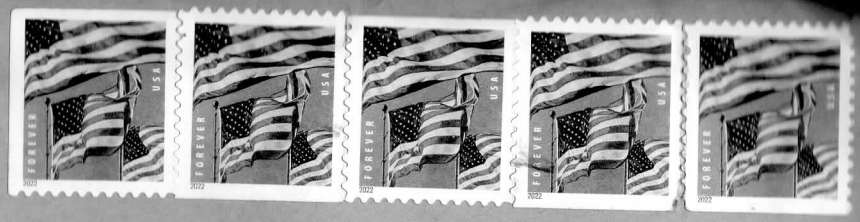
tt William Fawl

Box 1000
an, MI 48160



⇔04564-059⇔
Rudy Davis
PO BOX 2088
Forney, TX 75126
United States

COPY

Scott William Faul
Reg. No. 04564-059
F.C.I. Milan
P.O. Box 1000
Milan, MI 48160

March 24, 2025

Rudy Davis
P.O. Box 2088
Forney, TX 75126

Re: Documents

Dear Rudy,

Greetings. I am enclosing to you in this and another envelope on this same date the remaining copies of what I filed in 23-cv-1337. The contents of these two envelopes is 56 pages in one and 45 pages in the other (101 pages), added to the 68 pages I sent on March 20, for a total of 169 pages.

I have not included any copies of the Government's responses, because they twist everything so badly as to confuse my actual claims and facts. They remain some very bad and evil scum. Likewise, for the same reason, I have not included any of the court's diatribe regarding these cases. They are obviously in collusion with the scum of the DOJ. Also, there are a few of my own motions that are only of a procedural nature that I have not included; e.g., motions for extension of time and the likes.

I believe that my replies cover quite well what the DOJ and its complicit magistrate and judge attempt to to perpetrate. If anyone is interested in trying to figure out their dishonest word games, they can seek that garbage on PACER. If, on the other hand, you think that their drivel should also be posted in chronological order with my filings, please let me know what you think of that. I can easily furnish their responses as well, if you think it would be better.

Thank you all, and may this find you well, in good spirits, and blessed in all you do for the glory of our Father and our Savior.

Sincerely,

Scott William Faul

Scott William Faul

enc: copies, as stated

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Scott William Faul,

Petitioner,

Case No. 22-CV-2993 (MJD/JFD)

v.

Michel Lejeune, Warden,

Respondent.

Scott William Faul,

Petitioner,

Case No. 23-CV-1337 (MJD/JFD)

v.

Mark W. King, Warden,

Respondent.

Objections To The Magistrate's
Report And Recommendations

Petitioner, Scott William Faul (Faul), received copies of the Magistrate's March 25, 2024 ORDER and REPORT AND RECOMMENDATION (Reports) on March 29, 2024. Faul then requested an extension for filing objections, and by this Court's April 8, 2024 Order was granted an extension to May 12, 2024.

Faul respectfully asks the Court to reject all portions of those Reports except as Faul agrees with those portions as addressed hereafter, and further requests that this Court subject all of those March 25, 2024 Reports to de novo review.

Faul intends by these objections to encompass all factual and legal aspects of all March

25, 2024 Reports, including all Orders therein, in the related cases captioned above; i.e. Case No. 22-cv-2993 at Dkts. 21, 22, and Case No. 23-cv-1337 at Dkts. 25, 26. Regarding those Reports, Faul objects to every finding that is not supported by the record, and to all legal findings that are not correctly analyzed under proper legal standards.

I. PRELIMINARY STATEMENT.

Before specifically addressing the substance of the Reports, Faul addresses a number of general points.

First, Faul stands upon and restates all claims of fact and statements of law as he placed them before the Court in his prior pleadings and replies in these cases, thereby intending to subject all issues to the Court's de novo review and to preserve all issues for appellate review should any mixed ruling cause that to become necessary.

Second, because all of the Respondent's allegations of fact were disputed by Faul, no evidence existed for which Magistrate Docherty could make any findings. Faul's facts were sworn to under the penalty of perjury. The Respondent's allegations were not sworn to, and contained no indicia of reliability. Therefore, those mere arguments by their attorney do not rise to the level of evidence. Thus, an evidentiary hearing is required to establish their evidence. To obviate the necessity for the statutorily required evidentiary hearing and any further findings in either Petition, the Court can find in favor of Faul as stated in Faul's Reply in 23-cv-1337, at page 19, 20, Dkt. 18, because the Respondent conceded a claim in 22-cv-2993, and defaulted on a claim in 23-cv-1337.

Third, While Faul thinks the Reports are astoundingly slanted with irrationality in favor of the Bureau of Prisons (BOP) and the United States Parole Commission (Commission), Faul understands how the Magistrate could yet harbor favoritism toward the United States, in that the Magistrate perhaps has forgotten that he has moved out of the United States Attorney's office and has become a Magistrate Judge. Faul understands that Magistrate

Docherty may have forgotten that fact.

Fourth, Magistrate Docherty should have tried to lay aside his favoritism toward "law enforcement" when the evidence is so clear throughout the whole of Faul's litigation record that Faul was never convicted for the offense which is the basis for the imprisonment which Faul steadfastly maintains is unlawful. Magistrate Docherty is supposed to be a neutral and fair judge standing between the United States (Corporation) and the masters who created it. Assisting its assaults and acts of vengeance against those of us who do not grovel before the Corporation should not be part of Magistrate Docherty's ambition. But it seems that it is. Were it not, it is likely that he would have commented on the Commission's own childish fawning over their precious "police," as shown by their own published words in their Manual (regarding discretionary parole) that death "of a law enforcement officer ... shall not justify a parole at any point in the prisoner's sentence unless there [is] ... mitigation." Why is there special consideration for their own, over and above that given to the "little people"? That is outright bias of the lowest sort, fitting only for an advocate.

Fifth, it seems a bit odd that Magistrate Docherty missed the undisputed fact that Faul has not been found guilty of the offense for which he is yet imprisoned. Magistrate Docherty seems not at all bothered that the Commission are obviously biased, just as Faul consistently stated and adamantly yet maintains. Faul asks this Court to put aside the false premise that there is a "presumption of validity" to a judgment. That is irrational bunk that was hatched by the coterie of craft who promise favoritism to their cohorts in the Department of Justice (DOJ). Faul's claims against prior judges who shammed their office are undenied and are undisputed fact. That undisputed proof is available for Magistrate Docherty to see. It is boldly stated by Faul, and undenied, in the docketed pleadings in Case No. C3-83-16 in the District of North Dakota. The Respondents are angry that Faul has called them out on their criminality. Faul asks this Court to acknowledge that many "judges" across this land are dirty

with this disqualifying impediment of favoritism, and asks this Court to maintain honor and fairness by not participating in their perfidy.

Sixth, Magistrate Docherty begins with the false premise that Faul is guilty of killing one of "his own" cohorts. False premises most often lead to false conclusions. There are a number of instances where the Commission, and then Magistrate Docherty in harmony, reach irrational conclusions because of their false and irrational premises. To the extent that elucidation of the Respondent's false premises will allow this Court to grant Faul relief upon purely legal questions without the required evidentiary hearing, Faul will detail them below.

II. GENERAL OBJECTIONS.

1. Pertaining to writs of habeas corpus such as those being sought by Faul herein, 28 U.S.C. Section 2243 in pertinent part states that when factual issues are in dispute, "the person to whom the writ is directed shall be required to produce at the hearing the body of the person detained[,]" and that then "[t]he ... person detained may, under oath, deny any of the facts set forth in the return or allege any other material facts."

2. All Courts are clear on this bedrock principle that when there are disputed material facts which implicate the questions of law to be decided, an evidentiary hearing is required. It is only when undisputed facts disclosed by the petition, response, and reply determine as a matter law whether or not the petitioner is entitled to discharge, that an evidentiary hearing may be avoided.

3. With that principle firmly established, Faul reminds this Court that the whole of the factual allegations propounded by the Respondent are disputed by Faul in his Petition and Reply in each of his above captioned cases and the exhibits attached thereto. Faul reasserts all facts previously sworn to in those pleadings by reference thereto.

4. Most of the "facts" alleged by the Respondent are merely venom-dripping comments made by DOJ attorneys for the purpose of backfilling their hateful promises to keep Faul in

prison no matter the facts or the law. Comments from attorneys are not evidence at all. No "facts" in any of the Respondent's pleadings are sworn to. Neither do they exhibit any indicia of reliability. No evidence therefore exists upon which any finding could have been made by the Magistrate against Faul. However, he should have found against the Respondent on the claims Faul made to which they conceded and defaulted, and he also should have found as a matter of law in favor of Faul's facial challenges regarding the First and Fifth Amendments.

5. Likewise, as stated above, no evidence for the Respondent exists upon which this Court can make any finding against Faul without an evidentiary hearing except as stated in paragraph 4 above and in Faul's Reply in 23-cv-1337, at pages 19, 20, Dkt. 18.

