. 40, 159 P.2d 305 in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
68. Petitioner/Complainant further alleges the above Court must have jurisdiction of the subject matter and if the above Court has no jurisdiction the court's order date on, 03/18/2008 may be collaterally attacked, See Vargus v. Greer, (1943) 60 Ariz. 110,131 P.2d 818 in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
69. Petitioner/Complainant further alleges lack of the jurisdiction over subject matter can be raised at any time, See Kelly v. Kelly, (1975) 24 Ariz. App. 582, 540 P.2d 201 in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
70. Petitioner/Complainant further alleges a void order is an order from inception that is a complete nullity and without legal effect, See Lubben v. Selective Service System Local Bd. No. 27, 453 F.2d 645, 14 A.L.R. Fed. 298 (C.A. 1 Mass. 1972) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18

U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

71. Petitioner/Complainant further alleges a void order is an order from the beginning that is complete nullity and without any legal effect, See Hobbs v. U.S. Office of Personnel Management, 485 F.Supp. 456 (M.D. Fla. 1980) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
72. Petitioner/Complainant further alleges a void order is an order from inception complete nullity and without legal effect, See Holstein v. City of Chicago, 803 F. Supp. 205, reconsideration denied 149 F.R.D. 147, affirmed Holstein v. City of Chicago, 29 F.3d 1145 (N.D. Ill. 1992) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
73. Petitioner/Complainant further alleges a void order is an order where the above Court lacks subject matter jurisdiction and entry of the order dated on, 03/18/2008 violates Due Process, See U.S.C.A. Const. Amendment 4 and Tirad Energy Corp. v. McNel1, 110 F.RD. 382 (S.D.N.Y. 1986) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
74. Petitioner/Complainant further alleges the above Court's order dated on, 03/18/2008 is a void order if the court is acting in a manner inconsistent with Due Process, See Federal Rules Civ. Proc., Rule: 60(b)(4); 4th Amendment of the United States Constitution; and Klugh v. U.S., 620 F.Supp. 892 (D.S.C. 1985) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C.

§ 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

75. Petitioner/Complainant further alleges a void order is an order from inception that is and forever continues for being absolute null without legal efficacy, ineffectual for binding either: (1) the parties, (2) supporting a right of no legal force and effect whatsoever and (3) incapable of enforcement in any manner and for any degree, See Lloyd v. Director, Dept. of Public Safety, 480 So. 2d 577 (Ala. Civ. App. 1985) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
76. Petitioner/Complainant further alleges an order shown by evidence for being invalid for want of the jurisdiction is either: (1) a void order, (2) at all events has all attributes of a void order, See City of Los Angeles v. Morgan, 234 P.2d 319 (Cal. App. 2 Dist. 1951) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
77. Petitioner/Complainant further alleges a void order which is subject for collateral attack is simulated judgment devoid of any potency because of the jurisdictional defects, See Ward v. Terdere, 386 P.2d 352 (Colo. 1963) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
78. Petitioner/Complainant further alleges a void order is a simulated order devoid of any potency because of jurisdictional defects in the above court's rendering of the order and defects of the jurisdiction may relate for either: (1) a party, (2) parties, (3) the subject matter, (4) the cause of action, (5) the question being determined, (6) relief being granted, See Davidson Chevrolet, Inc.

v. City and County of Denver, 330 P.2d 1116 (1958). certiorari denied 79 S.Ct. 609,359 U.S. 926,3 L.Ed. 2d 629 (Colo. 1958) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

