

Appendix

In RE: Lee Kent Hempfling et. Ux.

Table of Contents

Exhibit "A" U.S. District Court DISTRICT OF ARIZONA (Phoenix Division)	2
Exhibit "B" U.S. District Court District of South Carolina (Charleston)	5
Exhibit "C" General Docket US Court of Appeals for the Fourth Circuit	7
Exhibit "E" ARIZONA SUPERIOR COURT COUNTY OF PINAL DOCKET	11
Exhibit "F" William Barr Attorney General of the United States	14
Exhibit "G" Attorney General Merrick Garland	16
Exhibit "H" Whistle-blower complaint* DOJ Inspector General 9/25/2019	24
Exhibit "I" Jeffrey R. Ragsdale Director and Chief Counsel	29
Exhibit "J" Chief Counsel Office of Professional Responsibility	32
Exhibit "K" FOIA/PA Mail Referral Unit	33
Exhibit "L" FOIA RESPONSE DEPARTMENT OF JUSTICE	36
Exhibit "M" JUSTICE ARTICLE Lee Kent Hempfling 5/1/2022	39
Exhibit "N" UNCOVERING GOOGLE SEARCH CENSORSHIP	49
Exhibit "O" Grimhilda Children's book blocks the courts DMCA	65
Exhibit "P" The Significance of Google's STOPPING Censorship	68
Exhibit "Q" Truth Published 11/2022	74
Exhibit "R" Dec 26, 2017 9th Memorandum	83
Exhibit "S" Ninth Circuit Court of Appeals Docket	89
Exhibit "T" Arizona District Court Docket	90
Exhibit "U" Counter Claim only evidence submitted	94
Exhibit "V" Fourth Circuit Appeals Opinion	96
Exhibit "W" Pinal County Arizona Superior Court Order 5/3/2012	99
Exhibit "X" District of Arizona Order 4/11/17	101
Exhibit "Y" Appeals Clerk Confirms Mandate NOT the case	106
Exhibit "Z" 6/23/17 Order Arizona District Court	107
Exhibit "AA" Ninth Circuit Order April 30/2018	109
Exhibit "BB" Special Action Mandate Closes the case? 4/30/18	110
Exhibit "CC" Ninth Circuit Mandate	113
Exhibit "DD" Arizona District Court Order June 23, 2017	114
Exhibit "EE" 28 U.S.C. §1651(a) Checklist	116
Exhibit "FF" Hempfling v LM Communications evidence #181 Transcript of Meeting between Charlie Cohn and Patricia Thompson	118
Exhibit "GG" Thompson letter to Sanders	121
Exhibit "HH" 20 August 2003 Sanders email response	124
Exhibit "II" Thompson original EEOC Form 5 Augusts 21, 2002	125
Exhibit "JJ" Rev. Joseph Darby Direct Action	126

CLOSED,OPTCON,STD

Exhibit "A" U.S. District Court DISTRICT OF ARIZONA (Phoenix Division)

CIVIL DOCKET FOR CASE #: 2:16-cv-03213-ESW

Hempfling et al v. Voyles et al
Assigned to: Magistrate Judge Eileen S Willett
Related Cases: 2:15-cv-
01475-
DLR
2:15-cv-
02268-
DJH

Date Filed: 09/21/2016
Date Terminated: 04/11/2017
Jury Demand: None
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Federal Question

Case in other court: Ninth
Circuit,
17-
16329

Cause: 42:1983 Civil Rights Act

Plaintiff

Lee Kent Hempfling
identified on initiating
documents as
Lee Hempfling

represented by **Lee Kent Hempfling**
1118 N Warner Dr.
Apache Junction, AZ 85120
623-759-4904
PRO SE

Plaintiff

Suesie Kent Hempfling
identified on initiating
documents as
Suesie Hempfling

represented by **Suesie Kent Hempfling**
1118 N Warner Dr.
Apache Junction, AZ 85120
623-759-4904
PRO SE

V.

Defendant

M Lando Voyles

represented by **Seymour Garry Gruber , II**
Pinal County Attorneys Office
PO Box 887

Florence, AZ 85232
520-866-6271
Fax: 520-866-6521
Email:
ritici.gruber@pinalcountyaz.go

v
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Boyd T Johnson

represented by **Karen J Hartman-Tellez**
Ellman Law Group LLC
1313 E Oregon Ave.

Phoenix, AZ 85014
480-630-6480
Email:
hartmank@mcao.maricopa.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Bradley M Soos

TERMINATED: 10/31/2016

Defendant

Mark Brnovich

represented by **Karen J Hartman-Tellez**
(See above for address)
TERMINATED: 12/12/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Pamela Janice Linnins
Office of the Attorney General –
Phoenix
2005 N Central Ave.
Phoenix, AZ 85004-1592
602-364-1523
Fax: 602-542-4385
Email:

Pamela.Linnins@azag.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Loretta Lynch

TERMINATED: 10/31/2016

Exhibit "B" U.S. District Court District of South Carolina (Charleston)

CIVIL DOCKET FOR CASE #: 2:04-cv-01373-PMD

Hempfling v. LM Communications, et al
Assigned to: Judge Patrick Michael Duffy
Demand: \$0
Case in other court: Fourth
Circuit, 5-
1987

Date Filed: 05/03/2004
Date Terminated: 08/31/2005
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights:
Jobs
Jurisdiction: Federal Question

Cause: 42:1981 Civil Rights

Plaintiff

Lee Kent Hempfling

represented by **Lee Kent Hempfling**
PO Box 6932
Apache Junction, AZ 85278
PRO SE

V.

Defendant

LM Communications Inc
a Kentucky corporation
TERMINATED: 08/31/2004

represented by **Greg Horton**
Womble Bond Dickinson US
LLP
5 Exchange Street
PO Box 999
Charleston, SC 29402
843-722-3400
Fax: 843-723-7398
Email: Greg.Horton@wbd-
us.com
TERMINATED: 08/31/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**LM Communications of
South Carolina Inc**
a Kentucky corporation

represented by **Greg Horton**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**LM Communications II of
South Carolina Inc**
a Kentucky corporation

represented by **Greg Horton**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Exhibit "C" General Docket United States Court of Appeals for the Fourth Circuit

Court of Appeals Docket #: 05-1987

Docketed:

09/12/2005

Nature of Suit: 3442 Jobs

Termed:

03/27/2006

Hempfling v. LM Communications In

Appeal From: United States District Court for the District of South Carolina at Charleston

Fee Status: fee paid

Case Type Information:

1) Civil Private

2) private

3) null

Originating Court Information:

District: 0420-2 : CA-04-1373-2-PMD

Presiding Judge: Patrick Michael Duffy, Senior U. S. District Court Judge

Date Filed: 05/03/2004

Date Order/Judgment EOD:

08/31/2005

Date NOA Filed:

09/02/2005

Prior Cases:

04-2547 **Date Filed:** 12/22/2004 **Date Disposed:**
05/17/2005 **Disposition:** opn.u.sub

Current Cases:

None

LEE KENT HEMPFLING
Plaintiff – Appellant

Lee Kent Hempfling
Direct: 480-982-3739
[NTC Pro Se]

P. O. Box 6932
Apache Junction, AZ 85278-0000

v.

LM COMMUNICATIONS
INCORPORATED, a Kentucky
Corporation
Defendant – Appellee

Lewis Gregory Cook Horton
Direct: 843-720-4625
Email: Greg.Horton@wbd-us.com
[COR NTC Retained]
WOMBLE BOND DICKINSON (US)
LLP
P. O. Box 999
Charleston, SC 29402-0000

LM COMMUNICATIONS OF SOUTH

Lewis Gregory Cook Horton

CAROLINA, INCORPORATED, a
Kentucky Corporation
Defendant – Appellee

Direct: 843-720-4625
[COR NTC Retained]
(see above)

LM COMMUNICATIONS II OF
SOUTH CAROLINA,
INCORPORATED, a Kentucky
Corporation
Defendant – Appellee

Lewis Gregory Cook Horton
Direct: 843-720-4625
[COR NTC Retained]
(see above)

Exhibit "D" General Docket United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 17-16329 **Docketed:** 06/28/2017
Nature of Suit: 3440 Other Civil Rights **Termed:** 12/26/2017
Lee Hempfling, et al v. Kent Volkmer, et al
Appeal From: U.S. District Court for Arizona, Phoenix
Fee Status: Paid
Case Type Information:
1) civil
2) private
3) null

Originating Court Information:
District: 0970-2 : 2:16-cv-03213-ESW
Trial Judge: Eileen S. Willett, Magistrate Judge
Date Filed: 09/21/2016
Date **Date** **Date NOA** **Date Rec'd**
Order/Judgment: **Order/Judgment EOD:** **Filed:** **COA:**
06/23/2017 06/23/2017 06/27/2017 06/28/2017

Prior Cases:
None

Current Cases:
None

LEE KENT HEMPFLING
Plaintiff – Appellant,

Lee Kent Hempfling
[NTC Pro Se]
1118 N. Warner Dr.
Apache Junction, AZ 85120

SUESIE KENT HEMPFLING
Plaintiff – Appellant,

Suesie Kent Hempfling
[NTC Pro Se]

1118 N. Warner Dr.
Apache Junction, AZ 85120

v.

M. LANDO VOYLES

Terminated: 12/21/2017

Defendant – Appellee,

KENT VOLKMER

Defendant – Appellee,

Kevin S. Costello, Esquire, Deputy
County Attorney

Email:

kevin.costello@pinalcountyyaz.gov

[COR NTC County Counsel]

COUNTY ATTORNEYS OFFICE

P.O. Box 887

Florence, AZ 85232

BOYD T. JOHNSON

Defendant – Appellee,

Pamela Linnins, Esquire, Assistant
Attorney General

Direct: 602-364-1523

Email: Pamela.Linnins@azag.gov

Fax: 602-542-4385

[COR NTC Asst State Atty Gen]

Arizona Attorney General's Office

2005 N Central Avenue

Phoenix, AZ 85004

MARK BRNOVICH, Attorney General

Defendant – Appellee,

Pamela Linnins, Esquire, Assistant
Attorney General

Direct: 602-364-1523

[COR NTC Asst State Atty Gen]

(see above)

Exhibit "E" ARIZONA SUPERIOR COURT COUNTY OF PINAL DOCKET

Case Number:	S-1100-CV-201102200		
Title:	HEMPFLING vs CVDC HOLDINGS	Category:	Civil
Court:	Pinal County Superior	Filing Date:	6/6/2011
Judge:		Disposition Date:	

JOHN A BIGLER DEFENDANT - D 7
JAMES A BOURNE DEFENDANT - D 8
JAMES R BOURNE DEFENDANT - D 13
ELWYNN CAFFALL DEFENDANT - D 12
PEGGY CAFFALL DEFENDANT - D 10
TREVOR CAFFALL DEFENDANT - D 9

SE
PRO ATTORNEY -
Y 1

TREVOR CAFFALL
DDS DEFENDANT - D 11

WPF HOLDINGS
LLC DEFENDANT - D 3

WYNN CAFFALL DDS
PC DEFENDANT - D 6

Exhibit “F” Mr. William Barr Attorney General of the United States

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
September 29, 2020

I have awaited the investigative division response, for what good it may have been worth. And there has been none.

Today marks 10 full days, without confirmation or a response from your Department, or the Office of the Inspector General for your Department to a complaint lodged with the Office of the Inspector General through the official D.O.J. provided on-line complaint form.

You were sent a copy of that complaint in email.

The White House was likewise copied in email and they have responded with a confirmation of receipt of the complaint. Your department has not. Senator Tim Scott of South Carolina has failed to respond or confirm as well.

Therefore, I am enclosing a printed version of the complaint and its corresponding supporting materials. We have once again relied on family to be able to afford to do this.

While your department, over almost two decades, has undeniably demonstrated a total lack of interest in anything remotely resembling justice in the matters mentioned in this complaint and its corresponding supporting materials before your most recent arrival; it is imperative that you do what your predecessors have refused to do: YOUR JOB!

Whereas the United States of America is a victim in the matters addressed in this complaint, in both the 4th and 9th circuit courts and appeals venues it is imperative that you “Represent the United States in legal matters” and cause investigation and prosecution of these matters. Completion of those tasks would permit our multiple civil cases to be released and completed. Waiting 14 years is flat out ABSURD!

With prosecutorial discretion being nearly dictatorially royal in power and authority; it is not unconstrained. Fourteen years of such ‘discretion’ is not discretion, it is abuse and misconduct and criminal in its own right.

What you do with the crimes against us and The United States of America your department has been told about for DECADES is not of my concern. I did my part. I exposed a corruption so deep it can be smelled in every legal venue in the nation.

My concern is that your department's refusal to even refuse prosecution and investigation, thereby releasing the holds placed on our cases in both the 4th and 9th circuit courts amounts to a criminal conspiracy to deprive us of our basic al rights; conducted personally by numerous persons acting as U.S. Attorneys, FBI Agents and FBI Counsel spanning some 14 years, across multiple Administrations, agencies, circuits and Attorneys General.

Your presence in the office you now hold was a welcome change.

As I had requested in the complaint I repeat here:

“I demand you do your job; and close these cases, so even if you choose not to prosecute the scores of felonies documented in both 4th and 9th circuit courts the civil cases held hostage are allowed to be released.”

Your department's foot dragging and obvious concerted refusal to work; (a Republic is not where one would expect to find the Marxist doctrine of work refusal has cost us grave health and financial consequences.

I said I would not stop.

And I won't.

Lee Kent Hempfling

1118 N. Warner Dr.

Apache Junction, AZ 85120

<https://lee hempfling.com>

lk h@lee hempfling.com

480-845-1278

Exhibit “G” Attorney General Merrick Garland

June 4, 2021

United States Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530-0001

Attorney General Garland;

The following is a formal complaint against the Department of Justice. This complaint is addressed against the following individuals and agencies and shall suffice as notice. This must be resolved immediately.

From April 20, 2021, some 44 days later we are now without a response, far exceeding the time requirements for presenting a FOIA request.

“This acknowledges your Freedom of Information Act request to the Office of Professional Responsibility (OPR). The OPR routed your request to the Office of the Inspector General (OIG) where it was received on April 16, 2021. Specifically, you are seeking “all charging decision documents” regarding your complaint made to the OIG. “

This is not just been a FOIA request for each of the crimes committed inside the included federal and state court cases. This is also a notification of serious federal felonies committed by DOJ employees, deprecation and utter destruction of ally guaranteed rights and a systemic lifestyle of corruption and easy protection of friends at the expense of not just civil case victims but the United States Judiciary as well.

INTRODUCTION:

It is not a coincidence the cases under question in this complaint have been handled pro se. There is no possibility that protecting friends or hiding law violations would ever have been attempted with a lawyer representing the plaintiffs. But with a pro se, self represented person or persons: prosecutors consider themselves safe and protected from any infringement on their extra-curricular activities.

NOT THIS TIME!

Ever since first entering the federal court system in 2004 we have managed to do what lawyers simply never do. We actually caught defense lawyers breaking federal laws against the United States Courts. The victims of those felonies include not only us, but the United States Judiciary Branch as well. Now we have caught prosecutors covering up those violations and it is up to you to put a public stop to

charging corruption.

BACKGROUND:

From the Justice Manual » Title 9: Criminal 9-27.000 – Principles Of Federal Prosecution. Records of declined prosecutions are not optional. Failure or refusal to provide such records in a valid FOIA request sent to the DOJ OIG from the DOJ Department of Professional Responsibility raises two important issues.

9-27.270 – Records of Prosecutions Declined

Whenever an attorney for the government declines to commence or recommend federal prosecution, he/she should ensure that his/her decision and the reasons therefore are communicated to the investigating agency involved and to any other interested agency, and are also reflected in the office files to ensure an adequate record of disposition of matters that are brought to the attention of the government attorney for possible criminal prosecution, but that do not result in federal prosecution. When prosecution is declined in serious cases on the understanding that action will be taken by other authorities, appropriate steps should be taken to ensure that the matter receives their attention.

And...

Misprision is an illegal act 18 U.S. Code § 4 – Misprision of felony : when applied to what it actually means:

a : neglect or wrong performance of official duty

b : concealment of treason or felony by one who is not a participant in the treason or felony

c : seditious conduct against the government or the courts [a]

In this instance not just us, but the courts and the government are the victims of outside illegal manipulation and influence.

More definitively defined as applied to this specific issue:

“Criminal neglect in respect to the crime of another: used especially in connection with felonies and treason, to indicate a passive complicity, as by concealment, which falls short of the guilt of a principal or accessory. More loosely, any grave offense or misdemeanor having no recognized fixed name, as maladministration in an office of public trust: also termed positive misprision, as distinguished from negative misprision, or mere neglect or concealment.” [b]

Here we are faced with a departmental systemic issue of both neglect and concealment through malfeasance and maladministration in offices of public trust. Every incident of illegal activity has been supported by direct evidence contained on open court dockets. Knowledge of the commission of federal felonies is guaranteed by the victim being the United States Courts. NO clerk or Judge would permit the

desecration of the court as has been done here without demanding prosecution.

PROBABLE CAUSE:

“Apparent facts discovered through logical inquiry that would lead a reasonably intelligent and prudent person to believe that an accused person has committed a crime, thereby warranting his or her prosecution, or that a Cause of Action has accrued, justifying a civil lawsuit.

Probable cause is a level of reasonable belief, based on facts that can be articulated, that is required to sue a person in civil court or to arrest and prosecute a person in criminal court. Before a person can be sued or arrested and prosecuted, the civil plaintiff or police and prosecutor must possess enough facts that would lead a reasonable person to believe that the claim or charge is true.” [3]

If probable cause exists, the question of prosecuting or not prosecuting **MUST** be made for each human participant individually. Presented with a case that has probable cause detailed by both sets of victims and reported by the court **CANNOT BE IGNORED WITHOUT VIOLATING OATH AND LAW.**

Every civil case in this complaint has been ignored, refused prosecution and hidden away for reasons that smack directly in the face of the prosecutor’s oath of office. Such acts have obstructed and interfered in the administration of justice and violated the 4th, 5th and 14th amendments among others.

Andrew Lu, writing in Findlaw.com on September 17, 2012 lists the “5 Reasons Prosecutors Drop Criminal Charges” [1]. In reality, there is a 6th reason.

1: Lack of Evidence. It’s not easy winning a criminal case. Prosecutors have the high burden of proving beyond a reasonable doubt that you committed the crime. Even if it is likely that you committed a crime and there is some evidence linking you to the crime, it may not be enough to convict you. Instead, prosecutors need enough evidence to be almost certain that you are guilty, and without available evidence, prosecutors may drop the criminal charges.

2: Lack of Resources. The unfortunate reality is that prosecutors deal with a lot more crimes than they can prosecute. As a result, they usually allocate their resources to more high priority cases. So if you’ve been convicted of a relatively minor crime or if prosecutors are not certain if they can convict you, they may drop the charges.

3: First Time Offender. Related to lack of resources above, prosecutors may give you a pass if you’re accused of a minor crime and you have no criminal history.

4: Victim/Witness Do Not Come Forward. Oftentimes, the victim of the crime later changes his or her mind regarding whether to go after a suspect. While prosecutors ultimately make this decision, if they do not have any available witnesses, they may not be able to build a case.

5: Willingness to Cooperate. If you are willing to work with prosecutors to help them on other crimes or otherwise be of assistance, prosecutors may be willing to work out a deal where they drop the criminal charges in return.

The sixth reason is the focus of this complaint.

6: Somebody does not want the case known, let alone prosecuted. Such a condition should never exist in any justice system. Here it seems to rule the attitude of prosecutors.

Inside every prosecutor's job in this country lies a simple premise: that a law violated is addressed only to the individual who violated it. A very simple and quite logical presumption. After all: if an individual has not violated a law there is no law violation. Without a violation there is no standing of a prosecutor to make any decision about charging anyone. Or not charging anyone. Failing to enforce a law is refusal to abide to the rule of law. Determining refusal to enforce whole laws is an affront to the separation of powers

In this country now we are viewing prosecutors everywhere make charging decisions based on the existence of a law, not the violation of a law. Whole categories of existing laws are being ignored and/or being refused to be prosecuted. Why? Well, there can only be a few possibilities.

1. The prosecutor does not like the law and does not care that refusing to enforce it violates the oath of office and usurps the power of the legislative branch.
2. The prosecutor is unable to perform the duties of the office.
3. Someone outside of the prosecutor's office does not want the law to be enforced and the prosecutor has agreed to not do so.

#1 violates the oath of office and the separation of powers; #2 violates the oath of office; while #3 is a criminal act besides violating the oath of office. ALL of them, to some degree obstruct justice. #3 is pure obstruction of justice.

This trend derives from a well known and necessary authority and power of a prosecutor. The discretion that is required to be exercised in making a decision based on facts. All it takes is ignoring the facts. There is no accountability in the one very dangerous place in justice most ripe for corruption and outside influence.

A law has been proposed to solve this problem. See An Open Letter to Congressman Paul Gosar [2].

Taking that same discretion and pushing it well past its legal limits has resulted in just not enforcing existing law, as if the law was repealed. Which, of course, is only the legislature's prerogative.

In the mean time, there are fully documented occurrences of improper and illegal refusal to prosecute whole crimes. The consequences thereof are vast. Individuals

are not able to be considered to charge or not to charge as the crime itself is rejected. It is illegal for a person to know of the commission of a crime and not inform law enforcement. 18 U.S. Code § 4 – Misprision of felony : “Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.” When the victim is a court the judge must tell a law enforcement agent of the crime. Judges do not break laws.

Likewise it SHOULD be illegal for a law enforcement agent once informed of a crime to not enforce that law and investigate that crime. It should likewise be illegal for a prosecutor to ignore the existence of the law violated and therefore ignore the violation of it. Without a recording of the decision process on both the charging (as it is required by policy to document charging decisions) and not charging the opportunity for corrupt influence is massive.

Since apparently no paper trail exists on any non charging decision, [Justice Manual » Title 9: Criminal 9-27.000 – Principles Of Federal Prosecution: “Whenever an attorney for the government declines to commence or recommend federal prosecution, he/she should ensure that his/her decision and the reasons therefore are communicated to the investigating agency involved and to any other interested agency, and are also reflected in the office files to ensure an adequate record of disposition of matters that are brought to the attention of the government attorney for possible criminal prosecution, but that do not result in federal prosecution. When prosecution is declined in serious cases on the understanding that action will be taken by other authorities, appropriate steps should be taken to ensure that the matter receives their attention:” on purpose (it cannot be to protect the accused as names can be referenced to data only accessible through a court order,) the only way to identify if such activity has been improperly or illegally performed or not performed is with circumstantial evidence. Evidence not bearing directly on the fact in dispute but instead on an attendant circumstance. All of these cases have been withheld by the Department of Justice, informing the courts to not publish while at the same time doing nothing making the information provided to the courts to be perjury.

Between 2002 and 2005 J. Strohm Thurmond, U.S. Attorney for South Carolina, then South Carolina Attorney General Henry McMaster, the FBI, DOJ Civil Rights Division and the EEOC and FCC were involved in the knowledge of crimes committed against the United States of America Judicial Branch and others. Those crimes were reported to law enforcement by the South Carolina District Court itself. The court stopped publication of the outcome of the case, obviously due to notice of a pending criminal parallel proceeding (involving the suit’s counter-claim not the original case). Not one charge was filed. Not one complaint was fulfilled and the

court was never notified of any action that would have released the publication of the case. Since then, statutes of limitations have long expired for all of the criminal activity against the court in that case, without charges. There was ample evidence, the FBI had the resources, first time offenders do not apply to attacking a court in a criminal manner, a victim came forward with evidence, both the court and the plaintiff victim were more than willing to cooperate (as has been indicated by the years and years of waiting.)

In 2011, in Arizona State Superior Court in Pinal County, a medical malpractice case was defaulted due to bribery of court clerks. Statutes of limitations have expired on those crimes yet that case is still withheld from publication. That withholding, performed illegally is the subject of the Phoenix District Court case.

Then, as if to promulgate the notion that nothing is done legally in the DOJ: in 2016 the exact same criminal activity as the 4th circuit took place in the Phoenix District Court where mail was stolen by someone interested enough to affect the case outcome. The court informed law enforcement and: The court stopped publication of the outcome of the case, obviously due to notice of a pending criminal parallel proceeding. Not one charge was filed. Not one complaint was fulfilled and the court was never notified of any action that would have released the publication of the case. Since then, statutes of limitations have long expired for all of the criminal activity against the court in that case, without charges. There was ample evidence, the FBI had the resources, first time offenders do not apply to attacking a court in a criminal manner, a victim came forward with evidence, the court collected evidence and worked with the postal inspectors to generate a sting operation, both the court and the plaintiff victim were more than willing to cooperate (as has been indicated by the years and years of waiting.)

It continued with more mail theft ©n the Ninth Circuit Court of Appeals (a total of FIVE thefts of US Mail belonging to the US Courts; where a 'sting' operation through the court to the postal inspectors caught the 5th mail theft on record) and it escalated with the state of Arizona, through its Attorney General using Google as a State Actor to censor the Phoenix District Court and the Ninth Circuit Court of appeals from all world wide search results, while he was up for re-election and his wife was up for appointment to a federal judge's position (since appointed by President Trump.) Michael G. Bailey's wife was under consideration for a state appeals court bench appointment. She received that appointment while he was under consideration for a U.S. Attorney's position. Only this one case was censored and they used a children's book copyright claim as the tool to hide the pages listing only this case. Lumen Database provided the mechanism to hide anything by cloaking it inside a copyright claim for a book publication.

Since then the two Arizona assistant Attorneys General who conducted the ninth circuit cases for the state have been severed from employment. The one person with

authority to oversee those crimes and was supervisor of the attorneys, Michael G. Baily, was appointed as U.S. Attorney for Arizona by President Trump (the position in place to hide the rest of the infractions and cover up the entire event.) The Pinal County Court Clerk was forced to resign in disgrace. County Attorney Kent Volkmer and Arizona Attorney General Mark Brnovich are still in office , even after re-election.

