

APPEAL NO. 02-10490-D, 02-16452-D, etc  
DISTRICT COURT NO. 8:00-CR-369-T-27TGW

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IN THE  
SUPREME COURT OF THE UNITED STATES

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Kevin A. Wiederhold, Petitioner,

v.

UNITED STATES and RISK CORP et al, Respondents,

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ON PETITION FOR A WRIT OF CERTIORARI FROM THE  
UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

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PETITIONER FOR WRIT OF CERTIORARI

Kevin A. Wiederhold  
Federal Corrections Institution  
P.O. Box 26040 NA Medium  
Beaumont, TX. 77720  
No. 89849-079

### QUESTIONS PRESENTED

1. Whether the prejudicial, abusive lower courts (perpetrators) violated Canon Laws, RICO Laws, Constitutional Laws and other Federal/State laws when:  
(a). Maliciously defaming, arresting, imprisoning and convicting/sentencing petitioner using perjuring, scandalous and racketeering documents/witnesses etc.  
(b). Then maliciously and prejudicially denying and striking petitioners pleadings that proved **perjury, racketeering** and his own **defense**.
2. Whether the judges involved should be investigated by the Judicial Commission in Atlanta and/or Washington D.C. for recommendation to the House of Representatives for a vote on **impeachment**.
3. Whether the attorneys involved should be **disbarred** and **criminally** charged for their involvement with the racketeering judges.
4. Whether the United States Attorney General, John Ashcroft should investigate this whole **malicious, perjuring** and **racketeering** matter as well as recommending that he place injunctions on the racketeering perpetrators under 18 U.S.C. 216, to protect the **innocent** petitioner when released.
5. Whether the Case Workers/Officers Mr. Green et al will be committing **further racketeering** by placing petitioner in a "half-way house" which will be paid for with **racketeered funds** from the RISK\_CORP et al corporation(s).

**United States and Risk\_Corp et al vs. Kevin A. Wiederhold**  
**Appeal No. 02-10314, 02-10490, 02-10540, 01-15416, 02-16452, etc.**  
**District Court No. 8:00-CR-369-T-27TGW**

**CERTIFICATE OF INTERESTED PERSONS  
AND CORPORATE DISCLOSURE STATEMENT**

In compliance with Supreme Court Rule 14(b), Fed. App. P. 26.1 and 11th Cir. R. 26.1-1, I hereby certify that the following persons and entities have an interest in the outcome of this case.

1. John Ashcroft, United States Attorney General.
2. Paul I. Perez, United States Attorney, Middle Division, Tampa, FL.
3. U.S. Senator Chairman & former Chairman, Banking, Housing & Urban Affairs.
4. U.S. Congressmen, Solomon P. Ortiz et al.
5. James Handley et al & The Federal Bureau of Investigation.
6. Janet Reno et al & all former U.S. Attorneys.
7. Departments of Commerce et al and/or all in concert.
8. Loeb Investments et al and/or all in concert.
9. David P. Rhodes et al, Asst. United States Attorney.
10. Anthony Porcella et al, Asst United States Attorney.
11. Tamra Phipps et al, Asst. United States Attorney, Chief Appellate Div.
12. Attorneys Ellis Curry et al.
13. Attorneys Dan Daly et al.
14. Attorneys Ryan Truskoski et al.
15. American Bar Association et al.
16. Florida Bar Association et al.
17. Kevin A. Wiederhold.
18. Dr. William E. Bonney Ph.D, Tampa, FL.
19. U.S.A. Today et al and/or all Media who "Went down the wrong road", LOL.
20. James D. Whittemore et al, District Court Judge(s)/Attorneys etc.

## STATEMENT REGARDING ORAL ARGUMENT

The issues are clear and the law is unambiguous yet the petitioner believes that oral argument will enhance his cause. If the government or Risk\_Corp et al moves for oral argument and their request is granted, petitioner seeks equal time for the same.

  
Kevin A. Wiederhold, Petitioner

## TABLE OF CONTENTS

Cover Page.....	i
Questions Presented.....	ii
Certificate of Interested Persons.....	iii
Statement of Oral Argument.....	iv
Table of Contents.....	iv
Table of Citations.....	v
Opinions Below.....	vi
Statement of Jurisdiction.....	vi
Statement of The Case.....	1
Statement of The Argument.....	2-4
Argument and Reasons For Granting The Writ.....	4-20
Conclusion.....	20-30
Certificate of Compliance.....	30
Proof of Service.....	31

## INDEX TO APPENDIXES

It should be noted that the page numbers for the Appendixes are in the lower right hand corner of the pages, and they coincide with the page numbers of this Petition. The Appendixes should not count toward page limitations.

**Appendix "A"** March 10, 2003 U.S.D.C. Striking Order, Case No.03-11467.....32

**Appendix "B"** March 4, 2003 U.S.C.A. Order, Case No.02-16452.....33-35

**Appendix "C"** Jan 27, 2003 U.S.C.A. Dismissal, Case No.02-16452.....36, 37

*to search*  
*1/28/04*

<b>Appendix "D"</b>	Feb 7, 2003 Petition For Rehearing, Case No.02-16452	38-42
<b>Appendix "E"</b>	Dec 30, 2002 U.S.C.A. Order, Case No.02-10490	43-52
<b>Appendix "F"</b>	Nov 1, 2002 U.S.D.C. Clerk letter, Case No.8:00-CR-369-T-27	53
<b>Appendix "G"</b>	March 26, 2002 U.S.C.A. Order, Case No.02-10797	54
<b>Appendix "H"</b>	March 8, 2002 U.S.C.A. Order, Case No.01-15416	55
<b>Appendix "I"</b>	March 4, 2002 U.S.C.A. Jurisdiction question, Case No.02-10314	56-58
<b>Appendix "J"</b>	Feb 18, 2003 U.S.C.A. Supplemental Records List	59
<b>Appendix "K"</b>	Jan 17, 2002 Risk_Corp et al Judgement/Sentence Order	60-66

#### TABLE OF CITATIONS/AUTHORITIES

<b>United States v Flanagan</b> , U.S.259,266,104 S.Ct.1051,1055,79 L.Ed.2nd 288(84)	12
18 U.S.C. 372(c)	1, 4
28 U.S.C. 453	3
18 U.S.C. 3059(a)	2, 3, 5, 12, 13, 15, 16, 18, 24, 26
18 U.S.C. 3059A	2, 3, 5, 12, 13, 15, 16, 18, 24, 26
18 U.S.C. 3059B	2, 3, 5, 12, 13, 15, 16, 18, 24, 26
18 U.S.C. 3060	2, 3, 5, 13, 18, 24
FR Crim P. Local Rule 16(a)	4, 5
18 U.S.C. 4241(a) through 4247(e)	5, 10, 11, 12, 18, 23
18 U.S.C. 3552(b)	10
18 U.S.C. 3581(b)	10
18 U.S.C. 216 (205, 207,etc)	19
18 U.S.C. 1951-1968 RICO	1-66
28 U.S.C. 2255	13, 23
FR Crim P. Local Rule 33-Judgement	19
FR Civ P. Rule 11	22
Am Jur 2nd 488, 489, 490	22, 23, 24
Am Jur 2nd 491, 492, 494	24, 25
Am Jur 2nd 495, 496, 497	26, 27

*To Secretary*

Am Jur 2nd 498, 502, 506.....	28, 29
U.S. Constitution Article 3, Section 1.....	3, 4, 11, 12
U.S. Constitution Article 4.....	4, 6, 11, 12, 13, 19
U.S. Constitution Amendment, Article 1.....	4, 6, 11, 12, 18
U.S. Constitution Amendment, Article 4.....	4, 6, 12, 18
U.S. Constitution Amendment, Article 5.....	4, 6, 11, 12, 18
U.S. Constitution Amendment, Article 6.....	4, 6, 11, 12, 18
U.S. Constitution Amendment, Article 8.....	4, 6, 11, 12, 18
U.S. Constitution Amendment, Article 14.....	4, 6, 11, 12, 18

IN THE  
SUPREME COURT OF THE UNITED STATES

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PETITIONER FOR WRIT OF CERTIORARI

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Kevin A. Wiederhold, Petitioner

v

United States and Risk Corp et al, Respondents

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Petitioner respectfully prays that a writ of certiorari issue to review the judgements below.

OPINIONS BELOW

The Eleventh Circuit's December 30, 2002 Order/Judgement that justifies **over a decade** of malicious **perjury** and **racketeering** by all parties, (Appendix "E"). The Eleventh Circuit's March 4, 2003 Order/Denial **construing** a Petition of Rehearing into a "Motion to Reinstate the Appeal," (Appendix "B"). In general, **all** the racketeering **Orders/Judgements** and behavior over the last twelve years as the Honorable Supreme Court deems necessary to review.

