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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff, V. RODNEY F. STICH Defendant. _____	No. CR 90-0636 VRW PETITION FOR WRIT OF PROHIBITION AND MANDAMUS FELONY PERSECUTION IN RETALIATION FOR REPORTING FEDERAL CRIMES AND FOR EXERCISING FEDERAL REMEDIES TO HALT GREAT HARM FRCivP 56, 57; FRCivP 2201, 2202

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Exhibit "A": Partial list of violations of federally protected rights inflicted upon defendant during the past nine years.
Exhibit "B": Partial list of harms inflicted upon defendant.
Exhibit "C": Chapter 11 corruption list.
Exhibit "D": July 11, 1990 Justice Department report of massive Chapter 11 corruption.
Exhibit "E": Civil and constitutional protections violated by the injunctive orders.
Exhibit "F": Civil and constitutional rights violated by injunctive orders.

SUMMARY JUDGMENT REQUEST

Defendant requests that this court:

A. **WRIT OF PROHIBITION**. Render a Writ of Prohibition and/or Mandamus, dismissing the complaint filed by the Justice Department against Petitioner, that directly constitutes a violation of federal criminal statutes, including Title 18 U.S.C. §§ 241,[1] 1512, and 1513.[2] Indirectly, the complaint violates numerous criminal statutes associated with misprision of felonies, obstruction of justice, aiding and abetting, among others.

B. **Declaratory judgment.** Render a declaratory judgments holding unlawful and unconstitutional the orders that:

a. Barred Petitioner from reporting the federal crimes that he discovered, which implicate federal officials in the three branches of the federal government, including judges in the Ninth Circuit Courts. Renegade federal judges[3] have rendered orders barring Petitioner from filing any action in federal court, which openly:

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[1] **Title 18 U.S.C. § 241. Conspiracy against rights of citizens**
If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; ... They shall be fined ... or imprisoned ... or both;

[2] Title 18 U.S.C. , 1512. **Tampering with a witness/informant**. Applies to anyone who (b) uses intimidation or physical force, or threatens another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to (1) influence, delay or prevent that person's testimony in an official proceeding; (2) cause or induce any person to (A) withhold testimony; or withhold a record from an official proceeding; (B) alter, destroy, mutilate, or conceal an object with intent to impart the object's integrity or availability for use in an official proceeding; (3) hinder, delay, or prevent the communication to a ... judge of the United States of information relating to the commission or possible commission of a Federal offense, ...

Title 18 U.S.C. § 1513. **Retaliating against a witness, victim, or an informant**. (a) Whoever knowingly engages in any conduct and thereby causes bodily injury to another person or damages the tangible property of another person, or threatens to do so, with intent to retaliate against any person for—(1) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or (2) any information relating to the commission or possible commission of a Federal offense ...

[3] Judges Marilyn Patel; Samuel Conti; Milton Schwartz; Edward Jellen.

(1) Aids and abets those involved in the scheme originating in the California courts that destroyed the assets used by Petitioner to fund his exposure activities of very great crimes[4] against the United States. These crimes include for instance the major drug trafficking operation (Operation New Wave and also known as Operation Backlash) through the San Francisco area, implicating personnel employed by the Central Intelligence Agency; Customs; Drug Enforcement Administration; U.S. Department of Justice; and which reportedly directly includes a U.S. District Judge in the Northern District of California; the source of bribe money for participating judges, trustees, law firms and attorneys.[5]

(2) Feloniously[6] inflicts great harm upon Petitioner through corrupt

[4] The criminal activities include: (a) widespread and deeply entrenched pattern of CIA and DEA drug smuggling into the United States, by CIA and DEA personnel, aided and abetted by persons in Customs, Justice Department, DEA, and others, operating under the code names of Operation Indigo Sky; Operation Snow Cone; Operation Watch Tower; Operation Toilet Seat; Operation Morning Gold; Operation Triangle; Operation Burma Road; Operation Short Flight; (b) converting federal chapter 7 and 11 courts into criminal enterprises through looting of Chapter 11 assets by a conspiracy consisting of corrupt federal judges, trustees, covert Justice Department and CIA law firms; and using these courts to sequester evidence of looted CIA proprietaries; (c) defrauding U.S. financial institutions by the CIA, under various operations known as Operation Cyclops; Operation Interlink; Operation Gold Bug; Operation Thunder; Operation Blue Thunder; Operation Woodsman; Operation Fountain Pen; which includes looting the HUD program and the savings and loans, generating funds for CIA proprietaries through loans on bogus bearer bonds; targeting companies for takeover through fraudulent misuse of federal agencies; (c) CIA treasonous scheme known as "October Surprise," and its felony coverup; (d) Inslaw corruption involving Justice Department personnel and federal judges; (d) criminal coverup by Justice Department personnel and others of each of these and other criminal conspiracies against the United States; (e) felony persecution of informants, whistleblowers, and protesting victims by federal judges and prosecutors; and numerous killings and mysterious deaths of the people threatening to expose the criminality; (f) the hiding of huge amounts of money obtained through these criminal activities, in various financial vehicles, within the United States and off-shore.

[5] These criminal activities are described in the first printing of *Defrauding America*, and the San Francisco area drug operation is described in the Revised Second Edition.

[6] **Title 18 U.S.C. § 241. Conspiracy against rights of citizens**

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by

misuse of the offices of the U.S. Department of Justice and the federal courts.

(3) Constitutes criminal offenses, including misprision of felonies; obstruction of justice; becoming a principal in the underlying criminal acts; conspiracy to commit these and other criminal acts.

C. **Declaratory judgment**, holding as unlawful, unconstitutional, and criminal, the persecution of Petition

a. reversed the lawful basis for such orders (protecting the party suffering great harm, and not the parties committing the harm); (b) that voided the rights and protections under our form of government, voided the rights and protections under the laws and Constitution of the United States, and became a tool for political persecution, and to obstruct justice.

D. **Special prosecutor from Washington, and multiple investigative teams.** Initiate the steps necessary to carry out the recommendations in the sequestered July 11, 1990 Justice Department report describing the rampant corruption within Chapter 11 proceedings by persons acting under color of federal

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the Constitution or laws of the United States, or because of his having so exercised the same; ... They shall be fined ... or imprisoned ... or both;

Title 18 U.S.C. § 1512. Tampering with a witness, victim, or an informant—
(b) Whoever knowingly uses intimidation or physical force, or threatens another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to —
(1) influence, delay or prevent the testimony of any person in an official proceeding:
shall be fined ... or imprisoned ... or both. [1988 amended reading]"

Title 18 U.S.C. § 1513. Retaliating against a witness, victim, or an informant. (a) Whoever knowingly engages in any conduct and thereby causes bodily injury to another person or damages the tangible property of another person, or threatens to do so, with intent to retaliate against any person for—(1) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or (2) any information relating to the commission or possible commission of a Federal offense ..."

law. The implications in this corruption make the federal judiciary's trust to insure justice a mockery at best, and deeply implicated in criminal activities at worse.

E. **Injunctive relief for record-setting civil, constitutional, and criminal violations inflicted by officers of the court**. Provide for defendant to prepare a list of injunctive relief address damages for the false imprisonment that was part of the retaliation against defendant, for reporting federal crimes committed by federal officials, and the harm inflicted for having exercised rights and protections under the laws and Constitution of the United States.

F. **Immediate relief from Chapter 11 persecution, and vacate all prior orders**. Halt the imminent homelessness status arising from ordering defendant from his home, as part of the pattern of criminal acts by federal officials implicated in the air disaster-related federal offenses; to the Chapter 11 criminal racketeering enterprises; to the persecution of defendant that initially occurred to silence his reporting of the federal air safety and related criminal acts, and then expanded to silence his reporting of subsequent crimes by federal officials.

Failure to grant summary judgment continues the civil, constitutional, and criminal outrages inflicted upon defendant, and continues the pattern of hard-core fraud upon the United States. It also continues the consequences arising from the sequested federal air safety and related criminal violations, and the Chapter 11 corruption, both of which defrauds the United States, and inflicts terrible harms upon innocent citizens.

Rule 56 requires that summary judgment be granted if "the moving party is entitled to a judgment as a matter of law." (*See 6 Moore's Federal Practice*. 56.11[9], and there are no material facts in dispute.

