

Notice of Appeal

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

STEWART A. WEBB

Plaintiff,

v.

Case No: 12-CV-2588 EFM/GLR
Original case Filed September 5, 2012 3:15PM
Filed November 8 2012

HON. JUDGE KATHRYN H. VRATIL, in her
Official capacity as Chief Judge
for the United States District Court for
the District of Kansas

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

Defendant,

NOTICE OF APPEAL

Plaintiff wishes to notice the Court and that it would be a MISPRISION OF FELONY under 18 USC 4 to fail to disclose felonious acts that have been witnessed by or that have come to the attention of the Plaintiff. Plaintiff and others are also aware that Treason and Sedition against the United States of America and its People have been committed.

Comes now the Plaintiff Stewart A. Webb appearing pro se and in forma pauperis and files this action for Injunctive Relief against the

honorable chief judge of this court and the federal district court for prospective injunctive relief, solely in equity under the United States Constitution to allow me to have an uncompromised qualified legal counsel Bret Landrith represent me in the Kansas District Court for a civil RICO action I will file and Transfer of Grand Jury Statues to set time and date

to appear before Grand Jury to bring Indictments against the named herein Grand Jury Case Number 95-Y-107 active filed U.S. District Court Denver, Colorado Hon. Richard Matsch Judge.

The Plaintiff is entitled to injunctive relief for the following reasons:

The plaintiff's new claim for prospective injunctive relief details additional events that give rise to a new and different basis for the relief sought by the plaintiff and does not have res judicata or collateral estoppel effect.

No Judgment on the Merits

The magistrate's order erroneously applies the principle of res judicata; that the plaintiff's current action is resolved by the earlier ex parte order of dismissal without prejudice Hon. Chief Judge Fernando J. Gaitan Jr.:

"Res judicata is an affirmative defense on which defendant has the burden of proof. See Fed.R.Civ.P. 8(c); *Nwosun v. Gen. Mills Rests., Inc.*, 124 F.3d 1255, 1256 (10th Cir.1997). For the doctrine to apply, four elements must exist: (1) a judgment on the merits in the earlier action; (2) identity of the parties or privies in the two suits; (3) identity of the cause of action in both suits; and (4) a full and fair opportunity for plaintiff to litigate the claim in the first suit. *Id.* at 1257."

Zhu v. St. Francis Health Center, 413 F.Supp.2d 1232 at 1239,40 (D. Kan., 2006).

The plaintiff's new claim for prospective injunctive relief details additional events that give rise to a new and different basis for the relief sought by the plaintiff and does not have res judicata or collateral estoppel effect.

No Judgment on the Merits

The Hon. Chief Judge Fernando J. Gaitan Jr.'s ex parte order of dismissal without prejudice does not preclude subsequent action: "[A] judgment is not res judicata as to any matters which a court expressly refused to determine, and which it reserved for future consideration, or which it directed to be litigated in another forum or in another action." 242 Kan. at 691, 751 P.2d 122 (citing *American Home Assur. v. Pacific Indem. Co., Inc.*, 672 F.Supp. 495 [D.Kan.1987]; 46 Am.Jur.2d, Judgments § 419, pp. 588–89).

The Tenth Circuit recognizes that in matters related to a continuing course of conduct as described in the plaintiff's current complaint, the passage of time may prevent earlier decided issues from determining the outcome of a current case:

"Other jurisdictions have recognized "the principle that matters adjudged as to one time period are not necessarily an estoppel to other time periods." *Int'l Shoe Mach. Corp. v. United Shoe Mach. Corp.*, 315 F.2d 449, 455 (1st Cir.1963); see also *Harkins Amusement Enters., Inc. v. Harry Nace Co.*, 890 F.2d 181, 183 (9th Cir.1989) (rejecting idea that collateral estoppel barred a suit for conspiracy where "the plaintiff alleges conduct that occurred in a different time period"). This is particularly true "when significant new facts grow out of a continuing course of conduct." *Hawksbill Sea Turtle v. Fed. Emergency Mgmt. Agency*, 126 F.3d 461, 477 (3d Cir. 1997).

B-S Steel of Kansas, Inc. v. Texas Industries, 439 F.3d 653 at 663 (10th Cir., 2006).

Res judicata does not bar claims against subsequent conduct,

consistent with the US Supreme Court decision on subsequent antitrust conduct being actionable in *Zenith Radio Corp v. Hazeltine Research, Inc*, 401 U.S. 321 at 340, 91 S.Ct. 795, 28 L.Ed.2d 77 (1971).

New sets of facts arising in later incidents are described in the complaint and give the plaintiff new claims. See 46 Am. Jur. 2d 841-42, Judgments § 567 (1994) (An "earlier adjudication is not permitted to bar a new action to vindicate rights subsequently acquired, even if the same property is the subject matter

of both actions. . . . [A] judgment is not res judicata as to rights which were not in existence at the time of the rendition of the judgment").

The plaintiff's current action seeks injunctive relief based on new violations of fundamental liberty interests that occurred subsequent to the plaintiff's earlier attempt to obtain injunctive relief:

"The doctrine of res judicata does not bar a party from bringing a claim that arose subsequent to a prior judgment involving the same parties.

Accordingly, the claim is not precluded by the settlement and dismissal of those claims."

American Home Assur. Co. v. Chevron, USA, Inc., 400 F.3d 265 at fn 22 (5th Cir., 2005).

No trial between the parties

Magistrate Judge Gerald L. Rushfelt's order dismissing the plaintiff's current complaint based on Hon. Chief Judge Fernando J. Gaitan Jr.'s

earlier ex parte order is in error when the complaint was never served on the defendants and the lawfully assigned judge on the case and Hon. Chief Judge Fernando J. Gaitan Jr. of the Western District of Missouri was not a Tenth Circuit judge.

Hon. Judge Gaitan was without jurisdiction

Magistrate Judge Rushfelt cannot use the earlier order made by a judge without jurisdiction as a basis to dismiss the plaintiff's claims. See *Elliot v. Piersol*, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828), the order is simply void.

There are provisions for substituting a judge in a federal civil action. The judge can even initiate the substitution sua sponte. However, the Kansas District Court and its chief judge did not follow these procedures.

Hon. Chief Judge Kathryn H. Vratil may have decided she was not able to perform her responsibilities related to the earlier action by the plaintiff where she was a defendant. She respectively did not have the right however to appoint Hon. Chief Judge Fernando J. Gaitan Jr. of the Western District of Missouri instead, she was required under 28 USC § 136 to select another judge in the District of Kansas:

“28 USC § 136 - Chief judges; precedence of district judges

(e) If a chief judge is temporarily unable to perform his duties as such, they shall be performed by the district judge in active service, present in the district and able and qualified to act, who is next in precedence.”

The defendants Chief Judge Vratil and the Kansas District Court could have referred the problem of substituting a judge to the Judicial Council of the Tenth Circuit, however the Tenth Circuit judges were under limiting statutes that have the effect of requiring the Kansas District judge on the plaintiff's case to have been substituted with a judge from the Tenth Circuit, not Hon. Chief Judge Fernando J. Gaitan Jr. See 28 USC § 46 - Assignment of judges; panels; hearings; quorum... (b) "a majority of whom shall be judges of that court" and 28 USC § 44 - Appointment, tenure, residence and salary of circuit judges (c)... "each circuit judge shall be a resident of the circuit for which appointed at the time of his appointment and thereafter while in active service.

The substitution with Hon. Chief Judge Fernando J. Gaitan Jr. did not meet the requirement of F.R. Civ. P. Rule 63. Judge's Inability To Proceed which incorporates an express requirement that the parties not be prejudiced. Hon. Chief Judge Fernando J. Gaitan Jr. was known and knew himself that he not to meet the requirement of an unbiased judge for substitution. And that he could not have heard the case under *Liteky v. U.S.*, 114 S.Ct. 1147, 1162 (1994) and 28 U.S.C. §455(a).

Hon. Chief Judge Fernando J. Gaitan Jr. was on the Board of Directors of the Novation LLC hospital St. Luke's and had already used his authority as a federal judge while a Novation director to deprive Landrith's client Medical Supply Chain and Samuel K. Lipari of redress in concerted action with Hon. Judge Carlos Murguia. See **Exhibit A** Lipari Answer To Show Cause Order Of December 5th, 2008. This was done to obstruct Samuel K. Lipari's efforts to obtain redress and to enter the nationwide hospital supply market as a sole proprietor after Hon. Judge Carlos Murguia's decision in *Med. Supply Chain, Inc. v. Neoforma, Inc.*, 419 F. Supp. 2d 1316 (D. Kan. 2006).

Hon. Chief Judge Fernando J. Gaitan Jr. was also the judge on the companion action against the Novation Cartel member General Electric (Jeffrey Immelt, the CCEO of GE is the architect of the Novation Cartel) *Lipari v. General Electric*, US District Court for the Western District of Missouri, Case No. 07-0849-CV-W-FJG. This action was Lipari's attempt to continue to pursue his contract rights against General Electric from a case initiated in Kansas District Court by Landrith. *Medical Supply Chain, Inc. v. General Elec. Co.*, 03-2324-CM, (D. Kan. Jan 29, 2004).

The substitution of a Kansas District Court judge with Hon. Chief Judge Fernando J. Gaitan Jr. was knowingly done or known to Magistrate

Rushfelt to be an act in furtherance of the deprivation of the plaintiff's and Landrith's federal constitution rights for reporting grave felonies.

The substitution with Hon. Chief Judge Fernando J. Gaitan Jr. who had a material private interest in Novation and the Novation hospital St. Luke's (St. Luke's held itself out to be an owner of Novation and to receive kickbacks and residual income from the Novation Cartel's sales of hospital supplies nationwide) was done to injure the plaintiff through violation of the Due Process Clause of the U.S. Constitution. As a director of St. Luke's , Hon. Chief Judge Fernando J. Gaitan Jr. had a direct personal material interest in the outcome of *Med. Supply Chain, Inc. v. Neoforma, Inc.*, 419 F. Supp. 2d 1316 (D. Kan. 2006), the case used by the Kansas District Court to abandon its prior order to stay proceedings until the outcome of the Bolden case and which obstructed justice in Landrith's reciprocal disbarment proceeding. The prior proceeding was not a case or controversy before an impartial court but instead an irregular commission or tribunal violating the Due Process Clause of the U.S. Constitution. *United States v. Sciuto*, 521 F.2d 842, 845 (7th Cir. 1996) ("The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause.").

Hon. Chief Judge Fernando J. Gaitan Jr. was not reversed or publicly

disciplined after dismissing the plaintiff's earlier injunctive relief action. However, the Chief Judge of the Tenth Circuit did step down and leave the bench.

Lack of a full and fair opportunity to litigate

No claim or issue preclusion results from the out of circuit judge's ruling of dismissal without prejudice of an earlier cause of action for frivolousness before service on the defendants and without an opportunity for the plaintiff to amend.