III. SPECIFIC OBJECTIONS

6. Nearly the entire menagerie of Respondent's result-oriented narrative was concocted by rogue elements who had no personal knowledge of the "facts" they spoke about, which are not sworn to under the penalty of perjury, and contain no indicia of reliability. An evidentiary hearing is required to resolve those "facts," because they are disputed by Faul. That narrative, as it cannot be used by the Court without a hearing, will be objected to by Faul more specifically only to the extent that he believes it is beneficial to the Court for analyzing more correctly the law applicable to Faul's claims.

7. On page 1, the Magistrate neglects to include in his discussion that Faul, in his second petition, also claims that "18 U.S.C. [Section] 4206(d)'s recidivism clause violates the First Amendment as applied to Faul[,]" and that the Respondent defaulted on that claim.

8. On page 3, it is incorrect that "the total length of Mr. Faul's sentence [is] life plus 15 years." Per statute, all counts must be aggregated. As Judge Lay of the Eighth Circuit once stated, no term can be served after a life term.

9. On page 4, the Magistrate misstates that "Mr. Faul challenges how the Commission calculated his date of parole eligibility[,]" and that the "Court does not need to decide" the

question. First, the Commission cannot calculate Faul's mandatory parole "eligibility." That is determined by operation of law. Second, the Court DOES need to decide, not Faul's "eligibility" date, but, rather, Faul's presumptive mandatory RELEASE date. That is so, because it is determinative of Faul's claim that the Commission's decision to not find any limiting factors by February 14, 2013 mandated his release on that date. Third, Faul is not merely "entitled" to parole consideration. Because Faul's interpretation of 18 U.S.C. Section 4206(d) (hereafter "4206(d)") is correct and was thusly applied by the Commission and BOP for about twenty years, and the Commission did not by the mandatory release date find any of 4206(d)'s statutory factors to prevent release, the Court must make a finding on Faul's method of calculating the mandatory RELEASE date.

10. On page 4, the Magistrate is incorrect that Faul is only entitled to be "considered" for parole, as 4206(d) clearly is mandatory with a limiting caveat, unlike discretionary parole under 4206(a)-(c) where the prisoner IS only "considered."

11. On pages 4 and 5, the Magistrate misstates that "[t]he unanswered question - whether Mr. Faul is entitled to parole - is the question raised by his constitutional challenge to the Parole Board's decision in FAUL VIII." First, there is no question in "Faul VIII" about whether Faul is "entitled" to parole. That was determined by Congress in 1976 when they said that, after serving 30 years of any sentence, the prisoner SHALL be released. Under 4206(d), the Commission does not "grant" parole. Rather, the Commission can only prevent mandatory release on parole by making a finding, limited to two narrow factors: institution violations, or a reasonable probability of future criminal activity. The "decision to deny Mr. Faul parole at his most recent hearing" was unconstitutional, and is well covered in Faul's Petition, Dkt. 1, and Reply, Dkt. 18. Faul stands on those claims as detailed therein.

12. On page 5, the Magistrate is incorrect that "Faul met this criterion" of reasonable probability as to "Faul VII" thereby making any dispute about the "timing of Mr. Faul's

eligibility for parole ... moot." Faul claims in "Faul VII" that no reasonable probability finding was made by the Commission by the required date of February 14, 2013, at which time mandatory release occurred by operation of law either on Faul's sentence or on the life term of his sentence, whichever way the DOJ wants to treat aggregation of the counts of his sentence. Either way, release is mandated by 4206(d)'s command: at 30 years on the entire aggregated sentence, or at thirty years for Faul to be paroled from the life count of the sentence to the consecutive "15." Mooting that "dispute" would remove Faul's claim of the Commission's default on Faul's 2013 parole from his life count to his consecutive "15." They did not make a timely finding to prevent Faul's 2013 release from his life count to his consecutive "15." The Respondent conceded this point and Faul does not waive objection.

13. On pages 7-10, the Magistrate's "Analysis" of the pertinent statute, 4206(d), is incorrect. As far as Faul can find, no court has yet applied the correct analysis to a claim such as that made by Faul. That is so, because every decision has been based on the false premise that the words "term or terms" used by Congress in 4206(d) are meant to cause cumulative effect to multiple counts of a single sentence for the 30-year cap calculation. They are not. Congress used the phrase "term or terms" to mean "sentence." Starting with that correct premise, i.e., that Congress meant "sentence" when they used the phrase "term or terms," gives the mandatory parole statute, 4206(d), much more clarity. Faul asks this Court to apply that correct interpretation of 4206(d) to his claim.

14. On page 10, the Magistrate's finding that "even if the Court were to agree that Mr. Faul was eligible for parole consideration ten years ago, it still could not grant Mr. Faul the relief he seeks[]" is incorrect. Faul did not claim he was "eligible for parole consideration" at all. Faul claimed that he must be RELEASED on parole when the 30-year date, February 14, 2013, arrived without a finding by the Commission to prevent release, just as 4206(d) mandates. The Commission in 2013 had nothing to offer as a factor for either available

reason to block presumptive mandatory parole. Faul does not agree that the Commission can now at this late date, in 2023, make up some bogus reasoning that Faul will recidivate and then, to top it off, transport that irrationality back in time to 2013. Even if the Magistrate's theory of law were correct, it is certainly irrational for the Commission to use Faul's 2022 words as the basis for a 2013 finding.

15. On pages 10 and 11 at footnote 2, Faul objects to the Magistrate equating "likelihood" with "probability." There is a difference in the strength and certainty of evidence between satisfaction of the two, in that probability suggests a more demanding proof.

16. On page 11, the Magistrate is incorrect to state that Faul makes "three" challenges to the Commission's "valid" decision. The Commission's decision is NOT valid, and Faul makes at least four challenges. The Magistrate leaves unaddressed the one that Respondent defaulted on as elucidated at pages 16-19 of Faul's Reply. 23-cv-1337, Dkt. 18. Faul asks this Court to pay particular attention to this claim, that "18 U.S.C. [Section] 4206(d)'s recidivism clause violates the First Amendment as applied to Faul." Petition, Dkt. 1, at 13-15; Reply, Dkt. 18, at 3, 4, 16-19. Faul stands on the arguments and the law stated in those pleadings. This Court can rule that the Respondent has defaulted on this claim and that Faul is entitled to the relief he seeks, obviating the need to reach the merits of any other claims.

17. On pages 18 and 19, the Magistrate made incorrect conclusions regarding the "Standard of Review of Commission Decisions." Only a Commission decision that is substantive is unreviewable. To be "substantive," it must involve "the exercise of judgment among a range of possible choices or options." A decision must have a rational basis, using the correct standards. Such analysis cannot be made unless the Court DOES review the evidence. Faul stands on his legal position stated in his Petition and Reply. The Magistrate has not correctly analyzed this claim under the proper legal standards.

18. On pages 19-23, the Magistrate incorrectly finds that: "The United States Parole

Commission's Decision Did Not Violate Mr. Faul's Fifth Amendment Rights." That is based upon a false factual basis and is not correctly analyzed under the proper legal standards. The Magistrate did correctly find that "the process by which a decision is made whether to grant or deny him parole must conform to due process[,]" but then applies incorrect factual considerations and ignores others, resulting in an erroneous conclusion. The Magistrate incorrectly adopts the Respondent's claim that Faul lacks programming to "address criminal thinking and behavior, suggesting to the Commission that he believed he did nothing wrong and was likely to offend again." No EVIDENCE exists that Faul has any "criminal thinking and behavior." An evidentiary hearing will establish that Faul has no criminal thinking, no criminal behavior, that Faul did nothing wrong, and that it is impossible for Faul to "offend again," because he did not offend in the first place.

19. On pages 23-25, the Magistrate incorrectly finds that "Neither 18 U.S.C. [Section] 4206(d) Nor The United States Parole Commission's Decision Violated Mr. Faul's First Amendment Rights." The Magistrate bases that finding on incorrect legal standards, false and baseless factual innuendo, and faulty reasoning. The Magistrate in footnote 5 misstates that conducting "[a]n evidentiary hearing would serve no purpose because this Court cannot supplement or re-weigh the evidence that was before the Commission." No case limits the Court as the Magistrate claims. Rather, the limitation applies to SUBSTANTIVE decisions only. To allow the Magistrate's open-ended analysis would be to allow the Commission to use anything whatsoever as a reason to deny parole. The Magistrate sums up this claim with, "to the extent that Mr. Faul argues he has a First Amendment right to speak and not have that speech considered by the Parole Commission, he is wrong." However, Faul does not make such an argument. Faul stands on the claim that he does make, as correctly stated in his Petition and Reply.