THE BASIC FACTS ARE NOT IN DISPUTE

The immediate material facts are: (1) whether defendant filed a federal action in the U.S. District Court at Chicago; (2) whether Judge Marilyn Patel rendered an injunctive order which

defendant allegedly violated. These two primary facts are not in dispute. The issues are matters of law, and relate to the unlawful and unconstitutional nature of the injunctive orders, and addresses whether:

G. Judge Patel has the authority to void rights and protections that are fundamental to our form of government;

H. Whether she had the right to block the reporting of federal crimes related to a series of fatal airline crashes, the crimes rampant in Chapter 11 proceedings, and the crimes inflicted upon defendant to block his reports, and to block his defenses of the judicially orientated tactics to carry out these goals.

I. Whether the latest of several criminal contempt charges against defendant is a felony under federal criminal statutes; whether it constitutes harassment, retaliation, and harm, inflicted upon defendant for having exercised rights and protections under the laws and Constitution of the United States (violating inter alia Title 18 U.S.C. § 241), and whether it is retaliation for reporting federal crimes by a victim (violating inter alia Title 18 U.S.C. §§ 1512 and 1513.)

Defendant relies upon the briefs and exhibits previously submitted into this action, to show the pattern of shocking judicial persecution by federal officials who took an oath to uphold the laws and Constitution of the United States, and are now engaged in subversive destruction of the rights and protections under our form of government.

INTRODUCTION

Although the issues are primarily matters of law, it is important to understand how the record-setting number of civil, constitutional, and criminal violations, by federal officials, came into being, and why the complex web of intrigue and duplicity occurred.

ORIGINATING IN A SERIES OF BRUTAL AIRLINE CRASHES

While defendant was a federal air safety investigator, assigned to the most crash-plagued airline at that time (United Airlines), where a steady series of world-famous air disasters were

occurring, defendant discovered a deeply ingrained pattern of federal air safety and criminal violations committed by officials at United Airlines and within the Federal Aviation Administration. The government's responsibility to prevent and/or correct these federal air safety and criminal offenses were feloniously blocked by actions of FAA officials, acting in concert with United Airlines officials. Both groups threatened, harassed, retaliated, against those federal air safety inspectors who attempted to fulfill the government's air safety responsibilities. Many deaths are directly implicated in these crimes, and the guilty have never been prosecuted.

Defendant attempted to circumvent the block within the FAA by reporting the crimes to the National Transportation Safety Board and to members of Congress.[7] They admitted the gravity of the offenses, and then engaged in felony complicities of silence. NTSB officials, responsible to conduct an immediate investigation, instead, committed the crime of coverup. They then compounded their federal offenses with capital offenses, by falsifying federal accident reports that arose from the federal crimes, and were made possible by their coverup.

Defendant reported the federal crimes to Justice Department officials, who promptly continued the coverup, and became implicated in harms inflicted upon defendant while defendant was a federal air safety investigator. Additional crashes then occurred, due to the very same federal air safety and criminal violations that were the subject of the obstruction of justice. The numerous fatal airline crashes directly related to the felonies worsened the nature of the national scandal with international implications.

Defendant then sought to circumvent the high administrative block, and exercised his responsibilities and rights under federal law. (Under the authority and **responsibilities** of Title 18 U.S.C. § 4 (reporting federal crimes to a federal court) and 28 U.S.C. 1361 (compel an officer of the United States to perform his duties in a lawful manner).[8] He filed federal actions in the role of an air

[7] Including Senators Robert Kennedy, Edward Kennedy, DeConcini, Alan Cranston, and others.

[8] **Title 28 U.S.C. §1361. Action to compel an officer of the United States to perform his duty.** The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the

safety humanitarian. Federal judges responded to the federal law suits[9] by admitting the gravity of the charges and then falsely stating it was not their responsibilities. The federal crimes continued; the air disasters and some of the most brutal deaths of all times, continued, made possible by the judicial misprision of felonies.

The obstruction of justice by officials in key positions of all three branches of government made possible the continuation of the federal air safety and criminal violations, and blocked defendant's attempts to provide testimony and evidence of the crimes linked to specific airline crashes. The pattern of coverup violated other federal criminal statutes, including Title 18 U.S.C. §§1512, 1513, 241, 371, 3, 2, 35, 34, 1001, 2071. The fatal crashes arising from the federal offenses converted the crimes into record-setting capital offenses.

Because of the gravity of the issues, defendant sought to circumvent the complicity of silence blocking corrective actions by publishing exposé books, giving speeches, and appearing as guest on hundreds of radio and television programs. These activities threatened to expose federal officials implicated in the crimes and the tragedies; officials at United Airlines, within the FAA, the NTSB, members of Congress, Justice Department attorneys and federal judges/justices.

In 1982, shortly after the U.S. Supreme Court refused to hear defendant's petition for writ of certiorari that brought the criminal misconduct in their area of supervisory responsibilities to their

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plaintiff.

[9] *Stich v. United States, et al*., 554 F.2d 1070 (9th Cir.) (table), *cert. denied*, 434 U.S. 920 (1977)(addressed hard-core air safety misconduct, violations of federal air safety laws, threats against government inspectors not to report safety violations and misconduct); *Stich v. National Transportation Safety Board*, 685 F.2d 446 (9th Cir.)(table), *cert. denied*, 459 U.S. 861 (1982))(addressed repeated criminal falsification of official airline accident reports, omitting highly sensitive air safety misconduct, making possible repeated crashes from the same sequestered problems); Amicus curiae brief filed on July 17, 1975, in the Paris DC-10 multi-district litigation, *Flanagan v. McDonnell Douglas Corporation and United States of America*, Civil Action 74-808-PH, MDL 172, Central District California.)(addressing the long standing FAA misconduct, of which the coverup of the DC-10 cargo door problem was one of repeated instances of tragedy related misconduct); U.S. v. Department of Justice, District of Columbia, Nos. 86-2523, 87-2214, and other actions filed by claimant seeking to expose and correct the powerful and covert air disaster misconduct.

attention, there commenced still another scandal. Defendant's exercise of federal remedies against the federal civil right and criminal violations committed in the scheme to silence defendant escalated for the next nine years. To protect those committing the offenses, the latest tactic is to charge defendant with criminal contempt for exercising federal remedies to protect himself against the brutal onslaught committed by federal officials (Justice Department attorneys, law firm/s acting as fronts for the Justice Department, and federal judges/justices.)

The initial tactic to silence defendant commenced with a sham law suit filed in the California courts by the San Francisco law firm of Friedman, Sloan, and Ross. The December 8, 1982 filing[10] was a cause of action against defendant that was barred by over a dozen California statutes, related case law, and barred by blocks of federal statutes, case law and constitutional protections.[11] The sham California action diverted defendant's attention from his exposure actions, and was fraudulently used as the basis to immediately seize the assets that funded defendant's exposure activities.

Unknown to defendant at that time, the Friedman law firm was one of a number of law firms acting as covert fronts for the Justice Department. Their covert and unlawful actions protected Justice Department officials implicated in the air disaster related crimes (by obstruction of justice).

For the next eight years the Friedman law firm initiated orders and judgments that deliberately inflicted great harms upon defendant, violating large blocks of state and federal laws. (Exhibit "A.") For eight years California judges/justices rendered orders/judgments without jurisdiction under the limited jurisdiction of the California Family Law Act. These great numbers of

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[10] Superior Court, Solano County, No. 83472.

[11] The California action (Superior Court, Solano County, No. 83472) argued and held that defendant's property rights adjudicated and acquired during the past two decades, and his divorced status, were void, on the basis that the 1966 court exercised personal jurisdiction upon the (universally recognized and exercised) residence basis, and that California judges would not recognize this basis. Concurrently, California judges continued to exercise personal jurisdiction in other actions on the same residence basis retroactively denied to defendant. The action was a sham, for the sole purpose of destroying defendant's assets and diverting his attention from exposing the federal crimes committed by United Airlines and federal officials.

violations of clear and settled state and federal laws and basic constitutional protections could not have accidentally occurred. They were part of a scheme that eventually had the Friedman law firm, Justice Department officials, California judges and justices, and federal judges and justices, implicated in possibly the greatest threat to our form of government.

Despite the large numbers of civil, constitutional, and felony violations inflicted upon defendant, the California Court of Appeal justices,[12] and California Supreme Court justices, aided and abetted the scheme. When defendant exercised the rights and protections under federal law for the wholesale violations of federally protected rights, the same obstruction of justice, the same violations of federally protected rights occurred, as if they were deliberately protecting the Friedman law firm.

