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NOV 27 2017

**CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BY
DEPUTY CLERK

Michael C. School
Pro Se Laborer
12795 La Barr Meadows Rd
Grass Valley California Republic [95949]
530-477-7940

United States District Court for the Eastern District of California

Michael C. School,) Case No.: No. [2:17-CV-02156-JAM-CKD]
)
Plaintiff,) [Motion by Plaintiff Pro Se' to strike
) Motion to Quash for failure to State a
vs.) Claim, Service of process, review of all
) Factual Evidence]
)
BICE#17889 & does 1-100 as they become)
)
known,)
)
Defendant(s)	

Comes now Aggrieved Plaintiff Michael C. School In Full Life, who further complains that the State Attorney Generals Office cannot represent the 4 named Defendants as it is a conflict of interest that the Magistrate, Counsel for Defendants and the Actual Defendants are all employed and paid by the same Agency which the Agency and their Employees are paid for by my taxes.

ABA Rule 1.7: Conflict of Interest: Current Clients

Client-Lawyer Relationship

Rule 1.7 Conflict Of Interest: Current Clients

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

(1) the representation of one client will be directly adverse to another client; or

(2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph

(a), a lawyer may represent a client if:

(1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

(2) the representation is not prohibited by law;

(3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and

(4) each affected client gives informed consent, confirmed in writing. It is a further misuse of these Offices occupied by Oathbound (1-STAT-23) 3rd Party Incidental Beneficiaries I:E "without rights in exchange for substance, perks, wages to deprive an Intended 3rd Party Beneficiary of the Federal and State Constitutions which were Ratified for his Benefit regarding Honest Goods and Services (Title 18 USC 1341, 1346 & Cal Civ Code section 1770) Michael C. School as the original Court of Record moves the Court to Strike the Motion by defense counsel to dismiss this case for Defective Service of Process. A review of the original Court of Record will show that all Service of Process meets the terms of FCRP 902 and FRCP 803 in that the Plaintiff has already sent certified Mail to G. Steffenson and received a response via regular U.S. Mail. The Affidavits entered onto and into the Record are self authenticating under rule 902 and that Plaintiff relied on Treatises covered under rule 802 that Michael C. School studied use of the Mails in Default Judgement Proceedings and decided to use Certified Mail Return Reciept Requested as the most Reliable and Ethical way to Diligently maintain my Due Process Chain of Evidence that all party's have been given adequate Notice with a clear understanding of the Facts. Fact 1- Michael C. School offered the 4 defendants the opportunity to Settle under CCP §998 Offer: A Settlement Offer with Strings Attached. The offer was to settle and compromise for 57k or face a federal lawsuit for Damages that would have criminal sanctions attached. The Defendants are in possession of those documents which were sent to G. Steffenson by

1 Certified Mail over 40 days prior to my being taken before a Magistrate. Furthermore
2 an offer to contract was Certified Mailed to Peter A. Meshot at the Attorney General's
3 Office after he contacted me without permission by telephone at my private residence
4 and Stated to me he is representing the Defendants as his Clients and that my Service
5 was defective and he would be filing a motion to dismiss the case. This person in his
6 Individual Capacity as a Fiduciary bound by Oath is violating his Oath by failing to
7 protect a victim of crime. [T]he Oath of office is a quid pro quo contract cf [U.S.
8 Const. Art. 6, Clauses 2 and 3, Davis Vs. Lawyers Surety Corporation., 459 S.W. 2nd.
9 655, 657., Tex. Civ. App.] in which clerks, officials, or officers of the government
10 pledge to perform (Support and uphold the United States and state Constitutions) in
11 return for substance (wages, perks, benefits). Proponents are subjected to the
12 penalties and remedies for Breach of Contract, Conspiracy cf [Title 18 U.S.C.,
13 Sections 241, 242]. Treason under the Constitution at Article 3, Section 3., and
14 Intrinsic Fraud cf [Auerbach v Samuels, 10 Utah 2nd. 152, 349 P. 2nd. 1112,1114.
15 Alleghany Corp v Kirby., D.C.N.Y. 218 F. Supp. 164, 183., and Keeton Packing Co. v
16 State., 437 S.W. 20, 28]. Refusing to live by their oath places them in direct
17 violation of their oath, in every case. Violating their oath is not just cause for
18 immediate dismissal and removal from office, it is a federal crime. Federal law
19 regulating oath of office by government officials is divided into four parts along
20 with an executive order which further defines the law for purposes of enforcement. 5
21 U.S.C. 3331, provides the text of the actual oath of office members of Congress are
22 required to take before assuming office. 5 U.S.C. 3333 requires members of Congress
23 sign an affidavit that they have taken the oath of office required by 5 U.S.C. 3331
24 and have not or will not violate that oath of office during their tenure of office as
25 defined by the third part of the law, 5 U.S.C. 7311 which explicitly makes it a
26 federal criminal offense (and a violation of oath of office) for anyone employed in
27 the United States Government (including members of Congress) to "advocate the
28 overthrow of our constitutional form of government"

Jurisdiction

This Court has subject matter jurisdiction over this civil action pursuant to Title 18 U.S.C. 4 Misprision of felony- Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

(June 25, 1948, ch. 645, 62 Stat. 684; Pub. L. 103-322, title XXXIII, §330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.) and 28 U.S.C. 1331 because this case presents federal questions arising under The Laws and Treaties of the Federal Constitution as the Supreme Law of the Land.

Standing

"The irreducible constitutional minimum of standing consists of three elements. The plaintiff must have (1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision." *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540, 1547 (2016), as revised (May 24, 2016). *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 456 F.2d 1339, 1972 U.S. App. LEXIS 10860 (2d Cir. N.Y., 1972) *Rabin v. Dep't of State*, No. 95-4310, 1997 U.S. Dist. LEXIS 15718.

The court noted that pro se plaintiffs should be afforded "special solicitude." (purpose of § 4 of Clayton Act was to create a "group of 'private attorney generals' to enforce the antitrust laws"), reh. denied, 434 U.S. 881, 98 S.Ct. 243, 54 L.Ed.2d 164 (1977); *Waldron v. Cities Service Co.*, 361 F.2d 671, 673 (2d Cir. 1966) ("We are not unmindful that private anti-trust suits to some extent cast the plaintiff in the role of a 'private attorney general' . . ."), aff'd, 391 U.S. 253, 88 S.Ct. 1575, 20 L.Ed.2d 569 (1968), reh. denied, 393 U.S. 901, 89 S.Ct. 63, 21 L.Ed.2d 188 (1968); *United States v. Standard Ultramarine and Color Co.*, 137 F. Supp. 167, 171 (S.D.N.Y. 1955) (private damage action characterized as an "auxiliary policing method" designed

"to help achieve the broad objectives of the [Sherman] Act"). From these cases, plaintiff argues that since it is acting as a "private attorney general" exercising "an auxiliary policing method," the presumption should also apply to this action. Failure to do so, plaintiff claims, "would do violence to the penal function of the anti-trust treble damage action." COUNTY OF ORANGE v. SULLIVAN HIGHWAY PRODUCTS, (S.D.N.Y. 1990) • 752 F.Supp. 643, 645 (S.D.N.Y. 1990)

Failure to State a Claim upon which relief can be granted

The 4 unnamed CHP Officers who have only been identified by last name and badge number is an obstruction of Rights under Color of Law Code or Statute in violation of 1-STAT-23 and Title 18 USC 241 and 242. Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 456 F.2d 1339, 1972 U.S. App. LEXIS 10860 (2d Cir. N.Y., 1972) PRIOR HISTORY: CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 409 F.2d 718, 1969 U.S. App. LEXIS 12867 (2d Cir. N.Y., 1969)

Federal Questions

1-Does Title 42 US.C. 30101 apply to this action? My Automobile Placard clearly displays the U.S. Civil Flag of Peace.

2-Is Michael C. School a DeJure Inhabitant upon the Land? Am I a Non-Combatant Civilian acting in my private capacity lawfully?) (*Lawful Private Capacity means not subject to the Rules, Codes, Regulations of Congress when I am not engaged in Commerce, thereby not subject to Detainment by the CHP without a Breach of the Peace.

*Use of Emergency Lights in a non- emergency used to facilitate Deprivation of Rights

1 under Color of Law by multiple actors in costume who refused to identify themselves,
2 nor provide a copy of the Ticket (CA-STD-TR130) (*See Exhibit -1 Affidavit of Fact,
3 page 8)

4 3-Is this an Article III Court of Record operating lawfully in compliance within the
5 mandates of the Constitution as the Supreme Laws of the Land? (1-STAT-23 Oath of
6 Office)

7 "COURT OF RECORD" is a judicial tribunal having attributes and exercising functions
8 independently of the person of the magistrate designated generally to hold it, and
9 proceeding according to the course of common law, its acts and proceedings being
10 enrolled for a perpetual memorial." -- Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227,
11 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v.
12 Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689. COURTS OF RECORD & COURTS NOT OF RECORD --
13 The former being those whose acts and judicial proceedings are enrolled, or recorded,
14 for a perpetual memory and testimony, and which have power to fine or imprison for
15 contempt. Error lies to their judgments, and they generally possess a seal. Courts not
16 of record are those of inferior dignity, which have no power to fine or imprison, and
17 in which the proceedings are not enrolled or recorded. [3 Bl. Comm. 24; 3 Steph. Comm.
18 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin
19 v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117
20 N.E. 229,231].

21 4-Discovery has never been fully provided by any party except myself. None of the 3
22 CHP present identified themselves, nor did they provide a business card.

23 24 Venue

25 is proper in this Court under 28 U.S.C. 1391(b) (2) because a substantial portion of
26 the events, acts, and omissions giving rise to the claims addressed and not yet
27 addressed in this Complaint occurred in this District.

Facts

Furthermore, to be clearly established, a right need not be one with respect to which all judges on all courts agree. Rather, "[i]f the unlawfulness is apparent, the fact that some court may have reached an incorrect result will not shield a defendant's violation of a clearly established right." See *Wilson v. Layne*, 141 F.3d 111, 122 (4th Cir.), *aff'd*, 526 U.S. 603, 119 S.Ct. 1692, 143 L.Ed.2d 818 (1999). *Owens v. Balt. City State's Attorneys Office*, 767 F.3d 379, 401 (4th Cir. 2014)

the California Supreme Court [cf. Supremacy Clause] has found that the prosecutor's role is unique within the criminal system in that not only must the district attorney diligently discharge the duty of prosecuting individuals accused of criminal conduct, but the prosecutor must also refrain from seeking victory at the expense of the defendant's constitutional rights [cf. *People v. Trevino*(1985) 39 Cal.3d 667, 681, 217 Cal.Rptr. 652, 704 P.2d 719.]; thus, under *Trevino*, the prosecution is obligated to respect the defendant's right to a fair and impartial trial in compliance with the process of the law, and that the above defined officers of the above defined COURT has denied Declarants of that right[cf. *People v. Trevino*(1985) 39 Cal.3d 667, 681, 217 Cal.Rptr. 652, 704 P.2d 719.]; that NO district attorney or attorney is competent to testify under oath to having first-hand knowledge as an "eye-witness" of any facts in a case, and we deny that such evidence to make controversy against the stated exists;

[A]ll defendants named and un-named have used Instrumentalities of Interstate Commerce, including but not limited to the U.S. Postal Service, Interstate Wires, Financial Institutions and Interstate Highways in furtherance of a scheme or artifice to defraud in violation of their sworn Oath(s) of Office (1-STAT-23, CFR 92.18) to support and defend the united States Constitution and the California Republic Constitution. *Porter v. Porter*, (N.D. 1979) 274 N.W.2d 235 ñ The practice of an attorney filing an affidavit on behalf of his client asserting the status of that client is not approved, inasmuch as not only does the affidavit become hearsay, but it places the attorney in a position of witness thus compromising his role as advocate.

Deyo v. Detroit Creamery Co (Mich 1932) 241 N.W.2d 244 Statutes forbidding administering of oath by attorney's in cases in which they may be engaged applies to affidavits as well.

FARA Foreign Agents Registration Statement

Peter A. Meshot has not provided his FARA Statement onto or into the Record as of 11/19/2017 and Contracts do not operate on Presumptions.

"It is a clearly established principle of law that an attorney must represent a corporation, it being incorporeal and a creature of the law. An attorney representing an artificial entity must appear with the corporate charter and law in his hand. A person acting as an attorney for a foreign principal must be registered to act on the principal's behalf." See, Foreign Agents Registration Act" (22 USC § 612 et seq.); Victor Rabinowitz et. at. v. Robert F. Kennedy, 376 US 605. "Failure to file the "Foreign Agents Registrations Statement" goes directly to the jurisdiction and lack of standing to be before the court, and is a felony pursuant to 18 USC §§ 219, 951. The conflict of law, interest and allegiance is obvious.

[Any member of any and all BAR Associations whether a present member or a past member must disclose these Facts into the record by submitting a Certified Original Copy of their Foreign Agents Registration Statement on file with the Department of Justice or recuse and/or remove themselves from this matter.]

Count 1

Violation of Federal Statute (Title 18 U.S.C. 4)

Breach of Oath of Office 1-STAT-23 Penal Code 118 PC

Penal Code 118 PC prohibits deliberately giving false information under oath.

Those holding Federal or State public office, county or municipal office, under the Legislative, Executive or Judicial branch, including Court Officials, Judges,

Prosecutors, Law Enforcement Department employees, Officers of the Court, and etc., before entering into these public offices, are required by the U.S. Constitution and statutory law to comply with Title 5 USC, Sec. §3331, "Oath of office." State Officials are also required to meet this same obligation, according to State Constitutions and State statutory law.

All oaths of office come under 22 CFR, Foreign Relations, Sections §§92.12 - 92.30, and all who hold public office come under Title 8 USC, Section §1481 "Loss of nationality by native-born or naturalized citizen; voluntary action; burden of proof; presumptions."

Under Title 22 USC, Foreign Relations and Intercourse, Section §611, a Public Official is considered a foreign agent. In order to hold public office, the candidate must file a true and complete registration statement with the State Attorney General as a foreign principle.

The Oath of Office requires the public official in his / her foreign state capacity to uphold the constitutional form of government or face consequences.

Title 10 USC, Sec. §333, "Interference with State and Federal law"

The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—

(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

Such willful action, while serving in official capacity, violates Title 18 USC,
Section §1918:

Title 18 USC, Section §1918 "Disloyalty and asserting the right to strike against the
government"

Whoever violates the provision of 7311 of title 5 that an individual may not accept or
hold a position in the Government of the United States or the government of the
District of Columbia if he-

(1) advocates the overthrow of our constitutional form of government;

(2) Is a member of an organization that he knows advocates the overthrow of our

constitutional form of government; shall be fined under this title or imprisoned not
more than one year and a day, or both. And also deprives claimants of "honest
services:

Title 18, Section §1346. Definition of "scheme or artifice to defraud"

"For the purposes of this chapter, the term "scheme or artifice to defraud" includes a
scheme or artifice to deprive another of the intangible right of honest services.

Points and Authorities

Treaties that placed the public offices in that foreign state under international law
and under the United Nation jurisdiction:

49 Stat. 3097; Treaty Series 881 CONVENTION ON RIGHTS AND DUTIES OF STATES

1945 IOIA -That the International Organizations Act of December 29, 1945 (59 Stat.

669; Title 22, Sections 288 to 2886 U.S.C.) the US relinquished every office

TITLE 8 > CHAPTER 12 > SUBCHAPTER I > § 1101

The term "foreign state" includes outlying possessions of a foreign state, but self-
governing dominions or territories under mandate or trusteeship shall be regarded as
separate foreign states

1 19 Corpus Juris Secundum § 883, [t]he United States government is a FOREIGN
2 CORPORATION with respect to a state.

3 All "public servants," officials, Congressmen, politicians, judges, attorneys, law
4 enforcement officers, States and their various agencies, etc., are the express agents
5 of these foreign principals - see Foreign Agents Registration Act of 1938; 22 USC 286
6 et seq, 263A, 185G, 267J, 611(C) (ii) & (iii); Treasury Delegation Order #91

7 No state legislator or executive or judicial officer can war against the Constitution
8 without violating his undertaking to support it. Chief Justice Marshall spoke for a
9 unanimous Court in saying that: 'If the legislatures of the several states may, at
10 will, annul the judgments of the courts of the United States, and destroy the rights
11 acquired under those judgments, the constitution itself becomes a solemn mockery * *
12 *.' United States v. Peters, 5 Cranch 115, 136, 3 L.Ed. 53. A Governor who asserts a
13 power to nullify a federal court order is similarly restrained. If he had such power,
14 said Chief Justice Hughes, in 1932, also for a unanimous Court, 'it is manifest that
15 the fiat of a state Governor, and not the Constitution of the United States, would be
16 the supreme law of the land; that the restrictions of the Federal Constitution upon
17 the exercise of state power would be but impotent phrases * * *.' Sterling v.

