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7 **United States District Court**

Central District of California  
8 312 North Spring Street, Los Angeles CA 90012. 213-894-3535. **Judge Ronald Lew.**

9 Attorney Douglas Palaschak and his brother Jerry Palaschak,  
plaintiffs

v

10 FBI Special Agent Timothy Eley, U.S. District Court, LaSalle County  
Sheriff Tom Templeton, Deputy Mike Crain, Deputy Bob Scutt, Deputy  
11 Gary Simpko, Deputy Mike Rinner, FBI, United States, County of  
Ventura, State of California, John Thomas Connors, Willard McEwen,  
12 Anne Hanson, Sherri R. Carter, Kevin D. Kelly, David Nesbitt, Grey  
Davis, Governor of California in 1999, all persons who procured my  
13 extradition and prosecution, Investigator Glen Kitzman, Prosecutor Eric  
Bond, District Attorney Michael Bradbury, Part time U.S. Magistrate in  
14 Santa Barbara, Deputy Al Weigen, Deputy \_\_\_ in Illinois who took my  
law library, LaSalle county, State of Illinois, 2<sup>nd</sup> extradition deputy,  
15 Ventura Bailiff Vido, Ventura Judge Barry Klopfer, Illinois Supreme  
Court, Each justice of the Illinois Supreme Court sitting in May-  
16 September 1999, Governor of Illinois in 1999 Attorney General of  
Illinois in 1999, sheriff of LaSalle county, Court of Appeal of Illinois at  
17 Ottawa, Each Member of that court of appeal, Public Defender Dan  
Bute, the other public defender in Ottawa, Judge Becky Riley, Attorney  
18 Joel Steinfeldt, Conflict Defense Associates, Unremembered Ventura  
judges who participated, Two judges before whom I appeared in  
19 Illinois, Judge Steele, Judge Clark of Ventura, every member of the  
California Supreme Court who was a defendant in Acuna's 1994/95  
20 litigation against them, State Bar of California, every employee of the  
state bar and court who litigated against Palaschak to deprive him of  
21 his license, occupants of plaintiff's former Illinois farm home,

22 defendants.

Case #CV 00 10510 RSWL  
**3<sup>rd</sup> Amended Complaint**  
**#4055v4** for Money damages,  
and injunctive and declaratory  
relief.

23 **Contents:**

24 **Jurisdiction** ..... 1  
25 **I have spent the past year re-keying briefs and handwritten complaints in this case.** ..... 1  
26 **As I write this I am searching my files on computer for key words** ..... 1

PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.

1

2 **The federal license issue** ..... 1

3 **This is complex litigation. I am without funds or a decent home. I request merely adequate time.**

4 **Working. Remember that I request my bar license back immediately.** ..... 1

5 **Procedural Background - Previous attempt to file 2<sup>nd</sup> amended complaint. Ratification.** ..... 2

6 **Need for 3<sup>rd</sup> Amended Complaint** ..... 2

7 **Original complaint was filed within 1 year** ..... 2

8 **The Complaint was filed within 1 year; court clerks applied the wrong date stamp.** ..... 2

9 **Computation of Time Should be from the date of release - not the date of arrest and tolled during**

10 **disability of jail for 4 months.** ..... 3

11 **Kitzmann's failure to include transcript of court session with his request for warrant** ..... 3

12 **Don't reject this complaint for being disjointed while permitting the FBI to proceed with a complaint**

13 **(Exhibit C attached herewith) that is perjured and pretextual.** ..... 3

14 **Facts pertinent to Plaintiff Douglas Palaschak. Ventura unconstitutionally punishes him for advocacy.**

15 **.....** 4

16 **Four warrants for the same crime.** ..... 4

17 **Details of the 14 May 1999 arrest.** ..... 5

18 **Cause of Action: Timothy Eley, Tom Templeton, Mike Crain, Bob Scutt, Gary Simpko, Mike Rinner:**

19 **Violation of my right to speak and petition; conspiracy to violate my constitutional rights**

20 **.....** 5

21 **Review of Illinois statutes proves that Eley was not authorized to arrest for Ventura warrant** ... 7

22 **Cause of Action: Illinois Statutory Monetary Award for Denial of Paper Copy of Warrant** ..... 8

23 **The fraud and deceit by Ventura FBI and District Attorney employees** ..... 8

24 **Deceit by Eric Bond is in doing a police function - not a prosecutorial function** ..... 8

25 **Fraud and Deceit by Attorney Magistrate McEwen and his secretary Anne Hansen** ..... 9

26 **Fraud by David Kelly of Ventura FBI** ..... 10

27 **Pattern of Not Telling the Whole Truth and Not Giving me a Hearing.** ..... 10

28 **Patent Lie by FBI's Kelly regarding fact and date of "flight"; There was no flight.** ..... 11

**Is there Cooperation in the Ruse by the U.S. Attorney's office?** ..... 11

**PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

<b>Interference with access to courts by taking litigation notes from my home.</b>	<b>50</b>
<b>Cause of action: Taking of our possessions and home while we were gone.</b>	<b>51</b>
<b>List of Exhibits</b>	<b>59</b>
Exhibit A: Report by Special Agent Timothy Eley	59
Exhibit B: Arrest Warrant by Attorney Willard McEwen of Santa Barbara	59
Exhibit C: Perjurious Criminal Complaint by Kevin Kelly	59
Exhibit D: Non-Sworn hearsay untrue statement by Kevin Kelly	59
Exhibit E: Signature by Willard McEwen on the statement submitted to him - which shows that he did not know what he was doing.	59
Exhibit F: Copy of Business card taken from my desk in Illinois	59
Exhibit G: Letter from John Connors naming Eric Bond as his contact person.	59
Exhibit H: Warrant information regarding Judge Campbell's warrant.	59
Exhibit I: Letter from FBI denying my administrative claim.	59

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 **Jurisdiction**

3 1. This court has jurisdiction under 42 USC 1983, its enabling statute, directly under the constitution  
4 (as enunciated in *Bivens v Six unnamed agents of the Federal Bureau of Narcotics*), and under  
5 concepts of pendant jurisdiction.

6 **I have spent the past year re-keying briefs and handwritten complaints in this case.**

7 2. Although this complaint may seem slow in the making, it is only one of several complaints and  
8 petitions begun or written while I was in jail in 1999.

9 3. In order to be sure of the facts, I have gathered information from my diaries and pleadings which  
10 were handwritten in jail in 1999.

11 4. Also, some diary segments are missing, presumably taken by the people who moved into my house  
12 while I was in jail.

13 5. Being in jail requires writing things by hand which introduces a time consuming task years later when  
14 the litigation happens. That time consuming task is rekeying the information into the computer.

15 **As I write this I am searching my files on computer for key words**

16 6. Facts are provable with key information. The information must be retrievable. That is why it must  
17 be keyed into the computer - a process that I do in my daily life. When I lost months and parts of  
18 years of keying, that time to re-key must be taken **prior** to writing a good complaint.

19 7. Example: To find out when I talked to Attorney Hughes, I searched for his name in my 3<sup>rd</sup> quarter  
20 diary.

21 **The federal license issue**

22 8. On July 30, 2001, Judge Lew said that I could not represent my brother.

23 9. I have never had any process regarding my federal license.

24 10. In Re Ming supports my contention that process is due.

25 11. where a federal defendant (state bar of California and California Supreme court) conspire to take  
26 my bar license, the federal court may not defer to them and take the federal license.

27 **This is complex litigation. I am without funds or a decent home. I request merely adequate time.**

28 I can only shower when my friend permits me to use his shower. Fortunately this same friend paid  
half a month's rent for a commercial office where I can sleep - but that place has no shower, bath, cooking  
facilities, or other amenities - and I may be forced to leave for inability to pay rent.

**Working. Remember that I request my bar license back immediately.**

I worked at Labor Ready for some weeks in May and June -and during that time some defendants  
were dismissed without notice to me. I accumulated \$400 which left very quickly. Today my clothes are  
dirty and I feel yucky from not bathing. I received some food stamps but I used them. I plan to borrow \$30  
to pay for gasoline to drive to the heart of Los Angeles and pay parking to file this amended complaint. My

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 phone installation bill and electric deposit will be due soon. My web site is free. I can do some work and  
3 some litigation but my life goes out of balance if I ignore work or this case.

4 **Administrative Claim was filed and denied.**

5 12. I filed the administrative claim timely. Although it was after the 2<sup>nd</sup> anniversary of my arrest, it was  
6 within the 2<sup>nd</sup> anniversary of my release.

7 13. Common law requires that time be tolled during periods of disability including my incarceration in  
8 Ottawa without access to a law library.

9 **Procedural Background - Previous attempt to file 2<sup>nd</sup> amended complaint. Ratification.**

10 14. Jerry Palaschak affirmed the 1<sup>st</sup> amended complaint in writing. It has not yet been filed with the  
11 court.

12 15. Douglas Palaschak lodged a 2<sup>nd</sup> amended complaint with the court clerk in early July or June 2001.  
13 The clerk rejected it for lack of a court order permitting it. In court July 30<sup>th</sup> 2001, at Palaschak's first  
14 appearance in this case, Judge Lew seemed to be saying that he already asked me to file a 2<sup>nd</sup>  
15 amended complaint - which would imply that he issued such an order but that the clerks did not know  
16 about it.

17 **Need for 3<sup>rd</sup> Amended Complaint**

18 16. This 2<sup>nd</sup> amended complaint is not yet perfected but plaintiff has been requested to serve the  
19 summonses - and some complaint, perfect or not, must accompany the summonses, and also,

20 17. this complaint answers some questions of fact that have been presented by counsel for the FBI.

21 18. Plaintiff intends to further perfect this complaint.

22 19. This case is about an arrest in Illinois and extradition to California for the crime of writing a petition.

23 20. I expected the federal defendants to acknowledge receipt of the summons and complaint pursuant  
24 to rule 18A.

25 **Need for assistance of U.S. Marshall**

26 21. If they will not do so, then I must ask for the assistance of the federal marshall.

27 22. I contacted the U.S. Marshall. They will not assist me without a court order.

28 **Original complaint was filed within 1 year**

29 23. **The Complaint was filed within 1 year; court clerks applied the wrong date stamp.**

30 24. The Complaint is not time barred.

31 25. The complaint reached this court on Thursday 21 September 2000 - on the 1<sup>st</sup> anniversary of the first  
32 day of my 4 day trial for having petitioned for redress of grievances.

33 26. On 21 September 1999 I was still in constructive custody of the police. I was subject to immediate  
34 imprisonment should I fail to appear at trial that day and the following days.

35 27. I wrote the following statement and sent it with cover letter #4084 and the complaint #4055:

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 "Wednesday, September 20, 2000. 2:58 PM I am writing an amended complaint and by the time  
3 you receive this, an amended complaint will likely be on its way. I am late filing this due to being  
4 falsely incarcerated and then having lost my home and job due to the false arrest, but I am within  
that 1 year which expires 24 Sept, Sunday, which rolls over to Monday."

5 28. I dispatched the complaint by UPS overnight service on 20 September.

6 29. The UPS website contains (or did contain at one time) a detailed log of each step of the journey.

7 30. My complaint arrived at the court in Los Angeles on 21 September 1999.

8 31. The date on the file stamp of the original first complaint is wrong due to mistake of the court clerks.

9 32. The filing stamp on the complaint is wrong because the clerk sent it to the pro se department where  
it sat.

10 33. It should be re-stamped nunc pro tunc.

11 34. I filed the complaint in this case using UPS service so that it would arrive prior to the 1 year  
anniversary of my trial in Ventura at which time I remained subject to the pain of imprisonment  
should I fail to appear for trial.

12 35. Having reviewed my contemporaneous diary notes I now affirm the following: I dispatched the  
13 complaint in this case by UPS air on 20 September, 2000. It was guaranteed to arrive the next day,  
14 21 September, 2000 - on the one year anniversary of the first day of my trial in Ventura.

15 36. My trial in Ventura began on Tuesday 21 September, 1999 and ended on 24 September, 1999.

16 **Computation of Time Should be from the date of release - not the date of arrest and tolled during  
disability of jail for 4 months.**

17 37. Had the prosecution done the right thing and dismissed even as late as the 24<sup>th</sup> while the jury was  
18 out, I would have suffered less pain of threat of imprisonment.

19 38. I was released on my own recognizance on approximately 14 September 1999 as I recall, after  
serving 4 months in jail because I could not afford the high bail.

20 39. In Illinois my bail was \$250,000 according to some court papers (although I thought I remember  
21 \$500,000.) In California it was \$5000 until reduced to \$0.

22 **Kitzmann's failure to include transcript of court session with his request for warrant**

23 40. In obtaining the arrest warrant, the prosecution failed to disclose that they possessed (or should have  
24 possessed) an exculpatory audio recording of the court session upon which the arrest warrant was  
predicated.

25 **Don't reject this complaint for being disjointed while permitting the FBI to proceed with a  
complaint (Exhibit C attached herewith) that is perjured and pretextual.**

26 41. This complaint may seem disjointed because there are so many issues. The section that  
27 immediately follows was handwritten in Illinois before I was extradited to California. The next

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 section discusses events in California.

3 42. My goal has been to put my thoughts on paper contemporaneously each day before I forget with the  
4 thought that further refinement could be achieved once the facts are on paper. That is consistent  
5 with the goal of a concise statement of facts.

6 43. The short concise statement of facts is a goal that takes time and effort - and may not even be  
7 possible in some cases.

8 44. However, my efforts to preserve a record have been stymied by the people who moved into my  
9 Illinois house while I was in jail in California. They did not return my letters to me. I wrote myself  
10 letters from jail containing details of each days events including violations of my rights.

11 45. I learned the virtue of mailing out my diaries when I was in the Ventura county jail in 1979. I kept  
12 a record in my cell. Deputies raided my cell and tore up my diaries to prevent me from accurately  
13 relating the events that transpired there.

14 46. At every step Plaintiff Palaschak protested to deaf ears that the 1<sup>st</sup> amendment gave him immunity.

15 **Facts pertinent to Plaintiff Douglas Palaschak. Ventura unconstitutionally punishes him for  
16 advocacy.**

17 47. Plaintiff is a zealous courageous advocate of the oppressed. As a result of his zealous prosecution  
18 of bureaucratic instruments of oppression he has incurred the wrath of powerful bureaucracies,  
19 namely The state bar of California, Ventura traffic court, and the Ventura district attorney.

20 **Four warrants for the same crime.**

21 48. Exhibit H attached relates that a warrant was issued by Judge Campbell of Ventura. If this warrant  
22 is the basis for arrest, then extradition proceedings should have been used; the procedure of issuing  
23 a pretextual warrant is dishonest and denies defendant his constitutional fight to be free.

24 49. At various times the excuse for arrest has been:

- 25 a. Warrant for 18 USC 1073 - See exhibit B attached.
- 26 b. Warrant by Judge Klopfer of Ventura - a former defendant in my civil case.
- 27 c. Warrant by Judge Campbell - See Exhibit H attached.
- 28 d. Warrant by Judge Clark - appears in the extradition papers to replace Klopfer warrant.

49. In 1993, prior to the arrest warrant by Ventura Judge Klopfer, Palaschak sued Judge Klopfer for a  
civil rights violation.

50. Palaschak has battled with the state bar. He represented his fellow California sole practitioners in  
this new (1990) unconstitutional pseudo-court. Palaschak sued the state bar court in federal court  
for violation of the civil rights of is client lawyers.

51. Just as the late William Kunstler suffered the imposition of a 4 year prison sentence by Judge Julius  
Hoffman for his zealous advocacy in the case of the Chicago 7, so Palaschak also suffers baseless

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 attacks. (Kunstler's sentence was overturned on appeal.)

3 53. In 1993 the Ventura district attorney's investigators raided Palaschak's office using a very general  
4 warrant that is best described as a writ of assistance.

5 54. Then, as now, they accused Palaschak of practicing law without a license.

6 55. Ventura district attorney delivered a press release to the Los Angeles time which then reported in  
7 a large headline that I was in jail accuse of 7 felonies. In fact the district attorney was mistaken.  
8 Palaschak was indeed licensed. No criminal complaint was ever filed. Palaschak was released after  
9 6 days in jail. The district attorney kept Palaschak's computer, money client files, files, and other  
10 property for one year. They read 3 years of Palaschak's diaries.

11 56. In 1996 Palaschak became overwhelmed by attacks by the aforementioned bureaucracies.

12 57. In 1996 Palaschak returned to his first love, farming.

13 58. In 1997 Palaschak moved into a farm house in Illinois.

14 59. He lived there from August 1997 until the date of his arrest by the FBI, May 14, 1999, leaving the  
15 state only twice to attended family functions in Wisconsin.

16 60. Prior to his July 1999 extradition Palaschak had been in California since August 1997.

17 61. Palaschak's parents cannot understand why Palaschak's bail was so high - and lost faith in  
18 Palaschak.

19 62. The violation of Palaschak's diaries was similar to the violation of the McSurelys as told by Caroline  
20 Kennedy in "in our Defense" Avon books, 1991. See also McSurely v McClellan 753 F 2d 88 (D.C.  
21 Cir 1985).

22 63. The McSurelys required 14 years to resolve their violation.

23 64. Palaschak has not listed all of the outrageous abuses by the bar and the Ventura prosecutor and  
24 bench.

25 **Details of the 14 May 1999 arrest.**

26 65. On 14 May 1999 Brothers Jerry and Douglas Palaschak returned to their farm to find 3 Crown  
27 Victoria Sedans in their driveway.

28 66. Having been alerted by telephone of FBI inquiries, and having received discovery in the Ventura  
case in 1998, Douglas Palaschak was not surprised.

**Cause of Action: Timothy Eley, Tom Templeton, Mike Crain, Bob Scutt, Gary Simpko, Mike  
Rinner: Violation of my right to speak and petition; conspiracy to violate my constitutional rights**

67. On 14 may 1999 Defendants Eley, Templeton, Crain, Scutt, Simpko and Rinner went out onto the  
highways to intimidate Palaschak for having been a witness in California cases and to conspire with  
others to so intimate him by arresting him.

68. All defendants knew that the arrest was a pretext, that Palaschak had indeed not been lawfully

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 accused in any court of violating 18 USC 1073.

3 69. All defendants acted under color of state law at the request of Ventura district attorney and former  
4 prosecutors now judges.

5 70. Douglas Palaschak walked into his house and found 5 or 6 men wearing suits and guns.

6 71. The report of FBI Special Agent Timothy Eley was an exhibit in the FBI' motion to dismiss.

7 72. Until reading this report, Palaschak did not know the names of the deputies who assisted the FBI.

8 73. In his report, Eley names the persons who assisted in the arrest.

9 74. Assisting in the arrest on 14 May 1999 were: LaSalle county Sheriff Tom Templeton, his Captain  
10 Mike Crane, his Captain Bob Scutt, his Sgt. Gary Simpko, and his Corporal Mike Renner.

11 75. FBI Agent Timothy Eley amicably arrested Palaschak for "interstate flight to avoid prosecution for  
12 practicing law without a license." (Added 18 May 2001 in retrospect: Palaschak was not accused of  
13 practicing law without a license; he was accused rather of advertising to be entitled to practice law  
14 at a time when his license was suspended.)