Defendant exercised his federal remedies for the first time in 1984, as attorney James Reed filed a law suit under federal declaratory and injunctive relief remedies.[13] Defendant expected federal judges to declare the property rights and divorced status established in five divorce judgments, which must be recognized under federal law (as well as California law), and which were violated by California judges acting without jurisdiction under California law.

Despite their mandatory responsibilities to provide a federal court forum, and under numerous federal remedies,[14] defendant's actions were given a frivolous label (reversing the legal criteria), and then the fraudulent label "supported" the unlawful dismissals. Defendant was left in the position of being unable to engage in any business activities or property ownership, until the matter of the validity of five divorce judgments was declared by a federal judge. Since 1984, for the past seven years, defendant has repeatedly sought a declaration under federal laws. And for seven years federal judges and justices have refused to address the matter. If they had addressed the issue, the entire web of massive corruption by federal officials, defrauding the United States and its citizens,

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[12] Justices King, Low, Haning.

[13] *Stich v. California Superior Court*, E.D. Cal. No. C 84-0048 RAR.

[14] Including Title 28 U.S.C. . . 1343, 2201, 2202; 42 U.S.C. . . 1983 to 1986, and related case law.

would have unraveled.

The abdication of responsibilities, the malfeasance, misfeasance, and nonfeasance, by that federal judge (Raul Ramirez) prevented the termination of the controversy, which then raged on for seven more years, as judge protected judge, and they all protected the Friedman law firm.

THE CLEAR PATTERN OF JUDICIAL DUE PROCESS GRIDLOCK/COVERUP

A pattern developed during the past seven years to block federal protections and to protect those implicated in various segments of the vicious conspiracy. The ongoing judicial tactics include:

J. **Frivolous tactic.** Reverse the legal definition of frivolous, and place a frivolous label upon a victim's exercise of federal declaratory and injunctive relief remedies as he desperately sought relief from shocking and record-setting numbers of violations of federally protected rights;

K. **Vexatious litigant tactic.** Reverse the legal definition of a vexatious litigant, and place the label on defendant's desperate attempts to obtain relief from the continual barrage of judicially perpetrated civil, constitutional and RICO violations.

L. **Strip him of his assets.** Inflict great harms upon defendant, depriving him of his assets that funded his exposure activities, and that were needed to hire legal counsel.

M. **Retaliatory financial sanctions.** Order defendant to pay large financial sanctions for exercising constitutionally protected rights, and to pay the sanctions to the Friedman law firm committing the violations.

N. **Unlawful dismissals.** Unlawfully dismiss the lawsuits exercising declaratory and injunctive relief remedies, violating federal case law barring the dismissals on the basis of any one of the multiple federal causes of actions.

O. **Unlawful dismissals**. Render unlawful injunctive orders to block defendant's access to the federal courts. The injunctive orders violated the legal

criteria for rendering such orders,[15] and then violated the rights and protections under the laws and Constitution of the United States that guarantee federal court access and relief from violations of any one of the many federal causes of actions.

P. **Harm for exercising federal remedies and protections.** Inflicted great harms upon defendant for having exercised rights and protections under the laws and Constitution of the United States. These harms includedd (a) five years of constant imprisonment or threats of imprisonment; (b) seizing defendant's life's assets, his business, his home, converting him from multi-millionaire to a state of poverty, and making him homeless at 68 years of age. In this manner federal judges and justices (and California judges and justices) violated additional federal laws, including the criminal statute of Title 18 U.S.C. 241.

ANOTHER EXERCISE OF FEDERAL REMEDIES

In 1986 sufficient evidence accumulated to prove that these acts were an extension of the original air disaster-related corruption and conspiracy of obstruct justice. It was obvious that the Friedman law firm acted as a front for an unknown federal source at that time,[16] to destroy defendant's reporting of the federal crimes.

In 1986 defendant filed two federal complaints in different federal districts, against different defendants, for different federal causes of actions. In one action (N.D. Cal. No. C 86-6046 MHP), defendant exercised declaratory judgment and injunctive relief remedies to address the latest in the four years of record-setting violations of California and federal law and constitutional safeguards, committed by judicial and non-judicial defendants acting under color of state law. (Exhibit "A.")

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[15] Must protect the party suffering great and irreparable harm. Instead, the injunctive orders protected those committing the harms, and barred the victim of the harm from exercising federal remedies.

[16] Since that time, and in early 1991, additional facts developed showing the Friedman, Sloan and Ross law firm to have covert ties to the Justice Department, the same government entity whose attorneys were at risk from defendant's exposure activities.

Instead of providing declaratory judgment and injunctive relief from the record-setting violations of federally protected rights, Judge Patel (a) wrongfully protected those committing the violations; (b) wrongfully dismissed the law suit by deceptively holding that defendant's exercise of federal remedies for the multiple federal causes of actions was a frivolous act; and (c) unlawfully and unconstitutionally dismissed the action. The already serious violations of federally protected rights then escalated.[17] The violations of federally protected rights inflicted great harms upon defendant. (Exhibit "B" is a partial list of the harms.)

Compounding the issue of record-numbers of violations of the Civil Rights Act, California judges and justices, at the suggestion of the Friedman law firm, rendered orders inflicting great harms upon defendant after the state action had been removed to federal court (E.D. Cal. No. C 86-0715 MLS) on June 17, 1986, where it remained as of January 30, 1991. These orders inflicted great harms upon defendant, while lacking jurisdiction due to, inter alia, removal to federal court. (Title 28 U.S.C. 1446, 1447.)[18]

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[17] The repeated violations of large numbers of state and federal law were prima facie evidence of a felony conspiracy to violate these protections, committed by California judges in positions of trust.

[18] *California Practice Guide—Federal Civil Procedure Before Trial [Ritter]:*

> **Effect of Removal [2:1015] State court ousted of jurisdiction:** Filing the removal notice in the federal court "effects the removal" and ousts the state court of jurisdiction. The state court can proceed no further unless and until the case is remanded. 28 U.S.C. 1447(d). Thus, any later state court action is void, even if the removal is ultimately held improper! The state court may resume jurisdiction only if and when the case is remanded by the federal court. [*Allstate Ins. Co. v. Sup. Ct.* (1982) 132 CA3d 670, 676, 183 CR 330—no power to resume if federal court dismisses, rather than remands]
>
> (1) [2:1016] **No order required:** No order by the federal court is necessary to complete removal. The removal is effected automatically by ... filing the requisite documents and giving the required notice (above). (28 U.S.C. 1446(e); *Rollwitz v. Burlington No. Railroad* (DC MT 1981) 507 F. Supp. 582.
>
> [2:1120] **State Court Jurisdiction After Remand:** Remand is effected when the federal court clerk sends a certified copy of the order of remand to the clerk of the state court. At that point jurisdiction is vested in the state court, and it may proceed with the case. [28 USC 1447(c)]

Despite the record-setting violations of federally protected rights, the shocking harms inflicted upon defendant, Judge Patel held that it was frivolous for defendant to exercise these federal remedies.[19] Judge Patel compounded these violations by rendering a March 5, 1987 order permanently barring defendant access to any state or federal court. By this protective cloak, the violations escalated. The frivolous label was an obvious sham, as Judge Marilyn Patel openly protected the wholesale violations of federally protected rights that she had sworn to uphold. She was obviously protecting the burgeoning scandal focusing on the Friedman law firm, the underlying air disaster related crimes, and the criminal acts taken to silence defendant. With the exposure of Friedman's tactics, the urgency greatly increased to block defendant's access to federal courts.

Judge Patel's unlawful dismissal, and the unlawful injunctive order, blocked defendant's reporting of federal crimes which defendant initially discovered while a federal air safety investigator. The obstruction of justice violated numerous federal criminal statutes.[20]

Defendant filed another federal action in 1986 (E.D. Cal. No. C 86-0210 MLS), which had to be filed in the Eastern District of California because of the residence of the subsequent defendants. The requirement to file repeated federal actions arose from the repeated violations of defendants federally protected rights. If the actions were not filed, defendant would have waived and abandoned his federal remedies.