18 Constantin, 287 U.S. 378, 397-398, 53 S.Ct. 190, 195, 77 L.Ed. 375.

19 UNITED STATES of America, Plaintiff-Appellee, v. Robert J. HERRERA, Defendant-

20 Appellant. No.5-3057. Decided: April 19, 2006 On the other hand, an officer's legal
21 mistakes will not preclude a Fourth Amendment violation. See Tibbetts, 396 F.3d at
22 1138; DeGasso, 369 F.3d at 1144. While an officer may make an objectively reasonable
23 factual mistake, a "failure to understand the law by the very person charged with
24 enforcing it is not objectively reasonable." Tibbetts, 396 F.3d at 1138 (emphasis in
25 original); see also DeGasso, 369 F.3d at 1144.

Acts against Federal Officials for Constitutional Violations

"Holding that individuals who have suffered a compensable injury through a violation of the rights guaranteed them by the Fourth Amendment may invoke the general federal-question jurisdiction of the federal courts in a suit for damages"

Smith v. Fredrico, 12-cv-04408 (ADS) (ETB) (E.D.N.Y. Jan. 8, 2013)

Any person who is found violating the rights of a Citizen may be subject to the damages sustained by the individual and the costs of the action together with attorney fees. See Doyle v. Wilson, 529 F.Supp. 134 3(1982). Violation of 18 USC §§241, 242; 42 USC §§1983, 1985 1986 shall subject you personally and may also subject you to fines of up to \$10,000.00, and imprisonment for up to ten years, or both.

"The temporary detention of individuals during an automobile stop by the police, even if only for a brief period, constitutes a seizure within the meaning of the Fourth Amendment. Therefore, an automobile stop is subject to the Constitutional requirement that the seizure not be 'unreasonable' under the circumstances." Litzenberger v. Vanim, No. 01-5454, 2002 U.S. Dist. LEXIS 13843 (E.D. Pa. July 31, 2002) (citing Whren v. U.S., 517 U.S. 806, 809-10 (1996))

"Holding that "damages may be obtained for injuries consequent upon a violation of the Fourth Amendment by federal officials""

United States v. Duenas, 691 F.3d 1070 (9th Cir. 2012)

"Holding that a plaintiff may bring an action against a federal official for a violation of constitutional rights"

Ctr. For Bio-ethical Reform Inc. v. Napolitano, 648 F.3d 365 (6th Cir. 2011)

"Holding that claim for damages may be allowed where agents of the United States violated individual's constitutional rights"

TEKLE v. U.S, 511 F.3d 839 (9th Cir. 2007)

1 "Holding that violation of the Fourth Amendment right "by a federal agent acting under
2 color of his authority gives rise to a cause of action for damages consequent upon his
3 unconstitutional conduct""

4 SCHULTZ v. BRAGA, 455 F.3d 470 (4th Cir. 2006)

5 "Holding that an independent cause of action for monetary damages exists against
6 federal officials, acting under color of federal law, who violate an individual's
7 constitutional rights"

8 REINBOLD v. EVERS, 187 F.3d 348 (4th Cir. 1999)

9 "Holding unreasonable search and seizure by federal agent under color of authority
10 gives rise to Fourth Amendment cause of action for damages"

11 BLACK v. U.S, 62 F.3d 1115 (8th Cir. 1995)

12 "Holding that government agents can be sued for damages caused by their violations of
13 citizens' constitutional rights"

14 GONSALVES v. I.R.S, 975 F.2d 13 (1st Cir. 1992)

15 "Holding that the United States Constitution supports a private cause of action for
16 damages against a federal official"

17 JONES v. TENNESSEE VALLEY AUTHORITY, 948 F.2d 258 (6th Cir. 1991)

18 "Holding that there exists an implied private action for damages against federal
19 officers alleged to have violated a citizen's constitutional rights"

20 Husband v. Aleman-Acevedo, Civil No.: 3:16-cv-498 (M.D. Pa. Dec. 12, 2016)

21 "Holding that a plaintiff may seek damages from federal employees in their individual
22 capacities for violations of federal rights"

23 Martinez v. United States, CIVIL ACTION NO. 3:14cv810-CWR-FKB (S.D. Miss. Aug. 22,
24 2016)

25 "Holding person injured by federal agent's constitutional violation may recover
26 damages"

27 Dunkel v. Hedman, NO. 3:15-CV-948-J-34PDB (M.D. Fla. Aug. 17, 2016)

1 "Holding that individual federal agents may be held liable for damages based on
2 constitutional violations that occur in the course of their work"

3 Jeanty v. Hustler, Case No.: GJH-13-1634 (D. Md. Jan. 19, 2016)

4 "Holding Fourth Amendment violation by a federal agent acting under color of his
5 authority gives rise to a cause of action for damages"

6 Roudabush v. Bittinger, CIV. ACTION NO. 15-3185(RMB) (D.N.J. Jul. 31, 2015)

7 "Holding that a federal agent acting under color of his authority gives rise to a
8 cause of action for damages based on unconstitutional conduct"

9 Roudabush v. Fed. Bureau of Prisons, CIV. ACTION NO. 15-5550(RMB) (D.N.J. Jul. 29,
10 2015)

11 "Holding that claims of personal liability for violations of constitutional rights may
12 be maintained against individual federal officers and employees"

13 Wren v. Stewart, Civil Action No. RDB-13-3756 (D. Md. Sep. 23, 2014)

14 "Holding that a damages suit may be pursued against a federal agent for violation of a
15 constitutional right"

16 Dushane v. Sacramento Cnty. Jail, No. 2:13-cv-2518 EFB P (E.D. Cal. Aug. 5, 2014)

17 "Holding that the violation of certain constitutional rights by a federal agent acting
18 under color of his authority gives rise to an implied cause of action against the
19 agent for damages"

20 Iqbal v. Dep't of Justice, Case No. 3:11-cv-369-J-37JBT (M.D. Fla. Jan. 14, 2014)

21 "Holding that a victim who has suffered a constitutional violation by a federal actor
22 can recover damages in federal court"

23 Garcia-Ponce v. Laughlin, CIVIL ACTION NO. 5:13-cv-95-KS-MTP (S.D. Miss. Oct. 9, 2013)

24 "Holding that plaintiffs may sue federal officials in their individual capacities for
25 damages for Fourth Amendment violations, even without a statutory cause of action like
26 that provided under 42 U.S.C. § 1983"

27 Royer v. Fed. Bureau of Prisons, 933 F.Supp.2d 170 (D.D.C. 2013)

"Holding that a plaintiff may bring an action for money damages against a federal official for allegedly unconstitutional conduct"

Ward v. Samuel, Case No. 5:12-cv-14298 (E.D. Mich. Jan. 23, 2013)

Affidavits

See Sambor v. Kelley, 271 Ga. 133, 134(3) (516 S.E.2d 295) (1999) (an affidavit not sworn to before a notary public is invalid); Schmidt v. Feldman, 230 Ga. App. 500 (497 S.E.2d 23) (1998) (an affidavit cannot be sworn to by long distance telephone but must be sworn to in the physical presence of the notary public).SOOD v. SMEIGH•259 Ga.App. 490, 492 (Ga. Ct. App. 2003).

3 Am. Jur. 2d Affidavits §29-31 (Notice Section-8 &20)

Am. Jur. 2d is an encyclopedia of United States law, published by West. It was originated by Lawyers Cooperative Publishing, which was subsequently acquired by the Thomson Corporation. It is a staple of law libraries, and is used by law professionals, judges & litigators alike, in order to see how courts interpreted the meanings of legal terms

Ill.App.1.Dist.,2003- When the facts within an affidavit are not contradicted with a Counter-affidavit, they must be taken as true.

Ill.App.1.Dist.,1999

Courts must accept an affidavit as true if it is un-contradicted by Counter-affidavit or other evidentiary materials.*Sup.Ct.Rules, Rule 191.

When One fails to "rebut" an affidavit

Allied American Ins. Co. v. Mickiewicz, 464 N.E.2d 1112

Ill.App.1.Dist.,1984-Counter-affidavits consisting of allegations based on information and belief are insufficient to rebut affidavit consisting of positive averments of fact based upon affiant's personal knowledge.

Conroy v. Andeck Resources '81 Year-End Ltd., 484 N.E.2d 525

1 Ill. App. 1 Dist., 1985-If defendant's affidavit contesting jurisdiction is not refuted
2 by Counter-affidavit filed by plaintiff, facts alleged in defendant's affidavit are
3 accepted as true.

4 "According to their uncontested affidavit... Carmichael simply cannot demonstrate any
5 causal connection between Price Waterhouse's conduct and his prolonged imprisonment or
6 torture." Carmichael v. United Technologies Corp., 835 F.2d 109 (5th Cir. 01/07/1988).

7 Non Rebutted Affidavits are "Prima Facie Evidence in the Case, "United States vs.
8 Kis, 658 F.2d, 526, 536-337 (7th Cir. 1981); Cert Denied, 50 U.S. L.W. 2169; S.Ct.
9 March 22, 1982. "Indeed, no more than (Affidavits) is necessary to make the Prima
10 Facie Case."

11 Seitzer v. Seitzer, 80 Cal. Rptr. 688 "Uncontested Affidavit taken as true in support
12 of Summary Judgment."

13 Melorich Builders v. The SUPERIOR COURT of San Bernardino County (Serbia) 207
14 Cal.Rptr. 47 (Cal.App.4 Dist. 1984) "Uncontested Affidavit taken as true in Opposition
15 of Summary Judgment."

16 "Silence can only be equated with fraud where there is a legal or moral duty to speak,
17 or where an inquiry left unanswered would be intentionally misleading. . . We cannot
18 condone this shocking behavior... This sort of deception will not be tolerated and if
19 this is routine it should be corrected immediately." U.S. v. Tweel, 550 F.2d 297, 299.
20 See also U.S. v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A. 932.

21 "Uncontested affidavit" moved the court to hear the case. United States v. Lopez, No.
22 07-3159 (10th Cir. 03/04/2008).

23 24 Reasonableness Test

25 It is not objectively reasonable that 4 certified mailings, each individually
26 addressed to each named defendant further identified by their individual I.D. Numbers
27 were unable to receive mail addressed specifically to each named party, INSIDE a
28 controlled facility managed by Sworn Law Enforcement Personnel. (If the Standard under

1 Rule 4 says a Summons may be left on a doorstep or with an individual over the age of
2 18 years old, then sending certified mail exceeds this Due Process Chain of Evidence
3 Standard. 1- A Notary served the Summons. 2- The Mailings were addressed to 11363
4 McCourtney Rd Grass Valley Ca, 95949 3- The Mailings were hand delivered by a U.S.
5 Postal Employee compensated for his Labor, to an employee of the California CHP
6 standing INSIDE the Agency and BEHIND the counter.) (To date, neither the CHP nor the
7 Office of the Attorney General have properly identified and fully identified any of
8 the named defendants on and for the Record. I have last names and badge numbers only)
9 Silent uniform course of practice, uninterrupted though not supported by legal
10 decisions. See Cal t on v. Bragg, 15 East, 220; Thompson v. Musser, 1 Dall. 404, 1 L.
11 Ed. 222. Precedents that pass sub silentio

12 13 **Least Sophisticated Consumer Test**

14 Is using a Notary with an Authenticated Proof of Service by Mail form (PS 3800) to
15 send Certified Mail in compliance with Rule 902 Self Authenticating Evidence MORE or
16 LESS reliable than using regular U.S. Mail?

17 18 **Admissability of Evidence**

19 The rule governing the admissibility of such evidence was stated by Stacy, C.J., in
20 Farmers Federation v. Morris, 223 N.C. 467, 27 S.E.2d 80: "'It is not required that
21 the evidence bear directly on the question in issue, and it is competent and relevant
22 if it is one of the circumstances surrounding the parties, and necessary to be known
23 to properly understand their conduct or motives, or to weigh the reasonableness of
24 their content, ions.'" Citing Bank v. Stack, 179 N.C. 514, 103 S.E. 6.
25 "An extrajudicial act or declaration may be admitted into evidence where it tends to
26 explain or show the character, motive, purpose or intent of the act or transaction in
27 dispute." People v. Frangadakis, 7 Cal. Rpts. 776. JONES V. HESTER Supreme Court of
28 North Carolina•260 N.C. 264 (N.C. 1963)

Due Process

In those words is found the kernel of the "natural law due process" notion by which this Court frees itself from the limits of a written Constitution and sets itself loose to declare any law unconstitutional that "shocks its conscience," deprives a person of "fundamental fairness," or violates the principles "implicit in the concept of ordered liberty." See *Rochin v. California*, 342 U.S. 165, 172 (1952); *Palko v. Connecticut*, 302 U.S. 319, 325 (1937). While this approach has been frequently used in deciding so-called "procedural" questions, it has evolved into a device as easily invoked to declare invalid "substantive" laws that sufficiently shock the consciences of at least five members of this Court. See, e.g., *Lochner v. New York*, 198 U.S. 45 (1905); *Coppage v. Kansas*, 236 U.S. 1 (1915); *Burns Baking Co. v. Bryan*, 264 U.S. 504 (1924); *Griswold v. Connecticut*, 381 U.S. 479 (1965). I have set forth at length in prior opinions my own views that this concept is completely at odds with the basic principle that our Government is one of limited powers and that such an arrogation of unlimited authority by the judiciary cannot be supported by the language or the history of any provision of the Constitution. See, e.g., *Adamson v. California*, 332 U.S. 46, 68 (1947) (dissenting opinion); *Griswold v. Connecticut*, *supra*, at 507 (1965) (dissenting opinion). U.S. Supreme Court • 397 U.S. 363 (1970) IN RE WINSHIP

Although the State is obliged to "prosecute with earnestness and vigor," it "is as much [its] duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one." *Berger*, 295 U. S., at 88. Accordingly, we have held that when the State withholds from a criminal defendant evidence that is material to his guilt or punishment, it violates his right to due process of law in violation of the Fourteenth Amendment. See *Brady*, 373 U. S., at 87. 1In *United States v. Bagley*, 473 U. S. 667, 682 (1985) (opinion of Blackmun, J.), we explained that evidence is "material" within the meaning of *Brady* when there is a reasonable probability that, had the evidence been disclosed, the

1 result of the proceeding would have been different. In other words, favorable evidence
2 is subject to constitutionally mandated disclosure when it "could reasonably be taken
3 to put the whole case in such a different light as to undermine confidence in the
4 verdict." *Kyles v. Whitley*, 514 U. S. 419, 435 (1995); accord, *Banks v. Dretke*, 540 U.
5 S. 668, 698-699 (2004); *Strickler v. Greene*, 527 U. S. 263, 290 (1999). *CONE V. BELL*
6 U.S. Supreme Court•556 U.S. 449 (2009)

8 **Equitable Tolling**

9 This question refers to the doctrine of "fraudulent concealment," which some courts
10 have said "equitably tolls" the running of a limitations period, see, e.g., *Grimmett*,
11 75 F.3d, at 514, while other courts have said it is a form of "equitable estoppel,"
12 see, e.g., *Wolin v. Smith Barney Inc.*, 83 F.3d 847, 852 (CA7 1996). Regardless, the
13 question presented here focuses upon a relevant difference among the Circuits in
14 respect to the requirement of "reasonable diligence" on the part of the plaintiff.
15 Some Circuits have held that when a plaintiff does not, in fact, know of a defendant's
16 unlawful activity, and when the defendant takes "affirmative steps" to conceal that
17 unlawful activity, those circumstances are sufficient to toll the limitations period
18 (or to "estop" the defendant from asserting a limitations defense) irrespective of
19 what the plaintiff should have known. See, e.g., *id.*, at 852-853. Other courts have
20 held that a plaintiff who has not exercised reasonable diligence may not benefit from
21 the doctrine. See, e.g., *Wood v. Carpenter*, 101 U.S. 135, 143 (1879); *Bailey*, 21
22 Wall., at 349-350; *J. Geils Band Employee Benefit Plan v. Smith Barney Shearson, Inc.*,
23 76 F.3d 1245, 1252-1255 (CA1 1996) (diligence required for fraudulent concealment
24 under federal law); *Urland v. Merrell-Dow Pharmaceuticals, Inc.*, 822 F.2d 1268, 1273-
25 1274 (CA3 1987) (same with respect to Pennsylvania law); see also 2 Corman § 9.7.1, at
26 56-57, 60-61, 64-66. *KLEHR V. A. O. SMITH CORP* U.S. Supreme Court•521 U.S. 194 (1997)
27 Whether to prosecute, issue a warrant, indict and convict are serious matters that are
28 decided in large measure based on what a police officer relates. So when an officer

1 does not tell the whole truth, public confidence in the fair administration of
2 criminal justice inevitably is eroded. U.S. V. GRIBBEN United States Court of Appeals,
3 Second Circuit. •984 F.2d 47 (2d Cir. 1993)

4 5 **Ineffective Assistance of Counsel**

6 See, e. g., Allen v. City of Decatur, 23 Ill. 332, 335 (1860), where the court stated:

7 "Governmental corporations then, from the highest to the lowest, can commit wrongful
8 acts through their authorized agents for which they are responsible; and the only
9 question is, how that responsibility shall be enforced. The obvious answer is, in
10 courts of justice, where, by the law, they can be sued."