JURISDICTION

The date on which the U.S. Court of Appeals for the Eleventh Circuit decided my case was December 30, 2002 (Unpublished). A petition of rehearing was construed as a Motion to Reinstate the Appeal by the U.S. Court of Appeals on March 4, 2003. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

*To Court's*

## STATEMENT OF THE CASE

Petitioner was **maliciously** arrested, charged and imprisoned on an illegal two count indictment alleging interstate communications containing a threat; and using interstate communications to harass any person. He pled **innocent** to all past and present charges and went to trial. Petitioner was found **sane** and **competent** to be tried and to represent himself pro se **without** medication by Dr. William E. Bonney Ph.D. Following the **unconstitutional** trial and sentencing petitioner began his research on the appeal process and began filing various Motions, Notice of Appeals, Interlocutory Appeals, Affidavits and Rebuttals to attack the **malicious** allegations, **perjury** and **racketeering** frauds by the plaintiffs/**perpetrators** and judges. Petitioner was sent back to the Morgan Street Jail for the **illegal sentencing** hearing in January 2002. After the petitioner arrived at the Morgan Street Jail he began receiving **more** scandalous, **racketeering** Orders and Striking Orders from James D. Whittemore removing the aforementioned pleadings **crucial** to petitioners defense.

Petitioner, according to the law timely mailed his Notice of Appeals and completed Transcript Information Forms on the **malicious** final judgement and conviction to the clerk. Petitioner then placed Notice of Appeals on Orders by Judge James D. Whittemore when he again referred the appointment of counsel to the corrupt magistrate Judge Thomas G. Wilson. Petitioner, by February 1st 2002 filed two **Judicial Complaints** according to 28 U.S.C. 372(c) concerning the aforementioned corrupt activity and Canon Law violations by James D. Whittemore et al. Appellant continued to receive scandalous, **racketeering** Orders and Striking Orders from James D. Whittemore, the latest being the Orders dated November 14, 2002 and March 10th, 2003. Petitioner also received a **racketeering** Order from the Appellate Court dated December 30, 2002. Petitioner appeals these Orders for it is **malicious prejudicial abuse** to deny his **constitutional** right to obtain all falsified transcripts, transcript tapes and PTSR to **further** prove perjury, conspiracy to commit fraud, **racketeering** etc, by the perpetrators/judges consequently enabling him to receive a new and fair trial.

To Summary  
Petitioner

## SUMMARY OF THE ARGUMENTS

Petitioner has consistantly followed the law and the Constitution by attempting to bring witnesses and evidence to trial and/or peaceably redressing the government according to Const, Amdt. Art 1 and 6. Petitioner done this to expose **serious** corruption, abuse, **racketeering** and malicious **perjury** by the perpetrators and to have **them** prosecuted. Petitioner was again **maliciously** arrested, defamed, prosecuted and imprisoned **without bond** and again the insane perpetrators continued to create a **scapegoat** out of him in violation of Cont, Amdt. Art 8. Petitioner proceeded to trial because he was being made into a **scapegoat** for the criminal wrongs of others including **racketeering** abusive judges. Petitioner was **prejudicially** denied witnesses and evidence and **again** abused in the courtroom by the corrupt, **racketeering** perpetrators and judge during the trial in violation of Const, Amdt. Art 6 and 8.

Petitioner again continues this vigorous task of exposing malicious **perjury** and **racketeering** to the highest court of our nation, the Supreme Court. Petitioner is again being denied evidence by the malicious, prejudicial, abusive, judges, clerks, lawyers and court reporters which would **further** prove the perpetrators with **perjury** and **racketeering**. Petitioner is vigorously trying to get the perpetrators to produce **all** the falsified transcripts, transcript **tapes**, discovery **tapes** or the proof of the **nonexistence** of recorded statements as outlined in his Nov 5, 2002, and Feb 19, 2003 district court motions, Feb 7, 2003 appellate brief and his seventeen page objection/rebuttal to the **racketeering** PSR. Petitioner, in the process of trying to obtain **all** this evidence over the last twelve years simultaneously exposed the perpetrators and judges with a complex **racketeering** scheme severely abusing the 18 U.S.C. 3059-3060 laws. Petitioner has in the process provided a **substantial** assistance to the United States Attorney General, John Ashcroft by exposing this **extremely** corrupt and lucrative **racketeering** scheme by the perpetartors and judges.

Petitioner asserts the issues are clear and **undeniable**. The malicious, abusive, prejudicial **agenda** is obvious concerning the lower courts and judges illegal,



**racketeering** sentencing material and behavior that violates Const. Art 3 Section 1, 28 U.S.C. 453 and 18 U.S.C. 1961-1968 RICO laws etc. Petitioner has been maliciously arrested, defamed, imprisoned, prosecuted by the racketeering perpetrators, judges and **his own** lawyers using **their** racketeering documents and sentencing material over the last seven to eleven years. This now includes the Oct 12, 2000 indictment, pretrial services report (PTSR), Dec 21, 2000 discovery, Bureau of Prison Study (BOP), presentence investigation report (PSR), Jan 22, 2002 judgement/sentencing document, Ryan Truskoski appellate brief, David P. Rhodes appellate brief and the Dec 30, 2002 Nancy Holbrook et al appellate court order. Petitioner explains these issues **clearly** in his illegally stricken ten page motion (Doc 188) and the 02-16452-D appellate brief including **the fact** there is **no proof** (tapes) concerning the malicious allegations in the perpetrators 1992-4293CA **racketeering** injunction, 92-3130F (92-3418F, 92-341?F) **perjuring** aggravated stalking **discovery** and many other malicious, perjuring arrests, charges and allegations.

Petitioner, in his illegally stricken ten page motion(s) simultaneously explains how the racketeering perpetrators are keeping him from obtaining all the falsified transcripts, altered tapes or proof of the **nonexistence** of recorded statements to avoid being exposed. Petitioner asserts once this **racketeering** activity is **further** proven he will be afforded a new trial notwithstanding long overdue prosecutions on the perpetrators and judges. Petitioner asserts he is being made into a **scape-goat** by the **extremely** corrupt, abusive, racketeering perpetrators and judges who are abusing the 18 U.S.C. 3059-3060 arrest/reward laws. Petitioner asserts this has and will allow them lucrative racketeering payoffs if they are not **vigorously** exposed by the petitioner, removed by the government and prosecuted by John Ashcroft.

Petitioner asserts the issues are clear and undeniable. The malicious, prejudicial trial/conviction and sentencing of petitioner using insane, perjuring, racketeering witnesses and documentation is extremely corrupt, racketeering and unconstitutional. Furthermore, the malicious, prejudicial striking/denying of petition-

ers crucial pleadings by James D. Whittemore et al for surplusage, scandalous, irrevelent, indecent, frivolous, impertinent, superflous, sham or dishonesty is ludicrous and defamation at the least. To the contrary, the petitioner has and will **prove** that the "surplusage" is the same **substancial**, revelent and material matter that will eventually lead to the impeachment of the abusive, corrupt, racketeering judge(s) then their removal from the bench and prosecutions.

**ARGUMENT AND AUTHORITIES IN SUPPORT  
REASONS FOR GRANTING THE PETITION**

A. Whether the **malicious**, prejudicial, abusive lower courts (perpetrators) violated Canon laws, RICO laws, Constitutional laws and other laws when maliciously convicting/sentencing petitioner using **perjuring**, **scandalous** and **racketeering** documents/witnesses and briefs etc, while denying and striking petitioners pleadings that proved **perjury**, **racketeering** and his **defense**.

**Standard of Review:** Extreme abuse of the law, breaking the law, Canon law violations, Constitutional violations and facts: plain malicious prejudicial abuse warranting impeachment(s) and prosecutions.

Petitioner, according to FR Criminal Proceedure filed an affidavit **before** sentencing named "Defendant's Affidavit To Rebut Allegations"(DATRA) that clearly proved **perjury**, **fraud** and **racketeering** by the instant charge witnesses. The affidavit was prejudicially and illegaly stricken from the file (Doc 145 stolen(S)). Petitioner filed an Objection/Rebuttal on the PSR that proved **perjury**, **fraud** and **racketeering** by the **rest** of the perpetrators and the Objection/Rebuttal was **prejudicially** stricken from the file (Doc 148(S)). Petitioner filed a Motion To Dismiss the PSR and Addendum and the motion was prejudicially stricken from the file (Doc 155). Petitioner, according to FR Criminal Proceedure 16(a) filed a **crucial** ten page motion November 8, 2002 (Doc 188) **proving** perjury, fraud and racketeering and the motion was prejudicially stricken from the file (Doc 190(S)). Petitioner, according

to Rule 16(a) requested the malicious, prejudicial, abusive, lying perpetrator James D. Whittemore issue an Order that would cause the rest of the perpetrators/ plaintiffs to produce all falsified transcripts, transcript tapes, discovery tapes since 1990/91 and PTSR. Petitioner, in the process of claiming his constitutional right (Doc 188-8SR-pg 1,7) to obtain this important evidence for his defense and reversal of the malicious conviction proved all the malicious perpetrators with an extremely corrupt racketeering scheme severely abusing the 18 U.S.C. 3059-3060 criminal procedure laws since at least 1991/92. Petitioner had already proven the perpetrators and his court appointed attorneys (now referred to as perpetrators) with a malicious prejudicial agenda since the onset of the malicious October 12, 2000 indictment and ten years before. (Re: Sealed Reasons For Subpeona's (RFS)/ Motion For Subpeona's Doc 82, Judicial Complaints Nov 27, 2001(1SR) & Feb 1, 2002-(2SR), Interlocutory Appeal 01-15416BB Doc 140-pg 5(3SR), Rebuttal/Objection To the PSR Doc 146(4SR), Affidavit To Rebut Allegations (DATRA) Doc 142(5SR), Motion To Dismiss Curry (6SR).

