

James Dalton Bell; In Propria
Persona & Sui Juris; UCC 1-207,
without prejudice; PO Box 12015;
US Penitentiary, Terre Haute,
Indiana [47801]

Charles Bruce, Stewart In Propria
Persona & Sui Juris; UCC 1-207,
without prejudice; 19164
Barrington Avenue Sandy Oregon
[97055-5351]

Michael Hunter;
In Propria Persona & Sui Juris;
UCC 1-207, without prejudice;
1509 45th St., S.E.
Everett Washington [98203]

**In the United States District Court
For the District of Oregon at Eugene**

James Dalton, Bell; Charles Bruce, Stewart;	)	Case No. 02-1052
Michael Hunter; & all others similarly situated;)	
Accuser/Plaintiffs.	)	SECOND AMENDED/APPENDIX
	)	CLASS-ACTION COMPLAINT
- vs -	)	FOR VIOLATION OF
	)	CONSTITUTIONAL RIGHTS
DISTRICT COURTS OF TACOMA AND SEATTLE, JACK	)	& CIVIL RIGHTS
E. TANNER, FRANKLIN BURGESS, ROB LONDON,	)	42 U.S.C.S. §1983/1985;
ROBERT LEEN, JEFF GORDON, ANNE MARIE	)	BIVENS AND RICO
LEVINS, LESLIE SPIER, PETER AVENIA, JUDITH	)	18 U.S.C. §1964;
MANDEL, RYAN THOMAS LUND, PETER L. SHAW	)	SHERMAN ANTI-TRUST
(Appellate Commissioner of the Ninth Circuit Court of	)	15 U.S.C. §1, 2;
Appeals), UNKNOWN-NAMED AGENTS WHO	)	QUI TAM ACTION
INSTRUCTED LUND TO ASSAULT BELL, WILLIAM	)	UNDER 31 USC §3729-30;
MARTIN, STEVE WALSH a/k/a STEVE WILSON,	)	CIVIL FALSE CLAIMS ACT
MICHAEL MARKHAM, JILL SJODIN, WARDEN W.J.	)	31 USC 3729 et seq.;
JUSINO, S. YOUNG, NICOLE CUNNINGHAM,	)	INTERNATIONAL TERRORISM
AT WATER CASE MANAGER RON BROWN,	)	18 USC §23 3 3.
SEATTLE/TACOMA FEDERAL PROSECUTORS OFFICE,))	
TACOMA FEDERAL PROBATION OFFICE, UNKNOWN-	)	Action At Law
NAMED FEDERAL AND OTHER AGENTS	)	Trial by Jury Demanded
PARTICIPATING IN THREE SEARCHES OF BELL'S)	
RESIDENCE, AND THEIR AGENCIES; UNKNOWN-)	
NAMED VANCOUVER POLICE OFFICERS AND)	
SERGEANT DAVID KING, THREE	)	UNKNOWN-NAMED
FEDERAL MARSHALS, But including CHARLES)	
VOLLMER, LISA STEVENSON and	)	ERNIE GRIZZELL;

