In the District Court of the United States
For the District of Columbia

Mark Crumpacker,	§	
Plaintiff	§	
V.	§	**District Cause No. 1:16-CV-1053 (TSC)**
Ms. Caroline Ciraolo-Klepper,	§	
Mr. Michael Martineau,	§	
Mr. Mark J. Langer,	§	
Personally,	§	
Comm'r., Internal Revenue,	§	
United States Attorney General,	§	
And 2 Unknown-named IRS/DoJ attorneys,		
Defendants	§	
	§	
United States of America,	§	**COUNTERCLAIM**
CounterClaim Plaintiff,	§	
V.	§	
Mark Crumpacker,	§	
Michael Ellis, and	§	
Robert McNeil,	§	
CounterClaim Defendants,	§	
	§	
Mark Crumpacker	§	**CROSS-COUNTERCLAIM**
14933 Daffodil Avenue	§	
Canyon Country, California 91351	§	
	§	
Robert A. McNeil	§	
729 Grapevine Hwy. #148	§	
Hurst, Texas 76054	§	
	§	
Michael B. Ellis	§	
5052 N.E. County Road 0220	§	
Rice, Texas 75155	§	
	§	
Louis Ronald DePolo	§	
462 Birchwood Drive	§	
Garland, Texas 75043	§	
	§	
Gary S. Dwaileebe	§	
PMB 456	§	
Goffstown, New Hampshire 03045	§	

James W. Morris §
9317 Frenchman's Way §
Dallas, Texas 75220-5039 §
§
William B. McGarvin §
2977 Hwy. K, Apt. 235 §
O'Fallon, Mo. 63368 §
§
Adele Podgorny §
c/o 11445 E. Via Linda Ste 2-262 §
Scottsdale, Arizona §
85259-2655-995 §
Cross CounterClaim Plaintiffs §
Versus §
And United States of America, §
Cross-CounterClaim Def't. §

OBJECTION to CONSOLIDATION WITHOUT CERTIFICATION
&
MOTION TO RECUSE The HON. CHRISTOPHER R. COOPER

Introduction

Plaintiff strenuously objects to

1. The apparent manipulation of dockets by the Honorable Judges Ellen S. Huvelle and Amy Berman Jackson, in likely conjunction with other, unnamed, members of the Calendar and Case Management Committee, to prevent the just outcome of Class cases filed to terminate the IRS/DoJ record falsification program; to
2. The consolidation of this case with others in its Class, but without Notice or Opportunity to Oppose that consolidation, which was made in deliberate derogation of Plaintiff's and other Class victims' requests to FIRST Certify the Class, then appoint counsel at Government expense, and only afterward to Consolidate their cases; to the

3. Stripping of Plaintiff's case from the docket of the Honorable Tanya Chutkan, to the
4. Reassignment of Plaintiff's case to Judge Chris Cooper who a.) has been presiding for eight (8) months in mute, impotent silence over *Dwaileebe v. Commissioner*, 1:16-CV-420, while watching the DoJ commit multiple acts of misprision of felony *in his very presence*,[1] and who b.) appears to lack the necessary experience to deal with the DoJ's lawless efforts to defraud the Class.

Accordingly, Plaintiff moves for relief spelled out below, including the recusal of Judge Cooper, who likely consented to, and was possibly directly involved in the unjust decision to consolidate all remaining Class cases on his docket, without certification of a Class or appointment of counsel.

Background

In his Complaint, ¶ 31, Plaintiff noted that

"A number of cases have been filed in the Federal District Court for the District of Columbia by other Class victims of the IRS/DoJ 'income tax' exaction record falsification scheme. Plaintiff's case belongs to that Class. Those cases are producing unprecedented lawlessness in the Courts...."