The magistrate's order dismissing the plaintiff's current cause of action must respectfully be reversed because the magistrate relies on the out of circuit judge's earlier *ex parte* dismissal where the trial judge lacked jurisdiction to make a determination on the merits of the plaintiff's cause: "It is important to realize, however, that denial of leave to amend and dismissal with prejudice are two separate concepts. See generally, *N. Assurance Co. of Am. v. Square D Co.*, 201 F.3d 84, 88 (2d Cir.2000) (noting that where denial of leave to amend does not reach underlying merits of claim, "the actual decision denying leave to amend is irrelevant to the claim preclusion analysis."). A denial of leave to amend to repair a jurisdictional defect, even on futility grounds, does not call for a dismissal with prejudice. The two concepts do not overlap in those cases where, although amendment would be futile, a jurisdictional defect calls for a dismissal without prejudice. See *Hutchinson v. Pfeil*, 211 F.3d 515, 519, 523 (10th Cir.2000) (affirming district court's denial of leave to amend to add state law claims on futility grounds, while also affirming dismissal, apparently without prejudice, of entire action for lack of standing); *Bauchman ex rel. Bauchman v. West High School*, 132 F.3d 542, 549-50, 561-62 (10th Cir.1997) (upholding district court's denial of leave to amend complaint

under futility analysis, but reversing merits disposition on pendent state claims and remanding for dismissal without prejudice for lack of jurisdiction). The district court extended the futility principle too far in this case by dismissing with prejudice for lack of standing, since it lacked jurisdiction to make a determination on the merits of the complaint.” *Brereton v. Bountiful City Corp.*, 434 F.3d 1213 (Fed. 10th Cir., 2006).

Magistrate Rushfelt’s Order violates 28 U.S.C. § 1915(d)

Magistrate Judge Gerald L. Rushfelt’s order dismissing the current complaint inherently finds that the plaintiff’s claim for prospective injunctive relief is frivolous because Judge Vratil and the Kansas District Court are immune. This is a clear error of law.

The Tenth Circuit has since reversed a court over dismissing claims for prospective injunctive relief based on official capacity immunity:

“Guttman appears to have advocated a claim for prospective injunctive relief throughout the litigation. If that is the case, then the district court erred in *Guttman I*, 320 F.Supp.2d at 1171, when it held that the individual defendants’ absolute immunity barred the Ex parte Young claim. See *Verizon*, 535 U.S. at 645, 122 S.Ct. 1753.”

Guttman v. Khalsa, 25 A.D. Cases 1316, 44 NDLR P 130, 669 F.3d 1128 (10th Cir., 2012).

Hon. Judge Vratil and the Kansas District Court are not immune. In *Knox v. Bland*, 632 F.3d 1290 (10th Cir., 2011), the Tenth Circuit stated judicial immunity exists for monetary damages not injunctive relief:

“In any event, judges are generally immune from monetary liability for actions taken in their judicial capacity. See *Lundahl v.*

Zimmer, 296 F.3d 936, 939 (10th Cir.2002). In *Pulliam v. Allen*, 466 U.S. 522, 544, 104 S.Ct. 1970, 80 L.Ed.2d 565 (1984), the Supreme Court said that attorney fees in § 1983 cases are a statutory exception to the general rule; but this exception was abrogated by the Federal Courts Improvement Act of 1996. See 42 U.S.C. § 1988(b).”

Knox v. Bland, 632 F.3d 1290 at FN1 (10th Cir., 2011).

The Error of *sua sponte* Dismissal of an Arguable Question

The Magistrate was respectfully in error to dismiss the plaintiff’s complaint and deprive him of a trial where the law is unsettled on the issue of federal judicial immunity from prospective injunctive relief:

“[I]t is unsettled whether the corresponding immunity afforded federal judges in *Bivens* cases permits or precludes such claims. Compare *Mullis v. United States Bankr. Court for the Dist. of Nev.*, 828 F.2d 1385, 1394 (9th Cir. 1987) (distinguishing *Pulliam* and extending federal judicial immunity to preclude equitable *Bivens* claim) and *Bolin v. Story*, 225 F.3d 1234, 1240-42 (11th Cir. 2000) (following *Mullis*, but noting issue “is a closer one than it would seem at first blush”), with *Scruggs v. Moellering*, 870 F.2d 376, 378 (7th Cir. 1989) (finding *Mullis* immunity analysis to be “of doubtful merit,” though not deciding issue). We express no opinion on the issue and rely instead for our disposition on uncontroversial principles specifically barring the equitable relief sought here.” [Emphasis added] *Switzer v. Coan et al.*, 261 F.3d 985 at FN 9 (10th Cir., 2001).

An arguable question of law states a basis that facially invalidates the Kansas district Court’s dismissal for frivolousness under 28 U.S.C. § 1915(d) (now § 1915(e)(2)(B)) as the controlling precedent for this court proscribes in *Neitzke v. Williams*, 490 U.S. 319, 325, 328 (1989):

“In dismissing the complaint [in *Nietzke*], the district court equated the standard for frivolousness with the standard for a dismissal for the failure to state a claim upon which relief may be granted. On appeal, the Seventh Circuit reversed the district court's determination that the complaint was frivolous, and a unanimous Supreme Court affirmed the Seventh Circuit's decision. The Court explained that “[w]hen **a complaint raises an arguable question of law which the district court ultimately finds is correctly resolved against the plaintiff, dismissal on Rule 12(b)(6) grounds is appropriate, but dismissal on the basis of frivolousness is not.**” *Id.* at 328.” [Emphasis added]

Brown v. Bargery, 207 F.3d 863 at 867 (6th Cir., 2000).

The magistrate's order violates the test of legal frivolity in the Tenth circuit which is whether a plaintiff can make a rational argument on the law and facts in support of his claims. *Bennett v. Passic*, 545 F.2d 1260 (10th Cir. 1976).

The magistrate's order like Hon. Chief Judge Fernando J. Gaitan Jr.'s order in the earlier case violates the United States Supreme Court rulings *Neitzke v. Williams*, 490 U.S. 319, 109 S.Ct. 1827, 104 L.Ed.2d 338 (1989) and *Denton v. Hernandez*, 504 U.S. 25 (1992):

“An *in forma pauperis* complaint may not be dismissed, however, simply because the court finds the plaintiff's allegations unlikely. Some improbable allegations might properly be disposed of on summary judgment, but to dismiss them as frivolous without any factual development is to disregard the age-old insight that many allegations might be “strange, but true; for truth is always strange, Stranger than fiction.” Lord Byron, *Don Juan*, canto XIV, stanza 101 (T. Steffan, E. Steffan & W. Pratt eds. 1977).”

Denton v. Hernandez, 504 U.S. 25, 32-33 (1992).

Magistrate Rushfelt appears to violate 18 U.S.C. § 241

Magistrate Judge Gerald L. Rushfelt appears to be committing a felony violation of 18 U.S.C. § 241 in Magistrate Rushfelt's knowing furtherance of the conduct by state of Kansas officials in trafficking children to defraud the federal government out of US Treasury Medicare and Health and Human Services funds through false claims and to protect the order made by Hon. Judge Carlos Murguia that was used to obstruct Bret Landrith's US District Court reciprocal disbarment proceeding and hearing.

Even though Magistrate Judge Gerald L. Rushfelt is a federal official, he is committing a civil rights violation of 18 U.S.C. § 241 in concert with State of Kansas officials every time he deprives Landrith of his property right in pursuit of his profession for his federally protected representation of the African American James L. Bolden and Bolden's witness, David M. Price of American Indian descent in the vindication of rights from race based federal civil rights discrimination statutes, that resulted in *Bolden v. City of Topeka, Kan.*, 441 F.3d 1129 (10th Cir., 2006).

Magistrate Rushfelt was the magistrate in Hon. Judge Carlos Murguia Novation Cartel case where the two Assistant U.S. Attorney's died. First Assistant US Attorney Thelma Quince Colbert who brought the sealed False Claims act proceeding against Novation with testimony of a Novation

medical supply purchasing executive verifying the nationwide restraint of trade in hospital supplies that I had alleged in the private civil action *Med. Supply Chain, Inc. v. Neoforma, Inc.*, 419 F. Supp. 2d 1316 (D. Kan. 2006) against Novation for violations of 15 U.S.C. §§ 1,2 (Sherman Antitrust Act) and for predicate acts of 18 U.S.C. § 1962 (Racketeer Influenced and Corrupt Organizations Act) that are also grave felonies.

Assistant US Attorney Shannon Ross, who supervised 70 U.S. Justice Department prosecutors and who signed the criminal subpoenas against Novation was found dead in her home just before Landrith's expert testified in the U.S. Senate antitrust hearing on Novation's conduct to restrain trade in hospitals, and mere days after she signed the criminal subpoenas.

The plaintiff had a famous investigative journalist Tom Flocco

<http://www.tomflocco.com> investigate the deaths of the Northern District of Texas US Attorneys Thelma Quince Colbert and Shannon Ross. Tom Flocco determined the attorneys had likely been murdered due to their investigation of Novation LLC and the hospital supply cartel members and the threat to the hospital skimming scheme. See: Tom Flocco, Dead, fired attorneys' Medicare fraud probe linked to White House.

<http://www.tomflocco.com/fs/FiredAttorneysFraudProbe.htm> **Exhibit B**

Hon. Judge Carlos Murguia's sanctioned Bret Landrith for asserting there was a private right of action under the USA PATRIOT Act (Public Law 107–56—OCT. 26, 2001) which had been used by the Novation Cartel members to keep Landrith's client Samuel K. Lipari and Medical Supply Chain, Inc. out of the nationwide hospital supply market they monopolized.

It is beyond dispute that expressly creates several new private rights of action by modifying existing statutes to create liability from private actions for damages. Specifically the USA PATRIOT Act expressly recognizes private liability related to Suspicious Activity Reports made with malicious intent:

“(3) MALICIOUS INTENT.—Notwithstanding any other provision of this subsection, voluntary disclosure made by an insured depository institution, and any director, officer, employee, or agent of such institution under this subsection concerning potentially unlawful activity that is made with malicious intent, shall not be shielded from liability from the person identified in the disclosure. “

Subsequent to Hon. Judge Carlos Murguia's order sanctioning Landrith in *Med. Supply Chain, Inc. v. Neofarma, Inc.*, 419 F. Supp. 2d 1316 (D. Kan. 2006), the Arkansas Supreme Court found liability for a Suspicious Activity Report under the USA PATRIOT Act in the absence of good faith *Bank of Eureka Springs v. Evans*, 353 Ark. 438, 109 S.W.3d 672 (Ark. 2003) in

materially the same circumstances as the complaint Hon. Judge Carlos Murguia sanctioned Landrith over.

Magistrate Rushfelt is responsible for knowing the misconduct of Hon. Judge Carlos Murguia in ordering that Landrith be sanctioned over \$20,000.00 for lawfully reporting the commission of federal felonies under 15 U.S.C. §§ 1,2 and 18 U.S.C. § 1962 in *Med. Supply Chain, Inc. v. Neoforma, Inc.*, 419 F. Supp. 2d 1316 (D. Kan. 2006).

Magistrate Rushfelt had a duty to report Hon. Judge Carlos Murguia. Which it appears he did not. See Abramson, Leslie W., *The Judge's Ethical Duty to Report Misconduct By Other Judges and Lawyers and its Effect on Judicial Independence*. Hofstra Law Review, Vol. 25, No. 751, 1997.

