

FILED
U. S. DISTRICT COURT
DISTRICT OF NEBRASKA

13 APR 24 PM 3: 30 8725 Park View Boulevard
OFFICE OF THE CLERK La Vista, Nebraska 68128
402-596-1612
April 24, 2013

Magistrate Judge Thomas Thalken
Roman L. Hruska Courthouse
111 S. 18th Plaza
Omaha, NE 68102-1322

Re: Correction to Critical Errors You Have Made in Case #8:12CR344

Dear Judge Thalken:

Your ORDER FOR THE PROGRESSION OF A CRIMINAL CASE was filed 03/28/2013 for 8:12CR344, as Docket Document #84-1. At a hearing on March 22nd with Judge Gossett, I presented my Foreign Plea in Abatement into the court record, filed as Docket #75, which you verbally acknowledged at an Arraignment Hearing that took place on March 28th. There are several items I would like to call to your attention in order to correct the record.

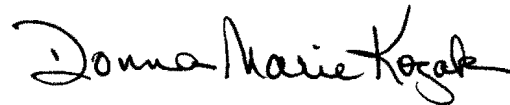
1. The first line of your ORDER states "Upon arraignment of Defendant this date and the entry of plea of not guilty, ..." A plea of not guilty may not be lawfully entered. I already entered a plea at the previous hearing. I did not enter a plea of not guilty. I did not authorize you to change my plea to not guilty. My plea stands, Subornation of False Muster. I understand that Subornation of False Muster is not a Plea at Bar. It is a Plea in Abatement. The reason we are not at Bar is because I have entered a jurisdictional challenge. My jurisdictional challenge is very clearly set forth in my Foreign Plea in Abatement. Until my jurisdictional challenge is answered, this matter remains in Abatement.
2. The #83 Docket Sheet TEXT MINUTE ENTRY for the arraignment held by you on 3/28/13 states, "The court takes notice of defendant's filing 75. Defendant refused to enter a plea. The court enters on her behalf a plea of not guilty as to all counts." I did not refuse to enter a plea. I have a right to enter a plea of guilty at the very first arraignment. The court has an obligation to see to it that I have enough information to be able to do that. An entry of plea of not guilty does not preserve my rights; it violates them. It also violates the principle of judicial economy. The Foreign Plea in Abatement that I provided for the record shows that I entered a plea of Subornation of False Muster with Judge Gossett on March 22nd. You took notice of that filing on March 28th by stating, "Very well, I noticed that," thereby, taking Judicial Notice for the record that this matter is currently in Abatement. The TEXT MINUTE ENTRY needs to be corrected to show that I entered a plea of Subornation of False Muster. I take exception to the fact that my plea was ignored. It is not correct to enter a plea of "not guilty," especially while this matter is currently in Abatement and not at Bar.

3. Docket Sheet item #83 states, "The court takes notice of defendant's filing 75..." which is the Foreign Plea in Abatement. The Docket Sheet does not list Filing #75 by its correct title, Foreign Plea in Abatement. It says "NOTICE as to defendant Donna M. Kozak." This creates confusion by not identifying #75 for what it is, a Foreign Plea in Abatement. It is absolutely not a "NOTICE as to... Donna." That phrase does not even make sense.

4. In the Abatement I stated, "Although I am capable of handling my own affairs (sui juris) and will not be represented by an attorney, I am not legally competent to represent myself in foreign courts and would be foolish to attempt it. Consequently, I am not 'Pro Se,' ..." By the numerous times you stated in the March 28th Hearing that I am Pro Se, it is very obvious that Pro Se is being compelled upon me against my will to which I take exception. All along I have stated that I am not Pro Se. I have never said I was Pro Se, I never asked for it, I never approved of it, I never agreed to it, and I don't consent to it. It was foisted upon me, against my will, over my objections, without my consent, and without my request.

Please see that these corrections are made forthwith. Thank you.

Sincerely,



Donna Marie Kozak

Cc: Court Records Clerk
David Stickman
Brian Bailey
Matthew Hoffman
Jerry Hug (and Randall Due)