79. Petitioner/Complainant further alleges a void order is an order entered by the above court without jurisdiction of either: (1) the parties, (2) subject matter, (3) lacks inherent power for making, and entering particular order involved and such an order may be attacked at any time either: (1) direct, (2) collateral, See People v. Wade, 506 N. W .2d 954 (Ill. 1987); and
80. Petitioner/Complainant further alleges a void order may be defined as one in which the rendering court lacks either: (1) subject matter jurisdiction, (2) personal jurisdiction, (3) acted in a manner inconsistent with Due Process of the law, See Eckel v. McNeal, 628 N.E. 2d 741 (Ill. App. Dist. 1993) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
81. Petitioner/Complainant further alleges a void order is an order entered by the above court without jurisdiction of either: (1) parties, (2) subject matter, (3) lacks inherent power for making and entering a particular order involved, and such an order may be attacked at any time, either: (1) direct, (2) collateral, See People v. Sales, 551 N.E.2d 3.1359 (111. App. 2 Dist. 1990) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
82. Petitioner/Complainant further alleges Res judicata consequences will not be applied for a void order which is an order from inception that is a complete nullity and without legal effect, See Allcock v. Allcock, 437 N.E. 2d 392 (Ill. App. 3 Dist. 1982) in violation of, but not limited by,

Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

83. Petitioner/Complainant further alleges a void order is an order from inception is complete nullity and without legal affect, See In re Marriage of Parks, 630 N.E.2d 509 (Ill. App. Ct. 1994) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
84. Petitioner/Complainant further alleges a void order is an order entered by the above court that lacks the inherent power for making and entering the particular order involved and the order may be attacked at any time either: (1) direct (2) collateral and such an order would be a nullity, See People v. Rolland, 581 N.E.2d 907, (Ill. App. 4 Dist. 1991) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
85. Petitioner/Complainant further alleges a void order under federal law is one in which rendering court lacks either: (1) subject matter jurisdiction over dispute, (2) jurisdiction over parties, (3) acts in manner inconsistent with due process of the law, (4) otherwise acts unconstitutional in entering the order, See 4th, Amendment of the United States, Constitution; Hays v. Louisiana Dock Co., 452 N.E.2D 1383 (Ill. App. 5 Dist. 1983) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

86. Petitioner/Complainant further alleges a void order is an order from inception that is a complete nullity and without legal effect, See Stidham v. Whelchel, 698 N.E.2d 1152 (Ind. 1998) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
87. Petitioner/Complainant further alleges relief from void orders are available when the above court lacks either: (1) personal, (2) subject matter jurisdiction, See Dusenberry v. Dusenberry, 625 N.E.2d 458 (Ind. App. 1 Dist. 1993) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
88. Petitioner/Complainant further alleges a void order has no effect whatsoever and is incapable of either: (1) consummation, (2) ratification, See Lucas v. Estate of Stavos, 609 N .E. 2d 1114, rehearing denied, and transfer denied (Ind. App. I dist. 1993) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
89. Petitioner/Complainant further alleges a void order is an order rendered in absence of jurisdiction over either: (1) subject matter, (2) parties Matson v. Matson, 310 N.W. 2d 502 (Minn. 1981) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
90. Petitioner/Complainant further alleges a void order is an order rendered in absence of the jurisdiction over either: (1) subject matter, (2) parties, See Lange v. Johnson, 204 N.W.2d 205

(Minn. 1973) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

91. Petitioner/Complainant further alleges a void order has mere semblance without some essential element as when the above court purporting for rendering the order has no jurisdiction, See Mills v. Richardson, 81 S.E.2d 409, (N.C. 1954) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
92. Petitioner/Complainant further alleges a void order has a mere semblance, but is lacking in some of the essential elements which would authorize the above court for proceed for judgment, See Henderson v. Henderson, 59 S.E. 2d 227, (N.C. 1950) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
93. Petitioner/Complainant further alleges a void order is an order entered by the above court without jurisdiction for entering such an order, See State v. Blankenship, 675 N.E.2d 1303, (Ohio App. 9 Dist. 1996) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
94. Petitioner/Complainant further alleges a void order such as the court's order dated on, 03/18/2008 may be vacated at any time is one whose invalidity appears on face of the judgment roll, See Graff v. Kelly, 814 P.2d 489 (Okla. 1991) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18

U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

95. Petitioner/Complainant further alleges that a void judgment may be attacked at any time, See Capital Federal Savings Bank v. Bewley, 795 P.2d 1051 (Okla. 1990) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
96. Petitioner/Complainant further alleges a void order is facial invalid because the above court lacks the authority for rendering the order, See State v. Richie, 20 S.W.3d 624 (Tenn. 2000) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
97. Petitioner/Complainant further alleges a void order shows upon the face of the record want of the jurisdiction in the court assuming for rendering the order and want of the jurisdiction may be either: (1) of person, (2) subject matter, (3) particular question being decided, (4) relief assumed for being given, See State ex rel. State ex rel. Dawson v. Bomar, 354 S.W.2d 763, certiorari denied, (Tenn. 1962) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
98. Petitioner/Complainant further alleges a void order shows upon the face of the record a want of the jurisdiction in above court assuming for rendering the order, See Underwood v. Brown, 244 S.W. 2d 168 (Tenn. 1951) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C.