During the initial status conference in 1986, Judge Milton Schwartz admitted the gravity of defendant's allegations. Again, following a pattern, the concern about the gravity of the allegations

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California Practice Guide, *Federal Civil Procedure Before Trial*, Ritter. [2.1120] **State Court Jurisdiction After Remand:** Remand is effected when the federal court clerk sends a certified copy of the order of remand to the clerk of the state court. At that point, jurisdiction is vested in the state court, and it may proceed with the case. [28 USC . 1447(c); Title 28 USC . 1447(c): "A certified copy of the order of remand shall be mailed by its clerk to the clerk of the State court. The State court may thereupon proceed with the case."

[19] *Anders v. California* (1967) 386 U.S. 738: "An appeal [or complaint] is not frivolous if "any of the legal points [are] arguable on their merits ..."

[20] Title 18 U.S.C. . . 4, 1512, 1513, 3, 2, 241, 371, 35, 1001, 2071.

(which must be accepted as true at that stage) suddenly changed. Judge Schwartz placed a frivolous label upon defendant's exercise of the declaratory and injunctive relief remedies. Again, defendant was barred from a declaration of the rights and legal obligations established in the five divorce judgments that were openly violated by California judges/justices as their violations reached record-numbers.

FORCING DEFENDANT INTO THE CHAPTER 11 RACKETEERING ENTERPRISE

The combination of the increasing violations of federally protected rights occurring in the sham California action, Judge Patel and Judge Schwartz's blatant protection of those committing the serious federal offenses, and the filing of dozens of lis pendens upon defendant's business properties forced defendant to seek refuge in Chapter 11. He may have been the only person in the history of the United States and Chapter 11, to seek refuge in Chapter 11 for a financially healthy estate, being destroyed by a barrage of civil, constitutional and criminal offenses committed by, and with, the aid and comfort of federal judges.

After exercising the protections intended by Chapter 11, the Ponzi scheme that voided for defendant all protections in the laws and Constitution of the United States then expanded. Federal judge Robert Jones unlawfully and unconstitutionally ordered the seizure of defendant's assets. Judge Jones ordered trustee Charles Duck to seize defendant's business, properties, and assets.[21] This Chapter 11 trustee immediately commenced to embezzle large sums of money from defendant's assets, as he had been reported to do in many other estates. Defendant repeatedly reported this embezzlement, looting, and fraud, to federal judges through appeals and petitions. Instead of providing relief, the standard tactic was continued of calling defendant's exercise of federal remedies frivolous acts; called defendant a vexatious litigant for objecting to the criminal acts by this officer of the court. Every judge/justice protected Duck,[22] just as they had done in the past.

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[21] For the prior ten years dozens of complaints were made to federal judges, to Justice Department officials, and to members of Congress, of embezzlement and fraud by Charles Duck. Instead of reacting to these criminal acts, Duck was protected by each of these federal officials.

[22] Duck was eventually charged with two minor criminal counts in September 1989 when

While destroying defendant's properties, U.S. Attorney David Levi, Judge Raul Ramirez (whose 1984 unlawful dismissal caused the great escalation in the violations of federally protected rights), Judge Milton Schwartz, and magistrate John Moulds, acted in unison to put defendant into federal prison in retaliation for having filed federal actions desperately seeking relief from the onslaught of civil and constitutional violations, for reporting federal crimes, and for exercising federal remedies. Repeated indignities were inflicted upon defendant, as if they sought to force a cardiac arrest.[23]

After attorney Dexter Jacobson was killed in August 1989, just prior to providing the FBI with evidence of the Chapter 11 corruption, and just prior to filing federal actions that threatened to blow the lid off Chapter 11 schemes.[24]After Jacobson's killing, Levi and the federal judge again incarcerated defendant, at which time he was placed in solitary confinement for three weeks. During this period the Chapter 11 group continued to destroy defendant's remaining assets.

Just prior to defendant's November 23, 1990 release, Judge Patel ordered defendant again incarcerated, seeking jurisdiction over him on the basis of the action (N.D. Cal. No. C 86-6046 MHP) that she unlawfully dismissed on March 5, 1987. The basis for the incarceration was defendant's filing of the Chicago action. Defendant was incarcerated without personal jurisdiction over him, and without charges. The incarceration prevented defendant from defending against the dismissal of several actions, which were dismissed when his incarceration prevented him from proceeding.

While defendant was in federal prison, unknown federal officials again unlawfully seized defendant's mail, seeking authority upon a letter written by embezzler Charles Duck in 1987. In this

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investigative media reports exposed the rampant Chapter 11 judicial corruption. The rampant criminal violations in Northern California Chapter 11 courts was identified in a July 11, 1990 Justice Department report.

[23] Defendant's heart condition, including six coronary bypasses and almost total blockage of the two main coronary arteries and several of the smaller ones, required total absence of stress to avoid death.

[24] Jacobson was unaware that his exposure actions threatened Justice Department officials and federal judges/justices.

way the diverted mail prevented defendant from defending against the various actions taken against him.

OBSTRUCTING JUSTICE

Federal judges/justices blocked defendant's attempts to report the felony embezzlement and fraud by trustee Charles Duck, which defendant repeatedly reported from early 1988. Eighteen months later, as media pressure escalated, and as the investigation into Chapter 11 corruption was threatening the judicial hierarchy, the same Justice Department officials that had protected Duck for the previous decade then charged him with two minor counts, and quickly approved a plea bargain. This plea bargain, and subsequent firing of assistant U.S. Trustee Gregg Eichler, who exposed Duck's criminal acts, blocked any further investigation into the Chapter 11 hierarchy that was responsible for the vast racketeering enterprise.

Throughout the Ninth Circuit courts defendant encountered a federal judicial due process gridlock, which protected those committing the serious federal offenses. The pattern of coverup revealed the relationship between:

Q. Defendant's prior attempts to expose the air disaster-related federal crimes, and obstruction of justice by Justice Department officials;

R. The sham California action that blocked defendant's attempts to report the crimes, carried out by one of the law firms fronting for the Justice Department;

S. The violations by California and federal judges of every remedy in California and federal law;

T. The pattern of total due process gridlock, which protecting those committing the federal civil right and criminal violations.

FORCED TO AGAIN EXERCISE FEDERAL REMEDIES

Desperate to obtain relief from the personal and property outrages inflicted upon him, and again seeking a declaratory judgment declaring the rights in the five divorce judgments, and the voidness of the California judgments rendered after removal to federal court, defendant filed a law

suit in the U.S. District Court at Chicago. (N.D. Il, No. 90C2396). It was this law suit exercising federally guaranteed court access and relief, that Ninth Circuit Justice Department officials and Judge Marilyn Patel considered to be criminal contempt. That Chicago law suit raised the following federal causes of actions:

1. Reporting federal crimes related to a series of fatal airline crashes. Defendant would be guilty of multiple federal crimes if he refused to report, testify, and provide hard evidence of the criminal acts to a federal court, under Title 18 U.S.C. 4. Likewise, a federal judge or Justice Department official would be guilty of federal crimes if they obstructed or retaliated against the reporting of these crimes.

2. Reporting Chapter 11 federal crimes in Ninth Circuit courts. Particularly those committed by officer of the court Charles Duck, and his retained law firm of Goldberg, Stinnett, and MacDonald. The actual existence of these crimes was reported in the July 11, 1990 Justice Department report (Exhibit "D"); in Duck's September 1989 admission of the crimes; in investigative media reports; and in the history of defendant's Chapter 11 cases.

3. Exercising declaratory relief statutes to declare property rights, divorced status, and legal obligations, established in five divorce judgments, that were attacked by the Friedman law firm and California judges/justices, all of whom acted without jurisdiction for eight years. (Title 28 U.S.C. 2201, 2202) to declare defendant's divorced status and property rights.

4. Exercising injunctive relief remedies under Title 42 U.S.C. 1983-1985, to halt the violations of California and federal laws and constitutional protections occurring in the California law suit (Superior Court, Solano County, 83472). These violations, rendered while acting under color of state law, and inflicting shocking, great and irreparable harms.

DISCUSSION

I. THE INJUNCTIVE ORDERS VIOLATED BASIC CONSTITUTIONAL RIGHTS AND FEDERAL STATUTES, WHICH NO FEDERAL JUDGE HAS THE JURISDICTION TO DO.

The same Justice Department officials who aided and abetted the air disaster-related felonies, who aided and abetted Duck's embezzlement for the past ten years, now charges that defendant committed a federal crime for (a) reporting the crimes as required to be reported by humanitarian requirements and federal criminal law; (b) for exercising rights and protections under constitutionally guaranteed protections, seeking relief from the great harms inflicted upon him.

