

LEAVE TO FILE GRANTED

Ch R. Cap
10/20/17

**In the District Court of the United States
for the District of Columbia**

Mark Crumpacker,	§	
Plaintiff	§	
v.	§	District Cause No. 1:16-CV-1053 (CRC)
Ms. C. Ciraolo-Klepper, et al,	§	
Defendants	§	
<hr/>		
United States of America,	§	
Counterclaim Plaintiff,	§	
v.	§	COUNTERCLAIM
Mark Crumpacker,	§	
Michael Ellis, and	§	
Robert McNeil,	§	
Counterclaim Defendants,	§	

**Counterclaim Defendants’
RESPONSE to JESSIE K. LIU’S
“REPLY IN SUPPORT OF MOTION TO SHOW CAUSE”**

Knowing she can’t refute Class victims’ discovery of irrefragable IRS-supplied evidence proving IRS never prepares substitute income tax returns on any date shown in IRS’ falsified records concerning targeted non-taxpayers, and knowing TIGTA has recently announced suspension of the Automated Substitute for Return program (using computer fraud to create the appearance IRS prepares substitute income tax returns on claimed dates, when it doesn’t), Jessie K. Liu now posits tissue-thin arguments to shield the vast fraud she defends.

In her “Reply” (Doc. 58, filed 10/11/17) she deliberately misreads the sanctions Order of Permanent Injunction (Doc. 44, 4/19/2017). Then, she misquotes *Sibley v. United States Supreme Court* in attempt to wrench from it support for her untenable position. The Court should find such nonsense sanctionable.

A. Liu's DELIBERATE Misread of Sanctions Order

By its plain wording, Mr. Cooper's sanction of April 19, 2017 applies ONLY to new cases filed by Ellis and McNeil, or with their assistance, if that case were to "challenge actions taken by the IRS or the Department of Justice". In pertinent part it reads:

"Counterclaim Defendants...[are] permanently enjoined from: a. Filing.... any civil action in any U.S. District Court...asserting... a claim... challenging actions taken by the IRS in preparing to assess and assessing income tax liabilities...." and from: "b. Filing ... any civil action... asserting... a claim... challenging actions taken by the Department of Justice..."

Ms. Liu KNOWS that *McNeil, et al, v. Harvey, et al*, 17-01720, does ***not*** challenge either the underlying IRS fraud, nor the fraud perpetrated by DoJ use of IRS-falsified records, nor any other act by IRS or DoJ. Ms. Liu further knows that *McNeil v. Harvey* solely seeks a narrow declaratory judgment as to whether or not, in any suit filed by Class plaintiffs to date, the involved judges adjudicated the core question presented in those cases.¹ Hence, Ms. Liu knows that her claim "McNeil and Ellis were still required to file an application pursuant to Court Order Seeking Leave to File..." is patently false.

B. Is a declaratory judgment "functionally the same as a direct appeal"?

To defend her motion to show cause, Ms. Liu first pretends that the declaratory judgment sought in *McNeil v. Harvey* would "challenge the underlying conduct alleged in the complaint" [Doc. 58, Pg. 4]. (The "conduct" to which she refers is IRS' underlying record falsification program, the DoJ's knowing use of IRS-falsified records, its fraud-filled defense to prolong the scheme, etc.). Hence, she opines, the declaration sought in *McNeil* is supposedly "functionally the same

¹ The question attorneys are afraid to address was actually identified once by the DoJ in a footnote:

"The United States is aware that plaintiffs allege that the Service never actually prepares substitutes for [income tax] returns, but rather inputs computer codes to make it appear as though a substitute return has been filed. **The United States categorically denies this allegation.**" 17-00022, *Stanley, et al, v Lynch, et al*, Motion to Consolidate Cases, March 8, 2017, Doc. 11, Pg. 3, FN 1]

Every government-employed attorney has been assiduously concealing that issue and refusing to address it and adjudicate it, including Ryan O'Connor McMonagle.

as a direct appeal from those dismissals.” She is dead wrong because she knows a huge difference exists between appeals and declaratory judgments.

First, in *McNeil v. Harvey*, Plaintiffs OBVIOUSLY seek no determination of whether or not IRS falsifies records, whether or not DoJ uses falsified records to enforce the income tax exaction, etc. In short, Ms. Liu knows the new case of *McNeil v. Harvey* does NOT challenge any action by IRS or DoJ. This can be proven by simply reading the relief sought. Should the declaration in 17-01720 be granted as requested, it will not TERMINATE any act by those agencies, *because it does not address them*. Hence, by its clear terms, the Cooper injunction has no application whatsoever to 17-01720, so Plaintiffs were not required to seek pre-filing permission.

