

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA
333 Constitution Ave N.W.
Washington, District of Columbia 20001

FILED

MAR 26 2014

**Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia**

UNITED STATES OF AMERICA
NO KNOW ADDRESS
ENTITY UNDISCLOSED

CASE # 1:13 cr 00253

Wrongdoer
Fictitious, Foreign Plaintiff

VS

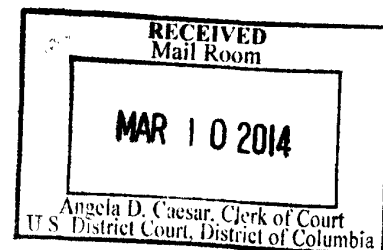
Title 28, Ch. 5, District Court, § 88 District of Columbia
Constitutional Article III Court
Judge Gladys Kessler

RODNEY DALE CLASS (Government
Registered Trade Name, WARD, TRUST, ESTATE, JOINT STOCK SHARE)
POST OFFICE BOX 435
CITY OF HIGH SHOALS
STATE OF NORTH CAROLINA
ZIP CODE 28077

Rodney-Dale; Class
Private Attorney General
432 North Lincoln St.
High Shoals, North Carolina
America National

Third party of interest and Real Party of Interest.
By Congressional Act Private Attorney General,
Constitutional Bounty Hunter

COVER SHEET FOR ADDRESSES OF PARTIES



*Leave to file granted.
J Kessler - 3/26/14*

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**Take Judicial Notice: Federal Rules
Violations And Willful Fraud Upon The
Court As Grounds For Motion Of
Dismissal, And A Request For Summary
Judgment**

Now Comes, I, a man with a soul, Rodney-Dale; Class, (Herein after referred to as a living flesh and blood man with a soul, a being/natural person) in his official capacity as a Private Attorney General and as a Constitutional Bounty Hunter pursuant to Congressional mandate of the United States Congress. Comes with this Court Filing; Take Judicial Notice: Federal Rules Violations And Willful Fraud Upon The Court As Grounds For Motion Of Dismissal, And A Request For Summary Judgment.

I. Willful And Intentional Procedural Violations And Fraud
MANDATORY REQUIREMENTS

Paragraphs 1 through 16 are incorporated herein in their entirety by reference.

1. Title 28 > Part VI > Chapter 153 > § 2255

28 U.S. Code § 2255 - Federal custody; remedies on motion attacking sentence

(a) A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the **Constitution or laws of the United States**, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence.

(b) Unless the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief, the court shall cause notice thereof to be served upon the United States attorney, grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of law with respect thereto. If the court finds that the judgment was rendered without jurisdiction, or that the sentence imposed was not authorized by law or otherwise open to collateral attack, or **that there has been such a denial or infringement of the constitutional rights** of the prisoner as to render the judgment vulnerable to collateral attack, the court shall vacate and set the judgment aside and shall discharge the prisoner or resentence him or grant a new trial or correct the sentence as may appear appropriate.

(c) A court may entertain and determine such motion without requiring the production of the prisoner at the hearing.

(d) An appeal may be taken to the court of appeals from the order entered on the motion as from a final judgment on application for a writ of habeas corpus.

(e) An application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to this section, shall not be entertained if it appears that the applicant has failed to apply for relief, by motion, to the court which sentenced him, or that such court has denied him relief, unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of his detention.

(f) A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

(1) the date on which the judgment of conviction becomes final;

(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

(g) Except as provided in section 408 of the Controlled Substances Act, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of Title 18.

(h) A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.

2. FEDERAL C.F.R. MANDATORY REQUIREMENT; 29 CFR LABOR, Part 2000, RULES OF PROCEDURE, Subpart B, Parties and Representatives

§ 2200.23 Appearances and withdrawals.

(a) *Entry of appearance* — (1) *General*. A representative of a party or intervenor shall enter an appearance by signing the first document filed on behalf of the party or intervenor in accordance with paragraph (a)(2) of this section, or thereafter by filing an entry of appearance in accordance with paragraph (a)(3) of this section.

(3) *Subsequent appearance*. Where a representative has not previously appeared on behalf of a party or intervenor, he shall file an entry of appearance with the Executive Secretary, or Judge if the case has been assigned. The entry of appearance shall be signed by the representative and contain the information required by §2200.6.