Reciprocal disbarment based on fraud on Kansas District Court

As a magistrate on *Med. Supply Chain, Inc. v. Neoforma, Inc.*, 419 F. Supp. 2d 1316 (D. Kan. 2006), Magistrate Rushfelt knew or is responsible for knowing that the case that was used to controvene the order staying Landrith's reciprocal disbarment was procured through fraud on Hon. Judge Carlos Murguia, both in the intentional misrepresentation of law by the Novation cartel attorney John K. Power and by Power's misrepresentation of the facts regarding Landrith's complaint. The Novation defendants including Neoforma also misrepresented the monopolistic

consolidation of the electronic hospital supply marketplace Neoforma, Samuel K. Lipari and Medical Supply Chain, Inc. closest competitor with Novation LLC and General Electric during the trial itself in an attempt to placate Neoforma's investors (which included member hospitals) who had been misled through securities frauds when Neoforma had been taken over by the Novation cartel to prevent it Neoforma from being profitable or from challenging prices set in the nationwide market by Novation LLC. Hon. Judge Carlos Murguia respectfully in error erroneously relied upon Husch Blackwell LLP attorney John K. Power's summary of the case in Power's Motion for Hearing on Dismissal. See **Exhibit C** Pleading of John K. Power. And shortly thereafter, and without a hearing Hon. Judge Murguia sustained the motions to dismiss and in the order Hon. Judge Murguia sanctioned LANDRITH and Med. Supply Chain, Inc. See **Exhibit D** Memorandum and Order.

The complaint however had each element John K. Power's motion (**exhibit C**) stated it lacked. The elements were arranged in a table of contents which directed the parties and the court to the outline sections of the complaint where numbered paragraphs provided supporting averments of fact for each element. See **Exhibit E** Med. Supply Chain, Inc. Complaint.

The court respectfully in error found that the non fraud based RICO allegations for Hobbs Act extortion and obstruction of justice predicate acts in what was mainly a Sherman Act antitrust action were insufficiently pled. The plaintiff hereby includes a separate attachment of the table of contents section and complaint's RICO elements and supporting facts. See **Exhibit F** Med. Supply Chain, Inc. RICO excerpt.

Med. Supply Chain, Inc. appealed the dismissal (after Landrith had been reciprocally disbarred) on the grounds that the appeal did sufficiently plead Sherman Act and RICO violations. The appellees made a motion to dismiss the appeal for timeliness. However, the Tenth Circuit referred this issue to the panel and required the parties to brief the action. See **Exhibit G** Med. Supply Chain, Inc. Brief. The brief identifies each of the elements required under the then controlling precedent for the Tenth Circuit regarding the pleading of RICO claims. The brief identifies by paragraph number each of the supporting averments of fact for each required pleading element. None were missing. See **Exhibit F** Med. Supply Chain, Inc. Brief RICO excerpts. The Tenth Circuit ultimately ruled that the appeal was untimely and did not address the issues appealed by Med. Supply Chain, Inc.. See *Medical Supply Chain, Inc. v. Neoforma, Inc.*, 508 F.3d 572 (10th Cir.,

2007). Samuel K. Lipari as sole successor in interest to Med. Supply Chain, Inc. sought relief from judgment. See Exhibit 8 Lipari Rule 59(e) Answer. But Lipari's motion was stricken by Hon. Judge Murguia.

Since Hon. Judge Carlos Murguia's ruling in *Med. Supply Chain, Inc. v. Neoforma, Inc.*, 419 F. Supp. 2d 1316, 1333-36 (D. Kan. 2006), dismissing the antitrust and RICO claims, the Kansas District Court and the Tenth Circuit Court of Appeals have reexamined *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) where the court addressed the plausibility of an inferred antitrust conspiracy to their Rule 12(b)(6) dismissal standard. The majority of Med. Supply Chain, Inc.'s were non fraud based and the antitrust conspiracy was alleged to be express and averments supporting an overt agreement and concerted action in furtherance of the antitrust and RICO conspiracy claims were contained in Landrith's complaint.

The Tenth Circuit recognized that Fed. R. Civ. P. Rule 8 is still the valid standard for evaluating non fraud based claims under Fed. R. Civ. P. 12(b)(6):

"There is no indication the Supreme Court intended a return to the more stringent pre-Rule 8 pleading requirements. See *Iqbal*, 129 S. Ct. at 1950 ("Rule 8 marks a notable and generous departure from the hyper-technical, code-pleading regime of a prior era . . ."). And in fact, the Supreme Court stated in *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 514 (2002), a pre-*Twombly* case, that "[a] requirement of greater specificity for particular claims is a result that must be obtained by the process of amending the Federal Rules, and not by judicial

interpretation." *Id.* at 515 (internal quotation marks omitted). Thus, as the Court held in *Erickson v. Pardus*, 551 U.S. 89 (2007), which it decided a few weeks after *Twombly*, under Rule 8, "[s]pecific facts are not necessary; the statement need only 'give the defendant fair notice of what the . . . claim is and the grounds upon which it rests.'" *Id.* at 93 (quoting *Twombly*, 550 U.S. at 555 (alteration in original)); see also *al-Kidd v. Ashcroft*, 580 F.3d 949, 977 (9th Cir. 2009) ("*Twombly* and *Iqbal* do not require that the complaint include all facts necessary to carry the plaintiff's burden."). While the 12(b)(6) standard does not require that Plaintiff establish a prima facie case in her complaint, the elements of each alleged cause of action help to determine whether Plaintiff has set forth a plausible claim. See *Swierkiewicz*, 534 U.S. at 515; see also *Twombly*, 550 U.S. at 570." *Khalik v. United Air Lines* at 5-7 (10th Cir., 2012).

Legal basis for finding a violation of 18 U.S.C. § 241

Magistrate Judge Gerald L. Rushfelt appears to be in violation of 18 U.S.C. § 241 where the magistrate knows or should have known that the first judge on *Med. Supply Chain, Inc. v. Neoforma, Inc.*, 419 F. Supp. 2d 1316 (D. Kan. 2006), the defendant Hon. Chief Judge Kathryn H. Vratil acted ex parte to procure Landrith's disbarment by the Kansas Supreme Court. The Internet postings of filings by Samuel K. Lipari describe Hon. Chief Judge Kathryn H. Vratil's participation in ex parte communications for the purpose of negatively influencing Bret Landrith's oral arguments in defense of his law license and constitutional property right in pursuing his trade by Hon. Chief Judge Kathryn H. Vratil's acting under color of state

law to cause retaliation against Landrith for his contracts to represent Bolden and Price's federal civil rights in protected speech against race based animus:

"208. The petitioner's counsel was disbarred through Stanton Hazlett and the State of Kansas Disciplinary office presenting ex parte testimony by Kansas District Judge Kathryn H. Vratil to personnel and justices of the Kansas Supreme Court, disparaging Medical Supply's counsel without his knowledge or opportunity to question Kansas District Court Judge Kathryn H. Vratil's testimony on October 20, 2005 minutes before the Kansas Supreme Court justices heard Medical Supply's counsel's oral argument in defense of his law license. "

Lipari v. General Electric, US District Court for the Western District of Missouri, Case No. 07-0849-CV-W-FJG Proposed Amended Complaint1. These posting by Landrith's former client Samuel K. Lipari are from cases he had before Hon. Chief Judge Fernando J. Gaitan Jr. in the Western District Court. And were part of filings made before Hon. Judge Gaitan was substituted in the plaintiff's earlier case to deprive him of access to a meaningful hearing to protect himself from continuing retaliation for his whistleblowing.

In the plaintiff's prior action for injunctive relief before this court he filed a motion for summary judgment which contained factual information of Magistrate Judge Gerald L. Rushfelt working in concert with State of Kansas officials to deprive Landrith of constitutional rights under color of

state law and to further a racketeering enterprise depriving Landrith's former Cremeen clients of recovery in a mortgage fraud Ponzi scheme: "128. The affidavit stated Sherri Price came on to Fred Sanders property with two City of Topeka police cars and a code compliance officer to perform an inspection knowing Fred Sanders attorney was out of town. See **exhibit 31** Kirtdoll Affidavit.

129. The KDC has knowledge though Magistrate Judge Gerald L. Rushfelt that the replacement attorney Dennis Hawver in *Cremeen et al v. Schaefer et al* 04-cv-02519-CM-GLR was threatened if he did not voluntarily dismiss the Ponzi Scheme co-defendant Steve Strayer.

130. Magistrate Judge Gerald L. Rushfelt threatened to sanction Hawver because Rex A. Redlingshafer of Stanton & Redlingshafer, LLC had given a notice of Strayer's bankruptcy filing on 02/25/2005 before a finding of Strayer's guilt in the Arizona real estate development RICO Enterprise Ponzie racketeering scheme.

131. The KDC has knowledge though Hon. Judge Carlos Murguia that Hon. Judge Carlos Murguia sanctioned Landrith and threatened to sanction Samuel K. Lipari if the action and any replacement attorney if *MSC v. Neoforma* was continued in anyway."

Webb Motion for Summary Judgment

These paragraphs are also part of the plaintiff's filings in the present case. And show what appears to be Magistrate Judge Gerald L. Rushfelt's knowing participation with State of Kansas and federal officials in 18 U.S.C. § 241, conspiracy to deprive Landrith and now the plaintiff of constitutional rights and protections under color of state law:

"A conspiracy under 18 U.S.C. § 241 is different than conspiracies under other statutes in that no proof of an overt act is necessary to establish the existence of the conspiracy. *United States v. Skillman*, 922 F.2d 1370, 1375-1376 (9th Cir.1990). Indeed, to prove a Conspiracy Against Rights, the government must only show that two or more parties entered into an agreement; that the purpose of their

agreement was to injure, oppress, threaten or intimidate; that the agreement was intended to affect inhabitants of a State; and that the agreement was directed towards the free exercise or enjoyment of rights and privileges secured by the Constitution and federal law. *United States v. Redwine*, 715 F.2d 315, 319 (7th Cir.1983), cert. denied, 467 U.S. 1216, 104 S.Ct. 2661, 81 L.Ed.2d 367 (1984).”

US v. Hayward, 764 F. Supp. 1305 at 1307 (N.D. Ill., 1991).

Besides being the prosecuting witness in the federal cases reporting grave violations and federal felonies under 15 U.S.C. §§ 1,2 and 18 U.S.C. § 1962 in *Medical Supply Chain, Inc. v. General Elec. Co.*, 03-2324-CM, (D. Kan. Jan 29, 2004) and *Med. Supply Chain, Inc. v. Neoforma, Inc.*, 419 F. Supp. 2d 1316 (D. Kan. 2006) against the Novation Cartel, Landrith and Lipari were likely witnesses in Assistant US Attorney Thelma Quince Colbert and Shannon Ross’ Medicare False Claims Act proceeding styled *US ex rel Cynthia I. Fitzgerald v. Novation LLC, VHA, University Healthcare Consortium et al*, N. Dist. Of Texas Case 3:03-cv-01589.

