

INSIDE



September 2007 Issue # 1

REPORT

EB Graphics ©

[Online Newsletter Only]

But no weapon that is formed against you shall prosper, and every tongue that shall rise against you in judgment you shall show to be in the wrong, This [peace, righteousness, security, triumph over opposition] is the heritage of the servant of the Lord [those in whom the ideal Servant of the Lord is reproduced]; this is the righteousness or the vindication which they obtain from Me [this is that which I impart to them as their justification], says the Lord. — Isaiah 54:17



Update on Eddie

This is a monthly online newsletter written by Eddie Ray: Kahn. Request a subscription by emailing FreeEddieKahn@yahoo.com. Donations to support the Free Eddie Kahn Fund are appreciated but are not required. Each issue will give an update on Eddie's current situation and share knowledge that Eddie is learning such as "chinks in the government's armor" during his illegal incarceration as a co-defendant in the Wesley Snipes Tax Case. Please do not email this address and ask for tax advice. This is for information only and should not be construed as legal advice.

Dear Family, Friends, Former ARL Members &/or GLGM Patrons,

How are you all? I hope all is well with you.

I am writing to give you an update on my current situation. For those new to this list that don't know, after the FBI kidnapped me from Panama on November 1, 2006 (with the invaluable help of a probably bribed Panamanian Immigration official), I was taken to Ocala, Florida and put in jail with no bond. I have been incarcerated for over 10 months.

It has been a tough go. I have seen first hand that the real criminals in America are the one's called "judges" and "prosecutors". Those people will lie at the drop of a hat. Indeed, they are very arrogant about it. They know you are playing in their ball park...without knowing all the rules of the game. It is tough to win, but it can be done.

Over the last 24 months, I have seen two wins in court over the IRS, and a number of cases dismissed because they (IRS) were afraid of one of two things: 1) The Defendant might win, or 2) The Defendant might introduce evidence into the case the IRS doesn't want people seeing, as it might blow their scam. I've seen more dismissals than in any 24 month period in the last 25 years. A lot of good people sharing their research are really making a difference along with some courageous people that are willing to put it all on the line to try and take our country back from the "Public Servants" who want to be "Public Masters".

Free Eddie Kahn Fund

Donations are accepted by sending to:

Kookie Kahn
P.O. Box 969
Tavares, Florida 32778

By: Check
Money Order
Cash
PayPal address of
FreeEddieKahn@yahoo.com

God Bless you for your help.

THIS ISSUE:

- Update on Eddie
- Weak Links in a Federal Prosecution

My wife, Kookie, has been pressed into service as my fulltime “legal secretary”. Not her forte, I can assure you. But, she’s a trooper. She does what I feel needs to be done to get my case dismissed. That’s our goal.

Which brings me to the purpose of this email. Being on the “inside” of the Beast, if you will, for the last ten months has enabled me to get a real look at how they are trying to prosecute federal cases. I have also discovered “chinks in their armor”.

Because of this insight, I am going to put out a monthly email newsletter. I will cover two subjects each month:

- 1) What is happening to me personally
- 2) Describing the “chinks in their armor” and how we are using that knowledge to try and get my case dismissed.

I will be explaining the How and Why we are doing what we do.

I will be showing actual court documents. You will also be able to see the U.S. Attorney’s responses.

Since Kookie is working fulltime to help me, she has not been able to work to make the money necessary for her living expenses. So, I am asking for a \$50 *suggested donation* for the year sent to Kookie Kahn @ PO Box 969, Tavares, Florida 32778. However, if you don’t have it or don’t want to give it, or have already donated to our cause in some way, just email and say “Please put me on the newsletter list” and you will get the newsletter anyway. Caveat: If I get the case dismissed, obviously, I will stop doing research. But, I will give you a step by step detailed letter showing you exactly how we did it.

I already have enough material for five or six newsletters. If the case is dismissed (as it should be) once I run out of material the newsletter will cease. If they don’t dismiss the case, we will continue as long as necessary. This letter has the first newsletter attached as a complimentary copy. It will give you an idea of what the newsletters will be like. It will be a compilation of mine and others research that is being used in a real, live case. I hope you enjoy it.

