

Case No. #2:14-CR-00027-NDF-2

Thank you.  
PM

NOTICE OF MOTION AND MOTION TO DISMISS  
WITH PREJUDICE: 18 U.S.C. 1514(b), 3771  
TO: Hon. Nancy D. Freundenthal, USDC/DWY

Greetings your Honor:

Please accept this MOTION TO DISMISS on numerous grounds summarized below. If the Court needs or requires clarification or elaboration, please advise:

- (a) Grand Jury Violations: Fifth Amendment
- (1) missing and/or defective credentials for attorneys, and at least one witness, violated FRCP Rule 6; see U.S. v. Pignatiello;
  - (2) panel of federal citizens was not selected, or summoned, by lawful clerk or deputy clerks of court; Office of Clerk's personnel refused to disclose credentials i.e. SF-61 and 28 U.S.C. 951 OATH; see 5 U.S.C. 3331 et seq.;
  - (3) Jury Selection and Service Act is clearly unconstitutional for discriminating against all State Citizens: there are two (2) classes of citizenship in America, not one (1) class;
  - (4) "sewer service" presented to Mr. Hill's six (6) clients violated 28 U.S.C. 1691; no "PROOF OF SERVICE" can be valid, or lawful, for that reason;

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- (5) charging document was not a valid "indictment" because it too violated 28 U.S.C. 1691, and was signed by OUSA personnel lacking one or more OATHS;
- (6) attorneys and witness appear to have suppressed favorable/exculpatory evidence: see Brady v. Maryland; Rule 12.3 Notice;
- (7) clients' REQUESTS TO APPEAR IN WRITING: 18 U.S.C. 1504, were evidently obstructed, contrary to <sup>its</sup> last paragraph, and possibly also in violation of 18 U.S.C. 1702 (a felony);
- (8) one set of Attachments to (7) was also obstructed, likewise violating 18 U.S.C. 1504, 1702, and In re Brand Jury Application (USDC/SDNY);
- (9) raid on Mr. Mitchell's apartment on 6/11/2013 was not lawful: "warrant" violated 28 U.S.C. 1691, and was signed by "magistrate" (Donohue) who also failed or refused to produce credentials;
- (10) four (4) proper "Qui Tam" Complaints, duly lodged under the Federal Civil False Claims Act, were likewise seized during the illegal raid at (9), were also exculpatory evidence also suppressed by attorneys and at least one witness; and,

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(11) government witness violated Sec. 1203 in the IRS Restructuring and Reform Act of 1998 ("RRA98") by failing to answer Mr. Hill's query re: 31 U.S.C. 333 within thirty (30) days; Sec. 1203 authorizes termination of all such IRS personnel.

(b) Probable Impersonation: 18 U.S.C. 912

(1) no SF-61 and no 28 U.S.C. 951 OATH were ever produced for, or by, Stephen Harris, Zachary Fisher, or A. Killiker; cf. duties;

(2) no valid SF-61, no 28 U.S.C. 544 OATH, and no Power of Attorney to represent "VSA" were ever produced for, or by, Christopher Crofts;

(3) no 28 U.S.C. 544 OATH and no Power of Attorney to represent "VSA" were ever produced for, or by, L. Robert Murray;

(4) no SF-61 and no 28 U.S.C. 951 OATH were ever produced for, or by, William M. McCool, whose pattern of racketeering since 1996 violates 18 U.S.C. 1513 repeatedly;

(5) no SF-61 and no 28 U.S.C. 453 OATH were ever produced for, or by, James P. Donohue, or Brian T. Archide, dba "magistrates" at VSOC/Seattle; and,

-3 of 12- (6) witness James Marcy violated 31 U.S.C. 333  
-3 of 12-



and Internal Revenue Manual ("IRM") policy requiring answers to correspondence within thirty (30) days: RRA98 gave legal force and effect to IRM, for first time.

(c) Probable Conspiracy: 18 U.S.C. 241, 1962(d), and 42 U.S.C. 1985-1986

- (1) "search warrant" dated 6/11/2013 was fraud;
- (2) "indictment" dated 1/15/2014 was fraud;
- (3) "arrest warrant" dated 1/28/2014 was fraud;
- (4) unlawful detention was directly caused by James P. Donohue and Brian Tsuchida (see (b)(5)), who had obvious conflicts of interest;
- (5) victim and witness retaliation, by all named above, violated 18 U.S.C. 1510, 1513, 1515 and 1962(d), and 18 U.S.C. 241, 242.
- (6) ineffective assistance of Federal Public Defenders/Seattle violated Sixth Amendment, and ousted the Courts of jurisdiction: see Johnson v. Zerbst;
- (7) access to adequate law libraries was never provided; there is no V.S. Code, or CFR, at Scottsbluff Detention Center, or Brady Co.;
- (8) frequent "diesel therapy" routinely destroyed Mitchell's legal notes, outlines, etc., while USMS burned thousands of gallons of jet fuel shuttling him via 10-passenger <sup>private</sup> jet; and,



(9) Federal Public Defender / Seattle refused one simple task, and refused to file and serve Mitchell's Petition for Habeas Corpus Relief and FOIA Enforcement: see Docket Entry # 33.