The DOJ, the DOJ's Office of Inspector General and the Office of Professional Responsibility have all been involved in these issues and have completely failed to do anything about any of it. FOIA was filed with your department and handed to the OIG's office for response. None has been forthcoming well after the law's time limit.

The 4th circuit crimes are long gone, but the 9th circuit crimes are still active, still prosecutable , still able to be held to justice but it is not being done and the cases withheld from these illegal notices of parallel proceedings have grown by millions of dollars of interest since defaulting. All cases are defaults. Fourth, Circuit, Arizona Superior, Ninth Circuit. All defaulted.

THE COMPLAINT:

The Department of Justice has repeatedly, on purpose, with intent to defraud both US Court districts and appeals courts, as well as defraud and destroy al rights of all Plaintiffs involved in all of these civil cases, illegally hid the existence of criminal activity, protected the identification of accused criminals and criminally withheld publication of Hempfling v LM Communications et.al., 4th circuit; Hempfling v CVDC Holdings LLC et.al. Pinal County Superior Court and Hempfling v Volkmer et.al. in the Ninth circuit. The DOJ has repeatedly demonstrated a concerted intent to deprive due process, equal protection from the Plaintiffs in these civil cases and is now faced with a critical moment:

Existing law violations pending charges from Phoenix District Court and the Ninth Circuit Court of Appeals can still be filed or rejected. Either way will do. The problem has not been what the decision is about individual criminal charges, it has been that no such effort has ever taken place or if it has, no court has ever been told officially to stop withholding final orders and opinions of these cases. It is up to you to investigate whether your staff has violated law for years with this customary refusal to prosecute friends.

Either issue written instructions to all courts and copied to me, that publication of opinions and orders is no longer withheld or issue written instructions to all courts and copied to me ,that the 4th circuit case is released for failure to prosecute and the ninth circuit and Arizona cases are being evaluated and will be released when the charging decision is made within 30 days of receipt of this complaint.

Bill Barr, Mike Pence and Donald J Trump were advised in writing of these crimes.

Did they, as soon as possible, make the crimes known to some judge or other person in civil or military authority under the United States?

While the United States Judicial Branch is the primary victim of serious crimes against both the Fourth Circuit and the Ninth Circuit courts, we are likewise victims of those crimes; while suffering the misprision of our cases' treatment by the Department of Justice.

To our knowledge and belief throughout the entire legal process since 2004 the courts have been above board and honest. The crimes committed against those courts have been illegally ignored by your department in a direct failure to protect the of the United States. THAT is a crisis.

Release our civil cases Mr Garland. We are quite willing to drop these concerns and allow you to police your own department as long as our cases are released.

You have 30 days to do that.

Lee Kent Hempfling

_____/S/_____

1118 N. Warner Dr Apache Junction, AZ 85120

480-845-1278

lkh@leehempfling.com

<http://stolenjustice.us>

<https://leehempfling.com>

<http://countryaboveself.com>

This complaint is publicly published at:

<https://leehempfling.com/legal/corruption/official-complaint-against-the-department-of-justice-for-systemic-al-violations/>

[a] <https://www.merriam-webster.com/dictionary/misprision>

[b] <https://www.wordnik.com/words/misprision>

[1] <https://blogs.findlaw.com/blotter/2012/09/5-reasons-prosecutors-drop-criminal-charges.html>

[2] <https://leehempfling.com/featured/open-letter-to-congressman-paul-gosar/>

[3] <https://legal-dictionary.thefreedictionary.com/probable+cause>

Exhibit “H” Whistle-blower complaint* filed with the Office of the Inspector General 9/25/2019

Confirmed by Investigations Division on September 30, 2019

The same day the DOJ entry for Bailey was edited.

WHISTLE-BLOWER: REPUBLICAN COVERUP U.S. ATTORNEY FOR ARIZONA; CRIMES COMMITTED IN FEDERAL COURT TRIAL HE WAS IN CHARGE OF

The Ninth Circuit Court of Appeals has been withholding publication of THREE FEDERAL CASES SINCE since 2017; due to crimes committed INSIDE THE TRIALS. That release decision is under the control of the one man who WAS RESPONSIBLE FOR THE LAWYERS WHO COMMITTED THOSE CRIMES!

As Chief of Staff to Mark Brnovich, Michael Bailey oversaw “an office of 475 attorneys engaged in a broad spectrum of legal practice” as reported by his new US Attorney page. During the time mentioned in this complaint, the attorneys managed by Bailey knew of and or committed crimes against the United States Court of Appeals Ninth Circuit, as well as committed perjury numerous times in trial, as well as orchestrated the theft of United States mail AND THE CENSORING OF THE UNITED STATES 9TH CIRCUIT COURT BY GOOGLE.

Google stopped censoring the United States of America over ONE MONTH AGO. BUT NOTHING has come of it.

Is Michael Bailey covering up, withholding publication of a massive and embarrassing LOSS by the State of Arizona, in a Federal Appeals trial to protect Mark Brnovich and/or himself. Mr. Bailey has not recused himself from managing the office that manages the cases that are holding *Hempfling v. Volkmer* from being published.

Mr. Bailey was solely responsible for the legal actions of the attorneys who have committed serious crimes against the United State of America.

He must resign, or be removed from office to at least offer the semblance of proper due process. A case against an illegal hold placed BY THE US ATTORNEY FOR ARIZONA, Mark Brnovich and Kent Volkmer (Pinal County Attorney) and the chief of staff to Kent Volkmer, Garland Shreves; was finished, the defendants failed to respond to the final filing in the case and then proceeded to steal the mail addressed to the US 9th Circuit Court. The Court has knowledge of these crimes as they are ON THE DOCKET.

Attached below is the explanation of this travesty as addressed to United States Supreme Court Justice Elana Kagan from the draft of that document. A reply was made by the Justice.

February 20, 2019

The Honorable Elena Kagan
The Supreme Court of the United States
One First Street N.E.
Washington, D.C. 20543

Dear Justice Kagan,

Five years ago prosecutors in Arizona put an illegal hold on a state Superior Court civil case. As the Plaintiffs in that case we have been desperately trying to stop that unal act ever since. "There is a right and a wrong in the universe, and the distinction is not hard to make."

What is hard is witnessing prosecutorial misconduct take on a whole new and dangerous meaning. State and county attorneys committing actual crimes inside court proceedings to further their initial illegal hold of a civil case that started in default due to bribery. State and county attorneys committing crimes intentionally to delay the defaulted civil case and to delay the 9th Circuit Court of Appeals opinions in forcing its release.

When a justice system becomes so corrupt that al rights are destroyed before, after and during federal trials; it behooves those who oversee such criminal behavior to stand up and demand accountability.

The state case, Hempfling v. CVDC Holdings LLC et.al. S-1100-CV-201102200 was blocked in March of 2014 without a rule 62 stay proceeding. Trial in federal court in Phoenix and subsequently in the 9th Circuit retrial proved beyond any doubt that the case had never been released. No final order had ever been issued due to that illegal hold. The state court prohibited filing anything to complain about it.

As the federal case trying to stop that hold was filed in U.S. Mail (Hempfling et al v. Voyles et al 2:16-cv-03213) it was STOLEN and redirected to an international distribution center. Mail was stolen a minimum of 2 more times during the retrial (Lee Hempfling, et al v. Kent Volkmer, et al 0:17-cv-16329). Mail was stolen two more times after the retrial and after the appeal mandate, which likewise has never been released. Nothing has been released. The 9th Circuit is well aware of these events as they managed to acquire the stolen filings.

During the federal trial someone with the political clout to pull it off managed an arrangement with Google to actually censor and block the 9th Circuit Court of Appeals from showing up in world wide search results. The court is very well aware of this and indicated their own 'research' on the appeals docket. The Appeals Court has also stated they will not entertain any further filings making any attempt to receive release of issued documents falling on deaf ears. An appeal cannot be filed on missing orders and opinions. Defendants do not have a right to appeal.

Simply put, the state case is not in anyway related legally to any criminal proceeding and could not have been stopped without the commission of a al violation. The Federal case has been withheld, issuing notice of a final order in April for both a district case and the appeals case of last year but no final order has ever been issued. Anywhere. It mandated the same month a week later and knowledge of that content does not exist outside of the court. But what is known is no defendant responded to the final motion in the case after having been caught in quite a few acts of perjury.

While attempting to invoke local rule 36-4 (to publish the case) that letter was stolen and then stolen again as a copy. Together, these criminal acts are withholding the Superior Court case which was the complaint to begin with. We have attached the last correspondence with the appeals court.

We know a prosecutor enjoys nearly unlimited immunity no matter how horrible the acts perpetrated have been. But we have prevailed in a state court, two federal district courts and the appeals court and not one of those cases has been permitted to be released and published. Not one.

Regardless of the immense size of the state court required award, it should be a foregone conclusion that such violations of al Rights would not be tolerated. We humbly ask you to stop the tolerance. Please stop the illegal withholding of court cases. It is now 8 months since we asked for publication and 10 months since mandate.

Sincerely

Lee & Suesie Hempfling

About U.S. Attorney Michael Bailey [1]

Michael Bailey was nominated by President Trump to serve as the United States Attorney for the District of Arizona on February 12, 2019, and was confirmed by the United States Senate on May 23, 2019.

Prior to his appointment as U.S. Attorney, Mr. Bailey served for 4 years as the Chief Deputy to Arizona Attorney General Mark Brnovich. In that position he oversaw an office of 475 attorneys engaged in a broad spectrum of legal practice.

Mr. Bailey had previously been a criminal prosecutor specializing at different times in homicide and sex crimes prosecution. He also had experience as a litigator in private practice, and as an assistant professor at a liberal arts college.

He is a 1987 graduate of Westmont College and a 1990 graduate of the Sandra Day O'Connor College of Law at Arizona State University.

He was born and reared in New York's Hudson River Valley just outside of New York City.

About Lee & Suesie Hempfling [2]

The beginning is a dental procedure in 2009. Law suit filed in 2011. Default in 2011. Judgment in 2012. Improper stay of case violates 14th Amendment in 2014. 2015 Pinal County Clerk Amanda Stanford illegally attacks plaintiffs, forces state collection processes for no legal reason and rules case outcome in violation of the 14th Amendment. 2015 suit filed in Federal Court Phoenix. Unable to afford to take that case through the process into the Appeals venue. Another case filed, this time against Arizona Attorney General Mark Brnovich, Superior Court Judge Johnson and Kent Volkmer of Pinal County to force the illegal stay to be lifted. (Loretta Lynch and Judge Soos were dropped from the case to remove the government's ability to object.) Why the defense from the state was so ugly, filled with proven perjury; why the United States mail was STOLEN THREE TIMES during the District Court trial before the three judge Circuit Court Panel; why Google: using an unal vigilante service they control to protect copyrights literally censored US, the Plaintiffs, this website, its cohort at <http://pinalcosc.us> and the United States of America is NOT a mystery.

After the case was completed, final order filed and mandate issued it was necessary to use the local rule of the 9th Circuit needed to convert the unpublished place holders into published opinions. That letter was stolen as well: so we made another one possible. Was that last 'copy' stolen as well? We have to wait to find out, but the court put our letter explaining it on the docket (took FEDEX to actually get a letter to the 9th Circuit.)

This case judgment was lodged on December 26, 2017. Beside being the first Internet Censorship by government ruling in U.S. history; the behavior of defense counsel in the clerk's case before Judge Humatewa was disgusting. The same lawyer, Karen J. Hartman-Tellez did it again in the Injunction case before Judge Willet and then again repeatedly before the three judge Circuit panel and then she quit and ran for the hills being replaced by a clone named Linnens who did it again. The Pinal County Attorney lawyer Costello submitted lies as well, after repeated knowledge they were lies. What started in 2009: with the desire to have no space between two front teeth has turned into the most reprehensible behavior of THE STATE OF ARIZONA and the County of Pinal, one could imagine.

[1] Provided by the US Attorney Page <https://www.justice.gov/usao-az/meet-us-attorney>

[2] Provided at <https://leehempfling.com/corruption/case-background/>

· it does not require working for the government to be a victim of its unscrupulous employees... this whistleblower complaint is more of a whistleblower complaint than the fiasco implicating President Trump in a Ukraine phone call ever was!

Exhibit “I” Jeffrey R. Ragsdale Director and Chief Counsel

Office of Professional Responsibility
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Suite 3266
Washington, DC 20530-0001

March 8, 2021

To Mr. Jeffrey R. Ragsdale Director and Chief Counsel

Please consider this correspondence to be an official complaint against the Department of Justice for refusal to follow the law and respond to FOIA requests and even bother with an official complaint filed as a whistleblower complaint with the office of the Inspector General and for a complaint filed with the office of the Inspector General against the former Arizona US Attorney Michael G. Bailey. Attached below.

We will consider a reasonable amount of time for the proper, legal response.

Submitted:

FOIA/PA Mail Referral Unit
Department of Justice
Room 115
LOC Building
Washington, DC 20530-0001

January 25, 2021

The following Freedom of Information Request(s) are(is) submitted in compliance that each is in the public interest because all are likely to contribute significantly to public understanding of the operations and activities of the government and are not primarily in the commercial interest of the requester. The victims of the crimes listed below are the Judicial Branch of the State of Arizona and the Courts of the Arizona District Court, the Charleston South Carolina District Court, the Fourth Circuit Appeals Court and the Ninth Circuit Appeals court of the United States Judicial Branch.

Pursuant to the Justice Manual Title 9: Criminal: 9-2.000 – Authority Of The U.S. Attorney In Criminal Division Matters/Prior Approvals 9-2.020 – Declining Prosecution this Freedom of Information Request(s) are(is) directed at acquiring the
Page 29 Appendix - Evidence: in Re: Lee Kent Hempfling et. ux.

required file or notation reflecting the action taken and the reason for it in either declining (case is closed without prosecution) to prosecute or deciding to prosecute (9-2.010 – Investigations) the federal crimes committed and contained within the following court civil trials.

In each instance listed below the crime or crimes committed are a matter of public record on the associative court dockets or are maintained off-docket. It would be beyond impossible that the courts would not have reported these crimes for prosecution, each being the direct victim of the respective crimes.

**1: Arizona Pinal County Superior Court Case #: S-1100-CV-201102200
HEMPFLING vs CVDC HOLDINGS:**

The case was defaulted due to manipulation of illegally filed defense documents and is believed to have consisted of multiple issues of bribery of court clerks on or about 6/22/2011. Seeking through FOIA the required file or notation reflecting the action taken and the reason for it.

2: Arizona District Court Case #: 2:16 cv 03213 ESW Hempfling et al v. Voyles et al changed to Hempfling v. Volkmer et al

Multiple U.S. mail thefts belonging to and addressed to the court starting on or about 09/21/2016. Seeking through FOIA the required file or notation reflecting the action taken and the reason for it.

3: Arizona District Court Case #: 2:16 cv 03213 ESW Hempfling et al v. Voyles et al changed to Hempfling v. Volkmer et al

State sanctioned censorship of the United States Courts through Google starting on or about 09/21/2016. Seeking through FOIA the required file or notation reflecting the action taken and the reason for it.

**4: United States Court of Appeals for the Ninth Circuit Docket #: 17-16329
Lee Hempfling, et al v. Kent Volkmer, et al**

Multiple U.S. mail thefts belonging to and addressed to the court starting on or about 06/28/2017. Seeking through FOIA the required file or notation reflecting the action taken and the reason for it.

**5: United States Court of Appeals for the Ninth Circuit Docket #: 17-16329
Lee Hempfling, et al v. Kent Volkmer, et al**

State sanctioned censorship of the United States Courts through Google starting on or about 06/28/2017. Seeking through FOIA the required file or notation reflecting the action taken and the reason for it.

6: U.S. District Court District of South Carolina (Charleston) CASE #: 2:04

cv 01373 PMD Hempfling v. LM Communications Inc

Multiple U.S. mail thefts belonging to and addressed to the court starting on or about 05/03/2004. Seeking through FOIA the required file or notation reflecting the action taken and the reason for it.

7: U.S. District Court District of South Carolina (Charleston) CASE #: 2:04 cv 01373 PMD Hempfling v. LM Communications Inc Counter Claim

Multiple allegations of corruption in the FBI, DOJ Civil Rights Division, EEOC, FCC and NAACP among others; starting on or about 06/30/2004. Seeking through FOIA the required file or notation reflecting the action taken and the reason for it.

Your prompt response to this request for documents will be greatly appreciated. We also respectfully request full waiver of fees and costs associated with these requests as we have appeared In Forma Pauperis in most if not all of these civil cases.

Please respond to:

Lee Kent Hempfling
1118 N. Warner Dr.

Apache Junction, AZ 85120

If you wish to respond electronically please do so at lkh@leehempfling.com

Sincerely,

Lee Kent Hempfling
1118 N. Warner Dr.
Apache Junction, AZ 85120

Exhibit “J” Director Chief Counsel Office of Professional Responsibility

U.S. Department of Justice
950 Pennsylvania Avenue,
N.W., Suite 3266
Washington, DC 20530-0001

March 1, 2021

Greetings!

Two complaints have been filed with your Office of Inspector General. Both have been criticized.

On 19 September 2020 a complaint was filed in the email form you provide [attached] said complaint was confirmed in writing. It has now been five months and 10 days since that complaint was filed.

A Whistle-blower complaint* filed with the Office of the Inspector General 9/25/2019 Confirmed by Investigations Division on September 30, 2019.

I now must demand to know what happened to those complaints, especially since the US Attorney in question is now no longer affiliated with the DOJ.

If investigation was underway what stopped it? I furthermore, through the Freedom of Information Act, request copies of all charging decision documents regarding the complaint.

If the department has no intention of cooperating kindly inform of that intent and why.

I will await your response for the appropriate amount of time.

Sincerely,

Lee Kent Hempfling
1118 N. Warner Dr.
Apache Junction, AZ 85120
480-845-1278
lkh@leehempfling.com

Exhibit “K” FOIA/PA Mail Referral Unit

Department of Justice
Room 115
LOC Building
Washington, DC 20530-0001

January 25, 2021

The following Freedom of Information Request(s) are(is) submitted in compliance that each is in the public interest because all are likely to contribute significantly to public understanding of the operations and activities of the government and are not primarily in the commercial interest of the requester. The victims of the crimes listed below are the Judicial Branch of the State of Arizona and the Courts of the Arizona District Court, the Charleston South Carolina District Court, the Fourth Circuit Appeals Court and the Ninth Circuit Appeals court of the United States Judicial Branch.

Pursuant to the Justice Manual Title 9: Criminal: 9-2.000 – Authority Of The U.S. Attorney In Criminal Division Matters/Prior Approvals 9-2.020 – Declining Prosecution this Freedom of Information Request(s) are(is) directed at acquiring the required file or notation reflecting the action taken and the reason for it in either declining (case is closed without prosecution) to prosecute or deciding to prosecute (9-2.010 – Investigations) the federal crimes committed and contained within the following court civil trials.

In each instance listed below the crime or crimes committed are a matter of public record on the associative court dockets or are maintained off-docket. It would be beyond impossible that the courts would not have reported these crimes for prosecution, each being the direct victim of the respective crimes.

**1: Arizona Pinal County Superior Court Case #: S-1100-CV-201102200
HEMPFLING vs CVDC HOLDINGS:**

The case was defaulted due to manipulation of illegally filed defense documents and is believed to have consisted of multiple issues of bribery of court clerks on or about 6/22/2011. Seeking through FOIA the required file or notation reflecting the action taken and the reason for it.

**2: Arizona District Court Case #: 2:16 cv 03213 ESW Hempfling et al v.
Voyles et al changed to Hempfling v. Volkmer et al**

Multiple U.S. mail thefts belonging to and addressed to the court starting on or about 09/21/2016. Seeking through FOIA the required file or notation reflecting the action taken and the reason for it.

3: Arizona District Court Case #: 2:16 cv 03213 ESW Hempfling et al v. Voyles et al changed to Hempfling v. Volkmer et al

State sanctioned censorship of the United States Courts through Google starting on or about 09/21/2016. Seeking through FOIA the required file or notation reflecting the action taken and the reason for it.

4: United States Court of Appeals for the Ninth Circuit Docket #: 17-16329 Lee Hempfling, et al v. Kent Volkmer, et al

Multiple U.S. mail thefts belonging to and addressed to the court starting on or about 06/28/2017. Seeking through FOIA the required file or notation reflecting the action taken and the reason for it.

5: United States Court of Appeals for the Ninth Circuit Docket #: 17-16329 Lee Hempfling, et al v. Kent Volkmer, et al

State sanctioned censorship of the United States Courts through Google starting on or about 06/28/2017. Seeking through FOIA the required file or notation reflecting the action taken and the reason for it.

6: U.S. District Court District of South Carolina (Charleston) CASE #: 2:04 cv 01373 PMD Hempfling v. LM Communications Inc

Multiple U.S. mail thefts belonging to and addressed to the court starting on or about 05/03/2004. Seeking through FOIA the required file or notation reflecting the action taken and the reason for it.

7: U.S. District Court District of South Carolina (Charleston) CASE #: 2:04 cv 01373 PMD Hempfling v. LM Communications Inc Counter Claim

Multiple allegations of corruption in the FBI, DOJ Civil Rights Division, EEOC, FCC and NAACP among others; starting on or about 06/30/2004. Seeking through FOIA the required file or notation reflecting the action taken and the reason for it.

Your prompt response to this request for documents will be greatly appreciated. We also respectfully request full waiver of fees and costs associated with these requests as we have appeared In Forma Pauperis in most if not all of these civil cases.

Please respond to:

Lee Kent Hempfling
1118 N. Warner Dr.
Apache Junction, AZ 85120

If you wish to respond electronically please do so at lkh@leehempfling.com

Sincerely,

Lee Kent Hempfling
1118 N. Warner Dr.
Apache Junction, AZ 85120

Exhibit “L” FOIA RESPONSE DEPARTMENT OF JUSTICE

The original is below. This is OCR text in 12Pt Century:

June 25, 2021

DEPARTMENT OF JUSTICE OFFICE OF THE INSPECTOR GENERAL

Lee Kent Hempfling

Ikh@leehempfling.com

Subject:

Dear Mr. Hempfling

This responds to your Freedom of Information Act request to the Office of Professional

Responsibility (OPR). The OPR routed your request to the Office of the inspector General (OIG). Specifically, you are seeking “all charging decision documents” regarding your complaint made to the OIG. After a thorough search, please be advised that no responsive documents were located in the OIG. We consider this response as closing your request with the OIG.

Freedom of information/Privacy Act Request 121-OIG-200]

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 5 552 (2012 & Supp. V 2017). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist

You may contact our FOIA Public Liaison, Deborah Waller, at (202) 616-0646 for any further assistance with your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the

National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov telephone at (202) 741-5770; toll free at 1-877-684-6448. If you are not satisfied with OIG’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP’s FOIA STAR

portal by creating an account following the instructions on OIP's website:
<https://www.justice.gov/pip/submit-and-track-request-or-appeal> Your appeal must
be postmarked or electronically transmitted within 90 days of the date of my
response to your request if you submit your appeal by mail, both the letter and the
envelope should be clearly marked "Freedom of Information Act Appeal.

Sincerely, Madeleine Agers

Government information Specialist

Office of the General Counsel

950 Pennsylvania Avenue, NW,

Washington, DC 20530-0001 |

(202) 615-0646



DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

June 25, 2021

Lee Kent Hempfling
lkh@leehempfling.com

Subject: Freedom of Information/Privacy Act Request [21-OIG-200]

Dear Mr. Hempfling:

This responds to your Freedom of Information Act request to the Office of Professional Responsibility (OPR). The OPR routed your request to the Office of the Inspector General (OIG). Specifically, you are seeking "all charging decision documents" regarding your complaint made to the OIG. After a thorough search, please be advised that no responsive documents were located in the OIG. We consider this response as closing your request with the OIG.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552 (2012 & Supp. V 2017). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison, Deborah Waller, at (202) 616-0646 for any further assistance with your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at (202) 741-5770; toll free at 1-877-684-6448.

If you are not satisfied with OIG's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Madeleine Ayers

Government Information Specialist
Office of the General Counsel

950 Pennsylvania Avenue, NW, Washington, DC 20530-0001 | (202) 616-0646

Appendix “M” JUSTICE ARTICLE Lee Kent Hempfling 5/1/2022

JUSTICE

“Justice will not be served until those who are unaffected are as outraged as those who are.” **Benjamin Franklin**

Ignorance will lead to ridicule almost every time. The single most obnoxious ridicule based in ignorance and bias intent came in 2015 by Professor William Baude. Baude: “currently serving as a professor of law at the University of Chicago Law School and the director of its Constitutional Law Institute,”[3] quoted the term ‘shadow docket’. There already was a ‘shadow government’ in the lexicon. It is not surprising that an attack was levied against the Supreme Court during that period and today.

Associate Justice Samuel Alito said it right:

“... the court’s emergency docket allows it to make quick decisions when necessary. He also said the term “shadow docket,” coined in a 2015 law review article, is partly to blame for the misperceptions and criticism surrounding the court’s use of this procedure.

‘The catchy and sinister term shadow docket has been used to portray the court as having been captured by a dangerous cabal that resorts to sneaky and improper methods to get its ways,’ he said. ‘This portrayal feeds unprecedented efforts to intimidate the court or damage it as an independent institution.’

He also blamed politicians and the media for portraying the court’s expedited rulings – that often come without full opinions from the court – in a negative light.”[4]

Ignorance in the press, among other causes: results in personal attacks levied against Justices for ‘rejecting’ or ‘denying’ issues, when in reality the merits had nothing to do with the issue. Nobody teaches civics anymore. Social media erupts in anger when a Justice refuses a petition on procedural or jurisdictional grounds. The press imposes ‘deny’ upon a simple refusal to review. A refusal to address a viewpoint is considered to be against that viewpoint. A refusal to hear a topic close to the hearts of many results in attacks for Justices not standing up and Justices going against the reasons they were supported for the position. That ignorance does not help in the exercise of the Court’s appellate jurisdiction. The emergency docket

becomes the target whenever a party fails to gain advantage through its use.