Now to the Nitty Gritty...

Important Note:

Many of you have already donated money, products and services to Kookie in the last 10 months while I have been incarcerated. We both appreciate that so much as it has enabled her to be my “fulltime legal secretary” and devote her time and energy toward getting me released from jail.

Please do not feel that you need to donate \$50 for the newsletter. We are happy to send it to you as we appreciate what you have already done. **But, so Kookie does not have to go through the list and sort out names, everyone must request to be on this list if you care to receive the Inside the Beast Newsletter**. Because I keep Kookie so busy helping me, I am trying to help her by consolidating the Friends and Family Updates written from FreeEddieKahn@yahoo.com with this “Inside the Beast” Newsletter. You will get updates on our situation by receiving the newsletter, which will give you updates more often not to mention a real insight as to what it is like to be “Inside the Beast.”

Feel free to forward this newsletter and share with others. The more exposure we have the better chance a possible jury member will become educated!

Weak Links In A Federal Prosecution



This month we are going to reveal one of the “weak links” in a federal prosecution. It is the U.S. District Court, as well as the Magistrate and Judge assigned to the Court.

According to a lot of good research by Dr. Ed Rivera, a patriotic, lawyer, there are two types of federal courts in the USA today. One is the District Court of the United States (DCUS) and the other is the United States District Court (USDC).

What is the difference? The DCUS is a court ordained and established under Art. III of the Constitution of the United States of America (CUSA). Article III Sec. 1: *“The judicial power of the United States , shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.”* As you can see, Art. III established the Judicial branch of government and it’s courts.

So what are the U.S. District Courts? United States Supreme Court Chief Justice William Howard Taft stated in the opinion in Balzac v. People of Porto Rico, 258 U.S. 298, 312 (1922) that:

“The United States District Court is not a true United States court established under article 3 of the Constitution to administer the judicial power of the United States therein conveyed. It is created by virtue of the sovereign congressional faculty, granted under article 4, 3, of that instrument, of making all needful rules and regulations respecting the territory belonging to the United States . The resemblance of its jurisdiction to that of true United States courts, in offering an opportunity to nonresidents of resorting to a tribunal not subject to local influence, does not change its character as a mere territorial court.” (Emphasis added)

The U.S. Supreme Court identified the proper court very well: Mookini v. U.S. 303 U.S. 201:

“The term “District Courts of the United States ”, as used in the rules, without an addition expressing a wider connotation, has its historic significance. It describes the constitutional courts created under article 3 of the Constitution. Courts of the Territories are legislative courts, properly speaking, and are not

District Courts of the United States . We have often held that vesting a territorial court with jurisdiction similar to that vested in the District Court of the United States does not make it a District

Court of the United States ”. (Emphasis added)

When you read Art. IV sec. 3 it states: ***“The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States ;”***. You see that the U.S. government has land in each of the 50 states that has been ceded to the Federal government and the state no longer has a claim to it. Any violation of the “Rules or Regulations” of the District, either civilly or criminally, on that property, will be adjudicated in the Territorial court for the Federal district where it occurred. **Key Point: Dr. Rivera states the Federal district is not the counties that comprise the District, but rather the Federal land in the counties that comprise the Federal District .**

Why is that important? If you are charged with a Federal crime, all or at least part of the act must have occurred on Federal land in that District for that particular USDC to have Territorial jurisdiction to hear the case. Pursuant to U.S. v. Luton 486 F. 2nd 1021, cert. den. 417 U.S. 920:

“Territorial jurisdiction of Federal District Court in criminal cases depends on some part of criminal activity having occurred within its territory.”

This case is found in 18 USCS sec. 3231 n.17. When I found this case, I looked in the Indictment to see if it alleged that all or part of the alleged offenses took place on Federal land. It states *“From in or about 1999 through the date of this Indictment, in Lake and Orange Counties , in the Middle District of Florida , and elsewhere,”*. What’s wrong with this picture? Lake and Orange Counties are supposedly *in* the Middle District of Florida! So why are they listed as though they are outside of the District? Dr. Rivera says it is because the counties don’t comprise the District; the Federal land in the counties comprise the District. I believe this is the Department of Justice’s sneaky way of trying to comply with the law’s requirement that at least part of the act took place on Federal land for the Agency and the Court to have Territorial jurisdiction.