11 See also Thayer v. Boston, 36 Mass. 511, 516-517 (1837) OKLAHOMA CITY v. TUTTLE •471
12 U.S. 808, 838 (1985)

13 Because artificial entities cannot take oaths, they cannot make affidavits. See, e.g.,

14 In re Empire Refining Co., 1 F. Supp. 548, 549 (SD Cal. 1932) ("It is, of course,
15 conceded that a corporation cannot make an affidavit in its corporate name. It is an
16 inanimate thing incapable of voicing an oath"); Moya Enterprises, Inc. v. Harry

17 Anderson Trucking, Inc., 162 Ga. App. 39, 290 S.E.2d 145 (1982); Strand Restaurant Co.

18 v. Parks Engineering Co., 91 A.2d 711 (D.C. 1952); 9A T. Bjur C. Slezak, Fletcher

19 Cyclopedia of Law of Private Corporations § 4629 (Perm. ed. 1992) ("A document

20 purporting to be the affidavit of a corporation is void, since a corporation cannot

21 make a sworn statement") (footnote omitted). ROWLAND v. CALIFORNIA MEN'S COLONY •506

22 U.S. 194, 203 (1993)

23 A corporation can neither practice law nor hire lawyers to carry on the business of

24 practicing law for it (People v. California Protective Corp'n, 76 Cal. App. 354, 244

25 Pac. 1089).

26 For that reason, the Court has recognized that "the right to counsel is the right to

27 the effective assistance of counsel." Government violates the right to effective

28 assistance when it interferes in certain ways with the ability of counsel to make

independent decisions about how to conduct the defense. See, e.g., *Geders v. United States*, 425 U.S. 80 (1976) (bar on attorney-client consultation during overnight recess); *Herring v. New York*, 422 U.S. 853 (1975) (bar on summation at bench trial); *Brooks v. Tennessee*, 406 U.S. 605 (1972) (requirement that defendant be first defense witness); *Ferguson v. Georgia*, 365 U.S. 570 (1961) (bar on direct examination of defendant). Counsel, however, can also deprive a defendant of the right to effective assistance, simply by failing to render "adequate legal assistance," *Cuyler v. Sullivan*, 446 U.S., at 344 (actual conflict of interest adversely affecting attorneys performance renders assistance ineffective).

Pro Se' Litigants

In civil rights cases where the plaintiff appears pro se, the court must construe the pleadings liberally and must afford plaintiff the benefit of any doubt. *Bretz v. Kelman*, 773 F.2d 1026, 1027 n. 1 (9th Cir. 1985) (en banc). 17 "A pro se litigant must be given leave to amend his or her complaint unless it is 'absolutely clear that the deficiencies of the complaint could not be cured by amendment.'" *Noll*, 809 F.2d at 1448 (quoting *Broughton v. Cutter Laboratories*, 622 F.2d 458, 460 (9th Cir. 1980) (per curiam)); accord *Eldridge v. Block*, 832 F.2d 1132, 1135-36 (9th Cir. 1987). 31 Moreover, before dismissing a pro se civil rights complaint for failure to state a claim, the district court must give the plaintiff a statement of the complaint's deficiencies. *Eldridge*, 832 F.2d at 1136; *Noll*, 809 F.2d at 1448-49. "Without the benefit of a statement of deficiencies, the pro se litigant will likely repeat previous errors." *Noll*, 809 F.2d at 1448. *KARIM-PANAHI v. LOS ANGELES POLICE DEPT.* 839 F.2d 621, 623 (9th Cir. 1988)

He will be deemed to have sufficient personal responsibility if he directed the conduct causing the constitutional violation, or if it occurred with his knowledge or consent. See *Gentry*, 65 F.3d at 561 *CHAVEZ v. ILLINOIS STATE POLICE* 251 F.3d 612, 652 (7th Cir. 2001)

1 "Holding pro se complaints "to less stringent standards than formal pleadings by
2 lawyers.""

3 United States v. Bradley, No. 10-3106 (3d Cir. Nov. 30, 2012)

4 "Holding that pro se complaints, "however inartfully pleaded," are held to "less
5 stringent standards than formal pleadings drafted by lawyers""

6 May v. United States, No. 11-774 C (D.C. Cir. Mar. 30, 2012)

7 "Holding that allegations in a pro se complaint are to be held "to less stringent
8 standards than formal pleadings drafted by lawyers""

9 Sama v. Hannigan, 669 F.3d 585 (5th Cir. 2012)

10 "Holding pro se complaints to "less stringent standards than formal pleadings drafted
11 by lawyers""

12 WESTON v. ILLINOIS DEPT. OF HUMAN SERV, 433 Fed.Appx. 480 (7th Cir. 2011)

13 "Holding that pleadings filed by pro se litigants are to be held to less stringent
14 standards than pleadings filed by lawyers"

15 JOSEPH v. CITY OF DALLAS, 277 Fed.Appx. 436 (5th Cir. 2008)

16 "Holding pro se litigants to "less stringent standards" than parties with the aid of
17 counsel"

18 RAINWATER v. ALARCON, 268 Fed.Appx. 531 (9th Cir. 2008)

19 "Holding that pro se complaints drafted by prisoners are not held to the same
20 standards as pleadings drafted by lawyers"

21 OBRIECHT v. RAEMISCH, 517 F.3d 489 (7th Cir. 2008)

22 "Holding a pro se complaint to "less stringent standards than formal pleadings drafted
23 by lawyers" when determining whether to dismiss the complaint for failure to state a
24 claim"

25 McZEAL v. SPRINT NEXTEL CORP, 501 F.3d 1354 (Fed. Cir. 2007)

26 "Holding that allegations in pro se complaint are held to a less stringent standard
27 than pleadings drafted by lawyers"

28 NARDI v. STEWART, 354 F.3d 1134 (9th Cir. 2004)

1 "Holding that the allegations in a pro se complaint are "h[e]ld to less stringent
2 standards than formal pleadings drafted by lawyers""

3 GREEN v. U.S, 260 F.3d 78 (2d Cir. 2001)

4 "Holding pro se complaint to less stringent standards than formal pleadings drafted by
5 lawyers"

6 ALLAH v. AL-HAFEEZ, 226 F.3d 247 (3d Cir. 2000)

7 "Holding pro se pleadings to less stringent standards than formal pleadings drafted by
8 lawyers"

9 KIDD v. DISTRICT OF COLUMBIA, 206 F.3d 35 (D.C. Cir. 2000)

10 "Holding pro se complaints to less stringent standards than pleadings drafted by
11 counsel"

12 PROU v. U.S, 199 F.3d 37 (1st Cir. 1999)

13 "Holding allegations contained in a prisoner's pro se complaint to less stringent
14 standards than pleadings written by counsel in reversing a dismissal for failure to
15 state a claim"

16 RICHARDSON v. U.S, 193 F.3d 545 (D.C. Cir. 1999)

17 "Holding pleadings filed by pro se parties to "less stringent standards than formal
18 pleadings drafted by lawyers" and allowing pro se petitioners to proceed when their
19 briefs, "however inartfully pleaded, are sufficient to call for the opportunity to
20 offer supporting evidence""

21 GRANT v. CUELLAR, 59 F.3d 523 (5th Cir. 1995)

22 "Holding pro se complaints "to less stringent standards than pleadings drafted by
23 lawyers""

24 LEMA v. U.S, 987 F.2d 48 (1st Cir. 1993)

25 "Holding petitioner to standards of Conley v. Gibson"

26 WELLS v. BROWN, 891 F.2d 591 (6th Cir. 1989)

27 "Holding pro se plaintiff to less stringent standards of pleading than plaintiff
28 represented by counsel"

1 AUSTAD v. RISLEY, 761 F.2d 1348 (9th Cir. 1985)

2 "Holding that a pro se litigant's complaint is to be held "to a less stringent
3 standards than formal pleadings drafted by lawyers.""

4 Moise v. Malave, 9:16-CV-1068 (DNH/DJS) (N.D.N.Y. Dec. 7, 2016)

5 "Holding pro se complaints to "less stringent standards than formal pleadings drafted
6 by lawyers""

7 Barndt v. Wenerowicz, CIVIL ACTION NO. 15-2729 (E.D. Pa. Nov. 8, 2016)

8 "Holding that a pro se litigant's complaint is to be held "to less stringent standards
9 than formal pleadings drafted by lawyers.""

10 Houston v. Collerman, 9:16-CV-1009 (BKS/ATB) (N.D.N.Y. Oct. 26, 2016)

11 "Holding that pro se complaints must be liberally construed"

12 Blaney v. Patrick Killeen & the United States, Case No. 16-cv-12074 (E.D. Mich. Oct.
13 17, 2016)

14 "Holding the Rule 12(b)(6) dismissal of pro se complaints is inappropriate unless it
15 is "beyond doubt that plaintiff can prove no set of facts" which would entitle him to
16 relief"

17 Black v. Van Sciver, No. 1:16-cv-00841-DAD-JLT (E.D. Cal. Sep. 1, 2016)

18 "Holding pro se complaint "to less stringent standards than formal pleadings drafted
19 by lawyers""

20 Johnson v. Unified Gov't of Athens-Clarke Cnty., 3:13-CV-143 (CAR) (M.D. Ga. Aug. 26,
21 2016)

22 "Holding that pro se pleadings are held "to less stringent standards than formal
23 pleadings drafted by lawyers""

24 Judan v. Wells Fargo Bank, Case No. 15-cv-05029-HSG (N.D. Cal. Aug. 19, 2016)

25 Rule 8(f) provides that 'pleadings shall be so construed as to do substantial
26 justice.' We frequently have stated that pro se pleadings are to be given a liberal
27 construction.

28 Rabin v. Dep't of State, No. 95-4310, 1997 U.S. Dist. LEXIS 15718.

1 The court noted that pro se plaintiffs should be afforded "special solicitude."
2 (purpose of § 4 of Clayton Act was to create a "group of 'private attorney generals'
3 to enforce the antitrust laws"), reh. denied, 434 U.S. 881, 98 S.Ct. 243, 54 L.Ed.2d
4 164 (1977); Waldron v. Cities Service Co., 361 F.2d 671, 673 (2d Cir. 1966) ("We are
5 not unmindful that private anti-trust suits to some extent cast the plaintiff in the
6 role of a 'private attorney general' . . ."), aff'd, 391 U.S. 253, 88 S.Ct. 1575, 20
7 L.Ed.2d 569 (1968), reh. denied, 393 U.S. 901, 89 S.Ct. 63, 21 L.Ed.2d 188 (1968);
8 United States v. Standard Ultramarine and Color Co., 137 F. Supp. 167, 171 (S.D.N.Y.
9 1955) (private damage action characterized as an "auxiliary policing method" designed
10 "to help achieve the broad objectives of the [Sherman] Act"). From these cases,
11 plaintiff argues that since it is acting as a "private attorney general" exercising
12 "an auxiliary policing method," the presumption should also apply to this action.
13 Failure to do so, plaintiff claims, "would do violence to the penal function of the
14 anti-trust treble damage action." COUNTY OF ORANGE v. SULLIVAN HIGHWAY PRODUCTS,
15 (S.D.N.Y. 1990)*752 F.Supp. 643, 645 (S.D.N.Y. 1990)
16 *63C Am.Jur.2d, Public Officers and Employees, §247* "As expressed otherwise, the
17 powers delegated to a public officer are held in trust for the people and are to be
18 exercised in behalf of the government or of all citizens who may need the intervention
19 of the officer. [1] Furthermore, the view has been expressed that all public officers,
20 within whatever branch and whatever level of government, and whatever be their private
21 vocations, are trustees of the people, and accordingly labor under every disability
22 and prohibition imposed by law upon trustees relative to the making of personal
23 financial gain from a discharge of their trusts. [2] That is, a public officer
24 occupies a fiduciary relationship to the political entity on whose behalf he or she
25 serves. [3] and owes a fiduciary duty to the public. [4] It has been said that the
26 fiduciary responsibilities of a public officer cannot be less than those of a private
27 individual. [5] Furthermore, it has been stated that any enterprise undertaken by the
28 public official who tends to weaken public confidence and undermine the sense of

1 security for individual rights is against public policy. Fraud in its elementary
2 common law sense of deceit-and this is one of the meanings that fraud bears [483 U.S.
3 372] in the statute. See United States v. Dial, 757 F.2d 163, 168 (7th Cir 1985)
4 includes the deliberate concealment of material information in a setting of fiduciary
5 obligation. A public official is a fiduciary toward the public, including, in the case
6 of the judge, the litigants who appear before him and if he deliberately conceals
7 material information from them, he is guilty of fraud. McNally v United States 483
8 U.S. 350 (1987)

9 A fraud cause of action has six elements: (1) that a material representation was made,
10 (2) the representation was false, (3) when the representation was made, the speaker
11 knew it was false or made it recklessly without any knowledge of the truth and as a
12 positive assertion, (4) the speaker made the representation with the intent that the
13 other party should act upon it, (5) the party acted in reliance on the representation,
14 and (6) the party thereby suffered injury. FirstMerit Bank, 52 S.W.3d at 758. A
15 negligent misrepresentation cause of action has four elements: (1) the representation
16 is made by a defendant in the course of his business, or in a transaction in which he
17 has a pecuniary interest, (2) the defendant supplies "false information" for the
18 guidance of others in their business, (3) the defendant did not exercise reasonable
19 care or competence in obtaining or communicating the information, and (4) the
20 plaintiff suffers pecuniary loss by justifiably relying on the representation. Henry
21 Schein, Inc. v. Stromboe, 102 S.W.3d 675, 686 n.24 (Tex. 2002). Grant v. Laughlin
22 Environmental, Inc. (Tex.App.- Houston [1st Dist.] Dec. 18, 2008) (Jennings) (summary
23 judgment evidence, conclusory affidavit, breach of contract, quantum meruit, fraud,
24 negligent misrepresentation)

25 Fraud includes anything calculated to deceive, whether it be a single act or
26 combination of circumstances, whether the suppression of truth or the suggestion of
27 what is false, whether it be by direct falsehood or by innuendo, by speech or by
28 silence, by word of mouth or by look or gesture. (Bishop's Equity, 206.)

1 THE PEOPLE V. GILMORE Supreme Court of Illinois 345 Ill. 28 (Ill. 1931)

2
3 **1983 No Immunity for Municipality**

4 "Holding that a "municipality may not assert the good faith of its officers or agents
5 as a defense to liability under § 1983""

6 FLOREK v. VILLAGE OF MUNDELEIN, 649 F.3d 594 (7th Cir. 2011)

7 "Holding that a municipality may not assert the defense of qualified immunity but may
8 be held liable under § 1983 only for a constitutional deprivation "inflicted by the
9 `execution of a government's policy or custom, whether made by its lawmakers or by
10 those whose edicts or acts may fairly be said to represent official policy'""

11 HUSKEY v. CITY OF SAN JOSE, 204 F.3d 893 (9th Cir. 2000)

12 "Holding no good-faith immunity for municipalities"

13 LAUGHLIN v. OLSZEWSKI, 102 F.3d 190 (5th Cir. 1996)

14 "Holding that § 1983 does not accord municipal corporations a qualified immunity for
15 their good-faith constitutional violations"

16 GIUFFRE v. BISSELL, 31 F.3d 1241 (3d Cir. 1994)

17 "Holding that municipal liability may be imposed for a decision by a municipality's
18 legislative body"

19 ,

20 "Holding that municipalities and their officers are not immune from suits arising from
21 ministerial duties"

22 Adamo v. Romero, Civ. No. 15-971 JB/GBW (D.N.M. Apr. 27, 2016)

23 "Holding individual officers' entitlement to qualified immunity does not immunize
24 municipalities from Monell liability"

25 Barajas v. City of Rohnert Park, 159 F.Supp.3d 1016 (N.D. Cal. 2016)

26 "Holding that a City is not entitled to qualified immunity"

27 Estate of Heenan v. City of Madison, 111 F.Supp.3d 929 (W.D. Wis. 2015)

1 "Holding that, under § 1983, municipalities are not entitled to "qualified immunity
2 based on the good faith of their officers""

3 Rosillo v. Holten, No. 13-cv-1940 (JNE/SER) (D. Minn. Dec. 23, 2014)

4 "Holding that municipalities have no immunity from damages for constitutional
5 violations under section 1983"

6 Burruss v. Cook Cnty. Sheriff's Office, No. 08 C 6621 (N.D. Ill. Jul. 15, 2013)

7 "Holding discharged public employee's letter "demanding written notice of the charges
8 against him and a public hearing with a reasonable opportunity to respond to those
9 charges" and his subsequent request to appeal the discharge decision were sufficient
10 to trigger a name-clearing hearing"

11 Verger v. City of Winooski, Case No. 5:08-cv-246 (D. Vt. Apr. 3, 2013)

12 "Holding that local government units cannot invoke qualified immunity"

13 Shippey v. Lovick, CASE NO. C12-225RAJ (W.D. Wash. Mar. 18, 2013)

14 "Holding that municipalities "may not assert [qualified immunity] as a defense to
15 liability under § 1983.""

