

FEB 13 2018

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

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|--------------------------------------|---|-----------------------------|
| Harold R. Stanley, et al, | § | |
| Plaintiffs | § | |
| V. | § | Cause 1:17-CV-00022 TJK/GMH |
| Loretta Lynch, et al, | § | |
| Defendants | § | |
| AND | § | |
| Michael B. Ellis & Robert A. McNeil, | § | |
| Plaintiffs | § | |
| V. | § | Cause 1:16-CV-02313 TJK/GMH |
| Ms. Amy Berman Jackson, et al, | § | |
| Defendants | § | |

**PLAINTIFFS’
MOTION TO NOTICE SETTING OF HEARING in
U.S. v. FORD, E.D. Cal. District Cause No. 1:17-CV-00187-EPG
To Decide
“DEFENDANT’S MOTION TO DISMISS WITH PREJUDICE &
FOR ORDER TO SHOW CAUSE WHY THE GOV’T. SHOULD NOT BE
SANCTONED for CONCEALING EVIDENCE”**

Plaintiff Stanley, unjustly incarcerated for one year and three months based on falsified IRS records reflecting the Service’s pretended preparation of substitute income tax returns which never occurred, joins his fellow rights-raped, robbed Co-Class Plaintiffs, (all victims of IRS’ institutionalized record falsification program), requesting the Hon. Judge Kelly JUDICIALLY NOTICE the setting on February 7, 2018 by Magistrate Erica Grosjean in *U.S. v. Ford* of a hearing for March 16, 2018, to decide Defendant Ford’s Motion to Dismiss... and to sanction the Government for concealing exculpatory evidence during the course of the DoJ’s attempt to seize her property. That case will have a huge impact on these consolidated cases.

To justify setting that hearing, Ms. Ford and Judge Grosjean relied exclusively on the same incontrovertible evidence Plaintiffs have presented in these cases. [See **Exh. B**, with attached documentation.]

By issuing her simple minute Order, [**Exh. A**], Judge Grosjean has destroyed the inference by The Hon. G. Michael Harvey that the cases of the imprisoned Harold Stanley and his fellow Class Plaintiffs are “insubstantial”, “implausible”, “completely devoid of merit as to not involve a federal controversy”, “patently insubstantial”, “frivolous”, “postulating events and circumstances of a wholly fanciful kind”, “hypothesizing a vast conspiracy”, and “with allegations sufficiently attenuated and unsubstantial as to be absolutely devoid of merit.” [See Mag. Report, Doc. 23, Pg. 11].

The Order by Magistrate Grosjean has destroyed, as well, Mr. Harvey’s credibility, since he refused to do what Magistrate Grosjean has done: compel IRS to present the documents which would end all class cases simultaneously, such as (in this instance), the substitute income tax returns IRS records show were prepared on July 1st and July 28th, 2008 concerning Mr. Stanley and 2006.¹ In his Report, Mr. Harvey failed to even mention that case-dispositive request by Plaintiffs, and, thus, appears to be deliberately engendering the ongoing wastage of trial and appellate resources, in favor of preserving the underlying record falsification program.

Of course, Mr. Harvey also failed to state in his Report that no judge in the District of Columbia, including him, has ever ruled on the ACTUAL merits of Class cases, (See, *infra*, Pg. 4, for interesting details of his insertion into these cases of the argument and relief sought by a Plaintiff in another Circuit), and he also failed to mention that no judge in the District of Columbia gave

¹ See for details, **Doc. 24**, Plaintiffs’ Objections to Magistrate Report and Recommendations, assigned error “**7. Harvey refused to compel IRS to present the single document which would end all class litigation at all levels of the judicial system**”.

IRS victims opportunity to simply compel IRS to produce the substitute income tax returns IRS' records show it prepared on claimed dates concerning targeted so-called "non-filers".

With courage born of integrity, Judge Erica Grosjean has done just that.

Notice Requested

The Hon. Judge Kelly and all attorneys involved in these consolidated cases, (particularly Ms. Jessie K Liu, the chief prosecuting officer in the District of Columbia), are respectfully requested to NOTICE:

A.) the filing on February 6, 2018 of Defendant Ford's Motion to Dismiss With Prejudice..., with full documentation provided in support thereof, [See **Exh. B**], and

B.) the immediate setting on February 7, 2018 by Judge Grosjean of a hearing in *U.S. v. Ford* for March 16, 2018 in the Eastern District of California, [See **Exh. A**], to determine whether the Government has refused/failed to provide:

1. the return IRS claims it received concerning Mr. Ford and 2003 on the "Return Received Date" of July 11, 2006,
2. the "substitute income tax return" IRS claims to have prepared on August 14, 2006, concerning 2003; and
3. The sworn fully executed "Letter 2566", supposedly prepared by IRS on July 24, 2006 concerning Ms. Ford and 2003, with its complete supporting documentation.