I put in a request for a Bill of Particulars asking the U.S. Attorney to specifically identify the Federal land the acts took place on. (see attachment) Importance of this: If the U.S. Attorney can’t allege and prove that at least part of the alleged acts took place on Federal land in the Middle District of Florida, the Court would have no Subject Matter or Territorial jurisdiction. The case would have to be dismissed. The Bill of Particulars was denied. Are you surprised?

The Judges: Judge Wm. Terrell Hodges is the only “judge” in the U.S. District Court in Ocala , Florida . Magistrate Gary Jones is the only Magistrate. The question is: Are their offices ordained and established under Art. III or Art. I or IV? In looking at Hodges’ Oath of Office, you will notice two things:

- 1) His Oath of Office is ***not*** an Art. III Judge’s Oath of Office. In the First Judiciary Act of 1789 we find the Art. III Oath of Office.
- 2) Underneath his Oath, it clearly specifies that he is a ***“Territorial officer”***, which is a civil servant who works for the Executive branch of government in an administrative capacity.

Don't believe it? I specifically asked Hodges to identify the Article of the CUSA that established his and the Magistrate's office. I also asked him what Article of the Constitution the USDC in Ocala was established under. His answer since Feb. 5, 2007? **Silence!** What do you think that means?

Dr. Rivera states there are only two Art. III Courts in America ; one in Washington D.C. and one in Hawaii. All the rest are Art. IV Courts. Problem: Only Art. III Courts have "**judicial power**". Art. IV Courts are Administrative Courts. They have no **judicial power**. If I have violated a "National" law and not a "Local" Rule or Regulation, it can't be tried in this Court by this judge without my consent...and I am not consenting!

At Dr. Rivera's suggestion, we subpoenaed the Clerk of the Court for these two documents:

- 1) **Document identifying the Article of the Constitution under which the USDC was established.**
- 2) **Document describing territory that comprises the Court's judicial district.**

The Clerk of the Court said she did not have them. We have written her asking who does have them? The importance of these two documents? The first document would prove that the USDC is established under Art. IV, not Art. III. That means it is an Administrative Court , not a Judicial Court . That also means the Court could not hear my case as it has no **judicial power**. The second document would prove that the Federal District includes only Federal land in the Counties that comprise the District. The US Attorney has never actually alleged that the acts took place on Federal land, therefore, the Court would have no Territorial jurisdiction.

Bottom Line: I believe that the Department of Justice would rather dismiss your case than give you those two documents. I will keep you posted as I will keep pressing for them.

Final Note: Neither the Magistrate or the Judge have any "**judicial power**" if their offices are not created under Art. III. They are pretending to be Art. III Judicial officers, violating 18 USC 241 & 242. Next month, I will go into more detail on the Magistrate as he routinely operates outside the bounds of his authority, violating even the Federal Rules of Criminal Procedure.

Summary:

Remember: **He who asks the questions, wins.**

The following questions should always be asked in a Federal Court case:

- 1) Is your office ordained and established under Art. III of the CUSA?
- 2) Is this court established under Art. III of the CUSA?
- 3) What document identifies the Art. of the CUSA under which this Court was established?

- 4) What document describes the Art. of the CUSA under which the Judge and Magistrate's offices were established?
- 5) What document describes the territory that comprises this Court's judicial district?

Until next month,

Eddie

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff)
)
v.)
)
EDDIE RAY KAHN)
Defendant)
)
_____)
Eddie Ray Kahn, Petitioner)
Third Party Detainee)
)
Petitioner by special appearance)
_____)

Case No. 5:06-cr-22

**MOTION FOR A BILL OF
PARTICULARS AND
SUPPORTING AFFIDAVIT**

DECLARATION OF PETITIONER

Comes now the living, breathing man, illegally incarcerated Third Party, known as Eddie Ray Kahn, alleged Defendant, who is unschooled in law, making this special visitation and Notices the court to take Judicial Notice of the principals stated in Haines Kerner, 404 U.S. 519, wherein the court directed that those who are unschooled in law making complaints/pleadings shall have the court look to the substance of the complaint rather than the form.