Petitioner asserts this insane, prejudicial agenda **was again** proven when the sick perpetrators **maliciously** attempted to have the innocent, competent and sane petitioner defamed as incompetent, insane and/or schizophrenic etc, in need of psychotropic drugs according to and abusing the 18 U.S.C. 4241(a)(b)(d) Mental Defective laws. Petitioner asserts the **malicious** perpetrators attempted this racketeering act by defaming/framing him using corrupted psychiatrist(s) Dr. Donald Taylor et al from December 1992 to March 9, 2001 but not limited to. (See falsified docket 3-5,9-15,16,17,18,19,22,23,24,25,28-37,40,44,45,46,48,49,51,52,54,56,57,59,107, 113 but not limited to). Petitioner asserts the two trial calendars signed by perpetrator Whittemore at this point were smokescreens (Doc 20,42).

Petitioner asserts this extremely corrupt agenda began to fail when he figured out the perpetrators **genetic** spinal stenosis psychiatric frauds February 3, 2001, and when petitioner (not Ellis Curry) contacted Dr. William E. Bonney Ph.D

February 5, 2001. Petitioner was found **sane** and **competent** by Dr. William E. Bonney on March 9, 2001 (Doc 142-DATRA, 1SR, 7SR and Doc 55). Petitioner asserts perpetrator Whittemore was infuriated at a hearing March 15, 2001 and again maliciously abused petitioner because he found Dr. Bonney to **correctly** evaluate him according to Federal and State criminal/civil procedure laws and Criminal Institute Trial Manual Chapter 3. Petitioner asserts perpetrator Whittemore was further infuriated when petitioner stated he was going to sue Ellis Curry (1SR-pg 1,2). Petitioner asserts the perpetrators **could not** drop their malicious charges and sick agenda at this point as they were **proven** with a measure of criminal activity (Doc 56).

Petitioner was maliciously harassed, defamed, prosecuted and imprisoned **with their racketeering Orders** denying him access to the courts just to be heard and **recorded** for a bond regarding the decade (ten plus years) of corruption surrounding the **genetic**, spinal stenosis, psychiatric disability frauds in violation of Const. Art 4, Art 6, Const. Amdt. Art 1, Art 4, Art 5, Art 6, Art 8 and Art 14 (Doc 78, 81-83, 89, 93). Petitioner was maliciously defamed, prosecuted and imprisoned by perpetrator(s) Ellis Curry et al who maliciously conspired in his racketeering Motion To Limine to exclude all **altered audio tapes** (Doc 16) to keep petitioner from a trial even since 1995/96 in violation of Const. Art 6, Const. Amdt. Art 5, Art 6, Art 7, Art 8 and Art 14. After petitioner **forced** Ellis Curry et al to place a motion for a speedy trial **he then was made into a scapegoat** in another racketeering Motion To Limine (Doc 54). Petitioner asserts he has not seen (NS) some of the racketeering responses by Porcelli acting as if he were opposing perpetrator Curry's motion (Doc 18, 34 etc). Petitioner asserts that criminal conspiring, racketeering and perjury will be **further** proven when petitioner shows the government that **all tapes** are altered and in most cases the **nonexistence** of recorded statements (Doc 148, 4SR-pg 4, 7).

Petitioner asserts if he would not have informed Dr. William E. Bonney on the phone he would only see him first and not Dr. Taylor thus risking a malicious

contempt of court (Doc 49) the motion **excluding** the altered audio tapes might have been accepted by perpetrator Whittemore as Dr. Bonney's exam might have been a lesser factor **at this time**. Petitioner asserts he **clearly proves** the perpetrators are again attempting to make Dr. Bonney's exam a **lesser** factor or **nonfactor** through the **racketeering** BOP study, psych and medical departments etc here at Beaumont by the striking of the Nov 5, 2002 and February 19, 2003 motions that requests **all altered tapes** or proof of **no recordings** in ten plus years (Doc 188-8SR).

Petitioner asserts if he would not have found Dr. Bonney and figured out the **genetic**, spinal stenosis, psychiatric disability frauds early Feb 2001 the insane, racketeering, abusive agenda by Whittemore et al was going to proceed full steam by **excluding** tapes. Petitioner asserts this **insane** agenda included severely defaming **innocent**, competent and sane petitioner with **their exams** using just defaming, falsified transcripts/discovery transcripts (Doc 13,14,16,24,39,43). Petitioner would have been ruled incompetent, insane, schizophrenic, mentally ill and placed on psychotropic drugs then flown to Rochester MN within the months mentioned (2SR-pg A bottom). Petitioner asserts he would have been **forced** on medication and if he did not take the medication he would have been killed or maimed. Petitioner asserts if he would have cooperated with the **racketeering** criminals at Rochester he would have been severely defamed as mentally ill etc, sent back to Tampa or Corpus Christi to be let out on bond/medication based on **their** racketeering exams then one or both charges eventually dropped based on **the lie** of serious mental and physical defects. Petitioner asserts this same corrupt, racketeering agenda comes out in Tom Taylors conspiring statements in **DATRA** (Doc 142-pg 10), BOP study and finally Ryan Truskowski's racketeering activity by not sending the defaming, falsified transcripts and attacking the **malicious** conviction (Doc 180, Doc 188-8SR-pg 14,15).

Petitioner asserts this **pathetic**, sick, racketeering agenda is proven by Whittemores **extremely late** response on both the racketeering pleadings by perpetrators Porcelli and Curry (Doc 16,18) with a backing away/covering Order denying Curry's

Limine motion to exclude the altered tapes (Doc 50 NS). Petitioner asserts the same day that Dr. William E. Bonney found petitioner sane and competent, perpetrator Whittemore attempts to hide the **most obvious** of the racketeering activity by **now denying** perpetrator Curry's motion to exclude all altered audio tapes. Petitioner asserts the **sick**, racketeering perpetrators knew the petitioner had found an honest, ethical psychologist (Doc 39,55).

Petitioner asserts he tried to put forth a handwritten letter dismissing perpetrator Curry and was **prejudicially** denied (Doc 23). Petitioner typed a motion (6SR) by mid Jan 2001 explaining the corrupt agenda but was maliciously denied being able to make it public record or dismiss Curry with this motion at the end of the insane Feb 2, 2001 motion/competency hearing (Doc 30,28,29,31,32,37). Petitioner asserts the docket has been falsified to say the February hearing was a motion hearing **yet** petitioner was denied being able to submit his **fine** motion at the end of the extremely corrupt hearing. Petitioner was again maliciously denied submitting this motion at the March 15, 2001 hearing (Doc 55) and again on April 6, 2001 (Doc 61). Petitioner asserts on March 14, 2001 it was planned for perpetrator Curry to resign discrediting petitioner after the **second** forced, covering and racketeering psychiatric visit/exam by Dr. Taylor et al on March 22, 2001. Petitioner asserts he was found competent by Dr. Taylor et al but viciously defamed into a **scapegoat** with a ridiculous hearsay exam. Petitioner asserts the **true** hearing/trial tapes will prove perpetrator Whittemore making defaming, corrupt, unconstitutional, malicious, insane, abusive and prejudicial remarks from the bench since February 2, 2001.

Petitioner asserts the insane, corrupt docket has been falsified by removing the **second** forced visit/exam by Dr. Taylor et al March 22, 2001 only to show the **first** forced visit/exam on Feb 21, 2001 when petitioner informed Dr. Taylor he was waiting on Dr. Bonney. Petitioner **clearly** informed perpetrator Curry one day before Dr. Taylor came into the jail for the first visit that he **would not** see Dr. Taylor before Dr. Bonney, hence the racketeering Order by Whittemore on or about March 6/8,

2001 (Doc 40). Petitioner asserts the perpetrators attempt to make Dr. Bonney's March 9, 2001 visit and March 14, 2001 published exam into Dr. Taylors **second** corrupt visit/exam by using the term **psychiatrist** (Doc 55). Petitioner asserts the term **psychologist** was on earlier **stolen** docket lists before petitioner was sent to Rochester, MN. Petitioner asserts the **second** racketeering exam by Dr. Taylor on March 22, 2001 then sets the stage for the next illegally appointed racketeering attorney(s) Dan Daly et al (Doc 65,66,67 and Interested Parties on David P. Rhodes et al appellate brief September 26, 2002).

Petitioner finally went on to represent himself properly even with perpetrator standby counsel Dan Daly lying to him about not being able to place interlocutory appeals on the insane, racketeering, **deceptive** Orders by perpetrator Whittemore denying subpoena's and bond hearing motions (Doc 78,81-83). Petitioner went to trial being **viciously** defamed by the sick perpetrators including not being able to ask the jury virtually none of his proposed questions (Doc 99) because the insane, racketeering judge claimed they were derogatory against corrupt people like **himself** and homosexuals.