15 76. Eley did not follow federal law.

16 77. The warrant said to take me to a magistrate.

17 78. Eley operated under false pretense, under color of **state** law.

18 79. Eley had the actual sheriff himself with him.

19 80. Eley knew that the federal charge was bogus.

20 81. Eley knows very well that the First Amendment is pre-eminent among our laws.

21 82. I told Eley that I was innocent.

22 83. I heard Eley tell my brother that I was unique to him because he had never arrested anybody for  
23 unauthorized practice of law.

24 84. Unauthorized practice of law is abbreviated "UAL" by bar officials.

25 85. Had Eley checked his own documents for their veracity he would have discovered that 6126 is **not**  
26 UAL.

27 86. California B&P code 6125 is UAL.

28 87. By comparison B&P 6126 is advertising.

88. Either way, speech is involved,

89. Eley was duped by police in Ventura.

90. FBI agent Eley told Jerry Palaschak: "Your brother is unique. I've never arrested anybody for  
practicing law without a license before."

91. At the jail, Eley told me that the FBI only gets involved if the underlying crime is a felony.

92. California Business and Professions code §6126 was modified circa 1996 to make it violative of the  
equal protection clause and thereby unconstitutional.

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 93. §6126 prescribes a misdemeanor punishment for 1<sup>st</sup> time offenders except for former bar members;  
3 their penalty is felony punishment.

4 94. FBI agent Eley refused to permit me to read his I.D. card.

5 95. FBI agent Eley said "These federal cases usually go away". He said that the FBI provides a locator  
6 service for local police.

7 96. The federal warrant directed that I be taken before a federal magistrate forthwith. It has been 35  
8 days and I have not been taken before a federal magistrate. (Added 18 May 2001: My research reading  
9 Am Jur regarding extradition shows that extradition law is much like criminal law was 100 years ago. In other  
10 words, extradition law is 100 years behind the times.)

11 97. Reserved

12 98. Reserved

13 99. Reserved

14 **Review of Illinois statutes proves that Eley was not authorized to arrest for Ventura warrant**

15 100. On the basis of all that transpired I conclude that FBI agent Eley had no intention of executing the  
16 federal arrest warrant. At first I thought that I would wait at La Salle county jail to be arraigned in  
17 Chicago.

18 101. On 28 August 2001 Palaschak conducted more investigation into this case. He talked with FBI  
19 supervisor Mack in Ventura. He talked with Laura at McEwen's office.

20 102. FBI agent Eley is not authorized under Illinois statute (725 ILCS §225/14) to arrest. 725 ILCS  
21 §5/107-4 defines "peace officer." FBI agent Eley is not a peace officer. FBI agent Eley is not a "law  
22 enforcement agency" as defined in 725 ILCS §5/107-4. Therefore the FBI could not lawfully arrest  
23 Palaschak under the Illinois uniform extradition act which is 725 ILCS §224/14 which limits arrest  
24 to peace officers and private persons. FBI agent Eley is not a private person for this purpose and  
25 the FBI had no probable cause regarding the underlying crime which probable cause is a  
26 prerequisite to arrest and continued detention.

27 103. When I attempted to explain that the 1<sup>st</sup> amendment protects speech and press and may not be  
28 abridged, FBI agent Eley raised his hand and said "I don't want to hear about the underlying crime."

104. FBI agent Eley and Palaschak chatted amicably at the LaSalle county jail immediately after arrest.  
FBI agent Eley wanted to collect information about the underlying crime. Palaschak declined.  
Palaschak wanted to discuss what would happen. FBI agent Eley seemed reluctant to discuss his  
role - as though the arrest completed his task. He assured Palaschak that **"the federal case is  
usually dismissed."**

105. Inescapable conclusion: FBI agent Eley made a **pretextual arrest!** He knew that there was no  
federal case and he knew that nobody could arrest for extradition without probable cause which

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 requires evidentiary facts and circumstances to sustain arraignment. See 725 ILCS §225/13 and  
3 31A Am Jur 20.

4 106. Conclusion: 1<sup>st</sup> cause of action: false pretextual arrest by FBI agent Eley in violation of U.S.  
5 constitution. See *Bivens v Six Unknown Agents of the Federal Bureau of Narcotics* (1971) 29 L Ed  
6 2d, 403 US 388, 91 S Ct 1999.

6 **Cause of Action: Illinois Statutory Monetary Award for Denial of Paper Copy of Warrant**

7 107. Weeks later Palaschak obtained a copy of the warrant.

8 108. Although Illinois statute provides a monetary penalty for violation of a statutory demand for a copy  
9 of the prisoner's warrant of arrest, this jail has 4 times denied my request. To their credit they  
10 eventually complied once on each of two warrants.

11 109. Illinois statute 735 ILCS §10-105 provides a monetary award to be paid to a prisoner who suffers a  
12 denial of a request for a copy of a warrant of process for more than 6 hours.

13 110. Palaschak hereby demands that monetary reward.

14 **The fraud and deceit by Ventura FBI and District Attorney employees**

15 111. On 29 August, Attorney Charles Claiborne Hughes said that he indeed chatted by telephone with  
16 somebody in the district attorney office about my case in July 1998. Hughes told me on 29 August  
17 2001 that he will review his notes.

18 **Deceit by Eric Bond is in doing a police function - not a prosecutorial function**

19 112. See Exhibit G. Eric Bond was the point man on this project.

20 113. Eric Bond overcharged me to turn this into a felony thus triggering 18 USC 1073 action - although  
21 this section was originally designed for crimes where the death penalty is the punishment.

22 114. Judge Clark released me from jail after 4 months saying that the punishment would be no more than  
23 6 months if there were a conviction. That indicates that the correct charge would be misdemeanor.

24 115. Ventura over charged me in my 1991 LSD case.

25 116. Ventura raided my law office in 1993 and then pressed no charges but kept my stuff. We have a  
26 pattern here.

27 117. Eric Bond conspired with the FBI to deny my due process and speech rights by using the standard  
28 ruse of arresting me for a non-existent charge of 180 USC 1073 and then neglecting to take me  
before a magistrate while instead holding me out of state in conspiracy with LaSalle county deputies  
while they wait for the Attorney General to obtain extradition papers.

Eric Bond cannot enjoy prosecutorial immunity (if there were such a thing) because the law holds  
that he loses that when he is doing a police function - which is what he was doing in conspiring to  
use the ruse of a pretextual arrest under 10 USC 1073 in order to put me in custody while the  
Attorney General took his time filling out the extradition papers.

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 119. Furthermore, I am a prosecutor also - a civil rights prosecutor. I should have some immunity - but  
3 instead my advocacy is the trigger that causes my opposition to attempt these dirty tricks - like  
4 putting me in jail while they do the paperwork.

4 **Fraud and Deceit by Attorney Magistrate McEwen and his secretary Anne Hansen**

5 120. In August 2001 I obtained a local Ventura telephone. Immediately I called McEwen's office.

6 121. The receptionist promised to send me a copy of the warrant. She never did send it.

7 122. On 28 and 29 August 2001 I called again. I talked to Laura there and at her suggestion I left a voice  
8 mail for Anne Hanson because she takes all McEwen's calls.

9 123. On 29 August I telephoned first thing in the morning. I was told that Ann was not available and  
10 neither was McEwen. They relented and sent the warrant - which I already obtained from another  
11 source.

12 124. I called at 12:15 and finally Anne Hanson came on the phone and lied to me saying that the case  
13 number came from "down south".

14 125. I confronted her and told her that I thought that she had a bank of numbers assigned to her Santa  
15 Barbara office. She admitted that indeed she had a bank of numbers.

16 126. I asked her if a federal prosecutor had ever passed on the case. She said "You' ll have to talk to the  
17 FBI about that". I told her that I talked to the FBI yesterday and they said that they number on the  
18 warrant is not a federal case number.

19 127. Anne then became angry.

20 128. She said that I will have to ask them "down south" about my case.

21 129. I told he that I suspect that there is and never was any case and that the case number is just used  
22 to obtain a warrant.

23 130. Anne told me that she does not have to talk on the phone with me and hung up.

24 131. As shown in Exhibit B attached, Willard McEwen signed a fraudulent rigged warrant for the arrest  
25 of Palaschak.

26 132. Willard is not a judge; he is a member of the bar and practices law.

27 133. The warrant bears the name of Sherri R. Carter.

28 134. On information and belief I state that she is or was an employee of the clerk's office in Los Angeles.

135. From Exhibit

136. He can have no immunity for fraud and deceit in signing a rigged warrant.

137. He can enjoy no immunity for abusing his office.

138. Section 1983 does not give immunity; the immunities are inventions of the establishment to oppress  
the citizens; Section 1983 et seq continues to come into its own.

139. Note that there is a case number m99-4115-sb affixed to exhibits B and C, both in the same

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 handwriting.

3 140. I talked with Mr. Mack, an FBI supervisor on 28 August 2001. He told me that case 99-4115 is not  
4 a valid federal case number.

5 141. I contend that was no federal case.

6 142. The case number is one made up by McEwen.

7 143. I telephoned him approximately 5 times in the past 2 months including once on 29 August 2001. He  
8 has never returned my calls nor answered my specific questions in this regard.

9 144. The signature of Sherri Carter was affixed to the warrant before the details were filled in.

10 145. **The warrant says to take me to answer a complaint; there was no complaint filed!** This was  
11 pretextual from the beginning.

12 **Fraud by David Kelly of Ventura FBI**

13 146. David Kelly committed perjury as shown on Exhibit C and D attached herewith.

14 147. On exhibit D, paragraph 3 Kelly says that July 13<sup>th</sup> is the day that Jennings of the fugitive  
15 department called me. That is not true.

16 148. In fact, I telephoned Jennings! That would change the tenor of the affidavit were that fact included.

17 **Pattern of Not Telling the Whole Truth and Not Giving me a Hearing.**

18 149. On July 10<sup>th</sup> 1998 my parents celebrated their 50<sup>th</sup> wedding anniversary - and that is why my Mom  
19 did not tell me about the call from Jennings until Monday 12 July 1998. She did not want to ruin the  
20 party.

21 150. On the very next day I telephoned Jennings; he knew hardly anything about the case.

22 151. We were harvesting sweet corn - and therefore I had some cash.

23 152. On the very next day, Tuesday 14 July 1998, I wired \$300 to Attorney Charles Claiborne Hughes  
24 of Santa Barbara so that he would investigate the charges. He did.

25 153. Hughes talked with somebody from the district attorney office.

26 154. On August 29 2001 Hughes recalled that conversation for me. His statement was essentially this:  
27 Hughes gathered from their tone that they had it in for me and although they had a weak case they  
28 were making it into something big.

155. Thereafter Hughes sent me some papers from the case -but they withheld the tape recording or a  
transcript thereof. **This would seem to be a violation of discovery.**

156. On Exhibit D, at paragraph 4, FBI's Kelly says "Jennings told me that since July 13, 1998 Palaschak  
has not appeared in . . . court. . to answer the warrant" - meaning the Ventura warrant.

157. I was never given the chance to appear in court. The court set a date, did not notify me, and then  
issued a warrant when I could not read their minds and appear.

**Patent Lie by FBI's Kelly regarding fact and date of "flight"; There was no flight.**

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 158. On Exhibit C, Kelly **swears** that I fled California on or about 13 July 1998. In fact his very own  
3 statement in Exhibit D contradicts him. He says that on July 8<sup>th</sup> Palaschak was confirmed present  
4 in Illinois.

5 159. Obviously Kelly did not know when I left California - and therefore he simply filled in the blank on  
6 the arrest warrant.

7 160. An FBI agent does not have immunity to desecrate the system by lying under oath.

8 **Is there Cooperation in the Ruse by the U.S. Attorney's office?**

9 161. It would be difficult to imagine that the U.S. Attorney is not familiar with this practice. The FBI  
10 should have asked the U.S. Attorney to file a case before disbursing a warrant telling the world that  
11 a case had been filed when in fact no case had been filed.

12 162. Because of this lie, I now suffer humiliation and obloquy because my parents simply cannot believe  
13 that the FBI would say that I had been accused of a federal crime (to wit: 18 USC 1073) if I had not  
14 indeed been accused.

15 163. Had any lawyer looked at this case he would have rejected it - and there could have been no federal  
16 warrant - and the state would have had to risk arresting Palaschak and waiting for extradition - which  
17 introduces another unconstitutional practice - that of imprisonment prior to issuance of a requisition  
18 for extradition.

19 **This fraud is standard FBI practice in Ventura**

20 164. On 28 August 2001 Mr. Mack of the Ventura FBI told me that the unlawful flight cases go away once  
21 the fugitive is caught.

22 165. This practice is unconstitutional. Unlawful flight was originally written regarding crimes for which the  
23 death penalty applied - and now these petty officers have desecrated it by using it to violate the 1<sup>st</sup>  
24 amendment.

25 166. On Exhibit A, Eley reports that Palaschak was lodged in jail "on a warrant issued in Ventura"  
26 obviously referring to the state court warrant for practicing without a license.

27 167. One goal of the pretext is to avoid going through the process of extradition.

28 168. A California warrant has no effect in Illinois.

169. Only by the federal process of extradition does an out of state charge gain credence in another state.

170. The proper way to achieve the goal of bringing Palaschak back to California would have been to  
prepare the extradition papers and arrest Palaschak upon completion of the papers.

171. The FBI shortcuts this process and thereby violates the civil rights of innocent people.

**Palaschak hired a lawyer who talked with Ventura prosecutors in July 1998**

172. Ironically while conspiring to arrest Palaschak under the pretext of harming the public by  
malfeasance, McEwen and his co-conspirators committed malfeasance by filling out forms

**PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

incorrectly and otherwise demonstrating malicious abuse of process.

173. On 29 August 2001 Douglas Palaschak chatted by telephone with Attorney Charles Claiborne Hughes of Santa Barbara who was Palaschak's early counsel in the Ventura case.

174. Palaschak wired money to Hughes on 14 July 1998 - the day after talking to Ventura's Jennings in the fugitive department.

175. Hughes investigated the case.

176. On the basis of Hughes's investigation and the papers that Hughes sent to Palaschak, Palaschak concluded rightfully that Palaschak enjoyed an immunity from prosecution for having spoken, written, and petitioned.

177. Palaschak remembered that the 14<sup>th</sup> amendment said "no state shall make or enforce any law which would abridge the privileges and immunities of citizens" and that speech, petition, and press are guaranteed by the 1<sup>st</sup> amendment and are presumably privileges of citizens.

178. Observe that on Exhibit B, in the bail line there is not amount listed - just the word "detention".

179. From the exhibits attached to the Extradition papers that I received months after my arrest, I conclude that the underlying crime is one single act of writing "attorney at law" on my letterhead on a cover letter delivering a pro per notice of appeal to Ventura court . . while not licensed in state court.

180. The warrant shown to me for the first 34 days in jail merely states that the crime is 18 USC §1073.

181. Despite 34 days of request to public defender Dan Bute and chief jailer Sgt. Preci, I was denied a copy of §1073. (Continuing update: 9:30 pm 16 June. Written request #3436 to Deputy Kneppert. Denied. This is my 5<sup>th</sup> denial of a request for my federal warrant. 10:30 a.m. 17 June. Written request #3436 to Deputy Kneppert. This is my 6<sup>th</sup> request for a copy of my federal warrant.)

**2<sup>nd</sup> cause of action - false imprisonment**

182. Sheriff Tom Templeton of LaSalle county held Palaschak for 35 days (as of 17 June 1999) under false pretenses.

183. Illinois state's attorney David Day presented a perjured complaint at a pseudo-arraignment on May 17. It was pathetically transparent.

184. Judge Lanuti declined to issue a warrant based on Day's perjury.

185. Plaintiff hereby incorporates all paragraphs of all cause of action in every other cause of action.

186. Having filed approximately 8 (as of 17 June 10 a.m.) requests to examine a copy of my arrest warrant pursuant to 75 ILCS §5/10-1-5 Palaschak has received only 2 warrants, namely: the aforementioned federal warrant alleging violation of 18 USC 1073; and the Ventura county warrant copied in Exhibit A. An out of state warrant only gains validity if supported by facts from credible (i.e. personally knowledgeable) sources.

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 187. Conclusion: Defendant Sheriff Tom Templeton and LaSalle imprison Palaschak without due process  
3 in violation of the constitution.

4 188. Palaschak is entitle to monetary, declaratory, and injunctive relief authorized by 42 USC §1983 and  
5 the constitution which is, after all, self-enabling as we learned in *See Bivens v Six Unknown Agents*  
6 *of the Federal Bureau of Narcotics* (1971) 29 L Ed 2d, 403 US 388, 91 S Ct 1999.

6 **3<sup>rd</sup> Cause of Action: Defamation**

7 189. John Thomas Connors signed the letter depicted in exhibit G attached herewith.

8 190. Connors told my public defender that I was once city attorney of Ventura and thrown out of office  
9 for sexual harassment.

10 191. LaSalle county deputies repeated the same falsehood to my wonderful neighbor Jean Swanson  
11 whose land is farmed by me and my brothers.

12 192. I have suffered obloquy and loss of credibility as a result of this defamation.

13 193. In face I have never been city attorney of Ventura or any city.

14 194. I have always practiced law as a sole practitioner.

15 195. I am entitled to monetary relief.

16 196. I have never been thrown out of office.

17 **4<sup>th</sup> Cause of Action: 2<sup>nd</sup> False Arrest**

18 197. On June 8, 1999 at 8:15 pm Deputy Schroeder called me out of my cell and told me that "Ventura  
19 recalled the warrant." He freed me. I telephone home and waited for a ride.

20 198. At approximately 9m on June 8 Deputy Karen asked me to come back to jail. She then locked me  
21 up. "We are waiting for a governor's warrant from California" said Karen.

22 199. Reserved

23 200. Reserved

24 **42 USC §1983. 4<sup>th</sup> Cause of Action**

25 201. In fact an Illinois governor's warrant has not yet been issued to my knowledge. I have asked in  
26 writing as provided by Illinois law.

27 202. In fact Deputy Karen was not authorized to arrest under the federal warrant.

28 203. In fact had defendant Deputy Karen arrested Palaschak without a warrant she would be obligated  
to so some paperwork to send Palaschak on the way to arraignment.

204. In fact in all the time Palaschak has been here (written 17 June at 1:25 pm) Palaschak has never  
been arraigned with counsel and has not waived counsel.

205. Chief jailer Preci told Palaschak on June 9 that "We have spent all day trying to figure this thing out."  
Preci said that the sheriff department had the state's attorney on the telephone during my June 89  
half hour of freedom.

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 206. Reserved

3 207. Reserved

4 208. The action of Deputy Karen constituted a warrantless, baseless arrest in violation of the U.S. constitution.

5 209. The arrest was under color of law.

6 210. Palaschak is entitled of redress under 42 USC §1983 et seq.

7 211. Reserved.

8 5<sup>th</sup> cause of action: violation of Privileges and Immunities Clause.