MOTION FOR A BILL OF PARTICULARS

Now comes the alleged Defendant in the above numbered Indictment(s) and respectfully moves this Court to order the Plaintiff to furnish the alleged Defendant the following particulars in the above numbered Indictment.

1. The place(s) where the alleged offense(s) took place. Specifically, identify the Federal land in the Middle District of Florida on which all or part of the alleged offense(s) occurred. Pursuant to U.S. v. Luton 486 F. 2nd 1021, cert. den. 417 U.S. 920

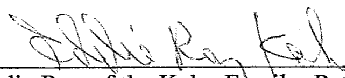
“Territorial jurisdiction of Federal District Court in criminal cases depends on some part of criminal activity having occurred within its territory.”

Note: Alleged Defendant will only consent to having this motion ruled on by an Article III Judge in an Article III Court. Alleged Defendant has asked (see Docket #93, #94, #113 and #124) both Magistrate Jones and Judge Hodges to certify that their offices were ordained and established under Article III of the Constitution of the United States of America. To date, neither has responded. If either rules on this Motion, they will be admitting, by inference, that they are Article III Judges and the U.S. District Court in Ocala, Florida is an Article III Court with judicial power to rule on this matter. If they are not Article III Judges, the alleged Defendant requests that they inform the alleged Defendant where there is a Court of competent jurisdiction, and Article III Court, to rule on this motion and to hear the instant case.

Date: 5-10-07

All Rights Reserved

Respectfully Submitted,


Eddie Ray of the Kahn Family, Petitioner
c/o Marion County Sheriff's Office
Detention Center
700 N.W. 30th Avenue
Ocala, Florida 34475

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

UNITED STATES OF AMERICA,
Plaintiff)

Case No. 5:06-cr-22

v.)

**AFFIDAVIT IN SUPPORT OF
MOTION FOR BILL OF
PARTICULARS**

EDDIE RAY KAHN)
Defendant)

_____)
Eddie Ray Kahn, Petitioner)
Third Party Detainee)

Petitioner by special appearance)
_____)

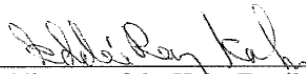
AFFIDAVIT IN SUPPORT OF MOTION FOR BILL OF PARTICULARS

I, Eddie Ray Kahn, Affiant, do hereby affirm, under the pains and penalties of perjury under the laws of the United States of America that the following statements of fact are true and correct.

1. Affiant has seen no evidence on the Record that proves that all or any part of the alleged criminal acts took place on Federal land in the Middle District of Florida and Affiant does not believe that any exists.

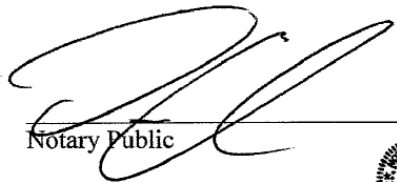
Further Affiant sayeth not.

Notice: The Plaintiff has 10 days from the filing date of the Affidavit to file a counter Affidavit of rebuttal, disputing point for point. Failure to do so there is no disagreement between Plaintiff and Petitioner on the points not rebutted. Data Disc, Inc. v. Systems Technology Assoc. Inc., 557 F. 2nd 1280 "Unrebutted affidavit stands as truth".


Eddie Ray of the Kahn Family, Affiant

AFFIRMED AND SUBSCRIBED before me on 10 day of May, 2007.

My commission expires:

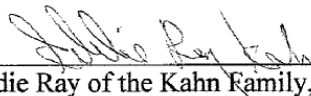

Notary Public



Darren Goryl
MY COMMISSION # DD326009 EXPIRES
June 6, 2008
BONDED THRU TROY FARM INSURANCE, INC.

CERTIFICATE OF SERVICE

Petitioner certifies that on this 10 day of May, 2007 the foregoing document(s) were sent to M. Scotland Morris, U.S. Attorney's Office, 300 North Hogan Street, Suite 700, Jacksonville, Florida 32202, via U.S. First Class Mail.



