Terre Haute September 02, A.D. 2011

Donna,

First, I want to thank you for all you have done, words cannot express how much it means to me, I have thoroughly research the designation of the trial judge and find it to be in violation of the designation statute; and if the court rules that the trial judge's designation is not in violation of the statute, then the statute itself is unconstitutional.

This issue we all share, with minor adjustments from the claim I wrote, we can all use it. Reading the documents I have enclosed, it is self explanatory to what needs to be adjusted for our friend's particular appeal. There are four typos I have found, thats no big deal. (I have circled them in pencil)

I have also sent a copy to Rhode Island for our other friend. I have not sent a copy to my brother, can you please scan it, and email it to him?

I have till Feb. 22, 2012 to file my final appeal (one year after writ of certiorari was denied), so if our friend filed for a writ of certiorari, its one year after it is denied, if not, it is due one year after the direct appeal was denied, which was July 30, 2010, plus 90 days, so about October 30, 2011 would be the due date for final appeal. I am not sure when the others appeal is due, so I put this out early enough so it can be used.

Another issue I hope to have out is the threatening and intimidating of two witness, by the enemy. I have one affidavit and should have the other here soon. My brother has notified me Texas Terry is going to come through for us, on this issue. Ole Buck has been in contact with my brother

and says he will be sending along his affidavit very shortly.

The threatening of our witnesses is another issue we all share, so I hope to have this claim written and out in time for our friends to use. I never expected it would take this long for the witnesses to write a simple declaration. Once I get Terry's I will quickly write the claim and send it to you.

The third issue, which is an issue we all share but the variables making up the claim vary significantly between us. Ineffective Assistance of Counsel (IAC) we must all raise. None of them put on the proper theory of defense. The proper defense, which was the truth and the truth is always the best defense, was good faith self defense against excessive force.

Feel free to pass this along to whomever. Again I thank you for you have done. The habeas I had here in Indiana was denied, I will appeal.

Take good Care

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

| | |
|---|---|
| Daniel Riley<br>Petitioner,<br>v.<br>United States of America<br>Respondent. | Case No. 07-cr-189-GZS<br>U.S. CONSTITUTION ART.1, SEC.2, CL.9<br>HABEAS CORPUS<br>MOTION TO VACATE, SET ASIDE, OR CORRECT A JUDGMENT, 28 USC § 2255 |

I. INTRODUCTION

First it must be stated, for the reasons stated herein, the Honorable George Z. Singal is incompetent to preside over the court adjudicating this motion. Petitioner withholds consent for a magistrate.

A. Procedural Background

This motion is taken to vacate, set aside or correct a judgment in a criminal case rendered on April 9, 2008. The counts consisted of (I) conspiracy to impede an Officer of the United States 18 USC § 372; (II) conspiracy to commit an offense against the United States 18 USC § 371; (III) accessory after the fact 18 USC § 3; (VI) possesion of a firearm in furtherance of a crime of violence 18 USC § 924(C)(1)(A)(i) and 924(C)(1)(B)(ii).

After an eleven day trial and three days of jury deliberations, Petitioner was found guilty on all four counts and sentenced on October 28, 2008 to 432 months of imprisonment (36 years)(72 months on count I, 25 months on count II and III to run concurrently to each other and to count I, and 360 months on count VI to run consecutively to counts I, II, and III). On March 1, 2011 the judgment was amended to 388 months imprisonment.

A direct appeal was taken to the First Circuit Court of Appeals, No. 08-2450. All relief was denied on July 30, 2010. To see what issues were raised on appeal please refer to cite 615 F3d 7.

A petition for a writ of certiorari was taken to the Supreme Court of the United States. No. 10-8383, raising issues pertaining to Sixth Amendment Rights: to conflict free counsel, effective counsel, and self-representation. This petition was denied to be heard on February 22, 2011.

NOTE: Trial Counsel (2nd court appointed) and appellate counsel

was Sven D. Wiberg.