9 212. The right to travel in interstate commerce is a privilege and immunity of U.S. citizenship. See Edwards v California \_\_U.S.\_\_

10 213. Plaintiff is a U.S. citizen.

11 214. The extradition clause of the U.S. constitution ways:

12 "A person charged in any state with treason, felony, or other crime, who shall flee  
13 from justice, and be found in another state, shall on demand of the executive  
14 authority of the state from which he fled, be delivered up. To be removed to the  
15 state having jurisdiction of the crime." - Extradition Clause (Next to the Fugitive  
16 slave clause)

17 215. Palaschak is not within the group described in the extradition clause.

18 **The Fugitive Lawyer Clause**

19 216. Ironically practicing law without a license is only a felony if you are a lawyer. Because extradition  
20 generally only happens for felonies, the combination of the state bar act and the extradition clause  
21 combine to create a fugitive lawyer clause. The due process clause and bill of rights supersede the  
22 extradition clause - and they supersede the fugitive lawyer clause.

23 **Plain Meaning of the Extradition Clause**

24 217. Despite a plethora of hard cases (regarding hard crimes) to the contrary, when Palaschak left  
25 California in August 1997 not yet having been charged with a crime he could not possibly have been  
26 fleeing because fleeing implies something from which one is fleeing and there was nothing from  
27 which to flee because writing a petition is not a crime.

28 218. The history of constitutional law reveals that many gravely wrong interpretations were pronounced  
by the U.S. Supreme Court (and other courts) primarily to protect the moneyed interests who put  
them in power and to permit police to control the citizenry who, in the case of the *Dred Scot*  
decision were deemed property of the moneyed class.

219. Anybody with a grasp of English can understand the elements prescribed by the extradition clause:  
Element #1: Flight. (You can't flee if there is nothing from which to flee.)



1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 fundamental rights. Regular folks are not blind to stealthy encroachment of government and  
3 are righteously angry about government intrusion. As an example they proffer **Stork** 167  
4 Cal 294, the 1914 case wherein the court draws the distinction between a chauffeur and a  
5 mere operator saying that a chauffeur needs a license but a mere operator does not.)

6 C. The action by the California bar is retaliation for Palaschak's having been counsel for another  
7 lawyer who sued the bar in federal court.

8 D. Palaschak was ordered excluded from his own bar hearing by an angry imitation judge as  
9 Palaschak attempted to plug in his notebook computer upon late arrival at court.

10 E. Only the supreme court of California can revoke a bar license.

11 231. Reserved

12 232. Reserved

13 233. Issue: Does the phrase "treason, felony, or other crimes: include "practicing law without a license"?  
14 (May 2001 Comment in retrospect: The actual accusation was for "advertising" which is certainly not  
15 of the magnitude of treason or felony and in fact is protected speech which may not be abridged  
16 even by the state bar act. In **Bates v Arizona** (1977) 53 L Ed 2d 810, the U.S. Supreme court finally  
17 recognized that lawyer advertising is protected by the first amendment but they nonetheless in  
18 another case permitted my hero Attorney Melvin Belli to be suspended for his having endorsed his  
19 favorite liquor on television. This is established law and therefore various defendants may not argue  
20 qualified immunity.)

21 234. A reading of **History of American Law** by Stanford Professor Lawrence Friedman shows that there  
22 was no such crime in 1789.

23 235. Indeed the monopoly of the organized bar is a product of the age of monopolies and robber barons.  
24 Proper and police were favored over labor and individual freedom.

25 236. Lawyers were on the forefront of monopolistic abuse long before J. Pierpont Morgan created the  
26 railroad trusts before Morgan packed the Interstate Commerce Commission establishing the  
27 paradigm corrupt regulatory agency.

28 237. Lawyers are the lightning rods that draw rage during storms of polity.

238. In 1731 the New York City Charter gave a monopoly to 7 named attorneys to handle all the practice  
in New York. Source: *History of American Law*, 1984, Professor Lawrence Friedman.

239. "Technical difficulty is the sole social excuse for the lawyers' monopoly" - Stanford Professor  
Lawrence Friedman in *History of American Law*, 2<sup>nd</sup> edition, 1984, page 24.

240. Between 1855 and 1870 several states gave the "diploma privilege" to graduates of law schools.  
Source: *History of American Law*, 2<sup>nd</sup> edition, 1984, page 620. (May 2001 Retrospective note: At my  
trial I learned from my expert witness that Virginia and perhaps some other states continue to grant

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 the right to practice law without further examination to graduates of their own state schools.

3 241. The ABA and American Association of law schools were formed for monopolistic purposes.

4 242. Residency requirements were held unconstitutional in *New Hampshire v Piper* (1985) 84 L Ed 2d  
205.

5 243. The bar exam evolved.

6 244. The multistate bar exam now constitutes 2 half days of the bar exam in most of not all states. It is  
identical in every state.

7 245. The trend is clear:

8 A. The laws of the 50 states are becoming more uniform.

9 B. Test are more uniform.

10 C. Monopolistic barriers to multistate practice continue to fall. Example: The residency requirement  
fell.

11 D. Non-comity in the form of failure of some states to mutually remove barriers to bar licensing  
remain. They are fueled by the organized state bar protecting its turf.

12 E. The federal bar does no testing. Only states test.

13 F. ABA and AALS (American Association of Law Schools) continue to dominate some state bars.

14 With California in the lead by virtue of having established its own school licensing outside  
15 the ABA, these monopolies are losing power.

16 G. "The practice of law" consists of a number of tasks. An increasing percentage of these tasks are  
being performed by paralegals, title companies, and other specialists.

17 246. The California bar, the proponent of §6126, the unconstitutional amendment of 6126, and a plethora  
18 of bad (unconstitutional) law was well aware that the spectrum of activities in the grey area overlaps  
19 what might arguably constitute holding oneself out as an attorney - but the California bar chose not  
20 to deal with this overlap which could lead to just the sort of confusion that resulted in Palaschak's  
21 having been arrested. (May 2001 retrospective note: It was not until I got to California that I had  
22 access to the new rule 1-311 which lists a multitude of tasks that can be performed by any ninny at  
23 the direction of a lawyer. This list includes writing briefs and petitions - like the petition that I wrote  
for Melvin Looser, but we are quibbling over how many angels can dance on the head of a pin  
because free speech is free for everybody - not just those persons supervised by a licensed lawyer.)

24 247. As a result of the bar's negligence which is imputable to the legislature who rubber-stamped the bar's  
ludicrous unconstitutional proposals, section 6126 is void for vagueness.

25 248. The legitimate purview of the bar monopoly is easily seen by examination of its historical  
26 antecedent: it is a judicial function. Each court determines who steps in front of the rail - subject to  
27 the provision that the supreme court exercises control over the inferior courts and delegates testing

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 to an agency of the bar.

3 249. Paralegals and unlicensed attorneys often write the court pleadings - but the person whose name  
4 is at the top left corner must be licensed in that court - or pro se (speaking for himself (orally)) as  
5 was Melvin Looser. (May 2001 retrospective note: My case should have been dismissed at  
6 arraignment in Ottawa on my 3<sup>rd</sup> day of incarceration for lack of evidence. The smoking gun did not  
7 arrive for weeks. I could not prove my innocence because I could not obtain a copy of that petition  
8 2871, the smoking gun - but in all criminal prosecutions, the burden is on the prosecution - not the  
9 defense. Petition #2871 which I wrote for Melvin Looser shows Melvin's name at the top left corner.  
10 A jury of 12 plus 2 alternates unanimously understood this simple concept - and Judge Chris Ryan  
11 should have upheld the constitution and taken time to give me due process which is required by the  
12 constitution that he swore to uphold. Also, there is a separate function of oratory which is distinct  
13 from the function of decision making. Melvin should be able to have anybody speak for him orally.  
14 It is obvious now that anybody may write his pleading for him.)

12 250. Calling oneself an attorney on a letterhead absent more is not within the proscription of "holding  
13 oneself out to be at attorney" because that statute (section 6126) is **facially invalid**.

13 251. In fact the statute must be interpreted to mean "holding oneself out to be licensed" - but even that is  
14 a little murky as the following example demonstrates.

15 252. When famous attorney Jerry Spence writes a letter to a California court does he delete the words  
16 "Attorney at law" from his letterhead? (This example presumes that Jerry Spence is not licensed  
17 in California state courts.)

17 253. An attorney licensed nowhere is nonetheless an attorney.

18 254. Jurisdictions overlap geographically. One may be licensed in the federal courts serving Ventura  
19 while unlicensed in the state court - or vice versa.

19 255. Federal bar membership may not be withdrawn summarily. Authority: In Re Ming (1972, CA7 as I  
20 recall.)

21 256. California invented the infraction in 1969 or 1972 to diminish the right to counsel recognized in the  
22 line of right-to-counsel cases including *Gideon v Wainwright* (1963) 372 U.S. 335; and *Argersinger*  
23 *v Hamlin* (1972) 407 U.S. 25, 32 L Ed 2d 530, 92 S Ct 2006. In California many traffic offenses are  
24 infractions which by definition are punishable by fine only - no jail. California refuses to provide  
25 counsel for indigents accused of an infraction - and they get away with it because of the wording of  
26 *Gideon* and *Gideon's* progeny.

25 257. Palaschak's alleged underlying crime pertains to an infraction case in Ventura court. Melvin Looser  
26 was ordered to pay a fine of \$100. The court refused to appoint counsel for Melvin Looser who is  
27 a disabled veteran on welfare who had then suffered a recent abdominal surgery and a foot surgery.

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 258. The court told Melvin Looser that he would have to serve time in jail if he could not pay.

3 259. Palaschak visited Melvin looser one evening and heard his story. Palaschak told Melvin that the  
4 court could not lawfully imprison Melvin for inability to pay this fine.

5 260. Palaschak woke up from his sleep that night and dug though his constitutional law book and found  
6 the case of *Williams v Illinois* (1970) 399 U.S. 235, 26 L Ed 2d 586 and some companion cases.

7 261. The next day Palaschak wrote down the case citations and give them to Melvin.

8 262. The Palaschak thought about his oath to do his best and his statutory duty to:

9 **"Never to reject, for any consideration personal to himself or herself, the**  
10 **cause of the defenseless or the oppressed"** - California business and  
11 professions code §6068-h).

12 263. Palaschak at the time was honoring a bar license deprivation even though it was unconstitutional.

13 264. Palaschak being an expert in the limitation of the bar's monopoly concluded that as long as Melvin  
14 was in pro per and put his own name at the top left corner and signed his own name, Palaschak  
15 could write a brief for him.

16 265. The court may not both refuse to provide counsel to a criminal defendant and at the same time  
17 prevent others from helping him. They cannot prevent Palaschak from helping Melvin Looser.

18 266. Without compromising my 5<sup>th</sup> amendment rights I will say that a superb brief was written petitioning  
19 the municipal court for redress of grievances and reminding the court that imprisonment would be  
20 unlawful.

21 267. The petition contained a half page foot note explaining that Palaschak wrote the petition but could  
22 not represent Melvin due to Palaschak's own constitutional infringement at the hands of that very  
23 traffic court which infringes parlayed into a bar suspension albeit an unconstitutional one.

24 268. Reserved.

25 269. Melvin's name appeared in the top left corner and Melvin signed the brief which evolved int a notice  
26 of appeal with the appeal brief already written and contained therein.

27 270. Prior to appeal stage, Palaschak sat in the audience and watched the travesty of justice as  
28 commission Covarru8bius brow beat Melvin and ignored the message of the brief. Covarrubius  
address Palaschak who was the sole person in the audience. Palaschak said that he could not  
represent Melvin.

29 271. Poor Melvin Looked like a puppy dog in trouble. He kept looking back at Palaschak pleading with  
his eyes for Palaschak to walk up past the railing and speak for him.

30 272. Melvin is not a lawyer and cannot argue legal points. Melvin writes at about an 8<sup>th</sup> grade level.

31 273. The Ventura Prosecutor bases his felony complaint on the cover letter. It contain the words  
"attorney at law" and was addressed to the court.

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 274. In California a disinterested part must sign the proof of service. It is ludicrous and a real problem  
3 in jail or anywhere where people don't want to get involved but it is not an attorney function.

4 275. Palaschak has filed numerous complaint as private attorney general That concept alone should  
5 protect his alleged assistance of Melvin Looser.

6 276. **"Congress [and the states, by amendment 14] shall make no law. .**  
7 **.abridging the freedom of speech, or of the press,. .[or] to petition**  
8 **the government for a redress of grievances"** - 1<sup>st</sup> amendment to the  
9 U.S. Constitution.

10 277. **"In all criminal prosecutions, the accused shall enjoy. . .the**  
11 **assistance of counsel for his defense"** - 6<sup>th</sup> amendment to the U.S.  
12 Constitution.

13 278. The Magna Charta forbids taking a person to a distant place for trial. (Sorry that I can't quote the  
14 exact clause by I have asked for a copy of the magna charta and my request has been denied by  
15 jailers here in LaSalle county.)

16 279. **"Specific guarantees in the bill of rights have penumbras formed by**  
17 **emanations from those guarantees that help give them life and**  
18 **substance."** - Justice douglas in *Griswold v Connecticut* (1965) 14 L Ed  
19 2d 510, 381 U.S. 479, 85 S Ct. 1678.

20 280. Until Palaschak's current discipline he had never before faced bar discipline. He was admitted to  
21 the California bar in 1984. He has handled cases in Indiana, Ohio, Louisiana, Florida, Nevada, and,  
22 or course, California. Palaschak's brilliance and competence have never been questioned.

23 281. Palaschak has appeared on Hard Copy, Inside Edition, and The Love Connection.

24 **Summary of the 5<sup>th</sup> Cause of Action**

25 282. There are a multitude of independent reasons why Palaschak deserves the protection of this court  
26 against extradition.

27 A. The plain meaning of "a person charged in any state. . . who shall flee" is perfectly clear. It is  
28 time to quite the legal fiction. Palaschak was not charged until nearly a year after he left  
California.

B. Palaschak's crime is not within the meaning of the word as it was defined in 1789. The bar  
monopoly came later and is on its way out.

C. Palaschak's act in using the title "attorney at law" is not different than that of any licensed  
profession a in a jurisdiction where he is not licensed.

D. Palaschak's license will eventually be retroactively reinstated if there is justice.

E. The statute defining the underlying crime is newly amended and unconstitutional.

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

- 2 1. It is void for vagueness.  
3 2. It discriminates against the formerly licensed.

4 F. Palaschak's "crime" is protected in a penumbra of:

- 5 1. Free speech;  
6 2. Free press;  
7 3. Right to petition;  
8 4. Right to travel;  
9 5. Magna Charta ban on dragging defendant to a trial in a distant forum;  
10 6. Double jeopardy (already served time for traffic tickets for which the bar is now  
11 punishing him).  
12 7. 6<sup>th</sup> amendment right to counsel; (Jus tertii permits Palaschak's 3<sup>rd</sup> party standing.)  
13 8. Monopolies must be limited lest they cause the very harm before us.

14 283. The attempted extradition is an attempt by state officials acting under color of state law to violate  
15 Palaschak's constitutional rights.

16 284. Palaschak is entitled to the full panoply of rights under §1983.

17 285. The 14<sup>th</sup> amendment and the bill of rights supersedes the fugitive slave clause and the fugitive  
18 lawyer clause (the extradition clause) being latter in time and more specific. 42 USC §1983  
19 conflicts with 18 USC §3182 (the extradition act) but the constitutional clauses resolve the conflict.  
20 The Illinois Extradition act must yield to the Bill of Rights.

21 286. The 9<sup>th</sup> amendment by its language incorporates the Magna Charta into the bill of rights.

22 287. Reserved

23 288. Reserved

24 289. Reserved

25 **6<sup>th</sup> Cause of Action: Excessive of Bail**

26 290. LaSalle county state's attorney David Day defamed me by stating in writing under penalty of perjury  
27 that I am a transient.

28 291. If fact I was born in LaSalle county. I was valedictorian. I was an honors student t the university of  
Illinois. I had a wonderful career as a registered professional engineer having designed machinery  
for Exxon and the U.S. Nave. I practiced law living in Ventura. I have been farming for 1.9 years  
and have lived at the same farm house for 1.9 years. I and my family have farmed the same farm  
for the past 66 years.

29 292. My public defender failed to appear at my arraignment.

30 293. I wrote an 11 page bail affidavit and sent it to my public defender. He ignored it.

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 294. As you can see from my Exhibit, my California bail is \$5,000. It should be O.R. (Own recognizance)  
3 but the Ventura district attorney deceived the court. The court thinks that I wilfully failed to appear.  
4 The Ventura Judge is my enemy, a named defendant in a 1993 (approximately) civil rights suit.

5 295. My bail here in Illinois is \$250,000 plus \$5000 plus \$5000. It should be O.R. I should have a bail  
6 hearing.

7 296. This excessive bail which is \$ ¼ million for writing 2 words - attorney at law) violates the 8<sup>th</sup>  
8 amendment.

9 Change of subject:

10 297. Incidentally the word "crime" in 1789 meant what "felony" means today due to stealthy escalation  
11 in the penalty for new crimes. "Felony" in 1789 meant one of the 7 dangerous felonies, namely:  
12 rape, murder, arson, mayhem, robbery, burglary and manslaughter. That is why the FBI agent Eley  
13 said that the crime must be a felony before he gets involved. Despite the constitutional authorization  
14 to extradite for "other crimes". The word "crime" in 1789 is somewhat equivalent to our word  
15 "felony" today due to escalation in penalties by government agencies intent on controlling the  
16 behavior of citizens. See page 1 of Blackstone's *Commentaries on the Laws of England*, 176501769  
17 Volume 4: Crimes. The 1789 phrase "crimes and misdemeanors" proves that misdemeanors, being  
18 non-crimes, were outside the purview of the extradition clause in 1789 and now - although case law  
19 today mistakenly holds otherwise.

20 Written Friday 18 June 1999:

21 298. This is not the first or 2<sup>nd</sup> time that the Ventura district attorney has treated Palaschak more severely  
22 than regular folks. In 1991 Palaschak ate one dose of LSD that he received in a birthday card from  
23 his secretary. In illegal search followed. Being under the influence of LSD is not a crime in  
24 California. Police illegally seized more LSD from the secretary's purse and then pleas bargained  
25 with her to obtain her testimony that Palaschak held the LSD in his hand before he at it. On that  
26 basis they charged Palaschak with 3 felonies. They dismissed them when a grand jury indicted on  
27 2 felonies. And a misdemeanor. A jury acquitted on the felonies. A court of appeal overturned the  
28 sole misdemeanor conviction - but then the California Supreme Court reversed the court of appeal  
and reaffirmed the misdemeanor conviction. See *People v Palaschak*(May 1995) 9 C4th 1236, 40 Cal  
Rptr 2d 722, 893 P2d 717. Generally police give immunity to the end user to obtain a conviction of the  
distributor in Palaschak's case they did not ask his secretary where she got the LSD in exchange for  
immunity. Instead they asked her if Palaschak held it in his hand - but I digress.

**Back to the 8<sup>th</sup> amendment.**

29 299. Palaschak I entitle of redress under §1983 and the constitution.