20. On pages 26-30, the Magistrate is incorrect in finding that "18 U.S.C. [Section]

4206(d)'s Recidivism Clause Is Not Void for Vagueness." The Magistrate on page 27 correctly concludes that, relative to 4206(d)'s criminal nature, "the void for vagueness doctrine is applicable here." However, he thereafter analyzes Faul's facial challenge to 4206(d)'s recidivism clause incorrectly, finding it "not void for vagueness on its face." The Magistrate's supposed "factors" to guide the Commission are for discretionary parole under 4206(a)-(c). For 4206(d)'s mandatory parole, the portion of the statute under contention is "reasonable probability" of future acts. There are no guide posts, no statutory "factors" to consider, and no prohibitions placed on the fallible dreamers who pretend to be able to predict future recidivism. In addressing Faul's facial challenge to the recidivism clause, the Magistrate's theory itself spells out void for vagueness. He states that "any indication" that a prisoner is likely to commit a future crime can be used against him. ANY INDICATION is quite vague. But even if 4206(d) satisfies the "notice" prong of the vagueness challenge (it does not), it does not satisfy "the more important aspect of the vagueness doctrine" which is that the statute must "establish guidelines to prevent arbitrary and discriminatory enforcement of the law." Regarding Faul's as applied challenge, the Magistrate incorrectly conflates discretionary parole "grants" with mandatory "release" commands, and pretends that "the statute ... in its delegation of discretion to the Commission ... is not unbounded[.]" That is hokum. It is a lie. The Commission has been making outrageously arbitrary "recidivism" decisions against hapless prisoners for decades. Ask Veronza Bowers. That must cease.

21. On pages 31-33, the Magistrate is incorrect in finding that Faul should not have been kept in the District of Minnesota for the completion of the habeas corpus procedures.

22. On pages 33-35, the Magistrate is incorrect in denying appointment of counsel. Faul's pleadings correctly state the reasons for appointment of counsel, including to help with the resolution of factual disputes.

IV. CONCLUSION.

23. Concerning page 35, Faul objects to all denials made by the Magistrate against him therein or elsewhere within the Report. Faul objects to all purported facts or factual findings that do not agree with Faul's sworn facts or are not otherwise supported by evidence in the record. Faul objects to all legal findings that are contrary to the law propounded in his pleadings. Faul stands on the facts and the correct legal analysis as stated in his Petitions and Replies. Regarding legal findings on Faul's claims, the Report is in total error except the findings that due process is required, and that the void for vagueness doctrine, both facially and as applied, is applicable to 4206(d). Faul objects to, and requests de novo review of, every other legal finding in the Report besides those.

24. It is time to end the bias and hate. Faul, while getting a ride home with friends, was unlawfully attacked. Subsequently, he was ripped away from his family and friends, vilified by the "fake news" media, denied by the DOJ and Judiciary of a constitutional trial, and made to continue their madness for 40 years, only to be cheated once again by a Commission with bad motives. The DOJ's ugly bias should be brought to its deserved end by this Court.

Respectfully submitted,

Date: May 8, 2024

Scott William Faul

Scott William Faul

Affidavit And Certificate

I, the undersigned affiant, hereby certify under the penalty of perjury that all the facts and circumstances in the foregoing instrument are true and correct. I further certify that I served one copy of this instrument on the Clerk of this Court, to be served through the Electronic Case Filing system, on this 8th day of May, 2024, by placing within the institution mail system a copy for mailing with first class postage prepaid.

Affiant Scott William Faul

Scott William Faul
Reg. No. 04564-059
F.C.I. Milan
P.O. Box 1000
Milan, MI 48160

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Scott William Faul,

Petitioner,

Case No. 23-CV-1337 (MJD/JFD)

v.

Mark W. King, Warden,

Respondent.

Reply To Respondent's Response To Petitioner's
Objections To The Magistrate's Report And Recommendations

Petitioner, Scott William Faul (Faul), submits this reply in opposition to Respondent Mark W. King's response, ECF No. 29, to Petitioner's Objections To The Magistrate's Report And Recommendations. The Report and Recommendations of March 25, 2024, by United States Magistrate John F. Docherty, should be rejected in part and adopted in part as Faul requests in his Objections, ECF No. 28, for the reasons stated therein, and all findings should be subjected to de novo review as likewise stated therein.

Respectfully submitted,

Date: June 3, 2024

Scott William Faul

Scott William Faul

Affidavit And Certificate

I, the undersigned affiant, hereby certify under the penalty of perjury that all the facts and circumstances in the foregoing instrument are true and correct. I further certify that I served one copy of this instrument on the Clerk of this Court, to be served through the Electronic Case Filing system, on this 3rd day of June, 2024, by placing within the institution mail system a copy for mailing with first class postage prepaid.

Affiant Scott William Faul

Scott William Faul
Reg. No. 04564-059
F.C.I. Milan
P.O. Box 1000
Milan, MI 48160

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Scott William Faul,

Petitioner,

Case No. 22-CV-2993 (MJD/JFD)

v.

Michel Lejeune, Warden,

Respondent.

Scott William Faul,

Petitioner,

Case No. 23-CV-1337 (MJD/JFD)

v.

Mark W. King, Warden,

Respondent.

Motion for Reconsideration
Pursuant to Fed. R. Civ. P. 59(e)

Petitioner, Scott William Faul (Faul), pursuant to Federal Rule of Civil Procedure 59(e), brings this Motion for Reconsideration because of numerous manifest errors of fact and law in the Court's June 4, 2024 Order Adopting Report and Recommendation. This motion is intended for both above captioned cases; i.e., Case Nos. 22-cv-2993, and 23-cv-1337.

I. INTRODUCTION

During Mr. Faul's unlawful imprisonment, he has consistently called to task all in the DOJ and Judiciary who were of disreputable character. When judges were sham, Faul titled them sham; when DOJ people acted like thugs, Faul called them thugs; when they acted like dregs, Faul called them dregs; and when they acted like scumbags, he called them scumbags. That

should not really be all that alarming. Faul has given judges and DOJ creatures whatever respect they have due, which brings me to Judge Davis (the Court).

Judge Davis, there is something not quite right with your obvious respect to Magistrate Docherty (Docherty) and his blatantly biased behavior in favor of the scum at the DOJ. Even when the scum defaulted on a claim, Docherty slithered to their aid. Without all of the facts necessary to determine whether the Court actually shares in Docherty's obviously slanted disposition, Faul will at this point assume that Docherty has purposefully deceived the Court rather than the Court condoning unbecoming behavior in the judiciary. It strikes Faul funny that the Court seemed to be offended by what it stated were Faul's "baseless statements that insult the judiciary and the Magistrate Judge[.]" If Faul's statements are baseless, then they cannot be insulting. But Mr. Faul's statements are not baseless. Many judges are certainly sham, just as surely as many DOJ creatures are scumbags. Our Father is our best authority on that fact, and He has spoken about their hearts. Honor and respect are earned. Sham and scumbag derelicts choose their own behavior. Their epithets are appropriate. As the famous Prosecutor Bugliosi pointed out, putting a twenty-five dollar robe on someone does not make him honorable. If Docherty wants to dishonor himself by making false statements to benefit scum at the DOJ, that is his choice. Consequently, though, Faul will then correctly think of, and refer to, him as he has earned.

Judge Davis, in your June 4, 2024 order, before even seeing Mr. Faul's "Reply To The Respondent's Response To Petitioner's Objections To The Magistrate"s Report And Recommendations," you falsely accused Mr. Faul of making "baseless statements that insult the judiciary and the Magistrate Judge, in particular[.]"

Mr. Faul does not insult the judiciary. It is Docherty who is an insult to the "judiciary." Docherty is the one who slithered to the aid of DOJ scumbags. Faul did not cause Docherty to slither: he did that of his own volition. You, Judge Davis, state in your Order that you

"ADOPT[] the Report and Recommendation of ... Docherty...." Thus, do you also adopt all of the stupidity and hypocrisy he hissed out of his split-tongued mouth? Faul accused Docherty that he perhaps has forgotten that he has moved out of the United States Attorney's office and has become a Magistrate Judge." That should not be bothersome to the Court.

Mr. Faul stated that "Docherty should have tried to lay aside his favoritism toward 'law enforcement' when the evidence is so clear ... that Faul was never convicted for the offense which is the basis for the imprisonment which Faul steadfastly maintains is unlawful." The dregs in the DOJ have never disputed anything that Faul stated regarding that fact, nor can they. Docherty was bothered by Faul's facts and instead FAVORED (as in favoritism) the dregs' unsworn innuendo. You, Judge Davis, hopefully have not "ADOPT[ED]" Docherty's favoritism. Why did Docherty have favoritism toward dregs in the DOJ? Had he promised his favoritism to those dregs, or did he favor them because he felt himself to be of the "law enforcement" FAMILY?

Mr. Faul stated that "Docherty is supposed to be a neutral and fair judge standing between the United States (Corporation) and the masters who created it." Is that, Judge Davis, stated correctly? Rather than have that bother you, the Court should recognize its own inherent power and duty to correct a void judgment. Why did the Court not do so?

Mr. Faul stated that assisting the Corporation's assaults and acts of vengeance against those of us who do not grovel before the Corporation should not be part of ... Docherty's ambition. But it seems that it is." Judge Davis, that should not bother you. The Court must certainly not think that it is alright for your Corporation to assault those of us who do not grovel before you. You do not think your black robe cloaks you in some magical suit of honor. You, Judge Davis, likely agree with Faul that honor and respect must be earned. The Court cannot think that Faul should honor or respect a sham who writes for scum at the DOJ, no matter the facts and evidence in the case. It cannot bother the Court that Faul calls Docherty

out for being unabashedly lopsided.