## II. GROUNDS FOR RELIEF

### A. First Claim: The Presiding Officer Over the Court Lacked Jurisdiction to Enter Judgment

#### 1. Supporting Facts

Article III, Section I, of the Constitution gives Congress the power to ordain and establish courts inferior to the Supreme Court. Congress, using this grant of authority, established the First Circuit via 28 USC § 41, then Congress eventually created five distinct territorial districts within the First Circuit. For the sake of this motion, only three of these districts are relevant. Rhode Island 28 USC § 120, New Hampshire 28 USC § 109 and Maine 28 USC § 99. As per the Judiciary Act of September 24, 1789 each district must be contained within the borders of only one state. For each of these districts, Congress created three district judgeships 28 USC § 133(a). Congress vested the power to appoint district judges to these judgeships in the President, in accordance with Art.II, Sec.2, Cl.2 of the Constitution. Once a district judge is appointed, he or she can only exercise the jurisdiction of the court they are appointed to.

From time to time a situation may arise in the public's interest to temporarily designate and assign a district judge in one jurisdiction to another jurisdiction, therefore Congress created a procedure to administer the way judges are designated, 28 USC § 291 et. seq. A fact is all district judges from Rhode Island are cross-designated to New Hampshire and Maine perpetually as long as the district judge is tenured; and all the district judges from New Hampshire are cross-designated to Rhode Island and Maine perpetually as long as they are tenured; and all the district judges from Maine are cross-designated to Rhode Island and New Hampshire perpetually as long as they are tenured. This fact is proven by exhibit A attached to this motion; and is explained in Mooney v Gallagher, US Dist Lexis 8458 (D. NH 1995).

#### 2. Argument

It must first be noted that appelate counsel was ineffective for not raising this meritorious claim on direct appeal, even though jur-

isdiction may be challenged at any time.

Only the jurisdiction of the Supreme Court is derived from the Constitution. Every other court created by the general government derives its jurisdiction wholly from the authority of Congress. Steckel v Lurie, 185 F2d 921, 924 (6th Cir. 1950). District courts are not courts of general jurisdiction but that their jurisdiction is limited and their powers lie dormant until jurisdiction is conferred by the Congress under its constitutional authority, and that jurisdiction cannot be conferred any other way. Id @ 924. Congress may give, withhold or restrict such jurisdiction at its discretion, provided it is not extended beyond the boundries fixed by the Constitution. Since inferior courts are created by and acquire their jurisdiction from Acts of Congress, its clear, Congress can place statutory limitations upon the performance of judicial duties, affecting the power and jurisdiction of district judges. Id @ 925. And the places in which a district judge may exercise jurisdiction is subject to the absolute control of Congress. McDowell v US, 159 US 596, 598 (1895).

Prior to today's neatly arrainged designation statutes 28 USC § 291 et. seq. there was a hodgepodge of statutes: 28 USCA §§ 17, 22, 23 and 213, which allowed designation and assignments of judges to be indefinitely or without time limitations. For example 28 USCA § 22 read:

> "The Chief Justice of the United States, or the circuit justice of any judicial circuit, or the senior circuit judge thereof, may, if the public interest requires, designate and assign any circuit judge of a judicial circuit to hold a district court within such circuit."

Using 28 USCA § 22, Judge Manton designated himself "without limitation of time," in 1930, see Johnson v Manhattan R.Co., 1 F.Supp 809, 815 (S.D. NY 1932) and Johnson v Manhattan R.Co., 61 F2d 934, 936 (2nd Cir. 1932).

Congress frowned upon designations being made without time limitations, so on June 25, 1948 added a "temporary clause" in the designation statutes, which were now codified as 28 USC § 291 et. seq. As the Supreme Court explained in Johnson v Manhattan R.Co., 289 US 479, 500 (1933), when courts give practical construction to a statute, in this case a procedural one; and put such construction into literal practice

for several years, then Congress amends or reenacts such statute without any change indicative of a disapproval of the court's construction, such reenactment operates as an implied legislative approval of the court's prior construction.

Here, Congress did change the designation statutes, by adding a temporary clause, which indicates Congress' disapproval of the lengthy or perpetual designations that were occurring. An intermediate act which limits an earlier one is a strong indication of Congress' intent. The designation statute, which the trial judge George Z. Singal was designated, is 28 USC § 292(b), which states the following:

> "The chief judge of a circuit may, in the public interest, designate and assign "temporarily" any district judge of the circuit to hold a district court within the circuit." (emphasis added).

Congress spoke directly to the precise problem of lengthy or perpetual designations, by adding the plain unambiguous text of the temporary clause, to express Congress' intent — to prevent lengthy or perpetual designations.