30 300. The denial of counsel at arraignment , the denial of reasonable bail, the denial of a prompt bail

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 hearing, are all under color of law and state action.

3 301. The "detention" provision on the Santa Barbara federal warrant is unconstitutional (at least for my  
4 non-crime) and may and should be declared so by this court.

5 302. Reserved.

6 303. Reserved

7 Farming regarding the Accompanying Request #3454 for TRO and OSC

8 304. The California bar has disabled Palaschak from earning a livelihood in California - and now they  
9 seek to prevent him from earning a livelihood in Illinois.

10 305. For 4 generation Palaschak's family have been farmers.

11 306. We have farmed the current home farm for 66 years - and other farms before that.

12 307. Plaintiff's brother Greg Palaschak now operates the family farm.

13 308. Palaschak brothers Douglas, Jerry, and Greg farm approximately 2000 acres.

14 309. Last year Douglas received only \$10,000 gross income from farming and spent nearly half of that  
15 money on farm supplies and legal research materials.

16 310. Douglas is need most at harvest which lasts from September 1 to November 24<sup>th</sup> generally, later in  
17 a wet year. If Douglas misses harvest this year (21999) then Greg will have little justification for  
18 paying Douglas money to last over the winter.

19 311. Douglas has a substantial garden now being tended by his brother Jerry who departs on 25 June  
20 1999 to return at harvest. Palaschak's garden include sweet corn which Palaschak sell during July  
21 and August.

22 312. In summary, Palaschak income comes in July through November.

23 313. Douglas is also need at planting, but not as urgently as at harvest.

24 314. Reserved

25 315. Reserved

26 316. Reserved

27 Written June 19, 1999. 8:30 a.m.:

28 8<sup>th</sup> cause of action: Denial of Hearing to Test sufficiency of Allegations

317. Palaschak having been arrested without an Illinois governor's warrant and prior to the issuance of  
a California requisition, is entitled to at least the process described in 725 ILCS §225/ 13 which  
requires:

A. The oath of a "credible person";

B. A complaint alleging facts warranting extradition including:

"a certified copy of the sworn charge or complaint [from California] and affidavit  
upon which the warrant is issued [which] shall be attached to the warrant."

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 318. Although adequate material was available from California, that paper would have demonstrated the  
3 triviality o Palaschak's alleged crime and the insufficiency of the factual basis.

4 **Paperwork was Available to Test Sufficiency of Warrant - but withheld**

5 319. The following paperwork was available in California (having been obtained by Palaschak's then  
6 attorney, Charter Claiborne Hughes of Santa Barbara, from the Ventura district attorney in  
7 approximately August (an estimate without benefit of my diary) 1998 - nearly a year ago at which  
8 time Palaschak concluded that this information would not sustain extradition:

9 320. A. The approximately 13 page brief #2871 explaining Melvin Looser's case and why Ventura could  
10 not lawfully order Melvin Looser to serve jail time for inability to pay a \$100 fine - as  
11 describe herein at paragraphs #130 to #153 - because *Williams v Illinois* (1970) 399 U.S.  
12 235, 90 S Ct. 2018, 26 L Ed 2d 586 forbids it.

13 321. B. The cover letter containing the title "attorney at law" which is the sole basis for the alleged felony  
14 complaint. The letter exculpates Palaschak.

15 322. C. The police report demonstrating that commissioner Covarrubius who talk to Palaschak in the  
16 audience (while reading the predecessor to brief #2871) obviously did not see any violation  
17 of law. The police report names another member of the Ventura bench, Palaschak's enemy,  
18 who took it upon himself to initiate prosecution. Palaschak forgets his name now but  
19 speculates that he sat on the appellate panel for Melvin Looser's case. This police report  
20 exculpates Palaschak in that it demonstrates the triviality of this alleged "felony." A judge  
21 did not even notice it. Whoops. The notice of appeal came later.

22 323. D. The complaint in Ventura state court.

23 324. E. The arrest warrant issued by Palaschak's enemy, Judge Klopfer whom Palaschak sued in  
24 approximately 1993, and who previously signed a malicious warrant against Palaschak in  
25 1992. Klopfer signed a warrant reneged on a plea bargain and sent Palaschak to jail before  
26 the end of his 1992 trial for eating LSD.

27 325. This warrant show a bail of \$5000 - which is relevant to Palaschak's contention that his \$250,000  
28 Illinois bail is excessive.

326. F. The statement falsely implying that Palaschak wilfully failed to appear at a court hearing thereby  
demonstrating that Palaschak's California bail should have been O.R. He was not given  
notice to appeal prior to issuance of Klopfer's warrant.

327. Klopfer should not have issued the warrant.

328. The ulterior motive: A felony stigma will jeopardize Palaschak's planned exoneration and retroactive  
(nunc pro tunc) reinstatement of California bar licensure.

329. 203 Reserved

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 330. Although Palaschak appeared for arraignment 17 May 1999, after being arrested Friday 14 May  
3 1999, the arraignment was a sham and pretext for the following reasons:

4 331. A. I was without counsel despite having requested and qualified for appointed counsel;

5 332. B. The complaint was patently perjured in that prosecutor David Day who signed the  
6 complaint that very day obviously had no personal knowledge of the facts - (and  
7 hear I speculate) having never seen the documentation described in paragraphs  
8 194 through 200;

9 333. C. The only true purpose of the appearance was for Palaschak to contest extradition (or  
10 not);

11 334. D. Bail was handled in a manner denying Palaschak's rights in that:

12 i. The only obvious basis for the high bail was the very fact of having been arrested  
13 by the FBI - and the word "detention" on the federal warrant in the space marked  
14 "bail;"

15 ii. The 44 factor pertaining to bail (as listed in 725 ILCS §5/110-5) were not discussed;

16 iii. FBI arrest and the words "detention" are not in the 44 factors;

17 iv. Judge Lanuti said "Somebody in California wants you bad" thereby completing  
18 discounting Palaschak's statement that the California bail was only \$5000 in state  
19 court;

20 v. The FBI warrant was never shown to Palaschak at the hearing! Palaschak only saw  
21 it after a week or so when Palaschak learned how to use the Illinois statutory  
22 demand for the warrant of commitment;

23 vi. Later (on June 8) Deputy Karen said to Palaschak : " Our procedure on "detention"  
24 warrants is to set bail";

25 vii. Illinois Prosecutor Dave Day's perjured complaint called Palaschak a "transient"  
26 thereby triggering a high bail, but in fact Palaschak was born in LaSalle county,  
27 graduated from the University of Illinois, and has for the past 1.9 years farmed and  
28 lived on a farm in Streator;

viii. Palaschak was denied the right to call witnesses on his behalf;

ix. Palaschak was not told what 18 USC §1073 is. Section 1073 is the crime for which  
Palaschak was arrested. One purpose of arraignment is to tell the accused what  
he is accused of. If you tell him a code number but refuse to give him the book to  
look up the number, than you have denied him an adequate arraignment because  
you have not told him what he is accused of.

335. Reserved

**PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

- 1
- 2 336. Reserved
- 3 337. Reserved
- 4 338. Reserved
- 5 339. Reserved
- 6 340. Reserved
- 7 341. Reserved
- 8 342. Reserved
- 9 343. To his credit Lanuti did not issue a warrant of commitment (apparently - based on my having a  
10 warrant from Lanuti in response to my statutory demand to see the warrants of commitment). This  
11 means that the only basis for detention remained the federal warrant alleging (falsely) violation of  
12 18 USC §1073 which is flight to avoid prosecution for which I should have promptly been arraigned  
13 in federal court as directed on the face of the federal warrant from Santa Barbara.
- 14 344. Therefore Palaschak should have been taken before a federal magistrate or released.
- 15 345. Palaschak subsequently wrote a 12 page bail motion #3396 and "mailed" it to the public defender  
16 who copied it and did nothing more with it. (Query: Did he even file it with the court?)
- 17 346. Reserved.
- 18 347. Palaschak thereafter went to court twice.
- 19 348. One court appearance was before a different judge, Judge Chris Ryan. There Palaschak met (for  
20 the first time) public defender Dan Bute who said that he was "too busy." There was an immediate  
21 continuance.
- 22 349. On the 3<sup>rd</sup> and final Illinois court appearance so far, public defender But again sought a continuance  
23 despite having received nearly 80 pages of briefs and pleadings from Palaschak.
- 24 350. Palaschak on 8 June 1999 wrote and served motion #3420 set for Monday 14 June 1999. He served  
25 it on all parties and counsel and the court.
- 26 351. Palaschak's LaSalle County case number is 99-MR-79.
- 27 352. Motion #3420 is a *Faretta* motion pursuant to *Faretta v California* (1975 422 US 806, 95 S Ct 2525,  
28 45 L Ed 2d 562. It is a habeas corpus petition, a demand for effective assistance of counsel, a  
motion to be released on my own recognizance, and a demand for release after the 30<sup>th</sup> day  
pursuant to 725 ILCS §225/15 (which is an issue previously handled by another court which held that  
there is no such right).
353. June 14, 199, came and went without Palaschak ever having been called to court.
354. Palaschak believes now on the basis of chief Jailer Preci's word, that public defender Dan Bute has  
been on vacation.
355. But did not inform Palaschak that he was planning to vacation, nor do any of his staff communicate

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 with Palaschak in Bute's absence (or ever).

3 **Extradition procedure in Palaschak's situation**

4 356. Palaschak was not arrested on an Illinois Governor's warrant, nor on a California "requisition" (as  
5 the term defined in 725 ILCS §225/ 3 requires a supporting affidavit from California which only  
6 Palaschak has seen - by virtue of discovery one year ago). See paragraph #242 of this complaint.  
7 Therefore the procedure is, by process of elimination, the procedure of 725 ILCS §225/ 13, 14, and  
8 15, namely:

9 "arrest prior to requisition",

10 "arrest without a warrant," and

11 "commitment to bail to await requisition" (although, as I stated in paragraph 49 herein, the  
12 FBI arrest was **not** authorized by Illinois extradition law).

13 357. Statute 725 ILCS §225/ 15 permits commitment (subject to fail) "not exceeding 30 days". Palaschak  
14 has been imprisoned for 37 days as of 19 June 1999.

15 358. We inescapably return to the possibility that Palaschak's detention is somehow justified by 18 USC  
16 §1073 - the statute cited in the federal warrant that FBI agent Eley used as the basis for his arrest,  
17 the warrant from Santa Barbara on 7 May 1999.

18 359. More realistically the procedure used by LaSalle county is the lazy man's process - and it was wrong.

19 360. The FBI admitted so much through it agent Eley by repeating that "the federal case is usually  
20 dismissed."

21 361. Chief jailer Preci admitted so much when he admitted that "We've spent all day [9 June] trying to  
22 figure this out". What he was trying to figure out was which warrant then committed Palaschak who  
23 had demanded to see his warrant of commitment pursuant to his statutory right enunciated in Illinois  
24 statute 735 ILCS §10-105 (which provides a monetary award to be paid to a prisoner who suffers  
25 a denial of a request for a copy of a warrant of process for more than 6 hours).

26 362. Both Deputy Karen and Chief Jailer Preci told me that they were on the phone a long time on the  
27 evening of June 8 when they released me and then arrested me a 2<sup>nd</sup> time - this time without benefit  
28 of arraignment.

363. Supporting evidence: Prosecutor Day shouted at me in anger on 17 May 1999 in court outside the  
presence of the Judge (and without benefit of counsel). I now see that he was frustrated and likely  
angry at himself at being "found out" when I accused him of perjury afer he handed me the  
perjurious badly written machine generated pretextual complaint which was silently ignored by Judge  
Lanuti as describe elsewhere herein - but I digress. Back to. . .

364. Prosecutor Day's 17 May complaint did not meet the standards of ILCS §225/ 13. It lacked the  
supporting documentation prescribed in this statute.

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 365. Bad unconstitutional Illinois discovery procedure seems to permit prosecutors to withhold  
3 exculpatory evidence until the 60<sup>th</sup> day after arrest. Perhaps, accustomed to that slack standard,  
Prosecutor Day withheld the federal warrant.

4 366. After 30 days, ILCS §225/17 (Illinois Extradition Act) permits optional additional commitment for up  
5 to 60 more days - but a hearing seems to be mandated.

6 367. I contend that if an additional 60 days(or any time) is ordered, then a warrant of commitment must  
7 be issued by the judge (and because Lanuti failed to issue any warrant of commitment - and no  
other judge in Illinois did, then I should have been released).

8 368. Authority regarding the affidavit discussed in paragraph 230 above:

9 "Affidavit called for was one stating facts of affiant's own knowledge which would  
10 warrant finding of probable cause; and affidavit and complaint had to be read  
11 together." - *Rafferty ex.rel. Huie Fong v Bligh* (1832 CA1 Mass) 55 F2d 189 cited  
in Bancroft Whitney's annotated 18 USC §3182, note 55, page 117.

12 369. Incidentally, my brother brought me a few paperback law books from home. My law library is in  
13 storage. The jail rules forbid hard covered book. The jail would not provide a word processor nor  
14 permit me to use my own word processor. We have no access to any law library or typewriter. That  
15 is unconstitutional - but why would anybody need a law library since we are each presumed to know  
the law - and if we are presumed to know the law, then why do we need to take the bar exam?  
(Sarcasm is a legitimate form of argumentation.)

16 370. The performance of public defender Dan Bute is deficient and pathetic.

17 371. He is good evidence to support my contention that one could be a public defender without knowing  
18 how to read or write. Only a few oral phrases are needed to use in court.

19 372. Prosecutor Day's perjurious pretextual complaint is inadequate. Authority:

20 "Affidavit referred to in 18 USC §3182 is affidavit which must be made before  
21 magistrate who issues warrant of arrest; **affidavits simply relating to guilt of  
22 accused and made before notary [such as David Day's perjurious pretextual  
23 faux imitation ludicrous senseless complaint] are surplusage.**" - *Ex Parte  
24 Rubens* (1951) 73 Arizona 101, 238 P2d 402, Cert. Den. (1952) 344 U.S. 480, 97  
25 L Ed 653, 73 S.Ct. 50, as cited at page 117, note 56 "Requisites and Sufficiency,  
26 Generally". It is the very first note in this group of notes at page 117 of Bancroft  
27 Whitney's 18 USCS §3182 annotated which annotates the extradition statute.

28 373. Query: Why wasn't the complaint and affidavit used to obtain the 7 May 1999 federal warrant  
(accusing me of 18 USC §1073) presented to the Illinois court on 17 May, 1999?

374. Palaschak has a right to exculpatory evidence at every stage - and the right to challenge



1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 387. Reserved.

3 388. Palaschak asks this court for declaratory relief regarding the procedure to be used regarding extradition in Palaschak's situation.

4 389. Denial of an evidentiary hearing and the imprisonment constitute a cause of action under 42 USC  
5 §1983 et seq. It was state action under color of law.

6 390. County action is state action for purposes of §1983 et seq. Authority: *Civil rights and Civil Liberties Litigation* by Professor Sheldon Nahmod, Shepard's McGraw Hill.

7 391. Palaschak is entitle to redress under 42 USC §1983 et seq.

8 392. Reserved

9 393. Reserved

10 394. Reserved

11 19 June 1999. Saturday. 3:30:

12 **9<sup>th</sup> cause of action: conspiracy to deny civil rights**

13 395. Palaschak's prosecution by Ventura is based emotionally on his outspoken views advocating change  
14 of laws pertaining to drugs, car insurance. And other issued that bear upon oppression by the  
15 establishment

16 396. Defendants sheriff Tom Templeton, FBI agent Eley, LaSalle County, Judge Ryan, Deputy Karen,  
17 Tom Connors of Ventura, David Day and the Ventura District attorney office conspired to imprison  
18 Palaschak without due process of law in violation of §1983 et seq and in violation of the U.S.  
19 Constitution.

20 397. Plaintiff chooses not to seek money damage against Judge Ryan; immunity is not a battle that I want  
21 to fight now. I don't want to jeopardize the other aspects of this case. However I do seek injunctive  
22 relief against Ryan.

23 398. Defendant FBI Eley conspired and is liable directly under the constitution. See *Bivens v Six  
24 Unknown Agents of the Federal Bureau of Narcotics* (1971) 29 L Ed 2d, 403 US 388, 91 S Ct 1999

25 399. Palaschak is entitled of redress.

26 400. Palaschak incorporates every other paragraph of this complaint in every cause of action.

27 401. Reserved

28 402. Reserved

403. Defendant LaSalle County admits overcrowding in its jail manual at page 1, to wit:

"This facility was originally designed o hold a maximum of 54 prisoners. (We now hold nearly 99.) The jail is overcrowded and the infrastructure problems are well know to the staff and maintenance People." - LaSalle County jail manual handed to prisoners.

**PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

1  
2 404. AS I write this I have ben sitting at a steel table in the day room. The television is on full volume  
3 as it is al day. The inmates are talking loud to be heard over the television.

4 405. Inmate Jeremy Farley sits across from me. He stinks of perspiration. He is a drunk and wife  
5 beater. He coughs in my air space.

6 406. These single cells have the traditional extra bunk on the wall in each cell. Here is a cause of action  
7 against LaSalle county based on speculation. The architect designs a cell for one. The jail cheats  
8 and installs 2 bunks from the very beginning - likely after obtaining a permit based on single  
9 occupancy and likely violating a law designed to protect me. Hey that's negligence per se!

10 407. We have Dan Watkins here. He has battered 2 kids in here. He is hyperactive and an ex con. He  
11 admits that he needs Thorazine.

12 408. Concentration is difficult. The noise is distracting.

13 409. The light is inadequate to permit me to write at my tiny desk in my cell. Besides, my cell mate used  
14 the desk for his junk.

15 410. Jerry Sack, a heroin addict, is making his 3<sup>rd</sup> patch of hootch since I have been here. Deputy Karen  
16 knows that he makes it but Karen does not care. Deputy Schroeder know it too. He told me. Last  
17 Saturday some inmates got drunk on his hootch. There were confrontations and near fights due to  
18 the alcohol intoxication from the hootch. Dan Watkins and Aaron Porter came to my room to fight  
19 . . or to make a scene.

20 411. Light is inadequate.

21 412. They give these guys coffee by day and also Tuesday and Saturday evening.

22 413. I hear that our running water is bad for drinking. We get iced water in an insulated plastic jug but  
23 I don't know the source.

24 414. Deputy Julie held hands and fondled the hands of accused murdered Dion. Inmate Darrin Farris  
25 says that he knows some women guards from bars. He says that he sells cocaine.

26 415. Placing Palaschak here is cruel and unusual punishment. Excessive punishment is cruel and  
27 unusual. This is excessive punishment for writing a petition. The 8<sup>th</sup> amendment prohibits this  
28 action by the state.

416. Palaschak is entitled to redress under §1983 et seq.

417. Reserved.

**11<sup>th</sup> cause of action: Obstruction of Justice, Perjury, Defamation**

418. Generally people are immune from defamatory statements made in court and prosecutors enjoy  
qualified immunity erroneously called absolute immunity - but should not a private attorney general  
such as Palaschak enjoy such immunity while doing his prosecution of those who oppress? What  
about that privilege and immunity of citizenship? Doesn't that give immunity from prosecution for

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 speech and press and petition? Or should we all be treated as equals under the law?