16 Haas v. Cnty. of El Dorado, No. 2:12-cv-00265-MCE-KJN (E.D. Cal. Apr. 20, 2012)

17 "Holding that municipalities are not afforded qualified immunity for their good-faith
18 constitutional violations"

19 BERNBECK v. GALE, 4:10CV3001. (D. Neb. Aug. 6, 2010)

20 "Holding that the qualified immunity defense only applies to public officials, not to
21 municipalities"

22 WAYNE v. CITY OF SAN ANTONIO, Civil No. SA-06-CV-551-XR. (W.D. Tex. Nov. 30, 2006)

23 "Holding individual officers' entitlement to qualified immunity does not immunize
24 municipalities from Monell liability"

25 BOYD v. CITY COUNTY OF SAN FRANCISCO, No. C-04-5459 MMC, (Docket No. 41). (N.D. Cal.
26 Mar. 14, 2006)

27 "Holding that the defense of qualified immunity is not available to municipal
28 governments"

1 WELLS v. CITY OF DAYTON, 495 F. Supp.2d 793 (S.D. Ohio 2006)

2 "Holding that municipalities have no immunity from § 1983 suits"

3 TEED v. HILLTOWN TOWNSHIP, Civil Action No. 03-cv-6040. (E.D. Pa. May. 20, 2004)

4 "Holding that government entities may not assert qualified immunity"

5 OPEN INNS, LTD. v. CHESTER COUNTY SHERIFF'S DEPT., (E.D.Pa. 1998), 24 F. Supp.2d 410
6 (E.D. Pa. 1998)

7 "Holding that a city could not be immune from suit under 42 U.S.C. § 1983 for
8 asserting that a chief of police was dismissed from his position in good faith"

9 NUNEZ v. CITY OF NORTH LAS VEGAS, 116 Nev. 535 (Nev. 2000)

10 "Finding that there is no qualified immunity for local government"

11 HUMPHRIES v. CTY. OF LOS ANGELES, 554 F.3d 1170 (9th Cir. 2009)

12 "Finding no immunity for city where city council released to public allegedly false
13 statement impugning police chief's honesty"

14 PINEDA v. CITY OF HOUSTON, 291 F.3d 325 (5th Cir. 2002)

15 "Finding that when a City Council passed a resolution firing a plaintiff without a
16 pretermination hearing constituted a single act rising to the level of a policy"

17 HOLLOWAY v. OHIO, 179 F.3d 431 (6th Cir. 1999)

18 "Finding a policy where city council unanimously voted to terminate chief of police
19 without a hearing"

20 Hurt v. Shelby Cnty. Bd. of Educ., 198 F.Supp.3d 1293 (N.D. Ala. 2016)

21 "Finding no merit to a challenge that petitioner was deprived of a protected liberty
22 interest where there was a stigma associated with petitioner's discharge and that the
23 appeals court correctly concluded that when petitioner was denied the opportunity to a
24 hearing to clear his name, it constituted a deprivation of liberty without due process
25 of law"

26 BOONE v. PENNSYLVANIA OFFICE OF VOCATIONAL REHABILITATION, Civil No. 1:CV-04-0588.
27 (M.D. Pa. Oct. 12, 2005)

1 "The ultimate issue in determining whether a person is subject to suit under § 1983 is
2 the same question posed in cases arising under the Fourteenth Amendment: is the
3 alleged infringement of federal rights fairly attributable to the [government]?"
4 *Rendell-Baker v. Kohn*, 457 U.S. 830, 838 (1982) (citation and internal quotation marks
5 omitted); see also *Kitchens v. Bowen*, 825 F.2d 1337, 1340 (9th Cir. 1987) ("[T]he
6 standards utilized to find federal action . . . are identical to those employed to
7 detect state action.") (citation and internal quotation marks omitted). As this court
8 has recognized in *Collins v. Womancare*, 878 F.2d 1145, 1151 (9th Cir. 1989), the
9 Supreme Court has adopted a two-part test for answering that question.
10 First, the deprivation must result from a governmental policy. 1See *id.* In other
11 words, the deprivation "must be caused by the exercise of some right or privilege
12 created by the [government] or a rule of conduct imposed by the [government]." *Lugar v.*
13 *Edmondson Oil Co., Inc.*, 457 U.S. 922, 937 (1982). Neither party disputes that the IRC
14 and INS requirements that employers obtain their employees' social security numbers
15 satisfy this criterion. Both are rules of conduct imposed by the federal government
16 that caused Plaintiff's deprivation.
17 Second, "the party charged with the deprivation must be a person who may fairly be
18 said to be a [governmental] actor." 38*Id.* The Court adopted that test because "§ 1983
19 excludes from its reach merely private conduct, no matter how discriminatory or
20 wrong." *American Mfrs. Mut. Ins. Co. v. Sullivan*, 119 S.Ct. 977, 985 (1999) (citation
21 and internal quotation marks omitted). Indeed, "[w]ithout a limit such as this,
22 private parties could face . . . litigation whenever they seek to rely on some . . .
23 rule governing their interactions with the community surrounding them." *Lugar*, 457
24 U.S. at 937. *SUTTON v. PROVIDENCE ST. JOSEPH MEDICAL CENTER* 192 F.3d 826, 835 (9th Cir.
25 1999)
26 Section 1983 "is not itself a source of substantive rights," but merely provides "a
27 method for vindicating federal rights elsewhere conferred." *Baker v. McCollan*, 443 U.
28 S. 137, 144, n. 3 (1979). The first step in any such claim is to identify the specific

1 constitutional right allegedly infringed. *Graham v. Connor*, 490 U. S. 386, 394 (1989);
2 and *Baker v. McCollan*, *supra*, at 140.

3 "We have previously held that under § 1983 the qualified immunity defense is
4 inapplicable whenever an official "does an affirmative act, participates in another's
5 affirmative acts, or omits to perform an act which he is legally required to do that
6 causes the deprivation [of an individual's rights]." *Johnson v. Duffy*, 588 F.2d 740,
7 743 (9th Cir. 1978) (emphasis added). Under § 1983 when an official fails to take an
8 action that he has a clearly established duty to take and that failure is a
9 foreseeable contributing factor to the violation of a plaintiff's constitutional
10 rights, the defense is similarly unavailable. *Id.* We see no reason that same rule
11 should not apply in *Bivens* cases. See *Butz v. Economou*, 438 U.S. 478, 504, 98 S.Ct.
12 2894, 2909, 57 L.Ed.2d 895 (1978) (for purposes of immunity analysis no distinction
13 should be drawn between suits brought against state officials under § 1983 and suits
14 brought under the Constitution against federal officials); *Lonneker Farms, Inc. v.*
15 *Klobucker*, 804 F.2d 1096, 1097 (9th Cir. 1986) (same)." *ALEXANDER V. PERRILL* United
16 States Court of Appeals, Ninth Circuit. 916 F.2d 1392 (9th Cir. 1990)
17 " A municipality, with its broad obligation to supervise all of its employees, is
18 liable under § 1983 if it supervises its employees in a manner that manifests
19 deliberate indifference to the constitutional rights of citizens." *Doe v. Taylor*
20 *Independent School Dist*, 15 F.3d 443, 453 (5th Cir. 1994)
21 "Holding that a local government may be sued under § 1983 when an official policy is
22 "the moving force of the constitutional violation""
23 *Helmig v. Fowler*, 828 F.3d 755 (8th Cir. 2016)
24 "Holding that municipalities are "persons" for purposes of § 1983"
25 *Advanced Tech. Bldg. Solutions, L.L.C. v. City of Jackson*, 817 F.3d 163 (5th Cir.
26 2016)

1 "Holding that "municipal bodies sued under § 1983 cannot be entitled to an absolute
2 immunity, lest our decision that such bodies are subject to suit under § 1983 'be
3 drained of meaning' ""

4 Garcia v. Cnty. of Riverside, 817 F.3d 635 (9th Cir. 2016)

5 "Holding that defendant in § 1983 action may not be sued solely for injury caused by
6 his employee or agent"

7 Brown v. Brock, No. 15-6685 (4th Cir. Dec. 16, 2015)

8 "Holding municipality "may be sued for constitutional deprivations visited pursuant to
9 governmental 'custom' even though such a custom has not received formal approval
10 through the body's official decisionmaking channels""

11 Dean v. Cnty. of Gage, 800 F.3d 945 (8th Cir. 2015)

12 "Holding that a municipality cannot be held liable under § 1983 on a respondeat
13 superior theory but can be held liable only where a municipality policy or custom
14 causes the injury"

15 Jane Doe v. Vill. of Arlington Heights, 782 F.3d 911 (7th Cir. 2015)

16 "Holding that liability can be imposed under 42 U.S.C. § 1983 if a municipal "policy
17 or custom" causes a constitutional injury"

18 Lisker v. City of Los Angeles, 780 F.3d 1237 (9th Cir. 2015)

19 "Holding that local government may not be sued under § 1983 unless government's custom
20 or policy leads to alleged injury"

21 Gremer v. Bexar Cnty., No. 14-50183 (5th Cir. Oct. 22, 2014)

22 "Holding that, although municipalities are "persons" within the meaning of 42 U.S.C. §
23 1983, no municipal liability lies under that statute "unless action pursuant to
24 official municipal policy of some nature caused a constitutional tort""

25 Perez v. Borough of Berwick, No. 12-1695 (3d Cir. Dec. 12, 2012)

26 "Holding that municipal corporations are "persons" within the meaning of 42 U.S.C. §
27 1983"

28 New York v. Shinnecock Indian Nation, 686 F.3d 133 (2d Cir. 2012)

1 "Holding that a municipality may be sued as a "person" under 42 U.S.C. § 1983 when the
2 municipality's "policy or custom, whether made by its lawmakers or by those whose
3 edicts or acts may fairly be said to represent official policy" inflicts a
4 constitutional injury"

5 HUNTER v. COUNTY OF SACRAMENTO, 09-15288 (9th Cir. 7-26-2011), No. 09-15288. (9th Cir.
6 Jul. 26, 2011)

7 "Holding that a local government may be held liable for its employee's constitutional
8 violation only when the employee is "executing the] government's policy or custom,
9 whether made by its lawmakers or by those whose edicts or acts may be fairly said to
10 represent official policy""

11 COLBERT v. COUNTY COMM., OK. COUNTY, 414 Fed.Appx. 156 (10th Cir. 2011)

12 "Holding municipalities cannot be liable under § 1983 on vicarious liability theory"

13 CACERES v. PORT AUTHORITY OF NEW YORK AND N.J, 631 F.3d 620 (2d Cir. 2011)

14 "Holding that municipalities cannot be held liable under a theory of respondeat
15 superior but can be held liable when the constitutional deprivation arises from an
16 impermissible governmental policy or custom"

17 BROWN v. CARNEVALE, 361 Fed.Appx. 883 (9th Cir. 2010)

18 "Holding that local governments and their entities may be sued when an "official
19 policy is responsible for a deprivation of rights protected by the Constitution""

20 NURRE v. WHITEHEAD, 580 F.3d 1087 (9th Cir. 2009)

21 "Holding a municipality can only be liable under § 1983 for actions of its employees
22 if "execution of a government's policy or custom . . . inflicts the injury""

23 NIELANDER v. BRD. OF COUNTY COM'RS, 582 F.3d 1155 (10th Cir. 2009)

24 "Holding municipalities liable only when specific policies or customs cause
25 constitutional violations and expressly stating that vicarious liability for
26 constitutional violations does not apply to municipalities"

27 MARTINEZ v. CITY OF NEW YORK, 340 Fed.Appx. 700 (2d Cir. 2009)

1 "Holding that municipalities cannot be held liable under § 1983 on a pure respondeat
2 superior theory"

3 DOUCET v. CITY OF BUNKIE, 316 Fed.Appx. 321 (5th Cir. 2009)

4 "Holding that local governments may be sued for constitutional violations that occur
5 pursuant to a governmental custom, even if the custom has not received formal
6 approval"

7 McDAY v. TRAVIS, 303 Fed.Appx. 928 (2d Cir. 2008)

8 "Holding that a municipality cannot be liable on a respondeat superior theory"

9 KINKUS v. VILLAGE OF YORKVILLE, OHIO, 289 Fed.Appx. 86 (6th Cir. 2008)

10 "Holding that a local government may not be sued under § 1983 on the theory of
11 respondeat superior"

12 COSTELLO v. TOWN OF WARWICK, 06-5138 (2nd Cir. 4-21-2008), No. 06-5138-cv SUMMARY
13 ORDER. (2d Cir. Apr. 21, 2008)

14 "Holding that a local government may not be sued under § 1983 on the theory of
15 respondeat superior"

16 COSTELLO v. TOWN OF WARWICK, 273 Fed.Appx. 118 (2d Cir. 2008)

17 "Holding that municipalities can only be liable when a constitutional deprivation
18 arises from the "execution of a government's policy or custom""

19 BIAS v. MOYNIHAN, 508 F.3d 1212 (9th Cir. 2007)

20 "Holding "that a local government may not be sued under § 1983 for an injury inflicted
21 solely by its employees or agents""

22 McCLENDON v. CITY OF DETROIT, 255 Fed.Appx. 980 (6th Cir. 2007)

23 "Holding that a plaintiff states a civil rights claim against a municipality under §
24 1983, by showing that he has suffered a deprivation of a constitutionally protected
25 interest; and that the deprivation was caused by an official policy, custom or usage
26 of the municipality"

27 CORNEJO v. COUNTY OF SAN DIEGO, 504 F.3d 853 (9th Cir. 2007)

Supervisory Liability Cases
Violation of Title 42 U.S.C. 14141

Deliberate indifference, however, is not the be-all and the end-all of a section 1983 claim premised on supervisory liability. As we explain below, there is a causation element as well.

A causal link may also be forged if there exists a known history of widespread abuse sufficient to alert a supervisor to ongoing violations. When the supervisor is on notice and fails to take corrective action, say, by better training or closer oversight, liability may attach. See *Brown v. Crawford*, 906 F.2d 667, 671 (11th Cir. 1990), cert. denied, 500 U.S. 933, 111 S. Ct. 2056, 114 L. Ed. 2d 461 (1991); *Gutierrez-Rodriguez*, 882 F.2d at 564-66.

A supervisor cannot be held liable for the actions of his or her subordinates absent a link between the alleged constitutional deprivation and the supervisor's personal participation, exercise of control, or failure to supervise. *Worrell*, 219 F.3d at 1214.

Although a superior officer cannot be held vicariously liable under 42 U.S.C. § 1983 on a respondent superior theory, see *Monell v. Dep't of Social Services.*, 436 U.S. 658, 691, 98 S. Ct. 2018, 2036, 56 L. Ed. 2d 611 (1978); *Gutierrez-Rodriguez v. Cartagena*, 882 F.2d 553, 561 (1st Cir. 1989).

Consequently, deliberate indifference to violations of constitutional rights can forge the necessary linkage between the acts or omissions of supervisory personnel and the misconduct of their subordinates. See *Gaudreault v. Salem*, 923 F.2d 203, 208 (1st Cir. 1990), cert. denied, 500 U.S. 956, 111 S. Ct. 2266, 114 L. Ed. 2D 718 (1991).

(finding no liability though police chief knew of past complaints of brutality; plaintiff failed to show a pattern so striking that it would permit an inference of supervisor's encouragement or approval of officers' actions). By like token, proof of

1 mere negligence, without more, is inadequate to ground supervisory liability. See
2 Febus-Rodriguez v. Betancourt-Lebron, 14 F.3d 87, 91 (1st Cir. 1994); Haynesworth v.
3 Miller, 820 F.2d 1245, 1261 (D.C. Cir. 1987).

4 Gross negligence can signify deliberate indifference and serve as a basis for
5 supervisory liability if it is causally connected to the actions that work the direct
6 constitutional injury. See Voutour, 761 F.2d at 820

7 He may be found liable under section 1983 on the basis of his own acts or omissions,
8 see Bowen v. Manchester, 966 F.2d 13, 20 (1st Cir. 1992); Manarite v. Springfield, 957
9 F.2d 953, 957 (1st Cir.), cert. denied, --- U.S. ---, 113 S. Ct. 113, 121 L. Ed. 2d
10 70 (1992); Gutierrez-Rodriguez, 882 F.2d at 562.