After commenting on "the Commission's own childish fawning over their precious 'police,' as shown by their own published words in their Manual," Mr. Faul asked and stated a couple of things. Mr. Faul asked why there is "special consideration for their own," and stated that such is "bias of the lowest sort, fitting only for an advocate." The Respondent, in their May 22, 2024 Response, did not dispute that Docherty is an advocate. The Court likewise did not deny that Docherty is the DOJ's advocate. Instead, the Court criticized Faul for recognizing the obvious fact that a dreg in the DOJ's Attorney's office does not gain integrity by donning a black robe. An evidentiary hearing should be held pursuant to the law regarding habeas corpus in 28 U.S.C. Section 2243, and the Court should correct Docherty for the reason that this case is loaded with disputed factual allegations. Faul asks this Court to not "ADOPT[]" Docherty's advocacy for the scum at the DOJ, and to not "ADOPT[]" Docherty's lawlessness, which makes him sham. If "sham" seems too tacky for the Court, then let it be "fraud." It is fraud for Docherty to pretend to be something he is not.

Judge Davis, Faul also asks the Court to not "ADOPT[]" the bogus notion that there is a "presumption of validity" to a judgment no matter the dregs, the scum, and the sham advocates who have, in the record, promised favoritism to each other. The Court did not even make a pretense of denying Faul's facts on that point. Of course the Court cannot, just like Docherty could not.

On pages 3 and 4 of his Objections, Dkt. No. 26 in 22-cv-2993, Dkt. No. 28 in 23-cv-1337, Faul asked the Court "to acknowledge that many 'judges' across this land are dirty with this disqualifying impediment of favoritism," and asked that the Court "maintain honor and fairness by not participating in their perfidy."

Instead of carefully reading the undisputed facts in Faul's May 9, 2005 "AFFIDAVIT OF SCOTT WILLIAM FAUL," which is part of the record in these associated cases, the Court

chose to ignore those facts and rode with the scum at the DOJ and with advocate Docherty. Please explain to Faul, and, because this is being published by Faul, please explain to the public, why the Court thinks that Faul should show any kind of respect at all to some low-life bastard with a black robe who thinks it alright for a sham bastard "judge" such as Paul Benson or Kermit Bye to promise his favoritism to shitbags at the UNITED STATES Corporation Attorney's office and vice versa. Does the Court think that Mr. Faul is a boot-licker of Lucifer-worshipping miscreants? Faul does not grovel to miscreants, or to Lucifer-worshiping dregs and scum. No one in the public will condemn Faul for recognizing that a "judge" is sham if he continues to sit on a case after he has promised favoritism to some scumbag prosecutor who totally lacks any integrity. Rather, except for the scumbags' ilk, everyone in the public will condemn that practice of favoritism and will likewise condemn any other dreg who tries to cover up for it. People will know that judges must at least pretend that they have some honor by condemning that practice as Faul has condemned it.

Judge Davis, it is not that the DOJ is bothered by the fact that Faul calls compromised government people scumbags, dregs, shitbags, fraud, or Lucifer-worshipping whores. What bothers the DOJ is that Mr. Faul has uncovered those trash. The DOJ is bothered that Faul sees the whole apparatus for what it is. The DOJ hates the fact that people are waking to the reality that many "judges" are a bunch of frauds and their whole "system" reeks of stench.

The Court should have tried to do something to change that. Either the Court is too blind to see the rot of its "system," or it purposefully advocates for it. There are no other choices in this matter. Ending his objections, Mr. Faul stated that "[t]he DOJ's ugly bias should be brought to its deserved end by this Court." Judge Davis, is it that the Court is bothered that Faul has recognized the DOJ's ugly bias, or that the Court does not want their ugly bias to "be brought to its deserved end"? If the Court had read all of Faul's case, it could not conclude what it claims to have "ADOPT[ED]." If the Court did not read Faul's entire case, then it could

not have "conducted a de novo review upon the record."

If Faul would presume that the Court shares Docherty's apparent law-enforcement-family bias, it would be futile for Faul to herein show any of Docherty's multiple errors of fact and law. Faul will not presume such against the Court. Instead, Faul can accept that the Court may have overextended a previously earned trust. Thus, Faul will ask the Court to look harder to do what is right in this case. For that, Faul will explain to the Court only some of Docherty's errors in a few areas out of the many that he committed. Faul will address only a small portion of it. The Court, DE NOVO, can look through a newly-cleaned lens at all the rest of this case. The Court owes itself, along with Faul, that much.

II. EVIDENTIARY HEARING IS REQUIRED

As a pretext to justify that an evidentiary hearing is not required, the Court stated, on page 2 of the Court's June 4, 2024 Order, that "the record conclusively demonstrates that [Faul] is not entitled to relief." The Court cited UDOH v. KNUTSON, No. CV 19-1311 (MJD/HB) 2019 WL 4073392, at *3 (D. Minn. Aug. 29, 2019); WHITE v. DINGLE, 757 F. 3d 750, 757 (8th Cir. 2014); CRAWFORD v. NORRIS, 363 F. App'x 428, 430 (8th Cir. 2010); and KENDRICK v. CARLSON, 995 F. 2d 1440, 1446 (8th Cir. 1993). Those cases do not hold that an evidentiary hearing can be avoided in a habeas corpus proceeding brought by a federal prisoner. UDOH is not a habeas corpus case under 28 U.S.C. Section 2241. UDOH is a state prisoner case where 28 U.S.C. Section 2243 (hereafter "2243") does not apply. Section 2243 specifically provides that "the person to whom the writ is directed shall be required to produce at the hearing the body of the person detained[,]" and a judge, "AFTER granting the writ and holding a hearing of appropriate scope," may dispose of the matter as justice requires. Habeas petitioners must receive a "full opportunity for presentation of the relevant facts." HARRIS v. NELSON, 394 U.S. 286, 298 (1969). "[I]t is the duty of the court to provide the necessary facilities and procedures for an adequate inquiry." Id., at 300. The

hearing accorded a defendant must be a "fair and meaningful evidentiary hearing." Ibid.

WHITE is likewise a state prisoner's writ under 28 U.S.C. Section 2254. Like UDOH, it does not establish anything whatever against the requirement to hold an evidentiary hearing pursuant to 2243. Ditto with CRAWFORD, which is also a state case. That leaves us with KENDRICK. While not a state case, the faulty reasoning in KENDRICK is based on whether a hearing is required for a federal prisoner under 28 U.S.C. Section 2255, not under Section 2241. Therefore, KENDRICK is entirely off point to Faul's case. Faul is not proceeding under Section 2255. Rather, 2243 controls the need for a hearing for Faul's habeas corpus petition.

The Supreme Court agrees with Faul. Relying on the concept expressed in WALKER v. JOHNSTON, 312 U.S. 275 (1941), the Court, along with the Eighth Circuit, has held that "factual development is needed only to the extent necessary to resolve the legal challenge to the detention;" that the WALKER case "requires, in habeas corpus actions by federal prisoners, that a hearing be held if the application and the answer or return to the writ raise a question of fact;" that when an application raised material issues of fact, "the District Court must determine such issues by the taking of evidence, not by ex parte affidavits;" that "a basic consideration in habeas corpus practice is that the prisoner will be produced before the court[,] [t]his is the crux of the statutory scheme established by the Congress[,] indeed it is inherent in the very term 'habeas corpus;'" that "[f]rom our examination of the papers presented to us we cannot say that he is not entitled to a hearing on these contentions;" that even if a petitioner's allegations may tax credulity, when there is a "failure of respondent to deny or to account for his failure to deny them specifically, we cannot say that the issue was not one calling for a hearing;" that when a petitioner's allegations "are denied in the affidavits filed with the return to the rule, [] the denials only serve to make the issues which must be resolved by evidence taken in the usual way. They can have no other office. The witnesses who made them must be subjected to examination ore tenus or by deposition as are all other

witnesses;" and, that the "useless grant of the writ with consequent production of the prisoner and of witnesses may be avoided where from undisputed facts or from incontrovertible facts, such as those recited in a court record, it appears, as a matter of law, no cause for granting the writ exists." WALKER itself settles it clearly in its closing words:

> Not by the pleadings and the affidavits, but by the whole of the testimony, must it be determined whether the petitioner has carried his burden of proof and shown his right to a discharge. The Government's contention that his allegations are improbable and unbelievable cannot serve to deny him an opportunity to support them by evidence. On this record it is his right to be heard.

WALKER v. JOHNSTON, 312 U.S. 275, 287 (1941).

The habeas corpus procedures of 2243 regarding a hearing, as they are recognized by the Supreme Court, have not been followed in Faul's case, and it did not appear "upon the face of the petition" that Faul was not entitled to the writ. In fact, Docherty issued an order to show cause. That necessarily implies that Faul raised issues that, if true, would entitle him to relief. The respondent did not produce any sworn factual allegations whatsoever, much less any refuting Faul's facts. The only way for the respondent, then, to prevail would have been at an evidentiary hearing. They did not do that. They could not do that, because they are liars and miscreants.

