

*Sui-Juris*

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW YORK

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CLERK: [REDACTED]

*In Propria Persona*

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without Prejudice

**DISTRICT COURT OF THE UNITED STATES**

FOR THE DISTRICT OF [REDACTED]

United States of America, and  
Internal Revenue Service,  
Plaintiffs/Applicants

V.

Misc. No. MC 06 – 24 MCA

[REDACTED]  
Defendant/Respondent

**SECOND AFFIDAVIT OF PROBABLE CAUSE**

Comes now, Sovereign private-sector [REDACTED] Citizens [REDACTED], and  
her husband, counsel, and ATTORNEY IN FACT [REDACTED], an indispensable party  
in the instant case, by birth non-taxpayers, Citizens of ONE of the united States of  
America, expressly not citizens of the United States (“federal citizen(s)”), a married  
couple inhabiting the community property [REDACTED] State/Republic, free persons  
appearing *specialy* and not *generally* without conferring, waiving, or otherwise granting  
jurisdiction, to petition this District Court of the United States (DCUS) for an ORDER to

Ms. [REDACTED] and Mr. [REDACTED] to show cause why each should not be charged with;

a) Extortion (see "Count 3" below) and,

b) with violating the following four [REDACTED] Statutes;

1) [REDACTED] 36-2-10. [Duties of attorneys.]

It is the duty of an attorney-at-law:

- A. to support the constitution and the laws of the United States and of this state;
- B. to maintain the respect due to courts of justice and judicial officers;
- C. to counsel or maintain no other action, proceeding or defense than those which appear to him legal and just, excepting the defense of a person charged with a public offense;
- D. to employ for the purpose of maintaining causes confided to him such means only as are consistent with truth, and never to seek to mislead the judges by any artifice or false statement of fact or law;
- E. to maintain inviolate the confidence and preserve the secrets of his client;
- F. to abstain from all offensive personality and to advance no fact prejudicial to the honor or reputation of a party or a witness unless required by the justice of the cause with which he is charged;
- G. not to encourage either the commencement or continuation of an action or proceeding from any corrupt motive of passion or interest;
- H. never to reject for any consideration personal to himself the cause of the defenseless or oppressed.

2) [REDACTED] 36-2-12. [Proof of authority; stay of proceedings.]

The court may, on motion of either party and on showing of reasonable grounds thereof, require the attorney for the adverse party or for any one of the several adverse parties to produce or prove by his oath or otherwise the authority under which he appears and until he does so, may stay all proceedings by him on behalf of the parties for whom he assumes to appear.

3) [REDACTED] 36-2-17. [Deceit or collusion; damages; disbarment.]

If an attorney is guilty of deceit or collusion or consents thereto with intent to deceive the court, judge or party, he shall forfeit to the injured party, treble damages to be recovered in a civil action, and may, if in the opinion of the board of bar examiners such conduct warrants it, be disbarred.

4) [REDACTED] 58-13A-7

"No person shall, directly or indirectly:

- A. Cheat or defraud, or attempt to cheat or defraud, any other person or employ any device, scheme or artifice to defraud any other person;
- B. Make any false report, enter any false record or make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading;
- C. Engage in any transaction, act, practice or course of business, including without limitation, any form of advertising or solicitation which operates or would operate as a fraud or deceit upon any person."

**COUNT 3; EXTORTION**

"Congress meant to punish as extortion any effort to obtain property by inherently wrongful means, such as force or **threats of force or criminal prosecution**, regardless of the defendant's claim of right to the property ." *Robbins v. Wilkie*, No. 04-8016, 10th Cir. Jan. 10, 2006. (bold added)

With the sole Robbins v. Wilke excerpt above as a starting point, Respondents now testify as follows, to wit:

IRS Agent

a. In Mr. [REDACTED]'s original "statement" dated September 11, 2006, he "hints" in paragraph #11 at criminally prosecuting Respondent [REDACTED] should she not comply with his agency's bogus and bootleg "summonses". This statement is a blatant attempt (read threat) to instill into Mr. and Mrs. [REDACTED] the fear of possible CRIMINAL PROSECUTION, and to coerce her by duress, to comply with that "bootleg" summons,

and to therefore change and/or manipulate her and her husband's lawfully filed JOINT returns.

