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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),

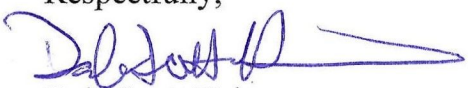
State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, the Americans with Disabilities Act, 104 Stat 328;

"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,

[redacted]
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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SAN FRANCISCO, CA 94102

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

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Stephanie Hinds U.S. Attorney

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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