



1 RODNEY F. STICH
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5 Appellant in pro se

6 UNITED STATES COURT OF APPEALS
7 DISTRICT OF COLUMBIA

9 RODNEY F. STICH

) Case No.: 02-5240

11 Appellant/Plaintiff,

) STATEMENT OF ISSUES
) RAISED IN THIS APPEAL

12 vs.

13 U.S. GOVERNMENT; NINTH CIRCUIT
14 COURT OF APPEALS; et al

15 Appellees, Defendants

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- 17 1. The issues to be raised on appeal includes the following violations of procedural and
18 substantive due process, obstruction of justice, and improper judicial support for unlaw-
19 ful and unconstitutional injunctive order. That order had as its intent and effect (a)
20 blocking the reporting of criminal activities to a federal court under the federal crime
21 reporting statute; and (b) blocking appellant’s federal defenses against massive viola-
22 tions of federally protected rights that were a key part of the efforts to halt Appellant’s
23 reporting of criminal activities implicating key people in government.
- 24 2. The *procedural due process violations* on which this appeal is based includes Judge
25 Kennedy’s sua sponte dismissal shortly after the case was filed. This dismissal:
26 a. Violated federal law barring sua sponte dismissal.¹

28 ¹ Sua Sponte Dismissal Is Barred By Federal Case Law. “It is error to dismiss a claim on the merits without notice, a hearing, and an opportunity to respond.” *Anderson National Bank v. Lueckett* (1944) 321 U.S. 233, 246. (“We held in *Harmon v. Superior Court*, 307 F.2d 796, 796 (9th Cir. 1962) that the right to a hearing on the merits of a claim over which the court has jurisdiction

- 1 b. Violated federal due process laws barring dismissal when the complaint states
2 facts raising a federal cause of action for which federal remedies exist. Multiple
3 federal causes of actions were clearly stated in the Complaint. Further, the law
4 clearly requires that the allegations stated in the complaint must be accepted as
5 true in preventing dismissal of actions stating such federal causes of actions.²
6 c. Violated the due process protection under the Fifth Amendment to the Constitu-
7 tion.³
8 d. Violated the *equal protection* of the U.S. Constitution.⁴
9 e. Violated the right to discovery by sua sponte dismissing Appellant's filing
10 shortly after it was filed.
11 f. Violated the right to findings of facts and conclusions of law.
12 3. The sue sponte dismissal violated *substantive due process rights* by denying to Appel-
13 lant the right to relief provided by the:
14 a. Civil Rights Act (42 U.S.C. §§ 1983-1986), to address the massive violations of
15 state and federal laws and constitutional protections under color of state law. The
16 facts show that these violations were part of a scheme initiated by a CIA-front
17 law firm seeking to halt exposure of criminal and subversive activities implicat-
18 ing people in key positions in the three branches of the federal government. By
19 destroying Appellant's \$10 million in real estate assets the scheme sought to im-
20 poverish Appellant and thereby halt his exposure activities.
21 b. RICO (1961-1965), to address the predicate acts that combined massive civil
22 rights violations with criminal acts to halt Appellant's exposure of the criminal
23

24 is of the essence of our judicial system, and the judge's feeling that the case is probably frivolous does not justify by-passing
25 that right. Appellant is entitled to have process issued and served, and to be heard.”

26 ² Federal courts must accept as true the allegations in the complaint and supporting affidavits as true. (See, e.g., *Gardener v.*
Toilet Goods Assn., 387 U.S. 167, 172 (1967). If Appellant's allegations state a claim for which federal courts can grant relief,
the court must accept jurisdiction. The United States Supreme Court stated in *Dennis v. Sparks*, 449 U.S. 24 (1980).

27 ³ The Fifth Amendment to the United States Constitution: No person shall be ... deprived of life, liberty, or property, without
due process of law;

28 ⁴ The First Amendment to the United States Constitution states:

Congress shall make no law ... prohibiting the free exercise thereof; or abridging the freedom of speech, ... or the right of the
people ... to petition the Government for a redress of grievances. The rights stated in the Fourteenth Amendment, Section 1
have been held to apply in federal courts also. No state shall make or enforce any law which shall abridge the privileges or
immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process
of law; nor deny to any person within its jurisdiction the equal protection of the law.

1 and subversive activities.

2 c. FTCA (1346(b), 2671-2680), to address the tortious acts of people employed by
3 the federal government, including federal judges, engaging in a documented pat-
4 tern of civil and constitutional violations and criminal violations, that affected
5 national and international commerce—and particularly the success of the 19 hi-
6 jackers on September 11, 2001.