The First Circuit Court of Appeals has held that one can look to the dictionary for clarification of the plain meaning of the words selected by Congress, see Neang Chea Taing v Napoltana, 567 F3d 19, 25 (1st Cir. 2009). In doing so:

> temporarily - adv. 1. for a brief period: during a limited time: BRIEFLY. Webster's Third New International Dictionary Unabridged (2002).

"We [the courts] must give significance to Congress's choice of words." US v Gerhard, 615 F3d 7, 20 (1st Cir. 2010). "The common meaning of a term is a useful indication of [Congress's] intent." Id @ 20. "When a statute's text is encompassing, clear on its face, and product of a plausible result, it is unnecessary to search for a different contradictory meaning..." Id @ 24.

It is clear the word "temporarily" is a term used to create a limit on the time a designation should last; and this limiting term is not to be circumvented in a way to give it no force or effect. A statute is to be construed in a way to give full effect to its plain terms as made manifest by its text and its context. Lamar v US, 241 US 103, 112 (1916).

In the case at bar, the Honorable George Z. Singal has been per-

petually designated, without cessation, from the District of Maine to the District of New Hampshire since at least 2001, the year he became a full-fledged district judge. District Judge Singal had been designated 7 years, without lapse, prior to Petitioner's trial; and is still designated to this day.

Congress has stated the main reason for designations is to permit the prompt transaction of heavy workloads. Vol.127 House Documents, 61st Congress, 2nd Session 1909-10, Doc # 783; and that in doing so the courts should be allowed liberal and flexible means to achieve such ends. It may be argued that the First Circuit's policy on these designations allows for this liberal and flexible administration of justice as stated above, but, policy considerations may not trump the plain language of the statute. American Textile Manufacturers Institute v The Limited, 190 F3d 729, 738-39 (6th Cir. 1999). Here, the way the First Circuit has structured Judge Singal's designation, circumvents the temporary clause of § 292(b); and Congress's intended affect, giving the limiting nature of the word "temporarily" no force or effect. The First Circuit is basically rewriting the statute, eliminating the temporary clause. Courts cannot judicially rewrite statutes. In re Espy, 80 F3d 501, 505 (D.C. Cir. 1996) citing Aptheker v Secretary of State, 378 US 500, 515 (1964). Judge Singal's designation to the District of New Hampshire is in violation of 28 USC § 292(b) because it violates the temporary clause in the statute.

Furthermore, each designation is conditioned upon adhering to 28 USC § 295, which reads:

> "All designations and asignments of justices and judges "shall" be filed with the clerks and entered on the minutes of the courts from and to which made." (emphasis added).

Judge Singal's designation was not filed in the District Court of Maine and the District Court of New Hampshire, as required by law; and was not entered on either court's minutes, also required by law. This is evinced by exhibit B, which is attached to this motion. Therefore, as these prerequisite conditions have not been met, Judge Singal's designation was and is invalid.

When a statute claimed to restrict authority is not merely technical but embodies a strong policy concerning the proper administra-

tion of judicial business, the Supreme Court has treated the alleged defect as jurisdictional. Glidden Co. v Zdanok, 370 US 530, 535-36 (1962). Designation is a significant issue for the federal judicial system. Id @ 533. The Supreme Court has held the designation statutes [§ 291 et. seq.] embody weighty congressional policy concerning the proper organization of the federal courts, see Nguyen v US, 539 US 69, 79 (2003). The courts cannot ignore the violation of a designation statute, to do so, would create authority Congress has quite carefully withheld. Id @ 80. If a statute makes a judge incompetent to sit, the decrees in which such judge made, are unlawful and void; and should be set aside or quashed by any court having authority to review it. Id @ 78.

The error claimed herein, is not merely technical, it involves a violation of a statutory provision the "embodies a strong policy concerning the proper administration of judicial busines," thats because of the violations of the statutes 28 USC §§ 292(b) and 295, therefore, the presiding officer (Judge Singal) lacked jurisdiction. When the error claimed by the defendant is jurisdictional, the error may be raised on collateral review without being subjected to procedural default analysis. Morris v US, 2010 US Dist Lexis 85055 (N. D. Iowa) citing US v Mooring, 287 F3d 725, 727 (8th Cir. 2002). A cognizable claim for 28 USC § 2255 is one where the court lacked jurisdiction.