Eddie Ray of the Kahn Family, Petitioner

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff)
)
v.)
)
EDDIE RAY KAHN)
Defendant)
)
-----)
Eddie Ray Kahn, Petitioner)
Third Party Detainee)
)
Petitioner by special appearance)

Case No. 5:06-cr-22

**MANDATORY JUDICIAL
NOTICE (per Fed Rules of
Evidence 201 (d))**

**LETTER TO JUDGE WM.
TERRELL HODGES #2**

DECLARATION OF PETITIONER

Comes now the living, breathing man, illegally incarcerated Third Party, known as Eddie Ray Kahn (Petitioner), not EDDIE RAY KAHN, Defendant, who is unschooled in law, making this special visitation and Notices the court to take Judicial Notice of the principals stated in Haines v. Kerner, 404 U.S. 519, wherein the court directed that those who are unschooled in law making Complaints/Pleadings shall have the court look to the substance of the complaint rather than the form.

LETTER TO JUDGE WM. TERRELL HODGES #2

April 26, 2007

From: Eddie Ray Kahn
c/o Lake County Sheriff's Office Detention Center
551 W. Main Street

To: Tavares, Florida 32778
Honorable William Terrell Hodges
United States District Court Judge
Middle District of Florida
Ocala Division
Golden-Collum Memorial Federal Building
& U.S. Courthouse
207 N.W. Second Street
Ocala, Florida 34475

Re: Your Official Status

Dear William Terrell Hodges:

1. You have been given since 2-5-07 to respond to the questions that Petitioner sent you in **Letter to Wm. Terrell Hodges** (Docket #94) regarding the Territorial Jurisdiction of the U.S. District Court in Ocala, Florida and whether you are an Article I, III or IV officer. There has been no response. The Courts have ruled on the issue of non response when there should have been one. "Silence can only be equated with fraud when there is a legal or moral duty to speak, or when an inquiry left unanswered would be intentionally misleading..." U.S. v. Tweel 550 F2nd 297, 299, 300 (1977).

Petitioner believes that you have both a legal and moral duty to answer the questions concerning your and the Court's official status, as it appears that you are not an Article III judge and this Court is not an Article III Court. If that is the case, the Plaintiff and the Court would be guilty of Fraud being perpetrated on the Defendants and Petitioner in the instant case.

2. The U.S. Supreme Court has stated in Balzac v. People of Porto Rico, 258 U.S 298, 312 (1922) that:

"The United States District Court is not a true United States court established under article 3 of the Constitution to administer the judicial power of the United States therein conveyed. It is created by virtue of the sovereign congressional faculty, granted under article 4, 3, of that

instrument, of making all needful rules and regulations respecting the territory belonging to the United States. The resemblance of its jurisdiction to that of true United States courts, in offering an opportunity to nonresidents of resorting to a tribunal not subject to local influence, does not change its character as a mere territorial court". (Emphasis added)

the U.S. District Courts are Art. 4,3 courts, not Art. III courts. Your Oath of Office also confirms that you are a "territorial officer"; a civil servant who works for the Executive branch of the federal government, not the Judicial branch. **Do you disagree with that statement?** (Ex. A) The Constitution of the United States of America, Art. III, in pertinent part, states:

"section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."

"section 2. The judicial Power shall extend to all (Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;" (Emphasis added)

In other words, the Art. III Court and Judge have "**judicial power**" to decide all cases in Law and Equity. On the other hand, Art. IV Courts and Judges have very limited authority. According to Balzac, they are only authorized to adjudicate matter concerning the following from Art. 4 sec. 3, in pertinent part:

*"The Congress shall have Power to dispose of and make **all needed Rules and Regulations respecting the Territory** or other Property belonging to the United States;" (Emphasis added)*

Obviously, if there are Rules and Regulations respecting the Territory, a court would be necessary to enforce those Rules and Regulations. **Isn't that the purpose of the U.S.**

District Court in Ocala, Florida, Judge Hodges?