7 d. Declaratory Judgment Act⁵ and Supreme Court’s Void Order Doctrine,⁶ to ob-
8 tain a declaration of rights that are in dispute, including the following:

9 i. Reinstate Appellant’s civil and constitutional rights that were taken from
10 him by a series of unlawful and unconstitutional injunctions rendered by
11 federal district and appellate judges. These injunctions permanently de-
12 prive Appellant the legal rights, the legal protections, and the legal de-
13 fenses guaranteed by the laws and Constitution of the United States. The
14 intent, and definitely the effect of these orders, was to (a) block Appel-
15 lant and his group of other former government agents from reporting the
16 criminal and subversive activities in government offices to federal courts
17 under the mandatory requirement of the federal crime reporting statute
18 (18 U.S.C. § 4) and his right as a citizen under Title 28 U.S.C. § 1361;
19 and (b) to block Appellant from exercising the multiple federal defenses
20 against the unprecedented judicial violations of state and federal laws
21 that criminally stripped Appellant of the \$10 million in real estate assets.
22 These assets were knowingly used to fund Appellant’s constitutional
23 right to inform the public of massive corruption in government offices,
24 including the federal courts.

25
26 ⁵ Declaratory Judgment Act (Title 28 U.S.C. §§ 2201, 2202), FRCivP 57, and related law.

27 ⁶ An illegal order is forever void. An order that exceeds the jurisdiction of the court, is void, or voidable, and can be attacked in
28 any proceeding in any court where the validity of the judgment comes into issue. (See *Rose v. Himely* (1808) 4 Cranch 241, 2 L
ed 608; *Pennoyer v. Neff* (1877) 95 US 714, 24 L ed 565; *Thompson v. Whitman* (1873) 18 Wall 457, 21 L ed 897; *Windsor v.*
McVeigh (1876) 93 US 274, 23 L ed 914; *McDonald v. Mabee* (1917) 243 US 90, 37 Sct 343, 61 L ed 608. A judgment may not
be rendered in violation of constitutional protections. The validity of a judgment may be affected by a failure to give the consti-
tutionally required due process notice. *Earle v. McVeigh*, 91 US 503, 23 L Ed 398.

1 ii. Declare as void the orders taking and liquidating Appellant's \$10 million
2 in assets that were rendered while violating major due process protec-
3 tions. The orders taking Appellant's life assets violated the legal and
4 constitutional requirement of a hearing, notice of hearing, legally recog-
5 nized cause, and were rendered without personal jurisdiction following
6 the signing of orders refusing to accept jurisdiction. Further, to protect
7 the corrupt judicial seizure of assets, federal judges rendered unlawful
8 and unconstitutional orders barring Appellant from filing objections or
9 appeals unlawful and unconstitutional seizure and liquidation. When
10 Appellant did exercise these protected rights, federal judges unlawfully
11 removed the filings and then feloniously⁷ charged Appellant with crimi-
12 nal contempt of court for exercising these due process rights, and sen-
13 tenced Appellant to federal prison. This right arises under the Supreme
14 Court's void order doctrine.

15 iii. A declaration of legal rights and legal relations established in five judg-
16 ments that were taken in violation of large numbers of state and federal
17 laws and constitutional protections. There currently exists contradictory
18 legal rights and legal obligations between five judgments establishing
19 Appellant's legal rights and legal obligations and a California judgment
20 issued 22 years later by a California judge, who violated large numbers
21 of state and federal laws and constitutional substantive and procedural
22 due process rights. (These violations were part of a scheme by the San
23 Francisco CIA-front law firm of Friedman, Sloan and Ross to strip Ap-
24 pellant of the assets that funded his exposure activities. To this day, fed-
25 eral judges have aided and abetted the massive violations of federally
26 protected rights as they simultaneously blocked the reporting of hardcore
27 criminal and subversive activities. Every attempt by Appellant to exer-
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⁷ It is a felony to inflict harm upon a person for exercising constitutional due process rights. (18 U.S.C. § 241)

1 cise federal defenses against these violations have been blocked, with the
2 added insult of accusing Appellant of frivolous acts, and a vexatious liti-
3 gant, for exercising the specific defense remedies for hardcore violations
4 of federally protected rights.

5 4. Obstructed justice by again blocking the reporting of hardcore criminal and subversive
6 activities to a federal court under the federal crime reporting statute, thereby violating
7 the clear language of Title 18 U.S. C. § 4.⁸ Appellant's federal filing sought to report to
8 a federal court the federal crimes that Appellant and his group of other former and pre-
9 sent government agents⁹ had discovered. Judge Kennedy blocked the reporting of these
10 crimes, continuing the pattern of prior federal judges. The issues to be decided in this
11 matter are:

- 12 a. Whether a federal judge has the right to block the reporting of federal crimes
13 under the clear wording of the federal crime reporting statute and whether, by
14 obstructing justice, that judge commits a felony under Title 18 U.S.C. §§ 2 and
15 3.
- 16 b. Whether, by inflicting great personal and financial harm upon a former federal
17 air safety agent and witness for seeking to report federal crimes to a federal
18 court, they committed additional felonies under Title 18 U.S.C. §§ 1510, 1512,
19 and 1513.
- 20 c. Additionally, what role the federal judges, and the defendants in Appellant's
21 lawsuits that the judges were protecting, played in the events of September 11,
22 2001, that resulted in 3,000 deaths from the success of 19 hijackers seizing four
23 airliners. Appellant is a highly qualified aviation safety expert with documented
24 knowledge of deep-seated corruption in the government offices responsible for
25 carrying out the government's air safety responsibilities.