For example, on Sept 27th, 2016, "Ellen S. Huvelle" appears to have issued an unsigned document purporting to reassign *Morris v. McMonagle*, 1:16-CV-1384, removing that case from

[1] In Plaintiff Dwaileebe's Motion to Notice Sanction of DoJ Attorneys in State of Texas v. United States, and to Sua Sponte Sanction DoJ Attorneys, he noted SEVEN (7) material factual misrepresentations concerning his allegations authored by the unsworn DoJ attorney Ryan O'Connor McMonagle on just the FIRST PAGE of his Motion to Dismiss, including this gem:

> "Plaintiff...alleges that the IRS 'fabricated' its records" (sic) "to reflect that it had prepared a return on his behalf for certain tax years. He alleges that, in preparing those returns, the IRS improperly presumed that he paid zero income tax."

Contrary to that ludicrous misstatement of the Class' allegations, IRS never prepares substitute income tax returns on any date, but makes a single transaction in its Master File software, (TC 424 containing an 036 Push Code), and calls that a substitute income tax return. Judge Cooper has remained mute.

Judge Kollar-Kotelly and assigning it to J. Chris Cooper, without providing Plaintiff Morris opportunity to even become aware of, let alone oppose that reassignment.

Plaintiff contends there is NO newly acquired evidence or discovery upon which Ms. Huvelle or her Committee members could have LEGITIMATELY relied to justify the sudden, secret removal/reassignment on Sept. 27th.[2]

For another example, many victims filing suit in D.C., including Messrs. Morris, Dwaileebe and Ms. Podgorny, have moved to Certify a Class, either informally in their Complaints or formally, (See Motion to Certify Class, in this case, 1:16-CV-1053, filed on or about Sept. 20th, 2016), to consolidate cases and to appoint government-financed counsel.[3] But, instead of certifying the Class, appointing counsel, *then* consolidating their cases, the Committee is manipulating dockets, secretly removing Class cases from benches where Judges exhibit outstanding personal integrity, and consolidating Class cases without certification of the Class and without appointment of counsel.

For yet another example, on Sept. 27th, 2016, after reviewing Plaintiff Podgorny's powerful Motion to Recuse the Honorable Amy Berman Jackson, who was credibly, irrefutably, but very respectfully, presented with multiple "facts" she fabricated and upon which she based dismissal

---

[2] The obvious relation of the Class cases to each other was NOT something that suddenly dawned on the "Calendar and Case Management Committee", (CCMC), on Sept 27th. The likely cause of the secret consolidation is discussed below.

[3] See Plaintiff's First Amended Complaint, ¶77 wherein he requested the Court to: "Certify this case as one of the Class, and consolidate all cases filed involving the IRS/DoJ record falsification scheme into a single case, for review by a Judge with experience managing class actions". In ¶100 of Plaintiff Podgorny's case she similarly asks the Court to first "Certify this case as one of the Class action" then consolidate, as does Plaintiff Crumpacker at ¶ 55 of his Complaint in 1:16-CV-1053, and Plaintiff Morris, at ¶70 of his Complaint in 1:16-CV-1384.

of *Ellis v. Commissioner* in D.C. Cause 14-471,[4] Judge Jackson unilaterally ordered *Podgorny* off her docket and onto the docket of Chris R. Cooper, J.

But, individual Judges have no authority to reassign cases from their dockets to others.[5] [See LCvR 40.4, et seq.] By the language of her minute order, Judge Jackson not only knew of the secret Committee order of consolidation and fully supported it, she is likely on the Committee herself. The ONLY new information which came to her attention concerning the Class, and thence by her to the Committee, was thus the Motion to Recuse Judge Jackson in *Podgorny*, filed on Sept 23th. Thus, no LEGITIMATE source can be claimed by her or others to justify the sudden removal and consolidation performed without advance notice to any Plaintiff on the 27th. It appears she and Judge Huvelle, (who alone may form a quorum of the Committee), are manipulating dockets to ensure the uniform dismissal of Class cases by their chosen Judge, on the basis of the fabricated "facts" Judge Jackson used to dismiss *Ellis v. Commissioner*, 14-471.

If Local Civil Rule 40.5(e) played any part in the decision to secretly, abruptly consolidate Class cases, Judge Cooper gave his consent, thus is directly involved in the plan to issue a unified dismissal of all Class cases, based on the fact fabrications made by the Honorable Judge Jackson in *Ellis*.