§ 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

99. Petitioner/Complainant further alleges a void order shows on the face of the record the want of the jurisdiction in the above court assuming for rendering the order, which want of the jurisdiction may be either: (1) of the person, (2) of the subject matter, (3) of the particular question attempted for being decided, and (4) relief assumed for being given, See Richardson v. Mitchell, 237 S.W. 2d 577, (Tenn. Ct. App. 1950) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
100. Petitioner/Complainant further alleges a void order has no legal force and effect whatsoever, the order is an absolute nullity and the invalidity may be asserted by any person whose rights are affected at any time and at any place and the order needs not be attacked direct but may be attacked collateral whenever and wherever the order is interposed, See City of Lufkin v. McVicker, 510 S.W. 2d 141 (Tex. Civ. App. - Beaumont 1973) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
101. Petitioner/Complainant further alleges a void order insofar as the order purports for being pronouncement of the above court is an absolute nullity, See Thompson v. Thompson, 238 S.W.2d 218 (Tex. Civ. App.- Waco 1951) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
102. Petitioner/Complainant further alleges a void order is an order that has been procured by either: (1) extrinsic, (2) collateral fraud, (3) entered by the above court that did not have jurisdiction

over either: (1) subject matter, (2) the parties, See Rook v. Rook, 353 S.E. 2d 756, (Va. 1987) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

103. Petitioner/Complainant further alleges a void order is an order entered by a court that lacks jurisdiction of either: (1) the parties, (2) the subject matter, (3) the inherent power for making and entering the particular order involved, a void order is void from its inception and can be vacated without regard to the passage of time. See State ex rel. Turner v. Briggs, 971 P.2d 581 (Wash. App. Div. 1999) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
104. Petitioner/Complainant further alleges a void order is one that is entered by a court lacking jurisdiction over either: (1) the parties, (2) the subject matter, (3) the inherent power for entering the particular order where the order was procured by fraud, See In re Adoption of E.L., 733 N.E.2d 846, (Ill. App. 1 Dist. 2000) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and
105. Petitioner/Complainant further alleges void orders are those rendered by the court that lacks jurisdiction either: (1) of subject matter, (2) parties, See Cockerham v. Zikratch, 619 P.2d 739 (Ariz. 1980) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

106. Petitioner/Complainant further alleges void orders generally fall into two classifications, (A)orders where there is want of the jurisdiction of either: (1) person, (2) subject matter, and (B) orders procured through fraud and such orders may be attacked either: (1) direct, (2) collateral, See Irving v. Rodriquez, 169 N.E.2d 145, (Ill. App. 2 Dist. 1960) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

107. Petitioner/Complainant further alleges that a void order is an order where the above Court lacks subject matter jurisdiction and entry of the order dated on, 03/18/2008 violates Due Process, See U.S.C.A. Const. Amendment: 4 and Tirad Energy Corp. v. McNell, 110 F.RD. 382 (S.D.N.Y. 1986) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

108. Petitioner/Complainant further alleges that In the United States, Sovereignty resides in the people, who act through the organs established by the Constitution." Chisholm v. Georgia, 2 Dall 419, 471; Penhallow v. Doane's Administrators, 3 Dall 54, 93; McCullock v. Maryland, 4 Wheat 316,404,405; Yick Yo v. Hopkins, 118 U.S. 356, 370(1886) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