The issues raised in IN Re: Lee Kent Hempfling et. Ux.; invokes article 3 of the United States Constitution: in that the issues raised and the topics presented, directly involve the United States, and the action makes the United States a party thereof through the Executive Branch and the Department of Justice.

The original jurisdiction of the Supreme Court of the United States:

U.S. Constitution 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;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State,—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.” [5][6]

The requirements for being one of the micro-collection of cases that actually make it onto the emergency docket, are far from easy.

1: The petition must show how the writ will be in aid of the Court’s appellate jurisdiction

Since the power of a court to hear appeals from lower courts is appellate jurisdiction: it is obvious to any prudent and sentient observer that not one of the cases included in the issues raised in IN Re: Lee Kent Hempfling et.ux. has ever issued a full and final ruling, so none can be

attached. Orders in District courts are not final yet appeals taken have become cloaked in dust awaiting some mythical criminal process to evolve from inside a dead and comatose case.

Facts and evidence in all cases indicated the defendants in each case, lost the case and have enjoyed unparalleled and totally unwarranted immunity ever since the orders were stopped from being issued.

Prosecutors, far exceeding statutes of limitations[22], have no legal authority to withhold jurisdiction from the appeals, districts and state courts. The literal escape from prosecution this series of massive delays has created is reprehensible in a free and fair society.

“In an opinion released May 26, 2015, Kellogg Brown & Roots Services, Inc. v. United States ex rel. Carter, the U.S. Supreme Court unanimously held that whistleblowers cannot extend the statute of limitations for war-related civil false claims under the Wartime Suspension of Limitations Act (“WSLA”), reinstating an already generous statute of limitations period under the civil False Claims Act (“FCA”).”[23] This prohibition must apply to the practice of capturing and hiding civil cases that involve crimes. The only people being protected are the perpetrators. Prosecutors should be held accountable for their discretionary decisions. If a decision was made not to prosecute: that requires return of the cases to the Civil Court or due process comes to a halt. Prosecutors, as officers of the court should be required to inform the court of every decision that causes a hold or a release.

“Rule 20 (3): (a) A petition seeking a writ of prohibition, a writ of mandamus, or both in the alternative shall state the name and office or function of every person against whom relief is sought and shall set out with particularity why the relief sought is not available in any other court. A copy of the judgment with respect to which the writ is sought, including any related opinion, shall be appended to the petition together with any other document essential to understanding the petition. “

“A copy of the judgment with respect to which the writ is sought, including any related opinion, shall be appended to the petition together with any other document essential to understanding the petition. “ When there is no order upon which an appeal can be taken there is no opinion to provide. Placeholders are not dispositive and the rule does not require an order or opinion it requires one be submitted, which can only occur if one exists and the rule does not require that. The petition includes a great deal of evidence, far in excess of that required to prove the condition claimed.

Where no legal final judgment exists in any of the mentioned cases, no copy of a judgment can be provided. That is the problem. No judgments have issued. No cases have ended. No justice has been served.

2: what exceptional circumstances warrant the exercise of the Court's discretionary powers

It requires a great deal of specificity to qualify for an emergency docket ruling. It should. It should not be easy to inundate the Supreme Court with useless paper. Since 'circumstance' means a fact or condition connected with or relevant to an event or action[9] and exceptional means unusual; not typical[10]: it literally takes an unusual or atypical condition or fact to gain entry.

Here are cases in the Charleston South Carolina district, the Phoenix Arizona District, the Ninth Circuit Court of Appeals, the Fourth Circuit Court of Appeals and the Arizona State Superior Court in Pinal County that all have the very same circumstance and all have surpassed . They are all withheld from completion by the only place on earth that could take jurisdiction away from a civil court for a Constitutional reason.

The counter-claim in the 4th Circuit case (Hempfling v LM Communications LLC et.al.) involves 'direct action' from the NAACP into the EEOC's business practices, and fraudulent radio station license processes before the FCC.

The entire fiasco can only be described as a failure to prosecute. Abandonment. Failure to prosecute occurs in a case when a claimant fails to continue to pursue an action but does not withdraw the claim.[11] A civil case is abandoned when that happens. Criminal cases should be protected so as to not expect witnesses to testify correctly after multiple decades of hidden action. Prosecutors faced with criminal violations, all of which are in defense of the Court as the Court is victim to those crimes, have failed to prosecute, and have failed to engage discretion and not prosecute. A moment past expiration of the legal ability to prosecute and the issue has been abandoned.

When court procedure becomes so bogged down it cannot escape the confines placed upon it, a court able to exercise supervisory power to regulate procedure in all involved courts is required.

In 142 S.Ct. 1024 (2022) UNITED STATES, Petitioner v. Dzhokhar A. TSARNAEV. Decided March 4, 2022 the court admits: "Art. III, § 1. Much

like the grant of “[t]he judicial Power” carries with it inherent authority over local procedure, this Court’s designation as “supreme” might carry with it some inherent authority to prescribe procedural rules for inferior federal courts.” [12] “To be sure, this Court has squarely asserted supervisory power to regulate procedure in lower federal courts. See *McNabb v. United States*, 318 U.S. 332, 63 S.Ct. 608, 87 L.Ed. 819 (1943).”

While prosecutors have sequestered multiple pro se civil cases and managed to keep their existence a secret, the victims of those crimes remain victims. The Courts have been and continue to be victim. The person or persons responsible for mail theft, censorship, bribery and long list of other violations mentioned are, for the most part, except the Ninth Circuit) long past their ability to be charged with those crimes. The withholding of the jurisdiction away from courts has benefited the accused, benefited the losing parties to the cases and have maintained a false reality. Prosecutorial Discretion is to decide on a defendant by defendant basis whether to charge or not to charge, not whether a case is to be packed away from prying eyes.

The potential for unbridled corruption is evident when felonies committed against the United States (Judicial branch) can be hidden by a technique that has no sunlight, nor review. People can be protected. Civil cases can be destroyed without recourse. In fact, this one specific issue (holding civil jurisdiction away even past legal limitations to prosecution) has no recourse in law. Law is centered around the legality of “**actions**”. In this instance, the legality of “**inaction**” has a devastating result to justice when it casts civil rights not only to follow criminal rights but to not be relevant. That improper withholding is taking advantage of a condition where no remedy exists. It must.

FRCP Rule 41.[13] deals with Dismissal of Actions. There is no rule to deal with the dismissal of In-actions. The only logical means of addressing what has happened is to seek a stop to the violation of rights. Not of the rights of a victim in a crime (that would be the Courts!) but the rights of a party to a legal proceeding. Once a Court of competent jurisdiction assumes, acquires or accepts the filing of a legal action, the most important part of due process is the knowledge that the Constitution guarantees a ruling. If the Constitution did not guarantee a ruling, there would be no reason to question any ruling. Rulings would simply not be made. That would eliminate the justice of the justice process. But that is exactly the existence that has been created by no recourse to civil cases taken away in jurisdiction due to crimes that took place inside, before or after the civil case. The rights of the accused are being abused by those who should protect.

The rights of the accused must be preserved. That means crimes that are the same

issue, the same person and the same events should be prosecuted before a civil case of the same content is ruled on. But when the legal ability to prosecute has expired there is no reason legal or otherwise that can keep cases held from publication to be published. Any moment past that afforded by the statutes of limitations is abuse and should not be tolerated by the Supreme Court. The Courts suffering under this abhorrent practice do not have jurisdiction over the cases. They would have to receive jurisdiction back before any Court could rule to stop the inaction. Except the Supreme Court and this docket.

3: Why adequate relief cannot be obtained in any other form or from any other court

The cases in question are withheld. All of them are completed. All of them are far past ripe. Luckily, justice does not become rancid with age. As is evident in the Arizona cases, any attempt to resolve issues is met with yet another prosecutor's hold. There is no chance a court, already stopped from jurisdiction, will be able to rule on a motion to retake jurisdiction, in cases where that very court is the victim of a crime: be it postal in both the 9th and 4th Circuits or censorship in the 9th Circuit and Phoenix District Court, or bribery in the Arizona Superior Court. It would have to be a separate action, which would be immediately locked down from publication yet again. Each of them has. No adequate remedy at law is possible in lower courts.

Add to that the multiple district, multiple state presence of these cases. They all have crimes committed either inside, before or after the case trials. All of the cases have resulted in the courts hearing those cases becoming victim to crime. It is logical the cases would be held to deal with that prosecution. But it is NOT logical they have stayed that way well past the legal ability to charge anyone with anything.

When U.S. Mail is addressed to a Court Clerk's office and then is stolen en-route to that court, the court is the victim of that crime (mail is owned by the receiver of it the moment it is placed in custody) and cannot under any circumstances adjudicate the guilt or innocence of any person or entity connected to that theft.

When a court itself is the victim of a crime, whether its before, during or after trial: the court is the victim and any person representing that court must respect that position.

In the specific instance related to SCOTUS in re Lee Kent Hempfling et.ux. The Fourth Circuit's Charleston District Court was the victim of mail theft, more than one time. management personnel found the stolen mail and completed its delivery. The Charleston District Court is the victim of mail theft and CANNOT adjudicate anything related to that mail theft. Since jurisdiction was taken from the court by

the DOJ many years ago the Court has no ability to address the case again and will not receive jurisdiction over it until the DOJ releases the criminal prosecution hold placed on it.

Only a Court NOT involved in the facts of the collection of cases may rule about those cases. Only the Supreme Court!

In the specific instance related to SCOTUS in re Lee Kent Hempfling et.ux. The Ninth Circuit's Phoenix District Court was the victim of multiple mail thefts directed by someone. [16] management personnel found each stolen document and completed its delivery. Likewise the Ninth Circuit Court of Appeals had been the victim of mail theft, censorship and other issues resulting in the inability of any Judge in the Ninth Circuit to sit without question over the issues involved.[14]

Jurisdiction was taken by the DOJ in the Ninth Circuit cases as well, making the Ninth and the Fourth Circuits unable to address the cases, long after statutes of limitations expired to prosecute those crimes. The civil cases are still held back without legal cause. A judge cannot divest "himself or herself of the interest that provides the grounds for the disqualification." [2]

Crimes must be prosecuted within the jurisdiction of commission. Unless that jurisdiction cannot do so because of an institutional involvement, a conflict.

"Although state actors are generally governmental employees' including the state and local levels, private parties may be deemed a state actor for the purposes of a Section 1983 action if "(1) the state compelled the private party's conduct, (2) the private party acted jointly with a state, or (3) the private party fulfilled a role that is traditionally a public function performed by a state." Baez v. JetBlue Airways, 745 F. Supp. 2d 214, 221 (E.D.N.Y. 2010) (citing Sybalski v. Indep. Grp. Home Living Program, Inc., 546 F.3d 255, 257 (2d Cir. 2008))."[15]

Without the petition IN Re: Lee Kent Hempfling et.ux. Granted, being the only available remedy: the country would never know Google has already been caught long before the election of 2020 literally taking state actor orders from a politician to censor the United States district Court of Arizona and then the Ninth Circuit Court of Appeals from permission to have any judicial product from either court be available to be known by the public if it mentions the name HEMPFLING. The state actors censored the Google search result for anything published by those courts. But failed to include the U.S. Printing Office copy. State sponsored censorship employing willing state Actors. Civilly Proven. [17] The Court even performed its own investigation (on the docket.)

One can only imagine the different world we would live in today if the DOJ had not stolen Justice and imposed the penalty of perpetual victim upon the United States Judicial Branch. How many other pro se cases has the DOJ simply taken away?

Each case in this string of missing justice is in the condition it is in today because some human did not want the acts enshrined in and around each case to be publicly known. There can exist no other possibility. It took a human being to take jurisdiction away from a civil court. It took purpose. Purpose that quite obviously never involved prosecution.

The emergency docket is used when the Court believes an applicant will suffer “irreparable harm” if its request is not immediately granted. Irreparable harm means: “no adequate remedy at law” and it is unfair/unjust to make the plaintiff wait for an injunction.”[7] It is also that same emergency docket that is ridiculed as the ‘shadow docket’.

Since Appellate Jurisdiction means the authority of a court to hear and decide appeals to decisions made by lower courts, any refusal or prohibition of exercising that authority is inimical to the very existence of the Court’s appellate jurisdiction.

It is that very issue that rises to the top of IN Re: Lee Kent Hempfling et.ux. No remedy at law for a condition that has no consequence to abuse.

The conditions created by the capturing of jurisdiction for civil cases, having now exceeded all possible legal outcomes (most cases have far exceeded any statues of limitations for prosecution), are irreparable and forever forced into a perpetual state of legal purgatory. A civil court that has passed jurisdiction to the criminal process is by very definition not able to engage jurisdiction, and there is no means by which a civil court may gain its authority to address an abandoned prosecution: therefore, unable to provide any relief. Irreparable harm has resulted and continues and grows with every day justice has not been served.

The Brady Rule [18] was enacted to deal with prosecutors who are required to disclose any evidence favorable to the accused. There is no Rule that would keep a prosecutor honest by making cases no longer able to be hidden. There is no rule or law that requires a prosecutor to track a case so it does not disappear into the cave of perdition. There is no rule in procedure for a court to monitor cases and cause them to return to the civil court when the criminal process can no longer proceed. There are no checks and no balances available to keep a civil case from falling victim to a prosecutor with a criminal case he can hide. There needs to be a rule. At least there needs to be sunlight for all persons who have been caught up in civil cases coming to a hold and never starting again. And there needs to be freedom.

Freedom for the Courts to exercise their jurisdiction: appellant or original and no longer be captive to the prosecutor's complete disregard for due process and the Court's opinions and work product are protected speech and cannot be legally delayed or destroyed.

The prosecutor who holds a civil case in abeyance should be required to report to the court the case belongs in, every 90 days, what the status is. The court taking the status report should withdraw the hold if the present moment exceeds the time limit for prosecution of the crimes involved. Prosecutors must notify the court immediately when statues of limitations have expired and must return the case to the originating court within 10 days of the end of the statute's limit.

Without that rule: civil cases (pro se and represented) will continue to disappear, civil cases will continue to be ignored, civil cases will tie up court resources never to clear the docket: and most importantly: most pro se litigants will continue to erroneously blame Judges for delays outside of their control.

Taking a civil case's jurisdiction in order to prosecute should result in prosecution, before time expires to do so: while conveniently forgetting about it is actually tyranny.

Justice: is not its process; not its procedure; not what it takes to reach it, but rather wholeness of the victim. Without the victim being whole justice has not been served no matter how many arrests or indictments result.

"There is no greater tyranny than that which is perpetrated under the shield of the law and in the name of justice." Montesquieu [21]

REFERENCES:

[1] <https://constitutioncenter.org/blog/marbury-v-madison-the-supreme-court-claims-its-power>

[2] https://en.wikipedia.org/wiki/Shadow_docket

[3] https://en.wikipedia.org/wiki/William_Baude

[4] <https://www.ncronline.org/news/justice/notre-dame-justice-alito-defends-courts-use-shadow-docket>

[5] <https://constitution.congress.gov/constitution/article-3/>

[6] 28 U.S.C. § 1651 – U.S. Code – Unannotated Title 28. Judiciary and Judicial Procedure § 1651. Writs (a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law. (b) An alternative writ or rule nisi may be issued by a justice or judge of a court which has jurisdiction.

[7] [https://www.lawinsider.com/dictionary/irreparable-](https://www.lawinsider.com/dictionary/irreparable-harm#:~:text=Irreparable%20harm%20occurs%20when%20a%20party%20has%20n)

[harm#:~:text=Irreparable%20harm%20occurs%20when%20a%20party%20has%20n](https://www.lawinsider.com/dictionary/irreparable-harm#:~:text=Irreparable%20harm%20occurs%20when%20a%20party%20has%20n)

o,a%20clear%20and%20present%20need%20for%20equitable%20relief.

[8] https://www.law.cornell.edu/rules/supct/rule_20

[9] <https://www.bing.com/search?form=MOZLBR&pc=MOZI&q=circumstance>

[10] <https://www.bing.com/search?form=MOZSBR&pc=MOZI&q=exceptional+>

[11] [https://definitions.uslegal.com/f/failure-to-](https://definitions.uslegal.com/f/failure-to-prosecute/#:~:text=Failure%20to%20prosecute%20occurs%20in%20a%20case%20when,of%20a%20court%20rule%20governing%20failure%20to%20prosecute%3A)

prosecute/#:~:text=Failure%20to%20prosecute%20occurs%20in%20a%20case%20when,of%20a%20court%20rule%20governing%20failure%20to%20prosecute%3A

[12] <https://www.leagle.com/decision/insco20220304f84>

[13] https://www.law.cornell.edu/rules/frcp/rule_41

[14] 28 U.S. Code § 455 – Disqualification of justice, judge, or magistrate judge

<https://www.law.cornell.edu/uscode/text/28/455>

[15] <https://www.thesandersfirm.com/can-private-parties-be-sued-as-state-actors>

[16] *Bang v. Utopia Restaurant*, 923 F. Supp. 46, 49 (S.D.N.Y. 1996).

[17] *Dahlberg v. Becker*, 748 F.2d 85, 93 (2d Cir. 1984).

[18] *Brady v. Maryland*, 373 U.S. 83 (1963)

[19] <https://www.cga.ct.gov/2003/olrdata/jud/rpt/2003-R-0512.htm>

[20] <https://www.cga.ct.gov/2003/olrdata/jud/rpt/2003-R-0512.htm>

[21] <https://en.wikipedia.org/wiki/Montesquieu> Charles Louis de Secondat, Baron de La Brède et de Montesquieu French: 18 January 1689 – 10 February 1755, generally referred to as simply Montesquieu, was a French judge, man of letters, historian, and political philosopher. He is the principal source of the theory of separation of powers, which is implemented in many constitutions throughout the world.

[22] <https://www.federalcharges.com/federal-statutes-of-limitations/> The origination of the statute of limitations is the speedy trial clause in the US Constitution. This clause prevents a person from having an unreasonable delay between the indictment and trial. Statutes of limitation and due process laws protect the accused from these kinds of unreasonable delays in prosecution. Statutes of limitations often encourage law enforcement officers to investigate suspected criminal activity quickly. This leads to a better outcome in cases both for the plaintiff and for the defense.

[23] [https://www.natlawreview.com/article/scotus-no-unlimited-suspension-statute-](https://www.natlawreview.com/article/scotus-no-unlimited-suspension-statute-limitations-under-false-claims-act-first-to-)

limitations-under-false-claims-act-first-to-
#:~:text=In%20an%20opinion%20released%20May%2026%2C%202015%2C%20Kellogg,period%20under%20the%20civil%20False%20Claims%20Act%20%28%E2%80

%9CFCA%E2%80%9D%29. SCOTUS: No Unlimited Suspension of the Statute of Limitations Under the False Claims Act; “First-to-File” Doctrine Does Not Bar Related Suits in Perpetuity

Wednesday, May 27, 2015

[24]

June 25, 2018


GOOGLE ANTITRUST INVESTIGATION?

WHAT IS IT ABOUT?

When a newspaper gets it so wrong it has to be included:
<https://www.nytimes.com/2019/06/20/technology/tech-giants-antitrust-law.html>

You have no idea what Google IS DOING.

You are about to learn.

The image shows the Alphabet logo in red, positioned above the Google logo in its multi-colored font (blue, red, yellow, blue, green, red).

Before we discover the method, means and opportunity of Google and its SEARCH CENSORSHIP FOR SALE campaign, let us start with some history.

Reputation management is getting a bum rap, but most importantly reputation management is being thrown under a very large bus [1].



Lumen Database. Ever hear of it? Most have not but you will. In fact, you will hear a great deal about this organization and that requires knowledge to be armed and not gullible.

Lumen Database started with Wendy Seltzer in San Francisco in 2001 as “**Chilling Effects**“. Imagine that name using the meaning: Chilling Effects = Chilling: **Horrifying** (scare, frighten, petrify, terrify, alarm[2]) : Effects: [3] = results of the same. But the name Chilling Effects does have context [5].

“In a legal context, a chilling effect is the inhibition or discouragement of the legitimate exercise of natural and legal rights by the threat of legal sanction.[5] The right that is most often described as being suppressed by a chilling effect is the US constitutional right to free speech. A chilling effect may be caused by legal actions such as the passing of a law, the decision of a court, or the threat of a lawsuit; any legal action that would cause people to hesitate to exercise a legitimate right (freedom of speech or otherwise) for fear of legal repercussions. When that fear is brought about by the threat of a libel lawsuit, it is called libel chill.[6] A lawsuit initiated specifically for the purpose of creating a chilling effect may be called a Strategic Lawsuit Against Public Participation, or more commonly, a “SLAPP suit”.[4]

“Chilling” in this context normally implies an undesirable slowing. Outside the legal context in common usage; any coercion or threat of coercion (or other unpleasanties) can have a chilling effect on a group of people regarding a specific behavior, and often can be statistically measured or be plainly observed. For example, the news headline “Flood insurance [price] spikes have chilling effect on some home sales,” and the abstract title of a two-part survey of 160 college students involved in dating relationships: “The chilling effect of aggressive potential on the expression of complaints in intimate relationships.” [4]

IN OTHER WORDS: Chilling Effects (Now Lumen Database) was formed to **inhibit or discourage the legitimate exercise of natural and legal rights by the threat of legal sanction**. That name was obviously too obvious: so they changed it.

“To enforce his copyright, a copyright owner may file a lawsuit in federal court, alleging infringement by a defendant. In court, the copyright holder must prove that his copyright is valid and that the defendant’s actions infringed upon his statutory rights. In a civil lawsuit, enforcement of a copyright entails injunctive relief and monetary compensation. This means that a court can order the offending party to stop using the copyrighted material, and also order that

party to pay the copyright owner.” [12] But this does not matter to the Internet, does it? Yes it does!

The **WHOLE REASON** Lumen Database was created was to **SELECTIVELY STOP THE EXERCISE OF CONSTITUTIONAL RIGHTS THROUGH LEGAL FORCE**. Problem is: there is no such legal force at play.

Lumen Database is similar to a repository of prohibited locations, phrases, words, titles, etc... reported by... reported by... wait... Lumen wants you to believe the reported by function is a thing controlled by disgruntled writers and authors trying to protect their copyrights. Lumen then instructs its subscribers to ignore the Internet URI locations it has entered as violating a copyright which means they disappear from search in Google. Problem there: is that **NO PRIVATE ORGANIZATION** can enforce copyright law [12]. Lumen is usurping the power of the United States **COURTS**.

Unlike parody sites, this Lumen monstrosity is serious in their quest to not only control what you can access on the Internet (run by the chief counsel of the organization responsible for the Internet, as a side job no less!) but the very existence of such a repository begs the question: who’s watching the censors as they violate the 1st Amendment Constitutional Rights of every person they have arbitrarily ruled is violating a copyright. **A FAKE COURT RUN BY THE CHIEF COUNSEL OF THE INTERNET ITSELF**. The U.S. is concerned about censorship on social media and search. You ain’t seen nothin’ yet.

Just over a year ago, after it became known in a confined set of legal circles that Lumen was nailed to criminal activity: Lumen sounded the alarm about their ‘product’ (which all of a sudden becomes a victim) and perceived ‘scams’ to cause bona-fide content to be blocked from search results by misusing their product. Let them state the case[1]: They call it the “stolen article” scam.

“A company (or individual) will come across some undesirable content online, which they believe will cause them reputational harm. Desperate to censor the content at any cost, and lacking a valid case for defamation, they will often seek the assistance of a “reputation management” agency. These agencies will proceed to create a website masquerading as a legitimate news source, whose sole purpose is to host the very content their client is seeking to remove, usually disguised in the form of a news article. The article is then backdated to give it the appearance of being published prior to the allegedly infringing content. The reputation management agency then files a DMCA notice on behalf of the “journalist” who wrote the review, claiming it was stolen from their client’s website, all the while shielding the true client’s name with an alias designed to make it difficult to trace back to them.” [1]

Lumen wants the background information available to give a defense that appears to be long before the indictments happen. This whole explanation gives one the impression that authors and reporters use the Lumen Service to become a vigilante mob to control Internet search results. Obviously they do. But they are not all that do.



Wendy Seltzer

That brings us back to Wendy Seltzer.

“Wendy Seltzer is an American attorney and a staff member at the World Wide Web Consortium.[8] She was previously with Princeton’s Center for Information Technology Policy. Seltzer is also a Fellow with Harvard’s Berkman Center for Internet & Society, where **she founded and leads the Lumen clearinghouse, which is aimed at helping Internet users to understand their rights in response to cease-and-desist threats related to intellectual property and other legal demands.**[9]

Seltzer sits on the board of directors of the World Wide Web Foundation.[8] A former At-large Liaison to the ICANN board of directors,[10] she has advocated for increased transparency of the organization of, and for increased protection of, the privacy of Internet users.[9]

Previously, she was a visiting assistant professor at the Northeastern University School of Law and Brooklyn Law School, and a fellow at the Information Society Project at Yale Law School.,[5] and served on the board of directors of the Tor Project.[6] Before that, she was a staff attorney with the Electronic Frontier Foundation, specializing in intellectual property and free speech issues.” ... “Previously, she was a staff attorney with online civil liberties group Electronic Frontier Foundation, specializing in intellectual property and First Amendment issues, and a litigator with Kramer Levin Naftalis & Frankel.”[9]

We should compare the two incarnations of Lumen:

Started as **Chilling Effects**: inhibit or discourage the legitimate exercise of natural and legal rights by the threat of legal sanction. I.e.: be a force to control knowledge on the premise that such control is helping the poor copyright owners’ rights.

Now it is **Lumen Database**: a **vigilante organization** run by the chief counsel of the organization that controls the Internet; who’s chief purpose is to enforce United States Copyright

Law, outside of the law. But that is not all it is being used for. As evidenced by the actions of what is now Lumen Database, “Internet users to understand their rights in response to cease-and-desist threats related to intellectual property and other legal demands” is the furthest from reality any mission statement could be. And as illegal as it can be, acting like a final court of law for the entire globe without a single legal authority. Like Google itself, a close ally to Lumen Database, and politicians in Arizona: Lumen says one thing and does another.