(b) *Withdrawal of counsel*. Any counsel or representative of record desiring to withdraw his appearance, or any party desiring to withdraw the appearance of counsel or representative of record for him, must file a motion with the Commission or Judge requesting leave therefore, and showing that prior notice of the motion has been given by him to his client or counsel or representative, as the case may be. The motion of counsel to withdraw may, in the discretion of the Commission or Judge, be denied where it is necessary to avoid undue delay or prejudice to the rights of a party or intervenor.

3. FEDERAL U.S.C. MANDATORY REQUIREMENT; Rule 23. Form and Style of Papers

(3) Signature: The original signature, either of the party or the party's counsel, shall be subscribed in writing to the original of every paper filed by or for that party with the Court.

4. FEDERAL U.S.C. MANDATORY REQUIREMENT; III. PLEADINGS AND MOTIONS > RULE 11.

Rule 11. Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions (a) Signature. Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name — or by a party personally if the

party is unrepresented. The paper must state the signer's address, e-mail address, and telephone number. Unless a rule or statute specifically states otherwise, a pleading need not be verified or accompanied by an affidavit. The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention.

**5. FEDERAL U.S.C. MANDATORY REQUIREMENT; CRIMINAL Rules of Procedure
RULE 3. THE COMPLAINT**

The complaint is a written statement of the essential facts constituting the offense charged. Except as provided in **Rule 4.1**, it must be made under oath before a magistrate judge or, if none is reasonably available, before a state or local judicial officer.

Foot Notes

“The amendment makes one change in practice. Currently, Rule 3 requires the complaint to be sworn before a “magistrate judge,” which under current Rule 54

 could include a state or local judicial officer. Revised Rule 1 no longer includes state and local officers in the definition of magistrate judges for the purposes of these rules. Instead, the definition includes only United States magistrate judges. Rule 3 requires that the complaint be made before a United States magistrate judge or before a state or local officer. The revised rule does, however, make a change to reflect prevailing practice and the outcome desired by the Committee—that the procedure take place before a *federal* judicial officer if one is reasonably available. As noted in Rule 1 (c), where the rules, such as Rule 3, authorize a magistrate judge to act, any other federal judge may act.”

6. FEDERAL U.S.C. MANDATORY REQUIREMENT; Criminal Rules of Procedure under Rule 4 it states the following:

RULE 4. ARREST WARRANT OR SUMMONS ON A COMPLAINT

- (a) **ISSUANCE.** If the complaint or one or more affidavits filed with the complaint establish probable cause to believe that an offense has been committed and that the defendant committed it, the judge must issue an arrest warrant to an officer authorized to execute it. At the request of an attorney for the government, the judge must issue a summons, instead of a warrant, to a person authorized to serve it. A judge may issue more than one warrant or summons on the same complaint. If a defendant fails to appear in response to a summons, a judge may, and upon request of an attorney for the government must, issue a warrant.

7. **MANDATORY REQUIREMENT;** United States Constitution under the Fourth Amendment it states the following.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, **shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation,** and particularly describing the place to be searched, and the persons or things to be seized

8. **MANDATORY REQUIREMENT;** United States Constitution, AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; **to be confronted with the witnesses against him;** to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

9. **MANDATORY REQUIREMENT;** United States Constitution, AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

10. **MANDATORY REQUIREMENT;** United States Constitution, AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and **to petition the government for a redress of grievances.**

11. **MANDATORY REQUIREMENT;** United States Constitution, AMENDMENT II

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Foot note

“On May 15, 1939 the Supreme Court, in an opinion by Justice McReynolds, held: The National Firearms Act, as applied to one indicted for transporting in interstate commerce a 12-gauge shotgun with a **barrel less than 18 inches long** without having registered it and without having in his possession a stamp-affixed written order for it, as required by the Act, held: In *Miller*, we determined that the Second Amendment did not guarantee a citizen's right to **possess a sawed off shotgun** because that weapon had not been shown to be "ordinary military equipment" that could "contribute to the common defense." *Id.*, at 178. The Court did not, however, attempt to define, or otherwise construe, the substantive right protected by the Second Amendment.”