Instead, their advocate from the U.S. Attorney's office, Docherty, just covertly made up some spiel in the same fashion as when he was overtly writing their spiel. Things have not changed, it appears, for Docherty. He is still working for the same Corporation that he still receives his paycheck from. That, Judge Davis, is what the Court criticizes Mr. Faul for not "respecting," and for having "disdain" for. Faul does have disdain for that: absolute disdain. Judge Davis, does the Court? Does the Court have disdain for fraud?

Regarding Docherty, "in particular" (as the Court stated in its Order), he is an appropriate example of why evidentiary hearings are required to prevent the rogue liars in the DOJ and the judicial system from plying their dishonesty upon hapless victims. One good example of

Docherty's lying mouth appears on page 22 of his March 25, 2024 Order (22-cv-2993, Dkt. No. 21, and 23-cv-1337, Dkt. No. 25). Docherty therein attempts to discredit Faul by repeating the Commission scumbags' baseless innuendo regarding "the general disdain [Faul] showed for the law."

The only evidence in the record concerning disdain, is that the Commission has disdain for their own enacting law and its implementing regulations; and that Mr. Faul has disdain for the scumbags, dregs, and other low-life bastards who violate the LAW while pretending to deserve respect. Those miscreants hide under their hideous presumption that integrity and honesty for them is assumed. That is pure bullshit. Those scum are not the LAW. Docherty needed Faul to have disdain for the law in order for him to honor his base proclivities of favoritism to his LAW family. That creature is so damned low, that he based his decision on the false claim that Faul has disdain for the LAW. The creature, Docherty, did that because it was needed to fit his result-oriented "decision" he would be making for his LAW family. Faul has disdain for that liar. He is a LAW breaker. Docherty rejects evidence that conflicts with his preconceptions. His feelings have gotten in the way of his phony presumption of integrity. Where was the evidentiary hearing that would necessarily be required to determine disdain. Not a shred of evidence exists in the record to show that Faul has disdain for any LAW. The piece of garbage Cushwa, the Commission whore for the Corporation, is the dreg who has disdain for the LAW. She is not the LAW. Faul's disdain for that vile, low-grade, nasty creature does not equate to disdain for any law. It is merely Docherty's bias showing through as ignorance and arrogance. Are you sure, Judge Davis, that the Court wants to "ADOOPT" his drivel? Docherty lied on a government form. He will be imprisoned or he will be impeached, or both. Does the Court really "ADOPT" his words? Faul will leave the rest of Docherty's lies to be picked out by the Court. That is the main focus of Faul's instant motion, and, Judge Davis, that is the Court's job in a de novo review.

Even though the liars claim that Faul has "disdain" for the LAW, Faul has presented the Court with more than sufficient LAW to show that an evidentiary hearing was required. The facts that an evidentiary hearing would have further established would have conclusively proved all of Faul's claims. It is impossible for Docherty to have made any findings that revolve around anyone's credibility. Neither Faul nor any DOJ dregs have been subjected to examination ore tenus. Docherty's words, then, are merely conclusory dicta without a base. They are nothing. If Docherty holds such a hearing he will find Faul to be entirely factual and the DOJ to wither under the spotlight. They are incredible liars and knaves. Furthermore, a court must set forth findings of fact with specific particularity to provide a basis for appellate review. It is impossible for a court to meet that responsibility without having the facts in the first place. It is axiomatic that findings of fact cannot be made upon a disputed factual record without resolving the dispute through an evidentiary hearing or some other equally probative means. None of that was done in this case, so how did Docherty reach his conclusory decision? Because Docherty refused to grant the writ on Respondent's defaulted and conceded claims where factual disputes did not matter, an evidentiary hearing is required in this case to resolve all of the factual disputes.

The habeas corpus procedures to resolve disputed factual matters, recognized in 2243 and by the Supreme Court, have not been followed in Faul's case. Further, 2243 gives to Faul the right at a hearing to, "under oath, deny any of the facts set forth in the return or allege any other material facts." Docherty's findings and decisions in his Report are so vague and conclusory that, upon searching for the findings of fact, Faul was unable to determine how Docherty reached his conclusions. Faul was unable to understand the factual basis for Docherty's findings and conclusions, or to determine the steps by which Docherty determined factual issues and reached those ultimate conclusions. Some examples are in order, however, the Report is so devoid of correctness that it would require a voluminous compilation to cover

it all. Thus, Faul will attempt to make the point with only a few examples out of the entirety of its inadequacy.

First, Docherty stated: "The Court finds that the decision to deny Mr. Faul parole at his most recent hearing was constitutional." So far, it is entirely conclusory. Regardless, that is the "conclusion" needed by the Commission. That is the DOJ's needed "conclusion," thus, it is advocate Docherty's needed "conclusion." They are all of the same family: those sick bastards, in their own eyes, are "the law." Docherty finds it moot that Faul was "eligible for consideration of parole" at 30 years of his sentence because "the Commission found that Mr. Faul met this criterion" of having "a reasonable probability that he will commit any ... crime" if released on parole. So far, it is entirely conclusory. No evidence supports his conclusion.

Docherty claimed that the "hearing summary indicates that Faul admitted his involvement in a shootout." That is entirely conclusory. No evidence supports his conclusion. An evidentiary hearing will show that Faul did not admit being involved in a shootout; but, rather, Faul "admitted" that he was getting a ride home from friends when he was unlawfully attacked by murderous thugs, and was forced to defend his own life.

Docherty claimed that "the January 2023 mandatory parole hearing had been rescheduled twice (once in May 2022 when Faul refused to participate and once in September when Faul requested a continuance, which was granted) so the Commission decided to hold the hearing anyway." That is entirely conclusory. No evidence supports his conclusion. An evidentiary hearing will show that scenario to be a totally fabricated lie hatched by Docherty himself. Specifically it will show that the sudden need for the DOJ conspirators to force a two-thirds hearing was due to collusion between dregs in the BOP and scum at the Commission, with U.S. Attorney scumbags, who thought they needed a "two-thirds" denial to thwart Faul's legal efforts in his habeas corpus litigation in Case No. 22-cv-2993. The evidentiary hearing will further show that it was not Faul's "refus[al] to participate" that caused all of the

occasions of rescheduling, but, rather, it was the Commission's refusal to provide disclosure. The evidentiary hearing will also show that full disclosure has still not been afforded by the Commission; that the Commission has continually refused full disclosure to Faul; and that mitigating information has been purposefully withheld by the Commission from Faul.

Docherty recounted some of the sniveling that was done by one of Satan's servants in the United States Attorney's office for the District of NORTH DAKOTA, Assistant U.S. Attorney Matt Schneider (Schneider). Docherty stated that Schneider drew the Commission's attention to a 2020 court filing. Regarding that filing, Schneider sniveled, all without any evidence, that Faul "refused to accept responsibility for his crime," and that Faul "called into question the legitimacy of the courts, the ... Commission, and the United States Attorney's Office." That is entirely conclusory. No evidence supports his conclusion. An evidentiary hearing will show that Faul had no crime to accept responsibility for; Faul called into question the legitimacy of "sham" courts, "dregs" and "scum" at the Commission, and miscreants who were "acting" like they were UNITED STATES Attorneys; and, that so what -- it is none of the DOJ's business to try to muffle the First Amendment.

Docherty drivels on as the advocate that he is, without any evidence, that the "Office was concerned" that Faul would not abide by the terms of parole" and "would not acknowledge the authority" of the Probation Office; and, that "it" invited the Commission "to judge Mr. Faul's preparedness for parole based on his own words in the December 2020 filing." That is merely conclusory. No evidence supports his conclusion. An evidentiary hearing would have shown that the "Office" has no business sticking their lie-infected nose in Faul's two-thirds RELEASE evaluation; that scumbag Schneider was merely enforcing the promises of favoritism to his miscreant cohorts in the rest of the DOJ without one shred of evidence; that following parole terms is not a criteria for 4206(d) RELEASE, thus, making Schneider, the Commission, and advocate Docherty ignorant asses with heaps of bias; that Faul's acknowledgement of some

sycophants' cherished "authority" -- or not -- does not urge Faul to commit any crime; and, that "Faul's own words" in his First Amendment protected activity are none of Schneider's business, nor the business of Docherty and his swine cohorts in the DOJ.