The state and federal officials including Magistrate Judge Gerald L. Rushfelt’s actions against Landrith and now the plaintiff fit the requirements of an 18 U.S.C. § 1503 charge but are also appear to properly be 18 U.S.C. § 241 violations:

“ On April 2, 1981, the government brought a superceding indictment which replaced the count of the indictment against Rizzitello involving conspiracy to obstruct justice under 18 U.S.C. § 1503 with conspiracy to violate a citizen's civil rights, 18 U.S.C. § 241. Section 241 contains a harsher penalty than Section 1503. The government represents that

the reason for bringing the superceding indictment is the dearth of evidence going to Rizzitello's awareness of Napoli's status as a federal witness. Proof of such an awareness is a necessary element under 18 U.S.C. § 1503, but not an element under 18 U.S.C. § 241.”

United States v. Bufalino, 518 F.Supp. 1190 at 1193 (S.D.N.Y., 1981).

Landrith had and the plaintiff has a clearly established right to report violations of federal law without retaliation. The actions taken against Landrith under color of state law to deprive him of his constitutional rights in violation of federal statutes cannot lawfully prevent him from being an attorney in federal court.

“...the right to inform the United States authorities of violation of its laws, *In re Quarles*, 158 U.S. 532 [15 S.Ct. 959, 39 L.Ed. 1080].” *Twining*, 211 U.S. at 97, 29 S.Ct. at 19.”

Young v. Matsushita Elec. Indus. Co., Ltd., 939 F.2d 19 at 20 (C.A.2 (N.Y.), 1991).

This court cannot follow the magistrate's recommendation of dismissal against public policy and controlling precedent:

“The public policies embedded in the criminal laws have long been deemed of such importance that the law also encourages persons to report criminal activity to public authorities... Such rulings recognize the long-established proposition that public policy encourages citizens to report crimes. See *In re Quarles & Butler*, 158 U.S. 532, 533-35, 15 S.Ct. 959, 960-61, 39 L.Ed. 1080, 1080-81 (1895); *Lachman v. Sperry-Sun Well Surveying Co.*, 457 F.2d 850, 853 (10th Cir.1972) (“[I]t is public policy ... everywhere to encourage the disclosure of criminal activity.”). Effective implementation of that policy requires the cooperation of citizens possessing knowledge thereof. See, e.g.,

Palmateer v. International Harvester Co., 85 Ill.2d 124, 52 Ill.Dec. 13, 421 N.E.2d 876, 879-80 (1981); *Garibaldi v. Lucky Food Stores, Inc.*, 726 F.2d 1367, 1374 (9th Cir.1984).”

Fox v. MCI Communications Corp., 931 P.2d 857 at 861 (Utah, 1997).

Under the facts of the present complaint, the plaintiff is in imminent danger of irreparable harm from retaliation for his federal whistle blowing activities and requires capable counsel which he still cannot obtain, to protect his fundamental liberty interests:

“Although "a private citizen lacks a judicially cognizable interest in the prosecution... of another," private citizens have the right to inform law enforcement officers of violations of the law. *Leeke v. Timmerman*, 454 U.S. 83, 85-86, 102 S.Ct. 69, 70, 70 L.Ed.2d 65 (1982) (internal quotation marks omitted). *In re Quarles*, 158 U.S. 532, 535-36, 15 S. Ct. 959, 960-61, 39 L. Ed. 1080 (1895).”

Woody v. Cronin at 7-8 (11th Cir., 2010).

Affidavit of Plaintiff Stewart A. Webb

Comes now the Plaintiff Stewart A. Webb appearing pro se and in forma pauperis and files this action for Injunctive Relief against the honorable chief judge of this court and the federal district court for

prospective injunctive relief, solely in equity under the United States Constitution to allow me to have an uncompromised qualified legal counsel Bret Landrith <http://www.BretLandrith.com> represent me in the Kansas District Court for a civil RICO action I will file and Federal Grand Jury Case Number 95-Y-107 transfer to U.S. District Court Kansas City, Kansas to hear all Plaintiffs evidence and witnesses to bring indictment against named Leonard Millman Organized Crime Syndicate Plaintiff's Ex in Law aka Leonard Millman aka Leonard Hillman and Plaintiff's ex mother in law Elaine Millman and against Plaintiff's ex wife Kerre S. Millman aka Kerre S. Smith aka Kerre Millmansmith and against others which are part of Millman's Organized Crime Syndicate named in the original Grand Jury Filing herein Case Number 95-Y-107 and currently named and unnamed at this time who have attempted to murder Plaintiff Stewart A. Webb, Obstructed Justice, committed perjury, Bribe Judicial Officials, Bribe Federal Agents, Bribe U.S. Attorneys, Illegally Compromised and Bribe U.S. Congressman and U.S. Senators attempted to murder plaintiff's Daughter Amanda Webb and cover up thereof, committed Obstruction of Justice, Frauds Upon The Courts, Perjury, Forgery, conspired to achieve the aims of the RICO enterprise and continued the predicate and extrinsic fraud acts and participation in the racketeering which is ongoing against the Plaintiff Stewart A. Webb to deprive the Plaintiff his Constitutional Rights, Bill of Rights, Life, Liberty, Property and pursuit of happiness and to Obstruct all means of Legal proceeding to bring to Justice the named and unnamed herein.

1. Kerre Millman, Leonard Millman, Elaine Millman and their power and control over Corrupt Department of Homeland Security, FBI, Federal

Joint Task Force, Private Investigators, past and current U.S Attorney's, Millman's Organized Crime Thugs and Stooges named and unnamed herein and other parties are violating Plaintiff's rights by interfering with Plaintiff's mail, emails, website, social media, radio interviews, internet TV interviews, destroying Plaintiff's property and other illegal acts.

2. Kerre Millman, Leonard Millman and Elaine Millman have used their Organized Crime Syndicate in attempts murder Plaintiff Stewart A. Webb on numerous occasions to stop the Plaintiff from exposing their crimes by reporting to Federal Officials and the Plaintiffs numerous attempts to bring them to Justice for their Illegal Crimes and acts against the United States of America, the American People and the Plaintiff and to keep the Plaintiff from his daughter for over 28 years first with an illegal parental termination and illegal restraining order from his own Daughter Amanda Webb aka Amanda Millman, the Plaintiff's Grandson and Plaintiff's son in law, through an Illegal lifetime Restraining Order on Plaintiff from contact with his Adult Daughter which was done under Frauds Upon The Court, Perjury, Forgery, Judicial Bribery and Obstruction of Justice, an illegal named change from Amanda Webb to Amanda Millman and covering up attempted murder of Plaintiff's Daughter Amanda M. Webb by Kerre Webb aka Kerre Millman on August 11, 1984 in which Kerre Webb aka Kerre Millman agreed to a psychiatric evaluation to keep from being arrested and Jailed which a Dallas County Mental Disturbance Warrant was issued after Kerre Webb aka Kerre Millman fled from Justice and kidnapped Amanda Webb and further Obstruction of Justice occurred in the arrest of Kerre S. Webb aka Kerre Millman in 1984 by a Bribery by Kerre Millman paid to a Dallas County Divorce Judge Linda Thomas in the form of a loan that was never repaid for Judge Linda Thomas election campaign.

A second Illegal Divorce also occurred in Denver County Colorado Courts without the Plaintiff's knowledge or consent that the Illegal Lifetime Restraining order is still in effect prohibiting Plaintiff Contact with his own Adult Daughter Amanda Webb aka Amanda Millman aka Amanda Janusz which is under seal were the Plaintiff cannot even open the case or obtain information about the illegal acts and additional Frauds Upon The Courts occurred.

3. Plaintiff and others are also aware that Leonard Millman and Elaine Millman have committed Treason and Sedition against the United States of America in the sale of Biological Chemical Agents to Iraq without U.S. Government permission in violation of the Barkley Cole Indenture act which is Treason and Sedition. This was known as Irag-gate scandal aka BNL Bank Scandal aka Gulf War Illness which U.S. Veterans are still dying and suffering from the illness that was used by Iraq in the first Desert Storm Gulf War. This was report to U.S. Attorney Henry Solano who had instructed Plaintiff Stewart Webb to work with FBI Agent Mark Hostlaw of Denver FBI who Plaintiff Stewart Webb and NSA Investigator Peter Kawaja informed Agent Hostlaw by telephone who did nothing accept Obstruct Justice. FBI Agent Mark Hostlaw currently is targeting Plaintiff Stewart Webb by paying and has paid Timothy Patrick White to stalk, slander, and defame Plaintiff on the internet and by contacting radio talk show hosts that Plaintiff has done radio programs with as a guest. FBI Agent Mark Hostlaw Obstructed Justice in a Narcotics case against Tim White facing 5 years in prison and only spent 6 months the case is under seal and then Tim White is put on the payroll of the FBI as an informant for Agent Mark Hostlaw to stalk, slander and defame Plaintiff Stewart Webb.

4. Plaintiff and others are also aware that Leonard Millman, Elaine Millman, Larry Mizel, have cause economic plunder by creating Illegal Mortgages on houses that were never built, Illegally duplicated Mortgages on houses and bundled and sold these Mortgages as Mortgage Backed Securities then sold derivatives bundled with these fraudulent Mortgage Back Securities to Banks, Pension Funds worldwide which had lead to an Illegal TARP and Bank Bail Out and the Illegal acts of foreclosure on legitimate mortgages and stealing nearly 3.5 million Americans homes since 2008 through Fraudulent foreclosures with fraudulent mortgages that they had initially created. The Plaintiff filed a Federal Whistleblower complaint with the Securities and Exchange Commission which they have Ignored and Obstructed Justice in the Prosecution of the Named herein Millman Organized Crime Syndicate. The Plaintiff's MOTION TO SCHEDULE GRAND JURORS ACTIVE CASE NUMBER 95-Y-107 RM is justified to bring Indictments against the named and unnamed herein and return Trillions of Dollars to The United States Treasury, Investors,

Pension Funds, Counties and Municipalities who invested in these Illegal securities including foreign Banks and Sovereign Counties.