UNKNOWN- NAMED PORTLAND POLICE OFFICERS)
AND THE PORTLAND POLICE (But includes Officer)
Gunderson); UNKNOWN-NAMED INTERNAL REVENUE)
SERVICE AGENTS, MATT RICHARDS; UNKNOWN-)
NAMED AGENTS WHO FOLLOWED BELL FOR WEEKS)
BEFORE JUNE 23, 1998; UNKNOWN- NAMED AGENTS)
PARTICIPATING IN INSTALLING AND OPERATING)
ELECTRONIC TRACKING DEVICES IN RESIDENCES)
AND MEETING PLACES AND VEHICLES OF)
PLAINTIFFS AND PLAINTIFF CLASS IN 1996-2000)
TIME FRAME EMPLOYED BY ANY GOVERNMENT)
AGENCY OR GOVERNMENT CONTRACTOR ACTING)
UNDER COLOR OF LAW; VANCOUVER PROBATION)
OFFICE, UNKNOWN- NAMED RESIDENTS OF HOUSES)
ADJACENT TO PLAINTIFF BELL'S VANCOUVER)
WASHINGTON RESIDENCE ENGAGED IN DEFACTO)
GOVERNMENT- SPONSORED SURVEILLANCE AND)
CERTAIN OF THEIR PARTICIPATING RELATIVES)
(But including Daniel J.Saban & Dori J. Saban),)
FEDERAL PUBLIC DEFENDERS OF TACOMA AND SEATTLE;)
FDC SEAT AC COUNSELORS J. GUSTIN & A. WOLFE,)
SEAT AC LAWYER MONTOYA and OTHER UNKNOWN-)
NAMED SEATAC LEGAL STAFF, SEATAC GUARD)
MCNEIL, SEATAC LIEUTENANT GERMAIN, SEATAC)
EDUCATION MESLER, CLACKAMAS COUNTY)
)
SHERIFF'S DEPT. AND UNKNOWN-NAMED AGENTS)
WHO STOPPED BELL ON OR ABOUT NOV. 10, 2000,)
INTERNAL REVENUE SERVICE, TIGTA (TREASURY)
INSPECTOR GENERAL FOR TAX ADMINISTRATION),)
DEPARTMENT OF TREASURY, PORTLAND POLICE)
BUREAU, MULTNOMAH COUNTY SHERIFF,)
UNKNOWN-NAMED PERSONNEL OF THE NINTH)
CIRCUIT COURT OF APPEALS, UNKNOWN-NAMED)
ATF AGENTS, PHILLIP SCOTT, DEPARTMENT OF ATF,)
FEDERAL BUREAU OF PRISONS, DEPARTMENT OF)
JUSTICE, SEATAC COUNSELOR ORTIZ, PEGGY SUE)
JUERGENS, THE CITY OF PORTLAND, OREGON;)
UNKNOWN-NAMED ATF AGENTS (But including MIKE)
McNALL, PACIFIC NORTHWEST NATIONAL)
LABORATORIES; PIERCE COUNTY SHERIFF;)
VANCOUVER POLICE DEPARTMENT;SUNDOWN)
DEVELOPMENT CONSTRUCTION (a Washington)
Corporation); STEVEN L. LANE; JOHN MCKAY, HELEN)
)
BRIMNER; STATE OF WASHINGTON (A Lessor of Land)
Occupied by SeaTac FDC) ATWATER UNITED STATES)
)

PENITENTIARY; LOMPOC USP (and its Warden);
)
 PHOENIX FCI (and its Warden); ATWATER COUNSELOR)
 CHRISTINE MILLIGAN; COMMISSIONER OF
)
 INTERNAL REVENUE;)
 ALL OF THE ABOVE ACTING IN THEIR)
 OFFICIAL CAPACITY, UNDER COLOR OF)
 LAW, AND IN THEIR INDIVIDUAL CAPACITY)
 (as well as co-conspirators and agents of the conspiracy);
) WARDEN PAUL M. SCHULTZ (in official capacity only).
) Accused/Defendants, 14-July-03, Original Complaint)
)
 ANNA BROWN; GARR M. KING; JONATHAN SOLOVY,
)
 ATTORNEY CATHERINE FLOIT, UNKNOWN
)
 ATTORNEY (DAVID BUKEY ?), LAW FIRM OF BELL,)
 FLEGENHEIMER, & VANCE, JOHN RANSOM, 9)
 UNKNOWN-NAMED PERSONS RELATED TO 9th)
 CIRCUIT JUDGES; UNKNOWN-NAMED ATTORNEY-)
 GENERAL OF WASHINGTON STATE; CLACKAMAS)
 COUNTY, CLARK COUNTY, PIERCE COUNTY, &)
 EACH OF THE SHERIFFS OF THOSE COUNTIES; CITY)
 OF VANCOUVER; COLUMBIA BROADCASTING)
 SYSTEM (CBS); VANCOUVER COLUMBIAN)
 NEWSPAPER; PORTLAND OREGONIAN NEWSPAPER;)
 JESSICA STERN; NEW YORK TIMES; WIRED NEWS;)
 CNET NEWS;)
 Accused/Defendants, 2-Nov-04, First Amended Complaint)
)
 ANKER HAGGERTY; NINTH CIRCUIT COURT OF)
 APPEALS; AT LEAST FORTY (40) NINTH CIRCUIT)
 APPEALS COURT JUDGES & RELATED PERSONS .)
 Accused/Defendants, 6-Jan-06, Second Amended Complaint)

APPENDIX B

January 2006 Amendment/ Apendix to Civil Case 02-1052.
 File pursuant to ORS 12.220. (refile within 1 year)

RELEVANT OREGON PROCEDURAL LAW:

According to Erie RR v Tompkins (1938 Supreme Court) state procedural law is applicable suits filed in Federal Court. According to Oregon law ORS 12.220, plaintiffs are entitled to refile an amendment within one (1) year of a dismissal. This the plaintiffs hereby do.

NEW VENUE:

Oregon consists of a single federal judicial district. Plaintiffs may refile in any venue which would be proper. This plaintiffs hereby do.