“The Netzwerkdurchsetzungsgesetz (NetzDG) law, which came into force in October, requires social media websites to remove “fake news” and “hate speech” or risk fines of up to 50 million euros (40 million pounds).

While intended to stop the spread of disinformation and hateful rhetoric online, recently published “local law” complaints show that would-be censors are using NetzDG to target all variety of content, including mainstream news stories, sexual words and images, an anti-Nazi online forum, and criticism of German Chancellor Angela Merkel and of the NetzDG law itself.

That’s according to the Lumen Database, which archives online takedown requests.

Anti-NetzDG campaign: “Think ban on criticism”

German author Martin Hilpert was among the first to be targeted for allegedly committing “criminal offences” under NetzDG.

On his Google Plus profile, Hilpert has published dozens of posts criticizing Chancellor Merkel’s immigration policies and calling for her immediate dismissal.

In October, Google received a request to remove “problematic” content from Hilpert’s account on the basis that his political views allegedly constitute “hate speech or political extremism” under NetzDG.

He’s not the only one in the cross hairs.” [13]

If the reader harbors any doubt as to what Lumen Database is really up to just read this: <https://shootingthemessenger.blog/tag/lumen-database/> [13]

Who uses Google to use Lumen Database? Authors? Politicians? What if we found out who used the Google-Lumen copyright cabal and we learned who had traded favors or cash for favors in Google’s search results? Inside the United States and Outside the United States. What if you KNEW who a person was and he was local in that list? What if you may have voted for that person?

Google is using Lumen Database to go one step further. Normally one can search Lumen itself and find what is blocking a page. The infraction here is in Lumen hiding what is blocking a page and reporting the copyright violation to be for published material not even in the same universe as the blocked URL.

As of June 9, 2018: Searching for the title of the appeals court case : Lee Hempfling Suesie Hempfling vs. Kent Volkmer Et Al, resulted in active censorship in Google.

After finding 8,250 results for that search query, Google only includes three references to that case. But how many of them are there really? Not to be outdone by that,

Google has completely blocked search results to PinalCOSC.us and PinalCountyJustice.Com. Censorship at the direction of a STATE GOVERNMENT.

Bing, in the same search, results in 30,500,000 document links. The entire first page of 10 is taken up with the case directly.

Try the search query in any search utility that does not get its feed from Google and you will find, GOOGLE IS CENSORING CITIZENS AND THE UNITED STATES GOVERNMENT AT


THE DIRECTION OF THE STATE OF ARIZONA.


What could the motive be for someone to enter into an evil pact with the Google Monster? We have to go back to March 2, 2017 for that...


Lee Hempfling, et al v. Kent Volkmer, et al

All News Images Shopping Videos More Settings Tools


About 129 results (0.29 seconds)

Lee Hempfling, et al v. Kent Volkmer, et al (0:17-cv-16329), Ninth ... 
https://www.pacermonitor.com/public/.../Lee_Hempfling,_et_al_v_Kent_Volkmer,_et...
 Jun 28, 2017 - Lee Hempfling, et al v. Kent Volkmer, et al (0:17-cv-16329), Ninth Circuit U.S. Court of Appeals, Filed: 06/28/2017 - PacerMonitor Mobile Federal and Bankruptcy Court PACER Dockets.

LEE HEMPFLING V. KENT VOLKMER, No. 17-16329 (9th Cir. 2017 ... 
<https://law.justia.com/cases/federal/appellate-courts/ca9/.../17-16329-2017-12-26.html>
 Dec 26, 2017 - LEE HEMPFLING V. KENT VOLKMER, No. 17-16329 (9th Cir. 2017) case opinion from the US Court of Appeals for the Ninth Circuit.

2017 Ninth Circuit US Court of Appeals Case Law, Court Opinions ... 
<https://law.justia.com/cases/federal/appellate-courts/ca9/2017/>
 Justia Opinion Summary: The Ninth Circuit reversed the district court's denial of habeas relief as to petitioner's guilt phase claims and vacated his convictions. ... Justia Opinion Summary: The Ninth Circuit certified the following questions to the Supreme Court of California: 1.

HEMPFLING v. VOYLES | No. CV-16-03213-PHX-ESW... - Leagle.com...
<https://www.leagle.com/decision/infco20170412b39>
 Apr 11, 2017 - HEMPFLING v. VOYLES. Email | Print | Comments (0). No. CV-16-03213-PHX-ESW. View Case; Cited Cases. Lee Kent Hempfling, et al., Plaintiffs, v. the Clerk of Court docketed a letter from Plaintiffs indicating that "[t]he successor to M. Lando Voyles as County Attorney for Pinal County is Kent Volkmer.

[PDF] PDF 
https://www.gpo.gov/fdsys/pkg/.../USCOURTS-azd-2_16-cv-03213-0.pdf
 Apr 11, 2017 - FOR THE DISTRICT OF ARIZONA. Lee Kent Hempfling, et al., Plaintiffs, v. M Lando Voyles, et al., Defendants. No. CV-16-03213-PHX-ESW. ORDER. The Court has reviewed the Motion to Dismiss (Doc. 14) filed by Defendants Hon. Boyd T. Johnson and Arizona Attorney General Mark Brnovich (the "State ...

Pinal County Justice HEMPFLING v VOYLES / VOLKMER CV-16-3213
pinalcountyjustice.com/
 Federal Preventive Injunction To Stop 14th Amendment Violations of Procedural Due Process in PinalCounty Superior Court.

129 Results? Of course, Google has totally blocked any search results for the case itself in the 9th Circuit Unpublished Opinions page.

The question arises then does Google index ANY cases on that unpublished opinions page?

Case Title	Case No.	Case Panel	Case Origin	Case Type	Case Code	Date Filed
LEE HEMPFLING V. KENT VOLKMER	17-16329	Wallace, Silverman and Bybee	Phoenix District Court	Civil		12/26/2017
USA V. STEVEN HEMPFLING	08-16190	TASHIMA, BEA and Reade	Fresno District Court	Civil		07/01/2010

The case does exist in that unpublished page on December 26, 2017. Did anything that became indexed by Google show up? These are the case memorandums released by the court AND THE SAME THREE JUDGE PANEL as the Hempfling case.

INGLEWOOD WOMAN' S CLUB, INC. V.	17-60053	Wallace, Silverman and Bybee	BAP, Tucson Bankruptcy Ct	Bankruptcy	12/26/2017
JUAN DURRUTHY V. MTC FINANCIAL, INC.	17-55512	Wallace, Silverman and Bybee	San Diego District Court	Civil	12/26/2017
GREGORY FRANKLIN V. J. JIMENEZ	17-55470	Wallace, Silverman and Bybee	San Diego District Court	Prisoner	12/26/2017
NIKI-ALEXANDER SHETTY V. LSF9 MASTER PARTICIPATION	17-55405	Wallace, Silverman and Bybee	Los Angeles District Court	Civil	12/26/2017
VICTORIA KALDAWI V. THE STATE OF KUWAIT	17-55389	Wallace, Silverman and Bybee	Los Angeles District Court	Civil	12/26/2017
NIKI-ALEXANDER SHETTY V. THE BANK OF NEW YORK MELLON	17-55342	Wallace, Silverman and Bybee	Los Angeles District Court	Civil	12/26/2017
KENNETH GHARIB V. THOMAS CASEY	17-55270	Wallace, Silverman and Bybee	Santa Ana District Court	Bankruptcy	12/26/2017
RAPHEAL RUSSELL V. MYONG MUELLER	17-35697	Wallace, Silverman and Bybee	Seattle District Court	Civil	12/26/2017
GLENN WILSON V. OREGON YOUTH	17-35175	Wallace, Silverman and Bybee	Eugene District Court	Civil	12/26/2017

<u>AUTHORITY</u>		Bybee				
<u>PHILLIP ALEXANDER V. PAUL BROWN FARMERS INSURANCE</u>	17- 16741	Wallace, Silverman and Bybee	Las Vegas District Court	Civil		12/26/2017
<u>MATTHEW CORZINE V. ADAM LAXALT</u>	17- 16605	Wallace, Silverman and Bybee	Reno District Court	Civil		12/26/2017
<u>KEVIN FERNANDEZ V. ISIDRO BACA</u>	17- 16525	Wallace, Silverman and Bybee	Reno District Court	Prisoner		12/26/2017
<u>NICHOLAS PATRICK V. PETROFF</u>	17- 16428	Wallace, Silverman and Bybee	Fresno District Court	Prisoner		12/26/2017
<u>LEE HEMPFLING V. KENT VOLKMER</u>	17- 16329	Wallace, Silverman and Bybee	Phoenix District Court	Civil		12/26/2017
<u>KENNETH QUANSAH, JR. V. DEL CORONADO APARTMENTS</u>	17- 16244	Wallace, Silverman and Bybee	San Jose District Court	Civil		12/26/2017
<u>NICHOLAS PATRICK V. REYNAGA</u>	17- 16243	Wallace, Silverman and Bybee	Fresno District Court	Prisoner		12/26/2017
<u>CAROL THOMAS V. SF COMMUNITY COLLEGE DISTRICT</u>	17- 15766	Wallace, Silverman and Bybee	Oakland District Court	Civil		12/26/2017
<u>GREGORY JONES V. THERESA SCHRODER</u>	17- 15605	Wallace, Silverman and Bybee	Tucson District Court	Prisoner		12/26/2017
<u>ANTHONY MERRICK V. CHARLES RYAN</u>	17- 15558	Wallace, Silverman and Bybee	Phoenix District Court	Prisoner		12/26/2017
<u>RONALD WILLIAMS V. NATIONAL DEFAULT SERVICING CO</u>	17- 15152	Wallace, Silverman and Bybee	Las Vegas District Court	Civil		12/26/2017
<u>REYNALDO MARQUES V. JAMES JOSEPH</u>	16- 60095	Wallace, Silverman and Bybee	BAP, Santa Ana Bankruptcy Ct	Bankruptcy		12/26/2017
<u>MINON MILLER V.</u>	16-	Wallace,	BAP, Los	Bankruptcy		12/26/2017

<u>EDWARD GILLIAM</u>	60087	Silverman and Angeles Bybee	Bankruptcy Ct		
<u>STEPHEN LAW V. EZRA BRUTZKUS GUBNER LLP</u>	16- 60041	Wallace, Silverman and Angeles Bybee	BAP, Los Bankruptcy Ct	Bankruptcy	12/26/2017
<u>ANTHONY MANRIQUE V. U. S. BANK NATIONAL ASSOCIATION</u>	16- 56799	Wallace, Silverman and Bybee	Riverside District Court	Bankruptcy	12/26/2017
<u>DAVID TURNER, JR. V. COUNTY OF SAN DIEGO</u>	16- 55446	Wallace, Silverman and Bybee	San Diego District Court	Prisoner	12/26/2017
<u>OSSIE SLAUGHTER V. JEFFREY UTTECHT</u>	16- 35947	Wallace, Silverman and Bybee	Richland District Court	Prisoner	12/26/2017
<u>RICK GREER V. GREEN TREE SERVICING LLC</u>	15- 35691	Wallace, Silverman and Bybee	Tacoma District Court	Civil	12/26/2017

Let's try a few in Google:



JUAN DURRUTHY V. MTC FINANCIAL, INC.



All

News

Maps

Images

Videos

More

Settings

Tools

28 results (0.48 seconds)

JUAN DURRUTHY V. MTC FINANCIAL, INC., No. 17-55512 (9th Cir ... ✓

<https://law.justia.com/cases/federal/appellate-courts/ca9/.../17-55512-2017-12-26.html>

Dec 26, 2017 - JUAN DURRUTHY V. MTC FINANCIAL, INC., No. 17-55512 (9th Cir. 2017) case opinion from the US Court of Appeals for the Ninth Circuit.

Durruthy v. MTC Financial, Inc. DBA Trustee Corps et al (3:17-ap ... ?

https://www.pacermonitor.com/.../Durruthy_v_MTC_Financial_Inc_DBA_Trustee_C...

Thursday, May 11, 2017, 6, 8 order Dismiss Bankruptcy Case by Trustee (Order)(CSD 2011)(BNC) Fri 10:17 AM Order Regarding Trustee's Motion to Dismiss Bankruptcy Case as to Debtor Juan Rene Durruthy . The debtor has failed to appear and testify at the regularly scheduled and duly noticed Meeting of Creditors ...

Durruthy et al v. Weil et al (3:17-cv-02261), California Southern ... ?

https://www.pacermonitor.com/public/case/22939322/Durruthy_et_al_v_Weil_et_al

PETITION to Perpetuate Testimony with Jury Demand against Capital One, N.A., MTC Financial, Inc., Adrienne Weil (Filing fee \$400, receipt number CAS095798), filed by Juan R. Durruthy, Juana Durruthy. The new case number is 3:17-cv-02261-BEN-MDD. Judge Roger T. Benitez and Magistrate Judge Mitchell D. Dembin ...

Durruthy et al v. Weil et al (3:17-cv-00055), California Southern ... ?

https://www.pacermonitor.com/public/case/20328870/Durruthy_et_al_v_Weil_et_al

Durruthy et al v. Weil et al (3:17-cv-00055), California Southern District Court, Filed: 01/11/2017 - PacerMonitor Mobile Federal and Bankruptcy Court PACER Dockets. ... IT IS SO ORDERED AND ADJUDGED that judgment is in favor of Capital One, N.A., MTC Financial, Inc., Adrienne Weil against Juan R. Durruthy, Juana ...

Durruthy Et Al V Weil Et Al - UniCourt ?

<https://unicourt.com/case/pc-db1-durruthy-et-al-v-weil-et-al-604794>

(#1) PETITION to Perpetuate Testimony with Jury Demand against Capital One, N.A., MTC Financial, Inc., Adrienne Weil (Filing fee \$400, receipt number CAS095798), filed by Juan R. Durruthy, Juana Durruthy. (Attachments: #1 Civil Cover Sheet, #2 Filing Fee Receipt)The new case number is 3:17-cv-02261-BEN-MDD.

Durruthy et al v. Weil et al - Law360 ?

<https://www.law360.com/cases/5a0225b875e53b5476000001>

Parties, docket activity and news coverage of federal case Durruthy et al v. Weil et al, case number 3:17-cv-02261, from California Southern Court. ... Plaintiff. Juan R. Durruthy. Represented by: Plaintiff. Juana Durruthy. Represented by: Defendant. MTC Financial, Inc.

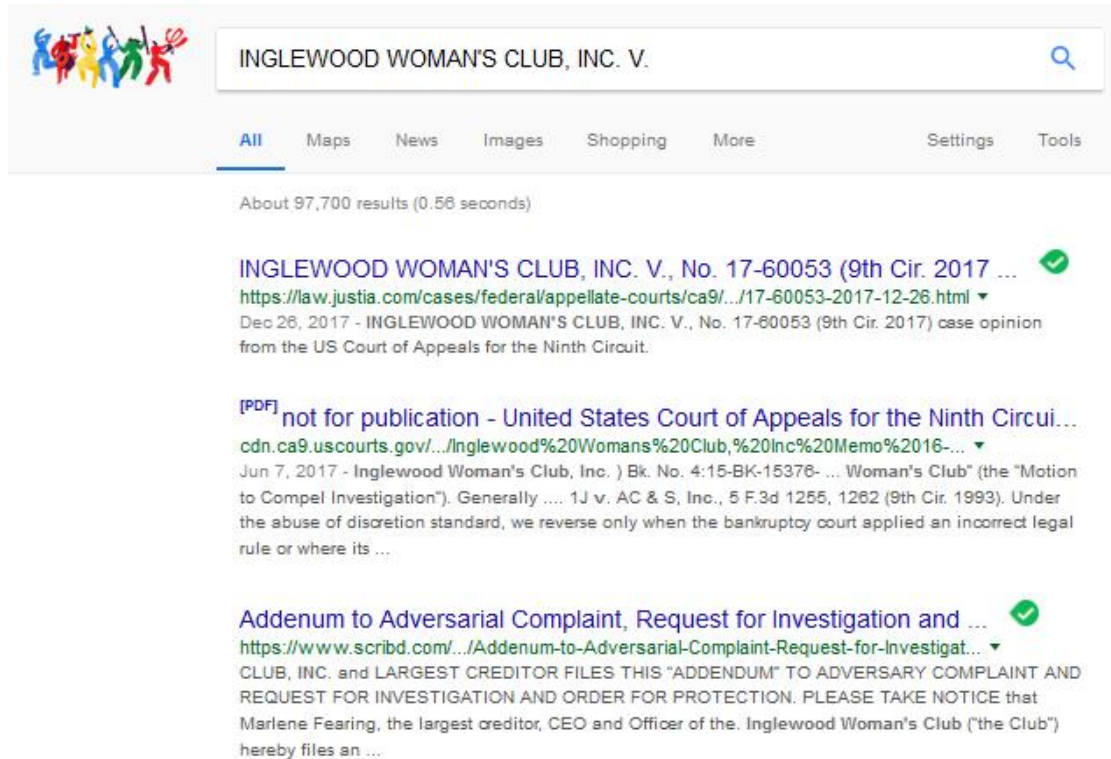
Unpublished Dispositions (Memoranda) ?

https://www.ca9.uscourts.gov/memoranda/?o_mode...o...

Dec 8, 2008 - GILBERT SALINAS V. CBC RESTAURANT CORP. 16-55564, Tashima, Berzon and Payne, R. Santa Ana District Court, Civil, 01/02/2018. WESTERN WORLD INSURANCE CO. V. PROF'L COLLECTION CONSULT. 16-55470, Tashima, Berzon and Kennelly, M. Los Angeles District Court, Civil, 01/02/2018.

7 in

Google.



The screenshot shows a Google search interface. The search bar contains the text "INGLEWOOD WOMAN'S CLUB, INC. V.". Below the search bar, there are tabs for "All", "Maps", "News", "Images", "Shopping", "More", "Settings", and "Tools". The search results are displayed below, showing "About 97,700 results (0.56 seconds)". The first result is "INGLEWOOD WOMAN'S CLUB, INC. V., No. 17-60053 (9th Cir. 2017 ..." with a green checkmark icon. The second result is "[PDF] not for publication - United States Court of Appeals for the Ninth Circui..." with a green checkmark icon. The third result is "Addendum to Adversarial Complaint, Request for Investigation and ..." with a green checkmark icon.

Number 2

The case NICHOLAS PATRICK V. PETROFF is listed above the Hempfling case and although it is found in the GPO a listing is not available in two search results for the CDN server.

The case after our case is KENNETH QUANSAH, JR. V. DEL CORONADO APARTMENTS and it results in the same as the above case.

So let's spot check randomly. DAVID TURNER, JR. V. COUNTY OF SAN DIEGO

Way down at #16 is the Court's Unpublished page.



DAVID TURNER, JR. V. COUNTY OF SAN DIEGO



All News Shopping Images Maps More Settings Tools

About 1,040,000 results (0.71 seconds)

DAVID TURNER, JR. V. COUNTY OF SAN DIEGO, No. 16-55446 (9...
<https://law.justia.com/cases/federal/appellate-courts/ca9/.../16-55446-2017-12-26.html> +
Dec 26, 2017 - DAVID TURNER, JR. V. COUNTY OF SAN DIEGO, No. 16-55446 (9th Cir. 2017) case opinion from the US Court of Appeals for the Ninth Circuit.

Turner Jr. v. County of San Diego :: Justia Dockets & Filings ⓘ
<https://dockets.justia.com/dockets/california/casdice/3:2017cv00285/524888>
Turner Jr. v. County of San Diego. Plaintiff: David B. Turner Jr. Defendant: County of San Diego. Case Number: 3:2017cv00285. Filed: February 13, 2017. Court: California Southern District Court. Office: San Diego Office. County: San Diego. Referring Judge: Mitchell D. Dembin. Presiding Judge: William Q. Hayes. Nature of ...

TURNER v. COUNTY OF SAN DIEGO - Leagle.com ⓘ
<https://www.leagle.com/decision/Inflicoo20180124s78> +
Jan 22, 2018 - ORDER WILLIAM Q. HAYES District Judge. On February 13 2017 Plaintiff David B. Turner Jr. initiated this case by filing...20180124s78.

TURNER v. COUNTY OF SAN DIEGO - Leagle.com ⓘ
<https://www.leagle.com/decision/Inflicoo20170710959> +
Jul 7, 2017 - Attorney(s) appearing for the Case. David B. Turner Jr., Plaintiff, Pro Se. County of San Diego, Defendant, represented by Melissa Maria Holmes, County of San Diego Office of County Counsel.

TURNER v. COUNTY OF SAN DIEGO - Leagle.com ⓘ
<https://www.leagle.com/decision/Inflicoo20170412s21> +
Apr 11, 2017 - David B. Turner Jr., Plaintiff, Pro Se. Corp. Saunders (7294), Defendant, represented by Melissa Maria Holmes, County of San Diego Office of County Counsel & Erica Brown Gardner, Office of County Counsel. Deputy Torres (5699), Defendant, represented by Melissa Maria Holmes, County of San Diego ...

David Turner, Jr. v. Madson - CourtListener.com ⓘ
<https://www.courtlistener.com/opinion/4385158/david-turner-jr-v-madson/>
Apr 21, 2017 - Christian Fellowship v. County of San Diego, 670 F.3d 957, 970 (9th Cir. 2011). We affirm. The district court properly granted summary judgment because Turner failed to raise a genuine dispute of material fact as to whether defendants were deliberately indifferent to Turner's health. See Farmer v. Brennan.

David B Turner Court Case Records - JuralIndex.com ⓘ
<https://www.juralindex.com/david-b-turner.html> +
Is David B Turner involved in a court case or lawsuit? Find David B Turner's judgements, tax liens, lawsuit records, eviction records, divorce records, family records along with other publicly available court case records!

Turner v. Cnty. of San Diego - Casetext ✓
<https://casetext.com/case/turner-v-qty-of-san-diego-4> +
S.D. Cal. UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA. Case No.: 3:16-cv-0339 WQH (BGS). 03-10-2016. DAVID B. TURNER, Jr., Booking #15780644, Plaintiff, v. COUNTY OF SAN DIEGO, et al. Defendants. HON. WILLIAM Q. HAYES United States District Judge. ORDER: (1) DENYING ...

Turner v. George Bailey Det. Facility, Case No.: 3:16-cv-00619-BEN ...
<https://casetext.com/case/turner-v-george-bailey-det-facility-2> +
Jun 13, 2016 - Turner v. George Bailey Det. Facility. Share. Save. PDF ... Thus, this Court takes judicial notice that Plaintiff, David B. Turner, Jr., currently identified as San Diego County Sheriff's Department Booking No. 15780644, has brought, while incarcerated, more than three prior civil actions and appeals which were ...

Turner v. Cnty. of San Diego, Civil No. 13cv2288 LAB (RBB) (S.D. C...
<https://casetext.com/case/turner-v-qty-of-san-diego-2> +
Jul. 10, 2014), S.D. Cal. UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA. Civil No. 13cv2288 LAB (RBB). 07-10-2014. DAVID B. TURNER, JR., Inmate Booking No. 13719099 Plaintiff, v. COUNTY OF SAN DIEGO; BLAIR SOPER; SAN DIEGO PROBATION; PUBLIC DEFENDERS, Defendants.

So.... Google did get them. Not the Hempfling case.

How about bing?

The screenshot shows a Bing search results page for the query "DAVID TURNER, JR. V. COUNTY OF SAN DIEGO". The search bar is at the top with a magnifying glass icon. Below the search bar are navigation tabs for "All", "Images", "Videos", "Maps", "News", "Shop", and "My saves". The "All" tab is selected. Below the tabs, it shows "149,000 Results" and "Any time" filter. The search results are listed below, each with a title, a URL, and a brief description. The results include:

- David Turner, Jr. v. County of San Diego – CourtListener.com**
https://www.courtlistener.com/opinion/4455228/david-turner-jr-v...
Opinion for David Turner, Jr. v. County of San Diego
- Turner Jr. v. County of San Diego :: Justia Dockets & Filings**
dockets.justia.com › ... › California Southern District Court
Justia Dockets & Filings Ninth Circuit California California Southern District Court Turner Jr. v. County of San Diego ... David B. Turner Jr ... County: San Diego. ...
- Turner Jr. v. County of San Diego (3:17-cv-00285 ...**
https://www.pacermonitor.com/.../Turner_Jr_v_County_of_San_Diego...
Turner Jr. v. County of San Diego (3:17-cv-00285), California Southern District Court, Filed: 02/13/2017 - PacerMonitor Mobile Federal and Bankruptcy Court PACER Dockets
- David Turner, Jr. v. County of San Diego, et al (0:15-pr ...**
https://www.pacermonitor.com/public/case/9618888/David_Turner_Jr...
David Turner, Jr. v. County of San Diego, et al (0:15-pr-56605), Ninth Circuit U.S. Court of Appeals, Filed: 10/16/2015 - PacerMonitor Mobile Federal and Bankruptcy ...
- Turner Jr. v. San Diego, County of : Free Download ...**
https://archive.org/details/gov.uscourts.casd.424800...
This item represents a case in PACER, the U.S. Government's website for federal case data. If you wish to see the entire case, please consult PACER directly.
- [PDF] NOT FOR PUBLICATION FILED - cdn.ca9.uscourts.gov**
https://cdn.ca9.uscourts.gov/datastore/memoranda/2017/12/26/16...
not for publication united states court of appeals for the ninth circuit u.s. court of appeal david b. turner, jr., plaintiff-appellant, v. county of san diego; et al.,

Now check for an actual party to the Hempfling case. Just the last name Brnovich.

