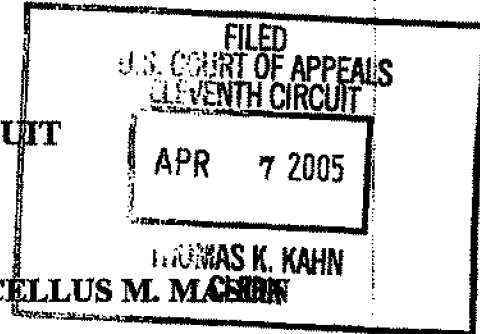


**CONFIDENTIAL**  
**BEFORE THE CHIEF JUDGE**  
**OF THE ELEVENTH JUDICIAL CIRCUIT**

Miscellaneous No. 05-0008

**IN THE MATTER OF A COMPLAINT FILED BY MARCELLUS M. MASON**



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IN RE: The complaint of Marcellus M. Mason, against Donald L. Graham, United States District Judge for the United States District Court for the Southern District of Florida, under the Judicial Conduct and Disability Act of 1980, Chapter 16 of Title 28 U.S.C. § 351-364,

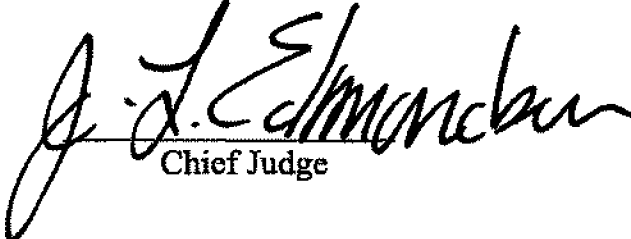
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**ORDER**

Mr. Marcellus M. Mason filed this complaint against U.S. District Judge Donald L. Graham pursuant to Chapter 16 of Title 28 U.S.C. § 351(a) and Addendum III to the Rules of the Judicial Council of the Eleventh Circuit.

In this complaint, the single (unsupported) allegation that has not already been determined in previous complaints filed by Mr. Mason against Judge Graham is that Judge Graham *intentionally* falsified his March 31, 2001, Civil Justice Reform Act Report in an attempt to *conceal* the fact that he had not ruled on one of Mr. Mason's motions for over 15 months. Notwithstanding the fact that the motion in question was pending for more than six months, and the fact that the March 31, 2001 report is incorrect, Mr. Mason has not presented any information, evidence or documentation to support his claim to suggest that the omission of this motion on this CJRA report was an intentional attempt by Judge Graham to conceal his failure to rule on the motion.

The allegations of this Complaint are "frivolous", "successive", and "appropriate corrective action has been taken". Therefore, pursuant to Chapter 16 of Title 28 U.S.C. § 352 (b)(1)(ii) and Addendum III Rules 4 (b)(3) and (4) and 18(c) this Complaint is **DISMISSED**.

  
Chief Judge

00027989

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## Docket No. 05-0008

Saturday, January 29, 2005

J.L. Edmondson  
c/o Thomas K. Kahn, Clerk  
U.S. Court of Appeals for the 11th Circuit  
56 Forsyth St. N.W.  
Atlanta, Georgia 3030

Judge Edmondson, I believe your job is to investigate, not to seek a contrived or concocted reason for a summary dismissal. However, I have lightened your load by making all the documentation necessary to investigate this matter publicly available on the Internet. In general you can visit any of four different websites for documentation: (1)<http://secretlaw.com>; (2)<http://geocities.com/mcneilmason/>; (3)<http://donaldlgraham.blogspot.com>; (4)<http://mmason/freeshell.org>; Moreover, I have cited to the Internet where the appropriate documents can be downloaded.

Judge Graham has been accused of: intentionally lying and misrepresenting the law; refusing to rule on a motion for a preliminary injunction for more than 15 months; allowing scores of motions to go undecided; and usurping legal authority. These allegations were specifically mentioned and supported by actual documents in the following cases with the Eleventh Circuit: Direct Appeal, Case No. 01-13664-A, mandamus, Case No. 01-15754, however there is no mention of these allegations in any of these actions. It would appear that a law clerk at the Eleventh Circuit gave himself permission to simply ignore these very serious allegations because they can not be denied. This is unacceptable and simply will not be tolerated. Mr. Donald L. Graham is going to be held accountable for his actions. Please see URL:

<http://mmason/freeshell.org/refusetodiscuss.html>; and <http://mmason/freeshell.org/trickery/trickery.htm>. It would appear that the Eleventh Circuit is unwilling to address allegations of misconduct by a federal judge either by the appellate process or by Section 372(c) complaint. Congress did make the appellate process and section 372(c) mutually exclusive. Your court has refused to address these allegations of misconduct in all forums, as your court has not found a forum where it wants to discuss and investigate these allegations. Answers like the following are insufficient and simply will not be tolerated:

*The allegations of the Complaint are "directly related to the merit of a decision or procedural ruling" and or Action on the complaint is no longer necessary because of intervening events, and therefore moot". Consequently, pursuant to 28 U.S.C. § 372(c)(3)(A) and (3)(B) and Addendum Three Rule 4 (a)(2), this Complaint is DISMISSED.*

There is no such thing as lying on the merits, or refusing to rule on motions on the merits, or usurping legal authority on the merits. You are going to have to insult the Congress and the Supreme Court's intelligence now.

Congress did not intend for Chief Judges to rid themselves of complaints of misconduct by simply citing, without investigation and substantiation, the summary dismissal clause of the statute. However, if they did, they should know. To that end, a copy of this complaint has been mailed to the 2004 Rehnquist-Breyer Commission, the Chairman and ranking member of both the Judiciary Committee of the House of Representatives and Subcommittee on Courts, and J. Kennedy and Chief Justice Rehnquist as well.

## ALLEGATIONS OF MISCONDUCT SUPPORTED BY THE RECORD

- **Lying and intentionally misrepresenting the law.** Graham stated in my lawsuit that I could not state a claim under 42 U.S.C. § 1981 against a state actor while at the very same time he allowed a Plaintiff to state a claim under 42 U.S.C. § 1981 against the very same state actor. In my lawsuit, Case No. 99-14027-CIV-Graham, Graham's Court stated: *"Counts Eight, Nineteen, Twenty-One, Twenty-Three and Twenty-Five deal with §1981 claims. This Court believes that those claims should likewise be dismissed pursuant to the Eleventh Circuit's opinion in [Butts v. County of Volusia, 222 F.3d 891\(11th Cir. 2000\)](#). In Butts, the Eleventh Circuit held that §1983 constituted the exclusive remedy against state actors for violation of rights contained in §1981. The Plaintiff has a valid §1983 count pending concerning his termination of employment. He has two Title VII claims as well as a disparate treatment claim pending. The Plaintiffs response does not give sufficient reason why he is entitled to plead a §1981 claim in light of the Butts decision. Therefore, this Court is going to recommend to the District Court that Counts Eight, Nineteen, Twenty-One, Twenty-Three and Twenty-Five be dismissed with prejudice."* See [Page 3](#), Report and Recommendation, (DE #435), [Page 1](#), URL: <http://www.secretlaw.com/NewComplaint/HelpLetters/DE-435/New/P2394948.jpg>; [Page 2](#), URL: <http://www.secretlaw.com/NewComplaint/HelpLetters/DE-435/New/P2395120.jpg>, [Page 3](#), URL: <http://www.secretlaw.com/NewComplaint/HelpLetters/DE-435/New/P2395222.jpg>, [Page 4](#), URL: <http://www.secretlaw.com/NewComplaint/HelpLetters/DE-435/New/P2395620.jpg>, [Page 5](#), URL: <http://www.secretlaw.com/NewComplaint/HelpLetters/DE-435/New/P2395722.jpg>, [Page 6](#), <http://www.secretlaw.com/NewComplaint/HelpLetters/DE-435/New/P2395812.jpg>, [Page 7](#), [Page 8](#), and [Page 9](#). Graham signed this Report and Recommendation. See Order (DE #466), URL: <http://www.secretlaw.com/NewComplaint/HelpLetters/DE-466/P2392413.jpg>, [page 2](#), <http://www.secretlaw.com/NewComplaint/HelpLetters/DE-466/P2395357.jpg>. At the very same time, Graham was saying that I could not state a claim against a state actor under §1981, he was allowing the Plaintiff to state a claim under §1981 against the very same state actor, Highlands County Board of County Commissioners, in Case No. 00-14094-CIV-Graham, [Fa Nina St. Germain v. Highlands County Board of County Commissioners](#). Fa Nina St. Germain's §1981 claims were disposed of on the facts, not the law and not [Butts v. County of Volusia, 222 F.3d 891\(11th Cir. 2000\)](#), in Case No. 00-14094-CIV-Graham. See [Pages 2](#), Order on Summary Judgment, pages Case No. 00-14094, ([PDF](#)), url: <http://www.secretlaw.com/NewComplaint/HelpLetters/00-14094/de58.pdf>, ([Doc. 58, JPG](#)), pps: [2](#), [3](#), [4](#), [5](#), [6](#), [7](#), [8](#), [9](#), [10](#), [27](#). Clearly, Judge Graham either lied to me or Fa Nina St. Germain as he could not have told the truth to the both of us.