11 Hence, inadequate training of subordinates may be a basis for a section 1983 claim
12 against a superior officer. See, e.g., Harris, 489 U.S. at 388-89, 109 S. Ct. at 1204-
13 05; Hopkins v. Andaya, 958 F.2d 881, 888 (9th Cir. 1992); Kibbe v. Springfield, 777
14 F.2d 801, 807 (1st Cir. 1985), cert. dismissed, 480 U.S. 257, 107 S. Ct. 1114, 94 L.
15 Ed. 2D 293 (1987).

16 Inadequate training of subordinates may be basis for title 42 subsection 1983 claim.
17 (Mandonado-Denis v. Castillo-Rodriguez, 23 F.3d 576 (1st Cir. 1994).

18 One way in which a supervisor's behavior may come within this rule is by formulating a
19 policy, or engaging in a custom, that leads to the challenged occurrence. See Oklahoma
20 City v. Tuttle, 471 U.S. 808, 823-24, 105 S. Ct. 2427, 2436-37, 85 L. Ed. 2d 791
21 (1985).

22 Police supervisors are liable if they authorize or approve unconstitutional conduct of
23 offending officers. -White v. Farrier, 849 F.2d 322, (1988). Supervisory liability
24 attaches only if a plaintiff can demonstrate by material of evidentiary quality an
25 affirmative link between the supervisor's conduct and the underlying section 1983
26 violation. See Bowen 966 F.2d at 20; Pinto, 737 F.2d at 132.

1 The Eleventh Amendment does not protect state officials from claims for prospective
2 relief when it is alleged that state officials acted in violation of federal law
3 (Warnock v. Pecos County, Tex., 88 F3d 341 (5th Cir. 1996)).

4 This causation requirement can be satisfied even if the supervisor did not participate
5 directly in the conduct that violated a citizen's rights; for example, a sufficient
6 casual nexus may be found if the supervisor knew of, overtly or tacitly approved of,
7 or purposely disregarded the conduct. See, e.g., Larez v. Los Angeles, 946 F.2d 630,
8 646 (9th Cir. 1991); Lipsett v. University of Puerto Rico, 864 F.2d 881, 902-03 (1st
9 Cir. 1988).

10 Thus, even if a supervisor lacks actual knowledge of censurable conduct, he may be
11 liable for the foreseeable consequences of such conduct if he would have known of it
12 but for his deliberate indifference or willful blindness, and if he had the power and
13 authority to alleviate it. See Miranda v. Munoz, 770 F.2d 255, 260 (1st Cir. 1985);
14 Dimarzo v. Cahill, 575 F.2d 15, 17-18 (1st Cir.), cert. denied, 439 U.S. 927, 99 S.
15 Ct. 312, 58 L. Ed. 2d 320 (1978); cf. Pinto v. Nettleship, 737 F.2d 130, 132 (1st Cir.
16 1984) (barring liability under Sec. 1983 for actions beyond supervisor-defendant's
17 control).

18 To succeed on a supervisory liability claim, a plaintiff not only must show deliberate
19 indifference or its equivalent, but also must affirmatively connect the supervisor's
20 conduct to the subordinate's violative act or omission. See Bowen, 966 F.2d at 20;
21 Lewis v. Smith, 855 F.2d 736, 738 (11th Cir. 1988); Pinto, 737 F.2d at 132.

22 Under this rubric, a supervisor may be held liable for what he does (or fails to do)
23 if his behavior demonstrates deliberate indifference to conduct that is itself
24 violative of a plaintiff's constitutional rights. See, e.g., City of Canton v. Harris,
25 489 U.S. 378, 388, 109 S. Ct. 1197, 1204, 103 L. Ed. 2d 412 (1989); Manarite, 957 F.2d
26 at 957; Gutierrez-Rodriguez, 882 F.2d at 562; see also Rivas v. Freeman, 940 F.2d
27 1491, 1495 (11th Cir. 1991).


1 We hasten to add that isolated instances of unconstitutional activity ordinarily are
2 insufficient to establish a supervisor's policy or custom, or otherwise to show
3 deliberate indifference. See Tuttle, 471 U.S. at 823-24, 105 S. Ct. at 2436-37;
4 Rodriguez v. Furtado, 950 F.2d 805, 813 (1st Cir. 1991); see also Voutour, 761 F.2d at
5 820.

6
7 Conclusion and Rectum Rogare

8 The facts and the law contained herein are the Truth; and we hold said Truths to be
9 self-evident; and self-evident Truths are undisputed and incontrovertible, no oral
10 argument is requested, for no words can alter or overcome these Truths; and Truth is
11 Sovereign: She comes from God and bears His message, from whatever quarter her great
12 eyes may look down upon you; Psalms 117:2, John 8:32, II Corinthians 13:8; THEREFORE;
13 this court must perform its duty under the Rule of Law, do Justice, Rectum Rogare, for
14 "Justice delayed is Justice denied." Rectum Rogare - "to do right; to petition the
15 judge to do right."

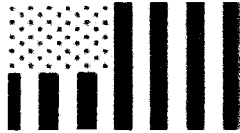
16
17
18 Respectfully Submitted

19 Dated this 20th day of November, 2017

20 

21 Rev. Michael C. School
22 Pro Se' Laborer
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* original



From The Office of Michael C. School Executor of this Instrument 11/14/2017

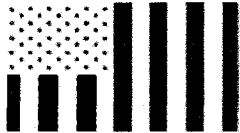
To: Peter A. Meshot aka PETER A. MESHOT Bar # 117061

This is now an Investigation Mandated under (Title 18 USC 4) Michael C. School has authority under Title 42 USC 1988 [I]t is the manner of enforcement which gives § 1983 its unique importance, for enforcement is placed in the hands of the people. Each citizen "acts as a private attorney general who 'takes on the mantle of the sovereign,'" guarding for all of us the individual liberties enunciated in the Constitution. Section 1983 represents a balancing feature in our governmental structure whereby individual citizens are encouraged to police those who are charged with policing us all. Thus, it is of special import that suits brought under this statute be resolved by a determination of the truth rather than by a determination that the truth shall remain hidden. FRANKENHAUSER v. RIZZO, (E.D.Pa. 3-13-1973)•59 F.R.D. 339, 343 (E.D. Pa. 1973)

"It is a clearly established principle of law that an attorney must represent a corporation, it being incorporeal and a creature of the law. An attorney representing an artificial entity must appear with the corporate charter and law in his hand. A person acting as an attorney for a foreign principal must be registered to act on the principal's behalf." See, Foreign Agents Registration Act" (22 USC § 612 et seq.); Victor Rabinowitz et. at. v. Robert F. Kennedy, 376 US 605. "Failure to file the "Foreign Agents Registrations Statement" goes directly to the jurisdiction and lack of standing to be before the court, and is a felony pursuant to 18 USC §§ 219, 951. The conflict of law, interest and allegiance is obvious. (and current through Public Laws 114- 38 for the current Congress.)

Dear Sir, this is to confirm I received a phone call on 11/9/2017 by an unidentified man Claiming to be an as yet un-named party in case number 2:17-cv-02156-CKD-PS I do not know you and you have not provided any letter(s) of appointment from the court(s) that you are In Fact a duly appointed Conservator for the 4 named defendants in this Claim for Redress who have still not been properly identified on the Record by ANY Agency. These Agencies AND all named and un-named defendants are paid with public monies and/or my tax dollars which is a conflict of interest between the party's.

The right to counsel under the Sixth Amendment entails "a correlative right to representation that is free from conflicts of interest." Wood v. Georgia, 450 U.S. 261, 271, 101 S.Ct. 1097, 1103, 67 L.Ed.2d 220 (1981) (citing Cuyler v. Sullivan, 446 U.S. 335, 100 S.Ct. 1708, 64 L.Ed.2d 333 (1980) and Holloway v. Arkansas, 435 U.S. 475, 98 S.Ct. 1173, 55 L.Ed.2d 426 (1978)). 11As we have explained in recent opinions, a defendant has suffered ineffective assistance of counsel in violation of the Sixth Amendment if his attorney has (1) a potential conflict of interest that



resulted in prejudice to the defendant, or (2) an actual conflict of interest that adversely affected the attorney's performance. See *Winkler v. Keane*, 7 F.3d 304, 307 (2d Cir. 1993) (citing *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984)), cert. denied, ___ U.S. ___, 114 S.Ct. 1407, 128 L.Ed.2d 79 (1994); *United States v. Fulton*, 5 F.3d 605, 609 (2d Cir. 1993). U.S. V. LEVY United States Court of Appeals, Second Circuit. • 25 F.3d 146 (2d Cir. 1994)

You are choosing to interfere in an Action (Title 10 USC 253) you are not a party to and it is well known Black Letter Law that every civil matter must have a Contract between the party's.

SUPREME COURT RULE 29 When a party is not represented by counsel, service shall be made on the party, personally, by mail, or by commercial carrier. Ordinarily, service on a party must be by a manner at least as expeditious as the manner used to file the document with the Court.

I have no Records of these Individuals having representation.

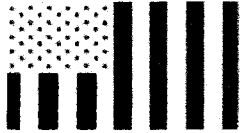
The Oath of Office requires the public official in his / her foreign state capacity to uphold the constitutional form of government or face consequences.

Under federal law a cause of action accrues when the plaintiff possesses sufficient facts about the harm done to him that reasonable inquiry will reveal his cause of action. See *United States v. Kubrick*, 444 U.S. 111, 122-24 (1979). In *Kubrick*, the Court held that for a cause of action to accrue, it is critical that the plaintiff know that he has been hurt and who inflicted the injury. Once imputed with that knowledge, the plaintiff is on inquiry notice, imposing on him a duty to inquire about the details of negligence that are reasonably discoverable. "To excuse him from promptly [making inquiry] by postponing the accrual of his claim would undermine the purpose of the limitations statute." *Id.* at 123. *NASIM v. WARDEN, MARYLAND HOUSE OF CORRECTION* • 64 F.3d 951, 956 (4th Cir. 1995)

"In all courts of the United States the parties may plead and conduct their own cases personally or by counsel * * *." 28 U.S.C.A. § 1654.

"The Constitution does not force an attorney upon a defendant." *Adams v. United States*, 317 U.S. 269, 279, 63 S. Ct. 236, 242, 87 L.Ed. 268. *DUKE v. UNITED STATES* • 255 F.2d 721, 724 (9th Cir. 1958)

There is no use in asking an Attorney about any of the above because: "His first duty is to the courts...not to the client." *U.S.v Franks D.C.N.J.* 53F.2d 128. "Clients are also called "wards of the court" in regard to their relationship with their attorneys." *Spilker v. Hansin*, 158 F.2d 35,



58U.S.App.D.C. 206. Wards of court. Infants and persons of unsound mind. Davis Committee v. Lonny, 290 Ky. 644, 162 S.W.2d 189, 190.

28 U.S. Code § 1343 - Civil rights and elective franchise

Title 28, section 1927 of the United States Code provides that a court may impose sanctions on an attorney who "so multiplies the proceedings in any case unreasonably and vexatiously." 28 U.S.C. § 1927. Sanctions may be imposed, however, "only when there is a finding of conduct constituting or akin to bad faith." Sakon v. Andreo, 119 F.3d 109, 114 (2d Cir. 1997). "We have held that an award under § 1927 is proper when the attorney's actions are so completely without merit as to require the conclusion that they must have been undertaken for some improper purpose such as delay." United States v. International Bhd. of Teamsters, 948 F.2d 1338, 1345 (2d Cir. 1991) (internal quotation marks omitted); see Keller v. Mobil Corp., 55 F. 3d 94, 99 (2d Cir. 1995). We review the District Court's decision to impose sanctions for abuse of discretion. See Ted Lapidus, S.A. v. Vann, 112 F.3d 91, 96 (2d Cir), cert. denied, 522 U.S. 932 (1997). IN RE 60 EAST 80TH STREET EQUITIES•218 F.3d 109, 116 (2d Cir. 2000)

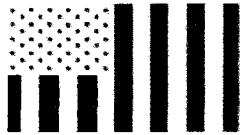
It is abiding truth that "[n]othing can destroy a government more quickly than its failure to observe its own laws, or worse, its disregard of the charter of its own existence." Mapp v. Ohio, 367 U.S. 643, 659 (1961). HARRIS V. NEW YORK U.S. Supreme Court•401 U.S. 222 (1971)

"A license when granting a privilege, may not, as the terms of its possession, impose conditions which require the abandonment of constitutional rights." Terral v. Burke Construction Co.,

"Discovery" is one of the working tools of the legal profession. It traces back to the equity bill of discovery in English Chancery practice and seems to have had a forerunner in Continental practice. See Ragland, Discovery Before Trial (1932) 13-16. Since 1848 when the draftsmen of New York's Code of Procedure recognized the importance of a better system of discovery the impetus to extend and expand discovery, as well as the opposition to it, has come from within the Bar itself.HICKMAN v. TAYLOR•329 U.S. 495, 515 (1947)

It seems clear and long has been recognized that discovery should provide a party access to anything that is evidence in his case. Cf. Report of Commission on the Administration of Justice in New York State (1934) 41-42. HICKMAN v. TAYLOR•329 U.S. 495, 515 (1947)

We agree, of course, that the deposition-discovery rules are to be accorded a broad and liberal treatment. No longer can the time-honored cry of "fishing expedition" serve to preclude a party from inquiring into the facts underlying his opponent's case. Mutual knowledge of all the relevant facts gathered by both parties is essential to proper litigation. To that end, either party



may compel the other to disgorge whatever facts he has in his possession. The deposition-discovery procedure simply advances the stage at which the disclosure can be compelled from the time of trial to the period preceding it, thus reducing the possibility of surprise. But discovery, like all matters of procedure, has ultimate and necessary boundaries. As indicated by Rules 30(b) and (d) and 31(d), limitations inevitably arise when it can be shown that the examination is being conducted in bad faith or in such a manner as to annoy, embarrass or oppress the person subject to the inquiry. And as Rule 26(b) provides, further limitations come into existence when the inquiry touches upon the irrelevant or encroaches upon the recognized domains of privilege. *HICKMAN v. TAYLOR*•329 U.S. 495, 518 (1947)

Royal Indemnity Co. v. Werner, 979 F.2d 1299 (8th Cir. 1992) explains that "A Claimant is damaged upon filing of a complaint.", "All Codes, Rules and Regulations are applicable to the government authorities only, not human / Creators in accordance with God's law. All Codes, Rules and Regulations are unconstitutional and lacking in due process as applied to Sherwood T. Rodrigues." - *Rodrigues v. Ray Donovan* (US Secretary of Labor) 769 F.2d 1344, 1348 (1985)

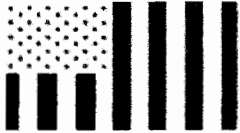
REQUEST FOR ADMISSIONS- Have you fully and completely disclosed all Materials Facts of all party's contacted by you, your, office, or your agency? On your letter who is the Litigation Coordinator at the Sierra Conservation Center and why are you discussing my Claim with an unknown 3rd party?

Request for Production of Records-

- 1- Please provide a Letter Rogatory from the Court Expressly Appointing you as the Conservator for your Wards hereinafter referred to as Defendants I: E your "Clients", or explain how you have the authority to act as Executor De Son Tort and commit Subornation of Perjury upon the Court. (1-I havent accepted the Magistrate so how can ANY Orders be issued by the Court?)

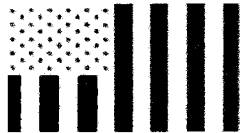
"The relation of attorney and client is that of master and servant in a limited and dignified sense, and it involves the highest trust and confidence. It cannot be delegated without consent and it cannot exist between an attorney employed by a corporation to practice law for it, and a client of the corporation, for he would be subject to the directions of the corporation and not to the directions of the client."

- 2- U.S. Supreme Court•371 U.S. 460 (1963)
- 3- Please provide any and all Documents, emails, phone calls, logs, letters, communications between any and all named and unnamed partys associated with this instant matter. A.G. File Number SA2013309518 to be included.