No court can exercise jurisdiction, except in the cases, and in the manner and form defined and prescribed by Congress. A judge must be properly designated to exercise jurisdiction. Blackwell v Zollino, 267 B.R. 724, 727 (W.D. Texas 2001), which was not the case here. One may argue, these lengthy interstate cross-designations are needed to expedite the business of the courts and to maximize its resources in a fashion that brings the least interruption to court dockets. Notions of expediency and propriety may not be substituted for the considered will of Congress, expressed in the clear and unambiguous terms of a statute. Caroline Products Co. v US, 140 F2d 61, 64 (4th Cir. 1994) citing Purity Extract and Tonic Co. v Lynch, 226 US 192 (1912).

Judge Singal being designated for 7 years straight cannot reasonably be considered "temporarily" in the normal sense of the word.

Judge Singal's designation and the First Circuit's policy concerning interstate cross-designations of district judges, do not conform to the statute, but instead circumvent it; actions taken by a court that circumvent a statute interfer with the due and orderly administration of justice. Freshman v Atkins, 269 US 121, 124 (1925), and what is originally wrong to begin with, can never be made right by repetition and use.

The chief circuit judge's order designating Judge Singal was never filed in either court, as required, nor did either court enter the designation order on its minutes. This alone is enough to render Judge Singal's designation void, coupled with the perpetual nature of said designation, the only reasonable conclusion to be reached, is Judge Singal's designation was and is unlawful.

In conclusion on this claim, Petitioner assails the authority and jurisdiction of Judge Singal to entertain this motion. Since Judge Singal's designation was contrary to law, he lacked jurisdiction or authority to convene a jury, to hear argument, to issue decrees, to enter judgment or to take any action of any kind whatsoever regarding case # 07-cr-189-GZS; and it should therefore be concluded that said case is a nullity, void ab initio, and without force or effect.

Further, all the district judges of Maine and Rhode Island should be disqualified from entertaining this motion. These judges are all in violation of 28 USC 292(b), considering their perpetual designation status to the District of New Hampshire. Petitioner has a statutory right to have a judge "temporarily" designated, not perpetually; and Petitioner should not be required to go to the very judges for his remedy, who petitioner is claiming are in violation of the law, to do so, would be a conflict of interest, because these judges have an interest in keeping the power of their expanded jurisdiction.

B. Second Claim: In the Alternative...

If for some ostensible reason, the court determines, the First Circuit's designation policy concerning New Hampshire, Maine and Rhode Island, which are carrying out perpetual interstate cross-designations of their district judges as long as they are tenured; and specifically District Judge George Z. Singal's 7 plus year continuous designation

complies with the temporary clause of 28 USC § 292(b) and doesn't circumvent it, then the statute itself is unconstitutional for allowing such designations to occur, because then § 292(b) violates the separation of powers principle, the appointment clause and the Sixth Amendment.

1. Separation of Powers Violation

The separation of powers principles are intended, in part, to protect each branch of government from incursion by the others, the structural principles secured by the separation of powers protects the individual as well. Bond v US, 180 L.Ed 2d 269, 280 (2011).

a. Unlawful Expansion of Jurisdiction

Article III, Section I, of the Constitution delegates the authority to Congress to establish inferior courts. In doing so, Congress has the authority to set statutory limitations upon the performance of judicial duties, that affect the power and jurisdiction of judges. Congress exercised this prerogative with direct unambiguous terms, by inserting the limitating temporary clause in 28 USC § 292(b); and as far as inferior courts are concerned, Congress' statutes are the law of the judicial realm; and no policy or procedure of the inferior courts is of any validity if it does not conform to the statutes. The First Circuit, under a pretense of law, has encroached on Congress's prerogative via circumventing § 292(b)'s limitating temporary clause, by interstate cross-designating district judges indefinitely as long as they are tenured.

For example: Maine District Judge D. Brock Hornby has been designated, without cessation or interruption, to the Districts of New Hampshire and Rhode Island continuously for over 18 years, specifically something § 292(b) militates against.

The way the First Circuit has structured these intracircuit designations between New Hampshire, Rhode Islane and Maine has trumped Congress' authority, by neutering § 292(b)'s limitating temporary clause. The affect this has — is the arbitrary expansion of these district judge's jurisdiction beyond what Congress intended, regardless whether or not the designated judge presided over any cases.