3. Judge Hodges, you signed your Oath of Office on 12-28-1971. **You were obviously made very aware of your authority and limitations, were you not? Is**

there any reasonable excuse for deliberately exceeding your (and this Court's) authority by you posing as an Article III judge in the instant case?

Petitioner believes, based on the actions and Rulings of yourself and Magistrate Gary Jones, that you used a “mere territorial court” to deprive Petitioner of his God given Rights to Liberty and the Pursuit of Happiness. If so, that is a blatant violation of your Oath of Office.

Petitioner asks that you right your wrong by releasing Petitioner from jail immediately and dismissing Case No. 5:06-cr-22 for lack of territorial jurisdiction or, in the alternative, answer the questions listed below.

Petitioner believes failure to dismiss this case and release Petitioner from jail will prove extreme malice on the part of all individuals that have been involved in the Kidnapping, False Arrest and False Imprisonment of Petitioner. That would include yourself, Magistrate Gary Jones, Asst. U.S. Attorneys M. Scotland Morris, James R. Klindt, Jeffrey A. McLellan, John Sciortino, Robert E. O'Neill, FBI agents David Wattley and Patrick Johnson and IRS-CID agents P. Cameron Lalli and Gary Graf plus the supervisors that authorized their actions in this case and other unknown persons.

As if that were not enough, the Asst. U.S. Attorneys involved in this travesty of justice brought a case to this court that was fatally flawed from the beginning even if this court had territorial jurisdiction.

As there is no Complaint or Information sworn to under Oath by the Plaintiff, the Record is devoid a description of the *actus reus*, the wrongful deed that comprises the physical components of the offenses alleged against Defendants. **Black's Law Dictionary, 8th Ed., page 39**. As there is no Complaint or Information made under Oath,

the Record is devoid of a description of the *mens rea*, the state of mind Defendants had when committing any alleged offenses *Black's Law Dictionary, 8th Ed., page 1006.*

It is black letter law that both *actus reus* and *mens rea* are two essential elements of every crime that must be proven by the prosecution. *Model Penal Code sec. 1. 13 (9)*. Without a criminal Complaint or Information made under Oath pursuant to the *Fourth Amendment of the Constitution of the U.S.A.*, as well as *Fed. R. of Crim. P. Rule 3*, the Defendants have not been legally or lawfully charged and are denied Due Process of Law. Also, without a criminal Complaint or Information made under Oath pursuant to the *Fourth Amendment* and *Fed. R. Crim. P. Rule 3*, the subject matter jurisdiction of this court was not established. **Therefore, the jurisdiction of this court was never invoked by the Plaintiff to commence a criminal prosecution. Right, Judge Hodges? Since this is an undisputed fact, Judge Hodges, by what authority are you keeping Petitioner incarcerated?**

Petitioner also believes that, absent a Complaint or Information made under Oath, the Assistant U.S. Attorneys defrauded the Grand Jury into giving them an Indictment. Also, Petitioner believes they defrauded the U.S. Magistrate that signed the Arrest Warrant, as they had no Complaint or Information sworn under Oath and no Affidavits of Probable Cause required by the Fourth Amendment of the Constitution of the United States of America.

A letter written by Assistant U.S. Attorney Morris to Petitioner's Standby Counsel confirms the fact that there is **NO** Complaint or Affidavits of Probable Cause on the Court Record. *Fed. R. Crim. P. Rule 41* states, in pertinent part:

"A warrant...shall issue ONLY on an affidavit or affidavits sworn to before the federal magistrate or state judge and establishing the

grounds for issuing the warrant.” (Emphasis added)

This rule in many respects is duplicative of the Fourth Amendment’s prohibition that:

“...no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.”