5. The Plaintiff filed in 1995 for Grand Jury Case number 95-y-107 RM Criminal Division U.S. District Court For The District Of Colorado and Judge Richard Match was assigned to the case and asked Plaintiff to give testimony before U.S. District Court Judge Brenner in Casper, Wyoming in a Grand Jury Room under oath in 1995 to determine if Plaintiff Stewart Webb had evidence to warrant his Federal Grand Jury Demand. Upon Testimony and evidence Judge Brenner filed a report with U.S. District Court Richard Match which stated Plaintiff's allegations were determined to be true and that a Grand Jury was warranted and Plaintiff Stewart A. Webb should be allowed to appear before a Grand Jury to bring evidence and witnesses for the purpose of Indictments against Kerre S. Millman, Leonard Millman, Elaine Millman, The Millman Organized Crime Syndicate and their Illegal acts against Investors, Bribes of Public Officials, Securities Frauds, Narcotics Importation into America, Narcotics Money Laundering, Crimes of Treason and Sedition against The United States of America, False Claims against The State of Colorado, False Claims against The United States of America, Government Contract Frauds, Illegal Campaign Money Laundering to U.S. and Various State Politicians, HUD Frauds and theft of Trillions of Dollars in HUD Projects and 79,000 Reposed HUD Houses that disappeared off HUD Headquarters Computers in 1979 that Leonard Millman had illegally deeded these houses in various Corporation named and resold and in some cases carried the Mortgage on these Stolen HUD Houses including crimes against Plaintiff Stewart A. Webb and his Daughter Amanda Melia Webb. U.S. District Court Judge Richard Match for The District Of Colorado talked with the Plaintiff by telephone which the Plaintiff expressed his concerns about the revolving Door of Corruption at the Denver U.S. Attorney's Office because corrupt former U.S. Attorney Michael J. Norton who had been Bribed by Leonard Millman for \$1.5 million and Norton laundered that bribe through M&L Business Machines Company of Denver Colorado a Millman Narcotics and Bribe laundry operation which filed Bankrupts in U.S. District Court Denver, Colorado. U.S. Attorney Mike Norton had filed illegal charges of threats for Millman's supposedly made by Plaintiff Stewart Webb in September 1991 to initiate a warrant for the arrest of Plaintiff Stewart Webb and Plaintiff Stewart Webb was

illegally arrested in September 1992 and held as a Political Prisoner for 10 ½ months to silence Plaintiff Stewart Webb who was working with the HUD Inspector General, Various Congressional Committees as a Federal Whistleblower who were investigating Leonard Millman and his Organized Crime Syndicate and held hearings on Denver International Airport Frauds, Illegal Political Campaign Money Laundry, Silverado Savings and Loan were Neil Bush then President George HW Bush's son was a Director of Leonard Millman's Silverado Savings and Loan and HUD were an Independent Prosecutor was appointed as a result of Plaintiff Stewart Webb information provided. Millman had discovered Plaintiff was causing the investigations and to silence Plaintiff Stewart Webb a Federal Whistleblower September 18, 1991 U.S. Attorney Mike Norton issued an illegal Warrant for death threats and harassing calls supposedly by Plaintiff Stewart Webb to Millman's that never occurred those charges were dismissed with Prejudice against Plaintiff Stewart Webb after being hunted by FBI for one year and illegally held as a Political Prisoner for 10 ½ months from 1992-1993. In 1995 While talking by telephone with U.S. District Court Judge Richard Matsch expressing concerns about the Corrupt U.S. Attorneys Judge Matsch expressed his concerns about the former U.S. Attorney and understood the Plaintiff's concerns of the corruption and previous Obstruction of Justice. Judge Match expressed he wanted the Plaintiff to and try to work with the new U.S. Attorney Henry Solano and if Solano did not do his job that the Plaintiff could go the alternative route and appear before the Grand Jury himself or with his attorney for the purpose of bringing said evidence and witnesses for the purpose of Indictments against named and unnamed parties herein case No: 95-Y-107. This is a standing order of Judge Richard Match. The U.S. Attorney after taking information from Plaintiff and Iran-Contra Whistleblower Al Martin <http://almartinraw.com> now author of the Conspirators were Leonard Millman is named in Martin's book of Millman's frauds and Millman's Partners George HW Bush, Neil Bush, Jeb Bush, George W. Bush, William J. Clinton, Hillary Clinton, and many others unnamed and their frauds and crimes against The United States of America and Financial Frauds and Murders etc., U.S. Attorney dropped the ball and would no longer talk with Plaintiff Stewart Webb and Plaintiff's witness against Leonard Millman, Al Martin. Fact Plaintiff shortly thereafter was hit with a Bio-chemical agent and

nearly died. Al Martin was illegal jailed and held under a fictitious named in a County jail in Florida for 45 days.

6. NOTICE TO THE COURT Theft of U.S. Mail and the Sudden Delivery of Stolen US Mail (See Police Report and Plaintiff's Affidavit below)

7. Plaintiff wishes to notice the Court and that it would be a MISPRISION OF FELONY under 18 USC 4 to fail to disclose felonious acts that have been witnessed by or that have come to the attention of the Plaintiff. Plaintiff and others are also aware that Treason and Sedition against the United States of America and its People have been committed by some of the named and unnamed defendants and Co-Conspirators named herein.

8. Attorney who agreed to represent Plaintiff Stewart Webb in 1992 Paul Wisner was killed found dead in Washington D.C. a few days later while Plaintiff was held as a Political Prisoner in Federal Detention in Englewood, Colorado.

9. Attorney David Parker of Rockwell, Texas who agreed to represent Plaintiff Stewart Webb in 1994 after sending Notice of Intent to Sue Kerre Millman and Leonard Millman and Elaine Millman for RICO against Plaintiff Stewart Webb and Plaintiff's Daughter Amanda Webb to Leonard Millman's attorney Norman Phillip Brownstein of Denver, Colorado the Notice of Intent To Suit David Parker was poisoned within days by Israeli Mossad agent Will Northrup, David Parker had an immediate heart attack and had to undergo surgery. Parker later was threatened in his driveway with baseball bats by two large white males while David Parker his children and wife were getting out of their car at their home.

10. U.S. Attorney Henry Solano stopped all communications with Plaintiff Stewart Webb and Plaintiff Witnesses Al Martin Iran Contra Whistleblower, NSA Investigator Peter Kawaja and Robert Joseph President of M&L Business Machines Company of Denver who Laundered the Bribes Paid by Millman to Former U.S. Attorney Michael J. Norton, Former Colorado

Attorney General Gale Norton, FBI SAC Robert Pense and other
Government Officials who Leonard

Millman had bribed to cover up his Crimes and his Organized Crime Syndicate.

11. Attorney Mike Stuph who was at one time partners with Attorney Jerry Spence. Attorney Mike Stuph who first represented Plaintiff Stewart Webb in 1999 in the FBI attempt to illegally hold Plaintiff on assault charges dreamed up by Plaintiffs stalker FBI #5 Ted Gunderson and his side kick a known killer Tom Gaul of Las Vegas, Nevada those charges were dropped one year later by Las Vegas District Attorney's Office. Michael Stuph had agreed to help and do the legal work and filings and indictments against Kerre Millman, Leonard Millman, Elaine Millman and others named and unnamed herein to help Plaintiff Stewart Webb get before a Federal Grand Jury in Las Vegas. While Plaintiff was trying to raise Attorney fees for Michael Stuph Attorney Mike Stuph within two months suddenly became ill with symptoms of MS which immediately affected his abilities to practice law. Michael to this day is nearly paralyzed believed to have been targeted the Millman Organized Crime Syndicate. Leonard Millman has extensive Las Vegas Casino Holdings, Banks, Building Companies, Financial Companies, Land, Trash Service and other Illegal Businesses in Las Vegas, Nevada.

12. Plaintiff Stewart Webb has been quoted by attorneys as much as \$250,000.00 to represent Plaintiff in his RICO actions against Kerre Millman, Leonard Millman and Elaine Millman for their crimes committed against the Plaintiff Stewart Webb and the Plaintiffs Daughter Amanda Webb for 28 years.

13. Plaintiff has had two Attorney's who have been threatened (unnamed witnesses) at this time who agreed to represent Plaintiff in his recent car crashes one attorney in 2011 the other in 2012. Both Attorney's were aware that the First Car Crash was attempted murder of Plaintiff By Kerre Millman and Leonard Millman and Covered up by Grandview Police because of ties to FBI and DHS.

14. Plaintiff Stewart Webb has contacted some 15 other Attorney in Kansas City area after hearing about the first car crash and attempted murder of Plaintiff they all have basically stated they cannot and do not do these type of cases.

15. Attorney Bret Landrith who was never Legally Disbarred (See: enclosed evidence in bottom of this filing Summary Judgment and Exhibits case number: Case No: 09-2603) agreed to represent Plaintiff in this case if the Honorable Court will allow his to act as Attorney for Plaintiff Stewart Webb.

Enclosed herein reference the Motions and Evidence of Previous filing below:

1.MOTION FOR EMERGENCY EX PARTE HEARING Filed September 24, 2012 Case No: 12-CV-2588 EFM/GLR (Electronic)

2,MOTION TO SCHEDULE GRAND JURORS CASE NUMBER 95-Y-107 RM Filed September 24, 2012 Case No: 12-CV-2588 EFM/GLR (Electronic)

3.EVIDENCE IN SUPPORT OF EMERGENCY EX PARTE HEARING Filed September 24, 2012 Case No: 12-CV-2588 EFM/GLR (Electronic)

4.NOTICE TO THE COURT Theft of U.S. Mail and the Sudden Delivery of Stolen US Mail Filed September 24, 2012 Case No: 12-CV-2588 EFM/GLR (Electronic)

http://www.stewwebb.com/MOTION_FOR_EMERGENVY_EX_PARTE_HEARING_20120924.htm

5.NOTICE TO THE COURT THREATS AND FIRST AMENDMENT RIGHTS VIOLATIONS WHICH OCCURRED ON SEPTEMBER 6, 2012 and Filed September 7, 2012 Case No: 12-CV-2588 EFM/GLR (Court Clerk)

6.COMPLAINT FOR INJUNCTIVE RELIEF AGAINST THE HON. KATHRYN H. VRATIL, AND THE U.S. DISTRICT COURT OF THE STATE OF KANSAS, et al. Filed September 5, 2012 Case No: 12-CV-2588 EFM/GLR (Court Clerk)

7.AFFIDAVIT IN SUPPORT OF STEWART A. WEBB FEDERAL WHISTLEBLOWER COMPAINT FOR INJUNCTIVE RELIEF Filed September 5, 2012 Case No: 12-CV-2588 EFM/GLR (Court Clerk)

8.MOTION FOR TRANSFER OF GRAND JURY SITUS Active Case NO: 95Y-107 RM Filed September 5, 2012 Case No: 12-CV-2588 EFM/GLR (Court Clerk)

**9.COMPLAINT FOR INJUNCTIVE RELIEF Case No: 09-2603 JTM/DJW
Filed November 24, 2009 and supporting documentation copy and
past link to see all supporting documents:**

<https://sites.google.com/site/stewwebbvjudgevratil/home>

http://www.stewwebb.com/stew_webb_vs_bush_millman_lindner_clinton_crime_syndicate_122009.htm

**10.MOTION FOR TRANSFER OF GRAND JURY SITUS September 14,
2009**

http://www.stewwebb.com/stew_webb_grand_jury_demand_vs_bush_millman_clinton_etal_09142009.htm

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
STEWART A. WEBB**

Plaintiff,

v. Case No: 12-CV-2588 EFM/GLR

Filed September 5, 2012

HON. JUDGE KATHRYN H. VRATIL, in her

Official capacity as Chief Judge

for the United States District Court for

the District of Kansas

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

Defendant,

NOTICE TO THE COURT

Theft of U.S. Mail and the Sudden Delivery of Stolen US Mail

Affidavit of Stewart Webb on September 15, 2012

Filed by Electronic Filing September 24, 2012

Plaintiff wishes to notice the Court and that it would be a MISPRISION OF FELONY under 18 USC 4 to fail to disclose felonious acts that have been witnessed by or that have come to the attention of the Plaintiff. Plaintiff and others are also aware that Treason and Sedition against the United States of America and its People have been committed by the named and unnamed defendants and Co-Conspirators.