- 4- FARA Forms for any and all past or present Public Officials or Officers of the Court, to include any and all past or present members of the California State BAR Association
- 5- A certified original copy of the Oath of Office for each named and unnamed party to this action.
- 6- Printed name of Elected Official/Officer of the Court _____
- 7- Office held _____
- 8- Date _____ B.A.R. Registration Number (if any) _____
- 9- Dun and Bradstreet Number _____
- 10- Corporate Entity Number _____
- 11- CUSIP Number(s) The name of the security, trading symbol, CUSIP number and fund number.
- 12- Oath of Office and Bond/Liability Policy OMB Numbers _____

The Oath of office is a quid pro quo contract cf [U.S. Const. Art. 6, Clauses 2 and 3, Davis Vs. Lawyers Surety Corporation., 459 S.W. 2nd. 655, 657., Tex. Civ. App.] in which clerks, officials, or officers of the government pledge to perform (Support and uphold the United States and state Constitutions) in return for substance (wages, perks, benefits). Proponents are subjected to the penalties and remedies for Breach of Contract, Conspiracy cf [Title 18 U.S.C., Sections 241, 242]. Treason under the Constitution at Article 3, Section 3., and Intrinsic Fraud cf [Auerbach v Samuels, 10 Utah 2nd. 152, 349 P. 2nd. 1112, 1114. Alleghany Corp v Kirby., D.C.N.Y. 218 F. Supp. 164, 183., and Keeton Packing Co. v State., 437 S.W. 20, 28]. Refusing to live by their oath places them in direct violation of their oath, in every case. Violating their oath is not just cause for immediate dismissal and removal from office, it is a federal crime. Federal law regulating oath of office by government officials is divided into four parts along with an executive order which further defines the law for purposes of enforcement. 5 U.S.C. 3331, provides the text of the actual oath of office members of Congress are required to take before assuming office. 5 U.S.C. 3333 requires members of Congress sign an affidavit that they have taken the oath of office required by 5 U.S.C. 3331 and have not or will not violate that oath of office during their tenure of office as defined by the third part of the law, 5 U.S.C. 7311 which explicitly makes it a federal criminal offense (and a violation of oath of office) for anyone employed in the United States Government (including members of Congress) to "advocate the overthrow of our constitutional form of government" (Government Code Section 1770(i))



13- Phone number of Bonding/Liability Policy Claims Agent

14- Tax-ID Number of
Agency/Entity

15- Doing Business As (DBA- Business
name)

16- Address of
Business

17- City, County, State

18- Zip Code

19- Phone #

20- Fax

21- FARA Registration Statement(s) on file, Yes No

Title 22 USC §611, a Public Official is considered a foreign agent. In order to hold public office, the candidate must file a true and complete registration statement with the State Attorney General as a foreign principle. 5 U.S. Code § 552 - Public information

22- Please provide the State and Federal House Rules, Administrative Rules, Acts of Congress and Public Laws to substantiate your Authority in this matter.

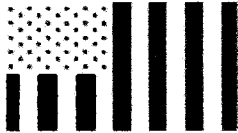
23- The True full Christian names of all named and unnamed defendants for Joinder.

The Supreme Court case, *Monroe Cattle Co. v. Becker*, 147 U.S. 47 (1893) says:

Defendant was impleaded by the name of A. W. Becker. Initials are no legal part of a name, the authorities holding the full Christian name to be essential. *Wilson v. Shannon*, 6 Ark. 196; *Norris v. Graves*, 4 Strob. 32; *Seely v. Boon*, 1 N. J. Law, 138; *Chappell v. Proctor*, Harp. 49; *Kinnersley v. Knott*, 7 C. B. 980; *Turner v. Fitt*, 3 C. B. 701; *Oakley v. Pegler*, (Neb.) 46 N. W. Rep. 920; *Knox v. Starks*, 4 Minn. 20, (Gil. 7;) *Kenyon v. Semon*, (Minn.) 45 N. W. Rep. 10; *Beggs v. Wellman*, 82 Ala. 391, 2 South. Rep. 877; *Nash v. Collier*, 5 Dowl. & L. 341; *Fewlass v. Abbott*, 28 Mich. 270.

The U.S. Government Style Manual, Chapter 3 requires only the names of corporate and other fictional entities, or those serving in corporate capacities to be in all capitalized letters.

"The law requires PROOF OF JURISDICTION to appear on the Record of the administrative agency and all administrative proceedings." *Hagans v. Lavine*, 415 U.S. 533 (1974)



Conflicts of law pertaining to questions of evidence, presumptions, and burdens of proof, see 16 Am Jur 2d, Conflict of Laws §§ 131-135

Corporate existence, admissibility of evidence to prove, in actions by or against corporations, see 19 Am Jur 2d, Corporations §§ 2231 et seq.

"Ignorance of the law does not excuse misconduct in anyone, least of all in a sworn officer of the law." In re McCowan (1917), 177 C. 93, 170 P. 1100.

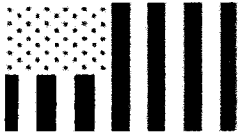
24- I hereby Accept the Oath of Office of and Appoint Xavier Becerra as my Fiduciary in this matter (See enclosed IRS Form 56 and Form 4506-a, please complete and return each form for each party and each agency as applicable). I request a complete and thorough investigation AND A Registered Oathbound Response in front of a Notary and returned by Certified Mail, why his Agents are Depriving my Rights in Violation of Title 18 USC 2,3,4,5,6, 16,18,21(a),1,2(b) 35,112(a,b,1,c,d,e,f,)151,152,1,2,3,4,5,6,7,8,9, 153,154,241,242,245,246,247(a,b)249(a) 371,872,876,1341,151 (The Hobbs Act *Agencies in Combination Ultra Vires)(Section 1770 of the California Civil Code-CLRA) Public Law No. 65-91 (40 Stat. L. 411)(Senate Report 93-549) (HJR-192) Title 42 USC 1981,1982,1982,1985,1986,1988,14141 (UCC-Article 9 Household Goods)

25- Exhibits 1A,B,2,3A,B,4A.B.C.D.E.5,6A,B,7 (15 Pages)

Wes

N.A.A.C.P. V. BUTTON

The Supreme Court recognizes that even with an attorney present coercion may be exercised. Miranda, supra, 384 U.S. at 470, and see 475-476, 86 S.Ct. 1602. UNITED STATES V. POOLE United States Court of Appeals, District of Columbia Circuit. •495 F.2d 115 (D.C. Cir. 1974)



Using a notary on this document constitutes an adhesion in Equity. It does not alter my status as Pro Se' Sui Juris in any manner. The purpose for the notary is verification and identification only not for entrance into ANY Foreign Jurisdiction (I:E "Without the UNITED STATES".)

I declare under penalty of perjury that the statements I have made in this complaint are true and correct to the best of my knowledge.

Executor of this Instrument

Printed Name

Date

Autograph

Michael C. School 11-14-2017

Address 12795 La Barr Meadows Rd City Grass Valley

State California Republic Zipcode [95947]

Proof of service by Mail.

Sent by Notary with Proof of service form included

Certified Mail tracking number # 7017-0660-0000-7482-7799

2nd Service sent by Fax to (916) 322-8288 Kelly Reuss D.C. PH: 530-546-8304

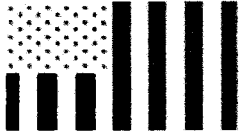
Witness

Before me, JAMES L. BUTLER, the subscriber, personally appeared Michael C. School, to me known to be the Living Soul described in and who executed the foregoing instrument and sworn before me that they executed the same as their own free will act and deed.

Witness Autograph

James L. Butler (California Jurat Attached)

Date Nov. 14, 2017



Using a notary on this document constitutes an adhesion. [it does not alter my status in any manner.] The purpose for the notary is verification and identification only. [Not for entrance into ANY Foreign Jurisdiction.] Please respond within 10 Business days of Reciept. ("Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading. . . We cannot condone this shocking behavior... This sort of deception will not be tolerated and if this is routine it should be corrected immediately." U.S. v. Tweel, 550 F.2d 297, 299. See also U.S. v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A. 932.)

Registered Response Required in the Form of an Affidavit

Herein, the undersigned Peter A. Meshot , representing and signing for the Office of the California Attorney General DUNS number: 603815440 Expressly agree to be bound by 3rd Party Joinder in the amount of One Million Dollars per occurrence payable in Silver Specie to Michael C. School

Public Servant printed name _____

Date _____

Public Servant, Autograph _____

Witness

Before me, _____, the subscriber, personally appeared _____, to me known to be the living Soul described and who executed the foregoing instrument and sworn before me that they executed the same as their own free will act and deed.

Witness Autograph _____ (California Jurat Attached)

Date _____

Please return by Certified Mail only. Form PS 3800 is included for your convienience.

Registered Response Certified Mailing tracking number 7017-0660-0000-7482-7805

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 210-7505
Facsimile: (916) 322-8288
E-Mail: Peter.Meshot@doj.ca.gov

November 9, 2017

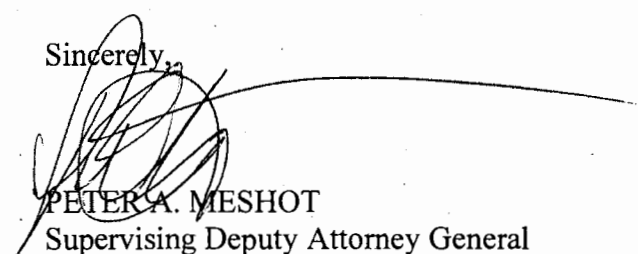
Michael C. School
12795 La Barr Meadows Road
Grass Valley, CA 95949

RE: ***Michael C. School v. Bice, et al.***
USDC, Eastern District of California, Case No. 2:17-cv-02156-JAM-CKD PS

Dear Mr. School:

This letter confirms our telephone conversation today. As I advised you, my office represents Officer Bice, Sergeant Nevins, Officer Morrison and G. Steffenson in the above-captioned matter. And as I explained to you, the service you attempted on my clients by mail is not effective. So you are cautioned that your proofs of service filed with the court are likewise ineffective, and you should not attempt to request default based on them. In the meantime, I have scheduled a motion to address the defective service for January 3, 2018, at 10 a.m., in Courtroom 24 before Hon. Carolyn K. Delaney.

Sincerely,



PETER A. MESHOT
Supervising Deputy Attorney General

For XAVIER BECERRA
Attorney General

PM:
Cc: Litigation Coordinator, Sierra Conservation Center

SA2013309518
School 11-9-17 letter.docx

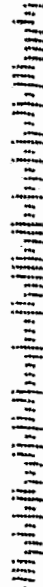
received on 11-14-2017
Michael C. School
Exhibit 1

Exhibit 1 B

STATE OF CALIFORNIA
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Michael C. School
12795 La Barr Meadows Road
Grass Valley, CA 95949

9594939554 RD12



The State Bar of California

Peter A. Meshot - #117061

Current Status: Active

This member is active and may practice law in California.

See below for more details.

Profile Information

The following information is from the official records of The State Bar of California.

Bar Number:	117061		
	California Attorney General's Office	Phone Number:	(916) 210-7505
Address:	1300 I St		
	Sacramento, CA 95814	Fax Number:	(916) 322-8288
	Map it		
Email:	Peter.Meshot@doj.ca.gov		
County:	Sacramento	Undergraduate School:	Univ of California Santa Cruz; CA
District:	District 3		
Sections:	None	Law School:	Golden Gate Univ SOL; San Francisco CA

Status History

Effective Date	Status Change
Present	Active
12/3/1984	Admitted to The State Bar of California

Actions Affecting Eligibility to Practice Law in California

Disciplinary and Related Actions

This member has no public record of discipline.

Administrative Actions

This member has no public record of administrative actions.

© 2017 The State Bar of California

Exhibit 3A

Find messages, documents, photos or people



Michael

Home

Compose

Inbox 273

Unread

Starred

Drafts 1

Sent

More

Views Hide

Photos

Documents

Coupons

Tutorials

Folders Show

Your DUNS Lookup Request for ATTORNEY GENERAL,
CALIFORNIA OFFICE OF THE

Inbox



Dun & Bradstreet <DandB@click.dandb.com>



Nov 14 at 1:18 PM

To: dejuremike@yahoo.com

This message contains blocked images. [Show images](#) or [Always show images](#)Having trouble seeing this email? [View it online](#)

950

11/14/2017

Michael School,

The following is the DUNS number for **ATTORNEY GENERAL, CALIFORNIA**
OFFICE OF THE:
DUNS number: **603815440**

If this is **YOUR COMPANY**, take advantage of [CreditBuilder™](#), our next generation credit building solution.

With CreditBuilder you can:

- Get unlimited access to your business credit file
- Ensure you are always aware of the most current D&B information your banks, suppliers, competitors and customers are using to evaluate your business
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- Get unlimited access to your business credit file
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Team
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[MENU](#)

(1)

Email D&B D-U-N-S® Number

Please fill out the following form to have the requested D&B D-U-N-S Number emailed to you.

ATTORNEY GENERAL, CALIFORNIA OFFICE OF THE
1300 I ST STE 1101
SACRAMENTO, CA 95814

Michael

School

Dejuremike@yahoo.com

Submit

**Contract for Assistance of Counsel
Arising under the Sixth Article of the
Bill of Rights
&
Qualifier for Lawful Assistance of Counsel**

"It is a clearly established principle of law that an attorney must represent a corporation, it being incorporeal and a creature of the law. An attorney representing an artificial entity must appear with the corporate charter and law in his hand. A person acting as an attorney for a foreign principal must be registered to act on the principal's behalf."

See, Foreign Agents Registration Act" (22 USC § 612 et seq.);
Victor Rabinowitz et. at. v. Robert F. Kennedy, 376 US 605.

"Failure to file the "Foreign Agents Registrations Statement" goes directly to the jurisdiction and lack of standing to be before the court, and is a felony pursuant to 18 USC §§ 219, 951. The conflict of law, interest and allegiance is obvious."

- 1) Are you registered with FARA¹? ☐ Yes; ☐ No. If 'yes,' please attach a certified copy of the original registration to this Contract.
- 2) Do you possess a State License to practice law in this State? ☐ Yes; ☐ No.
If 'yes,' please attach a certified copy of the original State License to this Contract.
- 3) You agree I am a living man/woman, one of the people, NOT a fictitious entity, and you are lawfully authorized to provide me effective assistance of counsel²? ☐ Yes³; ☐ No.
- 4) Do you have any allegiance to any foreign organization or country, creating a conflict of interest or establishing an inferior status and standing as to the people? ☐ Yes; ☐ No.
- 5) Can and will you assure my lawful Right to 'Trial by Jury' to remain inviolate,⁴ said Jury to be the Jury of my Peers⁵ as defined in the attached completed form? ☐ Yes; ☐ No.
- 6) Is your Status and Standing at least equal to that of my Peers as defined on attached "American Standard and Guide for Juror of Peer Selection?" ☐ Yes; ☐ No.
- 7) Are you currently personally involved in any 'unlawful' activity? ☐ Yes; ☐ No.
If 'yes,' please explain with attachment. (The "Dirty Hands Doctrine" applies.)

¹ Foreign Agents Registration Act of 1938; 22 U.S.C. §§622 et seq,

² California Constitution, Article I, Declaration of Rights, Sec. 15;

³ Attach required Authority(ies) to Contract.

⁴ California Constitution Article I, Declaration of Rights, Sec. 16

⁵ The principle of a Common Law Jury or Jury of your Peers was first established on June 15, 1215 at Runnymede, England when King John signed the Magna Carta, or Great Charter of Our Liberties. It creates the basis of our Constitutional, system of Justice. The unalienable Right to a Trial by a Jury of My Peers is guaranteed by my Rights Retained under the 9th Amendment of the Bill of Rights.



Contract for Assistance of Counsel Arising under the Sixth Article of the Bill of Rights

I am (first name) _____ - (middle name) _____ family of
(father family name) _____ and (mother family name) _____,
a immortal living soul created in the image of God here as one of the people, a trinity of
mind, body and spirit⁶, a tribunal of the court of record of final jurisdiction of my
sovereign state⁷. I was born a child of God and living as a man at peace. A notary republic
and the Clerk of the Constitutional Court of Record has witnessed my existence and
status as a man, placed their seals and have caused same to become a public record; as a
man I have dominion over the earth⁸ and not subject to the codified laws of any inferior
civil society, hereafter "Demanding Party", and Demand Assistance of Counsel in: alleged
(#) _____ misdemeanor, and / or (#) _____ criminal charge(s) of Docket/Case Numbers:

_____ (Complaint attached)

in the State [General Session] Court, in City of _____ and
County of _____ of the STATE OF _____,
(a Municipal Corporation of the UNITED STATES) arising under the Sixth Article of the Bill
of Rights of the Constitution for the united States of America arising under the adjudged
decision of the supreme Court for the united States of America in *Mapp v. Ohio*, 367 U.S.
643 (1961) stating the Bill of Rights of the Constitution for the united States of America
applies to the States (whether *de jure* or *de facto*) as well as Federal in criminal charges
over-ruling *Wolfe v. People of the State of Colorado*, 338 U.S. 25 (1948).

I, the Demanding Party, am entering into this Contract as one of the people and under The
Right to Contract as secured in Article I Section 10 of the Constitution for the united
States of America as lawfully amended by the qualified Electors of the several States and
the Right of Assistance of Counsel as secured by Article VI of the Bill of Rights in said
Constitution.