Lee Hempfling, et al v. Kent Volkmer, et al Brnovich

All News Images Shopping Videos More Settings Tools

About 4 results (0.30 seconds)

Lee Hempfling, et al v. Kent Volkmer, et al (0:17-cv-16329), Ninth ...
https://www.pacermonitor.com/public/.../Lee_Hempfling_et_al_v_Kent_Volkmer_et...
 Jun 28, 2017 - Wednesday, June 28, 2017. 1, 1 DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL AND PRO SE APPELLANTS. SEND MQ: No. The schedule is set as follows: Appellants Lee Kent Hempfling and Suesie Kent Hempfling opening brief due 10/05/2017. Appellees Mark Brnovich, Boyd T.

[PDF] State Defendants' Motion to Dismiss - US Case Law - Justia
<https://cases.justia.com/federal/district-courts/arizona/azdce/2.../1000463/.../0.pdf?ts...>
 FOR THE DISTRICT OF ARIZONA. Lee Kent Hempfling, et al., Plaintiffs, v. M Lando Voyles, et al., Defendants. No. CV-16-03213-PHX-ESW. ORDER. The Court has reviewed the Motion to Dismiss (Doc. 14) filed by Defendants Hon. Boyd T. Johnson and Arizona Attorney General Mark Brnovich (the "State Defendants").

[PDF] PDF
https://www.gpo.gov/fdsys/pkg/...azd-2.../USCOURTS-azd-2_16-cv-03213-0.pdf
 Apr 11, 2017 - FOR THE DISTRICT OF ARIZONA. Lee Kent Hempfling, et al., Plaintiffs, v. M Lando Voyles, et al., Defendants. No. CV-16-03213-PHX-ESW. ORDER. The Court has reviewed the Motion to Dismiss (Doc. 14) filed by Defendants Hon. Boyd T. Johnson and Arizona Attorney General Mark Brnovich (the "State ...

Pinal County Justice HEMPFLING v VOYLES / VOLKMER CV-16-3213
pinalcountyjustice.com/
 Federal Preventive Injunction To Stop 14th Amendment Violations of Procedural Due Process in PinalCounty Superior Court.

Images for Lee Hempfling, et al v. Kent Volkmer, et al ...

→ More images for Lee Hempfling, et al v. Kent Volkmer, et al Brnovich Report images

*In order to show you the most relevant results, we have omitted some entries very similar to the 12 already displayed.
 If you like, you can repeat the search with the omitted results included.*

The results return less than the search without Brnovich BUT it does include the GPO !

Image results, preview images attached to the Case filing but clicking it results in images only on our own site.

Page 63 Appendix - Evidence: in Re: Lee Kent Hempfling et. ux.

So what is Google doing with Lumen? 14

Google wants you to go here: <https://transparencyreport.google.com/copyright/overview?hl=en> but you will not find any 'hidden' search censorship blocking there.

More on this fiasco of stolen rights and deception to follow.

- [1] https://lumendatabase.org/blog_entries/800
- [2] <https://www.google.com/search?q=chilling>
- [3] <https://www.google.com/search?q=Effects>
- [4] https://en.wikipedia.org/wiki/Chilling_effect
- [5] <https://www.theguardian.com/commentisfree/libertycentral/2009/oct/15/simon-singh-libel-laws-chiropractic>
- [6] <http://law.yourdictionary.com/chilling-effect>
- [7] https://en.wikipedia.org/wiki/Wendy_Seltzer
- [8] <https://www.w3.org/People/#wseltzer>
- [9] <https://cyber.harvard.edu/people/wseltzer>
- [10] <https://www.icann.org/resources/pages/board-of-directors>
- [11] <https://transparencyreport.google.com/copyright/overview>
- [12] <https://info.legalzoom.com/copyright-laws-enforced-22044.html> “If somebody infringes your copyright, you are entitled to file a lawsuit in federal court to enforce your rights. Remedies include obtaining an injunction or restraining order to prevent additional violations, an award of money damages, and possibly attorneys’ fees. The court can also order while an action is pending that any copies that are alleged to be in violation of the copyright owner’s exclusive rights, as well as templates for reproduction and records, be impounded. When making its final orders, the court can order the destruction or disposition of all the infringing copies that violated the copyright owner’s exclusive rights, as well as the templates for reproduction.” Filing with Google or Lumen or any other source blockage is vigilante and should be stopped. Courts are relegated to useless with this process.
- [13] <https://shootingthemessenger.blog/tag/lumen-database/>
- [14] Enforcement of Copyrights <https://www.justia.com/intellectual-property/copyright/enforcement/> “If somebody infringes your copyright, you are entitled to file a lawsuit in federal court to enforce your rights. Remedies include obtaining an injunction or restraining order to prevent additional violations, an award of money damages, and possibly attorneys’ fees. The court can also order while an action is pending that any copies that are alleged to be in violation of the copyright owner’s exclusive rights, as well as templates for reproduction and records, be impounded. When making its final orders, the court can order the destruction or disposition of all the infringing copies that violated the copyright owner’s exclusive rights, as well as the templates for reproduction.”

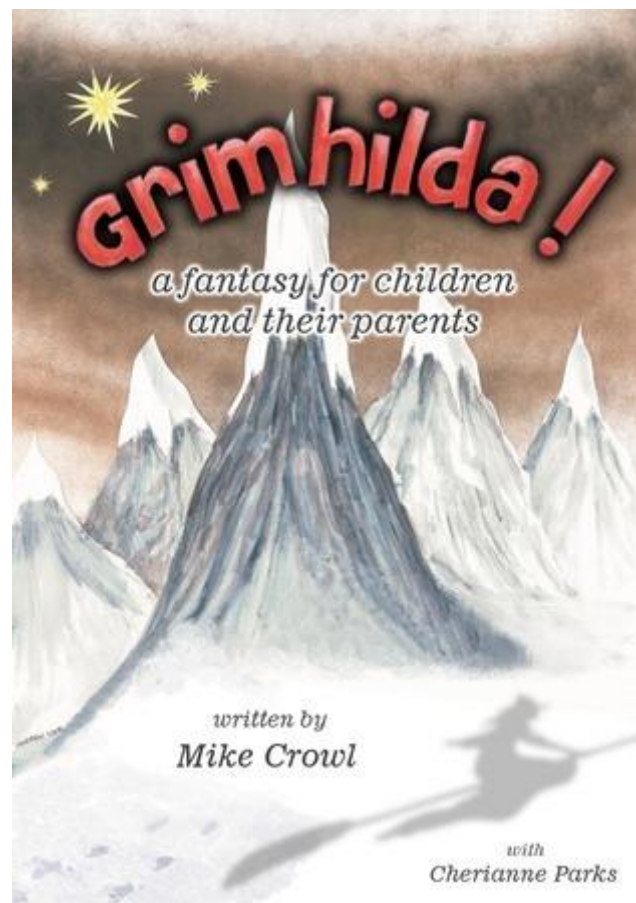
Exhibit "O" Grimhilda Children's book blocks the courts

Title: Grimhilda!,

Subtitle: a fantasy for children, and their parents,

Author: Mike Crowl

Result? Ninth Circuit Court Censored...



Accessing the link where the “so called” complaint was submitted by Google Inc. The complaint though, for a search involving only a federal District Judge and a Lawyer is actually said to be about a book: “Title: Grimhilda!, Subtitle: a fantasy for children, and their parents, Author: Mike Crowl.”

In fact, that book and many like it seem to be in use in searches where books just don't live.

Page 65 Appendix - Evidence: in Re: Lee Kent Hempfling et. ux.

Then on February 21, 2018 the results are different. The notice is different. The link?

In order to show you the most relevant results, we have omitted some entries very similar to the 46 already displayed.

If you like, you can [repeat the search with the omitted results included](#).

In response to a complaint we received under the [US Digital Millennium Copyright Act](#), we have removed 1 result(s) from this page. If you wish, you may [read the DMCA complaint that caused the removal\(s\) at LumenDatabase.org](#).



Clicked it results in:

Search all notices...

Go

DMCA (Copyright) Complaint to Google

SENDER

RightBlaster
on behalf of **Mike**
[Private]
US

Sent on November 04, 2017

COUNTRY: US us

RECIPIENT

Google LLC ⓘ
[Private]
Mountain View, CA, 94043, US

SUBMITTER

Google LLC ⓘ

OTHER ENTITIES: PRINCIPAL

Re: Unknown

NOTICE TYPE: DMCA

Copyright claim 1

KIND OF WORK: Unspecified

DESCRIPTION: Type: Books & audiobooks, Title: Grimhilda!, Subtitle: a fantasy for children, and their parents, Author: Mike Crowl

ORIGINAL URLS: 01. www.amazon.com - 1 URL

ALLEGEDLY INFRINGING URLS:
01. www.exirss.com - 3 URLs
02. ebookwriting.fun - 1 URL
03. i658.scoundrelly.us - 1 URL
04. archivevarve.top - 1 URL
05. ebookfss.cf - 1 URL
06. edirectorylocker.top - 1 URL
07. laureador.cf - 1 URL
08. medianotebook.info - 1 URL
09. pcn-sur.surge.sh - 1 URL
10. reviewikis.cf - 1 URL
11. reviewtrust.cf - 1 URL
12. threadnode.cf - 1 URL
13. ureaduk.cf - 1 URL
14. touch.owle-bubo.com - 1 URL
15. wulanrahimah4.000webhostapp.com - 1 URL

[Click here](#) to request access and see full URLs.

JURISDICTIONS: Unspecified

TOPICS
[DMCA Notices](#), [Copyright](#)

TAGS

Exhibit "P" The Significance of Google's STOPPING Censorship

The Significance of Google's STOPPING Censorship of the US Courts

August 30, 2019

Google, through the system created at [Lumen Database](#) had been censoring and [blocking access to the 9th Circuit Court of Appeals](#) December 26, 2017 memorandum for Hempfling v. Volkmer.

Defendants and the State of Arizona, as well as the court and their own internal investigations have known about this illegal 1st Amendment violation against the Plaintiffs in the case, as well as the 9th Circuit Court itself, since shortly after the memorandum was published on the court's website. Google indexed and reported every single case on the memorandum docket for that day, except one. Ours,

[That case being censored](#) was reported to the court and the court conducted their own 'investigation'.

Ever since the beginning of the federal action against Mark Brnovich, Kent Volkmer and a Pinal County retired judge, Google has been acting as a co-conspirator to obstruct justice and wield unending power over information from the court. The court was notified of this condition.

Long after that, the condition of a censored case docket entry continued until it was noticed on August 29, 2019 that Google had stopped blocking that document. That means SOMEONE OTHER THAN GOOGLE (think law enforcement!) ordered them to allow that document to be found in search. There is no way Google would have ended the censorship on its own and no way any defendant would have ordered it ended as both would have nailed the perpetrator for blocking it in the first place. It is the same condition the mail is in at the court in San Fransisco. If we were to mail a letter to the court, it would be stolen AGAIN!

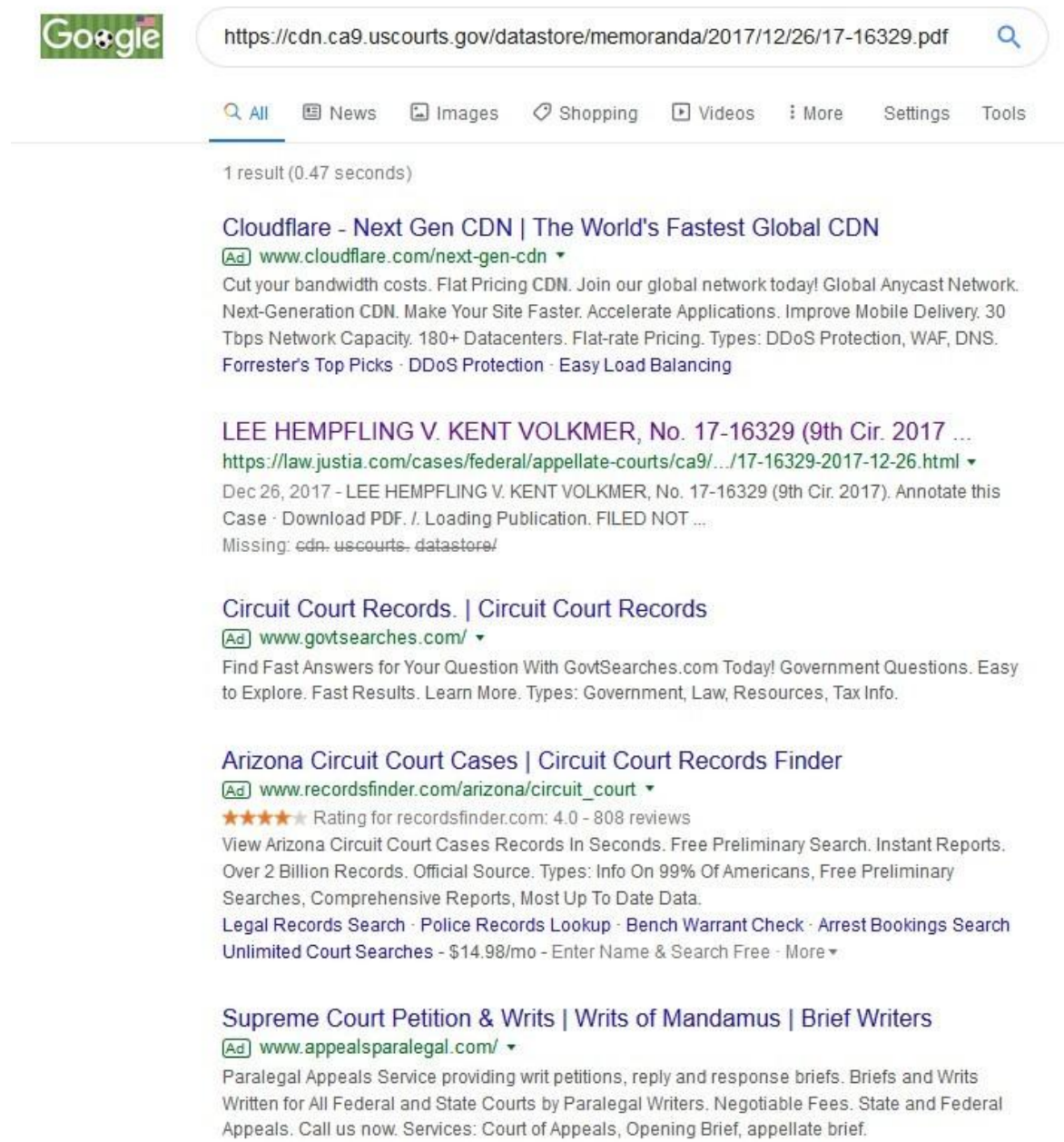
So Google had to have been caught, sometime before yesterday 8/29/19.

Perhaps it was just before Google quickly invited all of the coup participants and many Hollywood human drones to a private get together, on an island in Italy, where they were supposed to be talking 'climate change': but in reality were discussing what to do about the overall picture of what's next. See <https://pagesix.com/2019/08/01/googles-extravagant-climate-change-camp-mocked-as-party-for-entitled-fools/> and realize IT HAD NOTHING TO DO WITH CLIMATE!!!!!!!

Now that Google has stopped censoring the 9th circuit court AND US!!! It can only mean movement has been made to end our cases.

But let us not forget the [Post Office](#). If that investigation is not completed somebody needs to be fired. Enough is enough.

This screen shot shows the link to the missing PDF of the court. It wasn't even found by its own address.



was in Bing!... there it was...

Where



<https://cdn.ca9.uscourts.gov/datastore/memoranda/2017/12/26/17-16329.p>  

All Images Videos Maps News Shopping | My saves

6,210 Results Any time ▾

[PDF] NOT FOR PUBLICATION FILED - cdn.ca9.uscourts.gov

<https://cdn.ca9.uscourts.gov/datastore/memoranda/2017/12/26/17-16329.pdf>

No. 17-16329 D.C. No. 2:16-cv-03213-ESW MEMORANDUM** Appeal from the United States District Court for the District of Arizona Eileen S. Willett, Magistrate Judge, Presiding*** Submitted December 18, 2017**** Before: WALLACE, SILVERMAN, and BYBEE, Circuit Judges. Lee Kent Hempfling and Suesie Kent Hempfling appeal pro se from the

[PDF] NOT FOR PUBLICATION FILED - cdn.ca9.uscourts.gov

<https://cdn.ca9.uscourts.gov/datastore/memoranda/2017/12/26/17-16525.pdf>

NOT FOR PUBLICATION UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT KEVIN LYNN FERNANDEZ, ... v. ISIDRO BACA; et al., Defendants-Appellees. No. 17-16525 D.C. No. 3:16-cv-00350-RCJ-WGC MEMORANDUM* Appeal from the United States District Court for the District of Nevada Robert Clive Jones, District Judge, Presiding ... 12/26/2017 12:26:17 PM ...

Opinions - United States Court of Appeals for the Ninth ...

<https://www.ca9.uscourts.gov/opinions> ▾

Opinions are ordinarily posted to this website by 10:00 am Pacific Time. Memorandum Dispositions are posted up until 4:00 pm Pacific Time. There is no charge to view or download these documents from our website. Please note that opinions and dispositions are also available from the PACER system shortly before they are posted to this site.

[PDF] NATIONAL IMMIGRATION LAW CENTER W ...

<https://www.nilc.org/wp-content/uploads/2019/02/litigation-re-DACA-2019.pdf>

NATIONAL IMMIGRATION LAW CENTER | WWW.NILC.ORG LOS ANGELES (Headquarters) 3450 Wilshire Blvd. #108 – 62 Los Angeles, CA 90010 213 639-3900 213 639-3911 fax WASHINGTON, DC PO Box 34573 Washington, DC 20043 202 216-0261

mediatework | ARCHIVES 10/5/17-11/15/17

<https://www.mediate.work/copy-of-blog-10> ▾

See prior archived alerts by clicking on "Blog" under menu . Douglas v. Xerox Business Services (9th Cir. 16-35425 11/15/17) Fair Labor Standards Act. The panel affirmed the district court's summary judgment in favor of the defendants in an action brought by call center workers under the Fair Labor Standards Act.

Travel Ban FAQs – Updated 06/27/2017 | Cyrus D Mehta ...



<https://cyrusmehta.com/blog/2017/06/28/entry-ban-faqs-updated-06272017> ▾

Jun 28, 2017 · These updated FAQs reflect the situation with regard to President Trump's executive orders entitled "Protecting the Nation From Foreign Terrorist Entry Into the United States," banning entry to the United States by certain individuals traveling from Syria, Iran, Sudan, Libya, Somalia, and Yemen, as of 8 pm Eastern Standard Time (EST) on June 27, 2017.

Then today.... Google reports... there it is... #1 in search result because DUH! It is the exact same address!!!

While BING just keeps showing its results (08-30-2019) and even found ANOTHER case on the SAME DATE!!!!!!!



https://cdn.ca9.uscourts.gov/datastore/memoranda/2017/12/26/17-16329.p  

All Images Videos Maps News Shopping | My saves

8,230 Results Any time ▾

[PDF] NOT FOR PUBLICATION FILED - cdn.ca9.uscourts.gov

<https://cdn.ca9.uscourts.gov/datastore/memoranda/2017/12/26/17-16329.pdf>

No. 17-16329 D.C. No. 2:16-cv-03213-ESW MEMORANDUM** Appeal from the United States District Court for the District of Arizona Eileen S. Willett, Magistrate Judge, Presiding*** Submitted December 18, 2017**** Before: WALLACE, SILVERMAN, and BYBEE, Circuit Judges. Lee Kent Hempfling and Suesie Kent Hempfling appeal pro se from the

[PDF] NOT FOR PUBLICATION FILED - cdn.ca9.uscourts.gov

<https://cdn.ca9.uscourts.gov/datastore/memoranda/2017/12/26/17-16525.pdf>

NOT FOR PUBLICATION UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT KEVIN LYNN FERNANDEZ, ... v. ISIDRO BACA; et al., Defendants-Appellees. No. 17-16525 D.C. No. 3:16-cv-00350-RJ-WGC MEMORANDUM* Appeal from the United States District Court for the District of Nevada Robert Clive Jones, District Judge, Presiding ... 12/26/2017 12:26:17 PM ...

Is Google STILL Censoring the United States Appeals Courts ...

<https://lee hempfling.com/corruption/is-google-still-censoring-the-united-states...> ▾

As of July 12, 2019. Searching for the phrase "Lee Hempfling v Kent Volkmer" without the quotes results in: Google: 9,400 results. The 9th Circuit Court of Appeals Memorandum dated December 26, 2018 is not reported, even though it is index and has been blocked by Lumen Database claiming the United States Court of Appeals has violated a copyright protection for a CHILDREN'S BOOK.

[PDF] NATIONAL IMMIGRATION LAW CENTER W ...

<https://www.nilc.org/wp-content/uploads/2019/02/litigation-re-DACA-2019.pdf>

NATIONAL IMMIGRATION LAW CENTER | WWW.NILC.ORG LOS ANGELES (Headquarters) 3450 Wilshire Blvd. #108 - 62 Los Angeles, CA 90010 213 639-3900 213 639-3911 fax WASHINGTON, DC PO Box 34573 Washington, DC 20043 202 216-0261

mediatework | ARCHIVES 6/30/17-8/9/17

<https://www.mediate.work/copy-of-blog-8> ▾

See prior archived alerts by clicking on "Blog" under menu . Jones v. Royal Admin. Svcs. (9th Cir. 15-17328 8/9/17) TCPA/Telemarketers are Independent Contractors

Easy Proof The 9th Circuit Court of Appeals is CENSORED BY ...

<https://lee hempfling.com/corruption/easy-proof-the-9th-circuit-court-of-appeals-is...> ▾

Recent News. There is only ONE Solution for the Lack of Self-Control August 7, 2019; TIME: What it is, what it is not. August 5, 2019; See The Evidence Prosecutors had in 2005 ALL 9 THOUSAND PAGES July 28, 2019; Reporters: This is how to find Lee Hempfling vs Kent Volkmer on Court Dockets July 26, 2019; The Simple #Difference Between #Liberals and #Conservatives July 22, 2019

So what actually IS the significance of Google finally displaying the court's own document?

Had Google NOT been stopped before the case is published, the result would have been entrapment, as the court has known about the censorship for quite a long time.

Now that Google has stopped blocking the court, publication will not result in another disaster of a 1st Amendment violation and Google has NO DEFENSE!

Exhibit "Q" Truth Published 11/2022

TRUTH

A sorely missed commodity in American Courts!

Lee Kent Hempfling October 2022

In the American Bar Association's Center for Professional Responsibility; Model Rules of Professional Conduct Rule 4.1: Truthfulness in Statements to Others; the rule cannot be more specific:

“A lawyer is required to be truthful when dealing with others on a client's behalf, but generally has no affirmative duty to inform an opposing party of relevant facts. A misrepresentation can occur if the lawyer incorporates or affirms a statement of another person that the lawyer knows is false. Misrepresentations can also occur by partially true but misleading statements or omissions that are the equivalent of affirmative false statements.”

But should you take part in a legal battle, don't expect any of that to matter.

Why? Well there's 18 U.S. Code § 1001¹ – Statements or entries generally.

(a) **Except as otherwise provided in this section**, whoever, in any matter within the jurisdiction of the executive, legislative, or **judicial branch of the Government of the United States**, knowingly and willfully—

- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
- (2) makes any materially false, fictitious, or fraudulent statement or representation; or
- (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in [section 2331](#)), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

Wait. There's More...

(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

One might expect the opposite. Its official. Are you in a civil case? Did you know you can lie all you want to? (If you represent yourself; don't do it!) If fake topics, misleading interpretations of law and the other of thousands of lawyer tactics were covered by the very law made to say so... almost all worthless actions would stop. But since that is not the case:

Pettifoggers² use that freedom to lie. The massive gaping legal hole of the freedom to make materially false, fictitious, or fraudulent statements or representations in court; is what allows the pettifogger the ability to confuse and obfuscate and get away with it.

One of the most difficult things to attempt to explain to people reviewing the cases under in *Re; Lee Kent Hempfling et. Ux*. Is the sad fact that facts are not relevant, truth does not matter, courts do not, and can not stop the lies.

But here is the tool most favored:

The Rooker-Feldman Doctrine.

The Rooker-Feldman Doctrine requires knowing what it is and what it means. For that we turn to *KEITH LANCE, et al., APPELLANTS v. GIGI DENNIS, COLORADO SECRETARY OF STATE* on appeal from the united states district court for the District of Colorado The Suprme Court of the United States issued a Per Curiam opinion No. 05-555. Decided February 21, 2006.

The court stated: "The Rooker-Feldman doctrine prevents the lower federal courts from exercising jurisdiction over cases brought by "state-court losers" challenging "state-court judgments rendered before the district court proceedings commenced." *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U. S. 280, 284 (2005). In this case, the District Court dismissed plaintiffs' suit on the ground that they were in privity with a state-court loser. We hold that the Rooker-Feldman doctrine does not bar plaintiffs from proceeding, and vacate the District Court's judgment." ...

"This Court is vested, under 28 U. S. C. §1257, with jurisdiction over appeals from final state-court judgments. We have held that this grant of jurisdiction is exclusive: "Review of such judgments may be had only in this Court." *District of Columbia Court of Appeals v. Feldman*, 460 U. S. 462, 482 (1983) (emphasis added); see also *Atlantic Coast Line R. Co. v. Locomotive Engineers*, 398 U. S. 281, 286

(1970); *Rooker v. Fidelity Trust Co.*, 263 U. S. 413, 416 (1923). Accordingly, under what has come to be known as the Rooker-Feldman doctrine, lower federal courts are precluded from exercising appellate jurisdiction over final state-court judgments”

[NOTE: Every one of the five cases included in *Re Lee Kent Hempfling et.ux.* Is lacking a final order from being public. That does not mean those orders do not exist, I am sure they do, they are each listed on the appropriate docket with missing content; and they are in force but in secret until made otherwise. ***Not once, in any case was a court ever requested to overrule any other court, state or federal. The request was always to require the lower courts to release the orders they claim to hold.*** The defense counsel in **both** Charleston South Carolina 17 years ago and Phoenix District Court almost a decade ago: proposed Rooker-Feldman as their primary defense ignoring the requests made of the courts. In each instance the appeals court upheld the fake Rooker-Feldman concoctions. That managed to stop the cases but now there is no legal reason to stop the cases.]