Petitioner asserts the **unconstitutional** trial by perpetrator Whittemore was a complete fraud, abuse of the laws, disgrace to the constitution and human rights (Doc 142-DATRA-5SR,1SR,2SR) and the true trial tapes will prove this. Petitioner was prejudicially denied evidence and subpoena's contrary to what perpetrator Whittemore states in his **pathetic**, racketeering, unconstitutional Order (Doc 83). Petitioner put forth no exhibits contrary to what the racketeering docket states (Doc 115,198-Tampa) and (Doc 10/24/00-Corpus Christi). Petitioner asserts **any** exhibits in the dockets even with petitioners handwriting on them **are not authorized**, out of context and a **desperate** attempt by the perpetrators to discredit petitioner even with the up coming, long awaited, racketeering BOP study (Doc 113). Petitioner asserts one such **unauthorized** exhibit could be the one page Public Defender document through Tom Taylor et al that was a desperate, racketeering attempt to cause an

illegal mistrial or eventually overturn the unconstitutional conviction/judgement in the **District** Court based on incompetency, insanity and/or mental illness. Petitioner asserts since **he was** already **ruled sane** and **competent** this racketeering, unconstitutional activity is against **all** fundamental competency laws and criminal procedure laws (Doc 142-DATRA-5SR-pg 5-13, 1SR, 2SR, 3SR, 4SR-pg 16, 17). Petitioner asserts the racketeering perpetrators Whittemore et al attempted this highly illegal and criminal act by needlessly sending petitioner to the **anxious** (since 1999) Rochester Medical Center perpetrators to complete **their** insane, malicious, corrupt, disgusting, racketeering act with the defaming BOP study (Doc 188-8SR, 1SR, 2SR, 3SR, 4SR-pg 16, 17, 5SR). Petitioner asserts the insane, racketeering August 17, 2000 Public Defender document had a typed date of February 1995 on the top for corrupt payoff purposes seven years from that date using the **racketeering** BOP study.

Petitioner asserts such an Order/Study was purely **malicious, unconstitutional, defaming, highly prejudicial, racketeering** and now a **complete failure**. Petitioner asserts the only reason for the Constance "I(We)" Reese et al study was to defame the **normal, competent** and **sane** petitioner as incompetent, insane, **schizophrenic, paranoid, delusional, narcissistic, hypercondriac, suicidal, antisocial, predator, stalker, homosexual, physically defective and/or severely mentally ill** (Doc 55). Petitioner asserts this wrongfully gives the **racketeering** perpetrators **false** reasonable cause, **substantial** information and compelling reason according to 18 U.S.C. 4241(a), 4242(a), 4243(a), 4244(a), 4245(a), 4246(a), 4247(a)(b)(c)(e) and 3552(b) which maliciously creates a **scapegoat** out of innocent petitioner for their own financial gain (Doc 188-8SR, 1SR, 2SR, 3SR, 4SR). Petitioner asserts this racketeering study maliciously creates a dangerous person out of **innocent** petitioner justifying the (dismissed) **racketeering** 1992 aggravated stalking injunction, the **PSR**, the David P. Rhodes et al and Ryan Truskoski et al appellate briefs, the Nancy Holbrook et al Dec 30, 2002 appellate Order etc. Furthermore, petitioner asserts this justifies a further unlawful imprisonment/sentence according to 18 U.S.C. 3581(b)



in violation of Const. Art 3, Section 1, Art 4, Art 6, Const. Amdt Art 4, Art 5, Art 6, Art 8 and Art 14 but not limited to (Doc 188, 200).

Petitioner asserts the **most recent** defamation before and after his transfer to Rochester, MN was/is coming from James Handley et al, Frank Wirt et al, Dubuque County et al, C.C, TX. F.B.I., **Certain** Oklahoma/Rochester/Beaumont BOP employees, **Certain** U.S. Marshals, Hillsborough County Sheriffs employees and/or most anyone who **unconstitutionally** and illegally placed cuffs on petitioner since Oct 23, 2000. Petitioner asserts these perpetrators continually placed/place him in cells with corrupt, **mentally ill**, false accusing, threatening, paid/rewarded informants (**now** Kevin Roberts et al) to attempt senseless/stupid setups equivalent to their own intelligence level in violation of Const. Amdt. Art 8 etc. Petitioner asserts all others involved in this racketeering since 1990/91 are listed in this petition, the November 5 and February 19, 2003 motions and other records (Doc 188, Doc 200, Doc 82-RFS, Doc 142-DATRA, 1SR,2SR,3SR,4SR).

Petitioner asserts his motions for Dr. Bonney to do the **unnecessary study** in the community were **prejudicially denied** because of the perpetrators **racketeering** agenda and to destroy petitioners defense in violation of Const. Art 4 and Const. Amdt. Art 8. This severely defaming study then disqualifies the **competent, normal** and **sane** petitioner from representing himself in violation of Const. Amdt. Art 6 and 28 U.S.C. 1654 (Doc 55-pg 1, line 7).

Petitioner asserts 18 U.S.C. 4245, History, Ancillary Laws and Directives, Amendments 1984 "Mental incompetency undisclosed at trial". **does not** apply to the petitioner as the issue of competency was raised **before** trial (Doc 16,23;24;28-30) and **determined** before trial by Dr. William E. Bonney Ph.D on March 9 & 14, 2001, (Doc 55-7SR). Petitioner asserts there is **no need** to determine the mental competency of the (falsely) accused in accordance with 18 U.S.C. 4241(a), 4242(a), 4243-(a), 4244(a), 4245(a), 4246(a) and 4247(a)(b)(c)(e) etc. Petitioner asserts since he done **no medication** before the malicious arrest, was found competent and sane

before trial **without** medication, done **no** medication at Rochester, Minnesota (contrary to the **lying** BOP study) and **does no** medication here at Beaumont, the **District** Court **cannot** vacate the judgement of conviction and perpetrate another **unconstitutional** trial. Furthermore, under 18 U.S.C. 4245 and its cross references it states "The procedure upon finding mental incompetency/disease is 18 U.S.C. 4241-4247". This again proves the **normal, competent** and **sane** petitioner **does not** belong in the system under the 18 U.S.C. Mental Defective Laws.

Petitioner asserts this proves to the Supreme Court that District Judges, attorneys and appellate court employees etc, are **racketeering** with the defaming BOP study and severely abusing petitioner in violation of Const. Art 3, Art 4, Const. Amdt. Art 1, Art 4, Art 5, Art 6, Art 7, Art 8 and Art 14. Petitioner asserts perpetrators Whittemore et al have/are severely abusing the 18 U.S.C. 3059-3060, 18 U.S.C. 4241-4247, 18 U.S.C. 875(c), 47 U.S.C. 223(a)(1)(E) and other federal and state criminal/civil procedure laws. Petitioner asserts he proves **why** perpetrator Whittemore maliciously, prejudicially abuses him by denying and striking his motions, affidavit and rebuttals **crucial** to his defense/release. At the same time petitioner proves he is being **substantially**, continually, maliciously, arrested, defamed, prosecuted and imprisoned since 1991/92 with their **substantial** falsehoods and **perjury** (scapegoat) in violation of Const. Art 3, Art 4, Const. Amdt, Art 1, Art 3, Art 4, Art 5, Art 6, Art 8, and Art 14 (Doc 188-8SR, Doc 82-RFS, Doc 142-DATRA, 1SR, 2SR, 3SR, 4SR).

Petitioner asserts the same racketeering agenda was/is occurring through Ryan Truskoski who will not continue petitioners appeals (Doc 177) nor will he attack the malicious conviction. Furthermore, **scandalous** documents were sent by Nancy Holbrook et al in March 2002 (10SR) attempting to dismiss petitioners **Notice of Appeal** for Interlocutory Appeal 02-10314-D (DATRA) for "lack of jurisdiction" then insanely quoting **Flanagan v U.S.** 465 U.S.259,266,104 S.Ct.1051,1055,79 L.Ed.2d 288 (1984) for the perpetrators. Petitioner asserts he never had a chance to place a brief on

Interlocutory Appeal 01-10314-D, yet Nancy Holbrook et al **insanely denied** his right to even place a brief. Petitioner asserts the docket has been falsified by Nancy Holbrook et al **and** on May 10, 2002 when she **then** gives petitioners 02-10314-D appeal to the racketeering appellate counsel Ryan Truskoski (Doc 177). Petitioner asserts this and many other frauds involving Ryan Truskoski including why falsified Transcripts **are not** being sent are now **undeniable**. Petitioner asserts this proves the malicious racketeering involvement of all instant false accusers Cynthia Eget et al as clearly mentioned **in DATRA** (02-10314-D) and on petitioners last illegally stricken motions Nov 5 and Feb 19, 2003 (Doc 188, 190, 200, 201).

Petitioner asserts the aforementioned and following information clearly proves the racketeering involvement of case workers Mr. Green et al and other officers here at Beaumont, Rochester and Tampa, through their psych and medical departments etc. Petitioner asserts that attempting to file a 2255 to the racketeering District Judge would be useless as there is an insane, **corrupt agenda** to force the representation of corrupt attorneys to cover **all** criminals, even since 1979/80-1990/91 (Doc 12,65,169,175 and Truskoski appellate brief). Petitioner asserts the corruption is easily identifiable and undeniable in the insane, corrupt docket alone which means the **falsified** transcripts being withheld from petitioner by Ryan Truskoski et al completely destroy the **competent, sane and heterosexual** petitioner including a self defense case on the instant charges. Petitioner asserts if he can prove racketeering from the insane docket alone how much more could the Florida Bar Lawyer Ryan Truskoski prove this. Petitioner asserts this proves Ryan Truskoski's direct involvement and it is **undeniable**. Furthermore, this proves the reasons **why** perpetrator Whittemore would not send a copy of a docket listing to petitioner as he knew there was a chance that these matters could be proven (Doc 189, 190).