For a final example, on Sept **28th**, 2016, the lawless DoJ filed a "Notice of Related Cases" in this case (*Crumpacker*) AFTER the decision had already been made by Judges Huvelle and Jackson to consolidate all Class cases on Judge Cooper's docket. The DoJ "Notice" on the **28th** is a

[4] Five specific examples are cited on Pg. 8 *et seq.*, *infra*, the Section labeled: "Fact" Fabrications. Simply summarized, only by repeatedly misstating the factual allegations of Plaintiff Ellis' complaint, and attributing to Ellis types of relief he never requested, was Judge Jackson able to bring his case within the parameters of the Anti-Injunction Act and justify dismissal.

[5] It appears Judge Jackson should simply have either denied recusal for good reasons shown, or recused and allowed the Calendar and Case Management Committee to randomly assign the case per District rule. By her curious language in the minute order of Sept 27th in *Podgorny*, Judge Jackson makes it abundantly clear she herself is a Committee member, with Ellen Huvelle.

transparent "covering motion", useless as a claimed basis upon which to justify the Committee's desired consolidation, since it ludicrously notifies the Court of something upon which the Committee had already taken action, and of which the Committee provided notice *to the DoJ* via Pacer on the **27th**. [Note: In his post-consolidation "Notice" the duplicitous Ryan O'Connor McMonagle failed to mention the multiple requests *by the Class* for consolidation, but only after certification of the Class and appointment of counsel.]

Timing of the Manipulation Exposed

Attorney fraud has a distinctive odor. On August 15th, 2016, Ryan O'Connor McMonagle filed an alleged "Counterclaim" in Your Plaintiff's suit (*Crumpacker*, 16-1053), wherein McMonagle "answered" the Complaint by denying every substantive factual allegation. No DoJ attorney had ever previously addressed any of the Class' actual factual allegations, let alone denied them *in seriatim*. It appears McMonagle did so to justify filing a counterclaim as part of the DoJ scheme to obstruct justice in all Class cases, and terminate access to courts of any of the legions of victims of the IRS/DoJ record falsification scheme.

In response to McMonagle's factual denials, on Sept 8th, 2016, Judge Tanya Chutkan properly ordered the parties to jointly propose a scheduling order to be submitted by Sept. 30th 2016. Apparently, Judges Huvelle and Jackson, having been notified by the Motion to Recuse Judge Jackson from *Podgorny*, and aware of the Sept. 30th date set by Judge Chutkan to move this case normally forward, felt the need to remove *Crumpacker* from Judge Chutkan BEFORE the Sept. 30th response date. Other than the Motion to Recuse Judge Jackson, which outlined the repeated fabrication of facts upon which *Ellis v. Commissioner* had wrongly been dismissed, NO NEW INFORMATION had come to the attention of the Committee and Ms. Huvelle to justify the consolidation on Sept 27th.

Case Summary & Background

To ensure the reviewing Court does not 'misunderstand' the gravamen of Class cases, these allegations form the subject of the REVISED Motion for Summary Judgment filed in 16-1053 on or about October 13th, 2016 by the Cross-Counterclaim Plaintiffs, which include Plaintiff in this case:

- IRS admits it has no authority under 6020(b) to perform substitute income tax returns;
- IRS records prove IRS never performs substitute income tax returns on any date shown in its falsified internal records;
- IRS invariably performs a single database transaction between its IMF and AIMS databases (a "424" containing an 036 Push Code) and fraudulently labels the entry of that transaction a substitute income tax return;
- IRS invariably fabricates falsified paper certifications based on the underlying falsified IMF/AIMS records, claiming the date the 424/036 transaction was executed was the date a substitute income tax return was supposedly performed, despite the facts IRS did not execute an SFR on that date or, in income tax matters, never does on any date;
- IRS used, is using and will never stop using (until enjoined) falsified IMF records and paper certifications to justify liens, levies and seizures of the property of those IRS labels "non-filers", which is the means whereby IRS attacked each Class Plaintiff;
- Existence of the invariable, institutionalized IRS scheme to sequentially falsify federal records, and the efforts of IRS and DoJ to conceal that falsification, prove Congress did not impose upon "non-filers" any duty to file, since it requires commission of crime to enforce; and that