Docherty stated that he reviewed Mr. Faul's 2020 filing, and then in an obviously whining manner, excerpted cherry-picked portions of that filing. So far it is entirely conclusory. No evidence supports what Docherty's cherry-picked segments were actually alluding to, and Docherty makes no findings of fact upon them. Regarding those cherry-picked portions, an evidentiary hearing would show that when Faul is released, he IS going to retire to his farm "to continue exactly from the same point" he was at -- farming -- before he WAS "unlawfully attacked by murderous thugs of the Ronald Reagan, William French Smith, Edwin Meese squad of terrorists[,]" that he WAS "unlawfully attacked," that his attackers WERE "murderous thugs," and that they DID belong to the "squad of terrorists" connected to Ronald Reagan, William French Smith, and Edwin Meese; that the United States IS "a corporation" and that IF it actually underwrites the unlawful behavior of the dregs who infest its edifices, then it truly IS a shameful creature and really DOES "reek[] of being a farce and a sham;" that the ROGUE elements at the "Office" WERE "favor-accepting scum;" that Faul RIGHTFULLY had no respect for them; that Faul has no respect for ANY miscreants whether in the "Office" or out; that both of the referenced "judges" WERE "sham judges" who committed felonies; that those "sham judges" DID commit felonies; that they WERE under the "favor-promising thrall of Lucifer" by "their own words" from their promises; that Faul DOES have "less than no respect" for sham judges who worship Lucifer and lie about their integrity; that Faul WAS "supposed to have been released" by operation of law in 2013; that the "dregs" in the "Commission and in the Records Department(s) of the BOP" DID "unjustifiably and unlawfully extend" Faul's release date to 2023; that they not only "will once again enlist some new lies" to deny release yet again, but that they DID "once again enlist some new lies" to deny Faul's release once again;

that they ARE part of the "deep state swamp," and HAVE made promises of favoritism to their Lucifer-worshipping cohorts; that those "biased scum of the swamp sitting on the Commission" DO "simply proceed with a mindless parroting of the statute itself" whenever they need to have "aggravating factors" to prevent parole; and, that they CANNOT help themselves because they "promised favoritism" under oath, and that IS what such "scumbags do when their fellow craft beckon." No evidence exists or was offered to refute Faul's "words." A most telling question arises in this case: Why did the examiner, and Docherty, find it "concerning" when Faul was so vociferously anti-crime in "his words"? Docherty does not even have enough courage (or perhaps is not THAT stupid) to attempt even the slightest remonstrance. He is alright with their plot to trample the First Amendment. Having disdain for LAW, that is what THEY do.

Docherty, in another brash lie, claimed that "the Commission heard from multiple victims opposed to Mr. Faul's release." So far, Docherty's record is entirely conclusory. No evidence supports even that statement, much less his conclusion. An evidentiary hearing would show: that not a single "victim" appeared at the hearing, or submitted any evidence that Faul was a recidivism risk; that none of those that Docherty dishonestly labeled as victims know anything whatever of Faul or Faul's character, his plans, qualities or anything else regarding Faul; that they simply hold big ugly grudges against Faul because Matt Schneider and other DOJ scum lied to them about Faul being responsible for the events of February 13, 1983.

Docherty continues spinning his yarn by stating that the Commission "learned" that Faul had completed "only 55 hours of programming ... having spent most of his time in the law library." So far, Docherty's record is entirely conclusory. No evidence supports his conclusion. An evidentiary hearing would have shown Docherty's scenario to be completely fabricated; that Faul was not indicated for any programming whatsoever due to his no-risk-of-recidivism ratings throughout his entire unlawful imprisonment; and, that Faul nevertheless participated in multiple thousands of hours of programming as Docherty's inherently contradictory statement

itself proves because education in the law library is BOP sanctioned programming, and "most of his time" (less sleeping) would be more hours than fathomable to tabulate.

Docherty continues spinning by stating that the Commission "learned" that Faul, "upon release," was going "to 'be a hobo' and go back to farming." So far, Docherty's record is entirely conclusory. No evidence supports his conclusion. An evidentiary hearing would show that it is impossible to be a hobo and a farmer -- it is oxymoronic; that an ignorant ass, or some ignorant asses, hatched that out of their ignorance and misunderstanding; that, nevertheless, Faul did not ever say to anyone that he was going to "be a hobo." Docherty, along with the generator of that lie, is a liar and a fool, and probably on purpose.

Docherty continues his conclusory lies by stating: that "the examiner concluded that Mr. Faul's statements made it 'clear he still holds the same beliefs he did when he committed his offenses' and while it was not a crime to have such beliefs, they led him to 'participate in the murder of multiple federal law enforcement officers.'" Judge Davis, the Court should be ashamed. No evidence supports this totally fabricated horseshit. It is entirely conclusory. Judge Davis, Docherty sold the Court lies, and the Court dishonored itself by "ADOPT[ING]" it. Not one scintilla of evidence exists to indicate what, if any, beliefs Faul had when he did NOT commit any crimes in 1983. Some asses made that up out thin air. An evidentiary hearing would show: that the Commission scumbag who made that statement is a liar, a fool, and a jackass who should be imprisoned for putting false information on a government form; that Docherty should be imprisoned for aiding and abetting that false information crime; that no evidence exists to conclude what beliefs Faul had in 1983; and, that the Commission was desperate to invent a recidivism risk scenario against Faul. Shame on the Court. The Court should have actually DONE a de novo review rather than just say that it did. The Court does not identify what "such beliefs" are. Such behavior brings shame on the Court.

Docherty, like he is stupid or thinks everyone else is stupid so he can just flap anything

that he pleases out of his split-tongued mouth, continues their invented story with this gem: "The examiner noted with concern" (their pat spiel) that "Faul had not completed risk-related programming, had no remorse for the killings, and his feelings about the illegitimacy of government power suggested there was 'no reason to believe he would abide by the limitations of his parole.'" Still, Docherty's record is entirely conclusory. No evidence supports his conclusion. An evidentiary hearing would show that the Commission, when they are setting the stage for their pre-planned "decision," consistently drivel that they "are concerned" about whatever it is they are plotting against their hapless victim; that their "concern" is their entirely fabricated fraud, and is straight unadulterated bullshit; that Faul's case, with no recidivism risk by either the Commission's salient factor score or by the BOP's risk assessment score, does not indicate for any "risk-related" programming; that Faul's past case managers assigned Faul to spend full time fighting his case because, in one case manager's words, Faul "got screwed" by a corrupt system; that no BOP employee ever identified to Faul what benefit there could be in "risk-related" programming for a prisoner who had no risk in the first place; that no person in the BOP or in the Commission would be able, at a hearing, to state under oath that Faul has any recidivism risk at all; that many BOP employees who have known Faul for many years will state their opinion that Faul is NOT at risk for recidivism; that no person on earth can have any evidence of whether Faul has remorse or whether he should have remorse "for the killings" he did not commit; that "illegitimacy of government power" is nonsensical and sounds as if it came from an egomaniacal government employee -- "government POWER"? -- (It sounds retarded, and stuffed-shirt, and stupid, but fitting for a DOJ "thug": do those people not see how sick they are? It is pathetic.); and, that the Commissioner (and Docherty) are simply low-grade liars to insinuate that there is "no reason to believe" Faul would abide by parole limitations (unless they have some evil plan to make those parole "limitations" mean and ugly like they are mean and ugly); that there is ample evidence within the BOP's own records that

Faul has no problem whatever following BOP policy no matter how stupid it is; and, that Faul understands that many in the DOJ are scumbags who pretend decency, and so he will humor them in following their "limitations of his parole."

Docherty then quoted a paragraph of Commission lies, innuendo, and rhetoric which he identified as the "decision of the Commission." It is, entirely, a lie put forth by a liar, a Parole Commission whore named Patricia K. Cushwa. She is the same whore who helped the then Commissioner Spagnoli commit felonies against Veronza Bowers to unlawfully prevent his parole. The bitches got caught, but only Spagnoli was forced to resign. This whore lingers on to continue her ugly behavior against more prisoners. Docherty assisted her, and now the Court needs to read the Bowers case. If the Court did a de novo review, then it came across its cite. Faul will not repeat it here. Rather, Faul will direct the Court to his two petitions, Case Nos. 22-cv-2993 and 23-cv-1337, for the de novo review.

Back to Docherty's quoted paragraph. It is 14 lines. Every line, all 14, contain either lies or they contain the strawman for the next lie. It is so disgraceful that Faul will no parse it completely. Suffice to say, it is entirely conclusory. No evidence supports its conclusion, and no evidence yet supports Docherty's conclusion. He has made no findings of fact, nor can he: no evidence was before him other than Faul's sworn facts. One line of that paragraph, the last line, because it is so utterly stupid and result-oriented, bears comment. The Commission's whore said, and the fool repeated, that Faul has "no intention of improving [his] thoughts and behaviors." These are some maggot bastard scum who think they are able to claim they can know what someone's thoughts are or that they are some kind of "savior" complex to discern how to cause "improving" them. So far, the record contains only Docherty's conclusory dicta, and no evidence supports his conclusion. An evidentiary hearing would show that everything in the 14-line paragraph is false innuendo or rhetoric.

Faul has sufficiently shown that no findings of fact have been made by Docherty and no

evidence supports his conclusion. Yet, Faul will now go through the rest of Docherty's drivel page by page, rather than line by line.

Page 18 contains: "ii. Standard of Review of Commission Decisions[.]" Docherty therein begins laying the groundwork he needs later on to falsely claim lack of power to bridle the Commission. He is a liar, the DOJ's lackey. So far, Docherty's record is entirely conclusory, and no evidence supports his conclusion.

Pages 19-23 contain: "iii. The United States Parole Commission's Decision Did Not Violate Mr. Faul's Fifth Amendment Rights." Docherty sums up his conclusory reasoning, devoid of any evidence, with: "For the reasons set forth above, it was not [irrational, or 'so arbitrary and capricious as to amount to a violation of due process.']" It was wholly conclusory. No evidence was presented to support his conclusion. In fact, "the reasons set forth above" by Docherty consisted of inapposite state cases of DISCRETIONARY parole, and not the federal mandatory parole which has entirely different parameters and standards. Docherty straight out lied about what Faul's claim was, and about the law regarding it.