As can be seen from Morris’ letter to Michael Nielsen it is clear that the Fourth Amendment and Rule 41 have been violated by the Asst. U.S. Attorneys involved in this case, and that is a fatal error as it is a violation of their Oaths of Office and makes the Indictment and Arrest Warrant invalid. (Ex. B)

Petitioner believes that, for want of Subject Matter and Territorial jurisdiction, you should exercise your ministerial duty and authority to dismiss this action against the Defendants pursuant to your Constitutional duty to Petitioner under the ***Fifth***

Amendment:

“, nor shall be deprived of life, liberty, or property, without due process of law” as well as ***Fed. R. Crim. P. Rule 12 (b) (2).***

If you do not dismiss this case for the reasons listed above, please be advised of the self executing sections 3 and 4 of the Fourteenth Amendment of the Constitution of the U.S.A. which applies to all public servants. Any public servant that violates his/her Oath of Office to Uphold and defend the Constitution acts in insurrection and sedition against it and vacates his/her office upon commission of the crimes and/or Treason. Rankin v. Howard 633 F.2d 844:

“When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost.”

Therefore you forfeit all benefits of that office, including salary and pension. All the Public Officers listed herein have violated their Oaths of Office and Falsely Arrested and Imprisoned Petitioner.

Petitioner believes that it would be in the best interest of all concerned for you to dismiss the instant case **without prejudice**. That way, if the Assistant U.S. Attorneys feel they have a valid case against the Defendants, they can attempt to cure the fatal flaws in the original case and refile it in an Article III Court. The proper Court, according to the U.S. Supreme Court is the **District Court of the United States**. The U.S. Supreme Court identified the proper court very well: Mookini v. U.S. 303 U.S. 201

“The term “District Courts of the United States”, as used in the rules, without an addition expressing a wider connotation, has its historic significance. It describes the constitutional courts created under article 3 of the Constitution. Courts of the Territories are legislative courts, properly speaking, and are not District Courts of the United States. We have often held that vesting a territorial court with jurisdiction similar to that vested in the District Court of the United States does not make it a “District Court of the United States”.” (Emphasis added)

If there is a question you can not or will not answer, please state with specificity why you can't or won't answer it. The questions are as follows:

- 1. Please provide me with the document identifying the Article of the Constitution of the United States of America under which the U.S. District Court in Ocala, Florida was established.**
- 2. Please provide me with the document describing the territory that comprises the Court's judicial district.**
- 3. Please provide me with a copy of the Jury Service and Selection Plan pursuant to Test v. U.S. 486 F 2nd 922.**

4. Was your office created under Article III of the Constitution of the U.S.A.? If not, what Article?
5. Are you a Territorial Officer? Describe your duties and limitations.
6. Is this Court authorized to hear controversies that originate outside the Federal territory in the Middle District of Florida without both parties consent?
7. Are 18 USC 371 and 287 National “laws” or just “*needful rules and regulations respecting the territory belonging to the Untied States*”?
8. Isn’t it true that the Grand and Petit Jurors for case No. 5:06-cr-22 have to be selected from the Federal territory in the counties comprising the Middle District?
9. Are you an Article I, Article III or an Article IV Officer?
10. Will you give me a copy of your Oath of Office (your Form 61 and your Judge’s Oath of Office) or do I need to subpoena them?
11. What Court Docket # identifies the probable cause statement sworn to under Penalty of Perjury under Oath or Affirmation that invoked this Court’s jurisdiction?

You have ten days to release Petitioner from the date of filing of this letter, or in the alternative, answer the questions contained therein. Failure to do one or the other will force Petitioner to seek the legal remedies available to him, both criminal and civil to remedy his False Arrest and continued False Imprisonment.

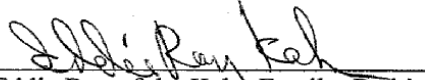
Petitioner further demands, as a matter of Right, that this Petition and any future Motions, Petitions, or Pleading of any type made by the Petitioner be ruled on by an Article III Judge only and, if any further court proceedings are necessary, they will be

held in an Article III Court, presided over by an Article III Judge, not a Territorial Court and Judge as is currently being done as petitioner does not consent or accept as binding on him of said Territorial Court any Rulings, Decisions, Judgments or Opinions as Petitioner has no nexus with the Plaintiff or the Court that has been proven by the Plaintiff on the Record even though it was challenged by Petitioner with an unrebutted affidavit.