3 419. David Day should not be entitled to immunity. He wilfully lied under oath for the express purpose  
4 of violating Palaschak's rights. He called Palaschak a "transient" knowing that the FBI picked  
5 Palaschak up at Palaschak's farm home and that Palaschak was easy to find. Day wrote the  
perjurious complaint and signed it.

6 420. David Day intended for the word "transient" to trigger a high bail.

7 421. Da's malice was obvious from his shouting at Palaschak prior to Judge Lanuti's taking the bench.

8 422. Palaschak is entitled to redress under §1983 et seq.

9 423. Palaschak does not know if David Day was the prosecutor whom the sheriff employees telephoned  
and who advised them to re-arrest Palaschak after they released Palaschak on 8 June 1999.

10 424. David Day conspired with the other defendants against Palaschak.

11 425. Reserved

12 426. Reserved

13 427. Reserved

14 428. Reserved

15 **12th cause of action: Malicious Prosecution**

16 429. Ventura district attorney has a pattern of harassment of Palaschak including a 1993 baseless raid  
17 at his office, and a defamatory press release falsely accusing Palaschak of 7 felony counts of  
18 practicing law without a license. In fact Palaschak was indeed licensed at the time and in fact the  
19 very district attorney office who accused Palaschak in the press release failed to file any criminal  
20 complaint in the matter realizing that their employee, Investigator Kitzman, had made a mistake in  
21 saying that Palaschak was unlicensed. Kitzman is the one who made the mistake in this 1999 case  
22 also.

23 430. Palaschak does not know the details of what was the basis of the 7 May 1999 federal warrant but  
24 the underlying crime is California Business and Professions code §6126 - the crime prosecuted by  
25 Ventura district attorney office.

26 431. Palaschak will attempt to discover if Ventura fully apprized the federal magistrate of the de minimis  
27 nature of Palaschak's non-crime.

28 432. Having been denied access to a text of 18 USC §1073, Palaschak qualifies the following to that  
degree: The use of 18 USC §1073 was a ruse, a fraud, an abuse of process, an end run around the  
law, a violation of the law, and a malicious conspiracy to jail Palaschak once again without probable  
cause.

433. Irony: Put a guy in jail and don't tell him why. Deny access to the law. Then accuse him of  
speculation when he speculates.

**PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

1  
2 434. Palaschak is entitled to redress under §1983 et seq. Ventura prosecutor's "absolute immunity" does  
3 not extend of the deception and conspiracy. (May 20, 2001. Retrospective note: When they  
4 perform a police function, such as obtaining an arrest warrant and executing it, they are performing  
5 a police function which qualifies them only for qualified immunity for which they have failed to  
6 qualify in this case. Qualified immunity is not extended to those who obtain a warrant by deception.  
7 I now know that Kitzman withheld the exculpatory tape recordings from the magistrates of both  
8 courts. Both warrants were obtained by deceiving the court. As to when Kitzman found out that his  
9 main witness was lying, that remains for discovery, but the evidence - a tape recording of the court  
10 session and a surreptitious tape recording of Melvin Looser - was there at all pertinent times. When  
11 I played the tape at trial, lying bailiff Vido recanted his testimony entirely.)

12 435. Deception? Ventura could easily have faxed the 20 or so pages of circumstances to LaSalle county.  
13 They've had 37 days as of Saturday 19 June.

14 436. Did they deceive federal magistrate McElwyn?

15 437. Palaschak now state without absolute certainty, but having investigated magistrate McElwyn's office  
16 of a client in 1995, Palaschak knows that McElwyn's office is his own office. His is a part time  
17 magistrate whose purpose appears to be to rubber stamp warrants primarily for drug cases for the  
18 convenience of Santa Barbara and Ventura police. As I recall, McElwyn works part time as a  
19 magistrate in his own personal law office. I include this information here as direction for discovery  
20 and as a question that Magistrate Schienker can ponder. Is McElwyn a soldier in the drug war and  
21 does he view Palaschak's advocacy of drug legalization as an insignia of the enemy.

22 438. Was the "detention" instead of bail justified?

23 439. Reserved

**13<sup>th</sup> cause of action: Excessive Punishment**

24 440. The alleged crime is 3 words "attorney at law' used by an attorney.

25 441. There are limits to extradition. Felony is one limitation.

26 442. The 8<sup>th</sup> amendment being later in time supersedes and modifies the extradition clause just as it  
27 modified the clause next to the extradition clause, namely: the fugitive slave clause.

28 443. This 8<sup>th</sup> amendment violation is one of 8 components of the penumbra discussed in the prayer for  
declaratory relief.

444. There is no federal excuse.

445. Palaschak is entitled to relief under §1983 et seq.

446. De minimis crime may not be punished!

447. Paragraph #177 herein describes the los that Palaschak would suffer by being unable to sell sweet  
corn and harvest corn (his main meager income).

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 448. Reserved

3 449. Reserved

4 450. The chilling effect of jailing Palaschak for writing a petition may tend to deter Palaschak and others from exercising their statutory duty under Business and Professions code, to wit:

5 **"Never to reject, for any consideration personal to himself or herself, the**  
6 **cause of the defenseless or the oppressed"** - California business and  
7 professions code §6068-h).

8 451. Palaschak has jus tertii standing to vicariously assert the fundamental rights of 3<sup>rd</sup> parties, to wit: Melvin Looser's right to counsel.

9 452. California's invention of the infraction in 1969 or 1972 causes a substantial number (60 per day per court?) of traffic offenders to be denied counsel.

10 453. Paragraphs #130-153 discuss Melvin Looser's traffic case, infraction, and Palaschak's alleged brief writing.

11 454. The California bar and legislature may not abridge Palaschak's first amendment rights by their unconstitutional bar act nor may they chill Melvin Looser's right to counsel by intimidating Palaschak (who has honored an invalid bar license denial) by prosecuting him for de minimis crime - or no crime.

12 455. For this court, its duty is to uphold the constitution and protect a citizen in its jurisdiction from deprivation of constitutional rights by the instrument/ vehicle of illegal extradition. This non-crime is not within purview of the extradition clause, but more to this issue, consider the constitutional context, to wit: a statute that infringes on constitutional fundamental preferred rights of speech, press, counsel must be presumed invalid absent compelling state interest. Indeed a special kind of presumed invalidity attaches here, to wit: **overbreadth**. Also, the bar infringes on Palaschak's rights to association. This issue went before the court many years ago in *NAACP v Button* (1963) 9 L Ed 2d 405, 371 US 415, 83 S Ct 328. (Retrospect: Overbreadth and *NAACP v Button* are leading themes in my brief #3789 entitled *First Amendment Rights of Lawyers*.)

13 **15<sup>th</sup> cause of action: Violation of Palaschak's right to Association**

14 456. The legislature by elevating a 1<sup>st</sup> offense of §6126 to a felony for bar members and a misdemeanor for others chills Palaschak's 1<sup>st</sup> amendment right to freely associate with others for mutual benefit. This right is a fundamental right and triggers strict scrutiny analysis. There is not compelling state interest. The statute must yield. Indeed the statue stands the law on its head. Who would cause mor harm? A never-has-been lawyer or a trained lawyer who disagrees with bar dogma? "Technical expertise is the sole societal excuse of the bar monopoly" - *History of American Law*, 2<sup>nd</sup> edition, 1984, page 24, Professor Lawrence Friedman of Stanford. Palaschak's expertise and brilliance have

**PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

never been questioned. Only his testosterone has been a problem - and only for those bureaucracies who would oppress and prey upon drivers, lawyer, drug users, and other free humans.

457. To summarize this cause of action, California business and profession code §6126, aside from being a denial of equal protection by its discriminatory punishment, chills Palaschak's associational rights by punishing him for his past association with the California bar in violation of the multitude of cases cited in *Griswold v Connecticut* (1965) 14 L Ed 2d 510, 381 US 479, 85 S Ct. Also, the state bar act is unconstitutional as an abridgment of free speech. Lawyers primarily do only 4 things: Speak, write, listen, read. The bar may not license these activities. They have. It's illegal. The history of the bar is a history of back pedaling to undo their illegalities whether it be impairing advertising, impairing the right to travel by residency requirements, or by denying a license to a black or a woman.

458. Ironically or not a bar organization may not discriminate against communists. *Schware v board of Bar Examiners* 353 US 232. Now a bar alumni finds himself being discriminated against, but in reality this is an old internal bar struggle. ( Retrospective note: We are making progress. Years ago when you displeased the establishment they took away your college diploma.)

459. Palaschak and his anti-bar activist friends have succeeded in eliminating 90% of the bar's income from dues by the governor's veto due to the bar's having spent \$1 million on 1 sole lobbyist to the legislature.

460. The line is the same as it has been throughout U.S. history: Small, sole practitioners like Palaschak, who have actual human unwashed clients versus people like short-sited demagogue Diane Ye, who has never had a human client but who favors moneyed interests as general counsel of the state bar, her life long employer, but I digress.

461. Will this court permit extradition for what is really one more step in Palaschak's civil battle with the bar? See volume 31A of Am Jur §38 - *Criminal Charge Filed in a civil matter*. This court may block extradition on this basis also.

462. Even Blackstone in his commentaries complained of the increasing number of statutory crimes.

463. Here, the California bar by its agent, the Ventura prosecutor, seeks to plunge the final wooden stake into the corpse of Palaschak's career.

464. They do indeed cooperate. They did cooperate in the 1993 raid and share the ill gotten evidence despite not having pressed criminal charges.

**16<sup>th</sup> Cause of Action: Denial of counsel at bar hearing in violation of equal protection clause**

465. Denial of effective assistance of counsel to Palaschak constitutes a cause of action for which Palaschak is entitle to redress under §1983. ( Retrospect: The code provides that lawyers in bar hearings are entitled to counsel but David Wesleyan said that it did not guarantee that counsel would

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 be provided to the indigent. Well, neither does the 6<sup>th</sup> amendment, and the bar's neanderthal  
3 approach to appointed counsel is the same approach that was used in this country until the U.S.  
4 supreme court recognized that equal protection means that the poor as well as the rich are entitled  
5 to counsel.)

6 **17the cause of action: Denial of access to law material**

7 466. Paragraph 243 above describes our denial of access to law materials. (Retrospect: Judge Ryan  
8 changes his rules as the case progressed. At first he said that the jail would provide law materials.  
9 Then he said that I should pass my requests to the district attorney who would give me the materials  
10 I needed. The district attorney give me 8% of what I needed and then convinced the judge (ex parte  
11 as I recall) that I did not need any more materials.

12 467. The foregoing was written in about June 1999 in complaint #3435.

13 468. The following was written the following year after release from jail and focuses on the events that  
14 transpired after departure from Illinois via extradition to California.

15 469. At the preliminary hearing the prosecution presented a copy of the tape to the defendant - without  
16 any means of playing the tape - and appointed defense counsel Joel Steinfeldt had failed to listen  
17 to it.

18 470. At trial the tape recording was played at cross examination of the 2<sup>nd</sup> witness, lying bailiff Vido - the  
19 main witness - against the objection of the prosecution.

20 471. Vido then admitted that his testimony was absolutely incorrect.

21 472. The jury took only 2 hours to return an acquittal on the sole count.

22 473. Upon returning home to Illinois Palaschak found strange people in his house.

23 474. These people had taken over their house and their farming jobs.

24 475. This incident is just one is a series of harassment of Palaschak by Glen Kitzman (actually a very  
25 nice guy) and the Ventura district attorney.

26 476. In 1997having been unconstitutionally forced out of the practice of law in retaliation by the California  
27 Supreme court, the California supreme court having been a defendant in a suit by Palaschak's  
28 former client, Palaschak returned to Illinois to farm.

477. Then in 1999 defendants conspired to ruin Palaschak's 3 year start in farming.

478. When Palaschak returned home after his acquittal, his home and farming opportunity were gone.

479. Palaschak's younger brother, Jerry, was also injured in that he shared this farm home with Douglas  
Palaschak.

480. Jerry had spent years improving the family farms - only to be tossed aside.

481. All defendants are sued in their personal and official capacities.

482. Where appropriate, government agencies are sued in respondeat superior - and I am not, by so

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 pleading, denying other grounds for liability.

3 483. Douglas Palaschak demands a jury - and resents the threat of being denied a jury for failing to  
4 demand it - an erosion of our rights.

5 484. The injury happened in northern Illinois, Ventura, California, and continues in San Jose, California,  
6 and New Orleans.

7 485. The injury happened in the air space through which Palaschak was transported from Illinois to  
8 California including the air space over the Grand Canyon which was the only landmark readily  
9 identifiable to Palaschak's view.

10 486. All defendants did violate Palaschak's rights under color of state law.

11 487. All defendants did conspire to deprive Palaschak of his rights.

12 488. All defendants did go onto the streets and highways to deprive Palaschak of his rights and to injure  
13 Palaschak and his brother Jerry Palaschak.

14 **Overview**

15 **Information and names of Defendants - in Chronological Order from arrest**

16 489. Except as otherwise correctly stated herein, the true name and spelling of **all defendants** is not now  
17 known. This complaint will be amended as the information becomes known.

18 490. Defendant information is placed here because some of it is known now - and yet the title block  
19 remains unchanged so as to agree with the summons.

20 491. **Investigator Glen Kitzman** has since 1991 repeatedly falsely accused me of crimes, released  
21 defamatory untrue press release(s), read my private diaries without any warrant or nexus, and kept  
22 my computers and other property for over a year.

23 492. In the instant case Kitzman had a tape recording that exonerated me yet he withheld it from the  
24 judges and magistrates to whom he gave requests for a warrant for my arrest.

25 493. Kitzman knew that his affidavit contained the untrue sworn testimony of lying bailiff Vido.

26 494. Kitzman's deception and violation of his oath of office preclude him from asserting qualified  
27 immunity.

28 495. Having been sued by me previously for Kitzman's deception and violation of his oath of office, they  
cannot now say that they did not know.

496. Ventura Bailiff Vido lied and his lie was the basis for my arrest.

497. Vido also perjured himself and recanted only when faced with the tape recording exonerating me.

498. His testimony that he was "mistaken" is no more believable than his other lies.

499. Ventura Judge Barry Klopfer should have recused himself regarding my warrant as he has done on  
my other dealings before him.

500. Klopfer is an ex prosecutor in the sex crimes unit.

**PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

- 1
- 2 501. I successfully defended accused sex offenders and incurred the wrath of former Judge Bradley who
- 3 has been removed from the bench for repeated drunk driving.
- 4 502. Klopfer is also disabled and crossed my path in my campaign to assert my rights to park in a
- 5 handicapped parking place when that place is assigned to my (handicapped) room in a motel.
- 6 503. County of Ventura and State of California are responsible by respondeat superior and other theories.
- 7 504. Prosecutor \_ performed a police function in seeking my arrest warrant and therefore loses his
- 8 prosecutorial immunity.
- 9 505. FBI agent Timothy Eley made the arrest and violated his oath to uphold the constitution.
- 10 506. Eley cannot be heard to protest that he did not know the state of the law; high school graduates and
- 11 people who watch police shows on television know about the 1<sup>st</sup> amendment to the constitution.
- 12 507. Eley told me to stop telling him about the underlying crime.
- 13 508. He said that he did not want to know.
- 14 509. He cannot plead lack of knowledge after purposely silencing the person giving him the knowledge.
- 15 510. The FBI and United States are responsible by Respondeat Superior.
- 16 511. Governor Grey Davis of California in 1999 violated his oath of office.
- 17 512. All persons who procured my extradition and prosecution
- 18 513. District Attorney Michael Bradbury
- 19 514. Public Defender Dan Bute surreptitiously intercepted my petitions for writ of habeas corpus.
- 20 515. It is not his duty to intercept petitions for writ of habeas corpus and there is no public policy justifying
- 21 any immunity for him.
- 22 516. Illinois Supreme Court denied me a hearing and delayed my case for 2 weeks and violated their oath
- 23 to uphold the constitutions.
- 24 517. Each justice of the Illinois Supreme Court sitting in May-September 1999 violated his oath and duty
- 25 to me.
- 26 518. Governor of Illinois in 1999 violated his oath to uphold the constitution.
- 27 519. Attorney General of Illinois in 1999 breached his duty to me and conspired to enforce a law that
- 28 abridged my rights - in violation of the 14<sup>th</sup> amendment.
520. Court of Appeal of Illinois at Ottawa enforced a law that violated my right to speech and thereby
- conspired and violated the 14<sup>th</sup> amendment.
521. Each Member of that court of appeal did so violate the 14<sup>th</sup> amendment to my detriment.
522. LaSalle county and State of Illinois are responsible for actions of county and state employees
- respectively under theories of respondeat superior and other theories.
523. Deputy Al Weigen, Deputy \_\_\_ in Illinois who took my law library took my stuff without due process
- and interfered with my access to the courts. I want my books back!

**PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

- 1
- 2 524. 2<sup>nd</sup> extradition deputy conspired knowing that he was violating my right to free speech.
- 3 525. Judge Becky Riley of Ventura did not take time to listen to the tape recording. She may have immunity.
- 4 526. Attorney Joel Steinfeldt did his usual slacker job and did not even listen to the exculpatory tape recording.
- 5
- 6 527. Conflict Defense Associates is responsible for Joe's negligence.
- 7 528. Unremembered Ventura judges who participated had a duty and breached it. They cannot enjoy judicial immunity because they had a conflict of interest and besides, they weren't hearing my case, they were acting as police by attempting to have me prosecuted for writing a petition.
- 8
- 9 529. Two judges before whom I appeared in Illinois both participated in the ruse of arresting for 1073 and then holding.
- 10 530. Judge Steele denied my motions, but he was doing do in a judicial capacity, and although it was a bad decision, I am not prosecuting him.
- 11
- 12 531. Judge Clark of Ventura denied my motions and kept my bail too high.
- 13 532. Every member of the California Supreme Court who was a defendant in Acuna's 1994/95 litigation against them should have recused himself from my LSD case and my disbarment proceedings. They had a bias being former defendants.
- 14
- 15 533. State Bar of California created this mess by the methods described on my website. They kicked me out of my own bar hearing for being late. They asked only for 3 years on my first discipline and then disbarred me and gave me no notice.
- 16
- 17 534. Every employee of the state bar and court who litigated against Palaschak to deprive him of his license conspired to deprive me of my rights.
- 18
- 19 535. Occupants of plaintiff's former Illinois farm home have my stuff today!

**Recent Chronology**

- 20 536. In spring 1997 Douglas Palaschak was in bad financial condition and living at the Missile Motel in Port Hueneme.
- 21
- 22 537. Douglas's bar license had been illegally suspended by the state bar for a collection of minor offenses having no nexus to the practice of law.
- 23 538. The most serious of these offenses were speeding (72 in a then 55 - now 70) and driving on a license suspended for failure to have insurance 3 years prior when Douglas was rear-ended by a cigarette van owned by R J Reynolds who paid Palaschak's damages.
- 24
- 25 539. In spring 1997 Palaschak's friend Melvin Looser received a traffic ticket for crossing the yellow line.
- 26 540. Looser could not afford to pay the ticket.
- 27 541. Looser is a disabled veteran and survived on welfare benefits.

**PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

1  
2 542. Commissioner Covarubbius of Ventura attempted to browbeat Looser by threatening him with jail.  
3 543. Palaschak recalling his oath and his statutory duty to "Never to reject, for any consideration  
4 personal to himself or herself, the cause of the defenseless or the oppressed" (California  
5 business and professions code section 6068-h), wrote brief #2871(the first 2 pages of which are  
6 exhibit C attached) for Melvin Looser and accompanied Looser to court in spring 1997.  
7 544. Thereafter Palaschak returned to Illinois to farm.  
8 545. On 14 May, 1999, 2 years after Palaschak wrote the petition for redress of grievances for Looser,  
9 at approximately noon Brother Farmers Doug and Jerry Palaschak were returning from the tractor  
10 store to their farm home.  
11 546. They saw 3 Ford Crown Victoria 4 door sedans parked in their driveway.  
12 547. They knew that Crown Victoria 4 door sedans are the choice of police.  
13 548. Palaschak had been warned days earlier that the FBI had inquired regarding his whereabouts.  
14 549. After circling the section one time for the sake of prudence and safety, Doug entered his house.  
15 550. He found 5 armed white male plain clothes police examining the contents of his kitchen and living  
16 room/ office.  
17 551. Palaschak promptly identified himself.  
18 552. FBI agent Timothy Eley congenially arrested Palaschak.  
19 553. Palaschak does not now know the true name of FBI agent Timothy Eley but on the basis of a 22  
20 February 2001 telephone conversation with Eley's supervisor, Ivan Harris at the Chicago FBI office,  
21 and on the information from Harris that Eley works the LaSalle county region, the region where  
22 Palaschak suffered the false arrest, Palaschak states on information and belief that Timothy Eley  
23 is the true name of the FBI agent who arrested Palaschak.  
24 554. Palaschak may be mistaken about the true name and spelling of all defendants and seeks leave to  
25 amend this complaint should the true name and spelling be discovered.  
26 555. FBI agent Timothy Eley politely refused to listen to Palaschak's firm assertion that he was innocent.  
27 556. Timothy Eley's failure to even consider assertions from a constitutional specialist that he was  
28 innocent constitutes wilful violation of Palaschak's constitutional rights.  
557. Timothy Eley violated the directive of the arrest warrant.  
558. The arrest warrant directed Timothy Eley to take Palaschak to the nearest Federal magistrate.  
559. Timothy Eley took Palaschak to the county jail for LaSalle county Illinois.  
560. FBI agent Timothy Eley's arrest was a pretextual arrest specifically intended to violate Palaschak's  
rights.  
561. FBI agent Timothy Eley told Palaschak at the jail that in "cases like this, the federal charge usually  
goes away. We provide a locator service for local police."

**PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

- 1
- 2 562. Palaschak repeated to FBI Timothy Eley in his interview at the jail that he was innocent.
- 3 563. Palaschak explained to FBI Timothy Eley in his interview at the jail that Palaschak's only alleged  
4 crime consisted solely of speech and writing to seek redress of grievances and that as such  
5 Palaschak's speech and writing are protected by the 1<sup>st</sup> amendment.
- 6 564. FBI agent Timothy Eley and all defendants blatantly ignored their sworn duty to uphold the  
7 constitution.
- 8 565. The facts of the case were known to all defendants.
- 9 566. The first amendment rights to speech, press, and redress of grievances are not highly technical  
10 matters of law, but are widely known by the public including all defendants.
- 11 567. All defendants had then a duty to know the constitution.
- 12 568. All defendants had previously sworn to uphold the constitution.
- 13 569. All defendants violated that oath regarding Palaschak.
- 14 570. Palaschak has never committed any act deserving discipline by defendant state bar of California.
- 15 571. All defendants had a duty to inquire regarding the reason for the bar action against Palaschak
- 16 572. All defendants failed to inquire.
- 17 573. The bar had a conflict of interest, having take action against Palaschak solely due to Palaschak's  
18 controversial views and because Palaschak's client represented by Palaschak, sued the state bar.
- 19 574. FBI agent Timothy Eley congenially arrested Palaschak.
- 20 575. The true name and spelling of agent Timothy Eley is not known and is stated on information and  
21 belief having been obtained from the FBI office in Chicago by telephone.
- 22 576. The United States and the FBI are sued under a theory of respondeat superior.
- 23 577. Several Deputies of LaSalle county assisted in the arrest. The true names and spellings of the  
24 names of these deputies are not now known.
- 25 578. The LaSalle county deputies are herein tentatively named "all persons who procured my extradition  
26 and prosecution."
- 27 579. The true name of the public defender sued as "the other public defender in Ottawa" is not now  
28 known.
580. Illinois **Prosecutor Michael T. James** is sued under the name of "all persons who procured my  
extradition and prosecution".
581. Illinois Prosecutor **David C. Day** is sued under the name of "all person who procured my extradition  
and prosecution."
582. By **lying under oath - committing perjury** - in the notarized form copied in Exhibit A attached to  
this complaint, Prosecutor's Day and James committed perjury and falsely accused Palaschak  
resulting in the losses as set forth elsewhere in this complaint.

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 583. I accused David Day of committing perjury as soon as I read exhibit A when it was handed to me  
3 in court on 17 May just prior to my arraignment.

4 584. Prosecutor Day shouted at me up close in my face before the judge took the bench.

5 585. Perjury #1 by Day and James: Day and James say that I was accused of practicing law without a  
6 license.

7 586. In fact I was never accused or practicing law without a license.

8 587. California B&P section 6125 describes the crime of practicing without a license, to wit:

9 588. 6125. No person shall practice law in California unless the person is an active member of the  
10 State Bar.

11 589. Exhibit B is the California complaint. As anybody can read, it accuses me (albeit falsely) of  
12 advertising and holding myself out as practicing or otherwise entitled to practice law after having  
13 been disbarred - **which is 6126 and not 6125.**

14 590. B&P 6126 (a) is a misdemeanor for some persons and not for others.

15 591. I was accused (falsely) of 6126(b) - as shown in exhibit B to this complain.

16 592. "6126 (a) Any person advertising or holding himself or herself out as practicing or  
17 entitled to practice law or otherwise practicing law who is not an active member of  
18 the State Bar, is guilty of a misdemeanor."

19 593. " (b) Any person who has been involuntarily enrolled as an inactive member of the  
20 State Bar, or has been suspended from membership from the State Bar, or has  
21 been disbarred, or has resigned from the State Bar with charges pending, and  
22 thereafter advertises or holds himself or herself out as practicing or otherwise  
23 entitled to practice law, is guilty of a crime punishable by imprisonment in the state  
24 prison or county jail. However, any person who has been involuntarily enrolled as  
25 an inactive member of the State Bar pursuant to paragraph (1) of subdivision (e)  
26 of Section 6007 and who knowingly thereafter advertises or holds himself or herself  
27 out as practicing or otherwise entitled to practice law, is guilty of a crime punishable  
28 by imprisonment in the state prison **or county jail.**"

594. " (c) The willful failure of a member of the State Bar, or one who has resigned or  
been disbarred, to comply with an order of the Supreme Court to comply with Rule  
955, constitutes a crime punishable by imprisonment in the state prison or county  
jail."

595. "6127. The following acts or omissions in respect to the practice of law are  
contempts of the authority of the courts: (a) Assuming to be an officer or attorney  
of a court and acting as such, without authority. (b) Advertising or holding oneself



**PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

- 1
- 2 607. I know not his true name and spelling.
- 3 608. The Illinois "common law record" submitted to the court of appeal mistakenly states that the  
4 arraignment judge was Chris Ryan.
- 5 609. This "common law record" contains numerous other mistakes.
- 6 610. Lanuti breached his duty to me to uphold the constitution.
- 7 611. Although generally judges are immune for making wrong decisions, this judge failed to consider the  
8 fundamental nature of my action and the clarity of the constitutional clause that gave me immunity,  
9 to wit: I was accused of writing a petition!
- 10 612. The first 2 pages of the petition are included herein in exhibit C.
- 11 613. As you can see in my handwriting on exhibit C at the bottom, this evidence did not arrive at the jail  
12 in Ottawa until 12 July.
- 13 614. The judge should have demanded some evidence before holding me.
- 14 615. The affidavit of **James and Day** was without percipient knowledge or even direct knowledge - and  
15 the judge knew that.
- 16 616. Arraignment Judge Lanuti in Ottawa Illinois on 17 May 1999 breached his duty to uphold the  
17 constitution.
- 18 617. Had Judge Lanuti upheld the constitution he would have inquired regarding my 1<sup>st</sup> amendment rights  
19 and something in the complaint that would bring my petition out of the purview of the 1<sup>st</sup> amendment  
20 - and he would have been compelled to release me.
- 21 618. I argued that the affidavit was perjury and that it was made without any knowledge of the true facts -  
22 and that is today obvious from the situation and it was obvious then.
- 23 619. Defendant Judge H. Chris Ryan denied my request for a continuance to permit me to prepare for  
24 my extradition hearing.
- 25 620. Defendant Judge H. Chris Ryan breached his duty to me to uphold the constitution.
- 26 621. I explained to him that my alleged "crime" was a petition for which I had immunity.
- 27 622. Before I could explain that the "privileges and immunities" clause applied to the immunity from  
28 prosecution for speech, writing and petition for redress, he cut me off without warning and denied  
me the opportunity to even argue.
623. Although judges generally enjoy a generous immunity for a wrong decision, this is such a simple and  
clear case that the judge should have obeyed his oath and upheld the constitution.
624. Also, Judge Chris Ryan had a duty to give me a hearing and a chance to argue. That is  
fundamental.
625. **No judge may be immune from denying a person the right to argue that his "crime" was free  
speech of the most protected class - redress of grievances.**



1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 636. This was aggravated because I had been denied a typewriter and a computer - and therefore my  
3 argument had to be in handwriting or oral.

4 637. Judge Ryan and LaSalle County and Illinois denied me the following:

5 638. They denied me a transcript to present to the Illinois court of appeal, the federal district court in  
6 Illinois, and this court today.

7 639. They denied me access to a typewriter and word processor.

8 640. They denied me access to a law library.

9 641. They confiscated my own private law library.

10 642. They interfered with my mail and apparently intercepted my letter to Bernard Jenkins after warning  
11 me that I could not send sealed letters to Bernard.

12 643. I challenge that mail policy in this lawsuit.

13 644. Defendant Ventura prosecutor **J. Thomas Connors** defamed me by telling the jailers that I was a  
14 former city attorney accused in a sex scandal.

15 645. In fact I was never a city attorney.

16 646. Some person in the Ventura prosecutor office told my parents that my crime was fraud.

17 647. In fact I have never been accused of fraud by anybody.

18 **Palaschak was held without access to law library in Illinois**

19 648. In Illinois I was told to ask the prosecutor for any material that I might need.

20 649. The public defender failed to appear at my arraignment.

21 **Palaschak was released and then arrested again - and never arraigned.**

22 650. On June 8, 1999 Ventura county faxed information to the Illinois jail that the warrant for Palaschak  
23 had been recalled.

24 651. The jail in Illinois released Palaschak.

25 652. Approximately an hour later Deputy Karen asked Palaschak (who was sitting on a bench outside the  
26 jail waiting for a ride home) to come back inside the jail.

27 653. Deputy Karen explained that Ventura sent a new warrant.

28 654. **Thereafter Palaschak was denied any arraignment on the new warrant and on the new arrest  
by Deputy Karen.**

655. Under *Gerstein v Pugh*<sup>1</sup>(1975) 420 U.S. 103, 43 L Ed 2d 54 et. al., Palaschak was entitled to a  
meaningful probable cause hearing but was denied one especially after the 2<sup>nd</sup> arrest - on 8 June.

Although the papers subsequently obtained by Palaschak mistakenly state that his bail was  
\$250,000.00, in fact Palaschak's jailers told him repeatedly that his bail was \$500,000.00.

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 657. The Illinois judge said essentially that I did not have a right to both an attorney and access to legal  
3 materials. I therefore fired my worthless public defender.

4 658. In Ventura, you don't get to use the law library regularly unless you are pro per.

5 **Illinois public defenders were incompetent and malicious**

6 659. No public defender appeared at my arraignment in Illinois in any court.

7 660. I was arraigned at county court even though the federal warrant ordered that I be taken before a  
8 federal magistrate.

9 **Police seized and lost Palaschak's personally annotated books from law school.**

10 661. Ventura Deputy Al Weigand, a genuinely nice guy, superb police officer, and a gentleman, refused  
11 to bring along my 8 or so law books, some of which I annotated in law school and cherished.

12 662. Apparently Weigand did not realize that they were law books that I was using on my case.

13 663. I filed a complaint with the sheriff.

14 664. Weigand was kind enough to visit me in jail - but Ventura failed to simply call back to Illinois and ask  
15 that the books be held.

16 665. Bernard Jenkins attempted to retrieve the books but the jailer said that he lost half of them.

17 666. Illinois deputies subsequently maliciously, negligently and recklessly lost some of those books.

18 **Extradition for exercising constitutional right is a denial of privileges and immunities clause.**

19 667. Palaschak challenged extradition in a multitude of courts.

20 **Malicious Prosecution**

21 668. Defendant Glen Kitzman and all defendants knew or should have known that a court proceeding  
22 would have a record.

23 669. Defendant Glen Kitzman and all defendants knew or should have known that Ventura municipal  
24 court made a tape recording of the session about which Deputy Vido lied.

25 670. Glen Kitzman in fact knew that the tape recording proved that the witness upon whose testimony the  
26 warrant was procured was in fact lying or mistaken.

27 671. All defendants in fact knew that the tape recording proved that the witness upon whose testimony  
28 the warrant was procured was in fact lying or mistaken.

672. Ventura should never have filed the case.

**The search warrant: Using evidence known to be untrue.**

673. The arrest warrant was based primarily on the 4<sup>th</sup> hand hearsay relayed by Lying Bailiff Vido.

674. If they knew what the tape recording proved Vido to be lying, they should have presented a transcript  
of the recording along with the affidavit and let the judge decide whether the tape recording was  
lying or whether Vido was lying.

675. At any time before the jury returned, the prosecution could have done the right thing and dismissed

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 the case. They did not.

3 **Bias of ex prosecutor O'Neill**

4 676. The warrant application should have mentioned that complaining witness former prosecutor, now  
5 Judge O'Neill has recused himself in prior Palaschak cases having formerly been a prosecutor in  
6 cases where Palaschak was either opposing counsel or a defendant. O'Neill should have recused  
7 himself from the Looser appeal where Palaschak wrote the only brief. Instead O'Neill sought to  
8 violate Palaschak's rights to redress grievances by having him falsely arrested.

9 677. The opinion of a judge such as O'Neill carries considerable weight - and therefore it was incumbent  
10 upon the prosecution to reveal O'Neill's bias which they hid.

11 **Denial of right to preliminary examination.**

12 678. The prosecution and police conspired to prevent Palaschak from playing the tape at the preliminary  
13 examination.

14 679. They snatched Palaschak from his home thereby assuring that he did not bring the exculpatory tape  
15 with him if he had a copy.

16 680. They conspired with the sheriff to prevent him from playing the tape in jail.

17 681. Appointed counsel Joe Steinfeldt negligently failed to transcribe the tape - or even to listen to it  
18 before the preliminary examination.

19 682. Steinfeldt should have recused himself after I asked him to recuse himself due to his having badly  
20 represented a witness against me in 1992 when he should have joined with me to make our  
21 combined victory more certain.

22 683. Judge Becky Riley should have granted my right to unbiased counsel.

23 684. More importantly, she should have delayed the preliminary examination so that we could listen to  
24 the tape and transcribe it and prove to her that the prosecution had no case.

25 **Jury including employee of District Attorney unanimously found Palaschak not guilty.**

26 685. A Ventura jury found Palaschak not guilty of the sole charge.

27 **Previous Unusual Situation and pattern of abuse.**

28 686. Action was initiated against Palaschak by the state bar because of Palaschak's controversial and  
leading edge legal opinions in the area of drugs and gender.

687. The Ventura sheriff refused to mail Palaschak's habeas corpus petition to the supreme court - and  
instead simply gave it back to Palaschak when they released him from jail in 1995 or 1996.

688. As a result of his false imprisonment, Palaschak lost his home in Illinois and his foothold in farming.

689. The state bar took action against Palaschak while he was in jail on an unfairly long sentence for  
driving on a suspended license which license was suspended 2 or 3 years after Palaschak was a  
victim of a car crash and was uninsured.

**PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

1  
2 690. Palaschak has been an outspoken critic of the car insurance industry and its corruption and  
3 legislative abuse of constitutional rights.

4 691. In 1992 Palaschak was wrongfully convicted of a misdemeanor possession of LSD which conviction  
5 was rightfully overturned on appeal.

6 692. The California Supreme court reaffirmed the conviction without having the complete transcript or  
7 even 10% of the argument.

8 693. The leading witness for the prosecution was Ventura police David Matz whose testimony was  
9 inconsistent with everybody including his partner, Officer Dawson.

10 694. On 14 September 1999 David Matz was arrested for shoplifting some dog vitamins at Petco in  
11 Ventura.

12 695. Douglas Palaschak interviewed clerks at the store to authenticate the story.

13 696. Palaschak promptly demanded a rehearing before Judge Steele who denied his request.

14 697. Glen Kitzman and Ventura raided Palaschak's office in 1993 and then released Palaschak after 6  
15 days in jail admitting that there was no crime.

16 698. Kitzman and Ventura kept all Palaschak's computers, his laser printer, and his files, money,  
17 uncashed checks, and other material for over a year and then returned them depreciated in value.

18 699. Ventura attempted to extort a guilty plea from Palaschak by promising to give him his computers  
19 back.

20 700. The bar and the district attorney read Palaschak's diaries going back to 1989 knowing that they had  
21 no probable cause to do so.

22 701. The bar and the district attorney held Palaschak's computers and files even though they pressed no  
23 charges against him and knew that they had no case in 1993 - because they charged him with  
24 practicing law without a license under the mistaken presumption that his federal license was  
25 impaired.

26 702. Palaschak has for 25 years litigated against the traffic administrative agency disguised as a court.

27 703. As a result of this litigation and the unfair and unconstitutional acts of Judge Hunter of Ventura,  
28 Palaschak spent nearly a year in jail in 1992 and lost his law office, his law library, his practice, and  
his engineering library.

704. As a result of illegal prosecution for parking in a handicap parking space at the Motel 6 (or maybe  
something else - I can't remember now) but I have records - Palaschak's blue car was seized  
preventing him from participating in some of the sessions of his state bar hearings.

705. Palaschak was kicked out of another session for arriving late from Ventura to downtown Los Angeles  
and then attempting to turn on his computer.

706. State bar hearing officer forbid Palaschak to record the session.

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 707. State bar split the one hearing into 3 tapes so that Palaschak could not afford to buy all 3 tapes.