Comes now the Plaintiff Stewart A. Webb appearing pro se and in forma pauperis and files this action for Injunctive Relief against the honorable chief judge of this court and the federal district court for prospective injunctive relief, solely in equity under the United States Constitution to allow me to have an uncompromised qualified legal counsel represent me in the Kansas District Court for a civil RICO action I will file and Federal Grand Jury Case Number 95-Y-107 transfer to U.S. District Court Kansas City, Kansas to hear all Plaintiffs evidence and witness to bring indictment against named Leonard Millman Organized Crime Syndicate Plaintiff's Ex in Law.

1) Stewart A. Webb seeking the order will suffer irreparable injury unless the injunction issues are answered,

A.)COMPLAINT FOR INJUNCTIVE RELIEF AGAINST

THE HON. KATHRYN H. VRATIL, AND THE U.S. DISTRICT COURT OF THE STATE OF KANSAS, et al.

Filed September 5, 2012

B.)AFFIDAVIT IN SUPPORT OF STEWART A. WEBB COMPAINIT FOR INJUNCTIVE RELIEF AGAINST THE HON. KATHRYN H. VRATIL, AND THE

U.S. DISTRICT COURT OF THE STATE OF KANSAS, et al.

Filed September 5, 2012

C.)MOTION FOR TRANSFER OF GRAND JURY SITUS case Number 95-Y-107 still active

Filed September 5, 2012

**D.) NOTICE TO THE COURT THREAT FIRST AMENDMENT
VIOLATIONS Filed September 7, 2012**

**E.) NOTICE TO THE COURT THEFT OF US MAIL Filed Electronically
through Pacer September 15, 2012**

Affidavit of Stewart Webb on September 15, 2012

On Friday September 14, 2012 the Plaintiff Stewart A. Webb contacted the US Postal Service by Telephone at 816-461-1436 and spoke with U.S. Postal service employee Marcie, U.S Postal Station at 32nd and Noland Road Independence, Missouri 64055 to find where the Plaintiff's missing mail was tracking number 0311-0820-0001-7882-5343 "Delivery Confirmation" that was to arrive between Wednesday September 12, 2012 and Thursday September 13, 2012. U.S. Postal Service Employee Marcie stated the letter package #0311-0820-0001-7882-5343 tracking number showed it was delivered on Wednesday September 12, 2012 at the Plaintiff's Mail Box and address of 16508 A East Gudgell, Independence, Missouri 64055.

The Plaintiff told U.S. Postal Employee Marcie that I Stewart A. Webb had not received this mail at this address and asked was the letter delivered to 16508 A. East Gudgell which Marcie stated yes it shows that she further stated she would contact the carrier who delivered the letter to find out what had happened and would call me back at 816 478-3267.

The Plaintiff reported to U.S. Postal Service Employee Marcie that I Stewart A. Webb had not received the letter and that I Plaintiff Stewart Webb would report this immediately to the Independence, Missouri Police Department the FBI and the IG Inspector General's office of the U.S. Postal service in Denver, Colorado where the Jurisdiction is for Independence, Missouri for mail theft.

I call US Postal Service employee Marcie a second time on Friday September 14, 2012 at approximately 4:15pm to find out if she had contacted the carrier. Marcie stated she had and the normal carrier was off that day of Wednesday September 12, 2012 the day Marcie stated the letter had been delivered.

I Plaintiff Stewart Webb once again told U.S. Postal Service employee Marcie the Plaintiff had no choice but to report to Independence, Missouri Police the FBI and US Postal Inspector for mail theft.

On Friday September 14, 2012 at approximately between 5:00pm-5:30pm CST the Plaintiff Stewart A. Webb Filed a complaint for missing or stolen U.S. Mail letter Confirmation number letter package #0311-0820-0001-7882-5343 to the Independence, Missouri Police Department in person at the Independence, Missouri Police Departments main Headquarters on Noland Road in Independence, Missouri. Police report Number 2012-68690 to Independence Police Employee K. Bailey 1352.

The Plaintiff had checked his mail at approximately 330pm cst on Friday September 14, 2012 at his mail box which there was no mail.

After the Plaintiff Stewart A. Webb had filed a Police report number 2012-68690 and returned to his home noticed a mail delivery truck near his home and decided to once again check his mailbox and found the missing-stolen mail letter package number #0311-0820-0001-7882-5343 in his U.S. Mail Box for his home address of 16508 A East Gudgell, Independence, Missouri 64055.

The Plaintiff is filing this report of record as an affidavit to this U.S. District Court and the Independence, Missouri Police Department as a supplemental report and follow up this date Saturday September 15, 2012 Police Report Number:

2012-68690 because of the ongoing harassment by those Named and unnamed in **Case No: 12-CV-2588 EFM/GLR** and the continuous stalking, the ongoing intimidation, interference with Plaintiff's mail, Plaintiff's emails, the Plaintiff being block by Facebook to his free public account a public Social media and facebook being a Publicly Traded Company and the Department of Homeland Security illegal operations run against Plaintiff by Janet Napolitano, Barbara Frei, Fran Townsend and others including but not limited to FBI Agent Mark Hostlaw his internet paid stooges Tim White and others named in the original complaint September 5, 2012 including Death Threats and other harassing calls by one of the named in Complaint

being Jeff Fisher as evidenced with the Independence, Missouri Police Report Number 2012-66599 filed September 6, 2012 and filed as a NOTICE TO COURT on September 7, 2012 since the Original filing of this case on September 5, 2012.

The Plaintiff Stewart A. Webb Demands an immediate hearing to hear the facts of his Injunctive Relief and to appoint Bret Landrith as Attorney for Plaintiff and to set a date and time when perspective Jurors will be made available for the purpose of forming a Federal Grand Jury under case number 95-y-107 which is still active so the Plaintiff can present to the Grand Jury indictments against Leonard Millman Organized Crime Family Syndicate, Kerre Millman for attempted Murder, Kidnapping, Frauds upon the Court and other Felonious acts and those acting in Millman's behalf who work for Various Federal, State and Local Governments and who work directly for Leonard Millman and Larry Mizel's Organized Crime Syndicate who are violating the Plaintiffs Rights.

I, Stewart A. Webb have read the foregoing document and attest that it is true and correct to the best of my knowledge.

Respectfully submitted,

s/Stew Webb Federal Whistleblower Plaintiff,
stewwebb@stewwebb.com
<http://www.stewwebb.com>
816 478 3267
16508 A East Gudgell
Independence, Missouri 64055

MOTION FOR TRANSFER OF GRAND JURY SITUS

Which Details the ongoing Illegal Racketeering and Attempted Murder of Plaintiff Stewart A. Webb by The Leonard Millman Organized Crime Syndicate using Private Investigator Orion Investigations of Overland Park, Kansas, DHS Department of Homeland Security Personnel with ties to the FBI in Houston Texas.

- a. Which details evidence of Attempted Murder of Plaintiff Stewart A. Webb
- b. Violations of 18 U.S.C. 1960, 1961 Criminal and Civil RICO Racketeering Influence and Corruption Organization
- c. Violations of 18 U.S.C. 4 Federal Reporting Crimes Act,
- d. Violations of 18 U.S.C. 1010, 1011, 1012, 1013, 1014, 1015 Retaliation against witness and informants, Whistleblowers

e. Violations of 42 U.S.C. 1983, 1985 Violations of Civil and Constitutional Rights afforded the Plaintiff under U.S. Laws and Kansas and Missouri States Laws.

f. Violations of Various Federal and States Stalking Laws.

g. Intentional destruction of Plaintiffs computers by AT&T telephone and internet service involved with DHS Department of Homeland Security telephone number 816 478-3267 on July 15-22, 2012.

h. Burning down Plaintiffs Customers house on October 8, 2011 at 3418 W 77th Terrace, Prairie Village, Kansas valued at \$160,000.00 to interrupt Plaintiffs Business which the owner's fire insurance had lapsed. The

Plaintiff has a detailed log of the Vehicle License Plates who stalked the Plaintiff Stewart Webb a few consecutive days prior to the house being destroyed.

<http://pvpost.com/2011/10/08/fire-guts-vacant-house-east-of-prairie-village-city-hall-7069>

i. Violations of Various Missouri State Insurance Laws involving RICO and Badfaith settlements and Federal Civil RICO law

Violations involving Viking Insurance Co. aka Sentry Insurance Co. aka Dairyland Insurance Co. involving a car accident on November 11, 2011 in which the Plaintiff was hit in the left side two times on I-470 in Lees Summit, Missouri at 60 mph and the Driver Jay D. Stevens was ticketed by the Missouri Hi-way Patrol and found guilty in Jackson County Court, Independence, Missouri court case number 700228680 on April 19, 2012. The Driver Jay D. Stevens had been stalking the Plaintiff for over one hour prior to the so-called accident with an additional vehicle following behind Stevens a Black Dodge Pickup. The Driver Jay D. Stevens may be the same Jay Stevens owner of Jays Truck Driving School of Kansas City-St. Joe, Missouri a know Iran-Contra Drugs Smuggler who was named in the Iran-Contra Mena, Arkansas Oilver North-Bill and Hillary Clinton-George H. W. Bush and Leonard Millman illegal drug for guns operations and investigations by Independent Prosecutor Judge Lawrence Walsh. Plaintiff Stewart A. Webb filed over 1,000 pages as a criminal referral in 1990 to the IRS under the Whistleblower Act turning in Leonard Millman MDC Holdings, Inc. (MDC-NYSE) the Parent company of Silverado Savings and Loan were Neil Bush was a Director. Silverado was a illegal Narcotics Money Laundry controlled by Leonard Millman, Plaintiffs ex-in-law. Shortly thereafter in 1990 the Plaintiff Stewart A. Webb was contacted by an active

IRS Investigator unnamed wanting to know if Plaintiff had any information why Jay's Truck Driving School had Millions of Dollars in Accounts at Silverado Savings and Loan. The IRS Agent investigator was terminated and actual became an IRS Whistleblower over Jays Dug Money Laundry Accounts TV-5 in Kansas City, Missouri did a complete report of Jays Truck Driving School which aired on KCTV-5 in Kansas City, Missouri between 1990 and 1992 by Reporters Stan Carmack or Stan Kramer.