“**18. U.S.C. 921. Modification of Other Laws** Pub. L. 90-618, title I, § 104, Oct. 22, 1968, 82 Stat. 1226, as amended by Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095, provided that: “Nothing in this title or the amendment made thereby amending this chapter] shall be construed as modifying or affecting any provision of—“(a) the National Firearms Act (chapter 53 of the Internal Revenue Code of 1986) section 5801 et seq. of Title 26, Internal Revenue Code;”

“TITLE 26 > Subtitle E > CHAPTER 53 > Subchapter B > PART I § 5845
§ 5845. Definitions For the purpose of this chapter—

(a) Firearm

The term “firearm” means

- (1) a shotgun having a barrel or barrels of less than 18 inches in length;
- (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length;
- (3) a rifle having a barrel or barrels of less than 16 inches in length;
- (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length;
- (5) any other weapon, as defined in subsection (e);
- (6) a machinegun;
- (7) any silencer (as defined in section 921 of title 18, United States Code)”

“27 CODE FEDERAL REGULATIONS PART 479

Subpart B—Definitions § 479.11 Meaning of terms. Firearm. (a) A shotgun having a barrel or barrels of less than 18 inches in length; (b) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (c) a rifle having a barrel or barrels of less than 16 inches in length; (d) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (e) any other weapon, as defined in this subpart; (f) a machine gun; (g) a muffler or a silencer for any firearm whether or not such firearm is included within this definition.”

12. MANDATORY REQUIREMENT; United States Constitution, AMENDMENT X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Foot Note

BOND vs. UNITED STATES 564 U.S. 2011 is a Tenth Amendment case; the Supreme Court of the United States decided in late June 2011 that standing can sometimes be established by individuals, not just states, **when Tenth Amendment challenges are raised in objection to a federal law.** The Court subsequently has agreed to hear Bond's petition regarding both the Constitution's federalism limitations on "Congress' ability to enact legislation" that enforces treaties and the interpretation of the scope of the Chemical Weapons Convention Implementation Act to avoid reviewing the decision in Missouri v. Holland.

13. FEDERAL U.S.C. MANDATORY REQUIREMENT; 42 U.S. Code § 1981 - Equal rights under the law

(a) Statement of equal rights

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

(b) "Make and enforce contracts" defined

For purposes of this section, the term "make and enforce contracts" includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

(c) Protection against impairment

The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.

14. MANDATORY REQUIREMENT; United States Constitution, ARTICLE IV, SECTION 2.

The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

15. MANDATORY REQUIREMENT; United States Constitution, AMENDMENT XIV, SECTION 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property,

without due process of law; nor deny to any person within its jurisdiction the **equal protection of the laws**.

16. MANDATORY REQUIREMENT; United States Constitution, ARTICLE III,
SECTION 1.

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SECTION 2.

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;--to all cases affecting ambassadors, other public ministers and consuls;--to all cases of admiralty and maritime jurisdiction;--to controversies to which the United States shall be a party;--to controversies between two or more states;--between a state and citizens of another state;-- between citizens of different states;--between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

II. Grounds For Dismissal And Summary Judgment

Paragraphs 1 through 30 are incorporated herein in their entirety by reference.

17. Whereas the Prosecutor and the Public Defender, having law degrees, and having firsthand knowledge and firsthand procedural education in the law and any failure to follow procedure is with willful intent **of collusion and coercion between both Offices** and can be considered *ultra vires* violations, misconduct and misbehavior under color of law to cause harm to the public peace.

18. Whereas the Prosecutor and the Public Defender, having law degrees, and being familiar with the Court procedures of Entry Of Appearance rules in the above named Code of Federal Regulations and the United States Code have no excuse for not filing an "Entry Of Appearance"

other than to defraud, under Color of Law, in “This Court” and the Public and to cause harm to the Public Peace.

19. Whereas the Prosecutor and the Public Defender, having law degrees, were aware that they have to file for permission to “leave” “Any Court Case” and that any new judicial officers coming into the court case had to file for an “Entry Of Appearance” pursuant to the federally mandated procedures listed above to hold standing in Court.

20. Whereas there was only ONE “Entry Of Appearance” placed on the record into “This Court” and it was only done by rodney- dale; class, a living man of flesh and blood, a soul/natural person, pursuant to and a requirement of the above Code of Federal Regulations and the United States Codes and regulations, this living man of flesh and blood, a soul/natural person, is the ONLY legitimate party before “This Court” that can be heard on the court record.

