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**U.S. COURT OF
FEDERAL CLAIMS**

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

**No.17-1000T
(Chief Judge Susan G. Braden)**

By leave of the Judge



**JEFFREY T. MAEHR,
Plaintiff,**

v.

**THE UNITED STATES,
Defendant.**

**CORRECTED FILING OF MOTION TO CONSIDER TRANSFER OF INSTANT CASE,
AND TO RECONSIDER SUMMONS OF GRAND JURY**

Plaintiff comes before this court with this corrected filing (original and two copies, with minor changes to text and fee) to move the court to consider the transfer of the “tort” and “criminal” elements of this case as brought up and acknowledged by this court and the Defendant, and to reconsider its denial of Motion for Summons of Grand Jury. Plaintiff NOTICES the court of President Trump’s national emergency order titled, “Executive Order Blocking the Property of Persons involved in Serious Human Rights Abuse or Corruption” dated December 21, 2017, and President Trump’s Executive Order dated March 1, 2018, titled, “2018 Amendments to the Manual for Courts-Martial, United States” regarding serious criminal activities.

Rule 58.1. Notice of Appeal

Per the above Rule 58.1, Plaintiff provides the \$5.00 fee under 28 U.S.C. §§ 1913 and 1917 for filing this appeal/reconsideration. Regarding the \$505 filing fee stated, Plaintiff originally filed

MOTION TO CONSIDER/RECONSIDER

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under *informa pauperis* status, and continues that status herein for the same reasons.

STATEMENT OF THE APPEAL

1. Plaintiff requested transfer of this case if this court lacked jurisdiction to adjudicate the evidence of record. This transfer was not addressed or ruled upon in the OPINION AND ORDER. This case can be transferred under "*Travelers*"⁽¹⁾. The dismissal has two options, and justice would be better served where transfer of the case and criminal elements acknowledged are presented to a court of competent jurisdiction for lawful due process. To deny this due process step is to continue obstruction of justice.

2. In addition, Plaintiff contends that this court DOES have jurisdiction to initiate the summons of a grand jury under 18 U.S.C. where specific words dictate the authority and jurisdictional elements of a Judge's responsibility in criminal actions.

This court, in several places in the OPINION AND ORDER⁽²⁾ admitted the fact that there are "tort" or criminal" aspects to the original complaint, and upon which this court and the

¹ "Should the court find that it lacks subject matter jurisdiction to decide a case on its merits, it is required either to dismiss the action as a matter of law or to transfer it to another federal court that would have jurisdiction." *Travelers Indem. Co. v. United States*, 72 Fed. Cl. 56, 59-60 (2006).

Plaintiff has pleaded in the past that the U.S. Supreme Court, under original jurisdiction, should be the court to properly adjudicate these issues. The transfer of this unadjudicated "case or controversy" to this court from this honorable court should surely provide the Supreme Court with its persuasive recommendation to finally adjudicate what has been denied for years in lower courts. **Plaintiff has been deprived of a jury trial under the 7th Amendment, has been denied his request for assistance of counsel, and denied due process of law under the 5th Amendment.**

² OPINION AND ORDER, P. 4, II,(a); P. 8, 1st & 2nd paragraph; P. 10, (3), paragraph 2; P. 13, (c), 2nd paragraph; P. 14 (e), 1st and 2nd paragraphs;

Defendant's response used to base the dismissal of Plaintiff's suit against the IRS. However, the court erred in stating⁽³⁾ it lacked authority to initiate a grand jury because it claims "the court does not have jurisdiction to adjudicate criminal or tort claims."

Words have specific meanings in Congressional intent, and Plaintiff wishes to NOTICE the court of these words.

a) 18 U.S.C. §4⁽⁴⁾ points to "anyone" can NOTICE any judge of criminal issues at work, having knowledge of a felony, and said "whomever" is required by law to bring the issue before "some judge" to act upon or be in violation of Title 18.

b) "Felony cognizable by a court..." is not limited to specific courts that would have "jurisdiction" to act on or adjudicate the information. There is no limitation as to which court or which jurisdiction 18 U.S.C. rests upon. In fact, 18 U.S.C. § 4 would also address those in receipt of said NOTICE information of a felony, which would not limit this court from moving to initiate a grand jury process. It is prima facie evidence within 18 U.S.C., § 4, that authority exists for "any" judge of the United States to respond appropriately to this NOTICE of a felony, or potentially be in violation of 18 U.S.C. § 4.