The failure of Congress to make district judges ex officio justices of other districts indicates that § 292(b) was not intended to make a broad grant of power or jurisdiction. In re Chicago R.I. and P.R.Co., 162 F2d 606, 613 (7th Cir. 1948). Thus, bringing the Judiciary outside their sphere of power and into Congress' sphere of power, mainly legislating the jurisdiction of the inferior courts, in violation of the separation of powers doctrine; and upsetting the constitutional system of checks and balances, by letting the courts manipulate their own jurisdiction. Since § 292(b) allows for this manipulated expansion of jurisdiction, it is an unconstitutional statute.

b. Creates Unlawful Judgeships, Altering the Structure of the Courts

A sitting federal district judge is appointed by the President to exercise the jurisdiction of a specific district court, whose territorial boundries are explicitely defined. Congress determined how many judgeships per district, see 28 USC § 133(a). Congress allows for temporary designations of district judges outside their appointed district. In a meaningful sense, if the designation is not temporary, but instead perpetual, as they are here, a new judgeship is gained by the designee judge. This perpetual position on another court is tantamount to the creation of new judgeships, in each of the three districts, not by law but by judicial fiat. In no reasonable way can this be considered a mere outgrowth of their existing responsibilities, to the contrary, Congress explicitely forbid this type of conduct by inserting the limitating temporary clause in the designation statutes. This is so evident a truth, that common sense blushes at the thoughts of denying it. A judge designated to another court becomes a full-fledged member of that court. Comer v Murphy Oil, 617 F3d 1049, 1064 (5th Cir. 2010).

If truth and reason shall be allowed to interpose, one can quickly see that the aggregate of the district judges are members of each New Hampshire, Rhode Island and Maine districts, at all times, thus altering the number of judgeships per each district court. The power to create judgeship positions is of legislative origin and to appoint judges to these positions, perpetually, was granted to the president by Congress. For the Judiciary to exercise either of these powers ab-

sent legislative grant, violates separation of powers principles, which is the case here, thus § 292(b) allows this to occur, therefore the statute is unconstitutional.

2. Appointment Clause Violation

Articla II, Section 2, Clause 2 of the Constitution delegates the authority to Congress to decide whether the President, Court of Law or Heads of Departments make the appointment of inferior officers. The Congress decided the President as the one to appoint district judges, see 28 USC § 133(a). As discussed supra, since designations of district judges are allowed to be perpetual, this act as a virtual amendment to the district judge's original appointment, considering they are now district judges on multiple courts in three different states, at all times, creating new judgeship positions for the designee judges, requiring appointment by the President, but instead, the Judiciary is doing the appointing.

A "<u>temporary</u>" assignment of a judge does not violate appointment clause. <u>US v Cavanagh</u>, 807 F2d 787, 795 (9th Cir. 1986) (emphasis added). Since § 292(b) allows for 5, 10, 15, 20 or more years for a district judge to be continuously designated, it cannot reasonably be deemed temporary in the ordinary sense of the word; therefore it violates the appointment clause. Since § 292(b) allows for the usurpation of Congress's choice of who appoints district judges; and it allows for this trespass on the President's power of appointment, therefore it is unconstitutional.

3. Sixth Amendment Violation

The Constitution's Sixth Amendment notifies us that:

> "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crimes shall have been committed, <u>which district shall have been previously ascertained by law</u>."

Thus Petitioner has the right to a trial in a district made certain by Congress. A district has certain attributes, including but not limited to: (1) fixed territorial boundries; (2) district must be within a single state; (3) fixed number of district judges; (4) officers continue in office as before, meaning duties have not changed; and (5) records retained within the district. reason tells us, to alter any

attribute, is to alter the original district's defining characteristics. US v Benson, 31 F 896, 898 (9th Cir. 1887)(opinion by Circuit Justice Field).