“The Rooker-Feldman doctrine takes its name from the only two cases in which we have applied this rule to find that a federal district court lacked jurisdiction. In *Rooker*, a party who had lost in the Indiana Supreme Court, and failed to obtain review in this Court, filed an action in federal district court challenging the constitutionality of the state-court judgment. We viewed the action as tantamount to an appeal of the Indiana Supreme Court decision, over which only this Court had jurisdiction, and said that the “aggrieved litigant cannot be permitted to do indirectly what he no longer can do directly.” 263 U. S., at 416. *Feldman*, decided 60 years later, concerned slightly different circumstances, with similar results. The plaintiffs there had been refused admission to the District of Columbia bar by the District of Columbia Court of Appeals, and sought review of these decisions in federal district court. Our decision held that to the extent plaintiffs challenged the Court of Appeals decisions themselves—as opposed to the bar admission rules promulgated nonjudicially by the Court of Appeals—their sole avenue of review was with this Court. 460 U. S., at 476.” [*Lance v. Dennis*, 546 U.S. 459 (2006)]

A state court dental malpractice case, cloaked in the knowledge that a crime was committed in the clerk’s office in hiding documents given to a deputy clerk is placed in limbo in violation of FRCP Rule 62 with further actions prohibited by the court. The state court refused to release the final order and the crimes committed before the trial took place have been left to hang on the legal vine of ignoring away problems. We have tried ever since for justice to be known.

The District case *Hempfling v Voyles (v Volkmer) et.al.*; was a complaint about there not being a state ruling. It was defended in Phoenix District Court by claiming there was a state ruling, petitioners lost and the district court could not address it. Evidence contains a letter from the then Clerk of Court of Pinal County, Chad Roche that the place holding order shown on the docket was not the final order and would be replaced by it. “The Rooker-Feldman doctrine prevents the lower federal courts from exercising jurisdiction over cases brought by ‘state-court losers’”. The entire problem has been no release or court orders.

As it were: A case filed prior to the Volkmer case (*Hempfling v Stanford et. Al.*) was defended by the exact same Assistant Attorney General of Arizona; Hartman-Telez, arising from the same state case, where the new ‘clerk’ had determined on her own that petitioners were losers in the malpractice case. No such ruling was ever issued. The case was defended with the Rooker-Feldman doctrine, by the same Assistant Attorney General, for the same state case that still to this day does not have a final order issued.

Delays in trial outcomes did not start in the Ninth Circuit.

Hempfling v. LM Communications et. Al. Fourth Circuit Charleston South Carolina District Court, Judge Patrick Michael Duffy. 2004! Last in 2006. #05-1987.

The case was filed as an employment discrimination action. A counter claim was filed but never heard by the court. That counter claim raised the previously made allegations of an external direct action control of the EEOC by the NAACP of South Carolina, involving then SC AG McMaster, SC Senator Lindsey Graham and the SC Chapter of the NAACP. It managed to destroy my claim (trying to hire a black female) in order to give a preferred treatment settlement with the black lady I tried to hire. The order provided by that court simply affirmed the magistrate’s documents, none of which discussed the actual case. NO FINAL ORDER was ever publicly issued by the Charleston South Carolina District Court. The empty docket number awaits the order. Taking it to the appeals court was worthless. NO FINAL ORDER ISSUED.

**Hempfling v. LM Communications Inc.,
172 F. App’x 523 (2006)**

March 27, 2006 • United States Court of Appeals for the Fourth Circuit • No. 05-1987

172 F. App' x 523

Lee Kent HEMPFLING, Plaintiff-Appellant, v. LM COMMUNICATIONS INCORPORATED, a Kentucky Corporation; LM Communications of South Carolina, Incorporated, a Kentucky Corporation; LM Communications II of South Carolina, Incorporated, a Kentucky Corporation, Defendants-Appellees

United States Court of Appeals, Fourth Circuit.

Submitted: March 23, 2006.

Lee Kent Hempfling, Appellant Pro Se. Greg Horton, Buist, Moore, Smythe, McGee, PA, Charleston, South Carolina, for Appellees.

Before WILKINSON, LUTTIG, and WILLIAMS, Circuit Judges.

Affirmed by unpublished PER CURIAM opinion.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36©.

PER CURIAM:

Lee Kent Hempfling appeals the district court' s order accepting the recommendation of the magistrate judge and denying relief on Hempfling' s employment discrimination action. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *See Hempfling v. LM Commc' ns, Inc.*, No. CA-04-1373-2-PMD (D.S.C. Aug. 31, 2005). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

During the Charleston South Carolina District Court trial and lead up periods mail addressed to the court was stolen by someone inside USPS. Another

instance took place in the court house. The counter claim alone would have tied up anything to prosecute but, there has been no prosecution.

The recommendations of the Magistrate Judge amounted to a reversal of case facts. What was attributed to the plaintiff was attributed to the defense and vice-versa. It was a worthless document. But it became the case. And it stays that way until the order that is hidden is released. In fact, until all orders are released the petitioners continue to suffer.

The counter claim raised serious allegations of national defense law violations by DOJ, FBI, SC AG, NAACP, SC NAACP, but was never looked into, at least not publicly.

Contrary to what it may appear I absolute hate filing law suits. I have never filed a law suit that was not completely and totally factual and necessary. Before the LM Communications case I had not written for , nor filed in any court. My wife Suesie and I stood in our then living room in Charleston South Carolina and swore we would not permit ourselves to be used or attacked again and that it ended there. Well. That was almost 18 and a half years ago. 17 of those have been waiting on a ruling that never came.

**Hempfling v. Volkmer Phoenix District Court No. CV-16-03213-PHX-ESW
Magistrate Eileen Willet:**

This case was to force the Arizona Superior Court to release the order that would end the case Hempfling V CVDC Holdings LLC et. Al. (dentists) but had been purposely withheld and then, in violation of FRCP Rule 62. The case was essentially 'stayed' without due process of a stay hearing. That stay was the case in Phoenix. Allegations were made by the state clerk's office that responsive filings were withheld from the docket making it look like defense counsel failed to appear. The clerk indicated their filings were trash. That meant the docket did not have responses 10 days after the deadline passed to receive them. As it would be, the court never listed the defense attorneys as having appeared. The missing and not docketed documents were apparently found as they showed up on the docket. Only one attorney representing 1 dentist was listed as appearing. The other firm was

ignored even though they filed. Even in the Arizona Appeals Court and the Arizona Supreme Court, only one defense attorney was recognized as having appeared.

NO ORDER AN APPEAL COULD BE TAKEN ON WAS EVER RELEASED BY THE COURT. Then current court Clerk Chad Roche confirmed the order of the court was a placeholder that would be replaced when the real order was issued. IT NEVER ISSUED. This email thread explains.

----- Forwarded RE: Mr. Roche
Message -----
Subject:
Date: Tue, 25 Nov 2014 11:17:49 -0700
From: Roche, Chad <croche@courts.az.gov>
To: Suesie Hempfling <xxx>

I understand. I'll let you know something as soon as I can.
Chad A Roche
Clerk of the Superior Court
Pinal County

From: Suesie Hempfling [xxx]
Sent: Monday, November 24, 2014 2:09 PM
To: Roche, Chad
Subject: Re: Mr. Roche

Thank you for your email.

I know it's been almost 9 months & we still haven't received any final orders. I have no clue what the reason is behind the long wait and it is extremely frustrating.

If the final order has not been issued (since we haven't received anything at all...) would you please tell me... and if you can, please tell me why. It would relieve a lot of stress & since my health isn't the greatest, that relief would go a long way.

On 11/24/2014 12:41 PM, Roche, Chad wrote:

> Yes, drafts are deleted because they're not official. I'll check on the case again to see if any final orders have been issued. If they have, I'll email them to you.

>

>

> Chad A Roche
> Clerk of the Superior Court
> Pinal County

>

> From: Suesie Hempfling [xxx]
> Sent: Sunday, November 23, 2014 10:58 AM

> To: Roche, Chad
> Subject: Mr. Roche
>
> Mr. Roche,
> I haven't written to you before but now I feel the need for an answer to my question/concerns.
> You stated on April 2nd, 2014: "Once the final order is completed and signed the draft will be deleted and replaced with the actual order. "
> Is this true? Also, will I ever be receiving the final order from this court?
>
>
> Reference:
> HEMPFLING vs CVDC HOLDINGS
> S-1100-CV-201102200
>
> Suesie Hempfling

When Hempfling v CVDC Holdings et.al. was filed, The deadline for a response from those parties sued had passed. 10 days had passed. I went to the Apache Junction, AZ Satellite Court Clerk's office and asked if anything had been filed in response to our law suit. After looking in the computer and office the assistant clerk (now elected clerk Rebecca Padilla determined no defense filings had responded to the case. A few days later documents from both defense attorney firms were found by the clerk and added to the docket. Only one firm was recognized as appearing. A crime had taken place. The case was defaulted. Nobody was being investigated or arrested or anything. The Motion for Default is yet to be dealt with.

Therefore the Phoenix District Court case.

A 'Special Action', unique to Arizona, dealing with procedural and appearance issues was misconstrued to be a dismissal of the case. That special action could not have done that. All facts about that action were in the record.

And then, after taking it to the appeals court, in a memorandum, instead of pointing out that the no orders were ever issued by the state court ,that Rooker-Feldman was a lie: the appeals court bought the Rooker Feldman line and affirmed the memorandum of December 26, 2017. BUT never issued a ruling. The determination of a lack of subject matter was false.

In both of those main cases some crime or another was committed. In the South Carolina court, mail to the court was stolen and from mail in the court clerk's office and the counter claim raised serious national security questions of direct action in Executive agencies. We literally were able to peer up the chain of shadow

relationships from the bottom but no discussion of the facts in the counter claim was ever held.

No final order from Arizona, or from the Phoenix District court.

**From: Roche, Chad [mailto:croche@courts.az.gov]
Sent: Wednesday, April 02, 2014 2:08 PM To: LKH
Subject: RE: Request to address issue**

Lee,

The ORDER that shows up on the 25th would be the draft of the order filed on the 27th.

There's a glitch with how the internet displays our register of actions (it's controlled by the State Supreme Court). Once the *final* order is completed and signed the draft will be deleted and replaced with the actual order. There's a new eAccess system coming for the public that will display things correctly but it's in development now.

As far as I see right now, there won't be anything else coming because the judge's final ruling closes the case.

**Very Respectfully,
Chad Roche
Clerk**

That 'final order' never happened. The 'draft' was claimed to be the final order by the State of Arizona who's new county court clerk (Amanda Stanford) was responsible for deciding civil cases and attempting collection from *informa pauperis* deferments with court orders. Stanford was forced to resign³ her position but she still works for the Pinal County Attorney's Office.

The Ninth Circuit Appeals court took the Phoenix District court order, reloaded the case and issued their own ruling. But they won't let anyone know what it says. This order of December 26,2017 is its placeholder.

According to a document from all the way back to 1998 The Department of Justice "agrees that a 'shortcoming' of the Ninth Circuit today is 'its failure effectively to address erroneous panel decisions in important cases.'"⁴

There is no case less important than any other case in a blind justice environment.

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

FILED

DEC 26 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

LEE KENT HEMPFLING; SUESIE KENT
HEMPFLING,

Plaintiffs-Appellants,

v.

KENT VOLKMER*; et al.,

Defendants-Appellees.

No. 17-16329

D.C. No. 2:16-cv-03213-ESW

MEMORANDUM**

Appeal from the United States
District Court for the District of
Arizona

Eileen S. Willett, Magistrate Judge,

Presiding*** Submitted December 18,

2017****

Before: WALLACE, SILVERMAN, and BYBEE, Circuit Judges.

Lee Kent Hempfling and Suesie Kent Hempfling appeal pro se
from the

* Kent Volkmer has been substituted for his predecessor, M. Lando Voyles, as Pinal County Attorney under Fed. R. App. P. 43©(2).

** This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

*** The parties consented to proceed before a magistrate judge.
See 28 U.S.C. § 636©.

**** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

District court’s judgment dismissing their 42 U.S.C. § 1983 action alleging due process violations in connection with prior state court proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under the *Rooker-Feldman* doctrine. *Noel v. Hall*, 341 F.3d 1148, 1154 (9th Cir. 2003). We affirm.

The district court properly dismissed the Hempflings’ action for lack of subject matter jurisdiction under the *Rooker-Feldman* doctrine¹ because it constituted a prohibited “de facto appeal” of a prior state court judgment and raised a claim that was “inextricably intertwined”

¹ The use of Rooker-Feldman was a lie. The court embraced the falsehood. Rooker Feldman never applied. It was an unethical and false presentation by the Arizona Attorney General in federal court.

with that state court judgment. *See id.* At 1163-65 (discussing proper application of the *Rooker-Feldman* doctrine); *see also Bianchi v. Rylaarsdam*, 334 F.3d 895 (9th Cir. 2003) (*Rooker-Feldman* precludes adjudication where “the only redress [plaintiffs] seek is an ‘undoing’ of the prior state-court judgment.” (internal quotation marks omitted)).

The district court did not abuse its discretion by denying the Hempflings’ motion for reconsideration because the Hempflings failed to state any grounds warranting relief. *See Sch. Dist. No. 1J, Multnomah Cty., Or. V. AcandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993) (setting forth standard of review and grounds for relief under Fed. R. Civ. P. 60).

We do not consider issues raised by the Hempflings in their brief that are not supported by argument. *See Acosta-Huerta v. Estelle*, 7 F.3d 139, 144 (9th Cir. 1992).

AFFIRMED.

No argument was ever presented that was not supported by more than one pathway of identification and proof. None. There was no state ruling to appeal. The memorandum is erroneous on its face.

1: Hempfling v LM Communications et.al. Termed: 03/27/2006 Docket numbers 37,38,39,40,41 hidden from view.

This has been a dead case for 17 years. More than three times the expiration of statues of limitations in federal crimes. The court was attacked by mail theft. I had been program director and morning drive talent at WCOO in Charleston South Carolina. The music was rhythmic oldies based and mostly black in origin but no full time black people were on the staff. A black female was part time and was trainable. I tried to hire her full time to perform middays on the station and I was fired for it. The station's part time engineer (a real problem child) died mysteriously after I was gone. I had nothing to do with it. The counter claim filed by LM Communications in the case was simply a copy of my press release. All of which was true.

2: Hempfling v Volkmer et.al.

This has been dormant for almost five years. Convenient it is only a month away from exceeding statues of limitations and the people who stole the US Mail from the ninth Circuit court (FIVE TIMES, one of which was a sting with the court informed of the process) and caused Google to censor the Ninth Circuit and Phoenix District courts from publishing anything with HEMPFLING in the name as they were obviously expecting to lose..

It was done using the Lumen Database vigilante copyright system. Where the government printing office had a copy of the order someone didn't want people to know about (nobody thought of that copy), the Internet from Google did not have the case order indexed from the court's website. But all other cases of the same day were indexed by Google from the same location. Nobody could have found the case. Why would it have mattered?

One politician was about to run for Senator. Another was about to become U.S. Attorney for Arizona. Two wives were about to become judges, one federal and one state appeals. If it were known that somehow those positions were being protected. It wouldn't matter.

Lumen Database is where authors get revenge.

If someone has stolen your content, or has violated your copyright you can complain to Google and Google will file a report with Lumen Database which then provides the rest of the world with sanitized links to content that supposedly does not violate copyright.

In Other Words: Lumen Database is where Google and most likely other bad actors go to have site url's listed as copyright violations to keep them out of search results. Our case was censored from the court by using a children's book copyright. The Federal Court blocked by a children's book.

That is a company's prerogative for its own property.

But when that task of censorship is at the direction of an Arizona State Official: A Constitutional Crisis exists.

A state official cuts a deal with google to keep the knowledge of this case out of Google. It stayed out for months after the case's mandate. But the final order in the case is hidden. An empty docket number awaits.

3: U.S. District Court District of South Carolina

U.S. District Court: District of South Carolina (Charleston) CIVIL United States Court of Appeals for the Ninth Circuit DOCKET FOR CASE #: 2:04-cv-01373-PMD Hempfling v. LM Communications, et al : Judge Patrick Michael Duffy USCA OPINION #66 No permission to view document. Date Terminated: 08/31/2005. As of August 13, 2021 still showing Case in other court: Fourth Circuit, 5-1987

Court of Appeals Docket #: 17-16329 Termed: 12/26/2017 Lee Hempfling, et al v. Kent Volkmer, et al. The memorandum (Docket #22) affirming the district court is referring to the 04/11/2017 Magistrate's decision which was overturned by the three judge panel in rehearing the case: a requirement in the Ninth Circuit for Constitutional questions. No decision of that three judge panel (04/19/2018 Filed order (J. CLIFFORD WALLACE, BARRY G. SILVERMAN and JAY S. BYBEE) Appellants' petition for panel rehearing (Docket Entry No. [23]) is denied. Appellants' motion to stay the mandate (Docket Entry No. [23]) is denied as unnecessary. No further filings will be entertained in this closed case.) has NOT been published yet this case mandated MANDATE ISSUED. (JCW, BGS and JSB) [10854002] (RR)

4: U.S. District Court for the District of Arizona

U.S. District Court DISTRICT OF ARIZONA (Phoenix Division) CIVIL DOCKET FOR CASE #: 2:16-cv-03213-ESW Hempfling et al v. Voyles et al Magistrate Judge Eileen S Willett: This case was appealed 06/27/2017 As of August 13, 2021 still showing as Case in other court: Ninth Circuit, 17-16329. Docket #30 is blank and missing where the opinion should be. The mandate is docket # 31 04/30/2018.

5: Arizona Superior Court Pinal County

Case Number: S-1100-CV-201102200: HEMPFLING vs CVDC HOLDINGS et.al.
Pinal County Superior Dental Malpractice, Fraud And Embezzlement : Filing Date:
6/6/2011 ; Disposition Date: Left blank. 3/25/2014 ORDER: COURT ORDER /
RULING has been declared to be a placeholder by the elected Clerk of Court:
entered statement as evidence in District Court seeking to force release of this case.
This case technically ended in default through bribery of court clerks.

No prosecution of any crime committed in any of these cases has ever occurred.
Rather, the existence of a crime and a prosecutor's desire to protect the perpetrator
from big bad pro se litigants has meant no justice.

- ¹ [18 USC 1001: Statements or entries generally \(house.gov\)](#)
- ² <https://www.vocabulary.com/dictionary/peppifogger> "You don't hear the word peppifogger much these days, since the word is fairly archaic, but you might come across it in an old book. A bad lawyer, or peppifogger, used dubious means to get clients and to win cases. The mid-16th century word itself combined petty — "s'all," from the French petit — with the obsolete word fogger, "underhanded dealer,"

³ PinalCentral.Com FLORENCE — Amanda Stanford, clerk of the Pinal County Superior Court, announced Wednesday evening that she is resigning effective late this month. Stanford first took her oath of office as clerk in January of 2015. Wednesday in an email she wrote, 'I apologize for relaying this information this way, but due to social distancing, there isn't much of an option. I wanted to let you know that I have tendered my resignation. My last day will be April 26.' Stanford, a Republican, did not give any reason for her resignation at the time. Stanford told PinalCentral Friday that she will become the finance director for the Pinal County Attorney's Office, a position that actually pays more than being the clerk of the Superior Court." pr 9, 2020 Updated May 21, 2020

⁴ Comments of the United States Department of Justice on the Tentative Draft Report of the Commission on Structural Alternatives for the Federal Courts of Appeals (Nov. 6, 1998), available at <http://app.comm.uscourts.gov/report/comments/DOJ.htm>.

Exhibit "S" Ninth Circuit Court of Appeals Docket

- 12/26/2017 [22](#) FILED MEMORANDUM (J. CLIFFORD WALLACE, BARRY
8 pg, G. SILVERMAN and JAY S. BYBEE) AFFIRMED. FILED
437.38 AND ENTERED JUDGMENT . [10702716] (KMD) [Entered:
KB 12/26/2017 10:07 AM]
- 01/05/2018 [24](#) Filed Appellants Lee Kent Hempfling and Suesie Kent
13 pg, Hempfling letter dated 01/02/2017 re: the enclosed envelope,
658.52 unopened was just received refused by the postal service. We
KB have served this defendant at the exact address reported to
the Court and now the post office stays it cannot find that PO
Box "R"turn to sender attempted-not know unable to
forward".Paper filing deficiency: None. [10719134] (RR)
[Entered: 01/09/2018 07:51 PM]
- 01/08/2018 [23](#) Filed Appellants Lee Kent Hempfling and Suesie Kent
9 pg, Hempfling petition for panel rehearing Number of Pages 4
376.07 and motion to stay mandate. Served on 12/28/2017.
KB Deficiency: None. (RESEARCH) [10718182] (RR) [Entered:
01/09/2018 11:49 AM]
- 04/19/2018 [25](#) Filed order (J. CLIFFORD WALLACE, BARRY G.
1 pg, SILVERMAN and JAY S. BYBEE) Appellants' petition for
193.43 panel rehearing (Docket Entry No. [23](#)) is denied. Appellants'
KB motion to stay the mandate (Docket Entry No. [23](#)) is denied
as unnecessary². No further filings will be entertained in this
closed case. [10843280] (KMD) [Entered: 04/19/2018 02:06
PM]
- 04/27/2018 [26](#) MANDATE ISSUED. (JCW, BGS and JSB) [10854002] (RR)
1 pg, [Entered: 04/27/2018 02:01 PM]
185.92
KB
- 06/20/2018 [27](#) Filed Appellant Lee Kent Hempfling, Suesie Kent Hempfling
4 pg, letter dated 06/19/2018 re: unpublished documents. No
45.26 further filings will be entertained 4/19/18. (NAN) Sent docket
KB sheet, memo filed 12/26/17 , order filed 4/19/18 and mandate.
Paper filing deficiency: None. [10918069] (RR) [Entered:
06/21/2018 04:55 PM]

“T” Arizona District Court Docket

Date Filed	#	Docket Text
09/21/2016	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number PHX176714 filed by Lee Kent Hempfling and Suesie Kent Hempfling. (Attachments: # 1 Civil Cover Sheet) (ATD) (Entered: 09/22/2016)
09/21/2016	2	Brief in Support of Plaintiff's MOTION for Permanent Injunction and MOTION for Summary Judgment by Lee Kent Hempfling and Suesie Kent Hempfling. (ATD) (Entered: 09/22/2016)
09/21/2016	3	Filing fee paid, receipt number PHX176714. This case has been assigned to the Honorable Eileen S Willett. All future pleadings or documents should bear the correct case number: CV-16-03213-PHX-ESW. Magistrate Election form attached. (Attachments: # 1 Consent) (ATD) (Entered: 09/22/2016)
09/27/2016	4	Agreement to Magistrate Judge Jurisdiction. Party agrees to Magistrate Judge Jurisdiction. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 09/28/2016)
10/31/2016	5	NOTICE of Party Dismissal. Styled as NOtice of Voluntary Dismissal Pursuant to F.R.C.P. 41(A)(1)(A)(1) by Lee Kent Hempfling and Suesie Kent Hempfling. Party Loretta Lynch and Bradley M Soos terminated. (EJA) (Entered: 11/01/2016)
10/31/2016	6	SERVICE EXECUTED: Rule 4 Waiver of Service of Summons. Waiver sent on 9/26/16 to M. Lando Voyles. (EJA) (Entered: 11/01/2016)
10/31/2016	7	SERVICE EXECUTED: Rule 4 Waiver of Service of Summons. Waiver sent on 9/26/16 to Boyd T. Johnson. (EJA) (Entered: 11/01/2016)
10/31/2016	8	SERVICE EXECUTED: Rule 4 Waiver of Service of Summons. Waiver sent on 9/26/16 to Mark Brnovich. (EJA) (Entered: 11/01/2016)
11/04/2016	9	NOTICE of Returned Mail by Lee Kent Hempfling, Suesie Kent Hempfling. (EJA) (Entered: 11/07/2016)
11/22/2016	10	NOTICE re: Certification of Conferral by M Lando Voyles .