Additionally, the Court and involved attorneys are respectfully requested to NOTICE that, in her Motion to Dismiss... filed on February 6, 2018, Ms. Ford also offered proof that

4. IRS/DoJ provided her a falsified version of the IMF transcript concealing four entries made therein, and that

5. IRS/DoJ provided her a falsified Form 4340 Certification, presenting three competing dates upon which IRS pretends to have prepared a substitute income tax return concerning her and 2006, none of which are true.

Thus, Judge Grosjean appears to have well-founded reason to set Ms. Ford's motion for hearing. This Court could follow suit, and, order the same dispositive documentation in these cases.

Litigation in this Circuit

Judge Kelly is also requested to NOTICE that, to defeat the ability of six (6) Class victims filing suit in the D.C. Circuit to secure an order to compel IRS to either provide returns IRS records reflect were supposedly prepared, or concede it FAILED to prepare substitute income tax returns on any date shown in IRS' records, Judge Christopher R. Cooper colluded with Judge Amy Berman Jackson, in an extrajudicial meeting on or about September 27, 2016, wherein she instructed him how to dismiss class cases without adjudicating their merits. That is, Ms. Jackson suggested Mr. Cooper fraudulently "find" that Class litigants filing suit in D.C. sought the relief requested by a Plaintiff in another Circuit, [See *Tecchio v. United States*, 153 F. App'x 841, 843 (3d Cir. 2005)²], the method by which she "successfully" disposed of *Ellis v. Commissioner*, 14-471.

In *Tecchio*, the Plaintiff complained IRS was preparing substitute income tax returns pursuant to §6014 of the Tax Code, but without the election of taxpayers. That Circuit denied relief, holding that IRS' preparation of substitute income tax returns was an "activity" shielded from judicial review by the Anti-Injunction Act.

² Explicit details of the collusion between Mr. Cooper and Ms. Jackson to obstruct justice while protecting their appellate records, is provided in Respondents' "**APPEAL OF REFUSAL to RECUSE BY THE HON. CHRISTOPHER REID COOPER, & MOTION TO STAY HEARING ON MARCH 1, 2018**", filed on Feb. 2, 2018 in the appeal now pending in Circuit cause 17-5191, of Mr. Cooper's April 2017 injunction.

But, Class victims whose cases were assigned to Judge Cooper's bench never sought to enjoin IRS' preparation of substitute income tax returns, *a la* Mr. Tecchio, because they discovered and claimed instead, just as did the Plaintiff in *Ellis*, that IRS FAILS entirely to prepare substitute income tax returns on any date, let alone those shown in IRS' systematically falsified digital and paper records fabricated to conceal that FAILURE.

Harvey Falsification of the Record in These Cases

The Honorable Judge Kelly is further requested to NOTICE that Mr. Harvey falsified the record of these combined cases in the precise manner Ms. Jackson instructed Mr. Cooper, and which Mr. Cooper did in six class cases. That is, on April 12, 2017, Mr. Harvey fabricated, with respect to their allegations, that Plaintiffs supposedly allege:

“the Internal Revenue Service (“IRS”) and the Department of Justice (“DOJ”) are engaging in a conspiracy to file fraudulent tax returns on behalf of individuals who failed to file a tax return,” [See Mem. Op., filed 4/12/2017, **Doc. 18**, Pg.1, Second ¶, first Sent.].

Plaintiffs made no such risible claim, so Mr. Harvey could not have learned it from reading their Complaints.

Also, in the same document, Mr. Harvey fabricated that victims of the IRS record falsification scheme in these two combined cases supposedly “want the court to enjoin the IRS from preparing Substitutes for Return...”, [Mem. Op., **Doc. 18**, 4/12/2017, Pg. 4 First ¶, last sentence].

Again, Plaintiffs sought no such relief, since they allege that IRS never prepares substitute income tax returns. And, again, Mr. Harvey did not learn that form of relief he attributed to his victims from their complaint. [**Importantly**, the Court is requested to notice that, in his Report, Harvey utterly abandons the fabrications made in his April 13, 2017 Order, thus, shamelessly refuted himself.]

Application to These Cases

Judge Grosjean appears to be moving speedily to end the controversy Magistrate Harvey and others have obstructed justice to prevent resolution. As noted above, in setting the Motion to Dismiss for immediate hearing, she and Ms. Ford relied entirely on Plaintiffs' discovery and evidence that IRS never prepares substitute income tax returns on any date show in IRS falsified records concerning targeted "nonfilers".