3 708. The tapes are overpriced.

4 709. The bar discipline system violates the California constitution(s).

5 710. Although state law requires counsel for state bar litigants, Palaschak's demand for counsel was denied.

6 711. Generally people are not disciplined by the bar for first time drug use - at least not as seriously as Palaschak.

7 712. The excessive punishment was because of Palaschak outspoken views about drug laws, traffic laws, and oppression by the courts.

8 713. **The supreme court did not have a complete transcript of the drug case when they heard it - due to the neglect of their own appointed lawyer.**

9 714. The supreme court had a conflict of interest when they took action against Palaschak's license, having been sued by Palaschak's client in the prior year with Palaschak doing the litigation as counsel for the client.

10 715. As a result of the newly imposed impoundment statute Palaschak's red car was seized leaving Palaschak carless again. Palaschak challenged the statute but was then evicted and left homeless.

11 716. Palaschak subsequently began farming and was farming when this same police agency ruined Palaschak's farming opportunity by this false arrest.

12 **Back to the near present - Homeless upon return to Illinois**

13 717. Palaschak was homeless upon returning to Illinois.

14 718. Jerry Palaschak who shared the house with Douglas and had spent the summer in New Orleans, also lost his home - and his foothold on his farming career.

15 719. As a result, Jerry Palaschak suffered depression and eventually was hospitalized for 8 days in September 2000 for pneumonia and weight loss from aggravation of a previously existing condition exacerbated by stress and the hardships of financial stress and homelessness.

16 720. Jerry's life expectancy may have been eroded by the thoughtless actions of defendants.

17 721. Like Jurgis (in Upton Sinclair's novel entitled "The Jungle") Palaschak returned home from jail to find strangers living in his house.

18 **Interference with access to courts by taking litigation notes from my home.**

19 722. Palaschak had mailed himself legal notes and records from jail.

20 723. Some of those letters are missing and presumed taken by the people who moved into Palaschak's house.

21 724. All of Palaschak's possessions that were in his house in Illinois were either taken from the house or kept in the house and taken possession by the new occupants.

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 725. When Palaschak drove by his former home, he could see his lawn chairs.

3 726. Some of Palaschak's possessions were put in the machine shed at the Kaleel farm where Palaschak lived as a child.

4 727. Some of Palaschak's possessions are missing and presumed in the possession of brother Greg Palaschak and the new occupants of Palaschak's former home.

5 728. Palaschak lived in that Kaleel machine shed for a month in October 1999 upon returning to Illinois.

6 729. The actions described herein are part of a continuing oppression of Palaschak by Kitzman and  
7 unknown persons in the office of the district attorney and the state bar.

8 730. Only upon reviewing reams of state bar discovery did Palaschak realize that local police had  
9 cooperated with a former secretary who took job applications from Palaschak's office to the police.

10 731. On the basis of that shocking discovery Palaschak now wonders what other surreptitious or other  
11 investigations have happened - and if perhaps, the district attorney and bar police are acting on bad  
12 information in subjecting Palaschak to this bizarre and ultra vires scrutiny.

13 732. Several pages were deleted here to comply with the request of Judge Lew to make the complaint  
14 comply with rules 8 and 9. I protest. I have saved the deleted material in file 4055-deleted.

15 **Cause of action: Taking of our possessions and home while we were gone.**

16 733. After the FBI arrested Douglas on 14 May 1999, Jerry finished the planting season and, as usual,  
17 departed for New Orleans leaving the Sullivan farm house empty.

18 734. While Jerry was gone, Greg Palaschak and his wife broke into the Sullivan house.

19 735. Greg Palaschak and his wife removed some of the belongings of Jerry and Douglas.

20 736. Persons believed to be the sister of Greg's wife - and the sister's boyfriend - moved into the Sullivan  
21 farm.

22 737. As a result of the action of defendants herein, Jerry is once again banished from the farm and  
23 deprived in his golden years of the benefit of his years of hard work and capital improvement of the  
24 family farms in his younger days.

25 738. Palaschak includes all briefs and diaries written regarding this case as though fully incorporated  
26 herein.

27 **Summary of Causes of Action**

28 739. Defendants' action constitutes a cause of action for 42 USC **1983 and 1985<sup>2</sup>**.

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<sup>2</sup>Sec. 1985. Conspiracy to interfere with civil rights STATUTE(1) Preventing officer from performing duties If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 740. Defendants' action constitutes a cause of action under **RICO, 18 USC 1961 et seq.** The underlying  
3 predicate crimes are retaliation<sup>3</sup> against a witness and officer of the court, wire fraud, and mail fraud.

4  
5 State, district, or place, where his duties as an officer are required to be performed, or to injure him in his  
6 person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful  
7 discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge  
8 of his official duties; (2) Obstructing justice; intimidating party, witness, or juror If two or more persons in any  
9 State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the  
10 United States from attending such court, or from testifying to any matter pending therein, freely, fully, and  
11 truthfully, or to injure such party or witness in his person or property on account of his having so attended  
12 or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such  
13 court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment  
14 lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for  
15 the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any  
16 State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his  
17 property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the  
18 equal protection of the laws; (3) Depriving persons of rights or privileges If two or more persons in any State  
19 or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of  
20 depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or  
21 of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the  
22 constituted authorities of any State or Territory from giving or securing to all persons within such State or  
23 Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation,  
24 or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner,  
25 toward or in favor of the election of any lawfully qualified person as an elector for President or Vice  
26 President, or as a Member of Congress of the United States; or to injure any citizen in person or property  
27 on account of such  
28 support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged  
therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another  
is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen  
of the United States, the party so injured or deprived may have an action for the recovery of damages  
occasioned by such injury or deprivation, against any one or more of the conspirators.

20 <sup>3</sup>Section 1503. Influencing or injuring officer or juror generally (a) Whoever corruptly, or by threats  
21 or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any  
22 grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any  
23 examination or other proceeding before any United States magistrate judge or other committing magistrate,  
24 in the discharge of his duty, or injures any such grand or petit juror in his person or property on account of  
25 any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures  
26 any such officer, magistrate judge, or other committing magistrate in his person or property on account of  
27 the performance of his official duties, or corruptly or by threats or force, or by any threatening letter or  
28 communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due  
administration of justice, shall be punished as provided in subsection (b). If the offense under this section  
occurs in connection with a trial of a criminal case, and the act in violation of this section involves the threat  
of physical force or physical force, the maximum term of imprisonment which may be imposed for the  
offense shall be the higher of that otherwise provided by law or the maximum term that could have been  
imposed  
for any offense charged in such case.(b) The punishment for an offense under this section is - (1) in the case  
of a killing, the punishment provided in sections 1111 and 1112;(2) in the case of an attempted killing, or a

**PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

1  
2 741. Defendants' action constitutes conspiracy and all conspirators are liable for the acts of the other.

3 742. Defendants' action constitutes **defamation, false imprisonment, trespass, false arrest, and malicious prosecution.**

4 743. The district attorney's failure to disclose the exculpatory tape recording at the warrant stage  
5 constitutes deceit of the court and bears upon the nature of the **abuse of process and malicious**  
6 **prosecution** - and perhaps perjury but that might be shaky.

7 744. The various judges repeatedly **denied me due process, access to typewriter, access to**  
8 **computer, right to non-excessive bail, right to be free of the oppressive extradition clause**  
9 **which was superseded and amended by the 14<sup>th</sup> amendment, right to privileges and**  
10 **immunities of citizenship including right to speak, write, and petition for redress, and the**  
11 **California right to pursuit of happiness. I may think of more rights.**

12 745. Tammy Molaschi's sister and her sister's boyfriend took over Palaschak's Sullivan farm home - and  
13 took over Palaschak's job.

14 746. Jerry Palaschak is a victim of the HIV virus. The acts of these people who took over Jerry's house  
15 and my house and Jerry's job and my job were done out of hatred. These acts constitute a **hate**  
16 **crime and invidious discrimination on the basis of gender orientation.**

17 747. They constitute a violation of the **Americans with disabilities act.**

18 748. The LaSalle county sheriff refused to help us after the first break in and thereafter.

19 749. Judge Ryan and the court of appeal and Illinois Supreme court made a mockery of justice. They  
20 did not give me proper research and writing tools.

21 750. Ryan said that he would give me time to talk.

22 751. Ryan then cut me off in mid sentence.

23 752. The Illinois courts denied me a transcript for appeal.

24 753. Judge Ryan with no evidence upon which to base his decision, said that I must pay for my stuff  
25 because I own the family farm. I own no land, no farm, no house, no farm machinery.

26 754. Judge Ryan ordered me to obtain any legal material from the very attorney prosecuting me. I had  
27 to ask the district attorney for research materials.

28 755. The district attorney denied 88% of my requests for materials.

756. The public defender was terribly slow and, aside from a few slow initial articles, did not even help  
the district attorney to provide me with materials.

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case in which the offense was committed against a petit juror and in which a class A or B felony was  
charged, imprisonment for not more than 20 years, a fine under this title, or both; and(3) in any other case,  
imprisonment for not more than 10 years, a fine under this title, or both.

**PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

1  
2 757. I kept copious contemporaneous notes and mailed them to myself at my home - -but apparently the  
3 new people who moved into my house took them.

4 758. I asked the district attorney to deal with the break-in of my house but he refused.

5 759. Palaschak herein vicariously asserts the rights of Melvin Looser pursuant to relaxed standing  
6 concepts.

7 760. Looser and Palaschak were witnesses in Looser's traffic case.

8 761. Palaschak was a witness regarding proof of service of pleadings therein.

9 762. Palaschak herein contends that he is protected by 18 USC 1053 as an officer of the court regardless  
10 of the state bar or anybody's allegation of license suspension.

11 763. The U.S. supreme court recognizes the status of "private attorney general" and relaxed standing and  
12 encourages citizens to come to the defense of other citizens.

13 764. The actions of O'Neill, Klopfer, Kitzman, and other conspirators were retaliation for Palaschak's  
14 advocacy of the rights of pedophiles, drug users, and other politic minorities.

15 765. In addition, Palaschak appealed some traffic tickets that spent a long time in the appellate  
16 department of superior court where the court's treatment of them was a sham.

17 766. Nearly every California official involved in this situation had a previous adversarial history with  
18 Palaschak - and should have recused themselves.

19 767. The actions of Covarrubias were intended to teach Palaschak and Looser a lesson: that lesson was  
20 this: Don't try to fight traffic court or we will impose the violence of jail upon you.

21 768. Indeed, Looser and Palaschak both went to jail.

22 769. The Ventura district attorney, Kitzman, and other conspirators were previously sued by Palaschak  
23 for violation of his civil rights.

24 770. Kitzman arrested Palaschak in 1994 and held him in jail for 6 days without even filing a criminal  
25 complaint. He then read Palaschak's diaries and kept his computers, money, laser printer and other  
26 property for over a year.

27 771. Palaschak herein incorporates the facts in this previous case as though fully set forth herein.

**Malicious Prosecution**

28 772. The Ventura district attorney has established a pattern of harassment of Palaschak including 11  
felony accusations with only 2 having been brought to trial.

773. Palaschak has never been convicted of a felony.

774. Glen Kitzman has been the key person in all investigations.

**Defamation**

775. The district attorney, the California bar, and others persist in defaming me by saying that my LSD  
conviction was a felony.

**PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

1  
2 776. Their confusion results from their having originally filed the 11357 (possession - eating a dose of  
3 LSD) as a felony - but the district attorney moved to dismiss that case.

4 777. Having dismissed their original complaint, the district attorney presented an indictment to the grand  
5 jury which charged simple possession (along with 2 other crimes which the jury acquitted me of) bu  
6 did not charge it as a felony.

7 778. In 1993 this same district attorney, with Kitzman driving the show, raided my office and kept my  
8 possession, and issued a press release accusing me of 7 felony counts of practicing law without a  
9 license.

10 779. Kitzman knew that he had no case within minutes of the arrest because I explained that my federal  
11 license was unimpaired and my state license should by rights be unimpaired pending appeal.

12 780. Nonetheless, he had already issued the press release.

13 781. Now again in 1999 the district attorney defamed me by falsely accusing me of practicing law without  
14 a licence, fleeing to avoid prosecution, being a former city attorney, and committing fraud.

15 782. The fraud allegation is particularly troubling and stems from the police agencies not knowing what  
16 B&P 6126 (b) is; they repeatedly said that is was some kind of fraud.

17 783. Palaschak incorporates by reference his Free Speech For Lawyers brief #3789 and all the briefs on  
18 his website <http://lawyerdude.50megs.com> .

**Prayer**

**Declaratory Relief**

19 784. Palaschak requests declaratory relief as follows. Palaschak asks this court to find:

20 785. The patchwork of statutes, committee-made rules, and cases regarding why an attorney may speak  
21 for another even without state license if the other is a foreign corporation employing attorney -and  
22 all the other myriad exceptions are all ludicrous because

23 786. the 1<sup>st</sup> amendment protects speech without abridgment

24 787. and no state may enforce a law that abridges speech.

25 788. That the Illinois bail law is unconstitutional in that it does not permit return of 100% of the fail; a  
26 predatory fee is taken from the fail. Also, attorney fees are taken from the refund.

27 789. That the 14<sup>th</sup> amendment has a ratchet clause that operates as follows:

28 790. That Congress has authority to implement legislation to amplify our rights;

791. That congress does not have authority to denigrate our rights;

792. That Congress's modification of section 1983 denigrating our rights is therefore unconstitutional  
being a violation of the 14<sup>th</sup> amendment.

793. That Congress wrote no statute of time limitations into section 1983.

794. That no state may impair civil rights by virtue of a statute of limitations.

**PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

- 1
- 2 795. That if, in the alternative, a state s/l may be used to impair section 1983, then a California law
- 3 enforcement agency who vicariously swoops down to scoop up a human in Illinois subjects himself
- 4 to the Illinois 2 years statute of limitations even if the case is litigated in California where the
- 5 796. That variable s/l's create patches of greater civil rights - and are therefore unconstitutional and
- 6 therefore the longest s/l must apply if indeed we must following the tenuous and obviously wrong
- 7 legal fiction that Congress intended to let the states emasculate a statute designed to be used
- 8 797. That s/l's are instruments of oppression antithetical to a statute designed to combat oppression;
- 9 798. That Congress does not have authority to delegate emasculating power to the states ad therefore
- 10 Congress could not have delegated that power regardless of its intent.
- 11 799. That the California state bar act is unconstitutional;
- 12 800. That the California state bar act is overbroad;
- 13 801. That overbreadth theory permits Palaschak to challenge
- 14 802. That the only legitimate function of the bar is testing and combating oppression of clients;
- 15 803. That the bars are monopolies and instruments of oppression that inhibit start up of law practices and
- 16 serve corporate ficta;
- 17 804. That the ABA is instrumental in oppressing lawyers and humans;
- 18 805. That the ABA's requirements regarding size of salary and library serve only to oppress and restrict
- 19 interstate commerce;
- 20 806. That although the bar was originated in New York circa 1870 to combat judicial corruption, it has
- 21 been co-opted and now serves corporate ficta as in instrument of corruption and totalitarianism;
- 22 807. That "interstate flight to avoid prosecution" may not constitutionally include simple non-flight
- 23 departure flight taken by a person who has committed no crime - despite previous court rulings to
- 24 the contrary;
- 25 808. That the uniform extradition laws are unconstitutional;
- 26 809. That the extradition statute is unconstitutional;
- 27 810. That the extradition clause, like its adjacent clause, the fugitive slave clause, is superseded by the
- 28 14<sup>th</sup> amendment;
811. That the procedure of FBI agents refusing to take prisoners before a federal magistrate despite
- being ordered to do so on the warrant is a violation of the rights of defendants;
812. That the state bar act as applied to him is unconstitutional;
813. That the state bar act is a prior restraint of speech and proscribed by the constitution as stated by
- the supreme court in Near v Minnesota;

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

2 814. That any attempt by this district court to take Palaschak's license to practice here without notice and  
3 opportunity to be heard is void ab initio as enunciated by the 7<sup>th</sup> circuit at In Re Ming circa 1972;

4 815. That this district court's relinquishment of discipline to the state is unlawful in the case of Palaschak  
and anyone who routinely sues the state and the state bar;

5 816. That denying Palaschak notice and opportunity to be heard at the hearing for the search warrant was  
6 a denial of due process there being no exigency, and there being prior bad acts and harassment by  
7 Kitzman and the district attorney regarding warrants for Palaschak.

8 817. Palaschak requests declaratory relief on all the issues presented in the lower courts on this case.

9 818. Palaschak requests declaratory relief regarding all other issues, if any, presented in the numerous  
pleadings that Palaschak filed while in jail.

10 **Compensatory Damages**

11 819. Palaschak requests compensatory damages.

12 820. Palaschak wants to be made whole regarding his farming opportunity. He was farming and had a  
stable affordable farm home in the township of his birth.

13 821. Palaschak wants to be made whole regarding the damage to his legal career. Palaschak wants to  
be restored to his rightful role of Gentleman Farmer and Lawyer.

14 **Punitive and Exemplary Damages**

15 822. Palaschak requests punitive damages in an amount sufficient to deter further injuries. In the case  
of the FBI and extradition, the practice of being a locator service is flagrantly ongoing.

16 **Attorney Fees**

17 823. Palaschak requests attorney fees.

18 **Injunctive Relief**

19 824. Palaschak asks that the Ventura district attorney, the attorney general of California, the California  
bar be enjoined from further action against Palaschak - absent some serious offense by Douglas  
20 Palaschak having nexus with the practice of law.

21 825. Palaschak demands that the California bar immediately reinstate Palaschak retroactively to the date  
of the first suspension in 1992 - and that all penalties be erased and that Palaschak be immune from  
22 California bar fees for life.

23 **Temporary Relief**

24 826. Palaschak asks for bar reinstatement pending this litigation.

25 827. Palaschak asks that Ventura, California, and the bar be temporarily restrained from further  
prosecution of Palaschak for lawyering. The local FBI agent began to ask me where I lived - as  
26 though beginning another round of arrest and imprisonment.

27 828. This relief is based on Dombrowski v Pfister (1965) 380 US 479 which hold as follows:

1 **PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

- 2 a. Defense of a criminal prosecution will not generally assure ample vindication of 1<sup>st</sup>  
3 amendment rights.  
4 b. A chilling effect upon 1<sup>st</sup> amendment rights might result from such prosecution regardless  
5 of its prospect of success.  
6 c. The abstention doctrine is inappropriate where a statute is justifiably attacked on its face, or  
as applied for the purpose of discouraging protected activities.

7 829. The statute in question is the state bar act. It is an unconstitutional prior restraint and abridgment  
of speech, association, and interstate commerce.

8 830. Palaschak ask for reinstatement at his home in Illinois pending litigation.

9 831. Palaschak requests from defendants Ventura and district attorney the use of a used 8 year old or  
10 newer Mitsubishi, Hyundai, or similar sized economy car to replace the ones taken by California  
11 unlawfully - so that Palaschak can drive to Los Angeles for this litigation - and to exchange in kind  
for seizing my computers, printer, files, and money for a year.