28 USC § 133(a) fixes the nimber of district judges for the Dis-of New Hampshire at 3, maximum. At the time of Petitioner's trial in 2008, the District of New Hampshire consisted of its allotment of 3 district judges, appointed by the President, with one being a senior judge emeritus. But it also had the following full-fledged judges: first, from the District of Maine, each cross-designated without cessation: (1) D. Brock Hornby since 1992 (16 years); (2) George Z. Singal since 2001 (7 years); (3) John A. Woodcock, Jr. since 2004 ( 4 years) and second, from the District of Rhode Island, each cross-designated without cessation: (4) William Smith since 2004 (4 years) and (5) Mary M. Lisi since 1995 (13 years). For a total of 8 fully-fledged members of the District Court of New Hampshire, willing and able to exercise its jurisdiction, at all times, Comer @ 1064 supra. The number of judges has been altered in violation of the Sixth Amendment. It must be noted these designations may be longer, this is as far back as Petitioner could verify each judge's designation; each judge is still designated to this day.

The District Judges of New Hampshire are charged with new duties than the ones Congress allocated or prescribed; and that which the President appointed them for. New Hampshire District Judges have been fully-fledged judges, without cessation, sitting on the District Courts of Maine and Rhode Island, ever since they became a district judge, i.e., Joseph A. DiClerico since 1992 (16 years); Steve J. McAuliffe since 1994 (14 years); and Paul J. Barbadaro since 1994 (14 years). The judges duties have been altered in violation of the Sixth Amendment.

Furthermore, the First Circuit's policy concerning these types of interstate cross-designations is not general throughout the circuits, it is atypical. It is the only circuit perpetually cross designating its district judges across state lines.

Other aspects of notoriety concerning these tpes of designations, are that they promote district judges to disqualify themselves for the slightest whimsical reasons, because they know all these judges are

perpetually designated, it is basically saying "how can we get the judges we want to the cases we want them to preside over," as happened in Petitioner's case, it amounts to "judge shopping."

This fact is borne out by the Honorable George Z. Singal's designation, out of all the district judges in the First Circuit, four times in a row, to each case Petitioner had a role in: case nos. 07-cr-189-GZS, 08-cv-73-GZS, 09-cr-30-GZS and 10-cv-218-GZS. The chances of that happening randomly, is less than one percent.

Whats happening is, the district judges are selecting what judge sits on what case, amongst the judges of these three interstate districts, using the guise of these feeble disqualifications to carry out their agenda. The chief circuit judge is not even aware of the who, what, where, when and why a particular designation took place. This is evinced by the fact no designation order from the chief circuit judge was ever physically sent to either district nor entered unto either district's minutes. It acts as a virtual unauthorized delegation of authority to the district judges, allowing district judges to control the designations of district judges, something they are not empowered to do.

Due process requires a fair and impartial process. the way § 292 (b) is being implemented, allows this partial process of judge shopping to occur. How can it be an impartial judge when a partial process put him or her on a particular case? In any event, this part is not a due process claim, but nevertheless, it suits to highlight the partiality and real potential for corruption that is being created by the unconstitutional implementation of § 292(b).

As noted above, the attributes of the District of New Hampshire have been altered from what Congress had legislated, i.e. the number of judges per district have been altered, the judge's duties and jurisdiction have been altered, the district boundries have been altered, and the district is encompassed by more than one state. The factual effect of these lengthy or perpetual designations and assignments under § 292(b) was to destroy the Districts of New Hampshire, Rhode Island and Maine, creating a virtual super district, blending the three districts into one, which is a district not previously ascertained by law, in violation of the Sixth Amendment.

STIPULATION

I, the Chief Executive, or my designee, of the United States Courts for the First Circuit, does here and now stipulate that the following statements below are facts, which are true and correct, to the best of my knowledge:

1) Maine District Judge D. Brock Hornby was designated using 28 USC § 292(b), to each district of New Hampshire and Rhode Island, in one year increments, meaning from January 1 to December 31, for the years 1992 through 2010.

2) Maine District Judge George Z. Singal was designated using 28 USC § 292(b), to each district of New Hampshire and Rhode Island, in one year increments, meaning from January 1 to December 31, for the years 2001 through 2010.

3) Maine District Judge John A. Woodcock, Jr. was designated using 28 USC § 292(b), to each district of New Hampshire and Rhode Island, in one year increments, meaning from January 1 to December 31, for the years 2004 through 2010.

4) New Hampshire District Judge Joseph A. Diclerico was designated using 28 USC § 292(b), to each district of Rhode Island and Maine, in one year increments, meaning from January 1 to December 31, for the years 1992 through 2010.

5) New Hampshire District Judge Steven J. McAuliffe was designated using 28 USC § 292(b), to each district of Rhode Island and Maine, in one year increments, meaning from January 1 to December 31, for the years 1994 through 2010.