On or about Nov 13, 1997, defendant United States of America. Acting through its subsidiary agency US Marshals Service, transported defendant Ryan Thomas Lund from Lane County jail in Eugene Oregon by road, Northbound in Interstate highway 5, through Salem Oregon, Marion County; and continuing North to Multnomah County jail, in or near Portland Oregon. They did this to enable Lund's attack on Bell done November 25, 1997; and that attack did so occur.

This new venue has been necessary because Portland Federal Court and its judges (including but not limited to King (Garr M.), Brown (Anna), and Haggerty (Ancer) have been named as defendants. Thus, the judges of Portland Federal Court have been possessed of a conflict of interest with plaintiffs under 28 USC 455 (a), (b). Judge Brown's conflict began no later than July 14, 2003; due to her participation in the dismissal of predecessor case 01-1085KI. Brown's conflict was reinforced by her selection in about November 2003 as a "sitting by designation" judge in case Barren (Barrow?) v Ashcroft, acting for Ninth Circuit Court of Appeals. (Ninth Circuit became a defendant on July 14, 2003; and defaulted in about Nov 2003.)

Similarly, Ancer Haggerty was possessed of a conflict of interest on Jan 7, 2005; as he had extensively acted as a "sitting by designation" judge in the Ninth Circuit Court.

Similarly, Garr M. King is possessed of a conflict of interest as he also acted as a "sitting by designation" judge in various cases decided by the Ninth Circuit Court of Appeals.

Judges King and Brown were added as defendants in all their capacities, including official capacity, with the amendment filed Nov 2, 2004.

LIST OF DEFENDANTS ADDED

ANCER HAGGERTY

Haggerty is added in his judicial, individual, official, color-of-law, administrative, co-conspirator, and agent of the conspiracy roles.

Plaintiffs have already attempted to add Haggerty as defendant subsequent to his Jan 7, 2005 Order; but the clerical staff of Portland Federal Court obstructed this filing in violation of Federal civil law and the Federal Rules of Civil Procedure.

APPEAL COURT JUDGES

At least forty (40) unknown-named persons, acting in part as Circuit Judges (or Senior Circuit Judges) of the Ninth Circuit Court of Appeals, but also acting in other non-judicial and non-jurisdictional capacities, are added in their judicial, individual, official, color-of-law, administrative, ministerial, co-conspirator, and agent of the conspiracy roles.

Ninth Circuit Court of Appeals, is the federal appeals court based in San Francisco, with satellite offices including in Portland Oregon.

(CBS Note # 1: Bell asked in his notes for blank space here, reason unknown)

(CBS Note 2; a page (page 4) from Bell's hand-written notes seems to be missing here. A letter has been sent to Bell, asking him to provide this missing text for inclusion later, probably by amendment.)

Further, numerous defendants have defaulted by failure to appear, in their claims added in the Nov 2, 2004; Amendment of 02-1052. These defaults were claimed, although the filings making that claim were obstructed by personnel of the Portland Federal Court, ostensibly acting pursuant to the Jan 7, 2005 "Order" in 02-1052, but in reality discriminating against plaintiffs.

As such, numerous defendants have waived numerous defenses: see F.R.Civ.P 12 (h).

DEFENDANTS MAY NOT RELY ...

Plaintiffs allege and claim that defendants, and all of them, were ware of the illegitimacy and illegality of the various "dismissals" in case 01-1085 (Sept 12, 2001), and 02-1052 (Sept 28 (?), 2004; Jan 7, 2005), and were in collusion with the court personnel, (judicial, administrative, clerical) who ostensibly promulgated those "dismissals". Therefore, it would be inequitable and illegal for those defendants to rely on the purported legitimacy of those dismissals to excuse their respective defaults.

Plaintiffs further allege that defendants were at all times aware of all conflicts of interest of Portland Federal Court, and especially those of Judges King, Brown and Haggerty, but failed to act to disclose those conflicts. They also conspired to seek and obtain the wrongful benefits derived from the concealment of the conflicts, and thus may not rely (legally or equitably) on those benefits or avoid the consequences.

(CBS Note 3: Bell's (our) previous complaint, to which this 2nd amendment/appendix is being added to; ended with "Claim 556". Bell now starts with "Claim # 650". I presume, that due to Bell's being lawlessly separated from his past legal papers, he has forgotten the precise numbering of his old complaint, and that this is the reason why these numbers are not precisely consecutive. I do not feel confident in diverging from Bells numbering system,.so this apparent error is repeated here-in. This will all hopefully be cured in an amended version of Bells complaint.)