Pages 23-25 contain: "iv. Neither 18 U.S.C. [] [Section] 4206 Nor The United States Parole Commission's Decision Violated Mr. Faul's First Amendment Rights." Docherty sums up his conclusory reasoning, devoid of evidence, and boldly in error states that an evidentiary hearing "would serve no purpose" because the Court cannot "re-weigh the evidence that was before the Commission." Docherty completely botched his duty to test for a "rational basis." He likely does not want to -- his LAW family would be found irrational. Instead, Docherty just simply states: "It was rational for the Commission to be concerned." Being "concerned" is not a parole denial element. Docherty cannot make that conclusory statement without evidence. He just made it up without an evidentiary hearing, admittedly. Docherty is a fraud, a sham; another one. The sham ends page 25 with his own made up claim imputed to Faul. Docherty states: "Thus, to the extent that Mr. Faul argues he has a First Amendment right to speak and

not have that speech be considered by the Parole Commission, he is wrong." Still, advocate Docherty's conclusory dicta rests on no findings of fact. Further, Faul never made that claim. It is Docherty's invention to satisfy his result-oriented decision. Likely, the Commission may "consider" one's speech if it admits of a plan to commit a crime. Faul's speech does no such thing: it merely angers the low-life, scumbag bastards who are the recipients of Faul's accurate analysis and SPEECH about THEIR criminal behavior. Nothing in Faul's speech indicates that FAUL will commit any crimes. Rather, it personifies that the SCUM have already committed crimes. The Commission, and Docherty with them, show their low moral character to sleaze Faul's claim into something it is not. They are SHAM, BASTARD, SCRUB mutts (a new one) for doing so. Also, Faul states again, all of those NEW "words," like the old "words," do not cause Faul to want to commit any crime. What it does cause, is for the scumbag bastards to commit crimes: deprivation of rights, false information on government documents, perjury, and other similar crimes that the scumbags commit routinely. Judge Davis, how come Docherty failed to see that very obvious point? Sham, is the reason, eh? Judge Davis, their "system" appears to be proven by those creatures to be even worse than what the Court falsely accused Faul of saying it was. The dregs proved it to be so. The Commission, and all of its abettors of its illegal behavior, have no problem proclaiming that Faul should be continued in his unlawful imprisonment for "his words." They are that low. The Constitution means little to dregs. They have all proved it beyond doubt.

On pages 26-30, Docherty stated: "v. 18 U.S.C. [] [Section] 4206(d)'s Recidivism Clause Is Not Void for Vagueness." Docherty then somewhat correctly stated the two prongs of this doctrine -- i.e., (1) fair notice of what is prohibited, and (2) restraint on law enforcement to prevent discriminatory enforcement -- and stated he would "evaluate whether the statute is unconstitutionally vague both facially and as applied." Docherty then failed to analyze the second prong of the vagueness test. So far, the record contains only Docherty's conclusory

dicta with no evidence to support even his partial decision. An evidentiary hearing would show: that Faul did not have notice that "his own words," even though they do not hint of any intent to commit any crime, could be used against him to deny mandatory release pursuant to 4206(d); that the factors listed by Docherty regarding what the Commission "will consider" for 4206(d)'s recidivism evaluation are for discretionary parole, not mandatory parole; that Faul did not state that the Commission's "real reason for keeping him in prison [was] the fact that he was present" when the tragedy occurred; that no two people from the BOP will agree on what factors would establish a "reasonable probability" that Faul (or anyone else) will in the future commit a crime; that Docherty is unable to state with particularity what those "underlying facts of Mr. Faul's case and his view of what happened on February 13, 1983" consist of; and, that the Commission has refused to state with particularity the "underlying facts of Mr. Faul's case and his view of what happened on February 13, 1983."

Another point regarding pages 26-30 is that Docherty, in the next to last sentence on page 30, makes the most astoundingly false statement that could be conjured up for his LAW family's result-oriented plot to keep Faul unlawfully imprisoned. He stated: "While Mr. Faul may not see himself as similar to Messrs. Dufur and Greene, the Parole Commission saw similarities in their cases that bore on their likelihood to reoffend in the community, as the statute empowered it to do." That is pure phantasy, entirely made up by advocate Docherty; the Commission saw no such "similarities." The comparison between Dufur, Greene, and Faul was never even before the Commission. Advocate Docherty pulled that issue out of Faul's post-hearing litigation and sleazily tries to transport it back in time to the hearing stage to imply rationality for his LAW family buddies at the Commission. He is totally sleazy and a SHAM. Summing up page 30, the advocate then stated a lie that his prior sentence refutes absolutely. The liar says: "While the statute is broad in its delegation of discretion to the Commission, it is not unbounded[.]" With a friend like Docherty in the judiciary, even though

4206(d) is entirely vague, the sham will simply invent a scenario to deny its vagueness at the judicial level. That leaves application of 4206(d), whether at the Commission or at the Commission's advocate's level, entirely boundless. Either the Commission OR the judiciary, in Docherty's analysis, can just invent whatever they need to reach the DOJ's result-oriented decision. So far, the record contains only Docherty's conclusory dicta. No evidence supports his conclusion. However, something can be fairly concluded by these proceedings. That is, that the Commission along with their cohorts in the judiciary are disgustingly disgraceful.

Generally speaking, an evidentiary hearing would have avoided the opportunity for Docherty to have to invent so much to assist his LAW family in the DOJ. Following is a partial list of facts that would have been established at an evidentiary hearing. Some "judge" somewhere, for their DOJ family, will claim that these facts are not relevant to Faul's claims. Because the Commission's rationality is under a microscope, and because all facts touched upon hereafter were raised in the Commission's and Docherty's rantings, they are relevant. If the following facts were not relevant, then why did Docherty insert them into his result-oriented decision? The facts that would have been established at an evidentiary hearing are, inter alia, the following: BOP respondents are liars; Commission people are liars; Matt Schneider is a liar; Dallas Carlson is a liar; Lynn Crooks is a liar; the so-called "victims" were, to one degree or another, deranged, maniacal, delusional, and misinformed; Paul Benson was sham; Kermit Bye was sham; Judge Donald P. Lay was honorable, Marshal Harold (Bud) Warren was honorable; marshal Kenneth Muir was dishonorable, deputy marshal Bob Cheshire was dishonorable; James Hopson assaulted Faul; Bob Cheshire assaulted Faul; Bob Cheshire was a maniac; Faul was unarmed when assaulted; Faul had no warrant for his arrest when he was assaulted; Faul thereafter armed himself; Faul tried to retreat; Faul was again assaulted; Faul was fired upon; Faul thereafter returned fire; Faul's mandatory parole release date was February 14, 2013 after serving 30 years; the BOP in collusion with the Commission and other

DOJ scum unlawfully changed that date to 2023, 40 years; Faul, inclusive of good time, has fully served his entire sentence many years ago; Docherty, for his LAW family, has thwarted the finding of facts in Faul's habeas corpus proceedings; and, the BOP and Commission have purposefully abetted kidnapping.

III. CONCLUSION

This case can be neatly summed up against the criminals in the DOJ and Judiciary in the following manner. Mr. Faul was a farmer. Never at any time in his life was Faul ever involved in criminal activity. He was once prosecuted for a false charge of willful failure to file state income tax forms. The State was wrong. The State, after facts were sorted, had to pay Faul rather than Faul having to pay them. Losers cannot stand to be wrong.

In 1983, Faul was getting a ride home with friends, was unlawfully assaulted, shot at, and forced to defend his own life. Faul's friend, Yorie Kahl, was critically wounded by some of their assailants. Faul took Yorie Kahl to the Medina Clinic for medical attention. Gordon Kahl, Faul's friend and Yorie's father, claimed responsibility for taking the lives of the assailants in his own self defense and the defense of his family and friends. A farce of a "trial" unlawfully convicted Faul of second degree murder of two of the assailants, marshal Kenneth Muir and deputy marshal Bob Cheshire. One of the people who acted as a juror actually admitted on tape that he and the prosecutor were friends, and of how happy he was to have been able to be on the jury for that friend. Another juror stated, also on tape, that there was not enough evidence presented at trial to convict Scott Faul but she had seen it on TV right away when it happened. The man pretending to be an impartial judge, Paul Benson, had previously promised his favoritism to Lynn Crooks, the prosecutor against Faul. This could go on for pages, but an adequate showing has been made to convince anyone who is not an advocate for the rogues in their "system" that Faul's imprisonment is unlawful. These facts are well stated in Faul's 15-page January 13, 2022 letter to the Commission, which is Reply Exhibit

A-001 through A-015 in Case No. 23-cv-1337. Mr. Faul did not invent the rogues' myriad criminal activities used against him. The rogues in their own various agencies and offices copiously provided those deprivations against Faul.