26
27 ⁸ Title 18 U.S.C. § 4. Misprision of felony. Whoever, having knowledge of the actual commission of a felony cognizable by a
28 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.

⁹ The government agents that provided Appellant with information and evidence of criminal, and even subversive activities,
included agents of the FBI, DEA, FAA, Secret Service, Customs, CIA, and other government offices.

- 1 5. *Bivens* action, based upon the long serious of continuous violations of civil and consti-
2 tutional rights by people acting under color of federal law.
- 3 6. Each of these federal violations and federal causes of actions were intimately associated
4 with the schemes to silence Appellant, which in turn permitted criminal and subversive
5 activities to continue. The deadly consequences occurred numerous times in the past.
6 The consequences of these criminal activities, which include federal judges, were the
7 deaths of 3,000 people in a single morning. However, the harmful consequences for the
8 United States and its people go far beyond the aviation sector.
- 9 7. To be addressed is the injunctive order rendered by former CIA legal counsel and U.S.
10 district judge Stanley Sporkin rendered 11 years ago¹⁰ that violated every legal require-
11 ment¹¹ for an injunction and that permanently stripped Appellant of all legal rights, legal
12 protections, and legal defenses. That obviously unlawful and unconstitutional order¹²
13 that Judge Kennedy relies upon to deny Appellant equal protection of the law, all pro-
14 tectations of the laws and Constitution, knowingly accomplished several civil rights and
15 criminal violations: (a) It blocked reporting of the criminal and subversive activities that
16 Appellant and his group of other government agents had discovered; (b) it barred
17 Appellant from the defense protections guaranteed by the laws and Constitution of the
18 United States; (c) it aided and abetted those people who were committing crimes
19 against the United States; and (d) played a key role in the great harm, and the deaths,
20 arising from the misconduct.
- 21 8. In addition to the termination of due process and equal protection of the law, manner in
22 which the injunction was rendered violated the law:
- 23 a. Injunctions must halt great and irreparable harm. Appellant was the person suf-
- 24

25 ¹⁰ September 23, 1991.

26 ¹¹ FRCivP65.

27 ¹² The injunctive order deprives Appellant of "life, liberty, ... property, ... due process of law." It deprives Appellant the right to
28 petition government for address of grievances, deprives Appellant the right to court access, deprives appellant the rights, privi-
leges and protections under Congressionally passed statutes, fundamental constitutional due process and equal protection. Judi-
cial violation of every relevant protection under federal and constitutional law for the past five years has protected those com-
mitting major violations of the Civil Rights and RICO Acts, and violations for which relief is available under the declaratory
judgment statutes, under constitutional provisions invoked under Title 28 U.S.C. §§ 1331 and 1343. The injunctions have been
intertwined with federal judges blocking the reporting of criminal and subversive activities that have enabled horrendous harm
to be inflicted upon the United States and its people.

1 fering the great and irreparable harm, and the order deprived *him* of the federal
2 defenses against the massive violations of federally protected rights.

- 3 b. Injunctions must halt unlawful acts. The injunctive order *protected* the unlawful
4 acts of persons repeatedly violating blocks of state and federal laws and encour-
5 aged them to continue their misconduct that made a mockery of the rule of law,
6 justice, and the laws and Constitution of the United States. It made the federal
7 courts a literal criminal enterprise, along with the documented pattern of other
8 grave judicial offenses.
- 9 c. Injunctions must be in the public's interest. Injunctive orders that block the re-
10 porting of the type of criminal activities (including those that played key roles in
11 the events of September 11, 2001), or that terminates civil rights, or that encour-
12 ages lawless activities, are not in the public's interest.
- 13 d. Violated the requirement for the judge rendering the injunctive order to issue
14 finding of facts showing that these requirements had been met.¹³
- 15 e. In addition, the injunction rendered by Judge Sporkin caused the continuation of
16 the criminal activities that Appellant sought to report that played a role in the
17 corruption affecting aviation safety matters: the success of 19 hijackers. Rather
18 than address these judicial crimes, the culture in the federal courts has been to
19 protect the guilty, showing contempt for the United States, its people, and prior
20 victims.
- 21 f. By obstructing justice, the injunctions, and the judges issuing the unlawful and
22 unconstitutional orders, became criminally complicit¹⁴ in the 3,000 deaths on
23

24 ¹³ Rule 52(a) requires the court in granting or denying a preliminary injunction, "... shall ... set forth the findings of fact and
25 conclusions of law which constitute the grounds of its action."

26 ¹⁴ Title 18 U.S.C. § 2. Principals. (a) Whoever commits an offense against the United States or aids, abets, counsels, com-
27 mands, induces or procures its commission, is punishable as a principal. (b) Whoever willfully causes an act to be done which
28 if directly performed by him or another would be an offense against the United States, is punishable as a principal.

Title 18 U.S.C. § 3. Accessory after the fact. Whoever, knowing that an offense against the United States had been committed,
receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an ac-
cessory after the fact.

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.