Justice Department attorneys hold that it is a crime for a party to report federal crimes in which they themselves were implicated. They argue that it is a crime for a victim to exercise federal remedies to seek relief from the persecution and harms inflicted upon him in the patter of hard-core civil right and criminal violations. The implications of these charges, and the refusal of federal judges/justices to immediately halt these grave violations of our form of government, are very serious.

The injunctive order:

A. **Violated the legal authority for rendering injunctive orders**.[25] The legal authority for

[25] The basis for injunctive relief is irreparable injury and inadequacy of legal remedies. *Amoco Production Co. v. Village of Gambell*, 107 S.Ct. 1396, 1402 (1987). To obtain a preliminary injunction requires a showing irreparable injury and likelihood of success on the merits. The standard for a preliminary injunction is essentially the same as for a permanent injunction, except "likelihood of success on the merits rather than actual success" must be shown. Injunctive orders are to halt wrongful behavior. (Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Stidham, 658 F.2d 1098 (5th Cir. 1981); Public Interest: The public interest in being protected against wrong-doings. (Continental Group, Inc. v. Amoco Chemicals Corp., 614 F.2d 351 (3d Cir. 1980); The basis is to preserve the status quo. The status quo is not preserved. Injunctive relief may not be granted in the absence of proof of any threatened or probable act which might cause irreparable injury. Public Service Com. v. Wycoff Co. 344 US 237, 73 S Ct 236, 97 L Ed 291. The basis for injunctive relief in the federal courts has always been irreparable harm and inadequacy of legal remedies. Beacon Theaters, Inc. v. Westover, 359 US 500, 79 S Ct 948, 3 L Ed 2d 988; The basis of injunctive relief in the federal courts is irreparable harm and inadequacy of legal remedies. Sampson v. Murray, 415 US 61, 94 S Ct 937, 39 L Ed 2d 166; the equitable injunction remedy is unavailable absent a show of substantial and immediate irreparable injury. Los Angeles v. Lyons 103 S Ct 1660, 74 L Ed 2d 675; an order denying a person equal protection of the law cannot support contempt. Johnson v. Virginia, 373 US 61, 83 S Ct 1053, 10 L Ed 2d 195.

rendering injunctive orders requires that the protected party be suffering great and irreparable harm. But the injunctive orders protected the parties inflicting the great harms, while concurrently defendant, suffering the harms, from federal remedies and relief.

B. **The injunctive orders gutted the rights and protections in the laws and Constitution of the United States**. (list of federally protected rights violated by the injunctive order appears in attached Exhibit "C.")

C. **Federal relief cannot be denied from the unconstitutional acts of state judges.** Among the numerous mandatory federal court jurisdictions that were openly violated by Judge Marilyn Patel and every other federal judge that became involved included:

Where civil right actions involve claims and issues previously litigated[26] in the state courts, and the full faith and credit statute (28 U.S.C.. 1738) becomes involved, it has been held that foreclosure of all subsequent relitigation in the federal courts would be inconsistent with the distrust of state courts that led Congress to grant jurisdiction to the federal courts to decide section 1983 actions. *See, e.g., Lombard v. Board of Educ*., 502 F.2d 631 (2d Cir. 1974), cert denied, 420 U.S. 976 (1975).

Defendant's Civil Right Act complaints alleged multiple violations multiple violations of important state, federal, and constitutional law, any one of which invoked mandatory federal court jurisdiction. In *Miofsky v. Superior Court*, 703 F.2d 332, a case involving lewd conduct by a physician,[27] the court held that federal courts had jurisdiction under the Civil Rights Act when a state judge violated rights protected by the Constitution. In *Dykes v. Hoseman*, 743 F.2d 1488 (11th Cir. 1984) the court held that a state judge acting without jurisdiction not only invoked federal court jurisdiction, but was liable for damages. The court stated in *Sherman v. Yakahi*, 549 F.2d 1287 (9th Cir. 1977), that a civil right action cannot be dismissed unless "it appears beyond doubt that the

[26] Never did the state judges/justices address any of the defenses raised by defendant. In addition, they repeatedly refused to render mandatory statement of decisions, and in that manner avoided addressing the shocking violations of state and federal due process protections.

[27] A physician who placed his penis in the mouths of patients on the operating table.

Plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Conley v. Gibson*, 355 U.S. at 45-46, 78 S.Ct at 102.

II. **JUSTICE DEPARTMENT ATTORNEYS CANNOT CHARGE A CITIZEN WITH COMMITTING A CRIME FOR EXERCISING FEDERAL RESPONSIBILITIES TO REPORT CRIMES; AND FOR EXERCISING FEDERAL REMEDIES TO OBTAIN RELIEF FROM GREAT AND IRREPARABLE HARM.**

Justice Department officials are feloniously charging defendant with committing federal crimes for exercising the following constitutionally protected rights:

1. Exercising constitutionally guaranteed First and Fifth Amendment rights is not a crime.

2. Exercising First Amendment right to petition government for relief from violations of federally protected rights is not a crime.

3. Exercising Fifth Amendment rights to declaratory and injunctive relief, in the face of major due process, equal protection, human right violations, is not a crime.

4. Exercising statutory remedies.

a. Title 28 U.S.C. § 1331 for invoking federal court jurisdiction and relief from violations of federally protected rights.

b. Title 42 U.S.C. . 1983-1986. Provides relief from the wholesale violations of state and federal due process committed in the California action, and from the acts taken without jurisdiction.

c. Title 28 U.S.C. . 1343. Provides for damages from anyone who knows that civil and constitutional rights are violated, who could have prevented, or aided in the prevention of these violations, and who refused to do so.

d. Title 28 U.S.C. . 1441, 1442. To declare the property rights

and divorced status, adjudicated in 1966, and established in six divorce judgments,[28] that are violated by California judges using a cause of action barred by 45 years of U.S. Supreme Court decisions, federal statutes, California statutes.

e. Declaratory judgment relief to declare void the orders/judgments rendered by California judges/justices after they lost jurisdiction due to removal of the state action to federal court (E.D. Cal. No. C 86-0715 MLS) on June 17, 1986, where it continued through at least January 30, 1991.

f. Removal statutes, Title 28 U.S.C. 1446, 1447.

g. *Bivens* claims against federal officials violating defendant's civil and constitutional rights, and rights protected under state law.

h. **RICO Act**, Title 18 U.S.C. 1961-1965, for the conspiracy acts by those acting under color of state law, and those acting under color of federal law, including the front for the Justice Department (Friedman, Sloan and Ross); California judges and the California judicial system; Justice Department officials/attorneys; federal judges/justices.

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[28] **(List of divorce judgments showing divorced status and property rights final and conclusive as of January 31, 1966**. (1) Initial 1966 divorce judgment following a bilateral consent divorce proceeding, rendered by jurisdiction of residence for five months, State of Chihuahua, Mexico, No. 189723, authenticated by U.S. Consul; (2) Registration and *confirmation* of the 1966 divorce judgment in the Superior Court, Contra Costa County, action number 251773, under C.C.P. . 1699(b) and C.C. . 5164; (3) Registration of the Contra Costa divorce judgment confirmation in the Superior Court, Solano County, State of California, action 91929; (4) Judicial entry of the Contra Costa county confirmed judgment into the Nevada courts, Second Judicial District of Nevada, County of Washoe, case number 85-5391 and into foreign judgment registry, number 31; (5) Registration of the 1966 divorce judgment in the District Court of Oklahoma County, Oklahoma City, Oklahoma, Case number FD-86-5870; (6) Registration of the Contra Costa confirmed judgment in the Civil Courts of Dallas County, Dallas, Texas, in Volume Two, Page 78, Foreign Judgment Register.

i. Exercising rights that would otherwise be lost. If defendant does not exercise these rights, they will be lost. Statute of limitations will deprive defendant of lawful remedies. Properties and businesses have already been lost. Destruction of privacy, quality of life, liberties, can never be regained. Failure to report the air safety and criminal offenses makes defendant a criminal, joining the rank of others who are feloniously covering up for these crimes. Deaths that have occurred, including those since Judge Patel blocked defendant's reporting of the pattern of air disaster related corruption, can never be brought back.

j. Contempt of court must be to protect the public interest and the lawful process of the courts. Injunctive orders voiding the foundation of our form of government, voiding the rights and protections under the laws and Constitution of the United States, are not in the public's interest. The order barring defendant from reporting federal crimes, including capital offenses related to a series of fatal airline crashes, is not in the public's interest, as any of the next-of-kin can argue. The injunctive order barring defendant from reporting the great Chapter 11 racketeering activities, typified by trustee Charles Duck, is not in the public's interest. Federal civil right and criminal violations by federal officials, including Justice Department officials, Chapter 11 trustees and judges, federal judges, California judges, are not in the public interest. Falstaff Brewing Corp. v. Miller Brewing Co. 702 F.2d 770 (9th Cir. 1983); *Shillitani v. United States* (1966) 384 U.S. 364; The principal beneficiaries of a criminal contempt are the courts and the public interest. *Ager v. Jane*

C. Stormont Hospital & Training School for Nurses, 622 F.2d 496, 500 (10th Cir. 1980); *In re Dinnan*, 625 F.2d 1146, 1149 (5th Cir. 1980).