- DoJ is aware of the IRS program, conceals it while committing misprision of felony in the presence of courts, does not disclose its existence to juries or defendants in "willful failure to file" prosecutions, and knowingly uses IRS-falsified certifications to prove the deficiency and duty components of the willfulness element under IRC §§7201 and 7203, (thus securing a 97% conviction rate by fraud on Courts, juries and individual victims).
- IRS is using, and will continue using until enjoined, the scheme to justify attacking Plaintiff to seize his property.

All Class cases share those same core allegations, thus the same relief is sought: terminating the IRS/DoJ assault on the Rule of Law, the Constitution and on individual Americans. In no case brought to the D.C. District Court has any judge even mentioned those uncontroverted facts.

"Fact" Fabrications

With all due respect to the Honorable Judge Jackson,[6] (to whom none of the Class bear any animosity whatsoever), in dismissing *Ellis v. Commissioner*, 14-471, she appears to have errantly found the following "facts":[7]

- "[P]laintiff lists in great detail how the alleged scheme works, starting with the generation by the IRS of a Substitute for Return ("SFR") on behalf of an individual who does not file an income tax return". [Mem Op., 9/16/2014, Pg. 3 first full ¶]

Unfortunately, neither Ellis nor any other Class plaintiff had made such claim because their gravamen allegation relates the discovery that IRS **never** generates a substitute income tax return on any date claimed in its internal or public facing records. Moreover, Class Plaintiffs complain that IRS does not even treat so-called "SFR packages" as "returns", but as "Additions to tax as a result of an Examination of Collection adjustment to a tax module that already contains a TC 150

[6] The following recital quotes at length from Plaintiff's Response to Show Cause and Motion to Recuse, filed Sept.23rd, 2016 in *Podgorny*, 16-1768.

[7] The fabrications are likely inadvertent due to the complexity of the IRS scheme, but have prolonged the hideous, life-altering IRS criminal record falsification program for well over two years.

(return)". [The reviewing Court is requested to judicially notice that said errant "fact" in *Ellis*, (that Plaintiff Ellis supposedly alleged IRS generates a substitute for return), finds no basis in Ellis' complaints nor in any other filed by the Class, including this case.] That claim has never been made, because IRS never executes SFRs in income tax matters.[8]

- "Plaintiff asserts that the creation of the SFR is unlawful because it is done without a request by or permission from the taxpayer, and in some cases, he alleges that IRS falsifies its records to show that an SFR was created when one was not." [ibid. Pg. 3, first full ¶.]

Respectfully, the ACTUAL complaint of Ellis and his Co-Class members is not that SFRs are "done without request or permission from a taxpayer", but that SFRs are never done by IRS on any date at any time, yet IRS records are INVARIABLY, institutionally falsified to show IRS supposedly executed SFRs on claimed, but false dates.[9]

- "Plaintiff... goes to great lengths to assure the Court that a judgment in his favor will in no way impede the government's ability to collect *his taxes*." Emph. added

As noted above, the Court utterly ignored Plaintiff Ellis' ACTUAL fact allegations and the abundantly reasonable inferences which should have been derived therefrom, e.g., that (1.) he owes no taxes unless and until IRS fabricates the appearance of non-existent SFRs by manipulating its IMF and AIMS software, followed by "deficiencies" and, thus, fabricates evidence of corollary duties to file and to pay, and that (2.) the IMF software falsification program's existence PROVES Congress imposed no duty on "non-filers" to file or pay 'their' taxes. Instead, Judge Jackson began her analysis in complete, utter derogation of his ACTUAL

[8] If the Court claims *res judicata* of *Ellis* bars this case, please have the Government present precisely where in Ellis' Complaints he claimed IRS generates substitute income tax returns, as Judge Jackson held that he did. Obviously, since he never made that claim, *Ellis* is not claim preclusive in this case.