Petitioner asserts the criminally stricken Nov, 5 and Feb 19, 2003 ten page motions clearly outline a lucrative racketeering scheme by the perpetrators who are severely abusing the U.S.C. 3059-3060 arrest/prosecution and reward criminal procedure laws concerning offenses by financial institutions. Petitioner, for substan-

cial/appeal purposes did not elaborate on the other half of the "I(We)" **racketeer-  
ing scheme** as he will now. Petitioner, on his illegally stricken Nov 5 and Feb 19,  
2003 motions mentions one half of the "I(We)" racketeering frauds that defame him  
as multiple person/schizophrenic, incompetent etc (Re: **Scapegoat** racketeering BOP  
study). Petitioner asserts the **other half** of the racketeering "I(We)" terminology/  
scheme represents **the perpetrators** who are then the cosigner, lender or distributor  
of the funds from the racketeering (settling) note. Petitioner asserts the "I" st-  
ands for the **monetary head** or **creator** of the racketeering note. Petitioner **may not**  
have signed a fraudulent **college loan** promissory note in January 1981, he believes  
the racketeering promissory **is not** of the original and was illegally created in the  
years 1990/91 **after** petitioner threatened to **sue** Dubuque, IA and the **physical ass-  
ault** by Roger Gilchrist (R.G.) of Glacier Water Company. Petitioner asserts these  
events then become the main reason for the defaming/framing **aggravated stalking in-  
junction 92-4293CA** which **covers** and **escalates** all the racketeering activity (Re:"Mr.  
Weiderhold got into an altercation with a previous employer (R.G.), I and my family  
fear for my safety etc", Sandra Bock et al, July 27, 1992-4293CA **aggravated stalking  
injunction affidavit**). Petitioner asserts **this is the reason** the perpetrators do not  
mention the **racketeering** injunction in the **racketeering PSR**. Petitioner asserts this  
is **why** he is **viciously** defamed and falsely accused by **James Handley et al** in the sc-  
andalous PSR and all documents thereafter. Petitioner asserts James Handley et al  
was/is **directly involved** in the orchestration, concoction and **racketeering** of the  
1992-4293CA **malicious**, aggravated stalking injunction.

Petitioner asserts the "We" of the racketeering promissory note represents  
all the hardcore conspirators who are a part of the racketeering and malicious **cour-  
t activity** starting as early as February 1991 in Tampa, FL. Petitioner asserts the  
\$15,000 settlement paid to him February 1991 through judge Lazarra (now a federal  
judge) came from this racketeering activity by Charlie Jacobs et al, Cedar Rapids  
FBI, James Handley et al for Dubuque County, Roger Gilchrist et al through Crum &

Foster/Aetna Ins et al, hence the start of the **genetic** spinal stenosis (psychiatric) disability **frauds**. Petitioner asserts this racketeering fraud maliciously and **falsely creates** a dangerous schizophrenic out of him thus allowing Aetna et al's attorney Mr. Clark to make petitioner into the overly aggressive assaulting scapegoat **claiming** he has "abnormal, **genetic**, physical and mental defects" Petitioner asserts this **sick** defamation/racketeering then allowed the perpetrators to cover Roger Gilchrist and Glacier Water from being **criminally** charged and sued for assault/battery. Furthermore, it allowed Dubuque County et al from being sued as petitioner was **defamed** as incompetent through **this** settlement. Petitioner asserts this was the start of the creation of the racketeering promissory note. Petitioner asserts the racketeering note was created no later than 1992 as this is when the "We", "RISK\_CORP"(Risk Insurance Service) perpetrators assemble and orchestrate their malicious, racketeering injunction through Charlie Jacobs et al, James Handley et al, Charles Greene et al, Tony Malone et al, Tony Dunbar et al and Pam Ziegenhorn et al, (Doc 82-RFS, Doc 188-8SR, 1SR, 2SR, 3SR, 4SR, 5SR etc).

Petitioner asserts the \$5000.00 that Sandra Bock/Anita Strickland et al and Alexander Paderweski et al of RISK\_CORP attempted to settle with in 1994 was from the **racketeering** promissory note/funds defaming petitioner and abusing the 18 U.S.C. 3059(a), 3059A and 3059B arrest/reward laws. Petitioner asserts some money was already collected by perpetrators James Handley et al, Charlie Jacobs et al, Tony Dunbar et al and Charles Greene et al in December 1992 as Dunbars **father** was one of the first malicious and defaming arresting parties in late November 1992 through the Manatee County Sheriffs Dept, Sarasota County Sheriffs/Police Depts. Petitioner asserts he was maliciously arrested for **Aggravated Stalking** which was the defaming arrest, charge and allegation of **violating** the 92-4293CA **racketeering** injunction thus making this "**violation**" into an **arrest** according to Federal Criminal Laws 18-U.S.C. 3059(a)(1) as well as the state charge. Petitioner asserts the perpetrators racketeered the rewards from this **federal** statute including defaming **innocent** pet-

itioner as a **drug addict** on their upcoming 1992/93 psychiatric exams and again racketeering rewards according to 18 U.S.C. 3059(b)(c)(1).

Petitioner asserts since the racketeering injunction maliciously framed and defamed him to look like an insane, incompetent, **schizophrenic**, sexual assaulting/harassing **drug addict**, racketeering payments for the arrest of **more than one person** could have been made to James Handley et al, Petitioner asserts the elder Dunbar retired from the Sarasota Sheriffs Department, December 1992 **after** he maliciously arrested/transported petitioner over county lines. Petitioner asserts when he went to trial against the perpetrators in May of 1993 approximately 20-30 malicious, perjuring people instantly received up to or over \$100,000 per person under 18 U.S.C. 3059B to justify the James Handley et al **racketeering** 92-4293CA injunction and the malicious aggravated stalking arrest/prosecution and imprisonment. Petitioner asserts this racketeering activity included Jerry Meisner et al, Elliot Metcalfe et al, **Judges** Becky A. Titus et al, James Whately et al, Andrew Owens et al, Hayworth et al, prosecutors Peter Baranowicz et al and all medical and psychiatric perpetrators who defamed petitioner on records (Doc 82-RFS,1SR,2SR,3SR,4SR,5SR-DATRA-pg 11,8SR).

Petitioner asserts some of the perjuring paid witnesses left the state of Florida and disappeared such as Laura Flemming who may have escaped with **well over** \$100,000 to Virginia in 1994 (Doc 146-4SR-pg 6 #45 and pg 10 #82). Petitioner asserts Sgt. Lamb et al and LT. Al Hogle et al of the Sarasota Sheriff/Police Depts received **racketeering** payoffs in 1992/93 and again in 1994-96 when **numerous** police officers, approximately 15-20 came to an **unconstitutional** non-jury trial April 4, 1995 to perjure themselves and convict innocent petitioner on an illegal misdemeanor **arrest, charge and prosecution** (Doc 146-4SR). Furthermore, Jan DeLuca, Teresa Long, Melissa Long, Collean Reardon and Doug Smith et al racketeered large sums of money in 1992/93/95 and 96, with DeLuca and Long disappearing in 96. Petitioner asserts at least 70-80 people have collected racketeering payoffs in the Sarasota/Tampa area alone since 1991/92 not counting all the perpetrators in IA, MO, KS, GA,

D.C. and Texas. Petitioner asserts this includes federal judges, state judges, attorneys, law enforcement, medical people, business people, disowned family members, disowned relatives, private individuals and others (Doc 82-RFS, Doc 200,4SR).

Petitioner asserts corrupted attorney(s) Louis Stern (Jim McConnahhay et al) were desperately harassing and defaming him on tape as incompetent/schizophrenic at a "Workers Compensation" deposition hearing early 1995 (Doc 188-8SR-pg 6 letter (n)). Petitioner asserts this defaming tape has now been turned into the "interview" that James Handley is attempting to create in the **pathetic**, insane Appellate Court Order dated Dec 30, 2002. Petitioner asserts on page 3 of the Order it states, "The **PSI(PSR)** explained that Weiderhold began making threatening calls regarding agent Hanely(Handley) in 1994 **after** Agent Handley **interviewed** Weiderhold as part of an investigation". Petitioner asserts the Nancy Holbrook et al Appellate Order is a vicious, **lying**, racketeering document that only attempts to justify **all** the past and present **racketeering** activity by **all** perpetrators listed. Petitioner has never met James Handley **nor** were any threats made to anyone at the Sarasota FBI until petitioner was directly **threatened** by their office **to be killed** in January of 2000 (Doc 146-4SR pg 3 #6). Petitioner did visit the Sarasota FBI in July 1994 as mentioned in the rebuttal to the **sick PSR** but this person at the front desk only advised him to contact the internal affairs section at the Sarasota Police Dept. Petitioner asserts even then in July 1994, Handley was **cowardly** attempting to cover by have this corrupt individual shift the focus on **just** the City Of Sarasota when **it was** James Handley et al that orchestrated **all** the **racketeering** activity in that area since 190/91. Petitioner asserts the **lying** "investigator" that accused him of "building a bomb" in Aug 1995 **did not** identify himself as James Handley but Handley et al would have been directing this racketeering false accuser therefore petitioner names Handley et al as the ones behind this malicious, arrest, charge and imprisonment (Doc 188-8SR-pg 2 #3 and Doc 146-4SR-pg 3 #6,pg 11 #83). Petitioner asserts it was Handley et al making threats **on his** life especially after 1994.