- **Refusing to Rule on an important motion.** Allowing a motion for a preliminary injunction for to languish in court for 574 days and not making a ruling. The motion for preliminary injunction was initially filed on November 24, 1999. See (DE #39). See [PacerReportsDocketEntries99-14027.html](http://www.secretlaw.com/NewComplaint/HelpLetters/PacerReportsDocketEntries99-14027.html), URL: <http://www.secretlaw.com/NewComplaint/HelpLetters/PacerReportsDocketEntries99-14027.html>. Essentially, Graham gave himself permission not to rule on a motion for injunctive relief. Despite repeated requests, Graham refused to disclose why he wouldn't rule on the motion for a preliminary injunction. As a side matter, when I filed [petition for mandamus](#), <http://www.secretlaw.com/NewComplaint/HelpLetters/11305/MandamusPetition.pdf>. (Case No. 01-11305) with the Eleventh Circuit, the Eleventh Circuit simply stated: "*His mandamus petition, however, is frivolous because he has failed to establish that he is entitled to mandamus relief to compel the district court to rule on his motion for preliminary injunction.*" See Order Dated April 26, 2001, [page 1](#), URL: <http://www.secretlaw.com/NewComplaint/HelpLetters/11305/P2176502.jpg>, [page 2](#), URL: <http://www.secretlaw.com/NewComplaint/HelpLetters/11305/P2176601.jpg>.
- **Allowing scores of motions to languish** in court for up to 8 months and not taking any action<sup>[1]</sup>.
- **Usurping legal authority** by telling me, a non lawyer, that I must seek the permission of a private for profit law firm in order to request public records under Florida Law, or to speak with the government directly. Moreover, this injunction is was issued by a mere Magistrate Judge who by law can not issue an injunction. In fact, no judge has the authority to tell anybody that they cannot communicate with the government. This is a really stupid order that is not worth debating. "*Plaintiff shall correspond only with Defendants' counsel including any requests for public records.*" ([DE #246](#)), URL: <http://www.secretlaw.com/NewComplaint/HelpLetters/P2173532.jpg>; [page 2](#), URL: <http://www.secretlaw.com/NewComplaint/HelpLetters/P2173717.jpg>; See also ([DE #201](#)), URL: <http://secretlaw.com/NewComplaint/HelpLetters/DE201Orders/de201.pdf>, where Judge Graham's Magistrate outlaws direct communication with the government. Additionally, even though Judge Graham was sued personally for acting in clear violation of all legal authority, neither Judge Graham, the Assistant U.S. Attorney, nor the Eleventh Circuit would state where Judge Graham got the legal authority to render these orders, ([DE #201](#)), URL: <http://secretlaw.com/NewComplaint/HelpLetters/DE201Orders/de201.pdf>; ([DE #246](#)), <http://secretlaw.com/NewComplaint/HelpLetters/DE201Orders/de246.pdf>. See [Graham's Lawuit](#), <http://secretlaw.com/NewComplaint/HelpLetters/GrahamLawsuit.html>.
- **Concealing Information and falsely completing a Civil Justice Reform Act Report.** When Judge Graham completed his Civil Justice Reform Act Report for March 31, 2001, he shows that he had no motions pending for more than 6 months. This information is false because the motion for a preliminary injunction had been pending for more 492 days or about 16.4 months. [CJRA Report](#), URL: <http://www.secretlaw.com/NewComplaint/HelpLetters/CivilJusticeReformActReport.pdf>. See above. Congress did not engage in a meaningless exercise in passing the Civil Justice Reform Act, it wanted accurate information. Mr. Graham does not have the legal authority to conceal the fact that he failed to rule on a motion for more than 15 months.

I am going pound away at Judge Graham's RECORD. This Court is powerless to stop the truth of these allegations. The Eleventh Circuit and individual judges can only ruin its own reputation. Judge Graham's record has been downloaded by every segment of the legal community.

Sincerely,

Macellus M. Mason  
218 Atterberry Drive  
Sebring, FL 33870  
Phone: 863-314-9307

CC:

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Washington, D. C. 20543

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