The rogue elements, sullying their respective posts, are going down in history as scumbag miscreants. Mr. Faul is purposefully plotting those criminal bastards' demise. Some will try to argue, to save face, that their "system" is not to blame. Those idiots who thus claim such tomfoolery are the same idiots who mindlessly insist that none of their cohorts are dishonest scumbags. The stupid bastards: it has to be one or the other. They chirp, like cockroaches, that government officials "are presumed to act with honesty and integrity in carrying out their official duties," and then they scurry away, also like cockroaches, whenever they are challenged for their criminal behavior.

Their cowardly avoidance does not afford them an out. It matters not whether it is their system at fault because they as individuals have "honesty and integrity," or the individual rogue elements of their system are at fault but they refuse to admit it or correct it. Their "system" is evil if it CAUSES the deprivations, and their "system" is evil if it ALLOWS the deprivations. It is the Court, in Faul's case that is either CAUSING its "system" to be evil, or is ALLOWING its "system" to be evil. No argument can be seriously made against these facts. A de novo review is needed.

The stupid bastard who invented the nonsense, that Faul's "words" are the basis for a recidivism risk, is a stupid Mason bitch. Faul asks the Court to open this case back up for evidentiary purposes. For starters, then, demand from the DOJ (anyone in the DOJ) that they answer, specifically, which of Faul's "words" can be attributed to which specific crimes. For example, Faul stated that DOJ lawbreakers are dregs. What crime, then, does that cause Faul to be at risk of committing? Is it bank robbery? Is it, then, armed or with a note? Or, rather, is it drug possession? Is that for personal use, or with intent to distribute? What if it

is where Faul accused them of worshipping Lucifer; does that warrant an enhancement, or is it more likely to cause Faul to commit a particularly devilish crime?

Judge Davis, does the Court now see how utterly ridiculous those people at the DOJ have become in their quest to keep Faul imprisoned for their Mason friends? Is the Court also going to be so utterly ridiculous as to assist those people at the DOJ to keep Faul imprisoned for their Mason friends? One would hope not. If the Court thinks that Faul is in error, then put us all up to the challenge. Polygraphs are admissible in civil litigation in the Eighth Circuit. Challenge Matt Schneider, and Docherty, to take polygraphs with this question: Have you promised favoritism to anyone involved in any of Scott Faul's legal matters? Ask Lynn Crooks too, and how about Patricia K. Cushwa, while you are at it. If not, then the Court has no right, and is derelict, to criticize Faul for making those allegations.

Finally, Faul is working on a "Proposed Order" for the Court to consider in these matters. Faul has studied the parole-related law applicable to this case for many years. The Court will be greatly assisted by Faul's "Proposed Order," not only for this present litigation, but also for any other future parole litigation. The DOJ miscreants are using the Courts. This Court should not participate. Faul asks the Court to Order Faul to submit his "Proposed Order" when it is properly completed, and to then please conduct a more thorough de novo review.

Respectfully submitted,

Date: June 27, 2024

Scott William Faul

Scott William Faul

Affidavit And Certificate

I, the undersigned affiant, hereby certify under the penalty of perjury that all the facts and circumstances in the foregoing instrument are true and correct. I further certify that I served one copy of this instrument on the Clerk of this Court, to be served through the Electronic Case Filing system, on this 27th day of June, 2024, by placing within the institution mail system a copy for mailing with first class postage prepaid.

Affiant Scott William Faul

Scott William Faul
Reg. No. 04564-059
F.C.I. Milan
P.O. Box 1000
Milan, MI 48160

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Scott William Faul,

Petitioner,

Case No. 22-CV-2993 (MJD/JFD)

v.

Michel Lejeune, Warden,

Respondent.

Scott William Faul,

Petitioner,

Case No. 23-CV-1337 (MJD/JFD)

v.

Mark W. King, Warden,

Respondent.

Reply To Respondent's Response To
Petitioner's Motion To Reconsider

Petitioner, Scott William Faul (Faul), submits this reply opposing Respondent's motions in Response To Petitioner's Motion To Reconsider (Dkt. No. 33 in 22-cv-2993; Dkt. No. 35 in 23-cv-1337). This motion is intended for both of the above captioned cases; i.e., Case Nos. 22-cv-2993 and 23-cv-1337.

As a threshold matter, Respondent does not claim that Mr. Faul had attempted in his Fed. R. Civ. P. 59(e) motion to do either of the things they say Faul cannot do; i.e. (1) introduce new evidence, or (2) tender new legal theories for the first time.

The Respondent stated correctly only a portion of the legal standards that are applicable

to Rule 59(e) motions to reconsider, none of which are relevant to the reconsideration motions filed by Faul. To state the standards more completely, major grounds for reconsideration are new evidence, the need to correct a clear error, or the need to prevent manifest injustice. "In the context of a motion for reconsideration, 'manifest injustice' is defined as 'an error committed by the trial court that is direct, obvious, and observable.'" (citation omitted). In order to maintain the boilerplate that the record shows Faul is "not entitled" to relief, Faul must first and foremost be denied the statutorily required mechanisms needed to establish that very record. It is the Respondent's position that Faul be prevented from completing the record so that they can maintain their boilerplate that "the record demonstrates that Petitioner is not entitled to habeas relief," and therefore, being entitled to no relief, Faul must be prevented from having an evidentiary hearing, and round, and round, and round the evil minds go. That will not do. As Faul detailed in his motion for reconsideration, an evidentiary hearing is required.

Omitted from that circular reasoning of Respondent's are the following principles and facts. In the very case cited by Respondent, it states that a motion to reconsider should not be employed to relitigate old issues but rather "to afford an opportunity for relief in extraordinary circumstances." Dale & Selby Superette & Deli v. U.S. Dep't of Agric., 838 F. Supp. 1346, 1348 (D. Minn. 1993). Continuing with Dale & Selby Superette, though, it is also stated: "A Fed. R. Civ. P. 59 motion ... may be granted when evidence has been admitted or excluded improperly, ... or improper actions of counsel have affected the outcome of the case." Id.

Mr. Faul's motion for reconsideration is chock full of instances of improper actions of the Respondent's counsel. It is noteworthy, and should be conclusively held against the Respondent, that the Respondent did not (nor could they) dispute any of the reiterated facts in Faul's 24-page Motion for Reconsideration. It is beyond question that one of the United States attorneys, Matt Schneider (Schneider) purposefully placed false and unsupported representations into the record. That fact is undisputed by the Respondent, and another counsel for the

Respondent, Adam J. Hoskins (Hoskins) at the very least level of culpability cannot avoid the fact of at least being aware that Schneider's allegations had no support in the record. That, in and of itself, constitutes "improper actions of counsel" by both Schneider and Hoskins that unarguably affected the outcome of the case. For, it was those false and unsupported assertions that prompted (or allowed to justify) Magistrate Judge Docherty to reach his baseless and irrational conclusions, and consequently misled this Court to apply inadequate scrutiny upon its once trusted and reliable magistrate judge.

For the foregoing reasons, and for the reasons stated in his Motion for Reconsideration, adopted herein by reference, Mr. Faul asks this Court to reconsider its June 4, 2024 Order (Dkt. 28 in 22-cv-2993; Dkt. 30 in 23-cv-1337) in favor of a more thorough and skeptical de novo review. Further, Mr. Faul asks in repetition to the same request at page 24 of his Motion for Reconsideration (Dkt. 31 in 22-cv-2993; Dkt. 33 in 23-cv-1337) that the Court will "Order Faul to submit his 'Proposed Order' when it is properly completed, and to then please conduct a more thorough de novo review."

Respectfully submitted,

Date: September 4, 2024

Scott William Faul

Scott William Faul

Affidavit And Certificate

I, the undersigned affiant, hereby certify under the penalty of perjury that all the facts and circumstances in the foregoing instrument are true and correct. I further certify that I served one copy of this instrument on the Clerk of this Court, to be served through the Electronic Case Filing system, on this 4th day of September, 2024, by placing within the institution mail system a copy for mailing with first class postage prepaid.

Affiant Scott William Faul

Scott William Faul
Reg. No. 04564-059
F.C.I. Milan
P.O. Box 1000
Milan, MI 48160

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Case No. 23-CV-1337 (MJD/JFD)

Notice Of Appeal

Pursuant to Fed. R. App. P. 3(c)(1) and 4(a), notice is hereby given that the following party, Scott William Faul, in the above-captioned cases 22-cv-2993 and 23-cv-1337, appeals to the United States Court of Appeals for the Eighth Circuit. The above-named party appeals from the June 4, 2024 ORDER or June 5, 2024 JUDGMENT that were filed on June 4, 2024 and June 5, 2024 respectively.

Respectfully submitted,

Date: November 1, 2024

Scott William Faul

Scott William Faul

Affidavit and Certificate

I, the undersigned affiant, hereby certify under the penalty of perjury that all the facts and circumstances in the foregoing instrument are true and correct. I further certify that I served one copy of this instrument on the Clerk of this Court, to be served through the Electronic Case Filing system, on this 1st day of November, 2024, by placing within the institution mail system a copy for mailing with first class postage prepaid.

Affiant Scott William Faul

Scott William Faul
Reg. No. 04564-059
F.C.I. Milan
P.O. Box 1000
Milan, MI 48160