Second, in *McNeil v. Harvey*, the Plaintiffs are not seeking ‘reversal’ of any previous cases, nor any judgment that past dismissals were ‘in error’, which is the standard relief sought by litigants seeking appellate relief. More importantly, the Plaintiffs seek NO injunctive relief whatsoever. In other words, Plaintiffs in 17-01720 do not seek to compel ANY action by ANY person or agency, nor “reversal” of the dismissals in question, which injunctive relief is ALWAYS a component of appellate cases.

Every citation to every authority offered by Ms. Liu states that the plaintiff sought not only declaratory judgment but, impermissibly, also sought to compel a further act. For example, she blunderingly cites *Sibley v. United States Supreme Court*, wherein she claims it was supposedly held “this court is not a reviewing court and cannot compel other Article III judges in this or other districts or circuits to act review by any other court.” [sic]² [See Reply, Doc. 58, Pg. 4, footnote 2.] Aside from her obvious garbling of *Sibley*, she failed to note that Mr. Sibley sought

² *Sibley* actually states: “This court is not a reviewing court and cannot compel Supreme Court justices or other Article III judges in this or other districts or circuits to act.” NO act is requested to be compelled in *McNeil*.

not only declaratory relief but, simultaneously and impermissibly, injunctive relief to compel acts by other courts, which a district court unarguably lacks power to compel.

Ms. Liu knows Plaintiffs in *McNeil* have NOT sought any injunctive relief, whatsoever, but merely a narrow declaration of facts related to their rights to access courts for adequate, effective and meaningful judicial relief, something any court of the United State may provide, per 28 U.S.C. §2201:

“[A]ny court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.”

Summary

The fraud perpetrated jointly by attorneys colluding to prevent adjudication of monumental issues before their courts gives rise to questions of first impression, yet, thankfully, opens lawful doors/options for their victims the attorneys never considered and CANNOT lawfully foreclose. Since Plaintiffs in *McNeil* seek ONLY a simple declaration as to whether their core complaint question was adjudicated, (“Does IRS prepare substitute income tax returns on any date shown in IRS’ falsified records?”), since Plaintiffs in *McNeil* have not sought any injunctive relief whatsoever (they do NOT seek to compel ANY act by any person or agency),³ since any court of the United States may declare the simple fact question whether or not the core Class complaint issue was adjudicated, and, since that declaration does not concern any act by the IRS or DoJ, the sanctions order of April 19, 2017 has no application whatsoever to *McNeil v. Harvey*.

³ Nor will the declaratory judgment requested in *McNeil* invalidate the dismissals in question. They should stand forever as testaments to attorney fraud.

Relief Requested

The sanction imposed on Ellis and McNeil on April 19, 2017 has no arguable application to their filing of *McNeil v. Harvey*. An order denying the Motion to Show cause should issue forthwith, and is hereby respectfully requested.

Sincerely,

R.A. McNeil
Robert A. McNeil
729 Grapevine Hwy. #148
Hurst, Texas 76054

Dated: 10/16/17

Michael B. Ellis
Michael B. Ellis
5052 N.E. County Road 0320
Rice, Texas 75155

Dated: 10/19/17

Declaration

Comes now Counterclaim Defendants, declaring under penalty of perjury, pursuant to 28 U.S.C. §1746, that every single word and FACT set forth in the foregoing **RESPONSE to LIU REPLY in Support of MOTION TO SHOW CAUSE**...is true and accurate to the very best of their knowledge and belief. This filing is not intended to harass anyone, but by the open statement of the truth, commend ourselves to everyone's conscience, in the sight of God.

Michael B. Ellis
Michael B. Ellis

Michael B. Ellis
Date:

R.A. McNeil
Robert A. McNeil

10/16/17
Date:

CERTIFICATE of SERVICE

I certify that a copy of the forgoing **Response to Liu REPLY in Support of Motion to Show Cause....** was served via United States Mail on or about 16 October 2017, to the following:

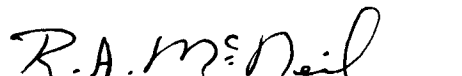
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Robert A. McNeil