c) If the multiple courts have denied Plaintiff uncontested due process of law, and uncontested evidence, and the courts AND the IRS have failed to respond to the evidence of record, and answer the U.S. Supreme Court stare decisis, then this is prima facie evidence of

³ OPINION AND ORDER, P. 10, (3), 2nd paragraph;

⁴ 18 U.S.C. § 4 - Misprision of felony: **Whoever**, having knowledge of the actual commission of a **felony cognizable** by a court of the United States, conceals and does not as soon as possible **make known the same to some judge** or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

obstruction of justice⁽⁵⁾ at work, and this is another felony this court is NOTICED of. There is NO prohibition on this court, or lack of jurisdiction by this court to deal with initiating a grand jury on these issues where it is not involved with actually adjudicating any of the actual evidence or claims of criminal activities.

d) To continue to suppress evidence and due process is treason⁽⁶⁾ against Plaintiff and the American people and the constitutional rights⁽⁷⁾ of same. This court, or any judge therein, in

⁵ 18 U.S. Code Chapter 73 - OBSTRUCTION OF JUSTICE - Obstruction of justice in the federal courts is governed by a series of criminal statutes (18 U.S.C.A. §§ 1501–1517). Two types of cases arise under the Omnibus Clause involving Obstruction of Justice: The concealment, alteration, or destruction of documents; and the encouraging or rendering of false testimony. Actual obstruction is not needed as an element of proof to sustain a conviction. The Defendant's endeavor to obstruct justice is sufficient. "Endeavor" has been defined by the courts as an effort to accomplish the purpose the statute was enacted to prevent. **The courts have consistently held that "endeavor" constitutes a lesser threshold of purposeful activity than a criminal "attempt."** Federal obstruction of justice statutes have been used to prosecute government officials who have **sought to prevent the disclosure of damaging information.** (Emphasis added).

⁶ 18 U.S. Code § 2382 - Misprision of treason - **Whoever**, owing allegiance to the United States and having **knowledge of the commission of any treason against them**, conceals and does not, as soon as may be, disclose and make known the same to the President or to **some judge of the United States**, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both.

⁷ 42 U.S.C. § 242. Deprivation of rights under color of law: Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States...

18 USC §245 Whoever, whether or not acting under color of law, intimidates or interferes with...[1] any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—
[B] participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; [E] participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; shall be fined under this title, or imprisoned not more than one year, or both.

initiating a grand jury, is NOT “adjudicating” the evidence or in any other manner acting outside its intended role as “any judge.”

CONCLUSION

Due to the above plain evidence, Plaintiff moves this court to transfer this case to the proper venue and jurisdiction for lawful adjudication and due process on the acknowledged tort or criminal elements of this case.

The “*Travelers*” case does not preclude the transfer of this case due to jurisdictional issues where this court lacks said jurisdiction. The “dismiss the action as a matter of law” is not in regard where tort or criminal elements are involved, and therefore this court, “as a matter of law” (due process and U.S. Supreme Court original stare decisis) should transfer this case to a court of competent jurisdiction, post haste, or if the transfer is denied under proper findings of fact and conclusions of law, Plaintiff moves this court to act in its judicial capacity to convene a grand jury or to have said grand jury initiated by proper authorities per 18 U.S.C. and to provide justice and due process of law to this issue.

Plaintiff NOTICES this court that he has filed a Motion to Vacate a Void Judgment in the U.S. Tax Court in Denver (Docket No. 10758-11) to further the evidence against the IRS and in support of transfer of this case, and grand jury summons.

42 U.S.C. § 1983. Civil action for deprivation of rights: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress...

Respectfully Submitted,



Jeffrey T. Maehr

924 E. Stollsteimer Rd.,


Pagosa Springs, Colorado [81147]

970-731-9724

CERTIFICATE OF SERVICE

Jeffrey T. Maehr, Plaintiff, certifies that he has mailed a true and complete copy of this Motion on the below named party as counsel for Defendant to the following physical address on May 29th, 2017:

Sophia Siddiqui
U.S. Department of Justice, Tax Division
Court of Federal Claims Section
P.O. Box 26
Ben Franklin Station
Washington, D.C. 20044


Jeffrey T. Maehr

CC: Attorney General Jeff Sessions
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

President Donald Trump
1600 Penn Ave N.W.,
Washington, D.C. 20500