

Case No. MJ 14-00030 JPD

REQUEST TO VACATE DECISIONS  
AND HEARINGS BY JAMES P. DONOHUE

Incorporated by reference in #14-CR-27-F (USDC/DWY)

TO: Chief Judge, duly credentialed  
U.S. District Court  
700 Stewart Street  
Seattle 98101  
Washington State, USA

Ref. #14-CR-27-F  
(USDC/DWY)

FROM: Paul Andrew Mitchell, B.A., M.S.  
FDC Seatac Reg. No. 44202-086, Unit "EA"

SUBJECT: James P. Donohue's conflict  
of interest and demonstrable bias

Greetings your Honor:  
Start by reviewing Martinez v. Wigner, 771 F.2d 424.  
Please allow me to begin this REQUEST  
by confirming that Mr. James P. Donohue  
has failed to produce any evidence of a  
valid OPM SF-61 APPOINTMENT AFFIDAVITS.  
Moreover, I have made that request  
in writing, which Mr. Donohue did not  
answer, and personally at the Clerk's  
public counter on 6/11/2013. An employee  
of the Clerk's Office replied: "We are not  
going to cooperate with you, Mr. Mitchell."  
Mr. Donohue's signature, as I recall,  
was visible on the "search warrant" [sic]  
to which I objected on 6/11/2013, chiefly  
because I have never had any opportunity  
Also, in violation of 28 U.S.C. 1691, that  
"search warrant" did not display any

signature of any Clerk or <sup>Deputy</sup> Clerk of Court; it did show a rubber stamp bearing the name of "William M. McCool," who has also refused to produce any evidence of a valid OPM SF-61 APPOINTMENT AFFIDAVITS, as required by 5 U.S.C. 2903, 2906, 3331, and the Oath of Office Clause.

Furthermore, Mr. Donohue has manifested bias and apparent prejudice specifically in the "DETENTION ORDER" dated January 31, 2014. For example: Using V.S. v. Callender, 25 F. Cas. 239 (1800) as a guide:

(a) "Defendant has made it clear he will not go to the District of Wyoming willingly." [sic]  
Objection: I have no car, no driver's license, and I did have <sup>JUST</sup> barely enough money saved to pay 2 months of rent. Travel is out of the question to such a distant city, as long as I am expected to pay travel costs etc.

(b) Defendant does not believe the Court has authority over him and will not comply with Court Orders. [sic]

The record shows I timely challenged jurisdiction. I timely objected, and my objection was "noted". Pursuant to case law I have already studied under 28 U.S.C. 1691, violations of that law do deprive the Court of jurisdiction in personam. Likewise, Court "orders" are process as that term occurs in Sec. 1691. "As a point of law", the Court does lack "authority over me" as long as it lacks jurisdiction in personam. 28 U.S.C. 1691.

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(c) "There are no conditions or combination of conditions other than detention that will reasonably assure the appearance of defendant as required in the District of Wyoming." [sic]

That exaggerated and foregone conclusion overlooked the obvious: I can appear in writing at preliminary hearings held in Cheyenne, Wyoming, provided I am released on my own recognizance ("OR") and allowed to prepare my own defense, using the powerful computer resources I have assembled in my apartment.

"House arrest" is another option, provided I be allowed to return to my apartment, as described in the preceding apartment.

I am presently at real risk of LOSING that apartment and ALL of my personal and professional possessions. Why? Reprisal?

Was that the REAL reason for the lightning bolt arrest on 1/28/2014, and the cruel and unusual punishment of expediting me NON-STOP to solitary confinement, orchestrated by lies, defamations and distortions? WHY?? Is there a conspiracy to violate rights guaranteed by the Constitution?

### - REMEDIES -

The facts above fully justify an ORDER to the OUSA to show cause why (a) Mr. Donohue's rulings & hearings should not be vacated and <sup>why</sup> (b) Defendant should not be released on his own recognizance so that he may prepare his defense to Propria Persona on his own computers.

VERIFICATION: 28 U.S.C. 1746

I, Paul Andrew Mitchell, B.A., M.S., hereby verify under penalty of perjury, under the laws of the United States of America, without (outside) the United States (federal government) that the above statement of facts and laws is true and correct, according to the best of my current information, knowledge, and belief, so help me God.

Dated: 2/8/2014

Signed: Paul Andrew Mitchell  
for Propria Persona (NOT "Pro Se")

Printed: Paul Andrew Mitchell, B.A., M.S.  
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Authority: Martinez v. Winner, 771 F.2d 424 (10<sup>th</sup> Cir. 1985)

p.s. "Pro se" in Latin means "For it";  
in English: "se" is a neuter Latin  
pronoun that is inappropriate when  
used to refer to human beings,  
particularly Citizens of ONE OF the States United.  
"Quem ad finem sese effrenata iactabit  
audacia?" (in Latin)  
To what end will your unbridled  
audacity hurl itself? (in English)

Cicero's Oration against Cataline  
See Parrish v. Roanoke here.