12 \_\_\_\_\_ 29 August 2001.

13 **Attorney Douglas Palaschak** pro se and as Attorney for Jerry Palaschak - which  
Palaschak contends that he may do. Void where prohibited.

14 \_\_\_\_\_ 29 August 2001. Signed by Douglas Palaschak with specific permission  
15 from Jerry Palaschak authorized telephonically on 29 August 2001. Jerry  
16 cannot be here to sign this paper. He is 2000 miles away.  
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**List of Exhibits**

Exhibit A: Report by Special Agent Timothy Eley

Exhibit B: Arrest Warrant by Attorney Willard McEwen of Santa Barbara

Exhibit C: Perjurious Criminal Complaint by Kevin Kelly

Exhibit D: Non-Sworn hearsay untrue statement by Kevin Kelly

Exhibit E: Signature by Willard McEwen on the statement submitted to him - which shows that he did not know what he was doing.

Exhibit F: Copy of Business card taken from my desk in Illinois

Exhibit G: Letter from John Connors naming Eric Bond as his contact person.

Exhibit H: Warrant information regarding Judge Campbell's warrant.

Exhibit I: Letter from FBI denying my administrative claim.

**PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

1			
2	Index	24, 30, 32, 33, 36, 38, 39, 43,	confidence . . . . . 51
3	14th . . . . . 12, 21, 38, 39, 53, 55, 56	45-49, 51, 53-55, 57-59	conflict of interest . . . 39, 41, 50
4	14th amendment . . . . . 12, 21, 38,	August . . . i, 5, 7-12, 14, 23, 24,	Connors . . . . . i, 13, 30, 46, 59
5	39, 53, 55, 56	58	consideration . . . . . 19, 34, 40
6	19 June . . . . . 27, 30, 33	balancing test . . . . . 15	conspiracy . . . . . 5, 8, 30, 33, 51-53
7	1985 . . . . . 5, 17, 51	Bates . . . . . 16	constitutional right . . . . . 47
8	1989 . . . . . 49	belief . . . . . 9, 40, 41	contempt of court . . . . . 43
9	1991 . . . . . 5, 8, 22, 37	Bell . . . . . 15, 29, 30	corn . . . . . 10, 23, 34
10	1995 . . . . . 22, 33, 48	Bell v Burson . . . . . 16, 29, 30	corporate ficta . . . . . 56
11	1996 . . . . . 5, 6, 15, 48	Ben . . . . . 31	counsel . . . . . 2, 12, 13, 16, 18-21,
12	1997 . . . . . 5, 14, 39, 40	bias . . . . . 39, 48	23, 25-27, 30,
13	1998 . . . . . 5, 8, 10-12, 24, 43	bill . . . . . 2, 14, 20, 21	34-36, 45, 48,
14	1999 . . . . . i, 1-3, 5, 6, 8, 12, 13, 22,	birthday card . . . . . 22	50
15	23, 25-27, 29,	Blackstone . . . . . 35	court . . . . . i, 1-4, 6, 10-12, 14-16,
16	30, 32, 36, 38,	blue . . . . . 49	18-20, 22-30, 32-
17	40, 43, 44, 46,	bogus . . . . . 6	36, 38-40, 42-50,
18	49, 51, 55	bond . . . . . i, 8, 59	52-57
19	1st amendment . . . . . 4, 7, 11, 12,	brother . . . . . i, 1, 6, 23, 28, 37, 40,	Crain . . . . . i, 5
20	20, 34, 38, 41,	51	crimes . . . . . 8, 11, 14, 16, 22, 35,
21	44, 55, 58	brother Jerry . . . . . i, 23, 37	37, 38, 52, 55
22	21 . . . . . 2, 3	Burson . . . . . 16, 29, 30	cruel and unusual . . . . . 31
23	5th amendment . . . . . 19	Bute . . . . . i, 12, 26-28, 38	cruel and unusual punishment
24	6126 . . . . . 6, 17, 18, 42, 55	California . . . . . i, 1-6, 11, 13-20, 22-	. . . . . 31
25	6th amendment . . . . . 20, 21, 36	27, 30, 32, 34-	David . . . . . i, 10, 12, 21, 25, 28-30,
26	70 . . . . . 40	43, 49, 50, 53,	32, 36, 42, 45,
27	8th amendment . . . . . 22, 23, 31, 33	54, 56-58	49
28	9th amendment . . . . . 21	California constitution . . . . . 50	Dawson . . . . . 49
	ab initio . . . . . 29, 57	call . . . . . 10, 25, 47	deal . . . . . 17, 54
	access to the courts . . . . . 39	car . . . . . 30, 48-50, 58	defamation . . . . . 13, 31, 53, 54
	account . . . . . 52	card . . . . . 7, 22, 59	demand . . . . . 8, 14, 25, 26, 29, 37,
	administrative . . . . . 2, 49, 59	Carter . . . . . i, 9, 10	50
	advertising . . . . . 6, 15, 16, 35, 42,	Charter . . . . . 16, 24, 43	denial of equal protection . . . 35
	43	Chicago 7 . . . . . 5	deprivation . . . . . 15, 19, 29, 34, 52
	allegation . . . . . 29, 54, 55	chilling . . . . . 34, 58	desk . . . . . 31, 59
	allegations . . . . . 23	Claiborne . . . . . 8, 10, 12, 24	diminish . . . . . 18
	alleged . . . . . 18, 20, 24, 33, 34, 41,	clause . . . . . 7, 14, 15, 20-22, 33,	discovered . . . . . 6, 40
	43, 44	34, 36, 44, 47,	discrimination . . . . . 53
	Americans with disabilities . . . 53	53, 55, 56	dog . . . . . 19, 49
	analysis . . . . . 34	color of law . . . . . 14, 23, 29, 30	dominant . . . . . 16
	angry . . . . . 9, 16, 27	Commentaries on the Laws	door . . . . . 40
	Anne Hanson . . . . . i, 9	. . . . . 22	double jeopardy . . . . . 21
	anniversary . . . . . 2, 3, 10	Commentaries on the Laws of	driver license . . . . . 29
	April . . . . . 43	England . . . . . 22	drug . . . . . 33, 35, 50, 54
	Argersinger . . . . . 18	commercial . . . . . 1	drugs . . . . . 29, 30, 48
	Argersinger v Hamlin . . . . . 18	Commissioner . . . . . 24, 40	due process . . . . . 8, 13-15, 18, 29,
	arrested . . . . . 6, 13, 17, 23, 25, 27,	commitment . . . . . 25-28	30, 39, 53, 57
	40, 41, 43, 46,	compare . . . . . 29	easy . . . . . 32
	48, 49, 51, 54	compelling state interest . . . 34,	effective assistance of counsel
	arrival . . . . . 16	35	. . . . . 26, 36
	attorney . . . . . i, 1, 4-6, 8-18, 20-22,	competing societal goals . . . 15	Eley . . . . . i, 5-8, 11, 22, 27, 30, 38,

**PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

1			
2	40,	36, 38, 39, 44-46, 49, 50, 57	Julie . . . . . 31
3	41,	hearsay . . . . . 47, 59	Julius Hoffman . . . . . 5
4	59	HIV . . . . . 53	July . . . 1, 2, 5, 8, 10-12, 23, 44
5	encroachment . . . . . 16	home . . . i, 1, 3, 13, 23, 28, 32,	June . . 1, 2, 12-14, 22, 23, 25-
6	end run . . . . . 32	36, 37, 39, 40,	27, 30, 32, 33,
7	Engineer . . . . . 21	43, 46, 48, 50,	36, 46
8	equal protection . . 7, 15, 35, 36,	51, 53, 54, 57,	jurisdiction . . . . . 1, 14, 20, 34
9	52	58	jus tertii . . . . . 21, 34
10	excessive punishment . . 31, 33,	how to . . . . . 25, 28	justification . . . . . 23
11	50	Hughes . . . . . 1, 8, 10, 12, 24	Kelly . . . . . i, 10, 11, 59
12	exculpatory . . 3, 28, 29, 33, 39,	Illinois . i-5, 7, 8, 11-13, 15, 19,	Kevin . . . . . i, 59
13	48, 53	21-29, 36-44, 46-	key . . . . . 1, 54
14	exculpatory evidence . . . 28, 29	48, 50, 51, 53,	kitchen . . . . . 40
15	exigency . . . . . 57	55, 56, 58, 59	Kitzman . . i, 32, 33, 36, 37, 47,
16	extract . . . . . 29	Illinois Supreme Court . . . i, 38,	49, 51, 54, 55,
17	extradition clause . . 14, 15, 21,	53	57
18	22, 33, 34, 53,	immune . . . . . 32, 44, 45, 57	Klopfner . . . . . i, 4, 24, 38, 54
19	56	immunities . . . 9, 12, 14, 44, 47,	Kunstler . . . . . 4, 45
20	failed to appear . . . . 22, 24, 46	52, 53	Lanuti . . 12, 25, 26, 28, 29, 44
21	false . . . 3, 6, 8, 12, 13, 40, 48,	immunity . . . 4, 8, 9, 11, 12, 14,	laser printer . . . . . 49, 54
22	50, 53	16, 22, 30, 32,	Laura . . . . . 7, 9
23	FBI . . i-3, 5-11, 22, 25, 27, 30,	33, 37-39, 44,	lawn . . . . . 51
24	32, 38, 40, 41,	45	lawsuit . . . . . 46
25	51, 56, 57, 59	implement . . . . . 55	left . . 1, 9, 11, 14, 18-20, 43, 50
26	February . . . . . 40	impression . . . . . 15	letter . 3, 12, 13, 18, 20, 24, 46,
27	felony punishment . . . . 7, 15	In Our Defense . . . . . 5	52, 59
28	filling . . . . . 9, 12	inadequate . . . . . 28, 29, 31	level . . . . . 19
	first impression . . . . . 15	information . 1, 7, 9, 24, 29, 33,	license . i, 1, 5, 6, 11, 14-16, 19,
	Florida . . . . . 20	37, 40, 41, 46,	21, 29, 30, 32,
	food stamps . . . . . 1	51, 59	34, 35, 39, 40,
	fugitive lawyer clause . . 14, 21	information and belief . . . 9, 40,	42, 48-50, 54,
	fugitive slave clause . . . 14, 21,	41	55, 57
	33, 56	injury . . . . . 37, 52	licensure . . . . . 25
	fundamental right . . . . . 34	intent . . . . . 22, 43, 52, 56	lost . . . . . 1, 3, 5, 47-50
	garden . . . . . 23	interim . . . . . 29	LSD . . . 8, 22, 24, 39, 49, 54, 55
	gasoline . . . . . 2	intrusion . . . . . 16	magistrate . . . i, 6-9, 26, 28, 32,
	gender . . . . . 48, 53	investigator . . . . . i, 32, 37	33, 41, 47, 52,
	Gideon . . . . . 18	issue . 1, 12, 15, 16, 26, 28, 34	56
	Gideon v Wainwright . . . . 18	Jean . . . . . 13	magnitude . . . . . 16
	Glen . . . . . i, 36, 37, 47, 49, 54	Jerry . i, 2, 5, 6, 18, 23, 31, 37,	malicious prosecution . . 32, 47,
	government . . . . . 16, 20, 22, 37	40, 50, 51, 53,	53, 54
	Greg . . . . . 23, 51	58	Matz . . . . . 49
	Greg Palaschak . . . . . 23, 51	Jerry Palaschak . i, 2, 6, 37, 40,	May . . . i, 1, 3-7, 12, 15-19, 22,
	Griswold . . . . . 20, 35	50, 53, 58	23, 25, 27-29,
	Griswold v Connecticut . 20, 35	Judge . . i, 1, 2, 4, 8, 9, 12, 16,	32-35, 38-40, 42,
	group . . . . . 14, 28	18, 22, 24-28,	44, 45, 50-53,
	gun . . . . . 18	30, 32, 36, 38,	55, 56, 58
	happiness . . . . . 53	39, 42-49, 51-53,	McEwen . . . . . i, 9, 10, 12, 59
	harvest . . . . . 23, 34	59	McSurely . . . . . 5
	hearing . . 10, 16, 22-25, 28-30,	Judge Julius Hoffman . . . . . 5	merely . . . . . 1, 12, 45

**PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.**

1			
2	Mike . . . . .	i, 5, 6	presumed invalid . . . . . 34
3	Missile Motel . . . . .	39	presumed invalid absent compelling state interest . . . . . 34
4	mistake . . . . .	3, 32	pretext . . . . . 6, 11, 12, 25
5	modification . . . . .	55	prior . . . . . 1, 3-5, 11, 19, 23, 24, 27, 29, 30, 32, 40, 42, 48, 50, 56- 58
6	modified . . . . .	6, 33, 45	prison . . . . . 4, 42, 43, 45
7	Mom . . . . .	10	private attorney general . . . . . 20, 32, 54
8	Morgan . . . . .	16	privilege . . . . . 14, 16, 32, 52
9	my trial . . . . .	3, 17	privileges and immunities . . . . . 12, 14, 44, 47, 52, 53
10	Near . . . . .	31, 50, 56	privileges and immunities clause . . . . . 14, 47
11	Near v Minnesota . . . . .	56	probable cause . . . . . 7, 8, 28, 33, 46, 49
12	new crimes . . . . .	22	proof of service . . . . . 20, 54
13	New Orleans . . . . .	37, 50, 51	property . . . . . 5, 14, 37, 52, 54
14	nexus . . . . .	15, 37, 39, 57	puppy dog . . . . . 19
15	Notary . . . . .	28, 29	purpose . . . . . 7, 25, 32, 33, 52, 58
16	November . . . . .	23	purse . . . . . 22
17	nunc pro tunc . . . . .	3, 25	pursuit . . . . . 53
18	oath . . . . .	11, 19, 23, 32, 37, 38, 40- 42, 45	pursuit of happiness . . . . . 53
19	October . . . . .	51	rape . . . . . 22
20	Ohio . . . . .	20	ratchet clause . . . . . 55
21	one purpose . . . . .	25	reason . . . . . 41, 43
22	opportunity . . . . .	36, 44, 45, 50, 57	recuse . . . . . 48
23	opposing . . . . .	48	refused . . . . . 7, 19, 40, 47, 48, 53, 54
24	opposing counsel . . . . .	48	relaxed standing . . . . . 54
25	order . . . . .	1, 2, 8, 24, 37, 43	rent . . . . . 1
26	OSC . . . . .	23	research . . . . . 7, 23, 30, 53
27	overbroad . . . . .	56	responsible . . . . . 38, 39
28	Palaschak . . . . .	i, 2, 4-16, 19-27, 29-37, 39-42, 46- 51, 53-58	right . . . . . 3, 5, 14, 17, 18, 21, 25- 27, 29, 34, 35, 38, 39, 45, 47, 48, 52, 53
	patriot . . . . .	16	rights of lawyers . . . . . 34
	patriot movement . . . . .	16	Rinner . . . . . i, 5
	penalties . . . . .	22, 57	Robber Barons . . . . . 16
	penumbra . . . . .	21, 33	Ryan . . . . . 18, 26, 30, 36, 44-46, 53
	perjurious . . . . .	28, 29, 32, 59	San Jose . . . . . 37
	petition . . . . .	2, 5, 12, 14, 15, 17-21, 26, 31, 32, 34, 39, 40, 44, 48, 53	Schroeder . . . . . 13, 31
	plastic . . . . .	31	Schware . . . . . 35
	police . . . . .	2, 6-8, 14, 16, 22, 24, 33, 38-41, 47-51, 55	Schware v Board of Bar Examiners . . . . . 35
	Port Hueneme . . . . .	39	search . . . . . 22, 47, 57
	possession . . . . .	49-51, 55	sell . . . . . 23, 34
	preferred rights . . . . .	34	September . . . . . i-3, 23, 38, 49, 50
	premises . . . . .	52	Simpko . . . . . i, 5, 6
	press . . . . .	5, 7, 12, 20, 21, 32, 34, 37, 41, 55	single . . . . . 12, 31
			sister . . . . . 51, 53
			stable . . . . . 57
			standing . . . . . 21, 34, 54
			state bar . . . . . i, 1, 4, 14-17, 35, 39, 41-43, 48-51, 54, 56-58
			State Bar of California . . . . . i, 1, 4, 39, 41
			stealthy . . . . . 16, 22
			stealthy encroachment . . . . . 16
			stigma . . . . . 25
			store . . . . . 40, 49
			Streator . . . . . 25
			strict scrutiny . . . . . 34
			strict scrutiny analysis . . . . . 34
			support . . . . . 28, 52
			supreme court . . . . . i, 1, 14, 16, 18, 22, 36, 38, 39, 43, 45, 48-50, 53, 54, 56
			surplusage . . . . . 28
			suspended . . . . . 6, 15, 16, 29, 39, 40, 42, 48
			suspension . . . . . 19, 30, 54, 57
			Swanson . . . . . 13
			sweet corn . . . . . 10, 23, 34
			sworn . . . . . 24, 37, 41, 59
			talked to . . . . . 1, 9
			Tammy . . . . . 53
			telephoned . . . . . 9, 10, 32
			Templeton . . . . . i, 5, 6, 12, 13, 30
			theory . . . . . 41, 56
			threat . . . . . 3, 37, 51, 52
			time . . . . . i, 1-7, 9, 13, 15, 18-22, 24, 26-28, 32, 33, 39, 40, 43, 45, 47, 50, 53- 55
			times . . . . . 4, 7, 8, 10, 33
			Timothy . . . . . i, 5, 6, 38, 40, 41, 59
			title . . . . . 17, 20, 24, 37, 43, 53
			ultra vires . . . . . 51
			unconstitutional . . . . . 4, 7, 11, 17, 19, 21, 23, 28,

PALASCHAK V FBI AGENT ELEY, ET. AL., 2<sup>ND</sup> AMENDED COMPLAINT.

1  
2 29,  
3 34,  
4 35,  
5 49,  
6 55,  
7 56,  
8 58  
University . . . . . 21, 25, 43  
9 University of Illinois . 21, 25, 43  
10 use . . . 1, 8, 15, 25, 28, 32, 43,  
11 45, 47, 50, 58  
12 Ventura . i, 3-13, 18, 20-22, 24,  
13 30, 32, 33, 35-  
14 40, 46-49, 54,  
15 57, 58  
Vido . . . . . i, 33, 36-38, 47  
16 visit . . . . . 47  
17 visited . . . . . 19  
18 void ab initio . . . . . 29, 57  
19 void act . . . . . 29  
20 void act is void ab initio . . . . 29  
21 warrant . . . 3-13, 23-29, 32, 33,  
22 37, 38, 40, 41,  
23 46-48, 53, 56,  
24 57, 59  
water . . . . . 31  
25 Way . . . . . 3, 6, 11, 13, 20  
26 welfare . . . . . 19, 40  
27 whole . . . . . 10, 57  
28 Willard . . . . . i, 9, 59  
Willard McEwen . . . . . i, 9, 59  
William Kunstler . . . . . 4, 45  
Williams . . . . . 19, 24  
Wisconsin . . . . . 5