[9] If the Court claims *Ellis* is claim preclusive on this matter, Plaintiff requests the Court order the Government to show precisely where in Ellis' Complaint and Plaintiff's in this case they made that allegation.

fact allegations and logical inferences. That is, she leapfrogged Ellis' case allegations and the inferences which should have derived therefrom, starting instead with her presumption of liability and duty to file, then proceeds from that fairy tale to claim Ellis damaged himself, so supposedly severed the causal connection between the IRS crimes and the damaged caused thereby. Clearly Judge Jackson failed to accept, as true, Plaintiff Ellis' allegation IRS systematically fabricates records to make it appear it executes SFRs when it doesn't, the existence of which fraud proves any given "non-filer" has no duty to file or pay "his/her taxes".

- "At bottom, the goal of this action is to enjoin the IRS from creating SFRs without the permission of the taxpayer and to enjoin DOJ from using those SFRs and their self-authenticating certifications in tax prosecutions. So, Plaintiff is seeking to stop the IRS from engaging in conduct that aids in the assessment and collection of taxes.... the use of the created return directly relates to the tax assessment and is certainly an activity that resulted in the imposition of the tax liability." [Mem. Op., 9/16/14, Pg. 10, First full ¶.]

As Plaintiff has repeatedly noted for the reviewing Court, Ellis never sought to enjoin IRS from creating SFRs, since IRS never creates any, (but fabricates records showing it did, in order to conceal the fact it has no authority under 6020(b)). Thus, the Honorable Judge Jackson did not adjudicate Ellis' case, but instead adjudicated and dismissed a case she errantly brought into existence, based on *a priori* presumptions the income tax was properly imposed by Congress, and "non-filers" are liable to the tax.

Therefore, *Ellis* has no preclusive effect on this, or any other, case filed by Class members who's Fifth and Fourth Amendment rights have been destroyed by the horrific IRS record falsification program. To make this point abundantly clear, Plaintiff and his Co-Class victims complain IRS NEVER creates SFRs, but circumvents the security protections of their software to falsely show they do on certain claimed dates, and that ONLY after such falsification will the

IMF software allow IRS to enter claimed "deficiency" amounts.[10] Judge Jackson never addressed that core of Ellis' complaint, hence *Ellis* has no preclusive effect on this or any of the Class.

- "The Court has doubts that Plaintiff can satisfy the causation requirement in this case. The conduct he complains about is defendants' alleged falsification of its record systems through the creation of unrequested SFRs and the subsequent use of those SFRs and their accompanying self-authenticating certifications in tax proceedings." [Mem 9/16.14 Pg. 16, first full ¶.]

Again, that oft-repeated misstatement by Judge Jackson of Plaintiff Ellis' case, (that he supposedly claimed IRS created unrequested SFRs) proves *Ellis* has no preclusive effect on this case, since she ruled against a claim Ellis did not make.

It was the Sept. 23rd presentation by Plaintiff *Podgorny* of those multiple 'fact' errors underpinning Judge Jackson's errant dismissal of *Ellis* which propelled her to notify Ellen Huvelle of the looming problem on or before Sept 27th, when the pair secured the consent of Judge Cooper not only to receive the cases, but likely to dismiss all Class cases on the basis of the same 'fact' errors Judge Jackson committed in Ellis. Restated: there is no LEGITIMATE basis upon which the Committee removed all Class cases from before Judges Kollar-Kotelly, Chutkan and Sullivan, which removal was apparently done to obstruct the just outcome of Class cases and defeat the Rule of Law.

Experience with DoJ Fraud - Some Judges have it, Some don't

Contrary to the myth that all judges rule equally and similarly pursuant to the Rule of Law, attorneys on the bench and in front of the bench are apparently concerned that certain Judges

[10] If the Court claims Judge Jackson addressed the ACTUAL goal of ALL Class cases: preventing IRS from falsifying record to show IRS supposedly executed SFRs on claimed dates when it never did, thus allowing IRS to create the appearance of deficiencies that would not exist without the initial fraud, please have the Government cite that precise ruling by the Honorable Judge.

may NOT cooperate to destroy the Rule. One good reason all judges don't rule alike, is that some have never dealt with the type of intransigent lawlessness exhibited by the DoJ in this case, and in all cases involving the 'income tax' exaction.