		(Gruber, Seymour) (Entered: 11/22/2016)
11/22/2016	11	MOTION to Dismiss for Failure to State a Claim by M Lando Voyles. (Gruber, Seymour) (Entered: 11/22/2016)
11/22/2016	12	Magistrate Election Form Deadline set as to M Lando Voyles. (Attachments: # 1 Consent Form)(MAP) (Entered: 11/23/2016)
11/25/2016	13	NOTICE of Appearance by Karen J Hartman-Tellez on behalf of Mark Brnovich, Boyd T Johnson. (Hartman-Tellez, Karen) (Entered: 11/25/2016)
11/25/2016	14	* First MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State A Claim for Relief</i> by Mark Brnovich, Boyd T Johnson. (Hartman-Tellez, Karen). * Added MOTION to Dismiss for Failure to State a Claim on 11/28/2016 (LAD). (Entered: 11/25/2016)
11/25/2016	15	Magistrate Election Form Deadline set as to Mark Brnovich, Boyd T Johnson. (Attachments: # 1 Consent Form)(MAP) (Entered: 11/28/2016)
11/29/2016	16	RESPONSE to Motion re: 14 First MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State A Claim for Relief</i> MOTION to Dismiss for Failure to State a Claim, RESPONSE to Motion re: 11 MOTION to Dismiss for Failure to State a Claim , 14 First MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State A Claim for Relief</i> MOTION to Dismiss for Failure to State a Claim filed by Lee Kent Hempfling, Suesie Kent Hempfling. (KGM) (Entered: 11/30/2016)
12/07/2016	17	REPLY to Response to Motion re: 11 MOTION to Dismiss for Failure to State a Claim filed by M Lando Voyles. (Gruber, Seymour) (Entered: 12/07/2016)
12/07/2016	18	Agreement to Magistrate Judge Jurisdiction. Party agrees to Magistrate Judge Jurisdiction. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (KGM) (Entered: 12/07/2016)
12/07/2016	19	Agreement to Magistrate Judge Jurisdiction. Party agrees to Magistrate Judge Jurisdiction. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (KGM) (Entered: 12/08/2016)

12/13/2016	20	Minute Order: In accordance with 28 USC 636(c), all parties have voluntarily consented to have Magistrate Judge Eileen S Willett conduct all further proceedings in this case, including trial and entry of final judgment, and conduct all post-judgment proceedings, with direct review by the Ninth Circuit Court of Appeals, if an appeal is filed. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (KGM) (Entered: 12/13/2016)
12/13/2016	21	REPLY to Response to Motion re: 14 First MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State A Claim for Relief</i> MOTION to Dismiss for Failure to State a Claim filed by Mark Brnovich, Boyd T Johnson. (Hartman-Tellez, Karen) (Entered: 12/13/2016)
12/19/2016	22	NOTICE re: Supplemental Authority by Mark Brnovich, Boyd T Johnson re: 14 First MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State A Claim for Relief</i> MOTION to Dismiss for Failure to State a Claim <i>and Lack of Jurisdiction</i> . (Hartman-Tellez, Karen) (Entered: 12/19/2016)
01/12/2017	23	NOTICE of SUscessor by Lee Kent Hempfling, Suesie Kent Hempfling. (EJA) (Entered: 01/13/2017)
04/11/2017	24	IT IS ORDERED granting the "S"ate Defendants' 'otion to Dismiss" "Doc. 14); dismissing the Complaint (Doc. 1) without prejudice; denying the relief requested in Plaintiffs' 'eptember 21, 2016 filing (Doc. 2) and denying as moot Defendant Voyles' 'otion to Dismiss (Doc. 11). Signed by Magistrate Judge Eileen S Willett on 04/11/2017.(KAS) (Entered: 04/11/2017)
04/13/2017	25	MOTION for Reconsideration re: 24 Order on Motion for Permanent Injunction, Order on Motion for Summary Judgment, Order on Motion to Dismiss for Failure to State a Claim, Order on Motion to Dismiss/Lack of Jurisdiction by Lee Kent Hempfling, Suesie Kent Hempfling. (KGM) (Entered: 04/14/2017)
06/23/2017	26	ORDER - -T IS ORDERED denying Plaintiffs' 'M"tion for Reconsideration and Relief from Judgment or Order Pursuant to FRCP Rule 60 (B)(1) and Motion for Immediate Summary Judgment" "Doc. 25). The Court's'April 11, 2017 Order (Doc. 24) is affirmed. (See document for further details). Signed by Magistrate Judge Eileen S Willett on 6/23/17. (LAD) (Entered: 06/23/2017)

		06/23/2017)
06/27/2017	27	*NOTICE OF APPEAL to 9th Circuit Court of Appeals re: 26 Order on Motion for Reconsideration and 24 Order Dismissing Case by Lee Kent Hempfling, Suesie Kent Hempfling. Filing fee received: \$505.00, receipt number PHX186696. (Attachments: # 1 Appeal Fee Receipt) (REK) *Modified to add document number on 6/28/2017 (LSP). (Entered: 06/28/2017)
06/29/2017	28	USCA Case Number re: 27 Notice of Appeal, Ninth Circuit Case number 17-16329. (Copies sent by the Ninth Circuit) (LSP) (Entered: 06/29/2017)
12/12/2017	29	NOTICE OF ATTORNEY SUBSTITUTION: Pamela J. Linnins appearing for Mark Brnovich. Attorney Karen J Hartman-Tellez terminated. . (Linnins, Pamela) (Entered: 12/12/2017)
04/30/2018	31	MANDATE of USCA Affirming Appeal re: 17-16329, 27 Notice of Appeal, filed by Lee Kent Hempfling, Suesie Kent Hempfling. (Copies sent by Ninth Circuit) (Attachments: # 1 Memorandum, # 2 Order)(EJA) (Entered: 04/30/2018)

Docket #30 does not exist. The order of the Appeals Court is missing from the District Court docket. Whatever mandated is a legal mystery.

Exhibit "U" Counter Claim only evidence submitted



Federal Discrimination and Retaliation Law Suit Filed Against L.M. Communications Inc., et. al.

Black female settles EEOC charge with LM Communications Inc., The manager who tried to hire her files federal law suit for retaliation.

Phoenix, AZ ([PRWEB](#)) May 6, 2004 -- Today, a law suit has been filed in the United States District Court in Charleston, South Carolina ([Hempfling v. L.M. Communications Inc et al.](#)) alleging wrongful discharge, retaliation with malice in reckless indifference to the civil rights of a protected individual and pretext to hide the retaliatory motive; against L.M. Communications Inc., a Kentucky corporation, operating in Charleston South Carolina through two additional Kentucky corporations.

Five separate protected activities are documented in direct evidence with 135 exhibit documents in the 119 page complaint.

During 2002, Plaintiff, Lee Kent [Hempfling](#) (Lee Kent (morning drive) on radio), currently residing in Apache Junction, Arizona was retaliated against for attempting to hire a black female, full time after she resigned alleging violations of equal employment laws and for taking part in company investigations and supporting the allegations made by a black female of discrimination in the hiring and promoting policies of the company. She settled an EEOC charge with the company in May of 2003. [Hempfling](#) continually requested a 'black female' air talent for the black music R&B Rhythmic Oldies station and argued against ignoring the African-American community and African-American air staff.

The company has testified to the EEOC the reason for discharge was 'unsatisfactory job performance', yet the ratings for the radio station [Hempfling](#) was Program Director for (WCOO, then COOL 105.5, now The Bridge at 105.5) were embargoed by Arbitron until after the wrongful discharge.

Mindy Spar, then entertainment writer for the Charleston Post & Courier published a ratings article on August 10, 2002 wherein she showed WCOO had increased position in the coveted 25-54 adult demographic from 10th to 9th place and had tied with sister station WYBB during [Hempfling's](#) watch.

The complaint details five and a half months of continuous, almost daily retaliation acts upon [Hempfling](#), each documented in direct written evidence, beginning after the black female resigned alleging discrimination and escalating after the black female wrote a lengthy letter to L.M. Communications Inc., President Lynn Martin invoking her rights under equal employment laws.

[Hempfling](#) took part in three direct investigation discussions investigating EEO violation allegations, including a lengthy telephone interrogation by L.M. Communications Inc.'s, attorney William W. Allen of Lexington Kentucky. [Hempfling](#) followed that interrogation with a fax to Allen demanding a stop to intimidation and harassment being perpetrated by the station's employees and management.

"Discrimination is the worst cancer a species can have," said [Hempfling](#). "I will stand up to fight for the rights of minorities at every chance I have. I will not sit and allow that fight to be attacked, especially in a community where hope can live, but old destructive prejudices die hard."



Typically, pretext is proved through evidence that the respondent treated the complainant differently from similarly situated employees or that the respondent's explanation for the adverse action is not believable. Pretext can also be shown if the respondent subjected the charging party's work performance to heightened scrutiny after he engaged in protected activity. Each such claim is documented in direct evidence, including written refusal of management to stop the harassment.

The federal civil complaint demands \$986,500.00 plus punitive damages and demands a jury trial.
|

Exhibit "V" Fourth Circuit Appeals Opinion

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1987

LEE KENT HEMPFLING,

Plaintiff - Appellant,

versus

LM COMMUNICATIONS INCORPORATED, a Kentucky
Corporation; LM COMMUNICATIONS OF SOUTH
CAROLINA, INCORPORATED, a Kentucky
Corporation; LM COMMUNICATIONS II OF SOUTH
CAROLINA, INCORPORATED, a Kentucky
Corporation,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Patrick Michael Duffy, District
Judge. (CA-04-1373-2-PMD)

Submitted: March 23, 2006

Decided: March 27, 2006

Before WILKINSON, LUTTIG, and WILLIAMS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Lee Kent Hempfling, Appellant Pro Se. Greg Horton, BUIST, MOORE,
SMYTHE, MCGEE, PA, Charleston, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Lee Kent Hempfling appeals the district court's order accepting the recommendation of the magistrate judge and denying relief on Hempfling's employment discrimination action. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See Hempfling v. LM Commc'ns, Inc., No. CA-04-1373-2-PMD (D.S.C. Aug. 31, 2005). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

The mandate showing on the Superior Court docket on March 11, 2014 is for the Special Action taken in the case. NOT the case itself. The case hasn't happened.

For a case that defaulted in June of 2011 (which the Judge refers to and ridicules) it went on until May 3, 2012 when a false 'judgment was posted' as they argued over how to get paid. Including the law firm the court refused to admit to appear. The case continued including filing for default, which was never addressed (Judge Boyd T. Johnson retired) Then on 3/25/2014 when the case was stayed without a rule 62 hearing and hearings were prohibited. This order is not the final order as former Clerk Chad Roche is included in this evidence (page 79) declaring the final order not to have been issued.

The order shown here from May 3, 2012 is not a valid order. It is for only one set of defendants, does not include all defendants, is addressing only the attorneys and clients who were not permitted to appear officially in the case. The attorney who was recognized as having appeared in the case and her client are not included in this paper.

Case 2:15-cv-00088-DJH Document 9-1 Filed 05/03/12 Page 87 of 94

LOGGED
DATE: 5/3/12
TIME: 5:52 PM

Frederick M. Cummings - 010589
fcummings@jsslaw.com
Matthew L. Cates - 019700
mcates@jsslaw.com
JENNINGS, STROUSS & SALMON, P.L.C.
A Professional Limited Liability Company
One East Washington Street
Suite 1900
Phoenix, Arizona 85004-2554
Telephone: (602) 262-5911
MinuteEntries@jsslaw.com

CHAD A. ROCHE
CLERK OF THE SUPERIOR COURT
BY: [Signature]
DEPUTY

FILED
CHAD A. ROCHE
CLERK - SUPERIOR COURT
DATE: 5-3-12
TIME: 4:20 P.M.
BY: [Signature]

*Attorneys for Defendants CVDC Holdings, LLC;
CVD Care, LLC; WPF Holdings, LLC; Wynn
Caffall, D.D.S., P.C.; Canyon Vista Dental Care,
LLC; Wynne C. Caffall, D.D.S.; John A. Bigler,
D.D.S. and Trevor Caffall, D.D.S.*

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PINAL

SUESIE KENT HEMPFLING and LEE
KENT HEMPFLING,

No. CV2011-02200

Plaintiffs,

**JUDGMENT IN FAVOR OF
DEFENDANTS CVDC HOLDINGS,
LLC; CVD CARE, LLC; WPF
HOLDINGS, LLC; WYNN
CAFFALL, D.D.S., P.C.; CANYON
VISTA DENTAL CARE, LLC;
WYNNE C. CAFFALL, D.D.S.;
JOHN A. BIGLER, D.D.S. AND
TREVOR CAFFALL, D.D.S**

vs.

CVDC HOLDINGS, LLC, CVD CARE,
LLC, WPF HOLDINGS, LLC, WYNN
CAFFALL, DDS, P.C. CANYON VISTA
DENTAL CARE, LLC, DR. WYNNE C.
CAFFALL, DR. JOHN A. BIGLER, DR.
JAMES A. BOURNE, and DR. TREVOR
CAFALL,

Defendants.

*(Assigned to the Honorable
Boyd T. Johnson)*

*E as
O p/s*

3/22/12

THIS MATTER having come before this Court on "Plaintiffs' Motion for Ruling & Immediate Judgment or in the Alternative, Motion for Reconsideration in Part, Stay and Sanctions, Affidavit" dated December 30, 2011, and the Court having reviewed the entire Court file, including prior Rulings on Motions and Defendants' Responses to Plaintiffs' above Motion, and pursuant to the Court's Notice/Order of Ruling on Motions and Orders of Dismissal dated February 14, 2012,

...

CONFIRMED COPY FURNISHED

4031353v1(54504 57)

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED,

2 1. Denying Plaintiffs' "Motion for Ruling & Immediate Judgment or in the
3 Alternative, Motions for Reconsideration in Part, Stay and Sanctions, Affidavit" filed on
4 December 30, 2011 in its entirety;

5 2. Dismissing with prejudice Plaintiffs' Complaint and Amended Complaint
6 (including but not limited to Counts 1-7) as to all of the Defendants herein, including
7 Defendants CVDC Holdings, LLC, CVD Care, LLC, WPF Holdings, LLC, Wynn Caffall
8 D.D.S., P.C., Canyon Vista Dental Care, LLC, Wynn C. Caffall, D.D.S., John A. Bigler,
9 D.D.S. and Trevor Caffall, D.D.S.;

10 3. Denying Plaintiffs' request for stay while they "address the issues before the
11 Court of appeals";

12 4. Awarding Defendants CVDC Holdings, LLC, CVD Care, LLC, WPF
13 Holdings, LLC, Wynn Caffall D.D.S., P.C., Canyon Vista Dental Care, LLC, Wynn C.
14 Caffall, D.D.S., John A. Bigler, D.D.S. and Trevor Caffall, D.D.S their taxable costs in the
15 amount of \$218⁰⁰.

16 DATED this 3rd day of May, 2012.

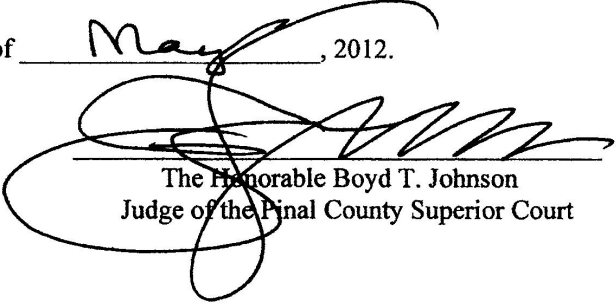
17
18 
19 The Honorable Boyd T. Johnson
20 Judge of the Pinal County Superior Court
21
22
23
24
25
26
27
28

Exhibit "X" District of Arizona
Order

1 WO

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8 No. CV-16-03213-PHX-ESW

9 Lee Kent Hempfling, et al.,
10 Plaintiffs,

ORDER

11 v.

12 M Lando Voyles, et al.,
13 Defendants.
14

15
16 The Court has reviewed the Motion to Dismiss (Doc. 14) filed by Defendants Hon.
17 Boyd T. Johnson and Arizona Attorney General Mark Brnovich (the “State Defendants”),
18 Plaintiffs’ Response (Doc. 16), and Defendants’ Reply (Doc. 21). For the reasons set
19 forth herein, the Court concludes that it lacks subject matter jurisdiction over Plaintiffs’
20 Complaint (Doc. 1). The State Defendants’ Motion to Dismiss (Doc. 14) will be granted.
21 The remaining pending Motions (Docs. 2, 11) will be denied as moot.
22

23 **I. DISCUSSION**

24 **A. Subject Matter Jurisdiction**

25 Because federal courts are courts of limited jurisdiction, a case presumably lies
26 outside the jurisdiction of the federal courts unless proven otherwise. *Kokkonen v.*
27 *Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). The Court is obligated
28 to determine sua sponte whether it has subject matter jurisdiction. *See Valdez v. Allstate*
Ins. Co., 372 F.3d 1115, 1116 (9th Cir. 2004); *see also* Fed. R. Civ. P. 12(h)(3) (“If the

1 court determines at any time that it lacks subject-matter jurisdiction, the court must
2 dismiss the action.”). A defendant may move to dismiss an action for lack of subject
3 matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1).

4 Under the *Rooker-Feldman* doctrine, a federal district court has no authority to
5 review the final determinations of a state court in judicial proceedings. *Dist. of Columbia*
6 *Court of Appeals v. Feldman*, 460 U.S. 462, 476 (1983); *Rooker v. Fidelity Trust Co.*,
7 263 U.S. 413, 415-16 (1923). “The purpose of the doctrine is to protect state judgments
8 from collateral federal attack. Because district courts lack power to hear direct appeals
9 from state court decisions, they must decline jurisdiction whenever they are ‘in essence
10 called upon to review the state court decision.’” *Doe & Assocs. Law*
11 *Offices v. Napolitano*, 252 F.3d 1026, 1030 (9th Cir. 2001) (quoting *Feldman*, 460 U.S. at
12 482 n.16).

13 “A federal action constitutes such a *de facto* appeal where ‘claims raised in the
14 federal court action are ‘inextricably intertwined’ with the state court’s decision such that
15 the adjudication of the federal claims would undercut the state ruling or require the
16 district court to interpret the application of state laws or procedural rules.’” *Reusser v.*
17 *Wachovia Bank, N.A.*, 525 F.3d 855, 859 (9th Cir. 2008) (quoting *Bianchi v. Rylaarsdam*,
18 334 F.3d 895, 898 (9th Cir. 2003)) (emphasis in original). “Where the district court must
19 hold that the state court was wrong in order to find in favor of the plaintiff, the issues
20 presented to both courts are inextricably intertwined” and the action is properly dismissed
21 under the *Rooker-Feldman* doctrine. *Doe & Assocs.*, 252 F.3d at 1030. In addition, “[i]f
22 the injury alleged resulted from the state court judgment itself, *Rooker-Feldman* directs
23 that the lower federal courts lack jurisdiction.” *Bianchi*, 334 F.3d at 900; *see also GASH*
24 *Associates v. Village of Rosemont, Ill.*, 995 F.2d 726, 728 (7th Cir. 1993) (holding that
25 *Rooker-Feldman* barred the action “because the plaintiffs’ injury stemmed from the state
26 judgment—an erroneous judgment, perhaps, entered after procedures said to be
27 unconstitutional, but a judgment nonetheless.”).

28 To summarize, under the *Rooker-Feldman* doctrine, a plaintiff may not initiate a

1 federal district court action that: (i) directly challenges a state court holding or decision;
2 or (ii) indirectly challenges a state court holding or decision by raising claims in federal
3 court that are inextricably intertwined with the state court judgment, even if the claim is
4 that the state court's actions were unconstitutional. *See Feldman*, 460 U.S. at 486. Only
5 the Supreme Court may entertain a direct appeal from a state court judgment. *Id.*

6 **B. Analysis**

7 In 2011, Plaintiffs filed an action in Pinal County Superior Court (Case No. 1100-
8 CV-201102200). (Doc. 2 at 7). In a March 27, 2012 Order, the Pinal County Superior
9 Court issued judgment in favor of the defendants in that case.¹ (Doc. 14 at 39-40). On
10 August 16, 2013, Plaintiffs filed a Motion to Vacate the judgment, which the Superior
11 Court denied on August 22, 2013. (*Id.* at 42-49). The Arizona Court of Appeals declined
12 to accept jurisdiction of Plaintiffs' appeal of the Superior Court's ruling. (*Id.* at 53). The
13 Arizona Supreme Court denied Plaintiffs' Petition for Review. (*Id.* at 51). On March 10,
14 2014, the Arizona Court of Appeals issued its mandate. (*Id.*). In a Notice/Order dated
15 March 25, 2014 and filed on March 27, 2014, the Superior Court stated: "The Court of
16 Appeals having issued its Mandate denying special action jurisdiction, IT IS ORDERED
17 closing this case and all future hearings are vacated." (*Id.* at 58).

18 On September 21, 2016, Plaintiff filed a "Complaint and Request for Permanent
19 Preventive Injunction and Summary Judgment" (Doc. 1). The Complaint is brought
20 "pursuant to 42 U.S.C. § 1983 for deprivation of 14th Amendment rights to procedural
21 due process . . . against judicial officers[.]" (Doc. 1 at 5). The named defendants are:
22 (i) Lando Voyles, Pinal County Attorney; (ii) Boyd T. Johnson, retired Pinal County
23

24 ¹ Although a district court generally may not consider any material beyond the
25 pleadings in ruling on a Rule 12(b)(6) motion, the Court may take judicial notice of
26 documents referenced in the complaint, as well as matters in the public record, without
27 converting a motion to dismiss into one for summary judgment. *See Lee v. City of L.A.*,
28 250 F.3d 668, 688-89 (9th Cir. 2001). In addition, the Court may take judicial notice of
matters that are either "generally known within the trial court's territorial jurisdiction" or
"can be accurately and readily determined from sources whose accuracy cannot
reasonably be questioned." Fed. R. Evid. 201(b). Public records, including judgments
and other court documents, are proper subjects of judicial notice. *See, e.g., United States*
v. Black, 482 F.3d 1035, 1041 (9th Cir. 2007).

1 Superior Court judge; (iii) Bradley M. Soos, Pinal County Superior Court judge pro tem;
2 (iv) Mark Brnovich, Arizona Attorney General; and (v) Loretta Lynch, former United
3 States Attorney General. (*Id.* at 2-3). On October 31, 2016, Plaintiffs voluntarily
4 dismissed without prejudice Defendants Lynch and Soos. (Doc. 5). On January 12,
5 2017, the Clerk of Court docketed a letter from Plaintiffs indicating that “[t]he successor
6 to M. Lando Voyles as County Attorney for Pinal County is Kent Volkmer.” (Doc. 23).

7 In the Complaint, Plaintiffs state that the “March 25, 2014 court order prohibiting
8 any future hearings precludes asking that court for any reopening of the case or request
9 that Rule 62 to followed [sic] properly.” (Doc. 1 at 7). Plaintiffs contend that the
10 “combination of closed and vacated hearings, denies procedural due process to the
11 Plaintiffs.” (*Id.* at 6). Plaintiffs request the Court to issue a “permanent injunction
12 ordering the Defendants to stop violating the Plaintiffs’ 14th Amendment rights of
13 procedural Due Process by issuing the existing adjudication and final order of the case
14 without delay.” (*Id.* at 8).

15 The Court finds that Plaintiffs’ Complaint is, in effect, an appeal from the Pinal
16 County Superior Court’s March 2014 order “closing” the case and vacating “all future
17 hearings.” (Doc. 14 at 58). The Court further finds that it cannot grant the relief
18 Plaintiffs seek without “undoing” the state court’s decision. *Bianchi*, 334 F.3d at 900
19 (explaining that “[w]here the only redress [sought is] an undoing of the prior state court
20 judgment,” subject matter jurisdiction is “clearly barred under *Rooker-Feldman*.”). Like
21 in *Bianchi*, it is immaterial that Plaintiffs frame their federal Complaint as a constitutional
22 challenge to the state courts’ decisions, rather than as a direct appeal of those decisions.
23 *See id.* at 900 n.4 (under the *Rooker-Feldman* doctrine, “[i]t is immaterial that [the
24 plaintiff] frames his federal complaint as a constitutional challenge to the state courts’
25 decisions, rather than as a direct appeal of those decisions”).

26 The *Rooker-Feldman* doctrine requires this case be dismissed without prejudice.
27 *Id.* at 900, 902 (“The integrity of the judicial process depends on federal courts respecting
28 final state court judgments and rebuffing de facto appeals of those judgments to federal

1 court.”); *Frigard v. United States*, 862 F.2d 201, 204 (9th Cir. 1988) (“Ordinarily, a case
2 dismissed for lack of subject matter jurisdiction should be dismissed without prejudice so
3 that a plaintiff may reassert his claims in a competent court.”). Because the Court finds
4 that it lacks subject matter jurisdiction under the *Rooker-Feldman* doctrine, the Court
5 does not address the State Defendants’ other arguments in their Motion to Dismiss (Doc.
6 14). The Court will deny as moot the relief requested in Plaintiffs’ September 21, 2016
7 filing (Doc. 2). The Court will also deny as moot Defendant Voyles’ Motion to Dismiss
8 (Doc. 11) for failure to state a claim. See *Moore v. Maricopa County Sheriff’s Office*,
9 657 F.3d 890, 895 (9th Cir. 2011) (stating that “[a] federal court cannot assume subject-
10 matter jurisdiction to reach the merits of a case” and explaining that where a district court
11 determines that it does not have subject matter jurisdiction, “it is not possible for the
12 district court” to have dismissed alternatively for failure to state a claim); *Herrera-
13 Castanola v. Holder*, 528 F. App’x 721, 722 (9th Cir. 2013) (“Because we must address
14 whether the district court ‘ha[d] jurisdiction before [we] can decide whether a complaint
15 states a claim,’ *Moore v. Maricopa Cnty. Sheriff’s Office*, 657 F.3d 890, 895 (9th Cir. 2011),
16 we first consider whether the district court properly concluded that it lacked subject-
17 matter jurisdiction.”) (alteration in original).

18 **II. CONCLUSION**

19 **IT IS ORDERED** granting the “State Defendants’ Motion to Dismiss” (Doc. 14).

20 **IT IS FURTHER ORDERED** dismissing the Complaint (Doc. 1) without
21 prejudice for lack of subject matter jurisdiction under the *Rooker-Feldman* doctrine.

22 **IT IS FURTHER ORDERED** denying the relief requested in Plaintiffs’
23 September 21, 2016 filing (Doc. 2).

24 **IT IS FURTHER ORDERED** denying as moot Defendant Voyles’ Motion to
25 Dismiss (Doc. 11) for failure to state a claim.

26 Dated this 11th day of April, 2017.

27 

28 _____
Eileen S. Willett
United States Magistrate Judge

Exhibit "Y" Appeal Clerk Confirms Mandate NOT the case



Court of Appeals
STATE OF ARIZONA
DIVISION TWO

JOYCE A. GOLDSMITH
CLERK OF THE COURT

ARIZONA STATE OFFICE COMPLEX
400 W. CONGRESS
TUCSON, ARIZONA 85701-1374
(520) 628-8954
FAX (520) 628-6959

July 21, 2014

Suesie and Lee Hempfling
1118 N. Warner Dr.
Apache Junction, AZ 85120

Dear Suesie and Lee Hempfling:

I received your letter of July 15 inquiring about your case number 2 CA-SA 2013-0077. However, I do not have an answer to your question regarding when an order will be forthcoming from the Pinal County Superior Court. As you point out, this court's mandate issued March 10, 2014, and constituted the final order as far as the special action which arose from your case. I assume that since only the special action was decided, the "final order" in the case must await further proceedings in the trial court. I am not in a position to know what or when the trial court has yet to do. I regret I cannot offer you a better answer.