Petitioner asserts the only other explanation for **the lie** of an "interview" with the racketeering FBI agent is the altered **tapes** from the **narrative** petitioner gave in the **unconstitutional** trial Aug 15, 2001 are being used by James Handley et al to attempt to make it look like the petitioner received the **racketeering** bank note in 1994 rather than 1997 as this false bank note was mentioned to the jury (Doc 188-8SR-pg 9 #16). Petitioner asserts **this again proves** the falsification of **all the tapes and transcripts** being withheld from him by Ryan Truskoski et al, Dan Daly et al, Whittemore et al etc (Doc 188-8SR etc).

Petitioner asserts he is being continually, maliciously defamed, arrested, prosecuted and imprisoned since 1991 or the start of the 92-4293CA **racketeering** injunction in violation of Const. Art 4, Const. Amdt. Art 1, Art 4, Art 5, Art 6, Art 7, Art 8, Art 14 and RICO laws, but not limited to. Petitioner asserts the perpetrators are severely abusing the 18 U.S.C. 3059-3060, 18 U.S.C. 4241-4247, 18 U.S.C. 875, 47 U.S.C. 223 and other applicable federal and state laws. Petitioner asserts he is being made **into a scapegoat** for the perpetrators severe criminal activity using a **racketeering**, defaming, federal promissory note he most certainly **did not** falsify. Petitioner asserts if he would have or does accept any **unclean**, fraudulent settlement or disability payments from the **racketeering** perpetrators he would be guilty as the criminals offering the laundered money. Furthermore, since the only way the sick perpetrators could settle is by framing and creating an incompetent, insane, schizophrenic scapegoat out of **normal, competent and sane** petitioner the **unclean** money could have been taken away at anytime he refused to "take his medication" that he **did not** do in the first place **nor does** he need it. Petitioner asserts if this insane, racketeering activity is not prosecuted by John Ashcroft petitioner will be continually, maliciously, harassed, threatened, defamed, arrested, prosecuted and imprisoned by the insane racketeers James Handley et al the rest of his life. Petitioner asserts his lawsuits in 1994 stating **premeditated, continued, malicious prosecution** and his 1995 federal temporary/**preliminary** injunction stating

To Summary Judgment



and/or all in concert/conspiracy etc are completely correct **even** to this day. Petitioner asserts he was actually **doing the work** for the corrupt Attorney General Janet Reno according to 18 U.S.C. 216 when he filed his temporary/**preliminary** injunction in October of 1995. Petitioner asserts he has been **maliciously** destroyed state/federal by **Janet Reno** et al (FT. Lauderdale) for Roger Gilchrist et al (FT. Lauderdale), Glacier Water et al, Aetna et al, Hillsborough County et al and Dubuque County et al since 1990/91 (Doc 82-RFS and all SR's).

Petitioner asserts the **racketeering** District Court clerks are sending scandalous letters claiming he "is improper...has a case pending" before this **sick, insane, schizophrenic, unclean, scandalous** and **racketeering** District Court Judge rather than a proper reversal or remand on **both/all** malicious charges from the Appellate or Supreme Court. Petitioner asserts Local Rule 33 is being violated and abused as their newly discovered evidence would ultimately amount to the **sick, defaming, scandalous, unconstitutional, racketeering** BOP study, the PSR, falsified transcripts and all defamation in the Ryan Truskoski et al, David P. Rhodes et al and Nancy Holbrook et al appellate briefs and Order (Doc 188-8SR, Doc 190, 200 & 4SR).

Petitioner asserts any **newly discovered clean hands evidence** for a new **constitutional** trial by remand or reversal from the higher courts would be petitioners **RFS** (Doc 82), Judicial Complaints (**1SR** and **2SR**), Interlocutory Appeal 01-15416-BB-**(3SR)**, Rebuttal/Objection to the PSR (**4SR**), Defendant's Affidavit To Rebut Allegations **DATRA** (**5SR**), Dr. William E. Bonney Ph.D exam (**7SR**), Nov 5, 2002 and Feb 19, 2003 ten page motions (Doc 188,200), letter of resignation/disbarring of Ryan Truskoski et al, impeachment/removal and prosecutions. Petitioner asserts the only other corrupt act that could take place is the illegal appointment of another racketeering attorney by the **racketeering** District Court Judges, corrupt clerks Nancy Holbrook et al and this racketeering warden Constance Reese et al (Doc 175). Petitioner asserts this is the only way the **sick perpetrators** can get a defaming, conspiring motion in the Tampa Courts to illegally overturn the **unconstitutional** judge-

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ment/conviction using **unclean** documents and exhibits that are 18 U.S.C. 1951-1968 **RICO** offenses etc (Re: BOP study etc). Petitioner now persuades one **could** come to the conclusion that **some** jury people in 1993 and 2001 **may** have been **asked** to be a part of the racketeering activity (Doc 146-4SR pg 13 #103-113, Doc 94, Doc 100-105).

### CONCLUSION

Petitioner asserts perpetrator Whittemore **sealed his own fate** to be impeached and removed from the bench when he: **A.** Decided to be a part of the insane racketeering activity after he was appointed to the federal bench in 1998/99. **B.** When he helped orchestrate the unconstitutional, **malicious** arrest of petitioner for financial gain (Doc 1). **C.** When he began perpetrating defaming, racketeering, psychiatric exams with the other perpetrators abusing petitioner even after he was ruled **sane** and **competent**. **D.** When he **did not strike** the Ellis Curry et al and Anthony Porcelli et al motions that **excluded** the altered audio **tapes** yet **hypocritically** and **prejudicially** strikes petitioners motion to obtain **all** audio tapes or **proof of no tapes** concerning the appellate briefs and PSR filed by the perpetrators **yet** allowed **altered** tapes to be used at trial on the instant charges. **E.** When he desperately attempted to **cover** by now denying Curry et al's motion that excluded the altered audio tapes yet **hypocritically** and **prejudicially** denied petitioners right to **file** a motion dismissing Curry et al for severe corruption even after he was ruled **sane** and **competent** by Dr. Bonney. **F.** When he maliciously denied petitioners motions to **simply be heard/recorded on tape for a bond**, then had Dan Daly et al inform petitioner that he **could not** appeal these corrupt prejudicial Orders. **G.** When he and the rest of the perpetrators falsified transcripts of hearings before Jane Cooper Hill in Corpus Christi, TX, and again allowed Ellis Curry et al to submit another **racketeering** motion creating a **scapegoat** out of petitioner. **H.** When he maliciously and **prejudicially** denied subpoena's for petitioner's defense, then had Dan Daly et al inform him that he could not appeal these corrupt, prejudicial Orders. **I.** When he maliciously abused and defamed petitioner by **attempting** to submit the **insane**,

**racketeering** Public Defender document through petitioner's landlord, Dan Daly et al and Anthony Porcelli et al. J. When he maliciously abused petitioner by stealing documents at trial including Dr. William E. Bonney's exam. K. When he maliciously abused petitioner by using **certain** jury members who were a part of the racketeering activity just as **certain** jury members were used in 1993. L. When he maliciously conspired with the clerks to send a racketeering Notice Of Hearing document with the Dept Of Ed name Cindy Leigh Martin on it. M. When he maliciously ordered a defaming, **unconstitutional**, prejudicial and **racketeering BOP study** completely destroying petitioner abusing the laws and and violating RICO laws by not allowing the unnecessary study to be done **in the community** by Dr. Bonney, then hiding behind the WTC disaster. N. When he maliciously conspired with the Rochester Medical Center, district and appellate court clerks to have petitioner's briefing schedule delayed on appeal 01-15416-BB, causing a dismissal. O. When he maliciously conspired to defame and abuse petitioner by sending the **racketeering** PSR on his birthday then later sending the **racketeering** BOP study addendum. P. When he prejudicially and against the law **began striking** petitioner's affidavits, rebuttals and motions proving obvious criminal activity as well knowing these documents are **crucial** to his defense. Q. When he illegally sentenced petitioner while he was proven with a prejudicial agenda against petitioner especially with the conspiring, corrupt statements "Dispute with Riscorp" and "Two years incapacitate" with his corrupt, **racketeering** prosecutor friends Porcelli et al. R. When he appointed another racketeering attorney Ryan Truskoski et al for himself and the rest of the perpetrators. S. When he maliciously conspires to use **corrupt** inmates, medical people, psych departments and officers here at Beaumont and elsewhere with the insane, racketeering, overlapping two year incapacitate **campaign** again defaming Dr. Bonney and harming petitioner. T. When he used Ryan Truskoski et al, David P. Rhodes et al and Nancy Holbrook et al to defame and destroy petitioner in their **racketeering** documents. U. When he maliciously, prejudicially abused petitioner by **criminally striking** his Nov 5, 2002 and March 10, 2003 ten page motions that requested **all** evidence and the proof of the

nonexistence of evidence (tapes) which would allow him the ability to place a proper brief/petition attacking the conviction/sentence and further prove racketeering. **V.** When he states in his illegal striking orders, petitioner has the services of the racketeering attorney and has insane, corrupt inmates stealing the racketeering Orders and other documents after petitioner would place Notice Of Appeals on them. **W.** When he has the corrupt clerks send scandalous, racketeering in forma pauperis forms on appeal 03-11467-DD and sickly attempts to justify his racketeering activity by placing the term "Affiant" under the name United States of America. Petitioner asserts the cover page of this brief was changed to "United States and RISK\_CORP et al" because of this **sick**, disgusting, racketeering **plot**.

