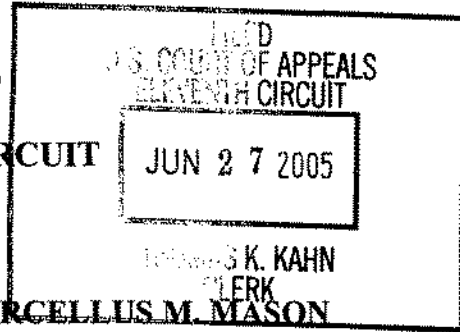


CONFIDENTIAL
BEFORE THE CHIEF JUDGE
OF THE ELEVENTH JUDICIAL CIRCUIT

Miscellaneous No. 05-0012

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



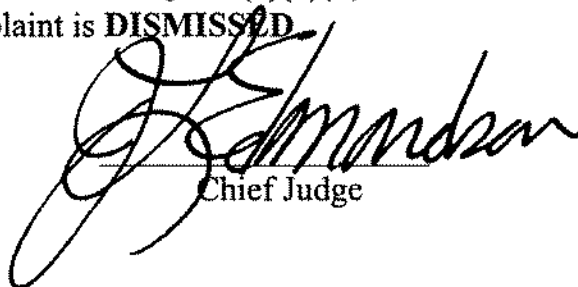
IN RE: The complaint of Marcellus M. Mason, against Donald L. Graham, United States District Judge for the United States District Court for the Southern District of Florida, under the Judicial Conduct and Disability Act of 1980, Chapter 16 of Title 28 U.S.C. § 351-364.

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, there are four allegations that have not been determined in previous complaints filed by Mr. Mason against Judge Graham. Mr. Mason complains that Judge Graham abused his office by ordering him to appear at a Status/Motion hearing held on January 14, 2005, and that Judge Graham scheduled this hearing without any attempt to talk with him or his attorney about dates that were suitable for them. Mr. Mason also complains that Judge Graham ordered him to answer intimidating questions at this hearing without warning him that his statements could be used against him even though the U.S. Attorney and U.S. Probation offices were represented and present at this hearing. Mr. Mason further complains that Judge Graham improperly and without good cause sent the U.S. Marshals to his home in an attempt to intimidate him and that Judge Graham used the Marshals as his own private police force.

The allegations of this Complaint are "directly related to the merits of a decision or procedural ruling", frivolous", and the allegations of the complaint "lack any factual foundation or are conclusively refuted by objective evidence" and "successive". Therefore, pursuant to Chapter 16 of Title 28 U.S.C. § 352(b)(1)(ii) and Addendum III Rules 4(b)(2)(3) (4) and 18 (c) this Complaint is **DISMISSED**.


Chief Judge

Monday, February 07, 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.

Mr. Graham¹ 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. Equally important, 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. What forum will make you and the Eleventh Circuit happy enough to discuss the veracity of the allegations I have made, or have Mr. Graham respond? 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 sending a deputy U.S. Marshal to my home "on the merits", or ordering me to come to "Status/Motion Hearing" with the AUSA and U. S. Parole in attendance on a closed civil case.

¹ I refer to Judge Donald L. Graham as Mr. Graham as sign of my disrespect and contempt for him personally.

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.

SPECIFIC ALLEGATIONS OF MISCONDUCT AND JUDICIAL ABUSE

1. Mr. Graham abused his office by having the U.S. Marshall, Keith L. Kluttz, come and interrogate me at my home on or about February 5, 2004 when he had no earthly reason to do so.
 2. Mr. Graham abused his office by ordering me to come to “Status/Motion Hearing” on January 14, 2005 on a closed civil case, 99-14027.
 3. Mr. Graham conducted a quasi criminal hearing under the guise or cloak of a “Status/Motion Hearing” in a civil matter. The AUSA and U.S. Parole were attendance at this “Status/Motion Hearing”. I was unrepresented by a competent criminal defense lawyer.
 4. Graham ordered me to answer his intimidating questions in violation of my Fifth Amendment rights. Mr. Graham gave me no warning that my statements could be used against me even though the U.S. Attorney and U.S. Probation were in attendance.
- On January 9, 2005, Mr. Graham concocted what he termed a “Status/Motion Hearing” order.
 - This order was then certified on January 10, 2005 by one of Mr. Graham’s clerks.
 - This order specifically demands that the following individuals be there: Frank Smith, U.S. Probation, Robert Waters, AUSA, Lynn Waxman, Appellate Attorney, Maria Sorolis, counsel for Highlands County.
 - This order was picked up by Fedex on January 10, 2005 and delivered to my home on January 11, 2005.
 - Mr. Graham scheduled this hearing for January 14, 2005 at 15:30 in Fort Pierce. Mr. Graham was already scheduled to be in Fort Pierce on this date. Mr. Graham made no effort to talk to me or my appellate attorney about dates that would be convenient to us. Mr. Graham made no prior contact with me or Ms. Waxman.
 - At this hearing, Mr. Graham made absolutely no mention of the merits of any pending motion in the civil case, 99-14027. Mr. Graham kept saying the case was closed and not to ‘file’ anymore Rule 60(b), Fed.R.Civ.P.motions or requests to file Rule 60(b), Fed.R.Civ.P. motions.
 - Mr. Graham asked U.S. Probation about the terms of my probation. Why is this needed in a civil matter?
 - For what purpose did AUSA Robert Waters and US Parole Officer Frank Smith attend a “Status/Motion Hearing” in a civil matter?
 - Mr. Graham has refused to put any of the “commands” he made in writing so that they could be held up to public scrutiny. Mr. Graham felt it important enough to hastily concoct a “Status/Motion Hearing”, but not important enough to memorialize is “commands” to writing.

- Mr. Graham does not have the legal authority to demand, under the threat of arrest, that I attend a “Status/Motion Hearing” on a closed civil case.
- Mr. Graham had a deputy US Marshall come by my home and interrogate me without the presence of counsel even though criminal contempt case was pending, Case No. 02-14020-CR-Moore. I was questioned by the U.S. Marshall without benefit of having an attorney present.
- Mr. Graham had no probable cause to send the US Marshal to my house. The mere fact that Mr. Graham disagrees with my unrelenting attacks on his record and personal integrity is not sufficient reason to “sick the dogs on me”, or US Marshal. The US Marshal’s office is not Mr. Graham’s private police force.

I don’t know how it could be anymore clear that Mr. Graham used his office and legal procedures illegally in an effort to intimidate me. However, having said that, I am going pound away at Mr. 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. Mr. Graham’s record has been downloaded by every segment of the legal community. Incidentally, is there some reason why Mr. Graham is not ordered to respond to any of the allegations being made against him? If the allegations that have made against Mr. Graham had been made against me, I would have responded immediately. Are you and the Eleventh Circuit scared of Mr. Graham’s answers?

Sincerely,

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

CC:

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