Sincerely,

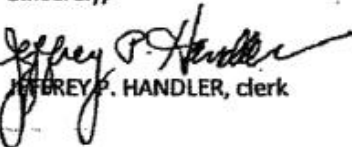

JEFFREY P. HANDLER, clerk

Exhibit "Z" 6/23/17 Order Arizona District Court

Case 2:16-cv-03213-ESW Document 26 Filed 06/23/17 Page 1 of 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

No. CV-16-03213-PHX-ESW

Lee Kent Hempfling, et al.,
Plaintiffs,
v.
M Lando Voyles, et al.,
Defendants.

ORDER

On April 11, 2017, the Court granted the State Defendants' Motion to Dismiss and dismissed Plaintiffs' Complaint without prejudice for lack of subject matter jurisdiction. (Doc. 24). On April 13, 2017, Plaintiffs' filed a "Motion for Reconsideration and Relief from Judgment or Order Pursuant to FRCP Rule 60 (B)(1) and Motion for Immediate Summary Judgment" (Doc. 25).

To prevail on a Federal Rule of Civil Procedure 60(b) motion for relief from a final judgment or order, a litigant must show "(1) mistake, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud; (4) a void judgment; (5) a satisfied or discharged judgment; or (6) 'extraordinary circumstances' which would justify relief." *School Dist. No. 1J, Multnomah County, Oregon v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993); *see also Zimmerman v. City of Oakland*, 255 F.3d 734, 740 (9th Cir. 2001).

1 Motions for reconsideration should be granted only in rare circumstances. *See*
2 *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003). “Reconsideration is appropriate
3 if the district court (1) is presented with newly discovered evidence, (2) committed clear
4 error or the initial decision was manifestly unjust, or (3) if there is an intervening change
5 in controlling law.” *School Dist. No. 1J, Multnomah County*, 5 F.3d at 1263; *see also*
6 LRCiv 7.2(g)(1) (“The Court will ordinarily deny a motion for reconsideration of an
7 Order absent a showing of manifest error or a showing of new facts or legal authority that
8 could not have been brought to its attention earlier with reasonable diligence.”). Such
9 motions should not be used for the purpose of asking a court “to rethink what the court
10 had already thought through – rightly or wrongly.” *Defenders of Wildlife v. Browner*,
11 909 F.Supp 1342, 1351 (D. Ariz. 1995) (internal quotation marks and citation omitted).

12 Plaintiffs’ Motion (Doc. 25) fails to show any grounds for relief under Rule 60(b)
13 and does not present any basis that warrants reconsideration of the Court’s Order (Doc.
14 24) dismissing the Complaint. Accordingly,

15 **IT IS ORDERED** denying Plaintiffs’ “Motion for Reconsideration and Relief
16 from Judgment or Order Pursuant to FRCP Rule 60 (B)(1) and Motion for Immediate
17 Summary Judgment” (Doc. 25). The Court’s April 11, 2017 Order (Doc. 24) is affirmed.

18 Dated this 23rd day of June, 2017.

19
20 

21 Eileen S. Willett
22 United States Magistrate Judge
23

Exhibit "AA" Ninth Circuit Order April 30., 2018

Case 2:16-cv-03213-ESW Document 31-2 Filed 04/30/18 Page 1 of 1

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

APR 19 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

LEE KENT HEMPFLING; SUESIE KENT
HEMPFLING,

Plaintiffs-Appellants,

v.

KENT VOLKMER; et al.,

Defendants-Appellees.

No. 17-16329

D.C. No. 2:16-cv-03213-ESW
District of Arizona,
Phoenix

ORDER

Before: WALLACE, SILVERMAN, and BYBEE, Circuit Judges.

Appellants' petition for panel rehearing (Docket Entry No. 23) is denied.

Appellants' motion to stay the mandate (Docket Entry No. 23) is denied as unnecessary.

No further filings will be entertained in this closed case.

Exhibit "BB" Special Action Mandate Closes the case?

FILED
CHAD A ROCHE
CLERK OF SUPERIOR COURT

2014 MAR 27 AM 8:47

IN THE SUPERIOR COURT

PINAL COUNTY, STATE OF ARIZONA

BY KF
DEPUTY

Date: 03/25/2014

JDG PRO TEM BRADLEY M SOOS.

By Judicial Administrative Assistant: Lucy Luedke

SUESIE KENT HEMPFLING and LEE KENT
HEMPFLING,

Plaintiff(s),

vs.

CVDC HOLDINGS, LLC, CVD CARE, LLC, et al.,

Defendant(s).

) S1100CV201102200

) NOTICE/ORDER

) E

The Court of Appeals having issued its Mandate denying special action jurisdiction, IT IS ORDERED closing this case and all future hearings are vacated.

DATED this 25th day of March, 2014.



HON. BRADLEY M. SOOS
JUDGE PRO TEMPORE
PINAL COUNTY SUPERIOR COURT

Mailed/distributed copy: 3/25/2014

SUESIE & LEE HEMPFLING
1118 N WARNER DRIVE
APACHE JUNCTION AZ 85120

SUSAN MCLELLAN
SCHNEIDER & ONOFRY, PC
3101 N CENTRAL AVENUE, STE 600
PHOENIX AZ 85012

CONFORMED COPY FURNISHED

Page 1 of 2

NE

FREDERICK CUMMINGS
MATTHEW CATES
JENNINGS STROUSS & SALMON, PLC
ONE E WASHINGTON STREET
STE 1900
PHOENIX AZ 85004

OFFICE DISTRIBUTION:
JUDGE/SOOS

Exhibit “DD” Arizona District Court Order 6/23/17

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WO

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

No. CV-16-03213-PHX-ESW

Lee Kent Hempfling, et al.,

Plaintiffs,

v.

M Lando Voyles, et al.,

Defendants.

ORDER

On April 11, 2017, the Court granted the State Defendants’ Motion to Dismiss and dismissed Plaintiffs’ Complaint without prejudice for lack of subject matter jurisdiction. (Doc. 24). On April 13, 2017, Plaintiffs’ filed a “Motion for Reconsideration and Relief from Judgment or Order Pursuant to FRCP Rule 60 (B)(1) and Motion for Immediate Summary Judgment” (Doc. 25).

To prevail on a Federal Rule of Civil Procedure 60(b) motion for relief from a final judgment or order, a litigant must show “(1) mistake, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud; (4) a void judgment; (5) a satisfied or discharged judgment; or (6) ‘extraordinary circumstances’ which would justify relief.” *School Dist. No. 1J, Multnomah County, Oregon v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993); *see also Zimmerman v. City of Oakland*, 255 F.3d 734, 740 (9th Cir. 2001).

1 Motions for reconsideration should be granted only in rare circumstances. See
2 *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003). “Reconsideration is appropriate
3 if the district court (1) is presented with newly discovered evidence, (2) committed clear
4 error or the initial decision was manifestly unjust, or (3) if there is an intervening change
5 in controlling law.” *School Dist. No. 1J, Multnomah County*, 5 F.3d at 1263; see also
6 LRCiv 7.2(g)(1) (“The Court will ordinarily deny a motion for reconsideration of an
7 Order absent a showing of manifest error or a showing of new facts or legal authority that
8 could not have been brought to its attention earlier with reasonable diligence.”). Such
9 motions should not be used for the purpose of asking a court “to rethink what the court
10 had already thought through – rightly or wrongly.” *Defenders of Wildlife v. Browner*,
11 909 F.Supp 1342, 1351 (D. Ariz. 1995) (internal quotation marks and citation omitted).

12 Plaintiffs’ Motion (Doc. 25) fails to show any grounds for relief under Rule 60(b)
13 and does not present any basis that warrants reconsideration of the Court’s Order (Doc.
14 24) dismissing the Complaint. Accordingly,

15 **IT IS ORDERED** denying Plaintiffs’ “Motion for Reconsideration and Relief
16 from Judgment or Order Pursuant to FRCP Rule 60 (B)(1) and Motion for Immediate
17 Summary Judgment” (Doc. 25). The Court’s April 11, 2017 Order (Doc. 24) is affirmed.

18 Dated this 23rd day of June, 2017.

19
20 

21 _____
Eileen S. Willett
United States Magistrate Judge
22
23
24

Exhibit "EE" 28 U.S.C. §1651(a) Checklist

In order to demonstrate and substantiate that this court has the authority to issue the requested writ: there is NO DOUBT that each court had proper jurisdiction when cases were placed in perpetual limbo. No court has publicly issued an order upon which an appeal could be taken, by any party.

1. There is no other adequate means to obtain the relief desired. *Kerr v. United States District Court for Northern District of California*, 426 U.S. 394 (1976); *Allied Chemical Corp. v. Daiflon, Inc.*, 499 U.S. 33 (1980): holding that "as a means of implementing the rule that the writ will issue only in extraordinary circumstances," the party seeking the writ must "have no other adequate means to attain the relief he desires." *Allied Chemical Corp. v. Daiflon, Inc.*, 499 U.S. 33 (1980). No court sufficiently acted promptly to preserve their jurisdiction in each matter. The relief sought returns jurisdiction to where it belongs following years of inactivity even past the statutes of limitations. The consequences of a rule violating stay, or a stay accomplished through refusal without rule reference; in each of the cases included, have been continuous and compounding.

2. The right to the issuance of the writ is "clear" and "indisputable." *Will v. Calvert Fire Ins. Co.*, 437 U.S. 655 (1978);

"(a) Though a court of appeals has the power to issue a writ of mandamus directing a district court to proceed to judgment in a pending case when it is the district court's duty to do so, the burden is on the moving party to show that its right to issuance of the writ is "clear and indisputable."

Allied Chemical Corp., supra. There are no other legal channels to obtain relief. Courts have closed the cases and as the Ninth Circuit made clear, any further filing was prohibited; even though no order upon which an appeal could be taken was ever issued. There is no more clear and indisputable condition than to be a recorded and legally appeared litigant in a court and be, by the silence of subjugated

concealment: refused justice of any sort. The 1st Amendment right to the redress of grievances must also follow with the right to a response, a ruling and/or an order or opinion about that grievance. To be ignored is not justice.

3. As a question of first impression each case, indicated on respective dockets is closed³. Each court is unable to be addressed again, where such request is not subject to DOJ control or outright order to not file again, while no orders or opinions have been issued publicly in ANY of the cases. They are all held captive and as old as over 17 years and three times the expiration of any legal adequate basis to be withheld.

"If the court of appeals fails to act in a manner sufficiently prompt to preserve the jurisdiction of the court and to protect the parties from the consequences of a stay entered without an adequate basis, an injured party may seek relief in this Court pursuant to our jurisdiction under the All Writs Act, 28 U. S. C. § 1651."

Justice Anthony Kennedy DELO v. STOKES 495 U.S. 320 (1990) .

³ Appendix pages 73-74,75-77,79-80,81,82,83,91,94,100,102

**Exhibit “FF Hempfling v LM Communications evidence #181
Transcript of Meeting between Charlie Cohn and Patricia
Thompson**

**Summary of
Charles Cohn – Patricia Thompson
Taped Discussion**

Recorded by Patricia Thompson:

Summary Pertinent To The First EEOC Case and The Present Case:

This tape took place after Lee, was fired and after the comment Dan Williams overheard Bob Brooks make to Cohn, of: “What are we going to do if Lee does this?”

Trish: is shocked about Cohn’s contact “haven’t heard from anybody”.

Cohn: “A lot of stuff going on.. a lot about things going on.” He’s curious? ‘did you call me or did I call you’.

(Cohn admits in this section that he got Trish’s phone number from Denise, the receptionist.)

Cohn: “A lot utility stuff going on last couple of weeks. Had to do some stuff that I didn’t feel all comfortable about but we just had to do it.”

(He starts the proposal to Ms. Thompson.)

Cohn discusses ratings and black/white people listening to the station.

Trish: “I dream of having my own radio station.”

Cohn: “Just a bunch of white people” (a reaction from Trish in between) “Just a bunch of white people!”

Ms. Thompson mentions to Cohn about Lee being ‘let go’.

Cohn: “... big vacuum with Lee gone... ... feel thing as quick as possible has to have everything in place by Labor Day! ... ”

Cohn: says he is not in a super rush, about the 'deal' with Ms. Thompson "We did what we did with Lee for a variety of different reasons, and you know what, Lee was a really good guy and a really bright guy but, there were other issues... so now its just a function of exploring what the possibilities are... although we probably have an issue on everything he's done and they way he's done it... I'm not one to really harbor a grudge or [unintelligible] because I don't agree, ya know what I'm saying? I do,... I did agree with your concern and your passion for Lee even though if it was up to me, if he would have done it differently if this was the way he felt he needed to do it... .. that's fine, ya know ..."

Trish: "Well, the problem is that some of my concerns, when I addressed them to my first, line supervisor, I was told it would be taken care of and it didn't need to go any further because there were some issues that when they occurred I wanted to talk to you, but you were not available, you were out of town and so then, I had to, who I thought, you know, and maybe in that respect you wanted, ummm, as aware of as I thought you were , or Mr. Martin wasn't aware of as I thought he was... and at some point when you have a general manager and an owner of a company and things are happening and your brining these things to someone's attention that should be keeping these people informed and nothings been done about it, then you wonder well, do you not care yourself or does Mr. Martin not care!

So When I finally had my full of it and decided t leave, ummm, was to, uh, you know, enlighten him in case he was aware and just decided, Oh Well!, ya know , with her, I wanted to put it in 'formal' format so he would know and I also wanted to do it in case he DID know and I found out that there were same thing he DIDN'T know."

Her discussion was regarding the time before Lee arrived to work at that radio station: as that is what her case dealt with.

Cohn then asks about Ms. Thompson's son, Moe. He made it warn and friendly in front of Denise, the receptionist and the 'other' African American 'employee'.

Cohn: Thank you for your time

Trish: I appreciate it.

Cohn: Nice seeing you again.

Trish: Nice seeing you too.

Cohn quickly adds the following:

Cohn: How's you son doing?

Trish: He's doing fine... uh... in fact, I'm getting to take him to...

Cohn: Where does your son go to school?

Trish: The University of South Carolina... ... for a minute my mind went blank.... He'll be there on the 4th: I'm taking him up there.

Cohn: Well where's he going to school?

Trish: University of South Carolina!!

There is more talk of Ms. Thompson's son, followed by Ms. Thompson saying goodbyes to Denise.

The full audiotape original continues the play back as Ms. Thompson exits the building, walks to her car, gets in, turns on the car radio, then turns off the tape recorder.

This recorded conversation, recorded by Patricia Thompson, with her full knowledge and consent, recorded on the behalf of her claim before the EEOC, was at no time under the control of any person other than Ms. Thompson, to the best of our knowledge where it was presented to Lee to be transferred to digital and saved on an CD for Ms. Thompson, who promptly provided a copy thereof to Mr. Sanders, according to Ms. Thompson's personal conversation.

Exhibit "GG" Thompson letter to Sanders

Return-Path: <thompson@millielewis.com>
Received: from bright02.icomcast.net (bright02-qfe0.icomcast.net [172.20.4.9])
by msgstore03.icomcast.net (iPlanet Messaging Server 5.1 HotFix 0.8 (built
May 13 2002)) with ESMTP id <0H1W006BGXIVUA@msgstore03.icomcast.net> for
leekent@ims-ms-daemon (ORCPT leekent@comcast.net); Wed, 04 Sep 2002 08:04:07
-0400 (EDT)
Received: from mtain04 (lb-ldap-155.icomcast.net [172.20.3.155]) by
bright02.icomcast.net (8.11.6/8.11.6) with ESMTP id g84C45G25265 for
<@msgstore03.icomcast.net:leekent@comcast.net>; Wed, 04 Sep 2002 08:04:05 -
0400 (EDT)
Received: from millielewis.com (server37.aitcom.net [208.234.0.50]) by
mtain04.icomcast.net (iPlanet Messaging Server 5.1 HotFix 0.8 (built May 13
2002)) with ESMTP id <0H1W004YGXIKWC@mtain04.icomcast.net> for
leekent@comcast.net (ORCPT leekent@comcast.net); Wed, 04 Sep 2002 08:03:57 -
0400 (EDT)
Received: from mli1 (unused-186.wan-ip-uslec.net [63.243.39.186] (may be
forged)) by millielewis.com (8.8.8/8.8.5) with ESMTP id IAA14394 for
<leekent@comcast.net>; Wed, 04 Sep 2002 08:03:55 -0400
Date: Wed, 04 Sep 2002 08:03:43 -0400
From: "Patricia" <thompson@millielewis.com>
Subject: FW: Trish Thompson
To: <leekent@comcast.net>
Message-ID: <000501c2540b\$1e310e20\$0200000a@mli1>
MIME-Version: 1.0
X-MIMEOLE: Produced By Microsoft MimeOLE V6.00.2800.1165
X-Mailer: Microsoft Outlook, Build 10.0.3416
Content-Type: multipart/alternative;
boundary="-----_NextPart_000_6BAE_01C3422F.6B4424F0"
Importance: Normal
X-Priority: 3
X-MSMail-Priority: Normal

This is a multi-part message in MIME format.

-----_NextPart_000_6BAE_01C3422F.6B4424F0
Content-Type: text/plain;
charset="us-ascii"
Content-Transfer-Encoding: 7bit

-----Original Message-----

From: Patricia [mailto:thompson@millielewis.com]
Sent: Wednesday, September 04, 2002 8:03 AM
To: 'billy.sanders@eeoc.gov'
Subject: Trish Thompson

Billy,

I hope all is well with you. I need some advice. I need you to tell me something to
Page 121 Appendix - Evidence: in Re: Lee Kent Hempfling et. ux.

keep me from being a nervous wreck. Last night Lynn Martin the owner of LM Communications called me at my HOME number ... I was shocked to hear from him ... How could he have obtained my number? Is it on my complaint form??? Is he allowed to contact me like that now, after

it's been made official??? He called me from (859) 233-1515 at 7:11 pm.

I tried to have a decent / civil conversation with him, but I also know that he realizes how serious this is to me. He indicated that he was very disappointed with my actions and that he would fight it ... and I told him he could dispute whatever he felt he needed to ... He tried to imply that Charlie was offering me a position as a sales executive and I informed him that this was not the way Charlie presented it to me and that I specifically asked Charlie in what capacity was he presenting this whatever it was he was presenting to me ... and Charlie implied he didn't know ...

Because Mr. Martin kept implying that I misunderstood Charlie's intentions, I told him because I knew he would take this position for Charlie that I had recorded the conversation. He asked me if Charlie knew I was recording the conversation, I told him no and that I'm sure if he'd known he wouldn't have said the things in the manner in which he did. I further told Mr. Martin that I was further insulted and felt discriminated against because of how he went about presenting the so-called "opportunity" to me and that when all was said and done and I verbally presented my argument, that he would take the position like I had turned down a wonderful opportunity and now I had proof that that's now how it went.

Mr. Martin then asked me if he could hear the recording so that he could judge for himself ... I told him I'd have to think about it, that I indeed wanted him to hear the recording, that I wanted to watch him hear the recording, and asked when would he be coming to Charleston again. He told me it would be early October and he also asked if I would send him a copy in the mail. I told him I'd get back to him about that in a few days.

Afterwards, as I recapped our conversation, I began to feel like, Oh My God what have I done. How did he get my phone number ... am I going to start being harassed ... am I safe at work now, or at home ... I began to feel that this might be some kind of intimidation tactic to try to ... I don't know what ... I just know it has me on edge right now ... and I'm concerned about his true intentions or is this just another ploy ...

If he contacted me and was not supposed to ... what can I do about it to ensure that he doesn't continue to contact me in this manner? Or, contact my current work place ... They all know where I work Billy, now I'm looking all around me,

wondering if I'm being followed, all kind of stuff man.

Please give me some guidance ... As soon as possible ... I need to be able to think and right now ... I can't think about anything else ... I know what these people did to Lee ... my God Billy, what's going to happen to me next?

So, if I all of a sudden end up injured or dead ... this is becoming scary ... do please don't think I'm being playfully jokey right now, because I'm not ... Please do not let this go ... Please do not let this go, if something does happen to me.

And, even more so than me, he asked about my son, Moe, whom you know I don't mind talking about ... but now I'm worried about that ... Moe's team plays the University of Kentucky on October 12 in Kentucky ... Maybe I should not let him go there ... See, I did not want this to effect Moe in any way, now I'm worried what if they do something to him to get back at me ... what if they get somebody to hurt him on the football field ... Billy, I would never forgive myself ... EVAH ...

Billy my mind is spinning ... please email me, call me something ... before I explode from worry ... Thanks, Take Care, Patricia ;o)

Exhibit "HH" 20 August 2003 Hempfling v LMC Billy C. Sanders email Evidence

Re: Good morning - Mozilla Thunderbird

File Edit View Go Message Tools Help

Get Messages Write Tag

From BILLY SANDERS <BILLY.SANDERS@EEOC.GOV> Reply Reply All Forward Archive Junk Delete More

To Me <lkh@enticy.org> 8/20/2003, 10:41 AM

Subject **Re: Good morning**

Date Wed, 20 Aug 2003 12:41:19 -0500

Message ID <sf436c0e.018@HQF2.eeoc.gov>

User agent Novell GroupWise Internet Agent 6.5.0

Return-Path <BILLY.SANDERS@EEOC.GOV>

Does not work that way. In fact, the documents in her file don't mention you in a positive way because she feels you were part of her problem and did not go to bat for her for a full time job so you will need a statement from her to support some of your case. RE: Harassment you need to know that if they took some type of discipline against the harasser and it ended we might not find a violation of the law despite having the graphic info. But we will cross them bridges when we get to them. I am waiting to hear from their attorney re the Fact Finding Conference. I will be leaving the office shortly and will not be back until next Wednesday so if you need me you can call me on my cell @ (704) 564-9464. C U Later

"lkh" <lkh@enticy.org> 08/20/03 10:49AM >>>

FYI

no response contact from Ms. Thompson.

But that's ok.

Pretty much all of her complaint was filed in my complaint as supporting documentation. They may have settled her complaint but that does not lock up the documents in my complaint. After all, if that was the case, she referred to many of my documents in hers. There is no judge in this land who would prohibit my case just because it was referenced in her case.

And anyway, the federal judges here declared in 2001 that cases settled in private that involved current cases will be opened upon request. It was an interesting article where all 10 federal judges in South Carolina stated their intention to open any closed file needed to be made public for another case.

Hope all is well with you.

Lee

(0) No messages to download

**Exhibit "II" Thompson original EEOC Form 5 Augusts 21,
2002**

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974; See Privacy Act Statement below completing this form.</small>		AGENCY <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER
			_____ and EEOC
<small>State or local Agency, if any</small>			
NAME <i>(indicate Mr., Ms., Mrs.)</i> Ms Patricia Thompson		HOME TELEPHONE <i>(Include Area Code)</i> (843) 553-0206	
STREET ADDRESS P. O. Box 756 Goose Creek, South Carolina 29445		CITY, STATE AND ZIP CODE	DATE OF BIRTH
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME <i>(If more than one list below.)</i>			
NAME LM Communications Inc,	NUMBER OF EMPLOYEES, MEMBERS 15+	TELEPHONE <i>(Include Area Code)</i> (843) 769-4799	
STREET ADDRESS 59 South Windermere Blvd. Charleston, South Carolina 29407		CITY, STATE AND ZIP CODE	COUNTY
NAME		TELEPHONE NUMBER <i>(Include Area Code)</i>	
STREET ADDRESS		CITY, STATE AND ZIP CODE	COUNTY
CAUSE OF DISCRIMINATION BASED ON <i>(Check appropriate box(es))</i>		DATE DISCRIMINATION TOOK PLACE EARLIEST <i>(ADEA/EPA)</i> LATEST <i>(ALL)</i>	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER <i>(Specify)</i>		07/25/02 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE <i>(If additional paper is needed, attach extra sheet(s))</i>			
<p>I. I was subjected to discriminatory terms and conditions of employment, harassed, denied equal wages, subjected to a racially hostile work environment, denied full time employment, and forced to resign from my part time job because of my race, Black, and in retaliation for complaining about discrimination in the workplace in violation of Title VII of the Civil Rights Act of 1964, as amended.</p> <p>II. I have not been given a valid reason for the discrimination that I was subjected to however, despite my high ratings on the weekends the company would always fill their weekday slots with whites and never offer me the jobs. In fact a white manager tried to get them to hire me to a full time job and they refused and forced him out.</p> <p>III. I believe that I have been discriminated against because of my race, Black, and in retaliation for complaining about discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended.</p> <p>IV. Further, the company discriminates against Blacks as a class relative to hiring, job assignments, wages, promotions, transfers, discipline, and discharge.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - <i>(When necessary for State and Local Requirements)</i>	
I declare under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
Date August 21, 2002 Charging Party <i>(Signature)</i> Patricia Thompson		SIGNATURE OF COMPLAINANT	
		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <i>(Day, month, and year)</i>	

Exhibit "JJ" Rev Joseph Darby 'Direct Action'

>From: OnlyOnePatriciaT@aol.com

>To: suesiekent@hotmail.com

>Subject: First Response ...

>Date: Mon, 29 Jul 2002 10:32:14 EDT

>

>-----Original Message-----

>From: **Joe Darby [mailto:joedarby@worldnet.att.net]**

>Sent: Sunday, July 28, 2002 11:36 PM

>**To: Patricia**

>**Cc: Dwight James**

>Subject: **Re: How Would I Go About**

>

>

>Ms. Thompson,

>

>Thanks for the info. All direct action has to be approved by our State

>Executive Board, so I'm forwarding this to Executive Director Dwight

>James

>in Columbia. You can expect to hear from him, and can reach him at

>803-754-4584.

>

> >From what you say, a boycott may be a moot point since I wasn't even

>aware

>of the station and they won't be able to draw a black market share in a

>competitive market like Charleston unless they get some black "air"

>talent.

>If you'd like to discuss this further before you hear from Dwight,

>please

>page me at 814-8764.

>

>Thanks,

>

>Joe Darby