Date: 4-25-07

All Rights Reserved

Respectfully Submitted,



Eddie Ray of the Kahn Family, Petitioner
c/o Lake County Sheriff's Office Detention Center
551 W. Main Street
Tavares, Florida 32778

cc: President George Bush
U.S. Attorney General Alberto Gonzales
Administrative Office of the United States Courts

OATH OF OFFICE FOR UNITED STATES JUDGES

(Title 28, Sec. 453 and Title 5, Sec. 3331, United States Code)

I, WM. TERRELL HODGES, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as United States District Judge, according to the best of my abilities and understanding, agreeable to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. SO HELP ME GOD.

Wm Terrell Hodges

Subscribed and sworn to (or affirmed) before me this 28th day of December, 1971.

FOIA EXEMPTION (b)(6)

Wesley R. Shus

Actual abode [REDACTED]

Official station * Tampa, Florida

Date of birth April 28, 1934

Date of entry on duty December 28, 1971

Note—The Act of May 1, 1876 (Title 48, sec. 1466, United States Code), provides that the oaths of *Territorial Officers* shall be administered in the Territory in which the office is held.

* Title 28, sec. 456 United States Code, as amended.

Ex A

Main Office
400 North Tampa Street, Suite 3200
Tampa, Florida 33602
813/274-6000
813/274-6358 (Fax)



300 North Hogan Street, Suite 700
Jacksonville, Florida 32201
904/301-6300
904/301-6310 (Fax)

2110 First Street, Suite 3-137
Fort Myers, Florida 33901
941/461-2200
941/461-2219 (fax)

U.S. Department of Justice
United States Attorney
Middle District of Florida

80 North Hughey Avenue, Room 201
Orlando, Florida 32801
407/648-7500
407/648-7643 (Fax)

Reply to: **Jacksonville, FL**

COPY

December 11, 2006

Michael W. Nielsen, Esq.
Dowdy & Nielsen, P.A.
720 West State Road 434
Winter Springs, FL 32708

Re: U.S. v. Eddie Ray Kahn (Case No. 5:06-cr-22(S1)-Oc-10GRJ)

Dear Mr. Nielsen:

This letter is in response to your letter, dated November 21, 2006, in which you requested that we provide you with certain documents.

1. With regard to your request for a copy of the complaint and affidavit supporting the complaint, please be advised that there is no complaint in this case. Your client and his co-defendants have been charged by indictment. A copy of the indictment was previously provided to your client in court. An additional copy is enclosed for your convenience.
2. With regard to your request for a copy of the arrest warrant and affidavit supporting the warrant, I have enclosed a copy of the arrest warrant, the motion for the warrant, and the order granting the motion. There is no affidavit for the warrant.
3. With regard to your request for copies of letters from the U.S. Attorney General and U.S. Secretary of the Treasury authorizing the indictment in this case, please be advised that there are no such letters because no such authorization is required. Furthermore, any documents authorizing prosecution would not be subject to discovery.
4. With regard to your request for a copy of the documents that authorize the FBI to issue an arrest warrant in a tax case that does not involve a federal employee, please be advised that there are no such documents because the FBI did not issue an arrest warrant in this case. (The FBI does not issue arrest warrants in any case; the District Court issues arrest warrants.)

Exhibit B pg 1 of 2

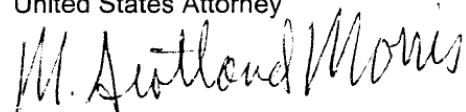
Michael W. Nielsen, Esq.
December 11, 2006
Page 2

Please feel free to contact me if you have any questions regarding this matter or any other discovery matters.

Sincerely,

PAUL I. PEREZ
United States Attorney

By:

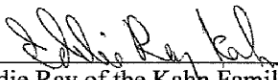

M. SCOTLAND MORRIS
Assistant United States Attorney

cc: Eddie Ray Kahn
Marion County Jail
700 NW 30th Avenue
Ocala, FL 34475

Exhibit B pg 2 of 2

CERTIFICATE OF SERVICE

Petitioner certifies that on this 26 day of April, 2007 the foregoing document(s) were sent to M. Scotland Morris, U.S. Attorney's Office, 300 North Hogan Street, Suite 700, Jacksonville, Florida 32202, via U.S. First Class Mail.



Eddie Ray of the Kahn Family, Petitioner