6) New Hampshire District Judge Paul J. Barbadoro was designated using 28 USC § 292(b), to each district of Rhode Island and Maine, in one year increments, meaning from January 1 to December 31, for the years 1994 through 2010.

7) Rhode Island district Judge William E. Smith was designated using 28 USC § 292(b), to each district of Maine and New Hampshire, in one year increments, meaning from January 1 to December 31, for the years 2004 through 2010.3

8) Rhode Island District Judge Mary M. Lisi was designated using 28 USC § 292(b), to each district of Maine and New Hampshire, in one year increments, meaning from January 1 to December 31, for the years 1995 through 2010.

____________________ Date

____________________ Print Name

____________________ Sign Name

____________________ Title

Exhibit A

Daniel-John:Riley
[14528-052]
PO Box 33
FCI/CMU Terre Haute
Terre Haute, Indiana 47808

November 09, A.D. 2010

United States Courts for the First Circuit
Office of the Circuit Executive
Deputy Circuit Executive: Susan J. Goldberg
1 Courthouse Way - Suite 3700
Boston, Massachusetts 02210

RE: REQUEST FOR PUBLIC INFORMATION OR IN THE ALTERNATIVE STIPULATE TO THE FACT SUCH PUBLIC INFORMATION EXISTS

I graciously thank you for your timely response dated October 14, 2010 to my previous inquiry. I have been referred to your office by the Public Affairs Office of the Administrative Office of the U.S. Courts with regards to the following public information. I respectfully request the following public information (which is based on the public record):

For EACH district judge, their 28 USC § 292(b) designation document, signed by the Chief Circuit Judge, from their appointed district to the designated districts, for the years specified, for a total number of designation documents:

| district of appointment | judge | years | districts designated | total # docs |
|---|---|---|---|---|
| Maine | D. Brock Hornby | 1992 to 2010 | New Hampshire | 18 |
| | | | Rhode Island | 18 |
| Maine | George Z. Singal | 2001 to 2010 | New Hampshire | 09 |
| | | | Rhode Island | 09 |
| Maine | John A. Woodcock, Jr. | 2004 to 2010 | New Hampshire | 06 |
| | | | Rhode Island | 06 |
| New Hampshire | Joseph A. Diclerico | 1992 to 2010 | Maine | 18 |
| | | | Rhode Island | 18 |
| New Hampshire | Steven J. McAuliffe | 1994 to 2010 | Maine | 16 |
| | | | Rhode Island | 16 |
| New Hampshire | Paul J. Barbadoro | 1994 to 2010 | Maine | 16 |
| | | | Rhode Island | 16 |
| Rhode Island | William E. Smith | 2004 to 2010 | New Hampshire | 06 |
| | | | Maine | 06 |
| Rhode Island | Mary M. Lisi | 1995 to 2010 | New Hampshire | 15 |
| | | | Maine | 15 |

Total designation documents requested ................................ 208

In the alternative, to make things easier and more convenient, then forwarding 208 documents to me, I have provided a stipulation to the above stated factual information. If you acquiesce to my ascertainment of the facts, then please sign and date the enclosed stipulation as laid out, and forward it to me at the above address, at your earliest convenience. Thank you for your time and consideration. If there is a fee involved please just let me know, again thank you.

Daniel-John:Riley
Daniel-John:Riley

Exhibit A

Daniel-John:Riley
[14528-052]
PO Box 33
FCI/CMU Terre Haute
Terre Haute, Indiana 47808

January 12, A.D. 2011

United States Courts for the First Circuit
Office of the Circuit Executive
1 Courthouse Way - Suite 3700
Boston, Massachusetts 02210

Certified Mail 7008 1830 0000 2303 9033

RE: 2nd Attempt

On November 9, 2010 I mailed a request (see enclosures) seeking public documents or in the alternative, for you to stipulate to certain facts. I again politely request the same again, as detailed in the attached enclosures. A response is respectfully requested. If no answer is received, its still an answer; and such absence of a response, within fourteen (14) calendar days from the receipt of this "2nd Attempt," will be deemed the First Circuit Executive's admittance to the facts as delineated in the enclosed document titled "STIPULATION."

I thank you for a timely response to this humble request.