⁶ Council of Vienne (1311-1312)

⁷ Blackstone and the Law of Nations

⁸ Matthew 22, 37-40



I, _____, (hereafter "Assistance of Counsel") as a lawfully licensed lawyer/attorney am empowered [authorized] as Assistance of Counsel for the living Man of the Demanding Party in the territorial boundaries of the Republic of (State upper/lower) _____ (including the Municipality of the *de facto* "state" of STATE OF) _____ do hereby agree to the following:

1. As the Assistance of Counsel, I will NOT "represent" the Demanding Party like an "Attorney" but will in fact give all due aid and assistance (Counsel) in exposing any Fraud and/or Corruption that Demanding Party may not be aware of; and,
2. As the Assistance of Counsel, my *only* loyalty is to the Demanding Party in a Court in which the Constitution for the united States of America and the Laws which shall be made pursuant thereof is the rule of law, and if any institution represents itself as such "court" and it is not, I will clearly object and aid the Demanding Party to remove such action to the Proper Venue of Original Jurisdiction; and,
3. As the Assistance of Counsel, I will not "represent" the Demanding Party in any "Court" which is a statutory non-constitutional [administrative] court; and,
4. As the Assistance of Counsel, I will only Counsel the Requesting Demanding Party in a Court where there is a bona fide public officer [justice/judge/magistrate] with an Oath of Office [meeting all requirements as defined in the attached American Standard of Jurisdictional Hierarchy] on file in a public forum that arises under Article VI of the Constitution for the united States of America, 1 Stat 23 - being a Law of said country; and,
5. As the Assistance of Counsel, I will only Counsel the Demanding Party in a Court where only a bona fide public officer [justice/judge/magistrate] under Article IV, Section 3, Clause 1 of the Constitution for the united States of America, with a true Civil Commission on file in a pubic forum as mandated by the Laws of the united States of America and the decisions of the supreme Court for the united States of America; and,
6. As the Assistance of Counsel, I will only Counsel the Demanding Party in a Court where only a bona fide public officer [justice/judge/magistrate] under Article IV, Section 3, Clause 1 for the Constitution for the united States of America has filed an Official Bond; and,



7. As the Assistance of Counsel, I will advise (Counsel) the Demanding Party of all of his Constitutionally Secured Rights. As Assistance of Counsel I will not waive, under *color of law*, any of Demanding Party's Natural or Unalienable God-given Rights including Constitutionally Secured Rights without the express written consent of the Demanding Party; and,

8. As the Assistance of Counsel, I will only Counsel the Demanding Party in a true court of record with prescribed boundaries, having a true SEAL of such court of record, and being a true constitutionally empowered Court with a judge, justice, or magistrate that is not a member of any Bar Association.

9. As the Assistance of Counsel, I have read and understand 7 C.J.S. Section 4, Attorney & Client, pgs 801-802 and hereby certify that I am NOT bound by same.

As the Assistance of Counsel, I, *[please print full name of counsel]* _____

_____, have read the proceeding contract and understanding same, do hereby agree to abide by all of the terms and conditions so stated and to always abide by the Constitution for the united States of America and the Laws which shall be made pursuant thereof which are not listed or enumerated in this contract.

Witness 1

Assistance of Counsel (SIGNATURE)

Printed Name of Witness 1

Assistance of Counsel (PRINT NAME/BAR NUMBER)

Witness 2

Demanding Party (SIGNATURE)
Secured Party Creditor

Printed Name of Witness 2



Case 2:17-cv-02156-JAM-OKD Document 8 Filed 11/27/17 Page 58 of 71

AMERICAN STANDARD AND GUIDE FOR JUROR OF PEER SELECTION

State:

County:

Name of Court:

"Lawful Americans do not consent to the Private Corporation's ability to convene a Corporation Jury¹¹ imposing such in lieu of a Trial by Jury¹²."

~ Please, only select the one (1) choice in each category that best describes you and shade in box, e.g. "■" ~

CITIZENSHIP STATUS AND STANDING

☐ A people, de Jure, not subject to the United States ☐ Citizen of the United States ☐ US Citizen

RELIGIOUS STATUS AND STANDING

☐ _____ (religion) ☐ Christian/nondenominational ☐ Believes in God ☐ Atheist ☐ Other

RACE

☐ White ☐ American Indian ☐ Black ☐ Hispanic ☐ Asian ☐ Other

GENDER

☐ Man; or ☐ Woman

JUROR TO RECEIVE PAYMENT FROM STATE OR COUNTY FOR JURY SERVICES

☐ No ☐ Yes

⁹ *The Right to a Jury of One's Peers*

The Sixth Amendment rights associated with trial proceedings -- the right to a speedy trial, the right to a public trial and the right to be judged by a jury of one's peers -- are so bound together by circumstance and tradition that it is almost inconceivable to separate them. Still, each of these parallel rights has developed in its own manner through the centuries.

The right of a person to be tried by a jury of one's peers is traditionally founded on a provision contained in Chapter 29 of that great document of English law, the Magna Carta. That provision, written in 1225, states: "No freeman shall be taken or imprisoned, or be outlawed, or exiled, or any other wise destroyed; nor will we not pass upon him, nor (condemn him), but by lawful judgment of his own peers, or by the law of the land."

¹⁰ peer (plural peers)

1. Somebody or something who/that is at an equal level.

2. A noble with a hereditary title, i.e., a peerage, and in times past, with certain rights and privileges not enjoyed by commoners.

¹¹ Sometimes called a "Jury Trial" which consists of some number less than 12 who are told they are only able to "judge" the "facts" of the case, that the "law" will be dictated to them by the "judge" as they are too stupid to understand same. A Corporate Jury will receive what is called a "directed verdict" where the corporate officer pretending to be a "judge" will tell the "jury" what to think/how to "find" the "defendant." To understand the difference, look at "Trial by Jury."

¹² Trial by jury. A trial in which the issues of fact [and law] are to be determined by the verdict of a jury, duly selected, impaneled, and sworn. A jury for the trial of a cause was (sic) a body of twelve men, described as upright, well-qualified, and lawful men, disinterested and impartial, not of kin nor personal dependents of either of the parties, having their homes within the jurisdictional limits of the court, drawn and selected by officers free from all bias in favor of or against either party, duly impaneled under the direction of a competent court, sworn to render a true verdict according to the evidence given them. [Said verdict is to be rendered immediately upon the conclusion of the trial by polling each individual juror publicly. For the issue to be found "true" the jury] ... must return their unanimous verdict upon the issue submitted to them. -Black's Law Dictionary Fifth Edition, page 1349. [Bracketed Material from Blackstone's Commentaries on The Law, The Federalist Papers, and The Anti-Federalist Papers to correct some of the misstatements found in Black's Law Dictionary.]

Northwest Ordinance, Article II: The inhabitants of the said territory shall always be entitled to the benefits of the writs of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishment shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts, or engagements, bona fide, and without fraud previously formed.



Duties of Attorney

It is the duty of an attorney to do all of the following:

- (a) To support the Constitution and laws of the United States and of this state.
- (b) To maintain the respect due to the courts of justice and judicial officers.
- (c) To counsel or maintain those actions, proceedings, or defenses only as appear to him or her legal or just, except the defense of a person charged with a public offense.
- (d) To employ, for the purpose of maintaining the causes confided to him or her those means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law.
- (e)
 - (1) To maintain inviolate the confidence, and at every peril to himself or herself to preserve the secrets, of his or her client.
 - (2) Notwithstanding paragraph (1), an attorney may, but is not required to, reveal confidential information relating to the representation of a client to the extent that the attorney reasonably believes the disclosure is necessary to prevent a criminal act that the attorney reasonably believes is likely to result in death of, or substantial bodily harm to, an individual.
- (f) To advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he or she is charged.
- (g) Not to encourage either the commencement or the continuance of an action or proceeding from any corrupt motive of passion or interest.
- (h) Never to reject, for any consideration personal to himself or herself, the cause of the defenseless or the oppressed.
- (i) To cooperate and participate in any disciplinary investigation or other regulatory or disciplinary proceeding pending against himself or herself. However, this subdivision shall not be construed to deprive an attorney of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privileges. This subdivision shall not be construed to require an attorney to cooperate with a request that requires him or her to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the attorney's practice. Any exercise by an attorney of any constitutional or statutory privilege shall not be used against the attorney in a regulatory or disciplinary proceeding against him or her.
- (j) To comply with the requirements of Section 6002.1.
- (k) To comply with all conditions attached to any disciplinary probation, including a probation imposed with the concurrence of the attorney.
- (l) To keep all agreements made in lieu of disciplinary prosecution with the agency charged with attorney discipline.
- (m) To respond promptly to reasonable status inquiries of clients and to keep clients reasonably informed of significant developments in matters with regard to which the attorney has agreed to provide legal services.
- (n) To provide copies to the client of certain documents under time limits and as prescribed in a rule of professional conduct which the board shall adopt.
- (o) To report to the agency charged with attorney discipline, in writing, within 30 days of the time the attorney has knowledge of any of the following:
 - (1) The filing of three or more lawsuits in a 12-month period against the attorney for malpractice or other wrongful conduct committed in a professional capacity.
 - (2) The entry of judgment against the attorney in any civil action for fraud, misrepresentation, breach of fiduciary duty, or gross negligence committed in a professional capacity.
 - (3) The imposition of any judicial sanctions against the attorney, except for sanctions for failure to make discovery or monetary sanctions of less than one thousand dollars (\$1,000).
 - (4) The bringing of an indictment or information charging a felony against the attorney.
 - (5) The conviction of the attorney, including any verdict of guilty, or plea of guilty or no contest, of any felony, or any misdemeanor committed in the course of the practice of law, or in any manner in which a client of the attorney was the victim, or a necessary element of which, as determined by the statutory or common law definition of the misdemeanor, involves improper conduct of an attorney, including dishonesty or other moral turpitude, or an attempt or a conspiracy or solicitation of another to commit a felony or any misdemeanor of that type.
 - (6) The imposition of discipline against the attorney by any professional or occupational disciplinary agency or licensing board, whether in California or elsewhere.
 - (7) Reversal of judgment in a proceeding based in whole or in part upon misconduct, grossly incompetent representation, or willful misrepresentation by an attorney.
 - (8) As used in this subdivision, "against the attorney" includes claims and proceedings against any firm of attorneys for the practice of law in which the attorney was a partner at the time of the conduct complained of and any law corporation in which the attorney was a shareholder at the time of the conduct complained of unless the matter has to the attorney's knowledge already been reported by the law firm or corporation.
 - (9) The State Bar may develop a prescribed form for the making of reports required by this section, usage of which it may require by rule or regulation.
 - (10) This subdivision is only intended to provide that the failure to report as required herein may serve as a basis of discipline. (Origin: Code Civ. Proc., §282. Amended by Stats. 1985, ch. 453; Stats. 1986, ch. 475; Stats. 1988, ch. 1159; Stats. 1990, ch. 1639; Stats. 1999, ch. 221; Stats. 1999, ch. 342; Stats. 2001, ch. 24; Stats. 2003, ch. 765, operative July 1, 2004.)

Attorney's Oath

I solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of an attorney and counsel at law to the best of my knowledge and ability.

56Form
(Rev. November 2017)
Department of the Treasury
Internal Revenue Service**Notice Concerning Fiduciary Relationship**▶ Go to www.irs.gov/Form56 for instructions and the latest information.
(Internal Revenue Code sections 6036 and 6903)

OMB No. 1545-0013

Part I Identification

Name of person for whom you are acting (as shown on the tax return) Identifying number Decedent's social security no.

Address of person for whom you are acting (number, street, and room or suite no.)

City or town, state, and ZIP code (If a foreign address, see instructions.)

Fiduciary's name

Address of fiduciary (number, street, and room or suite no.)

City or town, state, and ZIP code

Telephone number (optional)

()

Section A. Authority**1** Authority for fiduciary relationship. Check applicable box:

- a** ☐ Court appointment of testate estate (valid will exists)
b ☐ Court appointment of intestate estate (no valid will exists)
c ☐ Court appointment as guardian or conservator
d ☐ Valid trust instrument and amendments
e ☐ Bankruptcy or assignment for the benefit of creditors
f ☐ Other. Describe ▶

2a If box 1a or 1b is checked, enter the date of death ▶**b** If box 1c–1f is checked, enter the date of appointment, taking office, or assignment or transfer of assets ▶**Section B. Nature of Liability and Tax Notices****3** Type of taxes (check all that apply): ☐ Income ☐ Gift ☐ Estate ☐ Generation-skipping transfer ☐ Employment
☐ Excise ☐ Other (describe) ▶**4** Federal tax form number (check all that apply): **a** ☐ 706 series **b** ☐ 709 **c** ☐ 940 **d** ☐ 941, 943, 944
e ☐ 1040, 1040-A, or 1040-EZ **f** ☐ 1041 **g** ☐ 1120 **h** ☐ Other (list) ▶**5** If your authority as a fiduciary does not cover all years or tax periods, check here ▶ ☐
and list the specific years or periods ▶

Part II Revocation or Termination of Notice**Section A—Total Revocation or Termination**

- 6** Check this box if you are revoking or terminating all prior notices concerning fiduciary relationships on file with the Internal Revenue Service for the same tax matters and years or periods covered by this notice concerning fiduciary relationship ☐ Reason for termination of fiduciary relationship. Check applicable box:
- a** ☐ Court order revoking fiduciary authority
- b** ☐ Certificate of dissolution or termination of a business entity
- c** ☐ Other. Describe ☐

Section B—Partial Revocation

- 7a** Check this box if you are revoking earlier notices concerning fiduciary relationships on file with the Internal Revenue Service for the same tax matters and years or periods covered by this notice concerning fiduciary relationship ☐
- b** Specify to whom granted, date, and address, including ZIP code.
- ☐

Section C—Substitute Fiduciary

- 8** Check this box if a new fiduciary or fiduciaries have been or will be substituted for the revoking or terminating fiduciary and specify the name(s) and address(es), including ZIP code(s), of the new fiduciary(ies) ☐
- ☐

Part III Court and Administrative Proceedings

Name of court (if other than a court proceeding, identify the type of proceeding and name of agency)		Date proceeding initiated	
Address of court		October 17 th 2017	
City or town, state, and ZIP code		Docket number of proceeding	
Date		2:17-cv-02156-CKD PS	
Time		Place of other proceedings	
<input type="checkbox"/> a.m.		<input type="checkbox"/> p.m.	

Part IV Signature

Please Sign Here	I certify that I have the authority to execute this notice concerning fiduciary relationship on behalf of the taxpayer.		
	Fiduciary's signature	Title, if applicable	Date

Form **4506-A**
(July 2017)
Department of the Treasury
Internal Revenue Service

OMB No. 1545-0495

TIP You may not have to complete Form 4506-A to get the copies you need.

- **Internet.** Form 8871, Political Organization Notice of Section 527 Status, and Form 8872, Political Organization Report of Contributions and Expenditures, are available for inspection from the Internet. The website address for both forms is **www.irs.gov/polorgs**.
- **Public disclosure by the organization.** Exempt or political organizations must make their returns, reports, notices, and exempt applications available for public inspection. You can visit the organization to inspect the material instead of requesting it from the IRS. The organization may be able to mail the copies to you.
- **Form 990-N (e-Postcard) annual electronic notice is available for inspection on IRS.gov using Exempt Organization Select Check (see instructions).**

1 Exempt or political organization. Complete a separate Form 4506-A for each organization.

Name	Employer identification number
------	--------------------------------

Address

City or town, state or province, country, and ZIP or foreign postal code

2 Requester

Name	Contact person
------	----------------

Address

City or town, state or province, country, and ZIP or foreign postal code

Contact person

Phone

Date _____

- 3 **Category of requester:** ☐ Commercial user ☐ Non-commercial scientific institution ☐ Media _____
You must check a box. ☐ Educational institution ☐ All others _____ Name of Media Outlet
- 4 **Reason for request.** All requesters except for commercial users must provide an explanation of how the records will be used to avoid being charged the commercial rate. Attach additional sheets if necessary.

Lines 5-9. For each applicable form, check the box(es) for the item(s) you are requesting. You may request more than one form. For each form requested, check either the copy, inspection, DVD, or Sample DVD box and enter the specific tax year(s), as indicated. If ordering a partial set on DVD or Sample DVD, indicate the format, state(s), and month(s) requested.

Note. DVD and Sample DVD are not available for individual exempt organizations.

