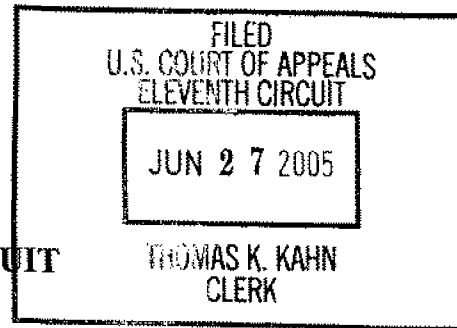


**CONFIDENTIAL
BEFORE THE CHIEF JUDGE**

OF THE ELEVENTH JUDICIAL CIRCUIT

Miscellaneous No. 05-0020



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

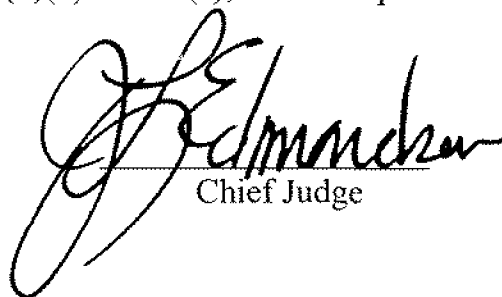
IN RE: The complaint of Marcellus M. Mason, against Donald L. Graham, United States District Judge for the United States District Court for the Southern District of Florida, under the Judicial Conduct and Disability Act of 1980, Chapter 16 of Title 28 U.S.C. § 351-364.

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 Mr. Mason, although worded differently than his previous complaints, re-makes the allegation that Judge Graham denied him access to the courts by summarily denying a string of motions for in forma pauper status and that Judge Graham did not identify either of the only two reasons allowed for such denial.

The allegations of this Complaint are “directly related to the merits of a decision or procedural ruling” and “successive”. Therefore, pursuant to Chapter 16 of Title 28 U.S.C. § 352(b)(1)(ii) and Addendum III Rules 4(b)(2) and 18(c), this Complaint is **DISMISSED**.


Chief Judge

Wednesday, February 16, 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 authority¹. 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. Under the standard set forth in Chudasama v. Mazda Motor Corporation, 123 F.3d 1353 (11th Cir. 1997), Mr. Graham should have been disqualified for failing to manage the docket alone², without mentioning the lying and usurping legal authority, either of which required disqualification. 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. §

¹ In Addition to the Internet, these allegations are fully supported and documented in my Complaint dated January 29, 2005, Complaint No. 05-0008, ALLEGATIONS OF MISCONDUCT SUPPORTED BY THE RECORD, pps. 2-4.

² "(2) A judge should hear and decide matters assigned, unless disqualified, and should maintain order and decorum in all judicial proceedings" *Code Of Conduct For United States Judges*, Canon 3A "(5) A judge should dispose promptly of the business of the court." Id.

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, denying *in forma pauperis* applications arbitrarily. Mr. Graham is not permitted to thwart access to the Courts.

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 Judicial Conduct and Disability Act Study Committee, 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.

BACKGROUND INFORMATION

This Complaint should not only be viewed and adjudged on its own merits, but it should also be viewed in context with the other 372(c) complaints filed against Mr. Graham and docketed under Case Nos. 05-0008, 05-0011, 05-0012, and 05-0013. The totality of these complaints will demonstrate a reckless behavior and contempt for the laws of this country. These documented acts of misconduct easily support the notion that “Judge” Graham must be impeached forthwith.

On September 20, 2001, Judge Graham rendered an injunction or “pre-filing” screen requirement against me which subjects my right to seek redress in the courts against alleged government tortfeasors involved in this matter. See 99-14027-CV_Graham, (DE #878), URL: <http://secretlaw.com/NewComplaint/HelpLetters/DE-878/de878.pdf> . In this order, Judge Graham boldly admits that it was issued *sua sponte*.

ALLEGATIONS OF MISCONDUCT SUPPORTED BY THE RECORD

- Mr. Graham has an extensive history of employing a myriad of tactics which are designed to thwart access to the courts and deny appellate review. As previously stated in my Complaint dated January 31, 2005, Mr. Graham concocted a patently illegal “pre-filing” or screening injunction. See 99-14027-CV_Graham, (DE #878), URL: <http://secretlaw.com/NewComplaint/HelpLetters/DE-878/de878.pdf> . To further augment and solidify his effort to deny me access to the Courts, Graham ordered me not to file motions or requests under Rule 60(b), Fed.R.Civ.P. In addition to above tactics, and the subject of this complaint, Graham has denied me access to the courts by making a string of arbitrary denials of *in forma pauperis* (IFP) applications. See Eleventh Circuit and Judge Graham make a mockery of the In Forma Pauperis Statutes , URL: <http://secretlaw.com/NewComplaint/HelpLetters/ifp.html>. *In forma pauperis* applications can be denied for two reasons only, untrue allegations of poverty and frivolousness. See Denton v. Hernandez, 504 U.S. 25 (1992). Mr. Graham does not cite, less known substantiate either reason. In these denials there isn’t any pretense of law or facts to support these decisions. Mr. Graham by his unwillingness to share any legal reasons for these denials of IFP motions has virtually stated: “I am denying your IFP motion because I want to, the law be damned”. These arbitrary denials have included, but are not limited to the following instances:

	Case No.	Docket Entry #	URL
1	00-14201	9	http://secretlaw.com/NewComplaint/HelpLetters/00-14201/de9.pdf
2	00-14201	12	http://secretlaw.com/NewComplaint/HelpLetters/00-14201/de12.pdf
3	00-14201	13	http://secretlaw.com/NewComplaint/HelpLetters/00-14201/de13.pdf
4	00-14201	20	http://secretlaw.com/NewComplaint/HelpLetters/00-14201/de20.pdf
5	00-14201	22	http://secretlaw.com/NewComplaint/HelpLetters/00-14201/de22.pdf
6	99-14027	877 ³	http://www.geocities.com/mcneilmason/secret/99-14027/de877.pdf
7	99-14027	906 ⁴	http://secretlaw.com/NewComplaint/HelpLetters/DE-906/de906.pdf
8	00-14202	9	http://secretlaw.com/NewComplaint/HelpLetters/00-14202/DE-9/de9.pdf
9	00-14202	10	http://secretlaw.com/NewComplaint/HelpLetters/00-14202/DE-10/de10.pdf
10	00-14202	12	http://secretlaw.com/NewComplaint/HelpLetters/00-14202/DE-12/de12.pdf
11	00-14202	19	http://secretlaw.com/NewComplaint/HelpLetters/00-14202/DE-19/de19.pdf
12	00-14202	22	http://secretlaw.com/NewComplaint/HelpLetters/00-14202/DE-22/de22.pdf
13	00-14116	10	http://geocities.com/mcneilmason/secret/00-14116/de10.tif
14	00-14240	43 ⁵	http://geocities.com/mcneilmason/secret/00-14240/de43.pdf
15	01-14230	57 ⁶	http://geocities.com/mcneilmason/secret/01-14230/de57.pdf
16	01-14310	101	http://geocities.com/mcneilmason/secret/01-14310/de101.pdf
17	01-14078	8 ⁷	http://geocities.com/mcneilmason/secret/01-14078/de8.pdf
18	99-14027	939 ⁸	Not available on the Internet

- Graham allowed IFP motions to linger for months in violation of S.D.Fla. Local Rule 7.1.B.3 which calls for a hearing on motion in 90 days. ([DE #8](#), 9-18-2001). Plaintiff's motion was filed on 3/12/01 (DE #2). It took Graham more than six months to create a reason to deny this motion that was not denied until 9-18-2001. See ([DE #8](#), 9-18-2001).
- Graham deliberately stated misleading facts or outright lied in justifying his injunction of September 20, 2001, (DE 878), by using the very unfiled lawsuits that he denied me IFP

³ This order actually arbitrarily denies three different IFP motions. See (DE #796, #799,̫).

⁴ This is a really outrageous abuse of the IFP statute and an insidious attack my right for appellate review in that this IFP denial takes away my right to oppose a whopping \$200,000 attorney's fees judgment that Graham imposed against me.

⁵ In addition to denying the in forma pauperis application, Graham also expressly refuses to disclose his reasons for denying the IFP application by denying a Defendant's Motion for Clarification on Defendant's Motion to Proceed on Appeal In Forma Pauperis by stating: "Defendants Motion for Clarification on Defendant's Motion to Proceed On Appeal In Forma Pauperis:is DENIED as MOOT. ".

⁶ This was a particularly offensive abuse of the IFP statute because Graham disallowed me the opportunity fight off a judgment awarding attorney's fees of \$5340.00 when it knew for a fact that such a award would bankrupt Mason. (DE #48, pg. 4);(DE #51).

⁷ I had to file two motions for a ruling on his motion to proceed *in forma pauperis*. (DE #5);(DE #7).

⁸ This arbitrary denial comes despite the fact that Graham knows he has four 372(c) pending.

status to support this patently illegal injunction . For the purpose of justifying the injunction, (DE 878), Mr. Graham counted the following lawsuits as being "filed": (1)Case No. 00-14202, (2)Case No. 00-14201, (3)Case No. 00-14116, (4)Case No. 01-14074, (5)01-14078, See pgs. 1-2, DE-878, URL: <http://secretlaw.com/NewComplaint/HelpLetters/DE-878/de878.pdf>. Mr. Graham states, "*Marcellus M. Mason ("Mason") has filed eleven (11)cases and/or counterclaims in this District...*" **According to Mr. Graham's own definition of "filing", "A complaint is not considered filed until the filing fee is paid."** See (DE -10) Case No. 00-14201. See also (DE -10) Case No. 00-14202. No filing fee was paid in either of the above cases because Graham arbitrarily denied me the benefit of the *in forma pauperis* statutes. Using Graham's own definition there were only 11 minus 5 or 6 lawsuits "filed." Case No. 00-14240 which Graham also counts was actually filed by Highlands County, not me. Now Graham has only 5 lawsuits filed. Case No. 01-14230 was filed in state court and removed to the S.D. Fla. by Highlands County after Graham crafted the injunction where they knew the case would be assigned to Graham. See Notice of Removal, URL: <http://geocities.com/mcneilmason/secret/01-14230/NoticeOfRemoval.pdf>. Graham now has only four lawsuits that I filed, not the 11 he concocted. See Litigation Summary, URL:<http://secretlaw.com/NewComplaint/HelpLetters/LitigationSummary.doc> . The four remaining lawsuits Case Numbers 99-14042, 99-14257, 99-14314 were consolidated with Case number 99-14027.

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. Mr. Graham, Do you understand this matter is NOT over? Do you understand? In fact, I am reviewing Graham's record for more 372(c) complaints. Given Graham's extensive history this is an easy task. The other here is to have the Judicial Conduct and Disability Act Study Committee and Congress watch "sausage" being made with respect to section 372(c) complaints.

Sincerely,

Marcellus M. Mason
218 Atterberry Drive
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Phone: 863-314-9307

CC:

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