III. **THE CAUSES OF ACTION IN THE CHICAGO LAW SUIT ARE DIFFERENT, AND IN ADDITION, TO THOSE RAISED IN THE 1986 ACTION UNLAWFULLY DISMISSED BY JUDGE PATEL, AND WHICH WERE NEVER ADJUDICATED**

Entirely new causes of actions were stated in the Chicago action. These included:

1. Orders rendered by California judges after the 1986 action was filed (86-6046 MHP), were rendered without jurisdiction due to removal to federal court. Defendant exercised:

a. Declaratory judgment remedies to declare these orders, rendered while the state action was removed to federal court, void.

b. Declaratory judgment remedies to declare the property rights and divorced status established in five divorce judgments (which Ninth Circuit judges refused to do, and which would have exposed the scheme filed by the Friedman law firm acting as a front for the Justice Department).

c. Declaratory judgment remedies to declare void the appointment of trustee Charles Duck on the basis that (a) the Chapter 11 judge had previously rendered an order refusing to accept jurisdiction; (b) ordered the seizure of defendant's properties without the mandatory requirement of a noticed hearing; without the corporate case on the court calendar for any hearing; without legally recognized cause; and in a pattern of hard-core corruption, that was also rampant in Ninth Circuit Chapter 11 courts.

d. Injunctive relief from the consequences of these violations.

2. The parties in the Chicago action were the Friedman law firm, for acting

under color of state law and initiating the grotesque numbers of violations of state and federal laws and constitutional protections, and the federal government. Identifying the Friedman law firm risks exposing the felony misuse by Justice Department officials of the Friedman law firm against a citizen, to feloniously block his reporting of federal crimes, and to retaliate against defendant for having sought to do so. Discovery may reveal this relationship. This court is under a responsibility, under federal criminal statutes, to provide for defendant to testify and present evidence of the criminal acts, and to investigate the pattern of corrupt acts described herein.

IV. THE INJUNCTIVE ORDER IS UNLAWFUL AND AS APPLIED BY JUSTICE DEPARTMENT OFFICIALS, REQUIRES DEFRAUDING THE UNITED STATES, ITS CITIZENS, AND VIOLATING FEDERAL AIR SAFETY, CIVIL RIGHT, AND CRIMINAL STATUTES.

The injunctive order unlawfully and unconstitutionally voids for defendant the rights and protections under the laws and Constitution of the United States. The list of these violations appears in the attached Exhibit "E." No judge has the right, the authority, the jurisdiction, to strip any party of the rights and protections under our form of government. Instead, federal judges have the responsibility, as they swore to do when they accepted the office and the pay, to uphold the laws and Constitution of the United States. This includes Judge Marilyn Patel and Justice Department attorneys.

V. A CITIZEN CANNOT BE CHARGED WITH CRIMINAL CONTEMPT FOR EXERCISING RESPONSIBILITIES, RIGHTS AND PROTECTIONS.

1. Order denying defendant equal protection of the law cannot support a contempt charge. *Johnson v. Virginia* (1963) 373 U.S. 61.

2. A Charge Of Contempt Of Court Must Be To Protect the Public, and Not To Defraud the Public and the United States. The same argument applies. The public is not protected when any citizen can be singled out, especially one seeking to report government corruption of the worst type, and be stripped of the protections described within this brief. Criminal contempt must be a deterrent to offenses against the

public. *Falstaff Brewing Corporation*, 702 F.2d 770 (9th Cir. 1983). Defendant is one of the nation's most qualified air safety experts. He held federal air safety responsibilities in the most crash-plagued airline program in the United States. He has insider knowledge of air disaster-related corruption that parallels other government scandals such as HUD, savings and loan, and others. If his attempts to report the hard-core federal air safety and criminal violations had not been blocked by Justice Department officials, and federal judges, if felony obstruction of justice, retaliation, had not been inflicted upon him, and if corrective actions had been taken against the federal offenses, large numbers of people would not have died. The same can be stated in the future, of the actions taken by persons such as Judge Patel, Justice Department officials, and others. There are offenses committed against the public, but they aren't committed by defendant. The criminal contempt (E.D. Cal. Nr. CR 87-0124 RAR) were one of the offenses against the public, in which death occurred numerous times. The same is now being duplicated as every party touched by this scheme is again protecting the guilty.

3. Contempt requires that it be to vindicate the lawful authority of the court. But the suspension of the laws and Constitution of the United States, requiring defendant to commit the crime of misprision of felonies, requiring him to remain mute as the federal air safety and criminal violations continue to take a brutal toll in air disasters, are not lawful authority of any federal judge. 4. This is a case of first impression; there has never been such a case in which such a pattern of lawlessness has been inflicted upon a single citizen. The lawlessness is unprecedented in any modern society. It reflects what happens when corrupt government officials seek to protect corruption within their midst, and a determined citizen continues his responsibilities and determination to prevent the terrible harms inflicted upon innocent people. Existing law must address the nature of the crimes as

federal officials, in this case, Justice Department officials, misuse their office in a criminal manner to sentence defendant to prison, after they have already destroyed him financially and otherwise!

VI. **VOID ORDERS CANNOT SUPPORT A CRIMINAL CONTEMPT ORDER**

A. A party cannot be held in contempt for violating a void order. An order rendered in violation of law is a nullity. A void judgment is not entitled to the respect accorded a valid adjudication. All proceedings founded on the void judgment are themselves regarded as invalid. A void judgment is regarded as a nullity, and the situation is the same as it would be if there were no judgment. 30A Am Jur Judgments 43, 44, 45. It is attended by none of the consequences of a valid adjudication. It has no legal or binding force or efficacy for any purpose or at any place. ... It is not entitled to enforcement ... All proceedings founded on the void judgment are themselves regarded as invalid. 30A Am Jur Judgments 44, 45. See attached exhibit "F" for further law on void orders.

VII. **MISUSE OF FEDERAL OFFICES IN CRIMINAL ENTERPRISES**

The evidence shows a pattern of misuse of federal judicial offices, and Justice Department raw power, by Justice Department attorneys and federal judges/justices. For instance:

1. Punishing defendant for exercising rights and protections under the laws and Constitution of the United States. Defendant sought refuge from the pattern/conspiracy of civil, constitutional, and criminal violations committed in the California action for eight years (Exhibit "A"), and from the great harms inflicted upon defendant. (Exhibit "D.") Repeatedly, federal judges/justices, in a judicial Ponzi scheme, inflicted harm, retaliated, against defendant, when defendant exercised federally protected rights, as he desperately sought relief from shocking harms inflicted upon him by the very same judges/justices paid and entrusted to uphold the laws and Constitution of the United States. These harms included

2. Financial sanctions;

3. Criminal contempt charges and five continuing years of persecution, in

retaliation for exercising rights and protections under the laws and Constitution of the United States, and in retaliation for reporting federal crimes. (Violates, inter alia, Title 18 U.S.C. 241, 1512, 1513, 4, 3, 2, 371, 35, 1001, 2071.)

4. Three periods of federal incarceration in retaliation for having exercised rights and protections in the laws and Constitution of the United States, and for reporting federal crimes committed by federal officials, including the same federal officials who brought about defendant's incarceration.

5. Corruptly, unlawfully, unconstitutionally, seized defendant's multi-million dollar assets, his business, his retirement home, after defendant exercised the protections in Chapter 11 seeking to escape the persecution occurring in the California courts, aided and abetted by federal judges and justices.