- | | |
|--|--|
| <p>5 Form 990, Form 990-EZ:</p> <p>a Paper request: <input type="checkbox"/> Copy <input type="checkbox"/> Inspection</p> <p>Tax year(s) or period(s) requested: _____; _____; _____.</p> <p style="text-align: center;">YYYYMM YYYYMM YYYYMM</p> | <p>b DVD request: <input type="checkbox"/> DVD <input type="checkbox"/> Sample DVD</p> <p>Format: <input type="checkbox"/> Alchemy <input type="checkbox"/> Raw</p> <p>State(s): _____; _____; _____.</p> <p>Calendar year(s): _____; _____; _____.</p> |
| <p>6 Form 990-PF:</p> <p>a Paper request: <input type="checkbox"/> Copy <input type="checkbox"/> Inspection</p> <p>Tax year(s) or period(s) requested: _____; _____; _____.</p> <p style="text-align: center;">YYYYMM YYYYMM YYYYMM</p> | <p>b DVD request: <input type="checkbox"/> DVD <input type="checkbox"/> Sample DVD</p> <p>Format: <input type="checkbox"/> Alchemy <input type="checkbox"/> Raw</p> <p>State(s): _____; _____; _____.</p> <p>Calendar year(s): _____; _____; _____.</p> |
| <p>7 Form 990-T (501(c)(3) organizations filed after August 17, 2006):</p> <p>a Paper request: <input type="checkbox"/> Copy <input type="checkbox"/> Inspection</p> <p>Tax year(s) or period(s) requested: _____; _____; _____.</p> <p style="text-align: center;">YYYYMM YYYYMM YYYYMM</p> | <p>b DVD request: <input type="checkbox"/> DVD <input type="checkbox"/> Sample DVD</p> <p>Format: <input type="checkbox"/> Alchemy <input type="checkbox"/> Raw</p> <p>State(s): _____; _____; _____.</p> <p>Calendar year(s): _____; _____; _____.</p> |
| <p>8 Form 5227 (for tax years beginning after December 31, 2006):</p> <p>Paper request: <input type="checkbox"/> Copy <input type="checkbox"/> Inspection</p> <p>Tax year(s) or period(s) requested: _____; _____; _____.</p> <p style="text-align: center;">YYYYMM YYYYMM YYYYMM</p> | <p>9 <input type="checkbox"/> Form 1023 <input type="checkbox"/> Form 1023-EZ <input type="checkbox"/> Form 1024</p> <p><input type="checkbox"/> Determination Letter</p> <p><input type="checkbox"/> Updated Determination Letter</p> |

IRS Use Only

The form requested above was inspected by (name of requester)

IRS office where inspection was made

Signature of employee present at inspection

Date _____

USPS TRACKING #

Case 2:17-cv-02156-JAM-CKD Document 8 Filed 11/27/17 Page 63 of 71



9590 9402 3001 7124 6217 20

United States
Postal Service

* Sender: Please print your name, address, and ZIP+4® in this box*

Peter A. Meshot
 BAR # 117061
 1300 I Street # 125
 Sacramento CA 94244

First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

Exhibit 8

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Michael C. School
 12795 La Barr Meadows Rd
 Grass Valley, CA (95949)



9590 9402 3001 7124 6217 20

2. Article Number (Transfer from service label)

7017 0660 0000 7482 7805

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and Fees

\$

Sent To

Michael C. School
 Street and Apt. No., or PO Box No.
 12795 La Barr Meadows Rd
 City, State, ZIP+4®
 Grass Valley CA (95949)

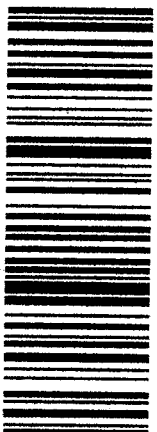
City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL®



7017 0660 0000 7482 7805
 7017 0660 0000 7482 7805

NOTARY NAME:

COMMISSION NUMBER:

181	Name & Address of Signer Michael C Schoolis		Notarial Service <input checked="" type="checkbox"/> Ack <input type="checkbox"/> Jurat <input type="checkbox"/> Other: _____		Character/Type of Document Response Under oath		Fee Charged	
	Date of Document 11-14-17		Date & Time of Notary Service <input type="checkbox"/> AM <input type="checkbox"/> PM					

181	Identification <input checked="" type="checkbox"/> Personal Knowledge <input type="checkbox"/> Satisfactory Evidence: <input type="checkbox"/> ID Card <input type="checkbox"/> Credible Witness(es)		<input type="checkbox"/> DL <input type="checkbox"/> Passport <input type="checkbox"/> Other: _____	Issuing Agency	ID Number	Exp. or Issue Date	Credible Witness #1
			<input type="checkbox"/> DL <input type="checkbox"/> Passport <input type="checkbox"/> Other: _____	Issuing Agency	ID Number	Exp. or Issue Date	Credible Witness #2
Top of Thumbprint		Notes					Signature of Document Signer Michael C Schoolis

182	Name & Address of Signer		Notarial Service <input type="checkbox"/> Ack <input type="checkbox"/> Jurat <input type="checkbox"/> Other: _____		Character/Type of Document		Fee Charged	
	Date of Document		Date & Time of Notary Service <input type="checkbox"/> AM <input type="checkbox"/> PM					
182	Identification <input type="checkbox"/> Personal Knowledge <input type="checkbox"/> Satisfactory Evidence: <input type="checkbox"/> ID Card <input type="checkbox"/> Credible Witness(es)		<input type="checkbox"/> DL <input type="checkbox"/> Passport <input type="checkbox"/> Other: _____	Issuing Agency	ID Number	Exp. or Issue Date	Credible Witness #1	
			<input type="checkbox"/> DL <input type="checkbox"/> Passport <input type="checkbox"/> Other: _____	Issuing Agency	ID Number	Exp. or Issue Date	Credible Witness #2	
Top of Thumbprint		Notes					Signature of Document Signer	

183	Name & Address of Signer		Notarial Service <input type="checkbox"/> Ack <input type="checkbox"/> Jurat <input type="checkbox"/> Other: _____		Character/Type of Document		Fee Charged	
	Date of Document		Date & Time of Notary Service <input type="checkbox"/> AM <input type="checkbox"/> PM					
183	Identification <input type="checkbox"/> Personal Knowledge <input type="checkbox"/> Satisfactory Evidence: <input type="checkbox"/> ID Card <input type="checkbox"/> Credible Witness(es)		<input type="checkbox"/> DL <input type="checkbox"/> Passport <input type="checkbox"/> Other: _____	Issuing Agency	ID Number	Exp. or Issue Date	Credible Witness #1	
			<input type="checkbox"/> DL <input type="checkbox"/> Passport <input type="checkbox"/> Other: _____	Issuing Agency	ID Number	Exp. or Issue Date	Credible Witness #2	
Top of Thumbprint		Notes					Signature of Document Signer	

184	Name & Address of Signer		Notarial Service <input type="checkbox"/> Ack <input type="checkbox"/> Jurat <input type="checkbox"/> Other: _____		Character/Type of Document		Fee Charged	
	Date of Document		Date & Time of Notary Service <input type="checkbox"/> AM <input type="checkbox"/> PM					
184	Identification <input type="checkbox"/> Personal Knowledge <input type="checkbox"/> Satisfactory Evidence: <input type="checkbox"/> ID Card <input type="checkbox"/> Credible Witness(es)		<input type="checkbox"/> DL <input type="checkbox"/> Passport <input type="checkbox"/> Other: _____	Issuing Agency	ID Number	Exp. or Issue Date	Credible Witness #1	
			<input type="checkbox"/> DL <input type="checkbox"/> Passport <input type="checkbox"/> Other: _____	Issuing Agency	ID Number	Exp. or Issue Date	Credible Witness #2	
Top of Thumbprint		Notes					Signature of Document Signer	

Notary Proof of Service by Mail

Nevada County, California Republic

I Colin Miller Declare:

I am a citizen of the California Republic, and a resident of Nevada County, I am over 18 years of age. I am not a party to this action. My business/residence address is: 578 Sutton Way Grass Valley 95945

On November 14th, I served by Certified Mail on behalf of Michael C. School a Written Registered Response under Oath Request to Peter A. Meshot BAR # 117061 by placing true copies thereof, in sealed envelopes with postage thereon fully prepaid, in the United States mail at "Same as above"

Sent by certified mail Addressed as follows: State of California Office of the Attorney General

1300 I Street Suite 125

Sacramento Ca, 94244-2550 916-445-9555

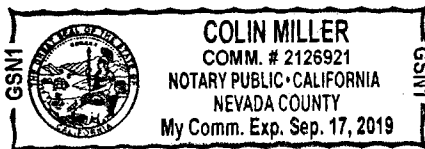
Certified Mail Tracking # 7017-0660-0000-7482-7799

I declare under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Notary Autograph Colin Miller

Date 11-14-17

Notary Seal:



The County Of Nevada



CLERK RECORDER-REGISTRAR OF VOTERS

GREGORY J. DIAZ

950 Maidu Ave Suite 210, Nevada City, CA 95959
950 Maidu Ave Suite 250, Nevada City, CA 95959
mynevadacounty.com/nc/recorder

• Recorder (530) 265-1221 • Fax (530) 265-9842
• Elections (530) 265-1298 • Fax (530) 265-9829
mynevadacounty.com/nc/elections

Certificate of Notary Authentication

State of California
County of Nevada

I, Gregory J. Diaz, Clerk-Recorder of Nevada County, hereby certify:

COLIN MILLER, was on 11/21/2017 a duly commissioned, qualified, and acting Notary Public, in the State of California, empowered to act as such Notary in any part of this State and authorized to take the acknowledgement or proof of powers of attorney, mortgages, deeds, grants, transfers, and other instruments of writing executed by any person to take depositions, affidavits, and administer oaths and affirmations in all matters incident to the duties of the office or to be used before any Court, Judge, Officer, or Board.

Date of Commission 9/18/2015

Date of Expiration 9/17/2019

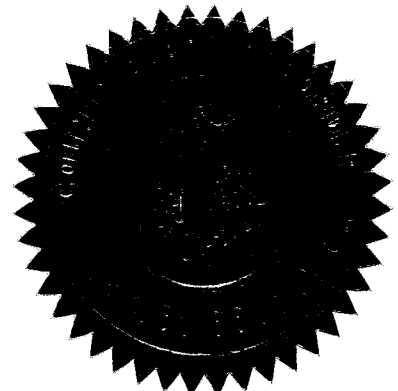
Commission # 2126921

In witness whereof, I execute this certificate and affix the seal of Nevada County this 21 st day of November, 2014.

Gregory J. Diaz
Nevada County Clerk-Recorder

By: Christine Peters Deputy Clerk
Deputy Name: CHRISTINE PETERS

IMPORTANT-THIS CERTIFICATE OF NOTARY AUTHENTICATION VERIFIES THE COMMISSION OF THE NOTARY NAMED HEREIN, AND IS NOT INTENDED TO AUTHENTICATE ANY DOCUMENT TO WHICH IT MAY BE ATTACHED



NOTARY PUBLIC OATH AND CERTIFICATE OF FILING**MUST BE FILED IN THE COUNTY CLERK'S OFFICE BY 10-18-2015**

I hereby certify that the official bond and oath of office of the person whose name is shown below was filed on the date indicated and that the following is an original or correct copy of the original of said oath.

State of California

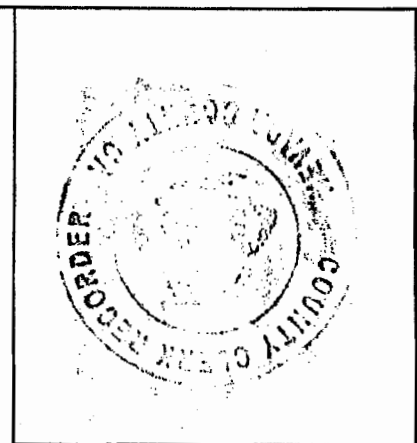
County of Nevada

☒ Subscribed and sworn to before me, and
filed in my office,

OR

☐ Filed in my office, this

28th day of September, 20 15
Christine Miller
County Clerk/Deputy

(This Area is for County Clerk's Use Only)**[PLACE OFFICIAL SEAL HERE]**

I, Colin Miller, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

SIGNATURE
OF NOTARY

This signature must be used by you in signing ALL notarized documents.

Colin Miller

Postnet
578 Sutton Way
Grass Valley 95945

Pursuant to Government Code section 8213.5, any change of address must be sent to the Secretary of State by certified mail. Changes to the address on this form will NOT update your address with the Secretary of State.

Commission No. **2126921** for term commencing 09/18/2015 and ending 09/17/2019 in the county of NEVADA.**FOR PERSONS FILING BY MAIL**

State of California

County of _____

Subscribed and sworn to (or affirmed) before me on

this _____ day of _____, 20 _____

(Signature of Notary Public administering oath of office)

[PLACE NOTARY SEAL HERE]

NOTE: FOR INFORMATION ON THE AMOUNT OF THE FEES FOR FILING AND RECORDING THE OFFICIAL BOND AND OATH, CONTACT YOUR COUNTY CLERK/RECORDER.

☐ Check here if county transfer. A county transfer can only be filed after the initial oath and bond have been filed



Gregory J. Diaz,
Recorder
950 Maidu Avenue
Nevada City, CA 95959
530-265-1221

Nevada County Transaction #: **167025**
Receipt #: **162469**
Cashier Date: **11/21/2017 1:37:56 PM (CP)**
Scan the QR Code to search our services
or go to www.mynevadacounty.com/nc/recorder

167025

Print Date:
11/21/2017 1:37:56
PM



Customer Information	Transaction Information	Payment Summary
() Michael School	DateReceived: 11/21/2017 Source Code: Over The Counter Q Code: Over The Counter Return Code: Over The Counter Trans Type: Recording Agent Ref Num:	Total Fees \$14.00 Total Payments \$14.00

1 Payments

DBT/CRD 143571	\$14.00
----------------	---------

0 Recorded Items**0 Search Items****1 Miscellaneous Items**

(NOTARY VERIFICATION) Notary Verification 2126921		
Notary Verification	1	\$14.00

This is a "printer friendly" page. Please use the "print" option in your browser to print this screen.

**Nevada County Clerk-Recorder's Office (In-Office Payments Only)****Official Record Recordings (POS)**

Confirmation Number: 143571
Payment Date: Tuesday, November 21, 2017
Payment Time: 01:37PM PT

Payer Information

First Name: MICHAEL SCHOOL
Street Address: 12795 La Barr Meadows Rd
Town/City: Grass Valley, CA 95949
Country: United States
Daytime Phone Number: (530) 477 - 7940
Transaction Number: 167025

Card Information

Card Type: MasterCard
Card Number: *****2026
Card Verification Number: ****

Payment Information

Payment Type: Official Record Recordings (POS)
Payment Amount: \$14.00
Convenience Fee: \$2.45
Total Payment: \$16.45

Thank you for using Official Payments. If you have a question regarding your payment, please call us toll free at 1-800-487-4567. To make payments in the future, please visit our website at www.officialpayments.com.

[Back](#)

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Official Payments Corporation is a licensed money transmitter in 44 states, the District of Columbia, and Puerto Rico. Official Payments is not required to be licensed as a money transmitter in Indiana, Massachusetts, Montana, New Mexico, South Carolina or Wisconsin.

Case 2:17-cv-02156-JAM-CKD Document 8 Filed 11/27/17 Page 70 of 71

USPS Tracking®FAQs > (<http://faq.usps.com/?articleId=220900>)

Track Another Package

Tracking Number: 70170660000074827799

Expected Delivery on

THURSDAY**16** NOVEMBER by
2017 ⓘ **8:00pm** ⓘ✓ **Delivered**November 16, 2017 at 4:07 am
DELIVERED
SACRAMENTO, CA 94247

Get Updates ▼

Text & Email Updates ▼

Tracking History ▼

Product Information ▼

See Less ^

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$ 4.40
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 5.00
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 2.75
Total Postage and Fees	\$ 10.75

Sent to
Peter A. Meshot CA 94247
Street and Apt. No., or PO Box No.
1300 F Street #125
City, State, ZIP+4®
Sacramento CA 94244

Postmark Here
GRASS VALLEY, CA 95945
NOV 14 2017

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Can't find what you're looking for?Go to our **FAQs** (<http://faq.usps.com/?articleId=220900>) section to find answers to your tracking questions.

Notary Proof of Service by Mail

Nevada County California Republic

I, Jamie Arrigo Declare: I am, a citizen of the State of: California, and a resident of Nevada County, I am over 18 years of age. I am not a party to this action. My business/residence address is:

578 Sutton Way, Grass Valley, CA 95945

On November 22, 2017, I served the attached files: Civil coversheet w/ Motion for Default Judgement (9 pages) Affidavit of 2nd proof of service by James Butler (10 pages) Motion to strike defendants motion to quash w/ request to review the facts of the case (38 pages) FOIA Discovery request and joinder requiring an Oathbound response(27 pages)

in this action by placing the original and a copy thereof, in a sealed envelope with postage thereon fully prepaid, in the United States mail at 578 Sutton Way, Grass Valley, CA 95945 Please return the copies with the file stamp of the courts on its face.

Addressed as follows: Eastern District Court

501 I Street c/o The Clerks Office RM 4/200

Sacramento California 93721

Michael C. School
12795 La Barr Meadows Rd
Grass Valley, CA (95949)

Sent by certified mail tracking number # 7017-0660-0000-7482-7812

I declare under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Notary Autograph

Date 11/22/2017