For example, The Honorable Judge Emmet Sullivan prominently posts on his website a 'Standing Brady Order", in light of his experience with the DoJ, which has repeatedly violated the letter and spirit of *Brady v. Maryland*, 373 U.S. 83 (1963) by concealing exculpatory evidence. In Plaintiff's case, as a gravamen issue, he contends that the U.S. Attorney General is systematically concealing the existence of the IRS record falsification program from counsel, judges, juries and individual defendants, a precisely analogous situation to that addressed by Judge Sullivan in his Standing Brady Order. If Plaintiff's case were to be placed on Judge Sullivan's docket, there is no question the DoJ will be called to account, and the IRS/DoJ record falsification program terminated in due course.

Similarly, Sr. Judge Royce Lamberth is a renowned adversary of DoJ fraud. For example, in one of numerous scathing Memorandum Opinions issued over the nine years *Cobell v. Norton* was before his bench, he found that

"This two-week contempt trial has certainly proved that the court's trust in the Justice Department was misplaced. The federal government here did not just stub its toe. It abused the rights of the plaintiffs to obtain these trust documents, and it engaged in a shocking pattern of deception of the court. I have never seen more egregious misconduct by the federal government." [Mem. Op., 2/22/99]

If this case were placed on his docket, the secretive Calendar and Case Management Committee would likely fear Judge Lamberth, an indefatigable 'loose cannon' of unerring integrity, would hear equally shocking details of the ongoing IRS/DoJ record falsification program, and might rule against the stunning vicious fraud whereby the IRS and DoJ are destroying fellow Americans' lives.

On the other hand, Judge Chris Cooper, Judge Lamberth's successor, does not appear to have presided over any case involving allegations of Government fraud committed BY the DoJ. The contrast between Judge Cooper, and Judges experienced with palpable DoJ fraud, such as that faced and vanquished by Judges Lamberth and Sullivan, indicates to Plaintiff and the candid world that Judges "Ellen S. Huvelle", Amy Berman Jackson (with possibly others on the CCMC) are aware that all judges do not rule alike in situations involving fraud perpetrated BY the Government. The Committee members deliberately made their choice of a Judge (without notice to Plaintiff), to ensure that their pre-determined outcome of Class cases would be enforced by a single judge, whose consent they likely sought and received, with likely instructions given to ensure justice would be shaped by the course Judge Jackson chose in dismissing *Ellis*.

Further, Plaintiff is extremely concerned by the impotence and disdain shown by Judge Cooper to Plaintiff's Co-Class member Gary Dwaileebe in 1:16-CV-420, *Dwaileebe v. Martineau,* whose case before Judge Cooper has languished unheard for 8 months, despite the commission by the DoJ of multiple acts of misprision of the underlying felonious IRS program, in the very presence of the Judge. [As mentioned in Footnote 1. above, please see Dwaileebe's MOTION TO NOTICE SANCTION of DoJ ATTORNEYS in *STATE of TEXAS v. UNITED STATES*, (S. D. of Texas, 1:14-CV-254) & TO *SUA SPONTE* SANCTION DoJ ATTORNEYS, filed on or about 8 June 2016, and ignored to this date.]

Plaintiff suggests that 1.) Judge Cooper's lack of experience dealing with cases involving DoJ fraud, coupled with 2.) the unjust decision of Judge Huvelle and her secretive Committee, which apparently includes Judge Jackson and which required Judge Cooper's consent (see LCvR40.5(e)), to consolidate cases on his docket but without reason given, without LEGITIMATE reason even existing, without notice or opportunity to respond, without

Certification of the Class, and without appointment of counsel, and with 3.) Judge Cooper's proven disdain for the Class and support-by-silence of the antinomian DoJ (failing to engage in *Dwaileebe v. Martineau*), would lead any reasonable person to conclude Judge Cooper was handpicked by Judges Jackson and Huvelle to provide a unified front for the Court, and to dismiss all Class cases in support of, and on "factual" fables mirroring those upon which Judge Jackson dismissed *Ellis*, 1:14-CV-471.