Judge Grosjean's immediate order setting Ms. Ford's Motion to Dismiss with Prejudice for hearing, undercuts Mr. Harvey's finding that the lawsuits Appellants filed, or helped others to file, were "frivolous", etc. In short, Judge Kelly is respectfully requested to NOTICE that Magistrate Grosjean, unlike Magistrate Harvey, is giving Ms. Ford the opportunity to litigate the core issue the Class repeatedly paid full price to adjudicate in the District of Columbia, as identified by the Government in this case:

"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.**" [See 17-00022, *Stanley, et al, v. Lynch, et al*, Motion to Consolidate Cases, March 8, 2017, Doc. 11, Pg. 3, FN 1, filed by Megan Eileen Hoffman-Logsdon.]

That issue will now be resolved, the extreme obstruction of justice occurring in Federal District Courts of the District of Columbia notwithstanding. And this Court could allow the same limited discovery.

Relief Requested

Appellants request the Court, and all involved attorneys, NOTICE the filing in *U.S. v. Ford* by the Government and by Ms. Ford on February 6, 2018, and NOTICE the Minute Order by Judge Grosjean on February 7, 2018.

Further, Appellants request the Court allow Plaintiffs in these cases the same limited discovery Judge Grosjean ordered in *Ford*: compel IRS to present the documentation upon which IRS/DoJ bases his incarceration in El Reno Federal Prison, as follows:

1. The return IRS records show was supposedly “received” concerning Mr. Stanley and 2006 on the claimed “Return Received Date” of July 1, 2008;
2. The “substitute income tax return” IRS claims it prepared on July 28, 2008 concerning Mr. Stanley and 2006;
3. All documentation related to the “300” transaction code IRS entered into the Individual Master File record concerning Mr. Stanley on Nov. 24, 2008, which documentation includes, but is not limited to, an “Income Tax Examination Change Form 4549” or similar, the “Form 886 Explanation of Tax,” the “6020(b) Certification” claiming authority under TDO 5-2, and, etc.;
4. The sworn Form 4340 “Certificate of Assessments, Payments and other Matters” IRS prepared for DoJ use during the prosecution of Mr. Stanley concerning him and 2006;
5. Treasury Delegation Order 5-2, (no “summary,” no “transcript,” but the ORDER itself); and
6. Any variant version of the record IRS maintains concerning Mr. Stanley and 2006, including but not limited to the “Individual Master File Specific,” “AMDISA,” “AMDIS,” “TXMOD,” “TXMODA,” “IMFOLT,” “IMFOLI,” and ALL others, unnamed or even unknown to Plaintiffs at this time, but known to IRS, each of which reports provide different information to IRS.

That documentation will prove or disprove Plaintiffs’ core contentions: IRS never prepares substitute income tax returns on any date shown in its falsified records, and “SFR packages” are not treated by IRS as returns at all. If the returns dated July 1, 2008 and July 28, 2008 exist, case closed favoring the Government. If they don’t exist, case closed favoring the incarcerated Mr. Stanley and the Rule of Law.

Sincerely,

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

Dated: 2/12/18

Michael B. Ellis
Michael B. Ellis
5052 N.E. County Road 0220
Rice, Texas 75155

Dated: Feb 12 2018

Declaration

Comes now Respondents, declaring under penalty of perjury, pursuant to 28 U.S.C. §1746, that every single word and FACT set forth in the foregoing Motion to Notice Setting of Hearing to Dismiss... 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

Feb. 12, 2018
Date:

R.A. McNeil
Robert A. McNeil

2/12/18
Date:

Certificate of Service

This foregoing "**Motion to Notice Setting of Hearing to Dismiss....**", was served via U.S. Mail, on February 12, 2018 upon

Defendant Barack H. Obama
2446 Belmont Road, NW
Washington, D.C. 20008

Defendant John Koskinen
C/O Internal Revenue Service
Office of Procedure and Administration
1111 Constitution Ave. NW, Room 5503
Washington, D.C. 20224

Defendant Loretta Lynch
C/O U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, D.C. 20530

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

Mr. David Kautter
Commissioner, IRS
Attn: Office of Procedure and
Administration
1111 Constitution Ave. NW
Washington, D.C. 20224

Ms. Jessie K. Liu
U.S. Attorney for the District of Columbia
Attn: Civil Process Clerk
555 Fourth Street, NW
Washington, D.C. 20530

Megan Eileen Hoffman-Logsdon
U.S. Dept. of Justice
P.O. Box 227
Washington, D.C. 20044



Robert A. McNeil