b. Respondents also refer the District Court of the United States (DCUS) to Mr. <sup>→ DOS Atty's →</sup> [REDACTED] and Ms. [REDACTED]'s September 13, 2006 pleading entitled "Application For Order to Show Cause for Failure to Obey Summons" in which they recommend in their "WHEREFORE" clause, in paragraph "C" to the DCUS that Mrs. [REDACTED] be "...arrested... and held" should she not "show cause" and ultimately comply with Mr. [REDACTED] bogus and bootleg "summonses". These statements are a blatant attempt (read threat) to instill into Mr. and Mrs. [REDACTED] the fear of forced incarceration, and to coerce her, by duress, to comply with that "bootleg" summons, and to therefore change and/or manipulate her and her husband's lawfully filed JOINT returns.

c. Respondents also refer the District Court of the United States (DCUS) to Mr. <sup>→ DOS Atty's →</sup> [REDACTED] and Ms. [REDACTED]'s November 24, 2006 pleading entitled "Notice of Non-Compliance With Court Order" in which they, and Mr. [REDACTED] <sup>IRS Agent</sup>, again perjure themselves by stating that Mrs. [REDACTED] had not complied with the "order" of the court. The [REDACTED] both complied with the order of the court, with a reservation of all their rights and a waiver of none. The bogus "collection of information" form was filled out to the best of their ability, without waiving any their numerous rights not to incriminate themselves, and consistent with their protected 5<sup>th</sup> Amendment rights not to testify against themselves or to produce any documents or records.

The Applicants' pleading at 'c' above is a blatant attempt to intentionally mislead the court into believing that the [REDACTED] were completely disobedient, not only of the

summons, but of the (voidable) court "order" which commanded compliance with the summonses.

#### COUNT 4; COURT IMPROPRIETY AND VIOLATION OF LAW

Respondents would also like to enter into the record at this point the following:

a. <sup>→ Fed Judge</sup> [REDACTED], who is lacking all four required credentials to preside in a federal DCUS or USDC forum, has as a result, exhibited and proven herself to be in collusion with the DOJ attorneys and the IRS, and;

b. Has been issuing "Orders" that are in blatant violation of 28 U.S.C. 1691 which require both the seal of the court and the signature of the clerk on all "court process". (See all of Ms. [REDACTED]'s orders/process issued thus far in the instant case.)

c. Upon investigation, Respondents have confirmed that the word "process" at 28 USC 1691 means a *court order*. See Middleton Paper Co. v. Rock River Paper Co., 19 F. 252 (C.C. W.D. Wisconsin 1884); Taylor v. U.S., 45 F. 531 (C.C. E. D. Tennessee 1891); U.S. v. Murphy, 82 F. 893 (DCUS Delaware 1897); Leas & McVitty v. Merriman, 132 F. 510 (C.C. W.D. Virginia 1904); U.S. v. Sharrock, 276 F. 30 (DCUS Montana 1921); In re Simon, 297 F. 942, 34 ALR 1404 (2<sup>nd</sup> Cir. 1924); Scanbe Mfg. Co. v. Tryon, 400 F.2d 598 (9<sup>th</sup> Cir. 1968); and Miles v. Gussin, 104 B.R. 553 (Bankruptcy D.C. 1989).

Respondents apply to the DCUS (as soon as a lawful Article III "constitutional" DCUS can be convened) for its' ORDER TO SHOW CAUSE why Applicants [REDACTED], [REDACTED] IRS agent [REDACTED], [REDACTED], and M. [REDACTED] should not be charged with perjury, misrepresentation, deceit, aiding and abetting extortion (see "Count 3" above), and with violating the four New Mexico Statutes enumerated above.

Respondents believe that aiding and abetting EXTORTION and violating the above cited four <sup>STATE</sup> [REDACTED] Statutes are (again) also grounds for charging the offenders with violating The McDade Act and the standards and disciplinary guidelines issued by the State Bar of [REDACTED]

This concludes Respondents' SECOND AFFIDAVIT OF PROBABLE CAUSE for purposes of the instant *petition*.

Respondents reserve their fundamental Right to alter or amend said AFFIDAVIT, at times and places of their choosing.

#### **NOTICE AND DEMAND FOR MANDATORY JUDICIAL NOTICE**

Pursuant to Rule 201(d) of the Federal Rules of Evidence ("FRE"), Petitioners respectfully request mandatory judicial notice by this Court of this, their "SECOND AFFIDAVIT OF PROBABLE CAUSE."