21. Whereas the Prosecutor and the Public Defender, having law degrees, should know that pursuant to Judiciary and Judicial procedures in Title 28 U.S.C. that it is MANDATORY that the signatures on filed documents be used pursuant to Rule 11.

22. Whereas pursuant to Rule 11 under 28 U.S.C. ALL documents filed into “This Court” only show the signatures of the living man of flesh and blood, a soul/natural person, rodney-dale; class as being the **only** active party in this case because of **non-compliance** by the Prosecutor and the Public Defender.

23. Whereas the Prosecutor and the Public Defender, having law degrees, are aware under federally mandated requirements under criminal procedure Rule 3, Rule 4 and under the 4th Amendment of the Constitution that a “verified complaint” under oath and affirmation first had to take place, then the issuing of a search warrant, and a warrant for arrest had to be issued before the Capitol Hill police could detain and arrest this living man of flesh and blood, a soul/natural person, rodney-dale; class.

24. Whereas the Prosecutor and the Public Defender, having law degrees, were aware of these procedures and did, willfully and intentionally, **collude and coerce between both offices** to violate **ultra vires actions** of misconduct and misbehavior, under color of law, and did,

intentionally, and with full knowledge, and while holding law degrees, set out to cause harm and to disrupt the public peace.

25. Whereas the Prosecutor and the Public Defender, having law degrees, did, with willful intent, set out to defraud “This Court” and the public for failure to have an Accuser that could testify, in open court, to the damages that were causing harm to the Plaintiff and were caused in violation of Rule 3, Rule 4, and the 4th and 5th Amendments to the Constitution.

26. Whereas the Prosecutor and the Public Defender, having law degrees, did, with willful intent, set out to defraud “This Court” and the public knowing full well that the charges under Title 18 U.S.C. 921 only restricts the use of a “sawed off shotgun” of a barrel or barrels of 18 inches or less as laid out in paragraph 10 (above) and in the footnotes.

27. Whereas the Prosecutor and the Public Defender, having law degrees, did, with willful intent, set out to defraud “This Court” and the public, and did, intentionally and willfully, set out to defraud by twisting and intentionally misconstruing the intent of the written law and the congressional legislation and Supreme Court decisions under Title 18 U.S.C., section 921.

28. Whereas the Prosecutor and the Public Defender, having law degrees, did, with willful intent, set out to defraud “This Court” and the public knowing that equal protection of the law as defined in pursuance to Title 42 U.S.C., section 1981 and under Article 4, section 2 of the United States Constitution and under the 14th Amendment, section 1 that equal protection under the law was deliberately and intentionally withheld as a defense and is further “grounds for dismissal” pursuant to Title 28 U.S.C. and judiciary and judicial procedure; pursuant to **Rule 60** “relief from judgment or order” and requires this case be dismissed, with prejudice, against this living man of flesh and blood, a soul/natural person, rodney-dale; class.

29. Whereas these are intentional “***ultra vires procedural violations***” by the Prosecutor and covered up by the Public Defender in order to cause harm and disturb the public peace they have now created a situation under 12 (b)(6) failure to state a claim upon which relief can be granted.

30. Whereas the Prosecutor, and covered up by the Public Defender, has now deprived this Defendant, a living man of flesh and blood, a soul/natural person, a means of relief under 12 (b) (6) as it (relief) cannot be granted as there is “No Entry Of Appearance” by any of these court

officers...No valid complaint sign under oath or affirmation...No warrant issued for search and seizure on this complaint...No warrant for arrest on a complaint...and, that No competent witness that can testify to such injuries.

CONCLUSION

Whereas all Court Officers, that have stood before “This Court” under a sworn oath that they would protect and preserve the public peace and uphold the Constitution and the congressional legislative laws including the congressional legislation and created terminology of words, have openly violated their Oaths.

Whereas in their sworn oaths, as bar members and Officers of “This Court,” they swore oaths that they would NOT put in misleading statements, misrepresent, or misconstrue the laws before “Any Court” have intentionally and willfully placed fraud upon “This Court” and upon the public in order to cause harm and to disrupt the public peace under color of law.