Daniel-John:Riley
Daniel-John:Riley

c.c. file

encls.

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

U.S. Courts First Circuit
Circuit Executive
1 Courthouse Way - 3700
Boston, Massachusetts
02210

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature
X D. Crowell ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7008 1830 0000 2303 9033

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Exhibit A

Daniel-John:Riley
[14528-052]
PO Box 33
FCI Terre Haute
Terre Haute, Indiana 47808

April 29, A.D. 2011

Clerk of the Court
United States District Court
District of Maine
156 Federal Street
Portland, Maine 04101

N O T I C E

RE: Follow Up Request

Dear Clerk,

I am in receipt of your response to my humble request of April 18th instant for a copy of the minute orders, as per 28 USC § 295, of the Chief Circuit Judge's designation of Maine District Judge George Z. Singal to New Hampshire, for the years: '06,'07,'08 & '09. With all due respect, your response of the docket for case no. 1:07-cr-189-GZS, does not satisfy my notice/request. The docket is similiar to the court's minutes, but yet they are separate and distinct of one another.*

I, with all due respect, humbly implore my request upon the Court Clerk again, believing I have made a clear succinct request the Court Clerk can easily understand; with the rational assumption the clerk knows the difference between the court minutes and a case docket.

If no response is received within fourteen (14) calendar days from the day you receive this request/notice, it will be deemed the Court Clerk's admission that no such designation orders exist on the Court's minutes, so if thats truly the case, no such response is required.

I thank you for your previous timely response; and the time and consideration to respond to this humble request, its really appreciated.

Respectfully submitted,
Daniel-John: Riley
Daniel-John:Riley

* Black's Law Dictionary 8th Ed.

Minute Order 1. An order recorded in the minutes of the court rather than directly on a case docket.

For mailing certification purposes, this document and the envelope with the mailing date and first class postage, were photocopied prior to being placed in the prison's mail system.

c.c. file

DANIEL JOHN RILEY
Name
[14528-052]
Reg. No.

- ☐ Federal Prison Camp, P.O. Box 12014, Terre Haute, IN 47801
- XX Federal Correctional Institution, P.O. Box 33, Terre Haute, IN 47808
- ☐ U.S. Penitentiary, P.O. Box 12015, Terre Haute, IN 47801

⇔14528-052⇔
District Court Us
Attn: Court Clerk
156 Federal ST
E.T. Gignoux Courthouse
Portland, ME - 04101
United States

SPECIAL MAIL
MAILED ON April 29, 2011

Exhibit R

Daniel-John:Riley
[14528-052]
PO Box 33
FCI/CMU Terre Haute
Terre Haute, Indiana 47808

April 06, A.D. 2011

Clerk of the Court
United States District Court
District of New Hampshire
Room 110
55 Pleasant Street
Concord, New Hampshire 03301-3941

RE: Request for Public Information

Dear Clerk,

I beg leave to lay before you this humble request with all due respect, with regards to 28 USC § 295. I politely request a copy of the designation entries on the Court's minutes for the following judges:

1) Maine District Judge, George Z. Singal, 2006,2007,2008 & 2009

2) Maine Magistrate Judge, David M. Cohen, 2007

If no such designation entry exists on the Court's minutes for the judges in the corresponding years listed, can you please so state in writing.

If no respons is received within twenty one (21) calendar days from the day you receive this request/notice, it will be deemed the Court Clerk's admission that no such designation entries, as listed, exist on the Court's minutes, so if thats truly the case, no such response is required.

I thank you for your time and consideration to respond to this humble request, it is sincerily appreciated,

respectfully submitted,
Daniel-John: Riley
Daniel-John:Riley

For mailing certification purposes, this document and the envelope with the mailing date and first class postage were photocopies prior to being placed in the prison's mail system.

c.c. file

⇔14528-052⇔
United Sta Tes District Court
for New Hampshire
Room 110
55 Pleasant Street
Concord, NH - 03301 - 3941
United States

MAILED ON: April 06, 2011

SPECIAL MAIL

[14528-052]
Name
Reg. No.

☐ Federal Prison Camp
P.O. Box 12014
Terre Haute, IN 47801

☒ Federal Correctional Institution
P.O. Box 33
Terre Haute, IN 47808

☐ U.S. Penitentiary
P.O. Box 12015
Terre Haute, IN 47801

Exhibit B