#### **REMEDY REQUESTED**

All premises having been duly considered, without granting, waiving or otherwise conferring jurisdiction, Petitioner respectfully requests that, if possible, an Article III constitutional District Court of the United States (DCUS) be convened, and that a DCUS "order" be delivered with deliberate speed upon Mr. [REDACTED], Ms. [REDACTED], [REDACTED] and Mr. [REDACTED] to show cause why the enforcement of the IRS summonses should not be VACATED, and why each should not be charged with Extortion, in addition to Perjury and Willful Misrepresentation. A DCUS "order" should then also be delivered with deliberate speed upon Ms. [REDACTED] and Mr. [REDACTED]

██████████s to show cause why each should not be charged with violating the above cited four New Mexico Statutes.

### **THIRD NOTICE AND DEMAND FOR A JURY TRIAL**

If and when an Article III constitutional court (DCUS) can be convened with a judge who is in possession of all lawfully required credentials to preside in that forum, and whose “pay is not diminished” as per the Constitution of the United States of America, Respondents again demand a JURY TRIAL on the evidence now in the record. Among Respondents’ many fundamental and “due process” rights is included the chance to present this evidence to a jury of their peers, and to be heard in a constitutional court of law.

### **FIRST NOTICE AND DEMAND FOR AN ALTERNATIVE TO A DCUS JURY TRIAL**

Respondents have thus far entered into the record evidence of extreme bias, prejudice, fraud and impropriety on the part of the ██████████ “district” USDC and its’ judges, and, because the evidence in the record will show that all judges currently seated in that forum are essentially “covering for” each other in multiple violations of federal law including, but not limited to, 42 U.S.C. 1986 (neglect to prevent and/or refusal to prevent), 18 U.S.C. 912, 1001, 1341, and 1961, and 28 U.S.C. 1691;

Respondents have also entered into the record evidence that no federal judges currently seated in the ██████████ district USDC possess the lawfully required

credentials to preside in a constitutional Article III DCUS venue and forum (the venue and forum invoked in all Applicants' and Respondents' pleadings in the instant case).

**WHEREFORE** Respondents DEMAND that this case be forwarded to and/or be remanded to the [REDACTED] Republic's Superior courts for adjudication by a *de-jure* court system that will abide by and acknowledge U.S. Supreme Court's decisions and precedent, and that will protect the constitutional and fundamental rights of its' state (i.e., *non-federal*) Citizens. As thus far documented and illustrated in Applicants' pleadings, these fundamental and constitutionally guaranteed protections are not possible in that territorial USDC forum and venue that has, by fraud, perjury, deceit, impropriety, and misrepresentation, attempted to usurp venue and jurisdiction in the instant case.

Under 28 USC, Section 1746 (1), I declare under penalty of perjury, without the United States, and under the laws of the united States of America that the foregoing is true and correct.

Executed on March 30, 2007



[Signature]  
Signature

[Signature]  
Signature

[Name]  
Name

[Name]  
Name

[Address]  
Address;

[Address]

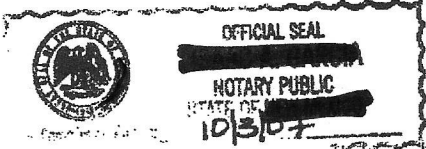
STATE  
[Redacted] All-Purpose Acknowledgement

[Redacted] STATE/REPUBLIC  
[Redacted] COUNTY

On the 30 day of MARCH, 2007 Anno Domini, before me personally appeared [Redacted] and [Redacted], personally known to me (or proved to me on the basis of satisfactory evidence) to be the Person(s) whose name is subscribed to the within instrument and acknowledged to me that He/She executed the same in His/Her authorized capacity, and that by His/Her signature on this instrument the Person, or the entity upon behalf of which the Person(s) acted, executed the instrument. Purpose of Notary Public is for identification only, and not for entrance into any foreign jurisdiction.

WITNESS my hand and official seal.

[Signature]  
Notary Public



**CERTIFICATE OF SERVICE**

It is hereby certified that service of the foregoing Respondent(s)'

**SECOND AFFIDAVIT OF PROBABLE CAUSE**

has been made on March 30, 2007 by mailing a copy by regular US Mail to:

Office of the US Attorney;  
[Redacted],  
PO Box [Redacted]  
[Redacted], USA