VIII. INABILITY TO OBTAIN A FAIR TRIAL DUE TO GRAVITY OF THE CRIMES COMMITTED BY THE SAME JUSTICE DEPARTMENT OFFICIALS AND FEDERAL JUDICIARY THAT ARE IMPLICATED IN THE FEDERAL OFFENSES

The constitutional right to a fair and impartial trial is impossible to obtain under the conditions existing. Justice Department officials have engaged in a series of grave felonious acts that turned into capital offenses with the deaths in certain airline crashes made possible by the obstruction of justice. Justice Department officials are implicated in the nation's worst criminal racketeering enterprise, Chapter 11, implicating powerful law firms, federal judges, and others. Among the major federal crimes committed by Justice Department officials are the following:

1. **Coverup by Justice Department officials of the capital crimes committed by federal officials, and officials at United Airlines**. The coverup made possible the continuing airline crashes and deaths in which the direct causes of specific airline crashes were caused to occur by the federal air safety and criminal offenses defendant discovered as part of his federal air safety duties. Justice Department officials:

2. **Obstruction of justice**, when defendant sought to present testimony and

evidence of the crimes;

3. **Tampered with federal grand juries** when defendant sought to circumvent the high administrative block, and in that manner blocked defendant's report, testimony, and evidence.

4. **Moved to unlawfully dismiss every federal action in which defendant sought to report the federal crimes**, sought to present testimony, and sought to present evidence.

5. **Misused the Chapter 11 racketeering activities**, under the control of the Justice Department, against defendant, after defendant sought refuge in Chapter 11 from the conspiracy of hard-core civil, constitutional, and criminal violations, initiated by the law firm of Friedman, Sloan, and Ross, controlled by Justice Department officials. Extent of this corruption is shown by the Justice Department activities in *Inslaw*, by its protection of Duck's embezzlement for a ten-year period, for its refusal to act on the rampant Chapter 11 corruption.

6. **Misused the power of the Justice Department to imprison defendant**, commencing in early 1987, in retaliation for seeking to report the federal crimes to a federal court (violating 18 U.S.C.. 1512, 1513), and as punishment for exercising rights and protections under the laws and Constitution of the United States (violating 18 U.S.C.. 241).

7. **Felony conspiracy with others to block defendant's reporting of the crimes**, including the Friedman law firm; attorneys; California judges; federal judges. Discovery may reveal the awesome extent of this defrauding of the United States.

8. Circumstantial evidence had strongly indicated that the law firm of Friedman, Sloan and Ross was a front for either the CIA or the Justice Department. Information recently acquired indicates that the covert relationship is with the Justice

Department. The facts indicate that California judges/justices knew this, and that federal judges/justices knew this. Both groups aided and abetted the record-setting numbers of violations of large numbers of clear and settled California statutes, federal statutory and case law, and basic constitutional protections. For eight years these violations continued, inflicting grave harms upon defendant. Even after the state action was removed to federal court, and the state judges absolutely lacked jurisdiction, they continued to render orders inflicting grave harms upon defendant. Despite these shocking outrages that makes a mockery of our form of government, and of the laws and Constitution of the United States, every California judge and justice, every federal judge and justice, that became involved, committed major violations of federal civil right and criminal statutes, protecting the Friedman law firm.

SUMMARY

This brief addresses shocking violations of the rights and protections under the laws and Constitution of the United States, that shocks the conscience. It only makes slight reference to the hard-core pattern of criminal acts by federal officials, that have grave implications for our form of government. The issues are not limited to what has been done to defendant. The proof exists that segments of the government of the United States has been converted into criminal enterprises, with harms inflicted upon the United States, its citizens, and defendant, that are not academic or theoretical subversive acts. They are hard-core criminal acts committed by officials in positions of trust, and especially by attorneys in the U.S. Department of Justice, federal judges, and others acting under color of federal law.

There is little possibility defendant will prevail. Not because the law isn't overwhelmingly on his side. But because of the eight years, and more, of solid misconduct, criminal misconduct, by a conspiracy of federal officials, inflicting great harms upon defendant, and upon the United States. The federal civil right and criminal offenses, and offenses against the United States, are so blatant,

and so outrageous, that it requires felony obstruction of justice/misprision of felonies, by every known government and non-government check and balance, to carry out the scheme described herein.

Openly, Justice Department officials engage in criminal harassment and persecution, of a victim, for having exercised rights and protections under our form of government, seeking relief from government-funded persecution, and for having the "audacity" to report federal crimes by federal officials, who have turned government agencies into racketeering activities inflicting harms upon the citizens of the United States. The eight years and more of judicial misconduct are not isolated instances of malfeasance, misfeasance, obstruction of justice, criminal acts; they are obviously coordinated, in a felony conspiracy, that constitutes one of the gravest threats to our form of government.

Defendant has described parts of this grossly shocking established pattern of outrageous misconduct that violates sthe universal sense of justice. Yet, not a single person within the United States has the moral and legal sense of responsibility to intervene in the trauma inflicted upon our government and our citizens.

At this stage the conspirators have done the following key harms to defendant:

A. They are in the finishing stages of financially destroying him, converting him a multi-millionaire to a state of poverty.

B. Destroyed defendant's business. At 68 years of age, he is without assets, without income, destroyed financially, his credit worthiness destroyed for life.

C. Repeated humiliations that defy description.

D. At this moment, defendant is ordered out of his home, onto the streets, stripped of his business, his assets, his ability to earn money.

E. Again facing federal prison, after almost five years of imprisonment or threats of imprisonment, in retaliation for exercising rights and protections under our form of government, and

in retaliation for a victim reporting federal crimes perpetrated by federal officials, including the officer of the court, embezzler Charles Duck, federal judges/justices who aided and abetted in these and other crimes.

F. Attempting to discredit defendant, and possible imprison him in a federal prison hospitals, the Justice Department attorneys who have inflicted such great harms upon defendant, others, upon the United States, seek to have him declared mentally incompetent, to protect their sordid crimes.

G. Attempts to bring about a cardiac arrest.

H. These nine years of outrages were inflicted using as the base the preposterous argument advanced by the Friedman law firm that 22 years of multiple judgments, of lawfully acquired property rights, are all void, because a court 22 years ago exercised personal jurisdiction in a bilateral consent divorce action on the basis of residence, and that this universally recognized and exercised right would not apply to defendant, and therefore these lifetime of rights are void.

The mere fact that this court has not taken *sua sponte* actions to bring a halt to these criminal outrages, reflects what is comning. This court has supervisory responsibilities over the outrages inflicted by Chapter 11 judges, by Justice Department attorneys, by the Friedman law firm acting as a covert front for Justice Department officials as they carry out covert persecution of American citizens, to silence their reporting of federal crimes.

RELIEF REQUESTED

Therefore, it is requested that:

1. Summary judgement, dismissing the criminal contempt charge.

2. Parties be forever barred from suspending defendant's civil and constitutional rights.

3. This court meets its responsibilities, including those under Title 18 U.S.C. 4 (misprision of felonies), and provide defendant court access to present further information on the federal air safety and criminal acts, to provide testimony, and the voluminous evidence.

4. Under Title 18 U.S.C.. 3006A, provide defendant with investigators and expert legal counsel to assist in arranging the evidence in a form most suitable for presentation to the court.

1. Respond to defendant's previous requests. This includes

a. Request to vacate release bon and release condition requirements. This onerous requirement further destroys defendant's liberties, his freedoms. Surely the court has enough evidence at this stage to prove the record-setting outrages inflicted by a group of cowardly thugs that have gravely harmed defendant; that have inflicted great harms upon American citizens; and are defrauding the United States as never before reported.

b. Request to take judicial notice of Title 18 USC 241 violations and other crimes. Under federal criminal statutes, federal civil right statutes, this court has responsibility to take sua sponte actions to have independent and multiple investigations of these serious offenses committed by federal officials.

Dated: March 4, 1991.

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Rodney F. Stich
Defendant in pro se

DECLARATION

I, Rodney Stich, declare that these statements are true to the best of my knowledge and belief. Executed this fourth day of March 1991 in the town of Alamo, State of California.

Rodney F. Stich

2. The injunctive orders barred defendant from reporting federal crimes in Chapter 11, including the record-setting single-case Chapter 11 embezzlement by officer of the court, trustee Charles Duck. This pattern of corruption, committed by federal officials and those acting under color of federal law, misuse federal offices to prey upon those who exercise federal protections of Chapter 11.