109. Petitioner/Complainant further alleges that "Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts." Yick Wo v. Hopkins,118 U.S. 356 (1886) in violation of, but not

limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

110. Petitioner/Complainant further alleges that ""We the People" formed the governments of the several States. Under our constitutional system, therefore, a State is not the sovereign of its people. Rather, people are sovereign." Employees of the Department of Public Health and Welfare of Missouri et al., v. Department of Public Health and Welfare of Missouri et al., 411 U.S. 279 in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

111. Petitioner/Complainant further alleges "The party invoking the jurisdiction of the court has the duty to establish that federal jurisdiction does exist, Wilshire Oil Co. of Texas v. Riffe, 409 F.2d 1277 (10th Cir. 1969), but, since the courts of the United States are courts of limited jurisdiction, there is a presumption against its existence." City of Lawton, Okla. v. Chapman, 257 F.2d 601 (10th Cir. 1958). "Thus, the party invoking the federal court's jurisdiction bears the burden of proof. Becker v. Angle, 165 F.2d 140 (10th Cir. 1947)" Basso v. Utah Power and Light Company, 495 F.2d 906, 909 (10th Cir. 1974) in violation of, but not limited by, Title 18 United States Codes: 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 371, 18 U.S.C. § 1001, 18 U.S.C. § 1016, 18 U.S.C. § 1202, 18 U.S.C. § 1341, 18 U.S.C. § 1349, 18 U.S.C. § 1621, 18 U.S.C. § 1623, 18 U.S.C. § 1918, 18 U.S.C. § 2381, 18 U.S.C. § 2382, 18 U.S.C. § 2385; and

Conclusions of Law

The record reflects the judicial and prosecutorial misconduct and abuse of power by these Respondents as here and enumerated as above through Counts 1-111 with all of the

Title 18 criminal violations as duly documented with verified court evidence as stated herein;

The Petitioner/Complainant, one of the "We-the-People" the "employer" for the United-States-of-America– the creator/settlor for this great constitution/trust/contract wherein We-the-People have privity of the constitution/trust/contract. As one of the "We-the-People": Petitioner/Complainant possesses all immunities from all acts of Congress, all Codes of Federal Regulations, and all administrative/executive orders, and all policies by and through Articles of Confederations, Northwest Territorial Ordinance #1, 7STAT-13 and the Constitutions, 1-STAT-50, by Res judicata. The United States District Court, Northern Division of California never possessed neither personum jurisdiction nor subject matter jurisdiction, ab initio; and

"The United States Supreme Court has clearly, and repeatedly, withheld that any judge who acts without jurisdiction is engaged in an act of treason." U.S. v. Will, 449 U.S. 200, 216, 101, S. Ct. 471, 66 L.Ed. 2d 392, 406 (1980): Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821). Respondents war against Petitioner/Complainant and the constitution/trust/contract created by and for the benefit of Petitioner/Complainant;

This honorable Court sitting in the capacity of an Article III Court has the obligation and duty to address the violations of law upon Dale-Scott-Heineman, one of the We-the-People in the exercise of his protected rights, these shall Respondents shall Show Cause why case number 3:05-cr-00611DLJ a.k.a. 3:05-cr-00611WHA is not void ab initio nunc pro tunc by and through 28 U.S.C. sec. 2072, Federal Rules of Criminal Procedure Rule 6, including the violations of law and right as described herein;

September 3, 2024;

Respectfully,

Dale-Scott-Heineman,
Original Creator/Settlor/Executor.

Using a notary for this Memorandum of Points and Authorities and Conclusion of Law in Support of Complaint for Show Cause, as Affidavit does not constitute any adhesion, nor does it alter my status in any manner. The purpose for notary is verification and identification only and not for entrance into a foreign jurisdiction.

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF NEVADA

COUNTY OF CLARK

On 8/31/2024 before me, Michele Williams, personally appeared Executor-Dale-Scott: Heineman, who proved to me on the basis of satisfactory evidence to be the living soul whose name is subscribed to the hereto-attached Memorandum of Points of Authorities and Conclusion of Law for Complaint for Show Cause, as Affidavit and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the hereto-attached Instrument being the living soul who executed said Instrument. I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Michele Williams (Seal)

MICHELE WILLIAMS
Notary Public, State of Nevada
No. 05-99624-1
My Appt. Exp. Aug. 29, 2025