Petitioner asserts this type of **corrupt** behavior is **outrageous**, **ludicrous**, hypocrisy, **criminal**, unconstitutional and **racketeering**. Petitioner asserts it is definitely not fair and impartial for this judge to accept the use of **altered tapes** at one point in the proceeding (Doc 50) then deny the request/retrieval of **all** altered tapes or proof of the **nonexistence** of tapes to further prove **fraud**, **perjury** and **racketeering** by the insane perpetrators. Petitioner asserts perpetrator Whittemore proves **his** own deep involvement in the racketeering activity (Doc 188-8SR-pg 10, Doc-146-4SR, the PSR(PSI), 1SR,2SR, Doc 82-RFS, Doc 200-pg 10 and appellate briefs and documents by David P. Rhodes et al, Ryan Truskoski et al and Nancy Holbrook et al).

**In Am Jur 2nd 488 and FR Civ P, Rule 11 (Practice Guide) it states:**

"Moreover, statutes or rules of practice commonly provide that a court may strike a pleading, or parts thereof, **if** the pleading is entirely or to **some** extent irrelevant, frivolous, scandalous, or if it is not authorized by the law or rules governing pleadings....impose a requirement of **honesty** with respect to pleadings and other papers presenting to the court. **Sanctions** for violations of this requirement with respect to a pleading can include the striking of all or part of the pleading".

Applying these standards petitioner asserts his Nov 5, 2002 and Feb 19, 2003 pleadings were not stricken because it was irrelevant, frivolous or dishonest rather it was stricken because of a **racketeering agenda**. Petitioner made it clear that

he was not filing a 2255 as is **redundantly** mentioned by perpetrator Whittemore on his last two illegal Striking Orders by insanely quoting Local Rule 2.03(d). Petitioner asserts that attempting to file a 2255 to the racketeering District judge would only amount to unwanted appointment of another racketeering attorney to create a **scapegoat** out of innocent petitioner. Petitioner asserts perpetrators Whittemore et al are actually trying to appoint another racketeering attorney by conducting a **racketeering** "annual" **X-Ray** through officers Flanagan et al, **pathetic** inmates Kevin Roberts et al and the medical and psych departments etc. Petitioner asserts this racketeering **back** X-Ray was conducted **against his will** on March 4, 2003 according to and **abusing** 18 U.S.C. 4247(d)(e) but not limited to. Petitioner asserts this racketeering X-Ray has amounted to **severe** defamation by officers Flanagan et al concerning his **mental condition** and a defaming reprimand by Flanagan et al at his place of employment here at Beaumont Prison.

In Am Jur 2nd 489, it states:

"In some jurisdictions, the purpose of a motion/Order to strike the legal sufficiency of the allegations of a complaint to **state a claim** upon which **relief** can be granted. Under this view, **if facts provable** under the allegations in a complaint **support** a cause of action, a motion/Order to strike **must be denied**".

Applying these standards petitioner asserts his pleadings were not stricken because of legal sufficiency of the allegations of the pleadings to support the claim upon which the **relief, arrests, prosecutions and rewards** should be granted. Petitioner states very clearly in the pleading his **defense, reward, relief** and the need for the government to produce **all** evidence so he can assist them in prosecuting the **racketeers** and so petitioner can properly place a brief to the Appellate or Supreme Court for a new trial. Petitioner asserts one can only come to the conclusion that this District Judge is **maliciously** and **prejudicially** abusing petitioner by hiding his own racketeering activity and the racketeering of others (Doc 188, 200, **all SR's**).

In Am Jur 2nd 490, it states:

"Not only is a court authorized to strike from the record a sham plea either with or without a motion, but it also **may**-

disregard the plea either with or without an express order striking it.....In order to justify the striking of a pleading as a sham, it must be so **undoubtedly false** as not to be the subject to a **genuine issue of fact**, or mere pretense, set up in **bad faith** and **without color of fact**".

Applying these standards petitioner asserts his pleadings are not a sham nor could they have been stricken as a sham or undoubtedly false as not to be the subject of **genuine issue of fact** or bad faith because petitioner **received** an order stating no such things and the pleadings were sent back (except the last) and not disregarded. To the contrary, petitioner **clearly** shows in the pleadings and this petition that corruption and bad faith **by the perpetrators** is obvious. The only other conclusion one can come to is this District Judge **is** orchestrating the bad faith and corruption by his **prejudicial** strikes as mentioned in the last page of the pleadings. Furthermore, this District Judge **knows** the **genuine issue of fact** is the **racketeering** from the U.S. Treasury severely **abusing** 18 U.S.C. 3059(a), 3059A, 3059B and other applicable laws. Petitioner asserts this is **undeniable**.

In Am Jur 2nd 491, it states:

"If the pleading contains **some** good and proper averments or denials as well as other matters having no place therein, the latter averments may be stricken out for that purpose....the motion/order striking is a proper manner of **objecting to defects**,....irrelevant, immaterial, redundant, duplicity, sham, frivolous, scandalous and impertinent matter".

Applying these standards petitioner asserts the District Judge **does not** mention part of the motion as being **good or proper** as not to be stricken and **does not** state what parts are defective and have no place therein. Petitioner asserts one can only come to the conclusion that by this Judge **not striking defects**, that **none** of his pleading is irrelevant, immaterial, redundant, frivolous and most certainly not a sham or scandalous etc. To the contrary, petitioner only receives redundant, scandalous and racketeering striking Orders by the corrupt District Judge desperately **avoiding the truth**, then when petitioner attempts to expose the **new fraud** of the illegal Striking Order itself through an appeal like this, the scandalous, cowardly Striking Orders are **stolen**.

In Am Jur 2nd 493, it states:

"In general, a motion/Order to strike is the proper method whereby to get rid of immaterial, irrelevant, and superfluous matter. A motion to strike matter as immaterial or redundant is granted **only** if the material is **wholly** irrelevant, can have no bearing on the equities and have no influence on a decision".

Applying these standards petitioner asserts his pleadings **were not** stricken for immaterial or redundant matters. To the contrary, petitioner asserts his pleadings were stricken because it **proves** that the perpetrators are attempting to destroy **innocent** petitioner, his defense, lawsuits and **steal** rewards that are due him, not them, by withholding **all** transcripts and tapes, therefore the pleadings **cannot** be superfluous as well. Petitioner asserts by striking the pleadings, perpetrators Whittemore et al quite obviously destroys petitioners defense in violation of the constitution. Furthermore, when these **facts** are further proven, it then means it was/is the **racketeering perpetrators** who continued to send **wholly** irrelevant, **scandalous, indecent** and **sham** etc documents to the courts and petitioner since 1991 including all the malicious, illegal and unconstitutional **acts** connected to them.

In Am Jur 2nd 494, it states:

"For allegations to be "scandalous and impertinent", and thus subject to being stricken, the allegations must be immaterial and inappropriate to the proof of the cause of action....provide for striking out an entire pleading if scandalous or indecent matter is inserted therein and for striking out scandalous or impertinent matter alone".

Applying these standards petitioner asserts his pleadings **were not** stricken for immaterial matter **nor** was there any inappropriate or indecent matter in the pleadings. To the contrary, petitioner asserts one can only come to the conclusion the pleadings were **illegally, maliciously** and **inappropriately** stricken because of **convicting material matter**. Furthermore, petitioner asserts the District Judge **did not** strike the **whole** pleading for indecent or scandalous matter therefore he should be made to respond to the **whole** pleading. Petitioner again asserts one can only come to the conclusion the **whole** pleading was illegally and **criminally** stricken because of **their own** indecent, scandalous and racketeering agenda, behavior and

*10/10/91*

refusal to answer for the truth since 1990/91.

In Am Jur 2nd 495, it states:

"Striking a pleading, or part of a pleading, rest within the sound discretion of the court. However, it is recognized that striking a pleading is a **severe remedy** and should be resorted to only in cases palpably requiring it for the **administration of justice**....when striking, the court may, at times, make an appropriate order for an **amendment**, and thus aid in curing a **defect**....the court should permit a **meritorious** plea to be filed if, in the circumstances, due **diligence** has been observed by the defendant, and the plaintiff is not prejudiced".

Applying these standards petitioner asserts **it is obvious** that the **administration of justice** is not the agenda of this District Judge. Petitioner asserts no Order for a **true** ammendment came with the Striking Orders to cure a defect such as a request to ammend a defect in the Nov 5, 2002 pleading regarding 18 U.S.C. 3059-(a)(1). Petitioner asserts he corrected the defect concerning 3059(a)(1)etc in his revised Feb 19, 2003 concerning law enforcement officers or false accusing informants/witnesses collecting **racketeered** reward money. Petitioner asserts **due diligence** and **great care** was observed when he constructed the **fine** pleadings that **no lawyer** in the world was going to, or been able to create for him. Petitioner asserts the pleadings have an **abundance of merit** and the District Court Judge **did not** state in his Order that the U.S. Attorneys office was prejudiced mainly because he knows that petitioner is **substantially** assisting them with all sorts of pertinent material matter that will aid them in the investigation of future arrests, prosecutions and punishment of the perpetrators including Whittemore et al. Petitioner asserts this District Judge is **severely** perverting and obstructing justice by **maliciously** and **prejudicially** striking petitioners pleadings to **protect** criminals and **his own** criminal, racketeering agenda (Doc 188-8SR,190, Doc 200,201).