Plaintiff's Reason for filing separately in the District of Columbia

The widely-known experience of Judges Lamberth and Judge Emmet Sullivan in dealing with Government fraud is the most significant reason Plaintiff filed suit in Washington, D.C.

Additionally, Plaintiff chose to file his case separately, rather than with other victims, because it is far more difficult for the Government to entice multiple judges to simultaneously pervert the rule of law, than to secure the assistance of a single judge, who can dismiss while making gigantic, but ostensible, "mistakes".

Plaintiff has the right to file his case where he desires, before a righteous judge who can assist him in re-establishing the Rule of Law in America. Instead, he is being treated to the wild-wild west experience suffered by *pro per* litigants in the Northern District of Texas, where clerks and judges manipulate the "random selection" process of case assignments, maintain multiple competing versions of the docket in cases, hide judicial orders which are never served on litigants, etc. [See Declarations of Mr. Sam Odeh and Mr. Robert McNeil, filed in *Ellis v. Langer*, 16-729, on or about April 10th, 2016, and incorporated by reference herein.]

Now *this* case has been secretly manipulated by Judges Huvelle and Jackson onto the docket of their judge of choice: the mute, Honorable Chris R. Cooper, who has not even acknowledged

Dwaileebe v. Martineau, thus personally ensuring the continuance of the underlying, criminal IRS/DoJ record falsification scheme for over eight months.

Plaintiff's Statement and Recusal Rationale

Plaintiff seeks Class status by 'virtue' of the fact the IRS record falsification program was employed against all Class members alike, in violation of their Fifth Amendment due process right ensuring the Government maintains accurate, truthful records concerning them, and by 'virtue' of the fact the Government has used, is using and will continue using falsified records to justify theft of all property owned by the Class, and as a basis for a possible criminal prosecution by the complicit DoJ. And, he has the right to have a judge of proven integrity (with experience in cases alleging Government corruption) adjudicate his case on its merits, not just suffer a dismissal as another bothersome *pro per* case "swept under the rug" along with others filed by unrepresented victims similarly situated.

With all due respect to Judge Cooper, if this case is not reassigned, any reasonable person observing the five Class cases dismissed to date, could easily conclude that the Honorable Judge will commit one or more of the following acts, as has every other judge in Class cases to date, e.g., he will

1.) ignore without even reading all allegations of every Class Plaintiff's complaint, he will

2.) refuse to grant so much as a single inference which should have been derived from those allegations, he will

3.) fabricate "facts", then attribute them to Class Plaintiffs, (committing misprision of felony to conceal and prolong the underlying criminal program), he will

4.) fail to mention, let alone apply, the equitable jurisdiction of his Court to the case, and will

5.) cite his fellow judges' dismissal orders as though dispositive of the remaining Class cases, even though not one judge has mentioned, let alone considered as true the incontrovertible factual allegations of the Class' Motion for Summary Judgment, which are based wholly on documentation provided by the Government.

Plaintiff has no need to reiterate the standards for recusal, which are well-known to the Court, and of obvious application to the improper consolidation of his case with the cases of others. The secret drive to consolidate Class cases before Judge Cooper, (who likely was involved in the decision and certainly consented to it), was engineered without notice or opportunity to object, after Judge Jackson was notified of the 'fact' errors she had committed in *Ellis*. Judge Cooper is aware he has been selected by Judges Jackson and others to conform his dismissal to those of Judge Jackson, and that the removal was made in studied disregard of the proper, repeated requests for Certification of the Class and appointment of counsel. Most importantly, a reasonable person and the candid world has watched Judge Cooper stand in helpless, mute impotence[11] in *Dwaileebe v. Martineau, et al.* since February 2016 while the DoJ has committed multiple instances of misprision of felony in his very presence. His selection telegraphs the pre-ordained outcome; and he knows what the bar expects of him: dismissed Class cases based on inapposite "precedent" and "facts" that never occurred. Hence Judge Cooper must recuse.