Claim # 650: Defendant Anna Brown, acting pursuant to her conspiratorial agreement with each of the other defendants; agreed to acquire and did acquire control over civil case 02-1052, and acted to retain control despite their knowledge that Brown was subject to exclusive conflicts of interest cognizable under 28 USC 144 and 28 USC 455. Brown acted, and failed to act to recuse, despite hr (and their) knowledge that 28 USC 455 required her to immediately recuse on her own motion.

Claim # 651: During 2005, Brown (by inaction) wrongfully allowed Ancer Haggerty to improperly take administrative control of case 02-1052, and issue improper Orders in the case. Brown did this pursuant to her conspiratorial agreement, and especially to obtain the personal benefit of a dismissal of case 02-1052 in which she had become a defendant on Nov 2, 2004.

Claim # 652: During 2003, Anna Brown wrongfully accepted compensation and the prestige of accepting control over Ninth Circuit Appeal case Barrow v Ashcroft (9th, 2004), when she knew or should have known that case 02-1052 named Peter L. Shaw in official capacity: This meant that the Ninth Circuit was a defendant in 01-1052.

Claim # 653: During 2003 through 2004, Anna Brown wrongfully issued improper Orders and rulings in 02-1052, with the knowledge and agreement of each defendant as co-conspirators, designed and intended to impede, sabotage, and prevent justice in Portland Federal Court. These wrongful rulings included denial of Class Action status to which all plaintiffs (and potential class members) had right; Denial of appointed attorney for intentionally frivolous reasons (April 2004); dismissal of State of Washington for frivolous and illegal reasons.

Claim # 654: In December of 2004, agents of the defendant Federal Bureau of Prisons continued their conspiracy to obstruct Plaintiff Bell's right to justice in 02-1052, they also conspired to prevent and obstruct Bell's right to Appeal any wrongful rulings in 02-1052.

On or around Dec 6, 2004, unknown named BoP employees acted to forge and falsify various records held by the BoP - ostensibly applying to Plaintiff Bell. They acted to insert a false and fraudulent reference to a "history of serious violence", for the purpose of falsely raising Bell's numeric classification.

They did this with the intent of appearing to justify not transferring Bell to a "low security" facility (which they were obliged to do) so as Bell's classification was entirely false.

They also did this with the intent of raising Bell's false classification nearer (or above) the number "15" which would justify transferring Bell to a different United States Penitentiary.

Claim # 655: In about Jan 13, 2005, BoP employees proceeded to act to illegally transfer Bell to the custody of the US Marshals Service, with the knowledge and intent that the transfer would be illegally accomplish(ed) by means of false records and other fraud.

Claim # 656: BoP acted (and failed to act) according to their conspiratorial agreement with all other defendants to wrongfully retain control of Bell's property, including Bell's voluminous legal records, long after Bell's transfer to USP Terre Haute was complete (Jan 14, 2005).

On about Feb 26, 2005, BoP employees finally delivered Bell's property to a shipping agency, believed to be "UPS".

Further conspiracy by agents of the BoP delayed Bell's physical receipt of these records until March 16, 2005, intending and acting to obstruct Bell's ability to appeal the Jan 7, 2005 Order.

Claim # 657: Ancer Haggerty, acting pursuant to his conspiratorial agreement with all other defendants, wrongfully issued an "Order" on Jan 7, 2005 purporting to dismiss case 02-1052 for legally frivolous reasons. Haggerty acted to time the dismissal so that Bell would not receive it, or if he received it he could not act effectively on it, until well over 60 days past the Jan 7, 2005 issuance of that Order. Haggerty did so. In doing so, Ancer Haggerty was conspiring to obstruct the "alternative remedies" repeatedly cited in Supreme Court Decisions as justifying and allowing "absolute judicial immunities". Haggerty was attempting to prevent Bell and the other plaintiffs from issuing a notice of appeal, or preparing such an appeal, or from obtaining success in such an appeal. Haggerty did so.

Claim # 658: From at least Sept 16, 2004 to date, agents of the Federal BoP, acting pursuant to a conspiratorial agreement with all other defendants in 02-1052, acted to obstruct Plaintiff Bell's access to a law library, Bell's legal records, and communications to the outside world: They did so. They attempted to obstruct justice in 02-1052, and appeal case 05-35289, and they did so.