(d) Willful Misrepresentation: 28 U.S.C. 530B

- (1) no Powers of Attorney legally to represent "UNITED STATES OF AMERICA" [sic] ("USA");
- (2) Relator now represents the "United States";
- (3) petitions to government cannot be crimes: see First Amendment, Petition Clause;
- (4) see FOIA requests, DEMANDS in lieu of FOIA requests, and REQUESTS TO APPEAR IN WRITING; also 5 U.S.C. 551 exemptions;
- (5) Plaintiff "USA" circumvents the judicial Power conferred by Article III: compare 28 U.S.C. 1345 ("United States" NOT "USA");
- (6) "USA" incorporated twice in Delaware, but both were later revoked by the Delaware Secretary of State, via Notices to Mitchell;
- (7) the United States (federal government) is not a corporation: U.S. v. Cooper Coys.;
- (8) ALL CAPS "nom de guerre" implies state of war / mixed war, and treason (war name);



- (9) there is no organic Act of Congress creating the IRS as such: see 31 U.S.C. 301-315; Chrysler Corp. v. Brown, fn 23;
- (10) there is no Statute at Large creating a specific liability for taxes imposed by IRC subtitle A: see SUBPOENA to Paul H. O'Neill, former Secretary of the U.S. Treasury (now IN DEFAULT and CONTEMPT);
- (11) Federal Regulations cannot create a tax liability: Commissioner v. Acker; 26 CFR 1.1-1 is therefore unconstitutional!
- (12) there is a second "Department of the Treasury" domiciled in San Juan, Puerto Rico: see 27 CFR 26.11 definitions of "Revenue Agent," "Secretary," "Secretary or his delegate;" V. see Tire Int'l v. Manuel Diaz-Saldana; U.S. v. Constantine.

(e) Specific COUNTS TWO thru SEVEN: 18 U.S.C. 3771  
Subsections (a) thru (d) are incorporated here by reference, as if set forth fully:

- (1) each COUNT repeats the exact same errors;
- (2) the last sentence of 18 U.S.C. 1504 is protected by the Freedom of Speech and Petition Clauses in the First Amendment: see MOTION FOR INTER-  
LOCUTORY JUDGMENTS at Docket Entry # 23;



- (3) Attachments transmitted to Grand Jury Foreperson, under cover separate from all REQUESTS TO APPEAR IN WRITING, were likewise protected by First Amendment, and by last sentence of 18 U.S.C. 1504: see (2);
- (4) U.S. Mail transmitting items mentioned at (3) was <sup>most</sup> probably obstructed in violation of 18 U.S.C. 1702 (a felony);
- (5) Office of U.S. Attorney has a legal duty to forward all such U.S. Mail to the Foreperson of a lawfully convened Federal Grand Jury, not to a panel of federal citizens: see In re Grand Jury Application (VSDC/SDNY); 28 U.S.C. 1865;
- (6) items mentioned at (3) were all favorable, exculpatory evidence that was most probably suppressed; they never "inundated the district court" unless its personnel had a reading disability of some kind;
- (7) "Conspiring" to exercise Rights is not, and cannot be, a crime - EVER!
- (8) all recipients of faulty "process" necessarily became material witnesses to probable cause, and also victims, of crimes;
- (9) process server of such "sewer service" knew, or should have known, of specific



requirements of 28 U.S.C. 1691, 5 U.S.C. 2903, 2906, 3331, 3332, 3333 and 28 U.S.C. 453, 544, 951; ignorance of these laws is no excuse for violating any of same; see Art. VI, Sec. 3, in particular; Miranda v. Arizona; (10) each "Proof of Service", corresponding to each item of sever service, is likewise defective, and fraudulent, thus amounting to evidence that service of six (6) so-called "subpoenas" was never perfected;

(11) neither a rubber stamp, nor printed type font, qualify as a Clerk's authorized signature, as the latter term occurs at 28 U.S.C. 1691: computers did not exist on 6/25/1948, the date of its enactment, nor has it ever been amended; see 28 U.S.C. A. & U.S.C.S. 1691; and,

(12) the requirements of 28 U.S.C. 1691 go to jurisdiction in personam e.g. In re Simon.