Why has the above named insurance company committed RICO, Bad Faith Acts against the Plaintiff Stewart Webb by not paying the Plaintiff the \$2,800.00 value of the Plaintiff destroyed-totaled Van. Why has the named above insurance companies offered first \$900.00 then \$1,600.00 after Plaintiff provided evidence the Plaintiff had paid in total receipts \$2,800.00 for the Van and the repairs. The Van today would sell for over \$3,000.00 in the Kansas City used Van Market. Today as of this filing the Plaintiff is without a vehicle which is destroyed and sits in his driveway. The Plaintiff has incurred over \$50,000.00 in lost wages since October 8, 2011 and over \$25,000.00 in medical as a result of this accident or attempted murder or what ever you would call this. Yet as of August 28, 2012 an agent from the above named insurance company called the Plaintiff to make a Bad Faith Settlement of \$1,600.00 for the Plaintiffs Van and \$1,500.00 for the medical injuries. The total damages to the Plaintiff as of this date exceeds \$80,000.00 plus permanent injuries, pain and suffering RICO and other damages the Doctors who have and are treating the Plaintiff have told Plaintiff he will have to find another profession other than a Building Contractor that the Plaintiff is not now able to do the physical work he was doing at the time of the accident on October 8, 2012.

g. Violations of Failure to Protect Laws in Missouri by the Raytown, Missouri Police Department after a Gun was pulled on the Plaintiff in rush hour traffic on June 1, 2012 at 5:45 pm Raytown Police Report number 12-1470 yet the Plaintiff provide Raytown Police with the License Number Missouri CG8-Z1Y a Black 2 door Honda which the Detective J.D. Lawrence has never returned the Plaintiffs telephone calls. A witness who was behind the Plaintiff also called the Police stating they saw the incident. Pointing a 9mm handgun at someone is a form of assault and battery with a deadly weapon. As of this filing no one has been arrested. This is failure to protect and another violation of U.S. Law 42 U.S.C. 1981 and other State of Missouri Laws.

h. Violation of Mail and wire Frauds Laws Illegally Blacklist my emails on the internet and hijacking email list by spamming repeat up to 9 times in one hour by FBI and DHS Department of Homeland security.

i. Violations of retaliation against Whistleblowers, Informants, Witnesses 18 U.S.C. 1010-1015, and RICO 18 U.S.C. 1960, Slander, Defamation of Character by various actors on the internet acting in behalf and on the payroll of FBI #5 the DHS Department of Homeland Security including Ex FBI Agent Ted Gunderson who tried to extort Plaintiff Stewart Webb and had a Las Vegas Police Swat Team Destroy the House Plaintiff was living in after 5 hours of interrogation by Las Vegas Detectives the Police left with no further actions or charges against Plaintiff Stewart A. Webb.

After Plaintiff filed a Restraining order against Ted Gunderson and Gunderson's side kick Murderer Tom Gaul of Las Vegas Gaul filed illegal assault charges against Plaintiff Stewart Webb that were dismissed 1 ½ years later by the Las Vegas District Attorney.

<http://www.tedgunderson.com>

Ken Adachi <http://www.educate-yourself.org> who has lots of slanderous illegal pages on his website and was directly involved with Ted Gunderson in his illegal setting up of Dave Hinkson on an illegal 40 year prison term for a so called murder for hire scheme <http://www.davehinkson.com> <http://www.rolandhinksonfiles.com> in which the Plaintiff Stewart Webb testified in behalf of Dave Hinkson. Ted Gunderson wrote a similar letter to the U.S. Attorney General and was involved with Timothy White on FBI Payroll in a similar falsified murder for hire scheme against the Plaintiff Stewart A. Webb.

Denver FBI Paid Stooge and Cross-dresser Timothy Patrick White That posts his slanderous lies on various yahoo.com groups and other internet websites including <http://www.educate-yourself.org> And has stalked and harassed the Plaintiff since the Plaintiff Stewart Webb acted as an informant against Timothy White after White tried to extort Plaintiff Stewart Webb and Iran Contra Whistleblower Al Martin <http://www.almartinraw.com> .

Timothy White was arrested on Drug charges and was facing 5 years in Prison the Denver FBI Agent Mark Hostlaw recruited Tim White in behalf of Leonard Millman to Stalk and Harass the Plaintiff Stewart Webb, Al Martin and the Plaintiffs Witnesses, Radio Talk Show Hosts and others working hand in hand with Ted Gunderson, Ken Adachi, Pam Shufert, Jeff Fisher and many others unnamed herein.

See:

<http://www.stewwebb.com/BushesNaziGoonsNews.html>

<http://www.stewwebb.com/Grand Jury Demand Aug 4 2004.html>

<http://www.stewwebb.com/Grand Jury Demand July 1 2003 .html>

<http://www.youtube.com/stewwebb1>

k. Violations of Federal RICO laws and 18 U.S.C. 1981-1982 Civil Rights violations for Falsification of the National NCIC Computer information system used by law enforcement. Where the information on the Plaintiff Stewart A. Webb is falsified and perjured information reported in the National NCIC information base.

l. Violations of Privacy Laws and Various Federal and State of Missouri Stalking Laws. Example the Plaintiff has hundreds of incidents of Stalking and attempts to crash the Plaintiff while driving some incidents are by the same who attempted to murder Plaintiff Stewart Webb on October 25, 2012 Driver Agakias Sital Missouri Vehicle License number SH6-C4P his passenger Evelyn Omondi has direct ties to Carol Davis Special Attorney Assistant Registered to FBI SAC Ron Stern at United States Department of Justice Houston, Texas wparkspring@aol.com 281- 350 2943.

Including a recent incident of stalking at the Plaintiffs residence on August 7, 2012 involving Missouri License number DH4-M3G a White Toyota with a White male in his 60s the Plaintiff call 911 Independence Missouri Police who responded to Plaintiffs resident 3 hours later by Sgt Lowe to inform Plaintiff Stewart Webb that the License number came up not registered.

The Plaintiff has taken pictures and keep detailed License Plate Logs of the Stalkers some through research of Plaintiff have been found in the Parking Lot of Orion Investigations of Overland Park, Kansas at 95th and Nall. The Plaintiff was stalked in 1990 by the same Orion Investigation hired by Leonard Millman see evidence June 29, 1990 Independence, Missouri Police Report Number 90 14500-s stalkers Charles Stevens and Rodger Kely of Orion Invesitgations.

See: Police Report [http://www.stewwebb.com/Millman Stalking Stew Webb June 1990.htm](http://www.stewwebb.com/Millman%20Stalking%20Stew%20Webb%20June%201990.htm)

MOTION FOR TRANSFER OF GRAND JURY SITUS

COMES NOW on this 4th day of September 2012, the prosecuting witness Stewart A. Webb makes the following motion to transfer the situs of the Grand Jury to the Robert Dole US Court House in Kansas City, Kansas where:

1. The US Court of Appeals for the Tenth Circuit courtroom in the Robert Dole Courthouse in Kansas City, Kansas is convenient to witnesses the prosecuting witness Stewart A. Webb plans to call for the purpose of presenting eye-witness testimony and documentary evidence in support of bringing to justice the perpetrators of the ongoing criminal scheme

identified in the prosecuting witness Stewart A. Webb's request for a grand jury.

2. The Robert Dole Courthouse in Kansas City, Kansas is a situs and facility that is suitable for usage by the Jury.

3. The Kansas District Court is convenient to newly discovered witnesses to the ongoing Millman Syndicate securitization of fraudulent mortgages including witnesses to the affairs of the Kansas farmer Loring Nelson in Saline and Lincoln Counties of the State of Kansas that led to banks in Bennington and Tescott Kansas associated with what is now Alliance Bank in Topeka, Kansas participating in the securitization of fraudulent non performing mortgages that resulted in the collapse of the Bush-Millman-Mizel Family savings and loan Silverado and that also precipitated the criminal conduct and extra judicial influence resulting in Obstruction of Justice in the United States Judicial Branch and Extortion of members of both houses of the US Congress described in the prosecuting witness's Stewart A. Webb's request for a grand jury and continues now in what

recently has been described as racketeering schemes attributed in the popular press to Bernard L. Madoff , Sir Allen Stanford and A.I.G.

4. At the beginning of the time period covered by the Grand Jury request a Salina, Kansas Credit Union was found to have been participating in frauds against the interest of the US Treasury through a scheme with Silverado to rec-ollateralize nonperforming and fraudulent debt obligations and to exchange them with a Minnesota bank which would then launder the securities through a Manhattan, Kansas bank.

5. The Kansas District Court is also convenient to newly discovered witnesses to the ongoing Millman Syndicate securitization of fraudulent mortgages including witnesses to the affairs of the Kansas farmer Dwayne Melius and a landing strip at a Kansas hog farm being regularly used to import illegal narcotics as bribery funds to corrupt Kansas state officials and to frauds against the US Treasury in the systematic foreclosure of federal government guaranteed farm mortgages mandated by the Millman Syndicate's practice of securing two and three parallel fraudulent mortgages guaranteed by the federal government on the same farmer's property.

6. The Kansas District Court is also convenient to later discovered witnesses to the ongoing Millman Syndicate's bribery and extortion of public officials including the prospective prosecuting witness Stewart Webb who has information and documentation on how the Millman Syndicate bribed and extorted public officials and unlawfully removed property and funds from Enron through previously concealed fraud that injured government employees and caused the loss of retirement funds invested in the corporation that can still be identified and recovered.

7. The Kansas District Court is also convenient to newly discovered evidence of Mortgage Securities Frauds by Leonard Millman and Larry Mizel of MDC NYSE a public traded company and their subsidiaries Asset Investors and other entities they created to sell Mortgages on houses that were never built and duplicated Mortgages on house that were sold in bundles as Securities that has lead to the the illegal TARP, Bank Bail Outs which has lead to the Worldwide Economic meltdown which is Economic Plunder under U.S. Laws which is the Death Penalty a very serious crime. See: SEC Securities Exchange Commission Whistleblower Filings by Plaintiff Stewart A. Webb.

http://www.stewwebb.com/Larry_Mizel_Mortgage_Backed_Securities_Frauds_and_Bank_Bailout_Frauds_03122012.htm

8. The Kansas District Court is also convenient to newly discovered evidence of attempted murder of Plaintiff Stewart Webb During the time Plaintiff Stewart Webb had a previous court case filing in which the Plaintiff was never given a hearing before U.S. District Court Judge Kathryn H. Vratil and the case was put under seal and assigned to District Judge J. Thomas Marten and Magistrate Judge David J. Waxse who reassigned the Plaintiffs case reassigned to Chief Judge Fernando J. Gaitan, Jr. for all further proceedings. Signed by District Judge J. Thomas Marten on 12/2/09. ORDER REASSIGNING CASE.

U.S. District Court Judge Fernando J. Gaitan Jr. is the Chief Judge of the 8th District The Western District of Missouri Kansas City, Missouri not even in the 10th District Kansas City, Kansas were the Plaintiff filed his PETITION FOR INJUNCTIVE RELIEF AGAINST THE HON. KATHRYN H. VRATIL, AND THE U.S. DISTRICT COURT OF THE STATE OF KANSAS, et al. Plaintiff was never given a hearing before U.S. District Court Judge Fernando J. Gaitan Jr. who dismissed the Plaintiffs case stating ORDER denying Motion for Leave to Proceed in forma pauperis Signed by Chief Judge Fernando J. Gaitan, Jr on 12/14/09.

http://www.stewwebb.com/civil_docket_stew_webb_vs_case_sealed_12082009_case_209_cv_02603_fjg.pdf

http://www.stewwebb.com/Stew_Webb_vs_JUDGE_KATHRYN_VRATIL_case_0209CV02603FJG_DJW_CivilDocket_1217200

Original Grand Jury Demand

INTERNAL RECEIPT

07581

United States District Court
District of Colorado
Denver, Colorado

CRIMINAL DIVISION

Received from Edward A Webb
20 Box 17115
Boulder CO

Account	Amount
604700	
086900	20.00
322350	
322360	
504100	
TOTAL	20.00

Date: 2/27/95
 Case No: 954107
 Case Name: ~~Webb~~
Webb v. Hillman, et al

604700 Cash Bail Bonds
 086900 Filing Fees (ALL)
 322350 Copywork
 322360 Certifications
 504100 Fines

<input checked="" type="checkbox"/> Cash	<input type="checkbox"/> Check	<input type="checkbox"/> Cr. Card	<input type="checkbox"/> M.O.
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Deputy Clerk [Signature]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

FEB 27 1995

JAMES R. MANSPEAKER
CLERK

Case Number **95 Y107**

STEWART ANTHONY WEBB,
Plaintiff,
Telephone (303) 575-1121
vs.