In Am Jur 2nd 496, it states:

"The power to strike out a pleading **as frivolous** is to be **cautiously exercised** and will not be exercised **except** in a **clear case**. In deciding whether to strike a pleading as a sham a trial court must resolve all doubts **in favor** of the pleading. The **duty** of the court is to determine whether the **issue of fact** is pres-



ented, not to try that issue...inartful pleadings or correct-  
able mistakes etc"

Applying these standards petitioner asserts his pleadings were not stricken because of frivoulous reasons (Doc 190,201) as the pleadings were **very clear** as to what laws are being abused and violated concerning the whole or in part **racketeer-**  
**ing** by the vicious perpetrators. Petitioner asserts the District Judge **did not** re-  
solve all doubts in favor of the pleading rather **the fact is** their is **no doubt** as  
to the **racketeering** agenda by striking the pleading (Doc 188,200-pg 10). Petition-  
er asserts the **factual issues** were presented as they were on June 20, July 3, Aug-  
3 and **attempted** on Aug 13-15, 2001 (but not limited to) yet petitioner is constan-  
tly denied his constitutional right for a defense by **attempting** to bring these **pe-**  
**rtinent** and **factual** issues to trial. Furthermore, no order came from this District  
Judge informing him to correct a legal defect, mistake or inartful pleading. Peti-  
tioner asserts his fine pleadings were artfully done (Doc **all**).

**In Am Jur 2nd 497, it states:**

"The general rule is that a motion/Order to strike a pleading  
will be granted if its allegations are, in substance, **the** same  
as those of former pleadings to which demurrers have been sust-  
ained or which have been **previously** stricken.

Applying these standards petitioner asserts his Nov 5, 2002 and Feb 19, 2003  
pleadings which were prejudicially stricken provided new and substancial informat-  
ion regarding **severe** corruption, racketeering and other criminal offenses related  
to the requested evidence. Petitioner asserts the issues are **clear** and any judge  
who trully cared about the proper administration of justice would have caused the  
U.S. Prosecutor to answer the pleadings, investigate the matter of missing transc-  
ripts, **tapes** and the illegal **racketeering** and **perjury** etc of the past. Petitioner  
asserts by this judge **constantly** and **criminally** striking petitioners pleadings it  
is **obvious** that his **sick** prosecutor **friends** are being protected by not having to  
answer the excellent and **convicting** pleadings. Petitioner asserts one can only come  
to the conclusion this corrupt judge is **obstructing** and **perverting** justice along  
with **the prosecutors** and the rest of the perpetrators.

10/20/03  
J. Smith

In Am Jur 2nd 498, it states:

"The action of the court in erroneously striking or refusing to strike a pleading is not reversible error **unless prejudicial**. If, however, the striking out results in depriving the pleader of some **substantial** right, or deprives the pleader of something that is **essential to his cause** of action, then it is **prejudicial**, and hence **reversible**, unless cured or waived".

Applying these standards petitioner asserts his pleadings were maliciously and **prejudicially** stricken and his Nov 5, 2002 and Feb 19, 2003 pleadings clearly stated his constitutional right and substantial reasons to obtain all transcripts, transcript **tapes** and discovery **tapes** etc. Petitioner **clearly stated** it was essential that he be afforded **all** this evidence so he could file a proper brief to the Appellate or Supreme Court to **further** prove David P. Rhodes et al with **perjury** and **racketeering** etc. Furthermore, petitioner asserts his pleadings simultaneously became **substantial information** for the new Attorney General, John Ashcroft as they proved racketeering and other criminal activity by the perpetrators. Petitioner asserts he then becomes **maliciously** and **prejudicially deprived** of his constitutional right to obtain the evidence mentioned to receive a **fair** trial and also be of further **substantial** assistance to have the **perpetrators** prosecuted under the **new** Attorney General. Petitioner asserts, applying these standards **all** of the **lower Courts** unconstitutional and prejudicial Orders and Striking Orders **need** to be **reversed**. (Doc 145 **Stolen(S)**, Doc 148(S), Doc 155, Doc 190(S), Doc 201, Doc **all**).

In Am Jur 2nd 502, it states:

"FR Civ P. Rule 12(f) provides that the court may make an Order under the Rule "Upon the court's own initiative at any time". Although one court has concluded that it lacked the power to strike a defense without a motion to strike by a party, the prevailing view is that a District Court may expedite proceedings by striking **insufficient** defenses".

Applying these standards petitioner asserts his latest pleadings **clearly** stated a defense as all his pleadings did that were **maliciously** and **prejudicially** stricken or denied by the racketeering lower courts. Furthermore, petitioner asserts his **defense** was **so clearly** defined that it caused the corrupt District Judge

such alarm that he **could not** let the corrupt prosecutor or himself answer because it would have been **further** evidence of **racketeering** and other **criminal** activity.

In Am Jur 2nd 506 \*Practice Guide, it states:

"The opportunity to present briefs and to make oral arguments might be considered essential where the legal issues presented by a defense are particularly complicated; **however**, in those circumstances, a motion/order to strike **would be an inappropriate vehicle** for the consideration of **complex issues**."

Applying these standards petitioner asserts it is **obvious** his case is quite complex as even **the perpetrators** have corrupt officers and inmates making the **inappropriate**, conspiring, **scapegoat** statements "what a mess, etc". Petitioner asserts whenever the perpetrators are exposed and **their sick plans** thwarted they call the failed agenda "a mess" and petitioner "mixed up", **schizo** etc. Petitioner has and will continue to prove this **whole** racketeering matter as malicious and **premeditated** no matter how much the perpetrators try to make "a mess" of it. Petitioner asserts the **whole** matter is **not** a mess as he has straightened the whole matter out so the government can **prosecute** the perjuring and racketeering perpetrators. Petitioner has **clearly proven** a complex racketeering scheme by the **malicious** perpetrators therefore it was **very inappropriate** for this judge to strike the excellent pleadings, and then have the racketeering Striking Orders stolen. **Furthermore**, petitioner asserts the Dubuque Bank and Trust (DB&T) and Iowa College Aid Commission- (ICAC et al) promissory note **was not** falsified by someone in the Clinton Administration rather it **took place** under the Bush Administration without their knowledge between 1989-1992.

#### RELIEF SOUGHT

**WHEREFORE**, petitioner prays and requests that **all** nine honorable Supreme Court Justices **reverse** the **unconstitutional** sentence and conviction upon petitioner and grant him a new, **fair** and **constitutional** trial with an **honorable** judge. Petitioner requests that recommendations be made to the House of Representatives to impeach and prosecute the **racketeering** judges involved and recommend the dis-


barrment and prosecution of all attorneys involved. Petitioner requests that recommendations be made to the Attorney General for the prosecution of the rest of the perpetrators involved including the **indictment of Constance Reese et al** who created the **vicious, racketeering** BOP Study and who is now the Warden of this corrupt prison. Petitioner prays to be **unconditionally released** from this prison and the **Risk\_Corp et al** unconstitutional sentence which is **(at the least)** severe defamation and violates his constitutional right to redress the government for grievances. Petitioner **prays** and **requests** to represent himself pro se as **no attorney** can or will do the **correct thing** or anything **for** the petitioner.

I, **HEREBY CERTIFY**, that the statements made herein are true under penalty of perjury pursuant to 28 U.S.C. 1746. Dated and executed at Beaumont, Texas, this 16th day of April, 2003.

  
Petitioner

#### **CERTIFICATE OF COMPLIANCE**

This is to certify that the page size, type size and length requirements under Rule 33-2(b) have been complied with herein.

  
Kevin A. Wiederhold, pro se  
Federal Corrections Inst  
P.O. Box 26040 NA Medium  
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#89849-079

Attached Proof Of Service

APPEAL NO. 02-10490-D, etc  
DISTRICT COURT NO. 8:00-CR-369-T-27TGW

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IN THE  
SUPREME COURT OF THE UNITED STATES

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Kevin A. Wiederhold, Petitioner,

v


United States and Risk Corp et al, Respondents,

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PROOF OF SERVICE

I, Kevin A. Wiederhold, do swear or declare that on this date, April 16th, 2003, as required by Supreme Court Rule 29, I have served the enclosed Motion For Leave To Proceed In Forma Pauperis and Petition For Writ Of Certiorari on Theodore B. Olson, U.S. Solicitor General, 950 Pennsylvania Ave, N.W., Rm 5614, Washington, D.C. 20530-0001, and the Clerk of Court of the United States Supreme Court, 1 First Street, N.E., Washington, D.C. 20543-0001, by United States certified and first class prepaid mail. (Certified Receipt No. 7001-2510-0002-4783-1584).

I, **HEREBY CERTIFY**, that the statements made herein are true under penalty of perjury pursuant to 28 U.S.C. 1746. Executed at Beaumont, TX., this 16th day of April 2003.

  
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