Whereas the mandatory requirements, as laid out not only in the Code of Federal Regulations but in the United States Code as “federally mandatory requirements,” have been willfully and intentionally “violated” in order to deprive the people of this country and this living man of flesh and blood, a soul/natural person, rodney-dale; class, of his protected rights guaranteed by the Constitution and guaranteed by the Bill of Rights as well as guaranteed by the congressional legislation by congressional enactments of Congress as to how words are to be defined and the proper terminology created by legislation.

Whereas since these “***ultra vires* violations**” are intentional and under full knowledge of those with law degrees, the Prosecutor and the Public Defender, these are **intentional acts** and cannot be considered “legal errors” or “honest” mistakes, but are to be perceived (and are potentially prosecutable) as willful, and intentional deceit in order to deprive the people of protected rights and the Commitment of Fraud in order to gain “personal profit” for themselves, and the private enterprise/Corporation known as the UNITED STATES.

Whereas paragraphs 1 through 16 are federally mandated requirements and procedures and were intentionally and willfully violated by said Court Officers that have stood before “This Court,” and because **paragraph 1 (above) under Title 28, section 2255 clearly gives**

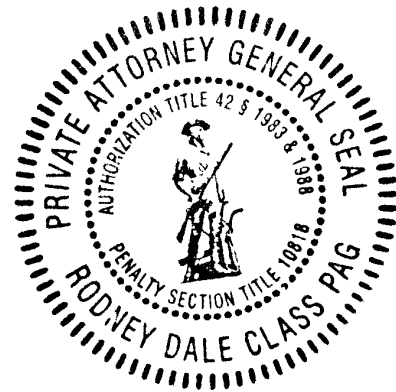
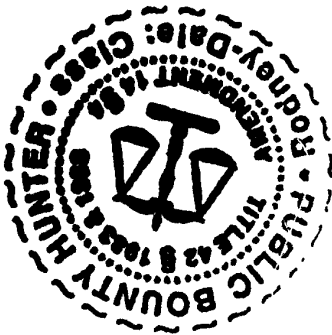
Constitutional reasons and lawful grounds for the United States to give “This Court” subject matter and jurisdiction and just cause for “Grounds for Dismissal,” and Now Requires a “Summary Judgment,” With Prejudice, in favor of the living man of flesh and blood, a soul/natural person, “rodney-dale; class,” he does **Demand and Require** that he is to be made whole with the return of ALL “Property” held in the District of Columbia, and to have the GPS monitor that was unlawfully placed on his body removed, and to be given FULL restitution for damages, expenses of defense, mental anguish, civil rights violations, and hardships caused him and his family.

rodny dale class
rodney-dale; class

Private Attorney General
432 North Lincoln Street
High Shoals, North Carolina
Bounty Hunter Seal


live thumb print

Private Attorney General Seal



PROOF OF SERVICE

Now Comes rodney-dale; class, a real man of flesh and blood in the position of Private Attorney General and Bounty Hunter by Congressional Legislation under the Statutes at Large and by United States Codes created by the United States Congress within the District of Columbia Territory, to set forth my Wishes of Entry of this document and WISHES and REQUIRES that this document is to be read and acted upon by an honorable, flesh and blood man or woman to afford the Declarant remedy: **Take Judicial Notice: Federal Rules Violations And Willful Fraud Upon The Court, As Grounds For Motion Of Dismissal, And A Request For Summary Judgment.** This document was sent to the UNITED STATES DISTRICT COURT OF THE DISTRICT OF COLUMBIA Clerk of Courts on this 1/17/14 day of March in the year of our Lord 2014 A.D. i, rodney-dale; class, also delivered a copy to the Prosecutor and Public Defender.



rodney-dale; class

Private Attorney General

432 North Lincoln Street

High Shoals, North Carolina 28077

itsconstitutional@gmail.com

Cc:

PETER LALLAS (Or designee)

ASSISTANT UNITED STATES ATTORNEY

555 4TH STREET, N.W., ROOM 4110

WASHINGTON, DC 20530

A. J. KRAMER

FEDERAL PUBLIC DEFENDER FOR D.C.

625 INDIANA AVENUE, NW, SUITE 550

WASHINGTON, DC 20004