#### (f) IRS Scandal, Attack on Conservatives

(1) scandal was well publicized on and off the Internet, and <sup>is</sup> obviously still ongoing;

(2) "witness" James Marcy appears to be on a multi-State rampage, <sup>e.g.</sup> threatening and intimidating Federal witness Mitchell, in violation of 18 U.S.C. 1512 and 1513;



(3) see two (2) VERIFIED CRIMINAL COMPLAINTS lodged against James Marcy, Dave Buest and Doss / thru 20, in the District Court of Wyoming at Cheyenne, and in the District Court of Colorado at Ft. Collins; FREV 201(c)(2);

(4) Marcy and Buest evidently lied to Mitchell's landlord and neighbors, and to 2 Seattle Police Officers on 6/11/2013;

(5) their accomplice, Mr Ray Fleck, USMS, threatened to break and enter into Mitchell's private apartment with a fraudulent "search warrant"; and,

(6) at a minimum, all personnel named herein are liable to Mitchell for at least neglect to remedy and failure to prevent equal protection violations: see 42 U.S.C. 1985, 1986 (re: negligence).

(g) Public Authority Defense: Rule 12.3, FRCP

(1) Mitchell promptly performed specific directives given to him by Deputy U.S. Marshals at downtown Seattle, Wash.;

(2) records of Mitchell's performance were seized during raid on 6/11/2013;

(3) James Marcy et al. should have known about contents of <sup>all</sup> documents seized,



chiefly Mitchell's NOTICE OF MISSING AND/OR DEFECTIVE CREDENTIALS, as filed and served in Hedges et al. v. Obama et al., USDC/SDNY: see admissions by OPM & OMB;

(4) see 18 U.S.C. 1964, and case law like Rotella v. Wood re: objectives of RICO laws, and authorities of private attorneys general e.g. to investigate diligently, and to become prosecutors; Liberal Construction;

(5) Mitchell has also assisted U.S. Coast Guard Investigations for approximately 7 years with far-reaching follow-up to the 9-11 homicides e.g. by invoicing the State of Israel for \$6.9 Trillion USD - to recover the \$2.3% embezzled from the Pentagon + triple damages: 18 U.S.C. 1964(c);

(6) Mitchell has also invoiced all 200,000+ "members" of The State Bar of California for a total of \$1.8 Trillion USD (see VCC);

(7) both (5) and (6) are payable to the Treasury of the United States, 31 U.S.C. 302;

(8) Mitchell has also properly lodged 4 x "Qui Tam" Complaints under the Federal Civil False Claims Act, entitling him to awards authorized by that law;

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see Pg. 12  
at "p.s."

(9) the facts verified in (8) above also render Mitchell eligible for substantial more awards under the IRC Whistleblower statute e.g. for <sup>PMRS</sup> tax evasion and related paying on Federal income tax returns - both felony federal offenses; and, (10) similarly, Mitchell's OCC FINANCING STATEMENT, perfects against debtors AOL, Inc. and Time Warner, Inc., continues to accrue simple interest at 7% APR, with absolutely no help whatsoever from any personnel employed by the Federal government between December 1995 and the present: TOTAL AMOUNT DUE: \$4.455 Billion USD + 7% APR.

### INCORPORATION

Mitchell's MOTION TO DISMISS COUNT NINE is incorporated by reference, as if set forth fully here. Also incorporated are Docket Entries #23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 et seq., as if all were set forth fully here. Also incorporated is Mitchell's NOTICE OF MISSING AND/OR DEFECTIVE CREDENTIALS, as filed and served in Hedges et al. v. Obama et al., USDC/SDNY + admissions by OPM and OMB.



REMEDY REQUESTED: 18 U.S.C. 1514, 3771

All premises having been thoroughly and duly considered, particularly when missing and/or defective credentials bar any REPLY(S) to the instant MOTION by certain personnel employed by the Office of the U.S. Attorney in the District of Wyoming, this honorable Court is respectfully moved to dismiss the instant case with prejudice, and to issue a protective ORDER sub sponte under 18 U.S.C. 1514(b).  
Thank you for your consideration.

Dated: 3/19/2014 A.D.

Signed: Paul Andrew Mitchell, *in Juris*

Printed: Paul Andrew Mitchell, B.A., M.S.

PRIVATE ATTORNEY GENERAL, 18 U.S.C. 1964

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Relator *In Propria Persona*

p.s. See also Performance Management and Recognition System Termination Act (1993), still showing <sup>as PMRS</sup> in Table of Delegations of Authority, in IRM at [www.irs.gov/irm/](http://www.irs.gov/irm/):  
\$25,000 awards + \$35,000 "to the President...." [sic]

CASH