3. Unlawful and Unconstitutional nature of Judge Patel's March 5, 1987 order, suspending defendant's constitutional right to court access, and suspension of wholesale blocks of federal laws and Constitution. The injunctive orders blocked defendant's reporting of federal crimes, which were brought to the attention of federal judges, as required by federal criminal statutes, and which required federal judges to receive testimony and evidence. Instead, federal judges/justices blocked defendant's reports of the federal crimes, and committed serious crimes by doing so.

4. Judge Patel's March 5, 1987 order exceeded her authority and jurisdiction, reversed her lawful responsibilities to uphold the laws and Constitution of the United States, and protected those who committed a pattern of federal offenses against defendant. She simultaneously committed offenses defrauding the United States (by criminalizing federal entities and reducing the effectiveness of government positions), defrauded the air disaster victims who died or were maimed as a result of the pattern of air safety and criminal violations; defrauded those stripped of their life's assets in the Chapter 11 judicial corruption. None of the victims were any match for those aiding and abetting the conspiracy.

5. Reversed the rights and protections in federal laws and Constitution. Unlawfully and unconstitutionally dismissed the federal action (N.D. Cal. Nr. Civ 86-6046 MHP), when (a) federal case law bars the dismissal;[29] (b) violated

[29] *Dennis v.Sparks* (1980) 449 U.S. 24.

defendant's First and Fifth amendment due process and equal protection rights; (c) deprived defendant of the federal protections against the destruction of his constitutionally protected rights to property, privacy, quality of life.

6. Reversed the criteria for the frivolous doctrine, converting the rights and protections under our form of government into frivolous acts. In repeated tactics to void the rights and protections under the laws and Constitution of the United States, via unlawful and unconstitutional dismissals, Judge Patel and other judges rendering injunctive orders fraudulently placed a frivolous label upon defendant's law suits exercising federal relief remedies against the shocking pattern of civil, constitutional, and criminal offenses. Although defendant's action (Civ 86-6046 MHP) stated multiple federal causes of action of constitutional magnitude, any one of which invoked mandatory federal court jurisdiction and relief, Judge Patel dismissed the action. This dismissal resulted in defendant suffering great harms. Defendant was converted from a multi-millionaire to a state of poverty; he was made homeless; his income was halted; his credit worthiness was destroyed for the remainder of his life; his retirement income destroyed; his children's inheritance destroyed; his quality of life, his privacy, made into a shambles. He suffered imprisonment and threats of imprisonment for over four years, in retaliation for exercising constitutionally guaranteed protections and for exercising federal criminal law responsibilities.

7. **Reversed, and violated, the legal criteria for a frivolous complaint**, to "support" the injunctive order. Seeking to support the order barring defendant from court access and protections of law, Judge Patel placed a frivolous label upon the 1986 action (86-6046 MHP). To support a frivolous label, the complaint must be absolutely devoid of any arguable merit. But a complaint is not frivolous if "any of the legal points [are] arguable on their merits." *Anders v. California* (1967) 386 U.S. 738.

8. Reversed, and violated, the legal criteria for rendering injunctive orders. The criteria for rendering injunctive orders is that the order must protect the party suffering great and irreparable harm. Defendant suffered the harm, as a result of the pattern and conspiracy of massive violations of California and federal laws, in a sham law suit barred by federal and state law, by California judges and the San Francisco law firm of Friedman, Sloan and Ross.

9. Violated federal case law by dismissing the underlying complaint. A federal judge lacks authority to dismiss a complaint that states a federal cause of action.[30] Defendant's complaint stated multiple federal causes of action. The unlawful and unconstitutional dismissal of the action in which Judge Patel sought "support" for her grossly unlawful and unconstitutional order suspending the protections under our form of government are lawless actions outside the jurisdiction of any federal judge.

10. Whistle-blower and informant law that bars charging defendant with criminal contempt for reporting federal crimes committed by federal officials. Considerable law[31] has developed to aid those whose concern for the public's welfare causes them to report offenses against the public. It is revealing that Justice Department officials blocked every attempt by defendant to report federal air safety and criminal violations identified with specific airline crashes, commencing while defendant was a federal air safety investigator, and continuing to this date. Federal judges/justices did likewise, commencing in 1974.[32] This obstruction of justice,

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[30] *Dennis v. Sparks* (1980) 449 U.S. 24.

[31] *Silkwood v. Kerr-McGee Corp* (1984) 464 U.S. 238; *Farmer v. Carpenters* (1977) 430 U.S. 290; *Olguin v. Inspiration Consolidated Copper Company*, 740 F.2d 1468 (9th Cir. 1984); *Garibaldi v. Lucky Food Stores, Inc*., 726 F.2d 1367 (9th Cir. 1984); *Walsh v. Consolidated Freightways, Inc*., 278 Or. 347, 5663 P.2d 1205 (1977); *Hentzel v. Singer Co*., 138 Cal.App. 290 (1982); *Stokes v. Bechtel North American Power Corp*., 614 F.Supp. 732 (9th Cir. 1985); *Wheeler v. Caterpillar Tractor Co*., 108 Ill.2d 502, 485 N.E.2d 372 (1985).

[32] **Early federal actions in which Stich sought to report federal crimes related to major**

misprision of felonies, contributed to the continuation of the tragedy-riddled federal air safety and criminal violations. Under the First and Fourteenth amendments to the U.S. Constitution, state and local governments are prohibited from retaliating against whistleblowers.[33] In 1968 the U.S. Supreme Court held that the First Amendment protects government employees who express public dissent.[34] The First Amendment protects those who express public dissent.[35]

So important is the right to report misconduct, as a public policy, and certainly when committed by federal officials in positions of trust, that rather then limiting causes of action to public policy exception, traditional causes of action can be included, including intentional infliction of emotional distress,[36] fraud, invasion of privacy,[37] defamation.

11. **Crime reporting requirements.** Defendant's complaint met federal criminal statute requirements[38] to report federal crimes committed by federal

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airline crashes. *Stich v. United States, et al*., 554 F.2d 1070 (9th Cir.) (table), *cert. denied*, 434 U.S. 920 (1977)(addressed hard-core air safety misconduct, violations of federal air safety laws, threats against government inspectors not to report safety violations and misconduct); *Stich v. National Transportation Safety Board*, 685 F.2d 446 (9th Cir.)(table), *cert. denied*, 459 U.S. 861 (1982))(addressed repeated criminal falsification of official airline accident reports, omitting highly sensitive air safety misconduct, making possible repeated crashes from the same sequestered problems); Amicus curiae brief filed on July 17, 1975, in the Paris DC-10 multi-district litigation, *Flanagan v. McDonnell Douglas Corporation and United States of America*, Civil Action 74-808-PH, MDL 172, Central District California.)(addressing the long standing FAA misconduct, of which the coverup of the DC-10 cargo door problem was one of repeated instances of tragedy related misconduct); U.S. v. Department of Justice, District of Columbia, Nos. 86-2523, 87-2214, and other actions filed by claimant seeking to expose and correct the powerful and covert air disaster misconduct.

[33] *Antioch Law Journal*, Vol. 4, Summer 1986. pp. 99-152.

[34] *Pickering v. Board of Education* (1968) 391 U.S. 563.

[35] *Grivhan v. Western Line Consolidated School District* (1979) 439 U.S. 410.

[36] *Lucas v. Brown & Root, Inc*., 736 F.2d 1202 (8th Cir. 1984); *Kelly v. Gen. Tel. Co*., 136 Cal.App.3d 278.

[37] *Payton v. City of Santa Clara*, 183 Cal.Rptr 17, 132 Cal.App. 3d 152.

[38] As required to be reported by federal criminal statutes, including Title 18 U.S.C. . 4 (misprision of felony).

officials. It would have been a crime if defendant had not reported the federal crimes to a federal court. Many people are in prison today, charged by Justice Department officials with the federal offense of misprision of felony, for failure to report federal crimes to a federal tribunal. Defendant reported the following federal crimes in his federal complaints:

12. Federal air safety and criminal violations related to a series of fatal airline crashes.

13. Federal crimes and racketeering activities in Chapter 11 proceedings by officers of the court, federal judges, and non-government accessory to the crimes.

14. Federal crimes, including Title 18 U.S.C.. 241 (harming a citizen for having exercised rights and protections under the laws and Constitution of the United States); 1512 and 1513 (retaliating against a victim for trying to report, or reporting, to a federal court, the existence of a possible crime.