Relief Requested

With all respect due the Court of the Honorable Judge Cooper, Plaintiff respectfully requests him to recuse himself due to the unjust sequence whereby all Class cases were consolidated on his docket. In alternative, Plaintiff requests Judge Cooper to

[11] See *Hazel-Atlas Glass v. Hartford Empire*, 322 U.S. 238 (1944): "The public welfare demands that the agencies of public justice be not so impotent that they must always be mute and helpless victims of deception and fraud."

1. Fully consider Plaintiff's FORMAL motion to CERTIFY a Class and APPOINT Government Counsel to prosecute the IRS and DoJ, filed on or about Sept. 20th;
2. Determine whether consolidation without certification and without appointment of counsel will foster the just outcome of this case of national significance;
3. Allow no further issuance of secret orders in this case;
4. Order the Clerk to provide to Class Plaintiffs copies of any secret orders issued by the Committee in regard to the consolidation of Class cases on Sept 27th, 2016;
5. Give opportunity to oppose any secret orders issued by the Honorable Judges Ellen S. Huvelle, Amy Berman Jackson, or any others in Plaintiff's case;
6. Cease proliferating the unjust fact fabrications noted above initiated by the Honorable Judge Amy Berman Jackson in *Ellis v. Commissioner*, 14-471;
7. Acknowledge his refusal to adjudicate *Dwaileebe v. Martineau* as alone fully justifying his recusal to any reasonable person familiar with his declination and the hitherto unredressed acts of misprision committed by DoJ in his very presence,
8. Give full consideration to reassigning this case and ALL CLASS cases to either Judge Emmet Sullivan, Judge Lambert, or any judge familiar with the despicable ways of the United States Department of Justice when concealing exculpatory evidence and using fabricated evidence to secure convictions while defrauding U.S. Courts, juries, defense counsel, and individual victims, and
9. Set a Summary Judgment Calendar requiring DoJ to either controvert the evidence supplied by the IRS and DoJ to which reference is made by the Class in their REVISED Motion for Summary Judgment filed in this case (*Crumpacker*) on October 13, 2016, or face summary death of the record falsification program.

It is respectfully submitted and moved,

ML

/s/ Mark Crumpacker
14933 Daffodil Avenue
Canyon Country, California 91351

Verification/Declaration

Comes now Plaintiff, declaring under penalty of perjury, pursuant to 28 USC §1746, that the facts stated in the foregoing Objection to Consolidation without Certification and Motion to Recuse... are absolutely true and correct to the very best of my knowledge and belief, SO HELP ME GOD.

ML

/s/ Mark Crumpacker

Dated: 10-14-2016

CERTIFICATE of SERVICE

I certify that a copy of the foregoing Objection to Consolidation without Certification & Motion to Recuse... was served via United States Mail on or about ____October 2016, to the following:

Defendant United States Attorney General
Department of Justice
950 Pennsylvania Ave. NW
Washington, D.C. 20530

Defendant Commissioner, IRS
Office of Procedure and Administration
1111 Constitution Ave. NW, Room 5503
Washington, D.C. 20224

U.S. Attorney for the District of Columbia
Civil Process Clerk
555 Fourth Street, NW
Washington, D.C. 20530

Defendant AAAG Ciraolo-Klepper
Department of Justice
950 Pennsylvania Avenue, Room 4603
Washington, D.C. 20530

Defendant Michael J. Martineau
U.S. DoJ
Post Office Box 227
Washington, D.C. 20044

Defendant Mark J. Langer
C/O United States Court of Appeals
333 Constitution Ave. N.W.
Washington, D.C. 20001

Mr. Ryan O. McMonagle
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box227, Ben Franklin Station
Washington, D.C. 20044

ML

/s/ Mark Crumpacker