Claim # 659: From September 2004 to date, Judge Tanner of Tacoma Federal Court conspired to deny justice to Bell in case 00-5731. Bell filed a motion challenging that court's jurisdiction, and Tanner acted to ignore Bell's filings after October 2004. Tanner was aware he was obliged to vacate each of his conflicted rulings and recuse, but acting pursuant to his conspiratorial agreement (and to benefit himself and his fellow defendants) he failed and refused to do so. Tanner and his co-conspirators did this to continue and improve their obstruction of plaintiffs right to justice in 02-1052.

Claim # 660: Ancer Haggerty assisted the conspiracy on Jan 7, 2005, agreeing and acting to obstruct plaintiffs access to ordinary and necessary alternative remedies which the laws require, such as Rule 60 (b) motions, motions under 28 USC 455, and others. Haggerty conspired by agreeing to act, and acting, to obstruct "alternative remedies", but to provide solely the illusion of the possibility of an appeal.

Claim # 661: Administrative and clerical staff of Portland Federal Court conspired by acting to enforce Haggerty's illegal Jan 7, 2005 Order, which they knew to be unsupportable and contrary to Federal and Oregon procedural and substantive law. Further, these staff conspired by enforcing that order in an abusive and discriminating fashion: They did not refuse filings numerous filings by defendants, but refused all filings by plaintiffs.

Claim # 662: The conspiracy involved an agreement to appear to grant, but in fact to actually deny, plaintiffs right to appeal of the Jan 7, 2005 Order. Included in this conspiracy were unknown named judicial, clerical, administrative, and ministerial personnel of the Ninth Circuit Court of Appeals, but including all judges.

Claim # 663: These Ninth Circuit personnel agreed and acted to manufacture the illusion of an "appeal case", but in fact to ignore any and all laws, rules of Federal Procedure, Ninth Circuit rules, and state procedural rules, whenever those rules would provide any benefit or protection to plaintiffs. They agreed to ignore, and subsequently did ignore, Bell's frequent and numerous complaints about denial of his access to a law library, his legal records, and communications to the outside world.

Claim # 664: These Ninth Circuit personnel, acting pursuant to the conspiracy, agreed and acted to issue false, illegal, and improper rulings in any and all ways necessary to impede and defeat plaintiffs. Further, they agreed and acted to obstruct plaintiffs filings from the record and consideration, by means of taking improper and illegal hold of them after their arrival at the clerk's office of the Ninth Circuit, and in many cases permanently concealing them as if they had never arrived. They agreed to conceal from plaintiffs the fact of this diversion of these filings, and they attempted to do so. They agreed and acted to proceed falsely in the appeal case, which had become case # 05-35289, secretly knowing that filings had been concealed, and issue knowingly wrongful and improper rulings whose content was agreed would help conceal the docket forgery and fraud in 05-35289.

During the period of at least July 2005 to date, these Ninth Circuit personnel concealed numerous filings after their arrival by certified mail (or registered mail) at the Ninth Circuit clerks office.

Ninth Circuit personnel, acting pursuant to the conspiracy, agreed that they would ignore the numerous complaints by plaintiffs, including Bell and Stewart, about this sham, and they did so.

Claim # 665: A further aspect of the conspiratorial agreement was the agreement by the judicial and administrative staff of the Ninth Circuit that they would issue improper Orders to help conceal and divert attention from the improper mishandling of plaintiff s filings by Ninth Circuit personnel. They did so in November 2005, issuing an Order denying all "previous" motions, at a time when numerous motions had been recently discovered by plaintiffs to have been missing. A key part of this improper agreement and order was that it would not itemize the pending (or missing) filings, in order to conceal from the record the extent of the misconduct.

Claim # 666: All judicial personnel of the Ninth Circuit were aware that they were extensively conflicted with plaintiffs pursuant to 28 USC 455 (a) and (b), but they agreed and acted (and failed to act), fail(ed) to recuse, and to continue to improperly control case 05-35289 to deny plaintiffs all proper and necessary relief.

Claim # 667: During the period of Jan 2005 to date, agents of the BoP in Terre Haute USP agreed to act, and acted, to obstruct plaintiff Bell's access to the law library, Bell's legal records, and communications, for the purpose of denying Bell's (and plaintiffs) access to justice in cases 02-1052 and 05-35289.

Claim # 668: The co-conspirators, including all defendants, agreed to act and did act to obstruct plaintiffs right to benefit from the default claimed in case 02-1052 in December 2003, and agreed to obstruct plaintiffs filings, claiming a default subsequent to January 2005.

These co-conspirators agreed to act, and acted, and agreed to act in the future, to obstruct plaintiffs right to re-file case 02-1052, despite their right to do so under ORS 12.220 .

(End of Second Amendment/Appendix to this Complaint. CBS)