*FILED CHAMBERLAIN
DIVISION
3/9/95 TESTIFIED GRANT
Room before JUDGE
(w/ps) B. BROWN STAS
IS SWORN TESTIMONY
B. BROWN BECAME
THE GOVT.
FIVE STATE
ATTORNEY*

LEONARD YALE MILLMAN (President, National Acceptance Company, Denver),
ELAINE RUTH MILLMAN (Vice-President, National Acceptance Company),
LARRY A. MIZEL (Chairman, MDC Holdings, Inc., Denver),
PHILLIP D. WINN (Director, MDC Holdings, Director, Asset Investors),
GEORGE HERBERT WALKER BUSH (Former President, United States),
NEIL BUSH (Director, Silverado Savings, Denver),
JEB BUSH,
MICHAEL J. NORTON (Former United States Attorney, Denver, 1977-1993),
GREG C. GRAFF (Assistant United States Attorney, Denver),
THOMAS O'ROURKE (Assistant United States Attorney, Denver),
JOSEPH MACKAY (Assistant United States Attorney, Denver),
WILLIAM BARR (Former United States Attorney General, a.k.a. CIA operative Robert Johnson),
OLIVER NORTH (Former National Security Advisor, ak.a. CIA agent John Cathey),
RICHARD THORNBURGH (Former United States Attorney General),
EDWIN MEESE (Former United States Attorney General),
JANET RENO (Attorney General, United States),
ROBERT PENCE (Former Special Agent in Charge, Federal Bureau of Investigation, Denver - Retired 1991),
NORMAN BROWNSTEIN (Former Director, MDC Holdings, Inc., National Security Agency Attorney),
GAIL NORTON (Attorney, General, State of Colorado),
FEDERICO PENA (Secretary of Transportation, United States, Former Denver Mayor),
WELLINGTON WEBB (Mayor, Denver, Colorado),
DAN MUSE (City Attorney, Denver, Colorado),
SHERMAN G. FINESILVER (Former Chief Judge, United States District Court, Denver Colorado),
ZITA L. WEINSHENK (Judge, United States District Court, Denver Colorado),
SILVERADO SAVINGS AND LOAN,
MDC HOLDINGS, INC.
NATIONAL ACCEPTANCE CORPORATION,
ASSET INVESTORS, INC.
ZAPATA OIL COMPANY, Houston, Texas,

**ZAPATA CATTLE TRANSPORT COMPANY, Houston, Texas,
and OTHERS AS YET UNNAMED,
Defendants**

**PLAINTIFF'S DEMAND FOR CONVENING A GRAND JURY TO
INVESTIGATE CRIMES CONCERNING RACKETEERING INFLUENCED
CORRUPT ORGANIZATIONS (RICO) AND CONTINUOUS CRIMINAL
ENTERPRISES, HIGH TREASON, NARCOTICS TRAFFICKING INTO THE
UNITED STATES OF AMERICA, THEFT OF OVER \$1 TRILLION FROM
UNITED STATE GOVERNMENT, AND OBSTRUCTION OF JUSTICE
PERTAINING TO DEFENDANTS**

COMES NOW, the Plaintiff, Stewart A. Webb, pro se, and moves the District Court to enter orders directing the United States Attorney to immediately convene a Grand Jury to hear allegations and testimony of the Plaintiff and others concerning the above named Defendants and their participation in Continuous Criminal Enterprises, Racketeering, and Conspiracy to defraud the People of the United States.

NATURE OF CASE AND BACKGROUND FACTS

Plaintiff, along with others both named and unnamed at this time, have documentation and evidence from "first person" observations that will show above named Defendants and others have engaged in continuous criminal activity for an unspecified period of time and have defrauded the United States People and the Government of the United States and of the several States by actions which are codified in the United States Code as criminal in nature and that have duly been passed by the Congress as Criminal Activity. Plaintiff demands that a Grand Jury be convened at the earliest practical time so that this testimony and presentation of evidence may be offered.

Plaintiff, having been related through marriage to Leonard Y. Millman and Elaine R. Millman, has observed specific criminal activity with respect to

the business operations and affiliations of Leonard Millman and his direct and indirect participation with other co-defendants named in this captioned case and demands the opportunity to testify to a Grand Jury relating to these crimes.

Plaintiff is well apprised of making false statements to a government agency under 18 USC §§ 35, 1001, 2071 and others and demands to bring forth evidence under oath or affirmation as to the substance of these allegations.

Plaintiff wishes to notice the Court and the United States Attorney that it would be a MISPRISON OF FELONY under 18 USC § 4 to fail to disclose felonious acts that have been witnessed by or that has come to the attention of the Plaintiff. Plaintiff and others are also aware that high treason and sedition against the United States of America and its People have been committed by the above named Defendants and others as yet unnamed.

JURISDICTION AND VENUE

Plaintiff wishes to bring forth evidence to the United States Attorney and to the Grand Jury concerning crimes which have been committed against the United States and its People. Plaintiff will show through evidence and testimony that various felonious acts including high treason, obstruction of justice, narcotics trafficking, and money laundering have been committed by the Defendants, both named and unnamed, under the federal criminal statutes embodied in Title 18, United States Code and others Titles of the United States Code. Therefore, premises considered, this suit is properly grounded in both jurisdiction and venue under the Federal Rules of Criminal Procedure (F.R.Cr.P).

COUNT I

Plaintiff and others have knowledge of conspiracy by Defendants Leonard Millman, Elaine Millman, Larry Mizel, Phillip Winn, Michael Norton and others to loot billions of dollars from HUD and various savings and loan programs in the Denver, Colorado area. Plaintiff also has evidence of the paper

trail of the looted and laundered funds passing to offshore bank accounts and trusts.

COUNT II

Plaintiff and others have knowledge of conspiracy by Defendant Michael Norton, and others who took bribes and payoffs to keep media attention from focusing on criminal enterprise and obstruction of justice operated by Millman, Mizel, Winn, George Bush and others. Norton's bribes were paid through Boulder, Colorado attorney Thomas Berg. Approximately \$2.5 million was paid through M & L Business Machines and Berg from 1987 to 1991 to Norton.

COUNT III

Plaintiff and others have knowledge of obstruction of justice committed by retired Chief District Judge Sherman Finesilver. Finesilver's bribes emanated from MDC Holdings and were paid through United Bank from construction accounts for Richmond Homes, Inc., an MDC Holdings subsidiary. Other funds were paid to Finesilver through Shamrock Overseas Disbursement Company and transferred to Finesilver's Emerald Island bank account.

COUNT IV

Plaintiff and others have knowledge of fraud that was perpetrated involving government contracts, Small Business Administration loans, minority contract fraud, and government contracts concerning Building Contracts. Further, Plaintiff has vast knowledge concerning Michael J. Norton and Gail Norton who owned at least five apartment complexes along with Defendants Millman, Mizel, Winn and others including Neil Bush.

COUNT V

Plaintiff and others have direct knowledge that Defendants named and unnamed laundered money derived from the sale of narcotics trafficking into

COUNT IX

Plaintiff and others have direct knowledge and evidence to demonstrate that reprisals and retribution, including incarceration, murder, and attempted murder against federal informants and whistleblowers, former intelligence officers, by Defendants both named and unnamed in violations of Federal Criminal Statutes.


COUNT X

Plaintiff and others have direct knowledge of illegal campaign contributions having been derived from extortion and money laundering paid to candidates for local, state and federal offices.

Plaintiff notices the Court that an action was filed with the case number of 93-Z-1273, filed June 14, 1993, dismissed August 22, 1993 by Judge Weinshenk that undertook similar charges and allegations. For reasons considered herein, Plaintiff demands the recusal of Judge Weinshenk, Judge Lewis T. Babcock for suppression of evidence concerning M & L Business Machines, Inc., in February, 1993, and also Judge James Kerrigan due to his affiliation with the Central Intelligence Agency, also Judge Daniel Sparr, due to his son's known affiliation with named Defendants and drug dealing.

WHEREFORE, premises considered and good cause having been shown that these allegations are in the public's interest, PLAINTIFF moves the Court to grant the convening of a Grand Jury at a specified time and place as the Court deems proper so that PLAINTIFF and OTHERS may bring forth evidence to demonstrate that violations of the Laws of the United States of America have been violated and that Defendants have engaged in a Continuous Criminal Enterprise.

Respectfully submitted,

 2/27/93

Stewart Anthony Webb, Pro se,
Post Office Box 17115
Boulder, Colorado
(303) 575-1121, (303) 634-4233,
(303) 575-1040

s/Stew Webb Federal Whistleblower Plaintiff,
stewwebb@stewwebb.com
http://www.stewwebb.com
816 478 3267
16508 A East Gudgell
Independence, Missouri 64055

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U.S. District Court

DISTRICT OF KANSAS

Notice of Electronic Filing

The following transaction was entered on 11/8/2012 at 9:13 PM CST and filed on 11/8/2012

Case Name: Webb v. Vratil
Case Number: [2:12-cv-02588-EFM](#)
Filer: Stewart A. Webb
Document Number: [15](#)

Docket Text:

[NOTICE OF APPEAL by Plaintiff Stewart A. Webb. \(Webb, Stewart\)](#)

2:12-cv-02588-EFM Notice has been electronically mailed to:

Stewart A. Webb stewwebb@stewwebb.com

2:12-cv-02588-EFM Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document
Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1028492125 [Date=11/8/2012] [FileNumber=2828603-0
] [32633ded826594fedf1222e1adde0278971fb22d8e9090e69f45ffae2866b835ac
2f2cee97aff89e5f56530dad2c7090c2b2d1b695657597d13340ce3aa96b9]]

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Case Number: [2:12-cv-02588-EFM](#)
Filer: Stewart A. Webb
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Docket Text:

[NOTICE OF APPEAL by Plaintiff Stewart A. Webb. \(Webb, Stewart\)](#)

2:12-cv-02588-EFM Notice has been electronically mailed to:

Stewart A. Webb stewwebb@stewwebb.com

2:12-cv-02588-EFM Notice has been delivered by other means to:

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Electronic document Stamp:

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] [32633ded826594fedf1222e1adde0278971fb22d8e9090e69f45ffae2866b835ac
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